



DIVISION FOR
PALESTINIAN RIGHTS

Bulletin

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

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Contents

	<i>Page</i>
I. UN Special Coordinator finds President Abbas' Holocaust comments unacceptable	1
II. Palestinian Rights Committee condemns use of excessive force against Gaza demonstrators	1
III. Secretary-General alarmed by high number of deaths in Gaza protests	2
IV. Ten members of Security Council request written reports on implementation of settlements resolution 2334	3
V. Security Council meets on Gaza protests	4
VI. Secretary-General issues report on assistance to the Palestinian people	7
VII. UN Forum addresses "70 Years After 1948 – Lessons to Achieve a Sustainable Peace"	9
VIII. EU responds to Gaza emergency with €3 million in humanitarian aid	12
IX. OIC condemns actions by Israeli forces, rejects US embassy move	12
X. Human Rights Council authorizes commission of inquiry	17
XI. WHO adopts decision on health conditions in the OPT	19

Contents

	<i>Page</i>
XII. Palestine refers Israel to International Criminal Court	20
XIII. Security Council meets as Special Coordinator highlights urgency to advance Gaza projects	21
XIV. Palestine seeks membership of OPCW, UNCTAD, UNIDO	25
XV. Special Coordinator condemns rocket fire from Gaza	25
XVI. Security Council meets following Gaza rockets, IDF strikes	26
XVII. Special Rapporteurs concerned about possible forcible transfer of a Bedouin community	28

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I. UN SPECIAL COORDINATOR FINDS PRESIDENT ABBAS' HOLOCAUST COMMENTS UNACCEPTABLE

The [statement](#) issued on 2 May by United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, on President Abbas' speech at the Palestinian National Council, is reproduced below:

Palestinian President Mahmoud Abbas chose to use his speech at the opening of the Palestinian National Council to repeat some of the most contemptuous anti-Semitic slurs, including the suggestion that the social behaviour of Jews was the cause for the Holocaust.

Such statements are unacceptable, deeply disturbing and do not serve the interests of the Palestinian people or peace in the Middle East.

Denying the historic and religious connection of the Jewish people to the land and their holy sites in Jerusalem stands in contrast to reality.

The Holocaust did not occur in a vacuum, it was the result of thousands of years of persecution. This is why attempts to rewrite, downplay or deny it are dangerous.

Leaders have an obligation to confront anti-Semitism everywhere and always, not perpetuate the conspiracy theories that fuel it.

II. PALESTINIAN RIGHTS COMMITTEE CONDEMNS EXCESSIVE FORCE AGAINST GAZA DEMONSTRATORS

Following is the statement by the Committee on the Exercise of the Inalienable Rights of the Palestinian People regarding the situation in Gaza, issued on 14 May ([GA/PAL/1406](#)):

The United Nations General Assembly's Committee on the Exercise of the Inalienable Rights of the Palestinian People condemns the excessive and disproportionate use of force by Israeli security forces against peaceful Palestinian demonstrators at the Gaza fence with Israel, in the context of the "Great March of Return", which today alone resulted in the killing of 55 Palestinians and 2,771 injured. Since 30 March, the start of the six-week campaign by Palestinians calling for their right of return in accordance with General Assembly resolution 194 (III) and the right to exercise their inalienable rights of self-determination and independence, Israeli security forces have killed 110 and injured 12,271 Palestinians.

The Committee demands that the occupying Power abide by its obligation to protect civilians under its control, in accordance with international law, international human rights and humanitarian law. It reiterates the Secretary-General's call for an impartial and independent investigation into the recent incidents. It also strongly calls for an end to the illegal blockade of the Gaza Strip that, since 2007, has collectively punished the Gazan population and brought the Strip to the verge of a total humanitarian collapse.

These events take place against the background of 50 years of occupation, on the eve of 70 years of the Nakba, and today's transfer of the United States Embassy in Israel from Tel Aviv

to Jerusalem. As stated by an overwhelming majority of Member States, such a move is in flagrant violation of relevant Security Council resolutions, including resolutions 476 (1980), 478 (1980) and 2334 (2016), as well as General Assembly resolutions 181 (II) and A/72/15. The Committee joins those voices reiterating that regardless of unilateral actions East Jerusalem remains an integral part of the Palestinian territory occupied since 1967, and that Jerusalem remains a final status issue to be resolved by negotiations between the parties.

The Committee urges all sides to de-escalate tensions in Jerusalem and calls for an end to the violence. The Committee further stresses the need for urgent collective efforts leading to the realization of a two-State solution, based on the pre-1967 lines and with East Jerusalem as the capital of the independent State of Palestine, living in peace with its neighbours.

III. SECRETARY-GENERAL ALARMED BY HIGH NUMBER OF DEATHS IN GAZA PROTESTS

The following statement was issued on 14 May 2018 by the Spokesperson for Secretary-General António Guterres ([SG/SM/19034-PAL/2222](#)):

The Secretary-General is profoundly alarmed by the sharp escalation of violence in the Occupied Palestinian Territory and the high number of Palestinians killed and injured in the Gaza protests.

Israel security forces must exercise maximum restraint in the use of live fire. Hamas and the leaders of the demonstrations have a responsibility to prevent all violent actions and provocations.

With tensions high and more demonstrations expected in the coming days, it is imperative that everyone show the utmost restraint to avoid further loss of life, including ensuring that all civilians and particularly children are not put in harm's way.

Hospitals report that essential medical supplies, drugs and equipment have already been exhausted. Humanitarian funding and improved access is urgently needed to meet these and other existing or emerging needs.

The ongoing violence underscores the urgent need for a political solution. The Secretary-General reiterates that there is no viable alternative to the two-State solution, with Palestine and Israel living side by side in peace, each with its capital in Jerusalem.

IV. TEN MEMBERS OF SECURITY COUNCIL REQUEST WRITTEN REPORTS ON IMPLEMENTATION OF SETTLEMENTS RESOLUTION 2334

On 14 May, Permanent Representatives of Bolivia, China, Côte d'Ivoire, Equatorial Guinea, France, Kazakhstan, Kuwait, the Netherlands, Peru and Sweden to the United Nations addressed to the Secretary-General and the President of the Security Council the following letter ([S/2018/454](#)):

We, the undersigned members of the Security Council, are writing to express our profound concern about the lack of implementation of Security Council resolution [2334 \(2016\)](#), which was adopted by the Security Council on 23 December 2016.

The Council reaffirmed that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace (resolution [2334 \(2016\)](#), para. 1). It also reiterated the demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard (*ibid.*, para. 2). In a report on the implementation of resolution [2334 \(2016\)](#) presented on 18 December 2017, 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, Nickolay Mladenov, reported that no such steps had been taken during the reporting period.

The Special Coordinator also reported that there was continuing violence against civilians, including terrorist attacks, during the reporting period, as well as inflammatory rhetoric and provocations, despite the fact that, in resolution [2334 \(2016\)](#), the Council called upon both parties to take immediate steps to prevent all acts of violence and to refrain from provocative actions, incitement and inflammatory rhetoric. The Special Coordinator concluded that the reporting period had not seen significant positive moves towards advancing peace. It is clear that continuing violence against civilians and incitement perpetuate mutual fear and suspicion and must be condemned, as such acts impede any efforts to bridge the gaps between Israelis and Palestinians and empower extremists.

All settlements and continued settlement construction in the occupied Palestinian territory, including East Jerusalem, contravene resolution [2334 \(2016\)](#) and undermine the establishment of a viable, contiguous Palestinian State as part of a two-State solution. The Secretary-General has been clear that ending the occupation and realizing a two-State solution, with Jerusalem as the capital of Israel and Palestine, is the only way to achieve such a vision. A political solution to the Israeli-Palestinian conflict, which has lasted for too long, is needed. As the Secretary-General stated in his remarks to the Security Council on 20 February 2018, this means addressing all final status issues on the basis of relevant United Nations resolutions, international law and mutual agreements. As the Secretary-General stated, there is no plan B.

As Member States of the United Nations, we must all be dedicated to implementing Security Council resolutions, as provided for in article 25 of the Charter of the United Nations. The Security Council must stand behind its resolutions and ensure that they have meaning; otherwise, we risk undermining the credibility of the international system. In paragraph 11 of resolution [2334 \(2016\)](#), the Council reaffirmed its determination to examine practical ways

and means to secure the full implementation of its relevant resolutions. With this in mind, we would like to make a proposal to further the implementation of resolution [2334 \(2016\)](#), as follows.

In paragraph 12 of resolution [2334 \(2016\)](#), the Security Council requested the Secretary-General to report to the Council every three months on the implementation of the provisions of the resolution). This has to date been in the form of an oral report. The standard practice is, however, that the Council receives written reports. While there may sometimes be legitimate reasons for oral reports, they should be reserved for exceptional circumstances. We therefore request the Secretary-General to circulate a written report on the implementation of resolution [2334 \(2016\)](#) to the Council prior to relevant meetings of the Council.

We kindly request that the present letter be circulated as a document of the Security Council.

V. SECURITY COUNCIL MEETS ON GAZA PROTESTS

On 15 May the Security Council met to consider the “Situation in the Middle East, including the Palestinian Question”. It heard a briefing by United Nations Special Coordinator for the Middle East Peace Process Nickolay Mladenov reproduced below ([S/PV.8256](#)):

For the people of Gaza yesterday was a day of tragedy. There are no other words to describe what actually happened. There is no justification for the killing. There is no excuse. It serves no one. It certainly does not serve the cause of peace. My heart weighs heavy today as I begin by expressing my condolences to the families of those killed yesterday and over the past six weeks of demonstrations in Gaza.

Who can possibly find words to console the mother of a child who has been killed? I call on all to join me today in condemning in the strongest possible terms the actions that have led to the loss of many lives in Gaza. Israel has a responsibility to calibrate its use of force and not to use lethal force except as a last resort under the imminent threat of death or serious injury. It must protect its borders, but it must do so proportionally and investigate every incident that has led to a loss of human life. Hamas, which has controlled Gaza for more than a decade, must not use the protests as cover in an attempt to place bombs at the fence and create provocations. Its operatives must not hide among the demonstrators and risk the lives of civilians.

Tens of thousands of people in Gaza have been protesting for more six weeks to date — people who live in abject poverty, who survive in prison-like conditions and who live with no prospect for the day after. Those people want their voices heard. They want a future beyond mere survival. Their leaders have failed them. The promises that they have made to them have not been delivered on, and now the people are angry. But their anger, if not channelled in a constructive manner, will lead to more destruction and suffering. Whatever we may think of their motivation, we have an obligation to hear their plight. They have lived through three devastating conflicts. Their lives are marked by personal anguish, scarred by a national tragedy and marred by daily suffering caused by leaders who use them for their own political ends. For 10 years, they have lived under the control of Hamas, while separated from their families in the West Bank and isolated behind crippling Israeli closures. The cycle of violence in Gaza needs to end, and for if it to end it requires every single one of us to put their best efforts into preventing an explosion that could drag the

whole region into another deadly confrontation. The international community must step in and prevent war. We need to move forward quickly and effectively with regard to all the projects that we have discussed for many months to solve the energy, water and health crisis of the population. We can do that only in coordination with Israel, the Palestinian Authority and Egypt, but, before all of that, the senseless violence needs to stop.

Yesterday an estimated 35,000 people participated in demonstrations in Gaza, as did hundreds more in the West Bank cities of Ramallah, Bethlehem, Hebron, Jericho, Nablus and East Jerusalem — as part of the Great March of Return, as well as in protest of the relocation of the United States Embassy from Tel Aviv to Jerusalem. Although no fatalities were reported in the West Bank, where limited clashes took place between demonstrators and Israeli security forces at several checkpoints, the situation in Gaza deteriorated throughout the day, particularly along the perimeter fence. According to various reports, at least 60 people were killed throughout yesterday, including six children, and more than 1,300 people were reportedly injured by live ammunition and rubber bullets. One Israeli soldier was wounded and taken to the hospital for treatment. Since the beginning of the protests on 30 March, more than 100 people have been killed, including 13 children, over half of whom were killed yesterday alone. That constituted the bloodiest day in Gaza, with the highest death and injury toll since the 2014 conflict.

Hamas and Islamic Jihad have acknowledged that members of their organizations were among those killed, and the Israel Defence Forces (IDF) claims that at least 24 had links to militant activities. Under the cover of the protests, Hamas and other militants have also engaged in violent and provocative acts, including the placing of improvised explosive devices (IEDs) at the perimeter fence and other attempts to breach it with the intent of perpetrating attacks. According to the United Nations Department of Safety and Security, at least one IED reportedly detonated against an IDF vehicle during an incursion. Eighteen air strikes and eight shelling incidents were also carried out by the Israeli security forces on 26 Hamas targets in retaliation for what Israel classified as violent acts.

Against that backdrop, hospitals in Gaza report an unfolding crisis involving essential medical supplies. Drugs and equipment are needed to treat those who have been injured. The United Nations Humanitarian Coordinator, who is currently in Gaza, visited Al-Shifa hospital yesterday, where there is a shortage of beds for the number of wounded arriving from the protests at the fence. He witnessed at first-hand patients being brought in on stretchers and left in the hospital's courtyard, which was being used as a triage area. I appeal to Israel, Egypt and the Palestinian authorities to facilitate the exit of the seriously wounded from Gaza for medical treatment, and I welcome steps reportedly taken by Egypt to that end.

I would like to take this opportunity to pay tribute to the bravery of the medical staff who continue to put their own lives at risk, such as those working for the Palestine Red Crescent Society, who have endured casualties of their own. I am deeply saddened to note the death of another health worker yesterday during the demonstrations, and reiterate the inviolability of health facilities and medical personnel under international law. Journalists have also been among those injured in yesterday's demonstrations.

The dire humanitarian situation in Gaza, about which I have reported time and again in this Chamber over the past year, has been compounded by the fact that the Palestinian Authority

continues to withhold the payment of salaries to some 20,000 civil service employees in Gaza. To further complicate a dismal picture, on 4 and 11 May, demonstrators destroyed most of the facilities on the Gaza side of the Kerem Shalom crossing — the main point of entry for goods and materials into the Gaza Strip. Members of my team conducted an initial assessment of the site, and I can report that the damage is extensive and will hinder deliveries of fuel and much-needed goods to Gaza for weeks to come. As we speak, the United Nations is working with Israel and the Palestinian Authority to bring in life-saving assistance, despite the destruction and extensive damage to the crossing.

Whoever orchestrated that destruction shares in the responsibility for worsening the suffering of the 2 million people in Gaza. The Secretary-General and I have repeatedly called on all to exercise restraint, for all the necessary steps to be taken to avoid escalation and for all incidents to be fully investigated. I have engaged with all sides to that effect. Public statements and messages by Hamas indicate the intention to use mass protests to infiltrate into Israel and attack Israelis. Such statements and action endanger the lives of both Israelis and Palestinians and cannot be justified. I wish to underline yet again that it is imperative that civilians, particularly children, not be targeted by anyone, used as cover for militant activity or be put at risk or endangered in any way.

As the violence continues, technical problems have also resurfaced in the form of a further decrease in electricity supply, leading to approximately 22 hours of blackouts in Gaza. That is a critical reminder of the fragility of Gaza's infrastructure. Starting tomorrow, the United Nations, together with international partners, will need to focus and redouble efforts to implement projects that will have an immediate impact on improving the electricity, water and health situations as a matter of urgency.

The developments in Gaza are an extremely painful reminder of the devastating consequences of the continued absence of peace between Israelis and Palestinians. I would like to reiterate that message, particularly as Palestinians commemorate Nakba Day, or the day of the catastrophe, by which they remember the displacement during the war of 1948-1949, and as they continue to demonstrate in Gaza and the West Bank over the coming days. We must step up our efforts in support of a peaceful resolution to the conflict. We must collectively call on all to refrain from unilateral measures that only steer us away from a peace process, and instead work to end the occupation and advance the goal of a just and sustainable peace, culminating ultimately in two States — Israel and Palestine, of which Gaza is an integral part — living side by side in peace, security and prosperity.

VI. SECRETARY-GENERAL ISSUES REPORT ON ASSISTANCE TO THE PALESTINIAN PEOPLE

On 17 May 2018, Secretary-General António Guterres submitted to the Economic and Social Council the report on Assistance to the Palestinian People. The following are the sections titled unmet needs, challenges and conclusions (A/73/84-E/2018/65):

V. Unmet needs

142. In 2017, UNRWA was not able to raise the necessary funding for its programme budget and ended the year with a shortfall of approximately \$126.5 million. UNRWA emergency programmes and key projects also operated with large funding gaps. Through its 2017 Palestine emergency appeal, UNRWA continued to provide basic humanitarian assistance; however, funding levels reached 38.1 per cent only. Following the January 2018 announcement by the United States that it would withhold its contribution in 2018, the projected programme budget shortfall stood at \$446 million. On 22 January 2018, UNRWA launched its 2018 emergency appeals to raise \$808 million for the West Bank and Gaza, as well as for the Syrian regional crisis. A ministerial conference, attended by the Secretary-General, was held in Rome on 15 March 2018, entitled “Preserving dignity and sharing responsibility: mobilizing collective action for UNRWA”. The conference was convened by Egypt, Jordan and Sweden to help to alleviate the financial situation of UNRWA and saw pledges of approximately \$100 million. Currently, the UNRWA funding shortfall is less than \$250 million.

143. Should UNRWA, owing to a lack of funding, be forced to reduce, or suspend completely, its core and emergency services in Gaza in 2018, the impact would be significant, notably for 272,000 children who would lose access to education, on primary health-care as well as neonatal care and other life-saving services for over 1 million Palestine refugees, and on 1 million Palestine refugees living in poverty who would lose food assistance.

144. Of the \$3.5 billion pledged at the Cairo International Conference on Palestine in October 2014 for the recovery and reconstruction of Gaza, only 54 per cent (\$1.884 billion) has been disbursed. To complete the reconstruction, an estimated \$244 million is still needed, including \$200 million for the rehabilitation of 3,000 destroyed houses and 56,000 damaged houses, \$13 million for the reconstruction of a destroyed hospital, \$20 million for the energy infrastructure and \$11 million for the water infrastructure.

145. Given the continued humanitarian needs, the 2018-2020 Humanitarian Response Plan requires \$539.7 million for 2018, of which over half, or \$286.5 million, is also included in the UNRWA emergency appeal for the occupied Palestinian territory. At the end of the reporting period, only 5.4 per cent, or \$29 million, had been raised.

146. The *2018 Humanitarian Needs Overview* estimates that, of the 4.95 million Palestinians living in the occupied Palestinian territory, 2.5 million people will need humanitarian assistance in 2018. Of those, 1.6 million Gazans, 1.1 million children under the age of 18 and 1.4 million Palestine refugees will require humanitarian assistance in 2018. In 2018, at least 1.9 million Palestinians will experience, or are at risk of, conflict and violence, displacement and denial of access to livelihoods, among other threats.

147. Moreover, United Nations agencies are seeking \$1.26 billion over five years to support development programming in the context of the United Nations Development Assistance Framework.

VI. Challenges

148. The absence of a political process aimed at ending the conflict continues to be the single largest impediment to Palestinian development.

149. Continued Israeli settlement expansion, demolitions, closure, access and movement restrictions and other aspects of the military occupation continue to have a severe impact on the humanitarian, social and political life of the Palestinian population and its ability to exercise its fundamental rights. Continuing acts of violence, including acts of terror, and incitement perpetuate mutual fear and suspicion. The political division between the West Bank and Gaza places severe obstacles to addressing humanitarian needs and restoring a political horizon.

150. Development and humanitarian funding to the State of Palestine continued to decline during the reporting period. Significant UNRWA funding reductions in the next reporting period further demonstrate the need for strong donor coordination.

VII. Conclusions

151. The operational context for the work of the United Nations in the reporting period was increasingly difficult as a result of the challenges outlined in the present report. The United Nations will continue to work towards the realization of a just, lasting and comprehensive peace in the Middle East on the basis of relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), [1397 \(2002\)](#), [1515 \(2003\)](#), [1850 \(2008\)](#), [1860 \(2009\)](#) and [2334 \(2016\)](#), an end to the occupation that began in 1967, and the establishment of a sovereign, democratic, viable and contiguous Palestinian State, existing side by side in peace with a secure Israel. It is only by realizing the vision of two States living side by side in peace, security and mutual recognition, with Jerusalem as the capital of Israel and Palestine, and all final status issues resolved permanently through negotiations, that the legitimate aspirations of both peoples will be achieved.

VII. UN FORUM DISCUSSES “70 YEARS AFTER 1948 – LESSONS TO ACHIEVE A SUSTAINABLE PEACE”

The United Nations Forum on the Question of Palestine “70 Years after 1948 – Lessons to Achieve a Sustainable Peace” was convened in New York on 17 and 18 May 2017, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP). The [Chair’s Summary](#) of the Forum is reproduced below:

The United Nations Forum on the Question of Palestine “70 Years after 1948 —Lessons to Achieve a Sustainable Peace” was convened in New York on 17 and 18 May 2017, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP). Ahead of the public Forum, on 16 May the Committee held closed consultations with representatives of civil society organisations from Palestine, Israel and throughout the world.

The Forum brought together Palestinian, Israeli and international experts, representatives of the diplomatic community and civil society to highlight the need to substantively address issues related to the 1948 war and subsequent mass displacement and uprooting of Palestinians in the context of, and vital for the success of, efforts to achieve a comprehensive, just and lasting settlement of the question of Palestine. A series of moderated interactive panels, chaired by Committee Bureau members, focused on an evaluation of the events of 1948, known in Arabic as “Al-Nakba” (“the catastrophe”) and their continued relevance today, the ongoing displacement of Palestinians, questions of accountability and transitional justice, and ways out of the political impasse between Palestine and Israel. The Forum provided experts and civil society organizations with a valuable advocacy platform to inform policy and diplomatic action on the question of Palestine at UN Headquarters.

Short clips from the documentary film “Voices Across the Divide” were shown at the beginning of each panel session.

At the inaugural session, the message of Secretary-General Antonio Guterres, delivered by Deputy Secretary-General Amina J. Mohammed, noted that 2018 marked the seventieth anniversary of the Universal Declaration of Human Rights, which should guide the search for a durable solution to the question of Palestine. Underscoring the need for such a solution, he pointed out that the recent violence in the Gaza Strip was a reminder of the international community’s failure to find a just and lasting answer to the plight of Palestinian refugees. “Instead, the lives of generations of Palestinians and Israelis have been defined and confined by a conflict that has shaped their physical and human landscape under a heavy

atmosphere of fear, mutual distrust and despair,” the statement highlighted. The illegal establishment and expansion of settlements was contributing further to displacement and constituted a major obstacle to a two-State solution. Moreover, unacceptable violence and incitement exacerbated mistrust and militant activity and the absence of Palestinian unity also constituted obstacles to a negotiated solution. The Secretary-General stressed that “the United Nations will continue to support Israelis and Palestinians on the road to peace by helping them to take the historic steps to achieve two States living side by side in peace, within secure and recognized borders and with Jerusalem as the capital of both.”

Recalling that the Committee had convened in 2017 to mark 50 years of the Israeli occupation of Palestinian territory, the Chair of the Committee, Ambassador Focle Seck (Senegal), noted that the question of Palestine had nevertheless not begun in 1967. “In the collective memory of the Palestinians and the wider Arab world, Al-Nakba evokes memories from a national disaster involving loss, dispossession, destroyed villages and the displacement of hundreds of thousands,” he said. That catastrophe had been followed by decades spent in exile and had brought more war, displacement and suffering. Indeed, it was difficult to escape the conclusion that Al-Nakba lay at the very heart of the question of Palestine, he continued. If not adequately acknowledged and addressed, the search for peace in the Middle East would remain elusive. As recognized by the Security Council, a comprehensive approach to sustaining peace would have to address the root causes of the conflict and acknowledge the links connecting development, peace and security, and human rights. Pledging to continue to advocate for the Palestinian people, including their rights of return to their homes, he drew attention to the critical role played by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). All over the world, revisiting the painful past and asking difficult questions of all parties had been a prerequisite for peace and an inclusive future. In that spirit, he asked the participants in the Forum to help in mobilizing diplomatic efforts to launch credible negotiations that would lead to a just peace.

The representative of the State of Palestine, Member of the Executive Committee of the Palestine Liberation Organization (PLO) Hanan Ashrawi, acknowledged that the Committee had long provided the Palestinian people with the rare commodity of hope. “We are suffering an ongoing system of injustice,” she noted, stressing that 70 years was far too long for the injustices of expulsion and oppression to exist. At the present, while Palestinians enjoyed no security of their own, when they tried to defend themselves concerns were immediately raised about Israel’s security, she said, pointing out that just this week, that country’s soldiers had killed scores of civilian protesters — including women and children — while claiming they had been forced to do so “in self-defence”. If this repugnant anomaly of impunity and disdain for international law was allowed to continue, it risked destroying the international system that the United Nations had built. Stating that it was the current Government of the United States that had made negotiations under the old formula impossible, she pointed out that Palestinians had been negotiating for decades, even as a people living under occupation should not — under the Fourth Geneva Convention — be expected to negotiate with their occupier under duress. However, a process of peace negotiations in which the occupier was constantly rewarded “just for talking” — and in which Palestine was only threatened and blackmailed or charged with being a terrorist threat — could not persist. Palestinians would not ask Israel for their freedom, which was their right. Putting the case of Palestine within a wider context, she cautioned that against the backdrop of rising populism, isolationism, nationalism and the arrogance of power, people must remain vigilant against sectarianism and claims to exceptionalism.

During the first panel, on “*What Happened in 1948 — Why Does It Matter?*”, speakers outlined the events leading up to the adoption of General Assembly resolution 181 (1947), which had authorized the partition of Mandate Palestine and the impact of only one of the two envisioned states having been established. Panellists debated the merits of the two-State formula, with some underlining its critical role in elevating the Question of Palestine on the global stage. Others argued in favour of a strategy that went beyond territorial borders to emphasize reconciliation and equal rights instead. In this context, it was suggested that the Palestinian-Israeli conflict was not an ethno-national “us vs. them” situation but more of a conflict between those defending and opposing

peace and justice. Representatives of States and civil society groups commented on the links between Palestine's history and its present-day reality. Participants drew parallels between the case of Israel/Palestine and the cases of Namibia and South Africa during their respective occupation and apartheid regimes. There was agreement that a just and sustainable peace between Israel and Palestine would have to fully acknowledge the Nakba and hold Israel accountable for crimes committed in 1948 and onward.

The second panel, on "*Displacement as a Continuum: the Ongoing Nakba*", examined the internal and external displacement of Palestinians and the denial of their ability to return, as citizens, to their homes and villages. A discussion emerged over the term "permanent occupation", with some participants stressing that no such concept existed under international law and that the situation amounted to outright "colonization". They also voiced support for the International Court of Justice (ICJ) to consider the issue. Others noted that Israel's practices, which according to their argument amounted to racism, were becoming enshrined in national law, and this would make it more difficult for human rights lawyers and activists to challenge them in Israeli courts. Participants raised the issue of better international protection for Palestinians including refugees, and called upon Member States to take a stand and remind Israel of its obligations under international law. Particularly the dire situation in Gaza, where Israel was still the occupying Power, warranted immediate intervention. Participants also highlighted that the issue of Palestine was gaining traction among intersectional social movements in the United States.

Continuing the Forum on 18 May, the third panel, on "*Refugees and the Resolution of the Question of Palestine*", addressed questions around the issue of Palestine refugees, including the legal and psycho-social ramifications for Palestinians dispersed from their homes in 1948 and afterwards, as well as the several generations of their descendants. Participants highlighted the universality of refugee rights, countering the often-cited perception of a 'special status and rights' of Palestine refugees, giving them privileges that other refugees do not enjoy. Panellists and participants with experience in the field of transitional justice emphasized the potentially powerful benefit of establishing a system of truth-seeking, reparations and reconciliation for the solution of the Israeli-Palestinian conflict and preparing for it, even before an agreement was reached. Suggestions emerged to connect those advocating for the rights of the Palestinian people with various related UN offices, for example the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. It was suggested that in seeking reparations, Palestinian refugees should be treated as dispossessed nationals of a country — Palestine — rather than stateless refugees, and that the United Nations should be also held accountable for its failure to implement GA resolution 181 as well as other, subsequent resolutions on the Palestine question. It was reiterated that obtaining an ICJ advisory opinion may give a boost to the Palestinian cause.

In the fourth panel, on "*Ways Forward to Achieve a Sustainable Peace*", speakers stressed the importance of termination of occupation as a primary condition to allow for freedom and independence of the people of Palestine and a necessary prerequisite for a two-State solution. Also, Member States should build partnerships with civil society and youth, while continuing to exert economic and diplomatic pressure on the Government of Israel. Among the latter measures could be an embargo on buying arms and security goods and services from Israel. Conversely, investment in the State of Palestine could be a means of empowering youth and enriching the economy. Responding to questions concerning human rights violations and statehood, they said it was

important to fight for equality alongside the struggle for self-determination. A discussion over the status of the Oslo Agreement led to wider conversation over different outcome models for the question of Palestine — from the two-State solution to a confederation modelled on the original GA resolution 181 to a one-State solution with equal rights for all inhabitants. Speakers also highlighted the sensitivity among Jewish Israelis over the perception of what “right of return” for Palestinian refugees could mean in reality for a society that had created and defended the State of Israel as a haven for the Jewish people. In this context, the reality of the political developments on the ground may have made a dismantling of the settlements impossible. However, other speakers and participants argued that implementing UN decisions and realising the fundamental human rights of the Palestinian people was paramount, and illegal and illegitimate acts could not be justified and absolved by the passage of time.

Note: This Summary attempts to provide an overall picture of the deliberations of the Conference. A detailed report, including specific questions that were addressed during the interactive discussions, will be published by the Division for Palestinian Rights in due course.

VIII. EU RESPONDS TO THE GAZA EMERGENCY WITH €3 MILLION IN HUMANITARIAN AID

On 17 May, the European Commission issued the following [press release](#):

Today, the European Commission announced new humanitarian aid of €3 million to help civilians in need of urgent assistance in Gaza. The funding will be channelled exclusively through international humanitarian partners to deliver health, water, and sanitation assistance to Palestinians in need of critical assistance. Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides said: “The EU’s emergency assistance will help provide basic supplies to civilians in need. For a smooth and continued delivery of humanitarian aid, it is essential that critical goods and equipment are allowed to enter Gaza in a timely manner.”

IX. OIC CONDEMNS ACTIONS BY ISRAELI FORCES, REJECTS US EMBASSY MOVE

On 18 May, the Seventh Extraordinary Session of the Islamic Summit Conference held in Istanbul issued the following final [communiqué](#):

We, the Kings and Heads of State and Government of the Member States of the Organization of Islamic Cooperation (OIC), gathering at the Seventh Extraordinary Session of the Islamic Summit Conference in Istanbul, Republic of Turkey, on 3 Ramadan 1439 AH – 18 May 2018 CE upon the invitation of the President of Turkey, H.E. Mr. Recep Tayyip Erdoğan, the Chair of the Thirteenth Session of the Islamic Summit, in response to the grave developments in the State of Palestine, as a result of the ongoing Israeli brutal aggression against the Palestinian people and the illegal inauguration of the U.S. embassy in Al-Quds.

Having reviewed the alarming situation and growing tensions in the occupied territory of the State of Palestine,

Expressing our profound appreciation to H.E. President Recep Tayyip Erdoğan for calling for the convening and hosting of this extraordinary Islamic Summit on an issue of such importance for Ummah

Commending the resolutions on the cause of Palestine and al-Quds Al-Sharif, the capital of the State of Palestine, adopted by the 45th Session of Council of Foreign Ministers on 5-6 May 2018 in Dhaka,

Welcoming resolutions adopted on Palestine and Al-Quds al-Sharif by the 29th Arab League Summit held in Dhahran and appreciate naming it as “Al-Quds Summit” by the Custodian of the two holy mosques King Salman bin Abdul Aziz Al Saud,

Emphasizing that the central mission and raison d'être of the OIC is protecting the City of Al-Quds Al-Sharif, its historic and legal status, its spiritual place, and to take all necessary measures to put an end to the violations committed by Israel and any party that supports this regime and its colonial and racist policies,

Proceeding from the historical, moral and legal responsibility placed on the Muslim Ummah and in full solidarity with Palestine and its people,

- Condemn in the strongest terms the criminal actions of Israeli forces against the Palestinian people in the Occupied Palestinian Territory, particularly in the Gaza Strip, where unarmed Palestinian civilians are exercising their legitimate right of peaceful protest against this inhumane and absolutely illegal occupation; and hold Israel, the occupying Power, fully accountable for the grave atrocities in the Occupied Palestinian Territory, particularly the latest episode of willful murder of at least 60 civilians, and injuring of nearly 2700 others on 14 May.

- Declare that these acts constitute savage crimes committed by the Israeli forces with the backing of the U.S. Administration, including through shielding the Israeli occupation in the UN Security Council from accountability; also note that these crimes have been committed against the backdrop of the illegal decision by the U.S. Administration to officially move its embassy from Israel to the occupied City of Jerusalem, which has further emboldened the Israeli government in its reckless behavior towards civilian Palestinian population.

- Call on the international community, in particular the UN Security Council, to uphold its legal obligations to defend the international law and order as they relate to Palestine; to act in line with its legal and moral obligation to ensure accountability for these unchecked crimes that Israel, the occupying power, is carrying out with impunity; and to put an end to these atrocities, and to provide international protection for the Palestinian people.

- Call for the international protection of the Palestinian population including through dispatching of international protection force.

- Request the OIC General Secretariat to act immediately to establish an international independent Committee of Experts to investigate the crimes and massacres committed by the Israeli forces against the peaceful and unarmed demonstrators in the Gaza Strip, to determine the culpability of the Israeli officials and communicate the findings to relevant international bodies.

- Call upon the UN Security Council, the UN General Assembly, the UN Secretary General, UN Human Rights Council, the special rapporteurs and the UN High Commissioner for Human Rights to take necessary actions to form an international investigation committee into the recent atrocities in the Gaza Strip, and enable the committee to initiate field investigation, within a precise timeframe, and ensuring enacting a clear mechanism to determine the culpability of the Israeli officials with a view to ensuring justice for the victims and put an end to the impunity of the perpetrators.

- Call on the UN Security Council, the General Assembly and the Human Rights Council to uphold their responsibilities in this regard and invite all countries to mobilize their efforts to bring this issue to the agenda of the UN General Assembly, the UN Security Council, and the Human Rights Council urgently.

- Appreciate the role of the state of Kuwait as a non-permanent member of the United Nations Security Council and its immediate reaction to the bloody events in Gaza and its request to the Security Council for an emergency meeting on 15 May 2018, welcoming the Kuwaiti steps by proposing a draft resolution on the protection of civilians regretting the block from the United States for the press statement in response to those unfortunate events.

- Reaffirm the need to coordinate and work together with the international and regional organizations, including the Arab League, the European Union and the African Union on this issue.

- Reaffirm the centrality of the Palestinian cause and the status of Al-Quds Al-Sharif to the Muslim Ummah; renew our principled support for the Palestinian people in their pursuit to attain their inalienable national rights, including their right to self-determination and the establishment of their independent and sovereign Palestinian State on the borders of 4 June 1967, with Al-Quds Al-Sharif as its capital; and invite all countries to officially recognize the State of Palestine.

- Reiterate our rejection of the illegal decision of the President of the United States to recognize Al-Quds as the so-called capital of Israel, the occupying power; reject it as legally null and void and violation of international legitimacy resolutions; consider it an assault on the historical, legal, natural and national rights of the Palestinian people and a deliberate attempt to undermine all peace prospects, threatening international peace and security. Condemn the inauguration of the U.S. embassy in Al-Quds and consider it an act of provocation and hostility against the Muslim Ummah, Palestinian national rights and flagrant violations of international law as well as an assault on the international order, including the UN, that further emboldens Israel, the occupying power, to step up its illegal and criminal actions against the Palestinian people.

- Reaffirm our position that Al-Quds shall remain the eternal capital of Palestine and that the inauguration of the U.S. embassy in Al Quds neither alters the legal status of the occupied City, nor legitimizes its illegal annexation by Israel, the occupying power.

- Affirm support for the historical Hashemite Custodianship assumed by His Majesty King Abdullah II Ibn Al-Hussain on Muslim and Christian holy sites in Al-Quds, which was reaffirmed by the agreement signed between His Majesty King Abdullah II and His Excellency Mahmud Abbas, President of the State of Palestine on 31 March 2013; and for the role of the Jordanian Department of Al-Quds and Al-Aqsa Mosque Islamic Waqf in preserving and defending Al-Haram Al-Quds Al-Sharif.

- Praise the continuous efforts exerted by his Majesty King Mohammad VI King of Morocco, Chair of al-Quds Committee, in defending the holy city and supporting the resilience of the Palestinian people, and applaud efforts made by Bayt Mal al-Quds Agency of al-Quds Committee.

- Consider that any state that follows, accepts or acquiesces in the U.S. Administration's move or any similar step adopted by other countries is complicit in undermining international law and order; express our determination to respond to these shameful actions with appropriate measures; and decide to take all necessary steps to prevent other countries from following the illegal U.S. example by transferring their embassies to Al-Quds; and in this regards condemns the relocation by Guatemala of its embassy to Al-Quds, and declare our determination to take the appropriate political, economic and other measures against countries which recognize Al-Quds as the capital of Israel or relocate their embassies thereto. Mandate the General Secretariat to prepare recommendations on appropriate measures that can be implemented in this regard.

- Call upon all Member States to openly condemn such action and to pursue all available legal and diplomatic avenues to defend Palestinian national rights from all hostile and illegal actions from the United States or any other party, and to support decisions adopted recently by the Palestinian leadership to advance the Palestinian rights.

- Affirm that countries running for international posts seeking the OIC's support for their candidature will be assessed based on their positions regarding the Palestine question, in particular on Jerusalem.

- Insist on the OIC Member States to be responsive to OIC resolutions on the Palestinian cause and to commit to voting for our common cause, and to taking actions that would contribute to defending this just cause, and call for necessary action to be taken against those failing to comply.

- Request Member States, the OIC General Secretariat and the OIC subsidiary organs and specialized and affiliated institutions to take the necessary measures to apply the economic restriction to countries, officials, parliaments, companies or individuals who recognize the annexation of Al-Quds by Israel, the occupying Power, and follow the decision of the US Administration to move its embassy to Al-Quds al-Sharif, or deal with any measures related to the consecration of Israeli colonization of the occupied Palestinian.

- Call on Member States and the wider international community to ban the products of the illegal Israeli settlements from entering their markets, take measures against individuals and entities involved in or beneficiaries of the perpetuation of occupation and settlement regime,

- Decide to take all available measures and to pursue all possible political, legal and diplomatic avenues to defend the legitimate rights and aspirations of the Palestinian people from Israel's entrenched regime of colonization and aggression as well as states that defend and sponsor this regime of oppression;

- Demand that the United States to adhere to the international legitimacy resolutions of the city of al Quds which represents an integral part of the Palestinian Territory occupied in 1967, and

invite it to urge Israel, the occupying power, to stop its colonial plans and serious violations that constitute a threat to peace and security in the region and the entire world.

- Urge the U.S to stand against the Israeli colonial occupation and to be impartial in achieving the comprehensive peace based on relevant UN resolutions, the international law, the peace process terms of reference, the Arab Peace Initiative and the principle of two-state solution, at all times as part of collective multilateral efforts.

- Reaffirm our adherence to all resolutions adopted by the regular and extraordinary sessions of the Islamic Summit on the Cause of Palestine and the City of Al-Quds Al-Sharif, in particular the Fifth Extraordinary Session of the Islamic Summit Conference held in Jakarta on 6 March 2016 and the

- Extraordinary Islamic Summit Conference on Al-Quds Al-Sharif held in Istanbul on 13 December 2017, and call on the Member States to ensure respect to these resolutions in their daily discourses and foreign policy agenda, especially in their dealing with counterparts in other parts of the world and at the international organizations.

- Reiterate that we will continue to act in line with international law and cooperate with states that share our values to defend the international law and international system, and reaffirm our unwavering commitment to the two-state solution, which is the only acceptable international solution in the context of self-determination, and international law and existing UN resolutions-in accordance with the international terms of reference and the 2002 Arab Peace Initiative endorsed by the Islamic Extraordinary Summit in 2005 in Makkah; support in this regard the Palestinian political initiative as presented by H.E. Mr. Mahmoud Abbas, President of the State of Palestine, before the Security Council on the 20 February 2018.

- Stress our determination to allocate all necessary resources to resist any attempt to change the Islamic and Christian identity – or falsify the history of –the city of Al-Quds Al-Sharif, including by working together with UNESCO which has designated The Old City of Jerusalem and Its Walls as a World Heritage, and condemn in this regard the continuing Israeli occupation aimed at changing the historical status quo of Al-Aqsa Mosque Compound as well as other religious and holy sites in the city of Al-Quds, including, through the continuing raids by Israeli occupation forces and permitting Israeli terrorist settler groups to desecrate the holy Mosque Compound on daily basis.

- Call for the implementation of previous OIC resolutions regarding financing the multi-sectoral strategic plan on Al-Quds, as a framework for determining the priorities of Islamic financing for the City of Al-Quds Al-Sharif; call also on Member States to support the needs of Al-Quds Al-Sharif, its institutions and people in line with the revised strategic plan 2018-2022 and to support the projects included therein, including in particular supporting the educational sector, and mandate the General Secretariat to follow up on the implementation of this plan in coordination with the State of Palestine.

- Underline the special importance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which provides vital services to more than 5.3 million Palestinian refugees, and urge the Member States to increase their support to UNRWA's initiatives to maintain its sustainable budget.

- Welcome the establishment of a Developmental Waqf Fund, as concluded in the preliminary study submitted by the Islamic Development Bank, as a means of further supporting the Palestinian refugees and host countries, enhancing the collective support of the Member States and ensuring the consistent and sustainable funding of the UNRWA operations in the field of humanitarian relief, development and social protection and urge the Member States to expedite the operationalization of the Developmental Waqf Fund.
- Reiterate our support for the inalienable right of the Palestine refugees to return to their homes, in line with UN General Assembly resolution 194; reaffirm also the need to recognize the crimes of ethnic cleansing and murder against the Palestinian people during the NAKBA, which took place seventy years ago, as a necessary first step to achieving justice and peace.

X. HUMAN RIGHTS COUNCIL AUTHORIZES GAZA COMMISSION OF INQUIRY

On 18 May, the Human Rights Council held a special session on “the deteriorating human rights situation in the occupied Palestinian territory, including East Jerusalem,” in which it heard addresses by Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights, and Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967. The Council adopted the following resolution ([A/HRC/RES/S-28/1](#)):

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and all other relevant United Nations resolutions,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming also their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties,

Convinced that the lack of accountability for violations of international law reinforces a culture of impunity, leading to a recurrence of violations and seriously endangering international peace,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, into the violence and offences against Palestinians by the occupying forces, and to establish judicial accountability for its actions in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the obligations of Israel as the occupying Power to ensure the safety, well-being and protection of the Palestinian civilian population under its occupation in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing also that the intentional targeting of civilians and other protected persons in situations of armed conflict, including foreign occupation, constitutes a grave breach of international humanitarian law and international human rights law, and poses a threat to international peace and security,

Recognizing the importance of the right to life and the right to freedom of peaceful assembly and association to the full enjoyment of all human rights,

1. *Condemns* the disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, including in the context of peaceful protests, particularly in the Gaza Strip, in violation of international humanitarian law, international human rights law and relevant United Nations resolutions, and expresses its grief at the extensive loss of life, including of children, women, health workers and journalists, and at the high number of injuries;

2. *Calls for* an immediate cessation of all attacks, incitement and violence against civilians throughout the Occupied Palestinian Territory, including East Jerusalem;

3. *Calls upon* all parties to ensure that future demonstrations remain peaceful and to abstain from actions that could endanger the lives of civilians;

4. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of crossings to the flow of humanitarian aid, commercial goods and persons, especially those in need of urgent medical attention, to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;

5. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, whether before, during or after; to establish the facts and circumstances, with assistance from relevant experts and special procedure mandate holders, of the alleged violations and abuses, including those that may amount to war crimes; to identify those responsible; to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations and abuses, and on protecting civilians against any further assaults; and to present an oral update thereon to the Council at its thirty-ninth session and a final, written report at its fortieth session;

6. *Calls upon* Israel, the occupying Power, and all relevant parties to cooperate fully with the commission of inquiry and to facilitate its access, requests the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and

requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedure mandate holders to fulfil their mandates promptly and efficiently;

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

XI. WHO ADOPTS DECISION ON HEALTH CONDITIONS IN THE OPT

The Seventy-first World Health Assembly on 22 May adopted the following draft decision ([A71/B/CONF./2](#)):

The Seventy-first World Health Assembly, taking note of the report by the Director-General requested in decision WHA70(12) 2017, decided to request the Director-General:

(1) to report on progress in the implementation of the recommendations contained in the report by the Director-General, based on field monitoring, to the Seventy-second World Health Assembly;

(2) to provide support to the Palestinian health services, including through capacity-building programmes and the development of strategic plans for investments in specific treatment and diagnostic capacities locally;

(3) to provide health-related technical assistance to the Syrian population in the occupied Syrian Golan;

(4) to continue providing the necessary technical assistance in order to meet the health needs of the Palestinian people, including prisoners and detainees, in cooperation with the efforts of the International Committee of the Red Cross, as well as the health needs of handicapped and injured people;

(5) to support the development of the health system in the occupied Palestinian territory, including east Jerusalem, by focusing in development of human resources, in order to localize health services, decreasing referrals, reducing cost and maintaining strong primary health care with integrated complete appropriate health services; and

(6) to ensure the allocation of human and financial resources in order to achieve these objectives.

XII. PALESTINE REFERS ISRAEL TO INTERNATIONAL CRIMINAL COURT

On 22 May, the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda issued the following [press release](#):

Today, 22 May 2018, I received a referral from the Government of the State of Palestine (“Palestine”), a State Party to the Rome Statute, regarding the situation in Palestine since 13 June 2014 with no end date.

Specifically, pursuant to articles 13(a) and 14 of the Rome Statute of the International Criminal Court (“ICC” or “Court”), the State of Palestine “requests the Prosecutor to investigate, in accordance with the temporal jurisdiction of the Court, past, ongoing and future crimes within the court’s jurisdiction, committed in all parts of the territory of the State of Palestine”. Pursuant to Regulation 45 of the Regulations of the Court, I have informed the ICC Presidency of this referral.

This is the eighth referral to be received from a State Party since the Rome Statute came into force on 1 July 2002. Previously, the Governments of Uganda (2004), the Democratic Republic of the Congo (2004), the Central African Republic (2004 and 2014), Mali (2012), the Comoros Islands (2013) and the Gabonese Republic (2016) each referred a situation to my Office in accordance with their prerogatives as a State Party.

Since 16 January 2015, the situation in Palestine has been subject to a preliminary examination in order to ascertain whether the criteria for opening an investigation are met. This preliminary examination has seen important progress and will continue to follow its normal course, strictly guided by the requirements of the Rome Statute.

Specifically, under article 53(1) of the Statute, as Prosecutor, I must consider issues of jurisdiction, admissibility and the interests of justice in making this determination. As noted in the Office’s [Policy Paper on Preliminary Examinations](#), these factors are applied to all situations, irrespective of whether the preliminary examination was initiated on the basis of information received on crimes, by a referral from a State Party or the United Nations Security Council, or by a declaration lodged pursuant to article 12(3) of the Statute. In all circumstances, my Office independently evaluates and analyses the information received.

A referral or an article 12(3) declaration does not automatically lead to the opening of an investigation. Should I, however, ultimately determine that the situation referred warrants an investigation in accordance with the statutory criteria, as a result of this referral, the Statute does not require the Prosecutor to seek authorisation from the Pre-Trial Chamber of the Court in order to proceed with an investigation.

There should be no doubt that in this and any other situation before my Office, I will always take the decision warranted by my mandate under the Rome Statute.

XIII. SECURITY COUNCIL MEETS AS SPECIAL COORDINATOR HIGHLIGHTS URGENCY OF GAZA PROJECTS

On 23 May the Security Council met to consider the “Situation in the Middle East, including the Palestinian Question.” It heard a briefing by United Nations Special Coordinator on the Middle East Peace Process Nikolay Mladenov reproduced below ([S/PV.8265](#)):

On 15 May, I briefed the Council on the deadly protests that took place in Gaza the day before (see S/PV.8256). At least 60 people were killed and the number continues to climb. It was a tragic day in the long history of the Israeli-Palestinian conflict, another reminder of the need to bring peace to this troubled land. It was also a reminder of how easily violence in Gaza flares up. It was a reminder that Gaza is on the verge of collapse, that its people — who have lived for more than a decade under the control of Hamas, with crippling Israeli closures and with diminishing hopes for an end to the occupation and a political solution, and who have survived three devastating conflicts — are increasingly desperate. We must act urgently to avoid another war, to alleviate the suffering of people and to empower the Palestinian Government to take up its responsibilities in Gaza.

According to the Office for the Coordination of Humanitarian Affairs, in the past month 76 Palestinians, including 11 children, have been killed by Israel Defence Forces and over 3,000 injured by live fire and other means. This period has seen by far the worst levels of violence since 2014. There have been no Israeli fatalities. Following the 14 May violence, the Foreign Ministers of the League of Arab States held an emergency meeting in Cairo and the Organization of Islamic Cooperation held an emergency summit in Istanbul. I also take note of the adoption of the resolution of the Human Rights Council on 18 May, which calls for the establishment of a commission of inquiry into the events in Gaza.

Let me reiterate what I said last week in this Chamber by calling on all to join me in condemning in the strongest possible terms the actions that have led to the loss of so many lives in Gaza. Israel has the responsibility to calibrate its use of force, to not use lethal force except as a last resort under imminent threat of death or serious injury. It must protect its citizens, but it must do so proportionally and investigate every incident that has led to a loss of human life.

Hamas, which controls Gaza, must not use the protests as cover to attempt to place bombs at the fence or create provocations; its operatives must not hide among the demonstrators and risk the lives of civilians. Palestinians have a right to protest peacefully. As demonstrations are likely to continue into the month of June, I again reiterate our call for all sides to exercise maximum restraint.

Council members have often spoken here in the Chamber of the need to prevent war; and the Secretary-General has put preventive diplomacy at the heart of his agenda. It is time for our words to be tested in Gaza. I have taken note of the request last week by several members of the Security Council to bring forward proposals to address the situation in Gaza, in line with our commitment to advance urgent infrastructure and economic development projects, improve access and movement, and support the Egyptian-led reconciliation process.

Gaza’s infrastructure teeters on the verge of total collapse, particularly its electricity and water networks, as well as its health system. In the past, the implementation of key infrastructure projects faced significant delays and obstacles. Failure to implement immediately, over the next 6 to 12

months, a set of modest, achievable projects — already endorsed by relevant stakeholders and some already funded — will create an amplified humanitarian crisis with fewer means to address it effectively.

We have all the instruments in place to address this challenge. We just need to organize ourselves better. As such, I plan to take the following actions: first, to prioritize projects identified and agreed over the past two years by the Ad Hoc Liaison Committee (AHLC); secondly, to adopt a task force modality with an enhanced United Nations project-management capacity to speed up implementation of the projects on the ground in Gaza; and, thirdly, to strengthen our close coordination with the Palestinian Authority, Israel and Egypt to overcome any political, administrative and logistical blockages that may emerge.

Let me be very clear: the condition for success is that the ceasefire achieved in 2014 be observed by all factions in Gaza and that all factions refrain from illicit arms build-up and militant activity on the ground.

If we are able to move quickly, we will reduce the chances of military confrontation and another devastating conflict. We will create the conditions for relaxing movement and access restrictions and preserve the fraying links between Gaza and the West Bank. We will also support Egyptian reconciliation efforts, and, most importantly perhaps, we will provide much needed breathing space for ordinary Gazans.

Ultimately, these efforts are meant to strengthen — not replace — overarching political objectives: the unification of Gaza and the West Bank under a single, democratic and legitimate Palestinian Authority in line with the Quartet principles, and an end to the occupation and a resolution of the wider Israeli-Palestinian conflict.

We are currently discussing with key stakeholders how to move forward on this strategy. I am encouraged by the positive engagement by all. I particularly welcome Egyptian President Al Sisi's decision to maintain the opening of Rafah crossing throughout the holy month of Ramadan. That is an important step, and I hope that the security situation will allow for more regular movement through the crossing.

I also want to acknowledge Israel's efforts to ensure the delivery of goods to Gaza, despite the serious damage done to the Kerem Shalom crossing by protesters during recent weeks. I look forward to further measures that will enable an increase in the entry of goods and stimulate economic activity.

I also welcome the decision by the Palestinian Government to provide critical medical supplies and doctors to Gaza after the tragic events of 14 May, as well as their engagement with the United Nations on facilitating much needed deliveries to Gaza.

The AHLC has identified several critical projects aimed at ensuring a long-term future for Gaza, and I am encouraged by ongoing work with our partners to prioritize a short list of key projects based on the conclusions of our recent meetings in Cairo, Washington, D.C., and Brussels.

We are engaged constructively with Israel, the Palestinian Government and Egypt to discuss how to improve coordination and move forward.

I also urge the international community to generously support those goals, both financially and politically. Progress is dependent on the coordinated action and sustained commitment of all stakeholders.

Taking a step back from the immediate situation in Gaza, the confluence of conflicts in the Middle East is raising tensions on multiple fronts — in Syria, in Yemen and, clearly, on the Israeli-Palestinian track. Amid the political stagnation, frustration and disillusionment in the Palestinian diaspora is also mounting. People are watching events there very closely. Confined to often squalid refugee camps, devastated by war, most notably and tragically in the Yarmouk camp in Syria, and with the United Nations Relief and Works Agency for Palestine Refugees in the Near East experiencing a severe funding crisis, Palestinian refugees are increasingly facing an untenable situation, risking an expanded humanitarian crisis and further instability.

Developments in Jerusalem and in Gaza reverberated with some protests across Lebanon, mostly in refugee camps. Thankfully, no violent incidents were reported.

In an important development on 30 April, the Palestinian National Council convened in Ramallah for the first time in 22 years, where President Abbas was re-elected as its Chairman. While reiterating the commitment to a peaceful solution based on longstanding parameters and United Nations resolutions, inter alia, the final statement urged the suspension of the recognition of Israel, security coordination and the Paris Protocol. It also outlined international moves that the Palestinians are planning to take to advance the goal of an independent Palestinian State and to seek protection for the Palestinian people.

Regrettably, the announcement that the salaries of Palestinian Authority employees in Gaza will be paid has not been implemented, which further contributes to the explosive situation in the Strip.

On 15 May, Palestine acceded to the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the Convention on the Prohibition, Stockpiling and Use of Chemical Weapons.

Meanwhile, in other developments I must note that no settlement plans were approved and no tenders were issued in the occupied West Bank, including Jerusalem, during the reporting period. Settlement construction in Area C in East Jerusalem, however, has continued, and the Israeli Government has approved major plans focused on solidifying its control of East Jerusalem. Israeli authorities have also demolished or seized some 30 Palestinian-owned structures across the West Bank, including East Jerusalem. As a result, 43 Palestinians have been displaced and the livelihoods of more than 140 have been affected. On 2 May, Israel demolished or seized some 14 structures in the Masafer Yatta area of south Hebron, located in an Israeli-declared military firing zone. At least nine households have been impacted, with some 35 people displaced.

I am also concerned by developments regarding Khan Al-Ahmar/Abu Al-Helu, a vulnerable Palestinian Bedouin community east of Jerusalem, home to some 180 people — over half of whom are children — who also faced an increased risk of demolition and relocation.

In separate security incidents, Israeli Defence Forces targeted Hamas facilities in Gaza on at least 10 occasions, with no injuries having been reported.

During the reporting period, the Israeli Defence Forces also destroyed two tunnels it attributed to Hamas, bringing the total number of tunnels destroyed since October to 10. Amid Israeli reports of violence directed at Israeli forces, on 16 May Palestinian militants reportedly fired machine-gun rounds towards Israeli troops, hitting several houses in the Israeli town of Sderot, which caused damage but no injuries.

I also note the move of the Embassies of the United States of America, Guatemala and Paraguay from Tel Aviv to Jerusalem. I reiterate the position of the United Nations that Jerusalem is a final-status issue that must be resolved through negotiations between the parties based on relevant resolutions. Given the importance to Jews, Christians and Muslims, Jerusalem is a highly sensitive and charged issue for millions of believers around the world. Therefore, upholding the status quo at the holy sites remains critical for peace and stability.

The Secretary-General voiced his utmost concern following reports of heightened tensions, missile launches from Syria targeting Israeli positions, and retaliatory strikes by the Israeli Defence Forces. In the context of the 10 May events, United Nations Disengagement Observer Force (UNDOF) personnel have observed a high level of kinetic activity in the areas of separation and limitation and across the ceasefire line. Some of that activity impacted locations in the northern and central parts of the area of separation. Throughout those events, UNDOF maintained liaison with both sides to ensure that the parties respected the 1974 Disengagement of Forces Agreement.

In conclusion, I would like to say a few words on the challenges and opportunities ahead. We need a unified approach to change the current reality on the ground in Gaza. While the international community has a central role to play, leaders on all sides of the conflict must show the political will and determination to achieve genuine progress. Every day that the intra-Palestinian political paralysis continues and every day that the closures persist, more lives are put at risk in Gaza. Turning the Gaza tap on and off is not a sustainable strategy for anyone. We must break the cycle or risk more lethal consequences. Gaza is an integral part of the larger puzzle. Ultimately, the success of any initiative in Gaza is linked to a credible political horizon that unites all Palestinians.

At the same time, we cannot ignore the West Bank, including East Jerusalem, where settlement construction continues and the situation remains fragile. Nor can we lose sight of the broader political picture and the need to bring the sides back to the negotiating table. In that regard, as discussed on my recent visits to the Russian Federation and Jordan, the Middle East Quartet remains a key forum to discuss perspectives for resolving the conflict, including within the broader regional context. We must continue to work together to end the occupation and bring about just, lasting and comprehensive resolution to the long-standing Israeli-Palestinian conflict on the basis of two-States and in line with the relevant United Nations resolutions and prior agreements. There is no alternative to achieving a peaceful future for all the people of this troubled land.

XIV. PALESTINE SEEKS MEMBERSHIP OF OPCW, UNCTAD, UNIDO

On 24 May, the United Nations Conference on Trade and Development (UNCTAD) issued the following [press release](#):

The State of Palestine's envoy to the UN in Geneva, Ibrahim Khraishi, has officially submitted a letter from President Mahmoud Abbas seeking membership of the UN Conference on Trade and Development (UNCTAD).

Mr. Khraishi, who is the Palestinian Ambassador Extraordinary and Plenipotentiary Permanent Observer, hand delivered the letter from President Abbas on 24 May to UNCTAD Secretary-General Mukhisa Kituyi. The letter expresses the State of Palestine's intention to become a member of UNCTAD.

As part of the UN Secretariat, rather than a specialized agency, UNCTAD's responses to all major international issues are based on consultations with the global secretariat of the United Nations and, following the State of Palestine's request, it has begun these with UN headquarters in New York.

Under UNCTAD's rules of procedure, the Geneva-based organization's members are states which are already members of the United Nations – or of the world body's specialized agencies, which is the case of the State of Palestine, part of the UN Education, Scientific and Cultural Organization (UNESCO).

The request to join UNCTAD comes as the State of Palestine has also applied to be part of the UN Industrial Development Organization (UNIDO) and the Organization for the Prohibition of Chemical Weapons (OPCW).

XV. SPECIAL COORDINATOR CONDEMNS ROCKET FIRE FROM GAZA

On 29 May, United Nations Special Coordinator for the Middle East Peace Process, Nikolay Mladenov issued the following [statement](#):

I am deeply concerned by the indiscriminate firing of rockets by Palestinian militants from Gaza towards communities in Southern Israel. At least one of which hit in the immediate vicinity of a kindergarten and could have killed or injured children. Such attacks are unacceptable and undermine the serious efforts by the international community to improve the situation in Gaza. All parties must exercise restraint, avoid escalation and prevent incidents that jeopardize the lives of Palestinians and Israelis.

XVI. SECURITY COUNCIL MEETS FOLLOWING GAZA ROCKETS, IDF STRIKES

On 30 May the Security Council met to consider “Threats to international peace and security”. It heard a briefing by United Nations Special Coordinator on the Middle East Peace Process Nikolay Mladenov. The text of the briefing is reproduced below ([S/PV.8272](#))

I am afraid that the past two days have seen the most serious escalation since the 2014 conflict between Hamas and Israel, and they have shown all of us how close we are to the brink of war every day. Between 28 and 30 May, according to the Israeli Defence Forces (IDF), 216 projectiles, rockets and mortar shells were fired from Gaza towards Israel, approximately 77 of which hit areas in the Eshkol, Sha’ar Hanegv and Sdot Negev regions. Although most of the projectiles were intercepted by the Iron Dome system, one hit a kindergarten yard at a kibbutz near the Gaza border, and at least one other damaged a house. Thankfully, there were no casualties or serious injuries. In response to the attacks and mortars, the Israeli Air Force carried out strikes on 65 Hamas and Islamic Jihad targets in Gaza and destroyed a two-kilometre tunnel near the Kerem Shalom crossing. No casualties or serious injuries were reported in Gaza as a result of the strikes.

On 29 May, the Hamas Al-Qassam Brigades and the Islamic Jihad’s Sarai Al-Quds claimed joint responsibility for the rockets and mortars fired at Israel. Their joint statement blamed Israel for targeting their fighters and military positions during the preceding 48 hours, cautioned against attempts to dictate new equations on the status quo and warned that they would reciprocate “shelling with shelling and blood with blood”. In the meanwhile, Prime Minister Netanyahu vowed that Israel would respond with great force to the rocket attacks, as for more than 24 hours Israeli communities around Gaza lived with the fear of having mere seconds to seek shelter from incoming rockets.

Such attacks are completely unacceptable. The firing of rockets and mortars against civilians cannot be justified under any circumstances. I take this opportunity to call on the international community to join me in unequivocally condemning the indiscriminate targeting of civilians and the dangerous escalation in Gaza. This dangerous escalation comes after a series of warnings by the United Nations and in the context of recent developments on the ground. It cannot be divorced from the context of the two months of protests at the Gaza fence, in which approximately 110 Palestinians were killed and a large number were injured. Throughout this period, militants have also placed improvised explosive devices (IEDs) at the perimeter fence and attempted, sometimes successfully, to breach it, with the intention of damaging military infrastructure and perpetuating attacks against Israelis.

Particularly in the days following 14 May, several such incidents were filmed and posted on social media, prompting a response by Israel on targets inside Gaza. On 27 May, in response to an IED found by the IDF adjacent to the fence, the IDF targeted a Palestinian Islamic Jihad observation post and killed three members of the group. Islamic Jihad issued a statement vowing to retaliate for what it described as a dangerous escalation. Subsequently, on 28 May, the IDF announced it had fired a tank shell at another observation post, killing a member of the military wing of Hamas. The shelling took place after Israeli troops came under fire, reportedly by Hamas militants, while arresting two Palestinians who had crossed the perimeter fence into Israel. During the night of 28 May, machine-gun fire from Gaza also hit the Israeli city of Sderot, causing damage to several buildings and a vehicle. The next day, the situation escalated.

Since the early hours of this morning, the situation has quietened down and, since 5 a.m. there have been no projectiles launched from Gaza or any IDF strikes on locations inside the Gaza Strip. In that respect, I welcome the efforts of Egypt aimed at ensuring that calm prevails, and I reiterate my call on all sides to uphold all understandings and prevent the recurrence of any incident that jeopardizes the lives of Israelis and Palestinians alike.

It is imperative that this period of calm be preserved at all costs. No one in Gaza can afford another war. No one has the right to play with the lives of 2 million people who have lived through hell in the past decade. No one should live in fear of an indiscriminate rocket attack. All parties have a responsibility to do their part to de-escalate and to step back from the brink, in the interests of their own people and the future of their own children. As demonstrations and protests in Gaza continue into the month of June, I am concerned that we may experience further violence and additional risks of escalation.

Despite the dangerous escalation, Gaza's civilian infrastructure did not sustain any significant damage as a result of Israeli retaliatory fire yesterday. Moreover, the crossing points for people and goods remained open and functioned normally. The Rafah crossing into Egypt continued operations for the nineteenth consecutive day, and both the Kerem Shalom and the Erez crossings into Israel functioned with only minor delays. Nevertheless, fire from Gaza has caused damage to electricity installations on the Israeli side, resulting in a reduction of more than 30 per cent of the only electricity supply there is to Gaza, and it will take a few days at least to repair that.

As I recently briefed the Council, Gaza's electricity, water and health systems continue to experience unprecedented strain (see S/PV.8265). Egyptian electricity lines have been effectively down since February, and the Gaza power plant has not functioned since April. Today the total supply for Gaza is barely enough to provide three hours of sustained electricity.

Finally, during my briefing to the Council last week, I was greatly encouraged by the willingness of Council members to consider ideas to change the reality in Gaza. Under the current circumstances, failure to act immediately with a set of relatively modest, achievable interventions will only amplify the humanitarian crisis and drastically increase the risk of confrontation. The goals that I outlined last week remain as valid as ever: to prevent a war with potential regional implications, address the urgent humanitarian needs of the population and support Egyptian reconciliation efforts. That means that we need to urgently implement already approved projects, revive efforts to empower the Government to take up its responsibilities and, very important, sustain the 2014 ceasefire understandings on the ground and halt the militant build-up.

The United Nations will move forward on immediately enhancing our capacity and presence to facilitate project implementation in Gaza and improve coordination with Israel, Egypt and the Palestinian Authority in order to overcome political, administrative and logistical blockages. It is important that all sides agree to improve movement and access restrictions and ensure uninterrupted and upgraded water and electricity supply to the population.

This plan is the only sustainable way to ensure that we do not again slide into another devastating conflict, that we do not allow Gaza to become a pawn in somebody else's plans, another tragedy on the already crowded map of regional Middle East conflicts. But I would also like to use this opportunity to send a very clear message to Palestinians in Gaza. We hear their plight, we see their suffering and we will do all that we can to ensure that they have a future beyond

mere survival, a future of freedom and development, a future focused on peace and prosperity, where they are the masters of their own fate, a future for all Palestinians, under a single democratic Government, living in a State of Palestine, side by side in peace and security with the State of Israel.

That is why we need to make sure that calm continues, that the militant build-up ends and that we deny those who want to disrupt peace any opportunity to do so. Without those conditions in place, it will be impossible to move forward on achieving our longterm political and developmental goals. It is high time that we intensify our calls on Israelis and Palestinians to undertake concrete steps that will advance the goal of a just and sustainable peace. Such actions must encompass the overarching political objectives, the unification of Gaza and the West Bank under a single democratic and legitimate Palestinian Authority, an end to the occupation and a resolution to the wider Israeli-Palestinian conflict on the basis of the two-State solution and in line with previous agreements and the relevant United Nations resolutions.

This latest round of attacks is a warning. It is a warning to all of us how close to the brink of war we are every single day.

XVII. SPECIAL RAPPORTEURS CONCERNED ABOUT POSSIBLE FORCIBLE TRANSFER OF A BEDOUIN COMMUNITY

On 31 May, Michael Lynk UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and Leilani Farha, UN Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, issued a [press release](#) in which they expressed grave concerns about an Israeli court's decision to uphold a plan by the Government of Israel to forcibly transfer and demolish all the community structures the Palestinian Bedouin community of Khan al-Ahmar Ab al Helu in the West Bank:

“This ruling paves the way for the eviction of 181 inhabitants and constitutes an involuntary move that would likely amount to forcible transfer,” said the experts.

The individual or mass forced transfer of protected persons within an occupied territory is a grave breach of Article 147 of the Fourth Geneva Convention. Forcible transfer also constitutes a war crime under the Rome Statute, that may lead to individual criminal responsibility. The experts also said that forced eviction is a gross violation of international human rights law.

The ruling by the Israeli High Court of Justice stated that the houses and structures in Khan al-Ahmar Ab al Helu had been built illegally under Israeli military law, and it would not intervene in the decision of the Minister of Defense to demolish them.

“Despite the arguments made by the Khan al-Ahmar community, the High Court did not appear to give any weight to the strict prohibitions under international humanitarian law against the demolition of property and against forcible transfer belonging to the protected people in its decision,” the experts said.

The residents of Khan al-Ahmar are the descendants of Bedouins who were expelled from the Negev by Israel after 1948, and who were relocated to the West Bank.

In recent years, the residents had petitioned the Israeli military for a master plan and building permits for the lands that they had inhabited for decades. These petitions were denied.

Their lands are in the vicinity of Kfar Adumim and Ma'ale Adumim, large Israeli settlements just east of Jerusalem. Subject to constant pressure by the Israeli authorities and neighbouring settlers, the Bedouin community has been living in what has been described as an increasing coercive environment.

“We are concerned not only for the future of the residents of Khan al-Ahmar, but also for the fate of dozens of other Palestinian Bedouin and herder communities across Area C who live a traditional lifestyle on the land,” the experts said.

The Israeli Government has denied building permits submitted by many Palestinian communities living in Area C of the West Bank – which is under full Israeli civil and security control. In contrast to the planning approval system for the Israeli settlements, Israel has made it almost impossible for Palestinian communities in Area C to obtain building permits.

Palestinian construction is entirely prohibited in about 70 percent of Area C and heavily restricted in the remaining parts, with less than one percent of Area C planned for Palestinian development. For the period 2007-2016, less than four percent of applications for building permits for Palestinians in Area C were approved.

The UN experts called upon Israel, as the occupying power, to respect the rights of the Khan al-Ahmar residents to remain on their lands and to have their community status regularised.
