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

**REPORT ON THE SITUATION IN THE OCCUPIED PALESTINIAN
TERRITORIES AND IN THE MIDDLE EAST FOR THE
PERIOD FROM JULY TO DECEMBER 2012**

I. INTRODUCTION

1. The African Union regularly monitors the development of the situation in Palestine and in the Middle East in pursuance of the principle of solidarity of Africa and Arab countries with the struggle of the Palestinian people in their quest to create an independent State on the Palestinian territories occupied by Israel since 1967, and in line with the position of the Arab world which demands the withdrawal of Israel from the Golan Heights and from South Lebanon.

2. During the period under review, the Palestinian question, undoubtedly reached its lowest point due to the continuous violations and brutal attacks, the policy of collective punishment pursued by Israel against the Palestinian people, the defiling of the holy places of Palestinians, the construction of the apartheid wall and the expansion of Jewish settlements as well as the continuous suffering of Palestinian prisoners in Israeli jails.

3. The peace process is completely deadlocked due to the Israeli insistence on the resumption of talks within the framework of Israeli settlement policy, which has left the Palestinian people with little land for the creation of Palestinian State in accordance with the two-States principle.

4. The main developments relating to the Palestinian question during the period under review are presented below.

II. THE SITUATION IN THE OCCUPIED TERRITORIES

II.1 Jerusalem:

5. The occupied city of East Jerusalem continued to be subjected to unprecedented and ferocious Israeli aggression and a widespread judaization with the aim of changing all the Arab, Muslim and Christian aspects of the Holy city, and to reduce to a minimum the number of inhabitants through the confiscation of their lands, the destruction of their houses and their encircling with gigantic Israeli settlements and the apartheid wall referred to as the 'Jerusalem Belt'. All these measures were meant to isolate East Jerusalem from the rest of the West Bank, a situation which had a negative impact on the quality of education provided to the inhabitants of East Jerusalem. The suffering of the inhabitants of East Jerusalem reached unprecedented levels compelling a large number of them to abandon their studies due to the harassments by the occupation authorities and the numerous difficulties they faced at checkpoints.

6. The intensification of the oppressive measures imposed by Israel resulted in a sharp increase in the number of poor people who now constitute 78% of the population of East Jerusalem. Two thirds of the poor are indebted to institutions linked to the occupation thereby exposing them to the seizure or confiscation of their properties under the pretext of non-payment of their debts. All this forms part

of the Israeli judaization strategy which aims at driving away Palestinians from East Jerusalem and replacing them with Israelis.

7. The occupation authorities continued to carry out excavation in and around the Old City and its walls. The same authorities however refuse to communicate the findings of the excavations to the World Heritage Centre of the United Nations.

II.2 The Israeli settlements in the West Bank

8. During the period under review, the Israeli occupation authorities intensified their expansionist policy in the occupied Palestinian territories by resorting to the confiscation and the destruction of land, the demolition of houses, the policy of ethnic cleansing against Palestinian civilians, the expansion of colonies and the building of new Jewish settlements. Statistics from the Palestinian authorities show that the Israeli authorities have confiscated more than 40% of the land mass of the occupied West Bank. They have also attracted new settlers who currently number 600 000 spread over 199 settlements and 232 Jewish communities.

9. The Israeli occupation authorities continued to impose conditions and restrictions on the movement of Palestinian citizens in order to prevent them from having access to their places of work, schools and hospitals by erecting 385 road checkpoints which impede movement within the Occupied West Bank. 65 of the checkpoints were permanently manned by soldiers, 22 were partially controlled by soldiers for specific action. There were 80 checkpoints located around the apartheid wall and 418 checkpoints including a sand wall or trenches dug on roads.

10. The Israeli occupation authorities refused to implement international legal decisions and the advisory opinion of the International Court of Justice of 9/7/2004, as well as the decision of the United Nations General Assembly on the apartheid wall which has transformed the West Bank into enclaves and cantons. Upon completion the wall would be 810 km long and would occupy 22% of the surface area of the Occupied West Bank. The wall has undermined urban development and compelled a large number of Palestinians who used to live in the cities and villages to emigrate to other regions. This situation is known as “the Wall of Catastrophe”.

II.3 Developments in the occupied Palestinian territories:

11. The Palestinian National Authority on the other hand continued with the implementation of its development plans and programmes for the 2011-2013 period in anticipation of a future Palestinian State and the end of the Israeli occupation. However, all the plans were subjected to drastic measures imposed by the Israeli occupational authorities in order to ensure that all production activity and employment in the occupied territories were related to Israel. In this way the Israeli Government would be able to undermine the measures and efforts by Palestinians aimed at ensuring sustainable development in the occupied territories. Yet, Israel controls about 60% of the occupied Palestinian territories and 85% of its fresh water resources, imposes a blockade on about 1.6 million people in the Gaza Strip, denying Palestinian farmers access to about 35% of the agricultural lands and 85% of the coastal lands, in addition to the blocking of roads

linking Palestinian territories and restricting the freedom of movement of 2.4 million Palestinians in the West Bank. .

12. Consequently, it became virtually impossible for the Palestinian economy to develop the capacity that would enable it to dispense with its reliance on donor funding. Furthermore, if nothing is done in the near future to lift the restrictions imposed by Israel on free access to natural resources and to internal and external markets, the Palestinian Authority will continue to be dependent on international donors.

13. Thus, Palestinian territories were blighted by a galloping poverty rate and increased dependence on assistance. The number of Palestinians recognized as dependent on international assistance for food security stands at 1.64 million in the West Bank and Gaza. 800 000 of them receive assistance from the World Food Programme whilst the remainder benefit from assistance from the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA).

II.4 Israeli Aggression against the Gaza Strip

14. On 14 November 2012, the Israeli occupation force launched a fresh military offensive codenamed Operation Pillar of Defence, by air, land and sea against the Gaza Strip under the pretext of responding to rocket attacks carried out by the Palestinian factions in the Gaza Strip against neighbouring Israeli cities and villages. The aggression resulted in more than 150 deaths and more than 1200 people injured, mostly children, women and old people. It also brought untold hardship to the people of the Gaza Strip in all areas of life. In addition to the destruction of infrastructure, characterized by the demolition of houses, schools and hospitals as well as the destruction of roads, lack of electricity and increased environmental pollution.

15. To obtain a ceasefire between the two parties, the Arab Republic of Egypt played a key role and thanks to the intensive efforts made towards Palestinians and Israelis, the following agreements were reached on 21 November 2012 :

- a) Israel would end all acts of aggression, including targeted assassinations, by sea, land and air against the Gaza Strip. The Palestinian factions would end all hostilities including the firing of rockets and cross border attacks launched against Israel from Gaza;
- b) The opening of crossing points, the facilitation of movement of persons and goods, the end of restrictions on inhabitants to move freely in the border zones would be done at a later stage;
- c) During the Israeli military aggression against the Gaza Strip, the Council of Ministers of Foreign Affairs of the Arab League met in an emergency session on 17 November 2012 and:
 - (i) Strongly condemned the brutal Israeli aggression against the people of the Gaza Strip as war crimes and crimes against humanity and called for immediate halt and an end to that form of aggression, and called on Israel to assume full responsibility for

the loss of human lives and material damage suffered by the Palestinian people following the barbaric aggression;

- (ii) Supported and endorsed the efforts by the Arab Republic of Egypt, in coordination with the Palestinian Authority, to stop the aggression against the inhabitants of the Gaza Strip, mitigate the suffering of the Palestinian people and to achieve a ceasefire which would lead to the immediate cessation of military operations, the protection of the civilian population and the provision of humanitarian assistance.

16. The Arab Foreign Ministers also expressed total displeasure with the inability of the Security Council to take the necessary measures to halt the Israeli aggression against the Gaza Strip and to protect the Palestinian people. The Ministers also appealed to the Security Council to assume its responsibility in pursuance of the United Nations Charter and maintain peace and security between the two States, and also take steps to prevent Israel- the occupying power- from pursuing its aggression and to oblige it to account for its actions.

17. The Arab Peace Initiative Committee was urged to reconsider all the aspects and dimensions of the moribund peace process, including the relevance of the position of the Arab States who continued to propose the Arab Peace Initiative as a strategic option. The Committee was also urged to review:

- a) The relevance of the role of the International Quartet in light of its inability to make progress towards a comprehensive and just peace.
- b) The involvement of Arab countries in the internationally applied procedures and mechanisms, the need to change the methodology and to develop new mechanisms on the basis of principles of international legality in order to end the Israeli occupation of Palestine and other Arab territories

18. The establishment of an Enlarged Committee of Arab Ministers to undertake a visit to the Gaza Strip in order to reaffirm Arab solidarity with the Palestinian people of the Gaza Strip, respond promptly to their humanitarian needs and closely monitor the situation and the unfolding of events.

19. All the Member States of the United Nations Organization were urged to support, on 29 November 2012, the Palestinian State's application for a Non-member State Observer Status based on the 4 June 1967 frontiers, with East Jerusalem as its capital, pending the recommendation by the UN Security Council for full membership of the United Nations Organization.

20. The observers were of the opinion that the Israeli military aggression against the Gaza Strip was not the first or the last of its kind in so far as the conflict was latent and could break out at any moment so long as the causes were not addressed.

21. It is a fact that at issue is a people who have been living under occupation and who have been struggling to recover their legitimate rights and for which all

attempts to end their suffering and find an equitable solution to its cause have failed.

22. The peace process between Palestinians and Israelis which started in Madrid two decades ago was now at crossroads:

- i) On the one hand, there were intense negotiations, a series of international conferences were organized, diplomatic efforts were made and several Agreements signed. But all these attempts failed due to the following two factors:
 - (a) The first factor was that Israel wanted to achieve peace but on its own terms, and not a just, comprehensive and lasting peace. It also wanted to impose its own logic and use the balance of power which was in its favour to impose a truncated peace. In addition Israel also resorted to delay tactics in the implementation of the Agreements;
 - (b) The second factor was that Israel used the peace process to buy time and implement its strategy of ensuring the judaization of Jerusalem, establishing settlements and annexing new lands with the aim of imposing a fait accompli, especially after the scaling down of the role of United States, the weakness of the Arab States and the Inter-Palestinian division involving Fatah and Hamas.
- ii) On the other hand, the recourse to violence and aggression by Israel and the armed response of the Palestinian resistance. None of the parties has managed to break the resolve of the other. Thus, Israel has not succeeded in spite of its aggression policy against Gaza, its targeted assassinations of the figures of legitimate resistance and the invasion of Gaza in 2008, and the recent military operation, or been able to achieve its objective of scuppering the Palestinian cause and wiping out the Palestinian resistance which is driven by the firm conviction of a struggle for the legitimate rights guaranteed by international law and norms. It is worth pointing out that the resistance has also developed its military capability and its long range missiles which were able to reach Tel Aviv and East Jerusalem for the first time, a situation which represented a new development in the confrontation. This development has not only put to rest the notion of a safe Israel and its deterrent power, but has also transmitted the message to Tel Aviv that Israeli military superiority would not be able to eliminate all the forms of legitimate Palestinian resistance.

23. Consequently, the most dangerous aspect of the recent Israeli aggression against Gaza was not only the targeted assassinations and the destruction of an entire people, which are punishable crimes by virtue of international law and humanitarian law-even though it is imperative that the Arab countries and the international community intensify their efforts to end the bloodbath. The most serious aspect is that the Palestinian cause has shifted from the issue of how the people of Palestine could recover their legitimate rights and create their State to the simple issue of how to achieve a cease-fire and a truce between Israel and Hamas without seeking to address the causes of conflict and preventing the recurrence of this type of aggression through an equitable solution.

24. The success of the settlement would be contingent upon Israel renouncing its balance of power policy and its notion of security and force as factors of stability. However, security and stability could only be achieved by just peace. This assertion has met with stiff opposition. First of all, the current Israeli Government is the most extremist in the history of Israel, given that it is a coalition between Likud (extreme right) and the religious fundamentalists. A government of this nature would not make any meaningful concession, especially regarding Jerusalem, the settlements and the right of return.

25. The success resolution of the conflict would also be contingent upon reconciliation among Palestinians-between Fatah and Hamas-and the end of the current polarization which has resulted in the shifting of the Palestinian cause from liberation struggle to that of power struggle. This reconciliation is absolutely more necessary since Palestinians need a common position in the face of Israeli aggression.

26. Though the previous regional situation did not make it possible to find a solution, the map of the Middle East started to change after the Arab Spring.

27. Consequently, the efforts being made by Egypt and other countries, especially the United States of America should make it possible to restore not only calm in the Gaza Strip but also to secure a truce between the two parties and find a real comprehensive solution which would bring an end to this historic conflict and pave the way for the creation of a Palestinian State with East Jerusalem as its capital. This would constitute a real guarantee for the security of Israel and its citizens and ensure stability and coexistence in the region.

II.5. Application by Palestine for Non-Member Observer State status in the United Nations Organization:

28. In view of the bleak prospects of the negotiations and the absence of hope of tangible progress in the resolution of the situation which would enable Palestinians to have a minimum of rights, and after becoming aware of the ineffectiveness of the negotiations due to the fact that Israel has been using them as pretext to circumvent any settlement concerning the peace process and continue with the expansion of its settlements and its judaization strategy, the Palestinian leadership found itself confronted with a situation which did not allow it to continue on the path of negotiations and to assume responsibility for it, even though the Palestinian leadership had repeatedly declared its commitment to negotiations as a strategic choice.

29. Thus, the Palestinians made the choice of turning to the United Nations to apply for full membership of the organization through the Security Council so as to guarantee the continuation of the talks and the recognition of the June 1967 frontiers, including East Jerusalem as the capital of the future Palestinian State, a complete halt to the expansion of Jewish settlements and an Agreement on negotiations schedule with successive stages.

30. The efforts made by the Palestinians with regard to their application received broad support from Arab, African and Muslim countries in general, in

addition to the support from most Asian and Latin American countries. Though they were opposed by Israel which threatened to take forceful measures against the Palestinian Authority, and by the United States which threatened to use its veto power at Security Council to scupper the Palestinian application and cut aid to the Palestinian Authority.

31. The Palestinian application was approved by only eight out of the fifteen members of the Accreditation Committee of the United Nations Security Council because some States succeeded in undermining the Palestinians' efforts by depriving them of the nine votes required to enable the Security Council put the application to vote.

32. In the face of such situation, the Palestinian Authority, which reaffirmed the borders of the Palestinian State based on the 4 June 1967 frontiers and existing side by side with the State of Israel, had to content itself with an application to the General Assembly to accord the Palestinian State the status of Non Member Observer State of the United Nations Organization.

33. In its response to the Palestinian initiative, Israel launched a diplomatic offensive to demand the recognition of the rights of Jews from Arab countries and their consideration as "refugees" who required compensation just as the Palestinian refugees.

34. The Prime Minister of Israel, Benjamin Netanyahu, also adopted the report of the Israeli Commission (Levy) on the settlements in the occupied Palestinian territories. The report considers that the settlements are legitimate and do not breach international law. The report seeks to lend legitimacy to the «illegal» settlements and to affirm the right of settlement because the occupied Palestinian territories are disputed territories and not occupied territories as the Palestinians claim.

35. The Israeli Government also threatened to cancel all the Agreements signed with the Palestinian National Authority led by President Mahmud Abbas, and to impose sanctions in the event of a demand for legal status for a Palestinian State.

36. On their part, the United States of America opposed the Palestinian initiative and considered it as a unilateral measure which only served to compromise the peace process and make the resumption of direct negotiations difficult. They were also of the view that resorting to international bodies to anticipate the negotiations on the final status would not solve the problem, improve the daily lives of Palestinians or build the necessary confidence in order to advance to a two States solution. The United States believes that only direct negotiations between Israelis and Palestinians would lead to the resolution of the conflict.

37. On 22 October 2012 the United States also informed the Palestinian Authority that American law provided for the suspension of US assistance to the Palestinian Authority as well as the closure of the PLO Office in Washington if the Palestinian Authority became a member of the United Nations Organization or any other affiliated organization and where the status was not obtained within the

framework of a negotiated Agreement between Israel and the Palestinian Authority.

38. It would be recalled that the African Union by Decision 421 of July 2012 reaffirmed its recognition of the State of Palestine on the basis of the 1967 frontiers, with East Jerusalem as its capital, and appealed to Israel to recognize the Palestinian State on the basis of the June 1967 frontiers. The AU also urged African States to refrain from signing agreements with Israel which could affect the occupied Arab territories of 1967, including East Jerusalem, since it would contravene the decisions of the Security Council and those of the United Nations General Assembly.

39. Within the framework of the solidarity between African and Arab countries with the Palestinian cause, the Secretary General of the League of Arab States addressed a letter to the Chairperson of the AU Commission on 26 November 2012 urging African States to vote in favour of the application for the recognition of Palestine on the basis of the June 4 1967 frontiers, which was scheduled to be submitted to the United Nations General Assembly on 29 November 2012, and also expressing the hope that the Palestinian question would remain high on the agenda of Just causes that the African Union had always supported.

III. RECOMMENDATION

40. The Palestinian people and the Arab League have always been appreciative of the position adopted by the African Union expressing in principle solidarity with the Palestinian people in their struggle to recover their legitimate rights and to create a Palestinian State based on the 4 June 1967 frontiers, with East Jerusalem as its capital, and co-existing with the State of Israel. The African Union therefore recommends the adoption of a resolution by the Assembly of the African Union to reaffirm the previous resolutions of the Union, and invite Member States to continue to support the Palestinian cause at the UN and at other international fora, especially the recognition of the Palestinian State within the 4 June 1967 frontiers with East Jerusalem as its capital, and to call for compliance with the ceasefire agreement concluded on 21 November 2012 between Israel and the Gaza Strip, and to support the efforts of Egypt in achieving a truce. The same resolution should call for the lifting of the Israeli blockade imposed on Gaza since 2008, a halt to the building of Jewish settlements in the West Bank, the release of Palestinian prisoners, the resumption of talks between Palestinians and Israelis, with an agreed timetable which would lead to the creation of a viable Palestinian State existing side by side with the State of Israel.

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