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## The situation in the Middle East

### Report

Committee on Political Affairs and Democracy

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### *Summary*

The Parliamentary Assembly closely follows the situation in the Middle East and participates, for matters in its remit, in the international community's efforts with the aim of promoting and fostering peace in the Middle East.

It reaffirms its conviction that peace can only come from a solution negotiated and shared by the parties, and certainly not from military actions. In consequence, it strongly urges both sides to restore a climate of confidence and resume negotiations.

For its part, the Assembly is determined to continue its efforts to contribute to the political dialogue at the parliamentary level through the activities of the Tripartite Forum, including parliamentarians from the Parliamentary Assembly, the Knesset and the Palestinian Legislative Council, as well as through relations with the parliamentary institutions of the countries of the region.



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## A. Draft resolution

1. The Parliamentary Assembly refers to its [Resolutions 1420 \(2005\)](#), 1452 (2005), 1493 (2006), 1520 (2006) and 1550 (2007), and reasserts its undertaking to participate, for matters in its remit, in the international community's efforts to promote and foster peace in the Middle East
2. The Assembly stresses that the passage of time does not facilitate peace. Quite the contrary; the undue slowness of the peace process is exactly what has weakened it, causing frustration and bitterness.
3. The Assembly invites the parties not to remain imprisoned by the past and to overcome any attitude of distrust, loss of confidence or recrimination, in order to embark resolutely on the course of a shared and negotiated peace.
4. It reaffirms that peace can only come from a negotiated solution shared by the parties, and certainly not from military solutions.
5. The Assembly confirms that there could be no peace without resolutely and explicitly combating all forms of intimidation, violence and terrorism, particularly against civilians, and urges all parties to act accordingly.
6. It condemns all forms of anti-Semitism, anti-Zionism and anti-Israeli prejudice, and enjoins all members to combat them.
7. In the same way, it also condemns anti-Arab and anti-Muslim prejudices and enjoins all members to combat islamophobia.
8. The Assembly reaffirms that the right to defend oneself must never transgress the principle of proportionality taking into account the gravity of the subjected aggression and the means of self-defence, and that the use of chemical weapons and technologies prohibited by international agreements is unacceptable.
9. The Assembly appreciates the way the new United States administration immediately took action confirming the resolve of the United States to pursue a solution of peace between the Israelis and Palestinians – and, in welcoming the direct personal involvement of President Obama, expresses its full support for his initiatives to foster a resumption of the negotiations between the parties in the conflict.
10. It also underlines the value of the President of the United States' speech in Cairo on 4 June 2009, which sought to establish a new climate of trust between the United States and the Muslim world. It underlines that President Obama's visit to Buchenwald once again demonstrated friendship and solidarity with the Jewish people and commitment to supporting Israel's right to exist.
11. The Assembly again underlines that the conflict in the Middle East above all concerns two equally legitimate aspirations – Israel's and Palestinians' right to exist in safety and the right to have an independent state – and that a stable peace cannot be achieved unless the aspirations and rights of the two peoples are fulfilled.
12. The Assembly stresses that the resolutions adopted by the United Nations, the Oslo, Washington and Taba negotiations, the 2001 Moratinos document, the Road Map proposed by the United Nations –European Union –United States – Russia Quartet and the final declarations of the Annapolis Conference all point in the direction of a peace founded on the principle of land for peace in order to guarantee the existence of a Palestinian state next to the state of Israel.
13. The Arab peace plan as well as the Geneva Initiative should also be regarded as an essential contribution to the peace process.
14. The Assembly underlines that, until the Annapolis Conference, all the preliminary talks and negotiations were directed at seeking mutual solutions on four strategic points: a Palestinian state within the 1967 borders, modified by possible limited exchanges of territory as agreed by the parties concerned; a fair and mutual solution for the Palestinian refugees, which would not undermine the characteristics of the State of Israel; the evacuation of the Israeli settlements in the territory of the future Palestinian state; an agreed status of Jerusalem, taking account of the historic and religious value of the city, which both the Israelis and the Palestinians claim as their own capital. On each of these questions, convergences of positions, though not formalised, have been recorded and ought not to be jeopardised.
15. The Assembly notes that the current Israeli Government has proposed a new approach for a peaceful solution which, while acknowledging the right to a Palestinian state, at the same time demands recognition of the Jewish nature of the State of Israel.

16. The Assembly underlines that the proposals made by Prime Minister Netanyahu in his Bar Ilan speech of 14 June 2009 – a demilitarised Palestinian state with airspace and borders under Israeli control; Jerusalem as the sole and exclusive capital of the State of Israel; the Palestinian refugees' right of return to be exercised outside the State of Israel; the borders between Israel and the Palestinian state to be determined on the basis of the current population breakdown – deviate from the approach followed to date by the parties and the international community and which should be subject to negotiations satisfying Israelis and Palestinians.
17. The Assembly points out that the issue of the Israeli settlements in the Palestinian territories has 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.
18. The Assembly appreciates the fact that the Israeli Government on 25 November 2009 agreed a 10-month suspension of new settlements and building in the West Bank while noting that such suspension does not include buildings already begun or authorised construction in East Jerusalem and public works. The Assembly hopes that this fact can foster the resumption of relations between the parties in the conflict.
19. At the same time, the Assembly underlines that the exclusion of Jerusalem and the existing settlements from the suspension is causing concern among the Palestinian population and underlines the need not to take steps which change the identity of the city.
20. The Assembly welcomes the Israeli Government's moves to reduce checkpoints and controls on entry to the West Bank and hopes that other steps of this kind will be taken. At the same time, it notes that the dividing wall between Israel and the West Bank remains a serious point of contention and that it represents a violation of international law.
21. The Assembly reaffirms its support for President Mahmoud Abbas and hopes that he will reverse his decision not to stand again for election as president.
22. The Assembly welcomes the significant economic and security improvements made in the West Bank by the Fayyad Government and urges it to continue in this direction.
23. The Assembly welcomes the fact that the Fatah Congress confirmed the leadership of President Mahmoud Abbas and that the new leaders elected by the Congress have made an active commitment to a negotiated and shared peace.
24. The Assembly wishes the negotiations between President Mahmoud Abbas and Hamas to lead to a positive outcome, enabling a government of national unity to be formed and an acceptable date to be agreed for the holding of parliamentary and presidential elections.
25. The Assembly strongly urges Israel and Hamas to resume negotiations for a firm and lasting truce, the reopening of the crossing-points into Gaza and an exchange of prisoners allowing the soldier Gilad Shalit and the Palestinian prisoners to return to their families.
26. In particular, the Assembly reminds the parties in the conflict that, if peace is to be achieved, it is vital to restore a climate of mutual trust, which is now almost non-existent, and accordingly asks the parties to be consistent and unselfish in their actions.
27. The Assembly therefore urges the Government of Israel to:
  - 27.1. confirm the goal of a peace that sees the birth of a Palestinian State alongside the State of Israel;
  - 27.2. attain this goal through negotiation with the Palestinian National Authority, on the basis of negotiated and shared criteria and objectives;
  - 27.3. vest the Palestinian National Authority with all the powers set out in the agreements concluded to date;
  - 27.4. conduct a thorough inquiry in order to ascertain the responsibilities of Israel's military forces in human rights violations, the gratuitous and unwarranted use of force and the use of chemical weapons;
  - 27.5. free the imprisoned Palestinian Legislative Council members and a large number of other prisoners, in accordance with the Annapolis agreements;
  - 27.6. authorise no further settlements beyond the borders of the State of Israel, or the extension of existing ones, and to remove what are referred to as "unauthorised outposts";
  - 27.7. guarantee lasting re-opening of the entrances to the Gaza Strip;

27.8. continue relaxing the constraints on mobility and day-to-day living for the population of the West Bank by reducing the roadblocks and easing controls at the passages into the West Bank.

28. The Assembly urges all the Palestinian forces to:

28.1. recognise the authority of President Mahmoud Abbas;

28.2. take 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;

28.3. rapidly conclude the negotiations for the formation of a government of national unity and set a universally acceptable date for the parliamentary and presidential elections.

29. In particular, the Assembly urges Hamas to:

29.1. reject the use of terrorism and to combat it explicitly;

29.2. free the soldier Gilad Shalit;

29.3. end all illegal smuggling of weapons into the Gaza Strip and the West Bank;

29.4. cease all forms of persecution of opposing factions.

30. The Assembly calls on the United States, the European Union, the Russian Federation and the United Nations to revitalise the joint action of the Quartet by extricating it from the stagnation of 2008 and adjusting its approach in line with developments.

31. The Assembly underlines the essential role which the European Union needs to perform in supporting the action of the Quartet, helping the parties concerned to resume negotiations and expanding bilateral relations with the countries in the region, as well as in making the newly established Union for the Mediterranean the instrument for a policy of co-operation, progress and security.

32. The Assembly recalls the conclusions of the European Union Council of Ministers meeting on 8 December 2009, in which the European Union expressed its deep concern about the stalemate of the peace process, confirmed its profound commitment for a two state solution, declared that it would accept the modifications to the 1967 borders only if they were agreed by both parties, underscored that the illegal settlements were an obstacle to peace and asked for stopping them, demanded the re-opening of the access to Gaza, warned against attempts to annex East Jerusalem which would jeopardise reaching an agreement between the parties for Jerusalem as a capital of both states.

33. The Assembly warmly welcomes the renewed commitment of the Arab League and its member countries to peace and regards the plan devised in Beirut and Riyadh, recently confirmed again in Doha, as an essential contribution to a peaceful mutual arrangement.

34. It expresses its support for the Arab leaders – first and foremost, President Mubarak – actively engaged in creating a climate of trust and building a peace with which all parties can identify.

35. The Assembly underlines the contribution which the Kingdom of Jordan makes to stability in the region and to efforts to achieve a peaceful mutual arrangement.

36. The Assembly is gratified by the process of growing stability in Lebanon, stresses the importance of the UNIFIL/UN contingent's peace-keeping action, welcomes the commencement of business by the Special Tribunal for Lebanon and appeals to all members of the Lebanese society to pursue the path of rebuilding the country's economy and institutions, strengthening its unity and overcoming the earlier divisions between opposing factions and armed groups.

37. The Assembly regards as decisive a positive resolution of the international dispute with Iran under the new approach suggested by President Obama, and calls upon the Iranian authorities to display the same readiness to seek an agreement which offers specific guarantees as to the exclusively civilian use of nuclear technologies, on the basis of the proposals put forward by the United Nations. To prevent these efforts being undermined, Iran must comply with international demands to suspend its nuclear enrichment and reprocessing activities, co-operate with the International Atomic Energy Agency in its investigation of open questions, and immediately cease construction of the Qom enrichment site. Both Iran and Israel should co-operate with the United Nations on nuclear issues.

38. The Assembly welcomes the positive advances made in the democratic transition in Iraq and asks the international community to support all the efforts of the Iraqi authorities to further the country's development and enhance its stability, based on respect for universal values.
39. The Assembly takes note of the new, more constructive attitude shown by the Government of Syria and encourages it to stay on course.
40. The Assembly welcomes the important role played by Turkey.
41. The Assembly stresses the major contribution that the Russian Federation can make to the region's stability, in particular by encouraging Syria and Iran to put more open policies in place.
42. The Assembly stresses how important it is to support the peace process through policies of assistance for the economic and social development of the region and accordingly commends the action of the Quartet's Envoy, Mr Tony Blair, and welcomes the financial undertakings made at the Donor Conference in Sharm El Sheikh.
43. It stresses that full affirmation of, and respect for, human rights, individual freedoms and democracy in all the countries in the region are vital to a stable and lasting peace, and that the Council of Europe has an important part to play in this respect.
44. The Assembly stresses that the Council of Europe can make a useful and specific contribution to peace in the Middle East. It considers that the Committee of Ministers and the relevant sectors of the organisation should promote:
  - 44.1. technical and legal assistance for complete conformity of legislation with the Universal Declaration of Human Rights and the European Convention on Human Rights;
  - 44.2. initiatives involving inter-institutional, intercultural and interfaith dialogue.
45. The Assembly is pleased by the start of the activities of the Tripartite Forum, bringing together the Council of Europe Assembly, the Knesset and the Palestinian Legislative Council, and urges the parties to keep up their efforts.
46. For its part, the Assembly is determined to continue its efforts to establish relations with the parliamentary institutions of the countries of the region and to foster contacts between them.
47. The Assembly decides to continue to follow developments in the situation in the Middle East.

## **B. Explanatory memorandum by Mr Fassino, rapporteur**

### **1. Introduction**

1. The Middle East and the conflicts there have been at the centre of attention of the Parliamentary Assembly of the Council of Europe, which has adopted several resolutions on the matter (1420 and 1425 (2005); 1492 and 1493 (2006) and 1550 (2007)). This report therefore carries forward this special concern.
2. The Political Affairs Committee and its Sub-Committee on the Middle East constantly monitor developments in the situation in order to provide assessments and proposals and enable it to contribute to the process of peace through the promotion of dialogue at parliamentary level.
3. The political situation in the Middle East has been marked over the last year by four events: the war in Gaza, the Israeli parliamentary elections and the formation of a new government, the conflict between the Palestinian President, Mahmoud Abbas, and Hamas and a new American initiative launched by President Obama. Each of these events has generated processes which are altering the contours of the Israeli-Palestinian conflict.
4. It should never be forgotten that the Israeli-Palestinian conflict above all concerns two equally legitimate aspirations – Israel's right to exist in safety and the Palestinians' right to an independent homeland – and that a stable peace cannot exist unless satisfaction is given to the rights of the two peoples are fulfilled.
5. Moreover, the Israeli-Palestinian conflict needs to be placed in a broader, "Greater Middle Eastern" geopolitical context, stretching from the Mediterranean to the Persian Gulf – where other players are active, namely Egypt, Syria, Lebanon, the Arab League, Iraq, the Gulf Emirates and Iran, whose choices interact with the Palestinian question.
6. From the outset, the Israeli-Palestinian conflict has been a priority issue for the international community and the principal players on the world stage, all actively involved in seeking to bring about peace.

### **2. The war in Gaza**

7. At the end of 2008, the Government of Israel decided on military action in the Gaza Strip (initiated on 27 December), 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 10 years, causing dozens of fatalities, hundreds of injuries and the destruction of homes and civilian buildings. The Israeli offensive came after the ending by Hamas of the six-month truce negotiated with the Israeli Government through Egyptian mediation.
8. The Israeli military action involved aerial bombardments, use of armoured vehicles and a massive deployment of ground troops. A large section of the international community viewed the offensive as violating the principle of commensurateness of attack and counter-attack. The offensive brought about 1 400 fatalities, at least half of whom were children, women and old people, as well as more than 5 000 other casualties and the destruction of a large number of buildings, worth about 2 billion dollars.
9. United Nations agencies and humanitarian organisations have since provided evidence of destruction and of military attacks against civilian buildings, including schools and hospitals. The United Nations report published in September 2009 denounced Israel of "using indisproportionate force". At the same time it stated that both sides committed acts that the international law considered to be war crimes. The Israeli Government has acknowledged some of these incidents, undertaking to find out where the responsibilities lay. Following information supplied by United Nations agencies, the Israeli authorities also admitted that they had used phosphorus and chemical weapons. Recent statements by Israeli officers and soldiers who fought in the offensive have also revealed episodes of gratuitous violence claiming civilian victims, which the Israeli authorities have said that they wish to investigate.
10. Hamas struck back by mobilising its armed militia groups and forcing the civilian population to act as a human shield. Some members of Al Fatah and supporters of President Mahmoud Abbas suffered persecution and many of them were murdered by way of political retaliation.
11. From the outset of the war, the international community appealed to both sides for an immediate suspension of hostilities to allow the dispatch of humanitarian aid to the population and enable a lasting ceasefire agreement to be reached. Despite the appeals and the mediation offered, for instance, by the United

Nations Secretary General, the Presidency of the European Union, the Arab League and various countries, there was no effective suspension of hostilities until the last few days of the fighting and then only for a few hours in order to open humanitarian corridors.

12. The war in Gaza ended without a consensual bilateral agreement, solely on the basis of two unilateral decisions. On 17 January 2009, the Israeli troops withdrew from Gaza and returned to the territory of the State of Israel.

13. The war confirmed that peace cannot come from a military solution. The fighting also further accentuated the inability to communicate, the mutual accusations and the hatred, thereby compelling the international community to act. Experience demonstrates that time is not on the side of peace and that there is an urgent need to return the initiative to politics and the search for a negotiated, peaceful solution which is shared by and satisfactory to both the Israelis and the Palestinians.

### **3. The Israeli elections**

14. On 20 February 2009, parliamentary elections took place in Israel after a government crisis had forced Prime Minister Olmert to step down and announce early elections, as well as his decision not to stand again for election as head of government.

15. The outcome of the elections changed the scenario: the Kadima Party, led by Foreign Minister Tzipi Livni, came first, winning 28 seats, followed by Likud (27 seats) under its leader, the former Prime Minister, Benjamin Netanyahu. However, the total number of seats won by Likud, Yisrael Beytenu and the religious parties represented a substantial majority in the Knesset. On the other hand, the success of Kadima on the progressive front did not make up for the drastic reduction in votes for the Labour Party (13 seats) and Meretz (3 seats). Support for the Arab parties was up slightly. This new balance was the basis on which the President of the State of Israel, Shimon Peres, assigned Benjamin Netanyahu the task of forming the new government.

16. After some weeks of negotiations between the parties, he succeeded in forming a government enjoying broad parliamentary support, consisting of Likud, Yisrael Beytenu, Shas, other religious parties and the Labour Party, under the leadership of Ehud Barak. As Kadima was not in the coalition, its leader, Tzipi Livni, declared that her party was now sitting in opposition.

17. After the formation of his government, Prime Minister Netanyahu announced a “new policy” and a new strategic approach – launched at Bar Ilan on 14 June 2009 – that of finally accepting the proposal “two states for two peoples” and the idea of an Independent Palestinian State”, demanding at the same time that the Palestinians recognise the Jewish nature of the State of Israel. It also provides that the Palestinian state must be demilitarised, with its airspace and borders under Israeli control; Jerusalem is to be the sole and indivisible capital of the State of Israel; the Palestinian refugees’ right of return may only be exercised outside the State of Israel; and the borders between Israel and the Palestinian state must take account of the current population breakdown.

18. It should be remembered here that, over the years, the parties in the conflict and the international community have followed an approach based on the principle of land for peace, seeking to give effect to the “two peoples, two states” concept.

19. It should also be noted that, in particular over the last two years, all the preliminary talks and negotiations have been directed at seeking mutual solutions on four strategic points: a Palestinian state within the 1967 borders, modified by possible limited exchanges of territory; a fair and mutual solution for the Palestinian refugees, which would not undermine the characteristics of the State of Israel; evacuation of the Israeli settlements in the territory of the future Palestinian state; and the status of Jerusalem, which both the Israelis and the Palestinians claim as their own capital. On each of these questions, convergences of positions, though not formalised nor recognised to date by Mr Netanyahu, have been recorded.

20. The Palestinian National Authority (PNA) responded negatively to the new Israeli proposals, which, according to it, mark a departure from the approach followed to date by the parties and the international community. At any rate, the PNA laid down the permanent ending of all Israeli settlement construction in the Palestinian territories as a precondition for any negotiations, as also foreseen by the Road Map presented by President Obama in Cairo. For its part, due to American pressure, the Israeli Government declared its willingness to block new settlements, while nevertheless allowing existing settlements to put up new buildings and complete approximately 3 000 buildings which have already begun or been authorised. Public buildings such as synagogues, schools, etc and the settlements inside the territory of Jerusalem will also be excluded. This Israeli response brought all preliminary talks between Israelis and Palestinians to a standstill, leading

President Mahmoud Abbas to vent his frustration by announcing his decision not to stand again in the presidential elections scheduled for 24 January 2010. On 25 November 2009, the Israeli Government, as a sign of goodwill and an open approach, announced a 10-month suspension of all new settlements and new buildings in existing settlements, excluding the territory of the city of Jerusalem as well as buildings already begun.

#### 4. The new Palestinian scenario

21. Since the Palestinian elections in January 2006, the Palestinian side has been split by deep divisions. The victory of Hamas in the Gaza Strip as well as in many centres of the West Bank, and the serious setback for Al Fatah, have redrawn the Palestinian political landscape, further strengthening Hamas and the Islamic fundamentalist components.

22. In June 2006, the Hamas militias kidnapped an Israeli soldier, Gilad Shalit, at the Gaza border and have kept him in captivity ever since, demanding in exchange for his freedom, the freedom of a large number of Palestinian prisoners held by the Israelis, as well as the end of the Gaza blockade. Some indirect negotiations by an Egyptian mediator have been held intermittently until now, without the liberation of Shalit as forcefully demanded by the international community.

23. During these months, there have also been several attempts, either Palestinian, or Arab, to find an agreement between Fatah and Hamas and in September 2006, Marwan Barghouti, the leader of the Second Intifada, imprisoned for life in Israel, launched, in conjunction with the other Palestinian prisoners the so-called 'Document of Prisoners' which contained the progress in regard to the three conditions of the Quartet and proposed a Palestinian government of national union.

24. In February 2007, under the patronage of the King of Saudi Arabia, Fatah and Hamas signed in Mecca, an agreement for the formation of a government of an inter-Palestinian union based on the lines of the 'Document for Prisoners'. This government was formed in the following weeks, but the platform was not considered sufficient by Israel or by the international community to end the boycott between the government and Hamas. The government was also paralysed by the rivalry between Fatah and Hamas.

25. In June 2007, Hamas seized the Gaza Strip in a swoop by its militias, declaring that it did not recognise the authority of President Mahmoud Abbas, elected by universal suffrage in 2005. Mahmoud Abbas reacted by dismissing Prime Minister Ismail Haniyeh, and instructed Saleh Fayyad to form a new government. From then on, the Palestinian side has been split into two entities: in the West Bank, Mahmoud Abbas and the government headed by Saleh Fayyad; in Gaza, a government directed by Hamas. This division has left its mark on the entire region, where countries with moderate leaderships (Egypt, Jordan, Saudi Arabia, Morocco and Algeria) support Mahmoud Abbas, while other countries (Syria, Iran, Libya) and the fundamentalist movements support Hamas.

26. These divisions also appeared at the time of the war in Gaza. Mahmoud Abbas and the moderate Arab leaders, while condemning the Israeli military offensive, also condemned the adventurism of Hamas and its daily rocket attacks on the Israeli settlements in the Negev. The Damascus and Teheran governments, together with the Lebanese Hezbollah and other radical Islamic movements, on the other hand, offered full, unreserved support to Hamas and its actions.

27. The events in Gaza gradually led the Palestinian factions to seek a compromise. Immediately after the end of the war and the Israeli withdrawal from Gaza, negotiations were begun in Cairo for the full integration of Hamas into the PLO, recognition by Hamas of Mahmoud Abbas's authority and the formation of a government of national unity intended to remain in office until the parliamentary and presidential elections scheduled for January 2010. Even the United Nations Security Council, in [Resolution 1860 \(2009\)](#), encouraged intra-Palestinian reconciliation and the formation of a government of national unity. To that end, Palestinian Prime Minister Saleh Fayyad announced that his mandate was at the disposal of President Mahmoud Abbas. The negotiations have not yet produced results, however. Even President Mahmoud Abbas's decision to call the presidential and parliamentary elections for 24 January 2010 has been challenged by Hamas. Negotiations are under way to agree a new date acceptable to all sides.

28. It should be noted that, in the West Bank, the Fayyad Government has achieved remarkable results both in the economic sector and as regards security and the control of territory. These results have been facilitated by the Israeli government reducing checkpoints and roadblocks at the entrances to the West Bank. Conversely, the building of the wall on the line of demarcation between Israel and the West Bank, which deeply penetrates into the territory of the West Bank, remains a controversial issue.

29. In August 2009, the Congress of Al Fatah – the first held in 20 years – confirmed the leadership of Mahmoud Abbas and thereby also his commitment to a peaceful solution negotiated with the Israelis and based on the principle of “two peoples, two states”. The congress elected new leaders, including Marwan Barghouti, currently being held in prison in Israel, and sidelined the Arafat-era “old guard”, who were held responsible for Fatah’s crisis of credibility and its electoral defeat in 2006.

## **5. The American initiative and the responsibilities of the international community**

30. The Middle East conflict has always been a strategic chessboard for world political and economic balance, relations between the Western and Islamic world and North-South and East-West relations. It therefore falls to the major international players to work towards stability and peace in the Middle East.

31. In particular, the enduring key role of the United States in the Middle East has been confirmed by the first acts of the new Obama administration: the visits to the region by Secretary of State Hillary Clinton and her participation in the Donor Conference at Sharm El Sheikh; the appointment of Ambassador Mitchell as United States Special Envoy for Middle East Peace; the visit to Syria by Senator John Kerry, Chairman of the Foreign Affairs Committee, and the meeting between Mrs Clinton and the Syrian Foreign Minister; President Barak Obama’s message stating readiness for dialogue sent to the Iranian leaders and their involvement in seeking a solution to the Afghan question.

32. In particular, President Obama’s speech to the Muslim world in Cairo on 4 June 2009 – in which the State of Israel is recognised, along with the right of the Jewish people to its State, and to live in peace and security, not only the Palestinian people’s right to a homeland but also their suffering for all too many years as a diaspora and the lack of solutions to the conflict – generated hope and trust towards America in large parts of the Arab and Muslim world for the first time for several years.

33. In addition, President Obama’s visit to the Buchenwald concentration camp around the same time demonstrated attachment to the Jewish people and America’s strong commitment to continue protecting Israel, its security and its future.

34. Given these policy choices, President Obama – after bilateral consultations with President Mahmoud Abbas, Prime Minister Netanyahu and Mubarak – arranged a meeting with the Palestinian President and the Israeli Prime Minister on the sidelines of the United Nations General Assembly in order to foster a resumption of peace talks. However, the views of the parties seem irreconcilable to date, especially with regard to the ending of settlement activity, which Mahmoud Abbas is demanding and Benjamin Netanyahu is willing to accept in part. Even the successive attempts by Secretary of State Hillary Clinton and Ambassador Mitchell to bring the parties together, demanding of each party not to lay down preconditions, have failed. Nevertheless, the American commitment is still resolute and must be encouraged and supported by all players.

35. The European Union, as the chief economic partner of Israel and the Palestinian National Authority’s principal source of funds, has a duty to join in the international peace offensive. It can and must do so, not only in the Quartet framework and in bilateral relations, but also by helping the parties to resume negotiations, taking advantage of the many opportunities which the Euro-Mediterranean Agreements offer for association with the EU and by making the newly established Euro-Mediterranean Union an active, concrete instrument of policies for co-operation, stability and security throughout the Mediterranean Basin

36. The Russian Federation’s potential role is also most important, since it maintains close relations with Syria and Iran and can therefore wield a positive influence over them. The Russian proposition to convene in the first months of 2010, a new international conference, following that of Annapolis, is interesting and could be useful, and must be closely examined by international diplomacy.

37. It should be remembered that the unilateral decisions by President Bush as well as the reduction in Russia’s multilateral commitment following the conflict with Georgia undermined the action of the Quartet and its credibility.

38. In today’s new scenario, it falls to the United Nations to revitalise the joint action of the Quartet by extricating it from the stagnation of 2008 and adjusting its approach in line with developments and from a more attentive consideration of the reality of the actors on the ground.

39. The engagement of the international community must not be restricted to the political dimension but must be reflected in strong financial support – primarily for the Palestinian National Authority – to allow the implementation of the economic development and social advancement policies which are crucial for ensuring

that the peace is sound and credible. The undertakings made at the Donor Conference in Sharm El Sheikh in March 2009 are in line with this approach and must be honoured, just as Tony Blair's work as Special Envoy of the Quartet should be fully supported.

## 6. The regional scenario

40. The Arab world's commitment to peace between Israelis and Palestinians mainly solidified around the peace plan unanimously approved by the Arab League at the Beirut Summit in 2002. The plan was based on the following points: creation of a Palestinian state within the 1967 borders, with East Jerusalem as capital; recognition of the State of Israel by the Arab states; a "fair and mutual" solution to the question of refugees. The relaunch of this platform at the Riyadh Summit (March 2007) and at Doha in 2008 and the participation of the main Arab countries in the Annapolis Conference confirmed the stronger commitment of the countries in the region and the new central role played by the Arab League, which is increasingly becoming the driving force of initiatives shielding the moderate, reformist Arab camp from the initiatives of Islamic fundamentalism.

41. Egypt's central role in all the events in the Middle East has been confirmed: it was in Cairo that the first truce between Hamas and Israel was negotiated; Cairo also hosted the negotiations between Hamas and Fatah as well as the talks for the liberation of the soldier Shalit (in exchange for numerous Palestinian prisoners) and in order to re-establish – after the war in Gaza – a truce between Israel and Hamas including the ending of the Gaza Strip blockade, and President Obama chose Cairo to make his major speech to the Arab world and present his peace proposals.

42. After long years of isolation and hostility to any peace agreement, there are indications of a new kind of behaviour by Syria, with greater co-operation in respecting the independence and integrity of Lebanon (with an exchange of ambassadors); the arrangement through Turkey's mediation of preliminary talks with Israel concerning an agreement on the Golan Heights; the resumption of relations with the United States, highlighted by the Damascus visit of Senator Kerry, Chairman of the Senate Foreign Affairs Committee, and Hillary Clinton's meeting in Cairo with Syrian Foreign Affairs Minister Moallem; and confirmation of acceptance of the Arab peace plan. These are signs of a resolve to join in a process of stabilisation and must be encouraged as such.

43. Equally important is the increasing role performed by Saudi Arabia, which was behind the Arab peace plan proposal in 2002 and which, with Egypt and Jordan, gave the process considerable new impetus in 2007 by promoting the Riyadh Summit and broadening the active consensus of the Arab world in favour of a peace agreement. Saudi Arabia's participation at the highest level in the Annapolis Conference confirms this determination, which should also be encouraged.

44. In Lebanon, there is also a positive, though slow-moving, turn of events. After the crisis of June 2006, which led to the Israeli-Lebanese war of July and August, the commitment of the international community enabled a process of stabilisation to be undertaken. The presence of a large United Nations contingent made it possible to put an end to the military confrontation. The 2008 Doha Agreement, in acknowledging a major role for Hezbollah, broke the institutional deadlock and allowed the election of General Suleiman as President of the Republic, putting an end to the exhausting and dangerous paralysis of the country. The new electoral law redefined the relationship between the different religious and national communities that make up Lebanon. The establishment as from 1 March 2009 of the Special Tribunal for Lebanon has provided a judicial framework for determining who was responsible for President Hariri's assassination. Lastly, the elections in June 2009 ended in victory for the progressive coalition headed by the son of Mr Hariri, even though the Hezbollah party made electoral gains. After lengthy negotiations, a government of national unity was formed, with Mr Hariri as prime minister. However, the question of disarming the militias – who expose the country to the risk of continual upsurges of violence – remains unresolved, as does that of the role of Hezbollah, the principal Lebanese Islamic formation having well-established relations with Iran, Syria and Hamas.

45. Iran has assumed an ever more central role. Teheran's leadership in the Shiite world, the violence of President Ahmadinejad's anti-Israeli statements and, above all, the launching of a nuclear programme which might not be confined to the realm of nuclear energy alone but also extend to military uses, are causing concerns in the international community and especially in the Israeli Government which has repeatedly threatened to use force. The Security Council has however voted sanctions against Iran, which have not managed to date to stop the progress of the Iranians in the nuclear field.

46. The resolution of the Iranian issue by political negotiation is a step that must be taken to achieve stability in the Middle East and peace between the Israelis and Palestinians. That is why we can only welcome and support President Obama's new approach aimed at offering Iran open negotiation on equal terms, while

not refraining from pressure (which does not exclude the strengthening of sanctions) to make the country give up all aspirations to nuclear weaponry. Also to be welcomed is the decision to involve Iran in the handling of the Afghan question, although no satisfactory response has yet been received from Iran.

47. The international community's concerns increased following the elections, of which President Ahmadinejad was declared the winner, but whose results were challenged by the opposition candidates and which led to demonstrations that were suppressed by the authorities. That is also why it is important to guard against unilateral initiatives, above all of a military nature, which might have devastating consequences for the strategic balance at both regional and international level. A new framework for relations with Iran, also satisfying the country's aspiration to play the role of a regional power, can also have a positive impact on domestic political life.

48. Positive developments in the transition in Iraq may also strengthen the factors of stability in the region, so all action that would help consolidate the democratic institutions of the Iraqi state should be encouraged.

49. Likewise, in Afghanistan, President Karzai's election for a fresh term – which was disputed by the other candidates – gives the international community and the countries directly involved reason to share and undertake a more effective transition strategy, reinforcing the political, social and economic component and hastening a policy of national reconciliation.

50. Although the activity of the terrorist organisations has been foiled more effectively, one cannot underestimate the dangerousness of Al Qaeda and the other terrorist organisations, which continue to pursue the destabilisation of the region by fomenting a "holy war" and any form of conflict and opposition between Islam and the West. And this constant danger must lead the international community and all governments to regard combating terrorism as an ongoing priority.

## **7. The role of the Parliamentary Assembly**

51. Stability and peace in the Middle East will be all the easier to achieve and all the sounder if respect for, and affirmation of, human rights, individual freedoms and democracy take hold in the region too. The peaceful solution will be more stable if the two states are also two democracies. The Parliamentary Assembly of the Council of Europe has a specific role to play here.

52. In Rhodes in June 2008, the Parliamentary Assembly/Knesset/Palestinian Legislative Council Tripartite Forum was started. The aim of the forum, brought about thanks to the decisive backing of the Sub-Committee on the Middle East of the Political Affairs Committee and its Chair, is to provide a space for debate and dialogue with a view to increasing mutual trust and dependability, without interfering in the negotiations between the parties.

53. In the same spirit, the Parliamentary Assembly of the Council of Europe has established relations with the parliaments of many countries in the region, an activity which should be encouraged and consolidated, along with direct relations between the parliaments.

54. The legal and constitutional assistance which the Council of Europe and its organs (notably the Venice Commission) can provide to promote the adoption in the various countries in the region of legislation fully in keeping with the Universal Declaration of Human Rights is highly important.

## **8. Conclusions**

55. The experience of many decades demonstrates that peace cannot be attained with arms but solely through negotiation.

56. Experience also shows us that the time which elapses without an agreement being initiated undermines mutual confidence and makes the peace process more remote.

57. It is therefore crucial to give the peace process strong new impetus by calling upon the parties to shoulder their responsibilities and committing the international community to helping and supporting them.

58. The international community accordingly needs to encourage and support reconciliation among the Palestinian factions and the formation of a government of national unity, permitting the establishment of a representative, credible leadership committed to the peace process.

59. It is also essential that the new Israeli Government explicitly confirms its commitment to a peace based on the principle of “land for peace” and on the solution of “two states for two peoples”, by negotiating a coherent and credible solution which can also be supported by the Palestinians.

60. The only possible peace is one that involves two states side by side, recognising and asserting the rights and aspirations of the two peoples: for Israel, a recognised safe existence and, for the Palestinian people, an independent homeland.

61. The peace process will be all the more tangible and stable if human and civil rights and the principles of the rule of law and democracy are recognised in all states of the region; the Council of Europe and notably the Parliamentary Assembly can play a fundamental role in making sure that they are observed and applied.