

Draft resolution A/HRC/L.12/Rev.1

2006/... 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 Security Council and the General Assembly, most recently General Assembly resolution 60/106 of 18 January 2006 in which it reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the 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,

*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 the 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,

Recalling further 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,¹ 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 settlement building and expansion in the Occupied Palestinian Territory, in violation of

¹ S/2003/529, annex.

international humanitarian law and relevant UN resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus ~~preventing~~ **threatening** the creation of a contiguous Palestinian state,

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

Noting the dismantlement of settlements in the Gaza Strip and parts of Northern West Bank,

Expressing grave concern about 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 prejudge 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 reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2006/29 **and A/HRC/2/5**) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *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 occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the 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;

(b) The Israeli so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the Wall around it, thereby further disconnecting occupied East Jerusalem from the Northern and Southern parts of the West Bank and isolating its Palestinian population;

(c) The new Israeli construction plans to build more than 900 additional housing units in different Israeli settlements in the Occupied West Bank;

(d) The implications on the final status negotiations of Israel's recent announcement to 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, ~~constituting a de facto annexation of Palestinian land which~~ **“create a “fait accompli” on the ground that could well be permanent, in which case, it would be tantamount to de facto annexation”** (taken from paragraph 121 of the ICJ advisory opinion on the *Legal Consequences of the Construction of a Wall in the OPT*)

(f) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev in violation of international law and relevant UN resolutions ~~and calls upon member states, in respect for their obligations under international humanitarian law, to refrain from rendering any form of support for the above Israeli project ;~~

(g) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the 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;

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

3. Urges 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 "natural growth" and related activities;

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

4. Urges the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory. (OP5 ECOSOC 2006/43)

5. Demands that Israel that implement the recommendations regarding the settlements made by the then 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);

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 the Occupied Palestinian Territory, including East Jerusalem;

7. *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;

8. *Welcomes the Palestinian truce initiative and its acceptance by the Israeli party that came into effect on 26 November 2006 and urges both parties to maintain this truce, which could pave the way for genuine negotiations towards a just resolution to the conflict.* (new)

9. *Urges* the parties to give renewed impetus to the peace process and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003), with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Council, including resolutions 242 (1967) and 338 (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 forth session.