

## **Committee Report**

on a Proposal for a Parliamentary Resolution on the recognition of the independence and sovereignty of Palestine.

Delivered by the majority of the Foreign Affairs Committee.

The Committee has addressed the matter [parliamentary item 31] and summoned to its meetings Mr. Hermann Örn Ingólfsson and Mr. Haukur Ólafsson of the Ministry for Foreign Affairs, Mr. Sveinn Rúnar Hauksson, Mr. Yousef Tamimi and Ms. Linda Ósk Árnadóttir of the Association Iceland – Palestine, Mr. Ólafur Jóhannsson and Mr. Hreiðar Þór Sæmundsson of ZION – friends of Israel, and Ms. Elva Björk Barkardóttir. Furthermore, the Committee received the Minister for Foreign Affairs. The Committee received statements from the Association Iceland – Palestine and Ms. Elva Björk Barkardóttir, in addition to received memoranda from the Ministry for Foreign Affairs.

The Proposal for a Parliamentary Resolution constitutes that Althingi (the Icelandic parliament) shall recognise Palestine as an independent and sovereign state within the pre-1967 Six Day War borders.

Althingi has for many years supported the rights of self-determination and an independent state of the Palestinians, emphasised a peaceful settlement of the disputes between Palestinians and Israelis and considered it important for the international community to enforce an agreement between the conflicting parties. Althingi adopted Resolution No 19/111 on the Arab-Israeli dispute on 18 May 1989, submitted by the Foreign Affairs Committee, where the emphasis was that both the self-determination of the Palestinian people and Israel's right to exist should be recognised, as well as the rights of Palestinian refugees to return to their former homes in accordance with reiterated resolutions by the United Nations (see 111th Legislative session, Parliamentary item No 102). Althingi adopted Resolution No 25/127 of 30 April 2002, which also was submitted by the Foreign Affairs Committee, where it was demanded that peace negotiations should commence on the issues of an independent Palestinian state and the security of the State of Israel within internationally recognised borders (see 127th Legislative session, Parliamentary item No 734). Furthermore, the Majority of the Foreign Affairs Committee adopted a protocol on its meeting on 1 June 2010 where Israel's attack, in international waters, on a flotilla bringing aid to the needy in Gaza in Palestine was harshly condemned. In previous months issues relating to Palestine have repeatedly been on the Committee's agenda, including during five meetings with the Minister for Foreign Affairs. The Committee urged the Minister for Foreign Affairs to visit Gaza, the West Bank and East Jerusalem in order to get acquainted with the situation in the Palestinian territories and the standing of the dispute. The Minister gave an oral report to the Committee in August 2011 in the wake of his journey. The Majority emphasises the historical context of Althingi's deliberations on the Arab-Israeli Conflict and the rights of Palestinians to their own state. The Majority is of the opinion that the proposal, which the Committee has deliberated

on, is a logical continuation of Althingi's previous resolutions and in fact a normal phase in the political development of the issue in question.

The so-called Arab Spring, which started by civil protests in Tunisia, has led to the emergence of rightful demands that democracy, human rights and equality shall be respected. There has in fact been a revolutionary change in the development of democracy in the Middle East and North Africa, even if the future status of human rights in individual countries is rather unclear. Iceland has supported this development. The Majority is of the opinion that Palestinian demands of self-determination in their own state cannot be separated from the development of democracy in the region.

The illegal occupation of the West Bank, Gaza and East Jerusalem has lasted from 1967, or for 44 years. Fairly recently great walls have been erected that divide the Palestinian territories into many fractions. Israel continues her illegal land acquisitions, with ever growing settlements, such as in the West Bank and East Jerusalem. These illegal land acquisitions by Israelis are among the issues that have hindered the peace negotiations. Palestinians have for years suffered human rights violations that are infringements of public international law, such as the Universal Declaration of Human Rights, the fourth Geneva Convention on the protection of civilian populations in time of war and UN resolutions. Following the recent admission of Palestine to UNESCO, the Israeli authorities responded by deciding to withhold tax revenues to the Palestinian National Authority on the one hand and on the other hand by announcing that it would accelerate the construction of 2,000 settlement housing units in the illegal settlements in the West Bank and East Jerusalem. Human rights violations in the Occupied Territories are of special concern and it is important to continue to utilise every opportunity to urge all parties to this dispute to cease all acts of violence and to honour human rights and humanitarian law.

Attacks by Hamas in the Gaza Strip on areas inhabited by Israelis must cease. Furthermore, internal disputes must be concluded. Reconciliation by Hamas and Fatah are the precondition to a political consensus among the Palestinians and in fact a priority objective for the cooperation of the two factions. The Majority demands that the Hamas organisation shall respect the agreements made by the PLO, the Palestinian Liberation Organization, on behalf of the Palestinians. A unity government of Hamas and Fatah must declare decisively that the Hamas organisation cease all acts of violence towards Israel and acknowledge Israel's rights to peace and security among the states in the region. Palestinian leaders must declare their intentions to honour and guard the basic values of democracy and human rights in the same way as the leaders of Israel did at the establishment of the State of Israel.

The Majority reaffirms that the PLO, the Palestinian Liberation Organization, is the legitimate representative of the Palestinian people in accordance with the relevant General Assembly resolution of 1974. The Palestinian Liberation Organization and the Palestinian National Authority (PNA) have ceased armed struggle, recognised the State of Israel and acknowledged the pre-1967 Six-Day War borders as being the future border. Since 1988, when the PLO declared the independence of the State of Palestine and its wishes for peace negotiations that would be founded on a two-state solution, some 132 countries have recognised the independence and sovereignty of the State of Palestine. Included therein are eight European Union Member States and seven NATO Member States.

The Majority notes that in 1947 the General Assembly adopted a historical resolution A/RES/181(II) of the Partition of Palestine into two separate and independent states, a Jewish state and an Arab state. That resolution was founded on the views and results of the Majority of the United Nations Ad Hoc Committee on the Palestinian Question, presented by its Rapporteur, Ambassador Thor Thors, Iceland's first permanent representative to the United Nations. Even though nearly 64 years have passed since the adoption of the resolution, it has not been fully implemented.

The Majority clearly finds that Palestine fulfills the stipulation for being considered a ratified party to international law. It is generally considered that a state needs territory, inhabitants, a central government that actually controls the territorial area in question and independence to maintain external relations.

a. Palestine has a distinctive geographic area, even if the PNA lacks total control over its territory due to Israel's illegal occupation. The Majority agrees with wording in the statements presented to this proposal that one of the basic principles in international law is that rights of individual countries cannot be established by unlawful acts on their behalf. In international law, control over a territory by the use of force is not considered a legitimate means of a state control. On this basis, the United Nations have adopted resolutions on Israel's illegal occupation of Palestinian territories and it is thus clear that Israel will not assume legitimate control over these territories regardless of the extended period of time the occupation might endure. Accordingly it must be assumed that the recognition of Palestine as an independent state is perfectly valid by virtue of the legitimacy of rule in international law.

b. The population of Palestine amounts to about four million in addition to about 4.7 million Palestinian refugees in the neighbouring countries.

c. As stated previously in this report, as delivered by the Majority, a reference to the PLO was made as the legitimate representative of the Palestinian people in accordance with the relevant General Assembly resolution of 1974.

d. The Majority has no doubt that Palestine enjoys sufficient independence and capabilities to maintain external relations. The Palestinian National Authority already has formal relations with numerous states. Furthermore, Palestine is a ratified member of various international organisations, and most recently joined UNESCO, as previously mentioned. About two-thirds of UN Member States have recognised Palestine as an independent and sovereign state.

The Committee has discussed various precedents, such as Kosovo, where the government in question does not fully control its territory. Various states, including Iceland, did however recognise the sovereignty of Kosovo in 2008. Iceland did also recognise the independence of the Baltic states in 1991, without their respective governments having fully obtained control over their territories. The Majority notes in this context that Althingi's resolutions in Parliamentary item No 404 of the 140th Legislative session, Parliamentary item No 350 of the 113th Legislative session and Parliamentary item No 350 of the 113th Legislative session where a multi-party consensus was reached and the proposals were submitted by the Foreign Affairs Committee.

The Majority emphasises the extraordinary progress the Palestinian Authority has made in building the institutions of statehood. Recent audits by the United Nations, the International Monetary Fund and the World Bank have resulted in declarations by these institutions that the Palestinian National Authority is fully capable of running state affairs. Furthermore, an international consultative committee on the development of Palestine, presided by Norway, concluded that the Palestinians have, in recent years, achieved unequivocal success in economic development. Israel has recently by her actions tried to interfere with the activities of public institutions in Palestine with the suspension of transferring taxes that have been collected for the Palestinian National Authority. The Majority harshly criticises this conduct.

The Majority suggests that Althingi should urge both Israelis and Palestinians to reconcile through means of peace agreements on the basis of international law and UN resolutions, which should inter alia include mutual recognition of the State of Israel and the State of Palestine, and suggests amendments to that effect. Furthermore, both parties should be urged to respect provisions of The United Nations Charter, declarations of human rights, resolutions of the United Nations and international law in all respects in occupied Palestine, on Gaza and the West Bank, including East Jerusalem.

The Majority notes that according to Security Council Resolution No 242 (1967) Israel is obliged to withdraw her armed forces from the territories occupied in the Six Days War of 1967. The Resolution refers to the so-called Green Line, which represents the 1949 Armistice lines.

In this context, the Majority reiterates the rights of Palestinian refugees to return to their former homes in accordance with resolutions reaffirmed by the United Nations, and suggests amendment to the proposal of that effect.

The Majority demands that all parties to the Arab-Israeli Conflict cease forthwith all warfare and acts of violence, respect human rights and humanitarian law and suggests amendment to that effect to the text of the proposal.

The Majority finds evident that the establishment of a state in Palestine may not be delayed any further and supports the wishes of Palestine for independence and admission to the United Nations. Palestinians have the right to independence and thus it is an obligation of Icelanders and the international community to honour their wishes for admission and also to utilise this possibility to resume peace negotiations. The Majority demands that international institutions assume a more definite role in the peace negotiations. The United Nations are obliged to ensure peace and security, as well as respect for international law and human rights. In this context, the Majority considers appropriate to mention the International Criminal Court, which is, at international level, one of the major judicial improvements in recent years. The grounds for the Court to exercise its jurisdiction are *inter alia* that the state, which controls the territory where the conduct in question took place, has acknowledged the jurisdiction of the Court. Palestine could, if she would be acknowledged as a state in accordance with international law, whether as a Member State or a Permanent Observer to the United Nations, acknowledge the jurisdiction of the International Criminal Court on the basis of a provision of Article 12(3) of the Rome Statute of the International Criminal Court, even while not having ratified the Statute.

The best prospect for peace is to equalize the status of Israel and Palestine before international law and by direct negotiations between the two sides to find a solution to their matters of dispute. This is a more suitable way than the static condition that has prevailed for decades. The recognition of the independence and sovereignty of Palestine is a step towards peace.

The Majority welcomes the current proposal and the milestone it brings, and suggests its **adoption** with the amendments previously discussed and are suggested in a special Parliamentary document.

Birgitta Jónsdóttir is a participating observer in the Foreign Affairs Committee and has adopted the views presented in this Committee Report as well.

Althingi, 22 November 2011.

Árni Þór Sigurðsson,

(chairman, rapporteur)

Sigmundur Ernir Rúnarsson.

Mörður Árnason.

Sigmundur Davíð Gunnlaugsson.

Gunnar Bragi Sveinsson.

Álfheiður Ingadóttir.

Amal Tamimi.