



# 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 24 July 2020 from the Secretary-General addressed to the President of the General Assembly

In accordance with paragraph 6 (h) of General Assembly resolution [ES-10/17](#), I have the honour to transmit herewith the progress report, dated 1 July 2020, 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 1 July 2020 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, 2018 and 2019 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](#), [A/ES-10/801](#) and [A/ES-10/821](#), 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 22 June 2019 to 1 July 2020. The 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 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](#), [A/ES-10/801](#) and [A/ES-10/821](#), 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 Jenin, Tubas, Tulkarm, Qalqiliya, 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 during the reporting period in 16 municipalities that have sustained damage 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 50 meetings were held by the claim intakers of the Register of Damage based in the Occupied Palestinian Territory 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. The first such seminar was held in October 2019; the second, which was scheduled to be held in April 2020, was cancelled owing to the restrictions on movement resulting from the coronavirus disease (COVID-19).
4. By 1 July 2020, 71,547 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: Jenin, Tubas, Tulkarm, Qalqiliya, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem.
5. As at 1 July 2020, the Board had decided to include in the Register some or all of the losses set out in 36,023 claim forms and to exclude 1,234 claim forms in which none of the losses met the eligibility criteria, bringing the total number of decided claims to 37,257.
6. During the reporting period, the Office of the Register of Damage continued to process the claim forms with diligence, although the processing of claims was slowed, starting in March 2020, by the stay-at-home and reduced office attendance measures taken by the United Nations to mitigate the risks of COVID-19. The considerable gap between the number of claim forms collected and the number processed by the Office is narrowing.

7. The Board held two meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by Office staff, from 16 to 20 September and from 2 to 6 December 2019. In the light of the financial liquidity crisis at the United Nations and as a cost-saving measure, it was planned that back-to-back meetings would be held in Vienna from 22 June to 3 July 2020. Those meetings had to be cancelled owing to the COVID-19 pandemic and travel restrictions. Nevertheless, the Board held video conferences with the secretariat on 18 May, 29 June and 1 July 2020 to discuss various matters related to Register activities, including the review and approval of the present report.

8. At its meetings in Vienna in September and December 2019, the Board reviewed and decided to include in the Register some or all of the losses set out in 860 claim forms and 960 claim forms, respectively. It decided not to include 36 claim forms at the first meeting and 31 claim forms at the second meeting, since none of the losses in the forms met the eligibility criteria in the Rules and Regulations of the Register of Damage.

9. Of the claim forms reviewed during the reporting period, 1,517 contained claims for category A (agriculture) losses, 151 for category B (commercial) losses, 3 for category C (residential) losses, 160 for category D (employment) losses, 65 for category E (access to services) losses and 4 for category F (public resources and other) losses.

10. 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 two 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.

11. 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) *Certificates of legacy issued by ecclesiastical courts.* The Board decided several claims submitted by members of Christian churches, who claimed, in accordance with the local practice followed by ecclesiastical courts, such as the Latin Ecclesiastical Court in the Occupied Palestinian Territory, a share in a deceased person's estate on the basis of the principles of sharia law. In such cases it has been the Board's practice to accept the share allocation set out in certificates of legacy issued by local courts as sufficient evidence of the claimant's interest and share in the claim. The secretariat is continuing its research on that matter.

(b) *Illegal employment in Israel.* The Board decided not to include in the Register claims for employment losses in which the claimants explicitly stated or otherwise indicated that they were working illegally in Israel or that they were crossing into Israel illegally, on the basis that the claimants had not established interest in a loss caused by the Wall.

(c) *Employment losses caused by delays at barrier gates.* In some category D (employment) claims, the claimants asserted that, after the construction of the Wall, in order to reach their workplaces, they had to travel a long distance to the designated barrier gate, where they had to endure delays and were subjected to searches. Consequently, reaching the workplace became difficult and they arrived late or not at

all. As a result, some of them were dismissed for absenteeism or tardiness, penalized with pay cuts or forced to work part-time. Moreover, their transportation costs increased considerably. In those cases, the Board decided that additional transportation costs and losses stemming from reduced employment could be included in the Register as long as all other eligibility criteria were met.

(d) *Evidence of employment on agricultural land.* Some claimants submitted claims as farm workers who used to work on privately owned lands located in the Occupied Palestinian Territory and claimed employment losses caused by the complete loss of access to their workplaces after the construction of the Wall, owing to lack of permits. Those claimants provided letters from their employers confirming that they had been working on the employers' lands at the time of the construction of the Wall. In those cases, the Board decided that such documents constituted sufficient corroboration of the claimants' employment at the time of the construction of the Wall, where there was evidence of the employers' right (as owner/co-owner, tenant/co-tenant or user with permission) to use the land on which the claimants used to work.

(e) *Salary deductions.* The Board decided that pay cuts stemming from forced absenteeism or tardiness caused by delays at Wall crossings could be recorded as a "salary deduction" loss, whenever the claimant had provided evidence of employment and a credible statement and all other eligibility criteria had been met.

(f) *Work permits issued after the construction of the Wall.* Some claimants asserted that their respective employers had refused to renew their work permits after the construction of the Wall, out of fear that the restrictions on access would prevent the claimants reaching their workplaces even if they possessed a permit, which had resulted in the loss of employment. The Board decided that such situations were borderline cases and should be considered individually. They could be accepted for inclusion in the Register only if the narrative was consistent with other claims pertaining to the same location and any reference to "closures" indicated a link to restrictions on access that were a part of the Wall system. In other situations, where the loss of employment was more likely to be the consequence of an employer-caused difficulty, the claims should not be included in the Register.

(g) *Category F claims not meeting formal requirements.* The Board decided that all Category F claims received after 20 September 2019 not meeting the formal requirements detailed in paragraph 12 would be deferred by the Board and returned to the claimants to rectify the submission accordingly. However, the Board also decided to reserve the right to review and decide claims in exceptional circumstances should the formal requirements not be met, provided that all the required information was available in the submitted claim.

12. The Board continued to consider a variety of claims relating to, inter alia, institutional public resources. During the reporting period, it considered four claims submitted by communities asserting that one or more roads had been damaged by the Wall, that access to the remaining portion of the road on the Israeli side of the Wall had been lost, and that access to land had been lost or restricted. The Board noted that, in early public resource claims submitted, claimants 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 responsibility for local roads to village councils (art. 15) and authorizing heads of village councils to take legal actions (art. 16). The Board continued to ask 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.

13. The Board took note of the report of the Office of Internal Oversight Services (OIOS) entitled “Audit of the United Nations Register of Damage” dated 9 April 2020 (report 2020/006). While the OIOS audit report’s assessment and its satisfactory outcome related to governance, control processes and the effective management of the Register of Damage is appreciated, the Board regrets that the Board members, who have overall responsibility for the establishment and maintenance of the Register of Damage under General Assembly resolution [ES-10/17](#), were not consulted during the drafting of the report and were not given an opportunity to comment before it was finalized.

(a) The report contained a seriously misleading statement, namely: “[The Register of Damage] expected that by the end of 2019, it will have largely completed the claims intake work in all the 271 communities affected by damage due to the construction of the Wall.” That statement implies that all the work of collecting claims related to the damage created by the construction of the Wall in the Occupied Palestinian Territory will soon be completed. However, while claim intake work has been conducted in the great majority of the 271 communities affected to date, only approximately 66 per cent of the planned Wall has been constructed; more than an additional 10 per cent is currently under construction and a further 20 per cent is planned.

(b) The claim intake process and the consideration of the eligibility of claims for inclusion in the Register will need to continue for the foreseeable future, given the number of still-outstanding potential claims and the continued construction of the Wall, which may result in new damage claims. The Office will also continue with the collection of claims due to Wall rerouting losses, new agricultural losses (for example, fires and floods) as well as new employment, educational and institutional claims (for example, losses relating to public resources, such as water, environment and infrastructure, and to religious property and projects). The claim intake staff will also need to follow up in the field on questions that arise from the processing of claims that have already been filed.

(c) Furthermore, resolution [ES-10/17](#) clearly provides that the Register of Damage “shall remain open for registration for the duration of existence of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem”.

The Board therefore sent a letter to the Director of the Internal Audit Division of OIOS, dated 26 May 2020, requesting that the misleading statement be corrected and, if that was not possible, that its letter be annexed to the report and posted alongside it on any website on which the report appeared, and that it be distributed with the report as well. The Board is pleased to note that its letter has been annexed to the report and published alongside it on the OIOS website.

14. Claim intake activities and a portion of the outreach activities in the Occupied Palestinian Territory are funded by extrabudgetary contributions. Such voluntary contributions have been received from 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. More than \$8.5 million has been donated since the establishment of the Register of Damage. Several Governments, as well as the OPEC Fund, have donated to the Register twice or more.

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. Since January 2018, claim-intake activities in the Occupied Palestinian Territory have been conducted by a small team of three claim intakers. Since April 2020, there has been funding for only one claim intaker operating in the Occupied Palestinian Territory. Unfortunately, those donor funds will be exhausted by the end of December 2020 and the claim collection programme of the Register in the Occupied Palestinian Territory will have to be suspended if no additional resources are made available in the very near future. The Board continues to stress that, in order to sustain the claim collection programme in the Occupied Palestinian Territory effectively, even at a reduced level, funding for one three-person claim-intake team is urgently required. The secretariat will continue to contact potential donors that have already contributed to funding the Register's claim-intake activities, as well as potential new donors.

17. 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 matters, 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 Office of the Register of Damage continued to maintain constructive contacts with relevant Israeli authorities until his retirement in May 2020, 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 until the outbreak of COVID-19. The outbreak has had a severe impact on the operations of the Register of Damage in the Occupied Palestinian Territory and has caused various delays in achieving the desired outcomes by restricting the access and movement of claim intakers in carrying out critical functions for outreach and collection of claims in targeted local communities. The Register of Damage will resume its operations on the ground once the COVID-19-related restrictions on movement in the Occupied Palestinian Territory are lifted and those functions can be safely resumed.

18. 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.

19. The Board wishes to thank Mr. Vladimir Goryayev, who served as the Executive Director of the Office of the Register of Damage from 2008 until his retirement in May 2020, for his dedicated service to the Organization. The recruitment process for the post is ongoing. In the interim, the Senior Legal Officer is performing the duties of Officer-in-Charge of the Office of the Register.

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

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