

PALESTINIAN UNILATERALISM AND ISRAEL'S RIGHTS IN ARAB-ISRAELI DIPLOMACY

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INTRODUCTION

The Palestinian leadership's ongoing refusal to negotiate peace with Israel and its stated intention to seek endorsement of statehood at the United Nations along the 1949 armistice lines (1967 "borders") since 2009, represents a watershed in Arab-Israeli diplomacy. This is not the first time the Palestinian leadership made unilateral declarations of statehood. In fact, the current Palestinian leadership based its recent statehood bid on PLO Chairman Yasser Arafat's 1988 unilateral statehood declaration. However, in contrast to Arafat's past pronouncement, this latest Palestinian unilateral declaration to establish "Palestine" on the 1949 armistice lines was undertaken in a far more sophisticated way under more advantageous political circumstances for the Palestinians, and garnered broader support from UN member states and, notably, European powers.

The key elements of this revived Palestinian unilateral strategy require examination and assessment; how did pronouncements by the current Palestinian leadership garner Western support even while the Palestinian move undermines the entire framework of the Western-sanctioned and supported peace process established in Madrid in 1991 and then operationalized during the Oslo peace process? The Palestinian unilateral abrogation of Madrid's principles, which established the foundation for a negotiated solution, and the unilateral nullification of the subsequent framework of the Oslo process violated Israel's most fundamental rights in the peace process, a violation which appears to have been overlooked or ignored by many involved in the international diplomacy that has stuttered and seemingly ground to a halt.

The Palestinian leadership's tactical consideration of whether it ends up seeking formal UN endorsement in September 2011, is a minor matter compared to the major strategic achievement the Palestinians already pocketed. In any future diplomatic process, whether negotiated or unilateral, Palestinian unilateralism will have succeeded in leveraging up Palestinian legitimacy in the international community while effectively assaulting the legitimacy of Israel's fundamental rights and claims in Arab-Israeli diplomacy.

HOW SEPTEMBER 2011 IS DIFFERENT FROM ALL OTHERS

The Palestinian leadership under Chairman (“Ra’ès”) Mahmoud Abbas and Prime Minister Salam Fayyad made determined statements regarding their intention to seek UN endorsement of a unilaterally declared Palestinian state in September 2011.¹ The Palestinian statements were treated as far more than mere rhetoric; they triggered scrambling in international diplomatic circles. The Israeli Foreign Ministry formulated and executed a “battle plan” mobilizing its embassies worldwide against UN recognition of a Palestinian state.² U.S. President Barack Obama expressed firm U.S. opposition to any Palestinian unilateral move.³ A majority of U.S. senators supported legislation outright rejecting the Palestinian plan.⁴ For its part, Europe has been split over the issue. Italy and Germany have publicly opposed premature UN endorsement of a Palestinian state, while France and the United Kingdom had not decided one way or another just weeks before the expected UN vote. In South America, a swath of countries like Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Ecuador, Guyana, Nicaragua, Paraguay, Peru, Uruguay, and Venezuela recognized the Palestinian state,⁵ with Colombia being the only country to declare its opposition to the unilateral declaration of Palestinian statehood.⁶ Similar to the UN General Assembly’s automatic majority in 1988 that endorsed PLO demands for recognition of Palestinian statehood, another GA endorsement of Palestinian demands for statehood would also likely win majority support.

WHAT HAS CHANGED SINCE THE 1988 PALESTINIAN STATEHOOD DECLARATION?

At first glance, it seems curious that Palestinian pronouncements triggered such frenetic diplomatic scurrying. As noted, the Palestinians first declared the establishment of “Palestine” as far back as November 1988, when Arafat made the unilateral pronouncement in Algiers and nominally accepted UN Security Council Resolutions 242 and 338, thereby accepting Israel’s right to exist. Arafat’s acceptance of UNSC 242 earned him an invitation to address the UN General Assembly Plenum where 104 countries voted to endorse “The proclamation of the State of Palestine by the Palestinian National Council on November 15, 1988.”⁷

Only the United States and Israel voted against recognition. However, it was clear to most observers at the time that the Palestine Liberation Organization had failed to satisfy the international legal criteria required for statehood, including government control over a permanent population, a defined territory, and ability to engage in international relations.⁸ Arafat was then in Tunis, where



PLO Chairman Yasser Arafat addresses the Palestine National Council in Algiers, November 12, 1988. (AP Photo)

the PLO was headquartered, and the Palestinians lacked control of permanent territory and were dispersed across the Middle East. However, a 1988 UN vote upgraded the Palestinian presence at the United Nations from “PLO” to “Palestine,”⁹ eliciting U.S. threats to withhold all UN dues if the United Nations voted on a resolution construing Palestine as a state.¹⁰

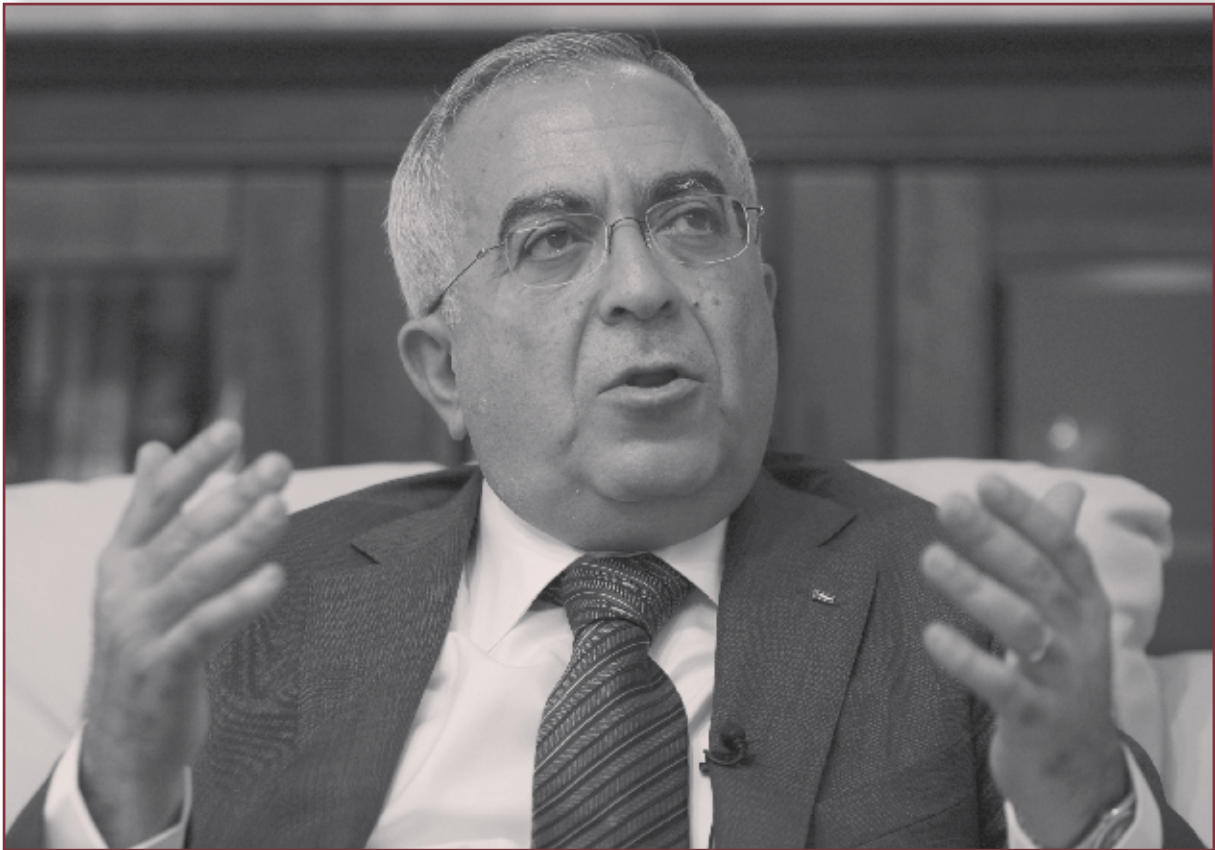
Since 1988 much changed in international perception, if not reality, which upgraded international support for the has Palestinian unilateral statehood quest. The 1995 Interim has Agreement created a Palestinian Authority with governmental control over a Palestinian population in parts of the West Bank, and established a parliament, courts, stamps, and, according to Abbas, embassies in nearly one hundred countries.¹¹ Moreover, since 2007, Hamas exercised government control over the Gaza Strip, despite its definition as a terror organization by Europe and the United States. Notwithstanding the favorable international perception of a “Palestine” satisfying the statehood requirements of the 1933 Montevideo Conference, which Abbas himself trumpeted in a May 2011 *New York Times* op-ed,¹² even cursory examination indicates otherwise.¹³

Palestinian governmental and parliamentary elections were to have been held in January 2010. Their absence has rendered Palestinian Chairman Abbas and Prime Minister Fayyad unelected and invalid Palestinian leaders. Despite a nominal unity pact between Hamas and Fatah, Gaza is Hamas’s territory and is ruled as a separate mini-state from the Palestinian Authority (Fatah) controlled and governed parts of the disputed West Bank. Hamas control of Gaza resulted in more than twelve thousand rockets fired at Israel since the 2005 Gaza withdrawal, while the West Bank’s anti-terror security operations rely heavily on the Israel Defense Forces, despite the presence of about three thousand Palestinian gendarmerie forces.

A CAREFULLY CONSIDERED UNILATERAL STRATEGY TO ESTABLISH “PALESTINE”

The decision of the current Palestinian leadership to pursue a unilateral path to statehood and sidestep direct negotiations with Israel was a carefully weighed strategic option adopted well before the Netanyahu government took power in May 2009, although many believe Netanyahu’s “hawkish” government prompted the ensuing declarations on unilateral Palestinian statehood by Abbas and Fayyad in the first six months of 2011.

This is not the case. The Palestinian leadership came to a strategic decision to pursue a unilateral path to statehood following the collapse of the 2008 Annapolis peace process between Abbas and Israeli Prime Minister Ehud Olmert. It was not, as is commonly thought in Western circles, a response to settlement policies of the Netanyahu government.¹⁴ In fact, six months before the end of the Annapolis process, which coincided with Olmert’s resignation in November 2008 due to corruption charges, the Palestinian leadership already began to speak of a “Kosovo option” for “Palestine,” invoking Kosovo’s February 2008 unilateral declaration of independence from Christian Serbia.¹⁵ The United States and two-thirds of the European Union recognized Kosovo within weeks of its unilateral declaration, thus energizing Palestinian leaders.¹⁶



Palestinian Prime Minister Salam Fayyad, June 28, 2011 (AP Photo/Majdi Mohammed)

The Palestinian unilateral drive for statehood would pick up steam in the months ahead. Just ninety days after the inauguration of Israel's government in May 2009, when Benjamin Netanyahu, Israel's newly elected prime minister, announced a major shift in policy and accepted a Palestinian state with given security provisos, Fayyad announced a major two-year state-building project for the Palestinian-controlled areas of the West Bank, which he said would result in the creation of a "de facto" Palestinian state by September 2011. The Fayyad plan, as it came to be known, elicited great enthusiasm and gained broad financial and political backing from the United Nations, the Quartet, as well as European leaders and the Obama administration.¹⁷

The plan also paralleled Obama's publicly declared two-year timeline to Middle East peace via direct negotiations.¹⁸ The common understanding in Washington, European capitals, and in the corridors of the United Nations was that in contrast to past Palestinian governments, Fayyad was building Palestinian civil society from the ground up, which was a longstanding U.S. demand that also paralleled the Netanyahu government's insistence on "economic peace" and "bottom-up" institution building in the Palestinian Authority as a prerequisite to any negotiated final status peace agreement.¹⁹ To his credit, Fayyad, a U.S.-trained economist and respected statesman in international circles, broke the violent and failed Palestinian paradigm of belligerency that had characterized past processes with Israel.

However, aware of Israel's suspicions that his plan would serve as a unilateral *fait accompli* in 2011, Fayyad exploited his international reputation as a Western-style state reformer to foster the impression among donor nations and Western observers that the Palestinian state-building plan focused on ground-up state development, with no unilateral declaration attached, which would serve as the prerequisite infrastructure for any future peace agreement with Israel. In a press conference with U.S. lawmakers in Ramallah, Fayyad admitted, "I know some people are concerned that this is unilateral," referring to his development plan. "But it seems to me that it is unilateral in a healthy sense of self-development."²⁰

However, the Fayyad plan's endgame was more than mere "self-development." It was a critical step in a sophisticatedly camouflaged unilateral bid for statehood. Attuned ears could detect the language and tone of an ultimatum that would result in a unilateral declaration of statehood or international endorsement of independence if Israel failed to accede to Palestinian demands, specifically that Israel recognize Palestinian sovereignty along the June 4, 1967 lines and cease all Jewish building to their east, including in Jerusalem, although those demands stood in complete contravention to signed agreements between the Palestinian Authority and the state of Israel, which amounts to a basic violation of international law.²¹

Nonetheless, Fayyad stood undeterred. He revealed his intentions to the Arab media shortly after the plan's announcement, saying, "If occupation has not ended by then [2011] and the nations of the world from China to Chile to Africa and to Australia are looking at us, they will say that the Palestinian people have a ready state on the ground. The only problem is the Israeli occupation [Israeli communities and security presence in Judea and Samaria] that should end."²²

If there remained doubt regarding the overall goal both of Fayyad's plan and of broader Palestinian intentions, the PLO leadership reiterated and amplified declarations in 2011 that "the peace process is over" and that they would publicly declare statehood unilaterally.²³ Abbas publicly declared that he would refer the matter to the UN Security Council and/or the General Assembly where Palestinian Authority supporters would propose a resolution to recognize "Palestine" along the 1967 lines.²⁴

SUPPORT FROM EUROPE

European interlocutors and even the European Union itself showed sympathy for Palestinian unilateral aspirations. For example, as early as July 2009, Javier Solana, the European Union's former foreign policy chief, reportedly called on the UN Security Council to recognize a Palestinian state even without a final status agreement between Israel and the Palestinians. He said the United Nations "would accept the Palestinian state as a full member of the UN, and set a calendar for implementation."²⁵ The Palestinian unilateral gambit also received a boost in early December 2009 when Sweden, in the final thirty days of its rotating EU presidency, proposed that EU foreign ministers back its draft proposal recognizing East Jerusalem as the capital of a future Palestinian state, thus implying EU acceptance of a Palestinian unilateral declaration of statehood.²⁶

The EU Foreign Policy Council partly softened its final statement days later. However, the final EU statement still retained the proposal that envisioned Jerusalem as the future capital of two states. Additionally, the statement said that the EU “would not recognize any changes to the pre-1967 borders including with regard to Jerusalem” without the agreement of the parties, thereby enshrining the 1967 lines – a key Palestinian demand – as a previous political border.²⁷ This was a public expression of EU opposition to the Oslo framework to which the EU was signed as a formal witness signatory, and according to which Jerusalem was left to be negotiated as a final status issue.²⁸ Remarkably, the EU undermined its own credibility and the value of its own signature as diplomatic interlocutor not only for the Palestinian-Israeli peace process but for any future diplomatic processes that would require European intervention or assistance. The EU’s support for the Palestinian position in this case also undermined its central role in the diplomatic Quartet, which established the Road Map that dictated that the peace process be based exclusively on bilateral negotiations.²⁹

It should be noted that the intensification and imminence of the Palestinian approach to the United Nations brought the Quartet to elucidate its position. Despite past support for the Palestinian unilateral bid, the Quartet clarified in a statement on February 5, 2011, that “unilateral actions by either party cannot prejudice the outcome of negotiations and will not be recognized by the international community.”³⁰

However, other international bodies sent conflicting signals. In April 2011, the Palestinian unilateral statehood project received its biggest boost when the International Monetary Fund (IMF) issued a report asserting that if the Palestinian Authority “maintains its performance in institution building and delivery of public services, it is well positioned for the establishment of a state at any point in the near future.”³¹ It is notable that in the report’s first footnote, it is mentioned that the experts who prepared the report were not the professionals from the main office in Brussels. Rather, they were the staff team of the IMF’s Ramallah office with whom Fayyad worked very closely since his tenure as a senior IMF official in the West Bank from 1996 to 2001, and with whom close and even intimate cooperation continued until today.³²

Upon closer inspection, the IMF report emphasizes that the Palestinian Authority’s viability would remain heavily dependent on Israeli economic cooperation. The report notes that the PA cannot pay salaries without Israel’s monthly transfers of several hundred million shekels.³³ Some Palestinian experts are less optimistic about the PA’s economic viability as the Arab donor states paid approximately 30 percent of all contributions to the PA while Saudi Arabia has yet to make good on its pledge. In fact, Palestinian economist Ibrahim Abu Kamesh, writing in the Palestinian paper *Al-Hayat al-Jadida*, warned in June 2011 that “the Arab economic siege on the Palestinian Authority threatens to collapse the PA.”³⁴ It is fair to assess that in the event of a Palestinian unilateral declaration of statehood and international endorsement, Israel would cease economic cooperation with the PA, which would have serious implications for the viability of a stable Palestinian state.

Unfortunately, the IMF report ignored Palestinian anti-Semitic and anti-Israeli indoctrination and incitement of children in schools and on Palestinian television in clear violation of the 1995 Oslo Interim Agreement and the 1991 Madrid Peace Conference principles that girded the Oslo peace

process.³⁵ In short, as Moshe Yaalon, Israel's deputy prime minister and strategic affairs minister noted, there is "the requirement that the Palestinians at all levels of society inculcate in their people a culture of peace."³⁶ This public culture of violence and incitement is a violation of Israel's basic rights as outlined in the Oslo exchange of letters, as well as the principles of negotiations that were spelled out at Madrid and that will be discussed later in this chapter.

VIOLATING SIGNED AGREEMENTS AND UNDERMINING THE PEACE PROCESS FRAMEWORK

European expressions of support for Palestinian unilateralism are curious in view of the fact that the above-noted Palestinian unilateral action undermines the entire negotiated framework of the Palestinian-Israeli peace process as set forth in the 1993 exchange of letters between the PLO and Israel and detailed even more explicitly in the 1995 Interim Agreement, to which the European Union was a witness signatory along with the United Nations, the United States, Russia, Norway, Egypt, and Jordan,³⁷ and which still governs relations between the sides until a final permanent status agreement is achieved. As former Israeli Foreign Ministry legal adviser Alan Baker noted, the Palestinian unilateral action would:

- ▶ Nullify written assurances made by Arafat to Israeli Prime Minister Yitzhak Rabin in the 1993 Oslo exchange of letters that "all outstanding issues relating to permanent status will be resolved through negotiations."³⁸
- ▶ Violate article XXXI(7) of the 1995 Palestinian-Israeli Interim Agreement according to which each party undertook not to initiate or take any step that would change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations. In view of the fact that there has not yet been any outcome of the permanent status negotiations, the Palestinian unilateral action nullifies this commitment and would release Israel from its mutual obligation to avoid taking unilateral action.³⁹
- ▶ Undermine the very legitimacy and legally sanctioned existence of the Palestinian Authority in view of the fact that the Interim Agreement serves as the legal basis and source of authority of the establishment of the Palestinian Authority itself, including its institutions, parliament, courts, and Office of the Chairman (Ra'ès), the Chairman himself and his powers and authorities.⁴⁰

UNITED NATIONS "*ULTRA VIRES*" ITS OWN PRINCIPLES

Palestinian unilateralism also drew encouragement from the United Nations itself, raising serious questions as to whether the UN is not acting *ultra vires* its own Charter principles and its own resolutions.

UN Secretary-General Ban Ki-moon reportedly issued expressions of support for such moves, according to Saeb Erekat in a November 14, 2009 interview with the Palestinian newspaper *Al-Ayyam*.⁴¹ However, UN support for Palestinian unilateral actions including Palestinian declarations of intent to table a resolution of the Security Council and in the event of a U.S. veto to initiate a “Uniting for Peace” resolution in the General Assembly,⁴² would amount to the UN engaging in actions that are clearly *ultra vires* the principles of negotiated settlement of disputes as set out both in the UN Charter and in the major Security Council resolutions regarding the Middle East peace process.

In the case of Palestinian unilateralism, and specifically in light of the demand that Israel dismantle its settlements, the United Nations is acting in a biased and even irresponsible manner. First, UN consideration of endorsement of a Palestinian state would be a gross violation of Article 80 of the UN Charter, which protects the League of Nations acceptance of the right of the Jewish people to “close settlement” of the lands of Judea and Samaria (the West Bank) as adopted unanimously by the Council of the League of Nations on July 24, 1922.

That League resolution determines the continued validity of the rights granted to all states or peoples, or already existing international instruments (including those adopted by the League itself). Therefore, the resolution remains valid, and the 650,000 Jews presently resident in the areas of Judea, Samaria, and eastern Jerusalem reside there legitimately.

As noted, the United Nations together with the European Union, the United States, Russia, Egypt, Jordan, and Norway witnessed the signing and acceptance of the 1995 Palestinian-Israeli Interim Agreement. This would render UN support of Palestinian unilateral action a violation of the UN’s own credibility as witness signatory.

Palestinian unilateral moves utilizing the forum of the United Nations undermine the very basis of UN Security Council Resolution 242 of November 22, 1967, which served as the agreed-upon legal basis for Arab-Israeli diplomacy since the aftermath of the Six Day War in 1967 and which governed all Arab-Israeli diplomacy since that time including Madrid, Oslo, the 2003 Road Map, and the Annapolis peace process. A former U.S. ambassador to the United Nations, the late Richard Holbrooke, noted that UNSC 242 is considered the most important UN resolution on the Arab-Israel conflict of the past fifty years.⁴³

Accordingly, UN support for, affirmation, acceptance, or endorsement of a Palestinian unilateral declaration at the UN undermines its very authority by adopting positions it has no authority to adopt, thereby undermining its own past legal decisions and recommendations and fundamentally threatening its very credibility as the world’s primary international legal and diplomatic body.

UPROOTING THE PRINCIPLES OF ARAB-ISRAELI DIPLOMACY AT MADRID

The damage that the Palestinian unilateral race for statehood has done to the Middle East peace process goes well beyond the violations of signed agreements between the sides at Oslo and extends beyond the Palestinian destruction of the Oslo bilateral negotiating framework. It also undermined the broader framework of Arab-Israeli diplomacy that was first established at the 1991 Madrid Peace Conference. Madrid represented a defining moment in Arab-Israeli diplomacy. Its underlying principles of direct, unconditional negotiations between Israel and all of its Arab neighbors, and not just the Palestinians, under the protective umbrella of the principles of mutual compromise, recognition, and a strict code of conduct prohibiting incitement, served as the first substantial building blocks for a comprehensive peace agreement between Israel and the Arab world. The Palestinian unilateral bid for statehood undermined several principles of diplomacy established at Madrid that may prove virtually impossible to recover:

- **Respect for the mutuality of rights and claims of Israel and its neighbors.** Madrid's chief architect, U.S. Secretary of State James Baker, was careful to avoid establishing any preconditions or prejudicing Israel's rights. In a side letter to the United States prior to the conference, Prime Minister Yitzhak Shamir insisted that Jerusalem is not a subject for negotiation.⁴⁴ Israel's right to build communities on both sides of the June 4, 1967 "Green Line" and Israeli settlements were not considered an obstacle to advancing either bilateral talks with the Jordanian-Palestinian delegation or multilateral peace talks between Israel and its Arab neighbors.⁴⁵

In contrast, since 2009, the Palestinian Authority, with the backing of the U.S. administration and Europe, made the cessation of Israeli settlement building a precondition for restarting Palestinian-Israeli negotiations, allowing the Palestinians to pursue a unilateral path with greater international support despite Israel's insistence that this precondition was not rooted in any past agreements or principles of past peace processes, which were established at Madrid.

- **The principle of a negotiated solution without imposed boundaries.** Former President George H. W. Bush refused to impose or suggest specific borders, telling the packed plenum at Madrid, "Throughout the Middle East, we seek a stable and enduring settlement. We've not defined what this means. Indeed, I make these points with no map showing where the final borders are to be drawn."⁴⁶ In stark contrast, Palestinian leaders Mahmoud Abbas and Salam Fayyad insist that "Palestine" will be born on the 1967 lines unilaterally. Their claims were strengthened by the public declaration of President Barack Obama, who, while opposing Palestinian unilateralism, provided it with a tailwind by reversing forty years of U.S. policy and publicly stating his administration's support for the 1967 lines as a basis for Israel's future borders.⁴⁷



Palestinian President Mahmoud Abbas in Barcelona, Spain, July 20, 2011 (AP Photo/Manu Fernandez)

- **Code of conduct.** Incitement of any kind was prohibited at Madrid and mutual tolerance, cooperation, and respect were encouraged. The Palestinian Authority, and, blatantly and often, its newfound partner in coalition, Hamas, continued to incite Palestinians and Arab citizens of other countries in the region to violence, and engaged in a wholesale political assault against Israel thereby breaching the diplomatic code of conduct of Madrid and the subsequent Oslo Interim Agreement.

Furthermore, the attempt to unilaterally declare statehood most egregiously violates Madrid's provision that all moves leading to a peace agreement be made through direct negotiations with the other party, with respect to its territorial and security rights. As a former director-general of the Israeli Foreign Ministry and a negotiator at Madrid, Eytan Bentsur, noted in his memoir, "The United States called on the sides to refrain from unilateral acts, in word or deed, that could inflame tensions, cause reprisals, or still worse, harm or threaten the process itself."⁴⁸ A unilateral declaration of statehood by the Palestinians robs Israel of all its rights and negates the peace process's validity in its entirety. In essence, the Palestinians' rush to unilateral statehood cannibalizes the basis of all past agreements that were built on the Madrid foundation, including the later establishment of the Palestinian Authority as the collective representative of the Palestinians and the concessions already made by Israel during the Oslo Accords and in later agreements.

CONCLUSION

Israel's rights and claims regarding each of the major core issues: borders, settlements, refugees, and Jerusalem, are firmly rooted in the negotiating principles of Madrid which formed the foundation for the bilateral negotiations at Oslo. However, the Palestinian unilateral bid for statehood succeeded to drive a wedge of perception isolating Israel from those fundamental legal rights. Instead, the aggressive Palestinian campaign left Israel seen as possessing no legitimate claims east of the 1949 armistice lines, including its rights in Jerusalem.

In this context, regardless of whether the Palestinians end up withdrawing their intention to submit a resolution proposing a UN endorsement of "Palestine" along the 1949 armistice lines in view of the growing hesitation of some European countries to back it, the Palestinian unilateral bid already achieved a major strategic goal of launching a "diplomatic intifada"⁴⁹ against Israel, with the aim of further dislodging Israel from its position as a fair and deserving claimant prepared for a fairly and directly negotiated compromise over the future of the Land of Israel. The Palestinian unilateral bid's simultaneous campaign to undermine Israel's fundamental legitimacy, caused damage to Israel's international standing, especially following the Hamas War in Gaza that resulted in greater support for Palestinian unilateralism by the European Union and sympathies from the United Nations itself, even at the risk of these bodies engaging in the destruction of their own credibility as fair and honest mediators of the Arab-Israeli conflict and other future conflicts in all parts of the world.

NOTES

* The author thanks Julie Feinberg for her assistance in the preparation of this chapter.

- 1 Mahmoud Abbas, "The Long Overdue Palestinian State," *New York Times*, May 16, 2011, <http://www.nytimes.com/2011/05/17/opinion/17abbas.html>.
- 2 Barak Ravid, "Foreign Ministry Cables Outline Battle Plan Against UN Recognition of Palestinian State," *Haaretz*, June 10, 2011.
- 3 President Obama, speech at the State Department, May 19, 2011, <http://www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa>.
- 4 "Senators oppose Israel return to 1967 lines," Agence France Presse, <http://www.google.com/hostednews/afp/article/ALeqM5jtGYEu1f9NmbJ190wALWuukKQNzA>.
- 5 Jaime Daremblum, "The Palestinians Come to Latin America," *Weekly Standard*, February 21, 2011, http://www.hudson.org/index.cfm?fuseaction=publication_details&id=7733&pubType=HI_Opeds.
- 6 Colombian President Juan Manuel Santos told the author on March 31, 2011, that Colombia would not recognize a unilaterally declared Palestinian state.
- 7 While not recognizing Palestine as a state, 104 countries recognized the 1988 Palestine Liberation Organization's Declaration of Independence. See John Quigly, "The Palestine Declaration to the International Criminal Court: The Statehood Issue," *Rutgers Law Record*, Vol. 35 (Spring 2009), <http://www.lawrecord.com/files/35-rutgers-l-rec-1.pdf>. See also Palestinian National Council, Declaration of Independence, November 15, 1988, UN Doc. A/43/827, S/20278, Annex III, November 18, 1988, reprinted in 27 I.L.M. 1668 (1988).
- 8 Tal Becker, "International Recognition of a Unilaterally Declared Palestinian State: Legal and Policy Dilemmas," Jerusalem Center for Public Affairs, <http://www.jcpa.org/art/becker1.htm>.
- 9 This resolution only changes the name of Palestinian representation, not its status: "effective as of 15 December 1988, the designation 'Palestine' should be used in place of the designation 'Palestine Liberation Organization' in the United Nations system, without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice;" <http://unispal.un.org/UNISPAL.NSF/0/146E6838D505833F852560D600471E25>.
- 10 John Bolton, "How to Block the Palestine Statehood Ploy," *Wall Street Journal*, June 3, 2011.
- 11 Abbas, "Long Overdue Palestinian State."
- 12 Ibid.
- 13 There have been no Palestinian elections since January 2010, indicating that Abbas represents no constituency or public. Hamas, today a possible partner in a national unity government, won the 2006 elections that were unrecognized by Israel, Europe, and the United States. Since 2007, the Fatah-governed West Bank and Hamas-controlled Gaza have remained enemy territories to one another. The Palestinian unity government's control of the West Bank and Gaza is not recognized by the European Union or the United States.
- 14 Abbas acknowledged to the *Washington Post's* Jackson Diehl after the failure of Annapolis that Olmert's offer to the Palestinians of 93.5 percent of the West Bank and the recognition of the right of return (which included tens of thousands of Palestinian refugees' return to Israel) was more generous than the offers of either George Bush or Bill Clinton, and yet Abbas said: "The gaps were wide." See Jackson Diehl, "Abbas' Waiting Game," *Washington Post*, May 29, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/28/AR2009052803614.html>.
- 15 "Palestinians Should Follow Kosovo Example: Negotiator," Agence France Press, February 20, 2008, http://afp.google.com/article/ALeqM5IS_5y-7raxAQlhNgJDtMOIhadGrg. See also Ali Abunimah, "Kosovo and the Question of Palestine," *Electronic Intifada*, February 25, 2008, <http://electronicintifada.net/content/kosovo-and-question-palestine/7374>.
- 16 Interviews and meetings between top Palestinian officials and the author, Ramallah, October 2009 to January 2010.
- 17 Dan Diker and Pinchas Inbari, "Prime Minister Salam Fayyad's Two-Year Path to Statehood: Implications for the Palestinian Authority and Israel," *Jerusalem Viewpoints*, Vol. 9, No. 11, Jerusalem Center for Public Affairs, October 2, 2009, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=111&FID=442&PID=0&IID=3096>.
- 18 Barak Ravid and Akiva Eldar, "Obama Envisions Two Years until Mideast Peace Deal," *Haaretz*, September 1, 2009.
- 19 Israel's Strategic Affairs Minister and Deputy Prime Minister Moshe Yaalon coined the term "bottom up" in 2008 as a new

- approach to Palestinian society-building. See Moshe Yaalon, "A New Strategy for the Palestinian-Israeli Conflict," Jerusalem Issue Briefs, Vol. 8, No. 10, September 2, 2008, http://www.jcpa.org/Templates/ShowPage.asp?DRIT=1&DBID=1&LNGID=1&TMID=111&FID=442&PID=0&IID=2515&TTL=A_New_Strategy_for_the_Israeli-Palestinian_Conflict. Prime Minister Benjamin Netanyahu coined the phrase "economic peace" in 2008 with regard to developing the Palestinian Authority's economy as a key prerequisite for viable and stable Palestinian statehood.
- 20 Amira Hass, "Palestinian PM: Declaration of statehood just a formality," Page 115, *Haaretz*, November 15, 2009, <http://www.haaretz.com/news/palestinian-pm-declaration-of-statehood-just-a-formality-1.4140>.
 - 21 Alan Baker, "A Paradox of Peacemaking: How Fayyad's Unilateral Statehood Plan Undermines the Legal Foundations of Israeli Palestinian Diplomacy," Jerusalem Viewpoints, No. 574, Jerusalem Center for Public Affairs, November-December 2009, http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DRIT=2&DBID=1&LNGID=1&TMID=111&FID=443&PID=0&IID=3185&TTL=A_Paradox_of_Peacemaking:_How_Fayyad%27s_Unilateral_Statehood_Plan_Undermines_the_Legal_Foundati.
 - 22 Salam Fayyad, interview with Ali al-Salih, *Al-Sharq al-Awsat*, September 1, 2009.
 - 23 Alan Baker, "The Palestinian UN Gamble: Irresponsible and Ill Advised," Jerusalem Issue Brief, Vol. 10, No. 34, April 3, 2011, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=111&FID=442&PID=0&IID=6640>; "the current peace process as it has been conducted so far is over" (Palestinian Authority Foreign Minister Riad Malki, March 22, 2011) and "the Palestinian leadership institutions [PLO and Fatah] have decided to submit a request to the UN for recognition of a Palestinian state within the 1967 borders, with its capital in East Jerusalem" (Sa'eb Erekat, AFP, March 20, 2011).
 - 24 Abbas, "Long Overdue Palestinian State." See also Dan Diker, "The Palestinian Unilateral Kosovo Strategy: Implications for the PA and Israel," Jerusalem Viewpoints, No. 575, Jerusalem Center for Public Affairs, January-February 2010, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&TMID=111&LNGID=1&FID=582&PID=0&IID=3271>; Baker, "Palestinian UN Gamble."
 - 25 "Solana Wants UN to Establish Palestine," *Jerusalem Post*, July 12, 2009, <http://www.jpost.com/servlet/Satellite?pagename=JP%2FJPArticle%2FShowFull&cid=1246443786047>.
 - 26 Barak Ravid, "EU Draft Document on Division of Jerusalem," *Haaretz*, December 2, 2009, <http://www.haaretz.com/hasen/spages/1131988.html>.
 - 27 Dore Gold, "Europe Seeks to Divide Jerusalem," Jerusalem Issue Brief, Vol. 9, No. 14, Jerusalem Center for Public Affairs, December 10, 2009, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=111&FID=442&PID=0&IID=3220>.
 - 28 Article xvii of the Oslo Interim Agreement states: "issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis," <http://www.mideastweb.org/meosint.htm>.
 - 29 The Road Map states:
A two state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty, and through Israel's readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous acceptance by both parties of the goal of a negotiated settlement as described below.
http://news.bbc.co.uk/2/hi/middle_east/2989783.stm.
 - 30 The Quartet clarified its position in a statement on February 5, 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/119200.pdf.
 - 31 <http://www.imf.org/external/country/WBG/RR/2011/041311.pdf>.
 - 32 <http://www.imf.org/external/country/WBG/RR/2011/041311.pdf>.
 - 33 For example, in 2010 Israel transferred \$1.26 billion in clearance revenues to the PA. See also Patrick Clawson and Michael Singh, "Is the Palestinian Authority Ready for Statehood?," Policy Watch, No. 1798, Washington Institute for Near East Policy, April 20, 2011.
 - 34 Ibrahim Abu Kamesh, "The Arab Financial Siege Threatens to Collapse the PA," *Al-Hayat al-Jadida*, June 11, 2011.
 - 35 Alan Baker, "Are the Palestinians Ready for Peace?: Palestinian Incitement as a Violation of International Legal Norms," Jerusalem Issue Brief, Vol. 10, No. 32, Jerusalem Center for Public Affairs, March 22, 2011, http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DRIT=1&DBID=1&LNGID=1&TMID=111&FID=442&PID=0&IID=6515&TTL=Are_the_Palestinians_Ready_for_Peace?_Palest. See also Eytan Bentsur, "The Way to Peace Emerged at Madrid," Jerusalem Viewpoints, No. 472, Jerusalem Center for Public Affairs, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&TMID=111&LNGID=1&FID=582&PID=0&IID=1111> February 15, 2002.
 - 36 Moshe Ya'alon, "Introduction: Restoring a Security-First Peace Policy," in *Israel's Critical Security Needs for a Viable Peace* (Jerusalem: Jerusalem Center for Public Affairs, 2010), p. 16, <http://www.defensibleborders.org/security>.

- 37 <http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/THE+ISRAELI-PALESTINIAN+INTERIM+AGREEMENT.htm>.
- 38 Baker, "Palestinian UN Gamble."
- 39 Ibid.
- 40 Ibid.
- 41 Alan Baker, "A Paradox of Peacemaking: How Fayyad's Unilateral Statehood Plan Undermines the Legal Foundations of Israeli-Palestinian Diplomacy," Jerusalem Viewpoints, no. 574, November-December 2009, <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=111&FID=443&PID=0&IID=3185>.
- 42 The "Uniting for Peace" resolution, <http://www.un.org/depts/dhl/landmark/pdf/ares377e.pdf>.
- 43 Richard Holbrooke, "60 years of UNSC Resolution 242," Jerusalem Center for Public Affairs, 2007. <http://www.jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=84&FID=452&PID=3111>.
- 44 "Israeli Prime Minister Yitzhak Shamir's Letter to Secretary of State Baker, Jerusalem, October 28, 1991," *Journal of Palestine Studies*, Vol. 21, No. 2 (Winter 1992): 124.
- 45 Former Israeli Foreign Ministry Director-General Eytan Bentsur, one of the Madrid Conference's primary architects, told the author in a conversation on June 9, 2007, that Madrid's conceptual backbone was that both Israel and Arab states were guaranteed the freedom to advance their respective claims in their opening statements without preconditions. See Dan Diker, "Why Israel Must Now Move from Concessions-Based Diplomacy to Rights-Based Diplomacy," Jerusalem Issue Brief, No. 554, Jerusalem Center for Public Affairs, June-July 2007, <http://www.jcpa.org.il/JCPAHeb/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=111&FID=375&PID=0&IID=160>.
- 46 "Speech of President George H. W. Bush at the 1991 Madrid Peace Conference," *Journal of Palestine Studies*, Vol. 21, No. 2 (Winter 1992): 126.
- 47 President Obama, speech at the State Department, May 19, 2011, <http://www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa>.
- 48 Eytan Bentsur, *Making Peace: A First-Hand Account of the Arab-Israeli Peace Process* (Westport, CT: Greenwood, 1993), 118.
- 49 <http://www.hudson-ny.org/1899/abbas-intifada>.