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Evaluation of the partnership for democracy in respect of the Palestinian National Council

Report¹

Committee on Political Affairs and Democracy

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Summary

After a first evaluation in 2014, the report takes stock of the developments in Palestine and of the implementation of the commitments undertaken by the Palestinian National Council in October 2011, when it was granted partner for democracy status with the Parliamentary Assembly. It regrets that the situation on the ground concerning reconciliation with Gaza and negotiations with Israel has hardly improved.

The report welcomes the fact that the Palestinian partner for democracy delegation to the Assembly makes full use of its possibilities to participate in the activities of the Assembly, but regrets that efforts to mobilise the Council of Europe's expertise, with a view to contributing to the full implementation of democratic reforms in the Palestinian territories, have not yet produced practical results.

The report asks again both the Council of Europe and the Palestinian National Council to step up efforts to fulfil the obligations both took upon themselves when becoming partners for democracy and proposes to continue to review the implementation of such commitments and to make a new assessment of the partnership when appropriate.

1. Reference to committee: Bureau decision of 31 January 2014, Reference 4025 of 31 January 2014.



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A. Draft resolution²

1. On 4 October 2011, the Parliamentary Assembly adopted [Resolution 1830 \(2011\)](#) on the request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council, whereby it granted partner for democracy status to the Palestinian National Council (PNC). After the Parliament of Morocco, the PNC was the second to be granted this status, introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of the Council of Europe's neighbouring States.
2. Upon making its official request for this status, the Palestinian National Council declared that it shared the same values as those upheld by the Council of Europe and made political commitments in accordance with Rule 62.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 4 of [Resolution 1830 \(2011\)](#).
3. In addition, the Assembly stated in paragraph 12 of the aforementioned resolution that a number of specific issues were of key importance for strengthening democracy, the rule of law and the respect for human rights and fundamental freedoms in the Palestinian territories. It stressed that progress in moving reforms forward is the primary aim of the partnership for democracy and should constitute the benchmark for assessing its efficiency.
4. On 28 January 2014, the Assembly adopted [Resolution 1969 \(2014\)](#) on the evaluation of the partnership for democracy in respect of the Palestinian National Council, in which it noted that "[b]oth the division between the West Bank and the Gaza Strip and the ongoing Israeli occupation of the largest part of the Palestinian territories have made it impossible for the Palestinian National Council to comply with some of the political commitments entered into upon requesting partner for democracy status and to implement some of the reforms mentioned in [Resolution 1830 \(2011\)](#)".
5. Two years later, the Assembly regrets that the situation on the ground has hardly improved. On the contrary, agreements between the Palestinian authorities and the *de facto* rulers in Gaza have been announced – the recent Doha attempt at reconciliation being the latest – but have never been put into practice and negotiations between the Governments of Palestine and Israel are at a standstill. There are no signs that the situation might unblock in the near future.
6. As a consequence, the long overdue parliamentary and presidential elections have still not taken place and are probably not going to take place in the foreseeable future. The Assembly reiterates once again its support for a two-State solution and an end to the illegal occupation of the Palestinian territories by Israel and deplores the ongoing construction of illegal settlements in the Palestinian territories.
7. In this context and in the light of [Resolution 1969 \(2014\)](#), the Assembly:
 - 7.1. welcomes the active participation of the Palestinian parliamentary delegation in the work of the Assembly and its committees, which provides opportunities to keep the Assembly informed about the political developments in the country in the light of the values upheld by the Council of Europe;
 - 7.2. notes that, while a *de facto* moratorium on executions has been in place since 2005 in the West Bank, courts in Gaza continue to hand down death penalty sentences and Hamas authorities continue to carry out illegal executions. The Assembly strongly condemns such executions;
 - 7.3. notes that the structure of the PNC has not yet been reformed so that it becomes a democratically elected body and that the Palestinian Legislative Council has still not been able to function as a legislative body. The Assembly considers that the lack of legislative power causes a severe imbalance in the Palestinian State structures;
 - 7.4. acknowledges the efforts to promote the participation of women in political and public life, to fight discrimination based on gender, to ensure effective equality between women and men, and to fight gender-based violence. It expresses concern, however, at reports that violence against women is still a serious problem;
 - 7.5. notes that the fact that Palestine is not a full member of the United Nations prevents full co-operation with its special mechanisms, including the United Nations Universal Periodic Review;
 - 7.6. notes, however, that such a fact does not prevent it from adhering to Council of Europe conventions and other legal instruments, provided that there is agreement within the Council of Europe Committee of Ministers (by a two-thirds majority) and among the parties to such instruments (unanimity);

2. Draft resolution adopted unanimously by the committee on 8 March 2016.

7.7. welcomes the fact that the media in the West Bank is in general free and pluralistic, but regrets some reported incidents of harassment of journalists by security forces. It notes with concern that there is no freedom of the press in Gaza;

7.8. regrets the fact that administrative detention is still in force.

8. The Assembly welcomes the efforts made by the Palestinian National Authority in preserving and supporting the role of Christian communities within Palestinian society, including an appropriate representation in the political and administrative structures, which is a model of good practice for the whole region.

9. The Assembly calls again on the Palestinian National Council to put into practice its general commitment to the core values of the rule of law and respect for human rights and fundamental freedoms, and to address issues in these areas, including those reported by civil society organisations and the media. It is of the utmost importance that the lack of checks and balances, due to the current absence of an effective legislative power in Palestine, be overcome. The Assembly continues to offer, where and when needed, its assistance to the Palestinian delegation to enable it to make full use of its rights to participate in the work of the Assembly.

10. The Assembly recalls that, when granting partner for democracy status to the Palestinian National Council, and again when it carried out its first evaluation of the partnership for democracy in respect of the PNC, it had hoped that this would contribute to intensifying co-operation between Palestine and the Council of Europe. The reform of the judiciary, the promotion of good governance and the prevention of trafficking in human beings were identified as areas for co-operation, but unfortunately there has still been no follow-up.

11. In this context, the Assembly notes that, due to the lack of a real legislative process in Palestine, there have been no grounds to mobilise the expertise of the European Commission for Democracy through Law (Venice Commission). It further notes with regret that four years after the granting of the partnership for democracy, the efforts of both the Secretary General of the Council of Europe and the relevant Palestinian partners to mobilise the Organisation's expertise, with a view to contributing to the full implementation of democratic reforms in the Palestinian territories, have not yet produced relevant practical results. It encourages again the Secretary General of the Council of Europe, in consultation with the Parliamentary Assembly, to mobilise the Organisation's expertise to assist in the further development of human rights, the rule of law and democracy in the Palestinian territories, and to investigate future possibilities to make more use of the relevant instruments of the Council of Europe.

12. The Assembly encourages the members of the Palestinian partner for democracy delegation to step up efforts to accelerate the implementation of the process of reform and to address remaining concerns with regard to the rule of law and respect of human rights and fundamental freedoms, in line with the political commitments entered into under the partnership.

13. In conclusion, the Assembly resolves to continue to review the implementation of political reforms in Palestine and to offer its assistance to the Palestinian National Council. It will make a new assessment of the partnership when appropriate.

B. Explanatory memorandum by Mr Xuclà, rapporteur

1. Introduction

1. In its [Resolution 1830 \(2011\)](#), adopted on 4 October 2011, the Parliamentary Assembly decided to grant partner for democracy status to the Palestinian National Council (PNC). It stated 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” and it resolved “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 PNC, as well as in carrying forward the specific issues mentioned in paragraph 12” of [Resolution 1830 \(2011\)](#).
2. On 28 January 2014, the Assembly adopted [Resolution 1969 \(2014\)](#) on the evaluation of the partnership for democracy in respect of the Palestinian National Council, in which it noted that “both the division between the West Bank and the Gaza Strip and the ongoing Israeli occupation of the largest part of the Palestinian territories have made it impossible for the PNC to comply with some of the political commitments entered into upon requesting partner for democracy status and to implement some of the reforms mentioned in [Resolution 1830 \(2011\)](#)”. The Assembly resolved to review the situation again after another two-year period.
3. The Committee on Political Affairs and Democracy appointed me rapporteur on 12 March 2014.
4. In order to prepare the present report, I paid a first fact-finding visit to the Palestinian territories on 1 December 2014, following a meeting of our committee’s Sub-Committee on the Middle East and the Arab World in the region from 28 to 30 November. I carried out a second fact-finding visit to the Palestinian territories on 6 and 7 October 2015.
5. As developments concerning reconciliation between Fatah and Hamas and elections had been announced, including by President Mahmoud Abbas when I met him on 7 October 2015, the committee accepted my proposal to postpone the debate on the evaluation of the partner for democracy status with the PNC, which would normally have taken place in January 2016. Unfortunately the expectations have not yet been fulfilled.

2. The criteria

6. The Assembly had stressed the importance of free and fair elections as a cornerstone of a genuine democracy and had indicated that it expected to be invited to observe parliamentary elections in the Palestinian territories as from the next general elections, which have been announced since 2012.
7. The PNC committed itself 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 in particular to:
 - 7.1. 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 on executions that has been in place since 2005;
 - 7.2. 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 observer status with the Venice Commission;
 - 7.3. continuing its efforts to create favourable conditions for holding free, fair and transparent elections in compliance with relevant international standards;
 - 7.4. encouraging equal participation of women and men in public life and in politics;
 - 7.5. 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;
 - 7.6. informing the Assembly regularly about the state of progress of the implementation of the principles of the Council of Europe.

8. Furthermore, the Assembly considered that a number of specific issues were of key importance for strengthening democracy, the rule of law and the respect of human rights and fundamental freedoms in the Palestinian territories. It included their implementation – in addition to the implementation of the commitments listed above – among the criteria against which the partner for democracy status should be evaluated. These were:

- 8.1. 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;
- 8.2. holding such elections in accordance with relevant international standards throughout the Palestinian territories;
- 8.3. 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;
- 8.4. reforming the structure of the PNC so that it becomes, to the largest possible extent, a democratically elected body;
- 8.5. 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 marriage, divorce, polygamy and inheritance law and, where necessary, initiating a process of legislative revision; fighting all forms of gender-based violence;
- 8.6. abolishing the death penalty set out in the Penal Code, going beyond the *de facto* moratorium on executions which has been in place, at least in the West Bank, since 2005;
- 8.7. explicitly rejecting the use of terrorism and actively combating it actively with measures respecting human rights and the rule of law;
- 8.8. 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;
- 8.9. guaranteeing freedom and pluralism of the media;
- 8.10. eradicating and preventing torture and inhuman or degrading treatment of persons deprived of their freedom; fighting impunity for crimes of torture and ill-treatment;
- 8.11. improving conditions of detention, in line with the United Nations prison-related norms and standards;
- 8.12. fighting racism, xenophobia and all forms of discrimination;
- 8.13. fighting corruption;
- 8.14. strengthening local and regional democracy;
- 8.15. ensuring full respect for freedom of conscience, of religion and of belief, including the right to change one's religion;
- 8.16. guaranteeing and promoting freedom of association and of peaceful assembly.

9. As pointed out by my predecessor as rapporteur on the evaluation of the partnership for democracy in respect of the Palestinian National Council, partnership implies responsibilities for both partners and the present evaluation should also consider how the Council of Europe, and in particular the Parliamentary Assembly, performed with respect to its own responsibilities.

10. For instance, the Assembly had hoped that granting partner for democracy status to the PNC would 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 and other pertinent instruments. It had therefore encouraged 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.

3. The findings

11. On my first visit, I had meetings with the Chief of the Anti-corruption Commission, the Chief Justice and former Minister of Justice, the Minister of Agriculture and Social Affairs, who is a former human rights activist, non-governmental organisations (NGOs) and media representatives; I also had a meeting with the European Union Co-ordinating Office for Palestinian Police Support (EUPOL COPPS).

12. I explained to all my interlocutors the exact scope of my mission but some of them had difficulty in going beyond what they considered to be evident, namely that everything was a consequence of the Israeli occupation and therefore the only matter worth discussing was how to bring an end to such occupation. Although my mandate is on the (second) evaluation of the partnership for democracy in respect of the Palestinian National Council and not the Israeli-Palestinian conflict or the Middle East peace process, these issues are so overwhelming in the everyday life of Palestinians, that they cannot be ignored in this report.

13. According to the Chief of the Anti-corruption Commission, the levels of democracy and freedom of expression in the West Bank are higher than elsewhere in the region. He confirmed that elections were needed and indicated that Hamas would not accept them. When I suggested to the Commissioner that his office co-operate with the Group of States against Corruption (GRECO), he replied that they already co-operated with the European Anti-Fraud Office (OLAF) of the European Commission in Brussels.

14. Some representatives of civil society organisations expressed concern at the concentration of powers in the hands of the President. In addition, the Palestinian Legislative Council (PLC) was not functioning and the government was unable to take real measures. Europe should be prepared to recognise the result of the elections (unlike in 2007) and should play a more important role and not let the United States be the only actor in the region. Young people were in general more optimistic about the future, although pointing out that things did not change fast enough. The police and the secret services were accused of trying to interfere with the media, including the social media, and there had been cases of invasion of privacy. This situation leads to a lack of confidence in the institutions. Violence against women is also present in what is still seen by some as a patriarchal/tribal system.

15. Media representatives complained about violations of media freedom, mainly by Israel, but also by Hamas in Gaza, where there was no independent media. The fact that the PLC was not functioning since 2007 had a negative impact on society. Without it, neither the President nor the executive were accountable. Journalists confirmed that elections were needed but could not say whether they would be possible.

16. The Chief Justice, who is the former Minister of Justice, was grateful to Europe for support through recognition of the Palestinian State. Concerning human rights, the situation was not ideal, mainly due to the occupation. Other challenges were the division between Gaza and the West Bank and the lack of resources, including judges. There had been some recent improvements in the functioning of the judiciary. The Jordanian Penal Code of 1960 was still in force in the West Bank and the British Penal Code of 1936 was in force in Gaza. Many of the civil laws were still those of the Ottoman Empire.

17. I visited the EUPOL COPPS, which has been advising all the levels of the judiciary since 2006. My interlocutors confirmed that the legal instruments were long outdated and the protection of human rights was not well covered by the laws.

18. Finally, the Minister of Agriculture and Social Affairs, who is a former human rights activist, confirmed that there were human rights violations by the police and the security forces. In the West Bank, the press was free and human rights organisations were strong. From a political point of view, the situation had become worse since the Oslo agreements. Negotiations had never led to a path for peace and he did not believe that the Israeli Government wished to reach an agreement. International instruments should be used to protect the rights of Palestinians, who were asking for a time frame for the end of the occupation. The government believed that unification with Gaza should happen and that the problems might be solved. He had spent one week in Gaza. Without pressure from Europe, Israel would feel protected and would not change its attitude.

19. On my second visit to Palestine, I held meetings in Ramallah and in East Jerusalem with President Abbas; Dr Ziad Abu-Amr, Deputy Prime Minister; Dr Saeb Erekat, PLO Secretary General and Chief Negotiator; representatives of Blocs and lists in the PLC, including Hamas; the Chair and the Executive Director of the Central Elections Commission; officials in the Ministry for Foreign Affairs; Palestinian intellectuals and academics; and representatives of Palestinian NGOs, women's and youth organisations and the media. I also had a meeting with representatives of the civil police and visited the Beitunia Detention Centre in Ramallah.

20. This visit took place at a moment when clashes between Palestinian youths and Israeli police, the army and settlers were happening daily and the risk of escalation was real with several deaths of Israelis and Palestinians. It had all started because of the controversy around Al-Haram Al-Sharif.

21. This is the third holiest site in Islam, and Muslims believe it is the place where the Prophet Muhammad ascended into heaven. To Jews, this is Temple Mount and marks the place where the sacred temples of their faith stood in ancient times, in particular the Second Temple, which was destroyed by the Romans in 70 CE. The Western Wall (or Wailing Wall) is considered to be a vestige of that temple.

22. According to a long-standing tradition, Muslims alone have the right to pray at the site, although people of other faiths may visit. When Israel captured the Old City of Jerusalem during the war of 1967, it handed control of the compound back to an Islamic religious authority (Waqf) which continues to administer it to this day. Under the terms of the Israel–Jordan peace treaty, the Muslim holy shrines in Jerusalem remain under Jordanian custodianship.

23. In recent times, some orthodox Jews have begun to argue for a change in the status quo which would also allow them to pray there. Any hint of such change is viewed with deep anger in the Islamic world. Many Palestinians consider Israeli presence at Al-Haram Al-Sharif extremely provocative. The visit to Al-Haram Al-Sharif by the then Likud party leader, Ariel Sharon, in 2000, accompanied by around 1 000 police officers, is widely seen as the spark of the second intifada.

24. On 18 September 2015, the United Nations Security Council stressed that Palestinian Muslim worshippers at Al-Haram Al-Sharif, in the Al Aqsa Mosque compound, must be allowed to worship in peace, free from violence, threats and provocations. Its members called for full respect for the sanctity of Al-Haram Al-Sharif, noting the importance of the special role of Jordan as confirmed in the 1994 peace treaty between Jordan and Israel. The Security Council members expressed their “grave concern” regarding escalating tensions in Jerusalem, especially surrounding the Al-Haram Al-Sharif compound, including recent clashes in and around the site, and called for the exercise of restraint, refraining from provocative actions and rhetoric, and upholding unchanged the historic status quo at Al-Haram Al-Sharif — in word and in practice. They appealed for the restoration of calm and encouraged increased co-ordination between Israel and Jordan’s Waqf Department.

25. In his address to the United Nations General Assembly on 24 September 2015, the King of Jordan referred to this situation: “The Hashemite Custodianship of Jerusalem’s Islamic and Christian Holy Sites is a sacred duty, and we join Muslims and Christians everywhere in rejecting threats to the Holy Places and the Arab character of this Holy City.”

26. All our Palestinian interlocutors were deeply worried about the situation, while rejecting the idea that it was the beginning of a third intifada. President Abbas had sent messages to try to stop the escalation.

27. Representatives of Palestinian human rights NGOs stressed that the absence of a functioning PLC led to a lack of checks and balances detrimental to the good functioning of a democratic society. Administrative detention was still being used for political purposes. There were reports of serious problems of torture in Gaza. Corruption was not perceived as an important issue, although this was not a unanimous position. Some NGOs complained about harassment from the government and of a recent deterioration of their situation. Disrespect for human rights and lack of transparency were mentioned.

28. The Deputy Prime Minister was well aware of the importance of restoring democratic life. The absence of accountability and of oversight was damaging the government. The impact of the split with Hamas was highly destructive and everything should be done to put an end to it. Co-operation with the Council of Europe was important and should be increased.

29. The three high-level Palestinian intellectuals and academics we met painted a rather bleak picture of the situation: due to the occupation and internal divisions, the PLC had not functioned properly since 2006. Israel was not ready to end the occupation and did not show any interest in solving the conflict. The United States had proved unable to put pressure on Israel and the occupation was becoming more invasive. Nobody seemed to believe in a two-State solution, the Palestinians were frustrated and their leaders had lost a lot of credibility. As a consequence of the ongoing Israeli settlement policy, there was no longer space for a Palestinian State. The economic situation was collapsing, 44% of university graduates had no jobs and young people in general were giving up hope. The few who could emigrate did so. The international community did not help and the Palestinian issue was at the bottom of the international – and regional – agendas.

30. Media representatives referred again to the consequences of the Israeli occupation and of the division among Palestinians: no elections and a lack of checks and balances. The government did not speak to them and did not respect the rights of trade unions. Security forces had imprisoned journalists for criticising the Prime Minister. On the other hand, some journalists did not act ethically. Political parties were not trusted. Many journalists had left Gaza as they were accused by Hamas of “working for Ramallah”.

31. Representatives of PLC blocs and lists confirmed that the occupation and internal divisions were responsible for the non-functioning of institutions. Palestinians lived in a catastrophic situation, the mediation efforts of the United States had failed miserably and Europe remained their only hope. Respect for human rights and democratic institutions was increasing and, contrary to Israel, Palestinians respected international agreements and commitments. Gender equality was taken seriously, as was the strategy to combat violence against women. Two members of the Palestinian delegation to the Parliamentary Assembly questioned the compatibility between the Israeli occupation of Palestine and the Knesset observer status with the Parliamentary Assembly. Some of the parliamentarians present were optimistic about reconciliation, the formation of a unity government and the holding of elections.

32. The Central Elections Commission confirmed that everything was ready for elections from a technical point of view, including in Gaza. A political decision on holding elections was crucial however. In the meantime, the Commission conducted awareness-raising activities.

33. At the Ministry of Foreign Affairs, I pointed out the importance for Palestinians to accede to Council of Europe conventions. We were told that a high-level delegation had been to Strasbourg recently to discuss co-operation at intergovernmental level (see paragraph 45 below). I was informed that Ambassador Amal Jadou had been appointed “focal point” for the Council of Europe.

34. Dr Saeb Erekat started by recalling that the whole Middle East was going through a crucial transformation. Some people did not seem aware that ideas could not be killed with bullets, only with better ideas. When some people decided to “protect God” things could not but go wrong. Democracy was needed in the Arab world. The two-State solution was the only possible solution for the Israeli-Palestinian issue. Mr Netanyahu’s aim however was one State with two systems and he was using religion to provoke the Palestinians. In this he was not different from Daesh. The Israeli settlements were a violation of international law and everybody should refuse to meet the settlers. If Palestinians saw any hope in achieving something by peaceful means they would not fight, but otherwise they would die fighting. He was optimistic about a Palestinian reconciliation agreement in the near future.

35. The representatives of the civil police referred to contacts with Europe in general and with the Council of Europe’s Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) in particular. A complaints department had been set up in 2009 to ensure respect for human rights in Palestine, with the support of the EUPOL COPPS and the United Nations Development Programme (UNDP). Honour crimes still happened but their number was decreasing. In some areas, co-operation with the Israeli police was effective.

36. I had the opportunity to visit the Beitunia Detention Centre in Ramallah, which houses 248 prisoners, both pretrial and convicted, divided into two groups: the dangerous and the less dangerous. The inmates are offered classes in mathematics, Arabic and religion. On the occasion of my visit, an Imam was teaching the Quran to a class of 15.

37. Representatives of women’s and youth organisations referred to a lack of communication from politicians to the population on the political agenda and in particular on what sort of State was being built. Young people complained about an unemployment rate of 30% among 18 to 35 year olds. The market was just too small. One youth representative told us that the main problem with political parties, NGOs and officials was that they had no idea about what young Palestinians were thinking.

38. President Abbas expressed concern about Israeli-Palestinian clashes sparked by the controversy around Al-Haram Al-Sharif and felt that the Israeli Government was behind the provocations. He was confident that it would be possible to put an end to the division of Palestinians in the short term and that elections might be possible in the first half of 2016. He wished to address the Parliamentary Assembly again. Europe was helping Palestine both politically and financially and he hoped that Europe would put more pressure on the United States. The Arab Peace Initiative was at a standstill and 57 Arab and Muslim States would recognise Israel overnight if an agreement was reached with the Palestinians. However, Mr Netanyahu did not believe in peace, contrary to the Israeli people.

39. Our meeting with intellectuals in Jerusalem, including an Armenian activist and a Roman Catholic priest, confirmed the picture gathered in Ramallah: the occupation, which was much more oppressive in East Jerusalem, did not allow for normal life; the reunification of Palestinians was crucial; Israel was not interested in the end of confrontation; Palestinians and Israelis were not capable of solving their conflict and Europe, much more than the United States, should help them. The partnership with the Assembly was positive and should be pursued.

4. Conclusions

40. More than two years after the Assembly debated the first evaluation of the partnership for democracy in respect of the Palestinian National Council, the situation on the ground is almost the same: Israel continues to occupy most of the Palestinian territories and, in spite of the optimism showed by many Palestinian politicians, Hamas continues not to respect the successive reconciliation agreements. Therefore this report and its conclusions cannot be much different from those expressed two years ago.

41. The need for elections is becoming crucial: most of the present-day Palestinian population did not participate in the last elections as they were too young. As a consequence, those elected in 2006 no longer represent the electorate.

42. Even if all the previous reconciliation agreements between Hamas and the other groups in the Palestinian political landscape have failed to deliver, I believe that we must remain hopeful that one day this situation will change.

43. On the other hand, we must take note that, unfortunately, negotiations with Israel are at a complete standstill and I see no prospects for a change to this situation anytime soon. Here again, I hope that one day the situation will change.

44. When the Secretary General of the Council of Europe visited Palestine in May 2012, the Palestinian authorities had expressed interest in co-operating in the areas of the reform of the judiciary, the promotion of good governance and the prevention of trafficking in human beings. When granting partner for democracy status to the PNC, and again when it carried out its first evaluation of the partnership for democracy in respect of the PNC, the Assembly had hoped that this would contribute to intensifying co-operation between Palestine and the Council of Europe.

45. On 7 and 8 September 2015, a Palestinian delegation composed of the Chief of the Supreme Court, the General Commissioner of the Palestinian Independent Instance of Citizen's Rights, the Director of the Palestinian Judicial Institute and the Assistant Minister on European Affairs in the Ministry of Foreign Affairs held talks on co-operation at the Council of Europe. Four years after the granting of the partnership, the efforts of both the Secretary General of the Council of Europe and the relevant Palestinian partners to mobilise the Organisation's expertise with a view to contributing to the full implementation of democratic reforms in the Palestinian territories have not yet produced practical results. It is proposed now to draft an action plan-type document called "Neighbourhood Co-operation Priorities", which should be agreed to before the end of the year.

46. All our Palestinian interlocutors referred to the importance of participation in Council of Europe activities in general and in the partnership for democracy in particular. In this respect, the Assembly should congratulate again the Palestinian delegation, most ably led by Dr Bernard Sabella, for its active participation in its work.

47. A detailed assessment with respect to each of the commitments accepted by the PNC when it became a partner for democracy with the Parliamentary Assembly can be found in the draft resolution. Like my predecessor, I am also convinced that the PNC would like to comply with the commitments it undertook when signing the partnership. However, given the circumstances, it has become increasingly difficult, or even impossible, to meet some of these commitments. The ongoing Israeli occupation and the failure of the successive reconciliation agreements are the main blockades.

48. While I do not agree with our Palestinian interlocutors who feel that the Israeli occupation is the basis of all their problems, I have to state that such occupation makes solutions for the problems much more difficult and sometimes impossible for the Palestinians.

49. The fact that Palestine is not a full member of the United Nations prevents full co-operation with its special mechanisms, including the United Nations Universal Periodic Review. However, the non-recognition of Palestine as a State by most member States of the Council of Europe does not prevent it from adhering to

Council of Europe conventions and other legal instruments, provided that there is agreement within the Council of Europe Committee of Ministers (by a two-thirds majority) and among the States Parties to such instruments (unanimity).

50. The Assembly should continue to encourage 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.

51. In conclusion, the Assembly should continue to review the implementation of political reforms in Palestine and to offer its assistance to the Palestinian National Council. Finally, it should make a new assessment of the partnership when appropriate.