

## DIVISION FOR PALESTINIAN RIGHTS

### UNITED NATIONS AFRICAN MEETING ON THE QUESTION OF PALESTINE

Strengthening the support by African States for a just and lasting solution to the question of Jerusalem

Rabat, Morocco 1 and 2 July 2010

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#### I. Introduction

- 1. The United Nations African Meeting on the Question of Palestine was held at the conference centre of the Ministry of Foreign Affairs and Cooperation in Rabat, Morocco, on 1 and 2 July 2010. It was held under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (hereafter "the Committee") and in accordance with the provisions of General Assembly resolutions 64/16 and 64/17 of 2 December 2009. The theme of the Meeting was "Strengthening the support by African States for a just and lasting solution to the question of Jerusalem".
- 2. The Committee was represented at the Meeting by a delegation comprising Zahir Tanin (Afghanistan), Vice-Chairman of the Committee and Head of the Committee Delegation; Oumar Daou (Mali), Mohammad Loulichki (Morocco); and Riyad Mansour (Palestine).
- 3. The African Meeting consisted of an opening session, three plenary sessions and a closing session. The themes of the plenary sessions were: "The status of Jerusalem"; "Jerusalem as a permanent status issue in the Israeli-Palestinian peace negotiations"; and "Building an international consensus on a just and viable solution of the question of Jerusalem".
- 4. At the African Meeting, presentations were made by 18 experts, including Palestinian and Israeli. Representatives of 40 Governments, Palestine, 8 intergovernmental organizations, 9 United Nations bodies, 10 civil society organizations, and 20 media outlets, as well as special guests and members of the public, attended the African Meeting.
- 5. A concluding statement by the organizers was introduced during the closing session of the Meeting. (see annex I to the present report).

#### II. Opening session

- 6. **Taïb Fassi-Fihri**, Minister for Foreign Affairs and Cooperation of Morocco, welcomed participants and thanked the Committee for its efforts at reinforcing international support for the rights of the Palestinian people in accordance with the mandate given to it by the General Assembly in 1975. Characterizing the Committee's mandate as a reflection of the core UN principles of equity, fairness and peace, he stated that it was not enough for the UN to simply condemn the repeated Israeli violations in the Occupied Palestinian Territories, but that the Organization must impose its credibility by assuming its responsibilities. He called on the UN, based on its legal competence, moral and ethical responsibility, vast experience and profound knowledge, to act as an efficient catalyst for international action to stop the tragic conflict in the Middle East, which posed a very real threat to international peace and security.
- 7. Noting that this was the second Meeting convened by the Committee in Morocco, the first having been in 2002, Mr. Fassi-Fihri expressed Morocco's support for the efforts to strengthen the rights of the Palestinian people. Morocco, he said, would like to help mobilize greater support by the African group and the international community at large. However, he pointed out that due to the flagrant violations of Palestinian rights, the hopes for peace, which had followed the onset of the peace process in the 1990s, seemed out of reach. He called for an

end to Israeli intransigence and for an immediate halt of all illegal practices by the Occupying Power. Peace, he stressed, could only be achieved on the basis of Israeli withdrawal in line with UN resolutions and the two-State solution.

- 8. Mr. Fassi-Fihri stated that there could no peace without a unified and viable Palestinian State with East Jerusalem as its capital. At the same time, he expressed concern that the city was threatened by the Israeli policy of imposing a fait accompli, including a strategy of isolating East Jerusalem from its Palestinian environment. He noted that His Majesty Mohammed VI, King of Morocco and President of the Al-Quds Committee of the Organization of the Islamic Conference, was making great efforts at the UN as well as with international partners to make Israel respect the status of Jerusalem and safeguard its heritage for all three monotheistic religions. Noting that King Mohammed VI was also an active member of the Arab Peace Initiative Follow-up Committee, he said that Morocco continued its efforts in support of a multilateral plan to rehabilitate East Jerusalem as the capital of a future Palestinian State. He stressed that Jerusalem could not be held hostage to unilateral use of force, but must be dealt with as a permanent status issue in respect of UN resolutions and the Arab Peace Initiative.
- 9. Stressing the need to support Palestinian efforts to consolidate their capacity and ability to preserve their national interest and achieve unity and sovereignty, Mr. Fassi-Fihri condemned the continuing blockade on the Gaza Strip and called for full implementation of Security Council resolution 1860 (2009) and of the 2005 Agreement on Movement and Access. In conclusion, he expressed the hope that the Meeting would promote practical approaches to mobilize even greater support to the Palestinian people, enabling them to live in peace and stability.
- 10. A statement was delivered on behalf of **Ban Ki-moon**, the Secretary-General of the United Nations, by his representative at the Meeting, Bader Al-Dafa, Executive Secretary of the United Nations Economic and Social Commission for Western Asia. Noting that proximity talks, mediated by the United States, were complicated by ongoing crises on the ground, the Secretary-General urged all parties to refrain from provocations and to seize the opportunity presented by the talks. He stressed that the coming months would be critical to enable the on-set of direct negotiations.
- 11. Reiterating his call for a different and more positive approach to Gaza, the Secretary-General said that the 31 May flotilla crisis had illustrated the unacceptable nature of the situation in the Gaza Strip. He welcomed Israel's recent steps to improve the situation and called for swift and full implementation, so that progress could be made towards ending the blockade and meeting the enormous needs in Gaza, while also addressing all other issues of resolution 1860 (2009). He called on Hamas to show political responsibility by enforcing a ceasefire and moving forward on the Egyptian proposal for reconciliation. He also called for access to and release of Gilad Shalit.
- 12. Expressing concern that continued provocative announcements on new settlement construction continued to undermine trust and cause unrest in Jerusalem, the Secretary-General called for an end to settlement construction and to all measures discriminating against Palestinian residents in the city. He noted that Jerusalem remained a permanent status issue and that a way should be found for the city to emerge as the capital of two States, with arrangements for the

holy sites acceptable to all. He reiterated that continued settlement construction in the West Bank was illegal and should be ended. While noting some reduction in the obstacles to movement on the West Bank, he called for further progress in that regard. He also noted that despite the challenging situation on the ground, the Palestinian Authority's State-building programme had shown remarkable progress and should be carried forward, including in the areas of security and rule of law.

- 13. Pledging to continue to work to bring an end to the occupation and the conflict and to find a comprehensive solution, the Secretary-General stressed that the proximity talks must lead to direct talks on all permanent status issues without delay, and he called on the international community to rally behind the two-State solution, with Jerusalem as the shared capital. In his own capacity, Mr. Al-Dafa added a call for the release of the thousands of Palestinian prisoners detained by Israel.
- 14. **Zahir Tanin**, Head of the Committee Delegation and Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, delivered an opening statement on behalf of the Committee. He expressed the Committee's appreciation to Morocco for hosting the Meeting and to His Majesty King Mohammed VI for chairing the Al-Quds Committee and for providing leadership in support of the Palestinian people. Stressing that Jerusalem remained a central element for permanent status negotiations, he warned that leaving this sensitive issue unresolved would undermine success in the negotiations. Mr. Tanin recalled that at the Al-Quds International Forum, held in Rabat in October 2009, the UN Secretary-General had emphasized the UN position that Jerusalem was a core issue which must be resolved through negotiations and that the international community did not recognize Israel's annexation of East Jerusalem. At that occasion, the Secretary-General had also stressed that the goal was for Jerusalem to be the capital of two States, living side by side in peace and security, with arrangements for the holy sites acceptable to all, positions the Committee fully shared.
- 15. Mr. Tanin recalled that the Committee repeatedly had expressed alarm about Israel's settlement expansion in East Jerusalem, as well as house demolitions, evictions, land expropriation and residency rights evocations. Stressing that these practices were in violation of the Fourth Geneva Convention, he warned that persistent violation by one party could undermine the effectiveness of the international legal system. He also noted the Committee's position that sustainable Israeli-Palestinian peace would require an agreement, which included East Jerusalem as capital of a future Palestinian State; internationally guaranteed provisions to ensure freedom of religion as well as free and unhindered access to the holy places by peoples of all nationalities and religions. Stating that the Israeli moratorium on settlement expansion was insufficient to create a climate conducive to permanent status negotiations, he deplored the continuation of settlement construction in the West Bank and the exemption of East Jerusalem from the Moratorium. Reiterating that all settlements were illegal, he underlined that any modifications to the pre-1967 borders must be mutually agreed upon. He also reiterated the Committee's condemnation of the construction of the separation wall and stressed that Israel was obliged to pay reparations to the affected Palestinians.
- 16. Characterizing the siege on Gaza as collective punishment, Mr. Tanin expressed the Committee's concern with the deteriorating humanitarian situation in the Gaza Strip, and

reiterated its calls for a lifting of the blockade and opening of all crossings, based on the 2005 Agreement on Movement and Access. He recalled that Israel's attack on the Free Gaza Flotilla had been widely condemned by the international community and called for an impartial and credible investigation. He expressed the Committee's full support for the Palestinian Authority's State-building plan and the associated diplomatic initiative to promote recognition of the Palestinian State once statehood had been declared. In that context, he noted that the experience of African States in terms of decolonization, independence and sovereignty could benefit the Palestinian people, and stressed the importance of African support.

- Organization, delivering a key note presentation, thanked Morocco for having made the questions of Palestine and of Jerusalem national causes and for its leadership in the Al-Quds Committee and the Agence Bayt Mal Al-Quds Acharif. Stressing the need to identify the issues that were key to the intractable conflict, including the status of Jerusalem under occupation, he called for a good look at all the catastrophic Israeli policies, targeting the people, land and holy places of the city. Israel, he said, was conducting a campaign to alter the historical, demographic, cultural and religious features of Jerusalem, including by destroying houses, confiscating land, constructing under the holy sites, building roads on stolen Palestinian land to link Jewish neighbourhoods, and demolishing Palestinian neighbourhoods adjacent to the Old City in order to create a "Holy Basin" without any regard of Muslim and Christian sites.
- 18. Mr. Qurei said that Israel's colonial practices aimed at creating a fait accompli and preventing the establishment of an independent and viable Palestinian State, while prolonging the conflict indefinitely. He pointed to Israeli practices against Palestinians in Jerusalem, such as confiscation of identification documents, denial of building permits, closing of social and cultural institutions and restrictions on employment opportunities, as part of a plan to systematically reduce the number of Palestinians in East Jerusalem, while increasing the number of Jewish settlers to create "demographic balance." He also noted a series of Israeli measures, which would isolate East Jerusalem from the surrounding Palestinian area, most poignantly the separation wall, which divided Palestinian neighbourhoods and undermined social cohesion. He deplored Israel's flagrant violations of international law and UN resolutions, which rejected all changes to the status of Jerusalem and regarded East Jerusalem as an integral part of the Occupied Palestinian Territory. He said that defiance of UN resolutions and international law was a hallmark feature of Israel, which continued to undermine permanent status negotiations.
- 19. Outlining the Palestinian position on Jerusalem, Mr. Qurei said that the question of Jerusalem was at the forefront of the Palestinian priorities, which included East Jerusalem as an integral part of the Occupied Palestinian Territory and the undisputed capital of the independent Palestinian State. The Palestinian position, he said, also included a rejection of all illegal Israeli measures in and around Jerusalem and an insistence that all Muslim and Christian holy places were Arab sites, which should not be subject to negotiations. He pledged that the Palestinian State would ensure freedom of movement and worship for all religions and sects, and would possibly be open to discuss a solution whereby all of Jerusalem could be an open city.
- 20. The Israeli position, Mr. Qurei said, was to evade its obligation to place Jerusalem on the negotiation table as a permanent status issue. Moreover, Israel saw Jerusalem, East and West, as

a unified city under Israeli sovereignty, and was only willing to make token withdrawals from some Arab neighbourhoods. Mr. Qurei warned that the latest idea of a State with provisional borders would further postpone the issues of Jerusalem and return of refugees, and he feared that such a temporary plan could quickly become permanent. Finally, he underlined that there could be no solution to the conflict without first solving the question of Jerusalem, noting that the city was the key to peace, but also the key to war and perpetual conflict. He called on the international community to speak on this matter without hypocrisy and ambiguity.

- 21. A representative of **Egypt**, speaking on behalf of the **Non-Aligned Movement**, condemned Israel's acts against the Free Gaza Flotilla and decisions to expel Palestinians from the Occupied Palestinian Territories. Pointing to negative signals from the Israeli Government with regard to negotiations; threats to the two-State solution; and the continued blockade, he urged Israel to respect international law and its Road Map obligations and to renounce its fait accompli policy. He called for a firm position by the UN Security Council on settlements and other provocative acts, and condemned the addition of West Bank sites to Israel's national heritage list, the continuation of settlement construction, house demolitions and military order 1650. He also called for a lifting of the blockade on Gaza and opening of all crossings, based on resolution 1860 (2009), and noted Egypt's efforts to provide humanitarian and reconstruction assistance to Gaza. He called on the international community to shoulder its responsibilities under international law, and advocated greater coordination with and support for the Committee.
- 22. A representative of **China**, noting that the question of Palestine was at the heart of the Middle East conflict, recommended the parties to overcome their difficulties on the basis of international law, UN resolutions, the Road Map and the Arab Peace Initiative. Condemning the Israeli attack on the Free Gaza Flotilla, he said that the continued blockade of Gaza hindered international efforts to promote peace and should be lifted completely and immediately. He urged Israel to respect international law and UN resolutions and to act seriously and responsibly in negotiations with the Palestinians. He expressed China's support for the just cause of ensuring the rights of the Palestinian people, including the right to an independent State. Acknowledging the complex and sensitive nature of the question of Jerusalem, he called for a negotiated solution.
- 23. A representative of **Turkey** expressed the hope that the Meeting would be as successful as the previous Meeting organized by the Committee and hosted by Turkey. Noting that the question of Palestine was at the core of the Middle East conflict, he argued that the international community had a moral obligation to support the realization of the right of the Palestinian people to a homeland, and called for increased efforts, with clear parameters and a timeframe for Palestinian statehood. Stating that the only thing missing was strong political will by Israel, he also expressed concern about the rift among Palestinians, arguing that unity was a requirement for sustainable peace, and would give the Palestinians a stronger hand in the negotiations. He called for Jerusalem to be transformed from a city of conflict to a city of tolerance and intercultural dialogue, and denounced all acts aimed at changing the status or character of the city. Jerusalem, he said, should serve as an inspiration towards lasting settlement and cooperation.
- 24. Calling for an immediate end to the siege on Gaza and implementation of Security Council resolution 1860 (2009), the representative of Turkey labelled the Israeli attack on the

Free Gaza Flotilla at high seas a serious breach of international law, which must be dealt with as an issue between Israel and the international community. At the same time, he observed that the attack was a violation of Turkish sovereignty, and that his country therefore had jurisdiction and that legal suits could be filed in Turkish courts. He said that the future of Turkey's relations with Israel depended on the latter admitting its crime; formally apologizing; and providing compensation for moral and physical damage.

- 25. A representative of the **League of Arab States** recalled that the League had condemned the Israeli attack on the Free Gaza Flotilla as an act of piracy and a violation of international law, which destabilized peace and security, and welcomed the resolution by the Human Rights Council, calling for a fact finding mission. Stressing the need to strengthen international support, including by African States, at a time when Palestinians were under unprecedented attack in what amounted to ethnic cleansing and religious provocations, he warned that threats to the sanctity of the Holy City could cause global destabilization. Deploring Israel's building of new realities on the ground and its declarations about a unified Jerusalem, which undermined trust between the parties, he said that Israel lacked the political will to achieve peace. He pointed to the agreement on an Arab plan to defend Jerusalem, including the pledge of 500 million dollars, and said that there would be no recognition of any changes to the status of East Jerusalem, which remained Occupied Palestinian Territory. Finally, he urged the international community to step up pressure for Israel to respect international law, and he called on NGOs and academia to mobilize public opinion in that regard.
- A representative of **Kuwait** called on the United Nations, particularly the five permanent members of the Security Council, to shoulder its responsibilities, adding that attempts at making things sound banal only encouraged further Israeli intransigence. He stressed that temporary solutions, including provisional borders, were unsustainable, and that any solution must be based on Security Council resolutions, the Road Map, the Arab Peace Initiative and the two-State solution, with East Jerusalem as the capital of the future Palestinian State. Noting Jerusalem's significance for all three monotheistic religions, he said that continued Israeli occupation as well as plans to make the city more Jewish stood in the way of peace. He appealed for greater international support, including by African States, who knew the consequences of colonisation. He thanked Egypt for promoting intra-Palestinian reconciliation and Morocco for its efforts to support Jerusalem and the Palestinian cause.
- 27. A representative of **Mauritania**, praising Morocco's role on the Al-Quds Committee as well as the work of the Committee, said that a helping hand must be given to the Palestinian people in the face of Israel's aggressive and immoral practices that sought to obliterate the character of Jerusalem. He pledged his country's continued support to ending the occupation of Palestinian territories and to work for a just and lasting resolution of the status of Jerusalem. He argued that only the creation of an independent Palestinian State with East Jerusalem as its capital could lead to global, long-lasting peace.
- 28. A representative of the **United Arab Emirates** pointed to a growing international awareness of the sufferings of the Palestinian people and of the continued Israeli breaches of international law. He expressed his country's support for the Palestinian cause, for the creation of a Palestinian State and for Palestinian reconciliation. Commending the Palestinian

Authority's achievements in the West Bank, he stressed that peace required Israeli withdrawal from all occupied territories in accordance with the Road Map and the Arab Peace Initiative. He stressed the illegality of settlements, and called for the wall to be dismantled, for the blockade on Gaza to be lifted and affected Palestinians to receive compensation, and for all crossings to be opened. Condemning the Israeli attack on the Free Gaza Flotilla, he took note of requests for an international investigation.

- 29. A representative of **Jordan** said that the current problems resulted from Israeli intransigence and unilateral actions, aimed at imposing a fait accompli, and called for a just resolution in accordance with international legitimacy. He said that the international community should mobilize to urge Israel to pursue negotiations with benchmarks and a timeframe, and move towards the creation of a contiguous Palestinian State in accordance with UN resolutions and the Arab Peace Initiative. He underlined Jordan's engagement in protecting Jerusalem and bringing the matter of the separation wall before the ICJ.
- 30. A representative of **UN Habitat** said that the question of Palestine was high on his organization's agenda, first and foremost in connection with issues such as housing and human dignity. He deplored the building of the separation wall, which was cutting off access to livelihoods, as incomprehensible and "beyond the limits of apartheid." He said that Israel's master plan of urban planning in Jerusalem, aimed at creating "demographic balance" in the city, was part of a "demographic war." Noting that Israel was the country with most non-implemented UN resolutions, he stressed the need for civilizations to know their past in order to deal with their future, and cautioned against spoiling Jerusalem's historical heritage.
- 31. A representative of the **World Food Programme** (WFP) said that as a UN humanitarian and development agency, his Organization was not involved in the political aspects of the conflict. However, the WFP did have an office in East Jerusalem, overseeing the situation with regard to food security and distributing food to some 375,000 people in Gaza and the West Bank. In Gaza, he said, 77% of the population was considered food insecure, whereas the total number throughout the Occupied Palestinian Territory was at 38.5%. However, in East Jerusalem food insecurity was not a problem. Stating that the WFP was able to reach the Palestinian people despite a challenging operational environment, he said that 10 out of the 100 trucks that entered Gaza daily were WFP trucks. He appealed for more countries to step forward as WFP donors.
- 32. A representative of the **Parliamentary Assembly of the Mediterranean** (PAM) recalled that the Meeting, which it had co-organized with the Committee in February, had sought to promote a constructive dialogue aimed at creating a political climate conducive to permanent status negotiations. At that Meeting, delegates had reiterated that all measures aimed at altering the status and character of East Jerusalem constituted violations of international law, and only a negotiated solution of the status of Jerusalem as the capital of two States could lead to durable peace. Subsequently, he noted, PAM had approved a resolution, demanding an end to illegal settlement activities in East Jerusalem; expressing concern at current policies towards Muslim and Christian sites in Jerusalem; recalling General Assembly resolution 194 (1948); and committing to continued cooperation with the international community on the permanent status issues. He expressed concern about recent developments in the region, and noted that the recent

PAM resolution also condemned the blockade o7n Gaza, as well as recent attacks on UNRWA in Gaza

#### III. Plenary sessions

### A. Plenary I The status of Jerusalem

- 33. The speakers in Plenary I addressed the following sub-themes: "The current situation in Jerusalem"; "The religious and cultural significance of Jerusalem"; and "Jerusalem in international law and United Nations resolutions".
- 34. **Albert Aghazarian**, Professor of History, analyzed the identity of Palestinians in Jerusalem. He said that they were not being recognized as Palestinians, who could be issued travel documents by the Palestinian Authority, but treated as fragmented groups of Jordanians, Armenians, etc. Recalling Africa's history of colonization, he noted that, according to some theories, the colonized often fell in love with the colonizers, and he stressed the need to study the many contradictions inherent in the life of Palestinians in Jerusalem. Noting the many restraints on Palestinians in the Holy City, he said that they often tried to penetrate Israeli society as they felt jealousy towards the occupier.
- 35. Mr. Aghazarian expressed the belief that in the future there would be a tendency towards rejection of narrow accords on the question of Jerusalem and noted that the life of Palestinians in Jerusalem was linking the city's neighbourhoods with Israel proper. He argued that Israel feared being presented as a colonizer and therefore tried to display an image of itself as a victim, while the Palestinians in Jerusalem had failed to develop a narrative of their own identity. Stressing the need to distinguish between borders and frontiers, he highlighted the impact of daily confrontations in Jerusalem and the normal life of the Jerusalemites on the development of their identities.
- 36. **Daniel Ben Simon**, Member of the Knesset for the Israeli Labour Party, said that, as a Member of Labour he found himself in a coalition with Prime Minister Netanyahu and the religious right wing, which he had never imagined. While noting that Labour had joined the coalition to promote peace from within, he said that since this had not been achieved, Labour had decided to give the coalition 2-3 months. Stating that the moment of truth was close, he proclaimed that by September or October, when the settlement moratorium came to an end and if no progress had been made, Labour would either leave the coalition, prompting early elections, or convince Kadima to join the coalition. Pointing out that the right wing in Israel was able to do anything, including pulling out of Sinai, Gaza and Lebanon, he recalled his hopes that Prime Minister Netanyahu's second term would be better than the first. However, he deplored, despite the support for the first time in history of all three major Israeli parties, Likud, Kadima and Labour, as well as 80% of the Israelis, for the two-State solution, nothing had been done.
- 37. Stating that a Palestinian State would probably be established in the next five years, Mr. Ben Simon observed that the focus of the debate had shifted from the principle of two States to the modalities for the two-State solution, including the issues of borders, settlements and

refugees. Jerusalem was a different issue, he said, adding that he did not believe the city could be divided and should remain unified under two sovereigns. Welcoming the return of the United States to the peace process, he cautioned that without a dominant American role, the parties would not be able to reach an agreement on the modalities for the two-State solution. While European and African involvement was important, it was not as influential, he said, calling on President Obama to come to the region and to help Prime Minister Netanyahu overcome domestic politics. Noting that Israelis felt psychologically insecure due to increased international criticism and de-legitimization, he warned that insecurity made Israelis tougher and less able to deliver.

- 38. **Abdelouhab Maalmi**, Professor of International Relations at Hassan II University in Casablanca, said that although there was a stalemate in the negotiations there was still a global consensus in support of the two-State solution. Therefore, he argued, the question of Jerusalem as capital of two States was now a priority issue, adding that a way should be found for the three monotheistic religions to cooperate to reach a compromise that could help the politicians move forward. Warning against efforts at minimizing the importance of East Jerusalem to Muslims in order to justify Israel's illegal take-over of the Holy City, he traced the historical roots of Muslims' attachment to Jerusalem, including through religious and historical writings, and concluded that, in Islam, the religious significance of Al-Quds paralleled that of Mecca and Medina. In addition, he said, after the 1967 occupation, East Jerusalem had gained a cultural significance to Muslims, who feared a process of Judaization which would alter the historical characteristics of the city. He recalled that Arabs had turned to UNESCO for help to safeguard the city's heritage and also praised the work of the Agence Bayt Mal Al-Quds.
- 39. Mr. Maalmi stressed the importance of Judaic-Islamic dialogue. Noting that Israel's claims to Jerusalem were based on religion, he urged Arabs to also take the religious aspect into account in the fight for the Holy City. He said that religion was currently an obstacle to peace, but that it should be transformed to support the political negotiations. He expressed the hope that through inter-religious dialogue it should be possible to develop an idea of the pertinence of the division of Jerusalem as a means to achieve peace. He warned that by ignoring the religious importance of the city, the door risked being opened for extremism. In that context, he praised the World Conference of Imams and Rabbis for Peace and called for further development of that dialogue.
- 40. **Thabo Cecil Makgoba**, Archbishop of the Anglican Church of Southern Africa, drawing attention to the many different connotations and associations of Jerusalem, warned that the powerful images, associated with Jerusalem, were processed through the distorting lenses of our own context and experience, and called for a genuine dialogue in which people were aware of their own associations. Cautioning against confusing the complex set of associations surrounding Jerusalem, he said that effective dialogue required everyone to be more mindful of the use of language, and try to unmask the implicit meanings and connotations of the word "Jerusalem." Jerusalem, he said, could not be discussed only with our intellect, adding that hearts and souls must be included to acknowledge all the different resonances within us. This, he stressed, required a mutual vulnerability, which was the key to genuine dialogue, as everyone should be granted the dignity to tell their stories in their own words and to be heard respectfully.

He added that trust was essential in order to move from conversation to implementation and that faith was a resource which could enrich the secular, political language.

- 41. Drawing on the history of South Africa, Mr. Makgoba stressed that while there were parallels between the issue at hand and the apartheid system, there were also differences. One of the lessons from the South African Truth and Reconciliation Commission, he said, was the need for true dialogue, ensuring that the voices of the weak and marginalized were given space and safety to be heard. Noting that Palestinian Christians often went unheard, he lauded the "Kairos Document" of Palestinian churches as a document of faith, describing the current realities and its impact on their beliefs. In conclusion, he said that recognition of Jerusalem's sanctity by all would be a source of inspiration to find a solution, adding that since the main problem was the lack of trust, it could be helpful to tackle the issue of Jerusalem first.
- 42. **John B. Quigley**, Professor of Law at Ohio State University, first addressed the legal aspects of the Israeli attack on the Free Gaza Flotilla, saying that regardless of what happened on board the ships, there was no legal basis for having boarded the vessels in high seas. Countering the argument that this was part of a naval blockade, permissible in time of war, he said that since the IDF controlled the shores there was no justification for stopping the vessels at high seas. Moreover, he said, naval blockades were only permissible when they did not cause harm to local populations. He argued that since the people on board the flotilla were civilians, the attack could possibly be a war crime, over which the ICC had jurisdiction, thus providing a plausible case for criminal persecution. In addition, he noted, the ship had been re-flagged in the Comoros, a party to the Rome Statute, making it all the more plausible that the ICC would have jurisdiction.
- 43. On the status of Jerusalem, Mr. Quigley said that at the end of World War I, Palestine was granted sovereignty over the British Mandate area and by the Treaty of Lausanne, all the territories of the Ottoman Empire were subsequently regarded as States, even though the State of Palestine was still under British control. In his view, Palestine therefore remained a State with sovereignty over all of Mandate Palestine. He recalled that when applying for UN membership, the Israeli representative had confirmed that Israel would cooperate with the General Assembly in seeking a settlement of the questions of Jerusalem and refugees and that paragraph 2 (7) of the Charter could not affect the question of Jerusalem, since its status was different from the territory in which Israel was sovereign. As recently as 2006, he pointed out, a Canadian court had reaffirmed that no part of the city, east or west, was recognized to be under Israeli sovereignty, a point also supported by the fact that appointments of General Consuls for Jerusalem was not done in consultation with Israel.
- 44. At the same time, Mr. Quigley noted that in 1950, the Knesset had declared West Jerusalem to be the capital of Israel, but had failed to convince other States to acknowledge it as such. In 1967, the IDF had also taken control of East Jerusalem, claiming that it was under the jurisdiction and administration of the State of Israel. Later, in 1980, the Knesset had stated that Jerusalem, complete and united, was the capital of Israel, and in 1990, the Israeli Government had told the UN that East Jerusalem was under Israeli sovereignty. However, Mr. Quigley pointed out that the UN had adopted several resolutions countering these claims by Israel, who had yet to spell out the legal basis for claiming Israeli sovereignty over Jerusalem.

# B. Plenary II Jerusalem as a permanent status issue in the Israeli-Palestinian peace negotiations

- 45. The speakers in Plenary II addressed the following sub-themes: "Jerusalem as a key to Israeli-Palestinian peace"; "Solving the question of Jerusalem: Lessons learned from previous negotiations and other conflict situations"; and "Promoting peace in Jerusalem: views from the Middle East region".
- Acharif, urged all parties to support the efforts towards peace in the Middle East, based on United Nations resolutions, and he advocated popular mobilization to prepare the ground for peace. Noting the importance of the psychology of Jerusalemites, he called for a wide and systematic civil policy in Jerusalem, which would help alleviate tension. He deplored that instead, Israel had chosen a provocative and racist policy of destroying homes, deporting Palestinian people and mobilizing armies. As part of the efforts for peace, aimed at ending the occupation and turning East Jerusalem into the Palestinian capital, he advocated international and Arab humanitarian and civil support for the preparation of peace in Jerusalem from within. This, he said, would be a suitable tool for resistance of Israeli efforts to Judaize Jerusalem, adding that the mandate of his agency was to help save the city of Jerusalem; assist the Palestinians in Jerusalem; protect the city's holy places and safeguard its cultural sites.
- 47. Stressing the need to identify the needs of the people in Jerusalem in terms of housing, education, poverty relief, sports and cultural centres, Mr. Alaoui M'Daghri drew attention to a number of projects being implemented by his agency with Arab funding and in cooperation with civil society in Jerusalem. These projects included the building of new housing units; funding for renovation of the houses of the poor and marginalized; providing interest-free loans for construction; rehabilitating schools and hospitals; and providing scholarships for students. He pointed out that the agency had encountered many obstacles in trying to implement these projects, not just from the occupation forces, but also due to the intra-Palestinian conflict; the international bias in favour of Israel, which allowed it to challenge UN resolutions; and the lack of respect by Arab countries for their own resolutions. In conclusion, he called for an Arab-Islamic civilian policy in support of the Al-Quds Committee and the Agence Bayt Mal Al-Quds Acharif.
- 48. **Moshe Ma'oz**, Professor of Islamic and Middle Eastern Studies at the Hebrew University of Jerusalem, stressed that the issue of Jerusalem was at the core not just of the Israeli-Palestinian conflict, but of Israel's problematic relationship with the Arab world, the Muslim world and the international community. He emphasized the need to address the question of Jerusalem in order to improve relations; achieve reconciliation; and avoid another religious war. He pointed out that while the two-State solution was now widely accepted by everyone, except for religious militants on both sides, many were still not willing to reconcile their views on Jerusalem, and the majority on each side wanted to extend their sovereignty over East Jerusalem. While recalling the numerous proposals for a settlement, he said that many Jews wanted to keep control not just of the Temple Mount area, but of the entire city of Jerusalem, including areas that had nothing to do with Judaism.

- 49. Mr. Ma'oz recalled that Prime Minister Netanyahu had made clear his view that Jerusalem should remain united and that the Israeli policy, which started with the Basic Law of 1980, would be upheld. This policy, he said, was one of Judaization, whereby settlements and provocative actions by the Israeli Government continued to radicalize the Palestinians and cause widespread international criticism of Israel, including from some of its most important allies. Warning against the vicious cycle of extremism, whereby Islamophobia and anti-Semitism feed on each other, he said that Jerusalem must be respected by all. The city, he argued, must be above politics, not subject to it, and it must become the capital of two States, living side by side in peace and security. It must become the capital of peace, he concluded.
- 50. Markus Kaim, Head of the Research Division International Security at the German Institute for International and Security Affairs, outlined the perspective of the European Union. Stating that the EU was highly critical of Israel in regard to the status of Jerusalem, he said that Europe had recognized neither the 1967 annexation of East Jerusalem, nor the 1980 Basic Law; had rejected the notion that territory could be acquired by force; and had stressed that Jerusalem remained a permanent status issue. He outlined the EU's main problems with the Israel's Jerusalem policy as: 1) settlements, which the Union considered as creating facts on the ground, undermining the two-State solution and prejudging the final status outcome, while undermining the credibility of the Palestinian Authority and weakening popular Palestinian support for peace; 2) the separation wall and the associated permit regime, which was considered to have serious economic, social and humanitarian impact on Palestinian life and to be of legal concern, since 86% of the route is envisaged to be on the West Bank; 3) restrictions on and demolition of Palestinian housing, which caused the European Union to worry about the inequities between East and West Jerusalem; 4) the closing of Palestinian institutions, diminishing the prospects of fostering a Palestinian civil society, fueling extremism and endangering the peace process; and 5) concerns about religious freedoms and the ongoing excavations, which seemed to have political undertones.
- 51. While noting that the EU rhetoric may have become more critical in recent years, Mr. Kaim argued that at the operational level very little had changed in EU-Israel relations since the late 1980s. This, he attributed to the lack of a coherent EU foreign policy; fear among the Europeans of displaying divergence with the United States; and the fact that on a day-to-day basis, Israel and Europe engaged in very close economic and institutional frameworks for dialogue. In conclusion, he said that the EU would accept any outcome on which the parties mutually agreed. However, while the Union politically accepted today's status quo, legally it rejected it.
- 52. **Abdelaziz Aboughosh**, Ambassador of Palestine to Malaysia, provided a historical outline of the status of Jerusalem, which, he stressed, was an eternal part of the heritage of the three monotheistic religions. Noting that Jerusalem had been an integral part of and seat for the administration of Palestine during the League of Nations mandate, controlled by the United Kingdom, he said that, acting as an arbiter, the British had made several proposals in which Jerusalem was to be separated from the rest of Palestine and put under British administration. A similar proposal, he recalled, was made by the United Nations, when suggesting to make the city a corpus separatum under an international regime. He also recalled that in 1948, Folke Bernadotte had presented a proposal to the Security Council whereby Jerusalem would remain

Arab territory, with autonomy for the Jewish communities and special arrangements for the holy sites. Meanwhile, none of these proposals were implemented, and when Prime Minister Ben Gurion in December 1949 declared in front of the Knesset that Jerusalem was the capital of Israel and efforts at Judaizing West Jerusalem began, the city had effectively been divided. With the occupation of East Jerusalem in 1967, measures were taken to alter the entire city of Jerusalem, which in 1980 was declared the "unified capital" of Israel, he recalled, adding that the annexation of East Jerusalem had never been recognized by the international community and that shortly after the 1967 occupation, the OIC had launched the Al-Quds Committee to protect the holy places; support promotion of Palestinian rights and in Jerusalem; and preserve its Arab and Islamic character.

- 53. Describing various international perspectives, Mr. Aboughosh said that while the United States did not support the annexation of East Jerusalem, and had issued a letter of assurance to the Palestinians to that effect, which was part of the official records of the Madrid Peace Conference; in its practices, the United States continued to back Israel and block UN action on Jerusalem. The European Union, he noted, also rejected Israeli sovereignty claims to East Jerusalem; first in a 1996 declaration, which stressed the inadmissibility of acquiring territory by force; and again in the 2009 conclusion, which called for the city to be shared in the context of a peace agreement. The Palestinian, Arab and Islamic position, he said, was that East Jerusalem was an integral part of the Occupied Palestinian Territory and that the entire city was subject to permanent status negotiations. He stressed that Jerusalem must be an open city with free access and freedom of worship, and recalled that the 22<sup>nd</sup> Arab Summit had adopted an Arab Plan to save Jerusalem and protect its heritage. He called on the international community, the Security Council, the European Union and UNESCO to assume responsibility in helping to preserve the city's Arab and Islamic features.
- 54. **Meron Benvenisti**, Former Deputy Mayor of Jerusalem, noted that while more than a hundred different plans for a settlement of the question of Jerusalem had been put forth, none had been implemented. Recalling that the Israeli Government had banned negotiations on Jerusalem, he said that even when this "non-negotiable" issue was put on the table at Camp David, the talks had failed over the Haram Al-Sharif/Temple Mount question. He characterized the issue as a complex, crossword puzzle, where only fully matched responses on many issues could lead to a solution. He outlined the three main plans on the table: 1) Jerusalem as an undivided Palestinian city, with special arrangements for Jewish communities and holy places; 2) Jerusalem as a divided city, with special arrangements for holy places; and 3) Jerusalem as a separate unit. While the two-State solution envisaged a separation of the city, he cautioned that the location of the holy places as well as the mythical and religious nature of the city made it a particularly challenging case. Without these elements, he said the conflict over Jerusalem would amount to nothing more that a petty family feud.
- 55. Mr. Benvenisti warned that putting the proposals for Jerusalem's status only in legal terms ignored the questions of identity and belonging. Israel, he said, had initiated a politically motivated, absurd expansion of the borders of Jerusalem, to the extent that the Old City constituted less than 1% of the entire city, so that the surrounding areas could be attached to the status of the city and hence gain in importance and attention. He advocated that the Old City of Jerusalem become a World Museum, and the Holy Basin be put under UNESCO protection and

administered by representatives of the three monotheistic religions. The Old City, he said, only had marginal relevance to the urban life in the surrounding city, which could be divided between ethno-religious communities within the federal structure of a binational Israeli-Palestinian State. Stressing the need for reconciliation, he pointed to the socio-economic differences and the power disparity between East and West Jerusalem, and he called for steps towards greater parity of esteem. Adding that no solution could be based on force, coercion or confrontation, he said that a sustainable solution must be based on ethical principles and human dignity.

- 56. Ahmed Soboh, Ambassador of Palestine to Morocco, said that since the peace process was launched in Madrid in 1991, it had turned into an endless vicious cycle, and that the last 20 years had focused more on the process than on peace. To change this, he called for a clear timetable, benchmarks and commitments for the negotiations. Due to the imbalance in negotiations between the occupied and the occupier, he said, there was a need for a third party, who would be willing and able to go the extra mile to help the parties reach a just and lasting agreement. He recalled that when the Palestinians had recognized Israel, they had hoped that an equitable solution was ahead, which would put an end to the violence and the bloodshed. Instead, he said, it was as if the occupation had been accepted as a permanent situation, and the discussion had instead focused on settlements in the West Bank and the idea of shared sovereignty over East Jerusalem.
- 57. Stressing the need to uphold international law, Mr. Soboh said that Israel's call for Jerusalem as its unified capital was not a model to be emulated. While Israel might have sought to unify the city through the annexation of East Jerusalem, he pointed out that, in fact, the discriminatory policies pursued at all levels continued to divide the city. Recalling that the international community did not recognize Israel's fait accompli, he reiterated that Israel had not created the circumstances for the establishment of a single State. What had been done illegally could not lead to a legal solution, he stressed. In conclusion, he said that while Jerusalem might be a permanent status issue, the international community could not accept what Israel was doing to the city in the meantime. He called on the international community to assume its responsibilities, and on the United Nations to play its role in implementing international law and calling on the parties to respect their obligations.

# C. Plenary III <u>Building an international consensus on a just and viable solution</u> <u>to the question of Jerusalem</u>

- 58. The speakers in Plenary III addressed the following sub-themes: "The role of African States in promoting peace in Jerusalem"; "International approaches to resolving the question of Jerusalem"; and "The role of non-State actors, including parliamentarians and civil society".
- 59. **Seydina Oumar Sy**, former Minister for Foreign Affairs of Senegal, recalled that resolution 242 (1967) had called for the establishment of a just and lasting peace in the Middle East, based on the withdrawal of Israel from the occupied territories and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries. He noted that Israel continued to ignore that and all subsequent UN resolutions, which were based on the same principles. He

expressed concern at the current context, namely the recent Israeli operation, killing a Palestinian man on the sovereign territory of another State and the forging of passports of nationals from friendly countries; as well as the Israeli attack in international waters on a humanitarian vessel on its way to deliver aid to Gaza; and the continuation of the Israeli fait accompli policy. At the same time, he called on the Palestinians to overcome their differences, adding that through union, one becomes stronger. Unless the Palestinians agreed on a common platform, they would get nothing out of the negotiations, he warned, while paying tribute to the PLO and Fatah as well as to Yasser Arafat and his team, who had gone through many battles to arrive at the current situation. He called on Hamas to stop firing rockets at Israel, giving the latter an excuse to wreak havoc.

- 60. Africa, Mr. Oumar Sy stated, did not support destroying Israel, but rather believed in the need to live with Israel as well as live with the Palestinians. Meanwhile, he opined that the lack of action from the West was in fact supporting an unfair status quo. Despite its own problems, he believed that Africa could help to address the key question of Jerusalem, including by fostering awareness and by promoting cooperation among religious groups; supporting the important role of Christians in Jerusalem; and holding events that could foster cooperation and reconciliation. Asking whether anyone could have imagined the end of apartheid in South Africa, the fall of the Berlin Wall or even the creation of a Jewish State, he said that everything was possible for people of faith. At the same time, recalling that between the Balfour Declaration of 1917 and the establishment of the State of Israel, the Jews had not stopped fighting for their own State, he questioned how the Israelis could expect the Palestinians not to continue their struggle for a State.
- 61. **Philip Wilcox**, President of the Foundation for Middle East Peace, pointed out that after 20 years of peace process, an international consensus was taking shape on the creation of two States and a division of the holy city of Jerusalem. He argued that acceptance was building around the concept of dividing Jerusalem, so that "what is Palestinian will remain Palestinian and what is Israeli will remain Israeli". However, he warned that the question of Jerusalem should be addressed with urgency since the situation evolved on a daily basis. Searching for alternatives to the two-State solution, such as binationalism, would require starting "from scratch," he said. Recalling that in 1948, Israeli leaders had believed that Tel Aviv, not Jerusalem, should be the capital of the Jewish State, he argued that the Israeli efforts to create facts on the ground and to promote the mythical idea of a united, greater Jewish Jerusalem had not succeeded. He noted that the settlement programme was a very powerful symbol of the unresolved question of Israel's identity as either a modern State with progressive enlightenment values, or an isolated, theocratic and autocratic State. Stating that Jerusalem was in fact two cities, an Arab city in the East and a Jewish city in the West, he said that Israeli efforts to make East Jerusalem more Jewish had failed; the city had become even more divided and life for Jerusalemites had become more difficult.
- 62. Efforts to sanctify Jerusalem, Mr. Wilcox held, had caused policy-makers to postpone the issue, which had only been taken up at Camp David. Taking note of Mr. Makgoba's suggestion to deal with Jerusalem first, he said that the status of Jerusalem must be discussed in the context of a comprehensive two-State solution, integrating all the final status issues. He called on international leaders to cut through the fog and the propaganda and not just criticize settlements

in a vacuum, but spell out their negative impact on the prospects for peace. The impasse, he said, would not be broken by another round of bilateral talks, but required a strong international initiative to restore hope and realistically point out the difficult choices that needed to be made. In conclusion, he said that despite dysfunctional politics of two people, who were both victims of pathologies, a lot had been achieved in the past 20 years, most notable being the consensus on the two-State solution and the Arab Peace Initiative, and he urged the international community to engage as a tough and compassionate partner to provide the necessary reassurances.

- 63. Mohamed Taj-Eddine El-Houssaini, Professor of International Law at University Mohammed V in Rabat, deplored that by threatening to destroy Islamic holy places, Zionist extremism was attempting to transform the conflict over Jerusalem from a political conflict to a religious one, thus risking a dangerous clash of religions. Israel, he said, continued to postpone attempts at addressing the status of Jerusalem, while moving forward expeditiously with the confiscation of Palestinian land, the removal of Palestinian residents and the building of settlements in East Jerusalem. Characterizing the status quo as the most pessimistic scenario, he said that the most optimistic scenario would be a solution based on justice, equity and international law, allowing Jerusalem to become a symbol of reconciliation. He outlined four different scenarios for the status of Jerusalem: 1) the international scenario, based on resolution 181 (1947), whereby Jerusalem would be a corpus separatum under an international trusteeship; 2) the option of partition, based on the 1967 border and international legitimacy; 3) the status quo scenario, which Israel attempted to consecrate by nationalizing the entire city; and 4) the open city scenario, whereby Jerusalem would remain physically unified but politically divided, and include freedom of movement in a Jerusalem free of weapons. He warned that any negotiated outcome would reflect the current balance of power between the parties.
- 64. As for the holy sites, Mr. El-Houssaini called on the international community to refer the matter to the ICC, who should characterize attacks on holy sites an international crime and a threat to international peace and security, enabling Security Council action under Chapter VII. He called for new international approaches, including by African States, which had great weight in the General Assembly; by non-State actors, who had played a key role in easing the restrictions on Gaza; and by the United States, which, he said, should support the convening of an international peace conference. In conclusion, he questioned how the international community in the era of globalization could allow the capital of peace to remain under occupation.
- 65. **Shlomo Molla**, Member of Knesset for the Israeli Kadima Party, said that the biggest Israeli party, Kadima, had chosen not to join the Government of Prime Minister Netanyahu because of his position on the peace process. The party leader, Ms. Livni, he said, had not received any answers about Mr. Netanyahu's views on the peace process, on the refugees and on Jerusalem; and therefore had decided to be in the opposition. Even after Mr. Netanyahu had talked about the two-State solution, Mr. Molla held that he continued to mislead the Israeli people, by saying two States already existed one in the West Bank, led by the Palestinian Authority, and one in Gaza, led by Hamas. He said that Ariel Sharon had left Likud in 2005 to establish Kadima, because his efforts to move the peace process forward, including by engaging in the Annapolis process and accepting the two-State solution, had been opposed by

Mr. Netanyahu and other Likud members. Kadima, he said, wanted peace and the establishment of a Palestinian State. Stressing that the two-State solution was the only way to end the conflict, he said that the majority of Israelis did want peace and that Ms. Livni would be able to make peace.

- 66. Recalling that he had been born in Ethiopia and came to Israel in 1984 with a dream of going to Jerusalem, the city of peace, Mr. Molla argued that Jerusalem should be a free and open city for all believers. Stating that Jerusalem was a unique city, home to both Israelis and Palestinians, and central to all Jews, Muslims and Christians, he said that all these groups had a shared responsibility to allow freedom of movement, access, worship and religion in the Holy City. Faith and religion played a crucial role in human life, he said, adding that rights must be granted to all communities in Jerusalem to access the religious sites, even as proposals for dividing the city should remain on the table. He stressed the need to recognize Israel's security concerns, and called on President Obama to come to the region and talk to the Israelis.
- 67. **Soyata Maïga**, Commissioner and Special Rapporteur on the Rights of Women in Africa at the African Commission on Human and People's Rights, noted that African States had played an important role in advocating severance of diplomatic relations with Israel, as the latter continued to disregard United Nations resolutions. She recalled that most recently, the Council of Ministers of the African Union had stressed the need for the UN Security Council to defend the UN Charter; to condemn the siege on Jerusalem; and to urge Israel to stop all colonization measures as well as its brutal practices towards the Palestinians. She added that the AU Council had also called for Palestinian reunification, and for the AU Committee on Palestine to develop a plan of action for progress in international bodies. In addition to the commitment by African States at the national and regional levels, she pointed out that also African NGOs were very active on the Palestinian question, including by arranging events in connection with the international day of solidarity with the Palestinian people, educating Africans about the situation in the Middle East and showing solidarity with the Palestinian people.
- 68. Ms. Maïga pointed out that at the Review Conference on the Rome Statute, held in Kampala in June 2010, more than 30 NGOs had adopted a joint declaration on the Israeli attack on the Free Gaza Flotilla, calling on the prosecutor of the ICC to decide whether to open an investigation; urging the UN Secretary-General to address the Security Council on the ongoing crisis of impunity and urge the Council to refer the case to the ICC; inviting all parties to the Rome Statute to take measures to restore the rule of law in the Occupied Palestinian Territory; urging the High Commissioner for Human Rights to visit Gaza; and inviting Israel to respect its international obligations. Noting that there was a lot of disinformation and bias about the sensitive and complex issues in the Middle East, she stressed that NGOs had an important informational and educational role to play, as well as a significant oversight function in monitoring and reporting on violations of international law. African States, she said, must go beyond political and diplomatic support to propose concrete solutions and offer technical assistance. Stressing the need to emphasize and make more constructive the role of women, she pointed out that women and children often paid the highest price in conflict, adding that the Committee would have every interest in integrating women more in the discussions.

- 69. **Lucy Nusseibeh**, Director of Middle East Non-Violence and Democracy (MEND), said that there had been a reorientation of the Old City of Jerusalem towards the west, which reduced the size of the eastern part of the city. Stressing the deteriorating socio-economic situation in East Jerusalem, which she described as "slummified," she pointed out that every new settler changed the atmosphere of the neighbourhood by bringing Israeli flags and increased security measures. She deplored the huge tunnels being built under the Old City and lamented that a historical Palestinian graveyard was being destroyed to give way to a "museum of tolerance." Stressing the statelessness of Palestinians in Jerusalem, Ms. Nusseibeh said that Palestinians in Jerusalem suffered from "alienation to the point of being self-destructive." While the occupied might come to identify with the occupier, she argued that annexation was even worse as it leaked into people's consciousness and included a denial of identity, forcing Palestinian Jerusalemites to become part of the Israeli system in order to survive.
- 70. Noting that Jerusalem was no longer the hub of Palestinian civil society that it used to be, Ms. Nusseibeh said that despite Mr. Perez' pledge to the contrary, many Palestinian institutions had been kicked out of Jerusalem and many others had left because life was too difficult in the city. She pointed out that the 390 Palestinian NGOs left in Jerusalem were suffering from profound fragmentation, as the social fabric of Palestinian life in the city was disintegrating, making it very difficult to complete planned projects. The vacuum in the social sphere, she said, was being filled on the one hand by Islamic organizations and on the other hand by Israel. While noting that many Israeli NGOs might not have bad intentions, she said that their take-over of Palestinian activities reflected the disempowerment of Palestinians. She urged the international community to help amplify the voices of Palestinian civil society to help improve human security. She also noted that the victim mentality easily made people self-righteous and made them portray the other side as an evil enemy, thereby making dialogue impossible. Rather than focusing on the negative aspects, we must start with changes within ourselves and reach out to the others, she said, calling for reciprocal dignity and human rights.

#### IV. Closing session

- 71. **Oumar Daou**, Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, introduced the Concluding statement by the Organizers of the Meeting (see annex I).
- 72. **Mohammed Ouzzine**, Secretary of State of Morocco for Foreign Affairs and Cooperation, expressed his appreciation to all participants for their support of the Committee's efforts to bolster an international consensus for a just solution to the question of Palestine in order to ensure a revival of the peace process and achieve security in the region. He said that the focus of the Meeting on Jerusalem reflected the special significance of the Holy City and its place at the core of the Middle East conflict, which made it the key to peace in the region. He called for the sacred City to become a city of peace and coexistence. He welcomed the constructive spirit of the Meeting which allowed participants to formulate practical approaches, in the African and international context, to the protection of civilians and ending the dangerous violations of human rights in the Occupied Palestinian Territory with a view to improving the living conditions of the Palestinian people and achieve peace and security in the region.

- 73. Mr. Ouzzine said that Morocco appreciated the Committee's efforts to sensitize the international community in support of peace initiatives. Stressing the importance of finding a just solution within the context of international law and UN resolutions, he said that this would safeguard the status of Jerusalem and support the right of the Palestinian people to regain their land upon which they would establish their State. He expressed confidence that the Meeting would contribute as a positive leverage for peace in the Middle East to ensure justice and remove the phantom of insecurity that had prevailed for decades in the region thus helping people in the Middle East to focus on progress and growth. Under King Mohammed VI, Chairman of the Al-Quds Committee of the Organization of the Islamic Conference, Morocco, he said, would continue to work together with the Committee in order to achieve a just solution for the Palestinian people in realizing their State with East Jerusalem as its capital. "We are looking for peace that upholds humanitarian culture and not the culture of force", he concluded.
- 74. **Riyad Mansour**, Permanent Observer of Palestine to the United Nations, expressed his appreciation to Morocco for hosting the Meeting and to participants for their contributions. Noting that many of the presentations had reflected the pain of the Palestinian people, he said that Ms. Nusseibeh's intervention had deepened the wounds in his heart, but also strengthened his resolve. "The Palestinian people, our nation and our State exist, but are under occupation," he proclaimed, adding that efforts continued to secure the establishment of a Palestinian State. He held that the international community had taken it upon itself, when adopting resolution 181 in 1947, to resolve the Palestinian question, and he informed that the Palestinians were inviting every single country, including from Africa, to participate in completing the exercise and resolving the Palestinian question. Noting that the Committee was working hard to create an appropriate atmosphere for peace, he said that the two main obstacles were the continued settlement construction, which created facts on the ground and had caused the failure of the Annapolis process; and the need to address all final status issues, including Jerusalem.
- 75. Mr. Mansour warned that in East Jerusalem, the illegal practices of the extremist settlers risked causing a holy confrontation between Jews and Muslims, which would threaten international peace and security. Stressing the need to prevent frustration and pain from spilling over into a religious war, he underlined the importance of addressing the situation in Jerusalem in order not to let the extremists on both sides win. It was the collective responsibility of all peace-lovers to convince the Israeli Government to comply with the global consensus on the basis of the two-State solution, he said, adding that if the Israeli Government could not be reasoned with, it must be forced, not by weapons, but by international law and UN resolutions. Noting that a global consensus had formed on the two-State solution, Israeli withdrawal to the pre-1967 borders with minor adjustments, East Jerusalem as the Palestinian capital and West Jerusalem as the capital of Israel, and a formula for the holy places to be open to all, he said that now was the time to act. While not ruling out the possibility of a future union between Israel and Palestine, he stressed that such a decision could only be taken by two equal peoples who each had a sovereign State. The presidency of Barack Obama provided a historical moment, he said, but added that everybody had a responsibility to play their role in realizing the two-State solution and that now was not the time to pass judgment on any country, but to work together.
- 76. **Zahir Tanin**, Head of the Committee Delegation and Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, expressed the Committee's

appreciation to all the participants. He noted that the presentations made during the Meeting had pointed out that despite major efforts, the peace process was not moving forward and Israel continued to create facts on the ground, especially in East Jerusalem, which threatened to make the two-State solution unattainable. He welcomed that Palestinian and Israeli participants had pointed out that the majorities in both societies supported the two-State solution, including a just and viable solution for Jerusalem, and that other speakers had reaffirmed that the Israeli-Palestinian conflict and the question of Jerusalem remained of serious concern to Governments and peoples throughout the world, including in Africa.

77. Pointing out that everyone was aware of the challenges ahead and what needed to be done to achieve peace, Mr. Tanin said that the main message of this Meeting should be one of encouragement to the parties to continue on the path to peace. Internal divisions must be overcome, extremists isolated and the voices of reason and reconciliation strengthened, he said, adding the Meeting should also encourage the international community to continue to support the peace process, to provide assistance to the Palestinian people and to alleviate the plight of the people living under the Israeli blockade in Gaza. Recalling that the Committee was created 35 years ago to remind the international community of its legal and moral responsibilities to restore justice for the Palestinian people, he stressed the need to urgently address the unacceptable situation caused by the prolonged occupation.

### Annex I Concluding statement of the Organizers

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- 1. The **United Nations African Meeting on the Question of Palestine** was convened by the Committee on the Exercise of the Inalienable Rights of the Palestinian People in Rabat on 1 and 2 July 2010. Participants in the Meeting included internationally renowned experts, including Israeli and Palestinian, representatives of United Nations Member States and Observers, parliamentarians, representatives of the United Nations system and other intergovernmental organizations, representatives of civil society, academic institutions and the media.
- 2. The objective of the Meeting, at this time of intensified efforts at resuming the Israeli-Palestinian peace process, was to promote broad international support, including by African States, for a solution of the conflict based on a shared vision of two States, Israel and Palestine, living side by side in peace and security. The Meeting discussed the current status of Jerusalem, including the religious and cultural significance of the Holy City, and its status in international law and United Nations resolutions as a city occupied since 5 June 1967. The Meeting considered the question of Jerusalem in the context of the permanent status negotiations. Participants in the Meeting also looked into the importance of building an international consensus on a just and viable solution of the question of Jerusalem and the role of African States and other actors in that regard.
- 3. The Meeting was opened by H.E. Mr. Taïb Fassi-Fihri, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco. In his statement, he underlined that the United Nations, in conformity with the text and spirit of its Charter, could not be just an international forum to follow up the development of the Palestinian cause or denounce the ongoing aggressions by the Israeli authorities in the Occupied Palestinian Territory. It had to take full responsibility by playing a pioneering role for an effective and coherent mobilization of necessary efforts towards ending the tragic conflict that negatively affected the interests of all parties and represented a real threat to international security and stability. He also emphasized the active efforts made by His Majesty King Mohammed VI, Chairman of the Al-Quds Committee, to preserve the legal status of Al-Quds and maintain its spiritual identity, and to provide all kinds of support to the Makdesi population in order to promote their living conditions in the areas of housing, social work, health care and education, whether directly or by means of the Bayt Mal Al-Quds Al-Sharif Agency, where Morocco remained the major contributor and sponsor.
- 4. In the course of the Meeting, the participants reviewed the current status of the political efforts to revive a meaningful political process between Israelis and Palestinians. Speakers stressed the importance of a comprehensive peace on the basis of the relevant General Assembly and Security Council resolutions, the Madrid terms of reference, the principle of land for peace, the Arab Peace Initiative and the Road Map, and deplored recent developments on the ground, which were seriously complicating the ongoing efforts to advance negotiations. The participants examined the current situation in and around Jerusalem and underlined the imperative of a just and viable political solution of the question of Jerusalem as a permanent status issue. They

discussed the support of African countries for a permanent settlement of the Israeli-Palestinian conflict by promoting the inalienable rights of the Palestinian people through the United Nations system as well as through regional mechanisms, including the African Union, the League of Arab States, the Organization of the Islamic Conference and various civil society initiatives in the region.

- 5. The Organizers welcomed the support by the participants for the two-State solution, with the State of Israel living side by side in peace and security with an independent, democratic, contiguous and viable State of Palestine, with East Jerusalem as its capital. Hope was expressed for early progress in the negotiations that would lead to the consideration of all permanent status issues, including settlements, borders, Jerusalem, refugees, water and security. There was consensus that for any peace efforts to be successful, it was imperative to find a just and viable political solution for the question of Jerusalem.
- 6. Noting that the question of Jerusalem remained a key permanent status issue in any future Israeli-Palestinian peace negotiations, the Organizers note that Israel's annexation of East Jerusalem has never been internationally recognized. In that context, the Organizers concur with the 8 December 2009 conclusions by the Council of the European Union, as well as the 19 March 2010 statement by the Middle East Quartet, reaffirming that the annexation of East Jerusalem had not been recognized by the international community and that the status of Jerusalem was a permanent status issue that had to be resolved through negotiations between the parties.
- 7. The Organizers reiterate that the presence of settlements in the Occupied Palestinian Territory, including East Jerusalem, is illegal under international law. They call on Israel to immediately cease settlement construction, including the so-called "natural growth", and to dismantle settlement outposts. Of particular concern were plans for the expansion and consolidation of large settlement blocks in and around East Jerusalem, especially in the so-called "E-1" area, which cut off the City from the rest of the West Bank, thereby undermining and prejudging the outcome of permanent status negotiations. Pointing out that the moratorium on settlements announced by the Government of Prime Minister Netanyahu only provided for a temporary and partial freeze on settlement construction in the Occupied Palestinian Territory, the Organizers join the participants in the Meeting in calling for a permanent and complete halt to all settlement activities, including in Occupied East Jerusalem, which has been excluded from the moratorium. The Organizers emphasize that there will be no international recognition of any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed upon by the parties.
- 8. The Organizers express serious concern about illegal Israeli practices aimed at altering the status and demographic character of East Jerusalem, including the continued house demolitions, the eviction of Palestinian residents, the revocation of Palestinian residency rights, settlement construction and the transfer of settlers. They underline that such unilateral actions constitute violations of international law and impede all efforts at re-launching meaningful permanent status negotiations between Israel and the Palestinians. Moreover, the Organizers deplore all discriminatory Israeli practices against Palestinians in East Jerusalem, including restrictions on access to and residence in East Jerusalem, construction of the wall in and around

East Jerusalem and the further isolation of the City from the rest of the Occupied Palestinian Territory. The continuation of such illegal and unhelpful practices calls into question the credibility of the stated Israeli commitment to negotiations towards a two-State solution. The Organizers call upon Israel to ensure that provocative steps are not taken in the City, particularly at this delicate stage when the goal must be to build trust and support political negotiations. The Organizers call upon the United Nations, in particular its Security Council, to take, as soon as possible, responsibility for the situation in East Jerusalem and to take the necessary decisions, in consultation with the interested political groupings, to prevent its further deterioration.

- 9. Drawing attention to the historical, cultural and religious significance of the Holy City, the Organizers wish to remind about the importance of recognizing that religious sites in the West Bank have a special spiritual significance to many people worldwide, including Jews, Muslims and Christians. In that context, the Organizers express regret at the inclusion, earlier this year, of a number of many sites in Jerusalem, including the Tomb of the Patriarchs (Al-Haram Al-Ibrahimi) and Rachel's Tomb (Masjid Bilal or Qubbat Rakhil), in the list of Israel's "National Heritage Infrastructures". They also express serious concern at the continued Israeli excavations in and around the Al-Haram Al-Sharif compound in East Jerusalem and called for an end to all acts of provocation and incitement, in particular at or near the City's holy sites, which are likely to fuel tensions in the entire region. They stress the need to find a solution to the question of Jerusalem that would take into account the concerns of both sides, while ensuring access to the City's holy sites by the people of all religions.
- 10. The Organizers join the participants in welcoming the recently renewed international efforts at re-launching the Middle East peace process, including the initiatives by United States Special Envoy George Mitchell. The Organizers are worried that these serious efforts can be undermined by recent developments on the ground, including the announcement by the Israeli Government of 1,600 new housing units in "Ramat Shlomo" and the most recent case, involving the approval by a Jerusalem municipal planning body of a plan to demolish 22 Palestinian homes in the Al-Bustan area of the Silwan neighbourhood in East Jerusalem to make room for an Israeli tourist centre. These actions constitute clear violation of the provisions of the Fourth Geneva Convention.
- 11. The Organizers have been deeply concerned about the fatal Israeli attack of 31 May on the international flotilla, headed towards Gaza with humanitarian aid. The Organizers strongly condemn that attack in international waters, and consider it a violation of international law. They fully support the call of the United Nations Secretary-General for establishing an international investigative panel to look into the incident. At the same time, the Organizers are of the view that the incident could have been avoided had Israel lifted its blockade of Gaza, which for more than three years has been suffocating the 1.5 million people living in the Gaza Strip, while preventing them from rebuilding their lives in the aftermath of the comprehensive destruction caused by the Israeli attack on Gaza 18 months ago. The Organizers deplore the continuing blockage of many items and materials vital for humanitarian relief and reconstruction efforts and the obstacles faced by patients trying to leave the Gaza Strip in search of treatment for serious and chronic illnesses. While noting the recent slight easing of the restrictions on Gaza, the Organizers stress the need for concrete action to lift the siege completely and promptly to allow the flow of humanitarian aid, commercial goods and people through the crossings.

- 12. The Organizers remind Israel, the occupying Power, of its responsibilities under international humanitarian law, in particular the Fourth Geneva Convention, which stipulates that Israel, as a High Contracting Party, is obliged to protect the Palestinian civilian population under its occupation and to act within the ambit of international law. The applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem, has been repeatedly confirmed by the Conference of the High Contracting Parties, as well as by the United Nations General Assembly, Security Council and the International Court of Justice. Reiterating the need for the full implementation of Security Council resolution 1860 (2009), the Organizers call on Israel, the occupying Power, to immediately lift the blockade and to open all crossings, in accordance with the 2005 Agreement on Access and Movement and to completely implement the other provisions of the Agreement.
- 13. The Organizers also urge the Palestinian leadership, the leaders of all factions and all Palestinians to strive for national reconciliation as an essential condition for ending the occupation, achieving a just and lasting solution to the question of Palestine and the establishment of a viable, contiguous, sovereign and democratic Palestinian State. The Organizers express appreciation for the Egyptian efforts in achieving such reconciliation as soon as possible.
- 14. Despite the current stagnation in the peace process and the many negative developments on the ground, the Organizers express firm belief that there is no alternative to continuing negotiations and to the two-State solution. But time is of essence. The Organizers also express their appreciation for the immediate and continued engagement of the United Nations General Assembly and Security Council, Governments, national parliaments and inter-parliamentary organizations, regional and international organizations, and civil society organizations, including from the African region, to achieve a just and lasting solution to the Israeli-Palestinian conflict. They emphasize that a critical condition for achieving a permanent settlement of the Israeli-Palestinian conflict is an end to the Israeli occupation of the Palestinian Territory, including East Jerusalem, occupied since June 1967.
- 15. The Organizers encourage the international community, including the countries of Africa, to strengthen their support for the peace process, in particular at a time when it faces unprecedented challenges. They reiterate the permanent responsibility of the United Nations towards the question of Palestine, until it is resolved in all its aspects based on the relevant United Nations resolutions. In that context, the participants commended the Committee for organizing meetings, like this one in Rabat, that mobilize Governments and public opinion in different regions in support of a comprehensive, just and lasting solution of the Israeli-Palestinian conflict.
- 16. The Organizers commend the action of African Governments, intergovernmental organizations, and civil society in support of Israelis and Palestinians in their quest for a peaceful settlement of the conflict and urge them to continue their moral and political support of the Palestinian people. They encourage the African countries to continue to support action on these issues at the regional and international levels, including in the United Nations, the Non-Aligned Movement, the African Union, the League of Arab States, the Organization of the Islamic Conference and other inter-governmental mechanisms.

- 17. The Organizers commend the active and constructive role played by Morocco, an Observer in the Committee, for its tireless efforts to assist the Palestinian people in achieving its inalienable rights. They express their deep appreciation to His Majesty King Mohammed VI of Morocco, Chairman of the Al-Quds Committee of the Organization of the Islamic Conference, for his tireless efforts and timely actions to preserve the religious and civilizational character of Al-Quds Al-Sharif. They also praised His Majesty's constructive initiatives in support of Palestinian issues, including that of Jerusalem. Recalling the International Forum on Jerusalem, which was convened in October 2009 in Rabat by the Al-Quds Committee and the Yasser Arafat Foundation, the Organizers applaud the Kingdom of Morocco for its constructive contribution to international efforts towards finding a solution to the question of Jerusalem, which would ensure the peaceful coexistence of peoples of various religions in the Holy City. They endorse the appeal made by His Majesty King Mohammed VI at the Forum for the establishment of an "International Coalition" of Governments, international organizations and civil society actors in favour of preserving the legal status of Jerusalem as a space for dialogue and peaceful coexistence.
- 18. The Organizers expressed their profound gratitude to the Government of Morocco and its Ministry of Foreign Affairs and Cooperation for hosting the Meeting, for the assistance and support extended to the Committee and the United Nations Secretariat in its preparation, and for the warm reception and generous hospitality extended to them.

#### Annex II List of participants

#### **SPEAKERS**

H.E. Mr. Abdelaziz Aboughosh Ambassador of Palestine to Malaysia

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Mr. Daniel Ben Simon Member of the Knesset

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Mr. Meron Benvenisti Former Deputy Mayor of Jerusalem

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African Commission on Human and Peoples' Rights

Bamako

The Most Rev. Thabo Cecil Makgoba D.D., Archbishop, Anglican Church of Southern Africa

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# ENTITIES HAVING RECEIVED A STANDING INVITATION TO PARTICIPATE AS OBSERVERS IN THE SESSIONS AND THE WORK OF THE GENERAL ASSEMBY AND MAINTAINING PERMANENT OBSERVER MISSIONS AT HEADQUARTERS

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\* \* \*