

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: [www. Africa-union.org](http://www.Africa-union.org)

EXECUTIVE COUNCIL

Fourteenth Ordinary Session

26 - 30 January 2009

Addis Ababa, ETHIOPIA

EX.CL/486 (XIV)REV.1

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

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

INTRODUCTION

1. Over the past year there has been no visible progress to suggest a movement forward in establishing a lasting solution on the occupation of Arab territories, by Israel. All available evidence indicates that the suffering of the people of Palestine has increased. In spite of the efforts of the International Community on the peace process, the situation in the occupied territories has deteriorated further and daily life in Palestine continues to deteriorate. Rather than moving towards resolution and the end of the conflict, Israel has extended its settlement-building programme. In violation of international law and the Geneva Convention, the Occupied Palestinian Territories also experienced a wave of Israeli incursions that resulted in the death of civilians, including women and children. During this period, the Arab Republic of Egypt hosted a comprehensive dialogue amongst Palestinian factions in an attempt to end splits amongst the Palestinians and establish national unity.

DIPLOMATIC INITIATIVES

2. During this period, there were a number of diplomatic efforts to push forward the peace process. In particular, the U.S. Secretary of State Condoleezza Rice visited the region a number of times and sought to establish agreement prior to the end of the mandate of U.S. President George W. Bush. A number of delegations, that included Heads of State and Foreign Ministers from European, Asian, African and South American countries visited the Palestinian territories and had meetings with Palestinian leaders. Whilst several efforts were established and meetings held between Palestinian President Mahmoud Abbas and Israeli Prime Minister Ehud Olmert, these did not produce any results because of the continuing settlement activities and Israeli actions against civilians in the West Bank and Gaza Strip. A combination of continued Israeli aggression and internal political crises in Israel prevented any movement forward.

3. The least that can be said is that the picture of the state of negotiations between Palestinian and Israelis is dark because the talks have not yielded any tangible results since the holding, in November 2007, of the Annapolis Conference on peace in the Middle East, which was organised on the initiative of the American President, George W. Bush. The Conference allowed a period of one year for the establishment of a viable Palestinian State existing alongside the State of Israel.

4. Bilateral talks between Palestine and Israel, under the auspices of the United States, were related to primary and fundamental issues that can lead to a lasting solution, namely: Jerusalem, borders, Palestinian refugees, security, settlement colonies and water. The Palestinian party has already made its opinion known and submitted its stand on these fundamental issues. According to President Mahmoud Abbas, the Israeli party has not presented any final position on these issues.

5. Accordingly, the conclusion that can be drawn is that the Arab-Israeli conflict, which is centred around the Palestinian question, continues to be the major challenge confronting the International Quartet and the international community,

since there has been no advancement nor progress in negotiations between Israel and Palestine on issues which constitute the core of any final settlement of the conflict.

6. Despite the many delegations and special envoys from all horizons, the reality in the field and available information confirmed that there has been no advancement in negotiations between Israelis and Palestinians on issues which constitute the core of any final settlement of the conflict. The Israeli occupation authorities are carrying on with their settlement policy and have imposed the construction of the apartheid wall and of new colonies to change the geographic and demographic structure of the occupied Palestinian territories. They have maintained a coercive embargo on the Palestinian people, particularly in the Gaza Strip, continued the dislocation of Palestinian territory and pursued the oppression and humiliation of Palestinian citizens. The occupation authorities have capitalized on the rift among various Palestinian factions to score political goals and block the Palestinian question.

7. The Palestinian President Mahmoud Abbas engaged in a number of efforts to find a just, comprehensive and lasting solution for peace in the region. A number of visits were arranged in Europe and Asia. The Palestinian President also visited the United States and met with U.S. President George W. Bush and officials in the U.S. Administration. The objective of this visit was to revive the peace process and establish U.S. commitment to pressure Israel to accept the conditions of reconciliation as a basis for establishing peace and giving effect to the two states solution for the region. President Mahmoud Abbas participated at the African Union Summit in Sharm el-Sheikh and provided a brief on the Palestinian situation in the Occupied Palestinian Territories and the efforts of the Palestinian leadership and the Palestinian National Authority to establish peace. He also met a number of African Heads of State to encourage them to persuade Israel to save the peace process. President Abbas has also made several visits to various African countries to establish support for his peace efforts.

8. Palestinian President Mahmoud Abbas called for a comprehensive national dialogue of all Palestinian factions in order to heal the rift in the Palestinian national movement. Egypt has adopted the initiative of President Abbas and invited the factions to dialogue out of responsibility and concern for the unity of the Palestinians. In line with this Egypt has invited the factions for a comprehensive dialogue on the 9th November 2008 in Cairo. A draft document has been developed to assist the process of healing the rifts between the different factions.

POLITICAL AND SECURITY ISSUES

9. Despite efforts exerted by the International Community for the successful unfolding of the peace process and the need to establish an independent Palestinian State with Al Quds Al Sharif (Jerusalem) as its capital, there has been no progress for the past fifteen (15) years. On the contrary the living, economic and security conditions of the Palestinian people have deteriorated further. Violence on the part of Israel in the Occupied Palestinian Territories continues to rise.

10. The political situation in Israel, reflected in the turmoil within the ruling Kadima Party also established a further setback to the peace process. Criminal charges were levelled against Prime Minister Ehud Olmert, leading eventually to his departure from

office and as leader of the ruling Kadima Party. The Foreign Minister, Tzipi Livni, won the leadership of Kadima Party. However, she was unable to form a new coalition government and this led to a call for early elections. Given this instability in the political situation in Israel, progress through negotiations was not possible.

11. With the take over of the Gaza strip by Hamas, the economic and political conditions deteriorated further in this area. This situation has deteriorated even further with the blockade imposed by Israel on the Gaza strip. This has created a crisis for the people of Gaza strip and conditions have become extremely difficult. As a result of the blocking in the delivery of electricity, fuel, gas, food and medical supplies, life in the area has become unbearable and represents a complete humanitarian disaster. A number of International Organisations in the Gaza strip have voiced their concern and indicated that Israel is violating International Law and acting in gross violation of basic human rights.

12. The number of Palestinian prisoners and detainees in Israel is more than eleven thousand five hundred (11500). A recent study indicates that over 65 thousand Palestinians were arrested over the past eight years. Those who are still in prison and who are detained live under very harsh conditions. Medical neglect and torture have led to the death of over 76 prisoners since the beginning of the Al-Aqsa Intifada. In last September alone around 274 people were arrested during Israeli military operations. International human rights organisations have demanded their release, however, Israel continues to act with impunity.

13. Whilst the Palestinian leadership has made efforts to communicate with the Israeli leadership to implement the road map, Israel continues to confiscate Palestinian lands and constructs new settlements. In particular the Israeli Government has made a decision to build new settlement units in Jabal Abu Ghneim (the settlement of Har Homa), located between Palestinian East Jerusalem and Bethlehem, and in Shuafat and Beit Hanina. The pace of land confiscation and building of housing units in settlements has been accelerated in order to increase the number of settlers in the occupied Palestinian territories. Israel is also pursuing its colonization policy in Al AGWAR region (Jordan Valley). This includes taking control over economic and infrastructure facilities and removing Palestinian and Arab features.

14. In addition to continuing its policy of land confiscation in the occupied Palestinian territories, the separation wall continues to be extended inside Palestinian territories in the West Bank and around Jerusalem. The segregation wall extends approximately 733 kilometres inside the Palestinian territories occupied since 1967. The wall continues to create hardship for Palestinians and in one instance Israel uprooted nearly 1.3m fruit trees and forest for the construction of the wall. During last September, the Israeli occupation forces confiscated 589 hectares of land. This continued confiscation serves to further separate Palestinians from each other and removes the possibility of geographic continuity and further undermines efforts aimed at establishing an independent, coherent and viable Palestinian State.

15. The Palestinian leadership continues to consider the Israeli Government's decision to build new settlement units in the Occupied Palestinian Territories, as a serious threat to the peace process and a major violation of Israel's obligations under the Road Map. The leadership also emphasised that the peace process cannot

continue without the stopping of all settlement activities in the Occupied Territories. The Palestinian National Authority (PNA) has also urged the International Community and in particular the United States, as a sponsor of the peace process, to take all necessary steps to ensure that Israel ceases its occupation efforts and freezes all its settlement construction activities.

16. In the face of continued settlement activities and occupation, the Council of the League of Arab States confirmed the right of refugees to return to their homes in accordance with the relevant United Nations Resolutions and has asked the International Community and the United Nations Secretary-General to put pressure on Israel. Such pressure should include unconditional release of Palestinian women and children prisoners. It also called on the United Nations to expose the inhumane conditions that Israel treats prisoners and appealed to concerned International Organizations to work towards the release of all prisoners. The Council of the League of Arab States further called on international and non-governmental organizations to highlight the right of peoples to resist occupation.

17. One of the priorities of the Palestinian President and the Palestinian Government was to impose security and the respect of law in its areas of control. This included the deploying of Palestinian security. This was a vital step for the Palestinians as it was intended to serve as a basis for protecting Palestinians and ensure that peace can be established. Israel has however worked systematically to ensure the destruction of the Palestinian Security Forces. The Palestinian Leadership has continued with its efforts to establish security and has deployed the Palestinian National Security Forces in many towns of the West Bank. The most recent deployment was in the Hebron area.

ECONOMIC ISSUES

18. The economy of Palestine has effectively been destroyed through a combination of actions on the part of Israel. As a result of occupation and the separation wall, more and more Palestinian families are living in abject poverty and unemployment rate has increased substantially. Many of the unemployed are the youth. The industrial sector has declined substantively due to blockades and the links and association with the industrial sector in Israel. The imposition of siege and closures have also led to the deterioration of the income levels of workers, traders and employers. The industrial sector contributed over 11 % of the GDP of the Palestinian economy in 2007, but has declined substantively.

19. The agricultural sector has suffered heavy losses during the past years as a result of the occupation and bulldozing of cultivated land and the uprooting of trees. The losses in this sector are estimated to be about 339.1 million US dollars from 2000 to 2006. It is estimated that over 70 thousands hectors of planted trees and over 28 thousand hectors of vegetable and field crops have been destroyed. Agricultural exports were virtually brought to a standstill and resulted in the collapse of many farms. The impact of the occupation and siege approach of Israel has also impacted on all other sectors of the economy. The number of unemployed reached around 250,000 people by the end of 2007, according to estimates declared by the Central Bureau of Statistics. The percentage of Palestinian families that live below the poverty line has increased from 22% on the eve of the Intifada to more than 75% in 2007. This implies that more than 2m Palestinians are living below the poverty line.

Efforts were established to open all crossings to ensure that food and other essentials are available for Palestinians.

HUMAN RIGHTS VIOLATIONS

20. A continued series of Israeli military attacks in the Occupied Palestinian Territories reflect the apparent contradiction between Israel's rhetoric on human rights and actual action on the ground. Whilst negotiations are underway, Israel continues to commit human rights violations and exercise repressive policies in the Occupied Territories. Despite Israeli declared intention of reducing the number of military roadblocks and checkpoints, it has increased the number of military checkpoints to the 630, thus further restricting the movement of Palestinians. Israel is also working towards transforming the checkpoints to international crossings. These measures are intended to further entrench Israel and ensure that all Palestinian territories are divided. Over 165 Palestinians were killed at Israeli checkpoints. In preventing pregnant women access to hospitals at checkpoints, over 40 mothers lost their children during this period.

21. The Arab League Council approved a resolution calling for the protection of schools, educators and students from Israeli attack. It further called on the International Community to hold Israel accountable and liable for damage to schools and other educational institutions. The resolution also affirmed that Arab, Islamic and international organizations should exert efforts to support educational institutions in various forms in the occupied territories.

22. During the past years, Israeli settlers stepped up their provocative approach to Palestinian citizens and committed acts of aggression against Palestinians in, amongst others, Hebron, Nablus and its surroundings. The last attack was at the village of Nablus, where settlers fired rockets from the settlements. The Israeli army has worked to provide support to settlers in their acts of aggression. This resulted in the killing of 167 citizens at the hands of settlers. As an example of such actions, a group of young settlers executed an eight-year old boy by shooting 20 bullets in his body, while he was tending his sheep near his hometown in the territory of the Nablus. Settlers also set fire to 70 hectares of olive groves near Nablus and prevented Palestinian farmers from harvesting olive trees. Dozens of armed settlers attacked, under the protection of occupation army, the town of Kafr al-Deek, where four people were shot and wounded.

JERUSALEM AND ISLAMIC AND CHRISTIAN HOLY SITES

23. Israel continues to carry out excavations around the Al Aqsa mosque and is working towards the destruction of religious site, archaeological monuments, and heritage sites. It also continues to build Israeli temples and museums on sites considered sacred by other religions. The risks of further conflict continue to escalate because of the dangers posed to the Al Aqsa Mosque. Israel also continues to work at separating Al Quds (Jerusalem) and its environment from other parts of the West Bank, by increasing the number of barriers that are restricting movement and imposing general restrictions on the movement of Palestinian citizens. The actions of Israel continue to indicate that they are seeking to prevent Palestinians from praying at the Al Aqsa Mosque.

24. Over the last year, Israeli authorities completed the construction of the separation wall (Jerusalem envelope) on the occupied city and hence completely isolated the city from the West Bank. Furthermore, it continued its policy of demolishing houses and the arbitrary destruction of property. Israeli is also systematically attempting to destroy the Al Aqsa Mosque and removing access to it by building tunnels and other construction activities that serve to damage the foundations of the Al Aqsa Mosque. The Israeli authorities recently completed construction of the synagogue, no more than 50 meters from Al Aqsa Mosque. It also intends to erect further structures on land belonging to an Islamic Endowment in the area of "Ayn Alhamam", a few meters away from the Wailing Wall. The Palestinian National Authority continues to expose Israeli actions and efforts to "judaize" the city of Jerusalem, reflected in the demolition of the Islamic archaeology and homes of Arab citizens.

25. The Palestinian Authority also called on the United States, the European Union, the United Nations and the African Union to put pressure on Israel to stop the settlement in the city of Jerusalem. It has demanded that Israel immediately cease all aggressive actions and implement its obligations under international law and Geneva Conventions to preserve the Islamic and Christian holy places in Jerusalem. It also called on Israel to demolish the Separation Wall and implement the Advisory Opinion of the International Court of Justice and the decision of the United Nations General Assembly (No. 15/10) on 20/7/2004.

26. The Palestinian National Authority condemned the Israeli arbitrary measures aimed at ending the Palestinian presence in Jerusalem. It further expressed grave concern with the targeting of the right of citizens of Palestinian Jerusalemites in their city of residence, the imposition of heavy taxes, licensing for construction and the closure of national institutions. It also called for re-opening of national institutions and in particular the Orient House and the Chamber of Commerce to enable it to provide services to the citizens of Jerusalem and the protection of the Palestinian presence in the holy city.

CONTINUED GAZA SIEGE

27. Israel is still fully controlling the border of Gaza Strip by controlling the land, sea and airspace and the civil record of the Palestinian population. These actions include daily military strikes, the killing and torture of Palestinians citizens and practises that are tantamount to collective punishment. Israel has acted to cut off electricity, fuel supplies, foodstuffs and medicines and imposed restrictions on the movement of citizens. Collectively these have exacerbated the current humanitarian crisis in the area and constitute a flagrant violation of the principles of international and humanitarian law. As a result of the unjust embargo imposed on the Gaza Strip, more than 250 citizens died because they could not get out for medical treatment. Israeli occupation forces have also prevented Palestinian fishermen from fishing directly on the shores of the Gaza Strip by setting fire to or confiscating their boats. International law binds Israel as the occupying power to ensure the safety and welfare of the civilian population in the Occupied Palestinian Territories.

28. In an attempt to break the siege on the Gaza Strip, groups of peace activists, Arab members of the European Parliament and international human rights activists have established actions to show solidarity with the Palestinian people in Gaza and

send a message to the world about the disastrous humanitarian situation in the area. Two peace ships docked on the shores of the Gaza, served to highlight the plight of the Palestinians and to ensure that the world does not stand silent on the human rights violations committed against the Palestinian people in Gaza.

PALESTINIAN PRISONERS AND DETAINEES IN ISRAELI PRISONS

29. The number of Palestinian prisoners and detainees in Israeli prisons reached more than 11500 prisoners, including about 400 children under the age of 18 years and about 120 women. This excluded administrative detainees in the Israeli jails, which includes 51 members of the Palestinian Legislative Council. Approximately 1,500 prisoners suffer from chronic diseases and lack of treatment in Israeli prisons. Despite demands from the International Community, human rights organizations and international bodies for their release, Israel continues its daily arrests in all the Occupied Palestinian Territories.

PALESTINIAN NATIONAL DIALOGUE

30. Within the scope of efforts to close ranks for Palestinian national unity which will end the political division and unite Palestine's national efforts to face Israeli aggressions and occupation as well as the consequences thereof on the Palestinian people, and to avoid going in dispersed ranks into negotiations with the Israelis, Arab country leaders and officials, as well as the Secretary-General of the League of Arab States, continued their efforts to establish Palestinian national unity. For that purpose, initiatives to bring together all Palestinian factions were launched, the most recent of which was the Egyptian initiative, which gathered 13 Palestinian factions for talks to adopt a common plan to end the political division between Palestinians. This plan provides for the establishment of a government of national unity charged with removing the embargo on Gaza Strip, unifying and rebuilding Palestinian security organs on a professional and national basis, and drawing up the necessary provisions for presidential and legislative elections.

31. It should be recalled that Ministers of Foreign Affairs of Arab countries decided, at an ordinary session in September 2008, that the League of Arab States would pursue its efforts to find a solution to the intra-Palestinian conflict, which is a threat to the Palestinian Question, and that it will take the necessary measures to impose sanctions on and boycott any Palestinian faction which failed to accept the Arab and Palestinian consensus. In that context, it decided to organize an extraordinary meeting of Ministers of Foreign Affairs of the League of Arab States, at the end of November 2008, to take stock of the situation of the Palestinian reconciliation process and to ensure follow-up under the auspices of the League of Arab States, as well as review the status of the peace process.

SITUATION OF THE SYRIAN GOLAN HEIGHTS AND LEBANESE SHABA FARMS

OCCUPIED SYRIAN GOLAN HEIGHTS

32. The African Union Commission continued to monitor the situation in the Golan Heights which has been occupied by Israel since 1967, as well as the Israeli policy to establish its occupancy in the region and the expansionist activities characterized by

the building of colonies in disregard of decisions and international law. These have been in effect since Israel decided, in 1981, to annex the Syrian Golan Heights and to apply its national legislation there.

33. The question of the occupied Golan Heights has always received Africa's consensus position, which condemns the acts of aggression and occupation, requests the pursuit of efforts to implement African and Arab plans for the liberation of all Arab territories occupied by Israel, since 4 June 1967.

34. The Council of Ministers of Foreign Affairs of the League of Arab States, at its 130th session on 9 September 2008, examined the question of the occupied Syrian Golan Heights and adopted, in that regard, the following decisions and recommendations:

- Reaffirmed that the Israeli occupation of the Golan Heights constitutes a permanent threat to peace and security in the region and in the world.
- Supported the resistance by Syrian citizens living in the occupied Syrian Golan Heights, and once more requested the United Nations Organization, the Security Council and the Human Rights Council to invite Israel to respect the Fourth Geneva Convention and the International Covenant on Civil and Political Rights, and to facilitate visits by inhabitants of occupied Syrian Golan Heights to their families in the motherland, Syria.
- Condemned acts of provocation perpetrated by Israeli occupation forces on the Syrian Gypsy minority group in the occupied Golan Heights and which seek to dismember the city and construct a wall to separate the inhabitants from their lands; that Israeli operations to displace inhabitants to the southern part of the city violate international humanitarian law, notably the Fourth Geneva Convention and constitute a crime against humanity.
- Ensure respect for international legality which provides that any situation arising from settler colonialism activities shall not be recognized and that all those actions are null and void. Urged the international community to affirm that Israeli actions were against international and Arab directives for peace, which seek to establish true, just and global peace in the region, in compliance with legitimate international decisions and the Arab peace initiative taken by the Beirut Arab Summit in 2002.

35. Within the framework of efforts relating to the question of the occupied Syrian Golan Heights, Turkey has organized several indirect meetings between Israeli and Syrian negotiators, since May 2008, in a bid to transform them into direct negotiations, if progress were made on the issues examined.

SITUATION IN LEBANON

36. Lebanon has experienced, since the announcement of the Doha Agreement and the results of the Lebanese National Dialogue Conference, held on 2 May 2008,

under the aegis of the Emir of the State of Qatar, Sheikh Hamad Ben Khalifa Al Thani, progress in the security and political sectors, with the following highlights:

- The end of the activities of militias and the withdrawal of armed militias from the streets and the opening of roads and land, airport and port passages points;
- The election, on 25 May 2008, of the President of the Republic, Mr. Michel Suleyman, the formation of a Government of national unity, which received the approval of the Lebanese Parliament, on 12 August 2008;
- The release, on 16 July 2008, of Lebanese prisoners from Israeli prisons, under the supervision of the United Nations Organisation, and pursuant to Security Council Decision 1701.

37. The period under review witnessed positive events, thus placing the relations between Lebanon and Syria within their real context, characterized by the joint final communiqué released after the Syrian-Lebanese Summit held in Damascus on 14 May 2008, in which the two parties announced the following:

- The establishment of diplomatic relations between the two countries at ambassadorial level.
- The revival of Joint Committee mechanisms to consider the relevant Lebanese questions relating to the demarcation of the borders between Lebanon and Syria, the fight against smuggling, the revision of the bilateral Agreements concluded between the two countries, including on trade and economic integration.

38. The picture in Palestine remains very bleak and poses a very difficult challenge for the International Community. The response that is required needs to be comprehensive so that all issues are addressed. This should include the issue of refugees, Jerusalem, borders, settlements and water, as well as the recurrent security issues. At the same time, the Palestinians need to demonstrate unity in the face of Israel occupation. It is only through unity and determination that the rights of the Palestinians can be secured, including the right to create an independent and viable Palestinian State. The African Union and the International Community must step up their efforts in establishing a comprehensive approach and solution.

RECOMMENDATION

39. Based on the principle of African and Arab solidarity on questions relating to the enjoyment by all peoples of the right to self-determination, respect of dignity and sovereignty over their territory and taking into account all that is happening in the region, the Executive Council could:

- Reassert its solidarity with the Palestinian people in its fight to create an independent State on its national territory and the right of Syria and

Lebanon to recover their territories occupied by Israeli since 4 June 1967;

- Call on rival Palestinian parties and factions, particularly Hamas and Fatah, to put an end to their divisions and join ranks because disunity only weakens the Palestinian position.
- Urge, once again, the international community to put an end to the embargo imposed by Israel on the Gaza Strip, which is undergoing collective punishment, in violation of international law and conventions, and to seek to maintain the truce existing between Israel and Palestinians of the Gaza Strip.
- Request the International Quartet Committee to act in a much more effective manner to speed up and facilitate negotiations between Palestinians and Israelis over the final questions, which negotiations began since the holding of the Annapolis Conference in November 2007. Any delay or feet-dragging tactics on the part of Israel will put the region in a state of aggravated tension, threatening international peace and security.
- Urge Israel to stop putting obstacles on the way of negotiations and refrain from further recourse to its expansionist policy, the construction of settlements and the wall of apartheid, and to ease the painful living conditions of the Palestinian people.

CONCLUSION

40. The picture in Palestine remains very bleak and poses a very difficult challenge for the International Community. The response that is required, needs to be comprehensive so that that all issues are addressed. This should include the issue of refugees, Jerusalem, borders, settlements and water, as well as the recurrent security issues. At the same time the Palestinians need to demonstrate unity in the face of Israeli occupation. It is only through unity and determination that the rights of the Palestinians can be secured, including the right to create an independent and viable Palestinian State. The African Union and the International Community must step up their efforts in establishing a comprehensive approach and solution.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2009

Report of the commission on the situation in the Middle East and Palestine

African Union

African Union

<http://archives.au.int/handle/123456789/3664>

Downloaded from African Union Common Repository