

PALESTINIAN
TERRITORIESFELIX DANE
JÖRG KNOCHA

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"Palestine 194"

In September the Palestinians want to become the 194th member state of the United Nations. A seemingly positive event. The Israeli minister for foreign affairs, though, is worried that there will be an unprecedented bloodshed. Europe must stand united now to reach a common position regarding the Palestinian venture.

On July 9 2011, the independence of South Sudan was officially announced. Five days later, this new nation, which has almost the size of France but a road system of less than 200 kilometres, became member state no. 193 of the United Nations. The necessary resolution of the Security Council was approved without a vote, and the approval of the General Assembly was given by acclamation. That shows that the process can be easy. For the Palestinians, though, it will not be so easy. "Palestine 194" is not only a strategy that conveys the wish to become the 194th member state of the United Nations. It makes also reference to the resolution 194 of the General Assembly from December 1948. This resolution acknowledges the right to return to their homeland for all peaceable Palestinian refugees.

Determination on the Palestinian side

Since the end of July, the Palestinian president, Mahmoud Abbas, continues to express his goal to obtain full membership for the state of "Palestine" in the United Nations (UN). On September 20, the Palestinians will officially apply for full membership. According to Foreign Minister Riyad al-Malki, President Abbas will personally present the UN-membership bid to UN-General Secretary, Ban Ki-moon. According to UN-

protocol, such a bid has to be submitted 35 days prior to the opening of the General Assembly, but the example of South Sudan shows that these regulations can be bypassed. It is to be expected that the US will try to hold up the vote on the accession. Though, Lebanon being a country that supports the Palestinian venture, will chair the Security Council at that time. In addition, according to Mahmoud Abbas and the Palestinian news agency Maan, nine out of the 15 present members of the Security Council already recognize "Palestine" as a state or have declared their support for its full membership. Among them are China, Russia, India and Brazil (<http://www.maannews.net/eng/ViewDetails.aspx?ID=416594>). Therefore, al-Malki assumes that the Security Council will vote on the bid.

However, the US already declared that it will make use of its veto right. Therefore, the bid is likely to fail. But there is already an alternative strategy. The Palestinians could raise their status in the UN by having the General Assembly, which does not have any veto powers, vote on the issue when it will hold its meeting at the end of September. A simple majority would suffice. This would change their status from observer entity to non-member state. According to the permanent Palestinian representative to the UN, Riyad Mansur, this would not hinder an accession to the UN as a full member at a later point in time. The two German states took this step before becoming a full member of the UN in 1974. Also, Switzerland had this status in the past, whereas today only the Vatican holds the status of a non-member state. In addition to the mentioning of the Pales-

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tinian statehood, this would also make it possible for "Palestine" to become a full member in international organisations such as UNESCO, UNICEF and the International Criminal Court (ICC).

Also, the Palestinians would have the right to propose their own candidates for positions in these organisations.

Alternatively, the request for a status upgrade could be submitted in form of a resolution, which contains specifications concerning the Palestinian statehood such as the "Green Line". If this resolution reaches a two-thirds majority, this would be a political success.

Though, it would not have any consequences under international law. States that would oppose the resolution could still deny the Palestinian statehood.

However, according to the news agency Wafa, in Beirut last August President Abbas announced that a status upgrade would not be an option. The only goal would be a full membership. A failure of the bid at the Security Council and the waiving of a (symbolic) success at the General Assembly might increase the anger of the Palestinians toward the United States and Israel but also toward their own leaders. It remains unclear what the Palestinian strategy at the UN will be exactly. It is clear, that their ultimate ambition is to obtain full membership at the UN. But doubts remain on whether the Palestinian will actually let go the option of a status upgrade in the very likely case that the accession bid fails.

A survey from July 2011 by the Palestinian Center for Policy and Survey Research (PSR), one of the partners of the Konrad-Adenauer-Stiftung (KAS) Ramallah, revealed that the September initiative might also have negative consequences for the Palestinians. 65.9 percent of the interviewed Palestinians believe that the occupation policies will become worse and settlement activities will increase. Another fear is that the American congress will follow through on its threat and stop aid to the amount of \$ 500 million a year. According to the New York Times, the Repub-

lican-controlled House of Representatives is currently formulating a bill to stop the aid if the Palestinian Authority (PA) forms a government with links to Hamas or seeks statehood recognition at the United Nations outside of talks with Israel.

One of the main factors that are decisive for the consequences of "Palestine 194" is the opinion of the Palestinian people. In this regard, a survey of PSR revealed the following figures:

- 76.2 percent of the Palestinians support going to the UN to seek recognition of a Palestinian state without returning to negotiations as long as there are no acceptable terms of reference or a freeze on settlement construction.
- 56.6 percent believe that two-thirds of the General Assembly will vote in favour of the Palestinian demand.
- 51.6 of the Palestinians in the West Bank and East Jerusalem state that they will participate in peaceful demonstrations after the recognition of the Palestinian state in order to break through check points and to close army and settler roads in the West Bank.
- A great majority of 75.5 percent states that the Palestinian National Authority should enforce Palestinian sovereignty over all the territories of the West Bank, even if this leads to confrontation with the Israeli occupation forces and settlers.

This optimism, together with the willingness to act peacefully against the occupation and their symbols, will make it difficult for President Abbas to refrain from his plans without Israeli concessions. New peace negotiations on the basis of the "Green Line" between Israel and the West Bank as well as a complete stop of settlement construction would be the last opportunity

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to prevent confrontations both in New York and the Palestinian Territories. The Israeli government, though, continues to refuse negotiations under these preconditions.

The Israeli angst

Despite the continuous affirmation of the Palestinian leadership, the Israeli government does not believe that civil actions in and following September will be carried out peacefully. One reason for that is the known readiness of the Palestinians to demonstrate against check points and settlements. Another reason is that, in the past, actions of Palestinian politicians did not always match their words. For instance, the late Palestinian leader Yassir Arafat talked about peace in his (English) speeches and, in the eyes of the Israelis, did nothing against the Palestinian terror in Israeli cities. The coordinated series of attacks of a small terror organisation from Gaza in the south of Israel on August 18, in which eight Israelis were killed by militant Palestinians and Egyptians, additionally fostered the doubts of the Israelis as concerns the peacefulness of the Palestinian strategy. The changes in the Palestinian strategy under President Abbas and Prime Minister Salam Fayyad towards rule of law, institution building and economic growth are only slowly being recognised by Israel. In particular, Israel's foreign minister, Avigdor Lieberman, remains sceptical. According to the Israeli newspaper Haaretz, he is afraid, that *"the Palestinian Authority is getting ready for bloodshed on a scale we haven't seen"*. *"The more they speak about non-violent action the more they are preparing for bloodshed."* He, therefore, proposes to cut all ties with the PA in the case that they bring forward their demand at the UN.

The Palestinian politicians take the Israeli angst seriously as shows their categorical rejection of any violence as well as the measures taken to prevent it from happening. For September 20,

millions of Palestinians are called on to go to the streets and demonstrate unity. However, these demonstrations shall not take place in the direct neighbourhood of Israeli checkpoints or settlements, but rather in the centre of bigger Palestinian cities where Israeli security forces are no longer present. According to Maan, Palestinian security forces have been instructed to prevent any escalation.

Yet, how realistic is such a scenario? Marwan Barghouti, who was sentenced to lifelong detention by Israel and who continues to have major influence within Fatah, called on the Palestinians in the West Bank and Gaza as well as in the diaspora to demonstrate. That such provocative activities on the borders of Israel can easily escalate showed the demonstrations on May 15 and June 5. On these days, thousands of unarmed Palestinian refugees marched from Lebanon and Syria towards the borders of Israel. On the Israeli-Lebanese border – where severe border violations were committed by Palestinians – as well as in the Israeli occupied Golan, dozens of them died. In addition to that, the question is raised on whether and how the Palestinian police will stop its fellow countrymen from marching to the checkpoint in Qalandiya or to Bet El, a settlement just outside Ramallah. There, almost certainly, violent clashes will take place. According to Haaretz, the Israeli forces plan to distribute tear gas and stun grenades among settlers. Also, the army drew a virtual "red line" around every settlement. If Palestinians stepped over it, Israeli commanders will have the right to shoot at the feet of the protesters.

Aside from possibly violent escalations, Israel is also worried about something that could be summarised with the term delegitimization. In Israel, it is assumed that the Palestinian leadership attempts to confront Israel with the same means that once help overthrow the apartheid regime in South Africa.

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For some, this scenario might seem rather unlikely, but the Israel fear in this regard can not be shaken off as mere paranoia. Various UN organisations that consist predominantly of African and Asian development countries have repeatedly adopted the Palestinian position without considering Israeli arguments. Nonetheless, the changes in Palestinian politics that has been taken place since the late 1980ies should be taken into account. In 1988, the Palestinians officially recognised the two-state-solution and with that the Israeli right of existence. When the Palestinians will demand the General Assembly in September to vote on a resolution on a Palestinian state, they are going to quote earlier resolutions – as it is commonly done for resolutions – on the necessity of a peaceful coexistence of two states. This step would even strengthen Israel's legitimacy, because also states that have been rather critical towards Israel are anticipated to vote in favour of a two-state-solution. In a meeting with American congress members, President Abbas once again underscored that it is not his intention to delegitimize or isolate Israel by going to the UN.

The Israeli allegation that the Palestinians would take unilateral measures is rooted in the experience that unilateral steps have frequently changed the status quo in the Palestinian Territories and that way hindered peaceful solution in the past. This allegation, though, can be raised for both conflict parties. On the one hand, there have been the takeover of Hamas in Gaza and the inability of the PA to hold elections. On the other hand, Israel in 2005 pulled out of Gaza without consulting the Palestinian leadership and until today continues to build settlements in the West Bank. The strategy "Palestine 194", though, can not be seen as another example of unilateralism. There is no other international body that is more authentic in representing and defending multilateral values. The Palestinians should make sure to present

a rather balanced resolution, so that there is a chance for Israel to approve it. Also, President Abbas repeatedly made clear that peace negotiations with Israel could be picked up at any time. To date, there have been no talks, because respecting the "Green Line" as a precondition for negotiations is supported by the majority of the Palestinians, according to PSR. If President Abbas makes concessions on that matter, he will lose credibility. For the Israeli government, though, the "Green Line" is still unacceptable as a basis for negotiations, because it is considered indefensible.

The EU as a crucial stakeholder

In the coming weeks, it will be up to Europe to convince Israel and the Palestinians on new peace negotiations on the basis of the "Green Line." One option would be a new road map to peace, initiated by the European Union (EU) that will be concluded by the whole Middle East Quartet (UN, EU, USA, and Russia). The EU is increasingly regarded as an important actor in the region. One reason is that the EU responded more rapidly to the "Arab Spring" than most of the other actors. The US is for both sides no longer a credible peace facilitator. Whereas the Israelis are profoundly sceptical of President Barack Obama, the Palestinians leadership is of the opinion that Washington is not pressuring Israel enough. Therefore, it is especially important for the EU to demonstrate unity. With a uniform vote in the Security Council, the EU could demonstrate that it assumes its role as a crucial stakeholder with regard to foreign affairs and that it is able to meet the challenges of the 21st century. Regardless of what the Palestinians will achieve at the UN, it will be necessary to resume negotiations as soon as possible. Peace between the two people can not be achieved through a decision of the UN, but only through serious negotiations, which are supported by the Middle East Quartet.



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