

**PALESTINE AT THE UN:
MOVING TOWARDS A CONSISTENT EUROPEAN STANCE***Muriel Asseburg**

This autumn the Palestinian leadership intends to apply for Palestine to be accepted as a full member of the United Nations and recognised as an independent state. This move has the approval of all relevant PLO bodies and the support of the Arab League. It can also rely on the support of the greatest part of the international community. However, the Palestinians can be sure to see an American veto in the Security Council – which would suffice to stymie UN membership. To date, how exactly PLO Chairman Mahmoud Abbas will proceed remains unclear. What is clear, however, is that without active, consistent mediation by the international community there is little hope of resolving the conflict. And if no proactive and forward-looking crisis management is enacted, violent escalation threatens – and the demise of a two-state settlement. EU member states should therefore unite in recognising the Palestinian state – or at least an upgrade of Palestine's status at the UN – and grasp the opportunity to anchor parameters for conflict settlement based on a two-state approach in the respective UN resolutions.

Options at the UN

In principle, two separate matters are involved at the UN. The first concerns the status of Palestine at the world organisation. Full membership is open to all peace-loving states that accept the obligations of the UN Charter and are willing and able to carry them out. The General Assembly would have to approve an application with a two-thirds majority after the Security Council has made a positive recommendation with at least nine votes and no veto. This course currently appears to be blocked as the United States is expected to use its veto. Still, Palestine's status at the United Nations could be improved by a majority in the General Assembly, without having to involve the Security Council. One option would be to make Palestine a "non-member state" (the status of the Vatican and of Switzerland before it became a full member in 2002) and a permanent observer. Concretely, Palestine could be given the right to nominate candidates for UN posts and to apply for full membership of UN organisations.

The second matter concerns securing recognition of the state of Palestine by the greatest possible number of states. Although such recognition is a bilateral matter it could be endorsed by a

Dr. Muriel Asseburg is the head of the Middle East and Africa division of the *Stiftung Wissenschaft und Politik (SWP)*, the German Institute for International and Security Affairs in Berlin.

corresponding General Assembly resolution. Even though the Palestinians expect that a two-thirds majority of member states would vote for such a resolution, the 129 of 193 votes are not guaranteed. About 120 states have so far recognised the state of Palestine, mostly following the November 1988 decision by the PLO leadership-in-exile to accept a two-state solution and proclaim the state of Palestine. Thirteen more, above all Latin American states, have followed suit more recently and others such as Honduras have announced their intention to do so. But at the same time some former Eastern Bloc states, included in the group of 120, might vote against de jure recognition this autumn. If a two-thirds majority of the General Assembly were to vote in favour of such a recognition resolution this would first and foremost be a political success for the Palestinians. While support for such a resolution could represent a legally binding recognition – depending on the resolution's wording – this would only apply to those states that voted for it. It would not grant Palestine the status of a sovereign, generally recognised state.

Implications

Three arguments are usually advanced against recognition: that unilateral action on the part of the Palestinians would violate or endanger the Peace Process; that it would delegitimise Israel; and that it could provoke a new wave of violence.

In addition, some Palestinians fear that once the Palestinian state rather than the PLO were to become the Palestinian representative body at the UN, the Palestinian Diaspora would lose its representation, status – and rights. Indeed, while the inalienable rights of Palestinian refugees would not be affected by a change of Palestine's status at the UN, it would be wise for the PLO to clarify that its Executive Committee rather than the Palestinian Authority will remain the sole representative of all Palestinians worldwide as well as serve as the provisional government of the state of Palestine in order to allay such fears.

An application to the UN can hardly be termed unilateral. What the Palestinians actually want is to crystallise the support of the international community and internationalise conflict-resolution. Even though US and European policy-makers know that a return to the bilateral negotiations in the Oslo framework is no remedy – given that the Peace Process has made no meaningful progress since the Interim Agreement (Oslo II Accords) of 1995 – they keep insisting on it. In fact, it is high time to find new ways to arrive at a two-state settlement. For if the fragmentation of the territory foreseen for the future Palestinian state continues, such an arrangement will fast become impossible.

It goes without saying that recognition would not remove many of the obstacles to effective Palestinian statehood: the occupation regime, the presence of Israeli settlers and soldiers in the

West Bank and East Jerusalem, the isolation of East Jerusalem, the blockade of the Gaza Strip. Nor would it resolve the other contentious bilateral issues. But the point of the exercise is not to substitute negotiations. Rather the emphasis is on realising the Palestinians' right to self-determination, defining the contours of a two-state settlement and creating a more balanced starting point for negotiations. This also implies that there is no danger of delegitimising Israel. On the contrary, what the Palestinians demand is recognition of their state in the 1967 borders, i.e., *next to Israel*.

Given that neither recognition nor UN membership would bring about tangible improvements for the Palestinian population, some fear that disappointment could trigger violence. That possibility cannot be excluded. Even mass demonstrations of the kind considered to accompany the UN process can easily escalate into violence. Whether this happens will depend decisively on how Israel reacts to and handles them as well as on the Israeli response to the Palestinian UN initiative. Some of the retaliatory actions Israeli officials have threatened will definitely not be helpful: abrogating the Oslo Accords; stopping transfers of revenues derived from Palestinians' taxes and social security contributions paid in Israel as well as duties on Palestinian imports; terminating security cooperation; or even annexing parts of the West Bank. Nor would it be helpful if the US Administration were to freeze its support for the Palestinian Authority as demanded by Congress.

In fact, the disappointment of the Palestinians is likely to be considerably greater if neither the institution-building promoted by Fayyad nor negotiations nor recourse to the UN does anything to advance the cause of independence. In this case, the international community will also be faced with the question as to what other paths remain if all peaceful and legal possibilities to achieve Palestinian rights under international law are blocked. Disappointment about the failure of an initiative at the UN could indeed set in motion a development that is often discussed as a "third Intifada". Even if Palestinians are increasingly propagating "civil resistance", there is certainly the danger of a violent escalation up to a regional war. Some neighbouring states could see stoking conflict or provoking skirmishes as a chance to distract attention from their domestic problems. The confrontations on the Syrian-Israeli border at the beginning of June 2011 gave a taste of that. Activities to show solidarity with the Palestinians should also be expected in other neighbouring states. The Arab Spring has made it even less appealing for Arab governments to step in as Israel's protector in the event that their civilians march peacefully on its borders.

Another option discussed among Palestinians, should the move at the UN fail, is to dissolve the Palestinian Authority, hand all responsibility for the Palestinian territories back to the occupying power and concentrate the struggle on achieving equal rights within the state of Israel rather than

independence from it. Such an approach, should it be pursued even against strong interests of Palestinian elites, would clearly mark the failure and end of the Oslo Process. But it would most likely not see success – as Israel has no incentive to annex those territories in which the better part of the Palestinian population live and make them citizens – and it would not help to solve the conflict.

Defining a Consistent European Stance

Since the beginning of the Oslo Process in 1993, the EU and its member states have supported the building of a Palestinian state with considerable financial and technical assistance. In March 1999, towards the end of the interim period agreed in Oslo, the EU announced that it would consider recognising a Palestinian state “in due course”, an intention reiterated in the Council Conclusions of December 2009 and 2010. This spring the UN, the International Monetary Fund and the World Bank all confirmed that Palestine had fulfilled the preconditions for statehood – to the extent possible under continuing occupation. At the end of July, the United Nations Special Coordinator for the Middle East Peace Process, Robert Serry, told the Security Council that the Palestinian Authority was “ready to assume the responsibilities of statehood at any point in the near future.”

Those European governments that currently oppose recognition of a Palestinian state should therefore reconsider their negative attitude and instead work within the EU framework to pursue the European line of consistently supporting a two-state settlement, recognising the Palestinian state and supporting its full membership in the United Nations or – depending on the Palestinian draft presented to the General Assembly – at least an upgrade of Palestine’s status to non-member state. At the same time, the EU should take Israel’s legitimate interests seriously and grasp the opportunity to link the UN resolutions with parameters for conflict resolution (along the lines of what the Europeans presented to the Security Council in February 2011) – a territorial arrangement on the basis of the 1967 borders with an agreed exchange of territory; security arrangements that meet the needs of both sides; a just and agreed solution for the refugees; Jerusalem as the capital of both states – as well as a process of how to get there.

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