



Delegation for relations with the Palestinian Legislative Council

REPORT

presented by Proinsias de Rossa, Chair of the Delegation



**Working group visit
to
Palestine**

25-29 April 2011

**Ramallah/East Jerusalem
West Bank – Palestine**

INTRODUCTION

At the time of its visit in November 2010 the Delegation had witnessed, in Gaza, East Jerusalem and Nablus, the formidable efficiency with which the Israeli authorities used the concept of 'security' to justify their strategy of encirclement and eviction in relation to the Palestinians, in flagrant breach of the decisions taken by the international community.

The lack of progress in the peace process, the virtual standstill in the search for internal Palestinian reconciliation, the maintaining of the Gaza blockade and the procrastination of the international community (postponed Quartet meetings) offered little by way of encouragement.

The 'Arab Spring', as it has come to be known, had caused a sudden shift in the region. The impact of the first events, in Tunisia and then in Egypt, leading to the departure of the heads of state concerned, had been instantly understood, particularly among their immediate neighbours.

The EP Delegation thus considered it appropriate to have maximum flexibility of action in the coming months, preferring to send two working groups rather than one large delegation. This resulted in the idea of a first group in the spring, going to East Jerusalem and the West Bank, with a second group holding itself in readiness for the autumn, Gaza being a possible destination.

A first working group was therefore set up, headed by the Chair of the Delegation, Proinsias de Rossa (S&D, IE), with Margrete Auken (Greens, DK), Radvil Morknait (PPE, LT), Norbert Neuser (S&D, DE), Chris Davies (ALDE, UK) and Georgios Toussas (GUE, GR).

The Delegation decided to make progress **towards a Palestinian state** the focus of that visit. With this in mind, it chose to concentrate on several key areas on the ground: attacks on the status of East Jerusalem, non-violent resistance to the occupation (visits to the north and south), not forgetting ongoing dialogue with their elected counterparts in the Palestinian Legislative Council (PLC) and government members on possible ways forward (internal reconciliation and peace negotiation, recognition of a Palestinian state).

I. A CAPITAL FOR THE FUTURE STATE: IS EAST JERUSALEM STILL DELIVERABLE?

Monday 23/Tuesday 24 April 2011 – East Jerusalem

The Delegation had few illusions in returning to the question that remained unavoidable, despite the international community's concern for balance in 1947.

Could Jerusalem still become the capital of two states?

Day after day, East Jerusalem's Palestinians faced mounting difficulties, both in their daily lives and in the political expression of their identity.

a) A strategy of harassing the Palestinian community

In order to gain a proper understanding of the effects of the strategy adopted by the Israeli authorities over a number of years, wholly contrary to the applicable agreements and the positions adopted by the international community, in particular the European Union, the Delegation surrounded itself with undisputed experts:

East Jerusalem, 26 April 2011

- **the EU Missions in Jerusalem/Ramallah**, which, in December 2010, produced an updated version of their excellent 2008/2009 reports, these being uncompromising and accompanied by a 'good practice' guide,
- **the civil coalition for human rights in Palestine**
- **OCHA**, the UN Office for the Coordination of Humanitarian Affairs. See their special report (March 2011): 'East Jerusalem: Key Humanitarian Concerns'.

The assessment was conclusive and brooked no argument.

The municipal territory of Jerusalem had been unilaterally expanded by 70 km² (mainly on the West Bank), giving an Israeli presence of 78%, whereas the inhabitant ratio was estimated at 45 000 Israelis to 280 000 Palestinians.

The aim being pursued was to eradicate Palestinians from the municipality, or at least make their life very difficult, if not impossible. Various means were used to this end and much imagination was shown with regard to forms of discrimination.

Palestinians who historically belonged to Jerusalem were permanent residents, as long as they resided there on a continuous basis, though they were still not Israeli citizens. The Israeli authorities assessed the conditions in a restrictive manner and did not hesitate to revoke residency status.

Constraints cited in terms of future urban development (planning, zoning, needs linked to natural growth) were used to justify demolitions, expulsions and the addition of new Israeli settlements in the eastern districts.

This was in repeated breach of international law. The latest reference: the United States veto, issued on 19 February 2011, in the UN Security Council, of a draft resolution confirming a ban on new Israeli colonies on the West Bank and in East Jerusalem. This was a proposal to which the other 14 members of the Council had given their assent.

Thus the Delegation heard at Sheikh Jarrah, for the fourth time, the poignant testimony of representatives of the Hanoun, Al Ghawy and Al Kurd families, expelled from their homes in favour of Jewish colonists.

Security interests were used to justify building separation barriers, thus increasing East Jerusalem's isolation from the West Bank.

Preservation of archaeological sites was also cited, as in the case of the 'City of David' project at Silwan. There was new testimony from a family being expelled at Al Bustan.

It should be added that local rules reduced to 13% the zone in which the Palestinians could build and that building permits were difficult to obtain.

Unequal access to public and social services was evident: moving around was complicated, travel permits were rare and access to services (education, health) suffered terribly as a result.

The Delegation's interlocutors were often harsh in their assessment: 'This country is divided, part of it is occupied, and the EU finances the occupation... Must we go on?'

For the civil coalition, the Jerusalem Master Plan, adopted in 2000, clearly sought to increase the proportion of Israelis in the Jerusalem of tomorrow.

In terms of how to react, the Delegation did not support the policy of boycotting elections advocated by its interlocutors and encouraged them to make themselves heard through the process of democratic expression.

b) Denial of freedom of political expression in East Jerusalem

The Delegation was keen to make two powerful gestures to demonstrate its support for Palestinian freedom of political expression in East Jerusalem, which the interim agreement between Israelis and Palestinians had reduced to its simplest form.

- Concerning the re-opening of Orient House: the Delegation found itself, along with some 50 representatives of the diplomatic corps, civil society and the media, in front of this house, closed in 2001 by the Israeli authorities, which had housed the PLO representative. The order closing the establishment had since been regularly renewed every six months. Such was also the case for other Palestinian institutions.

The Chair, Proinsias de Rossa, spoke in favour of its re-opening before the assembled media, yet again backing the many requests made in this regard.

- Support for Jerusalem's elected representatives: despite the pressures, the Delegation was keen to meet the three Jerusalem deputies elected under the banner of Change/Reform, who had been under International Red Cross protection since June 2010 after being threatened with expulsion for lack of loyalty to the State of Israel following their prison sentence.

In fact, Muhammad Totah, Ahmad Attoun and Khaled Abu Arafah were due to be expelled in their turn, after their fellow list member Muhammad Abu Teir, freed a little earlier, had been deported to Ramallah and deprived of his residency permit.

Proinsias de Rossa, Margrete Auken and Chris Davies affirmed their support for freedom of democratic expression and called urgently for internal reconciliation.

In doing so, the Delegation simply confirmed the support shown by many parliaments across the world, as well as by the IPU.

- 'The window for a two-state solution is closed'

Chris Davies quoted the UK Foreign Secretary William Hague and expressed his anxiety, indeed scepticism: it seemed clear that Israel wanted only one thing – to push the Gaza Strip into Egyptian hands. The Delegation was aware of this, having earlier visited the 'goods' crossing-points of Kerem Shalom (next to the Egyptian border) and Karni. The closure of Karni in favour of Kerem Shalom was no coincidence.

c) The warning cry from civil society: 'It's now or never'

East Jerusalem – 26 April/Ramallah – 27 April

The Delegation was keen to hear the testimony of Palestinians involved in the life of their country, both in East Jerusalem and on the West Bank. Such testimony was often passionate but offered little overall encouragement. 'The two-state solution – it's now or never'.

- A first meeting with Palestinians representing Jerusalem's civil society: a lawyer, teacher, church representative, businessman, diplomat, cultural association leader and hospital manager.

For the Delegation's interlocutors, time was no longer an asset: a viable solution had to be found. Community links were gradually disintegrating; cultural identity was being trampled underfoot. 'We are already living in a single state', they acknowledged.

As regards the peace process and reconciliation, the Delegation's hosts wanted to believe in the changes of attitude, including on the part of Hamas, that constituted a prior condition for

returning to negotiations. Following a lively exchange of views, Proinsias de Rossa, while pointing out the limits of EU competences, reaffirmed the commitment and concern of the European Parliament and the EU Member States to find a solution, the keys to which lay partly in the hands of the Palestinians themselves.

- A second meeting, in Ramallah, with representatives of NGOs active in the human rights field, such as Defence for Children International, Al Haq, Addameer and Palestinian Human Rights.

According to the general view, reconciliation was certainly a good thing from a human rights point of view and an opportunity to be seized in the context of transition to a new democracy. The situation of Palestinians held in Israeli prisons was evoked as a reminder of the exceptional procedures (administrative detention: no notification of charges or even no trial), and also the number of children involved (1 000 for East Jerusalem alone). While the number of PLC elected representatives in detention had decreased sharply (from 52 to 12), purely because sentences had been served, use of administrative detention was still accepted practice. The Delegation also heard a very clear account of the way the EU and its Member States could usefully apply the agreements with Israel, notably by requiring systematic compliance with all of the conditions set out.

II. TERRITORY RELEASED FOR THE FUTURE STATE: NON-VIOLENT RESISTANCE TO END THE OCCUPATION

The violence of the Intifada had left bloody traces on both sides.

On 5 April 2002 the first Israeli bulldozer had gone into action close to Tulkarem, in the north-east of the West Bank, and started on the notorious separation wall.

Since 2003, groups of Palestinians had formed throughout the territory to protest against the repeated breaches of their civil and political rights, despite these being protected by the UN Convention. Popular struggle committees had emerged and decided to coordinate in order to give more coherence to their actions: demonstrations, strikes, training and aid.

They had a three-fold rallying cry: non-violence, creativity and common struggle.

The aim was to end the occupation.

On 9 July 2004 the International Court of Justice, in an advisory opinion, had considered the building of the 'wall' contrary to international law. The popular struggle committees saw this as strengthening the legitimacy of their actions. As a result, numerous 'non-violent' demonstrations were held there on a more or less regular basis. One of the best-known happened every Friday in Bil'in. Its new leader, Bassem Abu Ramah, had seen his fame grow following his recent stay in prison. The Delegation was able to meet him in Ramallah in the company of members of the Palestinian Legislative Council.

The demonstrations were not, however, without violence, and in some cases they turned to confrontation. Volatile tear gas and new munitions were used by the Israeli forces.

After hearing the explanations of the East Jerusalem Committee, the Delegation went to Tulkarem (north-east) and Hebron (south), accompanied by the movement's local representatives.

a) Tulkarem: where the 'wall' had its origins

Of all the evils that Tulkarem's population had to endure, it was not the intermittent odours coming from the Israeli chemical factory enclosed within Palestinian territory (there were 11 along the entire border) that were the most shocking. Visitors were struck first by the

omnipresence of the 'wall', punctuated, from time to time, by areas reserved for Israeli colonists and linked by private access routes, each representing an obstacle to the Palestinians' freedom of movement. The villages of Nazelt, Erta and Sufi, to the south of Tulkarem, were a sad example of this 'apartheid' practice. A few houses, on the heights, were awaiting planned demolition.

b) Hebron: sad symbol of the survival of the conflict

A large metropolis, Palestine's second city, imbued with religious history, Hebron housed the Tomb of the Patriarchs. The historic heart of the city had become the place sadly emblematic of all of the bitterness between Palestinians and Jewish colonists.

The situation was well known: in the heart of the Old Town, 400 colonists protected by 4 000 Israeli soldiers, to the extreme west of a huge Palestinian city and adjoining the colony of Kiryat Arba (7 000 inhabitants)... Relic or provocation?

On the one hand, an inescapable duty to remember in what was considered the oldest Jewish city in history. On the other, a political mission seeking to hand this piece of territory over totally to Palestine.

Crossing the Old Town was always an emotional affair: the multitude of closed Palestinian shops, the many checkpoints with their armed soldiers, the wire netting stretched above people's heads to stop projectiles coming from the floors occupied by the colonists, which did not, however, prevent a member of the Delegation from getting an unexpected shower.

Hebron was the object of a bitter and ongoing political battle. Hachem, the Delegation's guide, an activist from the association 'Un monde de justice', had chosen his fight. The rhythms of his life were governed by the hostility, sometimes physical, shown by the adjoining colonies.

Things had become unbearable with the testimony of the Sikafi family, who related the circumstances in which three of their close relatives had been killed.

The Palestinians knew that there could be no genuine Palestinian state, within the meaning of international law, without a clearly identified territory over which they had full sovereignty. Non-violent resistance was part of this pro-active initiative aimed at ending the occupation. The Delegation wished to stress this point.

The timeliness of the moment allowed the Delegation to make a more concrete assessment of the feasibility of possible paths towards a genuine Palestinian state.

III. THE LONG MARCH TO A PALESTINIAN STATE: TOWARDS A REALISTIC PATH FORWARD

The content of the political meetings held by the Delegation (with elected representatives from the Palestinian Legislative Council and the Ministry of Foreign Affairs) mainly concerned ways of creating a Palestinian state: via the recommended route of peace negotiations with their Israeli neighbour or through the more contested option of UN intervention.

- Meeting with the Palestinian Foreign Minister, Ryad Malki – Ramallah, 27 April 2011
- Meeting with elected representatives of the PLC/Hamas – Ramallah, 27 April 2011
- Interparliamentary committee-PLC – Ramallah, 28 April 2011

It so happened that the programme first involved discussions concerning the initiatives seeking recognition of a Palestinian state at the September 2011 session of the UN.

a) The Palestinian initiative regarding the United Nations: a powerful and controversial political gesture

Ryad Malki, the Foreign Minister, was very clear: the Palestinians continued to favour the method of direct negotiation.

But they were ready, between now and the next UN session in September, to submit a request for recognition of a Palestinian state unless the negotiations resumed in the meantime. This statement did not really conceal the lack of hope in this regard.

The Palestinians, highly sceptical regarding the ability of the United States or the Quartet to have a real impact on resumption of negotiations, had started a worldwide campaign of political pressure in preparation for the 2011 UN session. They wanted formal confirmation of political support from the countries of the world, extending and updating the support demonstrated by the UN General Assembly vote of 15 December 1988, when 102 states had supported the unilateral proclamation of a Palestinian state by Yasser Arafat a few weeks earlier. Since then support had multiplied. At the same time, the Palestinians had gained enhanced diplomatic relations with numerous states through the designation of missions or embassies.

They had not forgotten President Obama's invitation in September 2010 to come together in September 2011 to greet the new Palestinian state. It was a move that chimed with history.

For them, the EU Member States were a very important vehicle. They were therefore seeking their support, while Israel was doing the same in the other direction.

The strategy in relation to the UN was progressive. Knowing that the request for admission as a UN Member State would not get beyond the Security Council because of certain veto by the United States, the Palestinians were looking for a fallback position through a General Assembly vote, less spectacular but just as significant in political terms. They estimated around 130 votes in favour.

But everything would depend on how the request was worded.

Otherwise, the idea of direct referral to the General Assembly envisaged by the 'Uniting for Peace' resolution, Resolution 377 of 1950 (justified at the time to avoid a Russian veto), was not realistic.

As for falling back on an advisory opinion from the International Court of Justice, it would not have the same weight.

The trial of strength had begun: the hope of seeing direct negotiations start up again had not completely disappeared.

The Delegation did not have an opportunity, before the end of its visit, to debate the political and legal counter-arguments that the State of Israel, along with the United States, was bound to assert in relation to this initiative, described as 'unilateral, counter-productive and illegal'.

The subsequent discussions with PLC members scarcely touched on this issue, with minds reeling from the shock of the unexpected announcement of Palestinian reconciliation.

b) The unexpected announcement of Palestinian reconciliation: genuine hope or decoy?

The Delegation almost missed a 'scoop' because of the significant overrunning of the previous meeting with the Foreign Minister. Some of our interlocutors had, in fact, disappeared.

Three elected representatives from Hamas, two from the Popular Party, a Jerusalem councillor and the leader of the popular struggle committees in Bil'in had begun dialogue with the EP Delegation. The Tulkarem representative's telephone rang. There was a rapid exchange at the end of which the deputy switched off his phone and addressed the Delegation: 'I have some good news for you'. And he informed us that one of his friends, a member of the Hamas delegation meeting the Egyptians in Cairo, had just told him that in the next two hours Hamas's representatives would add their signatures to the 'reconciliation' document already signed in 2010 by all of the other political groupings.

It came as a surprise to everyone (including Fatah, as the Delegation learned a little later). There was emotion, applause... and instant reactions.

Hamas had realised the impetus provided by the Arab Spring and weighed up the impact of young people's commitment to reconciliation.

Priority objectives: reform of the PLO, formation of an independent transitional government made up of 'technicians', preparation for elections and setting-up of a professional security system... and above all a formidable challenge to be met.

The EP Delegation immediately agreed a press release calling on the EU to welcome this reconciliation, which would enable the Palestinians to speak with a single voice, and to undertake to cooperate with the new unitary government that would emerge from the elections.

The meeting the next morning with the representatives of the Palestinian Legislative Council at Ramallah naturally reflected the different perceptions following the previous day's announcement.

Eight elected representatives from the PLC led by Hana Ashrawi (Fatah), four men and four women from four different political groupings (not including Hamas, since the reconciliation did not have immediate effect), were quick to take offence at the blackmail practised by the Israeli Prime Minister: 'it is Hamas or us'. They called on the international community, in particular the EU and its Member States, not to repeat the mistakes of the past and to show full support for the choice made by the Palestinian people.

It was a lively exchange of views: Proinsias de Rossa called for a clear definition of priorities and noted that the use of sanctions would require unanimous agreement among the 27 EU Member States.

Margrete Auken wished to avoid any action that could legitimise the occupation and Georgios Toussas stressed the damaging effects of hypocrisy and doublespeak, while Chris Davies showed constructive scepticism in calling for actions that would bring about real change. Radvil Mork nait placed the events in their historical context and Norbert Neuser provided information on the activity of the colonists in Hebron.

A few considerations as to how the two camps could satisfy the various 'preconditions': on the one hand, by renouncing violence and recognising the Jewish state of Israel; on the other, by bringing an immediate end to the colonies. Everyone came together in recognising the ease with which the Israeli authorities sought to conceal their behaviour behind the always emotive façade of 'security'. The EP Delegation had developed this point following its visit in November 2010.

It was a finding shared the previous day by Professor Moshe Ma'oz (University of Tel Aviv), co-signatory of the 'Israeli Peace Initiative' launched in February by some 60 prominent Israeli figures, including 17 Nobel Prize winners, using the Arab Peace Initiative as a model.

Regarding the Palestinian Legislative Council, which had, *de facto*, been prevented from meeting since the secession of Gaza and the imprisonment of a large number of elected representatives, the reconciliation agreement contained a single reference: the parties agreed to reactivate the PLC in accordance with the basic law. The EP Delegation noted that Israel was not party to the agreement. How and where would it work? While political reconciliation was a delicate issue, the choice of a common meeting place was even more so.

CONCLUSION

Following this three-day visit to East Jerusalem and the West Bank, concerned with the feasibility of a Palestinian state, the working group from the EP Delegation for relations with the Palestinian Legislative Council reached the following conclusions:

- it calls on the EU and its Member States to welcome Palestinian reconciliation and the outcome of the elections that may result, thus avoiding repeating the mistakes of the past;
- it calls for full cooperation with the government that emerges from these elections;
- it strongly encourages a return to direct negotiations, based on the lines of 1967, concerning two adjoining states with Jerusalem as capital, and supports all contributions to this end;
- it expresses its support for recognition of a Palestinian state;
- it hopes that the European Parliament will adopt a position in this regard before the start of the next UN session in September 2011.