

# DOCUMENTS ON PALESTINE

## Volume VII (2002-2005):

13. The Road Map - Sharon's Disengagement Plan  
(2002-2004)
14. Period Before Israeli Disengagement from Gaza  
(2004-2005)

**Edited by Dr. Mahdi Abdul Hadi**



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**Palestinian Academic Society for the Study of International Affairs**

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# Introduction

Palestine has enjoyed geographic, religious, and political centrality in the Middle East and has since the beginning of the last century been vulnerable to the plans and ambitions of foreign powers. The resulting conflicts have led to the dispersal and prolonged suffering of the Palestinian people, and during the past eight decades in particular the Palestinian people have fought continuously to defend their internationally recognized rights to freedom and independence.

The ambitions and policies of the various external powers involved over the year have had an undeniable impact on inter-Arab relations, and on the international relations of Arab states. They have also had a direct effect on shaping the history of Palestine and the evolution of its future. Despite this external pressure, the Palestinians have succeeded in defending and maintaining their Arab identity and political presence by organizing socio-economic institutions and a political infrastructure which have allowed them to challenge the power of various conquerors in the ongoing national struggle. Having legitimate representation forced other parties to recognize and engage with them despite attempts to deny them their rights to self-determination and national independence.

This volume is one of a series that organizes key political documents covering the time from the pre-Ottoman period to 2007. This volume covers the birth of the Road Map and the period leading up to the Israeli disengagement from Gaza. This brief introduction outlines the history of this period to provide a framework to guide the reader to the historical context of the papers.

## *The Road Map and Stagnating Peace*

Volume VII picks up the narrative in October of 2002 as Palestine remained in a state of disarray. The latest “Road Map for Peace” was introduced in October and was unofficially endorsed. The early focus of the plan was on reform and recovery within the Palestinian economic and political systems to be accompanied by a halt to Israeli settlement activity and the beginning of withdrawal. Three different drafts would be drawn up and agreed to by the end of the year.

As international observers, most notably the members of the Middle East Quartet, worked to break the impasse between the Palestinians and Israelis, internal bickering continued to swell within the Palestinian political structure. In March, Mahmoud Abbas was appointed to the role of Prime Minister of the Palestinian Authority by Yasser Arafat and inherited a number of setbacks. The United States had frozen all aid to the Palestinians and begun its war in Iraq, and Palestinians were already losing confidence in the empty promises of the road map. By September, Prime Minister Abbas had already resigned his post and been replaced by Ahmed Qrei’a, who had been close to Arafat during Oslo and Camp David.

In the shadow of the growing separation wall in the West Bank, there was little change in the *status quo* during the latter half of 2003. The Geneva Accord process that was launched in December was received coldly by the Israelis and met with only marginal support in Palestinian society. The PLC continued to move forward with an all-new cabinet and a new

speaker. More importantly, Prime Minister Sharon came to the Knesset with his revised Unilateral Disengagement Plan in January of 2004 and was able to win more support. Though many people on both sides were skeptical of the plan and its motives, it was approved by the Israelis and ostensibly gave the PA an opening to begin discussing Gaza security arrangements with Egypt. US President George W. Bush endorsed the plan, though by May he was calling the establishment of a Palestinian state “not likely.”

Palestinians continued to see their situation regress in the latter half of 2004. Marwan Barghouti, a popular Fateh and resistance leader who rose to prominence during the *Intifada*, was convicted and given five consecutive life sentences by an Israeli court in June. He had put up no defense, and his release remains a point of contention between Israelis and Palestinians. In July, a decision by the International Court of Justice (ICJ) ruled the Israeli separation barrier to be illegal and called for its immediate destruction. A subsequent declaration by the UN General Assembly demanded that Israel comply with the ICJ ruling.

### ***Palestinian Politics Post-Arafat***

The loss of President Yasser Arafat in November of 2004 was a sever blow to Palestinians. Though his death was not a surprise given his deteriorating health, it was still a shock to the people whose struggle he had embodied for almost three decades. Mahmoud Abbas stepped in to head the PLO as international observers attempted to frame the situation as a chance to finally make peace between the Israelis and the mourning Palestinians. At the same time, Hamas made its first appearance in municipal elections, and we saw the first signs of the movement’s rising popularity among the Palestinian electorate.

In hindsight, the most important storyline from the first half of 2005 was the increasing tension between Fateh and Hamas. The major round of municipal elections that was held in May solidified Hamas’ place as the main foil to Fateh. The superior strategy and organization of Hamas contributed to the success of its first foray into electoral politics, while Fateh’s own disorganization doomed it to a weak performance. Even with the looming disengagement and the Israeli push to complete the separation barrier around East Jerusalem, Hamas’ chances in the upcoming PLC elections remained at the forefront of the Palestinian political discussion. To buy himself and his party more time, President Abbas announced a decision to postpone those elections until January 2006.

### ***A Final Note***

Although we have endeavored to make this publication as reader/user friendly as possible, one should be aware that there is some inconsistency in terms of the spelling of non-English words - names and places (such as Haram Ash-Sharif or *Intifada*) – since we adhered, wherever possible, to the original version rather than apply our usual spelling rules. It is for the same reason that the volumes contain a number of minor typographical errors such as the omission of apostrophes, inconsistent capitalization, and spelling mistakes found in the originals.

Footnotes included in the volumes - excluding those marked “the ed.” - are mostly those that appeared in the original texts though the readership note that the numbering will not necessarily be accordance with the original version.

## 13. The Road Map – Sharon’s Disengagement Plan (2002 - 2004)

### **ELEMENTS OF A PERFORMANCE-BASED ROAD MAP TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT, FIRST DRAFT, 15 OCTOBER 2002**

The following are elements of a performance-based plan, under the supervision of the Quartet, with clear phases and benchmarks leading to a final and comprehensive settlement of the Israeli-Palestinian conflict by 2005, as presented in President Bush’s speech of 24 June, and welcomed by the EU, Russia and the UN in the 16 July and 17 September Quartet Ministerial Statements. Such a settlement, negotiated between the parties, will result in the emergence of an independent, democratic Palestinian state living side by side in peace and security with Israel and its other neighbors. The settlement will end the occupation that began in 1967, based on the Madrid Conference terms of reference and the principle of land for peace, UNSCRs 242, 338 and 1397, agreements previously reached by the parties and the Arab initiative proposed by Saudi Crown Prince Abdullah and endorsed by the Arab Summit in Beirut.

PHASE I: October 2002-May 2003 (Transformation/Elections)

First Stage: October-December, 2002

- Quartet develops detailed roadmap, in consultation with the parties, to be adopted at December Quartet/AHLC meeting.
- Appointment of new Palestinian cabinet, establishment of empowered Prime Minister, including any necessary Palestinian legal reforms for this purpose.
- PLC appoints commission charged with drafting of Palestinian constitution for Palestinian statehood.
- PA establishment independent Election Commission. PLC reviews and revises election law.
- AHLC Ministerial launches major donor assistance effort.
- Palestinian leadership issues unequivocal statement reiterating Israel’s right to exist in peace and security and calling for an immediate end to the armed Intifada and all acts of violence against Israelis anywhere. All Palestinian institutions end incitement against Israel.
- In coordination with Quartet, implementation of U.S. rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board (U.S. Egypt-Jordan).
  - Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
  - Restructured/retrained Palestinian security forces and IDF counterparts begin phased resumption of security cooperation and other undertakings as agreed in the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.
- GOI facilitates travel of Palestinian officials for PLC sessions, internationally supervised security retraining, and other PA business without restriction.
- GOI implements recommendations of the Bertini report to improve humanitarian conditions, including lifting curfews and easing movement between Palestinian areas.
- GOI ends actions undermining trust, including attacks in civilian areas, and confiscation/demolition of Palestinian homes/property, deportations, as a punitive measure or to facilitate Israeli construction.
- GOI immediately resumes monthly revenue clearance process in accordance with agreed transparency monitoring mechanism. GOI transfers all arrears of withheld revenues to Palestinian Ministry of Finance by end of December 2002, according to specific timeline.

- Arab states move decisively to cut off public/private funding of extremist groups, channel financial support for Palestinians through Palestinian Ministry of Finance.
- GOI dismantles settlement outposts erected since establishment of the present Israeli government an in contravention of current Israeli government guidelines.

#### Second Stage: January-May 2003

Continued Palestinian political reform to ensure powers of PLC, Prime Minister, and Cabinet.

- Independent Commission circulates draft Palestinian constitution, based on strong parliamentary democracy, for public comment/debate.
- Devolution of power to local authorities through revised Municipalities law.
- Quartet monitoring mechanism established.
- Palestinian performance on agreed judicial administrative, and economic benchmarks, as determined by Task Force.
- As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000. Withdrawal to be completed before holding of Palestinian elections. Palestinian security forces redeploy to areas vacated by IDF.
- GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials.
- GOI reopens East Jerusalem Chamber of Commerce and other closed Palestinian economic institutions in East Jerusalem.
- Constitution drafting commission proposes draft document for submission after elections to new PLC for approval.
- Palestinians and Israelis conclude a new security agreement building upon Tenet work plan, including an effective security mechanism and an end to violence, terrorism, and incitement implemented through a restructured and effective Palestinian security service.
- GOI freezes all settlement activity consistent with the Mitchell report, including natural growth of settlements.
- Palestinians hold free, open, and fair elections for PLC.
- Regional support: Upon completion of security steps and IDF withdrawal to September 28, 2000 positions, Egypt and Jordan return ambassadors to Israel.

#### PHASE II: June 2003-December 2003 (Transition)

Progress into Phase II will be based upon the judgment of the Quartet, facilitated by establishment of a permanent monitoring mechanisms on the ground, whether conditions are appropriate to move on – taking into account performance of all parties and Quartet monitoring. Phase II starts after Palestinian elections and ends with possible creation of a Palestinian state with provisional borders by end of 2003.

- International Conference: Convened by the Quartet, in agreement with the parties, immediately after the successful conclusion of Palestinian elections to support Palestinian economic recovery and launch negotiations between Israelis and Palestinians on the possibility of a state with provisional borders.
  - Such a meeting would be inclusive, based on the goal of a comprehensive Middle East Peace (including between Israel and Syria, and Israel and Lebanon), and, based on the principles described in the preamble to this document.
  - Other pre-Intifada Arab links to Israel restored (trade offices, etc.).
  - Revival of “multilateral talks” (regional water, environmental, economic development, refugee, arms control issues).
- Newly elected PLC finalizes and approves new constitution for democratic, independent Palestinian state.
- Continued implementation of security cooperation, complete collection of illegal weapons, disarm militant groups, according to Phase I security agreement.
- Israeli-Palestinian negotiations aimed at creation of a state with provisional borders. Implementation of prior agreements, to enhance territorial contiguity.
- Conclusion of transitional understanding and creation of state with provisional borders by end of 2003.



- Enhanced international role in monitoring transition.
- Further action on settlements simultaneous with establishment of Palestinian state with provisional borders.

### PHASE III: 2004-2005 (Statehood)

Progress into phase III, based on judgment of Quartet taking into account actions of all parties and Quartet monitoring.

- Second International Conference: Convened by the Quartet, with the agreement of the parties, at beginning of 2004 to endorse agreement reached on state with provisional borders and to launch negotiations between Israel and Palestine toward a final, permanent, status resolution in 2005, including on borders, Jerusalem, refugees and settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Syria, to be achieved as soon as possible.
- Continued comprehensive, effective progress on the reform laid out the Task Force in preparation for final status agreement.
- Continued sustained, effective security cooperation based on security agreements reached by end of phase I and other prior agreements.
- Arab state acceptance of normal relations with Israel and security for all the states of the region, consistent with Beirut Arab Summit initiative.



### **PALESTINE LIBERATION ORGANIZATION, REPORT ON ISRAEL'S PRE-EMPTION OF A VIABLE TWO-STATE SOLUTION, 19 OCTOBER 2002**

Israel's on-going colony construction and other unilateral measures in the Occupied Palestinian Territories are effectively pre-empting the possibility of a two-state solution of a viable Palestinian state alongside Israel. If the international community continues to remain unwilling to reign in Israeli colony construction and expansion, irreversible "facts on the ground" and the de facto apartheid system such facts create will force Palestinian policy makers to re-evaluate the plausibility of a two state solution.

Israel's thirty-five year illegal colonial enterprise has not been, and cannot be, executed without forcefully dispossessing the indigenous Palestinian population of the rights guaranteed to them under UN Resolutions, the Fourth Geneva Convention and other international treaties. The full implementation of Israel's colonial designs for the Occupied Palestinian Territories, which entails vast confiscation of Palestinian lands and water resources as well as disruption of Palestinian territorial contiguity, would leave the Palestinians with a "state" only in name. Israel's ultimate goal is to permit a Palestinian "state" which would be in effect the Middle Eastern equivalent of a Native American Indian Reservation with (i) no recognition of the Palestinian peoples' historic and religious attachment to Jerusalem, (ii) limited access to water and arable land and (iii) insufficient area to accommodate population growth and any returning refugees.

Israeli measures precluding a two state solution are most visible with regard to (i) Occupied East Jerusalem, (ii) colony construction and expansion and (iii) the so-called "security" wall currently being constructed in the Occupied Palestinian Territories.

#### I. Occupied East Jerusalem

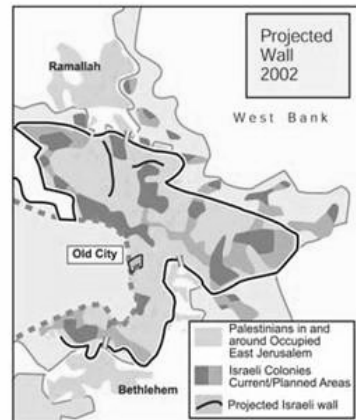
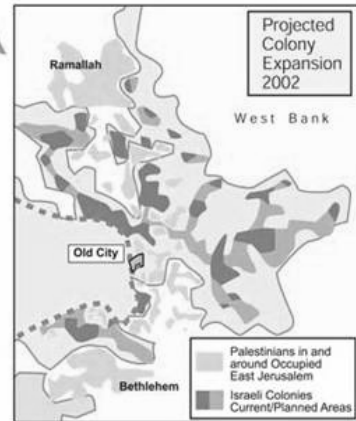
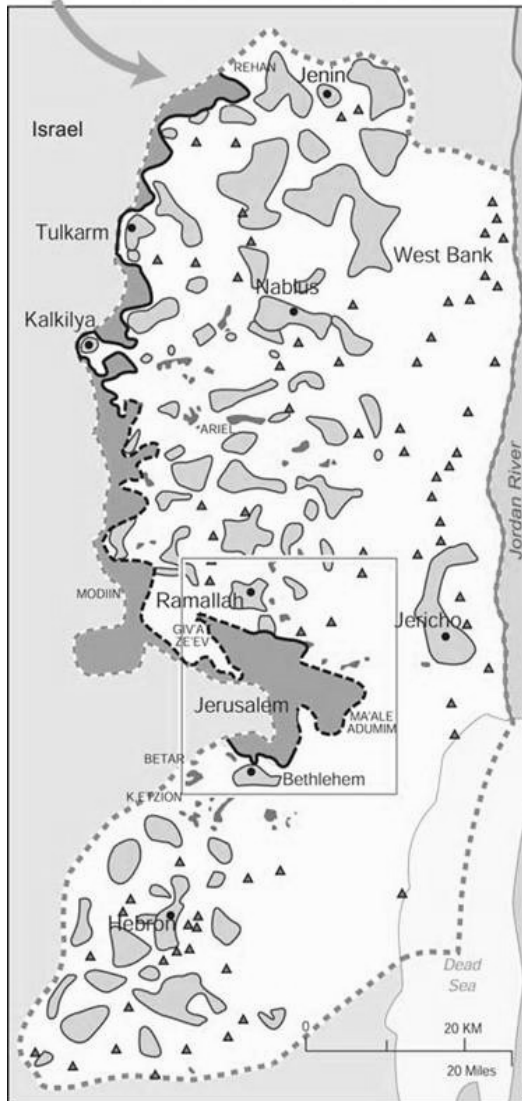
Israeli colony construction is effectively and deliberately disabling Palestinian future urban development prospects in the Occupied West Bank in general and in Occupied East Jerusalem in particular. The borders of Israeli defined "Greater Jerusalem" contain at least 31 illegal Israeli colonies and cover 440 square kilometers, of which only 25% is within West Jerusalem. Greater Jerusalem is comprised of three major colony blocs - the Gush Etzion, Adumim and Binyamin blocs- with extending satellite colonies acting together to encircle central Jerusalem and effectively carve Occupied East Jerusalem from the rest of the Occupied West Bank. Israel has initiated numerous projects to consoli-

date the two rings of colonies around Jerusalem, including construction of “security” walls, improve the infrastructure linking them to West Jerusalem, and ultimately create a Greater Jerusalem under exclusive Israeli control. Most all of these measures were initiated well before the uprising erupted on September 29, 2000 and consequently, cannot be justified in the name of security.

### Pre-emption of a Compromise on the West Bank and Jerusalem October 2002

Approximately 7% of the West Bank threatens to become annexed behind Israeli wall under construction

Palestinian access to Jerusalem and from the city to its hinterland obstructed by accelerated colony construction and the wall



### Closing the Southern Door to Jerusalem

The outer southern door to Jerusalem is being closed to Palestinians by the colonies of the Etzion Bloc, which contain approximately 30,000 settlers<sup>1</sup>. The fastest growing colony in the Etzion Bloc is the ultra-orthodox colony of Betar Illit. As part of Sharon's Seven Star Plan<sup>2</sup> to blur the green line, this colony grew 300% from 1990 to 2000 and is now aiming to merge with the Sur Hadasah neighborhood in West Jerusalem<sup>3</sup>. The Etzion Bloc has the capacity to expand some 250%, surrounding Palestinian localities and depriving Bethlehem of its urban hinterland<sup>4</sup>. The western Etzion colonies are also expanding eastward to strengthen links with the Tekoa colonies. When the Zaatarra bypass road is completed, most likely within the next two years, the Tekoa colonies will be connected with Har Homa and the Eastern Ring Road<sup>5</sup>. The Zaatarra by-pass road, together with the Tunnel Road under the Palestinian town of Beit Jalla, the Etzion Bloc will be integrated into Greater Jerusalem while surrounding and isolating Bethlehem and its neighboring villages.



<sup>1</sup> According to Israeli settler statistics, [www.geocities.com/m\\_yericho/gush\\_etz.htm](http://www.geocities.com/m_yericho/gush_etz.htm).

<sup>2</sup> The merging of Betar and Sur Hadasah was part of the Seven Stars housing project initiated by Ariel Sharon in 1990 when he was Minister of Housing as a means of blurring the Green Line. See also "Settlement Timeline", Foundation for Middle East Peace Report, vol. 10, No. 3, May-June 2000, [www.fmep.org/reports/2000/v10n3.htm#6](http://www.fmep.org/reports/2000/v10n3.htm#6), cited in the Economic and Social Council Substantive Session of 2-27 July, 2001 (A/56/50 E/2001/200).

<sup>3</sup> In 1993 Betar Illit covered 81 hectares and in 2000 grew to 320 hectares, "An Overview of the Expansions in the Etzion Colony Bloc", December 2000, Applied Research Institute -Jerusalem, [www.poica.org/casestudies/etzion-block-expansion/index.htm](http://www.poica.org/casestudies/etzion-block-expansion/index.htm).

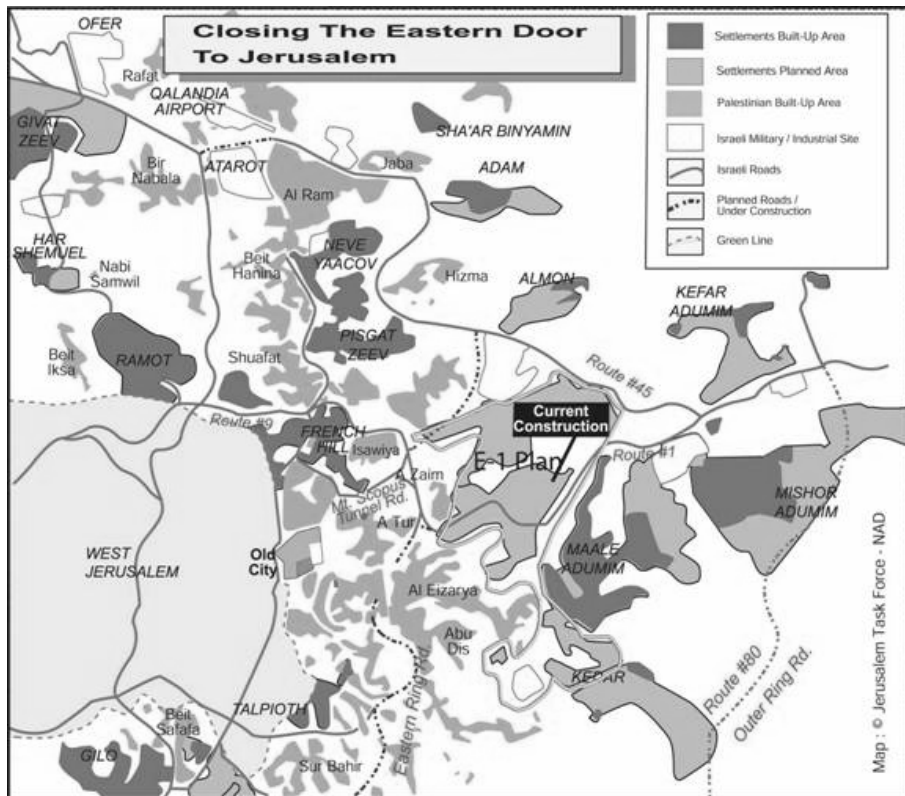
<sup>4</sup> On 16 May 2002 the Israeli Ministry of Housing and Construction announced tenders for an additional 224 housing units, "Report on Israeli Settlement in the Occupied Territories," July-August 2002, Vol. 12, No.4, Foundation for Middle East Peace, [www.fmep.org/reports/2002/v12n4.html](http://www.fmep.org/reports/2002/v12n4.html), based on information from *Ha'aretz*, October 17, 2001, May 20, 2002, May 24, 2002.

<sup>5</sup> "Report on Israeli Settlement in the Occupied Territories" May-June 2002, Vol. 12, No. 3, Foundation for Middle East Peace, [www.fmep.org/reports/2002/v12n3.html](http://www.fmep.org/reports/2002/v12n3.html).

The inner southern door to Jerusalem is being closed with the completion of the Har Homa colony (approved by former Israeli PM Netanyahu and recently inhabitable), the development of the Giv'at Hamatos colony, the increased infrastructure support with the completed access road from Route #60, and the planned construction of the new Giv'at Ha'Araba colony near Har Homa. This new infrastructure and colony construction has created a territorially contiguous Israeli cordon of illegal colonies (Har Homa, Giv'at Ha'Araba, Givat Hamatos and Gilo), definitively closing the southern door of Jerusalem to Palestinian access.

Closing the Eastern Door to Jerusalem

The eastern door to Jerusalem is currently the least developed land in the proximity of Occupied East Jerusalem and therefore allows Israel the greatest amount of room for colony expansion. The Adumim Bloc, with six colonies and one industrial area<sup>6</sup>, has a massive planning area of 69,500 dunums (four dunums equal one acre) with the capacity to expand fifteen times its current developed size. The main colony of Ma'aleh Adumim, which lies approximately 4.5 kilometers east of the Israeli-expanded municipal borders of Occupied East Jerusalem and currently houses approximately 30,000 settlers, has a planning area of some 47 square kilometers, only three kilometers less than the municipality of Tel Aviv. If Ma'aleh Adumim is annexed to Greater Jerusalem, it would equal 67% of Occupied East Jerusalem and more than double the current size of Israeli defined Jerusalem<sup>7</sup>.



<sup>6</sup> The six colonies are Mizpe Yeriho (near Jericho), Kefar Adumim (which includes Alon and Nofe Perat), Almon, Ma'aleh Adumim and Mishor Adumim.

<sup>7</sup> Note 4. Moreover, during the past year, a new bridge has been built on Route #45 just after it meets with Route #1 going east. This bridge currently connects with an empty hill sides belong to A-Zaim village, but construction has already begun on building the foundation and infrastructure of the extension of Ma'aleh Adumim.

To facilitate the current and future growth of the Adumim Bloc, Israel is investing in improved infrastructure links to West Jerusalem. The new Mount Scopus – University Road, which tunnels under Mt. Scopus and Route #1, will be open to traffic in approximately one year based on the current rate of construction. This road will allow settlers from the Adumim Bloc to drive to West Jerusalem in approximately five minutes without stoplights<sup>8</sup>. Additionally, once the roads by the Qalandia Airport and by the Ofer Military base are opened, the improved Route #45 will better connect the Adumim Bloc to Tel Aviv and greatly enhance the Adumim Bloc's economic and residential potential.

Once this new infrastructure is complete, Israel will likely implement the E-1 Plan<sup>9</sup>, which was initiated by former Israeli PM Ehud Barak. This plan consists of developing 12,442 dunums of land confiscated from the Palestinian villages of A-Zaim, A-Tor and Issawiya. Once completed, the E-1 Plan will create near territorial contiguity between Ma'aleh Adumim, French Hill and Pisgat Ze'ev. The strategic location and size of the E-1 Plan will consolidate Israeli control over key transportation junctions for all the roads connecting the northern West Bank to the south including the vital eastern ring road as well as the major routes to the east along Route #45. The E-1 Plan will also foreclose any possibility of Palestinian economic and urban development in the largest area of non-developed land near Occupied East Jerusalem, effectively destroying any prospects of a meaningful Palestinian presence in Greater Jerusalem.

#### *Closing the Northern Door to Jerusalem*

Unlike the southern and eastern doors to Jerusalem where one colony bloc suffices to divide Occupied East Jerusalem from its surroundings, the thin line of Palestinian contiguity between Shuafat and Ramallah required Israel to build two outer colony blocs to close the northern door. These blocs include the Givon Bloc in the northwest and the Binyamin Bloc in the northeast. By expanding these colony blocs and joining them by highway by-pass roads, Israel severs northern access to Occupied East Jerusalem.

Palestinian contiguity is severed in two places. First, in the north Israel divides the Palestinian Al-Ram neighborhood from Palestinian neighborhoods south of Ramallah near Qalandiya airport by building Route #45 between the two. To the west, Qalandia Airport and Atarot Industrial area, both of which are flanked by two military bases, sever Al Ram from any ability to merge with the Palestinian village of Bir Nabala. Second, Route #9 divides the Palestinian neighborhoods of Shuafat and Sheikh Jarrah, a separation bolstered by the French Hill and Ma'alot Dafna colonies.

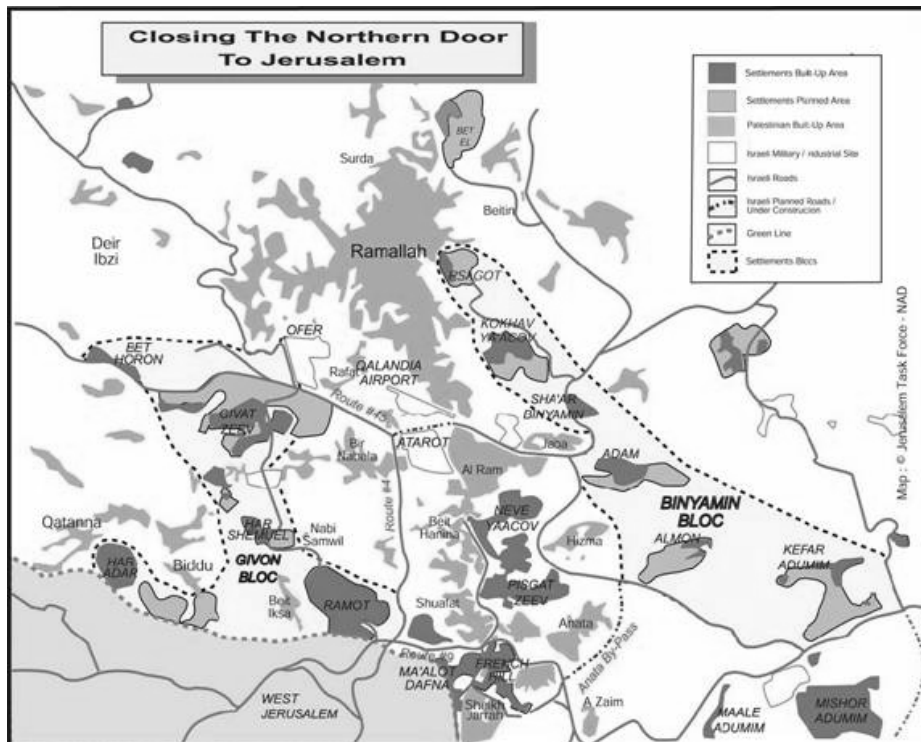
To restrict Palestinian development in Greater Jerusalem and to further separate the city from the West Bank, the Binyamin Bloc in the north-east is expanding to gain contiguity between what is currently a small arc of colonies extending from the Ma'aleh Adumim Bloc. Although the Binyamin Bloc currently houses a total of only 2,700 settlers, a new government housing campaign called "Benjamin, Absorption Without End" is attempting to fill the colonies with new houses and new settlers. Like the Adumim Bloc, which is attempting to gain contiguity and eventually be annexed to an expanded Israeli Municipal Jerusalem, the Binyamin Bloc is doing the same through expanding the Adam colony to gain contiguity with Neve Yaacov<sup>10</sup>.

To the north of West Jerusalem, the newly finished Route #4 (Begin North) running from the Ramot colony to the Atarot Industrial Zone is hemming in the Palestinian neighborhoods of Beit Hannina and Shuafat. Further west, the Givon Colony Bloc destroys the possibility of natural expansion of the Palestinian villages located in the vicinity. With an area of 54 square kilometers, the Givon Bloc, along with the Modi'im colonies further west (but still within the Occupied West Bank) seek to provide a developed link between Tel Aviv and Jerusalem, further integrating the entire area into Israel.

<sup>8</sup> See [www.jda.gov.il/english/road.htm](http://www.jda.gov.il/english/road.htm).

<sup>9</sup> *Ha'aretz*, 26 November 2000. See also [www.arij.org/paleye/e1plan](http://www.arij.org/paleye/e1plan).

<sup>10</sup> *Ma'ariv*, 27 July 1999.



### The Ring Road

While ring roads around urban areas are a common feature of urban development schemes as they facilitate the movement of traffic around population centers, the ring road in Jerusalem is intended to cement Israeli control over an Israeli defined and expanded Greater Jerusalem. The Jerusalem Ring Road is composed of the Eastern and Western Ring Roads, the Train Road in the south, and Route #9 in the north. All the roads are now complete except for part of the Eastern Ring Road running from the Palestinian village of Sur Baher to the Palestinian village of A-Zaim. This road is 15.5 kilometers long and, because it goes through several densely populated Palestinian neighborhoods, needs three tunnels and three bridges. Almost a thousand dunums of Palestinian land is being confiscated for this project and some 10 Palestinian houses have already been demolished with another 80 houses under threat of demolition.

The ring road is intended to link southern colonies such as Tekoa and Har Homa with the northern colonies, while simultaneously diverting Palestinian traffic from the north and south around the Jerusalem city center. Like Route #4 in the north, the Eastern Ring Road runs along and strengthens Israel's currently declared municipal boundaries for Jerusalem.

### The Light Rail

By using a light rail system to integrate Occupied East Jerusalem into West Jerusalem, Israel is furthering its stranglehold over the entire city, effectively prejudicing a negotiated Israeli withdrawal from the occupied sector of Jerusalem. The first stage of implementation will consist of the construction of the main train line, which will run from Pisgat Ze'ev to the Old City (in Occupied East Jerusalem) and into West Jerusalem<sup>11</sup>. After the main line is constructed, Israel plans to construct another

<sup>11</sup> See [www.jda.gov.il/english/light.htm](http://www.jda.gov.il/english/light.htm).

eight lines which will run throughout the Occupied Eastern portion of Jerusalem to Neve Ya'kov, Atarot, Ramot and Gilo with connections to Har Homa, East Talpiot and Givat HaMatos.

## II. Colony Construction and Expansion

Israel's colonial enterprise has long served as the greatest threat to the two-state solution. Since the start of Israel's occupation in 1967, each Israeli government has expended significant resources to both colonize the Occupied Palestinian Territories and to expand such colonies in violation of the Fourth Geneva Convention<sup>12</sup>.

While Israel's colonization policy initially followed the so-called "Allon Plan" in which Israel's illegal colonies were established along: (i) a twenty kilometer wide strip along the length of the Jordan Valley; (ii) areas around "Greater Jerusalem"; (iii) the Gush Etzion bloc; (iv) most of the Judean Desert and (v) a strip of territory south of the Hebron mountains. Together, these areas comprised approximately 50 percent of the Occupied West Bank, with the remaining territory to become part of a Jordanian-Palestinian state<sup>13</sup>. By 1977, there were approximately 54,500 settlers living in more than thirty illegal colonies<sup>14</sup>.

With the Likud party coming to power in 1977, the "Allon Plan" was abandoned, in favor of the establishment of colonies throughout the Occupied West Bank "particularly in areas close to the main population centers"<sup>15</sup>. The intention of this colonization plan was clear:

"The civilian presence of Jewish communities is vital for the security of the state [...] There must not be the slightest doubt regarding our intention to hold the areas of Judea and Samaria for ever [...] The best and most effective way to remove any shred of doubt regarding our intention to hold Judea and Samaria for ever is a rapid settlement drive in these areas."<sup>16</sup>

The Oslo process between Israel and the Palestinians in 1993 did not halt Israel's colonization. Rather, the Oslo process served as a "green light" for Israel to increase its colonization of the Occupied West Bank at a rate *faster* than the previous 26 years of colonization: according to the most conservative statistic, between 1993 and 2000, the number of settlers in the Occupied West Bank increased from 247,000 to 380,000<sup>17</sup>. In violation of the Oslo Agreements<sup>18</sup> and Israel's promise to the United States that it would not establish new colonies, from 1993 to 2000 Israel:

- Increased the number of housing units by 54% - from 20,400 to 31,800, with the sharpest increase recorded in 2000 when 4,800 new housing units were constructed<sup>19</sup>;
- Increased the illegal settler population in the Occupied West Bank by almost 90% - from 100,500 to 191,600 reflecting an annual growth rate of 8% (compared to an average annual growth rate of 3% in Israel). This high "growth" rate is attributable to a wide range of government incentives given to Israeli settlers, including highly subsidized mortgages, sizeable housing grants, a 7% income tax reduction, free schooling from age 3, free school bussing, and grants for businesses in industry, agriculture and tourism<sup>20</sup>;

<sup>12</sup> Article 49 of the Fourth Geneva Convention prohibits the transfer of part of the Occupying Power's population into Occupied Territory.

<sup>13</sup> B'Tselem, Land Grab 7-8 (2002).

<sup>14</sup> *Id.* at 8.

<sup>15</sup> *Id.* at 10.

<sup>16</sup> Matityahu Droblless, *The Settlement in Judea and Samaria – Strategy, Policy and Program 3* (1980).

<sup>17</sup> B'Tselem, Note 13 at 4.

<sup>18</sup> Article 31 of the Interim Agreement provides that "the two parties view the West Bank and Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period." Article 31 also provides that "neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations."

<sup>19</sup> B'Tselem, Note 13 at 12.

<sup>20</sup> *Id.*

- Increased the illegal settler population in Occupied East Jerusalem by 18% - from 146,800 to 173,300<sup>21</sup>;
- Increased the number of “official” illegal colonies to 145<sup>22</sup>;
- Increased the number of “unofficial” illegal colonies to 200<sup>23</sup>; and
- Confiscated land to construct over 185 miles of Israeli “by-pass” roads that dissect Palestinian communities while connecting Jewish-only Israeli colonies<sup>24</sup>.

Since February 2001, 44 new colonies have been established by the Sharon Government<sup>25</sup>.

Apart from the mass confiscation of land that colonization entail, according to B’Tselem (an Israeli human rights organization), the current process of Israel colonization has resulted in a “radical transformation”<sup>26</sup> of the Occupied West Bank that has severely affected Palestinian human rights. Beyond human rights infringements, Israel’s colonization serves as a threat to the two-state solution by threatening to dissect Palestinian communities, limiting growth capabilities of Palestinian cities and severely restricting access to natural resources. Below is an analysis of this colonization. The data is taken from B’Tselem.

### The Eastern Strip

This area includes the Jordan Valley area and the shores of the Dead Sea (outside the Green Line), as well as the eastern slopes of the mountain range that dissects the entire West Bank from north to south. Under the Oslo Agreements, a small enclave was handed over to the control of the Palestinian Authority that includes the city of Jericho (pop. 17,000) and the Auja area (pop. 3,400). These areas are surrounded on all sides by illegal Israeli settlements.

The municipal boundaries of the settlements encompass 76,000 dunums of which only 15,000 dunums are developed. Although only 5,400 settlers live in this area, their water consumption is equivalent to 75% of the water consumption of the entire Palestinian population of the Occupied West Bank (approximately 2 million people).

### The Mountain Strip

This area extends along the entire length of the West Bank, bordered to the north by the Green Line near the “Gilboa Hills” and in the south by the Green Line near the Beersheva Valley.

This strip includes the six largest and most populous Palestinian cities in the West Bank: Jenin, Nablus, Ramallah, East Jerusalem, Bethlehem and Hebron, which are surrounded by dozens of towns and small and medium-sized villages.

According to B’Tselem the effect of colonization in this area “reflects Israel’s objective to control the main transport artery of the Palestinian population by creating blockages preventing the expansion of Palestinian construction toward the road, and to prevent the connection of Palestinian communities located on different sides of the road”<sup>27</sup>.

In its analysis on the effects of Israel’s colonization in this area, B’Tselem notes that Israel’s colonization affects the expansion of Palestinian cities and towns. For example, the cities of Ramallah and al-Bireh, (pop. 53,800) cannot expand to the northeast due to the presence of a single illegal Israeli colony – Bet El (pop. 4,100) On the eastern side, 1,100 illegal Israeli settlers prevent the expansion of the city in that direction. Similar effects can be seen in Nablus (pop. 158,000) which includes eight villages and two refugee camps. This city is surrounded on almost all sides by settlements blocking

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<sup>21</sup> *Id.*

<sup>22</sup> ] Peace Now, *Fact Sheet: West Bank and Gaza Strip Settlements*, March 2001, <http://www.peacenow.org>

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Peace Now, *44 New Settlements Established Since February 2001*, <http://www.peacenow.org/>

<sup>26</sup> B’Tselem, Note 13 at 74.

<sup>27</sup> *Id.* at 81.



the area's development. The settlements of Har Brakha and subsequently Yizhar (pop. 1,100) lie to the south of the city itself. To the west are the settlements of Qedumim and Shave Shomron (pop. 3,300). To the east, adjacent to the refugee camps of Askar and Balata (pop. 26,600) are the settlements of Elon Moreh and Itamar (pop. 1,600). The municipal boundaries of the Itamar settlement (pop. 540) extends in a south-east diagonal over an area of some 7,000 dunums – fourteen times the current built-up area, which also includes a number of new outposts. This large area completely blocks the development of the town of Beit Furiq (pop. 9,100) to the south.

### The Western Hills

This area extends from north to south, with a width of 10 to 20 kilometers, between the western border of the Mountain Strip and the Green Line. Two major Palestinian cities are located in this area: Qalqilya and Tul Karem. The strip also includes medium-sized Palestinian town and smaller villages. This strip is the most fertile area of the West Bank serves as the site of major Palestinian agriculture.

The effect of the Israel's colonization in this area includes: (i) limiting the possibilities for urban and economic development through the seizure of land; (ii) the disruption of the territorial contiguity of the Palestinian communities situated along the strip and (iii) the blurring of this line as a recognized border between the sovereign territory of the State of Israel and the Occupied West Bank. In certain areas, the Green Line runs within an urban area extending to either side. Thus, for example, the settlement bloc of Hashmona'im - Modi'in Illit - Matitiyahu borders on the Green Line, creating a contiguous urban bloc with the communities inside Israel. In the case of Oranit and Shani settlements, the Green Line passes through the built-up area.

The municipal borders of the settlements in the Western Hills strip include a total of some 109,800 dunums, and are inhabited by approximately 85,000 settlers. Less than thirty percent of this land (30,900 dunums) is developed. Accordingly, the potential area for the expansion of these settlements is currently approximately 80,000 dunums, representing a growth rate of approximately 260 percent. In addition, the area of jurisdiction of the three regional councils mentioned above totals some 264,000 dunums, which have not been attached to any settlement and constitute land reserves for the future.

### The Jerusalem Metropolis

Israeli-defined "municipal Jerusalem" includes approximately 70,000 dunums of the Occupied West Bank, which were annexed to the Municipality of Jerusalem by decision of the Knesset in 1967, and in violation of international law. These colonies currently have a population of approximately 175,000 - slightly more than all the other settlements combined.

Municipal Jerusalem is a prominent example of the elimination of any signs of the Green Line through contiguous urban development.

The effect of Israel's colonization in this area is threefold: (i) the establishment of colonies in municipal Jerusalem resulted in massive expropriation of land, most of which constituted private Palestinian property; (ii) these colonies significantly restrict the capacity for urban development in the Palestinian neighborhoods and villages annexed to Jerusalem, serving as a barrier severing Palestinian villages from one another; and (iii) the dissection of the Occupied West Bank into two parts due to the presence of the Ma'ale Adumim bloc and the Gush Etzion bloc.

### III. The "Security" Wall (see first map)

With a planned length of 360 kilometers, the new Israeli "security" wall will be three times as long as the Berlin Wall and, at points, twice as high. This wall, most of which is built within Occupied Palestinian Territory, will effectively serve as a means by which Israel can consolidate and de facto annex all Occupied Palestinian Territory on the western side of the wall. For instance, the wall has deprived the Palestinian town of Qalqilya of approximately 15% of its municipal area, primarily composed of its prime agricultural lands.

The first stage of the wall, which will be 110 kilometers, built in the northern West Bank will result in Israel's de facto annexation of 400 square kilometers (approximately 7% of the Occupied West Bank) of which more than one third is located in Occupied East Jerusalem. In total, the wall will annex 39 colonies with some 300,000 settlers and approximately 2750,000 Palestinians, some 90,000 of which do not carry Israeli residency<sup>28</sup>. These 90,000 Palestinians are in an extremely tenuous and vulnerable situation, being deprived of their livelihoods and access to necessary services.

Once built, the wall will envelop the Adumim and Givon colony blocs and definitively separate Greater Jerusalem from the West Bank. Not only will new checkpoints and controls divert Palestinian traffic coming in from outside the wall, but a new inner wall is being constructed within the outer wall to divert and contain Palestinian areas inside the city.



### **PRESIDENT YASSER ARAFAT, ADDRESS TO THE PLC, 29 OCTOBER 2002**

Ladies and Gentlemen,

Today we meet again in this Council, on this sacred land, in order to present you the Fourth Palestinian Cabinet since the presidential and legislative elections of 1996.

Let us pose and rethink for a moment, but continue with this magnificent inter-Palestinian dialogue, the heritage of our democratic traditions and our daily bread. To know where from we commenced, where are we now and where we are heading, in order not to lose our vision miss the way and let down our own people. The whole world is watching us, so are our Arab Nation, and neighbors. Despite all the difficulties we are facing we will fulfill our national target and safeguard our legitimacy and the political order we established.

It was aimed to scatter our people around the world, as immigrants and refugees, have Palestinians deprived in their own land, lost with no address. However, today our people are united around one cause. This cause is now at the center of the international agenda. Your cause has risen due to the national struggle of our people, and its magnificent steadfastness, which has astonished the whole world. It is now at the heart of the international consciousness and a symbol of global justice in our times.

Even though we started out as a revolution, the most difficult one, then we become an authority on liberated parts of our land, carrying the elements and requirements of a State, yet the strategic goal of this beleaguered and bloodied march, supported with heroism and bravery was and remains the establishment of the independent Palestinian State with Jerusalem as its capital. This sole legal goal that received unanimous support from the world that believes it's attainment to be close. We know this with certainty all along.

We would like to know, and remind ourselves of where did we start and where we are now, so that nobody would forget at this great moment, or loses sight. It seems that we look sometimes like the legendary hero Prometheus, carrying his rock to the top of the mountain, but always go back where he started to carry it up again.

However, our resurrection from the midst of destruction and flames like the phoenix provided us more and more with this spirit and with this sacred fire. It's the source of our strength and our steadfastness. It's the spirit that blows energy and power into the Palestinian people, The "Jabbarin" people, who has realized with its steadfastness, sacrifices, efforts, heroism and resistance that no other people could bear and has given the example of determination in seeking freedom. Our people deserve our gratitude. We should bow in respect for its fortitude at the most critical of moments.

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<sup>28</sup> Eleven colonies will be annexed in the first 70 km of wall from Salim to Kufr Kassim and another 28 colonies will be annexed if the wall continues from Latrun and around Greater Jerusalem.

Palestinians,

I salute you my people, my glorious people wherever you are, in the heroic Jenin (Jeningrad), Nablus, Tulkarm, Qalqilia, Tubas, Ramallah, Bethlehem, Hebron, Jerusalem, Gaza, Khan Younis, and Rafah, in the Diaspora, in the refugee camps in Lebanon, Jordan and Syria, in all places all over the world. I salute your commitment, steadfastness and solidarity till the day of independence, which is not far away.

Palestinians,

They failed to suppress your imagination nor your dream. They will not succeed in carving defeat on your consciousness or in the conscious of this generation, whose symbol is "Fares Odeh". That march was continuous, persistent to overcome the impossible and to defeat this "impossible" at the same time. We should not grieve for that. (You shall not grieve or weaken as you will prevail). From the outset, we had to accept our fate and willingly pay the price paid by all peoples in return for their yearning for dignity and freedom.

We had to find our way by ourselves and to be our own teachers and to learn from our errors. The dead only never errs. We have had to pass through bitter experiences, to fall and stand up again. In the beginning, we had to resurrect the people's power, its unity, and its solidarity around its cause after the Nakbah. We managed to move our people from refugees to freedom fighters, from a vanguard revolution to a great liberation movement, from a revolution to an authority, and from Authority to the State.

At this juncture, they want to obstruct the historic Palestinian flow, to destroy the National Authority when it became so close at hand. At the threshold of our state, they intend to wage a fatal strike to our Palestinian march in hopes to divert it backwards.

Our Palestinian people stands steadfast in this planned savage war when we were so close to achieve the honorable peace for both of us and a historic reconciliation. At that very moment, they killed the Israeli Prime Minister, Yitzhak Rabin, the man and the partner, who realized, as a soldier and a statesman, the real dimension of the conflict. Rabin realized that, in this kind of conflict, there is no place for a military solution, but rather for dialogue and for the power of words which is stronger than any organized violence or war.

In the climax of this war, they succeeded in reoccupying our lands, cities and villages. They shredded to pieces the agreements we signed together. They even declared the end of our agreements in public. They prevented our children from joining their schools. Where can this happen in the entire world? They impede our farmers from harvesting their olives. They destroyed our buildings, streets and development projects including, the Bethlehem 2000 project and the Gaza Airport. They bulldozed the fertile farms and fields; they created fields of thorns where olive orchards thrived. They are doing what colons do when their hour is about to arrive, "close to the sunset"; they exercise violence that is more cruel and lethal in their attempt to break our people's will. We've lost more than 2500 people as martyrs, one third of them were children and 85% of them were civilians. We've had tens of thousands of injuries, and more than 30 thousands detainees, ten thousands of them still in the Israeli prisons.

They have done every thing, even thing that cannot be imagined, in a world that ended the legacy of barbarous war. They are ready to kill prisoners, to assassinate them after detaining them, thus going back to the dark ages, rejected by all humanity. They've practiced every possible atrocity, till the point that their defense minister said that they ran out of military option. What have they not done? F16 jet planes, Apaches, Mercava tanks, bombardment, assassinations and assaults against the Palestinian cities? More than 60 assaults were waged against some cities. In the Gaza Strip, and since last February, 45 incursions were registered. Several massacres took place in Khan Younis, Rafah, and Jabalia, al-Daraj Neighborhood, Jenin and Nablus.

Doing all of this, including their siege against me in my headquarters (The Mokataa), and destroying the offices building, they have also come to a conclusion, answering the question: what were the results, and where are they heading. They tried to hurt us and make us suffer, talking about victory and

defeat, in a public and arrogant manner. We were described as a cancer by their Chief of Staff. I know as you know how much have our people suffered. And how much have we both suffered. The knife is still on the Palestinian people's neck. But the big stake possessed by Israel is faced by Palestinian heroism, which is the miracle of the Palestinian people, especially their children, whose symbol is "Fares Oudeh", the Palestinian David. This great Palestinian people, emerged, and rush out in that darkness, in that magnificent night as "the army of the night" that Franz Fanon talked about in his book "The wretched of the earth", The new rush "wretched of the earth" rushed in the darkness beating the drums of freedom, singing the hymns of liberty of the Palestinian people, and its rejection of oppression and indignity. They emerged with their heads high in the sky, men and women, old men and children, lead by the Palestinian Woman, the guard of our everlasting fire, here in the streets of heroic Ramallah, in Toulkarm, Jenin, Qalquilia, Bethlehem, Gaza, Jerusalem and Hebron. The Palestinian people rushed to the streets to defend its national project and to overthrow all the balances of power.

They re-occupied the land and the cities, but failed to occupy our consciousnesses and will. They could not break our determination, or defeat our imagination and our spirit. This is there shame, for which they deserve the denunciation of the entire world. It's the source of our pride and our strength, because we feel no more that we are alone. The whole world is listening to the voice of the Palestinian people, the voice that enlightens the dark. The world supports our cause and not to theirs. Then what is their cause? And why are they still waging this mad war against us? Is it to force us to abandon our quest freedom, our independence, and our independent state? I ask the Israeli people:

Israelis,

What do you want to achieve from fighting, and this war? Where are you heading? Do you want security? Well, we want to live with you side by side as neighbors, good neighbors, where no sea, ocean, river or mountains separate us; as a wall that is even longer than the Berlin Wall will not be an alternative to goodwill. The line separating us is called the Green Line so let us reach a joint understanding about the concept of security that both of us are yearning for – Security for you and for us. Is your security attainable only by eliminating our dream and our right to live in this land? Can your security be achieved only by undermining our will, oppressing our people, reoccupying our land, and deporting us from it, pursuing illegal settlement activities, denying our children access to schools, denying our mothers access to hospitals, demolishing our houses and bulldozing our fields?

We acknowledged the existence of your state on 78% of historic Palestine and accepted to establish our state on the remaining 22% of this land. So, why are you chasing and driving us out of that small land? Your government is racing against time to establish as much as it can of illegal settlements to make them thorns and spikes in the heart of our tiny state. Your government is doing all it can to prevent the emergence of our state; it nullified mutual agreements signed between us under the witness of the whole world. Why are you going this way while you are fully aware that it leads to destruction of both of us? Do you want to be in a state of war all the time? Can you persevere on this track? Or would you prefer to coexist with us as one family and achieve reconciliation between our peoples in this land, the cradle of Judaism, Christianity and Islam, in which they grew and enlightened the whole world. The followers of the three monotheistic faiths – sons of Abraham - have been living there since the early dawn of history without any type of discrimination. I would like to remind you that a rich heritage of reconciliation and coexistence has prevailed throughout our history and has endured longer than the short age of our wars.

Israeli People,

We have decided to live with you side by side as neighbors. We do not want to drive you out of this land. Our rejection of occupation does not entail rejecting you or refusing to accept to live with you. We extend to you our hand of reconciliation and a an olive branch to resume the track we started in Madrid and Oslo in order to bring occupation to an end; to establish our independent Palestinian state and to achieve an honorable peace for our two peoples, for your children and our children. Peace is our strategic option. We will not drop this option albeit the voices we hear in your side to cancel the agreements and to expel us. You ought to be fully aware that struggle for national liberation is our legitimate right – We will never concede our right to independence and freedom. Our struggle is not

driven by spite or revenge. We call upon you to perceive the wisdom that no people can occupy another people and live peacefully at the same time.

We appreciate the rational voices amongst you that call for an end to this conflict and the return to peaceful solutions. This unjust and unjustified war that you are waging against our civilian people has caused you to lose world opinion that was once admiring you. You have lost your economy that was once your great achievement and source of pride. You gained nothing in return. You mostly lost your image as viewed by yourself and the whole world. You have turned your army to a mere contractor assigned to demolish our houses and bulldoze our fields. Shame on you! You committed war crimes against our civilians in Jenin, Khan Younis, Rafa, Gaza and many other Palestinian cities. This should make you feel ashamed.

I call upon you to stop that and raise your voices loudly against these massacres that fuel hate and spite between us. Stop before it is too late; it is simply harmful to you as much, if not more, than it is to us.

*I have announced many times before you and I would like to reiterate that to you, to my people, and the whole world that we are against all types of violence that target civilians, Palestinian or Israeli civilians. I reiterate my announcements and declare that every human being has a sacred right to life. We respect this right for Israelis and Palestinians. We condemn all terrorist acts against civilians anywhere worldwide. Such an attitude emanates from our values and ethics. It is our political and human attitude that we do not consider such acts a way to solve political problems.*

We must be more frank. It is unfortunate that your government has always been escalating violence whenever we attempt to calm the situation and exert real control. Your government and army have opted to strike our security forces in order to weaken us so that they render us incapable of implementing our obligations. Do you recall what your government did when we managed to reach an agreement among our different political parties and popular movements to bring acts targeting civilians to an end? It bombed a crowded residential neighborhood under the pretext of assassinating a certain person. Such an act is solely aimed to escalate violence, and it unfortunately succeeded many times.

*Your government has been working hard to make both of us fail; this is a fact.* Instead of rectifying this attitude, it proceeded in its incitement and manipulation campaign against the Palestinian leadership and against me in person in order to lead you to the conclusion that there is no Palestinian partner on the other side. Why is it launching such a campaign? The answer is simply to set free the hands of your army to undermine the Palestinian Authority, the peace process and the project that I started jointly with my partner, Rabin, to achieve a historic reconciliation between our peoples.

Brothers and Sisters,

While I am addressing the Israeli People in this frank statement, I am similarly addressing the Palestinian People. I say to you Palestinians, despite all the suffering and pain, I don't see any dead end but light at the end of the tunnel. At the end of the road, there is nothing impossible, I see hope, since we have no other choice. We are prohibited from moving backward, but to always continue to look forward. Peace is possible, and coexistence on this land with our neighbors is possible too. We will not tear up the agreements, despite what they say and do. We should not lose our balance and nerves. This conflict is the historic test of our reliability, strength, fortitude, values and ethics.

Palestinians, in the Homeland & Diaspora:

The whole world recognizes our rights, and there is a unanimity regarding the Palestinian state. The Palestinian cause is at the heart of the international agenda, which is a great achievement. The debate now is focusing on withdrawal of occupation from the territory of the Palestinian state. We should look to the future with hope and optimism, and we should work hard to realize our prime national goal, the embodiment of the independent state, in order to contribute to human civilization. The Palestinians on this holy land have the right to feel proud of this land and its contribution to the religious, cultural and human dimensions based on the belief what is right and good, forgiveness and justice.

Palestinians, the world has understood you, and our message has reached it, you expressed your rejection of occupation. This is the aim of your struggle. The world honors our struggle to achieve this goal. We should not listen to skeptical voices. This difficult situation is the last quarter of The Hour; it's the bottle's neck. It is not evidence of the failure of our national project, but evidence of our resurrection, strength, heroism and will. This struggle is the anthem of independence; its goal is justice, and an end to occupation.

However, the world understanding and solidarity with us requires us to engage in a candid re-assessment of our methods and performance, in order to maintain our allies and gain more friends, and to prove to the whole world the reliability and credibility of our commitments and our seriousness, and that of our message to all, including our Israeli neighbors.

Ladies & Gentlemen, Members of the Palestinian Legislative Council,

This is our vision related to the conflict, to peace and to the rights of our people. In order to get out of the conflict and move forward to the horizons of a shining future, I would like to present to you the general guidelines for the program of our fourth government:

1. Continuing the national struggle for independence, freedom, and for ending the occupation, as being the goal, which unifies all Palestinians and forms the governing political framework for all their political and civil actions, in order to realize the establishment of the Palestinian state with Jerusalem as its capital and to attain the return of refugees. It is based on our commitment to the strategy of comprehensive and just peace, and on our solemn determination to reactivate the peace process in order to achieve this goal.
2. Work on strengthening our national steadfastness and on eliminating the suffering of our Palestinian people, including tackling the social and economic problems resulting from the occupation, as well as, putting efforts to safeguard Jerusalem and the holy sites, to stand against the settlements, to protect the detainees as a first step toward their liberation, and to provide international protection to our People.
3. Maintaining the national unity based on our democratic traditions and political achievements and in the framework of one authority and maintaining the rule of law. Also, strengthening democratic processes through holding legislative, presidential and local elections under international monitoring to ensure utmost transparency, fairness, and credibility. To continue internal reforms in all aspects, mainly security, justice and management of public finance. To repair and reconstruct what the Israeli occupation has destroyed and to rehabilitate the Palestinian economic infrastructure and to strengthen the national institutions in preparation for establishing the future independent Palestinian State.
4. Enhancing our Arab, Islamic and International relationships, and strengthening our international alliances in a manner serving our objectives.

Now, allow me to present this program item by item:

*First: Continuing National Struggle for Independence & Continuation of Peace Strategy*

We shall continue defending our national program, based on freedom, independence, and the ending of occupation until establishment of the Palestinian State with Jerusalem as its capital within the borders of June 4th 1967, and attaining a just solution to the refugee issue based on international legitimacy. The international legitimacy has provided the solid basis for such solutions as represented in the Security Council Resolutions 242, 338, 1397, 1402, 1403 and 1435. In addition, the Arab Peace Initiative based on the initiative of His Royal Highness Crown Prince Abdulla Bin Abdul Aziz, of the Kingdom of Saudi Arabia added a pivotal Arab dimension that was approved by the Beirut Summit and its significance was acknowledged in subsequent international initiatives.

We are committed to this initiative and these resolutions. Also, we are seriously and positively discussing the proposal submitted by the Quartet Committee, which is based on President Bush's speech of 26.4.2002, on the European Initiative together with Arab Peace Initiative and international resolutions. We support every Arab and international action that contributes to ending the Israeli occupation and re-opening the door to the peace process and to the building of the Palestinian state. The Palestin-

ian People's Intifada and the refusal of occupation and the settlements do not mean in any way the refusal of a just and comprehensive peace. On the contrary, peace is our strategic option, as well as the option of our Arab brothers and the option of the whole world.

We should wisely and carefully consider the best means to defend our program, based on our right to resist occupation, the right which is guaranteed by all international laws and conventions. These means must be based upon the human and moral values and cultural uniqueness, which our People carry sharing with the world all these human achievements.

It is prohibited to scratch the spirit of our struggle by targeting civilians, so that enemies of peace are prevented from harming the noble and heroic content of our struggle. I repeatedly denounce this position. Our struggle is neither revenge nor a vengeance, but the most noble human struggle for freedom and peace. We must maintain this potential strength, and accordingly, this government will do its utmost to stop any divergence from the values of our noble struggle.

*Secondly: Work on Strengthening National Steadfastness, Alleviate the Suffering of our People and Providing Protection for them*

Our continued struggle to realize our national program and a just and comprehensive peace requires putting all efforts to strengthen the steadfastness of our people, alleviate their suffering and work on providing international protection for them. I have lived under this blockade for one whole year like the rest of the sons of this nation and under the threat to be killed similar to the rest of my people. As much as I wished for martyrdom and refused to surrender, I took inspiration from the steadfastness of my people. I know what my people are suffering; I feel it in my body and in my conscience. I feel the wounds of children and the pain of mothers; the insults old people are faced with at checkpoints, starvation and the inability of sick people to reach hospitals. I feel immense pain when I see families displaced from homes destroyed in Rafah, Khan Yunis, Tulkarem and Qalqilya. I feel sorrow when I see olive trees being uprooted and when settlers prohibit farmers from picking their olive trees in the villages of Nablus. I feel fear for the children of Jerusalem as they climb mountains under fire in order to reach their schools. I realize that only for the solidarity of Palestinian families, our people would have starved after incomes have stopped, savings have evaporated and after debts have increased.

But does the world understand the effects of the Israeli occupation and blockade on our economy?

Is it logical that a whole nation to lose half their national income and that 70% of its workers become unemployed with 70% of the families below the poverty line and that the occupational government continues withholding 75% of the PNA's revenues.

The World Bank, the UN and the donor countries have recorded the magnitude of the catastrophe caused by the Israeli occupation of the Palestinian people in the last two years.

I realize wholeheartedly this suffering and its pain and feel the greatness of this people and their steadfastness. They wanted the Palestinian people to surrender their rights but they refused to succumb to such a notion. This great people that I have always said supersedes its leadership does not need to be taught the meaning of steadfastness, because the Palestinian people has created miracles and has carried the flag generation after generation for the past century. Here, I commend the national initiatives in the developing of in-home educational programs in order for our people to surmount the restrictions imposed by the occupation, as well as commend the Palestinian farmers who challenge settlers and the army in order to pick their olive trees, as well as commend national and governmental institutions that offer services to our people in the most difficult of conditions. I also praise on my behalf and in behalf of the Palestinian people and the Palestinian leadership the foreign volunteers who defend with their bodies the Palestinian people. These foreign volunteers have stood with the Palestinian people during the blockade and some of them are currently participating in olive picking. We need more of these national and international initiatives and to reinforce them. I wish to praise in your name the heroes of the Palestinian Ministry of Health in the hospitals, field clinics, Palestinian Red Crescent teams and all the national and

official medical relief teams that have continued in playing their vital role in spite of the difficulties. I also pay tribute to all teachers and the teams in the Ministry of Education and universities that continued to offer education to one million students in spite of the blockade and destruction; and to all the workers in municipalities, electrical, water and wastewater services; and to all the men and women in social services and in the service of the physically challenged and others in all areas. We sought the support of our Arab people, their governments and also the support the international community. We succeeded in providing food and medicine for the majority of our people and for the continuance of main services for our people in spite of the occupation. My appreciation goes to all our Arab brothers and friends especially those in the European Union who offered us funds, food and medicine, and to all the Red Crescent teams and peace activists. I am sorry to say that the external financial support had decreased in the last months; they no longer meet our needs. Israel is still withholding our funds, which has made it difficult to pay the salaries of employees and to provide financial support to unemployed workers. In spite of all this, the government is still committed to offering assistance to the different segments of our people in order to strengthen their steadfastness. As such, the new government must be effective in its performance and organization. The scarcity of resources means knowing how to best utilize what we have and the importance of prioritizing them. Our first priority will continue to be providing food and medicine, repair, renovation, rebuilding, combating poverty, job creation, compensation of workers, providing temporary shelter until the destroyed homes are rebuilt; and the rebuilding of production tools as well as encouraging more voluntary work and to distribute burdens equally and decrease expenditure in all areas.

However, I realize also that all procedures of alleviating the suffering are only temporary procedures and what is needed is to end the suffering, which will not be realized unless the occupation is ended, the blockade is removed and movement is made towards peace, freedom and independence. Until such a great hope is realized, and will be realized by the grace of God, we will continue seeking the greatest possible protection for the Palestinian people under the occupation, blockade and aggression. The UN has more than 50 armed missions worldwide preserving peace and protecting nations from aggression: in Bosnia, Kosovo, East Timor, Lebanon, Syria, Egypt and others; and the Palestinian people are in need of such a protection.

You know the reasons why such protection is not bestowed to our country; even so, I notice a greater international preparation for providing a number of observers to provide such a protection. Here, I wish to thank the European Union who has begun providing such observers, and also Norway, Turkey, Switzerland and other European countries in providing observers in Hebron. We will seek to obtain more observers within the framework of the Quartet proposal that we are studying these days.

Particular attention must be made for the support of the Palestinian population in Jerusalem, which is threatened with changing its Arab features into Jewish ones, blockade and settlement. Jerusalem is the heart to the body of this nation but also to all our Arab nations, Moslems and Christians in the world.

Support is needed in order to protect the Palestinians in Jerusalem from possible evacuation and displacement and for the return of every Palestinian from Jerusalem to their homes and their shops; for the protection of every land and real estate in Jerusalem and for the protection of all our holy sites, both Christian and Moslem.

I also wish to point out that the continued attempts to plant settlements and settlers on our lands: the lands that are confiscated and stolen from our borders behind the New Berlin wall on our western borders. All of these are dangers threatening us in this time, and we need the support of all our brothers and friends and all believers in the world.

I also ask the whole world, especially the countries signatory to the Fourth Geneva Convention to protect our prisoners in the Israeli prisons, to refuse transferring them to Israeli prisons and to expose them to biased military courts. This new government will work in freeing all our prisoners and for their return to their families and country.



*Third: Implementation of the Reform and Development Programs, Strengthening National Unity, and Realizing Democracy*

The power of nations rests in its internal unity. Our people have been the fortress throughout our struggle for freedom and independence. Their blades broke against the rock of our unity and resolution. Our people proved once and again that they will not accept internal conflict or a civil war.

This government considers it its responsibility to protect the national unity; maintaining and developing it, within the rule of law, one Authority with political plurality and democracy to achieve a political agenda that will become the basis for collective actions to end the occupation and build a Palestine State.

The new cabinet will work in the spirit of the reform program outlined by this Council, and in line with the 100-day plan, which was born out of it. The new cabinet will be responsive to the national yearning for reform and development enhancing the services of the different governmental agencies, and realizing the political agenda and the Palestinian National Program.

Reform includes the rehabilitation and reconstruction of what has been destroyed by the occupation. Beyond that it, also, includes strengthening steadfastness, developing an effective governmental institutions to meet the vital needs of the Palestinian people, and to alleviate their suffering in light of the scarce resources. We demand reform that achieves security and justice for the people, dealing with problems before they become entrenched. A reform ensuring the rule of law and equality under the law. We demand reform through the eyes of the Palestinian people and by their hands to achieve Palestinian goals.

The rulers of Israel see reform as a tool to destroy the PNA, casting aside the democratically elected Palestinian leadership, and ending the Palestinian dream of independence, freedom, and right of return.

We see reform in our own eyes as a tool strengthening our steadfastness and building our institutions for our coming State. The basic element in determining the goals of reform is that they are the product of the peoples' choice through elections.

As such, one of the main basic responsibilities of this government is to prepare for legislative, presidential, local, and union elections providing for its success, transparency, and fairness through the broadest participation of international observers, at the specified date on January 20th, 2003 in accordance with the approved election law, which was a product of the signed agreements; including the participation of our people in Jerusalem in voting, becoming candidates, and participation.

The truth is that since our meeting last May, we continued this large workshop to achieve reform. Reform based on the Palestinian interests. We have accomplished many procedural milestones outlined in your program, which was issued by this council on May 16th, 2002, and spelled out in the 100-day plan born out of it. I will not waste your time listing what has been accomplished by the ratification of laws that have been legislated by our council and the steps taken for their implementation in the security, judicial, administrative, economic, and financial areas. You will find the details in the written document prepared by the different ministries, which will be distributed to you by the Speaker of this Council to study and debate it.

We are on the verge of major developments in the main areas, which have always been a concern of yours, in security, the judiciary, and the management of public funds.

*In the Security Domain:* The police, preventive security forces, and the civil defense will be integrated under the Ministry of Interior. The security institutions will be rebuilt; the cadre will be trained to protect the national security and the citizens, to implement the law, ending their meddling in politics, media, and financial issues unless provided for by law.

*In the Judicial Domain:* The government will continue to enforce the law of the independence of judiciary, to work on unifying the Palestinian judicial system, and to allocate funds to support the judicial authority for the construction of courts, the appointment of judges, and for training and protecting them.

*In the Financial Domain:* The government will commit itself to the continued improvement of the management of public funds building a modern Palestinian financial system characterized by the highest degree of transparency, allowing for the greatest possible accountability in accordance with the government's responsibility as a guard to our national resources for the benefit of our loyal people. To this end, the Ministry of Finance will complete its work in implementing a unified financial system for purposes of collecting revenues to a single central account. Further, the ministry will complete the current efforts to reorganize the commercial and investment activities of the PNA through unifying such activities within the framework of the Palestinian Investment Fund; which has been established recently with technical assistance from international experts. The government will also pay its debts to the private sector in a gradual manner as permitted by the available resources.

The reform and developmental workshop will include all domains and areas. Each ministry or governmental institution will also reorganize their respective institutions and develop its own cadre. We have welcomed, in this regards, all the Arab and international technical support aimed at assisting us in achieving this vital task; which will have a positive effect on achieving our National Plan, and in supporting the steadfastness of our people.

#### *Fourth: Developing and Strengthening our Arab and International Alliances*

The goal of our government on the political and international levels is to work on developing and strengthening our Arab and international alliances for the benefit of our people. Within this framework, we emphasize our relationship with the Arab world and in reality, during our struggle, we were never alone. The Arab countries stood by us confronting the occupation, preserving our Holy Sites, and in our struggle for independence and freedom. This is in spite of the dangers to all Arab countries, to the harsh and complicated international conditions, and the escalating dangers of waging a war against Iraq.

We have always coordinated with Arab governments and their leaders through the Arab League of States and the Arab Summits. The Arab Summit was convened three times to deal with the issue of Palestine and the Intifada. Further, follow-up committee meetings at the level of Arab foreign ministers were held frequently in the Arab capitals in support of Palestine.

The Arab Peace Summit in Beirut added a new dimension of Arab support to our strategy for peace. Within this framework, we commend all our Arab brothers and peoples for standing by us.

Our Islamic relations through the Islamic Conference Organization and the Jerusalem Committee, in which the Arab countries played pivotal roles, provided much valuable support. Further, the African Unity Organization and the members of the Non-Alliance Movement have also provided much needed support. The countries of these International organizations stood in support of our Palestinian rights exerting pressure protecting and preserving our rights in the UN and other international organizations. We will continue to maintain these relations and to develop them even further.

Europe will remain a main partner and a strategic ally standing by our people, supporting our rights and a Just Peace in our region. The European Union, Norway, and Switzerland offer a large part of the financial support that we receive. Work shall continue to strengthen this important relationship. Our relationship with Russia is a historical one that we always strive to strengthen and develop. Similarly, our relationship with Japan, China, and India.

The UN has always been a vital dimension in supporting our cause and rights. The resolutions issued by the UN Security Council, the General Assembly, the Human Rights Commission, and other UN institutions form the basis of international legitimacy and legality, in general, and the international humanitarian laws, in particular. The occupation authorities have tried to diminish the role of the UN to escape the important international support to our rights.

The USA, which played a pivotal role in the peace process, formed the Quartet, which consists of the USA, the European Union, Russia and the UN. We are working in a positive way with this committee to reach a work plan that will be a way to end the occupation and to return to the peace process.

We seek the continued political and financial support through our external relations. We seek protection for our people, and we work tirelessly to conclude a successful peace process based upon international legitimacy and the support of the UN.

Finally, Sisters and Brothers Members of the Legislative Council,

I've tried in this Statement to explain the new cabinet's working program, in the light of the hard and complicated conditions.

Now allow me to present to you the members of the new cabinet that will carry these responsibilities, and will present to you its plan and request your vote of confidence, your cooperation and also your supervision and critics.

I'm aware of the role you are playing as the Legislative Council. You were democratically elected, and you carry the responsibility for legislation in our homeland. You adopt laws, approve the budget and monitor the execution. You give the vote of confidence to Cabinets and legalize the foundations of a just judicial system that determines the framework of the separation of powers and the system of cooperation between them.

I'm aware that we are still in the framework of transitional government, working for the establishment of the independent state, that we are unable to achieve it yet. We are in the stage of fighting against occupation, setting up the foundation of the future. It is a stage that needs close cooperation between the three authorities.

We have all experienced the danger of insinuation, as if we had internal disagreement, at the time when we are facing a severe and hateful occupation.

I have prepared for this meeting by conducting the widest possible consultations and sessions with you in order to reach an agreement on the cabinet's formation; one that will achieve renewal as well as continuity. A cabinet that I can work with and have full confidence in its capacity to execute the difficult tasks delegated to it.

A cabinet committed to the rule of law and to reform and development; a cabinet that works for enhancing cooperation with your Council, and with all political and popular forces in our country; a cabinet that works for democratic legislative, presidential and local elections; that works to reduce the people's suffering, and to provide them with protection and above all to work for the elimination of the occupation and for achieving freedom, independence and peace.

I have tried my best to provide the Cabinet with the necessary support from the major Palestinian parties, and to include in it veteran politicians, specialized technocrats and new blood.

I'm now honored to present to you the new Cabinet, requesting your support, your vote of confidence, you're monitoring of its performance, and you're ensuring its commitment to the national strategy.

I am quite convinced that you will act according to your principle of complete responsibility, and your full awareness of the challenging conditions that we are living through, in order to achieve the highest level of unity and cooperation between you and this Cabinet and the judicial authority. This is in order to achieve true unity in the ranks of our steadfast and struggling people, on our way to realize our national goals of freedom, independence and the establishment of an independent Palestinian State with the holy Jerusalem as its capital.



## **AMENDED DRAFT OF THE ELEMENTS OF A PERFORMANCE-BASED ROAD MAP, 14 NOVEMBER 2002**

*[This second draft of the US 'Road Map' included several changes requested by the Palestinians; it was published in Al-Ayyam newspaper on 17 Nov. 2002.]*

The text below constitutes the Elements of performance and a roadmap with clear phases and goals that aim to achieve progress in the political, security, economic and humanitarian fields and in the field of institution building under the sponsorship of the Quartet Committee.

The aim is to reach a comprehensive and final settlement to the Palestinian-Israeli conflict in year 2005, as mentioned in the Speech of President Bush on June 24, 2002, and which was welcomed by the EU, Russia, and the UN in the ministerial statements of the Quartet Committee on July 16 and on September 17.

This settlement which will be negotiated between the parties will lead to the emergence of an independent democratic and viable Palestinian state living side by side in security and peace with Israel and its other neighbors. This settlement will end the Israeli-Palestinian conflict and will end the occupation that started in 1967 on the basis of the terms of reference of Madrid Conference and the land for peace formula and the UN Security Council Resolutions 242, 338, 1397 and the agreements signed between the parties. This settlement will take into special consideration the continuous importance of the Arab Saudi Initiative which was adopted in the Arab Summit in Beirut, which is a basic part of the international efforts that aim to achieve a comprehensive peace on all tracks, including the Syrian-Israeli and the Lebanese-Israeli tracks.

The two state solution for the Palestinian-Israeli conflict can only be achieved through ending violence and terrorism and a clear acceptance by both parties for the aim of the settlement to be negotiated as stipulated above. The Quartet Committee will assist and facilitate the implementation of the plan as of the first phase, including the direct discussions between the parties, whenever the need arises.

The plan set up a realistic timetable for implementation but the progress in it requires and depends on the good faith efforts of the parties and their commitments to each of the commitments as stipulated below. In case the parties implement their commitments quickly, the progress between and within the phases might come even faster than what is stipulated in the plan and vice versa.

The Quartet Committee will convene on a continuous basis at senior levels in order to assess the performance of the parties in implementing the plan. At each phase, the parties are expected to perform their commitments in a parallel manner, unless stipulated otherwise.

The First Phase: as from now and until May 2003, ending terrorism and violence; having the Palestinian life return into its normal course; building the Palestinian institutions. In the first phase, the Palestinians will start immediately implementing an unconditional halt of violence according to the specific steps as outlined below; Palestinians and Israelis will resume security cooperation on the basis of Tenet Plan to end the violence, terrorism and instigation through restructured and effective Palestinian security services; the PA will undertake a process of comprehensive political reform in preparation for the state, including the drafting of the Palestinian constitution, and free, honest and open elections along these principles (the EU requested deleting the phrase of the new PLC). Israel will take the necessary steps to restore the Palestinian normal life. Israel will withdraw from the Palestinian regions that were occupied after September 28, 2000. Both parties will return to the situation that prevailed before that date while at the same time performance and security cooperation will continue to show progress. Israel will also freeze all settlement activities in a manner that meets with Mitchell Report.

### At the start of the First Phase:

- The Palestinian leadership issues a clear statement that reaffirms the right of Israel in living in peace and security and calls for an immediate and unconditional ceasefire and halt of military activities

and all forms of violence against the Israelis everywhere. All Palestinian official institutions halt instigation against Israel.

- The Israeli leadership issues a clear statement in which it affirms its commitment on the vision of the two states and an independent and viable Palestinian state with sovereignty and that lives in security and peace side by side next to the state of Israel, as expressed by President Bush. It will also call for an immediate halt of violence everywhere. The Israeli government will not undertake any acts that undermine the confidence, including deportation, (the EU and the UN demand adding the phrase: halting provocative military operations) and attacks against civilians or in the areas crowded with civilians, confiscation or demolition of homes and Palestinian properties as punitive measure or facilitating Israeli construction and demolishing civil institutions and the Palestinian infrastructure. All Israeli official institutions end instigation against Palestinians.

#### *Security:*

- Palestinians declare very clearly a halt of violence and terrorism and take concrete steps on the ground to arrest and detain persons and groups that launch and plan violent attacks against Israelis everywhere.
- The security apparatuses in the PA start effective and specific operations that aim to dismantle the terrorist capacities and infrastructure.
- Based on the existing mechanisms and the resources on the ground, the Quartet Committee starts monitoring and consulting with the parties to form a mechanism for practical monitoring and its implementation.
- As agreed earlier, the implementation of the US plan starts for reconstruction, training and resumption of the plan of security coordination in cooperation with an external supervision council that includes the US, Egypt, Jordan (The EU demands adding the phrase: with support from the Quartet Committee or with support from the EU).
- All Palestinian security services will be merged in three apparatuses that will answer to the Minister of Interior with jurisdictions.
- The Palestinian security services which will be reconstructed and retrained and their counterparts in the Israeli army will start showing progress in resuming security cooperation and other commitments in implementation to the Tenet Plan, including the ordinary meetings at a senior level with the participation of US security officials.
- The Arab countries stop public and private funding to the groups that support or participate in the violence and terrorism.
- All donors who provide support to the Palestinian budget will transfer those funds through the unified fund of the Palestinian Finance Ministry.
- As the comprehensive security performance moves forward, the Israeli army will undertake an advanced withdrawal from the territories occupied after September 28, 2000; both parties will return to the situation that prevailed before September 28, 2000; the Palestinian security troops will be deployed in the regions that will be evacuated by the Israeli army.

#### *Building Palestinian Institutions:*

- A credible process of drafting the constitution of the Palestinian state. As soon as the draft of the constitution is ready, a constitutional committee will distribute the Palestinian constitution which is based on strong democratic and parliamentary principles and a PM with jurisdictions for the purpose of receiving general comments and discussion, the constitutional committee shall propose the draft of the document after the elections to be ratified by the appropriate Palestinian institutions.
- The Israeli government shall facilitate the movement and transport of Palestinian figures to the sessions of the PLC and the government, the security training that will be under international supervision, the elections and other activities of reform and other supporting measures related to the reform efforts.
- Appointing Palestinian ministers with jurisdictions to conduct radical reform, and conclude additional steps to achieve a real separation between the authorities, including any necessary Palestinian legal reform steps for that purpose.
- An interim PM or a government with jurisdictions of an executive authority; a body for decision-making.
- Establishing an independent Palestinian elections commission; the PLC will review and amend the elections law.

- Palestinian performance in the judiciary, administration, and economy according to the principles laid down by the international committee on Palestinian reform.
- As soon as possible (The US demanded adding the phrase: and on the basis of the measures as stipulated above) the Palestinians hold free, fair and open elections (The EU demands deleting: the PLC).
- The Israeli government will facilitate assisting the International Committee for elections; registering the voters, passage of candidates and officials of the polling stations.
- The Israeli government will reopen the Palestinian Chamber of Commerce and other Palestinian closed institutions in East Jerusalem provided that those institutions firmly abide by the previous agreements between the two parties.

*Humanitarian responses:*

- The Israeli government will take steps to improve the humanitarian conditions, including the implementation of the recommendations of Bertini Report on improving the humanitarian conditions; lifting the curfew; easing the restrictions imposed on the movement of individuals and goods; allowing full and secure freedom of movement of humanitarian and international employees.
- The Israeli government and the PA will continue the process of collecting the revenues and transfer of funds according to an agreed upon and transparent monitoring mechanism.

*The Civil Society:*

- Continuation of support by the donors to the People to People Program and the initiatives of the civil society.

*The Settlements:*

- The Israeli government dismantles immediately all settlement enclaves that were erected since March 2001.
- (Russia, the UN, and the EU demand deleting the phrase: after a total ceasefire) the Israeli government freezes all settlement activities in implementation to Mitchell Report (including the natural growth of settlements) along with giving priority to the projects that threaten the continuity of Palestinian residential regions, including the regions around Jerusalem.

The Second Phase: June 2003-December 2003 (interim) efforts in the second phase will be focused on the option of establishing a Palestinian state with temporary borders on the basis of the new constitution as a station on the path towards the permanent solution; moving towards the second phase will be on the basis of the collective ruling of the Quartet Committee whether the conditions are appropriate for progress taking into consideration the performance of all parties; progress in the efforts to restore the Palestinian normal life and building Palestinian institution; the second phase starts after the Palestinian elections with the possibility of establishing a Palestinian state with temporary borders in 2003.

Its main objectives are comprehensive security performance, continuous and effective security cooperation; continuous effort to restore Palestinian normal life and building institutions; additional building on the objectives specified in the first phase; preparing a democratic Palestinian constitution; establishing a post of PM; deepening the political reform and establishing a Palestinian state with temporary borders.

*The International Conference:*

- To be held by the Quartet Committee in consultation with the parties directly after the successful end of the Palestinian elections to support the rebuilding of Palestinian economy and launch a process that leads to the establishment of a Palestinian state with temporary borders.
- This meeting will be open and on the basis of the goal of achieving a comprehensive peace in the Middle East region (including peace between Israel and Syria and Israel and Lebanon) and on the basis of the principles that were mentioned in the introduction of this document.
- Restoring the Arab ties with Israel which existed before the Intifada (the commercial offices, etc.)
- Reviving the multilateral commitments on issues that include regional water resources, environment, economic development, refugees, and issues of disarmament.
- A new constitution for an independent and democratic Palestinian state will be completed and ratified by the appropriate Palestinian institutions; additional elections, if the need arises, must come after ratifying the new constitution.

- Establishing a reform government with jurisdictions and with a PM.
- Continuation of the comprehensive security performance, including effective security cooperation on the principles mentioned in the first phase.
- Establishing a Palestinian state with temporary borders through a Palestinian-Israeli negotiations process to be launched by the international conference as part of the process; implementing the previous agreements; achieving a maximum extent of geographical continuity, including additional steps on the issue of settlements in conjunction with establishing the Palestinian state with the temporary borders.
- Activating the international role in monitoring the transformation with effective and practical support and training by the Quartet Committee.
- The members of the Quartet Committee will push towards an international recognition of the Palestinian state, including the possibility of membership in the UN (the US will refer to a legal consultant).

The Third Phase: 2004-2005 a final agreement and end of the Palestinian-Israeli conflict. Moving towards the third phase on the basis of a collective ruling by the Quartet Committee taking into consideration the steps of all parties and the monitoring by the Quartet Committee. The objectives of the third phase are concluding the reform and stability of the Palestinian institutions; an effective Palestinian security performance and Palestinian-Israeli negotiations that aim to reach to a final agreement in 2005.

- A second international conference: to be held by the Quartet Committee in consultation with the parties at the beginning of 2004 to ratify the agreement reached on the state with temporary borders and to launch a process with effective and practical support from the Quartet Committee that leads to a final solution and a permanent status in 2005, including the borders, Jerusalem, refugees, settlements, and support the progress towards a comprehensive settlement in the Middle East between Israel and Lebanon and between Israel and Syria as soon as possible.
- Continuation of effective and comprehensive progress in the agenda of the reform measures as specified by the international working group in preparation for the final-status agreement.
- Continuation of the effective and permanent security performance and effective and permanent security cooperation on the principles mentioned in the first phase.
- International efforts to facilitate reform and stability of the Palestinian institutions and the Palestinian economy in preparation for the final-status agreement.
- The parties reach an agreement on the permanent and comprehensive status that end the Palestinian-Israeli conflict in 2005 through an agreed upon settlement reached through negotiations between the parties and based on the UN Security Council Resolutions 242, 338 and 1397 that end occupation which started in 1967 and that includes a realistic (the EU demands adding: agreed upon) comprehensive and just solution to the issue of refugees and negotiable decision on the status of Jerusalem that takes into consideration the political and religious concerns of both parties and that protects the religious interests of Jews, Christians and Moslems in the world.
- The Arab countries agree to normalize relations with Israel and security to all countries in the region in the context of a comprehensive Arab-Israeli peace.



**EGYPTIAN PRESIDENT HOSNI MUBARAK, ADDRESS TO THE  
CHAIRMAN OF THE UN COMMITTEE ON THE INALIENABLE RIGHTS  
OF THE PALESTINIAN PEOPLE, 1 DECEMBER 2002**

Ambassador Babaloy Fal, Chairman of the UN Committee on the Inalienable Rights of the Palestinian People.

At the outset of my message, I would like to extend my greetings and appreciation to you and your esteemed committee for its distinguished efforts exerted since its establishment in 1975 for raising the banner of the inalienable Palestinian rights, and atop of them the Palestinian people's right in self-determination and establishment of its independent state.

I have full conviction that the United Nations and your distinguished committee will spare no effort until the Palestinian people attains its full legitimate rights.

Mr. Chairman: The annual celebration marking the international day for solidarity with the Palestinian people expressively represents the determination and insistence of world community on supporting the Palestinian people in its legitimate struggle against the Israeli occupation of its territories and sanctuaries as well as consolidation of its legitimate rights in sovereignty, independence and restoration of its territories.

On the other hand, it poses a reminder to world community for the tragedy the Palestinian people undergoes under the oppressive Israeli occupation and practices that violate all international norms and conventions.

Mr. Chairman: Your committee affirmed, since the issuance of its first report in 1976, that the Palestinian issue represents the core of the Middle East cause, and the successive events over past years have proved the credibility of this visualization.

No stability or development in the Middle East region can be guaranteed without reaching a peaceful, just and comprehensive settlement for the Palestinian issue, providing rights to all indiscriminately and without double standards.

Mr. Chairman: This year, our celebration of the international day of solidarity with the Palestinian coincides with a grave phase the Palestinian cause undergoes, as the Palestinian people uprising has completed its second year a few months ago amid flagrant and violent escalations by the Israeli occupying forces.

Despite all world and regional political efforts exerted to revive the peace process of establishing an independent Palestinian state to exist side by side with the state of Israel, the Israeli government has not stopped attempts to break the will of the Palestinian people and eliminate its resistance.

What Israel allegedly talks about its self-defense is in reality attempts to force the Palestinian people to surrender and accept the unfair Israeli conditions for terminating the conflict.

Despite the continued international appeals on the necessity of Israel's commitment to its responsibilities towards the Palestinian people, the occupation troops have been violating the Palestinians' human rights enshrined by international conventions.

This is witnessed by Israel's systematic policy of the use of force, blockade, famishing and demolishing of the human and economical infrastructure of the Palestinian society.

The U.N reports stand as condemning evidence on the Israeli practices that violate all its commitments as an occupying force.

Mr. Chairman: Egypt has condemned these practices and violations and constantly supported the right of the Palestinian people in setting up its independent state over its territories with Jerusalem as its capital.

It has also supported its right in resistance for liberating its land and advocated struggle for liberating its land for the importance of the non-linkage of its terrorism.

Egypt has demanded Israel's commitment to its duties according to the Fourth Geneva Convention on the protection of civilians during military operations in the light of what the world community approved of the application of the convention to the occupied Palestinian lands.

Furthermore, Egypt has warned that the blind and unobjective support extended to Israel will have devastating repercussions on the entire region.



And despite all Israeli practices, Egypt confirmed, with all Arab states, that peace is the Arabs' strategic option and supported President G. Bush vision for settling the conflict, and it exerted several efforts with active parties and via UN bodies - such as the Security Council and the General Assembly - for acknowledging the inalienable rights of the Palestinian people and reaching a peaceful and comprehensive settlement of the conflict.

Nevertheless, all these efforts are opposed by Israel's determination on settling uncompromising conditions for resumption of negotiations and which are considered flagrant interference in the Palestinian internal affairs, such as its determination on imposing a leadership for the Palestinian people as alternative for its legitimately elected one.

Mr. Chairman: The Arabs extended their hands to Israel in a unanimously approved initiative expressing their genuine faith in a peace that unexceptionally guarantees the rights of all.



**ISRAELI PRIME MINISTER ARIEL SHARON, REMARKS ON ISRAELI  
POLICY GUIDELINES, ANNUAL CONFERENCE OF THE INSTITUTE OF  
POLICY AND STRATEGY, HERZLIYA, 4 DECEMBER 2002 [EXCERPTS]**

From the first days of the establishment of the State of Israel, our bond with the United States has been a supreme strategic asset. My government has further consolidated our relations with the United States and formed a special closeness with the U.S. administration and Congress. These special relations, the understanding of Israel's needs, and the cooperation with President Bush and his administration are unprecedented.

Our political understandings with the United States and the administration's understanding of our security needs have provided us with the required leeway in our ongoing war on terrorism.

On June 24th this year, President Bush presented his plan for a true solution to our conflict with the Palestinians. The peace plan outlined in the President's speech is a reasonable, pragmatic and practical one, which offers a real opportunity to achieve an agreement. We have accepted in principle the President's plan and the sequence presented therein.

Our agreements with the Palestinians are based on the lessons the Americans learned from the Clinton-Barak plan, and my experience as one who has, for many years, participated in the security and political campaign in the Palestinian arena.

After concerted efforts, the U.S. administration has understood and agreed that the only way to achieve a true peace agreement with the Palestinians is progress in phases, with the first phase being a complete cessation of terror. Only after a cessation of terror - and this is already agreed by most world leaders - will the commencement of peace negotiations between the parties be possible.

On the basis of lessons learned from past agreements, it is clear to all that Israel can no longer be expected to make political concessions until there is proven calm and Palestinian governmental reforms.

In this context, it is important to remember that political concessions which will be made in the future - as those made in the past - are irreversible.

Even the current security reality, with the IDF operating freely inside Palestinian cities, arises from security needs and has not changed the political situation of two years ago. Israel will not re-control territories from which it withdrew as a result of political agreements.

The achievement of true coexistence must be carried out, first and foremost, by the replacement of the Palestinian leadership. The U.S. administration - with the world following in its footsteps - has already accepted our unequivocal position that no progress will be possible with Arafat as the chairman of the Palestinian Authority. This man is not - and never will be - a partner to peace.

The two sides will advance to the next phase of President Bush's sequence when a new, different, responsible and non-corrupt Palestinian leadership emerges. Terror will cease, and the Palestinian leadership will not allow it to be renewed. Civil and economic cooperation will be established. Incitement will be stopped and education towards peace will be fostered. At the same time, Israel will act to lift military pressure, create territorial continuity between Palestinian population centers, and ease daily life for the Palestinian population.

The second phase of President Bush's sequence proposes the establishment of a Palestinian state with borders yet to be finalized, and which will overlap with territories A and B, except for essential security zones. This Palestinian state will be completely demilitarized. It will be allowed to maintain lightly armed police and interior forces to ensure civil order. Israel will continue to control all entries and exits to the Palestinian state, will command its airspace, and not allow it to form alliances with Israel's enemies.

In the final phase of President Bush's sequence negotiations will be opened to determine the final status of the Palestinian state and fix its permanent borders. As I emphasized, no progress will be made from one phase to the next until such time as quiet has been restored, Palestinian rule has undergone fundamental changes, and coexistence is ensured.

Israel is prepared to make painful concessions for a true peace. However, the government under my leadership will not be seduced into believing false promises which will endanger the security of the State of Israel.



#### **JOINT STATEMENT OF THE QUARTET, WASHINGTON, DC, 20 DECEMBER 2002**

United Nations Secretary-General Kofi Annan, Russian Foreign Minister Igor Ivanov, Danish Foreign Minister Per Stig Moeller, High Representative for European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Affairs Chris Patten met today in Washington with President Bush and Secretary of State Powell. In his meeting, President Bush expressed strong support for the efforts of the Quartet and his firm commitment to the Quartet's roadmap, which would realize his vision of two states - Israel and Palestine - living side-by-side in peace and security. Reaffirming their previous statements, the Quartet members reviewed developments since their last meeting, on September 17, 2002. They condemned the brutal terror attacks carried out by Palestinian extremist organizations since the last meeting, which aim to diminish the prospects for peace, and only harm legitimate Palestinian aspirations for statehood. The Quartet deplores the killing of innocent Palestinian civilians and UN employees in IDF security operations, and calls on the Government of Israel to review its rules of engagement and disciplinary procedures to avoid such civilian casualties.

The Quartet took stock of the results of the ongoing consultations with the parties on the elements of a three-phase performance-based and goal-driven roadmap to realize the vision expressed in President Bush's June 24 speech of two states - Israel and an independent, viable, sovereign, and democratic Palestine - living side-by-side in peace and security. The Quartet commended the constructive spirit that characterized its discussions with all parties. The Quartet, based upon a common understanding on the content and goals of this process, made substantial progress toward finalizing a roadmap for presentation to the parties in the near future. The Quartet agreed to further intensive work to develop a credible and effective monitoring mechanism. In the meantime, the Quartet calls on the parties to carry out as rapidly as possible their responsibilities to restore calm, pursue reforms, and improve the humanitarian situation - steps that will lead to a political process culminating in Palestinian statehood.

Specifically, the Quartet calls for an immediate, comprehensive, cease-fire. All Palestinian individuals and groups must end all acts of terror against Israelis, in any location. In this regard, the Quartet welcomes the initiative of Egypt to work with Palestinians to achieve this end. Such a cease-fire should be accompanied by supportive measures undertaken by the Government of Israel. As calm is established, Israeli forces should withdraw from Palestinian areas and the pre-Intifada status quo on the ground should be restored. The Quartet calls on the Palestinian leadership to work with the U.S. and others to restructure and reform the Palestinian security services. Recognizing the importance of well-prepared Palestinian elections to the process of building strong, democratic, institutions in preparation for statehood, the Quartet supports the accelerated work of the Constitutional Committee to draft a Palestinian constitution. The Quartet notes the progress made in the reform process under difficult circumstances and calls for increased efforts by the Palestinian Authority to move forward in a comprehensive and sustained manner, in cooperation with the Task Force on Palestinian Reform, on institutional reforms. In this context, the Quartet welcomes the initiative of the United Kingdom and Prime Minister Blair to convene a meeting early next year to encourage and accelerate the reform process.

The Quartet expresses concern at the deepening humanitarian crisis in Gaza and the West Bank. It calls for increased effort by the Government of Israel to ease the humanitarian situation in the West Bank and Gaza. It also calls on Israel and the Palestinians to implement fully the recommendations of the Bertini report. The Quartet welcomes the recent transfer by Israel of VAT and other revenues due to the Palestinian Authority, and calls on Israel to continue these monthly transfers, including arrears. The Quartet reiterates the importance of immediate Israeli measures, consistent with legitimate security concerns, to improve the lives of Palestinians, including allowing the resumption of normal economic activity, facilitating the movement of goods, people, and essential services and lifting curfew and closures. The Quartet calls on Israel to avoid actions that undermine trust and create further hardship for innocent Palestinian civilians, including demolition of houses and civil infrastructure.

The Quartet welcomes efforts to re-organize and update donor coordination mechanisms in order to simplify and strengthen an already unified international effort so as to revive and support peace efforts.

The Quartet reiterates the critical importance of sustaining hope on the part of Israelis and Palestinians for the vision articulated by President Bush, and supported by the Quartet in its previous statements and ongoing engagement with the parties and in the region, of a future in which both peoples can live - in their own states - in genuine peace and security. Consistent with this goal, the Israeli occupation that began in 1967 will be ended through a settlement negotiated between the parties and based on resolutions 242 and 338, with Israeli withdrawal to secure and recognized borders. For this goal to be achieved, violence and terror must come to an end. Israeli settlement activity must stop, consistent with the recommendations of the Mitchell report.

The Quartet will continue to encourage all parties in the region to seek a just, lasting and comprehensive settlement to the Arab-Israeli conflict based on the foundations of the Madrid Conference, the principle of land for peace, UNSCRs 242, 338 and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah - endorsed by the Beirut Arab League Summit - for acceptance of Israel as a neighbor living in peace and security, in the context of a comprehensive settlement. This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks. The Quartet looks forward to continuing consultations on achieving the above goals, and a further meeting of the Quartet principals in the near future to adopt the roadmap and present it to the parties.



## **A PERFORMANCE-BASED ROAD MAP TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT, THIRD DRAFT, 20 DECEMBER 2002**

*[This third draft of the Road Map was finalized during the Quartet's meeting in Washington on 20 December 2002.]*

The following is a performance-based and goal driven roadmap, with clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields, under the auspices of the Quartet. The destination is a final and comprehensive settlement of the Israel-Palestinian conflict by 2005, as presented in President Bush's speech of 24 June, and welcomed by the EU, Russia, and the UN in the 16 July and 17 September Quartet Ministerial statements.

A two state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty, and through Israeli's readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous acceptance by both parties of the goal of a negotiated settlement as described below. The Quartet will assist and facilitate implementation of the plan, starting in Phase I, including direct discussions between the parties as required. The plan establishes a realistic timeline for implementation. However, as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below. Should the parties perform their obligations rapidly, progress within and through the phases may come sooner than indicated in the plan. Non-compliance with obligations will impede progress.

A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors. The settlement will resolve the Israel-Palestinian conflict, and end the occupation that began in 1967, based on the foundations of the Madrid Conference, the principle of land for peace, UNSCRs 242, 338 and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah – endorsed by the Beirut Arab League Summit – calling for acceptance of Israel as a neighbor living in peace and security, in the context of a comprehensive settlement. This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks.

The Quartet will meet regularly at senior levels to evaluate the parties' performance on implementation of the plan. In each phase, the parties are expected to perform their obligations in parallel, unless otherwise indicated.

### **PHASE I: ENDING TERROR AND VIOLENCE, NORMALIZING PALESTINIAN LIFE, AND BUILDING PALESTINIAN INSTITUTIONS PRESENT TO MAY 2003**

In Phase I, the Palestinians immediately undertake an unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. Palestinians and Israelis resume security cooperation based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services. Palestinians undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from September 28, 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell report.

At the outset of Phase I:

- Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.

- Israeli leadership issues unequivocal statement affirming its commitments to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.

### *SECURITY*

- Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere.
- Rebuilt and refocused Palestinian Authority security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.
- GOI takes no actions undermining trust, including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet Work Plan.
- Relying on existing mechanisms and on-the ground resources, Quartet representatives begin informal monitoring and consult with the parties on establishment of a formal monitoring mechanism and its implementation.
- Implementation, as previously agreed, of U.S. rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board (U.S. - Egypt - Jordan). Quartet support for efforts to achieve a lasting, comprehensive cease-fire.
  - All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
  - Restructured/retrained Palestinian security forces and IDF counterparts progressively resume security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.
- Arab states cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
- All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
- As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000 and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.

### *PALESTINIAN INSTITUTION-BUILDING*

- Immediate action on credible process to produce draft constitution for Palestinian statehood. As rapidly as possible, constitutional committee circulates draft Palestinian constitution, based on strong parliamentary democracy and cabinet with empowered prime minister, for public comment/debate. Constitutional committee proposes draft document for submission after elections for approval by appropriate Palestinian institutions.
- Appointment of interim prime minister or cabinet with empowered executive authority/decision-making body.
- GOI fully facilitates travel of Palestinian officials for PLC and Cabinet sessions, internationally supervised security retraining, electoral and other reform activity, and other supportive measures related to the reform efforts.
- Continued appointment of Palestinian ministers empowered to undertake fundamental reform. Completion of further steps to achieve genuine separation of powers, including any necessary Palestinian legal reforms for this purpose.
- Establishment of independent Palestinian election commission. PLC reviews and revises elections law.

- Palestinian performance on judicial, administrative, and economic benchmarks, as established by the International Task Force on Palestinian Reform.
- As early as possible, and based upon the above measures and in the context of open debate and transparent candidate selection/electoral campaign based on a free, multiparty process, Palestinians hold free, open, and fair elections.
- GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials. Support for NGOs involved in the election process.
- GOI reopens Palestinian Chamber of Commerce and other closed Palestinian institutions in East Jerusalem based on a commitment that these institutions operate strictly in accordance with prior agreements between the parties.

#### *HUMANITARIAN RESPONSE*

- Israel takes measures to improve the humanitarian situation. Israel and Palestinians implement in full all recommendations of the Bertini report to improve humanitarian conditions, lifting curfews, and easing restrictions on movement of persons and goods, and allowing full, safe, and unfettered access of international and humanitarian personnel.
- AHLC reviews the humanitarian situation and prospects for economic development in the West Bank and Gaza and launches a major donor assistance effort, including to the reform effort.
- GOI and PA continue revenue clearance process and transfer of funds, including areas, in accordance with agreed, transparent monitoring mechanism.

#### *CIVIL SOCIETY*

- Continued donor support, including increased funding through PVOs/NGOs, for people to people programs, private sector development and civil society initiatives.

#### *SETTLEMENTS*

- GOI immediately dismantles settlement outposts erected since March 2001.
- Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements).

### PHASE II. TRANSITION - JUNE 2003-DECEMBER 2003

In the second phase, efforts are focused on the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution, as a way station to a permanent status settlement. As has been noted, this goal can be achieved when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty. With such a leadership, reformed civil institutions and security structures, the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable, state.

Progress into Phase II will be based upon the consensus judgment of the Quartet of whether conditions are appropriate to proceed, taking into account performance of both parties. Furthering and sustaining efforts to normalize Palestinian lives and build Palestinian institutions, Phase II starts after Palestinian elections and ends with possible creation of an independent Palestinian state with provisional borders in 2003. Its primary goals are continued comprehensive security performance and effective security cooperation, continued normalization of Palestinian life and institution-building, further building on and sustaining of the goals outlined in Phase I, ratification of a democratic Palestinian constitution, formal establishment of office of prime minister, consolidation of political reform, and the creation of a Palestinian state with provisional borders.

- **INTERNATIONAL CONFERENCE:** Convened by the Quartet, in consultation with the parties, immediately after the successful conclusion of Palestinian elections, to support Palestinian economic recovery and launch a process, leading to establishment of an independent Palestinian state with provisional borders.

- Such a meeting would be inclusive, based on the goal of a comprehensive Middle East peace (including between Israel and Syria, and Israel and Lebanon), and based on the principles described in the preamble to this document.
- Arab states restore pre-intifada links to Israel (trade offices, etc.).
- Revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues.
- New constitution for democratic, independent Palestinian state is finalized and approved by appropriate Palestinian institutions. Further elections, if required, should follow approval of the new constitution.
- Empowered reform cabinet with office of prime minister formally established, consistent with draft constitution.
- Continued comprehensive security performance, including effective security cooperation on the bases laid out in Phase I.
- Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement. Launched by the international conference. As part of this process, implementation of prior agreements, to enhance maximum territorial contiguity, including further action on settlements in conjunction with establishment of a Palestinian state with provisional borders.
- Enhanced international role in monitoring transition, with the active, sustained, and operational support of the Quartet.
- Quartet members promote international recognition of Palestinian state, including possible UN membership.

### PHASE III: PERMANENT STATUS AGREEMENT AND END OF THE ISRAELI-PALESTINIAN CONFLICT – 2004-2005

Progress into Phase III, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III objectives are consolidation of reform and stabilization of Palestinian institutions, sustained, effective Palestinian security performance, and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

- **SECOND INTERNATIONAL CONFERENCE:** Convened by Quartet, in consultation with the parties, at beginning of 2004 to endorse agreement reached on an independent Palestinian state with provisional borders and formally to launch a process with the active, sustained, and operational support of the Quartet, leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Israel and Syria, to be achieved as soon as possible.
- Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.
- Continued sustained and effective security performance, and sustained, effective security cooperation on the basis laid out in Phase I.
- International efforts to facilitate reform and stabilize Palestinian institutions and the Palestinian economy, in preparation for final status agreement.
- Parties reach final and comprehensive permanent status agreement that ends the Israel – Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution of the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims worldwide, and fulfills the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side-by-side in peace and security.
- Arab state acceptance of full normal relations with Israel and security for all the states of the region in the context of a compressive Arab-Israeli peace.



**GULF COOPERATION COUNCIL, CLOSING STATEMENT, 23<sup>RD</sup> SESSION  
OF THE SUPREME COUNCIL, DOHA, 22 DECEMBER 2002 [EXCERPTS]**

In response to the gracious invitation by His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, the Supreme Council convened its 23rd session in Doha, the State of Qatar on Saturday and Sunday from 17th to 18th Shawwal 1423 AH corresponding to 21st to 22nd December 2002 AD under the Chairmanship of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar [...]

The Council reviewed with deep concern, the developments taking place in the Middle East Peace Process and the dangerous deterioration of situation in the occupied Palestinian territories, which is due to continued aggression of the Israeli occupying forces against the Palestinian people and their leadership, constituting a dangerous escalation of situations in the region and exposing the international security and peace to danger.

While condemning these savage acts, the Council stresses upon the need to end the Israeli occupation of the Palestinian and Arab territories occupied by Israel in 1967, and to assist the Palestinian people in exercising their right to determine their own destiny and to establish their independent Palestinian State on their national soil with Holy Jerusalem as its capital in accordance with the provisions of the Arab peace initiative, which is the only way to realize comprehensive, just and lasting peace in Middle East and to save the region and the world from a war which might lead to dire consequences and human tragedy.

The Supreme Council renewed its demand from the international community to exert pressure on Israel to halt these activities; and provide international protection to the Palestinians so that they could hold elections and undertake reforms required of them as a prerequisite for resumption of negotiations between the two sides. [...]



**PRESIDENT YASSER ARAFAT, ADDRESS ON THE OCCASION OF THE  
NATIONAL DAY AND THE NEW YEAR, RAMALLAH, 31 DECEMBER 2002**

In the name of God, Most Gracious, Most Merciful, Verily We have granted Thee a manifest Victory: That God may forgive thee Thy faults of the past and those to follow; Fulfill His favor to thee And guide thee On the Straight Way; And that God may help Thee with powerful help.

Sisters and Brothers Masses of our fighting and steadfast people in the homeland and in the Diaspora, the day of glory and dignity, namely the day of the first of January 1965, is the day when the Palestinian phoenix shook off the ashes of its calamity and catastrophe and soared high in the skies of Palestine, the homeland, announcing to the whole world that Palestine is our sacred land and blessed homeland. It is the First of January, on which our Palestinian people glorify annually our Palestine National Day which coincides with the celebrations held by our people and the peoples of the world on New Year.

On this national, pan-Arab and international occasion, I extend my felicitations to our Palestinian people in our homeland, in the Diaspora, and to our heroes in the Israeli detentions and cells. I extend, as well, my felicitations to our militant injured persons in hospital beds, to the noblest of all, to the martyrs of our homeland and our march, to our Arab brothers and to the freedom-loving and noble people the world over. I say to all of them that the march of struggle launched by our people in January 1965 has put for-ever an end to the attempts to forcibly absent our people from the stage of history and life. Our people today are the main figure in the equation of peace, security and stability in the whole Middle East. There will be no security, no peace, and no stability except by ending the Israeli occupation and colonization of our Palestinian land and holy places and by establishing the independent State of Palestine with Holy Jerusalem as its capital, which does indeed form the firm and solid guarantee for security and peace on both the regional and international levels. I convey, as well, the greetings of esteem and gratitude to the spirits of our martyrs and to our injured persons who have



fallen while defending and protecting our Christian and Islamic holy places as they are confronting this oppressive Israeli military violence and escalation against our masses and holy places in the blessed Holy Land, the first of the two Qiblas and the third of the three holy mosques, the place of the nocturnal journey of our prophet, Muhammad, God's blessings be upon him, and the place of nativity and ascension of our lord, Jesus Christ, peace be upon him. Our people will remain in their Jihad and will remain steadfast till the Day of Judgment.

I pray to God that security and peace in this new year in this blessed and sacred land will be achieved on the basis of the resolutions of international legality, the agreements, the principle of land for peace, the Saudi Arabian Initiative of His Highness Crown Prince Abdallah adopted by the Arab Summit held in Beirut on establishing the just, comprehensive and permanent peace, the total Israeli withdrawal from the Palestinian and Arab territories, the just solution of the issue of Palestinian refugees in accordance with the UN Resolution 194, as well as for our children and for their children. We hope that the Quartet will be quick in sending effective observers to carry out and oversee the protection of the peace process on this land, holy to all believers in the world, and to all freedom – loving and honorable people on this globe.

In this New Year, I turn to the international community with the hope that this new year will witness a detente on the international and regional levels, and will adopt political and peaceful means as well as direct negotiations as the way to solve all international issues and conflicts. The specter of war that clouds today the Middle East provides the Government of Israel and its army of occupation with the needed opportunity to carry on with their destructive colonialist war against our Palestinian people and against our Christian and Islamic holy places in Jerusalem, Bethlehem, Hebron, Jeningrad, Rafahgrad, Nablus, Tulkarem, Qalqilya, Aboud, Ramallah the Gaza Strip – from its north to its south. It also provides them with the needed opportunity to carry on with the crimes of settlers, with the ugly and brutal oppression of the army of occupation, with killing and assassination, with torturing our masses, with intentional destruction of our institutions, infrastructures, factories and farms in order to perpetuate occupation and colonization. It is an increasing cancerous colonization of our Palestinian land that has confiscated 83 thousand dunums of our most fertile agricultural land in Tulkarem, Qalqilya and the west of Jenin for the defensive shield (protective wall) as well as for the “Berlin Wall” around Holy Jerusalem. In Holy Jerusalem they have forbidden those who are under 50 years of age to enter the City even for prayer in the Christian and Islamic holy places, at the Church of the Holy Sepulcher and at the Holy Mosque, the Haram Ash-Sharif. They have even destroyed the artesian wells in most of the areas. They continue to bulldoze our agricultural lands, and destroy our green houses, cattle hedges and more than 55% of the olive – and other trees. They even have prohibited the fishermen to fish in the sea of Gaza. It is a very dangerous plan against our people and against the sources of their livelihood and economy. It further seeks to forbid our people from regaining their land and establishing their independent state of Palestine with the Holy Jerusalem as its capital.



**BRITISH FOREIGN SECRETARY JACK STRAW, STATEMENT ON THE  
OUTCOMES OF THE LONDON CONFERENCE ON PALESTINIAN REFORM,  
FOREIGN & COMMONWEALTH OFFICE, LONDON, 14 JANUARY 2003**

The following is my summary and understanding of the proceedings and outcomes today.

The participants joined the Palestinians in expressing support for a just and comprehensive peace including a final settlement of the Israel-Palestinian conflict, as presented in President Bush's 24 June speech and resulting in the emergence of an independent, sovereign, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbours. This would resolve the Israel-Palestinian conflict, and end the occupation that began in 1967, through a negotiated settlement between the parties, based on the foundations of the Madrid Conference, the principle of land for peace, UNSCRs 242, 338, and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah - endorsed by the Beirut Arab League Summit - for the acceptance of Israel as a neighbour living in peace and security. The Palestinians strongly argued that continuing settlement activity by Israel threatened the viability of the two-State solution.

## PROGRESS

### On Security

There was clear recognition that without credible Palestinian performance on security, the reform agenda will founder. Participants in London welcomed a clear and unequivocal Palestinian declaration against violence and terrorism. There was widespread recognition of the importance of practical action to begin implementing this, including through visible efforts to arrest and disrupt individuals and groups planning and conducting attacks on Israelis anywhere; moves to dismantle the infrastructure that supports terrorism, and further efforts to end incitement. Participants welcomed the continuation of talks in Cairo between Palestinian factions and looked forward to their successful conclusion in agreement on a comprehensive ceasefire. They agreed that security reform was a vital element of the reform programme, on which much else depends. They applauded US/Egyptian/Jordanian commitments to help rebuild Palestinian security institutions, in order to deliver the security which a new Palestinian State will have to offer to its own citizens and its neighbours. The UK stands ready to add our own help and support.

### On Elections

The Palestinians expressed their unequivocal commitment to developing a realistic timetable for free, fair and open elections. Recognizing that the Palestinians have recently constituted a credible and independent election commission, conference participants urged the Palestinians to ensure a thorough and public review of the electoral framework, to be debated fully and adopted by the Palestinian Legislative Council. Participants noted that the international community had committed significant assistance - both financial and political - to ensure that these elections were credible and fair.

### On Constitutional Reform

The Palestinians made a commitment to draw up by the end of January an outline constitution based on the principles of democracy, political pluralism, rule of law, independence of the judiciary and the protection of individual freedoms. They emphasised that the constitution would provide for a Prime Minister having specified powers and a bill of rights. They outlined the process of consultation, including a referendum, which would take place before finalisation. Participants welcomed this step forward, emphasising the need for real political transformation; the development of credible institutions for an independent Palestinian state; an empowered Prime Minister; and the transfer of real power to reformed institutions. They committed themselves to supporting the Palestinians' ongoing work including through support to the consultation process.

### On Economic Reform

Participants recognized the exceptional work done by both the Finance Minister, Salam Fayyad, and Economy, Trade and Industry Minister, Maher al-Masri, in bringing financial accountability and economic reform to the Palestinian Authority. Participants undertook to continue assistance to help implement the FY 2003 budget, consolidate all public finances, ensure the Ministry of Finance's oversight of all public expenditure and strengthen audit capacity. Participants recognized the progress made toward a resumption of regular transfers of Palestinian revenues and clearance of all arrears this year, and the Palestinians' commitment to continued work with the Israeli Government and the US on mechanisms to increase transparency and strengthen the PA's internal audit capabilities. They agreed that the transfer of these revenues was critical to international efforts to ease the dire humanitarian situation in the West Bank and Gaza.

### On Judicial Reform

Participants expressed concern at the lack of progress on judicial reform compared with other reform portfolios. It is the area where the credibility of the Palestinian leadership is weakest. They emphasised the need for a strong and independent judiciary, and sought Palestinian commitment to accelerated work. Palestinians committed to establish a new Supreme Judicial Council by the end of June so as to bring it in line with Palestinian law, to ensure that all judicial appointments are consistent with Palestinian law, and to abolish the State Security Courts within one year.

### On Administrative Reform

Palestinians undertook to present a draft Cabinet paper on the reform of public administration and the civil service within two weeks.

### On Follow-Up

Participants agreed on the centrality of the roadmap and the work of the Quartet to implement it. They welcomed the Palestinians' commitment to implementing the roadmap, upon its final adoption and presentation, as the path to an independent and viable Palestinian state. Participants recognized that Israel must also take steps to ensure that the Palestinian reform process succeeds, and avoid actions that undermine hope in a political settlement to the conflict. In this context, the Palestinians stated their assessment that the success of their future reform efforts would depend on an end to current restrictions on movement, including closures and curfews. Participants committed to help build the Palestinian capacity to prepare the necessary institutions of a democratic state able to govern effectively and live at peace with its neighbours. Continuing terror attacks underscore the fragile nature of all these efforts, and demonstrate the need for an immediate, comprehensive ceasefire. The humanitarian situation continues to deteriorate badly in the West Bank and Gaza, and the international community will continue working closely with Israel to ensure that every possible step is taken, consistent with legitimate security concerns, to ease these conditions.

### In Conclusion

Participants agreed that reform was important both intrinsically and as a means to the end of Palestinian statehood. They urged the Palestinians to enhance their reform effort by designating and resourcing an empowered focal point for reform efforts. They agreed to feed the conclusions of the London meeting into the Quartet through a meeting in London in early February of the International Task Force on Palestinian Reform, along with a meeting of Quartet envoys.



## **US CONGRESS, HOUSE RESOLUTION 61 COMMENDING ISRAELI DEMOCRACY, HOUSE OF REPRESENTATIVES, WASHINGTON, DC, 11 FEBRUARY 2003**

*Whereas* the United States and Israel are close allies whose people share a deep and abiding friendship based on a shared commitment to democratic values;

*Whereas* since its establishment in 1948, Israel has fulfilled the dreams of its founders who envisioned a vigorous, open, and stable democracy;

*Whereas* an essential feature of Israeli democracy is its system of competitive, free, and open elections;

*Whereas* on January 28, 2003, the people of Israel elected Israel's 16th Knesset, or Parliament, which in turn will choose the Prime Minister of Israel; and

*Whereas* the election on January 28, 2003, is the most recent example of the commitment of Israel to the democratic ideals of freedom and pluralism, ideals that Israel shares with the United States: Now, therefore, be it *Resolved*, That the House of Representatives-

- (1) commends the people of Israel for reaffirming their dedication to democratic ideals as expressed in the election on January 28, 2003;
- (2) expresses both its respect for the freely expressed will of the people of Israel, and its intention to engage in constructive relations with the new Government of Israel, and urges the international community to do so as well;
- (3) reaffirms the close bonds of friendship that have bound the people of the United States and the people of Israel together through turbulent times for more than half a century;
- (4) urges the Palestinian leadership to abide by its commitments made to the United States and to Israel and urges the Palestinian people to act on President Bush's call of June 24, 2002, to dismantle the terrorist infrastructure, end incitement to violence in official media, elect new leaders not compromised by terror, and embrace democracy; and,
- (5) restates the commitment of the United States to a secure peace for Israel.



### **JOINT STATEMENT BY THE QUARTET ENVOYS, LONDON, 19 FEBRUARY 2003**

Representatives of the Middle East Quartet - the United States, the Russian Federation, the European Union, and the United Nations - met at the Envoys level in London February 19 to review the current situation in the Israeli-Palestinian conflict and prospects for giving new impetus to peace efforts. They expressed very serious concern at the continuing acts of violence and terror planned and directed against Israelis, and at Israeli military operations over the past several days in the West Bank and Gaza which led to Palestinian civilian fatalities. The Envoys discussed the next steps toward the adoption and implementation of the Quartet's Road Map, as it is the means for progress toward the vision described by President Bush on June 24, 2002: two democratic states living side by side in peace. They reaffirmed that the Road Map should be formally adopted and presented to the parties as soon as possible.

The Quartet envoys reaffirmed the call of the Quartet principals in Washington on December 20 for an immediate, comprehensive cease-fire. All Palestinian individuals and groups must end all acts of terror against Israelis, in any location.

The Envoys reiterated their call for the Palestinians to build credible institutions to prepare for statehood and welcomed the Palestinians' decision to appoint a Prime Minister as a significant step. The Envoys underscored the importance of appointing a credible and fully empowered Prime Minister. They urged the immediate convening of the relevant legislative and executive Palestinian bodies to exercise their authority in this regard, and called on the Government of Israel to facilitate these meetings. The Quartet also encouraged the Palestinians to continue the process of preparing a constitution that would form the basis for a strong parliamentary democracy. Noting Israel's important role in facilitating the Palestinian reform process, they recognized the positive effect of the resumption of monthly revenue transfers and return of outstanding arrears. Likewise, the Quartet Envoys emphasized Israel's obligation, consistent with legitimate security concerns, to do more to ease the dire humanitarian and socio-economic situation in the West Bank and Gaza, including facilitating freedom of movement and access, alleviating the daily burdens of life under occupation, and respecting the dignity of Palestinian civilians. They welcomed the opportunity for direct discussions between the donor community and Israelis and Palestinians to address this critical issue.

The Higher Coordination of Assistance affirmed its commitment to continue the financial support to put an end to the deterioration of the living conditions in the West Bank and Gaza Strip and to continue supporting the PA in its efforts to build the necessary institutions for the state. The donors stressed their commitment to make sure that the resources of the donors will work in the most effective manner and to be disbursed in coordination with the PA. Meanwhile, the EU official Solana and British FM Straw called for publishing the Roadmap quickly. During a joint press conference, Straw announced: We are all in agreement inside the EU on the importance of publishing the roadmap which got the support of US President Bush on December 20, during the meeting of the Quartet Committee and we are waiting very patiently to see the roadmap published as soon as possible. Solana said: We prefer to see the publishing of the roadmap as soon as possible.



### **STATEMENT OF THE TASK FORCE ON PALESTINIAN REFORM, LONDON, 20 FEBRUARY 2003**

The Task Force on Palestinian Reform, composed of representatives of the Quartet (U.S., EU, Russia and the UN Secretary General), Norway, Japan, Canada, the World Bank, and the International Monetary Fund, met in London February 19-20, 2003 to review the status of Palestinian civil reform efforts. The Task Force also reviewed these efforts with Israeli and Palestinian representatives. The Task Force considers this work critical to building the foundations of a viable, independent, and democratic Palestinian State living side by side in peace and security with Israel.

The Task Force recognized that the continued terror and violence, continued restrictions on the movement of persons and goods, deterioration of the humanitarian situation, and destruction of local infrastructure and facilities constitute a significant hindrance to reforms. Despite the difficult security situation, however, the Task Force welcomed the clear and considerable progress made in several areas of Palestinian civil reform. In particular, the Task Force commended the implementation of significantly higher standards of fiscal transparency and accountability, as well as work toward development of the public institutions and laws needed to promote a market economy. The Task Force welcomed the Palestinians' decision to appoint a prime minister, and underscored the importance that this position be credible and fully empowered. The Task Force commended the commitment displayed by the Palestinian Authority's (PA) Ministerial Reform Committee, and the establishment of a Reform Coordination Support Unit.

The Task Force commended efforts to develop appropriate legislation and to coordinate economic policy with Palestinian business leaders through an organized discussion forum, noting that this could serve as a model for policy interaction between the PA and Palestinian civil society. The Task Force also noted that the Palestinian Legislative Council's (PLC) February 1 approval of the 2003 Palestinian budget was a considerable accomplishment, which reflected the Palestinian public's confidence in the financial reform agenda. The Task Force looked forward to early implementation of the further reform measures announced by the Finance Minister during his December 31, 2002 speech before the PLC. The Task Force also noted the considerable progress made in Public Administration and Civil Service Reform, welcomed the adoption by the PA of a detailed action plan in this area, and looked forward to its early implementation.

The Task Force observed that progress in some areas of reform has been much slower. In some cases – such as judicial reform – this lack of progress has to a great extent been the result of counterproductive steps taken by the Palestinian leadership. In this regard, the Task Force emphasized the need to comply fully with the recently passed Basic and Judiciary Laws, and called on the PA to take appropriate early actions to bring all its structures and procedures into line with the provisions of those laws.

In other cases, the lack of progress is attributable in considerable part to the difficult security environment and extreme limitations imposed by the Israeli Government on freedom of movement. While acknowledging Israel's legitimate security concerns, there was consensus in the Task Force that mobility restrictions constitute a major impediment to reform, slowing progress and undermining the credibility of the reform process in many areas. In particular, the inability of the PLC to meet on a regular basis hampers the passage of critical reform legislation and the PLC's ability to play an effective oversight role. The Task Force urged the Government of Israel to do all it can to facilitate the reform process and minimize the impact of its security measures on the civilian population.

The Task Force welcomed the Israeli Government's decision to resume monthly transfers of Palestinian tax revenues and to begin clearing the arrearages in accordance with an agreed monitoring mechanism to ensure transparency and financial accountability. The resumption of monthly revenue transfers permitted the Ministry of Finance to submit a fully-financed 2003 budget that allows for the provision of necessary social and emergency services, financial support for Palestinian municipalities, and reductions in PA debt due the private sector and other institutions. It is of paramount importance that revenue transfers and return of arrearages continue on a regular basis. Equally, because tax revenues, including revenues collected by Israel, have declined substantially because of the conflict, it is critical that external budgetary support be sustained.

The Task Force on Palestinian Reform was established in London on July 10, 2002, to monitor and support implementation of Palestinian civil reforms, and guide the international donor community in its support for the Palestinians' reform agenda. Since its formation, the Task Force has worked with Palestinians to develop in greater detail the Reform Action Plan, which highlights Palestinian commitments, establishes benchmarks, identifies obstacles to reform, and proposes areas for donor assistance. The Task Force has done this by consulting directly with Palestinian executive and legislative officials, with Palestinian civil society, with the Israeli government, and with the donor community.

Day-to-day activities of the Task Force are undertaken through seven Reform Support Groups, composed of donor representatives working in the West Bank and Gaza, in the areas of Civil Society, Elections, Financial Accountability, Judicial and Rule of Law Reform, Market Economics, Local Government, and Public Administration and Civil Service Reform. The Reform Support Groups work with the Palestinian Authority to operationalize the reform plans, monitor implementation, and identify appropriate benchmarks to measure successful implementation of - and barriers that impede - reforms.

This meeting, chaired by the UN Special Coordinator, was the Task Force's fourth, having met previously in London on July 10, 2002, Paris on August 22-23, 2002, and in Jordan on November 14-15, 2002.



**INAUGURAL ADDRESS OF PRIME MINISTER OF MALAYSIA,  
MAHATHIR BIN MOHAMAD, IN HIS CAPACITY AS CHAIRMAN OF THE NON-  
ALIGNED MOVEMENT, OPENING CEREMONY OF THE XIII CONFERENCE  
OF HEADS OF STATE OR GOVERNMENT OF THE NON-ALIGNED MOVEMENT,  
KUALA LUMPUR, 24 FEBRUARY 2003 [EXCERPTS]**

On behalf of the Government and People of Malaysia, may I extend a very warm welcome to all of you to Kuala Lumpur to this XIII Summit of the Non-Aligned Movement.

[...]

15. If we care to think back, there was no systematic campaign of terror outside Europe until the Europeans and the Jews created a Jewish state out of Palestinian land. Incidentally terrorism was first used by the Haganah and the Irgun Zvai Leumi to persuade the British to set up Israel. The Palestinians were actually ejected from their homes and their country and forced to live in miserable refugee camps for more than 50 years now.

16. It is the struggle of the Palestinians to regain their land that has precipitated, first conventional wars, then civil protest and eventually violent demonstrations. The Israelis demanded European support to atone for European crimes against them in the past. In desperation the Palestinians finally resorted to what is described as acts of terror. Rightly, this is condemned by the world. But the world does not condemn as acts of terror the more terrifying acts of the Israelis; the massacres in Sabra and Shatila, the shooting and killing of children, the use of depleted uranium coated bullets, the bulldozing of Palestinian homes while the occupants are still in them, the helicopter gunships etc. And Israel is now threatening to use nuclear weapons.

17. This blatant double standards is what infuriates Muslims, infuriates them to the extent of launching their own terror attacks. If Iraq is linked to the Al Qaeda, is it not more logical to link the expropriation of Palestinian land and the persecution and oppression of the Palestinians with September 11? It is not religious differences which angered the attackers of the World Trade Centre. It is simply sympathy and anger over the expropriation of Palestinian land, over the injustice and the oppression of the Palestinians, and Muslims everywhere. If the innocent people who died in the attack on Afghanistan, and those who have been dying from lack of food and medical care in Iraq, are considered collaterals, are not the 3,000 who died in New York and the 200 in Bali also just collaterals whose deaths are necessary for the operations to succeed?

[...]

26. The fact is that the poor countries have been and are being oppressed and terrorised by the rich countries. Naturally the poor are bitter and angry and have lost faith in justice and honour. And the last straw which caused them to resort to futile and destructive terror attacks is the blatant support for state terrorism as practised by Israel and others. If Israeli terrorism is a response to Palestinian terrorism, then Palestinian terrorism, and terror acts by their sympathisers must be due to the expulsion of Palestinians from their land, the further occupation of Palestinian territory and the open support for Israeli intransigence and terrorism by the Europeans. But the developing countries must admit that we are also responsible for the mess the world is in today. We have not used our independence and freedom to develop our countries for the good of our people. Instead we have been busy overthrow-

ing our Governments, setting up new Governments which in turn would be overthrown. We have even killed our own people by the millions. And frequently, frustrated with anarchic democracy we resort to autocratic Governments, exposing ourselves to much vilification. [...]



## **PALESTINIAN AUTHORITY, AMENDED BASIC LAW, RAMALLAH, 18 MARCH 2003**

*[The following text was published in the Official Gazette on 19 March 2003.]*

*In The Name of God, The Merciful, The Compassionate*

### INTRODUCTION

#### PREAMBLE (EXPLANATORY MEMORANDUM) FOR THE AMENDED BASIC LAW

Based on Article (111) of the Basic Law, which provides that the Legislative Council has the authority to amend the Basic Law by securing a majority of two-third of its Members. The Council believes that it is necessary to amend the Basic Law, to allow the creation of the Prime Minister Position in the Palestinian National Authority, to transfer his authorities, jurisdiction, and all legal and political controls which regulate his work, as well as define and clarify the form of relationship that links him with the President of the Palestinian National Authority and the Legislative branch.

This amendment requires re-arrangement of some provisions of the original law. Accordingly, the Title which deals with the authorities of the President of the National Authority is now Title Three in the Amended law. On the other hand, the Title which deals with the Legislative branch has been moved under another title which is Title Four.

However, Article Five which deals with the Council of Ministers, includes the method of forming the cabinet by the Prime Minister, how it obtains the confidence of the Council, the authorities vested in the Council of Ministers and its head, and the form of the relationship between the Prime Minister and the President of the National Authority.

The Council decided during the review of the Amended Law that it is not necessary to add paragraphs or provisions that deals with Prime Minister's presentation of every thing related to the formation, resignation, or ousting the cabinet, to the President of the National Authority, on the basis that it is a political tradition, that does not necessitate putting it in a separate article in the text of the law.

Ahmed Qurei' (Abu Ala')  
Speaker Palestinian Legislative Council

### TITLE ONE

Article (1): Palestine is part of the large Arab World, and the Palestinian people are part of the Arab Nation. Arab Unity is an objective which the Palestinian People shall work to achieve.

Article (2): The People is the source of power, which shall be exercised through the legislative, executive, and judicial authorities, based on the principle of separation of powers, and in the manner set forth in this Basic Law.

Article (3): Jerusalem is the Capital of Palestine.

Article (4):

1. Islam is the official religion in Palestine. Respect and sanctity of all other heavenly religions shall be maintained.
2. The principles of Islamic Shari'a shall be the main Source of legislation.
3. Arabic shall be the official language.

Article (5): The governing system in Palestine shall be a democratic parliamentary system based on political and party pluralism. The President of the National Authority shall be directly elected by people. The Government shall be responsible before the President and the Palestinian Legislative Council.

Article (6): The principle of the rule of law shall be the basis of governing in Palestine. All authorities, powers, agencies, institutions and individuals shall be subject to law.

Article (7): Palestinian citizenship shall be regulated by law.

Article (8): The flag of Palestine shall be in four colors, and in accordance with the dimensions and measurement approved by the Palestinian Liberation Organization. It shall be the official flag of the country.

## TITLE TWO: PUBLIC RIGHTS & FREEDOMS

Article (9): All Palestinians are equal under the law and judiciary, without discrimination because of race, sex, color, religion, political views, or disability.

Article (10):

1. Basic human rights and freedoms shall be binding and respected.
2. The Palestinian National Authority shall work without delay to join regional and international declarations and covenants which protect human rights.

Article (11):

1. Personal freedom is a natural right, and shall be guaranteed and protected.
2. It is unlawful to arrest, search, imprison, restrict the freedom, or prevent the movement of, any person, except by judicial order in accordance with the provisions of law. The law shall specify the period pre-arrest detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organization of prisons.

Article (12): Every arrested person shall be informed of the reasons for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him. He shall have the right to contact a lawyer and to be tried without delay.

Article (13):

1. No person shall be subject to any duress or torture. Indictees and all persons deprived of their freedom shall receive proper treatment.
2. All statements or confessions obtained through violation of paragraph one of this article shall be considered null and void.

Article (14): The accused is innocent until proven guilty in a court of law that guarantees the right to defend himself. Any person accused in a criminal case shall have a lawyer to defend him.

Article (15): Punishment shall only be imposed upon individuals. Collective punishment is prohibited. Crime and punishment shall only be determined by law. Punishment shall be imposed only by judicial judgement, and shall apply only to actions committed after the promulgation of law.

Article (16): It is unlawful to conduct any medical or scientific experiment on any person without his prior legal consent. No person shall be subject to medical examination, treatment, or surgery, except in accordance with law. Transplantation of human organs, and other new scientific developments, which serve legitimate humanitarian purposes, shall be regulated by law.

Article (17): Homes shall be inviolable; thus, they shall not be subject to surveillance, entrance or search, except in accordance with a valid judicial order, and in accordance with the provisions of law. Any consequences resulting from violations of this article shall be considered invalid. Individuals



who suffer from such violation shall be entitled to fair compensation guaranteed by the Palestinian National Authority.

Article (18): Freedom of belief, worship, and performance of religious rituals are guaranteed, provided that they do not violate public order or public morals.

Article (19): Every person shall have the right to freedom of thought, conscience and expression, and shall have the right to publish his opinion orally, in writing, or in any form of art, or through any other form of expression, provided that it does not contradict with the provisions of law.

Article (20): Freedom of residence and movement shall be guaranteed within the limits of law.

Article (21):

1. The economic system in Palestine shall be based on the principle of free market economy. The Executive Authority may establish public companies which shall be organized in accordance with law.
2. The freedom of economic activity is guaranteed. The law shall organize its supervising rules and limitations.
3. Private property shall be protected and, shall not be expropriated except in the public interest, and for a fair compensation in accordance with the law, or pursuant to a judicial order.
4. Confiscation shall be in accordance with a judicial order.

Article (22):

1. Social, health, disability, and retirement insurance shall be regulated by law.
2. The welfare of families of martyrs', prisoners of war, the injured, and the disabled is a duty that shall be regulated by law. The National Authority shall guarantee them education, health services, and social insurance.

Article (23): Proper housing is a right for every citizen. The Palestinian National Authority shall secure housing for those without shelter.

Article (24):

1. Every citizen shall have the right to education. It shall be compulsory until at least the end of basic grades, and shall be free in public schools and institutes.
2. The Palestinian National Authority shall supervise all levels of education and its institutions, and shall strive to upgrade the educational system.
3. The Law shall guarantee the independence of universities, higher institutes, and scientific research centers, in a manner that guarantees the freedom of scientific research, as well as literary, artistic, and cultural creativity. The Palestinian National Authority shall encourage and support such creativity.
4. Private schools and educational institutions shall comply with the curriculum approved by the Palestinian National Authority, and shall be subject to its supervision.

Article (25):

1. Work is a right, duty and honor. The Palestinian National Authority shall strive to provide it to any individual capable of performing it.
2. Work relations shall be organized in a manner which guarantees justice to all workers, and provides security, health, and social insurance.
3. Organization of unions and guilds is a right which shall be regulated by law.
4. The right to conduct a strike shall be exercised within the limits of law.

Article (26): Palestinians shall have the right to participate in the political life individually and in groups. They shall have the following rights in particular:

1. To form, establish, and join political parties in accordance with the law.
2. To form and establish unions, guilds, associations, societies, clubs, and popular institutions in accordance with the law.
3. To vote and nominate for election, representatives among them by ballot in accordance with the law.

4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct special meetings without the presence of police members, and to conduct public meetings, processions, and assemblies, within the limits of law.

Article (27):

1. Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. However, their financing resources shall be subject to law.
2. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute, transmit, together with the freedom of individuals working in this field, is guaranteed by this Basic Law, and other related laws.
3. Censorship on media shall be prohibited. No warning, suspension, confiscation, cancellation, or restrictions shall be imposed on media except by law, and in accordance with a judicial ruling.

Article (28): No Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of his (citizenship), or surrendered to any foreign entity.

Article (29): Maternity and childhood welfare is a national duty. Children shall have the right to:

1. Comprehensive protection and welfare
2. Not to be exploited in any purpose whatsoever, and shall not be allowed to perform works which might damage their safety, health, or education.
3. Protection from harm and cruel treatment
4. Law prohibits beating children and treating them cruelly by their relatives.
5. Shall be segregated in case they are sentenced, form adults, and be treated in a manner which is appropriate to their age and rehabilitation.

Article (30):

1. Litigation is a protected and guaranteed right to all people. Each Palestinian shall have the right to find sanctuary in the legal system. Litigation procedures shall be organized by law to guarantee prompt settlement of cases.
2. Laws shall not make any decision or administrative work immune against judicial control.
3. Judicial mistakes shall result in compensation by the National Authority. Conditions and methods of such compensation shall be regulated by law.

Article (31)

An independent commission for human rights shall be established by law, which will specify its formation, duties, jurisdiction. The Commission shall submit its reports to the President of the National Authority, and to the Palestinian Legislative Council.

Article (32): Each aggression committed against any personal freedom, against private life of human being, or against any of rights or freedom, which have been guaranteed by the law or by this basic law, shall be considered as a crime. Criminal and civil case resultant from such infringement shall not be subject to any status of limitation. The National Authority shall guarantee fair indemnity for those who suffered from such damages.

Article (33): A balanced and clean environment is one of the human rights. The preservation and protection of the Palestinian environment from pollution, for the sake of present and future generation, is a national duty.

**TITLE THREE: THE PRESIDENT OF THE PALESTINIAN NATIONAL AUTHORITY**

Article (34): The President of the Executive Authority shall be elected in a general and direct elections by the Palestinian People in accordance with the Palestinian Election Law.

Article (35): Before assuming office, the President shall take the following oath before the Legislative Council, and in the presence of the Speaker of the Palestinian National Council, the Chief of Supreme

Court “I swear to God, The Almighty to be faithful to the Homeland and to its sacred places, to the people and its national heritage, to respect the Constitutional system and the law, and to safeguard the interests of the Palestinian people completely, as God is my witness”.

Article (36): The term of the Presidency of the National Authority shall be the Transitional “Interim” Phase, after which the President shall be elected in accordance with law.

Article (37):

1. The office of the President shall be considered vacant in any of the following cases:
  - a. Death
  - b. Resignation submitted to the Palestinian Legislative Council if accepted by two thirds of its Members.
  - c. Considered legally incompetent, as per a ruling issued by the Supreme Constitutional Court, and subsequently approved by two thirds of the Palestinian Legislative Council Members.
2. If the office of the President of the National Authority becomes vacant due to any of the above cases, the Speaker of the Palestinian Legislative Council shall temporarily assume the powers and duties of the Presidency of the National Authority, for a period not to exceed (60) sixty days, during which free and direct elections to elect a new president shall take place in accordance with the Palestinian Elections Law.

Article (38): The President of the National Authority shall exercise his executive powers and missions as specified in this law.

Article (39): The President is the Commander-in-Chief of the Palestinian Forces.

Article (40): The President of the National Authority shall appoint and terminate the services of the National Authority’s representatives at foreign countries, international organizations and foreign agencies. Further, the President shall accept the credentials of foreign representatives at the Palestinian National Authority.

Article (41):

1. The President of the National Authority shall promulgate laws after being ratified by the Palestinian Legislative Council within (30) thirty days from referring them to him. Otherwise, the President shall return the laws to the Council within the same specified period, together with his comments and objections, or else, the laws shall be considered approved and promulgated immediately in the Official Gazette.
2. If the President of the National Authority returns the proposed law to the Legislative Council, within the deadline and conditions mentioned in the previous paragraph, the Council shall debate again. However, if the Council passes it again with a two third majority, the proposed law shall be considered ratified and shall be immediately published in the Official Gazette.

Article (42): The President of the National Authority has the right to pardon or commute sentences. General amnesty, or amnesty of a crime, however, shall not be granted except through a law.

Article (43): The President of the National Authority shall have the right in exceptional cases, which can not be delayed, and while the Legislative Council is not in session, to issue decisions and decrees that have the power of law. However, the decisions issued shall be presented to the Legislative Council in the first session convened after their issuance, otherwise they will cease to have the power of law. If these decisions were presented as mentioned above, but were not approved, then they shall cease to have the power of law.

Article (44): The President’s salary, allowances and compensations shall be determined by a law.

Article (45): The President of the National Authority shall select the Prime Minister, and task him to form his government. The President shall have the right to remove him, and to accept his resignation, as well as ask him to invite the Council of Ministers to convene.

Article (46): The Council of Ministers shall assist the President in the performance of his duties and the exercise of his powers in the manner stipulated in this Basic Law.

#### TITLE FOUR: THE LEGISLATIVE AUTHORITY

Article (47):

1. The Palestinian Legislative Council is the elected legislative authority.
2. Without prejudice to the provision of this law, the Legislative Council shall assume its legislative and oversight duties, as prescribed in its Standing Orders.
3. The term of this Council shall be the interim period.

Article (48):

1. The Legislative Council shall be composed of 88 Members elected in accordance with law.
2. If the position of one Member or more became vacant due to death, resignation, or loss of legibility, elections shall be conducted in the concerned constituency, to elect a successor, in accordance with law.

Article (49): Before commencing work or assuming, every Member shall swear the following oath before the Council: - "I swear by Allah The Almighty to BE faithful to the Homeland, to preserve the rights and interests of the people and nation, to respect law, and perform my duties in the best manner, as Allah is my witness".

Article (50): In its first meeting, the Council shall elect a Speaker, two deputies, and a Secretary General; in all they shall makeup the Presidency Office of the Council. It is not allowed to combine between Membership in the Presidency office of the Legislative Council, the Presidency of the Executive Authority, and membership in the Cabinet, or any other governmental position.

Article (51): The Council shall accept the resignation of its Members, and establish its own Standing Orders, as well as rules of questioning its Members, in a way which does not contradict with the provisions of this Basic Law, or with the general constitutional principles. The Council shall be solely responsible for maintaining order and security during sessions and meetings of its committees. Security men shall not be present in the Council, unless requested by the Speaker, or by the Head of the Committee according to the situation.

Article (52): The President of the Palestinian National Authority shall open the first ordinary session of the Council and deliver his opening statement.

Article (53):

1. Members of the Council shall not be questioned, through either a civil or criminal procedure, because of the opinions they express, facts they mentions, or votes in the Council's sessions and Committees' meetings, or because of any action they undertake outside the Council in the course of their functions as Members, to enable them perform their parliamentary mission.
2. No Members shall be disturbed in any manner, nor shall any search be made of his luggage, house, place of residence, car, or office, and in general any real estate or transferable property, throughout the period of immunity.
3. No Member of the Legislative Council shall be asked during the period of membership or subsequently, to testify on any subject related to his actions or statements or information he obtained as a result of his membership on the Council, unless he agrees to do so, and as per the prior consent of the Council.
4. No penal measures shall be taken against any Member of Legislative Council, unless the Member is found red-handed "Flagrante delicto". However, the Council shall be notified immediately about the measures taken against the Member, so that the Council shall take the proper action in this regard. The Office of the Council shall assume this responsibility if the Council is not convened.
5. The Member of the Legislative Council shall not relinquish his immunity without a prior permission of the Council. Immunity shall not be dropped after ceasing to be a Member of the Council, within the limits which have been included during the membership period.

Article (54):

1. The Member of the Legislative Council shall not exploit his membership, in any other type of private business, or in any manner whatsoever.
2. Every Member of the Legislative Council shall present a financial statement for himself, his wife, his dependent "minor" children, detailing their wealth to include real estate, transferable property inside Palestine and abroad, and their debts. This declaration "Statement" shall be kept in a sealed and classified envelope at the Supreme Court of Justice, and shall not be disclosed unless approved by the Court, and within the limits it allows.

Article (55): The Member of the Legislative Council shall receive a monthly salary determined by law.

Article (56): Each Member of the Council shall have the right to:

1. Submit to the Executive branch all necessary and legitimate requests, which will enable him exercise his parliamentary duties.
2. Propose laws. Rejected proposals shall not be resubmitted within the same term of the period of the year.
3. Address inquiries and interrogatories to the Government or to any Minister, or alike. Interrogatories shall be discussed only seven days after submission, unless the addressee agrees to reply promptly or within a shorter notice. However, this period can be curtailed to three days in case of urgency as per the approval of the President of the National Authority.

Article (57):

1. Ten Members of the Council may submit a request after the interrogation, to withdraw confidence from the Government or from any Minister. However, voting on such request shall be at least three days after submission. A decision shall be issued by a majority vote of the Council's Members.
2. The withdraw of confidence shall result in terminating the term of the party in whom confidence was lost.

Article (58): The Council may form special committee, or entrust one of its committees to conduct information-gathering and fact-finding in any public matter, or in any public institution.

Article (59): The Legislative Council shall approve the General Development Plan. The law shall determine the way to prepare and present the Plan to the Council.

Article (60): The law shall regulate the specific provisions regarding the preparation, approval of the general budget, and spending of funds appropriated in it, as well as the attached budgets, developmental budgets, the budgets of public institutions and commissions, and the budget of every project in which the government's investment comprises at least 50% of its capital.

Article (61): Taking into consideration the provisions of Article (90) of this Basic Law:

1. The Government shall present the budget proposal to the Legislative Council at least two months before the beginning of the fiscal year.
2. The Legislative Council shall convene a special session to discuss the annual budget proposal. It either ratifies it prior the start of the new fiscal year, or send it back to the government in a period not exceeding one month from the date of receipt. The returned budget shall include the Council's comments, in order to complete the necessary requirements and return it to the Council for approval. 25
3. Voting on the general budget, in the Council, shall be chapter by chapter.
4. Transfer of funds among the budget's chapters is not permitted, unless there is an agreement between the Legislative Council and the Executive branch in this concern.

Article (62): The final accounts of the National Authority's budget shall be presented to the Legislative Council no later than one year from the end of the fiscal year. The Council shall vote on the final accounts chapter by chapter.

#### TITLE FIVE: THE EXECUTIVE AUTHORITY

Article (63): The Council of Ministers (Government) is the highest executive and administrative tool, which shoulders the responsibility of implementing the program that has been approved by the Legislative

branch. Except the executive jurisdictions of the President of the National Authority as specified in the Basic Law, the Executive and administrative powers, shall be the jurisdiction of the Council of Ministers.

Article (64):

1. The Cabinet shall comprise of a Prime Minister and a number of Ministers not to exceed Twenty-Four ministers.
2. The decision of appointment shall specify and determine the Ministry that each Minister shall be assigned to.

*Formation of the Cabinet*

Article (65):

1. Once entrusted by the President of the Palestinian National Authority, the Prime Minister shall form his government within three weeks from the date of entrustment. He shall have the right to have an extension of a maximum of two weeks only.
2. If the Prime Minister fails to form his government within the said deadline, or did not obtain the confidence of the Legislative Council, then the President of the National Authority, shall replace him within two weeks from the date of failure, or from the date of the confidence session. Provisions contained in the above clause (1) shall apply on the new prime minister.

*Confidence in the Government*

Article (66):

1. Once the Prime Minister selects the members of his government, he shall submit a request to the Legislative Council to hold a special session for vote of confidence. Vote of confidence shall take place after listening and discussing the written ministerial statement, which specifies the program and the policies of the government. However, the session shall be held no later than one week from the date of submission of such request.
2. The vote of confidence shall be collectively for the Prime of Minister and members of his government, unless the Legislative Council decides otherwise by absolute majority.
3. Confidence shall be granted to the government, if it obtains the absolute majority of the PLC Members.

Article (67): After obtaining the confidence, and before assuming their offices, the Prime Minister and members of his government shall take the constitutional oath stipulated in Article (35) of this Basic Law, before the President of the National Authority.

*Jurisdiction of the Prime Minister*

Article (68): The Prime Minister shall exercise the following:

1. Formation, modification of the Council of Ministers, remove or accept resignation of any member of it, or fill the vacant position.
2. Call the Council of Ministers for weekly meeting, when necessary, or upon a request from the President of the National Authority, as well as putting its agenda.
3. Presiding the sessions of the Council of Ministers
4. Manage whatever related to the affairs of the Council of Ministers.
5. Oversee the work of Ministers and public institutions, which belong to the government.
6. Issue necessary decisions within his jurisdiction in accordance with law
7. Signing regulations approved by the Council of Ministers.
8. The Prime Minister shall appoint one of his ministers as a deputy for him, in order to assume his duties in his absence.

*Jurisdictions of the Council of Ministers*

Article (69): The Council of Ministers shall have the following jurisdiction:

- 1) Devise the general policies within the limits of its jurisdiction, and in light of the Ministerial program approved by the Legislative Council.
- 2) Implement the general policies set forth by the concerned Palestinian authorities.
- 3) Prepare the general budget to be presented to the Legislative Council.

- 4) Prepare the administrative apparatus, develop its structures, and provide it with all necessary means, as well as supervising and following it up.
- 5) Follow up the implementation of laws, and ensure compliance with their provisions, as well as take necessary actions in this regard.
- 6) Supervise the performance of different Ministries and all other components of the administrative apparatus, for their duties and functions, and coordinating between them
- 7) The Responsibility to maintain public order and internal security
- 8) Discuss suggestions with various entities, which are related to above clause (6 and 7), and their policies with regard to implementation of their jurisdictions.
- 9) a. Establishment or cancellation of agencies, institutions, commissions, and similar administrative units, which belong to the executive apparatus of the government, provided that each shall be regulated by law  
b. Appoint Heads of Institutions and agencies mentioned above in item (a), and supervise them in accordance with the provisions of law.
- 10) Specify the jurisdictions of all ministries, agencies and institutions, which report to the Executive branch, and others of similar status.
- 11) Any other Jurisdictions or responsibilities assigned to it, in accordance with the provisions of law.

Article (70): The Council of Ministers shall have the right to propose laws to the Legislative Council, issue regulations, and take necessary actions to implement laws.

Article (71): Every Minister shall exercise the following powers and functions within his Ministry:

- 1) Propose the general policy of his Ministry and supervising its implementation after approval.
- 2) Supervise the conduct of business in his Ministry, and issue necessary instructions thereof.
- 3) Implement the general budget within the funds appropriated for his Ministry.
- 4) Propose bills and legislation related to his Ministry and present them to the Council of Ministers.
- 5) The Minister may delegate some of his powers to the Deputy Minister, or other senior officers in his Ministry within law.

Article (72): Every Minister shall submit detailed reports to the Council of Ministers on the activities, policies, plans and achievements of his Ministry in comparison with the objectives specified for his Ministry within the framework of the General Plan, and on his Ministry's proposals and recommendations concerning its future policies. These reports shall be submitted regularly every three months, so that the Council of Ministers remains well informed, and has sufficient information about the activities and policies of each Ministry.

#### *Meetings of the Council of Ministers*

Article (73):

1. By Invitation from the Prime Minister, the Council of Ministers shall meet periodically every week, or when necessary. Persons other than ministers shall not attend these meetings, unless there is a prior invitation from the Prime Minister.
2. The meetings of the Council of Ministers shall be documented.

#### *Responsibilities of the Prime Minister and Ministers*

Article (74):

1. The Prime Minister is responsible before the President of the National Authority about his actions and the actions of his government.
2. Ministers are responsible before the Prime Minister, each within his jurisdiction, and for the actions of his ministry.
3. The Prime Minister and members of his government are jointly and individually responsible before the Legislative Council.

Article (75):

1. The President of the National Authority shall have the right to refer the Prime Minister to investigation as a result of crimes committed by him during, or due to his performance of his duties, in accordance with the provision of law.

2. The Prime Minister shall have the right to refer any Minister to investigation based on any of the reasons mentioned in the above clause (1), in accordance with the provisions of law.

Article (76):

- 1) Any accused Minister shall be suspended from performing his duties immediately upon the issuance of indictment. The termination of his service, shall not prevent the continuation of the investigation and follow-up procedures against him.
- 2) The Attorney General, or whoever represents him from the prosecutor's offices, shall assume the investigation and indictment procedures. A Minister's trial shall be conducted before the concerned court, and shall follow the provisions and rules prescribed in the Penal Code and in the Criminal Procedures Law.
- 3) The above provisions shall apply to Deputy Ministers, Assistant Ministers, and the like as well.

*Vote of No Confidence*

Article (77):

1. Ten Members of the Legislative Council may submit a request to the Speaker to hold a special session to withdraw confidence from the Government or from any Minister after investigating him.
2. The date of the first session shall be specified three days after the date of submitting the request. However, the session shall not be later than two weeks from that date.

Article (78):

1. A vote of no confidence in the Prime Minister and his government shall require absolute majority of the PLC's Members.
2. A vote of no confidence in the Prime Minister and his government shall result in the termination of their term.
3. Upon the completion of the term of the Prime Minister and his government, they will temporarily exercise their work, as a winding up government, during which they will make decisions only to run the executive work, until a new government is formed.

Article (79):

1. The President of the National Authority, shall in case the Legislative Council has a vote of NO confidence by absolute majority, on the Prime Minister, or on him and members of his government collectively, provide a replacement within a period not to exceed two weeks from the date of the vote of no confidence. The New Prime Minister shall be subject to the provisions of this Title.
2. In case the Legislative Council has a vote of no confidence on one or more members of the government, the Prime Minister shall provide a replacement in the next session, provided that it shall not exceed two weeks from the date of the no confidence session.
3. a. Any addition or change that affect a portfolio, a minister, or more shall be considered a shuffle, as long as it did not affect one-third of their number.  
b. Upon a cabinet shuffle, addition of a minister, or filing a vacancy, for any reason, the new ministers shall be presented for a vote of confidence in the very first session of the Legislative Council, within a period not to exceed two weeks from the date of the shuffle, or vacancy, in order to obtain confidence, in accordance with the provisions of this article.
4. The Prime Minister and any of the Ministers shall not assume the duties of their positions until they obtain the confidence of the Legislative Council

*Financial Liability of Members of Council of Ministers*

Article (80):

1. The Prime Minister and each Minister shall submit a financial report for himself, his wife, and dependent "minor" children, detailing what they own in real estate, transferable property, stocks, bonds, cash money, and debts, whether inside Palestine or abroad, to the President of the National Authority, who shall make the necessary arrangements to keep its secrecy. Such information shall be kept in a confidential manner, and will be disclosed only by a permit issued by the Supreme Court when necessary.
2. The Prime Minister, and each Minister shall not purchase or lease any thing from government property, or from any legal or juridical personality, or to have a financial interest in any contract concluded with governmental or administrative entities, nor may they, during their terms in office,



be Board Members in any company, or practice commerce or any other profession, or receive a salary or any other financial rewards or remuneration from any person in any capacity, other than the one salary determined for the Minister and its allowances.

*Remuneration and Allowances of Prime Minister and Ministers*

Article (81): Remunerations and allowances of the Prime Minister, Ministers, and the like, shall be determined by law.

Article (82): The appointed Prime Minister or Minister shall be a Palestinian who enjoys full civil and political rights.

Article (83): The Government shall be considered resigned and shall be re-formed in accordance with the provisions of this Title in the following cases:

1. Upon the commencement of a new term of the Legislative Council.
2. After vote of no confidence against the Prime Minister, the Prime Minister and his government, or at least one-third of the number of Ministers.
3. Any addition, change, vacancy, or removal that involves at least one-third of the Council of Ministers.
4. Death of the Prime Minister.
5. Resignation of the Prime Minister, or resignation of at least one-third of the government members.
6. Removal of the Prime Minister by the President of the National Authority.

*Security Forces and Police*

Article (84):

- 1) Security Forces and the Police are a regular force. It is the armed force in the country, its function is to defend the country, serve people, protect the community and maintain public order, security and morals. It shall perform its duties within the limits prescribed by law, with complete respect to rights and freedoms.
- 2) Security Forces and the Police shall be regulated by law.

*Local Administration*

Article (85): The country shall be organized, by law, into local administrative units enjoying juridical personality. Each unit shall have a council elected directly as prescribed by law. The law shall specify the jurisdiction of the administrative units, their financial resources, their relations with central authority, and their role in the preparation and implementation of development plans. Further, the law shall specify the aspects of oversight over these units, and their various activities. Demographic, geographical, economical, and political parameters shall be taken into consideration at the time of dividing the country administratively, to provide for the integrity and unity of soil of the country, and interests of communities in it.

*Public Administration*

Article (86): Appointment of all public officials and government staff, and conditions of their employment shall be in accordance with law.

Article (87): All affairs related to civil service shall be regulated by law. The Civil Service Bureau shall in coordination with concerned governmental entities, upgrade and improve public administration. Further, the opinion of Civil Service Bureau shall be taken into consideration upon drafting legislation, laws, and regulations which deal with public administration and its staff.

*General Finance*

Article (88): Public taxes and duties shall not be imposed, amended, and repealed except through law. No one shall be totally or partially exempted from paying these taxes, except in circumstances prescribed by law.

Article (89): The law shall state the provisions concerning the collection of public funds and the procedures for spending therefrom.

Article (90): The beginning and the end of the fiscal year, and the general budget shall be regulated by law. If the general budget was not approved by the beginning of the new fiscal year, expenditure shall continue on the basis of monthly allocation of 1/12 of the fiscal year's budget.

Article (91):

- 1) All revenues received, including taxes, duties, loans, grants, and profits accrued to the Palestinian National Authority from managing its property or activities, shall be paid to the Public Treasury. No part of the Public Treasury funds shall be allocated or spent for any purpose whatsoever except in accordance with the law.
- 2) In accordance with the provisions of law, the Palestinian National Authority may form a strategic financial reserve to encounter fluctuations and emergency situations.

Article (92): Public loans shall be enacted by law. It is not allowed to engage in a project that requires spending funds from the Public Treasury during the next period, unless approved by the Legislative Council.

Article (93):

- 1) The law shall regulate the special rules related to the monetary authority, banks, financial papers (securities) market, foreign exchange and insurance companies, and all financial and credit institutions.
- 2) The Governor of the Monetary Authority shall be appointed per a resolution issued by the President of the National Authority, and endorsed by the Palestinian Legislative Council.

Article (94): The law shall specify the rules and special procedures for granting privilege or obligations related to the utilization of natural resources and public facilities. The law shall also explain the ways of dealing with state-owned real estate and other public and legal characters, or the rules and procedures organizing them.

Article (95): The law shall specify the rules for granting wages, salaries, compensations, subsidies, and rewards incurring on the state's treasury. The law shall also regulate the entities responsible for their implementation. Further, no exceptional funds shall be spent unless within the limits specified legally.

Article (96):

1. A Financial and Administrative Auditing Bureau shall be established by law, to provide financial and administrative oversight on all entities of the Authority, to include monitoring the collection of public revenues, and spending therefrom within the limits of the general budget.
2. The Bureau shall submit to the President of the National Authority, and to the Legislative Council an annual report - or upon request - about its works and observations.
3. The Chief of the Financial and Administrative Bureau shall be appointed through a decision issued by the President of the National Authority, and endorsed by the Legislative Council.

## TITLE SIX: THE JUDICIARY BRANCH

Article (97): The Judiciary branch shall be independent, and shall be assumed by the different types and level of courts. The structure, jurisdiction, and rulings of the courts shall be in accordance with law. The rulings shall be announced and executed in the name of the Palestinian Arab People.

Article (98): Judges shall be independent, and shall not be subject to any authority other than the authority of law while exercising their duties. No other authority may interfere in the judiciary or in the justice affairs.

Article (99):

- 1) Appointment, transfer, secondment, delegation, promotion, and questioning of judges shall be as prescribed in the Judiciary Law.
- 2) Judges can not be dismissed and their services can not be terminated unless as stipulated in the Judiciary Law.

Article (100): A Supreme Judicial Council shall be created. The law shall specify the method of its formation, jurisdiction, and operating rules. The Council shall be consulted about draft laws which regulate any affairs of the Judiciary branch, to include Public Prosecution.

Article (101):

- 1) Shari'a affairs and personal status shall be assumed by Shari'a and religious courts in accordance with law.
- 2) Military Courts shall be established by special laws. Such courts shall not have any jurisdiction beyond military affairs.

Article (102): Administrative Courts may be established by a law to look through administrative disputes and disciplinary claims. The other jurisdictions of such court, and procedures followed before it shall be specified by law.

Article (103):

- 1) A High Constitutional Court shall be established by law to ensure:
  - a. The constitutionality of laws, regulations, rules, and others.
  - b. Interpretation of the Basic Law and legislations.
  - c. Settle jurisdiction disputes which arise between judicial entities and administrative entities that have judicial jurisdiction.
- 2) The law shall specify the way the High Constitutional Court is structured and formed, operating procedures to be followed, and the impact resultant from its rulings.

Article (104): The Supreme Court shall temporarily assume all duties assigned to the administrative court and to the High Constitutional Court, unless they are within the jurisdiction of other judicial entities in accordance with applicable laws.

Article (105): Courts hearings shall be public unless a court decides to make them secret due to considerations related to public order or public morals. In all cases, ruling "sentence" shall be pronounced in a public hearing.

Article (106): Judicial rulings shall be implemented. Abstention or suspension of implementation in any manner shall be considered a crime that qualifies for imprisonment, or dismissal from position, if the accused individual is a public official or servant. The Plaintiff may file his case directly at the concerned court, and the National Authority shall guarantee a full compensation for him.

*Public Prosecution*Article (107)

- 1) The Attorney General shall be appointed through a decision issued by the President of the National Authority, based on a recommendation submitted by the Supreme Judicial Council, and endorsement of the Legislative Council.
- 2) The Attorney General shall handle and assume public cases in the name of the Palestinian Arab People. The jurisdiction, functions and duties of the Attorney General shall be specified by law.

Article (108):

- 1) The jurisdiction, functions, structure, and composition of the Public Prosecution shall be regulated by law.
- 2) The appointment, transfer, removal, and questioning conditions of members of Public Prosecution, shall be specified by law.

Article (109): Execution sentence issued by any court shall not be implemented unless endorsed by the President of the Palestinian National Authority.

TITLE SEVEN: PROVISIONS OF THE STATE OF EMERGENCYArticle (110):

- 1) The President of the National Authority may declare a state of emergency by a decree when there is a threat to national security caused by war, invasion, armed insurrection, or at a time of natural disaster for a period not to exceed thirty (30) days.
- 2) The emergency state may be extended for another period of thirty (30) days after the approval of two thirds of the Legislative Council Members.

- 3) The decree declaring a state of emergency shall state its purpose, the territory to which it applies, and its duration.
- 4) The Legislative Council shall have the right to review all or some of the procedures which have been implemented during the emergency state at the first session to be convened after the announcement of the state of emergency, or in the extension session whichever comes earlier, and to conduct the necessary questioning in this regard.

Article (111): It is not allowed, when declaring a state of emergency, to impose restrictions on the basic rights and freedoms, except to the level that is necessary to achieve the objective stated in the decree that announces the state of emergency.

Article (112): Any arrest resultant from the declaration of emergency situation shall be subject to the following minimum requirements:

- 1) Any detention done in accordance with the decree of the emergency situation, shall be reviewed by the Attorney General, or by the concerned court during a period not exceeding fifteen (15) days from the date of detention.
- 2) The detained “arrested” individual shall have the right to appoint a lawyer of his choice.

Article (113): The Palestinian Legislative Council shall not be dissolved or suspended during the emergency situation, nor shall the provisions of this chapter be suspended.

Article (114): All provisions which regulate emergency states implemented in Palestine prior the implementation of this Basic Law shall be canceled, to include the mandate civil defense (Emergency) regulations issued in 1945.

#### TITLE EIGHT GENERAL & TRANSITIONAL PROVISIONS

Article (115): The provisions of this Basic Law shall apply during the interim period, and can be extended until the implementation of the new constitution of the Palestinian State.

Article (116): Laws shall be promulgated in the name of the Palestinian Arab People, and shall be published immediately in the Official Gazette. These laws shall come into force 30 days from the date of their publication unless the laws state otherwise.

Article (117): The provisions of laws shall apply only to matters occurring as from the date on which they came into force. However, it can be stated otherwise in articles that are not punitive.

Article (118): Law, regulations and decisions in force in Palestine before the implementation of this law, shall remain in force to the extent that they do not conflict with the provisions of this Basic Law, until they are amended or repealed in accordance with law.

Article (119): Everything in contradiction with the provisions of this Amended Basic Law shall be repealed.

Article (120): The provisions of this Basic Law shall not be amended except with two thirds majority of the Members of the Legislative Council.

Article (121): This Amended Basic Law shall be effective as of publishing it in the Official Gazette.

Issued in Ramallah City on March 18, 2003 Corresponding to Muharam 15, 1424 h.

Yasser Arafat  
Chairman of the Executive Committee of the Palestinian Liberation Organization  
President of The Palestinian National Authority



## JOINT STATEMENT BY THE QUARTET ENVOYS, LONDON, 19 FEBRUARY 2003

Representatives of the Middle East Quartet - the United States, the Russian Federation, the European Union, and the United Nations - met at the Envoys level in London February 19 to review the current situation in the Israeli-Palestinian conflict and prospects for giving new impetus to peace efforts. They expressed very serious concern at the continuing acts of violence and terror planned and directed against Israelis, and at Israeli military operations over the past several days in the West Bank and Gaza which led to Palestinian civilian fatalities. The Envoys discussed the next steps toward the adoption and implementation of the Quartet's Road Map, as it is the means for progress toward the vision described by President Bush on June 24, 2002: two democratic states living side by side in peace. They reaffirmed that the Road Map should be formally adopted and presented to the parties as soon as possible.

The Quartet envoys reaffirmed the call of the Quartet principals in Washington on December 20 for an immediate, comprehensive cease-fire. All Palestinian individuals and groups must end all acts of terror against Israelis, in any location.

The Envoys reiterated their call for the Palestinians to build credible institutions to prepare for statehood and welcomed the Palestinians' decision to appoint a Prime Minister as a significant step. The Envoys underscored the importance of appointing a credible and fully empowered Prime Minister. They urged the immediate convening of the relevant legislative and executive Palestinian bodies to exercise their authority in this regard, and called on the Government of Israel to facilitate these meetings. The Quartet also encouraged the Palestinians to continue the process of preparing a constitution that would form the basis for a strong parliamentary democracy. Noting Israel's important role in facilitating the Palestinian reform process, they recognized the positive effect of the resumption of monthly revenue transfers and return of outstanding arrears. Likewise, the Quartet Envoys emphasized Israel's obligation, consistent with legitimate security concerns, to do more to ease the dire humanitarian and socio-economic situation in the West Bank and Gaza, including facilitating freedom of movement and access, alleviating the daily burdens of life under occupation, and respecting the dignity of Palestinian civilians. They welcomed the opportunity for direct discussions between the donor community and Israelis and Palestinians to address this critical issue."

The Higher Coordination of Assistance affirmed its commitment to continue the financial support to put an end to the deterioration of the living conditions in the West Bank and Gaza Strip and to continue supporting the PA in its efforts to build the necessary institutions for the state. The donors stressed their commitment to make sure that the resources of the donors will work in the most effective manner and to be disbursed in coordination with the PA. Meanwhile, the EU official Solana and British FM Straw called for publishing the Roadmap quickly. During a joint press conference, Straw announced: We are all in agreement inside the EU on the importance of publishing the roadmap which got the support of US President Bush on December 20, during the meeting of the Quartet Committee and we are waiting very patiently to see the roadmap published as soon as possible. Solana said: We prefer to see the publishing of the roadmap as soon as possible.



### CONSTITUTION OF THE STATE OF PALESTINE, THIRD REVISED DRAFT, 25 MARCH 2003

*[Under internal and external pressure for reforms, the PA drafted a democratic constitution, incl. the creation of the post of PM, as demanded also by the Quartet. The draft was revised on 25 March.]*

Special gratitude and appreciation to:  
H.E. President Husni Mubarak President of the A.R. of Egypt  
Minister Rafiq El Hariri Prime Minister of Lebanon

H. Royal Highness Prince Sa'ud Al Faysal Foreign Minister of K. S. Arabia  
Mr. Amr Moussa General Secretary League of Arab States

Dr. Ismat Abdel Magid Former G.S. League of Arab States  
For their support, directives and backing to draft the Constitution of the State of Palestine.

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Dr. Nabeel Ali Shaath

Drafting Sub-Committee:

Deputy to the Constitution Committee;  
Chairman of the Drafting Sub-Committee:

Professor Ahmad Mubarak Al-Khalidi  
Secretary-General of the Drafting Sub-Committee:

Dr. Ali Khashshan  
Prof. Fathi El Wahidi  
Dr. Abdel Rahman Abu El Naser  
Dr. Khaled Erikat

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Ms. Zahira Kamal  
Ms. Samia Bamyeh  
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Mr. Shawqi Al Issa  
Mr. Salah Abdel Shafi  
Mr. Adnan Abu Layla  
Mr. Azmi Al Shu'eibi  
Mr. Kays Abu Layla  
Mr. Majde El Khaldi  
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Mr. Muhammad Abu Ramadan  
Mr. Muhammad Al Masrouji  
Mr. Mustafa Al Barghuti  
Mr. Nahedh Al Rayes  
Dr. Nabil Al Ja'bari  
Dr. Nabil Qassis  
Mr. Nassar Nassar  
Judge. Eugene Katran  
Ms. Yula Haddadin

## PREFACE

The executive committee of the Palestinian Liberation Organization, having renewed the instructions of the Palestinian National Council for the establishment of a special committee to prepare the Constitution of the State of Palestine, the Constitution Committee has proceeded to accomplish what had been initiated in 1999. After great effort, with over two hundred meetings, workshops and discussions, the committee for the preparation of the Constitution, in cooperation with the civil society, academics and politicians, had achieved by the end of December 2000 the first draft of the Constitutional project of the State of Palestine. It was published in February 2001.

This is the third draft, which has been compiled by amending and reformulating the first and the second draft, having taken into consideration comments and suggestions from Palestinian, Arab and international legal experts, in addition to academics and personalities from the civil society in Palestine and the Diaspora.

This third draft will be widely distributed to enable a greater number of persons to study it and participate in improving the drafting thereof by suggesting amendments, deletions or additions to obtain a valid draft that would be presented to the Palestinian Central Council when conditions will enable it to convene.

This draft was submitted and expounded to the Palestinian Central Committee on March 9 2003. In response to the queries of the participants, Dr. Nabeel Sha'ath, head of the drafting committee gave complete clarification. The Council approved the draft and voiced appreciation for the work of the committee, its experts and advisors. It extended gratitude to the personalities and countries that participated in support of this project and effort. It advised the committee to pursue its work and discuss with the legal committee of the Central Council and other committees to discuss this draft in view of its final discussion and approval at the next Central Committee meeting.

## CHAPTER ONE: GENERAL FOUNDATIONS OF THE STATE

Article (1): The State of Palestine is a sovereign, independent republic. Its territory is an indivisible unit based upon its borders on the eve of June 4, 1967, without prejudice to the rights guaranteed by the international resolutions relative to Palestine. All residents of this territory shall be subject to Palestinian law exclusively.

Article (2): Palestine is part of the Arab nation. The state of Palestine abides by the charter of the League of Arab States. The Palestinian people are part of the Arab and Islamic nations. Arab unity is a goal, the Palestinian people hopes to achieve.

Article (3): Palestine is a peace loving state that condemns terror, occupation and aggression. It calls for the resolution of international and regional problems by peaceful means. It abides by the Charter of the United Nations.

Article (4): Jerusalem is the capital of the state of Palestine and seat of its public authorities.

Article (5): Arabic and Islam are the official Palestinian language and religion. Christianity and all other monotheistic religions shall be equally revered and respected. The Constitution guarantees equality in rights and duties to all citizens irrespective of their religious belief.

Article (6): The Palestinian flag, motto, seals, emblems, and national anthem shall be determined by law.

Article (7): The principles of Islamic Shari'a are a major source for legislation. Civil and religious matters of the followers of monotheistic religions shall be organized in accordance with their religious teachings and denominations within the framework of law, while preserving the unity and independence of the Palestinian people.

Article (8): The Palestinian political system shall be a parliamentary representative democracy based on political pluralism. The rights and liberties of all citizens shall be respected, including the right to form political parties and engage in political activity without discrimination on the basis of

political opinions, sex, or religion. The parties shall abide by the principles of national sovereignty, democracy and peaceful transfer of authority in accordance with the Constitution.

Article (9): Government shall be based on the principles of the rule of law and justice. All authorities, agencies, departments, institutions and individuals shall abide by the law.

Article (10): All activities of the Palestinian public authorities shall, in normal and exceptional circumstances, be subject to administrative, political, legal and judicial review and control. There shall be no provision of law which grants immunity to any administrative action or decision from judicial supervision. The state shall be bound to compensate for damages resulting from errors, and risks resulting from actions and procedures carried out by state officials in the pursuit of their duties.

Article (11): The independence and immunity of the judiciary are necessary for the protection of rights and liberties. No public or private individual shall be immune from executing judicial rulings. Any act of contempt of the judiciary shall be punishable by law.

Article (12): Palestinian nationality shall be regulated by law, without prejudice to the rights of those who legally acquired it prior to May 10, 1948 or the rights of the Palestinians residing in Palestine prior to this date, and who were forced into exile or departed there from and denied return thereto. This right passes on from fathers or mothers to their progenitor. It neither disappears nor elapses unless voluntarily relinquished. A Palestinian cannot be deprived of his nationality. The acquisition and relinquishment of Palestinian nationality shall be regulated by law. The rights and duties of citizens with multiple nationalities shall be governed by law.

Article (13): Palestinians who left Palestine as a result of the 1948 war, and who were denied return thereto shall have the right to return to the Palestinian state and bear its nationality. It is a permanent, inalienable, and irrevocable right.

The state of Palestine shall strive to apply the legitimate right of return of the Palestinian refugees to their homes, and to obtain compensation, through negotiations, political, and legal channels in accordance with the 1948 United Nations General Assembly Resolution 194 and the principles of international law.

Article (14): Natural resources in Palestine are the property of the Palestinian people who will exercise sovereignty over them. The state shall be obligated to preserve natural resources and legally regulate their optimal exploitation while safeguarding Palestinian religious and cultural heritage and environmental needs. The protection and maintenance of antiquities and historical sites is an official and social responsibility. It is prohibited to tamper with or destroy them, and whoever violates, destroys, or illegally sells them shall be punishable by law.

Article (15): The state strives to achieve a clean, balanced environment whose protection shall be an official and societal responsibility. Tampering with it is punishable by law.

Article (16): The economic system in Palestine shall be based on the principles of a free market economy, and the protection of free economic activity within the context of legitimate competition. The law shall protect private property, which may not be expropriated or seized except for public benefit in accordance with the law, and in return for a just compensation. Expropriation may only be carried out by judicial order. The state may establish public companies legally, without prejudice to the system of free market economy.

Article (17): The state shall strive to promote social, economic and cultural growth and scientific development of the Palestinian people with due consideration to social justice and the provision of assistance to the more deserving, especially those who suffered during the national struggle.

Article (18): The state of Palestine shall abide by the Universal Declaration of Human Rights and shall seek to join other international covenants and charters that safeguard human rights.

## CHAPTER TWO: GENERAL RIGHTS, LIBERTIES AND DUTIES

Article (19): Palestinians are equal before the law. They enjoy civil and political rights and bear public duties without discrimination. The term 'Palestinian' or 'Citizen' wherever it appears in the constitution refers to both, male and female.



Article (20): Human rights and liberties are binding and must be respected. The state shall guarantee religious, civil, political, economic, social and cultural rights and liberties to all citizens on the basis of equality and equal opportunity. Persons are not deprived of their legal competence, rights and basic liberties for political reasons.

Article (21): Every Palestinian who has reached the age of eighteen years shall have the right to vote in accordance with the provisions of the law.

All those who bear Palestinian nationality shall have the right to enter presidential elections and/or House of Representatives membership and/or assume a ministerial or judicial position.

The law regulates age and other prerequisites to accede to those posts.

Article (22): Women shall have their own legal personality and independent financial assets. They shall have the same rights, liberties, and duties as men.

Article (23): Women shall have the right to participate actively in the social, political, cultural and economic aspects of life. The Law shall strive to abolish restraints that prevent women from contributing to the building of family and society.

The constitutional and legal rights of women shall be safeguarded; and any violation of those rights shall be punishable by law. The law shall also protect their legal inheritance.

Article (24): Children shall have all the rights guaranteed by the “Charter of the Rights of the Arab Child”.

Article (25): The right to life is guaranteed by the Constitution.

Article (26): Individuals shall have the right to personal safety. Physical or psychological torture of human beings, as well as their inhuman treatment and subjection to harsh, undignified and humiliating punishment is prohibited. Those who plan, perform, or take part in such actions, shall be deemed criminal and are punishable by law and their crime shall not lapse by prescription.

Confessions proven to be extorted under duress or serious threat shall not be considered proof of guilt. Those who carry out such actions will be prosecuted.

Article (27): Scientific or medical experimentation on a human being without his prior legal consent is forbidden. No surgery, medical examination, or treatment shall be performed on a person, except in accordance with the law. The law shall govern the transplant of organs, cells and other, new scientific developments, consistent with legitimate, humanitarian purposes.

Article (28): Every person has the right to freedom and personal safety. Such right may not be violated, except in cases and in accordance with procedures stipulated by law.

A person may not be arrested, searched, imprisoned or restrained in any way, except by order of a competent judge or public prosecutor in accordance with the law. This is to safeguard the security of the society. A person shall be immediately informed of the offense with which he is charged in a language he can understand and is henceforth entitled to a lawyer and shall be immediately brought before the competent judicial authority. The law shall define the conditions of provisional detention. Any person illegally arrested, imprisoned, or restrained shall be entitled to compensation.

Article (29): The accused is innocent until proven guilty by a fair trial wherein he shall be afforded the guarantees of self defense.

The accused shall be granted all guarantees necessary for his self defense, *pro se*, or through the assistance of an attorney of his choice in a public hearing. If he cannot afford one, the court will appoint him a lawyer free of charge.

Article (30): Detainees and those deprived of liberty shall be treated humanely and with dignity. In executing sentences, the basic global principles approved by the United Nations for the treatment of prisoners shall be considered. In the sentencing of minors and in the execution thereof, their reform, education and rehabilitation shall be considered.

Article (31): Citizens shall have the right to choose their place of residence and to travel within the state of Palestine. No person may be denied the right to travel from Palestine except by a legally issued court order. Likewise a Palestinian may not be deported or prevented from returning to his country, and may not be extradited.

Article (32): A foreign political refugee who legally enjoys the right of asylum may not be extradited. The extradition of ordinary foreign defendants shall be governed by bilateral agreements or international conventions.

Article (33): Litigation is a right guaranteed to all by the state. Each individual shall have the right to resort to his natural judge to defend his rights and liberties, and to receive compensation for a violation thereof.

The law shall regulate the procedures for litigation in a manner that ensures a speedy disposition of cases without prejudice to the rights of litigants.

In the event of a judicial error, the state shall be obligated to compensate the damaged party. The law shall govern the conditions and procedures thereof.

Article (34): There shall be no crime or punishment except as stipulated by law. No sentence shall be executed except by judicial order. Punishment shall be personal and the individual may not be punished more than once for the same offence. Collective punishment is prohibited. Parity shall be considered between crime and punishment. There can be no punishment except for acts committed after a law has come into effect. The law shall regulate, in non-criminal cases, the retroactivity of laws.

Article (35): The private life of every person, including family matters, residences, correspondence and other means of private communication, shall be protected and may not be infringed upon except by court order and within the limits of the law. Any consequence of the violation of this Article is null and void, and those who are harmed as a result thereof shall be entitled to compensation.

Article (36): Freedom of religion and religious practice is guaranteed by the Constitution.

The state shall guarantee access to holy shrines that are subject to its sovereignty. The state shall guarantee to followers of all monotheistic religions the sanctity of their shrines in accordance with the historic commitment of the Palestinian people and the international commitments of Palestine.

Article (37): Freedom of thought shall be guaranteed. Individuals shall have the right to express their opinions and publicize them in writing, speech, art, or other means of expression within the provisions of the law.

The law may only apply minimal restrictions on the practice thereof so as to safeguard the rights and liberties of others.

Article (38): The right to publish newspapers or other means of the media is universal and guaranteed by the constitution. Financial sources for such purposes shall be subject to legal control.

Article (39): Freedom of the press, including print, audio, and visual media, and those working in the media, is guaranteed. The media shall freely exercise its mission and express different opinions within the framework of society's basic values, while preserving rights, liberties and public duties in a manner consistent with the rule of law.

The media may not be subject to administrative censorship, hindrance, or confiscation, except by court order in accordance with the law.

Article (40): Journalists and other citizens shall have the right of access to news and information with transparency in accordance with the law.

Article (41): Citizens shall have the right to live in an atmosphere of intellectual freedom; participate in cultural life; cultivate their intellectual and innovative talents; enjoy scientific and artistic progress; and protect their moral and material rights, which may be the product of scientific, artistic or cultural effort in a manner consistent with society's basic values and the rule of law.

Article (42): Education is an individual and social right. Education is compulsory at least until the end of the elementary level. Education shall be guaranteed by the state in public schools, institutions, and other establishments until the end of the secondary level.

The law shall regulate the state's supervision of its performance and curricula.

Article (43): Private education shall be respected, provided that schools, institutions and private educational centers. The law shall regulate the state's supervision of its curricula.

Article (44): The state shall uphold the independence of institutions, universities and research centers that have a scientific purpose. The law shall regulate the supervision thereof in such a manner so as to safeguard the freedom of scientific research and innovation in all fields. The state shall, within its capabilities, strive to encourage, support and protect them.

Article (45): The law shall regulate social security, disability and old age pensions, support to families of martyrs, detainees, orphans, those injured in the national struggle, and those requiring special care. The state shall guarantee them- within its capabilities- education, health and social security services and shall give them priority in employment opportunities in accordance with the law.

Article (46): The state shall organize health insurance as an individual right and a public interest. It shall guarantee, within its capabilities, basic health care for the indigent.

Article (47): Through a housing policy founded on collaboration of the state, private sector and banking system, the state shall seek to provide adequate housing to every citizen. In cases of war and natural disasters, the state shall also seek, within its capabilities, to provide shelter to the homeless.

Article (48): The state shall guarantee family, maternal and child care. It shall care for adolescents and the youth. The law shall regulate children, mother and family rights in accordance with the provisions of international agreements and the 'Rights of the Arab Child' charter. In particular, the state shall seek to protect children from harm, harsh treatment, abuse, and from any work that would endanger their safety, health and education.

Article (49): Public property shall be safeguarded and regulated by law so as to guarantee its protection and for it to serve the people's public interest. The law shall regulate the 'Waqf' [religious endowments] organization and management of its properties and assets.

Article (50): Private property is protected by law. General confiscation of private property is prohibited. Confiscation of private property is allowed for public interest and in cases allowed for by law against fair compensation.

Law regulates real estate ownership by foreigners.

Article (51): Employment is a right of all citizens. The state shall seek to provide work opportunities to the capable through its development and construction plan, with the support of the private sector. The law shall regulate work relations in such a manner so as to guarantee justice for all and provide for the protection and security of workers. Work may not be forcibly imposed on citizens. The law shall regulate adequate remuneration for compulsory work. Workers shall have the right to establish unions and professional associations at work.

Article (52): The right to protest and strike shall be exercised within the limits of the law.

Article (53): Citizens shall have the right to assume public office, on the basis of competence, merit and equal opportunity in accordance with the requirements of the law.

Article (54): Based on constitutional rules and legal provisions, every citizen shall have the right to express his views in referenda and elections and run for election or nominate a person who meets electoral requirements.

Article (55): All citizens shall have the right to partake, individually or collectively, in political activities, including:

The right to form political parties and/or subscribe thereto, and/or withdrawing there from in accordance with the law;

Formation unions, societies, associations, fraternities, assemblies, clubs, and institutions and/or subscribe thereto and/or withdraw there from in accordance with the law.

The law shall govern the procedures for acquiring its legal personality.

Article (56): Every individual shall have the right to organize private meetings in accordance with the law, and without the presence of the police. Every individual shall have the right to assemble and organize public meetings, and to demonstrate peacefully with others without bearing arms. The exercise of those two liberties may not be restrained except as mandated by law, consistent with measures acceptable in democratic society and constitutional rights and liberties.

Article (57): Every individual shall have the right to address the public authorities, and to present petitions and grievances in writing.

Article (58): Basic rights and liberties may not be suspended. The law shall regulate those rights and liberties that may be temporarily restricted in exceptional circumstances in matters related to public security and national safety purposes. The law shall penalize the arbitrary use of power and authority.

Article (59): Any violation of the basic general rights and liberties guaranteed by the Constitution or the law, shall be considered a crime. All civil and criminal lawsuits arising as a result thereof shall not lapse by prescription. The state shall guarantee a just compensation for those who have been harmed.

Article (60): An independent general organization shall be legally set up, composed of unofficial legal and political personalities who truly believe in the rights of the citizen and would volunteer for its defense. The organization shall be concerned with monitoring the state of the rights and liberties of the citizens, for which purpose it shall have the competence to obtain official information responsibly and with transparency.

Its employees shall be responsible for any misuse of the information they obtain in matters other than those stipulated by their incorporating law.

The organization shall have the right to receive grievances from the citizens concerning the actions of the institutions of the state's authorities which illegally breaches the rights and basic liberties of the citizen.

It shall have the right to suggest ways to improve the performance of the departments of the state with respect to protecting the rights and liberties of the citizens. It shall submit its proposals and reports on matters within its supervisory and developmental competence to the House of Representatives and the president of the state.

Article (61): The state shall assume responsibility for the safety of persons and property. It protects the rights of every citizen within the state and abroad.

Article (62): Defending the nation is sacred duty and serving it is an honor for every citizen. It shall be regulated by law.

Individuals and groups may not bring or bear arms, nor may they illegally possess arms in violation of the provisions of the governing law.

Article (63): The payment of taxes and general dues is a duty regulated by law.

### CHAPTER THREE: PUBLIC AUTHORITIES

Article (64) :National sovereignty belongs to the people, who are the source of the authorities. They exercise their duties directly through referenda and general elections or through representatives of the electorate, within its three general powers: legislative, executive and judicial and by its constitutional institutions. No individual or group may claim for itself the right to exercise such powers.

Article (65): The relationship between the three public authorities shall be based on equality and independence. They shall exercise their authority on the basis of relative separation with respect to their duties and mutual cooperation and oversight. No authority shall have the right to perform duties that have been attributed to another authority in accordance with constitutional rules.

#### SECTION ONE :LEGISLATIVE BRANCH / HOUSE OF REPRESENTATIVES

Article (66): The House of Representatives shall assume legislative power. It shall endorse the general budget, which shall be prepared by the Cabinet. It shall supervise the actions of the executive branch in the manner specified by the Constitution.

Article (67) :The House of Representatives shall be composed of (150) individuals, representing the Palestinian people. They shall be elected according to the Constitution and election law. When running for candidacy to the House of Representatives, the provisions stated in this Constitution and the election law shall be observed. Candidates for the House of Representatives must be Palestinian.

Article (68): Members of the House of Representatives are elected for five years and may be re-elected more than once. The term of the House of Representatives may not be extended except in case of necessity and by virtue of a law ratified by two-thirds of the total number of the House of Representatives.

Article (69): The seat of the House of Representatives shall be in Jerusalem, the capital of the State of Palestine. Its sessions may be held in different locations as per the request of the majority of, the members of the House of Representatives.

Article (70): In the first meeting of the first annual session, the House of Representatives shall elect its speaker, two deputies, and a secretary-general. They shall constitute the body of the presidency of the House of Representatives. Members of the body of the presidency of the House of Representatives may not assume ministerial or other governmental post. A member of the House of Representatives may assume the post of minister, provided that the total number of Deputies Ministers in government does not exceed 50% of the total number of ministers.

Article (71): The Head of State shall inaugurate the statutory assembly of the House. The inauguration of the normal session of the House of Representatives shall not be legally valid except with the presence of its speaker or his legal deputy and a minimum two-thirds majority of its members. The assembly will remain valid for the rest of its normal session meetings with the presence of the speaker of the House of Representatives or his legal deputy with an absolute majority of the members of the House of Representatives.

Article (72): In the first meeting of the House of Representatives, after the election of the body of the presidency of the House of Representatives, but before the commencement of its constitutional duties, the members shall take the following oath: I swear by Almighty God to be faithful to the Homeland, to safeguard the rights of the people, the Nation and their interests, to respect the Constitution and the Law, and to fulfill my duties rightfully and may God be my witness.

Article (73): At the invitation of its speaker, the House of Representatives shall convene in a normal session twice yearly, each for a period of four months. The first shall start in the first week of the month of March, and the second shall start in the first week of the month of September. In case of necessity and out of normal sessions, the Head of State, in agreement with the speaker of the House of Representatives, or at the request of at least one-third of the members of the House of Representatives, have the right to call for an extraordinary meeting of the House of Representatives.

Article (74): The House of Representatives shall refer to the Constitutional Court any challenge to the validity of the representation of any of its members for decision according to the governing law. Each deputy who does not fulfill the legal requirements of electoral eligibility or loses such requirements faces revocation of his membership. This is enforced by decision of the House of Representatives with approval of two thirds of its members.

Article (75): If the position of one or more members of the House of Representatives becomes vacant due to death, or resignation, or loss of competence at least six months before the end of his term in the House of Representatives, a successor shall be elected in the concerned district within a month of the seat becoming vacant. The law shall define the circumstances of loss of competence.

Article (76): Meetings of the House of Representatives shall be public and may be rendered secret by a decision of the majority of the attendance.

Article (77): The House of Representatives shall establish by law its internal regulations, in order to regulate the procedures for implementation of its constitutional and oversight duties; and procedures of questioning its members within its jurisdiction, in such a manner not inconsistent with the provisions of the Constitution.

Article (78): The President of the State in accordance with a decision of the council of ministers, the speaker of the House of Representatives or five of its members, shall have the right to suggest draft laws. Each suggestion that does obtain the approbation of the required majority may not be submitted for discussion in the same session, except by decision that is approved by a two-thirds majority of the House of Representatives.

Article (79): Decisions of the House of Representatives, including ratification of draft laws, and the suggested annual budget, shall be made by a majority vote of the attendance except in cases where a special majority is a required for ratification.

Article (80): The House of Representatives allows the government to enter international agreements and treaties which the State contracts or joins. Those agreements, or treaties which impose on the state treasury expenses unaccounted for in the budget, or impose on the citizens commitments contrary to current laws should be approved by majority of the members of the House of Representatives. The House discusses agreements that involve state independence or the integrity of its territory in prelude to its presentation for referendum.

Article (81): Laws which are ratified by the House of Representatives and approved by the President of the State shall become effective after thirty days of the date of its publication in the official gazette, unless the Constitution or sets a different time.

Article (82): Laws shall be published in the official gazette within thirty days:

- from the date the law is referred, after its approval, by the House of Representatives, to the President for its endorsement.

- Or in case of objection by the President, from the date the law is referred by the House of Representatives, after a second approval by two thirds its members.

- In case the law is not referred or published after the lapse of respite, it is considered enforced and should be promulgated by constitutional law.

Article (83):The House of Representatives may form special ad hoc committees, or commission one of its standing committees to investigate the facts in any public issue related to activity of any of the State institutions which falls under its control. The committee may collect evidence from whomsoever it feels necessary to interrogate, and to examine documents and obtain information from all areas, and to submit its report to the House of Representatives for appropriate decisions.

Article (84): The House of Representatives shall have exclusive right to maintain order and security within the buildings of the Parliament or its facilities during its sessions or meetings of its committees. They shall have their own guards answerable to the speaker of the House. No security force or other armed forces shall have the right to enter or be present in the Parliament or its facilities unless so requested by the speaker of the House of Representatives.

Article (85): Every member of the House of Representatives shall have the right to question or request clarification from the Prime Minister or any one of his deputies or any one of the ministers or their deputies about any subject of their concern, and shall be entitled to receive an answer thereto according to the procedures as defined by the internal regulations of the House of Representatives.

Article (86): Every member of the House of Representatives has the right to direct interpellations to the Prime Minister or one of his deputies or to any one of the Ministers or their deputies and those under their supervision in any subject that falls within their competence. It is not allowed to discuss the interpellation one week before its submission unless the person, being questioned agrees to discuss or respond within a shorter period. In urgent cases it is allowed to shorten the period by decision of the House of Representatives.

Article (87):

1. After the interpellation, ten members of the House of Representatives may request the following:

a- Direct blame to the minister or to the Government. b-Withdraw confidence from the Minister or the Government according to circumstances.

2. Voting shall be withheld for at least three days from the date of the request and decision of withdrawal of confidence shall be by approval of a majority of the members of the House of Representatives.

Article (88): Should a majority of members of the House of Representatives approve withdrawal of confidence from the Prime Minister, or from more than one-third of the Cabinet, the Cabinet shall be considered resigned, but shall proceed with discharging duties until formation of a new Cabinet. However, if the majority of the House of Representatives agree on withdrawal of confidence from a Minister, he will be considered to have resigned.

Article (89): In case of necessity, the President of the State, or the speaker of the Council of ministers may suggest dissolution of the House of Representatives. If the dissolution is ratified by two-thirds of the members of the Council of ministers, the President of the State shall issue the decree of dissolu-

tion. The Government shall then call for election of a new House of Representatives within sixty days and in accordance to the procedure defined by the election law. If elections are not held, the House resumes its duties until a new House is elected. The House of Representatives may not be dissolved within the first year of its formation, or during the period of a declared 'state of emergency' as provided for in the Constitution.

Article (90): The Government shall call for the election of the House of Representatives within sixty days before the end of its legal term in accordance to procedures governed by law. Should the Government not call for elections in time, the speaker of the House of Representatives may ask the Constitutional Court to issue the order to hold the elections. If the elections cannot be held at the set time due to war or imminent danger of war or siege that prevents constitutional bodies from functioning properly, the House of Representatives will resume its duties until elections can be carried out within sixty days of the abolition of the hindrance.

Article (91): Impeachment of the President of the state with high treason, breach of the Constitution or of committing a felony, should be presented by one-third of members of the House of Representatives. The decision to impeach should be approved by two-thirds of the total members of the House of Representatives. Upon the issuance of the decision to impeach, the president shall immediately cease performing his duties and shall be tried by the Constitutional Court.

Article (92): The law shall regulate the special provisions for the government to prepare and adopt the general budget, and to spend the budgeted funds. It shall also regulate supplemental development budgeting, budgeting of the public bodies and institutions and of enterprises, in which the public share is a minimum of fifty per cent of their capital.

Article (93): The government shall present the draft annual budget to the House of Representatives four months before the beginning of the fiscal year. The House of Representatives shall hold a special session to discuss the draft annual budget.

Discussion and voting on the clauses and chapters of the budget, and then on the budget in its entirety, shall take place to ratify it, and refer it to the President of the State for promulgation.

The House of Representatives shall approve the annual budget within five months from the date it was submitted, in accordance the previous clause.

Should the House of Representatives fail to approve the annual budget, the President of the State may, by decision of the council of ministers, issue the budget in the form it was presented to the House of Representatives

Article (94): The House of Representatives may not, within the period of discussion of the general budget, increase the set credits of the budget whether it be by alteration or suggestion.

Article (95): The law may stipulate allocation of funds for more than one year in case of necessity or for long term projects; provided that in subsequent budgets the allocations for such projects are entered or an exceptional budget is prepared therefore for more than one year.

Article (96): Exchanges between chapters of the budget may not be done except by consent of the House of Representatives.

Article (97): As an exception to the norm of budgeting annually, and in case of more than a month's delay in approving the budget, it shall be permitted with the consent of the House of Representatives to allocate specified amounts on the basis of monthly allocations at the ratio of (1:12) one to twelve of the amount of the previous budget until the issuing of the new budget law.

Article (98): The government shall submit the final accounting of the budget to the House of Representatives within a period not exceeding six months of the date of expiry of the fiscal year.

Article (99): Expenditure of public funds or their allocation shall be exclusively by law. The law shall determine the basis for salaries, compensation, allowances and rewards that are scheduled on the state's treasury and the departments responsible for their application. Disbursement of exceptional amounts can only be done within the limitations of the law.

Article (100): Imposition, adjustment or annulment of taxes shall be by law. Taxes and fees shall be accredited to the public treasury and disposed of according to legal provisions. Taxation can only be

waived in cases determined by law. It shall be imposed and disposed of with due consideration to equality and social justice.

Article (101): Contracting loans, granting concessions and encouraging foreign investment or commitments concerning exploitation of natural resources and public utilities shall be pursuant to law.

*Rights, Immunities and Duties of Representatives*

Article (102): The financial remuneration, rewards and benefits granted to members of the House of Representatives shall be according to law. Amendments made thereto by a House of Representatives shall apply only to the members of the house elected in succession to the one that voted it.

Article (103): Immunity of members of the House of Representatives may not be infringed upon for the duration of their term in office. They cannot be interrogated criminally or civilly, for their opinions, the facts they mention, or their specific vote at the meetings of the House of Representatives or its committees, or what they disclose away from the House of Representatives in performance of their parliamentary duties.

Article (104): Members of the House of Representatives cannot be asked to give testimony in connection to any of his actions or statements or information obtained as a member during his term or thereafter, except with his consent and the prior approval of the House of Representatives.

Article (105): No member of the House of Representatives may be subject to criminal investigation proceedings or brought to trial except after the House of Representatives decides with a majority of all its members to lift his immunity or after he clearly relinquishes it, before the House of Representatives or if a member is caught red-handed committing a felony, legal procedure can be applied against him, or arresting him.

The speaker of the House of Representatives should immediately be notified and they in turn should ensure the integrity of the proceedings that have been taken against him.

If the House of Representatives is not in session, approval must be obtained from the speaker of the House of Representatives. The House of Representatives shall be notified in the first session of whatever criminal proceedings have been taken against the member.

Article (106): A member of the House of Representatives is answerable to his colleagues who may ask for the revocation of his house membership if he commits a crime that infringes on the honor of his house duty. If the House of Representatives approves the request by a majority, the issue is referred to the Constitutional Court to decide upon the request to dismiss the member of the House of Representatives. The internal regulation of the shall determine the conditions which govern the dismissal of a member of the house and the necessary procedure for a majority of members to approve referring the case of dismissal to the Supreme Constitutional Court without prejudice to the legal accountability of the member of the for whatever he committed in violation of the law.

Article (107): No member of the House of Representatives may relinquish his immunity without prior approval from the House of Representatives. Immunity does not cease at the end of his membership for those statements or actions that were covered during the entire time of his membership.

Article (108): A member of the House of Representatives may not hold public or private employment during his term in office, or buy or lease any of the State's assets, nor can he sell it any of his assets, or barter anything with it, nor can he conclude an agreement with the state therewith as an entrepreneur, supplier or contractor.

The State shall secure the positions of those employed by it and who win membership at the House of Representatives.

The House of Representatives shall decide upon the request of resignation of its members. The internal regulation of the House of Representatives shall regulate the cases wherein it accepts the resignation of one of its members.

Article (109): Each member of the House of Representatives must present during the first month of his first term a statement of personal finances for him, his spouse and his minor children detailing movable or non-movable property they own, or cash asset debts and dues in Palestine and abroad. These statements shall be kept at the Constitutional Court.



*The Consultative Council*

Article (110): The Consultative Council composed of one hundred and fifty independent members is established according to the Constitution. In its formation due consideration shall be given to the ratio of distribution of Palestinians in Palestine and abroad. The law shall regulate their election or appointment according to their countries of residence.

The president may appoint in the Consultative Council non-Palestinians who have distinguished themselves with noble services for the Palestinian cause.

Article (111): The Consultative Council shall specialize:

- In the study of general strategic issues and submission of adequate advice.
- In making suggestions with relation to national rights, safety of the Palestinian soil and rights of Palestinians abroad.
- In discussion of constitutional amendments and giving opinion upon requested.
- In whatever subject matters the president refers to the council concerning general policy in Arab and foreign affairs for the state of Palestine.
- In draft laws referred by the president concerning Palestinian expatriates.
- That which members of the council set for discussion on their agenda.

Article (112): The Consultative Council shall send decisions and recommendations to the president of the state who shall order their publication in the official gazette, and to the Prime Minister and the speaker of the House of Representatives.

**SECTION TWO: THE EXECUTIVE BRANCH**

*First: The President of the State*

Article (113): The President of the State is the President of the Republic. He shall uphold the Constitution and the unity of the people. He shall guarantee the continuity of the existence of the state and its national independence. He shall guarantee the proper functioning of the public authorities. He shall exercise his jurisdiction, and his responsibilities shall be determined pursuant to the provisions of the Constitution. Except those powers that are constitutionally attributed to the president of the State, the government's executive and administrative duties shall be the responsibility of the Cabinet.

Article (114): The presidential candidate must bear Palestinian nationality exclusively, and be at least forty years of age, on the date of nomination. He must enjoy full civil and political rights.

Article (115): The President shall be elected directly by the people for a five year term renewable once.

Article (116): The elected president shall assume his duties immediately upon conclusion of his predecessor's term. Prior to exercising the duties of his office, the president shall take the following constitutional oath, before the House of Representatives and in the presence of the head of the supreme judicial council: "I swear by Almighty God to be faithful to the nation and its shrines, to the people and their national heritage, to respect the Constitution and the law, and to fully preserve the interests of the Palestinian people. May God be my witness".

Article (117): The president shall submit a financial statement relative to him, his/her spouse and minor children, detailing his movable or non-movable property and cash asset debts or dues in Palestine and abroad. They will be kept by the Constitutional Court.

Article (118): The remuneration of the president shall be determined by law.

Article (119): The office of the president shall be considered vacant: - Upon death or - Upon resignation if accepted by a two-thirds majority of members of the House of Representatives or - By loss of competence or inability to perform constitutional duties by decree issued by the Supreme Constitutional Court upon request of two thirds of the members of the House of Representatives.

Article (120): If the office of the president becomes vacant or the House of Representatives decides to charge him in accordance with Article (132) from the Constitution, the Speaker of the House of Representatives shall assume presidency of the state for a period not exceeding sixty days, during which

presidential elections are carried out in accordance with electoral laws. Should the Speaker of the House wish to submit his candidacy for presidency, or should a legal hindrance prevent him from assuming presidency, the head of the Constitutional Court shall assume presidency temporarily until election of the president. The head of the court may not be a presidential candidate.

Article (121): The president of the state may direct the Cabinet in setting the general policy.

Article (122): After consultations with the representative parties, the president shall nominate the prime minister from the party that obtained the largest number of seats in the House of Representatives. If the formation of a government is impossible within a three week period, the President nominates a prime minister from the party that obtained the second highest number of seats at the House of Representatives and so on until a government is formed.

Article (123): The president of the state shall ratify laws after their approval by the House of Representatives, within thirty days of their referral to him, and he orders their publication. The president of the state may object to a draft law that was approved by the House of Representatives, and may request its reconsideration accompanied by the reasons for his objection within thirty days of having received such draft law. If the mentioned legal time limit ends without ratifying the law or objecting to it, it would be considered effective and should be published in the official gazette. If the president of the state returns the law previously approved by the House of Representatives within the legal time limit, and such draft receives a second approval by the House of Representatives by a majority of two thirds of its members, it shall be considered a law and so promulgated.

Article (124): The Speaker of the Council of Ministers, or the minister he appoints, shall negotiate international treaties, and inform the President of the State of the course of negotiations, which in turn have to be approved by the Council of Ministers and endorsed by the President. The treaties and agreements that burden the state treasury with expenses unaccounted for in the budget or burden the citizens with commitments in violation of the current laws may not be enforced unless and until the House of Representatives ratifies it, and approval by the president. Treaties that might affect the independence of the state or the integrity of its territory can only be approved by general public referendum.

Article (125): In addition to the Presidential prerogatives, the President enjoys the following privileges: - He heads, in exceptional cases, and during the State of Emergency, the Council of Ministers - He issues alone the decree for the nomination of the prime minister and the decree accepting the resignation of the government or considering it resigned. Other decisions and protocols have to be jointly signed by the prime minister, and the minister or ministers concerned. The prime minister co-signs with the president of the state decrees of law, decrees of reevaluation of laws and decrees calling for exceptional meetings of the house of representatives. - He addresses, when necessary, a non-debatable speech to the House of Representatives - He forwards drafts of laws approved by the council of ministers to the House of Representatives. - He grants special pardons or reduction of sentences. Amnesty is by decree exclusively. - He heads official receptions and grants state decorations by decree.

Article (126): Upon the recommendation of the minister of foreign affairs, the president of the State shall appoint, and terminate the duties of, ambassadors and representatives of the state of Palestine to states, regional and international organizations. He shall receive the credentials of representatives of foreign states and representatives of regional and international organizations to the state of Palestine.

Article (127): The president of the state is the supreme commander of the Palestinian national security forces which is headed by a concerned minister

Article (128): The president of the state may establish specialized advisory councils from qualified, specialized and experienced persons to participate in expressing opinion and to benefit from national capabilities.

### *The State of Emergency*

Article (129): The president of the state, with the approval with the prime minister and consultation with the Speaker of the House of Representative, may declare a state of emergency if the security of the country is exposed to danger of war or natural disaster or siege threatening the safety of the society and conti-

nuity of operation of its constitutional institutions. The emergency measures must be necessary to restore public order, or the orderly functioning of the state's authorities, or confront disaster or siege, for a period not exceeding thirty days, renewable by approval of two-thirds of all the members of the House of Representatives, with the exception of state of war. In all cases, any declaration of a state of emergency must specify the purpose thereof, and the region and time period covered thereby.

Article (130): After the declaration of the state of emergency, the Council of Ministers may, if events necessitate the taking of speedy measures to confront situations that cannot be delayed, issue decrees that gain approval by the president within a period not exceeding fifteen days and then have the force of law. They are to be presented to the House of Representatives in its first meeting after the declaration of the state of emergency, or in the session to extend the state of emergency, whichever occurs first, to decide upon it, otherwise they lose their legal force retroactively. Should the House of Representatives not approve them, they shall cease to have legal effect, and the house would decide how to remedy its effects without any prejudice to material rights of third parties.

Article (131): During a state of emergency it is forbidden to impose restrictions on basic rights and liberties, except to the extent necessary to safeguard public safety in the country. All decisions and actions taken by the council of ministers during the state of emergency shall be subject to judicial review. The competent courts will look into grievances within a period not exceeding three days.

Article (132): Impeachment of the president of the state with high treason, breach of the Constitution or of committing a felony shall be according to a suggestion by one-third of the total members of the House of Representatives. The decision to impeach may not be issued unless approved by a majority of two thirds of the total members of the House of Representatives. Upon the issuance of the decision to impeach, the president shall immediately cease performing his duties and shall be tried by the Constitutional Court.

#### *Second: The Prime Minister*

Article (133): A precondition to be appointed prime minister or minister is to bear Palestinian nationality exclusively, to be at least thirty five years of age, enjoying his full civil and political rights.

Article (134): The prime minister shall form the cabinet and when presenting his formed cabinet to the president of the state, he shall state which ministry is assigned to which minister. The prime minister shall present the members of his government and their program to the parliament to obtain its confidence.

Article (135): If the prime minister fails to obtain the confidence of the House of Representatives, the government will be considered resigned, and the president shall resume consultation for the appointment of a new prime minister in accordance with Article (122) of the Constitution.

Article (136): Neither the prime minister nor any ministers before obtaining the confidence of the House of Representatives, performs his duties except precede the duties in limited sense.

Article (137): The prime minister shall preside over the activities of the government. Every minister shall be answerable to the Cabinet in accordance to the procedures as specified by the constitutional rules. The prime minister and the ministers are individually and jointly responsible before the House of Representatives for the actions of the government.

Article (138): When making a ministerial change, or adding a minister or filling a vacancy for any reason whatsoever, the new ministers must be presented to the House of Representatives at the first session for a vote of confidence. If the change involves more than one third of the council of ministers, a vote of confidence on the whole cabinet must be taken. No minister may perform the duties of his office until he obtains confidence from the House of Representatives.

Article (139): After obtaining the confidence, the prime minister and the ministers shall take the following oath before the president of the state and the House of Representatives in a joint session: "I swear by Almighty God to be faithful to the country, to uphold the rights of the people, nation and its interests, and to respect the Constitution and to fully carry out my duties. May God be my witness".

Article (140): The prime minister practices the following competencies:

- He represents the government and speaks in its name, he is responsible for the implementation of the general policies set by the council of ministers.
- He submits the general policy of the government to the House of Representatives.
- He calls the council of ministers to meet, sets its agenda of which he informs the president of the state, he presides its sessions except the ones attended by the president of the state.
- He oversees the work of the authorities and public institutions, coordinates between the ministers and gives general directives to ensure proper execution of work.
- He signs executive and organizational decrees.
- He exercises vigilance for the execution of laws, regulations, coordination of policies and governmental agendas.
- He approves higher level employment appointments per recommendations of the concerned minister in accordance with the basic laws of appointments in ministries and state administrations.
- He proposes draft laws.
- He promulgates laws that have been ratified by the House of Representatives after being endorsed by the president, or after being legally passed.
- Any other competence legally attributed to him.

Article (141): The prime minister or the ministers may not combine work for the ministry with any other work. They may not pursue a liberal profession, nor buy or lease public property, nor rent out or sell any of his property to, or barter it with, the state. A minister may not make use of information obtained by virtue of work, directly or indirectly, in realizing material profit personally or for a third party in violation of the law

Article (142): The prime minister and ministers shall receive monthly compensation and pension established by law.

Article (143): The prime minister and ministers shall individually submit, within thirty days of receiving confidence, a financial statement for him, his spouse, and his minor children detailing movable or non-movable property and cash asset debts or dues in Palestine and abroad. They shall be kept by the Supreme Constitutional Court.

### *Third: The Council of Ministers (The Government)*

Article (144): The Council of Ministers shall be composed of a prime minister and the ministers, of which half of them at most shall be members of the House of Representatives.

Article (145): The executive authority shall be entrusted with the council of ministers.

Article (146): Upon the invitation of the prime minister, the council of ministers shall convene regularly. If need be, the president may attend and preside over the sessions of the council of ministers which he attends. Legal quorum for its convening is reached with two thirds of its members and decisions are reached by consent or by voting with a majority of the present as long as there is no text in violation of the constitution. The council of ministers practices its competencies in accordance with the provisions of the Constitution, and the regulations governing the activities of the government.

Article (147): The council of ministers shall have the following competencies:

- Setting public policy, in the light of the ministerial program approved by the House of Representatives.
- Executing public policy as established, as well as laws and regulations, and ensuring compliance therewith, and proposing new draft laws.
- Preparing the draft general budget to be presented to the House of Representatives for approval.
- Organizing, governing and supervising the offices, agencies and institutions of the state at their various levels.
- Overseeing the performance of the ministries, departments, institutions and agencies and supervising their work.
- Discussing the proposals and plans of each ministry, and its policies in the area of exercising its powers.
- Approving the system of administrative formations.
- Issuance of organizational decrees and necessary regulations by law-implementing procedures, as well as supervisory regulations, and organization of public utilities and general welfare.

- Appointment of civil servants and military personnel, in accordance with and upon the recommendation of the concerned minister.
- Any other competencies granted pursuant to the provisions of the Constitution and the law.

Article (148): The organizational regulation of the executive branch shall establish standing committees at the council of ministers. From among the chairpersons of those committees, two shall be selected as deputies to the prime minister.

Article (149): The council of ministers shall issue the regulations necessary for the exercise of its powers.

### *The Ministers*

Article (150): The minister is the supreme administrative director of his ministry. He shall have the following competences within the sphere of the ministry with which he is entrusted, under the supervision of the prime minister:

- Proposing the general policy for his ministry and overseeing its implementation after its adoption.
- Overseeing the course of work at the ministry and issuance of the necessary directives for the performance of his duties.
- Submitting to the council of ministers proposed laws related to his ministry.
- Implementing the general budget within the scope of his ministry according to the allocations approved for his ministry.
- Choosing employees and recommending them for appointment by the council of ministers.
- Delegating some of his administrative authority to the deputy minister or other senior officials in his ministry in accordance with the law.
- Chairing the administrative apparatus of his ministry.
- Supervising the implementation of laws and regulations related to his ministry.
- Any competence legally assigned to him.

Article (151): Each minister shall work within the boundaries of his competence to execute the laws and regulations, and governmental plans and programs in the manner indicated by the Constitution and the laws governing the work of the executive branch.

Article (152): The House of Representatives may impeach the speaker of the council of ministers and the ministers with high treason, failure to fulfill duties, by two thirds of its members. They should later appear before the Supreme Constitutional Court.

Article (153): Once the decision to investigate is issued, the person who is placed under investigation shall cease performance of his duties until the matter is decided. The General Prosecutor or his representative shall execute the procedures of investigation and indictment. The termination of his duties or his resignation shall not prevent legal action from being taken or continued against him.

Article (154): The government shall be considered to have resigned and will be re-formed:

- At the beginning of a new term of the House of Representatives after every legislative election;
- After withdrawal of confidence from the prime minister, the government or more than one third of the ministers;
- In the case of death of the president of the council of ministers;
- Upon the resignation of the prime minister or at least one third of the ministers; or
- If the prime minister loses his ability and capacity to perform the duties of his office in accordance with a request from the majority of members of the House of Representatives and by decision from the Constitutional Court.

Article (155): The previous government shall continue directing governmental affairs, until the new government is formed according to the provisions of the Constitution.

### *Security Forces*

Article (156): The national defense forces shall be the property of the Palestinian people. They shall assume the task of protection and security of the Palestinians and defense of the state of Palestine. They are headed by a specialized minister and the head of the state is its supreme commander Forma-

tion of armed groups outside the framework of the national defense forces is prohibited. The law shall regulate the general mobilization for the defense of the nation and the rights of the citizens.

Article (157): The police is a civilian department, part of the ministry of the interior. It shall be legally organized to serve the people, defend the society, and exercise vigilance to maintain security, general order, and general morals. It shall perform its duty within the limitations defined by law, and with respect for all the rights and liberties set forth in this Constitution.

#### *Public Administration*

Article (158): Appointment of civil servants and all persons working for the state and the conditions of their employment shall be according to the provisions of the law.

Article (159): All that concerns civil service, including appointment, transfer, delegation, promotion and retirement, shall be regulated by law. The employees department, in coordination with the concerned governmental departments, shall strive to improve and develop the public administration, from whom advice on draft laws and regulations particular to the public administration and its employees.

#### *The General Audit Organization*

Article (160): An independent shall be legally established with a legal personality named the “General Audit Organization”. Its jurisdiction and competence shall be governed by law. The director of the “General Audit Organization”. shall be appointed by the president, according to nomination by the council of ministers and approval by the House of Representatives.

#### *Local Administration*

Article (161): The relation between the government and the local units shall be regulated by law on the basis of administrative decentralization. Units of local administration shall enjoy a legal personality. Their councils shall be elected. The law shall stipulate the methods by which they are established, formed, elected, and their jurisdiction and competence.

### SECTION THREE: THE JUDICIAL BRANCH

Article (162): The judicial branch shall be independent. It shall have original jurisdiction to perform the judicial function, and shall be entrusted with deciding all disputes and crimes. The law shall define the institutions of the judicial branch, and regulate their structure and the types of courts, and their levels, jurisdictions and procedures. Exceptional courts may not be formed.

Article (163): A Supreme Judicial Council shall be entrusted with the affairs of the judicial institutions. It shall define the formation and jurisdictions of this council in a manner that ensures its equality and independence in cooperating with the other public authorities. This council shall be consulted on draft laws regulating judicial affairs. This council shall have the right to set its own internal regulation.

Article (164): The president of the Supreme Judicial Council shall be appointed by a decision made by the head of the state according to the law, and approved by the House of Representatives. The law regulates the appointment of the members of the supreme judicial council and the preconditions they should meet.

Article (165): In accordance with the law, the Supreme Judicial Council shall establish the regulations governing appointments, assignments, transfers, promotions and disciplinary measures related to judges.

Article (166): A judge shall swear the legal oath before the Supreme Judicial Council in the manner prescribed by of the judicial branch.

Article (167): Upon appointment, a judge shall submit a personal financial statement for himself, his spouse and his minor children. The statement shall explain in detail their transferable or non-transferable possessions, or their cash asset credits and debits inside Palestine and abroad. The statement shall be kept at the Supreme Constitutional Court.

Article (168): Court sessions shall be public, unless the court decides they shall be closed for reasons related to public order or morals or pursuant to a request by the adversaries. In all circumstances, sentences shall be pronounced in a public hearing.

Article (169): Judicial sentences shall be issued, pronounced and executed in the name of the people and according to the law.

Article (170): Litigation procedures shall be regulated by law to guarantee justice and expeditious decisions in cases.

Article (171): Judges are independent. There shall be no authority over them in their judicial duties except and their conscience, and shall not be removed. The law shall arrange disciplinary questioning of judges before the Supreme Judicial Council in cases defined by without infringement on their independence in performing their duties. No person whatsoever shall be permitted to obstruct justice or the execution of final judicial sentences. Obstruction of justice or the execution of judicial sentences shall be considered a crime punishable by law, and any lawsuits arising as a result thereof shall not lapse by prescription.

Article (172): A law shall determine the conditions of appointment, transfer, delegacy, promotion, and regulation affairs of the judges, combining judicial work with any other profession or membership in the representative councils or political parties shall be prohibited. A judge shall not be permitted, while assuming a judicial profession, to carry any citizenship other than the Palestinian citizenship.

Article (173): A court of cassation shall be constructed with jurisdiction over appeals in criminal and civil matters. Its formation, jurisdiction and operational procedures shall be determined by law.

Article (174): A supreme court of justice shall be established to decide administrative disputes and disciplinary cases as they are defined by their establishing law. Such law shall regulate its rules of operation, the terms of appointment of its judges and employees and the procedures to be followed before it. Lower administrative courts may be established by law.

Article (175): A military court shall be established and entrusted with deciding military disputes. It shall not decide any case outside the military sphere.

#### *The Office of the General Prosecutor*

Article (176): The Office of the General Prosecutor is an organ of the Judicial Branch, which is part of the Ministry of Justice and governed by of the Judicial Branch.

Article (177): The General Prosecutor shall be appointed at the head of the Office of the General Prosecutor by nomination of the Minister of Justice, and decision by the council of ministers. His competencies, his assistants and their duties shall be defined by Law.

Article (178): The Office of the General Prosecutor shall prosecute public cases in the name of the people in accordance with the provisions of Law.

Article (179): The judicial police shall be directly subject to the supervision of the judicial branch.

Article (180): The Ministry of Justice shall be entrusted with the organization of administrative bodies responsible for the administration of judicial facilities without infringing on the professional supervision of the Supreme Judicial Council over the judiciary, including the Office of the General Prosecutor.

#### *Supreme Constitutional Court*

Article (181): A Constitutional Court shall be established by virtue of the Constitution to exercise its jurisdiction independently in order to preserve the legality of the work of state institutions. It shall be composed of nine judges appointed by the head of state and nominated by the council of ministers, and approved by the House of Representatives. The Court shall set its internal regulation to operational procedures. The judges shall be elected for one term of nine years that shall not be renewed or extended directly.

Article (182): The judges of the Constitutional Court shall elect one of them as a president for the court for a three year term. The president of the Court and the judges in the Constitutional Court swear the legal oath before the president of the state, the speaker of the House of Representatives and the president of the Supreme Judicial Council at the same time before they start their duties.

Article (183): A judge on the Constitutional Court may not assume any other public employment or conduct any commercial, political or partisan activities. He must resign from party membership before taking the legal oath.

Article (184): Membership of a judge in the Constitutional Court shall terminate:

- At the end of the judge's term as stated in the Constitution;
- By voluntary resignation;
- By loss of one of the preconditions of membership; or
- By being judicially convicted of a criminal offense. A successor shall be appointed within one month of the position becoming vacant.

Article (185): The Constitutional Court shall examine the constitutionality of the following matters, pursuant to a request from the president of the state, or the Prime Minister, or the speaker of the House of Representatives, or ten members of the House of Representatives, or from the courts, the public prosecutor, or anyone whose constitutional rights have been violated:

- The constitutionality of laws before they are promulgated, whenever requested by the president of the state provided the request was submitted within 30 days of referring to the head of state for ratification and promulgation;
- Deciding disputes related to the constitutionality of laws, ordinances, regulations, measures and decisions issued by the president or the council of ministers which have the force of law;
- Interpretation of constitutional texts when a dispute arises over the rights, duties and competencies of the three branches, and in case of a jurisdictional dispute between the head of state and the prime minister;
- Deciding problems that arise concerning the constitutionality of programs and activities of political parties and associations and the procedures of their dissolution and suspension and their conformity with the Constitution;
- The constitutionality of signing treaties and the procedures of their implementation, and nullification of or some of its articles if it contradicts with the Constitution or an international treaty; and
- Any other jurisdictions assigned to it by the Constitution.

Article (186): The Constitutional Court shall render void an unconstitutional law, regulation, ordinance or procedure, or end its effectiveness, as the case may be, and the conditions specified in governing its operation.

Article (187): Judicial decisions of the Constitutional Court shall be final and may not be appealed in any manner and binding on all government authorities and natural and legal persons.

#### SECTION FOUR: CONCLUDING PROVISIONS

##### *Constitution Revisions and Amendments*

Article (188): This Constitution shall be called the "State of Palestine Constitution". It is based on the will of the Palestinian people. It shall be ratified by the Palestine Central Counsel and by agreement of a majority of participants in a general popular referendum. This Constitution shall be effective from the date the people agree on it in the referendum.

Article (189): The president of the state, or the Prime Minister, or one-third of the members of council of representatives may request an amendment or cancellation of an article or articles in the Constitution. In all cases, two-thirds of the total members of the House of Representatives must agree on the amendment. If the request is rejected, it shall be prohibited to request an amendment or cancellation of the same articles before one year passes on this rejection. The House of Representatives shall discuss the amendments within (60) days after agreeing on the principle of amendment. If one-third of the members approve it, it shall be presented to the people in a referendum. If the majority of voters in the referendum agree on the amendment, it shall be deemed effective from the date of the results of the referendum are declared.

Article (190): Notwithstanding anything contrary to the provisions of this Constitution, the applicable laws, regulations, resolutions, agreements and treaties shall remain in effect before this Constitution comes into effect, until amended or cancelled in accordance with the law.

Article (191): The legislative branch shall prepare the draft laws that are necessary to set up legal and administrative structures for implementing the provisions and requirements of this Constitution, and establish those institutions set forth in its text within a maximum period of six months from the date of promulgating the Constitution.



Article (192): Official institutions shall continue to exercise their powers according to constitutional and legal rules that regulate them until concluding the amendments required by the Constitution.

Article (193): The Basic Law, ratified on May 29, 2002, and anything contrary to the provisions of this Constitution are hereby abolished.

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**STATEMENT BY ABDULWAHAB ATTAR, PERMANENT UN REPRESENTATIVE  
OF SAUDI ARABIA IN GENEVA, 59<sup>TH</sup> SESSION OF THE UN COMMISSION ON  
HUMAN RIGHTS ON THE PLIGHT OF THE PALESTINIANS, 31 MARCH 2003**

Madam Chairman:

The lethal Israeli operations against the defenseless Palestinian people have engendered profound misgivings concerning any initiative on the part of the Government of Israel, which has officially declared that it is seeking an Israeli peace that reflects the supremacy of Israel's overwhelming power as compared with that of the Palestinian people.

I fear that the Israeli people, who support this policy whenever their government embarks on acts of carnage, will find it extremely difficult to coexist with the Arab peoples who are observing these events in shocked dismay and drawing their conclusions concerning the attitude of the Israeli people and what Israel's presence in the region really implies. The time has come for us to redefine and rectify the terminology used. It is unfair to the Palestinian people to refer to what they are experiencing as "reciprocal violence" of "the Palestinian-Israeli conflict". It would be more correct to say that what is happening is systemic Israeli acts of carnage exemplified by the most odious forms of violations condemned under the international humanitarian law and human rights instruments.

Madam Chairman:

Israel might claim that the lethal operations in which it engages - in contemptuous breach of the rules of international law and human rights - are a reaction to resistance by the valiant Palestinian people. However, this assertion is totally contradicted by the self-evident truths concerning the present situation, namely that the occupation and its policies should have ended even without negotiations with the Palestinian people and that resistance to this occupation, which has thwarted every attempt to end it peacefully, is a legitimate right. Promotion of this Israeli logic disregards legality and threatens to restore the predominance of the law of the jungle, from which mankind has suffered in past ages. It also takes no account of the fact that resistance, regardless of its form and extent, merely expresses rejection of the occupation.

The message was clear throughout the early months of the intifada and consequently, Israel should have realized that, since the fundamental problem lay in the occupation, the intifada was merely an affirmation that any decision to perpetuate the occupation was not only fraught with dangers from the political and security standpoints but also constituted a violation of international conventions and customary practices. In this connection, I welcome the report submitted to the Commission by Mr. John Dugard, the Special Rapporteur on the situation in the occupied Palestinian territories, as well as his previous reports which, on the whole, reflect the true state of affairs.

Madam Chairman:

Israel will never enjoy security and stability as long as it continues to deny basic rights and engage in violations and practices that constitute a flagrant and manifest breach of the principles of human rights, international humanitarian law, the Fourth Geneva Convention and United Nations resolutions, such as resolutions 194, 242, 338, and 1397. Accordingly, my delegation calls upon the international community - and especially the States sponsoring the peace process - to assume their responsi-

bilities and take all the measures required under the provision of the Charter of the United Nations, including Chapter VII thereof.

Although there is a glimmer of hope in the recent declarations concerning a resumption of the peace process, the ultimate responsibility still lies with Israel, which is evidently paying no heed to United Nations resolutions, including the resolutions of this Commission, or to the pacts and agreements that it has concluded with the Palestinians. For their part, the Arab States, wishing to restore security and stability and ensure that the Palestinian people recover their rights in the occupied Arab territories, adopted the initiative of HRH Crown Prince Abdullah bin Abdulaziz, proposed at the Beirut Summit, which affirmed that the peace chosen by the Arabs and Palestine was irrevocable strategic option that provided a means to break the deadlock reached in the peace process.

Madam Chairman:

The policy of double standards in dealing with the question of Palestine has led to a proliferation of extremist movements and has exacerbated the feelings of resentment, hatred, indignation and injustice. This will inevitably have an adverse impact on the nature of relations between members of the international community. Disregard for the humanitarian dimension, combined with an inequitable approach by the international community, and particularly by the sponsors and guarantors of the peace process, will further intensify this hostile tendency and abort any attempts to reach a peaceful solution.

Madam Chairman:

While reviewing some aspects of the Israeli violations, we should not forget that, far from being confined to the defenseless Palestinian people, these violations also extend to the Syrian people living under the yoke of Israeli occupation in the Golan Heights who are denied their basic rights to freedom of movement, education and health. This Commission should call upon the Government of Israel to comply fully with the resolutions of the Security Council and the General Assembly concerning the need to terminate the occupation and put an end to the sufferings of the Syrian population of the Golan Heights.

The series of Israeli violations extends even further. Israel has retrained its control over the Lebanese Shabaa farms; and its practices, including humiliation and torture, against the Lebanese citizens whom it is detaining without trial constitute violations of human rights, as does its deliberate withholding of maps showing the location of mines. Accordingly, this Commission should once again call upon the Government of Israel to release the Lebanese detainees whom it is holding and permit the International Committee of the Red Cross and other humanitarian organizations to visit the detainees and ascertain their situation.

Madam Chairman:

Peace cannot be established by treaties or agreements that fail to take into consideration the experiences and wishes of the peoples concerned. Moreover, there is a danger that, if silence on the part of the international community, including this Commission, in the face of the sufferings of the Palestinian people were interpreted as impotence or acquiescence, we could lose our credibility at a time when we are all aware of the importance of enhancing the effectiveness of the Commission's role and ensuring that its recommendations and resolutions are respected. Thank you, Madam Chairman.



**PRIME MINISTER MAHMOUD ABBAS, INAUGURAL SPEECH TO THE  
PALESTINIAN LEGISLATIVE COUNCIL, 29 APRIL 2003**

In the name of Allah the most Merciful, the Compassionate  
*(And He says: Do. For Allah will see the results of your work and so will his Prophet and believers)*

Brother and life-long comrade, President Yasser Arafat, President of the State of Palestine, Chairman of the Palestine Liberation Organization, President of the National Authority  
Brother Saleem Al-Za'noun, Chair of the National Council,

Brother Ahmad Qurei', Speaker of the Legislative Council,  
 Ladies and gentlemen, members of the Council  
 Brothers and sisters, Members of the diplomatic community and distinguished guests,  
 May Peace and the Mercy of Allah be upon you

I am filled with confidence and pride as I stand here before our elected Legislative Council, one of the expressions of the sovereignty of our people, and the constitutional reference for the government, and whose elected members are an integral part of our National Council that guards our political organization, the Palestine Liberation Organization.

I begin my speech by expressing all respect and esteem to the Palestinian people in every city, village and refugee camp in our homeland and in the Diaspora, to our resilient and struggling people of whom we are proud. We cherish this unlimited pride that has extended across several generations. This pride is exemplified in the hundreds of thousands of martyrs, injured and detainees who protect our national identity in spite of all attempts to destroy and annul our rights. We have preserved our inalienable rights and established our National Authority as an imperative step towards the establishment of our forthcoming independent state, with Jerusalem as its capital.

Our people, who have been steadfast throughout the past two and a half years during the courageous uprising against Israel's aggression, despite the killing and destruction in Jenin and its heroic camp, in Nablus, Tulkarm, Qalqilya, Hebron and all of our resistant cities, villages and camps in the West Bank and in Rafah, Khan Yunis, Dayr al-Balah, Gaza City, Beit Hanoun, Jabalya and in every part of our steadfast Strip. I specifically want to honor the families who have lost their loved ones, those who have suffered injuries, Palestinian political prisoners and those who have personally suffered. Palestinian accomplishments will always be indebted to the sacrifices of these heroes and to their families, people and homeland.

We are a highly-distinguished people and our energy has grown – in the eyes of the whole world – to be worthy of a genuine state that enjoys sovereignty like all other peoples and states: a modern and democratic state that will constitute a safe home to all Palestinians and an effective partner in building and supporting security and stability in the region. I believe that part of the responsibilities of the government should be to build the pillars of this state including the preparation for presidential, parliamentary and municipal elections, based on the Elections Law which we hope will be passed soon by your distinguished Council.

Mr. President, Brothers and Sisters,

The root of our suffering and the source of our pain is the occupation and its detestable oppressive policies. We all commit to ending the occupation in all of its shapes and forms. This requires that we direct our main efforts to internal housekeeping while being committed to the provisions of the Basic Law adopted by the Palestinian Legislative Council and ratified by President Yasser Arafat. The government commits itself to abiding by the Law and enforcing it on all Palestinian institutions in order to ensure that in a short time there will be no violations of the Law and no signs of chaos or ambiguity in society. We will implement our Basic Law in a manner proving that we merit a state and will abide by its constitution. Our government will not allow for any violation of this Law.

The government is certain that internal organization cannot be achieved without a collective commitment to the principle of the rule of law. The rule of law will be meaningless without an independent, effective and impartial judiciary, and efficient legal institutions with a Ministry of Justice that supports the independence of the judiciary and an enforcement mechanism capable of implementing such provisions. The government promises to work side by side with the President and the Legislative Council to restructure the Higher Judiciary Council in accordance with the provisions of the Law and the Independence of the Judiciary. It also promises to improve the courts. It is committed to helping the courts overcome their gaps and perform their duties in the best manner. The government commits itself to work on the preparation of draft laws and regulations to complete the National Authority's body of laws. The judicial system is the real face of any society and the most accurate indicator of its civilization, progress and development. Accordingly, the government shall pay special attention to the judiciary.

Mr. President, Ladies and Gentlemen

The government will concentrate on the question of security. Our understanding of security is the security of Palestinian citizens in their homeland. We seek the security of the homeland for all sectors of society. Based on this understanding, the government endeavors to develop the security organs and apparatuses according to law. It will allocate special attention to the professional qualifications of the leaders and members of such security organs. It will show tolerate no breach of discipline or violations of the law. The government will not allow – to the contrary it will strictly prevent–interference by the security forces in the lives, affairs and business of citizens unless within the limits permitted by the law. In this respect, the government will build upon the achievements of the previous government regarding the organization and responsibilities of the security apparatuses. These security arrangements give the Minister of the Interior wide jurisdiction, and provide him with the ability to control the internal situation and improve security performance.

The government understands that citizens' feeling of safety and security is the most important pillar of national resistance and is the most important requirement for growth and progress in all aspects of life for both individuals and the community. Therefore, the unauthorized possession of weapons, with its direct threat to the security of the population, is a major concern that will be relentlessly addressed. We aim to ensure that only legitimate weapons are used to preserve public order and implement the law. There will be no other decision-making authority except for the legitimate one – the Palestinian Authority. On this land and for this people, there is only one authority, one law, and one democratic and national decision that applies to us all.

It should be understood here that the rights of citizens to freely express themselves will not be jeopardized by any person or under any pretense or justification. Palestinians may hold any political views, and exercise such rights and freedoms in accordance with the law.

The government is aware of the importance of political opposition and is fully aware of the right of the opposition to strive to achieve power. In order to foster this, we call upon the opposition factions and forces to develop their institutions, frameworks and dialogues and to halt any incitement and negative campaigning. We call upon the opposition to make use of both the free press and the law to exercise its voice and to present its viewpoints. We also call on all sectors of Palestinian society to utilize the Political Party Law to revive internal political debate and enhance its effectiveness. I reconfirm here that our government will stand for pluralism within the framework of national unity in accordance with the law, but pluralism does not extend to security.

Within this framework, we will develop the most effective means of reaching an internal understanding aimed at ensuring the rights of all forces, parties and factions to exist and work. Here, I call upon all of you to partake in the election of representative institutions, particularly given that we have chosen elections as a non-revocable means to formulate and activate these organs.

Mr. President, Ladies and Gentlemen, Members of the PLC,

The government understands the magnitude of our suffering and economic difficulties as a result of the continuation and escalation of Israeli measures. This suffering has led to an increase in poverty and unemployment rates with a major deterioration in economic indicators. This is a result of the enormous destruction of our infrastructure, our private property and sources of livelihood caused by the occupation. Palestinian citizens seek a glimmer of hope to eradicate their suffering and its destructive impact on their lives. The government pledges to address this economic situation by taking timely measures, within its capacities, to improve the living conditions mainly of the unemployed and other people living in extreme hardship until passage of the Social Security Law. The government will also work to restore the infrastructure that has been destroyed by the occupation. Within this framework, the government promises to launch an international effort to seek rehabilitation for the economic destruction caused by Israel's oppression, invasions, and killings.

The government will work to prepare a comprehensive national development plan (that includes Jerusalem) in which we will devote sufficient attention to the service and economic sectors and will pro-

vide necessary health, educational, cultural, media and agricultural services to citizen. The plan will be carried out in a professional and transparent manner. In this context, the government is keen to continue working with the private sector in order to enact and enforce legislation and regulations that will strengthen the market economy and develop the national economy and provide protection to investments and investors. Moreover, the government will devote itself to the situation of Palestinian women, who constitute half of our population, and who play a major and effective role in our lives. We will also continue to work on the protection of the rights of children and families and develop the youth sector to ensure a better future for our people.

As regards the financial issue, the government will continue its efforts to implement the new fiscal policy and all the measures and arrangements as they were submitted to you by the Minister of Finance through the Budget Law. The fiscal policy reasserts our commitment to regulate the investments of the Palestinian Authority. These investments will be fully placed under the government's supervision and control so that all resources of the Palestinian Authority will be unified in the Ministry of Finance in accordance with international best practices in the administration of public funds.

The government will not allow – and will devise strict regulations to combat – abuse of personal positions in the exercise of trade and investment.

Public funds belong to the citizens and to the nation. Preserving public funds is a national and moral duty that will be exercised through institutions, laws, transparency and continuous supervision. In this context, the government will prosecute persons accused of corruption and embezzlement based on concrete evidence and pursuant to due process. The government is fully prepared to receive any complaints and supporting evidence in this regard, and to refer these to the competent authorities.

The government is fully aware of the problems facing our administrative structure and understands that it is necessary to quickly remedy this problem. It will continue to implement and develop its reform plan – in particular the reform plan adopted by the Legislative Council through a joint committee between the Council, the government and in cooperation with all relevant parties including civil society. The government will build the Ministerial Cabinet with professionalism and work ethics that will improve the work of all Executive Authority institutions in order to serve the public interest. One of the most important steps in this regard is the implementation of the financial and administrative components of the Civil Service Law. We will ensure that all civil servants (who number more than 120,000) are given guarantees for their present and future so that they have sufficient pension salaries upon the termination of their employment, in accordance with a comprehensive pension system that we hope to finalize in the coming few months.

The government will not allow for any sign of chaos, waste or duplication in our administrative structure and will therefore continue our efforts to restructure government ministries, institutions and agencies by merging and abolishing such organs as needed to allow them to best perform their tasks in serving the state and its citizens. All of this will be framed within a modern and comprehensive administrative law that the government will work to formulate in order to organize all aspects of the Executive Authority.

Mr. President, Ladies and Gentlemen, members of the PLC

You may have noticed that I intentionally began this statement with the government's vision of the internal situation and the areas of major concern.

This is a message that we are conveying to Palestinian citizens who seek wide-scale reforms in all aspects of their lives and related to their rights.

However, the internal situation cannot be separated from the painful and political reality in which we live and encounter: the deplorable occupation and its accompanying colonization and oppressive policies that have caused us tremendous pain and suffering.

Once again, I reiterate that the military and colonizing occupation with its practices that include assassinations, detentions, checkpoints, sieges, demolition of homes and properties is the root of our suffering,

has deepened our suffering and is the main source of our problems. The occupation impedes our growth and therefore ending the occupation in all of its forms and from all of the territories occupied since 1967, including our eternal capital Jerusalem, is our national priority that requires solidarity and unity among all Palestinian forces under the leadership of the Palestine Liberation Organization, the sole representative of our people authorized by the major Palestinian institutions, foremost among which are the National and Central Council, to negotiate and conclude agreements on behalf of the Palestinian people.

The government, which is part of our national political system, the PLO, is fully committed to the programs and decisions of our National and Central Councils on political and strategic levels.

We should translate our decades and generations of popular and revolutionary struggles into political achievements that will bring us closer to our goal of establishing our independent state (with Jerusalem as its capital) and resolving the question of our refugees on the basis of international law.

Based on our realistic and practical understanding of the contents, mechanisms and goals of our national struggle, our people fought with honor and undertook political initiatives with consciousness and seriousness.

Every means of struggle has its time, mechanisms and calculated return. Based on this, our people, through its legitimate leadership, has presented successive serious peace initiatives and has not hesitated to adopt peace as our strategic, irrevocable choice. The peace process has gone through essential failings and major deteriorations, to the point that we have now reached the most difficult stage of this bloody and escalating conflict. While we should learn from the lessons of the past, what we are living under does not cause us to lose hope in the benefits of peace, or to turn our backs on Arab and international initiatives that aim to achieve peace.

Before us, we have the Arab peace initiative that came out of the Summit in Beirut. This has formed a national consensus on the need to end the Arab-Israeli conflict peacefully and in accordance with international law. This initiative will ensure that our region goes from one of conflict to that of stability and normalized relations between all states. We also have before us the Roadmap as an international blueprint that aims to reach a permanent solution to the Palestinian question. The government is committed to the Palestinian leadership's official approval of this plan reached after an in-depth and thorough review of it. Nonetheless, I would like to mention a few points in this regard:

Israel is attempting to alter the Roadmap as we know it by entering into complicated negotiations and by outlining its own understanding of the clauses of this plan and its means of engaging in the plan.

Our engagement in this Roadmap will not be affected by Israel's attempts and we will not negotiate the Roadmap. The Roadmap must be implemented not negotiated. Therefore, the government supports the Palestinian leadership in asserting its refusal of the so-called Israeli amendments and calls upon the Quartet – author of this plan – to announce the Roadmap as we know it, as soon as possible and to guarantee and verify the implementation of each phase with an effective and guaranteed enforcement and monitoring mechanisms.

In this context, the government reconfirms the Palestinian commitment to the implementation of all of our obligations within the framework of this plan, whether it be on political or security levels. It is quite natural that we require Israel to fulfill its mutual obligations.

Yet, what we have outlined will be meaningless if Israel's policy of imposing facts on the ground continues. Settlements, which violate international law, continue to be the major threat to the creation of a Palestinian state with genuine sovereignty. Thus, settlements are the primary obstacle to any peace process.

Settlement expansion in and around Jerusalem, with its accompanying house demolitions, confiscation of land and property, (in addition to the economic, social, administrative and cultural strangulation in the lives of Palestinians and Israel's attempt to impose a permanent solution for this Holy City by means other than negotiations) will only lead to inflaming the conflict and destroying any chance for peace.

The construction of the so-called “separation” wall is a dangerous continuation of the colonization project. In addition to the confiscation of Palestinian citizens’ lands and the cutting off of their sources of livelihood, the wall is an Israeli measure that is designed to annex large areas of land, to confiscate underground water, isolate our cities and villages and to encircle the city of Jerusalem. This is another attempt to destroy any chance for peace and destroy any possibility to reach a permanent and accepted solution to the Palestinian-Israeli conflict. The removal of the wall will be among the first issues that our government will address because, without its removal, Israel will effectively destroy the Roadmap and any other peace initiative.

Here, I would like to address the Israeli people and the Israeli government frankly and directly.

We want a lasting peace with you achieved through negotiations and on the basis of international law, to implement Security Council Resolutions 242 and 338, as well as signed agreements.

We denounce terrorism by any party and in all its shapes and forms both because of our religious and moral traditions and because we are convinced that such methods do not lend support to a just cause like ours, but rather destroy it. These methods do not achieve peace, to which we aspire.

We understand peace as a message of conscience and behavior based on mutual desire and recognition of rights with the goal of living in peace and security on the basis of equality.

As we extend our hand to you in peace, we reiterate that peace cannot be possible with the continuation of settlement activity. Peace will not be possible with the expropriation and annexation of land. The choice is yours: peace without settlements or a continuation of the occupation, subjugation, hatred and conflict.

To be clear, the Palestinian people will not accept anything less than the exercise of our right to self-determination and the establishment of our independent, sovereign state with Jerusalem as its capital; a genuine, contiguous state without any settlements, on all of the territories occupied in 1967.

I am quite certain that you realize the importance of the question of refugees, not only in the Palestinian-Israeli conflict, but also on Arab and regional levels as we are speaking of millions of Palestinian refugees around the world. Because you realize the importance of this issue, you placed it on the timetable of the permanent status negotiations.

Thus, a just, agreed upon, fair and acceptable solution to the refugee problem consistent with international law (particularly UN Resolution 194) will be the basis of peace and coexistence.

These are the fundamentals of any solution to the Palestinian-Israeli conflict and this will not be changed.

To the Arab population inside Israel, our people and our loved ones: I extend to you appreciation and respect for your continuous support to us in the Occupied Territories. I am certain that you will continue to play a positive role in Israeli politics, media and popular civic organization to strengthen and establish an Israeli public opinion that shares our commitment to a just political solution to the Palestinian-Israel conflict and to the establishment of an independent Palestinian state.

We do not ignore the sufferings of Jews throughout history. And in exchange, we hope that the Israelis will not turn their back to the sufferings of the Palestinians, which include displacement, occupation, colonization and continuous oppression of the Palestinians.

To the Israeli government, which advised us that we learn the lessons of Iraq, I say...

The Palestinian people are the ones who choose their leadership. The leadership decides its politics according to independent Palestinian choice. Our legitimacy is derived from the will of the people, which is embodied in national organizations.

Those who need to learn the lessons of war and its calamities are those who still believe that military might is capable of imposing political solutions and that implicit and explicit threats are capable of dissuading people from demanding their rights. I repeat, there is no military solution to our conflict. Our people do not accept threats and will not succumb to them. On the contrary, there is no alternative to a just and comprehensive political solution. Our people welcome peace, security and prosperity to all. We welcome a peace that guarantees Israel's withdrawal from all occupied Palestinian and Arab Territories in accordance with international law.

We have heard a lot of your desire for peace, but what we have witnessed from you is siege, assassinations, invasions, destruction and a continuation of settlements. We hope that your desire for peace will be translated into action.

Mr. President, Ladies and Gentlemen,

Our hearts are filled with grief and pain because of what happened to our people in Iraq who throughout history have sacrificed for the Palestinian people. We hope for stability for our brothers and sisters in Iraq. We hope that the foreign occupation of their land will end. We hope that the reconstruction of their land will begin in the near future under an Iraqi government that represents the will of the Iraqi people and speaks on its behalf.

We understand what happened in Iraq is an expression of a new and straightforward policy vis-à-vis the Middle East, led unilaterally, to redraw the borders of the political map of the whole region. It is naive to assume that Palestine will not be affected by these turbulent developments, as it is only natural to feel concern for the impact and repercussions of the situation in Iraq on the Palestinian people and our cause.

We do not want to address this serious shift in policy with slogans and ardent mottos, but rather with sound logic and an understanding of our national aspirations in order to avoid losses or reduce the amount of such loss and to provide practical and realistic methods to achieve our goals.

Sisters and Brothers,

The path of negotiations is our choice and the resumption of negotiations with Israel – under the much-appreciated auspices and sponsorship of the Quartet, and in close coordination with our brothers in Egypt, Jordan and Saudi Arabia – is a constant Palestinian demand.

All through the long negotiation process, there were criticisms of our performance in negotiations. However such criticisms do not nullify the fact that we have a rich accumulated experience from which we should benefit.

Therefore, our government will work side by side with the PLO Executive Committee and its Higher Negotiations Committee, under the direction of President Yasser Arafat, President of State and Palestinian Authority, Chairman of the PLO in order to restructure our negotiations framework and to allow the negotiations team to dedicate itself to this important, sensitive and vital task.

I thank our Arab brothers for their continued and constant support to our people and cause and confirm the government's commitment to the concerns of the Arab states and to the Charter of the Arab League and its decisions. We will continue to coordinate and cooperate with our brothers to consolidate Arab consensus.

The government will remain keen on developing our strategic relations with the rest of our friends in the world whom we thank for their support and who share our commitment to balanced international relations based on compliance with international law and UN resolutions. We also call upon the Security Council to fulfill its obligations in maintaining security and peace in our region and to ensuring the implementation of its resolutions in a fair and consistent manner, while also working to protect our people and to help us achieve independence and freedom.

Mr. President, Sisters and Brothers

I am embarking on a new mission in my political career by fulfilling a newly-created role in Palestine. I heard and read much speculation about the aim of this position. Allow me to clarify.



The post of the Prime Minister (and regardless of the person in the post), along with the Ministerial Cabinet, the Legislative Council and all of the institutions of the National Authority are an integral part of the Palestinian political system, the framework of which is the PLO. It is a constitutional position approved by all of our national institutions. In its essence, it is a serious attempt to improve the performance of our National Authority and prepare for the construction of our state including the preparation for upcoming elections – after the removal of obstacles put forth by the occupation – to establish a democratic political system. It is a position from which I will implement my government's program using all the constitutional powers vested in this post.

I wish to end my speech with a word to my brother and companion, elected President Yasser Arafat.

The government, Mr. President, is your government and the siege on you is symbolic of the resistance, pride and esteem of our great people. We will not, from this moment forth, cease our serious and assiduous work to end this unacceptable situation. The President of this people, leader of its struggle and maker of peace on its behalf has the right to regain his natural right to freedom and mobility without restrictions.

We know Mr. President that you have always prided yourself on sharing your people's suffering. Thus, the government, under your leadership, will not spare any effort to work to release all of our detainees, honorable heroes detained by the occupation – whose number has exceeded 10,000 – including members of the Executive Committee of the PLO, Tayseer Khaled and Abdul Rahim Malowah, as well as member of the Central Council Rakad Salem and members of the Legislative Council Marwan Barghouti and Hussam Khader and the longest-detained Palestinian, Ahmad Jubarah (Abu Sukkar).

All of us in Palestine and everywhere ... regardless of our positions do not have different stances ... if we have different titles, we do not have different commitments and if we have different missions, we do not have different goals.

Sisters and Brothers, Members of the Council

Before I present to you the members of my Cabinet, I would like to share with you frankly the considerations that were in my mind as I was forming the government.

The formation before you is a result of the Palestinian political reality, with all its positive and negative aspects. I know that there are many objections regarding names and portfolios, and regarding political representation, professional abilities, and so on and so forth. However, this formation is what I believe in after my extensive consultations and after taking into account our domestic politics which are known to you all.

I seek your confidence, support and cooperation because this plan requires all of our efforts. The credibility of the government will be based on the effectiveness of its performance. Therefore, just as I ask for your confidence, I call upon you to use your powers in monitoring and holding the government accountable to the fullest extent, even to the extent. These are tenets of the parliamentary life we have chosen. Let us move forward on these bases.

May Peace and the Mercy of Allah be upon you.



### **A PERFORMANCE-BASED ROAD MAP TO A PERMANENT TWO-STATE SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT, 30 APRIL 2003**

The following is a performance-based and goal driven roadmap, with clear phases, timelines, target dates, and benchmarks aiming at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields, under the auspices of the Quartet. The destination is a final and comprehensive settlement of the Israel-Palestinian conflict by 2005, as presented in President Bush's speech of 24 June, and welcomed by the EU, Russia, and the UN in the 16 July and 17 September Quartet Ministerial statements.

A two state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing able to build a practicing democracy based on tolerance and liberty, and through Israeli's readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous acceptance by both parties of the goal of a negotiated settlement as described below. The Quartet will assist and facilitate implementation of the plan, starting in Phase I, including direct discussions between the parties as required. The plan establishes a realistic timeline for implementation. However, as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below. Should the parties perform their obligations rapidly, progress within and through the phases may come sooner than indicated in the plan. Non-compliance with obligations will impede progress.

A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors. The settlement will resolve the Israel-Palestinian conflict, and end the occupation that began in 1967, based on the foundations on the Madrid Conference, the principle of land for peace, UNSCRs 242, 338 and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah – endorsed by the Beirut Arab League Summit – calling for acceptance of Israel as a neighbor living in peace and security, in the context of a comprehensive settlement. This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks.

The Quartet will meet regularly at senior levels to evaluate the parties' performance on implementation of the plan. In each phase, the parties are expected to perform their obligations in parallel, unless otherwise indicated.

**PHASE I:**  
**ENDING TERROR AND VIOLENCE, NORMALIZING PALESTINIAN LIFE, AND BUILDING**  
**PALESTINIAN INSTITUTIONS: PRESENT TO MAY 2003**

In Phase I, the Palestinians immediately undertake and unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. Palestinians and Israelis resume security cooperation based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services. Palestinian undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from September 28, 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell report.

At the outset of Phase I:

- Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.
- Israeli leadership issues unequivocal statement affirming its commitments to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinian everywhere. All official Israeli institutions end incitement against Palestinians.

**SECURITY**

- Palestinians declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conduction and planning violent attacks on Israelis anywhere.

- Rebuilt and refocused Palestinian Authority security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure. This includes commencing confiscation of illegal weapons and consolidation of security authority, free of association with terror and corruption.
- GOI takes no actions undermining trust, including deportations, attack on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet Work Plan.
- Relying on existing mechanisms and on-the ground resources, Quartet representatives begin informal monitoring and consult with the parties on establishment of a formal monitoring mechanism and its implementation.
- Implementation, as previously agreed, of U.S. rebuilding, training and resumed security cooperation plan in collaboration with outside oversight board (U.S. – Egypt – Jordan). Quartet support for efforts to achieve a lasting, comprehensive cease-fire.
  - All Palestinian security organizations are consolidated into three services reporting to an empowered Interior Minister.
  - Restructured/retrained Palestinian security forces and IDF counterparts progressively resume security cooperation and other undertakings in implementation of the Tenet work plan, including regular senior-level meetings, with the participation of U.S. security officials.
- Arab states cut off public and private funding and all other forms of support for groups supporting and engaging in violence and terror.
- All donors providing budgetary support for the Palestinians channel these funds through the Palestinian Ministry of Finance's Single Treasury Account.
- As comprehensive security performance moves forward, IDF withdraws progressively from areas occupied since September 28, 2000 and the two sides restore the status quo that existed prior to September 28, 2000. Palestinian security forces redeploy to areas vacated by IDF.

#### PALESTINIAN INSTITUTION-BUILDING

- Immediate action on credible process to produce draft constitution for Palestinian statehood. As rapidly as possible, constitutional committee circulates draft Palestinian constitution, based on strong parliamentary democracy and cabinet with empowered prime minister, for public comment/debate. Constitutional building proposes draft document for submission after elections for approval by appropriate Palestinian institutions.
- Appointment of interim prime minister or cabinet with empowered executive authority/decision-making body.
- GOI fully facilitates travel of Palestinian officials for PLC and Cabinet sessions, internationally supervised security retraining, electoral and other reform activity, and other supportive measures related to the reform efforts.
- Continued appointment of Palestinian ministers empowered to undertake fundamental reform. Completion of further steps to achieve genuine separation of powers, including any necessary Palestinian legal reforms for this purpose.
- Establishment of independent Palestinian election commission. PLC reviews and revises elections law.
- Palestinian performance on judicial, administrative, and economic benchmarks, as established by the International Task Force on Palestinian Reform.
- As early as possible, and based upon the above measures and in the context of open debate and transparent candidate selection/electoral campaign based on a free, multiparty process, Palestinians hold free, open, and fair elections.
- GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials. Support for NGOs involved in the election process.
- GOI reopens Palestinian Chamber of Commerce and other closed Palestinian institutions in East Jerusalem based on a commitment that these institutions operate strictly in accordance with prior agreements between the parties.

### HUMANITARIAN RESPONSE

- Israel takes measures to improve the humanitarian situation. Israel and Palestinians implement in full all recommendations of the Bertini report to improve humanitarian conditions, lifting curfews, and easing restrictions on movement of persons and goods, and allowing full, safe, and unfettered access of international and humanitarian personnel.
- AHLC reviews the humanitarian situation and prospects for economic development in the West Bank and Gaza and launches a major donor assistance effort, including to the reform effort.
- GOI and PA continue revenue clearance process and transfer of funds, including areas, in accordance with agreed, transparent monitoring mechanism.

### CIVIL SOCIETY

- Continued donor support, including increased funding through PVOs/NGOs, for people to people programs, private sector development and civil society initiatives.

### SETTLEMENTS

- GOI immediately dismantles settlement outposts erected since March 2001.
- Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements).

### PHASE II:

#### TRANSITION: JUNE 2003-DECEMBER 2003

In the second phase, efforts are focused on the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution, as a way station to a permanent status settlement. As has been noted, this goal can be achieved when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty. With such a leadership, reformed civil institutions and security structures, the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable, state.

Progress into Phase II will be based upon the consensus judgment of the Quartet of whether conditions are appropriate to proceed, taking into account performance of both parties. Furthering and sustaining efforts to normalize Palestinian lives and build Palestinian institutions, Phase II starts after Palestinian elections and ends with possible creation of an independent Palestinian state with provisional borders in 2003. Its primary goals are continued comprehensive security performance and effective security cooperation, continued normalization of Palestinian life and institution-building, further building on and sustaining of the goals outlined in Phase I, ratification of a democratic Palestinian constitution, formal establishment of office of prime minister, consolidation of political reform, and the creation of a Palestinian state with provisional borders.

- **INTERNATIONAL CONFERENCE:** Convened by the Quartet, in consultation with the parties, immediately after the successful conclusion of Palestinian elections, to support Palestinian economic recovery and launch a process, leading to establishment of an independent Palestinian state with provisional borders.
  - Such a meeting would be inclusive, based on the goal of a comprehensive Middle East peace (including between Israel and Syria, and Israel and Lebanon), and based on the principles described in the preamble to this document.
  - Arab states restore pre-intifada links to Israel (trade offices, etc.).
  - Revival of multilateral engagement on issues including regional water resources, environment, economic development, refugees, and arms control issues.
- New constitution for democratic, independent Palestinian state is finalized and approved by appropriate Palestinian institutions. Further elections, if required, should follow approval of the new constitution.
- Empowered reform cabinet with office of prime minister formally established, consistent with draft constitution.
- Continued comprehensive security performance, including effective security cooperation on the bases laid out in Phase I.

- Creation of an independent Palestinian state with provisional borders through a process of Israeli-Palestinian engagement. Launched by the international conference. As part of this process, implementation of prior agreements, to enhance maximum territorial contiguity, including further action on settlements in conjunction with establishment of a Palestinian state with provisional borders.
- Enhanced international role in monitoring transition, with the active, sustained, and operational support of the Quartet.
- Quartet members promote international recognition of Palestinian state, including possible UN membership.

PHASE III:  
PERMANENT STATUS AGREEMENT AND END OF THE ISRAELI-PALESTINIAN  
CONFLICT: 2004-2005

Progress into Phase III, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III objectives are consolidation of reform and stabilization of Palestinian institutions, sustained, effective Palestinian security performance, and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

- **SECOND INTERNATIONAL CONFERENCE:** Convened by Quartet, in consultation with the parties, at beginning of 2004 to endorse agreement reached on an independent Palestinian state with provisional borders and formally to launch a process with the active, sustained, and operational support of the Quartet, leading to a final, permanent status resolution in 2005, including on borders, Jerusalem, refugees, settlements; and, to support progress toward a comprehensive Middle East settlement between Israel and Lebanon and Israel and Syria, to be achieved as soon as possible.
- Continued comprehensive, effective progress on the reform agenda laid out by the Task Force in preparation for final status agreement.
- Continued sustained and effective security performance, and sustained, effective security cooperation on the basis laid out in Phase I.
- International efforts to facilitate reform and stabilize Palestinian institutions and the Palestinian economic, in preparation for final status agreement.
- Parties reach final and comprehensive permanent status agreement that ends the Israel – Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue, and a negotiated resolution on the status of Jerusalem that takes into account the political and religious concerns of both sides, and protects the religious interests of Jews, Christians, and Muslims worldwide, and fulfills the vision of two states, Israel and sovereign, independent, democratic and viable Palestine, living side-by-side in peace and security.
- Arab state acceptance of full normal relations with Israel and security for all the states of the region in the context of a compressive Arab-Israeli peace.



**BRITISH FOREIGN SECRETARY JACK STRAW, ADDRESS TO LORD  
MAYOR'S EASTER BANQUET, 30 APRIL 2003 [EXCERPTS]**

*[The following are Straw's remarks relating to the Road Map for Peace in the Middle East.]*

THE ROADMAP

But nobody is pretending that coalition action in Iraq has addressed at a stroke all of the region's ills. We will never establish lasting stability in the Middle East until its most intractable dispute is resolved: the dispute between Israel and the Palestinians.

Over the past 12 months, the UK has played a leading role in efforts to establish the conditions for a lasting settlement of this terrible conflict. The suicide bombing in Tel Aviv last night was a horrific

reminder of the depths the terrorists will plumb. I have no doubt that the timing of this atrocity was very deliberate. Whenever Palestinian and Israeli hopes for peace have been raised in the past, the terrorists have acted to perpetuate the cycle of violence.

And this evening the men of violence have reason to be concerned. Earlier today Prime Minister Mahmoud Abbas's Cabinet was approved by the Palestinian Legislative Council. And in the last few hours the Quartet's Roadmap has been presented to the Israeli and Palestinian authorities. This is the best possible fillip for the advocates of peace.

The Roadmap – drawn up by the United States, the EU, Russia and the UN - charts a course to a lasting settlement by 2005: a secure state of Israel and a viable Palestinian state, consistent with UN Security Council resolutions and the principle of land for peace. This would not just bring an end to the misery of millions of Israelis and Palestinians who live every day under the shadow of indiscriminate violence. It would remove the single greatest source of resentment and mistrust, which bedevils relations between the West and the Muslim world.

Israeli and Palestinian leaders now need to back the words of the Roadmap with deeds. At times this will not be easy. If dialogue is to prevail, we will need visionary leadership and courageous statesmanship from both sides.

For our part, the UK will do everything possible to ensure that this process succeeds. I welcome President Bush's commitment to bring as much energy to this cause as the Prime Minister has devoted to the search for peace in Northern Ireland. We will maintain our very close dialogue with the US, the EU, Russia and the UN to push this process forward and to help with its implementation.



**PA MINISTER OF NEGOTIATIONS AFFAIRS, SAEB EREKAT,  
LETTER TO US CONGRESS MEMBERS, 14 MAY 2003**

*[In his letter, Erekat, urged US leaders to lend their support in persuading Israel to accept the Road Map during PM Sharon's 20 May meeting with Pres. Bush.]*

Dear Representative/Senator,

On April 30, 2003, the United States, European Union, United Nations and Russia (together known as the Quartet) issued the long-awaited Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. The Road Map presents a coherent foundation for resolving the crisis of the last 2 ½ years by requiring both Israel and the Palestinian Authority to carry out measures "in parallel" to address the legitimate needs of both parties – security for Israel and security and freedom for the Palestinians.

Presentation of the Road Map followed the installation of the first Palestinian Authority Prime Minister, Mahmoud Abbas. In his address to the Palestinian Legislative Council on April 29, 2003, Mr. Abbas made clear his commitment to peace. In a message to the Israeli people, he stated that his government wants to achieve peace through negotiations. He denounced terrorism by "any party and in all its shapes and forms".

The Palestinian Authority has accepted the Road Map for peace to which US President Bush is committed. The Road Map is not perfect. But we have accepted it in good faith because of its destination: peace and security for both peoples, an independent and viable Palestinian with East Jerusalem as its capital, living side-by-side with Israel on Israel's pre-1967 borders.

We are eager to fulfill our Road Map obligations and have indeed already met many of them including the appointment of an empowered cabinet and the drafting of a constitution.

The Israeli government, however, has still not accepted the Road Map, having stalled implementation by first presenting a litany of modifications, then declaring the Road Map a “draft” and most recently demanding that Palestinians give up the rights of refugees as a pre-condition. Such dilatory tactics only serve to undermine Palestinian efforts at Road Map implementation and strengthen those who opposed the Road Map from its inception.

I am convinced that the Israeli and Palestinian peoples want a peaceful alternative to the violence and oppression of the last 2 ½ years. Neither Palestinians nor Israelis can afford to miss this opportunity to embark on this road to peace. Consequently, on behalf of all those who support peace in this troubled region, I urge you to lend your considerable support, along with your colleagues, to persuade Prime Minister Sharon to accept the Road Map. I understand that Mr. Sharon will be meeting with President Bush in Washington on May 20, 2003. Nothing would be more fitting for the occasion than if by that time, Israelis and Palestinians have embarked on a journey, as partners, toward peace.

Respectfully,

Dr. Saeb Erekat  
Minister of Negotiations Affairs, Palestinian Authority



**ISRAELI CABINET, STATEMENT AFTER ACCEPTING  
THE ‘ROAD MAP,’ JERUSALEM, 25 MAY 2003**

*[Note: See also the following document]*

A. The government of Israel [on] Sunday 25 May 2003 considered the prime minister's statement on the road map, as well as Israel's comments on its implementation. Following its deliberations, the government, by a majority vote, resolved:

Based on the 23 May 2003 statement of the United States government, in which the United States committed to fully and seriously address Israel's comments to the road map during the implementation phase, the prime minister announced on 23 May 2003 that Israel has agreed to accept the steps set out in the road map.

The government of Israel affirms the prime minister's announcement, and resolves that all of Israel's comments, as addressed in the administration's statement, will be implemented in full during the implementation phase of the road map.

A list of the comments forwarded by Israel for the review of the administration in the United States has been attached to this decision.

B. The Government also resolved, concerning the issue of the refugees, as follows:

The Government of Israel today accepted the steps set out in the road map.

The Government of Israel expresses its hope that the political process that will commence, in accordance with the 24 June 2002 speech of President Bush, will bring security, peace and reconciliation between Israel and the Palestinians.

The Government of Israel further clarifies that, both during and subsequent to the political process, the resolution of the issue of the refugees will not include their entry into or settlement within the State of Israel.



**GOVERNMENT OF ISRAEL, RESPONSE ('RESERVATIONS') TO  
THE ROAD MAP FOR MIDDLE EAST PEACE, 25 MAY 2003**

*[The Israeli government "accepted" the Road Map only with the following 14 reservations on key points.]*

1. Both at the commencement of and during the process, and as a condition to its continuance, calm will be maintained. The Palestinians will dismantle the existing security organizations and implement security reforms during the course of which new organizations will be formed and act to combat terror, violence and incitement (incitement must cease immediately and the Palestinian Authority must educate for peace). These organizations will engage in genuine prevention of terror and violence through arrests, interrogations, prevention and the enforcement of the legal groundwork for investigations, prosecution and punishment. In the first phase of the plan and as a condition for progress to the second phase, the Palestinians will complete the dismantling of terrorist organizations (Hamas, Islamic Jihad, the Popular Front, the Democratic Front Al-Aqsa Brigades and other apparatuses) and their infrastructure, collection of all illegal weapons and their transfer to a third party for the sake of being removed from the area and destroyed, cessation of weapons smuggling and weapons production inside the Palestinian Authority, activation of the full prevention apparatus and cessation of incitement. There will be no progress to the second phase without the fulfillment of all above-mentioned conditions relating to the war against terror. The security plans to be implemented are the Tenet and Zinni plans. [As in the other mutual frameworks, the Roadmap will not state that Israel must cease violence and incitement against the Palestinians].
2. Full performance will be a condition for progress between phases and for progress within phases. The first condition for progress will be the complete cessation of terror, violence and incitement. Progress between phases will come only following the full implementation of the preceding phase. Attention will be paid not to timelines, but to performance benchmarks. (Timelines will serve only as reference points).
3. The emergence of a new and different leadership in the Palestinian Authority within the framework of governmental reform: The formation of a new leadership constitutes a condition for progress to the second phase of the plan. In this framework, elections will be conducted for the Palestinian Legislative Council following coordination with Israel.
4. The Monitoring mechanism will be under American management. The chief verification activity will concentrate upon the creation of another Palestinian entity and progress in the civil reform process within the Palestinian Authority. Verification will be performed exclusively on a professional basis and per issue (economic, legal, financial) without the existence of a combined or unified mechanism. Substantive decisions will remain in the hands of both parties.
5. The character of the provisional Palestinian state will be determined through negotiations between the Palestinian Authority and Israel. The provisional state will have provisional borders and certain aspects of sovereignty, be fully demilitarized with no military forces, but only with police and internal security forces of limited scope and armaments, be without the authority to undertake defense alliances or military cooperation, and Israeli control over the entry and exit of all persons and cargo, as well as of its air space and electromagnetic spectrum.
6. In connection to both the introductory statements and the final settlement, declared references must be made to Israel's right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel.
7. End of the process will lead to the end of all claims and not only the end of the conflict.
8. The future settlement will be reached through agreement and direct negotiations between the two parties, in accordance with the vision outlined by President Bush in his 24 June address.
9. There will be no involvement with issues pertaining to the final settlement. Among issues not to be discussed: settlement in Judea, Samaria and Gaza (excluding a settlement freeze and illegal outposts), the status of the Palestinian Authority and its institutions in Jerusalem, and all other matters whose substance relates to the final settlement.
10. The removal of references other than 242 and 338 (1397, the Saudi Initiative and the Arab Initiative adopted in Beirut). A settlement based upon the Roadmap will be an autonomous settlement



- that derives its validity therefrom. The only possible reference should be to Resolutions 242 and 338, and then only as an outline for the conduct of future negotiations on a permanent settlement.
11. Promotion of the reform process in the Palestinian Authority: A transitional Palestinian constitution will be composed, a Palestinian legal infrastructure will be constructed and cooperation with Israel in this field will be renewed. In the economic sphere: International efforts to rehabilitate the Palestinian economy will continue. In the financial sphere: The American-Israeli-Palestinian agreement will be implemented in full as a condition for the continued transfer of tax revenues.
  12. The deployment of IDF forces along the September 2000 lines will be subject to the stipulation of Article 4 (absolute quiet) and will be carried out in keeping with changes to be required by the nature of the new circumstances and needs created thereby. Emphasis will be placed on the division of responsibilities and civilian authority as in September 2000, and not on the position of forces on the ground at that time.
  13. Subject to security conditions, Israel will work to restore Palestinian life to normal: promote the economic situation, cultivation of commercial connections, encouragement and assistance for the activities of recognized humanitarian agencies. No reference will be made to the Bertini Report as a binding source document within the framework of the humanitarian issue.
  14. Arab states will assist the process through the condemnation of terrorist activity. No link will be established between the Palestinian track and other tracks (Syrian-Lebanese).



**G-8 SUMMIT, CHAIR'S SUMMARY, EVIAN, 3 JUNE 2003 [EXCERPTS]**

[...] **4. Regional Issues**

[...]

Israel and Palestine. We welcomed the approval by the Palestinians and by Israel of the Quartet Roadmap and emphasised our determination to jointly support its implementation. We discussed the desirability of reaching a comprehensive peace settlement that includes Syria and Lebanon. We tasked our relevant Ministers to examine as soon as possible the measures necessary to support a plan for the revitalisation and reconstruction of the Palestinian economy, including the leveraging of private investment, within the framework of the Middle East Peace Process.



**US PRESIDENT GEORGE W. BUSH, STATEMENT AFTER THE MIDDLE EAST PEACE SUMMIT IN AQABA, JORDAN, 4 JUNE 2003**

King Abdullah [of Jordan], thank you for hosting this event. Her majesty, thank you for your hospitality. It is fitting that we gather today in Jordan. King Abdullah is the leader on behalf of peace, and is carrying forward the tradition of his father, King Hussein.

I'm pleased to be here with Prime Minister [Ariel] Sharon. The friendship between our countries began at the time of Israel's creation. Today America is strongly committed, and I am strongly committed, to Israel's security as a vibrant Jewish state.

I'm also pleased to be with Prime Minister [Mahmoud] Abbas. He represents the cause of freedom and statehood for the Palestinian people. I strongly support that cause, as well.

Each of us is here because we understand that all people have the right to live in peace. We believe that with hard work and good faith and courage it is possible to bring peace to the Middle East. And today we mark important progress toward that goal.

Great and hopeful change is coming to the Middle East. In Iraq, a dictator who funded terror and sowed conflict has been removed. And a more just and democratic society is emerging.

Prime Minister Abbas now leads the Palestinian cabinet. By his strong leadership, by building the institutions of Palestinian democracy and by rejecting terror, he is serving the deepest hopes of his people.

All here today now share a goal. The Holy Land must be shared between a state of Palestine, and the State of Israel, living at peace with each other and with every nation of the Middle East. All sides will benefit from this achievement, and all sides have responsibilities to meet.

As the roadmap accepted by the parties makes clear, both must make tangible, immediate steps toward this two-state vision.

I welcome Prime Minister Sharon's pledge to improve the humanitarian situation in the Palestinian areas and to begin removing unauthorized outposts immediately. I appreciate his gestures of reconciliation on behalf of prisoners and their families. And his frank statements about the need for territorial contiguity. As I said yesterday, the issue of settlements must be addressed for peace to be achieved.

In addition, Prime Minister Sharon has stated that no unilateral actions by either side can or should prejudice the outcome of future negotiations. The prime minister also recognizes that it is in Israel's own interest for Palestinians to govern themselves in their own state.

These are meaningful signs of respect for the rights of the Palestinians and their hopes for a viable, democratic, peaceful, Palestinian state.

Prime Minister Abbas recognizes that terrorist crimes are a dangerous obstacle to the independent state his people seek. He agrees that the process for achieving that state is through peaceful negotiations. He has pledged to consolidate Palestinian institutions, including the security forces, and to make them more accountable and more democratic.

He has promised his full efforts and resources to end the armed intifada. He has promised to work without compromise for a complete end of violence and terror. In all these efforts, the prime minister is demonstrating his leadership and commitment to building a better future for the Palestinian people.

Both prime ministers here agree that progress toward peace also requires an end to violence and the elimination of all forms of hatred and prejudice and official incitement, in schoolbooks, in broadcasts and in the words used by political leaders.

Both leaders understand that a future of peace cannot be founded on hatred and falsehood and bitterness.

Yet these two leaders cannot bring about peace if they must act alone. True peace requires the support of other nations in the region.

Yesterday in Sharm el-Sheikh we made a strong beginning. Arab leaders stated that they share our goal of two states, Israel and Palestine, living side by side in peace, and in security.

And they have promised to cut off assistance and the flow of money and weapons to terrorist groups and to help Prime Minister Abbas rid Palestinian areas of terrorism.

All sides have made important commitments, and the United States will strive to see these commitments fulfilled. My government will provide training and support for a new, restructured Palestinian security service. And we'll place a mission on the ground, led by Ambassador John Wolf.

This mission will be charged with helping the parties to move towards peace, monitoring their progress and stating clearly who is fulfilling their responsibilities. And we expect both parties to keep their promises.

I've also asked Secretary of State Colin Powell and National Security Adviser Condoleezza Rice to make this cause a matter of the highest priority. Secretary Powell and Dr. Rice as my personal representative will work closely with the parties, helping them move towards true peace as quickly as possible.

The journey we're taking is difficult. But there is no other choice. No leader of conscience can accept more months and years of humiliation, killing and mourning. And these leaders of conscience have made their declarations today in the cause of peace.

The United States is committed to that cause. If all sides fulfil their obligation, I know that peace can finally come. Thank you very much. And may God bless our work.



**PRIME MINISTER MAHMOUD ABBAS, STATEMENT AFTER THE  
MIDDLE EAST PEACE SUMMIT IN AQABA, JORDAN, 4 JUNE 2003**

In the name of God, the beneficent, the merciful.

I would like to thank King Abdullah for hosting our meeting here today. I would also like to thank President Mubarak, King Abdullah, King Hamad [of Bahrain] and Crown Prince Abdullah [of Saudi Arabia], who met in Egypt yesterday, for their statement supporting our efforts.

Thank you also to Prime Minister Sharon for joining us here in Jordan. And many thanks especially to President Bush, who took the longest journey for peace of all of us.

As we all realise, this is an important moment.

A new opportunity for peace exists, an opportunity based upon President Bush's vision and the Quartet's roadmap, which we accepted without any reservations.

The goal is two states - Israel and Palestine - living side-by-side in peace and security.

The process is one of direct negotiations to end the Israeli-Palestinian conflict, resolve all the permanent status issues and end the occupation that began in 1967 under which Palestinians have suffered so much.

At the same time, we do not ignore the suffering of the Jews throughout history. It is time to bring all this suffering to an end.

Just as Israel must meet its responsibilities, we - the Palestinians - will fulfill our obligations for this endeavor to succeed.

We are ready to do our part, and will immediately begin.

Let me be clear. There is no military solution to our conflict. We repeat our denunciation and renunciation of terrorism and violence against Israelis wherever they might be.

Such methods are inconsistent with our religious and moral traditions and are a dangerous obstacle to the achievement of an independent, sovereign state.

They are also in conflict with the kind of state we wish to build for ourselves - one based on human rights and the rule of law.

We will exert our full efforts using all our resources to end the militarization of the intifada [Palestinian uprising], and we will succeed.

The armed intifada must end, and we must resort to peaceful means in our quest to end the occupation, the suffering of the Palestinians and the Israelis, and to establish our Palestinian state.

We emphasize our determination to implement the pledge we made to our people and the international community: the rule of law, a single political authority, weapons only in the hands of those charged with upholding law and order, and political diversity within the framework of democracy.

Our goal is clear, and we will implement it firmly and without compromise: a complete end to violence and terrorism.

And, we will be a full partner in the international war against terrorism, and we call upon our partners in this war to prevent financial and military assistance to those who oppose this position.

We do this as part of our commitment to the interests of the Palestinian people, and as members of the larger family of humanity.

We will also act vigorously against incitement to violence and hatred, whatever their form or forum may be.

We will take measures to ensure that there is no incitement emanating from the Palestinian institutions.

We must also reactivate and reinvigorate the US-Palestinian-Israel anti-incitement committee.

We will continue our work to establish the rule of law and to consolidate government authority in accountable Palestinian institutions.

We seek to build the kind of democratic state that will be a qualitative addition to the international community.

All the Palestinian Authority security forces will be a part of these efforts and will work together towards the achievement of our goals.

Our national future is at stake, and no one will be allowed to jeopardize it.

We are committed to these steps because they are in our national interest.

In order to succeed there must be a clear improvement in the lives of the Palestinians.

Palestinians must live in dignity.

Palestinians must be able to move, go to their jobs and schools, visit their families, and conduct a normal life.

Palestinians must not be afraid for their lives, property or livelihood.

We welcome and stress the need for the assistance of the international community and in particular ask the Arab states to help us in all these efforts.

We also welcome and stress the need for a strong US-led monitoring mechanism.

Together, we can achieve the goal of an independent, viable and sovereign Palestine as a good neighbor to all states in the region, including Israel.



**ISRAELI PRIME MINISTER ARIEL SHARON'S STATEMENT AFTER THE  
MIDDLE EAST PEACE SUMMIT IN AQABA, JORDAN, 4 JUNE 2003**

I would like to thank His Majesty King Abdullah for arranging this meeting, and express Israel's appreciation to President Bush for coming here to be with Prime Minister Abbas and me. Thank you.

As the Prime Minister of Israel, the land which is the cradle of the Jewish people, my paramount responsibility is the security of the people of Israel and of the State of Israel.

There can be no compromise with terror and Israel, together with all free nations, will continue fighting terrorism until its final defeat.

Ultimately, permanent security requires peace and permanent peace can only be obtained through security, and there is now hope of a new opportunity for peace between Israelis and Palestinians.

Israel, like others, has lent its strong support for President Bush's vision, expressed on 24 June 2002, of two states - Israel and a Palestinian state - living side by side in peace and security.

The government and people of Israel welcome the opportunity to renew direct negotiations according to the steps of the road map as adopted by the Israeli Government to achieve this vision.

It is in Israel's interest not to govern the Palestinians but for the Palestinians to govern themselves in their own state.

A democratic Palestinian state fully at peace with Israel will promote the long-term security and well-being of Israel as a Jewish state.

There can be no peace, however, without the abandonment and elimination of terrorism, violence, and incitement.

We will work alongside the Palestinians and other states to fight terrorism, violence and incitement of all kinds.

As all parties perform their obligations, we will seek to restore normal Palestinian life, improve the humanitarian situation, rebuild trust, and promote progress toward the President's vision.

We will act in a manner that respects the dignity as well as the human rights of all people.

We can also reassure our Palestinian partners that we understand the importance of territorial contiguity in the West Bank, for a viable, Palestinian state.

Israeli policy in the territories that are subject to direct negotiations with the Palestinians will reflect this fact.

We accept the principle that no unilateral actions by any party can pre-judge the outcome of our negotiations.

In regard to the unauthorized outposts, I want to reiterate that Israel is a society governed by the rule of law.

Thus, we will immediately begin to remove unauthorized outposts.

Israel seeks peace with all its Arab neighbors.

Israel is prepared to negotiate in good faith wherever there are partners.

As normal relations are established, I am confident that they will find in Israel a neighbor and a people committed to comprehensive peace and prosperity for all the peoples of the region.

Thank you all.



**KING ABDULLAH II OF JORDAN, STATEMENT AFTER THE  
MIDDLE EAST PEACE SUMMIT IN AQABA, JORDAN, 4 JUNE 2003**

President Bush, Prime Minister Sharon, Prime Minister Abbas, distinguished guests. We gather today in Aqaba. It's a small city that symbolizes the potential of bringing [together] different peoples [and where we] signed a peace treaty in 1994. Nine years later, what brings us here is the same dream: a dream of peace, prosperity, coexistence and reconciliation.

But dreams alone cannot fulfill hopes. It is thanks to the efforts of President Bush, and the commitments of Prime Minister Sharon and Prime Minister Abbas that we meet here today to transform these dreams into real achievements on the ground.

Mr. President, Prime Ministers, let us have ambitions: ambitions to move beyond the violence and occupation, to the day when two states, Palestine and Israel, can live together side by side in peace and security.

And in our hands today we hold the mechanism that can translate these ambitions into realities on the ground. There is a plan, the road map, that addresses the needs of both Palestinians and Israelis. To the Israelis, this plan offers collective security guarantees by all Arabs, a peace treaty, and normal relations with Arab states and an end to the conflict. To the Palestinians, it offers an end to the occupation, a viable state and the promise to live as a free and prosperous people.

To be sure the road to realizing this vision will not be straightforward or without obstacles. I'm aware that many in our region and around the world, you are gathering today through a lens marred with skepticism and suspicion. The failures and frustrations of the past have left many disbelievers in their wake.

Today, we have an opportunity and obligation to reinstate faith in the process and to reinvigorate hopes for a better tomorrow. We simply cannot afford the alternative.

Over the past few years, the road to confrontation has shown its consequences: loss of innocent lives, destruction and fear. Most costly, however, was the loss of hope. The most precious gift that you can present to your peoples over the coming weeks is renewed hope born out of tangible progress on the ground.

And it's not only your people who will be watching and waiting. The eyes of the entire world will be upon you. The nature of our new borderless world means that we all have a stake in what happens here today. Jordanians, Americans, Europeans and many around the world stand ready and willing to lend all their support to ensure your success.

But at the end of the day, it is you, the Palestinians and the Israelis, who have to come together to resolve the many outstanding issues that divide you.

Many will view the compromises that will be made during your negotiations as painful concessions. But why not view them as peace offerings, ones that will provide in return the priceless gifts of hope, security and freedom for our children and our children's children.

It is only by putting yourselves in each other's shoes that we can hope to achieve real progress. Thus we reaffirm today our strong position against violence in any form and from whatever source. Blowing up buses will not induce the Israelis to move forward, and neither will the killing of Palestinians or the demolition of their homes and their future. All this needs to stop. And we pledge that Jordan will do its utmost to help achieve it.

Mr. President, you have stayed the course. Your presence here today to witness the two leaders meeting together, agreeing on common grounds to solve this conflict, provides a great impetus to move forward and a clear answer to all the skeptics.

I thank you, Sir, for your leadership and your courage.

Prime Minister Sharon, Prime Minister Abbas, I urge you today to end the designs of those who seek destruction, annihilation and occupation, and I urge you to have the will and the courage to begin to realize our dreams of peace, prosperity and coexistence. And remember that in the pursuit of these noble goals Jordan will always remain a true friend.

Thank you very much.



**JOINT COMMUNIQUÉ, 36<sup>TH</sup> ASEAN MINISTERIAL MEETING,  
PHNOM PENH, 16-17 JUNE 2003 [EXCERPTS]**

1. We, the Ministers of Foreign Affairs of the Association of Southeast Asian Nations (ASEAN), met in Phnom Penh on 16-17 June 2003, the first time that Cambodia had hosted our annual regular meeting. The meeting was chaired by H.E. Mr. HOR Namhong, Senior Minister and Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia. [...]

MIDDLE EAST

50. We welcomed all initiatives to end the bloodshed in the Middle East and to secure durable peace on the basis of justice and called for respect for and the implementation of the relevant United Nations resolutions. The Ministers welcomed the diplomatic efforts of the Quartet together with the Arab initiative. They hoped that the Quartet's Roadmap would finally lead to the realization of a viable Palestinian state and reaffirmed the right of all states in the region to exist within recognized and secure boundaries. They expressed concern over the escalating cycle of violence in the region and hoped that all parties would continue to play a constructive role so as not to derail the process towards achieving such an objective. Given the complexity of the issues involved, the Ministers stressed that all efforts in the political, security, economic, humanitarian and institution-building must proceed together and be all encompassing. [...]



**CHAIRMAN'S PRESS STATEMENT, POST-MINISTERIAL CONFERENCE,  
36<sup>TH</sup> ASEAN MINISTERIAL MEETING, PHNOM PENH, 19 JUNE 2003 [EXCERPTS]**

[...]

EXCHANGE OF VIEWS ON INTERNATIONAL AND REGIONAL ISSUES

THE MIDDLE EAST

5. The Ministers exchanged views on the situation in the Middle East and expressed support for the "roadmap" peace process as worked out by the Quartet states and for the efforts of the Arab nations. The Ministers welcomed the acceptance by both Israel and the Palestinian Authority of the roadmap, which should lead to establishing a democratic Palestinian state existing side by side with Israel in peace and within secured borders.
6. The Ministers deplored the continued violence being carried out by extremist organizations in the Middle East. The Ministers believed that both Israel and the Palestinian Authority shared the responsibility in maintaining peace, stability and law and order in the region.
7. On the situation in Iraq, the Ministers urged international cooperation in the provision of basic necessities of the people of Iraq, including the security of their persons and property, reconciliation among them, the revival of the economy, and the rebuilding of appropriate national institutions. They envisioned a vital role for the United Nations in this endeavor in accordance with the UN's responsibilities in the maintenance of international peace and security. They agreed to facilitate a situation that would enable the people of Iraq to govern themselves as soon as possible, including the use of their natural wealth for their benefit.



**MIDDLE EAST QUARTET, JOINT STATEMENT ON THE ROADMAP,  
DEAD SEA, 22 JUNE 2003**

Representatives of the Quartet – United Nations Secretary-General Kofi Annan, Russian Foreign Minister Igor Ivanov, Greek Foreign Minister George Papandreu, U.S. Secretary of State Colin Powell, High Representative for European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Affairs Chris Patten - met today at the Dead Sea in Jordan.

The Quartet members reviewed developments since their last meeting in Washington, on December 20, 2002. They welcome the appointment of Palestinian Prime Minister Abbas and the strong start he and his government have made in difficult circumstances, and the acceptance by Israeli and Palestinian authorities of the roadmap presented to the parties on April 30, 2003, leading to realization of the goal expressed by President Bush and shared by the Quartet members, of two states - Israel and Palestine - living side by side in peace and security, in 2005. They strongly endorse the results of the Red Sea Summit meetings, and pledge to support actively Prime Minister Abbas and Prime Minister Sharon in carrying out the commitments made at these meetings. They welcome the very positive message and personal commitment of President Bush, and his decision to place a mission on the ground charged with helping the parties to move toward peace, through establishment of a credible and effective structure led by the United States, in close cooperation with the Quartet, to coordinate, monitor, and promote implementation of the parties' commitments and responsibilities, as laid out in the roadmap. The Quartet fully shares President Bush's expectation that both parties will meet their obligations in full, and welcomes the initial steps taken by the parties toward this goal.

The Quartet members deplore and condemn the brutal terror attacks against Israeli citizens carried out by Hamas, Palestinian Islamic Jihad, and the Al-Aqsa Martyrs Brigade since the roadmap's presentation. The Quartet calls for an immediate, comprehensive end to all violence and welcomes efforts by the Government of Egypt and others to achieve such an immediate and comprehensive halt to armed action by Palestinian groups. All Palestinian individuals and groups must end acts of terror against all Israelis, anywhere.

The Quartet calls on the Palestinian authorities to take all possible steps to halt immediately the activities of individuals and groups planning and conducting attacks on Israelis. The Quartet supports immediate Palestinian action to restructure and consolidate under Prime Minister Abbas all security services, and calls on all states to assist in such efforts. The Quartet welcomes the discussions between Israel and Palestinian authorities over transfer of security responsibility in Gaza and Bethlehem. They call on both sides to reach agreement as soon as possible on workable arrangements and timetables for implementation.

The Quartet calls on all states in the region and around the world to end immediately any form of support, including fund-raising and financial assistance, to groups and individuals that use terror and violence to diminish the chances for peace, and calls for an end to all forms of incitement to violence and hatred.

The Quartet expresses its deep concern over Israeli military actions that result in the killing of innocent Palestinian and other civilians. Such actions do not enhance security and undermine trust and prospects for cooperation. While the Quartet recognizes Israel's right to self-defense in the face of terrorist attacks against its citizens, it calls on the Government of Israel to respect international humanitarian law and to exert maximum efforts to avoid such civilian casualties.

The Quartet also calls on the Government of Israel to make all possible efforts to support Palestinian authorities and ease the plight of the Palestinian people through immediate actions. The Quartet strongly urges Israel to facilitate movement of people and goods, as well as access by international humanitarian organizations. These steps must be taken as rapidly and comprehensively as possible to improve the humanitarian situation and normalize the daily life of the Palestinian people. The Quartet recalls its position that settlements activity must stop. In this context, it welcomes the undertaking made by Prime Minister Sharon at Aqaba, and first steps taken by Israel on the ground, to remove unauthorized outposts.

The Quartet members reviewed progress made on Palestinian institutional reform, endorsed the result of the meetings of the Task Force and Ad Hoc Liaison Committee Meetings held earlier in the year, and reaffirmed their support for all efforts to fulfill the reform goals set forth in the first phase of the roadmap - including adoption of a Palestinian Constitution and preparations for free, open and fair Palestinian elections as soon as possible.



The Quartet reaffirms its commitment to a just, comprehensive, and lasting settlement to the Arab-Israeli conflict, including progress toward peace between Israel and Syria, and Israel and Lebanon. Such a peace would be based on the foundations of the Madrid Conference, the principle of land for peace, UNSCRs 242, 338, 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince Abdullah - endorsed by the Beirut Arab League Summit - calling for acceptance of Israel as a neighbor living in peace and security, in the context of a comprehensive settlement.

The Quartet looks forward to continuing to work together in close consultation on these issues with the parties.



### **FATEH MOVEMENT, STATEMENT ON THE CEASEFIRE INITIATIVE, 29 JUNE 2003**

Out of Fatah's interest to preserve the Palestinian people's higher national interest at one of the most critical and sensitive stages of our national struggle;

Out of our interest to maintain the Palestinian national unity that formed and continues to form the basis of our strength and ability to struggle and hold out;

To curb any attempt to undermine national unity; based on adherence to our people's inalienable fixed national rights endorsed by the Palestinian national councils and based on the absolute commitment to continuing the struggle to achieve our national goals spearheaded by the right of our people to return to their homeland, practise their right to self-determination and establish their independent Palestinian state with Jerusalem as its capital on all 1967-occupied Palestinian territories;

To respond to all sincere international and Arab efforts, particularly those by Egypt, on behalf of the movement, we declare to all peace and freedom-loving countries and forces in the world our commitment to the truce as outlined in the Egyptian initiative.

At the same time, we appeal to the states, peoples and governments of the entire world that seek to achieve peace, security and stability in Palestine and the region to do their best to make the Israeli Government act in a manner that would render this initiative a success based on the following requirements:

1. Immediately halting all forms of the Israeli aggression against our people, including assassinations and massacres against our centres of population, cities, villages and camps; stopping incursions and the destruction of buildings, the infrastructure, as well as economic, official and popular institutions; ending the bulldozing and confiscation of agricultural lands; and stopping efforts to Judaize them.
2. Lifting the siege clamped on the Palestinian people and their elected legitimate leadership headed by brother President Abu-Ammar [Yasser Arafat].
3. Releasing the prisoners and detainees held in Israeli jails.
4. Stopping encroachment on the Islamic and Christian holy places, particularly the Holy al-Aqsa Mosque, the Church of Holy Sepulchre, the Holy Ibrahimi Mosque and the Church of the Nativity.
5. Immediately halting the confiscation of land, the building of settlements on it and the expansion of the existing ones so as to pave the way for dismantling them; as well as stopping the construction of separation walls and fences.
6. Starting the occupation forces' withdrawal to the areas where they were before 28 September 2000 and expediting the dispatch of international observers to supervise the implementation of the agreed-upon terms of reference of the peace process in accordance with the resolutions of international legitimacy with the objective of achieving a just, lasting and comprehensive peace in the region.

It is a revolution until victory.

*(Signed)* The Palestine National Liberation Movement, Fatah, Palestine



## **HAMAS AND ISLAMIC JIHAD, DECLARATION OF CEASEFIRE INITIATIVE, 29 JUNE 2003**

Out of our interest to preserve Palestinian unity at this critical stage our cause and nation are going through;

To maintain our national unity that was achieved through the intifada and resistance and was deepened by the blood of martyrs;

To contribute to the endorsement of Palestinian national dialogue that calls for not giving up and preserving our people's rights; to protect our domestic front against division and confrontation;

To prevent the enemy from creating pretexts to ignite division; to affirm our people's legitimate right to resist the occupation as a strategic choice until the Zionist occupation of our land ends and until all our national rights are regained;

To respond to the efforts of many of those keen to preserve Palestinian national unity in the Arab and Palestinian arena, we - the undersigned Palestinian resistance factions - announce the following initiative:

First: Suspending military operations against the Zionist enemy for three months. This suspension goes into effect as of today [29 June] in line with the following conditions:

1. The immediate halt of all forms of Zionist aggression against our Palestinian people to include incursions, destruction, closures, siege on the cities, villages and camps; as well as the siege imposed on President Yasser Arafat; the demolition of houses; the bulldozing of agricultural land; encroachment on lands, property, and the Islamic and Christian holy places, particularly the Holy Al-Aqsa Mosque.

In case the enemy does not meet these conditions and obligations, or violates any of them, then we will no longer be committed to this initiative

This should also include the immediate halt of all assassinations of individuals; massacres; all forms of detention; and deportation of the sons of our people, their leadership, cadres, and mujahideen.

2. The release of all Palestinian and Arab prisoners and detainees from the occupation prisons without any condition or restriction, and returning them to their homes, beginning with those who have served long terms in prison, those who were sentenced to long imprisonment terms, women, children, the sick and the elderly.

Second: In case the enemy does not meet these conditions and obligations, or violates any of them, then we will no longer be committed to this initiative, and we will hold the enemy responsible for the consequences.

"Should they intend to deceive thee, - verily God Sufficeth thee: He is that hath strengthened thee with his aid with (the company of) the believers"; [Koranic verse]

God is Great, and victory is the lot of our people and nation.

(*Signed*) The Islamic Resistance Movement, Hamas; The Islamic Jihad Movement in Palestine

[Dated] Sunday, 29 Rabi Thani 1424 Hegira, corresponding to 29 Jun 2003



## **NATIONALITY AND ENTRY INTO ISRAEL (TEMPORARY ORDER) LAW, 5763-2003, 31 JULY 2003**

Definitions.

- 1. In this Law –
  - “region” – each of these: Judea and Samaria and the Gaza Strip;
  - “Nationality Law” –Nationality Law, 5712 – 1952;(1)
  - “Entry into Israel Law” –Entry into Israel Law, 5712- 1952;(2)
  - “regional commander” – the commander of forces of the Israel Defense Force in the region;

- “resident of the region” – including a person who lives in the region but is not registered in the region’s Population Registry, excluding a resident of an Israeli community in the region.
- 2. During the period in which this Law shall be in effect, notwithstanding the provisions of any law, including section 7 of the *Nationality Law*, the Minister of Interior shall not grant a resident of the region nationality pursuant to the *Nationality Law* and shall not give a resident of the region a permit to reside in Israel pursuant to the *Entry into Israel Law*. The regional commander shall not give such resident a permit to stay in Israel pursuant to the defense legislation in the region.
- Reservations.
  - 3. Notwithstanding the provisions of section 2 –
    - (1) The Interior Minister or the regional commander, as the case may be, may give a resident of the region a permit to reside in Israel or a permit to stay in Israel, for purposes of work or medical treatment, for a fixed period of time, and also for other temporary purposes – for a cumulative period that shall not exceed six months. A residency permit or a permit to stay in Israel [may also be given] in order to prevent separation of a child under the age of 12 from his parent who is legally staying in Israel.
    - (2) The Interior Minister may grant nationality or give a permit to reside in Israel to a resident of the region if he is convinced that the said resident identifies with the State of Israel and its goals, and that the resident or his family members performed a meaningful act to advance the security, economy, or another matter important to the state, or that granting nationality or giving the permit to reside in Israel are of special interest to the state. In this paragraph, “family members” means spouse, parent, child.
- Transition provisions.
  - 4. Notwithstanding the provisions of this Law –
    - (1) The Interior Minister or the regional commander, as the case may be, may extend the validity of a permit to reside in Israel or a permit to stay in Israel that was held by a resident of the region prior to the commencement of this Law.
    - (2) The regional commander may give a permit allowing temporary stay in Israel to a resident of the region who submitted an application to become a national pursuant to the *Nationality Law*, or an application for a permit to reside in Israel pursuant to the *Entry into Israel Law*, prior to 12 May 2002 and who, on the day of the commencement of this Law, has not yet been given a decision in his matter, provided that the said resident shall not be given, pursuant to the provisions of this paragraph, nationality pursuant to the *Nationality Law* or a permit for temporary or permanent residency pursuant to the *Entry into Israel Law*.
- Validity.
  - 5. This Law shall remain in effect until the expiration of one year from the day of its publication. However, the government may, in an order, with the approval of the Knesset, extend the validity of the Law, from time to time, for a period that will not exceed one year each time.

\* Passed by the Knesset on the 31st July, 2003;

1) *Book of Laws* 5712 [1952], p. 146.

2) *Book of Laws* 5712 [1952], p. 354.



**ISRAELI-PALESTINIAN PEACE COALITION (IPPC), JOINT STATEMENT,  
MEETING AT THE DEAD SEA, JORDAN, 1-2 AUGUST 2003**

*[The meeting discussed the status of the Middle East peace process and strategies for advancing it.]*

- The IPPC welcomes the Roadmap and “hudna” and will look for ways to advance these initiatives.
- The IPPC expressed its concern regarding the possible collapse of the Roadmap and of a renewal of violence and killing, and in this respect urged all the parties involved to take immediate steps to meet their Roadmap commitments. This should include maintaining both the ceasefire and an atmosphere conducive to security, such as extending the “hudna” and taking measures to prevent any capacity to return to violence, dismantling outposts and freezing settlement activity, release of prisoners, ending incitement, and removing IDF check-points and internal closures. If Israel considers it has a security need to construct a separation wall then this should be done on the Israeli side along the “green line”.
- Calls upon the US and their Quartet partners to maintain and intensify their engagement in encouraging and monitoring Roadmap implementation, as stipulated in the plan itself.
- A concrete timetable of milestones for all aspects and phases of the Roadmap should be established and adhered to, culminating in a permanent status Israeli-Palestinian peace agreement on all issues in 2005, as guaranteed by the Roadmap itself. This timetable should be overseen by the Quartet monitoring mechanism.
- The IPPC believes that there is an urgent need for a joint and comprehensive plan for permanent status peace to be publicly presented, such a proposal will help in implementing phase (3) of the roadmap and prevent a return to ongoing and confidence-destroying interim arrangements.
- The two parts of the coalition, both jointly and separately, have committed themselves to constantly urge their respective governments to faithfully implement the Roadmap.
- The IPPC welcomes and values the role of the Jordanian leadership, King Abdullah and Foreign Minister (Marwan) Muasher, in promoting the Roadmap and the peace process. In this respect the IPPC continues to support the Arab initiative endorsed by the Arab League in March 2002 and calls for its sponsors to actively campaign for its realization.
- The IPPC has decided to convene on September 13th, the 10th anniversary of the signing of the Declaration of Principles – in a public declaration of support for the peace process.
- The IPPC wishes to express its appreciation to the Government of Norway through the people-to-people program and the Norwegian FAFO institute for making this meeting possible and for their ongoing support.



**HEADS OF CHURCHES IN JERUSALEM, STATEMENT ON THE  
SEPARATION WALL, JERUSALEM, 26 AUGUST 2003**

We, the heads of churches in Jerusalem affirm our determination to do all in our power to work for Peace in this Holy Land, a Peace that is concerned with the wellbeing of every resident of this land, be they Israeli or Palestinian, to give the security, justice, freedom, independence and personal dignity.

Let no one doubt our abhorrence of violence, whoever the perpetrator. Peace will only be established when all violence, is eradicated from both sides. If the present road Map for Peace is to bring positive results, we believe the Separation Wall constitutes a grave obstacle. For both nations the Wall will result in a feeling of isolation. Moreover, for many Palestinians it means the deprivation of land,

(some 10% more than that of the Occupation in 1967), livelihood, statehood and family life. Occupation remains the root cause of the conflict and of the continuing suffering in the Holy Land.

Take for example the proposed Separation Wall around Bethlehem, for us Christians, the birthplace of Jesus Christ, the Prince of peace. The consequences will be devastating to the Christian Community; not least, the psychological impact on daily life. The community will be isolated following the deprivation of access to land and the freedom of movement. Visits of pilgrims will be further discouraged.

We appeal to both authorities, Israeli and Palestinian, and to all Peace loving peoples around the world, who should make urgent contact with their leaders, both Political and Religious, in an effort to remove this implement to a comprehensive and lasting peace.

*Signed by:*

Patriarch Michal Sabbah, Latin Patriarch of Jerusalem  
 Patriarch Torkom, II Armenian Apostolic Orthodox Patriarch of Jerusalem  
 FR. Giovanni Battistalli, OFM Custos of the Holy Land  
 Anha Abraham, Coptic Orthodox Archbishop of Jerusalem  
 Abba Cuostos, Ethiopian Orthodox Archbishop of Jerusalem  
 Ruah Abu Ansal, Anglican Bishop of Jerusalem  
 Munib A. Younan, Lutheran Evangelical Bishop of Jerusalem  
 Archimandrita Mtanious Haddad, Greek Catholic Patriarchal Exarch. Jerusalem  
 Buxtom Malki, Syrian Catholic Bishop in Jerusalem  
 THE PATRIARCHS AND HEADS OF CHURCHES IN Jerusalem



### **OR COMMISSION REPORT, OFFICIAL SUMMATION, 1 SEPTEMBER 2003**

*[The state-appointed Or Commission published an 860-page report on its investigation into the Oct. 2000 riots that resulted in the deaths of 12 Israeli Arab citizens, a Jewish Israeli citizen, and a Palestinian resident of the territories. The three-member panel had been appointed in Nov. 2000 and included former Supreme Court Justice Theodore Or, Prof. of Islamic Studies and former Amb. to Egypt Shimon Shamir, and Israeli Arab Nazareth District Court Justice Hashim Khatib. The full report can be obtained at <http://www.adalah.org/eng/commission.php>]*

1. The events of October 2000 shook the earth. The riots in the Arab sector inside the State of Israel in early October were unprecedented. The events were extremely unusual from several perspectives. Thousands participated, at many locations, at the same time. The intensity of the violence and aggression expressed in the events was extremely powerful. Against security forces, and even against civilians, use was made of a variety of means of attack, including a small number of live fire incidents, Molotov cocktails, ball bearings in slingshots, various methods of stone throwing and the rolling of burning tires. Jews were attacked on the roads for being Jewish and their property was destroyed. In a number of incidences, they were just inches from death at the hands of an unrestrained mob. In a number of instances, attempts were made to enter Jewish towns in order to attack them. Major traffic arteries were blocked for long periods of time and traffic to various Jewish towns was seriously disrupted, sometimes even severed, for long periods of time.

In a large number of instances, the aggression and violence was characterized by great determination and continued for long periods. The police acted to restore order and used a variety of means to disperse the crowd. As a result of the use of some of these means, which included firing rubber bullets and a few instances of live fire, Arab citizens were killed and many more injured. In the second wave of events, some places saw retaliatory Jewish riots against Arabs.

During the events, 12 Arab and one Jewish citizen were killed. One resident of the Gaza Strip was also killed. Such riots could have developed - heaven forbid - into a serious conflict between sectors of the population, such as the interracial conflicts with their attendant results that we have

seen in distant locales. The fact is that, in a number of locations in Israel, these developments did lead to retaliatory Jewish riots.

2. The riots inside the state coincided with serious riots in Judea, Samaria and the Gaza Strip. Prominent personages from the Arab sector indicated this was not coincidental, and reflected interaction between Palestinians inside the Green Line and Palestinians on the other side of the demarcation. Even this combination of events is unprecedented. Against the background of these aspects, the events were considered an "Intifada" that exceeded the definition of local uprisings.
3. The events, their unusual character and serious results were the consequence of deep-seated factors that created an explosive situation in the Israeli Arab population. The state and generations of its government failed in a lack of comprehensive and deep handling of the serious problems created by the existence of a large Arab minority inside the Jewish state.

Government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action in order to allocate state resources in an equal manner. The state did not do enough or try hard enough to create equality for its Arab citizens or to uproot discriminatory or unjust phenomenon. Meanwhile, not enough was done to enforce the law in the Arab sector, and the illegal and undesirable phenomena that took root there.

As a result of this and other processes, serious distress prevailed in the Arab sector in various areas. Evidence of the distress included poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure. These all contributed to ongoing ferment that increased leading up to October 2000 and constituted a fundamental contribution to the outbreak of the events.

Another cause was the ideological-political radicalization of the Arab sector. These processes were expressed in various expressions of identification with and even support of the Palestinian struggle against the state. This radicalization process was related to the increasing strength of Islamic politics in Israel in the period preceding the events. Serious conflicts existed between Muslims in Israel and governing authorities on matters like the Waqf's property; worsening conflicts between Muslims and the government on the issue of the Temple Mount; and cheers, primarily from the radical branch of the Islamic movement, for Islamist organizations that are Israel's enemies, including Hezbollah and Osama bin Laden.

4. The behavior of the Arab sector leadership contributed to the depth of the events and their force. The leadership did not succeed in directing the demands of an Arab minority into solely legitimate democratic channels. It did not succeed in understanding that the violent riots, obstruction of traffic arteries and identification with armed activity against the state and its citizens, constitute a threat against the state's Jewish citizens and substantially damaged the delicate fabric of Jewish-Arab relations in Israel. This created the mold for the threat of serious violence and the use of violence to achieve various goals, as evident in house destructions and land expropriation, and concerning negotiations regarding Jerusalem and the status of the Temple Mount. In various mosques, messages were transmitted delegitimizing the state and its security forces, and serious hostility and antagonism toward its symbols were expressed. Various circles raised demands to grant autonomy in some areas to the Arab minority, and to abolish the definition of the state as a Jewish state and make it "a state for all its citizens." This blurred more than once the line between the Palestinians in Judea and Samaria and the Arab citizens of the state.

Prior to and during 2000, there was a recognizable increase in the frequency of conflicts with the police and their force. The violent conflicts were a regular norm. In the first stage, organizations representing the Arab sector declared strikes and demonstrations, protesting processes and policies of various authorities. At the second stage, assemblies and processions were held in certain locations. At the third stage, youth left the masses to throw stones at vehicles, burn tires and damage facilities they felt symbolized the government. At this stage violent clashes with the police developed, after police arrived to restore order. Despite the fact that the slide from orderly dem-

onstrations to unrestrained riots consistently reoccurred, the Arab leadership took no precautions to prevent the deterioration into violence, and did not warn against violating the law at demonstrations and processions it had initiated

5. Various events that took place in the course of 2000 stridently signaled that the latent potential in these processes was getting out of control in practice. Although the police understood this and took certain steps to address this possibility, its commanders and the politicians failed in not making suitable preparations for the outbreak of widespread rioting that did take place, and in not addressing the tactical and strategic aspects involved in this possibility. The failure was evident in a lack of clear policy in handling the events during their first two, critical days. It was evident in a lack of sufficient operational or psychological training of police forces for any disturbances, and for events of the sort that occurred in particular. It was evident in a lack of appropriate police riot gear. It was evident in the police center of gravity relying on a very problematic means - rubber-coated cylinders that generally contain three separate bullets - whose various dangers were not sufficiently elucidated to those using them and those deciding to use them as a central and sometimes sole tool for handling riots. Not enough was done in order to assimilate as much as possible the need to avoid bodily injury to citizens, even rioting citizens.
6. A series of deeds and omissions close to the events and during them combined to actualize the explosive potential that grew with time. Ariel Sharon's visit to the Temple Mount led to serious responses to it from the Arab sector leadership inside Israel and from the Palestinian leadership in Judea and Samaria and the Gaza Strip. One day later, there was serious unrest at the site, and during its dispersion by the police, some were killed and many injured. Against this backdrop, serious riots began in Judea and Samaria, in which residents were killed and many were injured. The Higher Arab Monitoring Committee chose, in this sensitive situation, to send the masses into the streets and call for processions and demonstrations. With this backdrop, and in light of what was already known on the continuing processes and serious events that occurred in 2000, the police and those responsible for it, commanders and politicians, failed in not ordering appropriate preparation prior to Oct. 1, 2000. Police forces were not prepared at the locations known in advance to be possible sources of unrest.

As a result, the riots began with no response at all, and in other places, police forces were unable to handle the riots properly. By the time the police came to its senses, the events had built up momentum and begun to cause bodily injury, which added to the flames. Even at this stage, the Monitoring Committee and the government could have prevented further escalation by preventing a general strike on the one hand, and resolute action to restrain security force response in order to prevent further injury, on the other. Only after the bloody Oct. 2, 2000, did the government and other entities in the Arab sector leadership take action to moderate events and stop them. Even after this point, the serious events did not cease immediately, and five citizens were killed in riots that took place after October 2. Nonetheless, the exceptional nature of the events did moderate and order returned gradually.

7. The committee sent cautions according to Clause 15 of the Investigative Commissions Law to 14 persons and officeholders. These personages and officeholders were given the opportunity to bring evidence and make arguments in order to rebut the content of these warnings. The gist of the committee's conclusions will be described here, according to the order of the personages decided under Clause 15.
8. Ehud Barak. Some of the details in the caution sent to Mr. Barak were proven. The commission found it was proven that Mr. Barak was not aware of or sufficiently attentive, being prime minister of Israel, to the processes occurring in Israel's Arab society, which created during his tenure a real fear of the outbreak of widespread rioting. This omission was evident in the fact that he did not respond to requests and recommendations to hold a discussion involving all branches of government on the matter, and such a discussion was not held in practice.

It was proven that Mr. Barak did not give enough thought to the need for appropriate preparation by the police force prior to the riots as stated, thus not devoting sufficient energy and thought to a subject of strategic importance to the State of Israel, and its citizens well-being. It was further

proven that in the first two days of the events, Mr. Barak took insufficient action to prevent the use of deadly force by the police or to limit it. It was also proven that Mr. Barak did not fulfill his duty as prime minister during the events of October 2000, in that he did not demand the police or its commanders make concrete, complete and detailed reports as soon as possible regarding the police's manner of operation in specific events in which citizens were killed or seriously injured, and regarding the reasons for this serious outcome of each such event.

In contrast, it was not proven as charged that Mr. Barak gave instruction prior to October 2 to open traffic arteries, with the emphasis on the Wadi Ara road, using any means, in other words at any price. Regarding this matter, it was determined that Mr. Barak instructed the security forces to open Wadi Ara road that day, despite the fact that funerals with massive participation were expected in the region. He even instructed the security forces to be resolute in keeping the axis, and other axes, open to traffic. It was determined that this instruction was not unreasonable, under the circumstances, to the extent that justifies criticism of Mr. Barak.

It was determined that the use of snipers on October 2 at the Umm al-Fahm junction exceeded the instruction, and that Mr. Barak did not foresee it. The additional charge against Mr. Barak - that he did not invest sufficient thought on October 1-2 to events occurring in Israel, even after he knew of the severity of the October 1 events, of a casualty that day, and of the expected escalation the following day - was not proven. In a similar manner, it was determined that he did not do enough to bring calm during the events, in that he did not meet with the Arab Israeli leadership until October 3, despite the intelligence service's estimates that such a meeting, if held urgently, could lead to a substantial calming of the events. The commission decided not to make operative recommendations regarding Mr. Barak.

As far as his function as prime minister, the commission gave its opinion that Mr. Barak has not filled the position since the February 2001 elections and that it is an elected position. The commission reached the conclusion that there is no reason to deal with or discuss the possible ramifications of its conclusions on Mr. Barak's candidacy to serve in the position again. Regarding other positions, although it did not take the findings lightly, the commission believed after considering the overall proven facts that there is no place for any operative recommendation regarding Mr. Barak's fulfilling any other positions.

9. Professor Shlomo Ben Ami. The commission determined that it was proven that, while minister of public security, in the period before the October 2000 events, Mr. Ben Ami did not take sufficient action to ensure that the police be ready for widespread riots in the Arab sector, despite being aware of the processes increasing the risk of such events. The commission further determined that, as minister of public security, both prior to the October 2000 events and in the first days of the October 2000 events, Mr. Ben Ami did not show sufficient awareness of the inherent risks in the use of rubber-coated bullets for riot dispersion, and did not take the necessary steps to prevent the use of this ammunition or limit its use in this sort of event.

This, despite the fact that he knew or should have known, the intense latent risk in the use of such ammunition. It was further determined that, as minister of public security, Mr. Ben Ami did not invest the thought required of his position, on October 1-2, in police preparedness in areas for which it was possible to foresee the possibility of violent events and did not confirm the police's appropriate preparedness in those areas. The commission further determined that what Mr. Ben Ami was charged with was proven, in that during the October 2000 events he did not take resolute or aggressive enough action to regulate police operations, as required by his position and the seriousness of events, in that he avoided demanding the police or its commanders make concrete, full and detailed reports, as soon as possible, on the manner of police operations in specific events in which citizens were killed or seriously injured, and regarding the reasons for this serious outcome of each such event.

The commission determined that it was not proven that Mr. Ben Ami was partner to instructions to open traffic axis at any price. Regarding recommendations in Mr. Ben Ami's case, the commission felt Mr. Ben Ami has no longer served as a minister, since the change of power in 2001, and in that he resigned the Knesset. The commission noted that Mr. Ben Ami's intentions and Mr. Ben



Ami's actions regarding the operation of the police in the Arab sector was far from positive. Nonetheless, the commission believed that the conclusions indicate a substantial failure in fulfilling his duty. Against the backdrop of his failure as minister of public security, the commission recommends that Mr. Ben Ami not be appointed in the future to a ministerial position in this ministry.

10. Sheikh Ra'ed Salah. The commission determined that the charges against Sheikh Ra'ed Salah were proven, including that, as the head of the northern branch of the Islamic movement, the mayor of Umm al-Fahm and a public personage, he was responsible in the period prior to the October 2000 events, including in 1998-2000, for the transmission of repeated messages encouraging the use of violence and the threat of violence as a means to achieve the goals of Israel's Arab sector.

In addition, it was proven that he held mass assemblies and used propaganda to incite the public and create an inflammatory atmosphere regarding the sensitive issue of the Al Aqsa mosque. It was also proven that, as head of the northern branch of the Islamic movement, the mayor of Umm al-Fahm and a public personage, Sheikh Salah was responsible in the period prior to October 2000, including in the years 1998-2000, for the transmission of messages that negated the legitimacy of the existence of the State of Israel and presenting the state as an enemy. It was further proven that, as head of the northern branch of the Islamic movement, the mayor of Umm al-Fahm and a public personage, Sheikh Salah was responsible, prior to October 2000, for the transmission of messages regarding an allegedly planned massacre at Al Aqsa on Sept. 29, 2000. He was also responsible for comments praising the outbreak of serious and widespread violence that occurred in the Arab sector at the beginning of 2000, before the events had ended. In all this, he had a substantial contribution to provoking tempers and the violent and widespread outburst that took place in the Arab sector at the beginning of October 2000.

Considering that Sheikh Salah does not fulfill any official public position, after resigning as the mayor of Umm al-Fahm, and his position in the movement is voluntary, the commission saw no need to give a recommendation regarding Sheikh Salah.

11. MK Dr. Azmi Bashara. Dr. Bashara was charged - while head of the Balad Party, an MK and a public personage - with being responsible in the period prior to the events of October 2000 for the transmission of messages supporting violence as a means of achieving the goals of Israel's Arab sector, thus having a substantial contribution to inflaming the atmosphere and the escalation of violence that took place in the Arab sector at the beginning of 2000. These facts were proven. Mr. Bashara is an elected official representing his party in Knesset. The legality of his candidacy and that of his party for Knesset election was recently approved by the Supreme Court. Under this circumstance, the commission saw no reason for personal recommendations regarding Mr. Bashara.
12. Abdulmalik Dehamshe. It was charged that Mr. Dehamshe, while an MK, head of the United Arab List and a public personage, was responsible in the period prior to the events of October 2000, and primarily during the years 1998-2000, and during the events of October, for the transmission of messages of support for violence as a means of achieving the goals of Israel's Arab sector, making a contribution to inflaming the atmosphere and the worsening of the violence that took place in the Arab sector at the beginning of October 2000. These things were proven. Similar to MK Bashara, Mr. Dehamshe is also an elected official, representing his party in the Knesset. Under this circumstance, the commission saw no reason for personal recommendations regarding Mr. Dehamshe.
13. Yehuda Wilk. The commission determined that most of the details of the caution sent to Police Commissioner Yehuda Wilk were proven. It was proven that as police commissioner of the Israel Police, he did not take care prior to the events of October 2000 to equip the police with the means of the type and quantity necessary to handle serious unrest, and thus led to the fact that rubber-coated bullets, with the serious risk inherent in their use, were the primary means available to the police to disperse uprisings. It was also proven that Commissioner Wilk did not take care at the time of sufficient police preparedness in the form of appropriate training exercises for events such as serious riots. The commission also found that it's proven that Commissioner Wilk did not act properly leading up to October 1 and during that day, in that, although he foresaw the possibility

of violent events among Israel's Arab population on October 1, he did not order appropriate police deployment on October 1 in keeping with this possibility, mostly in northern Israel. It was further proven that, as police commissioner in the period prior to the events of October 2000, Commissioner Wilk did not initiate an investigation of the impact of the use of rubber-coated bullets, of the results and orders to use these bullets, despite knowing that the use of this ammunition involved serious, and even fatal, consequences.

The commission determined also that it was proven that Commissioner Wilk did not, as police commissioner during the events of October 2000, appropriately supervise and control the use of rubber-coated bullets, allowed widespread use of such bullets during the events and did not instruct police forces sufficiently to use nonlethal means at their disposal to disperse riots.

In this context, it was determined that Commissioner Wilk did not apply or take care of the application of lessons learned from events in September 1998 in Umm al-Fahm, regarding the overuse of rubber-coated bullets, regarding police control of riots and regarding appropriate training for forces involved in handling riots. The commission further determined that as commissioner of the Israel Police, Commissioner Wilk did not respond to the initial events, in which citizens were killed in the October 2000 events, efficiently and resolutely enough in order to prevent further loss of life and bodily injury, including not giving appropriate instructions aimed at preventing these injuries and leading to a calming of tempers. It was proven that Commissioner Wilk did not take care, as police commissioner, of conducting, at the earliest possible moment, organized investigations into the events of October 2000, with emphasis on events in which the conflicts led to the use of live fire or rubber-coated bullets, and events in which there were injuries...

The commission further determined that Commissioner Wilk was aware after the fact of the use of live fire by snipers during the events of October 2000, and did not fulfill his duty in not revealing these facts to politicians, not taking any steps to ensure that the normative personnel conclusions would be drawn from the use of snipers in the events, and even expressed retroactive agreement with use of snipers as a deterrent...

The commission further determined that it was not proven that Commissioner Wilk did not fulfill his duty regarding the development of nonlethal means for the police to handle unrest...

Mr. Wilk resigned as commissioner shortly after the October events, at the end of his previously determined term of office. The commission received the impression that Commissioner Wilk served with devotion with a real sense of mission. Nonetheless, the commission believes the facts and conclusions detailed indicate a substantial professional failure on Wilk's part in fulfilling his position, and even of breach of trust toward the politicians involved regarding the use of snipers. In light of this, the commission recommends that Mr. Wilk not fill any senior positions in public security in the future.

14. Alik Ron: The committee found that, as commander of the Northern District prior to the outbreak of the October 2000 disturbances, Major General Ron contributed, in word and deed, to the muddied relationship, and the break off in communication between himself and the Arab leadership in his district. In so doing, he made more difficult the fulfillment of his duties and those of the personnel under his command in this sensitive district. Maj. Gen. Ron's words and deeds exceeded the permissible and desirable for a district commander, and also made it more difficult for the police to deal with the events of October 2000. The committee also determined that Maj. Gen. Ron did not prepare the personnel under his command properly for widespread riots that might break out in the district, and he did not ensure the application of lessons learned from previous events in the district. With regard to the events themselves, the committee found that Maj. Gen. Ron did not properly prepare personnel under his command for the fact that riots might break out on Oct. 1, 2000, although he should have predicted the possibility that riots might break out on this date.

On October 1 and 2, he did not give adequate consideration to the need to receive information that was as updated, complete, and detailed as possible under the circumstances, regarding events in the district under his command. He did not operate a front-line command position, as required by police regulations. The committee found that, as a result, Maj. Gen. Ron's ability to direct police operations

in the numerous events that took place in the district was compromised. The committee also found that Maj. Gen. Ron was responsible for live fire by sharpshooters that was directed at rioters in Umm al-Fahm. It determined that this firing was unjustified, and resulted in injuries to at least seven people and the death of one of them. The committee found that he personally ordered the sharpshooters to open fire, in direct contravention of police orders in the matter of live fire.

It was determined that Maj. Gen. Ron was also responsible for the use of live fire in Nazareth. The committee also determined that Maj. Gen. Ron did not ensure that priority would be given to nonlethal means during control of the riots. He did not properly supervise the use of rubber-coated cylinders, and allowed their widespread use, which the committee determined was unjustified, although he knew, or should have known, of the dangers, including loss of life, involved in the use of this ammunition.

The committee also determined that Maj. Gen. Ron did not ensure the proper investigation of the events in his district, especially of the events that brought about the use of live ammunition or rubber-coated bullets, and the events in which there were casualties...

The committee was impressed with Maj. Gen. Ron's leadership qualities, with the fact that he is much admired by those under his command, and with his willingness to take responsibility, as well as from his devotion to duty and his work in the past to assist the Arab sector in solving conflicts with him through compromise. However, the committee determined that the array of its findings regarding Maj. Gen. Ron point to a substantial failure in the ways and means of fulfilling his duties. In consideration of the above, and in light of the fact that Maj. Gen. Ron retired from the police on May 1, 2003, the committee recommended that in the future he not fulfill any command or administrative position in the area of public security.

15. Major General Moshe Waldman: The committee concluded that Maj. Gen. Waldman was responsible for putting live-fire sharpshooters into the arena. It determined that using the sharpshooters was both unjustified and against police regulations and practice. The committee also determined that Maj. Gen. Waldman, who was commander of the Valleys District of the Israel police during the events of October 2000, did not carry out proper command and monitoring procedures regarding the use of rubber-coated bullets, and allowed widespread, unjustified use of this ammunition in spite of the fact that he was aware of the serious risks involved, including death. The committee also proved that Maj. Gen. Waldman did not order that preference be given to non-lethal weapons in responding to the disturbances. The committee also showed that in an incident in Nazareth on Oct. 8, 2000, Maj. Gen. Waldman gave the order to fire, without giving due consideration to the risk involved in live fire on civilians. As a result of this failure, the live rounds fired by police severely wounded civilians and caused the death of at least one civilian. There was also no justification for the firing of rubber-coated cylinders...

Maj. Gen. Waldman closely followed the investigation of this case, and even directed officers under his command. This constituted a conflict of interest, as he had been personally involved in commanding the police during the course of the disturbance... Although Maj. Gen. Waldman impressed the committee as a serious and experienced commander, it determined that facts indicated serious failures in fulfilling his command, and that he exceeded his authority in ethical terms regarding investigation of the case in which he was personally involved. The committee was informed that he was in line for promotion during the period of its deliberations, however, it recommended that he be released from service.

16. Major General Bentzi Sao: The committee concluded that Maj. Gen. Sao, who served as commander of the Northern District of the Border Police and commander of the Wadi Ara region during the events of October 2000, commanded the forces during an hours-long confrontation at the Umm al-Fahm junction in a manner unjustified under the circumstances and against district police policy as it had been determined that morning. In the confrontation that resulted from the action commanded by Maj. Gen. Sao, a police contingent entered Umm al-Fahm, against directives. Numerous rubber-coated and live bullets were fired, causing the death of two civilians and nu-

merous injuries. However, the committee determined that Maj. Gen. Sao was not personally responsible for the serious consequences of the actions of individual police personnel in Umm al-Fahm. It also determined that on Oct. 2, 2000, Maj. Gen. Sao was one of those responsible for the unjustified opening of fire by sharpshooters on stone throwers at the Umm alFahm junction. Maj. Gen. Sao impressed the committee as a serious and experienced commander. However, the committee found substantial failures in his functioning. Maj. Gen. Sao was also in line for promotion during the period of the committee's deliberations. The committee recommended that he not be promoted in rank or position for a period of four years from the day of publication of its report.

17. Chief Superintendent Yaron Meir: The committee determined that on Oct. 2, 2000, Chief Superintendent Meir did not ensure the presence of a police contingent at the Teradyon industrial zone in the Misgav region northwest of Nazareth. The committee determined that as commander of the Misgav region, Chief Superintendent Meir should have ensured the proper deployment of forces in the area. It also determined that his actions in this regard went against orders and instructions in this matter. The committee also determined that Chief Superintendent Meir could have deployed forces at the Teradyon industrial zone on the day in question, to the site where Superintendent Guy Reif had been attacked by dozens of young people near the Petros factory. However, the committee could not prove that Meir's failures led directly to the fatal outcome of the confrontation at the Petros factory between the police and rioters, because the committee determined that Superintendent Reif could have and should have retreated and thus averted the danger. The committee did not recommend that action be taken against Chief Superintendent Meir.
18. Chief Superintendent Shmuel Marmelstein: The committee determined that, as commander of the Nazareth police station on Oct. 3, 2000, Marmelstein was responsible for positioning sharpshooters, and their opening fire, in a manner that was against regulations and practice. It was also determined that sharpshooter fire was unjustified under the circumstances. Chief Superintendent Meir also failed to ensure that he receive real-time reports on the actions of the sharpshooters. The committee determined that the claim that Chief Superintendent Marmelstein was not authorized to order the sharpshooters into position was unfounded; routine practice permits an officer of the rank of station commander to do so. However, the claim that Chief Superintendent Marmelstein gave the sharpshooters an order to fire ahead of time, without ensuring that each order to fire be authorized by him, was shown to be false. Chief Superintendent Marmelstein impressed the committee as an experienced, well-balanced, and a serious officer. The committee determined that his actions during the difficult events of October were, in most cases, unblemished and even praiseworthy. However, the committee determined that his failure regarding the sharpshooters under the circumstances was substantial, and demonstrated a deficiency in police operations. In consideration of the fact that this was a single exception, the committee recommended that Chief Superintendent Marmelstein's promotion in rank or position be delayed for one year from the day of publication of the committee's report.
19. Superintendent Guy Reif: The committee determined that Superintendent Reif repeatedly arrived at the scene of the disturbances alone or accompanied by a single policeman, without appropriate numbers of personnel or riot control equipment to deal with the events in question. In so doing, he failed to use the judgment expected of a commander of his position and rank, and created an unreasonable risk of escalation, which did indeed occur. The committee also determined that on Oct. 2, 2000, the situation in which Superintendent Reif found himself in the Teradyon industrial zone, facing dozens of stone-throwing young men, could have been avoided. Among other things, he ordered unjustifiable use of live fire against the crowd, and thus caused the death of two civilians and the wounding of others. The committee also found that on Oct. 3, 2000, during the disturbances in Kfar Manda, Superintendent Reif ordered unjustified use of live fire, that was also against police regulations and practice. The committee was impressed with the determination that characterized Superintendent Reif's attitude toward his police work. However, it determined that Superintendent Reif's behavior during the October events indicated substantial deficiencies of judgment. The committee determined that Superintendent Reif should not serve as a commander in the police force, and it recommended that he be released from service.

20. N.I.: The committee determined that during the events of Oct. 2, 2000, N.I. ordered unjustifiable use of live fire, against regulations, and that he unjustifiably shot directly at a person after that person threw a Molotov cocktail, although neither he nor other police personnel were in danger. The committee also determined that at a later stage of the activity of that night, N.I. did not ensure that the contingent under his command be clearly identified as police personnel. In so doing, he created a risk that the contingent would not be identified by civilians as police operatives, which in fact occurred. However, there was reasonable doubt as to whether N.I. was responsible for the unjustified shooting that evening by three personnel of the Special Anti-Terror Unit, including himself, on a car traveling on Banks Street in Nazareth, in which a woman passenger was severely injured. Because N.I. no longer serves in the police, the committee did not see fit to make a recommendation regarding him. 21. Murshad Rashad: The committee determined that, while on duty during disturbances in the village of Jatt on Oct. 1, 2000, Rashad, a border policeman, aimed and fired rubber-coated cylinders unjustifiably, at the short range of 15 meters, at the upper body of civilians against regulations regarding safe distances for the firing of rubber-coated bullets and the order to fire rubber-coated bullets at the legs only. In so doing, Rashad created a serious risk of grave bodily harm. The shooting caused the death of one civilian. Because Rashad no longer serves in the police, the committee did not see fit to make a recommendation regarding him. However, the committee recommended that the Ministry of Justice department for investigation of police investigate the incident in which he was involved.
22. Recommendations to initiate an investigation: The committee recommended that the Ministry of Justice department for the investigation of police investigate a number of incidents so that the proper authorities can decide whether to initiate criminal proceedings against anyone allegedly involved.
23. Institutional recommendations: The committee detailed a list of conclusions and recommendations regarding various institutions.
24. The Arab sector: The committee determined that this is the most sensitive and important domestic issue facing Israel today. As such, it requires the personal involvement and leadership of the prime minister. The committee determined that the issue has been neglected for many years, and demanded that immediate, medium-term, and long-term action be taken. The committee determined that action must be focused on giving true equality to the country's Arab citizens. Israel's Arab citizens have the right to equality because of the essence of the State of Israel as a democracy, and because it is a basic right of every citizen. The state must work to wipe out the stain of discrimination against its Arab citizens, in its various forms and expressions. In this context, the state must initiate, develop, and operate programs emphasizing budgets that will close gaps in education, housing, industrial development, employment, and services. Special attention should be paid to the living conditions and the hardships of the Bedouin. The committee determined that the state, through its most senior officials, must work to close these gaps quickly and energetically, determining clear and tangible goals and definite timetables. In this connection, the committee added that all government agencies must find the means to allow Arab citizens to express their culture and identity in public life in a respectable manner.
25. In the matter of land, the committee determined that it is the state's obligation to act toward its Arab citizens with equality and justice with regard to land use. The Arab sector has legitimate needs that stem from natural growth, among other things. The state must allocate land to this sector according to the same egalitarian principles it uses with other sectors. The committee added that suitable planning should be carried out as soon as possible to prevent illegal construction caused by lack of existing town planning that make it difficult to obtain a building permit. In this regard, the committee noted that a real response must be made by the government to the issue of the destruction of houses and the expropriation of land. On the other hand, wherever a way cannot be found to legalize existing construction, the law must be enforced unstintingly.
26. The committee noted the need for a reform of police systems with regard to the Arab sector. The police is not conceived as a service provider by the Arab population, but as a hostile element

servicing a hostile government. There is a need to expand community police services in order to improve service to this sector. The committee determined that, in light of budgetary difficulties in the police, budgets should be diverted from other areas to this area.

27. The committee noted the importance of inculcating moderate and balanced norms of behavior among all ranks of police personnel with regard to the Arab sector. It is important to work to uproot prejudice, which exists even among officers who are experienced and admired. The police must learn to realize that the Arab sector in Israel is not the enemy and must not be treated as such.
28. The committee determined that the police must raise the level of dialogue between its officers and the leaders of the Arab community. It must be in continuous contact with leaders at all levels in order to identify flash points for violence at an early stage and to determine agreed-upon means that will permit expression of protest without endangering the public and with minimum disruption of public order. The committee noted that during the period of its work it appeared that real progress had been made in this area.
29. The committee added that the police must demonstrate systematic and egalitarian enforcement of the law, whether in regard to the illegal call to use violence or in other illegal phenomena.
30. The Arab leadership: The committee determined that the Arab leadership must show greater responsibility in its messages and actions. Praising violence as a means of attaining goals, even legitimate ones, is not equitable with the obligation of the leadership to act responsibly, because messages they send may create an immediate risk to public safety and, in the longer term, a danger to the social fabric. Adopting the strategy of threatening violence or using illegal means to attain goals is unsuitable to responsible leadership. The committee determined that the right to protest does not include the right to initiate violent confrontation or to attack innocent civilians or the security forces...
31. The committee added that those who initiate protest have the responsibility to end it without endangering public safety. The committee determined that the norm of unlicensed protests is unacceptable. It noted that this norm radiates lack of respect for the rule of law. Other, proper norms are to be expected of the leaders of the Arab community, many of whom are local or national leaders...
32. The committee determined that, while most of Israel's Arab citizens are loyal to the state, the messages transmitted during the October disturbances blurred and sometimes erased the distinction between the state's Arab citizens and their legitimate struggle for rights, and the armed struggle against the state being conducted by organizations and individuals in the West Bank and Gaza. More than once, the two struggles are presented by leaders of the Arab community as one struggle against one adversary, often an enemy. The committee emphasized that the concept of citizenship is incompatible with the presentation of the state as the enemy...

The committee emphasized the obligation of the Arab leadership not to blur the boundary between the emotional complexities that Israel's Arabs experience and the fact that they see themselves as the brothers of the Palestinians in the territories and taking action and transmitting messages that are incompatible with the loyalty that every citizen of every nation must show. The committee said that the events of October 2000 should be seen as warning signs against continuing to head in this direction. ...

33. The Public Security Ministry and its minister have an important role to play in supervising and monitoring the police, and in keeping the fine balance necessary in its functioning. This is even more the case in times of crisis and in preparing for them. The committee determined that, with regard to decisions involving the value of human life, the minister of public security may not remain passive. He must be on his guard to ensure that he has the information necessary so that he can make informed decisions to supervise the work of the police and to direct police policy. Although the minister of public security should not interfere in individual operational or professional decisions, such as those involving investigations, he is expected to show leadership in matters of policy. In order for him to do so, he must make sure to obtain all necessary information, and to consult with operational staff personnel in his office regarding the significance of that information.

34. The operational headquarters in the Public Security Ministry: The committee noted the importance of the operational headquarters in providing the minister, who is not a police professional, with the independent professional advice to assist in supervising and monitoring the police. The committee determined that, for this reason, the chief of operations at the ministry should not be on active duty and in line for promotion, a status that creates a conflict of interest. The committee therefore recommended that personnel serving in this position not be on active duty on the police force. The committee also recommended that this course of action be followed regarding other functions in the Public Security Ministry.
35. ... The committee was impressed with the fact that, on the whole, the police, its commanders, and personnel operate faithfully, courageously, and in a determined manner that is to be commended, and noted that they serve night and day to protect public order and the laws of the state. However, the committee pointed out a series of matters needing attention and improvement, as detailed below.
36. Directives and orders: The committee found that the police do not require a sufficient level of coordination or systematically follow written directives and practices on various subjects...
37. The committee determined that the police are not doing enough to transmit new orders and directives. In this regard, it found that the police do not take suitable action to inform personnel of changes in its directives permitting the use of rubber-coated cylinders only when lives were endangered. It was noted that most of the officers and personnel who testified before the committee said they were not aware of this change in regulations.
38. The committee noted that, during the events of October 2000, directives given to personnel in the field were not sufficiently clear. Directives on sensitive subjects such as riot control were transmitted without due emphasis on the importance of the matter. Only after fatalities were incurred were messages transmitted that clarified police policy on this issue.
39. The committee found that the following of orders and practices is not sufficiently obligatory in police culture...
40. The committee examined the serious failures that were revealed in investigating, reporting, and documenting the events in which the police were involved. It noted the suspicion that the culture of full and true reporting of events in real time was not deeply rooted. The committee learned that a phenomenon of non-documentation exists regarding various police activities, in spite of their great importance. The committee also noted that it found one case where failures in investigation bordered on ethical irregularities, with a district commander actively involved in examination of an event in which his own functioning was to be investigated, and in actuality was not. The committee added that in many cases investigations regarding the discharging of a weapon did not take place...
41. The committee found that omissions regarding reporting and the carrying out of orders is not limited to the lower echelons of the police... In this context, the committee noted that the use of sharpshooters during the October disturbances was concealed from the political echelons with no reasonable explanation offered.
42. The committee also noted that the culture of drawing conclusions by the police from the events of October 2000 is not deeply rooted...
43. Handling of public disturbances by the police: The committee noted the principle of the sanctity of life requires that everything possible be done to prevent deaths or injuries during riot dispersal. The committee emphasized the obligation of the police to seek every possible avenue, under the circumstances, to avoid casualties. It noted that there is consensus on the fact that if budgetary and personnel constraints would allow, the desirable solution involves the establishment of a special force, consisting of thousands of personnel, for this purpose. In this context, the committee noted that there is an inherent advantage to a large, well-outfitted force to deal with disturbances, and that such a force may contribute to minimizing loss of life. The committee noted that, in or-

der for the police to face public disturbances, it must be properly equipped, which involves suitable budgetary appropriations. It noted that the lack of appropriate funding was a clear factor limiting police human resources and its ability to fulfill its duties. The committee recommended massive budget increases be given to the police. It also determined that in the given budgetary situation, police command may be improved in the issues in question. In this context, it determined that the police must outfit its units that deal mainly with public disturbances with the required protective gear, in order to delay as much as possible the need to use brute force. The committee noted that such steps were taken as a result of the events of October 2000, and it emphasized that the police should ensure that the steps are completed as soon as possible.

44. Live Fire: The committee also addressed the issue of the measures used to disperse crowds. The committee determined that the fact that rubber-coated bullets became the principal means of handling disorder during Wilk's term as police commissioner significantly increased the risk of causing bodily harm during crowd dispersal, and this could have been anticipated. The committee determined that this happened due to the police's failure to check the consequences of this measure as used by the police in dispersing crowds. Similarly, the police failed to study the impact of rubber-coated bullets before being put into service even after the 1998 incidents in Umm al-Fahm, when many were injured by them. Even proposed legislation on this issue did not lead the police to conduct an orderly collection of data and present various alternatives and their consequences. The committee determined that based on the way the police handled this matter, there is a structural defect in its operations. It was also determined that this shortcoming derives, at least partially, from a conceptual obstacle, according to which the police's means of dispersal is a technical matter for the quartermaster alone to handle. The committee insisted that this conception is mistaken. It was determined that the means of crowd dispersal have far-reaching implications on the relations between the police and the crowd it is facing and have a direct impact on human life and limb. The committee emphasized in this context that only after the events of October did the police draw the necessary conclusions, forming a panel to investigate the use of firing rubber-coated bullets and shifted to using tear gas for crowd dispersal.
45. The committee determined that it should be made unequivocally clear that firing live ammunition, including sniper fire, is not a means to disperse crowds by the police. This is a means to be used only in special circumstances, such as when there is a real and immediate threat to life or in the rescue of hostages.
46. The committee determined that rubber-coated bullets are not appropriate for use due to their risk. It was determined that the police should remove them from use. It was emphasized that this does not prevent the police from deploying other kinetic means, including rubber ones. Nonetheless, the guiding principle must be that a means with lethal potential can be used only in situations of real and immediate life-threatening danger, and only if its accuracy level enables it to hit the source of this life-threatening danger and no one else. In other situations, the police must use non-lethal means.
47. The committee insisted on the need for an organized doctrine to disperse crowds, and stressed the importance of providing sufficient training to the forces responsible for confronting public unrest. It was determined that until the events of October, the police lacked a systematic operation doctrine that could provide a clear and orderly answer to the complex psychological difficulties the police encounter when confronting public unrest. In this context, the committee noted that in a number of the incidents it reviewed Umm al-Fahm on Oct. 2, the Lotem incident on Oct. 2, the Patrus incident on Oct. 2 and the mall incident on Oct. 8 the police response escalated, in some cases to the point of using lethal ammunition, as an almost immediate reaction after one of the policemen or commanders was injured by stones thrown at them from the unruly crowd. The committee noted that in each of these cases, the police reaction was excessive given the circumstances, since there was no real danger that required a lethal response. The committee emphasized that these examples illustrate the real difficulty in instilling in policemen the wisdom of self-restraint that will abide with them in difficult conditions of pressure and danger.



48. The committee emphasized the need to inculcate in policemen and field commanders a sharp realization of the serious significance of deploying potentially lethal means. It was noted that in the events of October, these means were used in many incidents without any objective justification for this. The committee noted that also in this context, there was a significant trend for change in the police after the October events. The committee recommended that this trend be passed on to the entire police in an orderly manner as part of the doctrine for dealing with disorders. The committee added that it would be advisable for the police to take into consideration in the framework of its operating doctrine on this issue the way in which the use of guns is perceived - even if the means is rubber-coated bullets - by the other side. In this context, it was noted that the use of rubber-coated bullets is generally perceived as different from the use of live ammunition, and the even the police cannot distinguish between the firing of live ammunition and rubber-coated bullets from sound or sight alone. This has an impact on the dynamics of the clash.
49. The committee noted that during the events of October, the Police Special Anti-Terror Unit's forces were used to protect policemen engaged in confronting the disturbances. The committee noted that this raises questions: The expertise of the unit's personnel is in rescuing hostages and handling threats entailing live gunfire. In light of all this, the committee determined that arrangements should be made to ensure that the unit's personnel are not deployed as part of a force handling public disturbances, and that they only enter action to counter threats that fall within the framework of the unit's special mission.
50. The committee also addressed the issue of control over police forces engaged in handling incidents of public unrest. It was noted that these public disturbances are characteristically prolonged and dynamic incidents can evolve in unexpected directions. It was also noted that there are substantial numbers of police involved in such events who often find themselves in threatening and tense situations. The committee noted that these conditions pose an inherent risk of an immoderate reaction by one policeman or another during some stage of the event, and that such reactions are liable to lead to severe consequences, bringing the incident out of control and even affecting events in other locations. The committee noted that this occurred in various cases in the events of October. In light of this, the committee determined that when selecting policemen for units assigned to handle public order, the police should give serious weight to the criterion of cool-headedness and self-restraint. The committee added that the police should improve the level of control of its commanders.
51. The committee noted that the police formulated a detailed and orderly operational doctrine for dealing with public disorders following the events of October. It was noted that most of the aforementioned conclusions are addressed in the framework of this operational doctrine. The committee recommended that the police make a concerted effort to inculcate these lessons among policemen and their commanders in the field in order to improve significantly their ability to cope with the difficult situations they face when dealing with public disturbances.
52. Blocking Off Roads: The commission considered blocking off roads, including major highways, while the acts of disorderly conduct were in progress. It was noted that this phenomenon is not unique to acts of disorderly conduct in the Arab sector. The commission noted that in the context of the October events, several prominent people in the Arab sector said the events proved that the blocking of roads to traffic constituted an effective device by which it was possible to affect opinions and decisions with regard to the Arab sector.

That being the case, the commission faced a dilemma. On the one hand, blocking major highways causes a severe disruption of normal life. When this is accompanied by violence, it constitutes a real danger to passing motorists, and obligates the responsible parties to do what they can to prevent the blocking of traffic on main highways. The commission also determined that legitimacy should not be given to the *modus vivendi* of blocking roads, since this would provide an incentive to make frequent and intensive use of this unlawful and harmful method. Conversely, the commission determined that for the most part, it is unrealistic to open up blocked roads when mass acts of disorderly conduct are taking place without causing casualties.

It is noted that on their own initiative, on more than one occasion the police closed roads that had actual or expected acts of disorderly conduct. In this context, the commission noted that there is great significance to the formulation of policy and its clarification to all of the relevant parties in order that the rules of conduct be made clear to all, in advance. Specifically, the commission noted that it would be possible to limit partially the damage caused by this occurrence by means of prior coordination at the high-ranking levels of the police force - and when required, by the political echelons, as well - with the leadership of the Arab sector. This would make it possible to hold a march or demonstration at a certain location for a pre-determined amount of time. To this end, the commission noted, the police should be alert and sensitive to the possibility that at a certain location or at a certain time there could be acts of disorderly conduct that could lead to the blocking of roads, and should initiate a prior dialogue.

The commission added that this could reduce the risk of disorderly conduct, but could not guarantee absolute deterrence. In such an instance, when dialogue is ineffective, it should still be borne in mind that prevention of bodily harm, including harm to passersby, is a supreme consideration in the state's handling of these types of events. Nevertheless, it is noted that the state's ability to restrain itself is not unlimited. The blocking off of roads for prolonged periods cannot be accepted. Nor can the state accept the blocking off of traffic arteries during a mass call-up or a similar national emergency situation. In such instances, a determined response, and if need be a powerful response, to the blocking of roads could be considered a reasonable and obvious action.

53. Concluding remarks: The commission expressed its feelings of sympathy with the victims of the violence. With the citizens who found themselves assaulted by harsh violence on their country's and settlements' roads. With residents of the settlements who felt threatened in their homes and along their fences. With the bereaved families who lost their loved ones in these events, and who have found no comfort, regardless of the circumstances. With those who were injured in the violence, often experiencing trauma that will not be forgotten soon. With the dedicated policemen who found themselves under orders, often as the few facing the many, lacking adequate protection and equipment to face a riotous and inflamed horde, and who were on more than one occasion themselves injured, at times seriously, in fulfilling their duties.
54. The commission noted that the October events had reduced the chances of attaining the goal of living together with mutual respect. The clashes and their aftermath led to reduced contact between the two societies and increased distrust and hostility. Nevertheless, the commission noted that in its opinion, the events did not constitute a point of no return in relations between the two sectors. It was stressed that each side has a clear and firm interest in stability and cooperation, and in the end, the October events had in fact proved that the two societies are mutually dependent, and focused attention on the dangers inherent in polarization and conflict. The Commission noted that even if full reconciliation between them is not attainable in the short term, it is by all means feasible. The commission considered the need to strive and take active steps to ensure the peaceful coexistence of Jews and Arabs in this country, thereby ensuring that events similar to those of October 2000 will not recur. It noted that Jews and Arabs living alongside one another is a fact of life, and the two sides have only one practical option for maintaining this way of life - coexistence with mutual respect. All other options, it was noted, are recipes for increased tension, heightened distress and undermining of the order.
55. The commission stressed that coexistence presents challenges that are not easy for either side. It obliges each side to listen to the other, understand its sensitivities, and respect its basic rights. Arab citizens must bear in mind that Israel represents the realization of the yearnings of the Jewish people for a state of its own, the only state in which Jews are the majority, a state that is partly based on the principle of an ingathering of the Jewish exile, and that this is the essence of the existence of the state for its Jewish citizens. The Jewishness of the state is a constitutional given, which is partly reflected in the primary nature of the heritage of Israel and of the Hebrew language in its public life. At the same time, the commission noted that the Jewish majority must bear in mind that the state is not only Jewish, but also democratic. As stated above, equality is

one of the primary elements of the constitutional structure of the state, and the prohibition against discrimination applies to all citizens of the state. The majority must understand that the events that made the Arabs a minority in the state were for them a national catastrophe, and that their integration into the State of Israel was attended by painful sacrifices. The majority must respect their identity, culture and language. The commission also referred to the possibility of giving public expression to common denominators that link the entire population through the addition of official state events and symbols. It considered the need to find ways to reinforce Arab citizens' sense of belonging to the state without adversely affecting their belonging to their culture and community.

56. The commission did not take a stand on the various claims to grant collective rights to the Arab sector in several areas. It noted that this is an emotionally charged issue that is a source of great sensitivity to both sides. Among other things, it noted the testimony of former prime minister Mr. Barak, who felt that the Arab sector in Israel has communal rights - as a collective - to its own heritage and culture, but who differentiated between these types of rights and collective national rights that would threaten Israel's basic identity as a Jewish state. The commission noted that resolving the tension that partly arises from this differentiation is no simple task, and that debate of these issues necessitates political exchange of views, which should be worked out through dialogue to be held in appropriate forums.
57. The commission concluded that although its work and this report have endeavored to investigate the essential facts of the October events, above all other considerations, it does not abandon the hope that its work will also eventually contribute to a warmer relationship between Jews and Arabs in Israel.



**ISRAELI CABINET, COMMUNIQUÉ ON SECURITY MATTERS,  
JERUSALEM, 1 SEPTEMBER 2003 [EXCERPTS]**

1. Defense Minister Shaul Mofaz and IDF Chief-of-Staff Lt.-Gen. Moshe Yaalon briefed ministers on current security matters.

Defense Minister Mofaz said that the murderous Hamas attack of August 19, 2003 in Jerusalem, in which 21 people were murdered, had opened a new and different chapter for Israel in its relationship with the Palestinians. He added that the attack had broken the track that was supposed to give the diplomatic process a chance and referred to the Palestinian Authority's passivity regarding the war on terrorism and the infrastructures of terror. In response, the security establishment has changed tack and adopted the following principles:

- An all-out war against Hamas and other terrorist elements, including continuous strikes at the organization's leaders;
- Increasing the pressure on foci of terror in Judea and Samaria;
- Freezing the diplomatic process with the PA and making it clear that Israel will neither return to it nor move it forward unless it sees that the PA is taking tangible steps to deal with the infrastructures of terror.

Defense Minister Mofaz said that since the terror attack in Jerusalem, Israel cannot return to the previous "rules of the game." He asserted that the international community, along with the US, understands that there can be no going back to the rules of the 'hudna', but that an aggressive policy must be adopted against Hamas for the sake of future regional stability.

From Israel's point-of-view, since the August 19th attack in Jerusalem, there have been five targeted eliminations of Hamas terrorists; operational activities in Judea and Samaria have been stepped up; arrests of fugitives have returned to their previous scale; and the security establishment is preparing for the possibility of a security escalation and renewed wave of terror against Israel.

Defense Minister Mofaz referred to the situation in the north and said that while Israel is maintaining its restraint, tensions are still high and the IDF is prepared for all possibilities.

IDF Chief-of-Staff Lt.-Gen. Yaalon discussed recent attacks, especially the shooting and sniper attacks. He noted that Hamas has focused on attempts to launch Kassam rockets at Israeli communities and perpetrate suicide attacks wherever possible. He briefed ministers on actions that were approved by the Ministerial Committee on National Security and which were carried out by the IDF.

Prime Minister Ariel Sharon directed Chief-of-Staff Yaalon to convey the Cabinet's gratitude and best wishes to the security forces. [...]



**WORLD COUNCIL OF CHURCHES, CENTRAL COMMITTEE,  
SECOND REPORT OF THE PUBLIC ISSUES COMMITTEE, MINUTE ON THE  
OCCUPIED PALESTINIAN TERRITORIES, 2 SEPTEMBER 2003**

The WCC Central Committee, meeting in Geneva, Switzerland from 26 August to 2 September, 2003, took note of the efforts undertaken by the WCC General Secretary and staff of the Commission of the Churches on International Affairs, to implement the resolutions of the Central and Executive Committees since February 2001, to end the illegal occupation of Palestine.

A year after the *Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI)* was launched within the 2002 focus of the Decade to Overcome Violence and its campaign to *End the Illegal Occupation of Palestine: Support a Just Peace in the Middle East*, the Central Committee welcomes with appreciation the partnership provided by churches and specialised ecumenical ministries that support this new ecumenical initiative of the WCC. In particular, the Central Committee recognises the courageous witness of the Ecumenical Accompaniers, who volunteer to serve the Church of Jesus Christ by standing in active solidarity with a people struggling for freedom, justice and peace. The Central Committee reaffirms its endorsement to this programme and asks all WCC member churches and ecumenical partners to actively engage in it.

In addition, the Central Committee heard with heavy hearts the message sent by the Heads of Churches of Jerusalem and the observations made by the CCIA and ACT delegation during their recent visit to the occupied Palestinian Territories. We were especially concerned with the humanitarian consequences of continued closures, curfews, extra-judicial killings and suicide bombings as well as the “separation wall” being erected by the Israeli authorities. The Central Committee asks all members to condemn such actions and to join the Patriarchs and Heads of Churches, Communities and Institutions in Jerusalem in their daily “Prayers for just peace and reconciliation in the Holy Land”. The Central Committee further regrets that in spite of its appeals to the government of Israel, they have still refused to recognise the election of HB Patriarch Irineos I, as head of the Greek Orthodox Patriarchate of Jerusalem.

Endorsing the CCIA's analysis of the *Road Map to a permanent two-state solution to the Israeli-Palestinian conflict*, the Central Committee recommit itself to the WCC direction, long-term policies and actions developed since 1998, which need to remain constant and of high priority. In this light, the Central Committee calls on the WCC member churches and ecumenical partners to intensify their efforts on behalf of the ecumenical campaign launched in 2002 and to increase their humanitarian relief and rehabilitation efforts. It also asks the General Secretary and staff of international affairs to give visibility to all ecumenical efforts to end the occupation of Palestine. In this regard the Central Committee recognises the need for the speedy establishment of the *Jerusalem Ecumenical Center of the Heads of Churches in association with the WCC and MECC* (ref. GEN 6-page14).



**PRIME MINISTER MAHMOUD ABBAS, SPEECH TO THE PALESTINIAN  
LEGISLATIVE COUNCIL, GAZA AND RAMALLAH, 6 SEPTEMBER 2003**

Peace be upon you,

I did not ask for a secret or confidential session, I asked for a closed meeting to present the PLC with matters that I do not want to reach to the media although I am sure that they will reach the media with all details while we keep hearing every hour about official and unofficial spokespersons launching statements without their names mentioned and they request that their names are not to be mentioned.

At first, I extend my apologies to the PLC for the insult launched to it because of my visit which led to the breaking of glass and to attacking some members of the cabinet and the acts of riots that were performed by some and caused other things, since my presence here caused all this, I extend my apologies.

It is very regrettable to see that those who performed those acts did them as part of incitement and pushed to do such attacks against us in our capacity as a government - the government of Abu Mazen - and in our capacity as normal people and unfortunately, they carried slogans that talk about betrayal and collaboration and connection with the foreigner and other slogans that they launched and incited for, but there were slogans and chanting saying: Where are the prisoners? Why does the Wall continue? Why settlements continue? And why and why as if the 100-day old government is the party that brought all calamities to the Palestinian people; they were instigating and many talked about the refugees and the right of return and other slogans which are lies and fabrications and aggression.

In addition to all this, the demonstrations were nothing but a call for bloodshed and luckily we asked from the police not to interfere because if they did, God only knows what would have happened; I really would have preferred to be treated as ordinary guests to the PLC and to be offered some dignity and protection.

Many talked about the loss of Palestinian constants; did this government lose the Palestinian constants? Did it lose the state, the right of return, Jerusalem, the settlements? Did it give up the rights and constants? All these are illusions in the minds of those who launch such accusations.

There is also an issue that we must end for the last time which is that we came to power with American-Israeli desire and will, such an idea is also expressed by some of the PLC members. It seems that everybody forgot that I was commissioned by the PLO Executive Committee unanimously and by Fatah Central Committee unanimously and I was commissioned by the Central Council unanimously and 51 votes of your respectful council voted for me, so who is the American? Who are the Americans who brought us to this government? Then they say: This government has no saying even if it wants to resign because it is connected with the Americans. This is shameful; this is the least one can say.

I presented to you a report on the achievements of this government and I requested from my brothers the ministers to present their achievements. There was no room to make all the achievements possible despite all obstacles and despite the difficulties and despite all insults, I believe they were humble achievements; I am not saying they are major achievements but humble; this is what we could achieve.

They say in the media that either we take everything or we want nothing; these are lies; we do not want anything beyond what you commissioned us to perform and what was commissioned to us by the political leadership nothing more.

Some look at this government as the scapegoat and want to put all the blame on it. We will not be scapegoat to anyone and we will not allow anyone to blame his mistakes or his aspirations or dreams on us; we won't be scapegoat for anyone.

My relation with brother Abu Ammar is a historical one; this is not the first time that we disagree and I hope it will be the last time, but I don't hate him and he doesn't hate me. I do not know if he hates me but I do not hate him, we lived together for 40 years eating, drinking, struggling, bearing, and

living with each other; we are human beings and we are not copies of each other and we will never be, he has his own opinions and positions that I respect and he has own decisions that I respect but I am not a copy of him; therefore, I know the limits of the relationship between me and him but it is not a personal relationship at all; if we disagree, it is not regarding a personal matter and the same applies when we agree on a matter; it is never personal.

I am not the type who likes to have a certain circles of people around me and I have never been a person who would cause or call for any split or grouping; I was the first to fight the signs of split until this very day and I am the sole person who still fight the split that took place in 1982. I am part of the legitimacy. I am one of the founders of this legitimacy and I cannot go astray and I cause make any split and I will never stand against the legitimacy that Yasser Arafat represents. If we disagree, all I do is to leave alone and if you do not know this, I hope that you know it now.

Regarding the council, it has and owns its own decision; there are 18 persons who demanded to withdraw the vote of confidence from this government; this is up to the council to decide and I respect and take pride in this institution.

There are many things being said and not rumors but statements and stories told deliberately and with determination; they say I took over the Palestinian negotiations and that I monopolize them; these are lies, all lies. The party in charge of the negotiations is the PLO from the start until now. The PLO negotiates and decided and makes agreements regardless of the levels. no one in the cabinet or the authority or any other party can negotiate on behalf of the PLO. this is the business of the PLO; we have been defending this since Oslo until now.

When I went to sign the agreement, I went because our Foreign Minister and the Head of the PLO Political Department refused to go and refused to accept and did not recognize Oslo. He was the person supposed to sign because he is the Head of the Political Department and he is the Foreign Minister but he refused and he stayed away and sat far refusing the agreements from the start and said that the agreements do not match with his ideas. I do not want to say more than this.

When we formed the government, I handed the negotiations department to Brother Saeb Erekat and he became the head of the negotiations department after me since I was the Secretary of the PLO Executive Committee. He assumed the post and became an observer member in the Executive Committee in order to separate between the negotiations and the authority because the authority does not negotiate.. members in the authority can be members in the negotiations committee but there is a higher committee responsible for the start and end of negotiations and there is an executive committee which decides with the decision of all its members.

All matters going on in the negotiations are done upon orders from Yasser Arafat. no single word or letter or issue raised or agreed upon unless there is approval from him; therefore, the negotiations is not our affair and is not the affair of the government; it is the affair of the PLO that draws up the policies while the negotiations committee executes those policies.

Some say that we exclude the PLO and that we want to destroy it and that we want to surpass it. This is ridiculous and the proof is that the PLO Executive Committee meets with full quorum and over and above here in the homeland and the Central Council convenes here with full quorum inside the homeland and the PNC met in 1996 with its quorum - more than two thirds - also in the homeland. Therefore, the PLO is here in the homeland and one or two persons absent does not really matter that much and does not really mean that this might strike the legitimacy of the PLO. No, the PLO exists here and the proof is that since the authority entered here, the PLO convenes on a regular basis and some times irregularly in the homeland. The PLO exists and assumes its responsibilities and when Abu Ammar decided to form a new government and a new PM, he summoned the Central Council and the Central Council came here and gave its position and viewpoint away from the pressure and will of the Americans.

There is a problem that we face based on this, since we entered the homeland, who represents us? Is it the Planning Minister then or is it the Foreign Minister brother Abul Lutof (Farouq Qaddumi) and the

matter was settled in one time in 1996 when it was said: the Palestinian delegation is headed by Abu Ammar and the delegation of the Presidency consists of Abul Lutof, Abu Mazen, Yasser Abed Rabbo and Suleiman Najjab and others, and the delegation of the Foreign Affairs is Nabil Shaath; after that the matter was left unsettled and embarrassing and the most embarrassed was Abu Ammar because the complaints were coming to him from all the people; they told him: We have at the official meeting table two foreign ministers and we have two badges (identification cards) and two seats and two cars and two suites are required because we have more than one head of the delegation; in addition to that, we have two contradicting political speeches; so who represents the PLO? Who speaks on your behalf? Who represents your politics? Abu Ammar was always complaining and saying: This is a scandal.. this is a scandal; how can we handle this situation? Finally, we reached to a point where the matter has to be dealt with in its proper place since the PLO Executive Committee is the party that gave the decision and it is the party that must decide on this matter because this is dualism in speech and position and seat and this cannot go on like this.

Abu Ammar called for the convening of the PLO Executive Committee more than one year ago and presented the matter to it and the following proposals were made: either brother Abul Lutof is Foreign Minister or Nabil Shaath a state minister or to have Farouq Qaddumi as Foreign Minister or Nabil Shaath as Foreign Minister or to have them share the responsibilities. After a long discussion, it was agreed to divide the jurisdictions between them and the members started to discuss the jurisdictions and it was said: regarding the Arab League Council and its institutions, Nabil Shaath will represent us there and regarding all matters dealing with Europe. As for Qaddumi, he will represent us at the Islamic Conference and the Non-Aligned Countries Conference and the UN and the African Summit, meaning that that duties were restricted between the two and the letter was written to be informed to Abul Lutof and to settle the matter which Abu Ammar used to described as shameful and a scandal. It was also said in the session, and all members who were present in that session are still alive, to brother Yasser Abed Rabbo: Yasser go and inform Abul Lutof about this letter; I don't know if brother Yasser did go and informed him the message.

When I formed the government, It was said: what is the post of Nabil Shaath? I set the following position: Minister for Foreign Affairs. Nabil Shaath went to Abu Ammar who said: This is wrong... it should be Foreign Minister why the "Affairs"? Nabil came back to me and said that Abu Ammar wants that I take the post of Foreign Minister; I said then: Why not.. Foreign Minister or Minister for Foreign Affairs, it is all the same. In the Central Committee meeting as far as I remember, they said: No, Minister for Foreign Affairs. Abu Ammar said: Minister for Foreign Affairs. I said: I do not mind. I am responsible for every word I say here and you can talk to me about these things even after 10 years.

Therefore, it came in the list of the cabinet as Minister for Foreign Affairs, then I went to Abu Ammar and I asked him: Did you inform Abul Lutof about this? And I repeated the question once again and he said: Yes. I told him: then, I will inform the Arab League that Nabil Shaath represents and I sent a letter to this effect and the storm came then from Tunis and other places. Why this? We said that according to the decision of the terms of reference which is the PLO Executive Committee and Abu Ammar informed me that he conveyed the message to those concerned and now we had to implement it. I met with Amro Musa and he told me: I am in a puzzle; who is the representative? I told him the whole story, but, and Amro Musa is still alive, if you receive anything different in writing from Abu Ammar, he is the President of the Authority and his decision is effective, and till now the problem still exists because it is not known who is following up the Foreign Ministry and the sole victim of all this is our diplomacy and our ambassadors and embassies abroad since we cannot do anything and our brother Abul Lutof is doing nothing about it and our brother Abu Ammar is doing nothing since he is the person in charge of the embassies and he is doing nothing and Nabil Shaath is doing nothing and we have 89 embassies spread all over the world while Jordan has only 45 embassies.

Recently, brother Abul Lutof announced that he formed his delegation consisting of several members, including Nabil Shaath, the state minister for Foreign Affairs. This issue affects the whole Palestinian diplomacy and has not been solved yet and this is exactly what happened.

Financial issues:

We tried to take some financial decisions, some of the decisions were implemented, and other decisions were not implemented. Some passed peacefully and easily and others with many obstacles; we said the law of retirement or the retirement decision must be implemented and a storm hit us.. "has the phase of national liberation ended?" "America wants to get rid of the PLO" although in all countries there are retirement laws. The decision might be incomplete and might need amendment but it does not that we get insulted just because we want to implement it, such as saying, "America hopes to get rid of the strugglers"!! in all countries, there is the system of retirement, till when we will have the grandfather, his son, and his grandson in the ministry at the same time while we have 18,000 graduates and despite this nothing changes because we cant be traitors and we cant get rid of the strugglers. The matter was presented to the Executive Committee and I do not know what the Executive Committee has to do with this matter, but it is the higher command and it said: this decision will be halted. By the way, there is not only the Executive Committee but there is also the unified Palestinian leadership and with all frankness, I do not object against the formula but on the implementation. This is not a unified Palestinian leadership and I do not want to get into details of who attend and who represent and who sit on the table to decide the destiny of the Palestinian people.

Before that, we issued a decision on the cuts which used to be deducted from the salaries of the employees and which reached to 15% in some cases. Personally, I do not know where those deductions go. Despite this, and this is not important, what is important is that this action harmed the employees who reached 150,000 and some financial capabilities were provided so that those deductions would stop but some protested and said: You are striking the Intifada; what is the relation between the Intifada and the deductions? Why do we always look for a "national reason" to strike any procedure and to strike against any decision? Despite this, the decision was passed, in addition to the monopolies and petroleum and companies and tobacco and others. Why those monopolies? And for whose interests? When they were canceled, people felt relief, especially in the field of petroleum which was cheated upon an official decision, and the result was like I said in my report, the difference was vast between the income in May and in July, meaning between the last month the commission was there and the first month in which the Finance Ministry assumed control over the finances of this commission. The difference reached 6 million US dollars per month, which meant \$72 million per year which were stolen.

Civil servants get their salaries from the banks and the Finance Ministry proposed that salaries for all are received through the banks for all civil and military personnel, they launched against us a vicious attack: "How can we reveal the names of the security men to the banks"; in fact, all names of security men were handed to the Israeli side upon an official order and was handed by brother Saeb Erekat. When we entered the homeland, every person who entered, whether civilian or military, was to be known, in addition to the rifle and the bullets; all were registered. The Israelis and Americans have all information. Now, when we ask to place the salaries in banks, they say, "No it is prohibited; this is not a national action". The Police, the preventive security, and the intelligence in the Interior Ministry accepted to have the salaries of their men in banks while the rest of the security services remained getting the salaries in the bag, why? All we wanted was to organize this so that every person will receive his salary with respect from the bank and to have a cheque book and an account in the bank in order to give them a chance to deal with banks and get loans, but the bag!! One of them told me: The US navy receives by the bag! Unfortunately, this is a silly excuse and a cover up for theft. Till now the issue has not been solved. Why? The result is that those who benefit move here and two demonstrations were organized against the Finance Ministry and the Ministry is broken into and its contents and properties stolen in Gaza; I don't want to say where they came from or who pushed them to such an action. If they do not like a decision, they go armed to prevent the decision by force. Salam Fayyad was very sad when he was attacked because they said two words. He said: They could have used any term, but to say that I am a spy or traitor, I would have accepted other accusations but I am no spy or traitor or collaborator.

The Basic Law:

I do not want to explain to you the Basic Law since you set up this law and I am fully committed to it in text and spirit and if disagreements took place, I want the council to solve them. I have said this to



you on more than one occasion; I want you to tell me where are we? What do we have and is required from us? What are our jurisdictions and what are not our jurisdictions? We want to know. But every day I get a decision from Abu Ammar and I really don't know; the embassies are not our jurisdictions, so what is the job of the Foreign Minister? We don't know, and the governors are not part of our jurisdictions, then what is the job of the Ministry of Interior? The airport is not our jurisdiction; the seaport belongs to the PLO and the PECNDAR to the PLO and the Diwan of Personnel belongs to the PLO; this means that any minister has no authority over any employee who comes or leaves or who is appointed or who is promoted; he has no right to say anything in this; everything comes from the presidency; I don't know of any country where ministries and ministers are not responsible for their employees; I know that the minister can have jurisdictions less than an undersecretary or assistant undersecretary who cannot appoint or replace unless there is a decision but to have general directors "B" and "C" appointed in his ministry from outside the jurisdictions of his ministry?? How and why??

In the last meeting of the Cabinet, a decision was taken to appoint Sakher Bseiso instead of Abu Sharia; it is a decision regardless whether it is correct or wrong, but to stop the implementation of the decision by force? The Brigades of Abu Sharia cannot barge in and occupy and stop and strike and order that Abu Sharia be seated in the Diwan by force... how can this happen? I assume that the decision is incorrect but this is not the way to handle matters. When we took the decision, I sent a delegation of three persons to the President consisting of Yasser Abed Rabbo, Azzam al-Ahmad and Nabil Amro and I sent him a letter (Brother President, we took decisions first in the Diwan of Personnel and second on appointing State Minister Abdul Fattah Hamayel as Minister of Youth and Sports and we seek your blessing) he wrote to us: this is none of your business; this is the business of the PLO and a decision from the President; there are even incitement against Hamayel and he was prevented from performing his duties; normally he was not authorized to enter the ministry before he gets the confidence of the PLC or at least this is how I understand it.

#### The TV and Information Minister:

I understand that the TV belongs to the government and I understand that I am the PM and I also understand that the first media side to cover our news and conferences and meetings are our media apparatuses.. when I met Colin Powell, the Palestinian TV came and got exclusive rights to transmit the press conference... all news agencies and TV Channels broadcast it except our TV, and days pass by, the speech that I delivered in front of you was transmitted live by 3 or more TV stations but not our TV. I say the TV stations transmitted it live and I asked the Minister of Information – and I seldom watch or follow up mass media, and he said that there are instructions from "me" (and he means the President) to broadcast and show cartoon films during the delivering of the speech!!!

Many say that I want to place the security services under my control and to take them away from the control of brother Abu Ammar; these are lies and this never happened; I don't want the security services under my control and there is a long story behind this. The Basic Law says: the internal security services are under the control of the Cabinet or Minister of Interior and I believe that this is clear. The roadmap says: all security services are under the control of the PM, but I didn't even ask for the unification of the services; when I was asked, I said the unification of the efforts of all security services and not unify all security services; thus, what we demanded was coordination and nothing more between the security services, and when the Americans used to tell us the unity of the services, we used to tell them we don't want this.

Here, I would like to say: It was not me who agreed to the roadmap and it was not my government which accepted the roadmap, it was accepted on December 20, 2002, and the first to launch statements was brother Saeb Erekat in the name of the PNA and the former cabinet on the acceptance of the roadmap as is and the roadmap talks about the unification of the security services but we overcome this obstacle; the roadmap talks about striking and uprooting the factions and we overcome this obstacle too because we will not fall into this trap; we don't want a civil war and we cant unify the services because brother Abu Ammar is placing under his control three quarters of the security services and refuses any kind of coordination between them with the rest of the apparatuses.

After this came the meeting of the Palestinian leadership, which I mentioned and I started to feel there was unprecedented incitement and the meeting moved into the meeting of the Central Committee and there I heard all kinds of accusations, the least was that how could the government accept to keep brother Abu Ammar under siege? We had only two months of work and Abu Ammar has been under siege for two years and we did try all international circles and arenas and all institutions and all figures and we approached everyone unless they are demanding from me other means; I felt then that the party that I belong to and which gave me the commissioning is the party that is inciting against me; this party was also talking about the negotiations and criticize monopolizing them and that we had no strategy and that there were ministers who were thieves.

In response to this, I wrote 4 letters; in the first letter I said for the thousand times that the negotiations are not our jurisdictions and not my responsibility but the responsibility of the PLO and that I am a member in the Negotiations Committee because I am the Secretary of the PLO; the second letter was that the accusations from the Central Committee, or from some members so that I won't be unfair with anyone, against the minister, I hope that you bring to me the evidence and then I will transfer those accused to the attorney general immediately and I already told you this that any corruption you hear about, please write to me about it and I will immediately send it to the attorney general and I believe that I will not retreat on this issue.

The third letter: the Central Committee said: We want to set up a strategy for you and you have to implement it. I say: place whatever you want in terms of political and nonpolitical strategy and I'm ready. If I can implement it, I will implement this policy and if I can't, let someone else implement it because this is a decision from the leadership. Any person who can perform those tasks, let him come to implement them.

The fourth letter: I submit my resignation from the Central Committee because this committee, which commissioned me, is the same party which is stabbing me from the back and I am not accusing all members of the committee.

The good people of virtue who care for the public interest and unity and love between us tried to bridge those disagreements and 4 points were reviewed: the first point is that the negotiations committee consist of the following names and this was a decision from Abu Ammar; 9 names and if Abu Ammar wants to reduce the number or increase it, I have no objection and I never had any objection or veto against anyone to be in committees decided by brother Abu Ammar; Akram Haniyye wrote the list and Abu Ammar agreed to the list and it was shown to brother Abu Ala' and brother Ghassan Shak'a and brother Saeb Erekat.

The second point was the security council or the security committee consist of Abu Ammar and Abu Mazen and Mohammed Dahlan and Amin al-Hindi and Haj Ismail and al-Majaydeh; I have no objection against any of the names and no objection against the formula.

The third point is that when disagreements arise on the implementation of the Basic Law, this committee will take the responsibility of solving the disagreements (referring to the four names mentioned above).

The fourth point is the story of Fatah Central Committee and my resignation from it and my insistence on the resignation.

I don't know why each time the issue of the negotiations keeps being raised. I have never had any objection on the negotiations committee because it is not my business; it is the business of Abu Ammar and the PLO, and therefore, it is to my best interest to have separation between the negotiations committee and the government with its tasks limited to the running of affairs of the daily life of citizens but does not exercise politics or negotiations. But, if the need arises to need anyone with potentials and capacities, whether from the cabinet or from outside the cabinet, we welcome this because we are in need of all potentials to be present in this committee and you always objected against the presence of Abu Ala' in the negotiations committee. I tell you that the negotiations need as a necessity to have Abu Ala' to be present; you object and others object; this is your right but this is the ne-

negotiations committee as Abu Ammar and I see it. As for the security, I did not object to any name, regardless of the name, 5 or 6 I don't mind. The issue of the Quartet Committee is not a problem. As for the issue of the Central Committee, I don't want to return to the Central Committee and this is a personal decision. I am not attacking anyone and I don't see myself better than anyone and I am not trying to be unfair to anyone. I came to the cabinet upon a commissioning from the Central Committee and if the Central Committee decides to withdraw this commissioning, the government will fall. This is correct and a right, for example, the committee can say: Since you boycott the committee and since you don't want it, the committee will end its backing to you and your government and this is their right and I heard this from brother Sakher Habash and I respect his opinions and he opposes me on many matters but I respect his opinion and he doesn't have to agree with me on all things.

Days pass and the negotiations committee was formed but not in the form that was posed and I didn't object; the security council have never convened and I sent letters to the Quartet Committee and the Committee has not responded so far.

### Jerusalem incident:

We reached a truce to protect ourselves from a civil war because the alternative is that the authority has to strike; I don't want to strike. We made this truce with all the factions and for the first time in the history of the Palestinian people and we said this is the truce and we want to implement it and it was implemented but Israel kept violating it, just like it did in Nablus and other places. I maintained my relation with Hamas and Jihad and the rest of the factions, especially in Gaza, because I used to consider that the relationship of the government with the factions is not a relationship of a truce, it is a relation of a Palestinian society with its entire spectrum and all its social and political doctrines and norms. We want everybody in the context of this society.. Islamists, atheists or nationalists or others; we are a society created by God, so we must find a formula that gathers and unites these people and this is why the meetings continued and they were not for the sake of the truce, but we used to say: come brothers let us think how we can live in one society with multi ideas and approaches and trends; we actually started listening and listening and we found interaction and response from Hamas and Jihad that we must find a way and this was the best way for us and is still the best for any one who wants to come and govern or be in the government; this is the safest way to protect our unity and protect our people from internal fighting; and the truce came which was rejected by the Israelis and the Americans and then it was imposed on them and they were told that there is no other solution although the roadmap, which we accepted, it says that the terrorist factions must be struck and uprooted and we overcome this or we tried to overcome this tragedy in which we could have put ourselves in if we listened to them.

I was in Gaza in a meeting with Jihad Movement and we started talking and brother Ziad Abu Amro was with me and we were talking about society issues; they have societal demands that we must talk about in conclusion of the previous sessions and we started to talk for about half an hour or so when the surprise came which was the big operation in Jerusalem.

There was confusion and I called on the cabinet to Gaza and the cabinet listened to the latest developments and we agreed on 3 points:

*First:* either this government takes cover from the political leadership and that it is not a puppet or settlement plantation, according to Maher Masri.. are we a government or opposition; if this government is the result of the institutions; let them give it the political covering.

*Second:* there must be a coordination formula between the security services so that they can face on the ground if something happens because it is illogical that the security services do not agree on anything and I called on the security services to remain alert so that we can protect the situation and they said: we cant.

*Third:* there must be measures on the ground.. measures of an authority that affirms its presence on the ground.

These three points were mere recommendations to the Palestinian leadership convening in Ramallah where the person who can arrive can convey those recommendations to the leadership, and a meeting was held and I sat with some brothers and long discussion took place and we agreed that we need to give political back up to the government and a statement was issued by the leadership but this is one of many statements that are issued and which sometimes mean nothing.

The issue continued and Osama al-Baz came and talked to us and he said that something has to be done regarding the security services because there are many commitments and nothing is happening and now how can we handle the issue of security; the Central Committee convened and two proposals were presented: the first from Nabil Shaath in person that brother Abu Ammar appoint brother Nasr Yousef as his deputy in the national security, and that he can coordinate with the rest of the services and I believe that this proposal did not get general approval, so for the second proposal, it was to appoint Yousef Nasr as Interior Minister to be in charge of the national security and they told him to go to Abu Mazen and inform him. Minister Nabil Shaath came to me carrying the two proposals and I answered him with one sentence "both are good; both proposals are acceptable". He asked: No discussion. I said yes, no discussion, if they agree to this, this is good, so he returned to Abu Ammar and called me on the phone after 15 minutes saying that Abu Ammar refused and said: I don't want preconditions from Abu Mazen. I started wondering if I was the person setting preconditions? I just said one sentence and that both proposals are acceptable. And the result was that the decision was discussed in the PLO Executive Committee and in the Central Committee then the proposal was changed to appoint Nasr Yousef as Minister of Interior only without national security, and I was not present in those meetings or sessions but I was told that they did not reach any decision.

Matters started moving where 4 brothers wrote six proposals to end the problem; they were Akram Haniyye and Nabil Amro and Ahmad Abdul Rahman and Hakam Bal'awi. As for the six points, they were 1- the negotiations committee and I asked if this was ever a problem or point of dispute? 2- a reduced security council, we also agreed on this that this is not my problem or cause and this was not my business; 3- appointing a PM; 4- the administrative issues will not be touched unless in consultation between the President and the PM and these are issues pertaining to the Basic Law; 5- monthly joint meetings between the Palestinian leadership and the government when there is a need for that; 6- my attendance at the Central Committee and a reconciliation between me and Hani Al-Hasan because this is one of the problems that must be solved.

Of course, these matters were discussed and everyone talked and expressed his ideas but no results were reached.

The real problem my brothers is that we face Israeli rejection to any of the requests that we used to ask and which I explained to you and which we convinced the Americans about and which were mentioned by John Wolf and which were simple matters, even the prisoners, had they given us the convicted prisoners and had they stopped the wall on our land and lifted the siege... but they offered nothing and every time they say they want the government of Abu Mazen; I am not an employee working for them or for others; if you want this government, help it, and this is proof that they don't want this government.

The Americans talk day and night about supporting Abu Mazen and giving him support; we do not accept or allow; either they help, but nothing.

It seems my brothers that my style and method of work is not satisfactory and my plan is not getting the approval, maybe because this is me. I am not accepted. Israel says he is good and strikes us; Hamas says this man is honest with us and strikes us; the Palestinian leadership sends clubs and sticks to be beaten with them at the doors and gates of the Palestinian legitimacy.. I am not demanding anything; I do not want anything; the person who says that I want either everything or nothing is lying; I never said this and I always used to ridicule the person who would say this; in fact, the person who says this does know nothing.

Unfortunately, the Arab and Palestinian satellite channels contributed in the misinformation and misleading; I have seen several episodes where they exploited us and spread poisons against us against

ourselves; every person comes to those channels and starts issuing statements and positions; they cover hours and hours with advertisements and we publish the dirtiest laundry at their channels; there is no doubt that the satellite channels abused our conscience and souls and cause.

Finally, let me tell you a story; the story goes like this.. one day, Abu Ammar was under the siege and the siege started to get tighter and tighter and I was asked by Hani al-Hasan to talk to anyone so I spoke with Minister of Defense then Benjamin Ben Eliezer and told him: what is happening; I want to go and see him (Abu Ammar), and he said: I will get back to you. The brothers in the Muqata' used to call me by phone every half hour wondering and asking about the developments... I used to answer and tell them to wait and I would say: How would I come out? I cannot leave my home; Ben Eliezer was late in replying and I thought to myself that the best thing is to ask to be allowed to go and see my brothers who live together to hold consultation with them before going to Abu Ammar. So, I went to the building where the brothers were staying and I found there 10 persons who were either members of Central Committee and Revolutionary Council and other brothers.. I said my brothers "I am asked to go and see Abu Ammar so please advise me what to say so that you will not then come and say that I went and came back alone; what do you want me to say?" so I started to hear and listen to proposals and after a discussion, specific proposals were set; I was not allowed to go and see Abu Ammar, so I sent the proposals to him by fax and told him that the brothers suggest the following matters (1, 2, 3 and so on) and we are waiting for your answer, and in case I am not allowed to come and see you, we are waiting for your answer by fax, and the answer came from the Muqata': the slogan of the "Building of Shame" and it was launched by Hani al-Hasan in person and said that what happened in the building was a conspiracy to topple Abu Ammar, so that you will remember only, armed men came and opened fire towards the home of Nabil Amro since he was the person who announced the proposals and since he was "one of the conspirers to topple the Palestinian ruling system"!!! ...and history repeats itself...

Today I sent the letter of the resignation of the government to brother Abu Ammar.

Peace be upon you.



### **ISRAELI CABINET, COMMUNIQUÉ APPROVING REMOVAL OF CHAIRMAN ARAFAT, JERUSALEM, 11 SEPTEMBER 2003**

*[Israel's security cabinet decided to take measures to eliminate Palestinian resistance, including the decision to "remove" Yasser Arafat, "in a manner, and at a time, of its choosing".]*

Communicated by the Prime Minister's Media Adviser:

Prime Minister Ariel Sharon has today (Thursday), 11.9.2003. instructed the security forces to act relentlessly, continuously and determinedly to eliminate the terrorist organizations and take all appropriate measures against their leaders, commanders and operatives until their criminal activity is halted.

The aforementioned activity will continue night and day, uninterruptedly, until such time as the Israeli government is satisfied that the Palestinian Authority is taking tangible steps to dismantle and eliminate the terrorist organizations.

Events of recent days have reiterated and proven again that Yasser Arafat is a complete obstacle to any process of reconciliation between Israel and the Palestinians. Israel will work to remove this obstacle in a manner, and at a time, of its choosing.

Israel is not interested in the question of the identity of the Palestinian Prime Minister; however, Israel must underscore its position that it will negotiate only with a Prime Minister who acts immediately to dismantle and remove the terrorist organizations, implements and carries out full reforms of

the Palestinian Authority, and fully upholds the other commitments that the Palestinian Authority has taken upon itself according to the roadmap, as it has been adopted by the Israeli government.

The Israeli government rejects any idea of a ceasefire as a way of dealing with terror; terror will stop only after the terrorist organizations have been dismantled and liquidated. This is the obligation of the Palestinian Authority and it will be judged solely by its actions and results, not by its statements and declarations.

To these ends, the Cabinet authorizes Defense Minister Shaul Mofaz to use such military forces as may be necessary for increased activity against the terrorist organizations; the Cabinet further directs that the necessary means for the foregoing be put at the disposal of the security forces.

The Cabinet has decided to accelerate the construction of the security fence.



**STATEMENT BY THE PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UN,  
AMBASSADOR RASTAM MOHD ISA, ON BEHALF OF THE NON-ALIGNED  
MOVEMENT, ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE  
QUESTION OF PALESTINE, 15 SEPTEMBER 2003**

Mr. President,

On behalf of the Non-Aligned Movement (NAM), I wish to thank you and the Council members for convening this urgent meeting to consider the grave situation in Palestine. We thank Mr. Terje Roed-Larsen, the United Nations Special Coordinator for the Middle East Peace Process for his briefing this morning on the current situation in Palestine. We congratulate the United Kingdom for the Presidency this month and Syria for the Presidency last month.

Mr. President,

2. The Non-Aligned Movement had noted some encouraging developments in the peace process with the beginning of the implementation of the Road Map. However, we are now deeply concerned over the recent turn of events. In the last month, we have seen a sharp increase in violence with repeated Israeli incursions into Palestinian cities; the willful killing of Palestinian civilians, including extra-judicial executions; excessive and indiscriminate use of force and the deadly suicide bombings against Israelis. We are indeed dismayed that both innocent Palestinian and Israeli civilians have been killed. Regrettably, many more would continue to die in the worsening spiral of violence. The Movement condemns these acts of violence and deeply regrets the loss of innocent lives on both sides of the conflict. Peace will recede further into the horizon if the current cycle of violence is allowed to escalate.

Mr. President,

3. The Non-Aligned Movement is committed to a peaceful settlement of the Palestinian-Israeli conflict. The Movement firmly supports the two States solution, based on the 1967 line. We believe that peace in the Middle East can only be achieved through the realization of the inalienable rights of the Palestinian people, including their right to self-determination and national independence and the exercise of sovereignty in their State, Palestine, with East Jerusalem as its capital. We call on Israel to come to its senses and accept the two States solution, as envisaged by Security Council Resolution 1397 and promoted by the Road Map. Israel's acceptance of and commitment to the State of Palestine is the only way towards ensuring Israel's security. Continued Israeli occupation and harsh military action cannot be a viable solution. In this regard, we would continue to call for the revival of the Road Map and further intensive efforts by the Quartet and the parties concerned. We welcome the meeting of the Quartet in New York next week.

Mr. President,

4. We believe that the Security Council has the responsibility to put a stop to Israel's continued policies and practices, which dehumanizes the Palestinian people. The international community cannot stand by while Israeli occupation and the domination of the Palestinian people continues. All of us

know of the most difficult conditions which Palestinians in the occupied territories have to live under. It would be inhumane for us to ignore this and not speak against it.

5. The recent decision of the Israeli Security Cabinet to expel President Yasser Arafat, a democratically elected leader of Palestine is yet again a prime example of Israel's willful attempts to intimidate and dominate the Palestinian people, disregard for international opinion and contempt for international law. We are shocked at the extent of Israel's intentions as clearly reflected by Vice-Prime Minister Ehud Olmert's statement that killing President Arafat was definitely an option. We wish to remind the Council that such a measure by Israel would be a clear violation of the Fourth Geneva Convention. For Israel to even consider such a measure at this critical stage in the peace process is more than irresponsible. This provocative decision would only worsen the situation and spark a greater cycle of violence. It would only serve to undermine any progress in the fragile peace process. The international community and the Security Council must not be paralyzed in the face of this Israeli decision. The Council must prevent the execution of the threat against President Arafat and uphold the rule of law.

Mr. President,

6. The problem of Israel's continued settlement policies, and construction of the Separation Wall in Gaza also cannot be ignored. Israel's settler colonialism activities impact gravely on the Palestinian people. It remains a major impediment to progress in the peace process. It severely undermines the creation of a viable contiguous Palestinian State. The Separation Wall involves the massive confiscation of lands and annexation of settlements. It separates Palestinians from their farms and imprisons Palestinian communities within walled areas or as some say, in cages. It isolates primary resources of the West Bank which the future Palestinian State would depend on. We call on the Security Council to act decisively towards the destruction of the wall and preventing its completion. Pressure must be made to bear on Israel to cease the construction of the wall. As envisaged by the Road Map, Israel indeed must dismantle settlement outposts and freeze all settlement activity.

Mr. President,

7. The humanitarian situation of the Palestinian population living under Israeli occupation is a cause of grave concern. Palestinians have to live in debilitating conditions. They are unable to move freely and to seek medical care. They are prevented from earning their livelihood. Their children are deprived of proper education. Poverty and malnutrition is predictably on the increase. The population is faced with psychological trauma and utter despair.
8. The Non-Aligned Movement calls on Israel to cease this humiliation of the Palestinian people. If Israel is serious in wanting a just and lasting solution to the conflict, it must know that the Palestinian people need to see real and tangible benefits in their lives for peace to be achieved. The solution for both sides is to return to the negotiating table and not through increasing violence and oppression.

Mr. President,

9. We urge the Security Council to take a clear and definite position today by adopting a resolution, which should send a strong message from the Council against Israel's decision to remove President Arafat.

Thank you, Mr. President.



**JAKARTA DECLARATION, 9<sup>TH</sup> EXECUTIVE COMMITTEE MEETING  
OF THE PARLIAMENTARY UNION OF THE OIC MEMBER STATES (PUOICM),  
JAKARTA, 17-18 SEPTEMBER 2003**

The representatives of the Member Parliaments to the Ninth Meeting of the Executive Committee of the Parliamentary Union of the OIC Member States (PUOICM), held in Jakarta, Republic of Indonesia, on 17 and 18 September 2003;

Having reviewed the conditions and circumstances prevailing in the world since the distressful events of September 11, 2001, as well as the accusing finger unjustly and falsely pointed at Islamic States and peoples on the pretext of sponsoring world terrorism; in this regard, the Members underline the need to reject any attempts that associate the terrorist activities with particular religions and certain acts of faith as terrorism has neither religion nor nationality.

The Members of the Committee hereby remind the international community that the Organization of the Islamic Conference (OIC) has taken the lead, since the last decade of the Twentieth Century and before the ill-omened September events, in calling for the conclusion of a world convention, under UN umbrella, to combat terrorism, whereby a global definition of terrorism may be drawn up which clearly distinguishes between the latter and legitimate resistance against aggression or foreign occupation. The convention in question shall provide international mechanisms to be legally empowered not only to combat terrorism through peaceful means alone but also to examine its political causes and act jointly to find urgent political solutions for them in the framework of justice and International Law according to what is known as “protective diplomacy”.

The Members of the Committee reiterate this call to all the peace-loving peoples of the globe to conclude such a world convention on combating terrorism in order to ensure an equitable diagnosis of terrorism and to confront it in a legitimate and recognized manner.

The Members of the Committee have also considered the tragic conditions experienced by the steadfast Palestinian people as well as the barbaric actions, the extreme and unjustified violence used by the Sharon government to suppress the legitimate struggle of the Palestinian People against the illegitimate Israeli occupation of their homeland.

The Members of the Committee strongly condemn the recently announced intention of the Sharon government to remove the legitimate and elected Palestinian President Yasser Arafat away from his own usurped territory and homeland. They add their voices to the objections raised by the international community and all the honest peoples in all parts of the world, while warning that such a step will sabotage all efforts exerted to achieve peace in the Middle East. It will also have dire consequences as a result of security and political upheavals therein.

The Members reaffirm their support for a comprehensive peace process based on the relevant UN Resolutions and agreed principles, which call for Israel's complete withdrawal from the Occupied Palestinian Territory, including the City of Al-Quds al-Sharif and all other occupied Arab territories. In this context, the Members reiterate their position of adopting the Arab Peace Initiative as approved by the Fourteenth Arab Summit, held in Beirut, Lebanon, on 28 March 2002, and warn against the Israeli acts aimed at derailing the implementation of the Road Map.

The Members further reiterate their support to the efforts made by the Palestinian Authority in implementing the Road Map, and to this end, commend the efforts by the Arab Republic of Egypt and the Hashemite Kingdom of Jordan in assisting in the full and sincere implementation of the Road Map, and call upon the Quartet to exert its influence on the Government of Israel to abide by its commitments.

The Members call upon the United Nations Security Council and the Quartet to compel Israel to cease its illegal and oppressive policies and practices, such as the killing of civilians, including extrajudicial killings, the detention of thousands of Palestinians, the demolition of homes and properties, the desecration of Muslim and Christian shrines, and the imposition of paralyzing closures and curfews, which represent serious violations and grave breaches of the Fourth Geneva Convention.

The new situation in Iraq was also the subject of scrutiny and attention. The Members of the Committee welcomed the formation of the Interim Iraqi Governing Council as well as the 25-member transitional government. They hope that both steps will result in enabling the Iraqi people to take charge and manage their own affairs.



While underlining the central role that the United Nations should play in post-war Iraq, the Members of the Committee call for doubling all benevolent efforts to ensure the sovereignty of the Iraqi people over their undivided national territory as well as their sovereignty over their natural resources, particularly oil and to assist their transitional government to draw up a democratic constitution which is to be submitted for referendum, in preparation for conducting internationally supervised elections leading to a permanent government which establishes control over the entire Iraqi territory, thus allowing the complete evacuation of all foreign forces currently deployed in Iraq.

Given the fact that most Muslim countries are mostly developing economies while at the same time lagging behind in technology, the members call upon the Ummah to take the necessary steps to increase knowledge and morality as a means to unite the Ummah and to project the image of Islam as a religion of peace.



**JOINT STATEMENT BY THE MIDDLE EAST QUARTET ENVOYS,  
NEW YORK, 26 SEPTEMBER 2003**

Representatives of the Quartet - UN-Secretary-General Kofi Annan, Italian Foreign Minister Franco Frattini, Russian Foreign Minister Igor Ivanov, US Secretary of State Colin Powell, High Representative for the European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Affairs Chris Patten - met today in New York.

The Quartet Members view with great concern the situation in Israel, the West Bank, and Gaza, which has stalled implementation of the roadmap. The Quartet reminds both parties of the need to take into account long- term consequences of their actions, and the obligation for both parties to make rapid progress toward full implementation of the roadmap for peace. They reaffirm their commitment to President Bush's vision – shared by Russia, the EU and UN – of two states, Israel and Palestine, living side by side in peace and security; and call on both Israelis and Palestinians to fulfill their obligations and responsibilities under the roadmap and the commitments both sides made to President Bush at the Red Sea Summit in Aqaba.

The Quartet members remind all sides that they have obligations and responsibilities to each other that must be performed. Each party must do more to immediately and simultaneously address the core concerns of the other, as described in the roadmap. The Quartet members reaffirm their commitment to the roadmap and to resumed progress by the parties toward its rapid implementation.

They condemn the vicious terror attacks of August and September carried out by Hamas, Islamic Jihad, and the Al-Aqsa Martyrs Brigade. They again affirm that such actions are morally indefensible and do not serve the interests of the Palestinian people. They call on Palestinians to take immediate, decisive steps against individuals and groups conducting and planning violent attacks. Such steps should be accompanied by Israeli supportive measures, including resumption of full security cooperation. They further call on all states to end harboring and support, including fundraising and financial assistance, of any groups and individuals that use terror and violence to advance their goals.

The Quartet members affirm that the Palestinian Authority security services must be consolidated under the clear control of an empowered Prime Minister and Interior Minister and must be the sole armed authority in the West Bank and Gaza. Noting that the first Palestinian Prime Minister has resigned his post, they urge that the new Palestinian Prime Minister form a cabinet as soon as possible, and ask that cabinet to re-commit itself to the pledges made in the roadmap and at Aqaba. For progress to be made, the Palestinian Authority must ensure that a "rebuilt and refocused Palestinian Authority security apparatus begins sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure."

The Quartet members recognize Israel's legitimate right to self-defense in the face of terrorist attacks against its citizens. In this context and in the context of international humanitarian law, they call on the Government of Israel to exert maximum efforts to avoid civilian casualties. The Government of Israel must "take no action undermining trust, including deportations, confiscation and/or demolition of Palestinian homes and property, destruction of Palestinian institutions and infrastructure, and other measures specified in the Tenet work plan." The Quartet members call on the Government of Israel to take immediate steps to ease the humanitarian and economic plight of the Palestinian people, including through easing the movement of people and goods, and ensuring access to international humanitarian organizations. The Quartet Members reaffirm that, in accordance with the roadmap, settlement activity must stop, and note with great concern the actual and proposed route of Israel's West Bank fence, particularly as it results in the confiscation of Palestinian land, cuts of the movement of people and goods, and undermines Palestinian's trust in the roadmap process as it appears to prejudice final borders of a future Palestinian state.

The Quartet calls upon the international and regional community to continue to provide well-coordinated assistance to the Palestinian Authority for the implementation of reforms and institution building and to consider steps that could be taken with respect to the socio-economic development of the region. The Quartet members will continue to follow closely the implementation by the parties of their obligations. The Quartet members will coordinate their efforts through regular meetings of Quartet representatives, as well as through discussion among the Quartet Principals. The Principals will next meet prior to the end of the year.

The Quartet members look forward to continuing to work closely together, as well as in close association with regional parties, to help achieve progress, both between Israelis and Palestinians and toward the goal of a just, comprehensive, and lasting peace in the Middle East.



**STATEMENT OF THE MINISTERIAL COMMITTEE ON PALESTINE OF  
THE NON-ALIGNED MOVEMENT, NEW YORK, 26 SEPTEMBER 2003**

1. The Ministers affirmed their adherence to the positions on Palestine adopted by the XIIIth NAM Summit, detailed in its main document, as the guidelines for the Members of the Movement as well as their adherence to the positions set forth in the statement on Palestine, including with regard to recent events and positions on practical steps to be taken by the Members of the Movement in this regard.
2. The Ministers expressed their grave concern at the further deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, and the continuing downward spiral to a near-catastrophic situation. They condemned the continuing and escalating Israeli military campaign against the Palestinian people, including the reported war crimes. They condemned in particular the willful killing of civilians, including extrajudicial executions, and the continuing settler colonialism as well as the building of the expansionist wall. The Ministers also condemned in particular the Israeli threats against the safety and freedom of President Yasser Arafat and expressed their solidarity with the President of the Palestinian Authority and the Palestinian leadership and stressed the necessity for ending these threats. They welcomed the overwhelming adoption of General Assembly resolution ES-10/X on 19 September 2003 and called for scrupulous compliance with its provisions.
3. The Ministers expressed their deep regret that the Road Map had largely not been implemented. They noted with concern the fact that the Israeli government had never formally accepted the Road Map, attached several reservations to it and failed to take the necessary first step in adherence with its obligations therein. They called for an intensification of efforts by the Quartet and for the full and honest implementation of the Road Map.
4. The Ministers affirmed the important role, as well as the responsibility, of the Security Council vis-à-vis the situation in the Occupied Palestinian Territory, including East Jerusalem, and the Palestinian-Israeli conflict. They affirmed that the Security Council could and should play a central role in this regard, including by providing strong support for the Road Map and by requiring the two sides to comply with and implement its provisions in addition to establishing a monitoring mechanism.

5. The Ministers expressed their support for the proposal of a comprehensive Security Council resolution in line with the Road Map, which would also set forth positions on the components of a final settlement of the Palestinian-Israeli conflict as well as establish an effective international presence or monitoring mechanism. In this regard, the Ministers expressed their belief that such a draft resolution would be best pursued through broad consultations with Members of the Security Council, including examining its adoption under Chapter 7 in a way that would ensure the smooth and timely proceeding of the peace process and ensure the implementation by the two sides of their respective obligations towards the final destination of two States based on the line of 1967.
6. The Ministers expressed their support for the idea that, in addition to the existing set of United Nations General Assembly resolutions on Palestine, the work during the 58th session should also focus on the expansionist Israeli wall, which has involved the confiscation and destruction of thousands more dunums of Palestinian land, the isolation of Palestinian cities, towns and villages and the destruction of the lives of thousands of Palestinian civilians and which continues to be built by the occupying Power. The Ministers affirmed the importance of and called for the application of legal remedies in accordance with provisions of the Fourth Geneva Convention and other relevant instruments without impunity to war crimes committed in the Occupied Palestinian Territory, including East Jerusalem. The Ministers also reiterated that Israel's representation in the General Assembly must be in conformity with international law and called for ensuring that the Israeli credentials to the United Nations do not cover the territories occupied by Israel since 1967, including East Jerusalem.
7. The Ministers stressed the important role to be played by the Movement and entrusted the Chair to lead the efforts of the Movement with regard to the question of Palestine and peace in the region. They expressed their appreciation to the Members of the Committee on Palestine. They further instructed their Permanent Representatives to continuously follow up with such issues related to the United Nations.



#### LETTER FROM ISRAELI PILOTS REFUSING TO SERVE, 27 SEPTEMBER 2003

We, Air Force pilots who were raised on the values of Zionism, sacrifice, and contributing to the state of Israel, have always served on the front lines, willing to carry out any mission, whether small or large, to defend and strengthen the state of Israel.

We, veteran and active pilots alike, who served and still serve the state of Israel for long weeks every year, are opposed to carrying out attack orders that are illegal and immoral of the type the state of Israel has been conducting in the territories.

We, who were raised to love the state of Israel and contribute to the Zionist enterprise, refuse to take part in Air Force attacks on civilian population centers. We, for whom the Israel Defense Forces and the Air Force are an inalienable part of ourselves, refuse to continue to harm innocent civilians.

These actions are illegal and immoral, and are a direct result of the ongoing occupation which is corrupting all of Israeli society. Perpetuation of the occupation is fatally harming the security of the state of Israel and its moral strength.

We who serve as active pilots - fighters, leaders, and instructors of the next generation of pilots – hereby declare that we shall continue to serve in the Israel Defense Forces and the Air Force for every mission in defense of the state of Israel.

*Signed:* Brigadier General Yiftah Spector, Colonel Yigal Shohat, Colonel Ran, Lieutenant Colonel Yoel Piterberg, Lieutenant Colonel David Yisraeli, Lieutenant Colonel Adam Netzer, Lieutenant Colonel Avner Ra'anan, Lieutenant Colonel Gideon Shaham, Major Haggai Tamir, Major Amir Massad, Major Gideon Dror, Major David Marcus, Major Professor Motti Peri, Major Yotam, Major Zeev Reshef, Major Reuven, Captain Assaf, Captain Tomer, Captain Ron, Captain Yonatan, Captain Allon, Captain Amnon



**SAUDI FOREIGN MINISTER PRINCE SAUD AL-FAISAL,  
ADDRESS TO THE 58<sup>TH</sup> SESSION OF THE UN GENERAL ASSEMBLY,  
NEW YORK, 29 SEPTEMBER 2003 [EXCERPTS]**

*In the name of Allah, most compassionate, most merciful:  
blessing and peace be upon the most noble of prophets.*

[...]

Mr. President:

If the issue of terrorism represents a challenge for the international community in general, and the United Nations in particular, the Palestinian issue, which has become a constant topic on the agenda of all of the sessions of the General Assembly over the past five decades, continues to be of great concern to us, and adds to the instability and turmoil in the region of the Middle East, whose nations yearn for peace, prosperity and development.

Every one of us, and especially the people of Israel, should remember that promises of security offered by their current Israeli government are far from being fulfilled, and this is due to the policies and practices adopted by that government, which has deviated from dialogue and negotiation and opted for repression, persecution and political assassinations as an approach that subverted all proposed initiatives and proposals aimed at solving the Palestinian issue, including the Arab Peace Initiative and the Roadmap.

Notwithstanding the fact that the Roadmap, unlike the other peace initiatives, has attained support due to its international sponsorship by the 'quartet', and the fact that it is based on the Madrid Accord, the United Nations Resolutions, and the vision of two neighboring countries as presented by the President of the United States. In spite of this the implementation of this plan was obstructed by the problem of imbalance in assigning the commitments and the insurmountable conditions of Israel under of the pretext of attaining security.

While the Palestinians have gone as far as they could to the possible extent in setting the appropriate environment to forge ahead with the peace process and declaring a unilateral six-week truce, Israel met all this with provocative measures such as political assassinations, building of the security wall, and expanding settlements. This could have been avoided had the international 'quartet' assumed the responsibility of overseeing the implementation of the roadmap from the very beginning by providing international monitoring force.

On the other hand, the solutions that were presented to the Palestinian issue were mostly harmed by the Security Council's contradictions, especially among its permanent members in dealing with resolutions in this regard. We see Resolutions being adopted but turned to be mere ink on paper, and when time comes for its implementation, power of veto is invoked to abort implementation. The only way out of this vicious circle, from our perspective, is for the Permanent members to pledge not to use the veto power when dealing with Resolutions or measures aimed at implementing the substance of Resolutions previously adopted. This matter may be one of a series of issues that the reform team proposed by the Secretary-General should consider in order to invigorate the role of the United Nations in handling current issues and challenges.

Now I would like to mention that although the Palestinian issue represents the core of the Arab-Israeli conflict in its entirety, there are other pending issues with regard to the Syrian and Lebanese tracks that await resumption of negotiations. We believe that the Arab Initiative, which has received a historic consensus from all the Arab states, provides a possibility for achieving a just and comprehensive peace between the Arabs and the Israelis on the basis of the Resolutions adopted by the United Nations, as well as the principle of land for peace that was adopted by the Madrid conference. [...]

Mr. President:

The fact that there are still chronic issues on the agenda of our organization, like the Palestinian problem, issues of comprehensive development, and the emergence of issues like Iraq, make it incumbent upon us to embark on two parallel tracks: credibility in adherence to the principles of the Charter

and seriousness in the implementation of the U.N resolutions, and not to substitute practical solutions with futile and senseless arguments. Our deeply rooted conviction of the important role the United Nations can play in dealing with crises, its endeavors to avoid the horrors of war, and the stress of international cooperation, makes us determined, now more than ever before, to support this Organization and consolidate its constructive role. We want it to take a greater part in handling crises before they occur through the implementation of what is known as preemptive diplomacy rather than through preemptive wars, in order to ensure the preservation of stability and the conservation of international peace and security.

Thank you Mr. President. Thank you all for listening



**PALESTINIAN AUTHORITY, PRESIDENTIAL DECREE NO. ( ) OF 2003  
REGARDING AN EMERGENCY GOVERNMENT, 5 OCTOBER 2003**

The President of the State of Palestine  
Chairman of the PLO Executive Committee  
President of the PNA

Based on the jurisdictions invested in us, and due to the current difficult conditions in the homeland, and for purposes of utmost necessity, and based on the requirements of the higher national interests and after reviewing the Basic Law - Chapter Seven, Provisions of the state of emergency,

We decided the following:

Article (1): To declare the state of emergency according to the provisions of Chapter Seven in the Basic Law on all the territories of the PNA.

Article (2):

A - an emergency government shall be formed and shall consist of the following names:

1. Brother Ahmad Qrei - "Abu Ala" as Prime Minister
2. Brother Nasr Yousef as Minister of Interior
3. Brother Salam Fayyad as Minister of Finance
4. Brother Nabil Shaath as Foreign Minister
5. Brother Naim Abu Hommos
6. Brother Saeb Erekat
7. Brother Jawad Tibi
8. Brother Jamal Shobaki
9. Brother Abdul Rahman Hamad

B - among the main tasks of the government is to work on reinforcing and consolidating national unity, in addition to other basic tasks.

Article (3): After the passage of the legal period as stated in article (110) of Chapter Seven in the Basic Law, the measures and procedures taken shall be presented to the PLC.

Article (4): All competent parties each in its own jurisdictions has to implement its part of this decree which shall be effective as of this date. Issued in the city of Ramallah on October 5, 2003

Yasser Arafat  
President of the State of Palestine  
Chairman of the PLO Executive Committee  
President of the PNA



### **COVER LETTER FOR THE “GENEVA INITIATIVE”, JORDAN, 12 OCTOBER 2003**

We, the undersigned, a group of Palestinians and Israelis, endorse, on this day 12/10/03, a model draft framework final status agreement between the two peoples. At this point in time, after the Palestinian government and the Israeli government have accepted the Road Map, which includes reaching a final-status settlement by 2005, based on a two state solution, we consider it to be of the utmost importance to present to the two peoples and the entire world an example of what such a final status agreement could include. This is proof that despite all the pain entailed in concessions, it is possible to reach a historical compromise which meets the vital national interests of each side. We present this model agreement as a package – which stands together as an integral whole.

In the near future we will launch a campaign whose goal is to convince both sides of the value of such an historical compromise in the spirit of this model framework agreement, designed to put an end to the protracted conflict.

We see this as an educational endeavor, as people who believe in peace, who believe in advancing our respective national interests and who believe that a peace agreement is attainable. It is against our interests to indefinitely postpone such an agreement. In addition, we consider it as a service to the decision-makers.

Past experience has proven how difficult it is for official entities to prepare themselves for the negotiations on the final status settlement, due to fears that any detailed, technical work is proof of a concession. To this end we will also be involved in the preparation of the supplements and appendices which will specify the solutions at the highest level of detail, and will be available to the decision-makers at the time of their talks on the final status settlement.

Among the participants, on both sides, there are people, who have held official positions in the past, and people who continue to do so today, yet, in this document, none of us represents their respective peoples in any binding sense. We believe that our approach represents vast sections of public opinion on both sides. We were supported in this process from the beginning by a private Swiss Foundation and the Department of Foreign Affairs of Switzerland.

The decision to complete and later present this model draft agreement was not easy for any of us, however, we have decided to pursue this path since we believe that action of this type can serve as a source of hope after a long period of suffering, killing and mutual accusations, that it can help build trust and facilitate the removal of the walls between our nations. In the context of the Road Map process, this draft agreement signifies a mutually acceptable and realizable endgame – to be reached by 2005, and as an answer to the skeptics and supporters of endless interim agreements. This agreement will bring about the creation of a sovereign Palestinian State alongside Israel, put an end to the occupation, terminate conflict and bloodshed, and end all mutual claims.

We are today depositing this model framework agreement with the Swiss Foreign Minister.

We have decided to meet in the very near future in Geneva, after completing our preparations, for a public signing and launching of this initiative.



### **DRAFT PERMANENT STATUS AGREEMENT – “THE GENEVA ACCORD”, JORDAN, 12 OCTOBER 2003**

*[Israeli opposition leaders, led by Yossi Beilin and Palestinians led by Yasser Abed Rabbo, negotiated a new draft agreement to replace the Oslo Accords as basis for Israeli-Palestinian peace. The draft - which is incomplete and is missing several appendices yet to be negotiated - was finalized, and a ceremony marking the agreement was conducted in Jordan on 12 Oct. 2003. Palestinian participants included: Yasser Abed-Rabbo, former Minister of Information and Culture; Prisoners Affairs Minister Hisham Abdul Razeq; former Minister of Tourism Nabil Qassis; PLC members Qadoura Fares and*

*Mohammed Hourani (Fateh); Ghadi Jarei, member Fateh and of the Prisoners' Committee; Gen. Zuheir Manasra, former governor of Jenin and head of Preventative Security in the West Bank; Samih Al-Abed; Bashar Jum'a; Dr. Azmi Shu'abi; Gheith Al-Omari; Jamal Zakut; Nazmi Jub'eh. Israeli participants were: former Justice Minister Yossi Beilin; former IDF Chief of Staff and head of the Center party Amnon Lipkin-Shahak; MKs (Labor) Amram Mitzna, Yuli Tamir and Avraham Burg; Brig.-Gen.s (res.) Giora Inbar, Gideon Sheffer, and Shlomo Brom; Col. (res.) Shaul Arieli; MKs (Meretz) Haim Oron and Yossi Sarid; Prof. Aryeh Arnon (of Peace Now); former MK (Likud) Nehama Ronen; authors Amos Oz, David Grossman and Zvia Greenfield; Dr. Menachem Klein; and Yoram Gabay.]*

### Preamble

The State of Israel (hereinafter "Israel") and the Palestine Liberation Organization (hereinafter "PLO"), the representative of the Palestinian people (hereinafter the "Parties"):

*Reaffirming* their determination to put an end to decades of confrontation and conflict, and to live in peaceful coexistence, mutual dignity and security based on a just, lasting, and comprehensive peace and achieving historic reconciliation;

*Recognizing* that peace requires the transition from the logic of war and confrontation to the logic of peace and cooperation, and that acts and words characteristic of the state of war are neither appropriate nor acceptable in the era of peace;

*Affirming* their deep belief that the logic of peace requires compromise, and that the only viable solution is a two-state solution based on UNSC Resolution 242 and 338;

*Affirming* that this agreement marks the recognition of the right of the Jewish people to statehood and the recognition of the right of the Palestinian people to statehood, without prejudice to the equal rights of the Parties' respective citizens;

*Recognizing* that after years of living in mutual fear and insecurity, both peoples need to enter an era of peace, security and stability, entailing all necessary actions by the parties to guarantee the realization of this era;

*Recognizing* each other's right to peaceful and secure existence within secure and recognized boundaries free from threats or acts of force;

*Determined* to establish relations based on cooperation and the commitment to live side by side as good neighbors aiming both separately and jointly to contribute to the well-being of their peoples;

*Reaffirming* their obligation to conduct themselves in conformity with the norms of international law and the Charter of the United Nations;

*Confirming* that this Agreement is concluded within the framework of the Middle East peace process initiated in Madrid in October 1991, the Declaration of Principles of September 13, 1993, the subsequent agreements including the Interim Agreement of September 1995, the Wye River Memorandum of October 1998 and the Sharm El-Sheikh Memorandum of September 4, 1999, and the permanent status negotiations including the Camp David Summit of July 2000, the Clinton Ideas of December 2000, and the Taba Negotiations of January 2001;

*Reiterating* their commitment to United Nations Security Council Resolutions 242, 338 and 1397 and confirming their understanding that this Agreement is based on, will lead to, and - by its fulfillment - will constitute the full implementation of these resolutions and to the settlement of the Israeli-Palestinian conflict in all its aspects;

*Declaring* that this Agreement constitutes the realization of the permanent status peace component envisaged in President Bush's speech of June 24, 2002 and in the Quartet Roadmap process;

*Declaring* that this Agreement marks the historic reconciliation between the Palestinians and Israelis, and paves the way to reconciliation between the Arab World and Israel and the establishment of normal, peaceful relations between the Arab states and Israel in accordance with the relevant clauses of the Beirut Arab League Resolution of March 28, 2002; and

*Resolved* to pursue the goal of attaining a comprehensive regional peace, thus contributing to stability, security, development and prosperity throughout the region;

Have agreed on the following:

#### Article 1 - Purpose of the Permanent Status Agreement

1. The Permanent Status Agreement (hereinafter "this Agreement") ends the era of conflict and ushers in a new era based on peace, cooperation, and good neighborly relations between the Parties.
2. The implementation of this Agreement will settle all the claims of the Parties arising from events occurring prior to its signature. No further claims related to events prior to this Agreement may be raised by either Party.

#### Article 2 - Relations between the Parties

1. The state of Israel shall recognize the state of Palestine (hereinafter "Palestine") upon its establishment. The state of Palestine shall immediately recognize the state of Israel.
2. The state of Palestine shall be the successor to the PLO with all its rights and obligations.
3. Israel and Palestine shall immediately establish full diplomatic and consular relations with each other and will exchange resident Ambassadors, within one month of their mutual recognition.
4. The Parties recognize Palestine and Israel as the homelands of their respective peoples. The Parties are committed not to interfere in each other's internal affairs.
5. This Agreement supercedes all prior agreements between the Parties.
6. Without prejudice to the commitments undertaken by them in this Agreement, relations between Israel and Palestine shall be based upon the provisions of the Charter of the United Nations.
7. With a view to the advancement of the relations between the two States and peoples, Palestine and Israel shall cooperate in areas of common interest. These shall include, but are not limited to, dialogue between their legislatures and state institutions, cooperation between their appropriate local authorities, promotion of non-governmental civil society cooperation, and joint programs and exchange in the areas of culture, media, youth, science, education, environment, health, agriculture, tourism, and crime prevention. The Israeli-Palestinian Cooperation Committee will oversee this cooperation in accordance with Article 8.
8. The Parties shall cooperate in areas of joint economic interest, to best realize the human potential of their respective peoples. In this regard, they will work bilaterally, regionally, and with the international community to maximize the benefit of peace to the broadest cross-section of their respective populations. Relevant standing bodies shall be established by the Parties to this effect.
9. The Parties shall establish robust modalities for security cooperation, and engage in a comprehensive and uninterrupted effort to end terrorism and violence directed against each others persons, property, institutions or territory. This effort shall continue at all times, and shall be insulated from any possible crises and other aspects of the Parties' relations.
10. Israel and Palestine shall work together and separately with other parties in the region to enhance and promote regional cooperation and coordination in spheres of common interest.
11. The Parties shall establish a ministerial-level Palestinian-Israeli High Steering Committee to guide, monitor, and facilitate the process of implementation of this Agreement, both bilaterally and in accordance with the mechanisms in Article 3 hereunder.

#### Article 3 - Implementation and Verification Group

##### 1. Establishment and Composition

- i. An Implementation and Verification Group (IVG) shall hereby be established to facilitate, assist in, guarantee, monitor, and resolve disputes relating to the implementation of this Agreement.
- ii. The IVG shall include the US, the Russian Federation, the EU, the UN, and other parties, both regional and international, to be agreed on by the Parties.
- iii. The IVG shall work in coordination with the Palestinian-Israeli High Steering Committee established in Article 2/11 above and subsequent to that with the Israeli-Palestinian Cooperation Committee (IPCC) established in Article 8 hereunder.
- iv. The structure, procedures, and modalities of the IVG are set forth below and detailed in Annex X.

##### 2. Structure

- i. A senior political-level contact group (Contact Group), composed of all the IVG members, shall be the highest authority in the IVG.



- ii. The Contact Group shall appoint, in consultation with the Parties, a Special Representative who will be the principal executive of the IVG on the ground. The Special Representative shall manage the work of the IVG and maintain constant contact with the Parties, the Palestinian-Israeli High Steering Committee, and the Contact Group.
- iii. The IVG permanent headquarters and secretariat shall be based in an agreed upon location in Jerusalem.
- iv. The IVG shall establish its bodies referred to in this Agreement and additional bodies as it deems necessary. These bodies shall be an integral part of and under the authority of the IVG.
- v. The Multinational Force (MF) established under Article 5 shall be an integral part of the IVG. The Special Representative shall, subject to the approval of the Parties, appoint the Commander of the MF who shall be responsible for the daily command of the MF. Details relating to the Special Representative and MF Force Commander are set forth in Annex X.
- vi. The IVG shall establish a dispute settlement mechanism, in accordance with Article 16.

### 3. Coordination with the Parties

A Trilateral Committee composed of the Special Representative and the Palestinian-Israeli High Steering Committee shall be established and shall meet on at least a monthly basis to review the implementation of this Agreement. The Trilateral Committee will convene within 48 hours upon the request of any of the three parties represented.

### 4. Functions

In addition to the functions specified elsewhere in this Agreement, the IVG shall:

- i. Take appropriate measures based on the reports it receives from the MF,
- ii. Assist the Parties in implementing the Agreement and preempt and promptly mediate disputes on the ground.

### 5. Termination

In accordance with the progress in the implementation of this Agreement, and with the fulfillment of the specific mandated functions, the IVG shall terminate its activities in the said spheres. The IVG shall continue to exist unless otherwise agreed by the Parties

## Article 4 - Territory

### 1. The International Borders between the States of Palestine and Israel

- i. In accordance with UNSC Resolution 242 and 338, the border between the states of Palestine and Israel shall be based on the June 4<sup>th</sup> 1967 lines with reciprocal modifications on a 1:1 basis as set forth in attached Map 1.
- ii. The Parties recognize the border, as set out in attached Map 1, as the permanent, secure and recognized international boundary between them.

### 2. Sovereignty and Inviolability

- i. The Parties recognize and respect each other's sovereignty, territorial integrity, and political independence, as well as the inviolability of each others territory, including territorial waters, and airspace. They shall respect this inviolability in accordance with this Agreement, the UN Charter, and other rules of international law.
- ii. The Parties recognize each other's rights in their exclusive economic zones in accordance with international law.

### 3. Israeli Withdrawal

- i. Israel shall withdraw in accordance with Article 5.
- ii. Palestine shall assume responsibility for the areas from which Israel withdraws.
- iii. The transfer of authority from Israel to Palestine shall be in accordance with Annex X.
- iv. The IVG shall monitor, verify, and facilitate the implementation of this Article.

### 4. Demarcation

- i. A Joint Technical Border Commission (Commission) composed of the two Parties shall be established to conduct the technical demarcation of the border in accordance with this Article. The procedures governing the work of this Commission are set forth in Annex X.

- ii. Any disagreement in the Commission shall be referred to the IVG in accordance with Annex X
- iii. The physical demarcation of the international borders shall be completed by the Commission not later than nine months from the date of the entry into force of this Agreement.

#### 5. Settlements

- i. The state of Israel shall be responsible for resettling the Israelis residing in Palestinian sovereign territory outside this territory.
- ii. The resettlement shall be completed according to the schedule stipulated in Article 5.
- iii. Existing arrangements in the West Bank and Gaza Strip regarding Israeli settlers and settlements, including security, shall remain in force in each of the settlements until the date prescribed in the timetable for the completion of the evacuation of the relevant settlement.
- iv. Modalities for the assumption of authority over settlements by Palestine are set forth in Annex X. The IVG shall resolve any disputes that may arise during its implementation.
- v. Israel shall keep intact the immovable property, infrastructure and facilities in Israeli settlements to be transferred to Palestinian sovereignty. An agreed inventory shall be drawn up by the Parties with the IVG in advance of the completion of the evacuation and in accordance with Annex X.
- vi. The state of Palestine shall have exclusive title to all land and any buildings, facilities, infrastructure or other property remaining in any of the settlements on the date prescribed in the timetable for the completion of the evacuation of this settlement.

#### 6. Corridor

- i. The states of Palestine and Israel shall establish a corridor linking the West Bank and Gaza Strip. This corridor shall:
  - a. Be under Israeli sovereignty.
  - b. Be permanently open.
  - c. Be under Palestinian administration in accordance with Annex X of this Agreement. Palestinian law shall apply to persons using and procedures appertaining to the corridor.
  - d. Not disrupt Israeli transportation and other infrastructural networks, or endanger the environment, public safety or public health. Where necessary, engineering solutions will be sought to avoid such disruptions.
  - e. Allow for the establishment of the necessary infrastructural facilities linking the West Bank and the Gaza Strip. Infrastructural facilities shall be understood to include, inter alia, pipelines, electrical and communications cables, and associated equipment as detailed in Annex X.
  - f. Not be used in contravention of this Agreement.
- ii. Defensive barriers shall be established along the corridor and Palestinians shall not enter Israel from this corridor, nor shall Israelis enter Palestine from the corridor.
- iii. The Parties shall seek the assistance of the international community in securing the financing for the corridor.
- iv. The IVG shall guarantee the implementation of this Article in accordance with Annex X.
- v. Any disputes arising between the Parties from the operation of the corridor shall be resolved in accordance with Article 16.
- vi. The arrangements set forth in this clause may only be terminated or revised by agreement of both Parties.

### Article 5 - Security

#### 1. General Security Provisions

- i. The Parties acknowledge that mutual understanding and co-operation in security-related matters will form a significant part of their bilateral relations and will further enhance regional security. Palestine and Israel shall base their security relations on cooperation, mutual trust, good neighborly relations, and the protection of their joint interests.
- ii. Palestine and Israel each shall:
  - a. Recognize and respect the other's right to live in peace within secure and recognized boundaries free from the threat or acts of war, terrorism and violence;
  - b. Refrain from the threat or use of force against the territorial integrity or political independence of the other and shall settle all disputes between them by peaceful means;

- c. refrain from joining, assisting, promoting or co-operating with any coalition, organization or alliance of a military or security character, the objectives or activities of which include launching aggression or other acts of hostility against the other;
  - d. refrain from organizing, encouraging, or allowing the formation of irregular forces or armed bands, including mercenaries and militias within their respective territory and prevent their establishment. In this respect, any existing irregular forces or armed bands shall be disbanded and prevented from reforming at any future date;
  - e. refrain from organizing, assisting, allowing, or participating in acts of violence in or against the other or acquiescing in activities directed toward the commission of such acts.
- iii. To further security cooperation, the Parties shall establish a high level Joint Security Committee that shall meet on at least a monthly basis. The Joint Security Committee shall have a permanent joint office, and may establish such sub-committees as it deems necessary, including sub-committees to immediately resolve localized tensions.

## 2. Regional Security

- i. Israel and Palestine shall work together with their neighbors and the international community to build a secure and stable Middle East, free from weapons of mass destruction, both conventional and non-conventional, in the context of a comprehensive, lasting, and stable peace, characterized by reconciliation, goodwill, and the renunciation of the use of force.
- ii. To this end, the Parties shall work together to establish a regional security regime.

## 3. Defense Characteristics of the Palestinian State

- i. No armed forces, other than as specified in this Agreement, will be deployed or stationed in Palestine.
- ii. Palestine shall be a non-militarized state, with a strong security force. Accordingly, the limitations on the weapons that may be purchased, owned, or used by the Palestinian Security Force (PSF) or manufactured in Palestine shall be specified in Annex X. Any proposed changes to Annex X shall be considered by a trilateral committee composed of the two Parties and the MF. If no agreement is reached in the trilateral committee, the IVG may make its own recommendations.
  - a. No individuals or organizations in Palestine other than the PSF and the organs of the IVG, including the MF, may purchase, possess, carry or use weapons except as provided by law.
- iii. The PSF shall:
  - a. Maintain border control;
  - b. Maintain law-and-order and perform police functions;
  - c. Perform intelligence and security functions;
  - d. Prevent terrorism;
  - e. Conduct rescue and emergency missions; and
  - f. Supplement essential community services when necessary.
- iv. The MF shall monitor and verify compliance with this clause.

## 4. Terrorism

- i. The Parties reject and condemn terrorism and violence in all its forms and shall pursue public policies accordingly. In addition, the parties shall refrain from actions and policies that are liable to nurture extremism and create conditions conducive to terrorism on either side.
- ii. The Parties shall take joint and, in their respective territories, unilateral comprehensive and continuous efforts against all aspects of violence and terrorism. These efforts shall include the prevention and preemption of such acts, and the prosecution of their perpetrators.
- iii. To that end, the Parties shall maintain ongoing consultation, cooperation, and exchange of information between their respective security forces.
- iv. A Trilateral Security Committee composed of the two Parties and the United States shall be formed to ensure the implementation of this Article. The Trilateral Security Committee shall develop comprehensive policies and guidelines to fight terrorism and violence.

## 5. Incitement

- i. Without prejudice to freedom of expression and other internationally recognized human rights, Israel and Palestine shall promulgate laws to prevent incitement to irredentism, racism, terrorism and violence and vigorously enforce them.

- ii. The IVG shall assist the Parties in establishing guidelines for the implementation of this clause, and shall monitor the Parties' adherence thereto.

#### 6. Multinational Force

- i. A Multinational Force (MF) shall be established to provide security guarantees to the Parties, act as a deterrent, and oversee the implementation of the relevant provisions of this Agreement.
- ii. The composition, structure and size of the MF are set forth in Annex X.
- iii. To perform the functions specified in this Agreement, the MF shall be deployed in the state of Palestine. The MF shall enter into the appropriate Status of Forces Agreement (SOFA) with the state of Palestine.
- iv. In accordance with this Agreement, and as detailed in Annex X, the MF shall:
  - a. In light of the non-militarized nature of the Palestinian state, protect the territorial integrity of the state of Palestine.
  - b. Serve as a deterrent against external attacks that could threaten either of the Parties.
  - c. Deploy observers to areas adjacent to the lines of the Israeli withdrawal during the phases of this withdrawal, in accordance with Annex X.
  - d. Deploy observers to monitor the territorial and maritime borders of the state of Palestine, as specified in clause 5/13.
  - e. Perform the functions on the Palestinian international border crossings specified in clause 5/12.
  - f. Perform the functions relating to the early warning stations as specified in clause 5/8.
  - g. Perform the functions specified in clause 5/3.
  - h. Perform the functions specified in clause 5/7.
  - i. Perform the functions specified in Article 10.
  - j. Help in the enforcement of anti-terrorism measures.
  - k. Help in the training of the PSF.
- v. In relation to the above, the MF shall report to and update the IVG in accordance with Annex X.
- vi. The MF shall only be withdrawn or have its mandate changed by agreement of the Parties.

#### 7. Evacuation

- i. Israel shall withdraw all its military and security personnel and equipment, including landmines, and all persons employed to support them, and all military installations from the territory of the state of Palestine, except as otherwise agreed in Annex X, in stages.
- ii. The staged withdrawals shall commence immediately upon entry into force of this Agreement and shall be made in accordance with the timetable and modalities set forth in Annex X.
- iii. The stages shall be designed subject to the following principles:
  - a. The need to create immediate clear contiguity and facilitate the early implementation of Palestinian development plans.
  - b. Israel's capacity to relocate, house and absorb settlers. While costs and inconveniences are inherent in such a process, these shall not be unduly disruptive.
  - c. The need to construct and operationalize the border between the two states.
  - d. The introduction and effective functioning of the MF, in particular on the eastern border of the state of Palestine.
- iv. Accordingly, the withdrawal shall be implemented in the following stages:
  - a. The first stage shall include the areas of the state of Palestine, as defined in Map X, and shall be completed within 9 months.
  - b. The second and third stages shall include the remainder of the territory of the state of Palestine and shall be completed within 21 months of the end of the first stage.
- v. Israel shall complete its withdrawal from the territory of the state of Palestine within 30 months of the entry into force of this Agreement, and in accordance with this Agreement.
- vi. Israel will maintain a small military presence in the Jordan Valley under the authority of the MF and subject to the MF SOFA as detailed in Annex X for an additional 36 months. The stipulated period may be reviewed by the Parties in the event of relevant regional developments, and may be altered by the Parties' consent.
- vii. In accordance with Annex X, the MF shall monitor and verify compliance with this clause.

## 8. Early Warning Stations

- i. Israel may maintain two EWS in the northern, and central West Bank at the locations set forth in Annex X.
- ii. The EWS shall be staffed by the minimal required number of Israeli personnel and shall occupy the minimal amount of land necessary for their operation as set forth in Annex X.
- iii. Access to the EWS will be guaranteed and escorted by the MF.
- iv. Internal security of the EWS shall be the responsibility of Israel. The perimeter security of the EWS shall be the responsibility of the MF.
- v. The MF and the PSF shall maintain a liaison presence in the EWS. The MF shall monitor and verify that the EWS is being used for purposes recognized by this Agreement as detailed in Annex X.
- vi. The arrangements set forth in this Article shall be subject to review in ten years, with any changes to be mutually agreed. Thereafter, there will be five-yearly reviews whereby the arrangements set forth in this Article may be extended by mutual consent.
- vii. If at any point during the period specified above a regional security regime is established, then the IVG may request that the Parties review whether to continue or revise operational uses for the EWS in light of these developments. Any such change will require the mutual consent of the Parties.

## 9. Airspace

- i. Civil Aviation
  - a. The Parties recognize as applicable to each other the rights, privileges and obligations provided for by the multilateral aviation agreements to which they are both party, particularly by the 1944 Convention on International Civil Aviation (The Chicago Convention) and the 1944 International Air Services Transit Agreement.
  - b. In addition, the Parties shall, upon entry into force of this Agreement, establish a trilateral committee composed of the two Parties and the IVG to design the most efficient management system for civil aviation, including those relevant aspects of the air traffic control system. In the absence of consensus the IVG may make its own recommendations.
- ii. Training
  - a. The Israeli Air Force shall be entitled to use the Palestinian sovereign airspace for training purposes in accordance with Annex X, which shall be based on rules pertaining to IAF use of Israeli airspace.
  - b. The IVG shall monitor and verify compliance with this clause. Either Party may submit a complaint to the IVG whose decision shall be conclusive.
  - c. The arrangements set forth in this clause shall be subject to review every ten years, and may be altered or terminated by the agreement of both Parties.

## 10. Electromagnetic Sphere

- i. Neither Party's use of the electromagnetic sphere may interfere with the other Party's use.
- ii. Annex X shall detail arrangements relating to the use of the electromagnetic sphere.
- iii. The IVG shall monitor and verify the implementation of this clause and Annex X.
- iv. Any Party may submit a complaint to the IVG whose decision shall be conclusive.

## 11. Law Enforcement

The Israeli and Palestinian law enforcement agencies shall cooperate in combating illicit drug trafficking, illegal trafficking in archaeological artifacts and objects of arts, cross-border crime, including theft and fraud, organized crime, trafficking in women and minors, counterfeiting, pirate TV and radio stations, and other illegal activity.

## 12. International Border Crossings

- i. The following arrangements shall apply to borders crossing between the state of Palestine and Jordan, the state of Palestine and Egypt, as well as airport and seaport entry points to the state of Palestine.
- ii. All border crossings shall be monitored by joint teams composed of members of the PSF and the MF. These teams shall prevent the entry into Palestine of any weapons, materials or equipment that are in contravention of the provisions of this Agreement.
- iii. The MF representatives and the PSF will have, jointly and separately, the authority to block the entry into Palestine of any such items. If at any time a disagreement regarding the entrance of

- goods or materials arises between the PSF and the MF representatives, the PSF may bring the matter to the IVG, whose binding conclusions shall be rendered within 24 hours.
- iv. This arrangement shall be reviewed by the IVG after 5 years to determine its continuation, modification or termination. Thereafter, the Palestinian party may request such a review on an annual basis.
  - v. In passenger terminals, for thirty months, Israel may maintain an unseen presence in a designated on-site facility, to be staffed by members of the MF and Israelis, utilizing appropriate technology. The Israeli side may request that the MF-PSF conduct further inspections and take appropriate action.
  - vi. For the following two years, these arrangements will continue in a specially designated facility in Israel, utilizing appropriate technology. This shall not cause delays beyond the procedures outlined in this clause.
  - vii. In cargo terminals, for thirty months, Israel may maintain an unseen presence in a designated on-site facility, to be staffed by members of the MF and Israelis, utilizing appropriate technology. The Israeli side may request that the MF-PSF conduct further inspections and take appropriate action. If the Israeli side is not satisfied by the MF-PSF action, it may demand that the cargo be detained pending a decision by an MF inspector. The MF inspector's decision shall be binding and final, and shall be rendered within 12 hours of the Israeli complaint.
  - viii. For the following three years, these arrangements will continue from a specially designated facility in Israel, utilizing appropriate technology. This shall not cause delays beyond the timelines outlined in this clause.
  - ix. A high level trilateral committee composed of representatives of Palestine, Israel, and the IVG shall meet regularly to monitor the application of these procedures and correct any irregularities, and may be convened on request.
  - x. The details of the above are set forth in Annex X.

### 13. Border Control

- i. The PSF shall maintain border control as detailed in Annex X.
- ii. The MF shall monitor and verify the maintenance of border control by the PSF.

## Article 6 - Jerusalem

### 1. Religious and Cultural Significance:

- i. The Parties recognize the universal historic, religious, spiritual, and cultural significance of Jerusalem and its holiness enshrined in Judaism, Christianity, and Islam. In recognition of this status, the Parties reaffirm their commitment to safeguard the character, holiness, and freedom of worship in the city and to respect the existing division of administrative functions and traditional practices between different denominations.
- ii. The Parties shall establish an inter-faith body consisting of representatives of the three monotheistic faiths, to act as a consultative body to the Parties on matters related to the city's religious significance and to promote inter-religious understanding and dialogue. The composition, procedures, and modalities for this body are set forth in Annex X.

### 2. Capital of Two States

The Parties shall have their mutually recognized capitals in the areas of Jerusalem under their respective sovereignty.

### 3. Sovereignty

Sovereignty in Jerusalem shall be in accordance with attached Map 2. This shall not prejudice nor be prejudiced by the arrangements set forth below.

### 4. Border Regime:

The border regime shall be designed according to the provisions of Article 11, and taking into account the specific needs of Jerusalem (e.g., movement of tourists and intensity of border crossing use including provisions for Jerusalemites) and the provisions of this Article.

### 5. al-Haram al-Sharif/ Temple Mount (Compound)

- i. International Group

- a. An International Group, composed of the IVG and other parties to be agreed upon by the Parties, including members of the Organization of the Islamic Conference (OIC), shall hereby be established to monitor, verify, and assist in the implementation of this clause.
  - b. For this purpose, the International Group shall establish a Multinational Presence on the Compound, the composition, structure, mandate and functions of which are set forth in Annex X.
  - c. The Multinational Presence shall have specialized detachments dealing with security and conservation. The Multinational Presence shall make periodic conservation and security reports to the International Group. These reports shall be made public.
  - d. The Multinational Presence shall strive to immediately resolve any problems arising and may refer any unresolved disputes to the International Group that will function in accordance with Article 16.
  - e. The Parties may at any time request clarifications or submit complaints to the International Group which shall be promptly investigated and acted upon.
  - f. The International Group shall draw up rules and regulations to maintain security on and conservation of the Compound. These shall include lists of the weapons and equipment permitted on the site.
- ii. Regulations Regarding the Compound
    - a. In view of the sanctity of the Compound, and in light of the unique religious and cultural significance of the site to the Jewish people, there shall be no digging, excavation, or construction on the Compound, unless approved by the two Parties. Procedures for regular maintenance and emergency repairs on the Compound shall be established by the IG after consultation with the Parties.
    - b. The state of Palestine shall be responsible for maintaining the security of the Compound and for ensuring that it will not be used for any hostile acts against Israelis or Israeli areas. The only arms permitted on the Compound shall be those carried by the Palestinian security personnel and the security detachment of the Multinational Presence.
    - c. In light of the universal significance of the Compound, and subject to security considerations and to the need not to disrupt religious worship or decorum on the site as determined by the Waqf, visitors shall be allowed access to the site. This shall be without any discrimination and generally be in accordance with past practice.
  - iii. Transfer of Authority
    - a. At the end of the withdrawal period stipulated in Article 5/7, the state of Palestine shall assert sovereignty over the Compound.
    - b. The International Group and its subsidiary organs shall continue to exist and fulfill all the functions stipulated in this Article unless otherwise agreed by the two Parties.

## 6. The Wailing Wall

The Wailing Wall shall be under Israeli sovereignty.

## 7. The Old City:

### *i. Significance of the Old City*

- a. The Parties view the Old City as one whole enjoying a unique character. The Parties agree that the preservation of this unique character together with safeguarding and promoting the welfare of the inhabitants should guide the administration of the Old City.
- b. The Parties shall act in accordance with the UNESCO World Cultural Heritage List regulations, in which the Old City is a registered site.

### *ii. IVG Role in the Old City*

#### *a. Cultural Heritage*

- 1. The IVG shall monitor and verify the preservation of cultural heritage in the Old City in accordance with the UNESCO World Cultural Heritage List rules. For this purpose, the IVG shall have free and unimpeded access to sites, documents, and information related to the performance of this function.
- 2. The IVG shall work in close coordination with the Old City Committee of the Jerusalem Coordination and Development Committee (JCDC), including in devising a restoration and preservation plan for the Old City.

- b. Policing
    - 1. The IVG shall establish an Old City Policing Unit (PU) to liaise with, coordinate between, and assist the Palestinian and Israeli police forces in the Old City, to defuse localized tensions and help resolve disputes, and to perform policing duties in locations specified in and according to operational procedures detailed in Annex X.
    - 2. The PU shall periodically report to the IVG.
  - c. Either Party may submit complaints in relation to this clause to the IVG, which shall promptly act upon them in accordance with Article 16.
- iii. *Free Movement within the Old City*  
Movement within the Old City shall be free and unimpeded subject to the provisions of this article and rules and regulations pertaining to the various holy sites.
- iv. *Entry into and Exit from the Old City*
  - a. Entry and exit points into and from the Old City will be staffed by the authorities of the state under whose sovereignty the point falls, with the presence of PU members, unless otherwise specified.
  - b. With a view to facilitating movement into the Old City, each Party shall take such measures at the entry points in its territory as to ensure the preservation of security in the Old City. The PU shall monitor the operation of the entry points.
  - c. Citizens of either Party may not exit the Old City into the territory of the other Party unless they are in possession of the relevant documentation that entitles them to. Tourists may only exit the Old City into the territory of the Party which they possess valid authorization to enter.
- v. *Suspension, Termination, and Expansion*
  - a. Either Party may suspend the arrangements set forth in Article 6.7.iii in cases of emergency for one week. The extension of such suspension for longer than a week shall be pursuant to consultation with the other Party and the IVG at the Trilateral Committee established in Article 3/3.
  - b. This clause shall not apply to the arrangements set forth in Article 6.7/vi.
  - c. Three years after the transfer of authority over the Old City, the Parties shall review these arrangements. These arrangements may only be terminated by agreement of the Parties.
  - d. The Parties shall examine the possibility of expanding these arrangements beyond the Old City and may agree to such an expansion.
- vi. *Special Arrangements*
  - a. Along the way outlined in Map X (from the Jaffa Gate to the Zion Gate) there will be permanent and guaranteed arrangements for Israelis regarding access, freedom of movement, and security, as set forth in Annex X.
    - 1. The IVG shall be responsible for the implementation of these arrangements.
  - b. Without prejudice to Palestinian sovereignty, Israeli administration of the Citadel will be as outlined in Annex X.
- vii. *Color-Coding of the Old City*  
A visible color-coding scheme shall be used in the Old City to denote the sovereign areas of the respective Parties.
- viii. *Policing*
  - a. An agreed number of Israeli police shall constitute the Israeli Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Israeli sovereignty.
  - b. An agreed number of Palestinian police shall constitute the Palestinian Old City police detachment and shall exercise responsibility for maintaining order and day-to-day policing functions in the area under Palestinian sovereignty.
  - c. All members of the respective Israeli and Palestinian Old City police detachments shall undergo special training, including joint training exercises, to be administered by the PU.



- d. A special Joint Situation Room, under the direction of the PU and incorporating members of the Israeli and Palestinian Old City police detachments, shall facilitate liaison on all relevant matters of policing and security in the Old City.

*ix. Arms*

No person shall be allowed to carry or possess arms in the Old City, with the exception of the Police Forces provided for in this agreement. In addition, each Party may grant special written permission to carry or possess arms in areas under its sovereignty.

*x. Intelligence and Security*

- a. The Parties shall establish intensive intelligence cooperation regarding the Old City, including the immediate sharing of threat information.
- b. A trilateral committee composed of the two Parties and representatives of the United States shall be established to facilitate this cooperation.

8. Mount of Olives Cemetery

- i. The area outlined in Map X (the Jewish Cemetery on the Mount of Olives) shall be under Israeli administration; Israeli law shall apply to persons using and procedures appertaining to this area in accordance with Annex X.
  - a. There shall be a designated road to provide free, unlimited, and unimpeded access to the Cemetery.
  - b. The IVG shall monitor the implementation of this clause.
  - c. This arrangement may only be terminated by the agreement of both Parties.

9. Special Cemetery Arrangements

Arrangements shall be established in the two cemeteries designated in Map X (Mount Zion Cemetery and the German Colony Cemetery), to facilitate and ensure the continuation of the current burial and visitation practices, including the facilitation of access.

10. The Western Wall Tunnel

- i. The Western Wall Tunnel designated in Map X shall be under Israeli administration, including:
  - a. Unrestricted Israeli access and right to worship and conduct religious practices.
  - b. Responsibility for the preservation and maintenance of the site in accordance with this Agreement and without damaging structures above, under IVG supervision.
  - c. Israeli policing.
  - d. IVG monitoring
  - e. The Northern Exit of the Tunnel shall only be used for exit and may only be closed in case of emergency as stipulated in Article 6/7.
- ii. This arrangement may only be terminated by the agreement of both Parties.

11. Municipal Coordination

- i. The two Jerusalem municipalities shall form a Jerusalem Co-ordination and Development Committee ("JCDC") to oversee the cooperation and coordination between the Palestinian Jerusalem municipality and the Israeli Jerusalem municipality. The JCDC and its sub-committees shall be composed of an equal number of representatives from Palestine and Israel. Each side will appoint members of the JCDC and its subcommittees in accordance with its own modalities.
- ii. The JCDC shall ensure that the coordination of infrastructure and services best serves the residents of Jerusalem, and shall promote the economic development of the city to the benefit of all. The JCDC will act to encourage cross-community dialogue and reconciliation.
- iii. The JCDC shall have the following subcommittees:
  - a. A Planning and Zoning Committee: to ensure agreed planning and zoning regulations in areas designated in Annex X.
  - b. A Hydro Infrastructure Committee: to handle matters relating to drinking water delivery, drainage, and wastewater collection and treatment.
  - c. A Transport Committee: to coordinate relevant connectedness and compatibility of the two road systems and other issues pertaining to transport.
  - d. An Environmental Committee: to deal with environmental issues affecting the quality of life in the city, including solid waste management.

- e. An Economic and Development Committee: to formulate plans for economic development in areas of joint interest, including in the areas of transportation, seam line commercial cooperation, and tourism,
- f. A Police and Emergency Services Committee: to coordinate measures for the maintenance of public order and crime prevention and the provision of emergency services;
- g. An Old City Committee: to plan and closely coordinate the joint provision of the relevant municipal services, and other functions stipulated in Article 6/7.
- h. Other Committees as agreed in the JCDC.

#### 12. Israeli Residency of Palestinian Jerusalemites

Palestinian Jerusalemites who currently are permanent residents of Israel shall lose this status upon the transfer of authority to Palestine of those areas in which they reside.

#### 13. Transfer of Authority

The Parties will apply in certain socio-economic spheres interim measures to ensure the agreed, expeditious, and orderly transfer of powers and obligations from Israel to Palestine. This shall be done in a manner that preserves the accumulated socio-economic rights of the residents of East Jerusalem.

### Article 7 – Refugees

#### 1. Significance of the Refugee Problem

- i. The Parties recognize that, in the context of two independent states, Palestine and Israel, living side by side in peace, an agreed resolution of the refugee problem is necessary for achieving a just, comprehensive and lasting peace between them.
- ii. Such a resolution will also be central to stability building and development in the region.

#### 2. UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative

- i. The Parties recognize that UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative (Article 2.ii.) concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled according to Article 7 of this Agreement.

#### 3. Compensation

- i. Refugees shall be entitled to compensation for their refugeehood and for loss of property. This shall not prejudice or be prejudiced by the refugee's permanent place of residence.
- ii. The Parties recognize the right of states that have hosted Palestinian refugees to remuneration.

#### 4. Choice of Permanent Place of Residence (PPR)

The solution to the PPR aspect of the refugee problem shall entail an act of informed choice on the part of the refugee to be exercised in accordance with the options and modalities set forth in this agreement. PPR options from which the refugees may choose shall be as follows;

- i. The state of Palestine, in accordance with clause a below.
- ii. Areas in Israel being transferred to Palestine in the land swap, following assumption of Palestinian sovereignty, in accordance with clause a below.
- iii. Third Countries, in accordance with clause b below.
- iv. The state of Israel, in accordance with clause c below.
- v. Present Host countries, in accordance with clause d below.
  - a. PPR options i and ii shall be the right of all Palestinian refugees and shall be in accordance with the laws of the State of Palestine.
  - b. Option iii shall be at the sovereign discretion of third countries and shall be in accordance with numbers that each third country will submit to the International Commission. These numbers shall represent the total number of Palestinian refugees that each third country shall accept.
  - c. Option iv shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission. This number shall represent the total number of Palestinian refugees that Israel shall accept. As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission.
  - d. Option v shall be in accordance with the sovereign discretion of present host countries. Where exercised this shall be in the context of prompt and extensive development and rehabilitation programs for the refugee communities

Priority in all the above shall be accorded to the Palestinian refugee population in Lebanon.

#### 5. Free and Informed Choice

The process by which Palestinian refugees shall express their PPR choice shall be on the basis of a free and informed decision. The Parties themselves are committed and will encourage third parties to facilitate the refugees' free choice in expressing their preferences, and to countering any attempts at interference or organized pressure on the process of choice. This will not prejudice the recognition of Palestine as the realization of Palestinian self-determination and statehood.

#### 6. End of Refugee Status

Palestinian refugee status shall be terminated upon the realization of an individual refugee's permanent place of residence (PPR) as determined by the International Commission.

#### 7. End of Claims

This agreement provides for the permanent and complete resolution of the Palestinian refugee problem. No claims may be raised except for those related to the implementation of this agreement.

#### 8. International Role

The Parties call upon the international community to participate fully in the comprehensive resolution of the refugee problem in accordance with this Agreement, including, inter alia, the establishment of an International Commission and an International Fund.

#### 9. Property Compensation

- i. Refugees shall be compensated for the loss of property resulting from their displacement.
- ii. The aggregate sum of property compensation shall be calculated as follows:
  - a. The Parties shall request the International Commission to appoint a Panel of Experts to estimate the value of Palestinians' property at the time of displacement.
  - b. The Panel of Experts shall base its assessment on the UNCCP records, the records of the Custodian for Absentee Property, and any other records it deems relevant. The Parties shall make these records available to the Panel.
  - c. The Parties shall appoint experts to advise and assist the Panel in its work.
  - d. Within 6 months, the Panel shall submit its estimates to the Parties.
  - e. The Parties shall agree on an economic multiplier, to be applied to the estimates, to reach a fair aggregate value of the property.
- iii. The aggregate value agreed to by the Parties shall constitute the Israeli "lump sum" contribution to the International Fund. No other financial claims arising from the Palestinian refugee problem may be raised against Israel.
- iv. Israel's contribution shall be made in installments in accordance with Schedule X.
- v. The value of the Israeli fixed assets that shall remain intact in former settlements and transferred to the state of Palestine will be deducted from Israel's contribution to the International Fund. An estimation of this value shall be made by the International Fund, taking into account assessment of damage caused by the settlements.

#### 10. Compensation for Refugeehood

- i. A "Refugeehood Fund" shall be established in recognition of each individual's refugeehood. The Fund, to which Israel shall be a contributing party, shall be overseen by the International Commission. The structure and financing of the Fund is set forth in Annex X.
- ii. Funds will be disbursed to refugee communities in the former areas of UNRWA operation, and will be at their disposal for communal development and commemoration of the refugee experience. Appropriate mechanisms will be devised by the International Commission whereby the beneficiary refugee communities are empowered to determine and administer the use of this Fund.

#### 11. The International Commission (Commission)

- i. *Mandate and Composition*
  - a. An International Commission shall be established and shall have full and exclusive responsibility for implementing all aspects of this Agreement pertaining to refugees.

- b. In addition to themselves, the Parties call upon the United Nations, the United States, UNRWA, the Arab host countries, the EU, Switzerland, Canada, Norway, Japan, the World Bank, the Russian Federation, and others to be the members of the Commission.
- c. The Commission shall:
  - 1. Oversee and manage the process whereby the status and PPR of Palestinian refugees is determined and realized.
  - 2. Oversee and manage, in close cooperation with the host states, the rehabilitation and development programs.
  - 3. Raise and disburse funds as appropriate.
- d. The Parties shall make available to the Commission all relevant documentary records and archival materials in their possession that it deems necessary for the functioning of the Commission and its organs. The Commission may request such materials from all other relevant parties and bodies, including, inter alia, UNCCP and UNRWA.

ii. *Structure*

- a. The Commission shall be governed by an Executive Board (Board) composed of representatives of its members.
- b. The Board shall be the highest authority in the Commission and shall make the relevant policy decisions in accordance with this Agreement.
- c. The Board shall draw up the procedures governing the work of the Commission in accordance with this Agreement.
- d. The Board shall oversee the conduct of the various Committees of the Commission. The said Committees shall periodically report to the Board in accordance with procedures set forth thereby.
- e. The Board shall create a Secretariat and appoint a Chair thereof. The Chair and the Secretariat shall conduct the day-to-day operation of the Commission.

iii. *Specific Committees*

- a. The Commission shall establish the Technical Committees specified below.
- b. Unless otherwise specified in this Agreement, the Board shall determine the structure and procedures of the Committees.
- c. The Parties may make submissions to the Committees as deemed necessary.
- d. The Committees shall establish mechanisms for resolution of disputes arising from the interpretation or implementation of the provisions of this Agreement relating to refugees.
- e. The Committees shall function in accordance with this Agreement, and shall render binding decisions accordingly.
- f. Refugees shall have the right to appeal decisions affecting them according to mechanisms established by this Agreement and detailed in Annex X.

iv. *Status-determination Committee*

- a. The Status-determination Committee shall be responsible for verifying refugee status.
- b. UNRWA registration shall be considered as rebuttable presumption (prima facie proof) of refugee status.

v. *Compensation Committee*

- a. The Compensation Committee shall be responsible for administering the implementation of the compensation provisions.
- b. The Committee shall disburse compensation for individual property pursuant to the following modalities:
  - 1. Either a fixed per capita award for property claims below a specified value. This will require the claimant to only prove title, and shall be processed according to a fast-track procedure, or
  - 2. A claims-based award for property claims exceeding a specified value for immovables and other assets. This will require the claimant to prove both title and the value of the losses.
- c. Annex X shall elaborate the details of the above including, but not limited to, evidentiary issues and the use of UNCCP, "Custodian for Absentees' Property", and UNRWA records, along with any other relevant records.

vi. *Host State Remuneration Committee*

There shall be remuneration for host states.

vii. *Permanent Place of Residence Committee (PPR Committee)*

The PPR Committee shall,

- a. Develop with all the relevant parties detailed programs regarding the implementation of the PPR options pursuant to Article 7/4 above.
- b. Assist the applicants in making an informed choice regarding PPR options.
- c. Receive applications from refugees regarding PPR. The applicants must indicate a number of preferences in accordance with article 7/4 above. The applications shall be received no later than two years after the start of the International Commission's operations. Refugees who do not submit such applications within the two-year period shall lose their refugee status.
- d. Determine, in accordance with sub-Article (a) above, the PPR of the applicants, taking into account individual preferences and maintenance of family unity. Applicants who do not avail themselves of the Committee's PPR determination shall lose their refugee status.
- e. Provide the applicants with the appropriate technical and legal assistance.
- f. The PPR of Palestinian refugees shall be realized within 5 years of the start of the International Commission's operations.

viii. *Refugeehood Fund Committee*

The Refugeehood Fund Committee shall implement Article 7/10 as detailed in Annex X.

ix. *Rehabilitation and Development Committee*

In accordance with the aims of this Agreement and noting the above PPR programs, the Rehabilitation and Development Committee shall work closely with Palestine, Host Countries and other relevant third countries and parties in pursuing the goal of refugee rehabilitation and community development. This shall include devising programs and plans to provide the former refugees with opportunities for personal and communal development, housing, education, healthcare, re-training and other needs. This shall be integrated in the general development plans for the region.

12. The International Fund

- i. An International Fund (the Fund) shall be established to receive contributions outlined in this Article and additional contributions from the international community. The Fund shall disburse monies to the Commission to enable it to carry out its functions. The Fund shall audit the Commission's work.
- ii. The structure, composition and operation of the Fund are set forth in Annex X.

13. UNRWA

- i. UNRWA should be phased out in each country in which it operates, based on the end of refugee status in that country.
- ii. UNRWA should cease to exist five years after the start of the Commission's operations. The Commission shall draw up a plan for the phasing out of UNRWA and shall facilitate the transfer of UNRWA functions to host states.

14. Reconciliation Programs

- i. The Parties will encourage and promote the development of cooperation between their relevant institutions and civil societies in creating forums for exchanging historical narratives and enhancing mutual understanding regarding the past.
- ii. The Parties shall encourage and facilitate exchanges in order to disseminate a richer appreciation of these respective narratives, in the fields of formal and informal education, by providing conditions for direct contacts between schools, educational institutions and civil society.
- iii. The Parties may consider cross-community cultural programs in order to promote the goals of conciliation in relation to their respective histories.
- iv. These programs may include developing appropriate ways of commemorating those villages and communities that existed prior to 1949.

Article 8 - Israeli-Palestinian Cooperation Committee (IPCC)

1. The Parties shall establish an Israeli-Palestinian Cooperation Committee immediately upon the entry into force of this agreement. The IPCC shall be a ministerial-level body with ministerial-level Co-Chairs.

2. The IPCC shall develop and assist in the implementation of policies for cooperation in areas of common interest including, but not limited to, infrastructure needs, sustainable development and environmental issues, cross-border municipal cooperation, border area industrial parks, exchange programs, human resource development, sports and youth, science, agriculture and culture.
3. The IPCC shall strive to broaden the spheres and scope of cooperation between the Parties.

#### Article 9 - Designated Road Use Arrangements

1. The following arrangements for Israeli civilian use will apply to the designated roads in Palestine as detailed in Map X (Road 443, Jerusalem to Tiberias via Jordan Valley, and Jerusalem –Ein Gedi).
2. These arrangements shall not prejudice Palestinian jurisdiction over these roads, including PSF patrols.
3. The procedures for designated road use arrangements will be further detailed in Annex X.
4. Israelis may be granted permits for use of designated roads. Proof of authorization may be presented at entry points to the designated roads. The sides will review options for establishing a road use system based on smart card technology.
5. The designated roads will be patrolled by the MF at all times. The MF will establish with the states of Israel and Palestine agreed arrangements for cooperation in emergency medical evacuation of Israelis.
6. In the event of any incidents involving Israeli citizens and requiring criminal or legal proceedings, there will be full cooperation between the Israeli and Palestinian authorities according to arrangements to be agreed upon as part of the legal cooperation between the two states. The Parties may call on the IVG to assist in this respect.
7. Israelis shall not use the designated roads as a means of entering Palestine without the relevant documentation and authorization.
8. In the event of regional peace, arrangements for Palestinian civilian use of designated roads in Israel shall be agreed and come into effect.

#### Article 10 - Sites of Religious Significance

1. The Parties shall establish special arrangements to guarantee access to agreed sites of religious significance, as will be detailed in Annex X. These arrangements will apply, inter alia, to the Tomb of the Patriarchs in Hebron and Rachel's Tomb in Bethlehem, and Nabi Samuel.
2. Access to and from the sites will be by way of designated shuttle facilities from the relevant border crossing to the sites.
3. The Parties shall agree on requirements and procedures for granting licenses to authorized private shuttle operators.
4. The shuttles and passengers will be subject to MF inspection.
5. The shuttles will be escorted on their route between the border crossing and the sites by the MF.
6. The shuttles shall be under the traffic regulations and jurisdiction of the Party in whose territory they are traveling.
7. Arrangements for access to the sites on special days and holidays are detailed in Annex X.
8. The Palestinian Tourist Police and the MF will be present at these sites.
9. The Parties shall establish a joint body for the religious administration of these sites.
10. In the event of any incidents involving Israeli citizens and requiring criminal or legal proceedings, there will be full cooperation between the Israeli and Palestinian authorities according to arrangements to be agreed upon. The Parties may call on the IVG to assist in this respect.
11. Israelis shall not use the shuttles as a means of entering Palestine without the relevant documentation and authorization.
12. The Parties shall protect and preserve the sites of religious significance listed in Annex X and shall facilitate visitation to the cemeteries listed in Annex X.

#### Article 11 - Border Regime

1. There shall be a border regime between the two states, with movement between them subject to the domestic legal requirements of each and to the provisions of this Agreement as detailed in Annex X.

2. Movement across the border shall only be through designated border crossings.
3. Procedures in border crossings shall be designed to facilitate strong trade and economic ties, including labor movement between the Parties.
4. Each Party shall each, in its respective territory, take the measures it deems necessary to ensure that no persons, vehicles, or goods enter the territory of the other illegally.
5. Special border arrangements in Jerusalem shall be in accordance with Article 6 above.

Article 12 - Water: still to be completed

Article 13 - Economic Relations: still to be completed

Article 14 - Legal Cooperation: still to be completed

Article 15 - Palestinian Prisoners and Detainees

1. In the context of this Permanent Status Agreement between Israel and Palestine, the end of conflict, cessation of all violence, and the robust security arrangements set forth in this Agreement, all the Palestinian and Arab prisoners detained in the framework of the Israeli-Palestinian conflict prior to the date of signature of this Agreement, DD/MM/2003, shall be released in accordance with the categories set forth below and detailed in Annex X.
  - (a) Category A: all persons imprisoned prior to the start of the implementation of the Declaration of Principles on May 4, 1994, administrative detainees, and minors, as well as women, and prisoners in ill health shall be released immediately upon the entry into force of this Agreement.
  - (b) Category B: all persons imprisoned after May 4, 1994 and prior to the signature of this Agreement shall be released no later than eighteen months from the entry into force of this Agreement, except those specified in Category C.
  - (c) Category C: Exceptional cases - persons whose names are set forth in Annex X - shall be released in thirty months at the end of the full implementation of the territorial aspects of this Agreement set forth in Article 5/7/v.

Article 16 - Dispute Settlement Mechanism

1. Disputes related to the interpretation or application of this Agreement shall be resolved by negotiations within a bilateral framework to be convened by the High Steering Committee.
2. If a dispute is not settled promptly by the above, either Party may submit it to mediation and conciliation by the IVG mechanism in accordance with Article 3.
3. Disputes which cannot be settled by bilateral negotiation and/or the IVG mechanism shall be settled by a mechanism of conciliation to be agreed upon by the Parties.
4. Disputes which have not been resolved by the above may be submitted by either Party to an arbitration panel. Each Party shall nominate one member of the three-member arbitration panel. The Parties shall select a third arbiter from the agreed list of arbiters set forth in Annex X either by consensus or, in the case of disagreement, by rotation.

Article 17 - Final Clauses

Including a final clause providing for a UNSCR/UNGAR resolution endorsing the agreement and superceding the previous UN resolutions.

The English version of this text will be considered authoritative.



**STATEMENT BY THE PERMANENT REPRESENTATIVE OF MALAYSIA TO  
THE UN, AMBASSADOR RASTAM ISA, ON BEHALF OF THE NON-ALIGNED  
MOVEMENT ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE  
QUESTION OF PALESTINE, 14 OCTOBER 2003**

Mr. President,

On behalf of the Non-Aligned Movement (NAM), I wish to express our sincere appreciation to you and members of the Security Council for convening this open meeting to allow the larger membership of the United Nations to express once again their views on the question of Palestine. This meeting is focussed in particular on the construction of the expansionist Israeli wall in the Occupied Palestinian Territory. This is a matter of grave concern to all members of the Movement and should also be of grave concern to the international community as a whole.

Mr. President,

2. The Non-Aligned Movement expresses once again its grave concern at the further deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem. We condemn the continuing and escalating Israeli military campaign against the Palestinian people, in particular the willful killing of civilians, including extrajudicial executions; demolition of homes and paralyzing closures; excessive and indiscriminate use of force, and continuing settler colonial activities. Much as we condemn the deadly suicide bombings against innocent Israeli civilians, we reiterate that the Israeli Government must exercise restraint. It must act in accordance with international law. It must act rationally. Disproportionate use of force against the Palestinian people and the implementation and enforcement of severe policies and practices in furtherance of occupation by the Israeli Government will not guarantee enhanced security for the people of Israel. On the contrary, these actions by Israel have provoked violent retaliation from Palestinian militant groups. Clearly both sides are now locked in a continuing cycle of violence which makes it all the more difficult to move forward to achieve a peaceful solution.

Mr. President,

3. The Non-Aligned Movement is extremely concerned at the implications and long-term effect of Israel's continued settlement policies and construction of the wall in the Occupied Palestinian Territory. We are dismayed to learn of Israel's recent announcement of its intention to build about 600 homes in three large West Bank settlements. Obviously Israel has chosen to ignore the numerous calls made by the international community for it to cease settlement activities in the Occupied Palestinian Territory.
4. The total number of settlers has reached more than 230,000. This is double the total a decade ago. Palestinian lands are being confiscated to make way for illegal settlements and bypass roads for them. Barriers are being built to protect such illegal settlements. Effluents from those settlements have caused the destruction of Palestinian farmland. Israeli soldiers are deployed to protect the settlers. These facts are there for all to see. One needs only to look at the present day map of the Occupied Palestinian Territory to know how many settlements have been built. How could the international community then ignore these facts? It is clear that Israel's settler colonialism activities impact gravely on the Palestinian people. This policy cannot remain unchallenged by the international community.
5. We stress that the implantation of Israeli colonies in East Jerusalem, West Bank and Gaza is in violation of international law, in particular the Fourth Geneva Convention. The Israeli Government and others must surely realise that settler colonialism has become the primary obstacle to Palestinian self-determination. It remains a major impediment to progress in the peace process. We strongly urge Israel to dismantle the settlements and freeze all settlement activity, as envisaged by the Road Map.

Mr. President,

6. With regard to the separation wall, we believe that its construction has severely undermined the creation of a viable contiguous Palestinian State and the realization of the two States solution. The Israeli Government says that the wall is necessary to protect Israel from terrorists. But the plans for the wall and the actual construction itself has indicated that it is more than just a "security wall". It appears to be a devious way to create "facts on the ground" and impose a unilateral solution which would pre-judge the outcome of future negotiations on the boundaries of the two States, Israel and Palestine.



7. According to available information, the wall could extend to up to 650 kilometres long with a concrete base, 8 metres high and watch towers every 200 metres. The wall is to have trenches, roads and fences running parallel to it. For this purpose, hundreds of thousands of dunums of Palestinian land, including prime agricultural land, have been and will be confiscated by Israel and turned into practically no-man's-land adjacent to the wall. The Palestinian town of Qalqilya is effectively surrounded by walls on almost all sides, virtually imprisoning 41,600 of its people. The wall is not just a problem. It will be a major obstacle to peace.
8. We note with grave concern that the wall is not being built in accordance with the internationally recognized boundary of the Armistice Line of 1949. Large portions of the wall is constructed deep into the Occupied Palestinian Territory, separating Palestinians from their agricultural land and water resources. The wall is designed to engulf settlements. Besides the massive confiscation of fertile Palestinian land, valuable subterranean water reservoirs have also been annexed.
9. The Special Rapporteur of the United Nations Commission on Human Rights on the Occupied Palestinian Territory estimates in his report that the wall would cut off about 210,000 Palestinians from social services, schools and places of work. He has also stated that it would likely lead to a new generation of refugees or internally displaced people. The wall would also isolate primary resources of the West Bank which the future Palestinian State would depend on. This indeed should be alarming to the international community, Israel included. Could the world allow this to happen? Could we seriously allow an already deprived population to be subjected to such degrading and inhumane treatment on their own land?

Mr. President,

10. We believe that the crisis caused by occupation and settlement is more pronounced and desperate now than ever before. It deserves the immediate action of the Security Council. The world cannot afford to allow Israel to boldly press on with its settler colonialism activities, more imperatively its ongoing and future construction of the expansionist wall. Israel must be prevented from using security as a guise to annex Palestinian territory.

Mr. President,

11. The extensive impact of the wall demands the immediate action of the Security Council, particularly its members with the power to influence Israel. We urge them to undertake serious efforts to prevent the wall from being used as a means to annex Palestinian lands and effectively prevent the creation of a Palestinian State. The wall must not be allowed to be used as a tool to further suppress the already downtrodden Palestinian people. We call on the Security Council to act decisively by adopting a resolution calling for the destruction of the wall and preventing its completion. Pressure must be made to bear on Israel to comply with the demands of the international community in respect of this wall.

Thank you, Mr. President.



**FINAL COMMUNIQUÉ, DECLARATION ON AL-QUDS AL-SHARIF AND PALESTINE,  
AND RESOLUTIONS ON PALESTINE AFFAIRS, ARAB-ISRAELI CONFLICT,  
AL-QUDS AL-SHARIF, TENTH SESSION OF THE ISLAMIC SUMMIT CONFERENCE  
(SESSION OF KNOWLEDGE AND MORALITY FOR THE PROGRESS OF UMMAH),  
PUTRAJAYA, MALAYSIA, 16-17 OCTOBER 2003 [EXCERPTS]**

FINAL COMMUNIQUÉ

1. The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah) was held in Putrajaya, Malaysia on 20 and 21 Sha'aban 1424H (16-17 October 2003 amid substantial international attention. The Conference was attended by delegations representing all member states, observer states, international and regional organizations, as well as OIC affiliated and specialized organs. The Conference was also attended by a number of Is-

- Islamic associations, institutions and groups, and numerous guests and personalities interested in the activities of the Organisation of the Islamic Conference. [...]
4. In view of the utmost importance that OIC attaches to the cause of Palestine and Al Quds Sharif, His Majesty Mohamed VI, King of Morocco, Chairman of the Committee of Al Quds, addressed the opening session with a comprehensive speech in which he informed Their Majesties and Excellencies, Kings and Presidents of Member States on the efforts made by Al-Quds Committee to counter the Zionist conspiracies aimed at judaizing the Holy City and obliterating its Islamic identity. [...]
  10. The Conference reaffirmed the need to establish an independent Palestinian State with Al-Quds Sharif as its capital, and the need to implement all the international resolutions pertaining to Palestine and the Middle East, particularly UNSC resolutions 242 (1967) and 338 (1973), UN General Assembly resolution 194 on the Return of Palestinian Refugees, and UNSC resolutions on the cause of Al-Quds, namely Resolutions 252 (1968), 267 (1969), 465 (1980), 476 (1980), 478 (1980), 1073 (1996) and 1397 (2002), and the implementation of the Road Map as published.
  11. The Conference took note of the report submitted by the Chairman of the Al-Quds Committee and commended the continuous efforts made by His Majesty King Mohamed VI in order to safeguard the Arab and Islamic identity for Al-Quds Al-Sharif, to remain the symbol of coexistence and tolerance.
  12. The Conference called on the international Quartet to work studiously to reach a just and comprehensive peace in the Middle East in implementation of the relevant resolutions of international legitimacy, the Madrid Principles, the Arab Peace Initiative and the implementation of the Road Map as published. It called for action to urge the Security Council to endorse the Road Map as published, to set up an implementation mechanism thereof within a well-defined timeframe, and the need to dispatch international disengagement forces between Palestinians and Israelis to guarantee stability and calm in the region and to monitor the implementation of the two sides' commitments as contained in the Road Map.
  13. The Conference strongly condemned the threats of the Israeli government against the democratically elected President Yasser Arafat, and appealed to the international community to force Israel to abide by the UNGA resolution ES10/12 of 19/9/2003 requesting Israel to refrain from jeopardizing the safety of the Palestinian President and not to deport any Palestinian citizen out of their homeland.
  14. The Conference requested the international community to compel Israel to end the construction of - and remove - the apartheid wall which encroaches upon the Palestinian land, turns it into Bantustans, imposes unjust political realities and further deteriorates conditions in the region.
  15. The Conference strongly condemned the perpetration by Israel of the crimes of murder, detention, destruction of homes, demolition of infrastructure, imposition of collective sanctions on the Palestinian people, violation of the sanctity of Christian and Islamic Holy places, and most particularly Israel's recent move allowing Jews access to and prayer in the premises of the Holy Mosque of Al-Aqsa.
  16. The Conference requested the international community to ensure Israeli occupation forces' withdrawal from occupied Palestinian and Arab territories, the lifting of the Israeli siege imposed on the Palestinian people and leadership, the removal of all blockades and barriers imposed on Palestinian crossings, cities, villages and refugee camps, and the release of all Palestinians and Arabs detained in Israeli prisons.
  17. The Conference reaffirmed its denunciation of the Israeli expansionist policy of settlement and the need to work to end all Israeli settlements, measures and practices running counter to the resolutions of international legitimacy and in disagreement with the relevant conventions signed between the Israeli and Palestinian sides. The Conference requested the UN Security Council to end these measures and to remove Israeli settlements in accordance with UNSC resolution 465 of 1980, and to restore the Committee established by virtue of UNSC resolution 446 of 1979 to monitor the situation of settlement in the Arab territories occupied since 1967, including the City of Al-Quds.
  18. The Conference strongly condemned the Israeli policy which refuses to abide by UN Security Council Resolution No. 497 (1981) concerning Occupied Syrian Golan as well as Israel's policy of land annexation, establishment of settlements, confiscation of land, changing the flow of water resources and the imposition of the Israeli nationality on Syrian citizens. The Conference demanded Israel to complete its withdrawal from the Occupied Syrian Golan to the borders of the 4<sup>th</sup> of June 1967 in accordance with UN Security Council resolutions No. 242 (1967) and 338 (1973) and the principle of land-for-peace as well as the references of the Madrid Conference and the Arab Peace Initiative which was adopted by the Arab Summit Conference in Beirut.

19. The Conference commended the steadfastness of the Government, people and resistance of Lebanon as well as, the liberation of Lebanese territories and routing the Israeli occupation. It expressed support for the efforts exerted by Lebanon to complete the liberation of all its lands up to the internationally recognized borders. The Conference urged the United Nations to compel Israel to pay compensations for the losses it inflicted or caused as a consequence of its repeated aggressions against Lebanon. It also expressed its backing of demand of Lebanon for demining of the mines left by the Israeli occupation which has planted them and is therefore responsible for removing them. The Conference expressed its support for Lebanon's inalienable rights to utilize and benefit from its water resources in accordance with international law. It condemned Israeli designs to usurp these resources. The Conference held Israel responsible for any action it carries out that prejudices the sovereignty and political independence of Lebanon as well as the security and safety for its people and territorial integrity. It condemned recent aggressions by Israel and its provocative violations of Lebanon's airspace across which it launched attacks against Syria.
20. The Conference stressed commitment to apply the principles and laws of the Islamic Boycott of Israel, and action to revitalize its means, energize its tools and make the legislations, regulations and rules that organize the work of the Islamic Boycott of Israel as part of their respective national legislations in force. The Conference requested strengthening cooperation and coordination between the Islamic and the Arab Bureaux for the Boycott of Israel in both the General Secretariats of the OIC and the League of Arab States, aiming at achieving maximum efficacy in the applications of the boycott rules of Israel in the Arab and Muslim States.
- [...]
72. The Conference condemned the acts of demolition and destruction of Palestinian houses, institutions, facilities and lands causing severe losses to the Palestinian economy and expressed its deep concern over the disastrous economic repercussions of these ongoing aggressive practices of the Israeli government and called for their immediate cessation. It also appealed for assistance to the Palestinian people help them to build their national economy and strengthen their national institutions; and establish their independent state with Al-Quds Al-Sharif as its capital. It reiterated its commendation in this connection of the initiative of the Kingdom of Saudi Arabia in the creation of two funds to support Palestine with its donation of USD250 million to them and called for financial support to these funds. [...]
80. The Conference called on member states to award scholarships to Palestinian students wounded during Al-Aqsa Intifada as well as to other students from the families of martyrs of the Intifada. It also called on member states' universities to name scholarships after child martyrs of the Intifada. [...]
91. The Conference strongly condemned Israeli practices and their impact on the environment in the occupied Palestinian and Syrian territories, and the previously occupied Lebanese territories. [...]

#### DECLARATION ON AL-QUDS AL-SHARIF AND PALESTINE

1. The Heads of State or Government, as the leaders of the Islamic Ummah, reaffirmed the centrality of the cause of Al-Quds Al-Sharif and Palestine to the entire Ummah. They reaffirmed that, as the first Qiblah and the third holy sanctuary, Al-Haram Al-Sharif and Al-Quds Al-Sharif, as blessed by God, shall forever remain Islamic. They stressed the necessity for Al-Quds Al-Sharif and its holy places to be under Palestinian sovereignty, paving the way for true freedom of worship by the believers of all three monotheistic religions and for a genuine reconciliation and lasting peace in the Middle East region.
2. The Heads of State or Government strongly condemned all attempts by Israel, the occupying Power, to judaize Al-Quds Al-Sharif and to change the Arab character, nature and demographic composition of the city. They recalled in this regard the many relevant Security Council resolutions on all illegal Israeli measures, including measures and actions taken by Israel to change the status, character and demographic composition of Al-Quds, which are null and void, and called for full implementation of those resolutions. They further reiterated their solidarity with the Palestinian inhabitants and institutions of Al-Quds Al-Sharif in their steadfast resilience and affirmed their determination to provide them with the necessary support to preserve. They reiterated their full support for the valuable work carried out by the Committee of Al-Quds and expressed their appreciation to its Chairmanship.

3. The Heads of State or Government, recalling the historic injustices inflicted upon the Palestinian people, reiterated their principled support for and longstanding solidarity with the Palestinian people and their national legitimate leadership. They recalled, in this regard, that in 1948 more than half of the Palestinian people were uprooted from their land, homes and properties, dispossessed and forced to live as refugees until today, awaiting the implementation of United Nations resolution 194 (III). They also recalled that the establishment of the State of Palestine, in accordance with United Nations resolution 181 (II), has been obstructed for more than fifty years. They further recalled that the remainder of the Palestinian Territory has been under the foreign occupation of Israel since 1967, and that, since that time, the Palestinian people in the Occupied Palestinian Territory, including Al-Quds Al-Sharif, have been subjected to the continuous oppression and brutality of the occupation, including an active campaign of settler colonialism and expansionism.
4. The Heads of State or Government expressed their deep concern at the tragic situation prevailing in the Occupied Palestinian Territory, including Al-Quds Al-Sharif, since 28 September 2000. They strongly condemned the war crimes and systematic human rights violations that have been committed by the Israeli occupying forces against the Palestinian people. They condemned in particular the willful killing of Palestinian civilians, including extrajudicial executions; the excessive and indiscriminate use of force, resulting in extensive loss of life and injury; the wanton destruction of homes, infrastructure and agricultural lands; the detention and imprisonment of thousands of Palestinians; and the imposition of collective punishments on the entire Palestinian population, including severe restrictions on the movement of persons and goods and prolonged curfews, resulting humanitarian crisis. The Heads of State or Government further condemned the settler colonialism that has been carried out by Israel, the occupying Power, in the Occupied Palestinian Territory, including Al-Quds Al-Sharif, since 1967, through land confiscation, settlement building and the transfer of Israeli nationals to the Occupied Territory.
5. The Heads of State or Government reiterated their unwavering support for the realization of the inalienable rights of the Palestinian people, including the right to national independence and the exercise of sovereignty in their State, Palestine, with Al-Quds Al-Sharif as its capital. They reaffirmed the responsibility of the international community, particularly the permanent responsibility of the United Nations, including the Security Council, until the question of Palestine is resolved in all its aspects.
6. The Heads of State or Government reaffirmed their support for the peaceful settlement of the question of Palestine and the situation in the Middle East in accordance with international legitimacy and supported all international efforts in their regard. They expressed the hope that the whole region would live in peace, security, safety and prosperity free from all forms of terror and violence.
7. The Heads of State or Government reaffirmed their commitment to ensuring the sanctity, dignity and Islamic nature of Al-Haram Al-Sharif and striving for the sovereignty of Al-Quds Al-Sharif as the capital of the State of Palestine.

RESOLUTIONS ON PALESTINE AFFAIRS, ARAB-ISRAELI CONFLICT, AL-QUDS AL-SHARIF, AND ISLAMIC BOYCOTT OF ISRAEL

RESOLUTION NO. 1/10-PAL (IS): ON THE CAUSE OF PALESTINE AND THE ARAB-ISRAELI CONFLICT

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah), held in Putrajaya, Malaysia, from 20 to 21 Shaban, 1424H (16-17 October 2003),

*Having considered* the report of the Secretary-General on the Cause of Palestine and the Arab-Israeli Conflict (Document No.IS/10-2003/SUM/PAL/SG.REP)

*Proceeding from* the principles and objectives enshrined in the Charter of the Organization of the Islamic Conference (OIC);

*Based on* the Islamic resolutions on the Case of Palestinian and the Arab-Israeli Conflict;

*Recalling* the resolutions adopted by the United Nations General Assembly and the U.N. Security Council, particularly resolutions 242 (1967); 338 (1973); 425 (1978); 465 (1980); 476 (1980); 478 (1980); 1397 (2002); 1435 (2002) and General Assembly resolution no.194 on refugees as well as resolution No. ES-10/17; resolution No. A/ES-10/10 adopted by the 10<sup>th</sup> Extraordinary Emergency Session of the General Assembly in 2002 on illegal Israeli practices in the occupied Palestinian terri-

tories as well as the resolutions adopted by the Commission relating to human rights violations in the occupied Arab and Palestinian territories as well as the resolutions adopted by the Non-Aligned Movement (NAM), the African Union (AU) and the League of Arab States particularly the resolution of the 14<sup>th</sup> Arab Summit, held in Beirut on 28 March 2002 concerning the situation in the occupied Palestinian territories, including the City of Al-Quds Al-Sharif and the other occupied Arab territories; and the resolutions of the 15<sup>th</sup> Ordinary Arab Summit held in Sharam Al-Sheikh, Arab Republic of Egypt on 1<sup>st</sup> March, 2003.

*Expressing* its strong condemnation of Israel's persistence in its crimes and massacres as well as repressive and terrorist practices against the Palestinian people, committing aggression against their holy places and national institutions and continuing to implement its policy of colonialist settlements and the expansion of existing ones along with the confiscation of land and property and the perpetuation of the policy of collective sanctions against Palestinian and Arab citizens in all the occupied Palestinian and Arab territories as well as the siege of the city of Al-Quds Al-Sharif, violating the sanctity of holy places and desecrating both Muslim and Christian shrines;

*Condemning* the continuous Israeli aggressions against the Lebanese territories and their civilian population;

*Affirming* the Islamic states' commitment to achieving a just and comprehensive peace in the area;

*Emphasizing* that the Israeli policies, practices and expansionist designs threaten not only Arab states and the peace process, but also the Islamic countries at large and jeopardize international peace and security;

*Holding* Israel fully responsible for undermining of the Middle East peace process on all tracks as a result of the Israeli government's intransigence, its renegeing on the foundations of the peace process, especially UN Security Council resolutions 242 (1967) and 338 (1973) and the "land for peace" principle, and its failure to comply with the terms of the road map as published;

*Hailing* the resolutions of the regular session of the League of Arab States Summit held in Beirut on 27-28 March 2002 which adopted the Arab Peace Plan based on the complete Israeli withdrawal from all the Arab occupied territories, including Al-Quds Al-Sharif, to the 4<sup>th</sup> of June 1967 borders;

*Hailing* the steadfastness of the Palestinian people and their valiant "Intifada" (uprising) to recover their inalienable national rights;

*Resolving* to back such efforts by all possible ways and means:

1. Reiterates all the resolutions adopted by the Islamic Conferences and Al-Quds Committee, particularly resolutions of the 19<sup>th</sup> Session of Al-Quds Committee in connection with the Cause of Palestine and the Arab-Israeli conflict.
2. Stresses the necessity of establishing an independent Palestinian State with Al-Quds Al-Sharif as its capital and the implementation of all the international resolutions pertaining to the Palestinian cause, in particular UN Security Council resolutions 242 (1967) and 338(1973) and the resolution of the UN General Assembly No. 194 on the return of Palestinian refugees and Security Council resolutions on the issue of Al-Quds, especially the resolutions 252 (1968), 267 (1969), 465 (1980), 476 (1980), 478 (1980), 1073 (1996) 1397 (2002), and of implementing the road map as published.
3. Backs the stand of the Palestinian State based on holding fast to the sovereignty of Al-Quds Al-Sharif, including the Holy Haram in that City and that of all the Christian and Muslim holy places and shrines which constitute a part of the Palestinian territories occupied since June, 1967; emphasizes that Al-Quds Al-Sharif is the capital of the independent State of Palestine and vehemently rejects any attempt to diminish Palestinian sovereignty over Al-Quds Al-Sharif.
4. Hails with great pride the steadfastness of the Palestinian people and their legitimate national leadership under the striving President Yasser Arafat against the Israeli occupation in order to achieve their legitimate rights. Emphasizes the continuation of providing its political material and moral support to enable the Palestinian people to restore their national inalienable rights including their right to return, to self determination and to establish their independent Palestinian state on their national soil, with Al-Quds Al-Sharif as its capital, and calls for the immediate lifting of the siege on President Yasser Arafat and the Palestinian people.
5. Reiterates its support to, and adoption of, the Arab peace initiative for resolving the issue of Palestine and the Middle-East, adopted by the 14<sup>th</sup> Arab Summit held in Beirut (Lebanon) on 28

- March 2002; and decides to act by all means and ways to clarify this initiative, explain its dimensions and gain international support for its implementation.
6. Affirms the support of Member States to the peace process according to the foundations defined by the Madrid Peace Conference, which are based on the United Nations Charter and resolutions, particularly Security Council resolutions 242 (1967), 338 (1973), 425 (1978) and the “land for peace” principle, all of which call for Israel’s withdrawal from all the occupied Palestinian and Arab territories, including the City of Al-Quds Al-Sharif, the restoration of the inalienable national rights of the Palestinian people and the complete pullout from the occupied Syrian Golan to the 4<sup>th</sup> of June, 1967 line and from all occupied Lebanese territories to the internationally recognized borders.
  7. Underlines that Israel’s flouting of the principles and foundations on which the peace process was based, and its renegeing on the commitments, pledges and agreements reached in the context of the said process, along with its procrastination and renegeing insofar as implementation was concerned and the brutal massacres perpetrated by Israel against the Palestinian people have destroyed the peace process; holds the Israeli Government fully responsible for this situation.
  8. Requests the QUARTET (the United States, the Russian Federation, the European Union and the United Nations) to resume action to achieve a just and integral peace in the Middle East in compliance with the relevant resolutions of the international legitimacy, with the Madrid Terms of Reference and the Arab initiative for peace and to implement the Road Map as it was first issued and compel Israel to:
    - Halt aggression against the Palestinian people and to stop the assassination and detention operations, destruction of houses and infrastructures and desecration of Islamic and Christian holy shrines.
    - Cease immediately all aggressive Israeli measures against Al-Quds Al-Sharif and the rest of Palestinian cities, especially the policy of judaization, settlement, destruction of houses, confiscation of land, alteration of landmarks of Palestinians' cities, immediate halt of the policy of isolating Al-Quds AL-Sharif city from its Palestinian surroundings, the setting of road-blocks, denying Palestinians access to the city and their religious location therein.
    - Stop the construction of the racist wall which devours Palestinian territories and creates unjust realities in respect of the boarders of the Palestinian state and further aggravates the conditions in the region.
    - Withdraw the occupation forces, and Israeli siege imposed against the Palestinian people and their leadership and remove all closures and road blocks imposed on access-roads, towns, villages and Palestinian refugees camps.
    - Put an end to all Israeli settlement acts in the occupied Palestinian territories including Al-Quds Al-Sharif.
    - Release all Palestinian detainees in Israeli prisons.
    - Send international observers to ensure the necessary international protection for the Palestinian people.
    - Allow access for food and medical stuff to Palestinian territories and to release funds of the Palestinian authority withheld by Israel.
  9. Reaffirms the United Nations immutable responsibility towards the Palestinian cause until a just and comprehensive settlement has been reached for all its aspects that would ensure ending the occupation, and enabling the Palestinian people to exercise their inalienable national rights, including the right to return, to self-determination and to independent statehood on their national soil with Al-Quds Al-Sharif as its capital.
  10. Appreciates with great pride, the official and popular support extended by Member States to the Palestinian people and its National Authority, and also urges Member States to continue extending all kinds of aid to the tragedy-stricken Palestinian People. Also exhorts all States and Authorities concerned to bolster the international programme of economic, social, and cultural development in the Palestinian territories, and to extend all necessary assistance aimed at helping the Palestinian People to build their national economy and support their national institutions and to enable them to establish their independent State with Al-Quds Al-Sharif as its capital.
  11. Condemns the war crimes and crimes against humanity committed by the Israeli occupation forces, and perpetrating heinous massacres and mass executions specially those which claimed the lives of hundreds of martyrs in different cities, towns and villages and Palestinian refugee camps.

12. Holds Israeli fully responsible for the consequences of its aggression and practices against the Palestinian people, including the responsibility for paying compensation for the material and economic losses sustained by the infrastructure of towns, villages, refugee camps and Palestinian national economy.
13. Condemns Israel's violation of the International Red Cross Convention and its continuous attacks against medical personnel, ambulances belonging to the International Red Cross and the Red Crescent as well as the other relief organizations; and Israel's refusal to allow these bodies perform their task according to the International Humanitarian Law, in particular the Fourth Geneva Convention of 1949.
14. Condemns Israel for attacking the holy Islamic and Christian sites in Palestine and its continued attempts to impose its control over the Holy Aqsa Mosque and to make room for extremist Jewish groups to desecrate it and for denying worshipers access to the blessed Aqsa Mosque and the Church of the Nativity and the Church of the Resurrection; further condemns the Israeli occupation forces for robbing, removing and destroying official and private Palestinian institutions and confiscating their records and documents as well as violating personal properties and household.
15. Condemns Israel for willfully destroying cultural and heritage sites in Nablus and Al-Khaleel (Hebron) in addition to inflicting heavy damage on the Church of the Nativity which constitutes ancient religious, cultural, and historical values; further condemns Israel for plundering, removing and sabotaging cultural assets in numerous Palestinian cultural centers and museums; demands the international community and the World Heritage Commission to institute deterring sanctions against Israeli for the danger it constitutes to the treasures of world heritage.
16. Condemns terrorism practiced by Israeli colonialist gangs against Palestinian civilians institutions; holds Israel fully responsible for the consequences of such aggression, especially that it is taking place in the full glare of the Israeli occupation forces and aided by an atmosphere of incitement against the Palestinian people and their institutions encouraged by the Israeli government.
17. Condemns Israel's expansionist colonialist settlement policy and reiterates the necessity of action to stop all colonialist settlement activities and Israeli measures and practices which are contrary to the resolutions of international legitimacy which are also counter to the accords signed by the Palestinian and Israeli sides. Requests the U.N. Security Council to prevent such measures, remove the Israeli colonial settlements in accordance with Security Council Resolution No. 465, remove apartheid walls, and revive the International Supervision and Monitoring Committee to Prevent Settlement in Al-Quds and the occupied Arab territories in line with Security Council Resolution No. 446.
18. Requests the U.N. Security Council, in its capacity as the only international organization responsible for safeguarding international peace and security, to shoulder its responsibility for halting immediately the Israeli aggression, and to urgently send international observers to provide the necessary international protection for the Palestinian people and to supervise the provision of security, in accordance with the international resolutions, agreements and recommendations agreed upon within the framework of the peace process;
19. Requests Member States to abide by the resolutions adopted by the Islamic Summit and Foreign Ministers Conferences on the Cause of Palestine and the Arab-Israeli Conflict during voting at the United Nations and other international forums.
20. Urges the international community and all the states that extend economic and financial assistance to Israel, especially the US and the European Union as well as international donor institutions and funds to halt the assistance which Israel uses to carry out its colonial settlement designs in the occupied Arab territories in Palestine and the occupied Syrian Golan.
21. Invites friendly States and states of the European Union to impose sanctions on Israel for crimes against humanity and war crimes against unarmed civilians in the occupied Palestinian territories.
22. Emphasizes the continuation of the stoppage of all halting all political contacts with the Israeli government as long as the aggression and blockade against the Palestinian people and its National Authority continue, and as long as Israel persists in refusing to implement the relevant UN resolutions and calls on Member States which have established relations with Israel and those that have begun to take steps to establish relations with Israel within the context of the peace process to sever these relations, including the closure of any missions or offices, severance of all economic relations, and halt of all forms of normalization with Israel until it me-

- ticulously and sincerely implements the UN resolutions on Palestine, Al-Quds Al-Sharif, and the Arab-Israeli Conflict and until a durable and comprehensive peace is established in the region.
23. Calls for commitment to the implementation of the provisions of the Islamic boycott of Israel, and for the consideration of the legislations, rules and statutes governing the boycott action, "the general principles of the boycott, the Islamic law and the by-laws of the regional offices and their periodical meetings" as part of the national legislations in force, and also calls for the creation of the necessary offices and mechanisms for so doing and for coordination between the Islamic Boycott Office and the Arab Boycott Office.
  24. Hails the steadfastness of the Government and people of Lebanon and the Lebanese Resistance for liberating the Lebanese territories and the repelling of the Israeli occupation, supports Lebanon in its efforts to liberate all its territories up to the internationally recognized borders. Also demands the United Nations to force Israel to pay damages for all the losses it inflicted or caused as a result of its continuous aggressions against Lebanon. Supports Lebanon in its demands for the removal of the mines left behind by the Israeli occupation, Israel is held responsible for laying and removing of these mines. Supports the inalienable rights of Lebanon to utilize its waters in accordance with the international law and condemns Israel's avidities in these waters, and holds Israel responsible for any action of a nature as to infringe upon Lebanon's sovereignty, political independence and safety of its people and integrity of its territories.
  25. Strongly condemns Israel's policy of refusing to comply with Security Council resolution 497 of 1981 and of imposing its mandate, laws and administration on the occupied Syrian Golan as well as its policies of annexation, building of colonial settlements, confiscation of land, diversion of water sources and imposition of Israeli nationality upon Syrian citizens. Considers all such measures as null and void, and constituting a violation of the provisions and principles of International Law and the International Humanitarian Law, particularly the 4<sup>th</sup> Geneva Convention of 1949, and demands Israel to completely withdraw from the occupied Syrian Golan to the June 4<sup>th</sup>, 1967 lines.
  26. Requests the international community and the UN Security Council to compel Israel to comply with U.N. decisions, especially Security Council resolution 487 of 1981, to join the Nuclear Weapons Non-Proliferation Treaty, implement the decisions of the General Assembly and the International Atomic Energy Agency (IAEA) calling for subjecting all Israeli nuclear installations to the Agency's comprehensive safeguards system. Emphasizes the necessity for Israel to declare renunciation of nuclear armament and submit to the UN Security Council and the IAEA a factual statement on its capabilities and stockpile of nuclear weapons and substances, given the fact that those are imperative steps for the creation, in the Middle East, of an area free of weapons of mass destruction, particularly nuclear weapons – which is essential to the establishment of a comprehensive and just peace in the area.
  27. Affirms on the abiding responsibility of UNRWA for fulfilling its duties towards the Palestinian people wherever they may be in accordance with the UNGA resolution on the matter. Calls on the Member States to request the UN Secretary-General to advise the Conciliation Committee, in collaboration with UNRWA and concerned states, carry out a comprehensive census of Palestinian refugees and their property and develop a global vision to solve their problems based on their right to return to their homeland, Palestine, in accordance with UN resolution 194. Calls on states to extend further support to cover the budget of UNRWA and enable it to continue providing its services.
  28. Requests the Secretary-General to take the necessary measures for the pursuance and enhancing of contacts and coordination on the Palestinian cause and the Arab-Israeli conflict between the Organization of the Islamic Conference (OIC), on the one hand, and the League of Arab States, the African Union (AU), the Non-Aligned Movement (NAM), the European Union (EU) and the United Nations Organization (UNO) and its specialized agencies, and requests the OIC General Secretariat to hold, in coordination with the concerned international and regional organisations, an international symposium in the US on the acts of the expansionist Israeli colonialism,
  29. Requests the Secretary-General to follow-up the implementation of the present resolution and report thereon to the Eleventh Session of the Islamic Summit Conference.



RESOLUTION NO. 2/10-PAL (IS): ON THE CITY OF AL-QUDS AL-SHARIF

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah), held in Putrajaya, Malaysia, from 20 to 21 Shaban, 1424H (16-17 October 2003),

*Having considered* the report of the Secretary-General on the City of Al-Quds Al-Sharif ((Document No.IS/10-2003/SUM/PAL/SG.REP);

*Proceeding from* the principles and objectives of the Charter of the Organization of the Islamic Conference (OIC);

*Pursuant to* the Islamic resolutions and decisions affirming that the issue of Al-Quds Al-Sharif is the core of the Palestinian cause which, itself, is the essence of the Arab-Israeli conflict and that there can be no comprehensive and just peace without the return of the City of Al-Quds Al-Sharif to Palestinian sovereignty, as the capital of the State of Palestine;

*Recalling* the relevant UN General Assembly and Security Council resolutions, particularly resolutions 242 (1967); 252 (1968); 338 (1973); 465, 476 and 478 (1980) and 1073 (1996) pertaining to the City of Al-Quds Al-Sharif;

*Affirming resolutions* 2/10 of the U.N. General Assembly (UNGA) tenth extraordinary emergency session dated 24 April 1997 and 3/10 dated 15 July 1997 on the illegal actions carried out by Israel in the occupied Eastern part of Al-Quds Al-Sharif (East Jerusalem) and the other Palestinian territories under its occupation;

*Strongly condemning* the continuing and escalating Israeli aggressions on the holy places in the City of Al-Quds Al-Sharif and other Palestinian cities and the desecration of sacred shrines;

*Strongly condemning* the permission given by Israel for Jews to enter and pray in the precincts of the blessed Al-Aqsa mosque;

*Reaffirming* all the UN Security Council resolutions on Al-Quds, including resolution 681 dated 20/12/1990 stipulating that all the provisions of the 4<sup>th</sup> Geneva Convention of 1949 on the protection of civilians in times of war apply to the Palestinian people in the occupied Arab territories, including the City of Al-Quds Al-Sharif;

*Strongly denouncing* all the illegal measures and practices, which are contrary to all international resolutions, decisions and laws, undertaken by the Israeli occupation authorities in the City of Al-Quds Al-Sharif and designed to judaize the Holy City and obliterate its Arabo-Islamic features;

*Strongly condemning* Israel's efforts to isolate the city of Al-Quds from its Palestinian neighbourhood, and its erection of apartheid walls around the city, preventing Christian and Muslim worshippers access to their places of worship in the Al-Quds Al-Sharif and Bethlehem;

*Hailing* the consistent efforts deployed by Al-Quds Committee under the chairmanship of His Majesty King Mohamed VI, Sovereign of the Kingdom of Morocco;

*Commending* the sustained efforts exerted by all OIC Member States in defending the inviolability of Muslim holy shrines and sanctuaries in the City of Al-Quds Al-Sharif, safeguarding the Holy City's Arab identity and Islamic character and protecting it from Zionist tampering and judaization schemes;

*Paying tribute* as well to the contribution of the Hashemite Kingdom of Jordan, the Kingdom of Morocco and the Kingdom of Saudi Arabia to rehabilitating Al-Aqsa Mosque and the blessed Dome of the Rock at the behest of and under the guidance of the late King Hussein ibn Talal, the late King Hasan II and the Custodian of the Two Holy Mosques King Fahd ibn Abdul Aziz;

1. Reaffirms all the relevant resolutions and decisions adopted by the Islamic Conferences, including those of previous sessions of Al-Quds Committee particularly the 19<sup>th</sup> Session.
2. Emphasizes that there can be no just and comprehensive peace in the Middle East area unless Israel withdraws from all the Palestinian and other Arab territories occupied since 1967, foremost among which is the City of Al-Quds Al-Sharif, in implementation of Security Council resolution 242 (1967).
3. Affirms its support to the stand of the State of Palestine resting on adherence to sovereignty over Al-Quds Al-Sharif, including the Holy Haram in Al-Quds Al-Sharif and all the Christian and Muslim holy places which are part of the Palestinian territories occupied since June, 1967. Also affirms that Al-Quds Al-Sharif is the capital of the independent State of Palestine, and in that regards underlines its rejection of any attempt to diminish Palestinian sovereignty over Al-Quds Al-Sharif.

4. Reaffirms the nullity of all occupation-related settlement measures and practices in Al-Quds and the rest of the occupied Palestinian territories in line with the resolutions and decisions of the “International Legitimacy” as well as international covenants and conventions which consider all Israeli arrangements, legislative, administrative and colonial settlement measures aiming at altering the legal, demographic, architectural, cultural and heritage- related status of the Holy City as null and void and contrary to the resolutions and decisions of the “International Legitimacy,” international covenants and conventions and diametrically opposed to agreements signed between the Palestinian and Israeli parties. Requests the UN Security Council to revive the International Supervision and Monitoring Committee to Prevent Colonial Settlement in Al-Quds and the Occupied Arab Territories, in accordance with its resolution 446.
5. Requests all states of the world to abide by Security Council resolution 478 (1980) which calls on them not to move their diplomatic missions to the City of Al-Quds. Also invites them to avoid such dealings with the Israeli occupation authorities as may be construed as an implicit recognition of the fait accompli imposed by Israel which claims that the City of Al-Quds is its capital. Expresses condemnation and rejection of resolution adopted by the U.S. Congress and the American statements in favour of recognition of Al-Quds as the capital of Israel and of moving the American Embassy therein, and Calls for severing relations with any State that moved its embassy to Al-Quds or recognized Al-Quds as Israel’s capital.
6. Requests all states, institutions and international bodies to abide by the international resolutions on the City of Al-Quds, considered as an integral part of the Palestinian and other Arab territories occupied in 1967 and not to take part in any meeting or activity made to serve Israel’s designs to consecrate its occupation and annexation of the Holy City.
7. Invites the international community, especially the Security Council, to compel Israel to implement the resolutions of international legitimacy, to prevent it from effecting any geographic or demographic alteration in the Holy City of Al-Quds, and to compel it to stop building of apartheid walls and remove the ones being built around the city of Al-Quds Al-Sharif, to lift the siege of the City of Al-Quds Al-Sharif, to stop the demolition of homes and the withdrawal of the identity cards of the Palestinian citizens as well as purging the City of Al-Quds Al-Sharif of its Arab nationals.
8. Strongly condemns Israel's continued attempts to impose its control on the Holy Al-Quds Al-Sharif and repeated attempts to interfere in the management of Islamic waqfs, also condemns Israel's plans aimed at imposing a fait accompli by using force and allowing extremist Jewish groups to desecrate the precincts of Al-Aqsa Holy Mosque and to occupy the adjoining buildings, considers these acts deliberate and provocative and as an avenue to allow extremist Jewish organizations to continue their repeated desecration of the sanctity of the Aqsa Holy Mosque, to establish their presence on its precincts, and to continue their piracy acts against religious and, historic and cultural relics in Al-Quds Al-Sharif and the Palestinian territories.
9. Strongly condemns the Israeli authorities for their continued closures of the Palestinian institutions in Al-Quds Al-Sharif, including Beit Al-Sharq (Orient House) whose documents, official papers, and contents were looted by Israel. Considers such arbitrary measures as a continuous violation of the accords signed between the PLO and Israel within the framework of the peace process, the road map, international conventions and covenants, particularly the 4<sup>th</sup> Geneva Convention of 1949, and an infraction of the very principles and foundations on which the peace process was built in Madrid.
10. Strongly condemns Israel for its continued destruction of the houses of Palestinians and expropriation of their properties as part of its design aimed at judaizing the holy city, altering its demographic status and purging it of its native inhabitants only to replace them with colonialists.
11. Strongly condemns the statements made by Israeli officials on the partition of the blessed Al-Aqsa Mosque and Israeli resolutions allowing Jewish tourists to enter and pray at the precincts of the blessed Al-Aqsa Mosque, seriously cautions against the foolhardiness of implementing the dangerous orders issued by the Israeli occupation authorities to their security forces to storm the Al-Aqsa mosque and stresses that such a step would form a blatant affront to the sentiments of Muslims and an open invitation to push the situation towards an overall explosion and to further bloodshed.

12. Appeals to the international community and the United Nations to intervene quickly and shoulder their responsibility for the implementation of the UN resolutions concerning the protection of civilians and holy places, and to put an end to the Israeli aggressions which fuel tension in the area and jeopardize international peace and security.
13. Stresses the continuation of work and coordination with international and regional organizations for the implementation of the international resolutions and decisions, especially UNESCO and the Committee on Heritage, and in this context requests the General Secretariat, in cooperation with concerned regional and international organizations, to organize an international symposium on the preservation of the Islamic cultural and historic character of the Al-Quds Al-Sharif and the means of confronting the continued attempts of the Israeli occupation forces to alter the historic, demographic, cultural and religious landmarks of the holy city.
14. Invites the Vatican, the Eastern Churches and other churches and Christian religious orders to take action to resist the judaization of the City of Al-Quds Al-Sharif, out of respect for the spiritual dimension of all the religions, as a safeguard to peaceful coexistence amongst them, and in observance of Security Council resolution 242 of 22 November 1967, demanding Israel to withdraw from all the Arab territories occupied in 1967, including the City of Al-Quds, along with the rest of the relevant Security Council resolutions. Also decides to invite those states which established diplomatic missions in Al-Quds to withdraw these missions. Furthermore, calls for extending support to the population of Al-Quds Al-Sharif in their resistance of judaization and their uprooting from their city.
15. Pays tribute to the laudable efforts exerted by the late King Hassan II to set up the Bait Maal Al-Quds Al-Sharif Agency and define its objectives as being the protection of the Holy City and its Palestinian citizens. Expresses its thanks to his successor, His Majesty King Mohamed VI who, accorded the Agency, his sympathy and care, placed at its disposal generous means that made it possible for it to embark immediately on its activities under the best possible circumstances.
16. Expresses thanks to Member States of Al-Quds Committee who took the initiative of making donations in favor of the Agency, allowing it to execute its housing, renovation and education projects; calls upon Member States to support the Agency and to facilitate its mission with a view to mustering all its potentialities and using all the financial capabilities to contribute towards the achievement of its projects in Al-Quds Al-Sharif.
17. Reiterates the resolutions and decisions of the previous Islamic conferences affirming support for the City of Al-Quds Al-Sharif and fostering the steadfastness of its people and calls for support to be extended to Bait Maal Al-Quds Al-Sharif and Al-Quds Fund.
18. Requests the Secretary-General to follow-up the implementation of the present resolution and report thereon to the Eleventh Session of the Islamic Summit Conference.

[...]

**RESOLUTION NO. 5/10-PAL (IS): ON THE CURRENT SITUATION OF THE PEACE PROCESS IN THE MIDDLE EAST**

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah), held in Putrajaya, Malaysia, from 20 to 21 Shaban, 1424H (16-17 October 2003),

*Referring to the resolutions of Islamic Conferences and the recommendations of Al-Quds Committee; Having examined the grave situation resulting from the continued policies of successive Israeli governments' hostile to peace,*

1. Reaffirms its continued solidarity with the Palestinian people for the recovery of its imprescriptible and inalienable national rights, including its right to return, to self-determination, and to the establishment of its independent state on its national territory with Al-Quds Al-Sharif as its capital.
2. Reaffirms the total solidarity of the Islamic States with Syria and Lebanon to confront the continuous Israeli aggressions and threats against them, and invites all the Islamic States to express this solidarity in a practical manner and by the use of all means, as well as to stand firm with Syria and Lebanon against any Israeli aggressions targeting them.
3. Reiterates its adoption of the Arab peace initiative for settling the issue of Palestine and the Middle-East, which was adopted by the 14<sup>th</sup> Arab Summit held in Beirut (Lebanon) on 28

March 2002; decides to act by all means and ways to promote this initiative, state its dimensions and gain international support for its implementation.

4. Reaffirms also its commitment to just and comprehensive peace in the Middle East based on Israel's implementation of the relevant resolutions of international legitimacy, particularly UN Security Council Resolutions 242, 338 and 425 guaranteeing Israel's withdrawal from all occupied Arab and Palestinian territories, including Al-Quds Al-Sharif and the Syrian Golan, back to the 4<sup>th</sup> of June 1967 line and from the Lebanese territory still under occupation to the internationally recognized borders as well as securing the Palestinian people's imprescriptible, national rights including the right to return to its homes and properties in line with United Nations General Assembly's Resolution 194 and to establish its independent state on its national territory with Al-Quds Al-Sharif as its capital.
5. Strongly condemns the Israeli government's policy and practices which are hostile to the peace process through the continued colonization of Arab and Palestinian territories, including the city of Al-Quds Al-Sharif, and also designed to invalidate the foundations and terms of reference of the Madrid Peace Conference, and evade the commitments, pledges and agreements reached in the past years of peace talks with the Palestinian and other Arab parties.
6. Invites the OIC Member States which have already established, or started to take steps to establish relations with Israel in the framework of the Peace Process to sever these relations, including the closing of missions and offices, cutting economic ties and stopping all forms of normalization until Israel meticulously and genuinely implements UN resolutions on the Question of Palestine and Al-Quds Al-Sharif, and the Arab-Israeli Conflict, and until a just and comprehensive peace is established in the region.
7. Requests the Secretary-General to follow-up the implementation of the present resolution and report thereon to the Eleventh Session of the Islamic Summit Conference.

#### RESOLUTION NO. 6/10-PAL (IS): ON AL-QUDS FUND AND ITS WAQF

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah), held in Putrajaya, Malaysia, from 20 to 21 Shaban, 1424H (16-17 October 2003),

*Proceeding from* the principles and objectives of the Charter of the Organisation of the Islamic Conference;

*Pursuant to* all the Islamic Resolutions adopted on Al-Quds Fund and its Waqf;

*Reaffirming* the principle of consolidating Islamic solidarity with the Palestinian people and their just and legitimate struggle;

*Paying tribute to* those States, foremost among which is the Kingdom of Saudi Arabia, that regularly fulfill their obligations and make donations to Al-Quds Fund and its Waqf;

*Appreciating* the significance of the vital role played by Al-Quds Fund and its Waqf to support the steadfastness and struggle of the Palestinian people within the occupied Palestinian territories, and particularly the city of Al-Quds Al-Sharif;

*Noting* with deep concern Israel's continued pursuit of its aggressive, expansionist and settlement policy;

*Commending* the positive role played by the Governing Board of Al-Quds Fund in quest of financial resources to promote the Fund and its Waqf,

1. Reaffirms all previous relevant resolutions adopted by successive Islamic Conferences.
2. Expresses its profound appreciation to the Custodian of the Two Holy Mosques and to the Government of the Kingdom of Saudi Arabia for the continued support to Al-Quds Fund and its Waqf, which falls within the framework of their consistent solicitude towards the foremost cause of the Islamic Ummah, namely the cause of Al-Quds Al-Sharif and Palestine.
3. Appeals to the Member States to initiate donation campaigns in favour of Al-Quds Fund and its Waqf, together with the appropriate directives to the public and other media to conduct a parallel campaign for this purpose.
4. Calls upon Member States to continue their support to the Palestine Liberation Organisation, especially at this decisive stage, for the consolidation of its national authority over all occupied Palestinian territories including Al-Quds Al-Sharif, capital of the independent Palestinian State,

and to extend all forms of support to the Palestinian people so they can build their institutions and national economy.

5. Commends the positive role played by Al-Quds Fund in supporting the steadfastness of the Palestinian people and boosting their struggle.
6. Requests the Secretary-General to follow-up the implementation of the present resolution and report thereon to the Eleventh Session of the Islamic Summit Conference.

[...]

**RESOLUTION NO. 8/10-PAL(IS): ON THE ISRAELI AGGRESSION ON THE SYRIAN ARAB REPUBLIC AND THE REPUBLIC OF LEBANON**

The Tenth Islamic Summit Conference held at Putrajaya – Malaysia (Session of Knowledge and Morality for the Progress of Ummah) from 20-21 Shaban 1424H) 16-17 October 2003,

*Acting* in accordance with the principles and objectives of the Charter of the Organization of the Islamic Conference;

*Pursuant to* OIC resolutions on the Palestinian question, the Arab-Israeli conflict and solidarity among Islamic countries;

*Recalling* relevant resolutions of the General Assembly of the United Nations and the Security Council, in particular, resolutions 242(1967), 338 (1973), 350 (1974), 425 (1978) and 497 (1981);

*Recalling* the General Agreement on the disengagement of Syrian and Israeli forces concluded on 31 May 1974;

*Expressing* its strong condemnation of persistent Israeli aggression, the most recent of which was its military aggression against a Syrian location in the village of Ain Al Sahib on 5 October 2003, which could increase tension in the Middle East Region and threaten international peace and security;

1. Condemns strongly Israel's military aggression against the airspace and territories of the Syrian Arab Republic and the Republic of Lebanon on 5 October 2003 in breach of the Charter of the United Nations and the rules and principles of international law and relevant Security Council resolutions;
2. Expresses the solidarity of the Islamic States with the Syrian Arab Republic and the Republic of Lebanon in taking the necessary measures aiming to urge Israel revise its aggressive policy and cease violating international law and the United Nations Charter.
3. Considers these actions a dangerous violation of the disengagement agreement of 31 May 1974 between the Israeli and Syrian forces.
4. Requests the United Nations Security Council to take necessary measures to compel Israel to stop such acts of aggression or threats thereof as they constitute a dangerous escalation in the Middle East, capable of threatening regional and international peace and security and of exposing the deteriorating situation in the region to adverse consequences.

**RESOLUTION NO. 9/10-IBO (IS): ON THE COMMITMENT TO THE IMPLEMENTATION OF PRINCIPLES AND PROVISIONS OF THE ISLAMIC BOYCOTT OF ISRAEL**

The Tenth Session of the Islamic Summit Conference (Session of Knowledge and Morality for the Progress of Ummah) held in Putrajaya, Malaysia, from 20 – 21 Shaban, 1424H (16- 17 October 2003),

*Proceeding* from the Principles and Objectives of the Charter of the Organization of the Islamic Conference,

*Affirming* the principle of strengthening Islamic solidarity with the Palestinian people and their blessed Intifada (uprising), recognizing their cause as the foremost of all Islamic causes,

*Recognizing* that the boycott of Israel is an effective and legitimate method and a national sovereign right exercised by Islamic countries against Israel to project their national interests and defend just Islamic causes,

*Bearing in mind* the constructive cooperation and continuous coordination between the Arab and Islamic boycott offices,

*Recalling* resolution 5/16-adopted by the 16<sup>th</sup> Islamic Conference of Foreign Ministers, held at Fez, Kingdom of Morocco from 6 to 10 January 1986, which inter alia adopted the unified Islamic code for the boycott of Israel together with the general principles of the boycott,

*Pursuant* to all relevant Islamic resolutions, particularly resolution 65/29 adopted by the 29<sup>th</sup> Islamic Conference of Foreign Ministers, held in Khartoum from 25 to 27 June 2002,

1. Invites Member States to commit themselves to the implementation of the provisions of the Islamic boycott of Israel; to regard as part of their national laws in force legislations, statutes and by-laws of the boycott action (The General Principles of Boycott, the Islamic Code the International Regulations of Regional Offices and their regular meeting);
2. Invites Member States who have yet to establish regional offices of Islamic boycott in their countries to do so; and to appoint for those offices directors to be designated as liaison officers who shall liaise with the head office of the Islamic boycott at the General Secretariat;
3. Emphasizes on boycott offices in Arab countries as de jure Sub Islamic Offices and their directors as liaising officers lasing with the principal Islamic boycott office;
4. Decides the continuation of holding regular conferences of liaisons officers on Israeli boycott affairs in Islamic countries to be convened by the Islamic boycott office at the General Secretariats of the Organization of the Islamic Conference;
5. Commends the existing cooperation between the Arab and Islamic boycott offices with a view to achieving the utmost effectiveness of the provisions of the boycott of Israel in Islamic countries;
6. Approves the recommendations issued from the meeting of the officials in charge of the Boycott of Israel in Islamic States which was held at the OIC General Secretariat's headquarters in Jeddah on 15 and 16 March 2003.
7. Requests the Secretary-General to follow-up the implementation of the present resolution and report thereon to the Eleventh Session of the Islamic Summit Conference.



**STATEMENT BY THE PERMANENT REPRESENTATIVE OF MALAYSIA  
TO THE UN, AMBASSADOR RASTAM MOHD ISA, ON BEHALF OF THE  
NON-ALIGNED MOVEMENT ON ILLEGAL ISRAELI ACTIONS IN THE  
OCCUPIED PALESTINIAN TERRITORY, RESUMED 10<sup>TH</sup> EMERGENCY  
SPECIAL SESSION, UN GENERAL ASSEMBLY, 20 OCTOBER 2003**

Mr. President,

On behalf of the Non-Aligned Movement (NAM), I wish to thank you, for having resumed the Tenth Emergency Special Session of the General Assembly. The Non-Aligned Movement has fully supported the request of the Arab Group for the resumption of this emergency special session. We regard this meeting as necessary to enable a more representative membership of the United Nations to take decisive action to address an extremely pressing issue concerning illegal Israeli actions in the Occupied Palestinian Territory, specifically, the construction of the Israeli expansionist wall in the Occupied Palestinian Territory.

2. We regret that it has been necessary to resume this session so soon after the last time in September due to a further failure of the Security Council on 14 October 2003 to adopt another important resolution concerning Palestine. The Non-Aligned Movement is deeply disappointed that the Security Council had been prevented from declaring the illegality of the Israeli expansionist wall and demanding its destruction as well as the immediate cessation of its construction. It is unfortunate that a veto once again had been exercised in the Security Council. This was the twenty-seventh veto on a draft resolution pertaining to the question of Palestine. This latest veto does not bode well for future progress towards a just, lasting and comprehensive peaceful solution to end the suffering of both Palestinians and Israelis. Unfortunately, non-action by the Security Council would be perceived by many as the Council's approval of Israel's inhumane and repressive policies and practices, allowing the situation to slide further away from the two States solution envisions in the Road Map.

Mr. President,

3. The Non-Aligned Movement has often reiterated its condemnation of violence and terrorism. We condemn the killing and maiming of innocent civilians, including in the recent attacks in Haifa and Gaza. Equally, we are outraged at and condemn the intensification of Israeli military operations against the Palestinians, including recently in Rafah, that has resulted in the killing and injury of innocent civilians and the destruction of numerous Palestinian homes, infrastructure and facilities. We wish to express our condolences to the families and victims of these senseless acts, be they Palestinians, Israelis or Americans.
4. We find it necessary again to remind the General Assembly that the crux of this ongoing Arab-Israeli conflict is not terrorism. It is the ongoing illegal occupation of Palestine by Israel. Israel's actions must be seen for what they are. Currently, Israeli actions somehow points to only one conclusion; they are for the perpetuation of Israeli occupation of Palestinian territory. The General Assembly must not lose sight of this. The Israeli expansionist wall has been and continues to be constructed in the Occupied Palestinian Territory and it cannot be justified as a measure to prevent terrorist attacks targeted at Israeli citizens. Israel must not be allowed to use security as a pretext to annex Palestinian territory.

Mr. President,

5. The Non-Aligned Movement reaffirms its position on the Israeli expansionist wall as clearly expressed during the debate in the Security Council on 14 October 2003. In brief, we reiterate that the Israeli expansionist wall constructed in the Occupied Palestinian Territory is illegal, must be dismantled and its further construction immediately discontinued, for the following reasons:
  - i) The wall, sections of which are constructed deep inside the Occupied Palestinian Territory, departs from the Armistice Line of 1949 and therefore is illegal under international law;
  - ii) The wall gravely violates the Fourth Geneva Convention in that it involves the illegal, de facto annexation of massive areas of Palestinian land and resources; the transfer of a large number of Palestinian civilians; and further deprivation of human rights among the Palestinians, resulting in further dire humanitarian consequences among an already deprived people;
  - iii) The wall presents a major obstacle to the implementation of the Road Map as it undermines the creation of a viable contiguous Palestinian State and thereby diminishing the realization of the two States solution; and
  - iv) The wall could trigger the end of the Middle East peace process since it possesses the potential of provoking further unprecedented violence among the severely oppressed Palestinians in their desperate effort to survive under the brutal oppression of the Israeli Government.
6. The Non-Aligned Movement calls on this august body to support the two draft resolutions tabled before us. We believe that an advisory opinion from the International Court of Justice on Israel's legal obligation to cease construction of the wall would provide an independent and impartial pronouncement on the status of the legality of the wall based on international law and taking into account relevant Security Council and General Assembly resolutions. As the principal judicial organ of the United Nations that has undoubtedly played an important role in the promotion of peace and harmony through the upholding of the rule of law, the Court would be the most suitable forum to present a just answer to this issue to reinforce the diplomatic efforts that have been undertaken and exhausted.

Mr. President,

7. We call on this General Assembly to muster the necessary political will, wisdom and courage to do what is right and just for the peoples of the region. It must do all it can to prevent the further deterioration of the situation on the ground. We fear for the inevitable consequences if the wall were to continue along its planned path. The Non-Aligned Movement firmly believes that the passage of the resolutions concerning the wall would send a powerful message to Israel. It would be a message declaring the strong opposition of the international community to the construction of the expansionist wall that deviates from the Armistice Line of 1949. It would also demonstrate in a tangible way, the General Assembly's concern and sympathy for the dire plight of the Palestinians who have been severely disadvantaged by the existence and construction of the wall; the plight of the people of Qalqilya and thousands of others in Palestinian towns, villages and farms who will virtually become prisoners behind the wall, its fences, trenches and security roads.

8. It would be most unfortunate and tragic indeed, if the General Assembly were to fail in its responsibility to uphold justice and promote peace and in preventing further victimization of the Palestinian people.

Mr. President,

9. Justice must be done in Palestine. We must be serious in ensuring the success of the Road Map.

Thank you, Mr. President.



**UN GENERAL ASSEMBLY, RESOLUTION (ES-10/13) ON ILLEGAL ISRAELI  
ACTIONS IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED  
PALESTINIAN TERRITORY (A/RES/58/3), 21 OCTOBER 2003**

*[The resolution condemned the separation barrier as illegal  
after the US threatened to veto a similar resolution in the UNSC.]*

The General Assembly,

*Recalling* its relevant resolutions, including resolutions of the tenth emergency special session,

*Recalling* also Security Council resolutions 242(1967) of 22 November 1967, 267(1969) of 3 July 1969, 298(1971) of 25 September 1971, 446(1979) of 22 March 1979, 452(1979) of 20 July 1979, 465(1980) of 1 March 1980, 476(1980) of 30 June 1980, 478(1980) of 20 August 1980, 904(1994) of 18 March 1994, 1073(1996) of 28 September 1996 and 1397(2002) of 12 March 2002,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force,

*Reaffirming* also its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

*Condemning* all acts of violence, terrorism and destruction,

*Condemning* in particular the suicide bombings and their recent intensification with the attack in Haifa,

*Condemning* the bomb attack in the Gaza Strip, which resulted in the death of three American security officers,

*Deploing* the extrajudicial killings and their recent intensification, in particular the attack on 20 October 2003 in Gaza,

*Stressing* the urgency of ending the current violent situation on the ground, the need to end the occupation that began in 1967, and the need to achieve peace based on the vision of two States mentioned above,

*Particularly concerned* that the route marked out for the wall under construction by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, could prejudice future negotiations and make the two-State solution physically impossible to implement and would cause further humanitarian hardship to the Palestinians,

*Reiterating* its call upon Israel, the occupying Power, to fully and effectively respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

*Reiterating* its opposition to settlement activities in the Occupied Territories and to any activities involving the confiscation of land, disruption of the livelihood of protected persons and the de facto annexation of land,

1. *Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;
2. *Calls upon* both parties to fulfil their obligations under relevant provisions of the road map, the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings;
3. *Requests* the Secretary-General to report on compliance with the present resolution periodically, with the first report on compliance with paragraph 1 above to be submitted within one month



and upon receipt of which further actions should be considered, if necessary, within the United Nations system;

4. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the current President of the General Assembly to resume its meeting upon request from Member States.



**UN SECURITY COUNCIL, RESOLUTION 1515 (2003), 4862<sup>ND</sup> MEETING,  
19 NOVEMBER 2003**

The Security Council,

*Recalling* all its previous relevant resolutions, in particular resolutions 242 (1967), 338 (1973), 1397 (2002) and the Madrid principles,

*Expressing* its grave concern at the continuation of the tragic and violent events in the Middle East,

*Reiterating* the demand for an immediate cessation of all acts of violence, including all acts of terrorism, provocation, incitement and destruction,

*Reaffirming* its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

*Emphasizing* the need to achieve a comprehensive, just and lasting peace in the Middle East, including the Israeli-Syrian and Israeli-Lebanese tracks,

*Welcoming and encouraging* the diplomatic efforts of the international Quartet and others,

1. *Endorses* the Quartet Performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (S/2003/529);
2. *Calls on* the parties to fulfill their obligations under the Roadmap in cooperation with the Quartet and to achieve the vision of two States living side by side in peace and security;
3. *Decides* to remain seized of the matter.



**UN SECRETARY-GENERAL KOFI ANNAN, MESSAGE ON THE OCCASION  
OF THE INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE,  
29 NOVEMBER 2003**

I join with those from around the world who today express the deepest solidarity with the Palestinian people in their continued suffering. They remain stateless and oppressed. In expressing solidarity with them, I do not ignore the suffering of the people of Israel. They remain insecure and terrorized. The terrible events of the past three years, and the dire situation on the ground today, should be proof to all that the more each side harms the other, the more it wounds itself, and the more it jeopardizes chances for a peaceful settlement.

Israeli actions - such as extra-judicial killings, use of heavy weapons against civilians, demolition of houses, continued expansion of settlements, and the building of a barrier that cuts deep into Palestinian territory - have enhanced misery and feelings of helplessness among Palestinians. They have undermined efforts to curb violence and fuelled hatred and anger towards Israel. They have pushed back the day when Israel will live without fear within secure and recognized borders.

Palestinian suicide bombings, on the other hand, have indiscriminately killed innocent Israeli civilians in acts of wanton and deliberate terrorism. These heinous acts can have no justification and must be consistently and unreservedly condemned. They have destroyed efforts at building bridges of reconciliation and trust between the two peoples. They have pushed back the day when Palestinians will live in peace and security within their own State.

The violence over the past three years has claimed thousands of lives. The majority of them have been Palestinians, but there have also been many Israelis. Many of those killed have been children. How-

ever, there is no military solution to the conflict between Palestinians and Israelis. The only solution lies in a political process - one that results in a comprehensive, just and lasting settlement based on two States, Israel and Palestine, living side-by-side in peace within secure and recognized borders.

Recent initiatives of civil society have made that point with courage and clarity. I refer, in particular, to the Geneva initiative in which Palestinians and Israelis negotiated and agreed to a detailed plan to comprehensively resolve the conflict, and to the Ayalon-Nusseibeh statement of principles. These efforts show the capacity of Palestinians and Israelis to act with reason and restraint, and to agree on terms to live side-by-side in peace. They have caught the imagination of both peoples. They should inspire in all the burning conviction that a settlement can be achieved.

The efforts of civil society are, however, no substitute for official action. The Government of Israel and the Palestinian Authority have made solemn commitments, and they must act to meet them, rather than waiting for the other to act first. Recently, there has been a period of relative calm, and there have been indications that we may begin to see steps in the right direction. The Government of Israel has declared its readiness to carry out its Road Map obligations. A new cabinet of the Palestinian Authority is in place with the declared intention of taking steps to establish law and order, control violence and combat terrorism. There is hope that the two Prime Ministers may meet soon, and of another ceasefire. These tender shoots must be nourished. At the same time, the parties must be judged not by their stated intentions but by their actions on the ground.

The international community needs to be prepared to take bold action itself. I welcome the endorsement of the Quartet's Road Map by the Security Council in Resolution 1515. It provides a strong platform for the Quartet and other members of the international community to assist the parties to implement the Road Map, and to hold them to their obligations and commitments under it. As I have stated to the Quartet, I believe these efforts should be bolstered by an international presence on the ground.

Meanwhile, great efforts are needed to address the humanitarian emergency and economic devastation experienced by the Palestinian people. Abject poverty, unemployment, children out of school, and a strong overall sense of frustration and despair - all these are part of the day-to-day life of Palestinians under occupation. So too is the hardship caused by the severe restrictions on the movement of people and goods, closures and curfews, roadblocks and checkpoints, and the construction of the separation barrier about which I have just reported to the General Assembly. The Palestinian Authority's institutions and its capacity to work with its people have been seriously undercut since September 2000.

The international donor community needs to contribute generously in this time of great need. And the Government of Israel must allow the fullest access by humanitarian convoys and relief missions to the civilian population in the occupied Palestinian territory.

Under difficult conditions, the United Nations provides a wide-range of assistance to the Palestinian people, through the work of OCHA, WFP, UNDP, UNICEF and other agencies. In spite of a funding crisis, UNRWA continues to play a vitally important role in addressing the critical needs of Palestinian refugees. In the framework of the Quartet, the United Nations Special Coordinator for the Middle East Peace Process, Mr. Terje Roed-Larsen, who is also my Personal Representative to the Palestine Liberation Organization and the Palestinian Authority, remains intensively engaged with all parties to support the political process and coordinate international assistance.

For my part, I pledge to continue to work with all parties for a comprehensive, just and lasting settlement of the question of Palestine, based on Security Council resolutions 242, 338, 1397 and 1515, and the principle of land for peace.

As we express today our solidarity with the Palestinian people, let us also reaffirm our conviction that peace is possible, that we can achieve an end to occupation for Palestinians and security for Israelis. Let us also remember that the parties hurt their own cause by harming the other or by waiting for the

other to act first. And let us resolve not to rest until the Palestinian people finally obtain what is rightfully theirs - the exercise of their inalienable rights in a sovereign and independent State of Palestine.



### GENEVA ACCORD, GENEVA, 1 DECEMBER 2003

*[The Accord – also known as Geneva Initiative and officially termed ‘Draft Permanent Status Agreement’ - was an unofficial peace initiative drafted by Israeli and Palestinian politicians and activists, led by Yossi Beilin and Yasser Abed Rabbo, sponsored by Switzerland, and signed in Aqaba on 12 Oct. 2003, in an effort to formulate a complete final status agreement in contrast to Sharon's approach of long-term interim agreements. It was officially launched at a ceremony in Geneva on 1 Dec. 2003. See Document entry on 12 October 2003 above for the full text of the accord.]*



### FATEH MOVEMENT, STATEMENT ON THE GENEVA ACCORD, 1 DECEMBER 2003

In the Name of God,

Our Freedom Fighting People, Our People in Palestine and in Exile,

Initiatives and proposals for solving the Arab-Israeli Conflict appear from time to time. Whether Israeli or Israeli-Palestinian, regional, or international, these proposals are based on the premise that the Palestinian refugee issue can be resolved within the framework of a future Palestinian State.

Of even greater danger is the fact that the current Palestinian regime has opened the door for such initiatives without having a clear vision that is consistent with our people's aspirations! The current regime has encouraged and participated in these initiatives, justifying their position by saying that they are searching for a political breakthrough with the Israeli and international community. Oblivious to the harm being done to the unity of the Palestinian people, this regime includes those who initiate and direct and those who reject such initiatives. This situation is pushing the Palestinian people towards an internal conflict that could lead to a “civil war” just to maintain the interests of the Palestinian elite currently in power. This elite – guided by their own self-interests – threatens the unity and steadfastness of the Palestinian people and the right to return of the Palestinian refugees, which is the core of the Palestinian issue.

Concerned about a unified Palestinian position that is consistent with the national consensus, we affirm the following:

1st. Taking into consideration that the Right of Return is the foundation of the Palestinian consensus; the core of the Palestinian struggle; the justification for the current revolution; and the dream of two-thirds of the Palestinian people, we strongly reject all initiatives, agreements, and understandings, whether formal or informal – including Beilin-Abu Mazen, Nusseibeh-Ayalon, the Geneva agreement, among others – that compromise this sacred right. We see such initiatives and agreements as a dangerous trend that transforms the national consensus into a bargaining chip for negotiations.

2nd. We do not place responsibility only on those who participated in such initiatives. We also blame the Palestinian regime which plays with the fate of the people and contributes to the damage done to the people's aspirations. For the last three months, this regime has been consumed with petty internal conflicts over the formation of a government rather than the concerns of our people and the critical issues. The regime, which has placed the most corrupt persons in positions of responsibility in ministries, security and civil organizations, has persisted in playing with and harming the unity of our people and the national consensus – foremost being the right of return – in an unprecedented manner, in order to maintain Palestinian sovereignty over any square meter.

3rd. We remind those who play with the future of our people that an independent Palestinian State on the 1967 occupied land is not part of the strategic consensus, but only a transition program adopted by the PLO at the 1974 meeting of the Palestinian National Council (PNC). The right of return is a key element of the Palestinian National Charter and the primary reason for the beginning of the Palestinian revolution. If there was a need for tactical measures it is the Palestinian State which should be used as a bargaining chip in order to achieve the return. The Palestinian State is no longer a priority nor in the popular interest of the Palestinian people. It has become an Israeli security interest that also happens to serve some in the current Palestinian regime, who see the Palestinian State as a means to increase their own illegitimate profits. Sacrificing the Palestinian State for the sake of achieving the return, therefore, serves the comprehensive Palestinian strategy, while sacrificing the right of return for the sake of a pseudo State with limited sovereignty sacrifices the people's rights, dreams and aspirations.

4th. We believe that we can reach a comprehensive and just peace, a peace in which this land accommodates both peoples within a democratic secular state; a peace that recognizes the rights and duties of both Palestinians and Israelis; a peace that removes borders, walls and checkpoints; a peace that is not based on displacement and the separation of cities, but rather one that is based on the return of Palestinian refugees; a peace in which everyone is a winner and not a compromiser; and, a peace in which both parties triumph and no one loses.

5th. In order to maintain the unity of our people; build democratic Palestinian institutions; and, facilitate each person's right to contribute and participate in the building of civil society and the formation of policy, we call for transparent democratic elections on all levels, starting with the FATEH Central Committee, through Municipal Councils, the Palestinian Legislative Council, the Presidency and the Palestinian National Council. The purpose of these elections is to reorganize the Palestinian house and protect it from ongoing administrative, financial, and political corruption, and stop the process of collapse and division.

Based on the abovementioned concepts, and without hesitation, we will start a Popular Campaign in Palestine and in Exile under the Title: "*Return First, and Peace for Two Nations in One State*".

With this slogan, we will be faithful to our people's dreams and ambitions. We will be faithful to the blood of our martyrs. We will adopt a more realistic approach to achieve a comprehensive and just peace that does not impose painful compromises on anyone. A solution to the conflict that ignores the interests of two-thirds of the Palestinian people can only be considered as a ceasefire between two parties.

Unified and together until achieving Return, Liberation, and Peace,

FATEH - Palestinian Liberation Movement  
Palestine, 1st December 2003



**BRITISH PRIME MINISTER TONY BLAIR, STATEMENT ON  
THE GENEVA ACCORD, LONDON, 1 DECEMBER 2003**

I would like to commend this initiative and the debate that it has stimulated among Israelis and Palestinians, and more widely in the International community.

There is today a broad consensus, embracing most Israelis and Palestinians, and governments in the region, on the need for a comprehensive settlement that brings peace and security to Israel and a viable Palestinian state. The ongoing violence and suffering in the region, not to mention a sense of frustration sometimes bordering on despair, underline the urgency of achieving that goal. The Quartet's roadmap sets out the steps needed to get there. We look to the Israeli and Palestinian governments to take those steps in parallel, starting with action on security, settlements, reform of Palestinian institutions and normalising life for ordinary Palestinians. It is particularly important that neither side take steps, which pre-empt the two-state solution. We will do all we can to help.

At a time of despair, both peoples need hope. The initiative you are launching today gives them a chance to look beyond current difficulties to what might be achievable with goodwill on both sides.

It is natural, and healthy, that there should be discussion on the details of the settlement proposed. The debate stimulated by this initiative is important. A better understanding of the nature of a possible settlement can help remind people why the sometimes difficult steps described in the roadmap are worth taking - why peace is worth working for. I hope that this initiative will also show that Israelis and Palestinians remain capable of finding partners for peace and working together, and encourage a return to the negotiating table.



**MESSAGE FROM THE CHAIRMAN OF THE MOVEMENT OF  
NON-ALIGNED COUNTRIES, ABDULLAH AHMAD BADAWI,  
IN COMMEMORATION OF THE INTERNATIONAL DAY OF SOLIDARITY  
WITH THE PALESTINIAN PEOPLE, 1 DECEMBER 2003**

On the occasion of the International Day of Solidarity with the Palestinian people I would like to extend, on behalf of the people of Malaysia and as the Chair of the Non-Aligned Movement, our warmest greetings to President Yasser Arafat and all Palestinians. We assure them of our continued and unequivocal support for their legitimate and courageous struggle for the right to decide and be masters of their own destiny, to rid the yoke of Israeli occupation and to live freely in their own sovereign and independent State of Palestine.

2. Once again we observe this International Day of Solidarity with the Palestinian people in an atmosphere of great uncertainty. Yet we hope. We hope, as do others and the Palestinians in particular, for the noble forces of peace and justice to prevail over the arrogance of power and the pervyance of violence, hatred and despair. We gather here to express our solidarity with them on a day that marks their oppression and suffering under Israeli occupation. We look forward to the day when the international community would join the Palestinians in celebrating the joy of their independence and statehood.
3. On this day, I wish to take the opportunity to once again reaffirm the Non-Aligned Movement's steadfast support for and longstanding solidarity with the Palestinian people and their leadership, in the quest for the full realization of their inalienable rights. The Non-Aligned Movement remains firm in its commitment towards ensuring that a just and lasting peaceful settlement is achieved on the question of Palestine. The Movement reiterates its unwavering support for the rights of the Palestinian people to national independence and the exercise of sovereignty in their State - Palestine - within secure and internationally recognised borders and with East Jerusalem as its capital. It is highly regrettable that this objective has not been met because of setbacks in the implementation of the Road Map, which has impeded the realisation of the vision of two States, Palestine and Israel, existing side by side and in peace with each other and with their neighbours. Clearly, there is an urgent need for the parties concerned to work towards ensuring the implementation of the Road Map, with honesty and sincerity. There must be greater commitment and objectivity in the move towards peace.
4. During the one year since this day of solidarity was last observed, we have witnessed increased violence, death and suffering descending upon the Palestinian people. We condemn the adoption of harsh policies and practices as well as the disproportionate and excessive use of force by Israel against the Palestinians in the Occupied Territory. These measures have led to more violence, more deaths and more suicide attacks by desperate young men and women. We mourn the loss of all innocent lives. We sympathise with the families who have lost their loved ones, be they Palestinians or Israelis. We extend our profound condolences to them. We call for the cessation of actions which target innocent civilians, the destruction of Palestinian homes and property, causing untold sufferings to thousands of families.

5. We condemn the continuing and escalating Israeli military campaign against the Palestinian people, particularly the reported perpetration of war crimes and the willful killing of civilians, including extrajudicial executions. We call for the immediate cessation of all Israeli settler colonialism activities. We strongly call also for a halt to further construction of Israel's expansionist wall in the Occupied Territory. It must be dismantled immediately. We are dismayed at the deteriorating economic and social conditions facing the Palestinians in the Occupied Territory arising from the imposition of harsh measures and practices by the Israeli authorities. There is a rising level of poverty and unemployment, diminishing opportunity for economic activities and education. Vast expanses of Palestinian land are being confiscated. All these will only breed hatred and discontent, making it more difficult for Palestinians and Israelis to live side by side in peace. The international community cannot deny that any further deterioration of the situation in the Occupied Palestinian Territory, including in East Jerusalem, would not bode well for the cause of peace in the whole region.
6. We are convinced that there is no military solution to this conflict. Israel and its supporters must realize and be convinced of this too. So must the Palestinians. The cycle of violence, repression and intimidation will bring no advantage to either side. A new resolve on the part of the parties to the conflict to resume the political process, at the negotiating table, is badly required. The key to a just and durable solution lies in the willingness on the part of Israel to end its occupation of Arab lands, and the fulfillment of the inalienable rights of the Palestinian people to self-determination, national independence and sovereignty and to return to their homes and property from which they had been displaced and uprooted.
7. Given the uncertainties prevailing in other parts of the region, it is more imperative now that the search for peace be intensified. This can only be attained through serious efforts to bring about the end of the Israeli occupation, the creation of a sovereign, independent and peaceful Palestinian State and the establishment of lasting peace between Israel and its Arab neighbours on the basis of the principles of the Madrid Conference, United Nations Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), the agreements and understandings reached earlier, the Arab peace initiative approved by the League of Arab States in Beirut and the Road Map of the Quartet. Each and every member of the international community has a role to play in this regard. We must all work together to facilitate the attainment of peace in the region. The Non-Aligned Movement will continue to cooperate with the international community, in particular the members of the Quartet, towards this end.
8. The Non-Aligned Movement continues to recognise the valiant struggle of the Palestinian people against Israeli occupation and the injustices inflicted upon them. We express our solidarity with the Palestinian people because we cannot simply abandon them in the face of other issues and treat their problem merely as part of the effort of dealing with new threats to international peace and security, in particular terrorism. The Palestinian question deserves the continued attention of the international community in the right context and with the proper perspective. It is an issue that concerns the rights of a people, which should be respected in accordance with the principles and purposes of the United Nations Charter, international law and international humanitarian law as well as relevant resolutions of the General Assembly and the Security Council. Our hearts should go out to the Palestinian people in their time of need and adversity. They have suffered more than enough from the oppression and inhumane treatment meted upon them by Israel.
9. On behalf of the people of Malaysia and as the Chair of the Non-Aligned Movement, I wish to reiterate on this very significant and poignant day, our resolute and unwavering support for the just struggle of the Palestinian people to gain their right of self-determination under the legitimate leadership of President Yasser Arafat. We express our full and undivided solidarity with them. We look forward to the day when our Palestinian brothers and sisters will finally be able to exercise their national rights, and enjoy freedom, independence and development. Malaysia and the Non-Aligned Movement will continue to contribute towards all efforts aimed at attaining this goal. In this connection, we welcome the appointment of Prime Minister Ahmad Qurei as well as the call made by President Arafat and Prime Minister Qurei, respectively, for both sides to resume negotiations as soon as possible.

10. In conclusion, as Malaysia is also the Chairman of the 10th Session of the Islamic Summit Conference, I am pleased to note that a similar message of solidarity with the Palestinian people will be conveyed by the Islamic Republic of Iran, in its capacity as the Chairman of the Islamic Conference of Foreign Ministers, on behalf of the Member States of the OIC.



**UN GENERAL ASSEMBLY RESOLUTION ES-10/14 ON ILLEGAL ISRAELI ACTIONS IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN TERRITORY, 23<sup>RD</sup> PLENARY MEETING, 8 DECEMBER 2003**

The General Assembly,

*Reaffirming* its resolution ES-10/13 of 21 October 2003,

*Guided* by the principles of the Charter of the United Nations,

*Aware* of the established principle of international law on the inadmissibility of the acquisition of territory by force,

*Aware also* that developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples is among the purposes and principles of the Charter of the United Nations,

*Recalling* relevant General Assembly resolutions, including resolution 181 (II) of 29 November 1947, which partitioned mandated Palestine into two States, one Arab and one Jewish,

*Recalling also* the resolutions of the tenth emergency special session of the General Assembly,

*Recalling further* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996, 1397 (2002) of 12 March 2002 and 1515 (2003) of 19 November 2003,

*Reaffirming* the applicability of the Fourth Geneva Convention<sup>29</sup> as well as Additional Protocol I to the Geneva Conventions<sup>30</sup> to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1907,<sup>31</sup>

*Welcoming* the convening of the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, at Geneva on 15 July 1999,

*Expressing its support* for the declaration adopted by the reconvened Conference of High Contracting Parties to the Fourth Geneva Convention at Geneva on 5 December 2001,

*Recalling in particular* relevant United Nations resolutions affirming that Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and an obstacle to peace and to economic and social development as well as those demanding the complete cessation of settlement activities,

*Recalling* relevant United Nations resolutions affirming that actions taken by Israel, the occupying Power, to change the status and demographic composition of Occupied East Jerusalem have no legal validity and are null and void,

*Noting* the agreements reached between the Government of Israel and the Palestine Liberation Organization in the context of the Middle East peace process,

*Gravely concerned* at the commencement and continuation of construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure from the Armistice Line of 1949 (Green Line) and which has involved the confiscation and destruction of Palestinian land and resources, the disruption of the lives of thousands of protected civilians and the de facto annexation of large areas of territory, and underlining the unanimous opposition by the international community to the construction of that wall,

<sup>29</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>30</sup> *Ibid.*, vol 1125, No. 17512.

<sup>31</sup> See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

*Gravely concerned also* at the even more devastating impact of the projected parts of the wall on the Palestinian civilian population and on the prospects for solving the Palestinian-Israeli conflict and establishing peace in the region,

*Welcoming* the report of 8 September 2003 of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967,<sup>32</sup> in particular the section regarding the wall,

*Affirming* the necessity of ending the conflict on the basis of the two-State solution of Israel and Palestine living side by side in peace and security based on the Armistice Line of 1949, in accordance with relevant Security Council and General Assembly resolutions,

*Having received with appreciation* the report of the Secretary-General, submitted in accordance with resolution ES-10/13,<sup>33</sup>

*Bearing in mind* that the passage of time further compounds the difficulties on the ground, as Israel, the occupying Power, continues to refuse to comply within international law vis-à-vis its construction of the above-mentioned wall, with all its detrimental implications and consequences,

*Decides*, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to urgently render an advisory opinion on the following question:

What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?



**UN SPECIAL ENVOY TO THE MIDDLE EAST TERJE ROED-LARSEN,  
SPEECH TO THE UN SECURITY COUNCIL, 12 DECEMBER 2003**

In the last two Secretariat briefings to the Security Council, we painted a bleak picture of the situation in the Middle East. A spate of violence in the summer and early autumn led to a stalemate in the peace process. Despite a lack of diplomatic progress, recent months have nonetheless been characterized by relative quiet on the ground - with no major terror attacks by Palestinians and a marked decline in Israeli military operations.

Once again, we have a narrow window of opportunity, one in which the parties need to take positive steps to truly put the peace process back on track. Each side has reiterated its commitment to the Quartet's road map, and now is the time for them to fulfil their road map obligations and take necessary, bold confidence-building measures to restore hope.

There are a number of factors behind the opening of this window. A new Palestinian government has taken office, led by a Prime Minister, Ahmed Qurei, who has a long history of negotiating with Israel. Since assuming office last month, he has reiterated the Palestinian Authority's full commitment to the road map and expressed a strong willingness to resume talks with Israeli authorities. We will fully support his efforts to implement the road map. We will also fully expect him to take steps to deal with violent groups. Notably, Mr. Qurei has been a consistent and forceful critic of Palestinian terrorist attacks.

Israeli Prime Minister Sharon has also made clear his desire to meet his Palestinian counterpart and restart the peace process, based on the Quartet's road map, to which he has committed himself on several occasions. We expect that on issues such as the barrier, settlement expansion and military actions that affect Palestinian civilians, Prime Minister Sharon's Government will act in ways that support the peace process. We remain willing to provide the help Israel might need to fulfil its road map obligations.

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<sup>32</sup> E/CN.4/2004/6.

<sup>33</sup> A/ES-10/248.



We applaud the Government of Egypt for its tireless efforts to secure a ceasefire by working with the Palestinian Authority and a variety of Palestinian groups. Though there has been no agreement reached as of yet, efforts continue and we hope they will soon lead to a full and lasting ceasefire between Israelis and Palestinians.

Two praiseworthy civil society initiatives are under way that reflect a strong desire by both peoples for a just, lasting and secure end to this conflict. The Geneva Accord and the Peoples' Voice initiative have been widely lauded. A recent Israeli poll indicates that 75 per cent of the Jewish Israeli population in Israel supports holding negotiations for peace with the Palestinians; 65 per cent support the establishment of a Palestinian State in the context of advanced negotiations; about 60 per cent agree with the evacuation of Gaza and remote and isolated West Bank settlements.

While civil initiatives cannot substitute for the officials of the parties negotiating, they are significant indications that Israelis and Palestinians can work together to constructively bridge their differences. These initiatives and the poll results also show what we can all feel on the ground - an intense weariness of the current tragic state of affairs and a desire for real change.

Finally, the Security Council's endorsement of the road map in resolution 1515 (2003) is an extremely positive step that deepens the international community's support of the peace process.

While it is tempting to be optimistic given the factors I have outlined, the current situation remains very fragile. So, where might it lead?

There appear to be four main possibilities.

First, if real negotiations restart but fail to revive the peace process, the risks are grave. Hopes will be dashed, leaders on both sides will find it extremely difficult to re-engage, and we could recede further into the darkness. Such a lack of progress would only strengthen the enemies of peace.

Secondly, some Israelis have recently proposed a unilateral withdrawal from parts of the occupied Palestinian territory. The Israeli withdrawal from southern Lebanon has been cited by some as a precedent for unilateralism. I think it is timely to recall that that withdrawal was not unilateral: it was carried out under Security Council supervision and with intense support from the United Nations Secretariat negotiating with both parties over the course of several months to draw up the so-called Blue Line. In that process, Israel complied fully with relevant Security Council resolutions.

The lesson from the Lebanon withdrawal is that international support can effectively facilitate Middle East peace efforts. Any withdrawal from occupied land is praiseworthy, but a unilateral withdrawal would contain problematic elements. It might be perceived by some that only force, violence and terror can create change and that it is not necessary to arrive at a peaceful settlement through negotiations underpinned by international legitimacy. It might be perceived by others that a partial unilateral withdrawal, from only some of the occupied Palestinian territory, would be enough to settle the issue once and for all. But a just and lasting peace can best be achieved by both sides working out a resolution across a negotiating table with the active support and involvement of the international community.

Thirdly, an "absolutist approach" based on the aforementioned civil society initiatives advocates an immediate and comprehensive resolution of the conflict. While these initiatives show us where we must go, they are not inconsistent with the road map and lend vital hope and sustenance to peacemaking efforts, I believe that even their framers realize that quick implementation is not possible, given the current political climate. In saying this, I am not at all dismissing the Geneva Accord or the Peoples' Voice principles. On the contrary, this sort of track-two activity gives vital reassurance that there may after all be a partner for peace on the other side.

That leaves us with the only viable route - a step-by-step approach assisted by bold confidence-building measures. In other words, bilateral negotiations based on the road map and facilitated by the international community. Under such an approach, Israelis and Palestinians need a determined and

engaged international community, led by the Quartet, to help them return to the path to peace and, once there, stay on it. To that end, I met on Wednesday with my fellow Quartet envoys in Rome after an important high-level donor meeting. The Quartet will assist the nascent bilateral efforts currently under way and guide the parties in their implementation of the road map.

The issue today is how to spark the process. To do so, each of the parties will need to address the core concerns of the other side, which can roughly be defined as territory and terror. Israelis want an end to terrorism, leading to lasting and true security in a fully recognized State. Palestinians want to finally end the occupation with the confidence that they will have a truly viable and independent State. But to get on track, to fulfil these desires, both parties and the international community face fundamental dilemmas that must be overcome.

For Israelis, the closure system in the occupied Palestinian territory is a catch-22 situation that developed as a response to murderous terrorist attacks. They feel that if closures are eased, the potential for new terrorist attacks will rise. But if the closure persists, the living conditions and livelihood of the Palestinian population will only worsen. Israelis need to know that if they enter a process, they will find true security and recognition at the end and that they are not simply capitulating to the waves of terror attacks they have endured.

For Palestinians, this crisis is about more than the hardship they are enduring. Easing their plight is simply not enough. In their eyes, this crisis remains much more fundamental: it is a struggle for their identity and national aspirations. They need to know that if they enter a process, it has the end of the occupation and a viable, independent and sovereign State as an end goal, and that they are not capitulating to the extremely damaging effects of Israeli security measures on their lives.

The donor community also faces a catch-22 situation; the more than \$1 billion they provide annually undoubtedly helps alleviate the suffering of the Palestinian people. However, in some eyes, this money helps subsidize an Israeli occupation that increases hardship for the average Palestinian. The donor community needs to know that, as they continue to provide such support, the parties will engage in a peace process that will pave the way to a full, just and lasting peace.

We can only proceed if these core issues and dilemmas are recognized and accepted as a reality by both parties and the international community. They must be addressed in parallel, not sequentially or with preconditions.

Since the last briefing to the Security Council, 27 people have lost their lives to the conflict - 24 Palestinians and 3 Israelis. It is a sign of the extent of the violence that has consumed Israelis and Palestinians that this death toll corresponds to a relatively quiet period.

For example, fortunately and due in part to attempts being thwarted by Israeli security forces, there has not been a completed suicide bombing since 4 October. Yet 24 Palestinians are dead, including six yesterday in Rafah in the Gaza Strip. As we have consistently stated in this forum, Israel's legitimate defence of its citizens must not contravene its duty as an occupying Power to protect the lives and safety of Palestinian civilians. Israeli military operations in populated areas too frequently result in the deaths and injury of non-combatant Palestinian men, women and children. I must stress that both parties must do everything possible to halt this senseless loss of life.

The bloody alternative to peace would only be more additions to the current overall death toll since September 2000, namely, 2,969 Palestinians and 863 Israelis. I hope we will soon be able to provide a briefing that does not need to update these numbers.

This week in Rome, the main donors that provide support to the Palestinian Authority met in the Ad Hoc Liaison Committee for the Coordination of International Assistance to Palestinians to review their assistance and consider the current situation. The meeting, generously hosted by the Government of Italy and chaired by the Government of Norway, was attended by high-level Palestinian and Israeli delegations, including the Palestinian Ministers Sha'ath, Fayyad, Masri and Kassis and Israeli Foreign

Minister Shalom. Their presence was the most powerful expression yet of the fact that both parties have a renewed desire to engage.

At the meeting, the donors discussed the extent of the economic and humanitarian crisis that they are continuing to help alleviate. I would like to update you on some of the key indicators. Between 2000 and 2002, Palestinian economic losses amounted to an estimated \$5.4 billion, the equivalent of one year's worth of total income for the Palestinian economy. Real gross domestic product declined some 33 per cent between 1999 and 2002. Total investment fell from \$1.45 billion to \$150 million in the same period. Approximately 2.5 million Palestinians are under the poverty line, or about 60 per cent of the total population. Most Palestinians receive some form of assistance, with approximately 40 per cent of the population food insecure. Unemployment runs at about 30 per cent and some half the population cannot access their usual health services.

The donor meeting produced new proposals for assisting the Palestinian Authority and the Palestinian people. This includes a possible new performance-based trust fund to help alleviate the estimated \$650 million shortfall in the Palestinian Authority budget and a proposed new tripartite framework for the donors, the Palestinian Authority and the Government of Israel to work together in a true spirit of cooperation. Plans for a meeting on Monday within the new tripartite framework have been confirmed. The donors reiterated their commitment to helping the Palestinian people, but they also voiced serious concerns.

The humanitarian crisis has forced donors to redirect funding from development to emergency relief. This in turn is often hampered by Israeli security actions, leading to increased frustration among many donors and aid agencies. Many donors will require a renewed peace process in order to sustain their levels of support.

These humanitarian and other concerns are exacerbated by the continuing construction of the barrier in the West Bank. The Secretariat has regularly briefed the Security Council on the barrier, pointing out that its construction on Palestinian land and its planned route makes the establishment of a contiguous, viable and sovereign Palestinian State more difficult and increases the suffering of the Palestinian people.

The Secretary-General recently submitted to the General Assembly a report on the barrier

(A/ES-10/248) requested by resolution ES-10/13 of 21 October 2003. In that report he said:

"In the midst of the road map process, when each party should be making good-faith confidence-building gestures, the Barrier's construction in the West Bank cannot, in this regard, be seen as anything but a deeply counterproductive act" (para. 29).

He concluded that due to its continued building of the barrier, Israel is not in compliance with the General Assembly's demand that it halt and reverse construction.

The uneasy calm that has prevailed along the Blue Line since the last briefing to the Council was broken on 9 December, when two Lebanese persons armed with hunting rifles were killed by the Israeli Defence Force after they crossed into the Israeli side of the Blue Line, according to preliminary reports by the United Nations Interim Force in Lebanon. Despite that sad and unfortunate incident and although tensions remain high, developments on the ground suggest that the parties are exercising some restraint. Although Israeli over-flights continue, they have been dramatically reduced in frequency. Also, since the last briefing, Israeli jets violated the Blue Line twice. There were no reports of anti-aircraft fire from the Lebanese side of the Blue Line on either of those occasions. We are hopeful that that relative but uneasy calm reflects a renewed willingness by the parties to avoid escalatory actions. Nonetheless, as the incident of 9 December shows, the potential for such escalation remains high. It is, therefore, of great importance that all parties continue to exercise restraint and refrain from any and all violations of the Blue Line.

Also in the region, President Bashar Al-Assad gave a newspaper interview, in which he called on the United States to revive peace talks between his country and Israel. That was a timely reminder that the objective towards which we are working must be a just, lasting and comprehensive peace, and that we cannot afford to neglect any of the tracks of the peace process.

In the last briefing to the Council, Under-Secretary-General Prendergast characterized the period under review as a lost month in Middle East peacemaking. During the current reporting period an opportunity to make progress has arisen. I fervently hope that the leaders of the two sides will avail themselves of that chance; and I hope that the international community will help them take up that opportunity. In recent years we have seen too many missed chances and squandered opportunities for peace. It would be a pity if in the next briefing, the first of 2004, the Secretariat had cause to cite another lost month. The cost could be devastating. The current hopes for peace among the peoples could be replaced by the creeping paralysis of a hopeless outlook, by a greater hardening of positions and by a deepening of the spiral of violence.

In this situation, time is not the ally of peace. Waiting merely prolongs the suffering. I hope that the parties will recognize the urgent need of bold action and begin immediately to implement effectively the Quartet's road map. I would be delighted if, in its first briefing of the new year to the Security Council, the Secretariat would be able to report that the parties were firmly on the path to a just, lasting and comprehensive settlement of this long and painful conflict, based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003).



**ISRAELI PRIME MINISTER ARIEL SHARON, SPEECH AT THE FOURTH ANNUAL  
HERZLIYA CONFERENCE, 18 DECEMBER 2003**

*[In his speech, Sharon announced that if the Palestinians are not taking steps to quash terrorism within six months, Israel would disengage unilaterally from the Gaza Strip.]*

Good Evening,

I congratulate the organizers of this conference for the important and interesting gathering which you have held here. During the past three days, you have been discussing Israel's situation. I, as Prime Minister, am responsible for the planning and implementation of the measures which will shape Israel's character during the next few years.

We are all entrusted with the duty of shaping the face of the Jewish and democratic State of Israel – a state where there is an equal distribution of the burden, as well as the acceptance of rights and shouldering of duties by all sectors, through different forms of national service. A state where there is a good and efficient education system which educates a young generation imbued with values and national pride, which is capable of confronting the challenges of the modern world. A country whose economy is adapted to the advanced global market of the 21st century, where the product per capita crosses the \$20,000 line and is equal to that of most developed European countries. An immigrant-absorbing state which constitutes a national and spiritual center for all Jews of the world and is a source of attraction for thousands of immigrants each year. Aliyah is the central goal of the State of Israel.

This is the country we wish to shape. This is the country where our children will want to live.

I know that there is sometimes a tendency to narrow all of Israel's problems down to the political sphere, believing that once a solution is found to Israel's problems with its neighbors, particularly the Palestinians, the other issues on the agenda will miraculously resolve themselves. I do not believe so. We are facing additional challenges which must be addressed – the economy, educating the young generation, immigrant absorption, enhancement of social cohesion and the improvement of relations between Arabs and Jews in Israel.

Like all Israeli citizens, I yearn for peace. I attach supreme importance to taking all steps which will enable progress toward resolution of the conflict with the Palestinians. However, in light of the other challenges we are faced with, if the Palestinians do not make a similar effort toward a solution of the conflict – I do not intend to wait for them indefinitely.

Seven months ago, my Government approved the "Roadmap" to peace, based on President George Bush's June 2002 speech. This is a balanced program for phased progress toward peace, to which both Israel and the Palestinians committed themselves. A full and genuine implementation of the program is the best way to achieve true peace. The Roadmap is the only political plan accepted by Israel, the Palestinians, the Americans and a majority of the international community. We are willing to proceed toward its implementation: two states – Israel and a Palestinian State – living side by side in tranquility, security and peace.

The Roadmap is a clear and reasonable plan, and it is therefore possible and imperative to implement it. The concept behind this plan is that only security will lead to peace. And in that sequence. Without the achievement of full security – within the framework of which terror organizations will be dismantled – it will not be possible to achieve genuine peace, a peace for generations. This is the essence of the Roadmap. The opposite perception, according to which the very signing of a peace agreement will produce security out of thin air, has already been tried in the past and failed miserably. And such will be the fate of any other plan which promotes this concept. These plans deceive the public and create false hope. There will be no peace before the eradication of terror.

The government under my leadership will not compromise on the realization of all phases of the Roadmap. It is incumbent upon the Palestinians to uproot the terrorist groups and to create a law-abiding society which fights against violence and incitement. Peace and terror cannot coexist. The world is currently united in its unequivocal demand from the Palestinians to act toward the cessation of terrorism and the implementation of reforms. Only a transformation of the Palestinian Authority into a different authority will enable progress in the political process. The Palestinians must fulfill their obligations. A full and complete implementation will – at the end of the process – lead to peace and tranquility.

We began the implementation of the Roadmap at Aqaba, but the terrorist organizations joined with Yasser Arafat and sabotaged the process with a series of the most brutal terror attacks we have ever known.

Concurrent with the demand from the Palestinians to eliminate the terror organizations, Israel is taking – and will continue to take – steps to significantly improve the living conditions of the Palestinian population: Israel will remove closures and curfews and reduce the number of roadblocks; we will improve freedom of movement for the Palestinian population, including the passage of people and goods; we will increase the hours of operation at international border crossings; we will enable a large number of Palestinian merchants to conduct regular and normal economic and trade relations with their Israeli counterparts, etc. All these measures are aimed at enabling better and freer movement for the Palestinian population not involved in terror.

In addition, subject to security coordination, we will transfer Palestinian towns to Palestinian security responsibility.

Israel will make every effort to assist the Palestinians and to advance the process.

Israel will fulfill the commitments taken upon itself. I have committed to the President of the United States that Israel will dismantle unauthorized outposts. It is my intention to implement this commitment. The State of Israel is governed by law, and the issue of the outposts is no exception. I understand the sensitivity; we will try to do this in the least painful way possible, but the unauthorized outposts will be dismantled. Period.

Israel will meet all its obligations with regard to construction in the settlements. There will be no construction beyond the existing construction line, no expropriation of land for construction, no special economic incentives and no construction of new settlements.

I take this opportunity to appeal to the Palestinians and repeat, as I said at Aqaba: it is not in our interest to govern you. We would like you to govern yourselves in your own country. A democratic Palestinian state with territorial contiguity in Judea and Samaria and economic viability, which would conduct normal relations of tranquility, security and peace with Israel. Abandon the path of terror and let us together stop the bloodshed. Let us move forward together towards peace.

We wish to speedily advance implementation of the Roadmap towards quiet and a genuine peace. We hope that the Palestinian Authority will carry out its part. However, if in a few months the Palestinians still continue to disregard their part in implementing the Roadmap – then Israel will initiate the unilateral security step of disengagement from the Palestinians.

The purpose of the "Disengagement Plan" is to reduce terror as much as possible, and grant Israeli citizens the maximum level of security. The process of disengagement will lead to an improvement in the quality of life, and will help strengthen the Israeli economy. The unilateral steps which Israel will take in the framework of the "Disengagement Plan" will be fully coordinated with the United States. We must not harm our strategic coordination with the United States. These steps will increase security for the residents of Israel and relieve the pressure on the IDF and security forces in fulfilling the difficult tasks they are faced with. The "Disengagement Plan" is meant to grant maximum security and minimize friction between Israelis and Palestinians.

We are interested in conducting direct negotiations, but do not intend to hold Israeli society hostage in the hands of the Palestinians. I have already said – we will not wait for them indefinitely.

The "Disengagement Plan" will include the redeployment of IDF forces along new security lines and a change in the deployment of settlements, which will reduce as much as possible the number of Israelis located in the heart of the Palestinian population. We will draw provisional security lines and the IDF will be deployed along them. Security will be provided by IDF deployment, the security fence and other physical obstacles. The "Disengagement Plan" will reduce friction between us and the Palestinians.

This reduction of friction will require the extremely difficult step of changing the deployment of some of the settlements. I would like to repeat what I have said in the past: In the framework of a future agreement, Israel will not remain in all the places where it is today. The relocation of settlements will be made, first and foremost, in order to draw the most efficient security line possible, thereby creating this disengagement between Israel and the Palestinians. This security line will not constitute the permanent border of the State of Israel, however, as long as implementation of the Roadmap is not resumed, the IDF will be deployed along that line. Settlements which will be relocated are those which will not be included in the territory of the State of Israel in the framework of any possible future permanent agreement. At the same time, in the framework of the "Disengagement Plan", Israel will strengthen its control over those same areas in the Land of Israel which will constitute an inseparable part of the State of Israel in any future agreement. I know you would like to hear names, but we should leave something for later.

Israel will greatly accelerate the construction of the security fence. Today we can already see it taking shape. The rapid completion of the security fence will enable the IDF to remove roadblocks and ease the daily lives of the Palestinian population not involved in terror.

In order to enable the Palestinians to develop their economic and trade sectors, and to ensure that they will not be exclusively dependent on Israel, we will consider, in the framework of the "Disengagement Plan", enabling – in coordination with Jordan and Egypt – the freer passage of people and goods through international border crossings, while taking the necessary security precautions.

I would like to emphasize: the "Disengagement Plan" is a security measure and not a political one. The steps which will be taken will not change the political reality between Israel and the Palestinians, and will not prevent the possibility of returning to the implementation of the Roadmap and reaching an agreed settlement.

The "Disengagement Plan" does not prevent the implementation of the Roadmap. Rather, it is a step Israel will take in the absence of any other option, in order to improve its security. The "Disengagement Plan" will be realized only in the event that the Palestinians continue to drag their feet and postpone implementation of the Roadmap.

Obviously, through the "Disengagement Plan" the Palestinians will receive much less than they would have received through direct negotiations as set out in the Roadmap.

Ladies and Gentlemen,

My life experience has taught me that for peace, as well as for war, we must have broad consensus. We must preserve our unity, even in the midst of a difficult, internal debate.

In the past three years, the Palestinian terrorist organizations have put us to a difficult test. Their plan to break the spirit of Israeli society has not succeeded. The citizens of Israel have managed to step into the breach, support each other, lend a helping hand, volunteer and contribute.

I believe that this path of unity must be continued today. Whether we will be able to advance the Roadmap, or will have to implement the "Disengagement Plan", experience has taught us that, together, through broad national consensus, we can do great things.

Let us not be led astray. Any path will be complicated, strewn with obstacles, and obligate us to act with discretion and responsibility. I am confident that, just as we have managed to overcome the challenges of the past, we will stand together and succeed today.

We will always be guided by the words of Prime Minister David Ben-Gurion, who said, on the day after the Declaration of Independence:

These days, our purpose is only to build the State of Israel with love and faith, in Jewish brotherhood, and to defend it with all our spirit, and as long as necessary. We are still in the midst of a difficult battle, one that has two fronts: political and military. Let us not embellish our deeds and, of course, our words, with grandiose names. We must remain humble. We achieved what we have achieved by standing on the shoulders of previous generations, and we accomplished what we have accomplished by preserving our precious legacy, the legacy of a small nation which has endured suffering and tribulations, but which is, nevertheless, great and eternal in spirit, vision, faith and virtue.

I am also a great believer in the resilience of this small, brave nation which has endured suffering and tribulations. I am confident that, united in the power of our faith, we will be able to succeed in any path we choose.

Thank you very much, and happy Hannukah.



**ISRAELI PRIME MINISTER ARIEL SHARON, ADDRESS TO THE LIKUD  
CENTRAL COMMITTEE ON "DISENGAGEMENT", 5 JANUARY 2004**

*[In his address, Sharon affirmed his "Disengagement Plan" for unilateral withdrawal, which he had announced on 18 Dec. 2003 at the Herzliya Conference.]*

Ministers of the Likud Party,  
Members of Knesset  
Recently elected Mayors and their Deputies,  
Members of the Likud Committee

I would like to dedicate tonight to the concerns of the members of the Central Committee. I meet with Ministers and Members of Knesset, hear what they have to say and listen. However, due to the

constraints of my position, it is difficult for me to meet with all the members of the Central Committee, and therefore, it is important to me to hear all opinions, even those I disagree with.

Because in the end, it is the Prime Minister who must make the decisions.

It is my responsibility to make all due considerations, hear all the points of view and decide. I, together with the other elected officials, decide, and I must implement the decisions. I was elected to do so. This is what the people expect, both Likud voters and those who voted for other parties. And they are right to expect this.

The State of Israel is facing an historic decision. Either we succeed in ending once and for all the terror against us, or we will have to act, without an agreement, in order to provide maximum security to all citizens of Israel.

We aspire to implement the Roadmap, together with the 14 reservations, in all its stages, as quickly as possible. The Roadmap is the only political plan that can bring about peace, since its first step is the total cessation and uprooting of terror. The Likud has always insisted that only security will bring peace. Only security will bring peace.

This is the genuine vision of peace, and our hands are extended to anyone who is ready to adopt and realize it. However, the test will be of actions, not words.

We have not, nor will we ever, conduct political negotiations under fire. No prize will be awarded for terror. We will not give in to the pressures of our political opponents who have adopted the Arab position almost without reservation.

However, if we achieve security, we will give a great deal. If terrorist infrastructures are completely dismantled, if weapons are collected, if a new Palestinian Authority is set up that is democratic and terror-free, if the incitement is stopped, the Government of Israel that we, the Likud Party, lead, will be ready to fulfill its part and enable the establishment of an independent Palestinian state, at first with temporary borders, and finally through a permanent agreement. Clearly, in the permanent agreement we will have to give up some of the Jewish settlements.

Only abandoning terror will allow the Palestinians to take a place of honor in the community of free nations and achieve the freedom and prosperity to which they are entitled.

The United States, our friend and ally, has given its complete agreement to this. I am acting, and will continue to act in full coordination with President Bush and his team. The Roadmap has been accepted by the international community, which is today united in its fight against terror, wherever it is found, under the brave leadership of the President of the United States.

Israel will fulfill all of its commitments, including putting an end to lawbreaking in Judea, Samaria and the Gaza Strip. The Jewish settlers are among the best in this country, men and women who are courageous, full of dedication to the State and to Zionism. However, they must also, like all of us, abide by the law and obey the instructions of the Government and security forces.

If, within a few months, it becomes clear that we have no partner, that the Palestinians insist on rejecting our hand that is extended toward peace, if they continue their terror attack, if they remain entrenched in the camp of the enemies of humanity, then we will have to act alone, in full coordination with our allies, led by the United States, in order to provide maximum security for the residents of Israel.

We will undertake political and physical disengagements until they change their path. We will extend a security line that will prevent any passage to our territory. The IDF and the settlements will be deployed along the security line, a portion of the settlements will be relocated in order to reduce friction and protect our soldiers, the settlers, the residents of Jerusalem and the central region and all citizens of Israel in the best way possible.



An agreement would be better than a unilateral move. An agreement would be better for us, and better for the Palestinians, who will gain much less from the Disengagement Plan than they would from a political agreement.

However, if we reach the conclusion that we have no choice, I will act without hesitation. In the absence of a Palestinian partner, my plan, the "Disengagement Plan," constitutes the best security plan.

That is my plan and I will pass it.

My fellow Committee members.

The security challenge is the most important challenge we face, but it is not the only one. The Government under my leadership has introduced a determined economic policy, headed by the Minister of Finance, of which all the ministers are party to, each in his or her own field. We are not deterred for an instant from tackling the most painful problems that have deterred every Government in Israel.

Now that we have successfully passed the "braking" phase, there is more than one indication that we are on the path of recovery and growth. The economic crisis has left a trail of actual problems. The situation is not easy for many people, and even extremely difficult in some cases. There is great distress. The Ministers and Members of Knesset are sensitive to this distress and are acting to reduce it as much as possible.

Allow me to present an example.

I am especially concerned with the condition of children at risk, from the disenfranchised sectors. This week, following a conversation with several members of our party, I decided that we must push harder for the introduction of a long school day, and at its center, proper nutrition for every child. It is better to cut back child allowances that go to the parents, and instead use the money to provide a warm meal and educational learning framework for every child who needs it. That is one of the steps in the socio-economic field that the Likud must - and will - lead.

This is but one example of the way the entire Likud Party is leading, and will continue to lead in the socio-economic sphere. This is how the largest party in the Knesset works, with a sense of responsibility, through mutual conviction, by making brave decisions and acting determinedly together, only together, to carry them out.

We are the ruling party. We were elected in order to lead and implement. Every one of us has a role to play, because only together, as one person, with one heart, can we realize the hopes of our voters.

We have four more years ahead of us. We have the time and the strength to act.

I am convinced that with your contributions and with our help, we will lead the state of Israel to prosperity and growth, tranquility and peace.





## 14. Period Before Israeli Disengagement from Gaza (2004 - 2005)

### **SANA'A DECLARATION ON DEMOCRACY, HUMAN RIGHTS AND THE ROLE OF THE INTERNATIONAL CRIMINAL COURT, ISSUED BY THE INTER-GOVERNMENTAL REGIONAL CONFERENCE ON DEMOCRACY, HUMAN RIGHTS AND THE ROLE OF THE INTERNATIONAL CRIMINAL COURT, SANA'A, 10-12 JANUARY 2004**

At the conclusion of the Sana'a Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court formed by Governmental and Parliamentary Delegations from all the Arab and neighbouring African and Asian countries, organised by the Government of Yemen and the non-governmental organisation No Peace Without Justice, with the participation of 820 participants from 52 countries and representatives from regional and international organisations, as well as representatives of civil society and political parties; the Conference represented a forum for bringing together representatives of governments, parliaments and legislative bodies to talk about issues related to Democracy and Human Rights issues, the role of civil society, the rule of law and the International Criminal Court, in an open dialogue that is furthering democracy and protecting human rights in the Arab and surrounding countries and underlining achievements in the region in those areas, which is emerging from their social and cultural realities and their heritage and political practice; during two days of fruitful and profound discussion between participants on those topics, as an inseparable element to reach a consensus of understanding towards questions of the rule of law, democracy and human rights and a common endeavour to reach a common understanding of their dimensions, their interdependency and their repercussions;

Delegations hereby declare they have reached the following principles:

- a) Democracy and human rights, which have their origins in faith and culture, are interdependent and inseparable;
- b) Cultural and religious diversity is at the core of universally recognised human rights, which should be observed in a spirit of understanding in the application of democratic and human rights principles; this diversity should not be a source of confrontation or clashes but should be a source of dialogue and building bridges of understanding between religions and cultures;
- c) Democratic systems protect the rights and interests of everybody without discrimination, especially the rights and interests of disadvantaged and vulnerable groups;
- d) Democracy is achieved not only through institutions and laws but also through the actual practice of democratic principles, which should be measured by the degree to which these principles, norms, standards and values are actually implemented and the extent to which they advance the realisation of human rights;
- e) The basics of democratic systems is reflected in periodically elected legislatures, representing the citizens in a fair way and ensuring their full participation, in executive bodies that are responsible and committed to principles of good governance and in an independent judiciary that guarantees fair trial rights and protects the rights and freedoms of the people; these principles are the guarantors of good governance, which ensures the protection of human rights;
- f) Efforts to ensure a forum for discussion and dialogue must be encouraged in order to exchange ideas, experiences and expertise and to promote participation and political and democratic development among participating countries;
- g) The practice of democracy and human rights and enhancing their understanding require overcoming potential threats to the form and substance of democracy, including foreign occupation, imbalances in participation in the international justice system, the concentration and abuse of power, ineffective and unaccountable civil service, poverty, inadequate education, corruption, crimes under international law and discrimination;

- h) The effective application of the rule of law is vital to protect democracy and human rights and is the foundation for judicial independence and the application of the separation of powers;
- i) A free and independent media is essential for the promotion and protection of democracy and human rights. Pluralism in the media and its privatisation are vital for contributing to the dissemination of human rights information, facilitating informed public participation, promoting tolerance and contributing to governmental accountability. The media should contribute effectively and responsibly towards the strengthening of democracy and human rights knowledge;
- j) Proper democratic governance and respect for human rights require a freely functioning, well-organised, vibrant and responsible civil society and a legal framework within which civil society can operate in a spirit of partnership and participation; Civil society should play its role responsibly within the framework of law and the principles of human rights and democracy;
- k) The private sector is a vital partner in strengthening the foundations of democracy and human rights; It has a responsibility to work with governments and civil society to enhance progress;
- l) The developments in international relations, the increasing international interest in issues of human rights and the rule of law and the serious efforts to stop violations of international law require strong international judicial institutions to prosecute those who commit crimes under international law, in full respect for fundamental fair trial guarantees and the rights of the accused.

The participants therefore agree to:

1. Work seriously in order to fulfil the above-stated principles;
2. Strengthen and protect human rights, including people's fundamental rights to express their views and adhere to their religious beliefs and ethnic identity;
3. Occupation is contrary to international law and basic human rights; there should be an end to the occupation of Arab territories and all holy Islamic and Christian sites as well as an end to all violations of human rights, in particular in Palestine, and the civil and political rights of the Palestinian people should be ensured, including their right to self-determination and their right of return according to international resolutions;
4. Empower the role of women and their participation, protecting women from all forms of exploitation and any reduction of women's rights;
5. The establishment of an independent and fair judiciary and the separation of powers;
6. Ensure equality before the law, equal protection under the law and fundamental fair trial guarantees;
7. Support efforts towards sustainable development, which is necessary for the building and strengthening of democracy, including democratic institutions within the State, and for promoting and protecting human rights;
8. Strengthen the role of international judicial institutions, as an important element towards promoting respect for international law and human rights law, including the International Criminal Court;
9. Strengthen democracy and pluralism and the establishment of elected legislative bodies to represent popular will and ensuring the fair representation of all sectors of society;
10. Work towards future modalities of democratic consultation and cooperation among themselves, including civil society, and the establishment of an Arab Democratic Dialogue Forum as an instrument for the promotion of dialogue between diverse actors, for strengthening democracy, human rights and civil liberties, especially freedom of opinion and expression, and strengthening the partnership between public authorities and civil society.



#### **APPEAL BY EUROPEAN AND AMERICAN BISHOPS, JERUSALEM, 15 JANUARY 2004**

*[The appeal was made at the end of the bishops' four-day meeting in Bethlehem and Jerusalem.]*

Not Walls, But Bridges!

1. We, Catholic Bishops from Europe and the Americas, came here to demonstrate the solidarity of Catholics throughout the world with the Church of the Holy Land. For the third time in as many years, we have come in friendship for both the Israeli and Palestinian peoples, Christian, Jew and

Muslim alike. We have seen the violence suffered by both communities: the attack against Israelis in Gaza and the collective punishment of Palestinian citizens. We express our condolences for the deaths that have occurred during our stay and affirm our opposition to all bloodshed.

We have heard of the desire for peace, justice and reconciliation among both Israelis and Palestinians. We have also observed with great regret the lack of political will not only in this region but in the international community to work for a peaceful settlement. We therefore call upon all our political leaders to respond to the desire for peace which the people of this Holy Land have deep in their hearts.

2. "We labor and strive, because we have fixed our hope on the living God" 1 Timothy 4:10

We have witnessed many signs of hope during our short time in the Holy Land. Not least among these are the generosity of the universal Church and the expressions of solidarity that have come from Christians in Israel and elsewhere in the world. Most hopeful of all, however, is the vitality and commitment of the Church of the Holy Land itself, including the fraternal relations between Christian leaders.

We congratulate the Assembly of Catholic Ordinaries in the Holy Land, together with all the Christians of the Holy Land in communion with the Catholic Church, for the successful implementation of their Synod, as well as the Catholic relief organizations which have worked so hard to coordinate their efforts and focus on their strengths in support of all the people of the Holy Land.

3. "The Holy Land does not need walls, but bridges!" Pope John Paul II, 16 November 2003

We have seen the devastating effect of the wall currently being built through the land and homes of Palestinian communities. This appears to be a permanent structure, dividing families, isolating them from their farmland and their livelihoods, and cutting off religious institutions. We have had an experience of the frustration and humiliation undergone every day by Palestinians at checkpoints, which impede them from providing for their families, reaching hospital, getting to work, attending their studies and visiting their relatives.

We deplore the fact that, despite visible efforts, some priests, seminarians, sisters, brothers, and lay personnel are being denied or are having difficulties in obtaining visas and residence permits to study and work in Israel and the Palestinian territories. These constitute genuine impediments to the Churches' capacity to carry out their mission at the service of the people of the Holy Land. This is especially regrettable given that the State of Israel and the Holy See have just marked ten years since the signing of their Fundamental Agreement.

We are also concerned about the written notices given to pilgrims by the Israeli authorities on arrival in the Holy Land, making it difficult for them to visit areas under the control of the Palestinian Authority, including many of the Holy Places of the Christian faith.

4. "Teacher, where are you staying?" "Come and see!" John 1:38-39

We have been given hope by the small but notable increase in the number of pilgrims coming to the Holy Places. We hope that our own journey will be an example and encouragement to our fellow Christians to come and see where Jesus Christ lived. To journey and to be a pilgrim is a sign of hope and solidarity to the Christians of the Holy Land, a reminder of the presence of this living Church - the Mother Church - and a witness to peace and reconciliation in this region so afflicted by conflict.

We call on all our fellow believers to bear witness to the truth of the message addressed to the Christians of the Holy Land during these days: "You are not alone!"

*Brendan O'Brien, Archbishop of St John's Newfoundland and President, Canadian Bishops' Conference  
Wilton D. Gregory, Bishop of Belleville and President, United States Conference of Catholic Bishops  
Patrick Kelly, Archbishop of Liverpool and Vice President, Catholic Bishops' Conference of England & Wales (Delegate, Council of European Bishops' Conferences)*

*Bernard-Nicolas Aubertin, Bishop of Chartres, French Bishops' Conference*  
*Lucien Daloz, Archbishop Emeritus of Besançon, French Bishops' Conference*  
*Reinhard Marx, Bishop of Trier, German Bishops' Conference*  
*Joan Enric Vives, Bishop of Urgell and co-Prince of Andorra, Spanish Bishops' Conference*  
*William Kenney, Auxiliary Bishop of Stockholm, Scandinavian Bishops' Conference and*  
*Commission of the Bishops' Conferences of the European Community (COMECE)*  
*Pierre Bürcher, Auxiliary Bishop of Lausanne, Swiss Bishops' Conference*  
*Gregorio Rosa Chavez, President, Caritas Latin America*  
*Mgr Piergiuseppe Vachelli, Undersecretary, Italian Bishops' Conference*



**BRITISH FOREIGN SECRETARY JACK STRAW, WRITTEN ANSWERS ON  
THE ISRAELI SEPARATION WALL AND THE ICJ RULING, 3 FEBRUARY 2004**

"Israel's Fence"

On 8 December 2003 the UN General Assembly in Resolution ES-10/14 requested the International Court of Justice to render urgently an advisory opinion on the legal consequences arising from the construction of the wall being built by Israel in the Occupied Palestinian Territory. In response to the request, the International Court of Justice has invited UN Member States, Palestine and certain international organisations to contribute written and/or oral statements to the court if they wish to do so.

On 30 January the UK submitted a national written statement to the International Court of Justice in The Hague. As I have repeatedly made clear, here and elsewhere, the UK considers the building by Israel of a fence, or wall, in the West Bank to be unlawful. The UK's written statement submitted to the court recalls that we voted in favour of UN General Assembly Resolution ES-10/13, adopted on 21 October 2003, which demands that Israel stop and reverse construction of the wall in the Occupied Palestinian Territory.

I regret that Israel has not complied with the General Assembly's demand. We recognise Israel's legitimate security concerns. The latest, horrifying suicide bombing in Jerusalem on 29 January only too clearly shows the continuing threat faced by Israel from terrorists, but building the fence on occupied land only complicates efforts to make progress towards a comprehensive peace settlement.

Despite our view on the illegalities of the fence, we argued against this question being referred to the International Court of Justice. This approach is one shared by all members of the European Union including all accession states. This is being communicated by the Irish Presidency to the court. The UK has also submitted a detailed written statement to the court arguing that the court ought to exercise its discretion to decline to give an opinion.

Our arguments are about the use of the court's advisory jurisdiction. We believe that it is inappropriate to embroil the court in a heavily political bilateral dispute. We also believe the court should not be engaged where the consent of both parties has not been given. An opinion is not necessary to assist the General Assembly in reaching a view on the fence. Nor, in the absence of participation from one side, will the court have all the facts before it.

Submissions to the International Court of Justice are confidential until the court decides to make them public. We expect the court will make the written statements submitted to it public at the start of the oral proceedings, due to begin on 23 February. At that stage, I will place a copy in the Library of the House.



**INTERNATIONAL COMMITTEE OF THE RED CROSS, STATEMENT  
ON THE HUMANITARIAN IMPACT OF THE SEPARATION BARRIER,  
GENEVA, 18 FEBRUARY 2004**

The ICRC is increasingly concerned about the humanitarian impact of the West Bank Barrier on many Palestinians living in occupied territory.

Where it deviates from the "Green Line" into occupied territory, the Barrier deprives thousands of Palestinian residents of adequate access to basic services such as water, health care and education, as well as sources of income such as agriculture and other forms of employment. The Palestinian communities situated between the "Green Line" and the Barrier are effectively cut off from the Palestinian society to which they belong. The construction of the West Bank Barrier continues to give rise to widespread appropriation of Palestinian property and extensive damage to or destruction of buildings and farmland.

The ICRC has repeatedly condemned deliberate attacks against Israeli civilians and stressed that all acts intended to spread terror among the civilian population are in clear violation of international humanitarian law (IHL). It recognizes Israel's right to take measures to ensure the security of its population. However, these measures must respect the relevant rules of IHL.

The ICRC's opinion is that the West Bank Barrier, in as far as its route deviates from the "Green Line" into occupied territory, is contrary to IHL. The problems affecting the Palestinian population in their daily lives clearly demonstrate that it runs counter to Israel's obligation under IHL to ensure the humane treatment and well-being of the civilian population living under its occupation. The measures taken by the Israeli authorities linked to the construction of the Barrier in occupied territory go far beyond what is permissible for an occupying power under IHL. These findings are based on the ICRC's monitoring of the living conditions of the Palestinian population and on its analysis of the applicable IHL provisions. The Israeli authorities have been regularly informed about the ICRC's humanitarian and legal concerns.

The ICRC therefore calls upon Israel not to plan, construct or maintain this Barrier within occupied territory.



**WORLD COUNCIL OF CHURCHES, EXECUTIVE COMMITTEE, STATEMENT  
ON THE WALL IN THE OCCUPIED PALESTINIAN TERRITORIES AND ISRAEL'S  
ANNEXATION OF PALESTINIAN TERRITORY, 20 FEBRUARY 2004**

*For he is our peace; in his flesh he has made both groups into one and has  
broken down the dividing wall, that is, the hostility between us. (Eph. 2:14)*

*The WCC Executive Committee, meeting in Geneva from 17-20 February, 2004* guided by the teachings and Gospel of our Lord Jesus Christ, who has destroyed the barrier, the dividing wall of hostility and by his death and resurrection has promised one new humanity on the foundation of faithful witnesses for people of every race; having received an updated report on Israel's construction of the wall in the Occupied Palestinian Territories (OPT) and in and around East Jerusalem, since April 2002, which is in departure of the Armistice Line of 1949 (Green Line) and is in contradiction to relevant provisions of international law is;

*Gravely concerned* about the fundamental violations of human rights of the Palestinian people, the confiscation and destruction of their land and resources, the disruption of the lives of thousands of protected civilians and the de facto annexation of large areas of territory and in particular its devastating humanitarian consequences on the life and dignity of innocent Palestinians;

*Recalling* the WCC Central Committee minute of September 2003 and relevant WCC policy statements on Israel-Palestine;

*Noting* the alarming statements and reports from the Heads of Churches of Jerusalem, WCC member churches and councils of churches, the Holy See, Ecumenical Accompaniers, the Secretary General of the United Nations, relevant United Nations agencies and independent human rights organisations;

*Respecting* the established principle of international law on the inadmissibility of the acquisition of territory by force contained in the Kellogg-Briand Pact of 1928 and Article 2, paragraph 4 of the Charter of the UN; the applicability of the Fourth Geneva Convention as well as Protocol I Additional to the Geneva Conventions to the OPT, including East Jerusalem and the Hague Convention respecting the Laws and Customs of War on Land of 1907;

*Recalling* also all relevant United Nations Security Council and General Assembly resolutions;

*Strongly condemning* all forms of violence and attacks perpetrated by the State of Israel and its Defence Forces inside the OPT and by Palestinian armed groups against innocent civilians inside the State of Israel;

*Recognizing* Israel's right and duty to protect its people against attacks and suicide bombers inside the State of Israel, without contravening international law and jeopardising longer term prospects for peace;

*Acknowledging* the Palestinian people's right to resistance against the Israeli occupation inside the Occupied Palestinian Territories, without resorting to terror and creating indiscriminate fear among civilians;

*Reiterating* our belief that all people have the right and duty to struggle against injustice and oppression;

*Reaffirming* its strong conviction that non-violent means of resistance and peaceful negotiations are the only way to achieve a lasting, viable solution to the Arab- Israeli conflict;

*Noting* that the route of the wall and the scope of its construction give no indication that it is either a temporary measure or dictated solely by security needs;

*Concerned* that this act could prejudice future negotiations and make a two-state solution physically impossible and become a major obstacle to a just and sustainable peace between the Israeli and Palestinian peoples;

*The WCC Executive Committee,*

*Acknowledges* that Israel has serious and legitimate security concerns and that the construction of a wall on its own territory would not have been in contravention of international law,

*Considers*, nevertheless, the construction and location of this wall in grave breach of international humanitarian law as enunciated *inter alia* by the Fourth Geneva Convention and the State of Israel in violation of the Charter of the United Nations and fundamental principles of international law: the prohibition on the forcible acquisition of territory and the right to self-determination as well as application of universal human rights principles and standards;

*Strongly condemns* the violations of human rights and humanitarian consequences as a result of this act, in particular the restrictions on access by Palestinians to the closed area between the wall and the Green Line and the limited passage through the wall, violating right to liberty of movement; The resulting obstacles to access to workplaces, farmland, health services and schools, demolition of houses and uprooting of trees for the construction of the wall violating the right to work, the right to adequate standard of living including housing, the right to health care and the right to education; the different requirements for Palestinians and Israelis to obtain permits to be granted access to and remain in the closed area violating the right to equality before the law;

*Rejects* the creation of a new political boundary that defines enclaves in which the Palestinians will be confined, extending Israeli civilian and military presence inside Palestinian territory, undermining all peacemaking efforts and most importantly the whole concept of a viable and contiguous Palestinian State established side by side the State of Israel;

*Demands* that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territories, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law;

*Calls on* the Israeli Government and its defence forces and as well as all Palestinian armed groups to give up their strategy of mutual killings and terror, in order to achieve lasting peace;

*States* that only through an end of the Israeli occupation and a just, comprehensive and lasting peace settlement based on Security Council resolutions 242(1967) and 338 (1973) can security of both Palestinians and Israelis be assured;

*Supports* a two-state solution – Israelis and Palestinians living side by side in peace and security within secure and recognized borders, as called for by the UN Security Council in resolutions 1397 (2002) and 1515(2003);



*Welcomes* the hearing of the International Court of Justice (ICJ) to provide its advisory opinion on the legal consequences of the construction of this wall and wishes to draw the attention of the Court as well as all States of the immense human costs paid by the Palestinian people and its long-term consequences on peace and reconciliation;

*Expresses* its deep concern to the ICJ to consider if the construction of the wall affects the Status Quo of the Holy Places in any way;

*Calls on* all WCC member Churches, Ecumenical Councils of Churches, Christian World Communions and specialized ministries of churches to condemn the wall as an act of unlawful annexation in the language of Security Council resolutions 478 (1980) and 497 (1981) which declare that Israel's actions at the annexation of East Jerusalem and the Golan Heights are "null and void" and should not be recognized by any States;

*Requests* the ecumenical fellowship to intensify their advocacy efforts against the Israeli occupation of Palestinian Territories since 1967, in particular the creation of the wall, and support peacemaking initiatives, such as the Geneva Initiative, always in coordination and cooperation with one another and the WCC;

*Encourages* Christians world wide to continue their prayers for justice, peace and reconciliation in the Holy Land for the breakdown of the dividing wall of the hostility between people;

The WCC Executive Committee recognizes and reaffirms the work of the Ecumenical Accompaniment Programme in Palestine and Israel, its sponsors and coordinators and prays for the courageous Ecumenical Accompaniers who volunteer to represent the ecumenical fellowship in solidarity and active non-violent presence with the Churches, Christian, Muslim and Jewish communities in Israel and the Palestinian Occupied Territories, including Jerusalem.



**LUTHERAN WORLD FEDERATION (LWF), EXECUTIVE COMMITTEE  
STATEMENT AGAINST ISRAEL'S SEPARATION WALL IN THE OCCUPIED  
PALESTINIAN TERRITORY, GENEVA, 22 FEBRUARY 2004**

Break Down the Walls -  
Statement of the LWF Executive Committee on the construction  
of the separation wall in the Occupied Palestinian Territory.

The Executive Committee of the Lutheran World Federation (LWF), meeting in Geneva, Switzerland, on 21-23 February 2004, joins the chorus of concern expressed by churches and ecumenical organizations around the world regarding the construction of the separation wall in the Occupied Palestinian Territory, including in and around East Jerusalem. In particular, we endorse and affirm the statements of the heads of churches in Jerusalem on this topic.

The LWF unreservedly condemns indiscriminate acts of violence targeting civilians. Our prayers are with the victims of all such crimes, and with their families. All of the people of Israel-Palestine have a right to be protected from such indiscriminate violence and collective attacks and punishments.

We reiterate the conviction, often expressed by the LWF, that peace and security for all the people of Israel-Palestine can only be found through dialogue, mutual understanding and the restoration of broken relationships. Israelis and Palestinians live and must continue to live side-by-side on a small piece of land, holy to three of the world's major faiths. Ultimately, a way must be found for all of the children of Abraham to share this heritage in peace and with justice. The separation wall represents a denial of this self-evident fact and a rejection of this inevitable responsibility.

The wall cannot create the peace that both Israelis and Palestinians deserve, and that we desire and pray for. On the contrary, history demonstrates that such efforts to divide people with physical barriers only promote the deepening of enemy images, mutual demonization, and extremism. As Bishop Munib Younan of the Evangelical Lutheran Church in Jerusalem has said, 'we need to find ways to bring about more communication, not less; more face-to-face encounters, not less; more avenues to peace and reconciliation, not less.'

The separation wall in Israel-Palestine is an obstacle to dialogue and mutual understanding. It is an obstacle to a just peace. It violates applicable principles of international humanitarian and human rights law. Since the course of the wall runs well inside the West Bank, it constitutes a further unilateral and illegal annexation of territory. Its construction entails the destruction of yet more Palestinian homes and olive groves, and separates Palestinians from each other and from their farmlands, water resources and health and other essential services. It results in a worsening of the already intolerable situation that is forcing the exodus of Palestinian Christians, and heightens our fear of the imminent extinction of the indigenous Christian church in the Holy Land. The course of the wall is drawn so as to encompass the locations of over half of the settler population in the West Bank and East Jerusalem, and further entrenches those settlements. The wall and the settlements it protects create new facts on the ground which will prevent the establishment of a viable contiguous Palestinian state as part of the accepted two-state solution.

We call for an end to both the construction of the wall and to the creation and support of settlements in the Occupied Palestinian Territories. Both must be removed from the landscape of the Occupied Palestinian Territories, if a just peace is to be genuinely pursued. The LWF continues to work and pray for a future in which Israeli and Palestinian children can live together in peace and can share a future in the land that all call 'holy'.

The God that we proclaim and serve is a God of relationships and reconciliation, who works to break down barriers created by human beings, to reconcile and to make peace. We echo the words of His Holiness Pope John Paul II in declaring that what the Holy Land needs today is bridges, not walls. We pray that God will break through the dividing wall being constructed on the land of God's gift, and through the walls of hostility that rise ever higher in the minds of the peoples that now inhabit it. 'For he himself is our peace, who has made the two one and has destroyed the barrier, the dividing wall of hostility.' (Eph. 2:14).



**AMBASSADOR NASSER AL-QUDWA, PERMANENT REPRESENTATIVE OF PALESTINE  
TO THE UN, INTRODUCTORY STATEMENT TO THE INTERNATIONAL COURT OF  
JUSTICE, ADVISORY OPINION PROCEEDINGS ON “LEGAL CONSEQUENCES OF THE  
CONSTRUCTION OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY,”  
ORAL PLEADING, THE PEACE PALACE, THE HAGUE, 23 FEBRUARY 2004**

1. Mr. President, Members of the Court, it is my honour to address you on behalf of Palestine. I wish to thank the International Court of Justice for granting Palestine the opportunity to participate in these advisory proceedings on the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”.
2. I stand before you as a representative of the Palestinian people, the indigenous people of the land, who for too long have been denied the right to self-determination and sovereignty over their land and half of whom remain refugees. The Palestinian people have been subject to a military occupation for almost 37 years. They have been dehumanized and demonized, humiliated and demeaned, dispossessed and dispersed, and brutally punished by their occupier. The occupation has systematically denied them their basic rights and freedoms and has controlled almost every single aspect of their lives.
3. This case, however, is not about the whole of the Israeli-Palestinian conflict it is about the Wall. This Wall is being constructed almost entirely in the Occupied Palestinian Territory. This Wall is not about security: it is about entrenching the occupation and the de facto annexation of large areas of Palestinian land. This Wall, if completed, will leave the Palestinian people with only half of the West Bank within isolated, non-contiguous, walled enclaves. It will render the two-State solution to the Israeli-Palestinian conflict practically impossible.
4. The Wall is not just a physical structure; it is a whole régime. It encircles entire communities in walled enclaves and, if completed, will wall-in most of the Palestinian population. It is already

causing the displacement of Palestinian civilians and has imprisoned thousands of Palestinians between it and the Armistice Line of 1949, the Green Line. There is, moreover, without a doubt, a correlation between the route of the Wall and the illegal Israeli settlements in the Occupied Palestinian Territory and the water resources in the area.

5. There is also, of course, a correlation between the route of the Wall and Israel's long-standing illegal policies and practices with regard to Jerusalem. East Jerusalem is occupied territory. The international community has never recognized Israel's illegal annexation of East Jerusalem. The route of the Wall will clearly entrench this annexation. It will compound the humanitarian hardships being faced by the Palestinian inhabitants of the city. Moreover, it will isolate the city from the rest of the Palestinian population, obstructing their access to the city and its Holy Places.
6. We are here because the United Nations has a permanent responsibility - legally, politically and morally - for the question of Palestine until the question is resolved in all its aspects. The General Assembly has reaffirmed this in at least 25 resolutions. It is, after all, the General Assembly that, in accordance with the Charter of the United Nations, dealt with mandated Palestine, deciding on 29 November 1947, in resolution 181 (II), to partition Palestine into two States, one Jewish and one Arab. The Arab State has, of course, not yet been realized; and thus the Palestinian people have been unable to exercise their right to self-determination. Indeed, Palestine is still not a Member State of the United Nations, but remains an observer. Since 1947, however, the General Assembly has never ceased dealing with the question of Palestine or its aspects.
7. The Security Council has also continuously dealt with the question of Palestine. It first placed the "Situation in Palestine" on its agenda in 1948. The Council's attention to the matter increased after the Israeli occupation in 1967. Since then, the Council has adopted 38 resolutions addressing the situation in the Occupied Palestinian Territory, 26 of which recall the Fourth Geneva Convention, including its applicability to the territories occupied by Israel since 1967, including Jerusalem.
8. These resolutions, of course, remain valid. Israel has complied with almost none of them. The Council has, historically, failed in its responsibility for the maintenance of international peace and security in the case of Palestine. It has failed to follow up the implementation of its own resolutions and take the necessary measures to ensure compliance, and has failed to prevent the continuous and, at times, massive violations of international law and of the Charter itself. The basic reason has been the use, or the threat of use, of veto by one of the Council's Permanent Members. In the 30 years between 1973 and 2003, 27 vetoes have been cast on the Palestinian issue. The most recent was cast on 14 October 2003, when the issue of the construction of the Wall in the Occupied Palestinian Territory was brought before the Council and it failed to act.
9. Over the years, in light of the Council's inaction, the General Assembly has tried to discharge its own responsibilities in line with General Assembly resolution 377 (V) of 1950. Four of its ten emergency special sessions have been on Palestine and the Middle East situation. In reaction to the last veto, the tenth emergency special session was resumed to consider the situation. Like the Security Council, the Assembly conducted a serious debate on the issue and two draft resolutions were submitted. One requested the International Court of Justice to issue an advisory opinion on the Wall. After intensive consultation and negotiations, however, the Members of the European Union introduced a draft resolution, with the understanding that the co-sponsors of the original two drafts would not insist on a vote on those drafts. The European Union co-sponsored draft resolution was adopted by an overwhelming majority, on 21 October 2003, as resolution ES-10/13.
10. Three specific elements of that resolution should be highlighted: First, it demanded "that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice Line of 1949 and is in contradiction to relevant provisions of international law". Second, it requested the Secretary-General to report on compliance. And, third, it expressly stated that upon receipt of the first report "further actions should be considered, if necessary, within the United Nations system".

The wording of that third element reflected a compromise on the means of following up the issue, including the possibility of a request for an advisory opinion from this Court on the legal consequences in case of non-compliance. The phrase could not have meant anything other than a reference to the Court, and, regardless of the claim made in one Written Statement<sup>1</sup> of a different understanding, it is indisputable that the idea for requesting an advisory opinion was widely discussed and debated.

11. Following the resolution's adoption, Israel not only continued but accelerated its construction of the Wall on Palestinian territory. The Secretary-General, pursuant to the resolution, presented a report containing a clear factual presentation about the Wall. It concluded that "Israel is not in compliance with the Assembly's demand that it stop and reverse the construction of the wall in the Occupied Palestinian Territory". Accordingly, the emergency special session resumed again on 8 December 2003, and adopted by a large majority resolution ES-10/14 requesting this Written Statement of the United Kingdom of Great Britain and Northern Ireland.
12. Mr. President, Members of the Court, Israel's Written Statement to the Court claims that it does not deal with the merits of the case. We beg to differ. The Israeli statement is rife with attempts to justify the construction of the Wall through the presentation of a detailed case on terror attacks and through political arguments, including on the Road Map. Israel repeatedly refers to the Road Map and to Security Council resolution 1515 (2003). This is ironic. The Government of Israel has never wanted this Road Map, it has never wanted the Security Council's endorsement of it and has repeatedly caused the delay of both. After the Road Map was formally presented in April 2003, the Israeli Government would not say that it accepted the Road Map itself but only what it called "the steps set out in the Roadmap". Even then, in accordance with the Israeli Cabinet Statement of 25 May 2003, 14 reservations were attached to it.
13. Israel later vehemently objected to the Russian Federation initiative to bring the Road Map to the Security Council for endorsement. When Security Council resolution 1515 (2003) was finally adopted on 19 November 2003, the Council held no debate. This was due to Israel's opposition. Then, on 17 December 2003, Israel undermined the traditional consensus on a General Assembly resolution on "Assistance to the Palestinian People" specifically because the European Union, co-sponsoring the resolution, added a paragraph welcoming the endorsement by the Council of the Road Map in resolution 1515. Israel made its adherence to consensus on that resolution conditional upon the removal of the reference to resolution 1515, which did not occur.
14. Mr. President, Members of the Court, there has been no shortage of peace initiatives on the Middle East and the Israeli-Palestinian conflict. Yet, since the adoption of Security Council resolution 242 (1967), and throughout every one of the subsequent initiatives, Israel has simultaneously been engaged in the intensive colonization of our land. It has transferred 400,000 illegal settlers to the Occupied Palestinian Territory, including East Jerusalem. It is continuously attempting to change the status, physical character, nature and demographic composition of that territory, most recently through its construction of the Wall. Actually, since the signing in 1993 of the Declaration of Principles between the Government of Israel and the Palestine Liberation Organization, Israel not only continued its illegal settlement activities and expansion but actually doubled the number of its settlers in the Occupied Palestinian Territory, including East Jerusalem. Doubled. How can it be expected that the Palestinian people would continue to believe that peace was imminent under such circumstances?
15. The Road Map could be different; and we hope that it will be. It is rooted in the principles of resolution 242 (1967) and in the vision affirmed by the Security Council in resolution 1397 (2002) of "a region where two States, Israel and Palestine, live side by side within secure and recognized borders". This initiative deserves a chance we want it to succeed. But Israel cannot once again be permitted to continue its ceaseless taking of Palestinian property and rights, under the cover of the peace process or the semblance of a peace initiative. The legal rights of the Palestinian people cannot simply be ignored or suspended whenever there is a peace process under way. That plays into the hands of extremists on both sides. One of our chief hopes is that the Court will make it

clear that the Palestinian people have rights and that international law is not irrelevant to the situation in the Occupied Palestinian Territory.

16. There is near unanimity among the States in the world that building this Wall is unacceptable. The overwhelming majority of Member States believe that it is in contradiction to international law. The same overwhelming majority believes, as one group, the European Union, has officially declared, that the Wall renders “the two-State solution physically impossible”. Saving the Road Map thus and the prospects for peace requires a cessation of the construction of this Wall, its removal and non-recognition by States of any of its consequences.
17. With regard to the Quartet, it has expressed its concerns about the Wall. Moreover, despite the implication in one Statement to the Court that the members of the Quartet are in agreement that an advisory opinion would likely hinder the peace process, it should be clarified that there is no agreement among the Quartet with regard to asking the Court not to render the requested advisory opinion. The Statement of the Russian Federation does not ask the Court to refuse to give an opinion. The Statement of the United Nations does not do so. Nor does the European Union Statement. Ireland’s Minister for Foreign Affairs affirmed this in the Irish Senate on 4 February 2004, stating that “Contrary to some press reports, the EU has not asked the ICJ to refrain from issuing an Advisory Opinion. There would have been no consensus to adopt such a Written Statement of the United Kingdom of Great Britain and Northern Ireland.
18. Some States have said that an advisory opinion could harm the final status issues that should be left to the parties for negotiation. It is clearly Israeli actions in the Occupied Palestinian Territory, and not any Court opinion, that will constitute illegal facts on the ground in relation to final status issues. Nevertheless, we do agree that the Court is not being asked to advise on solutions for the final status, although it will undoubtedly be necessary to make some reference to final status issues due to the intricate relationship between the Wall and the settlements and the character and route of the Wall in and around East Jerusalem.
19. Mr. President, Members of the Court, I wish now to address the issue of the suicide bombings, the security situation and Israel’s policies and practices in the Occupied Palestinian Territory. Israel claims that the construction of the Wall is a temporary defensive measure to prevent suicide bombings and provide security for Israel. This is not true, and the proof is simple. If this were in fact the case, then Israel would have constructed the Wall on its territory along the Armistice Line of 1949 and not in departure of the Armistice Line and almost entirely in the Occupied Palestinian Territory. If Israel wanted a Wall for security, it could construct it on its territory and raise it to 80 m rather than 8 m if it wished. This would not bode well for mutual coexistence of course, but no one would challenge its legality in principle.
20. The suicide bombings have led to the death of 438 Israelis in Israel. Four hundred and ninety Israelis, mostly soldiers and settlers, have also been killed by other kinds of violence. In contrast, since September 2000 and as of 18 February 2004, the Israeli occupying forces have directly killed, including many by extrajudicial execution, a total of 2,770 Palestinian civilians, including children, women and men. Of those killed, more than 1,200 Palestinians have been killed by the Israeli occupying forces in the Gaza Strip, even though Israel has already built another kind of wall surrounding the Gaza Strip. The question that must be asked is: how then will this Wall being built by Israel solve the security problem? If anything, its route and the illegal measures entailed in its construction ensure that it will actually exacerbate the security situation. It is more than obvious that when you deprive an entire people of their rights, expropriate their land (Statement to Senate of Ireland, 4 February 2004; European Union Presidency, January-June 2004) and property and wall them into enclaves and ghettos, you are not solving the security problem but creating an untenable situation that will combust.
21. At this time, I wish to make our position vis-à-vis the suicide bombings very clear. We have consistently, repeatedly and unequivocally condemned these bombings. We condemn any violence directed at civilians in this conflict, whether Israeli or Palestinian. We consider the suicide bombings to be unlawful. They are also harmful to the just and honourable cause of the Palestinian people.

22. That said, I draw attention to the fact that the first suicide bombing occurred nearly 27 years after the onset of this oppressive military occupation of the Palestinian people. This phenomenon is the result of Israeli policies and measures, including the relentless colonization of our land. It is not the cause of those policies and measures. It is also imperative that a distinction be made between such unlawful acts of violence against Israeli civilians in Israel and acts of Palestinian resistance to the Israeli occupation and to military attacks by the occupying forces, consistent with international law. Nevertheless, Palestine reaffirms its commitment to a peaceful, negotiated solution to end this occupation and end this conflict.
23. There is a humanitarian crisis in the Occupied Palestinian Territory. Serious violations and grave breaches of international humanitarian and human rights law are being committed. The Wall, part and parcel of these violations and breaches, is severely exacerbating this situation. How can the Road Map truly succeed under such circumstances? It cannot. How can Israel expect the Palestinian side to be able to act effectively when it has destroyed Palestinian security capabilities and has confined the leader of the Palestinian people and elected President of the Palestinian Authority, Yasser Arafat, for more than two years, undermining the leadership's ability to properly function? It cannot. How can Israel's construction of this Wall and its continued confiscation and colonization of the Palestinian land lead to peace and security for both peoples? It cannot.
24. The colonization by Israel of the Palestinian land under its occupation and the attempts to change its legal status are not new phenomena. What is new, however, is the magnitude of Israel's attempt to change the legal status and to effect the de facto annexation of large parts of the Occupied Territory by means of the Wall. The Wall will be the culmination of all previous illegal measures and practices carried out by Israel since 1967 towards that end. It will destroy the hopes of the Palestinian people for the realization of their inalienable rights, including the right to self-determination, and destroy their faith in the rule of international law and the international community's ability to uphold it in the face of such grievous violations. It will destroy the hopes of the international community for implementation of the Road Map and the "two-State" solution of Israel and Palestine, both living side by side within secure and recognized boundaries. Such a lamentable outcome must be avoided at all costs.
25. Mr. President, Members of the Court, on behalf of Palestine, the Palestinian people and their leadership, I respectfully request the Court to give full consideration to the gravity of this situation and to the importance of an advisory opinion at this critical moment. In your most recent address before the General Assembly, Mr. President, you underlined the role of the Court as the "guardian of international law" and you assured the Assembly "that the Court will pursue its efforts to respond to the hopes placed in it". The Palestinian people have great hopes for this proceeding and have full confidence that the Court will help the General Assembly to carry out its functions by rendering the advisory opinion. This would allow the Assembly to make its own substantial contribution in response to Israel's continued construction of the Wall and the ensuing threats to the prospects for peace between the two peoples. It is our firm belief that such an advisory opinion can lead to positive developments and perhaps even a chain of events similar to that resulting from the Court's Advisory Opinion on Namibia.
26. Mr. President, Members of the Court, our delegation now wishes to make a brief factual presentation of what we believe to be the minimum necessary to help clarify the legal submissions that will follow. It will be made by Ms Stephanie Koury. She will be followed by Professor James Crawford, who will address the question of admissibility of the request. He will be followed by Professor Georges Abi-Saab, addressing the question of the application of international humanitarian law and international human rights law in the Occupied Palestinian Territory, and then by Professor Vaughan Lowe, who will speak on the violations of those laws.

Our submissions will be closed by Professor Jean Salmon, who will speak on the relation between the Road Map and the right of self-determination and on the legal consequences of the Wall.

Thank you, Mr. President. Thank you, Members of the Court.



**UN COMMISSION ON HUMAN RIGHTS (UNCHR), 60<sup>TH</sup> SESSION, ITEM 8 OF  
THE PROVISIONAL AGENDA, QUESTION OF THE VIOLATION OF HUMAN  
RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE,  
SUMMARY OF THE REPORT OF THE UNCHR SPECIAL RAPPORTEUR, JOHN  
DUGARD, ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN  
TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, 27 FEBRUARY 2004**

SUMMARY

The situation in the Occupied Palestinian Territory (OPT) is characterized by serious violations of general international law, of human rights law and of international humanitarian law. It is not helpful to suggest that a solution can be found to the conflict in the region by ignoring norms of international law. A sustainable peace in the region must take place within the framework of international law and relevant resolutions of the United Nations.

Terrorism is a constant feature of the conflict in the OPT and neighbouring Israel. Both Palestinians and Israelis have been responsible for inflicting a reign of terror on innocent civilians. Measures must be taken to prevent terrorism, but not at the expense of fundamental principles of law. The Wall presently being constructed by Israel, insofar as it is built on Palestinian territory, cannot be justified as a legitimate or proportionate response to terrorism.

The present report focuses on the Wall in the West Bank. This should not result in a failure to pay proper attention to the situation in Gaza where death and destruction remain a feature of daily life. House demolitions continue unabated and the number of homeless persons rises steadily - particularly in the Rafah refugee camp. Moreover, the people of Gaza are subjected to regular military incursions in which scant regard is paid to civilian life.

The Wall being built by Israel in the name of security penetrates deep into Palestinian territory and has resulted in the creation of a zone between the Green Line (the de facto border between Israel and Palestine) and the Wall inside the OPT, which Israel has designated as "closed" to all Palestinians. Palestinians who live, farm, work or go to school within this closed zone require special permits from the Israeli authorities. Both the construction of the Wall and the operation of the permit system for the "Closed Zone" between the Wall and the Green Line have caused great hardships to Palestinians and violated norms of human rights law and international humanitarian law.

The construction of the Wall has resulted in the large-scale destruction of Palestinian property. Olive and citrus trees have been uprooted and agricultural land reduced to a wasteland. The seizure of land for the building of the Wall has taken place without due process of law. Notice of seizure of land has been served in an arbitrary manner and there is, in the circumstances, no real remedy available to landowners to contest the seizure of land. The Wall has infrequent gates for the purpose of crossing. Consequently, those farmers granted permits to farm their land have difficulty in accessing their land.

The permit system for the Closed Zone is administered in an arbitrary and humiliating manner. Permits are frequently withheld, even for landowners and residents of the Closed Zone, or granted for short periods only. The failure to grant permits to farmers to cultivate their lands will result in neglect and ultimate decay of fertile agricultural land. The permit system has also drastically interfered with education, health care and family life. This system, which subjects Palestinian freedom of movement to the whim of the Occupying Power, creates anger, anxiety and humiliation among the population. In the result, it is likely to create insecurity for Israel rather than security.

There is a real prospect that life will become so intolerable for those villagers living in the Closed Zone that they will abandon their homes and migrate to the West Bank. Farmers whose lands are in the Closed Zone are also likely to abandon their farms under pressure from an arbitrary permit system.

The main beneficiaries of the Wall are settlers: 54 settlements and 142,000 settlers (that is 63 per cent of the West Bank settlement population) will find themselves on the Israeli side of the Wall, with access to land separated from its Palestinian owners.

The Wall might have been justified as a legitimate security measure to prevent would-be suicide bombers from entering Israel had it followed the course of the Green Line. The manner in which it has been built - largely on Palestinian territory - cannot, however, be justified on security grounds. The building of the Wall, in such a way that it separates farmers from their land, isolates villages from employment, schools and health care, brings settlers within the de facto borders of Israel and confirms the unlawful annexation of East Jerusalem, suggests that the main purpose of the Wall is the annexation, albeit by de facto means, of additional land for the State of Israel.

The Wall violates the prohibition on the acquisition of territory by forcible means, and seriously undermines the right to self-determination of the Palestinian people by reducing the size of a future Palestinian State. Moreover, it violates important norms of international humanitarian law prohibiting the annexation of occupied territory, the establishment of settlements, the confiscation of private land and the forcible transfer of people. Human rights norms are likewise violated, particularly those affirming freedom of movement, the right to family life and the right to education and health care.



**FATEH REVOLUTIONARY COUNCIL, CLOSING STATEMENT  
OF THE 23<sup>RD</sup> SESSION, RAMALLAH, 29 FEBRUARY 2004**

*[After holding meetings for three consecutive days, the Fateh RC issued the following statement addressing the main aspects of the Israeli-Palestinian conflict.]*

After holding meetings for three consecutive days, the Revolutionary Council of the Palestinian Liberation Movement (Fateh) concluded its 23rd session in the Presidential premises in Ramallah City, and issued a closing statement addressing the main aspects of the Israeli-Palestinian conflict.

The statement asserted that peace and security would not be achieved in the region unless the Israeli occupation and settlements be vanquished from the occupied Palestinian territories, as well as the removal of the Apartheid Wall, leading to the establishment of an independent Palestinian state with holy Jerusalem as its capital.

The Revolutionary Council called the Israeli government to agree to a full and reciprocal ceasefire, in which Israel ends its invasions, extrajudicial executions, siege and use of internationally-prohibited weapons, and withdraw all its forces to their positions prior to September 28, 2000, as prelude to their final withdrawal of all the Palestinian territories they occupied in 1967. The Council also called the Quartet Committee to quickly intervene and ensure the implementation of the international-sponsored "Road Map" peace plan.

Addressing the issue of attacks against civilians, Fateh movement declared categorical objections to all military actions against civilians, whether Israelis or Palestinians, and that the Israeli crimes against the Palestinian people and their cities, towns, villages, refugee camps and holy shrines for the past forty months was the main reason for the security deterioration in the Palestinian territories.

"The Revolutionary Council is calling for a ceasefire and extending the hand for peace to the Israeli people and the Israeli government. The serious and volatile situation on the ground calls for an immediate heeding of this call to reach a ceasefire and the resumption of negotiations according to the signed treaties, namely the "Road Map" peace plan," excerpts from the statement read.

As for the internal affairs of the movement, the Revolutionary Council decided to form a preparatory committee to prepare for the movement's sixth general conference within a year of the formation of this committee.

The Council's statement demanded that the issue of the Palestinian refugees be solved according to the United Nations resolution 194 and the Arab peace initiative, and the issue of the Palestinian prisoners be dealt with immediately as a central issue on the Palestinian agenda. The Council commended



all the Palestinian prisoners inside the Israeli jails and concentration camps, especially Palestinian Legislative Council (PLC) members Marwan Al-Barghouthi and Hussam Khader.

The statement further declared that the Revolutionary Council of Fateh has reached the following outcomes and decided the following:

1- On the National Aspect:

The Fateh movement asserted the Palestinian people's right to practicing democracy through general elections (presidential, parliamentary and municipal). Fateh, through the statement, called the international community to exert pressure on the Israeli government to withdraw its forces from the Palestinian territories, and create the proper atmosphere for Palestinian elections, monitored by the relevant international bodies that would ensure the fairness and integrity of these elections.

2- On the Political Aspect:

The Council reaffirmed its commitment to the choice of peace between the two peoples, with negotiations and the "Road Map" plan being the means to realize such a peace. The Council remained committed to the international efforts aiming to reach a ceasefire and put proper mechanisms to the implementation of the "Road Map".

3- On the Financial Aspect:

The Revolutionary Council expressed gratitude to all the friendly and donor countries, for their contributions and continuous support to the Palestinian people, its institutions and economy. The Council welcomed all ideas and suggestions that would help ensure the transparency of the financial operations, and give the donors the guarantees they wanted.

4- On the Security Aspect:

The Council stressed on its adherence to the Arab and international initiatives to reach a ceasefire, as well as the security plan approved by the national security council in cooperation with the fellow Arab states, especially Egypt and Jordan. The Council also commended the efforts of the Quartet Committee in resuming its work and ensuring the swift arrival of international observers for the implementation of the "Road Map" peace plan.

"The Fateh movement refuses the so-called unilateral Israeli moves, which do not aim to reinstate peace and security, but to lay a foundation for the occupation and the annexation of more Palestinian lands through its Apartheid Wall and colonial expansion."

5- Supporting the Palestinian National Authority:

The Fateh movement confirmed its strong support of the Palestinian National Authority (PNA) and the Palestinian government, which stems of its commitment to the decisions of the Palestine Liberation Organization (PLO) and the political programs prepared by the government to enhance the national steadfastness and provide all kinds of support to the Palestinian people.

In conclusion, the Fateh movement asserted its adherence to the superiority of law and providing all the necessary requirements to nurture the civil society and support the Palestinian legal and judicial, as well as putting efforts to complete the Palestinian bill of laws through the Palestinian Legislative Council.



**DAKAR DECLARATION, 3<sup>RD</sup> CONFERENCE OF THE PARLIAMENTARY  
UNION OF THE OIC MEMBER STATES (PUOICM), DAKAR,  
REPUBLIC OF SENEGAL, 9-10 MARCH 2004 [EXCERPTS]**

The Conference of the Parliamentary Union of OIC Member States, held its Third Session in Dakar, 17 - 18 Muharram 1425, corresponding to 9-10 March 2004, under the high patronage of H.E. Mr. Abdoulaye Wade, President of the Republic of Senegal, and at the kind invitation of Mr. Pape Diop,

the Speaker of the National Assembly of Senegal and President of the Conference of the Parliamentary Union of the OIC Member States, underscores the following issues:

The Conference while recalling all its previous resolutions, appreciates the resolutions adopted by the Tenth Session of the Executive Committee and the Sixth Session of the Council of the Union, and adopts the documents submitted by the Egyptian and Lebanese delegations, as well as puts on record the necessary stands on the issues under review.

#### FIRST: POLITICAL ISSUES

##### *Al-Quds Al-Sharif, Palestine and other occupied territories in Syria and Lebanon:*

1. The Conference followed, with deep concern, firm rejection and stern condemnation, the situation facing the Palestinian people including assassinations directed by planes, missiles and tanks, collective punishment, demolition of houses, bulldozing of lands, uprooting of trees, and the resulting dire consequences for both man and the environment, perpetrated by the Israeli occupation forces, together with the settlers, as well as, the confiscation of funds legitimately deposited in banks, the escalation of aggression and continuing siege of the Palestinian people and their legitimate and elected President Yasser Arafat. It urges the Member States to strive to lift this siege immediately and stand in firm solidarity with the Palestinian President.
2. The Conference strongly condemns the Israeli settlement policy that contravenes all international conventions and agreements, and which has taken a very dangerous turn lately by building the racist Separation Wall that will usurp more than half the lands of the West Bank, isolate the Palestinian people in reservations and cantons, prevent citizens from reaching their farms and work places, the students from getting to their schools and institutes, confiscate 80% of their water resources and dash any hope for the establishment of the Palestinian independent state on the national Palestinian soil, with Al-Quds Asharif as its capital.
3. The Conference also strongly condemns the attempt made by the occupation authorities view to alter the legal and demographic reality of the Arab Al-Quds, surround it with a chain of settlements attempt to isolate it from its Arab environment; continue excavations underneath the Al-Qudsi Haram and its perimeter which resulted lately in the collapse of part of the road leading to Al-Buraq Wall. The international community, in general, and the Islamic states in particular are called upon to act in earnest so as to commit the Israeli occupation government to comply with the relevant international resolutions and the provisions of the Fourth Geneva Agreement and accords signed by both parties.
4. The Conference affirms the necessity of upholding the legitimate rights of the Palestinian people, including their right to return in accordance with the UN resolution No. 194 and their rejection of the attempts for all forms of settlement, and their right to sovereignty, independence and the establishment of their independent state with the Arab Al-Quds as its capital, on their national soil. The Conference demands the Israeli withdrawal from all the occupied Arab territories in Palestine, the Syrian Golan and the Lebanese Shabaa Farms to the 4th of June 1967 borders in accordance with the resolutions of international legitimacy 242, 338,425, the Madrid Reference and the Principle of Land for Peace.
5. The Conference calls for total support for the valiant struggle of the Palestinian people, their Intifada and legitimate resistance to occupation, and stresses the importance of effectively implementing the resolutions of Arab and Islamic Summit conferences relevant to the support of Palestinian people by all means possible; and further calls for the adoption of an Arab Islamic plan to counter the Zionist design through appropriate means that are commensurate with the changes that were developed at the level of the media, and based on rules and principles of international law and human rights.
6. The Conference underlines the necessity for reactivating the various aspects of coordination of Arab and Islamic stands on the Palestinian cause and calls on the Parliaments and Assemblies in Arab and Islamic states to strengthen their efforts supportive of the Palestinian people's steadfastness. It also calls on them to enact legislations to commit their respective governments to allocate a small portion of their annual budgets to support the Palestinian Intifada.
7. The Conference hails the Palestinian and Arab prisoners and detainees in Israeli prisons and detention camps, among whom are members of the National Council and the Legislative Council, and underlines the importance of taking action by all possible means to release them.

8. The Conference welcomes international efforts aimed at revitalizing the peace process in the region through the Arab Initiative of Beirut Summit and the Road Map, and requests the international community to direct these efforts so as to include both the Syrian and Lebanese tracks.
9. The Conference condemns the Syria Accountability Act, as it constitutes a blatant intervention in the internal affairs of an independent country, and further condemns the vicious Israeli aggression on the Syrian territories in early October 2003.
10. The Conference rejects the Greater Middle East Plan, which is considered as interference in the internal affairs of the States of the region, and an attempt to achieve hegemony aimed at controlling the potentialities of peoples. It reaffirms that the process of reform and development is the responsibility of the peoples and States of the region, who should decide on the adoption of the best forms of reform and its framework.
11. The Conference calls for making the whole Middle East region a zone free of all weapons of mass destruction and nuclear weapons.
12. The Conference confirms its stand and support to the efforts of Sudan to achieve peace and preserve its territorial integrity.

[...]

*Combating terrorism under the umbrella of the UN and reconfirming the legitimate right to resist occupation and foreign aggression by all individual and collective means according to Article 51 of the UN Charter and further documents and measures of liquidation of colonialism and racism.*

Pursuant to the Islamic values which prohibit the killing of innocent people and affirm respect for the dignity of Man and his right to life.

21. The Conference condemns all forms and manifestations of terrorism including state terrorism. It also affirms that foreign occupation is the apogee and most heinous form of terrorism.
22. The Conference supports the call to convene an international conference to define terrorism and distinguish between the latter and the legitimate right of people to struggle for the liberation of their territories from occupation and restoration of their rights.
23. The Conference rejects all attempts aimed at establishing a link between terrorism and Islam. [...]
28. The Conference condemns the acts of terrorism perpetrated by the Zionist forces of occupation against the Palestinian people, their institutions and properties and requests the international community to take immediate measures to halt them.

[...]

### THIRD: CULTURAL AFFAIRS

[...] The Conference calls on Islamic Parliaments to play a prominent and influential role in the dialogue among civilizations, and counter prejudiced Media campaigns against Islam through the following recommendations:

[...]

- To condemn the Israeli occupation authorities in Palestine for destroying the heritage and cultural foundations. To also condemn the excavation works under the Al Aqsa Mosque, the Third of Harams, so as to build the alleged Temple, while destroying the old city (Nablus) so as to obliterate its cultural heritage and artistic architecture.



### **HAMAS LEADER SHEIKH AHMED YASSIN, LETTER TO THE ARAB SUMMIT MEETING IN TUNIS, MARCH 2004**

*[Sheikh Yassin sent this letter to the Arab summit meeting due in Tunis (it was later postponed and moved to Cairo) shortly before he was assassinated by Israeli Forces on 22 March 2004.]*

Your majesties and highnesses,

Assalamu Alaikum wa Rahmatullahi wa Baraktuh

The statement saying that glory of Islam is dependent on powerful Arabs places a great responsibility on your shoulders for you are the ones entrusted by Almighty Allah to cater for the Ummah's present

and future. The prophet, peace be upon him, says that Allah will ask all those entrusted with such responsibilities over what they had done to cater for such obligations. So exert whatever is in your power to cater for the future of the Muslim Nation that has been the target of enemies of Allah who have united to fight this Ummah.

You face today grave challenges and your peoples are looking forward to your summit's resolutions. They are all hope that the resolutions would live up to the challenges facing the Ummah atop of which comes the Arabs and Muslims' central cause: Palestine. I sincerely hope that this summit would agree on supporting the people of Palestine who are adamant on persisting along their Jihad march until Allah ordains victory that we aspire for and that will develop our Ummah with the grace of Allah.

I appeal to you to take into consideration the following issues that serve the Palestine cause:

*First:* The land of Palestine is an Arab, Islamic land that has been usurped by force at the hands of Zionist Jews and it can only be restored by force. And it is an Islamic Wakf land that should not be surrendered (not even one inch) even if we do not at present own the necessary force to liberate it.

*Second:* Jihad in Palestine is a legitimate right for the Palestinian people. And it is a compulsory duty on all Muslims, males and females. It is a grave injustice to describe such a right as terrorism on the part of enemies of Allah. And our people in Palestine totally reject such a description along with our Arab and Muslim peoples. We hope that the summit would take a clear position of support of our people's struggle.

*Third:* Our people, who are engaged in a battle imposed on them, deserve all forms of backing on the part of leaders of the Ummah. Our people need economic support to boost their steadfastness after the evil Zionists destroyed all sources of a dignified living for that people and stole their wealth. Our people also need military, security, medical, moral, diplomatic and other forms of support that would help them persist in Jihad. Our people look forward to the summit to win such support.

*Fourth:* We appeal to you to halt all kinds of normalization with this enemy and to close down its embassies, consulates and commercial offices. We urge you to activate boycott of that enemy and to end all contacts and cooperation with it.

*Fifth:* The Ummah owns the necessary potentials and capabilities that enable it to support national causes and put an end to the enemies' aggressions. I believe that time has come to follow Allah's Words: "And hold to the rope of Allah and do not be divided" in order to be a power in the current age of blocs.

*Sixth:* The Aqsa Mosque is pleading to you to save it from Zionist demolition schemes. Who is for the holy Mosque after Almighty Allah other than you?

*Seventh:* We call on you to extend all kinds of support to the people of Iraq to get rid of American occupation as supporting the people of Iraq is support for the Palestine cause and the Palestinian people.

Your majesties and highnesses:

This is what I wished to advise you as our prophet, peace be upon him, taught us that advising one another is a religious duty. I pray that Allah would unite your stands in support of His religion and to unite your lines for the sake of the Ummah's good and betterment.

Your brother,

Ahmed Yasin  
Founder, The Islamic Resistance Movement Hamas, Gaza - Palestine



**IZZEDIN AL-QASSAM BRIGADES, STATEMENT FOLLOWING  
THE ASSASSINATION OF SHEIKH AHMED YASSIN, 22 MARCH 2004**

O Murderous Zionists, you have bestowed martyrdom upon our Sheikh, and we will bestow violent death upon you on every city and every street.

O masses of our Mujahed and Islamic people, the sons of our Palestinian people:

The terrorist Zionist Nazis have targeted our founding leader His Eminence the Mujahid Sheikh Ahmed Yassin, after performing morning prayers at the Islamic Complex [Al-Mujamma al-Islami] Mosque.

What the Zionists have committed today illustrates the pinnacle of breakdown and failure. By directing their rancorous rockets at the chair of the disabled Sheikh Ahmed Yassin, they thought they had killed him.

The Zionists did not know that millions of Muslims will go out to "visit with destruction all that fell into their power" [part of Koranic verse].

Today, Ahmed Yassin will come out from every city, street, and alley to grant them violent death, after they have granted him martyrdom, which total paralysis did not prevent him from seeking.

Today, the criminal [Israeli Prime Minister Ariel] Sharon has issued a death sentence for hundreds of Israelis on every street and every inch of land occupied by the Zionists.

We vow Sheikh Abu Muhammad [Ahmed Yassin] to continue our march, and pursue Zionists everywhere they hide. Abu Muhammad, your martyrdom-seeking sons will inform you of their retaliation soon. So rest in peace our leader, teacher, sheikh, instructor, icon, our joy, and our dearest.

O Sheikh, Palestine and the Islamic nation will not miss you because you have planted strong righteous men in every house and every street. They have carried your thought and marched on your path.

While announcing to the entire world the death of the founder of the Islamic Resistance Movement, Hamas, and the guide of the Muslim Brotherhood Group in Palestine, His Eminence Leader Sheikh Ahmed Isma'il Yassin, also known as Abu-Muhammad, and his companions, Ezzedin al-Qassam Martyrs, stresses the following:

1. He who made the decision to assassinate Sheikh Ahmed Yassin has made a decision to kill hundreds of Zionists.
2. The Zionists did not take such a step without the approval of the terrorist US administration. Therefore, it should bear responsibility for this crime.
3. The Zionists will soon see, not hear, our response, God willing.
4. The response to the assassination of Sheikh Ahmed Yassin will not be made on the level of all the Palestinian people's mujahideen factions only, but all Muslims in the entire Muslim world will have the honor to respond to this crime.

They ask you when will that be, say: Maybe it will be quite soon [Koranic verse].



**PARLIAMENTARY UNION OF THE OIC MEMBER STATES (PUOICM), STATEMENT  
ON THE ASSASSINATION OF SHEIKH AHMAD YASSIN, TEHRAN, 23 MARCH 2004**

The Parliamentary Union of the OIC Member States expresses shock and utmost denunciation of the heinous crime perpetrated by the butcher Sharon and his hellish military machine which has resulted in the martyrdom of the Mujahid Sheikh Ahmed Yassin, the Martyr of Islam and Arabism, Leader of Hamas Movement as well as a number of his companions, following the dawn prayers on 22 March 2004.

This criminal and cowardly act is only a new big link in the chain of organized assassinations which the Sharon government has shamelessly and openly announced as a method for liquidating the Palestinian leadership, on the pretext of combating terrorism without respecting or observing International Laws and Conventions or Human Rights.

The chief of the Israeli government has been so arrogant and conceited to the extent of congratulating his security organs for the success of the assassination operation. He even announced brazenly his intention and resolve to continue liquidating the other Palestinian leaders.

The Union is of the view that these Israeli policies, which obstinately adhere to the occupation of the Palestinian territories in the face of all resolutions of the international legitimacy, and accuse the Palestinian people, the owners of the land, of terrorism, aim, in essence, at provoking the Palestinian people in order to lure them to resist the army of occupation so as to crush and annihilate them with the merciless Israeli military machine.

The Union is also of the view that the crimes of the Israeli occupier against the Palestinian people, in the West Bank and Gaza Strip, as well as the policy of assassinating the Palestinian leaders, are in fact the materialization of organized State terrorism, a blatant violation of the Geneva Agreements and Human Rights Conventions, a complete sabotage of all opportunities for the restoration of security and peace, and a grave escalation of violence and therefore spreading chaos in the Middle East region in particular, and the world in general.

The Union would like to reiterate that the essence of the Middle East conflict is the Israeli occupation by force of the Palestinian, Syrian and Lebanese territories, the Judaization of the city of Al-Quds, the threats directed against the Al-Aqsa Mosque and the daily practice of extreme unprovoked violence aimed at devouring more Palestinian lands in the West Bank and Gaza. The Union also reiterates that the resolution of this conflict is not to demand the Palestinians to provide security for the occupying State or to accuse them of terrorism when they struggle for liberation. But the solution is to compel the force of occupation to withdraw from all the occupied territories, and enable the Palestinian people to establish their independent State with Eastern Al-Quds as its capital, in conformity with the resolutions of the international legitimacy and energizing the existing peace initiatives, foremost of which is the Arab Peace Initiative, and the implementation of the Roadmap Plan until it reaches its required target in 2005.

While expressing condolences for the martyrdom of the combatant Sheikh Ahmed Yassin, in anticipation of God's reward, we recall what Allah says in the Holy Quran:

“Think not of those who are slain in Allah's way as dead. Nay, they live, finding their sustenance in the Presence of their Lord.” Allah says the truth. We seek refuge in God and to Him we return.



**STATEMENT BY PALESTINIANS FROM POLITICAL, INTELLECTUAL  
AND SOCIAL INSTITUTIONS, “ENOUGH ASSASSINATION,  
ENOUGH OF THE OCCUPATION, STOP THE BLOODSHED”, 25 MARCH 2004**

*[The statement was published as an advertisement in the Al-Ayyam newspaper.]*

We, the undersigned, Palestinians from various political, intellectual and social institutions, united in our endurance and struggle for freedom, emphatically condemn and denounce Israel's blatant aggression on our people.

The cold-blooded murder of Sheikh Ahmad Yassin and his faithful companions by Sharon and his right-wing extremist government two days ago epitomizes Israel's criminal and insidious behavior.

While we assert our people's rights, guaranteed by all international covenants, to defend themselves by all means available and despite the enormity of our pain at this horrific tragedy and its impact, we nevertheless call upon our people throughout Palestine, guided by the imperatives of national interest and the removal of the initiative from the hands of the criminal occupation gang, to repress their rage and rise once again in a widespread, popular and peaceful Intifada, based on clear objectives and forthright discourse, with the fate of our people steered by the masses.

Such an Intifada would be conducted by our valiant people as a proactive approach to deny Sharon the pretext to continue escalating his aggression on our people and holy sites and would prevent him from finalizing his "security" plot.

\We call for this unified Intifada as a step towards the resurrection of constructive and disciplined popular action, with clear objectives as well as a binding program and political return. We reaffirm our commitment to our just and legal demands and to our people's inalienable rights. We call for uniting ranks on grounds of national unity and a unified leadership that can effectively resist the occupation.

*Ibrahim al-Hafi, Ibrahim Musalam, Ahmad Jubara (Abu al-Sukkar), Ahmad Haless (Abu Maher), Ahmad Fares, As'ad Odeh, Amin Maqboul, Buthayna Duqmaq, Jad Ishaq, Jamal Dar'awi, Jamal Zaqout, Jamil Rushdi, Jihad Abu Zuneid, George Hazboun, Hassan Dweik, Hanan Ashrawi, Hakam Taleb Thiab, Haidar Awadallah, Khader Ayesh, Khalil al-Ateeri, Dimitri Dilyani, Rihab al-Isawi, Radwan al-Sameri, Riyad al-Malki, Zahirah Kamal, Ziad Hamouri, Suri Nuseibeh, Said Zidani, Salman Jadallah, Sameer Shihadah, Siham Thabet, Suhail Salim Abdel Fatah Salman, Shafer Sa'd, Shafiq Zeidieh, Shukri al-Radaydeh, Salah Hikmat al-Masri, Abbas Zaki, Aballah Hijazi, Abdallah al-Kiwani, Abdallah al-Atiri, Abdel Fatah Hamayel, Abdel Qader Faisal al-Huseini, Arafat al-Hidmi, Azzam al-Ahmad, Izat al-Rasini, Ikrama Tabet, Imad Abu Kishk, Imad Awad, Ali Hasasneh, Anan Atiri, Ghazi Hananiah, Ghassan al-Harami, Ghassan Hananiah, Fathi Salim Yassin Abu Zeid, Fadel Tahboub, Fahed Abu al-Haj, Cairo Arafat, Lusi Nuseibeh, Lily Feidy, Muhammd al-Rimawi, Muhammad al-Sha'bi, Mahmoud al-Aloul, Mahmoud al-labadi, Nasser Yunis, Nayef Sweitat, Nur Eldin Ibrahim Shehadeh, Hashem Abu Lafi, Yasser Abed Rabbo, Yusef Harb, Yusef Aref.*



**EUROPEAN UNION, PRESIDENCY CONCLUSIONS ON THE SITUATION  
IN THE MIDDLE EAST, BRUSSELS, 25-26 MARCH 2004 [EXCERPTS]**

[...]

51. The European Council expressed its deep concern at the situation in the Middle East and the deepening of the Israeli-Palestinian conflict, following in particular the extra-judicial killing of Hamas leader Sheikh Ahmed Yassin. While having repeatedly condemned terrorist atrocities against Israelis and recognised Israel's right to protect its citizens against terrorist attacks, the European Union has consistently opposed extra-judicial killings which are contrary to international law. The present cycle of retaliatory violence has caused widespread suffering and loss of life, has inflamed the situation and is taking the parties ever further from a negotiated settlement.
52. The European Council expressed its sympathy for those on all sides who endure the effects of violence or whose lives are disrupted by the conflict. It called on the Palestinian Authority to address the issue of security and combat terrorism and welcomed the Palestinian Authority's announcement of plans for improving Palestinian security performance, stressing the need for full and proper implementation. It noted with particular concern the grievous humanitarian situation in the Occupied Palestinian Territories and called on the Israeli Government to take action to alleviate the suffering of Palestinians by lifting prohibitions on movement, reversing its settlement policy and dismantling settlements built after March 2001, and reversing the construction of the so-called security fence on Palestinian land.
53. The European Council confirmed its deep conviction that the Quartet Road Map, endorsed by UNSCR 1515, remains the basis for reaching a peaceful settlement. It called on all sides to refrain

- from further escalation and to take the steps required to begin the implementation of the Road Map. The most important step is for all sides to desist from all further acts of violence.
54. The European Council renewed its commitment to a negotiated agreement resulting in two viable, sovereign and independent states, Israel and Palestine, based on the borders of 1967, living side by side in peace and security, in the framework of a comprehensive peace in the Middle East, as laid out in the Road Map drawn up by the Quartet. The European Union will not recognise any change to the pre-1967 borders other than those arrived at by agreement between the parties.
  55. The European Council noted the proposals for an Israeli withdrawal from the Gaza Strip. Such a withdrawal could represent a significant step towards the implementation of the Road Map, provided that, in accordance with the deliberations of the Council of 23 February: - it took place in the context of the Roadmap; - it was a step towards a two State solution; - it did not involve a transfer of settlement activity to the West Bank; - there was an organised and negotiated handover of responsibility to the Palestinian Authority; - and Israel facilitated the rehabilitation and reconstruction of Gaza.
  56. The European Union stands ready to support the Palestinian Authority in taking responsibility for law and order, and in particular, in improving the capacity of its civil police and law enforcement capacity in general. The European Council tasked the EU Special Representative, in liaison with the Commission, to examine the requirement of the PA in this area and make recommendations for assistance.
  57. The European Council called on the Israeli and Palestinian peoples to summon the political will necessary to overcome the current impasse in the peace process. Only through peace and reconciliation will Israelis and Palestinians realise their full potential.
  58. The European Council reaffirms the need to deal with all the crises of the region within the framework of a global approach, which alone can ensure long-term security of the region. With that purpose, the EU will mobilise all its instruments and will develop its vision for stability in the region through the strategic partnership which it is seeking to establish with the Mediterranean and the Middle East. EU Strategic Partnership with the Mediterranean and the Middle East.
  59. The European Council welcomed the interim report prepared by the Presidency, the Council Secretariat and the Commission, entitled 'EU Strategic Partnership with the Mediterranean and the Middle East'. The European Council underlined the importance of intensive consultation with the countries involved and welcomed the forthcoming attendance at the Arab League Summit by the Presidency and the High Representative as a clear demonstration of the commitment of the Union to developing this vital partnership.
  60. The European Council looks forward to receiving a final report at its meeting in June 2004.
  61. The European Council recalls the readiness of the EU to work with the US and other partners in cooperating with the region.



**US PRESIDENT GEORGE W. BUSH, STATEMENT TO ISRAELI  
PRIME MINISTER ARIEL SHARON REGARDING HIS DISENGAGEMENT PLAN,  
WASHINGTON, DC, 14 APRIL 2004**

I'm pleased to welcome Prime Minister Sharon back to the White House.

For more than 50 years, Israel has been a vital ally and a true friend of America. I've been proud to call the prime minister my friend. I really appreciate our discussions today.

The policy of the United States is to help bring peace to the Middle East and to bring hope to the people of that region.

On June 24, 2002, I laid out a vision to make this goal a reality. We then drafted the "road map" as the route to get us there.

The heart of this vision is the responsibility of all parties - of Israel, of the Palestinian people, of the Arab states - to fight terror, to embrace democracy and reform, and to take the necessary steps for peace.

Today, the prime minister told me of his decision to take such a step.



Israel plans to remove certain military installations and all settlements from Gaza and certain military installations and settlements from the West Bank.

These are historic and courageous actions. If all parties choose to embrace this moment, they can open the door to progress and put an end to one of the world's longest-running conflicts.

Success will require the active efforts of many nations. Two days ago I held important discussions with President [Hosni] Mubarak of Egypt, and I will soon meet with King Abdullah of Jordan. We're consulting closely with other key leaders in the region, in Europe and with our quartet partners: the E.U., Russia and the United Nations.

These steps can open the door to progress toward a peaceful, democratic, viable Palestinian state. Working together we can help build democratic Palestinian institution as well as strong capabilities dedicated to fighting terror so that the Palestinian people can meet their obligations under the road map on the path to peace.

This opportunity holds great promise for the Palestinian people to build a modern economy that will lift millions out of poverty, create the institutions and habits of liberty, and renounce the terror and violence that impede their aspirations and take a terrible toll on innocent life.

The Palestinian people must insist on change and on a leadership that is committed to reform and progress and peace.

We will help, but the most difficult work is theirs.

The United States is strongly committed and I am strongly committed to the security of Israel as a vibrant Jewish state. I reiterate our steadfast commitment to Israel's security and to preserving and strengthening Israel's self-defense capability, including its right to defend itself against terror.

The barrier being erected by Israel as a part of that security effort should, as your government has stated, be a security rather than political barrier. It should be temporary rather than permanent, and therefore not prejudice any final status issues, including final borders. And this route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

In an exchange of letters today and in a statement I will release later today, I'm repeating to the prime minister my commitment to Israel's security.

The United States will not prejudice the outcome of final status negotiations and matters for the parties. But the realities on the ground and in the region have changed greatly over the last several decades, and any final settlement must take into account those realities and be agreeable to the parties.

The goal of two independent states has repeatedly been recognized in international resolutions and agreements, and it remains a key to resolving this conflict.

The United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state and the settling of Palestinian refugees there rather than Israel.

As part of a final peace settlement, Israel must have secure and recognized borders which should emerge from negotiations between the parties in accordance with U.N. Security Council Resolutions 242 and 338.

In light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the

same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.

I commend Prime Minister Sharon for his bold and courageous decision to withdraw from Gaza and parts of the West Bank. I call on the Palestinians and their Arab neighbors to match that boldness and that courage. All of us must show the wisdom and the will to bring lasting peace to that region.

Mr. Prime Minister, welcome to the White House.



**ISRAELI PRIME MINISTER ARIEL SHARON, REPLY TO US  
PRESIDENT GEORGE W. BUSH, WASHINGTON, DC, 14 APRIL 2004**

Thank you.

I want to thank you, Mr. President, for your warm welcome and your strong support and friendship for the state of Israel.

I came to you from a peace-seeking country. Despite the repeated terror attacks against us, the people of Israel continue to wish for the achievement of a viable peace in accordance with our Jewish tradition, as outlined by Israel's prophets.

Our people desire to be known for its achievement in the fields of culture, science and technology, rather than in the battlefield.

We are committed to make any effort to develop our country and society for our own benefit and for the benefit of the peoples of the region.

In our meeting today, I presented to you the outlines of my disengagement plan. It will improve Israel's security and economy, and reduce friction and tension between Israelis and Palestinians.

My plan will create a new and better reality for the state of Israel. And it also has the potential to create the right conditions to resume negotiations between Israel and the Palestinians.

I was encouraged by your positive response and your support for my plan.

In that context, you handed me a letter that includes very important statement regarding Israel security and its well-being as a Jewish state. You have proven, Mr. President, your ongoing, deep, and sincere friendship for the state of Israel and to the Jewish people.

I believe that my plan can be an important contribution to advancing your vision, which is the only viable way to achieve peace and security in the Middle East.

I wish to end with a personal note. I, myself have been fighting terror for many years, and understand the threats and cost of terrorism. In all these years, I have never met a leader as committed as you are, Mr. President, to the struggle for freedom and the need to confront terrorism wherever it exists.

I want to express my appreciation to you for your courageous leadership in the war against global terror, and your commitment and vision to bring peace to the Middle East.

Thank you, Mr. President.



**ISRAELI PRIME MINISTER ARIEL SHARON, REMARKS REGARDING  
THE DISENGAGEMENT PLAN, WASHINGTON, DC, 14 APRIL 2004**

Thank you. Thank you so much. I want to thank you, Mr. President, for your warm welcome and your strong support and friendship for the state of Israel.

I came to you from a peace-seeking country. Despite the repeated terror attacks against us, the people of Israel continue to wish for the achievement of a viable peace in accordance with our Jewish tradition as outlined by Israel's prophets.

Our people's desire to be known for its achievements in the fields of culture, science, and technology, rather than in the battlefield. We are committed to make any effort to develop our country and society for our own benefit and for the benefit of the peoples of the region.

In our meeting today, I presented to you the outlines of my disengagement plan. It will improve Israel's security and economy and will reduce friction and tension between Israelis and Palestinians. My plan will create a new and better reality for the state of Israel. And it also has the potential to create the right conditions to resume negotiations between Israel and the Palestinians.

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Thank you, Mr. President.



**ISRAELI PRIME MINISTER ARIEL SHARON,  
LETTER TO US PRESIDENT GEORGE W. BUSH, 14 APRIL 2004**

Dear Mr. President,

The vision that you articulated in your 24 June 2002 address constitutes one of the most significant contributions toward ensuring a bright future for the Middle East. Accordingly, the State of Israel has accepted the roadmap, as adopted by our government. For the first time, a practical and just formula was presented for the achievement of peace, opening a genuine window of opportunity for progress toward a settlement between Israel and the Palestinians, involving two states living side-by-side in peace and security.

This formula sets forth the correct sequence and principles for the attainment of peace. Its full implementation represents the sole means to make genuine progress. As you have stated, A Palestinian state will never be created by terror, and Palestinians must engage in a sustained fight against the terrorists and dismantle their infrastructure. Moreover, there must be serious efforts to institute true reform and real democracy and liberty including new leaders not compromised by terror. We are committed to this formula as the only avenue through which an agreement can be reached. We believe that this formula is the only viable one.

The Palestinian Authority under its current leadership has taken no action to meet its responsibilities under the roadmap. Terror has not ceased, reform of the Palestinian security services has not been undertaken, and real institutional reforms have not taken place. The State of Israel continues to pay the heavy cost of constant terror. Israel must preserve its capability to protect itself and deter its enemies, and we thus retain our right to defend ourselves against terrorism and to take actions against terrorist organizations.

Having reached the conclusion that, for the time being, there exists no Palestinian partner with whom to advance peacefully toward a settlement and since the current impasse is unhelpful to the achievement of our shared goals, I have decided to initiate a process of gradual disengagement with the hope of reducing friction between Israelis and Palestinians. The Disengagement Plan is designed to improve security for Israel and stabilize our political and economic situation. It will enable us to deploy our forces more effectively until such time that conditions in the Palestinian Authority allow for the full implementation of the roadmap to resume.

I attach, for your review, the main principles of the Disengagement Plan. This initiative, which we are not undertaking under the road map, represents an independent Israeli plan, yet is not inconsistent with the roadmap. According to this plan, the State of Israel intends to relocate military installations and all Israeli villages and towns in the Gaza Strip, as well as other military installations and a small number of villages in Samaria.

In this context, we also plan to accelerate construction of the Security Fence, whose completion is essential in order to ensure the security of the citizens of Israel. The fence is a security rather than political barrier, temporary rather than permanent, and therefore will not prejudice any final status issues including final borders. The route of the Fence, as approved by our Government's decisions, will take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

Upon my return from Washington, I expect to submit the Plan for the approval of the Cabinet and the Knesset, and I firmly believe that it will win such approval.

The Disengagement Plan will create a new and better reality for the State of Israel, enhance its security and economy, and strengthen the fortitude of its people. In this context, I believe it is important to bring new opportunities to the Negev and Galilee. Additionally, the Plan will entail a series of measures with the inherent potential to improve the lot of the Palestinian Authority, providing that it demonstrates the wisdom to take advantage of this opportunity. The execution of the Disengagement Plan holds the prospect of stimulating positive changes within the Palestinian Authority that might create the necessary conditions for the resumption of direct negotiations.

We view the achievement of a settlement between Israel and the Palestinians as our central focus and are committed to realizing this objective. Progress toward this goal must be anchored exclusively in the roadmap and we will oppose any other plan.

In this regard, we are fully aware of the responsibilities facing the State of Israel. These include limitations on the growth of settlements; removal of unauthorized outposts; and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism. Under separate cover we are sending to you a full description of the steps the State of Israel is taking to meet all its responsibilities.

The government of Israel supports the United States' efforts to reform the Palestinian security services to meet their roadmap obligations to fight terror. Israel also supports the American's efforts, working with the International Community, to promote the reform process, build institutions and improve the economy of the Palestinian Authority and to enhance the welfare of its people, in the hope that a new Palestinian leadership will prove able to fulfill its obligations under the roadmap.

I want to again express my appreciation for your courageous leadership in the war against global terror, your important initiative to revitalize the Middle East as a more fitting home for its people and, primarily, your personal friendship and profound support for the State of Israel.

Sincerely,

Ariel Sharon



**US PRESIDENT GEORGE W. BUSH, LETTER OF ASSURANCE TO ISRAELI  
PRIME MINISTER ARIEL SHARON, WASHINGTON, DC, 14 APRIL 2004**

Dear Mr. Prime Minister:

Thank you for your letter setting out your disengagement plan.

The United States remains hopeful and determined to find a way forward toward a resolution of the Israeli-Palestinian dispute. I remain committed to my June 24, 2002 vision of two states living side by side in peace and security as the key to peace, and to the roadmap as the route to get there.

We welcome the disengagement plan you have prepared, under which Israel would withdraw certain military installations and all settlements from Gaza, and withdraw certain military installations and settlements in the West Bank. These steps described in the plan will mark real progress toward realizing my June 24, 2002 vision, and make a real contribution towards peace. We also understand that, in this context, Israel believes it is important to bring new opportunities to the Negev and the Galilee. We are hopeful that steps pursuant to this plan, consistent with my vision, will remind all states and parties of their own obligations under the roadmap.

The United States appreciates the risks such an undertaking represents. I therefore want to reassure you on several points.

First, the United States remains committed to my vision and to its implementation as described in the roadmap. The United States will do its utmost to prevent any attempt by anyone to impose any other plan. Under the roadmap, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, and all official Palestinian institutions must end incitement against Israel. The Palestinian leadership must act decisively against terror, including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure. Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister.

Second, there will be no security for Israelis or Palestinians until they and all states, in the region and beyond, join together to fight terrorism and dismantle terrorist organizations. The United States reiterates its steadfast commitment to Israel's security, including secure, defensible borders, and to preserve and strengthen Israel's capability to deter and defend itself, by itself, against any threat or possible combination of threats.

Third, Israel will retain its right to defend itself against terrorism, including to take actions against terrorist organizations. The United States will lead efforts, working together with Jordan, Egypt, and others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat that would have to be addressed by any other means. The United States understands that after Israel withdraws from Gaza and/or parts of the West Bank, and pending agreements on other arrangements, existing arrangements regarding control of airspace, territorial waters, and land passages of the West Bank and Gaza will continue. The United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.

As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.

I know that, as you state in your letter, you are aware that certain responsibilities face the State of Israel. Among these, your government has stated that the barrier being erected by Israel should be a security rather than political barrier, should be temporary rather than permanent, and therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

As you know, the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future in accordance with my vision set forth in June 2002 and with the path set forth in the roadmap. The United States will join with others in the international community to foster the development of democratic political institutions and new leadership committed to those institutions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations.

A peace settlement negotiated between Israelis and Palestinians would be a great boon not only to those peoples but to the peoples of the entire region. Accordingly, the United States believes that all states in the region have special responsibilities: to support the building of the institutions of a Palestinian state; to fight terrorism, and cut off all forms of assistance to individuals and groups engaged in terrorism; and to begin now to move toward more normal relations with the State of Israel. These actions would be true contributions to building peace in the region.

Mr. Prime Minister, you have described a bold and historic initiative that can make an important contribution to peace. I commend your efforts and your courageous decision which I support. As a close friend and ally, the United States intends to work closely with you to help make it a success.

Sincerely,

George W. Bush



**LETTER FROM ISRAELI PRIME MINISTER ARIEL SHARON'S  
BUREAU CHIEF, DOV WEISGLASS, TO US NATIONAL SECURITY  
ADVISOR CONDOLEEZZA RICE, 14 APRIL 2004**

Dear Dr. Rice,

On behalf of the Prime Minister of the State of Israel, Mr. Ariel Sharon, I wish to reconfirm the following understanding, which had been reached between us:

1. Restrictions on settlement growth: within the agreed principles of settlement activities, an effort will be made in the next few days to have a better definition of the construction line of settlements in Judea and Samaria [the West Bank]. An Israeli team, in conjunction with Ambassador Kurtzer, will review aerial photos of settlements and will jointly define the construction line of each of the settlements.
2. Removal of unauthorized outposts: the Prime Minister and the Minister of defense, jointly, will prepare a list of unauthorized outposts with indicative dates of their removal; the Israeli Defense forces and/or the Israeli Police will take continuous action to remove those outposts in the targeted dates. The said list will be presented to Ambassador Kurtzer within 30 days.

3. Mobility restrictions in Judea & Samaria: the Minister of Defense will provide Ambassador Kurtzer with a map indicating roadblocks and other transportation barriers posed across Judea & Samaria. A list of barriers already removed and a timetable for further removals will be included in this list. Needless to say, the matter of the existence of transportation barriers fully depends on the current security situation and might be changed accordingly.
4. Legal attachments of Palestinian revenues: the matter is pending in various courts of law in Israel, awaiting judicial decisions. We will urge the State Attorney's office to take any possible legal measure to expedite the rendering of those decisions.
5. The Government of Israel extends to the Government of the United States the following assurances:
  - a. The Israeli government remains committed to the two-state solution - Israel and Palestine living side by side in peace and security - as the key to peace in the Middle East.
  - b. The Israeli government remains committed to the Roadmap as the only route to achieving the two-state solution.
  - c. The Israeli government believes that its disengagement plan and related steps on the West Bank concerning settlement growth, unauthorized outposts, and easing of restrictions on the movement of Palestinians not engaged in terror are consistent with the Roadmap and, in many cases, are steps actually called for in certain phases of the Roadmap.
  - d. The Israeli government believes that further steps by it, even if consistent with the Roadmap, cannot be taken absent the emergence of a Palestinian partner committed to peace, democratic reform, and the fight against terror.
  - e. Once such a Palestinian partner emerges, the Israeli government will perform its obligations, as called for in the Roadmap, as part of the performance-based plan set out in the Roadmap for reaching a negotiated final status agreement.
  - f. The Israeli government remains committed to the negotiation between the parties of a final status resolution of all outstanding issues.
  - g. The Government of Israel supports the United States' efforts to reform the Palestinian security services to meet their roadmap obligations to fight terror. Israel also supports the American efforts, working with the international community, to promote the reform process, build institutions, and improve the economy of the Palestinian Authority and to enhance the welfare of its people, in the hope that a new Palestinian leadership will prove able to fulfill its obligations under the Roadmap. The Israeli Government will take all reasonable actions requested by these parties to facilitate these efforts.
  - h. As the Government of Israel has stated, the barrier being erected by Israel should be a security rather than a political barrier, should be temporary rather than permanent, and therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

Sincerely,

Dov Weissglas  
Chief of the Prime Minister's Bureau



**EU HIGH REPRESENTATIVE FOR COMMON FOREIGN AND SECURITY POLICY,  
JAVIER SOLANA, COMMENTS AFTER THE MEETING BETWEEN US PRESIDENT  
BUSH AND ISRAELI PRIME MINISTER SHARON, 14 APRIL 2004**

I welcome the Israel Prime Minister's proposals for disengagement from Gaza. This represents an opportunity to restart the implementation of the Road map, as endorsed by the UN Security Council.

The EU remains committed to a negotiated agreement resulting in two viable, sovereign and independent States, Israel and Palestine, as the only way to achieve a permanent peace and an end to the occupation that began in 1967, in the framework of a comprehensive peace in the Middle East. Final status issues can only be resolved by mutual agreement between the parties.

EU Heads of State and government recently indicated that they would not recognize any change to the pre-1967 borders other than those arrived at by agreement between the parties. A permanent settlement must also include an agreed, just, fair and realistic solution to the refugee issue.

The EU also underlines the need for Israel to coordinate with the Palestinian Authority on practical arrangements for an orderly hand-over of responsibilities to the Palestinian Authority. The Palestinian Authority should demonstrate its readiness to assume these responsibilities in particular in the areas of security and good governance.

The Quartet will now examine in detail the proposals by Prime Minister Sharon. It should lead the efforts of the international community in support of the implementation of the disengagement plan.

The EU remains ready to play its full part in helping build up the capabilities of the Palestinian Authority in the economic, security and administrative areas. The EU will continue to be a major contributor to the reconstruction and long term development of the future Palestinian State.



## **ISRAELI PRIME MINISTER ARIEL SHARON, DISENGAGEMENT PLAN, 15 APRIL 2004**

*[Sharon's Disengagement Plan as published in Ha'aretz on 16 April 2004.]*

### I. OVERVIEW

Israel is committed to the peace process, and aspires to reach a mutual agreement on the basis of two states for two peoples, the State of Israel as the state of the Jewish people and a Palestinian state for the Palestinian people, as part of the realization of President [George W.] Bush's vision.

Israel believes that it must act to improve the current reality. Israel has come to the conclusion that at present, there is no Palestinian partner with whom it is possible to make progress on a bilateral agreement. In light of this, a unilateral disengagement plan has been formulated, which is based on the following considerations:

- A. The stagnation inherent in the current situation is harmful. In order to emerge from this stagnation, Israel must initiate a move that will not be contingent on Palestinian cooperation.
- B. The plan will lead to a better security reality, at least in the long term.
- C. In any future final-status agreement, there will be no Israeli settlement in the Gaza Strip. However, it is clear that in Judea and Samaria, some areas will remain part of the state of Israel, among them civilian settlements, military zones and places where Israel has additional interests.
- D. The exit from the Gaza Strip and from the area of northern Samaria (four settlements and military installations in their environs) will reduce friction with the Palestinian population and has the potential to improve the fabric of Palestinian life and the Palestinian economy.
- E. Israel hopes that the Palestinians will have the sense to take advantage of the disengagement move in order to exit the cycle of violence and rejoin the process of dialogue.
- F. The disengagement move will obviate the claims about Israel with regard to its responsibility for the Palestinians in the Gaza Strip.
- G. The disengagement move does not detract from the existing agreements between Israel and the Palestinians. The existing arrangements will continue to prevail.

When there is evidence on the Palestinian side of the willingness, ability and actual realization of a fight against terror and of the implementation of the reforms stipulated in the road map, it will be possible to return to the track of negotiations and dialogue.



## II. MAIN POINTS OF THE PLAN

### A. The Gaza Strip

1. Israel will evacuate the Gaza Strip, including all the Israeli settlements currently existing there, and will redeploy outside the territory of the Strip. This, apart from military deployment along the border line between the Gaza Strip and Egypt ("Philadelphi Route"), will be detailed below.
2. Upon completion of the move, no permanent Israeli civilian or military presence in the areas that are evacuated in the continental expanse of the Gaza Strip will remain.

As a result, there will be no basis for the claim that the Gaza Strip is occupied territory.

### B. Judea and Samaria

1. Israel will evacuate the area of northern Samaria (Ganim, Kadim, Homesh and Sa-Nur) and all the permanent military installations in this area, and will redeploy outside the evacuated area.
2. Upon completion of the move, no permanent presence of Israeli military forces and Israeli civilians in the area of northern Samaria will remain.
3. The move will enable Palestinian territorial contiguity in the area of northern Samaria.
4. Israel will improve the transportation infrastructure in Judea and Samaria with the aim of enabling Palestinian transportation contiguity in Judea and Samaria.
5. The move will make Palestinian economic and commercial activity easier in Judea and Samaria.

### C. The security fence

Israel will continue to build the security fence, in accordance with the relevant government decisions. The route will take humanitarian considerations into account.

## III: SECURITY REALITY AFTER THE EVACUATION

### A. The Gaza Strip

1. Israel will supervise and guard the external envelope on land, will maintain exclusive control in the air space of Gaza, and will continue to conduct military activities in the sea space of the Gaza Strip.
2. The Gaza Strip will be demilitarized and devoid of armaments, the presence of which is not in accordance with the existing agreements between the sides.
3. Israel reserves for itself the basic right of self-defense, including taking preventative steps as well as responding by using force against threats that will emerge from the Gaza Strip.

### B. Judea and Samaria

1. Upon evacuation of the settlements from northern Samaria (Ganim, Kadim, Homesh and Sa-Nur), no permanent military presence will remain in their environs.
2. Israel reserves for itself the basic right of self-defense, including taking of preventative steps as well as responding with force against threats that emerge from this area.
3. In the rest of the Judea and Samaria territories, existing security activity will continue. However, in accordance with the circumstances, Israel will consider reducing its activity in Palestinian cities.
4. Israel will work toward reducing the number of checkpoints in Judea and Samaria as a whole.

## IV. MILITARY INSTALLATIONS AND INFRASTRUCTURES IN THE GAZA STRIP AND THE NORTHERN SAMARIA AREA

In general, they will be dismantled and evacuated, except for those that Israel will decide to leave in place and transfer to a body that will be determined.

## V. THE NATURE OF MILITARY AID TO THE PALESTINIANS

Israel agrees that, in coordination with it, advice, aid and instruction will be given to Palestinian security forces for the purpose of fighting terror and maintaining public order by American, British, Egyptian, Jordanian or other experts, as will be agreed upon by Israel.

Israel insists that there will be no foreign security presence in the Gaza Strip and/or Judea and Samaria that is not in coordination with Israel and with Israel's agreement.

#### VI. THE BORDER AREA BETWEEN THE GAZA STRIP AND EGYPT ("PHILADELPHI ROUTE")

During the first stage, Israel will continue to maintain a military presence along the border line between the Gaza Strip and Egypt ("Philadelphi Route"). This presence is an essential security need, and in certain places, it is possible that there will be a need for the physical enlargement of the area in which the military activity will be carried out.

Later on, the possibility of evacuating this area will be considered. The evacuation of this area will be contingent on, among other things, the security reality and the extent of Egypt's cooperation in the creation of a more reliable arrangement.

If and when conditions emerge for the evacuation of this area, Israel will be prepared to examine the possibility of establishing a sea port and an airport in the Gaza Strip, subject to arrangements that will be determined with Israel.

#### VII. THE ISRAELI SETTLEMENTS

Israel will aspire to leave standing the real estate assets of the Israeli settlements. (Note: subject to the presence of an international body that will accept proprietorship as noted below.)

The transfer of Israeli economic activities to Palestinian use embodies within it a possibility for the expansion of Palestinian economic activity.

Israel proposes that an international body be established (on the model of the Ad Hoc Liaison Committee - AHLC), to be agreed upon by the United States and Israel, which will receive possession from Israel of the settlements that remain and will appraise the value of all the assets.

Israel reserves for itself the right to ask for consideration of the economic value of the assets that will be left in the evacuated area.

#### VIII. INFRASTRUCTURES AND CIVILIAN ARRANGEMENTS

The water, electricity, sewage and communications infrastructures that serve the Palestinians will be left in place.

Israel will aspire to leave in place the water, electricity and sewage infrastructures that serve the Israeli settlements that will be evacuated.

As a rule, Israel will enable the continued supply of electricity, water, gas and fuel to the Palestinians, under the existing arrangements.

The existing arrangements, including the arrangements with regard to water and the electro-magnetic area, will remain valid.

#### IX: THE ACTIVITY OF THE INTERNATIONAL CIVILIAN ORGANIZATIONS

Israel views very favorably continued activity of the international humanitarian organizations and those that deal with civil development, which aid the Palestinian population.

Israel will coordinate with the international organizations the arrangements that will make this activity easier.

## X. THE ECONOMIC ARRANGEMENTS

In general, the economic arrangements that are currently in effect between Israel and the Palestinians will remain valid. These arrangements include, among other things:

- A. The entry of workers into Israel in accordance with the existing criteria.
- B. The movement of goods between the Gaza Strip, Judea and Samaria, Israel and foreign countries.
- C. The monetary regime.
- D. The taxation arrangements and the customs envelope.
- E. Postal and communications arrangements.

## XI. THE EREZ INDUSTRIAL ZONE

The Erez Industrial Zone, which is located inside the Gaza Strip, employs approximately 4,000 Palestinian workers. The continued activity of the industrial zone is, above all, a definite Palestinian interest. Israel will consider leaving the industrial zone in its current format under two conditions:

- A. The maintenance of appropriate security arrangements.
- B. An explicit recognition by the international community that the continued existence of the industrial zone in its current format will not be perceived as a continuation of Israeli control in the area.

Alternatively, the industrial zone will be transferred to the responsibility of an agreed-upon Palestinian or international element.

Israel will examine, together with Egypt, the possibility of establishing a joint industrial zone on the border of the Gaza Strip, Egypt and Israel.

## XII. THE INTERNATIONAL CROSSING POINTS

### *A. The international crossing point between the Gaza Strip and Egypt:*

1. The existing arrangements will remain in force.
2. Israel is interested in transferring the crossing point to the "border triangle," about two kilometers south of its current location; this will be done in coordination with the Egyptians. This will allow the expansion of the hours of activity at the crossing point.

### *B. The international crossing points between Judea and Samaria, and Jordan:*

The existing arrangements will remain in force.

## XIII. THE EREZ CROSSING POINT

The Erez crossing point will be moved into the territory of the State of Israel according to a timetable that will be determined separately.

## XIV. TIMETABLE

The evacuation process is planned for completion by the end of 2005.

The stages of the evacuation and the detailed timetable will be made known to the Americans.

## XV. SUMMARY

Israel expects broad international support for the disengagement move. This support is essential in order to bring the Palestinians to actually implement what is incumbent upon them in the areas of fighting terror and the carrying out of the reforms according to the road map, at which time the sides will be able to return to negotiations.



**BRITISH DIPLOMATS, LETTER ATTACKING THE MIDDLE EAST POLICY  
OF PRIME MINISTER TONY BLAIR, 26 APRIL 2004**

Dear Prime Minister:

We the undersigned former British ambassadors, high commissioners, governors and senior international officials, including some who have long experience of the Middle East and others whose experience is elsewhere, have watched with deepening concern the policies which you have followed on the Arab-Israel problem and Iraq, in close co-operation with the United States.

Following the press conference in Washington at which you and President Bush restated these policies, we feel the time has come to make our anxieties public, in the hope that they will be addressed in Parliament and will lead to a fundamental reassessment.

The decision by the USA, the EU, Russia and the UN to launch a "road map" for the settlement of the Israel/Palestine conflict raised hopes that the major powers would at last make a determined and collective effort to resolve a problem which, more than any other, has for decades poisoned relations between the West and the Islamic and Arab worlds.

The legal and political principles on which such a settlement would be based were well established: President Clinton had grappled with the problem during his presidency; the ingredients needed for a settlement were well understood and informal agreements on several of them had already been achieved.

But the hopes were ill-founded. Nothing effective has been done either to move the negotiations forward or to curb the violence. Britain and the other sponsors of the road map merely waited on American leadership, but waited in vain.

Worse was to come. After all those wasted months, the international community has now been confronted with the announcement by Ariel Sharon and President Bush of new policies which are one-sided and illegal and which will cost yet more Israeli and Palestinian blood.

Our dismay at this backward step is heightened by the fact that you yourself seem to have endorsed it, abandoning the principles which for nearly four decades have guided international efforts to restore peace in the Holy Land and which have been the basis for such successes as those efforts have produced.

This abandonment of principle comes at a time when rightly or wrongly we are portrayed throughout the Arab and Muslim world as partners in an illegal and brutal occupation in Iraq.

The conduct of the war in Iraq has made it clear that there was no effective plan for the post-Saddam settlement. All those with experience of the area predicted that the occupation of Iraq by the Coalition forces would meet serious and stubborn resistance, as has proved to be the case.

To describe the resistance as led by terrorists, fanatics and foreigners is neither convincing nor helpful. Policy must take account of the nature and history of Iraq, the most complex country in the region. However much Iraqis may yearn for a democratic society, the belief that one could now be created by the Coalition is naive.

This is the view of virtually all independent specialists on the region, both in Britain and in America. We are glad to note that you and the President have welcomed the proposals outlined by Lakhdar Brahimi. We must be ready to provide what support he requests, and to give authority to the United Nations to work with the Iraqis themselves, including those who are now actively resisting the occupation, to clear up the mess.

The military actions of the Coalition forces must be guided by political objectives and by the requirements of the Iraq theatre itself, not by criteria remote from them. It is not good enough to say that the use of force is a matter for local commanders. Heavy weapons unsuited to the task in hand,

inflammatory language, the current confrontations in Najaf and Falluja, all these have built up rather than isolated the opposition.

The Iraqis killed by coalition forces probably total between ten and fifteen thousand (it is a disgrace that the Coalition forces themselves appear to have no estimate), and the number killed in the last month in Falluja alone is apparently several hundred including many civilian men, women and children.

Phrases such as "We mourn each loss of life. We salute them, and their families for their bravery and their sacrifice," apparently referring only to those who have died on the Coalition side, are not well judged to moderate the passions these killings arouse.

We share your view that the British Government has an interest in working as closely as possible with the United States on both these related issues, and in exerting real influence as a loyal ally. We believe that the need for such influence is now a matter of the highest urgency.

If that is unacceptable or unwelcome there is no case for supporting policies which are doomed to failure.

Yours faithfully,

*[Signed by over 50 former British diplomats:] Brian Barber, Paul Bergne, John Birch, David Blatherwick, Graham Boyce, Julian Bullard, Juliet Campbell, Bryan Cartledge, Terence Clark, David Colvin, Francis Cornish, James Craig, Brian Crowe, Basil Eastwood, Stephen Egerton, William Fullerton, Dick Fyjis-Walker, Marrack Goulding, John Graham, Andrew Green, Vic Henderson, Peter Hinchcliffe, Brian Hutch, Archie Lamb, David Logan, Christopher Long, Ivor Lucas, Ian McCluney, Maureen MacGlashan, Philip McLean, Christopher MacRae, Oliver Miles, Martin Morland, Keith Morris, Richard Muir, Alan Munro, Stephen Nash, Robin O'Neill, Andrew Palmer, Bill Quattrill, David Ratford, Tom Richardson, Andrew Stuart, David Tatham, Crispin Tickell, Derek Tonkin, Charles Treadwell, Hugh Tunnell, Jeremy Varcoe, Hooky Walker, Michael Weir*



**MIDDLE EAST QUARTET, COMMUNIQUÉ, UN HEADQUARTERS,  
NEW YORK, 4 MAY 2004**

*[In their meeting, the Quartet positively reacted to PM Sharon's disengagement plan, calling it a "rare moment of opportunity" and a possible restart to its Road Map peace plan.]*

Representatives of the Quartet - United Nations Secretary-General Kofi Annan, Russian Foreign Minister Sergei Lavrov, Irish Foreign Minister Brian Cowen, U.S. Secretary of State Colin Powell, High Representative for European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Relations Chris Patten - met today in New York.

The Quartet reaffirms its commitment to our common vision of two states, Israel and a viable, democratic, sovereign and contiguous Palestine, living side by side in peace and security; and calls on both parties to take steps to fulfill their obligations under the roadmap as called for in UN Security Council resolution 1515 and previous Quartet statements, and to meet the commitments they made at the Red Sea Summits in Aqaba and Sharm el Sheikh. In that context, the Quartet urges the Government of Israel to implement its recent affirmation of its readiness to implement certain obligations under the roadmap, including dismantling of outposts erected since March 2001 and progress toward a freeze on settlement activity, and urges the Israeli government to implement these commitments and to fully meet its roadmap obligations.

The Quartet members reviewed developments since their last meeting in New York on September 26, 2003 and view with great concern the situation in the Middle East. The Quartet condemns the con-

tinuing terror attacks on Israel, and calls on the Palestinian Authority to take immediate action against terrorist groups and individuals who plan and execute such attacks. The Quartet members recognize Israel's legitimate right to self-defense in the face of terrorist attacks against its citizens, within the parameters of international humanitarian law, and the Quartet calls on the Government of Israel to exert maximum efforts to avoid civilian casualties. They also call on the Government of Israel to take all possible steps now, consistent with Israel's legitimate security needs, to ease the humanitarian and economic plight of the Palestinian people, including increasing freedom of movement for people and goods both within and from the West Bank and Gaza, removing checkpoints, and other steps to respect the dignity of the Palestinian people and improve their quality of life. Under the roadmap, the Government of Israel should take no actions undermining trust, including deportations; attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan. The Quartet calls for renewed efforts to reach a comprehensive ceasefire as a step towards dismantlement of terrorist capabilities and infrastructure, and renewed progress towards peace through the implementation of the roadmap.

The Quartet notes the Government of Israel's pledge that the barrier being erected by Israel should be a security rather than political barrier, and should be temporary rather than permanent. The Quartet continues to note with great concern the actual and proposed route of the barrier, particularly as it results in the confiscation of Palestinian land, cuts off the movement of people and goods, and undermines Palestinians' trust in the roadmap process as it appears to prejudge final borders of a future Palestinian state.

The Quartet took positive note of the announced intention of Israeli Prime Minister Sharon to withdraw from all Gaza settlements and parts of the West Bank. The Quartet welcomes and encourages such a step, which should provide a rare moment of opportunity in the search for peace in the Middle East. This initiative, which must bring about a full Israeli withdrawal and complete end of occupation in Gaza, can be a step towards achieving the two-state vision; and has the possibility of restarting progress on the roadmap. The Quartet further notes that any unilateral initiatives by the Government of Israel should be undertaken in a manner consistent with the roadmap and the two-state vision that underlies the roadmap.

The Quartet reaffirms President Bush's June 24, 2002 call for an end to the Israeli occupation that began in 1967 through a settlement negotiated between the parties. The Quartet also notes that no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiation and agreement between the two parties. Any final settlement on issues such as borders and refugees must be mutually agreed to by Israelis and Palestinians based on Security Council resolutions 242, 338, 1397, 1515, the terms of reference of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit; and be consistent with the roadmap.

The Quartet and the international community are prepared to intensify their engagement with the Palestinians to restore momentum on the roadmap, enhance Palestinian humanitarian and economic conditions, build transparent and accountable Palestinian institutions, ensure security and stability in Gaza and the West Bank from which Israel withdraws, prevent all acts of terrorism, and ensure the dismantlement of armed terrorist groups. In furtherance of these goals, the Quartet will undertake the following steps, with appropriate mechanisms established to monitor progress and performance by all sides:

The Quartet will act on an urgent basis, in conjunction with the World Bank, UNSCO and the AHLC, on the basis of a World Bank/UNSCO rapid-assessment study, to ensure Palestinian humanitarian needs are met, Palestinian infrastructure is restored and developed, and economic activity is reinvigorated. The Quartet welcomes the World Bank-established Trust Fund as an accountable, transparent, and appropriately benchmarked mechanism for receipt of international assistance.

The Quartet is prepared to engage with a responsible and accountable Palestinian leadership, committed to reform and security performance. The Quartet, through an empowered Prime Minister and

cabinet, the Task Force on Palestinian Reform, and in connection with the major donors working through the AHLC and LACC, will engage the Palestinians to reinvigorate the reform agenda of the roadmap, including a well-prepared and appropriately-timed electoral process, paying particular attention to areas from which Israel has withdrawn. In this regard, the Quartet members will undertake to oversee and monitor progress on these fronts.

The Quartet will seek to ensure that arrangements are put in place to ensure security for Palestinians and Israelis as well as freedom of movement and greater mobility and access for Palestinians. The Quartet underscores the need for agreed, transparent arrangements with all sides on access, mobility and safety for international organizations and bilateral donors and their personnel. As Israel withdraws, custody of Israeli-built infrastructure and land evacuated by Israel should transfer through an appropriate mechanism to a reorganized Palestinian Authority in coordination with representatives of Palestinian civil society, the Quartet, and other representatives of the international community to determine equitable and transparent arrangements for the ultimate disposition of these areas as quickly as possible.

Effective security arrangements continue to be critical to any possibility of progress. In coordination with, and under the auspices of, an oversight committee led by the U.S., and in coordination with the empowered Prime Minister and cabinet, Palestinian security services should be restructured and re-trained, consistent with the roadmap, to provide law and order and security to the Palestinians, to end terror attacks against Israel and Israelis, and to dismantle terrorist capabilities and infrastructure. The Quartet welcomes in particular the Government of Egypt's engagement on security issues, including efforts to achieve a comprehensive and lasting ceasefire as a step towards this goal.

The Quartet reaffirms its commitment to a just, comprehensive, and lasting settlement to the Arab-Israeli conflict based upon Resolutions 242 and 338; and reminds all parties of the need to take into account long-term consequences of their actions and of the obligation for all parties to make rapid progress toward resumption of a political dialogue. The Quartet will remain engaged with Israelis, Palestinians and all other parties - including through presence of its envoys on the ground - to ensure appropriate follow-up to the steps outlined above. An appropriate coordinating and oversight mechanism under the aegis of the Quartet will be established. The Quartet also calls on all states in the region to exert every effort to promote peace and to combat terrorism, and to prevent terrorist groups from making use of their territory to plan, prepare, or launch terrorist attacks.



**LETTER BY 60 FORMER US DIPLOMATS, ATTACKING PRESIDENT  
GEORGE BUSH'S POLICY ON THE MIDDLE EAST, 4 MAY 2004**

*[In their letter the signatories contended that Bush's "unabashed support" for PM Sharon is costing the US credibility and friends.]*

Dear Mr. President:

We former U.S. diplomats applaud our 52 British counterparts who recently sent a letter to Prime Minister Tony Blair criticizing his Middle East policy and calling on Britain to exert more influence over the United States. As retired foreign service officers we care deeply about our nation's foreign policy and U.S. credibility in the world. At the request of our government and military colleagues, we have added their names as well.

We also are deeply concerned by your April 14 endorsement of Israeli Prime Minister Ariel Sharon's unilateral plan to reject the rights of three million Palestinians, to deny the right of refugees to return to their homeland, and to retain five large illegal settlement blocs in the occupied West Bank. This plan defies U.N. Security Council resolutions calling for Israel's return of occupied territories. It ignores international laws declaring Israeli settlements illegal. It flouts U.N. Resolution 194, passed in 1948, which affirms the right of refugees to return to their homes or receive compensation for the loss

of their property and assistance in resettling in a host country should they choose to do so. And it undermines the Road Map for peace drawn up by the Quartet, including the U.S. Finally, it reverses longstanding American policy in the Middle East.

Your meeting with Sharon followed a series of intensive negotiating sessions between Israelis and Americans, but which left out Palestinians. In fact, you and Prime Minister Sharon consistently have excluded Palestinians from peace negotiations. Former Palestinian Information Minister Yasser Abed Rabbo voiced the overwhelming reaction of people around the world when he said, "I believe President Bush declared the death of the peace process today."

By closing the door to negotiations with Palestinians and the possibility of a Palestinian state, you have proved that the United States is not an even-handed peace partner. You have placed U.S. diplomats, civilians and military doing their jobs overseas in an untenable and even dangerous position.

Your unqualified support of Sharon's extra-judicial assassinations, Israel's Berlin Wall-like barrier, its harsh military measures in occupied territories, and now your endorsement of Sharon's unilateral plan are costing our country its credibility, prestige and friends. Nor is this endorsement even in the best interests of the State of Israel.

It is not too late to reassert American principles of justice and fairness in our relations with all the peoples of the Middle East. Support negotiations between Palestinians and Israelis, with the United States serving as a truly honest broker. A return to the time-honored American tradition of fairness will reverse the present tide of ill will in Europe and the Middle East - even in Iraq. Because the Israeli-Palestinian conflict is at the core of the problems in the Middle East, the entire region - and the world - will rejoice along with Israelis and Palestinians when the killing stops and peace is attained.

Sincerely,

*Andrew I. Killgore, Ambassador to Qatar, 1977-1980; Richard H. Curtiss, chief inspector, U.S. Information Agency; Colbert C. Held, Middle East Regional Officer; Thomas J. Carolan, Consul General, Turkey, 1988-1992; C. Edward Bernier, Counselor of Embassy for Information and Culture, Pakistan 1995-1996; Donald A. Kruse, American Consul in Jerusalem; Ambassador Edward L. Peck, former Chief of Mission in Iraq and Mauritania; John Powell, Admin Counselor of Embassy in Lebanon, 1975; John Gunther Dean, Ambassador to India; James Akins, Ambassador to Saudi Arabia; Talcott Seelye, Ambassador to Syria; Eugene Bird, Counselor of Embassy in Saudi Arabia; Richard H. Nolte, Ambassador to Egypt; Ray Close, Chief of Station Jeddah, Saudi Arabia 1971-1979; Shirl McArthur, Commercial Attache, Thailand; David Fredrick, Country Director Peace Corps Morocco 1986-1990; Bill Rugh, Ambassador to UAE and Yemen; James Curran, Deputy Chief of Mission Togo 1973-1975; Joseph Cheevers, Office of Inspectors General 1987; Robert L. M. Nevitt, Minister for Press Affairs for the U.N.; John Brady Kiesling, Political Counselor, Greece; E. William Tatge, Counselor for Commercial Affairs, France; Henry Precht, Deputy Chief of Mission, Egypt; John O. Sutter, FSO, The Asia Foundation's Representative for Indonesia, 1982-1984; James J. Halsema, Counselor for Public Affairs, Egypt; Nancy LeRoy, Public Affairs Officer, Mexico; Thomas M. Martin, USIA Congressional Liaison Officer; Robert C. McLaughlin, USIA Madrid; Edward Alexander, Counselor for Public Affairs, East Berlin, 1976-1979; Roman Lotsberg, Admin Officer, Office of European Affairs; Dr. Shirley Hill Witt, Cultural Affairs Officer, Zambia, 1994-1996; Arthur L. Lowrie, Political Advisor to the Commander in Chief, U.S. Central Command; Carleton Coon, Ambassador to Nepal 1981-1984; Jane Coon, Ambassador to Bangladesh, 1981-1984; George B. Roberts, Ambassador to Guyana, 1979-1981; Robert V. Keeley, Ambassador to Greece; John E. Marsh, First Secretary, Embassy Kuwait, 1971-1973; Thomas W. Fina, Consul General, Milan, 1973-1979; Harland H. Eastman, Consul General, Tangier, Morocco, and Tel Aviv, Israel; Arthur Mudge, Director, USAID Mission to Sudan, 1980-1983; Ronald I. Spiers, Undersecretary of State for Management; Albert L. Seligmann, Director, Office of Japanese Affairs, 1981-1983; Orin D. Parker, President, America-Middle East Educational Services, 1979-1988; Robert C. Amerson, Counselor for Public Affairs, Italy; Christian Freer, Colonel, AUS ret., former chief of CIA stations and War Plans staff; Thomas J. Hirschfeld, Deputy U.S. Rep MBFR Negotiations; Edward R. M. Kane, Deputy Chief of Station, CIA, Iraq; Col. Richard Hobbes, US Army Retired, Politico-Military Adviser to NEA 1974-1977;*



*Col. David Antoon, US Air Force, Retired; Brig. General Augustine A. Verrengia, USAF Ret.; Greg Thielmann, Director, Office for Strategic Proliferation Military Affairs, Bureau of Intelligence and Research; Robin Berrington, Cultural Attache, Japan; Gary S. Usrey, Deputy Chief of Mission, Morocco; Owen Roberts, Ambassador to Togo; Chas W. Freeman, Jr. Ambassador to Saudi Arabia, Assistant Secretary of Defense, 1993-1994; Edwin Paul Kennedy, Jr., Regional Affairs Officer for N. African, Near Eastern, and S. Asian Affairs, USIA; Thomas J. Scotese, Ambassador to Yemen, 1975-1978; Michael Menard, Ph.D., Regional Public Affairs Officer, India; Francois M. Dickman, Director Arabian Peninsula Affairs 1972-76, Ambassador to UAE 1976-79 and Kuwait 1979-83; Terrell E. Arnold, Former Deputy Director Office of Counterterrorism and Consul General, Brazil; Roderick M. Wright, Counselor for International Economic Affairs U.N., Geneva 1989-1990; Michael A. Rugh, USAID Mission, Director to Somalia 1990-1991; Kathleen Christison, Middle East Policy Analyst, CIA, 1971-1979; William Christison, Director, Office of Regional and Political Analysis, ret. 1977-1979; Donald Easum, Ambassador to Nigeria; Jack McCreary, Public Affairs Officer, Rabat, Tunis, Sanaa, Baghdad; Paul D. Molineaux, Lebanon, 1976-1978; Charles E. Lahiguera, FSO, ret.; Dr. Frederick E. Machmer, Jr. Minister Counselor, U.S. Department of State, ret.; David Rehffuss, Economic Counselor, Saudi Arabia, 1990-1992; William E. Ryerson, Ambassador to Albania, retired FSO. Others Edy Korthals Altes, Ambassador of the Netherlands in Madrid 1983-1986; Mr. Gerben Meihuizen (The Hague) former Netherlands Ambassador in Syria, Saudi Arabia and Algeria; Former Congressman Paul Findley (R-IL); Robert Norberg, Director ARAMCO, ret.; Bishop John William Assemy of Yahweh; William Hughes, WWII veteran, retired engineer; Clyde A. Farris; Mary Ann Schwab, teacher, voter; Rev. J. Martin Bailey, Consultant to the Common Global Ministries Board; Henry E. Kydd, retired Army Sergeant, director of homeless shelter, grandfather; Dr. Edna Homa Hunt; David Wade, Ph.D, Recherche; E. Faye Williams, Esq.; Koen Stork, Netherlands Ambassador in Bucarest; W. Lance Haynes, Professor of Speech and Media Studies, University of Missouri-Rolla; David S. Dodge, President, American University of Beirut, ret.; Mrs. Frederick G. Roberts, widow of Frederick Roberts, CIA, Turkey; Dr. Mahmoud F. Agha, Principal, RBSD Architects, New York City.; E. Reda Thabet, Esq., Attorney at law, International Legal Consultant, New York, NY and Cairo, Egypt; Stanley W. Brinton, Professor of Mathematics.*



**STATEMENT BY THE STEERING COMMITTEES MEMBERS OF THE  
PALESTINIAN AND ISRAELI PARTNERS IN THE GENEVA INITIATIVE,  
CALLING FOR AN IMMEDIATE RESUMPTION OF PEACE TALKS BETWEEN  
THE PALESTINIANS AND ISRAELIS, 5 MAY 2004**

Sunday's defeat of Ariel Sharon's unilateral disengagement plan by the Likud Party illustrates the urgent necessity to pursue peace through a comprehensive, negotiated agreement between the parties. Unilateral steps and half measures only run the risk of further delaying and preventing the ultimate resolution of the Palestinian-Israeli conflict.

We call for the urgent and immediate resumption of direct negotiations on a final status agreement and for the implementation of both sides' commitments in the Road Map. In this way, Prime Minister Sharon's failed unilateral initiative to withdraw Israeli forces and settlements from Gaza should become a first step in the context of a negotiated peace agreement. The Quartet should actively facilitate such a process.

The majority of the people on both sides want a peaceful end to this conflict resulting in two states living side by side in peace and security. Extremists and terror must not exercise a veto over the will of the majority and the interests of both peoples.

Once a comprehensive, negotiated solution is placed on the table, both sides can mobilize the support that exists among their peoples for a reasonable and rapid end to a conflict that continues to cause only suffering and desperation.



**KING ABDULLAH II OF JORDAN, REMARKS AFTER MEETING  
US PRESIDENT GEORGE W. BUSH, WASHINGTON DC, 6 MAY 2004**

Mr. President, thank you for this opportunity to meet with you today and discuss vital issues of mutual interest to both our countries. I remain very concerned about the critical phase our region is passing through. It is very important for the moderate voices seeking peace in our region to prevail, so that we can break out of the cycle of violence which has held us back for too long, and put the region on the new path to stability and prosperity.

I'd like to outline the Jordanian position on the peace process, particularly the view of recent developments. We feel that any unilateral Israeli withdrawal from Gaza and the West Bank should be part of the road map, and should lead to the achievement of your vision of a two-state solution.

Let me stress that a viable, sovereign, and independent Palestinian state on the basis of the 1967 borders is also in Jordan's national interest. Failing to achieve such an outcome would invoke other options, all of which will endanger my country's interests and that of the region. This is one of the reasons why Jordan insists on a two-state solution, and why it supports the road map as the mechanism to get there.

Jordan remains committed to a final and comprehensive permanent status agreement based on the foundations of the Madrid Conference, the principles of land for peace, U.N. Security Council Resolutions 242, 338, and 1397 - agreements reached by the parties and the Arab initiative endorsed by the Beirut Arab League Summit.

Jordan also believes all final status issues, including borders, refugees, Jerusalem, and settlements, should be a matter for the parties to decide. I am encouraged by what I've heard from you today, sir, that these issues are not to be prejudiced, and should be mutually agreed by the parties. In the context of the road map, I want to assure you, Mr. President, that Jordan is ready to do its part in assisting the Palestinian Authority to rebuild its capability and assume full control of the security situation.

Jordan stands shoulder-to-shoulder with the United States and the international community in our common fight against terrorism. We cannot allow the terrorists' political agenda to succeed. And we assure you that Jordan will continue to do its utmost to help win this cause.

Jordan is committed to support Iraqis in their quest to regain their sovereignty, rebuild their institutions, and establish a society based on freedom and democracy. The stability, unity, and territorial integrity of Iraq is an objective we both share, and we are determined to achieve it.

Jordan is also committed to a process of political and economic reform in the region. We have adopted a far-reaching plan that addresses the key areas of good governance, political freedoms, women's rights, judicial reform, economic reform, educational reform, and the liberalization of the economy. We also are strongly committed to a key role by civil society. Our aim is to move towards a system that respects diversity and guarantees pluralism at all times, so that democracy is not used by any who might opt to subject to it once, and then deny it to others.

Mr. President, the leadership of the United States is crucial in all our efforts to reach a just and lasting peace of the Middle East. I want to thank you again for the opportunity, and I am determined to work with you to achieve this goal in a timely manner.



**US CHURCH LEADERS, LETTER TO PRESIDENT GEORGE W. BUSH  
REGARDING PROBLEMS FACING HOLY LAND CHRISTIANS, 7 MAY 2004**

Dear Mr. President:

We write to you about the situation and future of Christianity and Christians in the Holy Land. We do not mean to minimize the suffering of Muslims and Jews, but we believe it is important that you

fully understand the crisis in the Holy Land confronting Christian Palestinians, Christian institutions, and those who wish to visit the birthplace of Christianity.

Individually and collectively, churches have directed their concerns to the Israeli government but to little avail. Those of us with religious institutions in Israel and the Occupied Territories are no longer able to function normally, and it is generally acknowledged that relations of the churches and these institutions with the Israeli government may be the worst they have ever been. Meetings with embassy staff in Tel Aviv and with appropriate State Department personnel in Washington, though appreciated, have not produced satisfactory results. Therefore, we believe your intervention is needed at this difficult time.

Specifically:

Visas. The denial and delay of visas, by Israel, for clergy and church personnel result in understaffed seminaries, churches, hospitals, educational and other institutions, so that they have neither the spiritual nor the professional staff that they need. (These are the very kind of faith-based initiatives you have promoted in the United States.) For example, the Catholic Church operates 151 institutions (including 33 parishes, 7 hospitals, 11 dispensaries, 8 orphanages, 5 homes for the elderly, 7 homes for the handicapped, 70 schools, 5 theological seminaries, and 5 institutions of higher learning). Protestant denominations have similar institutions and many suffer from lack of sufficient personnel due to visa problems. Members of secular institutes, commissioned lay staff members, and even volunteers, without whom some institutions could not operate, are sometimes refused a visa.

Taxation. A number of our church organizations—specifically, Lutheran World Federation, Catholic Relief Services and Mennonite Central Committee—have longstanding and broad tax exemption agreements with the Israeli government. For more than fifty years, these organizations have offered charitable services and development programs which contribute to the wellbeing and security of both Palestinians and Israelis. In recent years the Israeli taxation department has attempted to back out of these tax-exemption agreements. These church organizations have worked unsuccessfully with Israeli authorities for nearly six years attempting to resolve this issue. The Israeli tax department's decision, if upheld by the Israeli courts, will create economic hardship for all the named organizations and, most seriously, could lead to the closing of the Lutheran World Federation's Augusta Victoria Hospital located on the Mount of Olives.

Separation Barrier. While we understand that there are Israelis who sincerely believe this barrier will bring them relief from terrorizing acts, we fear that it will in fact do quite the opposite by intensifying Palestinian despair. A sobering reality check might be the violence continuing within Gaza and emanating from Gaza despite its being totally enclosed. It is impossible for those who have not seen the barrier to comprehend fully its effect on the psychology of both Christian and Muslim Palestinians of all ages. The separation barrier is damaging Christian institutions and the daily livelihood of individual Christians. It separates families from one another, students from their schools, workers from their jobs, farmers from their land, doctors and patients from their hospitals, and most symbolically, Bethlehem from Jerusalem. For Christians worldwide, this structure is cutting off access to holy sites. Whether one calls it a fence, a wall, or a barrier, "The consequences will be devastating to the Christian community," said the Jerusalem Bishops and Patriarchs in their statement of August 26, 2003.

We find it difficult to be assured by your description on April 14 of the barrier as "temporary" in light of Israel's plans to extend the barrier far beyond the 1967 Green Line, encompassing on the Israeli side those large West Bank settlements that you implied would remain part of Israel. We agree with the widely held view that the separation barrier, as it deviates from the Green Line, is a tactic of Israel to claim land and water sources in the West Bank and Jerusalem that are necessary for a viable Palestinian state.

Mr. President, Christians in the Holy Land—and their schools, hospitals and churches—have a unique role. Prime Minister Sharon has commented that his unilateral initiative could delay negotiations and a Palestinian state for another generation. But this is a time frame in which, under the pressure of endless conflict, the endangered indigenous Christian population in the Holy Land could well disappear. We need your help in convincing the Israeli government that thriving Christian institutions are

vital to all of our interests and to the future of a secure Israel. Even more, your help is needed as a force for peacemaking that builds bridges to a new and hopeful future.



**FOREIGN MINISTER OF MALAYSIA, DATUK SERI SYED HAMID ALBAR,  
WELCOMING REMARKS AT THE OFFICIAL OPENING OF THE NON-ALIGNED  
MOVEMENT COMMITTEE ON PALESTINE, PUTRAJAYA, 13 MAY 2004**

*The Honourable Datuk Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia,  
Honourable Ministers, Deputy Ministers, and other Distinguished Guests,  
Distinguished Members of the NAM Committee on Palestine, Members of the NAM Caucus of the UN  
Security Council and other Distinguished NAM Representatives,  
Excellencies, Members of the Diplomatic Corps,  
Ladies and Gentlemen:*

I would like to express my profound thanks and gratitude to The Honourable Prime Minister, Datuk Seri Abdullah Ahmad Badawi, for having consented to officiate at this official opening of this Ministerial Meeting of the Committee on Palestine of the Non-Aligned Movement, this morning. Your presence with us, here, Sir, means a great deal to the Members of the Committee and reflects Malaysia's and your own personal commitment to the Palestinian cause.

I would like also take the opportunity to welcome the distinguished Members of the Committee, the Non-Aligned Members of the UN Security Council, which by tradition, have always been invited to attend meetings of the Committee on account of their important role in the Security Council, as well as representatives of a number of NAM Member States who are playing important roles in the peace process. Malaysia is deeply appreciative of their participation at this important meeting, in spite of the short notice and the vast distances they have to travel. Last, but certainly not least, I would like to thank all of you, Excellencies, Distinguished Guests, and Ladies and Gentlemen, for your kind attendance at this opening ceremony this morning.

The Committee on Palestine of the Non-Aligned Movement is an important Committee of NAM, charged with the responsibility to monitor developments pertaining to the Palestinian-Israeli conflict and to take appropriate measures in support of the Palestinian people's struggle for their inalienable rights, including their right to an independent and sovereign State. The Committee is being convened, today, in order to address the grave and deteriorating situation in the Occupied Palestinian Territories, as well as recent developments and trends which are most worrying to the international community, particularly the members of the Non-Aligned Movement of which Palestine is an important member. The security situation in the Territories has worsened, with an increased level of violence which is threatening to plunge the region into an endless spiral of even more violence in the coming weeks and months. The humanitarian situation is appalling and getting worse by the day, with very little prospects of relief in sight. The situation has been made worse by a number of recent developments, all of which portend more problems and difficulties for the future.

On the political front, these negative developments do not contribute to creating a climate of confidence in the region, which is vitally necessary for the peace process. What is particularly worrying is the absence of any movement or prospects of a political settlement in sight. The "Road Map" for Peace in the Middle East has, to all intents and purposes, been derailed and now lies in tatters, in spite of Israeli claims to the contrary. In the absence of any forward movement towards peace, there is a deepening sense of hopelessness and despair on the part of the Palestinian people. The overall situation is very bleak indeed and threatens to get worse over time unless serious efforts are made to arrest the slide towards further disorder and lawlessness. It is, therefore, imperative that the international community does all it could, individually and collectively, to support efforts that would lead to a po-

litical settlement of the Palestinian-Israeli conflict, within the context of a comprehensive settlement of the conflict in the Middle East.

The Meeting of the NAM Committee on Palestine, today, will discuss the situation in all its aspects, consider appropriate approaches and measures that could be taken by the Committee as well those that could be taken by the Movement as a whole, within the framework of NAM's continued strong support for, and solidarity with, the Palestinian people. What is vitally important is the urgent need to save the Road Map and to keep alive hopes for peace through a political settlement of this long and protracted conflict. This is important because the alternative would be a deepening spiral of violence, indefinitely, or, worse, full-scale war, with all the repercussions to peace and security in the region - which we must avoid at all cost.

Clearly, the path pursued by Mr. Sharon - which, his own party has rejected, out of its narrow and parochial interests - is a path that leads nowhere. It is intended to continue with the status-quo, deny the Palestinian people of their inalienable rights and keep them under Israeli control and domination. This path has been rejected by the Palestinians, as well as by the international community, except for a very few.

Therefore, every effort must be made to keep the peace process alive. It is hoped that in considering the grave situation in the Occupied Palestinian Territories, the Committee will be able to come up with ideas and approaches that will contribute to supporting and strengthening that process. We hope to have a fruitful exchange of ideas and look forward to the contribution of all members of the Committee, as well as the NAM Members of the Security Council and those countries who play important roles in the peace process.

With those brief remarks, I would like to thank the Honourable Prime Minister, once again, for his presence. I am confident, Sir, that the important address you are about to make to us this morning will provide us with important pointers for our deliberations.

Thank you.



### **FINAL COMMUNIQUÉ, MINISTERIAL MEETING OF THE NON-ALIGNED MOVEMENT COMMITTEE ON PALESTINE, PUTRAJAYA, 13 MAY 2004**

The Ministerial Meeting of the Committee on Palestine of the Non-Aligned Movement (NAM) was convened under the Chairmanship of the Honourable Syed Hamid Albar, Minister of Foreign Affairs of Malaysia in Putrajaya, Malaysia on Thursday, 13 May 2004. The Meeting was attended by the Member States of the Committee namely, Algeria, Bangladesh, Colombia, Cuba, India, Indonesia, Malaysia, Palestine, Senegal, South Africa and Zimbabwe. The Meeting was also attended by the Member States of NAM currently Members of the Security Council namely, Algeria, Angola, Chile, Pakistan and the Philippines. In addition, Egypt, Jordan and Saudi Arabia were invited in view of their long-standing involvement in the issue. Sri Lanka attended in its capacity as Chairman of the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

The Members of the NAM Committee on Palestine and the NAM Caucus in the Security Council as well as other participating countries were represented by their Ministers and/or senior Officials. The Meeting was convened to consider the grave political and humanitarian situation in the Occupied Palestinian Territory, including East Jerusalem, and recent developments concerning the peace process.

The Meeting was opened by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia and Chairman of NAM who delivered an address at the Meeting. In his address, the Prime Minister of Malaysia, inter alia, emphasized the unwavering support of the Movement to the struggle of the Palestinian people for an independent and sovereign state of their own.

He also emphasized the importance of bringing forward the multilateral process, in particular through the proper discharge by the United Nations Security Council of its role and responsibility in finding a comprehensive solution to the Palestinian question for a just and lasting peace in the Middle East. In this regard, he expressed his strong belief that the United Nations Security Council should intervene effectively by establishing a United Nations mission or authorizing an international presence to monitor the situation, ease the tension and maintain peace and security in the Occupied Palestinian Territory, including East Jerusalem. He also reiterated the urgent need for the international community to mobilize international public opinion to manifest solidarity with Palestine by starting a global, people-based campaign with the involvement of civil society in support of the continuing struggle of the Palestinian people and their elected leadership.

The Ministers of the Member States of the Committee on Palestine remained guided by the principles of Non-Aligned Movement and the positions on Palestine adopted by the XIII NAM Summit in Kuala Lumpur in February 2003 and affirmed their adherence to the positions set forth in the Statement on Palestine by the Summit as well as by the Meeting of the Ministers of Foreign Affairs of NAM in New York in September 2003 which confirmed the Non-Aligned Movement's solidarity with the Palestinian people and their leadership. The Ministers, after thorough discussions, including with the Ministers of the Members of the NAM Caucus in the Security Council, on developments related to the question of Palestine, have adopted the following specific positions:

1. The Ministers fully applauded the inspiring and thought provoking Address by the Honourable Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia and Chairman of NAM during the Opening Ceremony. They agreed to adopt the Address as an official document of the Meeting.
2. The Ministers expressed their grave concern at the continuous deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem. They condemned the continuing Israeli military campaign against the Palestinian people, including the systematic human rights violations and reported war crimes. They condemned the willful killings of civilians, in particular extrajudicial killings, including those that recently took place in Gaza City which threatened to further destabilize the prevailing perilous situation. They condemned the continuing settler colonialism as well as the building of the expansionist wall. The Ministers also condemned the more than two-year confinement of President Yasser Arafat by the occupying Power and the repeated threats against his life, safety and well-being. They expressed their solidarity with the democratically elected President of the Palestinian Authority and stressed the necessity for ending both the confinement and threats.
3. The Ministers reiterated their deep regret that the Road Map has yet to be implemented and that the situation has been gravely aggravated by the Israeli Prime Minister's "unilateral disengagement plan" as well as the Israeli-American exchange of letters. The Ministers affirmed that the above-mentioned plan as well as several passages within the letters violate international law and relevant Security Council resolutions, the inalienable rights of the Palestinian people, including the Palestine refugees, and are in complete departure from the Road Map. Accordingly, the Ministers affirmed that the plan and the letters are unacceptable and cannot alter the terms of reference of the peace process nor alter the inalienable rights of the Palestinian people.
4. The Ministers expressed the hope that the international community and the Quartet will undertake the necessary measures to salvage the Road Map and implement its provisions towards its stated aims and goals. They noted the outcome of the latest meeting of the Quartet on 4 May 2004. They also noted the reaffirmation by the Members of the Quartet of their commitment to the Road Map and its terms of reference and the position that any Israeli withdrawal from the Gaza Strip should be a full withdrawal and a complete end to the occupation of the Gaza Strip and should be part of the Road Map. They further noted the need, however, for a decisive position calling for the complete cessation of settlement activities and of the construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, as essential for the survival of the Road Map. They called for respect for the timeline agreed in the Road Map, in particular on the establishment of the State of Palestine in 2005. They also called on the Quartet to engage the United Nations Security Council, considering the Council's Charter authority and its responsibilities for the maintenance of international peace and security.

5. The Ministers expressed grave concern about the vast devastation being caused by the expansionist Wall that Israel continues to construct in the Occupied Palestinian Territory, including in and around East Jerusalem, and affirmed that, if completed, the Wall would render the two-State solution practically impossible to achieve. They condemned Israel's non-compliance with the demand of the Tenth Emergency Special Session of the United Nations General Assembly to stop and reverse the construction of the Wall, and to remove the existing parts of the Wall and, in this regard, they reiterated the need for the complete cessation of all Israeli colonial settlement activities. They welcomed the referral of the matter to the International Court of Justice and expressed confidence that the Court will issue an Advisory Opinion versed in international law. They stressed the importance and centrality of such an Advisory Opinion and called for serious and comprehensive follow-up of the Advisory Opinion by the United Nations organs and regional organizations as well as by the High Contracting Parties to the Fourth Geneva Convention.
6. The Ministers affirmed the important role, as well as the responsibility, of the Security Council with regard to the situation in the Occupied Palestinian Territory, including East Jerusalem, and the peaceful settlement of the Israeli-Palestinian conflict. They called on the Security Council to fulfill its responsibility under the Charter of the United Nations with regard to the violation of international law and the maintenance of international peace and security in relation to the tragic situation on the ground as well as to peace efforts. In addition, the Ministers urged the Security Council authorize an international presence and establish a United Nations peacekeeping mission or in the Occupied Palestinian Territory, including East Jerusalem. They also called for compliance with all relevant Security Council resolutions and stressed the importance and usefulness of a comprehensive Security Council resolution in view of the current circumstances.
7. The Ministers expressed their commitment to a peaceful solution to the Israeli-Palestinian conflict and to the rights of the Palestinian people to exercise their right to self-determination and to sovereignty in their State, Palestine, with East Jerusalem as its capital. In this regard, they welcomed the adoption of the United Nations General Assembly Resolution A/RES/58/292 entitled "Status of the Occupied Palestinian Territory, including East Jerusalem" on 6 May 2004. They welcomed the convening of the meeting of the United Nations Committee on the Inalienable Rights of the Palestinian People in Cape Town, South Africa in June 2004. They also agreed that this question will be further discussed at the 14th NAM Ministerial Meeting in Durban, South Africa in August 2004.
8. The Ministers stressed the vital role that should continue to be played by the Movement in which the Chair will lead the efforts with regard to the question of Palestine and towards a comprehensive peace in the region. They stressed the importance of ongoing contact and dialogue at the Ministerial level with the members of the Quartet as well as the permanent members of the Security Council. In this regard, they agreed to establish a Ministerial Delegation to be led by the Chair to undertake the necessary contacts with the relevant parties influential in the peace process with a view to facilitating the achievement of a just, durable and comprehensive peace in the region. They also stressed the importance of the work at the United Nations and urged NAM Member States to increase their efforts and to instruct their representatives to follow-up with regard to the above-mentioned positions.
9. The Ministers recognized the need to further mobilize international public opinion on the question and to encourage the international community, in particular NAM Member States, to support and engage in activities that would contribute to reaching a just, durable and comprehensive peace in the Middle East region. In this regard, they acknowledged the important role of members of civil society the world over, including those in Israel, and invited them to contribute towards this process.
10. The Ministers recognized the need for the convening at the United Nations of a special meeting on Palestine at the beginning of the forthcoming 59th Session of the United Nations of the General Assembly in cooperation with other international and regional groupings to further mobilize the international community in support of the two-State solution based on the pre 1967 borders. They also urged that a civil society public forum be convened in parallel with this meeting.



**SAUDI FOREIGN MINISTER PRINCE SAUD AL-FAISAL,  
SPEECH ON MIDDLE EAST PEACE PROCESS, 14<sup>TH</sup> SESSION OF THE JOINT  
MINISTERIAL COUNCIL OF THE GULF COOPERATION COUNCIL (GCC) AND THE  
EUROPEAN UNION (EU), BRUSSELS, 17 MAY 2004 [EXCERPTS]**

Mr. President, Ladies and Gentlemen, Members of Delegations:

I wish to express my delegation's gratitude to the Presidency of the European Union, the European Commission and the Secretariat of the EU for all their efforts in preparing for this 14th session of the GCC-EU Joint Ministerial Council. I wish also to welcome the new members on the European side whose participation in this dialogue will certainly enrich GCC-EU cooperation.

Mr. President, Ladies and Gentlemen:

It is surely safe to say that international security and stability, which concern us all, as well as the achievement of our goal for a strategic partnership, are strongly linked to our ability to contribute in achieving a just, lasting and comprehensive peace in the Middle East. Our joint responsibility in this regard necessitates that we extend every possible effort to advance the peace process to ensure reaching its desired objective in the face of the visible and dangerous setbacks it has witnessed in recent months. In our opinion these setbacks in the peace process, and the ensuing rising tide of violence and extremism in our region, derive mainly from the path chosen by the Israeli Government. This path is clearly in stark contradiction with all agreed principles and foundations of the peace process, including those of the 'roadmap' and the American vision of two states living in peace and security side by side where decent living conditions for both Palestinians and Israelis could be provided. Peace and security cannot be achieved by unilateral Israeli actions that aim to create new realities on the ground and predetermine the issues of final status negotiations.

Yet this is exactly the path chosen by the Israeli Government in its expansion of settlements and the building of a wall that cuts up large areas of Palestinian lands. I am saddened to say that this irrational Israeli path has recently received public support from the United States, which was supposed to utilize its special relationship with Israel to make it adhere to the foundations of the peace process, not weaken nor destroy them. Even the Israeli announcement of the intent to withdraw from Gaza was not done by adhering to the Road Map but by ignoring and side-stepping it in an attempt to gain legitimacy for settlements in the West Bank, which threatens the pillars of the international legal system. If Israel were serious in its peace efforts, the decision to withdraw from Gaza should have been made under the supervision of the Quartet and in accordance with a balanced implementation of the 'roadmap'. Israel's continued policies of oppression, assassinations, closures, boycott, demolition of houses, destruction of properties and the general humiliation of the Palestinian people can only serve the extremists on both sides by deepening the feelings of despair and paving the way for continued violence and bloodshed.

The GCC states stand ready today, as they always have, to fully support any efforts aiming at establishing the foundations of a just peace in the Middle East. In this context our governments supported the efforts of the Quartet for a balanced implementation of the 'roadmap'. We wish that the recent meeting of the Quartet had produced a clearer and firmer stand to ensure such an implementation by both sides. Perhaps the best way for strengthening the Quartet's efforts is by institutionally combining the 'roadmap' and the Arab Peace Plan through unifying the efforts of the Quartet and the Arab League Peace Committee. The Arab Peace Initiative in our opinion contains more comprehensive elements regarding the final peace settlement, for it provides for peace not only between the Palestinians and the Israelis, but also between Israel and all the Arabs including Syria and Lebanon. The two plans complement each other perfectly. It behooves us to take advantage at the same time of the efforts by civil societies on both sides of the divide to convince their respective public opinion of the desirability of peace. It is an opportunity that should not be dissipated. [...]





**PRIME MINISTER AHMED QREI'A, STATEMENT ON THE MEETING  
WITH US NATIONAL SECURITY ADVISOR CONDOLEEZA RICE,  
BERLIN, GERMANY, 17 MAY 2004**

I, on behalf of the Palestinian Authority, very much appreciated the opportunity to meet with US National Security Advisor, Dr. Condoleeza Rice. Our meeting was a welcome opportunity for Palestinians and Americans to discuss the means by which to reinvigorate the peace process and achieve our shared vision of a viable and free Palestinian state.

During the meeting, I expressed the continued commitment of the Palestinian Authority (PA) to the Road Map as a path for ending Israel's 37-year military occupation. We discussed the steps that must be taken by all parties to implement the Road Map, including respect for law, parallel actions by both Israel and Palestinians and the strong role of third parties to monitor and ensure compliance with the Road Map. In addition to outlining the PA's plan to hold elections, I also outlined the steps that the PA has taken and will continue to take to strengthen its capacity to more effectively ensure public security. The Palestinian Authority has requested the assistance of the United States on this matter.

I note, however, that peace and security for Palestinians and Israelis can only be achieved if Israel is committed to respecting human rights and international law. Since I have assumed office, Israel has taken a number of unlawful measures in the name of "security" that bring only insecurity and violence: Israel has killed 336 Palestinians, including 47 children (an average of 56 Palestinians per month); has erected over 700 barriers in the Occupied West Bank, preventing Palestinians from reaching their jobs, schools and hospitals and has taken over Palestinian homes to expand illegal Israeli settlements. In the last 17 days alone, Israel has made more than 2,100 Palestinian refugees homeless. These actions not only fuel extremism but they seriously undermine those who seek a peaceful resolution to Israel's military occupation. I call on the United States to pressure Israel to stop its attacks on Palestinians and to end its policy of home demolitions.

The Palestinian Authority welcomes the Gaza Disengagement Plan, but only to the extent that the evacuation represents the first step to ending Israel's occupation of all of the Occupied Palestinian Territory. Consequently, the Israeli government would be ill advised to believe that in exchange for withdrawing from a few settlements in Gaza that it will be entitled to hold onto large settlements in the West Bank. Any effort at unilaterally imposing a solution on the Palestinians will fail. Bilateral negotiations are the only way to end this conflict.

Finally, I am encouraged by recent Quartet statements and the letter by President Bush which reaffirm that any final settlement must be negotiated and not imposed. The Palestinians are ready to resume negotiations with Israel to end the now 37-year military occupation and establish a Palestinian state that is side by side in peace with Israel.



**SPECIAL RAPPORTEUR OF THE UN COMMISSION ON HUMAN RIGHTS ON THE  
SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORY OCCUPIED BY  
ISRAEL SINCE 1967, JOHN DUGARD, STATEMENT ON THE ISRAELI ACTION IN  
GAZA, 19 MAY 2004**

The Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territory occupied by Israel since 1967 wishes to add his voice to those who have expressed their horror and concern about Israeli military action in Gaza and in particular in Rafah. Conservative estimates show that 2,200 persons have lost their homes following the demolition of 191 homes in Gaza since the beginning of May. Over 30 Palestinians have been killed and hundreds injured. The refugees of Rafah are once more having to seek refuge in temporary structures. These actions constitute a violation of international humanitarian law and constitute war crimes under Article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12

August 1949 (Fourth Geneva Convention). They also amount to collective punishment which violates both humanitarian law and international human rights law. It is impossible to accept the Israeli argument that these actions are justified by military necessity. On the contrary, in the language of Article 147 of the Fourth Geneva Convention, they are "carried out unlawfully and wantonly.

In the first instance, the Special Rapporteur calls upon the Government of Israel to desist from such activity and to observe its international obligations. The Special Rapporteur also calls on the Security Council to take appropriate action to stop the violence, if necessary by the imposition of mandatory arms embargo on Israel of the kind that was imposed on South Africa in 1977. The Special Rapporteur reminds Members of the Security Council in general and the Permanent Members of the Security Council in particular of their obligations to take action to restore international peace and security in the region. The Special Rapporteur sees no reason why an arms embargo should not be an appropriate measure. The Special Rapporteur is aware of the tendency of some Member States to use the veto in all action affecting Israel. In this respect, they repeat the behaviour of Permanent Members in respect of South Africa before 1977. The Special Rapporteur urgently calls on all Member States of the Security Council to behave responsibly, in accordance with their international obligations, and not to allow domestic political considerations to undermine their international obligations.



**UN SECURITY COUNCIL, RESOLUTION 1544, CALLING ON ISRAEL TO STOP  
DEMOLITION OF PALESTINIAN HOMES, 19 MAY 2004**

*[The resolution was adopted by a vote of 14:0 and the US abstaining.]*

The Security Council,

*Reaffirming* its previous resolutions 242 (1967), 338 (1973), 446 (1979), 1322 (2000), 1397 (2002), 1402 (2002), 1403 (2002), 1405 (2002), 1435 (2002), and 1515 (2003),

*Reiterating* the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

*Calling on* Israel to address its security needs within the boundaries of international law,

*Expressing* its grave concern at the continued deterioration of the situation on the ground in the territory occupied by Israel since 1967,

*Condemning* the killing of Palestine civilian that took place in the Rafah area,

*Gravely concerned* by the recent demolition of homes committed by Israel, the occupying power in the Rafah refugee camp,

*Recalling* the obligations of the Palestinian Authority and the Government of Israel under the Road Map,

*Condemning* all acts of violence, terror and destruction,

*Reaffirming* its support for the Road Map, endorsed in its resolution 115 (2003),

1. *Calls on* Israel to respect its obligations under international humanitarian law, and insists, in particular, on its obligation not to undertake demolition of homes contrary to that law;
2. *Expresses* grave concern regarding the humanitarian situation of Palestinians made homeless in the Rafah area and calls for the provision of emergency assistance to them;
3. *Calls for* the cessation of violence and for respect of and adherence to legal obligations, including those under international humanitarian law;
4. *Calls on* both parties to immediately implement their obligations under the Road Map;
5. *Decides* to remain seized of the matter."



**ISRAELI PRIME MINISTER ARIEL SHARON, REVISED FOUR-STAGE  
DISENGAGEMENT PLAN, 28 MAY 2004**

APPENDIX A - FOUR-STAGE DISENGAGEMENT PLAN - KEY PRINCIPLES

I. Background - Diplomatic and security significance

The State of Israel is committed to the peace process and endeavors to reach an agreed arrangement based on the vision presented by U.S. President George W. Bush.

The State of Israel believes it must take action to improve the current situation. The State of Israel has reached the conclusion that there is currently no partner on the Palestinian side with whom progress can be made on a bilateral process. Given this, a four-stage disengagement plan has been drawn up, based on the following considerations:

- A. The stalemate embodied in the current situation is damaging; in order to break the stalemate, the State of Israel must initiate a process that is not dependent on cooperation with the Palestinians.
- B. The aim of the plan is to bring about a better security, diplomatic economic and demographic reality.
- C. In any future permanent arrangement, there will be no Israeli presence in the Gaza Strip. On the other hand, it is clear that some parts of Judea and Samaria (including key concentrations of Jewish settlements, civilian communities, security zones and areas in which Israel has a vested interest) will remain part of the State of Israel.
- D. The State of Israel supports the efforts of the United States, which is working along with the international community, to promote the process of reform, the establishment of institutions and improving the economic and welfare conditions of the Palestinian people, so that a new Palestinian leadership can arise, capable of proving it can fulfill its obligations under the road map.
- E. The withdrawal from the Gaza Strip and from the northern part of Samaria will reduce interaction with the Palestinian population.
- F. Completion of the four-stage disengagement plan will negate any claims on Israel regarding its responsibility for the Palestinian population of the Gaza Strip.
- G. The process of graduated disengagement does not detract from existing agreements between Israel and the Palestinians. The relevant security arrangements will remain in force.
- H. International support for the four-stage disengagement plan is widespread and important. This support is vital in ensuring that the Palestinians fulfill their obligations in terms of fighting terror and implementing reforms, in accordance with the road map. Only then will the sides be able to resume negotiations.

II. Key points of the plan

A. The Gaza Strip

1. The State of Israel will withdraw from the Gaza Strip, including all Israeli settlements, and will redeploy outside the area of the Strip. The method of the withdrawal, with the exception of a military presence in the area adjacent to the border between Gaza and Egypt (the Philadelphi route), will be detailed below.
2. Once the move has been completed, there will be no permanent Israeli military presence in the evacuated territorial area of the Gaza Strip.
3. As a result of this, there will be no basis to the claim that the Strip is occupied land.

B. Judea and Samaria

1. The State of Israel will withdraw from northern Samaria (four settlements: Ganim, Kadim, Sa-Nur and Homesh) as well as all permanent military installations in the area, and will redeploy outside the evacuated area.
2. Once the move has been completed, there will be no permanent Israeli military presence in the area.
3. The move will provide Palestinian territorial contiguity in the northern parts of Samaria.

4. The State of Israel, along with the international community, will help improve the transportation infrastructure in Judea and Samaria, with the goal of providing continuous transport for Palestinians in Judea and Samaria.
5. The move will make it easier for Palestinians to live a normal life in Judea and Samaria, and will facilitate economic and commercial activity.

#### C. The Process

The withdrawal process is slated to end by the end of 2005.

The settlements will be split into the following four groups:

1. Group A - Morag, Netzarim, Kfar Darom
2. Group B - The four settlements in northern Samaria (Ganim, Kadim, Sa-Nur and Homesh).
3. Group C - The Gush Katif bloc of settlements.
4. Group D - The settlements in the northern Gaza Strip (AleI Sinai, Dugit and Nissanit)

The necessary preparations will be undertaken in order to implement the four-stage disengagement plan (including administrative work to set relevant criteria, definitions and preparation of the necessary legislation.)

The government will discuss and decide separately on the evacuation of each of the above-mentioned groups.

#### D. The security fence

The State of Israel will continue to construct the security fence, in accordance with the relevant cabinet decisions. In deciding on the route of the fence, humanitarian considerations will be taken into account.

### III. The security reality after the evacuation

#### A. The Gaza Strip

1. The State of Israel will monitor and supervise the outer envelope on land, will have exclusive control of the Gaza airspace, and will continue its military activity along the Gaza Strip's coastline.
2. The Gaza Strip will be completely demilitarized of arms banned by current agreements between the sides.
3. The State of Israel reserves the basic right to self defense, which includes taking preventive measures as well as the use of force against threats originating in the Gaza Strip.

#### B. The West Bank

1. After the evacuation of the northern Samaria settlements, there will be no permanent military presence in that area.
2. The State of Israel reserves the basic right to self defense, which includes taking preventive measures as well as the use of force against threats originating in the area.
3. Military activity will remain in its current framework in the rest of the West Bank. The State of Israel will, if circumstances allow, consider reducing its activity in Palestinian cities.
4. The State of Israel will work to reduce the number of checkpoints throughout the West Bank.

### IV. Military infrastructure and installations in the Gaza Strip and the northern Samaria region

All will be dismantled and evacuated, except for those that the State of Israel decides to transfer to an authorized body.

### V. The nature of the security assistance to the Palestinians

The State of Israel agrees that in coordination with it, consulting, assistance and training will be provided to Palestinian security forces for the purpose of fighting terror and maintaining the public order.

The assistance will be provided by American, British, Egyptian, Jordanian or other experts, as will be agreed upon with Israel.

The State of Israel stresses that it will not agree to any foreign security presence in Gaza or the West Bank without its consent.

#### VI. The border area between the Strip and Egypt (the Philadelphi route)

The State of Israel will continue to maintain military presence along the border between the Gaza Strip and Egypt (the Philadelphi route.) This presence is an essential security requirement. The physical widening of the route where the military activity will take place, may be necessary in certain areas.

The possibility of evacuating the area will be considered later on. This evacuation would be conditioned, among other factors, on the security reality and on the level of cooperation by Egypt in creating an alternative credible arrangement.

If and when the conditions are met enabling the evacuation of the area, the State of Israel will be willing to consider the possibility of setting up an airport and a seaport in the Gaza Strip, subject to arrangements agreed upon with the State of Israel.

#### VII. Real estate

In general, houses belonging to the settlers, and other sensitive structures such as synagogues will not be left behind. The State of Israel will aspire to transfer other structures, such as industrial and agricultural facilities, to an international third party that will use them for the benefit of the Palestinian population.

The Erez industrial zone will be transferred to an agreed-upon Palestinian or international body.

The State of Israel along with Egypt will examine the possibility of setting up a joint industrial zone on the border between Israel, Egypt and the Gaza Strip.

#### VIII. Infrastructure and civilian arrangements

The water, electricity, sewage and communications infrastructures will be left in place.

As a rule, Israel will enable the continued supply of electricity, water, gas and fuel to the Palestinians, under the existing arrangements and full compensation.

The existing arrangements, including the arrangements with regard to water and the electromagnetic area, will remain valid.

#### IX. The activity of the international civilian organizations

The State of Israel views very favorably continued activity of the international humanitarian organizations and those that deal with civil development, which aid the Palestinian population.

The State of Israel will coordinate with the international organizations the arrangements that will make this activity easier.

The State of Israel suggests that an international mechanism (such as the AHLIC) be set up, in coordination with Israel and international bodies, that will work to develop the Palestinian economy.

#### X. Economic arrangements

In general, the economic arrangements that are currently in effect between Israel and the Palestinians will remain valid. These arrangements include, among other things:

- A. The movement of goods between the Gaza Strip, Judea and Samaria, Israel and foreign countries.
- B. The monetary regime.
- C. The taxation arrangements and the customs envelope.
- D. Postal and communications arrangements.
- E. The entry of workers into Israel in accordance with the existing criteria.

In the long run, and in accordance with the Israeli interest in encouraging Palestinian economic independence, the State of Israel aspires to reduce the number of Palestinian workers entering Israel, and eventually to completely stop their entrance. The State of Israel will support the development of employment sources in the Gaza Strip and in the Palestinian areas in the West Bank, by international bodies.

#### XI. The international crossing points

##### A. *The international crossing point between the Gaza Strip and Egypt*

1. The existing arrangements will remain in force.
2. Israel is interested in transferring the crossing point to the "border triangle," south of its current location. This will be done in coordination with the Egyptian government. This will allow the expansion of the hours of activity at the crossing point.

##### B. *The international crossing points between Judea and Samaria, and Jordan.*

The existing arrangements will remain in force.

#### XII. The Erez crossing point

The Erez crossing point will be moved into the territory of the State of Israel according to a timetable that will be determined separately.

#### XIII. Summary

The implementation of the four-stage disengagement plan will bring about an improvement in the situation and a break from the current stagnation. If and when the Palestinian side shows a willingness, an ability and an implementation of actions to fight terrorism, a full cessation of terror and violence and the carrying out of reforms according to the roadmap, it will be possible to return to the track of discussions and negotiations.



### **PLO EXECUTIVE COMMITTEE, POLITICAL STATEMENT AFTER MEETING WITH REPRESENTATIVES OF THE PALESTINIAN FACTIONS, RAMALLAH, 30 MAY 2004**

The PLO Executive Committee and representatives of the Palestinian factions held a meeting chaired by President Arafat, in which, the latest developments were reviewed.

The Palestinian Leadership saluted our people in all places and its steadfastness facing the Israeli aggressions, particularly, in Rafah and El Zeitun neighborhood and all villages, cities and refugee camps. The Palestinian Leadership also praised the solidarity between our people, our Arab brothers' support, the relief efforts of the UNRWA, Red Cross and the World Bank.

The Palestinian Leadership praised also the stance of the Quartet, Arab and Islamic countries, the Non-Aligned Movement, Latin American countries and all freedom lovers in the world condemning the Israeli aggression against our people. The Palestinian Leadership particularly praised the Egyptian stance and serious efforts to rehabilitate Palestinian security apparatus, to implement the Road Map and to stop the Israeli criminal practices against our people. President Arafat praised, on behalf of the Palestinian Leadership, the Arab Summit resolutions. The Palestinian Leadership reiterated its com-

mitment to the national stance to put an end to the circle of violence and its willingness to implement its commitments to resume negotiations and implement the Road Map, according to the time line agreed upon and under international supervision and the Quartet's monitoring.

The Palestinian Leadership reiterates the following:

*First:* Any Political process or any conditions to alienate the democratically elected leadership is not acceptable under all democratic, legitimate, legal and national standards.

*Second:* the consecutive plans announced by Sharon confirm he is not serious and continues deceiving and maneuvering.

*Third:* the Palestinians Leadership reiterates its readiness to impose the rule of law in the areas from which the Israelis withdraw.

*Fourth:* The Palestinian Leadership reiterates that the Israel non-commitment to the signed agreements and the continuation of the aggression, the segregation wall and settlement represent a direct violation of the Israeli commitment in the Road Map and a violation of all international and humanitarian laws.

*Fifth:* The Palestinian Leadership calls upon all Arab and international parties to send troops to protect our people and to monitor the implementation of agreements in order to achieve the vision of the Quartet and President Bush and all international resolutions.

*Sixth:* the Palestinian Leadership reiterates its determination to hold legislative, presidential and municipal elections. President Arafat called for a serious preparation for the elections of local governments this year. The Palestinian Leadership called on the Quartet and brotherly countries to help guarantee the appropriate environment for the general elections to be held on scheduled date.

*Seventh:* President Arafat confirmed that he has issued orders to increase teachers' salaries.

*Eighth:* The Palestinian Leadership discussed all measures to impose the rule of law and the participation of all PA services and national and Islamic forces in solving internal problems and tensions.



## **ISRAELI CABINET, DECISION ON THE DISENGAGEMENT PLAN, 6 JUNE 2004**

*[Excerpt from a statement by Cabinet Secretary Yisrael Maimon]*

The Cabinet has continued to discuss the Disengagement Plan and has decided as follows:

1. The Cabinet approved a Modified Disengagement Plan, Appendix A, but this decision does not amount to an evacuation of settlements.
2. The Cabinet has approved the preparatory work detailed in Appendix C.
3. After the end of the preparation work the Cabinet will reconvene to hold a separate discussion and decide whether or not settlements should be evacuated, which settlements and at what pace, considering the circumstances at that time.
4. The Modified Disengagement Plan approved as per 1 above was preceded by an exchange of letters between U.S. President George W. Bush and Prime Minister Ariel Sharon on April 14, 2004. The letter from the U.S. President is presented herein.

Attached are Appendices A and C (Appendix A – Modified Disengagement Plan - Key Principles; Appendix C – Format of Preparations for the Modified Disengagement Plan).

At the conclusion of the discussion on the matter the Prime Minister noted that in two sessions the Cabinet discussed the aforementioned issue for 15 hours; it was a deep and comprehensive discussion, one of the most important the Cabinet has had in recent years. The Prime Minister added that the intention is to complete the implementation of the Plan by the end of 2005. Likewise he intends to complete the necessary preparation work by March 1, 2005.

Immediately after the end of the preparation work the Government will convene to make decisions about the continued execution of the plan. The Prime Minister stressed that once the decision is taken all of the ministers have to stand behind it. The Prime Minister thanked Minister Tzippi Livni, his Bureau Chief Dubi Weissglass, Cabinet Secretary Yisrael Maimon, Director General of the Ministry of Justice Aharon Abramowitz, Chairman of the National Security Council Giora Eiland and the ministers, who spent days and nights to find an agreed formula for the approval of the plan.

Appendix A – Modified Disengagement Plan - Key Principles → *see following document*



## **GOVERNMENT OF ISRAEL, RESOLUTION REGARDING THE DISENGAGEMENT PLAN, 6 JUNE 2004**

*[See also Map 1 and 2 in the Annex.]*

### **ADDENDUM A – REVISED DISENGAGEMENT PLAN – MAIN PRINCIPLES**

#### *1. Background – Political and Security Implications*

The State of Israel is committed to the peace process and aspires to reach an agreed resolution of the conflict based upon the vision of US President George Bush.

The State of Israel believes that it must act to improve the current situation. The State of Israel has come to the conclusion that there is currently no reliable Palestinian partner with which it can make progress in a two-sided peace process. Accordingly, it has developed a plan of revised disengagement (hereinafter – the plan), based on the following considerations:

1. The stalemate dictated by the current situation is harmful. In order to break out of this stalemate, the State of Israel is required to initiate moves not dependent on Palestinian cooperation.
2. The purpose of the plan is to lead to a better security, political, economic and demographic situation.
3. In any future permanent status arrangement, there will be no Israeli towns and villages in the Gaza Strip. On the other hand, it is clear that in the West Bank, there are areas which will be part of the State of Israel, including major Israeli population centers, cities, towns and villages, security areas and other places of special interest to Israel.
4. The State of Israel supports the efforts of the United States, operating alongside the international community, to promote the reform process, the construction of institutions and the improvement of the economy and welfare of the Palestinian residents, in order that a new Palestinian leadership will emerge and prove itself capable of fulfilling its commitments under the Roadmap.
5. Relocation from the Gaza Strip and from an area in Northern Samaria should reduce friction with the Palestinian population.
6. The completion of the plan will serve to dispel the claims regarding Israel's responsibility for the Palestinians in the Gaza Strip.
7. The process set forth in the plan is without prejudice to the relevant agreements between the State of Israel and the Palestinians. Relevant arrangements shall continue to apply.
8. International support for this plan is widespread and important. This support is essential in order to bring the Palestinians to implement in practice their obligations to combat terrorism and effect reforms as required by the Roadmap, thus enabling the parties to return to the path of negotiation.



## 2. Main Elements

### A. The process:

1. The required preparatory work for the implementation of the plan will be carried out (including staff work to determine criteria, definitions, evaluations, and preparations for required legislation).
2. Immediately upon completion of the preparatory work, a discussion will be held by the Government in order to make a decision concerning the relocation of settlements, taking into consideration the circumstances prevailing at that time – whether or not to relocate, and which settlements.

The towns and villages will be classified into four groups, as follows:

- 1) Group A – Morag, Netzarim, Kfar Darom
- 2) Group B – the villages of Northern Samaria (Ganim, Kadim, Sa-Nur and Homesh).
- 3) Group C – the towns and villages of Gush Katif
- 4) Group D – the villages of the Northern Gaza Strip (Elei Sinai, Dugit and Nissanit)

It is clarified that, following the completion of the aforementioned preparations, the Government will convene periodically in order to decide separately on the question of whether or not to relocate, with respect to each of the aforementioned groups.

3. The continuation of the aforementioned process is subject to the resolutions that the Government will pass, as mentioned above in Article 2, and will be implemented in accordance with the content of those resolutions.

#### 3.1 The Gaza Strip

- 1) The State of Israel will evacuate the Gaza Strip, including all existing Israeli towns and villages, and will redeploy outside the Strip. This will not include military deployment in the area of the border between the Gaza Strip and Egypt ("the Philadelphi Route") as detailed below.
- 2) Upon completion of this process, there shall no longer be any permanent presence of Israeli security forces in the areas of Gaza Strip territory which have been evacuated.

#### 3.2 The West Bank

- 3) The State of Israel will evacuate an area in Northern Samaria (Ganim, Kadim, Sa-Nur and Homesh), and all military installations in this area, and will redeploy outside the vacated area.
- 4) Upon completion of this process, there shall no longer be any permanent presence of Israeli security forces in this area.
- 5) The move will enable territorial contiguity for Palestinians in the Northern Samaria area.
- 6) The State of Israel will assist, together with the international community, in improving the transportation infrastructure in the West Bank in order to facilitate the contiguity of Palestinian transportation.
- 7) The process will facilitate normal life and Palestinian economic and commercial activity in the West Bank.

- 3.3 The intention is to complete the planned relocation process by the end of 2005.

### B. The Security Fence:

The State of Israel will continue building the Security Fence, in accordance with the relevant decisions of the Government. The route will take into account humanitarian considerations.

## 3. Security Situation Following the Relocation

### *1. The Gaza Strip:*

- 1) The State of Israel will guard and monitor the external land perimeter of the Gaza Strip, will continue to maintain exclusive authority in Gaza air space, and will continue to exercise security activity in the sea off the coast of the Gaza Strip.
- 2) The Gaza Strip shall be demilitarized and shall be devoid of weaponry, the presence of which does not accord with the Israeli-Palestinian agreements.

- 3) The State of Israel reserves its fundamental right of self-defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip.

#### 2. *The West Bank:*

- 1) Upon completion of the evacuation of the Northern Samaria area, no permanent Israeli military presence will remain in this area.
- 2) The State of Israel reserves its fundamental right of self-defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Northern Samaria area.
- 3) In other areas of the West Bank, current security activity will continue. However, as circumstances require, the State of Israel will consider reducing such activity in Palestinian cities.
- 4) The State of Israel will work to reduce the number of internal checkpoints throughout the West Bank.

#### 4. *Military Installations and Infrastructure in the Gaza Strip and Northern Samaria*

In general, these will be dismantled and evacuated, with the exception of those which the State of Israel decides to transfer to another party.

#### 5. *Security Assistance to the Palestinians*

The State of Israel agrees that by coordination with it, advice, assistance and training will be provided to the Palestinian security forces for the implementation of their obligations to combat terrorism and maintain public order, by American, British, Egyptian, Jordanian or other experts, as agreed therewith.

No foreign security presence may enter the Gaza Strip and/or the West Bank without being coordinated with and approved by the State of Israel.

#### 6. *The Border Area Between the Gaza Strip and Egypt (Philadelphi Route)*

The State of Israel will continue to maintain a military presence along the border between the Gaza Strip and Egypt (Philadelphi Route). This presence is an essential security requirement. At certain locations, security considerations may require some widening of the area in which the military activity is conducted.

Subsequently, the evacuation of this area will be considered. Evacuation of the area will be dependent, inter alia, on the security situation and the extent of cooperation with Egypt in establishing a reliable alternative arrangement.

If and when conditions permit the evacuation of this area, the State of Israel will be willing to consider the possibility of the establishment of a seaport and airport in the Gaza Strip, in accordance with arrangements to be agreed with Israel.

#### 7. *Real Estate Assets*

In general, residential dwellings and sensitive structures, including synagogues, will not remain. The State of Israel will aspire to transfer other facilities, including industrial, commercial and agricultural ones, to a third, international party which will put them to use for the benefit of the Palestinian population that is not involved in terror. The area of the Erez industrial zone will be transferred to the responsibility of an agreed upon Palestinian or international party.

The State of Israel will explore, together with Egypt, the possibility of establishing a joint industrial zone on the border of the Gaza Strip, Egypt and Israel.

### 8. *Civil Infrastructure and Arrangements*

Infrastructure relating to water, electricity, sewage and telecommunications will remain in place. In general, Israel will continue, for full price, to supply electricity, water, gas and petrol to the Palestinians, in accordance with current arrangements.

Other existing arrangements, such as those relating to water and the electro-magnetic sphere shall remain in force.

### 9. *Activity of Civilian International Organizations*

The State of Israel recognizes the great importance of the continued activity of international humanitarian organizations and others engaged in civil development, assisting the Palestinian population.

The State of Israel will coordinate with these organizations arrangements to facilitate their activities.

The State of Israel proposes that an international apparatus be established (along the lines of the AHLIC), with the agreement of Israel and international elements which will work to develop the Palestinian economy.

### 10. *Economic Arrangements*

In general, the economic arrangements currently in operation between the State of Israel and the Palestinians shall remain in force. These arrangements include, *inter alia*:

1. The entry and exit of goods between the Gaza Strip, the West Bank, the State of Israel and abroad.
2. The monetary regime.
3. Tax and customs envelope arrangements.
4. Postal and telecommunications arrangements.
5. The entry of workers into Israel, in accordance with the existing criteria.

In the longer term, and in line with Israel's interest in encouraging greater Palestinian economic independence, the State of Israel expects to reduce the number of Palestinian workers entering Israel, to the point that it ceases completely. The State of Israel supports the development of sources of employment in the Gaza Strip and in Palestinian areas of the West Bank, by international elements.

### 11. *International Passages*

#### a. The International Passage Between the Gaza Strip and Egypt

- 1) The existing arrangements shall continue.
- 2) The State of Israel is interested in moving the passage to the "three borders" area, south of its current location. This would need to be effected in coordination with the Government of Egypt. This move would enable the hours of operation of the passage to be extended.

#### b. The International Passages Between the West Bank and Jordan:

The existing arrangements shall continue.

### 12. *Erez Crossing Point*

The Erez crossing point will be moved to a location within Israel in a time frame to be determined separately by the Government.

### 13. *Conclusion*

The goal is that implementation of the plan will lead to improving the situation and breaking the current deadlock. If and when there is evidence from the Palestinian side of its willingness, capability and implementation in practice of the fight against terrorism, full cessation of terrorism and violence

and the institution of reform as required by the Road Map, it will be possible to return to the track of negotiation and dialogue.

#### ADDENDUM C – FORMAT OF THE PREPARATORY WORK FOR THE REVISED DISENGAGEMENT PLAN

1. A process of relocation involves many significant personal repercussions for the relocated residents. In implementing the plan, the Government of Israel is obliged to consider the implications for the relocated residents, assist them, and ease the process for them as much as possible. The difficulties and sensitivities involved in the process must be born in mind by the Government and by those who implement the process.
2. The Government of Israel attributes great importance to conducting a dialogue with the population designated for relocation, regarding various issues relating to the implementation of the plan - including with respect to relocation and compensation - and will act to conduct such a dialogue.

##### Establishing an Organizational Framework

3. An organizational framework will be established with the purpose of addressing and assisting in all matters related to the implementation of the plan.
4. The Ministerial Committee for National Security (The Security Cabinet) will accompany and direct the Revised Disengagement Plan, including acceleration of the construction of the Security Fence, with the exception of the decisions concerning relocation (Article 2.A (2) and (3) in Addendum A).

The Security Cabinet will be responsible for the implementation of this Government Resolution.

5. A Steering Committee is hereby established that will be responsible for coordinating the issues pertaining to the Revised Disengagement Plan. The Steering Committee will report to the Security Cabinet on its activities, and bring before it issues which require a decision by the political echelon. The Steering Committee will include the following members:

1. Head of the National Security Council – Chairman
2. Representatives of the Ministry of Defense, the IDF and the Israel Police
3. Director-General of the Prime Minister's Office
4. Director General of the Ministry of Finance
5. Director General of the Ministry of Justice
6. Director General of the Ministry of Foreign Affairs
7. Director General of the Ministry of Industry, Trade and Labor
8. Director General of the Ministry of Agriculture and Rural Development
9. Director General of the Ministry of National Infrastructures
10. Director General of the Ministry of the Interior
11. Director General of the Ministry of Construction and Housing

6. A Committee on Relocation, Compensation, and Alternative Settlement is hereby established which will be charged with the task of preparing legislation regarding relocation and compensation, as well as details of the principles and indexes for compensation, including incentives, advance payments, and compensatory aspects of relocation alternatives in priority areas, in accordance with Government policy. The Committee's recommendations will be presented to the Security Cabinet and serve as a basis for the draft bill on this issue. This committee will constitute the exclusive authorized body for the coordination and conducting of dialogue with the population designated for relocation and compensation, and with all other bodies related to the issue of compensation - until the completion of the legislation. The Committee will be able to establish professional sub-committees, as it deems necessary, for the sake of fulfilling its tasks. The committee will include the following members:

- One. Director General of the Ministry of Justice – Chairman
- Two. Representative of the Ministry of Finance

- Three. Representative of the Ministry of Industry, Trade and Labor
- Four. Representative of the Ministry of Agriculture and Rural Development
- Five. Representative of the Prime Minister's Office

7. The Jewish Agency for Israel, as a body involved in settlement, will act in accordance with instructions from the Steering Committee and in coordination with the Committee on Relocation, Compensation and Alternative Settlement. The role of the Jewish Agency will be to carry out the activities required for alternative settlement, either agricultural or communal, for those among the relocated civilian population who so desire.
8. a. An Executive Administration is hereby established in the Prime Minister's Office which will be subordinate to the Steering Committee. Its task will be to implement this Government Resolution with regard to the relocation of civilians and compensation.
  - b. The Executive Administration will be authorized to grant advance payments to those eligible for compensation – which will be counted against the compensation to be owed to them – according to terms that will be determined by the Committee on Relocation, Compensation, and Alternative Settlement, and in accordance with the instructions and procedures established by the said Committee.
  - c. The Head of the Executive Administration will hold the rank of Ministry Director General.
9. All Government ministries and other governmental bodies will forward, without delay, all information required for the aforementioned organizational frameworks to fulfill their tasks.

#### Legislation

10. a. The Ministry of Justice will formulate and the Prime Minister will submit, as soon as possible, a draft bill to the Ministerial Committee for Legislation, which will include provisions regarding relocation and compensation for those eligible, as well as the authority necessary for this purpose.
  - b. Soon thereafter, the Government will submit the bill to the Knesset.
  - c. The IDF Military Commanders in the Areas will issue the Security Legislation necessary for the implementation of the Government's Resolutions.

#### Budget

11. a. Within one month of the adoption of this Resolution, the Director of the Budget Division of the Ministry of Finance, in coordination with the Director General of the Prime Minister's Office and the Director General of the Ministry of Justice, will allocate the required budget and other resources necessary for the Steering Committee, the Committee on Relocation, Compensation and Alternative Settlement, the Executive Administration and the Jewish Agency to carry out their activities.
  - b. The 2005 Budget and subsequent budgets will be adjusted periodically to conform with the process and Government Resolutions on this issue.
  - c. For the sake of commencing its activities, the Executive Administration will be allocated, in the first stage, 10 staff positions.

#### Transition Instructions

12. During the interim period from the date this Resolution is passed, the following instructions will apply to the towns, villages and areas included in the plan (hereafter – the towns and villages), for the purpose of making preparations on the one hand, while maintaining normal and continuous daily life on the other:
  1. Municipal and communal activities related to the course of normal life and services to which residents are entitled will continue unaffected, including services provided by the regional council, as well as security, education, welfare, telecommunications, mail, public transportation, electricity, water, gas, petrol, health services, banks and all other services customarily provided to towns and villages prior to this Resolution.

2. Government plans for construction and development that have yet to commence will not be advanced for implementation.
3. Nothing stated in this Resolution is intended to undermine Government Resolution no. 150, dated August 2, 1996, regarding other areas. The aforementioned Government Resolution no. 150 will also apply to towns and villages for the purpose of approval prior to planning and land allocation.

#### Exceptional Cases Committee

13. An Exceptional Cases Committee will be established which will be authorized to permit the implementation of any plan which was frozen, in accordance with the provisions above, and authorized to decide not to advance plans even if their implementation has already commenced, following an examination of each individual case, and in keeping with criteria that it shall establish.

The Exceptional Cases Committee will be headed by the Director General of the Prime Minister's Office, and will include the Directors General of the Ministries of Finance and Justice.

Decisions of the Exceptional Cases Committee may be appealed to the Security Cabinet, in any instance where they are brought before it by a member of the Government.

#### Principles for Compensation

14. a. The date which determines the right for compensation is the date of the adoption of this Government Resolution. Those entitled to compensation will receive fair and suitable compensation, as will be set out in the law legislated for this purpose.



### **G-8 SUMMIT, STATEMENT ON GAZA WITHDRAWAL AND THE ROAD AHEAD TO MIDEAST PEACE, SEA ISLAND, GEORGIA, 9 JUNE 2004**

The G8 welcomes the prospect of Israeli withdrawal from all Gaza settlements and from parts of the West Bank, following the Israeli Cabinet decision to endorse Prime Minister Sharon's initiative. The G8 looks forward to the implementation of this decision in 2005, recalling the Quartet statement of 4 May that it "welcomes and encourages such a step, which should provide a rare moment of opportunity in the search for peace in the Middle East." The G8 hopes that this disengagement initiative will stimulate progress towards peace in the region, the realization of Palestinian national aspirations and the achievement of our common objective of two states, Israel and a viable, democratic, sovereign and contiguous Palestine, living side by side in peace and security.

The G8 views the Quartet Roadmap as the way forward towards a comprehensive settlement and calls on all parties to abide by their obligations under the Roadmap. The G8 countries will join with others in the international community, led by the Quartet, to restore momentum on the Roadmap, to enhance humanitarian and economic conditions among the Palestinian people and to build democratic, transparent and accountable Palestinian institutions. We will also work to help ensure security and stability in Gaza and the areas of the West Bank from which Israel withdraws. We call on both sides to end all acts of violence.

In furtherance of these goals, the G8 calls upon the Quartet to meet in the region before the end of this month, engage with Israeli and Palestinian representatives and set out its plans for taking forward in practical terms its declaration of May 4.

We support and commend all efforts, including those by Egypt, to resolve critical security issues relating to Gaza, and urge that this important work continue. We urge and support the rebuilding and

refocusing of Palestinian security services in accordance with the Roadmap, so that they enforce the rule of law, mount effective operations against all forms of terrorism, and report to an empowered Interior Minister and Prime Minister.

We believe the important work of the Local Aid Coordinating Committee to alleviate the humanitarian situation in Gaza and the West Bank must continue. We suggest that preparations should begin now for a meeting of the Ad Hoc Liaison Committee with the aim of revitalizing the Palestinian economy. We welcome and encourage international support for the World Bank-established Trust Fund as an accountable and transparent mechanism for receipt of international assistance. We also welcome plans of the Palestinian Authority to hold municipal elections beginning at the end of the summer, and believe that the Task Force on Palestinian Reform should meet soon to assist in preparations to assure that these and subsequent elections will be fair and transparent, and serve as the building block of democratic reform.

The G8 welcomes the international conference on UNRWA in Geneva and supports close coordination between all groups involved in international assistance.



**G-8 SUMMIT, PARTNERSHIP FOR PROGRESS AND A COMMON FUTURE  
WITH THE REGION OF THE BROADER MIDDLE EAST AND NORTH  
AFRICA, SEA ISLAND, GEORGIA, 9 JUNE 2004**

1. We the leaders of the G8 are mindful that peace, political, economic and social development, prosperity and stability in the countries of the Broader Middle East and North Africa represent a challenge which concerns us and the international community as a whole. Therefore, we declare our support for democratic, social and economic reform emanating from that region.
2. The peoples of the Broader Middle East and North Africa have a rich tradition and culture of accomplishment in government, trade, science, the arts, and more. They have made many lasting contributions to human civilization. We welcome recent statements on the need for reform from leaders in the region, especially the latest statement issued at the Arab League Summit in Tunis, in which Arab leaders expressed their determination “to firmly establish the basis for democracy.” Likewise, we welcome the reform declarations of representatives of business and civil society, including those of Alexandria and the Dead Sea, Sana'a and Aqaba. As the leaders of the major industrialized democracies in the world, we recognize our special responsibility to support freedom and reform, and pledge our continuing efforts in this great task.
3. Therefore, we commit ourselves today to a *Partnership for Progress and a Common Future* with the governments and peoples of the Broader Middle East and North Africa. This partnership will be based on genuine cooperation with the region's governments, as well as business and civil society representatives to strengthen freedom, democracy, and prosperity for all.
4. The values embodied in the Partnership we propose are universal. Human dignity, freedom, democracy, rule of law, economic opportunity, and social justice are universal aspirations and are reflected in relevant international documents, such as the Universal Declaration on Human Rights.
5. In launching this Partnership, we adhere to the following principles:
  - 5.1. Strengthening the commitment of the International Community to peace and stability in the region of Broader Middle East and North Africa is essential.
  - 5.2. The resolution of long-lasting, often bitter, disputes, especially the Israeli-Palestinian conflict, is an important element of progress in the region.
  - 5.3. At the same time, regional conflicts must not be an obstacle for reforms. Indeed, reforms may make a significant contribution toward resolving them.
  - 5.4. The restoration of peace and stability in Iraq is critical to the well-being of millions of Iraqis and the security of the region.
  - 5.5. Successful reform depends on the countries in the region, and change should not and cannot be imposed from outside.

- 5.6. Each country is unique and their diversity should be respected. Our engagement must respond to local conditions and be based on local ownership. Each society will reach its own conclusions about the pace and scope of change. Yet distinctiveness, important as it is, must not be exploited to prevent reform.
- 5.7. Our support for reform will involve governments, business leaders and civil societies from the region as full partners in our common effort.
- 5.8. Supporting reform in the region, for the benefit of all its citizens, is a long-term effort, and requires the G-8 and the region to make a generational commitment.
6. Our support for reform in the region will go hand in hand with our support for a just, comprehensive, and lasting settlement to the Arab- Israeli conflict, based upon U.N. Resolutions 242 and 338. We fully endorse the Quartet's Statement of May 4, 2004 and join the Quartet in its "common vision of two states, Israel and a viable, democratic, sovereign and contiguous Palestine, living side by side in peace and security." We support the work of the International Task Force on Palestinian Reform and the Ad Hoc Liaison Committee and urge all states to consider the assistance they may provide to their work. We welcome the establishment of the World Bank's Trust Fund and urge donors to contribute to this important initiative. We join in the Quartet's call for "both parties to take steps to fulfill their obligations under the roadmap as called for in U.N. Security Council Resolution 1515 and previous Quartet statements, and to meet the commitments they made at the Red Sea Summits in Aqaba and Sharm el Sheikh." We reaffirm that a just, comprehensive, and lasting settlement to the Arab-Israeli conflict, including with respect to Syria and Lebanon, must comply with the relevant U.N. Security Council resolutions, including Resolution 425, which "Calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries."
7. We stand together united in our support for the Iraqi people and the fully sovereign Iraqi Interim Government as they seek to rebuild their nation. Iraq needs the strong support of the international community in order to realize its potential to be a free, democratic, and prosperous country, at peace with itself, its neighbors, and with the wider world. We welcome the unanimous approval of United Nations Security Council Resolution 1546 on Iraq, and we join in supporting the continued, expansive engagement of the United Nations in Iraq after the transfer of sovereignty, as circumstances permit. We pledge to provide support and assistance for the electoral process leading to national elections for the Transitional National Assembly no later than January 31, 2005. We are united in our desire to see the Multinational Force for Iraq, in accordance with the UNSCR 1546, succeed in its mission to help restore and maintain security, including protection of the United Nations presence, and to support humanitarian and reconstruction efforts. We express our shared commitment, and urge others, to support the economic revitalization of Iraq, focusing on priority projects identified by the Interim Government. We welcome the success of the recent International Reconstruction Fund Facility donors' conference in Doha, and commit to meeting before the next conference in Tokyo later this year to identify how each of us can contribute to the reconstruction of Iraq. Debt reduction is critical if the Iraqi people are to have the opportunity to build a free and prosperous nation. The reduction should be provided in connection with an IMF program, and sufficient to ensure sustainability taking into account the recent IMF analysis. We will work with each other, within the Paris Club, and with non-Paris Club creditors, to achieve that objective in 2004. To help reestablish the ties that link Iraq to the world, we will explore ways of reaching out directly to the Iraqi people – to individuals, schools, and cities – as they emerge from decades of dictatorship and deprivation to launch the political, social, and economic rebirth of their nation.
8. The Partnership we launch today builds on years of support for reform efforts in the region through bilateral and multilateral cooperation programs. The Euro-Mediterranean Partnership ("Barcelona Process"), the U.S. Middle East Partnership Initiative, and the Japan-Arab Dialogue Initiative are examples of our strong commitment to supporting democratic and economic development. We are similarly committed to such progress in Afghanistan and Iraq through our multilateral reconstruction efforts. The Partnership we propose will build on our on-going engagement in the region.
9. The magnitude of the challenges facing the region requires a renewed commitment to reform and cooperation. Only by combining our efforts can we bring about lasting democratic progress. We welcome and support the work of other governments, institutions, and multilateral agencies that aim to assist the region's development.



10. Central to this new Partnership will be a “*Forum for the Future*,” which will root our efforts in an open and enduring dialogue. The Forum will provide a framework at ministerial level, bringing together G-8 and regional Foreign, Economic, and other Ministers in an ongoing discussion on reform, with business and civil society leaders participating in parallel dialogues. The Forum will serve as a vehicle for listening to the needs of the region, and ensuring that the efforts we make collectively respond to those concerns.
11. Our efforts in the Partnership we commit to today focus on three areas:
- 11.1. In the *political sphere*, progress toward democracy and the rule of law entails instituting effective guarantees in the areas of human rights and fundamental freedoms, which notably imply respect for diversity and pluralism. This will result in cooperation, the free exchange of ideas, and the peaceful resolution of differences. State reform, good governance, and modernization are also necessary ingredients for building democracy.
- 11.2. In the *social and cultural sphere*, education for all, freedom of expression, equality between men and women as well as access to global information technology are crucial to modernization and prosperity. A better-educated workforce is a key to active participation in a globalized world. We will focus our efforts to reduce illiteracy and increase access to education, especially for girls and women.
- 11.3. In the *economic sphere*, creating jobs is the number one priority of many countries in the region. To expand opportunity, and promote conditions in which the private sector can create jobs, we will work with governments and business leaders to promote entrepreneurship, expand trade and investment, increase access to capital, support financial reforms, secure property rights, promote transparency and fight corruption. Promotion of intra-regional trade will be a priority for economic development of the Broader Middle East and North Africa.
12. The Partnership for Progress and a Common Future offers an impulse to our relationship with the Broader Middle East and North Africa region. As an expression of our commitment, we issue today an initial Plan of Support for Reform outlining current and planned activities to give life to this Partnership.



**US HOUSE RESOLUTION H. CON. RES. 460 REGARDING THE SECURITY  
OF ISRAEL AND THE PRINCIPLES OF PEACE IN THE MIDDLE EAST,  
108<sup>TH</sup> CONGRESS, 2<sup>ND</sup> SESSION, 22 JUNE 2004**

*[With this resolution US Senate and House of Representatives approved commitments to Israel made in Pres. Bush's Letter of 14 April 2004.]*

IN THE HOUSE OF REPRESENTATIVES, June 22, 2004

Mr. DELAY (for himself, Mr. HOYER, Mr. HYDE, and Mr. LANTOS) submitted the following concurrent resolution; which was referred to the Committee on International Relations

**CONCURRENT RESOLUTION**

Regarding the security of Israel and the principles of peace in the Middle East.

*Whereas* the United States is hopeful that a peaceful resolution of the Israeli-Palestinian conflict can be achieved;

*Whereas* the United States is strongly committed to the security of Israel and its well-being as a Jewish state;

*Whereas* Israeli Prime Minister Ariel Sharon has proposed an initiative intended to enhance the security of Israel and further the cause of peace in the Middle East;

*Whereas* President George W. Bush and Prime Minister Sharon have subsequently engaged in a dialogue with respect to this initiative;

*Whereas* President Bush, as part of that dialogue, expressed the support of the United States for Prime Minister Sharon's initiative in a letter dated April 14, 2004;

*Whereas* in the April 14, 2004, letter the President stated that in light of new realities on the ground in Israel, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations between Israel and the Palestinians will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

*Whereas* the President acknowledged that any agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a permanent alternative and the settling of Palestinian refugees there rather than in Israel;

*Whereas* the principles expressed in President Bush's letter will enhance the security of Israel and advance the cause of peace in the Middle East;

*Whereas* there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations;

*Whereas* the United States remains committed to the security of Israel, including secure, recognized, and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat;

*Whereas* Israel has the right to defend itself against terrorism, including the right to take actions against terrorist organizations that threaten the citizens of Israel;

*Whereas* the President stated on June 24, 2002, his vision of two states, Israel and Palestine, living side-by-side in peace and security and that vision can only be fully realized when terrorism is defeated, so that a new state may be created based on rule of law and respect for human rights;

and

*Whereas* President Bush announced on March 14, 2003, that in order to promote a lasting peace, all Arab states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That Congress-

- (1) strongly endorses the principles articulated by President Bush in his letter dated April 14, 2004, to Israeli Prime Minister Ariel Sharon which will strengthen the security and well-being of the State of Israel; and
- (2) supports continuing efforts with others in the international community to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

Passed the House of Representatives, June 23, 2004.

Passed the Senate, June 24, 2004.



**UNITED STATES AND EUROPEAN UNION, JOINT DECLARATION SUPPORTING PEACE, PROGRESS, AND REFORM IN THE BROADER MIDDLE EAST AND IN THE MEDITERRANEAN, DROMOLAND CASTLE, SHANNON, IRELAND, 26 JUNE 2004**

1. The United States and the European Union pledge our support to the governments and peoples of the countries concerned who have, in recent declarations and statements, expressed their determination to meet the challenges of modernisation; to advance political, social, and economic reforms; to build democracy; and to promote human rights. We believe that increased economic and political freedom can advance and change lives in the countries concerned. This task will require the sustained and increased support of the European Union and the United States. We offer this support in friendship, respect, and the spirit of partnership, recognizing that we share the objective of a prosperous, secure, and vibrant area. We welcome and support the initiative launched earlier this month at the G8 Summit in Sea Island, Georgia and the EU Strategic Partnership with the Mediterranean and the Middle East endorsed by the European Council on 18 June.

2. We welcome the reform initiatives and declarations calling for political, economic, and social progress that have stemmed from governments and civil societies in the countries concerned. Our engagement should draw on statements including the Arab League declaration of 23 May 2004, which expressed determination "to firmly establish the basis for democracy," and the declarations of Alexandria, the Dead Sea, Sana'a, and Aqaba. It should also take into account the significant analysis and recommendations provided in the Arab Human Development Reports of 2002 and 2003.
3. We remain convinced that engagement should be based on partnership and acknowledgement of the importance of local ownership. In order to be successful and lasting, reform must come from within the countries concerned and cannot be imposed from outside. With this in mind, we seek partnership with governments as well as with civil society and business communities who aspire towards reform and are ready to work with us on these shared objectives.
4. The peoples of these countries have rich traditions and cultures and have made many lasting contributions to human civilisation. Each country is unique and their diversity should be respected. Our engagement must respond to local conditions and be based on local ownership. Each society will reach its own conclusions about the pace and scope of change. Yet distinctiveness, important as it is, must not be exploited to prevent reform. The values they seek for themselves, and which we support, are universal: human dignity, freedom, democracy, the rule of law, economic opportunity, and social justice.
5. We reaffirm our commitment to a just, comprehensive, and lasting settlement of the Israeli-Palestinian conflict. Progress towards a negotiated peace settlement in the Middle East and towards reform will be mutually reinforcing. Neither should be a precondition nor a substitute for the other. We support the work of the Quartet on the Roadmap and endorse its declaration of 4 May 2004. We also welcome the League of Arab States' continued support for the Roadmap as expressed at the Summit meeting held in Tunis on 22/23 May and the League's rejection of acts of violence against civilians without distinction. We reiterate our common vision of two states, Israel and a viable, democratic, sovereign, and contiguous Palestine, living side by side in peace and security. We welcome and support the efforts of governments in the countries concerned to contribute to a settlement of this conflict, including the announced intention of Israeli withdrawal from all Gaza settlements and from parts of the West Bank which can be a step towards achieving the two-state solution and has the possibility of restarting progress on the Roadmap. We call for an end of all acts of violence and terrorism. We support all efforts, including those by Egypt, to resolve critical security issues relating to Gaza. In this context, any unilateral initiative should be undertaken in a manner consistent with the Roadmap and the two-state vision. At the same time, we welcome the establishment of the World Bank Trust Fund and urge international support for this important initiative for Palestinian economic and social reconstruction.
6. We will build upon our respective policy frameworks and instruments. For the U.S., the Middle East Partnership Initiative is a key instrument, together with other bilateral instruments. For the EU, cooperation is based primarily on its Euro-Mediterranean Partnership, the EU-Gulf Cooperation Council Cooperation Agreement, the EU Neighbourhood Policy, and other bilateral or multilateral initiatives, including the EU Strategic Partnership for the Mediterranean and the Middle East, as recently adopted by the European Council. We welcome the G8 Plan of Support for Reform, including the establishment of the "Forum for the Future." In this context, we pledge to work with each other in concrete areas to support:
 

Democratic development and the fullest possible participation by all citizens through programs to strengthen civil society and promote democratic norms and institutions, including by providing technical assistance and support to independent election commissions, voter registration programs, conduct of elections, civic awareness programs (including those with a particular emphasis on women voters and candidates), and through strengthening parliamentary exchanges and independent media. Increased practical and financial support to enhancing human rights, legislative reforms, and norms of good governance and linking closer relations and financial assistance to the achievement of measurable progress in these areas.

Efforts to significantly increase literacy skills, including through increased higher and basic education cooperation in areas such as increasing enrolment rates or improving quality, with a special focus on education for women and girls. These efforts will help the countries concerned meet

their target of imparting literacy skills to an additional 20 million people by 2015, as set out in the Beirut Declaration on Education for All of January 2004.

Economic integration, intra-regional trade, and expanded trade opportunities in global markets, through support, where appropriate, for accession to the WTO, including technical assistance, support for entrepreneurship and intraregional trade agreements, programs on trade facilitation, and support for development of local chambers of commerce. In this regard, we will take into account regional integration initiatives.

7. In order to follow up on these initiatives, we have agreed to find better ways to coordinate our respective efforts with each other and in partnership and dialogue with governments and representatives of civil society and business sectors in the countries concerned. In all instances, we will seek to respond to the impetus for reform stemming from the individual countries concerned. We will make full use of the existing structures of cooperation and dialogue between the EU and U.S., such as the Senior Level Group, to ensure that opportunities for cooperation and synergy between our respective programs are availed of to the full.



**UNRWA COMMISSIONER-GENERAL, PETER HANSEN, SPEECH AT THE MEETING  
OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE  
PALESTINIAN PEOPLE, CAPE TOWN, 29 JUNE 2004**

I send my greetings to all who have come to Cape Town to participate in this important meeting organized under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. I also take this opportunity to extend my warmest greetings to the people of South Africa, whose peaceful efforts to transform their country into a non-racial, multi-party democracy and to heal the divisions of the past should be a source of hope for all peoples still locked in unresolved conflict.

Israelis and Palestinians continue to yearn for a life of peace, prosperity and harmony. Regrettably, the conflict between them has intensified. Violence and counter-violence, extrajudicial killings and suicide bombings, have continued at an alarming pace. Israeli army incursions and the widespread demolition of houses, most recently in the Rafah area, have caused great misery and torment for the Palestinian people.

In May, the Security Council adopted resolution 1544 calling on Israel to respect its obligations under international humanitarian law and in particular its obligations not to demolish Palestinian homes. The resolution also called on both parties immediately to implement their obligations under the Quartet's Road Map. Both parties have accepted the Road Map, which envisions two States, Israel and Palestine, living side by side in peace and security, within secure and recognized borders.

I appeal to the parties to fulfil their obligations under the Road Map and international law. Israel should cease its practice of extrajudicial killings, excessive use of force, and other practices which violate its obligations as an occupying power to protect the civilian population. The Palestinian Authority should take decisive action to halt all acts of terrorism against Israeli civilians. It should also take steps to reform Palestinian security forces and empower the position of Prime Minister.

The construction of the barrier in the West Bank continues to be a cause of great concern as well. The project has resulted in the confiscation of Palestinian land and restrictions on the freedom of movement of people and goods. It also runs contrary to the spirit of the Road Map, as it threatens the future establishment of a viable and independent Palestinian State.

The international community stands ready to assist the parties in realizing their aspirations for peace. On 4 May, the Quartet met in New York. The communiqué issued at the meeting reaffirmed a number of important principles. The Quartet stressed that a final settlement of the conflict should be negotiated between the parties themselves. It should be arrived at on the basis of Security Council resolu-

tions 242, 338, 1397 and 1515, the terms of the Madrid peace process, the principle of land for peace, previous agreements, and the initiative of Saudi Crown Prince Abdullah endorsed by the Beirut Arab League Summit, and it should be consistent with the Road Map.

The Quartet believes that the declared intention of the Government of Israel to withdraw from all Gaza settlements and parts of the West Bank could provide a rare moment of opportunity in the search for peace in the Middle East. Withdrawal from Gaza might even be used as a bridge back towards resuming a meaningful peace process – if it is complete, if it is done in consultation with the Palestinian Authority, and if it is carried out as part of the Quartet's Roadmap. It must also lead clearly to an end of the Israeli occupation of Palestinian territory.

The United Nations, together with international donors and civil society, is determined to continue its work to improve the living conditions of the Palestinian people and alleviate the humanitarian situation that has worsened so dramatically during more more than three years of strife and movement restrictions. UNRWA's support for the Palestinian population in the West Bank and Gaza Strip is ever more crucial, particularly when over 60 per cent of the population lives below the poverty line. Around 1.1 million depend on the Agency for food aid, up from less than 130,000 in September 2000. I therefore reiterate my call to the donor community to fully meet the urgent requirements identified by UNRWA and other United Nations agencies to address humanitarian needs in the occupied Palestinian territory.

I extend my best wishes to this gathering-taking place in southern Africa. I hope that the vision, energy and experience of the eminent personalities and participants at this Meeting will generate fresh ideas and open up unexplored avenues, aimed at building understanding and peace between the Israelis and the Palestinians. Allow me also to extend my gratitude to the Committee for its tireless work towards peace in the Middle East.



**FINAL DOCUMENT, UNITED NATIONS AFRICAN MEETING IN SUPPORT OF THE  
INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE, CAPE TOWN, 29-30 JUNE 2004**

1. The United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People was held in Cape Town, on 29 and 30 June 2004, under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Its theme was "Achieving the inalienable rights of the Palestinian people—the key to peace in the Middle East." Participants in the Meeting included eminent personalities and experts from Africa, other international experts, representatives of Governments, Palestine, intergovernmental organizations, United Nations system entities, parliamentarians, civil society organizations, academic institutions and the media. The participants reviewed the situation on the ground, discussed ways of preserving and building on prior achievements in the political process, and international peace efforts, including support by African States for the inalienable rights of the Palestinian people.
2. The participants were greatly honoured by the opening address by H.E. Mr. Thabo Mbeki, President of the Republic of South Africa, and embraced the principled positions and pragmatic ideas contained therein. They expressed deep appreciation for the active and constructive role played by the Republic of South Africa and President Mbeki in efforts to achieve peace in the Middle East.
3. The participants welcomed the video message received from H.E. Mr. Yasser Arafat, President of the Palestinian Authority, in which he reiterated the Palestinian support for international efforts to solve the conflict, in particular, the Road Map.
4. Reviewing the deteriorating situation on the ground, participants condemned the wilful and systematic violations by Israel, the occupying Power, of international humanitarian and human rights law. They stressed that the Israeli occupation of the Palestinian Territory remained the core of the

conflict and strongly condemned Israel's ongoing and escalating military campaign in the Occupied Palestinian Territory since September 2000, causing widespread death and destruction.

The speakers were appalled by the continuing and increasing Israeli policies of extrajudicial killings, house demolitions and restrictions on the freedom of movement of persons and goods, including humanitarian, throughout the Occupied Palestinian Territory. They were deeply concerned about the severely detrimental impact on the economic and social conditions of the Palestinian people and the exacerbating humanitarian crisis. The participants reaffirmed their principled position of condemning the targeting of innocent civilians.



**JOINT COMMUNIQUÉ, 37<sup>TH</sup> ASEAN MINISTERIAL MEETING,  
JAKARTA, 29-30 JUNE 2004 [EXCERPTS]**

INTRODUCTION

1. We, the Ministers of Foreign Affairs of the Association of Southeast Asian Nations (ASEAN), met in Jakarta on 29-30 June 2004, the first time since the ASEAN Leaders decided to establish an ASEAN Community. The meeting was chaired by H.E. Dr. N. Hassan Wirajuda, Minister for Foreign Affairs of the Republic of Indonesia, [...]

INTERNATIONAL AND REGIONAL ISSUES

[...]

MIDDLE EAST

54. We expressed our grave concern over the deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem. We condemned all acts of violence. We firmly believed that such acts on violence, if left unchecked, would destroy the peace efforts in the Middle East as well as prolong the humanitarian tragedy in Palestine. We reiterated our deep regret that the Road Map has yet to be implemented, and expressed hope that the international community and the Quartet will undertake the necessary measures to salvage to Road Map and implement its provisions towards its stated aims and goals. In this connection, we underlined the need for all efforts to be made to resume the process for a permanent settlement of the conflict based on United Nations Security Council Resolutions 242, 338, 1397, and 1515. We look forward to the realization of the vision of two states; Israel and Palestine, living side by side in peace within secured and recognized borders. We also reaffirmed the important role of the Security Council with regard to the situation in the Occupied Palestinian Territory and peaceful settlement of the Israeli-Palestinian conflict. [...]



**THE OLGA DOCUMENT, JUNE 2004**

*[In June 2004, Israeli activists and scholars met in Givat Olga; their meetings resulted in a new initiative ("The Olga Appeal", stating their unity "in the belief that peace and reconciliation are contingent on Israel's recognition of its responsibility for the injustices done to the indigenous people, the Palestinians." Among its endorsers are Prof. Anat Biletzki, Andre Draznin, Haim Hanegbi, Yehudith Harel, Michel (Micado) Warszawski, Oren Medicks, Prof. Kimmerling and Meron Benvenisti.]*

**FOR TRUTH AND RECONCILIATION, FOR EQUALITY AND PARTNERSHIP**

The State of Israel was supposed to grant security to Jews; it has created a death-trap whose inhabitants live in constant danger, the likes of which is not experienced by any other Jewish community;

The State of Israel was supposed to tear down the walls of the ghetto; it is now constructing the biggest ghetto in the entire history of the Jews;

The State of Israel was supposed to be a democracy; it has set up a colonial structure, combining unmistakable elements of apartheid with the arbitrariness of brutal military occupation.

Israel, 2004, is a state on the road to nowhere. Fifty-six years after its establishment - notwithstanding its many achievements in agriculture, science and technology, and albeit a great regional military power, armed with doomsday weapons - many of its citizens are heartsick with existential worry and fear for their future.

Since its foundation Israel has lived by its sword. An incessant succession of "retaliations", military operations and wars has become the life-support drug of Israel's Jews. And now, almost four years after the beginning of the second Palestinian Intifada, Israel is up to its neck in the mire of occupation and oppression, while it goes on extending the settlements and multiplying the outposts, repeating to itself ad nauseam that "we have no partner for peace".

Ten years after the Oslo Accords, we are living in a benighted colonial reality - in the heart of darkness. Thirty-seven years after Israel conquered the last of the Palestinian territories in the West Bank and the Gaza Strip, over three and a half million Palestinians under its rule are penned up in their towns and villages. The term "Palestinian State" - which for years embodied the peace option - is being used by many Israeli politicians as a mirage phrase, a spin on the reality of occupation: "In the future," they whisper with a knowing wink, "the Palestinian entity in the Territories may be called a 'state'." And meanwhile Israel is amplifying the devastation of the West Bank and the Gaza Strip, as if determined to pulverize the Palestinian people to dust.

In the face of the large Israeli camp of supporters of the separation walls - those, both right and left, who are terrified by the demons of demography, constantly counting the populace to find out how many Jews and Arabs are born and die every week, how many Jews and Arabs live in the entire country and in each of its districts every month - it is vital to pose an alternative outlook, based on the following principles:

Coexistence of the peoples of this country, based on mutual recognition, equal partnership and implementation of historical justice.

We are united in a critique of Zionism, based as it is on refusal to acknowledge the indigenous people of this country and on denial of their rights, on dispossession of their lands, and on adoption of separation as a fundamental principle and way of life. Adding insult to injury, Israel persists in its refusal to bear any responsibility for its deeds, from the expulsion of the majority of Palestinians from their homeland more than half a century ago, to the present erection of ghetto walls around the remaining Palestinians in the towns and villages of the West Bank. Thus, wherever Jew and Arab stand together or face each other, a boundary is drawn between them, to separate and distinguish between the blessed and the cursed.

We are united in the recognition that this country belongs to all its sons and daughters - citizens and residents, both present and absentees (the uprooted Palestinian citizens of Israel in 48' ) - with no discrimination on personal or communal grounds, irrespective of citizenship or nationality, religion, culture, ethnicity or gender. Thus we demand the immediate annulment of all laws, regulations and practices that discriminate between Jewish and Arab citizens of Israel, and the dissolution of all institutions, organizations and authorities based on such laws, regulations and practices.

We are united in the belief that peace and reconciliation are contingent on Israel's recognition of its responsibility for the injustices done to the indigenous people, the Palestinians, and on willingness to redress them. Recognition of the right of return follows from our principles. Redressing the continued injustice inflicted on the Palestinian refugees, generation after generation, is a necessary condition both for reconciliation with the Palestinian people, as for the spiritual healing of ourselves, Israeli

Jews. Only thus shall we stop being plagued by the past's demons and damnations and make ourselves at home in our common homeland.

For many years now, Israeli leaders have been exerting themselves to depict the Palestinians as sub-human; and their exertions have been seconded and assisted by members of the cultural elite, media barons, vain functionaries and light-scribblers, right and left. We reject this racist arrogance with disgust, knowing that the Palestinians, as all other people, are neither devils nor angels, but just like us, are humans, created equal.

We are convinced that if we approach peace and reconciliation with the Palestinians with an open mind and a willing spirit, we shall find in them what we bring with us: an open mind and a willing spirit. For we are brothers and sisters, not eternal enemies as the well-poisoners profess.

It is pointless, now, to guess the material future form of the vision of life together: two states or one?! perhaps a confederation?! or maybe a federation?! and what about cantons?! In any case, the primary condition for advancing the vision of living together is self-evident, both as a supreme moral imperative and as a practical matter of the here and now: an immediate end to the state of occupation.

Only in this way will the Palestinians in eastern Jerusalem, the West Bank and Gaza Strip be rid of the yoke of settlements, the nightmare of apartheid, the burden of humiliation and the demons of destruction employed by Israel unremittingly, day and night, for 37 years. Only when they are totally free will the Palestinians be able to discuss and decide their future.

We believe that adoption of the principles stated above will lay the foundations on which the people of this country can set up the proper common frameworks for life together. We are not talking of fantasies or of a miracle move that would lead us from our living hell to a heavenly paradise.

We are talking of a road that has not been tried hitherto: being honest with ourselves, with our neighbours and particularly with the Palestinian people - our enemies who are our brothers and sisters. If we muster within ourselves the appropriate honesty and requisite courage, we will be able to take the first step in the long journey that can extricate us from the tangle of denial, repression, distortion of reality, loss of direction and forsaking of conscience, in which the people of Israel have been trapped for generations.

Whoever has eyes to see and ears to hear knows that the choice is between another “hundred years of conflict” ending in annihilation, and a partnership among all the inhabitants of this land. Only such a partnership is capable of turning us, the Jews of Israel, from foreigners in their country to its real inhabitants.

We do not intend to start another movement against the occupation, or another party (platform, institutions, leaders). We seek to start off a genuine public discussion about the Israeli blind alley in which we live and the profound changes needed in order to break out of it. Every Israeli knows that this is not a matter of political trifles, but concerns the fate of the peoples of this country.

Giv`at Olga, June 2004

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**INTERNATIONAL COURT OF JUSTICE, LEGAL CONSEQUENCES OF THE  
CONSTRUCTION OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY,  
SUMMARY AND ACTUAL RULING, 9 JULY 2004**

*[On 8 Dec. 2003, UNGA Res. A/RES/ES-10/14 requested the ICJ to render an advisory opinion on "what are the legal consequences arising from the construction of the wall being built by Israel"... as described in the report of the Secretary-General, considering the rules and principles of international law including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly Resolutions". All written statements were submitted to the Court by 31 Jan. and public hearings were held from 23-25 Feb. 2004. Israel did not take part in the hearings, but transmitted a written statement, in which it challenged the Court's competence to render an opinion on this issue. The following is the official Summary of the Advisory Opinion and the final pages of the official ruling; the full ruling can be found at <http://stopthewall.org/downloads/pdf/ICJ-Ruling.pdf>]*

HISTORY OF THE PROCEEDINGS (PARAS. 1-12)

The Court first recalls that on 10 December 2003 the Secretary-General of the United Nations officially communicated to the Court the decision taken by the General Assembly to submit the question set forth in its resolution ES-10/14, adopted on 8 December 2003 at its Tenth Emergency Special Session, for an advisory opinion. The question is the following:

"What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?"

The Court then gives a short overview of the history of the proceedings.

QUESTIONS OF JURISDICTION (PARAS. 13-42)

At the outset of its reasoning the Court observes that, when seised of a request for an advisory opinion, it must first consider whether it has jurisdiction to give the opinion requested and whether, should the answer be in the affirmative, there is any reason why it should decline to exercise any such jurisdiction.

The Court first addresses the question whether it possesses jurisdiction to give the advisory opinion. It notes first that the competence of the Court in this regard is based on Article 65, paragraph 1, of its Statute, according to which the Court "may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request", and secondly that the General Assembly, which seeks the advisory opinion, is authorized to do so by Article 96, paragraph 1, of the Charter, which provides: "The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question." As it has done sometimes in the past, the Court then turns to the rela-

tionship between the question which is the subject of a request for an advisory opinion and the activities of the Assembly. It observes in this respect that Article 10 of the Charter has conferred upon the General Assembly a competence relating to "any questions or any matters" within the scope of the Charter, and that Article 11, paragraph 2, has specifically provided it with competence on "questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations..." and to make recommendations under certain conditions fixed by those Articles. It notes that the question of the construction of the wall in the Occupied Palestinian Territory was brought before the General Assembly by a number of Member States in the context of the Tenth Emergency Special Session of the Assembly, convened to deal with what the Assembly, in its resolution ES-10/2 of 25 April 1997, considered to constitute a threat to international peace and security.

After recalling the sequence of events that led to the adoption of resolution ES-10/14, the Court turns to the first question of jurisdiction raised in the present proceedings. Israel has alleged that, given the active engagement of the Security Council with the situation in the Middle East, including the Palestinian question, the General Assembly acted *ultra vires* under the Charter, because its request for an advisory opinion was not in accordance with Article 12, paragraph 1, of the Charter, which provides that: "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests." The Court first observes that a request for an advisory opinion is not a "recommendation" by the General Assembly "with regard to [a] dispute or situation", within the meaning of Article 12, but considers it appropriate to examine the significance of that Article, having regard to the practice of the United Nations. It notes that, under Article 24 of the Charter, the Security Council has "primary responsibility for the maintenance of international peace and security" and that both the Security Council and the General Assembly initially interpreted and applied Article 12 to the effect that the Assembly could not make a recommendation on a question concerning the maintenance of international peace and security while the matter remained on the Council's agenda, but that this interpretation of Article 12 has evolved subsequently. The Court takes note of an interpretation of that text given by the United Nations Legal Counsel at the Twenty-third Session of the Assembly, and of an increasing tendency over time for the General Assembly and the Security Council to deal in parallel with the same matter concerning the maintenance of international peace and security. The Court considers that the accepted practice of the Assembly, as it has evolved, is consistent with Article 12, paragraph 1; it is accordingly of the view that the General Assembly, in adopting resolution ES-10/14, seeking an advisory opinion from the Court, did not contravene the provisions of Article 12, paragraph 1, of the Charter. The Court concludes that by submitting that request the General Assembly did not exceed its competence.

The Court recalls that it has however been contended before it that the request did not fulfil the essential conditions set by resolution 377 A (V), under which the Tenth Emergency Special Session was convened and has continued to act.

Resolution 377 A (V) provides that:

"if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures..." The Court proceeds to ascertain whether the conditions laid down by this resolution were fulfilled as regards the convening of the Tenth Emergency Special Session of the General Assembly, in particular at the time when the Assembly decided to request an advisory opinion from the Court.

In light of the sequence of events as described by it, the Court observes that, at the time when the Tenth Emergency Special Session was convened in 1997, the Council had been unable to take a decision on the case of certain Israeli settlements in the Occupied Palestinian Territory, due to a negative vote of a permanent member; and that, as indicated in resolution ES-10/2, there existed a threat to

international peace and security. The Court further notes that, on 20 October 2003, the Tenth Emergency Special Session of the General Assembly was reconvened on the same basis as in 1997, after the rejection by the Security Council, on 14 October 2003, again as a result of the negative vote of a permanent member, of a draft resolution concerning the construction by Israel of the wall in the Occupied Palestinian Territory. The Court considers that the Security Council again failed to act as contemplated in resolution 377 A (V). It does not appear to the Court that the situation in this regard changed between 20 October 2003 and 8 December 2003, since the Council neither discussed the construction of the wall nor adopted any resolution in that connection. Thus, the Court is of the view that, up to 8 December 2003, the Council had not reconsidered the negative vote of 14 October 2003. The Court concludes that, during that period, the Tenth Emergency Special Session was duly reconvened and could properly be seized of the matter now before the Court, under resolution 377 A (V).

The Court also emphasizes that, in the course of this Emergency Special Session, the General Assembly could adopt any resolution falling within the subject-matter for which the Session had been convened, and otherwise within its powers, including a resolution seeking the Court's opinion. It is irrelevant in that regard that no proposal had been made to the Security Council to request such an opinion.

Turning to alleged further procedural irregularities of the Tenth Emergency Special Session, the Court does not consider that the "rolling" character of that Session, namely the fact of it having been convened in April 1997 and reconvened 11 times since then, has any relevance with regard to the validity of the request by the General Assembly. In response to the contention by Israel that it was improper to reconvene the Tenth Emergency Special Session at a time when the regular Session of the General Assembly was in progress, the Court observes that, while it may not have been originally contemplated that it would be appropriate for the General Assembly to hold simultaneous emergency and regular sessions, no rule of the Organization has been identified which would be thereby violated, so as to render invalid the resolution adopting the present request for an advisory opinion. Finally, the Tenth Emergency Special Session appears to have been convened in accordance with Rule 9 (b) of the Rules of Procedure of the General Assembly, and the relevant meetings have been convened in pursuance of the applicable rules.

The Court turns to a further issue related to jurisdiction namely the contention that the request for an advisory opinion by the General Assembly does not raise a "legal question" within the meaning of Article 96, paragraph 1, of the Charter and Article 65, paragraph 1, of the Statute of the Court.

As regards the alleged lack of clarity of the terms of the General Assembly's request and its effect on the "legal nature" of the question referred to the Court, the Court observes that this question is directed to the legal consequences arising from a given factual situation considering the rules and principles of international law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (hereinafter the "Fourth Geneva Convention") and relevant Security Council and General Assembly resolutions. In the view of the Court, it is indeed a question of a legal character. The Court further points out that lack of clarity in the drafting of a question does not deprive the Court of jurisdiction. Rather, such uncertainty will require clarification in interpretation, and such necessary clarifications of interpretation have frequently been given by the Court. Therefore, the Court will, as it has done often in the past, "identify the existing principles and rules, interpret them and apply them...., thus offering a reply to the question posed based on law" (Legality of the Threat or Use of Nuclear Weapons, I.C.J. Reports 1996 (I), p. 234, para. 13). The Court points out that, in the present instance, if the General Assembly requests the Court to state the "legal consequences" arising from the construction of the wall, the use of these terms necessarily encompasses an assessment of whether that construction is or is not in breach of certain rules and principles of international law.

The Court does not consider that what is contended to be the abstract nature of the question posed to it raises an issue of jurisdiction. Even when the matter was raised as an issue of propriety rather than one of jurisdiction, in the case concerning the Legality of the Threat or Use of Nuclear Weapons, the Court took the clear position that to contend that it should not deal with a question couched in abstract terms is "a mere affirmation devoid of any justification" and that "the Court may give an advisory opinion on any legal question, abstract or otherwise" (I.C.J. Reports 1996 (I), p. 236, para. 15).

The Court finds that it furthermore cannot accept the view, which has also been advanced, that it has no jurisdiction because of the "political" character of the question posed. As is clear from its long-standing jurisprudence on this point, the Court considers that the fact that a legal question also has political aspects, "does not suffice to deprive it of its character as a 'legal question' and to 'deprive the Court of a competence expressly conferred on it by its Statute', and the Court cannot refuse to admit the legal character of a question which invites it to discharge an essentially judicial task" (Legality of the Threat or Use of Nuclear Weapons, I.C.J. Reports 1996 (I), p. 234, para. 13).

The Court accordingly concludes that it has jurisdiction to give the advisory opinion requested by resolution ES-10/14 of the General Assembly.

#### DISCRETIONARY POWER OF THE COURT TO EXERCISE ITS JURISDICTION (PARAS. 43-65)

The Court notes that it has been contended, however, that the Court should decline to exercise its jurisdiction because of the presence of specific aspects of the General Assembly's request that would render the exercise of the Court's jurisdiction improper and inconsistent with the Court's judicial function.

The Court first recalls that Article 65, paragraph 1, of its Statute, which provides that "The Court may give an advisory opinion..." (emphasis added), should be interpreted to mean that the Court retains a discretionary power to decline to give an advisory opinion even if the conditions of jurisdiction are met. It is mindful however of the fact that its answer to a request for an advisory opinion "represents its participation in the activities of the Organization, and, in principle, should not be refused". From this it follows that, given its responsibilities as the "principal judicial organ of the United Nations" (Article 92 of the Charter), the Court should in principle not decline to give an advisory opinion, and only "compelling reasons" should lead the Court to do so.

The first argument presented to the Court in this regard is to the effect that it should not exercise its jurisdiction in the present case because the request concerns a contentious matter between Israel and Palestine, in respect of which Israel has not consented to the exercise of that jurisdiction. According to this view, the subject-matter of the question posed by the General Assembly "is an integral part of the wider Israeli-Palestinian dispute concerning questions of terrorism, security, borders, settlements, Jerusalem and other related matters". The Court observes in this respect that the lack of consent to the Court's contentious jurisdiction by interested States has no bearing on the Court's jurisdiction to give an advisory opinion, but recalls its jurisprudence to the effect that the lack of consent of an interested State might render the giving of an advisory opinion incompatible with the Court's judicial character, e.g. if to give a reply would have the effect of circumventing the principle that a State is not obliged to submit its disputes to judicial settlement without its consent.

As regards the request for an advisory opinion now before it, the Court acknowledges that Israel and Palestine have expressed radically divergent views on the legal consequences of Israel's construction of the wall, on which the Court has been asked to pronounce in the context of the opinion it would give. However, as the Court has itself noted before, "Differences of views... on legal issues have existed in practically every advisory proceeding." Furthermore, the Court does not consider that the subject-matter of the General Assembly's request can be regarded as only a bilateral matter between Israel and Palestine. Given the powers and responsibilities of the United Nations in questions relating to international peace and security, it is the Court's view that the construction of the wall must be deemed to be directly of concern to the United Nations in general and the General Assembly in particular. The responsibility of the United Nations in this matter also has its origin in the Mandate and the Partition Resolution concerning Palestine. This responsibility has been described by the General Assembly as "a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy" (General Assembly resolution 57/107 of 3 December 2002). The object of the request before the Court is to obtain from the Court an opinion which the General Assembly deems of assistance to it for the proper exercise of its functions. The opinion is requested on a question which is of particularly acute concern to the United Nations, and one which is located in a much broader frame of reference than a bilateral

dispute. In the circumstances, the Court does not consider that to give an opinion would have the effect of circumventing the principle of consent to judicial settlement, and the Court accordingly cannot, in the exercise of its discretion, decline to give an opinion on that ground.

The Court then turns to another argument raised in support of the view that it should decline to exercise its jurisdiction: that an advisory opinion from the Court on the legality of the wall and the legal consequences of its construction could impede a political, negotiated solution to the Israeli-Palestinian conflict. More particularly, it has been contended that such an opinion could undermine the scheme of the "Roadmap", which requires Israel and Palestine to comply with certain obligations in various phases referred to therein. The Court observes that it is conscious that the "Roadmap", which was endorsed by Security Council resolution 1515 (2003), constitutes a negotiating framework for the resolution of the Israeli-Palestinian conflict, but that it is not clear what influence its opinion might have on those negotiations: participants in the present proceedings have expressed differing views in this regard. The Court finds that it cannot regard this factor as a compelling reason to decline to exercise its jurisdiction.

It was also put to the Court by certain participants that the question of the construction of the wall was only one aspect of the wider Israeli-Palestinian conflict which could not be properly addressed in the present proceedings. The Court does not however consider this a reason for it to decline to reply to the question asked: it is aware, and would take into account, that the question of the wall is part of a greater whole. At the same time, the question which the General Assembly has chosen to ask of the Court is confined to the legal consequences of the construction of the wall, and that the Court would only examine other issues to the extent that they might be necessary to its consideration of the question put to it.

The further argument has been raised that the Court should decline to exercise its jurisdiction because it does not have at its disposal the requisite facts and evidence to enable it to reach its conclusions. According to Israel, if the Court decided to give the requested opinion, it would be forced to speculate about essential facts and make assumptions about arguments of law. The Court points out that in the present instance, it has at its disposal the report of the Secretary-General, as well as a voluminous dossier submitted by him to the Court, comprising not only detailed information on the route of the wall but also on its humanitarian and socio-economic impact on the Palestinian population. The dossier includes several reports based on on-site visits by special rapporteurs and competent organs of the United Nations. Moreover, numerous other participants have submitted to the Court written statements which contain information relevant to a response to the question put by the General Assembly. The Court notes in particular that Israel's Written Statement, although limited to issues of jurisdiction and propriety, contained observations on other matters, including Israel's concerns in terms of security, and was accompanied by corresponding annexes; and that many other documents issued by the Israeli Government on those matters are in the public domain.

The Court therefore finds that it has before it sufficient information and evidence to enable it to give the advisory opinion requested by the General Assembly. Moreover, the circumstance that others may evaluate and interpret these facts in a subjective or political manner can be no argument for a court of law to abdicate its judicial task. There is therefore in the present case no lack of information such as to constitute a compelling reason for the Court to decline to give the requested opinion.

Another argument that has been advanced is that the Court should decline to give the requested opinion on the legal consequences of the construction of the wall because such opinion would lack any useful purpose: the General Assembly would not need an opinion of the Court because it has already declared the construction of the wall to be illegal and has already determined the legal consequences by demanding that Israel stop and reverse its construction and further, because the General Assembly has never made it clear how it intended to use the opinion. The Court observes that, as is clear from its jurisprudence, advisory opinions have the purpose of furnishing to the requesting organs the elements of law necessary for them in their action. It recalls what it stated in its Opinion on the Legality of the Threat or Use of Nuclear Weapons: "it is not for the Court itself to purport to decide whether or not an advisory opinion is needed by the Assembly for the performance of its functions. The General Assembly has the right to decide for itself on the usefulness of an opinion in the light of its own

needs." It thus follows that the Court cannot decline to answer the question posed based on the ground that its opinion would lack any useful purpose. The Court cannot substitute its assessment of the usefulness of the opinion requested for that of the organ that seeks such opinion, namely the General Assembly. Furthermore, and in any event, the Court considers that the General Assembly has not yet determined all the possible consequences of its own resolution. The Court's task would be to determine in a comprehensive manner the legal consequences of the construction of the wall, while the General Assembly - and the Security Council - may then draw conclusions from the Court's findings.

Lastly, another argument advanced by Israel with regard to the propriety of its giving an advisory opinion in the present proceedings is that Palestine, given its responsibility for acts of violence against Israel and its population which the wall is aimed at addressing, cannot seek from the Court a remedy for a situation resulting from its own wrongdoing. Therefore, Israel concludes, good faith and the principle of "clean hands" provide a compelling reason that should lead the Court to refuse the General Assembly's request. The Court does not consider this argument to be pertinent. It emphasizes, as earlier, that it was the General Assembly which requested the advisory opinion, and that the opinion is to be given to the General Assembly, and not to an individual State or entity.

*In the light of the foregoing, the Court concludes that it has jurisdiction to give an opinion on the question put to it by the General Assembly and that there is no compelling reason for it to use its discretionary power not to give that opinion.*

#### SCOPE OF THE QUESTION BEFORE THE COURT (PARAS. 66-69)

The Court then proceeds to address the question put to it by General Assembly resolution ES-10/14 (see above). The Court explains that it has chosen to use the term "wall" employed by the General Assembly, because the other terms used - "fence" or "barrier" - are no more accurate if understood in the physical sense. It further notes that the request of the General Assembly concerns the legal consequences of the wall being built "in the Occupied Palestinian Territory, including in and around East Jerusalem", and considers that it is not called upon to examine the legal consequences arising from the construction of those parts of the wall which are on the territory of Israel itself.

#### HISTORICAL BACKGROUND (PARAS. 70-78)

In order to indicate the legal consequences of the construction of the wall in the Occupied Palestinian Territory, the Court has first to determine whether or not the construction of that wall breaches international law. To this end, it first makes a brief historical analysis of the status of the territory concerned since the time that Palestine, having been part of the Ottoman Empire, was, at the end of the First World War, the subject of a class "A" mandate entrusted by the League of Nations to Great Britain. In the course of this analysis, the Court mentions the hostilities of 1948-1949, and the armistice demarcation line between Israeli and Arab forces fixed by a general armistice agreement of 3 April 1949 between Israel and Jordan, referred to as the "Green Line". At the close of its analysis, the Court notes that the territories situated between the Green Line and the former eastern boundary of Palestine under the Mandate were occupied by Israel in 1967 during the armed conflict between Israel and Jordan. Under customary international law, the Court observes, these were therefore occupied territories in which Israel had the status of occupying Power. Subsequent events in these territories have done nothing to alter this situation. The Court concludes that all these territories (including East Jerusalem) remain occupied territories and that Israel has continued to have the status of occupying Power.

#### DESCRIPTION OF THE WALL (PARAS. 79-85)

The Court goes on to describe, on the basis of the information available to it in a report by the United Nations Secretary-General and the Written Statement presented to the Court by the Secretary-General, the works already constructed or in course of construction in that territory.

#### RELEVANT RULES AND PRINCIPLES OF INTERNATIONAL LAW (PARAS. 86-113)

It then turns to the determination of the rules and principles of international law which are relevant in assessing the legality of the measures taken by Israel. It observes that such rules and principles can be

found in the United Nations Charter and certain other treaties, in customary international law and in the relevant resolutions adopted pursuant to the Charter by the General Assembly and the Security Council. It is aware, however, that doubts have been expressed by Israel as to the applicability in the Occupied Palestinian Territory of certain rules of international humanitarian law and human rights instruments.

UNITED NATIONS CHARTER AND GENERAL ASSEMBLY RESOLUTION 2625 (XXV)  
(PARAS. 87-88)

The Court first recalls Article 2, paragraph 4, of the United Nations Charter, which provides that:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations," and General Assembly resolution 2625 (XXV), entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States" (hereinafter "resolution 2625 (XXV)"), in which the Assembly emphasized that "No territorial acquisition resulting from the threat or use of force shall be recognized as legal." As stated in the Court's Judgment in the case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), the principles as to the use of force incorporated in the Charter reflect customary international law (see I.C.J. Reports 1986, pp. 98-101, paras. 187-190); the same is true, it observes, of its corollary entailing the illegality of territorial acquisition resulting from the threat or use of force.

As to the principle of self-determination of peoples, the Court points out that it has been enshrined in the United Nations Charter and reaffirmed by the General Assembly in resolution 2625 (XXV) cited above, pursuant to which "Every State has the duty to refrain from any forcible action which deprives peoples referred to [in that resolution] ... of their right to self-determination." Article 1 common to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights reaffirms the right of all peoples to self-determination, and lays upon the States parties the obligation to promote the realization of that right and to respect it, in conformity with the provisions of the United Nations Charter. The Court recalls its previous case law, which emphasized that current developments in "international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all [such territories]", and that the right of peoples to self-determination is today a right *erga omnes*.

INTERNATIONAL HUMANITARIAN LAW (PARAS. 89-101)

As regards international humanitarian law, the Court first recalls that Israel is not a party to the Fourth Hague Convention of 1907, to which the Hague Regulations are annexed. It considers, however, that the provisions of the Hague Regulations have become part of customary law, as is in fact recognized by all the participants in the proceedings before the Court. The Court also observes that, pursuant to Article 154 of the Fourth Geneva Convention, that Convention is supplementary to Sections II and III of the Hague Regulations. Section III of those Regulations, which concerns "Military authority over the territory of the hostile State", is particularly pertinent in the present case.

Secondly, with regard to the Fourth Geneva Convention, the Court takes note that differing views have been expressed by the participants in these proceedings. Israel, contrary to the great majority of the participants, disputes the applicability *de jure* of the Convention to the Occupied Palestinian Territory. The Court recalls that the Fourth Geneva Convention was ratified by Israel on 6 July 1951 and that Israel is a party to that Convention; that Jordan has also been a party thereto since 29 May 1951; and that neither of the two States has made any reservation that would be pertinent to the present proceedings. The Court observes that the Israeli authorities have indicated on a number of occasions that in fact they generally apply the humanitarian provisions of the Fourth Geneva Convention within the occupied territories. However, according to Israel's position, that Convention is not applicable *de jure* within those territories because, under Article 2, paragraph 2, it applies only in the case of occupation

of territories falling under the sovereignty of a High Contracting Party involved in an armed conflict. Israel explains that the territories occupied by Israel subsequent to the 1967 conflict had not previously fallen under Jordanian sovereignty.

The Court notes that, according to the first paragraph of Article 2 of the Fourth Geneva Convention, when two conditions are fulfilled, namely that there exists an armed conflict (whether or not a state of war has been recognized), and that the conflict has arisen between two contracting parties, then the Convention applies, in particular, in any territory occupied in the course of the conflict by one of the contracting parties. The object of the second paragraph of Article 2, which refers to "occupation of the territory of a High Contracting Party", is not to restrict the scope of application of the Convention, as defined by the first paragraph, by excluding therefrom territories not falling under the sovereignty of one of the contracting parties, but simply to making it clear that, even if occupation effected during the conflict met no armed resistance, the Convention is still applicable.

This interpretation reflects the intention of the drafters of the Fourth Geneva Convention to protect civilians who find themselves, in whatever way, in the hands of the occupying Power, regardless of the status of the occupied territories, and is confirmed by the Convention's travaux préparatoires. The States parties to the Fourth Geneva Convention, at their Conference on 15 July 1999, approved that interpretation, which has also been adopted by the ICRC, the General Assembly and the Security Council. The Court finally makes mention of a judgment of the Supreme Court of Israel dated 30 May 2004, to a similar effect.

In view of the foregoing, the Court considers that the Fourth Geneva Convention is applicable in the Palestinian territories which before the 1967 conflict lay to the east of the Green Line and which, during that conflict, were occupied by Israel, there being no need for any enquiry into the precise prior status of those territories.

#### HUMAN RIGHTS LAW (PARAS. 102-113)

The participants in the proceedings before the Court also disagree whether the international human rights conventions to which Israel is party apply within the Occupied Palestinian Territory. Annex I to the report of the Secretary-General states:

"4. Israel denies that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which it has signed, are applicable to the occupied Palestinian territory. It asserts that humanitarian law is the protection granted in a conflict situation such as the one in the West Bank and Gaza Strip, whereas human rights treaties were intended for the protection of citizens from their own Government in times of peace."

On 3 October 1991 Israel ratified both the International Covenant on Economic, Social and Cultural Rights of 19 December 1966 and the International Covenant on Civil and Political Rights of the same date, as well as the United Nations Convention on the Rights of the Child of 20 November 1989.

On the question of the relationship between international humanitarian law and human rights law, the Court first recalls its finding, in a previous case, that the protection of the International Covenant on Civil and Political Rights does not cease in time of war (I.C.J. Reports 1996 (I), p. 240, para. 25). More generally, it considers that the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of the kind to be found in Article 4 of the International Covenant on Civil and Political Rights. It notes that there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law. In order to answer the question put to it, the Court will have to take into consideration both these branches of international law, namely human rights law and, as *lex specialis*, international humanitarian law.



It remains to be determined whether the two international Covenants and the Convention on the Rights of the Child are applicable only on the territories of the States parties thereto or whether they are also applicable outside those territories and, if so, in what circumstances. After examination of the provision of the two international Covenants, in the light of the relevant travaux préparatoires and of the position of Israel in communications to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Court concludes that those instruments are applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory. In the case of the International Covenant on Economic, Social and Cultural Rights, Israel is also under an obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities. The Court further concludes that the Convention on the Rights of the Child is also applicable within the Occupied Palestinian Territory.

#### VIOLATION OF RELEVANT RULES (PARAS. 114-142)

The Court next proceeds to ascertain whether the construction of the wall has violated the rules and principles of international law found relevant to reply to the question posed by the General Assembly.

#### IMPACT ON RIGHT OF PALESTINIAN PEOPLE TO SELF-DETERMINATION (PARAS. 115-122)

It notes in this regard the contentions of Palestine and other participants that the construction of the wall is "an attempt to annex the territory contrary to international law" and "a violation of the legal principle prohibiting the acquisition of territory by the use of force" and that "the de facto annexation of land interferes with the territorial sovereignty and consequently with the right of the Palestinians to self-determination". It notes also that Israel, for its part, has argued that the wall's sole purpose is to enable it effectively to combat terrorist attacks launched from the West Bank, and that Israel has repeatedly stated that the Barrier is a temporary measure.

The Court recalls that both the General Assembly and the Security Council have referred, with regard to Palestine, to the customary rule of "the inadmissibility of the acquisition of territory by war". As regards the principle of the right of peoples to self-determination, the Court observes that the existence of a "Palestinian people" is no longer in issue, and has been recognized by Israel, along with that people's "legitimate rights". The Court considers that those rights include the right to self-determination, as the General Assembly has moreover recognized on a number of occasions.

The Court notes that the route of the wall as fixed by the Israeli Government includes within the "Closed Area" (i.e. the part of the West Bank lying between the Green Line and the wall) some 80 per cent of the settlers living in the Occupied Palestinian Territory, and has been traced in such a way as to include within that area the great majority of the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem). The information provided to the Court shows that, since 1977, Israel has conducted a policy and developed practices involving the establishment of settlements in the Occupied Palestinian Territory, contrary to the terms of Article 49, paragraph 6, of the Fourth Geneva Convention which provides: "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." The Security Council has taken the view that such policy and practices "have no legal validity" and constitute a "flagrant violation" of the Convention. The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.

Whilst taking note of the assurance given by Israel that the construction of the wall does not amount to annexation and that the wall is of a temporary nature, the Court nevertheless considers that the construction of the wall and its associated régime create a "fait accompli" on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation.

The Court considers moreover that the route chosen for the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security

Council. There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel's obligation to respect that right.

RELEVANT INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS INSTRUMENTS (PARAS. 123-137)

The construction of the wall also raises a number of issues in relation to the relevant provisions of international humanitarian law and of human rights instruments.

The Court first enumerates and quotes a number of such provisions applicable in the Occupied Palestinian Territory, including articles of the 1907 Hague Regulations, the Fourth Geneva Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the United Nations Convention on the Rights of the Child. In this connection it also refers to obligations relating to guarantees of access to the Christian, Jewish and Islamic Holy Places.

From the information submitted to the Court, particularly the report of the Secretary-General, it appears that the construction of the wall has led to the destruction or requisition of properties under conditions which contravene the requirements of Articles 46 and 52 of the Hague Regulations of 1907 and of Article 53 of the Fourth Geneva Convention.

That construction, the establishment of a closed area between the Green Line and the wall itself, and the creation of enclaves, have moreover imposed substantial restrictions on the freedom of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto). There have also been serious repercussions for agricultural production, and increasing difficulties for the population concerned regarding access to health services, educational establishments and primary sources of water.

In the view of the Court, the construction of the wall would also deprive a significant number of Palestinians of the "freedom to choose [their] residence". In addition, since a significant number of Palestinians have already been compelled by the construction of the wall and its associated régime to depart from certain areas, a process that will continue as more of the wall is built, that construction, coupled with the establishment of the Israeli settlements mentioned above, is tending to alter the demographic composition of the Occupied Palestinian Territory.

In sum, the Court is of the opinion that the construction of the wall and its associated régime impede the liberty of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child. Lastly, the construction of the wall and its associated régime, by contributing to the demographic changes mentioned, contravene Article 49, paragraph 6, of the Fourth Geneva Convention and the pertinent Security Council resolutions cited earlier.

The Court then examines certain provisions of the applicable international humanitarian law enabling account to be taken in certain circumstances of military exigencies, which may in its view be invoked in occupied territories even after the general close of the military operations that led to their occupation; it points out, however, that only Article 53 of the Fourth Geneva Convention contains a relevant provision of this kind, and finds that, on the material before it, the Court is not convinced that the destructions carried out contrary to the prohibition in that Article were "rendered absolutely necessary by military operations" so as to fall within the exception.

Similarly, the Court examines provisions in some human rights conventions permitting derogation from, or qualifying, the rights guaranteed by those conventions, but finds, on the basis of the information available to it, that the conditions laid down by such provisions are not met in the present instance.

In sum, the Court finds that, from the material available to it, it is not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives. The wall, along the route chosen, and its associated régime gravely infringe a number of rights of Palestinians residing in the territory occupied by Israel, and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order. The construction of such a wall accordingly constitutes breaches by Israel of various of its obligations under the applicable international humanitarian law and human rights instruments.

#### SELF-DEFENCE AND STATE OF NECESSITY (PARAS. 138-141)

The Court recalls that Annex I to the report of the Secretary-General states, however, that, according to Israel: "the construction of the Barrier is consistent with Article 51 of the Charter of the United Nations, its inherent right to self-defence and Security Council resolutions 1368 (2001) and 1373 (2001)".

Article 51 of the Charter, the Court notes, recognizes the existence of an inherent right of self-defence in the case of armed attack by one State against another State. However, Israel does not claim that the attacks against it are imputable to a foreign State. The Court also notes that Israel exercises control in the Occupied Palestinian Territory and that, as Israel itself states, the threat which it regards as justifying the construction of the wall originates within, and not outside, that territory. The situation is thus different from that contemplated by Security Council resolutions 1368 (2001) and 1373 (2001), and therefore Israel could not in any event invoke those resolutions in support of its claim to be exercising a right of self-defence. Consequently, the Court concludes that Article 51 of the Charter has no relevance in this case.

The Court considers further whether Israel could rely on a state of necessity which would preclude the wrongfulness of the construction of the wall. In this regard, citing its decision in the case concerning the Gabcikovo-Nagymaros Project (Hungary/Slovakia), it observes that the state of necessity is a ground recognized by customary international law that "can only be invoked under certain strictly defined conditions which must be cumulatively satisfied" (I.C.J. Reports 1997, p. 40, para. 51), one of those conditions being that the act at issue be the only way for the State to guard an essential interest against a grave and imminent peril. In the light of the material before it, the Court is not convinced that the construction of the wall along the route chosen was the only means to safeguard the interests of Israel against the peril which it has invoked as justification for that construction. While Israel has the right, and indeed the duty to respond to the numerous and deadly acts of violence directed against its civilian population, in order to protect the life of its citizens, the measures taken are bound to remain in conformity with applicable international law. Israel cannot rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall. The Court accordingly finds that the construction of the wall, and its associated régime, are contrary to international law.

#### LEGAL CONSEQUENCES OF THE VIOLATIONS (PARAS. 143-160)

The Court then examines the consequences of the violations by Israel of its international obligations. After recalling the contentions in that respect of various participants in the proceedings, the Court observes that the responsibility of Israel is engaged under international law. It then proceeds to examine the legal consequences by distinguishing between, on the one hand, those arising for Israel and, on the other, those arising for other States and, where appropriate, for the United Nations.

#### LEGAL CONSEQUENCES OF THOSE VIOLATIONS FOR ISRAEL (PARAS. 149-154)

The Court notes that Israel is first obliged to comply with the international obligations it has breached by the construction of the wall in the Occupied Palestinian Territory. Consequently, Israel is bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law. Furthermore, it must ensure freedom of access to the Holy Places that came under its control following the 1967 War.

The Court observes that Israel also has an obligation to put an end to the violation of its international obligations flowing from the construction of the wall in the Occupied Palestinian Territory. Israel accordingly has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem. In the view of the Court, cessation of Israel's violations of its international obligations entails in practice the dismantling forthwith of those parts of that structure situated within the Occupied Palestinian Territory, including in and around East Jerusalem. All legislative and regulatory acts adopted with a view to its construction, and to the establishment of its associated régime, must forthwith be repealed or rendered ineffective, except where of continuing relevance to Israel's obligation of reparation.

The Court finds further that Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned. The Court recalls the established jurisprudence that "The essential principle contained in the actual notion of an illegal act... is that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed." Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction.

#### LEGAL CONSEQUENCES FOR OTHER STATES (PARAS. 154-159)

The Court points out that the obligations violated by Israel include certain obligations erga omnes. As the Court indicated in the Barcelona Traction case, such obligations are by their very nature "the concern of all States" and, "In view of the importance of the rights involved, all States can be held to have a legal interest in their protection." (Barcelona Traction, Light and Power Company, Limited, Second Phase, Judgment, I.C.J. Reports 1970, p. 32, para. 33.) The obligations erga omnes violated by Israel are the obligation to respect the right of the Palestinian people to self-determination, and certain of its obligations under international humanitarian law. As regards self-determination, the Court recalls its findings in the East Timor case, and General Assembly resolution 2625 (XXV). It recalls that a great many rules of humanitarian law "constitute intransgressible principles of international customary law" (I.C.J. Reports 1996 (I), p. 257, para. 79), and observes that they incorporate obligations which are essentially of an erga omnes character. It also notes the obligation of States parties to the Fourth Geneva Convention to "ensure respect" for its provisions.

Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. It is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.

#### THE UNITED NATIONS (PARA. 160)

Finally, the Court is of the view that the United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion.

*The Court considers that its conclusion that the construction of the wall by Israel in the Occupied Palestinian Territory is contrary to international law must be placed in a more general context. Since 1947, the year when General Assembly resolution 181 (II) was adopted and the Mandate for Palestine was terminated, there has been a succession of armed conflicts, acts of indiscriminate violence and repressive measures on the former mandated territory. The Court would emphasize that both Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which is to protect civilian life. Illegal actions and unilateral decisions have been taken on all sides, whereas, in the Court's view, this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973). The "Roadmap" approved by Security Council resolution 1515 (2003) represents the most recent of efforts to initiate negotiations to this end. The Court considers that it has a duty to draw the attention of the General Assembly, to which the present Opinion is addressed, to the need for these efforts to be encouraged with a view to achieving as soon as possible, on the basis of international law, a negotiated solution to the outstanding problems and the establishment of a Palestinian State, existing side by side with Israel and its other neighbours, with peace and security for all in the region.*

The full text of the final paragraph (para. 163) reads as follows:

"For these reasons,

THE COURT,

(1) *Unanimously,*

Finds that it has jurisdiction to give the advisory opinion requested;

(2) *By fourteen votes to one,*

Decides to comply with the request for an advisory opinion;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;  
AGAINST: Judge Buergenthal;

(3) *Replies in the following manner to the question put by the General Assembly:*

A. *By fourteen votes to one,*

The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;  
AGAINST: Judge Buergenthal;

B. *By fourteen votes to one,*

Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;  
AGAINST: Judge Buergenthal;

C. *By fourteen votes to one,*

Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;  
AGAINST: Judge Buergenthal;

D. By thirteen votes to two.

All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;  
AGAINST: Judges Kooijmans, Buergenthal;

E. By fourteen votes to one.

The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion.

IN FAVOUR: President Shi; Vice-President Ranjeva; Judges Guillaume, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Elaraby, Owada, Simma, Tomka;  
AGAINST: Judge Buergenthal."

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this ninth day of July, two thousand and four, in two copies, one of which will be placed in the archives of the Court and the other transmitted to the Secretary General of the United Nations.

(Signed) SHI Jiuyong,  
President

(Signed) Philippe COUVREUR,  
Registrar

ANNEX TO SUMMARY 2004/2

Separate opinion of Judge Koroma

In his separate opinion Judge Koroma stated that although he concurred with the Court's ruling that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime are contrary to international law, he thought the following points worth stressing.

In his view, the construction of the wall has involved the annexation of parts of the occupied territory and the dispossession of some of the Palestinians of their land, contrary to international law (in particular, the principle of the non-acquisition of territory by force), human rights law and international humanitarian law, according to which the rights of an occupying Power in an occupied territory and over the inhabitants are of a limited nature; such rights do not amount to sovereign rights which would entitle the occupier to bring about changes in the status of that territory such as the construction of the wall. In other words, it is a violation of the existing law for an occupying Power unilaterally by its action to bring about changes in the status of a territory under its military occupation.

On the issue of jurisdiction, Judge Koroma stated that while it is understandable for a diversity of legal views to exist on the question submitted to the Court, he is of the opinion that the objection that the Court lacks jurisdiction to consider the issues raised in the question is not sustainable when seen in the light of the United Nations Charter, the Statute of the Court and its jurisprudence; also not sus-

tainable, in his view, is the objection based on judicial propriety - a matter which the Court considered extensively in terms of the fair administration of justice. In the judge's view, not only is the question presented to the Court an eminently legal one susceptible of a legal response but no compelling evidence was adduced to persuade the Court to deny itself its advisory competence.

Equally worth stressing were the Court's finding regarding the right to self-determination of the Palestinian people including the establishment of a State of their own as envisaged in resolution 181 (II) and the finding that the construction of the wall would be an impediment to the realization of that right.

He also emphasized the authoritative character of the findings of the Court, some of which are based on the principles of *jus cogens* and are of an *erga omnes* character.

Also of importance is the call upon the parties to the conflict to respect the principles of humanitarian law, in particular the Fourth Geneva Convention, in the ongoing hostilities.

Finally, the judge stated that, the Court having made its findings, it was now up to the General Assembly to utilize those findings in such a way as to bring about a just and peaceful solution to the Israeli-Palestinian conflict, a conflict which has not only lasted for too long but has been the cause of enormous suffering to those directly involved and has poisoned international relations in general.

#### Separate opinion of Judge Higgins

Judge Higgins, who voted with the Court on each of the paragraphs in the dispositif, expounds in her separate opinion on some of the problems faced by the Court in deciding whether it should exercise its discretion to decline to respond to the question put to it. In her view, a condition elaborated by the Court in the Western Sahara Advisory Opinion is not met - namely, that where two States are in dispute, an opinion should not be requested by the General Assembly "in order that it may later, on the basis of the Court's opinion, exercise its powers and functions for the peaceful settlement of that dispute or controversy" (I.C.J. Reports 1975, p. 26, para. 39). Participants in this case made clear that the intention was precisely to use any opinion to bring pressure to bear.

Judge Higgins further opines that it is in principle undesirable for a question to be put to the Court, while precluding it from looking at the context in which the problem has arisen. She specifies what the Court should have done, both to ensure that the Opinion was balanced and evenhanded, and to make use of the possibilities afforded by an advisory opinion to remind both Palestine and Israel of their responsibilities under international law.

Judge Higgins further explains that, while she agrees that Articles 46 and 52 of the Hague Regulations and Article 53 of the Fourth Geneva Convention have been violated by the building of the wall within the Occupied Territory, she does not fully share all the reasoning of the Court in arriving at this conclusion. In particular, she doubts the wall constitutes a "serious impediment" to the exercise of Palestinian right to self-determination, seeing the real impediment as lying elsewhere. While she agrees that Israel may not exclude wrongfulness by invoking the right of self-defence, her reasons are different from those of the Court, whose views on self-defence as expressed in paragraph 139 of this Opinion she does not share.

As to the legal consequences of the Court's findings, Judge Higgins notes that while she has voted in favour, inter alia, of subparagraph (3) (D), she does not believe that the obligations incumbent on United Nations Members stem from or rely on the legal concept of obligations *erga omnes*.

#### Separate opinion of Judge Kooijmans

Judge Kooijmans starts by summarily explaining why he voted against operative subparagraph (3) (D). He then sketches the background and context of the General Assembly's request. He feels that the Court should have described more in detail this context; the Opinion would then have reflected in a more satisfactory way the legitimate interests and responsibilities of all groups and persons involved.

Judge Kooijmans then makes some comments on jurisdictional issues and the question of judicial propriety. He is of the view that the request, which is premised on the illegality of the construction of the wall, is drafted in a rather infelicitous way; it is, however, the Court's judicial responsibility to analyse the request and, if necessary, to restate its object.

With regard to the merits Judge Kooijmans dissociates himself from the Court's finding that the construction of the wall constitutes a breach of Israel's obligation to respect the Palestinian people's right to self-determination. The realization of that right is part of the much wider political process, although he agrees with the Court that the wall impedes its realization.

Judge Kooijmans further regrets that the measures taken by Israel have not been put to the proportionality test but merely to that of military exigencies and requirements of national security; in international humanitarian law the criteria of military necessity and proportionality are closely linked.

With regard to Israel's claim to have acted in self-defence Judge Kooijmans observes that the Court has failed to note that Security Council resolutions 1368 (2001) and 1373 (2001) on which Israel relies do not refer to an armed attack by another State but that it correctly points out that these resolutions refer to acts of international terrorism. In the present case the terrorist acts have their origin in territory which is under Israeli control.

Finally Judge Kooijmans explains why he supports the Court's findings on the legal consequences for the United Nations and for Israel but why he dissociates himself from the findings vis-à-vis other States with the exception of the duty not to render aid or assistance in maintaining the situation created by the construction of the wall.

With regard to the duty of non-recognition and the duty to ensure respect for compliance by Israel with international humanitarian law Judge Kooijmans is of the view that the Court's findings are not well founded in positive international law and that, moreover, these duties are without real substance.

#### Separate opinion of Judge Al-Khasawneh

Judge Al-Khasawneh, appending a separate opinion, expressed his agreement with the Court's findings and its reasoning but wished to elucidate three points:

Firstly, that the characterization of Israel's presence in the West Bank including East Jerusalem and Gaza as one of military occupation, rests on solid *opinio juris* and is supported by many resolutions, some of a binding nature, as well as the position of governments individually or in groups. The Court, while taking cognizance of that constant *opinio juris*, arrived at similar conclusions independently of those resolutions and other findings. The Court was wise, Judge Al-Khasawneh said, in not enquiring into the precise prior status of the occupied territories before 1967, because a finding that these territories are occupied and that the international legal régime of occupation applies in them can be arrived at without reference to their prior status. Moreover, except on the impossible thesis that the territories were *terra nullius* would their previous status matter. No one can seriously argue that those territories were *terra nullius* for that is a discredited concept that does not have relevance in the contemporary world. Moreover, the territories were part of mandatory territory and the right to self-determination of their inhabitants was not extinguished and would not be until the Palestinians achieved that right.

Secondly, Judge Al-Khasawneh advanced the question of the Green Line recalling that before 1967 prominent Israeli jurists sought to prove it was more than a mere armistice line, at the present it is the point from which Israeli occupation is measured. Denigrating the importance of that Line works both ways and opens the door for questioning Israel's title and its territory expanse beyond what was envisioned in the partition plan of Palestine in 1947.

Thirdly, Judge Al-Khasawneh recalled that referring to negotiations is possible but they are a means to an end and not an end to themselves. If they are not going to produce non-principled solutions they



should be grounded in law. They should be conducted in good faith that should be concretized by not creating faits accomplis.

### Declaration of Judge Buergenthal

In Judge Buergenthal's view the Court should have exercised its discretion and declined to render the requested advisory opinion because it lacked sufficient information and evidence to render the opinion. The absence in this case of the requisite factual basis vitiates the Court's sweeping findings on the merits, which is the reason for his dissenting votes.

Judge Buergenthal is prepared to assume that on a thorough analysis of all relevant facts, a finding could well be made that some or even all segments of the wall being constructed by Israel in the Occupied Palestinian Territory violate international law. But he believes that for the Court to reach such conclusion with regard to the wall as a whole without having before it or seeking to ascertain all relevant facts bearing directly on issues of Israel's legitimate right of self-defence, military necessity and security needs, given the repeated deadly terrorist attacks in and upon Israel proper coming from the Occupied Palestinian Territory to which Israel has been and continues to be subjected, cannot be justified as a matter of law. In this connection, Judge Buergenthal shows that the right of self-defence does not apply only to attacks by State actors and that armed attacks on Israel proper originating from the Occupied Palestinian Territory must be deemed, in the context of this case, to meet the requirements of Article 51 of the United Nations Charter.

Judge Buergenthal also concludes that the Court's overall findings that the wall violates international humanitarian law and human rights instruments are not convincing because they fail to address any facts or evidence specifically rebutting Israel's claim of military exigencies or requirements of national security. Judge Buergenthal recognises, however, that some international humanitarian law provisions the Court cites admit of no exceptions based on military exigencies, namely, Article 46 of the Hague Rules and paragraph 6 of Article 49 of the Fourth Geneva Convention. While Judge Buergenthal believes that the Court's analysis of the relevance to this case of Article 46 is not well founded, he concludes that Article 49, paragraph 6, which provides that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies", applies to the Israeli settlements in the West Bank, and that they violate Article 49, paragraph 6. Hence, the segments of the wall being built by Israel to protect the settlements are ipso facto in violation of that provision.

Finally, Judge Buergenthal notes that it could be argued that the Court lacked many relevant facts bearing on the legality of Israel's construction of the wall because Israel failed to present them, and that the Court was therefore justified in relying almost exclusively on the United Nations reports submitted to it. This would be true if, instead of dealing with an advisory opinion request, the Court had before it a contentious case where each party has the burden of proving its claims. That is not the rule applicable to advisory opinion proceedings. Israel had no legal obligation to participate in these proceedings or to adduce evidence supporting its claim regarding the legality of the wall. Consequently, the Court may not draw any adverse evidentiary conclusions from Israel's failure to supply it or assume, without itself fully inquiring into the matter, that the information before it is sufficient to support its sweeping legal conclusions. Separate opinion of Judge Elaraby

Judge Elaraby expressed his complete and unqualified support for the findings and conclusions of the Court. He, however, considered it necessary to append a separate opinion in order to elaborate on some of the historical and legal aspects in the Advisory Opinion.

He first addressed the nature and scope of the United Nations responsibility towards Palestine, which has its genesis in General Assembly resolution 181 (II) of 29 November 1947. Known as the Partition Resolution, it called for the establishment of two independent States, one Arab and one Jewish, and affirmed that the period prior to the realization of the objective "shall be a transitional period".

Judge Elaraby then addressed the international legal status of the Occupied Palestinian Territory, and the legal implications of the Mandate over Palestine and its termination by the General Assembly.

Judge Elaraby also recalled that the Court has, in the South West Africa and Namibia cases, held that former mandatory territories were "a sacred trust of civilization" and were "not to be annexed". He also referred to Israel's various undertakings to withdraw and to respect the territorial integrity of the Occupied Palestinian Territory.

In a third section of his separate opinion, he provided a brief analysis of the effects of the prolonged Israeli occupation, and the limitations in the rules of *jus in bello* that ensure protection for non-combatants. He considers that the breaches by Israel of international humanitarian law should have been characterized as grave breaches.

Judge Elaraby also commented on the Court's finding that "the construction of the wall severely impedes the exercise of the Palestinian people of their right to self-determination". He is of the view that this important finding should have been reflected in the *dispositif*.

#### Separate opinion of Judge Owada

In his separate opinion Judge Owada concurs with the conclusions of the Advisory Opinion of the Court, both on the preliminary issues of jurisdiction and of judicial propriety in exercising jurisdiction, and on most of the points belonging to the merits. He however has some reservations about the way the Court has proceeded in exercising its judicial propriety in the present case.

More specifically, Judge Owada is of the view that the Court should have approached the issue of judicial propriety, not simply in terms of whether it should comply with the request for an advisory opinion, but also in terms of how it should exercise jurisdiction once it has decided to exercise it, with a view to ensuring fairness in the administration of justice in the case which involves an underlying bilateral dispute. In this situation, consideration of fairness in the administration of justice would also require fair treatment of the positions of the parties involved in the subject-matter with regard to the assessment of facts and of law. Finally, Judge Owada would have wished to see in the Opinion of the Court a categorical rejection by the Court of the tragic circle of indiscriminate violence perpetrated by both sides against innocent civilian populations, which forms an important background to the present case.



### **ISRAELI STATEMENT ON THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON LEGAL CONSEQUENCES OF THE CONSTRUCTION OF A WALL IN THE OCCUPIED PALESTINIAN TERRITORY, 9 JULY 2004**

*[Following the ICJ ruling, the Israeli Govt. released the following statement to explain why it "cannot accept" the ruling by the highest legal body of the UN.]*

The International Court of Justice was asked to address the question of Israel's security fence as a result of a politically motivated maneuver, which Israel and over 30 leading democracies did not support. Israel cannot accept this politicization of the Court.

As expected, and as a result of the one-sided question put before the court, the Advisory Opinion fails to address the essence of the problem and the very reason for building the fence – Palestinian terrorism. If there were no terrorism, there would be no fence.

This Palestinian terrorism has taken the lives of nearly 1,000 Israelis in over 20,000 attacks over the last three and a half years, wounding thousands more, leaving broken families, widows, and orphans. No other country would act differently in the face of such an evil campaign.

Since the fence has been in operation, the number of casualties has decreased significantly. The fence is reversible, whereas the lives taken by terrorism are not. Moreover, the fence works. It is a temporary, non-violent security measure and it saves lives.

As long as the terrorism continues, Israel will have no choice but to defend its citizens. This is our moral and legal obligation.

Israel continues to seek the necessary balance between protecting the lives of its citizens and the humanitarian needs of the Palestinian population. We will continue to do so, in accordance with the rulings of our Supreme Court, which alone has the capacity to fully address all aspects of this matter. The fact that every individual affected by the fence has the right to directly petition Israel's Supreme Court ensures legal recourse without the need for outside involvement.

The only way to resolve the differences between Israel and the Palestinians, including the dispute over the fence, is through direct negotiations, as stipulated by UN Security Council resolutions and the Road Map.

An essential condition for such negotiations is the cessation of Palestinian terrorism. The solutions to the problem lie in Ramallah and Gaza, from where the terrorism is directed, not in the Hague or Manhattan.

Israel calls on the Palestinian side to end its campaign of terrorism and to return to the path of negotiations.

Israel calls on the international community not to lend its hand to the ongoing Palestinian attempts to use international forums to avoid fulfilling their own commitment to fight terrorism.



**STATEMENT BY THE FOREIGN MINISTER OF MALAYSIA, WISMA PUTRA,  
REGARDING THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF  
JUSTICE ON LEGAL CONSEQUENCES OF THE CONSTRUCTION OF A WALL  
IN THE OCCUPIED PALESTINIAN TERRITORY, PUTRAJAYA, 10 JULY 2004**

Malaysia welcomes the Advisory Opinion of the International Court of Justice of 9 July 2004 concerning the legal consequences of the construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The Court has rendered its opinion that the Wall being built by Israel and its associated regime are contrary to international law. The Court also calls on Israel to dismantle forthwith the structure and to repeal or render ineffective forthwith all legislative and regulatory acts as well as make reparation for all damages caused. Further, the Court calls on all states not to recognize the illegal situation.

2. Malaysia is gratified that the Court, which is the principal judicial organ of the United Nations, has pronounced itself on the crucial issue of the Wall from the international legal perspective. The Advisory Opinion clearly demonstrates the Court's commitment to upholding the rule of law and justice. This is an important contribution by the Court to international efforts aimed at finding a peaceful and lasting settlement to the long and protracted Israeli-Palestinian conflict.
3. Malaysia has always maintained the position that the construction of the Wall in the Occupied Palestinian Territory by the Israeli government is an illegal unilateral action, which harms the implementation of the Road Map for Peace in the Middle East and negatively impacting on the already deplorable livelihood of the Palestinians. The international community therefore expects Israel, as the Occupying Power, to respect the decisions of the Court. In line with these decisions, Malaysia calls upon the United Nations to urgently consider further action required to bring to an end the illegal situation.
4. Malaysia reiterates its call on Israel and Palestine, as well as the countries and international organizations actively engaged in the peace process, in particular the members of the Quartet, to undertake serious efforts to break the current cycle of violence in the Occupied Palestinian Territory and

resume the process of the implementation of the Road Map based on the relevant United Nations General Assembly and Security Council Resolutions. It is the only viable option for both Israel and Palestine to achieve peace with each other and bring about stability to the Middle East.



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/15 ON ISRAEL'S WALL, 10<sup>TH</sup>  
EMERGENCY SPECIAL SESSION, 27<sup>TH</sup> PLENARY MEETING, 20 JULY 2004**

*[UNGA voted overwhelmingly to demand that Israel heed last month's advisory opinion of the ICJ to halt construction on its security barrier, tear down the portions built on Palestinian land, and provide reparations to Palestinians whose lives have been harmed by the wall.]*

ES-10/15 - Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, including in and around East Jerusalem

The General Assembly,

*Guided* by the principles enshrined in the Charter of the United Nations,

*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

*Recalling* its resolution 2625 (XXV) of 24 October 1970, on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

*Reaffirming* the illegality of any territorial acquisition resulting from the threat or use of force,

*Recalling* the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1907,<sup>1</sup>

*Recalling also* the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,<sup>2</sup> and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions,<sup>3</sup>

*Recalling further* the International Covenant on Civil and Political Rights,<sup>4</sup> the International Covenant on Economic, Social and Cultural Rights<sup>4</sup> and the Convention on the Rights of the Child,<sup>5</sup>

*Reaffirming* the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects in a satisfactory manner on the basis of international legitimacy,

*Recalling* relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

*Recalling also* the resolutions of its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

*Reaffirming* the most recent resolution of the fifty-eighth session of the General Assembly on the status of the Occupied Palestinian Territory, including East Jerusalem, resolution 58/292 of 6 May 2004,

*Reaffirming also* the right of the Palestinian people to self-determination, including their right to their independent State of Palestine,

*Reaffirming further* the commitment to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders,

*Condemning* all acts of violence, terrorism and destruction,

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<sup>1</sup> See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>2</sup> United Nations, *Treaty Series*, vol. 75, No. 973.

<sup>3</sup> *Ibid.*, vol. 1125, No. 17512.

<sup>4</sup> See resolution 2200 A (XXI), annex.

<sup>5</sup> Resolution 44/25, annex.

*Calling upon* both parties to fulfil their obligations under relevant provisions of the road map,<sup>6</sup> the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings,

*Reaffirming* that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

*Recalling* its resolution ES-10/13 of 21 October 2003, in which it demanded that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem,

*Recalling also* its resolution ES-10/14 of 8 December 2003, in which it requested the International Court of Justice to urgently render an advisory opinion on the following question:

"What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention, of 1949, and relevant Security Council and General Assembly resolutions?"

*Having received* with respect the advisory opinion of the Court on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, rendered on 9 July 2004,<sup>7</sup>

*Noting in particular* that the Court replied to the question put forth by the General Assembly in resolution ES-10/14 as follows:<sup>8</sup>

"A. The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;

"B. Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;

"C. Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;

"D. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;

"E. The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion."

*Noting* that have been established in breach of international law",<sup>9</sup>

*Noting also* the statement made by the Court that "Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which is to protect civilian life",<sup>10</sup> and that "in the Court's view, this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973)",<sup>10</sup>

<sup>6</sup> S/2003/529, annex.

<sup>7</sup> See A/ES-10/273 and Corr.1.

<sup>8</sup> *Ibid.*, para. 163.

<sup>9</sup> *Ibid.*, para. 120.

<sup>10</sup> *Ibid.*, para. 162.

*Considering* that respect for the Court and its functions is essential to the rule of law and reason in international affairs,

1. *Acknowledges* the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,<sup>7</sup> including in and around East Jerusalem;
2. *Demands* that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion;
3. *Calls upon* all States Members of the United Nations to comply with their legal obligations as mentioned in the advisory opinion;
4. *Requests* the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion;
5. *Decides* to reconvene to assess the implementation of the present resolution, with the aim of ending the illegal situation resulting from the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem;
6. *Calls upon* both the Government of Israel and the Palestinian Authority to immediately implement their obligations under the road map,<sup>6</sup> in cooperation with the Quartet, as endorsed by Security Council resolution 1515 (2003), to achieve the vision of two States living side by side in peace and security, and emphasizes that both Israel and the Palestinian Authority are under an obligation scrupulously to observe the rules of international humanitarian law;
7. *Calls upon* all States parties to the Fourth Geneva Convention<sup>2</sup> to ensure respect by Israel for the Convention, and invites Switzerland, in its capacity as the depositary of the Geneva Conventions,<sup>11</sup> to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention;
8. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.



#### **EUROPEAN UNION PRESIDENCY, STATEMENT ON DEVELOPMENTS IN THE MIDDLE EAST, 20 JULY 2004**

The Presidency of the European Union expresses its serious concern about the latest developments in the Palestinian Territories. The Presidency calls upon the Palestinian leadership to restore calm in the Palestinian Territories. It reaffirms the European Union's readiness to support the Palestinian Authority in taking responsibility for law and order, particularly in improving its civil police and law enforcement capacity.

In this respect, the Presidency welcomes as a first step the Palestinian Presidential decree to restructure all existing Palestinian police and security forces and to consolidate these into three services, i.e. public security, police and intelligence. It strongly urges the Palestinian Authority to abide by its obligations under the Roadmap and bring all services under the clear control of a duly empowered Prime Minister and Interior Minister, in accordance with Palestinian law. The restructuring must be followed by immediate and decisive actions against those involved in terrorism.

The Presidency calls upon Israel to halt its military incursion in parts of the Gaza Strip, particularly in the Beit Hanoun area, and to refrain from the destruction of Palestinian property. While the Presidency recognises Israel's right to defend its civilians, it recalls Israel's obligation to exercise this right within the parameters of international law.

The Presidency again welcomes the prospect of an Israeli withdrawal from the Gaza Strip, provided it is implemented in accordance with the elements identified by the EU in the conclusions of the European

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<sup>11</sup> United Nations, Treaty Series, vol. 75, Nos. 970–973.

Council of March 2004. Both Israel and the Palestinian Authority bear a responsibility to ensure that the Gaza withdrawal is carried out successfully. The European Union commends and supports the involvement of the government of Egypt and stands ready to work with the parties for a complete withdrawal.

The Presidency reaffirms its conviction that a just and durable solution to the Israeli-Palestinian conflict can only be achieved through political negotiations between the parties and the support of the international community.



**PALESTINIAN PUBLIC FIGURES, PUBLIC STATEMENT ON A  
NATIONAL SALVATION GOVERNMENT, 14 AUGUST 2004**

*[Some 147 Palestinian public figures called in a one-page advertisement for setting up a national salvation government to address the deterioration in the OPT and to introduce immediately all reforms ratified by the PLC.]*

The Palestinian land has been witnessing a devastating escalation in the Israeli aggression on our people, our institutions and our capabilities, especially during the latest events in Beit Hanoun, Rafah, Nablus and other areas. The Apartheid Separation Wall continues to be built and settlements continue to be enlarged with the blatant cover of the US Administration. Along with this deterioration, there has been an unprecedented state of loose security, violation of law, attempted political assassination, violent events, kidnappings and assaults on public properties.

Today, more than ever before, there is a need to confront this deteriorating crisis which has affected the Palestinian political system in all its components. Cosmetic, administrative and partial solutions are no guarantees that this crisis will not endanger the whole Palestinian national scheme.

Facing those challenges and the threats posing before us requires the restoration of our political initiative in confronting the Sharon plan that aims to prevent the creation of a fully sovereign Palestinian state. To face those challenges, we should also revive our Palestinian national program and introduce deep-rooted reforms into our political regime structure and into the decision making process. Add to this everything we need to rehabilitate the executive, judicial and legal authorities, enforce law and order, spread the basis of equality and justice, immediately cease all forms of corruption, anarchy and security chaos and prevent the phenomenon of taking law into one's hands.

Dangers of the US-backed Israeli plan threaten to destroy the basic foundations of our Palestinian people's unity and our territorial integrity. Therefore, there is a fundamental need to restructure our internal conditions and put our home in order in order to be able to confront this plan.

We, the undersigned, call for the unification of all forces, figures and institutions that are loyal to our national goal in order to fortify the steadfastness and to introduce reforms and change. We emphasize the following:

ONE: Our commitment to our national legitimate rights to return, self determination and to set up our fully sovereign independent Palestinian state on all the land occupied in 1967 with Jerusalem our capital. We strongly adhere to the PLO as the sole legitimate representative of our people.

TWO: Support the right of our people to resist occupation, settlement and aggression while excluding civilians on both sides from the cycle of violence. We stress on the importance to revive the populace intifada and to enhance forms of public resistance.

THREE: Our condemnation of, and fight against, all forms of corruption and our support for genuine, serious and persistent work to uproot corruption, to expose those involved in it to accountability within the framework of law.

FOUR: Our condemnation of all forms of anarchy and security chaos, including assaults or takeover of public and private lands and properties, all kinds of armed demonstrative rallies, resorting to violence and the use of arms in settling internal accounts or differences.

FIVE: The immediate launching of comprehensive reforms into the PLO institutions and the institutions of the Palestinian National Authority and its security apparatuses, as well as all civil society organizations. This endeavor represents a fundamental national need to strengthen our internal powers and to augment our capabilities of steadfastness in the face of the Sharon plan and against outside pressure. It is also needed to improve the performance of the PNA and to enable it to provide the best services to the people mainly in the fields of employment, health, education and social welfare.

To achieve all these calls, we demand the following:

- 1- Enable the government to shoulder its responsibilities and to carry out its duties with full powers as stated in Basic Law and call on the Palestinian leadership and all political forces to work together in order to reinforce political partnership and to form a national salvation government based on the widest coalition possible and to implement the reforms that were ratified by the Palestinian Legislative Council.
- 2- The supremacy of the rule of law and the independence and impartiality of the judicial system while following up all corruption files, subject those involved to accountability and punishing the convicts. Work should be accelerated to introduce the law of "illegal wealth" and the law that regulates works, structure, authorities and the terms of reference for all the Palestinian security apparatuses so that they would shoulder their responsibilities in protecting the safety of the people and of the homeland and in enforcing law and public order. This law should ban the security apparatuses from interfering in political, financial or economic fields or in the works of civil society organizations, except when deemed necessary under the law. The security apparatuses should be rehabilitated and their commanders be renewed.
- 3- Call on all political forces to shoulder their historical responsibilities and to start a serious and comprehensive dialogue based on the foundations and results reached in previous dialogue sessions in such a way that would crystallize a national program that reinforces partnership and centrality in the decision making process.
- 4- Serious preparation for public (presidential and legislative) and local elections based on a modern democratic law that adopts rules of mixed gender and guarantees posts for women. Call on the international community to assist the Palestinian people in organizing the elections through guaranteeing the withdrawal of Israel and preventing her from interfering, whether directly or indirectly, in the democratic process.
- 5- Call on the Palestinian Government to treat all forms of social congestions and to distribute with utmost justice and balance all resources in order to face the ramifications of occupation and aggression, through giving top priority to areas struck by aggression and by the Apartheid Separation Wall, and through finding the appropriate methods for achieving these goals by cooperating with civil society organizations and augmenting the rules of justice and equality.

SIX: Call for democratic dialogue to prevail and condemnation of all forms of breaching this rule and urge the people not to get drawn after attempts aimed at splitting national unity or imposing dangerous polarizations and to renounce all those who assail the rights of our society and endanger its very existence.

The signatories of this public statement hereby reiterate their insistence to follow up all the listed items above while inviting and welcoming the participation of all those interested, including public, national and political figures and forces. This is a Grand National duty for all of us.

Signatures:

- |                            |                            |                          |
|----------------------------|----------------------------|--------------------------|
| 1. Abdul Aziz Q'deih       | 7. Abdullah Abu Samahdaneh | 14. Aziz Abdul Jawad     |
| 2. Abdul Karim Ashour      | 8. Adi Al Hindi            | 15. Dr. Azmi Al Shu'aibi |
| 3. Abdul Qader Hussein     | 9. Ahmad Dahbour           | 16. Baker Abu Baker      |
| 4. Abdul Rahman Abu Arafeh | 10. Ahmad Daoud            | 17. Basel Jaber          |
| 5. Abdul Rahman Awadallah  | 11. Andalib Adwan          | 18. Bassam Musleh        |
| 6. Abdullah Abu Al Ata     | 12. Dr. Anton Sh'heiber    | 19. Bassam Salhi         |
|                            | 13. Dr. Awad Hijazi        | 20. Daoud Talhami        |



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|------------------------------------|-----------------------------------|---------------------------|
| 21. Dhiab Al Louh                  | 63. Khaled Jum'aa                 | 105. Reem Abboushi        |
| 22. Elias Zanani                   | 64. Khaled Mansour                | 106. Rida Nattil          |
| 23. Dr. Faiha' Abdul Hadi          | 65. Lama Al Horani                | 107. Dr. Riyad Za'anoun   |
| 24. Dr. Fat'hi Waheidi             | 66. Maha Abu Dayyeh               | 108. Sa'ad Khurma         |
| 25. Dr. Fawaz Abu Sitta            | 67. Maha Al Tamimi                | 109. Sa'di Abu Abed       |
| 26. Fuad Rizeq                     | 68. Mahmoud Sh'qeir               | 110. Sa'ed Abdul Hadi     |
| 27. Dr. Ghassan Al Khatib          | 69. Dr. Mamdouh Al Aker           | 111. Safi Safi            |
| 28. Ghazi Lutfi                    | 70. Mamdoun Noufal                | 112. Saji Salameh         |
| 29. Dr. Goerge Geacaman            | 71. Mansour Abu Radwan            | 113. Sakher Bseiso        |
| 30. Dr. Haidar Abdul Shafi         | 72. Marwan Jilani                 | 114. Salah Abdul Shafi    |
| 31. Haidar Awadallah               | 73. Mazen Al Jarbawi              | 115. Dr. Salim Tamari     |
| 32. Dr. Hanan Ashrawi              | 74. Dr. M'kheimer Abu Sa'ada      | 116. Sama'an Khouri       |
| 33. Hanan Taha                     | 75. Mohammad Abu Sham'a           | 117. Samer Shihadeh       |
| 34. Hani Al Hayek                  | 76. Mohammad Adel Al Masri        | 118. Dr. Sami Kilani      |
| 35. Hani Al Masri                  | 77. Mohammad Al Horani            | 119. Sami Sa'di           |
| 36. Hani Habib                     | 78. Mohammad Al Masrouji          | 120. Dr. Samih Al Abed    |
| 37. Hani Saba                      | 79. Mohammad Dahman               | 121. Samih Khalil         |
| 38. Hanna Amireh                   | 80. Muhannad Abdul Hamid          | 122. Dr. Samir Abdallah   |
| 39. Hanna Siniora                  | 81. Mustafa Al Rantisi            | 123. Samir Hleileh        |
| 40. Hassan Khader                  | 82. Nabil Amr                     | 124. Siham Al Barghouti   |
| 41. Hatem Abdul Qader              | 83. Nabil Kutari                  | 125. Subhiyeh Jum'a       |
| 42. Hiam Abu Ghazaleh              | 84. Nabil Qabalan                 | 126. Suheil Jad'oun       |
| 43. Hisham Abdul Razeq             | 85. Dr. Nabil Qassis              | 127. Talal Owkal          |
| 44. Huda Elayyan                   | 86. Nabil Tarazi                  | 128. Tal'at Safadi        |
| 45. Ibrahim Dughmeh                | 87. Dr. Nader Said                | 129. Dr. Taleb Awad       |
| 46. Dr. Ibrahim Khreishah          | 88. Nadia Abu Nahleh              | 130. Tamer Issawi         |
| 47. Ibtisam Salem                  | 89. Na'ela Ayesh                  | 131. Dr. Taysir Arouri    |
| 48. Dr. Ilham Abu Ghazaleh         | 90. Nafez Ghneim                  | 132. Taysir M'heisen      |
| 49. Ismail Abu Shamala (Abu Nidal) | 91. Naim Nasser                   | 133. Terry Boullata       |
| 50. Dr. Issa Ja'anini              | 92. Nassar Nassar                 | 134. Tewfiq Abu Ghazaleh  |
| 51. Issam Abdul Hadi               | 93. Nasser Al Shurafa             | 135. Tewfiq Abu Khousa    |
| 52. Issam Arouri                   | 94. Nasser Aleiwah                | 136. Dr. Usama Farra      |
| 53. Issam Younis                   | 95. Dr. Nasser Jab'r              | 137. Wafa' Abdul Rahman   |
| 54. Dr. Iyad Sarraj                | 96. Nawal Zaqout                  | 138. Walid Abu Baker      |
| 55. Jaber Washah                   | 97. Dr. Nazmi Al Ju'beh           | 139. Walid Al Awad        |
| 56. Jamal Abu Nahel                | 98. Nibras Bseiso                 | 140. Walid Atatrah        |
| 57. Jamal Shobaki                  | 99. Ni'meh Al Hilo                | 141. Dr. Walid Mustafa    |
| 58. Jamal Zaqout                   | 100. Omar Sha'ban                 | 142. Yasser Abed Rabbo    |
| 59. Dr. Jamil Hilal                | 101. Qaddoura Fares               | 143. Yousef Abu Safiyyeh  |
| 60. Jiries Qassis                  | 102. Qais Abdul Karim (Abu Laila) | 144. Zahira Kamal         |
| 61. Dr. Kamal Al Sharafi           | 103. Ra'ed Abu Al Sa'oud          | 145. Dr. Zakaria Al Agha  |
| 62. Khaled Al Khatib               | 104. Rafiq Abu Dhalfeh            | 146. Dr. Zaki Abdul Majid |
|                                    |                                   | 147. Zeinab Al Ghanimi    |



**NON-ALIGNED MOVEMENT, XIV MINISTERIAL CONFERENCE,  
DECLARATION ON PALESTINE, DURBAN, 17-19 AUGUST 2004**

1. The Ministers considered the developments regarding the critical issue of the construction by Israel, the occupying Power, of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, including the Advisory Proceedings of the International Court of Justice, undertaken pursuant to the request for an advisory opinion from the Court made by the tenth emergency special session of the General Assembly in its resolution ES-10/14 of 8 December 2003. The Ministers welcomed the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice on the

"Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory". The Ministers received the Advisory Opinion with the highest respect, fully accepted the authoritative findings and conclusions of the Court and considered this strong and comprehensive Opinion to represent an historic opportunity for a necessary return to the rule of international law in all efforts to justly and peacefully address the question of Palestine and resolve the Israeli-Palestinian conflict.

2. The Ministers recalled in particular the Court's conclusion that "*the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law*". In this regard, the Ministers underscored the Court's findings regarding the violations of international law, including international humanitarian law and human rights law, by Israel, the occupying Power, including, *inter alia*, the finding that the construction of the wall and its associated regime: create a 'fait accompli' on the ground which would be tantamount to *de facto* annexation; severely impede the exercise by the Palestinian people of its right to self-determination and therefore violate that right; have led to the destruction or requisition of properties in contravention of relevant provisions of the Hague Regulations and the Fourth Geneva Convention; and violate the Palestinian people's freedom of movement and the right to work, to health, to education and to an adequate standard of living. The Ministers further underscored the Court's conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, have been established in breach of international law, and noted the Court's findings regarding the relationship between the route of the Wall and the illegal measures taken by Israel with regard to East Jerusalem and the settlements.
3. The Ministers emphasized the importance of the conclusions set forth by the Court in the *dispositif* of the Advisory Opinion. In this regard, the Ministers recalled the Court's determination: that Israel is under an obligation to terminate its breaches of international law, to cease the construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle the structure therein situated, and to repeal or render ineffective all legislative and regulatory acts relating thereto; that Israel is under an obligation to make reparation for all damage caused by the construction of the wall; that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction and that all States parties to the Fourth Geneva Convention have an additional obligation of ensuring compliance by Israel with the Convention; and that the United Nations, especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the Opinion.
4. The Ministers strongly welcomed the adoption of resolution ES-10/15 on 20 July 2004 by the tenth emergency special session of the General Assembly, in which the Assembly, *inter alia*, demands that Israel, the occupying Power, comply with its legal obligations as mentioned in the Advisory Opinion and also calls upon all Member States of the United Nations to comply with their legal obligations as mentioned in the Advisory Opinion. The Ministers regarded the overwhelming adoption of this resolution as a first important step by the United Nations in follow-up of the Opinion. The Ministers seized the opportunity to call for respect of and compliance with the Advisory Opinion by Israel, the occupying Power, and by Member States, and expressed their strong hope and conviction that such respect and compliance would positively influence efforts for achieving a peaceful, political settlement of the conflict based on international law.
5. The Ministers, in the meanwhile, took note of the immediate negative response by Israel to the Advisory Opinion and its defiant declarations to continue constructing the wall in the Occupied Palestinian Territory, including East Jerusalem. The Ministers thus called for the following specific actions:
  - a. At the United Nations, the Ministers called for further measures to be taken, in accordance with operative paragraph 5 of resolution ES-10/15, and also called on the Security Council to fulfill its responsibilities by adopting a clear resolution and undertaking necessary measures in this regard. The Ministers also called on the Secretary-General of the United Nations to expedite the work with regard to the request made by the Assembly in resolution ES-10/15 to establish a register of damages caused by the Wall and to ensure that the positions and documents of the Secretariat are fully consistent with the Advisory Opinion.
  - b. With regard to Member States, the Ministers called upon them to undertake measures, including by means of legislation, collectively, regionally and individually, to prevent any products

- of the illegal Israeli settlements from entering their markets consistent with the obligations under International Treaties, to decline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the wall and other illegal activities in the Occupied Palestinian Territory, including East Jerusalem.
- c. With regard to the High Contracting Parties to the Fourth Geneva Convention, the Ministers called for them to adhere to Article 1 common to the four Geneva Conventions and to undertake measures to ensure compliance by Israel with the Convention. They reaffirmed in this regard the obligations of the High Contracting Parties regarding penal sanctions, grave breaches and responsibilities of the High Contracting Parties. The Ministers also called on Switzerland to expedite its consultations, as requested in operative paragraph 7 of resolution ES-10/15, including with regard to reconvening the Conference of High Contracting Parties to the Fourth Geneva Convention.
  6. The Ministers turned their consideration to the overall plight of the Palestinian people and their prolonged struggle to achieve their inalienable rights, including the right to self-determination. The Ministers stressed that the main danger to the realization of the national rights of the Palestinian people and the achievement of the two-State solution is the settler colonialism and the construction of the Wall being carried out by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. They reiterated that the complete cessation of all settlement activities and of the construction of the Wall is essential for the survival of the Road Map. The Ministers reaffirmed the many relevant Security Council resolutions on such illegal Israeli measures, including measures taken by the occupying Power to change the status, character and demographic composition of Jerusalem, which are null and void, and called for the full implementation of those resolutions and as well as full compliance with the Advisory Opinion of the International Court of Justice in this regard.
  7. The Ministers condemned the confinement of President Yasser Arafat for more than two and half years by the occupying Power and the repeated threats against his life, safety and well-being. They expressed solidarity with the democratically-elected President of the Palestinian Authority and stressed the necessity for ending both the confinement and threats, which are contrary to the right of the Palestinian people to freely choose their own leader and are severely hampering the proper functioning of the Palestinian Authority and potential progress in the peace process. The Ministers determined to undertake another visit to the Occupied Palestinian Territory by a delegation of the Committee on Palestine in the near future.
  8. The Ministers expressed the hope that the international community and the Quartet will exert the necessary efforts to salvage the Road Map and implement its provisions towards its stated aims and goals. They expressed concern at repeated Israeli attempts to evade the Road Map and to substitute it with different steps. In this regard, the Ministers stressed that any Israeli withdrawal from the Gaza Strip should be a full and complete withdrawal, should be accompanied by similar steps in the West Bank, should be part of the Road Map and should be carried out in full cooperation with the Palestinian Authority. They reiterated the importance of preserving the agreed timeline in the Road Map.
  9. The Ministers stressed that a vital role should continue to be played by the Movement and entrusted the Chair, assisted by the Committee on Palestine, to lead the efforts of the Movement with regard to the question of Palestine and peace in the region. They stressed the importance of ongoing contact and dialogue at the Ministerial level with the members of the Quartet as well as the permanent members of the Security Council. In this regard, they expressed their appreciation to the members of the NAM Caucus of the Security Council for their efforts in the Council with regard to the question of Palestine. They further reaffirmed the need to undertake the necessary contacts with the relevant parties in the peace process with a view to facilitating the achievement of a just, durable and comprehensive peace.
  10. The Ministers reaffirmed the need for early convening of a special meeting of regional and international groupings aimed at building a broad partnership for achieving a peaceful solution to the Israeli-Palestinian conflict, further mobilizing the international community in support of the two-State solution, based on the pre-1967 borders and on international law, and the right of all states and peoples in the region to live in peace and security free from violence and terrorism. They underlined the importance of the work of Non-Governmental Organisations (NGO), Civil Society Organisations and Peace Groups in the region and encouraged the work of these, in particular on the Palestinian and Israeli sides.

11. The Ministers concluded by reiterating their commitment to a peaceful solution to the Israeli-Palestinian conflict and by reaffirming their unwavering support for the realization of the inalienable rights of the Palestinian people, including the right to self-determination and to sovereignty in their State of Palestine with East Jerusalem as its capital.



**FINAL DOCUMENT, NON-ALIGNED MOVEMENT, XIV MINISTERIAL  
CONFERENCE (MIDTERM REVIEW), DURBAN, 17-19 AUGUST 2004 [EXCERPTS]**

CHAPTER II: ANALYSIS OF THE INTERNATIONAL SITUATION

PALESTINE AND THE MIDDLE EAST

*Palestine*

124. The Ministers reaffirmed their adherence to the positions on Palestine adopted by the XIII NAM Summit, detailed in its main document, as the guidelines for the Members of the Movement as well as their adherence to the positions set forth in the Summit statement on Palestine.
125. The Ministers reiterated their grave concern at the continuing deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, as a result of the destruction and devastation inflicted by Israel, the occupying Power, on the Palestinian society and the Palestinian Authority. They strongly condemned the continuing Israeli military campaign against the Palestinian people, including the systematic human rights violations and the reported war crimes. They condemned in particular the willful killing of Palestinian civilians, including extrajudicial killings; the excessive and indiscriminate use of force; the wanton destruction of homes, infrastructure and agricultural lands; the detention and imprisonment of thousands of Palestinians; and the imposition of collective punishment on the entire Palestinian population, including severe restrictions on the movement of persons and goods, resulting in the grave socio-economic debilitation of the Palestinian people.
126. The Ministers also strongly condemned Israel's ongoing intensive campaign of settler colonialism, including the continuing illegal land confiscations and the construction and expansion of illegal settlements, as well as its continuing unlawful construction of the expansionist Wall in the Occupied Palestinian Territory, including East Jerusalem. The Ministers expressed their grave concern at the devastation being caused by the construction of the Wall and stressed that, if completed, the Wall would render the two-State solution practically impossible to achieve. In this connection, the Ministers strongly welcomed the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice (ICJ) on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", which represents an historic opportunity for return to the rule of law in all efforts to peacefully address the question of Palestine and resolve the Israeli-Palestinian conflict. The Ministers further welcomed the adoption of resolution ES-10/15, on 20 July 2004, by the tenth emergency special session of the General Assembly, and stressed the importance of respect for and compliance with both the Advisory Opinion and resolution ES-10/15 by Israel, the Occupying Power, and by Member States.
127. The Ministers expressed their concern at the failure of repeated efforts to revive the peace process and expressed their deep regret in particular that the Road Map had yet to be implemented. They noted with concern that the Israeli government has never formally accepted the Road Map, has failed to take the necessary first step in adherence with its obligations therein, and has repeatedly attempted to evade the Road Map and substitute it with different steps. In this regard, they noted that the situation has been aggravated by the Israeli Prime Minister's "unilateral disengagement plan" as well as the Israeli-American exchange of letters of 14 April 2004. The Ministers reaffirmed that the plan as well as several passages within the letters violate international law, relevant Security Council resolutions, and the inalienable rights of the Palestinian people, including the Palestine refugees, and are in departure from the Road Map. The Ministers reaffirmed that the plan and the letters are unacceptable and cannot alter the terms of reference of the peace process nor alter the inalienable rights of the Palestinian people. The Ministers called for the intensification of efforts by the Quartet and for the full and honest implementation of the Road Map. The Ministers further called on the Quartet to engage the Security Council, considering the Council's Charter authority and its responsibilities for the maintenance of international peace and security.

128. The Ministers expressed the necessity of upholding international law, international humanitarian law and the purposes and principles of the Charter of the United Nations with regard to the question of Palestine. In this regard, the Ministers reaffirmed the permanent responsibility of the United Nations, including the General Assembly and Security Council, towards the question of Palestine until it is resolved in all its aspects on the basis of international law. They called upon the United Nations not to reward illegal positions and intransigence and to increase its efforts towards the achievement of a just, comprehensive and lasting peace settlement and the achievement of the inalienable rights of the Palestinian people. They urged Member States to instruct their representatives to continuously follow up with such issues related to the United Nations and called for the continued support of the Committees and UN bodies relevant to the question of Palestine. The Ministers reaffirmed their commitment to a peaceful solution to the Israeli-Palestinian conflict and to the right of the Palestinian people to exercise self-determination and to sovereignty in their State, Palestine, with East Jerusalem, as its capital. In this regard, they welcomed the adoption by the General Assembly of resolution 58/292 on the “Status of the Occupied Palestinian Territory, including East Jerusalem”, and stressed the need for follow-up in ensuring that Israeli credentials to the United Nations do not cover the territories occupied by Israel since 1967, including East Jerusalem.

#### *Syrian Golan*

129. The Ministers reaffirmed that all measures and actions taken, or to be taken by Israel, the occupying power, such as its illegal decision of 14 December 1981 that purports to alter the legal, physical and demographic status of the occupied Syrian Golan and its institutional structure, as well as the Israeli measures to apply its jurisdiction and administration there, are null and void and have no legal effect. They also reaffirmed that all such measures and actions, including the illegality of Israeli settlement construction activities in the Occupied Syrian Golan since 1967 constitute a flagrant violation of international law, international conventions, the Charter and decisions of the United Nations, particularly Security Council resolution 497 (1981), the Fourth Geneva Convention of 12 August 1949 on the Protection of Civilians in Time of War, and the defiance of will of the international community. They reiterated the Movement’s demand that Israel comply with Security Council resolution 497 (1981) and withdraw fully from the occupied Syrian Golan, to the lines of 4 June 1967, in implementation of Security Council resolutions 242 and 338, and that Israel adheres to the Madrid terms of reference based on the principle of land for peace, which are in their entirety considered to be a primary and basic element in the negotiation process that should be adhered to, including the immediate commencement of the demarcation of the 4 June 1967 line. [...]

#### *Lebanon*

131. The Ministers reaffirmed Lebanon’s legitimate right to defend its territories and to liberate the remaining parts under Israeli occupation and demanded that Israel puts an end to its continuous: threats, aggression and violations of the Lebanese territories, air space and territorial waters. They reiterated their support for the sovereignty and territorial integrity of Lebanon and its right on its natural resources and for Lebanon’s demand to maintain the peacekeeping mission deployed in Southern Lebanon (UNIFIL) without any further reduction in the number of its troops and without any change in the nature of its mandate in accordance with Resolutions 425 (1978) and 426 (1978). They encouraged and supported all international efforts aimed at expediting the removal of landmines planted by Israel during its occupation of Southern Lebanon, and called for an end to the continuing Israeli violations of Lebanese sovereignty and for the release of all Lebanese detained in Israel, in defiance of the Fourth Geneva Convention of 1949 and its relevant protocols.

#### *The Peace Process*

132. The Ministers reaffirmed their support for the Middle East peace process based on Security Council Resolutions 242, 338, 425, 1397 and 1515 and the principle of land for peace. They reiterated the need for ending the Israeli occupation of all occupied territories since 1967 and the establishment of the State of Palestine with Jerusalem as its capital. The Ministers welcomed and supported the Arab peace initiative adopted by the 14th Arab Summit in Beirut. They urged the Security Council to act upon that initiative towards achieving just and comprehensive peace in the Middle East.



**STATEMENT BY THE MIDDLE EAST QUARTET, UN HEADQUARTERS,  
NEW YORK, 22 SEPTEMBER 2004**

The Quartet met in New York today and strongly reaffirmed its 4 May statement. The situation on the ground for both Palestinians and Israelis remains extremely difficult and no significant progress has been achieved on the Road Map.

The Quartet notes with deep concern that genuine action is still needed so that an empowered Prime Minister and cabinet can fulfil the Palestinian Authority's obligations under the Road Map, including an unequivocal end to violence and terrorism, and the dismantlement of terrorist capabilities and infrastructure. The Quartet noted in this regard the need for the Palestinian Authority to prepare for assumption of control over Gaza, in particular by reforming its security forces and re-establishing the rule of law.

The Quartet underscores its continued readiness to engage with an accountable and reformed Palestinian leadership, and strongly urges the Palestinian Authority to take steps now that contribute to constructive meetings to be held this fall of the Ad Hoc Liaison Committee and Task Force on Palestinian Reform. The Quartet welcomes steps towards well prepared, free and fair, Palestinian municipal elections, and urges Israel and the Palestinian Authority to cooperate towards this goal.

The Quartet urges the Government of Israel to implement its obligations under the Road Map, including dismantling of settlement outposts erected since March 2001, and to impose a settlement freeze, as called for by President Bush and in the Road Map. The lack of action in this regard is a cause for concern. They also call on the Government of Israel to take all possible steps now, consistent with Israel's legitimate security needs, to ease the humanitarian and economic plight of the Palestinian people.

The Quartet reaffirms the concerns expressed in its statement of 4 May with respect to the actual routing of the Israeli separation barrier and takes note of the ICJ advisory opinion on this subject. The Quartet urges positive action by the Government of Israel with respect to the route of the barrier and reiterates its view that no party should undertake unilateral actions that could prejudice issues that can only be resolved through negotiations and agreement between the parties.

The Quartet reaffirms its encouragement for Prime Minister Sharon's intention to withdraw from all Gaza settlements and parts of the West Bank and reiterates that withdrawal from Gaza should be full and complete and be undertaken in a manner consistent with the Road Map, as a step towards an end to the Israeli occupation that began in 1967, through direct negotiations between the sides leading to the goal of two States, Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security. The Quartet urges both Israel and the Palestinian Authority to coordinate closely preparation and implementation of the withdrawal initiative.

The Quartet expresses its deep appreciation and support for Egypt's efforts to help reform and rebuild Palestinian security services, to reach a comprehensive and lasting end to all violence, and to advance the goal of security, stability and prosperity in Gaza as withdrawal is implemented.

The Quartet calls upon all concerned parties, including Israel, the Palestinian Authority, the donor community and the World Bank, to engage constructively on economic aspects of Gaza and West Bank withdrawal. In this respect, the Quartet members reiterate their support for the World Bank Trust Fund and call on all donors to contribute to it.

The Quartet reaffirms its commitment to a just, comprehensive, and lasting settlement to the Arab-Israeli conflict based upon resolutions 242 and 338, and will remain engaged with all parties to help ensure that progress towards this goal is achieved.



**STATEMENT BY ASSISTANT SAUDI FOREIGN MINISTER NIZAR OBAID MADANI,  
59<sup>TH</sup> UN GENERAL ASSEMBLY, NEW YORK, 27 SEPTEMBER 2004 [EXCERPTS]**

[...] Mr. President:

The setback in the peace process and the mounting wave of violence and extremism in the region are largely attributable to the pursuit by the Israeli government of policies that are totally incompatible with the fundamental principles of the peace process, notably the land for peace principle. These principles emanate from a broad frame of reference that involves Security Council resolutions, particularly resolutions 242 and 338; the United States Administration's vision of the two states, an Israeli state and an independent Palestinian state living side by side. The Arab initiative continues to stand as a credible basis for the security and stability for all the peoples of the region because it ensures a lasting, just and comprehensive solution to the question of Palestine as well as the Arab-Israeli conflict in general.

It is therefore incumbent upon all of us to exert maximum efforts to get the peace process moving towards its desired goals, particularly now that this process has stalled and has met with indifference and lack of concern, even in its humanitarian aspect that was expected to mobilize the conscience of the international community in defense of universally recognized human values.

Furthermore, peace cannot be achieved by unilateral Israeli measures designed to create new realities on the ground for the purpose of prejudicing the final outcome of political negotiations that will supposedly tackle the delicate issues of the final settlement. The Palestinian question cannot be solved, nor can the Arab-Israeli conflict be ended, through sheer force, aerial bombardment, guided missiles, assassination of Palestinian activists, destruction of infrastructure, usurpation of property, violation of rights, and the imposition of collective punishment. Peace will be achieved and security will prevail only when the United Nations resolutions are implemented, the provisions of international law are respected and applied, and the principles of justice and equality are observed.

The Kingdom of Saudi Arabia condemns the continuous escalation against the Palestinian people and the Israeli Government's insistence on establishing and expanding its settlements. We also condemn the continued construction of the separation wall that has annexed extensive Palestinian lands in unprecedented defiance of the ruling of the International Court of Justice that decided the illegality of this wall and ordered Israel to dismantle it, and was followed by a General Assembly resolution which demonstrates the consensus of the international community on this issue.

However, if Israel is serious about withdrawing from Gaza and the dismantling of some settlements, we stress that such an action should proceed in coordination with the Palestinian Authority, in conformity with the requirements of the 'roadmap', and under the supervision of the quartet committee. The proposed withdrawal should come about as a first step towards a complete and full withdrawal from all the Palestinian lands, including Al-Quds.



**STATEMENT BY THE CHAIRMAN OF THE MOVEMENT OF NON-ALIGNED  
COUNTRIES ABDULLAH AHMAD BADAWI, NAM MINISTERIAL MEETING, NEW  
YORK, 29 SEPTEMBER 2004 [EXCERPTS]**

Excellencies, distinguished delegates, ladies and gentlemen,

Much has been said about the role and relevance of the non-aligned movement in our present era. Our detractors have already consigned the movement to the dustbin of history, dismissing it as a spent force, obsolete, irrelevant, and our name a misnomer. The cold war is indeed over and gone, and the east-west conflict is practically dead; but we all know that our tasks and challenges as a movement are far from over. [...]

9. A question which has long remained unresolved is the problem of Palestine. The NAM must continue to provide strong and undiminished support for the Palestinian people in their struggle against Israeli occupation and oppression, and for their inalienable rights to establish a sovereign

- and independent Palestinian state, with east Jerusalem as its capital. We must exert our every effort and influence towards the attainment of that objective.
10. Our continued and unshakable solidarity with the people of Palestine is especially critical at this juncture in their struggle. Their condition continues to be appalling as they endure the increasingly oppressive policies and practices of the Israeli occupying power. Prospects of an early end to their plight is dismal.
  11. I am gratified that NAM is now becoming more engaged on the Palestine issue, with an on-going dialogue process with the international quartet, the permanent members of the UN Security Council and other influential parties. We must help save the roadmap for peace in the Middle East. We are proposing to convene a special international meeting on Palestine, involving international, regional and sub-regional Organisations. We also hope to be able to launch soon a people-based global campaign in support of Palestine. The movement should make good its pledge to transform words into concrete action. These actions are particularly important, in the wake of the landmark decision of the international court of justice against the illegal construction, by Israel, of its separation wall in the occupied Palestinian territory. NAM must always place the issue of Palestine high on its agenda, consistent with its commitment to the goal of bringing about a world free of conflict and war. [...]



**UN SECURITY COUNCIL, DRAFT RESOLUTION DEMANDING  
ISRAELI WITHDRAWAL FROM GAZA, 5 OCTOBER 2004**

*[With a vote of 11:1 (US veto) and 3 abstaining (Germany, Romania, UK) the UNSC failed to adopt this resolution, demanding Israel to halt all military operations in and withdraw from northern Gaza.]*

The Security Council,

*Reaffirming* its previous resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 1322 (2000), 1397 (2002), 1402 (2002), 1403 (2002), 1405 (2002), 1435 (2002), 1515 (2003) and 1544 (2004),

*Expressing* its grave concern at the continued deterioration of the situation on the ground in the Palestinian territory occupied by Israel since 1967,

*Condemning* the broad military incursion and attacks by the Israeli occupying forces in the area of Northern Gaza Strip, including in and around the Jabaliya refugee camp, resulting in extensive human casualties and destruction and exacerbating the dire humanitarian situation,

*Reiterating* its call upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilians in Time of War of 12 August 1949,

*Recalling* the obligations of the Palestinian Authority and the Government of Israel under the Road Map,

*Condemning* all acts of violence, terror, excessive and indiscriminate use of force, and physical destruction,

*Reaffirming* its support for the Road Map endorsed in its resolution 1515 (2003),

1. Demands the immediate cessation of all military operations in the area of Northern Gaza and the withdrawal of the Israeli occupying forces from that area;
2. Reiterates its call for the cessation of violence and for respect of and adherence to legal obligations, including those under international humanitarian law;
3. Calls on Israel, the occupying Power, to ensure the unfettered access and safety of United Nations personnel and all medical and humanitarian aid workers to provide emergency assistance to the civilian population, and calls for the respect of the inviolability of the facilities of the United Nations agencies in the field, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);
4. Calls on both parties to immediately implement their obligations under the Road Map and with this goal in mind closely cooperate with the 'Quartet';
5. Decides to remain seized of the matter.





**ISRAELI PRIME MINISTER ARIEL SHARON, SPEECH TO THE KNESSET,  
JERUSALEM, 26 OCTOBER 2004**

Mr. Speaker, Members of Knesset,

This is a fateful hour for Israel. We are on threshold of a difficult decision, the likes of which we have seldom faced, the significance of which for the future of our country in this region is consistent with the difficulty, pain and dispute it arouses within us. You know that I do not say these things with a light heart to the representatives of the nation and to the entire nation watching and listening to every word uttered here in the Knesset today. This is a people who has courageously faced, and still faces the burden and terror of the ongoing war, which has continued from generation to generation; in which, as in a relay race, fathers pass the guns to their sons; in which the boundary between the front-line and the home front has long been erased; in which schools and hotels, restaurants and market-places, cafes and buses have also become targets for cruel terror and premeditated murder.

Today, this nation wants to know what decision this house will make at the end of this stormy discussion. What will we say to them, and what message will we convey to them? For me, this decision is unbearably difficult. During my years as a fighter and commander, as a politician, Member of Knesset, as a minister in Israel's governments and as Prime Minister, I have never faced so difficult a decision.

I know the implications and impact of the Knesset's decision on the lives of thousands of Israelis who have lived in the Gaza Strip for many years, who were sent there on behalf of the Governments of Israel, and who built homes there, planted trees and grew flowers, and who gave birth to sons and daughters, who have not known any other home. I am well aware of the fact that I sent them and took part in this enterprise, and many of these people are my personal friends. I am well aware of their pain, rage and despair. However, as much as I understand everything they are going through during these days and everything they will face as a result of the necessary decision to be made in the Knesset today, I also believe in the necessity of taking the step of disengagement in these areas, with all the pain it entails, and I am determined to complete this mission. I am firmly convinced and truly believe that this disengagement will strengthen Israel's hold over territory which is essential to our existence, and will be welcomed and appreciated by those near and far, reduce animosity, break through boycotts and sieges and advance us along the path of peace with the Palestinians and our other neighbors.

I am accused of deceiving the people and the voters because I am taking steps which are in total opposition to past things I have said and deeds I have done. This is a false accusation. Both during the elections and as Prime Minister, I have repeatedly and publicly said that I support the establishment of a Palestinian state alongside the State of Israel. I have repeatedly and openly said that I am willing to make painful compromises in order to put an end to this ongoing and malignant conflict between those who struggle over this land, and that I would do my utmost in order to bring peace.

And I wish, Mr. Chairman, to say that many years before, in 1988, in a meeting with Prime Minister Yitzchak Shamir and with the Ministers of the Likud, I said there that I believe that if we do not want to be pushed back to the 1967 lines, the territory should be divided.

As one who fought in all of Israel's wars, and learned from personal experience that without proper force, we do not have a chance of surviving in this region, which does not show mercy towards the weak, I have also have learned from experience that the sword alone cannot decide this bitter dispute in this land.

I have been told that the disengagement will be interpreted as a shameful withdrawal under pressure, and will increase the terror campaign, present Israel as weak, and will show our people as a nation unwilling to fight and to stand up for itself. I reject that statement outright. We have the strength to defend this country, and to strike at the enemy which seeks to destroy us.

And there are those who tell me that, in exchange for a genuine signed peace agreement, they too would be willing to make these painful compromises. However, regrettably, we do not have a partner

on the other side with whom to conduct genuine dialogue, in order to achieve a peace agreement. Even prime ministers of Israel who declared their willingness to relinquish the maximum territory of our homeland were answered with fire and hostility. Recently, the chairman of the Palestinian Authority declared that "a million shaheeds will break through to Jerusalem". In the choice between a responsible and wise action in history, which may lead to painful compromise and a "holy war" to destroy Israel, Yasser Arafat chose the latter - the path of blood, fire and shaheeds. He seeks to turn a national conflict which can be terminated through mutual understanding into a religious war between Islam and Jews, and even to spill the blood of Jews who live far away.

Israel has many hopes, and faces extreme dangers. The most prominent danger is Iran, which is making every effort to acquire nuclear weapons and ballistic missiles, and establishing an enormous terror network together with Syria in Lebanon.

And I ask you: what are we doing and what are we struggling over in the face of these terrible dangers? Are we not capable of uniting to meet this threat? This is the true question.

The Disengagement Plan does not replace negotiations and is not meant to permanently freeze the situation which will be created. It is an essential and necessary step in a situation which currently does not enable genuine negotiations for peace. However, everything remains open for a future agreement, which will hopefully be achieved when this murderous terror ends, and our neighbors will realize that they cannot triumph over us in this land.

Mr. Chairman, with your permission, I will read several lines from a famous essay which was published in the midst of the Arab Revolt of 1936 - and we must bear in mind that the Jewish community in Israel numbered less than 400,000. This essay by Moshe Beilinson was published in "Davar", as I mentioned, during the murderous Arab Revolt of 1936 (and I quote):

"How much longer? People ask. How much longer? Until the strength of Israel in its land will condemn and defeat in advance any enemy attack; until the most enthusiastic and bold in any enemy camp will know; there are no means to break the strength of Israel in its land, because the necessity of life is with it, and the truth of life is with it, and there is no other way but to accept it. This is the essence of this campaign."

I am convinced that everything we have done since then confirms these emphatic words.

We have no desire to permanently rule over millions of Palestinians, who double their numbers every generation. Israel, which wishes to be an exemplary democracy, will not be able to bear such a reality over time. The Disengagement Plan presents the possibility of opening a gate to a different reality.

Today, I wish to address our Arab neighbors. Already in our Declaration of Independence, in the midst of a cruel war, Israel, which was born in blood, extended its hand in peace to those who fought against it and sought to destroy it by force (and I quote): "We appeal - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

A long time has passed since then. This land and this region have known more wars, and have known all the wars between the wars, terror and the difficult counter-actions undertaken by Israel, with the sole purpose of defending the lives of its citizens. In this ongoing war, many among the civilian population, among the innocent, were killed. And tears met tears. I would like you to know that we did not seek to build our lives in this homeland on your ruins. Many years ago, Zeev Jabotinsky wrote in a poem his vision for partnership and peace among the peoples of this land (and I quote): "There he will be saturated with plenty and joy, the son of the Arab, the son of Nazareth and my son."

We were attacked and stood firm, with our backs to the sea. Many fell in the battle, and many lost their homes and fields and orchards, and became refugees. This is the way of war. However, war is

not inevitable and predestined. Even today, we regret the loss of innocent lives in your midst. Our way is not one of intentional killing.

Forty-eight years ago, on the eve of our Independence Day in 1956, against the background of the return of the bodies of ten terrorists who committed crimes in Israel, murderous acts in Israel, and who were delivered in wooden coffins to the Egyptians at a border crossing in the Gaza Strip. On this, the Hebrew poet, Natan Alterman wrote the following:

"Arabia, enemy unknown to you, you will awake when you rise against me, My life serves as witness with my back against the wall and to my history and my G-d, Enemy, the power of whose rage in the face of those who rise to destroy him until the day will be similar only to the force of his brotherhood in a fraternal covenant between one nation and another."

This was during the time of the terrorist killings and our retaliatory raids.

Members of Knesset,

With your permission, I wish to end with a quotation from Prime Minister Menahem Begin, who at the end of December 1977, said on this podium (and I quote):

"Where does this irresponsible language come from, in addition to other things which were said? I once said, during an argument with people from Gush Emunim, that I love them today, and will continue to like them tomorrow. I told them: you are wonderful pioneers, builders of the land, settlers on barren soil, in rain and through winter, through all difficulties. However, you have one weakness - you have developed among yourselves a messianic complex.

You must remember that there were days, before you were born or were only small children, when other people risked their lives day and night, worked and toiled, made sacrifices and performed their tasks without a hint of a messianic complex. And I call on you today, my good friends from Gush Emunim, to perform your tasks with no less modesty than your predecessors, on other days and nights.

We do not require anyone to supervise the Kashrut of our commitment to the Land of Israel!

We have dedicated our lives to the land of Israel and to the struggle for its liberation, and will continue to do so."

I call on the people of Israel to unite at this decisive hour. We must find a common denominator for some form of "necessary unity" which will enable us to cope with these fateful days with understanding, and through our common destiny, and which will allow us to construct a dam against brotherly hatred which pushes many over the edge. We have already paid an unbearably high price for murderous fanaticism. We must find the root which brings us all together, and must carry out our actions with the wisdom and responsibility which allow us to lead our lives here as a mature and experienced nation. I call on you to support me at this decisive time. Thank you.



**STATEMENT BY 14 FORMER AND CURRENT POLITICIANS AND AMBASSADORS,  
PEACE PALACE, THE HAGUE, 6 NOVEMBER 2004**

*[On 5-6 Nov. a conference on international responsibilities regarding the Israeli-Palestinian conflict was held at the Peace Palace. Concluding the conference, this declaration was signed.]*

We, the undersigned former and current politicians and diplomats, call on our governments to bring their policies regarding the Israel/Palestine conflict into accordance with International Law – both in theory and practice. Currently, applied policies frequently contradict the declared positions of our

governments and seriously hurt the chances for peace in the Middle East. The way our governments have dealt with the “Wall” that Israel is building on occupied Palestinian land is a case in point.

On 9 July, 2004, the International Court of Justice (ICJ) in The Hague concluded in its Advisory Opinion that the Wall that Israel is building on occupied Palestinian land is illegal and must be dismantled, while Palestinians who have suffered damages as a result of the construction of the Wall must be compensated by Israel. In addition, the ICJ confirmed the illegality of all settlements that Israel has built on occupied Palestinian land, including East Jerusalem.

Moreover, the ICJ explicitly reminded the international community of its obligation to ensure Israel’s compliance with basic and binding rules under International Humanitarian Law, which is violated by the Wall and other Israeli policies. States were called upon not to assist in any way in the construction of the Wall and to uphold International Humanitarian Law as a framework for the resolution of the conflict.

On 20 July, an overwhelming majority (150-6) of the UN General Assembly, including all EU member states, accepted the ICJ Opinion and demanded that Israel and all UN member states comply with the legal obligations spelled out in the Opinion.

In view of the reaffirmation of the legal framework to the conflict provided by the ICJ, we deeply regret that our governments have taken no visible, let alone effective measures so far to ensure Israel’s compliance with its obligations as the occupying power. Hence, Israel has been given a free hand to continue conducting its illegal policies, including the construction of the Wall on occupied land at an accelerated pace. This is leading to further infringements on International Humanitarian Law and Human Rights Law, for which hundreds of thousands of Palestinians pay a terrible price every day, reinforcing the existing state of lawlessness and impunity.

The fact that the ICJ Opinion was originally issued in the form of a non-binding decision does not relieve the international community of its obligation to act. The fact that the judicial opinion is based on rules of International Law that bind all states and that the UN General Assembly overwhelmingly accepted the ICJ ruling subsequently transformed the non-binding opinion into International Law at large and UN Law in particular. Therefore, the fundamental obligations spelled out in the ICJ Opinion must be implemented, including the obligations referring to third-party responsibilities.

Moreover, the international community is obliged to act in the interest of a comprehensive peace. All prospects for a just and viable two-state solution are existentially threatened by the Wall, due to its deep intrusion into occupied territory, the de facto annexation of fertile land and water sources and the complexity of its structure, creating physical facts on the ground with implications for the long-term.

We urge our governments to take measures that ensure that Israel exercises its right to security and self-defence within the limits set by International Law. We do so in the interest of all people seeking a peaceful resolution to the conflict.

We call upon our governments to move beyond simple declarations embracing the rules and principles enshrined in International Humanitarian Law and Human Rights Law. Positions that are in accordance with International Law need to be followed up by actions that confirm and strengthen the rule of law, and not the ‘law of the jungle’.

Actions taken by the international community can indeed prevent or sanction illegal Israeli policies. Only if such actions are taken can a process be established that will lead to a negotiated, just and lasting peace in the Middle East.

*Signatories:*

The Netherlands:

1. Andreas van Agt, former Prime Minister and former Minister of Foreign Affairs, The Netherlands
2. Gerben Meihuizen, former Netherlands Ambassador in Syria, Jordan, Saudi Arabia and Algeria

3. Jan J. Wijnenberg, former Netherlands Ambassador in Jemen and Saudi Arabia
4. Theodore van der Pluijm, former Director Near East and North Africa Division, International Fund for Agricultural Development
5. Hans van Bemmelen, former Netherlands Consul-General in Karachi, Pakistan
6. Anja Meulenbelt, Senator, The Netherlands

United States:

7. Edward L. Peck, former Chief of US Mission in Iraq and Mauritania
8. Carleton Coon, former Chief of US Mission in Nepal

Canada:

9. Carolyn Parrish, Member of Parliament, Canada

France:

10. Stéphane Hessel, Ambassadeur de France

United Kingdom:

11. Sir Harold Walker, former UK Ambassador in Iraq

Japan:

12. Noboru Minowa, former Minister of Post & Telecommunication and former Deputy Minister of Defense, Japan
13. Naoto Amaki, former Japanese Ambassador in Lebanon

Palestinian National Authority:

14. As'ad Abdul Rahman, former PNA Minister of Refugees



**JOINT PALESTINIAN-ISRAELI STATEMENT ON TOURISM,  
JERUSALEM, 24 NOVEMBER 2004**

We, Mr. Gideon Ezra, the Israeli Minister of Tourism and Mr. Mitri Abu Aita, the Palestinian Minister of Tourism and Antiquities after we met today, would like to announce the following:

Believing that tourism is not only a major economic force, and an important tool for nations' prosperity, but also a means of bringing peace and building bridges of confidence between peoples of the Middle East, the Israeli Ministry of Tourism and the Palestinian Ministry of Tourism and Antiquities would like to take the opportunity of the Christmas celebrations to announce that both Ministries will cooperate in promoting tourism to the Holy Land in international markets, will take effective measures to assure the safe and smooth passage of pilgrims and tourists visiting the Israeli and Palestinian areas, and will provide the appropriate atmosphere for the private sector in both sides in terms of traffic to assure the best services for tourists and pilgrims to the Holy Land.

We very much appreciate the address of His Holiness Pope John Paul II to the General Assembly of the Italian bishops calling upon them to organize pilgrimages to the Holy Land.

We call upon all tourist entities and Christian communities all over the world to start organizing tours to the Holy Land.

We are waiting for you and looking forward to welcoming you in the Holy Land.

Gideon Ezra, *Israeli Minister of Tourism*  
Mitri Abu Aita, *Palestinian Minister of Tourism*



**UN SECRETARY-GENERAL KOFI ANNAN, REMARKS ON THE OCCASION  
OF THE INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE,  
NEW YORK, 29 NOVEMBER 2004**

I am pleased to join you on this International Day of Solidarity with the Palestinian People, and take this opportunity to express, once again, my sympathy to the Palestinian people, who are mourning the loss of their leader, the late President Arafat. Let us hope that his memory will be an inspiration to the Palestinian people at this difficult time, so that they may remain united and strengthened in their efforts to realize their national aspirations for statehood and self-determination through peaceful means.

Over the past four years, bloodshed and chaos in the Middle East have continued without respite. Palestinians have endured a dismal existence of grinding poverty and dispossession. But they have not been good years for Israelis, either. They too have borne great loss. They too need security. The past four years have demonstrated all too clearly that violence only begets violence, and pushes farther away the prospect of a peaceful solution to the conflict.

However, we must not give way to despair and pessimism. Today, throughout the world, people hope that a new chance for peace may be around the corner. That opportunity must not be let pass. The international community must gather its strength and renew its commitment to work for a reinvigorated peace process. Following the recent Quartet meeting in Sharm el Sheikh, I am hopeful that it will do so.

The Quartet's Road Map still embodies a path to peace that is accepted by both Palestinians and Israelis, and strongly supported by the international community. It is high time that it be given a chance to succeed, and that the parties begin to live up to their commitments under it. And I have expressed my hope that Israel's disengagement plan will revive peace efforts based on the Road Map, leading to the end of the occupation of the West Bank, including East Jerusalem, as well as the Gaza Strip, and paving the way for a sovereign, democratic and contiguous Palestinian State, living side by side in peace with a secure Israel.

For my part, I pledge to continue our work with all parties for a comprehensive, just and lasting settlement of the question of Palestine, based on Security Council resolutions, and on the principle of land for peace. - Thank you very much.



**MESSAGE FROM THE CHAIRMAN OF THE NON-ALIGNED MOVEMENT,  
ABDULLAH AHMAD BADAWI, ON THE OCCASION OF THE COMMEMORATION  
OF THE INTERNATIONAL DAY OF SOLIDARITY WITH THE PALESTINIAN PEOPLE,  
29 NOVEMBER 2004**

On the occasion of the International Day of Solidarity with the Palestinian people I have the honour on behalf of the people of Malaysia and as Chair of the Non-Aligned Movement to extend our warmest greetings to all our Palestinian brothers and sisters and express our solidarity with them. On this solemn occasion, the Non-Aligned Movement reaffirms its steadfast support for and longstanding solidarity with the Palestinian people and their leadership in their long-standing quest for the full realization of their inalienable rights, including their right to self-determination and to become masters of their own destiny in a state which they can call their own.

2. We observe this Day today with a feeling of great loss and sorrow at the passing away just 19 days ago of President Yasser Arafat, a visionary and exceptional leader and the absolute personification of the Palestinian struggle for a homeland. We shall certainly miss him as do our Palestinian brothers and sisters who grieve over his demise. It is extremely sad that the late President Arafat was unable to live to see the fulfilment of his lifelong struggle for the Palestinian cause and his dream for

- a free Palestine. We are convinced like our Palestinian brothers and sisters that his relentless efforts, perseverance and sacrifices will never be forgotten. This should not be allowed to happen.
3. The departure of the late President Arafat should now motivate every Palestinian to complete the struggle that he had led and to fulfil the dreams and aspirations of every Palestinians. The Non-Aligned Movement calls upon our Palestinian brothers and sisters to remain calm and stand united during this most difficult time to collectively address the many challenges ahead. We welcome the appointment of Mr. Rawhi Fattouh as the Interim President of the Palestinian Authority and the return of Mr. Ahmad Qureia as its Prime Minister. We also welcome Mr. Mahmoud Abbas as the new Chairman of the Palestinian Liberation Organization. The Non-Aligned Movement extends its best wishes to the new Palestinian leadership. They can count on the Movement's unwavering support. We look forward to the successful holding of the Palestinian Presidential election by 9 January 2005, in an orderly fashion in a calm, secure and peaceful environment. The election should provide a new beginning for Palestine and a new momentum towards the achievement of a just, comprehensive and lasting peace in the area.
  4. It is time that the Palestinian people be spared of violence, death and suffering in their midst. The application of harsh policies and practices as well as the excessive and disproportionate use of force by Israel against the Palestinians and other Arabs in the occupied territories must end. These measures that have led to injuries and deaths among children, men and women and the destruction of homes, land and property will not provide for the building of confidence on both sides in the future.
  5. We mourn the loss of all innocent lives. We sympathise with the families concerned over the tragic loss of their loved ones. We extend our profound condolences to them. We reaffirm our call upon Israel to desist from targeting innocent civilians, destroying Palestinian homes and property and impeding the freedom of movement of people in the Occupied Palestinian Territory in particular during this period when the Palestinians are preparing for elections. We also urge Israel to ensure that there would not be any further deterioration of the humanitarian situation and the socio-economic condition in the Occupied Palestinian Territory.
  6. Together with other leaders in the Non-Aligned Movement I remain hopeful that the legitimate aspiration of the Palestinian people to establish a sovereign and independent State of Palestine with East Jerusalem as its capital, existing side by side with Israel and together with their other neighbours, in peace within secure and recognised borders, will come to fruition in 2005 as envisaged in the Road Map. We remain steadfast in extending our support to the Palestinian people and its leadership in their unrelenting endeavour to achieve their long-held desire to enjoy freedom, independence and dignity and a better future for themselves and their children. The time to act is now. The international community must lend its support.
  7. The construction by Israel of the Separation Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, has introduced a new dimension to the problem and could seriously endanger the prospect for peace in the region. The impact of the Wall on Palestinian lives is overwhelming. The Wall threatens the territorial integrity of a future State of Palestine, as envisaged in Security Council resolution 1397 (2002) and upheld in the Road Map. The conclusion by the International Court of Justice in its Advisory Opinion rendered last July that the construction of the Wall in the occupied territories is contrary to international law should be respected by all and in particular by Israel. The Non-Aligned Movement urges all Member States, in particular Israel, to take all measures necessary to ensure compliance with the Advisory Opinion and Resolution ES-10/15 adopted by the General Assembly at its resumed Tenth Emergency Special Session on 20 July 2004. The Non-Aligned Movement also urges the Security Council to seriously look into this matter.
  8. Given the uncertainties prevailing in other parts of the region the Non-Aligned Movement is convinced that serious efforts must be made to resuscitate the peace process. There is clearly no military solution to this conflict. The cycle of violence and intimidation will not produce any advantage to either side. A new resolve on the part of the parties to the conflict to resume the political process, at the negotiating table, is urgently required. The key to a just and durable solution lies in the willingness on the part of Israel to end its occupation of Arab lands, and the fulfilment of the inalienable and legitimate rights of the Palestinian people to self-determination, national independence and sovereignty and to return to their homes and property from which they had been displaced and uprooted. We urge those who have the most influence to begin working towards bringing the parties to sit together in serious negotiations.

9. The international community has a collective role to play in finding a solution to the Palestinian question. We must all work together to facilitate the attainment of peace in the region. The Non-Aligned Movement will continue to cooperate with the international community, in particular the Members of the Quartet, towards this end. The United Nations, including the General Assembly and the Security Council, has a permanent responsibility towards the question of Palestine until it is resolved in its entirety on the basis of the Charter and relevant resolutions of the United Nations, international law and international humanitarian law. As a Member of the Quartet, the United Nations is well placed to play a pivotal role towards achieving a just, comprehensive and lasting peace and towards achieving the inalienable rights of the Palestinian people. Likewise, the other Members of the Quartet – the European Union, the Russian Federation and the United States – should play their roles and seize this opportunity to revive the Road Map and work towards the achievement of peace.
10. The valiant struggle of the Palestinian people against Israeli occupation, against the injustices suffered by them and against the inhumane treatment meted out upon them must be recognised. The Palestinian people have suffered long enough. The world must express and maintain solidarity with them. The Palestinian question deserves the continued attention of the international community in the right context and with the proper perspective.
11. On behalf of the Non-Aligned Movement and in my capacity as its Chairman, I should like to reiterate on this very important day, our firm commitment towards ensuring that a just, comprehensive and lasting peaceful settlement is achieved on the question of Palestine in its entirety. Rest assured that the Non-Aligned Movement will strongly support all initiatives and efforts to address the Palestinian question; a question which has at all time been high on its agenda. We look forward to the day when the international community would join the Palestinians in celebrating the joy of their independence and statehood soon.



**G-7/G-8, FORUM FOR THE FUTURE, CHAIR SUMMARY,  
RABAT, 11 DECEMBER 2004 [EXCERPTS]**

The Ministers of Foreign Affairs and the Ministers of Economy and Finance of the countries of the Broader Middle East and North Africa (BMENA), together with their G8 counterparts and their partners (hereinafter "the Participants"), participated in the first *Forum for the Future*, which met on December 11th, 2004, at Rabat, in the Kingdom of Morocco. [...]

12. The Participants likewise reaffirmed their support for free and transparent elections in the Palestinian Territories. They urged Israel to work towards fulfilling its commitment to facilitate the holding of such elections. They also called for the participation of all Palestinians, including those in Jerusalem, and commended those nations that are supporting the elections with observers and financing. The Participants also reaffirmed that their support for reform in the region will go hand in hand with their support for a just, comprehensive, and lasting settlement to the Arab-Israeli conflict, based upon U.N. Security Council Resolutions 242 and 338. They reiterated their commitment to the full implementation of the Roadmap and to the goal of two states, Israel and a sovereign, independent, viable, democratic, and territorially contiguous Palestine, living side by side in peace and security, achieved through direct negotiations between the two sides.



**YASSER ABED RABBO, HEAD OF THE PALESTINIAN PEACE COALITION  
AND MEMBER OF THE PLO EXECUTIVE COMMITTEE, SPEECH AT THE  
ANNUAL HERZLIYA CONFERENCE, INSTITUTE FOR POLICY AND STRATEGY,  
HERZLIYA, 16 DECEMBER 2004**

Ladies and Gentlemen,

Because Hebrew is not my native language, I have to speak in English. Yes, at least we have something in common.



Today, we have an opportunity: both peoples are tired of the conflict and want to end it. Ill-conceived experiments - like "let the IDF win", and unilateralism - are discredited. New political configurations are forming in Israel and Palestine. The time could not be more right, and the opportunity could not be greater.

In the Palestinian leadership, we can feel the changes, and we have been and will continue to use this momentum to make quick, concrete progress. We will do everything in our power to ensure that elections will proceed, that violence and chaos will end, and that reform will continue. Yet we also know that in order to turn this initial burst of energy into a long-term pattern, and to achieve lasting results, we need two things: an Israeli partner and a credible political process that will end our decades-long conflict.

Today, PM Sharon will address this distinguished gathering, and we will listen carefully to see whether he has grasped the extent of the current opportunity. When Abu Mazen became prime minister last year, we had no Israeli partner. The Israeli government approached us with a hesitant, suspicious attitude, where every detail became a concession, and every small action a subject for lengthy negotiations. If we hear the same tone today, I can assure you now that we will all fail.

When PM Sharon drops the "no-partner" argument, he should not replace it with the more harmful slogan of conditionality. We both know what needs to be done - it is all there in the Road Map - and we must each do what we need to do in parallel. Then, I say to you Mr. Sharon, we can reach a permanent status agreement within a year and put an end to this conflict.

Big opportunities require bold leaders: leaders who ingest energy into a process, not ones who allow themselves to be bogged down with the never-ending concerns of their bureaucrats.

Ladies and Gentlemen,

Even with the best declarations of good will, a credible political process is essential for turning the tide of the last four years: a process that will lead to a permanent end to the Palestinian-Israeli conflict. A process that assures both peoples that they will not have to live again through the uncertainty and instability of another interim period.

Only in the context of such a process will we be able to consolidate the security, democracy, and reform steps that we have been taking. Only in the context of such a process will the space be created for the legitimization of the peace message in the upcoming Palestinian Legislative elections.

Today, the elements of such a process do not exist. The Gaza disengagement still raises serious concerns. Israel will withdraw from Gaza, and this is definitely good. The Israeli Governments seems to have dropped the "no-partner" farce, and that is also encouraging.

But we still do not know what will happen after the withdrawal. Will "Gaza first" be "Gaza last"? Mr. Weissglass' *Ha'aretz* interview is still fresh in our minds. Will the northern West Bank be an isolated box? Needless to say, there will be no Palestinian partner for an imposed partial or interim solution that ignores our strategic needs and interests.

We need credible answers to become partners in the disengagement plan. We need to see the end of the expansionist policies in the West Bank - namely settlement expansion and wall construction. Equally, we need to see a realistic permanent two-state solution on the horizon. Only then will we believe that engaging on Gaza will not lead to the cantonization of Palestine.

Of course, such a solution must be acceptable to both parties. Initiatives that will never be accepted by the Palestinians - like the one presented by Mr. Lieberman - are not constructive, unless their initiators still harbor the illusion of imposing rather than negotiating an agreement. Similarly, we understand that ideas that are unacceptable to the general Israeli public do not offer a way forward for us.

Ladies and Gentlemen

It is in this context of a credible political horizon that the Geneva Initiative is crucial. Obviously, Geneva is not the Torah or the Qur'an, and none of us is particularly married to every comma, dot and

dash in the document. But there are some fundamental aspects which must form the foundation of any future peace agreement.

The Agreement must be comprehensive, with no issue left undetermined. The conflict must be permanently, definitively, and clearly ended. Any issues that remain unresolved will become a rallying point for those benefiting from maintaining the conflict - extremists who thrive on violence.

The Agreement must be based on the concrete interests of both parties, not on ideological positions. It will take a long time to reconcile our narratives of the past, but there are enough future issues and interests to build peace around. The job of a peace agreement is to provide a workable, stable future. Healing the national trauma or defining the national identity is a job for poets and historians.

The Agreement must reflect the complexity of our conflict and present similarly subtle, detailed and balanced solutions. There might be comfort in generalities, and attractiveness in absolute statements. But providing an acceptable and workable solution to dismantling the machinery of a 37-year old occupation, ending a 60-year old refugee situation, sharing the holiest city on earth, and designing a security regime in a difficult neighborhood requires detailed solutions.

All of this is in the Geneva Initiative.

It is easy for two Israelis to sit together and cook up an initiative that will get Israeli consensus, and it is easy for a Palestinian and an Israeli to sit together and agree on general principles. But acceptable, credible solutions cannot be tailored around the wishes of one party alone, and concrete issues cannot be hidden behind general slogans. Details are important, that's why the Geneva Initiative had such an impact, the details are the proof that it is possible.

Dear Friends,

I am a refugee from Jaffa. I know where my family house once stood. No peace agreement will eradicate my memories of that house or of my family that lived there.

But I am also a responsible Palestinian leader who wishes for himself and his people to build a future, not live in the past. I know that there will be no collective Palestinian return to Israel. As a leader I – and the representative group of Ministers and senior Fatah people who drafted Geneva, as well as 61% of the Palestinian public according to a poll conducted last month – are willing to accept an agreement that gives Israel all the necessary legal and practical guarantees regarding refugees.

But if you ask me to forgo my emotional connection to my past, and if I ask you to renounce your spiritual connection to your history, then we will get nowhere.

Former PM Barak just spoke here. I hope we learn the correct lessons from that period. The mistake was not in going for the endgame, but in how it was done. Without preparing ourselves, our publics, our negotiators – all sides got it wrong. That's why the Palestinian Peace Coalition – Geneva Initiative has spent the last year taking our message to the Palestinian public – in refugee camps, youth summer camps and campaigns. Of course there are extremists and rejectionists, but the people and the leadership understand that these are the parameters and see in this hope.

In a moment we will show a short clip of our latest campaign – figures from both sides addressing each others publics – in cinemas, internet, TV ads – with a message that there is a partner for an endgame peace.

Dear Friends,

Let me end where I started. We have an opportunity, and we must not waste it. It is easy for you to say that you have no partners, or to “wait and see” if the new Palestinian leadership will deliver. It is also easy for us to point to the Sharon of 1982 or 2002 and say that the man has not really changed. These things are easy, but they will get us nothing other than more suffering and bloodshed.

Partners do not grow on trees, partners are made: not by statements and photo-ops, but by concrete bold action. Once we reach a clear, realistic joint vision of our future, getting there will be easy. The partners that you have always had in Palestine will be there to walk with you along the way.



**PALESTINIAN NATIONAL AND POLITICAL FIGURES,  
OPEN LETTER TO THE PALESTINIAN PUBLIC – “WHAT WE  
WANT FROM THE ELECTED PRESIDENT”, 26 DECEMBER 2004**

*[At the initiative of the Palestinian Peace Coalition eventually over 600 signatures were collected for this statement that outlines the demands of the Palestinian public at large from the new PA President – due to be elected on 9 Jan. 2005. Signatories included: Abdul Qader Faisal Hussein, Ahmad Soboh, Azmi Shuaibi, Ghassan Shakaa, Hanan Ashrawi, Hanna Siniora, Hatem Abdul Qader, Mahmoud Darwish, Manuel Hassasian, Nabil Amr, Nabil Jamil, Nabil Kassis, Nazmi Ju'beh, Qaddoura Fares, Samih Al Abed, Yasser Abed Rabbo, Zahi Khoury, Zahira Kamal, Ziad Abu Zayyad, Zuheir Manasra.]*

The announcement of the Palestinian National Authority (PNA) presidential elections and the upcoming Palestinian Legislative Council (PLC) elections have ushered in a new phase in the Palestinian political system – a phase in which legitimacy must be consolidated through elections and the free will of the people to choose their representatives and political leaders. This democratic shift requires wide participation in the elections process, so as to reaffirm our people's political dynamism and commitment to democratic principles and to the creation of a modern, advanced Palestinian state upon the end of the Israeli occupation.

*We, the undersigned political, economic, social, and cultural activists and institutions – while expressing our satisfaction with the responsible manner in which the Palestinian Basic Law and national political institutions were respected after the death of our historic leader Yasser Arafat; and with the aim of strengthening the Palestinian national project against the threats of eradication; and in the spirit of commitment to building a democratic, pluralistic system that will be the basis for an effective, modern, democratic state that will be able to mobilize the people and the society towards the achievement of our national objectives –*

Call upon the winner of the upcoming Presidential elections:

*First:* To protect and safeguard the Palestinian political program adopted by the Palestine Liberation Organization (PLO) and all the Palestinian legitimate institutions. This program is based on international resolutions, first and foremost UN Security Council resolutions 242 and 338, and aims at the establishment of an independent Palestinian state on the June 4th 1967 borders and reaching a just and agreed upon resolution to the refugee problem in accordance with UN General Assembly resolution 194 and the Beirut Arab Summit resolution. Accordingly, the so-called “interim state” and any partial solutions that aim at preempting a permanent, comprehensive solution must be rejected. Similarly, illegal facts on the ground such as settlements and the apartheid separation wall – facts that were established by the occupation throughout the years in order to stifle our aspiration to a fully sovereign state – must not be succumbed to.

*Second:* To respect the role of the PLO, the sole legitimate representative of the Palestinian people, as the highest Palestinian political authority, and to develop a complimentary relationship between the institutions of the PLO and the PA. This will enable the PLO to be activated and reformed on democratic basis so as to play a more active role in providing comprehensive political leadership and servicing our people in the Diaspora.

*Third:* To give the utmost attention to Jerusalem, and to consolidate its political, economic, cultural and spiritual role and stature as the capital of the Palestinian state to which we aspire. All forms of support to Jerusalem's Palestinian institutions must be provided so as to safeguard its steadfastness. This entails working towards opening its closed institutions, particularly the Orient

House and the Palestinian Chamber of Commerce, and providing the requisite care for the holy sites in Jerusalem and elsewhere as well as safeguarding Islamic-Christian solidarity.

*Fourth:* To continue working for the release of Palestinian prisoners and detainees from Israeli jails, and to place their cause at the top of the agenda of any future negotiations. This will require the mobilization of every element of pressure to ensure their release irrespective of their political beliefs or affiliations.

*Fifth:* To continue in the renewal of the legitimacy of the Palestinian political system by fixing a date for the PLC elections, on the basis of a mixed electoral system that consolidates political and social pluralism. In addition, elections must be encouraged within all factions and institutions so as to reaffirm democracy as the basis of public life in Palestine.

*Sixth:* To continue national dialogue on the basis of oneness of authority, political pluralism, and the peaceful periodic transfer of authority in accordance with the Basic Law. That entails ending all forms of chaos, lawlessness, and multiplicity of authorities which – in turn –requires enacting a law regulating the work, jurisdiction, and powers of security services.

While we affirm our legitimate right to resist the occupation, we call for reclaiming the popular nature of the intifada and for ending actions that negatively affect our struggle, and which prejudice its credibility.

*Seventh:* To expedite and complete reform programs for institution- and state- building in accordance with the Basic Law and the principle of separation of authorities. In particular, the judiciary must be developed and its independence in the face of political influence must be guaranteed. The PLC must be allowed to play its role in developing legislation and overseeing the executive authority, and the administrative and financial systems of the PNA must be reformed. This requires the completion of the PNA's body of laws regulating the political, economic, social, and trade union sectors. This also requires the consolidation of the principles of good governance, particularly the rule of law, accountability, and transparency and the prosecution of corruption.

*Eighth:* To separate PNA and state institutions from the institutions of the leading political faction. This is essential to safeguard political pluralism and the principle of periodic transfer of power, and to establish the Palestinian state as one of institutions in the service of its entire people. In addition, we call for the enactment of a modern political party law that activates the role of political parties, regulates their funding, guarantees democracy within them, and leads to the constant renewal of their leaderships and structures. This will form the real basis for political development and the regular transfer of power.

*Ninth:* To provide the necessary financial resources to help the areas affected by, and the families displaced, as a result of the crimes of the occupation. Particular attention must be paid to support the regions, villages and landowners directly affected by the apartheid separation wall so as to strengthen their presence against the attempts to uproot them.

*Tenth:* To enhance the role and status of women in public life, and to confront the culture of marginalization and disempowerment in all facets of life. This requires the enactment of laws that guarantee full equality so as to respect the deep democratic traditions of our people and our liberation movement, and to reflect Palestinian women's contribution in the struggle for freedom.

*Eleventh:* To consolidate the national economy through developing legal and regulatory frameworks and rules that will enable economic and social development. This requires a regionally and globally oriented market economy – within the framework of a social security safety net – that spurs the private sector into assuming its role as the driving force behind development. In addition, we call for creating a competitive environment to encourage and draw local and foreign investment through providing all forms of investment incentives and through the eradication of monopolies, misuse of authority, and illegal gains. Private sector and representative civil society institutions must be encouraged to contribute in drawing economic policies.

*Twelfth:* To develop the curricula and the educational system according to modern, enlightened bases and to provide the necessary resources that will enable it to train students and release them equipped to enter the modern labor force. In addition, we call for developing and supporting academic research, and cultural, youth and childhood organizations, for improving health services, for strengthening the institutions of local governance and for ensuring local elections.

*Thirteenth:* To mobilize all available resources to confront poverty, unemployment, and to support the impoverished sectors. This will require the development of social security and health care sys-

tems to help these sectors in facing new demands, in accordance with the principle of “partners in development, partners in sharing its burdens”.

These demands aim at strengthening the participation of individuals and the society in determining their fate and that of the future generations.



### ISRAELI CABINET, COMMUNIQUÉ ON THE PALESTINIAN ELECTIONS, 26 DECEMBER 2004

At the weekly Cabinet meeting today (Sunday), 26 December 2004:

2. Regarding preparations for the upcoming Palestinian Authority (PA) elections, Prime Minister Ariel Sharon said that the procedures that Israel and the Palestinians have agreed on are identical to those which were agreed to and applied during the 1996 elections.

Prime Minister Sharon said that The PA elections are very important in creating a leadership with which we hope it will be possible to make progress in the Roadmap process. These elections are arousing great international interest; to this end, several hundred foreign observers will arrive from the US and Europe. More than a few of them are already here. The Prime Minister emphasized that is very important that it should be clear to the entire world that Israel has made possible proper elections.

The Cabinet decided as follows:

The Government of Israel attaches great importance to the holding of proper elections for the post of chairman of the executive authority of the Palestinian Council (hereinafter “the elections”) en route to the creation of a democratic society, on 9 January 2005, and will act as detailed below. The international community attaches maximum importance to the elections and has requested that the State of Israel do its utmost to support, assist and assure the holding of fair and effective PA elections.

The IDF and the security forces will take the necessary steps to enable the holding of free elections. The procedures will be coordinated by the authorized commanders and will be enacted in keeping with necessary security considerations, and include, *inter alia*:

- The IDF presence in Palestinian towns will be reduced to the minimum necessary; near to the date of the elections, IDF forces will leave all Palestinian cities.
- Procedures will be determined for removing checkpoints in defined locales.
- The opening hours for the Allenby Bridge crossing will be expanded.
- On election day, seam zone crossings will be open ‘round the clock.
- Freedom of movement and transit will be allowed for those involved in the elections: Candidates, activists and campaigners.
- Proper procedures will be determined for transporting election equipment and stationing it in the various polling places.
- Joint Israeli-Palestinian coordination offices will be set up and will deal with - *inter alia* - responding to immediate problems that may arise.
- Rules will be determined for providing security for the elections by Palestinian security forces.
- The presence and free movement of international and local observers will be made possible.

In accordance with article 3A of the 1994 Implementing the Interim Agreement On Regarding the West Bank and the Gaza Strip Law, to allow within the State of Israel actions which are necessary to hold elections as were agreed to between the State of Israel and the PLO in Annex II (Article VI thereof) of the 28 September 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, and as per the changes stemming from the increase in the Palestinian population.

On 9 January 2005, elections for the post of chairman of the executive authority of the Palestinian Council are due to be held for the second time. These elections are very important vis-à-vis the creation of a new PA administration that is due to implement the necessary reforms in the PA and honor its commitments. Israel has a great interest in their success, and assured holding, of proper PA elections, in the hope that a Palestinian leadership will be chosen that will implement the PA's commitments according to the roadmap, as was approved by the Government of Israel, i.e. the elimination of terrorism and the dismantling of terrorist infrastructures, the implementation of comprehensive reforms, and additional commitments which the PA undertook upon itself. The international community expects the State of Israel to do its utmost to assist the in the success of the elections, and, in any case, the state of Israel is interested that it not be seen as having worked to impede or wreck an effective electoral process.

In the framework of contacts between representatives of Prime Minister Sharon, the security establishment, the Foreign Ministry and other government ministries, and Palestinian representatives, various issues were discussed regarding the holding of these elections in Judea, Samaria and the Gaza Strip, including the participation in the elections by Palestinian residents of eastern Jerusalem. It was agreed that the elections would be held in the same format as described in the 28 September 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, the elections having been held on 20 January 1996.

In order for proper elections to be held in Judea, Samaria and the Gaza Strip, the State of Israel will make possible changes in access and transportation procedures, will allow the movement of candidates, activists and observers, and will reduce the presence and activity in Palestinian towns ahead of Election Day. To these ends, the Cabinet has authorized IDF commanders to determine guidelines for action vis-à-vis the PA, in keeping with security needs.

Article 3A of the 1994 Implementing the Interim Agreement On Regarding the West Bank and the Gaza Strip Law determines that: "The Palestinian Authority shall not open or operate a representative mission, and shall not hold a meeting, in the area of the State of Israel unless written permission for this has been given by the State of Israel or by someone authorized by it to do so." As detailed above, the format for the elections regarding voting by Palestinian residents of eastern Jerusalem, will be as was determined for the 1996 elections, with such changes as stem from the increase in the population.

On 20 January 1996, elections were held for the first time for the Palestinian Council and for the post of chairman of the executive authority of the Palestinian council. These elections were held in keeping with the detailed instructions determined in the aforementioned 28 September 1995 agreement (Article II and Annex II, the latter being entitled "Protocol Concerning Elections").

Article VI of Annex II ("Election Arrangements Concerning Jerusalem") sets forth detailed instructions regarding voting by Palestinian residents of eastern Jerusalem in the elections. *Inter alia*, there are restrictions on election campaigning in Jerusalem, which requires approval by the authorized bodies in Israel; details regarding voting arrangements at specific post office branches and details regarding the presence of international observers.

Prior to the elections, a canvass of voters was held in order to prepare the Palestinian voter registry. This canvass was carried out close to the elections on a commercial basis by an eastern Jerusalem college, via its students and teachers who were Palestinian residents of eastern Jerusalem. In the framework of the agreement regarding the canvass, the canvassers were prohibited from including symbols and headings in their documentation and forms that are different from those used in the documentation and forms used in Judea, Samaria and Gaza. In accordance with the agreement, the offices of the Palestinian Elections Committee were located outside the city of Jerusalem.

A joint committee, whose Israeli members included - *inter alia* - representatives of the Foreign Ministry and the Israel Police, considered and approved all actions that the Palestinian side asked to hold in Jerusalem. The committee approved the holding of discussion groups in private, roofed locales, as well as assemblies and rallies in roofed public places, that were approved by the police. Police ap-

proval was necessary for all events in public places. Special procedures for putting up campaign posters were determined. The holding of marches and assemblies in the streets and in open spaces in Jerusalem was prohibited, as was affixing large posters to motor vehicles.

In accordance with the agreement, approximately 5,000 residents of eastern Jerusalem were allowed to vote at five post office branches and over 50,000 residents voted at polling places in Judea and Samaria. Voting at the post offices was supervised by Israeli employees. Approximately 1,500 residents voted in eastern Jerusalem.

Ahead of the 1996 elections, Israel made it known that the rights and status of the Palestinian residents of eastern Jerusalem would not be harmed to their participation in the voting process and the Israel Police assured their security. In order to remove all doubts, Israel makes it known that this is its position regarding the 9 January 2005 elections.

Prime Minister Sharon commented on the format of the elections for residents of eastern Jerusalem, and said that the arrangements from 1996 that covered the matter of Palestinians voting in Israeli post offices, including Israeli security, and Israeli approval of the process - presents clear proof of Israel's sovereignty over the whole of Jerusalem. The method of voting, in which only a small number of the electorate votes in Jerusalem - with double envelopes, which are then transported outside of Jerusalem to be counted, with most eastern Jerusalem residents actually voting outside Jerusalem - resolves the issue, in practice.

Prime Minister Sharon emphasized that this agreement in no way, directly or indirectly infringes on Israel's complete sovereignty over Jerusalem as its united capital city.

Regarding the foregoing, the Cabinet approved those activities that are necessary to allow the PA to hold elections in the same format, and under the same restrictions, as prevailed in the 1996 elections.

Prime Minister Sharon called on all government offices involved in the PA elections to aid in the smooth running of the elections; at the same time, the Prime Minister instructed the security establishment to do everything in order to prevent terror attacks during the election period.



**PRESIDENT MAHMOUD ABBAS, SPEECH TO THE PALESTINIAN  
LEGISLATIVE COUNCIL, RAMALLAH, 15 JANUARY 2005**

*[This was Abbas' first speech after being elected as President of the PA.]*

In the name of Allah, Most Gracious, Most Merciful

“Say ‘O’ my Lord! Let my entry be by the Gate of Truth and Honour, and likewise my exit by the Gate of Truth and Honour; and grant me from Thee an authority to aid (me)”

President of the Palestinian National Council,  
Members of the PLO Executive Committee,  
Speaker and members of the Palestinian Legislative Council,  
Mr. Prime Minister, Members of the Cabinet,  
Mr. Chief Justice,  
Representatives of Arab and Foreign States,  
Representatives of International Organizations,  
Guests,  
Ladies and Gentlemen,

As I address you today, I am full of pride over the Palestinian people's exceptional democratic achievement. Our people have stood in the face of the occupation to say – first and foremost to our selves but also to the whole world - that no matter how great the challenges may be, we will not give up on our national project... That no matter how many obstacles may stand in our way, we will not be deterred from advancing our democratic process. The winner in these elections is the great Palestinian people who have created this democratic epic and who will safeguard it.

I dedicate this victory in the name of our whole people to the soul and memory of our eternal leader, the symbol of our cause, Yasser Arafat. It was he who planted the first seed of this democratic process, it was he who held its banner high, and it was he who consolidated its traditions. Our respect and gratitude go to your noble soul, Abu Ammar, on this day of Palestinian democracy.

This is historic day in our national process, and I say to all our people who voted: you have kept the flame of democracy alive; and all my thanks and gratitude go to you. I pledge to exert all of my efforts to implement the program according to which I was elected, and to continue on the path towards achieving our national goals.

My thanks and appreciation also go to all those who worked to make the election campaign a success, my brothers in the FATAH movement all over Palestine, and to all political forces, organizations, institutions, movements and individuals who spared no effort to defend our national democratic program. This program now has the widest public support.

To all the other candidates, I say: we highly appreciate your efforts in making the democratic process a success. You have my pledge to encourage and guarantee the active role of all of our political forces and strands, and to protect the freedom of expression in accordance with the law.

For even if our opinions may differ, we share one national cause; and even if our judgments may diverge, we defend one goal. We will make sure that we work together to achieve the national goals to which we all aspire.

Today, the results of the elections are final, and our great people have passed this important test. I stand before you as the President and representative of the whole Palestinian people to say: we will continue consolidating national unity. We will deepen dialogue with all the active forces in our nation, and we will remain devoted to strengthening the unity of our society and institutions. We will also continue on the path of Yasser Arafat to achieve just peace – the peace of the brave for which he had always worked, and to which he dedicated all his life and efforts.

I would like to thank the management and team of my campaign for their great efforts. I also extend my appreciation and commendation to the Central Elections Committee, its president, members and the thousands of teachers who played an outstanding role to guarantee the success and fairness of the elections. I also extend my appreciations to the Palestinian Authority and the Palestinian security services for their role: they have worked efficiently under extremely difficult circumstances to ensure that the elections are fair and free.

I would like to thank the governments, international organizations, international figures, and monitors who oversaw the elections process and who helped in achieving our goals for consolidating democracy in Palestine.

I would also like to thank my dear brother Rawhi Fattouh, who played an efficient and capable role as the President of the Palestinian National Authority during the period of transition. He created an exemplary environment for conducting the elections, and he enabled our national institutions to play their role and carry out their duties.

I would like to thank the Government, headed by my brother Abu Ala', and the PLC for all of their efforts during the period of transition, and for the spirit of cooperation and joint action in the face of demanding conditions.



And I salute all of our people, particularly the residents of Jerusalem – the capital of our independent state. You have proven to the whole world your national commitment, determination to move forward, and commitment to our national goals and democratic choice. Your turnout exceeded all expectations, and you overcame difficulties, obstacles, and hardships.

- The people have spoken for the end of occupation and the democratic choice – for the continuation and consolidation of development and reform,
- The people have voted for the rule of law, order, pluralism, the peaceful transfer of authority, and equality for all,
- The people have chosen just peace, ending the occupation, and coexistence based on equality and international legitimacy.

Ladies and Gentlemen,

This year is the year of Palestinian elections – presidential, legislative, and municipal elections. Let us muster our national efforts to further extend the election process to civil organizations, trade unions, and political forces and factions so as to rejuvenate our domestic political life.

The greatest challenge before us, and the fundamental task facing us is national liberation. The task of ending the occupation, establishing the Palestinian state on the 1967 borders, with Jerusalem as its capital, and reaching a just and agreed solution to the refugee problem on the basis of international resolutions, first and foremost resolution 194 and the Beirut Arab Summit Resolution.

To achieve these national goals, we will remain committed to the PLO's strategic choice: the choice of achieving just peace and our national goals through negotiations. The path to these goals is what we and the world have agreed upon in the Road Map. We have repeatedly stated that we are committed to our responsibilities in the Road Map. We will implement our obligations as a matter of Palestinian national interest. In return, Israel has to implement its obligations.

In the last few days, a number of incidents took place. We condemn these actions, whether by the Israeli occupation forces or the reactions of some Palestinian factions. This does not help bring about the calm needed to enable a credible, serious peace process. We are seeking a mutual ceasefire to end this vicious circle.

Our hand is extended towards an Israeli partner for making peace. But partnership is not through words but rather deeds. It is through ending assassinations, the siege on our towns, arrests, land confiscations, settlement activity and the separation wall. Partnership cannot be achieved by dictation, and peace cannot be reached by partial or interim solutions. Peace can only be achieved by working together to reach a permanent status solution that deals with all of the outstanding issues, and which turns a new page on the basis of two neighboring states.

I would like to stress here that we are fully prepared to resume permanent status negotiations, and that we are politically ready to reach a comprehensive agreement over all of the issues.

From this forum, and on this day, I say to the Israeli leadership and to the Israeli people: we are two peoples destined to live side by side, and to share this land between us. The only alternative to peace is the continuation of the occupation and the conflict. Let us start implementing the Road Map, and – in parallel – let us start discussing the permanent status issues so that we can end, once and for all, the historic conflict between us.

From this forum, I call upon all concerned international actors, particularly the Quartet, to play a direct role in guaranteeing the implementation of the Road Map. You must ensure that we do not re-enter the labyrinth of preconditions that preclude progress in implementation. You must ensure that we do not get stuck in the maze of long-term partial or interim solutions designed to delay reaching a full and comprehensive solution.

As we at the Palestinian Authority express our readiness to implement all of our Road Map obligations, we expect all other parties to implement theirs. It is not reasonable that only we are required to take action while settlements continue; or while the Wall expands within Palestinian land to separate Palestinian from Palestinian, and to destroy the livelihoods of hundreds of thousands of our people; or while closures, the siege, arrests, and other violations continue against our people, spreading despair, frustration, and loss of hope.

Today, it is up to the world to give our people hope, and it is up to the world not to repeat the same mistakes that sabotaged many initiatives and positive efforts in the past. In particular, I direct this call to all of the leaders of the Quartet members, and to all those committed to re-launching the peace process, and particularly to the US as the main player in this context.

Welcoming Palestinian democracy and supporting it is important, but this support will remain deficient if it is not shored up with efforts to end all aspects of the occupation so that this democracy may continue and thrive.

I also call upon the international community to take the necessary measures to implement the decision of the International Court of Justice, this decision that condemned the racist separation wall as illegal and called for its removal.

Brothers and Sisters,  
Palestinians at the Homeland and in the Diaspora,

Ending the occupation was and will remain at the top of our national Palestinian agenda, but it is not the only priority. I can find no justification for ignoring the rest of our national issues under the pretext that we are an occupied people. The same proud Palestinian spirit that has struggled to ensure recognition of our just cause must guide us in dealing with our domestic agenda.

For decades, Palestinians have been a beacon of creativity and achievement; a light that has shone with talent and skill over the whole world. It is our duty to continue faithfully working in the same spirit and with the same determination to build an enlightened, civilized society that will be – both in its official and civil parts – a democratic example to be followed, and a basis for a bright outlook for our future generations.

I believe that we all agree that the first step towards building our society lies in establishing the rule of law. Only then will our people enjoy safety and security; only then will we be able to truly develop our institutions of governance and our political system; and only then will we achieve development and economic prosperity and make progress in social, cultural, and other fields.

The rule of law is embodied in one authority and one legal weapon in the hands of this authority, within the framework of political pluralism and the peaceful periodic transfer of authority. We all have the right to differ, and we all have the right to present our case to the people through the ballot box, but no-one has the right to by-pass the will of the people or to take law into their own hand in the service of their own agenda. Let law and democracy remain the only method of dealing with all aspects of our domestic concerns.

We have started the process of reform, and we will – God willing – continue. Reforming and developing the judiciary, security and government agencies, and continuing the development of our financial and economic system, and establishing a new mechanism for cooperation between the public and private sectors are prerequisites for enabling the National Authority to play its role in serving the Palestinian people. But more than that, they are also a national duty so as to establish the foundations of the Palestinian state to which we aspire. It is our duty, whether in the Authority, opposition, or civil society not to allow the occupation to derail us from this path, or internal chaos to sabotage this process.

We will work to establish close cooperation between the various institutions of the Palestinian Authority – the legislative, judicial and executive authorities – while respecting their separation and dis-

tinct role in accordance with the Basic Law. This should become the solid foundation and the established tradition of our political life, so as to develop our political system and to preserve its vitality.

We will exert all of our efforts to revitalize the PLO institutions and to activate its national role as the sole legitimate representative of our people. This will intensify our efforts to serve our people in the Diaspora. The PLO must assume its leading role in supporting the National Authority, in emphasizing the unity of Palestinian decision, and in protecting the National Program of 1988 and the Palestinian Declaration of Independence.

Ladies and Gentlemen,

The way forward will not be easy. Our goals will not be achieved with dreams or miracles, but with constant tireless work. The challenges ahead are grave: the occupation is still strangling us, and there are those who wish the failure of our experience. But those who hope for it to succeed and flourishing, both among our people and our friends throughout the world, are the overwhelming majority. The road ahead is long, but it is a road that we will take and a challenge that we will accept. The alternative is stagnation and regression, and this is an alternative that we will never accept.

It was a great opportunity that women used their right to participate in local and presidential elections. This is an important step on the path of ensuring full equality for women, including the right to assume leading positions in the Authority and in society.

The late Abu Ammar has left us a legacy that lights our path and shows us the way. His legacy will always be present to remind us that no matter how great the challenges may be, or how intricate the conspiracies may become, the will of the people, unwavering determination, and tireless work will lead to our goals. In the midst of our struggle for liberation and state-building, there is no place for despair or lethargy.

Today, I address the families of our revered martyrs to assure you that we will remain faithful to their memory and committed to protecting the future of their children. We will continue to care for the injured and the handicapped, and all of those affected by the violations of the occupation, whether home demolitions, the destruction of agricultural facilities, and all other forms of collective punishment.

I also address my brothers the prisoners and detainees to assure them that their cause will remain at the forefront of our efforts and will figure high on all levels. Opening the path of freedom before them is a noble purpose that we will do our utmost to achieve. We will also protect our fugitives and deportees, and we will absorb them and guarantee their future.

I have been throughout my field visits to the refugee camps here in the homeland and in Syria, Lebanon, and the Arab World. I have met our people who have entrusted us with their national aspirations and daily concerns. These will remain a central part of our own concerns. While we reject involuntary settlement outside the homeland, we must guarantee that our people – wherever they are – enjoy the best standards of living, through cooperation with our brothers in the host countries.

In this path, and in the face of every hurdle and difficulty, I will remain strong in the knowledge of the trust that you have bestowed upon me, steadfast in my unshakable belief in the maturity of the Palestinian people, in all of its sectors and segments, and with all of its diverse opinions and positions. I will draw my strength first and foremost from my faith in God, and from my belief in the justice of cause and the unwavering dedication of our historic leader Yasser Arafat second, and from your trust. I pledge today to do all that I can, and to exert all of my efforts and energies to put an end to the suffering of our great people.

I would like to express my gratitude to the Arab states and their leaders who have assured us of their continued support for our people and National Authority at this time where their brotherly help is most needed.

I would also like to express my gratitude for the support for the world leaders, leaders of European states, the United States, Russia, China, Japan, and Islamic, Asian, African, Latin American and Non-

Aligned states, as well as to the Secretary-General of the UN and the various Arab, Islamic and international organizations.

It is the time for work, so let us start it string and unified for the sake of our people, our youth and future generations, and for the sake of freedom, independence, reform, and democratic development.

In the Name of Allah, Most Gracious, Most Merciful

“O’ Lord! (they says) Let not our hearts deviate now after Thou hast guided us, but grant us mercy from Thee: For Thou art the Grantor of bounties without measure”



## **THE DISENGAGEMENT PLAN - GENERAL OUTLINE, 25 JANUARY 2005**

*[PM Sharon's "disengagement" plan was first introduced in Jan. 2004; the version below was communicated by the Prime Minister's Office.]*

### 1. General

Israel is committed to the peace process and aspires to reach an agreed resolution of the conflict on the basis of the principle of two states for two peoples, the State of Israel as the state of the Jewish people and a Palestinian state for the Palestinian people, as part of the implementation of President Bush's vision.

Israel is concerned to advance and improve the current situation. Israel has come to the conclusion that there is currently no reliable Palestinian partner with which it can make progress in a bilateral peace process. Accordingly, it has developed a plan of unilateral disengagement, based on the following considerations:

- The stalemate dictated by the current situation is harmful. In order to break out of this stalemate, Israel is required to initiate moves not dependent on Palestinian cooperation.
- The plan will lead to a better security situation, at least in the long term.
- The assumption that, in any future permanent status arrangement, there will be no Israeli towns and villages in the Gaza Strip. On the other hand, it is clear that in the West Bank, there are areas which will be part of the State of Israel, including cities, towns and villages, security areas and installations, and other places of special interest to Israel.
- The relocation from the Gaza Strip and from Northern Samaria (as delineated on Map) will reduce friction with the Palestinian population, and carries with it the potential for improvement in the Palestinian economy and living conditions.
- The hope is that the Palestinians will take advantage of the opportunity created by the disengagement in order to break out of the cycle of violence and to reengage in a process of dialogue.
- The process of disengagement will serve to dispel claims regarding Israel's responsibility for the Palestinians in the Gaza Strip.
- The process of disengagement is without prejudice to the Israeli-Palestinian agreements. Relevant arrangements shall continue to apply.

When there is evidence from the Palestinian side of its willingness, capability and implementation in practice of the fight against terrorism and the institution of reform as required by the Road Map, it will be possible to return to the track of negotiation and dialogue.

### 2. Main elements

#### *Gaza Strip*

Israel will evacuate the Gaza Strip, including all existing Israeli towns and villages, and will redeploy outside the Strip. This will not include military deployment in the area of the border between the Gaza Strip and Egypt ("the Philadelphi Route") as detailed below.

Upon completion of this process, there shall no longer be any permanent presence of Israeli security forces or Israeli civilians in the areas of Gaza Strip territory which have been evacuated.

As a result, there will be no basis for claiming that the Gaza Strip is occupied territory.

#### *West Bank*

Israel will evacuate an Area in the Northern Samaria Area (see Map), including 4 villages and all military installations, and will redeploy outside the vacated area.

Upon completion of this process, there shall no longer be any permanent presence of Israeli security forces or Israeli civilians in the Northern Samaria Area.

The move will enable territorial contiguity for Palestinians in the Northern Samaria Area.

Israel will improve the transportation infrastructure in the West Bank in order to facilitate the contiguity of Palestinian transportation.

The process will facilitate Palestinian economic and commercial activity in the West Bank.

The Security fence: Israel will continue to build the security fence, in accordance with the relevant decisions of the government. The route will take into account humanitarian considerations.

### 3. Security situation following the disengagement

#### *The Gaza Strip*

Israel will guard and monitor the external land perimeter of the Gaza Strip, will continue to maintain exclusive authority in Gaza air space, and will continue to exercise security activity in the sea off the coast of the Gaza Strip.

The Gaza Strip shall be demilitarized and shall be devoid of weaponry, the presence of which does not accord with the Israeli-Palestinian agreements.

Israel reserves its inherent right of self defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip.

#### *The West Bank*

Upon completion of the evacuation of the Northern Samaria Area, no permanent Israeli military presence will remain in this area.

Israel reserves its inherent right of self defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Northern Samaria Area.

In other areas of the West Bank, current security activity will continue. However, as circumstances permit, Israel will consider reducing such activity in Palestinian cities.

Israel will work to reduce the number of internal checkpoints throughout the West Bank.

### 4. Military Installations and Infrastructure in the Gaza Strip and Northern Samaria

In general, these will be dismantled and removed, with the exception of those which Israel decides to leave and transfer to another party.

### 5. Security assistance to the Palestinians

Israel agrees that by coordination with it, advice, assistance and training will be provided to the Palestinian security forces for the implementation of their obligations to combat terrorism and maintain public order, by American, British, Egyptian, Jordanian or other experts, as agreed with Israel. No foreign security presence may enter the Gaza Strip or the West Bank without being coordinated with and approved by Israel.

#### 6. The border area between the Gaza Strip and Egypt (Philadelphi Route)

Initially, Israel will continue to maintain a military presence along the border between the Gaza Strip and Egypt (Philadelphi route). This presence is an essential security requirement. At certain locations security considerations may require some widening of the area in which the military activity is conducted.

Subsequently, the evacuation of this area will be considered. Evacuation of the area will be dependent, *inter alia*, on the security situation and the extent of cooperation with Egypt in establishing a reliable alternative arrangement.

If and when conditions permit the evacuation of this area, Israel will be willing to consider the possibility of the establishment of a seaport and airport in the Gaza Strip, in accordance with arrangements to be agreed with Israel.

#### 7. Israeli towns and villages

Israel will strive to leave the immovable property relating to Israeli towns and villages intact. The transfer of Israeli economic activity to Palestinians carries with it the potential for a significant improvement in the Palestinian economy. Israel proposes that an international body be established (along the lines of the AHLIC), with the agreement of the United States and Israel, which shall take possession from Israel of property which remains, and which will estimate the value of all such assets.

Israel reserves the right to request that the economic value of the assets left in the evacuated areas be taken into consideration.

#### 8. Civil Infrastructure and Arrangements

Infrastructure relating to water, electricity, sewage and telecommunications serving the Palestinians will remain in place. Israel will strive to leave in place the infrastructure relating to water, electricity and sewage currently serving the Israeli towns and villages. In general, Israel will enable the continued supply of electricity, water, gas and petrol to the Palestinians, in accordance with current arrangements. Other existing arrangements, such as those relating to water and the electro-magnetic sphere shall remain in force.

#### 9. Activity of International Organizations

Israel recognizes the great importance of the continued activity of international humanitarian organizations assisting the Palestinian population. Israel will coordinate with these organizations arrangements to facilitate this activity.

#### 10. Economic arrangements

In general, the economic arrangements currently in operation between Israel and the Palestinians shall, in the meantime, remain in force. These arrangements include, *inter alia*:

- the entry of workers into Israel in accordance with the existing criteria.
- the entry and exit of goods between the Gaza Strip, the West Bank, Israel and abroad.
- the monetary regime.
- tax and customs envelope arrangements.
- postal and telecommunications arrangements.

In the longer term, and in line with Israel's interest in encouraging greater Palestinian economic independence, Israel expects to reduce the number of Palestinian workers entering Israel. Israel supports the development of sources of employment in the Gaza Strip and in Palestinian areas of the West Bank.

#### 11. Erez Industrial Zone

The Erez industrial zone, situated in the Gaza Strip, employs some 4000 Palestinian workers. The continued operation of the zone is primarily a clear Palestinian interest. Israel will consider the continued operation of the zone on the current basis, on two conditions:

- The existence of appropriate security arrangements.
- The express recognition of the international community that the continued operation of the zone on the current basis shall not be considered continued Israel control of the area.

Alternatively, the industrial zone shall be transferred to the responsibility of an agreed Palestinian or international entity.

Israel will seek to examine, together with Egypt, the possibility of establishing a joint industrial area in the area between the Gaza Strip, Egypt and Israel.

#### 12. International passages

*The international passage between the Gaza Strip and Egypt*

The existing arrangements shall continue.

Israel is interested in moving the passage to the "three borders" area, approximately two kilometers south of its current location. This would need to be effected in coordination with Egypt. This move would enable the hours of operation of the passage to be extended.

*The international passages between the West Bank and Jordan*

The existing arrangements shall continue.

#### 13. Erez Crossing Point

The Israeli part of Erez crossing point will be moved to a location within Israel in a time frame to be determined separately.

#### 14. Timetable

The process of evacuation is planned to be completed by the end of 2005. The stages of evacuation and the detailed timetable will be notified to the United States.

#### 15. Conclusion

Israel looks to the international community for widespread support for the disengagement plan. This support is essential in order to bring the Palestinians to implement in practice their obligations to combat terrorism and effect reforms, thus enabling the parties to return to the path of negotiation.

President Bush's letter to the Prime Minister and the Prime Minister's letter to President Bush constitute part of the overall disengagement plan, and these understandings with the United States will only be valid if the disengagement plan is approved by Israel. The exchange of letters between President Bush and the Prime Minister, as well as the letter by the Chief of the Prime Minister's Bureau to the U.S. National Security Adviser, are attached to this plan as an integral part of it.

According to the Roadmap adopted by the Government of Israel, Israel has undertaken a number of commitments regarding the dismantling of unauthorized outposts, limitations on settlement growth, etc. In the framework of the negotiations with the Americans, all of Israel's past commitments on these issues vis-à-vis the American administration, have been included in the letter by the Chief of the Prime Minister's Bureau to the U.S. National Security Adviser.



### **EUROPEAN PARLIAMENT, RESOLUTION ON THE SITUATION IN THE MIDDLE EAST, 27 JANUARY 2005**

The European Parliament,

*having regard* to its previous resolutions on the situation in the Middle East and in particular that of the 23 October 2003<sup>12</sup>,

*having regard* to UN Security Council Resolutions 242, 338, 425, 1373 and 1397,

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<sup>12</sup> OJ C 82 E, 1.4.2004, p. 610.

*having regard* to the results of the Palestinian presidential election,  
*having regard* to the statement of the European Union Election Observation Mission and the statement of the EP observers' delegation,  
*having regard* to the Quartet's 'Roadmap for Peace' of 30 April 2003,  
*having regard* to Rule 103(4) of its Rules of Procedure,

- A. whereas the Palestinian presidential election proceeded in a satisfactory manner despite the difficult circumstances due to the Israeli occupation of the Palestinian Territories; and whereas it represents a crucial opportunity to renew the peace process and could serve as an example for other elections in the region,
- B. concerned by the impact of the occupation on the elections in terms of restrictions on freedom of movement of both candidates and voters, by the harassment and short-term arrests of some candidates when trying to reach their potential voters in East Jerusalem and by the serious restrictions imposed on Jerusalem residents exercising their right to vote,
- C. whereas the recent terrorist attacks, intended to sabotage the negotiation efforts, have occurred precisely at a time when there is real hope of relaunching the political process; concerned about the consequences of these attacks and retaliation in terms of victims on both sides as well as further restrictions imposed on Palestinians,
1. Welcomes the success of the first presidential election since 1996 and notably the turnout of voters; pays tribute to the Palestinian people and authorities for the commitment to democracy that they demonstrated despite the occupation, especially that of Palestinian women, who helped secure the electoral operations and participated strongly in the vote;
  2. Considers that the new President of the Palestinian Authority, Mahmoud Abbas, and the other candidates conducted the campaign in a responsible manner under the circumstances, respecting international standards;
  3. Urges Israel, in view of the coming Palestinian legislative elections, to fully respect the internationally recognised right of all East Jerusalem residents to vote and to facilitate the process in a such way that the obstacles observed in the presidential elections are lifted by the time of the legislative elections;
  4. Welcomes the effectiveness of the EU observation mission and calls on the Council and the Commission to prepare another mission for the legislative elections of July 2005 with the aim of supporting pluralism and balanced access to the media for all the candidates and finding ways, in cooperation with the Israeli authorities, to overcome the difficulties faced by the Palestinians living in East Jerusalem;
  5. Notes with concern the resignation of a significant number of members of the Palestinian Central Electoral Commission in protest at the political pressure exerted on election day for the extension of voting time;
  6. Invites the new Israeli Government and the Palestinian Authority to recognise the window of opportunity offered by the results of the elections and to relaunch negotiations; calls on the EU to take an urgent initiative, in the framework of the Quartet, and especially vis-à-vis the USA, in accordance with their complementary roles in the peace process, in order to open a new phase of strong mutual cooperation by jointly relaunching their efforts to bring peace to the region;
  7. Calls on the Council, the High Representative for the CFSP and the Commission to fully play their role in the process, to continue assistance to the Palestinian Authority and people and to develop dialogue with Israel, in the framework of the Barcelona Process and the European Neighbourhood Policy, in accordance with the Action Plans already adopted by the Council;
  8. Strongly encourages President Abbas to act upon his willingness to end violence and welcomes the measures taken by President Abbas, as well as his willingness to reform and to reinforce control over the Palestinian security corps and to fully engage in dialogue with all concerned parties; believes that full political support by the USA and the EU, and active cooperation from the Israelis, are essential in order to achieve these goals;
  9. Calls on the Palestinian Authority to recognise the Palestinian people's commitment to democracy and to promote the rule of law, the independence of the judiciary, better separation of powers between the legislative and executive arms of government, good governance, including transparent accounting, and the fight against corruption;



10. Declares once again, at this particular time, that the solution to the Middle East conflict is only possible through the negotiation of a firm and final peace agreement as set out in the Roadmap, which is still valid, without prior conditions, based on the existence of two democratic, sovereign and viable states, living peacefully side by side within secure and recognised borders;
11. Believes that a lasting peace can only be sustained with a genuine bottom-up approach involving the civil societies of both sides striving for dialogue; calls, in this regard, on the Quartet to make full use of the Geneva Accord as a complement to the Road Map and to facilitate the continuation of the negotiations between these civil societies within this framework;
12. Condemns all terrorist attacks and any acts of violence from both sides; demands that the armed Palestinian groups refrain from any attacks and reminds them that any form of terror and violence not only causes loss of innocent lives but is also detrimental to the peace process and to the conditions of the civilian population; asks the Israeli Government to refrain from retaliation and put an end to extrajudicial killings;
13. Calls on the Israeli Government, as a credible first step in the implementation of the Roadmap and the resolutions of the UN Security Council on the path to a lasting peace, to implement the withdrawal from Gaza and other parts of the Occupied Territories, by involving and negotiating with Egypt, the first neighbour to approve this project, as well as the Palestinian authorities under the verification of an international observer mission; calls on the Council to find ways to provide the necessary assistance;
14. Reiterates its call to the Israeli Government to stop the expansion of settlements, notably in the Jerusalem area, to halt the construction of the wall, and to comply fully with the Fourth Geneva Convention, and thus end the violation of international law;
15. Confirms the EU's support for the peace process and puts forward a proposal for an economic development plan which should be monitored by the Union, in order to give the region a solid basis for prosperity and stability;
16. Instructs its President to forward this resolution to the Council, the Commission, the Palestinian Authority and the Palestinian Legislative Council, the Israeli Government and Knesset, the US Government, the Government of Russian Federation and the UN Secretary-General.



**FINAL STATEMENT OF THE 5<sup>TH</sup> WORLD SOCIAL FORUM,  
PORTO ALEGRE, 31 JANUARY 2005 [EXCERPTS]**

We support the Palestinian people's struggle for justice, self-determination, a sovereign independent state with Jerusalem as its capital and the implementation of the right of return in accordance with UN resolution 194.

We call upon the international community and governments to impose political and economic sanctions on Israel, including an embargo on armaments. We call upon the social movements to mobilize also for divestment and boycotts. These efforts aim to force Israeli to implement international resolutions, and the advisory opinion of the International Court of Justice, to stop and take down the illegal wall and end all occupation and apartheid policies.

We support the Israeli anti-colonialist, anti-Zionist activists who share this struggle.



**RUSSIAN PRESIDENT VLADIMIR PUTIN, PRESS STATEMENT FOLLOWING RUSSIAN-  
PALESTINIAN TALKS, THE KREMLIN, MOSCOW, 31 JANUARY 2005 [EXCERPTS]**

Good afternoon, ladies and gentlemen.

It gives me great pleasure to welcome to Moscow Mr Mahmoud Abbas, the President of the Palestine National Authority. I am certain that today's visit will open a new stage in the development of

our bilateral relations. As you know, we have approved a joint declaration, which reflects our views on the main issues.

I would like to note that Russian-Palestinian relations are based on a solid foundation of friendship and mutual understanding that we have built up over the decades. Yasser Arafat, who was a sincere friend of our country, played an important part in this.

The President and I have just held substantial and, I would say, very fruitful talks. The central focus at our meeting was on our bilateral relations and issues of reaching a settlement in the region. At the bilateral level we discussed, of course, developing our economic ties and supporting the new administration's efforts to bring about economic recovery and find solutions for social problems. Last year, Russia's Emergency Situations Ministry sent a large delivery of medical equipment and medicines to Palestine and we will continue to help Palestine to resolve its most pressing humanitarian problems. We place a lot of importance on developing our contacts in the field of education. The Russian government has decided to increase the number of scholarships given to Palestinian students from 100 to 150, and this is the biggest quota of any that Russia allocates to the Arab countries. Russia also plans to help build two schools in the West Bank – this matter is still being examined and I hope that it will soon be settled.

We spoke, of course, about the situation in the region and how to settle the problems that have built up there. We support a speedy normalisation of the situation. It is our view that the Arab-Israeli conflict can be settled on the basis of the according United Nations Security Council resolutions, the Madrid principles, the Arab peace initiative and, of course, on the basis of the Roadmap that was drawn up by all the participants in the peace process. We believe that settlement should be all-encompassing in nature and that the ultimate objective of the peace process is the creation of an independent Palestinian state living in peace with Israel which, of course, has the right not only to exist, but has the right to a secure existence.

Russia supports the new Palestinian leadership's steps to reform the Palestinian administration. We place great importance on preventing terrorist acts and developing an inter-Palestinian dialogue in the interests of achieving political settlement with Israel.

The withdrawal of Israel from Gaza and the West Bank will be a major step, we think, on the road to ending Israeli occupation of the Palestinian territories. This provision should be included in the Roadmap and carried out in coordination with the leadership of the Palestine National Authority.

I wish to stress once again that we firmly condemned terrorism in all its forms and manifestations and that we reaffirmed our commitment to fighting actively this global scourge.

In conclusion, I would like to thank the President for the frank and substantial discussion we had, for our meeting today. I am sure that it will be of benefit for developing our bilateral relations and bringing about a settlement in the region. - Thank you.



**PRESIDENT MAHMOUD ABBAS, PRESS STATEMENT FOLLOWING RUSSIAN-PALESTINIAN TALKS, THE KREMLIN, MOSCOW, 31 JANUARY 2005 [EXCERPTS]**

Thank you Mr President.

First of all, I would like to say that I am really happy today to meet with President of the Russian Federation Vladimir Putin and I thank him for the way our delegation and myself have been received.

We have just held very fruitful talks during which we discussed bilateral issues, and these talks reflect the depth of Russian-Palestinian relations that have been reinvigorated of late. For our part, we are ready to develop them further.

We highly value the Russian Federation's stand in support of international legality, and thus in support of the just cause of the Palestinian people, who are fighting for the creation of a sovereign and independent state that would coexist with Israel. This is especially important now when a window of opportunity is open, a window of hope for developing the peace process. We, for our part, have taken a number of important steps to strengthen the democratic process in our territories, we have held elections to choose the head of the Palestine National Authority and have carried out various reforms in different areas.

Now we can see that the international community is stepping up its efforts to begin implementing the Roadmap and to help the two parties to the conflict in order to encourage their return to the negotiating table.

Russia does and should play an important part in international relations both through its own initiatives it puts forward and through the role it plays in the quartet of international mediators.

We reached an agreement on activating the work of the joint bilateral working committee on the Middle East. We have reached an agreement with Mr Putin and Russian officials to step up this committee's work. From our side, the committee will be headed by our foreign minister, Nabil Shaath.

I would once more like to express my sincere gratitude and thanks to Mr Putin, the Russian leadership and the Russian people for the help they give to the Palestinian people at various levels and in various areas, including in economic and political areas, in security and in other fields. We are deeply grateful for the help we receive from the Russian Federation.



**PRESIDENT MAHMOUD ABBAS, STATEMENT AT THE  
SHARM ESH-SHEIKH SUMMIT, 8 FEBRUARY 2005**

In the name of God, His Excellency Mr. President Hosni Mubarak, his Majesty King Abdullah the Second, Mr. Prime Minister Ariel Sharon, dear ladies and gentlemen, I first would like to start to express my gratitude and appreciation to President Mubarak and to the Arab Republic of Egypt for hosting this meeting as a continuity of the Egyptian effective role in sponsoring the peace process in our region.

I also thank His Majesty King Abdullah for his effort and the efforts of the Hashemite Kingdom of Jordan, in this regard. And I would like to congratulate His Majesty and Her Majesty Queen Rania with a newborn prince, Hashim, and also congratulate him on his birthday.

We have agreed with Prime Minister Ariel Sharon to cease all acts of violence against the Israelis and against the Palestinians wherever they are. Tranquility and quiet that will be witnessed and in our land, starting today, is the beginning for a new era. The beginning of peace and hope, what announced today in addition to being the implementation of the first article of the road map that was established by the quartet. It is also a step - and a basic step, an important step that provides a new opportunity for restoring the peace process and its momentum and so that the Palestinian and the Israeli peoples restore hope and confidence in the possibility for achieving peace.

I believe that we all understand our big responsibilities and joint responsibilities to consolidate (ph) this opportunity and to development. This can be achieved through an urgent work of restoring the spirit of partnership and reciprocity and to avoid unilateral steps.

And we have, starting this very moment, to protect what we have already announced, to provide the suitable mechanisms toward implementation. What we agree on today is just the beginning of a process of bridging the gap and difference among all of us.

We differ on several issues. And this may include settlement, the release of prisoners, the wall closing institutions in Jerusalem. We will not be able to solve all of these issues today, but our positions to-

wards these issues are clear and firm. Intensifying our efforts will lead us to implementing another obligation on the road map, which is resuming the negotiations of the final status in order to end the Israeli occupation that started in 1967, of the Palestinian territory and solving all of the issues pertaining to the final status, Jerusalem, refugees, settlements and other issues which were kept for the final status and negotiations according to the terms of reference in the road map, mentioned in the road map.

Mr. President, His Majesty, Mr. Prime Minister, just less than one month ago the Palestinian people went to the ballot boxes for the presidential elections, which were held after the departure of President Yasser Arafat. In this remarkable democratic practice, the Palestinian people embodied through this elections their setting to the just peace that will put an end to dictates of war, violence and occupation. Peace that means the establishment of a Palestinian state, or the state of - the democratic state of independent Palestine along the State of Israel, as mentioned in the road map plan.

Here in the city of Sharm el-Sheikh, the city of peace, renew on behalf of the Palestinian Liberation Organization, and the Palestinian Authority, our adherence to the terms of reference of the peace process and to the resolutions of international legitimacy and all the resolutions endorsed by the PLO, the Palestinian government, and the government of Israel, and the road map as well.

And also I assert our interest in respecting all our obligations and implementing all our commitments. And will save no effort whatever to protect this newborn opportunity of peace, that is provided through what we have already declared here today. We hope that our brothers in the Arab Republic of Egypt and the Hashemite Kingdom of Jordan, we hope that they will continue their good efforts as well as we hope that the quartet, the international quartet, will resume its responsibilities to achieve acceleration of progress on the Palestinian/Israeli with reviving a peace process, as well, on the Syrian and Lebanese track as - tracks as one.

It is high time that the Palestinian people restore their freedom and independence. It is high time that the decades, the long decades of suffering and pain would stop. It is high time that our people enjoy peace and their right to live a normal life, just like all other peoples in the world under the sovereignty of law, under one authority and one weapon and with political plurality (ph).

We look forward to that day and hoping it will come as soon as possible in order that the language of negotiations will replace the language of bullets and cannons and in which neighborhood and livelihood will prevail instead of the war; and in order to provide our grandsons and our future generations, Palestinian and Israelis, a different tomorrow, a promising tomorrow.

This is a new opportunity. A new opportunity of peace is won today in the city of peace. Let us all pledge to protect this opportunity in order to see that the wish of peace becomes a true and daily fact in this region. - Thank you very much.



**ISRAELI PRIME MINISTER ARIEL SHARON, STATEMENT  
AT THE SHARM ESH-SHEIKH SUMMIT, 8 FEBRUARY 2005**

Good afternoon.

I would like to thank you, the President of Egypt, Mr. Hosni Mubarak, on your welcome initiative and the kind hospitality for this important summit. We all hope and pray that this day will be remembered as the day on which the process began to move forward towards completion, towards the goal of a tranquil, dignified and peaceful life for all the peoples of the Middle East.

I also wish to convey special congratulations to Your Majesty, King Abdullah, on the birth of your son Hashem and on the occasion of your birthday. May you live a long life filled with joy, and be able

to lead your people to tranquility and prosperity, and hopefully we can, together, strengthen the relations between us.

Congratulations are also due to you, the Chairman of the Palestinian Authority, Mr. Mahmoud Abbas, on your impressive victory in the Palestinian Authority elections. Your victory and the path on which you wish to lead your people can mark a direction of real change to your people, which will affect the entire region. I hope that you will be able to lead your people on the path of democracy and maintenance of law and order, until the establishment of an independent and democratic Palestinian state.

2005 began as a year of great opportunity for all the peoples of the region, first and foremost for Israelis and Palestinians. We must all ensure that this opportunity is not missed.

We have an opportunity to break off from the path of blood which has been forced on us over the past four years. We have an opportunity to start on a new path. For the first time in a long time, there exists in our region hope for a better future for our children and grandchildren.

We must move forward cautiously. This is a very fragile opportunity, that the extremists will want to exploit. They want to close the window of opportunity for us and allow our two peoples to drown in their blood.

If we do not act now - they may be successful in their scheme.

There is only one answer to them: we must all announce here today that violence will not win, that violence will not be allowed to murder hope. We must all make a commitment not to agree for a temporary solution, not to allow violence to raise its head, but to act together, determinedly, to dismantle the terrorist infrastructure, to disarm and subdue it once and for all. Only by crushing terror and violence will we build peace.

I have no intention of missing this opportunity - because we must not let the new spirit, which grants our peoples hope, pass us by and leave us empty-handed.

That is why we have acted quickly and with determination, with an understanding of the needs of the Palestinian side. Over the past few days, we reached a number of understandings with our Palestinian colleagues, which will enable us to grant both peoples tranquility and security for the near future. Today, in my meeting with Chairman Abbas, we agreed that all Palestinians will stop all acts of violence against all Israelis everywhere and parallelly, Israel will cease all its military activity against all Palestinians anywhere. We hope that today we are starting a new period of tranquility and hope. Furthermore, we agreed on a process of transferring security responsibility for Palestinian areas. I informed Chairman Abbas of our intention to take a series of confidence-building measures: soon we will release hundreds of Palestinian prisoners, and also establish a joint committee to explore future release of prisoners.

We wish to conduct genuine and honest dialogue in order to transform these first steps into a sound basis for the foundation of our relations.

I am determined to carry out the Disengagement Plan which I initiated. The Disengagement Plan was initiated by a unilateral decision. Now, if new change does emerge on the Palestinian side, the disengagement can bring hope and become the new starting point for a coordinated, successful process.

The Disengagement Plan can pave the way to implementation of the Roadmap, to which we are committed and which we want to implement. We are prepared to actively fulfill all our obligations, and expect the other side to carry out all its obligations.

Only actions and not words - this is the only way to attain the vision of two states living side-by-side in peace and tranquility.

With your permission, I wish to address the citizens of both peoples:

To our Palestinian neighbors, I assure you that we have a genuine intention to respect your right to live independently and in dignity. I have already said that Israel has no desire to continue to govern over you and control your fate. We in Israel have had to painfully wake up from our dreams, and we are determined to overcome all the obstacles which might stand in our path in order to realize the new chance which has been created.

You too must prove that you have the strength and the courage to compromise, abandon unrealistic dreams, subdue the forces which oppose peace and live in peace and mutual respect side-by-side with us.

To the citizens of Israel, I say: we have passed difficult years, faced the most painful experiences and overcame them. The future lies before us. We are required to take difficult and controversial steps, but we must not miss the opportunity to try to achieve what we have wished for, for so many years: security, tranquility and peace.

And one final call to our hosts and to the Arab leaders of the region: come let us join hands and create a new atmosphere of openness and tolerance in our region. Together we can build a dam against the radical forces of yesterday which threaten to carry us all into a whirlpool of blood and hatred. Together, we can promote relations between us and ignite a first ray of hope for all the people of the Middle East. Together, we can ensure our peoples lives of freedom and stability, prosperity and peace.

May we all be found deserving of this great opportunity which we have been granted.



**RESOLUTIONS ADOPTED BY THE 7<sup>TH</sup> SESSION OF THE COUNCIL  
OF THE PARLIAMENTARY UNION OF THE OIC MEMBER STATES (PUOIC),  
BEIRUT, 9-10 FEBRUARY 2005 [EXCERPTS]**

The PUIC Council held its Seventh Session at the headquarters of the Lebanese House of Representatives under the Chairmanship of H.E. Mr. Nabih Berry upon the kind invitation of His Excellency on 9-10 February, 2005 in Beirut Capital of Lebanon and adopted the following resolutions:

**FIRST: POLITICAL AFFAIRS**

**1- Protection of the Al-Aqsa Mosque against threats of destruction:**

Al-Quds and its Islamic and Christian Holy Shrines are at the core of the Arab-Israeli conflict, since the Hebrew State is insisting on making Al-Quds its eternal capital, thus violating its lands, desecrating its sacred places and religious symbols. It's undermining the foundations of the Holy Al-Quds Haram through excavation works underneath and around it, while giving its crime a "religious" cloak whose declared objective was the reconstruction of the so-called Solomon Temple, thus flagrantly falsifying both history and geography. Furthermore, the Hebrew State is defying the international community through the special ties with the United States which is backing and contributing to the transfer and settlement of Jews of the world in Al-Quds Al Sharif, thus endangering the future of the holy city and the cause of peace.

The Israeli violations of Al-Quds and the new planning have led to the horrible distortion of the city landmarks, where the humanitarian aspect as a City of Peace has been erased. Promises of solutions through negotiations on the city status (1993-2004) have failed, since the main issues of the Road Map declared by the United States on 30/4/2004, under the auspices of the Quartet (USA, Russian Federation, United Nations and the European Union), had no roads, no beginnings or ends. They were called "The postponed Issues" till the third phase and they include "the borders, Al-Quds, the refugees and the settlements".

The developments that followed the declaration of the "Road Map" confirm the following: the impossibility of reaching a settlement concerning Al Quds Al Sharif without a solution to the Palestinian

Cause. And if Al Aqsa Mosque reminds its visitors of the night of Mohammad's Ascent to the heavens (Isra'a and Mi'raj), Al "Burak" wall confirms this fact, despite the Israeli allegations concerning this wall which they call it the "Wailing Wall" and have invented rituals for it.

Despite all the questions surrounding the fate of Al-Quds, any solution for Palestine future should include Al-Quds which ought to regain its Arab identity and become the capital of the Palestinian State, as it's an undisputable right. The General Assembly of the United Nations has condemned and declared, on July 4<sup>th</sup> 1967, the occupation of Al-Quds as illegal, thus rejecting the Israeli sovereignty over it and confirming Arab sovereignty and rights to their properties and lives and hence liberating them from the Israeli threats of expulsion and confiscation of their homes.

The question for our parliaments and Islamic nation is: what is our duty towards Al Aqsa Mosque, Al-Quds and the Palestinian Cause in general, therefore we must:

- Activate and support the Al-Quds Committee and Beit Mal Al-Quds.
- Follow up and implement the international resolutions concerning Palestine in general and Al-Quds in particular.
- Support the PLO and the Palestine National Authority politically, materially and morally.
- Express solidarity with the Palestinian prisoners and detainees and act by using all means to ensure their release particularly that these include members of parliament from the Palestine National Council and the Legislative Council.
- Insist on continuing the restoration process of the holy places and adopt an international resolution to stop the Israeli excavation works in Al-Quds and safeguard the old houses surrounding Al Aqsa mosque as well as support the steadfastness of the Palestinian people against attempts of forced emigration.
- Support the Palestinian institutions in the city in order to consolidate the steadfastness of its inhabitants, and allocate part of annual budgets for this purpose.
- Eliminate all forms of settlement and stop the confiscation of Palestinian lands.
- Actively interact with the cause of Palestine and Al-Quds through the launch of international parliamentary media campaigns to show the imminent dangers that threaten the Islamic and Christian shrines. Furthermore, new generations should be raised on the truth, importance, and identity of Al-Quds for Muslims.
- Prepare programs and special documentaries about Al-Quds that depict its sufferings which maybe shown on occasions such as the commemorations of the Al-Aqsa Mosque arson, Isra'a and Miraaj as well as Omari and Salahi conquests.
- Monitor the Israeli violations of Al-Quds and Al Aqsa Mosque and show them on the Union's Internet site.
- Sponsor international competitions on information and paintings regarding Al-Quds and Al Aqsa Mosque.
- Elaborate an Islamic document signed by all parliaments of the Member States of the PUIC, which confirms the importance of Al-Quds and Al Aqsa Mosque and the inadmissibility of their abandonment.
- Prepare an encyclopedia on Al Aqsa and Al-Quds in Arabic, English and French.
- Constitute Al-Quds and Palestine Support Committees in the PUIC Member Parliaments.

## 2- The Racist Separation Wall

Israel is continuing to erect the Racist Separation Wall, despite international opposition to this grave action considered as a war crime which conflicts with international laws, instruments and conventions. Its material expression is those of the walls of prisons and detention camps. It turned Palestinian cities and villages into encircled and isolated areas. It has confiscated more than 58% of the area of the West Bank and rendered the lives of Palestinians into real daily suffering.

According to international resolutions, mainly resolutions 338 and 242 which consider the West Bank and Gaza Strip "occupied Palestinian territories", Israel's erection of the Racist Separation Wall is a

substantive robbery of the Palestinian Territories under the pretext of security. It is also a violation of human rights because of the environmental damage and the uprooting of thousands of trees, the transformation of the Palestinian cities and villages into enclaves where it's hard to live because of the encircling roads as well as the checkpoints that hinder the movement of the Palestinian citizens to work, schools, hospitals, and worship places. This causes huge human and social tragedies. Therefore, it will lead to spread despair among the Palestinian people, thus forcing them to leave, fulfilling one of the indirect objectives of Sharon's policies aiming at resolving the demographic problem through "voluntary transfer". This will negatively impact Jordan, its interests and *territory*.

On the 10<sup>th</sup> of July 2004, the International Court of Justice issued an advisory ruling stipulating the illegitimacy of the racist separation wall with a majority of 14 votes and the only opposition of the American member of the court.

The PUIC Council considers the move of the UN Secretary General to establish a record of the damages resulting from building the racist separation wall a step in the right direction, although insufficient. The UN should interfere in more efficient ways, giving the International Court of Justice ruling a binding character to exert pressures on the Israeli Government in order to stop building the separation wall, demolish the already built part and resume human and social relations among the Palestinian people, as well as preclude the transformation of the Palestinian territories into a "big prison", according to the role of the UN stipulated by its Chart as the protector and keeper of international peace and security. Turning a blind eye to Israel's continuous disdain of the international community and its decisions, will only lead to more wars and sufferings, and will hinder the region's development and progress.

### 3- Compelling Israel to apply the 4<sup>th</sup> Geneva Convention in the occupied territories and treating the prisoners in its prisons according to the International Law.

Israel's ratification of the 4 Geneva Conventions commits it to abide by the provisions and articles of these conventions, and forbids it from absolving itself from them under any special pretext, be it its own domestic laws. Its commitment stems from First Article of the Third Agreement concerning war prisoners that stipulates that all the high contracting parties should be committed to observe and guarantee the respect of this convention under all circumstances.

Accordingly, it's imperative for our parliaments and governments to launch an international campaign to exert pressures on Israel to release the thousands of Palestinians who are imprisoned in inhuman conditions, to close the detention camps and stop violating houses, individuals and families, killing innocent children while on their way to their schools, and prosecuting the soldiers who commit massacres against Palestinians.

They also should demand Israel to pay compensations for all the damages it caused to Palestinian institutions, buildings and infrastructure, and to the martyrs and injured people.

An opportunity is available today more than ever before, to activate the process of the institutions of the International Criminal Code, the UN Institutions especially those concerned with the International Humanitarian Law and Human Rights.

4- Resumption of the peace process through the activation of the Quartet Peace has never been a strategic option for Israel, because for Israel, its security is above all considerations. Therefore peace should be an "Israeli" peace in all its political, security, military and economic perceptions or there will be no peace. This logic is not accepted and can not lead to just and comprehensive peace in the region.

The impasse of the negotiations on the Syrian and Lebanese tracks with the Hebrew State in the bilateral negotiations through Madrid Conference in mid nineties, resulting from the deviation of Israel from the foundations of the negotiations, has led to freezing the settlement process. Today, the settlement track involves several issues, mainly:

*a- The consequences of the aggression on Iraq: putting an end to the occupation of Iraq is not expected to take place soon as shown by daily events. Therefore this will lead to the re-ordering of*



conditions in the region according to American and Israeli whims. The plans being put in place will engulf the entire region.

- b- Israel's position regarding the Palestinian State:* Israel reneged on its obligations stipulated in “the Oslo Agreement” of 1993 with the Palestinian Authority. This reneging materializes in the daily war waged against the Palestinian people, siege, destruction of institutions, villages, cities and displacement in a new “Nakba”.
- c- The Syrian position:* calling for the withdrawal from the occupied Arab territories and the Golan to the borders of June 4, 1967 and for the resumption of negotiations from where they stopped. This is met with Israeli disavowal and rejection.
- d- The Lebanese position:* calling for the Israeli withdrawal from the occupied Shebaa farms and Kfarchouba hills and for finding a solution to the issue of the Palestinian refugees in Lebanon, based on their right to return to the land from which they have been dispersed.

While Israel refuses to recognize the legitimate right of the Palestinian people to establish their independent state on their soil, with Al-Quds Al Sharif as its capital, and while it refuses to return the occupied Syrian Golan, and continues to occupy parts of Lebanese territories, and denies the Palestinians’ right to return, it is difficult to foresee the future of the peace process, especially in light of the absolute identity of positions between the United States and Israel and after the former relinquished its role as an impartial sponsor of the peace process.

In light of these facts, it is paramount:

- To adhere to the resolutions of the international legitimacy related to the Arab-Israeli conflict, notably Resolutions 194, 338, 242, and 425.
- To adhere to the spirit of the 1991 Madrid Peace Conference and to consider it as the “basis” of the settlement process
- To stress on the unity of destiny and tracks between Lebanon and Syria and to condemn the threats against both countries
- To support Syria in its rightful demands to recover the Golan and to reject the pressure exerted on it because of its national positions.
- To support the Palestinian people at the material, moral and information levels to help them in their steadfastness against the Israeli brutal attack, and to reject all attempts aimed at settling Palestinians outside their territories
- To support Lebanon’s efforts in liberating its remaining occupied territories; to reject any interference in its internal affairs; and to confirm Lebanon’s sovereign right to amend its Constitution since the amendment mechanism is stipulated in its provisions, as well as Lebanon’s full right to establish relations with brotherly and friendly countries, notably Syria, in a way that guarantees its own interests. [...]

In occupied Palestine, Israel practices state terrorism against the unarmed Palestinians, killing innocent people including children, women, youths and the elderly; it is also setting up settlement belts, demolishing towns and villages, and bulldozing land and uprooting trees under the slogan “security is above all considerations”. Furthermore, it is persisting in its illegal occupation of the Syrian Golan and the Lebanese Shabaa farms and Kfarshouba hills.

The practices of the United States and Israel are not at all proportional to the alleged threats to them. They are both acting to confuse perceptions that make a distinction between resistance and terrorism in order to serve their self interests, aimed at promoting their drive to achieve settlement as well as dominance over the potentials of the Islamic States, in a flagrant breach and defiance of international laws and instruments, particularly the UN Charter.

1. To stress that resisting occupation in Palestine, Iraq, Afghanistan, Kashmir, and other parts of the world is not considered terrorism but a legitimate right of occupied peoples to regain their rights and restore their sovereignty.
2. To support the recommendations adopted by the International Conference on Terrorism which was recently held in Riyadh and to call for implementing these recommendations.

3. To stress that terrorism is a world phenomenon with no religion or homeland.
4. To reiterate that Islam is a religion that calls for security and peace and fights violence, injustice, and despotism. Actions perpetrated by a deviant group claiming belonging to Islam does not change the noble conception of Islam.
5. To condemn the pressures put on Islamic States aimed at accusing them of promoting terrorism in order to prevent them from supporting the Palestinian and Lebanese resistance.



**BEIRUT DECLARATION, 7<sup>TH</sup> SESSION OF THE COUNCIL OF THE PARLIAMENTARY UNION OF THE OIC MEMBER STATES, BEIRUT, 9-10 FEBRUARY 2005 [EXCERPTS]**

The Council of the Parliamentary Union of the OIC Member States (PUOIC) held its Seventh Session at the House of Representatives of Lebanon on 9 -10 February 2005, corresponding to 29 Zul Hijjah 1425H to 1<sup>ST</sup> Muharram, 1426H, under the Chairmanship of the President of the PUIC Council, His Excellency Nabih Berri and the attendance of representatives of thirty-three Member Parliaments.

The attendees discussed the developments and challenges which face the Arab and Islamic Worlds and concluded as follows:

1. The Arab Summit Conference which had been held in Beirut, capital of the Republic of Lebanon, on 27-28 March 2002 offered an invaluable opportunity for establishing just and comprehensive peace in the Middle East through the adoption of the initiative of H.R.H. Prince Abdullah bin Abdul Aziz Al-Saud, Crown Prince of the Kingdom of Saudi Arabia, which is considered as an Arab peace project. Also Syria's call for resuming peace negotiations constitutes an "important" approach to realize the Arab initiative launched by the Beirut Summit.  
The attendees stress that implementation of international resolutions 194,242 and 338 constitutes the basis for establishing a just and comprehensive settlement to the Middle East crisis pursuant to the following:
  - a) Putting an end to the Israeli occupation and enabling the Palestinian people to realize their right to return, self-determination and establish the independent Palestinian State with Al-Quds Al-Sharif as its capital.
  - b) Withdrawing the Israeli occupation forces from the Syrian Arab Golan to the 4th of June 1967 borders.
  - c) Withdrawing the Israeli occupation forces from the Lebanese Shaba'a Farms and Kafr Shouba Hills.
2. The attendees condemn the Israeli threats to launch aggressions against Lebanon and Syria and to carry out cross-border assassinations and murders as well as military violations of Lebanon's air space and territorial waters. They confirm the right of the Lebanese resistance to defend Lebanon and respond to the Israeli violations while recalling the important role played by the resistance in achieving the objectives of the Lebanese people of liberation.
3. They condemn also the barbaric war waged by the Israeli occupation forces on the Palestinian people constituting the highest degree of state terrorism by perpetrating daily massacres, demolishing houses, bulldozing lands, throwing thousands of innocent citizens into detention camps and subjecting them to physical and psychological torture, building ring settlements and dismembering Palestinian cities and towns by erecting the racist separation wall and refusing to abide by the ruling of the International Court of Justice issued on 9<sup>th</sup> of July 2004, which provides for stopping the erection of the wall, pulling down the already erected portion and compensating the wronged individuals.  
The attendees call for launching an extensive parliamentary diplomacy campaign to pressure Israel into treating the Arab detainees in Israeli jails as prisoners of war in accordance with the Fourth Geneva Convention and its Protocols as well as to seek, using all means, the release of prisoners and detainees, especially parliamentarians.  
They request the Islamic World to take a firm stand on preventing Judaization of Al-Quds as well as eliminating its Islamic and Christian character. They denounce terrorist statements, which justify

massacres of the Palestinian people and the call for their continuation that contradict the spirit of divine religions that advocate tolerance and respect for the human soul; these statements are also in conflict with the principles of human rights. The attendees demand denunciation of these statements, and have them documented and distributed as a document of denunciation of the violations committed against the Palestinian people and sacred sites.

4. The attendees condemn calls coming from several international quarters aimed at settling Palestinians of the Diaspora in their host countries. They affirm the right of the Palestinian people to return to their homes as well as their right to self-determination and establish their independent State on their land. They consider all forms of settlement and forced emigration of Palestinians as contradictory to all international laws and conventions and aggravates the humanitarian crisis of this people.



**WORLD COUNCIL OF CHURCHES, CENTRAL COMMITTEE, SECOND REPORT OF  
THE PUBLIC ISSUES COMMITTEE, GENEVA, 15-22 FEBRUARY 2005 [EXCERPTS]**

MINUTE ON ECONOMIC MEASURES FOR PEACE IN ISRAEL/PALESTINE

The Public Issues Committee proposes Actions by the Central Committee on the following issues.

The Public Issues Committee proposes the Central Committee to adopt the following minute on Israel/Palestine.

Minute on Certain Economic Measures for Peace in Israel/Palestine.

In the conflict in Israel and Palestine there is a renewal of hope although there is not yet a reduction of the threats that separate the parties to the conflict. Palestinians have now organized two elections with constructive effect, despite continuing occupation, and plan another at mid-year. The churches welcome that momentum is building for peace and for solutions which credibly engage those who must make peace, the powerful as well as the weak.

The churches note the growing witness and impact of church engagement that includes both Israelis and Palestinians. The WCC-led Ecumenical Accompaniment Program (EAPPI) is present and supportive of both Palestinians and Israelis who suffer under current circumstances. There is also growing interest among churches in taking new actions that demonstrate commitment to and enhance prospects for a just, equitable and lasting peace in both Israel and Palestine.

Notable among these are initiatives within churches to become better stewards of justice in economic affairs which link them to on-going violations of international law in occupied territory. The Central Committee takes note of the current action by the Presbyterian Church (USA) which has initiated a process of phased, selective divestment from multinational corporations involved in the occupation. This action is commendable in both method and manner, uses criteria rooted in faith, and calls members to do the "things that make for peace" (Luke 19:42).

The concern here is to abide by law as the foundation for a just peace. Multinational corporations have been involved in the demolition of Palestinian homes, and are involved in the construction of settlements and settlement infrastructure on occupied territory, in building a dividing wall which is also largely inside occupied territory, and in other violations of international law being carried out beyond the internationally recognized borders of the State of Israel determined by the Armistice of 1949.

In this 38th year of occupation the desire for a just and equitable peace is growing. For churches of the WCC such hopes are guided by positions and programmes that reflect a search for truth amid much trouble.

The WCC has called, since 1969, for "effective international guarantees for the political independence and territorial integrity of all nations in the area, including Israel" and restated the concern at regular intervals, most recently in recognizing, in 2004, Israel's "serious and legitimate security concerns".

In 1992, the WCC Central Committee stated that "criticism of the policies of the Israeli government is not in itself anti-Jewish". During the Oslo peace process of the 1990s churches supported civil society projects of rapprochement between communities in conflict in the Holy Land.

In 1995, the Central Committee established criteria for economic actions in the service of justice, namely, that these must be part of a broader strategy of peacemaking, address flagrant and persistent violations, have a clear and limited purpose plus proportionality and adequate monitoring, and are carried out transparently.

In 2001, the WCC Executive Committee recommended an international boycott of goods produced in illegal settlements on occupied territory, and the WCC-related APRODEV agencies in Europe are now working to have Israeli settlement products fully and properly identified before shipment to the European Community in accordance with the terms of the EU's Association Agreement with Israel.

Yet illegal activities in occupied territory continue as if a viable peace for both peoples is not a possibility. We are not blind to facts and must not be complicit in them even unwittingly. The Central Committee, meeting in Geneva 15-22 February 2005 therefore:

*Encourages* member churches to work for peace in new ways and to give serious consideration to economic measures that are equitable, transparent and non-violent;

*Persuades* member churches to keep in good contact with sister churches embarking on such initiatives with a view to support and counsel one another;

*Urges* the establishment of more and wider avenues of engagement between Christian, Muslim and Jewish communities pursuing peace;

*Reminds* churches with investment funds that they have an opportunity to use those funds responsibly in support of peaceful solutions to conflict. Economic pressure, appropriately and openly applied, is one such means of action.



**STATE OF ISRAEL, SUMMARY OF THE RESPONSE TO THE ADVISORY  
OPINION OF THE INTERNATIONAL COURT OF JUSTICE ON THE SECURITY FENCE,  
PRESENTED TO THE ISRAELI HIGH COURT OF JUSTICE, 23 FEBRUARY 2005**

The following is a summary of the State of Israel's response to the ICJ advisory opinion of July 9th 2004 on the Security Fence. The complete statement was presented to the High Court of Justice on February 23rd 2005.

1. Israeli law provides that any administrative decision of the state is subject to judicial review by the Israel Supreme Court sitting as the High Court of Justice. The court can be petitioned by any affected party, including any Israeli or Palestinian. Many, if not most, of the measures taken by Israel in its fight against terrorism have been challenged before the Court by Palestinians or by Israeli human rights groups. On many occasions the court has required the state to change its policies as a result of such petitions.
2. Since Israel commenced construction of the security fence, in 2002, over 70 petitions have been submitted to the High Court of Justice on the issue. A significant number of these have resulted in changes to the route of the fence, or the humanitarian arrangements accompanying its construction, either as a result of rulings by the court, or as a result of arrangements negotiated between the two sides.
3. In one recent petition, relating to building of the security fence in the area of the villages of Boudrus and Shukba, the petitioners made reference to the Advisory Opinion of the International Court of Justice regarding Israel's security fence (Legal Consequences, Advisory Opinion, ICJ Reports 2004, p. 136). In making a temporary order in the case, the President of Israel's Supreme Court invited the State to offer its views on the Advisory Opinion reached by the International Court of Justice.

4. On 23 February 2005, the State of Israel submitted its Response to the cases, which also analyzed the views of the State regarding the ramifications of the Advisory Opinion and offered a comprehensive legal position regarding the factual and legal basis for the construction of the fence.
5. Factual and legal background to the construction of the fence 5. The decision to construct the fence was a direct response to the terror attacks against Israel which began in September 2000. These attacks caused the terror to become perceived as a strategic threat upon Israel. For example, in the month of March 2002 alone, 135 Israelis were killed and 721 were injured in terrorist attacks. The response emphasizes that the fence is a temporary security measure is not intended to annex territory or to predetermine the political border of Israel. No changes have, in fact, been made to the boundaries which remain subject to negotiation between the parties.
6. The fence has proven to be quite effective. According to a study compiled by the Israel Security Agency (see "Four Years of Conflict") the fence has deeply effected the ability of terrorists to carry out attacks, thwarted suicide bombings and has led to a dramatic decline in the number of Israeli casualties and wounded, despite the fact that the fence has yet to be completed. For example, in the period between August 2003 through August 2004, there was a dramatic decrease of 84% in the number of Israelis killed by terror attacks as compared with the period between September 2001 through July 2002. The security fence remains important even in the current atmosphere of Israel carrying on a dialogue with the Palestinian Authority.
7. A majority of the fence is situated, for security reasons, in the West Bank, but it also runs inside Israel. Israel recognizes that the fence impacts on the residents of the area, both those who have had property seized for the purpose of the construction of the fence, and those who live and work in its proximity. The challenge facing Israel is to find the appropriate balance between the obligation to protect the lives of the citizens and residents of Israel from terror, and the obligation to limit, as much as is possible, the negative effect upon Palestinian residents as a result of the construction of the fence.
8. In the Response, the State argues that the construction of the fence is consistent both with international law and Israeli domestic law, as interpreted by Israel's High Court of Justice in its most significant case dealing with the fence to date, H.C. 2056/04 Bet Sourik Village Council v. Government of Israel ("Bet Sourik"). It analyses the facts of the two current cases to see if they meet with the tests of Bet Sourik.
9. In the current cases, orders were issued to seize property in the area near the "Green Line". In both cases the deviation east of the "Green Line" is relatively marginal and is necessitated by security considerations alone due to the topographical circumstances in the area. In the area of Boudrus a significant portion of the fence runs through Israel. In order to allow access for farmers to tend the few dozen olive trees that remain west of the fence, agricultural gates will be built and access will be permitted. The owners of the land were offered both compensation (use fees) for the land and compensation for the replanting of the trees moved east of the fence. In both cases there will be no Palestinian residents west of the fence and the total land West Bank area remaining west of the fence will be minimal.
10. In the view of the State, the balance struck in the routing of the fence is consistent with the legal tests regarding military necessity and proportionality as determined in Bet Sourik. These are proportional effects, less than the significant security benefits which would be achieved by the construction of the fence. Advisory Opinion of the International Court of Justice
11. The second part of the response considers the Advisory Opinion of the International Court of Justice in The Hague. The response argues that the Advisory Opinion is not relevant to the two cases before the Court. This conclusion is based upon detailed analysis of the Advisory Opinion and its findings.
12. It will be recalled that Israel did not consent to the hearing of this issue before the International Court of Justice. The position of Israel was, and remains, that the issue which the Advisory Opinion deals with was not appropriate for consideration by an international legal forum.

13. Despite its position of principle, and despite the fact that the Advisory Opinion is not binding, and does not create international law, Israel has not ignored the Advisory Opinion, and has carefully considered its impact on a range of issues.
14. Israel recognizes that the International Court of Justice is an important international tribunal. Thus, despite the criticism of the State of Israel towards the conclusions of the Advisory Opinion and the procedures which led to its findings, Israel recognizes that a detailed consideration of the legal ramifications of the Advisory Opinion, and a consideration of its impacts, is appropriate even if it remains non-binding in nature.
15. The State of Israel's analysis of the findings of the Advisory Opinion falls into two parts: the factual considerations upon which the Advisory Opinion is based and the normative basis, the legal background, for consideration of the status of the fence.
16. The primary factual basis for the writing of the Advisory Opinion was a series of reports written primarily in 2003 by various United Nations officials and special rapporteurs regarding the fence. This factual basis before the Court, and especially the facts upon which the Court chose to reach its conclusions, were general, inexact and unbalanced. Among the crucial omissions, the Response notes that the information offered almost no consideration of the terror attacks against Israel, the military necessity in the construction of the fence, the balancing of considerations taken during the planning of the route or of the obligation to protect the lives of the citizens and residents of the State of Israel from terror attacks.
17. As regards the route of the fence, the Response notes that the information which the Court relied upon did not consider separately the different sections of the route and thus did not allow the Court to balance the various considerations regarding each section of the fence. The Advisory Opinion itself considered the fence as a single entity. As a result, inexact and outdated figures regarding some sections of the fence led to an overarching rejection of the entire hundreds of kilometers of the route. It was inappropriate to accept an overarching conclusion regarding the whole route of the fence without a detailed discussion regarding the various sections.
18. The construction of the fence demanded a consideration of the balance between the security needs of the citizens of Israel and the negative impact upon the Palestinian residents. The lack of complete information, especially in regard to the military necessity could not allow for a reasonable factual or legal analysis of the circumstances which entailed a conflict between two competing interests.
19. Additionally, the reports that were submitted to the International Court of Justice purported to represent the factual situation on the date of their writing, the period near the end of 2003. Since that time, material changes in the route have been made, including an improvement in the meeting the challenges relating to providing for the fabric of life of residents living near the fence. It should be remembered that the first sections of the fence, on which the Court centered much of its consideration, were built "amidst the heat of the conflict", when the need to block terror attacks was especially acute. Now, with the partial limiting of terror attacks and as part of a continuing learning process, significant changes have been made to the existing route and in future routes being planned. These changes have also been implemented on the areas in the route that the ICJ emphasized.
20. An additional factor was the verdict in *Bet Sourik*, which led to wide changes in the route of the fence and to an improvement in the consideration of the fabric of life of Palestinian residents. Therefore, the factual basis that the International Court of Justice considered is no longer relevant. The changes in the route are exemplified by the Government of Israel's decision of 20 February 2005 which determined a revised routing of the fence. This route is materially different from the route that the Advisory Opinion considered, and it significantly reduces negative impact on the residents of the area. For example, the Palestinian presentation to the ICJ claimed that over 43.5% of the West Bank would be on the Israeli side of the barrier. The ICJ itself determined that 16.6% would be on the Israeli side. In fact, following the recent decision of the Government, less than 8% of the area of the West Bank will be so affected.

21. Following a consideration of the factual background described in the Advisory Opinion, the response considered the normative basis, the areas of international law, considered by the International Court of Justice in the Advisory Opinion. This analysis centered on tenets within the Law of Occupation and the Law of Armed Conflict. It also considered the various human rights treaties that Israel is a party to and Israel's inherent right of self defense, and its impact on the construction of the fence.
22. An analysis of the legal framework used by the ICJ to reach its ruling regarding the legality of the fence shows that this framework was similar to the framework considered by Israel's High Court of Justice. The matters in which the Advisory Opinion sometimes differed from this framework or the positions reached by Israeli Courts were not relevant to the cases now before the Court.
23. It is the position of the State of Israel that the factual background before the Court when it wrote the Advisory Opinion was lacking, inexact and now irrelevant in a manner that preclude its overarching conclusions that the entire route of the fence within the West Bank was in violation of international law from having any application upon the cases before the High Court of Justice and these cases should be decided based upon the factual and normative bases that have been developed by Israel's Supreme Court as exemplified in the Bet Sourik case.



**EUROPEAN PARLIAMENT, RESOLUTION ON THE EU'S PRIORITIES AND  
RECOMMENDATIONS FOR THE 61<sup>ST</sup> SESSION OF THE UN COMMISSION ON HUMAN  
RIGHTS IN GENEVA (14 MARCH TO 22 APRIL 2005), 24 FEBRUARY 2005 [EXCERPTS]**

*The European Parliament,*

- having regard to the 61st session of the UN Commission on Human Rights (UNCHR), which will be held in Geneva from 14 March to 22 April 2005,
- having regard to the EU Treaty and its provisions on human rights,
- having regard to Articles I-3(3) and III-292 of the Treaty establishing a Constitution for Europe,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Commission communication to the Council and the European Parliament on the European Union's role in promoting human rights and democratisation in third countries (COM(2001)0252) and its resolution of 25 April 2002 on that communication<sup>13</sup>,
- having regard to its resolution of 22 April 2004 on human rights in the world in 2003 and European Union human rights policy<sup>14</sup>,
- having regard to its previous resolutions on the UNCHR since 1996,
- having regard to its resolution of 29 January 2004 on the relations between the European Union and the United Nations<sup>15</sup>,
- having regard to Rule 103(2) of its Rules of Procedure, [...]

*Country and territory situations*

[...]

7. Calls, following the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the occupied Palestinian territory, and its validation by the General Assembly, for the adoption of a resolution calling for international law to be applied so that Israel's violation of its international obligations ceases, namely through the suspension of construction of the wall on lands that are on the West-Bank side of the internationally recognised 'green line' between Israel and the Palestinian Territories, its dismantling and the repeal of all legal or regulatory acts relating to its construction, and also so that third countries honour their obligations by refraining from supporting the building of the wall; calls on the Council and the Commission to intensify their efforts to achieve a just and lasting solution to the conflict in the Middle East

<sup>13</sup> OJ C 131 E, 5.6.2003, p. 147.

<sup>14</sup> Texts Adopted, P5\_TA(2004)0376.

<sup>15</sup> Texts Adopted, P5\_TA(2004)0037.

through the negotiation of a firm and final peace agreement as laid out in the Roadmap for Peace, without prior conditions, based on the existence of two democratic and sovereign states - Israel and Palestine - coexisting peacefully side by side within secure and recognised frontiers; reaffirms its commitment to the creation of a viable sovereign Palestinian state in 2005;



**PRESIDENT MAHMOUD ABBAS, OPENING SPEECH AT LONDON MEETING  
ON SUPPORTING THE PALESTINIAN AUTHORITY, LONDON, 1 MARCH 2005**

Prime Minister, Tony Blair, Your excellencies, heads of the delegations, Ladies and gentlemen. I would like to begin by extending my gratitude to Prime Minister Tony Blair for the efforts he made to convene this Meeting, which is an important link in the chain of ongoing efforts to revive the peace process. The convening of this Meeting has raised many questions as to its nature. There have also been many explanations regarding what the Meeting is not about. Yet, and since the beginning, we had no doubts about the basic premise that prompted our friend Tony Blair to convene this Meeting. The premise of this Meeting is to respond to the needs of all of us here to create an environment conducive to initiating political processes that will put an end to the violence and counter violence which have but resulted in an undermining of possibilities for a true peace. Therefore, we welcomed this meeting, and viewed it with utmost seriousness, as an opportunity to discuss with our brethren and friends in the international community what is needed to create this environment, including the provision of sufficient political, economic and security support for the PA.

As for us, I would like to stress that we as Palestinians are forging ahead with reordering our internal affairs and are committed to honoring our obligations under the Road Map. The Road Map is the only plan that has a realistic prospect for implementation. And with regards to the Road Map, we have only one demand – that our implementation efforts be mirrored by Israel’s true implementation of the provisions of the Road Map as presented by the Quartet.

Ladies and Gentlemen, In a short time frame we have managed to accomplish a great deal in the highly complex process of internal reforms. After the calm and constitutional transition of authority following the painful absence of the late President Yasser Arafat, we have successfully completed the presidential elections, are moving forward with completing the elections for the local councils and have announced the coming July as the date for the legislative council elections. This proves that democratic values are innate to the Palestinian society in both their consciousness and their behavior. The prevalence of these values confirms that the Palestinian people can build an independent state that is rooted in democracy and plurality and governed by institutions which function according to the rule of modern laws and an effective and independent judiciary. These values also form the basis of our vision regarding governance, administration and reform, as detailed in the Meeting’s documents and expressed by us in other fora. Realizing the difficulties of creating a state, we have long since commenced building its infrastructure in order to ensure that our state is a qualitative addition to the political map in the Middle East and the World.

Mr. Prime Minister, Dear Friends, I believe that the Palestinian people, as well as its National Authority, have sent very important messages to the world, and specifically to our Israeli neighbors, which merit serious consideration and engagement. The most important of these messages is our sincere preparedness to exert 100% effort in the domain of security. To that end, we deployed our troops on the ground and we took a final decision concerning the consolidation of the security agencies according to the basic law. We continue to implement this decision, which also includes eliminating multiple lines of authority and reinforcing political plurality. We are doing this despite the difficulties that you are well aware of, given your deep knowledge of the situation in our country. In furtherance of our efforts, we participated in the Sharm El-Sheikh summit, which embodied an important stage on the road to resuming political dialogue after a long hiatus.

A few days ago, Israeli civilians were targeted in a suicide attack in Tel Aviv. We reaffirm our strong condemnation of this attack and for this approach. This again demonstrates that the extremist forces



still insist on destroying any efforts at a peace process, negotiations and resolving the conflict by peaceful means. Such forces reject the democratic approach, which we as Palestinians insist on reinforcing as attested by the fact that all Palestinian factions have denied responsibility for this attack and reaffirmed their commitment to the cease-fire.

I, my dear friends, fully believe that our security efforts do serve the pressing needs of the Palestinian people who are thirsty for safety and security. Yet at the same time, security is vulnerable to regression and even collapse if it is not protected by a serious political process between us and the Israelis, the delay of which is unjustified. Experience has taught us that security measures in the absence of a serious political framework will not lead to the consolidation of security and opening of horizons for peace. When I refer to a serious political process, I mean a process that gives the Palestinian people confidence that the occupation that began in 1967 will end without delay. This is the goal that we need to strive for with you and with Israel to achieve. Creating such confidence requires that the manifestation of such occupation - the construction of settlements, the Wall and land confiscation - immediately come to a complete end. And in this context, I would like to express our deep appreciation for the position expressed by President Bush recently in Brussels, which is consistent with his vision of ending the occupation which began in 1967 and the emergence of an independent, viable Palestinian state living side by side in peace and security with our neighbor Israel. And here in London, I would like to stress the importance of active interaction on the part of our Israeli counterparts with us on all issues that are discussed at this Meeting, even though they are not represented here today. I would like to also emphasize the need for Israel to expedite the implementation of positive steps that are necessary to create a conducive environment, steps which were initiated before and during the Sharm il Sheikh meeting, and which will lead to the creation of the favorable environment which I referred to at the beginning of my statement.

I do not view this Meeting as a platform to raise complaints or blame of any kind. I see it instead as an important opportunity to garner serious support for our collective pursuit of peace. I view this Meeting as a step towards laying the foundations for real support to the Palestinian people, who have suffered for the past four years, and who are in dire need to rebuild all that has been destroyed. And now I would like to thank our Arab brethren who continue to support us in a way that has strengthened our people's resolve and national unity. I trust that they will not hesitate to continue to respond to our basic needs especially in this sensitive period of time when all kinds of support are critical.

I would also like to take this opportunity to thank you all: the United Nations, the United States of America, the European Union and the Russian Federation, who together form the Quartet, whose role has been pivotal and effective in designing and launching the Road Map. I expect that the Quartet will continue playing an active role in ensuring the timely and effective implementation of all its provisions.

I would also like to thank our friends of the G8, the whole donor community and the various international financial institutions including the World Bank and the IMF - those present with us here today as well as those not party to this meeting.

Once more, I would like to share my appreciation to the United Kingdom and my friend Toni Blair, for their supportive efforts and for the clarity of his positions. I trust that this Meeting will support and lead to the convening of the International Conference called for in the Road Map, to discuss, based on international legitimacy, the resolution of all permanent status issues including: Refugees, Jerusalem, Borders, Water and Settlements, as well as all other issues pertaining to the Arab-Israeli conflict.

Finally, after years of facing the Wall of despair, I say that peace is now possible. The peace that has become a need for the Palestinian people, the Israeli people and the international community alike is now possible. This peace is only possible if we earnestly seek it and if we are successful in having it build on the strong and enduring principle of justice. Thank you.



**UN SECRETARY-GENERAL KOFI ANNAN, REMARKS TO THE MEETING  
IN SUPPORT OF PALESTINIAN AUTHORITY, LONDON, 1 MARCH 2005**

Prime Minister,  
Mr. President,  
Excellencies,  
Ladies and Gentlemen,

All of us are here today to express our full and strong support for the reform efforts of the Palestinian Authority.

The Prime Minister is to be warmly congratulated for his timely initiative in bringing us together for this work, which is central to the search for peace in the Middle East.

This is a moment of promise and potential. The sense of expectation is palpable. There is a real feeling that, after long years of suffering, bitterness and despair, better days may lie ahead. When appalling acts of terror do take place, such as last Friday's bombing in Tel Aviv, we must all condemn them, while also affirming our resolve that such violence will not deter us. In the shadow of this latest tragedy, I am encouraged that both sides are working together to find those responsible and prevent further attacks.

Indeed, despite suffering old and new, we must do our best to keep our eyes on our long-standing objective: a just, lasting and comprehensive peace – so long desired, so long denied. And that means sustaining and building on the positive momentum that has developed in the last few months.

The historic elections in January showed the determination of the Palestinians to seek peaceful and democratic means of ending the occupation, resolving differences, running their affairs and building their nation. Mr. President, you have acted courageously to restrain violence. And you have articulated, with great clarity and purpose, a vision of your people's future based on dignity and justice.

That is why this is also a moment to consolidate international support for an independent, democratic, viable and contiguous Palestinian state. The Palestinian Authority's efforts to reform its institutions need and deserve support, in terms of both financial resources and technical assistance. The international community should also do its part politically to sustain the momentum generated by the breakthrough meeting last month at Sharm el Sheikh. Under the leadership of the Quartet, the international community should continue to support both parties in implementing the "Understandings" reached there, and in taking further steps towards full implementation of the Road Map and of Security Council resolutions 242, 338, 1397 and 1515.

Here today in London, we are focusing our energies on mechanisms and means in three main areas of Palestinian reform: governance, security and economic development.

Good governance is crucial if the Palestinian public is to have confidence in its leadership and public administration, and the international community is to sustain assistance. To its great credit, the Palestinian Authority has acknowledged the need for reform of its governing institutions and structures. Palestinians have adopted their own plan for reform, and undertaken a number of commitments in the context of the Task Force for Palestinian Reform. The United Nations and its agencies continue to help the Authority build up its capacity, and we look forward to working with the Authority and with other international partners to review the progress that has been made.

Security is likewise a fundamental factor in improving prospects for peace. Put simply, lack of security undermines everything - the day-to-day safety of Palestinians and Israelis, the long-term national aspirations of the Palestinian people and a settlement of the conflict itself. The United Nations welcomes the new coordinating group on security, which is meant to work towards the goal of an end to all acts of violence against Israelis and Palestinians, wherever they are. The United Nations will do its utmost to provide support to the new group, and to the security forces of the Palestinian Authority.

Economic development is the third pillar of the progress we hope to see achieved. A viable Palestinian economy is essential in its own right but can also make a vital contribution to governance and security. Without real and discernible change on the ground - such as more job opportunities and the removal of checkpoints and roadblocks - the Palestinian economy will continue to struggle, with all the prolonged, pervasive despair among the Palestinian populace that that implies. The international community must work constructively with the Government of Israel to create an environment in which this aspect of reform is also addressed. The United Nations welcomes a review of existing international aid structures and mechanisms. We will do our part to ensure they are as effective as possible.

Ladies and Gentlemen,

The United Nations system has worked closely with the Palestinian Authority since its very formation. We have been a partner during periods of confidence, and during difficult times when negotiations stalled and the terrible logic of violence took hold. We will continue to work with the Authority, the Government of Israel, the Quartet, donors and other partners to seize the current opportunity. The Quartet, as you know, will meet later today to review the situation and assess how to move forward.

The prevailing mood is one of optimism. What makes this meeting so encouraging is that the parties have proclaimed to each other, to the world, and in clear, persuasive language to their own constituencies, their determination to work together. They have begun to recapture some of the goodwill that once brought a comprehensive solution tantalizingly close.

When peace processes are moving forward, anything seems possible. But when they stand still, they are actually moving backward, as positions harden, resentment builds, opportunities are missed, and the slightest provocation or misunderstanding risks sparking great damage. Such has been the experience, all too often, with the Palestinian-Israeli peace process. But at long last, we can all sense a new wave of movement. I urge everyone to engage, do the hard work, and turn today's opening into a real end to the conflict. - Thank you very much.



### **CONCLUSIONS OF THE LONDON MEETING ON SUPPORTING THE PALESTINIAN AUTHORITY, LONDON, 1 MARCH 2005**

This document sets out the political vision expressed and supported by the participants at the London Meeting, the Palestinian Authority's own plans for *institutional renewal*, and a set of clear commitments by the *international community* in support of the PA's programme.

The London meeting takes place at a moment of *promise and opportunity* for Palestinians and Israelis. Its purpose is to rally the international community in support of the Palestinian Authority's plans to build the institutions of a viable Palestinian state. In that way it can help to sustain the political process which is now being renewed.

Participants condemned the bomb attack in Tel Aviv on 25 February, and expressed their determination that terrorism should be brought to an end, and not allowed to sabotage the peace process. They welcomed President Abbas's commitment to bring those responsible to justice.

Participants re-affirmed their commitment to achieving a resolution of this conflict through direct negotiations leading to the goal of *two states* - a safe and secure Israel and a sovereign, independent, viable, democratic and territorially contiguous Palestine, living side by side in peace and security. Participants also reaffirmed their commitment to achieve a just, comprehensive and lasting settlement consistent with the Roadmap and based on UN Security Council resolutions 242, 338, and 1515.

Participants noted the continuing significance of *President Bush's* statement of June 2002. They also reaffirmed the importance, as noted in the Roadmap, of the initiative of *Crown Prince Abdullah* - endorsed by the Beirut Arab League Summit. Participants urged all concerned to take forward this initiative.

Participants in the meeting reaffirmed their commitment to the *Roadmap*. They urged all parties to the conflict to respect and uphold the obligations set out there. The London Meeting will help the Palestinian Authority in this context.

Participants welcomed the important steps forward taken by both parties in recent weeks, including the important progress announced at the Summit in *Sharm el-Sheikh*, Egypt, on 8 February. While participants noted that the situation on the ground remains fragile they underlined the importance of working to establish a virtuous cycle and the renewal of progress towards peace through the full implementation of the Roadmap.

The participants welcomed the sense of promise offered by a strengthened Palestinian Authority under a reinvigorated leadership. The participants also welcomed the *Israeli disengagement plan* as a step towards achieving the two-state vision envisaged by the Roadmap. They supported the position set out by the Quartet that withdrawal from Gaza should be full and complete and be undertaken in a manner consistent with the Road Map. The Quartet also urged both Israel and the Palestinian Authority to co-ordinate closely preparation and implementation of the withdrawal initiative. Participants reaffirmed that the disengagement plan should take place without prejudice to final status negotiations, and in accordance with international law.

The participants welcomed the meeting of *Quartet* Principals on 1 March. The participants reaffirmed the central role of the Quartet in carrying forward the Peace Process in direct contact with the two parties, and asked the Quartet to reflect the conclusions of the London meeting in future contacts with the two parties in co-operation with other major international players.

President Abbas outlined the *Palestinian Authority's plans* for the strengthening of its effectiveness and capacity. These were welcomed by the participants.

A central aim of the London Meeting was to help the Palestinian Authority to strengthen Palestinian institutions, thereby providing a sound basis for building the institutions of a *future Palestinian State*. Participants noted the significant progress made by the Palestinian Authority. Further work to build a more effective security apparatus, better governance, and the strengthening of the Palestinian economy, with adequate and effectively targeted international support, should improve the capacity of the Palestinian Authority to deliver real benefits to the Palestinian people across the West Bank and Gaza, and to take over successfully the territories from which Israel withdraws.

The Palestinian Authority's sincere commitment to a viable plan to meet the benchmarks of good government should open the way to *donor governments providing renewed support* in Palestine. It was noted that any support resulting from the meeting would be in accord with Palestinian priorities and that financial assistance would be in accord with the Palestinian Medium Term Development Plan. Participants noted that the Palestinian Authority has a number of urgent short term financing needs, and strongly encouraged the international community to help address them.

The participants in the London Meeting recognised that the implementation of the commitments made by the Palestinian Authority would constitute a *major step in implementing its Roadmap commitments*. At the same time participants urged and expect *action by Israel* in relation to its own Roadmap commitments.

The London Meeting supported and encouraged the set of steps outlined by the Palestinian Authority, and agreed steps for international support in the areas of:

- Governance
- Security
- Economic Development

The meeting welcomed the intention of the Task Force on Palestinian Reform (TFPR) and the Ad-Hoc Liaison Committee (AHLC) to establish follow-up mechanisms to give greater impetus to their activities in the areas of governance and economic development. The US will chair a steering group on security.

Participants committed to follow up in all three areas of governance, security and economic development, specifically:

- i. To *review and publicise progress* made by the Palestinian Authority against the vision set out at the London meeting and on previous occasions.
- ii. To *mobilise international assistance* for the PA's efforts, particularly with reference to short-term priorities, as set out at the London meeting and in response to further developments.

Participants noted that Palestinian Authority action in certain areas required the co-operation of and facilitation by Israel. In particular, as the AHLC has noted, the revival of the Palestinian economy will depend on a significant dismantling of the system of closures and other restrictions on the movement of people and goods imposed by Israel. The follow up mechanisms will liaise with the Israeli Government, to help ensure a climate conducive (in both the long and short terms) to strengthening of the Palestinian Authority, taking into account Palestinian priorities and Israeli security needs. These mechanisms, and all international support, should be fully consistent with international law. This would include indicators, or "benchmarks", on the conditions for economic development to be developed by the World Bank in consultation with all relevant parties.

### PALESTINIAN AUTHORITY'S DECLARATION ON INSTITUTIONAL RENEWAL

The Palestinian Authority thanks the participants in the London Meeting for this opportunity to present our vision of institutional renewal and of state building. The state building process is crucial for the Palestinian people, in order to ensure a fruitful and effective negotiation process that would lead to the end of the occupation that began in 1967 and to facilitate the emergence of a sovereign, strong, independent, territorially contiguous state that would be economically, politically and socially viable. Such a process is particularly important for a nation emerging from a long and debilitating conflict situation, such as ours, and we hope that we have found the correct path towards such an emergence.

#### GOVERNANCE

The Palestinians seek to strengthen Palestinian democratic institutions, including:

- a) Elections
- b) Public Sector and Civil Service reform
- c) Judiciary
- d) Basic Law/Constitution
- e) Civil Society

To that end, the PA undertakes to address the following elements:

#### a) Elections

- To pass a new electoral law currently under discussion at the PLC.
- Bolster the legitimacy of government institutions by holding elections to the Palestinian Legislative Council on or around 17 July 2005.
- Complete the programme of rolling local elections across the West Bank and Gaza by the end of 2005.

#### b) Strengthening the Public Sector and Civil Service

- Implement a sustainable pension law following consultation with donors.
- Publish an amended Civil Service Law.

#### c) Judiciary

- Formally abolish State Security Courts.
- Approve and implement an amended Judicial Authority Law.
- Develop and implement a plan to construct and to administer court houses, police centers and prison facilities in the West Bank and Gaza.

- Produce clear procedures and regulations in relation to the selection, appointment, promotion and transfer of judges and prosecutors.

d) Basic Law/ Constitution

- The executive and legislative branches of the PA will continue to function in accordance with the Basic Law and other laws.

e) Civil Society

- Involve broader Palestinian civil society in shaping the reform agenda and monitoring its implementation through the National Reform Committee.

SECURITY

Our overall national security sector development and strategy is intended to create the conditions conducive to the peace process with the immediate objective of restoring internal law and order and preventing violence, among other objectives. To that end, the PA is undertaking to address the following elements:

a) Legal Framework

- To create empowered national security structures with clear reporting mechanisms to the civil authority, set out in a National Security Law.

b) Command Structures

- To support the Palestinian National Security Council, as the central body responsible for making policy and overseeing implementation of decisions consistent with Palestine’s national objectives and plans.
  - The NSC will consider the appointment of a National Chief of Police to oversee all regional and municipal police chiefs in the West Bank and Gaza and to boost police presence on the streets.
- To encourage coordination and coherence within and across the various institutions in support of the Palestinian security architecture, including those relating to intelligence functions.
- To restore and revive lines of communication with the Israeli security establishment on security issues and will seek to strengthen them in the process.
- To continue the process of consolidating and unifying the security/intelligence services into 3 main branches, (Internal Security (Police, Preventive Security and Civil Defense), National Security Forces (Military and Border Guards, among others) and Intelligence. This will be done through the operational structures of the NSC.
- To ensure strict financial accountability of services, particularly on payroll and procurement.
- To ensure effective security implementation consistent with Palestine’s national security plan, especially those highlighted in Phase I of the Road Map and the mutual declaration of the ceasefire.
- To continue working with Palestine’s neighbors on issues of mutual interest, and to maintain strong coordination and cooperation.

ECONOMIC DEVELOPMENT

We have identified opportunities for progress in the following areas:

- a) Economic Governance
- b) Stimulating private sector growth
- c) Responding to Israeli withdrawals

All work and progress regarding strengthening the Palestinian Authority in terms of economic development will be in the context of and in furtherance of the outcomes, recommendations, “indicators” and commitments resulting from the AHLC process and an understanding of Palestinian needs. In addition, the MTDP should provide the framework for all monetary support from the international community. To that end, the PA undertakes to address the following elements:

a) Economic governance

- Take further action to combat corruption, including increased transparency consistent with the fact that the PA has already signed up to the UN charter regarding corruption.

- Ensure tight control over the civil service wage in the 2005 budget.
- Implement further recommendations of the World Bank's Country Financial Accountability Assessment especially on internal and external audit.
- Enact and implement a Unified Pensions Law to enable reduction of public sector wage bills and facilitate a civil service reform.
- Conduct a Public Expenditure Review followed by move to introduce performance / programme budgeting.
- Review the revenue transfer mechanism to local government with a view to improving its efficiency and equity.

b) Stimulating private sector growth

- Develop and implement further the Medium-Term Development Plan (MTDP) and ensure that its priorities are linked to budgetary objectives and poverty reduction.
- Improve legal conditions for private sector access to financial resources.
- Enhance the capacity of private sector associations.
- Simplify business procedures and establish a business friendly investment environment.
- Help to improve conditions to facilitate internal and external trade to the extent possible, noting, as set out by the World Bank, that the most significant hindrance to trade remains Israel's closure system, the Wall and its associated regime, and the lack of a reliable and secure link between the West Bank and Gaza Strip.
- Review and enhance the transparency of public procurement procedures.
- Beyond the specific challenges of economic governance, broader conditions necessary in order to underpin a market economy:
- Make further legislative amendments to establish legal infrastructure for a stronger market economy.
- Design the judicial and security arrangements to create a more attractive investment environment.

c) Responding to Israeli withdrawals

- Create a dedicated PA administrative mechanism to handle the transfer, management, and disposal of evacuated settlement properties.

## INTERNATIONAL COMMUNITY COMMITMENTS

Representatives of the international community present at the meeting strongly welcomed the declaration by the Palestinian Authority, and expressed their desire to work with the PA in support of its programme. In that context, the international community made the following commitments, to be implemented in accordance with existing political relationships:

### PALESTINIAN GOVERNANCE

a) Elections

- Provide financial support for elections and full political support to this process, to help the Palestinian Authority to build on the experience of the presidential election and to ensure that forthcoming elections are well organized and meet international standards.
- Provide technical advisers if necessary, including on drafting Election Law.

b) Strengthening the Public Sector and Civil Service

- Provide expertise and financial support in capacity building and implementing changes in public administration, pension arrangements and broader civil service. This will include advice and support on structure of government and civil service roles, responsibilities and conduct.

c) Judiciary

- Provide expertise and financial support for implementation of reform, training staff and strengthening infrastructure in the judiciary.
- Provide a package of professional training (including human rights training for prison service staff.)

d) Basic law/Constitution

- Provide advice and support.

SECURITY

a) Legal framework

- Provide advice and assistance on legal, structural and organisational aspects of strengthening the security sector through e.g. the EU COPPS regarding civil police, and assistance programmes provided by the United States, and the programme of security sector development and reform assistance.

b) Command Structures

- Provide technical advice and financial support for a plan for rebuilding the Palestinian Authority security services.
- Provide financial support to re-equip the security/intelligence services (cars, office equipment, radios, uniforms, rebuilding offices).
- Provide training for operational officers and strategic commanders as the new structures are put in place.
- Help the Palestinian Authority to establish a fund for early retirement of security personnel.
- Help with addressing the cost of pensions for retiring/retired security/intelligence officers.
- Help the Palestinian Authority explore mechanisms that could further enhance the implementation capabilities of the security sector, as they pertain to Phase I of the Roadmap. Any such mechanisms must account for the changing dynamics on the ground, most notably the restoration of bilateral engagement on the security front. This shall be done through the US led security coordinating group, the purpose of which is to help the PA fulfil all of its security-related obligations under Phase I of the Roadmap. It will also aim to achieve the goal that President Abbas set out at Sharm-el-Shaikh: “an end to all acts of violence against Israelis and Palestinians, wherever they are”.

ECONOMIC DEVELOPMENT

a) Short term priorities

- Action to address short term priorities identified by the PA and World Bank, including via:
- Budget support - including via the Public Financial Management Reform Trust Fund
- Funding for pensions and social assistance schemes. - including PA arrears on civilian pensions; short term costs of implementing the Security Services Pension Law; and an early retirement scheme for the security services.
- Assistance for activities related to withdrawal and economic revival, including e.g. a pilot border passages programme, development of a Gaza seaport and other transport outlets, and technical assistance to the mechanism handling disposal of settlement assets.
- Work with Israel and the PA to develop a reliable link between the West Bank and Gaza.
- To maintain momentum, and set a target date for a Consultative Group of international donors meeting in support of the Palestinian Authority's Medium-Term Development Plan by the end of June.

b) Delivery of existing pledges

- To encourage donors with outstanding commitments to recognise the importance of an early release of funds committed in support of the Palestinian Authority's budget.

c) Economic Governance

- Provide expertise and financial support in implementing pension reform. This will be led by the World Bank.
- Provide technical advice on legal framework and systems to combat corruption.

d) Stimulating Private Sector Growth

- Monitor the Palestinian Authority's and Israel's adherence to the World Bank's “indicators” resulting from the AHLC process.



- Establish a mechanism under World Bank leadership to encourage increased international private sector investment and support efforts, led by the World Bank to hold a private sector business/investment event by the Summer of 2005.
- Work up a donor funded loan guarantee scheme to support small business and provide assistance to the Palestinian Monetary Authority to modernize the payment system.
- Reorient existing aid more closely behind Palestinian Authority priorities, including via the World Bank Trust Fund for Gaza and the West Bank.
- Work with Israel to maximise the effectiveness of the donor effort by significantly dismantling the closure regime and increasing freedom of movement for Palestinian people and goods between, within and from the West Bank and Gaza, as agreed by the AHLC.
- Provide assistance to Israeli and Palestinian trade and customs authorities to facilitate implementation of existing PA trade arrangements and simplify systems for export and import of Palestinian goods. Assistance should also be provided to upgrade the capacity of the Palestinian Customs Administration.

e) Responding to Israeli withdrawal

- To encourage co-operation between the Palestinian Authority and Israel.
- Work with Israel to protect infrastructure from damage, and to facilitate the reconstruction of Gaza, and to ensure full access to West Bank and Gaza for donor and aid agency staff and materials
- Ensuring long-term economic viability of the Occupied Palestinian Territory after Israeli withdrawals.

Follow up

The Palestinian Authority and the international community stressed their determination actively to follow up the commitments set out at the London meeting.

Review of International Support Mechanisms

The participants of the London Meeting underlined the importance of maximising the effectiveness of the international support mechanisms, the AHLC and the TFPR, to provide assistance and financial support to the Palestinian Authority. The participants asked the Chair of the AHLC, the World Bank and the European Commission to consider, in consultation with the Palestinian Authority and the UN, and in discussion with other members of the donor and international community, a streamlined donor co-ordination and support structure. After discussion with the AHLC and TFPR, recommendations for a reformed structure will be presented to the Quartet, as soon as possible.

Immediate Action

Until that process is completed, the AHLC and the TFPR will ensure that these structures drive through work effectively to implement the commitments made by the Palestinian Authority and the international community.

Governance

The meeting recognised the important contribution of the TFPR and welcomed the intention of the European Commission to develop a short term strategy for action in consultation with the Palestinian Authority and members of the TFPR for the TFPR to accompany and support the PA in the implementation of commitments on governance issues made at the London Meeting and elsewhere.

This strategy will also aim to improve the way the TFPR supports the progress made by the PA towards its vision, as well as the fulfilment by the international community of its commitments of assistance. The European Commission will report its conclusions to the Quartet, via the TFPR. This work will be carried out in co-ordination with the local level task force.

Economic Development

The meeting also recognised the important and continuing contribution of the AHLC in promoting Palestinian development. It welcomed the decision of the AHLC Meeting in Oslo in December that the Chair and the World Bank, as secretariat, should regularly monitor the progress made by the Pal-

estinian Authority and Israel towards the re-creation of a positive economic environment, using a set of indicators, to be developed by the World Bank in consultation with all relevant parties, drawing on the '18 action points' described in the Bank's report, *Stagnation or Revival? Israeli Disengagement and Palestinian Economic Prospects*.

In the short-term, the World Bank will work with donors and the parties to enhance the AHLC's impact by accelerating activity to help ensure that economic initiatives important to a successful withdrawal are implemented rapidly. This includes exploring opportunities to promote increased private sector investment in the West Bank and Gaza. This work will be carried out in full co-ordination with local AHLC members and the co-chairs.

Participants at the meeting welcomed the intention of the AHLC Chair to call a meeting in April 2005, at which the first periodic monitoring report would be reviewed, and the results reported to the Quartet.

#### Security

The US will form and lead a co-ordinating group of those countries and organisations providing significant practical support to the Palestinians in the area of security. It will meet in the region, with additional co-ordination at capital level.

The group will fulfil the objective set out by the Quartet in May 2004 to establish a US-led oversight committee on security. This group will work closely with the PA to oversee the restructuring and retraining of the Palestinian security services. Its purpose will be to help the PA fulfil all of its security-related obligations under Phase I of the Roadmap. It will also aim to achieve the goal that President Abbas set out at Sharm-el-Sheikh: "an end to all acts of violence against Israelis and Palestinians, wherever they are".

The group will assist and monitor the progress made by the Palestinian Authority towards its commitments, as well as the international community's commitment of assistance.

The group will coordinate the international provision of security assistance and report periodically to the Quartet on:

- progress on legal framework and command structures,
  - operational effectiveness of Palestinian Authority security/ intelligence services,
  - capacity gaps and recommended solutions,
- and:
- liaise, when applicable, with Israeli security services over the conditions required for development of Palestinian Authority security efforts.



### **STATEMENT BY THE MIDDLE EAST QUARTET, MEETING ON SUPPORTING THE PALESTINIAN AUTHORITY, LONDON, 1 MARCH 2005**

The Quartet met in London today and condemned in the strongest possible terms the terrorist attack that occurred in Tel Aviv on February 25, which killed and wounded dozens of innocent victims and undermines the recent positive steps taken by Israel and the Palestinians. The Quartet called for immediate action by the Palestinian Authority to apprehend and bring to justice the perpetrators and noted the need for further and sustained action by the Palestinian Authority to prevent acts of terrorism. The Quartet welcomed President Abbas' condemnation of the attack and pledge to bring the perpetrators to justice, and noted the fragility of the current revived momentum in discussions between the Palestinians and Israel.

The Quartet recognizes the importance of the Sharm el-Sheikh summit of February 8 at which President Abbas announced a halt to violence against all Israelis, and Prime Minister Sharon announced a halt to

military activities against all Palestinians, and expresses its appreciation to Egypt and Jordan for their roles. The Quartet urges the full implementation of the mutual commitments made at the summit by both parties, and urges all countries to support their efforts. The Quartet commends the Israeli Cabinet's recent approval of the disengagement initiative, and notes that the withdrawal from Gaza and parts of the West Bank can serve as an important first step toward a return to the Roadmap and the realization of the vision of two democratic states, Israel and Palestine, living side by side in peace and security. The Quartet reiterates its view that no party should undertake unilateral actions that could prejudice the resolution of final status issues. Quartet members agree on the need to ensure that a new Palestinian state is truly viable, with contiguous territory in the West Bank. A state of scattered territories will not work.

The Quartet welcomes the recent vote of confidence by the PLC for a new Palestinian cabinet, as well as today's international meeting in London to support Palestinian institution building. The Quartet urges the international community to review and energize current donor coordination structures, with a view to streamlining them in order to increase their effectiveness. The Quartet emphasizes the need for the international community to play a vital role in providing additional financial support to the Palestinians, which is essential in order to support needed reforms, and to help prepare the Palestinian Authority to assume control over areas from which Israel intends to withdraw. The Quartet members encourage an early meeting of the Ad Hoc Liaison Committee to prepare for a pledging conference shortly afterwards.

The Quartet remains ready to engage actively, reaffirms its encouragement and support for both sides for the progress they have made in recent weeks, and reiterates its commitment to the fulfillment of the vision of two states, a safe and secure Israel and a sovereign, democratic Palestine, living side by side in peace and security.



**BRITISH PRIME MINISTER TONY BLAIR, CLOSING STATEMENT, LONDON MEETING  
ON SUPPORTING THE PALESTINIAN AUTHORITY, LONDON, 1 MARCH 2005**

Good afternoon everyone. First of all let me express my warm thanks once again to President Abbas and all his colleagues who have attended the conference here today but also to the United Nations Secretary General, Kofi Annan, to the Presidency of the European Commission, Condoleezza Rice on behalf of the United States of America and the Foreign Ministers of many different European and Arab and other countries who have attended the conference here today.

I think it may just help if I try and explain what we've been trying to achieve through the course of this conference and you will have I think now the 17-page document that is the communiqué and will set out for you in detail the agreements that we've reached. But the thing I really want to say is this – everybody can talk about the possibility of an independent, viable Palestinian state; we can all make speeches about it; we can all make declarations in favour of it. What we have today is an agreement not just on behalf of the Palestinian authority that has got to usher in such a state, but also on behalf of the whole of the international community as to the practical steps, the foundation stones necessary to create that viable state in the future, and without those foundation stones it simply will not happen.

The agreement that we have reached today is an agreement which has three sections to it. The first is in respect of governance, where the Palestinian authority have set out the steps that they want to take, steps in relation to elections, steps in relation to the institutions of any future Palestinian state; measures in respect of security, to bring coherence to security structures to make sure we've the best possible chance of defeating the terrorism that will inevitably want to disrupt this process; and measures also in respect of economic and social development because that is a vital aspect of the future for any Palestinian state. And in addition to those measures, which some of you will see summarised before you, the actual laws, the practical steps necessary, there is the commitment by the international community to support that because building this capacity and capability takes a great deal of work.

And in respect of governance, the European Commission, not only the European Commission but the European Commission principally has agreed to do a lot of the work there in order to assist the Pales-

tinian authority with what they want to achieve there. In respect of security there is to be a United States security co-ordinating group led by General Ward, who also attended the conference here today, which will co-ordinate the support for the measures necessary to get proper security structures. And then in relation to economic and social development, the World Bank obviously, whose President Jim Wolfenson attended today, plays a crucial role.

And so what you have today right from the very outset, I've tried to say to people what this conference can be and what it can't be. What it can't be is a substitute for the eventual negotiation of a final settlement between Israel and Palestine. That is something that must await a future date. However, if that is to succeed, what must be clear is what are the building blocks of that independent, viable Palestinian state – viable not just in terms of its territory, which should be contiguous as President Bush set out last week, but viable also in terms of its institutions. That's the purpose of it. And what we've achieved today is an international consensus upon that.

I also want to make one other point, which is you know why is it so important for us here, for us here not just in Britain but in Europe and elsewhere, to give this support? I described it recently as the single most pressing political challenge. There are many other challenges that we face, debating some of them at the G8 later this year, but I'd describe this as the most pressing political challenge for this reason. Right round the world, in Britain, in Europe, elsewhere, not just in Israel, in the Palestinian territory, in the Middle East but right round the world this is the issue that causes as much misunderstanding, division, concern, worry as virtually any other in the whole of the international community and if we are able to make progress on it, that is relevant and of interest of course primarily to the Palestinian people, to the Israeli people. It is also a major part of ensuring the security and stability of countries like Britain, of the European Union, of the whole of the rest of the world. You know much of the poison that we want to take out of international relations has swirled around as a result of the failure to make progress on this issue.

The benefit, if we are able to succeed, will not just be felt by the Palestinian people or the Israelis, vital and primary though that is, it will be felt by all of us. That's why it's important to do it. We had a reminder last Friday in the terrorist act in Tel Aviv of how there will be people who try to disrupt this progress. The best answer we can give from the international community is to make it clear that these terrorists who want to destroy the possibility of people living side by side in peace are not going to succeed. They are not going to succeed in Palestine; they are not going to succeed anywhere else; they are not going to succeed in Israel.

Now I think the other interesting thing that's happening is that the changes that President Abbas and his colleagues want to see and we want to support are part of a whole series of changes going through this region at the moment and for the past few years on occasions times have seemed very dark indeed. I think we can see some light. We don't over-state it. We don't become complacent about progress towards it but I think today's conference hopefully is one step and a significant one to achieving the goal that you I know Mr President want to see, that your people want to see and that all of us want to see, which is an Israel confident of its security, living side by side in peace with an independent, viable Palestinian state. I hope we can achieve it. Thank you, sir.



**PRESIDENT MAHMOUD ABBAS, CLOSING STATEMENT AT THE LONDON MEETING  
ON SUPPORTING THE PALESTINIAN AUTHORITY, LONDON, 1 MARCH 2005**

I would like to thank Prime Minister Tony Blair for his invitation to attend this conference and for his effort towards holding this significant and important conference which is in line with the role that Mr Blair personally plays and Britain plays as well to revive the peace process in the Middle East. And all the, and also to consider the peace process as a priority in British politics and international politics.

Also I would like to thank all friendly and brotherly countries and organisations taking part in this conference. I would like to thank them for the support shown to us today to help the Palestinian Authority.

I would like to express my gratitude for the teams that have planned for this conference on both sides, the British and Palestinian sides. The results of this conference have been very positive and fruitful. It was an opportunity for the Palestinian delegation to express its political view and its programmes to reconstruct institutions based on democracy and the right of law. We have noticed an international backing for our efforts to implement our programmes that have been put forward to the conference and these programmes included political, economic, financial support and other fields as well.

We have also witnessed the support of the international understanding towards the difficulties we are facing. We have taken opportunities for this, from this conference to express our plans regarding peace, reforms and economic reforms. We have tabled these plans to the conference and they will help us rebuild a better future for our people. Today we have strongly condemned the suicide operation that has, that had targeted Israeli citizens. All Palestinian factions have condemned this operation. The Palestinian faction have renewed once again their commitment to the truce and we are in the process of taking a series of measures to uncover the perpetrators of that operation and will put them before trial.

We are committed to the peace process and to the results of the Sharm Sheikh Conference. We are doing everything we can to preserve the peace and the truce and also to implement our commitments towards the Road Map. We hope for a speedy return to the spirit of reconciliation through peaceful negotiations and successful negotiation based on legality and international legitimacy that would strengthen and put an end to the 1967 occupation and the establishment of a Palestinian State, a democratic and independent state and viable that would live side by side to the State of Israel.

Mr President we used to believe and so many people used to believe as well that we were alone in the region, that we were in conflict. However another, other countries are interested as well. We are confident that the international community is interested with this cause because it has become its own cause and the security of the region is the security of all the international community.

Thank you Mr Chairman.



**US PRESIDENT GEORGE W. BUSH, REMARKS ON THE PALESTINIAN-ISRAELI  
CONFLICT, NATIONAL DEFENSE UNIVERSITY, FORT MCNAIR,  
WASHINGTON, DC, 8 MARCH 2005 [EXCERPTS]**

In spite of attacks by extremists, the world is seeing hopeful progress in the Israeli-Palestinian conflict. There's only one outcome that will end the tyranny, danger, violence and hopelessness and meet the aspirations of all people in the region.

We seek two democratic states, Israel and Palestine, living side by side in peace and security. And that goal is within reach if all of the parties meet their responsibilities and if terrorism is brought to an end.

Arab states must end incitement in their own media, cut off public and private funding for terrorism, stop their support for extremist education, and establish normal relations with Israel.

Israel must freeze settlement activity, help the Palestinians build a thriving economy and ensure that a new Palestinian state is truly viable with contiguous territory on the West Bank.

Palestinian leaders must fight corruption, encourage free enterprise, rest true authority with the people and actively confront terrorist groups.

The bombing in Tel Aviv is a reminder that the fight against terrorists is critical to the search for peace and for Palestinian statehood.

In an interview last week, Palestinian President Abbas strongly condemned the terrorist attack in Tel Aviv declaring, quote, "ending violence and security chaos is, first and foremost, a Palestinian interest."

He went on to say, "We cannot build the foundations of a state without the rule of law and public order."

President Abbas is correct, and so the United States will help the Palestinian Authority build the security services that current peace and future statehood require, security forces which are effective, responsive to civilian control, and dedicated to fighting terror and upholding the rule of law.

We will coordinate with the government of Israel, with neighbors such as Egypt and Jordan, and with other donors to ensure that Palestinians get the training and equipment they need.

The United States is determined to help the parties remove obstacles to progress and move forward in practical ways so we can seize this moment for peace in the Holy Land.



### **SASSON REPORT - SUMMARY OF THE OPINION CONCERNING UNAUTHORIZED OUTPOSTS, 10 MARCH 2005**

*[The report, named after its author Advocate Talia Sasson, was prepared at the request of the Prime Minister's Office, which identified 24 outposts established after March 2001, 71 established before that date, and ten outposts established at an uncertain date. The report created a sensation by documenting the fact that outposts had been creating in contravention of the laws, often on land of dubious ownership, both before and after the March 2001 cutoff date. Most of the facts were not new, but this was the first time they had been admitted in an official report. Although PM Sharon vowed to dismantle the outposts and a cabinet meeting and a ministerial committee was appointed to study the report, no action was taken. The following summary is the version made public on 18 March.]*

#### SUMMARY OF THE OPINION CONCERNING UNAUTHORIZED OUTPOSTS

At the request of the Prime Minister bureau, I have prepared a summary of the opinion. The summary does not include the entire opinion, which naturally deals with many more subjects, with further details.

The second chapter of the opinion is a brief of the findings, conclusions and recommendations. This summary is based upon this brief. However, considering that this summary is presented a part from the opinion, a few remarks must be added.

#### OPENING REMARKS

##### A. THE COMMISSION

The commission issued by the Prime Minister is enclosed.

##### B. A PROCEDURAL REMARK

These are the main subjects the opinion deals with:

The opinion first explores the background for the growth of the unauthorized outposts phenomenon. Then it analyzes the legal background for establishing a legal settlement in the area of Judea, Samaria and Gaza, according to the local law (*lex locus*). In this context, a brief view of the laws governing Israel in its actions in the areas is presented. Following are the requirements for establishing a legal settlement. This includes the political, land, municipal (bounds of jurisdiction) and planning aspects.

In light of this legal background, a review of the unauthorized outposts is presented. This includes: the definition of an unauthorized outpost; numerical figures as far as I know them, including evacua-

tion figures up to date; categorization of the outposts; the major ways of their establishment, as far as I know them.

A main chapter in the opinion deals with the involvement of state authorities and public authorities in the establishment of unauthorized outposts.

This framework reviews the involvement of the Settlement Division in their establishing and financing, as far as I know it. It reviews the involvement of the Ministry of Construction & Housing – in financing infrastructure and public buildings for the outposts, financing the planning of unauthorized outposts, and the purchase of caravans affair in 2003.

It reviews the involvement of the Ministry of Defense in the matter of the unauthorized outposts, meaning the involvement of both the Civil Administration and the Assistant to Defense Minister – Settlement Affairs.

Following the factual findings is the chapter dealing with law enforcement in the territories. There I stressed the reasons for the failure of law enforcement, and recommended a legislative reform, concerning the law governing the territories, with an emphasis on actions concerning the establishment of unauthorized outposts.

As for recommendations: Each chapter in the opinion includes recommendations concerning the findings presented in it. In addition, the opinion concludes with a general chapter of recommendations, some of which already mentioned. I enclose here the full recommendations chapter, although some of the recommendations already appear within this summary.

I further enclose to this summary the concluding chapter of the opinion, as presented at the end of the recommendations chapter.

#### C. THE AUTHORITIES REVIEWED IN THE OPINION, AND THE AUTHORITIES NOT REVIEWED

It should be emphasized what is not to be found in the opinion, and why I chose the authorities I dealt with:

An initial inquiry already lead me to the conclusion that the *main* relevant authorities involved in the matter of unauthorized outposts are the Ministry of Defense and the IDF, including the Civil Administration; the Ministry of Construction & Housing; the Settlement Division of the World Zionist Organization; the Ministry of Interior Affairs.

Hence this opinion focuses on the information I gathered mostly in these offices. Nevertheless, other bodies are involved in establishing the unauthorized outposts, including the aerial councils in Judea, Samaria and Gaza, and other governmental ministries. Due to the shortage of time allotted to me (which I even exceeded), my limited means, the many bodies involved, and the limited accessibility to information – I have not succeeded in the given time to examine all that requires examination. Therefore I have submitted an interim report.

#### D. DIFFICULTIES IN ACCESSIBILITY TO INFORMATION REGARDING THE ESTABLISHMENT OF THE UNAUTHORIZED OUTPOSTS

The relevant information regarding the unauthorized outposts is not to be found in a single office. On the contrary. Every office that supplied information to me holds partial information regarding the outposts. There is no office or body which gathers all of the relevant information concerning the matter of outposts, nor coordinates government activity regarding them.

Part of the information is accessible, but a major part of it is concealed. Even after inquiring and exploring, I cannot say that I have reached all the necessary information. This is sometimes due to bu-

reaucratic complexity, the scope of the information, the number of authorities and offices involved in the matter, and the time passed. But in more than a number of occasions I was under the impression that the office or official in charge of the relevant information was not open to deliver it. I received parts of such information from other sources. The result is I could not reach all the required information.

Furthermore, some of the people I approached refused to converse with me. Some claimed to be too busy, some met with me but refused to give answers to the point to most of my questions.

As for Material Received from the Relevant Ministries:

Compared to the material I have asked for, the material handed to me by some of these ministries was partial. It was only by the end of January 2005 that Compared to the material I have asked for, the material handed to me by some of these ministries was partial. It was only by the end of January 2005 that *the Ministry of Construction & Housing* responded to my request for data concerning investments by the Ministry in unauthorized outposts over the last four years. This was only after correspondence starting September 2004, oral and written requests, reminders, an appeal to Minister Ms. Livni, her personal interference and demand to release the material – all of which was in vain (soon afterwards Ms. Livni left office to serve in the Ministry of Justice). Only after Mr. Herzog became Minister of Construction & Housing I received a response to my request, which I am not yet satisfied with, and which needs to be thoroughly examined (see detailed reference in section 8.3.1.1-d).

I might add, that in response to my last letter to the Ministry of Housing, in which I stressed that at least some of the data given to me was incorrect, the Ministry of Construction & Housing informed me, just less than a week ago, that it admits now the falseness of some of the data, and asked for further time to check it out. Needless to say, the false data is amounts, which are lower than the amounts actually allotted to unauthorized outposts.

Although requested, *the Settlement Division of the World Zionist Organization* has not yet delivered data concerning the amounts it invested in unauthorized outposts, which it took part in establishing. *The Infrastructure Dept. of the Civil Administration* has not yet delivered full data concerning unauthorized outposts, claiming this takes more time and requires much work.

E. ACCURACY OF INFORMATION REGARDING UNAUTHORIZED OUTPOSTS

The data I hold was received from the Infrastructure Dept. of the Civil Administration. Possible errors may exist in this data, but I have no other source for certified information regarding the unauthorized outposts, including aerial photographs, valid and invalid programs, land privileges, etc.

F. EXAMINATION OF THE OUTPOSTS ACCORDING LOCAL LAW

The opinion examines the legality of the unauthorized outposts only in the aspect of local law (*lex locus*), and not other possible aspects of international law.

G. EXAMINATION OF UNAUTHORIZED OUTPOSTS AND NOT OF OTHER SETTLEMENTS

The opinion examines the unauthorized outposts, and not other settlements in Judea, Samaria and Gaza, nor unauthorized neighborhoods in existing settlements.

H. COLLECTING THE INFORMATION

The opinion followed research. Interviews were made with some 100 officials in different offices. The interviews were documented. In addition, numerous meetings were held in different ministries, in which I took part, and many documents were gathered.

I received great assistance from Brigadier General (Res.) Baruch Shpigel, Assistant to the Defense Minister, who supplied me with material regarding the unauthorized outposts, always with good spirit



and full cooperation. Further assistance was given by the staff of the Legal Advisor to Judea and Samaria, the International Law Branch of the IDF, the State Attorney, the General Attorney and the Ministry of Justice.

*A summary of the opinion, the findings, the conclusions and the recommendations follows.*

*The Background for the Establishment of the Unauthorized Outposts*

The expansion of the unauthorized outposts phenomenon began in the mid nineties, after the building in Judea, Samaria and Gaza was frozen by the Rabin Administration in 1993. Building in settlements was still approved, but the approval rate went decreasing as the negotiations with the Palestinian representatives accelerated.

The unauthorized outposts phenomenon began expanding, in light of the government's position opposing the authorizing of the building of The unauthorized outposts phenomenon began expanding, in light of the government's position opposing the authorizing of the building of settlements in the territories.

In fact, the unauthorized outposts phenomenon is a continuation of the settlement enterprise in the territories. But while in the distant past the Israeli governments officially acknowledged and encouraged the settlement enterprise, in some of the years, a major change took place in the beginning of the nineties. The Israeli governments were no longer officially involved in the establishment of settlements, apparently due to Israel's international situation, and the negative position of most nations towards the settlement enterprise. That was not the case for public authorities and other Israeli government bodies, who took, along with others, a major role in establishing the unauthorized outposts. Some of which were inspired by the political echelon, sometimes by overlooking, sometimes by actual encouragement and support, but never as a result of an authorized resolution by the qualified political echelon of the State.

*The Necessary Conditions for Establishing a Settlement in the Judea, Samaria and Gaza Territories*

The local law requires the fulfillment of a number of basic conditions before establishing a settlement in the Judea, Samaria and Gaza territories.

*First*, the decision to establish a settlement must be made by the authoritative political echelon. Government resolutions have always declared that the establishment of a new settlement, either inside Israel or in the territories, requires a government resolution. Such an establishment requires various considerations – economic, social, geographical, political, public and others.

The establishment of an Israeli settlement in the Judea, Samaria and Gaza territories requires *additional* considerations, including international and national policy and security considerations. The authoritative political echelon is the only one qualified to consider such considerations, and the only one who bears responsibility for such a decision.

*The Second Condition* concerns the interests (title) in the land to be settled. After the High Court of Justice ruling in the case of Elon More, a 1979 Israeli government resolution states that *Israeli settlements shall be established only on State land*.

*The Third Condition* is that a settlement shall be established only according to a lawful designed building scheme. This means that a settlement in the Judea, Samaria and Gaza territories may be established only according to a detailed scheme, which has the power to produce a building permit. It must be clarified that according to the law in force in the territories, the approval of the political echelon is needed not only for establishing a settlement, but also in some of the steps in the plan approval. *Meaning – as long as there is no approval for the plan for the settlement, or a part thereof – there is no political echelon approval for its establishment.*

*The Fourth Condition* is that the bounds of jurisdiction of such a settlement was determined in an order by the Commander of the area. The Commander of the area may determine the bounds of jurisdiction only after receiving the approval of the political echelon.

*These four conditions are accumulative. The lack of fulfillment of one of them makes the settlement illegitimate.*

#### Unauthorized Outposts

An unauthorized outpost is a settlement which does not fulfill at least one of the abovementioned conditions. And I must emphasize: an unauthorized outpost is not a "semi legal" outpost. *Unauthorized is illegal*. I mean that if the outpost were authorized, according to the conditions mentioned above, it was legal. Missing an authorization of the kinds mentioned above makes it illegal.

After studying all Government resolutions, Minister Security Committee meetings, Settlement Minister Committee meetings, whether named as so, or operating as sub-committees for settlements of Minister Security Committee - I have not found a single government or committee resolution, *since the beginning of the nineties*, to establish a new settlement in the territories, or to expand a neighborhood of an existing settlement.

Since many outposts were established in the Judea, Samaria and Gaza territories, it seems that it was not the result of government decision.

#### The Characteristics of an Unauthorized Outpost:

- A. There was no government decision to establish it, and in any case no authorized political echelon approved its establishment.
- B. The outpost was established with no legal planning status. Meaning, with no valid detailed plan governing the area it was established upon, which can support a building permit.
- C. An unauthorized outpost is not attached to an existing settlement, but rather at least a few hundred meters distant from it as the crow flies.
- D. The outpost was established in the nineties, mostly from the mid nineties and on.

#### The Number of the Unauthorized Outposts and Other Data Regarding them

I failed in finding out how many unauthorized outposts exist in Judea, Samaria and Gaza, since the source for the data is the Infrastructure Dept. of the Civil Administration, which has not delivered all the necessary information. I was informed that gathering the information requires much work and takes time.

The information I have so far shows that there are 105 unauthorized outposts (that I know of today). *But this probably does not reflect the true number of outposts in the area.* (As for the gap between this figure and data presented by the Ministry of Defense in the past – see sec. 5.4 of the opinion.)

Out of the number I know of: 26 outposts are located on State land; 7 are located on survey lands; 15 are located on Palestinian private property; 39 are located on "mixed" lands – part State, part survey, part owned by Palestinians.

In addition, a few outposts are located on lands which I failed yet to resolve its nature.

#### The Implication of Establishing an Unauthorized Outpost Not on State Land

After the High Court of Justice ruling in the case of Elon More, a 1979 Israeli government resolution states that Israeli settlements in Judea, Samaria and Gaza shall be established only on State land. Hence, no settlement is to be established on other than State land (the definition for State land appears in the first chapter of the opinion). No Israeli settlement is to be established on survey land (to which the title is unclear). Surely no Israeli settlement is to be established on private Palestinian property.

It is absolutely prohibited to establish outposts on private Palestinian property. Such an action may in certain circumstances become a felony. But first and foremost this is a serious prejudice of the right of possession. This right is a basic right in Israel – included in Basic Law: Human Dignity and Freedom, and was defined by the Israeli Supreme Court as a constitutional right. Israel High Court of Justice

ruled that the Commander of the area must protect the fundamental rights of the Palestinians in Judea, Samaria and Gaza. This means he must also protect their right of possession. It is the Commander's duty to prevent the intolerable prejudice of Palestinians' right of possession, which an establishment of outposts on their property causes.

*There is no way to validate the establishment of an outpost on private Palestinian property, not even post factum. Such outposts must be evacuated, the sooner the better.*

#### List of the Outposts by Date of Establishment

The list of the outposts may be divided into two lists: those established before March 2001, and those established afterwards, and were not evacuated, or were evacuated but returned. This division is based on *political* reasons, but has no legal implication. Accordingly, 71 outposts were established prior to March 2001, and 24 outposts were established afterwards. As for 10 more outposts – I have yet to find out when they were established. *As mentioned above, this is probably not the full list of outposts in Judea, Samaria and Gaza* (in lack of data).

#### Information Concerning Evacuation of Outposts

*This information, concerning the evacuation of outposts established only after March 2001 was, delivered to me by the Ministry of Defense:*

81 outposts were evacuated so far, only a few of them were manned. Some of them were re-occupied by the settlers, sometimes returning nearby the outpost. Some were evacuated again. Some were occupied again and not yet evacuated.

13 delimitation orders were issued so far, deriving from the *Order Concerning Unauthorized Outposts* (the main legal tool for evacuating outposts). Appeals were submitted against the delimitation orders. 12 appeals were granted. One is yet to be answered by the Ministry of Defense. Some of these outposts were evacuated (either willingly of by the IDF). A total of 7 outposts, 2 of which returned.

*The legal proceedings before the High Court of Justice concerning 4 outposts have ended, and the petitions were denied.* These outposts, plus two more that have returned, can be evacuated immediately. A total of 6 outposts can be evacuated effective today.

Requests for license according to a mandatory plan were submitted for a number of outposts. Most of them were denied. Delimitation orders may be issued against them, unless appeals are submitted. As for other outposts, delimitation orders may be issued (see details in sec. 5.5.1).

#### Neighborhoods Which are Not Outposts

It needs to be clarified that I have defined an outpost as a settlement not attached to an existing settlement. *Civil Administration information shows that new neighborhoods attached to existing settlements were established and expanded. From the legal aspect this situation is sometimes similar to the establishment of unauthorized outposts.*

I have not examined such unauthorized neighborhoods, in accordance with my jurisdiction.

#### The Momentum of Thickening Outposts Still Goes On

I am not aware of new outposts established over the last months. But I know of unauthorized building taking place in existing outposts. The building momentum includes conveying caravans to the outposts (64 caravans were conveyed to unauthorized outposts between August and December 2004). But it also features other ways, such as making new infrastructure for future connection of caravans; land preparation, stiff construction in some outposts including *permanent buildings* (for example, 23 structures, 160 square meters each, were placed in the Bruchin outpost on 28 September, 2004); 9 habitats were built in the Ahuzat Shalhevet outpost near Yitzhar on October 2004; primary structures of 60 square meters were placed in Migron and in other outposts. Sheds and agriculture structures were built, lands were over taken, roads were paved. This is day to day activity. Illegal sites and new invasions report between 8

August 2004 and 5 December 2004 enclosed (*annexes 1 & 2* of booklet C). I must add that *the expansion continues to take place in outposts which delimitation orders were issued against them, even after approved by the High Court of Justice*. For instance, 3 caravans were placed in *Giv'at Haro'eh* on January 2005, and preparations are made for two more caravans; iron elements are starting to be placed in *Giv'at Hadeigel*, a playground was built on December 2005 and two caravans were coated with stone; 5 caravans were placed outside the delimited area in *Mitspe Asaf*; two caravans and two containers were placed in *Mitspe Yitzhar*. All delimited outposts, which the High Court of Justice allowed their evacuation, and were still thickened are listed in the report enclosed (see the abovementioned *annexes 1 & 2*).

#### The Ways the Outposts were Established

The outposts are mostly established by bypassing procedure and violating the law, displaying false pretense towards some of the State authorities, and enjoying the cooperation of other authorities in harsh violation of the law.

One way to establish an outpost is first to falsely ask for an antenna to be placed up on a hill. Afterwards comes a request to supply electricity – only for the antenna. Then a cabin is placed, for the guard, and the cabin is also connected to the electricity. Then a road is paved to the place, and infrastructure for caravans is prepared. Then, one day a number of caravans arrive at the place – and an outpost is established.

Another way is falsely requesting to built an agricultural farm (either an acclimatization or a biosphere farm). The farm is supposedly built for agricultural needs. After a while, caravans arrive to the place and an outpost is established. Another way is founding an educational institution. "Staff" families settle in the place and an outpost is established. Another way is establishing outposts by "expansions" and "neighborhoods" in disguise, within an existing outpost. The new outpost is named as the old one, as though it were just a neighborhood, even when it is sometimes kilometers away as the crow flies; *on the ground the distance is much greater*. (In some cases this explains the variety of names given to a single outpost, for example *Esh Kodesh N.G. 827 – Migdalim South*; *Nof Harim – Aley T.*, etc.) This enables financing the new outpost by the different authorities: the money supposedly goes to the old settlement, as known to the authorities. In fact, it goes to the new outpost.

After a while, when the outpost stands still, it is no longer convenient for its inhabitants to be considered just as a neighborhood of an existing settlement. They wish for direct connection to different sources; they are interested in an independent emblem given by the Ministry of Interior Affairs (which allows budget from the Ministry of Interior Affairs as a local authority). Therefore the Assistant to Defense Minister – Settlement Affairs requested the Settlement Division of the World Zionist Organization to acknowledge some of the outposts as independent settlements, eligible for an emblem and a budget. The former Director General of the Prime Minister Office (Mr. Lieberman) has also requested such acknowledgement regarding some of these outposts (these letters are included in annex booklet C, enclosed to the opinion).

#### Involvement of Government Authorities in Establishing Outposts

A substantial number of outposts were built with the involvement of public authorities and State bodies, but with no authoritative decision by the Government of Israel.

These are the State authorities I succeeded to examine:

*The Ministry of Construction & Housing;*

*The Ministry of Defense and the IDF: the Civil Administration, and several aspects of the Assistant to Defense Minister – Settlement Affairs;*

*In addition: the Settlement Division of the World Zionist Organization, which is a public authority.*

These authorities have legitimate powers regarding the Israeli settlement in Judea, Samaria and Gaza, but they apparently use their powers unlawfully in connection with unauthorized outposts, as to be described. As I have already mentioned, other authorities and government ministries are involved in

establishing unauthorized outposts. I also know that the regional councils in Judea, Samaria and Gaza take a major part in this activity. But due to the short time I was given and the scope of the research needed, I could not examine them as well.

### Authorities and Their Relevant Roles

#### The World Zionist Organization – The Settlement Division

The role of the World Zionist Organization is to settle. It receives lands from the official in the Civil Administration (the Commissioner of Government and Deserted Property), for the purpose of planning or planning and development. It is supposed to allot the lands for building settlements, after receiving the approval of the qualified political echelon – to establish a new settlement or to expand an existing one. It is supposed to take care of planning for the land, establishing the primary camp and creating means for production.

#### The Ministry of Construction & Housing

Involved in establishing settlements or expanding existing ones in Judea, Samaria and Gaza, through the Rural Building Administration of the Ministry of Construction & Housing. Finances the establishment of infrastructure and public buildings in Judea, Samaria and Gaza settlements. Plans new settlements and employs independent architects for planning and expanding settlements in Judea, Samaria and Gaza. Owns caravans for residence, which it transfers to others, especially to Judea, Samaria and Gaza.

#### The Civil Administration

Responsible for locating lands for new Israeli settlements, and examining rights and privileges concerning them; registering titles to land. Responsible for allotting land to settling bodies, including the Settlement Division. Responsible for the planning and building registration process. Responsible for receiving the political echelon's approval for planning. Responsible for supervising illegal construction in the territories. Responsible for permitting connections of buildings to water or electricity. Responsible for permitting caravan conveyance in the territories, subject to the approval of the Ministry of Defense.

#### The Ministry of Defense

Responsible for granting various permits, including: permit for initiating land survey; license for land planning prior to its allotment by the Commissioner to a settling body; permit to convey a caravan to the territories; approval of the political echelon (the Minister of Defense) for different stages of a plan.

Regarding law enforcement in the territories – the Ministry of Defense grants the political approval for security legislation in the area, including legislation concerning the establishment of unauthorized outposts and unlawful confiscation of lands. Approves the carrying out of destruction orders issued as a result of illegal construction. Issues delimiting orders in order to evacuate outposts. Instructs the IDF directly to evacuate unauthorized outposts.

I shall specify my findings regarding each of these authorities. Following the findings, I shall describe my main recommendations for each authority. It should be noted that the recommendations chapter includes additional and more general recommendations.

#### Types of Recommendations According to My Commission

- A. Organizational recommendations
- B. Amendments to government resolutions and new resolutions to be taken
- C. Instructions to authorities in connection with all matters of establishing unauthorized outposts
- D. New legislation
- E. Reform in security legislation in the territories
- F. Recommendations for the Attorney General

#### The Settlement Division of the World Zionist Organization

The Settlement Division is a part of the World Zionist Organization, which is a settling body, according to a government resolution. The Division's role is to assist the government in establishing Israeli settlements

in Judea, Samaria and Gaza. Its full budget comes from State treasury. The Settlement Division took major part in establishing Israeli settlements in Judea, Samaria and Gaza. According the findings in the report, it built mostly many unauthorized outposts, without the approval of the qualified political echelon.

This reality shows that there is no more a political mechanism for establishing new settlements in the territories. The decision to establish settlements has "dropped one scale", and became a decision made by officials who were not authorized to do so. It is no longer the decision of the elected echelon, who is accountable towards their voters.

The "engine" behind a decision to establish outposts are probably regional councils in Judea, Samaria and Gaza, settlers and activists, imbued with ideology and motivation to increase Israeli settlement in the Judea, Samaria and Gaza territories. Some of the officials working in the Settlement Division of the World Zionist Organization, and in the Ministry of Construction & Housing, cooperated with them to promote the unauthorized outposts phenomenon. After the mid nineties, these actions were apparently inspired by different Ministers of Housing, either by overlooking or by actual encouragement and support, with additional support from other Ministries, initiated either by officials or by the political echelon of each Ministry.

The Settlement Division is supposed to be an executive echelon, implementing decisions made by the political echelon. In this case it was the other way around, and the executive echelon became partners with the political one, contrary to its role.

The lands were allotted to the Division by the Commissioner of Government and Deserted Property of the Civil Administration, on the assumption that the Division act with good faith and according to allotment regulations. Apparently, the Division violated the agreement with the Commissioner in more than one aspects: it allotted lands a secondary allotment without the Commissioner's approval; it sometimes allotted lands which it received for planning purposes only. The Commissioner wasn't even informed of the allotment. It failed to regulate the settlers' status in the land against the Commissioner.

*The Settlement Division established unauthorized outposts, disregarding the need for a valid detailed plan, and this not by accident, but rather as a system. This is a violation of the Jordanian Planning and Construction Law in force in the territories. The Division never even attempted to authorize a plan before starting building.*

Some of the settlements established by the Division exceed the area allotted, *and are partly located not on State land* (part of the settlement is located within the area, and another part is outside of it, sometimes on survey land, sometimes on private property).

#### Response of the Settlement Division

- A. No political approval is required for the establishment of outposts.
- B. If it is indeed required, thus it was granted.
- C. The outposts were established without a valid detailed plan, since this is the way settlements are established regularly by the Division inside Israel.

This response does not settle with my findings. An establishment of an outpost requires the approval of the political echelon, according both government resolutions and the law in force in the territories. The claim that the political approval for establishing outposts was granted is false.

The attempt to justify the Division's actions, in contrary to the Planning and Construction Law, by claiming it to be its standard procedure inside Israel – is unacceptable. Actions violating the law cannot be justified. Surely continuous violation in one place cannot justify continuous violation in another. It is my conclusion that a fundamental change in the operation of the Settlement Division must take place.

#### My Main Recommendations for the Settlement Division

*A government resolution must be made as follows:* To cancel all land allotments made to the Settlement Division, if and to the extent they were not yet allotted to others, and to return them to the Commissioner; to cancel all land allotments made to the Settlement Division, which it further allotted

to others in contrary to its license; to cancel all allotments made by the Division to others, and were not yet used, and to return them to the Commissioner; to cancel all allotments upon which unauthorized outposts were established, and to return them to the Commissioner; to cease all activity of the Settlement Division in establishing settlements, unless the Government authorizes ad-hoc the Division as a settling body for the purpose of establishing or expanding a specific settlement in Judea, Samaria and Gaza, that the Government has decided to establish or expand; the Ministry of Finance shall modify the Settlement Division budget in light of the necessary changes resulting this resolution.

#### The Ministry of Construction & Housing

The Ministry of Construction & Housing is involved with establishing unauthorized outposts. The main (but not the only) branch of this Ministry involved with unauthorized outposts is the Rural Building Administration. This administration is engaged for years in establishing new settlements in Judea, Samaria and Gaza and in expanding old ones. The Rural Building Administration executed the policy of Housing Ministers and Director Generals of this Ministry in the relevant years in which the outposts phenomenon flourished, meaning the mid nineties and on.

It seems that at least between 2000 and 2004, a substantial part of the Rural Building Administration budget was dedicated to building in the territories, including unauthorized outposts.

These are the activities of the Ministry of Construction & Housing in establishing unauthorized outposts known to me:

#### Financial Aid for Infrastructure and Public Buildings in Unauthorized Outposts

The Ministry of Construction & Housing assisted regional councils in Judea, Samaria and Gaza, by financing foundations and infrastructure (such as land preparation, development, road break through and paving, connecting water, electricity and other facilities, preparing infrastructure for caravans, etc.), and establishing public buildings in unauthorized outposts. The aid was disguised as building new neighborhoods within existing settlements, in order to bypass the absence of a Government resolution to establish outposts. The Ministry of Construction & Housing was aware of the absence of a qualified political echelon approval for establishing the outposts.

The aid by the Ministry of Construction & Housing was indirect – through the regional councils. The Ministry of Construction & Housing did not engage directly with contractors. The regional councils did so, and the Ministry of Construction & Housing financed it. It seems that this way was chosen in order to conceal the fact that the Ministry of Construction & Housing is financing building in unauthorized outposts.

In 2001 the Ministry of Construction & Housing created a special budgetary clause, named "general development misc.", and used it for financing unauthorized outposts. In 2001 the amount in this section was 17 million shekels. In 2002 it was 34 million shekels. No criteria were set for the usage of this money. There is no public transparency concerning the goals and the exploitation of this budget.

According to the information the Ministry of Construction & Housing supplied (referring to a partial list it was given), between 2000 and 2004 the Ministry has spent *an amount of NIS 71,870,000* on unauthorized outposts.

This is figure stated by the Ministry of Construction & Housing – the Rural Building Administration. *It does not settle with information appearing in the Ministry's working schemes for these years. In light of these working schemes it allegedly seems that the Ministry financed unauthorized outposts in much greater sums.* Questions directed towards the Ministry of Housing were not yet answered to the point (see details in sections 8.3.1.1). The Ministry of Construction & Housing has informed me, only a few days before submitting the opinion to the Prime Minister, that after examining my last address it found the information earlier given to me to be partially wrong. They claim to be further examining the matter these days.

*Be that as it may, it seems that the actual sum considerably exceeds the one mentioned above. I might add that the abovementioned sums are nominal. The sum also does not include money the Ministry of Construction & Housing paid for infrastructure, public buildings and planning in unauthorized neighborhoods in Judea, Samaria and Gaza.*

The Ministry of Construction & Housing was well aware of the fact that the construction work it financed was done *without legal planning status*. In other words, it was done in violation of the *Planning and Construction Law*.

*The Ministry of Construction & Housing financed the establishment of unauthorized outposts, but never examined the interests (title) in the lands upon which the outposts were built. Some of the outposts built with the Ministry's aid were located on private Palestinian property and on survey land. The Housing Ministry claims it was not aware of this fact. There is no dispute it never bothered to check it out.*

#### *Planning Unauthorized Outposts, Some of which on Private Palestinian Property*

Architects of the Housing Ministry, as well as free lance architects, were employed in planning unauthorized outposts, after their establishment. The Ministry was aware of the absence of a government resolution or a qualified political echelon decision to establish them. Part of the unauthorized outposts planned were built on private Palestinian property.

#### *Acquisition of Caravans and Placing Them in Unauthorized Outposts in 2003*

The acquisition of caravans by the Ministry of Construction & Housing in 2003 is a bold example of bad government, and it is also connected with unauthorized outposts.

In 2003 the Ministry of Construction & Housing has decided to finance the acquisition of caravans by the regional councils in Judea, Samaria and Gaza. The budget needed for this purchase: *NIS 33,749,180*.

The Ministry of Construction & Housing tried to exempt this sum from tender, so that the money could go to the regional councils for purchasing the caravans. The Ministry of Finance objected granting an exemption. The subject was brought to the Attorney General. His deputy determined that the Ministry of Construction & Housing must set criteria, as a pre-condition for supporting the regional council. But the Ministry of Construction & Housing did not wish to set such criteria, so it chose a bypass, to avoid confronting the legal barrier.

*The Ministry of Construction & Housing has decided to purchase the caravans itself, to divide them only between the regional councils in Judea, Samaria and Gaza, with no explanation, with no criteria, and with nothing in return.*

The Ministry of Construction & Housing published a frame tender for purchasing caravans. Two companies won the tender. The Ministry ordered 400 caravans from one company, and 120 from the other. I found that *some of the caravans were ordered and produced much earlier – for the regional councils in Judea, Samaria and Gaza*. These caravans were already placed in the area at the time the tender for their production was published. At the time a total of 140 caravans were placed in the territories, *90 of which in unauthorized outposts*.

Apparently, *the same company that won the Ministry of Construction & Housing's tender, and was requested to produce 400 caravans, was the one who produced the caravans for the regional councils, for which the Ministry of Construction & Housing paid.*

The Ministry of Construction & Housing delivered all of the 400 caravans to Judea, Samaria and Gaza *without any agreement* to receive any *consideration* in exchange – either from the regional councils or from whoever received the caravans. *A year and a half has passed by, and the Ministry of Construction & Housing has received nothing in return for the caravans.*

#### *Main Recommendations Regarding The Ministry of Construction & Housing*

1. A government resolution shall be made, as follows:



a. Regarding planning, budgeting and establishing unauthorized outposts and/or unauthorized constructions

The Ministry of Construction & Housing shall not plan a settlement, a neighborhood or any building in Judea, Samaria and Gaza, before running a thorough examination concerning the interests in the lands designated for planning. The Ministry of Construction & Housing shall not plan the establishment of a settlement or a neighborhood without a decision of the political echelon. The Ministry of Construction & Housing shall not plan post factum an unauthorized outpost. The Ministry of Construction & Housing shall not plan, budget or build in lands that are not State lands. For the avoidance of doubt, the Ministry of Construction & Housing shall never take any action mentioned above in survey lands or in private Palestinian property. The Ministry of Construction & Housing shall establish a data base with all the information concerning titles to land in Judea, Samaria and Gaza. This data base shall be accessible to all of the Ministry's departments, including the Rural Building Administration. The Ministry of Construction & Housing shall not finance nor built in Judea, Samaria and Gaza, either directly or through others, without first getting a building permit.

b. Regarding the purchase of caravans

Any purchase of caravans designated for the territories is equal to an approval for building houses in the territories. Therefore, any future purchase, by the Ministry of Construction & Housing or by any other Ministry, of caravans designated to the Judea, Samaria and Gaza territories, is subject to the approval of both the Prime Minister and the Minister of Defense, prior to the publication of a tender for their production or acquisition.

2. Administrative recommendations regarding the issue of caravans

A number of recommendations were given concerning the acquisition of caravans, including criteria for future purchase. The Ministry of Construction & Housing shall demand the caravans back from the regional councils. The Ministry of Construction & Housing shall demand restoration for their usage until their actual return to the Housing Ministry.

3. A recommendation to forward material in the report to the Attorney General

I have recommended to forward the report's findings in this chapter to the Attorney General, in order to consider whether to take legal action against State officials and others, who with regards to establishing unauthorized outposts knowingly acted while violating the law.

I further recommended to forward to the Attorney General all material in this report concerning publishing the tender for the manufacture of caravans, the winning thereof, their conveyance to unauthorized outposts, and all other matters concerning the caravan affair – in order to consider whether to take legal action against Ministry officials and others involved.

The Civil Administration in Judea, Samaria and Gaza

I have examined various aspects of its authorities and activities concerning the establishment of unauthorized outposts.

MAIN FINDINGS

Locating Lands and Inquiring into Interests in Lands Designated for Israeli Settlements

I found that some of the lands allotted by the Civil Administration to the Settlement Division were survey lands, and some were private Palestinian property. Apparently this was a result of errors in marking State lands on maps. This is one of the reasons that some of the unauthorized outposts were established not on State lands.

*I recommend* that no lands shall further be allotted until a serious reexamination is made concerning interests in the land allotted, so that only State lands are allotted, according to the 1979 Government resolution. A systematic examination of titles to lands shall be made concerning old allotments. Planning committees shall be instructed not to approve any plan until the interests in the lands are reexamined, and the plan undoubtedly applies only State lands.

*Survey land procedure regarding unauthorized outposts* – It is my conclusion that survey land procedure shall not be taken regarding outposts for which delimiting orders were issued. These are outposts

which the political echelon found illegal and has decided to evacuate. Survey land procedure for such lands is contradiction in terms. I therefore recommend that a Government resolution shall be made that no application for survey land procedure shall be submitted regarding outposts with delimiting orders, and if submitted – it shall not be examined. I further recommend that no application for survey land procedure shall be submitted nor examined, regarding an unauthorized outpost (even when there is no delimiting order), unless the Government decided it wishes it to be an acknowledged settlement, and this requires survey land procedure. I further recommended that from now on initiating survey land procedure shall be a decision made only by the Minister of Defense or his Deputy (instructions in this matter were given until now by the Assistant to Defense Minister – Settlement Affairs).

*Building Permits According to a Mandatory Plan*

I have found that it is possible to be granted with a building permit according to a mandatory plan which is in force in the area. While a political approval is necessary for a plan submitted according to security legislation, a building permit according to a mandatory plan requires no political approval. This crack allowed some of the unauthorized outposts to be established.

*I recommend:* To instruct the Minister of Defense to direct the Commissioner of Government and Deserted Property, that the Commissioner shall from now on sign any application for building permits according to a mandatory plan regarding State lands. Not the World Zionist Organization, which used to do it until now.

A license committee, authorized to grant building permits according to a mandatory plan, shall accept no application for such a building permit, unless signed by the Commissioner. The Commissioner shall sign only after getting the approval of the Minister of Defense. *The result is that a building permit according to a mandatory plan can be received only after the approval of the Minister of Defense.*

I further recommend that a license committee shall be instructed not to grant a building permit to an Israeli unless she has presented a certificate from the Commander of the Area indicating his consent to the permit.

In accordance with the *Construction Supervision Order (Judea & Samaria) (No. 393), 1970*, the Commander of the Area shall order that license committees may grant building permits according to a mandatory plan only to Israelis who hold an approval by the Area Commander for such permit. This is due to security implications of building one isolated Israeli house in the territories (which a mandatory plan allows).

*As a result, no building permit according to a mandatory plan shall be granted, either in State lands or in Israeli purchased property, without the approval of the Minister of Defense and/or the Commander of the Area.*

*Application for Building Permits According to a Detailed Plan*

The Commissioner of Government and Deserted Property in the Civil Administration represents the State as the owner of State lands, and allots lands to the World Zionist Organization. Since 1996, the World Zionist Organization is allotted with lands for *planning purposes only*. Apparently, the Organization allots the lands to others, for purposes of development and establishing of settlements, contrary to its permit.

It was also established that Civil Administration planning committees grant building permits on lands allotted to the World Zionist Organization, according to a valid detailed plan, without the signature of the Commissioner. The situation is different in Israel, where the Israel Lands Administration is required to approve any building permit as a pre condition for its issue.

As a matter of fact, as soon as the Commissioner allotted land to the World Zionist Organization, and signed an application for a detailed plan, *the connection between him and the land was cut off*, since his signature is not necessary for the building permit request. This is one of the reasons why no contractual relations were made between the Commissioner and the settlers in Judea, Samaria and Gaza, and the Commissioner was not paid for the usage of the land.

*I recommended* the Prime Minister to instruct the Minister of Defense to direct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration not to allow a planning committee to discuss a building permit application and not to issue a building permit according to a detailed plan regarding State land, without a written approval of the Commissioner of Government and Deserted Property. The Commissioner shall sign a building permit only after contractual relations were made between the Commissioner and the Division, and between the Commissioner and the settlers, and only after all payments involved were settled. The Commissioner shall not sign a building permit where the land was allotted to the World Zionist Organization for planning purposes only.

#### Connection to Water and Electricity Network

Connections to the Mekorot water network and to the Electricity Company network are subject to a permit from the Water KMT 1 and the Electricity KMT 2 of the Civil Administration, respectively. I found that some of the unauthorized outposts were connected to these networks. I found the Electricity KMT 3 to approve such connections without considering all circumstances. I found that some outposts were granted of such approval, and some were not, with no clear criteria. It is my judicial opinion, that as a rule a permit for electricity connection is not to be granted to an unauthorized outpost, with the exception of a special security need, according to fixed criteria. I believe that water connection permits shall not be granted, and I find it difficult to imagine a case to justify such a permit.

*The Minister of Defense* shares this view, and he has informed me of his instruction not to connect an unauthorized outpost to infrastructure, including water and electricity networks.

*I recommended* that the Minister of Defense instruct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration to set criteria, which I suggest, when electricity will be connected. A connection would be the exception. The rule is *no unauthorized outpost shall be connected to infrastructure, including electricity or water*. These criteria, for connecting an outpost to electricity only when there is a special security need, shall be subject to the approval of the Attorney General. I further recommended legislative amendments, so as to be in accordance with the Israeli Planning and Construction Law and its regulations, which require "Form No. 4" as a precondition for water, electricity and telephone connections.

#### The Supervising Unit

The Supervising Unit is the Civil Administration's law enforcement branch, responsible of illegal construction in Judea, Samaria and Gaza. The unit is supposed to supervise Israeli and Palestinian illegal construction. In 1998 the Commander of the Area (the present Chief of the General Staff Ya'alon) has limited the unit's scope of supervision. The unit was allowed not to supervise settlements within areas in which a valid detailed plan is in force (see response of Chief of the General Staff in sec. 9.1.8). However, the Supervising Unit "stretched" the limitation much more beyond this release, and ceased to supervise at all Israeli settlements in Judea, Samaria and Gaza, regardless of the existence of a detailed plan. This is one of the reasons why *the information the unit holds concerning what actually goes on is lacking. In many cases it has not reported of new neighborhoods, expanded neighborhoods and unauthorized outposts.*

However, there are additional reasons for this informative deficiency, that are not the Supervising Unit's responsibility. Among others: the Supervising Unit is short of staff, and so is unable to fully report, real time, on what actually goes on; no aerial photography to trace illegal construction in the territories is taking place for the last 4 years. These are some of the reasons the Civil Administration lacks all the information it needs regarding illegal construction in the territories. Just lately these flights were resumed, but their pace is still unsatisfying.

On 24 January 2005, as a response to my letter, the Minister of Defense has informed me of his instruction to resume photography flights once a month (annex 3 of booklet C).

*Destruction orders are not executed:* the Supervising Unit issued thousands of destruction orders, according to Illegal Construction Procedure (see chapter 1, Opening Remarks, Definition of Terms –

I.C. Procedure), but they were not executed. Apparently, these orders can be executed only at the instruction of the Minister of Defense. Ministers of Defense have avoided for years instructing the execution of destruction orders, except for single cases. I have presented this matter to the current Minister of Defense, Mr. Mofaz (see his response and my position, *ibid* – chapter 9, sec. 9.1.8).

Therefore, the unit works in vain. *To conclude, the Supervising Unit is insignificant and almost worthless as a law enforcing instrument over unauthorized construction. It fails to produce the benefit it is expected to produce, considering its role.*

I recommended to increase the Supervising Unit's staff. The Minister of Defense has informed me of his instruction to resume aerial photography flights monthly, and I find it satisfying. However, a deciphering unit of aerial photography must be established; the Supervising Unit must expand its supervision over the Israeli settlement in Judea, Samaria and Gaza, and not settle with the supervision done so far. I further recommend the Prime Minister to instruct the Minister of Defense to order the execution of valid destruction orders.

#### Caravan Conveying Permit

The typical way of establishing unauthorized outposts is conveying caravans, placing them on the ground and connecting them to networks. A caravan is "a house on wheels". Its mobility enables establishing a settlement overnight. Conveying a caravan into and within the territories requires a permit. Placing one on the ground requires a building permit. Therefore, a permit to convey a caravan may be granted only when there is a valid building scheme in force at the caravan's destination, which allows placing the caravan on the ground.

It appears that the Assistant to Defense Minister – Settlement Affairs has approved the conveyance of caravans into the territories, even after informed there is no planning status at its destination. According to the State Comptroller Report and other documents, the former Assistant to Defense Minister did the same.

It also appears that caravans permitted to reach specific places have not arrived at their destination. An inspection in 2004 discovered that 70 out of 111 caravans inspected never reached their destination. In the meanwhile, caravans arrived at unauthorized outposts.

On July 2004 the Minister of Defense Mr. Mofaz ordered to strict the instructions regarding permits to convey caravans. He ordered that IDF soldiers escort caravans with permits, until they arrive at their destination. In spite of this instruction, caravans still arrive at unauthorized outposts.

I was informed that lately the Minister of Defense has stiffen further more the conditions for granting a caravan convey permit. The Minister demands proof of the necessity for a caravan, as a precondition for a conveyance permit. In spite of the Minister of Defense's positive steps, caravans still arrive at unauthorized outposts.

To illustrate my point, according to "Report on Illegal Sites and Fresh Invasions in Judea, Samaria and Gaza", between 18 August and 5 December 2004 64 caravans were placed in unauthorized outposts, in spite of the criteria aggravation for conveyance.

*I recommended* that the terms already set, such as enclosing a valid building permit granted by a planning committee and a legal affidavit clarifying the need for the caravan, will be legislated in security legislation dealing with caravan conveyance permits. I recommend to issue an order requiring the applicant to enclose an aerial photograph of the caravan's destination, a valid detailed plan, and a written approval by the local council engineer assuring the caravan will be placed according to the plan. I further suggested that an applicant for a caravan conveyance permit will be required to deposit *guarantees* at an amount to be determined, to insure the caravan arrives at its destination and stays there. The guarantees will stand for 18 months after the arrival of the caravan to the Judea, Samaria and Gaza territories. If the caravan is found out of its place, the guarantee will be confiscated.

Setting Fixed Periods for Civil Administration Officials

Officials at the Civil Administration have a difficult duty, which exposes them to hard stress. On the one hand, they have a very broad authority, and on the other hand they have to deal with ideological passionate people. This puts them under pressure and lobbyism for permits and licenses. A lengthy service at these offices may wear them out and harm their functioning (see details and examples in sec. 9.1.11 of the report).

As opposed to the standard custom in IDF, Civil Administration officials remain at office for many years. I recommend to set fixed periods for managing roles in the Civil Administration.

Assistant to Defense Minister – Settlement Affairs

The Assistant to Minister unit is subordinate directly to the Minister of Defense. The Assistant to Defense Minister – Settlement Affairs is the head of the unit. Office directives of the Ministry of Defense define his duties. His roles are mainly – assisting local authorities and settlements by allotting budgets for security purchases; initiating and assistance in security affairs inside settlements; supervising the execution of the Minister of Defense policy regarding settlements in Judea, Samaria and Gaza.

I found that the Assistant to Defense Minister – Settlement Affairs wrote letters to the Settlement Division confirming that specific outposts, that are unauthorized outposts, are independent settlements eligible for budgets and emblems. The Minister of Defense is not an addressee of these letters. Mr. Shechner, Assistant to Defense Minister – Settlement Affairs, has not informed the Minister of these letters. The Minister of Defense confirms he had no knowledge of the letters and of their content.

The Assistant to Defense Minister – Settlement Affairs claims these letters to engage only with security needs of the unauthorized outposts. I haven't found any security issues in these letters. However, other requests appear in them, concerning settlement emblems and budgets. It must be clarified, that a settlement is eligible for an emblem only if it has legal planning status. *The emblem allows a settlement to receive budgets from the Ministry of Interior Affairs designated for local authorities.*

These letters *allegedly exceed the Minister Assistant's jurisdiction*. It is not his duty to engage with settlement acknowledgement or budgeting by the Ministry of Interior Affairs.

These letters do not reflect the position of the Minister of Defense nor of the Ministry of Defense, since the Minister has declared at a Knesset committee session that some of the outposts mentioned in Mr. Shechner's letters are unauthorized outposts. *It turns out that the Assistant to Minister of Defense acts contrary to the policy of the Minister of Defense*, while his job is to implement the policy of the Minister and the Ministry, and not to create his independent policy, which is opposite to office policy.

These letters were sent as to instruct another authority (the Settlement Division of the World Zionist Organization). It seems the letters are misleading. The Settlement Division waves these letters, claiming them to be approval by the political echelon that the outposts mentioned are authorized, while in fact no authorized political echelon had decided to establish them. One of these letters found its way to Mekorot, but they refused to rely upon it, and did not connect an unauthorized outpost to the water network. A similar letter was presented in a Supreme Court proceeding. See sec. 9.2.2 of the report for the reference of the Supreme Court to this letter.

The Assistant to Defense Minister – Settlement Affairs also approved conveyance of caravans into the territories, although he was informed their destination has no legal planning status. *This means the Assistant to Defense Minister – Settlement Affairs approved conveying caravans to illegal destination*. In the meanwhile, the Civil Administration sent its Supervising Unit to issue termination orders, for the purpose of issuing destruction orders, for the same caravans.

The Assistant to Defense Minister – Settlement Affairs wrote the Settlement Division a letter The Assistant to Defense Minister – Settlement Affairs wrote the Settlement Division a letter concerning supplying electricity for circumferential lighting in unauthorized outposts. This is a general direction

regarding a principal and problematic question. As I mentioned, in principal, connecting an unauthorized outpost to electricity is illegal. The Minister of Defense had no knowledge of this letter.

*It concludes that The Assistant to Defense Minister – Settlement Affairs has allegedly acted in contrary to the policy of the Minister of Defense and of the Ministry of Defense, exceeding his jurisdiction; instructed other authorities in a manner which could be misleading; approved activities which were known in advance to result in violation of the law.*

I have presented all of this information to Mr. Shechner and to the Minister of Defense (see their positions in sec. 9.2.2-4 & 9.1.6). The Minister of Defense has informed me that he was unaware of these letters, and stressed that they were inappropriate. He commented Mr. Shechner on his actions, and instructed him not to issue any more certificates concerning unauthorized outposts. After considering the matter I have found it still unsatisfactory.

I therefore *recommended* to consider the necessity of an Assistant to Defense Minister dealing with Settlement Affairs. If there is a need, the office should be fulfilled by a person with no prior obligation to outposts and to the settlement enterprise, so that she can fulfill her roles objectively, following the Minister of Defense instructions.

I further *recommended* the Prime Minister to deliver the report findings concerning the Assistant to Defense Minister – Settlement Affairs to the Attorney General, in order to examine whether legal proceedings should be taken against him.

#### Law Enforcement in Judea, Samaria and Gaza

A large part of the report was dedicated to the subject of law enforcement in the territories, with an emphasis on unauthorized outposts. I find three main reasons for the failure of enforcing the law concerning unauthorized outposts:

- A. State authorities, State officials and public authorities were unlawfully involved in establishing the unauthorized outposts.
- B. Ineffective law enforcement.
- C. Lacking of suitable legislation and legal tools to deal with building unauthorized outposts.

#### The Legal Treatment of Derivative Offences Accompanying the Establishment of Unauthorized Outposts

Establishing unauthorized outposts involves criminal offences. The legal treatment may be of two kinds. One – criminal; the other – administrative, by the IDF and the Civil Administration, i.e. removing the invasive caravan or the illegal construction, or evacuating the outpost, etc.

*The criminal procedure* comes up against many problems. Some because of no suitable legislation. (For example: conveying a caravan without a permit into Judea, Samaria and Gaza is an offence of 5 year imprisonment, but no court has jurisdiction over this offence. The result is criminal cases and investigations running in vain. Illegal construction is not a criminal offence in the territories. As a result, no one is brought to justice because of illegal construction in the territories. Etc.) A different problem is the difficulty in obtaining evidence in Judea, Samaria and Gaza. Another difficulty is the involvement of State and public authorities in breaking the law by establishing the unauthorized outposts.

*The administrative procedure* requires instructions from the political echelon. No destruction order will be executed without instruction from the Minister of Defense; no unauthorized outpost will be evacuated without a direction from the Prime Minister and the Minister of Defense, etc.

It has been years since Defense Ministers have instructed to execute destruction orders. *Thousands of destruction orders are lying still.*

*Furthermore, no general political instruction to issue delimiting orders against the unauthorized outposts is given (an outpost can be evacuated only after such order is issued). Even outposts which*

*their delimiting orders were approved months ago by the High Court of Justice were not evacuated (six outposts, four of which were previously evacuated and returned). This gives a clear signal of no law enforcement in the territories.*

Security legislation in the territories is the authority of the Commander of the Area. But in fact such legislation requires the support of the political echelon. Especially legislation regulating unauthorized outposts. Security legislation requires extensive amendment. Without such support, this cannot be done. Over the last few months some work was initiated to amend legislation.

*Law Enforcement Regarding Outposts is Mainly in the Hands of the Political Echelon*

*The conclusion is that, as opposed to Israel, law enforcement in the territories is partially in the hands of the political echelon, especially in the matter of unauthorized outposts.*

*The Message Given by the Political Echelon Concerning Law Enforcement Regarding Unauthorized Outposts*

*As far as law enforcement is concerned, the political echelon sends a message of no enforcement, when it comes to the territories. Felons are not punished. The overall picture draws the conclusion that no one seriously wants to enforce the law:*

Some of the land confiscation and illegal construction was done with the unauthorized aid of the Ministry of Housing and the Settlement Division, while Some of the land confiscation and illegal construction was done with the unauthorized aid of the Ministry of Housing and the Settlement Division, while *violating the law* publicly; the State of Israel finances at least part of the establishment of unauthorized outposts; the Civil Administration overlooks for years neighborhood expansions, either nearby or far away from settlements, done without a lawful detailed scheme, sometimes over private Palestinian property; does not supervise construction there; refuses to give information regarding outposts, with excuses such as the definition of an outpost, claiming not to have such information because of the limitation of its supervising powers – which it "stretched" as I mentioned way beyond its instructions; the Ministry of Defense sometimes permit caravans to enter Judea, Samaria and Gaza even when there is no legal planning for their destination; Assistant to Defense Minister – Settlement Affairs certifies other State authorities, that unauthorized outposts are settlements eligible for an emblem (which means eligibility for local authority budgets from Ministry of Interior Affairs), while the Minister of Defense publicly declares them as unauthorized; thousands of destruction orders remain unexecuted for years; the outposts keep increasing and getting thicker, while no delimiting orders are issued, not even regarding outposts mentioned in the March 2001 list, which Israel took upon itself an explicit political obligation to evacuate; delimiting orders *issued and approved by the High Court of Justice remain unexecuted (four outposts, plus two more previously evacuated and returned)*; orders *necessary for law enforcement* are not legislated, as well as amendments to existing orders.

To this I should add the security concept that wherever an Israeli is placed in the territories – he should be protected. Thus, IDF soldiers will arrive at any place where someone decided to build an outpost, and protect him.

*The result is that IDF is unwillingly dragged to give its "seal" to illegal settlements, by being present and protecting the settlers. In its presence, and by protecting law violators, IDF sets the situation, together with these violators. It gives them protection, instead of evacuating them.*

*Therefore it seems that law violation became institutionalized. We face not a felon, or a group of felons, violating the law. The big picture is a bold violation of laws done by certain State authorities, public authorities, regional councils in Judea, Samaria and Gaza and settlers, while false presenting an organized legal system.*

This sends a message to IDF, its soldiers and commanders, the Israeli police and police officers, the settler community and the public.

*And the message is that settling in unauthorized outposts, although illegal, is a Zionist deed. Therefore the overlook, the "wink", the double standard becomes it.*

This message has a very bad influence – both on the IDF and on the Israeli police.

*The Role of IDF in Enforcing Law and the Influence of the Message Coming from the Political Echelon*

The IDF soldiers' main mission in the territories is taking care of security. The Israeli police's role is to enforce the law. But sometimes law enforcement becomes IDF's job, for several reasons.

Legally speaking, the Commander of the Area has sovereignty in the territories. This makes him responsible for the overall order and security in the territories. Judea and Samaria (JS) district of the Israeli police is his subordinate.

The overall responsibility is IDF's not only because of formalities. IDF soldiers are the ones who are in fact in the area, as opposed to the small police force of the JS district. IDF is first to witness Israelis breaking the law. The police arrive at the place mostly later on. Sometimes, because of security reasons, the police cannot even get to the scene of the crime. Furthermore, any security event, in which IDF soldiers are involved, can turn out to be a criminal one, and The overall responsibility is IDF's not only because of formalities. IDF soldiers are the ones who are in fact in the area, as opposed to the small police force of the JS district. IDF is first to witness Israelis breaking the law. The police arrive at the place mostly later on. Sometimes, because of security reasons, the police cannot even get to the scene of the crime. Furthermore, any security event, in which IDF soldiers are involved, can turn out to be a criminal one, and vice versa.

Law Enforcement Procedure in the Territories, which is a part of IDF Commands, gives IDF soldiers the same enforcement powers as policepersons.

But in practice IDF soldiers do not enforce the law, have no knowledge of the Law Enforcement Procedure, and have no interest to function as cops. *"The commander spirit"*, as described to me, sees the settlers' acts building outposts as Zionist deeds, although illegal, and asks them not to inspect such acts through the eyes of the law. This "commander spirit" is nourished by the involvement of State authorities and public authorities in establishing unauthorized outposts (see sec. 10.3 of the opinion for details on IDF officers' statements in this matter).

The failure to execute delimiting orders gives a good example of the lack of enforcement coming from the political echelon. This is a matter of special severity, because it is not a case of neglect, *but rather a process of enforcement that stopped after the Supreme Court approved the enforcement.*

The attitude towards law breaking settlers is mostly forgiving. The result is a large increase in law violations (see details in sec. 10.5 of the opinion).

I might add that high ranked officers told me that the deterioration of the security in the territories over the last few years, plus the intensive occupation of IDF soldiers in defense missions, were sometimes abused by settlers to increase settling in unauthorized outposts.

*Judea and Samaria (JS) District of the Israeli Police*

The Israeli police find it difficult to handle the ongoing law violation, done also by State and public authorities. It might be added that the Israeli population in the JS district is partly hostile to the police and uncooperative. Sometimes harsh hostile actions are taken against police officers. For instance, young children throw eggs and even stones at police officers. Above all this, the JS staff is very small, and some of them are sometimes sent to other districts, to handle enforcement difficulties over there (see in detail – sec. 10.6 of chapter 10).

When dealing with land disputes, which are relevant to the unauthorized outposts phenomenon, JS police officers find it hard to collect necessary evidence. In order to accuse of trespassing, it needs to prove



who holds the land, and sometimes who owns it. Most of the lands in Judea, Samaria and Gaza were not regularized, and therefore it is difficult to show ownership. Proving possession is also problematic.

Another difficulty is land law in the territories. It is based on Ottoman, Jordanian, and sometimes Mandatory sources, and on security legislation in the territories. This complexity is very difficult for JS police. In fact, its ability to handle it is minimal. This is part of the reason why legal proceedings were almost never taken against trespassers who unlawfully took over Palestinian property.

#### Summary of the Law Enforcement in the Territories Chapter

Almost all senior officials who I talked with, in the Ministry of Defense, IDF and the Israeli police, believe that the major difficulty with enforcing law in the territories, regarding unauthorized outposts, is the mixed message sent by Israeli governments along the years to executive echelons, both security and civil. As soon as the government decides upon a clear policy, this reality will stop and a solution will be found.

*I recommend* a change of the political message, by giving immediate instructions to the relevant offices, as I proposed; by making the necessary government resolutions; by evacuating those unauthorized outposts which legally may be evacuated; by issuing delimiting orders against unauthorized outposts; by instructing the Commander of the Area to initiate execute a legislative reform in security legislation, as I proposed; by allotting the necessary budgets to increase enforcement.

#### Reform Proposal in Security Legislation Concerning Law Enforcement in the Territories

I propose a legislative reform in security legislation in the territories. In the past few months the Legal Adviser to Judea, Samaria and Gaza, IDF International Branch and the Deputy Attorney General (Consulting) Mr. Mike Blass are engaged in preparing proposals for changes in security legislation in the territories. My proposals are partly based, among other sources, upon their work. These are the main proposals:

- A. A MENDING SECURITY LEGISLATION – *ORDER CONCERNING UNAUTHORIZED BUILDINGS (TEMPORARY PROVISION) 1539*. THIS IS THE MAIN LEGAL TOOL USED TO EVACUATE UNAUTHORIZED OUTPOSTS. I PROPOSE CHANGING THE PUNISHMENT FOR VIOLATION, BY SETTING A SUBSTANTIAL IMPRISONMENT PUNISHMENT AND A BURDENSOME PENALTY. IN ADDITION, AN AUTHORIZED COURT MUST BE DETERMINED, TO WHICH ISRAELIS CAN BE BROUGHT (SEE THE FOLLOWING KNESSET LAW PROPOSAL).
- B. As for evacuation of outposts – the existing legislations seems sufficient. If future evacuation encounters legal difficulties, an alternative way to solve it may be considered.
- C. A MENDING SECURITY LEGISLATION BY ADDING PROVISIONS ENABLING CONFISCATION AND REMOVAL OF CARAVANS, PLACED ON THE GROUND OR CONNECTED TO INFRASTRUCTURE, THROUGH A QUICK ADMINISTRATIVE PROCEDURE, WITHIN A FIXED PERIOD OF TIME.
- D. Amending security legislation – Adding to the following requirements for a caravan conveyance permit:
  - (1) A caravan conveyance permit shall be granted only after a valid building permit to place the caravan in its destination is presented; an aerial photograph of the caravan's destination is displayed; a valid detailed building scheme is presented; and a written approval by the local council engineer assuring the caravan will be placed according to the scheme.
  - (2) The petitioner for the permit must deposit an 18-month guarantee to insure the caravan arrives at its destination and stays there.
  - (3) The petitioner for the permit shall clarify, in a written legal affidavit, the necessity in conveying the caravan.
- E. A MENDING SECURITY LEGISLATION IN ORDER TO EXTEND AUTHORITIES FOR TREATMENT OF ILLEGAL INVADERS *TO PRIVATE PROPERTY*. THE GOAL IS TO SUPPLY WITH EFFECTIVE PROTECTION AGAINST UNLAWFUL INVASION *TO PALESTINIAN PRIVATE PROPERTY*.
- F. Amending the Jordanian Planning and Construction Act, by supplementing provisions, as similar as possible to Israeli legislation regarding "Form No. 4" as a precondition for connecting a building to water and electricity networks.

- G. A MENDING THE JORDANIAN PLANNING AND CONSTRUCTION ACT, SO THAT BUILDING WITHOUT PERMIT IS A CRIMINAL OFFENCE. IT SHALL BE DETERMINED WHICH COURT IS AUTHORIZED TO JUDGE SUCH OFFENCES; AND PROSECUTORS SHALL BE AUTHORIZED.
- H. Amending security legislation concerning limitations on construction in the territories, due to some incompatibility to government resolution 150.

#### Knesset Legislation

I propose to amend sec. 2(a) of the Law Concerning the Extension of Validity of Emergency Regulations (Judea, Samaria and Gaza – Judgment of Offences and Legal Aid), 1967, in order to allow the prosecution of an Israeli who violated a law in the territories that is not an offense inside Israel, such as *entering caravans into the area and conveying it not according to a permit; violation of a prohibition to enter closed military area; violation of a delimiting order according an order regarding unauthorized buildings, etc.*

This is a vital and immediate amendment, since there is almost no legal way to prosecute an Israeli who violated the abovementioned (and more) laws in the territories. *Alternatively*, amending security legislation in order to allow prosecuting Israelis in local courts. As mentioned above, the following is the full recommendation chapter in the opinion. It is followed by the conclusion chapter.

### CHAPTER TWELVE: RECOMMENDATIONS

- 12.1 Organizational Recommendations
- 12.2 Amendments to Existing Government Resolutions and New Resolutions
- 12.3 Administrative Instructions to State Authorities Regarding Unauthorized Outposts
- 12.4 Knesset Legislation Proposals
- 12.5 Reform in Security Legislation
- 12.6 Recommendations for the Attorney General

#### PREFACE

While writing the opinion I decided to integrate relevant recommendations in every chapter. This does not make a recommendations chapter unnecessary. This recommendations chapter includes the same integrated recommendations, for convenience, and adds further recommendations. Aside the new recommendations, I explained why they are needed. These are my recommendations.

### 12.1 ORGANIZATIONAL RECOMMENDATIONS

#### *12.1.1 Establishing a Coordinative and Instructive Directorate Regarding Outposts*

One of the difficulties emerging from this report is the absence of one body which coordinates and instructs the different authorities regarding unauthorized outposts. One of the reasons for the systematic failure in the matter of unauthorized outposts is the fact that authority is given to many bodies. The bounds of jurisdiction are not clear; different bodies handle the same matters uncoordinated; relevant facts are inaccessible being only in the possession of the Civil Administration, in an unorganized and unsystematic manner. In fact, the qualified authorities, supposed to examine this information and decide upon it, do not have it; the connection between the executive and the political branches is inappropriate, and there is no clear guidance from one authoritative body.

This harsh situation demands actions. Some of which are:

A central body must be established. It will guide and instruct all other bodies, coordinate them, and certify some of their actions. This body shall hold all information concerning Israeli construction in Judea, Samaria and Gaza, including up-to-date aerial photographs, full data on authorized and unauthorized schemes, titles in land, information about obligations made regarding land allotted, and more.

This coordinative and instructive body will be subordinate to the Prime Minister, and coordinated with the Minister of Defense.

The jurisdiction and authority of all bodies involved in this matter must be clearly defined.

It must be clearly instructed: which actions are completely prohibited, and which are allowed on discretion. Such discretion must be evident, equal and general. Ad hoc decisions, with no clear criteria or reasons, will not be acceptable any more.

The instructive body will check the implementation of government resolutions and this opinion's recommendations, if accepted.

The instructive body will examine money transference to the territories and to Israeli settlements and make sure it doesn't end in unauthorized outposts;

The instructive body will check whether the bodies and authorities mentioned in this opinion have ceased their illegal or improper activity, as mentioned above.

As for this body's jurisdiction and operating mechanism, I recommend an inter-official team, to present to you a detailed proposal.

#### *12.1.2 Distributing the List of Unauthorized Outposts to the Ministries*

I recommend the distribution of the unauthorized outposts list to all government Ministries. They will be instructed not to take any illegal action, according the Attorney General direction of April 2004.

#### *12.1.3 Budgets for Law Enforcement in the Territories*

- A. The staff at the Supervising Unit of the Civil Administration must be reinforced, in order to actually supervise the illegal Israeli construction in the territories. The Head of the Civil Administration, together with the Coordinator of Government Activities in the Territories and the Legal Adviser to Judea & Samaria will prepare a proposal for the additional staff needed.
- B. The proposed changes in security legislation requires new prosecutors to handle illegal construction offences in the territories (I believe three prosecutors are needed).
- C. Additional staff is needed at the Legal Adviser to Judea & Samaria Bureau – in order to increase the involvement of the Legal Adviser staff in planning and licensing committees and other Civil Administration committees, to support the amendments to security legislation with the necessary legal advice, and to prepare the State's and the other authorities' responses in High Court proceedings. I believe 3 solicitors must be added for this.
- D. Additional staff is needed for the Judea & Samaria Police District, to enable more effective law enforcement. Alternatively, as the Chief Inspector of the Police suggested, Magav police officers posted in Judea, Samaria and Gaza for special operations can be added to the JS District police force.

These changes require budgeting, and I recommend so.

#### *12.2 Amendments to Existing Government Resolutions and New Resolutions*

12.2.1 I recommend the abolishment of resolution 175, to be replaced by the following one:

*This resolution concerns establishing and expanding settlements in Judea, Samaria and Gaza*

- A. *The establishment of a new settlement or the building expansion of a settlement in the Judea, Samaria and Gaza territories (hereinafter: "expansion"), which was established by a government or a Settlement Minister Committee resolution – requires a government resolution.*
- B. *An expansion of the jurisdiction of a regional, aerial or city council or of a settlement in Judea, Samaria and Gaza – requires a government resolution.*
- C. *A settlement established according to a government or a Settlement Minister Committee resolution, and neighborhoods or buildings were unlawfully built nearby, no expansion is to be executed nearby such buildings until it is decided what will become of them.*
- D. *The Minister of Defense shall not grant a planning permit, and a planning committee shall not consider a scheme before presented the appropriate approvals of the political echelon, as required according to this resolution.*

#### *12.2.2 Amending Resolution 150 of 1996*

I propose some amendments to this resolution. The resolution is as follows:

- a. "a. With respect to settlement within Judea, Samaria and Gaza... government Ministries shall act as follows, subject to the authorities of the security system and the Minister of Defense in this field, and in the framework of the approved State budget's sections, according to the instructions of the Prime Minister.
- b. Any new licensing of planning and State land allotment for construction in the areas is subject to the approval of the Minister of Defense.
- c. Planning committees in the areas shall not consider a contour scheme before the approval of the Minister of Defense. Such scheme shall be valid only at the Minister's approval.
- d. The above provisions shall be implemented in security legislation in Judea, Samaria and Gaza.
- e. This resolution replaces resolution 360 of 22 November 1992...
- f. Following the above mentioned: all matters of overall policy regarding settlements, road paving and proposals for establishment of new settlements will be brought to the discussion and resolution of the government."

These amendments must be made:

A. Application of Resolution 150 to Allotments Prior to 1996

This resolution does not consider old land allotments, prior to 1996, made to the Zionist Organization and to other settling bodies and were not yet sub-allotted to others. Indeed, I recommended the abolishment of all allotments made by the Commissioner to the Zionist Organization and not yet sub-allotted to others.

I do not know whether this recommendation is accepted. I also know there are other settling bodies. I do not know if they land were allotted to them and not yet sub-allotted to others. Therefore, in addition to my recommendation regarding the Settlement Division, I recommend the amendment of resolution 150, in accordance with its purpose: land allotted prior to the 1996 resolution shall not be sub-allotted, unless it is so permitted by the Minister of Defense. I therefore propose the following government resolution:

*Any land allotment made by the Commissioner of Government and Deserted Property of the Civil Administration to a settling body before government resolution 150, where the land has not yet been allotted by the settling body to others – shall immediately be abolished, and the land shall return to the Commissioner.*

*Government resolution 150 (and other resolutions if to be made following this opinion) will apply to such land returned to the Commissioner.*

B. Land Allotment for Purposes Other Than Construction

Government resolution 150 deals only with land allotments for construction purposes:

- b. Any new licensing of planning and State land allotment for construction in the areas is subject to the approval of the Minister of Defense.

Therefore it seems that the resolution does not apply to *land allotment for agricultural purposes*. This allows the Zionist Organization to allot lands for agricultural purposes without the approval of the Minister of Defense.

We have already witnessed how land allotted for agricultural purposes then becomes a place for building agricultural farms, and one day an unauthorized outpost appears on it. One of the claims of such settlers is that they are not invaders, since the World Zionist Organization was the one who allotted their land.

I propose an amendment to government resolution 150, so that any allotment of any kind, either for construction, agricultural or any other purpose, is subject to the approval of the Minister of Defense. I therefore suggest the following government decision:

*Amending resolution 150:*

*Sub-section b shall be replaced as follows:*

*b. Any land allotment, either for construction, agricultural or other purposes, and any new licensing of planning, regarding State land in the areas, is subject to the approval of the Minister of Defense.*

#### 12.2.3 Government Resolution Regarding the Settlement Division of the World Zionist Organization

*A government resolution shall be made ordering the Settlement Division:*

- a. To abolish all land allotments held by the Settlement Division and not yet allotted to others, if there are any, and return it to the Commissioner of Government and Deserted Property of the Civil Administration (hereinafter: the Commissioner). The Commissioner shall make a similar examination.*
- b. To abolish all land allotments made to the Settlement Division, and allotted by it to others violating its permit.*
- c. To abolish all land allotments made by the Settlement Division to others, and are still unused, and return it to the Commissioner.*
- d. To abolish all land allotments upon which unauthorized outposts were established, and return it to the Commissioner.*
- e. To cease any activity of the Settlement Division in the territories, unless the Government authorizes ad-hoc the Division as a settling body for the purpose of establishing or expanding a specific settlement in Judea, Samaria and Gaza, that the Government has decided to establish or expand.*
- f. The Ministry of Finance shall modify the Settlement Division budget in light of the necessary changes resulting this resolution.*
- g. The Ministry of Finance shall check whether budgets transferred so far to the Settlement Division are directed according to this resolution.*
- h. The Settlement Division must make every effort to settle the contractual relations between the Commissioner and the settlers in Judea, Samaria and Gaza, regarding land allotted to the World Zionist Organization.*

*In addition, even if these recommendations or parts thereof are not accepted, it shall be decided:*

*The Settlement Division shall not purchase generators nor supply them to unauthorized outposts.*

#### 12.2.4 Government Resolutions Regarding the Ministry of Construction & Housing

Regarding planning, budgeting and establishing unauthorized outposts and/or buildings

- a. The Ministry of Construction & Housing shall not plan a settlement, a neighborhood or any building in Judea, Samaria and Gaza, before running a thorough examination concerning the interests in the lands designated for planning.*
- b. The Ministry of Construction & Housing shall not plan the establishment of a settlement or a neighborhood without a decision of the political echelon.*
- c. The Ministry of Construction & Housing shall not plan an unauthorized outpost post factum.*
- d. The Ministry of Construction & Housing shall not plan, budget or build in lands that are not State lands. For the avoidance of doubt, the Ministry of Construction & Housing shall never take any action mentioned above in survey lands or in private Palestinian property.*
- e. The Ministry of Construction & Housing shall establish a data base with all the information concerning titles to land in Judea, Samaria and Gaza. This data base shall be accessible to all of the Ministry's departments, including the Rural Building Administration.*
- f. The Ministry of Construction & Housing shall not finance nor built in Judea, Samaria and Gaza, either directly or through others, without first getting a building permit.*

#### Regarding future purchase of caravans for Judea, Samaria and Gaza

*Any purchase of caravans designated for the territories is equal to an approval for building houses in the territories. Therefore, any future purchase, by the Ministry of Construction & Housing or by any other Ministry, of caravans designated to the Judea, Samaria and Gaza territories, is subject to the approval of both the Prime Minister and the Minister of Defense, prior to the publication of a tender for their production or acquisition.*

#### 12.2.5 Government Resolutions Regarding the Jurisdiction of the Minister of Defense and the Civil Administration

#### Initiating land survey procedure in Judea, Samaria and Gaza

- (1) *No application to declare survey lands as State lands, according to land survey procedure, shall be submitted, and no such application submitted in the past shall be examined, regarding unauthorized outposts if a delimiting order concerning them were issued according to the Order Concerning Unauthorized Buildings (Temporary Instruction) 1539.*
- (2) *No application to declare survey lands as State lands, according to land survey procedure, shall be submitted, and no such application submitted in the past shall be examined, regarding lands on which unauthorized outposts are located, unless Government has decided to examine the possibility of turning the unauthorized outpost into an acknowledged settlement.*
- (3) *No application to declare survey lands as State lands, according to land survey procedure, shall be submitted, and no such application submitted in the past shall be examined, unless Government has previously decided to establish an Israeli settlement in the same area.*
- (4) *No application to initiate land survey procedure shall be submitted without the approval of the Minister of Defense or his Deputy. They may not delegate their authority.*

*An application according to land survey procedure shall not be promoted if the land is already examined by the Civil Administration, unless the Minister of Defense approves such promotion, and further certifies that this government resolution is implemented regarding it.*

#### Acquisition of Land by Israelis in Judea, Samaria and Gaza

*Acquisition of Land by Israelis in Judea, Samaria and Gaza requires the written approval of the Minister of Defense. The Minister of Defense may delegate this authority only to his Deputy. The Order Concerning Land Transactions (Judea & Samaria) (No. 25), 1967 shall be amended so that the government resolution is implemented in security legislation.*

### 12.3 Administrative Instructions to State Authorities Regarding Unauthorized Outposts

#### 12.3.1 Instructions for the Ministry of Construction & Housing

##### Regarding planning of unauthorized outposts

*The Minister of Construction & Housing shall be instructed to immediately cease further planning of unauthorized outposts in Judea, Samaria and Gaza, which are still in planning procedures. Since some of the planning is done by free lance architects, the Legal Adviser to the Minister, with the guidance of the Ministry of Justice, shall check for legal possibilities to cancel the contracts at the minimum cost for the State.*

*The Ministry of Construction & Housing shall receive a qualified unauthorized outposts list, to be updated from time to time. The Director General of the Ministry shall deliver the list to all branches of the office, especially to Rural Building Administration.*

##### Regarding caravans purchased by the Ministry of Construction & Housing in 2003

*The caravans shall not be delivered to others before determining criteria for their disposal. Only after appropriate criteria are set, and contracts are signed with their recipients, and payment arrangements to the Ministry are determined, to the satisfaction of the Legal Adviser of the office, the caravans may be rented or sold to third parties.*

*The Ministry shall demand the return of the caravans delivered to aerial councils in Judea, Samaria and Gaza.*

*The Legal Adviser of the office, with the guidance of the Attorney General, shall determine the appropriate legal manner to restore the caravans to the Ministry of Construction & Housing. They shall also determine the appropriate legal manner to demand and receive appropriate payment from these aerial councils or third parties the caravans were delivered to, for the period of possession.*

#### 12.3.2 Instructions for the Minister of Defense

*I recommend the following instructions to the Minister of Defense:*

##### Regarding allotment of lands by the Commissioner to settling bodies

*a. I recommend the following instructions to the Minister of Defense:*

*Regarding new allotments:*

- (1) *The Minister of Defense shall instruct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration to cease the allotment of lands at this point.*
- (2) *The Minister of Defense shall instruct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration to initiate a serious examination concerning interests in the land to be allotted. No land shall be allotted if it is not State land.*
- (3) *A new allotment decision shall be made only at the written approval from the Head of the Civil Administration to the Commissioner, that the land was reexamined, and after a new up-to-date examination the land was found to be State land. Without such a written approval, the Commissioner shall not allot lands.*

*Regarding old allotments:*

- (4) *The Head of the Civil Administration shall be instructed to systematically examine all lands previously allotted by the Commissioner to settling bodies, including the Settlement Division, to determine whether the land is State land*

*If the land is found not to be State land, any usage or plan thereof is to be prohibited.*

***b. Instructing Planning Committees***

- (5) *The Head of the Civil Administration shall instruct planning committees not to approve any scheme for Israeli settlement unless a reexamination proved the relevant land to be State land. The Head of the Civil Administration shall certify that such a reexamination has taken place.*

***c. Setting Criteria for Land Allotment***

- (6) *The Head of the Civil Administration, together with the Legal Advisor to Judea and Samaria, the International Law Branch of the IDF, and the Military Attorney General shall set criteria for the allotment of lands for various purposes. These criteria are subject to the approval of the Minister of Defense. The Attorney General may also approve the criteria, if he wishes to do so.*

**Regarding the requirement for the Commissioner's signature on the building permit as the owner**

*I recommend an instruction the Minister of Defense, to direct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration as follows:*

- a. *A planning committee may not consider a building permit application and may not issue a building permit regarding State land, without a written approval of the Commissioner of Government and Deserted Property.*
- b. *The Commissioner shall sign a building permit only after contractual relations were made between the Commissioner and the Division of the World Zionist Organization, and between the Commissioner and the settlers, and only after all payments involved were settled.*
- c. *The Commissioner shall not sign a building permit where the land was allotted to the World Zionist Organization for planning purposes only.*

**Regarding the requirement for a written approval from the political echelon for considering a scheme**

*The Minister of Defense shall instruct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration to direct planning committees not to consider a scheme unless presented with a certified political echelon resolution to establish a new settlement or to expand an existing one. The certificate is required both for the construction applied for, and the expansion of the bounds of jurisdiction.*

**Building permit for an Israeli according to a Mandatory plan**

- a. *The Minister of Defense shall instruct the Commissioner, that the latter shall sign from now on any application of an Israeli for building permits according to a mandatory plan regarding State lands. The Commissioner must first receive the approval of the Minister of Defense.*
- b. *The Minister of Defense shall instruct the Coordinator and the Head of the Civil Administration to direct license committees not to consider applications for building permits without the written approval of the Commissioner on the application.*
- c. *The Commander of the Area shall be instructed to order that license committees may grant building permits according to a mandatory plan only to Israelis who submit an approval by the Area Commander for such permit.*

Regarding the connection of unauthorized outposts to electricity and water networks

- a. *The Minister of Defense has instructed, as a general rule, that no unauthorized outpost may be connected with electricity. Nevertheless, the Minister of Defense shall instruct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration to propose criteria for exceptions, in which unauthorized outposts shall be connected to electricity, and only when there is a special security need, and subject to the approval of the Head of the Civil Administration. The Attorney General may review and approve these criteria. As for connecting an unauthorized outpost to water, the Minister of Defense is of the opinion that no such connection shall be done. This is his general instruction, and I find it satisfying.*
- b. *The unauthorized outposts list, which will be updated from time to time, shall be delivered to the Coordinator of Government Activities in the Territories and to the Head of the Civil Administration. They shall instruct the Electricity and Water Staff Officer not to approve of electricity or water connections to an unauthorized outpost. Where the Water or Electricity Staff Officer is uncertain whether the outpost is unauthorized, he must receive in advance an approval from the Head of the Civil Administration himself, for the connection.*
- c. *The Ministry of Defense shall inform the Director of the Electricity Company and its Jerusalem District Director, as well as the Director of Mekorot and its Center District Engineer, of these instructions, and send them the unauthorized outposts list.*
- d. *In case of an unauthorized outpost connected illegally to the electricity network of an acknowledged settlement, the Minister of Defense shall instruct the Head of the Civil Administration to cut off such connection through the Supervising Unit and Electricity Staff Officer.*

Regarding conveyance of caravans

*I recommend instructing the Minister of Defense to regulate by the Order Concerning Transference of Goods (1252) and by the Caravan Conveyance Procedure the following provisions (if they are not yet regulated):*

1. *A precondition for receiving a caravan conveyance permit shall be: presenting a valid building permit issued by a planning committee, which will be attached to the application; presenting an aerial photograph of the caravan's destination, a valid detailed plan, and a written approval by the local council engineer assuring the caravan will be placed according to the plan.*
2. *In every application for caravan conveyance permit, the Civil Administration and the Coordinator shall examine whether the building permit was legally issued, and whether the caravan is to be located according to the plan. They shall submit their written opinion to the Minister of Defense.*
3. *A petitioner for a caravan conveyance permit shall clarify, in a written legal affidavit, the necessity in conveying the caravan into the territories.*
4. *A caravan conveyance permit shall be conditioned, as suggested in section 5 as follows.*
5. *An applicant shall deposit a guarantee to insure the caravan arrives at its destination and stays there. If one of the conveyance permit provisions is violated within 18 months after the arrival of the caravan to the Judea, Samaria and Gaza territories, the guarantee will be confiscated.*
6. *The Commander of the Area shall determine the amount of the guarantee by issuing an order.*

Regarding the Supervising Unit of the Civil Administration

*I recommend instructing the Minister of Defense to direct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration as follows:*

1. *To define the supervising jurisdiction of the Supervising Unit as including the Israeli settlement in Judea, Samaria and Gaza in these places: the Supervising Unit shall supervise any area of Israeli settlement that a building permit cannot be issued in by the power of a detailed scheme; the Supervising Unit shall supervise any area where construction is done in contrary to the destination of the land. The Head of the Civil Administration shall regulate, with the approval of the Minister of Defense, supervising rules according to these instructions, for the Supervising Unit.*
2. *To considerably increase the Supervising Unit's staff, in light of its unit's deployment.*
3. *Since the Minister of Defense has agreed that aerial photography flights will take place once a month, a responsible body shall be determined to execute this instruction. The photographs will be delivered to a deciphering unit, and shall be used by the Supervising Unit as an important tool for receiving information from the ground. The information gathered shall be delivered regularly to the Coordinator of Government Activities in the Territories and to Mr. Shpigel, Assistant to Defense Minister.*



Regarding the execution of destruction orders

*The Minister of Defense shall be instructed to examine all destruction orders valid today. He shall be instructed to execute all valid destruction orders, and to coordinate the implementation of existing delimiting orders.*

*A permanent forum shall be established for discussion, follow-up and supervision of the execution of destruction orders, headed by the Head of the Civil Administration.*

Regarding regularization of planning status according to section 34a of the Jordanian Planning and Construction Law and granting caravan conveyance permit based upon it

*I recommend instructing the Minister of Defense to regulate the abovementioned rules he has set (sec. 9.1.10) concerning the use of section 34a of the Planning and Construction Law. I recommend regulating an additional requirement for a legal affidavit clarifying the need for a building permit and the urgency for it.*

Regarding setting fixed periods for Civil Administration officials

*The Minister of Defense shall be instructed to direct the Coordinator of Government Activities in the Territories and the Head of the Civil Administration to set fixed periods for managing roles in the Civil Administration, in coordination with the Civil Service Commission.*

Regarding the Assistant to Defense Minister – Settlement Affairs

*I recommend considering whether there is a need for the office of an Assistant to Defense Minister – Settlement Affairs. If you decide there is a need, please consider instructing the Minister of Defense to appoint in the future someone who is objective and uncommitted to a particular sector.*

12.4 Knesset Legislation Proposals

Amending section 2(a) of the Law Extending the Validity of Emergency Regulations (Judea, Samaria and Gaza – Judgment of Offences and Legal Aid), 1977

I have proposed legislation regulating the prosecution of an Israeli who has committed the offence of conveying a caravan without a permit (or not according to a permit); and the prosecution of an Israeli who violated the *Order Concerning Unauthorized Buildings (Temporary Instruction) 1539*; and Israeli who violated a closed military area order; entering A zone without a permit; transferring dangerous materials without a permit.

Therefore I propose amending section 2(a) of the *Law Extending the Validity of Emergency Regulations (Judea, Samaria and Gaza – Judgment of Offences and Legal Aid), 1977*, by supplementing section 1a to the abovementioned section 2(a), as follows:

"In addition to any other law, Israeli courts are authorized to judge an Israeli for any action or omission done within the area if it were an offence according to security legislation in the area, and it is enlisted in the supplement".

The supplement shall include offences according to security legislation, which are not considered offences in Israel. With no appropriate legislation – it is impossible to prosecute. For example: conveying caravans in Judea, Samaria and Gaza without a permit, a violation of the regulations concerning conveyance of movable buildings issued by the power of the *Order Concerning Transference of Goods; Order Concerning Unauthorized Buildings (Temporary Provision) (1539)*; entering a sealed military area, a violation of the order concerning security instructions; conveying flammable material within the area to A and B zones with no permit, delivering flammables to the area and conveying them inside it, without a permit according to *Regulations Concerning Transference of Goods (Conveying Flammables into A & B Zones) (Judea, & Samaria), 2002*, issued by the power of the *Order Concerning Transference of Goods*.

12.5 Reform in Security Legislation

I propose reform in security legislation, which these are part of:

A. Regarding evacuation of outposts – the existing legislation seems sufficient. At this time there is no need for alternative legislation.

- B. Amending the punishment provision of the *Order Concerning Unauthorized Buildings (Temporary Provision) 1539*. A specific punishment shall be set for violating this order. There should be a substantial imprisonment punishment and a burdensome penalty.
- C. Amending the *Jordanian Cities Villages and Buildings Planning Law, Temporary Law 79 of 1966*, so that building without permit is a criminal offence. An authoritative court is set and prosecutors authorized.
- D. Amending the Jordanian planning and building law, in order to apply a similar arrangement as the Israeli need for "Form No. 4" as a precondition for connecting a building to water, electricity and telephone networks. Provisions as similar as possible to section 157a of the *Planning and Construction Law, 1965* and to section 5 of the *Planning and Construction Regulations (Permits for Electricity, Water and Telephone Services), 1981* shall be legislated.
- E. Amending the *Order Concerning Transference of Goods No. 1252, 1978* and *Regulations Concerning Transference of Goods (Caravan Conveyance)*, to allow confiscating a caravan placed on the ground or connected to infrastructure and removing it without the need for a judicial process, within a fixed period of time.
- F. I further suggest supplementing conditions for a caravan conveyance permit, to the *Order Concerning Transference of Goods No. 1252*: (1) No caravan conveyance permit may be granted unless a valid building permit to place the caravan in its destination is presented; an aerial photograph of the caravan's destination; a valid detailed plan; and a written approval by the local council engineer assuring the caravan will be placed according to the plan. (2) The petitioner shall clarify, in a written legal affidavit, the necessity for the caravan. (3) The applicant shall deposit an 18-month guarantee to insure the caravan arrives at its destination and stays there.
- G. Legislation granting more extensive powers to handle illegal invaders to private Palestinian property, by amending the *Order Concerning Removal of Invaders (1472)*.
- H. Amending the *Order Concerning Approval of Planning and Construction Proceedings (No. 1445)* (hereinafter: "*Building Procedure Approval Order*"), which validated government resolution 150 of 1996, according to security legislation.
- I. The *Order Concerning Land Transactions (Judea & Samaria) (No. 25), 1967* shall be amended. Acquisition of land by Israelis in Judea, Samaria and Gaza territories shall require the written consent of the Head of the Civil Administration.

## 12.6 Recommendations for the Attorney General

### Legal Measures

#### Ministry of Construction & Housing officials and others involved

*I recommend delivering all the information gathered in this report to the Attorney General, in order to consider legal measures against State officials and others who were knowingly acted against the law, regarding the establishment of unauthorized outposts and the caravan affair in the Ministry of Construction & Housing, including all aspects of publishing the tender for caravan production, the winning bid, the conveyance of caravans into unauthorized outposts, and any other matter concerning the caravan affair.*

#### As for the Assistant to Defense Minister – Settlement Affairs:

*I recommend delivering all the gathered information concerning the function of the Assistant to Defense Minister – Settlement Affairs to the Attorney General, in order to consider legal measures against him.*

#### Recommendation for Government Resolution to be Drafted by the Attorney General

*I recommend the Attorney General draft a government resolution concerning budgeting a favored project: When a government office wishes to budget some special project out of special funds, and this project gives priority to one sector over others, the Ministry must set the criteria for such budgeting, and make them public.*

#### Expanding the Jurisdiction of the Prof. Eyal Zamir Committee Regarding First registration

*The Attorney General shall consider expanding the jurisdiction of the committee, to examine possible ways to prevent settlers who took unlawful possession of land from gaining title to it by labor and possession, according to sections 78 & 20 of the Ottoman Land Law.*

## Conclusion

The reality revealed is difficult. For years Israeli governments have dismantled of their roles, not formally but in fact, and left the scene for the executive echelon. Instead of the government deciding on establishing settlements in Judea, Samaria and Gaza, others took its place, *beginning in the mid nineties*:

The "engine" behind a decision to establish outposts are regional councils in Judea, Samaria and Gaza, settlers and activists, imbued with ideology and motivation to increase Israeli settlement in the Judea, Samaria and Gaza territories. Some of the officials working in the Settlement Division of the World Zionist Organization, and in the Ministry of Construction & Housing, cooperated with them to promote the unauthorized outposts phenomenon. These actions were apparently inspired by different Ministers of Housing in the relevant times, either by overlooking or by actual encouragement and support, with additional support from other Ministries, initiated either by officials or by the political echelon of each Ministry.

The result was that the executive echelon, so to speak, became the deciding echelon, with no authorization, in contrary to government resolutions, baring no political or public responsibility, which by nature of things rests upon the political echelon. All of this with massive financing by the State of Israel, with no appropriate transparency, no criteria.

The establishment of unauthorized outposts violates standard procedure, good governing rules, and especially an ongoing bold law violation. Furthermore, the State authorities speak two voices. Sometimes grant, and sometimes prevent. Rules have become flexible. One hand builds outposts, the other invests money and force to evacuate them. These actions were not done by individuals only. The problem is State and public authorities took part in breaking the law. They are the ones who financed construction without a resolution by the political echelon, in contrary to government resolutions, with no legal planning status, sometimes not on State owned land, sometimes on private Palestinianian property or on survey land.

State authorities and public authorities broke the laws, regulations and rules made by the State. The IDF, who has sovereignty in Judea, Samaria and Gaza, and is responsible for peace and security, and the Israeli police, who is responsible of law enforcement in these territories – both fail to stand up to their missions. Law enforcement bodies cannot act against State authorities breaking the law. They cannot handle a mixed message, that the outposts are illegal but encouraged by the authorities.

The security concept, that wherever there is an Israeli person – IDF will be there to protect him, resulted in a very sad reality. Therefore, any settler who places his home wherever he chooses, even if unauthorized and against the law – gains the protection of the army. The outcome is that the settlers are the ones who set the army's deployment in the territories, not the army. Everyone is king. In order to protect one outpost, forces must be taken out of other places. The forces are not unlimited, and so the security level drops down.

The protection supplied by IDF to unauthorized outposts, its mere existence there, drags it unwillingly to give its "seal" to unauthorized outposts.

And as if all this is not enough, the law enforcement tools in Judea, Samaria and Gaza is lacking. The security legislation does not support law enforcing bodies with the necessary tools to handle law violations regarding unauthorized outposts. Long time needed legislation was not done, even though the bodies involved are well aware of it. A certain change appears, maybe, in the last few months.

The State of Israel is a democratic state. This is what the Declaration of Independence and the Basic Laws teach us. This is the glue that sticks all its citizens together, allows them to live together in one political entity.

Democracy and the rule of law are two inseparables. One cannot exist without the other.

The reality drawn up in this opinion shows that all of these deeds seriously endanger the principal of the rule of law. Even though the outposts are built in the Judea, Samaria and Gaza territories and not in Israel, the settlers and the authorities who take part in their establishment are Israeli. A continuing, bold, institutionalized law violation undermined the rule of law. When law violations become standard behavior it tends to spread into other areas.

The Jewish settlement in the Judea, Samaria and Gaza territories is a matter in great dispute in Israel. Some support it passionately, others oppose it. Settlement policy in the Judea, Samaria and Gaza territories is should be decided on by an elected government.

But any government policy must obey the law. All officials and politicians are governed by law.

The actions described are not a matter of political view. It is a matter of law enforcement, a question of the rule of law.

In order to maintain the democratic regime of Israel, urgent measures must be taken to change the reality I have described. It can no longer be accepted. It must be reformed, and I believe you have the power to do so.

I therefore suggest to implement my recommendations.



#### **PALESTINIAN FACTIONS, CONCLUDING STATEMENT OF THE CAIRO DIALOGUE, 18 MARCH 2005**

*[Text of the declaration issued by 13 Palestinian groups issued  
at the end of three days of meetings in Cairo.]*

In response to the noble invitation of Egypt, [our sister] country, which gives its sponsorship - for which it must be thanked - a Palestinian dialogue conference was convened in Egypt from 15-18 March 2005, with the participation of Palestinian President Mahmoud Abbas and the participation of 12 organizations and factions.

1. The participants stressed adherence to the Palestinian principles, with no concessions, and the Palestinian people's right of 'resistance,' in order to end the occupation and to establish a fully sovereign Palestinian state with Jerusalem as its capital and to guarantee the refugees' right of return to their homes and plots of land.
2. The participants agreed on a plan for 2005 focusing [on the preservation of] the commitment to continue the current atmosphere of *tahdiah* in exchange for a mutual Israeli commitment to stop all forms of aggression against our lands and against our Palestinian people wherever it exists, and to liberate all prisoners and detainees.
3. The participants stressed that the continuation of [Israeli] settlement, the construction of the fence, and the Judaization of East Jerusalem were factors [that have the potential to cause] an explosion.
4. The participants discussed the domestic Palestinian situation and arrived at an agreement regarding the need to complete comprehensive reforms in all spheres, to support democracy in all its aspects, and to hold elections for the local authorities and the Legislative Council at a time determined in accordance with an agreed-upon election law. The conference recommends that the Legislative Council move to change the Election Law for the Legislative Council and adopt a combination system [consisting of] two equal halves [50% using the method of electoral districts and

- 50% using the method of lists of candidates], and also recommends changing the Election Law for Local Authorities and adopting the relative representation [method].
5. The participants agreed to transform the PLO into an active [organization] and to develop it according to agreed-upon principles, so that it will include all the Palestinian forces and factions - because it is the sole legitimate representative of the Palestinian people. To this end, it was agreed to establish a committee with the mission of determining these principles. The committee is comprised of the chairman of the Palestinian National Council, members of the PLO Executive Committee, the secretaries-general of all the factions, and national figures. The Executive Committee chairman will convene its meetings.
  6. The participants agreed that dialogue is the only means for maintaining relations among all the elements, so as to support national unity and unity of the ranks amongst the Palestinians. They further agreed that the use of weapons during internal conflict is forbidden, and that the rights of the Palestinian residents must be honored and that they [the residents] must not be harmed. Completing the dialogue is considered a basic need for achieving unity, for the sake of the common goal and the preservation of Palestinian rights.



**JOINT COMMUNICATION OF THE COMMUNIST PARTY OF ISRAEL,  
THE PALESTINIAN PEOPLE'S PARTY, AND THE COMMUNIST  
PARTY OF JORDAN, AMMAN, 23 MARCH 2005**

Delegations of 3 parties – the Communist Party of Israel, the Jordanian Communist Party, and the Palestinian Peoples' Party – met on March 13, 2005 in Amman for the purpose of coordinating and cooperating in the struggle against the imperialist American strategy of the “Greater Middle East”, in other words - war, occupation, the theft of national resources, privatization, and the enslavement of the people as a cheap work force for the multinational corporations. We three parties, offer a political and social alternative, based on a socio-economic class outlook, which serves the interests of all of the peoples, and strives for peace democracy and social justice.

The three parties affirmed that the primary struggle in the region is between American imperialism and the peoples of the region. We abhor the aggressive military plans of the Bush-Sharon governments against Syria and Iran. These plans, if they materialize, will draw the peoples of the region into yet another destructive war. We support an independent and democratic Lebanon, and note with support the decision of the Syrian president to withdraw the Syrian troops from Lebanon.

The three parties believe that the struggle for democracy is necessary and positive. However, we must emphasize that the success of this struggle for democracy cannot be reconciled with occupation and cannot be forced upon another nation.

It is the role of the forces of social change to expose the dangers and the hypocrisy of the policies of the Bush government. The American government presents itself as the bearer of democracy and human rights in an attempt to play on the feelings of the peoples and to mask the neo conservative policies of privatization of the public work sector, elimination of workers' rights, the reduction of social safety nets and to force Americanization of culture.

The three parties believe that Sharon's diplomatic and military plans, which enjoy the full support of the Bush administration, will not lead to peace. Sharon's plans are based on using the announced evacuation of the settlements from Gaza as a cover for the massive expansion of settlements in the occupied West Bank, the continuation of the construction of the barrier wall, and the furthering of a policy of oppression, destruction and killing. The main thrust of Sharon's policy is not evacuation, but rather the creation of conditions to prevent the creation of an independent Palestinian state in all of the territories that were occupied in 1967, including East Jerusalem.

Our three parties have an impressive history of gathering public support in opposition to the occupation, oppression and settlements. Many decades ago we presented plans for a just and secure Israeli-Palestinian peace. These plans have stood the test of time, and enjoy wide popular support in our three countries and in the entire world, as well as in UN resolutions.

We again emphasize our support for a comprehensive and just peace, the centre of which is an independent Palestinian state in the West Bank and Gaza Strip, with East Jerusalem as its capital, and the solution of the refugee problem in accordance with the UN resolutions. We warn against the attempt to impose the so-called “Interim Palestinian State”, whose goal is the justification of preventing territorial unity between the West Bank and Gaza, and to prevent the establishment of an independent Palestinian state alongside Israel

Taking into account the dangers to peace lurking in the background, the future and security of all the peoples of the area, and the present options, we three parties turn to all of the “sane” forces in our countries, to the forces of democracy who value civil rights and oppose imperialism and the globalization of the multinational corporations: Let’s join forces in the struggle for peace, democracy and social justice.

We are aware of the heavy responsibility we bear in promoting the cooperation between the Peace Camp and Leftist forces in the region. We have therefore decided to reinforce the solidarity and cooperation between us, in international forums, in actions against the occupation, in opposing the plans of the Bush administration, and for a just and comprehensive peace in the Middle East encompassing democracy and social justice.

Participating in this meeting were:

The CPI delegation – Secretary General Issam Mahoul and members of the politburo Binyamin Gonen, Tamar Gozansky, Ahmad Saad and Dov Khenin

The PPP delegation – Secretary General Basam A Salhi and members of the Politburo Khaled Mansour and Haidar Awadalla.

The Jordanian CP delegation – Secretary General Monir Hamarna, and members of the Politburo Emili Naffa, Osama el Azab, and Rashid Shukair.



**SPEECH BY THE CHAIRMAN OF THE NON-ALIGNED MOVEMENT AND  
PRIME MINISTER OF MALAYSIA, ABDULLAH AHMAD BADAWI, OPENING  
OF THE GLOBAL CIVIL SOCIETY INTERNATIONAL CONFERENCE ON  
PEACE IN PALESTINE, PUTRAJAYA, 28 MARCH 2005**

Excellencies, Distinguished Guests, Participants, Ladies and Gentlemen,

1. I would like, on behalf of the Government and people of Malaysia, to welcome all of you, distinguished participants, to Putrajaya and to this important Conference on PEACE IN PALESTINE. I would also like to welcome Their Excellencies, members of the Diplomatic Corps, and all of you, Ladies and Gentlemen, to this gathering, this morning.
2. I wish to congratulate and warmly commend PEACE MALAYSIA, its Patron Dato' Seri Hishammuddin Tun Hussein, Coordinator Dato' Mukhriz Mahathir, and Chairman of the Conference Dr. Chandra Muzaffar, for organising this important and timely Global Civil Society International Conference on PEACE IN PALESTINE.
3. I am particularly pleased that Malaysia's civil society organisations have galvanised themselves to organise this Conference, the first of its kind in this country. No doubt, they have always sympathised with the plight of the Palestinian people and consistently supported the Malaysian Government's principled position on the issue of Palestine.

4. I welcome the participation of so many distinguished and well-known personalities and experts on the Palestine issue at this gathering. I am very encouraged to know that you have come from far and near, with the common purpose of exchanging views and exploring ways in which members of global civil society can play a more meaningful and constructive role in supporting the Palestinian cause. Indeed, your action is needed at this critical juncture of their struggle.
5. I am especially delighted that PEACE MALAYSIA has taken up the challenge that I had posed to civil society not too long ago. I recall the suggestion I had made on two separate occasions in the recent past on the need to co-opt civil society in the international efforts for a peaceful resolution of the Israeli-Palestinian conflict. I remember in particular the call I made in May last year, on the occasion of the Ministerial Meeting of the Committee on Palestine of the Non-Aligned Countries, here in Putrajaya, on the desirability of manifesting our continued solidarity with Palestine by launching a global, people-based campaign in support of the continuing struggle of the Palestinian people. I thought it would be quite possible to bring into being a global movement akin to the global campaign against apartheid in South Africa which led to the freeing of Nelson Mandela from incarceration and, eventually, to the crumbling of that racist system. I am therefore very pleased and gratified that the call that I made at that meeting has not gone unheeded. I am doubly proud that a Malaysian civil society organisation, dedicated to global peace, has once again showed its pro-active stance, and responded to that call in such a remarkable manner.
6. I had made the suggestion for two main reasons.
7. Firstly, I felt that the peace process was becoming stalemated, and that international fatigue had begun to set in on the issue. There was a real risk of the Question of Palestine being sidelined. This is especially possible as the world turns its attention to other pressing global issues, such as on-going regional conflicts, the fight against international terrorism, H.I.V-AIDS, SARs, the Bird Flu, to name just a few. I hold the view that, notwithstanding the importance of these and other issues, the global community cannot afford to lose sight of the Palestine issue. The world needs to be continuously reminded of the terrible plight of the Palestinian people and their longing for peace. As responsible members of the international community, we cannot let the Palestinians down. We must continue to stand by them in their valiant struggle for independence and statehood until that goal is attained.
8. Secondly, I felt that there was a compelling need to invigorate the search for peace in Palestine by turning to the citizens of the world. This is taking into account the constraints and limitations of the inter-governmental process. We have time and again witnessed how efforts for peace for Palestine invariably got stymied in the UN Security Council, for reasons which are equally familiar to us. Furthermore, I have been keenly aware that in the last two decades global civil society has emerged as an important actor in the international arena. The activist role of civil society is widely acknowledged and has left a distinct and indelible mark on a number of global campaigns. For instance, its efforts, allied with those of Governments, have contributed towards the eventual dismantling of the structure of apartheid in South Africa. It helped mobilise public opinion in support of a number of significant international agreements in recent years, such as the Anti-landmines Treaty, the Kyoto Accord and the Rome Statute which established the International Criminal Court. Civil society has also played a prominent role in respect of the opposition to the war in Iraq.
9. On the Israeli-Palestinian conflict, civil society groups have, in fact, been showing deep concern about the issue ever since the early nineteen seventies. More recently, they adopted an unequivocal position on behalf of the Palestinian cause at the N.G.O. forum in conjunction with the U.N Summit on Racism held in Durban, South Africa in 2001. In recognition of its role, the United Nations has in fact launched an initiative to encourage civil society groups to promote the inalienable rights of the Palestinian people. This has helped create public awareness of the plight of the hapless people of Palestine. The efforts should continue and be further intensified.
10. Like the struggle against apartheid, the struggle of the Palestinian people against Israeli occupation of their country enjoys enormous support from the global community. Therefore, a more concrete expression of this support by global society through this campaign is timely and fitting. It is my earnest hope that through this campaign, global society will succeed in galvanising world public opinion and mobilising popular support for the Palestinian cause. We have an obligation to

help ensure a just and lasting peace in the region, which is the wish and desire, not only of the Palestinian people but also that of all people of conscience everywhere.

Ladies and Gentlemen,

11. The struggle of the Palestinians has been a long and arduous one. It has many dimensions. It is a political struggle for an independent, sovereign State of Palestine. It is resistance against foreign occupation. It is opposition to the harsh and oppressive policies and practices of the Occupying Power on the basis of human rights. It is also a socio-economic struggle for sheer survival amid the harsh reality of life under occupation. It is even a constant tussle for the right to worship at the holy places, particularly in Jerusalem. The conflict has gone for far too long. The costs on both sides have been enormous, particularly for the Palestinians. Many thousands of people have paid with their lives, while many thousands more with their limbs, many of them permanently. Many have lost their worldly possessions and livelihood. Countless others have left the Territories in order to escape the unbearable toll of the debilitating conflict.
12. Ever since 1948 the international community has grappled with the problem but to no avail thus far. Aside from the United Nations, various international and regional organisations, including the Non-Aligned Movement and the Organisation of the Islamic Conference, have strongly supported the international efforts for peace in the region. In its current capacity both as Chairman of NAM and of the OIC, Malaysia has initiated a dialogue process with members of the International Quartet in an effort to urge them to do their utmost to bring the Road Map back on track. We intend to remain engaged with the Quartet and to assist in whatever way we can in the process. We are monitoring the situation closely before deciding on further efforts that could be made in this regard.
13. The global community certainly desires an early and lasting resolution of the conflict based on the relevant resolutions of the United Nations. These resolutions can provide the basis and guiding principles for a permanent settlement of the problem. It is time for the United Nations, specifically the Security Council, to play a pivotal and pro-active role in resolving the conflict. Debates in the U.N Security Council and the General Assembly by themselves are not enough. Resolutions passed by the two UN organs must be followed up and acted upon, not ignored with impunity. The UN Security Council must assert its right to assume its legitimate role in the search for peace, thereby reversing the marginalisation of the United Nations in this matter. In fact, the marginalization of the United Nations all these years is one of the reasons why the conflict has persisted to this day. The United Nations must act decisively and authoritatively. Its prestige and credibility are very much at stake on this issue.
14. The global community supports a two-state solution - an independent, sovereign Palestinian State, alongside Israel. This is by no means without a monumental sacrifice on the part of the Palestinians. They would have to give up 78% of historical Palestine - a point that Israel and its supporters should not fail to appreciate. This two-state solution must include East Jerusalem as the capital of an independent and sovereign Palestine. The state of Palestine should comprise no less than Gaza and the West Bank. The principle of the right of return for Palestinians must be respected. There will be no just and enduring solution of the Israeli-Palestinian conflict unless the two central issues, namely East Jerusalem and right of return, are satisfactorily resolved.
15. Since April 2003 all hopes have been pinned on the Road Map to a permanent two-state solution to the Israeli-Palestinian conflict. The Road Map, under the sponsorship of the International Quartet, comprising the United States, European Union, Russian Federation and United Nations, is intended to be a "performance-based" and "goal-driven" plan, the destination of which is a final and comprehensive settlement of the Israeli-Palestinian conflict by 2005. Regrettably, there has been little progress in its implementation and the deadline has virtually run out.
16. It is our hope that the positive outcome of the recent Summit Meeting at Sharm El-Sheikh between President Mahmoud Abbas of Palestine and Israeli Prime Minister Ariel Sharon would lead to increased confidence between the two sides. Let us hope also that it will pave the way for really serious talks on the systematic implementation of the Road Map in all its aspects.
17. Should the impasse continue or should the situation get worse, we should be bold enough to look at other possibilities of a breakthrough besides the inter-governmental process, which has not produced the desired results so far. In looking for a creative way out of this stalemate, I am not at



all suggesting that we abandon the inter-governmental process because, at the end of the day, the Israeli-Palestinian conflict must be solved through that process. No doubt, the solution to this international problem of historic dimensions would also require the imprimatur of the United Nations. But at a time when that process is stalled indeterminately, and runs the risk of being buried altogether, I thought there is a unique role for civil society to play in ways that the inter-governmental process might not be able to do.

18. It seems to me appropriate for global society to assert its moral authority and assume a more active role and a higher profile and contribute to the peace efforts. You are well placed to explore new ideas, approaches and processes that could assist in the search for a peaceful solution to this long and protracted conflict. I am convinced that through an effective global campaign, involving global society at large, and a synergic partnership with governments, that goal would eventually be attained. This is, indeed, a great challenge for civil society, as well as governments, a challenge, which I hope would be taken up with all the seriousness it deserves, in the interest of regional and world peace.
19. The Malaysian Government and people are committed to a just and peaceful resolution of the conflict. We are deeply anguished by the thousands of deaths and the unending cycle of violence, which have become a characteristic feature of the conflict. The Israeli-Palestinian conflict is the one most outstanding international issue that has created an ever-widening chasm of misunderstanding between the Muslim world and the West in general. This is particularly the case with reference to those who are perceived to have given Israel unquestioning support.
20. The underlying causes of the conflict - the dispossession of the Palestinian people and the suppression of their rights - are a tragic travesty of justice which has few parallels in the annals of human history. But it is a conflict that cannot be resolved through violence; for violence only begets violence. I believe that with the continued understanding and support of the international community, and through peaceful resistance to the occupation, a just solution to the conflict would ultimately be found.
21. As a small nation situated in Southeast Asia, thousands of kilometres away from the cockpit of conflict, Malaysia may not be able to make a significant contribution to the resolution of a conflict that has impacted upon the entire human family. Nonetheless, Malaysia has a friendly message to offer to the Israelis and Palestinians, Jews and Arabs, Christians and Muslims trapped in the web of violence and animosity in the area. It is a message from a multi-religious, multi-cultural nation whose diverse ethnic communities have lived in relative peace and harmony for generations. It may be worthy of their notice that we in Malaysia have evolved a political system based on the principle of power sharing, an economic system which seeks growth with equity, and a cultural ethos which celebrates diversity and yet cherishes unity. It would indeed be our contribution if our humble experience in creating and sustaining a peaceful multi-religious and multi-cultural nation could provide inspiration to the people of Israel and Palestine in finding solutions to their own problems.
22. It is my earnest hope that, beginning today in Putrajaya, civil society will be able to play an active, indeed, pro-active role in galvanising international efforts for an early, lasting and just resolution of the Israeli-Palestinian conflict. I hope the initiative launched here in Putrajaya will be carried forward and further sustained by civil society organisations in other regions of the world, thereby establishing a global network of activists working together and in tandem with Governments and pushing the peace process forward through its various stages.
23. Each and every international participant at this conference can effectively spread the word if - as soon as possible upon their return - they could initiate the convening of a national level, civil society conference on Peace in Palestine in their respective countries.
24. Of course, the future of this people-based campaign will depend, in large measure, on the response of civil society organisations to this initiative. It will certainly be contingent upon political developments, namely the success of the Road Map and the resolution of the Israeli-Palestinian conflict. If the conflict is resolved soon - which is our earnest hope - the whole world will rejoice and there may be no longer any need for this campaign to go beyond a certain stage, except, perhaps, to help monitor the full and faithful implementation of the peace agreement that would be arrived at by the two sides.

25. However, if the impasse continues then this global campaign, which you have initiated here in Putrajaya, can and should play an active role in helping to keep the issue on the "radar screen" of the international community. You can manifest solidarity with the Palestinian people and galvanise popular support for the Palestinian cause. You can exert pressure whenever necessary on governments, particularly those that have close ties with Israel. You can insist that they be more serious and forthcoming in promoting international efforts to resolve the Israeli-Palestinian conflict.

Ladies and Gentlemen,

26. In formally declaring open this Global Civil Society International Conference on PEACE IN PALESTINE, I wish you every success in your deliberations. I would also like to extend best wishes to PEACE MALAYSIA in its future efforts in this enormously challenging undertaking, with the assurance that that it can count on the continuing encouragement and support of the Malaysian Government. I say this in the expectation of the synergy and partnership that I hope will be established between the Malaysian Government and its civil society on this important issue affecting international peace and security. - Thank you.



**CHRISTIAN CALL FROM JERUSALEM TO THE WORLD: PALESTINIAN CHRISTIANS  
ARE DYING TO LIVE WITH DIGNITY AND FREEDOM, 31 MARCH 2005**

*[The call was made by the Latin Patriarch of Jerusalem, Michel Sabbah, Riah Abu El-Assal from the Diocese of Jerusalem, The Episcopal Church of Jerusalem and the Middle East, Munib Younan from the Evangelical Lutheran Church in Jordan and the Holy Land.]*

Dear Bishops and Church Leaders,

Salaam and Grace to you from the city of our faith in the name of Our Lord Jesus Christ.

We are writing to you as Palestinian Christian leaders concerned for the dramatic situation of the Christians in the land of the Holy One. In contrast to 10 years ago our community now represents less than 2 percent of the population and continues to decrease at an alarming rate. This is largely due to emigration. Many Palestinian Christians are leaving as a result of the ongoing conflict.

We are a Christian community made up of Catholics, Greek Orthodox, Oriental Orthodox, Episcopalians and Lutherans, bound together by a common identity and have been witnessing together for the Risen Lord since the first Pentecost. Despite tensions and historical differences our community is unified in its identity and we enjoy close fraternal ecumenical relations.

The Israeli illegal occupation has made it impossible for Christians, indeed for the whole Palestinian people, of whom we are an integral part, to live with dignity, freedom and security. Palestinian Christians like all Palestinians want to live in peace and justice. We yearn for freedom and life abundant.

In addition to the injustices of the occupation we must now contend with the Separation Wall. The Wall splinters our community in many pieces and makes it impossible to maintain normal family, economic and human relations.

Families are separated and divided and for many there is no legal hope for family reunification. Human rights violations and lack of freedom of movement, association and expression is the daily lot of the Palestinian Christians, indeed of all Palestinians.

There are positive signs but there is still a long way to go and much will be lost if peace is further delayed. The international community and the world church must insist that both parties, Palestinians and Israelis, fulfill their obligations according to international legitimacy.

As Christian Churches we have always denounced the use of violence. We are committed to a non-violent struggle for peace, justice and reconciliation.

We proclaim a vision that will allow peace and justice to embrace in a spirit of reconciliation that rejects violence, occupation, domination and extremism in favor of restructuring communities for an existence and mutual well being.

We want security for Israel and we want freedom and justice for Palestinians. Therefore we are still committed to a "two-state solution" where Israel and Palestine will live side by side equally, justly and in peace. We believe in Jerusalem as a city of Peace shared by Muslims, Jews and Christians. We also believe that Jerusalem should serve as the Capital for Palestine and Israel.

We are calling on both Israelis and Palestinians to see God in the other and accept the humanity of the other and recognize each other's human, civil, religious and political rights. Once we recognize our common humanity and rights peace with justice becomes a reality.

We call upon you to:

1. Support community based education through Christian schools and educational institutions.
2. Stop emigration of Christians through job creation.
3. Provide low cost housing. Housing is a social right not a luxury.
4. Strengthen Christian Social institutions. These organizations provide needed services to all in Palestinian society regardless of religion, gender or political affiliation.

We trust that you will join your hands with ours so that together we can realize the dream for a just peace and reconciliation. A just peace will guarantee the presence and witness of the Palestinian Christians who are the Living Stones in His Land.

We believe that the churches can and must do more to recognize their duty towards the Holy Land and act together to sensitize their governments, their people and the international community. Our communities ask your help so that justice will prevail and so that Palestinian Christians will flourish in the Holy Land and be strengthened to carry out our mission in the power of the Resurrection.

With St. Paul we affirm, "That if one member suffers all suffer with it. If one member is honored all rejoice together with it" I Cor. 12:26.

In this Easter season we pray that the peace, power and joy of our Risen Lord will remain with you always. Pray for us and pray and work for the peace of Jerusalem. Christ is Risen. He is Risen indeed!



**16<sup>TH</sup> ARAB NATIONAL CONGRESS (ANC), STATEMENT OF SUPPORT FOR  
RECLAIMING PALESTINIAN LEGAL INALIENABLE RIGHTS, ALGIERS, 6-9 APRIL 2005**

The Palestinian question

On the Palestinian question, the ANC recalled its national position vis-à-vis the Israeli Zionist entity, as a resettling colonial project organically linked to global colonialism and exploitation, its national position on the Arab-Zionist conflict as a conflict for existence, not of borders. ANC reaffirmed its belief, based on the experiences of national liberation wars throughout history, that the will to resist and steadfastness is the crucial factor in this struggle. In this context it declares:

1. The ANC reaffirms its commitment to the full national and religious rights of the Arabs in the Arab-Zionist conflict; supports the right of the Palestinian people for self-determination and for the establishment of the Democratic State of Palestine on all Palestinian territory; supports the reclaim-

- ing of its legal inalienable rights, including the right of return for all Palestinian refugees to their homes and their right to reclaim fully their properties. The ANC, in this context, calls for an Arab-international conference to support and affirm those rights; restates its rejection of projects of settling Palestinian refugees outside of their homeland; and calls upon host countries to furnish them with civil liberties, naming Lebanon in particular and calling upon its government and political and spiritual forces to do the same.
2. The ANC reminds all that states adopting the Zionist project kept proposing so-called initiatives for "settlement" and "reconciliation" that aim mainly at enabling the project and reinforcing it while weakening the Arab position on both its Palestinian and national levels; thus ANC restates its rejection of those settlement initiatives as demeaning to the national rights of the Palestinian people.
  3. The ANC affirms its conviction that it was Israeli Prime Minister Ariel Sharon's failure at suppressing the Palestinian Intifada (Uprising) that forced him to reluctantly offer the so-called plan for "unilateral withdrawal." His aim being to gain time, he needed to expand resettlement on the occupied West Bank before returning and to re-occupying the Gaza Strip, that is assuming a real withdrawal would take place. Therefore, the ANC emphasizes the importance of the continuation of the Intifada and the heroic resistance of the Palestinian people in all its forms, including armed struggle, which is a legal right stipulated in international conventions and norms. The ANC also condemns U.S. and European pursuit aiming at putting Hamas, Islamic Jihad and the National Liberation Front of Palestine on the list of terrorist organizations. It sees this pursuit as an intentional attempt to reinforce Zionist occupation and legalizing the terrorism of the Zionist state, in flagrant violation of international laws and norms and in contradiction with the people's historical experiences.
  4. The ANC values the well-intentioned steps taken by the Third Conference on Palestinian Dialogue, held in Cairo and attended by representatives of all resistance formations, that ended in agreement on affirming national unity and activation and developing of the Palestinian Liberation Organization through the participation of all Palestinian forces. The ANC calls upon all vital forces of the Arab nation and Islamic world to support that unitary orientation warns against turning the pacification agreed upon into a constant truce - a development sure to be utilized by the Zionist enemy to strengthen its settlement and Judaization activities, as its current practices reveal.
  5. The ANC affirms that national and Islamic duty requires supporting the Palestinian people's struggle facilitating speedy financial support to those who stand heroically in defense of this nation and never to submit to U.S. dictations calling for what is called "drying - up resources." It also calls upon Arab states with peace treaties and with normalized relations with the Zionist entity to reconsider their positions to abrogate agreements with it and recommit themselves with popular anti-normalization position. In the same context, the ANC warns against falling into the U.S. and Zionist trap aiming at breaking the psychological barriers in this existential conflict through contracts, visits or shaking hands with enemy officials, gestures that the enemy is used to utilizing to weaken the Arab positions of rejection and resistance.
  6. The ANC emphasizes the necessity of confronting Zionist actions aiming at the Judaization of Al-Quds and intensifying settlement in and around the city, confiscation of lands through erecting the racist separation (in fact the merging) wall and tightening the noose around the Palestinian citizens in Al-Quds and its suburbs. It also emphasized the importance of taking all actions necessary to protect Palestinian institutions in Al-Quds, drew attention to the threats to demolish Al-Aqsa Mosque and re-establish the Temple in its place. The ANC considers the vital forces of the Arab nation and the Islamic world responsible for warding off that danger.  
In this context, the ANC declares its support for the position taken by the militant Father Bishop Dr. Atallah Hanna, member of this Congress, and his colleagues on this issue. The ANC, while it condemns the irresponsible act taken at the Orthodox Church Waqfs in Al-Quds, reaffirms deep conviction that sacred places and Christian Waqfs not only in Al-Quds, but all over Palestine, are properties of Arab Christians, un-transferable by any means to others. The ANC calls upon the Palestinian Authority and all Arab governments and vital forces to endeavor to protect these religious sacred assets and properties and draws the attention to the necessity of taking into consideration and making benefit of the International Court of Justice advisory resolution to the effect that the racist separation wall is illegal and all harmed by its erecting should be compensated.
  7. The ANC values the steadfastness and militancy of all Palestinian and other Arab POW's and detainees in Zionist prisons and camps, including those who are members of this Congress; it calls

upon all Arab and international institutions concerned with human rights to launch a wide campaign of solidarity with them and to apply pressure for their release and to financially support the fund for legal support to help POW's and detainees in Israeli prisons. The Congress appeals to the Palestinian National Authority to release all militants detained in its prisons, considering the continuation of their detention a submission to world and Zionist pressures, which is in contradiction with the commitment to the liberation of Palestine, both the people and the land.

8. The ANC hails the steadfastness of the Palestinian people since their country was occupied in 1948. These people have shown throughout the years of oppression an insistence on maintaining their national identity and their Arab and Islamic culture in the face of pressures and temptations. The ADC would like to express its pride for Arab Palestinian people and reaffirms its full solidarity with those put in occupation prisons, calling upon all Arab states to reconsider the ways they treat the 1948 Palestinians and embrace them dearly.



**STATEMENT BY THE MIDDLE EAST QUARTET ON THE APPOINTMENT OF JAMES WOLFENSOHN AS SPECIAL ENVOY FOR GAZA DISENGAGEMENT, 18 APRIL 2005**

SPECIAL ENVOY FOR GAZA DISENGAGEMENT

The Quartet Principals (US Secretary of State Condoleezza Rice, Russian Foreign Minister Sergei Lavrov, EU High Representative for the Common Foreign and Security Policy Javier Solana, and UN Secretary General Kofi Annan) announce the appointment of Mr. James D. Wolfensohn as Special Envoy for Gaza Disengagement.

The Special Envoy is charged by the Quartet with leading, overseeing and coordinating the international community's efforts in support of the disengagement initiative. He will report to the Quartet.

The Special Envoy will be the single international interlocutor at the political level on disengagement and the address for specific needs for assistance to support disengagement. The Special Envoy will work with the Palestinians on specific reforms and steps to promote economic recovery and growth, democracy, good governance and transparency, job creation and improved living standards.

The Special Envoy's mission is to promote coordination and cooperation between the Government of Israel and the Palestinian Authority on implementation of Israel's disengagement initiative from Gaza and parts of the northern West Bank. This mission does not extend to the military and security aspects of disengagement.

This will require close collaboration with both Israel and the Palestinians to identify and implement those actions and policies to ensure smooth and successful implementation of the disengagement initiative.

The Special Envoy will focus his efforts on two areas in particular:

Methodology of withdrawal, including disposition of assets.

Economic issues related to post-withdrawal revival of the Palestinian economy, including investment and financing issues.

The Special Envoy will assume his duties effective June 1 for a mission lasting no longer than December 31, 2005. In view of the urgency of this mission, and taking into consideration the role the World Bank already plays in this process, its Board has authorized Mr. Wolfensohn to conduct some preparatory work immediately.



**US PRESIDENT BUSH AND SAUDI CROWN PRINCE ABDULLAH,  
JOINT STATEMENT ON THE PALESTINIAN-ISRAELI CONFLICT,  
THE WHITE HOUSE, WASHINGTON, DC, 25 APRIL 2005**

The United States and Saudi Arabia continue to support efforts to prevent the spread of nuclear weapons, and of the technology and materiel needed to develop and build nuclear weapons. Efforts to develop and acquire such weapons run contrary to efforts to promote peace and stability in the region.

With regard to the Palestinian-Israeli conflict, the United States and the Kingdom of Saudi Arabia desire a just, negotiated settlement wherein two democratic states, Israel and Palestine, live side by side in peace and security. We will continue our efforts to achieve this objective, and reiterate our support for the efforts of the Palestinian Authority to bring democracy, peace, and prosperity to all Palestinians.

The United States thanks Crown Prince Abdullah for his bold initiative-adopted unanimously by the Arab Summit in 2002-that seeks to encourage an Israel-Palestinian and Israel-Arab peace. We believe that an Israeli withdrawal from Gaza and parts of the West Bank will be a significant step forward toward implementation of the Road Map.

It is our firm conviction that resolving the Palestinian-Israeli conflict will remove a major source of tension and contribute to stability and progress in the region.



**RUSSIAN PRESIDENT VLADIMIR PUTIN, REMARKS FOLLOWING TALKS WITH  
ISRAELI PRESIDENT MOSHE KATSAV, JERUSALEM, 28 APRIL 2005**

Ladies and gentlemen!

First of all, I would like to thank the Israeli President for his invitation and for the very warm and hospitable reception I and all the Russian delegation have received here on Israeli soil.

I would like to note that the outcome of the talks we have just had confirm that our countries are ready to work consistently and energetically to develop our political dialogue and humanitarian ties. You have just witnessed the signing of our joint declaration. It reflects our two countries' approaches – approaches that have much in common on many points – on the most important issues facing us today. Above all, this regards establishing a fairer international configuration, a fairer international system able to fight terrorism and settle the Middle East conflict. If we can work effectively together to combat the threats we face in the world today, we will be able to eradicate their feeding grounds of ignorance, poverty and social ills.

The situation in the Middle East was an important subject of our talks. We think there is an opportunity today to achieve a just settlement to the Palestinian-Israeli conflict, a settlement based above all on the relevant UN resolutions, the Madrid Principles and the Roadmap that was approved by the UN Security Council. Much will depend on the Israeli and Palestinian leaders' readiness to take steps towards each other and follow the decisions adopted at Sharm al Sheikh. It is of principle importance that neither the Israeli nor the Palestinian side take steps that could predetermine the final status of the Palestinian territory.

The settlement process must not be interrupted. Once the situation has been normalised, talks should begin to find a definitive solution to this conflict that has gone on for more than 50 years now. As an active participant in the Quartet, Russia is ready to help achieve this objective that is of such strategic importance for the destiny of this part of the world. Today, we think the Quartet can play a particularly useful role.

We discussed our bilateral cooperation in detail today, especially our trade and economic relations. Trade between our countries has been increasing over recent years and has now reached a figure of

more than \$1.5 billion. We see good prospects for expanding our cooperation in the energy sector, in aircraft construction, transport construction and medicine. Russia and Israel have something to offer each other in high-technology fields such as the telecommunications sector. We have agreed to sign and approve soon a number intergovernmental agreements, including agreements that will put in place the conditions for broadening our cooperation – agreements on protection and encouragement of investment, for example, on joint exploration of outer space and on military-technical cooperation in the interests of third countries. We also intend to activate the work of the mixed commission on trade and economic cooperation that will hold its next meeting in Moscow in June.

People from our country make up a significant share of the Israeli population. Many of these people maintain close ties in Russia with their friends and families. We see the Russian community in Israel as a solid and reliable link binding our two countries. An Israeli cultural centre has been working in Moscow since 1994. Today, the President and I discussed the possibility of opening a Russian culture and science centre in Israel.

Contacts between our countries have been developing actively over recent years. Our citizens are opening up a wealth of new opportunities for joint business, scientific and cultural projects. We think it would be now possible and expedient to examine the issue of simplifying travel between Russia and Israel, making it easier for Russian and Israeli citizens.

Ladies and gentlemen!

Yesterday, when we unveiled the monument to the victims of the Holocaust, President Moshe Katsav and I spoke of the tragedy that our peoples lived through during World War II. I am sure that neither in Russia nor in Israel will people ever forget the horrors of war, will never forget that millions of our people were killed and will never forget that our peoples fought side by side against our common enemy - Nazism.

In January, President Katsav and I, along with other heads of state, marked the sixtieth anniversary to the liberation of Auschwitz by the Red Army. Soon in Moscow, on May 9, we will meet again to celebrate the great victory that we share. History teaches us to treasure and look after peace, this peace that came at the cost of such great trials and sorrow and so many millions of lives lost. It is our duty today to fight actively against xenophobia, anti-Semitism, nationalism, religious intolerance and the propaganda of violence and extremism.

In conclusion, I would like to thank the President for the very constructive, business-like and also very friendly atmosphere that prevailed during our talks today. I am sure that the partnership between Russia and Israel has a good future ahead of it. We have all the conditions for success, and most important, there is the will and desire on both sides to strengthen our friendship, trust and cooperation and to build a constructive partnership together.



**RUSSIAN PRESIDENT VLADIMIR PUTIN, REMARKS AFTER MEETING  
WITH PRESIDENT MAHMOUD ABBAS, RAMALLAH, 29 APRIL 2005**

Dear Mr. President, ladies and gentlemen, dear friends,

My first visit to Palestine has been very productive. I had a very interesting discussion with head of the Palestinian National Authority Mahmoud Abbas. Primarily, of course, we talked about the problem of regulation in the Middle East and specific ways and prospects to develop peaceful dialogue.

We stated the changes for the better that have taken in place in relations between Palestine and Israel. In our common opinion, these changes must be consolidated, with the understanding that the ultimate goal of regulation remains the same – to create an independent Palestinian nation living in peace with Israel. I am firmly convinced that the future does not lie in isolation from each other, but in cooperation and integration. The entire civilised world is proceeding on this path. We hope that both Palestine and Israel will also take this path.

It is clear that there are considerable difficulties in moving towards this goal. Unfortunately, there is still a great deal of mistrust, and the burden of mutual resentments and stereotypes is great. In the conditions of rather fragile stability, it is extremely important for both sides not to back down from agreements reached in the past. This above all concerns observance of the truce, the problem of releasing political prisoners, and also removing restrictions of free movement of people.

Russia and Palestine are certain that all issues concerning the final status of Palestinian territories, borders, refugees, the status of Jerusalem, water resources etc. should only be resolved together, at the discussion table.

In a new, more favourable situation, there is a growing role of the four international intermediaries. It is under their aegis that steps should be made from Israel withdrawing from Gaza to a full implementation of all statutes of the “roadmap”, and then to restore direct Palestinian-Israeli talks on the definitive status of Palestinian territories.

As an active member of the “quartet” of intermediaries, Russia is prepared to assist attaining this goal. And we call on all interested parties, above all Palestine and Israel, to make use of all the existing opportunities to localise and stop the conflict.

The topic of thorough reform of the Palestinian Authority was mentioned at the talks. We fully support the policy of Mr President in developing democracy and building a multi-party system. Only in this way can a solid foundation of Palestinian statehood be laid, and tools created to solve tasks of modernising Palestinian society.

During the talks we once more confirmed that Russian-Palestinian relations are based on a firm foundation of traditional friendship and mutual understanding.

Russia will continue to provide the new Palestinian leadership with assistance in carrying out changes to the Palestinian Authority, and in establishing statehood. Options are being examined for Russia to take place in the process of economic rebirth of Palestinian territories including Gaza. We are prepared to provide aid in the development of the law-enforcement component. Furthermore, we plan further development of cultural and business contacts, including contacts in training personnel and also parliamentary exchanges. We have agreed that a Russian delegation will take part in observing the process of the upcoming parliamentary elections.

All these steps are directed towards helping the Palestinian people to realise their lawful interests, and in advancing the peace process in the Middle East as a whole.



#### **STATEMENT BY THE MIDDLE EAST QUARTET, MOSCOW, 9 MAY 2005**

The Quartet met today in Moscow. The Quartet emphasizes that this is a hopeful and promising moment for both Palestinians and Israelis, and that they deserve the full support of the international community in helping them with the hard work and difficult decisions required in order to make positive use of this opportunity. The Quartet welcomed the commitments of the parties at the Sharm el-Sheikh summit of February 8 and urged them to renew their efforts to fulfill the commitments they agreed to at that time, in order to maintain momentum at this fragile moment of opportunity. The Quartet, underscoring the urgency of the matter, affirms its commitment to fully support the efforts of both parties to ensure successful Israeli withdrawal from Gaza and parts of the northern West Bank.

The Quartet strongly reiterated its commitment to the two-state solution, and to Israeli withdrawal as a way to re-energize the Roadmap. The Quartet stresses the importance of full and complete Israeli withdrawal from Gaza in a manner consistent with the Roadmap as an important step paving the way



toward realizing the vision of two democratic states, Israel and Palestine, living side by side in peace and security. The Quartet affirms that a new Palestinian state must be truly viable, with contiguity in the West Bank; reminds all concerned that a state of scattered territories will not work; and emphasizes that no party should take unilateral actions that prejudge final status issues. The Quartet also affirms that the two-state vision and the Roadmap are the best means of achieving a settlement negotiated between the two parties, leading to a permanent peace and an end to the occupation that began in 1967. With respect to this, the Quartet observes that the Roadmap has been endorsed by Israel and the Palestinian Authority and remains the objective of the international community; and urges both parties to take steps to fulfill all their obligations under the Roadmap.

The Quartet expresses its full support for its Special Envoy for Gaza Disengagement, James Wolfensohn. His mandate is to focus on the non-security aspects of withdrawal, particularly disposition of assets; passages, access and trade; and revival of the Palestinian economy during and after Israeli withdrawal. This will require close coordination with both Israel and the Palestinians to identify and implement those actions and policies that will ensure a smooth and successful implementation of the Israeli initiative. On the Palestinian side, this includes above all a strong commitment to security reform and performance; and the building of transparent, accountable government institutions and an investor-friendly climate, with a view to restoring growth. On the Israeli side, this involves relieving the economic hardships faced by the Palestinian people and facilitating rehabilitation and reconstruction by easing the system of restrictions on the movement of Palestinian people and goods and taking further steps to respect the dignity of the Palestinian people and improve their quality of life -without endangering Israeli security -and taking into consideration the World Bank report of December 2004. At the London meeting on March 1, the international community underscored its readiness to play a vital role by providing financial support to the Palestinians at this critical moment. Creating the environment conducive for a long-term, sustainable and viable economic development of all the Palestinian territories would constitute a suitable basis for additional assistance efforts by the international community.

The Quartet emphasizes Mr. Wolfensohn's mandate to promote direct dialogue and cooperation between Palestinians and Israelis on these economic issues, to ensure a smooth transition in Gaza and parts of the northern West Bank. In this context, the Quartet stresses the urgent need for Israelis and Palestinians to coordinate directly and fully on withdrawal preparations.

The Quartet recognizes that economic development and progress on security go hand in hand as security reforms and the reestablishment of the rule of law are necessary to create an enabling environment for economic growth and political progress. The Quartet also recognizes the need for continued efforts by the international community to assist the PA in accomplishing these tasks, including rebuilding the capabilities of the Palestinian security services. Ongoing assistance by the international community, in particular members of the Quartet and countries of the region, constitutes a significant contribution to these efforts. The Quartet calls upon Israel and the Palestinian Authority to facilitate these efforts.

In that regard, the Quartet expresses its full support for General William Ward, U.S. Security Coordinator, to assist the Palestinians in reforming and restructuring their security forces, and to coordinate international assistance towards those efforts. The Quartet welcomes the recent concrete steps that President M. Abbas has taken towards reform of the Palestinian security services, and stresses the need to continue implementation of these reforms in order to permanently reinstate law and order in Gaza and the West Bank.

The Quartet commends the Palestinian people's and leadership's commitment to democracy and attaches great importance to a successful continuation of the democratic process. The latest round of municipal elections has just been conducted. The Quartet commends the Government of Israel for facilitating the operations. The holding of free, fair, and transparent multi-party legislative elections in the West Bank, Gaza and East Jerusalem, under the scrutiny of international observers, will be another vital step forward on the path towards building a reformed and accountable Palestinian Authority. As additional voter registration for these elections has just begun, the Quartet calls on both the PA and Israel to urgently take all necessary steps, including freedom of movement for candidates and voters, to achieve this goal and renews its offers of technical support and providing election observation services.

The Quartet deems it necessary to ensure continued efforts aimed at full implementation of the Roadmap following Israeli withdrawal from Gaza and parts of the northern West Bank.

The Quartet reiterates its commitment to the principles outlined in its previous statements, including those of March 1, 2005 and May 4, 2004; and reaffirms its commitment to a just, comprehensive, and lasting settlement to the Arab-Israeli conflict based upon resolutions 242 and 338, and will remain engaged with all parties to help ensure that progress towards this goal is achieved.



**SUMMIT OF SOUTH AMERICAN AND ARAB COUNTRIES,  
“BRASILIA DECLARATION,” BRASILIA, 10-11 MAY 2005 [EXCERPTS]**

*[By invitation of Brazil’s Pres. Luiz Inácio Lula da Silva, the heads of state and government of South American and Arab Countries gathered in Brasília, with the aim to strengthen relations, increase cooperation and establish a partnership to pursue development, justice and international peace.]*

[...]2.8 Reaffirm the need to reach a just, durable and comprehensive peace in the Middle East on the basis of the principle of land for peace and relevant resolutions of the Security Council and of the General Assembly of the United Nations, in particular Resolutions 242 (1967) and 338 (1973) of the Security Council, as well as the Madrid Framework and the "Arab Peace Initiative" that ensures the realization of security for all countries in the region. They also highlight the necessity of the full implementation of the "Road Map". Reaffirm the need for the materialization of the legitimate national rights of the Palestinian people, and for the implementation of Security Council Resolution 1515 (2003), and the establishment of the independent Palestinian State, based on the 1967 lines, living side by side with the State of Israel, and the withdrawal of Israel from all occupied Arab territories to the lines of 4th of June 1967, and the dismantling of the Settlements including those in East Jerusalem. They duly take into account the advisory opinion rendered on 9th July 2004 by the International Court of Justice concerning the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", and call upon all parties concerned to comply with the said advisory opinion.

2.9 Concerned with the continuation of tension, violence, military attacks and acts of terror that are taking place in the Middle East, which put regional and world peace at risk, reaffirm their support to the efforts of the Secretary General of the United Nations and other actors of the international community in favor of resuming the peace process and call upon the concerned parties to carry out efforts to support a negotiation process based on the principles and fundamental norms of international law. [...]



**MEETING OF THE COUNCIL OF THE SOCIALIST INTERNATIONAL,  
RESOLUTION ON DEMOCRACY AND PEACE IN THE MIDDLE EAST,  
TEL AVIV AND RAMALLAH, 23-24 MAY 2005**

- The Socialist International, which has long been involved in the efforts to achieve a lasting peace in the Middle East, is encouraged by recent developments that give renewed hope that the people of the region can build a peaceful and democratic future. The International remains committed to supporting in every way possible their efforts to achieve peace, ensure respect for human rights, provide economic opportunities for all citizens and strengthen democratic governance based on social democratic values.
- The time has now come to open new perspectives for a Middle East built on peace, democracy and cooperation. This is the best way to halt terrorism. The international community must unite in taking a clear stand against all terrorist activity, violence against innocent people, occupation and oppression.
- The Socialist International supports all the forces in the region that work for democracy, protection of human rights and an end to occupation. It calls on its members and the international

community to actively support democratic movements and efforts toward democratic reform in the region on the basis of open civil societies. It is of special importance to protect ethnic minorities in the region and to enhance and guarantee women's rights. We also urge all countries to abolish capital punishment.

- Incentives for peace must be established. We call upon all regions in the world to increase cooperation with the Middle East and are pleased to see that the first summit of South American and Arab countries was held earlier this month.
- In view of the new windows of opportunity following the withdrawal from Gaza and some parts of the northern West Bank, the European Union should play a special role. After the expansion of the EU, bilateral action plans have been offered to Lebanon and Palestine. These action plans must be strengthened and used to improve regional cooperation based on the 1995 Barcelona process. By promoting regional cooperation we believe that peace and prosperity can be guaranteed in the long term. Future cooperation should be enhanced through open markets and borders for trade, capital and labour.
- With the support of European countries and the United States, the countries in the region should consider entering into an agreement for security and cooperation on the model of the OSCE. Through the OSCE, European countries have committed themselves to common values. The organisation has been instrumental in the efforts to win over the divisions between East and West in building the new Europe. The Middle East also needs a common set of values and an agreement that ensures that all people, groups and countries have the right to live in security.
- The Socialist International welcomes Israel's withdrawal from the Gaza Strip and some settlements of the West Bank. It must, however, be coordinated with the Palestinian Authority as a part of the Roadmap and followed by negotiations on final status issues. Negotiations must be based on international law, and UN resolutions, and the goal must be the establishment of a viable Palestinian state. We encourage initiatives such as the Peace Coalition Geneva draft, which helped clarify positions and offered opportunities for peace, as envisaged in the third part of the Roadmap.
- The Socialist International underlines the successful steps in the Palestinian electoral process. The SI extends its support to the further strengthening of the reform process in Palestine and supports the Palestinian Authority in its efforts to stop all forms of violence, disarming militia groups, and to include all political parties in the political process, leading to a strengthening of multi-party democracy. The SI calls on the Israeli Government and the Palestinian Authority to include women in the negotiating teams, and to work to protect the rights of women and children during and after conflicts. Young women and men in particular should have a strong role in shaping the future.
- We urge the Israeli government to refrain from activities that would undermine a peaceful outcome. All settlement activities and the building of the wall on Palestinian territory must stop.
- The Socialist International calls upon its member parties and calls upon the international community to extend financial support to the Palestinian Authority and foster concrete cooperation projects that could lead to economic and social development.
- The Socialist International emphasizes the need for building a democratic Iraq that can lead to the restoration of full sovereignty of the Iraqi people. We ask for a stronger role by the UN in the democratising process. We call on all countries to support a democratic Iraq. The future Iraqi constitution must give all peoples in the country equal rights. The rights and the role of women are of special concern. The Kurdish population must have the possibility to exercise their rights within the framework of a united and federal Iraq.
- The Socialist International calls for a solution to the controversy over Iran's nuclear programme. The international community, and especially the United States and the European Union, must harmonise its policies. The Socialist International supports the efforts of democratic forces in the country and denounces the repression against the Kurdish population, calls for a peaceful solution to the Kurdish question in Iran.

- The Socialist International welcomes the holding of free, fair and democratic elections in Lebanon, following the large demonstrations by the Lebanese people to assert their sovereignty, independence and democracy, leading to the renewal of the political institutions of the Republic.
- The Socialist International hopes for a decisive reform and democratisation of political life in Syria and calls for the resumption of peace negotiations between Syria and Israel.



**US PRESIDENT BUSH, REMARKS AT A JOINT PRESS CONFERENCE WITH  
VISITING PALESTINIAN PRESIDENT ABBAS, WASHINGTON, DC, 26 MAY 2005**

Thank you. Mr. President, it is my honor to welcome the democratically elected leader of the Palestinian people to the White House.

We meet at a time when a great achievement of history is within reach, the creation of a peaceful, democratic Palestinian state. President Abbas is seeking that goal by rejecting violence and working for democratic reform. I believe the Palestinian people are fully capable of justly governing themselves, in peace with their neighbors. I believe the interests of the Israeli people would be served by a peaceful Palestinian state. And I believe that now is the time for all parties of this conflict to move beyond old grievances and act forcefully in the cause of peace.

President Abbas's election four months ago was a tribute to the power and appeal of democracy, and an inspiration to the people across the region. Palestinians voted against violence, and for sovereignty, because only the defeat of violence will lead to sovereignty.

Mr. President, the United States and the international community applaud your rejection of terrorism. All who engage in terror are the enemies of a Palestinian state, and must be held to account. We will stand with you, Mr. President, as you combat corruption, reform the Palestinian security services and your justice system, and revive your economy. Mr. President, you have made a new start on a difficult journey, requiring courage and leadership each day - and we will take that journey together.

As we work for peace, other countries must step up to their responsibilities. Arab states must take concrete measures to create a regional environment conducive to peace. They must offer financial assistance to all - to support the peaceful efforts of President Abbas, his government and the Palestinian people. And they must refuse to assist or harbor terrorists.

Israel must continue to take steps toward a peaceful future, and work with the Palestinian leadership to improve the daily lives of Palestinians, especially their humanitarian situation. Israel should not undertake any activity that contravenes road map obligations or prejudice final status negotiations with regard to Gaza, the West Bank and Jerusalem.

Therefore, Israel must remove unauthorized outposts and stop settlement expansion. The barrier being erected by Israel as a part of its security effort must be a security, rather than political, barrier. And its route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities. As we make progress toward security, and in accordance with the road map, Israeli forces should withdraw to their positions on September the 28th, 2000.

Any final status agreement must be reached between the two parties, and changes to the 1949 Armistice lines must be mutually agreed to. A viable two-state solution must ensure contiguity of the West Bank, and a state of scattered territories will not work. There must also be meaningful linkages between the West Bank and Gaza. This is the position of the United States today, it will be the position of the United States at the time of final status negotiations.

The imminent Israeli disengagement from Gaza, parts of the West Bank, presents an opportunity to lay the groundwork for a return to the road map. All parties have a responsibility to make this hopeful

moment in the region a new and peaceful beginning. That is why I assigned General Kip Ward, who is with us today, to support your efforts, Mr. President, to reform the Palestinian security services and to coordinate the efforts of the international community to make that crucial task a success. The United States also strongly supports the mission of the Quartet's special envoy, Jim Wolfensohn, to make sure that the Gaza disengagement brings Palestinians a better life.

To help ensure that the Gaza disengagement is a success, the United States will provide to the Palestinian Authority \$50 million to be used for new housing and infrastructure projects in the Gaza. These funds will be used to improve the quality of life of the Palestinians living in Gaza, where poverty and unemployment are very high. I've also asked Secretary Rice to travel to Jerusalem and Ramallah before the beginning of the Israeli withdrawal. Secretary Rice will consult with Israelis and Palestinians on the disengagement, their shared commitments and the way back on the road map.

As we work to make the disengagement succeed, we must not lose sight of the path ahead. The United States remains committed to the road map as the only way to realize the vision of two democratic states living side-by-side in peace and security. It is through the road map that the parties can achieve a final permanent status agreement through direct negotiations.

The people of the Middle East have endured a long period of challenge, and now, we have reached a moment of hope. Leaders from around the world have made a moral commitment: We will not stand by as another generation in the Holy Land grows up in an atmosphere of violence and hopelessness. With concrete actions by the United States, the Palestinians, Israel, and other nations, we can transform this opportunity into real momentum.

Mr. President, we will work with you to help realize the dream of a free and democratic Palestine, to bring greater freedom, security and prosperity to all peoples in the region, and to achieve the lasting peace we all seek. Welcome back to the White House.



**PALESTINIAN PRESIDENT MAHMOUD ABBAS, REMARKS AT A JOINT PRESS  
CONFERENCE WITH US PRESIDENT BUSH, WASHINGTON, DC, 26 MAY 2005**

Thank you, very much, Mr. President. I'd like to thank you for this warm welcome and express my view in order to strengthen the relationship between Palestine and the United States. The Palestinian people share with the American people the same values of peace, freedom and democracy. We are confident that the two peoples will benefit from continuing and developing this relationship.

Today, we have conducted very intensive and constructive discussions with you, Mr. President, and with your senior administration officials. We discussed ways to support the opportunities to revive and resume the peace process in the Middle East. These discussions afford us with the opportunity to emphasize the central and essential role played by you, Mr. President, and by your administration, in supporting and advancing the peace process toward the realization of your vision of ending the Israeli occupation that started in 1967 and the establishment of a democratic, free and independent Palestine to live side-by-side with the state of Israel in order to create a better future for the peoples of the region. We have reiterated again to you, Mr. President, our strong commitment to the peace option, and through negotiations, we can achieve, the two sides can achieve their objectives.

We also discussed the efforts that have been undertaken by the Palestinian Authority throughout the past few months to bring about calm. These efforts have brought about the reduction of violence to the lowest level in four years, and once again reopened the window of hope for progress toward peace.

We emphasized our determination to maintain and preserve this calm. The Palestinian Authority exerts a great deal of efforts in reforming our security organizations, and the truth is, our efforts are fully supported by our own people who repeatedly reaffirmed their commitment to peace and negotiations.

In our talks we also discussed the ongoing democratic process in Palestine. This process has successfully presented, through the presidential elections and the local municipal elections, that the Palestinians have succeeded in carrying out transparent and fair elections under very difficult circumstances, another example of the capability of our people and their ability to build an independent democratic state once we achieve our freedom and our independence.

We expect that our people will be helped and supported to make their democratic experiment a successful one. We look forward to the free movement and the freedom of movement and the removal of Israeli roadblock and check points, and the Israeli withdrawal to positions prior to September 28th, 2000, and as well as implementing the various understanding that we have reached with the Israeli government in Sharm el-Sheikh. We stress that democracy cannot flourish under occupation and in the absence of freedom.

In this regard, we expressed our deep concern over the continuous Israeli settlement activities and the construction of the wall on our land, particularly in the area of Jerusalem. These settlement activities, in addition to undermining President Bush's vision in establishing a Palestinian and contiguous state, that it is a viable state that can live side-by-side by the state of Israel, it also contributes to the feeling of frustration and despair and the loss of hope. Stopping this is one of the requirements of the road map. Time is becoming our greatest enemy. We should end this conflict before it is too late.

We are extending our hands to the Israeli people in good intention. We are saying that peace and dialogue and the recognition of the other side's rights is what will create a good neighborhood and achieve security and prosperity for our people and the peoples of the region.

We have assured the President that the Palestinian Authority is ready to coordinate with the Israeli side in order to ensure the success of its withdrawal from Gaza and the West Bank upon the Israeli evacuation. We see this evacuation as a part of ending the occupation, and it should not be at the expense of the West Bank. We must then immediately move to permanent status negotiations to deal with the issues of Al-Quds, East Jerusalem as a capital of the future state of Palestine, the issues of refugees, settlements, borders, security, and water, on the basis of President Bush's vision, and on the basis of U.N. resolutions, and the basis of the Arab Initiative.

It is time for the Palestinian-Israeli conflict to end, right now. It is time for our people, after many decades of suffering and dispossessions, to enjoy living in freedom and independence on their own land. And we should accelerate the freedom of our prisoners in order to be a part of peace-making.

Mr. President, we end our discussions in Washington and we are more determined to move forward in the path of freedom, reform, and democracy. We depart Washington, we are more confident about the role that you will play and the role that your administration will play in order to move the process forward and achieve lasting peace.

Mr. President, at the end I would like to thank you very much for your hospitality and expressing the American - and demonstrating the American support to the Palestinian administration and the Palestinian people. We continue to look forward to work with you ahead in order to achieve our common objectives of peace, security and democracy and freedom.

Thank you very much, Mr. President.



**JOINT STATEMENT BY THE US AND THE EU WORKING TOGETHER TO PROMOTE  
PEACE, PROSPERITY AND PROGRESS IN THE MIDDLE EAST, 20 JUNE 2005**

At our Summit in Dromoland last year, the United States and the European Union pledged our support to the governments and the peoples of the Middle East who have expressed their determination to meet the challenges of modernization, to advance political, social and economic progress, to strengthen

democracy, and to respect and promote human rights. We offered this support in a spirit of partnership as well as respect and friendship.

Since then, we have strengthened our dialogue on our respective efforts towards promoting progress and stability in the Broader Middle East and the Mediterranean.

At the June 2004 Summit, we reaffirmed our commitment to a just, comprehensive, and lasting settlement of the Israeli-Palestinian conflict and our common vision of the co-existence of two states, Palestine and Israel, by the creation of an independent, democratic, and viable Palestinian state with contiguity in the West Bank living side by side with Israel and its neighbors in peace and security.

Since then, we have witnessed the successful election of a new leader by the Palestinian people. We are now at a moment of opportunity, and, with our partners in the region, we must seize it. In order to achieve and maintain a lasting peace, we recognize the importance of building a climate of mutual trust and cooperation between Israelis and Palestinians.

We endorse the May 9, 2005, declaration of the Quartet. We stress the importance of a complete and peaceful Israeli withdrawal from Gaza and parts of the northern West Bank in a manner consistent with the road map. We urge the parties to respect their commitments and to refrain from unilateral actions that could prejudice final status issues. We further pledge our full support to the mission of the Quartet's Special Envoy for Gaza Disengagement James Wolfensohn, and we will work with him and the parties to promote viable economic and social development.

We support the holding of free, fair, and transparent multi-party legislative elections in the West Bank, Gaza and East Jerusalem, under the scrutiny of international observers and with full freedom of movement for candidates and voters, as another vital step forward on the path towards building a reformed and accountable Palestinian Authority.

We desire that the Israeli and Palestinian people live in a secure and stable environment. We affirm our support for the mission of General William Ward and will pursue in close coordination our respective efforts to assist the Palestinian security forces. As is required under the roadmap, there must be effective action against terrorism, dismantling of terrorist infrastructure, a freeze on all settlement activity, and dismantling of outposts.

The United States and the European Union share the objective of a peaceful, secure, democratic, and prosperous broader Middle East and Mediterranean region. With close to € billion annually in grants and loans from the EU and approximately \$2.2 billion in assistance and loan guarantees from the U.S., we are the major donors of assistance to the region.

Through our respective efforts, we seek to promote, in close cooperation with our partners, human rights and democracy, increased access to education and economic opportunities through modern and open societies, closer integration within the region and with the global economy. Our ongoing cooperation to promote peace throughout the region will help our partners to reap the full benefit of their efforts and our support.

We welcome the accomplishments of the Barcelona Process which were reviewed at the 7th Euro-Mediterranean Ministerial Conference in Luxembourg ahead of the 10th anniversary leaders meeting in November, as well as the U.S. Middle East Partnership Initiative, launched in 2002. We reaffirm our support for the G8's Broader Middle East and North Africa initiative. We welcome in particular the establishment of the Forum for the Future and look forward to its next meeting in Bahrain this autumn.

We have instructed our respective experts on the region to intensify their cooperation in order to strengthen further our support for reform and democratic development.

We welcome the successful elections that have recently taken place in Afghanistan, the Palestinian Territories, Iraq and Lebanon.

While notable progress has been made in a number of countries, significant challenges remain. We welcome the amendment to the Egyptian constitution as progress towards a more broadly-based representative government and encourage the Government of Egypt to play a leadership role by opening its forthcoming elections to international observers. In these, as in all other elections, we stress the importance of freedom of speech, freedom of association and unfettered access to the media, for all candidates.

We share the goal of a peaceful, united and stable Iraq and will continue our cooperative efforts towards this end. The confirmation of the Iraqi Transitional Government following the successful election in January represents an important landmark in the political reconstruction of Iraq. We condemn the terrorist acts of forces seeking to disrupt the lives of the Iraqi people and the political transition process.

Two days from today, at the request of the Iraqi Transitional Government, we will co-host a conference of nations to express international support for Iraq's political transformation, economic recovery, and reconstruction, and strengthening of public order and the rule of law, in accordance with UNSCR 1546 (2004). We have worked closely together to prepare for this important event and we will pursue these efforts in following up the Conference. Working with the Iraqi authorities, the UN, and other relevant actors, we will seek to contribute to the constitutional process and to support the elections which will take place on the basis of the new Constitution.

We recognize the withdrawal of Syrian military personnel from Lebanon as a positive first step toward Syria's compliance with UN Security Council Resolution 1559. We remain insistent that Resolution 1559 be implemented in its entirety, including the disarming of all militias, and the complete and full withdrawal of all Syrian intelligence operatives, as well as an end to interference in Lebanon's internal affairs. We reaffirm our full support for the United Nations' efforts towards these ends.

We urge full cooperation by all parties with the independent international commission of enquiry of the assassination of former Lebanese Prime Minister Rafiq Hariri, established by UNSCR 1595 (2005).

We welcome the events that have taken place this year in Lebanon in furtherance of the democratic process, including the recent elections. We recognize the inherent difficulties facing the new government and remain committed to working with the people of Lebanon to strengthen democratic institutions and promote peace and stability.

Once the Lebanese government has defined its reform agenda and should it so request, we will consider convening an international conference to consolidate support for the Lebanese people and the new government.



**ISLAMIC JIHAD MOVEMENT IN PALESTINE,  
STATEMENT TO THE PALESTINIAN PEOPLE, 22 JUNE 2005**

In the name of God, the most merciful, the most compassionate.  
"Fight them and Allah will punish them by your hands; cover them with shame and  
Allah will help you be victorious over them and heal the breasts of the believers"

To the masses of our steadfast heroic Palestinian people: The Zionist enemy has clearly declared war on the Islamic Jihad Movement and its leaders and cadres as part of its bloody and vicious war against our heroic mujahid Palestinian people. No day passes without this enemy committing a crime against our patient and steadfast people that chant for Palestine, the resistance, and the mujahidin. Our people continue to uphold the path of free resistance men. They continue to offer martyrs and wounded and to treat their bleeding wounds while the mujahidin continue to embrace them and protect despite the Zionist-US plot that is being hatched against our mujahid Palestinian people. Today, we reaffirm the option of jihad and resistance against the Zionist enemy that continues to commit acts of murder and assassination and continues to attack, destroy, and confiscate our lands, and proceed with its settlement building activities.



In the past two months, the Zionist enemy has arrested thousands of mujahidin, including more than 300 mujahid sons of the Islamic Jihad Movement. Today, we reconfirm that our people and heroic mujahidin have resolutely decided to remain a thorn in the palate of the Zionist entity that is ignoring all Palestinian or international understandings. The Zionist enemy is committing crimes against the free mujahidin. It has killed in cold blood mujahid Murawwah Kamil, the commander of the Al-Quds Brigades in Jenin, mujahid Shafiq Abd-al-Ghani, mujahid Abd-al-Fattah Radad, and scores of unarmed sons of our Palestinian people using its military arsenal while the world did not move a finger. And when the heroic mujahidin decide to retaliate against these crimes, some weak-minded people - whom we did not see or hear in the confrontation arenas - come out to denounce and condemn the resistance operations that confront and retaliate against the aggression and defend the sons of the Palestinian people. We affirm that this policy is part of the vicious Zionist media war that falsely claimed - through statements distributed in the Bayt Hanun township last night - that the heroic mujahidin are seeking to abort the calm. These weak-minded people have forgotten the blood of the martyrs and the more than 8,000 Zionist violations of the calm that included murder, arrests, destruction, confiscation and looting of lands, continuing to build the racist separation wall, the expansion of settlements, the Judaization of Jerusalem, and the desecration of the Holy Koran.

In view of these dangerous developments, we in the Islamic Jihad Movement in Palestine stress the following points:

1. The Zionist war targeting our movement and its leaders and mujahidin will only increase the movement's power and solidity and its adherence to the Palestinian constants.
2. Any stupid action by the Zionist enemy against our people's leaders and mujahidin will be met with an earthshaking response based on the principle of calm for calm and violation with retaliation.
3. We stress what all the Palestinian factions stressed when the issue of the calm was raised and that focused their eyes on the interests of the Palestinian people. However, this does not mean that we should stand idly by before the enemy's crimes against our mujahid people. The forces of our people have the right to respond to any Zionist violation at the right time and the right place.
4. Our retaliation against the enemy's violations does not amount to violation of the calm. All the forces are agreed on coordination of action and response to the violations of the occupation forces.
5. We urge our mujahidin to be extra cautious and vigilant and to foil the attempts of the occupation and its aeroplanes from harming them.
6. We call on the Palestinian [National] Authority [PNA] and President Abu-Mazin to stand alongside our people's option and their resistance. We urge them not to rush into sitting with the enemy from whom nothing good is expected. The failure of yesterday's meeting between Abu-Mazin and Sharon is the best evidence that attests to this fact.
7. Finally, we stress to the world and to the sons of our heroic people that the arms of the resistance will remain raised against the enemy as long as the occupation exists on our land and as long as the occupation's government persists with its aggressions against the sons of our people. No one can force us to give up our legitimate right and to retaliate against the Zionist violations.

The jihad -the jihad of victory or martyrdom -will continue. The Islamic Jihad Movement in Palestine on Wednesday, 16 Jamadi al-Ula 1426 Hegira, corresponding to 22 June.



#### **STATEMENT BY THE MIDDLE EAST QUARTET, LONDON, 23 JUNE 2005**

The Quartet met today in London and reaffirmed its support for Israeli withdrawal from Gaza and parts of the northern West Bank, and an orderly Palestinian takeover there. The Quartet reiterates its belief that this is a moment of optimism in the search for peace in the Middle East, and is an opportunity that should not be missed to revitalize the Roadmap. The Quartet encourages Israelis and Palestinians to take full advantage of this opportunity in order to move closer to the goal of two democratic states, Israel and Palestine, living side by side in peace and security. The Quartet affirms that a new Palestinian state must be truly viable with contiguity in the West Bank.

The Quartet welcomes the meeting on June 21 between Prime Minister Sharon and President Abbas. Contacts between the parties should now be intensified at all levels.

The Quartet notes that less than two months remain until the announced start to disengagement, and emphasizes the urgent need for Israel and the Palestinians to work directly and cooperatively with each other, with the assistance of James Wolfensohn, the Quartet Special Envoy for Gaza Disengagement. The Quartet underlines that the coordinated support of the international donor community is crucial for the success of Mr. Wolfensohn's mission, and urges Arab states to engage fully in this regard.

The Quartet members reiterate their full support for Mr. Wolfensohn and his efforts to assist with the non-security aspects of disengagement and revival of the Palestinian economy. These efforts include strengthening the overall capacity of the Palestinian Authority; facilitating legal and judicial reform; completing the reform of the financial system to establish a sound, transparent regulatory regime; and implementing anti-corruption efforts, a comprehensive budget strategy, and wage and pension reform. Private sector job creation is also critical in reviving the economy, as is a vibrant civil society sector. The Quartet also urges Israel to take immediate steps, without endangering Israeli security, to relieve the economic hardships faced by the Palestinian people and to facilitate rehabilitation and reconstruction by easing the flow of goods and people in and out of Gaza and the West Bank and between them.

The Quartet notes that peace and security are essential components for political and economic revival; and stresses that the Palestinians must confront violence and terror in order for political and economic life to flourish. It urges both parties to avoid and prevent any escalation in violence so that withdrawal can proceed peacefully. The Quartet encourages continued Israeli-Palestinian security cooperation towards that end. The Quartet condemns the recent upsurge in violence in Gaza, including the firing of mortars and Qassams into Israeli towns and homes, and which has claimed innocent lives on both sides. In this regard, the Quartet notes and welcomes the Palestinian Authority's full cooperation with the mission of General William Ward, the U.S. Security Coordinator, to assist the Palestinians in reforming and restructuring their security forces, and to coordinate international assistance towards those efforts. Rapid reform of the security services and strengthening of the rule of law are essential elements that can improve security for Palestinians and Israelis alike.

As we work to make disengagement succeed, we must not lose sight of the path ahead. The Quartet reaffirms that the two-state vision and the Roadmap are the best way to achieve a permanent peace and an end to the occupation that began in 1967. The Quartet expresses its concern over settlement activity. In this context, the Quartet reminds both parties that they continue to have obligations under the Roadmap; and reaffirms the need to avoid any action that contravenes the Roadmap or prejudices final status negotiations. Any final agreement must be reached through negotiations between the two parties.

The Quartet reiterates its commitment to the principles outlined in its previous statements, including those of May 9, 2005; March 1, 2005; and May 4, 2004; reaffirms that the two-state vision and the Roadmap are the best way to achieve a mutually-agreed settlement between the two parties; and reiterates its commitment to a just, comprehensive, and lasting settlement to the Israeli-Palestinian conflict.

The Quartet envoys will convene again before the beginning of withdrawal.



**PALESTINIAN NGOS NETWORK (PNGO), STATEMENT REGARDING  
ISRAEL'S UNILATERAL DISENGAGEMENT PLAN, 6 JULY 2005**

The start of the implementation of Israel's Unilateral Disengagement Plan, i.e. Israeli disengagement from the Gaza Strip and some of the Northern West Bank settlements, is only weeks away.

Israeli Prime Minister Sharon launched the Unilateral Disengagement Plan in February 2004. Since that time, Israeli settlement construction on Palestinian land has been accelerated and the Israeli gov-

ernment has been building the Separation Wall in the West Bank as well as in and around Jerusalem in defiance of the International Court of Justice (ICJ) which, in its Advisory Opinion of 9th July 2004, ruled the Separation Wall to be in violation of international law.

PNGO believes that the Israeli government is using the Unilateral Disengagement Plan to divert attention from its continued expropriation of Palestinian land in the West Bank and Jerusalem for the construction of the Separation Wall and the construction and expansion of settlements. Israel is creating new facts on the ground which will prevent a just peace, based on international law and relevant UN Resolutions, and which will rule out the establishment of a viable Palestinian state on Palestinian land occupied in 1967 with Jerusalem as its capital as well as the right of return of Palestinian refugees (as stipulated in UN Resolution 194).

PNGO would like to emphasize the fact that, after disengagement is completed, the Gaza Strip and the Northern West Bank will remain occupied territory under international law and Israel will continue to be bound by its administrative and legal responsibilities as an occupying power since it will still be in effective control of the areas in question. Any political dialogue between the PNA and the government of Israel needs to take this fact into consideration.

PNGO calls upon the international community, international legal institutions and the International Committee of the Red Cross to put pressure on the Israeli government to afford Palestinian civilians in the Gaza Strip and the Northern West Bank at all times the rights and protection accorded to them by international law and the Fourth Geneva Convention.

PNGO affirms that the unity of the Occupied Palestinian Territories must be preserved. It urges Israel to take measures to ensure the free circulation of goods and people between the West Bank and the Gaza Strip.

PNGO calls upon the Palestinian National Authority, the political factions and the Palestinian people to work together and to devise a national plan to overcome the challenges and negative repercussions of the Unilateral Disengagement Plan at the political, economic, social and legal levels.

PNGO urges the Palestinian President and the Palestinian Legislative Council to take decisions and to enact laws, ensuring that the land and public property handed to the PNA will benefit the Palestinian people and that any misuse is prevented.

PNGO calls upon international NGOs and trade unions, which are in support of the rights of the Palestinian people, to act quickly in forcing Israel to live up to its responsibilities under International Human Rights Law and International Humanitarian Law (IHL). This is particularly important in light of Israel's declaration that it would keep direct security control over the civilian population of the Gaza Strip.

PNGO urges the international community, humanitarian and human rights organizations to send international observers to the Gaza Strip to monitor the implementation of the Unilateral Disengagement Plan. PNGO is greatly concerned about the potential rise in Israeli attacks on Palestinian civilians and the imposition of closures that will severely hamper the lives of the Palestinian people during disengagement.

PNGO would like to stress the fact that the deterioration of the Palestinian economy -caused by severe access restrictions regarding goods, services and people, the lack of job creation projects and the fact that no airport or port will be allowed to function in the Gaza Strip- will lead to internal instability and will negatively impact any future development in the Occupied Palestinian Territories.



**G-8 SUMMIT, STATEMENT ON THE MIDDLE EAST PEACE PROCESS,  
GLENEAGLES, 8 JULY 2005**

1. A comprehensive resolution of the Middle East conflict is critical to peace in the world and prosperity in the region. In this context, our common goal remains a final settlement of the Israeli/Palestinian conflict based on the creation of a viable, democratic Palestinian state living in peace, dignity and prosperity side-by-side with a secure, universally recognised Israel. We now have a real opportunity to advance peace in the Middle East.
2. We welcome Israel's planned withdrawal from Gaza and parts of the northern West Bank. The success of this courageous step will require close co-ordination between the parties.
3. We welcome and endorse the approach presented to us by James Wolfensohn as the Quartet's Special Envoy for Disengagement, to support economic regeneration and further Palestinian governance reform. Mr Wolfensohn's work should complement that of General William Ward on security issues. These efforts will build on the London Meeting on Supporting the Palestinian Authority of 1 March 2005. We urge the Government of Israel and the Palestinian Authority to engage fully and constructively in implementing Mr Wolfensohn's plans.
4. We support Mr Wolfensohn's intention to stimulate a global financial contribution of up to \$3bn per year over the coming three years. Domestic and international investors should be full partners to this process. We are mobilising practical support for Mr Wolfensohn's efforts and look forward to further development of his plans and their presentation to the Quartet and the international community in September. We note the strong interest of Arab States and members of the Organisation of the Islamic Conference, and encourage them to provide substantial additional support.
5. Both parties must meet their commitments under the Roadmap which would be reenergized by a successful withdrawal. The Government of Israel should meet its Roadmap commitments on settlements, and fundamentally ease the system of movement restrictions that prevent Palestinian economic recovery, consistent with Israel's security needs. Palestinian economic revival also requires systematic reform driven by the Palestinian Authority, which must re-establish internal law and order, and take effective action to confront terrorism.
6. The global significance of this conflict requires strong international engagement. We underline our resolve to support both sides in meeting their Roadmap commitments and call on others to do the same.



**G-8 SUMMIT, PARTNERSHIP FOR PROGRESS AND A COMMON FUTURE WITH THE  
REGION OF THE BROADER MIDDLE EAST AND NORTH AFRICA REGION,  
GLENEAGLES, 8 JULY 2005**

1. One year ago, we the leaders of the G8 committed ourselves to a Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa, based on genuine co-operation between the G8 and the governments, business and civil society of the region, in order to strengthen freedom, democracy and prosperity for all.
2. Today we recognise the new determination by governments and people in the region to ensure that they take their rightful place in a modern and democratic world. We welcome and support the steps taken to accelerate political, economic, social and educational reform. We welcome too the commitments on modernisation made by regional leaders at the Arab League Summits in Tunisia and Algeria. Given also the region's importance to our own interests it is vital that we encourage the emerging momentum for change, building on our existing instruments and our traditional links with the region. We underline that our support for reform will go hand in hand with our commitment to progress on a just, comprehensive and lasting settlement to the Arab-Israeli conflict, based upon UN Resolutions 242 and 338, and to the restoration of peace and stability in Iraq.
3. Governments and people of the region have expressed their wish to see democracy and freedoms expanded. National elections in Afghanistan, Iraq, Lebanon and in the Palestinian Authority demonstrate the value placed on the principles and institutions of democracy and that democracy is fully compatible with national and cultural identities. We will continue to support further regional

- efforts to expand political pluralism and participation to include all democratic, non-violent groups and encourage all in positions of authority to respond to the new momentum in the region by building inclusive, modern and prosperous societies.
4. While notable progress has been made in a number of countries, significant challenges remain. Improving governance, strengthening the rule of law, combating corruption, promoting equality for women and liberalising the media are viewed by many in the region as critical to national development. We encourage further progress in these areas in their own right, but also to stimulate economic growth and opportunity, including the private investment needed to help create the millions of jobs required by the region's youth.
  5. We recognise that each country is unique and diverse and that our role is to support regionally-led and locally-owned reform. The inaugural Forum for the Future in Rabat in December 2004 established a process of dialogue among G8 and regional governments in pursuit of this agenda. We look forward to the second Forum for the Future in Bahrain in November 2005 to further advance the work of this partnership. We appreciate the leading roles played by Morocco, Bahrain and Jordan as Forum hosts together with the regional sponsors of the various initiatives under the Plan of Support and welcome others in the international community that want to be part of our partnership.
  6. We encourage the work of G8 and regional Education and Finance Ministers to deepen cooperation within the Plan of Support agreed at Sea Island. The landmark meetings earlier this year in Algeria and Jordan to develop frameworks for action on literacy and on modernising education systems for the needs of the 21<sup>st</sup> Century are evidence of new horizons being explored together. The establishment of the Network of Funds, the creation of a Private Enterprise Partnership for the Middle East and North Africa, the launch of an Investment Task Force, the establishment of a regional microfinance best practices centre and the continuing development of regional entrepreneurship centres all give practical meaning to our partnership.
  7. Yet it is vital for the region to invest in its own future and to assist each other. We concur with the IMF and World Bank on the importance of continued regional investment in structural reform and the further transition to diversified, private-sector driven economies. Combined with measures to manage the social costs of transition, the goal is to enable the people of the region to fully benefit from globalisation. We stand ready to assist efforts to remove impediments to growth in the region, including through regional trade and investment liberalisation, strengthening of financial systems, regulatory reform, sound macroeconomic policies and regional economic integration. Along with regional policies to enhance the quality of education and facilitate access to vocational training, these measures will help unleash the potential of businesses to improve the region's global competitiveness.
  8. The ability within law of civil society and business to interact with governments to help strengthen the democratic environment, entrench fundamental freedoms and improve systems of accountability and transparency is intrinsic to the region's future. The Civil Society and Business Dialogues seek to enhance the role of civil society and business in regional and national development. The Democracy Assistance Dialogue aims to support democracy programmes by bringing together interested groups from the G8, EU and the region. We encourage the Dialogues to also promote the role of women through political, educational and economic reform. At the Forum for the Future in Bahrain in November we will want to work together on the recommendations that emerge from these Dialogues and encourage further progress in these and other areas through 2006 and beyond.



**EUROPEAN UNION COUNCIL, CONCLUSIONS ON MIDDLE EAST PEACE  
PROCESS, 2675<sup>TH</sup> GENERAL AFFAIRS AND EXTERNAL RELATIONS COUNCIL  
MEETING, BRUSSELS, 18 JULY 2005**

The Council adopted the following conclusions:

1. The Council recalled the declaration of the European Council of 16-17 June 2005 which stressed the global strategic importance of peace, stability and prosperity in the Mediterranean and the European commitment to the resolution of the Middle East conflict. It recalled its support for the Israeli withdrawal from Gaza and parts of the northern West Bank, in line with the framework outlined in the conclusions of the European Council of March 2004 and as an initial stage towards

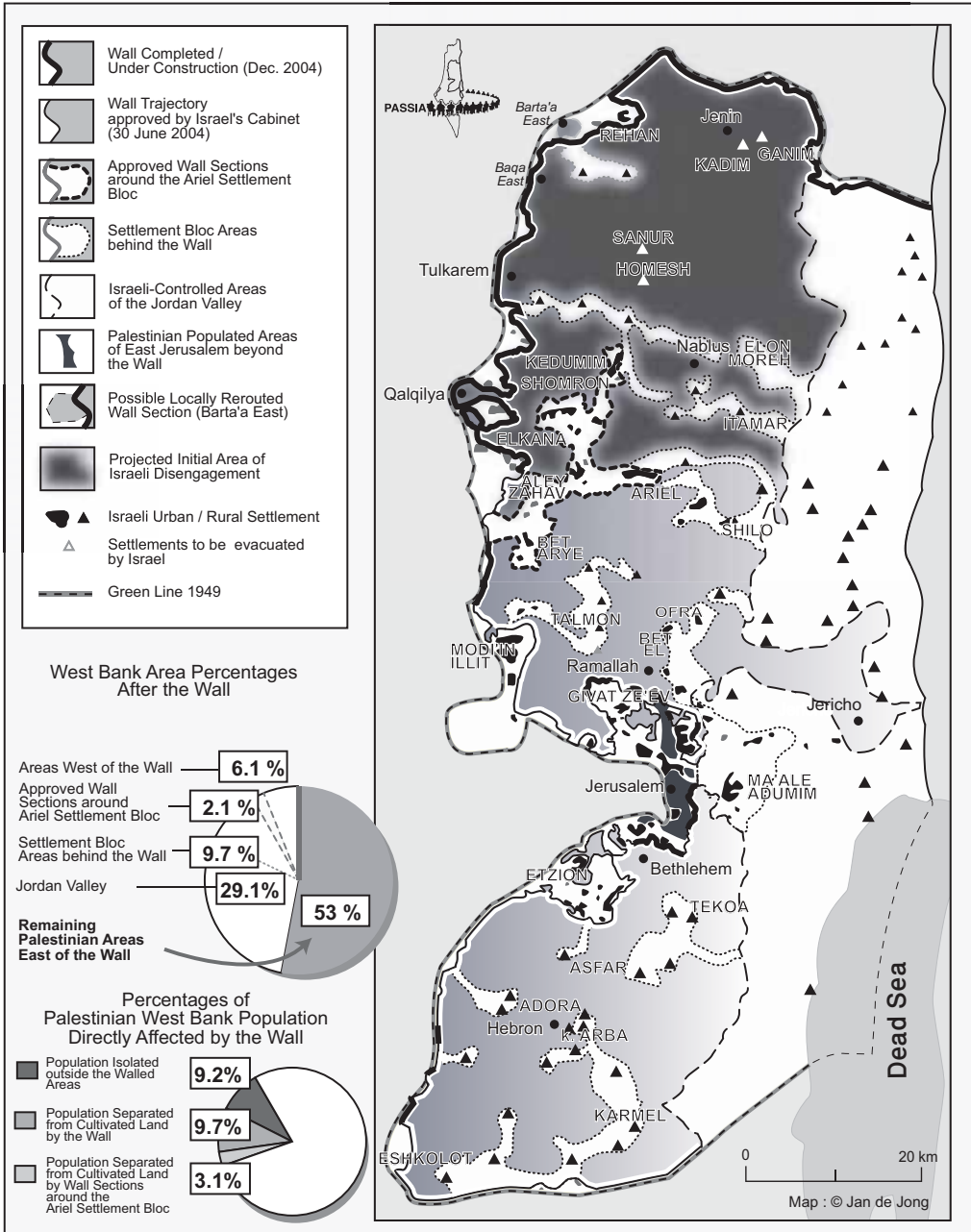
achieving a fair, lasting and comprehensive peace in the Middle East. The Council welcomed the briefing by SG/HR Solana on his visit to the region from 10-14 July. It expressed its support for the High Representative's commitment to keep both parties engaged in the peace process and in the implementation of the Roadmap. The Council fully endorsed the support the High Representative offered the parties, as well as his commitment that EU action should be coherent, focused and coordinated with the Quartet and the international community.

2. The Council expressed its grave concern at the recent escalation in violence in Israel and the Occupied Territories. The Council condemned unreservedly the recent terrorist attacks on Israel that have resulted in a number of Israeli fatalities and injuries. The Council also condemned violence by Palestinian militants against Palestinian security personnel. While having repeatedly condemned terrorist atrocities against Israelis and recognising Israel's right to protect its citizens against terrorist attacks, the European Union has consistently opposed extra-judicial killings, which are contrary to international law. The Council emphasised that Palestinians and Israelis must not return to the cycle of violence that has been characteristic of recent years. It urged Israel to exercise maximum self-restraint and the Palestinian Authority to take immediate and effective action against those involved in attacks.
3. The Council commended the political courage shown by the leaders of the two sides with regard to the withdrawal from Gaza and certain parts of the northern West Bank. The Council stressed the importance of a successful disengagement and noted that only one month remains until it is scheduled to start. The Council reaffirmed the need for both parties to the conflict to make every effort to take advantage of the opportunity presented by disengagement. The Council urged Israel to ensure withdrawal was complete and coordinated with the Palestinians and the international community. The Council called for intensified co-ordination between Israel and the Palestinians, which is central to achieving tangible results, especially with regard to the crucial issues of access to and from the Gaza Strip.
4. The Council reiterated its full support for the Quartet and its Special Envoy for disengagement, James Wolfensohn. The Council confirmed its support for his mission and the Union's determination to work in close co-operation with him to ensure the success of disengagement. It urged the international community, including Arab states, to do likewise. The Council emphasised the urgent need for Israel and the Palestinian Authority to cooperate effectively with each other and with Mr Wolfensohn to support Palestinian institutional and economic development. It urged the Palestinian Authority to accelerate reforms and Israel to put in place the conditions essential to viable Palestinian economic growth. The Council noted Mr Wolfensohn's intention to present further details on his work to the Quartet in the autumn, as well as the ongoing role played by the Commission in leading donor activity on Palestinian governance issues.
5. The Council noted the ongoing contacts between Israel and the Palestinian Authority, including the meeting between Israeli Prime Minister, Ariel Sharon and Palestinian President Mahmoud Abbas on 21 June in Jerusalem. The Council stressed the need for such contacts to improve in both substance and frequency and to take place at all levels. It called on both sides to renew their efforts to implement the commitments made in Sharm el Sheikh. The Council also urged both sides to avoid any action likely to undermine mutual confidence. The Council reaffirmed its position that no party should take unilateral measures which might prejudice the outcome of negotiations on the final settlement. In this context, the Council expressed its concern about the recent Israeli cabinet decision to immediately complete the separation barrier in and around East Jerusalem.
6. The Council urged the Palestinian Authority to step up its efforts to ensure a secure environment in which its citizens' own needs for law and order are met. The Council reiterated its commitment to contributing to the development of Palestinian security capacity through the Palestinian Civil Police, in co-ordination with US Security Coordinator General Ward. The Council also agreed in principle that EU support to the Palestinian Civil Police should take the form of an ESDP mission building on the work of the EU Co-ordination Office for Palestinian Policing Support in cooperation with all the parties concerned.
7. The Council recalled that the EU will not recognise any change to the pre-1967 borders other than those arrived at by agreement between the parties. The Council reaffirmed its view that the way to achieve a permanent peace is a viable two-state solution achieved through the full implementation by both parties of their commitments under the Roadmap.



# Map 1

## The Wall and Proposed Israeli Unilateral Disengagement, December 2004



# Map 2

## Israel's West Bank Road Plan and Disengagement, 2004

