

Palestinian Statehood on the Agenda

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The alacrity with which a lame duck U.S. Congress passed legislation against Palestinian aspirations to independence should cause alarm bells to ring, and loudly. That this Congress would so openly endorse the position of Benjamin Netanyahu's intransigent government is not surprising. What is surprising is the message that the hastily passed bill sent regarding profound changes in the attitude of the "international community" towards an increasingly rogue state Israel. For, the Congress was not putting forward an objective statement regarding the Mideast conflict, it was reacting - hysterically - to the threat of punitive actions by powerful institutional forces against Israel. Increasingly, leading factors on the world political scene are signaling that they are fed up with Israel's continuing sabotage of negotiations and are preparing to introduce corrective action if it continues.

The facts of the matter are the following: On December 15, the Congress passed Res. 1765 by a voice vote (<http://www.govtrack.us/congress/bill.xpd?bill=hr111-1765>). Presented by Rep. Berman (with colleagues Poe, Berkley, Ros-Lehtinen, Ackerman, and Burton), the resolution ticks off a list of "Whereases": on the one hand, the Palestinians are "pursuing a coordinated strategy of seeking recognition of a Palestinian state within the United Nations, in other international forums, and from a number of foreign governments;" and some Latin American governments are moving in that direction; and, on the other, Secretary of State Clinton has repeatedly said only negotiations can lead to a Palestinian state, a position endorsed by Israel; the Congress therefore opposes any such recognition strategy, calls on Palestinians to cease and desist from such efforts, and rather return to negotiations. The resolution ends with a call on the Administration to "affirm that the United States would deny recognition to any unilaterally declared Palestinian state and veto any resolution by the United Nations Security Council to establish or recognize a Palestinian state outside of an agreement by the two parties."

The PLO Executive Committee denounced the bill as "blunt and completely biased in favor of Israel and occupation." In a statement, the Palestinian Delegation to the US expressed its "deep disappointment," and said the Congress was "misinformed as to the facts." It said: "The Palestinian right to freedom and self-determination is not contingent on the approval of the state of Israel, which has been militarily occupying and colonizing the West Bank, Gaza Strip, and East Jerusalem for more than 43 years in violation of international law and the policies of the United States and the international community." The statement noted that "the state of Israel came into being in 1948 as a unilateral step."

It is important to stress that the resolution did *not* come in response to the Palestinian Authority's having made any such unilateral declaration of independence. However, discussion of such an initiative has been spreading since Israel rejected the "incentives" proposed by the Obama government for it to halt settlements: In addition to \$3 billion more in military aid, the US government had reportedly offered Israel a mafia-style protection

option, whereby Washington would shoot down any attempt in the United Nations to condemn or sanction Israel – or to act on a unilateral declaration of independence by the Palestinian Authority. The mere suggestion that any country should require such protection by a superpower is tantamount to a declaration of moral bankruptcy by that country, but that is not the point. The point is that Israel flatly rejected it, thus signaling its commitment to continue taking over Palestinian land in fulfillment of the radical Zionist vision of a Greater Israel. And “to hell with the rest of the world,” Netanyahu might have added.

The Palestinian side had no choice but to insist it would not restart direct talks until Israel froze the settlements. Despite Special Envoy George Mitchell’s good intentions, it is unlikely that anything will come of renewed “indirect” talks. By now, politically astute observers have understood that Israel’s willingness to engage in such indirect talks is merely a ruse to provide cover for continuing colonization.

Unilateral Declaration of Independence

What options are left for the Palestinians in this situation? One option is to abandon the format thus far unsuccessfully adopted, and explore a different venue for solving the conflict, to wit, the United Nations. On November 9, *PressTV* reported negotiator Saeb Erekat’s statement, “Israeli unilateralism is a call for immediate international recognition of the Palestinian state.” His remarks came on the heels of Israeli announcements that 1,300 new housing units in occupied East Jerusalem had been approved. Palestinian Prime Minister Salam Fayyad, who has been feverishly working on the West Bank to establish the infrastructure for a future Palestinian state, indicated that if peace talks failed, a unilateral declaration of independence could be on the agenda. Later, on December 16, Erekat was quoted as saying that this was not the case and was indeed not necessary; in fact, he said, the Palestinians had already declared their independence in 1988. “Now it’s up to the international community to declare recognition of our independence.” Confirming the PA’s recognition of the state of Israel, he added that it was now “up to the international community to stand firm and recognize Palestine on the 1967 lines with Jerusalem as its capital.” *Arab News* reported on December 16 that Palestinian negotiator Nabil Shaath had just asked the EU and several member states to recognize a Palestinian state in the 1967 borders.

In point of fact, since that 1988 declaration, over 100 members of the United Nations have recognized Palestine as an independent state. Most recently, Brazil, Argentina, Uruguay, and Norway declared their support. The Israelis predictably went through the roof. A Foreign Ministry statement said, “Recognition of a Palestinian state is a violation of the interim agreement signed by Israel and the Palestinian Authority in 1995, which established that the status of the West Bank and the Gaza Strip will be discussed and solved through negotiations.” It also claimed that such a stance violated provisions in the Oslo Accords and the Road Map – as if the Netanyahu government had ever respected the provisions of those agreements.

European Elder Statesmen Launch Challenge

The Israeli establishment is clearly panicked by the mere suggestion that the entire Middle East dossier might end up at the United Nations. And this is precisely what a group of august former political leaders in Europe – foreign ministers, prime ministers, and other luminaries – has urged the European Union and its member states to explore. In an

intervention into current affairs which is as unusual as it is timely, the group of elder statesmen addressed an open letter to the EU Heads of Government and their Ministers of Foreign Affairs, as well as Herman van Rompey, EC President, and Lady Catherine Ashton, High Representative for Foreign Affairs and Security Policy (<http://www.ag-friedensforschung.de/regionen/Nahost/promis-letter.html>). Among the members of the European Former Leaders Group who signed the letter are: Chris Patten, Hubert Vedrine, Giuliano Amato, Roland Dumas, Lionel Jospin, Romano Prodi, Helmut Schmidt, Clare Short, Javier Solana, and Richard von Weizsaecker. The letter makes reference to the twelve “Council resolutions on the Middle East peace process,” which the EU Foreign Affairs Council adopted on December 8, 2009, almost exactly one year ago. Since then, they write, “we appear to be no closer to a resolution” and the reason is that “developments on the ground, primarily Israel’s continuation of settlement activity in the Occupied Palestinian Territory (OPT), including in East Jerusalem pose an existential threat to the prospects of establishing a sovereign, contiguous and viable Palestinian state also embracing Gaza, and therefore pose a commensurate threat to a two-state solution to the conflict.”

The elder statesmen urge the EU therefore to “revisit the principles” and “establish new steps” in its December 2010 meeting. Specifically, the former leaders demand that EU “identify concrete measures to operationalize its agreed policy and thence move to implementation of the agreed objectives.” The text goes on to quote from the 2009 Council document, and to demand that the recommendations be enforced. But in every one of the twelve points referenced, the VIPs note that what had been agreed upon in 2009 has been sabotaged by Israel. For example: they recall earlier demands for resumption of negotiations, and add that they indeed welcomed the resumption of talks in September 2010, but “it gives us grave concern that the current talks lack a clear framework or terms of reference, and stalled as soon as they commenced on account of continued settlement construction by Israel.” Lamenting the “deterioration of the situation on the ground,” which jeopardizes the two-state solution, the document recommends that the EU, in cooperation with the US, UN, Russia, Arab League etc. “put forward a concrete and comprehensive proposal” to resolve the conflict.

The document states: “We believe the EU should at the December 2010 Council meeting set a date at which it will take further action. It should for example say that if there is no progress by its next meeting scheduled for April 2011, this will leave the Council with no alternative but to refer the matter to the international community to enable the latter to lead efforts to define a vision and a strategy for a resolution of this conflict.”

Who is the “international community” here? Obviously, the United Nations.

The VIP letter quotes further from the EU Council’s 2009 document to the effect that the EU “will not recognize any changes to the pre-1967 borders including with regard to Jerusalem, other than those agreed by the parties.” Now, in response to unilateral measures by Israel, “we recommend that the EU reiterate its position that it will not recognize any changes to the June 1967 boundaries, and clarify that a Palestinian state should be in sovereign control over territory equivalent to 100% of the territory occupied in 1967, including its capital in East Jerusalem.”

In a later paragraph, the document reaffirms its commitment to Israel’s security and to developing bilateral relations, including its accession to the OECD. “Yet Israel has continued with settlement construction in the OPT, including East Jerusalem, and refused to negotiate

seriously on terminating occupation and the establishment of an independent and sovereign Palestinian state.” The letter complains that, although the EU has always considered settlements illegal, it “has not attached any consequences for continued and systematic Israeli settlement expansion in the OPT, including East Jerusalem.” The elder statesmen propose that any further enhancement of bilateral relations with Israel be blocked until Israel freezes the settlements. Furthermore, they recommend “in the strongest possible terms” that the EU review the legalities of agreements with Israel: specifically, they say that goods produced in the OPT (“prohibited by international law and considered unlawful by EU policy”) must not enjoy benefits; the EU must “bring an end to the import of settlement products which are, in contradiction with EU labeling regulations, marketed as originating in Israel.” Without masking irritation, they add: “We consider it simply inexplicable that such products still enjoy benefits under preferential trade agreements between the EU and Israel.”

Not only should the EU deny Israel such privileges, but it should punish it for having resumed settlements, which the EU has “for decades” declared to be illegal. “Like any other state, Israel should be held accountable for its actions,” the letter says. “It is the credibility of the EU that is at stake”- a notion repeated several times in the letter.

Moving on to the deterioration of the situation in East Jerusalem, the VIPs call for action: “We believe that a high-level delegation led by the High Representative for Foreign and Security Policy and including EU foreign ministers should visit East Jerusalem as a matter of urgency to draw attention to the erosion of the Palestinian presence there, and report back to the EU with an agenda of proposals to arrest and reverse the deterioration of the situation on the ground.”

Regarding Gaza, the letter calls for opening the borders to allow normal trade. It recommends the EU contribute to Palestinian internal reconciliation through offers of development assistance to the West Bank and Gaza equally. In conclusion, the document recalls that the EU has made “substantial” outlays of tax-payers’ money over the past two decades to promote a two-state solution. If no political progress is forthcoming from the Israeli side, then “Israel should be required to shoulder its obligations as the occupying power.”

The elder statesmen’s initiative is truly remarkable, and indicates that institutional forces in Europe, but also in the Arab world and the US, have decided to break taboos, and treat Israel like any other nation.⁽¹⁾ At the end of the text, the VIPs note the desire on the part of many Arabs “and prominent Israelis” to see the EU assume a more pro-active role in finding a solution. Significantly, they add: “Senior figures in the United States are also signaling to us that the best way to help President Obama’s efforts is to put a price tag on attitudes and policies that run counter to the positions that the US president himself has advocated.” The White House had, prior to the letter’s publication, acknowledged Israel’s refusal to stop settlements as a *fait accompli*.

Whether or not the EU leaders will welcome the recommendations of their senior peers is a question mark. But the fact that such prominent figures have spoken out in this form is important. They have essentially challenged the EU - and very publicly - to live up to its promises, as articulated in its 2009 document, and finally take political action vis-a-vis Israel. Predictably, the Israelis responded with a combination of hysterical denial and veiled threats. Foreign Ministry spokesman Yigal Palmor was quoted December 12 in the *Jerusalem Post*, saying, “It is difficult to see how the call for sanctions and Israel’s isolation will

promote peace, but clearly this will diminish the EU's capability to play a constructive role in promoting peace in the region." He railed that "the settlements never constituted an obstacle to peace and to territorial withdrawal," and said the EU, with such a posture, would only "totally sideline" itself from the process.

Back to the United Nations

The most intriguing question now on the table is: what would happen if the Mideast conflict were handed back to the UN? In the General Assembly there is little doubt that an overwhelming majority would vote to recognize a sovereign, independent Palestinian state within the 1967 borders. What about the Security Council? What would the US do?

About a year ago, on November 9, 2009, *World Net Daily* cited Israeli sources to the effect that Obama was considering the option of recognizing a Palestinian state on the West Bank and Gaza, regardless of what negotiations might bring. The article also referenced Palestinian sources who said the US president had agreed to PA Prime Minister Salam Fayyad's plan to establish a state within two years, i.e. by 2011. According to *Haaretz*, Fayyad had made a secret agreement with Obama whereby the PA, together with the Arab League, would file a "claim of sovereignty" with the UNGA and Security Council. Fayyad had reportedly discussed the plan with representatives of the UK, France, Spain, and Sweden, and had told Israelis that the US president was not opposed. This account may or may not be accurate; but, Netanyahu, in Washington at the time, did pressure Clinton and Mitchell to do everything possible to sabotage such a scenario. And Defense Minister Ehud Barak also raised the issue while in Washington this December. Then came the Congressional Resolution.(2)

The noose is tightening around Netanyahu's political neck. As these developments indicate, the "international community" is no longer willing to sit back and watch as Israel crosses one red line after another. Whatever Obama's real sentiments and intentions, it is obvious that no American president can revel in being treated like an underling by a rogue state. If, as the European VIPs stressed in their letter, the credibility of the EU is at stake, then the credibility of the US, not to mention the UN, is as well.

Pressures are coming down on Israel from many sides and this can only enhance the process of breaking taboos and abandoning double standards. To mention one salient example: while Ehud Barak was lobbying in Washington for yet another round of sanctions against Iran, the Australian Foreign Minister Kevin Rudd called for Israel to join the NPT. As reported by *PressTV* on December 15, he said his government's view was that "all states in the region should adhere to the NPT, and that includes Israel. And therefore," he added, "their nuclear facility should be subject to IAEA inspection." His Israeli counterpart, Avigdor Lieberman, rejected it out of hand. But a consensus has been growing in the IAEA, as seen in its September meeting, for Israel to come clean on its nuclear program.

The former European leaders are right in stressing that time is of the essence, and their successors must intervene now, to avoid new conflict. The situation in Lebanon is deteriorating, with attempts to inculcate Hezbollah for the murder of Rafiq Hariri. Suicide bombings and assassinations of scientists organized by foreign-backed terrorist groups in Iran are creating a dangerous climate of tension at a time when a real possibility to solve the nuclear issue is emerging. In Iraq, sectarian terrorism is threatening to thwart attempts at building a stable government. And Israel, with its back against a wall, could very well lash out against any one of its perceived enemies: Hamas, Hezbollah, and/or Iran.

1. A retired German diplomat Dr. Gerhard Fulda, presented a paper to the German-Arab Society last year in which he proposed a similar radical change in Germany's and Europe's approach to Israel, specifically suggesting that the EU impose economic sanctions on Israel and withhold development aid.

2. Curiously, among the hundreds of thousands of diplomatic cables leaked by WikiLeaks, there have been none concerning US-Israeli relations, although they rank high on Washington's foreign policy agenda. An article in *Indymedia* on December 7, "WikiLeaks 'struck a deal with Israel' over diplomatic cable leaks," cites Arab and other sources to the effect that Assange accepted payment to keep Israel out of the leaks (<http://www.indybay.org/newsitems/2010/12/07/18665978.php>). Such diplomatic correspondence would certainly shed interesting light on the debate around Palestinian statehood.

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