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EX.CL/235 (VIII)

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

Report on the Situation in the Middle East and Palestine

Introduction

At its Seventh Ordinary Session held in Sirte, Great Libyan Arab Jamahiriya from 28 June to 2 July 2005, the Executive Council considered the situation in Palestine and the Middle East and adopted Decision EX. CL/Dec.210 (VII), in which it, among other things:

Reiterated its solidarity with and support to the Palestinian people in their just and legitimate struggle; condemned the Israeli repression perpetrated against Palestinian civilians; called upon both sides to stop the vicious cycle of violence against Palestinian and Israeli civilians; strongly condemned Israeli repression and attacks perpetrated against defenceless Palestinian civilians; called upon the Government of Israel to put an end to the construction of the Wall in occupied Palestinian territory and urged Israel to drop its policy of imposing dictates and creating facts on the ground by immediately putting an end to the establishment and expansion of settlements in occupied Palestinian territory, including East Jerusalem;

Appealed to the International Community and the Quartet to provide necessary political and financial support and to work with the Palestinian Leadership for the early and accelerated implementation of the Road Map and to undertake necessary measures to reinvigorate dialogue and negotiations in order to salvage the peace process.

The present Report relates developments observed in the Middle East since the last Council session, with particular emphasis on the Israeli-Palestinian conflict.

The Israel-Palestinian Conflict

1- Israeli withdrawal from the Gaza Strip:

Since the Assembly in Sirte, important developments have taken place in the Israel-Palestinian conflict. These developments focused essentially on the Sharon Plan for unilateral Israeli withdrawal from the Gaza Strip and a number of small settlements situated in the northern part of the West Bank. Diplomatic overtures and efforts made during this period focused mainly on the need to guarantee complete Israeli withdrawal which would involve all the Israeli forces as well as settlers in these regions and handing over to the Palestinian Authority control of the sea port and the airport, while allowing it to enjoy the right of passage towards Egypt and in the West Bank.

The diplomatic overtures and efforts also placed emphasis on the need to carry out this withdrawal in coordination with the Palestinian Authority and to make it part and parcel of the Road Map. Any attempts to use this withdrawal as cover or as a ploy to engage in operations to establish new settlements in the West Bank, particularly in the holy city of El-Qods and its environs, were denounced.

For its part, the Palestinian Authority succeeded in containing the situation and preventing any excesses on the part of Palestinian organizations and armed factions that could obstruct the withdrawal operation. No attack against the Israeli armed forces or settlements or any other attempt to appropriate Israeli property was observed during this period.

An agreement was concluded between Egypt and Israel on the deployment of 750 elements of the Egyptian border security forces, which took up position along the Philadelphia crossing point separating the Gaza Strip and stretching over nearly 15km. The mission of the Egyptian forces consisted of preventing arms trafficking and the infiltration of elements from Egypt towards the Gaza Strip and vice versa. Furthermore, Egypt was responsible for the training of Palestinian police elements to ensure the establishment of peace and stability within the Gaza Strip.

On 25 November 2005, as a result of the joint efforts of Egypt, the Quartet and the United States, an agreement was concluded (to which, apart from the Israelis and the Palestinians, Egypt and the European Union are parties), facilitating the official re-opening of the Rafah crossing point, at the border between Egypt and the Gaza Strip, and the establishment of a common chamber, disseminating, by video in the Israeli side, the conduct of procedures at this crossing point. The agreement also concerned the beginning of construction work on a seaport in the Gaza Strip, the launching of a plan for the construction of a new airport and management of the movement of persons and goods between the Gaza Strip and the West Bank, as from 15 December 2005.

It should be noted that sometime after the opening of the border, the Israeli authorities decided to close it again, giving the Natanya attack in early December 2005 as a reason. This constituted a violation of the terms of the 25 November Agreement.

2- Challenges and exigencies during the period following the withdrawal from the Gaza Strip

The Israeli withdrawal from the Gaza Strip and the northern part of the West Bank is welcome news, as it constitutes an important step towards the realization of Palestinian aspirations. At the same time, this withdrawal poses many challenges which require the deployment of additional efforts to keep the momentum and the need to place it in a context that could guarantee the continuity of the peace process leading up to the establishment of an independent and viable Palestinian State.

The realization of such an objective is not easy, particularly in view of the Israeli vision which hopes to reduce the peace process to withdrawal from the Gaza Strip; a withdrawal Israel considers to be the last of its kind considering its plans for the expansion of its settlements in the West Bank and East of El-Qods, as well as the building of the isolation wall.

Israel's continued policy of assassinating Palestinian resistance leaders could provoke a resurgence of violence. Likewise, the consolidation of Israeli settlements in the West Bank constitutes a stumbling block to the progress of the peace negotiations.

Generally, it could be said that the withdrawal from the Gaza Strip has not brought about any qualitative change in Israeli policy. Fundamental issues which are at the core of the Palestinian conflict are still pending and Israel still refuses to engage in direct negotiations with the Palestinian Authority to discuss these issues, finding the least excuse, particularly the holding of elections, to postpone these negotiations indefinitely, thus holding the entire peace process to ransom.

Among these crucial issues which the Israeli authorities avoid addressing within the framework of direct negotiations is, among other things, the issue of refugees and Palestinian prisoners, currently estimated to be nearly 8,600, as well as the water and Jerusalem issues. It is clear that the refusal of the Israeli authorities to discuss these issues is an indication of their total lack of willingness to move the peace process forward despite the commendable efforts invested to this end by President Mahmoud Abbass. Hence the need for the international community to redouble efforts and bring pressure to bear on the Israeli authorities in order to make them agree to begin real negotiations with the Palestinian Authorities.

Indeed, the absence of goodwill on the part of the Israeli authorities was recently reflected in their decision to revive the house-demolition policy in occupied territory, after the Natanya attack in December, thus violating the terms of the 25 November Agreement.

3- Palestinian and Israeli Elections and their effects on the peace process:

The Palestinian and Israeli political arenas have experienced intense internal activity in recent times. Preparations are underway in occupied Palestinian territory for the organization of Palestinian legislative elections scheduled to take place on 25 January 2006. In order to guarantee the holding of these elections in a peaceful atmosphere, 13 Palestinian factions have already signed a charter of honour undertaking not to carry or use arms during the general meetings, organize marches and other election related activities. These factions should also undertake to recognize the official and final results of the elections which will be announced by the Electoral Commission.

In Israel, the leader of the trade unions, Mr. Amir Peretz, was elected to head the Workers Party, after which he announced the withdrawal of his Party from the government coalition with the Likoud Party; this led the Government to announce the organization of early elections in Israel in May 2006. In the aftermath of these political developments, Mr. Ariel Sharon announced his withdrawal from the Likoud Party and the formation of a new political Party called "Kadima" (Hope), contending that the Likoud was no longer capable of placing supreme Israeli national interests above narrow partisan and personal interests.

Lebanon/Syria:

The political turmoil provoked by the assassination of the Lebanese Prime Minister Rafik Hariri, persists in Lebanon, particularly following the adoption of UN Security Council Resolution 1595 on the establishment of an International Investigation Commission. Immediately after it was established, the Investigation

Commission began its work under the supervision of a German Magistrate, Detlev Mehlis, who submitted a report to the Security Council in which he implicated a number of officials of the Lebanese security services and high-ranking personalities in the Syrian security services, presumed guilty of having instigated the assassination of Prime Minister Rafik Hariri.

On 31 October 2005, an *ad hoc* meeting of Ministers of Foreign Affairs was organized by the Security Council to consider the Mehlis Report. At the end of this meeting, the Security Council adopted Resolution 1636 in which it:

- commended the cooperation of the Lebanese authorities who arrested the Lebanese security officials suspected of involvement in the assassination;
- gave the Investigation Commission the authority to determine the location and modalities for interview of Syrian officials it deems relevant to the inquiry;
- requested Syria to detain those Syrian officials or individuals whom the Commission considers as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act;
- insisted that Syria not interfere in Lebanese domestic affairs and respect the sovereignty and territorial integrity of Lebanon;
- requested the Investigation Commission to report to the Security Council on the progress of the inquiry by 15 December 2005, including on the cooperation received by the Commission from Syrian authorities and consider, if necessary, further action to be taken in this respect.

Syria agreed to comply with the Security Council Resolution, although it denied any involvement in the assassination of Mr. Hariri and his companions. Syria also endorsed the interview by the Investigation Commission of those suspected of involvement, and this at the United Nations Headquarters in Vienna.

Furthermore, Syria is under heavy pressure which could endanger the stability of the Middle East region as a whole. This country was indeed accused repeatedly by the United States of supporting terrorism, allowing the infiltration of combatants into Iraq from Syrian borders and providing assistance to the Lebanese Hezbollah and some Palestinian organizations.

In addition, in the last 3 years, Syria has been under unilateral sanctions imposed by the United States although it denied all the accusations levelled at it and considered that the latter are aimed at concealing the United States' failure in Iraq and its support for Israel which has been occupying the Syrian Golan and the Lebanese territory of Chabaa since 1967.

Conclusions and Recommendations

The situation in the Middle East is far from being stable. In Palestine one cannot talk of real progress despite the withdrawal of Israeli forces from Gaza; in Syria and in Lebanon, instability is setting in and targeted violence continues, as evidenced by the assassination on 12 December 2005 of the journalist and deputy, Gebran Tueni, in the Beirut suburb.

In the light of the above, Council could:

On the Israelo-Palestinian Conflict:

Reiterate its call for the implementation of the Road Map by the two parties and instil new impetus into the peace process by convincing Israel to honour its commitments contained in this Road Map and put an end to its acts of aggression;

Welcome the withdrawal from Gaza of the occupying forces and Request the Israeli authorities to respect the terms of the 25 November 2005 Agreement and include the withdrawal from Gaza within the framework of the Road Map;

Invite the two parties to put an end to violence against civilians;

Urge the international community to provide the necessary material and financial assistance to the Palestinian Authority for the reconstruction of the Gaza Strip whose infrastructure was completely destroyed by the Israeli occupants and whose economy is totally stifled;

Encourage the Palestinian Authority to assume full responsibility through a sound management of the Gaza Strip, the unification of Palestinian ranks, the imposition of respect of law and order and the resolution of differences by peaceful means;

Encourage all Palestinian factions and movements to place themselves under the Palestinian Authority, the sole representative of the Palestinian people;

Invite the Israeli and Palestinian parties to exercise restraint and refrain from adopting policies that could once again provoke a resurgence of violence between them or could undermine the opportunities for peace and the achievements made to date;

On Syria/Lebanon:

Invite all the parties concerned to contribute steadily to the success of the international investigation and settle their differences by peaceful means;

Call for the safeguarding of the stability of Syria and Lebanon to prevent a conflagration of the whole Middle East region.

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