

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone: 517 700

Fax: 5130 36

website: [www. www.au.int](http://www.au.int)

SC11372

EXECUTIVE COUNCIL

Twenty-Fourth Ordinary Session

21 – 28 January 2014

Addis Ababa, ETHIOPIA

EX.CL/819(XXIV)
Original: English

**REPORT OF THE COMMISSION ON THE SITUATION
IN THE MIDDLE EAST AND PALESTINE
MAY 2013-JANUARY 2014**

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I. Introduction

1. The African Union follows regularly and closely the evolution of the situation in Palestine based on the principle of solidarity of Africa and the Arab countries with the liberation struggle of the Palestinian people in their quest to establish an independent State on the Palestinian territories occupied by Israel since 1967 as well as the position of the Arab world demanding Israel to withdraw from the Golan Heights and South Lebanon.

2. During the period under review, the efforts of the United States of America exerted pressure on the Israeli side to return to the peace negotiations in order to reach a comprehensive and just solution for the Palestinian cause and to break the deadlock which has stifled the negotiation process for a long time. Unfortunately, Israel's insistence to proceed with its expansion of settlements and the apartheid wall as well as the continued suffering of the Palestinian detainees in Israeli prisons will lead to a weak outcome of the Arab-Israeli negotiations.

3. The political situation prevailing in the Middle East region has had a negative impact on the prospects for the peaceful resolution of the Palestinian cause. This regional political climate is characterized by, among others, the civil war in Syria and what is currently happening in Lebanon, the situation of instability and the negative impact of Iran's international negotiations on nuclear issues coupled with the international pressure on the Arab region and the Middle East as well as the internal dispute between Hamas and the Palestinian Authority,.

II. The situation in the occupied Palestinian territories

4. Occupied East Jerusalem is still suffering from Israeli aggression and the wide Judaization campaign aimed at changing all the Arab, Islamic and Christian features of the holy city and reducing the population to the fullest extent through the confiscation of their lands, the destruction of their homes and surrounding them by huge settlements in addition to enacting laws that allow Jews praying at the Al Aqsa Mosque, which Israel considers as part of its territory. Furthermore, the attempt by Israel to divide Al Aqsa Mosque between Muslims and Jews is a dangerous escalation that threatens to ignite a religious conflict. Israel will bear the full responsibility of the explosive consequences of its military aggression in the Middle East, especially in Palestine.

5. In this regard, the international community, the United Nations, the Quartet members, the European Union and UNESCO should be requested to shoulder their responsibility to protect the city and its Islamic and Christian holy sites and to stop attacks against Christian and Muslim religious groups and the people of Palestinian in the holy city. Concerted effort must be made within the framework of international law

and relevant aspects of the Geneva Convention to restrain Israel's military aggression against Palestine.

6. The announcement by President Milos Zeman of the Czech Republic to move his country's embassy to Jerusalem, the capital of the State of Palestine faced international condemnation. This announcement was considered an abuse of the rights of the Palestinian people and their just cause. It is perceived as tantamount to the violation of international legitimacy resolutions including the Geneva Convention. His position is contrary to the position of the European Union in this regard.

III. The Palestinian- Israeli negotiations

7. The need to support the continuation of Palestinian-Israeli negotiations is underscored. In order to accomplish this noble dream, the permanent members of the United Nations Security Council have been supporting the International actions aimed at persuading the Israeli occupation to change its negotiating methods in addressing the Palestinian issue and to manage the peace process for the benefit of the region. This line of action was approved by the United States of America and thus provided the necessary guarantees to resume the negotiation process in accordance with specific rules, principles and references to be adhered to and within a specified time frame (9 months) starting from end of July 2013 until April 2014. Under this arrangement, Israel has committed not to undertake any action that would lead to injustice or pre-emption of the results of the final status negotiations. In view of the foregoing, it is incumbent on the Government of Israeli to stop all settlement activities and to give the negotiation process, under the auspices of the United States, the opportunity it deserves, to succeed.

8. During the period under review, Israel's policy of continued occupation adversely affected the pace of development in the Palestinian territories. The continued acquisition of land and other available resources further destroyed the productive capacities of both the agricultural and industrial sectors of the economy. This is further complicated by the additional policy of isolation instituted by Israel which has undermined the Palestinian Authority's capability to implement development programmes and to strengthen its relevant institutions in the territory. This situation continues to entrench the culture of external reliance for assistance from the international community by the Palestinian Authority.

9. It is necessary to achieve long-lasting peace and reconciliation in Palestine on the basis of signed agreements in Cairo and Doha. The AU supports the position of the Arab States in offering material and political solidarity to the liberation of the Palestinian people in accordance with the resolutions of the League of Arab States.

10. Speaking at the UN Security Council in September 2013, the Palestinian President Mahmoud Abbas welcomed the resumption of peace talks while at the same time criticizing Israel's settlement building. Hamas and the Islamic Jihad called for a third intifada, and a spokesman for Hamas' armed wing said that the current peace talks were

"futile". It is clear that the main challenge to the peace process is increasing Israeli settlements on occupied lands.

11. Expressing the position of the Israeli government, the Israeli Prime Minister, Benjamin Netanyahu has stated that the negotiations will not be easy; that they will be hard and secret in early stages. He added that he will call for a referendum pertaining to any agreement reached through these negotiations.

12. The last few months of 2013 proved more challenging for the peace process as Prime Minister Netanyahu categorically rejected the Palestinian right of return and said that Jerusalem must remain undivided. Again, Israeli negotiators said there will not be a state based on the 1967 borders and that the Separation Wall will be a boundary. Subsequently, the Palestinian team quit the negotiations blaming the "escalation of settlement-building.

IV. The Palestinian Prisoners

13. Palestinian prisoners and detainees are suffering in more than 30 prisoners and detention centres. Violations of the rights of prisoners include killings and torture by special units in prisons, including solitary confinement, denial of visits, inspections and provocation of their families at military checkpoints and at the gates of the prisons. All these are done in total violation of the basic human rights principles especially the Fourth Geneva Convention of 1949 on the protection of civilians in time of war.

14. Israel freed more than 100 prisoners, including 24 Arabs, the majority of whom were imprisoned for life including a number of residents of the West Bank and Gaza Strip.

15. The Israeli authorities bear full responsibility for the death of some Palestinians in Israeli prisons, such as prisoner Abu Hamadiya. The AU Member States appeal to the United Nations, the International Red Cross, the international humanitarian and human rights organisations to immediately intervene in order to examine the situation of Palestinian prisoners including the human rights abuses and medical negligence that they are exposed to in total violation of international humanitarian law and the Geneva Conventions. This situation now seriously threatens lives of thousands of Palestinian prisoners and detainees, especially those on hunger strike, whom Israel refuses to release.

V. The apartheid Wall

16. The Israeli occupation forces are still using gates built as traps to arrest Palestinians and subject them to humiliation and inhuman treatment by Israeli soldiers. The Israeli occupation forces continue to use excessive force, deliberately against peaceful protest marches, organized by Palestinian civilians, international solidarity members, peace activists and advocates for human rights against the apartheid wall.

17. On 16 July 2013, the European Union made a decision to exclude Israeli settlements in the occupied Palestinian territory, including East Jerusalem, from cooperation with the Union. This decision also entails prohibition of cooperation and financing of any projects, activities or institutions in occupied territories. This is a positive step from the European Union which is likely to have a profound impact towards the attainment of the legitimate rights of the Palestinian people and their right to end the occupation and establish an independent state of Palestine.

VI. Outcome of the Third Africa-Arab Summit

18. In a true demonstration of the Afro-Arab solidarity on the Palestinian question, during the Third Africa-Arab Summit convened in Kuwait City, State of Kuwait on 19-20 November 2013, the Heads of State and Government from both the African Union and the League of Arab States re-affirmed their strong position on the need to put an end to the Israeli occupation of Palestinian and Arab territories and to establish a Palestinian State.

19. The Heads of State and Government condemned the illegal and illegitimate Israeli occupation of Palestinian territories, including East Jerusalem, as the capital of the State of Palestine and reiterated their collective position that Israel's continued settlement policy contravenes international law and undermines the two-state solution and prospects for peace.

20. They stressed their continued support for Palestinian efforts to raise the position of the State of Palestine to that of a full-fledged member of the United Nations and in this vein renewed their call for those countries of the world who had not yet recognized the State of Palestine to do so.

21. They re-affirmed their commitment to support negotiations between the Palestinian and Israeli sides based on the Arab Peace Initiative, the two-state solution and the relevant UN resolutions within the 9-month timeframe fixed for these negotiations with effect from 29 July 2013, with a view to establishing the desired peace, ending occupation and establishing an independent Palestinian State with East Jerusalem as its capital.

VII. Conclusion and recommendations

22. The African Union must take note of a recent positive development relating to self-determination of the State of Palestine at the level of the United Nations. During the United Nations General Assembly of 21 November 2013, a resolution on the right of Palestinian people to self-determination was tabled. The resolution received a resounding affirmative response with 165 recorded vote in favour against 6 against and 3 abstentions. It is recommended that the AU intensifies its international campaign for the self-determination and independence of Palestine within the context of the two-state solution taking into account this positive international clamour for self-determination of Palestine and its people.

23. In line with its principles of solidarity, justice and peace, the AU supports the Palestinian people in their quest for the restoration of their legitimate rights to establish an independent State co-existing peacefully with the State of Israel. The Union also supports the lifting of blockade on the besieged Gaza by land and sea since 2008.

24. It is recommended that a resolution be passed confirming and reaffirming the previous decisions of the AU in support of the total liberation of the Palestinian people and encourages its Member States to continue their support to the Palestinian cause in relevant international fora.

25. The AU should demonstrate its support towards the on-going negotiations between Palestinians and Israelis planned to evolve over a period of nine months. Furthermore, the Union must support the terms of reference agreed upon for the successful conclusion of these peace negotiations.

26. The AU and the international community should hold Israel responsible for the deepening of the crisis in this region which has escalated as a result of the intensification of settlement activities in the occupied Palestinian territories during the past few months.

27. In line with its principles of peace and self-determination principles, African Union should support the anticipated justice of the Palestinian cause. The Union is, therefore, invited to confirm this commitment and stand shoulder to shoulder with the Palestinian people in their liberation struggle until the establishment of the sovereign State of Palestine over its national territory with East Jerusalem as its capital.

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