

MEMO

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Palestinian U.N. Upgrade Undermines Peace Efforts

The U.N. General Assembly's (UNGA) passage today of a resolution granting the Palestinians non-member observer state status is a direct blow to Israeli-Palestinian peace efforts. An actual Palestinian state can only be achieved by direct negotiations between Israelis and Palestinians. UNGA recognition of a virtual state of Palestine does nothing to advance that process and hinders resumption of real peace talks. PLO Chairman Mahmoud Abbas has indicated that he will use this recognition to isolate Israel and attack her in international fora. The United States should continue to press the Palestinians to refrain from such actions and outline repercussions if they move ahead.

PLO Chairman Abbas' upgrade at the United Nations and refusal to talk to Israel severely undermine peace efforts.

- The refusal to negotiate and the U.N. statehood bid are direct violations of the Palestinian commitments made in the Oslo peace agreements, which say the Israeli-Palestinian conflict must be solved through direct negotiations between the two parties. These efforts undermine confidence in Abbas as a legitimate partner for peace.
- Abbas chose to pursue the UNGA upgrade despite being directly asked by President Obama to stop this effort.
- Just a day before the vote, Secretary of State Hillary Clinton expressed U.S. opposition to it. "I have said many times that the path to a two-state solution that fulfills the aspirations of the Palestinian people is through Jerusalem and Ramallah, not New York," she said. "We have made very clear to the Palestinian leadership ... that we oppose Palestinian efforts to upgrade their status at the U.N. outside of the framework of negotiations to achieve a two-state solution. ... The only way to get a lasting solution is to commence direct negotiations."
- The resolution changed the PLO's current status from a permanent observer to a non-member observer state—the same status as the Vatican. Additionally, it delineated the boundaries of "Palestine" to include all the territory held by Arabs within the 1949 Armistice line, calling East Jerusalem the capital.
- This determination may make the prospects for successful peace talks even more unlikely. There is a serious question as to whether the PLO can exhibit flexibility in negotiations after the United Nations has endorsed its maximalist positions.



PLO Chairman Mahmoud Abbas rebuffed a direct request by President Obama not to seek upgraded status at the United Nations.

The Palestinians can now use their new status to take legal action against Israel in international fora.

- This upgrade in status could allow the Palestinians to take action against Israel in international legal fora, including the International Court of Justice (ICJ). With the ability to bring matters directly to the ICJ, the Palestinians could ask for advisory rulings on final-status issues and statehood, further isolating Israel and politicizing the court.
- The new status could allow the Palestinians to pursue allegations of war crimes committed by Israel in the West Bank and Gaza at the International Criminal Court (ICC).
- The Palestinians could also now apply for full state membership in other U.N. agencies—including the U.N. Economic and Social Council (ECOSOC), and U.N. International Children’s Emergency Fund (UNICEF). The Palestinians could try to use these bodies to isolate and delegitimize Israel for “occupying” a recognized state.

The United States should continue to press the Palestinians to refrain from using U.N. recognition to attack Israel and detail repercussions they will face if they move ahead with such actions.

- U.N. recognition outside of talks with Israel will not change the situation on the ground. Palestinian actions at the United Nations could increase the potential for violence by raising unrealistic expectations.
- The United States should continue to press Abbas to refrain from further action through the United Nations and return to talks with a willing Israel.
- The United States must demonstrate to the PLO that unconstructive unilateral actions have consequences.
- The United States can send this message in a number of ways, including through the closing of the PLO office in Washington.
- The House and Senate overwhelmingly passed resolutions in mid-2011 (H. Res. 268 and S. Res. 185) warning the Palestinians that there will be serious implications for U.S.-Palestinian relations and continued U.S. aid to the Palestinian Authority if it continues its efforts at the United Nations.
- Congress has made it clear that the Palestinians stand to lose all U.S. aid should they continue to pursue these misguided efforts at the United Nations.
- The United States also needs to work to ensure that the vote will not serve as a precedent for elevating the status of the PLO in other U.N. agencies or other international bodies.