

HUMAN RIGHTS COUNCIL

Agenda item 7

DRAFT RESOLUTION 16/3/2009

REV 1

**Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in
the occupied Syrian Golan**

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law,

Recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Affirming that the Israeli settlement activities in Occupied Palestinian Territory constitute very serious violations of the international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlements building and expansion in the Occupied Palestinian Territory, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Expressing grave concern at the continuing construction, contrary to international law, by Israel of the Wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the Wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the Wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967, and calls upon the Government of Israel to cooperate (with all relevant Special Rapporteurs in accordance with HRC resolution S-9/1) to allow them fully to discharge their mandates;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in Occupied Palestinian Territory, particularly in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and Israeli pledges at the Annapolis Peace Conference of 27 November 2007;

3. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change

the physical character and demographic composition of the Arab Occupied Territories, including East Jerusalem, and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

NEW
ADDED

* (b) The Israeli Plan settlement construction in the vicinity of the ADAM settlements in the occupied West Bank, which constitutes a new settlement block.

NEW
ADDED

* (c) The increasing number of newly built structures amounting in 2008 to 1257, including 748 permanent buildings and 509 mobile structures, which obstructs the efforts of the international community to advance the Middle East Peace Process.

(d) The implications for the final status negotiations of the announcement by Israel that it will retain the major settlement blocs in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(e) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would be tantamount to de facto annexation;

NEW
ADDED

← (f) The continued closures of and within Occupied Palestinian Territory, and the restriction of the freedom of movement of people and goods, including the siege imposed on the Occupied Gaza strip, which have caused an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(g) The continued construction, contrary to international law, of the Wall inside Occupied Palestinian Territory, including in and around East Jerusalem;

NEW
ADDED

* (h) The Latest Israeli plan to demolish more than 88 houses in Al-Bustan neighbourhood at Silwan which will be resulting in displacing more than 1500 Palestinian resident of East Jerusalem,

4. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the Occupied Territories, including In East Jerusalem, and the Syrian Golan and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including “natural growth” and related activities;

(b) To prevent any new installation of settlers in the occupied territories;

5. *Urges* the full implementation of the Access and Movement agreement of 15 November 2005, particularly the urgent reopening of the Rafah and Karni crossings, which are crucial to the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in Occupied Palestinian Territories, including East Jerusalem;

7. *Demands* that Israel implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the

Commission on Human Rights at its fifty-seventh session on her visit to the Occupied Palestinian Territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

8. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;

9. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its session of March 2010.
