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Flare-up of tension in the Middle East

Report¹
Political Affairs Committee
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Summary

The Parliamentary Assembly is deeply concerned at the serious flare-up of tension in the Middle East and the set-back in the peace process caused by the Israeli military attack on a humanitarian flotilla to Gaza which led to the death of nine activists of Turkish nationality.

It joins the majority of the international community in order to condemn this attack.

It reiterates that the dialogue between Israelis and Palestinians is the only way to achieve a lasting and shared peace, with an independent and sovereign Palestinian State alongside a secure and recognised State of Israel.

The Assembly urges the Government of Israel, among others, to co-operate with the international community to ensure a prompt, international, impartial and transparent enquiry and to lift the blockade of Gaza.

¹ Reference to Committee: Reference 3691 of 21 June 2010.

A. Draft resolution²

1. The Parliamentary Assembly refers to its Resolutions 1183 and 549 (1999), 1245 and 1514 (2001), 1281 and 1294 (2002), 1420 and 1452 (2005), 1493 and 1520 (2006) and 1550 (2007) and reaffirms in particular its Resolution 1700 (2010) on the Situation in the Middle East, adopted in January 2010.
2. The Assembly is deeply concerned at the serious flare-up of tension in the Middle East and the setback in the peace process caused by the Israeli military attack on a humanitarian flotilla to Gaza on 31 May 2010 which led to the death of nine activists of Turkish nationality.
3. The Assembly extends its condolences to the families and friends of the victims of this attack and expresses its solidarity with the injured.
4. It considers that the Israeli raid, which took place in international waters, constitutes a breach of international law. It shares, in this respect, the positions of condemnation taken by the United Nations, the Quartet, the European Union and the majority of the international community and deplores that the Israeli authorities have not, so far, accepted the request for an international enquiry committee. The Assembly believes that Israel should co-operate with the international community which has called for a prompt, international, impartial and transparent enquiry.
5. The Assembly reaffirms that both the use of force and the right to self defence must never violate international law.
6. The Assembly reaffirms that terrorism is the foe of peace and that everyone's responsibility is to fight it in all its forms.
7. It underlines that the living conditions of the people of Gaza have become increasingly harsh as a result of the blockade imposed on them and considers the announcement by the Israeli Government of a partial easing of the blockade to be a first step. It considers, however, that the blockade should be lifted and that the approaches to Gaza should be free, while at the same time ensuring the security of Israel. It calls therefore for the strengthening of measures to prevent the introduction of weapons and illicit material into Gaza and for an increased control role, by land and by sea, of the European Union civil mission already in place.
8. The Assembly once again underlines that the conflict in the Middle East above all concerns two equally legitimate aspirations – Israel's right to be recognised and to exist in safety and the Palestinians' right to have an independent, viable and contiguous state – and that a stable peace cannot be achieved unless the aspirations and rights of both peoples are fulfilled.
9. It reiterates the urgent need to resume the dialogue and negotiations between Israelis and Palestinians as the only way to achieve a lasting and shared peace, with an independent and sovereign Palestinian State alongside a secure and recognised State of Israel. It expresses its full support for the "proximity talks" and urges the parties to co-operate fully for a positive outcome.
10. The Assembly appreciates the intensive efforts made by President Obama and his Special Envoy for the Middle East, George Mitchell, as well as those made by the Quartet and its Middle East Envoy Tony Blair, and notes that this crisis commands the United Nations and the European Union to increase their commitment. It welcomes declarations by the Arab League on its continuing commitment to a negotiated peace based on the Arab Peace Plan. The Assembly hopes that, despite the recent crisis, Turkey will continue to play a positive role in favour of stability in the region.
11. The Assembly therefore urges the Government of Israel to:
 - 11.1. determine rapidly and unequivocally individual and collective responsibilities for acts relating to the attack against the flotilla to Gaza;
 - 11.2. co-operate with the international community to ensure a prompt, international, impartial and transparent enquiry;

² Draft resolution adopted by the Committee on 22 June 2010.

- 11.3. ensure that the Enquiry Commission it has appointed carries out a prompt, impartial, credible and transparent enquiry according to international criteria, and that its members enjoy full independence and freedom of action;
 - 11.4. lift the blockade of Gaza, ensuring access by land and by sea, and allowing the orderly delivery of all goods necessary to ensure normal living conditions of the population and the development of economic and social activities without prejudice to its own security;
 - 11.5. stop the buildings of new settlements and the extension of the existing ones in the occupied territories including in East Jerusalem;
 - 11.6. pursue the reduction of checkpoints into the West Bank;
 - 11.7. ensure that the President of the Palestinian National Authority Mahmoud Abbas and the Fayad Government are in a position to assume their responsibilities and exercise their powers.
12. The Assembly urges all Palestinian forces to recognise the authority of President Mahmoud Abbas and support the peace process.
 13. It calls on Hamas to:
 - 13.1. recognise the right of the State of Israel to exist as well as the Arab Peace Plan;
 - 13.2. stop launching rockets at Israeli targets and to renounce explicitly all violent forms of struggle;
 - 13.3. stop attacks against international NGOs in Gaza.
 14. It urges Fatah and Hamas to resume negotiations for an agreement consistent with the goal of a negotiated peace.
 15. The Assembly urges Israelis and Palestinians to reach an agreement for the release of soldier Gilad Shalit and the thousands of Palestinian political prisoners.
 16. The Assembly welcomes the humanitarian activities of the United Nations Relief and Works Agency (UNRWA) and calls on all donor countries to ensure adequate financial resources to respond to the needs of the population of Gaza.
 17. The Assembly reaffirms its commitment to promoting dialogue between the parties, notably through the Tripartite Forum bringing together the Assembly, the Knesset and the Palestinian Legislative Council.

B. Explanatory memorandum by Mr Fassino, rapporteur

1. The facts

1. During the night of 30 May 2010, a raid by Israeli commandos attacked a flotilla of six ships organised to force the blockade of Gaza and to send aid to its population. It was the ninth attempt since 2008 to break the Israeli and Egyptian blockade of the Gaza Strip by sea, but the first one that caused bloodshed. Nine people of Turkish nationality (one with dual Turkish-US nationality) died and about 30 were injured, including eight Israeli soldiers.

2. The flotilla was trying to bring aid to Gaza to break the Israeli and Egyptian blockade which, since 2007, has been imposed on the Gaza Strip. These ships were carrying 10,000 tons of food, everyday goods, including school supplies, building materials and two large electricity generators.

3. The flotilla was organised by The Free Gaza Movement and the Turkish Group IHH (Foundation for Human Rights and Freedoms and Humanitarian Aid). On board the ships there were activists representing many organisations, representatives of pacifist groups from many countries and politicians. The Israeli government says that the IHH is closely linked to Hamas, and is a member of another organisation, the Union of Good, which supports suicide bombings. However, the Turkish government considers the IHH as a legitimate humanitarian organisation.

4. The six ships were in international waters, about 80 miles off the Israeli coast. The Israeli commandos landed on the main ship, the Turkish Mavi Marmara, descending from helicopters. The objective was allegedly to check the cargo, verifying that there were no weapons or instruments of aggression. Prior to the raid, the Israeli authorities had suggested that the humanitarian aid land in an Israeli port and then it would be forwarded to Gaza. This proposal was rejected by the organisers of the flotilla.

5. There are opposing versions on how the confrontation developed. Activists say that the Israeli commandos started shooting as soon as they dropped onto the bridge of the ship. Conversely, Israeli sources reported that the commandos, attacked with axes, knives and a pistol by a group of activists, fired in self defence. Video clips and photographs show a group of activists armed with metal bars, knives and slingshots and some other blunt objects. The video released by the Israeli military stops just before the gunfight. No violence was reported in any of the other five vessels.

6. Autopsies carried out by the Institute of Forensic Medicine of the Turkish State pointed to a total of 30 bullets found in the bodies of the dead activists, including one shot in the head by 4 bullets. The nature of the wounds of the Israeli soldiers was not made public.

7. Less than a week after the deadly confrontation aboard the Mavi Marmara, another ship - the Irish-owned MV Rachel Corrie - tried to sail to Gaza. It was intercepted by Israeli troops and conducted to the Port of Ashdod, with no apparent conflict.

8. Among the eight previous cases of vessels bound for Gaza, some were allowed to reach their destination, others were detained and sent back. It is unclear why this one was greeted by a raid. It may have been due to the size of the largest ship, the Mavi Marmara, which was carrying about 600 passengers, making it difficult to board to carry out the control of the goods transported. Israel claims that "ships that violate or attempt to violate the maritime blockade may be captured or even attacked in accordance with international law." At all events, it is plain that a wrongful and disproportionate use of force occurred on the Israeli side.

9. The Free Gaza Movement announced that other maritime convoys would challenge the Israeli blockade.

2. The blockade of Gaza

10. Israel and Egypt began the blockade of the Gaza Strip when Hamas took control with a coup in 2007, expelling the representatives of the Palestinian National Authority. The Israelis consider that the blockade weakens Hamas, forcing them to stop firing rockets on Israeli cities and obtain the return of Israeli soldier Gilad Shalit.

11. Up to now, the blockade has covered a wide range of products, including food and basic necessities, and goods for reconstruction and economic activity, including cement and scaffolding, which Israel suspects may be used to launch rockets.

12. According to the United Nations, Gaza receives about a quarter of the supplies that it used to receive before 2007. The UN agency for Palestinian refugees (UNRWA) reports that the number of assisted people in Gaza, who are unable to buy basic needs, has tripled since 2007.

13. In an attempt to minimise the effects of the blockade, Palestinians constructed a network of tunnels (almost 800 according to a report³) to import goods from Egypt. According to some analysts⁴, the value of trade passing through the tunnels is estimated at 200 million dollars a year. It is also said that Hamas taxes the goods imported through the tunnels.

14. During these three years, the block does not seem to have been very effective: the Hamas rocket attacks have continued, though less frequent; Hamas has been strengthened and in any case continues to control the Gaza Strip and Gilad Shalit has not been released.

15. In its recent Resolution 1700 (2010), the Parliamentary Assembly of the Council of Europe urged the Government of Israel to lift "the siege of the Gaza Strip to allow humanitarian aid to enter and secure the reopening of access points". This same request has repeatedly been reiterated by the United Nations, European Union, Arab League and a large number of governments.

3. The reactions of the international community

16. The Israeli assault on the flotilla has been the subject of international condemnation.

17. Turkey recalled its Ambassador from Israel. Prime Minister Recep Tayyip Erdogan called for Israel to be punished for its "massacre". Deputy Prime Minister Bulent Arinc said that there should be a lawsuit in a Turkish court against Israel. Turkish Foreign Minister Ahmet Davutoğlu described the raid as "equivalent to banditry and piracy" and "a murder conducted by a state."

18. The UN Security Council called for a "prompt, impartial, credible and transparent enquiry according to international criteria". The UN Secretary General Ban Ki-moon expressed his distress over the incident and urged Israel to lift the blockade of Gaza, stressing that the protracted blockade of Gaza was counterproductive, unsustainable, unjust and penalising for the innocent citizens. If his appeal to lift the blockade had been heeded, the present tragedy would have been averted, he said.

19. Palestinian President Mahmoud Abbas accused Israel of "state terrorism".

20. Disapproval was expressed by the European Union and its member countries, which requested the reopening of access to Gaza and an international commission of enquiry.

21. Concern was expressed by the U.S. administration at an action which it considered to be disproportionate.

22. Harsh words of condemnation came from Russia.

23. Within the Council of Europe, the President of the Assembly, on 31 May, condemned the action by Israeli forces and deplored the disproportionate use of force, underlining that, "whatever the reason, targeting those who are involved in humanitarian and peaceful activities can never be justifiable, and goes against the values we defend in the Council of Europe". He called for the full facts of this incident to be clarified, and for those who have violated international law to be fully held to account. The Political Affairs Committee of the Assembly requested that a debate under urgent procedure be held during the part-session of 21-25 June 2010. The Chairman-in-office of the Committee of Ministers also expressed concern and dismay.

24. Egypt – which, together with the Arab League and all its members, had strongly condemned the Israeli raid – decided to open the land border with Gaza for the first time for an indefinite period of time, from 1 June 2010.

25. The Human Rights Council of the United Nations adopted a Resolution on 2 June 2010, requesting the establishment of an "International Enquiry Committee".

³ Gulf Times, Doha, 21, October 2008

⁴ http://www.terrorism-info.org.il/malam_multimedia/Hebrew/heb_n/html/ipc_031.htm

26. The same request was made by Turkey and several other countries, including France and the United Kingdom, while the United States argued that it should be led by Israel, but explained through the Secretary of State, Hillary Clinton, that the U.S. administration was "open to different ways of ensuring a credible investigation including international participation".

27. On 14 June 2010, the European Union Foreign Affairs Council of the European Union adopted a declaration deeply regretting the loss of life during the Israeli military operation in international waters and condemning the use of violence. The Council urged an immediate, full and impartial enquiry which, in order to command the confidence of the international community, should involve international personalities.

28. On 14 June 2010 Israel announced that it rejected the call for an international enquiry commission, but set-up instead a panel of three men headed by ex-Supreme Court judge Yaakov Tirkel and including Amos Horev, a retired military officer and Shabtai Rosen, a Professor of international law. Two foreign observers, Lord David Trimble (former Northern Ireland First Minister and Nobel Peace Prize winner) and Brig Gen Ken Watkin (retired Canadian military prosecutor) would also sit in the enquiry committee, without voting rights.

29. The Turkish Foreign Minister Ahmet Davutoğlu criticised the composition of the Israeli committee: "We have no trust at all that Israel, a country that has carried out such an attack on a civilian convoy in international waters, will conduct an impartial investigation. To have a defendant acting simultaneously as both prosecutor and judge is not compatible with any principle of law".

30. Palestinian Authority President Mahmoud Abbas, speaking in Paris, said that the inquiry "does not correspond to what the Security Council asked for".

31. The Israeli cabinet announced on 17 June 2010 an easing of the land blockade of Gaza, following Tony Blair's proposals to change over from a list of eligible products to a list of prohibited goods.

4. The peace process

32. The incident of the flotilla is indicative of the climate of serious tension which has existed for months in the Middle East and of the standstill in the peace process.

33. After winning the 2009 elections, the Israeli government has followed a line oscillating between openness and rigidity. On the one hand, the Netanyahu government has sent messages of availability: the speech of Bar Ilan, which recognises the solution "two states for two peoples", the reduction of checkpoints into the West Bank and the temporary freezing for 10 months of new settlements in the West Bank. On the other hand, the Israeli government has repeatedly stated that an indivisible Jerusalem should be solely the capital of Israel and has authorised the extension of existing settlements and new settlements in East Jerusalem, has made a condition of the recognition of Israel as a "Jewish state", has kept a strict blockade on Gaza and has broken off negotiations for the release of political prisoners.

34. The Palestinian camp is also characterised by fragility and contradictions. Despite the mediation of Egypt, negotiations between Fatah and Hamas have not led to an agreement. Hamas still does not recognise the authority of President Mahmoud Abbas and pursues a strategy opposite to that of the Palestinian National Authority. In this scenario, Prime Minister Fayad has launched a strategy of building the Palestinian state "bottom up".

35. In this precarious scenario, the international community's efforts to reopen a channel of dialogue between the conflicting parties have also met difficulties in achieving results:

- President Obama - who, in his speech in Cairo (May 2009), made an extraordinary commitment to the Middle East and did not hide American frustration with the rigidities and behaviour of the Netanyahu government. American-Israeli relations have experienced moments of great tension, particularly during the visit of Vice-President Biden in Israel. To bolster the action of President Mahmoud Abbas, the American administration has decided to grant aid of \$ 400 million for the Palestinian National Authority;
- The Quartet which in these last months has acted intensively, met in Moscow during the crisis, called upon the Israeli government to lift the blockade of Gaza and suspend further settlements, and urged the parties to resume the course of negotiations.
- The United Nations Secretary General made the same plea;

- The President of the European Union, its High Representative for Foreign Affairs and Security Policy and the European Union Foreign Affairs Ministers did not conceal their frustration and, reiterating the European Union declaration of December 2009, urged the parties to show more cooperation.

36. Pope Benedict XVI in his address to the Special Assembly for the Middle East of the Bishops' Synod, also issued an appeal for an urgent, shared international effort before the conflict led to a greater bloodshed.

37. In order to help overcome the crisis, the Foreign Ministers of France, Italy and Spain have proposed to strengthen the European civil mission, already in place at the Rafah crossing, by extending its presence to all points of access by land and sea tasked with ensuring that the reopening of access to Gaza is done safely for Israel.

38. Despite the crisis, at the beginning of May 2010, indirect "proximity" talks began between the Israelis and Palestinians, mediated by the American Special Envoy for the Middle East George Mitchell, with the objective of overcoming mutual prejudices and creating conditions to go forward with direct talks. It is positive that neither the Palestinian Authority nor the Israeli government have demanded the suspension of the talks, due to the incident of the flotilla.

39. I should emphasise here the value of the "Call for reason" (JCall) by a large number of personalities of the Jewish world, who urged the Israeli government to take a courageous and unequivocal path towards a negotiated peace with the Palestinians.

40. The Iranian affair weighs on the present critical situation. Negotiations with the international community have not produced the expected results up to now and the Security Council has adopted a new package of sanctions. Furthermore President Ahmadinejad and his entourage pursue a violent anti-Israeli campaign and support Hamas and the more radical sectors of the Palestinian world. On the other hand, Israel has made no secret about a possible military option against Iran's uranium enrichment facilities, for which - according to press reports - it would have secured from neighbouring countries the possibility of using air corridors.

5. Conclusions

41. It is clear that the seriousness of the attack on the flotilla requires a firm, unambiguous and transparent investigation of all the facts to determine individual and collective responsibility. It is the responsibility of Israel not to reject this demand from the international community.

42. Israeli actions have met with general condemnation by the international community and public opinion increasing therefore the isolation of Israel, a situation on which the authorities should reflect.

43. This crisis also calls to mind the binding nature of the principles and prescriptions of international law by which each state must temper its action, as well as emphasising that the use of force and the right to defence cannot infringe the principle of proportionality.

44. This crisis demonstrates the extent to which point Gaza is one of the most critical issues in the Israeli-Palestinian conflict: first the blockade, which, since 2007, oppresses the lives of one and a half million people; then the Israeli operation "Cast Lead" in January 2009, which resulted in victims and devastation; now, the incident of the flotilla. Everything indicates the urgent need to suppress the blockade of Gaza as soon as possible, to ensure free access – by land and sea – by ensuring the entry of all items required for a normal life and for the development of economic and social activities, this leading to a reduction in political tension.

45. The end of the blockade of Gaza can not, of course, ignore the security needs of Israel, which would be secured by strengthening prevention and control mechanisms to prevent the entry of weapons and illicit material.

46. Above all, this most recent episode shows that time does not work in favour of peace and, indeed, the effect of the passing years without ever achieving a solution has aggravated frustrations and radicalisation and undermines – in particular among the new generations – the credibility of the peace process.

47. It is therefore urgent to promote the resumption of dialogue and negotiations between Israelis and Palestinians to arrive at the only possible peace, founded on the existence of an independent, viable and contiguous Palestinian state alongside a recognised state of Israel. The indirect “proximity” talks advocated by American Envoy Mitchell are a valuable opportunity that should be encouraged so that the way to direct negotiations can be opened as early as possible.

48. Commitment and responsibility are a priority of the international community and its institutions - including the Council of Europe – should act decisively to restart the peace process, facilitating the resumption of dialogue between the parties and finally giving these people and these lands stability, security, rights and a harmonious coexistence.