

AFRICAN UNION

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REPORT ON THE SITUATION IN PALESTINE AND THE MIDDLE EAST

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I. Introduction

1. The African Union is closely following developments at political level and on the ground in occupied Palestine and notes the deterioration of the situation on the ground, the escalation of violence and crimes committed by the Israeli occupation against unarmed civilians demonstrating peacefully in order to make their legitimate rights guaranteed by law and international legality known, and deplores the targeted killings and executions by snipers of the Israeli occupation army along the borders of the Gaza Strip and in the rest of the Palestinian territories, in full view of the whole world, which constitutes a violation of all the international pacts and conventions governing human rights and the Human Rights Act.

2. The current situation in occupied Palestine is characterized by the Israeli policy of obstruction, as well as by the escalation in acts of violence committed by the occupying forces since the announcement by the US Administration at the end of last year of its decision to relocate its Embassy to the occupied Palestinian city of Al-Quds. That irrational decision by the United States of America, which we reject, infringes on all the legal decisions taken in this respect, goes against international consensus on the status of occupied Jerusalem, undermines the search for a peaceful solution to the conflict based on the coexistence of two States, insofar as a Palestinian State without East Jerusalem, nor a solution without East Jerusalem as capital of the State of Palestine, cannot be envisaged. Moreover, the multiplication of measures taken by the current US Administration against the State of Palestine may reduce the chances of achieving peace in the near future. This is due to the absence of US mediation, which the Palestinians reject because of its absolute bias in favour of Israel, the occupying power.

3. During this period, the abuses and arbitrary practices committed by the occupation and groups of settlers against the Palestinian people continue and are intensified since the Israeli occupation is encouraged by the green light given by the current US Administration which ignores the abuses. In addition, the Administration harasses the Palestinians and their leaders in order to get them to accept the conditions that it intends to present within the framework of the so-called deal of the century, which reflects the US concept of a solution to the Israeli-Palestinian conflict, a concept on which the whole world knows is in favour of Israel, and contrary to the resolutions on the legitimacy of the Palestinian cause. This led to the Palestinian leaders declaring their rejection of the agreement in advance, which is to be proposed «the Deal of the Century».

4. The Palestinian people are subjected to a permanent siege, the systematic confiscation of their land for the plan to expand Israeli settlements with the aim of dividing the Palestinian State into non-contiguous cantons, and the displacement of

citizens of areas of East Jerusalem and the Jordan Valley, as part of the ethnic cleansing policy carried out by the occupying power. Its goal is to completely confine the Palestinian population in isolated camps established on ethnic bases, double the number of settlements around the city of Jerusalem in an attempt to cut it off from its Arab environment, and to implement the plan to definitively isolate it by the racist separation wall. As a result of these plans, the Palestinian people now live under a *de facto* apartheid policy, whereby a special system is applied to the Jews and another to the Palestinians living under the occupation, with discrimination on racial basis. That cannot be tolerated, for it constitutes a violation of international law as well as international humanitarian law.

5. Faced with that situation, the African Union calls on the International Community to urgently intervene to ensure international protection for the Palestinian people. Indeed, the maintenance of the *status quo* raises ethical questions with regard to the international system. It is inconceivable to abandon the Palestinian people to deal alone with the acts of aggression against persons, land and holy sites. We request the UN Security Council to assume its responsibilities faced with the situation in Palestine in order to provide international protection and take decisive measures to ensure peace and stability in Palestine by inviting Israel to begin negotiations in conformity with the rules of international legality and the Arab Peace Initiative, according to a well determined calendar, under international multilateral auspices, which should result in the two-State solution and in the delineation of the borders based on the 1967 borders, with East Jerusalem as the capital of the State of Palestine.

6. In that regard, we call on the international community, the US Administration, stakeholders and mediators, within the framework of the search for a solution to the conflict between Palestinians and Israelis, to explore the Peace Initiative presented by President Mahmoud Abbas in his statement before the UN Security Council in February, which includes a proposal for a just peace, in accordance with decisions of international legality, the Arab Peace Initiative and previous relevant decisions of the Union. In fact, we are convinced that the Palestinian leadership has a genuine desire for peace, based on peaceful resistance, negotiation and diplomatic channel as a strategy to achieve independence and the establishment of a Palestinian State with East Jerusalem as its capital. On the contrary, we note the Israeli Government policies, methods and intransigent positions that openly reject the two-State solution, which are in line with international law and peace initiatives. The Israeli Government takes advantage of the impasse in the peace process to speed up the establishment of settlements in Palestinian territory, confiscation of its land, attempt at the Judaization of the Holy City, displacement of its inhabitants and the forcible establishment of different geographical and demographic reality in its attempt to impose the *de facto* policy that would destroy any real chance of achieving peace based on the principle of the two-State solution.

7. The African Union reiterates, through the present Summit, its solidarity with the Palestinian people in their right to freedom and establishment of their independent State within the June 1967 borders, with East Jerusalem as its capital. We consider that a just and comprehensive peace as the appropriate strategic option to put an end to the Israeli

occupation of all the Palestinian and Arab territories occupied in 1967, so as to ensure peace and security in the region and enable Palestine to exercise its right to existence as a key State in the region where a significant part of the history of humanity was written, and which is the cradle of religions and prophets, divine messages and civilizations that the world should preserve.

II. Situation in Occupied Jerusalem and Settlements:

8. The recent announcement by the United States of their decision to relocate their Embassy to occupied Jerusalem and its implementation on the date of the anniversary of the Nakba (disaster), in flagrant violation of UN Security Council resolutions, particularly Resolutions 476(1980), 478(1980) and 2334(2016) go against international legality and resolutions, as well as US commitments contained in the letter of assurances handed over to the Palestinian side in 2000. In addition to being a flagrant violation of international law and a measure which is not in keeping with the foundation, pillars and charters of the international system, the decision is a direct aggression against the Palestinian people and its national, just and legitimate rights, and at the same time a reward for the Occupying Authorities for its abuses and crimes, particularly since it coincides with the anniversary of the Nakba, which affected the Palestinian people and is still relevant today.

9. The African Union reiterates its rejection of the statement which it already considered as a real obstacle to the achievement of peace in the region and call on the international community to reaffirm the rejection of the said statement and the ensuing actions, and to transform the international consensus on the rejection into practical mechanisms to safeguard peace, the two-States solution and the rights of the Palestinian people. It also calls on all States to reaffirm their recognition of occupied East Jerusalem as an integral part of the occupied Palestinian territories and the capital of the State of Palestine, and to refrain from relocating their Embassies to Jerusalem. Such an initiative could seriously compromise the chances for peace, based on the two-State solution, and lead to the outbreak of a religious war, thereby transforming the political conflict into a religious conflict.

10. The statement by the United States on Jerusalem and the relocation of the US Embassy to that city, as well as the statements by prominent members of the US Administration who are committed to the cause for the occupying power, its violations and policies, encouraged the Israeli right-wing Government to speed up measures designed to change the *status quo* in the Holy City by completely separating it from its Palestinian environment, thus impeding the search for political solutions to the conflict based on the two-State solution. That situation calls for urgent measures by the international community and the international organizations concerned, to challenge the judaization projects, particularly in the city of Jerusalem. The Israeli Government, led by Benjamin Netanyahu, feels that the biased positions taken by the United States is a green light for him to accelerate the establishment of settlements in occupied Palestinian territories, through Judaization, in order to succeed in establishing a final

map of Israeli goals on the Palestinian land, and imposing a non-negotiable *fait accompli*.

11. Following the statement, there was an increase in the number of approvals for large scale settlement projects stretching from the north to the south of the West Bank. The Israeli Minister of Interior approved the construction of a settlement near the city of Qalqiliya, as well as the construction of 3000 new units in the Gilo settlement and the Gush Etzion settlement in the southern part of occupied Jerusalem. The aggressive settlement campaign is accompanied by massive construction of settlement roads through Palestinian lands, all designed to establish geographical continuity between the different settlements, resulting in the establishment of a State of settlers geographically connected to the Israeli heartland, while definitively closing the door to the establishment of a viable Palestinian State.

12. In February, the Ministerial Committee for Legislation approved a bill authorizing cuts in the salaries of Palestinian martyrs and prisoners. The Ministerial Committee for Legislation also decided to support the bill which would allow the withdrawal of residence permits from inhabitants of Jerusalem as part of plans for the expulsion of Palestinians from occupied Jerusalem. Furthermore, in that context, a campaign was launched by the Israeli ruling party aimed at imposing Israeli sovereignty on a large part of occupied West Bank and annexing the Jordan Valley, with the slogan «Uniting for Sovereignty, the Likud is making history» (This is happening against a backdrop of rivalry between the ruling right-wing party leaders to propose bills designed to impose Israeli sovereignty on large parts of occupied West Bank.

13. In addition, on 12 February 2018, the Israeli Knesset approved the application of Israeli law in educational institutions in the settlements established on occupied Palestinian territories. This is part of a series of discriminatory and racist laws passed within the framework of the stated occupation policy aimed at the gradual annexation by the occupying authority of large parts of the occupied West Bank. However, the extension of the legislative jurisdiction of the Israeli Knesset to the occupied Palestinian territory is considered as a serious violation of all the resolutions of international legality, the most recent of which is UN Security Council Resolution 2334 of December 2016, as well as a violation of all international treaties governing international humanitarian law, whereby it is compulsory for authorities of occupying States to respect the legal system in force in the occupied territory. Along with the adoption by the Knesset of that law, the Israeli occupying authorities intensified their campaign against the Palestinian educational programme and the schools applying them in the occupied part of East Jerusalem, pursuing their war and blockade against academic institutions in an attempt to disrupt the Palestinian educational system at all levels, in addition to the demolition of schools, thereby depriving hundreds of Palestinian children and students of education. .

14. The Israeli Supreme Court issued a decision at the end of last April stipulating the forced displacement of Bedouin residents from the Khan al Ahmar settlement to the Eastern part of the city of occupied East Jerusalem, with a view to legalising the crime of enforced displacement, as well as the demolition of houses and the only school in the

city. That decision was taken within the framework of colonization and settlement plans aimed at expanding settlements in the eastern part of occupied Jerusalem towards the Dead Sea. It is a colonialist policy, in line with operations to expand the settlement in order to reduce Palestinian presence in the Category C areas towards their Judaization. The project was confirmed through data published by United Nations agencies and human rights organizations, including the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), which in their periodic reports, observe that the Israeli occupying authorities have theoretically only reserved less than 1% of Category C occupied Palestinian lands for the expansion and development of Palestinians.

15. The Israeli Government, led by Benjamin Netanyahu, continues to expand settlements in the Category C areas with the current implementation of plans to establish settlements in the northern part of Jerusalem, particularly in the Kalama region and its environs, as well as the continuation of ongoing extension operations underway in the Tel Zion settlement, and the project to build more than 400 new houses in the said settlement. In addition, preparations have been made by the settlement institutions to approve the launching of the large scale settlement project called E 1, which will result in the closing the eastern gate of Jerusalem, thus completely cutting off the city from its Palestinian environment, in conjunction with operations to expel Palestinian citizens from their Holy City and their homes. The project aims at consolidating the geographical contiguity between the constructed settlements in Jerusalem. In contrast, the Palestinian settlements around Jerusalem are confined within closed, non-expandable cantons, with the isolation of occupied Jerusalem, which is completely cut off from the West Bank.

16. Assured of the protection, support and encouragement of the Israeli Government, and its different structures, Jewish extremist groups have intensified terrorist operations against unarmed Palestinian citizens, their land and property, in a clear complementarity of roles between the occupying army and militias of armed settlers. Therefore, at a time when the occupying forces confiscated hundreds of dunums of Palestinian land in order to openly allocate them to Israeli settlements, of settler militias attack and vandalize Palestinian property. The most recent of such actions was the widespread destruction by the occupying forces in the village of Bardala, in the eastern valley, of hundreds of olive trees and various crops on Palestinian land over a surface area of 35 dunums that are under threat of confiscation.

17. In violation of the sanctity of Palestinians, both the living and the dead, Israeli forces invaded the historic Islamic Gate of Mercy cemetery removing the North-Eastern part, as a prelude to its total Judaization for the racist projects of expansion of settlements in the Holy City, thus paving the way for the construction of the inclining road in Bal Al-Asbat. The Israeli occupation authorities also banned the waving of the Palestinian flag during the Palm Sunday procession in the occupied city of Jerusalem and participants in the procession were severely beaten, which is evidence of the repression and harassment experienced by Christian as well as Muslim Palestinians, who are still subjected to constant aggression, and whose access to holy sites is restricted. This also shows the magnitude of racial discrimination practiced by the

occupying authorities against Christians and Muslim, including the daily desecration of places of worship such as churches and mosques, particularly the Church of the Resurrection and the Al-Aqsa Mosque. The most recent of these practices was the attempt by the occupying authorities to impose taxes on churches and their property in the occupied city of Jerusalem.

18. The repressive measures against and harassment of unarmed Palestinians are even more draconian with the checkpoints, closure of all roads from North to South along the occupied West Bank, particularly in the city of Jerusalem; the deployment of additional soldiers on the streets and alleys of occupied East Jerusalem, as well as other repressive measures taken within the context of collective punitive measures imposed on the Palestinian people, in order to consistently make their living conditions more difficult and to forcibly evict them from their land. In addition to such measures, there is the decisions taken by the Israeli Government against the inhabitants of Jerusalem, the most recent of which was the decision taken on 29 April 2018 by the Israeli Minister of Interior to withdraw the identity documents of three Members of the Jerusalem Legislative Council, and its former Minister, under the pretext of lack of loyalty to Israel, in line with the policy of occupation, which is aimed at ridding the Holy City of Palestinian citizens.

19. It is therefore clear that Israel is applying a legal system with double standards in the West Bank, by giving preferential treatment to Israeli settlers while imposing difficult living conditions on Palestinians, a system that is akin to an apartheid regime. While the settlements have grown exponential, Israeli Authorities have demolished 380 homes and other property, leading to the displacement of 588 persons in the West Bank, including East Jerusalem. This is part of the discriminatory practices whereby Israel rejects almost all the applications for building permits submitted by Palestinians. Israel continues to be in charge of security, administrative services, housing, educational and health care for approximately 600,000 settlers living in illegal settlements in the West Bank, while international humanitarian law prohibits the occupier from relocating its civilians to the occupied territories.

20. It is difficult if not impossible, for Palestinians to obtain building permits in East Jerusalem and in 60% of the West Bank, which is under the exclusive control of Israel (Category C). The situation has forced Palestinians to build houses and business premises, however, these buildings are constantly under threat of demolition and confiscation by Israel. Palestinians residing in these areas have limited access to water, electricity, schools and other Government services, and pay more than Jewish settlers living there and using the same services.

21. At the first reading, the Israeli Knesset also approved the racist “Law on Citizenship”, which upholds racial discrimination against Palestinians land owners. Under the Law on Citizenship, Israel is regarded as the homeland of Jewish people, with Jerusalem as its capital, the right to self-determination being exclusively reserved for Jews. It is an extremely dangerous law in all its ramifications, such as its colonialist and expansionist significance and its approval is clear evidence of the endorsement of

apartheid by Israel, the occupying power, insofar as all things Arabic or Palestinian are marginalised. This goes against international law and the principles of human rights, while nurturing the concepts of religious war and terrorism in the region, since it imparts a religious character to the conflict.

22. In view of such violations, we reiterate our appeal to the international community to demonstrate its commitment to the implementation of UN Security Council Resolution 2334 of 2016, which reaffirms that Israeli settlements constitute a flagrant violation under international law and an obstacle to peace, and therefore demands that Israel immediately and completely cease all settlement activities in the occupied Palestinian territories, including East Jerusalem; refrain from opening or relocating diplomatic mission to the Holy City of Jerusalem, and not to recognise any changes to the 4 June 1967 borders, with the exception of the changes agreed on by the parties through negotiations.

III. Political Situation and Peace Process

23. The political situation of the Israeli-Palestinian-conflict is currently at a very low point, marked by the cessation of political negotiations. The impasse is virtually total since the measures taken by the United States, enshrined in its declaration on the status of the city of Jerusalem, are unilaterally in favour of Israel. In contrast, the current US Administration is exerting pressure on and attacking the Palestinian political leadership, aligning itself with Israeli policy and positions against legality and international law. The measures by the US Government are based on the Israeli model. In addition to the declaration on Jerusalem, the US Administration announced the closing of the Palestinian Liberation Organisation (PLO) Office in Washington, cut the assistance given to the United Nations Relief and Works Agency (UNRWA), and reduced the funding provided to Palestinians from USD 370 Million to USD 60 Million. At the same time, the expression “occupied territories”, previously used to describe the legal status of Palestinian territories occupied since 1967, has disappeared from the 2017 US State Department Global Human Rights Report, with regard to the West Bank, including East Jerusalem and the Gaza Strip. The relocation of the US Embassy to Jerusalem was also carried out on the 70th Anniversary of the Nakba.

24. Israel is nurturing the ambition to further widen the gap between the Palestinian and US sides, and pursuing a policy geared towards holding the Palestinian side responsible for the continued failure in launching a serious peace process. This is reflected in the attempt by Netanyahu to change the rules of political negotiation and turn his back on internationally recognized concepts with regard to the peace process, primarily in his bold statements, requesting the Palestinian side to acknowledge the *fait accompli*, not to mention the widespread Israeli campaign of incitement against the Palestinian President Mahmoud Abbas, his statements and positions. In addition, the Israel's practices on the ground, which consists in carrying out profound changes with regard to issues on the final status, including land ownership, in a constant attempt to unilaterally decide on these issues, and through forcible occupation, particularly the changes that have occurred in occupied East Jerusalem and its environs.

25. The Palestinian Authority announced that the United States was no longer qualified to play the role of impartial mediator in negotiations between Palestine and Israel, and that the US Administration had isolated itself by its declaration on Jerusalem and by relocating its embassy there. Palestinian leaders rejected the American Peace Initiative in the Middle East, called the Deal of the Century, and requested that any future peace negotiation between the two parties should be held under international and multilateral auspices, in accordance with the terms of reference of international legitimacy and the Arab Peace Initiative.

26. In February, the Palestinian President, in a statement delivered at the Security Council, presented a plan for a just peace pursuant to resolutions of international legitimacy and international consensus, aimed at resolving the conflict based on the principle of a two-State solution. The statement by the Palestinian President was a major boost to the chances of achieving peace between the Israeli and Palestinian sides through negotiations on the basis of a two-State solution. The chances of real peace offered by President Mahmoud Abbas's statement before the Security Council should be welcomed, particularly concerning the extension of the International Group of Sponsors of the peace process, and the balanced commitment of stakeholders to abide by the relevant references. The plan stipulates as follows:

27. Firstly: First and foremost, the convening of an international peace conference in mid-2018, based on the resolutions of international legitimacy and broad international participation, including the parties concerned, regional and international actors, headed by permanent members of the Security Council and the members of the Quartet, along the lines of the Paris Peace Conference or Moscow Conference, as requested by UN Security Council Resolution 1850, provided that the outcomes of the Conference include:

- a) Acceptance of the State of Palestine as a fully-fledged member of the United Nations, using the Security Council to achieve that, taking into account UN General Assembly Resolution 19/67 of 2012, and the guarantee of international protection to the people;
- b) Mutual recognition by the State of Palestine and the State of Israel based on the 1967 borders;
- c) Establishment of an international multilateral mechanism to assist both parties to the negotiations to resolve all final status issues, pursuant to the Oslo Peace Accord (Jerusalem, borders, security, settlements, refugees, water and prisoners); in order for the negotiations to be carried out in accordance with international legality, and for the agreements concluded to be implemented, following a specific calendar with guarantees for implementation.

28. Secondly: During the negotiation period, all parties should refrain from taking unilateral measures, in particular those that may affect the outcome of the final solution, in accordance with Article 31 of the Oslo Agreement in 1993, including the halting of settlement activities in the territories occupied since 1967, particularly in East Jerusalem, the freezing of the resolution recognizing Jerusalem as the capital of Israel, and the abandonment of the decision to transfer the US embassy to Jerusalem, in accordance with the relevant Security Council resolutions, in particular Resolutions 476 and 478, as well as the non-accession of the State of Palestine to organizations to which it had previously pledged not to accede. This concerns 22 out of 500 organizations and treaties.

29. Thirdly, the Arab Peace Initiative will be implemented as adopted and a regional agreement will be concluded when a peace agreement is reached between Palestinians and Israelis. In this regard, the standard for all future negotiations should be as follows:

- Respect for international law and relevant resolutions of international legitimacy, including Security Council Resolutions 242, 338 and 2334, the Arab Peace Initiative and agreements that have been signed.
- The principle of the "two-state solution", namely, the State of Palestine with East Jerusalem as capital, co-existing peacefully and in security side by side with the State of Israel within the 4 June 1967 borders, the rejection of partial solutions and of a State with temporary borders.
- Agreement by both parties to exchange of land at nominal value or its equivalent.
- East Jerusalem, as capital of the State of Palestine and a city open to followers of the three (divinely) revealed religions.
- Ensure the security of both States, without prejudice to the sovereignty and independence of each State, through the presence of an international third party.
- A fair and concerted solution to the issue of Palestinian refugees on the basis of Resolution 194, in line with the Arab Peace Initiative and the international commitment to continue to support UNRWA until the refugee issue is resolved.

30. The Palestinian leadership held the 23rd edition of the Palestinian National Council (on Jerusalem and the Protection of Legitimacy), after which the Palestinian Central Council and the Executive Committee of the PLO were elected. The most important results were:

- Mandate given to the Executive Committee of the Organization to suspend the recognition of Israel until that State recognizes the State of Palestine

within the 4 June 1967 borders, to revoke the decision to annex East Jerusalem and to cease colonization activities.

- Rejection of interim solutions and a State with provisional borders; and refusal to abandon the case on Jerusalem, refugees, settlements, borders and other issues, whatever they are called, including what has been publicized as deal of the century and other proposals to change the terms of reference of the peace process and to circumvent international law and legitimacy.
- End the transition period stipulated in the agreements signed in Oslo, Cairo and Washington, and the obligations arising therefrom.
- Need to implement the decision of the Central Council in its last two sessions calling for an end to the security coordination in all its forms, and to break the economic dependency relationship enshrined in the Protocol on Economic Relations signed in Paris, including the economic boycott of the products of the occupying entity.
- Priority be given to ending the division and achieving the unity of Palestinian land in Gaza and the West Bank, including East Jerusalem, because there is no state in Gaza and no state without Gaza.

31. The National Council called on the international community to assume its responsibilities, on the basis of the relevant United Nations resolutions, to end the occupation and allow the State of Palestine to gain independence and to exercise its full sovereignty over its territory, including Jerusalem, the capital, within the 4 June 1967 borders.

32. On the other hand, Israel, the occupying authority, has given up seeking membership on the Security Council, and this renunciation is a victory for the principles and human values enshrined in international law and the United Nations Charter. It clearly confirms that the Israeli occupier is not qualified to aspire to membership on the Security Council, which is committed to establishing international peace and security. The Palestinian efforts have, with the help of friendly countries, especially the African countries, succeeded in defeating any real support for this candidacy which is legally, morally and humanly inadmissible, by denouncing the attacks and violations perpetrated by the Israeli occupier in the Palestinian territories, in defiance of resolutions of the United Nations General Assembly and the Security Council, which Israel rejects and refuses to implement.

IV. Situation on the Ground:

33. The Palestinian State continues to suffer under the yoke of colonial occupation. Israel has imposed by force of arms, over the last 50 years, racist and discriminatory policies against Palestinian citizens. Dealing with this reality and widespread racist and

discriminatory practices is a priority that cannot be postponed. One cannot ask that the racism of the occupier and the violence and injustice they generate be tolerated. The Palestinian State continues to use all the legal and diplomatic instruments at its disposal for the realization of the right of its people to self-determination, freedom and a dignified life, free from oppression and racism like all the other peoples of the world.

34. The Palestinian State, whose responsibility it is to protect the right of the Palestinian people to live in freedom from violence and discrimination, with its commitment to the cause of its people, filed a complaint on 23 April 2018 against Israel, a State party to the Convention on the Elimination of All Forms of Racial Discrimination, to the Committee of the United Nations Convention on the Elimination of All Forms of Discrimination. It is thus fulfilling its duty to protect its citizens against discrimination and other practices and policies that constitute a serious violation of the obligations of States parties to the Convention on the Elimination of All Forms of Racial Discrimination.

35. Since the middle of last year, Palestinian cities have experienced escalating tensions and protests against the Israeli authorities' attempt to control the Al-Aqsa Mosque by erecting electronic gates and installing surveillance cameras. The occupation forces carried out individual and collective arrests in the streets of Al-Quds. This protest movement intensified last December, following the US administration's declaration on Al-Quds. Protest demonstrations against this declaration have also been held in all Palestinian cities, as well as in several Arab and Muslim capitals.

36. In commemoration of Land Day, and from 30 March 2018, the city of Gaza witnessed peaceful protests of the Great March of Return, which the Israeli occupation forces violently suppressed by firing live ammunition at peaceful protesters. Instructions were given by the occupation authorities to soldiers and snipers stationed at the border to open fire on demonstrators using their judgment of the situation on the ground, thus allowing them to shed Palestinian blood. The Israeli Prime Minister and members of his coalition boasted of the massacre perpetrated by soldiers and snipers on Friday, 30 March 2018, a massacre that involved 17 martyrs and more than 1,500 injured persons among unarmed Palestinian civilians participating in these demonstrations in Gaza. Protesters were targeted and executed by Israeli soldiers.

37. On 14 May 2018, during the commemoration of the 70th anniversary of the *Nakba* (catastrophe), large demonstrations took place along the border with the Gaza Strip. These coincided with demonstrations against the transfer, on that same day, of the United States Embassy to the occupied city of Al Quds. The choice of this date is considered a provocation against Palestinians and the Arabs. The occupation authorities launched an unconscionable military attack on the civilian population in the besieged Gaza Strip, killing many of the protesters. This attack which caused the death of sixty (60) martyrs and injured 2,500 persons, many of whom were children, is a serious violation of international law, including international humanitarian law and the provisions relating to the protection of civilians in armed conflict.

38. This criminal crackdown on unarmed Palestinian protesters defending their land, their homes and their rights, and the use of lethal force by the occupying army is intended to deter, intimidate and terrorize the citizens, in a bid to prevent them from defending their rights. It constitutes a violation of international law and disrespect for the international human rights system and constitutes a war crime for which the Israeli occupier must be held accountable and judged. One hundred and seventy (170) protesters have been martyred and more than seven thousand five hundred (7,500) others have been injured since the announcement of the transfer of the US embassy to Al Quds in December 2017. The international community should denounce the slaying with impunity of defenceless Palestinian people and provide them with the international protection they need. It is urgent and imperative to uphold international norms and standards as well as the international rules of ethics, to save the lives of innocent civilians and to prevent the situation from worsening even further, in order to preserve the very slim chance to achieve a just peace that still remains.

39. The Government of Israel continues to impose severe and discriminatory restrictions on the rights of Palestinians, to restrict the movement of people and goods in the Gaza Strip and to facilitate the arrival and illegal settlement of Israeli citizens in the occupied West Bank. . The Hebrew State's closure of Gaza has been going on for a decade with restrictions on provision of electricity, water, medical care, education and economic opportunities, thus perpetuating the poverty of Palestinian citizens. About 70 per cent of Gaza's 1.9 million inhabitants depend on humanitarian aid.

40. The near complete closure of the Gaza Strip continues, imposing a severe restriction on the movement of people and goods. The Erez crossing, which links Gaza with Israel and the West Bank, is reserved for what the army calls "exceptional humanitarian situations", which often means that it is open only to patients and those accompanying them. Israel's restrictions in Gaza on the delivery of building materials and the lack of funds have hampered the rebuilding of some 17,800 homes that had been badly damaged or destroyed during the Israeli military operation in 2014. Some 29,000 people have lost their homes, are without shelter and homeless.

41. In the West Bank, Israel imposes severe restrictions on the movement of Palestinians through checkpoints and the separation wall. Zones and roads are constantly cordoned off and Palestinians are maltreated and intentionally humiliated by Israeli authorities at crossings and checkpoints. They are forced, so as not to approach Israeli settlements, to circumvent them by taking longer roads. Israel is also continuing to build the separation wall, 85% of which is inside the West Bank and not along the green line separating Israelis from the Palestinian territories. As a result, Palestinians cannot access their farmland and 11,000 Palestinians on the west side of the land cannot travel to Israel and are forced to use the crossing to access their property and social services in the West Bank.

42. Israeli military authorities detained Palestinian protesters, including those who supported the peaceful protests against Israeli settlements, the route of the separation wall, the Al-Aqsa Mosque and the American Declaration on Al Quds. The majority of

Palestinian children detained in the occupied territories were tried in military courts and almost all were sentenced. Israeli forces arrest Palestinian children generally for the crime of throwing stones which result in excessive and unnecessary use of force. The interrogation of the children takes place in the absence of any family member and these children are forced to sign confessions in Hebrew that most of them do not understand.

43. The arrests of Palestinian citizens constitute an offense under the legal guarantees of international law on arbitrary detention (Article 9), the 1948 Universal Declaration of Human Rights, as well as Articles 9 and 10 of the 1967 International Covenant on Civil and Political Rights. The Israeli occupation authorities currently hold approximately 7,200 Palestinian prisoners, including minors, the elderly, the sick, women, deputies, trade unionists and political leaders, many of whom have been arrested without charges against them and placed under "administrative detention". Thus, four hundred and thirty-one (431) Palestinian prisoners are under administrative detention, accused of inciting citizens on social networks. Of these, 304 are children and 63 are girls and women, who are held in 22 prisons and detention centres. Human rights organizations have recorded hundreds of deaths of these detainees under torture.

44. The crisis of Palestinian prisoners in Israeli prisons is aggravated by serious violations of human rights and international humanitarian law during Israeli military operations against Palestinians. The prisoners continue to live under harsh detention conditions, in violation of the most basic rights and the 4th Geneva Convention relating to prisoners and the protection of civilian persons in time of war of 1949. There number of administrative detentions is growing, with these detentions lasting for long periods of time without charges and without trial, although guaranteed by international law, during which detainees are subjected to torture, harassment, and ill-treatment and deprived of family visits.

45. Palestinian prisoners suffer from the lack of adequate medical care and those who are ill suffer from medical negligence. Martyr Prisoner Aziz Al Owaisat died on 20 May 2015 in prison following a heart attack he suffered 10 days earlier. On the other hand, prisoners often go on hunger strike to protest the extremely harsh detention conditions, which have caused the death of a number of prisoners. All of these activities contravene international law and international humanitarian law, in particular the rules of the Third Geneva Convention, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). In the face of this disastrous situation, it is incumbent on the international community to assume its responsibility and make every effort to put an end to these severe violations of international law and offences against Palestinian prisoners and to demand their release.

V. Recommendations:

- 46.** Support the Palestinian people in their struggle for freedom and establishment of an independent State with Al-Quds as its capital, coexisting peacefully with the State of Israel.
- 47.** Support a peaceful settlement of the Arab-Israeli conflict and achieving peace and security in the region, based on the implementation of provisions of international law contained in the relevant UN Security Council resolutions, in accordance with the principles of international law, the Arab Peace Initiative, and the decisions of the Organization of African Unity/African Union.
- 48.** Call for the resumption of peace negotiations between the parties, under international multilateral and according to a specific calendar, in conformity with the terms of reference established by resolutions of international legality, while ensuring the implementation of the outcomes of the negotiations, in order to put into practice the principle of two States and the establishment of a Palestinian State with East Al-Quds as its capital, without waiver, partition, or deferral.
- 49.** Reject all unilateral measures concerning the occupied city of Al Quds, and demand that it should be the subject of negotiation regarding key issues to do with the final status, in accordance with international legality; affirm the right of the Palestinian people to consider East Al-Quds, within the 1967 borders, as the eternal capital of the State of Palestine; and work to ensure respect of the current historical position of holy sites in Al-Quds.
- 50.** Call once again on Israel to put an end to its policy of *fait accompli*, characterized by the continuation of settlement activities in Palestinian territories and the Judaization of Al-Quds in order to change the demographical balance and the nature of the historical and Islamic monuments of the city, pursuant to the relevant UN resolutions, the most recent of which is Resolution 2334 of 2016, and the Fourth Geneva Convention.
- 51.** Urge all African States to end all direct or indirect relations with the Israeli colonial system, which is illegally occupying the territory of the State of Palestine, and take all measures to put an end to it pursuant to international laws.
- 52.** Urge all African Union Member States that have recognized the State of Israel and maintain relations with it to openly declare that their recognition was based on the 1967 borders, and reaffirm their recognition of the State of Palestine within the same borders, to enable the implementation of the two-State solution.
- 53.** Reject and condemn the use by the occupying forces of live bullets against unarmed Palestinian civilians participating in peaceful demonstrations demanding their rights and their land, and consider such actions as war crimes for which the State of Israel is legally responsibly.

54. Reaffirm the need to ensure international protection for the Palestinian people and their land, put an end to the occupation, and preserve the possibility of a two State solution, pursuant to UN Security Council Resolutions 605 (1987), 672 (1967), 673 (1990) and 904 (1994), on the basis of the Geneva Conventions, and reaffirm their applicability to Palestinian territories occupied since 1967.

55. Call once again on the new Israeli occupation authorities to release all prisoners, particularly children, women, aged persons and the sick, and to put an end to individual and collective repressive practices against the Palestinian people.

DRAFT
DECLARATION ON THE SITUATION IN PALESTINE
AND THE MIDDLE EAST

We, the Heads of State and Government of the African Union, meeting at the 31st Ordinary Session of the Assembly of the African Union held in Nouakchott, Mauritania, on 2 and 3 July 2018:

Taking note of the Report on the Situation in the Middle East and Palestine and **recalling** all previous resolutions of the Organization of African Unity/African Union on the situation in Palestine for the maintenance of a lasting peace and security in the Middle East;

Reaffirming our total support for the Palestinian people in their just struggle against Israeli occupation, under the leadership of President Mahmoud Abbas, for the restoration of their legitimate right to establish an independent Palestinian State peacefully co-existing with the State of Israel;

Reaffirming our willingness to find a peaceful solution to the Arab-Israeli conflict in accordance with the principles of international law and all relevant United Nations resolutions calling for the establishment of a Palestinian State on the borders of 4 June 1967, with East Jerusalem as its capital;

Reiterating our call for the resumption of negotiations between the two parties with a view to achieving a just, comprehensive and lasting peace in the Middle East and expressing our support for all initiatives aimed at finding a lasting solution to the Israeli-Palestinian conflict and for launching negotiations through an international multilateral mechanism, including all permanent status issues, pursuant to agreements previously signed by the Israeli side (El Quds, borders, security, settlements, refugees, water and prisoners), while ensuring the respect of international legitimacy and the implementation of what has been agreed according to a precise timetable with performance guarantees;

Reaffirming our position in support of the Palestinian cause and the Union's continued search for a just and comprehensive peace for the Palestinian people, and hoping that all Member States will endeavour to work towards the achievement of this objective in their international relations. And that any cooperation by African States with the State of Israeli should not support the occupying entity at the expense of African support for the Palestinian cause;

Further reaffirming that all settlements built in the West Bank, East Jerusalem and the Syrian Golan Heights are null and void and, condemning the policy of land grabbing and demolition of houses, including in Jerusalem and the Jordan Valley, and forced displacement of civilians coupled with collective punishment measures;

Condemning Israeli practices against Palestinian prisoners and detainees, and **Rejecting** administrative detention and condemning arbitrary measures and sanctions

imposed on detainees, particularly children and women languishing in Israeli prisons, which deprive them of their minimum rights guaranteed by international law and international human rights conventions, including the Geneva Convention on the Rights of Women and Children. Calling upon, in this regard, the Israeli Government to release all Palestinian and Arab prisoners in Israeli prisons immediately and unconditionally;

Denouncing Israel's continued occupation of Palestinian territories, the escalation of tension following abuses by Israeli forces and settlers against unarmed Palestinian civilians peacefully protesting for their rights; in violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. These abuses are real crimes whose perpetrators are liable to international prosecution. In this regard, we declare our support for the Palestinian people's strategy of peaceful popular resistance to occupation for the attainment of independence and the establishment of the Palestinian State;

Hereby declare as follows:

1. **Request** Member States of the African Union and countries of the world to work towards finding a solution to the Arab-Israeli conflict based on the relevant resolutions of international law and the Arab Peace Initiative for the establishment of two States: an independent Palestinian state with the 4 June 1967 borders and El-Quds-East as capital, peacefully co-existing with the State of Israel.
2. **Exhort** Member States of the African Union that have recognised and are maintaining relations with the State of Israel to openly declare that their recognition was based on the 1967 borders, and refrain from any action that could undermine the basis of the final two-State solution, particularly transfer of embassies or diplomatic missions represented in Israel to El-Quds-East which is an occupied Palestinian territory. During their visit to Israel, African delegations are requested to visit the Occupied Palestinian Territories, including El Quds-East, only in coordination with the Palestinian State.
3. **Renew** our call to Member States to take into account, in any cooperation with the State of Israel, that such cooperation does not support the Israeli occupation at the expense of African support for the Palestinian cause, in line with the noble ideals of the African Union, particularly the right of people to freedom and self-determination. We express the ardent hope that Member States will respect the decisions of the African consensus and the Union's policy on the Palestinian question, in the interests of peace and security in the Middle East.
4. **Urge** Member States to support the State of Palestine in their right to become a full-fledged member of the United Nations and support the efforts made by Palestinians to join international agencies and adhere to international conventions and protocols.

5. **Support** the just peace plan proposed by Palestinian President Mahmoud Abbas in his speech to the Security Council, based on the resolutions of international legitimacy and the international consensus for the resolution of the conflict on the principle of the two-State solution. We consider this plan as an initiative for a new opportunity to restore peace between Israel and Palestine through negotiations that the community must seize. We also support the Palestinian position in favour of a final solution to the conflict based on the principle of the two-State solution, excluding partial and incomplete solutions and the provisional state, and rejecting the Jewishness of the Israeli State.
6. **Reject and condemn** the settlements by the Israeli occupation force in the occupied territories in 1967 and much of the West Bank, including El-Quds-East. **We call upon** the international community, particularly the United Nations Security Council, to hasten the implementation of Security Council Resolution 2334 of 24 December 2016 and to immediately end the Israeli offensive to colonize El Quds and other Palestinian territories in order to impose a de facto policy likely to undermine the chance of the two-State solution.
7. **Reaffirm** the rejection of US President Donald Trump's decision of 6 December 2017 which considers El-Quds as the capital of Israel and to transfer the US embassy there. We believe that this decision constitutes a major obstacle to peace since El-Quds is one of the last stakes of the Israeli-Palestinian conflict as confirmed by the history of negotiations between the two parties for 26 years.
8. **Reaffirm** that El Quds East within the borders of 4 June 1967 is the capital of the State of Palestine, in conformity with the resolutions of international legitimacy and previous decisions of the African Union in this regard. We condemn the policy of Judaizing the city of El Quds conducted by the Hebrew State which continues to illegally annex parts of the city and to change its historical, legal and demographic character and the continuing attacks against sacred Muslim and Christian sites. We reaffirm the sanctity of the Christian and Muslim holy places of El Quds and the need to respect the free practices of heavenly religions.
9. **Reiterate our call** to all African States to put an end to all direct and indirect relations with the State of Israel that illegally occupies the territory of the State of Palestine, including El-Quds East, in conformity with the provisions of paragraph 5 of Security Council Resolution 2334 and to take all measures to end such dealings, as was done by the Organisation of African Unity against the Apartheid Regime in South Africa.
10. **The African Union considers** that the following practices of the Israeli occupiers and the measures they resort to against the Palestinian population in the occupied territories are apartheid and calls on the international community to intervene immediately to put an end to this situation that is contrary to international law and international humanitarian law and undermines international moral values. Such practices include:

- The breaking up of the State of Palestine and its geographical contiguity through the confiscation of land for building settlements and the transformation of Palestinian cities into ghettos;
 - The completion of the building of the separation and annexation wall, and the isolation of all Palestinian cities;
 - The linking of settlements constructed by their own road networks and preventing Palestinian citizens from using them;
 - The intransigence of asking Palestinians to recognise the Jewishness of the State of Israel;
 - The difference in the application of regulations and laws to Israeli and Palestinian citizens.
11. **We commend** the decision taken by the Commission on Human Rights in its special session of 19 May 2018 to discuss the situation in Palestine, to send an independent international commission to investigate promptly all violations of international humanitarian law and human rights in occupied Palestine, including El-Quds-East and the occupied Gaza Strip.
12. **Decide** to establish a Committee of Permanent Representatives of Member States to monitor the implementation of African Union decisions and declarations related to the Palestinian cause and the adherence and respect of those decisions by States Members.
13. **Reject** the land and sea blockade imposed by Israel on the Gaza Strip, causing the deterioration of the economic and humanitarian situation there and **request** that all restrictions imposed on the Gaza Strip be lifted immediately.
14. **Reaffirm** the need to ensure international protection of the land and people of the State of Palestine, particularly in the current circumstances in which the violence of the occupation authorities against defenceless civilians is intensifying, as a prelude to the end of the occupation and to preserve the possibility of the two-State solution, pursuant to UN Security Council Resolutions 605 (1987), 672 and 673 (1990) and 904 (1994), based on the Geneva Conventions and reaffirm their applicability to the Palestinian territories occupied since 1967.
15. **Reiterate** that a just, comprehensive and lasting peace in the Middle East requires Israel's full withdrawal from the occupied Palestinian and Arab territories to the June 1967 borders, including the Syrian Golan Heights and territories still under occupation in Southern Lebanon.

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