A resolution to establish a Register of Damage arising from the construction of the separation wall by Israel in the Occupied Palestinian Territory was adopted this afternoon, as orally amended, by a recorded vote of 162 in favour to 7 against (Australia, Federated States of Micronesia, Israel, Marshall Islands, Nauru, Palau, United States), with 7 abstentions (Cameroon, Canada, Cote d’Ivoire, Malawi, Papua New Guinea, Tonga, Uganda (see annex)), as the General Assembly continued its tenth special emergency session on Israeli actions in the Occupied Palestinian Territory.

Introduced by Iraq, the draft on the United Nations Register of Damage calls for the establishment of the Register and an office to serve as a comprehensive record of the damage caused to all natural and legal persons as a result of the building of the wall. The office would be composed of a three-member board, an executive director and a secretariat. As a subsidiary organ of the Assembly, the office would operate under the administrative authority of the Secretary-General.

Speaking this morning, the Observer for Palestine recalled events since the International Court of Justice had rendered its opinion on the legal consequences of a wall in the Occupied Palestinian Territory. He said two years ago that the Assembly had met in a resumed tenth emergency session following the International Court’s advisory opinion on the wall, including in and around East Jerusalem. The Court’s well-grounded and considered advisory opinion had determined the obligations arising from Israel’s breach of international human rights and humanitarian law and the Assembly subsequently had adopted a resolution by which an overwhelming majority of the Member States demanded that Israel comply with its legal obligations.

Numerous speakers called on Israel to comply with the Court’s opinion to immediately stop construction of the wall. Others recounted the damage being inflicted on the Palestinian people, from fragmentation of their lives, families and livelihoods to destruction of the environment.
The Sudan’s delegate said the International Court had been quite clear on the matter, advising Israel to dismantle the wall and provide compensation to affected Palestinians. The register was urgently needed to let the Palestinian people know that the international community acknowledged their suffering.

Saudi Arabia’s representative said the wall was meant to destroy the Palestinian people. Security was important for everyone, but the security of one people could not be pursued or secured at the expense of others. Action needed to be taken to stop the “hateful” wall.

India’s representative said the office of the register must be more than a receiving and processing office for complaints. It must establish the credibility of the complaints and serve as a symbol for the redress of grievances. There was merit in that but also in carefully considering the complex questions posed by the establishment of such a body at a “not-inconsiderable” cost.

Noting that the wall was separating Palestinians from family, land and employment while a separate road system was also being built for Israelis and Palestinians, Senegal’s representative said the Israelis needed to be urged to comply with the Court’s opinion and the international community must apply pressure towards that end. The resolution contributed to the essential process of ensuring that the rule of law prevailed until reason and dialogue won out and a negotiated settlement was achieved.

Israel’s representative said the mechanism was not a “register of damage” but a “register that does damage.” There already was a register of damage on the ground in Israel, providing compensation to Palestinians adversely impacted by a security fence necessitated by Palestinian violence.

“There would be no need for a security fence” were it not for Palestinian violence, he stressed. The fence stopped terrorists and the clearest proof that the fence was not a border but a structure to protect citizens was the altering of the wall at the direction of Israel’s Supreme Court in response to cases brought before it by both Israelis and Palestinians. The crux of the matter was that the fence was reversible, the loss of human life to terror was not.

Saying the proposed register damaged the Assembly’s credibility by exploiting the “automatic majority vote”, he said it also damaged the direct dialogue that was the only forum to resolve the region’s differences. The real barrier between Israelis and Palestinians was not the security fence but the terrorism that made it necessary. Were it not for that terrorism, a viable two-State solution would have emerged long ago.

In explaining his decision to abstain on the vote after action, Canada’s representative said his country’s position on the building of the wall was clear. Israel had a right to defend itself, but not at the cost of sacrificing international law.

The representative of the United States said he had voted against the resolution because it failed to work towards fostering peace and finding a two-state solution to the conflict. His Government preferred to assist in other ways, such as helping with private sector development.

In her introductory remarks, Assembly President Sheikha Haya Rashed Al Khalifa of Bahrain said the international community needed to support and redouble efforts to help both sides overcome their fear and misgivings, as it was ultimately fear driving both sides to acts of violence and counter-violence.
Also speaking today were the representatives of Cuba on behalf of the Non-Aligned Movement, Jordan, Finland, on behalf of the European Union, South Africa, Bahrain, Malaysia, Kuwait, United Arab Emirates, Turkey, Egypt, Tunisia, Namibia, Yemen, Pakistan, Morocco, Iran, Brazil, Algeria, Indonesia, Lebanon and Qatar.

The Assembly was scheduled to meet again after a short recess to conclude its consideration of matters related to humanitarian assistance and other issues.

BACKGROUND

The General Assembly met this morning to continue its resumed tenth emergency special session related to illegal Israeli action in the Occupied Palestinian Territory and consider establishment of a register of damage resulting from the construction of a wall there.

The Assembly had before it a report of the Secretary-General on the establishment of a register of damage in connection with a 2004 advisory opinion of the International Court of Justice (document A/ES-10/361). The advisory opinion concerned the legal consequences of the construction of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The report describes the institutional framework required to implement decisions emanating from the rendering of that opinion.

The present report summarizes the background to the call for a register of damage to be established under the official title of “The United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory.” The Register would be a list in documentary form and would be kept by an office set up for that purpose. The registration would be a technical, fact-finding process and the office would not be a compensation commission or a claims resolution facility, nor would it be a judicial or quasi-judicial body.

The Secretary-General recommends that the Register be located in Vienna and consist of an appointed board, an executive director and a small secretariat. The office would be a subsidiary organ of the Assembly operating under the administrative authority of the Secretary-General. Both natural and legal persons would be eligible to register claims they had submitted for compensation of material damage suffered as a result of construction of the wall.

A draft resolution on the establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory (document A/ES-10/L.20/Rev.1) would have the Assembly establish the United Nations Register of Damage to serve as a comprehensive record, in documentary form, of the damage caused to all natural and legal persons concerned. It would also decide to set up an office of the Register of Damage, responsible for the establishment and comprehensive maintenance of the Register, and be composed of a three-member board and a secretariat. As a subsidiary organ of the Assembly, the office would also operate under the administrative authority of the Secretary-General.

In other provisions, the Assembly would call upon the Government of Israel and the Palestinian Authority and relevant Palestinian institutions to cooperate with the office of the Register. It would further call upon the Secretary-General to instruct the United Nations agencies and offices present on the ground in the Occupied Palestinian Territory to lend their support and expertise to the office. Finally, it would ask the Secretary-General to report on progress in setting up the office within six months.
A Report of the Fifth Committee on the programme budget implications of the draft (document A/61/625) contains the draft of the Committee’s endorsement of the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions. Those stipulate that appropriations of up to $3,098,700 would be required during the 2006-2007 biennium if the draft were adopted.

**STATEMENTS**

In introductory remarks, General Assembly President Sheikha HAYA RASHED Al KHALIFA (Bahrain) said that the Arab-Israeli conflict and successive developments taking place in the Middle East represented a growing danger that threatened international peace and security. The conflict placed historical responsibilities before the world that would determine the future of peace both in the region and the world.

Assistance in improving the deteriorating economic and humanitarian conditions plaguing the Palestinian people in the occupied territories was vital, she continued. It was imperative to accelerate steps towards arriving at solutions based on objective and practical ideas, such as those proposed by the Quartet, which called for the establishment of two States living side by side in security and peace. Finally, the international community needed to support and redouble efforts to help both sides overcome their fear and misgivings, as it was ultimately fear driving both sides to acts of violence and counter-violence.

RIYAD MANSOUR, Permanent Observer of Palestine, said that, two years ago, the Assembly had met in a resumed tenth emergency session following the pronouncement of the International Court of Justice on the legal consequences of Israel’s construction of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The Court’s well-grounded and considered advisory opinion determined the obligations arising from Israel’s breach of international human rights and humanitarian law, and the Assembly subsequently adopted a resolution by which an overwhelming majority of the Member States demanded that Israel comply with such legal obligations.

Deplorably, Israel continued to act with the utmost impunity and blatant disrespect for the Court’s opinion and United Nations resolutions. “Israel has not ceased its unlawful construction of the wall in the Occupied Palestinian Territory, including East Jerusalem. Instead, the occupying Power continues to press on with its unlawful colonization of the Palestinian Territory through its construction of the wall...as well as its settlement campaign,” he said, adding that Israel had continued to commit grave breaches of international law every single day against the Palestinian people as it “feverishly” attempted to de facto annex even more land it had brutally occupied and colonized since 1967.

He said the continuity and integrity of the Palestinian Territory was being destroyed because the wall and Israel’s intricate network of checkpoints, as well as colonial settlements correlated to it had sliced and carved the region into several enclaves, some of which were completely walled in, resembling Bantustans. The Palestinian economy was in tatters and development was nearly impossible. Occupied East Jerusalem had been almost totally isolated from the rest of the Territory and the beauty of the landscape, natural environment and resources were being ravaged. “The very fabric of Palestinian society was being ripped apart by Israel’s unlawful construction of the wall, with communities being isolated from each other and some being entirely
destroyed,” he said, adding that the situation was continuing to deteriorate with the passage of each day.

Most regrettably, since the rendering of the International Court of Justice’s decision in 2004, and the adoption of the Assembly’s relevant resolution on the construction of the wall, no concerted action had been taken to compel Israel to stop building the structure, tear down completed portions and comply with its legal obligations in that regard. He also said that no measures had been taken by Member States in compliance with their obligations under the relevant Assembly resolution or the Geneva Conventions to bring an end to the grave breaches that were being committed by Israel against the Palestinian people with respect to the wall’s construction.

“We thus appeal today to the international community to take the necessary actions, address this situation and to bring an end to this ongoing injustice against the Palestinian people,” he said, emphasizing that the Security Council, which had thus far not even attempted to address the “crisis of the wall,” could not continue to avoid its responsibilities. The Council must take action to bring an end to the crime being committed against the Palestinian people—a crime that was making it nearly impossible to achieve any progress towards a two-State solution to the Israeli-Palestinian conflict. Each day that passed without action only exacerbated the situation. Israel must comply—or be compelled to comply—with its legal obligations, as set out by the World Court in its advisory opinion.

With all that in mind, his delegation would call for action on the specific request in Assembly resolution ES-10/15 for the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with specific paragraphs of the International Court of Justice advisory opinion. Pursuant to that request, the Secretary-General had submitted a report this past October for the Assembly’s consideration. That report formed the basis of the discussions on the draft resolution before the Assembly, which mandated the long-awaited establishment of a “United Nations Register” of the damage caused by the construction of the wall in the Occupied Palestinian Territory.

That damage was severe, vast and continuous, and the establishment of such a register was therefore vital for the fulfilment of the legal obligations to make reparations, including restitution and compensation, for all the damage that was being caused by the construction of the wall and its associated regime. He noted that the Court had determined, among other things, that Israel was under a legal obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for the purposes of the construction of the wall.

He said that the draft resolution also described the framework for the maintenance of the Register, including the establishment of an office of the Register of Damage and a three-member independent board, which was to assume overall responsibility for the establishment and maintenance of the Registry. The board would also have the important task of determining eligibility criteria for damage claims as well as the criteria for damage and procedures for the registration of claims. The body would also have an executive director. He hoped that the resolution establishing the Register would be adopted by an overwhelming majority of Member States in order to bring an end to the grave injustice being committed in the Occupied Palestinian Territory.
ILEANA NÚÑEZ MORDOCHÉ (Cuba), speaking on behalf of the Non-Aligned Movement, said that the wall was illegal and needed to be dismantled without delay. Israel’s continuing to build it was an act of flagrant defiance of the advisory opinion of the International Court of Justice and also a violation of General Assembly resolution ES-10/15—both of which reaffirmed the wall’s illegality.

Moreover, her delegation remained concerned at the grave breaches of international law committed by Israel, including the Fourth Geneva Convention. Those included, the destruction and requisition of land and properties; the violations of the Palestinian people’s freedom of movement and their right to work, to health, to education and to an adequate standard of living; as well as the displacement of Palestinian civilians from their homes and lands.

The Non-Aligned Movement demanded that Israel respect its legal obligations, including that of repairing the damages caused by the wall’s construction. Likewise, until and unless Israel fulfilled its legal obligations, she urged Member States to take measures, including legislative—collectively, regionally and individually—to prevent any products of illegal Israeli settlements from entering their markets. For the United Nations part, the General Assembly and Security Council needed to consider what further action was required to bring an end to the illegal situation resulting from the construction of the wall and associated regime. If the wall’s construction did not cease or was not reversed, it rendered the two-State solution to the conflict unattainable.

Regarding the resolution on Illegal Israeli Actions in East Jerusalem and the rest of the Occupied Palestinian Territory (document A/ES-10/L.20), she said that the Register of Damage would contribute in restoring and indemnifying the Palestinian people for damages caused by the wall’s construction. Close cooperation among agencies was imperative to ensure that the Register worked effectively and used resources efficiently. Furthermore, verifiable and quantifiable claims needed to be registered and losses rigorously assessed.

ZEID RA’AD ZEID AL-HUSSEIN (Jordan) said his delegation agreed with the general thrust of the Secretary-General’s report and believed that a registry of damage must be established immediately based on that report’s findings and the facts laid out in the International Court of Justice advisor opinion. He stressed that the Jordanian Government had made it clear during the Court’s proceedings that, with the exception of the Palestinian people whose lives and livelihoods, as well as the future of a Palestinian State, were all being swept away as the wall penetrated farther into their territory, it was the Jordanian people who could be the next most affected party due to the current path of the wall and its proposed future course.

Turning to some specific points in the Secretary-General’s report, he said that Jordan believed that, since the Secretary-General had recommended that the office of the Register be a subsidiary organ of the Assembly, the Assembly should be required to endorse the appointment of its relevant officials and board members. Jordan also believed that it was absolutely necessary for the board to consider prima facie evidence of title to property as sufficient for the purposes of then establishing the validity of the damage claim. Jordan also agreed wholeheartedly with the Secretary-General’s suggestion on verification and believed that subsequent to the submission of claims, that must take place.
He said that the Court’s opinion was and still is law. It laid bare that Israel’s construction of the wall was a violation of Israel’s international legal obligations. The Court did not accept Israel’s claims that legal justification existed for its actions, notwithstanding the creative legal terms used to describe those territories. And that was significant to Jordan because Israel had long had the habit of denigrating the Green Line and questioning what lay beyond it—to such an extreme that no one now in Israel seemed to know where the country’s eastern boundary now lay. Israel’s virtual dismissal of the Green Line over the years was what had led many to interpret the route chosen for the separation wall as an attempt for Israel to carve out for itself, unilaterally, its eastern boundary.

In what he said was perhaps his final statement before the Assembly as Jordan’s Permanent Representative, he made a heartfelt plea for peace in the Middle East. He asked the Assembly to consider the wrongs being done by Israel to Palestinian people and other Arab populations—its enforced occupation now stretching on some 40 years now—as well as the wrongs being done by Arab groups to civilians in Israel. He also expressed concern that many in the Arab world and beyond continued to deny or downplay the Holocaust, an event of immense pain that had caused so much suffering to the Jewish people, Roma and others.

“Can we not see in all of this, in all these crises swamping our region, parallels to the game of chess, where the play now slips no patterns so sickening in their predictability and where the middle game will be reached soon enough—where all the crises of our region and just beyond it eventually fold into one another, creating the greatest political emergency of our time or pitching our region on a cusp of a war unlike any we have witnessed since 1945? Can we not see this?” he said. He prayed that all in the region would depart from old patterns. As peace would only come when justice was done, when justice eclipsed political expediency for all the people of the region.

**INTRODUCTION OF DRAFT**

HAMID AL BAYATI (Iraq) introduced the draft resolution on the Register. He said the operative paragraphs called for the establishment of the Register and the office that would administer it.

**STATEMENTS**

DAN GILLERMAN (Israel) paid tribute to Prince Zeid of Jordan prior to making his statement. He said it was not often that an Israeli was in a position to pay tribute to an Arab but the Prince was a voice of reason that drew forth an acknowledgement. The Prince was a ray of light on matters in the region, one that hopefully would shine more frequently in the future.

Turning to the subject under discussion, he said “this is not a register of damage but one that does damage.” There already was a Register of Damage on the ground in Israel that could provide compensation to Palestinians adversely impacted by a security fence necessitated by Palestinian violence. The Register proposed here did damage to the Assembly’s credibility by abusing procedure to exploit the “automatic majority vote” and it did damage to the direct dialogue that was the only forum where differences in the region could be resolved.
The security fence was a direct consequence of Palestinian terror, he stressed. “Were it not for Palestinian terror, there would be no need for a security fence.” The fence stopped terrorists and the numbers spoke for themselves on that. A similar fence in Gaza that had been agreed to as part of the Israeli-Palestinian agreements and which had met with no dissent at the United Nations had prevented the infiltration of terrorists into Israel. Recent statements attested to the facts. The French Foreign Minister had stated that terror attacks had been reduced by 80 per cent in areas where the wall had been erected. And the leader of Islamic Jihad had told Al-Manar television that the wall was an obstacle to the resistance.

As mentioned, he said, a mechanism already existed in Israel for Palestinians to register their claims for damages. Moreover, Israel’s Supreme Court heard cases brought by both Palestinians and Israelis to alter the route of the fence, with the court ruling at times that the course was to be altered, the clearest proof that the fence was not a border but a structure to protect its citizens. Israel’s Court was one of the few in the world that vigorously applied international law to examine the domestic actions of its own Government. It was a fiercely independent judicial institution that had earned the respect of jurists the world over. In what other Court in the region could a citizen challenge his own Government’s actions and be assured of justice rather than jail?

The route of the barrier would be decided according to security considerations, he stated. Specifically, that would be decided on the basis of how best to protect Israelis from Palestinian terror. The fence was entirely reversible. Human lives taken by terror were entirely not.

Speaking directly to his Palestinian colleague and the represented Palestinian people, he noted that Israel had been willing to compensate those affected by the fence, but instead of choosing help through direct assistance another political mechanism had been put in place that would bring no relief to the people. Rather than shouldering the national responsibility of ending terror and violence against Israel on the ground, Palestinians preferred to see Israel sit in trial here in New York. But Israel had left Gaza over a year ago and instead of turning into a heaven it was being made a hell. Similarly, the “special emergency session” did not reflect the reality. The real emergency lay in the reality of a conference being held to question the Holocaust, hosted by a ranting President who admittedly wanted to destroy Israel.

No material gain could come to the Palestinian people through the theatrics of the “automatic majority vote” and the only outcome was costly United Nations mechanisms, he concluded. Member States should ask what they wanted to achieve by pumping out political resolutions against Israel or decided to fund “yet another” mechanism that would perpetuate and not resolve the Palestinian issue. Particularly in light of the reform process, the financing of a costly duplicative mechanism such as the Register was counterproductive and, in fact, disingenuous.

In ending, he said the real barrier between Israelis and Palestinians was not the security fence but the terrorism that made it necessary. Were it not for that terrorism, a viable two-State solution would have emerged long ago, for Palestinian terrorism sought not to end occupation but to end Israel.

KIRSTI LINTONIN (Finland), speaking on behalf of the European Union, said that her delegation reiterated that construction of the separation barrier contravened international law and was having a detrimental effect on the lives of the Palestinians, as
well as jeopardizing a final status agreement. “We reiterate our call for Israel to desist for any action that threatens the viability of an agreed two-State solution,” she said, adding the European Union also reiterated its intention to actively contribute to the work of the diplomatic Quartet to get the Middle East peace process urgently back on track. The Union also reaffirmed that it would not recognize any change to the pre-1967 borders other than those agreed by both parties.

She went on to say that her delegation had voted in favour of the emergency session’s resolution on the advisory opinion of the International Court of Justice on the legal consequences of Israel’s construction of a wall in the Occupied Palestinian Territory. The European Union supported the establishment of a credible register of damage, which was based on the recommendations on the Secretary-General’s report.

DUMISANI S. KUMALO (South Africa) said his delegation welcomed the Secretary-General’s report and urged the Assembly to adopt the draft resolution endorsing its recommendations on the establishment of a Register of Damage. Such a register should be the documentation—in the form of registration, verification and assessment—of all the damage that had been and continued to be done by the construction of the wall in the Occupied Palestinian Territory.

South Africa believed that for the Register to be objective, it would be necessary for its proposed board to be selected on the basis of independence, objectivity and impartiality. Due regard should also be paid to equitable geographical diversity in the panel and South Africa believed its members should be elected by the Assembly from a pool of candidates nominated by the Secretary-General. He said that Israel had pressed ahead with its construction of the wall and settlements in the years since the International Court of Justice decision, and South Africa was particularly concerned that Israel’s actions would predetermine final status issues such as the future of Jerusalem.

The inaction of the international community and the United Nations on the separation wall and settlements since 2004 had had the effect of allowing Israel to solidify its occupation of East Jerusalem and the rest of the West Bank, further altering the demographic facts on the ground. The wall was having a grave impact on the lives and livelihoods of Palestinians and its construction had resulted in the confiscation and destruction of homes.

The international community’s failure to provide the Palestinian Authority with adequate assistance that would enable it to exert its authority and establish law and order in the Occupied Territory had only strengthened the hand of extremists who fed off the anger of a people living under military occupation. He stressed that both sides had a duty to bring to an end all senseless acts of terrorism and violence directed against civilians and to work towards reconciliation and peace.

TAWFEEQ AHMED ALMANSOOR (Bahrain) said leaders of States at the September Non-Aligned Movement conference in Cuba had expressed disappointment at the lack of progress in establishing the Register to begin documenting the construction of the wall as an extension of Israel’s “settler” approach in the Occupied Palestinian Territory. The wall was separating and isolating the Palestinian people from each other. They couldn’t move or go to work or school without running into obstructions. Their lives and their environment were being destroyed even as they were deprived of their lands and natural resources.
The intent behind the building of the wall was clear, he said. It was the same as with the “settler” approach, to gobble up more Palestinian lands. The wall was derailing any possibility of reviving the Road Map. The International Court of Justice had made its ruling. The Mitchell Commission had called for Israel to stop its settlements. Israel had contravened all those calls and continued with its settler policy, appropriating the most fertile lands in the Territory while leaving the Palestinians helplessly in walled pockets. Establishing the Register to document all that was a matter of urgency.

HAMIDON ALI (Malaysia) said the wall was the most visible sign that the Occupied Palestinian Territory was being transformed into a “vast open-air prison.” Its construction was a dangerous dimension to the situation that acutely undermined the humanitarian and human rights of those living under Israeli occupation. The hardship suffered daily by the Palestinians for so many years was immeasurable and could not “in any way” be quantified in monetary terms alone. The establishment of the Register was both timely and important. It would provide a technical fact-finding process to list and record the fact and type of damage being caused by construction of the wall. It would be a monitoring mechanism and comprehensive record of the damage being caused.

Calling on the United Nations system and the international community to support the office of the Register and cooperate with it, he said the mechanism must be more than just a “shopping list.” It must be a well-prepared and substantiated testament that would enable the affected people to be compensated for losses and to receive restitution for land and properties. Israel must not be allowed to continue to ignore with impunity an advisory opinion of the International Court of Justice and resolutions of both the Security Council and the General Assembly.

ABDULLAH AHMED MOHAMED AL-MURAD (Kuwait) said his delegation welcomed the Secretary-General’s report on the establishment of a Register of Damage. Israel was a powerful country that continued to occupy Palestinian and Arab lands in contravention of countless United Nations resolutions. Israel continued to flout international humanitarian law with its illegal construction of a wall in the Occupied Palestinian Territory, which had displaced large civilian populations and annexed Palestinian lands. The wall had also precipitated the further deterioration of the Palestinian economy. Kuwait believed that the wall was also undermining wider efforts to arrive at a comprehensive two-State solution.

He said the establishment of a Register of Damage would go a long way towards ensuring that Israel stood by its legal obligations. He hoped the international community would assume its responsibility so that the Palestinian people could finally exercise their inalienable rights and do its utmost to bring an end to their suffering at the hands of Israeli occupation. It was also incumbent on both sides to resume negotiations on a two-State solution.

ABDULAZIZ NASSER AL-SHAMSI (United Arab Emirates) said the request for establishing a Register of Damage based on the decision of the International Court of Justice’s advisory opinion reaffirmed the Court’s determination that construction of the wall was indeed illegal and should be dismantled. It also demonstrated the Court’s strong sense of the extent of the growing legal, humanitarian, social, psychological, environmental, political and sovereignty implications suffered by the Palestinian people due to the wall’s construction.
He said that anyone who had been following the crisis of the wall for the past four years could clearly see that Israel was implementing a “progressive expansionist scheme” which aimed not only at isolating and confining hundreds of thousands of Palestinians in narrow separated cantons, but also at the wide and illegal seizure of thousands of acres of land, water sources and other natural resources. With all that in mind and in light of the considered decision of the International Court of Justice, the United Arab Emirates renewed its demand to the international community to immediately carry out its responsibilities and ensure Israel’s immediate and unconditional compliance to all the legal requirements outlined in the advisory opinion.

Regarding the establishment of the Register, the United Arab Emirates called for, among others, transparency and flexibility to be observed in the rules and regulations governing its maintenance. The administrative, legal and technical team assigned to the Register must also have the necessary competence. He called on all Member States to cooperate with the Register once it was established and the objectives of the Register must be advanced through the establishment of an international mechanism with a view to providing an accurate assessment of the damage and legal impact of Israel’s construction of the wall.

BAKI ILKIN (Turkey) said that whether it was referred to as a “wall”, “barrier” or “security fence,” the structure being built in the West Bank had become a visible hindrance to efforts aimed at achieving a just and lasting peace in the Mid-East region. Cutting deep into areas of the Palestinian Territory, the structure had further complicated the already vexing issues surrounding the Palestinian question. The International Court of Justice had ruled the wall and the policies associated with it “contrary to international law” and Turkey would add that such policies also ran counter to the vision embodied in the two-State settlement.

While Turkey recognized the right of every State, including Israel, to protect its citizens, measures adopted to curb violence should not in any way undermine the legitimate rights and vital interest of the Palestinians. Turkey wished to see the efforts to resolve the Israeli-Palestinian conflict, starting with the implementation of mutual confidence measures by the two sides. The long-needed ceasefire between the Palestinian and Israeli leadership on the Gaza Strip had been a step in the right direction, as had the speech given by Prime Minister Olmert at the Knesset last month, which reflected Israel’s desire for compromise and dialogue.

Having that ceasefire extended to the West Bank would certainly further that undertaking, he added. Turkey also wished to see both sides exert their best efforts to arrest the violence and insecurity which had marred the region for so long. The Palestinians and Israelis both deserved better. Turkey would also use the occasion provided by the emergency session to appeal to the leaders of Palestine to overcome their internal differences and join hands in the pursuit of peace.

MAGED ABDELAZIZ (Egypt) said that the international community should be focused on implementing the elements of the International Court of Justice advisory opinion on the legal consequences of Israel’s construction of the wall and the relevant resolution of the tenth resumed emergency session on establishing a legal register of the damage caused by construction of the barrier, which was causing untold social and economic damage as it snaked its way through the Occupied Palestinian Territory. The advisory opinion had emphasized the responsibility of Israel to return the land and all
other property seized as a result of its construction of the wall, as well as to provide restitution for any damage suffered.

That required the establishment of a register to evaluate losses and process damage claims. Egypt called for the Register be staffed with impartial and objective board members and for the establishment of the new mechanism to be shortly followed with the launching of a comprehensive awareness raising campaign in the Occupied Territory to ensure that all Palestinian people were aware of that initiative and how it worked. Egypt had always emphasized its illegality and the catastrophic consequences that would flow from its construction. Israel would not achieve security—its claimed goal regarding the wall’s construction—as long as it continued its occupation, settlement activities and its attempts to change the situation on the ground by forceful means.

The only way to ensure peace and security in the occupied territories was through just and comprehensive negotiations for peace, based on the Arab Peace initiative, the Road Map and relevant Security Council resolutions. He added that the Road Map needed to be updated so that new timelines for the implementation of its objectives could be set. Adopting the resolution today would reaffirm the principle that no State was above the law and that everyone must abide by the will of the international community and its top judiciary body, the International Court of Justice.

ABDULLAH AL-ANAZI (Saudi Arabia) recalling the International Court of Justice advisory opinion on the wall, said the Court’s opinions had met with compliance save that one. The wall created legal problems as well as social, cultural and economic ones. Over a third of the wall was now complete, with another 30 per cent under construction and 36 per cent yet to be begun. The wall was not only illegal, it protected an illegal settlement as it continued to be built to protect other settlements. As such, it was a tool for ethnic cleansing.

One was either for or against international law, he said. There was no in-between in that matter. Israel was creating a road system intended to kill any possibility of economic development in the territory. Israel was bringing forth pretexts for its own security whereas in reality it robbed the Palestinians of valuable resources.

The wall was being built to destroy the Palestinian people, he stated. Security was important for everyone, but the security of one people could not be pursued or secured at the expense of others. And in that situation, who was the one who really needed to reinforce its security? The State with military might and nuclear weapons planted like a cancer in the middle of the Palestinian people’s homeland? The international community must act now to stop the “hateful” wall.

KAIS KABTANI (Tunisia) said that it was the International Court of Justice’s advisory opinion that declared the takeover of Palestinian land by Israel illegal, and furthermore, placed the obligation of replacing any damage caused by the wall’s construction on Israel. His Government supported the establishment of a Register, as well as a Special board set up in Vienna reporting to the General Assembly that could consider claims for reparations. He hoped that United Nations agencies and the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Development Programme in particular, would cooperate with those working on the Register to facilitate their task.

Moreover, the wall represented the expropriation of Palestinian land and had made access difficult, he said. International law had been violated and an attempt to
impose a fait accompli on the Palestinian people and exploit its people had hampered the peace process. The region had a greater need than ever for good will, which could strengthen mutual trust. It certainly did not need a separation wall or financial or psychological obstacles.

JULIUS ZAYA SHIWEVA (Namibia), aligning his country with the statement made by Cuba on behalf of the Non-Aligned Movement, said that it had taken the Secretary-General more than two years to implement the decisions contained in paragraph 4 of Assembly draft resolution ES-10/15. It was also not an exaggeration to say that the construction of the wall had devastating political, economic and humanitarian consequences on the Palestinian people. Despite the International Court of Justice opinion and overwhelming support for resolutions affirming that, however, Israel continued to expand its construction. In light of that, the establishment of a Register of damage was of critical importance. His delegation thus supported the resolution and hoped it would lead to just compensation to the Palestinian people, according to applicable rules within international law.

ABDULLAH M. ALSAIDI (Yemen) said that earlier in the meeting the Israeli Ambassador had had the audacity to call those who disagreed with Israel’s occupation an “immoral and automatic majority.” That was unacceptable. Those who disagreed with Israel were not contesting the fact that injustice was done to Jews during the Holocaust nor the occurrence of the Holocaust itself. What the Assembly was contesting was the occupation and brutal treatment of the Palestinian people. Indeed, occupation was “immoral.” Worse, he added, was that occupation not only brutalized the occupied, it corrupted the occupier. A return to civil discourse was wise and more efficacious.

He expressed his delegation’s support for the establishment of a register to deal with the damage done by the expansionist wall being built by Israel in the Occupied Palestinian Territory and in and around East Jerusalem. The construction of the wall was an attempt to confiscate Palestinian territory as well as to further exercise its illegal control over the Territory. Moreover, while Israel continued to construct the wall, it was also building new settlements and expanding existing ones. The wall was wreaking havoc on the Palestinian economy, hindering Palestinian children from going to school and hampering the provision of medical care throughout the Territory.

It was incumbent upon Israel to end construction of the wall and to dismantle the portions that had been built. It must also repeal any national legislation on the wall’s construction. As an occupying Power, it must pay restitution for the damage it caused and return all the land it had confiscated. Israel’s continued construction of the wall in an attempt to impose a new fait accompli on the ground would not undermine the will of the Palestinian people to exercise their fundamental rights. He stressed that Israel must recognize the right of the Palestinian people to exercise self-determination. The international community must ensure that Israel lived up to its international obligations.

MUNIR AKRAM (Pakistan), expressing support for the views of the International Court of Justice, said that the wall in the Occupied Palestinian Territory was illegal and that Israel needed to halt and reverse its construction. Furthermore, a General Assembly resolution adopted on 20 July 2004 demanded that Israel comply with its legal obligations.

Construction of that wall had major consequences: it caused massive suffering for the Palestinian people and robbed them of their livelihoods while denying them freedom
of movement and access to economic opportunities. It had also created a fait accompli on
the ground that could become permanent, tantamount to a de facto annexation. In
addition, it had severely impeded the Palestinian people’s right to self-determination.
Infringement of those rights could not be justified by military exigencies.

Lastly, the wall posed a major obstacle in obtaining a just and lasting solution to
the Palestinian question. If not dismantled, prospects would remain dismal throughout the
entire Middle East region. On the Register of damage, he said that it was necessary for
Israel to fulfil its obligation to make reparations, in accordance with the rules of
international law. It could thus serve as perhaps the only ray of hope for justice for the
Palestinian people.

EL MOSTAFA SAHEL (Morocco) said his delegation wished to extend a
message of hope, peace and concern as the Assembly resumed its tenth emergency
session. He was concerned about the continued deterioration in the situation on the
ground in the occupied territories and the increasing despair of the Palestinian youth. He
was hopeful that the region had at its disposal the means to achieve a comprehensive
settlement. It was up to the Assembly to see that the hopes of a region that had been
engulfed in war for so long finally achieved peace and security. But he stressed that peace
could only be built on negotiation and honest dialogue, not on illegal unilateral activities.
That had been the basis of the 2004 International Court of Justice decision on the
construction by Israel of a separation wall in the Occupied Palestinian Territory.

He said the construction of the wall had led to serious socio-economic
deterioration in the territory and that the freedom of movement of the Palestinian people,
including travel to work or to reunite with family members, had been severely curtailed.
Normal daily life in the territory had changed dramatically, as had the physical
landscape. He stressed that Israel’s claim—that it was separating itself from violence—
did not hold up. The wall was actually separating Palestinians from Palestinians. His
delegation, which supported the resolution on the establishment of a United Nations
register of damage, hoped to see peace and justice prevail.

NIRUPAM SEN (India) said the legal issues underlying the debate were clear,
but the next steps to bring an end to the illegal situation of the wall were still not clear.
The establishment of the Register was just one alternative. What was undertaken today
must be set into the context of appropriate legal and political measures in consultation
with all concerned as part of the larger vision of a just, comprehensive and lasting peace
in the Middle East.

The office of the register must be more than a receiving and processing office for
complaints, he said. It must be able to establish the credibility of the complaints and
thereby serve as a symbol for the redress of grievances. There was merit in that, but also
in carefully considering the complex questions posed by the establishment of such a body
at a “not-inconsiderable” cost. A reasoned, balanced and forthright dialogue should be
held between those concerned with the assistance of the international community when
necessary.

While he favoured the resolution before the Assembly today as a measure to
provide solace to those aggrieved, the register was not a complete solution to the complex
problem posed by the construction of the separation wall. Those issues should be
resolved in tandem with confidence-building measures as part of an overall effort to
achieve a just, lasting and comprehensive peace in the region. The absence of a
meaningful political dialogue was no reason to cease persevering with finding a peaceful solution. Since there was no substitute for a meaningful dialogue, the parties should heed the Secretary-General’s call for all sides to consider innovative ways for implementing the Road Map.

MANSOUR SADEGHI (Iran) said that the construction of the unlawful separation wall was yet another flagrant crime committed by the Israeli regime against the Palestinian people, displaying the said regime’s aggressive and criminal nature, together with its complete defiance to, and contempt for, the most basic principles of international law and international humanitarian law.

Furthermore, on the topic of the Israeli regime’s crimes, he said that the Security Council was persistently rendered incapacitated in taking any meaningful action by one of its permanent members. While those crimes included those relating to the wall’s construction, the Council needed to act responsibly and compel the said regime to bring its occupation of the Palestinian and other Arab territories to an end.

Referring to damages caused to the Palestinians, he said that the Israeli regime was obligated to make reparations. He supported the establishment of a register, as damages needed to be accurately and thoroughly documented. He thus looked forward to taking concrete steps in making the mechanism fully operational.

RONALDO SARDENBERG (Brazil) said that Israel’s unilateral decision to build a security wall could not be justified and amounted to a disproportionate response to potential threats to its security. His Government was deeply disturbed by its construction, as it entailed countless violations of international law and had caused the extensive destruction of Palestinian property and infrastructure. Furthermore, it had destroyed crops, dwellings and separated families, while also jeopardizing the full fruition of the human rights of the Palestinians and victimizing the civilian population.

Israel needed to dismantle the wall and return the land and other properties to the Palestinian people, he continued. In addition, Israel needed to compensate on all ensuing damages. He supported the creation of a Register, while noting that it could not achieve its objective should it be a mere list of potential grievances. Instead, it would have to act as a proto-compensation commission, in order to prepare the way for a future full claims-resolution facility.

YOUCEF YOUSFI (Algeria) said that Israel’s stubbornness and the impunity it enjoyed as it flagrantly violated international law kept bringing Member States back to the resumed emergency session. Now Israel was launching a new assault, which amounted to a form of apartheid. While Israel pressed its claim for security, it was forgetting, as usual, that it was creating a Palestinian State that was quickly becoming a sort of prison. Access to medical care, even drinking water, had been severely curtailed by the route of the illegal wall. The construction of the wall had also led to the confiscation of fertile Palestinian lands, all of which had led the international community to look askance at Israel’s oft-spoused support for a two-State solution to the conflict.

Algeria considered the separation a “wall of shame” and agreed with the 2004 advisory opinion of the International Court of Justice that its construction should cease; the completed portions should be torn down and people affected by it should be compensated. That decision had been “strong and clear” and Algeria now welcomed, after some delay, the Secretary-General’s submission of a report calling for the establishment of a United Nations register on the legal damage caused by the
construction of the wall. He stressed that his delegation wanted such a body to have a strong mandate and that it not be turned into a mere room where complaints for damage done were brought and then filed, as some would have it.

Coly Seck (Senegal) said the resolution was an important turning point in implementing the opinion of the International Court of Justice. Today, thousands of Palestinians were separated from family, land and employment. A separate road system was being built for Israelis and Palestinians and that, too, was illegal. Conditions in the occupied territories were deteriorating. An immediate resumption of negotiations between all parties must be brought about and it must build on past agreements and resolutions.

The Israelis needed to be urged to comply with the Court’s opinion and the international community must apply pressure to bring about that end, he affirmed. The resolution before the Assembly would contribute to that essential process of ensuring that the rule of law prevailed. Reason and dialogue must win out in the situation to achieve a negotiated settlement that allowed all to live in security and peace while also allowing the Palestinian people to exercise their right to self-determination.

Rezlan Ishar Jenie (Indonesia) said that Israel continued to ignore the International Court of Justice advisory opinion as well as the subsequent Assembly resolution on the legal consequences of its construction of a wall in the Occupied Palestinian Territory. It had also continued its “heavy handed” military measures and unilateral policies, including its imposition of blockades and checkpoints, which were causing the situation in the Territory to deteriorate even further. Inaction by the United Nations to halt all Israel’s illegal activities would only send the signal that Israel was above international law. Indonesia believed that it was high time to give effect to the Court’s advisory opinion and the Assembly’s call two years ago to establish a United Nations register of damage.

Indonesia welcomed the Secretary-General’s report, which set out the modalities for the establishment of a register of damage caused by the construction of the wall, including on its structure and the recommendation that it be located at the United Nations Office at Vienna. Establishing the office as a subsidiary body of the Assembly would be a further step towards upholding international law for the Palestinian people. Indonesia hoped that adopting the resolution would facilitate the objective of the Palestinian people to get prompt restitution, reparation and compensation, which were long overdue, for the damage caused by Israel’s illegal actions.

Rana Mokadden (Lebanon) said that her country, like all peace-loving nations, supported the resolution under consideration by the Assembly. The racist construction of the wall, under the pretext of ensuring Israel’s security, was absolutely unacceptable. It was up to the United Nations to end the humiliation and brutalization that had become the Palestinians’ daily lives. Israel was violating international law, as its wall continued to severely hinder the exercise of the basic rights of the Palestinian people.

She urged that that wall be dismantled and the Israel make restitution for all the damage the construction of the barrier had caused. The draft resolution under consideration must be implemented to ensure that the rights of the Palestinian people were restored in accordance with international law. Temporary solutions had been proposed, accusations had been made and “fallacious arguments had been leveled,” all
while the fate of thousands of people hung in the balance. It was time for the Assembly to act.

KHALID MOHAMMED OSMAN SIDAHDHE MOHAMMED ALI (the Sudan) recalled the numerous ways the wall had negatively impacted on Palestinians, from fragmentation of their lives, families and livelihoods to deforestation. The advisory opinion of the International Court had been quite clear on the matter, he said. The Court had advised Israel to dismantle the wall and provide compensation to affected Palestinians. The establishment of the register was of great urgency for the sake of the Palestinian people in securing the international community’s acknowledgement of all that the Palestinian people had suffered.

NASSIR ABDULAZIZ AL-NASSER (Qatar) said that it had been more than two years since the Advisory Opinion had declared Israel responsible for implementing its legal obligations and he was still gravely concerned by its non-compliance and continued violation of Palestinian rights. Israel was obligated to abide by the decisions of United Nations and its Member States as soon as possible.

To provide a list of Israeli violations was simply unnecessary, he continued. Until when could Israel destroy hope for Palestinians to establish an independent State on their national territory? Israel needed to immediately stop construction of the wall and provide adequate compensation for its consequences. Moreover, it was imperative that the situation be returned to that before the wall’s construction and that all properties confiscated and rightfully returned.

On the issue of the Register, he said damages needed to include emotional and psychological damage, not just physical. The Register’s office would also be responsible to bridge the gaps and fix the defects in claims when applicants could not provide adequate information, due to restrictions placed on them by occupation. Finally, he expected to see consensus on the resolution by the majority of peace-loving nations that respected the law.

ACTION ON DRAFT

Prior to action, the representative of Iraq amended operative paragraph 8(c) of the text to read: “receiving and processing all damage claims and establishing the causal credibility of those claims.”

The Assembly then adopted, as orally revised, the resolution on establishment of the United Nations Register of Damage caused by the Construction of the wall in the Occupied Palestinian Territory (document A/ES-10/L.20/Rev.1) by a vote of 162 in favour to 7 against (Australia, Federated States of Micronesia, Israel, Marshall Islands, Nauru, Palau, United States), with 7 abstentions (Cameroon, Canada, Cote d’Ivoire, Malawi, Papua New Guinea, Tonga, Uganda). (See annex)

EXPLANATION OF POSITION

The representative of the United States said his delegation had voted against the resolution as the General Assembly was once again presented with a draft that failed to constructively work towards fostering peace and finding a two-state solution to the conflict.
The establishment of a register was not an issue rising to the level of extraordinary threat; the original idea behind calling for an emergency special session, he said. At the same time—and most importantly—the registry process remained ill-defined and too opened-ended in duration to allow for his support. His Government preferred to assist in other ways, therefore, such as helping with private sector development.

In addition, the creation of a register, though not legally binding, would serve to raise the false expectations of claimants and divert resources from more important tasks, he said. In fact, the body was committing scarce resources just to make a political statement, further raising the question of the United Nations effectiveness in addressing the grave problems of the world and “pursuing a single minded agenda.”

Canada’s representative said his country’s position on the building of the wall had been made clear. Israel had a right to defend itself, but not at the cost of sacrificing international law. The present resolution did not acknowledge the advisory nature of the advisory opinion. For that reason and out of concern about the scope of powers being invested in the Register, he had abstained from voting on the resolution.

The Observer of Palestine thanked the Assembly and each of the 162 member States that had voted in favour of the resolution to implement the advisory opinion of the International Court of Justice towards restitution and compensation for Israel’s illegal construction of the wall in the Occupied Palestinian Territory. It was only one step, but it nonetheless included the international community’s insistence that the wall was illegal and had to be dismantled. His delegation was proud that the Assembly’s resumed session had adopted a resolution by its largest majority ever.

He stressed that his delegation had not called for the resumption of the session but the report of the Secretary-General had been submitted to it, thus requiring the Assembly to revert to this format for action. Assembly rules of procedure were being followed thoroughly. He said he would not respond to the insulting and arrogant comments made by Israel’s representative earlier. But he would say that it was clear that Israel had resorted to the language of “sore losers.”

It should be clear to Israel that international momentum was building—a fact that was evident in the number of votes that recent resolutions on Palestinian matters had received—that Israel must re-evaluate its polices and must live up to its international obligations. The Israeli Ambassador should heed the call of the international community, which was not, as he had termed it “an immoral automatic majority.” The moral power of the resolutions adopted by the Assembly, which generally called on Israel to uphold international law, was so immense that the Israeli representative had “panicked and resorted to insulting the Assembly.”

In response, Israel’s representative said that today was the 30th plenary meeting of the resumed 10th emergency session: he drew attention to that fact “not out of pride but out of embarrassment” for Member States who had been subjected to the blatant abuse of the mechanism. He said the issue of the security fence never had been and never would be a political matter. It was and forever would be a security matter. And while the inconveniences by building the fence were reversible, the murder of Israelis by Palestinian terrorists was not. The fence saved lives. The moment terror ended was the same moment the fence would no longer be necessary.

He reminded the Assembly that Israel had established a fully functional and transparent mechanism on the ground that had, thus far, reviewed some 140 complaints
brought by Palestinians to Israel’s High Court. In all, close to $1.5 million had been paid to Palestinian individuals and organizations that had petitioned the Court.

Yet the Assembly had just authorized an enlargement of the United Nations budget, which meant additional dues by Member States and taxes for their citizens, to allocate $3 million a year; double the amount the Israel had spent thus far compensating Palestinians who felt impacted by the fence. He said that new $3 million would also finance a mechanism that housed an “unnecessarily large” support staff in Vienna for a process that could not and will not compensate Palestinians affected by the building of the security fence.

He said that the principle that governed the General Assembly was “one State one vote” but due to political and selfish interest, the democracy of the Assembly was controlled by an “automatic majority” that could do as it pleased. That majority ensured that any resolution it proposed would be passed, even lengthy, repetitious texts on Israel that did not serve the spirit of democracy. Israel had voted against the resolution, not because it was against compensating Palestinians, but because it had been yet another example of how politicized the United Nations was and how limited its scope had become.

ANNEX

VOTE ON ESTABLISHING UN REGISTER OF DAMAGES

The draft resolution establishing the United Nations Register of Damage caused by the construction of the separation wall in the Occupied Palestinian Territory (document A/ES-10/L.20/REV.1) was adopted by a recorded vote of 162 in favour to 7 against, with 7 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey,
Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Australia, Federated States of Micronesia, Israel, Marshall Islands, Nauru, Palau, United States.

Abstain: Cameroon, Canada, Côte d’Ivoire, Malawi, Papua New Guinea, Tonga, [and] Uganda.

Absent: Chad, Democratic Republic of the Congo, Equatorial Guinea, Ethiopia, Fiji, Kiribati, Madagascar, Rwanda, Saint Kitts and Nevis, Samoa, Sao Tome and Principe, Seychelles, Sierra Leone, Swaziland, Tuvalu, Vanuatu.


I. GENERAL PROVISIONS

Article 1. Use of Terms
The following definitions apply for the purpose of these Rules:
1. “UNRoD” means the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory established by paragraph 3 of General Assembly resolution A/RES/ES-10/17.
2. “Secretary-General” means the Secretary-General of the United Nations.
3. “OPT” means the Occupied Palestinian Territory.
4. “The Board” means three international experts appointed by the Secretary-General. The Executive Director of UNRoD serves as an ex-officio member of the Board. The Terms of Reference of the Board are set out in General Assembly resolution A/RES/ES-10/17.
5. “Executive Director” means the Executive Director of UNRoD or other persons authorized by the Executive Director to perform the functions in his/her absence. The Terms of Reference of the Executive Director are set out in General Assembly resolution A/RES/ES-10/17.
7. “Register” means the record, in documentary form, of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, the occupying Power, in the OPT, including in and around East Jerusalem.
8. “Claim” means a request that damage caused by the construction of the Wall in the OPT, including in and around East Jerusalem, be included in the Register.
9. “Claim Forms” means standard forms titled “Claim Form for Registration of Damage” approved by the Board for submission of claims.
11. “Eligibility Criteria” means the criteria established by the Board pursuant to General Assembly resolution A/RES/ES-10/17 set out in Article 11(2) below, against which claims will be assessed for inclusion in the Register.

12. “Claimant” means any natural or legal person who submits a claim to UNRoD.

13. “Person” means an individual, corporation, public sector entity, international organization, the Palestinian Authority or other legal entity.


15. “Database” means computerized information, pertaining to claimants and claims, kept by UNRoD to assist in the registration of claims.

16. “Wall” is the terminology used by the United Nations General Assembly and means a barrier comprising several elements including concrete walls, fences, ditches, patrol roads, trace roads and barbed wires constructed by Israel in the OPT, including in and around East Jerusalem.

Article 2. Scope of the Rules

The Rules apply to the submission, processing and registration of claims submitted to UNRoD under the criteria adopted by the Board and to outreach activities undertaken by UNRoD.

Article 3. Guiding Principles

Pursuant to General Assembly resolution A/RES/ES-10/17, the Board shall, in carrying out its work, be guided by the relevant findings of 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, general principles of international law and principles of due process of law.

II. Submission, Processing and Registration of Claims

Article 4. Submission of Claims

1. Claims must be submitted on the original paper claim forms prepared and distributed by UNRoD, together with photocopies of supporting documents.

2. Claim forms and documents are to be submitted by claimants to United Nations personnel in UNRoD-designated locations in the OPT or elsewhere and will be transmitted in sealed envelopes marked “Claim Form” to, and stored by, UNRoD at the following address:

United Nations Register of Damage
Vienna International Centre
Wagramer Strasse 5
1400 Vienna
Austria
3. Upon submission of the claim form and supporting documents to United Nations personnel in the OPT, the claimant will receive a receipt, which contains a unique claim number and serves as confirmation of the fact and date of submission of the claim form and documents. Claims submitted by claimants elsewhere shall be deemed to be submitted when they are physically delivered to and received by UNRoD. A receipt containing the claim number and confirming the fact and date of receipt of the claim form and documents will be issued to the claimant.

4. UNRoD may duly establish partnerships or other agreements or associations with one or more appropriate authorities or bodies in order to provide technical assistance to claimants in submitting their claims and in transmitting such claims to UNRoD.

**Article 5. Who May Submit Claims**

1. All natural and legal persons who sustained material damage as a result of the construction of the Wall in the OPT, including in and around East Jerusalem, may submit claims.

2. The Palestinian Authority may submit claims on behalf of Palestinian public institutions which have sustained material damage as a result of the construction of the Wall in the OPT, including in and around East Jerusalem.

**Article 6. Language**

1. English will be the working language for the processing and registration of claims by UNRoD, given the technical requirements of software for operating an electronic database for an anticipated large number of claims.

2. Claim forms can be submitted to UNRoD in Arabic or in any other official language of the United Nations. In cases where claim forms are not submitted in English, the Office will translate them as required.

3. Documents submitted to support the eligibility of claims may be translated by the Office into English, as required, if they are submitted in a United Nations official language other than English.

**Article 7. Outreach To Affected Natural And Legal Persons**

UNRoD will undertake outreach activities to potential claimants, which will include but are not limited to the following:

a. Organizing and implementing awareness and education campaigns for potential claimants;

b. Liaising with appropriate Palestinian Authorities, including the Palestinian National Committee for the Register of Damage, Civil Society Organizations and relevant Israeli Authorities;

c. Identifying, training and providing regular guidance to United Nations personnel, who will provide technical assistance in outreach at the grassroots level, including distribution of claim forms and providing assistance in their preparation, collection and dispatch to UNRoD;

d. Establishing cooperation with international partners, as may be needed, with the view to receiving their technical assistance in the implementation of the outreach programme. Such partnerships will be subject to
separate Memoranda of Understanding to be reviewed and approved in accordance with the existing UN Rules and Procedures.

**Article 8. Evidence**

1. Each claimant is responsible for submitting documents to establish or support the eligibility of the claim.
2. The Board will determine the admissibility, relevance and materiality of any documents submitted.

**Article 9. The Registry**

1. The Registry will be maintained by the Office and all claims received will be recorded in both paper and electronic format.
2. A member of the Office’s Claims Processing Unit will be designated by the Executive Director to perform the functions of the Registry Officer.
3. The Registry Officer will be responsible for receiving the claims. Upon the delivery of a claim to UNRoD, the Registry Officer will record the fact of the receipt of the claim in the Registry.

**Article 10. Technical Requirements**

1. A claimant has met the technical requirements for submitting a claim where the claim:

   a. has been submitted on an original UNRoD claim form and in the correct claims category;
   b. contains the name and contact details of the claimant;
   c. contains a copy of an identity document for the claimant;
   d. contains a description of the material damage and the circumstances under which it occurred;
   e. contains relevant documents in support of the claim;
   f. where a claim is signed by a representative, contains a document authorizing the representative to act on the claimant’s behalf;
   g. where the claimant is under the age of 18 at the time of submission of the claim, is signed by his or her parent or legal guardian;
   h. where the claimant is deceased, is signed by the legal executor of the estate of the deceased;
   i. contains an affirmation by the claimant or the representative that the information contained in the claim is true and correct;
   j. contains the original signature or thumbprint of the claimant or the representative; and
   k. in case of claims submitted by legal persons such as companies and organizations, contains:
      (i) Documents evidencing the name, address and place of incorporation or organization of the entity;
      (ii) Evidence that the legal entity was in existence at the time the damage was caused;
(iii) A general description of the legal structure of the entity; and

(iv) Affirmation by a duly authorised official of the legal entity that the information contained in the claim is true and correct.

2. The Office may request that deficiencies in a claim be notified to and rectified by the claimant. The Office may, in its discretion, also request clarifications, additional information and/or documents from claimants.

**Article 11. Eligibility and Assessment of Claims**

1. A claimant may submit claims in one or more of the following six categories: category A: Agriculture, category B: Commercial, category C: Residential, category D: Employment, category E: Access to Services, and category F: Public Resources and Other. Category F claims may not be submitted by individuals.

2. A claim shall be eligible for inclusion in the Register if it meets the following criteria:

   a. The claimant is a natural or legal person;
   b. The claimant has substantially met the technical requirements set out in Article 10 for submitting a claim;
   c. The claimed damage is within the jurisdiction of UNRoD as established by General Assembly resolution A/RES/ES-10/17;
   d. The claimant has established a legal interest in the claimed damage;
   e. The claimant has established that the claimed damage is material;
   f. The claimant has established a causal link between the claimed damage and the construction of the Wall in the OPT, including in and around East Jerusalem;
   g. The claimant has established that the claimed damage was in fact sustained;
   h. The documents and assertions in support of the claim are substantially consistent; and
   i. The claim has been established prima facie, based on information and documents submitted by the claimant, giving the claimant the benefit of the doubt in appropriate cases and bearing in mind the varying circumstances with regard to title and residency status of claimants.

3. The Office will assess claims received against the Eligibility Criteria and prepare recommendations to the Board concerning the inclusion of claims in the Register.

**Article 12. Consideration by the Board**

1. The Executive Director will present for consideration by the Board during its periodic sessions claims that have been preliminarily assessed by the Office in accordance with the Eligibility Criteria.
2. Decisions concerning the inclusion and non-inclusion of claims in the Register will be taken by a majority of the three expert members of the Board.

3. In its review of claims, the Board may adopt procedures that are appropriate to the character, subject-matter, number and types of claims under consideration, including mass claims processing techniques such as sampling.

4. The Board may request that deficiencies in a claim be notified to and rectified by the claimant. The Board may, in its discretion, also request clarifications, additional information and/or documents from claimants.

5. The decisions of the Board are final and are not subject to appeals.

**Article 13. Inclusion of Claims in the Register**

1. Claims or portions of claims approved by the Board for inclusion in the Register will be recorded in the Register by the Registry Officer.

2. The Office will notify the claimants of the inclusion of their claims or portions of their claims in the Register.

**Article 14. Claims not Included in the Register**

1. A claim or a portion of a claim will not be included in the Register where the Board decides that it does not meet the Eligibility Criteria.

2. Where a claim or a portion of a claim is not approved for inclusion in the Register, the Office will notify the claimant of the decision.

**Article 15. Withdrawal of Claims**

A claim submitted to UNRoD may be withdrawn at any time by a claimant, by submitting to UNRoD a notice in writing to this effect.

**III. CONFIDENTIALITY AND REPORTING**

**Article 16. Confidentiality**

1. In accordance with applicable data protection standards, all records received or developed by UNRoD will be confidential, unless provided otherwise by these Rules or decided by the Board.

2. The Board will conduct its work in private.

3. Members of the Board shall not disclose, even after the conclusion of their functions, any privileged information related to the work of UNRoD which is not in the public domain and which has come to their attention by reason of their working for UNRoD.

**Article 17. Reports of UNRoD**

1. The Board shall periodically render progress reports to the Secretary-General for transmission to the General Assembly in accordance with paragraph 6(h) of General Assembly resolution A/RES/ES-10/17.

2. These reports will be substantive, but in accordance with Article 16 will not disseminate information related to the identity of claimants and specifics of the claims.

3. These reports shall be made as frequently as necessary but no less than once a year.
IV. AMENDMENTS AND ADDITIONAL RULES AND REGULATIONS

Article 18. Amendments and Additional Rules and Regulations

The Board may, by a majority of its three expert members, amend these rules and make additional rules and regulations as may be necessary to efficiently implement the mandate of UNRoD outlined in General Assembly resolution A/RES/ES-10/17 in accordance with the guiding principles set out in Article 3.

19 June 2009