



DIVISION FOR
PALESTINIAN RIGHTS

Bulletin

on action by the United Nations system and
intergovernmental organizations
relevant to the question of Palestine

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I. UN SPECIAL COORDINATOR ISSUES STATEMENT CONDEMNING ROCKET FIRE FROM GAZA

On 2 March 2017, the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, issued the following [statement](#):

I condemn yesterday's firing of a rocket from Gaza towards Israel. This is the third such incident in the past 30 days after a period of almost four months of quiet. Such provocations seek only to undermine peace.

I call on all responsible parties to exercise maximum restraint, avoid escalation and prevent incidents that jeopardize the lives of Palestinians and Israelis.

II. UN HUMAN RIGHTS EXPERTS EXPRESS CONCERN OVER ISRAEL'S GROWING CONSTRAINTS ON HUMAN RIGHTS DEFENDERS

On 3 March 2017, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, and the UN Special Rapporteur on human rights defenders, Michel Forst, expressed deep concern about the escalating restrictions that the Israeli Government was placing on human rights defenders in the occupied Palestinian territory. The Office of the High Commissioner for Human Rights issued the following [press release](#):

Two United Nations Independent Experts are calling on the Israeli Government to fully respect the fundamental rights and freedoms of human rights defenders and organizations in the Occupied Palestinian Territory.

The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, and the UN Special Rapporteur on human rights defenders, Michel Forst, say human rights defenders in the region have been facing escalating restrictions by Israel on their activities.

“We are deeply concerned by the latest constraints on the invaluable work being done by human rights activists – Palestinian, Israeli and international – who investigate, research, advocate and peacefully mobilize with respect to human rights concerns in the Occupied Palestinian Territory,” they said.

“Israel has an obligation under international law to protect human rights defenders and promote their work,” said

the two Special Rapporteurs. “The activities of such people are crucial to ensuring meaningful protection of those individuals and communities whose fundamental rights are threatened. However, it appears that Israel's latest actions are instead targeting these activists and undermining their efforts to defend others.”

The Special Rapporteurs were concerned about three developments in recent days; firstly, the dispersal of a protest on 24 February by the Israeli military using tear gas, sound bombs and rubber bullets; the peaceful protest, organized annually by a number of human rights organizations, brings together Palestinians and Israelis. The demonstrators call for the re-opening of Shuhada Street, the former commercial center of Hebron, which has been closed to Palestinians since an Israeli settler carried out a shooting at the Ibrahimi Mosque in 1994, killing 29 Palestinian worshippers.

The Rapporteurs also expressed concern about a bill introduced in the

Israeli Knesset which, if passed, would require all Israeli non-governmental organizations receiving more than half of their funding from foreign public sources to pay fees associated with requests filed under the country's Freedom of Information Act. The bill, which would primarily affect human rights organizations, is the latest legislation debated or enacted by the Knesset that specifically targets Israeli human rights defenders and is designed to obstruct advocacy and activism.

A new law passed in July 2016 requires organizations that receive more than half of their funding from foreign public sources, a large majority of which are human rights groups, to indicate this on all publications. The Rapporteurs noted that this has a chilling effect on human rights work and skews public perception of human rights organizations.

Lastly, the Rapporteurs criticized the Israeli Government's decision to deny a work visa application submitted by one of the investigators of Human Rights Watch, an organization which has worked in Israel for almost three decades.

"We urge the Israeli Government to fully respect the fundamental rights and freedoms of human rights defenders and organizations," the Special Rapporteurs said. "In particular, we call upon the Government to respect and permit peaceful assembly, to withdraw and rescind all restrictive legislation that targets human rights defenders, and to allow international rights organizations such as Human Rights Watch to freely operate in Israel and OPT."

The Special Rapporteurs will continue to monitor the human rights situation in the OPT, and they reiterate their respective requests to visit at the earliest opportunity.

III. UN SPECIAL COORDINATOR ADDRESSES MINISTERIAL COUNCIL OF THE LEAGUE OF ARAB STATES

On 7 March 2017, the United Nations Special Coordinator for the Middle East Peace Process, Nikolay Mladenov, made the following [remarks](#) at the Ministerial Council of the League of Arab States:

I applaud your unfaltering commitment to supporting the Palestinian people in their rightful quest to put an end to a half-century of occupation and establish an independent state of their own.

Their cause is your cause. It is our cause. It is the cause of peace.

Today, as the region faces challenges that require all moderate forces to work together against the common threat of extremism and terror, cooperation is needed more than ever.

In 2002 and 2007, you extended your hand through the [Arab Peace Initiative](#), recognizing that there cannot be

sustainable peace between Israelis and Arabs without Palestinian statehood.

True peace will remain elusive without the recognition that both Palestinians and Israelis have legitimate national aspirations that can only be realized in two states that live in peace, security and mutual recognition.

That is why today is not the time to give up on the two-state solution, which is indeed under grave threat. A threat defined not so much by statements, but by policies and actions that aim to undermine it on a daily basis.

Israel's settlement enterprise, violence, and the absence of visionary leadership continue to define the conflict.

...

Sadly, today the situation on the ground is grim. Anger and frustration among Palestinians are growing. The adoption of the so-called "Regularisation Law", which contravenes international law; legislative attempts to annex parts of the West Bank; a rise in the demolition of Palestinian structures and the situation in Gaza — all these developments eat away at the two-state solution, destroy hope and strengthen the hand of extremists on all sides.

Since the beginning of the year significant settlement moves have been made in the occupied West Bank. These have included tenders for around 800 units and the advancement of plans for over 3,300 units, some of which have reached the final approval stage. Construction has also been advanced in East Jerusalem.

I want to reiterate the UN position that settlement activities are illegal under international law and once again call on Israel to stop all such activities.

I am concerned, too, by continuing violence. So-called "lone wolf" attacks continue, though greatly reduced as compared to 2016. Clashes between Israeli Security Forces and Palestinians also continue and the UN has repeatedly warned Israel that the use of force must be calibrated.

And regrettably for the last decade Gaza remains under the control of Hamas, beyond the reach of the Palestinian government.

After three brutal conflicts, Israel's crippling closures and the decade-long political divide, two million Palestinians are trapped in a humanitarian tragedy in

Gaza. Much work remains as 50,000 Palestinians live in temporary shelters. The UN needs some USD 160 million for the reconstruction of nearly 4,000 totally destroyed homes. Addressing chronic challenges, such as unemployment and access to basic services of water and energy, must remain a priority.

I also take the opportunity to draw attention to the USD 115 million shortfall in UNRWA's core budget for 2017. This affects the Agency's key services of healthcare, education and social services for vulnerable Palestine refugees throughout the region.

Meanwhile, a decade of closures on Gaza, of rocket fire towards Israel, and multiple conflicts, have convinced many that there is no hope for peace.

I reiterate that the illicit arms build-up, militant activity and provocations, which risk renewed escalation and further suffering, must be terminated.

....

These negative trends entrench a dangerous one-state reality of perpetual occupation and conflict. They must be urgently reversed.

We need a new approach to restore hope and create a political horizon, and your role as the League of Arab States in this process can be critical.

In December, the UN Security Council adopted resolution [2334](#) that reiterated some of the key obstacles to achieving a negotiated two-state solution.

Later in January, at the Paris Conference, the international community reaffirmed its commitment to the two-state solution and to the need for follow up and international engagement.

I welcome Arab League engagement to further these objectives.

However, the obligations of the occupying power come first.

Israel must demonstrate its commitment to the two-state solution by ceasing illegal settlement activities and by implementing policy shifts consistent with prior agreements that increase Palestinian civil authority.

Palestine, too, must continue its state-building investment and tackle the challenges of violence and unity.

Allow me to take this opportunity to congratulate the Palestinian government, civil society and the business community for finalising an ambitious National Policy Agenda. Translating that vision into reality is critical to strengthening the foundations for a future Palestinian state and the UN stands ready to support it.

....

The bloody history of this conflict has offered us many lessons. Some we have learnt. Many we have not.

One such lesson is that opportunities to advance peace are rare and must be seized.

Another is that the necessary compromises will always be difficult.

A third is that resolutions and communiqués alone are not enough.

What is required is action. Action by the leaders themselves. Action by the international community and the region.

In closing, let me thank you once again for the opportunity to address the Council and express — on behalf of Secretary-General Guterres and all of us at the United Nations — our wish to continue working ever more closely with you, as the League of Arab States has a crucial role in this regard.

The United Nations will continue to stand with the Palestinian people and all those who work for peace and for a just and fair resolution to this conflict.

I wish you success.

I wish Palestine success.

IV. SECRETARY-GENERAL SUBMITS REPORT ON THE HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY

*On 16 March 2017, United Nations Secretary-General António Guterres submitted a report on the “Human rights situation in the Occupied Palestinian Territory, including East Jerusalem”, pursuant to Human Rights Council resolution 31/34. The following are the conclusion and recommendations as contained in an advanced, unedited version** of the report ([A/HRC/34/38](#)):*

IV. Conclusions

72. Chronic violations of international human rights law and international humanitarian law by all parties have persisted. Violations by Israel of fundamental provisions of the law of occupation continued, particularly with the closures in Gaza and the consolidation and expansion of settlements, suggesting clear patterns and policies. The transfer of parts of the Israeli and the Palestinian

populations, and the lack of respect for public and private property, profoundly alter the status quo in the Occupied Palestinian Territory.

73. The absence of law enforcement and accountability against Israeli perpetrators further contravenes Israel’s obligation as an occupying power to ensure public order and safety, and to protect the Palestinian population in all

circumstances. Moreover, the application of Israeli national law to Israelis in the West Bank raises concerns under international law.

74. In 2013, experts denounced the “creeping annexation” of the West Bank, preventing the establishment of a contiguous and viable Palestinian State, and undermining the right of the Palestinian people to self-determination.¹⁶³ The devastating impact of the Israeli occupation on the rights of the Palestinian population can only be reasserted.

75. International law violations by the Palestinian Authority, the authorities in Gaza and Palestinian armed groups are also of concern. The obligation of the Palestinian authorities in upholding human rights in the entirety of the occupied Palestinian territory has to be emphasized as an essential element of the State of Palestine.

V. Recommendations

76. All violations and abuses of the human rights of the Palestinian people must immediately cease and such violations and abuses must be promptly, impartially and independently investigated and those responsible held accountable. All parties must respect international law and comply with their obligations or responsibilities under international human rights law.

77. All parties, including Palestinian armed groups, shall respect the applicable rules of international humanitarian law,

including, where applicable, the principles of distinction, proportionality and precaution, and ensure accountability for all violations.

78. All previous recommendations of the United Nations human rights treaty bodies and other mechanisms, of my predecessor as Secretary-General and of the High Commissioner for Human Rights, as well as commissions of inquiry and fact-finding missions, which remain valid, must be fully and promptly implemented.

79. All States party to the Geneva Conventions should take measures to ensure the respect of the Conventions by all sides.

80. Israel must end and reverse all settlement activity in the West Bank, including East Jerusalem, and lift the situation of blockade in Gaza.

81. In ensuring its legitimate security needs, Israel must respect international humanitarian law and international human rights law.

82. The Palestinian authorities should take steps to encourage national political parties to resolve the political disunity that obstructs the equal implementation of the human rights obligations of the Government of the State of Palestine throughout the occupied Palestinian territory.

**The final text will be posted in the on-line version of the March Monthly Bulletin (<https://unispal.un.org/DPA/DPR/unispal.nsf/0/D921A9F0462CA15D85258105004CE838>) that is posted in the UNISPAL database once it becomes available.

¹⁶³ A/HRC/22/63, para. 101

V. SECRETARY-GENERAL SUBMITS REPORT ON ISRAELI SETTLEMENTS

*On 16 March 2017, pursuant to Human Rights Council resolution 31/36 Secretary-General António Guterres submitted a report on “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan”. Following are the conclusions and recommendations contained in the advanced, unedited version** of the report ([A/HRC/34/39](#)):*

Conclusions and Recommendations

61. Israeli settlement activity is incompatible with Israel's obligations under international law. Settlement activity is a key driver of humanitarian need in the West Bank, including East Jerusalem, and lies at the core of a range of human rights violations. Israeli settlement activity further constitutes one of the main obstacles to a viable Palestinian State. The significant role that the production and trade of settlement goods plays in helping to support and maintain settlements is also of concern.

62. Israel must implement all relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from territory it has occupied since 1967. To meet its obligations under international law, Israel must stop building settlements, reverse any settlement development activity, and make full reparations to individuals and communities concerned, which include the obligation to re-establish the situation affected by violations.⁹⁶

63. Within the scope of its obligation to respect and ensure respect for human rights within the Occupied Palestinian Territory, the Government of Israel has the duty to protect the Palestinian population against human rights abuses by third parties, including business enterprises. It should implement the United Nations Guiding Principles on Business and Human Rights and, in particular, take the necessary legislative, administrative policy and remedial actions to prevent,

investigate, punish and redress abuses. The Israeli authorities must rescind all policies and practices that, directly or indirectly, are likely to lead to the forcible transfer of Palestinians, including policies and practices that contribute to the creation of a coercive environment that forces people to leave their communities. Specifically, Israeli authorities must:

(a) Refrain from any initiative to relocate communities in Area C in contravention of international law.

(b) Cease the implementation of a planning and zoning regime that is discriminatory and restrictive and that facilitates the construction and expansion of settlements and the Wall, in violation of international law.

(c) Cease the demolition of homes and private property of Palestinians and take all measures to prevent violence and other coercive measures perpetrated by public officials or settlers;

(d) Ensure that any incident of violence by private actors, including settlers, against Palestinians and their property are investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are provided with effective remedies in accordance with international standards.⁹⁷

64. Third-Party states should provide guidance on implementing the United Nations Guiding Principles on Business and Human Rights to business enterprises domiciled in their territory and/or

⁹⁶ International Law Commission, draft articles for the responsibility of States for internationally wrongful acts, 2001, arts. 30-31.

⁹⁷ CCPR/C/ISR/CO/4 (21 November 2014), para. 16.

term occupation – would accept that human rights can be infringed only as a last measure, and then only in a minimally impairing manner that is subject to meaningful judicial review.

64. In all these respects, the Israeli government has been significantly deficient in honouring its obligations under the *Declaration on Human Rights Defenders*. On the evidence gathered by this report, its treatment of human rights defenders – Palestinians, Israelis and internationals – who work on the vital issues arising from the occupation has been contrary to the basic guarantees of international human rights law. Nor is the situation improving. As the Israeli occupation entrenches,⁹⁷ and as these human rights defenders persist with their intrepid activism to investigate and oppose the regime of human rights violations that is integral to the occupation, all indications are that they will continue to be among the prime targets of those who are intolerant of their criticisms yet alarmed by their effectiveness.

IV. Recommendations

65. The Special Rapporteur recommends that the Government of Israel comply with international law and bring a complete end to its 50 years of occupation of the Palestinian territory occupied since 1967. The Special Rapporteur further recommends that the Government of Israel take the following immediate measures:

(a) Repeal its recent legislation which confiscates private Palestinian lands

(b) Comply fully with Security Council resolution 2334 concerning the settlements;

(c) End the practice of demolition of Palestinian homes, and

enable the creation of a fair and transparent building permit system that would comply with the right to housing;

(d) Ensure the equitable funding of Palestinian education in East Jerusalem;

(e) End the blockade of Gaza, lift all restrictions on imports and exports, and facilitate the rebuilding of its housing and infrastructure, with due consideration to justifiable security considerations; and

(f) Ensure freedom of movement and the establishment of an equitable permit system for the residents of the Occupied Palestinian Territory.

66. With respect to human rights defenders, the Special Rapporteur recommends that the Government of Israel take the following immediate measures:

(a) Fully honour and implement the rights and obligations contained in the *Declaration on Human Rights Defenders*;

(b) End the use of the criminal, legal and security tools to obstruct the legitimate work of human rights defenders, including the use of arbitrary arrests and detentions, and ensure fair and speedy trials for any human rights defenders charged with an offence;

(c) Fully respect the fundamental freedoms of assembly, association, expression and movement in the Occupied Palestinian Territory;

(d) Actively combat incitement against the work of human rights defenders;

(e) Repeal all restrictive legislation targeting human rights defenders;

(f) Take all reasonable steps to demonstrate respect for the work of human rights defenders in the Occupied

⁹⁷ “Israel Passes Provocative Law to Retroactively Legalize Settlements”, *The New York Times*; “Emboldened by Trump, Israel Approves a Wave of West Bank Settlement Expansion”, *The New York Times*.