

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844
Website : www.africa-union.org

**EXECUTIVE COUNCIL
Ninth Ordinary Session
25 – 29 June, 2006
Banjul, THE GAMBIA**

EX.CL/273(IX)Rev.1

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

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

I. INTRODUCTION

1. At its Eighth Ordinary Session held in Khartoum, Sudan, from 16 to 21 January 2006, the Executive Council considered the Report on the situation in the Middle East and Palestine contained in Doc.EX.CL/235(VIII) and at the end of their deliberations, adopted Decision EX.CL/Dec.256(VIII) in which Council inter alia:

- *Reaffirmed its full support for a just and lasting solution to the Israeli-Palestinian conflict based on all relevant International Resolutions, the Arab Peace Initiative and the Road Map; urged the Palestinian and Israeli Sides to implement their commitments in order to create the conducive environment for the resumption of the Final Status Negotiations aimed at reaching a lasting, just and comprehensive peace in the region, so as, to bring an end to Israeli occupation of Palestinian Territories since 1967, with the two states solution, Israel and Palestine, living side by side in peace and security;*
- *Expressed hope that the Palestinian Legislative Elections will take place without any outside interference and in a free and transparent manner, thereby, paving The way for the establishment of Palestinian Democracy;*
- *Further welcomed the Israeli withdrawal from the Gaza strip, considered a first step towards full withdrawal from all Palestinian Territories occupied since 1967, including East Jerusalem and called upon the Government of Israel not to use, the withdrawal as a pretext to extend its control over the West Bank and Al-Quds Al-Sharif;*
- *Strongly condemned Israeli repressive measures and aggression perpetrated against defenceless Palestinian civilians; and called upon Israel to halt all unilateral measures designed to create a new fact on the ground, which is at variance with UN Security Council Resolutions and could jeopardize the peace process and dash hopes of achieving a just, comprehensive and peaceful solution to the conflict; and also*
- *Took note of the efforts deployed by the Committee of Ten (10) Member States on Palestine established by Decision AHG/Dec.182 (XXXVIII), in July 2002 and urged continued efforts in the quest for a just, comprehensive and peaceful solution to the conflict in the Middle East and Palestine.*

2. The present Report therefore covers the key development in the Middle East and Palestine since the last session of the Council, with particular emphasis on the Israeli-Palestinian conflict.

3. Since the Assembly of Heads of State and Government in Khartoum, Sudan, in January 2006, there has been a series of important developments that have seriously affected the peace process in Palestine and the entire region. These developments focused essentially on the Palestine Legislative Elections; the financial crisis occasioned by the Hamas Party victory in the legislative elections; the Israeli

General Elections; the victorious Kadima Party leader Ehud Olmert's Disengagement Plan E1 for the West Bank; the Humanitarian Disaster in the Occupied Palestinian Territories; the situation in Lebanon/Syria; the continued insurgency in Iraq and the bid to form a new Coalition Government and Iran's nuclear programme.

II. ISRAELI-PALESTINIAN CONFLICT

a) Palestine Legislative Elections

4. On 25 January 2006, elections were held for the Palestinian Legislative Council (PLC), the Legislature of the Palestinian National Authority (PNA). Notwithstanding the 2005 municipal elections and the January 09, 2005 Presidential Elections, this was the most democratic election to the PLC since 1996; subsequent elections had been repeatedly postponed due to the ongoing Israeli-Palestinian conflict, as well as the Israeli measures and refusal to allow Jerusalemites to participate in the election.

5. The Palestinian voters turned out in large numbers for the elections, with the ruling Fatah Party facing an unprecedented challenge to its long-term grip on power from the Hamas Party. The final results showed that Hamas won the elections, with 74 seats compared to the ruling Fatah's 45, providing Hamas with the majority of seats and the mandate to form a majority government on its own. In actual terms, Hamas won 44% of the popular vote but 56% of the seats in the legislature, whilst Fatah won 42% of the popular vote but only 34% of the seats.

6. Following the victory of the Hamas Movement, Mr. Ismail Hanniyeh was appointed Prime Minister and charged with the task of forming the new government. Consequently, on 19 March 2006, the Hamas Prime Minister-Designate, Mr. Ismail Hanniyeh submitted his list of a 24-member cabinet to President Mahmoud Abbas together with the Hamas Party's political and socio-economic programme for endorsement. The latter especially Hamas' political platform was however initially rejected on 23 March 2006 by the 18-Member Executive Committee (EC) of the Palestine Liberation Organization (PLO). They expressed the PLO's reservations on this platform, but authorized the Hamas leader to present his Cabinet to the Palestinian Legislature Council, for a vote of confidence on his line-up.

7. The Hamas political platform hinges on the fact that it had repeatedly pronounced its refusal to recognize Israel's right to exist unless Israel recognize the Palestinian rights including the right of establishing a Palestinian independent State; and although it has affirmed that it will abide by interim agreements signed between Israel and the Palestine Liberation Organization, it will review all others and abide only by those that are in the interest of the Palestinian people: the ones that will guarantee the establishment of a Palestinian State with Jerusalem as its capital on the basis of the 1967 borders.

8. The Palestinian Government is still exerting efforts to form a national coalition government. Despite the failure of previous talks, the window of opportunity is still open for talks on forming a national coalition government. Simultaneously, all factions including Hamas and President Abbas agreed to include all encompassing Palestinian factions.

Arab, regional and international reactions to the victory of the Hamas Movement :

9. There were differing reactions following the victory of the Hamas Movement at the legislative elections and the formation of the new government of the Palestinian National Authority.

10. As concerns the Arab world, the Summit of the League of Arab States meeting in Khartoum, Sudan, in March 2006, commended the Palestinian legislative elections ; called on the international community to respect the democratic choice of the Palestinian people and to continue giving the Palestinian National Authority donations and economic and financial assistance. It warned against the stand to freeze international aid to the Palestinian Authority on account of the very serious negative consequences and adverse human, economic and social impacts of such a stand not only on the Palestinian people, but also on stability and peace in the region. The Arab Summit further decided to continue providing the Palestinian National Authority financial assistance of US\$55 million per month.

11. The Government of Israel took advantage of the election results to refuse dialogue with any government formed by the Hamas Movement that does not recognize Israel and the agreements signed between Israel and the Palestinian National Authority, knowing full well that political negotiations have been installed. In addition, following the victory of the Hamas Movement, the Israeli authorities reasserted that there was no Palestinian partner working for peace, and thus imposed a unilateral settlement, starting with the unilateral plan to withdraw from the West Bank. Israel also put an embargo on all Palestinian Authority controlled territories, and decided to freeze the transfer to the Palestinian Authority of Palestinian taxes and customs proceeds collected by Israel on goods imported in ports situated in Israel. Israel further decided to tighten controls at check and crossing points to stop any assistance from reaching the Palestinian people, to step up repression and assassination of Palestinian activists; to intrude in the Ariha (Jericho) prison to abduct a group of Palestinian prisoners and destroy the prison; to suspend all contacts with the Palestinian Government and finally to stop members of the Hamas Movement Legislative Council and of the Palestinian Government from traveling between the West Bank and the Gaza Strip to hold meetings or facilitate the day to day running of Government affairs.

12. For its part, the Quartet charged with the implementation of the Road Map held a meeting in London a few days after the victory of the Hamas Movement was announced to consult and take a stand on this issue. The press release following the meeting stated that the solution to this question requires all parties to the peace process to renounce violence and terrorism. It called on the Palestinian party to undertake to recognize Israel and all the agreements signed between Israel and the Palestinian Authority.

13. The African Union hailed the sound conduct and democratic results of the Palestinian legislative elections. It renewed its support for the legitimate struggle of the Palestinian people and reiterated its call for the occupation of Palestine to stop. It further called on Israel and Palestine to seek a lasting solution to the conflict, based on international resolutions, the Arab peace initiative and the Road Map.

b) The Financial crisis

14. As a result of the Hamas Party's accession to power in the democratically conducted elections in Palestine, there has been considerable international pressure spearheaded by the Government of Israel and the USA to isolate the new government and to stifle its financial lifeline.

15. Similarly, the European Union threatened to cut off its funding to the Palestinian National Authority, if Hamas did not fulfil international conditions of recognizing Israel's right to exist and renouncing violence. Israel has also withheld tax collected on behalf of Palestine for months prior to the Palestinian elections. The larger part of the EU's annual assistance to the PNA estimated at about US\$600 million will be severely decreased if Europe proceeds with this threat. In the meantime, the issue of assistance, which has bypassed the PNA, has been discussed to find other ways and channels to continue this financial aid either through President Mahmoud Abbas' office or as direct project financing for humanitarian purposes. The members of the Quartet, engaged in the revival of the peace process in the Middle East, have considered the Palestinian financial predicament and expressed the view that the new government should be given time to formulate its programme. Similarly, the new government is presently engaged in seeking support from the Arab and Islamic countries through the League of Arab States as well as other supporting countries and international institutions. It should be observed that the present financial crisis will not only affect the Hamas Government but also the needs and economy of the Palestinian people.

16. On its part, the UN office for the Coordination of Humanitarian Affairs has also warned that Israel's withholding of VAT taxes and customs funds intended for the Palestinian Authority will place the PA in danger of collapse, limit its ability to provide basic services (such as health, education, water, electricity etc.), pay salaries of the 150,000 Palestinian public sector wage earners and the policing of populations in the West Bank and Gaza, which consequently would rise unemployment rate and poverty level further than 64%.

17. The Palestinian Authority has also called upon the international community to assume its responsibilities towards the Palestinian people and to urge the Government of Israel to refrain from using collective punishment policies and respect the democratic choice of the Palestinians; and international organizations and world governments to continue rendering assistance to the Palestinian who are on the brink of a humanitarian catastrophe if the financial squeeze and Israeli measures continued.

18. Considering the worsening economic situation in the Palestinian territories as a result of the blockade on the transfer of humanitarian and financial assistance to the Palestinian Authority, the Quartet met in New York on 15 May 2006. At the meeting, it recalled its previous stands on the Palestinian Government, and asked the European Union to come up with a mechanism to enable humanitarian assistance to be channeled directly to the Palestinian people without going through Palestinian Authority Institutions. Some 160,000 Palestinian public wage earners have not received their salaries for three months.

19. For their part, Russia and China announced that they recognized the results of the Palestinian elections and respected this choice arising from an unquestionable, democratic election. They however stressed the need for Israel and Palestine to pursue negotiations towards peace and mutual recognition, while condemning violence and terrorism by both parties.

c) Israel Elections

20. It should be recalled that Prime Minister Sharon formed the Kadima Party in November 2005 and called for snap elections. In the absence of Prime Minister Ariel Sharon who was taken by a sudden series of debilitating strokes, which left him in a coma, as of 04 January 2006, Kadima was led to the elections by interim Prime Minister Ehud Olmert.

21. In the elections to the 120-Seat Parliament held on 28 March 2006, the Centrist Kadima Party won 28 seats in all; but fell far short of a majority in the Israeli Knesset. However, the Kadima Party was able to form a coalition with other parties and a Government on 04 May 2006 under Premier Ehud Olmert.

22. The Kadima Party claims that there is no genuine peace partner on the Palestinian side and that Israel must move unilaterally to establish defensible borders and as such solidify Israel's permanent borders to preserve its character as a "Jewish" state. On relations with the Palestinians, the new Prime Minister stated that he will wait to see if the Hamas Government meets the conditions for resuming Israeli-Palestinian contacts. These threshold conditions include, recognition of Israel as a Jewish state, disarmament of all the Palestinian resistance factions and adherence to all previous Palestine Liberation Organization – Israeli agreements, including the 1993 Oslo Accords and the 2003 Road Map to peace. The Kadima Party had also made it known in its elections platform, that it is opposed to concessions on Jerusalem. On his part, Palestinian President Mahmoud Abbas has stated that the results of the Israeli elections do not change anything, unless Prime Minister Ehud Olmert changes his agenda and/or abandons his unilateral ideas.

d) Olmert's Disengagement Plan E1

23. According to Prime Minister Olmert's so-called "E-1 Disengagement Plan", Israel will unilaterally withdraw from parts of the West Bank but retain seven blocs as well as Jerusalem and the Jordan Valley. In effect, the withdrawal to new lines in the West Bank will also corroborate the separation with Gaza Strip, will ruin the regional contiguity of a future Palestinian State and reinstate the occupation and settlements.

24. Prime Minister Olmert's plan which favours unilateral steps over negotiations with the Palestine National Authority will be enough to be considered a renunciation of the internationally backed Road Map peace plan. It is widely believed that the proposed plan was not a peace plan, but one that constituted "unilateral moves that will allow Israel to remain in most parts of the West Bank through the construction of the wall, leaving in Israeli hands, the settlements and Jerusalem and rejecting the right of return of the Palestinian refugees. It was also considered a declaration of war against the peace blueprint based on the two-states solution and confirmed Israel's

refusal to recognize any Palestinian party or moves towards sovereign independence.

e) The Humanitarian Disaster in the Occupied Palestinian Territories

25. The Occupied Palestinian Territories also witnessed a humanitarian crisis in the Gaza Strip after stocks of wheat and flour ran out, due to the continuous closure by the Israelis of the Karni commercial crossing. The sudden increase in the prices of food supplies in the Gaza strip also negatively impacted on the Palestinian people. The most affected groups by these closures were the owners of small industries and the workers at these industrial facilities. Israel's closure of the Karni crossing, which is a primary artery used to transport commercial and medical supplies to and from the Gaza Strip, resulted in an estimated loss of US\$10.5 million and the closure of flour mills in the Gaza Strip as well as a severe shortage of medicines that have disrupted the work of hospitals, and threatened the healthcare situation of Palestinian patients. This state of affairs has also been further exacerbated by the financial squeeze on the new Hamas Government and the continued insecurity in the occupied territories.

OTHER DEVELOPMENTS AFFECTING THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES

26. During the period since the last Session of Council and Summit in Khartoum, Sudan, the situation in the Occupied Palestinian Territories has continued to witness an undue Israeli military escalation and a vicious cycle of violence resulting in an unwarranted human loss. Furthermore, the Israeli forces have continued to carry out various acts of aggression against the Palestinians, including military operations, assassinations, incursions, the bulldozing of arable lands and uprooting of trees; extra judicial executions; demolition of houses and property; indiscriminate attacks by settlers; restricting movements of Palestinians through sieges, closures and military checkpoints; arrest campaigns; and the continued settlement activities and construction of the Apartheid wall in spite of the condemnations by the International community and the advisory opinion of the ICJ in July 2004 calling upon the Government of Israel, amongst other things, to cease its construction immediately and compensate the affected Palestinians.

27. It will be recalled that in March 2006, the Israeli forces carried out a brazen attack on Jericho and its Central Prison in violation of the Agreement reached between the Government of Israel and the Palestinian Authority on the question of the prisoners and a clear commitment to internationally accepted laws and norms, especially human rights laws. The attack resulted in the illegal arrest of the Secretary-General of the Popular Front for the Liberation of Palestine (PFLP) and several other Palestinians. In addition, 3 Palestinian police officers were killed while 80 others were wounded. PNA considered the Israeli assaults on Jericho's prison as a gross violation of all undertakings by the two parties to end violence, reduce tension and inject a new momentum to the peace process in the region; and demanded Israel to immediately set free all the Palestinians detainees captured from Jericho's prison and all other prisoners and detainees.

28. On its part, the AU issued a Press Statement of condemnation on the unwarranted attack on Jericho and also called on the UN Security Council, the Members of the Quartet and the International Community to prevail upon the

Government of Israel to desist from such violations which will only serve to derail the peace negotiations, increase tension and further incite more violence in the Occupied Palestinian Territories and the entire region.

29. Additionally, at its Summit in Khartoum, Sudan, the Arab League Foreign Ministers in their Final Communiqué, among other things, reiterated support for the Palestinian people and its National Authority; condemned Israeli measures and closures of crossing points in the Gaza strip; called on the international community to continue its financial support to the PNA and respect the Palestinians' free and democratic choice of its leaders; condemned Israeli measures in freezing transfers of monthly Palestinian customs and tax revenues and called on the Quartet to resume its work in the search for a just and lasting peace in the region, based on the relevant resolutions of the UN and the principle of land for peace.

III. LEBANON/SYRIA

30. The consequences of the assassination of the former Lebanese Prime Minister Rafik Hariri, continue to overshadow Syria's political outlook. The Mehlis report to the Security Council gives the impression that high ranking Syrian and Lebanese security agents were involved in the assassination. The Syrian authorities indicated their willingness to cooperate in finding out the truth. A new Security Council report is being prepared which is likely to endorse the Mehlis reports findings, and authorize a final step before bringing individuals suspected of involvement in the assassination to justice. Meanwhile, developments in the Occupied Palestinian Territories continue to have Doppler effects on Lebanon and Syria, where Israeli forces continue to occupy the Syrian Golan Heights and Lebanese territory since 1967.

IV. CONCLUSIONS AND RECOMMENDATIONS

31. From the foregoing, it can be said that carrying on with the Israeli-Palestinian peace process and negotiations will be an arduous task, especially in light of the situation prevailing in the region. Both parties and the international community have to put in considerable efforts for the negotiations to resume.

32. The economic blockade imposed on the Palestinian people has been intensified since the Aqsa Intifadah with its repercussions making living conditions increasingly difficult. With time, this may lead to growing tension among the Palestinian people.

33. The passiveness of the Quartet, which failed to carry through the Road Map that had envisaged the creation, in 2005, of a viable Palestinian State living side by side with Israel, gives the impression that commitment to the Road Map needs to be renewed to take account of all recent developments in the region.

34. The new Israeli unilaterally declared "E-1" plan for disengagement in the West Bank being propagated by the new Israeli Prime Minister, threatens to derail future peace efforts. The plan will not only deprive Palestinians of their lands, but will leave a fragmented Palestine that cannot form a viable state. There will therefore be need for the US Administration and the members of the Quartet to prevail upon Israel to

cease all unilateral measures with regard to the occupied territories and return to the peace plan.

35. The present financial crisis had untold effects on the Palestinian people and economy. The international community should intervene and extend wholesome financial assistance to the Palestinians; the new Hamas Government should be given a chance to realign its political agenda.

36. In order to build a conducive climate for a return to peace negotiations, the international community and members of the Quartet should bring pressure to peace on the parties to recognize that it is in their interest to stop the vicious cycle of violence, and pursue the two-States solution.

37. The Palestinian Movements have to make a firm strategic choice, that is, being united against the occupying force, so that, their differences apart, the supreme interest of the Palestinian people may prevail. In this respect, President Mahmoud Abbas' important initiative taken at the Charm El-Cheikh World Forum to launch the inter-Palestinian dialogue, which started on 25 May 2006, is worth commending.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2006

Report on the situation in the Middle East and Palestine

African Union

African Union

<http://archives.au.int/handle/123456789/4257>

Downloaded from African Union Common Repository