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EXECUTIVE COUNCIL
Thirty-Sixth Ordinary Session
06 - 07 February 2020
Addis Ababa, Ethiopia

EX.CL/1198(XXXVI)
Original : English

REPORT ON THE SITUATION IN PALESTINE AND MIDDLE EAST

REPORT ON PALESTINE AND THE MIDDLE EAST FOR THE PERIOD FROM JANUARY TO DECEMBER 2019

I. INTRODUCTION

1. Through this detailed Report, covering the period from January to June 2019, the African Union renews its commitment to solidarity with the Palestinian people's right to regain their freedom and establish an independent State on their territory occupied by Israeli settlers since 1967. The firm support to the Palestinian cause is also in keeping with the foundations and principles underpinning the Arab-Africa Partnership, and upholds the values of justice, freedom and humanitarian concepts in which Africa believes.

2. On the occasion of this Summit, the African Union reaffirms that just and comprehensive peace is the strategic option, and that the peace process is an overall process that cannot be fragmented. Peace, stability and security can only be attained in the region by ending the Israeli occupation of all Palestinian and Arab territories occupied to the borders of 4 June 1967, and by enabling the Palestinian people to exercise their legitimate national rights, in order for Palestine to regain its right to existence as a pivotal State in the region, where a large part of the history of humanity was written, and which is the cradle of prophets and religions, as well as civilisations that the world is duty bound to preserve.

3. The African Union warns against the consequences of repeated Israeli provocation with regard to the feelings of Muslims and Christians throughout the world, with the escalation of dangerous and illegal policies aimed at the Judaization of Al-Quds (Jerusalem), and the division in time and space of the Al-Aqsa Mosque. It also warns against the illegal actions of Israel geared towards altering the demographic composition and geographical reality, through the settlement construction policy, encouraging Jewish immigration in Palestine, the separation of the Gaza Strip and its isolation from other Palestinian Territories. All these practices pose a real threat to international peace and security in the region, as well as undermining all the terms of reference of peace, and the spirit of the Arab Initiative.

4. The African Union also calls on the international community to assume its responsibilities with regard to the question of Palestine and the implementation of resolutions of international legality adopted from 1948 to date, in order to compel the colonising State to abide by international law and bow to international will, in a region experiencing armed clashes and conflict, which could wipe out its identity, change its cultural and demographic paradigm, fragment its States, and endanger international peace and security, as a result of massive exodus, dissemination of extremist ideas and loss of hope, particularly among the youth, who will have no other options but to join extremist and terrorist groups. All this because of a colonising State that the entire world recognises as not belonging to the Arab environment, either culturally, ideologically or

linguistically. A region, it should be recalled, that is the only region in the world that shares the same language, the same culture and the same identity.

II. AL-QUDS (JERUSALEM)

5. The systematic Israeli policy, aimed at altering the demographic, legal and historical status of the city of Jerusalem and its Islamic and Christian sanctuaries, continues to be pursued with vigour. However, it is met with the courageous resistance of the Palestinian people, in all its components, led by the inhabitants of Jerusalem, who succeeded in re-opening the doors of the Bab al-Rahma place of prayer, which had been closed by the occupying Authority 16 years ago. Attempts by groups of extremist settlers and Israeli leaders to enter the Al-Aqsa Mosque, having been authorised to pray there by the Israeli Supreme Court, are part of the Israeli scheme to divide the Mosque in time and space, including the Judaization of the Holy City and the exclusion of all other religions from Jerusalem. This poses a threat to the universal character and the symbol of peaceful coexistence between celestial religions that the city of Jerusalem represents.

6. Israel continues to multiply initiatives aimed at undermining the churches and weakening the Christian presence in the Holy City. The initiatives recently reached a peak with the imposition of an illegal tax on the assets and property of the churches, as well as the issuance of orders for the seizure and confiscation of property and bank accounts belonging to the Church.

7. The Israeli Authorities also continue to confiscate land and demolish houses belonging to the inhabitants of Jerusalem, including illegal attempts to demolish the village of Al-Khan Al Ahmar, to further its settlement projects within and outside the Old City, coupled with the continuous levelling of land in order to build what is called Greater Jerusalem, which comprises new settlements aimed at severing the geographical Palestinian link and fully controlling Jerusalem.

8. The African Union reiterates its deep concern regarding the continuation of the inhuman blockade of Gaza, which inflicts serious economic, social and human consequences on its inhabitants. It calls on the occupying Israeli Authorities to put an end to collective punishments and the disproportionate and systematic use of force against civilian populations.

9. We condemn and reject the decision of the United States of America to recognise Jerusalem as the capital of Israel, and transfer its Embassy there, with the integration of the American Consulate in Jerusalem into the Embassy. We demand the cancellation of the decisions, which are in total violation of international law and the resolutions of international legality; and strongly condemn the transfer by Guatemala of its Embassy to Jerusalem, as well as the opening of a Trade Office by Hungary in Jerusalem, as the diplomatic section of its Embassy in Tel Aviv. We equally condemn and reject the opening of any official diplomatic mission in Jerusalem, including the decision by Australia to recognise West Jerusalem as the capital of Israel, and call for the withdrawal of such recognition.

10. We request all States to implement the resolutions adopted by the United Nations and the UNESCO Executive Council on the question of Palestine, including that of the UNESCO World Heritage Committee, which confirmed that the Al-Aqsa Mosque is an Islamic place of worship, and an integral part of world heritage and culture, while condemning the attacks and illegal measures by Israel against the Mosque.

III. POLITICAL SITUATION AND PROCESS

11. Reaffirmation of the centrality of the Palestinian cause in the Israeli-Arab conflict, and Africa's unwavering support of the Arab and international options, including the right of the Palestinian people to the establishment of a State on its territories occupied since 1967, together with East Jerusalem, as well as the commitment to peace as a strategic option; the resolution of the Israeli-Arab conflict in compliance with the relevant resolutions of international legality, international law and the Arab Peace Initiative of 2002.

12. Request the Security Council to monitor the implementation of all its resolutions on the Palestinian question, namely, Security Council Resolution 242 of 1967, Resolution 338 of 1977, Resolution 1515 of 2003, and Resolution 2334 of 2016, which stipulate, *inter alia*, that the Israeli colonisation constitutes a flagrant violation under international law, an obstacle to peace and a weakening of the chances of a two-State solution and the peace process.

13. Work with international actors to put in place an international multilateral mechanism, under the aegis of the United Nations, to advance the peace process, particularly by convening an international conference to relaunch a credible peace process, with timeframes, based on resolutions of international legality, as well as the principle of land for peace and the two-State solution to resolve the current political impasse.

14. The American Administration's bias in favour of Israel resulted in the Palestinian Authority (PA) deciding that it was in no way qualified to play a role in the resumption of negotiations with Israel, and seeking another international party as an alternative to the USA, as sponsor of the peace process (Russia for instance). This position aroused the anger of President Trump, who took various punitive decisions against the Palestinian people, such as: Closing of the PA Office in Washington, Cancellation of annual financial assistance to the PA, Cancellation of the American contribution to the United Nations Relief and Works Agency (UNRWA) Budget (approximately 600 million dollars), Refusal of visas to the United States for some Palestinian leaders, Incitation of Netanyahu's government to repress peaceful demonstrations against the embargo by Palestinians in Gaza.

15. Against the backdrop of these events, came the Israeli decision to impose its sovereignty on the Golan Heights. The decision was rejected and condemned by all European countries, since it was in violation of the relevant resolutions and international legality.

16. As a last gift to the government of Prime Minister Netanyahu, President Trump recently announced the legitimacy of the Israeli settlements in the West Bank, in defiance of United Nations and International Law decisions. This standpoint undermines the foundations of the peace process as defined by the Oslo Agreement, and crushes the efforts of the international community, including the Arab Peace Plan.

IV. ISRAELI ELECTIONS

17. Prime Minister Benjamin Netanyahu did not succeed in obtaining the majority that would enable him to form a government with his party. On 17 September 2019, the Israelis re-elected their representatives to the Knesset (Parliament), after the results of the elections last April indicated that no political party could form a government with a majority of members of the Knesset. However, no political party had a decisive result in the re-election, which was not very different from the previous one. The political landscape after the elections appears to still be complex, and could consist of several channels.

18. The logical possibilities of forming a government would appear to be as follows: a government led by Netanyahu (the Likud as well as right-wing and fundamentalist religious groups), a Gantz-led government, in alliance with the centrist, left-wing and Palestinian political blocs, a government alternating between the two main blocs (the Netanyahu-led Likud and the Blue and White party led by Gantz), or attempts to form a government will fail, or such a government will fail shortly after its formation, and the Israelis will go to the third polls this year.

19. The Israeli elections led to many phenomena, chief among which were:

- The end of the right-wing era led by Israeli Prime Minister Benjamin Netanyahu, which lasted for over ten years;

- Increased Palestinian presence on the Israeli political scene, in terms of political participation or the Arab Opposition of 1948;

- The elections also revealed the complex diversity in Israel between ethnic groups, nationalities, languages, political leanings, interests, and social and economic classes, as well as the variable influence of Jews outside Israel, the emergence of new lobbies in the West that are not as powerful as the American Israel Public Affairs Committee (AIPAC), such as J Street, to the left of AIPAC, which supports the two-State solution and the resolution of the conflict.

V. PALESTINIAN ELECTIONS

20. In his statement at the United Nations General Assembly, President Mahmoud Abbas called for presidential and legislative elections in Palestine, in order to break the political impasse, since the Palestinian people would not accept the principle of

reconciliation as an alternative to elections, because it does not guarantee the right to choose their leadership.

21. Many important Palestinian factions proposed initiatives, with a view to reaching a political consensus that would establish a political climate conducive to the launching of the electoral process. However, this movement by factions, an alternative to the peoples' movement, could lead to the Palestinian people playing a major role in the general electoral process, perhaps the first since 2006. It is essential to continue to support the policy of cooperation, in order to obtain a formula whereby the people will be the only party with the legitimacy to choose their new leadership.

22. On 11 November 2019, during the commemoration of the death of President Yasser Arafat, the Fatah announced its intention to present the incumbent President, Mahmoud Abbas, as a candidate in the event Palestinian elections were held.

VI. PALESTINIAN REFUGEES, DETAINEES AND THE UNRWA

23. Reaffirmation of the mandate entrusted to the UNRWA, pursuant to the decision on its establishment adopted in 1949 by the General Assembly resolution, not to undermine its mandate or its responsibilities, and not to change or transfer its responsibilities to another body. The objective is to ensure that the UNRWA retains its United Nations legal reference, and the role of providing its services to Palestinian refugees within and outside camps, until such a time as a fair, comprehensive and definitive solution to the issue of refugees is reached, in accordance with the relevant resolutions of international legality.

24. Rejection and condemnation of Israeli attempts, through systematic campaigns against the UNRWA, as well as the rejection of the United States' decision or any similar decision, to stop or reduce funding of the UNRWA, and warn against the danger of depriving the latter of one-third of its operating budget, thereby endangering entire generations of Palestinian refugees, due to the loss of health, education and other services. Such unwise decisions affect the peace process, stripping it of its content, hence the need to reaffirm UN General Assembly Resolution 194, with a view to reinforcing security and stability in the region.

25. Express concern over the deficit in the annual budget of the UNRWA, and underscore the need to call on Member States of the UN General Assembly to make a global appeal to expand the donor base to include all Member States, redouble efforts with regional organisations, political groups and development banks, with a view to increasing financial contributions to the Agency and finding a lasting solution to its funding, while underscoring the importance of continuing to provide the necessary political, moral and financial support for the programmes and activities of the Agency.

26. Regret the resignation of the UNRWA High Commissioner from his position, while commending the remarkable work carried out by the UNRWA under his leadership over the last two years, to cope with the reduction of the American financial contribution and

maintain the level and quality of assistance that it usually provides to Palestinian refugee camps.

27. Stress that the issue of Palestinian refugees is at the centre of the Palestinian question, and show commitment to the right to return, which is a genuine right that should not be renounced, in accordance with the resolutions of international legality, particularly Assembly General Resolution 194 of 1948, and the Arab Peace Initiative.

28. Condemn and reject any attempt by any party whatsoever to relinquish the right to return or to pervert the Palestinian cause, through settlement attempts, liquidation of the UNRWA and its financing, re-establishment or redefinition of the legal status of Palestinian refugees, in order to deprive generations of Palestinian refugees and their descendants of the right to return.

29. Express deep concern over conditions in Palestinian refugee camps in Syria, and in response to constant requests to keep them without weapons and disarmed, lift the siege, rebuild the camps and ensure the return of their inhabitants, as well as provide all the necessary services to support Palestinian refugees. Also call for the provision of resistance elements and decent life for Palestinian refugees in the camps.

30. Condemn the continuation of Israeli occupation, arbitrary arrest and detention of thousands of Palestinians, including children, women political leaders, and deputies, as well as the campaign of arbitrary arrests of citizens, in violation of the principles of international law. Also condemn the law voted by the Israeli Knesset on the forcible feeding of detainees and prisoners who are on hunger strike. Further condemn arbitrary practices and physical abuse against prisoners and detainees, including the recent occurrence in the Negev detention camp, and work to put an end to it, while ensuring the release of all detainees and prisoners within the framework of any political settlement.

31. Call on the international community and international human rights bodies to bring pressure to bear on the occupying Authority for the release of all detainees and prisoners, particularly the fourth group of old detainees, the ill, children, deputies and administrative detainees, and compel Israel to relinquish its collective punishment policy, which is contrary to the Fourth Geneva Convention of 1949.

VII. SYRIAN ARAB GOLAN

32. In spite of condemnation and denunciation by the international community and the world at large aroused by the recognition by the United States President, Donald Trump, of Jerusalem as the capital of the occupying body, and this in defiance of all the international treaties and conventions, of the two-State solution and the Arab Initiative, the American Administration persists in the irresponsible recognitions, which not only do not contribute to solutions, but, on the contrary, prolong the conflict and isolate America from any potential peaceful solution in the Middle East.

33. By a decision of 25 March 2019, the American Administration recognised the sovereignty of Israel over the Syrian Golan. The resolution is contrary to the Security Council resolutions, particularly Resolutions 242 of 1967, and 497 of 1981, knowing that it in no way changes the legal status of the Syrian Golan as land occupied by Israel. Consequently, the African Union totally rejects this decision, and supports the rightful claim of the Syrian Arab Republic and its right to regain all the occupied Syrian Arab Golan to the 4 June 1967 borders, based on a peace process and resolutions of international legality.

VIII. SETTLEMENTS, THE WALL, THE INTIFADA, PRISONERS, REFUGEES AND THE UNRWA

34. The African Union stands alongside the international community in its rejection of the extension of Israeli settlements in Palestinian territory, and welcomes the efforts and decisions of the European Union and European Parliaments condemning the settlements as illegal entities, and prohibiting the financing of any type of project in the settlements located in Occupied Palestinian Territories, as well as products and goods from the settlements.

35. The African Union calls on Israel, the occupying power, to immediately stop violating international law and international humanitarian law.

36. Invites the international community to assume its responsibilities to combat the forced displacement of the Palestinian people due to the practices of the occupying Authorities, as well as request the activation of the advisory opinion of the International Court of Justice on the establishment of the separation wall, considered as a war crime under international law.

IX. CONCLUSIONS AND RECOMMENDATIONS

37. Affirm our support for the peaceful settlement of the question of Palestine through agreed negotiation mechanisms, in conformity with the principles of international law, all previous resolutions of the African Union, relevant resolutions of the United Nations and the League of Arab States.

38. Reject and condemn the American decision of 25 March 2019 to recognise the sovereignty of Israel over the Golan Heights, and consider it null in both form and substance, as well as that of 16 November 2019 recognising the legitimacy of West Bank settlements, that constitute a gross violation of the Charter of the United Nations, which does not recognise the forced annexation of a territory, as well as Security Council Resolutions 242 (1967), 338 (1973) and 497 (1981) concerning the annexation of Palestinian territories and the Syrian Golan Heights.

39. Reaffirm our rejection of the *fait accompli* policy, consisting in the Judaization of the city of East Jerusalem, which is the capital of the independent Palestinian State, open to all existing religions, and call on the occupying Israeli Authorities to cease attacks

against the houses of Palestinians who have always lived there legally, expropriating them to give to the Jewish population, with a view to changing the demographic balance and character of the city.

40. Reject all unilateral measures concerning the occupied city of Jerusalem, and consider the city as a subject of negotiation among the most important issues of the final solution, in compliance with international legality, and affirm the right of the Palestinian people to establish their Palestinian State, with East Jerusalem as its capital.

41. Call for the continuation of the peace process in order to achieve just, comprehensive and lasting peace in the Middle East. Welcome the efforts made to relaunch serious and effective peace negotiations between the Israelis and the Palestinians, with a view to ending the political blockade, and proceeding according to a specific calendar to end the conflict, based on a solution providing for the establishment of two States, and guaranteeing the establishment of an independent Palestinian State within the 4 June 1967 borders, with East Jerusalem as the capital, which is the only way of achieving security and stability in the region.

42. Also call on the occupying Authorities to release detainees and prisoners, particularly children, women, the ill and the aged, while ensuring their security and putting an end to the practices of individual and collective repression against the Palestinian people.

43. Reaffirm the mandate entrusted to the UNRWA since its inception in 1949 by the resolution of the UN General Assembly, and support it politically and materially, to enable it to play its key role of providing assistance to Palestinian refugees in camps and elsewhere, and call on the international community to demonstrate its commitment to the mandate of the Agency by ensuring it has the necessary funds to enable it to play its role, pursuant to UN General Assembly Resolution 194 of 1948.

44. Reiterate the appeal made to all African States to cease all forms of direct or indirect dealings with the illegal Israel settlement system in Palestinian Territories, and reject and condemn racist laws against Palestinians, such as the law on the execution of detainees and the law on Jewish nationalism.

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2020-02-07

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