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The Palestinian Bid for Statehood: Wherein Lies the State?

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Political commentators have written that although in his September 2011 UN speech Palestinian President Abbas delivered a vitriolic diatribe against Israel, the speech also contained an historic renunciation of Palestinian territorial claims beyond the June 4, 1967 borders.

Indeed President Abbas stated in his speech that the application for membership in the UN was submitted "on the basis of the 4 June 1967 borders, with Al-Quds Al-Sharif as its capital." This stipulation was reiterated when President Abbas added, "The goal of the Palestinian people is the realization of their inalienable national rights in their independent State of Palestine, with East Jerusalem as its capital, on all the land of the West Bank, including East Jerusalem, and the Gaza Strip, which Israel occupied in the June 1967 war." There was also a codicil that demanded "the achievement of a just and agreed upon solution to the Palestine refugee issue in accordance with resolution 194, as stipulated in the Arab Peace Initiative."

As distinct from the speech, the actual application submitted by the Palestinians opens by declaring that the submission for membership is based on two documents, "UN General Assembly resolution 181 (II) of 29 November 1947 as well as the Declaration of Independence of the State of Palestine of 15 November 1988." The application for UN membership makes no reference whatsoever to the 1967 lines or to the borders of the Palestinian state. In a letter to the UN Secretary General attached as an annex to the submission,¹ President Abbas writes that "the vast majority of the international community has stood in support of our inalienable rights as a people, including to statehood, by according bilateral recognition to the State of Palestine on the basis of the 4 June 1967 borders, with East Jerusalem as its capital." In other words, the letter notes that the international community supports the 1967 lines, but again makes no statement as to what

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the Palestinians themselves see as their border. As in the speech, the letter adds that Palestine's application for membership "is made consistent with the rights of the Palestine refugees in accordance with international law and the relevant United Nations resolutions, including General Assembly resolution 194 (III)."

Legally the Palestinians are not obliged to denote what they consider to be their borders in their statehood bid to the UN. However, the two documents that they refer to in their application, Resolution 181 (the 1947 Partition plan) and the 1988 Palestinian Declaration of Independence bear no relation to the 1967 borders. The 1988 Declaration² was deliberately vague in reference to borders, stating: "The establishment of the State of Palestine *on our Palestinian territory*³ with its capital Jerusalem (Al-Quds Ash-Sharif)." The 1947 UN partition plan recommended borders that inter alia gave nearly the whole of the Galilee and Beer Sheba to a proposed Arab state and excluded Jerusalem from both the Arab and Jewish states. The 1947 partition plan was rejected at the time by the Palestinians and all the Arab states. It is thus an unfortunate choice that these were the only two documents referred to in the 2011 Palestinian submission to the UN, a fact that challenges the common wisdom that the Palestinians have officially renounced all claims to pre-June 1967 territory. In addition, the 1988 Declaration explicitly stated, "The State of Palestine is an Arab state, an integral and indivisible part of the Arab nation." Given this Palestinian pronouncement, questions as to the adamant refusal of the Palestinians to recognize Israel as a state of the Jewish people are particularly poignant.

The other major issue raised in the Palestinian statehood bid is the demand that in addition to the Palestinian state there must be a solution to the Arab refugee problem "in accordance with UN General Assembly Resolution 194." This UN Resolution recommended that "the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date."⁴ The Palestinian position is that the term refugee applies to descendants of refugees and that there therefore are now some five million Palestinian refugees.⁵ The Palestinians have indicated that in reality they do not expect Israel to absorb five million Arab Palestinians, and they are willing to negotiate on the actual implementation. Nevertheless they continue to demand that Israel accept the principle of UN Resolution 194 and negotiate on that basis. In their application for UN membership they appear to reinforce this as an unwavering condition.

Although ostensibly restricting Palestinian territorial demands to the 1967 borders, examination of the text suggests that the Palestinian statehood bid to the United Nations may be encumbered with conditions and demands that could raise immense difficulties in future negotiations. In his UN speech President Abbas referred to the issues of "Jerusalem, the Palestine refugees, settlements, borders, security and water" that will have to be

negotiated. These issues can only be settled by negotiations, and the Palestinian submission to the UN, with its disturbing encumbrances, will not facilitate the negotiations.

¹ A/66/371 S/2011/5924 Annex II.

² <http://www.al-bab.com/arab/docs/pal/pal3.htm>.

³ Emphasis added.

⁴ <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/65/IMG/NR004365.pdf?OpenElement>, p. 5.

⁵ Based on UNRWA figures <http://www.unrwa.org/etemplate.php?id=86>.

