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COUNCIL OF MINISTERS

Sixtieth Ordinary Session

6 - 11 June, 1994

Tunis, Tunisia

CM/1835 (LX)

REPORT OF THE SECRETARY-GENERAL
ON THE PALESTINIAN QUESTION



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I. INTRODUCTION

The Fifty-ninth Ordinary Session of the OAU Council of Ministers, which convened in Addis Ababa, Ethiopia, from 31 January to 4 February, 1994, considered the report of the OAU Secretary-General on the Palestinian Question (Doc. CM/1808 (LIX)) and adopted Resolution CM/Res.1492 (LIX).

2. The above resolution reaffirmed the legitimacy of the struggle of the Palestinian people under the leadership of the PLO, their sole legitimate representative, with a view to recovering their occupied territories and exercising their inalienable rights.

3. In the resolution, the Council further expressed its appreciation of the efforts made by the PLO during the bilateral peace negotiations aimed at achieving a just and peaceful solution to the Palestinian question. Furthermore, Council expressed its support for the Accord on the Declaration of Principles concluded in Washington on 13 September, 1993 between the PLO and Israel and relating to arrangements over the establishment of an interim autonomous government. This Accord is a major first step towards the implementation of the principle of land for peace.

4. The resolution also called on Israel, the occupying power, to reflect both the spirit and the letter - in its effort to implement the Accords concluded with the PLO and further to withdraw as scheduled from the occupied territories.

II. RECENT DEVELOPMENTS IN THE SITUATION

5. The period between the adoption of the above resolution and the current session was characterized by numerous encounters between Palestinian and Israeli leaders in order to round up discussions on the implementation of the Declaration of Principles signed in Washington on 13 September. Following the Arafat/Perez meeting in Davos on 30 January, 1994, information circulated referring to the preliminaries of an agreement arrived at by the two personalities on the modalities for the withdrawal of Israel from the Gaza Strip and Jericho.



6. President Arafat and the Israeli Foreign Minister held a series of meetings in Cairo in the month of February 1994. Reassuring statements were made by both parties. President Arafat declared that there was "a genuine desire by both parties to implement the agreement as soon as possible" while Mr. Perez expressed "the feeling that real effort will be made to achieve an agreement".

7. After several weeks of behind - the - scene negotiations which occasionally almost folded up the deadlock in the Israeli/Palestinian discussions ~~finally~~ appeared to have been removed with the agreement concluded on 9 February in Cairo between Mr. Perez and Mr. Arafat "on issues of security". According to the signatories, this was "a major" step. The Cairo document is the first detailed agreement signed since the historic handshake between Itzhak Rabin and Yasser Arafat on 13 September, 1993. It must however be observed that this agreement did not set a specific date for the withdrawal of Israel from the settlements. It also makes no provision for the release of Palestinian detainees who number more than 10,000 in Israeli prisons and detention camps.

8. The salient issues addressed in this agreement are the following:

- (a) Transit points: the international borders between Gaza and Egypt on the one hand and between the Jericho enclave and Jordan on the other hand are still under the exclusive control of Israel. The State of Israel reserves the right to inspect the luggages of whomsoever appears at the border posts and can exercise exclusive veto rights on the entry of anyone into the Palestinian enclaves. The Allenby bridge which lies across the River Jordan close to Jericho and which is the only transit point that is permanently open between the West Bank and Jordan will be under the exclusive control of the Israeli Army and Police Force. However, Palestinian Policemen will be stationed at the Customs Terminus which is located some 2 kilometres

from the bridge. Travellers, who are not Israeli nationals, have to go through two check-points - one Palestinian, the other Israeli - both independent of each other.

- (b) Gaza : Within Gaza, Israel shall maintain exclusive control in the three Jewish settlements, whose total surface area has not been revealed but within which the Army would be redeployed. Furthermore, the three main highways linking these settlements to Israel proper will remain under Israeli control. The Palestinian Police Force could also patrol in that area on condition that they are accompanied by Israeli soldiers. The Israeli security services could, in the event of an attack or of an operation against the Army or the settlers, exercise the right of hot pursuit into the areas that are immediately contiguous to those three main highways. To move any further into the Palestinian areas of settlement, the Israelis must obtain the cooperation of the PLO Police Force. The Army shall not be authorized to conduct raids or carry out searches on its own in Palestinian towns and villages.
- (c) Jericho : The final demarcation of this autonomous enclave will be determined by Messrs Yasser Arafat and Itzhak Rabin. The three surrounding religious sites - the Nabi Moussa Mosque, the St. John the Baptist Monastery and the Quarantine Monastery - whose integration was asked for by the Palestinians, would not be included in their enclave. Corridors allowing them access to those sites are however accepted. A fourth corridor is provided to link Jericho to the banks of the Red Sea where a tourist/industrial site would be jointly developed.

9. It should further be stated that the Israeli Prime Minister had referred to the fact that "nothing would be achieved prior to the conclusion of a full agreement covering all pending issues". Clearly, even though the Army has made it known that it

can effect the envisaged redeployment in four weeks, the Israeli Chief Executive would like that the handing-over exercise in the economic and administrative sectors be completed before orders are issued for the main military movements. Negotiations on these two areas should resume in Taba (Egypt) and in Paris.

10. The signing of the Cairo Agreement did however create some feelings of disappointment among the Palestinians, particularly among the two main Palestinian Opposition Organizations based in Damascus - the PFLP and DFLP. These two organizations were of the view that the Palestinian negotiators "had sold out the rights of the Palestinians and submitted to the conditions posed by Israel".

11. The negotiators of both parties resumed their talks on the implementation of Palestinian autonomy on 14 February at Taba, Egypt. The structure and duties of the proposed Palestinian Police Force together with the issue of Palestinian detainees were at the core of the discussions. After four days of talks, the Israeli and Palestinian negotiators adjourned without making mention of any significant progress. The Heads of both delegations stated that the document on coordination and cooperation between the proposed Palestinian Police Force and the Israeli Army had been prepared. However, they pointed out that there were "some points" that still needed to be resolved with regard to the Police Force.

12. Some other problem still prevails in the occupied territories i.e. arms trafficking. On this point, President Arafat stated "that a terrible trade in arms was being engaged in by some Israeli officers in the West Bank and in the Gaza strip." According to him "this had been planned in a serious and perverse manner... the Israelis are aware that, on their withdrawal, these arms will not be used against them. Against whom will they then be used"? Mr. Arafat wondered.

The Hebron Massacre

13. The Israeli/Palestinian Peace Process always seems to be fragile. In addition to the Forces of Opposition in each camp, there are extremists on both sides working to subvert the process.

It is in that context that one can view the Hebron massacre perpetrated on 25 February 1994 by an Israeli Physician who is a member of the Kach racist movement, within the Tomb of the Patriarchs in Hebron West Bank. The killings and violence that ensued in East Jerusalem and in the occupied territories resulted in heavy casualties. According to both Israeli and Palestinian sources, 52 persons died during the massacre and 9 others subsequently in the occupied territories. According to the Palestinians, the number of wounded was at least 220 including 120 in the Gaza Strip alone.

14. Immediately after the massacre, responsibility for which was claimed by Jewish extremist, the PLO leader directed his Permanent Representative at the UN to ask for an urgent meeting of the UN Security Council so as to take the necessary steps to ensure the protection of the Palestinian people and their places of worship which were being desecrated day and night. Furthermore, he stated that "this massacre will have very serious repercussions not only on the Israeli/Palestinian negotiations but also at all levels and in all respects". Besides, according to PLO officials, the Organization had evidence proving that "the Hebron massacre was perpetrated by a group of 20 to 30 settlers led by an Israeli Army reserve officer, with the rank of Captain, and residing in the Kyriat-Arba settlement".

15. Indeed, the immediate outcome of the massacre was to increase the pressure on President Arafat to suspend if not put an end to the on-going peace negotiations. Several professional organizations that come under the PLO, same as the officials of the Political Department (Foreign Affairs) led by Mr. Farouk Kaddoumi asked for the suspension of talks. Furthermore, radical Palestinian Organizations opposed to the negotiations promised on their part to avenge the dead in Hebron. The Islamic Resistance Movement - Hamas which is powerful in the occupied territories, announced that it had placed its combattants "in a maximum state of alert" and called on them, "to react as aggressively as possible by striking at Zionist targets, the soldiers of the Occupying Army and the settlers".

16. On its part, the Israeli Government decided on 27 February 1994 to disarm the extremist Jewish settlers and to restrict their movement within the occupied territories. It also decided to rapidly set up a Commission of Inquiry into the Hebron massacre and to release about a thousand Palestinian prisoners. These decisions were considered as inadequate by the PLO which is also calling for international protection for the population in the occupied territories and asking that the issue of the removal of Jewish settlements be immediately included on the agenda of the Peace Talks even if, according to the Declaration of principles of 13 September 1993, this issue only had to be discussed when the final status of the territories would have been considered.

17. It should further be pointed out that the Israeli Government had, on 13 March 1994, unanimously approved the banning of Hach and Kahane-Hai, two racist organizations which had, among other things, hailed the Hebron massacre.

18. Immediately after the Hebron massacre, the US Administration mobilized its resources to rescue the peace process. On instructions from the White House, Secretary of State Warren Christopher immediately embarked on intense consultations by phone with President Arafat, the Israeli Prime Minister Yitzhak Rabin as well with the Egyptian Foreign Minister in order to try to preserve the peace process in the Middle East. To ensure that the massacre did not jeopardize the entire exercise, the US Administration invited the 60 Israeli and Palestinian negotiators to Washington for bilateral negotiations which have for some months now been striving to define an autonomous status for Gaza and Jericho.

19. As for Russia, which co-sponsored the Madrid Conference, its Foreign Minister went to Israel and to Tunis to meet with Arafat in an attempt to reactivate the peace process. Furthermore, Russia proposed that a Second International Conference similar to the one that took place in Madrid in October 1991 be convened. It also and formally submitted a draft resolution to the UN, on 11 March, condemning the Hebron massacre and providing for an international presence to guarantee the protection of Palestinians in the occupied territories. Finally, President Arafat and the Israeli Prime Minister were, separately, invited to Moscow in the month of April.



20. Three weeks after the Hebron massacre, the UN Security Council adopted Resolution 904 of 18 March, 1994, which vehemently condemned the massacre and demanded that "measures be taken to guarantee the security and protection of Palestinian civilians in all the occupied territories including, inter-alia the temporary foreign presence provided for in the Declaration of principles and as part of the on-going peace process". Moreover, the resolution called on the co-sponsors i.e. the United States of America and the Russian Federation, to pursue their efforts to inject greater impetus to the process and further extend the support required for the implementation of the above measures.

21. Contacts between Israel and PLO resumed in Cairo at the beginning of April 1994 with a view to pulling the process out of its current impasse and to also settle all outstanding issues. The two parties agreed on the formation of a Palestinian Police Force in Gaza and in Jericho. Furthermore, they signed an agreement regarding the deployment of 160 foreign observers from Denmark, Norway and Italy carrying light weapons in the El Kalil zone of the West Bank.

III. CONCLUSION

22. Prospects of progress on the path towards a political solution to the Palestinian problem should be commended. The Israelis and Palestinians should be encouraged to persevere in their efforts and to avoid the delays which might adversely affect the on-going process by opening the door to all types of extremist tendencies.

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