



## **COMMITTEE ON MIDDLE EAST QUESTIONS**

### **REPORT OF THE DELEGATION OF THE COMMITTEE ON ITS MISSION TO ISRAEL AND PALESTINE**

*The Committee on Middle East Questions met on 22 March 2013 to discuss the report of the delegation. The Committee adopted the report and endorsed its conclusions and recommendations. The Committee recommends to the Governing Council that it also adopt the delegation's report and endorse its conclusions and recommendations.*

#### **Introduction**

The principal purpose of the mission to the region was to gain an understanding of the evolution of the situation on the ground with a view to setting up a more regular and inclusive parliamentary dialogue. To this end, the delegation was mandated to meet and listen to legislators from all the political factions represented in the Israeli and Palestinian Parliaments.

On 28 January 2013, the delegation visited Gaza in the first of its two-part mission to the region. The second part of the mission, with visits to Israel and the West Bank, was undertaken on 3 and 4 March 2013. On both occasions Lord Judd (United Kingdom) led the delegation that included Mr. Serge Janquin (France), Mr. Truls Wickholm (Norway) and Ms. Monica Green (Sweden). Mr. Anders B. Johnsson, IPU Secretary General, accompanied the delegation.

The delegation wishes to express its sincere appreciation for the warm reception extended by the Israeli and Palestinian Parliaments and for the opportunity to hear the views of a broad spectrum of legislators and others (see annex for full list of those with whom the delegation met). It also wishes to record its very real thanks to all those in the IPU Secretariat who provided so much tireless support.

#### **The situation on the ground**

*De facto* there are three entities on the ground; not two. The Palestinian entity was split into two when Hamas broke away from the Palestinian Authority in 2007 and established its control over Gaza.

For the last six years, the 1.7 million inhabitants of Gaza, including 1.1 million refugees, have been ruled by Hamas. They maintain control over most aspects of Palestinian life in the territory.

The people of Gaza are experiencing the humanitarian consequences of a man-made disaster. Eighty per cent of the population are dependent on international assistance. 32% of the population and over 50% of youth are unemployed, 44% of them are food insecure and 90% of the water is undrinkable; the last remaining aquifer is predicted to cease functioning fairly soon.

Last November, following further rockets fired into Israel, there was an Israeli aerial bombardment of Gaza.

The blockade has resulted in the impoverishment of the people. Although goods are available in the market for those who can afford them, restrictions on imports and exports continue to severely hamper recovery and reconstruction. The tunnel industry between Egypt and Gaza provides a partial lifeline to some of the population. UNRWA estimates that even if the blockade were to be lifted, it would take years for the economy to be rebuilt.

The West Bank comes under the authority of President Abbas and the Palestinian Government, with Prime Minister Fayad at its head. The West Bank covers 5,500 square kilometres with an estimated population of 2.4 million. A quarter of the 727,471 registered refugees live in 19 refugee camps. West Bank camps are overcrowded, as are schools, with an average of 50 pupils per classroom. Many schools have been damaged by Israeli military activity since September 2000 and are also prone to attacks by settlers. Unemployment levels are particularly high among West Bank refugees.

The territory is divided into three areas. Area A makes up roughly 18 per cent of the West Bank. The area is under full Palestinian civil and security authority. It includes all Palestinian cities and their surrounding areas, with no settlements.

Area B covers some 21 per cent of the West Bank. Here civil authority is under the Palestinian Authority, while the Israeli and Palestinian Authorities share responsibilities for security. The area includes areas of many Palestinian towns and villages and adjoining areas with no settlements.

Approximately 61 per cent of the area of the West Bank is in Area C, where Israel retains near exclusive control, including over law enforcement, planning and construction. These areas include all Israeli settlements (cities, towns, and villages), nearby land, most roadways that connect the settlements (and which are exclusively for Israeli use), as well as strategic areas described as "security zones. It is estimated that 150,000 Palestinians live within this zone compared with over 300,000 Israelis.

Restrictions on movement make it difficult for Palestinians to earn a living or obtain essential services. Palestinians in Area C are not connected to the water network and rely on water from cisterns at vastly increased cost. Since 2006, Israel has frequently resorted to withholding the tax revenues that it collects on behalf of the Palestinian Authority in the occupied West Bank, money that is badly needed to pay public sector salaries.

Israel has a technologically advanced market economy. Cut diamonds, high-technology equipment, and agricultural products (fruits and vegetables) are the leading exports. The global financial crisis of 2008-09 spurred a brief recession in Israel, but the economy has recovered better than most advanced, comparably sized economies. In 2010, Israel formally acceded to the OECD. The unemployment rate in Israel decreased to 6.5 per cent in January of 2013 from 6.9 per cent in December of 2012.

The election in January 2013 was precipitated by President Netanyahu's failure to agree the annual budget with his coalition partners. Economic issues, such as the cost of living and house prices, figured highly in the election campaign. So did the privileges enjoyed by ultra-Orthodox youth who are exempt from military service and enjoy social stipends to maintain their lifestyle.

It seems that relations with Palestine and progress in peace negotiations, or absence thereof, did not figure in the election campaign. However, security remains a major concern for Israeli citizens with fresh memories of having seen mortars and missiles land in Israeli further and further away from the border with Gaza.

### **The two parliaments**

The Oslo Accords established a parliament for Palestine (Palestinian Legislative Council – PLC). It was first elected in 1996. Hamas boycotted those elections and Fatah, having obtained 55 of the 88 seats, largely controlled the parliament.

Ten years later the Palestinians again went to the polls, this time to elect a 132 member PLC under an amended electoral law. Hamas supported the elections and took an active part promoting candidates from the Change and Reform Block. The Block won a resounding victory, taking 74 of the seats against Fatah's 45. The Popular Front for the Liberation of Palestine (PFLP) received 3 seats and the Alternative, Independent Palestine and the Third Way each received 2 seats. Four Independents were also elected.

Even at the time of the elections it was difficult for the PLC to convene and to conduct normal business. Travel between Gaza and the West Bank was increasingly restricted by the Israelis. Initial meetings took place with the MPs from the West Bank and Jerusalem sitting in Ramallah, and the others being connected via video link from Gaza City.

Subsequent developments put a complete halt to the PLC proceedings. The detention of large numbers of members from the Change and Reform Block (with the resulting loss of majority in the Legislative Council voting) and the split between Fatah and Hamas in 2007 effectively put an end to the PLC. Still today, the Parliament is unable to meet and elections for a new parliament are long overdue.

Meanwhile, the IPU is providing support to the Secretariat of the Legislative Council in Ramallah. The European Union provides funding for a program developed by the IPU and implemented in cooperation with the UNDP to modernize the Secretariat. The aim is to prepare the Parliament so that it can service the members after new elections. The program is limited to the Secretariat in Ramallah and does not extend to Gaza. It ends in June 2013.

In Israel, the elections on 22 January 2013 brought significant change. The outgoing governing parties lost a large number of seats, although they remain the largest coalition. One new centrist party entered parliament for the first time and became the second political force in the Knesset. The 120-member Knesset found itself split down the middle with 60 seats going to each side of the traditional political divide.

Forty-eight of the members are new to the Knesset (40 per cent) and the number of women rose (from 17.5% to 22%). The number of political parties represented in the Knesset remains stable at 12.

The elections in Israel were fought on domestic issues. Peace with Palestine did not figure in the debates. However, in order to be able to form a government, the outgoing Prime Minister Netanyahu is inviting political parties committed to making progress in the peace talks to join him in forming a government. In principle, the sole conduit for future peace negotiations will be former Foreign Minister Tzipi Livni. Today she leads one of the smaller parties (6 members) and has been appointed Justice Minister in the new government.

### **Palestinian reconciliation**

Reconciliation talks facilitated by Egypt are proceeding between Fatah and Hamas. An initial meeting took place in Cairo on 9 January and led to a number of important decisions concerning elections, social protection and the reform of the PLO. The delegation was informed that several sub-committees were established on these and other subjects and they have now begun work.

The delegation heard that there is an agreement to hold elections for a reconstituted PNC (the Palestine National Council that is the representative branch of the PLO) by direct elections wherever possible. Similarly, there is agreement to compensate victims and martyrs of the internal fighting, and a social fund is being established with funding from the Arab League.

A meeting on 8 February evidently produced some progress and, by the end of March, it is hoped that President Abbas will be able to issue a decree to announce the date for elections and the formation of a national unity technocratic government that he will lead.

During the January talks between Fatah and Hamas in Cairo, the parties also agreed to proceed with preparations for elections in Palestine. As a result, voter registration that had been interrupted in July 2012 resumed. The initial phase concluded on 20 February with 82 per cent of eligible voters having been registered. The final voter registration list is now under preparation and should be completed by the end of March 2013.

In discussions the view was strongly expressed to the delegates that, for elections to proceed on the Palestinian territories, agreement and cooperation between Fatah and Hamas is essential and that proceeding with elections in only one part of the territory could well lead to further divisions and the *de facto* partition of Palestine for a long time to come.

There are, however, voices within the Palestinian leadership that argue with some force that if agreement is not forthcoming anytime soon, elections should go ahead in the West Bank and East Jerusalem. It was held by some that by changing the electoral system to a fully representative system with Palestine as one constituency, it would be possible for candidates from Gaza to stand in the elections even if the electorate on that territory is not allowed to vote.

### **Human rights**

All the Palestinians met by the delegation view the occupation as the most fundamental violation of their rights. It is a violation in itself and it also contributes to further violations.

There are many aspects to human rights in the region. The blockade of Gaza and the conflict that flares up from time to time has led to stricter controls and human rights violations. The population in Gaza lives under continuous stress and there has been an increase in domestic violence, particularly directed at women. There are examples of human rights violations on the West Bank as well, although the situation has recently improved.

Discussions with Palestinians about violations of human rights invariably turn to issues concerning confiscation of property, denial of access to water, harassment by settlers, administrative detention, allegations of torture and ill treatment of prisoners (including minors). There are those who argue that, having originally (in 1948) been subjected to ethnic cleansing, since 1968 the Palestinians have been living under occupation and more recently find themselves treated as second-class citizens in their own land under a form of apartheid.

Palestinians view the detention and arrest of their countrymen as arbitrary, unwarranted and humiliating. The death of Arafat Jarradat in Israeli detention on 19 February has served to mobilize Palestinian public opinion against the practice but, in reality, since 1967 the issue has always been at the top of their agenda.

Shortly after the 2006 Palestinian elections, 45 members of the Change and reform Block in parliament, including the Speaker of the PLC, were seized by the Israeli Defence Forces (IDF) in the occupied West Bank and Jerusalem and transferred to Israeli prisons. The MPs were charged with membership of a terrorist organization, namely Hamas, carrying out activities on behalf of that organization and providing it with services. Most of them were sentenced to prison terms of about 40 months and were released after having served their sentence.

During its talks at the Israeli Knesset, the delegation was told that all Israeli authorities strictly adhere to due process and that all relevant information is presented to the courts before decisions are taken concerning any individual. It was also told that the Judiciary in Israel is impartial and independent and the Supreme Court can review any judicial or other governmental decision.

Many key politicians in Israel argue that Hamas is a terrorist organization whose primary goal is to establish an Islamic State in the entire territory of the State of Israel, that Hamas refuses to recognize Israel's right to exist and that it denies the three Quartet principles for a peace process. They also claim that the PLC members who belong to Hamas form an integral part of the organization and actively participate in its activities. They believe that membership of the PLC cannot be regarded as a shield against criminal accountability.

According to the Israeli interlocutors, administrative detention is a lawful security measure allowing the deprivation of a person's liberty for a limited time. Administrative detention orders are used as a preventive measure against persons posing grave threats to the security in the West Bank whose detention is considered to be absolutely necessary for imperative reasons of security.

Most, but not all of the Israeli politicians met by the delegation, argued that administrative detention is used solely as a preventive measure and only as a last resort, and cannot be employed where criminal prosecution is possible or less restrictive administrative procedures would adequately contend with the security risk posed by the individual. The argument continued that, when the administrative avenue is chosen, the detention is conducted in strict adherence to the provisions of the Fourth Geneva Convention, allowing *inter alia* for judicial review and access to judicial instances for each detainee.

During 2012 there was a significant decrease in the number of administrative detentions in general and of Change and Reform Block members of Parliament in particular. Over a six-month period, eighteen PLC members were released from administrative detention. By the time of the delegation's visit to Jerusalem, there were eight PLC members held in administrative detention (in addition to three others who were in detention pending trial on criminal charges and two who are serving lengthy prison sentences).

### **Regional context**

Leaders in Israel are concerned by developments in the region. Several of them are perceived as potentially destabilizing for the country. Many believe that the conflict in Syria is bound to lead to continued turmoil and that there is no guarantee that the post-President Assad regime will be any better than the current government. It is already affecting the situation in Lebanon and could further complicate the situation on Israel's northern border.

The uncertainties in Egypt constitute another cause for Israeli concern. Egypt has acted as a guarantor for peace in the past. This can no longer be taken for granted. Many Israelis assert that the coming to power of Islamist forces in Egypt and elsewhere does not bode well for Israel's security. They hold that, worse still, Egypt could descend into outright civil conflict. Iran and its nuclear ambitions constitute yet another major concern for Israel.

Some Israeli leaders are keen to re-establish their previous relationship with Turkey and to pursue cooperation with other countries in the region and beyond.

Many Palestinian interlocutors take a different view. The people want a Palestinian State made up of Gaza, West Bank and East Jerusalem. In November 2012 the United Nations recognized the State of Palestine and Palestinians were encouraged to know that they had the support of the majority of the international community.

Several Palestinians said that they were encouraged by support from specific sectors of the international community, including the British government, which had stated that achieving a two-state solution to the Israeli-Palestinian conflict was a top international priority. Some felt that the re-election of President Obama, who was now less likely to bow to political pressure in his second term, could bring about an atmosphere more conducive to peace negotiations.

Last but by no means least, the situation in Egypt provided an additional powerful incentive for the peace process. The new authorities in Egypt were genuinely keen to accomplish reconciliation between Hamas and Fatah and wanted to see an end to the conflict. At the same time, however, Egypt has more pressing issues to deal with at home.

### **Peace negotiations**

Negotiations have been at an impasse for several years. The divide between the two sides may appear absolute. Yet, there are many Palestinians who express cautious optimism that peace might be attainable. And in the words used by the interim Speaker of the Knesset when talking to the delegation, "of all the people in the region, the Palestinians are those with whom we have the most in common and with whom we can agree on language to achieve peace."

The Palestinians expressed the desire for a Palestinian State made up of Gaza, West Bank and East Jerusalem and, as noted above, welcomed United Nations' recognition of the State of Palestine in November 2012. By and large, however, they expressed little faith in peace prospects. They feel under siege. They point to a steadily shrinking territory. In their view the continued expansion of settlement activities makes it unlikely that a viable Palestinian State can ever be established. Palestinian leaders feel humiliated by their Israeli counterparts. Israel offers peace talks, they say, but continues to detain Palestinian political representatives, expand settlements and expel Palestinians from Jerusalem. In their view, they are deliberately being undermined. Israeli action only serves to delegitimize them in the eyes of the Palestinian population and provide ammunition to their political opponents.

For their part, those Israelis met by the delegation pleaded for faith and trust. They point to the disengagement from Gaza as proof that settlements will never stand in the way of an agreement. They are convinced that Israel can help provide solutions to many of the urgent problems facing Palestine in terms of access to water, trade, employment, etc. All those Israeli political leaders with whom the delegation talked declared their commitment to the peace process and expressed their conviction that peace could be achieved. They were also convinced that if an agreement can be produced today, the Israeli citizens would support it in their overwhelming majority.

### **Conclusions**

The visit to the region, however brief, exposed the delegation to a very rich diversity of views. It also enabled the delegation to gain a clearer understanding of the situation on the ground. In all areas visited by the delegation, people can be seen to be going about their daily life. Children go to school, older students attend university, shops and markets are open, roads are filled with vehicles of all types and construction is going on.

Nonetheless, in Gaza the economy has, de facto, been completely isolated from the rest of the world. It will require a complete lifting of the blockade and an end to the isolation for conditions to improve. While the situation is clearly much better on the West Bank where Ramallah has developed into a bustling metropolis, the limits imposed by occupation are not hard to see.

Making peace is as much a question of perceptions as of realities. Allegations and accusations, right or wrong, true or false; at the end of the day they will solve nothing. What counts are the perceptions of the parties to the conflict. Progress in peace negotiations therefore very largely depends on the ability of each party to listen to and understand each other. In short, dialogue must play a crucial part.

The IPU has a special role in providing a forum in which as wide a cross section of parliamentarians as possible can come together to develop a dialogue. The Israeli and Palestinian Parliaments are both members of the IPU and take an active part in its activities. They cooperate with the Committee on Middle East Questions and have on occasion taken part in dialogue sessions with some of their members.

The delegation is convinced that there is an urgent need for dialogue between a convincing cross section of Israeli and Palestinian lawmakers. Ideally, this should take place as quickly as possible to exploit whatever momentum there is in the wake of the Palestinian reconciliation talks and the Israeli elections.

While the mission believes that it will be essential for all the parties genuinely to own and internalize their commitment to the peace process, it must be recognized that the Palestinians strongly argue for an honest broker because of their own disadvantaged situation. The delegation believes that the IPU can fulfil that role when it comes to facilitating dialogue between legislators from both sides.

There seems to be consensus between Palestinians that reconciliation between Fatah and Hamas is a top priority. There is equally very broad support among them for a national unity government. The delegation holds the view that once such a government is established, it must be able to count upon the support of the international community.

Already there are ominous voices of dissent with some governments threatening to cut off aid if reconciliation succeeds. The delegation strongly holds the view that the international community should refrain from interfering in what must be an internal Palestinian matter. States deal with States, not political factions.

What counts is the commitment and actions of the government as a whole, not of any political faction forming part of the government. Norway was among those who took this position.

2006 was the last time there was a unity government. The international community then decided to boycott the newly elected government because it included representatives of a group with whom it did not agree, Hamas. In the views of the delegation, it would be truly tragic if the international community were to repeat that action.

It is vital that Palestinians be given the opportunity to elect a new parliament. The absence of a functioning Parliament means that the checks and balances do not work as they should and the system is *per se* dysfunctional. There is no possibility for a new generation of leaders to come forward and gain experience in governing the country. The delegation strongly urges the international community to lend its support to such elections and recommends that the IPU observe the electoral process.

The delegation is also convinced that any future parliament must be one in which there is a place for each one of the political parties, a parliament that is particularly attentive to inclusiveness in the decision-making process and one that has a neutral and professional administration. It will also be important for parliament to be fully committed to the defence of human rights and to be vigilant in holding the security sector to account.

The IPU is currently helping to build a professional administration in the parliament in Ramallah. It is vital that this programme of support be continued beyond June 2013 and that it be extended to the parliamentary administration in Gaza. It should help provide a more permanent presence for the IPU in the region and in that way organize a more comprehensive range of activities in support of the Parliament and the peace process.

Finally, it is clear to the delegation that peace in the Middle East is an important factor in bringing peace and stability to the region and to the world. Conversely, the developments in the region and the immediate neighbours of Israel and Palestine will continue to impact on the prospects for peace. The delegation is therefore of the view that the Committee on Middle East Questions must expand its activities to examine developments in the region from that perspective.

### **Recommendations**

The delegation recommends that the Committee on Middle East Questions, the Executive Committee and the Governing Council, within their respective remit:

- ✓ Adopt the present report and endorse its conclusions;
- ✓ Request the Secretary General to make arrangements as soon as possible for future dialogue sessions between a convincing cross section of Palestinian and Israeli legislators: thematic global and environmental issues facing both Israelis and Palestinians (e.g. water and climate change) could play an important ancillary part in this;
- ✓ Request the Secretary General to make arrangements for continued IPU support to the Palestinian parliamentary administration, including that in Gaza, and for the establishment of an IPU physical presence in the region;
- ✓ Invite external donors to provide funding for a programme of activities along the lines outlined above;
- ✓ Invite the Committee on Middle East Questions to examine developments in the region from the perspective of their impact on peace between Israel and Palestine; and
- ✓ Invite the Committee on Middle East Questions to report on progress at its next session in Geneva (October 2013).

## **THOSE WHOM THE DELEGATION MET IN JERUSALEM, RAMALLAH AND GAZA**

### **Jerusalem**

Mr. B. Ben-Eliezer, MK, Acting Speaker of the Knesset (Labour)  
Mr. M.K. Sheetrit, MK (Hatnua – The Movement)  
Mr. R. Hoffman, MK (Yesh Atid – Future Party)  
Mr. E. Frej, MK (Meretz – Social Democrat)  
Mr. Jacob Perry, MK (Yesh Atid – Future Party)  
  
Ambassador O. Ben-Hur, Senior Diplomatic Advisor to the Knesset  
Mr. O. Zemet, International Law Department, Knesset  
  
Mr. M. Singleton, Deputy Head of Mission, Office of the Quartet Representative  
Mr. D. Viveash, Field Office Director, The Carter Center

### **Ramallah**

Mr. S. Fayyad, Prime Minister  
Mr. A. Al-Ahmed, member of the PLC (Head of Fatah)  
Mr. E.G. Z. Sabella, member of the PLC (Fatah)  
Ms. K. K. Jarrar, member of the PLC (Abu Ali Mustafa Parliamentary List), Head of PLC Prisoners' Committee  
Mr. M.K. Al-Barghouti, member of the PLC (Head of Independent Palestine bloc)  
Mr. B.A. Al Salhi, member of the PLC (Al Badeel List)  
Ms. N. Al-Astal, member of the PLC (Fatah)  
Ms. H.M. Ashrawi, member of the PLC (Al Tariq Al Thaleth List)  
Mr. J.A. Zneid, member of the PLC (Jerusalem Governance)  
Mr. I. Khreisheh, Secretary General of the PLC  
Mr. B. Al-Deek, Advisor to the Secretary General  
  
Mr. I. Qaraqae, Minister of Detainees and Ex-detainees  
Mr. Q. Fares, President of the Prisoner Club  
Mr. M. Shtayyeh, Minister, Palestinian Economic Council for Development and Reconstruction  
Mr. S. Jabarin, General Director of Al-Haq (Affiliate of International Commission of Jurists)  
Mr. A. Harb, Commissioner General, Independent Commission for Human Rights

### **Gaza**

Mr. Ziad Abu Amr, member of the PLC (Independent), former Foreign Minister of the Palestinian Authority  
Mr. Ahmed M. Bahar, First Deputy Speaker of the PLC (Change and Reform Bloc)  
Mr. Moshir O. Al Masri, member of the PLC, Head of Foreign Affairs (Change and Reform Bloc)  
Mr. Atef Ibrahim Adwan, member of the PLC (Change and Reform Bloc)  
Ms. Huda Naim Naim, member of the PLC (Change and Reform Bloc)  
Mr. Jamal N.S. El Khoudary, member of the PLC (Independent)  
Mr. Faisal Abu Shala, member of the PLC (Fatah)  
Mr. Jamil Majdalawi, member of the PLC (Popular Front for the Liberation of Palestine - PFLP)  
  
Mr. Robert Turner, Director of Operations, United Nations Relief and Works Agency (UNRWA)  
Ms. Helene Skaardal, UNRWA Secretariat