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UNIÃO AFRICANA

P. O. Box 3243, Addis Ababa, ETHIOPIA Tel.: (251-11) 5182402 Fax: (251-11) 5182400
Website: www.au.int

PA16126

EXECUTIVE COUNCIL
Twenty Eighth Ordinary Session
23 - 28 January 2016
Addis Ababa, ETHIOPIA

EX.CL/930(XXVIII)
Original: French

**REPORT ON THE COMMISSION ON PALESTINE
AND THE MIDDLE EAST**

REPORT ON THE COMMISSION ON PALESTINE AND THE MIDDLE EAST

I. INTRODUCTION

1. Through this detailed report on the period from July 2015 to January 2016, the African Union renews its solidarity with the cause of the Palestinian people in their struggle to liberate their territories occupied by the Israeli colonizer and reaffirm their right to establish their independent state within the 1967 borders with its capital in East Jerusalem.

2. This support for the Palestinian cause falls within the context of principles enshrined in Africa's ideals and forms part of the fundamental principles of the Arab-African partnership, notably by supporting and defending the values of freedom, solidarity and justice. Such support underpins the centrality of the Palestinian cause for the Arab nation as a whole and the identity of occupied East Jerusalem, the capital of the State of Palestine.

3. The African Union also stresses that the establishment of just, comprehensive and lasting peace in the Middle East is a strategic option that the peace process supervised by the international community should ultimately carry through in all aspects. In this regard, the African Union reiterates that the comprehensive process cannot be fragmented and that peace, stability and security cannot be achieved in the region unless by ending the Israeli occupation of all Palestinian and Arab territories, including the Golan Heights of Syria and portions of territory located in South Lebanon, in accordance with the relevant Security Council Resolutions 242 and 338 and UNGA Resolution 194 which enshrines the right of return for refugees as well as the Arab Peace Initiative and the mission of the International Quartet.

4. The African Union warns against further repeated provocations by Israel of the feelings of Muslims and Christians world-wide through the proliferation of unilateral and illegal decisions aimed at the Judaization of Jerusalem and the division in time and space of the Al-Aqsa Mosque. The African Union equally condemns the illegal Israeli actions aimed at altering the demographic composition and geographic reality through the deliberate policy of intensively constructing settlements in order to accelerate Jewish immigration to the West Bank while at the same time separating the Gaza Strip and isolating it from the rest of the Palestinian territories.

5. Through this report, we commend the Palestinian Authority and people for having raised the flag of Palestine at the United Nations for the first time during the 2015 session of the UN General Assembly as an observer member. This victory strengthens the will of the Palestinian people to resist the occupation by peaceful means and it brings gladness to justice and freedom-loving people who have never ceased to express their continued solidarity with the Palestinian cause.

II. OCCUPIED JERUSALEM

6. The Israeli government continues the accelerated Judaization of Jerusalem by encouraging extremist Jews to practice their religious rituals inside the holy mosque, parallel to the fierce action aimed at changing the historical landmarks of the city and erasing the Islamic and Christian identity of monuments in the city, in flagrant violation of the principles of international law and resolutions of international legality relating to the occupied city of Jerusalem and the warnings of the international community.

7. The Judaization plans of what remains of East Jerusalem continue with the goal of totally eliminating the two-state solution, despite efforts made by King Abdullah of Jordan, Protector of the Holy Places and King Mohammed VI, Chairman of the Al-Quds Committee. In his tireless quest to preserve the Islamic-Christian nature of Jerusalem, President Mahmoud Abbas urges decent people around the world to visit Jerusalem, in solidarity with the resistance waged by its inhabitants to defend their right to the establishment of the independent State of Palestine with East Jerusalem as its capital, living side by side with the State of Israel.

8. The events that began in Jerusalem in September with the launch of the celebration of Jewish holidays by settlers and their continued attempts to enter the Al-Aqsa Mosque under the protection of the Israeli police triggered the spontaneous uprising of the Palestinian people, which affected all social segments. Provocations and continuing violations have led to clashes between unarmed people and the armed settlers, the Israeli army and police, creating a situation of legitimate self-defence of Islamic and Christian holy places in the absence of justice and the law, pushing children, most of whom were born after the Oslo Agreement, to respond individually and defend their freedom and dignity outside the traditional leadership and different resistance movements. Many of them were martyred by the bullets of Jewish settlers and the Israeli police and army.

9. Because the Palestinian people are experiencing all these injustices, without political prospects for a solution and after the settlers burned an entire Palestinian family alive, Palestinian youths started a wave of violence to express their outrage at the situation. The attacks started against the police, the army and the settlers with knives and car-rams, and despite the fact that those who attacked Jews with knives in the old quarters of Jerusalem were shot dead by police, army and Jewish settlers, Palestinian freedom-loving youth refused to surrender and continued their Intifada.

10. The White House, the Quartet and the European Union condemned the violence on both sides in the occupied territories, but it appears that the world has become completely helpless in front of Israel which took advantage of the fact that the world and the Arab region are concerned about the war against the IS terrorism to continue to impose a fait accompli policy in the Al-Aqsa Mosque, despite the commitment of the Israeli Prime Minister Benjamin Netanyahu to respect the status quo whereas the reality on the ground is quite different.

11. Despite the Israeli Prime Minister's commitment, his government is clearly intent on changing the names and gates of Al-Aqsa Mosque and the Islamic wall and putting up nameplates bearing biblical names, besides the demolition of Islamic monuments and sites to please the Jewish extremists and make believe that the Al-Aqsa Mosque is a place of worship for the Jews, as a prelude to the realization of the dream of the Temple in 2020.

III. ISRAELI-PALESTINIAN PEACE TALKS

12. Despite all the events and developments in the region, following the hurdles on the political scene and the absence of real political initiatives that could lead to viable solutions on the ground, the peace process continues to be hostage to Israeli intransigence and its failure to respect its commitment to stop building settlements. It is because of Israel's policy of constant challenge and denial of the law that the Palestinian Authority has refused to return to the negotiating table under these conditions.

13. The meeting between Saudi King Salman bin Abdulaziz and US President Barack Obama at the White House on 4 September 2015 helped to highlight the importance of the Arab Peace Initiative, following the 2002 Beirut Summit and the need to achieve a comprehensive, just and lasting solution to the Arab-Israeli conflict based on the two-state solution.

IV. INTERNATIONAL EFFORTS TO RESOLVE THE CRISIS

14. The Arab League urged its Member States to carry on with the implementation of Decision No. 26 of the Arab Summit that entrusted the Arab Republic of Egypt, current President of the Arab Summit, with the task of chairing the Committee of the Arab Peace Initiative (Jordan, the State of Palestine, Morocco and the Secretary General of the League of Arab States), to continue consultations with the international community in order to mobilize international support for revival and adoption of a new draft resolution in the UN Security Council. This approach aims to reaffirm international community support for the foundations, principles and terms of reference of the Arab Peace Initiative. Likewise, it provides a time-frame for ending the Israeli occupation of Palestinian territories and the realization of a final settlement backed by an international monitoring mechanism to ensure its strict implementation.

15. United Nations Secretary General, Ban Ki-moon, invited for the first time Egypt, Jordan and Saudi Arabia to attend the meeting of the International Quartet on the Middle East, to find a diplomatic solution to the Israeli-Palestinian conflict. The invitation came in the wake of the decision of the Quartet last February to involve Arab States in the diplomatic efforts to revive the peace process between Israel and Palestine, which has stalled since the failure of US efforts in April 2014 and the bloody war waged by Israel in the Gaza Strip that resulted in 2200 Palestinian casualties, mostly civilians.

16. During the meeting of representatives of the International Quartet in Vienna, the Quartet called for substantial measures to be taken in accordance with the agreements signed to restore confidence and hope in the viability of a negotiated two-state solution

to resolve the final status issues, including the issues of Jerusalem and the end of the occupation that began in 1967. The Quartet expressed its deep concern at the continuing escalation of tension between Israel and the Palestinians and condemned all acts of terrorism and violence against civilians, highlighting the urgent need to restore calm. It urged Israel to work with Jordan to maintain the status of the Holy Places in Jerusalem, in words and in deeds, while praising the special role of Jordan and its full compliance with the peace treaty concluded with Israel. Similarly, it reaffirmed its commitment to work in coordination with regional and international actors in order to stabilize the situation and provide support for a just, comprehensive and lasting settlement of the Israeli-Palestinian conflict.

V. INTERNAL PALESTINIAN SITUATION

17. The Palestinian government continues to deploy efforts to unite the Palestinian people, end the division, make the Palestinian reconciliation a reality and hold the presidential and parliamentary elections as soon as possible in accordance with the agreements reached in Doha, Cairo and Gaza respectively.

18. To achieve that objective, it was agreed at the Palestinian Central Council to assign a delegation of the Palestine Liberation Organization to go to the Gaza Strip while leaving the Government of National Accord to continue to assume its role, despite the obstacles in its way, in order to exercise its full authority and control over the passages for the reconstruction of the Gaza Strip.

19. The urgent need for national reconciliation and Palestinian unity became clear in the recent challenges, as a prerequisite necessary to face the escalation of the situation in Palestine and the region as a whole. Internal divisions are the main weakness of the Palestinian factions working to free their homeland from occupation and to address the international community in a strong and unified voice.

VI. PALESTINIAN REFUGEES

20. The Palestinian government remains committed to the right of Palestinian refugees returning and rejects resettlement attempts in all forms as well as any attempts by international parties to cancel the right of return. The attachment to this legal right is based on resolutions relating to international legitimacy, particularly General Assembly Resolution 194 (1948) and in accordance with the Arab Peace Initiative and on the basis of Israel's legal, political and moral liability in the emergence of the Palestinian refugee problem.

21. The Palestinian government demands that all parties to the conflict in Syria stop attacking Palestinian refugee camps and should not get them involved; they have shown their neutrality since the beginning of the conflict. The Palestinian refugees should be treated on a par with Syrian displaced persons.

22. The Palestinian government further rejects the request by Israel and certain international parties to define the State of Israel as a Jewish State in order to cancel the

right of return and compensation for Palestinian refugees who have been the subject of ethnic cleansing by Israel since 1948.

VII. INMATES

23. We call upon international human rights bodies and institutions to take immediate action to compel the Israeli government to implement international humanitarian law and treat prisoners and detainees in its prisons as provided by the 1994 Third Geneva Convention on the treatment of prisoners of war, to condemn the policy of administrative detention of hundreds of Palestinian prisoners, and to make the Israeli occupation authorities assume full responsibility for the lives of prisoners engaged in hunger strike as well as for the lives of all prisoners.

24. We condemn the arrest by Israel of a number of Palestinian MPs and the retrial of a number of prisoners already released within the context of the case of the Israeli soldier Shalit. We further call on Israel to allow the International Commission of Inquiry to take cognizance of the serious violations and the tragic plight of Palestinian prisoners in Israeli jails.

25. We draw attention to the seriousness of the adoption by the Israeli government of the force-feeding bill, because of its very serious effects on the health of prisoners on hunger strike in prisons. We equally call on all international organizations to try to force the Israeli authorities to rescind this law.

VIII. SETTLEMENTS

26. The Israeli government has continued to defy the entire world by building more settlements despite the illegal and illegitimate nature of Israeli settlements in the occupied Palestinian territories, which are a violation of international law, UN resolutions and the Fourth Geneva Convention. These violations have continued in flagrant violation of international law and relevant United Nations resolutions. despite the rejection of the unilateral Israeli measures aimed at creating a new population reality in Jerusalem and in the occupied territories and the refusal to consider the Israeli settlements in the occupied Arab territories a fait accompli.

27. We call upon the international community to assume its role in preserving international peace and security through the implementation of international resolutions on the question of settlements, particularly Resolutions 465 of 1980 and 497 of 1981 which affirm the illegality of settlements and the need to dismantle the existing settlements, which violate international law and resolutions of international legality.

28. The issue of settlements once more surfaced to inflame the Palestinian scene after the occupation forces allowed settlers to confiscate Palestinian land in order to annex them to the settlements, which led to the burning of the house and Dawabsha family in the village of Duma in the governorate of Nablus. This is what sparked the resurgence of violence and the beginning of the current Intifada of knives between Palestinians and Jewish settlers.

IX. RECOMMENDATIONS

- 1) The African Union reaffirms its unwavering support for the cause of the Palestinian people, including their inalienable right to the establishment of their independent State within the 1967 borders and their capital ELQODS (East Jerusalem) as well as the right of return for refugees in accordance with relevant UNSC Resolutions 242, 338 and 194.
- 2) The African Union invites the Palestinian Authority and Israel to resume without delay peace talks leading to the end of the Israeli occupation and the creation of two States living side by side in accordance with international legality, the Arab Peace Plan and the proposals of the International Quartet.
- 3) The African Union urges Israel to definitively refrain from confiscating Palestinian land to build settlements and houses and demands the dismantling of all informal constructions in order to create the necessary confidence-building measures for the resumption of the peace process.
- 4) The African Union condemns the deliberate policy of the Israeli authorities aimed at altering the status quo at Elqods through collective and individual sanctions of all kinds such as the demolition of houses and the dispossession of the inhabitants of Jerusalem of their property, punitive and vexatious measures against Palestinian people and the proliferation of barriers for Muslim and Christian believers to access the sacred places of worship such as Aqsa Mosque and other Temples of Faith. This policy, which is regularly accompanied by the closure of access to the old town, in violation of the right to free movement of Palestinians within the occupied territories, is part of a deliberate willingness to judaize Al-Aqsa, the third holiest site of Islam, through division in space and time, and change the names of the main Christian-Muslim religious and worship monuments as well as historical places of Al-Aqsa to Hebrew names.
- 5) The African Union denounces excessive and disproportionate use of force by Israel against the peaceful resistance of the Palestinian people including, in some cases, by using unconventional means. Such practices are comparable to war crimes under international law.
- 6) The African Union urgently appeals to the relevant United Nations mechanisms to provide protection for the people of Palestine who are subjected to oppression by the Israeli occupation forces.
- 7) **The African Union supports the accession of Palestine to the United Nations as a full member.**

2016

Report on the commission on Palestine and the Middle East

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