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Human rights situation in Palestine and other occupied Arab territories

Chile, Colombia, Cuba, Eritrea,* Pakistan*, and Zimbabwe*: revised draft resolution**

58/... Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling all relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Recalling also all relevant United Nations reports, including reports by mechanisms of the Human Rights Council, and calling upon all duty bearers and United Nations bodies to pursue the implementation of the recommendations contained therein,

Noting the accession by the State of Palestine to several human rights treaties and the core humanitarian law conventions, and its accession on 2 January 2015 to the Rome Statute of the International Criminal Court,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan,

Recalling the declarations adopted at the Conferences of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001 and 17 December 2014, and reaffirming that States should not recognize as lawful a situation arising from breaches of peremptory norms of international law,

Affirming that the transfer by the occupying Power of parts of its own civilian population to the territory that it occupies, and the forcible transfer of the protected

* State not a member of the Human Rights Council.

** On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation, except Albania, taking into account also the provisions of General Assembly resolution ES-10/23 of 10 May 2024.



Palestinian population, constitute grave breaches of the Fourth Geneva Convention and relevant provisions of customary international law, including those codified in the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I),

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Recalling also the advisory opinion rendered on 19 July 2024 by the International Court of Justice on the legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of the continued presence of Israel in the Occupied Palestinian Territory, and the Court's determination, inter alia, that the continued presence of Israel in the Occupied Palestinian Territory is unlawful and that Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible, and recalling further the demand by the General Assembly, in its resolution ES-10/24 of 18 September 2024, that Israel bring to an end without delay its unlawful presence in the Occupied Palestinian Territory and do so no later than 12 months from the adoption of the resolution,

Expressing grave concern at the continuing construction by Israel of its illegal settlements and the illegal wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, in violation of international law, and expressing its concern, in particular, at the route of the wall in departure from the Armistice Line of 1949, and in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, thereby causing humanitarian hardship and a serious decline in socioeconomic conditions for the Palestinian people, fragmenting the territorial contiguity of the Territory and undermining the viability of a Palestinian State, creating a fait accompli on the ground that could be tantamount to de facto annexation in departure from the Armistice Line of 1949 and making the two-State solution physically impossible to implement,

Noting the conclusion of the International Court of Justice that, inter alia, the Israeli settlements and the regime associated with them in the Occupied Palestinian Territory, including East Jerusalem, have been established and are being maintained in breach of international law,

Expressing its grave concern at any action taken by any body, governmental or non-governmental, in violation of the Security Council and General Assembly resolutions relevant to Jerusalem,

Expressing its grave concern also at the calls made by Israeli officials for the annexation of Palestinian territory in whole or in part, and recalling that such measures are internationally wrongful and are not to be recognized, aided or assisted,

Recalling the determination by the International Court of Justice, in its advisory opinion rendered on 19 July 2024, that the policies and practices of Israel amount to annexation of large parts of the Occupied Palestinian Territory, contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force,

Noting that Israel has been planning, implementing, facilitating and promoting the establishment and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, since 1967, through, inter alia, the granting of benefits and incentives to settlements and settlers,

Affirming that the Israeli settlement policies and practices in the Occupied Palestinian Territory, including East Jerusalem, seriously endanger the viability of the two-State solution, undermine the physical possibility of its realization, entrench a one-State reality of unequal rights and constitute an attempted acquisition of sovereignty over territory through the denial of the right of the Palestinian people to self-determination,

Noting in this regard that the Israeli settlements fragment the West Bank, including East Jerusalem, into isolated geographical units, severely undermining the exercise of Palestinian self-determination, and expressing deep concern that the magnitude, persistence and character of the settlement enterprise and explicit statements made by Israeli officials confirm that the occupation has been established with the intention of making it permanent, in violation of the prohibition of acquisition of territory resulting from the use of force,

Noting also that the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of Palestinians' human rights, and constitute the main factors perpetuating the prolonged and belligerent occupation by Israel of the Palestinian Territory, including East Jerusalem, since 1967,

Deploping in particular the construction and expansion of settlements by Israel in and around occupied East Jerusalem, including its so-called E-1 plan, which aims to connect its illegal settlements around and further isolate occupied East Jerusalem, the continuing demolition of Palestinian homes, livelihoods and community infrastructure, including those structures provided as humanitarian relief by State donors and independent humanitarian agencies, the forcible transfer of Palestinian families from the city, the revocation of Palestinian residency rights in the city and ongoing settlement activities in the West Bank, including East Jerusalem, all of which further fragment and undermine the contiguity of the Occupied Palestinian Territory,

Expressing grave concern about all acts of terror, violence, destruction, harassment, provocation and incitement by extremist Israeli settlers and groups of armed settlers in the Occupied Palestinian Territory, including East Jerusalem, against Palestinian civilians, including children, and their properties, including historic and religious sites and agricultural lands, which constitute a long-standing and State-sponsored phenomenon aimed at, inter alia, accelerating the forcible transfer of the occupied population and facilitating the expansion of settlements,

Expressing grave concern also at the impunity for acts of settler violence and terrorism, stressing the failure of Israel to properly investigate and ensure accountability for all of those acts, despite knowledge of the identities of settlers engaged in acts of violence, intimidation or terror against Palestinian civilians, often with military support and under the protection of and with the participation of Israeli occupying forces, and stressing also the need for international investigations in this regard,

Expressing grave concern further at the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the appropriation of land, denial of access to farmers and the dispossession of their land and crops, the forced diversion of water resources, the destruction of orchards and crops and the seizure of water wells by Israeli settlers, and at the dire socioeconomic and humanitarian consequences in this regard, including the loss of livelihoods in the agricultural sector, which precludes the Palestinian people from being able to exercise permanent sovereignty over their natural resources,

Acknowledging that numerous Israeli policies and practices relating to settlement activity in the Occupied Palestinian Territory, including East Jerusalem, amount to blatant discrimination, including through the creation of a system privileging Israeli settlements and settlers against the Palestinian people, and in violation of their human rights,

Recalling the Guiding Principles on Business and Human Rights, which place responsibilities on all business enterprises to respect human rights by, inter alia, refraining from contributing to human rights abuses arising from conflict, and calling upon States to take appropriate steps to prevent, investigate, punish and redress human rights violations and abuses through effective policies, legislation, regulations and adjudication, including by providing adequate assistance to business enterprises to assess and address the heightened risks of violations and abuses in conflict-affected areas and ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses,

Noting that, in situations of armed conflict, business enterprises should respect the standards of international humanitarian law, and expressing concern that some business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the importance of States acting in accordance with their own national legislation on promoting compliance with international humanitarian law with regard to business activities that result in human rights abuses,

Expressing concern that economic activities, including the production and trade of settlement goods, facilitate the expansion and entrenchment of settlements, thus strengthening and perpetuating the Israeli occupation of the Occupied Palestinian Territory, including East Jerusalem,

Aware that the conditions of harvesting and production of products made in settlements involve the breach of applicable legal norms, including international humanitarian law, human rights, permanent sovereignty over natural resources and the right to self-determination of the Palestinian people, and calling upon all States to cease support for all settlement activities and to respect their legal obligations in this regard, including the obligation to ensure respect for the Fourth Geneva Convention,

Aware also that products wholly or partially produced in settlements have been labelled as originating from Israel, and expressing concern about the significant role that the production and trade of such products plays in helping to support and maintain the settlements,

Recognizing that States entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory, including East Jerusalem, or parts thereof, which may entrench its unlawful presence in the territory, are thus contributing to the economic prosperity and growth of the settlements, to the extraction of natural resources in the Occupied Palestinian Territory, including East Jerusalem, and to the denial of the right of the Palestinian people to self-determination,

Aware of the role of private individuals, associations and charities in third States that are involved in providing funding to Israeli settlements and settlement-based entities, contributing to the maintenance and expansion of settlements, thereby contributing to the economic incentive structure perpetuating the occupation and its illegal manifestations throughout the Occupied Palestinian Territory, including East Jerusalem,

Welcoming the fact that a number of business enterprises have decided to disengage from relationships or activities associated with the Israeli settlements owing to the risks involved,

Expressing its concern at the failure of Israel, the occupying Power, to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Reaffirms* that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development;

2. *Calls upon* Israel to accept the de jure applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Fourth Geneva Convention), to the Occupied Palestinian Territory, including East Jerusalem, and to the occupied Syrian Golan, to abide scrupulously by the provisions of the Convention, in particular article 49 thereof, and to comply with all its obligations under international law and to cease immediately all actions causing the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

3. *Demands* that Israel, the occupying Power, immediately cease all settlement activities, without preconditions, in all the Occupied Palestinian Territory, including East

Jerusalem, and in the occupied Syrian Golan, and in this regard calls for the full implementation of all relevant Security Council resolutions, including, inter alia, resolutions 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 497 (1981) of 17 December 1981, 1515 (2003) of 19 November 2003 and 2334 (2016) of 23 December 2016;

4. *Also demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinions rendered on 9 July 2004 and 19 July 2024 by the International Court of Justice, and all relevant resolutions, including General Assembly resolution ES-10/24, including to bring to an end to its unlawful presence in the Occupied Palestinian Territory, including East Jerusalem, as rapidly as possible, to cease immediately all new settlement activity, to evacuate all settlers from the Occupied Palestinian Territory, to dismantle the parts of the wall constructed by Israel that are situated in the Territory, to put an end to all of its unlawful acts, including by repealing all legislation and measures creating or maintaining the unlawful situation, including those which discriminate against the Palestinian people in the Territory, as well as all measures aimed at modifying the demographic composition, character and status of any parts of the Territory, and to make full reparation for the damage caused by its internationally wrongful acts to all the natural and legal persons concerned;

5. *Condemns* the continuing settlement and related activities by Israel, including the transfer of its nationals into the occupied territory, the construction and expansion of settlements, the expropriation and de facto annexation of land, the demolition of homes and community infrastructure, disruptions to the livelihood of protected persons, the confiscation and destruction of property, including humanitarian relief consignments, the forcible transfer of Palestinian civilians or the threat thereof, including of entire communities, and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, constitute a violation of international humanitarian law, in particular article 49 of the Fourth Geneva Convention, and of international human rights law, and undermine the viability of the two-State solution;

6. *Expresses its grave concern* at and calls for the cessation of:

(a) The conduct of economic activities in the Occupied Palestinian Territory, including East Jerusalem, for the benefit of the settlement enterprise and associated activities;

(b) The expropriation of Palestinian land, the demolition of Palestinian homes, demolition orders, forcible transfer and “relocation” plans, the obstruction and destruction of humanitarian assistance, including projects funded by the international community, and the creation by Israel of a coercive environment and unbearable living conditions in areas identified for the expansion and construction of settlements, and other practices aimed at the forcible transfer of the Palestinian civilian population, including Bedouin communities and herders, and further settlement activities, including the denial of access to water and other basic services by Israel to Palestinians in the Occupied Palestinian Territory, including East Jerusalem, particularly in areas slated for settlement expansion, and including the appropriation of Palestinian property through, inter alia, the declaration of “State lands”, closed “military zones”, “national parks” and “archaeological sites” to facilitate and advance the expansion or construction of settlements and related infrastructure, in violation of the obligations of Israel under international humanitarian law and international human rights law;

(c) Israeli measures in the form of policies, laws and practices that have the effect of preventing the full participation of Palestinians in the political, social, economic and cultural life of the Occupied Palestinian Territory, including East Jerusalem, and prevent their full development in both the West Bank and the Gaza Strip;

7. *Calls upon* Israel, the occupying Power:

(a) To end without delay its unlawful presence in the Occupied Palestinian Territory, including East Jerusalem, to reverse and redress the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, to dismantle the settlement enterprise, including by immediately stopping the establishment of new settlements and the expansion of existing settlements, including so-called natural growth and

related activities, and to discard any and all plans to install settlers in the occupied territories, including in East Jerusalem;

(b) To put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination and non-discrimination, and to fulfil its international obligations to provide adequate, effective and prompt remedy and reparations for victims;

(c) To take immediate measures to prohibit and eradicate all policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, by, inter alia, putting an end to the system of segregated roads for the exclusive use of Israeli settlers, who reside illegally in the said territory, the complex combination of movement restrictions consisting of the wall, roadblocks and a permit regime that only affects the Palestinian population, the application of a two-tier legal system that has facilitated the establishment and consolidation of the settlements and other violations and forms of institutionalized racial discrimination;

(d) To cease the requisition and all other forms of unlawful appropriation of Palestinian land, including so-called State land, and its allocation for the establishment and expansion of settlements, and to halt the granting of benefits and incentives to settlements and settlers;

(e) To put an end to all practices and policies resulting in the territorial fragmentation of the Occupied Palestinian Territory, including East Jerusalem, which are isolating Palestinian communities into segregated enclaves and deliberately changing the demographic composition of the Occupied Palestinian Territory;

(f) To take and implement serious measures, including the confiscation of arms and enforcement of criminal sanctions, with the aim of ensuring full accountability for and preventing all acts of violence by Israeli settlers, to take other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties and to afford all victims of settler violence access to justice and effective remedy without discrimination in the Occupied Palestinian Territory, including East Jerusalem;

(g) To bring to a halt all actions, including those perpetrated by Israeli settlers, harming the environment, including the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and which pose an environmental, sanitation and health threat to the civilian population;

(h) To cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and of the occupied Syrian Golan;

8. *Welcomes* the adoption of the European Union guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the European Union since 2014;

9. *Urges* all States and international organizations to adopt policies that ensure respect for their obligations under international law, including those outlined in the advisory opinion rendered by the International Court of Justice on 19 July 2024, with regard to the unlawful presence of Israel and all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly in relation to Israeli settlements and their associated regime, including not to render aid or assistance to the unlawful presence of Israel in the Occupied Palestinian Territory and to its unlawful acts, and for the obligations, while respecting the Charter of the United Nations and international law, of States to ensure that any impediment resulting from the illegal presence of Israel in the Occupied Palestinian Territory to the exercise by the Palestinian people of its right to self-determination is brought to an end, and of all States Parties to the Fourth Geneva Convention to ensure compliance by Israel;

10. *Calls upon* all States:

(a) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967, and not to provide Israel with any assistance to

be used specifically in connection with settlements in these territories, including by abstaining from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory, including East Jerusalem, or parts thereof, which may entrench its unlawful presence in the territory, and to take steps, consistent with their obligations under international law, to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory;

(b) To implement the Guiding Principles on Business and Human Rights in relation to the Occupied Palestinian Territory, including East Jerusalem, and to take appropriate steps to prevent, investigate, punish and redress human rights abuses by businesses domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, through effective policies, legislation, regulations and adjudication in order to ensure that those businesses refrain from committing, contributing to, enabling or benefiting from the human rights abuses of Palestinians, in accordance with the expected standard of conduct in the Guiding Principles and relevant international laws and standards, by taking appropriate steps in view of the immitigable nature of the adverse impact of their activities on human rights, including suspension of their operations in the context of the settlements;

(c) To provide guidance to individuals and businesses on the financial, reputational and legal risks, including the possibility of liability for corporate involvement in gross human rights abuses and the abuses of the rights of individuals, of becoming involved in settlement-related activities, including through financial transactions, including foreign direct investments, purchases, the importation of settlement products, the exportation of products and services to settlements, procurements, loans, the provision of services and other economic and financial activities in or benefiting Israeli settlements, from within their countries, to prevent those financial transactions, to inform businesses of those risks in the formulation of their national action plans for the implementation of the Guiding Principles on Business and Human Rights, and to ensure that their policies, legislation, regulations and enforcement measures effectively address the heightened risks of operating a business in the Occupied Palestinian Territory, including East Jerusalem;

(d) To increase monitoring of settler violence with a view to promoting accountability, and to implement targeted individual sanctions, including travel bans and asset freezes, against individuals identified as perpetrators of violations of international human rights law or international humanitarian law;

11. *Calls upon* business enterprises to take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards, foremost by terminating their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to withdraw from settlements in order to cease the immitigable adverse impact of their activities on human rights, and to cease contributing to the establishment, maintenance, development or consolidation of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem;

12. *Calls upon* relevant United Nations bodies to take all measures and actions within their mandates necessary to ensure full respect for and compliance with Human Rights Council resolution 17/4 of 16 June 2011 on the Guiding Principles on Business and Human Rights and other relevant international laws and standards, and to ensure the implementation of the United Nations “Protect, Respect and Remedy” Framework, which provides a global standard for upholding human rights in relation to business activities that are connected with Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem;

13. *Reiterates its request* to the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, as mandated by the Human Rights Council in its resolution 55/32 of 5 April 2024, to prepare a report on the identities of settlers, as well as settler groups and their members, that have engaged in or continue to engage in acts of violence, intimidation, harassment or terror against Palestinian civilians and the actions taken by Israel, the occupying Power, and by third States to ensure accountability for violations or abuses of international law in this regard, and requests, instead, that the report be submitted to the Council at its sixty-first session;

14. *Requests* the United Nations High Commissioner for Human Rights to report on the implementation of the provisions of the present resolution to the Human Rights Council at its sixty-first session;
 15. *Decides* to remain seized of the matter.
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