



Resolution 1940 (2013)¹
Provisional version

The situation in the Middle East

Parliamentary Assembly

1. The Parliamentary Assembly recalls its earlier resolutions on the matter and reaffirms its position and appeals to all parties concerned as most recently expressed in [Resolution 1700 \(2010\)](#) on the situation in the Middle East and [Resolution 1748 \(2010\)](#) on the flare-up of tension in the Middle East. It reiterates, in particular, its support for two equally legitimate aspirations: Israel's right to be recognised and live in safety, and the Palestinians' right to have an independent, viable and contiguous State.
2. However, since 2010, the peace process between Israelis and Palestinians has not progressed. The Palestinian reconciliation, announced several times, has not taken place; the building of Israeli settlements in the occupied territories, including in East Jerusalem, has continued and so has the construction of an extensive network of roads and tunnels to serve them and link them with Israel, as well as the building of "separation barriers"; rockets have continued to be launched from the Gaza Strip into Israel.
3. At the same time, the Assembly notes that a number of developments have since had an influence on the situation: the Arab revolutions; the continuing development of Iran's nuclear programme; the civil war in Syria; the recognition of a State of Palestine by the United Nations General Assembly in November 2012; the granting of partner for democracy status with the Assembly to the Palestinian National Council; the elections held in Israel in January 2013; the re-building of relations between Israel and Turkey, under the auspices of President Obama; and the recently renewed efforts of the American Administration towards a resumption of the Israeli-Palestinian peace negotiations.
4. At the beginning of 2011, mass movements in many Arab countries led to a transformation of the political landscape. In Syria, the civil war has killed almost 100 000 people, caused more than 1.2 million refugees and several million internally displaced persons.
5. The Assembly recalls its [Resolutions 1791 \(2011\)](#), [1819 \(2011\)](#) and [1893 \(2012\)](#) on the situation and political transition in Tunisia, [1831 \(2011\)](#) on co-operation between the Council of Europe and the emerging democracies in the Arab world and [1892 \(2012\)](#) on the crisis of transition to democracy in Egypt, as well as its [Recommendation 1957 \(2011\)](#) on violence against Christians in the Middle East. Whether there should be optimism or pessimism about the evolution of the "Arab Spring", the Assembly reiterates its support for those who fight for human rights, democracy and the rule of law. The road to democracy has always been long and difficult, and not only in the Arab world. Furthermore, the idea that stability can be guaranteed, as in the past, by dictators, is not only immoral but is also devoid of all political realism.
6. The Assembly refers to its [Resolutions 1878 \(2012\)](#) on the situation in Syria and [1902 \(2012\)](#) on the European response to the humanitarian crisis in Syria, as well as to the current affairs debate on "Syrian refugees in Jordan, Turkey, Lebanon and Iraq: how to organise and support international assistance", held in April 2013 following a visit to the Za'atri Syrian refugee camp in Jordan by the Sub-Committee on the Middle East of its Committee on Political Affairs and Democracy. Concerned about recent acts of hostility of the Assad regime against Israel and other neighbouring countries and about the immense influx of weapons into the area, the Assembly warns against an escalation of the conflict.

1. *Assembly debate* on 25 June 2013 (21st Sitting) (see [Doc. 13231](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Marcenaro). *Text adopted by the Assembly* on 25 June 2013 (21st Sitting).

7. The Assembly expresses its gratitude to the receiving countries, in particular the Jordanian, Turkish and Lebanese authorities, for hosting and assisting over one and a half million Syrian refugees, according to estimates of the Office of the United Nations High Commissioner for Refugees (UNHCR). It calls on the Council of Europe member States, observer States and those with partner for democracy status, as well as the international community as a whole, to increase their financial assistance to Jordan, Turkey and Lebanon in view of the immense daily needs of the Syrian refugees. It also pays tribute to the overall role played by Jordan as a stabilising factor in the region and a key actor in the search for a fair and just solution to the Israeli-Palestinian conflict.
8. The Assembly reiterates its support for a two-State solution to the Israeli-Palestinian conflict, based on the 1967 borders, which, in view of the new realities on the ground, could be accompanied by limited land swap, as has recently been accepted by the Arab countries. It supports, in particular, the newly intensified efforts of the American Administration towards a rapid resumption of the negotiations between Israelis and Palestinians with a view to a long-lasting and just solution.
9. At the same time, the Assembly considers that, pending such a permanent settlement and with a view to facilitating its conclusion, parallel arrangements could be made, such as an agreement on conflict management methods, confidence-building measures and continued pragmatic co-operation on the ground.
10. Easing measures should include, *inter alia*: the release of imprisoned members of the Palestinian Legislative Council provided they are not convicted of direct involvement in acts of terror; concrete steps to freeze settlement-building activities; ceasing home demolitions and forced evictions; reducing the obstacles to the movement of people and goods on the West Bank and with Israel and issuing more work permits in Israel; reconsideration of the possibility of family reunification and revision of the law on marriage; co-operation on security matters; and the transfer to the Palestinian Authority of parts of Area C in the West Bank currently under full Israeli control.
11. The Assembly notes that, alongside status issues, those of standards should also be addressed so that, ultimately, whether in territories under Israeli or Palestinian control, all people, Arabs and Jews, Israeli and Palestinian citizens, will equally enjoy respect for human rights, democracy and the rule of law. Therefore, it believes that the requirement of “a two-State solution” should be further qualified as a requirement for “two democratic and pluralist States”.
12. The Assembly welcomes the liberation of the Israeli soldier Shalit and more than one thousand Palestinian prisoners and recalls its [Resolution 1830 \(2011\)](#) whereby it granted partner for democracy status to the Palestinian National Council.
13. In order to ensure and further enhance respect for human rights, democracy and the rule of law, and facilitate the resumption of peace negotiations, the Assembly calls on:
 - 13.1. the Israeli authorities, to:
 - 13.1.1. guarantee the same individual rights to all Israeli citizens, including members of the Arab minority, and recognise minority rights to the latter;
 - 13.1.2. put an end to arbitrary arrests and administrative detentions of Palestinians (including of scores of children), unfair trials and acts of violence against detainees, as well as to stop transferring Palestinian detainees to Israeli prisons in violation of international humanitarian law;
 - 13.1.3. release imprisoned members of the Palestinian Legislative Council and a large number of other prisoners (provided that they are not convicted of direct involvement in acts of terror) according to the Annapolis agreement; allow members of the Palestinian partner for democracy delegation to the Assembly to travel to Assembly meetings;
 - 13.1.4. stop the building of new settlements and the extension of old ones, cease all home demolitions, forced evictions and confiscation of land in the occupied territories, including in East Jerusalem; allow Palestinians to take control over their natural resources (with special emphasis on water); lift restrictions on the freedom of movement of Palestinians in the West Bank and stop hindering their access to their land, workplaces, education, health and other services and facilities; stop the construction of the so-called “separation wall”, in exchange for appropriate security guarantees;
 - 13.1.5. lift the blockade of Gaza;

13.2. all Palestinian forces, to:

13.2.1. conclude, without further delay and in a transparent manner, the reconciliation, already announced several times, between Fatah and Hamas, based on the Quartet principles, thus also enhancing the credibility of the Palestinian side in the negotiations with Israel; in this respect, the Assembly encourages Egyptian President Morsi to intensify his mediation efforts;

13.2.2. organise the long overdue presidential and parliamentary elections;

13.2.3. refrain from using violence against Israeli citizens and anti-Israeli rhetoric and anti-Semitic propaganda, as well as from including suicide bombers and other terrorists among Palestinian martyrs, as such phenomena undermine a culture for peace;

13.2.4. put an end to arbitrary detentions and acts of violence against detainees.

14. The Assembly is in particular concerned about human rights violations committed in the Hamas-controlled Gaza Strip, including executions after unfair trials, summary executions of Palestinians accused of spying for Israel and indiscriminate rocket launching against Israel, killing civilians. It therefore urges the Hamas to stop human rights violations and bring perpetrators to justice, introduce an immediate moratorium on executions pending *de jure* abolition of the death penalty, recognise the right of the State of Israel to exist and endorse the Arab peace plan, stop launching rockets and all types of attack against Israel, and reject the use of terrorism and combat it effectively.

15. The Assembly underlines that respect for human rights, democracy and the rule of law by both Israelis and Palestinians can contribute to the success of the negotiations for a peace agreement by rebuilding trust among the parties, but also subsequently, as any peace agreement will only be the beginning of a long process of reconciliation after decades of conflict. In this context, the Council of Europe and its Parliamentary Assembly can make their own specific contribution.

16. Therefore, the Assembly resolves to:

16.1. continue to promote dialogue and confidence building between representatives of the Knesset and the Palestinian National Council, in particular in the framework of the Sub-Committee on the Middle East;

16.2. make available to both representative bodies its own experience in the field of human rights, democracy and the rule of law;

16.3. pursue efforts to establish relations with other parliaments in the region, notably in Egypt and Jordan, in particular in the light of the prospects for co-operation offered by the partner for democracy status. In this respect, the Assembly welcomes the interest expressed by the Speaker of the House of Representatives of the Kingdom of Jordan in obtaining partner for democracy status, already granted to the Parliament of Morocco and the Palestinian National Council in 2011.

17. The Assembly welcomes the Council of Europe's intergovernmental action with respect to Jordan and asks the Secretary General to enhance also relations with Israel and Palestine, with a view to designing a contribution by the Organisation to promote respect for human rights, democracy and the rule of law in the region.

18. It decides to continue to follow closely the situation in the Middle East, and in particular the progress of the Israeli-Palestinian peace process and the situation of human rights, democracy and the rule of law in the region, with special attention to the crucial developments in Egypt and Syria.