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The UN Vote and Palestinian Statehood

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Foreign Affairs (Opinion)

September 14, 2011 - 12:00am

<http://www.foreignaffairs.com/articles/68262/robert-m-danin/the-un-vote-and-pale...> [1]

September 16, 2011

Article Author(s): Robert Danin

Media Outlet: Foreign Affairs

Article Type: Opinion

Date: September 14, 2011

Source Link(s): <http://www.foreignaffairs.com/articles/68262/robert-m-danin/the-un-vote-and-pale...> [1]

The Palestinians' effort to attain international statehood recognition at the United Nations in September is aimed at enhancing their leverage in future negotiations with Israel. In a candid May 16 op-ed in the *New York Times*, Mahmoud Abbas, the president of the Palestinian Authority (PA) and chair of the Palestine Liberation Organization (PLO), acknowledged as much. "Palestine would be negotiating from the position of one United Nations member whose territory is militarily occupied by another," he said, "and not as a vanquished people."

Ironically, this effort, if successful, could achieve the very position Palestine could have attained long ago at a much lower price. Phase II of the 2003 Quartet Roadmap for Peace offered the option of creating "an independent Palestinian state with provisional borders" as a stepping stone to a negotiated permanent final-status agreement. The Palestinian leadership long rejected this option, fearing that that establishing a state prior to resolving all outstanding final status issues with Israel would leave them unresolved in perpetuity. Now they have effectively reversed course, hoping for just such an outcome. Only now, the Palestinians are pursuing this goal outside of any international diplomatic effort, rather than within one.

To be sure, attaining some form of UN membership for Palestine could indeed enhance the Palestinian leadership's leverage in final status negotiations with Israel. They would be negotiating on behalf of a state, not a provisional body and non-state entity. As a UN member, Palestine could resort to legal recourse at the UN Security Council, the International Court of Justice, and possibly the International Criminal Court. Moreover, attaining UN membership would arguably enhance the Palestinians' claim to the pre-1967 armistice line, since that line will have been recognized internationally. Of course, U.S. President Barack Obama already enshrined the 1967 line as the basis for negotiations over a final border in his May 19 State Department address on the Middle East.

For its part, the Palestinian leadership has good reasons to be reluctant to return to the negotiating table without a clear reference point. The three weeks of talks with Israel last September damaged, rather than strengthened, their confidence in their Israeli interlocutors. Israel's subsequent refusal to renew its settlement moratorium or offer an alternative peace plan further diminished faith in the process.

With the plans to petition the Security Council for statehood already set, the least costly option would be to provide the Palestinians a symbolic face-saving achievement in New York short of statehood.

In the increasing likelihood that Palestine could achieve recognition as a "non-member state" at the UN General Assembly this September, Palestinians could gain a few additional diplomatic tools for the next round of talks. But the net outcome would likely set back, rather than advance, their national aspirations. First, accession to the UN would undermine Palestinians' moral and historical claims to being a stateless people, a status that has kept their plight at the top of the international agenda for decades. In the international community's eyes, moreover, the conflict with Israel would effectively become a border dispute -- one of scores around the world -- not an existential challenge to the Palestinians. This would reduce the saliency and centrality of the Palestinian issue for many.

As the Oxford University law professor Guy Goodwin-Gill recently argued in a legal brief to Palestinian leadership, the move to statehood would also terminate the legal status of the PLO as the sole legitimate representative of the Palestinian people. The state of Palestine's authority would effectively be limited geographically to parts of West Bank and perhaps Gaza. Palestinian refugees outside of the newly recognized state would be left without any representation within international institutions. And Gaza would presumably be considered a Hamas-occupied Palestinian territory, given the failure to date to implement its April 2011 unity agreement with Fatah. At best, the state of Palestine would thus rule around forty percent of the West Bank. The other territories that the Palestinians claim -- the remaining sixty percent of the West Bank, East Jerusalem, and Gaza -- would all be controlled by Israel or Hamas.

Practically, Palestine's newfound ability to confront Israel in international fora would not be the boon many believe either. Rather than pressuring Israel to become more forthcoming and to rapidly seek an agreement with the Palestinians, the confrontational atmosphere could trigger an Israeli public backlash. With its preponderance of power and control of the territory between the Jordan River and the Mediterranean, Israel would likely take harsher countermeasures on the ground, such as withholding tax remittances, restricting Palestinian movement, and possibly annexing some West Bank territory, arguing that Palestinians had abrogated the Oslo framework, which has preserved some semblance of cooperation and Palestinian governance.

Having defied Israel, the United States, and possibly parts of Europe, the Palestinian leadership's UN gambit would cast them as acting unilaterally, a charge Israel has generally suffered. Palestinians' alleged provocative behavior would rapidly increase tensions on the ground, creating an extremely combustible environment. Meanwhile, a failure at the UN could easily spark violence on the Palestinian side as dashed expectations lead to rage. It would also deal the Palestinian leadership a huge public embarrassment.

Such a development would be tragic, given the successes of the effort led by Prime Minister Salam Fayyad to build the Palestinian state from the ground up in the past few years. Most notable has been his unification and professionalization of the security forces into a single chain of command. This has enhanced security for Palestinians and Israelis, thereby convincing Israel to allow the PA to expand the range of its control over territories within the West Bank. The recent focus on the UN gambit has diverted attention -- and badly needed support -- from preparing Palestinians themselves for real independence, not the kind of virtual independence they might achieve in New York.

By orienting their efforts toward the UN and away from the Fayyad-led state-building process, Abbas has made the PA more, not less, dependent on others to realize its goals. Fayyad's plan was designed to prepare the groundwork for Palestinian statehood "under occupation and despite the occupation," as he often notes. This effort at Palestinian self-empowerment asks little of the Israelis, other than that they leave Palestinians alone. The effort at UN statehood recognition calls on the international community to deliver a state, rather than have negotiations with Israel produce one.

By focusing on state-building, the PA had improved living conditions and strengthened security for Palestinians. All along, one of its aims was to create a peaceful and conducive environment for negotiations, rendering Israel's occupation unnecessary and ultimately unjustifiable. And indeed, slowly and without fanfare, Israelis have taken steps to lift the burden of the occupation on Palestinians, opening the West Bank a little more to the movement of people and goods and allowing Palestinian security forces to expand their control over larger parts of the West Bank. The under-the-radar approach made such tangible improvements possible.

By adopting a publicly confrontational approach toward the Israelis, the Palestinians risk undermining the goodwill and security on the ground that is the sine qua non for any further progress. Palestinian frustrations with never-ending negotiations and ongoing Israeli settlement activities are clearly justified. But the response of the Palestinian leadership has only managed to convince Israelis and many in the international community -- perhaps inadvertently -- that they seek to delegitimize the Jewish state, not live alongside it. The Palestinian quest for statehood alongside Israel serves the interests of both parties, the

Middle East, and the world. Finding a path back to negotiations and toward invigorating the state-building project would make its realization more likely. At this point, with the plans to petition the Security Council for statehood already set, the least costly detour on this path would be to provide the Palestinians a symbolic face-saving achievement in New York short of statehood, combined with a pathway back to negotiating an end to the Israeli-Palestinian conflict.

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