

Resolution 1245 (2001)^[1]**Middle East conflict**

1. The Assembly is deeply concerned by the collapse of the Camp David Summit in July 2000, which was meant to reach a final status agreement. It deplores the politically irresponsible and provocative acts which sparked an upsurge of violence and hampered efforts to restart negotiations.
2. It reiterates its conviction that the resumption of the negotiations represents the only chance of reaching a lasting political settlement in the Middle East. The opportunity to work towards a historic compromise of two sovereign, secure and viable states must be seized before the escalation of events undermines it.
3. The Assembly calls on the two parties to pursue the security co-operation to pave the way for further negotiations.
4. Albeit, international mediation efforts can continue to contribute to the political peace process and settlement, but in the end only direct negotiations between the parties could lead to a final agreement. The Assembly therefore calls on political leaders on both sides to show a high degree of responsibility and to put their historic mission above their own political and personal aims. In addition, the Assembly reminds the leaders that respect for human rights and international humanitarian law also facilitates the building of peace.
5. The Assembly welcomes the withdrawal of Israel from South Lebanon as a positive decision and calls upon Syria to reciprocate by withdrawing its army from Lebanon and condemns Hizbollah for continuing terrorist attacks on northern Israel.
6. The Assembly condemns all acts of violence. This includes the current wave of Intifada, as well as the disproportionate use of force by the Israeli army, the unjustified destruction of property, collective economic punishment against the civilian population and the plans involving a "policy of liquidation" against leading Palestinian officials.
7. Palestinian leaders must show their determination to follow a policy of peaceful coexistence with Israel and to respect its insistence on "security", which is determined by past sufferings and several wars with its neighbours. The Palestinian Authority must do its utmost to establish and maintain the rule of law in the territories under its control and not encourage anti-Israeli propaganda in the media and in schools.
8. The Assembly is convinced that the peace process is closely linked to the gradual democratisation of Palestinian society and its institutions. The Basic Law (Palestinian Constitution) under examination and the recent development of civil society organisations are encouraging signs. The Venice Commission (European Commission for Democracy through Law) in a recent report (March 2001) made a positive appraisal of the evolution of the institutional framework of the Palestinian Authority, although the effective protection of human rights leaves room for improvement.
9. However, full democracy implies full sovereignty, which could only be achieved in the final phase of statehood. Moreover, at present the Palestinian territory is scattered and disrupted by the presence of settlements, roads and roadblocks that prevent territorial continuity. The Palestinian Legislative Council is more often than not hindered from attending the sessions. These circumstances are not conducive to a speedy development of parliamentary democracy.
10. Both Israel and Palestine, in particular, would benefit from greater involvement in international organisations.
11. If and when the peace process starts again, the negotiators will be facing the same three main areas of dispute: the status of Jerusalem and the Holy Sites, the Jewish settlements and the refugee problem. The Assembly firmly believes that unless the parties move beyond the outdated declarative rhetoric and inflexible traditional positions, no progress can be achieved.
12. As for the settlements, it has been repeatedly acknowledged in United Nations resolutions, as well as in other international documents that they are illegal under the terms of the 4th Geneva Convention of 1949 (Article 49), that their ongoing expansion has damaging effects on confidence building and future relations between the two sides. It is not consistent with a genuine two-state solution, with continuous and defensible borders, nor with the principle of "land for peace" that was the starting point of the Oslo process. And yet, the outgoing Israeli Government voted a budget of US\$300 million for the further development of settlements in 2001.
13. The Assembly is of the opinion that member countries of the Council of Europe could and should play a political role in the peace process. This role should not be limited to activities such as financial aid. Though European countries and institutions and the United States may have different approaches to the peace process, they have similar interests and burden sharing is inevitable in the long run. Europe in general, because of its historical and cultural ties with the Middle East, has a better understanding of regional dynamics and sensitivities. Europe has a long experience in complex, multilateral institution-building and it must therefore complement the major role played by the United States in peace-making by taking a leading role in peace-building.
14. The Assembly therefore, in the light of these considerations and recalling its previous texts, namely [Resolution 1013](#) (1993), [Recommendation 1221](#) (1993), [Resolution 1103](#) (1996), [Resolution 1156](#) (1998) and [Resolution 1183](#) (1999),

A. Calls upon the Israeli Government:

- i. to gradually relax closures and similar measures which have a devastating impact on the economic life in the Palestinian territories and suspend collective punishments which serve no useful purpose and are not worthy of a democratic state, and should cease directly;
- ii. to ensure access to, and the provision and distribution of, health services to those living in the Palestinian territories;
- iii. to cease, as a matter of urgency, the expansion of settlements in the Palestinian territories, and start plans for the dismantlement of settlements, especially those in Gaza and Hebron. A possibility is that settlements near Jerusalem could be incorporated in revised boundaries of Israel in exchange for Israeli land given to the future Palestinian state;
- iv. to refrain from the excessive use of force or any provocation which might jeopardise future talks and to investigate and bring to justice all cases of human rights abuses and illegal shootings and to confiscate illegal weapons;
- v. to apply fully international humanitarian law, and thus to respect the immunity of non-combatants and their property, and grant aid-workers (in particular the International Committee of the Red Cross) full and unhampered access to and free movement within the Palestinian territories;
- vi. to improve the living conditions of the Israeli-Arab citizens, especially in areas such as employment, vocational training and the infrastructure of their villages and neighbourhoods;
- vii. to pay tax payments owed to the Palestinian Authority which were withheld as a result of the upsurge of violence last autumn;
- viii. to pursue the reform of school books, as an attempt to comply with the Oslo Agreements, and with a view to contributing to peace through the educational system;

- ix. to ensure freedom of the media in Palestinian territories controlled by Israeli forces and grant journalists the necessary papers to this effect;
 - x. to initiate proposals in order to keep the peace process alive and to avoid acts or declarations which might lead to despair amongst the Palestinian population, in particular, youths who may otherwise be tempted to follow the example of radical movements such as Hizbollah;
 - xi. to make it possible for the Palestinian Legislative Council to hold their plenary sessions by easing the travel restrictions of its members;
- B. *Calls upon the Palestinian Authority:***
- i. to condemn and fight actively terrorism, outlaw terrorist organisations, confiscate illegal weapons and to investigate allegations that members of Palestinian security forces are involved in assassination attempts against Israelis or in incitement to violence campaigns, and to hold them accountable, should the allegations be substantiated;
 - ii. to fully apply international humanitarian law, and thus to respect the immunity of non-combatants, in particular of aid-workers and medical personnel;
 - i. to focus their efforts on political initiatives in support of the resumption of peace negotiations and to lead public opinion towards this goal by emphasising that negotiations for the final status can be better pursued in an atmosphere of calm and serenity;
 - ii. to proceed with the promulgation of the Basic Law, despite current difficulties, to provide Palestinian society with a modern constitutional text based on democratic principles and the protection of human rights, and to abolish the death penalty;
 - iii. to work towards establishing a democratic and pluralistic institutional framework that includes the greater involvement of civil society in the decision-making process;
 - iv. to institute an immediate moratorium on executions, and to pardon all those sentenced to death pending the full abolition of capital punishment;
 - v. to create a budget system which is transparent and shows clearly how public money including foreign financial support and local incomes are spent;
 - vi. to show a more flexible attitude in resolving the problem of Palestinian refugees by trying to absorb part of the refugee population in the future Palestinian state, in other parts of the world or by way of compensation, realising that absorption by Israel of a massive Palestinian refugee population is politically unrealistic;
 - ix. to pursue the reform of school books, as an attempt to comply with the Oslo Agreements, and with a view to contributing to peace through the educational system;
- C. *Calls upon the European Union*** to pursue its efforts in bridging differences of opinion between Palestinians and Israelis through educational programmes and regional co-operation, and to continue its financial aid to the Palestinian Authority in a targeted way in order to encourage transparency, accountability and a culture of participation;
- D. *Calls upon the Government of the United States of America*** to pursue its peace efforts in the Middle East and, in particular, to use its considerable influence with the Israeli Government and the Palestinian Authority in support of the recommendations addressed to them in sections A and B above;
- E. *Calls upon the League of Arab States*** to honour the financial aid for economic development previously promised to the Palestinian Authority;
- F. *Invites member governments of the Council of Europe:***
- i. to give their full support to peace efforts and in this context to observation initiatives such as the Temporary International Presence in Hebron (TIPH), consisting of a small group of unarmed observers, and to the conclusions of the international fact-finding commission, chaired by US Senator Mitchell, set up to examine the causes of the outbreak of violence;
 - ii. to promote the concept of an organisation for security and co-operation in the Middle East (OSCE), as previously suggested by the Assembly, in particular, in the post-negotiation phase, to consolidate peace and to transform non-belligerency into stable co-operation;
 - iii. to give more attention to the plight of refugees and contribute more generously to the improvement of their humanitarian situation, in particular by establishing a fund for the compensation of the Palestinian refugees;
- G. *Calls upon the parliaments of the Council of Europe member states*** to support the Conference of Young Parliamentarians from the Eastern Mediterranean Region, which is organised by the International Institute for Democracy (Council of Europe and European Parliament) every two years in Rhodes since 1997, with the participation of representatives of the parties to the Middle East conflict;
- H. *Resolves:***
- i. to invite representatives of the Palestinian Legislative Council to participate in the Parliamentary Assembly and its committee meetings whenever the Middle East issue appears on the agenda;
 - ii. to continue to closely observe the situation through its competent committees and hold periodical debates in the plenary as well as colloquies, seminars, and conferences on specific topics;
- I. *Appeals to both parties of the conflict*** (Israeli Government and the Palestinian Authority) to stop immediately all forms of violence and return to the negotiation table without any prior conditions, in order to conclude a peaceful solution in the spirit of the Oslo Agreements.

[1] *Assembly debate* on 26 April 2001 (15th Sitting) (see [Doc. 9032](#), report of the Political Affairs Committee, rapporteur: Mr Taylor, [Doc. 9060](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Lintner, and [Doc. 9054](#), opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr Pavlidis).

Text adopted by the Assembly on 26 April 2001 (15th Sitting).