COUNCIL OF EUROPE
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Parliamentary Assembly
Assemblée parlementaire

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Doc. 8347 – Amendment 1
23 March 1999

Situation in the Middle East : Israeli-Palestinien dimension

Amendment No. 1
presented by MM. Martínez and Schieder

In the draft resolution, replace paragraph 7 with the following new paragraph:

"The Parliamentary Assembly, which has already pronounced itself in favour of the establishment of a Palestinian State, as an essential measure to ensure both the respect of the rights of the Palestinian people and peace between them and the State of Israel, invites the Palestinian authorities to seriously consider the advisability of declaring their State on 4 May 1999 under the present circumstances, as well as the consequences that such a declaration may have, including for the interests of their own people."

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Doc. 8347
29 March 1999

Situation in the Middle East: Israeli-Palestinian dimension

Amendment No. 2
presented by Mr Solé Tura, on behalf of the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 3, insert the following new paragraph:

"The Assembly calls on both the Israeli and the Palestinian authorities to scrupulously respect all fundamental rights and freedoms, such as laid down in the United Nations Covenants and the European Convention on Human Rights."

Amendment No. 3
presented by Mr Solé Tura, on behalf of the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 3, insert the following new paragraph:

"In particular, it makes a firm appeal to these authorities to refrain from any kind of torture, to start the legislative process towards the abolition of the death penalty, and asks the Palestinian authorities to introduce immediately a moratorium on executions. »

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Doc. 8347 Amendments 4 & 5
29 March 1999

Situation in the Middle East: Israeli-Palestinian dimension

Amendment No. 4
presented by MM. Atkinson and Lopez Henares

In the draft resolution, after paragraph 6, insert the following new paragraph:

« Similarly, expansion of Jewish settlements on Palestinian territories critically undermines the atmosphere and confidence building for constructive negotiations. It should therefore be discontinued. »

Amendment No. 5
presented by MM. Atkinson and Lopez Henares

In the draft resolution, after paragraph 6, insert the following new paragraph:

« The Assembly believes that the status of Jerusalem remains to be determined in the final status negotiations and is strongly opposed to any action which predetermines these negotiations. »

Doc. 8347
30 March 1999

Situation in the Middle East: Israeli-Palestinian dimension

Amendment No 6

Tabled by MM Glotov and Oliynyk

Replace paragraph 10 with the following text:

"The Assembly urges the international community to give its support and assistance to the Palestinian refugees according to the relevant U.N. resolutions and until a negociated solution is reached between the parties concerned."

middle east.amends.e
24.3.99

Situation in the Middle East: Israeli-Palestinian dimension (Doc 8347)

Proposed amendments to be tabled by Mr Solé Tura, on behalf of the Committee on Legal Affairs and Human Rights

Amendment A

In the draft resolution, after paragraph 3, insert the following new paragraph:

> "The Assembly calls on both the Israeli and the Palestinian authorities to scrupulously respect all fundamental rights and freedoms, such as laid down in the United Nations Covenants and the European Convention on Human Rights."

Amendment B

In the draft resolution, after paragraph 3, insert the following new paragraph:

> "In particular, it makes a firm appeal to these authorities to refrain from any kind of torture, to ~~introduce a moratorium on executions and~~ start the legislative process towards the abolition of the death penalty." and calls the Palestinian authorities to introduce a moratorium.

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24.3.99

Situation in the Middle East: Israeli-Palestinian dimension

Some observations which could be made by the Rapporteur of the Committee on Legal Affairs and Human Rights

I would like to make a few remarks about the report which the Political Affairs Committee will be presenting tomorrow to the Standing Committee.

We are confronted with two main political events coming up in the month of May. First are the negotiations on the permanent status of Palestine, which should be concluded by 4 May at the latest, the deadline set by previous provisional Israeli-Palestinian agreements. However, these negotiations have not really begun yet and there is little chance of reaching a positive result by 4 May. The danger is, however, that Mr Arafat will see this as a justification to proclaim a fully independent Palestinian State.

The second political event coming up is the elections in Israel. A general election is to be held on 17 May and the unilateral proclamation of a Palestinian State will certainly be used and exploited by extremist positions in the election campaign. There is, therefore, a danger of a spiral of extremism and extremist positions which may develop and which will not lead to anything positive.

An extremist spiral would be extremely bad given the fact that a number of positive and concrete results have been obtained, such as the declaration of principles on interim self-government arrangements, which was concluded in Washington in September 1993 and which was followed by the so-called Oslo agreements. They have set the framework for settling one of the oldest regional conflicts and, as a result, considerable and tangible progress has been made, such as the setting up of Palestinian self-government, an elected Palestinian Council and the withdrawal of Israeli troops from part of the occupied countries. The peace process, however, now looks to be deadlocked and I think it would be a good thing if our Assembly were to do whatever it could to stimulate the parties onto the right track.

The report of the Political Affairs Committee therefore attempts to consider how the Israeli-Palestinian agreements are being implemented and to identify the difficulties which are currently facing the peace process, while trying to propose measures to create conditions which might further progress. Unfortunately, the lack of progress in negotiations, the unwillingness to implement the agreements, terrorism and the resurgence of violence are all elements which undermine not only mutual trust, but also the confidence of both parties in the peace process. In this respect I must say that the policy of the Netanyahu government to establish settlements in the Palestinian territories seems to be at the core of the crisis in Israeli-Palestinian relations.

It is not the first time that our Assembly is dealing with the Middle East. In fact it already expressed itself in 1996 and in paragraph 51 of the report of the Political Affairs Committee you find the principles which the Assembly has formulated in various texts

Some of the principles listed in paragraph 51 of Doc 8347 concern our Committee, such as the respect for human rights and fundamental freedoms, the respect of the principles of democracy and the rule of law, a firm denunciation of terrorism in all its forms and support for all the international agreements.

Now the question arises, what should our Committee do?

In the first place I think our Committee should support the report of the Political Affairs Committee and vote in favour of its draft resolution.

Although I think our Committee could fully support the draft resolution, I would like to propose two amendments which I think are important from a legal point of view. These amendments would involve adding two paragraphs after paragraph 3. I have asked the secretariat to distribute these proposed amendments, which read as follows:

Amendment A

In the draft resolution, after paragraph 3, insert the following new paragraph:

"The Assembly calls on both the Israeli and the Palestinian

authorities to scrupulously respect all fundamental rights and freedoms, such as laid down in the United Nations Covenants and the European Convention on Human Rights."

Amendment B

In the draft resolution, after paragraph 3, insert the following new paragraph:

"In particular, it makes a firm appeal to these authorities to refrain from any kind of torture, to introduce a moratorium on executions and start the legislative process towards the abolition of the death penalty. "

These are the two amendments I am proposing.

Since Israel has observer status with our Assembly and since our Organisation is the guardian of human rights – or at least it should be – I think we have a duty and a right to make these proposals.

Finally, I would like to draw your attention to the draft order included in the report of the Political Affairs Committee, which in its first paragraph instructs the Political Affairs Committee to hold a joint meeting with delegations of the Knesset and the Palestinian Legislative Council in the Autumn. I think our Committee should be represented at that meeting.

I should, however, also draw your attention to the second paragraph of the draft order in which it is proposed to instruct our Committee to prepare a report on practical assistance to the Palestinian National Authority, with a view to strengthening democratic institutions, implementing the rule of law and ensuring the respect of human rights.

If our Committee were to support this proposal in the draft order I think you and the Assembly's Bureau should give me a mandate to visit Jerusalem and meet both the Israeli and Palestinian authorities to see how such a report on practical assistance could be prepared and – and this is of course essential – I should find out whether they really need or wish such assistance.

So it would be useful to have the views of our Committee on this matter.