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## **Mahmoud Abbas' UN Gambit will not Bring Peace**

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Amidst – or perhaps immediately after – the war in Gaza, international attention refocused on the Israeli-Palestinian political arena. On November 29, 2012 the PLO under Palestinian Authority President Mahmoud Abbas is likely to request a United Nations vote on international recognition of Palestine as a "non-member state" ("permanent observer") of the United Nations, resuming the statehood initiative that began last year. The date marks the anniversary of the 1947 General Assembly resolution on the partition of the British Mandate in Eretz Israel into two states – one Jewish and one Arab.

Abbas' appeal to the UN is expected to win a majority. Earlier this month, Sudan, which has systematically massacred its own people, was elected to the UN Economic and Social Council, which regulates human rights, women's rights, and freedom of speech, by 176 out of the 193 UN member-states. The UN – where the rotating presidency of the Security Council can be held by Libya, as in 2008 – is bound to vote by overwhelming majority in favor of the Palestinian Authority's request.

However, the likelihood that the Palestinian move may even slightly promote a resolution to the Israeli-Palestinian conflict is slim to none. Peace and security are achieved through negotiations, hard work, painful compromises, and constructive measures – not via UN votes, upgraded UN statuses, speeches, or media interviews. This is true for Israelis and Palestinians alike.

While the acts of terrorism and indiscriminate attacks on Israeli civilians by Hamas will not bring the reality of two states for two peoples any closer, neither will Abbas' move. The Palestinian bid, if approved, has serious implications for both sides.

The bid may lead to a strong reaction on Israel's part, e.g., cancellation of parts or all of the Interim Agreement (Oslo II), which was signed in 1995 but remains in effect in the absence of a permanent agreement. Since the PA was first established by the Oslo process, this may lead to its overall collapse – an outcome that would be welcomed by extremists on both sides. The lack of any contractual framework between Israel and the

Palestinians might under extreme circumstances lead to efforts by the Palestinians toward the unilateral establishment of an armed Palestinian state that may endeavor to form military alliances with Israel's enemies, conduct foreign relations, demand diplomatic immunities, and declare East Jerusalem the sole capital of the "Palestinian state." Such actions could lead to legal efforts to alter the status of Jewish settlements in Judea and Samaria, including the large settlement blocs that both sides have largely acknowledged would be likely to remain a part of Israel as part of a negotiated settlement. Moreover, it would undoubtedly provoke unilateral Israeli measures in response, such as the application of Israeli law to Area C or economic sanctions by both Israel and the US, which, in the absence of a negotiated economic regime, may lead to the collapse of the already insolvent Palestinian Authority.

Moreover, although non-state members cannot vote in the General Assembly, upgrading the Palestinian Authority's UN status may enable it to join international treaties and various UN organizations and institutions. Significantly, it may pave the way for PA participation in international tribunals, most problematic of which is the International Criminal Court (ICC). Granting the PLO the ability to drag Israel in front of the ICC would enable any person or organization – not just PA officials – to open international criminal procedures against Israel. This might not only come to restrain future Israeli military activity, a measure of Israel's sovereign right to self-defense, but it would add yet another dimension to the international campaign to delegitimize the State of Israel.

The picture is likewise mixed for the Palestinians. First, Palestinian acceptance at the ICC would make it possible for Abbas and the PA to be held legally accountable at The Hague for the war crimes of Hamas and other Palestinian terrorist groups. Second, international law does not generally recognize a state's "right" to represent minority groups that do not reside within its sovereign territory. The PA's current status as a UN "entity" allows for its broad representation of the Palestinian diaspora, including the many refugees scattered across Jordan, Syria and Lebanon, and elsewhere. Elevating the PLO's status to a non-member state (permanent observer) within the 1967 lines will considerably hamper the Palestinian Authority's ability to portray itself as the legitimate representative of millions of Palestinian refugees and their descendants who are neither citizens nor permanent residents. Moreover, UN recognition of a Palestinian state may obviate the need for the existence of UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East) and lead to the demand to cancel its mandate.

Opposition to Abbas' UN bid stems from its unilateral approach to what can only be resolved bilaterally – namely, a political settlement between Israel and the Palestinians. According to the principles of Oslo, the core issues in dispute must be resolved through a bilateral dialogue and a negotiated agreement between the parties. Both the Oslo Accords

and the Wye River Memorandum prohibit unilateral actions by either party that may infringe upon the rights of the other.

However, if Mahmoud Abbas were to suspend his appeal to the General Assembly in favor of coordinated progress, the United States or the Quartet could try to ensure future Israeli-Palestinian negotiations on the basis of the Clinton parameters, the Roadmap, or the Arab Peace Initiative, over a defined period of time agreed upon by all parties in advance. If exhaustive dialogue efforts fail to reach any mutual understandings, Abbas will be free to resume his UN initiative. If progress is made, a stronger joint Israeli-Palestinian appeal could be made to the General Assembly that includes the resolution of at least two core issues: borders and security arrangements. Such a move would be a positive step that complements, rather than contradicts, negotiations between the parties and the vision of two states for two peoples. Any such progress would enable the international community and the US to play a direct and constructive role in future negotiations and create a regional front against a nuclear Iran.

The Zionist vision of a Jewish homeland in Israel demands a democratic political solution to the Israeli-Palestinian conflict. A demilitarized, stable, and prosperous Palestinian state alongside a Jewish and democratic Israel is a common interest of both sides. The chance for peace is more important than the UN gambit.

