

## **Resolution 1281 (2002)<sup>1</sup>**

### **Situation in the Middle East**

1. The Parliamentary Assembly is deeply concerned at the tragic and dangerous worsening of the situation in Israel and the Palestinian territories. It is appalled at the daily growing death toll occasioned by the conflict between Israelis and Palestinians, shares the grief of the families of the victims on both sides and declares its support for them.
2. It unreservedly condemns all acts of terrorism, regardless of the reasons put forward to justify them, and particularly the suicide attacks by Palestinian extremists.
3. Respect for international humanitarian law is the first duty of any state which aspires to be democratic and claims to belong to the international community. In this connection, it points out that the Observer status, which the Israeli Knesset enjoys with the Parliamentary Assembly is an acknowledgement of Israel's commitment to respect for human rights and fundamental freedoms.
4. While recognising and respecting the legitimate right of the State of Israel to protect its own security and that of its citizens, the Assembly considers the action taken by its army in the Palestinian territories inappropriate, and condemns the indiscriminate and disproportionate use of force.
5. The Assembly condemns the Israeli forces' systematic destruction of the Palestinian infrastructure, and considers that action of this kind makes it impossible for the Palestinian authorities to exercise power and at the same time fans hatred of Israel. It strongly opposes the dismantling, on the pretext of combating terrorism, of the Palestinian Authority, Israel's internationally recognised partner in the political process.
6. It is profoundly disturbed by reports of violations of international humanitarian law committed by the Israeli army under the conduct of Prime Minister Ariel Sharon, while operating in the Palestinian territories, and particularly in the refugee camp at Jenin. It supports the United Nations Security Council's decision to set up an international commission of enquiry to determine the facts and establish responsibility.
7. The Assembly deplores the violation of one of the holiest sites of Christendom, the Church of the Nativity in Bethlehem, in which, it is alleged, Palestinian terrorists have sought protection and which is currently besieged by Israeli forces.
8. It is also disturbed by reports of cases of lynch law carried out on alleged Palestinian collaborators.
9. The practice of liquidating alleged terrorists without trial by the Israeli authorities, as well as Israeli officials or alleged Palestinian "collaborators" by Palestinians should be firmly condemned. No law-governed state can allow itself to hunt down and eliminate opponents and to commit political murders.
10. A comprehensive settlement in the Middle East should include withdrawal from the occupied Arab territories, the establishment of a Palestinian state, and guarantees for Israel's security and that of all the states and peoples of the region.
11. The Assembly stresses the importance of Resolution 1397 (2002) of the United Nations Security Council, and shares its "vision of a region where two states, Israel and Palestine, live side by side within secure and recognised borders". There should be guarantees for the security of both states, and co-operation between them should be promoted and supported by the international community.
12. The Assembly regrets the reluctance of Mr Yasser Arafat to condemn acts of terrorism, including suicide bombing. Nevertheless it accepts his role as the recognised Palestinian leader, and Chairman of the Palestinian Authority, and considers it unacceptable that he should be isolated in his residence by the Israeli forces and deprived of the means and possibility of discharging his obligations.
13. It calls on the international community to provide the Palestinian Authority with emergency humanitarian aid, and help it to rebuild its infrastructure and restore its capacity to govern as a matter of urgency. It urges the donor countries and international funding agencies to renew their commitments to the Palestinian Authority, while ensuring that those means are used solely for peaceful purposes.
14. The Assembly considers that the continuing existence of fifty-nine Palestinian refugee camps housing 1.25 million people in unacceptable conditions remains a major obstacle in the way of long-term peace and security in the Middle East. They have also long been a source of terrorist activity, which is contributing to the current situation. It considers that it would now be in the interest of restoring peace for the international community to support a clear plan which will enable these camps to be closed. This can only be done by offering the refugees permanent accommodation with compensation, and citizenship. The Assembly draws attention to its Resolution 1156 (1998) proposing such a plan.
15. The Assembly thinks it important to devise forms of international presence in the Palestinian territories which both sides can accept. In this connection, it welcomes the initiative recently taken by the Secretary General of the United Nations, and calls on the Israelis to accept it.
16. The Assembly strongly urges the Israeli and Palestinian sides to:
  - a. declare a cease-fire without further delay, and fully implement Resolutions 1397, 1402 and 1403 of the UN Security Council;
  - b. implement the Tenet and Mitchell plans immediately and fully, it being understood that a resumption of the political process, coupled with a cease-fire and co-ordinated action on security, offers the only hope of a breakthrough in the present crisis;
  - c. co-operate wholeheartedly with the international mediators and their special envoys;
  - d. put an end to the confrontations in the vicinity of the Church of the Nativity in Bethlehem. It calls for the Holy Sites to be protected for all the faiths and for this provision to be included in the final settlement.
17. The Assembly calls on the Government of Israel to:
  - a. put an end to the establishment of settlements and remove all existing settlements, which are an obstacle to constructive political dialogue;
  - b. halt the military operations immediately and withdraw its troops from the Palestinian territories;
  - c. raise the blockade on Mr Arafat's residence immediately and again make it possible for him to discharge all his obligations – including those relating to anti-terrorist action – unhindered;
  - d. fully respect all the norms of international humanitarian law, do everything possible to protect the civilian population, and give the humanitarian organisations, in particular, the International Committee of the Red Cross (ICRC) and the national Red Cross and Red

Crescent societies, as well as the international media, free and immediate access to the Palestinian territories, as requested in Resolution 1405 of the UN Security Council;

e. accept without any further delay the international commission of enquiry set up by the United Nations.

18. The Assembly calls on President Arafat and other leaders of the Palestinian Authority:

a. to cease immediately all attacks against Israeli citizens;

b. to take appropriate measures in order to arrest and to bring to justice persons responsible for terrorist acts, ensuring the right to a fair trial for all those charged or arrested;

c. to take all possible measures to dismantle the terrorist infrastructure, including the networks financing the terrorists, and the ideological support amongst the Palestinian population, especially by making minors realise that suicide does not open the gates of paradise to them;

d. to put an end to incitements to violence, of any kind, against the Israeli people;

e. to instruct Palestinian representatives to resume co-operation with the Israeli authorities on security;

f. to recognise and accept the sovereignty and independence of the State of Israel.

19. The Assembly would welcome a more active commitment to resolving the Middle East conflict on the part of the United States. It believes that unilateral initiatives in the Middle East cannot succeed and voices its backing for the co-ordinated efforts of the United States, the Russian Federation, the European Union and the United Nations Organisation.

20. The Assembly takes note of the resolution on the Middle East, passed recently by the European Parliament.

21. The Assembly finds the results of the meeting of the "quartet" of international mediators in Madrid on 10 April 2002 encouraging and is satisfied that they have confirmed the need for co-ordination between the main protagonists, developed a joint policy platform and established the principle of parallel action for security measures and the political process.

22. The Assembly sees the role of the United Nations Security Council as particularly important and considers that the UN provides the most appropriate machinery for overcoming the conflict.

23. The political position of the Arab countries elaborated at the Beirut Summit on the basis of the original plan of Crown Prince Abdullah of Saudi Arabia is an important step towards identifying a fair and comprehensive settlement for the region. The Assembly encourages all the member countries of the Arab League to maintain their backing for that position.

24. The Assembly remains convinced that, while international mediation efforts are highly important, Israel and the Palestinian Authority bear the main responsibility in securing the final settlement, and should resume direct dialogue without conditions. Contacts at parliamentary level could play a crucial role in this.

25. The Assembly calls on the Knesset and the Palestinian Legislative Council (PLC) to deploy their political authority to ensure that human rights and humanitarian law are respected, and to ensure that any alleged rights violations are thoroughly investigated and, if proven, punished.

26. The Assembly decides to focus its official contact with Israel on questions concerning the resumption of political dialogue between the parties in the conflict and concerning the respect of human rights and international humanitarian law. It considers that the committee meetings in Israel, except those which contribute directly to the political process or the respect for human rights and international humanitarian law, are not timely and must therefore be postponed until the situation has returned to normal.

27. The Assembly considers the transposition of the Israeli-Palestinian conflict to Europe utterly unacceptable. It condemns in the strongest terms the individuals who perpetrate appalling acts by targeting community or religious institutions in France, Belgium or elsewhere.

28. The Assembly confirms its decision to invite representatives of the PLC to participate in its proceedings whenever the Middle East is on the agenda and decides to explore the possibility of granting the PLC a status permitting greater involvement in the Assembly's activities, provided that it is not found to be in flagrant violation of the Council of Europe's fundamental ideals. To that end, the Assembly urges the Palestinian Authority to suspend the application of the death penalty in those areas under its jurisdiction.

29. The Assembly expresses its solidarity with the Jewish communities who have been the victims of anti-Semitic attacks.

30. The Assembly expresses its full solidarity with the Israeli army reservists who refuse to serve in the occupied territories.

31. The Assembly believes that a fact-finding mission should go as soon as possible to the Middle East, and conduct talks, *inter alia*, with international civilian observers (United Civilians for Peace).

32. The Assembly actively supports the setting up of a UN protection force in the Middle East, with the mission to maintain a cease-fire, defuse tension, and protect the civilian population.

33. The Assembly invites the European Union (EU):

a. to impose an embargo on the exportation of arms manufactured in the EU to Israel;

b. to suspend the association agreement with Israel;

c. to halt all military co-operation between the EU member states and Israel.

34. The Assembly believes that the Observer status the Israeli Knesset enjoys needs to be carefully re-examined.

35. The Assembly considers that the humanitarian situation in the region should be examined.

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1. *Assembly debate* on 25 April 2002 (14th Sitting) (see Doc. 9421, report of the Political Affairs Committee, rapporteur: Mr Margelov; and Doc. 9422, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr McNamara).

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