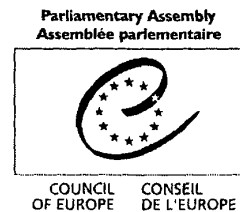


Parliamentary Assembly Assemblée parlementaire



Doc. 10570
3 June 2005

Situation in the Middle East

Report
Political Affairs Committee
Rapporteur: Mr Mikhail Margelov, Russian Federation, European Democrat Group

Summary

The election of Mr Mahmoud Abbas to the presidency of the Palestinian Authority in January 2005 opened a window of opportunity for the renewal of the peace process in the Middle East. The Parliamentary Assembly, by its Resolution 1420 (2005) adopted on 26 January 2005, called for the immediate resumption of the political dialogue between Israel and the Palestinian Authority.

Despite the absence of a spectacular breakthrough, some progress has been achieved on both sides. Moreover, recent developments in neighbouring countries constitute a positive framework for the peace process.

The text calls on both sides to intensify their co-operation and to continue the dialogue towards a meaningful and peaceful solution. Moreover, the report calls the Assembly to increase its efforts by intensifying its contacts with the other countries of the region to promote its fundamental values. The granting of observer status to the Palestinian Legislative Council could be considered after the elections.

I. Draft resolution

1. The Parliamentary Assembly refers to its Resolution 1420 (2005) on the prospects for peace in the Middle East.
2. It observes that several months after the election of Mr Mahmoud Abbas to the presidency of the Palestinian Authority, the chance for a peaceful solution in the Middle East remains open. Despite the absence of a spectacular breakthrough, some progress towards durable peace has been achieved and is underway.
3. The Assembly expresses satisfaction that even if some regrettable incidents of violence on both sides have happened, the cease-fire remains in force and the co-operation between the Israeli and Palestinian security forces is continued.
4. At the same time, the Assembly deplores certain negative developments like insufficient progress in dismantling terrorist groups by the Palestinian security forces, the continuation of the construction of the wall and the extension of illegal settlements in Jerusalem and the West Bank by Israel.
5. The implementation of the disengagement plan by Israel should be welcomed. However, the Assembly recalls that it should be followed by the withdrawal from the West Bank in accordance with the Roadmap which is a valid reference for the peace negotiations.
6. The Assembly is satisfied that the democratisation process within the Palestinian Authority has been continued. The forthcoming elections to the Palestinian Legislative Council will be crucial for further progress towards a meaningful and peaceful solution.
7. Recent developments in neighbouring countries, including the withdrawal of Syrian troops from Lebanon and the release of Jordanian prisoners by Israel, constitute a positive framework for the peaceful process.
8. The Assembly is convinced that the Council of Europe should increase its role in the promotion of democratic values and intercultural and inter-religious dialogue in the region.
9. The Assembly recalls its previous work on the situation of the Palestine refugees and in particular its Resolutions 1156 (1998) and 1294 (2002) proposing the establishment of a Palestine refugee and displaced persons final status fund under the aegis of the United Nations to finance the cost of resettlement and compensation.
10. The Assembly welcomes the decision of the Political Affairs Committee, following Resolution 1420 (2005), to establish a Tripartite Parliamentary Forum allowing parliamentarians from the Knesset, the Palestinian Legislative Council and the Parliamentary Assembly to sit together on an equal footing with a right to speak and make proposals for the agenda and actions of the Sub-Committee on the Middle East.
11. The Assembly calls on the Government of Israel to:
 - i. revise its position concerning the construction of the wall taking into account the decision of the International Court of Justice and in particular not to create "faits accomplis";
 - ii. refrain from land and property confiscation as well as home demolitions in order to follow further construction;
 - iii. undertake measures facilitating the movement and access of the local population to their land and resources if they are separated by the wall;
 - iv. immediately stop construction and extension of illegal settlements in the West Bank and Jerusalem;
 - v. foresee measures enabling free and unrestricted movement of candidates for the parliamentary elections during the electoral campaign as well as of voters on the election day;

vi. fully co-operate with the Palestinian authorities and the Central Electoral Campaign with a view to allowing fully fair and free elections;

vii. consider a disengagement plan for the Gaza Strip as a first step which will be followed by withdrawal from other areas in accordance with a Roadmap.

12. The Assembly calls on the Palestinian Authority to:

i. considerably increase the efforts aimed at the dismantlement and disarmament of terrorist groups;

ii. ensure that people who are on the Israeli "wanted list" are not incorporated into the Palestinian security forces;

iii. investigate more efficiently and hold accountable perpetrators of any incidents of violence against the Israelis;

iv. co-operate closely with the international community in order to ensure that the forthcoming parliamentary elections are fair and free.

13. The Assembly calls on both sides to:

i. step up co-operation between their security forces ;

ii. use the Council of Europe expertise in order to revise school books with a view of eliminating hatred language from them.

14. The Assembly resolves to:

i. step up its co-operation with all parliaments of the region with a view to promoting democratic values;

ii. consider granting observer status to the Palestinian Legislative Council following the forthcoming parliamentary elections subject to the evaluation that they are fair and free;

iii. promote its proposal for the establishment of a Palestine Refugee and Displaced Persons Final Status Fund under the aegis of the UN to finance the cost of resettlement and compensation at every appropriate opportunity including the forthcoming international donors Conference in London.

II. Draft recommendation

1. The Parliamentary Assembly refers to its Resolution.....(2005) and recalls its Resolutions 1156 (1998) and 1294 (2002) proposing the establishment of a Palestine refugee and displaced persons final status fund under the aegis of the United Nations to finance the cost of resettlement and compensation.

2. The Assembly asks the Committee of Ministers to promote this proposal at every appropriate opportunity including the forthcoming international donors Conference in London.

III. Explanatory memorandum

I. INTRODUCTION

1. The last report on the situation in the Middle East was presented by the Political Affairs Committee shortly after the election of Mr Mahmud Abbas to the presidency of the Palestinian Authority which took place on 9 January 2005. This event, welcomed by the international community, opened a window of opportunity for the renewal of the peace process frozen for over a year. The Resolution adopted by the Parliamentary Assembly on 26 January 2005, called for the immediate resumption of the political dialogue between the two parties of the conflict.

2. The developments which have taken place since the election leave room for cautious optimism. The chance for a durable peace is still there. Even if there was no spectacular breakthrough, the political solution may still be achieved and some progress is being accomplished. The next months and the forthcoming events may have crucial importance for the future of the region.

3. The Rapporteur has decided to carry out a fact-finding visit before the parliamentary elections to the Palestinian Legislative Council scheduled for 17 July 2005, with a view to recommending possible assistance and involvement of the Council of Europe in the preparatory process. The visit took place on 17 to 22 April 2005 (see Appendix 1 for the Programme).

4. During the visit, the Rapporteur also looked into modalities of the implementation of Resolution 1420 which instructed the Sub-Committee on the Middle East to serve as a tripartite forum allowing parliamentarians from the Knesset, the Palestinian Legislative Council and the Parliamentary Assembly to sit together on an equal footing with a right to speak and make proposals for the sub-committees agenda and action.

5. Another aim of the visit was to put the Israeli-Palestinian conflict into the broader context of the situation in the Middle East. For that reason, the Rapporteur has decided to visit not only Israel and the Palestinian Authority but also Jordan as the neighbouring country whose policies may have an obvious impact on developments in the region. As the visit to Jordan turned out to be useful, the Rapporteur intends to continue with other neighbouring countries like Syria, Lebanon and Egypt after the elections. An important aspect of the co-operation with these countries is the promotion of the Council of Europe's values, which the Rapporteur will develop in the present report.

6. The Rapporteur would like to express his gratitude for the assistance provided by the Knesset and the Palestinian Legislative Council as well as by the Parliament of Jordan and the Russian Embassy in Amman with the preparation of the visit.

II. MAIN DEVELOPMENTS IN THE ISRAELI-PALESTINIAN CONFLICT SINCE THE ELECTION OF MR MAHMUD ABBAS TO THE PRESIDENCY OF THE PALESTINIAN AUTHORITY

7. Immediately after the election to the presidency of the Palestinian Authority on 9 January 2005, Mahmud Abbas called for the implementation of the Roadmap while beginning discussion on final status issues. The Israeli Prime Minister, Ariel Sharon, expressed his readiness to open the dialogue.

8. The crucial question, effective ceasefire, was considered by the Israeli side as a necessary precondition for any further progress in the peaceful process. On 8 February at the summit in Sharm al Shaykh with the participation of Prime Minister Sharon, President Abbas, Egyptian President Hosni Mubarak, and Jordanian King Abdullah II, both sides to the conflict declared an end to violence and military operations.

9. Both sides have made concrete goodwill gestures. President Abbas deployed security forces to Gaza to stop attacks against Israeli towns and settlements and reached a one-month cease-fire accord with militant groups. Palestinian security forces destroyed a tunnel used to smuggle weapons between Gaza and Egypt and toned down incitement against Israel. After 10 February attack on Jewish settlements, a number of responsible police and security officials in Gaza were dismissed from their jobs. The dismantlement of terrorist groups was started.

10. Prime Minister Sharon promised to halt military operations as long as the calm continues. He also undertook to stop targeted killings of suspected terrorists, to stop demolishing houses of suicide bombers and other terrorists and to allow families of terrorists expelled to Gaza to return to West Bank. Furthermore, Israel engaged to transfer several West Bank cities to Palestinian security control and to release 900 Palestinian prisoners in two groups. In the first one, 500 people have already been liberated.

11. Security co-operation between Israelis and Palestinians increased, and they established four joint committees dealing with its different aspects.

12. However incidents of violence have been noted. The attack at the main crossing between Israel and the Gaza strip on 14 January 2005, claimed by Hamas, the Al Aqsa Martyrs Brigades and the Popular Resistance Committees jointly, killed 6 Israeli civilians.

13. On 25 February 2005, Palestine Islamic Jihad claimed responsibility for a suicide bombing at a Tel Aviv nightclub, killing 5 and wounding more than 50. President Abbas vowed to punish those responsible. However, according to the Rapporteur's Israeli interlocutors, not much has been done in this respect.

14. On 3 April children were killed by Israeli soldiers near the Gaza Strip. The Palestinian sources say they were playing football in the off limits area, the Israelis claim that they were smuggling arms.

15. Minor incidents of violence take place on the daily basis. According to the Israeli security forces a number of potential terrorist attacks are prevented thanks to the co-operation and information received from the Palestinians. It seems that the co-operation at the operational level is going better than at the high political level.

16. Prime Minister Sharon has been pursuing his disengagement plan which foresees the unilateral withdrawal of Israeli troops and settlers from the Gaza Strip. On 15 February Sharon announced that Israeli forces had begun co-ordinating the withdrawal with the Palestinian Authority. On 20 February, the Israeli cabinet approved the evacuation to begin on 25 July. This deadline was subsequently postponed until 20 August.

17. The situation in the region has been developing in a positive direction. Some political observers believe that the withdrawal of Syrian troops from Lebanon could contribute to the progress of reaching a peace accord between Lebanon and Israel.

18. In February 2005, Jordan proposed deploying Palestinian soldiers from Jordan to the northern West Bank, pending approval of the Parliamentary Assembly and Israel. Israel would not agree, but supported training of Palestinian security forces' officers in Jordan. Also in February, Jordan sent an ambassador to Israel and, in March, its Foreign Minister visited Israel for the first time in four years. In April, Israel released some Jordanian prisoners. Further negotiations in this respect are underway.

III. MAIN CONCERNS

19. Security situation remains a major concern. Even if the cease-fire except for some incidents is in force, the Israeli side complains of the slow progress in the dismantlement of terrorist groups. Reportedly, 400 people who are on the Israeli wanted list have so far not been disarmed. According to the Palestinian explanations, those people had refused to return their arms as long as the cities were under Israeli military control as they felt threatened. The Palestinian security forces were not in a position to use force against them. However, the Israelis fear that the present cease-fire will only profit the terrorist groups which use it for further consolidation of their forces.

20. The construction of the wall, called by the Israeli a defensive fence and by the Palestinians the apartheid wall, is continuing. In February 2005, the Knesset adopted a revised itinerary closer to the pre-1967 border in some areas, yet still enveloping about 7 to 8 % of the West Bank with major settlements blocks. The Rapporteur can confirm that the Wall does not follow the Green Line and it is designed in such a way as to include areas for illegal settlements extensions planned in the future. Moreover, in certain areas it separates the Palestinian population from their lands and resources. It results sometimes in land and property confiscation and home demolitions. The Israeli officials, questioned by the Rapporteur, claimed that the wall did not follow a border line only in areas where

security concerns prevailed but this might be modified after the final peace accord. However, after a visit to several sites in particular in Jerusalem, the Rapporteur has serious doubts whether the damage done to the local population will be reparable.

21. The construction of the wall adds to the existing problem of the lack of freedom of movement. This is particularly serious in view of the forthcoming parliamentary elections. The problems of candidate's movements during the electoral campaign and in some cases of voters during the presidential elections were reported. It would be most regrettable if the same problems reappeared during the parliamentary elections.

22. Extension of the illegal settlements constitutes another serious problem. The Palestinians fear that these "accomplished facts" weaken their future negotiation position. Moreover, they rightfully claim that the construction constitutes a violation of the international law and it is contradictory to the Roadmap.

23. The Sharon's disengagement plan is implemented. The Palestinians complain that this action is considered by the Israelis as a unilateral step and not a part of the Roadmap process. On the other hand, the Israelis recall that the Roadmap process was designed as a goal-driven, phase by phase process and the Palestinian engagement for the first phase was the disarmament of the militia. As, in Israelis' opinion, this action was not properly carried out, they prefer to stick to the unilateral withdrawal for the time being.

24. As regards the forthcoming parliamentary elections to the Palestinian Legislative Council, all Rapporteur's interlocutors on both sides agreed that their results will have an important impact on the peace process. The Palestinian leaders stress that the absence of improvement in the population's situation or any visible political success of the Government will play into the hands of the extremists, in particular the Hamas which has already declared the intentions of participating in the elections.

25. The victory of the Hamas might paralyse completely any prospects of negotiations especially if its leaders decide to keep the armed wing in addition to the political party.

26. According to Mr Mahmut Barbuti, former rival of Mr Abbas in the presidential elections, there is a chance to have a strong third force, a democratic wing which would gather supporters of the peace process who disapprove of the shortage in democratic accountability of Fattah.

IV. ROLE OF THE COUNCIL OF EUROPE

27. In the Rapporteur's opinion the Council of Europe should devote much more attention to the situation in the Middle East and revise its approach regarding the co-operation with the countries of the region. This means more intensive contacts with Israel and Palestinian Authority but also with other countries like Jordan, Syria, Lebanon and Egypt.

28. Some democratic progress already achieved in the region leaves room for more coherent international support and action aimed at the promotion of democracy. The fundamental values of the Council of Europe should be much more actively promoted in this area and the role of the Council of Europe should increase considerably.

29. The parliamentary co-operation should constitute a crucial element of this co-operation. The Rapporteur has noted clear interest in this respect in three parliaments he visited.

30. In particular, the representatives of the Knesset and the Palestinian Legislative Council expressed their interest in the parliamentary co-operation. The Rapporteur discussed the modalities of the implementation of Resolution 1420 (2005) and agreed with both parties that the establishment of the Tripartite Forum will only be possible after the elections to the Palestinian Legislative Council.

31. The Rapporteur proposes to invite both parliaments to appoint permanent delegations according to the general rules of appointment of delegations to the PACE (proportional representation of the political forces); the Sub-Committee would also appoint a delegation, and the three parties would meet with their agenda along the lines of the former Joint Working Group on Chechnya.

32. Moreover, the representatives of the Palestinian Legislative Council would be invited on a permanent and institutionalised basis to attend the meetings of the Committee with a right to speak.

33. An ultimate goal should be the granting of observer status to the Assembly, similar to the one enjoyed by the Knesset.

34. Other necessary conditions for the increased parliamentary co-operation are fair and free elections to the Palestinian Legislative Council. The Parliamentary Assembly will observe the elections. The importance attached to this question is well illustrated by the fact that the Assembly will also assure a pre-election observation.

35. The Palestinian interlocutors expressed great interest in the legal assistance with drafting some laws for example, on the media and on the financing of political parties. The Rapporteur would transmit the relevant information to the Venice Commission, and make sure that both parties are in contact.

36. The Council of Europe could also play an important role in other fields of its excellence like for example, revision of textbooks or training of the administration staff.

37. The Congress of Local and Regional Authorities of the Council of Europe should be encouraged to play a more active role in the region. Besides the observation of local elections which it has been carrying out, it could increase the co-operation with local authorities and promote its action of "twinning" regions and towns.

V. PROSPECTS FOR THE FUTURE

38. According to the Rapporteur, the democratic process in the Palestinian Authority seems to be on the right track. As recently as during the visit the electoral law had been discussed and adopted by the Palestinian Legislative Council.

39. The peace process remains at a crucial and delicate stage. According to the Israeli and Palestinian interlocutors the window of opportunity is still open despite some incidents on both sides. Both sides expect more engagements from one another.

40. The next few months will be very important for the whole future in the region. Firstly, the result of the elections may be determinant to the progress in the peace process. Secondly, the pullout from Gaza. The experience of the withdrawal may determine the next steps of the Israeli Government. If the disengagement plan is carried out smoothly, if there is no increase in violence or terrorist actions, if the Palestinian security forces get control over the Gaza Strip and assures security, the chances for the possible withdrawal from the West Bank will increase. On the contrary, the failure, particularly in the security area, will give the Israeli Government a strong argument for the maintenance of the military presence in the West Bank. In that case, the prospect of a two-state solution will be further away than ever.

Appendix

**PROGRAMME FOR THE VISIT OF MR MARGELOV
RAPPORTEUR ON THE SITUATION ON MIDDLE EAST
17 to 22 APRIL 2005**

17 April 2005 (Sunday)

Arrival in Amman

18 April 2005 (Monday)

- 10 am Meeting with Mr Abdelhadi Al-Majali, Speaker of the Lower House of the Jordanese Parliament
- 11.30 am Meeting with Mr Jihad Momani, President of the Senate
- 12.30 pm Meeting with the Members of the International Affairs Committee of the Parliament
- 2 pm Meeting with Mr Adnan Badran, Prime Minister
- 3.30 pm Meeting with the Members of the Palestine Committee of the Parliament

19 April (Tuesday)

- 10 am Meeting with Mr Farouk Kasrawi, Minister for Foreign Affairs
- 12.00 pm Meeting in the Defence Ministry
- Lunch
- Transfer to Jerusalem

20 April 2005 (Wednesday)

- 8.30 am Departure to Ramallah
- 9 am Meeting with Mr. Naser Al-Quodwa , Minister of Foreign Affairs.
- 10 am Presentation by the Negotiations Affairs Unit.
- 11am Meeting with Dr. Ghassan Al-Khatib, Minister of Planning.
- 12 pm Meeting with Members of the PLC.
- 1 pm Meeting with NGO (PARC).
- 2 pm Lunch
- 3.30pm Meeting with Dr. Mustafa Barghouti, Head of Health, Development, Information and Policy Institute (HDIP).
- 4.30pm Departure to Jerusalem.

21 April 2005 (Thursday)

- 10.30 am Meeting with Mr. Efraim Zorof, Director of Centre Simon Wiesenthal.
- 11.30 am Meeting with Mr. Marc Sofer, Deputy General Director in the Ministry for Foreign Affairs.
- 12. 15 pm Meeting with Mr. Itzhak Eldan, Chief of Protocol.
- 12. 30 pm Departure for the Hotel King David.
- 12. 45 pm Lunch offered by Mr. Jeremy Issaharov, Head of Department of Strategic Affairs, Ministry for Foreign Affairs.
- 2 pm Departure for Herzliya.
- 3.30 pm Visit to the Interdisciplinary Centre, Herzliya, meetings with MM. Uriel Rachman, Director of the Centre and Lior Lotan, General Director of the Institute of Antiterrorist Policy
- 4 pm Exchange of views with the participation of General Director and researchers of the Institute on Palestinian questions, Hezbollah, terrorism Shiite and world Jihad.
- 5 pm Departure for Tel Aviv
- 6.15 pm Meeting in the Headquarters with General Yossi Koperwasser, Head of Analysis in Military Intelligence Service.
- 7 pm Meeting with General Udi Dekel, Head of Strategic Planning.
- 8 pm Meeting in the Defense Ministry

22 April 2005 (Friday)

Meetings with NGOs
Visit to the Wall
Meeting with Ambassadors

Reporting Committee: Political Affairs Committee.

Reference to Committee: Res. 1013 (1993), Res. 1103 (1996), Res. 1183 (1999), Res. 1245 (2001), Rec. 1541 (2001)n Res. 1281 (2002), Res. 1294 (2002)

Draft Resolution unanimously adopted by the Committee on 31.05.05

Draft Recommendation unanimously adopted by the Committee on 31.05.05

Members of the Committee: Mr Abdülkadir **Ateş** (Chairperson), Mr Latchezar Toshev (Vice-Chairperson), Mr Dick Marty (Vice-Chairperson), Mr Konstantin **Kosachev** (Vice-Chairperson), Mrs Manuela Aguiar, Mr. Giuseppe Arzilli, Mr David **Atkinson**, Mr Claudio Azzolini, Mr Miroslav **Beneš**, Mr Radu-Mircea Berceanu, Mr Gerardo Bianco, r Haakon Blankenborg, Mr Giorgi Bokeria, Mrs Beáta **Brestenká**, Mr Doros Christodoulides, Mrs Anna Čurdová, Mr Noel Davern, Mr Michel Dreyfus-Schmidt, Mr Adri Duivesteijn, Mrs Josette **Durrieu**, Mr Mikko **Elo**, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Daniel Goulet, Mr Andreas **Gross**, Mr Klaus-Jürgen Hedrich, Mr Jean-Pol **Henry**, Mr Joachim Hörster, Mr Tadeusz **Iwiński**, Mr Elmir Jahić (alternate: Mr Sead **Avdić**), Mr Ljubiša **Jovašević**, Lord Frank Judd (alternate: Lord John **Tomlinson**), Mr Ivan **Kalezić**, Mr Oleksandr Karpov, Mr Oskars Kastēns, Mr Petro Koçi, Mr Yuriy Kostenko, Mrs Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Tony Lloyd (alternate: Ms Jane **Griffiths**), Mr Younal Loutfi, Mr Mikhail **Margelov**, Mr Frano Matušić, Mr José Medeiros Ferreira, Mr Evangelos Meimarakis (alternate: Mrs Elsa **Papadimitriou**), Mr Murat **Mercan**, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Mrs Natalia Narochnitskaya (alternate: Mr Ilyas **Umakhanov**), Mr Zsolt Németh, Mrs Carina Ohlsson, Mr Boris Oliynyk, Mr Algirdas Paleckis (alternate: Mr Jonas **Čekuolis**), Mr Theodoros **Pangalos**, Mrs Eleonora Petrova-Mitevska, Mrs Sólveig Pétursdóttir, Mrs Clara Pintat Rossell, Mr Gordon Prentice (alternate: Sir Sydney **Chapman**), Mr Dumitru Prijmireanu, Mr Gabino **Puche**, Mr Lluís Maria de Puig, Mr Jeffrey Pullicino Orlando (alternate: Mr Leo **Brincat**), Mr Umberto Ranieri, Mr Michael Roth (alternate: Mr Rudolf **Bindig**), Mr Jan **Rzymelka**, Mr Peter **Schieder**, Mrs Juana Serna (alternate: Mr Julio **Padilla**), Mr Adrian **Severin**, Mrs Hanne **Severinsen**, Mr Samad **Seyidov**, Mr Leonid **Slutsky**, Mr Michael Spindelegger, Mr Zoltán **Szabó**, Mr Mehmet Tekelioğlu, Mr Tigran Torosyan, Mrs Marianne **Tritz**, Mr Vagif Vakilov (alternate: Mr Azim **Mollazade**), Mr Luc **Van den Brande**, Mr Varujan **Vosganian**, Mr Andrzej Wielowieyski, Mr Bart van Winsen, Mrs Renate Wohlwend, Mr Marco **Zacchera**

Ex-officio: MM. Mátyás **Eörsi**, Mats Einarsson,

N.B. : The names of the members who took part in the meeting are printed in **bold**

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner

