

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

SC13774

**EXECUTIVE COUNCIL
Twenty-Sixth Ordinary Session
23 – 27 January 2015
Addis Ababa, ETHIOPIA**

**EX.CL/880(XXVI)
Original: French**

**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

I. Introduction

1. The African Union continues to closely monitor developments in respect of the Palestinian cause in solidarity with the right of the Palestinian people to freedom and to recover their territories, with the capital Jerusalem occupied by the Israeli colonizers since 1967. The African position also supports the immediate withdrawal of Israel from the Golan Heights of Syria and South Lebanon.

2. The African support of the Palestinian cause is intrinsically linked with Afro-Arab Partnership and is reflected through support for an issue crucial to the Arab world. It is also premised on the values of freedom, justice and humanitarian principles that Africa defends in international forums alongside all those striving to ensure that Palestine regains its right to exist as a key State in a region considered the cradle of humanity, religions and prophets, a region that the world has the obligation to preserve.

3. The period under review saw many developments in respect of the Palestinian question starting with the reconciliation between Fatah and Hamas, and extending to the formation of a Government of national unity, the Israeli-Palestinian peace negotiations, the 51-day war against the Gaza Strip which unleashed destruction and bloodshed, and the various positions taken at international level. The report also addresses the situation in occupied Jerusalem and Israeli settlements, the situation of UNRWA in terms of assistance to Palestinian refugees, the status of prisoners as well as the disparate international positions on the Palestinian question, especially the British position considered as a major shift by a State regarded as the official sponsor of the Israeli occupation of Palestinian territories, a State instrumental in the creation of the State of Israel under the Balfour Declaration.

4. The report similarly includes Israeli-Palestinian peace talks and the international and regional efforts invested to find a peaceful, just and definitive solution based on the two-state solution and on the relevant UN Security Council resolutions; a solution which would no doubt contribute to a comprehensive resolution of the problems plaguing the Arab region in terms of political unrest, ideological and partisan conflicts that have plunged the region into violence and led to the emergence of extremist movements in Iraq, Syria and Yemen, thereby posing a threat to regional peace and security. A viable solution to the Palestinian question could contribute to resolution of Arab issues in general and reduce the tension and frustration in the Arab world.

II. Occupied Jerusalem

5. Attempts at judaization of Jerusalem are still being pursued by the Zionist entity, allowing Jewish extremists to carry out their religious rites within Haram al-Sharif. The Zionist State has also been relentless in its action to change the historical sites of the city and rid it of Islamic and Christian monuments, all despite the unambiguous position of the international community and the principles of international law which stipulate that

occupation of lands by force is unacceptable and illegal. The preamble to the famous Resolution 242 (1967) states the "non-acceptance of the seizure of territory by war." However, Israel officially announced the unification of Jerusalem after the June 1967 war. The Israeli Supreme Court upheld this decision and ruled that united Jerusalem was part of Israel

6. The United Nations reacted by convening a session of the General Assembly which adopted Resolution 2253 of 4 July confirming the illegality of Israeli action in the city and called for an end to it. The decision was followed, ten days later, by another one numbered Resolution 2254 by which the General Assembly condemned Israel for non-compliance with the previous decision and again demanded that it reverse all its activities, especially those aimed at changing the landmarks of the city

7. The Security Council, on its part, passed a series of Resolutions calling on Israel to refrain from holding a military parade in the city to commemorate the first anniversary of the June war (Resolutions 250, 252 and 267). It also adopted Resolution 271 (1969) to protect the Haram Al-Sharif and forestall activities aimed at changing the landmarks of the city. Resolution 298 (1971) was clearly more critical of Israeli practices, stipulating that all legislative and administrative measures taken by Israel in the city, such as property transfers and land confiscations were illegal, and calling for an end to all activities and procedures aimed at changing the city's demographic composition.

8. After the signing of the Camp David Agreement, Israel moved swiftly to officially annex the city in 1980. However, the UN Security Council adopted a series of resolutions rejecting the annexation; including Resolution 476 (1980) which reaffirmed that all legislative and administrative measures and actions taken by Israel to change the city's landmarks had no legal basis and constituted a flagrant violation of the Fourth Geneva Convention relating to the protection of civilians.

9. The resolution also stressed that all the procedures introduced that were in the process of changing the landmarks of the city of Jerusalem and its geographical, demographic and historical situation were null and void, and must be rescinded. That Resolution was followed by Resolution 478 (1980) which condemned the Israeli Basic Law that declared the annexation of the unified city of Jerusalem by Israel, considering the action a violation of international law, called on all States to not recognize it and urged countries that had embassies in Jerusalem to relocate them out of the city.

10. In spite of all the warnings and international decisions, the State of Israel continued to change the landmarks of the city and to protect extremist Jewish groups and settlers in their attacks against Islamic and Christian holy places in the city, thus generating a lot of friction and violence, the victims of which are always defenseless Palestinian Muslims and Christians.

11. Following the organized attacks against the Al-Aqsa Mosque, Palestinian women staged a sit-in inside the courtyard of the Mosque of Al-Aqsa. Israeli authorities prevented young worshipers from praying in the Al-Aqsa Mosque during the Jewish festival (commemoration of the revelation of the Torah) for fear of further clashes.

Tension remained high in the vicinity of the Al-Aqsa Mosque because of the insistence of extremist Jews on visiting the mosque under the protection of the Israeli army and police thus provoking clashes inside the mosque. For the first time since 1967, security forces beat up worshipers inside Al-Aqsa, and prevented those under fifty years from praying in the mosque. Consequently, factions of the Palestinian resistance carried out limited operations against Jewish settlers, the army and the police, attacking the settlers with cars in several areas of Jerusalem.

12. The hardline stance taken by Israel and the Government's support of the attempts to change the landmarks of the city of Jerusalem city and erase religious Christian and Islamic monuments in Jerusalem are likely to significantly inflame the situation and, already, there are signs pointing to the emergence of a third Intifada especially after the recent statements by Israeli Prime Minister to tighten the siege on the Palestinians of Jerusalem.

13. Israel is bent on taking an action with serious implication through dividing the Al-Aqsa mosque in time and space. This it plans to carry out by getting the Knesset to take a vote on a draft resolution to allocate hours and places of worship for Muslims and other hours and venues for Jewish extremists. This shows the determination to divide and judaize the Al Aqsa Mosque on the part of Israel, the Government of which is intent on imposing a policy of *fait accompli* on the ground, by encouraging a large number of extremist settlers to storm the mosque on daily basis and by the crack-down of Palestinians by the Israeli police.

14. Israel is in the process of giving green light for implementation of six plans, which would result in the forced displacement and expulsion of thousands of nomads and pastoralists in the area around East Jerusalem and the Jordan Valley and also lead to the demolition of the homes and schools of the Bedouin people. Such practices constitute a violation of international humanitarian law and human rights and must cease immediately, because one cannot be moved against his/her will.

15. Implementation of the said plans would result in the further isolation of East Jerusalem from the rest of the West Bank, prevent the territorial continuity of occupied Palestine and pave the way for the expansion of Israeli settlements and the separation wall. Consequently, we continue to demand the creation of a Palestinian state with Jerusalem as its capital, including the Al-Aqsa Mosque and the Church of the Holy Sepulcher.

III. Israeli-Palestinian talks:

16. Israel suspended the peace talks with the Palestinians immediately after the Organization for the Liberation of Palestine (Fatah) reached agreement with Hamas to end seven years of division and decided to form a unity government and a unified negotiating team.

17. This Palestinian reconciliation was greeted with mixed reactions by the international community. The inner Israeli security cabinet announced the suspension of

peace talks with the Palestinians in response to the reconciliation agreement between Fatah and Hamas. The Israeli Government accused Palestinian President Mahmoud Abbas of allying himself with a terrorist organization that advocates the destruction of Israel. The Government stated in a communique that Israel would not negotiate with any Palestinian Government supported by Hamas.

18. The Palestinians have indicated that they would consider "all options" available to them in order to respond to Israel's decision to stop the negotiations. The Chief Palestinian negotiator Saeb Erekat told AFP that "the Palestinian leadership would weigh all its options in order to respond to the decision of the Israeli Government against the Palestinian Authority ", adding that the current priority of Palestinians was reconciliation and national unity.

19. Israel affirmed that it "would respond to the Palestinian unilateral action by a series of actions," but did not give details. Media reports indicate that Israel would also impose economic sanctions on the Palestinian Authority. Israeli officials have warned the Palestinians on the consequences of the reconciliation agreement between Fatah and Hamas.

20. The Israeli Foreign Minister Avigdor Lieberman declared that the situation could make it impossible to achieve peace with the Palestinians. A senior US Government official stated that Washington should reconsider its assistance to Palestinians if the PLO, led by Fatah formed a government with Hamas. The Israeli Government requested the President of the Palestinian National Authority to choose between peace with Israel and reconciliation with Hamas.

21. Lieberman told Israel Radio that Israel must resist any international pressure to resume talks with Abbas, adding that the conclusion of a peace agreement with the Palestinians would be "impossible" if a coalition were to be formed with Hamas movement. On their part, the US Foreign Affairs Department expressed "disappointment" following the agreement reached between Hamas and Fatah.

IV. War against Gaza:

22. The reasons for the war against Gaza date back to 12 June 2014, the day when three Jewish settlers who had gone to Gush Etzion settlement, north of Hebron disappeared. The next day, the Israeli army officially announced that they had been abducted, unleashed a campaign of arrests and proceeded to seal off Hebron area.

23. Thereafter, the Israeli Prime Minister Netanyahu held security consultations in his office with the Minister of Defence, the Minister of Internal Security, the Chief of Army General Staff and Chief of Shin Bet. For three days the occupation forces arrested about 200 Palestinians. Within a week, about 320 Palestinians had been arrested following the biggest deployment by the Israeli Government in the Gaza Strip since 2002.

24. Israel continued to accuse Hamas of kidnapping the settlers despite denials by the Movement. On 15 June, the escalation of the threats reached new heights as the

Chief of Staff General Benny Gantz, stated that the military operation conducted by armed forces in the West Bank and Hebron was meant to find the three young men kidnapped, return them to their families, and "deal a severe blow to Hamas movement," adding, in a veiled threat, that the army was on the verge of waging a decisive battle.

25. On Monday, 30 June, the 3rd day of Ramadan, the army recovered the bodies of three abducted persons. An hour after the announcement of the killing of the three abducted persons, the inner cabinet of the Israeli Government held an emergency session. An hour after the meeting, the Israeli military started shelling the missile launching sites of the Al-Qassam brigades. On Tuesday, 8 July, Israel launched a total war against Gaza for 51 successive days until the conclusion of a cease-fire and a truce on 26 August followed by a round of negotiations on 12 October amidst threats of resumption of hostilities at the end of the month.

26. The recent Israeli operation in Gaza claimed the lives of 1,479 Palestinian civilians, including 506 children. In addition, an alarming number of 11,231 Palestinian civilians were wounded, including 3,436 children, many of whom are now permanently disabled. Tens of thousands of children have been traumatized as a result of the horrific murder of their family members, friends and neighbors before their very eyes.

V. Cease fire and the Cairo Agreement:

27. The permanent cease-fire between the Gaza Strip and Israel was implemented against the backdrop of optimism following the signing of the agreement on Tuesday night (26 August 2014) after tortuous negotiations. The agreement was reached under the auspices of Egypt, which facilitated negotiations between the Palestinian and Israeli delegations, thereby ending the 51-day war that resulted in the death of more than 2,100 Palestinians, mostly civilians, and 64 Israeli soldiers and five civilians in Israel. The main points of the agreement reached by the Israeli and Palestinian negotiators during the indirect talks which lasted several weeks in Cairo are as follows:

- i) Hamas and other militant groups in Gaza agree to stop the firing of rockets and mortars into Israel;
- ii) Israel halts all military operations, including air strikes and ground operations;
- iii) Israel agrees to open more crossings points on the border with Gaza to allow for uninterrupted flow of goods, including humanitarian aid and reconstruction materials into Gaza Strip;
- iv) Israel is expected to reduce the security buffer zone inside t Gaza Strip border from 300 metres to 100 metres if the truce is respected. This will allow Palestinians access to more farmlands close to the border;
- v) Israel extends the range for fishing activity off the coast of Gaza by six nautical miles instead of three with the possibility of extension if the truce

holds. The Palestinians want to return eventually to full international range which is 12 nautical miles.

VI. Responsibility for the management of affairs in Gaza Strip:

28. The Palestinian Authority led by President Mahmoud Abbas is expected to take over the management of the borders of Gaza from Hamas.

29. The Palestinian Authority will coordinate the reconstruction efforts in Gaza Strip together with international donors, including the European Union.

30. The Rafah crossing between Egypt and Gaza Strip was not mentioned. Palestinian officials had, in the past, insisted that the Rafah crossing did not concern Israel; so logically it could not be discussed under the cease-fire agreement. Hamas requested Egypt to open the full stretch of the Rafah crossing on permanent basis. Egypt generally opened it on humanitarian grounds to facilitate the delivery of humanitarian assistance. Egyptian sources indicated that the permanent opening of the entire crossing would be contingent upon the security situation in Egyptian Sinai adjacent to Gaza Strip. Furthermore, it would first and foremost require coordination between Hamas and the Palestinian Authority, and that the Palestinian Authority, and not Hamas, should manage the passage to avoid a situation of further entrenching the division between Gaza Strip and the West Bank.

VII. The long-term issues to be discussed at a later date

- i) Hamas demanded that Israel release hundreds of Palestinians in the West Bank arrested after the abduction and murder of three young Israelis in June, an action that led to the war. Hamas has not denied nor admitted its involvement in the assassination;
- ii) President Abbas called for the release of former Palestinian prisoners. The demand did not yield any results following the failure of peace talks between Israel and the Palestinian Authority;
- iii) Israel demanded that Hamas and other militant groups in Gaza hand over the mortal remains and personal effects of Israeli soldiers killed during the war;
- iv) Hamas would like to build a seaport in Gaza to facilitate the transport of goods and people to and from Gaza Strip. Israel had for long rejected the plan.. However, it would be possible to make progress in that direction if there were comprehensive security guarantees;
- v) Hamas would want funds to be released to enable it to pay the salaries of 40,000 police officers and other administrative staff who have not been paid since the end of last year;

- vi) Palestinians also want to rebuild Yasser Arafat airport in Gaza which was opened in 1998 but had to be closed in 2000 after it was bombed by Israel

VIII. The Reaction of the International Community to the Obstinacy of Israel:

31. The British House of Commons voted overwhelmingly in favor of a motion calling on the British Government to recognize the independent State of Palestine. Although the action would not change the Government's position on the issue, it would nevertheless be of symbolic value to Palestinians in their quest for international recognition. The MPs adopted by a majority of 274 votes in favour and 12 votes against the motion, which urged the UK government to "recognize the State of Palestine alongside the State of Israel" as "a contribution to securing a negotiated two-state solution" in the region.

32. Great Britain does not recognize Palestine as a state, but maintains that it could do so at any moment if it considered that the measure would facilitate the peace process between Palestinians and Israelis. However, the Israeli Prime Minister Benjamin Netanyahu has urged the UN Secretary General, Ban Ki-moon to prevent any unilateral action by the Palestinians at the UN. The British vote came in the wake of the official recognition of Palestine as a State by the new centre-left Government of Sweden; an action condemned by Israel which insisted that Palestinian State could be achieved only through negotiations. The European Union has however indicated that it would not oppose the recognition of the State of Palestine if that would contribute to a peaceful and negotiated settlement culminating in the two-state solution.

33. The French National Assembly voted, on 3 December 2014, a draft resolution submitted by the members of the Socialist majority calling the government to recognize the State of Palestine, preceding another vote anticipated in the French Senate on 11 December in the same direction. This step comes after a similar move by the House of Commons in Great Britain, recognizing the State of Palestine and after the recognition by Sweden on October 8 of this State. There is a difference between Sweden's recognition of the State of Palestine as a government and the symbolic vote in Britain and France, despite the uproar sparked by Israel on Sweden's position as well as the positions of Britain and France. Israeli officials raise their voices because they realize that this voting has a moral influence as it means rejection of the policy of expansion of settlement pursued by the government of Benjamin Netanyahu. The message that Western countries are trying to deliver in this direction is their inability to continue accepting the fact Netanyahu pursue biting the Palestinian territories and in the same time obstruct efforts to reaching peace with the Palestinians. They are also well aware that the United States continues to support the Israeli position in terms of linking the establishing a Palestinian State with a peace deal with Israel despite strained relations recently between Washington and the Netanyahu government.

34. Although the US threatened to use its veto at the UN Security Council, the Palestinian delegation presented a draft Arab-French resolution on December 17, 2014 to the Security Council in order to determine a timeframe for an end to the occupation in

the Palestinian territories and identify the State of 1967, agreed upon by the international community, representing the two-State solution that they want to see on the ground. This position is consistent with the Arab League one, which acknowledged that the world has to put an end to this problem by setting a time limit to the Israeli occupation of Palestine and that it can no longer tolerate the Israeli intransigence, which reached the degree of ignoring all international treaties and its disdain for the world and international law in this regard.

35. Israeli violations on the ground continue without respect for all international treaties. These violations continue in the form of total repression of the Palestinians in front of the world, which resulted in the killing of a Palestinian Minister during peaceful demonstrations, in front of all the world's cameras, and continuation of settlements building in addition of intransigence on the issue of negotiations. All this unprecedented intransigence had its effects on the performance of the Israeli government itself and caused a split in it which may precipitate early elections.

36. The Israeli escalation in Jerusalem fomented by Jewish extremists and members of the Knesset, compelled Jordan to recall its ambassador to Israel on 5 November 2014 and to summon the Israeli ambassador in Amman to protest against repeated assaults on Al-Aqsa. Jordan also declared its intention to file a complaint against Israel at the United Nations Security Council. In the wake of the situation, Tzipi Livni expressed fears that the Israeli Right could push the country into a religious conflict with the Muslim world, thereby threatening the survival of Israel, fuelling extremism and worsening the already chaotic security situation in the Arab region.

IX. UNRWA:

37. The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono, expressed deep consternation at the staggering casualties suffered by Palestinian civilians, especially among children in Gaza Strip as a result of Israeli military operation, which lasted 51 days from 7 July to 26 August 2014.



38. The United Nations Special Rapporteur stated that "Israel's claim of defending itself against a population living under occupation and illegal siege under international law is indefensible". Furthermore, "in a society of 1.8 million people, with more than half of them are under the age of 18, this is a real tragedy and will be felt by future generations." Also, the number of unexploded munitions in Gaza, about seven thousand, represents a grave and permanent threat to the population of Gaza, including children.

39. The 51 days unabated bombardment damaged 228 schools, with 26 of them completely destroyed or damaged beyond repair. Eighty-seven schools now operate a double-shift system. The Special Rapporteur was informed that children who were lucky enough to go back to school were able to receive temporary psychological support.

However those who were less fortunate, especially those who lost their parents, would need long-term support from professional counselors.

40. There are still about 60,000 displaced civilians in 19 shelters in Gaza Strip. With the approaching winter, the need for ensuring rapid reconstruction and addressing urgent temporary relocation requirements to restore hope and dignity to the Palestinian people in Gaza is direly been felt.

41. At the same time, health-care workers in Gaza Strip have also reported serious shortage of drugs and equipment. Doctors have expressed frustration due to the lack of electricity, and especially at the inadequate generating capacity of mobile power plants. In view of this situation, Israel must immediately lift the land, sea and air blockade imposed on Gaza over the past seven years and allow the entry of the necessary reconstruction and rehabilitation materials without delay.

42. There was general discontent due to the failure of the Security Council to take the necessary steps to end the Israeli aggression against Gaza Strip and to ensure protection of the Palestinian people. Arab Foreign Ministers requested the Security Council to assume its role of maintaining peace and security in accordance with UN Charter and take the necessary measures to curb Israel's use of excessive force against unarmed Palestinians.

43. The present session of the Assembly of the African Union demands that all those who participated in the recent war in Gaza should be brought to justice so as to ensure the non-recurrence of such heinous act that threatens peace, as well as regional and international security. The siege of Gaza should also be lifted to allow the free flow of reconstruction materials and humanitarian assistance.

44. It became clear, at the end of the 51 day war against Gaza, that it was extremely difficult to break the will of the Palestinian people. Israel cannot achieve its colonial objectives through its policy of aggression against Gaza Strip. It is necessary to enter into serious dialogue with the Palestine State in order to implement the two-state solution and work towards finding meaningful solution to the causes of the conflict and prevent a repeat of such aggression by a just and fair settlement of the conflict.

X. Palestinian prisoners and detainees

45. Israel continues with its brutal violation of the rights of Palestinian and Arab detainees in its prisons. Nearly 200 of them are languishing in prisons under administrative detention without any justification for their continued detention. The practices of the occupational authorities against prison detainees and the introduction of military decisions and instructions which allows for long periods of administration detention is a clear violation of international conventions and agreements, including the Universal Declaration of Human Rights, the Geneva Convention on the Protection of Civilian Persons in time of war and the Universal Covenant on Civil and Political Rights, which guarantee several rights, including protection against arbitrary arrest.

46. Even though the administrative detainees have been on hunger strike since 24/04/2014 and 70 of them are in serious condition, Israel has deliberately chosen to ignore their medical condition. Worse still, the Government has adopted the recommendations of the security apparatus, Shabak, and authorized the forced feeding of those on hunger strike. On 9 June 2014, the Knesset adopted the decision which empowered Directors of Prisons to force feed detainees on hunger strike.

47. That decision violates all international conventions and norms and is another pretext being used to torture detainees. The decision has sparked international condemnation, especially from the United Nations. Secretary-General Ban Ki-moon expressed concern over the deterioration of the health of the detainees on hunger strike and has called on Israel to put them on trial or release them without delay.

XI. Conclusions and recommendations:

48. The African Union has consistently expressed its genuine support for the rights of the Palestinians, and encouraged its Member States to recognize Palestine and its legitimate right to statehood with its capital in East Jerusalem, within the 1967 borders, and co-existing side-by-side with the State of Israel for peace to prevail in the region.

49. The African Union demands the immediate lifting of the unjust embargo on Gaza and calls for the opening of all the border crossings to allow for free movement of people and goods, and the immediate release of all Palestinian detainees in Israeli prisons. The AU also stresses the need to bring to justice all those responsible for the death of civilians and destruction during the war against Gaza so that it does not happen again in the future.

50. It calls on Palestinian factions to unite and promote the values of national reconciliation to enable them to forge a common negotiating position and thus enjoy regional and international support to compel the Israeli side to accept the terms and conditions of Palestinians, backed by international legality resolutions, namely, the two-state solution, and also to halt Israel's colonial expansionist ambition. Palestinian national unity will insulate the Palestinian cause from sharp divisions and fracture as observed among the rival factions in Syria and in Iraq that are geographically close to Palestine.

51. The African Union is still in favour of a peaceful solution through the agreed negotiation mechanisms, in accordance with principles of international law, all the relevant resolutions of the United Nations and the efforts deployed by the Arab League to resolve the Palestinian conflict.

52. The African Union reiterates its unflinching support to the Palestinian State in the international arena to become a full member of the United Nations and various UN agencies, as well as its right to conclude international agreements with all parties of the international community. This will strengthen the commitment of Palestine to the provisions of international conventions and guarantee its rights as an active member of the international community.

53. The African Union is also committed to supporting the just cause of Palestine as an issue of decolonization. To this end, it calls on Member States of the Union to support Palestine at all international fora and to back the struggle of the Palestinian people to establish an independent State based on the 4 June 1967 borders, with East Jerusalem as its capital. The Union also reiterates all of its previous relevant decisions in support of the Palestinian cause.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2015

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

African Union

African Union

<http://archives.au.int/handle/123456789/4663>

Downloaded from African Union Common Repository