



# General Assembly

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## Tenth emergency special session

Agenda item 5

### Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

#### Letter dated 2 July 2019 from the Secretary-General addressed to the President of the General Assembly

In accordance with the provision of paragraph 6 (h) of General Assembly resolution [ES-10/17](#), I have the honour to transmit herewith the progress report, dated 21 June 2019, from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

*(Signed)* António Guterres



**Annex**

**Letter dated 21 June 2019 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General**

We have the honour to provide the progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly, in accordance with paragraph 6 (h) of Assembly resolution [ES-10/17](#) (see enclosure).

We request that the progress report be issued as a document of the General Assembly. Our 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 progress reports were issued as documents [A/ES-10/455](#), [A/ES-10/498](#), [A/ES-10/522](#), [A/ES-10/598](#), [A/ES-10/599](#), [A/ES-10/658](#), [A/ES-10/683](#), [A/ES-10/730](#), [A/ES-10/756](#) and [A/ES-10/801](#), respectively.

*(Signed)* Ronald **Bettauer**  
Member of the Board

*(Signed)* Harumi **Hori**  
Member of the Board

*(Signed)* Matti **Pellonpää**  
Member of the Board

## Enclosure

### **Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory**

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory provides the present progress report, in accordance with paragraph 6 (h) of General Assembly resolution [ES-10/17](#), covering the period from 23 June 2018 to 21 June 2019. The 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 progress reports of the Board were contained in documents [A/ES-10/455](#), [A/ES-10/498](#), [A/ES-10/522](#), [A/ES-10/598](#), [A/ES-10/599](#), [A/ES-10/658](#), [A/ES-10/683](#), [A/ES-10/730](#), [A/ES-10/756](#) and [A/ES-10/801](#), respectively. Board progress reports, as well as other basic documents pertinent to the work of the Register of Damage, are posted on the website of the Register ([www.unrod.org](http://www.unrod.org)).
2. During the reporting period, the Register of Damage continued to undertake outreach activities in the occupied Palestinian territory in order to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing the Registration of Claims.
3. Since its launch in 2008, the community outreach campaign has been conducted in all communities of Janin, Tubas, Tulkarm, Qalqilyah, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem Governorates, which comprise a population of more than 1.3 million inhabitants. In addition, specialized outreach activities have been conducted in 23 municipalities that have sustained damages to property belonging to communities. Thousands of printed posters and leaflets have been distributed to inform potential claimants of the requirements for completing a claim for registration of damage. During the reporting period, more than 80 meetings were held by the claim intakers of the Register of Damage with governors, mayors, local councils and potential claimants in the areas covered by the outreach campaign. In addition, the Register of Damage organized two specialized seminars for mayors and local council officials from the municipalities that had sustained damage to property belonging to communities on legal and organizational aspects of claim intake of category F (public resources and other) losses.
4. By 16 June 2019, 69,554 claim forms for registration of damage and more than 1 million supporting documents had been collected and delivered to the Office of the Register of Damage in Vienna. Claim-intake activities had been carried out in all nine affected governorates: Tubas, Janin, Tulkarm, Qalqilyah, Salfit, Hebron, Ramallah, Bethlehem and Jerusalem.
5. As at 21 June 2019, the Board had decided to include in the Register some or all of the losses set out in 34,203 claim forms and to exclude 1,167 claim forms in which none of the losses met the eligibility criteria, bringing the total number of decided claims to 35,370.
6. During the reporting period, the Office of the Register of Damage continued to process the claim forms with diligence. The considerable gap between the number of claim forms collected and the number processed by the Office is narrowing.
7. The Board held four meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by Office staff, from 3 to 7 September and from 10 to 14 December 2018, and from 4 to 8 March and from 17 to 21 June 2019. At those meetings, the Board reviewed and decided to include in the Register some or all of the losses set out in 727 claim forms, 789 claim forms, 894 claim forms and 1,167 claim forms, respectively. It decided not to include 13 claim forms at each

of the first three meetings and 48 claim forms at the last meeting, since none of the losses in the forms met the eligibility criteria in the Rules and Regulations of the Register of Damage.

8. Of the claim forms reviewed during the reporting period, 3,501 contained claims for category A (agriculture) losses, 39 for category B (commercial) losses, 19 for category C (residential) losses, 44 for category D (employment) losses, 70 for category E (access to services) losses and 9 for category F (public resources and other) losses.

9. In its review of claims, the Board continued to apply the eligibility criteria in accordance with article 11 of the Rules and Regulations. In view of the limited time available and the large number of claims for losses included in claim forms forwarded to the Board by the Executive Director of the Register Office, the Board continued to employ sampling techniques as provided for in article 12 (3) of the Rules and Regulations. During the four meetings covered by the present report, Board members reviewed in detail approximately 10 per cent of the claims for losses included in the forms submitted for review. As indicated in the Board report of 2012, the Executive Director of the Register consulted a statistician informally concerning the sampling methodology applied by the Board. The level of sampling is within statistical parameters of reliability. Claims that did not meet the eligibility criteria were either excluded from the Register or returned to the claimants for clarification.

10. The Board identified some of the issues addressed and decisions reached during previous reporting periods. The following are among the issues addressed and decisions reached by the Board during the present reporting period:

(a) *Sharecropping or “guarantee agreements”*. Some landowners may lease plots of land in exchange for a portion of the produce grown by the tenant. Such sharecropping agreements are sometimes called “guarantee” agreements, and respective claimants may refer to their tenancy as “having land on guarantee”. The Board decided to apply the decision with respect to sharecropping agreements, reported in paragraph 11 (g) of its 2013 report (namely, that claims for agricultural losses sustained by claimants who cultivated land on the basis of oral agreements only formalized after the construction of the Wall could be registered), to “guarantee agreements” under which a claimant had agreed to provide a portion of the produce grown on land in return for a lease;

(b) *Wells, water tanks and other water collection structures*. In some category A claims, claimants had submitted a claim for the loss of their water collection structures under “wells”. The Arabic word for “well” covers not only the meaning commonly understood in the English language (i.e., a pit or hole dug into the ground to reach a supply of water), but also any other water collection, preservation or storage structure dug or built into the ground. The Board therefore decided that, in such cases, the loss could be recommended as the loss of a “well”, provided all other eligibility criteria had been met;

(c) *Losses claimed in a currency other than new Israeli shekels*. The Board decided that, in cases where a claimant had submitted a claim for losses in a currency other than new shekels (e.g., Jordanian dinars), such losses should be marked as unclear, given that the currency used for the registration of claimed losses was the new shekel and that an accurate conversion from a different currency to new shekels was not possible, owing to fluctuations in exchange rates;

(d) *Damage resulting from tear gas*. The Board decided that, in cases where a claimant had submitted a claim for agricultural losses resulting from tear gas used by Israeli soldiers to prevent persons from crossing or getting too close to the Wall, such

losses could be included in the Register as long as all other eligibility criteria were met;

(e) *Restarted agricultural activity.* Some claimants had reported in their claims that they had ceased all agricultural activities in the part of their plots located on the village side of the Wall. A number of those claimants, however, made new, subsequent claims for flood damage caused by the Wall, stating that they had restarted agricultural activities in those parts of their land. The Board decided that the new claims could be recorded, but that the Register's staff would need to change how the previously claimed losses had been recorded to indicate that the interruption of activity had only been temporary, so as to avoid recording damage twice;

(f) *Damage caused by barrier terminals or checkpoints connected to the Wall.* The Board decided to record claims for damage caused to a plot of land by the construction of a barrier terminal or checkpoint separate from the Wall but connected to it;

(g) *Work permits.* Where a claimant provided a work permit as evidence of employment, the Board decided that the permit could be accepted as valid evidence even if the employer's name indicated by the claimant was different from that indicated on the permit, since the claimant in that case was likely to be employed by a contractor.

11. The Board began to consider a variety of claims relating to, inter alia, institutional public resources. During the reporting period, it considered seven claims submitted by communities asserting that one or more roads had been damaged by the Wall and that access to the remaining portion of the road on the Israeli side of the Wall had been lost, and two public resource claims by institutions for loss of access or restricted access to land that had been rented to third parties.

(a) *Elements of the claim.* Claimants that had submitted early public resource claims had provided only a very brief statement describing the village in question and when the Wall had been built there, a paragraph describing the road that was claimed to be damaged or circumstances affecting the land in question, a short statement confirming that the head of the village council had the authority to submit the claim, and the sections of Law No. 1 of 1997 on Palestinian local authorities giving the responsibility of local roads to village councils (art. 15) and authorizing heads of village councils to take legal actions (art. 16). The Board asked that the staff encourage Palestinian institutions to include in future public resource claims statements that systematically provided: (a) a detailed description of the claimed loss; (b) a description of the affected location; (c) the time frame in which the loss had occurred; (d) a description of the circumstances leading to the loss as a result of the construction of the Wall in the Occupied Palestinian Territory; (e) a description of the impact of the loss; (f) a description of the costs incurred or expected to be incurred; and (g) any other relevant information;

(b) *Evidence of existence and location of public roads.* The Board decided that, in cases where a claimant had submitted a claim for losses concerning a public road that had been affected by the construction of the Wall, corroborating evidence should be provided, for example, for the existence of the road (e.g., the decision of the village council to expropriate the land on which the road had been constructed, contracts for the construction of the road, local pre-Wall maps showing the road, satellite images showing the road or photographs of the road). The Board decided that the Register's staff could provide corroborating evidence based on its own research, for example, by referring to satellite maps or to individual claims that had been made and registered with respect to each of those areas, documenting that the individual claimants used to tend plots behind the Wall and that the road leading to those plots had been destroyed;

(c) *Types of losses concerning public roads.* The Board decided that, in cases where claimants had requested the registration of losses associated with public roads, such as the destruction of a road, damage to it or loss of access to it, and as long as all other eligibility criteria were met, such losses should be recorded as follows:

- (i) The loss would be recorded as “road destroyed” in cases when the entire road had been destroyed;
- (ii) The loss would be recorded as “road damaged” when only part of the road had been damaged owing to factors directly linked to the Wall construction, including instances when the Wall had been built on a part of the road;
- (iii) The loss would be recorded as “loss or restriction of access (as applicable)” when the road had been entirely or partially placed behind the Wall, or near the Wall on the village side, affecting its accessibility and use by the public.

12. As before, the Board would like to express its appreciation for the indispensable cooperation extended by the Palestinian National Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local governors, mayors and members of village councils on many practical aspects, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the Wall should be addressed through the existing Israeli mechanism. On the practical level, the Executive Director of the Register of Damage continues to maintain constructive contacts with relevant Israeli authorities, and the Office of the Register of Damage did not experience any problems with access, the delivery of needed materials or the issuance of required visas during the reporting period.

13. The Board of the Register of Damage notes with satisfaction the good cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called for in paragraph 14 of resolution [ES-10/17](#). The Board especially appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistics, procurement, human and financial resources, and management in support of the Register of Damage. During the reporting period, the Register of Damage also continued to benefit from the advice and assistance of the Under-Secretary-General for Political and Peacebuilding Affairs and from the cooperation of the Department of Political and Peacebuilding Affairs.

14. Outreach and claim-intake activities in the Occupied Palestinian Territory are funded by extrabudgetary contributions. Such voluntary contributions were received from 21 donors. The Governments of Algeria, Austria, Azerbaijan, Belgium, Brunei Darussalam, Finland, France, Jordan, Kazakhstan, Malaysia, Malta, Morocco, the Netherlands, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland and Turkey, as well as the European Commission and the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development, donated more than \$8.4 million. Several Governments, as well as the OPEC Fund, donated to the Register of Damage twice or more. Since January 2018, the outreach and claim-intake activities in the Occupied Palestinian Territory have been conducted by a team of three claim intakers.

15. The Board would like to express its appreciation to those donors for providing funding and political support enabling the implementation of the provisions of resolution [ES-10/17](#).

16. The Board commends the staff of the Office of the Register of Damage for their diligent and dedicated work.

17. The Board of the Register of Damage will continue to provide periodic reports.