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**REPORT OF THE COMMISSION ON THE SITUATION**  
**IN THE MIDDLE EAST AND PALESTINE**

## **REPORT ON THE SITUATION IN THE MIDDLE EAST AND PALESTINE**

### **INTRODUCTION**

1. The spate of developments in the Middle East during the past six months is a sign of a situation that is deteriorating and far more dangerous than what has been experienced in the past. The Israeli onslaught on Gaza, the massacre of civilians, the evidence of Israeli war crimes committed against civilians who were murdered in cold blood, the banning of Palestinian cultural festivals in Jerusalem; the new Israeli hard-line coalition Government and its pledges to abandon the current round of peace talks, the choice of an extremist, Mr. Avigdor Lieberman, as Israel's Foreign Minister, the two-tier colonial society established on the West Bank, are all testimony to the instability in the region and the suffering of the Palestinian people. Moreover, the wall, the checkpoints, the closures, the daily humiliation, the seizure of land and demolition of homes, the continuing demographic war against the Palestinians in Jerusalem are elements that depict the lack of will on the part of Israeli authorities to contribute to creating a conducive environment for dynamic negotiations that would help to achieve the vision of establishing definitive, lasting, just and comprehensive peace with the two independent State solution.

2. This report presents the developments in the Israeli-Palestinian conflict during the period under review. It highlights, in particular, the political, legal and humanitarian consequences of the barbaric assault on Gaza perpetrated in December 2008 by Israel, as well as the worrying economic situation in the Palestinian territories.

3. The Israeli aggression on Gaza Strip on 27 December 2008 and the considerable damage it caused, with the extremely grievous consequences on Palestinian populations, has again placed the peace process in an impasse. Talks between Palestinians and Israelis have relapsed into a stalemate with a clear shift away from the solution accepted by the international community; that is, the creation of two independent States.

4. The war also gave concrete expression to Israeli attempts to impose peace by force of arms, the policy of oppression and of *fait accompli*. Furthermore, it has dealt a serious blow on the efforts deployed at regional and international levels to revive the peace process through serious negotiations backed by clear-cut calendar for ending the settlements and the colonization, and for arriving at a peaceful solution.

5. These events illustrate Israel's bare-faced desire to torpedo the negotiations with the Palestinians, especially by seeking to exclude important issues from the negotiations. This led the President of the Palestinian Authority, Mr. Mahmoud Abas, to discontinue negotiations with the Israelis and to reject any resumption of the talks for as long as the fundamental issues, which are central to the Israeli-Palestinian conflict, continue to be overlooked. The issues include an end to the occupation, dismantling the settlements, an end to the policy of colonization, including what has been termed natural development, and lifting of the embargo. In one word, negotiations on peripheral issues cannot hold unless the substantive issues are included in the programme of the negotiations.

6. This particularly disturbing situation calls for the attention of the international community, especially that of the Security Council, the Quartet and influential parties. It places them under the obligation to redouble their efforts to exert maximum pressure on Israel so as to cause it to abide by international legality, end violations of the international law and subscribe resolutely to the Road Map and the conclusions of the Annapolis Conference held in 2007.

### **Internal developments in Israel**

7. The period under review saw the formation an extremist Israeli government presided by Benjamin Netanyahu, a development that does not augur well for improving the already critical situation on the ground. Proof of this was that the new Israeli Prime Minister, in his statement to the Knesset on 31 March 2009, after his government won a vote of confidence, reiterated his political vision as defined in his electoral platform, rejecting the idea of an independent Palestinian State and the two-States solution, and seeking instead to replace the political solution with an economic solution within the framework of Palestinian self-determination. It is also proper, on this score, to stigmatize the statements made by Israeli extremists since the establishment of this government, linking the peace process with Palestinians to a recognition of the *judaization* of the State of Israel, which tantamount to the elimination of Palestinian refugees' right of return, the institution by Israel of an ethnic cleansing process, the maintenance in exile of the 1948 Palestinians and to rejection of the two-States solution.

### **Political developments and diplomatic initiatives at international level**

8. Since Mr. Barack Obama assumed office as President of the United States of America, efforts have been deployed to revive the peace process. During his last tour in April 2009, the United States Special Envoy for the Middle East, Georges Mitchell, reiterated his government's acceptance of an independent Palestinian State. The US Special Envoy has urged a freeze on Jewish settlements in the West Bank, while Mr. Netanyahu says existing settlements must be allowed to expand. Similarly, during her visit to the region, Secretary of State, Hillary CLINTON, reiterated President Obama's commitment to the Two-States solution, with guarantees for Israel's security and recognition of an independent Palestinian State. During that visit, she met with Palestinian leaders, the Palestinian President Mahmoud Abbas and Prime Minister Salam Fayyad, as well as Israeli leaders, Prime Minister Ehud Olmert, and the current Prime Minister Benjamin Netanyahu. The visit underscored the Obama administration's continued support for the Two-State Solution. That position was reiterated recently on the occasion of the Israeli Prime Minister's visit to the USA in May 2009.

9. Arab countries, for their part, reject Israeli procrastinations and dilatory policies employed by successive Israeli governments as a pretext for ending the conflict and instituting comprehensive peace; they also reject the new Israeli orientations which seek to transform the peace process and its political gains into a process limited solely to economic and security measures, thus consolidating the occupation and further exacerbating the

situation in the region. This position was, once again, expressed at the Arab League Summit held in Doha in March 2009.

10. During the period under review, the League of Arab States and the Arab Ministerial Committee on the Arab Peace Initiative pursued efforts and contacts with stakeholders in the peace efforts in a bid to put appropriate measures in place for the holding of a joint ministerial meeting with the Council of the European Union and the Quartet, to explain the Arab position in the peace process, within the framework of the conclusions accepted by Arabs and the international community, and of the Arab Peace Initiative.

11. On the occasion of the visit to Jordan by President Obama, a consultative meeting was held in Amman, Jordan, on 2 April 2009. In attendance were the Foreign Ministers of Saudi Arabia, Egypt, Qatar, Lebanon and Palestine, as well as the Secretary General of the League of Arab States. At that meeting, Arab countries made it clear to the American side that comprehensive peace should be based on the Arab Peace Initiative's Two-States Solution which was decided at the Beirut Summit. They rejected Israeli statements, including Israeli attempts to shirk the commitments made at the Annapolis Conference, especially in regard to the creation of an independent Palestinian State and the threat to the peace process posed by the pursuit of the settlements policy, the *judaization* of Jerusalem (ALQODS) and the embargo imposed on Gaza.

12. Despite the relentless efforts exerted and the meetings convened by President Mahmoud Abbas with world leaders to reach a just, comprehensive and lasting peace in the region, and other efforts committed by the international community to revive the peace negotiations between Israel and the Palestinians, in order to achieve a genuine and lasting solution to the conflict, including the Two-States Solution, the Israeli settlement activities and violence against the Palestinian civilians and their property give little hope for the future of the peace process and, in fact, have been obstacles to any progress.

### **PALESTINIAN UNITY**

13. The Palestinian President, Mahmoud Abbas, in his capacity as Chairman of the Executive Committee of the Palestine Liberation Organization (PLO) continued his support for a comprehensive national dialogue of all Palestinian factions without preconditions or restrictions as a way to overcome the divide between the Palestinian factions. Salam Fayyad, the Palestinian Prime Minister, tendered his resignation recently in a move that could prove helpful to the talks. Additionally, the Government of Egypt has launched six rounds of talks between rival factions and has mediated to end the split and foster national consensus. Palestinian factions have also begun talks to form a unity government that could include Hamas, in the hope of breaking the cycle of rejection and resistance that has caused the suffering of so many in Gaza.

14. The rival Palestinian factions are due to resume talks in Cairo to continue what they ended with little progress achieved. Out of the five Palestinian Committees designed to discuss the outstanding issues between Fatah and Hamas in Cairo, the Committee on Elections reached an agreement and recommended elections for January 2010. The resumption of the talks coincided with the Arab League Summit in Doha, where reactivation

of the stagnant peace process was expected to figure prominently in the discussions. The delegates at the Summit urged Fatah and Hamas to set aside their differences for the sake of peace.

15. The international community should encourage and support all initiatives that seek to achieve genuine reconciliation of Palestinians.

### **LEGAL CONSEQUENCES OF THE ATTACK ON GAZA**

16. Since Israel ended its military assault on Gaza, Palestinians and international human rights groups have accused it of excessive force and wanton killing during that operation. There have been numerous calls for investigations into the war crimes that were committed during the recent Israeli offensive in Gaza. The Palestinian Authority headed by President Mahmoud Abbas asked the International Criminal Court (ICC) in The Hague to look into the war crimes perpetrated in Gaza during the conflict. Other international lawyers have proposed that suspects be prosecuted by a Court in a third country under the principle of universal jurisdiction. This is a totally legitimate demand which should receive the full support of the international community at large.

### **HUMANITARIAN SITUATION**

17. The humanitarian consequences of the aggression on Gaza have been particularly tragic. The attack exacerbated the sufferings of Palestinians population and heightened the level of precariousness of the lives of these populations half of whom depend on UN food aid, with the economy at a virtual standstill. Clearly, this situation has been worsened by the blocking, by Israel, of the flow of humanitarian aid. Though Israeli authorities have stressed that they are working to speed up the flow of aid into Gaza, and while more truckloads of supplies have entered Gaza than in the weeks preceding the operation, aid agencies say they are far from enough, and that all border crossings must be opened if Gaza is to recover.

18. Even before the Israeli assault, aid agencies were issuing warnings about malnutrition in Gaza, as the aid-reliant population struggled to afford and access dairy, meat and fresh vegetable products to supplement the bread, rice and oil that form the backbone of humanitarian aid. The UN has said there is still an "acute shortage" of bread, as mills and bakeries lacked wheat flour and cooking gas.

19. The fighting damaged water wells and pipes, and led to shortages in the fuel that powers them, leaving half a million Gazans without running water. Gaza's power utility said 40 per cent of the population was still without power, while 60 per cent was receiving intermittent supplies, because of lack of fuel and damage to power lines from Israel and Egypt, to transformers and to the distribution grid. Cooking gas has been in short supply for months. Small amounts began entering Gaza in the days following the ceasefire. By 22 January 2009, enough to cover about 10 per cent of the estimated weekly need had arrived.

20. Humanitarian sources indicate that hospitals have also suffered shortages of basic supplies; and even when these supplies were able to enter the Strip, security problems hampered efforts to get them to where they were needed. Medical facilities were also hit hard by power cuts and fuel shortages, as they were forced to rely on back-up generators and fuel for them delivered by United Nations Relief and Works Agency (UNRWA), with Israeli coordination. Shortages of skilled medical personnel and equipment had brought the health infrastructure close to collapse before the Israeli operation, and the UN says it remains under "enormous strain". More than 50 per cent of the people surveyed by Care International said they faced difficulties accessing basic medicines such as antibiotics and drugs for diabetes and heart disease. Sixty per cent of them said their health had worsened as a result.

21. Humanitarian sources further indicate that some 55,000 people are still staying in shelters. Gazan officials estimate that some 4,000 residential and government buildings were severely damaged and another 20,000 destroyed. An initial survey by the Palestinian Bureau of Statistics said 4,100 homes were totally destroyed and 17,000 others damaged during the conflict. About 1,500 factories and workshops, 20 mosques, 31 security installations and 10 water or sewage pipes were also damaged.

22. However, what is happening in Gaza does not present the full picture. It is also vital to remember what is happening in the West Bank where, in defiance of its international obligations, the Israeli Government has continued its policies of invasion, wilful killing, arrest campaigns and settlement activities. It has taken control of a new 172-hectare plot of land, paving the way for another 2,500 colony homes, which will bring in yet another set of Zionist colonists, in addition to the 290,000 already living in the West Bank. Such actions make it obvious that Israel does not want peace, and is rather focusing on grabbing land.

23. At present, there are close to 11,500 Palestinians in Israeli jails. Many have been sentenced, some serving consecutive life sentences, some years and some months. Others are in administrative detention, which allows Palestinians to be held without charge in accordance to a 'secret file' for any length of time, usually for renewable six month stretches.

24. Israel still continues to confiscate Palestinian lands and construct new settlements in the Occupied Palestinian Territories. In that regard, it is proper to stigmatize the Israeli Government's decision to build new settlement units in Jabal Abu Ghneim (the settlement of Har Homa). Furthermore, the settlement activities have been accelerated in order to increase the number of settlers in the occupied Palestinian territories.

25. In addition to that, Israel is pursuing the construction of the "Apartheid Wall" inside Occupied Palestinian Territories in the West Bank and around Jerusalem. During the last winter, the Israeli occupation forces confiscated of 1,200 *dunums* for the purposes of expansion and annexation of the "Apartheid Wall". This continued confiscation serves to further separate Palestinians from each other, removes the possibility of geographic continuity and further undermines efforts aimed at establishing an independent, coherent and viable Palestinian State. This situation is a flagrant violation of International Law and

the Advisory Opinion of the International Court of Justice. It also poses serious threat to the peace process, a major violation of Israel's obligations under the Road Map, and undermines the entire political process.

### **ECONOMIC ISSUES**

26. The economic situation in Palestine deteriorated as a result of the series of Israeli attacks and the effects of the severe occupation measures. In a recent UN Report on the Palestinian Economy, it was said that the Gross Domestic Product (GDP) in the West Bank and Gaza "continued its downward trend" despite the resumption of foreign humanitarian aid during the second half of 2008. The report faults Israel's construction of the separation barrier as the most damaging to the "war-torn economy" in the occupied Palestinian territories. Israeli closure policy and the resulting "erosion of productive capacity" stifled growth in the West Bank, while the siege imposed on the Gaza Strip widened the economic gap between the two territories. This aggravated the extreme poverty levels among the majority of Palestinians families in which the youth account for 67 per cent of the unemployed.

27. The UN blames budgetary shortfalls on Israel's withholding of tax and customs clearance revenue it collects on behalf of the Palestinian Authority, which must rely on a fiscal position "inherently dependent on Israeli goodwill," according to the Report. Another study indicated that the West Bank experienced "significant improvement" since early 2008. The study concludes that the removal of as many as 100 checkpoints, as well as the addition of several crossing points, although they were re-erected again later, had benefited the Palestinian economy. The systematic destruction of industrial installations and civilian property, as well as the imposition of siege and closures led to the deterioration of the income levels of workers, traders and employers, in addition to causing severe damage to the wheel of economic growth due to the reduced proportion of the industrial sector's contribution to the GDP of the Palestinian economy, percentage of which shot up to 11 per cent of the GDP in 2007.

28. While Israel occasionally opened Gaza's border crossings to larger amounts of food and medicine, it has so far refrained letting in glass, steel and cement. Israel has also prevented the Palestinian Authority from transferring cash from the West Bank to the Gaza Strip to pay the tens of thousands of Palestinians on its payroll, thus causing a humanitarian crisis.

### **International Conference on Gaza Reconstruction**

29. On 2 March 2009, Egypt hosted an International Pledging Conference on the reconstruction of Gaza to foster the Palestinian economy and rebuild Gaza after the recent Israeli war on the Strip. The Conference took place in Sharm El Sheik, in collaboration with the Palestinian Authority. The cost of reconstruction is estimated at US \$3 billion, while donors pledged over US \$5.7 billion. Donations far exceeded Palestinians' request for US \$2.8 billion (£2 billion) for a two-year recovery and reconstruction package that would help rebuild houses and infrastructure. While the fact that Gaza's urgent needs are drawing such

attention should be praised, the issue of how the aid will be delivered has emerged as the real sticking point. It is unclear how soon reconstruction will get under way, both because of Palestinian infighting and Israel's resistance to letting in building supplies.

30. International aid to Palestine has been reduced from an act of political support to an act of humanitarian assistance. In this regard, Palestinian leader Mahmoud Abbas told the Summit in Egypt that financial aid without an end to the conflict with Israel would be 'insufficient.' He also affirmed that all Palestinians were aware that the reconstruction and development efforts would remain insufficient, powerless and threatened, in the absence of a political settlement.

31. On its part, the Palestinian Authority has announced a US \$600 million reconstruction programme for the war-battered Gaza Strip. Prime Minister Salam Fayyad, who was head of Government, said the programme would cover all Palestinian homes destroyed or damaged during Israel's 22-day military offensive in Gaza.

### **CONCLUSION**

32. For the last eight years, there has been neither "peace" nor "process". There were too many roadblocks, both figurative and actual, on the road to peace. The roadblocks to an Israeli-Palestinian accord are all too real in the sense that there are literally thousands of physical roadblocks and checkpoints dissecting the Palestinian territories, and making it impossible for a Palestinian from one part of the country to visit another part without having to pass through at least two if not more roadblocks. In the figurative sense, the mental roadblocks are just as present with one side living in disappointment over the peace process and the other side propagating suffering and control over the daily lives of the Palestinians.

33. In light of the aforesaid, three key recommendations need to be taken into consideration by the governments seeking to resolve the Palestinian-Israeli conflict. The first, and the most important, is the need for continuous diplomatic activity by the international community to keep the hope of a peaceful and negotiated end to the conflict alive, and lend some strength and power to the peace camps on the two sides.

34. The second recommendation is the need to end those measures and activities of the Israeli occupation that provoke hostile reactions from Palestinians. The history of relations between the two sides, especially since the beginning of the peace process in the early 1990s, shows that the Israeli expansion of illegal settlements in the occupied territories is the single most damaging factor that undermines any peace effort and weakens the stance of the peace camp in the Palestinian society. It is therefore a major cause of radicalization among Palestinians. There are other Israeli measures, such as restrictions on the movement of individual Palestinians and Palestinian products, which also need to end. However, these are partially the outcome of the settlement policy. In spite of the verbal opposition to these practices from almost every single country in the world, there has yet to be serious pressure on Israel to desist.



35. The third recommendation is the vital need to open the border posts, as envisaged in international agreements, and for the much-needed humanitarian and reconstruction assistance to reach the people of Gaza. This, in turn, requires the Palestinian people to be reunited under one government committed to the principles of the Palestinian Liberation Organization (PLO). The African Union should urge all Palestinian parties and all regional and international players, to support the process of Palestinian reconciliation.

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