Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1294 (2002)[1]

Situation in the Middle East

Parliamentary Assembly

1. The Parliamentary Assembly is extremely concerned at the new aggravation in the conflict between Israelis and Palestinians. It urges the two parties to stop immediately all violence and hostilities, and resume the peace process.

2. It refers to its previously adopted relevant texts, in particular Resolution 1013 (1993), Recommendation 1221 (1993), Resolution 1103 (1996), Resolution 1156 (1998), Resolution 1183 (1999), Resolution 1245 (2001), and Resolution 1281 (2002), and confirms its conviction that there is no military solution to the Middle East problem. A comprehensive settlement of the Arab-Israeli conflict can only be achieved through negotiations on the basis of United Nations Security Council Resolution 1397 (2002) calling for a region where two states, Israel and Palestine, live side by side within secure and recognised borders.

3. The Assembly welcomes the proposal to organise an international conference under the aegis of the Quartet – namely the United Nations, the United States, the Russian Federation and the European Union – to resume the peace process with the participation of all the parties involved in the Arab-Israeli conflict, including Israel, the Palestinian Authority, Syria and Lebanon. The Assembly believes, however, that a more clear and unbiased American position on the Middle East would certainly improve the prospects for this international effort.

4. The human rights of both Israelis and Palestinians, including the very right to live, are being systematically violated. The living conditions on both sides, those of Israelis living in constant fear of bomb attacks, and those of Palestinian civilians deprived of basic freedoms and suffering frequent casualties as a result of Israeli military activity, are equally unbearable.

5. The Assembly is deeply troubled by the worsening of the economic situation both in Israel and in the Palestinian Territories due to the ongoing conflict.

6. It stresses the need for serious reforms of the Palestinian Authority in order to guarantee a democratic, viable and peaceful Palestinian state that respects human rights. It is prepared to deploy active political efforts to help implementing such reforms in the legislative, legal and administrative fields.

7. The Assembly strongly condemns the terrorist activities of armed Palestinian groups, which are among the major obstacles to resuming the peace process. The Palestinian Authority must take the most resolute steps to curtail the extremist activities of these groups, and the smuggling of weapons and war materials.

8. The Assembly denounces the ongoing process of land seizure by Israel of the occupied Palestinian territories, and reminds Israel that it is absolutely illegal under international law, including the United Nations resolutions which lie at the foundation of the very existence of the State of Israel. The establishment of new settlements and the expansion of existing ones are not consistent with the aim of building the mutual confidence necessary for a lasting solution to the conflict, and must therefore be stopped.

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1. Assembly debate on 27 June 2002 (22nd Sitting) (see Doc. 9499, report of the Political Affairs Committee, rapporteur: Mr Margelov; and Doc. 9500, opinion of the Committee on Migration, Refugees and Demography, rapporteur: Mr Iwinski). Text adopted by the Assembly on 27 June 2002 (23rd Sitting)

9. The Assembly notes with concern the humanitarian situation of Palestinian refugees, in particular those living in refugee camps, which is unacceptable both for humanitarian reasons and also because it constitutes a major source of insecurity and tension in the region. A durable solution must be found and both sides should show more flexibility in their approach. The establishment of the Palestine refugee and displaced persons final status fund under the aegis of the United Nations, with a view to financing the forthcoming cost of resettlement and compensation, would largely contribute to this purpose.

10. The Assembly regrets the Israeli Government's refusal to comply with United Nations Security Council Resolution 1405 (2002) which required that the international commission set up by the United Nations Secretary General should be allowed access to the Jenin refugee camp.

11. The Assembly is deeply worried by the decision of the Israeli Government to retake control of the Palestinian towns, and impose severe restrictions on the movement of people and goods.

12. It notes, regrettable as it is, the Israeli Government's decision to start building a fence installation on the West Bank.

13. The Assembly strongly condemns the turning of the Holy Sites into battlefields by both sides, and in particular the destruction by the Israeli forces of four mosques in Nablus and of the Saint Barbara Greek Orthodox Church near Ramallah, as well as the unsanctioned incursions by Israeli troops into the territory of the Russian Orthodox Church House, which was used as a stronghold to shoot at the Church of the Nativity in Bethlehem. The Assembly strongly condemns the destruction of Jewish holy sites, including Joseph's tomb in Nablus. It stresses the imperative of respecting the inviolability of and free access to the Holy Sites, as requested by United Nations General Assembly Resolution 181/II.

14. The Assembly calls on the Government of Israel:

to immediately stop building new settlements and expanding existing ones in the West Bank, Gaza Strip, and in and around East Jerusalem, as well as road infrastructures which disrupt the continuity of the territories attributed by the United Nations decisions to a future Palestinian state;

to refrain from the practice of deploying troops in zone A of the Territories and carrying out large-scale mopping-up operations in Palestinian residential areas, causing casualties among the civilian population and destruction of the civil infrastructure;

to ensure the compliance by the army and security forces with international humanitarian law, and to investigate cases of alleged human rights violations;

to allow for free access of international humanitarian organisations to the areas covered by military operations;

to stop the systematic destruction by Israeli forces of the Palestinian security apparatus;

to pull back the Israeli army units to the positions they occupied prior to September 2000;

to review its refusal to maintain dialogue with President Arafat;

to investigate and publish a full report on the events which took place in Jenin in April 2002.

to guarantee the activities of medical personnel and the treatment of detainees in compliance with the principles of humanitarian law.

15. The Assembly calls on the Palestinian Authority, and in particular President Arafat:

to condemn without reservation and to do its utmost to put an end to any terrorist activity, in particular suicide bomber attacks, directed against the civilian population;

. to do its utmost to prevent terrorist attacks by stepping up measures against those responsible, and to put a complete end to terrorist attacks by the groups it controls (including Tanzim of Fatah and the brigades of Al-Aqsa Martyrs);

to co-operate fully with the Israeli authorities in this regard;

to condemn and to put an end to any form of incitement to violence, including in educational programmes, official propaganda in the media, and religious incitement, and to stop the practice of financial compensation to terrorists' families as well as the glorification of the martyr phenomenon (Shahid);

to continue reforms aiming at building democratic, efficient and accountable Palestinian institutions, and to seek co-operation and assistance from the Council of Europe as regards:

a. an assessment of the new draft Palestinian constitution by the Venice Commission;

b. the drafting and assessment of new Palestinian laws, including women's rights;

c. the preparation for, and observation of, the forthcoming municipal, legislative and presidential elections;

to introduce a moratorium on the death penalty and eventually to abolish it;

to actively seek international support for the establishment of a Palestine refugee and displaced persons final status fund;

to provide more support for refugees, including social and economic support within its own mandate.

16. The Assembly calls on the European Union to establish a more effective control on the use of the financial means given to the Palestinian Authority, including the control of the budgets for education and the media to ensure that neither are utilised to incite hatred and violence.

17. The Assembly reiterates its readiness to contribute to re-establishing contacts and rebuilding a climate of confidence between the parties involved, in particular in fields where its expertise and experience are recognised, namely the promotion of democratic institutions, the protection of human rights, the recognition of the rights of minorities, and reforms in the field of education. To this effect, it offers parliamentarians from the Knesset and the Palestinian Legislative Council a forum for a structured dialogue based on an agenda to which both sides would be invited to propose items for discussion, including confidence-building measures.

18. The Assembly considers that the balance of its relations with the Israelis and Palestinians should be redressed and in this connection declares its readiness to examine the possibility of granting Observer status to the Palestinian Legislative Council once the above-mentioned reforms have been carried out and once they meet all the requirements for Observer status with the Parliamentary Assembly of the Council of Europe, including the denial of any kind of terror.