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Agenda item 7

Human rights situation in Palestine and other occupied Arab territories

22/... Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

PP1 *Guided* by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force, *(A/HRC/RES/22/26 PP1)*

PP2 *Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments, *(A/HRC/RES/22/26 PP2)*

PP3 *Recalling* the 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, including in East Jerusalem, *(A/HRC/RES/22/26 PP3 updated)*

PP4 *Recalling also* resolution 19/17 of 22 March 2012, in which the Council decided to establish an independent international fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, *(A/HRC/RES/22/29 PP1)*

PP5 *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, *(A/HRC/RES/22/26 PP4)*

PP6 *Affirming* 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, *(A/HRC/RES/22/26 PP5 updated)*

PP7 *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 recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006, *(A/RES/68/82 PP6)*

PP8 *Noting* that the International Court of Justice concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”, *(A/RES/68/82 PP7)*

PP9 *Taking note* of the recent relevant reports of the Secretary-General, the Office of the High Commissioner for Human Rights, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and of the treaty bodies monitoring compliance with the human rights treaties to which Israel is a party, as well as *(NEW LANGUAGE)* of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967 *(A/RES/68/82 PP8)*,

PP10 *Taking note also* of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, *(A/RES/68/82 PP9)*

PP11 *Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, undermine **regional and** international efforts aimed at the realization of the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, on the basis of the pre-1967 borders, *(A/HRC/RES/22/26 PP8 shortened and updated)*

PP12 *Recalling* the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and **emphasizing** specifically its call for a freeze on all settlement activity, **including so-called natural growth, and the dismantlement of all settlement outposts erected since March 2001, and the need for Israel to uphold its obligations and commitments in this regard,** *(A/RES/68/82 PP11)*

PP13 *Taking note* of General Assembly resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded non-member observer State status in the United Nations, and taking note of the follow-up report of the Secretary-General *(A/67/738) (A/RES/68/15 PP42)*

PP14 *Aware* that Israeli settlement activities involve, inter alia, the transfer of nationals of the occupying Power into the occupied territories, the confiscation of land, the forced displacement of Palestinian civilians, including Bedouin families, the exploitation of natural resources and other actions against the Palestinian civilian population and the civilian population in the occupied Syrian Golan that are contrary to international law, *(A/RES/68/82 PP13)*

PP15 *Expressing grave concern* about the continuation by Israel, the occupying Power, of settlement **activities** in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law, relevant United Nations resolutions, **the agreements reached between the parties and obligations under the Quartet road map, and in defiance of the calls by the international community to cease all settlement activities,** *(A/RES/68/82 PP15)*

PP16 *Expressing grave concern in particular* about Israel’s construction and expansion of settlements in and around occupied East Jerusalem, including its so-called E-1 plan that aims to connect its illegal settlements around and further isolate occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian

State, as well as the continuing demolition of Palestinian homes and eviction of Palestinian families from the city, the revocation of Palestinian residency rights in the city, and ongoing settlement activities in the Jordan Valley, (*A/RES/68/82 PP16 updated*)

PP17 *Expressing grave concern* about the continuing **unlawful construction 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 is causing humanitarian hardship and a serious decline of socioeconomic conditions for the Palestinian people, is fragmenting the territorial contiguity of the Territory and undermining its viability, and** could prejudice future negotiations and make the two-State solution **physically impossible to implement**, (*A/RES/68/82 PP17*)

PP18 *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, (*A/HRC/RES/22/26 PP13*)

PP19 *Deploring* settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan and any activities involving the confiscation of land, the disruption of the livelihood of protected persons, the forced displacement of civilians and the de facto annexation of land, (*A/RES/68/82 PP19*)

PP20 *Gravely concerned* about the rising incidents of violence, destruction, harassment, provocation and incitement by extremist Israeli settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites, and agricultural lands, (*A/RES/68/82 PP21*)

PP21 *Aware also* of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, including the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and of the dire socioeconomic consequences in this regard, (*A/RES/68/235 PP14*)

PP22 *Recalling* Human Rights Council Resolution 22/29 of 22 March 2013, in follow-up to the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, (*NEW LANGUAGE*)

PP23 *Recalling* that the United Nations Guiding Principles on Business and Human Rights require all business enterprises to respect human rights inter alia by refraining from contributing to human rights abuses arising from conflict, and urge states to provide “adequate assistance to business enterprises to assess and address the heightened risks of abuses” in conflict-affected areas, (*NEW LANGUAGE; adapted from HR/PUB/11/04 para. 7(b)*)

PP24 *Noting* that Israel's settlement enterprise and related activities render Israel responsible for serious breaches of peremptory norms of international law, and recalling the implications for all States for such breaches committed by a State, including an obligation to cooperate to bring an end to breaches, and an obligation not to recognise or maintain the illegal situation, (*NEW LANGUAGE; adapted from A/HRC/25/67 para. 79*)

PP25 *Recognizing* that the direct or indirect assistance of States and private entities to the settlement enterprise constitute obstacles that have frustrated

international efforts for the end of the occupation and fulfilment of the right of self-determination of the Palestinian people by helping to sustain and promote the settlement enterprise, and entail legal, reputational and economic risks stemming from the fact that the Israeli settlements are illegal under international law, (*NEW LANGUAGE*)

PP26 *Noting* the probability of liability, including international criminal liability, for corporate complicity in breaches of international law related to illegal settlements, and encouraged that some businesses have withdrawn from settlements due to awareness of these risks, (*NEW LANGUAGE; first part adapted from A/HRC/25/39 para. 15; second part adapted from A/HRC/22/63 para. 98*)

PP27 *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, (*A/HRC/RES/22/26 PP14*)

1. **Reaffirms** that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and the main obstacle to peace and economic and social development; (*A/RES/68/82 OPI updated*)

2. **Calls upon** Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan and to abide scrupulously by the provisions of the Convention, in particular article 49, and to comply with all of its obligations under international law and cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan; (*A/RES/68/82 OP2*)

3. **Demands** that Israel, the occupying Power, immediately and completely cease all of its settlement activities in all of the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls in this regard for the full implementation of all the relevant resolutions of the Security Council, including, inter alia, resolutions 446 (1979), 452 (1979) of 20 July 1979, 465 (1980), 476 (1980) and 1515 of 19 November 2003; (*A/RES/68/82 OP3 updated*)

4. **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 (*A/HRC/RES/22/26 OP7*), which has yet to be implemented, nearly ten years after its adoption (*NEW LANGUAGE*);

5. **Condemns** Israel's continuing settlement and related activities 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 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; (*A/HRC/RES/22/26 OP4(a) updated*)

6. **Condemns** the recent Israeli announcements of the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they seriously undermine the peace process and jeopardize the ongoing efforts by the international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions, constitute a threat to the two-

State solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law **and would entail the forced transfer of Palestinian civilians**, and *calls upon* the Government of Israel to immediately reverse its decisions; *(A/HRC/RES/22/26 OP3 simplified and updated)*

7. *Expresses its grave concern at:*

(a) The increasing number of newly built structures, in 2008, 2009, 2010, 2011, 2012, 2013 and 2014 amounting to several thousands, **with a 123% increase in construction starts in West Bank settlements in 2013 alone**, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process; *(A/HRC/RES/22/26 OP4(b) updated)*

(b) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocs in the Occupied Palestinian Territory, including the settlements located in the Jordan Valley; *(A/HRC/RES/22/26 OP4(c) with correction)*

(c) 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, in which case, it would be tantamount to de facto annexation; *(A/HRC/RES/22/26 OP4(d))*

(d) The operation by Israel of a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions; *(A/HRC/RES/22/26 OP4(e))*

8. *Calls upon* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including **so-called** natural growth and related activities, **prevent any new installation of settlers in the occupied territories**, including in East Jerusalem, and **discard its E-1 plan**; *(A/HRC/RES/22/26 combination of OP5(a), (b), (c); updated)*

(b) **To immediately cease construction of the new illegal settlement highway (the "Begin Highway") in occupied East Jerusalem's town of Beit Safafa, which is in clear violation of international law, and make full reparation for losses and damages already caused to the occupied Palestinian population**; *(NEW LANGUAGE)*

(c) **To immediately move forward with appropriate reparations to the Palestinian people for all damage due to settlement and related activity since 1967**; *(NEW LANGUAGE; A/HRC/25/67 adapted from para. 81(f); can also be found in A/67/379 adapted from para. 94)*

(d) **To put an end to the human rights violations linked to the presence of settlements, especially the right to self-determination, and provide adequate, effective and prompt remedy to all Palestinian victims for the harm suffered as a consequence of human rights violations that are a result of the settlements, in accordance with its international obligations to provide effective remedy**; *(NEW LANGUAGE; A/HRC/25/39 first part from para. 3, second part from para. 2)*

(e) **To take immediate measures to prohibit and eradicate all policies or practices of racial segregation which severely and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, and which are in violation of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, inter alia by putting an end to the system of segregated roads for the exclusive use of the Israeli population, and to**

the complex combination of movement restrictions consisting of the Wall, roadblocks and a permit regime that only impacts the Palestinian population; (*NEW LANGUAGE; CERD/C/ISR/CO/14-16 adapted from para. 24*)

(f) To put an end to measures resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, and which are isolating Palestinian communities into separate enclaves; (*NEW LANGUAGE*)

(g) To take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of **ensuring full accountability for, and preventing, all acts of violence by Israeli settlers**, and to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem; (*A/HRC/22/26 OP6 updated; idea of accountability in A/RES/68/82 OP6 and A/HRC/22/63 para. 114*)

(h) To bring a halt to all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials, in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian populations; (*A/RES/68/235 OP6*)

9. Welcomes the implementation of the European Union “Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards”, consistent with the long-standing position of the European Union not to recognise Israel’s sovereignty over the occupied territories, or to consider them part of Israel, as agreed in the European Union’s Foreign Affairs Council Conclusions on the Middle East Peace Process of 10 December 2012; (*NEW LANGUAGE; part “consistent...Israel” from A/HRC/25/39 para. 28*)

10. Encourages all States and international organizations to continue to actively pursue policies that ensure respect of their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements; (*A/RES/68/82 OP7*)

11. Urges all States:

(a) To ensure that they are not taking actions that assist in any way the expansion of settlements or construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, either directly or indirectly; (*NEW LANGUAGE*)

(b) To implement the United Nations Guiding Principles on Business and Human Rights in all circumstances, including in Israel and the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate measures to ensure that businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, that conduct activities in or related to the settlements, respect human rights throughout their operations, by taking all necessary steps—including by terminating their business interests in the settlements—to ensure that their activities do not have an adverse impact on the human rights of the Palestinian people, in conformity with the United Nations Guiding Principles on Business and Human Rights, the United Nations Global Compact and relevant international laws and standards; (*NEW LANGUAGE; adapted from A/HRC/22/63 para. 117*)

(c) To inform individuals and businesses of the financial, reputational and legal risks, as well as the possible abuses of the rights of individuals, of getting involved in settlement-related activities, including economic and financial activities,

the provision of services in settlements and the purchasing of property, and to prevent and discourage such involvement (NEW LANGUAGE)

12. *Requests* that all parties concerned, including United Nations bodies, implement and ensure the implementation of the recommendations contained in the report of the independent international fact-finding mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, and endorsed by the Human Rights Council through its resolution 22/29 of 22 March 2013, in accordance with their respective mandates; *(A/HRC/RES/22/29 OP1 updated)*

13. *Calls upon* the relevant United Nations bodies to take all necessary measures and actions within their mandates to ensure full respect for and compliance with Human Rights Council resolution 17/4 on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem; *(A/HRC/RES/22/29 OP2)*

14. *Requests* the Working Group on the issue of human rights and transnational corporations and other business enterprises, including in consultation with relevant special procedures mandate holders, to fulfil its mandate in relation to all business operations relating to Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and *welcomes* its decision to issue a statement on this issue before the twenty-sixth session of the Human Rights Council; *(A/HRC/RES/22/29 OP3 updated)*

15. *Requests* the United Nations High Commissioner for Human Rights to present a report detailing the implementation of the recommendations contained in the report of the independent fact-finding mission on the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People throughout the Occupied Palestinian Territory, including East Jerusalem, to the Human Rights Council at its twenty-eighth session; *(A/HRC/RES/22/29 OP4 updated)*

16. *Requests* the Secretary-General to report on the implementation of the present resolution at its twenty-**eighth** session; *(A/HRC/RES/22/26 OP9 updated)*

17. *Decides* to remain seized of the matter.
