



UNILATERAL PALESTINIAN STATEHOOD

Why the Palestinian application for
advanced status in the United Nations
should be rejected

European Coalition for Israel

November 2012



INTRODUCTION

On November 8th, 2012, the Palestinian Permanent Observer Mission to the United Nations submitted a draft resolution to the United Nations General Assembly. The purpose of the resolution is explicitly "to advance the status of Palestine in the UN General Assembly". That resolution is due to be discussed in the General Assembly on November 29th, 2012.

Although the legal consequences of this resolution are perhaps debatable, its adoption would constitute a significant step towards the establishment of a new Islamic state of Palestine under international law.

We believe that this application is in fundamental conflict with the U.N. Charter. Instead of promoting international peace and security, it will do the exact opposite. In our submission, the application should be rejected. This view is shared by many others in Europe, as evidenced by the Open Letter which has been submitted by sixteen European leaders (Appendix 6).

1. **Mutual recognition.** Mutual respect is a necessary precondition to genuine peace and security. The Palestinians and the various Palestinian movements and organizations and leaders – including PLO, Hamas and Fatah - have consistently refused to recognize Israel's legitimacy as a Jewish state. No solution – and certainly not a unilaterally imposed solution - will advance peace in the long term if it is not based on mutual recognition and respect.
2. **Security.** The 1949 Armistice Lines are indefensible. Recognition will play into the hands of terrorists. It is apparent that the PLO no longer has control over the activities of Hamas and other organizations in Gaza. It will give Hamas and its terrorist allies the freedom to attack the Jewish people from close range, threatening the lives of many Jews and Israel's very existence.
3. **Rights of the Jewish people.** Recognition of a unilaterally declared Palestinian State on the basis of the 1949 Armistice Lines would completely violate the rights already granted under international law in 1922 to the Jewish people with respect to Jerusalem, Judea and Samaria (the "West Bank").
4. **Negotiations.** Recognizing a Palestinian State based on the so-called pre-1967 borders would conflict with U.N. Security Council Resolution 242, and completely undermine the Oslo agreements which are based on the principles of mutual recognition and oblige the parties to continue negotiations to settle all final status issues – including the status of Jerusalem, definition of safe and secure borders and resolution of the Palestinian refugee problem. Acceptance of the PLO's proposal will potentially mean the end of the peace process as envisaged in Oslo.
5. **Jerusalem.** Jerusalem must not be divided but must remain open for people of all faiths under Jewish sovereignty. Only Jewish sovereignty over Jerusalem can guarantee that the Old City and the Holy Places will be protected.

We are convinced that the way to peace is through mutual acceptance, bilateral agreements and genuine cooperation - not through one-sided unilateral measures.

We call on the international community to embrace these principles, and vote against the proposed resolution to advance the status of a Palestinian State in the UN, thereby keeping alive the chances of genuine reconciliation and real peace.



European Coalition for Israel

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SUPPORTING ARGUMENTS AND EVIDENCE

1. Mutual recognition

The Palestinians have never formally recognized Israel as a Jewish state or the existence of the Jews as a nation. They refuse to renounce their dedication to Israel's destruction. They have promised to ethnically cleanse the West Bank of all Jews. In his speech to the 66th Session of the U.N. General Assembly in New York on Friday, September 23rd, 2012, Mr. Abbas did not use the word "Jew" or "Jewish" once.

Palestine will be an Islamic, apartheid State in which the hatred of Jews will be encouraged and fostered. The Palestinians have indicated they will evict ½ million Jews from the Old City of Jerusalem, and from cities like Hebron, Shilo and Gilgal which have been home to Jews for centuries. Islamic terrorists are likely to destroy Jewish synagogues and desecrate Jewish graves. Jews will be prevented from praying at the Western Wall, the most precious place on earth for the Jewish nation.

The dispute between Israel and the Palestinians is not about competing claims to land. It is much more fundamental than that. It is about whether or not a Jewish nation in the Middle East should exist at all.

That explains why the Palestinian leaders have never been able to enter into a final and binding agreement in which they explicitly accept the existence of a valid Jewish State. It explains why, for example, they rejected the U.N. Partition Plan in 1947, and why Mr. Arafat rejected Israel's offers to withdraw from almost all of the West Bank in 2000 and again in 2008. It explains why, as former Israeli leader Abba Eban once said, "the Arabs never miss an opportunity to miss an opportunity".

Refusing to recognize a Palestinian State does not mean ignoring the rights of the Palestinian Arab people. It does not mean choosing one side against the other. On the contrary, for the following reasons, refusing to recognize the Palestinian State at this stage will in the longterm create the



necessary preconditions for genuine peace and security and thus benefit all peoples in the Middle East, including the Arab Palestinians.

In our view, Israel's presence in Jerusalem and the West Bank are not - as Mr. Abbas claims - the obstacle to peace. They are the key to its solution. Instead of reducing Israel to indefensible borders and thereby risking its very existence, the international community should do all in its power to ensure Israel's prosperity and security. Consider the following:

- Israel is the only true democracy in the Middle East whose civil system is based on the rule of law. Like every democracy, it is not perfect. But under Jewish sovereignty, non-Jewish citizens have equal access to the court system, equal voting rights, equal opportunity to have representation in the Knesset, and so on. This is in stark contrast with their Arab neighbours, where Jews and Christians are either banned or treated as second class citizens.
- Israel has proven that she is dedicated to progress, culture and development. All citizens – regardless of race or religion – are encouraged and enabled to pursue these values.
- A healthy, vibrant Israel contributes to economic prosperity in the region. The standard of living of the more than 1 million Arab Israeli citizens far exceeds that of their non-Israeli counterparts. Hundreds of thousands of Arabs in Israel and the West Bank depend on Israeli industry for their livelihood. If Israel's economy shrinks or – worse still – disappears, Arabs will be sorely affected.

The Middle East is in turmoil. Steps must be taken to help the peoples of Syria, Jordan, Egypt, Libya, and the other nations of the Middle East to live in peace and prosperity. This includes the Arab Palestinians, and especially those living in the refugee camps in Jordan, Lebanon and Israel.

But these nations will only live in peace and security with each other and with the international community if they recognize and respect Israel's existence, and genuinely seek to work in cooperation. Unless and until they prove that commitment, no new Arab Islamic state should be admitted into the international community of nations.

The best way that U.N. members can assist the Arab peoples of the Middle East is by encouraging them to pursue the principle expressed in the U.N. Charter as a precondition to genuine peace and



security: "to practice tolerance and live together in peace with one another as good neighbours" (Preamble, U.N. Charter).

The worst thing they can do is accept or support any unilateral initiative which undermines these values.

2. Security

A vote to recognize the Palestinian State is a vote to support terrorism.

The Palestinian National Authority has entered into a unity deal with Hamas. Hamas is likely to have a controlling influence within a new Palestinian State. It may even take over control, as it did in Gaza. As is well known, both the PLO's and Hamas' stated objective – their *raison d'être* – is to free Palestine from the Jewish nation. They promote *jihad* and propagate acts of terrorism in order to achieve their goals.

Here are some of the provisions of the Hamas Charter:

Article Five: Dimensions of Time and Space of the Hamas

As the Movement adopts Islam as its way of life, its time dimension extends back as far as the birth of the Islamic Message and of the Righteous Ancestor. Its ultimate goal is Islam, the Prophet its model, the Qur'an its Constitution.

Article Six: Peculiarity and Independence

The Islamic Resistance Movement is a distinct Palestinian Movement which owes its loyalty to Allah, derives from Islam its way of life and strives to raise the banner of Allah over every inch of Palestine. Only under the shadow of Islam could the members of all regions co-exist in safety and security for their lives, properties and rights. In the absence of Islam, conflict arises, oppression reigns, corruption is rampant and struggles and wars prevail.

Article Eight: The Slogan of the Hamas

Allah is its goal, the Prophet its model, the Qur'an its Constitution, Jihad its path and death for the case of Allah its most sublime belief.

Article Eleven: The Strategy of Hamas: Palestine is an Islamic Waqf

The Islamic Resistance Movement believes that the land of Palestine has been an Islamic Waqf throughout the generations and until the Day of Resurrection, no one can renounce it or part of it, or abandon it or part of it. No Arab country nor the aggregate of all Arab countries, and no Arab King or President nor all of them in the aggregate, have that right, nor has that right any



organization or the aggregate of all organizations, be they Palestinian or Arab, because Palestine is an Islamic Waqf throughout all generations and to the Day of Resurrection.

Article Thirteen: Peaceful Solutions, [Peace] Initiatives and International Conferences

[Peace] initiatives, the so-called peaceful solutions, and the international conferences to resolve the Palestinian problem, are all contrary to the beliefs of the Islamic Resistance Movement. For renouncing any part of Palestine means renouncing part of the religion; the nationalism of the Islamic Resistance Movement is part of its faith, the movement educates its members to adhere to its principles and to raise the banner of Allah over their homeland as they fight their Jihad: "Allah is the all-powerful, but most people are not aware."

If a Palestinian State is recognized at this point in time, Hamas and its allies, supported by Iran, will, in effect, be given free rein to launch ever more lethal terrorist attacks into the heart of the Jewish people.

The international community will have little power to control or limit the activities of terrorist forces within an independent, sovereign Islamic state.

The 1949 Armistice Lines are virtually indefensible. Given its narrow geographical dimensions, and the strategic position of the West Bank, a future attack launched from the 1949 Armistice Lines against Israel's nine-mile-wide 'waist', could easily split the country in two.

3. Rights of the Jewish people

In 1919, fifty-one nations met in Paris to sign the Covenant of the League of Nations, and so bring to an end years of conflict which resulted in millions of casualties. They decided that the peoples of the Middle East and Europe who had been occupied by Turkey and Germany should have their own homelands. The time of colonization was over. The West would help them to achieve true national independence through a system of Mandates, which they called a "sacred trust of civilization". In April 1920, Great Britain, France, Italy, the United States and Japan met in San Remo in Italy where they decided to create three Mandates for the former Turkish territories. Two were for the Arabs: Mesopotamia (which led to the modern state of Iraq) and Syria (which resulted in Syria and Lebanon). As a result, the Arabs got over 90% of the Middle East.



The third Mandate was for Palestine. Palestine was to become the national homeland of the Jews, a place where the Jews and all other inhabitants could live in peace and security. The core obligation is set out in Article 2 of the Mandate for Palestine:

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

In creating the Mandate for Palestine, the international community recognized the historical connection of the Jewish people to the land. They recognized that the Jews were reconstituting their former homeland. They recognized – as a matter of historical fact – that Jerusalem is a Jewish city, and that the Jewish people had been living for thousands of years in exile, banished from the land which lies at the heart of Jewish identity.

Secondly, the world recognized the right of the Jews to go home after 2000 years of persecution. Forced conversions, crusades, pogroms and ethnic cleansing had cost the lives of millions and millions of Jews in Europe. It was time to put an end to the suffering of the Jewish people. The ground of Europe was soaked in Jewish blood, because the Jews had no place they could call home. No safe haven. No place to hide. It was time to make amends.

Accordingly, the Mandate required the Mandatory to allow Jews to return to the land, and "while ensuring that the rights and position of other sections of the population are not prejudiced, [...] encourage [...] close settlement by Jews on the land, including State lands and waste lands not required for public purposes." (Article 6).

The world did not forget the Arab Palestinians when granting Palestine to the Jews. In the first place, the Allies laid the foundations for the creation of the modern States of Syria, Lebanon and Iraq. Second, the Mandate itself required the Mandatory to "safeguard the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion." Thirdly, in 1922, Transjordan was carved out of the Mandate for Palestine in order to give the Palestinian Arabs a homeland of their own. The Arab Palestinians achieved full independence in 1946 when Transjordan became the Hashemite Kingdom of Jordan. This means that the Arab Palestinians already have their homeland.



The obligations and rights created in the 1920s in relation to Palestine are still valid and binding today. Even though Great Britain withdrew as Mandatory in 1948, that did not and could not terminate the terms of the Mandate itself. Neither did the violent Arab opposition to the Mandate, nor the 1947 Partition Plan (as its name implies, it was no more than a proposal, never adopted or implemented), nor the dissolution of the League of Nations and the establishment of the United Nations after WWII, nor the many different proposals, road maps and peace talks that have been proposed since 1967.

On the contrary, Article 80 of the U.N. Charter states that the rights and obligations under the Mandate remain binding on all U.N. members: "... nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties."

The Preamble to the U.N. Charter states that the Members are determined to "create conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." The members of the United Nations must therefore honour their commitments under the Mandate for Palestine to the Jewish people. Nothing must be allowed to compromise those commitments.

The Jews have paid a heavy price already. We must not ask them to pay more. Between 1920 and 1949, millions of Jews were killed in Europe because the borders of Palestine and the nations were closed. In the same period, persecution and anti-Semitism forced around 800,000 Jewish refugees to abandon their homes and possessions in these and other Arab countries in the region – from Baghdad, Damascus and Tehran to Cairo, Tripoli and Tunis. Israel has absorbed all of these refugees. Since 1948, thousands of Jews have been killed in Palestine as a result of the many wars Israel has fought against its neighbours, and the terrorist attacks by its enemies.

4. Negotiations

The Palestinians claim Statehood based on the so-called "pre-1967 borders".



At the meeting of Arab League Foreign Ministers on November 12th in Cairo, , Mr. Abbas again said (in Arabic) <http://www.palpress.co.uk/arabic/?Action=Details&ID=66084> that the UN bid is to establish borders on 1967 lines and with Jerusalem as its capital, and to render these issues non-negotiable. He added that when he said that he would immediately return to the negotiation table, it meant with this precondition.

The "pre-1967" borders means the 1949 Armistice Lines. These were ceasefire lines only, adopted by Israel and its enemies in Armistice Agreements designed to end a conflict which was created when Israel was attacked by hostile Egypt, Syria and Jordanian forces. The parties explicitly stated that these lines were not to prejudice the parties' underlying rights. 1949 Lines are NOT internationally recognized borders. There is therefore no legal or historical basis for adopting these lines as the basis for determining Israel's borders with a new State.

This is reflected in U.N. Security Council Resolution 242, which provides the framework within which negotiations have been pursued since 1967. The Resolution states that the establishment of just and lasting peace in the Middle East "should include" the application of two "principles". Each principle is of equal importance, and neither of these principles can be applied without the other. The first principle is that Israel should withdraw armed forces from territories occupied during the Six Day War, and the second principle is the termination of claims or states of belligerency and respect for the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

It should be noted that Resolution 242 explicitly and expressly does not require Israel to withdraw all of its forces from all of the so-called "occupied" territories.

Israel has complied with the first principle by withdrawing from many parts of the occupied territories, including the whole of the Gaza Strip in 2005. Instead of supporting moderate Arab Palestinian elements, Israel's withdrawal has only resulted in increased terrorist attacks.

Allowing the creation of an Islamic, *Judenrein* state, covering all of these territories would clearly be in fundamental breach of the principles set out in Resolution 242.



Finally, the Oslo Agreements oblige Israel, the Palestinians and the international community to pursue a negotiated solution in which the rights of all parties to "live in peace within secure and recognized boundaries free from threats or acts of force" are guaranteed. Oslo II clearly established that "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the Permanent Status negotiations" (Article 31).

Imposing a solution without the consent of Israel is also in clear breach of the Oslo Agreements. Acceptance of the PLO's proposal will potentially mean the end of the peace process as envisaged in Oslo.

5. Jerusalem

The Palestinians claim "East" Jerusalem as capital of their state. The most important part of East Jerusalem is the Old City of Jerusalem. The Old City is the heart of Jerusalem. It comprises the Temple Mount and the Western Wall, as well as the Jewish, Christian, Armenian and Muslim Quarters. It includes many places of great significance for Christians, Muslims and Jews worldwide. In fact, until the early 1900s, Jerusalem was the Old City.

The Old City is important for Christians and Muslims. It is therefore important that whoever has control of the Old City protects the interests of Christians and Muslims.

For the Jews, however, the Old City of Jerusalem is not just important, it is essential. The Jewish identity is inexorably linked to the Old City. That is where the Temple was built, and rebuilt. It is where Kings of Israel reigned. It is where they believe their Messiah will come. Since the destruction of Jerusalem in 135 AD, Jews worldwide have been praying daily to return to Jerusalem. Jerusalem is the essence of the Jewish people. It is their past, their present and their future.

The Jews have always had a strong presence in Jerusalem. Jerusalem has never been an "Arab" city, nor has East Jerusalem been "Arab". In 1881, for example, the total population of Palestine numbered about 300,000, comprising 30,000 Jews, 55,000 Christians, 65,000 nomads, (Bedouins) and about 141,000 Muslims (comprising Arabs, Turks, Caucasians, Bosnians and Druze). In that year, Jews constituted 52% of the Old City population. In 1914, Jews constituted 42% of the Old City



population. In 1948, there were 100,000 Jews in Jerusalem, and 65,000 Arabs. By June 1993, a Jewish majority was established in East Jerusalem: 155,000 Jews were officially registered residents, as compared to 150,000 Palestinians.

At the end of 2008, the population of East Jerusalem was 456,300, comprising 60% of Jerusalem's residents. Of these, 195,500 (43%) were Jews, (comprising 40% of the Jewish population of Jerusalem as a whole), and 260,800 (57%) were Muslim (comprising 98% of the Muslim population of Jerusalem).

The Jews' dedication to Jerusalem is shown by the way that - under their rule since 1967 – Jerusalem has been returned to its former glory. Until 1967, when Israel took over control, the Old City was neglected. For the Arabs and Ottomans until 1917, it was uninteresting. Once Jerusalem came under British control in 1917 and the Jews started returning, things gradually improved. Since 1967, the Jews have taken great care and spent much money to restore and rebuild the Old City. Today, Jerusalem is a beautiful, thriving city, home to people of many nationalities, races and religions. Only Jewish sovereignty over Jerusalem can guarantee that the Old City and all of its Holy Places will be protected – Jewish, Christian and Muslim.

Mr. Abbas and other Palestinian leaders have repeatedly and publicly declared that they will evict all Jews from the State of Palestine, including from the Old City of Jerusalem. In all likelihood, the Old City will return to the *status quo* when it was occupied by Jordan from 1948-1967. Under Jordanian rule, all Jews were expelled from the Old City, and most Jewish buildings, including over 30 synagogues, were destroyed and desecrated. If the Old City of Jerusalem becomes the capital of a Palestinian State, there is no guarantee whatsoever that Christian and Jewish Holy Places will be protected, let alone Christians and Jews themselves.

APPENDIX 1 - THE BRITISH MANDATE (1922)



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APPENDIX 2 - THE SEPARATION OF TRANSJORDAN (1922)



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APPENDIX 3 - THE 1949 ARMISTICE LINES

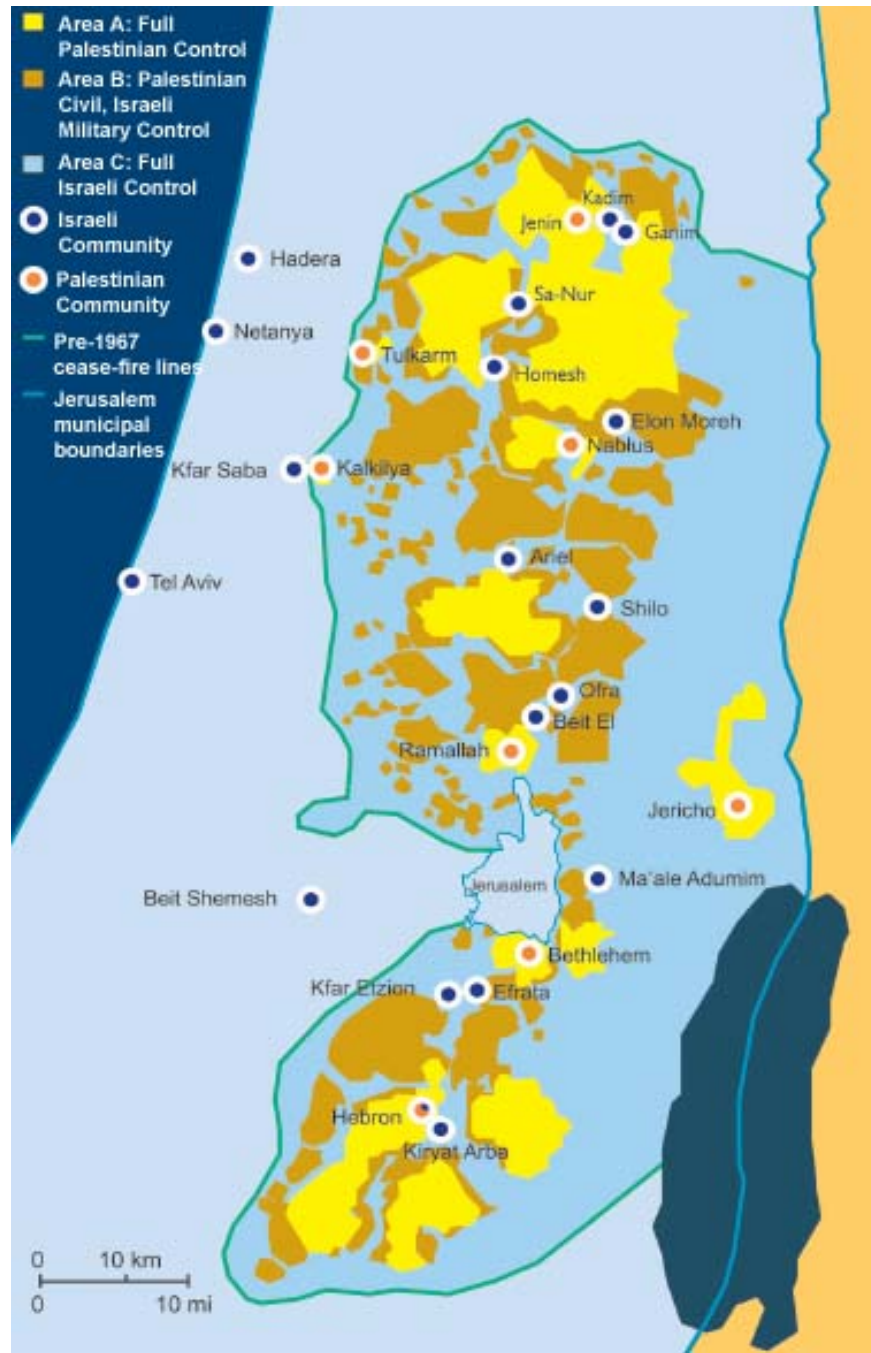


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APPENDIX 4 - JERUSALEM SHOWING THE 1949 ARMISTICE LINES ("GREEN LINE")



APPENDIX 5 – JUDEA AND SAMARIA (THE "WEST BANK")





APPENDIX 6 – OPEN LETTER BY EUROPEAN LEADERS

The following letter was presented to the Middle East office of the Secretary General of the United Nations on Thursday, September 22nd, 2012 in relation to the September 2011 application by Mr. Mahmoud Abbas, the President of the Palestinian Authority to the U.N. Security Council for Palestine to be admitted as a United Nations Member. The letter, plus an information pack consisting of the film "Give Peace a Chance", a research document on the Legal foundations of Israel and petitions from Germany, Finland and Italy has also been delivered to the UN Secretary General **Ban Ki-Moon**.

***Open Letter to the Secretary-General of the United Nations and the Members of the U.N.
Support negotiation based on mutual respect.
Say "No" to unilateral Palestinian State***

September, 2011

We, leaders and former leaders in Europe, long for real and lasting peace in the Middle East.

We share the sense of frustration about the stalled negotiations between Israel and the Palestinian leadership. We recognize the plight of the Palestinian refugees, and we are committed to a solution that respects the interests of all peoples in the region.

BUT we are deeply concerned by the possibility that the Members of the United Nations will vote to recognize a unilaterally declared State of Palestine with borders based on the 1949 Armistice Lines.

A Resolution of the Security Council or General Assembly would not *per se* result in the creation of a new State. But it would send a powerful political signal, increasing the likelihood that such a State will come into existence.

Recognizing a unilateral Palestinian State, with borders based on the 1949 Armistice Lines, would be a fundamental mistake. Once a Palestinian State is created, there is no turning back. A State cannot be "undone" when things go wrong.

1. **Mutual recognition.** No solution – and certainly not a unilaterally imposed solution - will advance peace in the long term if it is not based on mutual recognition and respect. Israel's legitimacy as a Jewish State must not and can not be questioned. The Palestinian National Authority refuses to recognize Israel as a Jewish State. A Palestinian State should not be recognized unless it accepts Israel's existence as a Jewish State.
2. **Israel's borders.** The Palestinians claim Statehood based on the so-called "1967 borders". This is a reference to the 1949 Armistice Lines. There is no legal or historical basis for adopting these lines as the basis for determining Israel's borders with a new State. On the contrary, these are ceasefire lines only. In the 1920s, the international community guaranteed the Jewish people a safe homeland in Palestine. Recognition of a unilaterally declared Palestinian State on the basis of the 1949 Armistice Lines would completely violate the legal rights already granted under international law to the Jewish people with respect to Jerusalem, Judea and Samaria.



3. **Negotiations.** Recognizing a unilaterally declared Palestinian State would conflict with UN Security Council Resolution 242, and completely undermine the existing framework of agreements since 1967, all of which are based on the principles of mutual recognition and negotiations to settle all final status issues – including the status of Jerusalem, definition of safe and secure borders and resolution of the Palestinian refugee problem.
4. **Security.** Hamas is likely to have a major influence within a new Palestinian State. Its stated objective - its *raison d'être* - is to eliminate the Jewish nation. If Hamas and its allies are effectively given the right to attack the Jewish people from within the 1949 Armistice Lines, Israel's very existence will be under threat.
5. **Jerusalem.** Jerusalem must not be divided but must remain open for people of all faiths under Jewish sovereignty. Only Jewish sovereignty over Jerusalem can guarantee that the Old City and the Holy Places will be protected. The Old City was completely closed for Jewish worshippers during the Jordanian occupation from 1948-1967, and many synagogues were destroyed and desecrated. The same is likely to happen if "East Jerusalem" falls under control of the Palestinians.

We are convinced that the way to peace is through mutual acceptance, bilateral agreements and genuine cooperation - not through one-sided unilateral measures.

We call on the international community to embrace these principles, and vote against recognition of a unilateral Palestinian State, thereby keeping alive the chances of genuine reconciliation and real peace.

Signed:

Gabriele Albertini, MEP, Chairman of the European Parliament Foreign Affairs Committee, Italy

Bastiaan Belder, MEP and Chairman of European Parliament Delegation to the Knesset, Netherlands

Magdi Cristiano Allam, MEP, Italy

Luigi Campagna, Senator, Italy

Paulo Casaca, Former MEP, Portugal

Jeffrey Donaldson, MP, United Kingdom

Annelie Enochson, MP, Sweden

Sari Essayah, MEP, Finland

Lothar Klein, former MEP, Germany

Lucio Malan, Senator, Italy

Morten Messerschmidt, MEP, Denmark

Marcello Pera, Senator, Former President of the Senate, Italy



Kees van der Staaij, MP, Leader of the Reformed Christian Party, The Netherlands

Cyril Svoboda, Former Foreign Minister, Czech Republic

Hannu Takkula, MEP, Finland

Gert Weisskirchen, Former MP and OSCE Representative in the Fight against Anti-Semitism, Germany