

THE ORIGINS AND EVOLUTION OF THE PALESTINE PROBLEM

PART V (1989 – 2000)



UNITED NATIONS

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*Prepared for, and under the guidance of,
the Committee on the Exercise of the
Inalienable Rights of the Palestinian People*



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INTRODUCTION

This publication was prepared for, and under the guidance of, the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Covering the years 1989 through 2000, it updates the publication "The origins and evolution of the Palestine problem" previously prepared for the Committee.

During the 1990s intense diplomatic efforts to solve the Palestine problem took place in unprecedented bilateral and multilateral peace negotiations as well as at the United Nations and elsewhere. The Middle East peace conference that was convened in Madrid in 1991 brought together for the first time all the parties to the Arab-Israeli conflict, the core of which is the question of Palestine, to seek a comprehensive negotiated settlement based on Security Council resolutions 242 (1967) and 338 (1973) and predicated on the principle of "land for peace".

At the beginning, progress in what was soon termed the "peace process" was extremely slow for the Palestinians, who were compelled to negotiate without the presence of a Palestinian representative at the table. Only the mutual recognition of Israel and the Palestine Liberation Organization (PLO) and their agreement reached at Oslo in 1993, the Declaration of Principles, sustained hope that a permanent settlement of the Palestine problem may for the first time be within reach to end decades of hostilities, occupation and violation of the rights of the Palestinian people. In December 1994, the Prime Minister of Israel, Yitzhak Rabin, and the Chairman of the Executive Committee of the PLO, Yasser Arafat, shared, together with the Foreign Minister of Israel, Shimon Peres, the Nobel Peace Prize.

Under the peace process of the 1990s, an entirely new, complex peacemaking framework was created to guide and encourage peace efforts without prejudging details of the envisaged results under negotiation, especially with regard to the various "multilateral" issues that would have required the sustained participation of all the important countries in the region, and the resolution of the Israeli and Palestinian "permanent status" issues such as Jerusalem, refugees, settlements, security arrangements, borders, and water. For various reasons, the peace process of the 1990s was subject to unilateral suspensions of the negotiations, undermining peacemaking efforts.

Following the signing of the Declaration of Principles in 1993 and successive bilateral agreements between Israel and PLO, tangible progress was made on the ground, including the redeployment of Israeli forces from some Palestinian areas occupied since 1967, commonly known as the Occupied Palestinian Territory, including East Jerusalem; the establishment of Palestinian self-government, the Palestinian National Authority; the holding of democratic elections for the Presidency of the Palestinian Authority and for the Palestinian Legislative Council; the release by Israel of Palestinian prisoners; the opening of a Palestinian international airport and a land corridor connecting the West Bank and Gaza Strip. Furthermore, unwavering international assistance and foreign investment, reflecting increased confidence in efforts towards a final peace settlement, benefited the living conditions of the Palestinian civilian population.

Since 1992, the United Nations participated in the multilateral negotiations as a "full extraregional participant". In support of the peace process, the United Nations established the Office of the United Nations Special Coordinator in the Occupied Territories (UNSCO) in 1994 to coordinate the assistance to the Palestinian people. It also continued to seek actively a negotiated solution to the Arab-Israeli conflict through the good offices of the Secretary-General. In 1999, building on the existing mandate of the Special Coordinator, the Secretary-General appointed the Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

The occupation by Israel of the Palestinian Territory, including East Jerusalem, continued, however. In violation of applicable international law, specifically humanitarian and customary law, Israel, the occupying Power, expanded the settler population in the Occupied Palestinian Territory, including through the construction of numerous new settlements and the expansion of the already established settlements. Strict closure policies widely regarded as collective punishment were implemented by Israel, the occupying Power, in the 1990s, along with other harsh measures against the Palestinian civilian population, which were taken in the context of maintaining the occupation, many in clear violation of international humanitarian and human rights law.

The plight of the Palestine refugees, who in the 1990s numbered more than 3.7 million people, also continued. The refugee issue was addressed in intermittent multilateral negotiations, until these thoroughly stalled in 2000. It was also broached in the bilateral permanent status talks between Israel and the Palestinians at the end of the same year. On its part, each year, the General Assembly continued to recall the refugees' right of return and compensation in accordance with the General Assembly resolution 194 (III). As mandated by the General Assembly, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) remained the largest

provider of crucial humanitarian and emergency assistance to the Palestine refugees. This period also witnessed certain milestones for UNRWA, such as its commemoration of 50 years of operation and the return of its headquarters to the region, for the first time located in the Occupied Palestinian Territory in Gaza City.

Around these and other issues, deep differences and a vast asymmetry of power persisted between Israel and the Palestinians, hampering progress in their negotiations and slowing down the implementation of the various bilateral agreements reached. As a result, outstanding commitments under the agreements signed, particularly by the occupying Power, accumulated during the second half of the 1990s, and themselves became the focus of negotiations.

Frequently, the bilateral negotiations ground to a halt, resuscitated only by third-party mediation that would ensure their continuation and yield further negotiated results. At a time when the political will for painful compromises and a “peace of the brave” was needed, mutual distrust and recriminations began to set in, which contributed to a growing crisis of confidence between Israel and the Palestinians. The assassination of Prime Minister Rabin in 1995 by an Israeli extremist also negatively impacted the peace process.

By the end of 2000, the search for a peaceful settlement had come full circle, from hopeful exhilaration in the early 1990s to near despair, hamstrung by the aforementioned and numerous other factors. Many of the positive developments on the ground had stalled, if not actually been undone and reversed, in particular as a result of the reoccupation of Palestinian population centres by Israel in September 2000 with the outbreak of the second Palestinian intifada. The lack of progress in the peace negotiations, notably on the permanent status issues, was epitomized by the inconclusive Camp David Summit held in July 2000 between the Prime Minister of Israel, Ehud Barak, and the Palestinian President, Yasser Arafat, mediated by the President of the United States, Bill Clinton. Subsequently, the deadline passed to achieve a permanent status agreement not later than 13 September 2000 and the Declaration of Principles, and interim transitional agreement remained unfulfilled.

In the midst of an already precarious and volatile atmosphere, the demonstrative visit on 28 September 2000 by Israel’s opposition party leader to the Al-Haram Al-Sharif, a sanctuary in the occupied East Jerusalem housing the Al-Aqsa Mosque, provoked an outbreak of violence between Israelis and Palestinians that escalated into what came to be known as the “Al-Aqsa intifada” or second intifada. Israel’s response to the second Palestinian uprising in less than a decade (the first intifada was launched in December 1987), in particular the excessive use of force, led to growing loss of Palestinian life, including many casualties among Palestinian children. The international community, the Palestinian Authority and others immediately urged Israel, the occupying Power, without success, to provide protection for the Palestinian civilian population. Instead, a cycle of violence and political entrenchment ensued that was soon to put any hope of peace further out of reach for years to come, sinking the Occupied Palestinian Territory into yet another period of confrontation and aggravating the plight, sense of insecurity and despair of the Palestinian people. In the years to come, Israel’s policies during the second intifada would result in a sharp deterioration of the Palestinian humanitarian and economic situation.

From 1989 to 2000, the evolution of the Palestine question at the United Nations was a delicate balancing act of supporting the Middle East peace process, while upholding the inalienable rights of the Palestinian people, including the right to return and to self-determination, national independence and statehood. The General Assembly determined in annual resolutions since 1992 that the United Nations had a permanent responsibility with respect to the Palestine question in all its aspects until its satisfactory resolution in accordance with international law. The principal organs of the United Nations, as well as the Main Committees of the General Assembly, the Economic and Social Commission for Western Asia, the Commission on Human Rights, the Commission on the Status of Women and human rights treaty bodies continued to address aspects of the Palestine question in their respective areas of competence.

From 1989 to 2000, resolutions concerning the Palestine problem received at the General Assembly a solid majority of support from Member States. From 1993 onward, a resolution entitled “Peaceful settlement of the question of Palestine” reaffirmed the requirements of parameters for a just peace settlement, annually expressed the support of the Assembly for the peace process. The same year, Norway, together with the Russian Federation and the United States, and on behalf of more than 100 additional sponsors, introduced a resolution entitled “Middle East peace process”, which was adopted annually by a large, almost unanimous majority, until it was withdrawn by the co-sponsors in 1997. Since 1993, successive resolutions on assistance to the Palestinian people were adopted by consensus, as were the resolutions regarding the millennium celebrations in 2000 in the Palestinian city of Bethlehem.

Furthermore, since 1994, in an annual resolution under the item entitled "Situation in the Middle East", the General Assembly has annually reiterated that the decision by Israel to impose its laws, jurisdiction and administration on the holy city of Jerusalem was illegal and therefore null, void and without validity. The Assembly also deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and called upon those States to abide by the provisions of the resolution.

In view of the inability of the Security Council to act on certain important developments in the Occupied Palestinian Territory, which were regarded as being in contravention of international law and as violations of Palestinian rights, the General Assembly, under its "uniting for peace" mechanism, convened in 1997 the tenth emergency special session to address "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory", the first such session in 15 years. In 1999, the first conference of the High Contracting Parties to the Fourth Geneva Convention of 1949, on measures to enforce the Convention in the Occupied Palestinian Territory, was convened pursuant to the relevant recommendation made by the tenth emergency special session.

At the same time, the United Nations responded repeatedly to violations by Israel, the occupying Power, of applicable international humanitarian and human rights law, notably the Fourth Geneva Convention of 1949 and relevant United Nations resolutions. Information on such violations was annually recorded in the report prepared by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Special Committee on Israeli Practices), which was established by the General Assembly in 1968. On its part, in 1993, the Commission on Human Rights appointed a Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who annually has examined the human rights situation of the Palestinian people under Israeli occupation.

Starting in the 1990s, the Economic and Social Council considered, under annual resolutions, the economic and social repercussions of the Israeli occupation, particularly that of the Israeli settlements, on the Palestinian people as well as the situation of and assistance to Palestinian women in the Occupied Palestinian Territory, as did the Commission on the Status of Women. Furthermore, the General Assembly adopted annually a resolution reaffirming the permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, over their natural resources, including land and water, and recognizing the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of their natural resources.

This publication reflects the position of the United Nations that a negotiated solution to the Palestine question must be based on the principles embodied in Security Council resolutions 242 (1967), and 338 (1973), reflecting the longstanding position of the international community and the basis for the Middle East peace process. A solution, as annually set forth in the General Assembly resolution entitled "Peaceful settlement of the question of Palestine", would comprise the withdrawal of Israel from the Palestinian territory occupied since June 1967, including East Jerusalem; the exercise of the inalienable rights of the Palestinian people, primarily their right to self-determination and statehood; a just settlement of the Palestine refugee problem that has remained unresolved since 1948, and the respect for the right of all States in the region to live in peace within secure and internationally recognized boundaries.

I. The question of Palestine and related issues before the General Assembly

A. Committee on the Exercise of the Inalienable Rights of the Palestinian People

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, the only body within the United Nations exclusively devoted to the question of Palestine, continued to make important contributions in support of the inalienable rights of the Palestinian people, in particular the right to self-determination, and of a just negotiated solution to the question of Palestine.

The Committee supported the goal of a comprehensive, just and lasting solution to the Palestine question in accordance with international legitimacy and United Nations resolutions. During the late 1980s and early 1990s, the Committee continued to endorse and promote the General Assembly's previous calls for an international peace conference on the Middle East under United Nations auspices and, later on, the Middle East peace process launched in Madrid in 1991, as well as the bilateral initiative that began in Oslo in 1993. The Committee welcomed the various bilateral agreements in implementation of the Declaration of Principles (1993) and other positive developments, such

as the redeployment of Israeli forces from Palestinian population centres and the Palestinian elections for the Legislative Council and the Presidency of the Palestinian Authority. It also reaffirmed the widely held position that, until final status negotiations succeed and their results are fully implemented, Israel must recognize and respect its obligations as the occupying Power under the Fourth Geneva Convention.

Remaining firm on its position of principle, the Committee expressed its readiness to make adjustments in its approach and programme of work in order to take into account the new realities and to make a concrete contribution to ongoing international efforts in support of the peace process and the Palestinian Authority. It was in this light that the Committee decided to contribute to the "Bethlehem 2000" initiative of the Palestinian Authority.

By the late 1990s, the Committee had started to voice increasing concern at the stalemate in the peace negotiations and the growing tension and violence in the region. It had been participating actively in meetings of the Security Council and of the General Assembly, including the tenth emergency special session of the Assembly, convened to deal with the deteriorating situation in the Occupied Palestinian Territory, including East Jerusalem, and begun periodically to exchange views with the European Union.

While condemning all acts of violence against civilians, the Committee expressed its alarm at the position and illegal actions of the Government of Israel with regard to Jerusalem, the construction of settlements, land confiscation and punitive collective measures, which had a devastating effect on the Palestinian people and their living conditions and seriously undermined the peace efforts.

These concerns were further heightened following the outbreak of the second, or Al-Aqsa, intifada in late September 2000. The Committee stressed time and again, and reminded the Government of Israel of the need to fulfil its legal obligations under the Fourth Geneva Convention. At the same time the Committee supported all international efforts directed at stopping the violence and resuming the peace negotiations, with a view to ending the occupation and resolving the question of Palestine in all its aspects. ^{1/}

Novel activities supported by the Committee from 1989 to 2000 included holding seminars on assistance to the Palestinian people to underline the growing importance of various socio-economic and peace-building requirements in the Occupied Palestinian Territory; organizing an annual training programme to familiarize staff of the Palestinian Authority with the work of United Nations at Headquarters and contribute to Palestinian capacity building; and establishing the web-based United Nations Information System on the Question of Palestine. Furthermore, in 1996, General Assembly resolution 51/129 requested the Secretary-General to take all appropriate steps in consultation with the United Nations Conciliation Commission for Palestine (UNCCP) to protect Arab property, assets and property rights in Israel and to preserve and modernize the existing records. This project was supported by the Committee, and completed in 2000. ^{2/} Moreover, in June 1997, the Committee convened a special meeting in observance of the thirtieth anniversary of the Israeli occupation of the Palestinian Territory, including East Jerusalem. The Secretary-General, the President of the Security Council, and a Vice-President of the General Assembly attended the event.

B. The right to self-determination, including to a State, as an inalienable right

Since 1974, the United Nations has reaffirmed the inalienable rights of the Palestinian people, including the right to self-determination without external interference and the right to national independence and sovereignty, in various ways (see General Assembly resolution 3236 (XXIX)). During the period from 1989 to 2000, the Committee on the Exercise of the Inalienable Rights of the Palestinian People continued to be a strong supporter and advocate of the right of the Palestinians to self-determination, in particular their right to their independent State of Palestine. Interim, quasi-governmental institutions were established in the Occupied Palestinian Territory on the basis of bilateral agreements negotiated by Israel and PLO under the Middle East peace process of the 1990s; the five-year transitional period under the Interim Agreement expired on 4 May 1999 without final status negotiations having begun in substantive terms. That year, the Palestinians held back from unilaterally declaring an independent State

^{1/} See the information note entitled "The Committee on the Exercise of the Inalienable Rights of the Palestinian People *and* the Division for Palestinian Rights", United Nations, 2005.

^{2/} See resolution 55/128, in which the Assembly expressed appreciation for the work done to preserve and modernize the existing records of the United Nations Conciliation Commission for Palestine.

and the European Union reaffirmed “the continued and unqualified Palestinian right to self-determination, including the option of a State” ^{3/} (see chap. III below).

At the United Nations, in the late 1980s and early 1990s, the General Assembly continued to reaffirm the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference (see General Assembly resolution 43/106).

In its resolution 44/79, entitled “Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights,” the General Assembly reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle. The Assembly also reaffirmed the inalienable right of the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference. With particular reference to the Palestine question, the Assembly strongly condemned the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constituted an obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region. From 1990 to 1993, the General Assembly adopted similar resolutions on the importance of the right of peoples to self-determination and independence. ^{4/}

Moreover, in its resolution 46/130, entitled “Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes,” the General Assembly, on 17 December 1991, reaffirmed the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, to enable them to determine their political, economic and social system without interference.

During the late 1980s and early 1990s, under the agenda item “Situation in the Middle East” (see resolutions 44/40, 45/83 and 46/82), the General Assembly maintained that the solution of the Middle East problem, under the auspices of the United Nations and based on its relevant resolutions, must enable the Palestinian people to exercise their inalienable rights, including the right to return and the right to self-determination, national independence and sovereign statehood in Palestine (see resolution 43/54 A). Until 1991, the General Assembly explicitly reaffirmed its conviction that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights (see resolution 46/82 A).

On 20 December 1993, in its last resolution on the importance of the universal realization of the right of peoples to self-determination that contained a specific reference to the Palestinian people, the General Assembly took note of the recent positive evolution in the Middle East peace process, in particular the signing on 13 September 1993 of the Declaration of Principles, and reaffirmed, the inalienable right of the Palestinian people and all peoples to self-determination, independence and sovereignty; and, called upon Israel to refrain from violating the fundamental rights of the Palestinian people and from denying their right to self-determination (see resolution 48/94).

The same day, in its resolution 48/158, entitled “Peaceful settlement of the question of Palestine”, under the agenda item “Question of Palestine” the General Assembly reaffirmed six principles for the achievement of comprehensive peace in the Middle East, the first of which is “the realization of the legitimate national rights of the Palestinian people, primarily the right to self-determination”. In subsequent resolutions under the item “Question of Palestine”, the General Assembly has also maintained that the principle of equal rights and self-determination of peoples is among the purposes and principles embodied in the Charter of the United Nations.

The following year, on 23 December 1994, the General Assembly for the first time adopted a resolution devoted exclusively to the right of the Palestinian people to self-determination (resolution 49/149). With growing support, including from the European Union, these resolutions gradually reaffirmed that the right of the Palestinians to self-determination included their right to a State. During the period under review, the most recent and most strongly worded in this series, resolution 55/87, was adopted by a recorded vote of 170 in favour to 2 against (Israel,

^{3/} European Union Summit Berlin Statement on the Middle East Peace Process of 25 March 1999, available from <http://www.palestine-un.org/inter/berlin.html>.

^{4/} Resolutions 45/130, 46/87, 47/82 and 48/94. The last resolution adopted by the General Assembly under such a title was resolution 49/151, which made no specific reference to the Palestinian people. See also resolution 49/149 addressed below.

United States), with 5 abstentions (Canada, Marshall Islands, Micronesia (Federated States of), Palau, Tonga) (see A/55/PV.81).

In the second half of the decade, from 1996 until 2000, the General Assembly annually adopted resolutions on the permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, over their natural resources” (see resolutions 51/190, 52/207, 53/196, 54/230 and 55/209). On its part, in resolution 1989/34, the Economic and Social Council, under the agenda item entitled “The situation of Palestinian women”, declared that Palestinian women, as an integral part of a nation whose people were prevented from exercising their basic human and political rights, could not fully attain the objectives of the Forward-looking Strategies – equality, development and peace – without realizing their inalienable rights of return, self-determination and establishment of an independent State in accordance with the relevant United Nations resolutions. Similar statements can be found in Economic and Social Council resolutions 1990/11 and 1991/19 ^{5/} (see chap. IV below).

The Secretary-General has maintained consistently that a comprehensive settlement of the Arab-Israeli conflict, including the Israeli-Palestinian conflict, should be based on Security Council resolutions 242 (1967) and 338 (1973) and take fully into account the legitimate rights of the Palestinian people, including their right to self-determination. In November 1991, in his report on the situation in the Middle East, the Secretary-General observed:

“I have always maintained that no effort should be spared in the search for a comprehensive settlement of the Arab-Israeli conflict and the issue that lies at its core: the yearning of the Palestinian people to exercise their legitimate political rights, including self-determination” (see A/46/652-S/23225, para. 27; see also A/48/607-S/26769).

On 23 March 1998, Kofi Annan, as the first Secretary-General to visit the Occupied Palestinian Territory following the establishment of the Palestinian Authority, in an address before the Palestinian Legislative Council, stated:

“At every juncture and every passage, with every challenge and every success, the United Nations has stood by the proponents of the legitimate rights of the Palestinian people ... Your cause – genuine self-determination for the Palestinian people – is our cause. It is the expression of the most sacred, most enduring and universal principles of our Charter” (see SG/SM/6501).

In 1996, the Secretary-General had stated, on the occasion of the historic elections for the Palestinian Authority and the Legislative Council on 20 January that the widespread participation in them by Palestinian voters in the Gaza Strip, the West Bank and East Jerusalem constituted an important step toward the achievement of the legitimate rights of the Palestinian people and provided a solid base toward their self-determination (see SG/SM/5879; see also chap. III below, the Declaration of Principles and the Interim Agreement).

C. Palestine’s expanded rights of participation at the United Nations

During the period under consideration, the United Nations conferred additional rights and privileges upon Palestine in its capacity as observer. Since 1976, the Security Council has invited the Palestine Liberation Organization to take part in its deliberations on the situation of the Middle East and the question of Palestine. By January 1989, the Council had accepted Palestine’s request to speak directly to the Council on other issues, on the same basis as Member States. For instance, in February and September 1999, Palestine participated in the Security Council debate on the protection of civilians in armed conflict, a debate which, according to Palestine, was clearly congruent with the numerous appeals made by it and others for the respect and enforcement of instruments of international law, international humanitarian law and United Nations resolutions (see S/PVs.3890 and 4046).

^{5/} For United Nations action on the situation and role of Palestinian women in connection with such issues as women and peace and security and peacebuilding and assistance activities (see S/PV.4208; General Assembly special session on Women 2000; various reports of the Commission on the Status of Women and draft resolutions recommended for adoption by the Economic and Social Council; and Economic and Social Council resolutions on Palestinian women); see also chaps. III and IV below.

On its part, the General Assembly conferred upon Palestine some of the rights and privileges hitherto reserved for Member States. ^{6/} On 28 November 1990, the General Assembly adopted resolution 45/37, in which it called upon Member States to accord to the delegations of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States and accorded observer status by international organizations, “the facilities, privileges and immunities necessary for the performance of their functions, in accordance with the provisions of the Vienna convention on the Representation of States in Their Relations with International Organizations of a Universal Character”.

On 10 December 1993, the General Assembly, on the proposal of the Chairman of the Special Political and Decolonization Committee (Fourth Committee), agreed to the understanding that the Advisory Commission of UNRWA would establish a working relationship with PLO (see decision 48/417); a PLO representative subsequently began attending meetings of the Advisory Commission.

In its resolution 49/12 B, the General Assembly decided that the same arrangements made for Member States or observer States with regard to participation in the commemoration of the fiftieth anniversary of the United Nations would be applicable to Palestine, in its capacity as observer (see also A/49/48). As a result, Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority, fully participated in the commemorative event.

On 7 July 1998, the General Assembly adopted resolution 52/250, entitled “Participation of Palestine in the work of the United Nations,” in which it conferred upon Palestine additional rights and privileges of participation. In his note of 4 August 1998 (A/52/1002 and Corr.1), the Secretary-General indicated his understanding of the additional rights and privileges granted to Palestine, in accordance with the modalities contained in the annex to resolution 52/250:

- “1. The right to participate in the general debate of the General Assembly.
- “2. Without prejudice to the priority of Member States, Palestine shall have the right of inscription on the list of speakers under agenda items other than Palestinian and Middle East issues at any plenary meeting of the General Assembly, after the last Member State inscribed on the list of that meeting.

Focus: organizational issues highlighting the importance of the Palestine question

A procedural decision taken by the Security Council to simplify the list of items of which it is seized was noted in 1996 (see S/1996/603 and Corr.1 and S/1996/667). Since then, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People has repeatedly conveyed the objection of the Committee to the decision to delete from the list items related to the exercise of the inalienable rights of the Palestinian people, the Palestine question and the Middle East problem. The Committee believed that pending a comprehensive, just and lasting settlement of the Arab-Israeli conflict in the Middle East in accordance with international legitimacy, those items should remain on the list of matters of which the Council is seized, as they continue to engage its responsibility with regard to the maintenance of international peace and security. Later in the decade and in his letters addressed to the President of the Security Council (S/1996/667, S/1998/134 and S/2000/253), the Chairman stressed in addition that any decision to delete these items, especially at a critical point in the peace process, would go well beyond procedural reform and would have far-reaching negative political implications (see S/2000/253).

In addition to these developments, the importance and visibility of the Palestine question at the United Nations were enhanced as the result of the General Assembly decisions requesting the Secretary-General to continue to use the term “Occupied Palestinian Territory,” when appropriate (see decision 53/424), and changing the name of its “Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories” to “Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories” (see resolution 44/48 A). In this context, it should also be noted that, for the first time, the United Nations has published official population statistics on the Palestinians in the Occupied Palestinian Territory (see ESA/P/WP.165, available from www.un.org/esa/desa/htm).

^{6/} It will be recalled that, on 15 December 1988, the General Assembly adopted resolution 43/177, in which it recalled Assembly resolution 3237 (XXIX) on the observer status for the Palestine Liberation Organization, acknowledged the proclamation of the State of Palestine by the Palestine National Council on 15 November 1988, and decided that “the designation ‘Palestine’ should be used in place of the designation ‘Palestine Liberation Organization’ in the United Nations system”. See also United Nations, *The Origins and Evolution of the Palestine Problem: 1917-1988*, p. 270.

“3. The right of reply.

“4. The right to raise points of order related to the proceedings on Palestinian and Middle East issues, provided that the right to raise such a point of order shall not include the right to challenge the decision of the presiding officer.

“5. The right to co-sponsor draft resolutions and decisions on Palestinian and Middle East issues. Such draft resolutions and decisions shall only be put to a vote upon request from a Member State.

“6. The right to make interventions, with a precursory explanation or the recall of relevant General Assembly resolutions being made only once by the President of the General Assembly at the start of each session of the Assembly.

“7. Seating for Palestine shall be arranged immediately after non-Member States and before the other observers; and with the allocation of six seats in the General Assembly Hall.”

The note by the Secretary-General also included the following restriction on the participation of Palestine:

“8. Palestine shall not have the right to vote or to put forward candidates.”

Based on those arrangements, on 28 September 1998, Palestine for the first time participated in the general debate of the General Assembly when Palestinian President Arafat addressed the plenary of the fifty-third session of the Assembly. During the same session, in accordance with the additional rights and privileges conferred upon it by the United Nations, Palestine commenced to co-sponsor General Assembly draft resolutions concerning the question of Palestine and the Middle East.

Focus: the issue of the territorial aspects of Israel's credentials at the United Nations

Regarding Israel's credentials at the United Nations, in 1990 an amendment to the resolution on the report of the Credentials Committee was proposed that would have indicated that the credentials of the delegation of Israel did not relate to the Palestinian and other Arab territories occupied by Israel since 1967, including East Jerusalem. Following a compromise reached at the time by the President of the General Assembly, no vote was taken on the report of the Credentials Committee of the General Assembly. Although in later years the report of the Credentials Committee was adopted according to established practice, the aforementioned issue pertaining to Israel's credentials remained unresolved. These and related subsequent developments contributed to initiatives that in May 2004 led to the adoption by the General Assembly of resolution 58/292 on the status of the Occupied Palestinian Territory, including East Jerusalem.

D. Proposed international peace conference on the Middle East under the auspices of the United Nations

During the late 1980s and early 1990s, against the backdrop of the first Palestinian intifada and certain regional and global developments, the General Assembly garnered unprecedented, almost unanimous, support for the call to convene an international peace conference on the Middle East under United Nations auspices. The idea for such a conference initially had gained momentum at the International Conference on the Question of Palestine, held at Geneva in 1983. Separate proposals made by Member States, intergovernmental organizations and non-governmental organizations (NGOs) also recognized the need for such a conference. During the same period, however, Israel and the United States continued to reject the convening of the proposed peace conference under United Nations auspices. ^{7/} It is important to note that from late 1988 to the mid-1990s, the United States and PLO

^{7/} The Geneva Declaration on Palestine, adopted at the International Conference and endorsed by the General Assembly in resolution 38/58 C, called for an international peace conference in which all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, would be invited to participate on an equal footing and with equal rights. See also United Nations, *The Origins and Evolution of the Palestine Problem, 1917-1988*; A/45/709; and A/48/607.

engaged in first ever direct negotiations at Tunis. ^{8/}

The support for convening an international peace conference under United Nations auspices reached its peak in 1989. It will be recalled that in 1988 the General Assembly, meeting at Geneva to permit PLO Chairman Arafat to attend (see resolution 43/49 and document A/43/909), had expressed overwhelming support for convening the proposed peace conference when it adopted resolution 43/176 by a vote of 138 in favour to 2 against, with 2 abstentions, and set forth the five principles for the achievement of comprehensive peace. These principles would be reaffirmed several times and expanded over the next couple of years, until they were included in a concise elaboration of requirements for a solution stressed by the General Assembly from 1994 onwards, beyond 2000, in its resolutions on the peaceful settlement of the question of Palestine.

One year later, on 6 December 1989, an unprecedented majority of 151 Member States voted in favour of resolution 44/42, entitled "Question of Palestine", ^{9/} in which the Assembly reaffirmed its call for an international peace conference under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization and the five permanent members of the Security Council, on the basis of Council resolutions 242 (1967) and 338 (1973) as well as the following principles for the achievement of comprehensive peace:

- (a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;
- (b) Guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;
- (c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions;
- (d) Dismantling the Israeli settlements in the territories occupied since 1967;
- (e) Guaranteeing freedom of access to Holy Places, religious buildings and sites".

At the same time, the General Assembly again noted the expressed desire to place the Palestinian Territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a limited period, as part of the peace process, and would note this again in its resolution 45/68 adopted the following year. Until 1990, the General Assembly also endorsed the establishment of a preparatory committee, within the framework of the Security Council and with the participation of the permanent members of the Council, to take the necessary steps to convene the international peace conference called for under its resolutions. However, the proposed preparatory committee was never established.

The call for an international conference under the auspices of the United Nations based on the aforementioned principles was repeated by the General Assembly in its resolutions 45/68 and 46/75 entitled "International Peace Conference on the Middle East". In its resolution 47/64 D, entitled "Question of Palestine", the Assembly considered that the convening of the Conference "at a certain stage" would contribute to the promotion of peace in the region.

In tandem with these resolutions on the question of Palestine, the General Assembly adopted two resolutions on the situation in the Middle East that also reaffirmed its call for convening an international peace conference under the auspices of the United Nations (resolutions 44/40 A and 45/83 B). Following the launch of the Madrid Peace Conference on 30 October 1991, the call for a conference under the auspices of the United Nations was no longer found in the General Assembly resolutions on the situation in the Middle East. On 16 December 1991, using its customary language in resolution 46/82 A, the Assembly declared "once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem under the auspices of the United Nations and on the basis of its relevant resolutions" (see also A/46/623-S/23204). In the resolution, the Assembly was silent on the subject of the Madrid Peace Conference, unlike in resolution 46/75

^{8/} The talks, headed by Robert H. Pelletreau, Jr., the United States Ambassador to Tunisia, and Yasser Abed Rabbo of the Palestine Liberation Organization made no progress on the issue of military operations (see Bilal al-Hassan, "Arafat avant Madrid: Les règles de sa gestion politique", in: *Revue d'études palestiniennes*, No. 96, été 2005, pp.17f.). See also Ambassador Pelletreau's statement dated 22 March 1989 and the Palestine Liberation Organization statement contained in document A/45/317-S/21369.

^{9/} Resolution 44/42 was adopted by a vote of 151 in favour to 3 against, with 1 abstention.

entitled “International Peace Conference on the Middle East,” in which it had welcomed the Peace Conference (see chap. III below).

Earlier, as the result of difficult negotiations among the members of the Security Council prompted by a major outbreak of violence in East Jerusalem, the President of the Council, on 20 December 1990, made the following statement reflecting agreement among the members of the Council regarding the “method and approach” for a comprehensive, just and lasting peace in the Arab-Israeli conflict:

“The members of the Security Council reaffirm their determination to support an active negotiating process in which all relevant parties would participate leading to a comprehensive, just and lasting peace in the Arab-Israeli conflict through negotiations which should be based on resolutions 242 (1967) and 338 (1973) of the Security Council and which should take into account the right to security of all States in the region, including Israel, and the legitimate political rights of the Palestinian people.

“In this context they agree that an international conference, at an appropriate time, properly structured, should facilitate efforts to achieve a negotiated settlement and lasting peace in the Arab-Israeli conflict.

“However, the members of the Council are of the view that there is not unanimity as to when would be the appropriate time for such a conference.

“In the view of the members of the Council, the Arab-Israeli conflict is important and unique and must be addressed independently, on its own merits” (S/22027).

In a letter to the Security Council dated 22 March 1991 (S/22385), the Secretary-General officially informed the Council of his decision to appoint Ambassador Edouard Brunner of Switzerland as Special Representative to the Middle East, succeeding the retiring Ambassador, Gunnar Jarring. The appointment of Mr. Brunner was in accordance with paragraph 3 of Security Council resolution 242 (1967). The same year, Mr. Brunner would represent the United Nations at the Madrid Peace Conference on the Middle East as an observer (A/46/652-S/23225; chap. III below).

The call by the General Assembly for convening an international peace conference under the auspices of the United Nations ceased after the mutual recognition between the Government of Israel and PLO and the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993. As the United Nations began to focus on assisting the parties in their efforts to achieve a peaceful settlement, at the General Assembly, two series of resolutions evolved. One, on the peaceful settlement of the question of Palestine, replacing the earlier annual calls for a conference under the auspices of the United Nations ^{10/} and another, until 1996, on the Middle East peace process, starting with resolution 48/58 of 14 December 1993 (see the chap. III below).

On its part, from 1989 to 1993, the Committee on the Exercise of the Inalienable Rights of the Palestinian People endorsed the call for convening an international peace conference on the Middle East under the auspices of the United Nations. Moreover, in view of the violent events unfolding in the Occupied Palestinian Territory, including East Jerusalem, in connection with the intifada, the Committee urged the Governments of Israel and the United States to reconsider their respective positions and join the virtually unanimous world community represented in the General Assembly to promote peace in the Middle East through the convening of the proposed international peace conference. ^{11/} In its annual report dated 18 November 1993, the Committee continued to endorse the idea of an international peace conference, commenting on General Assembly resolution 47/64 D as follows:

“The Committee, in adopting its programme of work for 1993, decided to continue to give priority to the promotion of a comprehensive, just and lasting settlement of the Arab-Israeli conflict, the core of which is the question of Palestine, including the convening, at a certain stage, of an international peace conference on the Middle East, under the auspices of the United Nations” (see A/48/35, para. 40).

In view of the novel peace efforts from 1991 onwards, the Committee expressed support for the bilateral Arab-Israeli negotiations within the context of the Madrid peace process and welcomed the signing by Israel and the Palestine Liberation Organization of the Declaration of Principles on Interim Self-Government Arrangements, as an

^{10/} As discussed above, the call had last been made in resolution 47/64 D on the question of Palestine; see resolutions 47/64 A-E; see also United Nations, *The United Nations and the Question of Palestine*, October 1994, p. 22.

^{11/} See United Nations, *The Question of Palestine, 1979-1990*, 1991, p. 17.

important first step towards a just and comprehensive peace in accordance with the relevant United Nations resolutions (ibid., paras. 41 and 42).

E. Bethlehem 2000

In the late 1990s, the beginning of the new millennium was regarded as a major upcoming event for the Palestinian city of Bethlehem. Organizing and preparing for the occasion required active engagement by the international community, including financial and technical contributions to the preparations and actual participation in the commemorative events and activities. Approximately 2 million visitors were expected to visit Bethlehem to celebrate the historic occasion. In 1997, the Palestinian Authority launched the Bethlehem 2000 Project to restore the many religious and historical sites in the city as well as to rebuild Bethlehem's infrastructure in preparation for the planned millennial celebrations. Years of military occupation had left their mark, making the task of rehabilitating Bethlehem an extremely challenging one.

In order to help the Palestinian people carry out the Bethlehem 2000 Project, the Committee on the Exercise of the Inalienable Rights of the Palestinian People promoted the project and raised international awareness of its many needs. The Bethlehem 2000 Participants Conference, held in Brussels on 11 and 12 May 1998, was an initial step towards increasing the engagement and participation of the international community in the project. The Conference was convened by the Bethlehem 2000 Project, in association with the European Commission, the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Bank. The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People also attended the event. The Conference provided an opportunity for some 600 representatives of Governments, intergovernmental organizations, the private sector, the international financial community, religious and cultural institutions and the media to contribute towards the success of the Bethlehem 2000 Project through financial contributions, investment, expertise and promotion (see A/53/141 and E/1998/SR.40).

The same year, the Committee authorized its Chairman and the Members of its Bureau to request the inclusion of a new item, entitled "Bethlehem 2000," in the provisional agenda of the fifty-third session of the General Assembly (see A/53/141). General Assembly resolution 53/27, adopted unanimously, was a tribute to the importance attached to the forthcoming Bethlehem 2000 commemorations and its concomitant events, which were to be held from Christmas 1999 to Easter 2001. At the request of the Committee and in recognition of the universal significance of the project, the General Assembly included the item entitled "Bethlehem 2000" in the agenda of its fifty-third, fifty-fourth and fifty-fifth sessions, and adopted without a vote its resolutions 53/27, 54/22 and 55/18, respectively. In these resolutions, the Assembly, among other things, expressed support for the Bethlehem 2000 project and called for increased assistance and engagement by the international community as a whole to ensure its success.

In its resolution 55/18, against the backdrop of turmoil of the second intifada in late September 2000, the General Assembly stressed the need for ensuring free and unhindered access to the holy places in Bethlehem for the faithful of all religions and the citizens of all nationalities, and expressed the renewed hope for a successful outcome of the Middle East peace process and the achievement of a final settlement between Palestine and Israel so that the millennium might be celebrated in an atmosphere of peace and reconciliation. In the same resolution, the Assembly decided to conclude the consideration of the item entitled "Bethlehem 2000".

Heeding the calls of the General Assembly at its fifty-third to fifty-fifth sessions, the Committee has consistently reserved a special place for the Bethlehem 2000 Project in its various activities, including its meetings programme. The importance of heightening awareness of and promoting support for the Project was highlighted, among other things, at the Bethlehem 2000 International Conference, convened by the Committee from 18 to 19 February 1999 at the headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome, and at the United Nations Seminar on Prospects for Palestinian Economic Development and the Middle East Peace Process, held in Cairo on 20 and 21 June 2000.

The Bureau of the Committee also discussed the issue with representatives of intergovernmental organizations, such as the European Union, the Organization of the Islamic Conference and the League of Arab States, as well as NGOs. In addition, the Committee guided the Division for Palestinian Rights of the Secretariat to continue to disseminate information about the project through the United Nations Information System on the Question of Palestine (UNISPAL) (see <http://unispal.un.org>). Also, in accordance with General Assembly resolution 54/41, the Department of Public Information of the Secretariat established a separate website on the subject (see A/55/370).

II. The need for protection of the Palestinians under occupation

Throughout the period under consideration, the international community recognized the urgent need for international protection of the Palestinian civilian population under Israeli occupation in accordance with the applicable rules and principles of international law and human rights instruments, in particular the Fourth Geneva Convention. The period began and concluded with a major Palestinian uprising, or intifada, in protest of Israel's military occupation of the Palestinian Territory, including East Jerusalem. These two uprisings were widely regarded as powerful expressions of the Palestinians' long-frustrated national aspirations and rejection of their legitimate demands, together with their oppression under Israeli occupation. Against the backdrop of the uprising, often violent confrontations and Israel's excessive use of force as well as violations of human rights in the Occupied Palestinian Territory, including East Jerusalem, numerous efforts were made to provide for the protection and security of the Palestinian civilian population (see also chap. IV below).

A. First intifada

From the beginning of the Palestinian uprising that erupted on 9 December 1987 and lasted until the middle of 1993, now known as the first intifada, the day-to-day life of the Palestinians in the Occupied Palestinian Territory was characterized by confrontation and severe measures and harsh repression by Israel, the occupying Power. ^{12/} These developments, on full display in the media worldwide, continued to raise awareness within the international community of the plight of the Palestinians living under occupation.

As a result of the excessive use of force by Israel, the total number of Palestinian deaths by shooting, beating or tear gas rose to approximately 1,240 by August 1993, and the total number injured to an estimated 130,000. Approximately one fourth of the fatalities were children under the age of 16 years (see A/48/35, para. 22). Thousands of Palestinians were also detained by the Israeli occupying forces and, in violation of international law, hundreds transferred to prisons in Israel or deported from the Occupied Palestinian Territory. Scores of homes were destroyed or sealed with concrete. The educational system came to a halt when schools and universities were closed for extended periods and informal teaching arrangements prohibited. Villages and whole areas were placed under curfew; retail, utility, health, financial and commercial services were curtailed and media and civic organizations outlawed. Tens of thousands of productive trees were uprooted and crops destroyed as collective punishment by the occupying Power. ^{13/}

On the basis of information and evidence put before it, in 1989 the Special Committee on Israeli Practices noted that the dangerous level of violence and repression in the Occupied Palestinian Territory was unprecedented in over 22 years of military occupation. The Special Committee's reports through 1993 continued to reflect the high level of violence engendered by the uprising and by the attempts by Israel to suppress it by disproportionately harsh and violent military force, as well as collective punishment, including mass deportations of Palestinians.

The increasing violence, specifically the killing of an Israeli in the "Nissanit" settlement in the Gaza Strip and of two Israeli policemen in Israel at the end of March 1993, led the Israeli authorities to impose on 30 March a complete closure of the Occupied Palestinian Territory. ^{14/} The closure effectively divided the Occupied Palestinian Territory into four distinct areas, namely, the Gaza Strip, East Jerusalem, the northern West Bank and the southern West Bank, and created unprecedented hardship for the Palestinian population, the majority of which already lived below the poverty line. ^{15/} Later findings of the Special Committee showed that, although the overall level of violence in the Occupied Palestinian Territory somewhat declined after the signing of the Declaration of Principles in 1993, sporadic confrontations were met with harsh repressive measures against the population. ^{16/}

^{12/} For a detailed account of the first intifada during 1987 and 1988, see United Nations, *The Origins and Evolution of the Palestine Problem, 1917-1988*, pp. 252-271.

^{13/} See United Nations, *The Question of Palestine 1979-1990*, July 1991, p. 42ff.; and United Nations, *The United Nations and the Question of Palestine*, October 1994, p. 16ff.; see also General Assembly resolution 43/58 A.

^{14/} See Avi Shlaim, *The Iron Wall*, New York/London, 2000, p. 510, who details that in March 1993, 13 Israelis were killed by Palestinians.

^{15/} *Yearbook of the United Nations*, 1993.

^{16/} *Ibid.*, 1994.

From the beginning of the first intifada in December 1987, the United Nations, together with numerous intergovernmental organizations, including the European Economic Community, the League of Arab States, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the Organization of African Unity, and the International Committee of the Red Cross (ICRC) and numerous NGOs, expressed concern regarding the grave situation in the Occupied Palestinian Territory and the lack of protection for the Palestinian people.

The Security Council, however, remained paralyzed. The draft resolution of 9 June 1989 concerning the deportation of Palestinian civilians (S/20677), was vetoed by the United States, as was the draft resolution of 16 February 1989, in which the Council sought to strongly deplore Israel's persistent policies and practices against the Palestinian people in the Occupied Palestinian Territory, especially the violation of human rights (S/20463); and a similar draft resolution of 6 November 1989 (S/20945/Rev.1), in which the Council strongly deplored Israeli policies and practices that violated the human rights of the Palestinian people in the Occupied Territory.

On 20 May 1990, an Israeli gunman killed 7 Palestinian workers and wounded 11 others at Oyoun Qarra (Rishon LeZion) in Israel; another 17 Palestinians were killed and more than 1,000 wounded by Israeli security forces in the subsequent demonstrations throughout the Occupied Palestinian Territory in protests against the incident. 17/ This incident prompted the Security Council to address the issue of protection. During the debates in the Council that were held in Geneva on 25 and 26 May and in New York on 31 May 1990, nearly every delegation that spoke, including Members of the Council, emphasized the urgent need for protection of Palestinian civilians. On 25 May 1990, PLO Chairman Arafat made a statement before the Council calling for urgent action to provide international protection to the Palestinian people. Nevertheless, a draft resolution (S/21236) that would have established a commission consisting of three Members of the Council to examine the situation on the ground and recommend ways and means for ensuring the safety and protection of Palestinian civilians under Israeli occupation was vetoed on 31 May 1990 by the United States 18/ (see S/PV.2926).

In a presidential statement of 19 June 1990, the members of the Security Council strongly deplored an incident that had occurred on 12 June 1990, in which several innocent Palestinian women and children were wounded when an Israeli officer threw a tear gas grenade into an UNRWA clinic near Shati camp in the Gaza Strip. Expressing dismay that the penalty imposed on that officer had been commuted, the members reaffirmed that the Fourth Geneva Convention applied to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, requested the High Contracting Parties to ensure respect for the Convention and called upon Israel to abide by its obligations under the Convention. 19/

A personal representative of the Secretary-General visited Israel and the Occupied Palestinian Territory from 22 June through 1 July 1990. According to a statement by the Secretary-General issued to the press at Geneva on 4 July, the principal concern conveyed by the Palestinians to the personal representative was their profound feeling of vulnerability resulting from the lack of protection; this fear was expressed by those living in refugee camps and by the residents of towns and villages. The Palestinians were also deeply concerned about their basic human and economic rights. Their grievances were conveyed to Israel, which, as the occupying Power, was urged to take the necessary steps to address them in accordance with its international legal obligations. 20/

On 20 December 1990, the Security Council, prompted by an outbreak of confrontations and bloodshed in East Jerusalem, adopted resolution 681 (1990) (see also chap. II.B below). That resolution represented a new step by the Council because it entrusted, for the first time, ongoing responsibilities to the Secretary-General with respect to the Palestinian civilians under Israeli occupation, requesting him to monitor and observe their situation. At the same time, the Council underlined the obligations of the parties chiefly responsible under the Fourth Geneva Convention for ensuring the protection of the Palestinians, namely Israel, the occupying Power, and the High Contracting Parties to the Convention (see S/22472).

The Security Council met in January, March and May of 1991 to discuss the situation in the occupied Arab territories. On 4 January 1991, in a presidential statement (S/22406), the members of the Council expressed deep concern about and deplored recent acts of violence in the Gaza Strip, especially actions by Israeli security forces against Palestinians, which had led to scores of Palestinian civilian casualties; reaffirmed the applicability of the

17/ See United Nations, *The Question of Palestine*, p. 46.

18/ In June 1990, United States President Bush would suspend the two-year dialogue with the Palestine Liberation Organization because of its failure to condemn a recent act of terrorism committed against Israel. See United States, Department of State, *Patterns of Global Terrorism: 1990, 1991*.

19/ See United Nations, *The Question of Palestine*, p. 46f.

20/ *Ibid.*, p. 46.

Fourth Geneva Convention to all the Occupied Palestinian Territory; requested that Israel, as the occupying Power, fully comply with the provisions of the Convention; reaffirmed its resolution 681 (1990) and supported the work of the Secretary-General in implementing that resolution; and, further urged intensified efforts by all who could contribute to reducing conflict and tension in order to achieve peace in the area. On 27 March 1991, in a presidential statement (S/22408), the members of the Council again expressed grave concern about the continued deterioration of the situation in the occupied Arab territories, and especially about the serious situation resulting from the imposition of curfews by Israel, and deplored the expulsion of four Palestinians (see also A/46/652-S/23225). In May, the Council adopted resolution 694 (1991), in which it deplored the deportation of Palestinians from the occupied territories (see also chap. II.C below).

As discussed in chapter III below, a major Middle East peace effort began at Madrid in October 1991, in the format of a conference, which for the first time brought together all parties to the conflict. Nevertheless, the situation in the Occupied Palestinian Territory continued to deteriorate, and in January and April 1992, the Security Council was again called upon to address the situation. In January 1992, the Council adopted resolution 726 (1992) on the deportation of Palestinians, and, in April, it expressed its concern over an incident in Rafah in the Gaza Strip in which several Palestinians had been killed and many more injured by Israeli forces. In a presidential statement drafted by Palestine with the support of the non-aligned members of the Council (S/23783), the Council again urged Israel to abide at all times by its obligations under the Fourth Geneva Convention and to respect and to act in accordance with the relevant resolutions of the Security Council; and expressed concern that any escalation of violence would have serious implications for the peace process, especially at a time when negotiations to achieve a comprehensive, just and lasting peace were under way in Madrid. Moreover, in accordance with resolution 681 (1990), the members of the Council requested the Secretary-General to use his good offices to address the problems of Palestinian civilians under Israeli occupation. 21/

On 25 January 1993, in connection with the deportation of a large number of Palestinians, the Secretary-General, in paragraph 17 of his report submitted in accordance with resolution 799 (1992) (S/25149), observed:

“The question of the safety and protection of Palestinian civilians under Israeli occupation has repeatedly been addressed by the Security Council since December 1987. For this reason and in the light of requests conveyed by Palestinian leaders to me as well as to Mr. Jonah and Mr. Gharekhan during their missions to the region, I intend to initiate discussions with the Israeli authorities regarding the establishment of a United Nations monitoring mechanism in the occupied territories, as suggested in resolution 681 (1990). This should have the effect of reassuring Palestinians under Israeli occupation that the international community is not neglecting their need for safety and protection, a need, which must be met regardless of progress in the peace talks.”

Throughout 1993, the Permanent Observer of Palestine to the United Nations and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People communicated to the Secretary-General their concerns about the escalation of Israeli repression that resulted in many Palestinian casualties and a dangerously deteriorating security situation in the Occupied Palestinian Territory, and appealed urgently and repeatedly to the Council to ensure the protection of Palestinians in accordance with resolution 681(1990). 22/

The General Assembly had first addressed the grave circumstances in the Occupied Palestinian Territory connected with the first intifada on 3 November 1988, when it adopted resolution 43/21, condemning Israel's persistent violation of Palestinian human rights. As stated above, the Security Council remained unable to address the violent repression by Israel during the first intifada, 23/ although the Assembly repeatedly requested the Council to examine the situation in the Occupied Palestinian Territory and to consider taking measures to protect Palestinian civilians (see resolutions 43/233, 44/2, 45/69, 46/76 and 47/64 E. In its resolution 44/2, the Assembly expressed deep concern at the alarming situation resulting from the continued occupation and persistent policies and practices of Israel against the Palestinian people, and expressed its profound shock at the continued killing and wounding of Palestinian civilians and the ransacking of houses of defenceless civilians in the Palestinian town of Beit Sahour.

In its resolution 45/69, the General Assembly expressed its profound shock at the Israeli violence of 8 October 1990 at the Al-Haram Al-Sharif in Jerusalem, which resulted in the killing and wounding of Palestinian civilians. The Assembly stressed the need to promote international protection to the Palestinian civilians in the occupied

21/ See also Chinmaya Gharekhan, *The Horseshoe Table*, New Delhi, 2006, p. 187.

22/ *Yearbook of the United Nations*, 1993.

23/ See, for instance, the above-mentioned vetoed Security Council draft resolutions during 1989.

Palestinian territory, and the need for increased support to, aid for and solidarity with the Palestinian people under Israeli occupation (see chap. II.B below). Also, Guido de Marco, the President of the General Assembly, visited the Palestine refugees in the Occupied Palestinian Territory and Jordan from 2 to 7 January 1991, the first such visit of its kind. ^{24/} The President briefed the Committee on the Exercise of the Inalienable Rights of the Palestinian People at its 176th meeting, held on 22 February 1991, regarding his visit (see A/45/1000). In paragraph 6 of its resolution 47/64 D, the General Assembly also proposed “to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a transitional period or, alternatively, to provide international protection for the Palestinian people there, as part of the peace process”. This proposal, originating in an Arab plan of the early 1980s, was repeatedly reiterated by the Assembly through 1994 (see A/37/696-S/15510, annex; and General Assembly resolutions 43/176, 44/40, 45/68 and 46/75). In February and March 1994, the need for protection of the Palestinian people came into an even starker focus, following the massacre of Palestinian worshippers by an extremist Israeli settler in the Ibrahimi Mosque in Hebron. In March, the Security Council adopted resolution 904 (1994), strongly condemning the massacre in Hebron and its aftermath, and calling for the establishment of a temporary international or foreign presence, which was later established as the Temporary International Presence in Hebron.

Thereafter, from 1994 to December 2000, in its resolutions on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, the General Assembly has expressed its appreciation for the positive contribution made by the countries that participated in the Temporary International Presence in Hebron (resolutions 49/36 C; 50/29 C; 51/134; 52/67; 53/56; 54/79 and 55/133, preambular para. 14).

In 1992, the General Assembly adopted resolution 47/64 E, in which it condemned the policies and practices of Israel that violated the human rights of the Palestinian people in the Occupied Palestinian Territory; demanded that Israel abide by the Geneva Convention and that the High Contracting Parties to the Convention ensure Israel’s compliance; deplored Israel’s disregard of Security Council resolutions; reaffirmed that Israel’s occupation of Arab territories in no way changes the legal status of those territories; and, requested that the Security Council consider measures to provide protection to Palestinian civilians in the occupied territories.

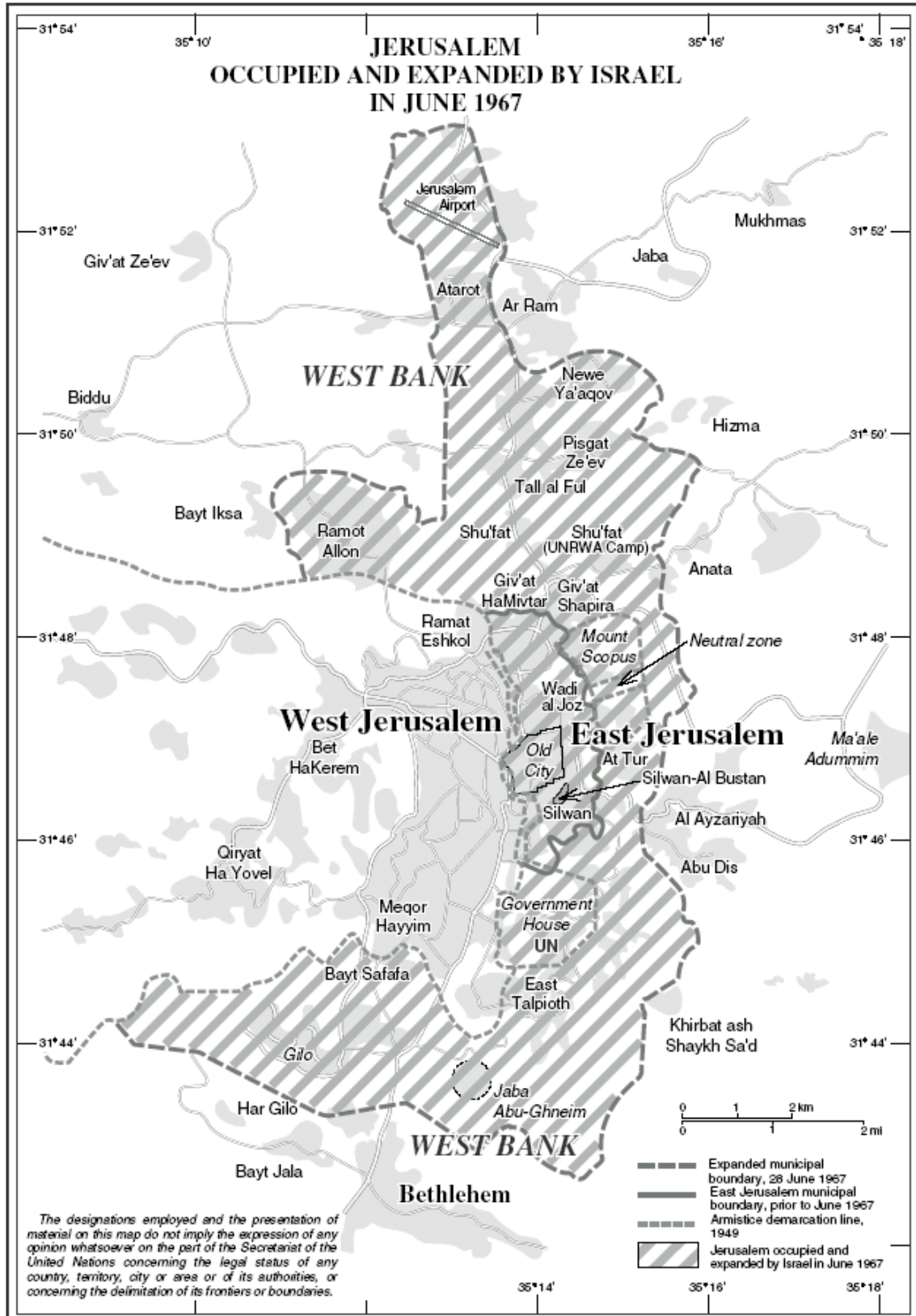
In view of developments on the ground, the Committee on the Exercise of the Inalienable Rights of the Palestinian People consistently stressed, over the period under review, in its meetings, reports and communications the need for providing effective protection to Palestinian civilians in the Occupied Palestinian Territory, focusing, among other things, on the imperative need to end human rights violations and ensure the safety and international protection of Palestinian civilians in the Occupied Palestinian Territory, including East Jerusalem, in accordance with the Fourth Geneva Convention and Security Council resolutions, in particular resolution 681 (1990) (see A/44/35, A/47/35 and A/48/35).

B. Outbreak of violence in Jerusalem and related Security Council action

On 12 October 1990, in its resolution 672 (1990), the Security Council unanimously expressed alarm at the violence which had occurred on 8 October at the Al-Haram Al-Sharif and other Holy Places in East Jerusalem occupied and expanded in June 1967, ^{25/} resulting in over 20 Palestinian deaths and more than 150 injuries among civilians and innocent worshippers. In the resolution, the Council condemned especially the violence committed by Israeli security forces. To enhance the protection of the Palestinians, the Council called upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention. The Council welcomed the decision of the Secretary-General to send a mission to the region and requested that he submit a report containing his findings and conclusions before the end of October 1990. Later in the year, in its resolution 681 (1990), the Security Council for the first time gave ongoing responsibilities to the Secretary-General with respect to the Palestinian civilians under Israeli occupation and underlined the importance of the obligations of the High Contracting Parties to the Fourth Geneva Convention with regard to ensuring their protection. This was a further extension of a similar request made by the Council to the Secretary-General earlier in its resolution 605 (1987), in which it requested him, inter alia, to submit recommendations to the Council on ensuring the safety and protection of the Palestinian civilian population under occupation.

^{24/} See United Nations, *The Question of Palestine*, p. 47f.

^{25/} See also United Nations, *The Status of Jerusalem*, 1997.



Over the decade, various other acute situations in or near East Jerusalem, including the opening of a tunnel under the Al-Aqsa Mosque in 1996, the establishment of a settlement at Jabal Abu Ghneim in 1997 and the bloody events in the Al-Haram Al-Sharif area in 2000 that would lead to the second intifada were addressed by the international community (see chap. II.H and J below).

On 14 October 1990, the Israeli Cabinet rejected Security Council resolution 672 (1990) and declared that Israel would not receive the Secretary-General's delegation. The Secretary-General sought clarification from the Government of Israel as to whether his delegation would not be received by the Government, or would be barred from entry. In a meeting with the Secretary-General on 18 October, the Acting Permanent Representative of Israel repeated that his Government did not wish the mission to come and was prepared to provide the Secretary-General with a copy of a report on the events of 8 October 1990 prepared by the Commission of Investigation, appointed by the Prime Minister of Israel. On 19 October, the Secretary-General informed the Security Council in informal consultations that, in the light of Israel's opposition, he was not in a position to dispatch a mission to the area; members of the Council encouraged him to continue efforts to send a mission. On 24 October, in its resolution 673 (1990), the Security Council unanimously deplored the refusal of the Government of Israel to receive the Secretary-General's mission, urged the Government to reconsider its decision and insisted that it comply fully with resolution 672 (1990) awaiting implementation.

On 31 October 1990, the Secretary-General submitted to the Security Council a report in accordance with resolution 672 (1990), along with three addenda (S/21919 and Corr.1 and Add. 1-3): a report prepared by B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories; a report by Al-Haq: Law in the Service of Man; and a summary of the report of the Commission of Investigation appointed by Israel. A separate Security Council document contained a letter in which Palestine transmitted the findings of the Higher Islamic Council regarding the events of 8 October 1990 at Al-Haram Al-Sharif (A/45/703-S/21926).

In his report, the Secretary-General, Javier Pérez de Cuéllar noted that although he had been unable to secure independent, first-hand information regarding the events of 8 October 1990, widespread coverage by the international press indicated that some 17 to 21 Palestinians were killed and more than 150 wounded by Israeli security forces, with more than 20 Israeli civilians and policemen wounded by Palestinians. While there were conflicting opinions as to what provoked the clashes, observers on the spot, including personnel of ICRC, stated that live ammunition was used against Palestinian civilians. On 9 November 1990, the Security Council watched a bystander's videotape of the violent clashes that took place in Jerusalem on 8 October, submitted by the Permanent Observer Mission of Palestine to the United Nations as evidence that the shooting of Arab worshippers by Israeli forces at the Al-Aqsa Mosque had been unprovoked.

The Secretary-General recalled that the Security Council, in its resolution 605 (1987), adopted in the earliest days of the first intifada, had requested him to examine the situation in the occupied territories and to submit a report containing recommendations on ensuring the safety and protection of the Palestinian civilians under occupation. On the basis of that mandate, and with the concurrence of the Government of Israel, he had been able to send a mission to the region to prepare the report. The Secretary-General also noted that each of the Security Council resolutions and presidential statements addressing the question of the safety and protection of Palestinian civilians in the occupied territories adopted since January 1988 had reaffirmed the applicability to the occupied territories of the Fourth Geneva Convention and had called upon Israel, the occupying Power, to abide by its obligations under that Convention. Moreover, the Secretary-General pointed out that article 1 of the Convention called upon "The High Contracting Parties [to] undertake to respect and to ensure respect for the present Convention in all circumstances." The Secretary-General added that Israel's position that it did not accept the de jure applicability of the Convention was neither accepted by ICRC, the guardian of the Geneva Conventions of 1949, nor endorsed by the other High Contracting Parties to the Convention.

The Secretary-General concluded his report with the following observation:

"The issue before us today is what practical steps can, in fact, be taken by the international community to ensure the safety and protection of the Palestinian civilians living under Israeli occupation. Clearly, the numerous appeals - whether by the Security Council, by myself as Secretary-General, by individual Member States or by ICRC, which is the guardian of the Geneva Conventions - to the Israeli authorities to abide by their obligations under the Fourth Geneva Convention have been ineffective. It is evident that for any measure of protection to be ensured, the cooperation of the Israeli authorities is, under the present circumstances, absolutely essential. Nevertheless, given the special responsibility of the High Contracting Parties for ensuring

respect for the Convention, the Security Council might wish to call for a meeting of the High Contracting Parties to discuss possible measures that might be taken by them under the Convention.

“It would be misleading to conclude this report - which has focused essentially on the need to ensure the safety and protection of the Palestinian civilians living under Israeli occupation - without underlining that it is a political conflict that lies at the heart of the tragic events that led to the adoption of Security Council resolutions 672 (1990) and 673 (1990). The determination of the Palestinians to persevere with the intifada, is evidence of their rejection of the occupation and their commitment to exercise their legitimate political rights, including self-determination.”

On 20 December 1990, the Security Council unanimously adopted resolution 681 (1990), after weeks of consultations and agreement by the members of the Council that an international conference, at an appropriate time and properly structured, should facilitate efforts to achieve a negotiated settlement to the Arab-Israeli conflict. The resolution reads in part as follows:

“The Security Council,

“Taking into consideration the statement by the President of the Security Council on 20 December 1990 concerning the method and approach for a comprehensive, just and lasting peace in the Arab-Israeli conflict, ...

“4. Urges the Government of Israel to accept de jure applicability of the Fourth Geneva Convention of 1949, to all the territories occupied by Israel since 1967, and to abide scrupulously by the provisions of the said Convention; ...

“6. Requests the Secretary-General, in co-operation with the International Committee of the Red Cross, to develop further the idea expressed in his report [S/21919 and Corr.1] of convening a meeting of the High Contracting Parties to the Fourth Geneva Convention ...

“7. Also requests the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, making new efforts in this regard on an urgent basis, and to utilize and designate or draw upon the United Nations and other personnel and resources present there, in the area and elsewhere, needed to accomplish this task and to keep the Security Council regularly informed.”

As stated above in connection with the first intifada, the resolution entrusted, in that clarity for the first time, ongoing responsibilities to the Secretary-General with respect to the situation of Palestinian civilians under Israeli occupation and underlined the obligations of the parties chiefly responsible under the Fourth Geneva Convention for ensuring their protection, namely Israel, the occupying Power, and the High Contracting Parties to the Convention. ^{26/} Later in the decade, prompted by the tenth emergency special session of the General Assembly, a large majority of the High Contracting Parties would meet for the first time in the history of the Convention, in order to address the matter of ensuring the enforcement of the Convention in the Occupied Palestinian Territory, including East Jerusalem (see chap. II.H and chap. III below).

C. Deportations of Palestinian civilians

From 1988 to 1993, United Nations bodies, including the Security Council, addressed with urgency Israel's policy of deporting Palestinian civilians from the Occupied Palestinian Territory, in violation of international law and with often direct onerous effects on peace efforts such as the bilateral negotiations under way in Washington, D.C., in December 1992 in the context of the Madrid peace conference. ^{27/} Israel's expulsion policy continued after that period in a much attenuated form (see A/50/463, paras. 376 and 377; see also chap. II.I and chap. III below).

In 1988, the Security Council adopted two resolutions on the issue of deportations of Palestinians from the Occupied Palestinian Territory (resolutions 607 (1988) and 608 (1988)). Also, in the presidential statement adopted on 26 August 1988 (S/20156), the members of the Council expressed profound concern over Israel's ongoing policy of deporting Palestinian civilians in contravention of Council resolutions and the Fourth Geneva Convention, as

^{26/} See S/22472 of 9 April 1991; and United Nations, *The Question of Palestine*, pp. 48-52.

^{27/} Shlaim, see footnote 14 above, at p. 509.

demonstrated on 17 August 1988, when Israel expelled four Palestinian civilians to Lebanon and declared its decision to expel 40 more. The members of the Council had requested Israel to desist immediately from deporting any Palestinian civilians and to ensure immediately the safe return of those already deported.

On 9 June 1989, the Council voted on a draft resolution submitted by seven members (S/20677), which would have strongly deplored Israel's deportation policies and would have demanded that Israel desist forthwith from deporting Palestinian civilians from the Occupied Territory and ensure the safe and immediate return of those already deported. The draft resolution was vetoed by the United States.

After Israel had once again, in defiance of United Nations resolutions, deported Palestinian civilians in the summer of 1989, the Security Council, in its resolutions 636 (1989) and 641 (1989), once more called upon Israel to desist from deportations, to ensure the safe and immediate return of those Palestinians it had deported, and to desist forthwith from deporting any other Palestinian civilians. Again, in its resolution 681 (1990), the Council deplored the decision by Israel to resume the deportation of Palestinian civilians. Continued Israeli deportations, in defiance of the Council, led to further statements and resolutions: on 27 March 1991, the members of the Council deplored Israel's decision of 24 March 1991 to expel four Palestinian civilians (S/22408); on 24 May, the Council adopted resolution 694 (1991), deploring the deportation by Israel of four Palestinians on 18 May 1991.

Since the beginning of the intifada, Israel had deported at least 66 Palestinians, not including the 12 men mentioned above, in violation of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and several resolutions of the Security Council. This was documented in a letter dated 6 January 1992, from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Secretary-General (A/46/837-S/23374). Following statements made by five speakers, including the Observer for Palestine, the Council adopted resolution 726 (1992) in which it unanimously strongly condemned the decision of Israel, the occupying Power, to resume deportations of Palestinian civilians, the first such condemnation by the Security Council of the occupying Power on the question of deportations, in the context of the fledgling Madrid peace process 21/ (see also chap. III below).

This was followed months later by the largest deportation by Israel since the 1967 war. On 17 December 1992, Israel deported 415 Palestinian civilians suspected of involvement with Hamas and Islamic Jihad, 28/ which had claimed responsibility for causing the death of nearly a dozen Israeli soldiers and policemen in the preceding weeks. 29/ The Palestinians were deported from the Occupied Palestinian Territory, mostly the Gaza Strip, to an area in southern Lebanon between the so-called security zone maintained by Israel and the rest of Lebanon. The Government of Lebanon refused to grant the deportees entry and, as a result, a tent camp was established (see A/48/278). This was the largest deportation since the 1967 war. 29/ The very next day, the Security Council adopted resolution 799 (1992), in which the Council, reaffirming previous resolutions concerning Israeli deportations, strongly condemned the actions of Israel, demanded the safe and immediate return of deportees, and requested the Secretary-General "to consider dispatching a representative to the area to follow up with the Government of Israel".

In his subsequent report to the Council, dated 25 January 1993 (S/25149), the Secretary-General noted the continued refusal of Israel to comply with resolution 799 (1992); the Secretary-General elaborated as follows:

The refusal by Israel to ensure the safe and immediate return of deportees as demanded in resolution 799 (1992), in my view, challenges the authority of the Security Council. Additionally, there is a growing perception, throughout the international community, that the Council, by not pressing for Israeli compliance with its resolutions, of which resolution 799 (1992) is only the latest, does not attach equal importance to the implementation of all of its decisions. In these circumstances, I would be failing in my duty if I did not recommend to the Security Council that it should take whatever measures are required to ensure that its unanimous decision, as set out in resolution 799 (1992), is respected.

On its part, from 1989 to 1992, the General Assembly, in its annual resolutions on the Palestinian uprising, continued to condemn the violations by Israel of the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and in particular the deportation of Palestinian civilians (see resolutions 44/2, 45/69, 46/76 and 47/64 E). In its resolution 45/130, on the importance of the universal right of peoples to self-

28/ Hamas is a Palestinian Islamic movement established in 1987 at the outset of the first intifada. Hamas is the Arabic acronym for *Harakat al-Muqawamah al-Islamiyya* or Islamic Resistance Movement. The Palestinian Islamic Jihad (*Harakat al-Jihad al-Islami al-Filastini*) became operational in the early 1980s.

29/ Gharekhan, see footnote 21 above, at p. 188.

determination and of the granting of independence to colonial countries and peoples, the Assembly called upon Israel to refrain from deporting any Palestinian civilians from the occupied Palestinian territories and to release immediately all Palestinian detainees.

Similarly, in its resolutions on the report of the Special Committee on Israeli Practices (see, e.g., resolutions 44/48 A and 48/41 C), the General Assembly from 1989 to 1993 continued to express grave concern over the deportation, expulsion, displacement and transfer of Palestinians and other Arabs from the occupied territories and demanded that Israel facilitate the return of all Palestinians deported from the Occupied Palestinian Territory since 1967.

In its annual reports to the General Assembly and in other communications during the period from 1989 to 1993, the Committee on the Exercise of the Inalienable Rights of the Palestinian People consistently protested against, and called for an immediate end to, Israel's deportation policy. In a statement adopted on 21 January 1993 (A/47/874-S/25136), the Committee strongly condemned the mass deportation of 17 December 1992 by the occupying Power as a grave breach of the Fourth Geneva Convention and in violation of numerous Security Council resolutions.

Furthermore, in view of the lack of action by the Security Council on the Secretary-General's report of 25 January 1993, submitted in accordance with resolution 799 (1992), and delays in the implementation of the agreement reached in February 1993 between the United States and Israel on the gradual repatriation of the deportees, ^{30/} the Bureau of the Committee registered its concern in a meeting with the President of the Security Council on 24 March 1993. The Committee noted that the Group of Arab States, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries, among others, had also condemned and expressed serious concern over repeated Israel's deportation policy (see A/48/35).

According to a list compiled by PLO, in 1993 there were around 1,800 Palestinians who had been deported by Israel since 1967 (see A/49/67, para. 199). During the years under consideration, the Committee has consistently supported the right of return of all those Palestinians deported since 1967.

D. Massacre of Palestinian worshippers in Hebron

On 25 February 1994, an armed Israeli settler killed 29 Palestinian worshippers at the Ibrahimi Mosque (Al-Haram Al-Ibrahimi) in Hebron (Al-Khalil). An outraged international community condemned the massacre in the strongest terms (see A/49/35, para. 23).

In his statement before the Security Council on 2 March 1994, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People strongly condemned the massacre in Hebron and reminded the international community that Israel, as the occupying Power, bore full responsibility for the protection of Palestinians in accordance with the Fourth Geneva Convention. The Committee fully supported the Palestinian request for an international presence in the Occupied Palestinian Territory and urged the Council to take measures to disarm the settlers and limit their presence and activities in Palestinian towns and villages.

On 18 March 1994, following a paragraph-by-paragraph voting procedure, the Security Council adopted resolution 904 (1994) in its entirety, without a vote. The Council, inter alia, strongly condemned the massacre in Hebron and its aftermath; called upon Israel to continue to take and implement measures, including, inter alia, the confiscation of arms, with the aim of preventing acts of violence by Israeli settlers; called for measures to guarantee the safety and protection of Palestinian civilians throughout the Occupied Territory, including, inter alia, a temporary international or foreign presence, as provided for in the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and PLO in Washington, D.C., on 13 September 1993.

^{30/} In February 1993, an agreement with the Israeli Government was secured by the newly elected President Clinton of the United States, by which 100 of the 415 deportees would be immediately repatriated and the remainder by the end of the year. The United States Government was of the view that the agreement was consistent with Security Council resolution 799 (1992) and that further action by the Security Council in that regard was unnecessary. It was not until 15 December 1993 that Israel abided fully by the demands of the international community by allowing the return of the final 197 remaining Palestinians to the Occupied Palestinian Territory (18 activists chose to remain in Lebanon). See A/49/172, para. 292, remarks by the United States Secretary of State, Warren Christopher, as reported in *Approaches towards the settlements of the Arab-Israeli conflict and the Question of Palestine*, Issue 21, February 1993.

Following the adoption of resolution 904 (1994), on 2 May 1994, the Memorandum of Understanding on the establishment of a temporary international presence in Hebron, established the Temporary International Presence in Hebron, under the provisions of the agreement reached between Israel and PLO on security arrangements for Hebron on 31 March 1994. At Copenhagen, the Memorandum was signed by representatives of Denmark, Italy and Norway, the contributing countries at the time, and agreed upon by Israel and PLO. The Temporary International Presence in Hebron was set up officially on 8 May, and its main mandate was to assist in promoting stability and restoring normal life in the city of Hebron. As there was no agreement on the extension of the three-month mandate, the Temporary International Presence in Hebron withdrew from the Palestinian city on 8 August 1994 and resumed its work only on 12 May 1996, in accordance with agreements reached under the peace process (see A/49/35, para. 23; CERD/C/282; and www.tiph.org). Despite the positive contribution made by the Temporary International Presence in Hebron – annually acknowledged by the General Assembly – the situation in Hebron remained particularly tense and volatile, with Palestinian civilians repeatedly subjected to Israeli settler violence, intimidation and harassment (see A/50/35, para. 23).

E. Extrajudicial killings

Israel's practice of extrajudicial killings of individual Palestinians was brought to the attention of the international community numerous times during the period under consideration, principally during the two Palestinian uprisings. According to annual United Nations reports, the activity of Israel's undercover units continued in the Occupied Palestinian Territory after the signing of the Declaration of Principles in 1993, if generally in a less virulent form (see, e.g., A/49/511, para. 713; and A/50/463, para. 763; see also chap. II.I below). The United Nations, individual Governments, intergovernmental organizations such as the European Union, and NGOs condemned the use of such units and the practice of extrajudicial killings.

The General Assembly condemned the use of undercover units as death squads (see resolution 47/70 A). In its resolution 1992/2, the Commission on Human Rights specifically expressed its deep concern at the contents of the report by the Special Rapporteur (E/CN.4/1991/36), regarding Israel's practice of summary or arbitrary executions. In a letter to the Secretary-General of 13 July 1993 (A/48/263-S/26078), the Permanent Observer of Palestine to the United Nations stated:

“Following up on my letter, dated 6 July 1993 (A/48/253-S/26045), concerning the report by the human rights group Middle East Watch, which affirmed that the Israeli army, through the use of undercover units, is pursuing a policy of summary executions of Palestinians in the occupied Palestinian territory, I should like to bring to your attention the findings of Amnesty International in its 1993 annual report on human rights. Amnesty International reported that, among the many human rights violations committed by Israel, “at least 120 Palestinians were shot dead by Israeli forces, often in circumstances suggesting extrajudicial executions or other unjustifiable killings”. The figure of 120 for the total amount of those killed by undercover units represents one of the more conservative tallies prepared by human rights organizations. Some groups, such as Al-Haq and Palestine Human Rights Campaign (PHRC), have arrived at figures as high as 160 killings, with many of the victims 16 years of age or younger.”

From 1990 to 1993, the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed this issue repeatedly (see A/45/35, para. 21). In 1993, the Committee reiterated its call upon the Israeli occupying forces to end the shooting of unarmed demonstrators and its undercover activities, which had resulted in summary executions (see A/48/35, para. 6).

This unlawful Israeli practice continued to be used in the mid-1990s, fuelling despair, lawlessness and brinkmanship among Palestinians. Together with the acts of violence against innocent civilians and other terrorist attacks carried out by them, such as those in early 1996 addressed below, Israel's practice of extrajudicial killings contributed to heightening tension in the Occupied Palestinian Territory instead of reducing the level of violence. ^{31/} The issue was again urgently addressed by the international community in the context of the second intifada. According to Israel Radio, broadcasting towards the end of December 2000, Israel's army had adopted a new tactic for quelling the Palestinian uprising: tracking down and killing Palestinian militants. Quoting a senior Israeli army officer, the broadcast appeared to confirm what Palestinian leaders called a “policy of assassination,” as a result of which at least 19 activists reportedly had been killed by that date. ^{32/} In a letter dated 10 January 2001, addressed to

^{31/} See also S/PRST/1996/10 of 4 March 1996 on attacks in Jerusalem on 3 March and in Tel Aviv on 4 March.

^{32/} See, for instance, Agence France-Presse, Deutsche Presse Agentur and Reuters reports on 21 December 2000.

the Secretary-General and the President of the Security Council (A/ES-10/55-S/2001/33), the Permanent Observer of Palestine stated, in part, the following:

“Although the Government of Israel maintains that its occupying forces do not shoot at Palestinian civilians unless the lives of soldiers are threatened, the killings of ... Palestinians, as well as many other Palestinian martyrs, prove that this assertion is completely false. Moreover, as noted in my previous letters, Israel, the occupying Power, clearly pursues a policy of assassination of identified Palestinian civilians, a fact stated by several high-ranking Israeli officials. As such, the occupying Power is obviously engaged, *inter alia*, in the wilful killing of civilians, in grave violation of international law and international humanitarian law.”

F. Arbitrary detention and imprisonment

From 1989 to 1992, the General Assembly, in its resolutions under the Special Committee on Israeli Practices, deplored the arbitrary detention or imprisonment by Israel of thousands of Palestinians as a result of their resistance against occupation, and called for their release (see, e.g., resolution 44/48 D). During the period under review, the Assembly repeatedly called upon Israel to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in compliance with existing peace agreements (see resolution 48/41 C and 55/133; see also chaps. III.E and IV.C below).

The issue of Palestinian prisoners was of special concern to the Committee on the Exercise of the Inalienable Rights of the Palestinian People. In 1994 and 1995, the Committee expressed concern that Israel, the occupying Power, continued to hold thousands of Palestinian prisoners inside Israel, in violation of international law. While noting that a number of Palestinian prisoners had been released in accordance with the Agreement on the Gaza Strip and the Jericho Area, the Committee also noted that this release was partial and conditional. It called upon Israel to implement the planned releases speedily and to work to ameliorate conditions of detention. The Committee was particularly alarmed by continued reports of systematic ill-treatment and torture of Palestinian detainees by Israeli interrogators (see A/49/35, para. 24; and A/50/35, para. 25).

In 1996, the Committee noted that some 3,100 Palestinians remained in Israeli prisons, and that their relatives and ICRC had experienced serious difficulties in visiting them owing to the prolonged closure of the Occupied Palestinian Territory. The Committee recalled that the bilateral peace agreements provided for the phased release of Palestinian prisoners as an important confidence-building measure, and called upon Israel to release the prisoners in accordance with the agreements. The Committee further reaffirmed that detaining prisoners in the territory of the occupying Power was a violation of the Fourth Geneva Convention and called upon Israel to respect its obligations under the Convention (see A/51/35, para. 25).

The Committee welcomed the release of 30 Palestinian women prisoners in February 1997, as well as 350 prisoners in October 1999, in accordance with the provisions of the Sharm el-Sheikh Memorandum. Israel, however, continued to hold hundreds of Palestinian prisoners, including children, under administrative detention or in facilities run by the Israeli occupying forces, and through 2000 the Committee continued to call upon Israel to release all Palestinian prisoners, pursuant to the bilateral agreements, and to abide by the provisions of the Fourth Geneva Convention. The Committee was especially alarmed by reports of: detention of Palestinians without charge or trial; torture; overcrowded confinement conditions; solitary confinement as a means of punishment; inadequate medical care, resulting in some instances in the death of prisoners; deprivation of basic facilities, such as a place to practice religion or to study; restricted access to legal counsel; the lack of privacy during legal consultations; and restrictions placed on family visits, which were arbitrarily granted by the prison administration despite the intensive efforts of ICRC to facilitate and arrange such visits (see A/52/35, paras. 4 and 23; A/53/35, paras. 16 and 21; and A/55/35, para. 22).

Moreover, on the basis of information that the Israeli authorities continued to use psychological and physical torture against Palestinian detainees, resulting in a considerable deterioration of their health, the Committee called upon Israel to respect its obligations under the relevant human rights treaties and the Fourth Geneva Convention (see A/53/35, paras. 16 and 21). In 1999, the Committee noted with satisfaction the decision adopted by the High Court of Justice of Israel in September 1999 stipulating that the General Security Service of Israel was not authorized to employ certain investigation and interrogation methods that involved the use of physical pressure against detainees (see A/54/35, para. 25).

G. Closures and curfews

Since 1993, the Security Council, the General Assembly, the Special Committee on Israeli Practices and the Committee on the Exercise of the Inalienable Rights of the Palestinian People, addressed with concern the use of collective punishment against Palestinian civilians in the Occupied Palestinian Territory, including East Jerusalem, comprising the use of external closures of the Territory; and internal closures through the encirclement or blockade of Palestinian towns and villages; checkpoints and curfews, serving no apparent security purpose. On numerous occasions, Israel was called upon to lift such closures and curfews that would at times fragment the Occupied Palestinian Territory into more than 60 enclaves (see S/1996/235 and General Assembly resolutions 48/41 C and 55/133). ^{33/}

Israel's closure policy, which was widely regarded as violating the relevant provisions of the Fourth Geneva Convention, became institutionalized during the period under consideration. This policy intensified in January 1991, during the Gulf War, when Israel cancelled general exit permits for Palestinians. This became established as a policy on 30 March 1993, following attacks by Palestinians against civilians in Israel and settlers in the Occupied Palestinian Territory. ^{34/} It was furthered by the fragmentation of the areas under Palestinian Authority control, established as a result of the Oslo agreements. ^{35/} Despite the massive human rights violations being committed, Israel maintained, including before the Security Council, that its closure policy was not a form of collective punishment against the Palestinian population, but rather a preventive measure to enhance security in Israel (see S/PV.3652).

Over the years, numerous reports have provided information on the punitive and debilitating aspects of this policy, in particular the detrimental impact on Palestinian workers and nearly 120,000 families. ^{36/} According to media and expert reports in that period, Israel's blockade, when fully in place, cost the Occupied Palestinian Territory an estimated \$7-11 million in lost GDP per day. Internal closures, which restricted mobility through hundreds of checkpoints and curfews, contributed to increased unemployment and other material losses; limited access to urgently needed public services; and, caused tremendous personal hardship for the Palestinian population. Israel's border closure policy resulted in an average loss of about 20 per cent of Palestinians' working days in Israel for the period from 1993 to 2000, with peaks in 1995, 1996 and the last quarter of 2000, as well as significant losses in Palestinian external trade and foreign investment in the Occupied Palestinian Territory. ^{37/}

The Security Council, at an urgent meeting held on 15 April 1996 to consider the serious situation in the Occupied Palestinian Territory resulting from Israel's closure policies, concluded its general debate the same day without deciding on any specific measures (see S/PV.3652). Prior to the Security Council meeting, Palestinian Authority President Arafat, in his letter of 29 March 1996 addressed to the Secretary-General (A/50/916-S/1996/233), stated:

"The general security blockade the Israeli Government has imposed on the West Bank and the Gaza Strip, its reoccupation of areas from which Israeli forces had previously been withdrawn and its failure to withdraw from the city of Hebron in accordance with the timetable agreed upon at Taba and Washington are in flagrant violation of all international covenants, conventions and customs. We consider such blockade and closure as tantamount to the declaration of a state of war against the Palestinian people, a people that have chosen the road of peace but that for more than a month have been subjected to the worst and most unjust form of collective punishment, to say nothing of the starvation of children, women and the elderly and contempt for basic rights that should be respected in the same manner as human rights in all countries of the world."

^{33/} See also "UNSCO Special Report: An Analysis of the Israeli Closure Policy" in the *Second Quarterly Report on Economic and Social Conditions in the West Bank and Gaza Strip*, April 1997; and Sara Roy, *Decline and Disfigurement: The Palestinian Economy after Oslo*, in *The New Intifada: Resisting Israel's Apartheid* (editor, Roan Carey), Verso, 2001.

^{34/} Shlaim, see footnote 14 above, at p. 510, details that in March 1993, 13 Israelis were killed by Palestinians, mostly belonging to Hamas, to which Prime Minister Rabin responded with a "massive retaliation", including the closure of Israel's pre-1967 border, the "Green Line", to Palestinian workers.

^{35/} Amnesty International, *Demolition and dispossession: the destruction of Palestinian homes*, 8 December 1999, found 227 parcels under Palestinian control surrounded by areas under Israeli control, with no Palestinian living more than 6km from an area under Israeli control.

^{36/} Shlaim, see footnote 14 above, at p. 510; see also A/46/522; B'Tselem, *Civilians under siege*, (information sheet), January 2001; and annual reports of the United States Department of State on human rights.

^{37/} A/54/134-E/1999/85, para.11, and A/54/325, para. 89; UNSCO, "The impact on the Palestinian economy of confrontations, mobility restrictions and border closures, 28 September-26 November 2000" and A/55/84-E/2000/16 and A/56/90-E/2001/17.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, in its reports and communications, spearheaded efforts to draw attention to the debilitating effects of closures on the Palestinian people. For instance, in his letter of 28 May 1993 addressed to the Secretary-General (A/47/959-S/25862), the Chairman of the Committee drew attention to the deteriorating situation in the Occupied Palestinian Territory as a result of the prolonged closure and isolation of the Territory by Israel in the following terms:

“According to a report published recently by the Jerusalem-based Palestine Human Rights Information Centre, Israel’s prolonged and indefinite closure of the West Bank and Gaza Strip and the isolation of East Jerusalem since 30 March has been ‘the most damaging and disruptive policy of the occupying Power on the daily lives of the Palestinian people under occupation’. This policy of collective punishment has, according to the same report, ‘restricted the movement of millions of Palestinians and deprived them of access to health-care facilities, food and medical supplies, employment and education and places of worship in Jerusalem.’

“On 21 April, the New York-based human rights organization Middle East Watch expressed deep concern at the hardships caused by the closure of the territories, which include the abrupt loss of income for some 100,000 Palestinians who were employed in Israel and East Jerusalem; the lack of access to hospitals, mosques, churches, schools, banks and so on; and the fragmentation of the occupied territories into four sectors that are inaccessible to one another without permits that are hard to obtain.”

The following year, the Committee noted with concern that the continuation by the Government of Israel of its policy of closures of the city of Jerusalem and of the Gaza Strip had caused a dramatic increase in tensions (see A/49/35, para. 25). In 1994/1995, the Committee again reported on the devastating effect of the closures on the overall livelihood of the Palestinian population in an economy much intertwined with that of Israel, as well as on Palestinian education and health. The closures also negatively affected the internal movement of goods and services between the West Bank and Gaza Strip, in particular agricultural products, which are a main source of income for thousands of Palestinian households, negatively impacting the Palestinian economy (see A/50/35, para. 24).

In 1996, the Committee noted with grave concern the exacerbation of the situation on the ground as a result of Israeli measures in the wake of suicide attacks against Israeli civilians in February and March. The prolonged and at times complete closure of the Gaza Strip, the West Bank and East Jerusalem further stifled the Palestinian economy and caused immense suffering and hardship for the civilian population. Moreover, according to a report prepared by UNSCO, the Palestinian economy had lost \$6 billion from 1992 to 1996, mostly owing to Israeli closures of the West Bank and Gaza Strip, which prevented Palestinian workers from reaching jobs in Israel; some 51,000 Palestinians had been licensed to work in Israel each day until 30 July 1997. The closures resulted in a 36 per cent drop in per capita gross national product, from \$2,700 in 1992 to \$1,700 in 1996 (see A/52/35, paras. 26 and 27).

The imposition on 25 February 1996 of the closure of areas under Palestinian jurisdiction fragmented the territory into many small enclaves isolated from each other and from the outside world. It was reported that this closure was the strictest ever since the beginning of the occupation in 1967 (see A/51/35, paras. 23, 26, 43 and 44). During 1996/1997, the Committee found that Israel continued arbitrarily to impose closures in response to its alleged security needs.

The Committee expressed grave concern at the imposition by Israel of a blockade of the West Bank and Gaza Strip following the suicide bombing in West Jerusalem on 30 July 1997. The Bureau of the Committee unreservedly condemned all acts of violence against defenceless civilians. The Bureau, in a statement issued to the press on 6 August 1997 (GA/PAL/766), also stated that harsh retaliatory measures on the part of the Israeli Government would dangerously exacerbate the state of the Palestinian economy and result in greater hardship and despair among the Palestinian population. The Committee also reiterated its position that the practice of closures was in direct contravention to the provisions of the Fourth Geneva Convention (see A/52/35, para. 28). Nevertheless, Israel reimposed a closure following another suicide operation in West Jerusalem on 4 September 1997. The following year, the Committee observed with great concern that the Palestinian economy continued to suffer owing to the prolonged closures of the West Bank and Gaza Strip and the resulting fragmentation of the Territory (see A/53/35, para. 22).

According to the Secretary-General’s report on assistance to the Palestinian people, in 1998 fewer comprehensive closures were imposed on the Occupied Palestinian Territory. Such closures still affected 5.2 per cent of working days in 1998 (see A/54/134-S/1998/85, para. 11; and A/54/325, para. 89).

In September 2000, with the outbreak of the second intifada, Israel reverted to an intensified comprehensive closure policy. As a result, the total loss in Palestinian gross national income for the first 15 months of the intifada was estimated by the World Bank at \$2.4 billion. ^{38/} According to the UNSCO report of 17 February 2001, during the 123-day period from 1 October 2000 to 31 January 2001, the Israeli-Palestinian border used by Palestinian labourers to work in Israel and trade flows was closed for 93 days or 75.6 per cent of the time. Internal movement restrictions and internal closures, partial or severe, were in place 100 per cent of the time in the West Bank and 89 per cent of the time in the Gaza Strip. The international border crossings to Jordan (from the West Bank) and to Egypt (from the Gaza Strip) were closed for 29 per cent and 50 per cent of the time, respectively.

H. Settlement activities, including at Jabal Abu Ghneim

Throughout the period under consideration, Israel accelerated its illegal settlement activities, construction of bypass road networks and expropriation of Palestinian land. This further hemmed in the Palestinian civilian population and related infrastructure and caused serious concern within the international community at a time when peace efforts were expected to resolve such major issues as the settlements, considered illegal under international law. ^{39/} Israel's settlement activities throughout the 1990s resulted in the doubling of the number of settlers in the West Bank and Gaza Strip; a one-third increase in Israeli settlers in expanded East Jerusalem; the establishment of new settlements and expansion of existing settlements; and, the creation of so-called "settlement outposts". ^{40/} By the end of 2000, the Israeli settler population in the West Bank and Gaza Strip had exceeded 200,000 persons, with an additional 200,000 Israeli settlers in Occupied East Jerusalem. ^{41/}

By the mid-1990s, it had become evident that land confiscation and settlement expansion were taking place at a much accelerated pace, in particular in and around occupied East Jerusalem (see A/50/35, paras. 22 and 32; and A/49/831-S/1995/50). The General Assembly reiterated numerous times its long-standing position that Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, were illegal under international law and an obstacle to peace. In its resolution 51/133, the Assembly expressed grave concern over the decision of the Government of Israel to resume settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties. Similarly, in the context of the peace process negotiations leading to the conclusion of the Sharm el-Sheikh Memorandum in 1999, concern over increased settlement activity was clearly expressed by the United States and the European Union. ^{42/} Both the Security Council and the General Assembly also called upon Israel effectively to prevent acts of violence by Israeli settlers. By the mid-1990s, it had become evident that land confiscation and settlement expansion were taking place at a much accelerated pace, in particular in and around occupied East Jerusalem (ibid.). On 15 March 1990, in response to a request by the Soviet Union, the Security Council considered "unlawful Israeli moves to settle the occupied territories." The request, contained in a letter to the President of the Security Council dated 12 February 1990 (S/21139), stated that Israeli settlement activities ran counter to the Fourth Geneva Convention, which precluded any changes in the demographic composition of the occupied territories, and obstructed the Middle East peace efforts. ^{43/} During March and May 1990, the Council held six meetings on the settlements issue, but adjourned on 3 May without taking any action. ^{44/}

The Council again discussed Israeli settlements at an urgent meeting on 28 February 1995. In his statement on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Chairman stated that Israel's continued policy of establishing settlements in Occupied Palestinian Territory was a direct and serious contravention of article 49 of the Fourth Geneva Convention, and a violation of Security Council resolutions, including

^{38/} World Bank, *Fifteen Months – Intifada, Closures and Palestinian Economic Crisis*, 18 March 2002, p. v.

^{39/} For instance, "As the delegates gathered in Washington for the fourth round of talks, toward the end of February 1992, Shamir declared that the settlement drive would continue and that he himself would not be party to any deals that placed the drive at risk. He specifically rejected any link between the settlement issue and Israel's request for a U.S. loan guarantee." Shlaim, see footnote 14 above, at p. 497.

^{40/} See Foundation for Middle East Peace, *Report on Israeli settlements in the occupied territories*, vol. 11, No. 3, May-June 2001, p. 1.

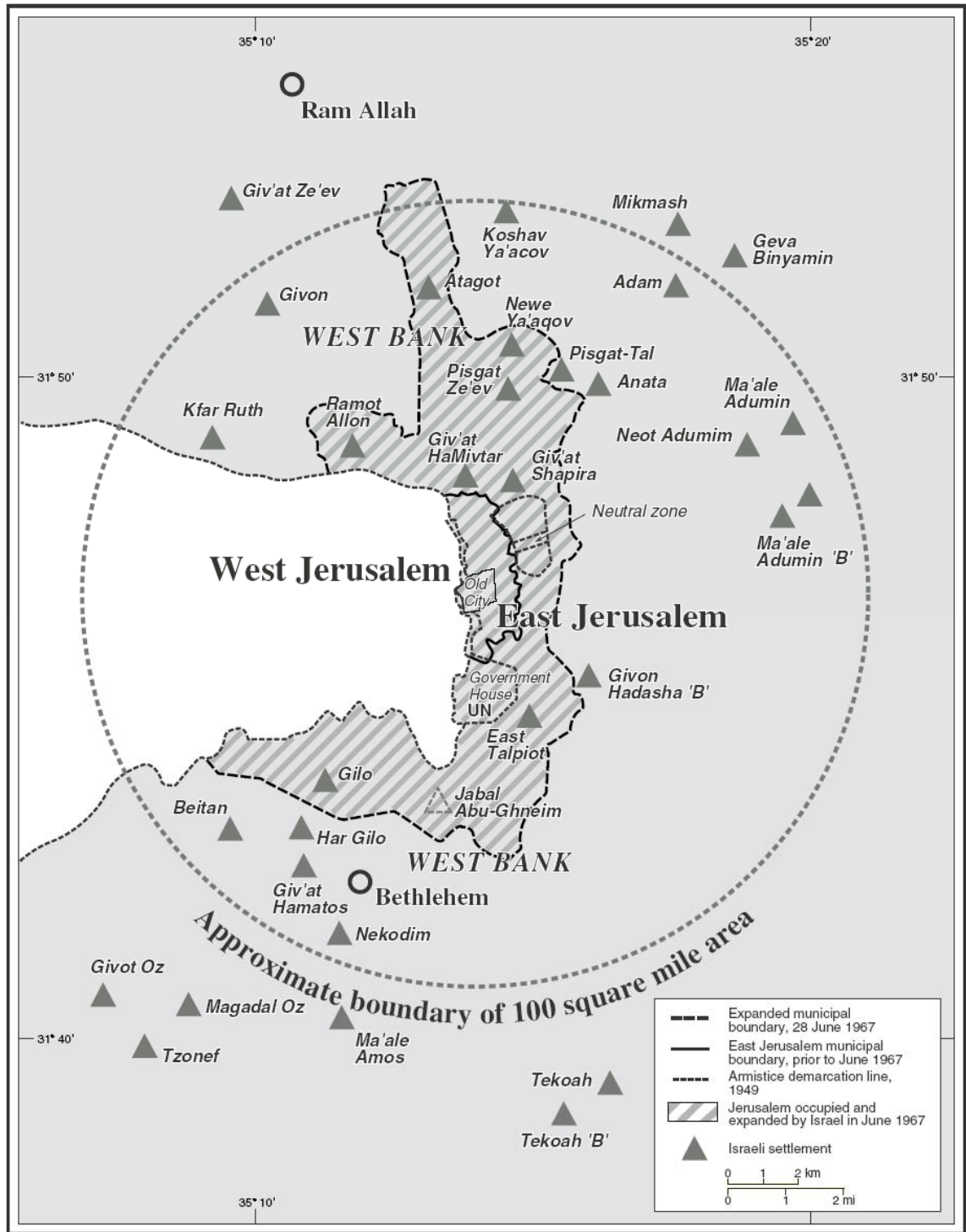
^{41/} Ibid., vol. 11, No. 2, March-April 2001, p. 8. On 27 July 2000, the Ministry of the Interior of Israel announced that the number of settlers in the occupied West Bank and the Gaza Strip had risen in the past year by 13,600, or 7.5 per cent, and stood at some 200,000 Israelis.

^{42/} United States and European Union "letters of assurance" on settlements – e.g., see Clayton E. Swisher, *The truth about Camp David*, New York 2004, p.54f.

^{43/} In particular, para. 6 of art. 49 of the Convention. See also ICRC Commentary at <http://www.icrc.org/ihl.nsf>.

^{44/} United Nations, *The Question of Palestine 1979-1990*, pp. 32ff.

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resolutions 446 (1979), 452 (1979) and 465 (1980). The Chairman noted that these developments came at a time when the implementation of the second stage of the Declaration of Principles, including the redeployment of the Israeli forces from populated areas in the West Bank and the election of the Palestinian Council, had been delayed for seven months. The Security Council concluded its debate the same day without adopting any specific measures (see A/50/35, paras. 22 and 30-40).

Between 12 and 17 May 1995, the Council again met to discuss the issue, particularly Israeli plans to confiscate Palestinian land in the area of East Jerusalem. On 17 May 1995, a draft resolution (S/1995/394) was submitted to the Council, calling upon Israel to rescind the expropriation orders and to refrain from such actions in the future, and expressing full support for the Middle East peace process and its achievements, including the Declaration of Principles and subsequent implementation agreements. The resolution was vetoed by the United States (see S/PV.3538).

The following year, on 26 September 1996, the Committee noted with alarm that the Israeli authorities, in violation of Israel's obligations under international law and the relevant Security Council resolutions, had opened an entrance to a tunnel in the vicinity of Al-Haram Al-Sharif in occupied East Jerusalem. This action triggered unrest and demonstrations among the Palestinians. In accordance with the signed agreements, questions centring on Jerusalem were considered to be part of the final status negotiation issues. The Committee expressed grave concern over the shooting of Palestinians demonstrating against the Israeli action and the resulting escalation of violence, resulting in the deaths of 40 Palestinians and 11 Israelis (see A/51/418-S/1996/795). An Israeli expert analyst referred to the three days of protests, clashes and bloodshed as the "tunnel uprising". In his view, the uprising together with a "broad national consensus" in the Knesset clearly favouring the continuation of the peace efforts under way as well as the active involvement by the United States at the highest level, led the Government of Prime Minister Netanyahu to yield some ground to the Palestinians in negotiations on Hebron, if only to adopt subsequently a "confrontational line on Jerusalem" 45/ (see chap. III.E below).

For its part, the Security Council met on 27 and 28 September 1996 to address recent developments, in particular the opening by Israel of a tunnel under the Western Wall of the Al-Aqsa Mosque in East Jerusalem and subsequent unrest and bloodshed (see S/1996/790). Some 50 high-level speakers addressed the Council. At the end of the debate, the Council adopted resolution 1073 on 28 September 1996, with 14 votes in favour, none against and 1 abstention (United States). The resolution called for the immediate cessation and reversal of all acts that had aggravated the situation and had negative implications for the Middle East peace process, and for the immediate resumption of negotiations on the agreed basis and the timely implementation of the agreements. Expressing its deep concern about the tragic events in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip, which resulted in a high number of deaths and injuries among Palestinian civilians, the Security Council also called for "the safety and protection of Palestinian civilians to be ensured" (see focus and chap. III below).

Focus: Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People alarmed over the opening of a tunnel under the Al-Aqsa Mosque in 1996

On 26 September, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in a letter addressed to the Secretary-General, expressed great anxiety at the violence that resulted from Israel's decision to open a new entrance to an archaeological tunnel in East Jerusalem, which runs under Arab property along the western wall of the Al-Haram Al-Sharif, the third most important site of Islam (A/51/418-S/1996/795; see also A/51/35, para. 33; A/51/416-S/1996/793; and A/51/400-S/1996/779). He continued:

"According to reports in the media, protest demonstrations by Palestinians were met with live ammunition, rubber bullets and tear gas by Israeli troops. Clashes have taken place in the West Bank towns of Ramallah, Bethlehem, Halhoul near Hebron, Jenin, and Qalqilya, as well as in the Gaza Strip. There have been reports that Israeli troops entered areas under the jurisdiction of the Palestinian Authority, and that gunfire was exchanged with Palestinian policemen. The latest press dispatches indicate that 40 Palestinians and 11 Israelis have been killed, and several hundred have been injured, the highest toll since the intifada."

45/ Shlaim, see footnote 14 above, at pp. 576-579.

In response to Israel's decision in February 1997 to begin construction of the "Har Homa" settlement in the Jabal Abu Ghneim area south of occupied East Jerusalem on the road to Bethlehem, the Council met, on 5 March 1997, to consider "the situation in the occupied Arab territories", in particular Israel's decision of 26 February to begin construction of a settlement in the Jabal Abu Ghneim area south of occupied East Jerusalem. In a letter dated 28 February addressed to the Secretary-General and to the President of the Security Council, the Chairman of the Committee deplored Israel's decision to build the new settlement, in contravention of international law, the Fourth Geneva Convention and numerous resolutions of the Security Council and of the General Assembly (A/51/812-S/1997/172). The letter continued:

"The Committee reaffirms that, in accordance with Security Council resolution 465 (1980) of 1 March 1980 and other resolutions, all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and must be rescinded. The Council also called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories.

"The Committee considers that the growing expansion and consolidation of settlements create facts on the ground inconsistent with Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, which the current peace process seeks to implement. They seriously undermine the agreements reached between Israel and the Palestine Liberation Organization and jeopardize the much-needed process of confidence building between the parties."

The Chairman of the Committee participated in the Security Council debate on this issue on 5 March 1997, seeking to annul Israel's decision (see S/PV.3745).

After the debate on 7 March 1997, the Security Council failed to adopt the draft resolution (see S/1997/199) sponsored by France, Portugal, Sweden and the United Kingdom, by a vote of 14 in favour to 1 against (United States). Under the draft resolution, had it been adopted, the Council would have called upon Israel to refrain from all actions or measures, including settlement activities, which altered the facts on the ground, pre-empted final status negotiations, and had negative implications for the Middle East peace process, and to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention. It also would have called upon all parties to continue, in the interests of peace and security, their negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached.

After the urgent meeting of the General Assembly held on 12 March 1997, the Security Council reconvened to address again the crisis in Jabal Abu Ghneim on 21 March 1997 (S/PV.3756). The resulting draft resolution (S/1997/241), if adopted, would have demanded that Israel immediately cease construction of the Jabal Abu Ghneim settlement in East Jerusalem, as well as all other Israeli settlement activities in the Occupied Palestinian Territory. The United States again exercised its veto power. Thirteen members of the Council voted in favour, with one abstention (Costa Rica).

In view of two consecutive negative votes by the United States, which prevented the Security Council from acting, the Permanent Observer of Palestine to the United Nations stated that he would take the issue before an emergency meeting of the General Assembly (see S/PV.3747). Thus, following the required procedural measures, the tenth emergency special session of the General Assembly convened in April 1997 to address "illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

The Security Council also held two meetings on 30 June 1998 following Israel's decision to expand the boundaries of Jerusalem westwards and create an umbrella municipality that would include a number of settlements in the West Bank (see SC/6626). In the debate, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People expressed the hope that the Council would take timely measures, with the support of the sponsors of the peace process, to put an end to the unilateral decisions concerning control over the Holy City of Jerusalem, which should remain the living symbol of peaceful coexistence among religions and peoples that are different yet complementary (see S/PV.3900 (resumption)).

In a statement issued by its President on 13 July 1998 (S/PRST/1998/21), the Security Council recognized the importance and sensitivity of the issue of Jerusalem to all parties; expressed its support for the decision of PLO and the Government of Israel, in accordance with the Declaration of Principles, to cover the issue of Jerusalem in permanent status negotiations; and, called upon the parties to avoid actions which might prejudice the outcome of

those negotiations. The Council also stated that it considered Israel's decision to broaden the jurisdiction and planning boundaries of Jerusalem a serious and damaging development, and called upon Israel not to proceed with that decision, not to take any other steps which would prejudice the outcome of the permanent status negotiations, and to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention.

Meanwhile, in view of the situation on the ground and the inability of the Security Council to act on 7 March 1997, the General Assembly held an urgent meeting on 12 March, at the request of the Group of Arab States and the Movement of Non-Aligned Countries. On 13 March 1997, the Assembly adopted, by 130 votes in favour to 2 against, with 2 abstentions, resolution 51/223 entitled "Israeli settlement activities in the Occupied Palestinian Territory, in particular in occupied East Jerusalem." In the resolution, based on the aforementioned Security Council draft resolution vetoed on 7 March, the Assembly expressed deep concern at Israel's decision to initiate new settlement activities in the Jabal Abu Ghneim area in East Jerusalem; called upon Israel to refrain from all actions or measures, including settlement activities, which altered the facts on the ground, pre-empting the final status negotiations and had negative implications for the Middle East peace process; and, to abide scrupulously by the Fourth Geneva Convention. Furthermore, the Assembly called upon all parties to continue their negotiations within the Middle East peace process.

Following the aforementioned veto in the Security Council on 21 March 1997, the tenth emergency special session of the General Assembly – the first in 15 years – convened on 24 and 25 April 1997 to consider the item entitled "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory," in accordance with the provisions of the "Uniting for Peace" resolution (General Assembly resolution 377(V) A). During the debate, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People condemned any resort to violence, in particular against civilians, and recalled that the peace process had made progress because both parties accepted the principles of land for peace and a negotiated solution, in accordance with Security Council resolutions 242 (1967) and 338 (1973) (see A/ES-10/PV.1). On 25 April, the General Assembly adopted resolution ES-10/2, by a recorded vote of 134 votes in favour to 3 against, with 11 abstentions.

In the resolution, the Assembly condemned the construction by Israel of a new settlement in Jabal Abu Ghneim; reaffirmed that all legislative and administrative measures and actions taken by Israel that had altered the character, legal status and demographic composition of Jerusalem are null and void and have no validity whatsoever; reaffirmed that Israeli settlements in all the territories occupied by Israel since 1967 were illegal and an obstacle to peace; demanded immediate and full cessation of the construction in Jabal Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem; and called for the cessation of all forms of assistance and support for illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, in particular settlement activities.

The Assembly also requested the Secretary-General, who subsequently had intended to dispatch a special envoy to the area, to report on the implementation of this resolution within two months of its adoption. Owing to the restrictions imposed by Israel on the scope of the envisaged mission, which were not acceptable to the United Nations, it had not been possible to dispatch the Special Envoy in conditions under which he could discharge the mandate entrusted to the Secretary-General by the Assembly in a fully satisfactory manner. Therefore, he based the substantive portion of his report on reliable sources available to the United Nations at Headquarters and in the field (see A/ES-10/6-S/1997/494, paras. 1-14).

Following the submission by the Secretary-General of the report requested under General Assembly resolution ES-10/2, the tenth emergency special session resumed for the first time on 15 July 1997. At the end of the debate the same day, the Assembly adopted resolution ES-10/3, by a recorded vote of 131 votes in favour to 3 against, with 14 abstentions. In the resolution, the Assembly reiterated its demand for the immediate and full cessation of the construction of a new settlement at Jabal Abu Ghneim, and demanded that Israel cease and reverse all actions taken illegally, in contravention of international law, against Palestinian Jerusalemites. It demanded that Israel make available to Member States the necessary information about goods produced or manufactured in the settlements in the Occupied Palestinian Territory, including East Jerusalem. It also recommended that the High Contracting Parties to the Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect, in accordance with common article 1, and requested the Secretary-General to submit a report on the matter within three months.

Following the issuance of the reports of the Secretary-General, pursuant to General Assembly resolution ES-10/3 (A/ES-10/16-S/1997/798 and Add.1), the emergency special session was reconvened for the second time on

13 November 1997.⁴⁶ During the debate, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People made a statement in which he called upon the Assembly to express the position and will of the international community in a clear and forthright manner (A/ES-10/PV.6). The Permanent representative of the Russian Federation said that his country deeply regretted that Israel was not implementing the decisions, made in April and July at earlier stages of the emergency special session, on putting an end to the settlement activities in East Jerusalem and other Palestinian territories. The Russian Federation opposed any unilateral actions negatively affecting the negotiating process. The representative once again called upon Israel to halt the construction of new settlements and immediately to start a full-scale practical implementation of the Palestinian-Israeli agreements. Israeli security concerns should, of course, be duly taken into account.

The representative of South Africa stated that Israel's flagrant violation of the Security Council and General Assembly resolutions could not be allowed to continue with impunity. South Africa would vote in favour of the resolution because it sent a clear message to the Government of Israel that the international community was determined to put the peace process firmly back on track and usher in a new era free of conflict, tensions and violence in the Middle East.

The representative of Canada remarked that with regard to operative paragraphs 3, 4 and 5 of the draft resolution, Canadian policy was that the Fourth Geneva Convention did apply to the territories occupied by Israel in 1967, including East Jerusalem. As a High Contracting Party, Canada's decision about the merits of convening the conference called for in operative paragraph 4 would be made after a full examination of the necessity, possible outcome and impact on the peace process of such a conference. On 13 November 1997, the General Assembly adopted resolution ES-10/4, by a recorded vote of 139 to 3, with 13 abstentions.

In the resolution, the Assembly condemned the failure of the Government of Israel to comply with the provisions of the two previous resolutions; reiterated its recommendation for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention; recommended to the Government of Switzerland, in its capacity as the depositary of the Fourth Geneva Convention, to undertake the necessary steps, including the convening of a meeting of experts, as soon as possible and with a target date not later than the end of February 1998; and called for renewing momentum into the stalled Middle East peace process by implementing the agreements reached between the Government of Israel and the Palestine Liberation Organization and upholding the principle of land for peace.

The tenth emergency special session was reconvened for the third time, on 17 March 1998.^{47/} The Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People took part in the debate among over 120 other delegations and made a statement in which he called upon the Government of Israel to comply with the provisions of the Fourth Geneva Convention and the recommendations of the General Assembly, and to cooperate fully in the preparatory work for the meeting of experts and the proposed conference of High Contracting Parties (see A/ES-10/PV.8).

At the end of the debate, on 17 March, the General Assembly adopted resolution ES-10/5, by a recorded vote of 120 to 3, with 5 abstentions, in which it reiterated its condemnation of Israel's failure to comply with the provisions of previous resolutions; reiterated all of the demands made in those resolutions; reiterated once again its recommendation concerning the convening of a conference on measures to enforce the Fourth Geneva Convention in the Occupied Palestinian Territory and its recommendation to the Government of Switzerland to undertake the necessary preparatory steps for such a conference; and extended the target date for the convening of the meeting of experts until the end of April 1998.

The emergency special session was resumed on 5 February 1999, for the fourth time. The Chairman of the Committee made a statement in which he reviewed the situation on the ground, as well as in the peace process. He expressed support for, and stressed the crucial importance of, convening a conference of the High Contracting Parties to the Fourth Geneva Convention (see A/ES-10/PV.10). On 9 February 1999, the General Assembly adopted

^{46/} The meeting was requested by the Permanent Representative of Yemen in his capacity as Chairman of the Arab Group (A/ES-10/17 of 28 October 1997); the Permanent Representative of Indonesia, in his capacity as Chairman of the Islamic Group of the Organization of the Islamic Conference in New York (A/ES-10/18 of 31 October 1997); and the Permanent Representative of Colombia, in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries (A/ES-10/19 of 31 October 1997).

^{47/} At the request of the Permanent Representative of the Syrian Arab Republic in his capacity as the Chairman of the Arab Group (A/ES-10/21 of 12 March 1998) and by the Permanent Representative of Colombia in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries (A/ES-10/22 of 13 March 1998).

resolution ES-10/6, by a recorded vote of 115 to 2, with 5 abstentions. In the resolution, the Assembly condemned Israel's refusal to comply with the provisions of earlier resolutions, and reiterated those provisions; expressed grave concern at the adoption by the Knesset of the law dated 26 January 1999 and the legislation dated 27 January 1999, which extended Israeli law over settlements in the West Bank and Gaza; and, recommended that the High Contracting Parties convene a conference on 15 July 1999 at the United Nations Office at Geneva on measures to enforce the Fourth Geneva Convention in the Occupied Palestinian Territory. The Assembly expressed confidence that Palestine, as a party directly concerned, would participate in the conference.

The Conference of the High Contracting Parties, the first of its kind in the history of the Convention, was held at Geneva on 15 July 1999, as recommended by the General Assembly at its tenth emergency special session and was attended by 103 countries. The participants reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and reiterated the need for full respect there for the provisions of the Convention. In the statement issued by the Conference at its adjournment, the participating High Contracting Parties stated that it would convene again in the light of consultations on the development of the humanitarian situation in the field. Reconvening the Conference remained under consideration in 2000, as the situation on the ground did not improve.

Provocations and illegal actions by Israel, the occupying Power, continued and intensified. On the heels of the Conference, Israel announced that it would allow 27 of 31 settler hilltops encampments, or "outposts", which were placed near existing settlements since the signing of the Wye River Memorandum, to remain intact (see A/53/1032-S/1999/854). According to a press report, an Israeli security establishment study had concluded that at least 10 of 40 settlement "outposts" established in the West Bank after the signing of the Memorandum were "clearly illegal". ^{48/} In other worrisome developments on the ground, Israeli militant settlers, on 6 October 1998, laid the cornerstone for a new housing project in the settlement of "Tel Rumeida" situated in the heart of Hebron, where the Government of Israel had agreed to build permanent structures to replace trailer homes. On the same day, Prime Minister Netanyahu attended a ceremony to mark the official redesignation of the West Bank settlement of "Ariel" into a city. ^{49/}

The fifth resumption of the tenth emergency special session took place after the onset of the second intifada that had erupted in September 2000. On 20 October 2000, the General Assembly adopted resolution ES-10/7, which will be more fully addressed below. In the resolution, the Assembly, inter alia, called upon the High Contracting Parties to the Fourth Geneva Convention to ensure respect for the Convention, in accordance with the statement adopted in Geneva on 15 July 1999.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People reiterated over the years its concern over the provocative and often violent actions of extremist settlers occupying Palestinian land, erecting makeshift houses and other structures aiming to colonize the Occupied Palestinian Territory, engaging in violent confrontations with Palestinians, and to express their opposition to the peace process. During 1999 and 2000, settlers reportedly were collecting considerable donations in Israel and abroad to purchase special military and rescue equipment. According to the "Council of Jewish Communities in Judea, Samaria and Gaza", the equipment was purchased in full coordination with the Israel Defense Forces (IDF), including the Regional Defence Officer in the IDF Central Command. In this regard, the Committee was alarmed by reports of increased settler activity, especially since the Camp David peace summit held earlier in 2000, including a noticeable increase in the number of settlers with IDF-issued weapons and settlement fortification works in the vicinity of Hebron and Nablus, in particular (see A/55/35, para. 20).

Moreover, in its annual report issued in 2000, the Committee on the Exercise of the Inalienable Rights of the Palestinian People reaffirmed that the policy of confiscation of Palestinian land, demolition of houses and other Palestinian property, and construction of settlements constituted a serious violation of international law, in particular the Fourth Geneva Convention. The Committee was particularly appalled by the intensified construction at the Jabal Abu Ghneim and Ras al-Amud neighbourhoods of East Jerusalem (ibid., para. 19).

^{48/} *Yediot Aharonot*, 16 September 1999.

^{49/} See "Chronological review of events relating to the question of Palestine", October 1998.

I. Human rights situation

During the period under consideration, the human rights situation in the Occupied Palestinian Territory seriously deteriorated as a result of the increasingly repressive measures taken by Israel against the Palestinian civilian population. Steadily, a climate of diminishing trust, growing Israeli military operations, including reoccupation of Palestinian areas previously redeployed from, and acts of violence against civilians such as indiscriminate bombings emerged. Human rights violations were particularly egregious during the two major Palestinian uprisings that, respectively, were under way at the beginning of the period under consideration, until 1993, and the end, starting on 28 September 2000. In its “Country reports on human rights practices – 2000”, released by the Bureau of Democracy, Human Rights, and Labour in February 2001, the United States Department of State concluded that Israel’s overall human rights record in the occupied territories was poor.

United Nations resolutions and reports continued to reflect the view that occupation itself was a violation of human rights, impeding the Palestinian people’s right to self-determination and obstructing efforts to achieve sustainable development and a sound economic environment. ^{50/} The Assembly repeatedly determined that Israel’s violations constituted a serious obstacle to the efforts to achieve a comprehensive, just and lasting peace in the Middle East (see resolutions 44/48 A and C, 47/70 C and 55/133). As mentioned above, since December 1996, the General Assembly also has expressed in annual resolutions entitled “Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories” grave concern over Israel’s continuation of settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties (see resolutions 51/133, 52/66, 53/55, 54/78 and 55/132).

Over the years, the Security Council and the General Assembly have each responded to particularly grave violations of human rights of the Palestinian people under Israeli occupation, in particular deportations, settler violence such as the massacre at Al-Haram Al-Ibrahimi in Hebron and accelerated settlement activity, as well as Israeli actions against Palestinian civilians and civilian property during the two Palestinian uprisings.

Despite tangible progress on the ground following the signing of the Declaration of Principles in 1993, Israel’s human rights violations persisted in many ways, and were detailed in reports prepared by the United Nations, Governments and human rights groups. ^{51/} Reported violations included: the killing and wounding of Palestinians; ill treatment and torture, including of children and minors; deportation and denial of the right to return; detention without trial; collective punishment and mass arrests; interference with the right to peaceful assembly and association, of the right to a fair trial, of the freedoms of speech, the press, expression and worship, and of the right not to be subjected to discrimination as to race, sex, language, religion, political opinion or other status; demolition and sealing of houses; uprooting of trees; transformation of the Palestinian landscape and pillage of historical, cultural and religious sites, especially in Jerusalem; interference with the system of education and the economic and social development of the Palestinian people; as well as the confiscation of land, construction of “bypass roads” ^{52/} for illegal construction and expansion of settlements and related infrastructure.

At the United Nations, responsibility for examining the human rights situation in the territory occupied by Israel since 1967 continued to rest primarily with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, established by the General Assembly in 1968 for this purpose. Whereas the General Assembly continued to demand that Israel cooperate with the Special Committee, Israel refused to recognize the mandate of the Special Committee and extend any cooperation. It refused to give the Special Committee access to any part of the Occupied Palestinian Territory, including East Jerusalem, not even the Gaza Strip or Jericho, where the Special Committee had hoped to visit in 1994, following the signing of the agreement between PLO and Israel on these areas (see, e.g., A/49/511, paras. 687 and 688). Since 1993, for much of the period under review, the Special Committee has issued annual as well as periodic reports and continued to make recommendations to help safeguard the basic human rights of the Palestinian people.

^{50/} See, for instance, General Assembly resolutions on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, most recently, resolution 55/130; Human Rights Subcommission resolution 1996/6 and Economic and Social Council resolution 2000/31.

^{51/} For instance, the United States Department of State, *Country Reports on Human Rights Practices – 2000*, section entitled “Occupied territories”, released by the Bureau of Democracy, Human Rights, and Labor, February 2001; the report states that Israel’s overall human rights record in the occupied territories was poor.

^{52/} Settlements are linked to each other and to Israel by a series of bypass roads patrolled by the Israeli military and strictly off limits to Palestinians. In the West Bank there are some 340 km of bypass roads, covering an area (with buffer zones on either side) of 51.5 km².

The General Assembly consistently requested the Special Committee to continue its work and expressed the hope that, in the light of the positive political developments that began in 1993, Israel's policies and practices, which violated the human rights of Palestinians and other Arabs, would be brought to an immediate end (see resolution 48/41 A). In its most recent resolution on the work of the Special Committee during the period under consideration, in 2000, the Assembly commended the Committee for its efforts, demanded that Israel cooperate with it, and requested the Special Committee to continue its work "pending complete termination of the Israeli occupation" (see resolution 55/130).

The Special Committee concluded repeatedly during the period under consideration that Israel was violating the provisions of the Universal Declaration of Human Rights, the Fourth Geneva Convention, the Hague Conventions and relevant United Nations resolutions. Until the early 1990s, in the view of the Special Committee, the persistent violation of human rights derived from the very fact of military occupation and Israel's policies of colonization and annexation (see A/44/559, A/45/576 and resolution 47/70 A). Even after the historic developments in the peace process, the Special Committee concluded that the general situation of human rights in Occupied Palestinian Territory remained very serious and had actually deteriorated in many respects, in particular as a result of Israel's settlement policies (see A/49/511, paras. 689 and 690; A/50/463, para. 712; A/51/99/Add.2, para. 782; and A/52/131/Add.2, paras. 580 and 581).

Since 1994, the Special Committee found that the situation has deteriorated even further as a result of Israel's closure policy; expropriation of land; settler violence; the large number of Palestinian prisoners remaining in Israeli detention and the deterioration of the conditions of their detention; and the increasingly harsh methods, amounting to torture, used by Israeli interrogators of persons suspected of having committed security offences (see A/50/463, para. 712).

Moreover, from 1998 to 2000, the Special Committee determined that Israel had instituted a comprehensive and elaborate system of laws, regulations and administrative measures affecting all aspects of the lives of the Palestinian people under occupation. This system was regarded as vesting in Israeli officials a broad degree of authority over the lives of the people of the occupied territories. Combined with the sense of great tension in the Occupied Palestinian Territory, particularly during periods of crisis, the rigorous implementation of this Israeli system of laws, regulations and administrative measures created a sense of fear and despondency among Palestinians. The Special Committee repeatedly found that the Palestinians' bitterness at their treatment by the occupying Power and their sense of dispossession, hopelessness and despair – caused to a large extent by lack of progress in and tangible benefits from the peace process – created a situation of greatest urgency on the ground (see A/53/661, paras. 176-180; and A/55/453, paras. 33 and 131-133).

Focus: Israel's obligations under ratified international human rights instruments

In the early 1990s, five international human rights instruments ratified by Israel entered into force: the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of all Forms of Discrimination against Women, on 2 November 1991; as well as the International Convention on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, on 3 January 1992. Whereas Israel's reporting obligations gradually began to be fulfilled under the instruments, on the ground human rights violations against the Palestinians continued. For instance, the Committee against Torture concluded that certain interrogation methods used by Israel amounted to torture and called for an immediate cessation of these practices (see CAT/C/SR.297/Add.1 and A/49/511, para. 750). This issue was also addressed by the Special Rapporteur of the Commission on Human Rights on the question of torture and by the Commission itself. [53/](#)

On the subject of jurisdiction, the Committee on the Elimination of Racial Discrimination reaffirmed its position of principle that, since Israel was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee was competent to examine the manner in which Israel was fulfilling its obligations under the Convention with respect to everyone falling under the jurisdiction of Israel including all persons living in the territories occupied by Israel" (see A/49/18, para. 83).

[53/](#) Geneva press briefing on 23 September 1997; Commission on Human Rights, fifty-seventh session, press release of 6 April 2001.

As a result of outbreak of violence in September 2000, the General Assembly, in its resolution 55/133, entitled "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem" called for a temporary international or foreign presence in the Occupied Palestinian Territory for the safety and protection of the Palestinian people; condemned Israel's excessive use of force against Palestinian civilians and demanded that Israel cease all actions that violate Palestinian human rights; stressed the need to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world; and, called upon Israel to release the remaining Palestinian prisoners.

On its part, the Commission on Human Rights adopted resolutions condemning Israeli violations of human rights. During the first intifada, the Commission considered that many of Israel's violations of the Fourth Geneva Convention were "war crimes under international law" and condemned Israel for these gross violations (see, e.g., Commission on Human Rights resolution 1989/2 A. The Commission reaffirmed that the systematic and persistent practices of Israel, the occupying Power, as reflected in the killing of Palestinians, including children; the breaking of bones; the subjection of towns, villages and refugee camps to living conditions intended to destroy their inhabitants through the imposition of curfews and military siege; the throwing of gas bombs into houses, mosques and hospitals; and the savage beatings and maltreatment of pregnant women constituted serious violations of the principles of international law, human rights and fundamental freedoms. The Commission, in its resolutions 1989/2 A-B, also condemned Israel for the obstruction of the education of thousands of students and pupils; the use of collective punishment; the ill-treatment and torture of large numbers of Palestinians detained in Israeli prisons; and the deportation and expulsion of Palestinians. 54/

Although the peace process arrangements made in the 1990s brought palatable relief to Palestinians under occupation by freeing them from direct, day-to-day contact with Israeli soldiers, the Palestinian people in the Occupied Territory continued to suffer from serious human rights violations by Israel and Israeli settlers, even prior to the uprising of September 2000. The Commission on Human Rights consistently condemned these violations. In its resolution 2000/6, entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine," the Commission condemned the continuation of acts of wounding and killing perpetrated by Israeli soldiers and settlers against Palestinians, the detention of thousands of Palestinians without trial, the continuation of the confiscation of Palestinian lands, the extension and the establishment of Israeli settlements thereon, the confiscation of Palestinian property and expropriation of their land, the demolition of Palestinian homes and the uprooting of fruit trees, and called upon Israel to cease immediately these acts, which constituted grave violations of human rights and of the principles of international law and also constituted a major obstacle in the way of the peace process. The Commission also condemned the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinians out of Jerusalem, and called upon the Government of Israel to put an end immediately to these practices. The Commission also singled out and condemned the use of torture against Palestinians during interrogation, as it constituted a grave breach of the principles of international humanitarian law and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and called upon the Government of Israel to put an end immediately to the use of such practices (see E/CN.4/RES/2000/6).

In its resolution 1993/2 A of 19 February 1993, the Commission on Human Rights mandated a Special Rapporteur to investigate Israel's violations of international law, international humanitarian law and the Fourth Geneva Convention, and to report to the Commission until the Israeli occupation of those territories ended. On 13 September 1993, the Chairman of the Commission appointed the first Special Rapporteur, who presented the initial report examining the human rights situation in the Occupied Palestinian Territory in February 1994 (E/CN.4/1994/14). Several additional such reports would follow (e.g., E/CN.4/2000/25); Israel did not always cooperate with these efforts.

In response to the acute situation that developed in September 2000 into the second intifada, addressed below, from 11 to 15 October 2000 the Special Rapporteur undertook a mission to the region. At the subsequent special session of the Commission, the Special Rapporteur presented his findings. In general, instances of the full range of human rights violations reported in the Special Rapporteur's previous report continued (ibid.). Some of these violations showed a dramatic upsurge since late September 2000 (see E/CN.4/S-5/3, paras. 1-5). The Special Rapporteur offered several recommendations for urgent action: (a) the establishment of an ombudsman-type mechanism to process complaints; (b) the establishment of an observer and/or guarantor body that, by its very

54/ United Nations, *The Question of Palestine 1979-1990*, July 1991, p. 42ff.; and United Nations, *The United Nations and the Question of Palestine*, October 1994, p. 16ff.

presence and neutrality, would serve to build up a sense of security and confidence on both sides; and (c) the establishment of a mechanism for a speedy and objective inquiry into the ongoing crisis, the importance of which was stressed by the Security Council in its resolution 1322 (2000) (*ibid.*, para. 35).

The Commission on Human Rights held its fifth special session from 17 to 19 October 2000. After failing to agree on a consensual text, on 19 October, the Commission adopted resolution S-5/1, by a vote of 19 in favour to 16 against, with 17 abstentions. In the resolution, the Commission condemned the grave and massive violations of the human rights of the Palestinian people by Israel; called for the establishment of a human rights inquiry commission to look into the violence; and called upon the High Commissioner to undertake urgently a visit to the region. In addition, the Commission requested the special rapporteurs concerned with such issues as extrajudicial, summary or arbitrary executions, torture, violence against women, religious intolerance and racism, to carry out immediate missions to the occupied Palestinian territories and to report their findings to the Commission at its next session and, on an interim basis, to the General Assembly at its current session. The Working Group on Enforced or Involuntary Disappearances and the Representative of the Secretary-General for Internally Displaced Persons were also among those requested to carry out missions to the Occupied Territory. ^{55/}

Heeding the Commission's call, from 8 to 16 November 2000 the United Nations High Commissioner for Human Rights, Mary Robinson, undertook an urgent visit to assess the violations of the human rights of the Palestinians by Israel. On 29 November 2000, the High Commissioner reported on her visit to the Occupied Palestinian Territory, Israel, Egypt and Jordan. ^{56/} In the report, the High Commissioner states the following with respect to the question of protection of Palestinian civilians:

“Mindful of the urgent and widespread calls for international protection made to her during her visit to the occupied territories, the High Commissioner believes that every effort should be made to explore the feasibility of establishing an international monitoring presence.”

On 19 December 2000, the Chairman of the Commission on Human Rights appointed three eminent persons to the human rights inquiry commission established pursuant to resolution S-5/1, endorsed by the Economic and Social Council in its decision 2000/311 on 22 November. The inquiry commission was expected to complement the various efforts being undertaken towards establishing a just and lasting peace in the Middle East by contributing to the cause of promotion and protection of human rights. The commission, having visited the Occupied Palestinian Territory and Israel from 10 to 18 February 2001, called for the immediate establishment of an “adequate and effective” international presence in the West Bank and Gaza Strip, saying it was beyond dispute that Israeli security forces had used “excessive and disproportionate force” (see E/CN.4/2001/121).

J. Second intifada

Confrontations between Israeli occupying forces and Palestinians in East Jerusalem following a visit to the Al-Haram Al-Sharif by the then Israeli opposition leader Ariel Sharon, accompanied by a group of Likud Knesset members and hundreds of Israeli soldiers and police, led to bloodshed at the end of September 2000. Violence quickly engulfed the rest of the Occupied Palestinian Territory and, for the first time since the late 1940s, emerged in towns in Israel, with over a dozen Palestinians shot dead there in the first days of the uprising. ^{57/} According to Palestinian sources, by the end of 2000, over 320 Palestinians had lost their lives (see A/ES-10/54-S/2001/17). This second uprising in less than 10 years was soon known as the Al-Aqsa intifada or second intifada. The international community, including the Security Council, condemned Israel's excessive use of force against Palestinian civilians.

On 13 February 2001, the United Nations Special Coordinator, Terje Rød-Larsen, summarized findings in a report on the social and economic impact of the increasingly violent conflict. Based on the report, the Palestinian economy had lost an estimated \$900 million in gross domestic product (GDP) since the onset of the crisis, and labour income losses of more than \$240 million. The total loss was estimated at \$1,150 million, or 20 per cent of the projected GDP for 2000, each day involving an additional \$8.6 million in losses. Moreover, infrastructure damage,

^{55/} Press briefing, Department of Public Information Service, Geneva, 20 October 2000.

^{56/} E/CN.4/2001/114; A/55/800, also issued as E/CN.4/2001/133, contains the response by the Government of the State of Israel to the report of the High Commissioner for Human Rights.

^{57/} Mamdouh Naufal, “Arafat, de Madrid a Taba”, in: *Revue d'études palestiniennes*, No. 96, été 2005, p. 53 indicates 19 persons.

the cost of caring for over 11,000 injured Palestinians, fiscal losses and other effects of the closures, caused losses of additional hundreds of millions of United States dollars. 58/

The economic decline was exacerbated by the decision of the Government of Israeli to stop the transfer of tax and customs revenues it collected on behalf of the Palestinian Authority under the Paris Protocol of 1994 (see A/49/180-S/1994/727). These revenues were equivalent to almost two thirds of the total revenue of the Palestinian Authority in 1999 and 2000. The loss of revenue was offset partially by increased assistance by the Arab countries and the European Union (see also chap. IV.B below). 59/

Focus: Programme of Assistance to the Palestinian People emergency assistance

In response to the deteriorating situation on the ground in late 2000, the Programme of Assistance to the Palestinian People of UNDP shifted focus to emergency projects, while trying also to maintain its ongoing development activities. The Programme's initial allocation of UNDP resources in the region of \$1.2 million was increased in the following weeks by contributions from Japan, Sweden and Norway, so that a total of \$6.6 million was mobilized and partially disbursed during the three months from October to December. Approximately \$1.3 million was allocated for emergency support to the health sector, which was facing the enormous challenge of caring for the thousands of physically and psychologically wounded. The remaining \$5.3 million was used for emergency job creation projects designed to ameliorate the disastrous economic consequences of job and income losses resulting from Israel's various restrictions on the movement of Palestinian workers. 60/

From the very beginning of the second intifada, in September 2000, the Committee on the Exercise of the Inalienable Rights of the Palestinian People appealed for the protection of the Palestinian people suffering under Israeli occupation. In his letter of 2 October 2000 addressed to the Secretary-General (A/55/440-S/2000/936), the Chairman of the Committee, appealed to all parties concerned to compel Israel to abide by its commitments under the Fourth Geneva Convention and to ensure international protection of the Palestinian people. He continued:

"The Committee is of the view that the events of the past several days are a direct result of the policies and practices of the Israeli occupation. To this day, Israel has continued to violate its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), and the provisions of dozens of Security Council and General Assembly resolutions. Our Committee has warned on a number of occasions that Israel's failure to live up to those principles, as well as the continued lack of progress in the Israeli-Palestinian peace negotiations, would allow despair and frustration to set in, putting the peace process in considerable jeopardy and leading to increased volatility on the ground."

Moreover, as reflected in its annual report issued in 2000 (A/55/35, para. 18), the Committee was greatly disturbed by the excessive force used by Israel against the Palestinian protesters, including rubber-coated metal bullets, live ammunition, tanks and armoured personnel carriers, combat helicopters, anti-tank rockets and grenades. The Committee was shocked by the tragic loss of life as a result of these confrontations, in particular by the deaths of Palestinian children. It reiterated that these events were a direct result of the Israeli occupation and the failure of Israel to respect its obligations under international law. The Committee firmly believed that Israel's continued refusal to live up to those principles, as well as the continued lack of progress in the Israeli-Palestinian peace negotiations, would allow despair and frustration to set in, put the peace process in considerable jeopardy and lead to increased volatility on the ground.

On its part, the Security Council was convened in October, November and December 2000 to take action on the critical situation. On 7 October, the Council, following three days of debate in which more than 40 speakers addressed it, adopted resolution 1322 (2000) by 14 votes in favour to none against, with 1 abstention (United States) in which the Council condemned violence, especially the excessive use of force against Palestinian civilians, resulting in injury and loss of human life. In the resolution, the Council deplored the provocation carried out at Al-Haram Al-

58/ UNSCO press release of 13 February 2001.

59/ These revenues included value added tax as well as customs and petroleum excises. In addition, health insurance and income tax deducted from the payroll of Palestinian workers in Israel were partly transferred to the PA. The last transfer effected by Israel was on December 19, 2000, corresponding to the October clearance revenues. A total of about \$500 million in withheld revenues had been accumulated by the end of 2002. See International Monetary Fund, *West Bank and Gaza: Economic Performance and Reform under Conflict Conditions*, 2003, p. 71.

60/ UNDP/Emergency Response Division, "Transitions", June/July 2001 (online version).

Sharif, and subsequent violence there and throughout the Occupied Palestinian Territory, and stressed the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events.

Subsequently, in response to a question asked during a press conference on 7 November 2000, the Secretary-General stated that the consent and cooperation of both parties were required for the successful deployment of an international protection force. As the Government of Israel had made it clear that it would not cooperate, he did not see how such a force could be deployed (see SG/SM/7617). The same day, the Secretary-General warmly welcomed the appointment by President Clinton of a fact-finding committee, established in accordance with the understandings reached at the Sharm el-Sheikh summit in September 1999 61/. As agreed, the Secretary-General was closely involved in the consultations on the composition of the committee that was to be chaired by former United States Senator George J. Mitchell.

On 22 November 2000, during a meeting of the Security Council, Palestine called for specific measures to end Israeli violations against the Palestinian people, and the Movement of Non-Aligned Countries called upon the Council to seriously consider the immediate deployment of a protection force to the region. The European Union supported the Secretary-General's endeavours to explore with the parties the terms and conditions of the deployment of an observer mission, in accordance with the mandate given to him by the Security Council a few days earlier (see S/PV.4231).

On 18 December 2000, the Security Council met to consider a draft resolution (S/2000/1171) on establishing a United Nations force in the Occupied Palestinian Territory. In the draft resolution, the Council stressed the need for measures to ensure the protection of the Palestinian civilian population under Israeli occupation and expressed the Council's determination to dispatch a United Nations force of military and police observers throughout the occupied territories to contribute to the implementation of the Sharm el-Sheikh agreements, the cessation of violence and the safety and security of Palestinian civilians. The Council also requested the Secretary-General to consult both sides on the composition, modalities of deployment and functioning of such a force. However, the draft resolution did not receive the necessary majority of nine votes: 8 votes were cast in favour to none against, with 7 abstentions.

Meanwhile, the General Assembly had expressed deep concern about the provocative visit to Al-Haram Al-Sharif in East Jerusalem and the ensuing violence. The Assembly resumed its tenth emergency special session and was briefed by the Secretary-General on the latest developments and his personal peace efforts leading up to the Middle East Peace Summit held at Sharm el-Sheikh a few days earlier. On 20 October 2000, the Assembly adopted resolution ES-10/7 entitled "Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory". The resolution stated, in part:

"The General Assembly,

"1. Condemns the violence that took place on 28 September 2000 and the following days at Al-Haram Al-Sharif and other Holy Places in Jerusalem as well as other areas in the Occupied Palestinian Territory, resulting in the deaths of over 100 people, the vast majority of whom were Palestinian civilians, and many other casualties;

"7. Strongly supports the establishment of a mechanism of inquiry into the recent tragic events, with the aim of establishing all the precise facts and preventing the repetition of these events, and in this regard strongly supports also the understanding reached at Sharm el-Sheikh about a committee of fact-finding, and calls for its establishment without delay;" 62/

61/ The Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements and the Resumption of Permanent Status Negotiations was signed on September 4, 1999 by Prime Minister Barak of Israel and PLO Chairman Arafat at Sharm el-Sheikh in Egypt, overseen by the United States, represented by the Secretary of State, Madeleine Albright. The memorandum was witnessed and co-signed by President Hosni Mubarak of Egypt and King Abdullah of Jordan. The memorandum's purpose was to implement the Interim Agreement on the West Bank and the Gaza Strip (Oslo II) of September 1995 and to implement all other agreements between PLO and Israel since September 1993: Protocol on Economic Relations (1994); Cairo Agreement on the Gaza Strip and the Jericho Area (1994), Washington Declaration, Agreement on Preparatory Transfer of Powers and Responsibilities Between Israel and the PLO(1994); Protocol on Further Transfer of Powers and Responsibilities (1995). The memorandum is available from <http://unispal.un.org/UNISPAL.NSF/0/25E0CE9A21F463F685256AE700613324>.

62/ In the same resolution, the Assembly also demanded the immediate cessation of violence and the use of force, called upon the parties to act immediately to reverse all measures taken since 28 September 2000, and acknowledged that necessary steps had been taken by the parties in this direction since the summit of Sharm el-Sheikh.

In its resolution 55/55 on the peaceful settlement of the question of Palestine, the General Assembly expressed its deep concern over the serious deterioration of the situation in the Occupied Palestinian Territory since 28 September 2000, and called upon all concerned parties to take steps to reverse immediately all measures taken on the ground since 28 September 2000, in implementation of the Sharm el-Sheikh understandings and in order to ensure a successful and speedy conclusion of the peace process.

Furthermore, in its resolution 55/130 of 8 December 2000 on the work of the Special Committee on Israeli Practices, the Assembly expressed its grave concern about the situation in the Occupied Palestinian Territory as a result of Israeli practices and measures, and condemned especially the excessive use of force in the past few weeks which had resulted in more than 160 Palestinian deaths and thousands of injuries. Also, in its resolution 55/132 on Israeli settlements, the Assembly expressed grave concern about the dangerous situation resulting from actions taken by the armed Israeli settlers in the Occupied Palestinian Territory during recent weeks.

Despite some partially successful initial efforts by the parties and others to reverse the dire developments on the ground at the end of 2000, soon these developments were to grow into an ever more devastating cycle of violence, precipitating one of the worst humanitarian, socioeconomic and political crises since the occupation began in 1967 and the all but complete destruction of the hope for a peaceful settlement of the Arab-Israeli conflict.

III. The peace process of the 1990s

The convening of the peace conference on the Middle East at Madrid in October 1991 and the signing of the Oslo Accords in September 1993 by Israel and the Palestine Liberation Organization, followed by several bilateral implementation agreements, were considered major turning points in the diplomatic history of the Middle East conflict. All the parties to the conflict agreed to undertake peace negotiations on the basis of Security Council resolutions 242 (1967) and 338 (1973), premised on the principle of "land for peace." ^{63/} The participation of the Palestinians was regarded as a diplomatic breakthrough. Moreover, on the ground, assisted by the United Nations and the international community at large, the Palestinians took concrete practical steps towards State-building and peacebuilding and the exercise of their inalienable rights.

With a Palestinian popular uprising against the occupation and important regional and global developments under way, numerous efforts and proposals had been made since 1989 to reach a negotiated settlement of the Arab-Israeli conflict. These efforts had followed the meeting of the Palestine National Council ^{64/} held in 1988 in Algiers, that accepted Security Council resolution 242 (1967) ^{65/} offering the historic compromise of the two-State solution on the basis of the pre-1967 borders. Whereas the General Assembly had called since 1983 for the convening of a conference on the Middle East under the auspices of the United Nations, the Council was only able to reach agreement by the end of 1990 that an international conference should facilitate efforts to achieve a negotiated settlement to the Arab-Israeli conflict, including the Israeli-Palestinian conflict, widely acknowledged as the core of the larger conflict.

At Madrid, for the first time all the parties to the conflict sat down at the negotiating table and embarked on a series of complex talks based on Security Council resolutions 242 (1967) and 338 (1973) that would become known in the 1990s as the "peace process". In the case of Israel and Jordan, the negotiations led to the signing of a peace treaty in October 1994. Negotiations between Israel and Lebanon as well as those between Israel and the Syrian Arab Republic formally began in Madrid in November 1991 and were suspended in February 1994 and January 2000

^{63/} As discussed, on 20 December 1990, the President of the Security Council had made a statement reflecting agreement among the members of the Council that an active negotiating process should take into account the legitimate political rights of the Palestinian people. Furthermore, under the Declaration of Principles (1993) and Interim Agreement (1995) the parties would recognize their mutual legitimate and political rights, and that the elections to be held would constitute a step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

^{64/} "Al-Mithaq Al-Wataneeh Al-Philisteeni" (www.palestine-un.org).

^{65/} See, for instance, United Nations, *The Question of Palestine 1979-1990*, 1991, pp. 17-24; and Shlaim, footnote 14 above, at pp. 466-471: On 15 March 1990, the Government of Prime Minister Yitzhak Shamir was the first in Israel's history to fall as a result of a parliamentary vote of no confidence, centred around the Government's "not trying to advance the peace process - its principal tasks".

respectively. 66/ In May 2000, more than 22 years after Security Council resolution 425 (1978) was passed, Israel withdrew its troops from southern Lebanon (see S/PRST/2000/21).

The co-sponsors of the Madrid peace conference, the Soviet Union and the United States, had a pivotal role in supporting the peace process, with much of its successes and failures being attributed to the effectiveness with which a co-sponsor could function as “honest broker”. 67/

In terms of the question of Palestine, important outcomes of the peace process of the 1990s were generally considered to include the mutual recognition by the two sides, Israel and the Palestine Liberation Organization; 68/ redeployment of Israeli troops from Palestinian population centres, gradually reversed towards the end of 2000 with the outbreak of the Second Intifada; establishment of the quasi-governmental Palestinian Authority, providing the Palestinians with an interim form of self-government; and return of the Palestinian leadership to the Occupied Palestinian Territory.

At the regional level, multilateral talks on the permanent status issues were convened under the Madrid Conference intermittently from 1992 to 2000 to sustain the foundations of peace to be forged in the bilateral talks. Also, on 2 February 1995, the first ever summit involving the leaders of Egypt, Israel, Jordan and PLO took place in Cairo. 69/

Under the bilateral agreements reached between Israel and PLO, the West Bank and the Gaza Strip were gradually divided into areas controlled fully by the Palestinian Authority, except for external security matters over which Israel kept control, also referred to as area “A”; areas controlled by the Palestinian Authority, except for internal security, where it shared control with Israel, and external security matters over which Israel kept control, also referred to as area “B”; and areas controlled fully by Israel, referred to as area “C”. Areas under Palestinian Authority control included almost all of the Gaza Strip, approximately 80 per cent; a portion of the Northern West Bank, as well as Jericho and Palestinian population centres, including most of Hebron, Ramallah, Nablus, Jenin, Bethlehem, Tulkarm and other towns, excluding occupied and expanded East Jerusalem, none of which was ever placed under Palestinian control. 70/ Taken together, the highly fragmented areas under some degree of control of the Palestinian Authority were estimated to cover eventually 40 per cent of the West Bank, 71/ or some 42 per cent of the Palestinian Territory occupied by Israel in June 1967.

Important groundbreaking developments took place in the Occupied Palestinian Territory in this period. Free, internationally observed elections to the Palestinian legislature and Presidency took place in 1996, in which the Arab residents of East Jerusalem also participated to a degree, subject to Israeli restrictions. Institution-building continued apace, with the inauguration in 1994 of the quasi-governmental Palestinian Authority and its various institutions, including the Palestinian police and other security apparatuses. The Palestinian Authority developed its own revenue base and also became a conduit for massive foreign assistance to the Palestinians. Important symbols of the emerging Palestinian statehood appeared – a Palestinian passport, a postage stamp, the inauguration of the Gaza International Airport in 1998, and a national air carrier, the beginning of work on the Gaza Seaport, and a Palestinian Internet domain name. Gaza and the West Bank were linked by a land-based “safe passage” route allowing the travel of Palestinians between the two areas. Even though these changes often came in an agonizingly slow and piecemeal fashion, and many were subsequently reversed with the outbreak of the second intifada, they were nevertheless important in their own right, and also constituted vital stepping stones towards Palestinian statehood. The period under consideration saw at the same time intensification and institutionalization of restrictive Israeli closures and curfews policies directed at the Occupied Palestinian Territory, which severely disrupted the daily lives of the

66/ On 3 November 1991, the so-called first round of direct, bilateral negotiations opened in Madrid after the plenary session when Israel met with the specially formed joint Jordanian/Palestinian delegation as well as Lebanon and the Syrian Arab Republic separately.

67/ See, for instance, Aaron David Miller, “Israel’s Lawyer”, *The Washington Post*, 23 May 2005. The writer, who worked at the State Department for 25 years as a Middle East negotiator and adviser on Arab-Israeli affairs, considers the Madrid Conference itself a success in the history of United States peacemaking, and goes on to say: “too often we lose sight of the need to be advocates for both Arabs and Israelis. The most recent example of this was the Clinton administration’s effort in 1999-2000 to broker final deals between Israel, the Syrian Arab Republic and the Palestinians.”

68/ Exchange of Letters between Prime Minister Rabin and Chairman Arafat, 9 September 1993, available from <http://unispal.un.org/UNISPAL.NSF/0/36917473237100E285257028006C0BC5>.

69/ Shlaim, see footnote 14 above, at p. xxiv; and PASSIA at www.passia.org/palestine_facts/chronology/19941995.htm.

70/ Its status was subject to the outcome of final status negotiations, addressed below (see also chap. IV.D below).

71/ Applied Research Institute - Jerusalem, “The withdrawal percentages, what do they really mean?”, 2001.

Palestinians and had a major negative effect on the Palestinian economy, which was offset only partially by foreign assistance inflow (see chap. IV below).

In view of the complexity of the peace negotiations and the thematic focus of the present publication on the evolution of the Palestine problem, the present chapter sets out in broad outline the Palestinian participation in, and United Nations response to, the Middle East peace process.

A. Madrid Peace Conference

By 1991, international and regional developments such as the end of the Cold War and the start of the Gulf War had affected the Middle East situation, while on the ground the first intifada, which had started in 1987, continued in the Occupied Palestinian Territory. These developments increased international concern regarding the Arab-Israeli conflict and the need for a solution, and were seen as contributing to the convening of the peace conference on the Middle East held in Madrid from 30 October to 1 November 1991.

The Madrid Peace Conference was sponsored by the United States and the Soviet Union and aimed at achieving - in the words of the letter of invitation to the conference - "a just, lasting and comprehensive peace settlement through direct negotiations on two tracks, between Israel and the Arab States, and between Israel and the Palestinians." ^{72/} In addition, the letter of invitation stated:

"The co-sponsors believe that those negotiations should focus on region-wide issues such as arms control and regional security, water, refugee issues, environment, economic development, and other subjects of mutual interest."

"With respect to the negotiations between Israel and Palestinians who are part of the joint Jordanian-Palestinian delegation, negotiations will be conducted in phases, beginning with talks on interim self-government arrangements. These talks will be conducted with the objective of reaching agreement within one year. Once agreed the interim self-government arrangements will last for a period of five years. Beginning the third year of the period of interim self-government arrangements, negotiations will take place on permanent status. These permanent status negotiations, and the negotiations between Israel and the Arab States, will take place on the basis of resolutions 242 and 338."

The provisions contained in the letter of invitation would later on often be referred to as the "terms of reference of the Madrid peace process" or simply the "Madrid principles", including the principle of land for peace, reflected in resolution 242 (1967). The various bilateral negotiations became known as "the bilateral track", whereas the negotiations on region-wide issues would be known as "the multilateral track", each addressed below.

In addition, the United States issued separate "letters of assurances" to the Israeli and the Palestinian sides, which clarified its various positions regarding the modalities and final outcomes of the negotiations. The letters stated, among other things, that the United States would seek to avoid any prolongation and stalling by any party. The Palestinians should quickly gain control over political, economic and other decisions that affect them. The United States opposed the Israeli annexation of East Jerusalem, supported the right of Palestinians to raise any issue, including East Jerusalem, and reiterated its opposition to settlement activity in the territories occupied in 1967 which remained an obstacle to peace. Although the United States was not prepared to support an independent Palestinian State, a confederation was not excluded. The United States opposed the continuation of the Israeli rule or annexation of the Occupied Territories. ^{73/}

Although the Madrid Conference was not held under the auspices of the United Nations, the negotiations were explicitly based on Security Council resolutions and the Special Representative of the Secretary-General to the Middle East, Ambassador Brunner, attended as observer (see A/46/652-S/23225).

The United Nations gradually welcomed the peace process launched at Madrid. The Secretary-General stated that he had "always supported bilateral initiatives in the search for a just and lasting peace in the Middle East" and that, to this end, any step undertaken by Ambassador Brunner or himself would be aimed at assisting such efforts

^{72/} Letter of invitation to the peace talks in Madrid, 19 October 1991, in *Approaches towards the settlement of the Arab-Israeli conflict and the question of Palestine*, Issue 7, October 1991.

^{73/} See <http://www.monde-diplomatique.fr/cahier/proche-orient/madrid-garantie-en>.

(ibid., para. 30). The following year, the Secretary-General observed that he had closely followed the Middle East peace conference, maintained contact with its co-sponsors and the parties concerned, and underlined that the United Nations was ready to assist the process in any way useful, in view of its wide experience in the region (see A/47/672-S/24819).

Since its adoption of resolution 46/75, the General Assembly welcomed the convening of the Madrid Conference, and later the peace process, in one form or another, then as “a significant step towards the establishment of a comprehensive, just and lasting peace in the region”. As discussed above, the Assembly initially continued to call for the convening of an international peace conference under the auspices of the United Nations and reaffirmed the five principles for the achievement of a comprehensive peace. In the second half of the decade, the annual resolutions on the question of Palestine entitled “Peaceful settlement of the question of Palestine”, proved to be the General Assembly’s principal, steadfast expression of support for the ongoing peace process. ^{74/}

The Committee on the Exercise of the Inalienable Rights of the Palestinian People welcomed the convening of the Madrid Peace Conference, while reiterating, as shown through mid-November 1993, its support for the convening of an international conference under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing. ^{75/} One of the problems that would beset the efficacy of the negotiations under the Madrid process from the start was a cumbersome arrangement restricting full Palestinian participation in the peace process, in particular PLO and Palestinians from East Jerusalem.

1. Bilateral track

The opening of the Madrid Peace Conference took place during three days, with the parties being represented by delegations consisting of 14 members. The specifically formed joint Jordanian-Palestinian delegation had 14 representatives each. Moreover, the Palestinians had an advisory team that, even if it had no official standing, coordinated policy with PLO. ^{76/} The Conference involved official, direct and bilateral negotiations between Israel and its Arab neighbours based on Security Council resolutions 242 (1967) and 338 (1973), providing the parties with a new negotiating structure and timeline.

Bilateral negotiations began on 3 November 1991. Israel met with the joint Jordanian-Palestinian delegation and, separately, Lebanon and the Syrian Arab Republic in a first round of bilateral talks. The talks adjourned without agreement about where or when to reconvene. After much work on procedural and other matters, Israel and each of its interlocutors, initially except for the joint Palestinian-Jordanian delegation, met for a second round at Washington, D.C., on 11 December 1991. ^{77/} The Israelis were scheduled to meet with the Palestinian-Jordanian delegation on 10 December; however, owing to procedural issues, the official meeting did not start until a day later. That meeting was followed by similar encounters in January 1992 and February 1992 and subsequent rounds of bilateral talks. ^{78/}

After the Israeli and Jordanian-Palestinian delegations had resolved certain procedural differences that allowed the third round of bilateral talks to take place, from 7 to 16 January 1992 Israeli representatives met separately with the Jordanian-Palestinian, Lebanese and Syrian delegations. In the fourth round of bilateral talks, held from 24 February to 4 March 1992, the Palestinians proposed to hold elections in the Occupied Palestinian Territory for an interim self-governing authority. However, Israel rejected this proposal in view of its counterproposal entailing interim self-government arrangements; irreconcilable positions on the nature and purpose of interim self-government have consequently emerged between the Israeli and Palestinian delegations. ^{79/} At the same time, meetings for the working groups created under the multilateral track were set up.

^{74/} Resolutions 48/158 D and 49/62 D mark the change from “principles” to “needs”; resolution 55/55.

^{75/} See A/46/35; see also A/47/35, which states: “The Committee has also continued to promote the convening of an International Peace Conference on the Middle East, in accordance with the guidelines and principles reaffirmed by the General Assembly in resolution 46/75 of 11 December 1991, which provides the most comprehensive, practical and universally accepted framework for peace.”

^{76/} Bernard Reich, *An Historical Encyclopedia of the Arab-Israeli Conflict*, 1996, pp. 337.

^{77/} On 4 December 1991, the Palestinian-Jordanian, Lebanese and Syrian Arab Republic delegations arrived on time at the three designated sites to resume direct Middle East negotiations in Washington, whereas the Israeli delegation was absent; see <http://usinfo.state.gov/mena>; see also Shlaim, footnote 14 above, at p. 491f.

^{78/} Reich, see footnote 76 above, at pp. 337-339.

^{79/} Shlaim, see footnote 14 above, at p. 493

The fifth round of bilateral talks was held from 26 to 30 April 1992. The Israeli delegation proposed pilot municipal election in the Occupied Palestinian Territory, which, according to the Israelis, were “meant to be a catalyst, not a substitute” for the interim self-government arrangement negotiations. Israel also proposed to delegate public health to the Palestinians as a first step (see www.mfa.gov.il).

The first five rounds of Israeli and Palestinian bilateral talks, held under the Government of Prime Minister Shamir, became caught up in procedural matters, “sloganeering” and mutual recrimination, instead of addressing substantive issues. ^{80/} An Israeli expert analyst concluded that the Prime Minister was “defiant” throughout his remaining tenure and determined to “perpetuate the territorial status quo”, effectively “stonewalling” the fledgling peace process. ^{81/} Nevertheless, after his electoral success on 23 June 1992, Prime Minister Yitzhak Rabin indirectly acknowledged that the previous Government had created the tools to achieve peace, as he had inherited from it the framework of the Madrid Conference. ^{82/}

The sixth round, held from 24 August to 14 September 1992, with the Government of Prime Minister Rabin and certain confidence-building measures in place, ^{83/} reportedly began to see “real dialogue”; it was followed by a seventh round in October, and resumed in November. The conceptual gap between Israel and the Palestinians was no longer obscured: the Palestinians insisted on ending the occupation and a “meaningful transfer of authority” to lay the groundwork for their sovereign state. ^{84/}

The eighth round began on 7 December 1992, with talks “virtually at a dead end”, and “ended abruptly” on 16 December, when Prime Minister Rabin announced the decision to deport 416 Hamas activists to Lebanon, following the killing of an Israeli border policeman. No date for a resumption of negotiations could be agreed upon ^{85/} (see also chap. II.C above).

The bilateral talks had begun seriously to flounder over a multitude of issues. Expert observers found that Israel continued to focus on interim issues, while the Palestinians were focused on longer-term issues of self-government and ending the occupation and achieving self-determination. Neither the Palestinians and the outgoing administration of President George H. W. Bush, nor the international community could persuade the occupying Power that interim self-government had to lead to full self-government and ultimately independence. ^{86/}

In 1993, the Israeli-Palestinian talks could not be salvaged despite initial hope at the opening of the ninth round (27 April-13 May), after Israel revoked earlier objections to the participation of Faisal Hussein, the PLO Executive Committee Member in Charge of Jerusalem Affairs (and future Palestinian Authority Minister for Jerusalem Affairs), as leader of the Palestinian delegation; agreed in principle to a Palestinian police force; and affirmed that final status negotiations would in fact be based on Security Council resolution 242 (1967). ^{87/} Israel also permitted a number of Palestinians expelled between 1967 and 1987 to return to the Occupied Palestinian Territory. The “non-papers” provided by the incoming administration of President Clinton to bridge the gap between the positions of the two parties raised additional issues, such as the occupation status of East Jerusalem, and were not considered helpful. ^{88/} The tenth round (15 June-1 July) revisited the idea of direct talks with PLO, without effecting even a procedural breakthrough. It ended in failure, signalling to many the end of the usefulness of the Madrid formula. ^{89/} The

^{80/} Ibid., p. 509.

^{81/} Ibid., pp. 488-501.

^{82/} Ibid., p. 503.

^{83/} Ibid., p. 507 mentions releasing Palestinian detainees and rescinding deportation orders by Israel.

^{84/} Ibid., p. 509. On 23 June 1992, Labour defeated Likud in Israeli elections and Yitzhak Rabin was elected Prime Minister of Israel on a campaign platform of “land-for-peace,” the principle enshrined in Security Council resolution 242 (1967). According to experts on the subject, Mr. Rabin moved quickly to make goodwill gestures towards the Palestinians: He promised to halt all but “strategic” settlements buildings, sought to repeal Israel’s self-imposed ban on contact with the Palestine Liberation Organization and released 800 Palestinian prisoners. In the actual talks with the Palestinians, however, Prime Minister Rabin was considered uncompromising and soon focused the bilateral talks on Jordan and the Syrian Arab Republic (Murphy, *ibid.*, p. 121; Shlaim, p. 507f.; Shlaim further states “the talks with the Palestinians did not get off to a good start, whereas those with the Syrians did” (Shlaim, p. 508).

^{85/} Shlaim, see footnote 14 above, at p. 509f.

^{86/} Ibid., p. 509.

^{87/} Ibid., p. 510f.

^{88/} Ibid., p. 511.

^{89/} Ibid., p. 511; starting on 26 February 1993 with the United States, gradually principal actors in the international community were reportedly being informed about the private Oslo talks. In years to come, the effectiveness of its role as “honest broker” would also be widely questioned. According to Avi Shlaim, after 24 August, the Minister for Foreign Affairs, Shimon Peres, informed Warren Christopher about the agreed-upon accord. (Shlaim, p. 516).

eleventh round of bilateral negotiations opened on 31 August 1993, after the Oslo talks had been made public, and ushered in an entirely new phase of the Middle East peace process.

As the peace negotiations under the Madrid formula began to stall, developments on the ground continued to deteriorate, increasing tensions that, in the diplomatic arena, would distract attention from actively seeking a negotiated settlement and leave its onerous mark on the peace process negotiations. In April 1992, a renewed cycle of violence broke out in the Gaza Strip, in which several Palestinians were killed and many more injured. In this connection, the members of the Security Council requested the Secretary-General to use his good offices, in accordance with resolution 681 (1990), regarding the protection of Palestinian civilians under Israeli occupation (see S/23783, and A/47/672-S/24819, para.12). In light of the worsening situation in the Palestinian and other Arab territories occupied by Israel since 1967, attention was once more focused on the Secretary-General's recommendations on ways to ensure the safety and protection of the Palestinian civilians under Israeli occupation, as contained in his reports of 1988, 1990 and 1991, than securing an end to occupation and the conflict. From December 1992 to February 1993, the crisis surrounding the deportation by Israel of Palestinian civilians to Lebanon created additional difficulties for the peace process (see chap. II.C above).

Meanwhile, on 11 December 1992, owing to the deteriorating situation on the ground, Indonesia and other Member States introduced a draft resolution on the situation in the Middle East, embodying the text of the resolution traditionally adopted on the issue. ^{90/} In view of the ongoing Madrid Peace Conference, the sponsors withdrew the draft. ^{91/} In the adopted resolution 47/63 A, which was a modified version of the draft, the Assembly expressed satisfaction with the convening of the Madrid Conference, but regretted that the desired substantial results had not been achieved. This gesture was welcomed by several Member States as a positive contribution to the peace process launched at Madrid. ^{92/}

2. Multilateral track

The multilateral negotiations commenced on 28 and 29 January 1992 at Moscow, and constituted an integral part of the peace process. In practice, these negotiations centred around working groups addressing the aforementioned "region-wide" issues spelled out in the letter of invitation to Madrid, namely arms control and regional security, water, refugee issues, environment, economic development. Their goal was twofold: to find solutions for key cross-cutting regional problems, while providing the international community with a confidence building measure to promote the development of normalized relations among all the countries of the Middle East and lay a material foundation for peace to flourish. Invitations to the Moscow meeting were issued to Algeria, Bahrain, Canada, China, Egypt, Israel, Japan, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia, Turkey, the United Arab Emirates, Yemen, the Palestinians (under the aegis of a joint Palestinian/Jordanian delegation) and the European Union. These proceedings were boycotted by the Syrian Arab Republic and Lebanon, who argued that the Arab world should not engage in discussions with Israel about regional cooperation before a political settlement at the bilateral level had been reached. ^{93/} Some 50 countries from around the world, including West Asia and North Africa, participated in the various working groups set up under the multilateral track. Lebanon and the Syrian Arab Republic decided not to participate in the multilateral talks pending progress on the bilateral track. The Palestinian side was excluded from the working group on arms control. Progress was slow, hindered by various boycotts of the talks by delegations and procedural issues, and ultimately subject to the ups and downs of the bilateral talks and other political developments.

The multilateral working groups dealing with the five areas of common regional concern were set up on 4 March 1992 on arms control and regional security (Russian Federation and United States), water resources ^{94/}

^{90/} Draft resolution A/47/L.41 included a reaffirmation of the Assembly's conviction that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive peace in the region would be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and other occupied Arab territories. This language can be found in resolution 45/83 B.

^{91/} The sponsors recommended that the Assembly not take action on the draft, reserving the right to request action on it later in the current session (see *Yearbook of the United Nations*, 1992, vol. 46).

^{92/} *Yearbook of the United Nations*, 1992, vol. 46.

^{93/} Joel Peters, "Can the Multilateral Middle East Talks be Revived?", *Middle East Review of International Affairs*, vol.3, No. 4, December 1999.

^{94/} For background information, see United Nations, *Water resources of the Occupied Palestinian Territory*, 1992.

(United States), the environment (Japan), regional economic development (European Union), and refugees ^{95/} (Canada), each featuring the so-called gavel holder indicated in brackets. In October, the United Nations was invited by the co-sponsors to take part in the multilateral negotiations as a “full extraregional participant”. On 20 November, the Secretary-General appointed Chinmaya Gharekhan of India as his Special Representative to the multilateral talks. The Special Representative’s task was to coordinate the role of the United Nations in the working groups. ^{96/}

Focus: the status of Palestinian water resources at the outset of the multilateral peace efforts

“The international community continued to express its long-standing concern regarding the permanent sovereignty over natural resources in the occupied Palestinian and other Arab territories which, in the past, had been reflected for instance in General Assembly resolutions 3005 (XXVII) of 15 December 1972, 3336 (XXIX) of 17 December 1974 and 32/161 of 19 December 1977. The United Nations Water Conference held in Mar del Plata in 1977, in its resolution X entitled “Water policies in the occupied territories” referring explicitly to Palestine, affirmed the inalienable right of the people of the countries under colonial and alien domination in their struggle to regain effective control over their natural resources, including water resources. In resolution 37/135 of 17 December 1982, the General Assembly emphasized specifically the right of the Palestinian and other Arab peoples whose territories are under Israeli occupation to full and effective permanent sovereignty and control over their natural and all other resources, wealth and economic activities. In its resolution 38/144 of 19 December 1983, the General Assembly condemned Israel for its exploitation of the natural resources of the occupied territories, including Jerusalem, and reaffirmed the right of the Palestinian people to restitution and full compensation for the exploitation, depletion, loss of or damage to its resources. Throughout the 1980s and beyond, the General Assembly has “strongly condemned the illegal exploitation of the natural wealth and resources” of the occupied territories and called upon Israel to desist immediately from such activities.”

Source: United Nations, “Water resources of the Occupied Palestinian Territory”, 1992.

Moreover, a Multilateral Steering Group of the Middle East Peace Process was established, spawning, together with the aforementioned working groups, various expert groups, follow-up projects and outreach efforts. At its 7th meeting, held in Montreux in May 1995, the Group designated Switzerland as “shepherd” in the fields of civil, political, social, economic and cultural rights as well as in that of intercultural understanding, responsible for human-dimension issues within the five multilateral working groups. Meanwhile, the Secretary-General, in his November 1992 report on the situation in the Middle East (S/24819), noted the following on the multilateral track:

“The multilateral talks are themselves a recognition of the need not only to reach a just and lasting settlement of the Arab-Israeli conflict but to secure the foundations upon which peace can be sustained. Economic and social development is a fundamental aspect of international peace and security, and this is no less true in the Middle East than in other regions of the world. The United Nations will spare no effort in helping to achieve these objectives.”

Within the framework of the multilateral talks, regional and extraregional experts engaged in developing joint projects and studies. For example, Israeli, Jordanian, and Palestinian water experts succeeded in producing a detailed plan for the upgrading and standardization of water data collection in the region. Israeli, Egyptian, and Jordanian teams produced a joint plan for dealing with oil spills in the Gulf of Aqaba. Other issues tackled by experts included the problem of desertification and control of natural resource degradation, Middle East transport and regional trade. The Working Group on the Environment drew up the Bahrain Environmental Code of Conduct for the Middle East. The multilateral talks also laid the foundations for a new set of regional institutions, such as the desalination research centre in Oman, and environmental training centres in Jordan and Bahrain. ^{93/}

Following setbacks in the peace process, and more specifically the breakdown of Israeli-Palestinian bilateral negotiations during the tenure of Prime Minister Netanyahu, the multilateral track negotiations were formally suspended in November 1996. ^{93/} From 31 January to 1 February 2000, the multilateral talks resumed at Moscow, in the form of a plenary meeting of the multilateral Steering Group. The meeting was co-chaired by the ministers for foreign affairs of the Russian Federation and the United States, and was also attended by the ministers for foreign affairs of Canada, Egypt, Israel, Japan, Jordan, Saudi Arabia and Tunisia, senior Palestinian delegates and the European Union. Lebanon and the Syrian Arab Republic did not attend. For the first time, the co-sponsors invited the United

^{95/} The refugee working group deals with the various economic and social issues having to do with improving the living conditions of the Palestine refugees, and mobilizing the requisite financial resources.

^{96/} United Nations, *The United Nations and the Question of Palestine*, 1994, pp. 18-23; A/47/716-S/24845, para. 6. In its resolutions starting with 47/64 D, the Assembly noted the involvement of the United Nations as a full, extraregional participant in the work of the multilateral working groups.

Nations Special Coordinator to participate in the Steering Group (earlier, the United Nations participated only at the working group level). The working groups that were to meet later in 2000 in four countries were subsequently called off: the water group was to convene in Muscat, on 11 and 12 April; the economic group in Amman, from 8 to 11 May; the refugee group in Ottawa, from 16 to 18 May; and the environment group in Tunis, on 31 May and 1 June. There had been no agreement on a meeting of the Working Group on arms control and regional security.

Following the postponement of Israeli and Syrian talks held at Shepherdstown, West Virginia, and unsuccessful efforts at the highest level to revive them, 97/ and in view of the utter lack of progress in the Israel and Palestinian talks, the Arab States, in October 2000, decided to suspend their participation in the multilateral track of the Middle East peace process pending progress on all tracks (see A/55/513-S/2000/1010).

Although technically not part of the multilateral track, the first Middle East and North Africa Economic Summit, held at Casablanca, Morocco, in November 1994, constituted a concerted international effort in the region to strengthen an environment that was supportive of the peace process. It adopted the Casablanca Declaration, which stressed that cooperation between Governments and business communities should be strengthened, the achievements made in the peace negotiations needed to be reinforced by solid economic growth and palpable improvement of the life and security of the peoples in the region, the peace process must be accelerated and there must be an ongoing process to translate the deliberations of the Summit into concrete steps to advance the twin goals of peace and economic development. The main results of this Summit were that the participants noted favourably the decision of the Council for Cooperation of the Gulf States regarding the lifting of the secondary and tertiary aspects of the boycott against Israel, and approved the establishment of four regional organizations: Middle East and North Africa Development Bank, a regional tourist board, a regional chamber of commerce and a business council (see A/49/645, annex).

The second Summit was held from 29 to 31 October 1995 in Amman. During the Summit, additional agreements were signed on the Middle East and North Africa Development Bank, the tourist and industrial boards and on activating the executive secretariat of the Summit.

The Middle East and North Africa process was not, however, immune to the ups and downs of the Middle East peace process. At a time when the original optimism was giving way to apprehension, the Third Middle East and North Africa Conference was held, with a reduced level of representation, from 12 to 14 November 1996 in Cairo. The Conference underscored the importance of the Bank for Economic Cooperation and Development in the Middle East and North Africa and encouraged States to sign the relevant agreement and complete their funding and ratification procedures promptly in order to enable the Bank to begin operations. Work on establishing a regional business council was also reviewed, and the relevant parties recommitted themselves to moving this important initiative forward. The Fourth Middle East and North Africa Conference was convened from 16 to 18 November 1997 in Doha, at a time when the Middle East peace process was suffering serious setbacks. As a result, such key regional countries as Egypt, Morocco and Saudi Arabia stayed away (the Syrian Arab Republic and Lebanon had boycotted the process from the start).

B. Declaration of Principles (Oslo agreement)

By mid-1993, the bilateral talks under the Madrid Conference had stalled as a result of a variety of procedural and political problems and security issues on the ground. There seemed to be no hope for progress in solving any of the significant questions between Israel and, respectively, Jordan, Lebanon, the Syrian Arab Republic and the Palestinian side. Unknown to all but a handful of individuals, parallel and unprecedented private talks between the Israelis and PLO were taking place in Norway and elsewhere, 98/ which culminated in September 1993 in the signing in Washington D.C., of the Declaration of Principles on Interim Self-Government Arrangements, also known as the Oslo agreement or the Oslo accords. 99/

For years to come, this initial diplomatic success underlay the search for a peaceful resolution of the question of Palestine between the two parties directly involved in the conflict. Tangible, negotiated building blocks comprising interim arrangements, for a period not to exceed two years, were expected to lead to a final settlement of all

97/ In March 2000, President Clinton and President Hafez Al-Assad, who would pass away in May, failed to reach agreement on the continuation of these bilateral talks.

98/ Shlaim states that in 1993, 14 secret sessions were held in Oslo alone (see footnote 14 above, at p. 513).

99/ Later on, "Oslo I" would also be used, in contrast to "Oslo II", short for the Interim Agreement of 1995.

outstanding issues, which were to be resolved by a process of bilateral negotiations and based on Security Council resolutions 242 (1967) and 338 (1973). A substantial majority of the Palestinians under occupation approved of the Oslo accords. 100/

The “Oslo channel” was facilitated in 1992 by the social scientist, Terje Rød-Larsen of Norway, twice the future United Nations envoy to the region, primarily with a senior official of the Palestine Liberation Organization, Ahmed Qureia (Abu Ala), a future Speaker of the Palestinian Legislative Council and Palestinian Authority Prime Minister (2003-2006), and an Israeli academic standing in for Israel’s Deputy Foreign Minister Yossi Beilin, Yair Hirschfeld. 101/ The private Oslo talks began in earnest on 20 January 1993, progressed under the guidance of the Minister for Foreign Affairs of Norway, the late Johan Jørgen Holst, and were brought to a successful conclusion in late August 1993. 102/ With an indirect contact between Israel and PLO established at the highest level, the two parties agreed on the “Gaza and Jericho first” approach to troop redeployment from the Occupied Palestinian Territory and to initiate between them official negotiations. 103/

On 10 September 1993, the parties exchanged letters of mutual recognition (see <http://unispal.un.org>). The PLO, in a letter signed by Executive Committee Chairman Arafat on 9 September, confirmed its commitment to recognize the right of Israel to exist in peace and security, accept Security Council resolutions 242 (1967) and 338 (1973), renounce the use of terrorism and other acts of violence, and change the parts of the Palestine National Charter inconsistent with these commitments. Israel, in a letter prepared the day before and signed by Prime Minister Rabin on 10 September, decided to recognize the Palestine Liberation Organization as the representative of the Palestinian people and commence with it Middle East peace negotiations. 104/

Three days later, on 13 September 1993, at the White House in Washington, D.C., Israel and PLO signed the Declaration of Principles. 105/ The Declaration consisted of 17 articles, 4 annexes and agreed minutes (see A/48/486-S/26560).

Article I of the Declaration of Principles stated the aim of the bilateral negotiations to be embarked upon as follows:

“The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the “Council”), for the Palestinian people in the West Bank and Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973). It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council resolutions 242 (1967) and 338 (1973).”

The Declaration was to enter into force one month after its signing, on 13 October 1993. In addition to the aforementioned aim of the future bilateral negotiations, the Declaration addressed in several articles such issues as the framework for the interim period (art. II); elections (art. III); jurisdiction (art. IV); the transitional period and permanent status negotiations (art. V); 106/ the preparatory transfer of powers and responsibilities (art. VI); an interim agreement (art. VII); public order and security (art. VIII); laws and military orders (art. IX); a joint Israeli-Palestinian Liaison Committee (art. X); Israeli-Palestinian cooperation in economic fields (art. XI); liaison and

100/ Mustafa Barghouti, himself a critic of the accords, indicates “63 per cent of Palestinians” (see his interview “Palestinian Defiance” in: *New Left Review*, 32, March-April 2005). According to Samih Shbeib, 10 Palestinian organizations rejected the Declaration of Principles (“L’après-Arafat – Le regime politique palestinien”, in: *Revue d’etudes palestiniennes*, No. 95, printemps 2005, p. 5), as did Hamas and the Islamic Jihad.

101/ See also below on “permanent status” work done at Stockholm in 1995.

102/ Jan Egeland, State Secretary in the Norwegian Ministry of Foreign Affairs from 1990 to 1997, co-initiated and co-organized the “Norwegian channel” between Israel and the Palestine Liberation Organization in 1992 (cf. SG/A/840/Rev.1*); see also Hilde Henriksen Waage, “Norwegians? Who needs Norwegians?” Explaining the Oslo back channel: Norway’s Political Past in the Middle East”, International Peace Research Institute, Oslo, Evaluation Report 9/2000.

103/ Shlaim, see footnote 14 above, at p. 514f.

104/ *Ibid.*, p. 518.

105/ At the White House, Prime Minister Rabin of Israel and PLO Executive Committee Chairman Arafat watched Foreign Minister Peres and PLO Executive Committee member Mahmoud Abbas (Abu Mazen) sign the Declaration of Principles and sealed the deal with a now historic handshake. President Clinton, former presidents Bush and Carter and some 3,000 dignitaries witnessed the signing.

106/ The 1995 Interim Agreement spelled out the starting date for the permanent status talks as “not later than 4 May 1996”, in accordance with the Declaration of Principles (see chap. III.D below).

cooperation with Jordan and Egypt (art. XII); the redeployment of Israeli forces (art. XIII); Israeli withdrawal from the Gaza Strip and Jericho area (art. XIV); the resolution of disputes (art. XV); Israeli-Palestinian cooperation concerning regional programmes (art. XVI); and miscellaneous provisions (art. XVII).

Attached to the Declaration were protocols on the mode and conditions of elections, on withdrawal of Israeli forces from the Gaza Strip and Jericho area, on Israeli-Palestinian cooperation in economic and development programmes (art. III), and on Israeli-Palestinian cooperation concerning regional development programmes (art. IV). There were also various letters, for instance on Jerusalem and security matters (see the letters of Holst and Arafat below).

Focus: Jerusalem as a permanent status issue under the peace efforts of the 1990s

While supporting the agreements concluded by the parties since September 1993, which provide for negotiations over Jerusalem as part of the negotiations for a final settlement, the United Nations and other intergovernmental organizations have repeatedly reaffirmed the particular status of Jerusalem, as well as their position that Israel's occupation is illegal and its actions invalid under international law, and that withdrawal from all occupied territories is indispensable for the achievement of a just peace. They have also expressed increasing concern at measures taken by the Israeli authorities to strengthen control over Jerusalem prior to the beginning of the final status talks, particularly with regard to settlements, the isolation of East Jerusalem from the West Bank, measures against Palestinian residency status and Palestinian institutions, as well as the archaeological excavations. They have reaffirmed that the Fourth Geneva Convention is applicable to all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have called upon the Government of Israel to refrain from establishing a fait accompli on the ground, which might predetermine the outcome of the final status talks.

Source: United Nations, *The Status of Jerusalem*, 1997.

Direct, free and general political elections for the Palestinian Council were to be held not later than nine months after the entry into force of the Declaration of Principles, under agreed supervision and international observation, with the Palestinian police ensuring public order. The Council's jurisdiction would cover the West Bank and Gaza Strip, with the exception of issues to be negotiated in the aforementioned permanent status negotiations. The two sides viewed the West Bank and Gaza Strip as a single territorial unit, whose integrity was to be preserved during the interim period. The five-year transitional or interim period would begin upon Israeli withdrawal from the Gaza and Jericho areas. Permanent status negotiations between Israel and the Palestinian representatives were to commence as soon as possible, but not later than the third year of the interim period. ^{107/} This period would later be extended and, after several postponements, ^{108/} the deadline for permanent status negotiations set in the Sharm el-Sheikh Memorandum was 13 September 2000. ^{109/}

The issues to be covered in these negotiations were enumerated in the Declaration of Principles (art. V, para. 3), and included: Jerusalem; refugees; settlements; security arrangements; borders; relations and cooperation with other neighbours; and other issues of common concern. The same list of issues would be reaffirmed in the Palestinian-Israeli Interim Agreement on the West Bank and the Gaza Strip signed in 1995 (art. XXXI, final clauses). The Protocol concerning Civil Affairs in the Interim Agreement (para. 1 (Principles), art. 40 (Water and Sewage) of annex III), added the question of water resources to the list of issues to be discussed in the permanent status negotiations. ^{110/} (see sect. III.D and chap. IV below).

Moreover, the Declaration provided that upon the entry into force of the Declaration of Principles and after Israeli withdrawal from the Gaza and Jericho areas, the Israeli military Government and its Civil Administration would transfer authority to the Palestinians authorized for that task until the inauguration of the Palestinian Council (see art. VI, para. 1). With a view to promoting economic development, authority in the spheres of education and culture, health, social welfare, direct taxation and tourism would also be transferred to the Palestinians, who also would begin

^{107/} Article V, entitled "Transitional period and permanent status negotiations" stipulates that the five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area and that permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period.

^{108/} E.g., 24 November and 3 December 1998; see also chap. III, sects. G and H below.

^{109/} For some early and very initial permanent status ideas, see the unofficial Beilin-Abu Mazen (Mahmoud Abbas) document dated 31 October 1995, "Framework for the conclusion of a final status agreement between Israel and the Palestine Liberation Organization".

^{110/} <http://www.nad-plo/permanent>; for background information, see United Nations, *Water resources of the Occupied Palestinian Territory*, 1992.

to build a Palestinian police force (see art. VI, para. 2). Not later than the eve of elections for the Council, Israeli forces in the West Bank and Gaza Strip were to be redeployed outside populated areas, in addition to the military withdrawal (see art. XIII).

Under the aforementioned interim agreement, the structure of the Council, the number of its members, the transfer of powers to it from Israel, its executive and legislative authority and independent Palestinian judicial organs were to be specified.

In order to promote economic growth, the Council would establish a Palestinian electricity authority, a Gaza sea port authority, a Palestinian development bank, a Palestinian export promotion board, a Palestinian environmental authority, a Palestinian land authority, a Palestinian water administration authority, and any other authorities agreed upon. After the inauguration of the Council, the Israeli Civil Administration would be dissolved and its military Government withdrawn. The Council was to be charged with establishing a “strong” police force to guarantee public order and internal security for Palestinians in the West Bank and Gaza Strip, while Israel was to continue to bear the responsibility of defending against external threats as well as for the overall security of Israelis (see art. VIII).

To ensure the smooth implementation of the Declaration and subsequent agreements pertaining to the interim period, a Joint Israeli-Palestinian Liaison Committee was to be established to deal with issues requiring coordination, other issues of common interest and disputes. Any disputes not settled through conciliation would be addressed by an arbitration committee to be established by the parties. The parties agreed to invite Egypt and Jordan to participate in establishing a continuing committee, which would decide on the modalities of admitting persons displaced from the West Bank and Gaza in 1967. In addition, an Israeli-Palestinian economic cooperation committee was envisaged to develop and implement economic and regional development programmes as provided for in annexes III and IV to the Declaration.

The Protocol on the Mode and Conditions of Elections, contained in annex I of the Declaration of Principles, provided Palestinians living in Jerusalem with the right to participate in the election process, without prejudice to the future status of those registered as displaced on 4 June 1967, as a result of their being unable to participate in elections owing to practical considerations. In accordance with the Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area, contained in annex II of the Declaration of Principles, the two sides would conclude and sign an agreement on such withdrawal within two months of the entry into force of the Declaration.

In addition, letters exchanged before and after the signing of the Declaration of Principles spelled out important supplementary commitments by the parties. The letter from Foreign Minister Peres of Israel to Foreign Minister Holst of Norway read:

“I wish to confirm that the Palestinian institutions of East Jerusalem and the interests and well-being of the Palestinians of East Jerusalem are of great importance and will be preserved. Therefore, all the Palestinian institutions of East Jerusalem, including the economic, social, educational, cultural, and the holy Christian and Moslem places, are performing an essential task for the Palestinian population. Needless to say, we will not hamper their activity; on the contrary, the fulfilment of this important mission is to be encouraged.”

The letter dated 9 September 1993 to Foreign Minister Holst from PLO Executive Committee Chairman Arafat read:

“I would like to confirm to you that, upon the signing of the Declaration of Principles, the PLO encourages and calls upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, contributing to peace and stability and participating actively in shaping reconstruction, economic development and cooperation” (see www.palestine-un.org).

The Protocol on Israeli-Palestinian Cooperation in Economic and Development Programmes, contained in annex III of the Declaration of Principles, set out terms of reference for establishing an Israeli-Palestinian continuing committee for economic cooperation, focusing on water, electricity, energy, finance, transport and communications, trade, industry, labour relations and social welfare issues, human resource development and cooperation, environmental protection, and communications and media.

Addressing the question of Palestine before the General Assembly in November 1993, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated that the Declaration of Principles had opened a new chapter in the long history of the Israeli-Palestinian conflict, symbolized by the handshake between Prime Minister Rabin and Chairman Arafat on 13 September. The Committee supported those developments and strongly urged the parties to continue their efforts to achieve a definitive peace, especially since many sensitive aspects relating to implementing the Declaration—such as the withdrawal of Israel, permanent status arrangements regarding Jerusalem, refugees, settlements, security arrangements, borders and other issues—remained to be negotiated. He stressed once again the need for full United Nations engagement in the peace process and in building the national Palestinian institutions as well as in providing a broad assistance, and he welcomed the Secretary-General's efforts to develop a concerted United Nations response to support implementation of the Declaration (see A/48/35).

At the forty-eighth session of the General Assembly, the traditional resolution on an international peace conference for resolving the question of Palestine under United Nations auspices was now replaced by one entitled "Peaceful settlement of the question of Palestine," which expressed support for the Declaration of Principles and stated a number of principles to guide a final settlement (see resolution 48/158 D). The resolution reaffirmed the permanent responsibility of the United Nations for the question of Palestine and requested the Secretary-General to continue his efforts with the parties, in consultation with the Security Council, for the promotion of peace in the region. It was adopted with 92 votes in favour, 5 against and 51 abstentions.

In subsequent annual resolutions, including resolution 55/55, the General Assembly spelled out, among other things, these principles as follows:

"5. Stresses the need for:

"(a) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination;

"(b) The withdrawal of Israel from the Palestinian territory occupied since 1967;

"6. Also stresses the need for resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948."

Moreover, a second series of resolutions addressing the ongoing peace efforts began in 1993, entitled "Middle East peace process". ^{111/} The first was resolution 48/58, which expressed its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements signed by the State of Israel and PLO. It was sponsored by 110 Member States and adopted by an unprecedented majority of 155 votes in favour. Lebanon and the Syrian Arab Republic voted against the resolution owing to its lack of reference to Security Council resolution 425 (1978).

At the same time, the resolution on the first intifada, which the Assembly had adopted every year since 1988, was deferred. ^{112/}

All of this was preceded by a meeting, on 1 October 1993, of representatives of 46 countries and organizations, including the United Nations, in Washington, D.C., at a conference to support Middle East peace. The participants pledged \$2 billion over five years to finance social and economic development in the West Bank and Gaza Strip. In his report of November 1993 (A/48/607-S/26769), the Secretary-General welcomed the Declaration of Principles in the hope that it would lead to a comprehensive peace, and recognized that the socioeconomic advancement of the Palestinian people would be a necessary condition for the continued success of the peace process. The Secretary-General announced the establishment of a high-level task force to identify ways in which the United Nations could expand its programmes of assistance to the social and economic development of the Gaza Strip and Jericho. The Task Force, which completed its work on 23 September 1993, highlighted the need to implement projects that would quickly make a visible improvement in the daily lives of Palestinians and stressed the importance of continuing support for programmes which contributed to Palestinian socioeconomic well-being (see A/53/153-E/1998/75).

^{111/} It was allowed to lapse in 1997; see below for information on draft resolution A/52/L.62 of 2 December 1997.

^{112/} As discussed in chap. II above, the last resolution on the first intifada was 47/64 E.

Out of these initial efforts grew an array of international mechanisms to facilitate such assistance and underwrite the fledgling peace process with the full support of the international community. The General Assembly, in its resolution 55/173, welcomed the work of the Ad Hoc Liaison Committee and the World Bank serving as its secretariat; the Consultative Group; the Joint Liaison Committee, which provided a forum in which economic policy and practical matters related to donor assistance were discussed with the Palestinian Authority; and the Ministerial Conference to Support Middle East Peace and Development, held in Washington, D.C., on 30 November 1998.

The proliferation of various international support mechanisms notwithstanding, the bilateral negotiations to be undertaken in accordance with the Declaration of Principles were fraught with difficulty, including developments on the ground. According to the United States Department of State, the level of violence in Israel and the occupied territory initially declined following the signing of the Declaration of Principles; however, opposition groups determined to defeat the agreement contributed to an increase in the number of violent incidents and terrorist attacks over the last three months of the year. 113/

Following the signing of the Declaration of Principles, Prime Minister Rabin and Chairman Arafat had their first working meeting in Cairo even before the Declaration entered into force. Two committees were set up in early October, a ministerial-level committee to meet frequently in Cairo, headed by Foreign Minister Peres and PLO Executive Committee member Abbas, the future Chairman of the Executive Committee of the PLO and President of the Palestinian Authority, and a working-level committee based in Taba, headed by Nabil Sha'ath of the PLO, the future Palestinian Authority Deputy Prime Minister, and Major-General Amnon Lipkin-Shahak, IDF second in command and in charge of military intelligence. The two sides agreed on an agenda and formed two groups of experts dealing with military questions and the transfer of authority, respectively. As witnessed before, the "labyrinthine negotiations" at Taba had to bridge a basic conceptual divide, with one side intent to "repackage rather than end Israel's military occupation". 114/

By mid-December 1993, differences had emerged over such issues as the size of the Jericho area to be placed under Palestinian control; jurisdiction over operating border posts along the Egyptian and Jordanian international boundaries; and security related to the Israeli settlers, which led to the postponement of the date of Israel's expected withdrawal of troops from the Gaza Strip and Jericho area. 114/ Instead of two months, it took almost seven months and much "wrangling" 115/ to reach agreement on the first withdrawal of Israeli military forces, "civil administration" and secret services, setting the tone for a pattern of setbacks, delays and only very partial successes that would ultimately lower expectations to a minimum and erode trust between the parties.

C. Gaza-Jericho Agreement and related bilateral agreements

Following months of bilateral negotiations between Israel and the Palestine Liberation Organization in implementation of the Declaration of Principles, on 4 May 1994, the two sides took a major step forward, when Prime Minister Rabin and Chairman Arafat concluded in Cairo the Agreement on the Gaza Strip and the Jericho Area that led to Israel's initial troop withdrawals and transfers of authority to the Palestinians. The Agreement ushered in the five-year transitional or interim period meant to bring about agreement on a permanent settlement.

The run-up to the Gaza-Jericho Agreement was punctuated by a major act of settler violence, the aforementioned Hebron massacre in February that would lead to the first international presence in the Occupied Palestinian Territory in accordance with Security Council resolution 904 (1994) of 18 March, as well as attacks in Israel by Palestinians, including a suicide operation, in the first half of April that would lead the occupying Power to adopt a policy involving tight closures of the Occupied Palestinian Territory that was considered by the Palestinians and the international community as collective punishment. 116/ At the same time, the Prime Minister of Israel refused to remove the Israeli settlers from Hebron 117/, and the tensions there between the Palestinian people and the extremist settler population increased, remaining a constant source of friction and instability (see also chap. II above).

113/ "Patterns of global terrorism, 1993", United States Department of State publication 10136, April 1994.

114/ Shlaim, see footnote 14 above, at p. 523f.

115/ According to the Declaration of Principles, annex II, the two sides were to conclude and sign within two months (13 December 1993) from the date of entry into force of the Declaration (13 October 1993) an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement was to include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.

116/ Shlaim, see footnote 14 above, at p. 524

117/ Ibid., p. 525.

Meanwhile, agreements directly related to the Gaza-Jericho Agreement and other bilateral and multilateral agreements were reached, including the Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization, signed on 29 April 1994 at Paris and later incorporated into the Interim Agreement, addressed below. These helped to move the peace process forward, despite serious crises such as the Hebron massacre and other setbacks that led to the suspension of talks by PLO.

Later in the year, following Chairman Arafat's much-celebrated return to the Gaza Strip, the parties signed the Agreement on Preparatory Transfer of Powers and Responsibilities in August 1994 to extend to the West Bank the Palestinian Authority's control over Palestinian civilian matters. The Agreement provided for the assumption by the Palestinian Authority of powers and responsibilities from the Israeli military Government and its Civil Administration in the areas of education and culture, health, social welfare, tourism, direct taxation and value added tax, which was completed by December 1994.

The Gaza-Jericho Agreement, signed in Cairo some five months later than planned, 115/ provided for Israel's withdrawal of troops from the Gaza Strip and the Jericho area, and the Palestinians' first ever assumption of self-government. The Palestinians were to gain control over their internal political arrangements and many of their daily affairs in the public domain, including elections, tax collection and the passing and enforcement of legislation. A 24-member Palestinian Authority was established, with legislative and executive powers. The Palestinians were also to establish their own police force of up to 9,000 officers (see A/49/180-S/1994/727).

Israel's redeployment began on 17 May 1994. By 18 May, Israel had completed its partial withdrawal from the Gaza Strip, home to almost 1 million Palestinians. An estimated 4,000 Israeli soldiers remained in the areas of Israeli settlements, military installations and security zones (the "Security Arrangements" areas, including the "yellow" area), together comprising about 35 per cent of the land. 118/

The same year, Israel and PLO initiated negotiations on the issue of Palestinian elections and on extending the self-government arrangements to the entire West Bank. At the same time, acts of violence against civilians in Israel continued. Also, on 26 October 1994, Israel and Jordan concluded the Treaty of Peace between the two countries (see A/49/35, para. 21; A/49/552-S/1994/1186; and A/50/73-S/1995/83).

In its report to the General Assembly (A/49/35), the Committee noted with satisfaction that the nature of the Israeli occupation of the Gaza Strip had dramatically changed as the agreed-upon withdrawal of Israel troops and transfer of authority to the Palestinians had begun. Moreover, the Committee welcomed the return of the Chairman of the Executive Committee of the PLO to the Gaza Strip to assume the leadership of the Palestinian Authority, and noted with satisfaction that a number of other well-known Palestinian leaders and longstanding deportees had returned. While the Committee welcomed these positive developments, it also expressed its serious concern at the delay in implementing the agreements reached, the lack of full compliance with the provisions of these agreements and the continued settlement activities in the Occupied Palestinian Territory, particularly in and around Jerusalem.

In his report of 3 November 1994 report to the General Assembly and the Security Council, 119/ the Secretary-General noted that the United Nations had over the past year significantly enlarged its programmes of economic, social and other assistance to the Occupied Territory in support of the Declaration of Principles and in order to promote peace in the region as a whole. To ensure effective coordination of this assistance, and to serve as the focal point for the international donor community, he had appointed, in June 1994, Terje Rød-Larsen of Norway as the United Nations Special Coordinator in the Occupied Territories 120/ (see chap. IV below).

On its part, in relevant resolutions such as 49/88, entitled "Middle East peace process," the General Assembly expressed its full support for the peace process and welcomed the appointment by the Secretary-General of the United Nations Special Coordinator in the Occupied Territories. At the same session, the Assembly adopted resolution 49/62 D, which, inter alia, called for the timely and scrupulous implementation of the agreements reached, and emphasized the importance of a more active and expanded United Nations role in both the peace process and in its implementation.

118/ Ibid., p. 528.

119/ As at 17 October 1994, no reply had been received from the Security Council for inclusion in the Secretary-General's report (A/49/636-S/1994/1240).

120/ See A/49/263-E/1994/112, press release SG/A/585-SG/SM/5298 of 25 May 1994 and A/49/636-S/1994/1240. As stated, in 1999, the Secretary-General appointed a Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority (see press release SG/A/705 of 21 September 1999).

Two divergent views emerged concerning the appropriateness of the United Nations involvement in issues directly related to the peace process. In one view – held by a small minority, including Israel – many General Assembly resolutions ignored the new political realities of the ongoing negotiations; attempted to prejudge and even predetermine the outcome of the permanent status negotiations, contrary to the Declaration of Principles; and were fraught with contradictions. In this minority view, the United Nations should not address issues related to permanent status negotiations. In the words of the United States, co-sponsor of the peace process, it was considered inappropriate and unhelpful for the Assembly to take a position on issues under bilateral negotiations (see A/48/607-S/26769 and A/49/PV.88).

The other view, shared by a majority of Member States, emphasized the abiding United Nations responsibility for the question of Palestine, as determined by the General Assembly in its annual resolutions since 1992 and based on the unfulfilled international covenant to the Palestinian People since the adoption by the General Assembly of resolution 181(II) in 1947. Even as bilateral negotiations were going on, and even if it had been agreed to put off talks on permanent status issues until a later date, international law and human rights standards were still to be applied fully on the ground, until a final resolution of the question of Palestine was effectively reached in all its aspects. 121/

Throughout much of 1995, negotiations under the peace process were hampered by repeated delays in implementing previous agreements and serious acts of violence involving both Israeli and Palestinian perpetrators. For instance, on 24 January 1995, the President of the Security Council strongly condemned the terrorist attack in Nordiya, Israel, saying that its purpose was to undermine Middle East peace efforts. On behalf of the members of the Security Council, he called upon all parties to continue their efforts to consolidate the peace process, stating “The members of the Security Council believe that common ground can only be found through the practice of dialogue, respect and tolerance” (S/PRST/1995/3). A few days later, on 2 February, King Hussein, President Mubarak, Prime Minister Rabin and Chairman Arafat met in a first-ever regional summit to discuss the peace process and to restart the then stalled negotiations. Meeting at a one-day emergency summit in Cairo, they affirmed their respective commitment to the Middle East peace process, threatened by extremists on both sides. They issued a joint statement reaffirming their support for the peace process and condemning bloodshed and terror in the region. Israel and the PLO agreed to resume talks. 122/

D. Interim Agreement (Oslo II)

On 28 September 1995 the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip was signed in Washington, D.C., by Prime Minister Rabin and Foreign Minister Peres for the Government of the State of Israel and Chairman Arafat for the Palestine Liberation Organization, witnessed by President Clinton and other high-level representatives, including from Egypt, Jordan, Norway, the Russian Federation and the European Union. 123/

The Interim Agreement, also known as Oslo II, was signed in Cairo on 27 August 1995. 124/ It superseded three earlier agreements implementing certain aspects of the Declaration of Principles, the last of which was the Protocol on Further Transfer of Powers and Responsibilities. It led to the extension of the civilian control of the Palestinian interim self-government to nearly 30 per cent of the West Bank, including internal security control over some four per cent of the area. 125/

Under the Interim Agreement, Israel and the Palestine Liberation Organization, the representative of the Palestinian people, reaffirmed that the interim self-government arrangements provided therein were an integral part of the whole peace process and that the negotiations on permanent status, to start as soon as possible but not later

121/ *United Nations Yearbook*, 1994, vol. 48.

122/ See PASSIA, at www.passia.org/palestine_facts/chronology/19941995.htm; www.tiscali.co.uk/reference/encyclopaedia/onthisday/0202.html.

123/ See A/50/35; A/51/889-S/1997/357, annex. Following the signing, President Clinton hosted a summit attended by King Hussein, President Mubarak, Prime Minister Rabin, and Chairman Arafat. On 29 September 1995, United States Secretary of State Christopher, Foreign Minister Peres, and Chairman Arafat convened the first meeting of the United States-Israel-Palestinian Trilateral Committee. The parties agreed to promote cooperative efforts to foster economic development in the West Bank and Gaza Strip, to explore the means to increase the availability and more efficient use of water resources, to consult on matters of mutual interest and to promote cooperation on regional issues.

124/ The three agreements were: the Gaza-Jericho Agreement, the Agreement on Preparatory Transfer of Powers and Responsibilities signed on 29 August 1994 (“the Preparatory Transfer Agreement”); and the Protocol on Further Transfer of Powers and Responsibilities signed on 27 August 1995 (“the Further Transfer Protocol”); see A/51/889-S/1997/357, annex.

125/ Shlaim, see footnote 14 above, at p. 528.

than 4 May 1996, would lead to the implementation of Security Council resolutions 242 (1967) and 338 (1973). Furthermore, the parties recognized that the elections to be held would constitute a step toward “the realization of the legitimate rights of the Palestinian people and their just requirements”.

An important feature of the Agreement was the phased redeployment of the Israeli military forces from populated areas in the West Bank – Palestinian cities, towns, villages, refugee camps and hamlets – based on the division of the West Bank into three areas with varying degrees of Israeli and Palestinian responsibility. Area A consisted of seven major Palestinian towns, in which the Palestinian Authority, in the Agreement known as the “Palestinian Interim Self-Government Authority,” assumed the powers and responsibilities for internal security and public order. Area B comprised most of the remaining Palestinian population centres, including the built-up area of certain hamlets, in which the Palestinian Authority assumed responsibility for public order for Palestinians and Israel had the overriding responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism. Israel would retain sole security authority in Area C, which included all settlements with their related road systems, military bases and related areas, and state lands.

Further redeployments from Area C and transfer of internal security responsibility to the Palestinian Police in Areas B and C were to be carried out in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Palestinian Council, with the exception of the issues of permanent status negotiations and of Israel's overall responsibility for Israelis and borders.

Moreover, the Interim Agreement provided for the transfer of powers and responsibilities from the Israeli military Government and its so-called civil administration to the Palestinian Interim Self-Governing Authority. The Interim Self-Governing Authority was to replace the Palestinian Authority, including the Palestinian police, established under the Gaza-Jericho Agreement (1994) and was later known by the same name. The new Interim Self-Governing Authority would be composed of an 82-member Council and the Head (“Ra’ees” in Arabic) of its Executive Authority, each to be elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip for a transitional period not exceeding 4 May 1999 (five years from the date of signing the Gaza-Jericho Agreement). Under the Interim Agreement, election arrangements were made concerning the Palestinians of East Jerusalem.

Other provisions regarding legal matters, religious sites, human rights, water, a phased release of Palestinian detainees and prisoners, and cooperation in the areas of environment, economics, technology and science, were also covered by the Agreement, as were steps to foster dialogue and mutual understanding. ^{126/}

In accordance with the Interim Agreement, on 28 December 1995, the IDF withdrew from most of the populated Palestinian areas of the West Bank – the six cities of Jenin, Nablus, Tulkarm, Qalqilya, Ramallah and Bethlehem, as well as several hundred Palestinian villages – initially except Hebron. A further withdrawal was foreseen for 7 September 1996, which did not take place.

Israeli pullbacks left the Palestinian Authority in full control (security and administrative) of about 3 per cent of the West Bank (Area A; on Hebron, see below) – and administrative control of another 24 per cent, where Israel maintained “overriding” security responsibility (Area B). The remainder of the West Bank (Area C) was under complete Israeli control. The Palestinian Authority exercised full control of approximately 80 per cent of the Gaza Strip (the remaining 20 per cent consisted of Israeli settlements and related roads)

Furthermore, Israel’s troop withdrawals from all the major West Bank cities but Hebron paved the way for the holding of the first Palestinian general elections on 20 January 1996 and for the inauguration on 7 March of the Palestinian Legislative Council. On 9 May, Palestinian Authority President Arafat announced the appointment of a 21-member Executive Authority of the Council. ^{127/} On its part, as did the Secretary-General, the Security Council issued a statement on 22 January 1996 (S/PRST/1996/3), warmly welcoming the elections and describing them as “a major step forward in the Middle East peace process.” The members of the Council also noted “the conclusion of the international observers that the elections were an accurate reflection of the wishes of the Palestinian electorate” (see also chap. I.B above).

^{126/} In this connection, see annex VI to the Agreement, and United Nations Institute for Disarmament Research, *Peace in the Middle East: P2P and the Israeli-Palestinian Conflict*, UNIDIR/2004/33, January 2005, p. 3.

^{127/} *United Nations Yearbook*, 1996, vol. 50.

The negotiations and implementation architecture evolved significantly after the conclusion of the Interim Agreement. Several standing committees such as the Monitoring and Steering Committee, the Joint Economic Committee, the Civil Affairs Committee, the Legal Committee, the Standing Cooperation Committee, the Continuing Committee on Displaced Persons (see art. XXVII) and the People-to-People Committee were established to facilitate various aspects of the implementation of the Interim Agreement. It will be recalled that under the Agreement on the Gaza Strip and the Jericho Area (1994), the Joint Coordination and Cooperation Committee had been established to deal with matters of security coordination. As under that Agreement (see art. XXVI), the Joint Israeli-Palestinian Liaison Committee established pursuant to art. X of the Declaration of Principles was to ensure the smooth implementation of the Interim Agreement 124/ (see also chap. IV below).

In its report to the General Assembly in 1995 (A/50/35), the Committee on the Exercise of the Inalienable Rights of the Palestinian People observed that the Interim Agreement provided the Palestinian people with an opportunity to build on the achievements of the past year and to proceed further in the construction of a State. The Committee was pleased to note that, with the assistance and support of the international community and through the committed efforts of the Palestinian population, the Palestinian Authority had gradually established its administration, taken a number of measures to ensure public order, and had begun to normalize Palestinian political, social, economic and cultural life, as well as to improve living conditions. The Committee noted that a number of countries had established relations with the Palestinian Authority and recognized Palestinian passports; it urged other States to do so as soon as possible.

At the same time, the Committee continued to address Israel's flagrant violations of the spirit and the letter of the Declaration of Principles, such as the illegal confiscation of land for settlements, in particular in and around occupied East Jerusalem (see chap. II above). In his report of 7 November 1995 to the General Assembly (A/50/725-S/1995/930), the Secretary-General acknowledged the important progress in the Middle East peace process that had occurred during the past year, and noted that both sides had recently indicated their firm commitment to implementing the existing agreements fully and according to the agreed timetable, and to enter into the final status negotiations in accordance with the Declaration of Principles.

On 4 December 1995, the General Assembly adopted resolution 50/21 on the Middle East peace process, in which it expressed full support for the achievements of the peace process thus far. In the resolution, introduced on behalf of sponsors by Norway, the Assembly also expressed hope that final-status negotiations would begin as scheduled in the spring of 1996. The Assembly noted that the assassination of Prime Minister Rabin by an Israeli extremist on 4 November 1995 was a reminder that the peace process demanded not only commitment and a clear vision of the future, but also considerable courage. 128/ In its resolution 50/84 D on the question of Palestine, the General Assembly reiterated its call for the timely and scrupulous implementation of the existing agreements between the parties with the goal of negotiating a final settlement.

The Government of Prime Minister Peres, presented to the Knesset on 22 November, was determined to push forward with the peace efforts and would not allow terrorists to stop the process. 128/ A series of suicide attacks against Israelis in February and early March 1996, following the Israeli assassination of suspected Islamic Jihad and Hamas militants led to a deadlock in the negotiations. Israel imposed strict closure regimes on the Occupied Palestinian Territory and continued the practice of extrajudicial killings, discussed above, as the Palestinian Authority stepped up efforts to curb violence. In response to the attacks carried out by Hamas on 3 and 4 March that left almost 60 civilians dead, the President of the Security Council issued a statement (S/PRST/1996/10), in which the members condemned the terrorist attacks and reiterated their support for the peace process:

“These vile acts had the clear purpose of trying to undermine Middle East peace efforts through such terror. The members of the Security Council reiterate their support for the peace process and call on the parties to consolidate it and to increase their cooperation in curbing violence and combating such terrorism.”

In his statement dated 5 March 1996, the Secretary-General called upon the international community to unite in action against what he termed despicable acts of violence. A few days later, on 13 March, he participated in the “Summit of Peacemakers” in Sharm el-Sheikh, convoked jointly by Egypt and the United States to address extremism and violence that threatened to derail the Middle East peace process. The participants expressed their full support for the Middle East peace process and their determination that it should continue in order to accomplish a just, lasting and comprehensive peace in the region (see A/51/91-S/1996/2381). 129/

128/ *United Nations Yearbook*, 1995, vol. 49.

129/ Lebanon and the Syrian Arab Republic were not among the participants.

Following the Summit, on 24 April 1996, at its meeting in Gaza City, the Palestine National Council agreed, in accordance with the Interim Agreement, to amend the Palestine National Charter. ^{130/} The vote was widely reported in the media as having repealed the clauses of the Charter that denied Israel's right to exist and called for its destruction, and was welcomed by Governments in that it was seen as a move to fulfil the agreed-upon obligations of the Palestinians regarding revisions to the National Charter.

On 5 May 1996, in an effort to show respect for the timetable contained in the Declaration of Principles, permanent status negotiations between Israel and PLO were formally launched. The negotiations adjourned after a number of procedural decisions had been taken. In preparation for substantive negotiations, in 1995 two Israeli and two Palestinian academics, respectively reporting to Yossi Beilin and Mahmoud Abbas, had held private meetings in Stockholm to put together a draft text on permanent status. ^{131/}

Moreover, the international presence in Hebron was revived and the ceremonial opening of permanent status negotiations prepared. The Temporary International Presence in Hebron, dormant since August 1994, resumed work on 12 May 1996 in accordance with the Interim Agreement and the "Agreement on Temporary International Presence in the City of Hebron" signed on 9 May 1996 ^{132/} (see chap. III.E below).

Following the elections in Israel at the end of May 1996, a Likud-led coalition Government formed by Prime Minister Benjamin Netanyahu took office. According to public statements studied by an Israeli expert, the Prime Minister was committed to work for "peace with security" to resolve the Arab-Israeli conflict, initially without the representative of the Palestinian people – the PLO – that Israel had recognized in 1993. The Palestinian problem was considered a consequence rather than the primary cause of the conflict. ^{133/} Thus, the Prime Minister's opposition to the "land-for-peace" deal being pursued under the peace process with the Palestine Liberation Organization was pronounced. ^{134/}

Efforts to bring the two sides together nevertheless continued and bore fruit in September and October 1996, when Prime Minister Netanyahu and Palestinian Authority President Arafat met for the first time (see chap. III.E below).

The international community welcomed the renewed rapprochement, even as the deterioration of the situation on the ground continued with the violations by Israel of agreements already reached, including the delay in the redeployment of Israeli troops from Hebron and in the opening of the safe passage from the Gaza Strip to the West Bank, as well as its decision to open a new entrance to a tunnel along the western wall of Al-Haram Al-Sharif (the Temple Mount) in occupied East Jerusalem.

In a press release issued on 10 September 1996 (GA/PAL/734), the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People expressed its satisfaction at the resumption, on 4 September, at Beit Hanoun, Gaza Strip, of the Israeli-Palestinian negotiations. The Bureau welcomed the meeting between Palestinian Authority President Arafat and Prime Minister Netanyahu, expressing the hope that the meeting would clear the way for the continuation of substantive discussions on matters pertaining to the permanent status.

The Committee also welcomed the Middle East Summit, held in the United States on 1 and 2 October 1996 at the invitation of the President of the United States, which included the participation of King Hussein of Jordan, the Prime Minister of Israel and the President of the Palestinian Authority (see A/51/35). In the words of the Secretary-

^{130/} A "Al-Mithaq Al-Watane Al-Philisteeni" - a brief history indicates the following time line: **1964 June:** the Palestine National Charter is adopted. **1968 July:** during the 4th Palestine National Council in Cairo, the Charter has the sentence "Armed struggle is the only way of liberating Palestine" added. **1988 November:** the principle of military attack on Israel to liberate Palestine, is removed from the Charter by the Palestine National Council. **1993 September:** PLO Chairman Arafat declares in a letter to Prime Minister Rabin that the principles of the Charter that deny the right of existence for Israel, are "inoperative and no longer valid", even if the right to amend the Charter is exclusive to the PLO. (http://www.palestine-un.org/plo/pna_three.html; and http://lexicorient.com/e.o/pal_nc.htm).

^{131/} Shlaim, see footnote 14 above, at p. 554f.; see also the unofficial Beilin-Abu Mazen (Mahmoud Abbas) document finalized in Tel Aviv, dated 31 October 1995, entitled "Framework for the conclusion of a final status agreement between Israel and the Palestine Liberation Organization".

^{132/} By Joel Singer for Israel and Saeb Erakat for the Palestine Liberation Organization.

^{133/} Robert O. Freedman, *The Middle East and the Peace Process, the Impact of the Oslo Accords*, p. 2.

^{134/} Shlaim, see footnote 14 above, at pp. 571ff.; the author states that the Prime Minister "adopted a 'work-to-rule' approach designed to undermine the Oslo process". See also Robert O. Freedman, *The Middle East and the Peace Process, the Impact of the Oslo Accords*, p. 2.

General, Israel and had taken “the reassuring decision to resume negotiations aimed at solving outstanding issues and implementing the Declaration of Principles” (see A/51/678-S/1996/953 and A/48/486-S/26560, annex).

In its annual report to the General Assembly (A/51/35), the Committee expressed its concern about the guidelines adopted by the Government of Israel concerning the very basis of the peace process, including the implementation of Security Council resolutions 242 (1967) and 338 (1973), principle of land for peace and final status issues, in particular Jerusalem, settlements, the return of refugees and Palestinian sovereignty.

In his report of 18 November 1996 to the General Assembly and the Security Council (A/51/678-S/1996/953), which at the end of the previous month had called for the immediate resumption of negotiations within the Middle East peace process on its agreed basis and the timely implementation of the agreements reached (see Council resolution 1073 (1996)), the Secretary-General referred to the challenges that had confronted the Middle East peace process during the second half of the year and expressed his reassurance at the resumption of Israeli-Palestinian negotiations in October.

In December 1996, the General Assembly expressed grave concern over Israel’s decision to resume settlement activities in violation of international humanitarian law, relevant United Nations resolutions and the agreements reached between the parties. The Assembly would annually reiterate its grave concern about the continuation of settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and call for their complete cessation (see resolution 51/133; see also resolutions 52/66, 53/55, 54/78 and 55/132).

E. Hebron Protocol

In view of growing delays in implementing various aspects of the peace process agreements reached, in particular the Israeli withdrawal from Hebron in accordance with the provisions of the Interim Agreement, and other developments that deepened the crisis of confidence between the two parties, including resumed settlement activity, 135/ much work was needed for Israel and PLO to proceed. On 15 January 1997, after difficult talks, agreement was reached on the text of the “Protocol concerning the redeployment in Hebron”. Agreement was also reached on the further redeployment of Israeli troops in phases from the West Bank’s rural areas and the holding of permanent status negotiations. News of the agreement on the Protocol, signed two days later, was immediately welcomed by the international community. The Secretary-General expressed the hope that the Hebron agreement would pave the way for further progress towards the full implementation of the process envisaged in the Declaration of Principles (see SG/SM/6145).

On 17 January, the Hebron Protocol was signed by the parties in Jerusalem, 136/ after being overwhelmingly approved by the Knesset on 16 January. 137/ The transfer of authority commenced the same day. The Hebron Protocol had been brokered by the United States, with the assistance of Egypt and Jordan, and was supported by the Russian Federation, the European Union and other members of the international community (see also A/51/782-S/1997/61). The agreement reached, and its various accompanying diplomatic instruments such as a mediator’s letter, note for the record and an agreed minute, concluded the first round of negotiations between the Palestinians and the Government of Prime Minister Netanyahu, under the Declaration of Principles and the Interim Agreement. 138/

Under the Protocol, the city of Hebron was divided into two areas with different security responsibilities for the Palestinian Authority and Israel: about 80 per cent of the municipal area, designated H-1, was transferred to the Palestinians akin to an area A, with the remaining area, designated H-2, to remain under full Israeli control. The H-2 area included Hebron’s Old City and central business district, inhabited by about 450 Israeli settlers and more than 20,000 Palestinians. The Protocol described joint security arrangements and measures, the deployment of Palestinian police and various civilian matters for the Palestinian City’s populations (see www.palestine-un.org/peace/p_h.html).

135/ In particular, art. VII of its annex I.

Under the Interim Agreement, redeployment from Hebron was to have been completed no later than six months after the signing of the Agreement, i.e. the end of March 1996, but was delayed after a series of suicide operations in Jerusalem and Tel Aviv during February and March 1996 and other events later in the year that had threatened to unravel the negotiating process and create a deepening crisis of confidence between the two sides (see A/51/678-S/1996/953 of 18 November 1996).

136/ Done at Jerusalem, 17 January 1997, Dan Shomrom for Israel, Saeb Erakat for PLO.

137/ Shlaim, see footnote 14 above, at pp. 580f.; the writer considers the vote of 87 to 17, with 15 abstentions, as a reflection of a broad national consensus in favour of the peace process.

138/ Shlaim, see footnote 14 above, at p. 579.

Agreement on the Protocol included a “Note for the record” dated 15 January 1997, prepared by the United States Special Middle East Coordinator, Dennis Ross, at the request of Prime Minister Netanyahu and Palestinian Authority President Arafat, that dealt with further Israeli redeployment phases, the first stage to begin during the first week of March, and wider peace process-related issues and commitments such as the release of an unspecified number of Palestinian prisoners by Israel, the resumption of negotiations on the opening of a Palestinian airport and sea port in the Gaza Strip, construction of a safe passage between the West Bank and the Gaza Strip, actual revision of the Palestine National Charter, the fight against terror and prevention of violence, and the size of the Palestinian police.

At the same time, the Israeli and Palestinian leaders agreed that permanent status negotiations would be resumed within two months after implementation of the Hebron Protocol. ^{139/} On its part, the United States expressed its belief to the parties that the first phase of further redeployments should take place as soon as possible and that all three phases of the further redeployments should be completed within 12 months from the implementation of the first phase of the further redeployments but not later than mid-1998. ^{140/} In fact, many such implementation issues had to be revisited and fine-tuned in subsequent negotiations, as featured in the Wye River Memorandum (1998) and the Sharm el-Sheikh Memorandum (1999), addressed below. An important component of the Hebron Protocol was the Temporary International Presence in the City of Hebron (TIPH). ^{141/}

In compliance with the Hebron Protocol, Prime Minister Netanyahu ordered, on 7 February 1997, the release of 30 Palestinian female prisoners who had been due to be released upon the signing of the September 1995 Interim Agreement. ^{142/} A proposal made by Israel in early March 1997 to withdraw from 9 to 10 per cent of the West Bank fell short of the expectations of the Palestinians and later the United States ^{143/} and was rejected by the Palestinian side. ^{144/} Moreover, an acute crisis between the parties was brought about in connection with Israel’s settlement policies. The Prime Minister’s decision, on 19 February 1997, to set in motion plans for the construction of a new settlement at Jabal Abu Ghneim, on top of a pine forested hill just outside East Jerusalem, drew condemnation from the Palestinians and the international community. The plans for the settlement were deemed illegal under international law, and as having a negative impact on the peace process. ^{145/} Israel’s decision regarding Jabal Abu Ghneim led to the convening of the Security Council meetings in March 1997 and the vetoing of two resolutions on the matter by the United States, ultimately leading to the convening of the tenth emergency special session of the General Assembly on illegal Israeli actions in the occupied East Jerusalem and the rest of the Occupied Palestinian Territory, with the first of many meetings under this session held in 1997 (see A/ES-10/PV.3, 5 and 7; see also chap. II above and chap. IV below).

In June 1997, the media reported the outlines of a proposal put forward by Prime Minister Netanyahu as a basis for a permanent settlement between Israel and the Palestinians. The proposal, presented during a Security Cabinet meeting, was referred to as the “Allon Plus” Plan. ^{146/} Reportedly, under the proposal Israel would retain control of the Israeli settlement clusters that would include the “Greater Jerusalem” area, the “Gush Etzion” and “Ma’aleh Adumim” settlement blocs, other large concentrations of settlements in the West Bank, the entire Jordan

^{139/} See “Note for the record” dated 15 January 1997; agreement on the Hebron Protocol also included an “Agreed Minute,” spelling out the United States plan on Shuhada Road; available from www.palestine-un.org.

^{140/} See the letter dated 17 January 1997 provided by United States Secretary of State Christopher to Benjamin Netanyahu at the time of the signing of the Hebron Protocol. In reality, the first stage of the further redeployments was only completed on 20 November 1998 (see annex V below).

^{141/} Under “*Miscellaneous*”, 17. Temporary International Presence, the Protocol states the following: “There will be a Temporary International Presence in Hebron (TIPH). Both sides will agree on the modalities of the TIPH, including the number of its members and its area of operation.” The TIPH was originally established in 1994 following the signing on 31 March 1994 by Israel and the PLO of the “Agreement” on security arrangements in Hebron and the renewal of negotiations on the Gaza Strip and Jericho in accordance with Security Council resolution 904 (1994) of 18 March 1994 for a period of three months. The TIPH had resumed its work on 12 May 1996 in accordance with agreements reached under the peace process (art. VII of the Interim Agreement and “Agreement on Temporary International Presence in the City of Hebron” of 9 May 1996, signed by Joel Singer and Saeb Erakat).

^{142/} Following a decision by the Supreme Court of Israel rejecting a petition against the move, Israel released 30 Palestinian women prisoners.

^{143/} For instance, on 8 May 1998, Middle East Peace Coordinator Dennis Ross went to Israel to discuss United States proposals for a troop withdrawal from 13 per cent of the West Bank.

^{144/} On 7 March 1997, after a seven-hour overnight debate, the Israeli Cabinet voted 10-7 to back the proposal by Prime Minister Netanyahu to withdraw from 9 to 10 per cent of the West Bank. Two alternatives raised in the meeting called for handing over 5 or 7 per cent of the West Bank territory.

^{145/} See United Nations, *The Status of Jerusalem*, 1997; see also Shlaim, footnote 14 above, at pp. 581-583.

^{146/} Named after the original 1967 plan proposed by the Deputy Prime Minister of Israel, Yigal Allon, which included, among other things, the annexation of the Jordan Valley.

Valley, a “security area” area east of the Green Line, and a network of bypass roads. The Palestinians would be left with less than half of the Occupied Palestinian Territory, broken up into several unconnected enclaves. The plan drew condemnation from the Palestinian side as an attempt to supplant Security Council resolution 242 (1967) as a basis for the Middle East peace process and replace it with a different framework unilaterally imposed by Israel (see A/51/923-S/1997/453).

Suicide bomb attacks against Israeli civilians in Jerusalem in July and September 1997, the subsequent decision by the Government of Israel to suspend peace negotiations and freeze further transfers of territory to the Palestinian Authority, and an unsuccessful attempt to assassinate the Hamas leader, Khaled Mashaal, in Amman by Israeli secret agents on 25 September 1997 further poisoned the atmosphere. However, efforts to jump-start the stalled negotiations between the parties to the conflict continued, with United States Special Middle East Coordinator Ross making several trips to the region, followed by a visit by Secretary of State Madeleine Albright from 10 to 12 September 1997, in an unsuccessful attempt to secure a freeze of the controversial construction of Israeli settlements in return for a Palestinian commitment to resume full security cooperation with Israel.

Meanwhile, on 9 September 1997, the Government of Israel published a list of Palestinian security commitments it demanded the Palestinian Authority should undertake, that were given to Secretary of State Albright during her visit to Israel, including: an agreement by the Palestinians to full and unconditional security cooperation; the detention, arrest and imprisonment of all terrorists previously released by the Palestinian Authority, according to lists submitted by Israel; the dismissal of personnel involved in terrorism or violent acts against Israel; the implementation of the security commitments specified in the Hebron Protocol; the collection and confiscation of illegal arms; no further incitement against Israel by officials; compliance with the 33 extradition requests submitted to it; a reduction of the Palestinian Police Force from 35,500 to 24,000; and the submission for approval of a complete list of police recruits. ^{147/}

On 10 September 1997, the Palestinians issued the following demands: immediate transfer by Israel to the Palestinian Authority of the \$100 million in Palestinian tax payments withheld; lifting of the internal closure of the West Bank; permission for the import of raw materials into the Gaza Strip and the West Bank and the export of agricultural products; permission for a fixed number of labourers with permits to work in Israel, even during periods of closures; and resumption of the work of the eight committees aimed at implementing important articles of the 1995 Interim Agreement, including the release of Palestinian prisoners, the opening of an airport, the construction of a sea port and safe passage between the Gaza Strip and the West Bank. In addition, the Palestinians demanded that the following practices be stopped: settlement construction and expansion; the invalidation of identity cards of Palestinian residents of Jerusalem; the demolition of homes in the West Bank built without permit; and the evacuation of Bedouins throughout the West Bank and their transfer from Area C to areas B and A. ^{147/} On its part, in September 1997 the Palestinian Authority police closed 16 Hamas-related offices and organizations. ^{148/}

Despite a resumption of bilateral talks in Washington, D.C., on 3 November 1997, ^{149/} 1997 and most of 1998 passed without tangible diplomatic or material progress in the peace process. Efforts to “re-energize” the negotiations, including by the United States, ^{150/} bore no fruit. At the same time, developments on the ground such as the continued construction of the settlement in Jabal Abu Ghneim to the south of East Jerusalem contributed to curtailing the positive trend that had been expected to emerge after the implementation of the Hebron Protocol. These developments were also regarded as pre-empting the pursuit of permanent status negotiations (see chap. II above).

^{147/} “Chronological review of events relating to the question of Palestine”, September 1997.

^{148/} See Kenizé Mourad, *Le parfum de notre terre – Voix de Palestine et d’Israël*, Paris, 2003, p. 348.

^{149/} Secretary of State Albright opened the talks between Israeli and Palestinian negotiators led by Foreign Minister Levy and Chief Palestinian Negotiator Abbas. The talks were called to explore formulas that could pave the way for accelerated negotiations on a permanent Israeli-Palestinian peace settlement. United States Middle East Peace Coordinator Ross mediated the talks.

^{150/} For instance, from 20 to 22 January 1998, President Clinton met separately with Prime Minister Netanyahu and Palestinian Authority President Arafat in Washington, D.C., in an attempt to re-energize the peace process. Following her first visit during 10-12 September 1997, from 31 January to 1 February 1998 Secretary of State Albright returned to the Middle East to put forth a proposal for simultaneous steps by the Palestinians on security and by Israel on further redeployment. Mr. Arafat reportedly provided a letter detailing which parts of the PLO Charter should be considered annulled (see also below). Additional meetings were held in 1998 between the Secretary of State and, separately, Prime Minister Netanyahu and Mr. Arafat as well as, on 28 September 1998, between Mr. Clinton and Mr. Netanyahu and Mr. Arafat at the White House.

At the United Nations, in his report on the question of Palestine and the situation in the Middle East (A/52/581-S/1997/866), the Secretary-General expressed disappointment in the stagnation of the Middle East peace process during 1997. The Secretary-General noted that while the Hebron Protocol had inspired hope that confidence and mutual trust between Palestinians and Israelis would increase and create a positive environment for subsequent negotiations, the decision by Israel to start construction of a settlement in Jabal Abu Ghneim to the south of East Jerusalem thwarted that positive trend and led to a dangerous and lengthy stalemate. According to the report of the Secretary-General submitted earlier in the year to the General Assembly at its tenth emergency special session (A/ES-10/6-S/1997/494), the Abu Ghneim incident was viewed as particularly serious for a number of reasons:

“(a) Politically, establishing a new Israeli settlement at Jabal Abu Ghneim represented the first move to construct an entirely new settlement on occupied Palestinian lands since the previous Israeli Government in the context of the peace process imposed a freeze on such activities. Palestinians pointed out that such a move prejudices final status negotiations, during which the issue of Jerusalem and borders was to be determined. The settlement was seen as closing the door on what Palestinians unanimously expected to be the future capital of a Palestinian State - East Jerusalem;

“(e) With regard to its effects on the peace process, and the confidence of the Palestinian people in that process, the refusal of the Government of Israel to abandon construction of a new settlement at Jabal Abu Ghneim appeared to represent, in the view of the Palestinian people, the largest single negative factor in the breakdown of the peace process and the fomenting of unrest in the occupied territories.”

Expressions of political support for the peace process were waning at the United Nations. Norway, speaking also for the Russian Federation and the United States, as co-sponsors of draft resolution A/52/L.62, entitled “Middle East peace process”, said they wished to withdraw the draft. The speaker went on to say the following:

“Since similar texts were first adopted by the General Assembly in 1993, these draft resolutions have been an expression of support for the peace process in the Middle East. In the light of efforts now underway by the sponsors of the peace process and others, with the parties, to inject new momentum into the process, the sponsors are ready to resubmit the draft resolution at a time when we, as well as the parties themselves, believe it will be appropriate and useful again to seek this expression of support for the peace process from the international community” (A/52/PV.68).

It was felt that the lack of progress in the peace process did not warrant the resubmission of the resolution to the General Assembly. On his part, Secretary-General Annan visited the Occupied Palestinian Territory in March 1998, the first such visit by a Secretary-General to the Palestinian Authority. Addressing the Palestinian National Council at Gaza on 23 March (see SG/SM/6501), the Secretary-General said:

“At every juncture and every passage, with every challenge and every success, the United Nations has stood by the proponents of the legitimate rights of the Palestinian people.

“Why? Because we could do no other. Your cause – genuine self-determination for the Palestinian people – is our cause. It is the expression of the most sacred, most enduring and universal principles of our Charter.

“Today in Gaza, I can declare to you that the bonds between the Palestinian people and the United Nations are stronger than ever. Our commitment to your cause is undiminished, our hopes for your future undimmed.

“Only peace, only compromise, only the understanding that two peoples must live – and not die – side by side, will bring peace to this land. Let me repeat: Only peace, only compromise, only the understanding that two peoples must live – and not die – side by side, will bring peace to this land and self-determination for your people. And that peace will only come about if both sides adhere faithfully to the commitments they have made and carry the process through to its conclusion – a comprehensive peace settlement.”

A meeting in May 1998 in London between Prime Minister Netanyahu and Palestinian Authority President Arafat convened by the Prime Minister of the United Kingdom, Tony Blair, ended in failure. The deepening lack of trust between the Palestinian Authority and the Government of Israel rendered the peace process moribund. 151/

151/ Shlaim, see footnote 14 above, at pp. 588.

However, further efforts, spearheaded primarily by Special Middle East Coordinator Ross, aimed at securing a formula for a further redeployment of Israeli troops from 13 per cent of the West Bank, eventually bore fruit. Initially rejecting the United States proposal in March of 1997, Prime Minister Netanyahu indicated his assent in August of the same year, subject to the proviso that the Palestinian Authority should designate 3 per cent of the territory to be transferred as a nature reserve. Following the meeting of Prime Minister Netanyahu and Palestinian Authority President Arafat with President Clinton at the White House on 28 September 1998, in early October Secretary Albright again travelled to Israel and the Occupied Palestinian Territory, meeting repeatedly with Israeli and Palestinian leaders in preparation for the resumption of face-to-face talks between the two sides later in the month. ^{152/}

F. Wye River Memorandum

On 15 October 1998, the peace process took a further step with a summit held at the Wye River Plantation in Maryland, United States, under the sponsorship of President Clinton and billed as being modelled on the Camp David Summit of 1978. The summit concluded on 23 October with the signing, at the White House, of the Wye River Memorandum by Prime Minister Netanyahu and Palestinian Authority President Arafat.

The President of the Security Council congratulated all the parties involved in the conclusion of the Memorandum, and the Secretary-General expressed his delight “at the news that an impasse in the Middle East peace process has finally been broken” (see SG/SM/6769). The optimism would prove to be short-lived, however, as on 20 December, the Government of Israel decided to suspend the implementation of the Wye River Memorandum. ^{153/}

The Memorandum provided for the phased Israeli redeployment in parallel with the Palestinian achievement of security objectives, as well as progress on economic issues, including the Gaza Industrial Estate and Airport, and the relaunch of final status negotiations. The first phase of redeployments took place, whereas further redeployment was delayed and the five-year period of the Interim Agreement of 1995 expired on 4 May 1999 without final status negotiations having all but formally begun.

Under phases one and two of further redeployments, the Wye River Memorandum provided for the transfer of 13 per cent of Area C to Area A (1 per cent) and Area B (12 per cent), in three stages. Three per cent of this area was classified as “green area/natural reserve,” where no construction or other change of landscape could take place. An additional 14.2 per cent was to be transferred from Area B to Area A. These three transfers were to take place within 12 weeks, with a further unspecified redeployment to be discussed by the parties after that, as the third phase”. ^{154/}

Under the Memorandum, the Palestinian side agreed to outlaw, and establish a work plan to combat terrorist organizations and their infrastructure in the Occupied Palestinian Territory and to hold biweekly reviews of its implementation with United States representatives; the confiscation of illegal weapons and prevention of weapons smuggling; the apprehension of “the specific individuals suspected of perpetrating acts of violence and terror”; and, “continuous, intensive and comprehensive” security cooperation. The Palestinian side undertook to issue a decree prohibiting “all forms of incitement to violence and terror” and to establish a mechanism that would “act systematically against all expressions or threats of violence or terror”. The sides undertook not to take any step that would alter the status of West Bank and Gaza under the Interim Agreement.

With regard to the permanent status negotiations, the two sides agreed immediately to resume talks on an accelerated basis, making a determined effort to achieve the mutual goal of reaching an agreement by 4 May 1999. As stated in the Memorandum, the United States had expressed its willingness to facilitate these negotiations.

Moreover, reaffirming their commitment to enhancing their relationship and recognizing the need to actively promote economic development in the West Bank and the Gaza Strip, the Israeli and Palestinian sides agreed to continue or reactivate all standing committees established by the Interim Agreement, including the Monitoring and Steering Committee, the Joint Economic Committee, the Civil Affairs Committee, the Legal Committee, and the

^{152/} From 5 to 7 October 1998, with Special Middle East Coordinator Ross.

^{153/} Shlaim, see footnote 14 above, at p. xxv.

^{154/} Under the terms of the Interim Agreement and of United States Secretary of State Christopher’s letters of 17 January 1997 to the two sides relating to the further redeployment process.

Standing Cooperation Committee (see chap. IV below). A detailed timeline was included in the Memorandum as an “integral attachment”, which proved difficult for the parties to abide by.

The Memorandum entered into force 10 days from the date of signature. On 19 November 1998, the Israeli Cabinet approved the Memorandum, provided that the Palestinian side renounced plans to declare unilaterally an independent State on 4 May 1999 ^{155/} and no longer called for the release of Palestinian prisoners “with blood on their hands” or those who are members of Hamas; and also demanded that “incitement to violence” should halt immediately. The Palestinians rejected these three conditions. The United States said that the Wye River Memorandum “should be implemented as signed.” Further conditions, as announced by the Prime Minister of Israel were: the third withdrawal from the West Bank would cover only 1 per cent of the area and would be the last; and the Palestine National Council should remove from the PLO Charter passages hostile to Israel. At the same time, Mr. Netanyahu agreed to open the Palestinian airport in the Gaza Strip the following week, and to start the release of 750 Palestinian prisoners. ^{156/}

Moreover, on 20 November, Israeli and Palestinian officials signed a protocol completing Israeli troop redeployment from 2 per cent of Area C and the 7.1 per cent of Area B to Area A. The Palestinian police took over 28 small towns and villages. Work on demarcating the Israeli and Palestinian-controlled areas began. Also, the Head of the Palestinian Civil Aviation Authority and Israeli aviation officials signed the Gaza Airport Protocol allowing for the opening of the international airport in the southern Gaza Strip. The inaugural commercial flight, from Egypt, landed at the Palestinian International Airport, in Al-Dahaniya, on 24 November 1998.

In support of these developments, on 30 November 1998, President Clinton hosted a Middle East Donors’ Conference in Washington, D.C., at which some 40 countries, the majority of them from Europe, pledged over \$3 billion in economic assistance to the Palestinian Authority.

Further progress in the negotiations floundered however, over various reasons such as the release by Israel of Palestinian prisoners. ^{157/} On 24 November 1998, Israel freed a first group of 250 prisoners, many of whom were reported to be common criminals, not Palestinian activists. ^{158/} A few days later, on 1 December, Prime Minister Netanyahu refused to release Palestinian prisoners accused of attacks on Israelis. Mass demonstrations erupted in the Occupied Palestinian Territory and a hunger strike by Palestinian prisoners followed. Moreover, Prime Minister Netanyahu announced on 16 December that further Israeli troop redeployments were unlikely to take place. ^{159/}

With regard to the permanent status negotiations, a first meeting between Foreign Minister Sharon of Israel and Palestinian Negotiator Abbas took place on 18 November 1998. On 24 November, Israel and the Palestinians postponed the formal beginning of the permanent status negotiations until early December, when a further delay was announced on 3 December. Permanent status negotiations would again only be addressed in the Sharm el-Sheikh Memorandum, which was concluded in September 1999 by a new Government of Israel headed by Ehud Barak.

On 10 December 1998, fulfilling its part of advancing the Palestinians’ obligations under the Wye River Memorandum, the Palestine Central Council, a PLO institution that makes policy decisions when the Palestine National Council is not in session, voted overwhelmingly to accept changes to the Palestinian Charter. In the vote, the 105 members present were asked whether they approved a letter from Palestinian Authority President Arafat to President Clinton, in which clauses in the Charter offensive to Israel were declared revoked or amended. Of those present, 81 voted in favour, 7 voted against and 7 abstained. On 14 December, the Palestine National Council meeting in the Gaza Strip, in the presence of President Clinton, passed a similar measure. The Government of Israel expressed its satisfaction with the vote in the Palestinian National Council. ^{160/}

^{155/} The Palestine Central Council decided to postpone the declaration of a State at its meeting from 27 to 29 April 1999 (www.palestine-un.org/news).

^{156/} “Chronological review of events relating to the question of Palestine”, November 1998.

^{157/} Although a priority issue for the Palestinians, the prisoner release, was not explicitly addressed in the Wye River Memorandum. However, an oral “understanding” was reached during the Wye River negotiations that Israel would release 750 Palestinian prisoners it held, in three stages. The exact modalities of the release subsequently became a subject of heated controversy, with the Palestinian side insisting on the release of “political” or “security” prisoners, while the Government of Israel maintained that it had never agreed to the release of Hamas or Islamic Jihad members, or those “with blood on their hands”.

^{158/} As many as 150 prisoners, according to Benny Morris, *The Righteous Victims*, p. 648.

^{159/} “Chronological Review of events relating to the question of Palestine”, December 1998.

^{160/} See “Israeli reactions to the PNC vote in Gaza”, available from www.mfa.org.il.

The following day, 15 December, a trilateral summit meeting between President Clinton, Prime Minister Netanyahu and Palestinian Authority President Arafat was held and broke up with no joint statement by the three leaders. Mr. Netanyahu did not commit to a date for further redeployment and reiterated various demands, including that Mr. Arafat publicly renounce plans unilaterally to declare a Palestinian State, which were formulated in the context of the upcoming end of the interim period on 4 May 1999. At any rate, on 20 December, Prime Minister Netanyahu's Office said that the further implementation of the Wye Memorandum would be suspended until after Israeli elections were held, with the date for elections set for 17 May 1999. 161/

On 22 and 23 March 1999, Palestinian Authority President Arafat visited Washington, D.C., to meet with President Clinton and Secretary of State Albright, both of whom reaffirmed their opposition to a unilateral declaration of Palestinian statehood. Ultimately, the Palestinians held back from unilaterally declaring an independent State. On its part, the European Union made a landmark declaration on 25 March 1999, at its summit in Berlin, in which it reaffirmed the unqualified Palestinian right to self-determination, including the option of a State and declared its readiness to consider the recognition of a Palestinian State 162/ (see also chap. I above).

After the Knesset voted on 21 December 1998 to dissolve the Government, elections were held on 17 May 1999. The peace process was effectively suspended until the new Government of Ehud Barak was established in early July 1999. On 11 July, Prime Minister Barak and Palestinian Authority President Arafat met at the Beit Hanoun/Erez crossing and their negotiations continued later in the month to implement the Wye River Memorandum and to assess all of the outstanding issues concerning its implementation. The Palestinians expected to obtain a clear commitment from Israel to implement the long-delayed redeployment, which was not forthcoming. The bilateral talks disintegrated over the Prime Minister's various new proposals and the difficulties in implementing various commitments such as the release of Palestinian prisoners by Israel. Gradually, mediation by Egypt, the United States and others salvaged the talks in September. 163/

G. Sharm el-Sheikh Memorandum

On 4 September 1999, Prime Minister Barak of Israel and Palestinian Authority President Arafat ended more than eight months of stalemate in the peace process by signing the Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations. In the words of one observer, "the lumbering caravan of the peace process once again resumed forward motion." 164/ The Secretary-General warmly welcomed the agreement and congratulated Prime Minister Barak and President Arafat for the successful completion of the negotiations, and President Mubarak and Secretary of State Albright for their role in facilitating this important progress (see SG/SM/7121-PAL/1869).

The delay in implementing its obligation under the Memorandum notwithstanding, by the end of March 2000, Israel had redeployed its troops from an estimated total of 18.2 per cent of West Bank (Area A), which included major Palestinian populations centres. On the ground, Israel maintained total control over the East Jerusalem area, 60 per cent of the West Bank (Area C) and 20 per cent of the Gaza Strip, as well as control limited to security matters, shared with the Palestinian side, over an additional 21.8 per cent of the West Bank (area B), administratively otherwise in Palestinian hands (see annex V below). 165/

Building on the timeline concept used in the Wye River Memorandum, the Sharm el-Sheikh Memorandum spelled out dates 166/ for the "full and mutual implementation" of the Interim Agreement and all other agreements and outstanding commitments made since the signing of the Declaration of Principles (1993) so as to conclude a

161/ Shlaim, see footnote 14 above, at p. xxv.

162/ Presidency Conclusions, Berlin European Council, 24 and 25 March 1999, available from http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/ACFB2.html.

163/ see <http://www.pbs.org/wgbh/pages/frontline/shows/oslo/etc/cron.html>; see also Clayton E. Swisher, *The truth about Camp David*, New York, 2004, pp. 49f.

164/ See Bernard Wasserstein, *Divided Jerusalem: The Struggle for the Holy City*, p. 307.

165/ On 10 September 1999, Israel transferred 7 per cent of the West Bank from area C to B. Further transfers were delayed by disputes over the territories to be handed over. From 5 to 7 January 2000, Israel transferred a further 2 per cent from area B to area A and 3 per cent from area C to B (this redeployment was originally scheduled to take place on 15 November 1999). The third and final Israeli pullback involving the transfer of 1 per cent from area C to area A and 5.1 per cent from area B to area A took place on 21 March 2000, three months behind schedule, leading to the above-mentioned total extent of troop withdrawal under the peace process of the 1990s.

166/ Obligations pertaining to dates, which occur on holidays or Saturdays, were to be carried out on the first subsequent working day.

comprehensive agreement on all permanent status issues, the so-called Comprehensive Agreement for Permanent Status, within one year from the resumption of those negotiations and not later than 13 September 2000. 167/ Talks were to start after the first stage of the release of an initial 350 Palestinian prisoners and the second stage of redeployments and not later than 13 September 1999. The two sides were to make a determined effort to conclude a framework agreement on all permanent status issues, later known by the working title "Framework agreement on permanent status" within five months from the resumption of the permanent status negotiations (13 February 2000).

The Memorandum also dealt with the release of Palestinian prisoners in three stages, 200 prisoners on 5 September 1999, 150 on 8 October and another release to be determined. 168/ The two sides were to establish a Joint Committee that was to follow-up on matters related to the release of Palestinian prisoners.

Furthermore, the Memorandum established dates for reconvening the Continuing Committee on Displaced Persons 169/ on 1 October 1999 (a ministerial-level meeting convened on 6 February 2000, and was attended by the representatives of Israel, Egypt, Jordan, and the Palestinian Authority); opening the Southern Route of the Safe Passage 170/ between the West Bank and the Gaza Strip on 1 October 1999 (began operation on 25 October 1999 between the Beit Hanoun (Erez) crossing in the Gaza Strip and Tarqumiya near Hebron); reaching agreement on the specific location of the crossing point of the Northern Route of the Safe Passage 171/ (not later than 5 October 1999); commencing work on the sea port in the Gaza Strip, like the airport as an international passage (on 1 October 1999) 172/; and opening Shuhada Road in Hebron to Palestinian vehicles, to which it had been closed since 1994 173/ (not later than 30 October 1999). In addition, a high-level joint liaison committee was to review the situation at the Tomb of the Patriarchs/Al-Haram Al-Ibrahimi (not later than 13 September 1999). 174/

On security, in accordance with the prior agreements reached, the two sides would act to ensure the handling of any incident involving a threat or act of terrorism, violence or incitement, whether committed by Palestinians or Israelis. To this end, they would cooperate in the exchange of information and coordinate policies and activities. In this connection, the Palestinian side undertook to implement its responsibilities for security, security cooperation, ongoing obligations and other issues emanating from the prior agreements, including, in particular, the obligations emanating from the Wye River Memorandum the previous year. 175/

The Memorandum also established certain implementation modalities, in particular the various intergovernmental coordination committees were to resume their operation not later than 13 September 1999. The sides undertook not to take steps that would change the status of the West Bank and the Gaza Strip under the Interim Agreement.

On 21 September 1999, the Secretary-General appointed Terje Rød-Larsen of Norway as the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority. It was hoped that his presence on the ground would

167/ The Sharm el-Sheikh Memorandum reiterated that, in the Wye River Memorandum (1998) the United States had expressed its willingness to facilitate these negotiations.

168/ Additional Palestinian prisoners were released in December 1999 and in January 2000.

169/ The establishment of the Continuing Committee first appears in the Camp David Accords of 1978 and was reiterated in the art. XII of the Declaration of Principles, as well as in art. 8 of the Treaty of Peace between Israel and Jordan. The Continuing Committee was first convened at the ministerial level in Amman in March 1995.

170/ Under Interim Agreement, annex I, art. X. The details of operation were to be provided for in the Safe Passage Protocol that was to be concluded by the two sides not later than 30 September 1999 (it was signed on 5 October 1999).

171/ As specified in annex I, art. X, provision c-4, in the Interim Agreement of 1995.

172/ The relevant agreement was signed on 20 September 2000 by Israeli and Palestinian representatives, however, the Gaza Seaport project, financed by France, the Netherlands, and the European Development Bank was barely started before being razed by IDF in September of 2001.

173/ Shuhada Road, passing through the Israeli-controlled part of Hebron (H2), was closed to Palestinians after the Hebron massacre of February 1994. According to the Hebron Protocol and attached Agreed Minute of 17 January 1997, it was supposed to be reconstructed with help from the United States Agency for International Development and reopened within four months after the signing of the Protocol. It was eventually reopened on 31 October 1999.

174/ Pursuant to annex I, art. VII of the Interim Agreement and in accordance with the United States "Minute of Discussion" of 15 January 1998.

175/ The following four obligations emanating from the Wye River Memorandum are listed in the Sharm el-Sheikh Memorandum: (a) continuation of the programme for the collection of the illegal weapons, including reports; (b) apprehension of suspects, including reports; (c) forwarding of the list of Palestinian policemen to the Israeli side not later than 13 September 1999; (d) beginning of the review of the list by the Monitoring and Steering Committee not later than 15 October 1999.

help ensure that United Nations support of the peace process was fully integrated and coordinated, particularly in the area of development assistance (see SG/A/705).

Following the signing of the Sharm el-Sheikh Memorandum, the permanent status negotiations were formally resumed on 13 September 1999, at the Beit Hanoun (Erez) crossing. Foreign Minister Levy was appointed to head the Israeli negotiating team, and Mahmoud Abbas headed the Palestinian team. Negotiations on the Framework Agreement on Permanent Status between Israel and the Palestinians resumed on 8 November 1999 in Ramallah. The two sides were represented by Oded Eran and Yasser Abed Rabbo, respectively.

Moreover, at the end of January 2000, the multilateral talks had resumed at Moscow, and on 7 June 2000, the Israeli-Palestinian Agreement on the implementation of economic issues provided for in the Sharm el-Sheikh Memorandum was signed. Following the meetings of President Arafat with President Clinton in Oslo on 2 November 1999 and Davos, Switzerland, on 29 January 2000, 176/ bilateral talks on permanent status issues between the Israelis and Palestinians were held in March and April at the Bolling Air Force Base near Washington, D.C. 177/ At the beginning of July, the Palestinians agreed again to delay the proclamation of the State of Palestine. 178/

H. Camp David Summit

On 11 July 2000, the United States President convened the Middle East Peace Summit at Camp David. For the next two weeks, until 24 July, the parties held intense negotiations, reportedly unprecedented in both scope and detail, addressing all the major aspects of the Israeli-Palestinian conflict, including borders, the status of Jerusalem and the right of return of the Palestine refugees, in a determined if ultimately unsuccessful effort to reach an agreement on permanent status issues (see chap. IV below). To resolve certain issues, the Summit talks reportedly considered swapping land between Israel and the Occupied Palestinian Territory, albeit at a ratio unfavourable to the Palestinians and without yielding 100 per cent of the area of the Occupied Palestinian Territory. A final “Trilateral statement” made at the end of the Summit listed the guiding principles of the negotiations. The Secretary-General expressed disappointment that, despite strenuous efforts at the Camp David Summit, the parties had not been able to reach an overall agreement (see SG/SM/7494).

The Secretary-General welcomed the summit and expressed hope that a “Peace of the Brave” between Israel and the Palestinians would not only end more than 50 years of hostilities, but would pave the way for a comprehensive, just and lasting peace in the Middle East based on relevant United Nations resolutions, including Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace. He also stressed that “a successful outcome would require decisions and compromises which would be painful for both sides” (see SG/SM/7480).

In the weeks and months after the Summit, various accounts of the negotiations showed that while Israeli proposals reportedly appeared to go far beyond previous positions, in particular with such novel issues as an “end of conflict” declaration, the gaps between the parties, especially on the issues of Jerusalem and refugees’ right of return, proved too wide to be bridged. While the Summit has often been described as a failure, it was nonetheless also considered a step forward in getting the parties to deal with the substance of the permanent status issues, even if Israel appeared to offer no concessions on the crucial issues of the status of Jerusalem and Palestine refugees. 179/ Diplomatic efforts between the parties nevertheless continued, including at the highest level, when Prime Minister Barak and President Arafat met in Kochav Yair on 25 September and, the next day, in Washington, D.C., at the level of negotiating teams. 180/

176/ The meetings took place in the context of the ceremony in Oslo commemorating the anniversary of the assassination of Prime Minister Yitzhak Rabin. From 5 to 9 December 1999, Secretary of State Albright traveled to the Middle East to assess the progress toward the aforementioned framework agreement for permanent status between Israel and the Palestinians.

177/ Swisher, see footnote 42 above, at p. 192, states that Oded Eran participated on the Israeli side, Saeb Erakat and Yasser Abed Rabbo on the Palestinian side.

178/ Mamdouh Naufal, “Arafat, de Madrid a Taba”, in: *Revue d’etudes palestiniennes*, No. 96, été 2005, p. 47; the Palestine Central Council met in Gaza City on 2 and 3 July 2000, affirming its determination to implement the Declaration of Independence adopted by PNC in 1988 with the establishment of an independent Palestinian State with Jerusalem as its capital and the achievement of its sovereignty on Palestinian land within the 4 June 1967 borders with the conclusion of the agreed upon transitional period of 13 September 2000 (see www.palestine-un.org/news/YearinReview2000.html).

179/ Amnon Kapeliouk, *Arafat, l’irréductible* (4 February 2004) and “Conducting catastrophe” by Amnon Kapeliouk, in: *Le monde diplomatique*, February 2002.

180/ Swisher, see footnote 42 above, at pp. 379f.

The events surrounding the outbreak of the second intifada at the end of September 2000, following the visit of then Israeli opposition leader Ariel Sharon to the Al-Haram Al-Sharif accompanied by hundreds of Israeli security and police personnel, dealt a further serious blow to the peace process. Israeli forces moved back into parts of the Occupied Palestinian Territory where they had not been present for some years, Area A around Palestinian population centres, at times using unprecedented methods such as air bombardments and the massive use of snipers against the Palestinian people. ^{181/} A concerted effort to stop the deterioration of the situation and restart the peace process was made in Paris in October and later the same month at a summit in Sharm el-Sheikh, leading to the appointment of a fact-finding committee that issued its findings (the "Mitchell Report") in 2001. At the summit, it was agreed that both sides would act immediately to return to the situation prior to the current crisis, including the redeployment of Israeli forces to pre-28 September 2000 positions. ^{182/} As immediate efforts and some initial progress in lowering the level of violence were made at the end of 2000 and the beginning of 2001, effectively none of what was agreed at Sharm el-Sheikh materialized and the situation was soon to deteriorate further ^{183/} (see also chap. II.I above).

On 2 October 2000, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed a letter to the Secretary-General (A/55/440-S/2000/936), in connection with the confrontations between the Israeli security forces and Palestinians in Jerusalem expressing the gravest and growing concern of the Committee at the situation.

On 7 October 2000, the Security Council met and adopted resolution 1322 (2000), in which the Council called for the immediate cessation of violence, stressed the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events in Jerusalem and called for the immediate resumption of negotiations within the Middle East peace process.

On 4 October 2000, the Secretary-General participated in a dramatic meeting in Paris between Prime Minister Barak of Israel and Palestinian Authority President Arafat, held with Secretary of State Albright and the President of France, Jacques Chirac, in an urgent effort to stop the growing violence and to restart the Middle East peace process. Following the meeting, the Secretary-General proceeded to the region and helped to bring about the understandings reached on 17 October at the Sharm el-Sheikh Middle East Peace Summit, jointly chaired by President Clinton and President Mubarak. The main purpose of the Secretary-General was to help Israelis and Palestinians to resolve the ongoing crisis by reaching an agreement based on disengagement, an end to violence and a return to normalcy, a resumption of the peace process and the establishment of a mechanism to inquire into the recent violence and ways of avoiding a recurrence.

The General Assembly met on 20 October 2000 and heard the Secretary-General's summary of what was agreed at Sharm el-Sheikh (SG/SM/7594):

"First, both sides agreed to issue public statements unequivocally calling for an end of violence. They also agreed to take immediate, concrete measures to end the current confrontation, eliminate points of friction, ensure an end to violence and incitement, maintain calm and prevent recurrence of recent events;

"It was agreed that, to accomplish this, both sides would act immediately to return the situation to that which existed prior to the current crisis, in areas such as restoring law and order, redeployment of forces, eliminating points of friction, enhancing security cooperation and ending the closure and opening the Gaza airport. The United States undertook to facilitate security cooperation between the parties;

"Secondly, it was agreed that the United States would develop with the Israelis and Palestinians, as well as in consultation with the United Nations Secretary-General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the United States President with the Secretary-General and the parties prior to publication. A final report shall be submitted under the auspices of the United States President for publication;

^{181/} Swisher, see footnote 42 above, at p. 387f.

^{182/} The United States undertook to facilitate security cooperation between the parties.

^{183/} In its resolution ES-10/7, the General Assembly demanded the immediate cessation of violence and the use of force, called upon the parties to act immediately to reverse all measures taken in this regard since 28 September 2000, and acknowledged that necessary steps had been taken by the parties in this direction since the summit of Sharm el-Sheikh.

“Thirdly, it was agreed that, if we are to address the underlying roots of the Israeli-Palestinian conflict, there must be a pathway back to negotiations and a resumption of efforts to reach a permanent status agreement based on United Nations Security Council resolution 242 and 338 and subsequent understandings. President Clinton announced that, towards this end, the leaders had agreed that the United States would consult with the parties within the next two weeks about how to move forward.”

On 23 December 2000, President Clinton invited Prime Minister Barak and President Arafat to the White House and read out to them a set of proposals to advance peace in the Middle East, to be known as the “Clinton parameters”. The proposals included Palestinian sovereignty over the holy sites in Jerusalem and Palestinian neighbourhoods in East Jerusalem, as well as approximately 95 per cent of the West Bank, an apparent improvement over the Camp David Summit proposals. ^{184/} The outgoing Government of Israel and Palestinian Authority President Arafat accepted the parameters as the basis for further efforts, with some reservations. ^{185/}

In response to President Clinton’s initiative, which provided for a larger percentage of the West Bank to be handed over than what had been discussed only a few months earlier at Camp David, President Arafat, in his letter of 28 December 2000, sought various clarifications and explanations, and expressed his readiness to meet with the President to discuss the bridging proposals and develop them further in a meeting at the White House. The meeting took place on 2 January 2001 in Washington, D.C., against the backdrop of escalating violence in the Occupied Palestinian Territory. ^{186/}

As the date of the Israeli elections of 6 February was drawing near, from 21 to 27 January 2001, Palestinian and Israeli negotiators met in Taba, Egypt, with the active mediation of third parties, in a last-ditch effort to make progress on a number of issues, on the basis of the “Clinton parameters”. ^{187/} According to the envoy of the European Union, Miguel Moratinos, who was present at the talks, both sides accepted the principle of a land swap, but the size and proportionality of it remained under discussion. Both sides accepted, in principle, Palestinian sovereignty over Arab neighbourhoods in Jerusalem and Israeli sovereignty over Jewish neighbourhoods, to become the capitals of the respective States, but the issue of Israeli settlements in East Jerusalem remained unresolved. It was agreed, in principle, that the sides would retain control over their respective holy sites in Jerusalem, but the exact delineation and modalities of control were not settled. The Palestinian side insisted that the refugees should have the right of return to their homes, in accordance with General Assembly resolution 194 (III). The Israeli side floated the idea of a 15-year absorption program of a limited number of refugees. In a joint statement released after the Taba talks, the two sides declared that they had never been closer to a final settlement. ^{188/}

In its resolution 55/55, adopted on 1 December 2000, the General Assembly stressed the need for the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination; the withdrawal of Israel from the Palestinian territory occupied since 1967, and resolving the problem of the Palestine refugees in conformity with its resolution 194 (III). By the beginning of the year 2001, little progress had been made along any of these lines. The permanent status negotiations had not been concluded; the multilateral talks remained frozen; and the Israeli and Palestinian sides were left with the responsibility to implement their respective outstanding commitments under the bilateral agreements reached. As the conditions on the ground palpably worsened, the Palestinian people clung to the very edges of hope.

^{184/} In a speech to the Israel Policy Forum Gala in New York on 7 January 2001, outgoing President Clinton provided the following details:

1. **Palestinian state:** sovereign, viable and geographically contiguous. Its territory should be the Gaza Strip and the vast majority of the West Bank. Settlement blocks should be annexed to Israel. (Compensating) territorial swaps, and other arrangements are also necessary.
2. **Refugees:** right of return to a Palestinian State. Those wanting to go elsewhere (including to Israel) should be able to do so, subject to recipient states’ willingness to have them. No unlimited right of return to Israel. Compensation to all refugees.
3. **Security:** lasting security guarantees for Israel. An international presence in Palestine. Palestine to be non-militarized.
4. **Jerusalem:** capital of two states, Israel and Palestine. An open and undivided city, with assured freedom of access and worship for all. Arab areas should be Palestinian. Jewish areas should be Israeli. Special arrangements for Holy Places.
5. **An end of conflict declaration.**

(Available from <http://telaviv.usembassy.gov/publish/peace/archives/2001/january/me0108b.html>.)

^{185/} Swisher, see footnote 42 above, at p. 396, states 94-96 per cent of the West Bank.

^{186/} “Chronological review of events relating to the question of Palestine”, January 2001.

^{187/} See Miguel Moratinos, non-paper” on the Taba negotiations, available from <http://unispa.un.org>.

^{188/} The text of the Israeli-Palestinian joint statement, released by Israeli and Palestinian negotiators on 27 January 2001 was published in the *Jerusalem Post* (28 January 2001). On 25 February 2001, Secretary of State Colin Powell met with the incoming Prime Minister of Israel, Ariel Sharon, in Jerusalem and Palestinian Authority President Arafat in Ramallah.

IV. Living conditions in the Occupied Palestinian Territory and assistance

During the period under consideration, United Nations resolutions and reports consistently continued to reflect the view that the Israeli occupation itself constituted a violation of human rights that also impeded efforts to achieve sustainable development and a sound economic environment (see chap. II above). Curfews, closures, and checkpoints continued to prevent the free movement of Palestinians, preventing workers from reaching their jobs, students from reaching their schools, patients from reaching medical centres, and farmers from reaching agricultural lands. The flow of goods and services were also affected leading to a drop in commerce and foreign currency holdings. The economic situation was also affected by Israel's land confiscations and its control of water and other natural resources, exacerbated by Israel's efforts to provide the settlers in the Occupied Palestinian Territory with a standard of living far exceeding that of the Palestinians, including incentives for transfer to the Territory, placing a further stress on the available resources. Moreover, the uprooting of trees and the destruction of agricultural land remained a major impediment facing Palestinian farmers and negatively impacted thousands of livelihoods.

At the same time, some progress was made in improving the livelihood of Palestinians following the signing of the Declaration of Principles in 1993. IDF redeployment from some areas occupied in 1967 have left the Palestinian Authority in some degree of administrative control of about 40 per cent of the West Bank and 80 per cent of the Gaza Strip. Democratic Palestinian elections were held, and the responsibility for rendering public services to the Palestinian population was gradually transferred to the fledgling Palestinian Authority as new quasi-State institutions were established (see annex IV below).

The Gaza International Airport and a safe passage connecting the West Bank and the Gaza Strip were opened in 1998 and 1999, respectively. In 1993, the Palestinian Bureau of Statistics was established and the first Palestinian census was conducted in 1997. ^{189/} Furthermore, fresh bilateral and multilateral international assistance and foreign investment, reflecting increased confidence, benefited the living conditions of the Palestinians and helped improve the business climate sufficiently for the Palestinian Authority to establish the Palestinian Stock Exchange in 1997. Private television and radio stations were launched. In 1992, after having been closed for four years, the Orient House reopened, anchoring the Palestinian Authority activities in East Jerusalem (see www.orienthouse.org/about/index.html).

Under the peace process, the Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization (the Paris Protocol) was signed on 29 April 1994, by which the two parties laid the groundwork for strengthening the economic base of the Palestinian side by recognizing the Palestinians' right to economic decision-making in accordance with their own development plan and priorities, transferring certain powers relating to economic policy to the Palestinians, such as the import and customs policy, the authority to levy direct and indirect taxes, set industrial and agricultural policy, and establish a monetary authority to regulate financial activities, and setting forth the modalities of import, value added tax and wage tax clearance transfers between the Israeli and the Palestinian side (art. XXIV) (see A/49/35). The same year, the Protocol was incorporated into the Agreement on the Gaza Strip and the Jericho Area and, in 1995, in the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip.

Under the Interim Agreement, standing committees, including the Monitoring and Steering Committee, the Joint Economic Committee, the Civil Affairs Committee, the Legal Committee, and the Standing Cooperation Committee were established. Moreover, annex VI of the Agreement set the principles of economic cooperation and identified the sectors of economic cooperation between the two sides. ^{126/}

Under art. III-6 of the Wye River Memorandum of 1998, the Israeli and Palestinian sides reaffirmed their commitment to enhancing their relationship and agreed on the need to actively promote economic development in the West Bank and Gaza, for instance, envisaging progress on such economic issues as the Gaza Industrial Estate Project and the Airport, and to continue or to reactivate all the standing committees established by the Interim Agreement, and agreed to establish an Ad Hoc Economic Committee to deal with a number of specific problematic issues such as taxes, unpaid debts, and trade barriers. Furthermore, under the Sharm el-Sheikh Memorandum of 1999, the two sides recommitted themselves to implement the recommendations of the Ad Hoc Economic Committee. Also, the two sides called upon the international donor community to enhance its commitment and

^{189/} Abu-Libdeh, Hassan, "Conducting census under adverse conditions; challenges and lessons learned", Palestinian Central Bureau of Statistics, available from <http://www.unfpa.org/sustainable/docs/data/presabu-libdeh.doc>.

financial support to Palestinian economic development and the Israeli-Palestinian peace process. In June 2000, the Israeli-Palestinian Agreement on the implementation of economic issues provided for in the Sharm el-Sheikh Memorandum, was signed, detailing the parallel implementation of the economic issues laid out in the Wye River and Sharm el-Sheikh memorandums.

In support of the peace process, the international community and the United Nations extended generous assistance to the Palestinian people and the Palestinian Authority. In 1994, the United Nations established the Office of the United Nations Special Coordinator in the Occupied Territories to guide and coordinate different United Nations programmes and assist the Palestinian Authority and donors in coordinating, among other things, international development assistance. UNSCO also produced annual reports on the economic and social conditions in the West Bank and Gaza Strip, analysing the challenges and opportunities of the business environment and the repercussions of adverse situations (see chap. IV.B below).

The Middle East and North Africa Economic summits (subsequently conferences) starting in 1994, constituted a concerted international effort to strengthen an environment that was supportive of the peace process and to develop and promote joint projects in the economic and social sphere (for more information, see chap. III.A above).

At the international level, the World Bank played a central role in providing the Palestinian Authority, as of late 1993, with financial and technical support in a range of economic sectors. International financial assistance delivered by the World Bank was available through the Trust Fund for Gaza and West Bank in the form of grants or soft loans—which were interest-free with a 10-year grace period and 40 years maturity (see <http://web.worldbank.org>). The Bank extended technical assistance and provided policy recommendations in the economic and social domains and conducted a number of studies.

The stepped-up humanitarian assistance of UNRWA to the Palestine refugees in the Occupied Palestinian Territory is addressed in chapter IV.E below. In 1996, UNRWA headquarters returned to the region and was established in the Gaza Strip.

Throughout the period, the Commission on the Status of Women also continued to keep the situation of the Palestinian women under review. The resolutions adopted by the Economic and Social Council upon the recommendation of the Commission requested the Secretary-General to continue to review the situation of Palestinian women and to assist them by all available means (see, e.g., Commission resolution 2000/23). In 1994, 1995 and 1996, the Commission on the Status of Women adopted resolutions 38/1, 39/3 and 40/2 entitled “Integration of women in the Middle East peace process”, in which it urged Governments, intergovernmental bodies and non-governmental organizations to include women in the Middle East peace process, and to assist the Palestinian people in the implementation of the Declaration of Principles on Interim Self-Government Arrangements so as to ensure Palestinian women's political development and participation.

A. Living conditions

During the period under consideration, the United Nations expressed its concern about the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (see also chap. II.I above). Whereas the Middle East peace process, in particular the signing of the Declaration of Principles in 1993, raised high expectations, Israel continued to confiscate land to expand settlements, construct roads to connect those settlements, and further exploit natural and other economic resources to the detriment of the Palestinian population in the Occupied Palestinian Territory. As a result of Israel's settlement activities throughout the 1990s, the number of settlers in the West Bank and the Gaza Strip doubled, with East Jerusalem settlers accounting for one third of the increase. By the end of 2000, the Israeli settler population in the West Bank and the Gaza Strip had exceeded 200,000 persons, with an additional 200,000 Israelis in East Jerusalem, ^{190/} owing to the establishment of new settlements, the expansion of existing ones and the creation of so-called settlement outposts. In 1997, for example, Israel began construction of a major new settlement in the Jabal Abu Ghneim area south of East Jerusalem. Israel's settlement activities continued despite their unequivocal condemnation by the General Assembly (see chap. II above) and the reaffirmation by the Conference of the High Contracting Parties to the Geneva Convention in July 1999 of the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory.

^{190/} *Report on Israeli settlement in the occupied territories*, vol. 11, No. 2, March-April 2001, p. 8.

The continued Israeli internal closures in the Occupied Palestinian Territory created tremendous hardship for the Palestinian population, exacerbating unemployment and causing other material losses, as well as limiting access to urgently needed public services. Israel's external closure policy resulted in an average loss of about 20 per cent of Palestinians' working days in Israel for the period from 1993 to 2000, with peaks in 1995, 1996 and the fourth quarter of 2000, as well as significant losses in Palestinian external trade and foreign investment. ^{191/} Real per capita GDP for the West Bank and the Gaza Strip declined 36.1 per cent between 1992 and 1996, as a result largely of Israeli closures. The most serious negative social effect of this downturn was the emergence of chronic unemployment: the average unemployment rates in the Occupied Palestinian Territory during the 1980s were generally under 5 per cent; by the mid-1990s, that level had risen to over 20 per cent. Starting in 1997, Israel's use of comprehensive closures eased somewhat, fuelling a modest economic recovery in 1998-1999, which was brought to an abrupt halt in 2000 with the outbreak of the second intifada. ^{192/}

In the period 1990-2000, the living conditions of the Palestinian people were also impacted by house demolitions and uprooting of trees, expropriation of agricultural land and restriction on water use by Israel. During 1999 alone, 460 Palestinians received demolition notifications for their houses. Most of the affected properties were located in Jerusalem and Hebron. On occasion, Israeli forces prevented residents from cultivating their land adjacent to their houses and cut off their neighbourhood water supplies (see A/55/84-E/2000/16, annex, para. 17). The confiscation of land also had a critical impact upon the Palestinian community. During 1999 alone, Israel forcefully expropriated 40,178 dunums ^{193/} of Palestinian land, of which 19,691 dunums were used for settlement activities and related bypass roads. An additional 7,550 dunums were levelled by uprooting or burning 15,180 trees, mostly productive trees such as olive, almond and fig trees (ibid., para. 13).

Focus: the situation of Palestinian children at the beginning of the first intifada

International customary and conventional law such as the Regulations Respecting the Laws and Customs of War on Land, annexed to both The Hague Convention of 29 July 1864 (II) and The Hague Convention of 18 October 1907 (IV), and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Fourth Geneva Convention, give legal protection to the child under military occupation. Children are considered in need of protection because of their vulnerability, age, immaturity, and absence of discernment. According to articles 27 and 32 of the Fourth Geneva Convention, children, like all civilians, shall be treated humanely, free of coercion, corporal and collective punishments as well as with respect for their life, physical well-being and moral integrity. Furthermore, article 50 of the Fourth Geneva Convention stipulates the following:

"The occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children."

During more than 20 years of military rule, two generations of Palestinian children have suffered from serious limitations imposed on their basic rights to education, effective protection of the family, health and worship as well as sustained attempts to alienate them from their rich history, customs and tradition. The violent death and physical injury, the destruction of homes, disregard for nationality, collective punishments, the detention and cruel treatment of children under arrest, and an all-pervasive climate of oppression, suspicion and fear continue to shape the lives of Palestinian children. Every day and in nearly every aspect of life, they are dependent on the policies of the occupation authorities. Whether in the street, at school or at home, Palestinian children live in the shadow of mounting repression, violence and grief.

Source: United Nations, *Palestinian children in the Occupied Palestinian Territory*, 1990.

The General Assembly at the start of this period adopted resolutions 44/174 and 46/162, entitled "Living conditions of the Palestinian people in the occupied Palestinian territory," in which it affirmed that the Israeli occupation was contradictory to the basic requirements for social and economic development in the occupied Palestinian Territory. Moreover, in these resolutions the Assembly called upon Israel to halt practices that were detrimental to the social and economic well-being of Palestinians, and rejected Israel's plans to expand settlements, deeming them to be illegal. It also requested the Secretary-General to report to the Assembly on progress made in the implementation in the resolutions.

^{191/} UNSCO, "The impact on the Palestinian economy of confrontations, mobility restrictions and border closures", 28 September-26 November 2000", November 2000.

^{192/} Central Intelligence Agency, *The World Factbook*, 2000.

^{193/} 1 dunum = 0.1 hectare.

From 1996 to 2000, the Economic and Social Council adopted similar resolutions, entitled “Economic and social repercussions of the Israeli occupation on the Palestinian people in the Palestinian Territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan” (see resolutions 1996/40, 1997/67, 1998/32, 1999/53 and 2000/31).

The Economic and Social Council requested the Secretary-General to prepare annual reports on the different Israeli practices that affected the living conditions of the Palestinian people under occupation. In 1989, a report entitled “Israeli trade practices in the occupied Palestinian territories” (A/44/277-E/1989/82) was submitted to the General Assembly upon the request of the Council. ^{194/} It identified trade practices that were precluding the growth of Palestinian production as well as exploiting low wage Palestinian labour.

The General Assembly recognized that the establishment of settlements by Israelis had adverse repercussion on the economic and social living conditions of the Palestinian people and their well-being, including the continuous exploitation of the natural resources in the Occupied Palestinian Territory, to the advantage of the settlers. From 1991 until 1995, the General Assembly adopted annual resolutions entitled “Economic and social repercussions of Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population in the Syrian Golan” (resolutions 46/199, 47/172, 48/212, 49/133 and 50/129) ^{195/} in which the Assembly deplored Israel’s practices, in particular land confiscation, the diversion of water resources and the depletion of natural and other economic resources. Starting in 1993, the Assembly, in the resolutions, welcomed the ongoing Middle East peace process and acknowledged its importance, while continuing to recognize the economic and social repercussions of Israeli settlements on the Palestinian people in the Occupied Territory and reaffirming their inalienable right to their natural and other economic resources.

Similarly, from 1992 to 1996, the Economic and Social Council adopted resolutions entitled “Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian Territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan” (resolutions 1992/57, 1993/52, 1994/45, 1995/49 and 1996/40 of 26 July 1996). In resolutions 1992/57 and 1993/52, the Council deplored the establishment of settlements, as well as other Israeli practices including land confiscation, appropriation of water resources, depletion of other resources, and deportation of the population from their territories. In the relevant resolutions adopted from 1994 to 1996, the Council took into consideration the ongoing peace process and welcomed the signing of the Declaration of Principles, as they expressed their concern about the Israeli establishment of settlements, recognized the social and economic repercussions of these settlements on the Arab population under occupation and reaffirmed the inalienable rights of the Palestinian and other Arab population to their natural and other economic resources.

Starting in 1993, the Secretary-General submitted to the General Assembly pursuant to resolution 47/172 a report entitled: “Economic and Social repercussions of the Israeli settlements in the Palestinian territory, including Jerusalem, occupied since 1967, and other Arab population of the Syrian Golan” (A/48/188-E/1993/78). The report indicated that land confiscation, coupled with curfews imposed by Israel on the Palestinian people, including avoiding clashes between Palestinians and Israeli settlers, have had a negative impact on the agricultural sector. The report also found that the establishment of seaside settlements in the Gaza Strip had reduced the fishing area since fishing near or opposite settlements was not allowed. It also found that Israel had, for purported security reasons, uprooted fruit trees, in particular olive trees, thereby depriving farmers of their main income and forcing them to leave their land.

The reports submitted by the Secretary-General between 1993 and 2000 concluded that Israeli practices – especially the establishment of settlements and the provision of services and security to the settlers in the Occupied Palestinian Territory, had negative economic and social repercussions that affected the living conditions of the Palestinian people under occupation. The reports concluded that land confiscation and Israeli water policies were detrimental to agriculture and precluded Palestinians from building houses; the uprooting of fruit trees and the construction of settlements were affecting the income of many Palestinian farmers and fishermen (see, e.g. A/49/169-E/1994/73); the exploitation of water and other economic resources affected the livelihood of Palestinians; and, the dumping of waste water near water sources and agricultural lands was affecting the Palestinian environment

^{194/} On the basis of a note by the Secretary-General (A/43/432-E/1988/68) concerning progress in the implementation of General Assembly decision 40/432 and Economic and Social Council resolution 1987/87, the Council, by its resolution 1988/65, requested the Secretary-General to speed up the preparation of the required report on the trade practices of the Israeli occupation authorities in the occupied Palestinian territories. The report was prepared by the United Nations Conference on Trade and Development.

^{195/} Resolution 46/199 was entitled “Adverse economic effects of Israeli settlements in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967.”

and polluting Palestinian natural resources. The reports also emphasized impediments to the Palestinian economy caused by the curfews and closures imposed by Israel (see chap. II.G above).

The living conditions in the Palestinian Territory through 2000 and the economic situation remained precarious owing to the continued occupation by Israel and its often excessive and destructive responses to the beginning of the second intifada. Moreover, the political uncertainty resulting from the lack of progress in implementing the Israeli-Palestinian agreements had a dampening effect on foreign investment. In addition, trade was stagnant owing to the imposition by Israel of a number of restrictions on Palestinian economic transactions, such as delivering Palestinian products (especially agricultural) to Israel and other foreign markets through Israel, and restricting border and loading operations, which resulted in increased transaction costs and cumbersome transaction processes. These restrictions hindered the growth of exports and thus the growth of the Palestinian economy (see A/55/84-E/2000/16).

As mentioned earlier, the Declaration of Principles of 1993 (annex III, Protocol on Israeli-Palestinian Cooperation in Economic and Development Programmes) and the Interim Agreement of 1995 (annex III, art. 40, Protocol concerning Civil Affairs), contained provisions related to water. Under the Interim Agreement, Israel recognized the Palestinian water rights in the West Bank. ^{196/} Moreover, the question of water resources was one of the main issues to be resolved in the envisaged final status talks between Israel and the Palestinians. Meanwhile, the peace treaty between Israel and Jordan signed in 1994, especially Annex II on water-related matters, constituted the first major water-related agreement in the region. In the absence of an agreement involving all three riparians of the lower Jordan River basin, the "Declaration of Principles for Cooperation on Water-related Matters and New and Additional Water Resources" of 13 February 1996 addressed some of the cooperation issues related to water resources, without, however, improving the existing limited allocation of water resources available to the Palestinians. On the ground, the water question became critical for the Palestinians and was the subject of many protests.

Out of the total annual supply of 800 million m³ of water, the Palestinians were allowed the use of only 110 million m³ despite the rapid growth in the Palestinian population, while the rest was diverted for use by Israel and the settlements. The prohibition against the Palestinians exploiting their water resources, coupled with an increasing population, affected agriculture and caused water shortages for individual use. Moreover, as more land was seized by Israel for the construction of settlements, the area devoted to rain-fed and cereal cultivation by Palestinians was further reduced. ^{196/}

This situation led the Economic and Social Council, in its resolutions 1989/86, and 1990/53, entitled "Israeli economic practices in the occupied Palestinian and other Arab territories", to request the Secretary-General to prepare a report entitled "Israeli land and water policies and practices in the occupied Palestinian and other Arab territories".

The report (A/46/263-S/1991/88) identified a number of serious economic and social consequences of Israel's land and water policies and practices, such as: conflict and competition over land and water resources between villages and Israeli settlements; only 16 per cent of the groundwater available in the West Bank was left for the Palestinian population; wells in the West Bank were drying up as a result of the continuous drilling of new wells by Israel; and, the overexploitation of groundwater owing to the great increase in demand for water by settlers in the Gaza Strip led to water intrusion and increased salinity, rendering 50 per cent of wells in the Gaza Strip unfit for either human use or irrigation. Moreover, the report indicated that Israel's policy of confiscating Palestinian land and uprooting fruit trees also affected agriculture and other economic sectors, and thus contributed to the adverse living conditions in the Occupied Palestinian Territory.

United Nations bodies such as the General Assembly and the Economic and Social Council have recognized since 1992 the inalienable right of the Palestinian people and population of the Syrian Golan to their natural resources in a succession of resolutions entitled "Economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan," and determined the infringement of these rights to be illegal (see General Assembly resolution 48/212). Starting in 1996, the General Assembly adopted annual resolutions entitled "Permanent sovereignty of the

^{196/} The Interim Agreement dated 28 September 1995, annex III, Protocol concerning Civil Affairs, art. 40, Water and sewage states, under "Principles" that on the basis of good-will both sides had reached the following agreement in the sphere of water and sewage: "1. Israel recognizes the Palestinian water rights in the West Bank. These will be negotiated in the permanent status negotiations and settled in the Permanent Status Agreement relating to the various water resources."

Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources” (resolutions 51/190, 52/207, 53/196, 54/230 and 55/209).

In these resolutions, the Assembly expressed its concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian, as well as other occupied Arab territories. While the Assembly welcomed the Middle East peace process or called for its resumption as in resolution 55/209, it called upon Israel not to exploit or cause loss or danger to the natural resources. Furthermore, the General Assembly reaffirmed “the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water” and recognized “the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides.”

B. Assistance to the Palestinian People

As a result of initial progress made in peace efforts, the period between 1993 and 2000 witnessed a fundamental change in dealing with the issue of assistance to the Palestinian people. The international community recognized the need to assist and entrust the Palestinian Authority with the development of the Occupied Palestinian Territory, which entailed the creation of numerous Palestinian quasi-governmental institutions, including the Palestinian Police (see General Assembly resolutions 49/21 N and O; and document A/50/763), as well as social, economic, financial, technical and capacity-building assistance. At the same time, UNRWA continued to provide humanitarian assistance to Palestine refugees, including in the refugee camps in the Occupied Palestinian Territory, addressed separately below. Moreover, in response to the deteriorating situation on the ground at the end of 2000, the UNDP Programme of Assistance to the Palestinian People launched emergency projects in the Occupied Palestinian Territory.

According to the Palestinian Authority Ministry of Planning and International Cooperation, during the period 1993 to 1999, 48 donors provided \$2.75 billion in disbursed funds, thus making the Palestinian Territory the world’s largest recipient of development assistance in per capita terms, with an average of \$200 per person (see A/55/137-E/2000/95). Yet, commitments fell yearly, declining from \$789.9 million in 1996 to \$546.8 million in 1999 and disbursements have fallen from \$511.6 million in 1996 to \$513 million in 1997, \$409.2 million in 1998 and \$417.1 million in 1999. However, Israel’s closures – when fully in place – cost the Occupied Palestinian Territory an estimated \$4 million to 6 million a day in lost income and output, far exceeding any assistance that the international aid community could provide. 197/

The United Nations during the period from 1989 to 2000 intensified its activities in tangible support of the peace process. As mentioned earlier, the United Nations participated at a conference to support Middle East peace, held on 1 October 1993 in Washington, D.C. The United Nations field presence in the Occupied Palestinian Territory increased from 3 organizations in 1993 to 13 in 1999. 197/ As discussed, in 1994, the Secretary-General established the Office of the Special Coordinator in the Occupied Territories with the mandate to guide and coordinate different United Nations programmes and assist the Palestinian Authority and donors in coordinating, among other things, international development assistance. 198/

Since its inception, the office of the Special Coordinator has been instrumental in coordinating and facilitating the work of the different United Nations agencies. In addition, UNSCO has produced annual reports on the economic and social conditions in the West Bank and Gaza Strip with updated data from Palestinian, Israeli and international sources. These reports covered issues such as macroeconomics, the labour market, household living standards, private investment trends and approved investment projects. The reports also analysed the challenges and opportunities of the business environment and the repercussions of adverse situations. 199/

In 1999, the Secretary-General reconfigured the mandate of the Special Coordinator, whose title was changed to the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary General to the Palestine Liberation Organization and the Palestinian Authority (see A/55/137-E/2000/95, para. 45).

197/ “Closure on the West Bank and Gaza”, UNSCO Fact Sheet, 1997.

198/ See “About UNSCO” section at www.unsco.org. In 1999, the Secretary-General reconfigured the mandate of the Special Coordinator, whose title was changed to the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority (see A/55/137-E/2000/95).

199/ See “UNSCO Special Report on the West Bank and Gaza Strip private economy: conditions and prospects”, (February 1998).

By 2000, numerous United Nations agencies and programmes were active in extending assistance to the Palestinian people (see A/54/134, E/1999/85). A wide spectrum of projects that were initiated required the expertise of the following United Nations entities, each in its respective field: FAO, the International Atomic Energy Agency, the International Civil Aviation Organization, the International Fund for Agricultural Development, the International Labour Organization, the International Maritime Organization, the International Telecommunications Union, the International Trade Centre, the United Nations Development Fund for Women, UNESCO, the United Nations Environment Programme, the Office of the United Nations High Commissioner for Human Rights, the United Nations Industrial Development Organization, the United Nations Institute for Training and Research, the United Nations Office on Drugs and Crime, the United Nations Population Fund, United Nations Volunteers, the Universal Postal Union, the World Food Programme and the World Health Organization (see A/54/134-E/1999/85).

Starting in 1989, the General Assembly adopted annual resolutions entitled "Assistance to the Palestinian people." The Assembly affirmed in these resolutions that the Palestinian people could not develop their national economy as long as the Israeli occupation persisted. The Assembly also rejected Israeli restrictions on external economic and social assistance to the Palestinian people in the occupied Palestinian territory. In its resolutions from 1989 until 1993, the General Assembly called upon relevant organizations and agencies of the United Nations system to improve coordination through an appropriate mechanism under the auspices of the Secretary-General. From 1994 to 2000, the Assembly stressed the importance of the work done by the Special Coordinator and of the steps taken under the auspices of the Secretary-General to ensure the achievement of a coordinated mechanism for United Nations activities throughout the occupied territories.

The Assembly also emphasized the importance of trade for the growth of the Palestinian economy through the above-mentioned resolutions and others. In its resolutions adopted between 1989 and 1993, the Assembly called for the granting of trade concessions and concrete preferential measures for Palestinian exports on the basis of Palestinian certificate of origin. From 1994 to 2000, the Assembly, in its resolutions, urged "Member States to open their markets to exports from the West Bank and Gaza on the most favourable terms, consistent with appropriate trading rules".

After 1993, the General Assembly, in its resolutions on assistance, reflected appreciation for the progress made in the peace talks and continued to express awareness that development was difficult under occupation and best promoted in circumstances of peace and stability (see resolutions 48/213, 49/21 N, 54/116 and 55/173). It also reiterated the urgency of improving the deteriorating living and economic conditions in the Occupied Territory and the need to assist in building Palestinian institutions. Throughout the period, the Assembly urged Member States, the international financial institutions of the United Nations system, and others to extend economic and social assistance to the Palestinian people in close cooperation with the Palestine Liberation Organization and through official Palestinian institutions.

Meanwhile, the Economic and Social Council, throughout the period under consideration, expressed its concern about the development of the Occupied Palestinian Territory and the assistance required towards this end. In its resolutions adopted from 1989 to 1994 (resolutions 1989/96, 1990/59, 1991/69, 1192/58, 1993/78 and 1994/29), the Council confirmed its rejection of Israeli restrictions on international assistance, and called upon United Nations system agencies to mobilize resources to improve the social and economic conditions of the Palestinian people. It called upon neighbouring countries to facilitate the movement of Palestinian exports, and upon the international community to make concessions for Palestinian merchandise. In 1994, the Council welcomed the progress made in peace negotiations and called for the full engagement of the United Nations in building Palestinian institutions and providing assistance in the fields of elections, police training and public administration (see resolution 1994/29).

On its part, the Committee on the Exercise of the Inalienable Rights of the Palestinian People also engaged in activities that promoted assistance to the Palestinian people. Starting in 1992, the General Assembly suggested that the Committee consider convening seminars on assistance to the Palestinian people (see resolutions 47/170, 54/39 and 54/40). Responding to these resolutions, and consistent with the mandate of the Committee, starting in 1993, it annually convened seminars on assistance to the Palestinian people. They were instrumental in affirming the need for, discussing modalities of, and encouraging the international community to extend assistance to the Palestinian people. They also provided an opportunity for donors, Governments, intergovernmental and non-governmental organizations, and the Palestinian Authority to exchange views and discuss issues related to development and assistance.

In 1993, the Committee convened a seminar entitled “Assistance to the Palestinian people” at UNESCO in Paris. The seminar provided a framework of discussion for experts, donors and various members of the international community (see A/48/168-E/1993/62). The Committee convened seminars in 1994 and 1995, also in Paris, entitled “Palestinian Trade and Investment Needs” and on “Palestinian Administrative, Managerial and Financial Needs and Challenges,” respectively (see A/50/278-E/1995/114).

The following year, in Cairo, the Committee convened a seminar entitled “Building the Palestinian economy: challenges and prospects”. The participants at the meeting focused on the need for: accelerated disbursement by international donors; promoting Palestinian foreign trade; housing; and, lifting the Israeli closure of the Palestinian territories (see A/51/166-E/1996/67). In 1997, the Committee held a seminar in Amman on the theme “Assistance to the Palestinian people”, which provided a forum to discuss sustainable human development and the role of international assistance in this regard, particularly in light of the hardships posed by the occupation (see A/52/179-E/1997/76).

A seminar entitled “Facing the Challenges of the year 2000: Promoting Palestinian National Development” was held in Cairo in 1998 (see A/53/152-E/1998/71). In 1999, the seminar was replaced by the “Bethlehem 2000 International Conference”, held at FAO in Rome. In 2000, the Committee returned to Cairo for a seminar entitled “Prospects for Palestinian Economic Development and the Middle East Peace Process”. The seminar discussed the state of the Palestinian economy and its prospects with a view to mobilize greater support from the international community (see A/55/144-E/2000/87).

From 1989 to 2000, the United Nations Children’s Fund (UNICEF) continued to provide humanitarian support to Palestinian children and women in the West Bank and Gaza Strip. Among the objectives of UNICEF humanitarian assistance were: the reduction of child and maternal mortality; the improvement in the quality and relevance of education in and out of school and the extension of physiotherapeutic and psychosocial rehabilitation services for disabled children (see A/48/183-E/1993/74, para.12). Moreover, in 1998, UNICEF contributed \$1.8 million to the Palestinian Authority Master Plan of Operations: Palestinian Children and Women (see A/54/134-E/1999/85, para. 54). By 2000, UNICEF was still contributing to the Master Plan by providing technical assistance and supplies for capacity-building of Palestinian governmental and non-governmental institutions and advocacy and social mobilization activities (see A/55/137-E/2000/95, para. 31).

The contribution of UNDP through its Programme of Assistance to the Palestinian People, which was created in 1978 by the General Assembly in its resolution 33/147, grew considerably throughout the period under consideration reaching some \$35 million to \$40 million annually (see www.undp.org/dpa/journalists/pappbrief.pdf), with a total portfolio of ongoing projects reaching some \$145 million at the end of the decade (see DP/2001/14). A wide spectrum of projects were undertaken by the Programme, ranging from developing infrastructure – such as assisting in constructing roads, reconstructing churches, and clearing agricultural land – to producing an analytical publication on the state of poverty in the Occupied Palestinian Territory (see DP/1994/14, DP/1995/20/Rev.1, DP/1996/15, DP/1996/18/Add.1, DP/1996/39, DP/1997/16/Add.3, DP/1998/17/Add.4, DP/1999/15 and DP/2000/18).

The United Nations Conference on Trade and Development undertook a number of analytical publications on the economy of the Occupied Palestinian Territory, focusing on trade and Palestinian merchandise (TD/B/42(1)/19 (vol. I & II), TD/B/44/10, A/52/15, TD/B/46/5 and TD/B/47/5). Similarly, the Economic and Social Commission for Western Asia conducted a number of studies on the effects of the economic and social environment in the Occupied Palestinian Territory on the Palestinian population. The Commission also provided recommendations and policy formulation advisory services based on field studies that monitored the social and economic situation in the West Bank and Gaza Strip (see A/48/183-E/1993/74, paras. 29 and 30; A/50/286-E/1995/113, paras. 54, 92 and 99; A/53/153-E/1998/75, para. 24).

In the context of the Middle East peace process, United Nations assistance to the Palestinian people was extended towards the implementation of the Palestinian Development Plans of 1998-2000 (see A/53/153-E/1998/75) and 1999-2003 (see A/55/137-E/2000/95, para. 10), which included the following goals: infrastructure and natural resources management; institutional capacity-building; human resources and social development; and the development of productive sectors. The United Nations was involved in a wide range of activities that aimed at assisting the Palestinian Authority in implementing the Palestinian Development Plans. By the end of the decade, the United Nations was associated with projects in the Occupied Palestinian Territory valued at more than a three quarters of a billion dollars. ^{200/}

^{200/} “UNSCO at a Glance” available from www.unsco.org; see also A/56/123-E/2001/97, paras. 9-17.

C. Palestinian women

The situation of Palestinian women under occupation, including in refugee camps, was a growing concern for the United Nations during the period under consideration, which saw the establishment of various assistance programmes and the recognition of the need for the involvement of Palestinian women in conflict resolution and peace-related activities. This concern was initially expressed at the World Conference on Women at Nairobi in 1985. The Nairobi Forward-Looking Strategies for the Advancement of Women specifically addresses Palestinian women both under occupation and in refugee camps:

The special and immediate needs of Palestinian women and children should be identified and appropriate provision made. United Nations projects should be initiated to help Palestinian women in the fields of health, education, and vocational training. Their living conditions inside and outside the occupied territories should be studied by the appropriate United Nations units and agencies assisted, as appropriate, by specialized research institutes from various regions. The results of these studies should be given broad publicity to promote actions at all levels. The international community should exert all efforts to stop the establishment of new Israeli settlements in the West Bank and the Gaza Strip. Palestinian women should be allowed to enjoy security in a liberated homeland also in accordance with United Nations resolutions. 201/

In September 1995, the Fourth World Conference on Women was convened at Beijing. The Conference resulted in a Platform for Action which—without making reference to any particular national context—considered “Women under occupation” under the strategic area of concern “Women and armed conflict”, where it established a link between the advancement of women and the peaceful settlement of conflict. Moreover, the Platform for Action acknowledged the necessity for women to contribute to conflict resolution and their crucial role during times of armed conflict and collapse of communities.

The Economic and Social Council, for its part, adopted resolutions entitled “Situation of and assistance to Palestinian women,” 202/ in which it requested the Commission on the Status of Women to monitor the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women and the Beijing Platform for Action, in so far as Palestinian women are concerned, and to submit reports to the Commission on the status of women on the progress made in the implementation of the resolutions.

In the resolutions, the Council also addressed the specific hardships faced by Palestinian women living under Israeli occupation. In 1989, in its resolution 1989/34 on the situation of Palestinian women, the Council condemned the relentless continuation of the “iron-fist” policy by Israel against Palestinian women and their families in the occupied Palestinian Territory, which had started earlier in the decade. Throughout the period, these resolutions demanded that Israel comply fully with the Universal Declaration of Human Rights and the Fourth Geneva Convention relative to the Protection of Civilians Persons in Time of War in order to protect the rights of Palestinian women and their families, and reaffirmed that the basic improvement of the living conditions of Palestinian women could only be achieved through an end to the occupation and the attainment of their right to establish an independent State (see resolutions 1990/11, para. 1; 1991/19, para. 1; 1992/16, para. 1; and 1993/15, para. 1).

In its resolution 1995/30, the Council welcomed the signing by the Palestinian Liberation Organization and the Government of Israel of the Declaration of Principles on interim self-government arrangements and the implementation of the agreements reached between the two sides. In subsequent resolutions, the Council continued to support the Middle East peace process, while at the same time reaffirming that the Israeli occupation constituted a major obstacle for the advancement of Palestinian women (see resolutions 1995/30, 1996/5, 1998/10, 1999/15 and 2000/23). In addition, the Council urged, throughout the period, Member States, financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to extend financial and technical assistance to Palestinian women.

As a consequence of the Beijing Platform for Action, the Commission on the Status of Women adopted, from 1996 until 1999, resolutions 40/1, 41/1, 42/2 and 43/1 respectively, calling for the release of women and children

201/ *Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development, and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10, chap. I, sect. A, para. 260.

202/ Resolutions 1989/94 and 1990/11 were entitled “Situation of Palestinian women”, resolutions 1991/19, 1992/16, 1993/15 and 2000/23 were entitled “Situation of and assistance to Palestinian women” while resolutions 1995/30, 1996/5, 1998/10, 1999/15 and 2000/23 were entitled “Palestinian women”.

taken hostages in armed conflicts (see E/CN.6/1996/15-E/1996/27, E/CN.6/1997/9-E/1997/27, E/CN.6/1999/10-E/1999/27 and E/CN.6/2000/9-E/2000/27). These resolutions were also recommended to the Economic and Social Council for adoption. Pursuant to the Interim Agreement of September 1995 and the signing of the Hebron Protocol, in February 1997, Israel released 356 Palestinian detainees, among them 30 Palestinian women. This step was welcomed by the Commission on Human Rights Special Rapporteur on the situation of human rights in the Palestinian territories, René Felber, and by the Committee on the Exercise of the Inalienable Rights of the Palestinian People and raised expectations about the peace process (see A/52/35 and GA/PAL/767).

In addition to recommending the above-mentioned resolutions to the Economic and Social Council for adoption, in 1994, 1995 and 1996, the Commission adopted resolutions entitled "Integration of women in the Middle East peace process". In its resolution 40/2, the Commission recalled section E of chapter IV of the Beijing Declaration and Platform for Action and stressed the importance of the achievement of a comprehensive, just and lasting settlement of the Middle East conflict and:

"3. Urges Governments, intergovernmental bodies and non-governmental organizations to include women in the peace process;

"7. Calls upon all Member States to extend economic, financial and technical assistance to parties in the region and to render support for the peace process, especially with regard to women;

"8. Urges Member States to ensure that all economic, financial and technical assistance to parties in the region take into account the role of women as full participants and beneficiaries;

"9. Considers that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution with regard to the status of women" (see resolutions 38/1, 39/3 and 40/2).

From 1989 until 2000, the Economic and Social Council requested the Secretary-General to report to the Commission on the Status of Women on the situation of Palestinian women. From 1994 to 1996, the Secretary-General's reports, entitled "Situation of and assistance to Palestinian women" (see E/CN.6/1994/6, E/CN.6/1995/8 and E/CN.6/1996/8, examined the situation of Palestinian women in such critical areas as family life, economy and employment, education and health (from 1997 to 2000, the Secretary-General's review of the situation of Palestinian women was incorporated into his reports to the Commission of the Status of Women entitled "Follow-up on the Fourth World Conference on Women: Follow-up to and implementation of the Beijing Declaration and Platform for Action" (see E/CN.6/1997/2, E/CN.6/1998/2/Add.2, E/CN.6/1999/2 and E/CN.6/2000/2)).

For example, the Secretary-General's report of 1994 (E/CN.6/1994/6) concluded that during the first intifada, Palestinian women had experienced violence and maltreatment owing to the unrest and armed conflict. Palestinian women and their families were exposed to worsening security, economic and environmental conditions. Women and children were particularly affected by military assaults, demolition of homes, and the collective punishment of closures. The closures particularly impacted the Palestinian economy, health care, education and access to services. Moreover, the report concluded that the overexploitation of the water resources by the Israeli authorities and the settlers and the uprooting of olive and fruit trees created ecological problems that were also impacting the life of the Palestinians, especially women and children. It was also noted that the number of female-headed families was high among the refugee population and the life of Palestinian families was characterized by frequent separations. The absence of male family members as a result of detentions, expulsions, imprisonment or death increased the number of female-headed families, which were particularly vulnerable to poverty since the majority of women could not ensure a living for their families owing to a lack of education or skills or because of certain socio-cultural restrictions that restricted their movement. The report concluded:

"23. Adequate funds and resources should be given to women-in-development programmes and women-in-development personnel of sufficient authority should be included in all policy, planning and programming activities. Appropriate quantitative and qualitative national targets need to be identified. A national machinery for the advancement of Palestinian women is already in place but needs recognition, authority and influence at the highest political level. Women need to participate in future governance structures and in existing development institutions, and most importantly, need to be involved in the formulation of development strategies. Skills-training and gender-awareness are important tools for achieving these goals.

“24. Besides providing adequate health services and improved education, the most important programme will be to enhance the development of sustainable income-generation activities for women. Realistic, feasible possibilities and basic support facilities need to be identified. Palestinian women need support from the international community, non-governmental organizations and donor agencies in this respect.”

Towards the end of the period under consideration, the report of the Secretary-General submitted to the Commission on the Status of Women on 9 January 2001 (E/CN.6/2001/2) included a section on the situation of and assistance to Palestinian women. The report indicated that, while Palestinian women’s employment and participation in the labour force were showing positive signs, other factors were still adversely affecting their living conditions. Closures and restrictions at checkpoints continued to affect severely the Palestinian population in the West Bank and the Gaza Strip. Although a number of Palestinian prisoners had been released within the framework of the peace agreements, the total number of prisoners remained high, which led the Palestinian women to take additional burdens and assume roles other than those traditionally performed by them (ibid., paras. 74-81).

The Secretary-General’s report also discussed the assistance that was extended by various United Nations institutions to Palestinian women. In addition to providing education, health, relief and social services, UNRWA began a review of its gender policies and practices in order to align them with those described in the framework of the Beijing Declaration and Platform for Action. Moreover, more than 50 per cent of the Agency’s financial and material assistance was extended to female-headed families. More than 27,000 participants from refugee camps also benefited from the various activities that were provided at 70 UNRWA Women Programme Centres. These activities varied from computer training to English language courses, childcare services for working women, group guaranteed lending, to health awareness and legal counselling. In addition, the UNRWA income-generation programme granted an amount of \$3.12 million to 3,716 women who supported more than 20,000 dependents (ibid., paras. 85-90).

For its part, the Economic and Social Commission for Western Asia carried out in 1999 and 2000 a number of activities concerning Palestinian women, such as seminars and studies that recommended policies aimed at gender mainstreaming in conflict countries (ibid., para. 84).

The ILO Regional Office for Arab States carried out projects that aimed at supporting Palestinian women. Seminars and workshops were held, some for gender mainstreaming in different ministries of the Palestinian Authority, and to train trainers to develop technical capacity and skills for women entrepreneurs. ILO also developed an action plan for the West Bank and Gaza Strip on capacity-building on gender, poverty and employment (ibid., para. 91).

UNICEF was also involved in activities aimed at supporting and assisting Palestinian women. In addition to advocacy for women’s rights, non-discrimination and gender equality, UNICEF supported activities aimed at improving women’s quality of health by training doctors and nurses. UNICEF also sought to identify the causes of child and maternal mortality, along with conducting other studies on ways to improve the quality of life of Palestinian women. At the same time, UNICEF launched a number of campaigns among students to raise awareness of gender and development, reviewed textbooks to assess their gender sensitivity and shared the findings with the Palestinian Authority Ministry of Education (ibid., paras. 93-97).

On its part, on 31 October 2000, the Security Council adopted resolution 1325 on women and peace and security. The resolution emphasized the role of women in peacebuilding and called for the involvement of women in the prevention and resolution of armed conflicts.

D. East Jerusalem

Following the annexation of East Jerusalem in 1980, Israel declared that “Jerusalem, whole and united, was the capital of Israel”. This annexation was rejected by the international community deemed to be unlawful, null and void, and the Palestinians continued to claim East Jerusalem as an integral part of the Palestinian Territory occupied in 1967 and as the capital of a future independent State of Palestine. ^{203/} Israel invested vast resources into altering the physical and demographic characteristics of the city in contravention of international humanitarian law. It enforced a strict quota on Palestinian housing construction, demolished houses, expelled Palestinians, confiscated land and erected physical barriers between the City and the surrounding towns, villages and cities of the West Bank.

^{203/} United Nations, *The Status of Jerusalem*, 1997, p. 1.

The General Assembly reflected in its annual resolutions on Jerusalem the concern over Israel's violations of international law by measures changing the legal and administrative status and the demographic composition of the city and showing little respect for private property and personal rights and freedoms (see resolutions 2253 (ES-V), 36/120 E and 55/50).

Following Israel's occupation of East Jerusalem in 1967, around 66,000 Palestinians were living within the municipal boundaries, who were subsequently classified by the occupying Power as permanent residents of Israel. At that time, the Jewish population of East Jerusalem was essentially nil. In 2000, around 170,000 Israeli settlers were estimated to be living within the Israeli-set boundaries of East Jerusalem (see www.arij.org/paleye/colony-survey/index.htm).

The civil liberties of Palestinians in East Jerusalem suffered during the first intifada and the situation did not improve during the 1990s. Since the signing of the Declaration of Principles in September 1993, the Israeli authorities sought to curb activities by PLO and the Palestinian Authority in East Jerusalem, on the grounds that they "were undermining Israel's sovereignty over the City" 204/. Several offices linked to the Palestinian Authority were closed, and legal proceedings were initiated against the Orient House, the Palestinian centre housing various organizations, which served as the headquarters of the Palestinian delegation to the peace talks (see A/50/463, para. 102). However, Palestinian religious and social institutions continued to function in East Jerusalem. In 1994, Palestinian Authority President Arafat appointed Ikrima Sabri as the Grand Mufti of Jerusalem. Moreover, under the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995, certain restrictions on political expression were lifted and East Jerusalem residents were allowed to participate in the Palestinian elections of January 1996, albeit in a restricted fashion (see SG/SM/5879).

Throughout the period under consideration, Israeli settlements in East Jerusalem were expanded 205/ and land expropriation and land use restrictions affected the living conditions and the livelihood of the Palestinian people. The total land area of settlements in East Jerusalem was estimated at 24,754 dunums. Although at the beginning of the peace process there was a certain redirection of resources away from the construction of settlements, the Government of Israel made it clear that construction projects in East Jerusalem would continue. It built subsidized housing in East Jerusalem and offered financial incentives for the settlers to move there. A second tier of newer settlements was gradually expanding outward in a "Greater Jerusalem" area, which reportedly covered approximately 10 per cent of the land area of the West Bank, encompassing an area "from Ramallah in the north to Bethlehem in the South, "Ma'aleh Adumim" in the east, and Mevasseret in the west in one metropolitan area". 206/

The indefinite closure of the West Bank, imposed by Israel in March 1993, severely restricted the freedom of movement of Palestinians not only to and from Jerusalem, but also between the northern and southern sections of the West Bank. The restriction of movement of people and goods caused a deterioration in economic conditions, disrupted patterns of religious, educational, cultural, and family life as well as access to medical care, and undermined East Jerusalem's traditional status as the centre of Palestinian economic, cultural and religious life. The closure was condemned by Palestinian and Israeli human rights groups as "an illegal collective punishment of the Palestinian population and as disproportionate to any legitimate security concern". 207/

The holy site known as Al-Haram Al-Sharif (Noble Sanctuary) to the Muslims, and the Temple Mount to the Jews, and located in East Jerusalem, remained a very sensitive issue to both sides of the conflict. In the period under consideration, Israeli groups engaged Palestinian worshipers in violent confrontations often leading to a heavy number of casualties among the Palestinians which had a direct bearing on the issue of freedom of worship and the responsibility to protect the Holy Places by Israel, the occupying Power. As mentioned earlier, both the Security Council and the General Assembly called upon Israel effectively to prevent acts of violence by Israeli settlers.

East Jerusalem is also home to the Shu'fat Palestine refugee camp. Towards the end of the period, the population of the camp was estimated at some 10,000 people (see www.un.org/unrwa/publications/pdf/population.pdf). The conditions there were marked by overcrowding with the refugee population increasing while the camp remained restricted by Israel within its original boundaries (see www.arts.mcgill.ca/MEPP/PRRN/marshy.html). The residents of the refugee camp were among the poorest in Jerusalem, the camp also had the worst infrastructure among the

204/ Ibid., chap. I.

205/ Between 1991 and 1992, land was confiscated to extend the "Har Homa" settlement on Jabal Abu Ghneim and to build the new settlement of "Ramat Shu'fat".

206/ Foundation for Middle East Peace, "Report on Israeli settlements in the Occupied Palestinian Territories", Washington, D.C., February 1994, p. 3.

207/ *The Status of Jerusalem*, see footnote 203 above, chap. II.

camps administered by UNRWA, camps with unpaved streets and a lack of a water network owing to the restrictions by the Israeli administration of Jerusalem (see www.sabeel.org/old/news/news13/Index.htm).

E. Palestine refugees

During the period under consideration, UNRWA continued to provide essential education, health, relief and social services as well as other humanitarian assistance to the Palestine refugees in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip and the West Bank. In July 1996, UNRWA completed the move of its headquarters from Vienna to the Gaza Strip and expanded its activities to include certain responsibilities in the emergency and protection areas 208/ (see also chap. I.C above).

Observing on 8 December 1999 the passage of 50 years since the General Assembly adopted resolution 302 (IV) that established the Agency, the President of the General Assembly stated that UNRWA was the longest-running humanitarian programme the United Nations had ever undertaken and the only such programme devoted to the well-being of a single people (see GA/SM/137-PAL/1876). At the same time, the many issues pertaining to the future of the Palestine refugees, notably the exercise of the right of return enshrined in General Assembly resolution 194 (III), 209/ were to be resolved by Israel and the Palestinians through permanent status negotiations. Similarly, the Multilateral Working Group on Refugees established in March 1992, in the context of Madrid Peace Conference, produced no conclusive results. 210/ (see chap. III above).

Between 1989 and 2000, UNRWA provided services on a broad scale in the Occupied Palestinian Territory, including East Jerusalem. By 2000, UNRWA schools had an enrolment of more than 220,000 pupils and UNRWA clinics handled almost 3.5 million patient visits. UNRWA also continued to be a safety net for refugees living in poverty: it promoted skills by providing training for women and the youth, arranged for community rehabilitation for persons with disabilities, and initiated a microfinance project in the Gaza Strip for credit-deprived micro-entrepreneurs. The number of registered refugees in the Occupied Palestinian Territory, including East Jerusalem, increased from approximately 868,000 in 1989 to 1.4 million in 2000.

In the period from 1988 to 1993, the Agency mounted a large-scale emergency programme to alleviate the suffering of refugee communities affected by Israeli measures during the first intifada. UNRWA extended some degree of protection to the refugees in the Occupied Palestinian Territory by seeking to uphold their safety and security, and their legal and human rights, in accordance with General Assembly resolution 44/47. Because of the special conditions in the Occupied Palestinian Territory, UNRWA sought to improve the infrastructure in refugee camps as well as service-delivery capacity to ease the dire living conditions and improve the effectiveness of its health and education activities. The emergency interventions of UNRWA and its development of infrastructure channelled significant funds into the Occupied Palestinian Territory between 1989 and 1993, in addition to its allocations for the regular programmes there, which rose from \$93.6 million in 1989 to \$133.7 million in 2000.

After the signing of the Declaration of Principles in 1993, UNRWA initiated a Peace Implementation Programme that mobilized project funding for education, health, relief, social development services, and income-generating activities. Some \$230 million were allocated through the Programme between 1993 and 2000 throughout the Agency's five operational fields, of which some \$177 million were earmarked for projects in the Occupied Palestinian Territory, including East Jerusalem. That year, the General Assembly, in its resolution 48/40, called upon UNRWA to "make a decisive contribution towards giving a fresh impetus to the economic and social stability of the occupied territories." The Programme contributed in a very practical and tangible way to the improvement of the refugees' overall living conditions by creating employment opportunities, developing infrastructure and promoting post-conflict rehabilitation (see A/56/13).

208/ UNRWA, with the Crown Agents of the United Kingdom under contract, also had an initial, limited role in helping to set up the Palestinian Police pursuant to the relevant peace process agreements (see, for instance, A/50/763).

209/ In this connection, the General Assembly annually requested the Secretary-General to take all appropriate steps in consultation with the United Nations Conciliation Commission for Palestine to protect Arab property, assets and property rights in Israel. In 2000, the United Nations Conciliation Commission for Palestine, in possession of detailed information on land property left behind by Palestine refugees in 1948/1949, noted that the project to preserve and modernize its records, carried out by a contractor in accordance with General Assembly resolution 51/129, had been completed (see A/55/329, annex).

210/ Also, under art. 8 of the Peace Treaty between Israel and Jordan of 26 October 1994, the Parties are to seek to resolve the "massive human problems" caused by the conflict in the Middle East in appropriate forums, in the case of refugees, in the framework of the Multilateral Working Group on Refugees (see A/50/73-S/1995/83).

Throughout the 1990s, UNRWA activities in the Occupied Palestinian Territory, including East Jerusalem, promoted social and economic development. The UNRWA microfinance programme grew to become the largest microcredit operation within the Occupied Palestinian Territory and an important source of local economic sustainability. UNRWA also cooperated closely with the newly established Palestinian Authority, with which it coordinated both education and health activities and promoted knowledge transfer in the area of human development.

V. Conclusion

The period under consideration in the present volume, 1989-2000, witnessed historical changes at both the global and regional levels that had a considerable impact on the search for peace in the Middle East, including efforts aimed at the resolution of the question of Palestine. With the start of the Middle East peace process in 1991 in Madrid, which for the first time brought all the parties to the conflict together, hope emerged that a peaceful settlement might finally be within reach. The hope was further strengthened when Israel and PLO embarked in 1993 on bilateral negotiations under the Declaration of Principles forged at Oslo that led to several agreements and important developments on the ground. The implementation of these agreements, among other things, brought about successive withdrawals of Israeli troops from areas of the Occupied Palestinian Territory, the establishment of the Palestinian Authority, and the holding of Palestinian elections.

In practice, the Declaration of Principles was an “agreement to seek agreement” on a multitude of detailed intermediate results and a permanent settlement of the Arab-Israeli conflict based on Security Council resolutions 242 (1967) and 338 (1973) – a basic commitment requiring the constant rekindling and maintenance of the political will to find a negotiated settlement. The increasingly complex diplomatic architecture that evolved comprised a host of agreements, memorandums and understandings as well as an ever-growing array of implementation agreements, mechanisms and modalities, which would be sorely tried in the years to come. In the meantime, Israel’s occupation and settlement policies continued in total contradiction to the goal of ending the occupation and achieving an end to the conflict based on resolutions 242 (1967) and 338 (1973). Extremism and violence increased on the ground. Urgent calls on Israel, the occupying Power, to ensure the security and protection of the Palestinian civilians under occupation went unheeded.

Ushering in a period of genuine excitement and much anticipation for a negotiated settlement of the question of Palestine, the Israeli-Palestinian bilateral negotiations that began in 1993 gave a boost to the fledgling Middle East peace process and, for a while, inspired tremendous hope within the international community and among the Israeli and Palestinian public. Over several years, the agreements reached by Israel and the Palestine Liberation Organization, and hard-won experience gained in implementing them, proved to be a legal framework and procedural catalyst that, many times in the face of adversity, helped the two sides to continue their challenging work. As the tangible results of the Middle East peace process became increasingly meagre and, towards the end of 2000, were rolled back when Israel reoccupied areas under the control of the Palestinian Authority, the conditions on the ground and the absence of progress in the diplomatic domain began further to polarize the sides. The political will to continue, let alone revitalize, the negotiating effort had all but dissipated and could not be sustained.

As shown, the peace negotiations that had started in Madrid were beset by serious procedural and difficult substantive problems. Expert observers found that Israel, the occupying Power, was dragging its feet in commencing negotiations with the Palestinians under the Madrid formula and did much, on the ground and at the diplomatic level, to complicate the implementation of agreements reached once the peace process had been put on a new footing under Oslo. ^{211/} Similarly, the Palestinians were seen as not entirely fulfilling their obligations under the agreements reached, in particular with regard to issues such as security and violence against Israeli civilians. Towards the end of the period under consideration, in 1999, negotiations had to devote a good deal of time and effort merely to finding common ground regarding the parties’ respective outstanding commitments under the bilateral agreements signed, taking the peace process to a new level of complexity. ^{212/} At the same time, Israel hastened to create facts on the ground, that were regarded as interfering with the fledgling negotiations, in particular the establishment and

^{211/} E.g., Shlaim, “The significance of the Madrid Peace conference,” in: *Politics and International Relations in the Middle East*, pp. 133-147, M. Jane Davis (editor), Edward Elgar, United Kingdom and United States, 1995, p. 136, 140-142 and 146; and Emma C. Murphy, “The Arab-Israeli conflict in the New World Order,” in: *The Middle East in the New World Order*, pp. 110-139, Haifaa A. Jawad (editor), Macmillan Press, 1997 second edition, p. 121.

^{212/} See the Sharm el-Sheikh Memorandum of 1999 and, for instance, the publication by Israel and the Palestinian side as far back as September 1997 of their respective expectations under the peace process.

expansion of Israeli settlements in the Occupied Palestinian Territory, which are considered illegal under international law.

For many reasons, including aspects of the sprawling negotiations architecture itself, the peace process had come full circle by the end of the 1990s. By early 2001, with Intifada II well under way, the political will of the sides to seek agreement was exhausted and all but vanished, at tremendous cost for both peoples.

Early on in the process the international community recognized the need to affirm the permanent responsibility of the United Nations for the resolution of the question of Palestine. In its annual report dated 19 November 1992, the Committee on the Exercise of the Inalienable Rights of the Palestinian People stressed the essential need for an active role by the United Nations, the Security Council and the Secretary-General in the peace process, and reaffirmed the permanent responsibility of the United Nations with respect to the question of Palestine (see A/47/35, para. 88).

Following the Committee's lead, in its resolution 47/64 A on the question of Palestine, the General Assembly affirmed for the first time that "the United Nations has a permanent responsibility with respect to the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy." This assertion has been affirmed annually since 1992 by the General Assembly (see resolutions 48/158 A, 49/62 A, 50/84 A, 51/23, 52/49, 53/39, 54/39 and 55/52).

On 11 December 1992, after the vote on General Assembly resolution 47/64 D on the question of Palestine, the representative of the Permanent Observer Mission of Palestine to the United Nations underscored the importance of three principles: permanent United Nations responsibility in relation to the question of Palestine until the question was resolved in all its aspects; the effective implementation of United Nations resolutions, particularly those of the Security Council, that were binding regardless of developments in the current, or in any other, peace process; and any positive change in the international community's stance towards Israel should be meticulously concurrent with and equal to genuine progress in the peace process and in the actual situation in the Occupied Palestinian Territory. 213/

These principles remained essential in view of the often excruciatingly difficult negotiations throughout much of the 1990s and the tragic developments of late 2000, including the repeated breakdown of the bilateral peace negotiations between Israel and PLO, the tremendous challenges facing the Palestinian Authority and the worsening of the social and economic conditions in the Occupied Palestinian Territory. During the same period, the principle of land for peace enshrined in Security Council resolutions 242 (1967) and 338 (1973) continued to be regarded by the international community as the basis for the negotiated settlement of the question of Palestine, the core of the conflict in the Middle East, as was the full realization of the inalienable rights of the Palestinian people, including the right to self-determination and independence.

* * * * *

213/ See *United Nations Yearbook*, vol. 46, 1992.

Annex I

List of documents related to the peace process

1. Madrid Peace Conference (30 October – 1 November 1991)
 - United States letter of assurances to the Palestinian side
 - United States letter of assurances to Israel
 - Russian Federation-United States letter of invitation
2. Israel – Palestine Liberation Organization letters of mutual recognition (10 September 1993)
3. Declaration of Principles on Interim Self-Government Arrangements (13 September 1993)
4. Agreement on the Gaza Strip and the Jericho Area (4 May 1994)
 - Rabin - Arafat letters
 - Maps
5. Agreement on Preparatory Transfer of Powers and Responsibilities (29 August 1994)
6. Protocol on Further Transfer of Powers and Responsibilities (27 August 1995)
7. Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (28 September 1995)
 - Maps
8. Protocol concerning the Redeployment in Hebron (17 January 1997)
 - Note for the Record
 - Agreed Minute
 - Letter by United States Secretary of State
 - Map
9. Wye River Memorandum (23 October 1998)
10. Protocol on Redeployment Completed (20 November 1998)
11. Sharm El-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations (4 September 1999)
12. Protocol concerning Safe Passage between the West Bank and the Gaza Strip (5 October 1999)
13. Trilateral Statement (25 July 2000)
14. President Clinton's "Parameters" (December 2000)
15. Israeli-Palestinian [Negotiators'] Joint Statement (27 January 2001)

Annex II

Timeline attached to the Wye River Memorandum (1998)

Timeline

Note: Parenthetical references below are to paragraphs in “The Wye River Memorandum”, to which this timeline is an integral attachment. Topics not included in the timeline follow the schedule provided for in the text of the Memorandum.

1. Upon entry into Force of the Memorandum:
 - Third further redeployment (F.D.R.) committee starts (I (B))
 - Palestinian security work plan shared with the United States (II (A) (1) (b))
 - Full bilateral security cooperation (II (B) (1))
 - Trilateral security cooperation committee starts (II (B) (3))
 - Interim committees resume and continue; Ad Hoc Economic Committee starts (III)
 - Accelerated permanent status negotiations start (IV)

2. Entry into Force - Week 2:
 - Security work plan implementation begins (II (A) (1) (b)); (II (A) (1) (c)) committee starts
 - Illegal weapons framework in place (II (A) (2) (a)); Palestinian implementation report (II (A) (2) (b))
 - Anti-incitement committee starts (II (A) (3) (b)); decree issued (II (A) (3) (a))
 - PLO Executive Committee reaffirms Charter letter (II (C) (2))
 - Stage 1 of further redeployment (F.R.D.) implementation: 2% C to B, 7.1% B to A. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

3. Week 2-6:
 - Palestinian Central Council[*] reaffirms Charter letter (weeks two to four) (II (C) (2))
 - PNC and other PLO organizations reaffirm Charter letter (weeks four to six) (II (C) (2))
 - Establishment of weapons collection program (II (A) (2) (b)) and collection stage (II (A) (2) (c)); committee starts and reports on activities.
 - Anti-incitement committee report (II (A) (3) (b))
 - Ad Hoc Economic Committee: interim report at week three; final report at week six (III)
 - Policemen list (II (C) (1) (a)); Monitoring and Steering Committee review starts (II (C) (1) (c))
 - Stage 2 of F.R.D. implementation: 5% C to B. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

4. Week 6-12:
 - Weapons collection stage II (A) (2) (b); II (A) (2) (c) committee report on its activities.
 - Anti-incitement committee report (II (A) (3) (b))
 - Monitoring and Steering Committee briefs U.S. on policemen list (II (C) (1) (c))
 - Stage 3 of F.R.D. implementation: 5% C to B, 1% C to A, 7.1% B to A. Israeli officials acquaint Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

5. After Week 12:

Activities described in the Memorandum continue as appropriate and if necessary, including:

 - Trilateral security cooperation committee (II (B) (3))
 - (II (A) (1) (c)) committee
 - (II (A) (1) (e)) committee
 - Anti-incitement committee (II (A) (3) (b))
 - Third Phase F.R.D. Committee (I (B))
 - Interim Committees (III)
 - Accelerated permanent status negotiations (IV)

Annex III

Principal entities related to the peace process

Bilateral Israeli-Palestinian

Joint Liaison Committee

Monitoring and Steering Committee

Committees:

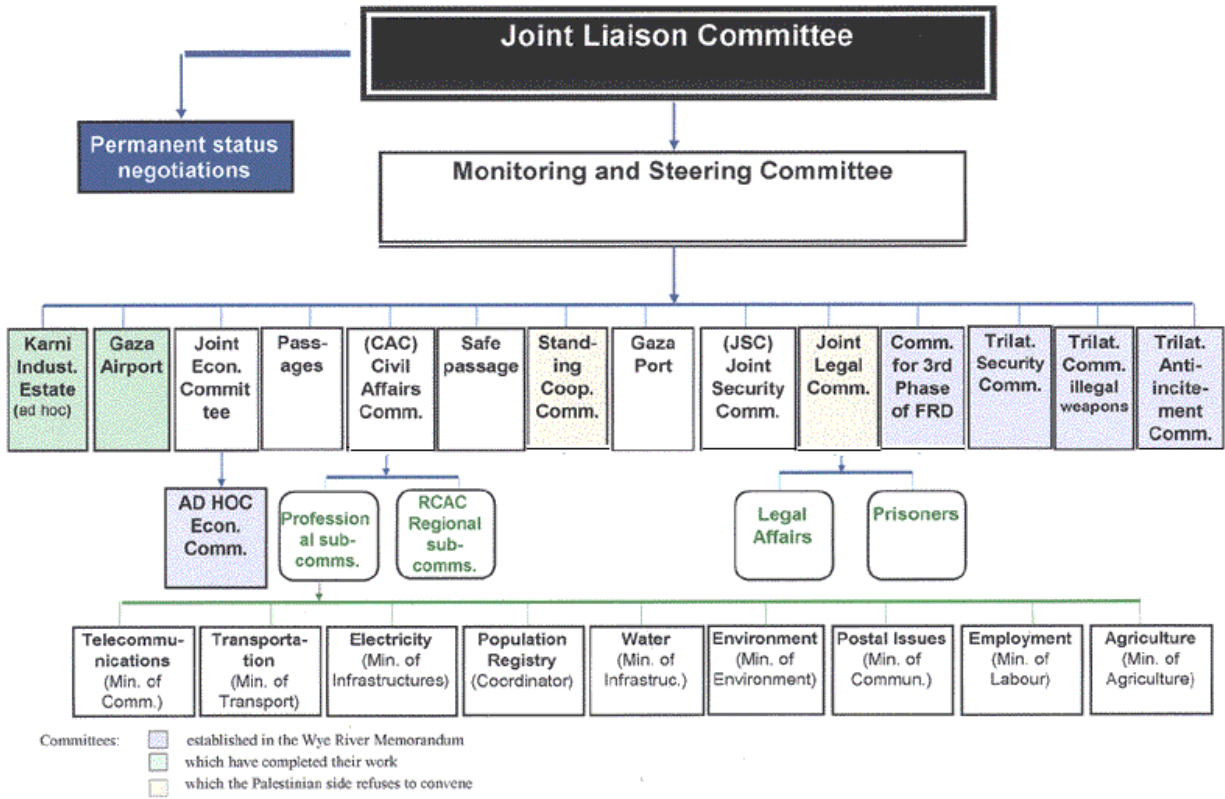
- Karni Industrial Estate (ad hoc)
- Gaza Airport
- Joint Economic Committee
- Ad Hoc Economic Committee
- Passages
- Civil Affairs Committee

Regional subcommittees

Professional subcommittees:

Telecommunications (Ministry of Communications)
 Transportation (Ministry of Transport)
 Electricity (Ministry of Infrastructures)
 Population Registry (Coordinator)
 Water (Ministry of Infrastructures)
 Environment (Ministry of Environment)
 Postal Issues (Ministry of Communications)
 Employment (Ministry of Labour)
 Agriculture (Ministry of Agriculture)

- Safe Passage Committee
- Standing Cooperation Committee
- Gaza Port
- Joint Security Committee
- Joint Legal Committee
- Legal Affairs
- Prisoners
- Committee for Third Phase of Further Redeployments
- Trilateral Security Committee
- Trilateral Committee on Illegal Weapons
- Trilateral Anti-incitement Committee



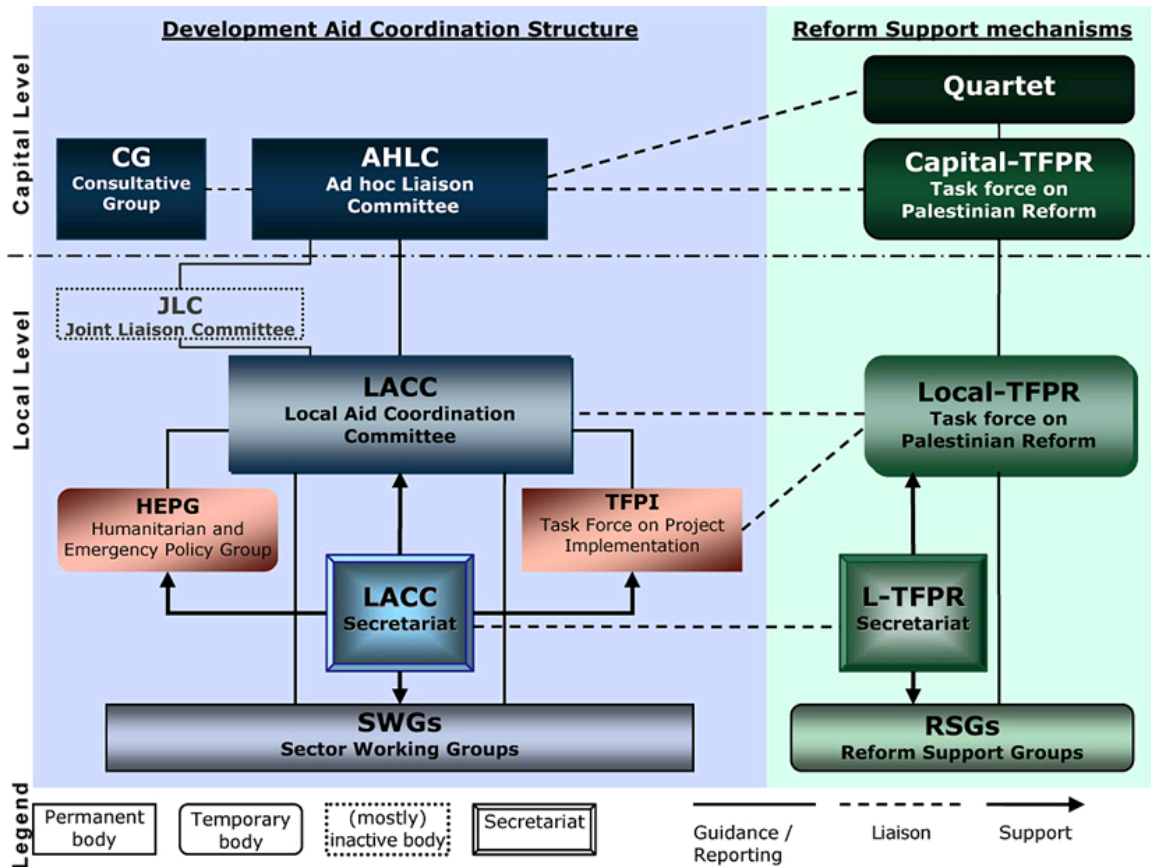
Source: <http://www.mfa.gov.il>

Multilateral track

Steering Committee

- Environment Working Group
- Arms Control and Regional Security Working Group
- Refugees Working Group
- Water Resources Working Group
- Regional Economic Development Working Group

Development aid coordination bodies



The Ad Hoc Liaison Committee is a 12-member committee that serves as the principal policy-level coordination mechanism for development assistance to the Palestinian People. This forum seeks to promote dialogue between donors, the Palestinian Authority and the Government of Israel. Over time, the Committee evolved into a forum for focusing on short-term emergency funding needs. Chair: Norway. Membership: Canada, European Union, Japan, Norway, Russian Federation, Saudi Arabia, United States. Associated members are the Palestine Liberation Organization/Palestinian Authority, Israel, Egypt, Jordan, Tunisia and the United Nations. Secretariat: World Bank.

The Local Aid Coordinating Committee comprises all donors and international agencies with a local presence in the West Bank and Gaza. It provides a forum for aid coordination, exchange of policy views and information on developments in the field. Chair: Norway with, as Co-Chairs, the World Bank and UNSCO. Membership: Local representatives of the Ad Hoc Liaison Committee and other bilateral and multilateral donors active in the West Bank and Gaza. Representatives of the Palestinian Authority. United Nations agencies attend as observers. Secretariat: World Bank and UNSCO jointly.

Source: <http://www.lacs.ps/showLevelDiagram.aspx>.

Annex IV

Principal entities of the Palestinian Authority

Presidency

Legislative Council

Ministries:

- Ministry of Agriculture
- Ministry of Civil Affairs
- Ministry of Culture
- Ministry of Economy, Trade and Industry
- Ministry of Education and Higher Education
- Ministry of Endowment and Religious Affairs
- Ministry of Finance
- Ministry of Health
- Ministry of Housing
- Ministry of Information
- Ministry of Interior
- Ministry of Justice
- Ministry of Labour
- Ministry of Local Government
- Ministry of Planning and International Cooperation
- Ministry of Post and Telecommunication
- Ministry of Prisoners' Affairs
- Ministry of Public Works
- Ministry of Social Affairs
- Ministry of Supplies
- Ministry of Tourism and Antiquities
- Ministry of Transportation
- Ministry of Youth and Sports

Other entities:

- Central Electorate Department
- Civil Aviation Authority
- Energy Authority
- Insurance and Pension General Board
- National Centre for Studies and Documentation
- Oil General Board
- Palestine Monetary Authority
- Palestinian Archive Centre
- Palestinian Broadcasting Corporation
- Palestinian Central Bureau of Statistics
- Palestinian Economic Council for Development and Reconstruction
- Palestinian National Information Centre
- Palestinian News Agency (WAFA)
- Palestinian Planning Centre
- Palestinian Tobacco Board
- Refugees Affairs Department
- State Information Service
- Water Authority

Annex V

Troop redeployments under the peace process (Estimates for the Occupied Palestinian Territory)^a

(percentage)

	<i>East Jerusalem</i>	<i>Gaza Strip</i>	<i>West Bank</i>		
			<i>Area A</i>	<i>Area B</i>	<i>Area C</i>
1994 (Gaza Strip, Jericho)	-	80.0	0.3	-	-
1995 (Oslo II)	-	80.0	3.0	24.0	73.0
1998 (Wye River)	-	80.0	10.1	18.9	71.0
1999 (Sharm El-Sheikh - Stage I)	-	80.0	10.1	25.9	64.0
2000 (Sharm El-Sheikh Stage II)	-	80.0	12.1	26.9	61.0
2000 (Sharm El-Sheikh Stage III)	-	80.0	18.2	21.8	60.0

^aEstimated to be an area of 5,970 sq km.

* * * * *
