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# TEXMUN 2022

Background Guide  
Security Council

HOUSTON, FEBRUARY 4-6, 2022



In the final stages of the Second World War, the Allies began planning to establish a new post-war order. Their determination was to ensure their security and to overcome the limitations of the post- First World War Versailles peace. Within the Allies' political leadership, there were significant differences about how that would be achieved. Nonetheless, after the Second World War there was a renewed and strong interest in establishing international institutions that would resolve disputes through diplomacy and law. The creation of the United Nations in 1945, whose values are still today peace, dialogue, and international cooperation, provided the initial framework of what now we define as “human security” —a universal recognition to limit the human cost of states' violence and use of destructive weapons massively.

While the evolution of human security is rather familiar, it is less well-known that disarmament was a key element of the vision, featured in the United Nations Charter. Disarmament was then codified in that foundational document of the international legislative body. Specifically, Chapter III, Article 11 granted the General Assembly the power to consider “*principles governing disarmament and the regulation of armaments*” [emphasis added] and may make recommendations with regard to such principles to the Members or to the Security Council or to both.” Furthermore, Chapter V, Article 26, establishes that “in order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee, plans to be submitted to the Members of the United Nations for the establishment of *a system for the regulation of armaments.*” [emphasis added].

Implementation of these and other international security provisions were hindered by the ensuing cold war tensions. Despite the obstacles, the General Assembly passed several early resolutions

establishing a framework for international disarmament. Most notably, the body's first resolution called for the "elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction". This was followed shortly by resolution 41 calling for the negotiation of treaties "governing the general regulation and reduction of armaments".

These articles and some early resolutions in the UN served as the foundations or departing points, from which a path towards general and complete disarmament should have been navigated and eventually achieved. However, in the 75 years since the signing of the United Nations Charter, the United Nations has not come close to wholly securing international peace and security, nor has it accomplished general or complete disarmament. Indeed, many have argued that the authority of the Security Council as the arbiter of peace, security and disarmament has been diminished without repair, but in recent years, the adoption of the *2030 Agenda for Sustainable Development* in 2015 has changed the scenario for the Security Council in the disarmament race; this blueprint for a sustainable and prosperous future has translated into more concrete actions in the Security Council to examine how peace, sustainability, and security intersect to create more effective responses to address this intersection in an integral and inclusive fashion. Likewise, the threat of COVID-19 has made the Security Council revisit its approaches to crisis management and to redefine its priorities to address the impact of the virus in peace and international security because, as the UN Secretary-General, António Guterres, has affirmed as he issued an urgent appeal for a global ceasefire:

"The fury of the virus illustrates the folly of war..., this is why I am calling for an immediate global ceasefire in all corners of the world. It is time to put armed conflict on lockdown to focus together on the true fight of our lives —defeating COVID 19."

Indicative of the new context in which the UN operates is the support received to the global ceasefire. The Secretary-General ceasefire call has been endorsed by the Security Council along with 180 countries, regional organizations, and millions of global citizens. The international community recognizes the importance of the Council in discerning and navigating a collective path towards a world free from the armaments and armed forces that function as instruments of war just as it acknowledges that the global health crisis requires the leading role of the Security Council. While the challenges posed by the pandemic are monumental, the Security Council's leadership is fundamental to beat the pandemic, to provide adequate healthcare services for everyone, and to preserve human dignity.

Today, the Council is called to urge governments to be transparent, accountable, and responsive in their COVID-19 responses (as they should be about their nuclear capabilities), and to ensure that any emergency measures are legal, proportionate, and non-discriminatory because, ultimately, the best responses are those that respond proportionately to immediate threats while they protect human rights and the rule of law, as the UN Secretary-General has stated. Because the public health crisis can exacerbate global conflicts and impact disproportionately vulnerable populations, the Security Council has added fighting COVID-19 to its current priorities.

"Now is the time for a collective new push for peace and reconciliation. And so I appeal for a stepped-up international effort — led by the Security Council — to achieve a global ceasefire by the end of this year. [...] The world needs a global ceasefire to stop all "hot" conflicts. At the same time, we must do everything to avoid a new Cold War." (António Guterres)

## PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS

### BEFORE COVID-19

EVERY DAY,  
100 CIVILIANS ARE KILLED  
IN ARMED CONFLICTS



DESPITE PROTECTIONS  
UNDER INTERNATIONAL LAW



THE GLOBAL HOMICIDE RATE  
HAS DECLINED SLOWLY

5.9  
PER 100,000  
POPULATION  
(2015)

5.8  
PER 100,000  
POPULATION  
(2018)

TRANSLATING TO  
440,000 HOMICIDE VICTIMS  
WORLDWIDE

### COVID-19 IMPLICATIONS

COVID-19 IMPLICATIONS FURTHER THREATEN  
GLOBAL PEACE AND SECURITY



ALREADY IN 2019, THE NUMBER OF PEOPLE FLEEING WAR,  
PERSECUTION AND CONFLICT EXCEEDED 79.5 MILLION,  
THE HIGHEST LEVEL EVER RECORDED



127 COUNTRIES

HAVE ADOPTED  
RIGHT-TO-INFORMATION  
OR  
FREEDOM-OF-INFORMATION  
LAWS



60% OF COUNTRIES HAVE PRISON OVERCROWDING,  
RISKING THE SPREAD OF COVID-19



SUSTAINABLE  
DEVELOPMENT GOALS



## Governance, Structure, and Membership

In the United Nations, the Security Council has an exclusive power: it is the only body with the power to adopt legally binding resolutions. The decisions of the Security Council are formal expressions of the will of this body responsible of maintaining international security and peace. More importantly, the Members of the United Nations, according to article 25 of the Charter, “agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

The Security Council has multiple tools at its disposal to address issues on the body’s agenda. For instance, the President of the Security Council may issue press statements or presidential statements to communicate the Council’s position. Although these are not legally binding, such statements are used to bring attention to important issues and to recommend solutions to ongoing conflicts. Moreover, the Security Council can achieve its goals through various mechanisms, which have evolved in its history. It can propose peaceful settlements of disputes by diverse means, including mediation processes, negotiations, peacekeeping operations, and calls for ceasefires. Furthermore, the Security Council can impose sanctions to the Member states, and ultimately, as a last resort, its members can authorize the use of military force. The traditional role of the Security Council in implementing strategies to tackle issues related to disarmament, political development, peacekeeping, humanitarian crises, and to the protection human rights has also changed and has been revitalized.

The Security Council is a body of 15 members. There are five members which have permanent membership: China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Along with the five permanent members, 10 non-permanent members serve in the Security Council. The General Assembly annually elects by a two-thirds the 10 non-permanent members for a two-year term. Security Council elections are held six months before the term starts in June. This change allows Member States sufficient time to prepare for their new role.



Consistent with the Council’s mandate, the essential factor for eligibility is a member state’s contribution “to the maintenance of international peace and security” reflected on the potential states’ financial or troop contributions to peacekeeping efforts or its leadership roles on regional security. Another aspect considered is the “equitable geographical distribution”. To promote geographical inclusion, since 1965 the Council includes 3 seats for the Group of African States (GAFS); two seats for the Asia-Pacific Group, one for the Group of Eastern European States (EGG); one for the Group of Latin American and Caribbean Countries (GRULAC); two for the Group of Western European and Other States (WEOG). Each group has its own electoral norms. An Arab seat alternates between the African and Asian blocs by informal agreement. Turkey and Israel, which has never served on the council, caucus with WEOG.

States participate in a highly competitive process to be elected for the non-permanent seats on the Security Council; this includes long campaigns and statements of interests. Once states are

elected to serve on the Security Council, they are expected to represent regional interests; these states are usually influential at the international level and demonstrate leadership in specific areas of interest to their respective foreign policy regional agendas. Each member of the Security Council can be represented at all meetings. In the Provisional Rules of Procedure, Rule 13 allows for Members to be represented by an accredited representative," such as a Head of Government.



Harsh Vardhan Shringla, Foreign Secretary of India and President of Security Council for the month of August, chairs the Security Council meeting on the situation in the Middle East, including the Palestinian question. At right is Hasmik Egian, Director of the Security Council Affairs Division of the Department of Political and Peacebuilding Affairs (DPPA).

Currently, Estonia, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, and Viet Nam are the non-permanent members for the 2021-2022 term.



The presidency of the Council rotates monthly, which ensures that the ten nonpermanent members do have influence setting the agenda.

Each member of the Security Council holds the presidency of the Council for one month, rotating according to alphabetical order. Security Council meetings can be held at any time when convened by the President and by the request of any Member State. Under Rule 3 of the Provisional Rules of Procedure of the Security Council, the President shall call a meeting if a dispute or situation requires the Council's attention. Due to this, the Security Council meets regularly throughout the year in the UN Conference Building. However, in 2020, due to the COVID-19 pandemic, the Security Council have resorted to meeting online through video conferences. Any Member State may attend the Council's sessions if the body decides to extend an invitation. Member States are invited if the

Security Council is discussing an issue that directly concerns the interests of the Member State. Invited Member States do not have the right to vote but are allowed to submit proposals and draft resolutions. Furthermore, invited Member States can inform the Council about a current crisis in their region. However, such proposals may only be put to a vote at the request of a member of the Council.

The Security Council oversees many subsidiary bodies as established under Article 29 of the Charter. The body also works with the General Assembly to oversee the work of the Peacebuilding Commission (PBC). Additionally, Security Council Member States participate in various working groups and committees. For example, established by Security Council resolution 1540 (2004), a committee was created to monitor and promote the implementation of the legal measures to domestically prevent the proliferation of nuclear weapons.



Participants at the African Union 1540 Review and Assistance Conference in Addis Abba, Ethiopia, 2016



National Round Table on the Implementation of Resolution 1540, Nay Pyi Taw, Myanmar, 2016

The mandate of the Committee was renewed by resolution 1977 (2011) until 25 April 2021. Along with collecting and reviewing national reports, the 1540 Committee has also created matrices to present a fuller picture of the status of implementation in all states that have submitted their mandated implementation reports.

The 1540 Committee decided in its sixteenth program of work to continue to operate in a system of four Working Groups, open to all its members. The Working Groups focus on important and recurring issues. Each Working Group has specific tasks related to the program of work, which are set out below. Each Working Group is coordinated by a member of the Committee and is supported by the Secretariat and the Committee's Group of Experts. Some of these working groups consist of some or all of the Security Council Member States and focus on regional issues, as well as improving the working methods of the Council itself.

Cooperation between the Security Council and other entities, such as the Organization for the Prohibition of Chemical Weapons (OPCW) and the International Atomic Energy Agency (IAEA) is significant. Partnerships with independent regional organizations, such as the European Union (EU) and the African Union (AU) are also of paramount importance for addressing a broad range of issues such as terrorism, disarmament, nuclear non-proliferation, and extreme violence from non-state actors.

## Voting

Every Member State of the Security Council has one vote. Votes on all matters require a majority of nine Member States. However, if one of the five permanent members of the Security Council votes “no” on a matter of substance, such as a draft resolution, it does not pass. This is known as “veto power.” In the 1950s, Security Council Member States made frequent use of their veto power, but its usage declined in the 1960s—rising again in the 1970s and 1980s. In the last decades, the use of



the veto power has been comparatively rare. In recent years, the Council has adopted many resolutions by consensus and has only been divided on a very limited number of issues.

Since 1993, the General Assembly deliberated several proposals to reform the Security Council. Key challenges to reforming the Security Council are its membership, transparency and working methods, and the veto power of the permanent five Member States. In 2018, delegates within the UN General Assembly called for expanding the number of permanent members and abolishing the permanent member's use of veto power.

## Mandate, Functions, and Powers

The mandate of the Security Council is to maintain international peace and security and to take action whenever peace and security are threatened. The Council's authority is particularly relevant with respect to the UN's four primary purposes, as specified in the Charter: maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; and promoting respect for human rights. The Security Council's capabilities are highlighted in Chapters V–VIII. Chapter V establishes the structure, membership, functions, and powers of the Security Council. Chapters VI and VII of the Charter specifically concern the Security Council and the range of actions that can be taken when settling disputes. Chapter VI of the Charter by itself aims to settle disputes through peaceful means, such as negotiation and judicial settlement.<sup>5</sup> Chapter VII explores further actions the Council can take when responding to threats to peace, breaches of peace, and acts of aggression. This chapter also authorizes the Security Council to implement provisional measures aimed to de-escalate the situation. Chapter VIII of the Charter allows the Security Council to call upon other regional agencies or arrangements to enforce appropriate operations and intervene if necessary.

Under Article 41 of the Charter, the Council can call upon UN Member States to enact economic sanctions and other measures not involving the use of force to prevent or end violence. Some of these measures include arms embargos, enforcing disarmament, or calling upon international criminal mechanisms to become active. Regarding diplomatic tools, the Council is mandated to investigate any dispute or situation that might lead to aggression between states, with other non-state groups, or within states' territories. The Council may also take military action against a state or other entity threatening international peace and security, and may further decide on the deployment of troops or observers. The Council may also decide upon the deployment of new UN peacekeeping missions to be led by the Department of Peace Operations. The Security Council creates a peacekeeping operation by adopting a resolution that outlines the mandate and size of a particular mission, and UN peacekeepers are assigned to appropriate regions to address conflicts.<sup>66</sup> The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations to implement its decisions.<sup>67</sup>

### ***Recent Sessions and Current Priorities***

The Security Council has been faced with unprecedented threats and challenges in 2020 and 2021. The COVID-19 pandemic has not only caused ruptures within the international community but has also uprooted how the Council has traditionally worked. Despite the pandemic, violent conflict is still incredibly pervasive. The Council has placed peace and security at the core of its work to help alleviate the damage caused by the pandemic, such as focusing on ceasing hostilities and building peace in conflict-affected countries to allow for COVID-19 recovery efforts, such as vaccine distribution.

The Council first acted on 1 July 2020, when it adopted Security Council resolution 2532 which outlined an immediate cessation to hostilities in order to address the COVID-19 pandemic. More specifically, the resolution called for all parties to a conflict to implement 90-day humanitarian pause to allow for a more robust humanitarian response to the global health crisis. The Council further



followed up to this action, by passing Security Council resolution 2565 on 26 February 2021, which reiterated its for a ceasefire but more specifically to deliver vaccines to combat the spread of COVID-19.

Thematically, in addition to the COVID-19 pandemic, the Council has been increasing the number of briefings on climate change and how it impacts international security. The issue of climate change and security was first considered by the Council in April of 2007, when the body held its first open debate on the topic. Though originally met with some skepticism, the topic has become a part of regular discussion and another open debate on climate change's impact on peace and security was held in January of 2019. A February meeting between Council members further outlined how the negative impacts of climate change and environmental degradation can exacerbate and worsen peace and security. While the Council has yet to pass a thematic resolution dedicated to the impact of climate change on peace and security, it did discuss the adverse security effects of ecological factors in the Lake Chad Basin in Security Council Resolution 2349.

The Security Council is also taking up a robust geographic focus on individual countries where war, conflict, and terrorism are prevalent. Yemen, Afghanistan, Israel, Syria, Libya, and Iraq have consistently appeared on the Council's agenda throughout 2020 and early into 2021.

## Topic I Strengthening Measures Towards General and Complete Nuclear Disarmament

In 2004, the Security Council unanimously adopted resolution 1540 (2004)—a thematic resolution that establishes a general obligation for all States to “refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery”.

As it was affirmed in this resolution, proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Consequently, promoting nuclear disarmament and non-proliferation are key in the Security Council's agenda. The Security Council has renewed its commitment to promoting the concept and *general and complete disarmament (GCD)*, which has its roots in the recurrent concerns about the costly and destabilizing nature of maintaining armaments and armies globally as weapons of offense. Consistent with the General Assembly, the Security Council defines GCD as a gradual process of reducing the current level of armaments in Member States' possession. This definition includes both weapons of mass destruction (WMD) and conventional weapons. While the nature of the definition is twofold, the United Nations has taken differentiated actions to reduce WMDs. These include the use of the *disarmament machinery* consisting, for instance, in the programs and negotiations on a fissile material cut-off treaty developed by the Conference on Disarmament (CD). It is relevant to bear in mind that WMDs have been of particular interest because these weapons have the capability not only to harm and kill millions of people but also to have devastating effects in the environment. The UN defines all nuclear, chemical, and biological weapons as WMDs.


**“Disarmament and non-proliferation must proceed together. I encourage nuclear weapon states here to consider additional measures to enhance security as a way of leading to total elimination. These could include, for example, ways to achieve the effective verification of the disarmament process.”** (Ban Ki-moon, opening remarks to the Security Council Summit on Nuclear Non-Proliferation and Nuclear Disarmament, 2009)

UN diverse bodies have acknowledged that there is need to reinvigorate collective efforts to achieve GCD, to hold accountable the States most responsible for global disarmament, and to engage other relevant agents in the process for the complete elimination of nuclear inventories in the world. In 2007 United Nations Secretary-General Ban Ki-moon asserted that GCD is “the ultimate strategic goal” of United Nations disarmament efforts.

Historically, international disarmament topics have been dealt with at the Conference on Disarmament (CD), an international forum established to negotiate multilateral disarmament treaties, but this platform has failed to reach consensus on whether to commence nuclear disarmament negotiations on a step-by-step basis, the next step being a treaty to ban the production of fissile materials, or whether to undertake a more comprehensive nuclear disarmament negotiating process involving security assurances for non-nuclear weapon States, prevention of an arms race in outer space, and other nuclear disarmament measures leading to a nuclear weapons free world.

As a response to the long stalemate of the Conference on Disarmament, in December 2012 the General Assembly adopted a resolution that created a new forum to discuss nuclear disarmament and report back to it in October 2013 with specific recommendations on how to advance multilateral nuclear disarmament negotiations. Unlike the Conference on Disarmament, the new Open Ended Working Group (OEWG) was open to all states and since it did not operate by principles of consensus, its works could not be limited by any country. This opened the door

to an ample exploration of disarmament proposals by governments, their direct engagement in developing a roadmap to a nuclear weapons free world, the generation of approaches to overcome blocks to multilateral disarmament negotiations, and the commencement of preparatory work on a nuclear weapons convention or framework of agreements, which served as a solid referent for the new dialogue about international security and GCD.



**TAKING FORWARD  
MULTILATERAL NUCLEAR  
DISARMAMENT NEGOTIATIONS**

“The General Assembly [...] decides to establish an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.”

Excerpt from the UNGA resolution 67/56 that established the Open Ended Working Group.

Chaired by Ambassador Manuel Dengo of Costa Rica and convened at the UN in Geneva, in 2013, the working group produced a comprehensive report that clearly proposes the elements for an action plan for a nuclear-weapons free and non-violent world to attain the goal of nuclear disarmament in a universal, time bound, non-discriminatory, phased and verifiable manner; describes a step-by-step approach of mutually reinforcing and progressive steps leading to the full and complete elimination of nuclear weapons; the comprehensive approach for a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear weapons convention, to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and provides for their destruction; alludes to a legally binding framework committing all States to a world without nuclear weapons comprising mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines and benchmarks; and, a “building blocks” approach - a set of mutually reinforcing unilateral, bilateral, plurilateral and multilateral elements and not implying conditionality and without prejudice to a timeframe. In other words, the report of the OEWG affirmed the need for “an unequivocal commitment of all States to the goal of complete elimination of nuclear weapons”.

Similarly, in a landmark 2014 speech in Moscow, United Nations disarmament chief Angela Kane decried that people “forget” GCD as a codified goal of multilateral diplomacy and called on the United States and the Russian Federation to “revive interest” in “comprehensive disarmament”. It is estimated that much of the world’s military force levels are in compliance with an admittedly restrictive definition of GCD, which allows arsenals no larger than what is needed for national safety and meeting international obligations.

There are many pathways to a world free of nuclear weapons. ... Our focus must be on taking steps in eliminating nuclear weapons and doing so in good faith.  
(António Guterres, Secretary-General of the United Nations)

UNITED NATIONS GENERAL ASSEMBLY

*70th anniversary  
of the first resolution on*



**NUCLEAR  
DISARMAMENT**

*24 January 2016*





While there is general agreement about the levels of compliance from a technical perspective, the international community and the civil society have expressed new criticisms to the dismissal of GCD as an unrealistic and unattainable goal in the UN system and the broader international sphere. The United Nations Sustainable Development Goal 16 is to “promote peace and inclusive societies”, and the Security Council has determined that it is time to rehabilitate GCD as a primary universal objective of multilateral diplomacy to create a peaceful and inclusive global community. This collective goal also demands addressing issues of representation of developing countries in the disarmament efforts and the institutions of global governance related to them.

**Increasing the participation of developing countries in disarmament meetings**



**SDG Target 16.8**

Broaden and strengthen the participation of developing countries in the institutions of global governance

The active engagement of all States, especially developing countries, in policy discussions facilitates more effective and sustainable outcomes in all areas of peace and security. However, developing countries continue to be seriously underrepresented in disarmament meetings held within the framework of the United Nations, where they are less likely to attend, speak or hold formal roles. Voluntary capacity-building and sponsorship programmes have been important measures to enable developing countries to participate more effectively in such meetings.

► As a contribution to Sustainable Development Goal 16 (Target 16.8), Member States should, on a voluntary basis, ensure the availability of sponsorship programmes for international disarmament meetings, especially those that address issues with a connection to the achievement of the Sustainable Development Goals.

While the sustainable agenda has reignited the historical dialogue to promote GCD, the global movement for a world free of nuclear weapons should approach new efforts with a great understanding of the evolution of the concept and earlier efforts to codify it. The broad global acceptance of GCD as an achievable goal in 1961 was perhaps its high watermark, as the Cuban Missile Crisis of 1962 brought powerful nations to the brink of nuclear war. The historical context made decades ago progress on arms negotiations not only more urgent but also more difficult. As a result, the United States and the Soviet Union began earnest negotiations on nuclear weapons but eventually abandoned pursuit of a more general and complete agreement in favor of “partial measures”. These included the Hotline Agreement and Partial Test Ban Treaty, both in 1963. Over the rest of the cold war, the superpowers moved away from the paradigm of multilateral disarmament to one of bilateral “arms control”, focused on limiting the numbers of large-scale strategic weapons. GCD remained a rhetorical goal, however, and was written into the preamble of the Partial Test Ban Treaty.

Meanwhile, frustration with the lack of progress towards nuclear disarmament by the big powers spurred smaller States to seek alternative pathways to disarmament. This led, in the General Assembly, for these small nations to a call for a convention prohibiting nuclear weapons in 1963 (resolution 1909 (XVIII)). Latin American States moved forward on establishing a nuclear-weapon-free zone in 1967, which they described as “not an end in themselves but rather a means for achieving general and complete disarmament at a later stage”. The global peace movement

was also revived in the 1960s, catalyzed by fears of nuclear war and instability in the newly decolonizing countries.

Growing political and diplomatic pressure on the nuclear powers led them to the negotiating table, resulting in the “Grand Bargain” in 1968 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in which non-nuclear-weapon States agreed not to acquire nuclear weapons in exchange for access to peaceful nuclear energy and disarmament. While often cited only in the context of nuclear disarmament policymaking, the Treaty’s article VI actually established a legal obligation on the States parties—now almost the entire membership of the United Nations—to “pursue negotiations in good faith ... on a treaty on general and complete disarmament under strict and effective international control”.

In the following three decades, every major multilateral arms control treaty—including the Biological Weapons Convention of 1972, the Environmental Modification Convention of 1977, the Convention on Certain Conventional Weapons of 1981, the Chemical Weapons Convention of 1992, the Comprehensive-Test-Ban Treaty of 1996 and the African Nuclear-Weapon-Free Zone Treaty of 1996—described itself (though only in the preamble) as one step towards the goal of GCD. Yet no complex deliberations on GCD itself have taken place since 1961 and article VI of the NPT remains practically the only legally binding GCD provision. Indeed, the Final Document of the 1978 special session of the General Assembly devoted to disarmament criticized the focus on partial measures as having “done little to bring the world closer to the goal of general and complete disarmament”, allowing the arms race to continue unabated.

#### Future research

A rarely acknowledged contradiction of the post-cold war era is that it ushered in a moment when the world came closest to achieving GCD but, simultaneously, the concept was rhetorically excluded and discredited as “unrealistic”. Analysis by Neil Cooper showed that, despite exponential population growth, post-cold war military reductions cut numbers of troops close to the levels sufficient for national safety and international peace operations were discussed in the GCD negotiations in the 1950s and 1960s. But later GCD was scarcely heard of in diplomatic circles, except by nuclear powers trying to limit their nuclear disarmament obligations. Indicative is the Treaty on Conventional Armed Forces in Europe (CFE) of 1989. It constitutes one of the most successful post-cold war arms reduction agreements, achieving a widespread demilitarization of Europe, but it does not refer to GCD.

Global civil society has reengaged with disarmament, seeking to renew and expand the norms against inhumane weaponry by persuading the majority of the world’s States to ban antipersonnel landmines in 1997 and cluster munitions in 2008. This “humanitarian disarmament” movement also played a major role in pushing for the Arms Trade Treaty (ATT) of 2013, which established global regulations on the trade and transfer of conventional weapons. However, the humanitarian disarmament advocacy has implicitly distanced itself from GCD by focusing on limiting specific methods of warfare rather than seeking a holistic settlement on arms. None of the humanitarian disarmament treaties—neither the ATT nor the landmine and cluster munition bans—mention GCD.

The sort of comprehensive disarmament envisioned by the concept of GCD—reducing security forces and arsenals to no more than is needed for national safety—can now be talked about in policy circles only as something that is “done to” a former conflict zone, usually in the Global South. Many United Nations peace operations in conflict-affected developing countries have a “disarmament, demobilization and reintegration” (DDR) component. While GCD is implied in operative terms in the peace efforts, it is conceived as a corrective program for “war-torn” spaces,

not as a general and global obligation incumbent on all States, including the great military powers.

As delegates prepare to discuss GCD and defy its relegation in the Security Council agenda, it is relevant to examine several key challenges to achieving the goal of GCD and to consider some questions:

- *Stalled nuclear disarmament.* Reductions to nuclear arsenals have slowed in recent years and the nuclear-weapon States have embarked on expensive “modernization” programs that may extend the threat of nuclear war for decades. **To what extent achieving GCD will thus depend on undercutting the legitimacy of nuclear weapons as the perceived cornerstone of great power security structures?**
- *Asymmetries in the global military balance.* According to the Stockholm International Peace Research Institute, 34 per cent of the world’s military spending is by the United States of America and 28 per cent is by the next top five military powers. The primary focus of disarmament must therefore engage on those who have the most arms. **In what ways can the international community effectively engage the nations with nuclear resources and, considering Goal 16 promote the participation of smaller countries in addressing disarmament?**
- *Qualitative improvements in weapons.* The quantitative reductions in global military forces after the cold war coincided with innovations in weaponry, particularly in information and communications technology. This created new capabilities even as some arsenals shrank. New technologies such as the armed drone have destabilized international legal norms on the use of force outside declared conflict zones. **What factors should be taken to properly further the dialogue towards GCD in a technologically different global landscape?**
- *Globalization of the political economy of war.* The complex processes of globalization have transformed armed conflict by making weapons more easily available. In fact, the emptying of cold war weapons stocks, particularly in Eastern Europe, in many cases redirected small arms to conflicts in the Global South. The informalization and privatization of violence has proliferated the kinds of armed actors and complicated chains of command and accountability. **What conditions are needed to address issues of access to nuclear assets and to monitor a host of new actors in a globalized world?**
- *Creeping disarmament machinery.* The diplomatic systems set up to achieve GCD are under strain, marginalized by ministries of foreign affairs and defense. They are dominated by the great powers and undermine the concerns of small States, civil society and those most affected by violence. **What mechanisms can be proposed to challenge powerful interlocutors who weaken the efforts to achieve GCD?**

The United Nations Secretariat supports efforts aimed at the non-proliferation and total elimination of nuclear weapons. “Securing Our Common Future: An Agenda for Disarmament” considers nuclear weapons in the framework of “disarmament to save humanity.” In the agenda, the Secretary-General calls for resuming dialogue and negotiations for nuclear arms control and disarmament. He also supports extending the norms against nuclear weapons, and in that regard appeals to States that possess nuclear weapons to affirm that a nuclear war cannot be won and must never be fought. Finally, the agenda proposes preparing for a world free of nuclear weapons through several risk -reduction measures, including transparency in nuclear-weapon programs, further reductions in all types of nuclear weapons, commitments not to introduce new and destabilizing types of nuclear weapons, including cruise missiles, reciprocal commitments for the non-use of nuclear weapons and reduction of the role of nuclear weapons in security doctrines.

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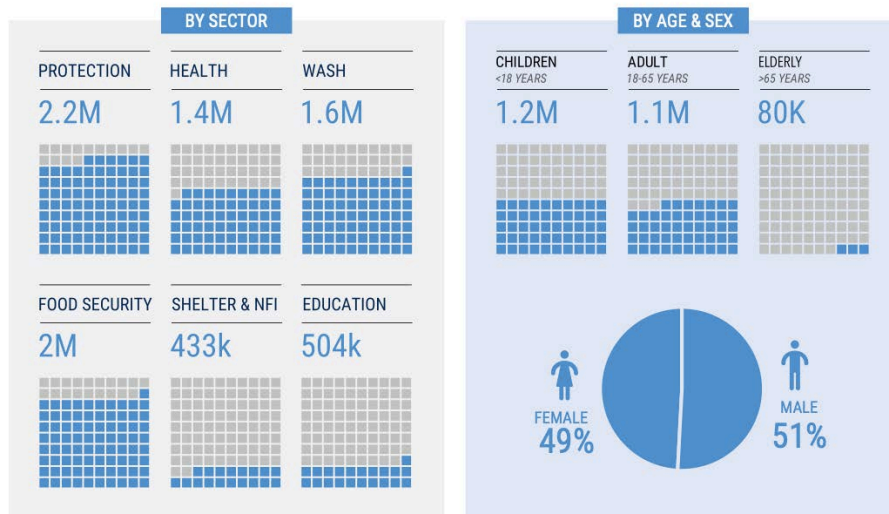
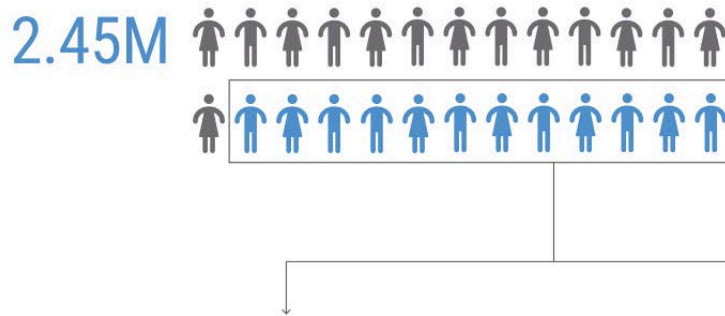


## Summary of Humanitarian Needs 2020

### TOTAL POPULATION



### PEOPLE IN NEED



### **The Security Council and the Israeli Occupation of the Palestinian Territory**

Over the past five decades, the United Nations Security Council has repeatedly and unambiguously endorsed three fundamental principles with respect to the Israeli occupation of the Palestinian Territory (the West Bank, including East Jerusalem, and Gaza). First, Israel is the occupying power, the *Fourth Geneva Convention of 1949* applies in full, and Israel is required to fulfil all its obligations under the *Convention*. Second, the acquisition of territory by force or war is inadmissible. Third, the creation and expansion of the Israeli settlements is a serious violation of the absolute prohibition under international law respecting the transfer by the occupying power of parts of its civilian population into the occupied territory.

These three principles are among the most settled and widely accepted tenets in modern international law. Each of these principles was expressly reaffirmed by the Security Council in Resolution 2334 in December 2016. In other words, in resolution 2334, the Council reiterated that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity, and it is a flagrant violation of international legislation and, consequently, a major obstacle to the achievement of the two-State solution and to a just, lasting, and comprehensive peace. It also underlined that the body would not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the two sides through negotiations. In the same resolution, the Council demanded once more that Israel immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and that it fully respect all of its legal obligations in that regard. No such steps were taken by Israeli authorities.

Regrettably, the principles above mentioned have not been accepted or applied by Israel in a satisfactory way. The Security Council has denounced, at times sharply, Israel's defiance, but the body has not imposed any consequences in the face of Israel's ongoing obstructiveness. There is no other grave international human rights situation, and no other insubordinate state actor, in the world today with which the Security Council has spoken about in such quantity and with such critical clarity, but acted with some timidity. And yet, even as Israel has deepened its reluctance in recent years, the Security Council has not failed to act; in fact, recalling resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003), and 1850 (2008) on the Israeli-Palestinian conflict, in resolution 1860 (2009), the Council called for an immediate, durable, and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza, following 13 days of fighting between Israel and Hamas. In addition, the resolution called for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment, and welcomed the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid.

Unlike the UN, different stakeholders within the international community recognize Israel as the rightful power over the Occupied Territory, while other stakeholders deem the West Bank and Gaza Strip to be rightfully governed by Palestine. Regardless of which country is deemed the Occupying Power, the right to self-determination is a fundamental right and citizens should have the freedom to influence and participate in the goals and future of the land they live in. After the acquisition of the Occupied Territories, Israel continues to encroach on Palestinian territories (West Bank and Gaza Strip) in multiple ways.

## **Principle 1: Fourth Geneva Convention**

The Fourth Geneva Convention was enacted in the aftermath of the Second World War to offer broad protections to civilians caught in war, the most vulnerable people in any armed conflict. Regarding the applicability of the Convention, Israel has argued – virtually alone in the world – that it does not apply to the Palestinian Territory, and therefore that the Territory is not occupied. This is because, in its view, no other state had a valid sovereign repudiated this stance, confirming in at least 22 resolutions since 1967 that the Convention claim to these lands when it captured them in 1967.

The Security Council has consistently repudiated this stance, confirming in at least 22 resolutions since 1967 that the Geneva Convention applies in full to the Israeli occupation, most recently in 2016. On various occasions, the Security Council has “strongly deplored” Israel’s continued refusal to comply with previous resolutions directing it to abide by the Convention, demanded that Israel “immediately and scrupulously” comply with the *Convention*, and noted that, in the event of not compliance, it would examine “practical ways and means” to secure Israel’s full implementation” of prior resolutions on the application of the Convention.

Twice in 1980 – after 13 years of occupation – the Security Council affirmed the “overriding necessity to end the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem”. Yet, in 2020 – with the Israeli occupation now four times as prolonged as it was in 1980 the occupation, and both the United Nations and many respected human rights organizations have determined that Israel has repeatedly breached a number of the guaranteed protections enshrined in the Convention.

## **Principle 2: The Annexation of Occupied Territory**

The annexation of occupied territory by an occupying power is not only strictly prohibited by international law, it is now deemed to be a crime of aggression under the *Rome Statute of the International Criminal Court*. In the context of the Israeli occupation, the Security Council has expressly endorsed the principle of the inadmissibility of the acquisition of territory by war, force, and/or military conquest on at least 11 occasions.<sup>15</sup> With respect Israel’s two-stage annexation of East Jerusalem (in June 1967 by a Cabinet decisions, and June 1980 by the Knesset), the Security Council has repeatedly stated that East Jerusalem remains occupied, and that Israel’s proclamation of sovereignty is “null and void”, it is a flagrant violation of the Fourth Geneva Convention, and it “has no legal validity”.

In the face of Israel’s persistent refusal to unwind its annexation of East Jerusalem, the Security Council has “strongly deplored” Israel’s contravention of UN resolutions, it has “urgently” called upon it to “rescind all such measures”, and it has demanded that Israel “desist forthwith” from any further action to alter the status of Jerusalem.<sup>17</sup> On other occasions, the Council has confirmed “in the strongest terms” that the annexation is “totally invalid”, and deplored “the failure of Israel to show any regard for the resolutions of the General Assembly and the Security Council.”

In reply, Israel has continued to intensify its annexation of East Jerusalem through the creation and expansion of 12 civilian settlements, the presence of 215,000 Jewish settlers, the construction of a wall separating East Jerusalem from the West Bank, and solidifying the political and infrastructure integration of East and West Jerusalem. No evidence has been forthcoming on Israel’s part that it has begun to comply, or intends to comply, with any of the Security Council’s directions on East Jerusalem, with the Israeli Prime Minister proclaiming in February 2020 that the government had successfully accomplished its annexation of East Jerusalem in the face of great opposition.

### **Principle 3: The Israeli Settlements**

International law has strictly forbidden an occupying power from attempting to demographically transform an occupied territory through the implantation of its civilian population. The purpose of this prohibition is to preserve the indigenous right of self-determination, to halt an occupying power from advancing an impermissible annexation claim through territorial colonialization and to avert the immense human suffering which inevitably follows the process of settler implantation. Since 2002, settler implantation has been determined to be a war crime under the *Rome Statute*.

Beginning in 1979, the Security Council has stated on at least six occasions that Israel's establishment of civilian settlements in occupied territory has "no legal validity" and, more vividly, is a flagrant violation under international law". In 1980, the Council "strongly deplored" Israel's non-cooperation and its rejection of prior resolutions on settler implantation. In 2016, the Security Council determined that Israel's enterprise was gravely imperiling what remained of the two-state solution, and demanded that Israel "immediately and completely cease all settlement activities." Yet, by 2020, Israel has created approximately 250 thriving settlements, with more than 650,000 settlers in East Jerusalem and the West Bank, and it has continued to approve record numbers of new settlement housing units over the past year. In his 14 quarterly reports to the Security Council since 2017 as to whether Israel has been implementing the clear direction in resolution 2234 that it absolutely halt all of its settlements activities, the UN Special Coordinator for the Middle East Process has reported, on each occasion, that Israel has taken no steps to satisfy its obligation.

### **The role of the Security Council in the Palestinian Issue**

Under the Charter of the United Nations, the Security Council has been given the responsibility of maintaining international peace and security. With that responsibility comes the authority under Article 41 to apply a broad range of enforcement mechanisms, short of military action, in order to compel states and actors to cooperate with international law (such as the 1991 Iraqi invasion of Kuwait), to contain a perceived threat to international peace and security (such as regional nuclear proliferation), or to address the malign actions of specific international, national or sub-national actors (such as Da'esh, Al-Qaida and the Taliban). Since 1966, the Security Council has established 30 sanctions regimes, and currently maintains 14 ongoing regimes. While Security Council sanctions have had a varied record in effectiveness and have been criticized on occasion for their adverse humanitarian impact, the more recent history has demonstrated that —when applied with precision, purpose, unity, and flexibility to vary and escalate accountability measures —UN-led sanctions can produce meaningful changes in behavior by states and other actors.

Israel's defiance — the Security Council's term — of the direction of the international community is a serious challenge to the rules-based international order. The resolutions and decisions of the Security Council, along with those of the General Assembly, are the bedrock of the international legal consensus on the Israeli occupation of Palestine. As a solemn condition in joining the United Nations, member states commit themselves to accepting and carrying out the decisions and directions of the Security Council. If the rule of law matters, then so does accountability. If the Security Council is to speak with authority, then disobedience of Council directions must have consequences.

The Security Council's inertia in meaningfully responding to Israel's non-compliance with its resolutions and directions — particularly on the three fundamental principles it has so frequently endorsed — has raised criticisms about the efficacy of international law. In his memoirs, Kofi Annan was disturbed by Israel's "prolonged and sometimes brutal occupation", and he lamented the timidity of the Security Council's response: "Even when the Council took positions, it did not establish mechanisms to enforce its will". He identified a leading source for the Council's paralysis: the "unhealthy possessiveness of the Middle East peace process" by the United States. Since 1973, the United States has cast 31 vetoes at the Security Council against draft resolutions critical of the Israeli occupation; in each case, it has been the only Council member casting

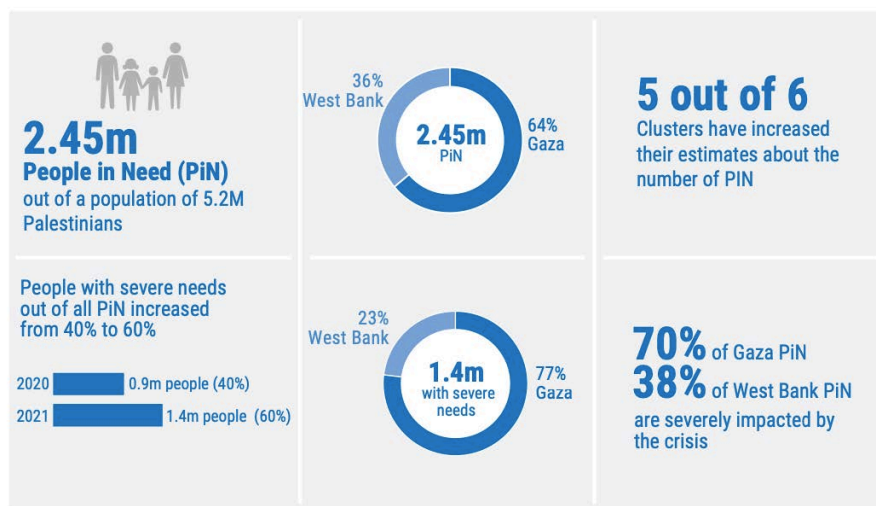


a negative vote. No other permanent member of the Security Council has vetoed a Security Council resolution critical of the Israeli occupation.

## The Current Human Rights Situation in the Occupied Palestinian Territory

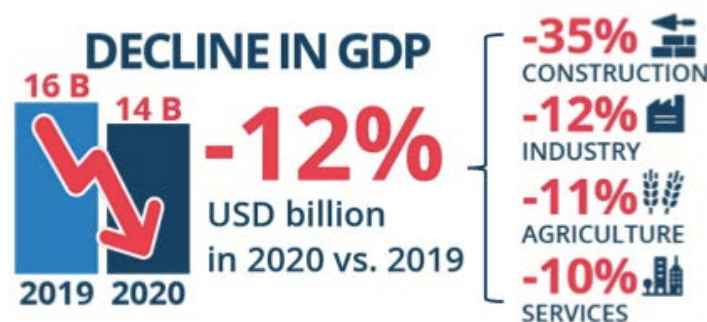
Humanitarian needs in the Occupied Palestinian Territory continue to be driven by a protracted protection crisis that leaves Palestinians struggling to live a life with dignity. 2020 witnessed a significant increase in the severity of humanitarian needs across the OPT, due to two major developments. The first is the outbreak of COVID-19: as of end-September over 50,000 Palestinians have contracted the virus and nearly 400 have died. While the mortality rate remains low by global standards (77 persons per million people), the measures imposed to contain the pandemic - including recurrent lockdowns and travel restrictions, school closures, reduction of commercial activities and mandatory quarantines - have severely undermined living conditions across the OPT. (As of mid-December, over 131,000 had contracted the virus and nearly 1,150 had died.)

### 2021 HNO Key Figures



Source: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf)

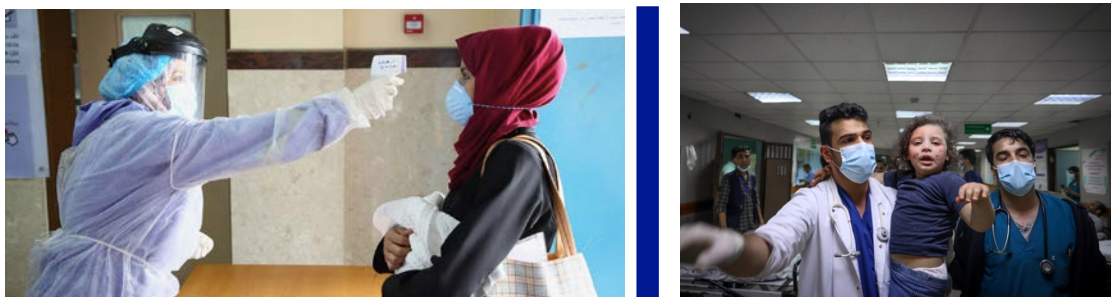
The World Bank forecasted that by the end of 2020, the Palestinian economy would have shrunk by eight per cent compared to 2019.<sup>1</sup> The proportion of poor households in the Gaza Strip will increase from 53 to 64 per cent and will more than double in the West Bank, from 14 to 30 per cent.



The second development in 2020 is the Palestinian Authority's (PA) unilateral decision to halt almost all bilateral contacts with Israel, in response to the Israel's plan to formally annex parts of the West Bank.<sup>3</sup> In this context, the PA has stopped accepting the tax clearance revenues that Israel collects on its behalf. Together with the economic slowdown due to the pandemic, this has resulted in the loss of 80 per cent of its income, reducing the PA's capacity to pay salaries, deliver services and maintain its social safety nets. The no-contact policy exacerbated the impact of longstanding access restrictions, particularly for those requiring Israeli permits, or special authorization, to access workplaces, farmland, and basic services

## A. Impact of Covid-19

The spread of the COVID-19 pandemic in the Occupied Palestinian Territory has accentuated some of the existing negative and longstanding negative repercussions of Israeli occupation. In some respects, it has exposed further the structural deficiencies in vital sectors, particularly the health sector in the West Bank and Gaza, as a result of Israeli practices on the ground. It has also clearly demonstrated that, during a serious health crisis, one that crosses borders and communities, a two-tier occupation regime reinforces unequal rights, particularly the right to adequate health. Despite existing conditions on the ground, in the initial phase of the pandemic, specifically in the months of March and April, duty bearers applied strict preventive measures that have effectively curbed the spread of the virus. Some coordination, although short lived, was noted then between the Palestinian authority and Israel. However, an exponential increase in cases has been observed since late June, when the total number of confirmed cases was only around 2765. By 13 October, the total number of confirmed cases had increased markedly and reached 52, 292 in the West Bank and 4,175 in Gaza.



Left to right: A woman is screened for COVID-19 at a health centre in the Gaza Strip Palestinian doctors rush to treat a wounded girl who arrived with her family at Al-Shifa Hospital after intensive bombardments in Gaza City, 16 May 2021 [Mohamed Abed/AFP]

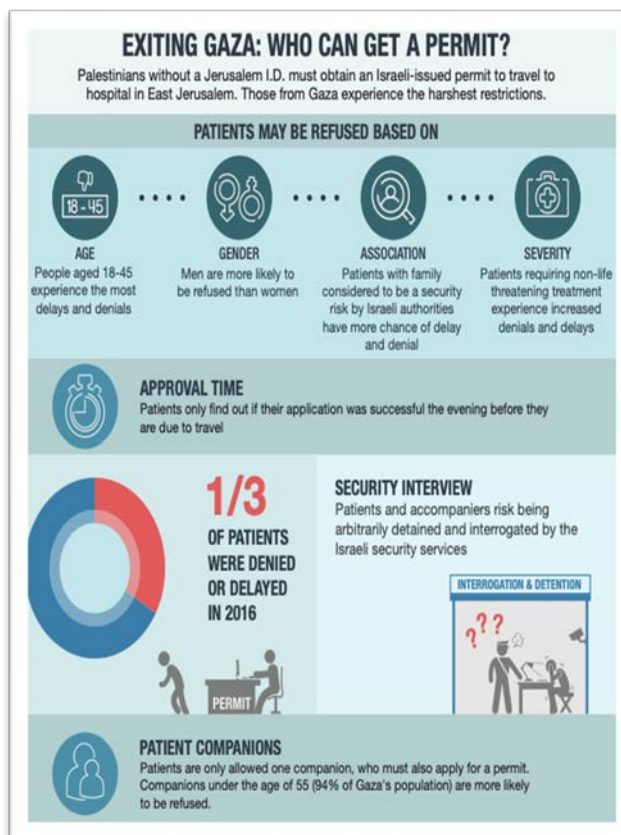
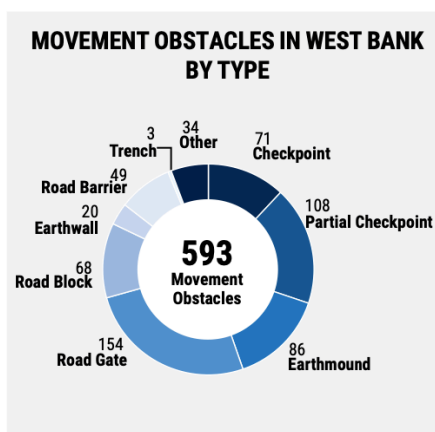
Sources: <https://news.un.org/en/story/2021/03/1088262>

<https://www.aljazeera.com/news/2021/5/16/more-deaths-gaza-israel-launches-most-intense-raids->

This exponential increase has significantly strained an already weakened and overstretched health sector, particularly in Gaza. This additional strain was further compounded by the suspension of security coordination between the Palestinian Authority and Israel on 19 May, which came in the aftermath of Israel's announcement of its planned annexation of parts of the West Bank and the Jordan Valley. As a consequence, this has significantly affected Palestinians' access to health care, generally reduced humanitarian assistance and significantly reduced the Palestinian Authority's monthly revenues by more than 80%, severely limiting its capacity to pay its employees particularly health personnel. As indicated before, Israel has withheld the Palestinian Authority's tax revenues numerous times in the past. Since December, those revenues have been withheld again. In his briefing to the Security Council, the UN Special Coordinator for the Middle East peace Process noted that "I am also concerned that we are far below the level of coordination that existed in the beginning of the year, when the first wave of the virus hit. This situation could have serious repercussions on the ability to control its spread and its impact on people's lives".

Beyond the impact of this suspension, existing measures directly resulting from facts on the ground that Israel, the occupying power, has imposed significantly reduced access to Palestinians' health

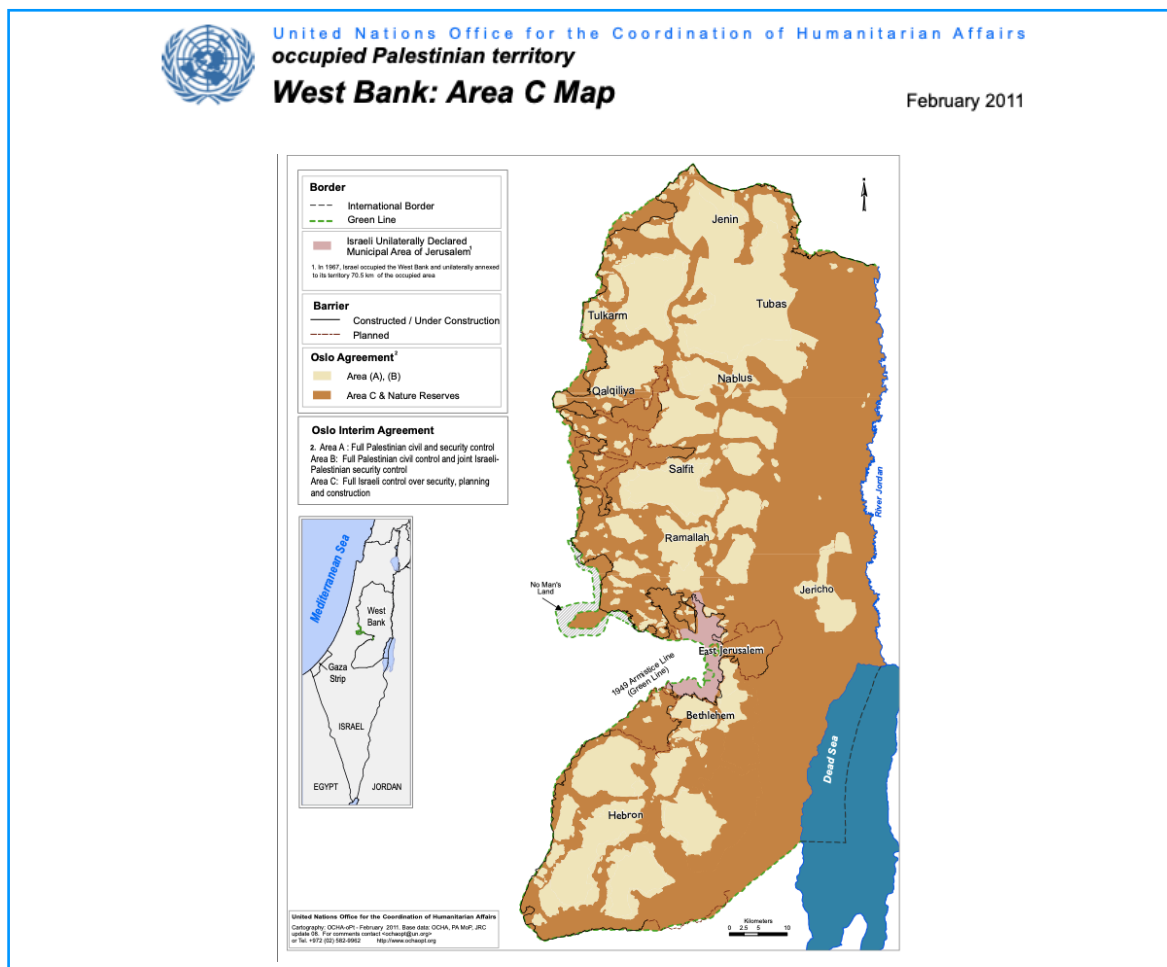
care and to humanitarian assistance. These include a vast settlement infrastructure with associated security zones and bypass roads, the separation wall, zoning policies and an extensive network of fixed and mobile checkpoints that effectively dissect the West Bank into separate, fragmented, and disconnected areas. In terms of accessing proper healthcare -- including access to more equipped and specialized hospitals -- Palestinians continue to face movement restrictions within the West Bank but also when attempting to receive treatment in East Jerusalem. Moreover, delays continue to be reported in terms of receiving vital medical equipment including testing kits and other necessary equipment for prevention.



Sources: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf)  
<https://www.map.org.uk/news/archive/post/602-new-infographic-shows-how-restrictions-of-movement-put-palestinian-lives-at-risk>



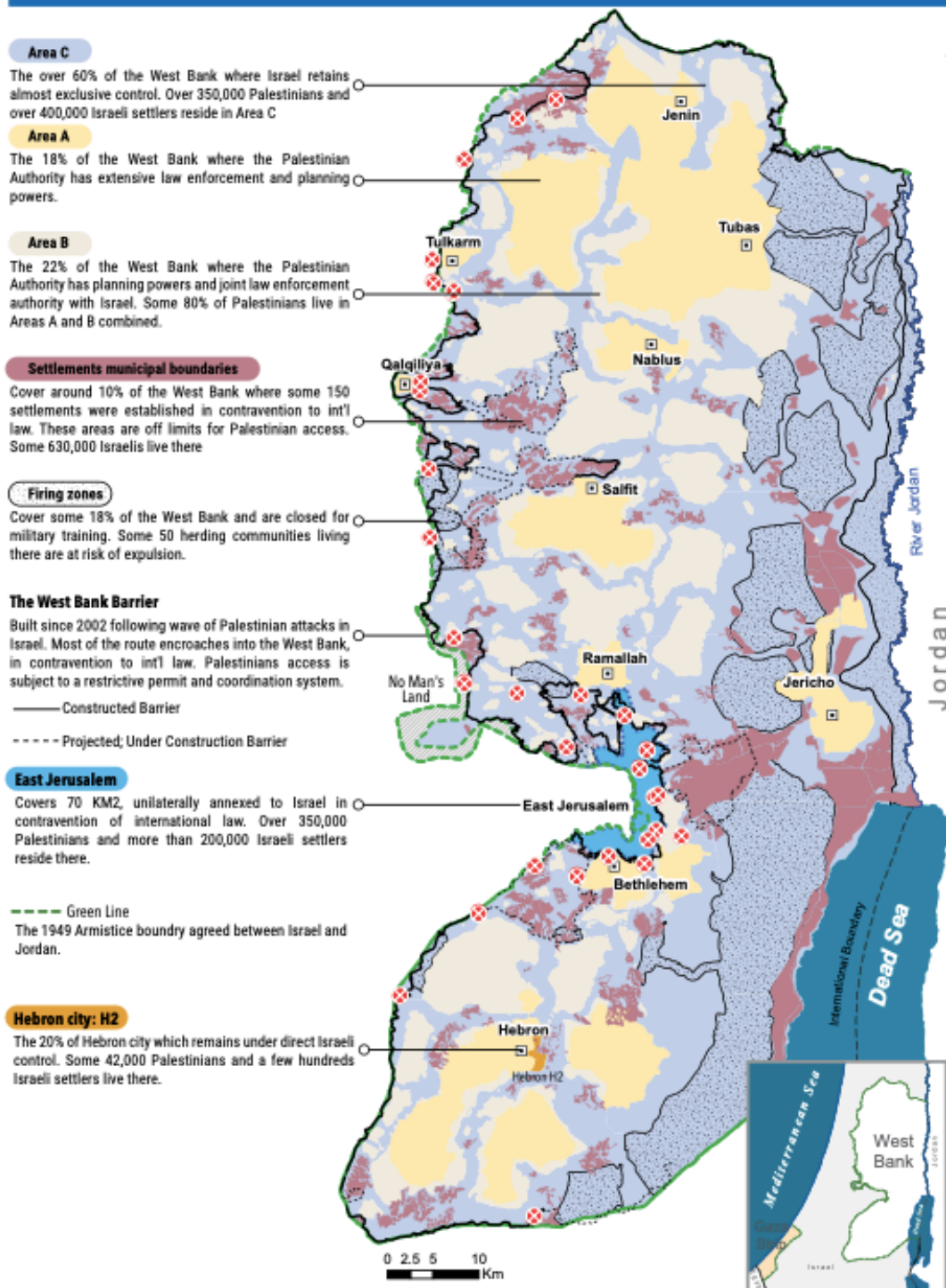
Continued Israeli control over law enforcement, planning and reconstruction in Area C, constituting more than 60% of the occupied West Bank, has also hampered efforts to combat the pandemic. Palestinians living in Area C, currently estimated to be around 300,000, face additional complications in accessing proper health care. On 21 July, Israeli authorities destroyed a building structure in Hebron that was intended to deal with cases of COVID-19 and relieve pressure from other hospitals. It was alleged that the new structure lacked the proper permit as it was built in the H2 zone (Area C) requiring a building permit from Israeli authorities thus purportedly violating Israel's sovereignty. Palestinian are thus prevented from taking initiatives of their own to curb the spread of the virus while in many cases being offered no alternatives by Israeli relevant authorities. Attempts to coordinate entry of Palestinian Police in the Hebron H2 area to reinforce prevention measures with Palestinians living there have so far failed. In East Jerusalem, similar dynamics could be observed. In April, Israeli Security Forces raided a Covid-19 testing clinic in the Palestinian neighborhood of Silwan under the pretext that it was run, and was supported, by the Palestinian Authority. While rates of infection were markedly increasing during that period, Palestinians in East Jerusalem lacked adequate access to medical facilities, services and testing kits. The lack of aggregated data by Israel on cases is also hampering efforts to combat the pandemic. Since then, Israeli authorities opened another center in the neighborhood. With the recent spike in cases, there remains severe restrictions on the operations of health care professionals in East Jerusalem as health development efforts continue to be undermined by the occupying power.



Source: <http://america.aljazeera.com/multimedia/2014/7/west-bank-security.html>



## OCCUPIED WEST BANK: INCREASING FRAGMENTATION



Source: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf)



In another worrying development, there was an increase in rates of infection among Palestinian detainees in Israeli detention centers, including one reported case of a child.<sup>8</sup> In April, the Special Rapporteur had called for the release of the most vulnerable detainees, including children, women, older people, and those with pre-existing conditions. The increase in infections amongst Palestinian detainees again highlights the critical need to release Palestinian political prisoners or find alternative arrangements for detention to ensure their safety.



Source: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf)

As rates of infections augment significantly in the Occupied Palestinian Territory, the impact of structural issues resulting directly from occupation and Israeli practices will continue to be increasingly felt. The complex set of measures applied to different areas by the occupying power, often resulting in discriminatory practices, is bound to compound the impact of occupation especially under such a serious health crisis. Even in the midst of a serious health pandemic, the demolition of Palestinian homes and instances of excessive use of force continue to be recorded and, in some cases, have increased. It is imperative that Israel, as the occupying power, and in light of the currently alarming rates of Covid-19, reverse these practices, and allow for the better protection of Palestinians and the improved access to health care services. Absent such measures, health conditions for Palestinians, already suffering the scourge of occupation, are bound to worsen.

## B. Israel's planned annexation and illegal settlement expansion

As part of a unity deal, on 20 April, between Israeli Prime Minister Benjamin Netanyahu and the leader of the Blue and White party Benn Gantz agreed to formally initiate a process to annex parts of the West Bank and the Jordan Valley.<sup>9</sup> The planned annexation would have affected a third of the West Bank if implemented. The Special Rapporteur stressed that besides leading to a “cascade of human rights violations”, any annexation, even if partial, would be a serious breach of international law, the UN Charter and would set a dangerous precedent for the rules-based international order. The High Commissioner for Human Rights, Michelle Bachelet, also stated on 29 June that annexation was illegal and that would have disastrous consequences not only for Palestinians but Israel itself.

While formal annexation plans appear to have been delayed for the time being, it is imperative to stress that Israel's de facto annexation of Palestinian territory is ongoing and has intensified in 2020, most notably through illegal settlement expansion. This year alone, Israel has approved or advanced more than 12,150 settlement homes, making it the single highest rates on record and since 2012, when such figures started to be recorded by Peace Now.<sup>12</sup> More than 5000 of these housing units were approved in mid-October alone. Settlements and settlement construction are illegal under international law, and they are one of the major barriers to a peaceful agreement. Concurrently, demolitions of Palestinian-owned structures have increased significantly over the past year. In 2020 alone, more than 560 structures were destroyed leading to the displacement of 747 Palestinians. The Special Rapporteur stresses that, while it was important to counter the Israeli formal annexation plans, it was also imperative counter all measures on the ground that amount to de facto annexation, which

Israel advances in the plain sight of the international community, and which lead to serious breaches of the human rights of Palestinians daily.



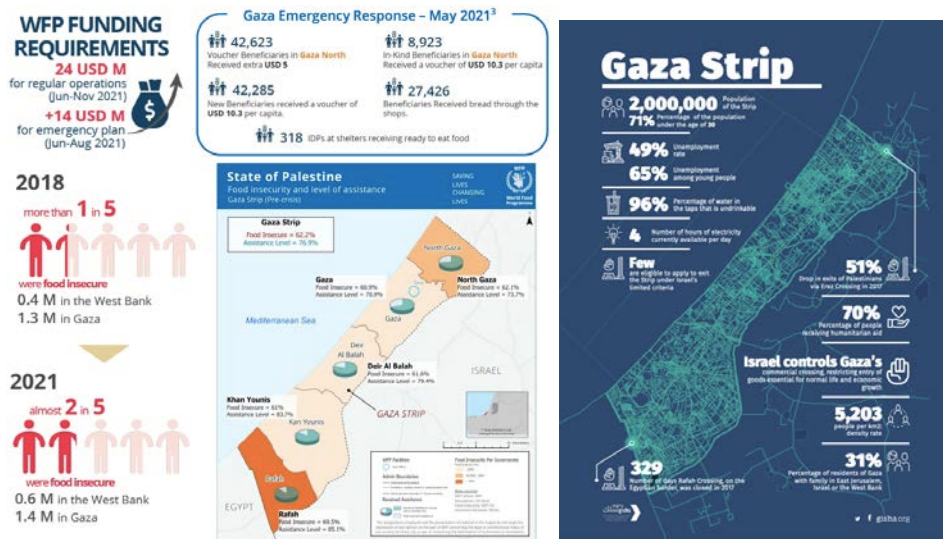
WEST BANK

Israeli forces demolishing Palestinian residential structure in Mantiqat Shib Al Butum in Massafer Yatta area, September 2020. ©Photo by Mashhour Wahwah.

Source: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf)

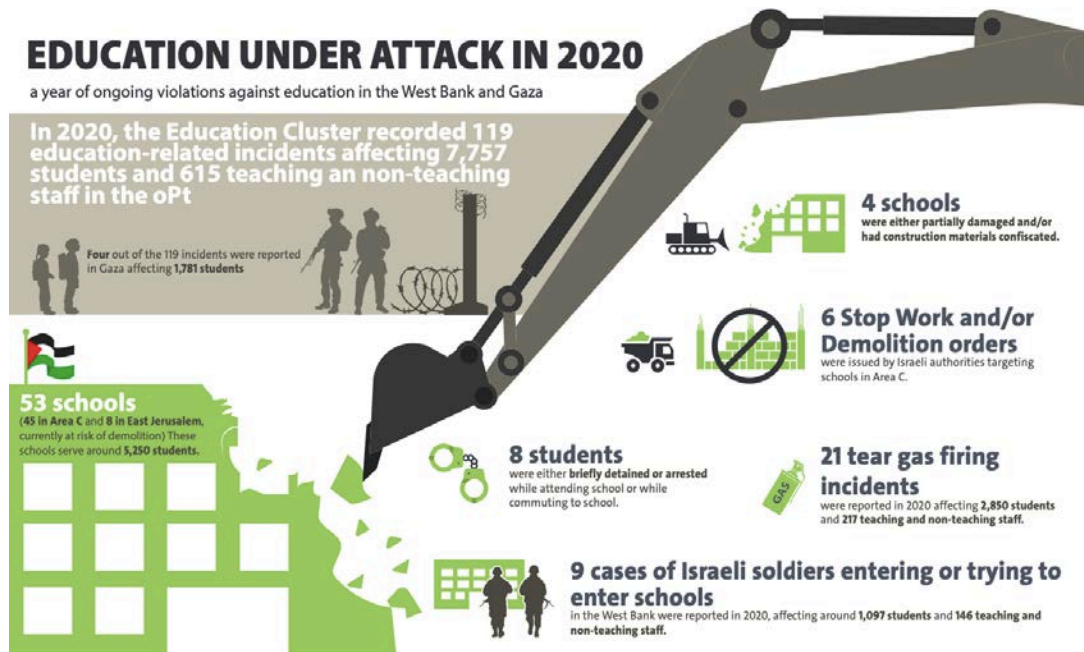
## C. Gaza

The Israeli-imposed land, sea and air blockade of Gaza has now entered its fourteenth year with no end in sight. As a result, Gaza's two million residents, including around one million children, continue to endure a grave and worsening humanitarian crisis at multiple levels. Gazans have had virtually all their human rights undermined under the weight of the blockade as they continue to face lack of access to adequate housing, education, water, and sanitation., Food insecurity is endemic. Gaza bears one of the world's highest unemployment 14 Gaza's economy is flat on its back, with the GDP growth virtually at zero in 2019 and with rates (estimated to be around 45%), with poverty levels that exceeded 53% as of late 2019.



Sources: [https://fsccluster.org/sites/default/files/documents/pse\\_thousands\\_of\\_palestinians\\_face\\_food\\_insecurity\\_amid\\_escalating\\_conflict\\_202106\\_0.pdf](https://fsccluster.org/sites/default/files/documents/pse_thousands_of_palestinians_face_food_insecurity_amid_escalating_conflict_202106_0.pdf)  
[https://reliefweb.int/sites/reliefweb.int/files/resources/Gaza\\_Infographic\\_Eng.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Gaza_Infographic_Eng.pdf)

Gaza students continue to lack adequate education infrastructure and the tools for distance learning, especially under the current pandemic. More than 575,000 children and 16 Gaza's health-care system is at the verge of total collapse, which would cascade into a full-blown humanitarian catastrophe. After the first community transmissions in Gaza were detected on 25 August, confirmed cases increased exponentially, putting significant strain on an already battered health care system. As of 14 October, there were 4,285 confirmed cases in Gaza, a marked increase from 1 July, when there were only 11 cases. Strict preventive measures have been implemented by the de facto authorities including through the imposition an export sector that has nearly expired as a result of the closure and severe restrictions.



Source: <https://reliefweb.int/report/occupied-palestinian-territory/education-under-attack-2020-year-ongoing-violations-against>

Teenagers lack access to computer equipment, reliable power supply and internet. estimated that only 30% of Gaza households have internet, while internet networks crash more than ten times an hour on average. Despite its availability for more than 15 years, Gaza still lacks 3G networks, which significantly slows down data upload times. As part of its comprehensive blockade, Israel prevents the entry of equipment needed for advanced data networks infrastructure. With pre-existing limitations on networks and confinement measures, Gaza students face insurmountable difficulties to learning and to one of the only gateways they have to the outside world. All of this undermines their fundamental right to education.



A student at a school in Gaza supported by the United Nations. / © UNRWA

Sources: <https://unctad.org/fr/node/32572>  
<https://www.unicef.org/sop/stories/making-schools-safe-state-palestine-amidst-widening-pandemic>

It is of full and partial curfews and the establishment of quarantine centers. Such measures did mitigate the impact and the spread of the virus but they could not remedy the fundamental structural deficiencies in the healthcare sector caused by the blockade.

Prohibiting or severely restricting the entry of vital and dual use materials –those that Israel considers could be used for both military and civilian purposes, including cement and steel -- chronic power shortages and the contamination of more than 90% of Gaza's drinkable water supply, have debilitated the work of hospitals even before the onset of the current pandemic. Current statistics are extremely disconcerting: it is estimated there are only 93 ventilators and 110 beds in Gaza's intensive care units to cover a population of two million.<sup>19</sup> As of the end of September, WHO estimated that 47% of essential drugs were at zero stock level, with less than a month supply jeopardizing the lives of more than 350 oncology patients and causing the suspension of more than 13,000 elective surgeries. More than 50% of primary health care staff in Gaza have been re-assigned to support the COVID-19 response gravely affecting an appropriate response and treatment of other non-COVID-19 related illnesses. The Special Rapporteur had specifically warned in early September that "Should the Covid-19 pandemic take root in Gaza, the consequences would likely be very serious".

Faced with few alternatives for treatment, Palestinians in Gaza, especially those with critical health conditions, continue to experience arbitrary delays and denials of Israeli-issued exit permits needed for essential and often life-saving healthcare outside of Gaza. The suspension of security coordination between the Palestinian Authority and Israel in May 2020, in the context of announced annexation plans by Israel in the West Bank, has further complicated and delayed the process of exit permit applications. Since September 2020, the World Health Organization has been operating a coordination mechanism to support Palestinian patients to apply for Israeli exit permits in order to mitigate the impact of the coordination suspension.<sup>21</sup> The Special Rapporteur reiterates that Israel as the occupying Power has the primary responsibility to ensure respect, protection and fulfilment of the right to health of Palestinians in Gaza to the full extent of their actual control, while the Palestinian Authority and the de-facto authorities in Gaza also have responsibilities to the extent of their effective control over the population.

The Israeli-imposed blockade on Gaza contravenes international law, specifically Article 33 of the *Fourth Geneva Convention*, and amounts to the collective punishment of the entire civilian population in Gaza. The Special Rapporteur has recently stated that "Gaza is on the verge of becoming unlivable. There is no comparable situation in the world where a substantial population has endured such a permanent lockdown, largely unable to travel or trade, and controlled by an occupying power in breach of its solemn international human rights and humanitarian obligations. Our international standards of dignity and morality do not allow such experiments in human despair". The High Commissioner also noted on 14 September in her global update that "The blockade, which contravenes international law, has conclusively failed to deliver security or peace for Israelis and Palestinians, and should urgently be lifted". More than ever and after fourteen years, Israel's security rationale for the blockade has been undermined by the reality on the ground demonstrating that Gaza's civilian population continues to suffer the brunt of this blockade.





*Palestinian boy inspects the ruins of his home in Gaza City destroyed during the escalation.*

Source: <https://reliefweb.int/report/occupied-palestinian-territory/unicef-state-palestine-humanitarian-situation-report-no-2-gaza>

The latest asymmetrical escalation of hostilities between Israel and armed groups in Gaza, which ended with a mediated ceasefire in late August, demonstrates that instability will remain unless the fundamental human rights of Palestinians are achieved and protected.

Short-term solutions will only serve to deepen the humanitarian crisis as a result of the blockade and increase the frustration of a population already living in extremely dire conditions. The Palestinians in Gaza urgently require immediate steps to ease the impact of the blockade. The Special Rapporteur called for a specific set of measures including the reconstruction of the Gaza seaport, the building of new power, water and sewage treatment plants and allowing the entry of much larger quantities of construction materials, and freedom of movement for Gazans. The crisis in Gaza is human-made and only through the exercise of concerted political will by those with authority can a full-blown humanitarian catastrophe be averted.

## D. Children

The daily lives of Palestinian children continue to be especially negatively impacted by the continuation of occupation and the exposure of children to violence. According to the report of the Secretary-General on children and armed conflict, in 2019, 32 Palestinian children (29 boys, 3 girls) and 1 Israeli girl were killed in the occupied West Bank, including East Jerusalem. Most of the Palestinian children's casualties were attributed to Israeli forces and mostly caused by live ammunition or air-strikes. In the same year, 1,539 Palestinian children (1,460 boys, 79 girls) and 8 Israeli children (5 boys, 3 girls) were maimed. In the report, the Secretary-General urged Israel to end excessive use of force against children and ensure accountability for cases of killing and maiming of children. He urged Palestinian armed groups to ensure children's safety, including preventing them from being exposed to violence or instrumentalizing children for political purposes.



Source: <https://reliefweb.int/report/occupied-palestinian-territory/unicef-state-palestine-humanitarian-situation-report-no-2-gaza>



Palestinian children's access to healthcare continues to be severely affected. The intricate system of movement restrictions in the case of West Bank, including East Jerusalem, and the 14-year blockade of Gaza by Israel, has resulted in serious challenges in access to health care facilities and specialized medical treatment for children. In Gaza, children continue to face denial or delay in access to healthcare facilities or specialized treatment outside of the Strip.



This file photo shows Palestinian boys who were arrested by patrolling Israeli soldiers and taken away in a four-wheel drive after having played with their toy guns in the Old City district of Hebron [File: Abed al-Hashlamoun/EPA]



Every year, an average of 912 Palestinian children aged 12-17 are arrested by the Israeli military in the West Bank alone. Photo: Wisam Hashlamoun

Sources: <https://www.aljazeera.com/news/2021/3/11/video-shows-israeli-troops-detaining-palestinian-children>  
<https://peoplesdispatch.org/2018/06/28/handcuffed-blindfolded-and-assaulted-palestinian-children-suffer-in-israeli-detention-centres/>

The Special Rapporteur also continues to be seriously concerned about reports of ill- treatment of children during arrest, interrogation, or detention. In 2019, the United Nations received testimonies of children who reported breaches of due-process and ill-treatment by Israeli forces in the context of detention, including physical violence. Children held in Israeli detention report patterns of ill-treatment, such as the use of blindfolds, hand ties or leg ties, denial of food and water, or access to toilets. Children also report being denied access to lawyers or parent during interrogation, compelling them to sign documents in Hebrew, which many of the children do not understand and not being adequately informed about their rights. Israeli practices and policies thus continue to prioritize punishment and criminalization of Palestinian children instead of their rehabilitation.

### **The Palestinian Authority and the de-facto authorities in Gaza**

There continues to be reports of cases of arbitrary arrest and detention by the de-facto authorities in Gaza, particularly of journalist, human rights and political activists. Many continue to be arrested because of their political affiliation and perceived opposition to the Hamas authorities. Serious restrictions on freedom of expression continue to be in place particularly in the context of reporting on the socio-economic impact of the COVID-19 pandemic. There are also concerning reports of excessive use of force against those who violate curfews in relation to imposed preventive measures.

During the Covid-19 crisis, it has been reported that the Palestinian Authority has released some prisoners to try to contain the pandemic. However, several arrests by Palestinian Security Forces continued to be reported in the West Bank. Many of those arrested were accused of using social media platforms to criticize the Palestinian Authority or for expressing opposing political views. Limitations on freedom of expression remain a concern for journalists. Multiple allegations of ill-treatment of those arrested also continue to be received.

## Further research

Accountability – the institutional check on the exercise of public and private power on behalf of the common good – is the indispensable component of the rule of law. When used purposively and effectively, accountability entrenches fairness and equality, it promotes healing and resolution, it delivers justice to victims and perpetrators alike, it alleviates conflicts and prevents others from igniting, and it sews together the ten thousand threads of accommodation which nurture international trust.

Without accountability, the best designed systems of law and human governance to protect human rights will wither for lack of enforceability and respect. Without accountability, the possibility of political reconciliation, let alone its flourishing, is unattainable. And without accountability, social wounds worsen, leaving unchecked retaliation, rather than measured restitution, as the likely response to the injustices of the past and present. As the UN Office of the High Commission for Human Rights has noted: “Lack of the rule of law and accountability for human rights violations leads to failures of justice and impunity for crimes, conflict over unaddressed grievances, and oppressive unaccountable rule.”

The accountability principle applies to all stakeholders, public and private, who have the capacity, through their authority or power, to affect the common good. Kofi Annan, the former Secretary General of the United Nations, endorsed this broad application of the principle in a report to the Security Council in 2004: “[The rule of law] refers to a principle of governance in which all persons, institutions and entities, public and private...are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and The breadth of this principle ensures that not only must those who are violating the norms of international human rights and humanitarian norms end their transgressions and be held accountable, but – equally as important – those who have the individual and collective capacity to influence the behavior of these perpetrators are also accountable to utilize, to the extent possible, their weight to meaningfully sanction and end these breaches and crimes.

The international supervision of the 53-year-old Israeli occupation of Palestine illustrates that, between international law and accountability, there is an enormous gap between promise and performance. The paradox is that there has been no other conflict in the modern world to which the United Nations has contributed so decisively to the development of international law in such a large number of significant areas – providing depth and breadth to the rights of refugees, the application and meaning of belligerent occupation, the strict prohibition against the annexation of occupied territory, the legal status of civilian settlements in occupied lands, and the centrality of the right of self-determination, among others – while delivering such a paucity of actual protections to the occupation’s many

The United Nations and other authoritative international institutions have spoken, often with lucidity and incisiveness, about the incompatibility of the Israeli occupation with international law and basic rights-based principles. On several occasions, they have warned Israel about its defiance of, and non-compliance with, Security Council, General Assembly and Human Rights Council resolutions. But they have taken limited steps to hold Israel accountable for its obstructive policies and practices concerning the occupation. This demands consequential accountability where is plainly required. Israel has been operating a large occupation for decades, with every available indicator – whether it is the unrelenting growth in the settlement population, the confiscation of more and more Palestinian public and private lands for settlements and the Israeli military, the repeated proclamations by Israeli political leaders that the occupied lands are Israeli by right, and the refusal by Israel to acknowledge that its rule over the Palestinian Territory is governed by the laws of occupation – pointing to an unrelenting occupation. Carmi Gillon, the former head of the Israeli Shin Bet (the country’s internal security unit) once observed, with regret, that: “The status quo is good for Israel, because Israel gets all it wants without paying a price”.

Israel is a rational actor, and it understands that, if the incentives to thicken its occupation are high and the deterrents from the international community are virtually non-existent, it can continue to occupy the territory meant for a Palestinian state unimpeded. If the current situation continues to be accepted and even rewarded by the international community, then it is inconsequential to expect that an occupying power would do anything else but further expand its settlement enterprise, prepare even more assiduously for a future *de jure* annexation claim, compromise the Palestinian future without hope, and dismantle the two-state solution.

The Special Rapporteur's October 2019 report on accountability focused on the responsibilities of the international community. This report addressed the accountability responsibilities of another important and influential actors in the context of the occupation. In addition to the Security Council, the report highlighted again the role of private corporations. Certainly, the Security Council is the custodian for ensuring international peace and security, and it has the authority to impose international sanctions and other actions to protect international law when peace and security are threatened. Likewise, private corporations can play a significant role in sustaining the economic viability of the illegal Israeli settlements, thereby inextricably entangling businesses in the abusive human rights record of the occupation.

As delegates prepare for the conference, they are encouraged to consider these questions:

1. What role can the private sector and civil society play in addressing the human rights' violations in the Occupied Palestinian Territories and in the Israeli-Palestinian situation?
2. How can the dialogue between Israel and the Palestinian Authority be resumed considering the overwhelming humanitarian crisis caused by COVID-19?
3. What existing mechanisms recommended by the Security Council and other UN bodies can be renewed to advance the situation in the Occupied Palestinian Territory to meet the needs of vulnerable populations in it and to reach a peaceful agreement?

It is relevant to bear in mind that in 1970, the Security Council was faced with an international crisis that has striking similarities to the Occupied Palestinian Territory: the prolonged rule of Apartheid South Africa over Namibia. Like Palestine, Namibia was ruled through an UN-supervised trust relationship - in one case an occupation; in the other case, a mandate - by an alien power that was exploiting its position and advancing an illegal claim of sovereignty. Like Palestine, South Africa's rule over Namibia was aided by the extensive presence of regional and international businesses. And like Palestine, the alien power in Namibia was defying the long-standing directions of the Security Council to end its abusive rule and open the path to independence. In response, the Security Council authorized a comprehensive set of sanctions and countermeasures to bring an end to South Africa's rule over Namibia. These accountability measures – found, among other places, in Resolution 283 and the International Court of Justice's 1971 Advisory Opinion on Namibia – laid the basis for the international community's actions against South Africa's illegal rule and Namibia's eventual independence in 1990.

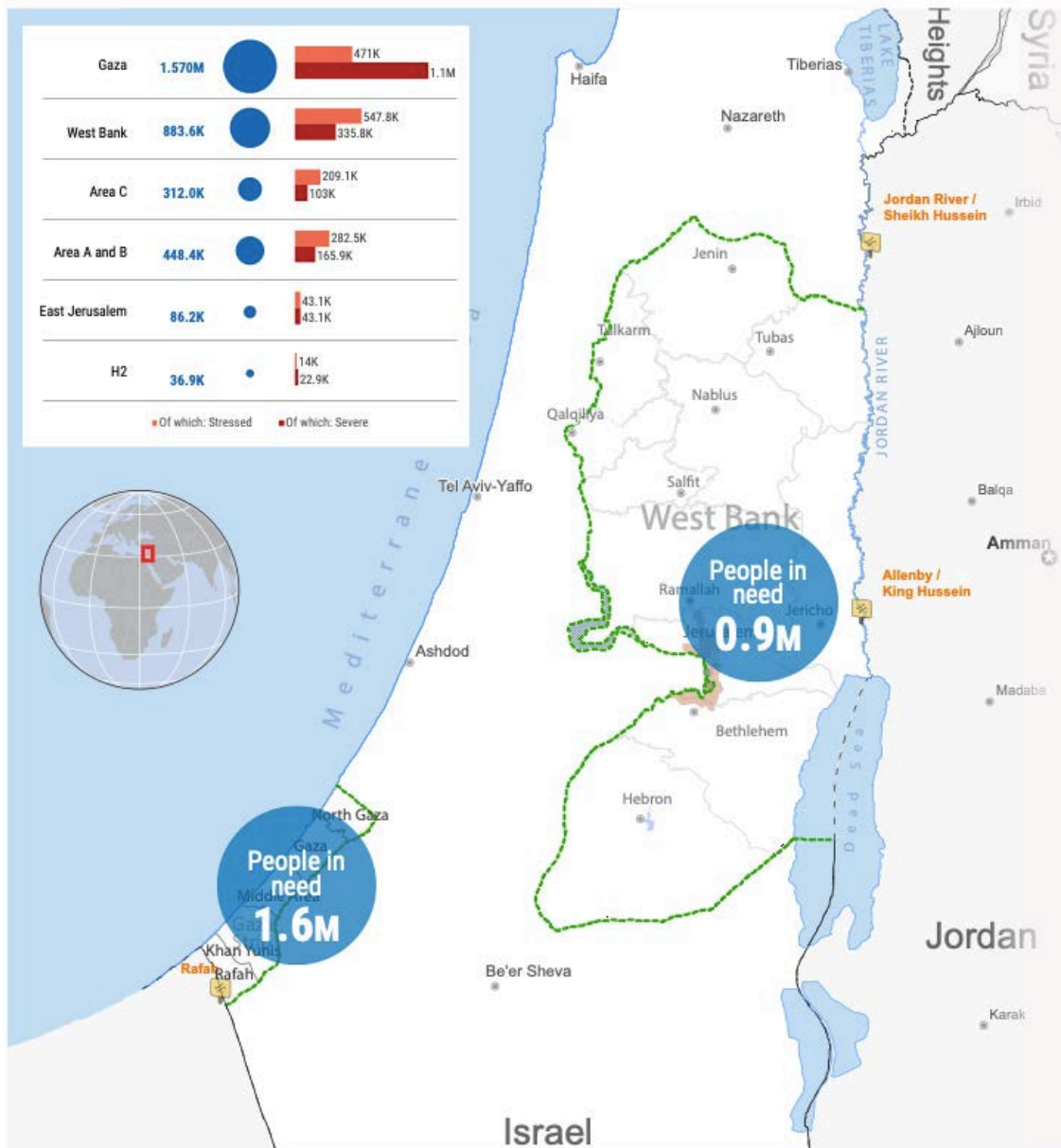
Without the comprehensive accountability measures developed and applied by the Security Council against South Africa, Namibia's independence would never have occurred when it did. And without the development and application of comprehensive accountability measures by the international community against the Israeli occupation, it will continue well into the future. This occupation will not die of old age. Nor will it crumble from pleas to respect the United Nations which do not promise the inevitability of adverse consequences if disobeyed. Rights under international law are self-evident, but they are not self-executing.

In 1980, the Council called upon all states “not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories” and for Israel “to end the prolonged occupation”. Forty years later, it is well past time for the Council to lead the international community by drawing from its own precedents respecting Namibia and other modern sanctions

regimes to honor its directions to end assistance to the settlements and to end the occupation. As the International Court of Justice stated in its Namibia Advisory Opinion:

"It would be an untenable interpretation to maintain that, once such a declaration had been made by the Security Council on behalf of member States, these Members would be free to act in disregard of such illegality or even to recognize violations of law resulting from it".

# Summary of Humanitarian Needs



Source: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021.pdf)



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