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

REPORT ON THE SITUATION IN THE MIDDLE EAST AND PALESTINE

I. Introduction

1. During the period under review, no noteworthy progress was made in the peace process. On the contrary, the process had stalled due to the refusal of Israel to freeze the construction of new settlements in occupied Palestinian territories, which was the cause of the withdrawal of the Palestinian side from negotiations conducted under the auspices of the United States of America, considering that the continuation of construction of colonies by Israel constitutes an obstacle that completely undermines the creation of a viable Palestinian State alongside Israel.

2. In the circumstances, the Palestinians had recourse to the United Nations (UN) to claim their legitimate right by submitting an application for the recognition of their State, with the borders of June 1967, as a full member of the UN family.

3. Although the application was under consideration, the International Quartet once more attempted to resume negotiations between the Israelis and the Palestinians, in the hope of achieving tangible results, according to a specific calendar with 2012 as the deadline, and thus put an end to the conflict.

4. On the other hand, and in spite of the success recorded by the Arab Republic of Egypt in its mediation between the Israelis and the Palestinians, resulting in the release of the Israeli soldier, Gelat Shalit, who was imprisoned by the Palestinians in the Gaza Strip, in return for the release of 477 Palestinians prisoners, including 27 women, as the first group of a total of 1,027 prisoners, Israel continued its aggression against the Palestinians by maintaining the embargo on Gaza which has been in place for over four years, its imprisonment and assassination operations in violation of international law, the enslavement of Palestinians through checkpoints scattered throughout the occupied Palestinian territory, not forgetting the unbridled pace of settlements building in the West Bank and East Jerusalem.

II. The main elements in the unfolding situation in Palestinian territories since July 2011

Application by Palestine for full Member State status in the United Nations:

5. Considering the dismal prospects of the peace process and the impossibility of making tangible progress that would enable the Palestinian people to obtain their fundamental rights, the Palestinian Authority chose to turn to the United Nations to apply for full membership, through the Security Council.

6. Thus, on 23 September 2011, President Mahmoud Abbas officially submitted the application of Palestine for full membership of the United Nations to the Secretary

General, Ban Ki-moon, for consideration by the Security Council, in accordance with the criteria governing the accession of a new State to the UN family.

7. In his statement before the 66th Session of the UN General Assembly, President Mahmoud Abbas confirmed that the Palestinian people were fully prepared to immediately establish an independent Palestinian State, that the old methods adopted in recent years to resolve the conflict had shown their limitations, and that the situation, the gravity of which should not be ignored, had been exacerbated and that it was expedient to resort to negotiations with clear and credible references, together with a clear-cut calendar.

8. President Abbas stated that if the Palestinians submitted their grievances to the UN, it was in order to confirm their choice of a political and diplomatic solution, rather than resorting to unilateral measures or seeking the isolation or illegitimacy of Israel. On the contrary, the Palestinians were seeking to confirm the legitimacy of the Palestinian cause and prove the illegality of the building of settlements, occupation and use of force by Israel.

9. President Abbas further stated that the objectives of negotiations to which he had on many occasions confirmed his commitment, consisted in obtaining the legitimate national rights of the Palestinian people to the establishment of an independent Palestinian State, with East Al-Quds as its capital, on all the land of the West Bank and the Gaza Strip, territories which had been occupied by Israel since the June 1967 war, in conformity with the legitimate decisions of the international community, and the achievement of a just and equitable resolution of the issue of Palestinian refugees in pursuance of Resolution 194, as stipulated in the Arab Peace Initiative.

10. Palestinian efforts in respect of their application for membership of the United Nations generally received massive support from Arab, African and Islamic countries, in addition to support from most Asian and Latin American countries; whereas the said efforts were thwarted by Israel which threatened to take coercive measures against the Palestinian Authority, and by the United States of America which threatened to use the right of veto in the Security Council to end the assistance to the Palestinian Authority in order to ensure the failure of its application.

11. The Accreditation Committee of the UN Security Council, on 11 November 2011, presented its report on Palestine's application and concluded its deliberations without reaching a consensus on the issue. The report did not contain recommendations for a vote on the issue within the Security Council because the application did not obtain the required nine votes. In fact, it obtained the votes of only eight out of the 15 member countries of the Security Council, namely: South Africa, Brazil, China, Gabon, Lebanon, Nigeria, India and Russia.

12. The Palestinians reaffirmed that they would pursue their endeavours to renew their application before the Security Council for the recognition of a Palestinian State,

and that the option of approaching the UN General Assembly to request the status of Observer State rather than observer body for Palestine was still germane.

13. It is noteworthy that the African Group at the United Nations, in consultation with the Palestinian delegation and the Groups of Arab and Islamic countries, totally supported the Palestinian application, in conformity with Decision EX.CL/Dec.652(XIX) adopted by the 29th Session of the Executive Council of the African Union in Malabo, Equatorial Guinea, in July 2011, calling upon all Member States, especially those that are members of the UN Security Council, to support Palestinian initiatives during the 66th Session of the UN General Assembly to obtain full membership of the UN, based on the 1967 boundaries with East Jerusalem as its capital; and urged all Member States which had not yet done so to recognize the State of Palestine as soon as possible.

14. Also to be taken into consideration are the decisions of the Coordination Meeting held in Cairo, Egypt, on 4 September 2011, between the Chairperson of the African Union Commission, the Secretary General of the League of Arab States, the Assistant Secretary General of the Organization of Islamic Cooperation and the Egyptian Foreign Minister in his capacity as Chair of the Group of Non-Aligned Countries, to discuss the coordination between the different groups at the 66th Session of the UN General Assembly. In that context, it should be pointed out that an important role was played by South Africa, Gabon and Nigeria, through their lobbying at the UN Security Council in favour of the Palestinian application.

15. Faced with the huge support for the Palestinian application for full membership of the United Nations, the International Quartet on the Middle East comprising the United States, Russia, the European Union and the United Nations, met on 24 September 2011, and issued a statement, the essential points of which were as follows:

- The Quartet affirmed its determination to actively and vigorously seek a comprehensive resolution of the Arab-Israeli conflict on the basis of United Nations Security Council Resolutions 242, 338, 1397, 1515, 1850; the Madrid Principles, including land for peace, the Road Map and the agreements previously reached between the parties, while reaffirming the importance of the Arab Peace Initiative.
- The Quartet appealed to the concerned parties to overcome the current obstacles and resume direct bilateral negotiations without delay or preconditions; while reaffirming that meetings, in themselves, would not re-establish the trust necessary for such negotiations to produce tangible results. It therefore proposed the following steps:
 - (i) The organization, in the coming months, of a preparatory meeting between the two parties to agree on a calendar and the methods to move forward the negotiations in concrete terms.

- (ii) At that meeting, both sides would make a commitment to reach an agreement on a calendar established by the two parties, not later than the end of 2012.
- (iii) The Quartet expects the parties to come up with comprehensive proposals within three months on territory and security, and to have made substantial and tangible progress within six months. To that end, the Quartet would convene an international conference in Moscow, in consultation with the two parties at an appropriate date.
- (iv) The Quartet called upon the two parties to refrain from provocative actions if the negotiations were to yield tangible results. It reminded the parties about the commitments they had made under the Road Map.
- (v) The Quartet committed to remain actively involved and to evaluate progress achieved.

III. Palestine becomes a member of UNESCO

16. Palestine's membership of UNESCO was among the highly important events worthy of note, during the period under review. Indeed, the 36th Session of the UNESCO General Conference held on 4 November 2011, admitted Palestine with 107 votes in favour and 50 abstentions out of a total of 193 Member States. Israel and the United States were strongly opposed to the decision. Israel announced that it would take a series of punitive measures against the Palestinian Authority, ranging from the intensification of settlement activities with the authorization of 2,000 new settlement units in the West Bank, and the freezing of the tax revenue from Palestinian products imported into the West Bank, which constituted an additional burden to the inability of the Palestinian Authority to pay public sector salaries. Israel also cancelled the passes granted to Palestinian officials to facilitate their passage at the road checkpoints mounted by Israel in the West Bank, and their travel abroad.

17. For their part, the United States announced **the suspension of their funding** to UNESCO, thus depriving the organization of 22% of its annual contributions.

18. The admission of Palestine as a member of UNESCO was further indication of the recognition and conviction of the international community regarding the right of Palestinians to their own State. It will enable the Palestinians to continue their struggle in other equally important areas in the political and military domains, such as education, science and culture, and defend the Palestinian culture, archaeology and heritage, thus preventing Israel from pursuing its falsification operations to claim archaeological and religious sites in Al-Quds, Bethlehem and Jericho, as well as the heritage of the Palestinian people in various spheres. It should be noted that the Palestinian religious sites and civilizational heritage are constantly being damaged by the occupying power, Israel, which confiscates them by coercive means.

IV. The situation in the occupied Palestinian territories:

IV.1. The Judaization of the city of East Al-Quds

19. Israel continued its policy of Judaization of the occupied city of East Al-Quds, by intensifying its settlement building, acts of aggression, racist legislation and military orders, in flagrant violation of international law and the legitimate and relevant decisions of the international community, which stipulate that Al-Quds is an occupied territory. Yet, Israel seeks to transform aspects of the Arab Palestinian city, which is multicultural and multi-denominational, into a Jewish city depending solely on Israeli authority. Israel has confiscated land in the city and its environs with a view to increasing its surface area by 25% and surrounding it with a group of gigantic settlements, stepping up settler activity in the territories and putting pressure on the Palestinians through racist and military means, in order to force them to leave the city so that Israel can continue building the Separation Wall thereby isolating this part from the rest of occupied West Bank. 270,000 settlers live in 69 settlements, representing half the number of settlers residing in the occupied West Bank.

20. In addition, there is the frantic settlement action in the old city that poses a serious threat to the future of the occupied city, the denominational, geographical and historic aspects of which Israel is seeking to change in order to give it an increasingly Jewish outlook.

IV.2. The Separation Wall:

21. The Israeli occupation authorities are persistent in their refusal to implement international legal decisions and the Advisory Opinion of the International Court of Justice of 9 July 2004, as well as the UN General Assembly Resolution on the Separation Wall adopted on 20 July 2004. Instead, they have continued with their policy of confiscating Palestinian land to build the wall which will transform the West Bank into enclaves and cantons; a wall which when completed, will be 810km long, and take up 22% of the total surface area of the occupied West Bank.

22. The occupation forces continued their racist policy by imposing conditions on and obstacles to the movement of Palestinian citizens, setting up 585 checkpoints that hinder movement within the occupied West Bank. The checkpoints are also an obstacle to the free movement of Palestinian goods, leading to increased cost of transport with negative effect on the purchasing power of Palestinian consumers.

23. The Israeli authorities use the military roadblocks as a means of pursuing and imprisoning Palestinians. In fact, they close the passage points before the very eyes of Palestinian citizens and proceed to arrest dozens of people while others fall victim to acts of humiliation by Israeli occupation soldiers.

24. The Israeli occupation forces also continued to use excessive and deliberate force against the weekly peaceful demonstrations against the construction of the Separation Wall organized by Palestinian civilians, international solidarity militants as well as peace and human rights advocates, in many towns and cities bordering the wall.

IV.3. Exchange of Palestinian and Israeli prisoners

25. Thanks to the successful mediation by the Arab Republic of Egypt, on 11 October 2011, an agreement for the exchange of prisoners between Hamas Movement in the Gaza Strip and the Israeli authorities was announced. Under the terms of the agreement, 477 Palestinian prisoners, including 27 women, were freed under the first phase of the agreement, in exchange for the release of the Israeli soldier, Gelat Shalit, who had been in detention in the Gaza Strip since 2006. Under the second phase, which should take place within two months, Israel should free 550 other Palestinian prisoners.

26. The Executive Committee of the Palestine Liberation Organization for its part declared that the closing of the case of prisoner Shalit implied the lifting of the Israeli embargo imposed on Gaza Strip and the elimination of all procedures and measures imposed on the Strip, which in recent years have occasioned great suffering for the Palestinian people. It also felt that the measure should be followed by others, particularly in light of the commitments made by the former Israeli Government led by Ehud Olmert, namely, freeing a greater number of Palestinian prisoners sequel to the release of the Israeli prisoner, Shalit.

27. In that regard, the Ministry of Palestinian Prisoners indicated that 5,800 Palestinians were in prison, including 285 minors and 260 people detained without charge, in addition to 22 Palestinian parliamentarians.

28. Despite the acceptance by the Israeli prison administration to grant a few requests made by Palestinian prisoners, it should be noted that the prisoners have continued to live under difficult detention conditions, in violation of the most basic human rights and the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War. As a matter of fact, those prisoners are kept in isolation and deprived of visits from their families; their hands and feet are shackled, and in addition, they are not provided with adequate sanitary facilities.

IV.4. Settlements

29. The Israeli occupation authorities stepped up their expansionist policy in the occupied Palestinian territories with the aim of seizing more Palestinian land, resorting to confiscation and destruction of land, demolition of houses and the ethnic cleansing policy against Palestinians, with a view to expanding the settlements and building new homes therein. Palestinian sources have stated that, according to reports published on regular basis by the League of Arab States, the Israeli occupation authorities have confiscated over 40% of the surface area of the occupied West Bank. They have also

attracted new settlers, thus increasing the total number of settlers to 517,000. Illegal means are used to interlink the settlements, through the construction of roads barred to Palestinians.

30. The settlers, for their part, stepped up their daily acts of aggression and violence against Palestinian citizens and their property, agricultural land, places of worship and cemeteries, at the instigation of Rabbis who issue religious edicts authorizing the killing of non-Jews, the take-over of their lands and their agricultural yields, as well as the seizure of their territories under the pretext that Palestinian territories are Jewish and, therefore, that Israelis have every right to recover them.

31. The UN Office for the Coordination of Humanitarian Affairs published, on 5 July 2011, a report indicating that since the beginning of 2011, the Israeli occupation authorities had demolished 352 buildings belonging to Palestinians in East Al-Quds and in the G2 region, resulting in the displacement of 691 persons. That operation represented three times the demolition operations and four times the number of Palestinian displaced persons compared to the same situation in the same period of 2010.

32. On 12 July 2011, the Knesset enacted a law called the "Settlements Boycott Law" proscribing calls for the boycott of the settlements. Any person advocating boycott shall be liable to a penalty and shall be barred from participating in State contracts. The law authorizes settlers to sue any person calling for a boycott.

33. On 18 July 2011, the Israeli Housing Minister authorized the building of 6,900 new settlements in the large settlements located to the north of the West Bank and 150 new units south east of the province of Bethlehem.

34. On 19 July 2011, the Beit Salim organization published a report indicating that Israel was in complete control of the waters in the Alagwar region and also in control of the water reserves for 9,500 settlers residing in 32 settlements located in over 5% of the Alagwar territories, settlers who consume one third of the quantity of water consumed by 2.5 million Palestinians in the West Bank. In that connection, Beit Salim stated that Israeli actions in the Alagwar province were in flagrant violation of international law, humanitarian law and the Fourth Geneva Convention of 1949.

35. In light of the aforesaid, it is clear that the continuation of the Israeli settlement policy is extremely serious for the future of the occupied Palestinian territories and the future of a viable Palestinian State, a State which the Palestinian people are seeking to establish with the support of peace, justice and equality loving States and people.

IV.5. Development in the occupied Palestinian territories:

36. Concurrent with the pursuit of the Judaization policy in the city of Al-Quds and the intensification of settlement activities in the West Bank, Israel continued its acts of

violence against the Palestinian people in the occupied Palestinian territories; and the Gaza Strip has remained under the embargo imposed by the Israeli authorities. The economy of Gaza Strip is in a deplorable state in terms of the health and the social situation. The Israeli authorities prevent the reconstruction of buildings that have been destroyed by the Israeli occupation forces such as schools, government institutions and private property, in a context characterized by the inability of the international community to compel Israel to lift the unjust embargo which constitutes a blatant violation of human rights.

37. According to the UN Office for the Coordination of Humanitarian Affairs - OCHA, (March 2011), approximately 80% of the population of the Gaza Strip lives on humanitarian aid due to the continued embargo by Israel, a situation described by the United Nations as a crisis of human dignity in the occupied Palestinian territories. The Palestinian people continue to suffer in the West Bank cities and towns where Israel has mounted over 560 roadblocks that hamper the free movement of persons and goods.

38. All that constitutes a serious obstacle to the economic development of Palestine. The situation has also exacerbated the unemployment and poverty crisis in the Palestinian society. In February 2011, the Palestinian Central Bureau of Statistics stated that 45% of the Palestinian population (an average of 67% in the Gaza Strip and 37% in the West Bank) suffer from all manner of insecurity. Furthermore, 37.2% of the inhabitants of Palestine, that is 65% in the Gaza Strip and 25% in the West Bank, are deprived of food security.

39. The ceaseless efforts deployed by the Palestinian Authority to pursue their development programme entitled "Palestine: Ending the Occupation, Establishing a State (2010-2011)", yielded positive results thanks to the establishment of State institutions. However, the continued acts of violence by Israeli forces impacted negatively on the expected outcomes of the programme. Consequently, the Palestinian economy is still dependent on foreign aid and the Authorities' budget relies on external imponderables (international aid and the retrocession of tax revenue by Israel), all of which undermine the capacity of the Palestinian Authority to discharge their commitments in terms of payment of public sector salaries, a situation affecting as many as 160,000 workers who provide the livelihoods of over 1 million Palestinian citizens across the occupied Palestinian territory.

V. Conclusion and Recommendations

40. During the period under review, the African Union once again demonstrated its solidarity with the Palestinian people, mainly through the actions of its representatives in the UN Security Council, who invested huge efforts towards ensuring that the bid by the Palestinian Authorities for full membership of the United Nations would be successful. The action should be vigorously pursued in order to ensure victory for the Palestinian people in their struggle to regain their legitimate rights and establish an independent

State based on the June 1967 borders, with East Al-Quds as its capital, alongside the State of Israel.

41. To this end, it is recommended that the African Union:

- i) Continue to call for the lifting of the embargo imposed by Israel on the Gaza Strip since four years, in contravention of the basic tenets of human rights and the principles of international humanitarian law;
- ii) Condemn the settlement policy practiced by Israel in the occupied Palestinian territories, which constitutes an obstacle to a just and lasting resolution of the Palestine Question;
- iii) Reaffirm its unwavering support for the admission of the State of Palestine to the United Nations ;
- iv) Request Member States that have not yet done so, to recognize the State of Palestine;
- v) Reactivate the African Committee on the Question of Palestine, comprising: South Africa, Ethiopia, Gabon, Mauritania, Mozambique, Nigeria, Uganda, Senegal, Chad and Tunisia.

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