

**STANDING  
COMMITTEE**

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Original: English



**NATO Parliamentary Assembly**

**RELATIONS WITH THE  
PALESTINIAN LEGISLATIVE COUNCIL**

1. Following the elections in the Palestinian Territories on January 25, 2006 and the victory of the Islamic Resistance Movement (Hamas), the Standing Committee should decide how to proceed with relations with the Palestinian Legislative Council (PLC).

2. This document provides the background to the Assembly's relationship with the PLC. Appendix 1 provides a short summary of the developments in the Palestinian Territories, the international policy towards the PLC after the elections, and background information on Hamas. Appendix 2 provides a letter from the Palestinian Legislative Council to NATO PA President Pierre Lellouche of May 2006 inviting a delegation from NATO PA to visit the Palestinian Territories and talk to PLC members.

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3. Relations with the Palestinian Legislative Council date back to 1995, when a delegation from the PLC participated in the first Assembly Mediterranean Dialogue Seminar and then Assembly President Karsten Voigt held official discussions with PLC members when visiting Israel. Since then, the Palestinian Legislative Council has participated in the seminars of the Mediterranean Special Group (GSM). In 1998, the Mediterranean Special Group carried out a visit to Israel and the Palestinian Territories. In May 2005, Assembly President Pierre Lellouche travelled to Israel and the West Bank together with three Vice Presidents. The purpose of the visit was to assess the state of the Israeli-Palestinian peace process and see where the parliamentary side of NATO could be helpful in increasing confidence between the two sides.

4. As a consequence of this visit, two PLC delegates were invited to participate in the Ljubljana Spring session. During that session, Assembly members unanimously granted the Palestinian Legislative Council the status of Parliamentary Observer. Representatives of the PLC also participated in the Annual session in Copenhagen in November 2005.

5. During the discussions of the Standing Committee in Gdynia on March 24-26 a variety of views on the continuation of relations were expressed. No one argued for suspension of the PLC Parliamentary Observer status, and no one argued for contact with Hamas. Everyone agreed that the elections had been free and fair. With regard to future relations, some members proposed a policy of delay. The Assembly should do nothing until the situation is clearer - particularly the policies of the Hamas-led government - and thus avoid any action that could risk the perception that the Assembly favoured contact with Hamas.

6. Others argued that the outcome of the elections, however undesirable, represented the democratic expression of the Palestinian people and that a negative reaction risked worsening the situation and further isolating the Palestinian people. Several pointed out that the PLC included Fatah and other non-Hamas members. Also, it was stated that PLC members deemed as unacceptable by the international community were easily identified and already prevented from travelling to NATO countries. Moreover, the Assembly did not have the option of doing nothing as maintaining the Parliamentary Observer status implied the right to be involved in certain Assembly activities. The PLC would be aware of forthcoming Assembly activities.

7. In terms of a Standing Committee consensus, there was general agreement that the PLC's Parliamentary Observer status should not be suspended. With regard to future relations, the Assembly secretariat was asked to make contact with the PLC in order to seek assurances that if invitations to Assembly activities were to be issued, the resulting delegates would not include individuals assessed to be unacceptable. The PLC, from its side, is eager to maintain good relations with NATO PA. Immediately after Palestinian Authority (PA) President Abbas' call on Hamas to form a government on February 18, an official of the Palestinian Legislative Council contacted the NATO PA Secretariat to enquire about the position of the Assembly with respect to the PLC's status. The Assembly's contact person at the PLC has since left her position for personal and health reasons and her replacement has contacted the Secretariat about the future

of relations. At the time of writing<sup>1</sup>, the PLC has not requested accreditation for a delegation for the Paris Session.

8. On May 2, Assembly President Pierre Lellouche received an official letter from the Speaker of the PLC, Dr. Aziz Dweik, reaffirming his wish to strengthen ties between the PLC and NATO PA and inviting the President and his colleagues to pay a visit to the Palestinian territories and meet PLC members.

9. The Mediterranean Special Group (GSM) discussed its longstanding plan to visit Israel and the PA in its meeting in Istanbul on May 2. GSM Chairman Jean-Michel Boucheron summarised its conclusions as follows:

- i.* The GSM wishes to pay a visit to Israel and the Palestinian Authority (temporarily scheduled in early October 2006) because a visit is the only way to fully appraise the situation on the ground and inform all the members of the Assembly about it.
- ii.* The GSM does not want any of the two parties to be able to block the visit. Visiting Ramallah and then Jerusalem, the GSM wishes to meet with parliamentarians from both sides. If this were not possible it would consider travelling to the region anyway and meeting with Israeli and Palestinian intellectuals, journalists or others.

10. The Standing Committee should decide how to pursue relations with the PLC.

11. Should the Assembly attempt to pursue its relationship with the PLC in a way that would exclude Hamas? If so, how should this be done? Should, for instance, the Standing Committee decide to invite to Assembly meetings delegates from the PLC elected on the Change and Reform list but not affiliated with Hamas?

12. In the light of the answers to those questions, how should the President respond to the letter from the Speaker of the PLC inviting the President and his colleagues to visit the Palestinian territories and meet members of the PLC? Also, what guidance should be given to the Mediterranean Special Group regarding its plans to visit Israel and the Palestinian territories?

13. It should be noted that whatever arrangements the Assembly decides to establish, for meetings that take place in NATO member countries, PLC delegates will have to pass the hurdle of being issued a visa by the host country. This would allow the maintenance of the PLC's observer status without being in contact with delegates from Hamas, who are likely to be refused entry in EU countries so long as Brussels maintains its current position (see Appendix 1).

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<sup>1</sup> 15 May 2006

## Appendix 1: The 2006 Elections of the Palestinian Legislative Council

14. Voters from the West Bank, East Jerusalem, and the Gaza Strip were eligible to vote as the Palestinian Legislative Council was elected for the second time since the creation of the Palestinian Authority. The elections were unanimously judged as having been free and fair by international observers. Having won 74 out of the 132 seats, the Islamic Resistance Movement ( Hamas ) as the party behind the Change and Reform List was asked to form the new Palestinian government. Hamas failed to include other parties and has formed the new government with its own people and technocrats as ministers. However, not all of the delegates of its parliamentary block are members of the movement and were not involved in its past policies. They have chosen to run under the Hamas list for various reasons. The government was inaugurated on March 29.

15. Opinion polls and international observers suggest that the vote was primarily a vote against Fatah that is regarded as corrupt and unable to deliver improvements of Palestinians' living conditions and political freedom. Hamas has a positive track record in social policy and good governance on the local level, which was rewarded in the municipal elections between December 2004 and May 2005 and subsequently in the recent legislative elections. Moreover, it stands for a more self-reliable approach to relations with Israel. This approach is gaining support after the perceived failure of the previous government to commit Israel to its concessions under a policy of incrementalism. These findings are also confirmed by a closer look at the election results. Half of the 132 seats in the PLC are awarded to delegates on national lists; the other half is designated directly in electoral districts. The strong lead of Hamas over Fatah stems primarily from successes in the districts. On the national lists, Hamas reaped 43.94% of the vote, but it won 68% of the seats from districts. A February survey conducted by the Future Research Center in Gaza found that 70% of Palestinians are against recognition of Israel in exchange for international support. Nevertheless, support for negotiations has not waned. A recent poll (quoted by Palestinian Chief Negotiator Saeb Erekat) showed that 84% of Palestinians still want a negotiated peace agreement with Israel and even among Hamas voters, more than 60% are in favour of an "immediate" resumption of negotiations.

16. The international response to the Palestinian elections was initially one of cautious engagement. On January 30, the Quartet (the United States, the European Union, Russia, and the United Nations) stated that its future cooperation with the Palestinian Legislative Council required that "all members of a future Palestinian government must be committed to non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap." In his State of the Union address on January 30, US President Bush called upon Hamas leaders to "recognize Israel, disarm, reject terrorism, and work for lasting peace." Hamas officials were received by few non-Arab countries including Russia, Turkey but also Iran. The Turkish position reiterated support for the Quartet's position but also called on the international community to be ready to work with a democratically elected government. On March 2, Russia received a Hamas delegation led by Khaled Meshaal, which was the first time a member of the Quartet has held formal talks with the new legislators.

17. Hamas has however until now not fulfilled the conditions set by the quartet as they are worded in the quartet's declarations. Contrary to the expectations of some, an international boycott has not led it to change its positions. Hamas has however sent numerous signals about its readiness to engage with the international community and Israel if they guarantee Palestinian rights. It refuses formal recognition (not necessarily de facto recognition) of Israel as a prerequisite for contacts and insists on its right to resistance to occupation. OECD countries and the EU have officially suspended any contacts with Hamas officials although there are some reports of contact between unnamed officials from Europe and Hamas officials.<sup>2</sup> Furthermore, the granting of a

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<sup>2</sup> Palestinian foreign minister Mahmoud Zahar insists on having met with a European foreign minister while touring several Arab countries in early May 2006.

Schengen visa to the Palestinian minister for refugees, Atef Adwan, to attend a non-governmental conference by Sweden has sparked heated debates.

18. Consequences of the international position play on two levels: first, the domestic and budgetary situation in the territories and, second, the future of the peace process. The cessation of transfers by the US and the EU as well as the American legislation on terrorism finance that sanctions banks involved in any flows of money to the Palestinian government has plunged the government into a deep crisis. In order to continue its assistance to the Palestinian people, OECD countries are presently trying to establish ways to circumvent the Hamas led government. In its May 9<sup>th</sup> meeting, the Quartet decided to set up a "temporary international mechanism" for a period of three months to directly deliver "assistance to the Palestinian people." Observers fear the creation of a parallel administration or shadow government that reports to the presidency and not to the government that would undermine the existing Palestinian institutions. Experts estimate that a policy that drives a wedge between the PA and the PLO will further escalate tensions between the political factions and might well lead to a civil war. Clashes between Hamas and Fatah supporters sparked off by the debate over the control of security forces have already caused numerous deaths and injured. Emphasizing the distinction between the PLO as the international representative of the Palestinians and the Palestinian government, President Abbas has reaffirmed the will and need for negotiations with Israel in a letter to the quartet on May 6 calling for "immediate negotiations with Israel in order to implement the roadmap".

19. A World Bank report of May 7 warns of undermining Palestinian institutions as experiences in fragile states has shown that "mainstream institutional breakdown is very hard to reverse: complex structures such as school systems are not machines to be switched on and off at will"<sup>3</sup>. The humanitarian situation in the Palestinian Territories is beginning to worsen as hospitals run out of medical supplies and food and petrol shortages are manifesting in Gaza. Approximately one million people out of a total of 3.5 million depend on payments from the PA, which has not been able to pay salaries in March and April. The World Bank warns not only of institutional breakdown but also of a humanitarian crisis and rising insecurity as the discipline of unpaid security personnel is difficult to ensure. The monthly US\$180 million budget is declining due to a freeze in external funding, banking restrictions that impede substitute transfers from Arab states, and Israeli restrictions on the movement of goods and labour. The World Bank estimates that "if today's strictures remain or intensify, the PA may be looking at no more than US\$25 million in domestic revenues per month, and no banking system available with which to distribute them."

20. Whereas governments are using the strategy of working with the PLO and the president instead of the government, interparliamentary bodies cannot but address the question of working with their counterparts from the Palestinian Legislative Council. The Euromed Parliamentary Assembly<sup>4</sup> continues to include Palestinian delegates and has invited Palestinian participants to its 2006 Plenary Session. However, the Belgian authorities refused to issue visas to the delegates who were chosen by the PLC. The Parliamentary Assembly of the Council of Europe found itself in a similar situation. On 15 March 2006, the Sub-Committee on the Middle East had unanimously decided to invite a delegation of the PLC to its meetings. For its session from April 10-13, the Palestinian delegates did however not receive a visa from the French authorities. Following a 2005 resolution (Resolution 1420), the PACE is discussing the establishment of a Tripartite Forum, which would allow discussions with equal rights for parliamentarians from the Knesset, the Palestinian Legislative Council and the PACE.

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<sup>3</sup> "The Impending Palestinian Fiscal Crisis, Potential Remedies" World Bank, May 7, 2006

<sup>4</sup> The EMPA consists of parliamentarians appointed by: (1) the national parliaments of the EU Member States; (2) the national parliaments of the ten Mediterranean partners (Algeria, Egypt, Jordan, Israel, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey); (3) the European Parliament. It consists of a maximum of 240 Members: 120 Europeans (75 from the EU national parliaments and 45 from the EP) and 120 from EU Mediterranean partner countries. It is organised on the basis of national delegations and EP delegations. The EMPA meets at least once a year and has a consultative role, providing parliamentary support for the development of the Euro-Mediterranean Partnership; expressing its views on all issues relating to the Partnership, including the implementation of the association agreements; and adopting resolutions or recommendations, which are not legally binding, addressed to the Euro-Mediterranean Conference.

21. Hamas has refused to rule out armed struggle which it regards as a legitimate right of the Palestinian people. The movement consists of essentially a social services organisation and a military wing, the Izzedine al-Qassam Brigades. However, because of its underground character and unstable leadership due to exile and elimination by Israel, it is difficult to judge how clearly separated the military and political wing are in practice and how streamlined its spokespeople are. It is often argued that the exiled leader Khaled Meshal is to some extent out of touch with realities on the ground and therefore more radical than others. It is already clear that the organisation of the political process poses challenges as Hamas officials from Gaza cannot travel to the West Bank and the PA headquarters in Ramallah, and parliamentary sessions are held via video conference.

22. There are essentially two points of view as to the future position of Hamas in government: one that argues that political participation leads to moderation as has already been shown by Hamas' endorsement of elections; the other argues that Hamas is using the political process to secure its position and reinforce its resistance against Israel to prevent a negotiated two-state solution.

23. The Hamas charter of 1988 calls for the liberation of Palestine<sup>5</sup>, which is considered an Islamic endowment (waqf) and on which, therefore, "no inch can be ceded". This is taken as evidence that Hamas is not ready to accept the existence of Israel on part of the territory the movement considers entirely as Palestine. The ideological roots of the movement go back to the Egyptian Muslim Brotherhood and its subsequently radicalised wing that calls for the establishment of an Islamic state on the model of early Islamic society with a conservative interpretation of Islamic law. In its quest for the "liberation of Palestine" the movement calls for Jihad, which among other things also means armed struggle to defend the holy land and is thus interpreted as a call for the elimination of Israel. Another interpretation sees actual Hamas policy as trying to obstruct a two-state solution until the demographic balance will turn in favour of the Palestinians, which is expected to happen at the latest by 2020. This would take away the justification for the existence of a Jewish state of Israel.

24. Those who argue in favour of moderation through participation state that realities have fundamentally changed since the drafting of the charter and that the charter does not actually correspond to the political practice of the movement. By entering the Palestinian Legislative Council which is a direct result of the Oslo peace process, Hamas implicitly acknowledges the Oslo process. Hamas has on numerous occasions stated the possibility of a long cease-fire (hudna, the equivalent to an international treaty in Islamic law, or tahdia, a more vague term to describe a period of calm) with Israel, which could represent a possible window of opportunity for negotiations. In an editorial in January 2006, Khaled Meshal stated that "... if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms." Hamas has not carried out any attacks during the temporary truce since March 2005 and has eliminated the call for Israel's destruction from its electoral program. The first step to Hamas' inclusion in the political process was made with the movement's participation in the municipal elections between December 2004 and May 2005 when it already reaped a large part of the votes. Since then, Hamas municipal officers and the Israeli Defense Force Civil Administration had cooperated more or less officially on day-to-day issues like civilian affairs or infrastructure, which analysts take as an additional hint that in reality Hamas has come to terms with Israel's existence.

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<sup>5</sup> The meaning of Palestine is not explicitly defined in the 1988 Charter of Hamas but the waqf status refers to Ash-Sham as conquered by Muslims between 634 and 644 (today's Israel, Palestine, Lebanon, Jordan and Syria). Furthermore, the Charter talks about the "Zionist invasion" of this territory.

## Appendix 2:

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Palestinian National Authority  
The Palestinian Legislative Council  
The Speaker



السلطة الوطنية الفلسطينية  
المجلس التشريعي الفلسطيني  
الرئيس

In the name of Allah, most Gracious, most Merciful

Ramallah, April 30<sup>th</sup> 2006

Your Excellency,

It gives me great pleasure to extend a cordial invitation to your Excellency and to your colleagues to pay a visit to Palestine at your earliest convenience. This will provide a valuable opportunity to meet your Excellency and to discuss our bilateral relations as well as the recent political developments and the peace process in the region.

Allow me on this occasion to express to Your Excellency our high appreciation for the support and good understanding of the NATO Parliamentary Assembly to the Palestinian cause and for the achievement of a just, lasting and comprehensive peace in the Middle East.

I take this opportunity to reaffirm our wish to strengthen the friendly ties and the dialogue between our both assemblies. The mutual respect and understanding that characterize our relations will continue to inspire us in further developing these relations to the mutual benefit of our two assemblies.

Please accept, Your Excellency, the assurances of my highest consideration.



Dr. Aziz Dweik



The Speaker

H.E. Mr. Pierre Lellouche  
Speaker of the NATO Parliamentary Assembly