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SPECIAL DOCUMENT

Report of the Secretary-General of the United Nations to the Security Council regarding the Situation in the Occupied Territories*

Introduction

1. On 22 December 1987 the Security Council adopted resolution 605 (1987), which reads as follows:

"*The Security Council,*

Having considered the letter dated 11 December 1987 from the Permanent Representative of Democratic Yemen to the United Nations, in his capacity as chairman of the Arab Group for the month of December,[1]

Bearing in mind the inalienable rights of all peoples recognized by the Charter of the United Nations and proclaimed by the Universal Declaration of Human Rights,[2]

Recalling its relevant resolutions on the situation in the Palestinian and other Arab territories, occupied by Israel since 1967, including Jerusalem, and including its resolutions 446 (1979), 465 (1980), 497 (1981) and 592 (1986),

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3]

Gravely concerned and alarmed by the deteriorating situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Taking into account the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation,

Considering that the current policies and practices of Israel, the occupying Power, in the occupied territories are bound to have grave consequences for the endeavors to achieve comprehensive, just and lasting peace in the Middle East,

1. *Strongly deplores* those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenseless Palestinian civilians;

2. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

3. *Calls once again upon* Israel, the occupying Power, to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention;

4. *Calls furthermore for* the exercise of maximum restraint to contribute towards the establishment of peace;

*Document S/19443, 21 January 1988.

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5. *Stresses* the urgent need to reach a just, durable and peaceful settlement of the Arab-Israeli conflict;

6. *Requests* the Secretary-General to examine the present situation in the occupied territories by all means available to him, and to submit a report no later than 20 January 1988 containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation;

7. *Decides* to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review."

Resolutions 607 (1988) and 608 (1988), relating to Israel's deportation of Palestinian civilians from the occupied territories, were adopted on 5 and 14 January 1988 respectively. The present report is submitted in accordance with paragraph 6 of resolution 605 (1987).

2. In order to obtain information needed for the preparation of this report, I instructed Mr. Marrack Goulding, Under-Secretary-General for Special Political Affairs, to visit Israel and the occupied Palestinian territories. The purpose of this visit, which took place from 8 to 17 Janaury 1988, was twofold: to examine on the spot the situation in the occupied territories and to explore ways and means I could consider recommending to the Security Council to ensure the safety and protection of the Palestinian population of the territories.

3. Mr. Goulding had meetings with Mr. Shimon Peres, Foreign Minister of Israel, and with Mr. Yitzhak Rabin, Defense Minister, who was accompanied by Mr. Shmuel Goren, Coordinator of Government Operations in the territories, on 11 and 12 January, respectively. Further meetings took place with Mr. Peres on 14 January (in connection with Israel's deportation of Palestinian civilians the previous day) and with Mr. Goren on 17 January.

4. The Israeli Ministers stated that, as had been made clear in the Security Council, they rejected resolution 605 (1987) because the Security Council had no role to play in the security of the occupied territories, for which Israel was exclusively responsible. As was well known, Israel did not accept the applicability of the Fourth Geneva Convention in the territories. They had agreed to meet Mr. Goulding as a representative of the Secretary-General whom they regularly received and not in connection with the report requested from the Secretary-General in resolution 605 (1987). They said that Mr. Goulding was free to travel where he wished, except in areas which were under curfew or had been declared to be closed military areas, and to speak with whom he wished. It was, however, recommended that the Gaza Strip and the West Bank, and especially the refugee camps, be avoided and that contacts with Palestinians take place in Jerusalem.

5. As regards the situation in the occupied territories, the Israeli Ministers agreed that it was a serious one. The Israel Defense Forces (IDF) had been surprised by the extent of the disturbances. As a largely conscript army, trained to defend Israel against external attack, IDF lacked expertise in riot control. The Government of Israel regretted the civilian casualties that had occurred and was taking steps to minimize such casualties in the future. But the present disorder in the refugee camps could not be tolerated and firm measures would, if necessary, be taken to suppress it. A political solution had to be found to the underlying problem and Israel remained committed to the search for a negotiated settlement. But, meanwhile, law and order had to be restored.

6. As the safety and protection of the residents of the refugee camps was a clear

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priority, I had of course instructed Mr. Goulding to visit some of the camps. In the event this proved difficult. Throughout the visit almost all the camps in the Gaza Strip were under curfew or had been declared to be closed military areas; the same was true of many of the camps on the West Bank.

7. On 12 January Mr. Goulding, who was accompanied by the Acting Director of Operations in Gaza of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was denied access by IDF to Jabalia and Beach Camps in the Gaza Strip, on the grounds that the camps were a closed military area and under curfew, respectively. They themselves decided not to pursue a visit to a third camp, Maghazi, when they judged that there was a risk that their visit would lead to a confrontation between IDF, who were deployed in some strength at the camp entrance, and an excited and angry crowd just inside. The following day a successful two-hour visit was made to Rafah camp, also in the Gaza Strip, where Mr. Goulding and his party were welcomed by several hundred of the camp residents. The latter, however, felt provoked when an IDF patrol, including an armored vehicle, approached the health center where the visiting party was holding its meetings and a brief clash ensued, involving stone-throwing by young residents of the camp and the firing of tear gas and rubber bullets by IDF. Fortunately, there were no casualties. Further visits were paid, in the company of officials of the UNRWA West Bank operations, to Dheisheh Camp, near Bethlehem, and Balata Camp at Nablus, on 14 and 16 January 1988 respectively. The visit to Dheisheh was entirely peaceful and the visitors were able to talk to many of the refugees and tour the camp. The visit to Balata, however, had to be cut short after one hour when an IDF patrol, apparently involved in a separate incident, fired rubber bullets at the crowd accompanying the visitors, who at that point were touring the camp.

8. During these visits to refugee camps and in many meetings with groups and individuals elsewhere in the occupied territories, Mr. Goulding and his colleagues were able to discuss the situation in the territories with about 200 Palestinian men and women, of all ages and from all walks of life, ranging from intellectuals and elected mayors to the most deprived residents of the camps. All rejected the Israeli occupation of the West Bank and the Gaza Strip and insisted that the Palestinian problem was not a problem of refugees but a political problem requiring a political solution. Priority, they said, had to be given to the negotiation of such a settlement, and measures to alleviate the suffering of the civilian population should not be allowed to become a substitute for an urgent solution of the underlying political problem. All complained bitterly about Israeli practices in the occupied territories, especially the behavior of the security forces, and about the Israeli settlements and the obstruction of Palestinian economic development. It was argued that these practices had to be made known to a world which, after twenty years, seemed to have forgotten the occupied territories. There was also much criticism of the failure of the States Members [*sic*] of the United Nations to secure implementation of the dozens of resolutions adopted by the Security Council and the General Assembly, both on the situation in the territories and on the wider political issue of a just and lasting settlement.

9. Section I of the present report contains a brief examination of the situation in the occupied Palestinian territories. Section II discusses possible ways and means of ensuring the safety and protec-

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tion of the civilian population. Section III contains some concluding remarks.

I. The Situation in the Occupied Palestinian Territories

10. Resolution 605 (1987) was adopted on 22 December 1987, following two weeks of disturbances in the West Bank, including East Jerusalem, and the Gaza Strip during which eighteen Palestinians were killed and scores were injured by the Israeli security forces, who themselves suffered injuries from stones and petrol bombs. Since the resolution was adopted, the disturbances have continued and the Palestinian casualties have more than doubled, with further injuries on the Israeli side also.

11. In view of the widespread coverage that these events have received in the international press, it is not necessary to recapitulate in the present report all that has occurred during the past six weeks. It is apparent, however, that measures taken by the Israeli security forces to restore law and order in the occupied territories have not as yet succeeded. The atmosphere in the territories, and especially in the refugee camps, is marked by tension and unrest; commercial strikes are observed in almost all the towns, and most educational institutions remain shut. More than 2,000 Palestinians—many of them under the age of 16 and some as young as 11 or 12—have been detained since mid-December, and others have been placed under house or town arrest. Precise figures have not been published but it appears that several hundred of those detained have since been released. Four Palestinians were deported to Lebanon on 13 January, and five others have received deportation orders which are at present under appeal. Those most acutely affected by the disturbances have been the residents of the refugee camps, particularly those in the Gaza Strip, where normal life has been totally disrupted by curfews and the closing-off of the camps to non-residents, including relief workers.

12. Both Israelis and Palestinians told Mr. Goulding and his colleagues that these disturbances were not an isolated phenomenon. Although it had earlier been stated in Israel that they were orchestrated from the outset by the Palestine Liberation Organization (PLO) and/or fundamentalist Islamic groups, Israeli Ministers said that they had come to the conclusion that they originated as a spontaneous outburst of protest. That this was the case was certainly the impression gained from the conversations which Mr. Goulding and his colleagues had with Palestinian inhabitants of the occupied territories. The disturbances were a reaction, supported by Palestinians of all age groups and all walks of life, to twenty years of occupation and to the lack of hope that it could be brought to an early end.

13. Without exception, the Palestinians consulted said that they rejected the Israeli occupation and complained bitterly about the practices of the Israeli security forces (which term includes IDF, the Border Police, the civilian police and the General Security Services [GSS], also known as Shin Beth). It was said that, in addition to harsh methods of riot control, random and capricious violence against individuals was normal (e.g. the beating of young bystanders who happened to be present at the scene of a stone-throwing incident or the beating, in front of his pupils, of a school teacher who refused to suspend his class to remove obstacles placed by others in the road outside). Equally common was the complaint (which was also made against officials of the Israeli Civilian Administration in the territories) that Palestinians were treated with a contempt and arrogance that seemed to be deliberately intended to humiliate them and undermine their dignity as human beings. Complaints were also made, especially in the Gaza

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Strip, about the inhumane manner in which curfews were enforced, e.g. the prevention of UNRWA ambulances from entering camps to collect civilians wounded in earlier disturbances. Another set of complaints related to allegations of routine violence in detention centers, as well as to the whole system of administrative detention. It was said that the purpose of interrogation was normally to extract a confession, for use in subsequent proceedings in the military courts, and that heavy physical and psychological pressure was used for this purpose by GSS, which used techniques (e.g. hooding) that left no permanent physical disfigurement.

14. In the time available, it was not possible to follow up any individual complaint in detail. But the persistence of these complaints and their ready corroboration by foreign observers (including the media) and by Palestinian professional people (some of whom said that they had themselves suffered at the hands of the security forces) give grounds for serious concern.

15. Other subjects of complaint were:

(a) The lack of outlets for political activity (there have been no elections since the municipal elections of 1976) and the tendency of the authorities to classify any expression of nationalist sentiment as "terrorist" activity, with consequent intervention of the security forces;

(b) The taking of land in the occupied territories, especially for Israeli settlements, and the privileged access that these settlements are given to water supplies;

(c) Deportations and other violations of the rights of the individual, including the blocking of family reunions;

(d) Interruption of education through the closing of schools and universities and, especially, the denial of laissez-passers for an adequate period to Palestinian students pursuing higher education in other countries;

(e) Shortcomings in the judicial system, especially the complexity of a system in which the legislation in force comes from such varied sources as the British Mandate, Egyptian and Jordanian laws, and military orders (often not published) issued by Israel since 1967, the obstacles placed in the way of the defense, usually on security grounds, and the lack of a fair hearing for Palestinians in the higher Israeli courts;

(f) Heavy taxation, many of the proceeds of which benefit Israel and are not spent in the occupied territories (the budget for which is not published);

(g) Economic discrimination against the territories, with the purpose of hindering their agricultural and industrial development and keeping them as a captive market and source of cheap labor for Israel.

16. As in the case of the security forces' behavior, many examples of the above practices were cited, not only by Palestinians but also by foreign observers. They have also been described in the publications of such research institutions as The West Bank Data Base Project and Al-Haq: Law in the Service of Man.

17. At the four meetings held with Israeli Ministers and officials, the latter rejected the complaints mentioned above, describing almost all of them as politically motivated exaggerations or distortions. They said that there had been great improvements in the economic and social situation in the territories since 1967 especially as regards consumption and social services. They drew a favorable comparison between Israel's record and that of Egypt and Jordan in the 1948–1967 period. They agreed that more needed to be done to enhance the economic and social conditions of the civilian population but said that Israel had been disappointed by the paucity of the international community's response to its invitation to provide funds for the development of the territories.

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18. In a conversation on 17 January, Mr. Goren said that the security forces had very strict orders against mistreatment of the civilian population; there were isolated cases in which these orders were not properly observed but such cases were severely dealt with by the Israeli authorities themselves. Mr. Goren offered to investigate any individual case that was brought to his attention. He also offered to take up any specific case of alleged obstruction of UNRWA activities by the security forces, though the latter had orders to coordinate on a regular basis with UNRWA over access for food and medical supplies to camps under curfew. On the economic questions, Mr. Goren said that Israel in fact spent more in the territories than it received in tax revenue and that health and education services there were better than the Palestinians would admit. Israel wanted foreign countries to contribute to the territories' development and would give them a free hand, subject only to security requirements and observance of Israeli procedures.

19. There is thus a conflict of evidence. In almost every case, one side's version of events is at variance with the other's. This illustrates the difficulty of conducting a rigorous examination of the situation in the occupied territories. For reasons it has expressed in the past, Israel has been reluctant to cooperate with bodies previously set up by the United Nations to investigate its practices in the occupied territories, including the commission established by Security Council resolution 446 (1979), and has consistently rejected their findings. But the evidence available from published sources and from conversations with Israelis, Palestinians, and foreign observers confirms that the international community's concern about the situation in the occupied territories is fully justified.

II. Ways and Means for Ensuring the Safety and Protection of the Palestinian Civilians under Israeli Occupation

A. Need for a political settlement

20. Before exploring the ways and means that the Security Council might wish to consider for ensuring the safety and protection of the Palestinian civilians, one point of fundamental importance must be underlined. It is certainly necessary that more should be done to ensure the safety and protection of the civilian population. But such measures can only be palliatives. They cannot cure the underlying problem, which is the continuing occupation by Israel of the territories captured in the 1967 war. It was repeatedly emphasized by all shades of Palestinian opinion that there was no way in which the Israeli occupation could be made acceptable to the Palestinian people of the occupied territories. Equally, members of the Israeli Government stressed the need for a political solution. I strongly share that view. In the long run, the only certain way of ensuring the safety and protection of the Palestinian people in the occupied territories, and of the people of Israel, is the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict acceptable to all concerned. An urgent effort is required by the international community, led by the Security Council, to promote an effective negotiating process and to help create the conditions necessary for it to succeed.

B. Fourth Geneva Convention

21. A second point to be stressed at this stage is that the Fourth Geneva Convention, whose applicability to the occupied territories has repeatedly been reaffirmed by the Security Council, lays down the civilian population's entitlement to safety and protection. This is clearly stated in the first paragraph of article 27, which reads:

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> Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

The responsibility of the occupying Power is underlined in article 29, which reads:

> The Party of the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

22. Israeli violations of provisions of the Fourth Geneva Convention have, since 1970, been frequently alluded to in the annual reports of the International Committee of the Red Cross (ICRC), which is the guardian of the Geneva Conventions of 1949 (see, for instance the ICRC annual report for 1986). They have also been the subject of numerous resolutions of the Security Council, e.g. 452 (1979), 465 (1980), 468 (1980), 469 (1980), 471 (1980), 476 (1980) and 478 (1980). Examples, together with the articles of the Fourth Geneva Convention which they offend, are as follows:

(a) Attempts to alter the status of Jerusalem (article 47);

(b) The establishment of Israeli settlements in the occupied territories (article 49, para. 6);

(c) Deportations of Palestinian civilians from the occupied territories (article 49, para. 1);

(d) Collective punishments, e.g. curfews applied to whole districts (article 33);

(e) Destruction of houses (article 53).

There is also evidence that, in dealing with demonstrations and other disturbances, IDF has used disproportionate force, leading to fatal casualties, which could be avoided if less harsh measures were employed. As noted in paragraph 14 above, there are grounds for serious concern about whether the practices of the Israeli security forces are always consistent with article 32 of the Convention.

23. Israel has consistently taken the position that it does not accept formally the *de jure* applicability of the Fourth Geneva Convention but that it has decided since 1967 to act in *de facto* accordance with "the humanitarian provisions" of that Convention. Israel justifies this position by the argument that the Convention applies only where the Power ousted from the territory in question was a legitimate sovereign and that neither Jordan nor Egypt was the sovereign power, in the West Bank and the Gaza Strip respectively, during the years preceding the 1967 war (see, for instance, the Permanent Representative of Israel's statement in the Security Council on 16 December 1987—S/PV.2774, p. 74). Israel also sometimes justifies individual violations of the Fourth Convention (e.g. deportations) by reference to legislation that was in force in what are now the occupied territories during the British Mandate and/or the period of Egyptian/Jordanian control, from 1948 to 1967.

24. The Israeli position is not accepted by ICRC, nor has it been endorsed by the other High Contracting Parties to the Fourth Geneva Convention. Under that Convention, each Contracting State undertakes a series of unilateral engagements, *vis-à-vis* itself and at the same time *vis-à-vis* the others, of legal obligations to protect those civilians who are found in occupied territories following the outbreak of hostilities. This is why article 1 states that "The High Contracting Parties undertake to respect and to ensure respect for the present Convention *in all circumstances*" (emphasis added). The phrase "in all circumstances" is intended to include declared or unde-

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clared war, recognized or unrecognized state of war, partial or total occupation with or without armed resistance, or even under certain circumstances when the opponent is not a contracting party (see article 2).

25. The Convention becomes automatically applicable upon the outbreak of hostilities and its application in territories occupied by the belligerents is not subject to the requirement that the ousted Power is the legitimate sovereign of the territories lost. Humanitarian considerations are the fundamental basis of the Geneva Conventions and it is for this reason that even in the case of armed conflict not of an international character (e.g. civil war) the Contracting States are legally bound under the Convention to apply, as a minimum, certain provisions of a humanitarian character.

26. Several Security Council and General Assembly resolutions (including resolution 242 [1967]) have declared the inadmissibility of the acquisition of territory by war and insisted on Israel's withdrawal from territories occupied since the 1967 war. The Security Council and the General Assembly have consistently maintained since 1967 that the territories that came under Israeli control during the 1967 war are "occupied territories" within the meaning of the Fourth Geneva Convention. Both the Security Council and the General Assembly have also stated in numerous resolutions that the Fourth Geneva Convention applies to these occupied territories. Accordingly, even though Israel does not accept the *de jure* applicability of the Fourth Geneva Convention, the *opinio juris* of the world community is that it must be applied.

27. The most effective way, pending a political settlement, of ensuring the safety and protection of the civilian population of the occupied territories would thus be for Israel to apply in full the provisions of the Fourth Geneva Convention. To this end, I recommend that the Security Council should consider making a solemn appeal to all the High Contracting Parties to the Fourth Geneva Convention that have diplomatic relations with Israel, drawing their attention to their obligation under article 1 of the Convention to ". . . ensure respect for the present Convention in all circumstances" and urging them to use all the means at their disposal to persuade the Government of Israel to change its position as regards the applicability of the Convention. Meanwhile, Israel could introduce the following measures which are urgently needed:

(a) The dissemination of, and training of IDF personnel in, the rules of international humanitarian law (which is an obligation under the Convention);

(b) Orders to IDF to assist, in all circumstances, the rapid evacuation to medical care of persons wounded in disturbances, and to ensure that the efficient functioning of hospitals and their staff is not interrupted by military activities;

(c) Orders to IDF not to obstruct the delivery of essential food and medical supplies to the civilian population.

C. *Different types of "protection"*

28. While continuing to insist that responsibility for protection of the civilian population of the occupied territories rests with the occupying Power, the Security Council may wish to consider what other ways and means might be available to the international community, without prejudice to that fundamental principle, in order to help ensure the civilian population's protection. Before addressing that question, it may be appropriate to analyze the different concepts that can be meant by "protection." They seem to be four:

(a) "Protection" can mean physical protection, i.e. the provision of armed forces to deter, and if necessary fight, any

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threats to the safety of the protected persons;

(b) "Protection" can mean legal protection, i.e. intervention with the security and judicial authorities, as well as the political instances, of the occupying power, by an outside agency, in order to ensure just treatment of an individual or group of individuals;

(c) "Protection" can also take a less well-defined form, called in this report "general assistance," in which an outside agency intervenes with the authorities of the occupying Power to help individuals or groups of individuals to resist violations of their rights (e.g. land confiscations) and to cope with the day-to-day difficulties of life under occupation, such as security restrictions, curfews, harassment, bureaucratic difficulties and so on;

(d) Finally, there is the somewhat intangible "protection" afforded by outside agencies, including especially the international media, whose mere presence and readiness to publish what they observe may have a beneficial effect for all concerned; in this report this type of protection is called "protection by publicity."

D. Ways and means available to the international community to help ensure the civilian population's protection

29. As regards *physical protection*, several of the Palestinians consulted by Mr. Goulding, especially in the refugee camps, asked that United Nations forces should be deployed in the occupied territories, either to protect the inhabitants against the Israeli security forces or to replace the latter completely in the populated areas. The latter possibility was mentioned in the Security Council's debate preceding the adoption of resolution 605 (1987). I have given careful thought to both possibilities but they seem to present very real difficulties at this time.

30. First, the Fourth Geneva Convention gives the occupying Power the right to

> subject the population of the occupied territory to provisions which are essential to enable the occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the occupying Power, of the members and property of the occupying forces of administration, and likewise of the establishments and lines of communication used by them (article 64, para. 2).

This in effect makes the occupying Power responsible for the maintenance of law and order. It is also, as discussed above, responsible for protecting the civilian population. The introduction of other forces into the occupied territories to provide physical protection would thus detract from the occupying Power's responsibilities under the Fourth Geneva Convention.

31. Secondly, it is a principle of United Nations peace-keeping operations that they require the prior consent of the parties to the conflict concerned. The introduction of United Nations forces into the occupied territories (unless the Security Council had decided to take enforcement action under Chapter VII of the Charter of the United Nations) would thus require the consent of the Government of Israel. That Government has, however, stated that it will not agree to any involvement of United Nations military personnel in the security of the occupied territories.

32. Unless there is a change in Israel's position, the deployment of United Nations forces in the territories is thus not practicable at present. This idea should not, however, be lost sight of. Israel has in the past accepted international forces in other contexts of the Arab-Israeli conflict and these have played a valuable role in the implementation of interim or perma-

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nent agreements. Such forces could again be a valuable ingredient in the implementation of a negotiated settlement of the conflict or in transitional arrangements that might be agreed upon for the occupied territories.

33. Reference has also been made to the possible deployment of United Nations military observers in the occupied territories. They would not however be able to provide physical protection and their possible role is therefore discussed in paragraph 42 below.

34. A measure of *legal protection* is nevertheless provided to the population of the occupied territories by ICRC. As is clear from its annual reports, ICRC enjoys cooperation from the occupying Power in its efforts to protect detained persons but the Israeli authorities usually disallow interventions by ICRC with regard to measures for the maintenance of law and order and aspects of the administration of the occupied territories which violate the provisions of the Fourth Geneva Convention.

35. ICRC is to be commended for its activities in the occupied territories and the High Contracting Parties to the Fourth Geneva Convention may wish to include in the diplomatic initiative put forward in paragraph 27 above an expression of appreciation for the cooperation extended to ICRC by Israel and of hope that this will be maintained and enlarged.

36. The Security Council may also wish to urge Member States to respond generously if ICRC should appeal for funds to finance the extra activities it is undertaking in the occupied territories in response to the recent very large increase in the number of detained persons.

37. I come now to the type of protection described as *general assistance* in paragraph 28 above. Various agencies are already active in this field. As far as the registered refugees are concerned, UNRWA has the leading role and provides a wide variety of assistance and protection (in addition, of course, to its main function of providing education, health, and relief services); in the Gaza Strip, in particular, it provides indispensable support to the refugees in their day-to-day efforts to cope with living under occupation. ICRC also assists, especially with the families of detainees; many voluntary agencies, Palestinian and international, also play a part. It was nevertheless argued by many of the Palestinians and foreign relief workers who were consulted that the international community should do more.

38. In the case of the registered refugees, who number 818,983, or about 55 per cent of the Palestinian population of the occupied territories, UNRWA is clearly best placed to provide additional general assistance. UNRWA has been established on the ground for nearly forty years; it knows well the refugees' problems; it is accepted by the Israeli authorities on the basis of an agreement signed in 1967; and it is trusted by the refugees. However, the number of UNRWA international staff in the field has declined over the years. Before the recent disturbances began, there were only nine international staff in the West Bank (373,586 refugees and nineteen camps) and only six in the Gaza Strip (445,397 refugees and eight camps). In paying tribute to the invaluable service that UNRWA Palestinian staff have been rendering to the refugees in very difficult circumstances, I believe that international staff can at present play an especially valuable role. It is usually easier for them to gain access to Israeli authorities in emergency situations; and their mere presence at points of confrontation has a significant impact on how the civilian population (including UNRWA Palestinian staff) is treated by the security forces and helps it psychologically by making it feel less exposed.

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39. I have therefore asked the Commissioner-General of UNRWA to examine the addition to UNRWA establishment in the occupied territories of extra international staff, within UNRWA existing administrative structures, to improve the general assistance provided to the refugee population. It would be for the Commissioner-General to decide the number and location of these additional international staff, in the light of the perceived need and the resources available. I would also urge Member States to respond generously to the appeal the Commissioner-General would have to make for funds to finance these additional staff.

40. It is also essential that Israel should honor UNRWA privileges and immunities in full, especially the right of its personnel to freedom of movement in all circumstances and the inviolability of its premises and installations, and to provide access at all times to responsible officials of the occupying administration. Mr. Goulding and his colleagues were witnesses of painful situations in the Gaza Strip where the curfews imposed by IDF had made it impossible, or at best difficult and dangerous, for UNRWA to evacuate the wounded and sick to hospital or to deliver food to the camps.

41. In making these observations relating to UNRWA, I am conscious of the need not to neglect those Palestinians in the occupied territories who are not registered refugees (about one-third of the Palestinian population in Gaza and two-thirds in the West Bank). Their economic and social circumstances are in general superior to those of the refugees, especially the camp residents, but they face the same political frustrations as the latter, are equally vulnerable to the security authorities and also suffer from the economic and administrative aspects of the occupation. They benefit from the activities of ICRC (which makes no distinction between refugees and non-refugees) and various voluntary agencies, but are normally excluded from UNRWA mandate. It seems desirable in present circumstances that, as on certain occasions in the past, the Commissioner-General should be permitted to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to non-refugees who are in serious need of assistance because of the recent disturbances.

42. Reference has been made in paragraph 33 above to the possible deployment of United Nations military observers. Some of the Palestinians consulted favored this measure as a way of monitoring (and hopefully restraining) the activities of the Israeli security forces and of providing general assistance to the civilian population. It is true that such observers could provide expert information on military matters (though they would need at least some cooperation from the occupying Power for this purpose). But in other respects, especially their short tours of duty and lack of familiarity with the territories, they are not well placed to provide general assistance of an essentially civilian character. In any case, Israel, whose consent would be necessary, has so far expressed firm opposition to any such proposal.

43. As regards *protection by publicity*, great emphasis was laid by Palestinians on the need to publicize the situation in the occupied territories. It was argued that more publicity should be given and that this would have a beneficial influence both on Israel's practices in the territories and on her readiness to negotiate a political settlement. Recent developments in the territories have in fact been fully reported by the Israeli and international media and it is of great importance that the latter should continue to have unhindered access to events.

44. Some of the Palestinians consulted suggested that the Secretary-General

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might appoint a kind of United Nations ombudsman to reside in the occupied territories. Such an appointment could be a valuable step if Israel was ready to cooperate fully with the official concerned and use his or her good offices in handling the many problems to which the occupation gives rise. This idea is in the same category as other possibilities, such as United Nations trusteeship or a United Nations interim administration, which could be of potential value in the future. But the practicability of all these ideas depends on the full consent and cooperation of Israel.

E. Economic and social conditions of the population of the occupied territories

45. Although it is strictly outside the "safety and protection" referred to in paragraph 6 of resolution 605 (1987), I should like to take the opportunity of this report to make two observations relating to the economic and social conditions in which the population of the occupied territories lives.

46. The first relates to the refugee camps. The recent disturbances have attracted world attention to the squalid living conditions in many of the camps, especially in the Gaza Strip, resulting from the lack of such basic amenities as paved roads, sewage, water, lighting and housing of a minimum standard. The Commissioner-General of UNRWA has also referred in his last report[4] to the urgent need to rehabilitate many UNRWA installations, such as schools, health centers and food distribution centers.

47. In the past, the refugees have sometimes expressed reservations about measures to improve the infrastructure of the camps, for fear that these would make the camps more permanent and thus conflict with their insistence on a political settlement in accordance with United Nations resolutions. This matter was therefore discussed with most of the Palestinians consulted. Their reaction was that they would welcome steps to improve conditions in the camps provided that:

(a) It was made absolutely clear that this was a temporary measure, pending a comprehensive political settlement, and not a substitute for such a settlement;

(b) That the work was done by UNRWA.

48. In these circumstances, I have asked the Commissioner-General of UNRWA to prepare urgently proposals for improving the infrastructure of the camps, and to seek the necessary funds. I would again urge Member States to respond generously to such a request.

49. My second observation relates to the wider economic situation in the occupied territories. Reference has been made in paragraph 15 above to the conviction of the Palestinian population that Israeli policy is deliberately to obstruct the economic development of the territories. Many examples were given to corroborate this assertion. Israeli Ministers and officials, however, insisted that it was unfounded and that Israel welcomed foreign assistance for the development of the territories provided only that each project complied with Israel's security requirements, which were overriding, and with Israeli procedures. Many of the Palestinians consulted expressed the hope that a concerted international effort could be undertaken to revive the territories' economy, perhaps initially through an expansion of the existing program of the United Nations Development Programme (UNDP) in the territories. I have asked the Administrator of UNDP to study this possibility.

III. Concluding Remarks

50. The Israeli authorities have stated on numerous occasions in recent weeks that security in the occupied territories remains their exclusive responsibility. The Security

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Council, for its part, has repeatedly reaffirmed the applicability to the occupied territories of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. While that Convention makes the occupying Power responsible for maintaining law and order, its raison d'être is the safety and protection of the civilian population, for which the occupying Power is no less responsible.

51. My principal recommendation in this area is that the international community should make a concerted effort to persuade Israel to accept the *de jure* applicability of the Fourth Geneva Convention to the occupied territories and to correct its practices in order to comply fully with that Convention. This report also makes recommendations and describes certain steps which I am taking, within existing arrangements, to improve the safety and protection accorded to the population of the territories by the international community.

52. It cannot be emphasized too strongly, however, that such measures to enhance the safety and protection of the Palestinian people of the territories, urgently required though they are, will neither remove the causes of the tragic events which prompted Security Council resolution 605 (1987) nor bring peace to the region. The unrest of the past six weeks has been an expression of the despair and hopelessness felt by the population of the occupied territories, more than half of whom have known nothing but an occupation that denies what they consider to be their legitimate rights. The result is a tragedy for both sides. Nothing illustrates this more clearly than the daily sight of young unarmed Palestinians in confrontation with Israeli soldiers of their own age.

53. The underlying problem can only be resolved through a political settlement which responds both to the refusal of the Palestinian population of the territories to accept a future under Israeli occupation and to Israel's determination to ensure its security and the well-being of its people. I continue to believe that this should be achieved through a comprehensive, just, and lasting settlement based on Security Council resolutions 242 (1967) and 338 (1973) and taking fully into account the legitimate rights of the Palestinian people, including self-determination. Such a settlement should be negotiated by means of an international conference under United Nations auspices, with the participation of all the parties concerned. The history of the Arab-Israeli conflict, from 1948 onwards, has repeatedly shown that there are many ways in which the United Nations can contribute impartially both to the negotiation of agreements and to their implementation. Allusion has been made in this report to the possible use of United Nations forces or other interim arrangements as progress is made towards a comprehensive settlement.

54. The negotiation of a settlement will, of course, be exceptionally difficult, for it will require all concerned to move from positions to which they are at present very strongly attached. I am conscious of the great complexity of the choices which confront them and I should like to take this opportunity to appeal to them to exercise restraint and to bring about that change of attitudes which will be necessary if a settlement is to be negotiated. Each side must put aside the often justified resentment it feels at past wrongs and understand better the legitimate interests and legitimate grievances of the other. Such understanding is not assisted by invective and abuse nor by sheltering behind the illusion that the other side does not exist. Equally, I appeal to the international community to help, both by reducing the virulence of debates on the Arab-Israel conflict and by consciously acting in a

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manner which promotes mutual understanding.

55. As stated earlier in this report, I believe that an urgent effort is required by the international community, led by the Security Council, to promote an effective negotiating process. This is what the Charter requires and it is the fundamental recommendation in this report. I remain personally committed to the search for a settlement and will contribute in any way that I can to that objective. In the coming weeks I intend to explore actively with the parties and with the members of the Council, especially its permanent members, how the present impasse in the peace process can be unblocked. After the recent dramatic demonstration of the dangers and suffering inherent in the *status quo*, I hope that all concerned will join in an effort to reinvigorate the search for a comprehensive, just, and lasting settlement. This alone will secure the interests of both the Israeli and the Palestinian peoples and enable them to live in peace with each other.

Notes

1. S/19333.
2. General Assembly Resolution 217 A (III).
3. United Nations, *Treaty Series*, vol. 75, no. 973, p. 287.
4. *Official Records of the General Assembly, Forty-second Session, Supplement No. 13* (A/41/13).

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