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REPORT ON THE SITUATION IN PALESTINE AND IN THE
MIDDLE EAST

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The 6th Ordinary Session of the Executive Council met in Abuja in January 2005 to examine the situation in Palestine and the Middle East, and at the end of its deliberations adopted Decision EX.CL/Dec.184 (VI) by the terms of which it, among other things:

- Reiterated its solidarity and support to the people of Palestine in their just and legitimate struggle; reaffirmed its commitment and support of the Road Map; requested the two parties to break the vicious cycle of violence against Palestinians and Israeli civilians;
- Condemned the Israeli repression and deliberate attacks perpetrated against defenseless Palestinians, systematic and unjustified arrests and assassinations of Palestinian leaders, the policy of destruction of Palestinian infrastructure and the destabilization of the Palestinian economy, and its public and private institutions as well as the blockage of movement of goods and persons; invites the Israeli government to put an end to its disproportionate acts of reprisals;
- Appealed to the Israeli government in order that it puts an end to the construction of the Wall in Palestinian territories and requests the respect of the ruling of July 2004 of the International Court of Justice; appealed to the International Community and to the Quartet that they support the new Palestinian authorities and cooperate with them in the rapid implementation of the Road Map and take necessary measures particularly to urge the parties to save the peace process; requested the Israeli government to put an end to its occupation of the Golan Heights and the Saba farmlands occupied in 1967.

Since the Abuja meetings, important developments have taken place in the Israelo-Palestinian conflict that have opened good perspectives for the re-launch of the peace process. Peace and confidence-building and measures were announced on both sides, which marked the emergence of a new order and raised new hope with regard to the parties' will to remain within the scope of the Road Map and its effective implementation.

The situation in Lebanon witnessed particular developments, notably after the assassination of former Prime Minister, Rafic Hariri. The electoral process was initiated under normal conditions and it is proper to hope that it will open up a new era in the country.

Syria whose territories continue to be occupied by Israel, has withdrawn its troops and security elements from Lebanon, thereby responding to the demands of the International Community for an effective implementation of resolution 1559 of the United Nations Security Council.

1. The Israelo-Palestinian conflict

a. The Road Map and the Sharm El Sheik Agreements

In the days following his accession to power and the formation of a new government led by Mr. Ahmed Quorei (Abu Alaa), President Mahmoud Abbas demonstrated his will to implement the Road Map¹ by presenting a programme based on peace, cessation of the intifada and the choice for political negotiations. It is in this context and at the initiative of President Hosni Mubarak, that a Summit was organized on 8 February 2005 in Sharm El Sheik, Egypt, to which Jordan's King Abdallah II, Palestinian Authority's President Mahmoud Abbas and Israel's Prime Minister Mr.Sharon took part.

The successful conclusion of this Summit was marked by several agreements focusing particularly on reciprocal cease-fire, issues relating to deportees, missing persons and Palestinian prisoners, the guarantee of Israeli withdrawal from five (5) Palestinian towns and the return to positions prior to 28 September 2000, date of the beginning of the intifada and the establishment of a follow-up committee.

The Sharm El Sheik agreements constitute a step forward in the implementation of the Road Map and the National Palestinian Authority has made all efforts to meet all the obligations stipulated in the Road Map and consolidated by the Sharm El Sheik Summit. To this effect, it had succeeded in obtaining the endorsement of all Palestinian factions on peace, which was accompanied by a cease-fire. It equally undertook essential reforms in Palestinian institutions, particularly the security services, through the conversion of its services into only three organs in order to guarantee control of the security situation, thus avoiding to give Israel the opportunity not to make good on its commitments under the pretext of security services anarchy and threats against Israel and finally the pretext of an absent partner with whom it is possible to negotiate.

On its part, the Israeli government had on 28 February 2005 announced its decision to withdraw from the Gaza Strip and from the northern part of the West Bank starting from 21 July 2005.

Furthermore, Israel had announced its intention to release 900 Palestinian prisoners from the 7600 detainees and authorize the 60 Palestinians it had expelled from the Gaza Strip or to Europe to return home.

Finally, Israel decided to hand over to the Palestinians the bodies of 15 militants killed by the Israeli army in the Gaza Strip.

¹ **The goals set by the Road Map were, on the one hand, the total withdrawal of forces from the occupied territories; and on the other, an understanding by Palestine to carry out reform as well as make visible and sustained efforts to stop all acts of violence.**

B. Implementation by the parties of the commitments made in the framework of the Road Map and the Sharm El Sheik commitments

Little progress had been made in terms of translating words into action from the positive momentum that marked relations between Israel and the Palestinian Authority in the days following the Sharm El Sheik Summit. During the period under review, Israel strengthened its arbitrary measures against the people of Palestine, particularly, the construction of the Israeli wall of separation in spite of the ruling issued by the international Court of Justice of 9 July 2004 and the relevant UN General Assembly resolution adopted on 20 July 2004 that supports this ruling and considers as illegal, the Israeli wall of separation and demands that it be demolished, as well as the relevant provisions of the above-mentioned decision of the Executive Council of the African Union.

Israel equally continued to pursue its house-demolition policy and promulgated a law on properties of absent persons that allow for the expropriation of Palestinian lands in Jerusalem and oblige them to emigrate, in addition to the pursuit of the policy of repression against Palestinian civilians, raids, detentions and summary executions. Furthermore, Israeli authorities have continued to Judaize the city of Jerusalem, to strip it of its Islamic and Arab characteristics and to modify the geography and the demography of the place. Israeli extremists have threatened to “demolish the Al Aqsa Mosque and to construct in its place the Temple of Solomon”.

At the time the present report was being drafted, following acts of violence perpetrated by Israeli forces, the assassination of an officer of the Palestinian National Security, the death of about 30 Palestinians including 8 children, more than 300 wounded and the arrest of about 800 were registered. And 490 cases of shooting with live ammunition, 840 cases of storming cities and towns; installation of 600 check points and the confiscation of thousands of dunums (1 dunum = 1,000 square meter) of Palestinian farming lands.

During the period under review, it was noticed on Palestinian side a number of actual or attempted military operations against Israeli targets but resulting in most of the cases in injuries. In response to Israeli military attacks, Palestinian militants fired nearly 80 mortars and Qassem rockets at Gush Katif settlement over a three-day period, causing only material damage.

c. Action by the international Community

At the international level, several positive initiatives were taken with the view to encouraging the re-launch of the peace process and the implementation of the Road Map. The European Union has reaffirmed its availability to play a political role in order to contribute to the settlement of the problems of the Middle East region, particularly the Palestinian issue.

Within the framework of the re-launch of the Road Map, Mr. James Wolfensohn, former President of the World Bank, was appointed coordinator of the Quartet in charge of the peace dossier, which held a meeting on 9th May 2005 in Moscow at ministerial level, in the margins of activities commemorating the 60th Anniversary of the Victory against the Nazis. The meeting adopted a declaration at the end of which:

- The Quartet favourably welcomed what was described as positive developments in the region recently. It reaffirmed the need to strengthen international support to the two Israeli and Palestinian parties to enable them implement their obligations.
- The Committee welcomed with satisfaction the Israeli withdrawal plan from the Gaza Strip and from the northern part of the West Bank and considered this initiative as a new lease of life for the peace process in the region.
- The committee underscored the need to advance the situation so as to achieve the final goal, that is to say, the existence of two states living side by side, in peace and security and that the Palestinian State becomes a united and territorially contiguous State. The two parties must abstain from any unilateral initiative that could negatively affect the final outcome.
- Finally, the committee was heartened by the policy outlined by President Mahmoud Abbas in the reform of the Palestinian security services.

At Arab level, support of the Palestinian cause is an abiding feature of the policy of the League of Arab States (LAS). The Arab Peace Initiative adopted by the Beirut Summit in 2002 remains a framework to determine Arab strategic orientation aimed at finding a peaceful solution through negotiations to resolve the Middle East and Palestine problem. Any normalization of Arab relations with the State of Israel depends on the implementation of the content of the Arab Peace Initiative mentioned above. It was reaffirmed during the Arab Summit held in March 2005 in Algiers to maintain this initiative.

A meeting in support of the Palestinian Authority was held in London on 1st March, under the auspices of the British Government. On this occasion, the participants approved and encouraged measures defined by the Palestinian Authority and adopted international support measures to be taken in the areas of governance, security and economic development. At the same time, they committed to resolving the conflict through direct negotiations on the existence of two states: a safe and secure Israel and a sovereign, independent, viable and democratic and territorially contiguous Palestine, living side by side in peace and security.

This position was received with satisfaction and reiterated by the United Nations International Meeting on the issue of Palestine which was held on 8 and 9 March 2005 in Geneva, which, in addition, underlined that the Palestinian State must have a contiguous territory because a state comprised of fragmented territories would be doomed to failure.

Finally, the visit by president Vladimir Putin to the region as well as that to the United States at the end of last May by President Abbas constituted an important stage in the development of the Palestinian issue. They gave Russian and American authorities the opportunity to reiterate their commitment to the Road Map and their will to work with the other members of the Quartet for its effective implementation.

D. The Challenges

The situation prevailing presently in the occupied Palestinian territories, reveals that the resumed peace process by means of the Road Map supervised by the “Quartet” faces a certain number of challenges, which if not met, could seriously jeopardize the dynamic created by the Sharm El Sheik Summit. They can be presented as follows:

Firstly, the general framework in which these developments are taking place: in spite of the general impression that the process is somewhat close to the Road Map which lays out the stages that should lead to the creation of a Palestinian State, one is obliged to note that the basic situation depends on a unilateral separation plan adopted by the Government of Israel that consists in evacuating only the Gaza Strip and few colonies in the North West Bank. Moreover, the offer made to Palestinian authorities is only an Israeli withdrawal from 42% of what is left as the Western part of the West Bank. In this case the Israeli Prime Minister does not contest the creation of a provisional Palestinian State on this evacuated territory; it is the basic elements of a final solution that are pending.

Secondly, in spite of present contacts between Israelis and Palestinians, Israel, up to now, has not resolved to engage in direct negotiations with the Palestinian Authorities on a final solution of the conflict that would include all essential elements of the said conflict as they stand in the Road Map. To this effect, the question of ending the occupation, perceived in its entirety, adds further to that of the return of Palestinian refugees, a problem whose solution constitutes a sine qua non of the conditions for a lasting settlement of the conflict.

Furthermore, the Israeli government seems to see partners in the new Palestinian leaders in the probationary period, whose credibility will depend on the taking of strong initiatives against Palestinian factions to demobilize and disarm their troops.

In addition the Israeli Minister of Foreign Affairs declared on 10th May 2005 that he would freeze withdrawal of Israeli troops from the Gaza Strip in the event the Hamas won the next elections, without having been disarmed by the Palestinian authorities. Obviously, this constitutes a flagrant violation of the legitimate and democratic rights of the Palestinian People to freely choose its representatives without hindrance. Furthermore, the Israeli Prime Minister publicly reiterated his commitment to implement the “E1Plan”, which aims to link Jerusalem to the largest West Bank settlement of Maale Adumin.

In addition, the formula adopted for the cease-fire is simply a formula for a lull and not an official agreement between the Authority and the factions on the one hand, and on the other, between the Authority and Israel, for a complete cease-fire. This formula will enable the parties concerned to determine their own concept of a lull in accordance with their interests.

Finally, at the security level, the cessation of indiscriminate violence especially against innocent civilian populations is essential if there is to be hopes for a resumption of peace talks.

In short, the new process traced soon after President Mahmoud's accession to power and supported by the Sharm El Sheik Accords, while raising new hopes regarding the re-launch of the peace process, remains evidently fragile and precarious on account of the non-translation into action of the commitments made within the framework of the Road Map. If on the Palestinian side tangible efforts have been made in this direction and which received unanimous support of the International Community, singularly from the Quartet, for the Israeli side, everything remains to be done to convince this same international community of its good intentions. Israeli withdrawal must be full, complete and undertaken in a manner consistent with the Road Map in order to achieve the vision of the two States, Israel and Palestine, living side by side in peace and security.

It is true that violence in the form of reaction to Israeli occupation persisted on the Palestinian side but only to a lesser degree. However, the declared will and efforts of President Abbas aiming to bring it under control will bear fruits only if they in return benefit from the assistance of the Israeli authorities, all the more so since this concerns a process, which proves to be particularly long and difficult on account of the scanty means available to the Palestinian National Authority.

II. Syrian Arab territories occupied by Israel:

Israel continues to perpetuate its occupation of the Syrian Golan Heights and tries to extend territories of the colonies and plan the settlement of other colonies in spite of all international rules and resolutions since the promulgation of its decision of 14/12/1981 concerning the application of its jurisdiction on the occupied Syrian Arab Golan Heights.

The continued occupation of the Golan Plateau since 1967 constitutes a threat to peace and security in the region and in the world. It is absolutely necessary that the International Community adopts an appropriate strategy for a comprehensive solution at all levels, including at the level of procedures between Syria and Israel on the one hand, and on the other hand, between Lebanon and Israel.

III. The situation in Lebanon:

Developments

During the period under consideration, Lebanon has witnessed developments similar to that of a number of countries in the region. The country was hit by violence through a series of particularly deadly attacks that caused numerous civilian casualties. In this way, on 14 February 2005, a bomb exploded around Beirut and resulted in the death of twenty people among who was the former Prime Minister Rafik Hariri. This hideous assassination was a catalyst to a vast popular movement that accelerated the implementation of Security Council decision 1559 under pressure from the international community.

Security Council Decision 1559 and its implementation:

By the terms of which Council had among other things solicited full and urgent cooperation of all parties concerned for the implementation of all relevant decisions relative to the restoration of Lebanon's territorial integrity, full sovereignty and political independence. In the same decision, Council equally:

Called upon all remaining forces to withdraw from Lebanon;

Called for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Supported the extension of the control of the Government of Lebanon over all Lebanese territory;

Declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election according to Lebanese constitutional rules without foreign interference or influence;

Reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon.

Syrian withdrawal from Lebanon:

It is in application of the relevant provisions of this decision and the Taef Accords that provide for the gradual withdrawal of Syrian troops from Lebanon that the Syrian government commenced total withdrawal of its troops and secret services from the country on 26 April 2005, thus removing the pretext for any preventive intervention on the pretext of infiltration of Syrian militants into Iraq.

This withdrawal, which was confirmed by a letter from the Syrian authorities to the Secretary General of the United Nations, created favourable conditions in Lebanon for the holding of free and democratic elections, which process started on 29 May 2005 by legislative elections in Beirut and were won by the Lebanese opposition, under the

leadership of Mr. Saad Hariri, son of the assassinated Prime Minister. It is hoped that these elections will contribute to the establishment of a free, independent and democratic Lebanon where the different components of society will join efforts around national interests to consolidate the democratic process in their country.

IV. Conclusion

The Middle East Region has entered a mitigated phase marked on the one hand, by attempts at faltering democratic steps, and on the other hand, by singularly deadly violence very detrimental to the democratization process that has been engaged. A lot remains to be done to stabilize this region and to create there an atmosphere of peace and concord favourable to its reconstruction and development. If primary responsibility is that of the people concerned, who should advance national and collective interests vis-à-vis community interests, the role of the international community is still decisive. The success of such an enterprise that imposes itself on the international community depends on its will to unite, driven by a multilateral dynamic that accentuate its interests to the detriment of the unilateral logic open to unexpected excesses.

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