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## **Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Palestinian National Council**

### **Report<sup>1</sup>**

Committee on Political Affairs and Democracy

Rapporteur: Mr Tiny KOX, Netherlands, Group of the Unified European Left

### *Summary*

The report offers an overview of the institutional and political situation in the Palestinian territories. It concludes that the request of the Palestinian National Council (PNC) meets, both in form and in substance, the requirements laid down in Rule 60 of the Parliamentary Assembly's Rules of Procedure. It therefore proposes to grant partner for democracy status to the Palestinian National Council.

At the same time, the report stresses the need for Palestinians to continue and deepen reforms aimed at consolidating democratic institutions, the rule of law and the respect for human rights. It singles out benchmarks which are of key importance for this.

It invites the PNC to appoint a delegation from among its democratically elected members and suggests that the Assembly should review, in two years time, the state of progress achieved in implementing the political commitments undertaken by the PNC and the political and institutional reforms.

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1. Reference to committee: Bureau decision, Reference 3729 of 24 January 2011.



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## A. Draft resolution <sup>2</sup>

1. In adopting [Resolution 1680 \(2009\)](#) on the establishment of a “Partner for Democracy” status with the Parliamentary Assembly, the Parliamentary Assembly resolved to establish a new status for institutional co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly’s experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries. A new Rule 60 of the Assembly’s Rules of Procedure, setting out the conditions and methods for granting such a status, including formal political commitments that the parliament concerned must undertake, came into force in January 2010.
2. The Assembly considers that by explicitly referring in [Resolution 1680 \(2009\)](#) to the eligibility of the Palestinian Legislative Council to request Partner for Democracy status, it implicitly stated that such status was independent from recognition of a Palestinian state.
3. In September 2009, the Speaker of the Palestinian National Council (PNC) had already expressed interest in the status and, after the Assembly had decided on the admissibility of such a request in October 2010, the Speaker of the Palestinian National Council conveyed the official request of the Palestinian National Council to be granted the status of Partner for Democracy with the Parliamentary Assembly of the Council of Europe, on 3 November 2010.
4. The Assembly takes note that, in his letter, the Speaker of the Palestinian National Council, in line with the requirements set out in Rule 60.2 of the Rules of Procedure, reaffirmed that “the Palestinian National Council is committed to the same values as those of the Council of Europe, namely pluralist and gender parity-based democracy, the rule of law and respect for human rights and fundamental freedoms”, and committed itself to:
  - 4.1. “continuing [its] efforts to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of issues relating to the abolition of the death penalty and to encourage the authorities concerned to maintain the *de facto* moratorium that has been established on executions of the death penalty since 2005”;
  - 4.2. “making full use, in [its] institutional and legislative work, of the experience of the Parliamentary Assembly of the Council of Europe, as well as the expertise of the European Commission for Democracy through Law (Venice Commission), bearing in mind that the Palestinian National Authority has an observer status with the Venice Commission”;
  - 4.3. “continuing [its] efforts to create favourable conditions for holding free, fair and transparent elections in compliance with relevant international standards”;
  - 4.4. “encouraging equal participation of women and men in public life and politics”;
  - 4.5. “encouraging the competent authorities of the Palestinian National Authority to accede to relevant Council of Europe conventions and partial agreements that are open for signature and ratification by non-member states, in particular those dealing with human rights, the rule of law and democracy issues”;
  - 4.6. “inform[ing] the Assembly regularly on the state of progress made in the implementation of the principles of the Council of Europe”.
5. The Assembly therefore considers that the request by the Palestinian National Council meets the formal conditions set out in its Rules of Procedure.
6. The Assembly acknowledges that the Palestinian society at all levels – political parties, trade unions, human rights organisations, organisations for women, universities, religious communities and others – has high expectations about the Palestinian National Council becoming a Partner for Democracy with the Parliamentary Assembly of the Council of Europe. Acquiring this status is considered to be an important incentive to further develop democracy, the rule of law and protection of human rights in the Palestinian territories.
7. The Assembly recalls that both the presidential elections of 2005 and the parliamentary elections of 2006 in the Palestinian territories were observed by the Assembly and were considered to be free and fair. The Assembly also notes that new elections for the presidency and parliament are foreseen before June 2012.

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2. Draft resolution adopted unanimously by the committee on 6 September 2011.

8. The Assembly notes that important progress is being made in the parts of the Palestinian territories which are under the authority of the Palestinian National Authority towards the development of an independent judiciary and an efficient fight against corruption and in favour of public transparency.

9. Further development of the core values upheld by the Council of Europe in the Palestinian territories is much hindered by the fact that the larger part of these territories is still under Israeli military occupation. Any progress in finding a peaceful solution to the Israeli–Palestinian conflict would open many new opportunities in the Palestinian territories to develop and strengthen democracy, the rule of law and the protection of human rights.

10. At a time when the people in a number of Arab and Mediterranean countries have clearly expressed the wish to enjoy fundamental political and social rights, the Assembly deems it important that Palestinians, with their emerging political institutions, continue firmly on the path of democratic transformation.

11. The Assembly welcomes the Palestinian National Council's commitment to deep constitutional, institutional, political and legal reforms, and encourages the national authorities to make full use of the Council of Europe expertise and draw inspiration from Council of Europe standards in carrying out such reforms. It further welcomes the announcement of a reconciliation between those in charge in the West Bank and in the Gaza Strip. It considers that the Partner for Democracy status provides an appropriate framework for a stronger involvement of the Palestinian National Council in the process of reforms.

12. Against this background, the Assembly considers that the following specific issues are of key importance for strengthening democracy, the rule of law and the respect of human rights and fundamental freedoms in the Palestinian territories:

12.1. rapidly concluding the negotiations for the formation of a government of national unity and setting universally acceptable dates for the presidential, parliamentary and local elections;

12.2. holding such elections in accordance with relevant international standards in the whole of the Palestinian territories;

12.3. taking definite and significant steps in the direction of the three pleas made by the Quartet: to refrain from violence; to recognise the right of the State of Israel to exist; to abide by all the agreements signed by the Palestinian representatives in recent years;

12.4. reforming the structure of the Palestinian National Council so that it becomes, to the largest possible extent, a democratically elected body;

12.5. actively promoting equal opportunities for women and men in political and public life; fighting all forms of discrimination (in law and in practice) based on gender; ensuring effective equality between women and men, including as regards inter-religious marriages and inheritance law and, where necessary, initiating a process of legislative revision; fighting all forms of gender-based violence;

12.6. abolishing the death penalty set out in the Penal Code, going beyond the *de facto* moratorium on executions which has been established, at least in the West Bank, since 2005;

12.7. rejecting the use of terrorism and combating it explicitly;

12.8. freeing the soldier Gilad Shalit;

12.9. ending all illegal smuggling of weapons into the Gaza Strip and the West Bank;

12.10. adhering to and effectively implementing relevant international instruments in the field of human rights, including full co-operation with United Nations special mechanisms and implementation of the United Nations Universal Periodic Review recommendations;

12.11. guaranteeing freedom and pluralism of the media;

12.12. eradicating and preventing torture and inhuman or degrading treatment of persons deprived of their liberty; fighting impunity for crimes of torture and ill-treatment;

12.13. improving conditions of detention, in line with the United Nations prison-related norms and standards; the conditions under which the Israeli soldier Gilad Shalit has been detained since 2006 are particularly unacceptable;

12.14. fighting racism, xenophobia and all forms of discrimination;

12.15. fighting corruption;

12.16. strengthening local and regional democracy;

12.17. ensuring full respect for freedom of conscience, of religion and of belief, including the right to change one's religion;

12.18. guaranteeing and promoting freedom of association and of peaceful assembly.

13. The Assembly expects the Palestinian National Authority to accede in due course to relevant Council of Europe conventions and partial agreements, in particular those dealing with human rights, the rule of law and democracy issues, in accordance with the commitment contained in the letter of 3 November 2010 from the Speaker of the Palestinian National Council.

14. The Assembly calls on the Palestinian National Council to enhance its contribution to solving the Israeli-Palestinian conflict, in accordance with the relevant resolutions of the United Nations Security Council and as stressed in the relevant Assembly resolutions.

15. Furthermore, the Assembly expects the Palestinians to seek the settlement of international disputes by peaceful means in accordance with the Charter of the United Nations.

16. Noting that the Palestinian National Council has reiterated its determination to work to ensure full implementation of the political commitments contained in Rule 60.2 of the Rules of Procedure and entered into by the letter of its Speaker on 3 November 2010, the Assembly resolves to:

16.1. grant Partner for Democracy status to the Palestinian National Council as from the moment of the adoption of the present resolution;

16.2. invite the Palestinian National Council to appoint from among its democratically elected members a "Partner for Democracy" delegation consisting of three representatives and three substitutes to be composed in accordance with Rule 60.4 of the Assembly's Rules of Procedure.

17. The Assembly believes that progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing the efficiency of this partnership.

18. It accordingly resolves to review, no later than two years from the adoption of this resolution, the state of progress achieved in implementing the political commitments undertaken by the Palestinian National Council, as well as in carrying forward the specific issues mentioned in paragraph 12 above.

19. The Assembly stresses the importance of free and fair elections as a cornerstone of a genuine democracy. It therefore expects to be invited to observe parliamentary elections in the Palestinian territories as from the general elections expected before June 2012.

20. The Assembly is confident that granting Partner for Democracy status to the Palestinian National Council will contribute to intensifying co-operation between the Palestinians and the Council of Europe and promoting Palestine's accession in due course to Council of Europe conventions. It therefore encourages the Secretary General of the Council of Europe, in co-ordination, as appropriate, with the European Union, to mobilise the Organisation's expertise, including that of the Venice Commission, with a view to contributing to the full implementation of democratic reforms in the Palestinian territories.

## B. Explanatory memorandum by Mr Kox, rapporteur

### 1. Introduction

1. In June 2009, the Parliamentary Assembly adopted [Resolution 1680 \(2009\)](#) on the establishment of a partner for democracy status with the Parliamentary Assembly,<sup>3</sup> whereby it resolved “to establish a new status for institutional co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly’s experience in democracy-building and to participate in the political debate on common challenges which transcend European boundaries” and decided that the new status would be called partner for democracy. It indicated that the national parliaments of all southern Mediterranean and Middle Eastern countries participating in the Union for the Mediterranean – Barcelona Process (including the Palestinian Legislative Council), and of central Asian countries participating in the Organization for Security and Co-operation in Europe (OSCE), would be eligible to request partner for democracy status with the Assembly.

2. In this resolution, the Assembly reaffirms its strong commitment to developing co-operation with neighbouring regions as a means of consolidating democratic transformations and promoting stability, good governance, respect for human rights and the rule of law, as expressed, *inter alia*, in several recommendations and resolutions.

3. Following the adoption of [Resolution 1680 \(2009\)](#), a new Rule 60, setting out the conditions and modalities for granting the partner for democracy status, was inserted in the Assembly’s Rules of Procedure. In particular, Rule 60.2 contains formal political commitments that the parliament concerned must undertake when requesting to be granted partner for democracy status. Moreover, Rule 60.1 foresees a possibility for the Assembly, if appropriate, to lay down specific conditions to be met by the parliament concerned before or after the status has been granted.

4. In July 2009, [Resolution 1680 \(2009\)](#) was transmitted to the Palestinian Legislative Council (PLC) by the President of the Assembly.

5. In September 2009, the President of the Palestinian National Council (PNC) wrote to the President of the Assembly welcoming [Resolution 1680 \(2009\)](#). He confirmed officially to the Parliamentary Assembly “the desire and readiness [of the PNC] to be part of this ambitious partner for democracy project in order to continue working to achieve its commitments as outlined in the above-mentioned [Assembly] resolution”.

6. In May 2010, the Secretary General of the PLC wrote to the President of the Assembly indicating that the Committee of Parliamentary Blocs, which represents the different political groups in the PLC, “strongly supported the request made by the PNC to be granted the status of Partner for Democracy in the Council of Europe Parliamentary Assembly”.

7. He further indicated that the PNC was the parliamentary institution which represented all Palestinians, the parliamentary body of the Palestinian Liberation Organisation (PLO), the sole legitimate representative of the Palestinian people, universally recognised in the United Nations and in other institutions, such as the Inter-Parliamentary Union (IPU), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the Arab, Islamic and non-aligned Inter-parliamentary institutions. He also stated that the PLC was a chamber in the PNC and that all members of the PLC were automatically members of the PNC.

8. In June 2010, the Bureau of the Assembly considered that, subject to receipt of an official request for partner for democracy status by the PNC, such request should be considered admissible. This decision was based, *inter alia*, on the fact that the PNC was represented in, or had relations with, the IPU, the EMPA, the Parliamentary Assembly of the Mediterranean (PAM) and the Arab Inter-parliamentary Union (AIPU).

9. On 4 October 2010, the Assembly ratified this decision by approving the progress report and on 7 October both the President of the PNC and the Secretary General of the PLC were informed of this decision and that the PNC was thus entitled to submit a formal request based on the terms of Rule 60 of the Rules of Procedure of the Assembly.

10. By letter of 3 November 2010 to the President of the Assembly, the Speaker of the Palestinian National Council conveyed the formal request of the PNC to be granted the status of partner for democracy with the Parliamentary Assembly of the Council of Europe (see appendix). This was the second such request, after that of the Moroccan Parliament earlier in the year.

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3. See the report, [Doc. 11913](#) (rapporteur: Mr Luc van den Brande).

11. At its meeting on 14 December 2010, the Bureau decided to refer the request to the Political Affairs Committee for report as well as to the Committee on Legal Affairs and Human Rights and to the Committee on Equal Opportunities for Women and Men for opinion.
12. On 26 January 2011, the Political Affairs Committee appointed me as rapporteur.
13. In his report on the request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Morocco, Mr Luca Volontè, rapporteur, defined the purpose of his mission as follows:
  - to verify whether the official request by the Parliament of Morocco contains the formal commitments foreseen in Rule 60.2;
  - to consider whether these commitments correspond to reality and, as a result, whether the status may be granted;
  - to assess whether any specific conditions, to be met by the Parliament of Morocco before the status is granted, should be laid down;
  - to determine the areas where further reforms are most needed, and which should be in the focus of the review and follow-up process in the future.
14. I agree with his definition and have tried to do the same for the request by the PNC.

## **2. Fact-finding visit (21-26 March 2011)**

15. I carried out a fact-finding visit to the Palestinian Territories from 21 to 26 March 2011.
16. In Ramallah, I met the Prime Minister, the Minister of Foreign Affairs, the Minister of Justice, the Minister of Education and Higher Education, the Minister of Women's Affairs and the Minister of Prisoners and Detainees. I also had talks with the Speaker of the PNC, with representatives of the political parties within the PLC and its members who take part in the meetings of the Political Affairs Committee and with the Head of the Department of International Relations of the Executive Committee of the PLO and the General Secretary of the Executive Committee.
17. Furthermore, I met representatives of the Palestinian trade unions, the women's union, civil society, human rights and prisoners' organisations and of the Palestinian media. I also visited the Palestinian Central Elections Commission, the Central Bureau of Statistics, the Audit and Control Bureau, the Anti-Corruption Commission, the Broadcasting Commission and the Chief of the High Judicial Council.
18. I also met the Union of municipalities, several mayors, including those of Ramallah, Tulkarem and Doha, and the Governor of Ramallah and Al-Biereh. I visited the Roman Catholic Patriarchate at Deir Al, where I held an exchange of views with Father Dr Faisal Hajjazin. I also spoke with representatives of Palestinian universities at a meeting at Birzeit University. In Jerusalem, I met a representative of the European Union's mission.
19. At the end of the working visit, I met President Mahmoud Abbas and invited him to come to Strasbourg to inform the Assembly on his new proposals with regard to reconciliation with Hamas and the possibility of parliamentary and presidential elections later this year. President Abbas said that he was very interested in coming to Strasbourg and addressing the Assembly.
20. The visit had been very well organised by Mr Kreisheh, Secretary General of the PLC, and his team and, in general, interlocutors were well briefed about the Council of Europe and the partner for democracy status. All of them supported the request by the PNC. Many of my interlocutors, in particular representatives of human rights organisations, considered the partner for democracy status an important incentive to develop further democracy, the rule of law and protection of human rights in the Palestinian territories.

## **3. Brief historical background**

21. The region is strategically situated between Syria, Egypt and Saudi Arabia and is the birthplace of the Abrahamic religions. It has a long and turbulent history as a crossroads for culture, religion, politics and commerce. Human history in the region goes back 500 000 years or more, with civilisation reaching the region shortly after the first city-states in Mesopotamia. Since that time, the region has been controlled by numerous different peoples, including Ancient Egyptians, Canaanites, Ancient Israelites, Assyrians, Babylonians, Ancient Greeks, Romans, Byzantines, the Sunni Arab Caliphate, the Shia Fatimid Caliphate, Crusaders, Ayyubids, Mameluks, Ottomans, the British and modern Israelis and Palestinians.

22. The Hussein-McMahon correspondence, which undertook to form an Arab state, the Balfour Declaration of 1917, which favoured "the establishment in Palestine of a national home for the Jewish people while respecting the rights of existing non-Jewish communities", and the secret Sykes-Picot Agreement of May 1916 formed the basis for the decision to partition the region into British and French League of Nations mandates at the subsequent 1919 Paris Peace Conference and Treaty of Versailles.

23. In 1936, the British Peel Commission advised that Palestine be divided between the Arabs and the Jews.

24. Soon after the Second World War, the United Nations put forward the 1947 Partition Plan, which divided the British Mandate of Palestine between the Arab and Jewish populations. On November 1947, the Jewish Agency, including the Palestinian Jews, accepted the plan, while the Arab states rejected it.

25. On 14 May 1948, David Ben-Gourion declared the independence of the State of Israel. A war, called the "War of Independence" ( *Milhemet Ha'atzmaut*) by the Israelis and the "Catastrophe" ( *Nakba*) by the Palestinians, started. The armies of Egypt, Iraq, Jordan, Lebanon and Syria declared war on the newly formed state of Israel. During the fighting, a significant population exchange took place in the area, as an estimated 700 000 Arab Palestinians fled or were expelled from the Israeli controlled areas, and a comparable number of Jews were displaced from the Arab countries.

26. Israeli forces went beyond the borders of the United Nations Partition Plan to control an extra 18% of the territory of Mandatory Palestine. What remained of the territories allotted to the prospective Arab state by the Partition Plan was annexed by Jordan (the West Bank) or placed under Egyptian military rule (the Gaza Strip).

27. In June 1967, Israeli forces went into action against Egypt, Syria and Jordan, in what has come to be known as the Six-Day War. As a result of that war, the Israeli army conquered the West Bank, the Gaza Strip, the Golan Heights and the Sinai Peninsula, bringing them under Israeli military rule.

28. Israel also pushed Arab forces back from East Jerusalem, which had been closed to Jews during the prior Jordanian rule. East Jerusalem was annexed by Israel as part of its capital, though this action has not been recognised internationally.

29. The United Nations Security Council passed [Resolution 242](#), promoting the "land for peace" formula, which called for Israeli withdrawal from the territories occupied in 1967, in return for the end of all states of belligerency by the aforementioned Arab League nations.

30. The 1973 Yom Kippur War did not change the situation. Israel only returned the Sinai Peninsula to Egypt as part of the 1978 Camp David Peace Accords.

31. The First Palestinian Intifada against Israeli occupation took place from 1987 to 1993. New attempts at the peace process in the Israeli-Palestinian conflict were made at the Madrid Conference of 1991.

32. In a November 1988 meeting in Algiers, the PNC adopted the Palestinian Declaration of Independence, which proclaimed the State of Palestine on the basis of United Nations [Resolution 181](#). The declaration was accompanied by a call for negotiations on the basis of United Nations Security Council [Resolution 242](#).

33. Following the historic 1993 Oslo Peace Accords between Palestinians and Israel (the Oslo Accords), which gave the Palestinian Arabs limited self-rule in some parts of the West Bank and the Gaza Strip through the Palestinian Authority, and other detailed negotiations, proposals for a Palestinian state gained momentum. They were followed in 1994 by the Israel-Jordan Treaty of Peace.

34. After a few years of on-and-off negotiations, a second intifada erupted against Israeli occupation in September 2000 as a consequence of the collapse of the Camp David talks in the previous month. This was known as the Al-Aqsa Intifada. The events were highlighted by Palestinian suicide bombings in Israel which killed many civilians, and by Israeli Security Forces fully fledged invasions into civilian areas along with some targeted killings of Palestinian militant leaders and organisers. In 2002, Israel began building a complex security barrier as a measure of preventing suicide bombers from crossing into Israel. A major part of the wall was built inside the territory of the occupied West Bank, which in July 2004, the International Court of Justice (ICJ) found "illegitimate".

35. Also in 2002, the road map for peace calling for the resolution of the Israeli-Palestinian conflict was proposed by a "quartet": the United States, the European Union, Russia and the United Nations.

36. Following its unilateral disengagement plan of 2004, Israel withdrew all settlers and most of the military presence from the Gaza Strip, but maintained control of the air space, coastal waters and border crossings, thus isolating the Gaza Strip. Israel also dismantled four settlements in the northern West Bank in September 2005.

37. In January 2006, Hamas won a majority in the PLC. I had the opportunity to observe those elections, which, as the Assembly stated in [Resolution 1493 \(2006\)](#) on the situation in the Middle East, “were on the whole conducted in a well organised and democratic fashion and can be considered as fair and free”. Ismail Haniya, a Hamas leader, was appointed Prime Minister.

38. Rivalries between Hamas and Fatah exploded, on 9 June 2007, into open conflict on the streets of Gaza. The battle was over in five days, with Hamas taking over the Gaza Strip. Since then, there has been a split between the West Bank, under the leadership of President Abbas, and the Gaza Strip, under Prime Minister Haniya. This led to the *de facto* freezing of the PNC and the PLC. The Palestinian Authority, however, continued to fulfil its obligations towards the Palestinians in the Gaza Strip, for whom it allocates more than 50% of its budget.

39. At the end of 2008, the Government of Israel took military action in the Gaza Strip, involving aerial bombardments, use of armoured vehicles and a massive deployment of ground troops, with the objective of dismantling the Hamas positions from which, according to the Israeli authorities, some 10 000 rockets and missiles had been launched in the space of ten years. A United Nations report published in September 2009 denounced Israel for “using disproportionate force”.

40. Since 1967, Israel has pursued an active policy of building settlements in the Palestinian territories. In its [Resolution 1700 \(2010\)](#) on the situation in the Middle East, the Assembly noted that such policy had “become an increasingly acute aspect of the conflict and that the United States Administration and the international community has asked the Israeli Government to stop the settlements.” In November 2009, the Israeli Government agreed on a 10-month suspension of new settlements and building in the West Bank. In 2010, President Obama sponsored a new round of Israeli-Palestinian negotiations, which were interrupted when Israel decided not to renew the suspension of new settlements.

41. During my fact-finding mission, President Abbas explained to me his new initiative to promote reconciliation between Palestinians and to prepare presidential and parliamentary elections as soon as possible. Subsequently, on 4 May 2011, speaking in Cairo, President Abbas announced a reconciliation agreement between Fatah and Hamas and plans for the formation of a national unity government and for holding elections within one year. At that time, I said publicly that “I very much welcome[d] the unity deal of the various Palestinian groups, signed today in Cairo,” and that “Palestinian unity was of utmost importance with regard to the Palestinian request for closer co-operation with the Assembly.”

42. In August 2011, the reconciliation talks continued in Cairo. An accord was announced with regard to political prisoners in Gaza and the West Bank. Furthermore, it was agreed that a committee would be set up to ensure the opening of closed institutions in both the West Bank and Gaza. Local elections were scheduled by President Abbas to take place by 22 October but were postponed after a request from Hamas, until appropriate circumstances existed, in order to create a more positive atmosphere for reconciliation.

#### 4. Palestinian institutions

43. The first Arab Summit, held in Cairo in January 1964, resolved to enable the Palestinian people “to play a role in the liberation of their country” and empowered the Palestine delegate to the League of Arab States, Ahmad Shuqayri, to hold consultations on the implementation of this decision.

44. The Palestinian National Congress met in East Jerusalem in May 1964 to ratify its constitution and other documents that formally established the PLO and its institutions. The 397 invited delegates represented a broad spectrum of the Palestinian people. Among the proposed institutions approved was a National Assembly, which, in the 1970s, was renamed the Palestine National Council. The PLO Fundamental statutes organise the work of the PLO and its institutions, including the PNC which has its own standing orders.

45. The PLO is a political organisation. It is recognised as the “sole legitimate representative of the Palestinian people,” by over 100 states with which it holds diplomatic relations, as well as the Arab League, the Islamic Conference Organisation, the Non-Aligned Movement and the African Union, and has enjoyed observer status at the United Nations since 1974. In 1993, the PLO recognised Israel's right to exist in peace, accepted United Nations Security Council Resolutions 242 and 338, and rejected “violence and terrorism”; in response, Israel officially recognised the PLO as the representative of the Palestinian people.

46. The thrust of political power and most important political decisions are entrusted to the PLO Executive Committee, made up of 18 people elected by the PNC. The PLO incorporates a range of generally secular ideologies of different Palestinian movements committed to the struggle for Palestinian independence and liberation, hence the name of the organisation.

47. Yasser Arafat was elected by the PNC as Chairperson of the PLO Executive Committee in 1969 and was re-elected until his death in 2004. He was elected President of the State of Palestine in 1989 and President of the Palestinian National Authority in 1996. He was succeeded by Mahmoud Abbas (also known as Abu Mazen), who was elected Chairperson of the PLO Executive Committee in 2004, President of the Palestinian National Authority in 2005 and President of the State of Palestine in 2008.

48. The PLO has no central decision-making powers or mechanism that enables it to control its factions directly, but they are supposed to follow the PLO Charter and Executive Committee decisions. Not all PLO activists are members of one of the factions – for example, many PNC delegates are elected as independents or as representatives of unions and mass organisations.

49. Factions which are currently members of the PLO include Fatah, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), the Palestinian People's Party (PPP), the Palestine Liberation Front (PLF), the Arab Liberation Front (ALF), As-Sa'iqa, the Palestine Democratic Union (FIDA) and the Palestinian Popular Struggle Front (PPSF). Hamas, however, is not represented as a faction, although its members elected to the PLC are members of the PNC, which is the legislative body of the PLO.

50. The Palestinian National Authority (also referred to as the Palestinian Authority) was established in October 1993 to manage, according to the Israeli–Palestinian Interim Agreements (the Oslo Agreements), the affairs of Palestinians living in the West Bank and the Gaza Strip.

51. According to recent assessments of the World Bank (September 2009, September 2010 and April 2011), “the Palestinian authority continues to strengthen its institutions, delivering public services and promoting reforms that many existing states struggle with. Significant reforms still lie ahead for the Palestinian National Authority – but no more than those facing other middle income countries.” The World Bank assesses that “if the Palestinian authority maintains its current performance in institution building and delivery of public services, it is well positioned for the establishment of a state at any point in the near future”. When meeting in Brussels on 13 December 2010, the European Union’s Foreign Affairs Council explicitly welcomed the World Bank’s assessment with regard to the institution building and delivery of public services by the Palestinian Authority.

52. The PLC, the legislative body of the Palestinian National Authority, is a unicameral body with 132 members elected from 16 electoral districts in the West Bank, including East Jerusalem, and in Gaza. Article 47.1 of the Amended Basic Law states: “The Palestinian Legislative Council is the elected legislative authority”.

53. The PLC passed a new law in June 2005 increasing the number of seats in the PLC from 88 to 132 and introducing a mixed proportional–majority election system. Half of the seats in the PLC are elected through a proportional system on the basis of party lists in a single nationwide constituency, with a 2% threshold. The other 50% of the seats are elected through a majority system in 16 electoral districts, 11 in the West Bank, including East Jerusalem, and five in the Gaza Strip. Each district is allocated a number of seats according to population size. By presidential decree, six seats in four districts were designated for Christian candidates.

54. While the PLC is the legislative body for the Palestinian territories, the PNC is the supreme authority for formulating the policies and programmes of the PLO and its institutions, and all those who operate under the PLO umbrella are accountable to its decisions. It concerns all Palestinians and not only those in the West Bank, Gaza Strip and East Jerusalem. It does not sit in permanent session and, by force of circumstance, has no permanent location. It must convene a regular session once a year and whenever requested by the PLO Executive Committee (the executive branch of the PLO) or PNC members. In some past years the PNC has not convened due to conflict (for example, during the 1975-1976 Lebanese civil war). The PNC has eight permanent committees,<sup>4</sup> but their work is irregular as their members live in different places, inside and outside the Palestinian Territories. There are temporary offices for the leadership of the PNC in Amman, Ramallah and Gaza. Although the PNC has not convened regularly for some time, its leadership has

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4. These committees are: the Legal Committee, the Parliamentary and Foreign Affairs Committee, the Education Committee, the Financial Committee, the Political Committee, the Refugees Committee, the Jerusalem Affairs Committee and the Committee of Arts and Cultures.

continued to function by actively participating in many regional and international parliamentary organisations, such as the Interparliamentary Union, the Parliamentary Assembly of the Union for the Mediterranean and the Arab Parliamentary Union.

55. Candidates to the PNC must be nominated by a committee, consisting of the PLO Executive Committee, the PNC Chairperson and Secretaries of the factions, and then elected by a majority of the entire membership at its next session. It was agreed in 2011 that independents should be added to this committee. The PLO's constituent organisations, unions and labour syndicates are each assigned a quota of seats, decided through negotiation in accordance with each group's respective size and importance. Members are then elected by their factions and unions. Representative quotas for Palestinian exile communities, other non-formally organised Palestinians, and delegates resident in Israel and the occupied Palestinian territories are directly selected by the PNC nominating committee. The PNC elects its own presidential office, which consists of a chairperson, two vice-chairpersons, and a secretary. The attendance of two-thirds of its delegates is required for a quorum, and its initial practice of "collective decision-making" was in 1981 defined as majority voting. The PNC met in closed session until 1981, when Palestinian and foreign observers were first invited. With a few exceptions, it publishes its resolutions and other documents, and the media may observe and record most of its proceedings.

56. The size of the PNC has varied over time. The first PNC was composed of 422 representatives from Palestinian communities in Jordan, the West Bank, the Gaza Strip, Syria, Lebanon, Kuwait, Iraq, Egypt, Qatar, Libya and Algeria. In 1968, its membership was reduced from 466 to 100 and limited to representatives of guerrilla factions (68) and independents (32). Representatives of PLO Unions were admitted in 1971, and membership was expanded to 150. In 1977, the PNC again included representatives of Palestinian exile communities and additional diaspora groups (for example deportees), increasing its membership to 293. There is a national agreement among all Palestinian factions, including Hamas, to reform and reactivate the PLO and all its institutions, including the PNC. It was agreed that all members of the PNC would be elected according to the proportional system wherever this is possible. It was also agreed that such elections would take place one year after the signature of the reconciliation agreement (May 2011).

57. As of 1996, the PNC has been chaired by Salim Al-Za'noon and today it has 730 members. 132 members are from the PLC, 98 represent the Palestinian population living in the West Bank and Gaza Strip, 166 are independents and 334 represent the factions and unions. Of the 730, 235 represent the Palestinian diaspora.

58. At the beginning of each session of the PNC, the PLO Executive Committee must submit a report on its activities and the status of the PLO. A new Executive Committee, whose size and membership is determined by the PNC, is elected at the end of each session. The new Executive Committee's policy guidelines and other instructions, and PLO proclamations, are set forth in resolutions adopted by the PNC.

59. In 1970, the PNC also established the PLO Central Committee (known since 1973 as the Central Council) as an intermediate body between itself and the Executive Committee. It has 124 members. It possesses legislative and executive powers and meets at least once every three months to review the work of the Executive Committee, approve its decisions, clarify PNC guidelines where necessary, and issue supplementary resolutions wherever relevant. Because it was designed to improve co-ordination between various represented and non-represented guerrilla factions, the Central Council is neither elected by the PNC nor entirely composed of PNC members. In its current form, it comprises the Executive Committee, the PNC chairman, the Palestine Liberation Army Commander-in-Chief, representatives of PLO constituent organisations and institutions, and PNC members selected by the Executive Committee. It elects a general secretariat from among its own members.

60. The PNC also hears the reports of the Palestine National Fund (the PLO treasury), approves its budget, (re-)elects its Board of Directors (which elects its own officers), and considers reports and structures of other PLO institutions. It does not, however, have the right to interfere in the internal affairs of the movements that operate under the PLO umbrella.

61. Both the PNC and the PLC have not been able to function properly since 2007 due to the split between the West Bank and the Gaza Strip, the imprisonment in Israel of some of their members, and the postponing of elections. In August 2009, the PNC convened in its latest session, in which it elected the new members of the Executive Committee, and the Central Council of the PLO held its latest session in July 2011.

62. The right of self-determination of the Palestinian people has been recognised for a long time by the General Assembly of the United Nations. On 9 July 2004, the ICJ confirmed this Palestinian right of self-determination. Some 122 states (the exact number is disputed) have recognised the State of Palestine. These include most African and Latin American states, many Asian states, amongst which China, India and

Pakistan, and 17 member states of the Council of Europe.<sup>5</sup> Twenty-four other member states of the Council of Europe<sup>6</sup> do not yet recognise Palestine but conduct official relations with the PLO/Palestinian National Authority. Recently, France, Ireland, Portugal, Spain and the United Kingdom upgraded the diplomatic status of the Palestinian representation in their countries. Six other member states<sup>7</sup> do not (yet) have official relations with the PLO/Palestinian National Authority.

63. In March 1999, the Heads of State and Government of the European Union stated in their Berlin Declaration that “the European Union is convinced that the creation of a democratic viable and peaceful sovereign Palestinian State on the basis of existing agreements and through negotiations would be the best guarantee of Israel’s security and Israel’s acceptance as an equal partner in the region”. On 13 December 2010, the European Union’s Foreign Affairs Council recalled the Berlin Declaration and reiterated “its readiness, when appropriate, to recognise a Palestinian state”. On 18 February 2011 France, Germany and the United Kingdom issued a joint statement in which they explicitly committed themselves to these conclusions of the European Union Foreign Affairs Council.

64. The Palestinian Authority has formally announced that the PLO, in its capacity as representative of the State of Palestine, will apply for full membership of the United Nations in September 2011, which would imply the recognition by the United Nations of a Palestinian State within the 1967 borders. While it is probable that it will secure the required a two-thirds majority in the General Assembly, it is most unlikely to win unanimity at the Security Council.

65. Regardless of international recognition, it could be considered that Palestine is an “emerging state”. However, the Palestinians do not enjoy sovereignty on their territories. This situation, which is not the fault of the Palestinians, should not mean that partner for democracy status is denied, if the conditions set forth in Rule 60 are met.

66. When the Assembly mentioned explicitly, in its [Resolution 1680 \(2009\)](#), that the Palestinian Legislative Council was eligible to request partner for democracy status, it was implicitly declaring that such status was independent from the “statehood” issue.

67. During my fact-finding visit to the region, all my interlocutors referred to the fact that whilst the PLC represents only the Palestinians in the West Bank, the Gaza Strip and East Jerusalem, the PNC represents the entire Palestinian nation. This, they argued, was the reason why the partner for democracy status should be granted to the PNC and not to the PLC.

68. In response to the argument that many members of the PNC are not elected, I propose to call on the Palestinians to reform the structure of the PNC so that it becomes, to the largest possible extent, a democratically elected body, and to invite the PNC to appoint its partner for democracy delegation from among its democratically elected members. In this context, we might also recall that some members of parliament of our own member states are also not elected.

## **5. Participation of Palestinian representatives in Council of Europe activities**

69. The Assembly has been following closely the situation in the Middle East through its Political Affairs Committee since 1956. It has adopted more than 25 resolutions on the subject.

70. On 14 April 1994, Mr Yasser Arafat, Chairperson of the Executive Committee of the Palestinian Liberation Organisation, addressed the Parliamentary Assembly. Mr Saeb Erekat, Palestinian Minister for Local Government and one of the chief negotiators in the Oslo peace agreements, addressed the Assembly in January 2002. In January 2010 Mr Mohammed Shtayyeh, Palestinian Minister of Public Works and Housing, took part in the Assembly debate on the situation in the Middle East.

71. In July 1996, an Assembly Ad Hoc Sub-Committee on the building of democratic institutions in the Palestinian Authority territories visited the region, where it met President Arafat.

72. In its [Resolution 1245 \(2001\)](#) on the Middle East conflict, the Assembly resolved “to invite representatives of the Palestinian Legislative Council to participate in the Parliamentary Assembly and its committee meetings whenever the Middle East issue appear[ed] on the agenda”. In its [Resolution 1493](#)

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5. Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Czech Republic, Georgia, Hungary, Malta, Montenegro, Poland, Romania, Russian Federation, Serbia, Slovak Republic, Turkey, Ukraine.

6. Austria, Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Moldova, Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

7. Andorra, Armenia, Liechtenstein, Monaco, San Marino and “the former Yugoslav Republic of Macedonia”.

(2006), it decided “to associate more closely members of the Palestinian Legislative Council in the work of the Parliamentary Assembly and its committees beyond the framework of [Resolution 1245](#) ... and invite them systematically to plenary sessions of the Assembly”.

73. Since then, a delegation from the PLC has been invited to all meetings of the Political Affairs Committee and has attended most of them. For its part, an ad hoc committee of the Bureau carried out a fact-finding mission in the region in 2002.

74. Other Assembly committees have also dealt with the issue. The then Committee on Migration, Refugees and Demography presented a report on the Palestine refugee situation in the context of the Middle East Peace Process in 1998 and another, on the situation of Palestinian refugees, in 2003. The Committee on Equal opportunities for Women and Men held an exchange of views with Ms Rabiha Diab, Minister for Women’s Affairs of the Palestinian National Authority, in April 2011.

75. The Parliamentary Assembly observed elections in the Palestinian territories in January 2005 (for the President of the Palestinian Authority) and in January 2006 (for the Palestinian Legislative Council).

76. The Congress of Local and Regional Authorities observed the local elections in December 2005.

## 6. Statutory requirements for partner for democracy status: state of play

77. As mentioned above, the aim of this report is to assess whether the PNC fulfils the criteria for the status of partner for democracy.

78. I recall that, in accordance with Rule 60.2, any formal request for partner for democracy status shall contain the following political commitments:

- an explicit reference to the aspiration of the parliament to embrace the values of the Council of Europe, which are pluralist and gender parity-based democracy, the rule of law and respect for human rights and fundamental freedoms;
- a commitment to act to abolish the death penalty and to encourage the competent authorities to introduce a moratorium on executions;
- a statement on the intention of the parliament to make use of the Assembly’s experience, as well as the expertise of the European Commission for Democracy through Law (Venice Commission), in its institutional and legislative work;
- a commitment to organise free and fair elections in compliance with relevant international standards;
- a commitment to encourage balanced participation of women and men in public and political life;
- a commitment to encourage the competent authorities to become party to the relevant Council of Europe conventions and partial agreements which are open for signature and ratification by non-member states, in particular those dealing with human rights, rule of law and democracy issues;
- an obligation to inform the Assembly regularly on the state of progress in implementing Council of Europe principles.

79. In his letter of 3 November 2010 (see Appendix), the Speaker of the PNC clearly undertook these political commitments as required by Rule 60.2.

80. In particular, with regard to fundamental values, he stated as follows:

*“The PNC is committed to the same values as those of the Council of Europe, namely pluralist and gender parity-based democracy, the rule of law and respect for human rights and fundamental freedoms”.*

81. During my visit to the Palestinian territories, this statement was repeatedly and convincingly confirmed by the speaker, as well as by all members of the parliament whom I met.

82. With regard to death penalty, the letter states:

*“We shall continue our efforts to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of issues relating to the abolition of the death penalty and to encourage the authorities concerned to maintain the de facto moratorium that has been established on executions since 2005.”*

83. The death penalty is foreseen in Article 37 of the (British) Penal Law (74) of 1936 applicable in the Gaza Strip and in Article 14 of the Jordanian Penal Law (16) of 1960 applicable in the West Bank. In addition to these two laws, the Palestinian National Authority referred, in applying the death penalty, to the Revolutionary Penal Law of the PLO of 1979, which legalises the application of the death penalty, but which has not been approved by the PLC.

84. Based on the aforementioned laws and legislations, the Palestinian National Authority issued 74 death sentences from 1994 to the end of 2005 against persons convicted of various crimes.

85. In 2001 the Palestinian National Authority promulgated the Penal Procedures Law (3) of 2001, which prescribes the procedures to be followed to implement death sentences. In 2002, two death sentences were implemented. In 2005, in Gaza, the Palestinian National Authority carried out five death sentences issued in previous years. The implementation of these sentences contradicted a decision taken by President Abbas on 22 June 2005 stipulating the retrial in civil courts of all those convicted in state security courts.

86. President Abbas has since declared that he would not approve any further executions. However, five people were sentenced to death in the Gaza Strip in 2011, three in a military court and two in a civilian court. The Hamas government carried out five executions in 2010 and three more in 2011, which were illegal since they lacked the consent of the president.

87. The new penal code, which has been drafted but not yet approved, no longer mentions the death penalty as a possible penalty.

88. The issue is still under debate, however. In my meeting with representatives of different Palestinian political parties only one of the representatives of Hamas declared himself in favour of the death penalty. I also find it very worrying that Ramallah-based Thuraya Judi Alwazir, one of the few female judges sitting on the Palestinian Authority's Judicial Authority, recently declared that "actually we are discussing the return of the death penalty to the civil courts. This is consistent with our Islamic beliefs and this is also supported by a number of religious leaders. It is not the place of the international community to impose its value system on us". In this respect, I should like to recall that Palestinian human rights organisations expect the partner for democracy status to be an important incentive for the protection of human rights and therefore for the abolition of the death penalty.

89. With regard to the use of the Council of Europe experience, the request contains the following statement:

*"We intend to make full use, in our institutional and legislative work, of the experience of the Parliamentary Assembly of the Council of Europe, as well as the expertise of the European Commission for Democracy through Law (Venice Commission), bearing in mind that the Palestinian National Authority has an observer status with the Venice Commission."*

90. This intention is important in the light of the comprehensive legislative reforms under way. The PNC should be fully encouraged to use the potential of the accumulated experience of the Venice Commission, which, with its internationally recognised legal expertise, could provide a valuable contribution to finalising the bills under preparation, for instance, in the framework of the reform of the judiciary. During my visit, the Minister of Justice told me that he very much valued this expertise and that he had himself already attended 10 meetings in Venice in the framework of the special co-operation status enjoyed by the Palestinian National Authority.

91. Drafting laws and signing international conventions is only the first step, and effective implementation is of key importance. The PNC (and the PLC) should play a more active role by ensuring that legal acts are actually implemented. A periodical review of the implementation of reforms in our Assembly could become an essential tool in carrying out the programme of reforms.

92. As regards elections, the PNC has committed itself to:

*"continue [its] efforts to create favourable conditions for holding of free, fair and transparent elections, in compliance with relevant international standards."*

93. In this context, I would like to stress that I took part in the Parliamentary Assembly election observation mission to the Palestinian territories in January 2006, which considered the elections as free, fair and transparent. In this regard some Council of Europe member states should perhaps seek inspiration in the way in which the Palestinians organised those elections. Since then, the split between Fatah and Hamas has prevented the holding of elections. During my visit, I was assured that the Assembly would again be invited to observe the elections in the Palestinian territories.

94. With regard to gender equality in politics, the PNC has committed itself to:

*“continu[ing] to encourage equal participation of women and men in public and political life.”*

95. The prime minister assured me that “women’s rights had been taken into account in the re-drafting of legislation. During my visit, I met women ministers (there are five), members of parliament, governors, mayors and representatives of women’s and human rights organisations. All my interlocutors confirmed that the situation of women was better than in many neighbouring Arab countries and was still improving. In the whole Arab world only in Tunisia was legislation considered to be more favourable to women.

96. With regard to Council of Europe conventions, the PNC has made a commitment to:

*“encourage the competent authorities of the Palestinian National Authority to accede to relevant Council of Europe conventions and partial agreements that are open for signature and ratification by non-member states, in particular those dealing with human rights, the rule of law and democracy issues.”*

97. The particular situation of the Palestinians, split between the West Bank and Gaza and with most of their territory occupied by Israel, has to be taken into account in the follow-up to this commitment.

98. Finally, as concerns accountability, the PNC has made the commitment to:

*“inform the Assembly regularly on the state of progress in the implementation of the principles of the Council of Europe”.*

99. In conclusion, I am convinced that the Palestinian National Council meets the formal criteria for being granted partner of democracy status with our Assembly.

## 7. Need for change

100. This conclusion does not however mean, as my colleague Luca Volontè stated last June about Morocco, that the Palestinians have achieved perfection in building democracy and the rule of law. On the contrary, much remains to be done.

101. In its many resolutions on the situation in the Middle East, the Assembly has regularly indicated the areas where it felt that change was needed. The following specific issues are of key importance for strengthening democracy, the rule of law and the respect of human rights and fundamental freedoms in the Palestinian territories:

- the rapid conclusion of the negotiations for the formation of a new government and the fixing of universally acceptable dates for the presidential, parliamentary and local elections;
- the holding of such elections in accordance with relevant international standards in the whole of the Palestinian territories;
- the taking of definite and significant steps in the direction of the three pleas made by the Quartet: to refrain from violence, to recognise the right of the State of Israel to exist and to abide by all the agreements signed by the Palestinian representatives in recent years;
- the reform of the structure of the PNC so that it becomes, as far as possible, a democratically elected body;
- active promotion of equal opportunities for women and men in political and public life; the fight against all forms of discrimination (in law and in practice) based on gender; ensuring effective equality between women and men, including as regards inter-religious marriages and inheritance law and, where necessary, initiating a process of legislative revision and the fight against all forms of gender-based violence;
- abolition of the death penalty set out in the Penal Code, going beyond the *de facto* moratorium on executions which has been established, at least in the West Bank, since 2005;
- rejection of the use of terrorism and the need to combat it explicitly;
- freeing the soldier Gilad Shalit;
- eradication of all illegal smuggling of weapons into the Gaza Strip and the West Bank;
- adherence to and effective implementation of relevant international instruments in the field of human rights, including full co-operation with United Nations special mechanisms and implementation of the United Nations Universal Periodic Review recommendations;

- guaranteeing freedom and pluralism of the media;
- eradication and prevention of torture and inhuman or degrading treatment of persons deprived of their liberty and fighting impunity for crimes of torture and ill-treatment;
- improvement of conditions of detention, in line with the United Nations prison-related norms and standards; the conditions under which the Israeli soldier Gilad Shalit has been detained since 2006 are particularly unacceptable;
- fighting racism, xenophobia and all forms of discrimination;
- fighting corruption;
- strengthening local and regional democracy;
- ensuring full respect for freedom of conscience, of religion and of belief, including the right to change one's religion;
- the guarantee and promotion of freedom of association and of peaceful assembly.

102. We expect the Palestinian Authority to accede in due course to relevant Council of Europe conventions and partial agreements, in particular those dealing with human rights, rule of law and democracy issues, in accordance with the commitment contained in the letter of 3 November 2010 from the Speaker of the PNC. This is of course inextricably linked to recognition of the statehood of Palestine and may not therefore be achievable in the immediate future.

103. We should call on the PNC to enhance its contribution to resolving the Israeli-Palestinian conflict in accordance with the relevant resolutions of the United Nations Security Council and as stressed in the relevant Assembly resolutions.

104. Finally, we expect the Palestinians to seek the settlement of international disputes by peaceful means, in accordance with the United Nations Charter.

## 8. Conclusions and proposals

105. On 3 November 2010, the PNC made an official request for partner for democracy status with the Parliamentary Assembly of the Council of Europe.

106. Having examined the request, *inter alia*, on the basis of a fact-finding mission, I conclude that the request of the PNC meets both in form and substance the requirements set out in Rule 60.2 of the Rules of Procedure of the Assembly. I therefore propose to grant partner for democracy status to the PNC. On the basis of a population estimated at around 11 million (5.5 in the West Bank, Gaza and Israel and 5.5 in the diaspora), I propose that the PNC be invited to appoint a delegation of three representatives and three substitutes. I also propose that such delegation is chosen from among the democratically elected members of the PNC.

107. The development of democracy, the rule of law and protection of human rights in the Palestinian territories is ongoing, is very complex and is much hindered by the fact that the larger part of the Palestinian territories is still under Israeli military occupation. Any progress in finding a peaceful solution for the Israeli-Palestinian conflict, on the basis of the relevant resolutions of the United Nations Security Council, would open many new opportunities to develop the Palestinian territories along the line of the core values of the Council of Europe.

108. Meanwhile, the Palestinian National Council and the Palestinian Legislative Council (the latter being an integral part of the former) should intensify their efforts to consolidate and develop democratic institutions, the independence of the judiciary and the fight against all forms of corruption. The report singles out the most important benchmarks in this respect. One of them is holding, no later than 2012, free and fair presidential and parliamentary elections, the latter regarding both the PNC and the PLC.

109. I also propose that the Assembly should review in two years time the state of progress made in implementing the political commitments undertaken by the PNC.

**Appendix – Letter from Mr Salim Al-Za'noon, Speaker of the Palestinian National Council, to Mr Mevlüt Çavuşoğlu, President of the Parliamentary Assembly, dated 3 November 2010**

...

I have the honor to convey to you the request by the Palestinian Parliament (Palestinian National Council (PNC)), to be granted the status of “Partner for Democracy” with the Parliamentary Assembly of the Council of Europe.

The Palestinian National Council is committed to the same values as those of the Council of Europe, namely: pluralist and gender parity – based on democracy, the rule of law, and respect for human rights and fundamental freedoms.

We shall continue our efforts to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of issues relating to the abolition of the death penalty, and to encourage the authorities concerned to maintain the *de facto* moratorium that has been established on executions since 2005.

We intend to make full use, in our institutional and legislative work, of the experience of the Parliamentary Assembly of the Council of Europe, as well as the expertise of the European Commission for Democracy through Law (Venice Commission), bearing in mind that the Palestinian National Authority has observer status with the Venice Commission.

We are also committed to continuing our efforts to create favorable conditions for holding free, fair and transparent elections in compliance with relevant international standards.

We continue to encourage equal participation of women and men in public and political life.

We reiterate our commitment to encouraging the competent authorities of the Palestinian National Authority to accede to relevant Council of Europe conventions and partial agreements that are open for signature and ratification by non-member states, in particular those dealing with human rights, the rule of law and democracy issues.

In accordance with Rule 60.2 of the Rules of Procedure of PACE, we undertake to inform the Assembly regularly on the state of progress in the implementation of the principles of the Council of Europe.

...