



129th ASSEMBLY OF THE INTER-PARLIAMENTARY UNION AND RELATED MEETINGS

Geneva, 7 – 9.10.2013

Assembly
Item 2

A/129/2-P.3
12 September 2013

CONSIDERATION OF REQUESTS FOR THE INCLUSION OF AN EMERGENCY ITEM IN THE ASSEMBLY AGENDA

Request for the inclusion of an emergency item in the agenda of the 129th Assembly of the Inter-Parliamentary Union submitted by the delegation of Palestine

On 9 September 2013, the Secretary General of the Inter-Parliamentary Union received from the Speaker of the Palestine National Council a request for the inclusion in the agenda of the 129th Assembly of an emergency item entitled:

"Continued Israeli settlements in the occupied territories of the State of Palestine since 1967: Hindering the peace process in the Middle East".

Delegates to the 129th Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 129th Assembly will be required to take a decision on the request of the delegation of Palestine on Monday, 7 October 2013.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a major event of international concern on which it appears necessary for the IPU to express its opinion. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL OF THE INTER-
PARLIAMENTARY UNION BY THE SPEAKER OF THE PALESTINE NATIONAL COUNCIL**

Amman, 8 September 2013

Dear Mr. Secretary General,

I am pleased to bring to your attention that the Inter-Parliamentary Group of the State of Palestine has the honour of requesting that an emergency item entitled:

"Continued Israeli settlements in the occupied territories of the State of Palestine
since 1967: Hindering the peace process in the Middle East"

be included in the agenda of the 129th Assembly, to be held in Geneva from 7 to 9 October.

Please accept, Mr. Secretary General, the assurances of my highest consideration.

(Signed)

Saleem AL-ZA'NOON
Speaker
Palestine National Council

CONTINUED ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES OF THE STATE OF PALESTINE SINCE 1967: HINDERING THE PEACE PROCESS IN THE MIDDLE EAST

Explanatory memorandum submitted by the delegation of Palestine

Since the occupation of Palestine in 1967, Israel, the occupying power, has been implementing a policy of confiscation of Palestinian properties and lands to build settlements, bypass roads and the Separation Wall.

The aim and effect of Israel's settlement enterprise has been to alter the legal status of the occupied State of Palestine, both physically and demographically.

The construction of Israeli settlements is designed to illegally confiscate our land and natural resources while confining our population to unsustainable, ever-shrinking enclaves and severing East Jerusalem from the rest of the Palestinian territories. By limiting the territorial contiguity and economic viability of the occupied State of Palestine, Israeli settlements pose the greatest threat to the establishment of an independent Palestinian State, and hence, to a just and lasting peace between Palestinians and Israelis.

Israel imposes restrictions on movement, or a closure regime, through the erection of hundreds of military checkpoints and roadblocks. Parallel to ensuring virtually unchecked freedom of movement and access for Israeli settlers, this physical restriction severely restricts our movement and access; isolates our communities, thus preventing their expansion; restricts our farmlands and natural resources; and destroys our territorial contiguity.

In addition to the socioeconomic and humanitarian damage caused by the settlements, Israeli settlers and the soldiers entrusted with protecting them routinely subject our population to attacks, humiliation and harassment.

Though Israel claims that the Separation Wall was erected for security purposes, it forms an integral component of Israeli settlements and settlers on the "Israeli" side of the Wall, while seizing large tracts of our territories for the expansion of future settlements.

In so doing, the Wall separates us from our lands, the source of our livelihood; blocks access to education and social services; and deprives us of our natural resources, especially, water. Israeli settlers use seven times the amount of water that Palestinians use per capita.

The Wall, combined with settlement-controlled areas east of the Wall and in the Jordan Valley, will leave us with only 54 per cent of the West Bank.

Israel not only violates the legitimate and inalienable rights of the Palestinian people, but also all agreements signed, the UN Charter, international law, the Geneva Conventions and international humanitarian law.

Furthermore, this policy constitutes a great obstacle to the peace process in the Middle East, aimed at achieving the two-state solution adopted by the international community.

The parliamentary delegation of the State of Palestine would like the IPU to effectively participate in the international efforts aimed at convincing or forcing Israel, the occupying power, to abandon this illegal policy, and thus open the way for the resumption of the peace negotiations based on relevant international standards and signed agreements.

CONTINUED ISRAELI SETTLEMENTS IN THE OCCUPIED TERRITORIES OF THE STATE OF PALESTINE SINCE 1967: HINDERING THE PEACE PROCESS IN THE MIDDLE EAST

Draft resolution submitted by the delegation of PALESTINE

The 129th Assembly of the Inter-Parliamentary Union,

- (1) Deeply concerned by the persistence of Israel, as an occupying power, in continuing its illegal policy of confiscating Palestinian properties and lands to build settlements, bypass roads and the Separation Wall,
- (2) Considering:
 - (a) Article 49, paragraph 5 of Geneva Convention IV, ratified by Israel in 1951, which states: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies";
 - (b) The Advisory Opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, which held that the wall, along with settlements, violates international law; it called upon Israel to halt its construction, dismantle portions already built, and make reparation to Palestinians for the damage caused;
 - (c) Article 8, paragraph 2, (b) (viii) of the Rome Statute of 1998 of the International Criminal Court, which considers "The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies..." to be a war crime;
 - (d) United Nations Security Council resolution 465 (1980), which states: "Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention ... and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East";
 - (e) Annex to Geneva Convention IV: Regulations respecting the laws and customs of war on land - Section III : Military authority over the territory of the hostile State - Regulations: Art. 55, which provides: "The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct";
 - (f) Security Council resolution 252 (1968), which:
 1. Deplores the failure of Israel to comply with the General Assembly resolutions [concerning measures and actions by Israel];
 2. Considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

3. Urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;
- (g) Security Council resolution 298 (1971), which:
- [...]
2. Deplores the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem;
 3. Confirms in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status;
- (h) Security Council resolution 465 (1980), which:
- [...]
2. Accepts the conclusions and recommendations contained in the above-mentioned report of the Commission [on settlements];
- [...]
6. Strongly deplores the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;
 7. Calls upon all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories,
 8. Requests the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation ...;
- (i) Security Council resolution 471 (1980), which is:
- "Deeply concerned that the Jewish settlers in the occupied Arab territories are allowed to carry arms, thus enabling them to perpetrate crimes against the civilian Arab population", and which "... calls for the immediate apprehension and prosecution of the perpetrators of these crimes",

1. Strongly condemns Israel's persistence in continuing its illegal policy of confiscating Palestinian properties and lands to build settlements, bypass roads and the Separation Wall;
2. Considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties, which tend to change the legal status of Jerusalem, are invalid and cannot change that status;
3. Calls upon Israel to halt settlements, bypass roads and the construction of the Separation Wall, as well as to make reparation to Palestinians for damage caused;
4. Also calls upon Israel to rescind settling parts of its population and new immigrants in the Palestinian and other Arab territories occupied since 1967, including Jerusalem;
5. Urges Israel, the occupying State, being regarded only as administrator and usufructuary of public buildings, real estate, forests and agricultural estates belonging to the occupied Palestinian State to safeguard the capital of such properties, and administer them in accordance with the rules of usufruct;
6. Appeals to Israel to desist from providing settlers in the Occupied Arab Territories with arms, thus enabling them to perpetrate crimes against the civilian population, and calls for the immediate apprehension and prosecution of the perpetrators of these crimes;
7. Calls upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories;
8. Greatly appreciates the decision taken by the European Union not to purchase any products produced in the settlements based on the occupied territories and calls upon all Members to follow suit;
9. Urges all Member Parliaments and the international community to bring pressure to bear on Israel, the occupying power, to freeze, on an urgent basis, its illegal construction of settlements, bypass roads and the Separation Wall and thus pave the way for the resumption of effective, positive negotiations leading to a comprehensive peace between the parties concerned.