

Unilateral Declaration of Independence

In an effort to bypass peace negotiations with [Israel](#), the [Palestinian Authority](#) has threatened to seek a vote in the next session of the [UN General Assembly](#) (September 2011) to ratify their unilateral declaration of independence for Palestine (UDI). The UDI requests that a State of Palestine be internationally recognized by the United Nations on the 1967 borders with Israel - the so called "[Green Line](#)" - and that Palestine subsequently be admitted as a full member into the UN. According to PA President [Mahmoud Abbas](#), the move at the UN is designed to "secure the [Palestinian] right to live free ... in our historic homeland" and to provide them with a better platform to "negotiate all core issues of the conflict."

Procedurally, only the [Security Council](#) can grant full recognition of a state and this would not happen if the United States carries out its threat to veto any request for statehood. The PA has subsequently focused its efforts in the General Assembly, where a positive vote could be used to gain access to certain world bodies, such as the International Criminal Court, but would not allow for full membership in the UN or recognition as a state. The PA, nevertheless, believes that if most of the world votes in its favor, as expected from the declarations of member states, Israel will be under greater international pressure to capitulate to Palestinian demands.

President [Barack Obama](#) and other world leaders have spoken out against the Palestinian campaign for recognition, arguing that it is counterproductive and makes peacemaking more difficult. Members of the [U.S. Congress](#) have also threatened to cut off aid to the PA if it goes to the UN. Senior [PLO](#) official Nabil Amr has cautioned Abbas against the UDI for fear that it could irreparably harm relations between the Palestinians and not only the United States, but Germany, the Netherlands and the United Kingdom. Consequently, it is still possible the PA will change its mind or that a resolution will be adopted that is more ambiguous; for example, recommending recognition in the future rather than granting it now.

A Palestinian unilateral declaration of independence, however, would only exacerbate problems in the already volatile region and could actually prove detrimental to the Palestinian cause of independence. On June 20, 2011, Abbas expressed a possible desire to return to negotiations in favor of a UDI vote at the UN after realizing that opposition to the move was gaining momentum not only from the [United States](#) but also in [Western Europe](#). In July, senior PLO official Nabil Amr cautioned Abbas and the PLO Central Council against the UDI for fear that it could irreparably harm relations between the Palestinians and countries such as the [United States](#), [Germany](#), the [Netherlands](#), [Canada](#) and the [United Kingdom](#) who oppose UDI.

On July 27, Abbas told the PLO Central Council that he is still determined to proceed with the statehood bid in September. Though Abbas noted that he does not want to "clash with America"

and would like to "coordinate [the Palestinian] positions with the world, including the US," he refused to take the UDI initiative off the table. On September 15, top Palestinian diplomat Riad al-Malki said in the West Bank capital of [Ramallah](#) that the PA is prepared to submit their bid for UDI to the General Assembly on September 23, denying any rumors of the possibility that Abbas would postpone the initiative.

On September 16, Abbas spoke before the Palestinian leadership in Ramallah and announced that he will move forward with a vote at the UN. Though he is searching for an avenue to advance peace, the UDI could be catastrophic for the chances of peace in the region. UDI would:

Circumvent Negotiations

The United States, EU and Israel have made clear that the only way to make true progress in establishing an independent Palestinian state is through direct negotiations between the parties involved.

Israeli leaders have repeatedly offered to negotiate a peace agreement and offered territorial concessions of as much as 97 percent of the [West Bank](#), in addition to the 100 percent of [Gaza](#) Israel has already evacuated. Israel, along with the United States and European Union, remain committed to the creation of an independent Palestinian state through direct negotiations aimed at achieving mutual recognition, agreed borders and security arrangements, and an agreement to end the conflict.

- “For the Palestinians, **efforts to delegitimize Israel will end in failure**. Symbolic actions to isolate Israel at the United Nations in September won't create an independent state. Palestinian leaders will not achieve peace or prosperity if Hamas insists on a path of terror and rejection. And **Palestinians will never realize their independence by denying the right of Israel to exist.**” [Barack Obama](#), U.S. President
- "We view this unilateral action on behalf of the Palestinian Authority to be not helpful. **No unilateral actions like this are helpful in terms of establishing a long-run peace in the Middle East.** Canada views the action as very regrettable and **we will be opposing it at the United Nations.**" [Stephen Harper](#), Canadian Prime Minister
- “**We don't think a unilateral resolution can help advance peace**, not by Palestinians or by Israelis. **The way to advance peace is via negotiations.**” [Silvio Berlusconi](#), Italian Prime Minister
- “**Peace will only come from negotiations.** It will be a negotiated peace. It cannot be imposed from the outside – not by any power and certainly not by one-sided UN resolutions. Peace requires negotiations. **It requires mutual compromise.** Palestinians compromise; Israel compromises; we both compromise.” [Benjamin Netanyahu](#), Israeli Prime Minister
- “**There is no substitute for face-to-face discussion** and for an agreement that leads to a just and lasting peace. That is the only path that will lead to the fulfillment of the

Palestinian national aspirations...**Nor is it viable to build the institutions of a future state without the negotiations that will ultimately create it.**" [Hilary Clinton](#), U.S. Secretary of State

- **"France hopes that [the Palestinians] use the occasion [upcoming UN assembly] for reopening the path to dialogue rather than risking a futile and dangerous diplomatic confrontation."** *Alain Juppe*, French Foreign Minister
- **"The German government believes unilateral steps could be counter-productive ... We think negotiations are the right way."** *Guido Westerwelle*, German Foreign Minister
- **"[UDI] does not do any good whatsoever ... the plan for a unilateral declaration of the [Palestinian] state is not supported by the Netherlands."** *Uri Rosenthal*, Dutch Foreign Minister
- **"We believe the Palestinians would be making an error seeking UN recognition now before negotiations."** *Steny Hoyer*, U.S. House of Representative
- **"A premature, unilateral declaration of Palestinian statehood would not only undermine rather than resolve the Israeli-Palestinian peace process, but would constitute a standing affront to the integrity of the United Nations, international agreements and international law ... unilateral actions by either party cannot prejudge the outcome of negotiations and will not be recognized by the international community."** *Fiamma Nirenstein, Enrico Piannetta, Gianni Vernetti, Rossana Baldi*, Italian Parliament Deputies
- **"Unilateral declaration of a Palestinian state would be a huge mistake. A peace agreement between Israelis and Palestinians is essential, but it can only be achieved through honest negotiations - not by any party imposing a unilateral decision."** *Jose Maria Aznar*, former Spanish Prime Minister
- **"Unilateral actions will not bring peace to our region ... Many have recognized that Palestinian attempts to create a state by bypassing negotiations [will lead to] potential consequences of mistrust and unmet expectations that could lead to violence. There are no shortcuts to statehood. [The Palestinians] cannot bypass the only path to peace. They will have to get off the bandwagon of unilateralism."** *Ron Prosor*, Israeli Ambassador to the United Nations
- **"We [Israelis] want to be able to negotiate but we won't be able to negotiate if they are attacking our legitimacy in every international court. We're not going to negotiate under fire and it's a mistake for the Palestinians to think that we would. The Palestinians have achieved a tremendous amount over the last 18 years and all of that could be at risk. The Palestinians risk all that has been achieved if they go forward with this and that would be a great tragedy."** [Michael Oren](#), Israeli Ambassador to the U.S.

By going straight to the United Nations, the Palestinians would circumvent negotiations and dismiss years of US and EU policy regarding successfully solving the conflict. Successive Israeli administrations- including [Netanyahu](#), [Olmert](#), [Sharon](#) and [Barak](#) - have all made overtures of peace through negotiations that were denied by the Palestinians, with no counteroffers proposed. Obtaining the UDI would push Israel away from the negotiating table while not succeeding in

solving any of the core issues – the status of [Jerusalem](#), refugees ‘[right of return](#)’, [access to water](#), etc.

Violate International Law and Frameworks for Peace

The UDI would constitute a violation of every agreement signed between the Israeli’s and Palestinians, would contravene the UN’s own [Security Council](#) Resolutions 242, 338 and 1850 – all stipulating a mutually negotiated solution while rejecting unilateralism – and would destroy the frameworks for Middle East peace which have been created over the past few decades.

- “Declares its support for negotiations ... and its commitment to the **irreversibility of the bilateral negotiations** ... Supports the parties agreed principles for the bilateral negotiating process ... Calls on both parties to ... **refrain from any steps that could undermine confidence or prejudice the outcome of negotiations.**”
[UN Security Council Resolution 1850](#) - December 16, 2008
- “First the United States remains committed to my vision and to its implementation as described in the roadmap. The **United State will do its utmost to prevent any attempt by anyone to impose any other plan.**”
[George W. Bush letter to Ariel Sharon](#) - April 14, 2000
- “Recognizing the necessity to create a positive environment for the negotiations, **neither side shall initiate or take any step that will change the status of the West Bank** and the Gaza Strip in accordance with the Interim Agreement.”
[Sharm el-Sheik Memorandum](#) - September 4, 1999
- “**Neither side shall initiate or take any step that will change the status of the West Bank** and Gaza Strip pending the outcome of permanent status negotiations.”
[Israeli-Palestinian Interim Agreement \(Oslo II Accords\)](#) - September 28, 1995
- “**Disputes** arising out of the application or interpretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, **shall be resolved by negotiations** through the Joint Liaison Committee to be established pursuant to Article X above.”
[Declaration of Principles \(Oslo I Accords\)](#) - September 13, 1993
- “**Affirms that** ... a just and lasting peace in the Middle East should include the withdrawal of Israeli armed forces from territories occupied ... Requests the Secretary-General ... to establish and maintain contacts with the States concerned **in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement.**”
[UN Security Council Resolution 242](#) - November 22, 1967

Intensify the Conflict, Demonize Israel and Set Dangerous Precedents

Unlike negotiations, acceptance of the UDI may very well intensify the conflict and would reward the Palestinians for their intransigence in refusing to make any concessions. Additionally, the UDI would put undue pressure on Israel which would isolate and demonize the Jewish state around the world.

- [Hamas](#), which is an internationally regarded terrorist organization that refuses to recognize Israel's right to exist and has terrorized Israeli citizens for decades, would gain de-facto legitimacy as the governing power of the Palestinian Authority (if Hamas and Fatah reconcile). Through the first eight months of 2011 alone, Hamas has already [launched more than 450 rockets](#). Does it make sense for the UN to recognize a state as an entity that is engaged in making war on a current member state?
- A UN declaration will not change the situation on the ground as Israel is not bound by any General Assembly resolutions and has made clear it has no intention of accepting the UDI. On the contrary, the situation may grow worse for the Palestinians as Israel may feel justified to take its own unilateral measures, which could be detrimental to the PA's interests.
- Rather than peace, the UDI may promote violence. Since the Palestinians will not achieve independence by declaration, the people may grow frustrated by the failure of their leaders to satisfy their aspirations. EU Parliament Chief Jerzy Buzek noted, for example, that "unilateral declarations can be sometimes even dangerous" and Buzek expressed concern that Palestinian riots could get out of hand. Arab League Secretary-General Nabil Elaraby also discouraged Abbas from his present course, saying "The unilateral appeal to the U.N. Security Council and U.N. General Assembly could be a very dangerous move for the Palestinians during this period.
- "Palestine" lacks the infrastructure and legitimacy required for statehood. The PA cannot support itself; it is totally dependent on international aid to pay its bills. The territory and government is divided between Gaza and the West Bank. Abbas, as leader of the UDI campaign, represents only a small fraction of the Palestinian people and has repeatedly canceled elections for fear of losing power.
- EU Parliament Chief Jerzy Buzek noted that "unilateral declarations can be sometimes even dangerous" and noted his concern that Palestinian riots could get out of hand, reminiscent of those protests taking place across the Middle East during the so called "Arab Spring." Echoing Buzek's worries, Israeli Foreign Minister Avigdor Lieberman



ominously predicted that the failure of the Palestinians to win recognition could potentially lead to “bloodshed on a scale which has yet to be seen here before.” Arab League Secretary-General Nabil Elaraby is also concerned with the possibility that UDI would be physically dangerous. “The unilateral appeal to the U.N. Security Council and U.N. General Assembly could be a very dangerous move for the Palestinians during this period and I propose that Abbas reconsider the handling of the matter,” Elaraby said.

- The UDI could jeopardize Israeli-Palestinian cooperation in more than 40 spheres of activity, chief among them the security coordination that has blossomed between the IDF and PA forces on anti-terrorism over the past decade. Economic collaboration and international funding of Palestinian government could also be jeopardized. The U.S. Congress is currently debating proposing a law that would prohibit the United States from aiding the Palestinian Authority if they declare independence through the UN while still aligned with Hamas.
- By allowing the Palestinians to request statehood without amending their official “state charter” would amount to the U.N. negating its own policies on expressly forbidding members to call for the ethnic cleansing of another people. Both the Fatah (PA) and the Hamas charters openly call for the elimination of Israel and Palestinian President Abbas even outwardly says that he will not allow a single Jew to remain in the future Palestinian state. There is no way to understand Abbas’ statement other than his expressed desire to see Jews ethnically cleansed from the West Bank and East Jerusalem.
- The UDI makes no provisions for Israel’s security. Unlike Security Council Resolution 242 which explicitly says that states in the region have the “right to live in peace within secure and recognized boundaries free from threats or acts of force.” The new Palestinian “state” would not be required to recognize Israel, end the conflict with Israel or cease terror. “Palestine” would also have no restrictions on its ability to threaten Israel’s security. While past peace talks envisioned a future Palestinian state would be demilitarized, a UN-declared state would have no such obligation. Given the ongoing threat of rockets and terrorist infiltration, Israel would have to prepare for the possibility of a significantly increased threat to its security from the West Bank and Gaza.
- A UN endorsement of the UDI would undermine its prohibition against member states calling for the ethnic cleansing of another people. The Hamas charter openly calls for the elimination of Israel; meanwhile, Abbas has said that he will not allow a single Jew to remain in the future Palestinian state. Abbas’ statement is a call for ethnically cleansing Jews from the West Bank and East Jerusalem.

- The new Palestinian “state” would be not demilitarized, such as Israel has made a condition for peace, and therefore any Israeli response to terrorism emanating from the Palestinian territories would be met with world condemnation and deemed an “invasion” of a foreign, sovereign country. Despite protecting its citizens and acting in self-defense, Israel would easily be portrayed in the media as an aggressor and be shunned in the international community.
- Recognizing Palestine at the UN could undermine international stability by setting a dangerous precedent for separatist movements to declare independence and seek UN endorsement. If one group is given recognition - the Palestinians - the UN would be holding a bad double standard if it did not also accept other groups claims. In Europe alone, multiple groups could follow this path, such as the Basques and Catalonians in Spain, the Flemish in Belgium, the Roma in Romania, the Corsicans in France, and the Albanians in Macedonia. In addition, Kurds in Iraq and Turkey, Tamils in Sri Lanka and others across Europe as well could follow the same path.

