



FACTS ON THE PALESTINIAN CAMPAIGN TO UNILATERALLY DECLARE STATEHOOD

- The people and government of Israel support the establishment of an independent Palestinian state created through bilateral negotiations.
- A unilateral declaration of statehood by the Palestinians will violate Israel-Palestinian agreements and effectively mark the end of the peace process.
- It will contravene “land-for-peace” - the four decade-old internationally-supported formula for Israeli-Palestinian peace.
- It will leave the core issues of the Israeli-Palestinian conflict unresolved and festering, including borders, refugees and Jerusalem.
- Unilaterally declared independence will not provide Palestinians with a viable and sovereign state, and is likely to raise expectations of the Palestinian people which cannot be met.

ISRAEL’S COMMITMENT TO A NEGOTIATED PEACE

Israel supports the establishment of an independent Palestinian state created through negotiations. The vast majority of Israelis and American supporters of Israel support the establishment of a Palestinian state which lives side by side in peace and security with the Jewish State of Israel. Such support assumes that this state is created in the spirit of peace and reconciliation and is the outcome of direct negotiations between Israel and the Palestinian Authority.

Israel has demonstrated its willingness to make serious concessions for peace, including through the exchange of land for a peace agreement. Israel withdrew from the Sinai in order to achieve a peace agreement with Egypt in 1979. In the 1990’s, Israel withdrew from major Palestinian populations centers to further the Israeli-Palestinian negotiations process. In 2005, Israel fully withdrew from the Gaza Strip and uprooted settlements in the interest of promoting reconciliation.

While there is understandable frustration and discouragement at the pace, violations and regular breakdowns of Israeli-Palestinian negotiation, and added complications related to the

Fatah-Hamas reconciliation agreement, bilateral negotiations are the best means for the realization of a two-state solution.

WHAT A UNILATERAL DECLARATION OF STATEHOOD MEANS FOR THE PEACE PROCESS

A Palestinian unilateral declaration of independence (UDI) is a provocative and hostile action which will establish a Palestinian state born in confrontation with the State of Israel.

A UDI would violate signed agreements with Israel, in particular the 1995 Interim Agreement which states 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.” It is important to note that the United States, European Union, the Russian Federation, Egypt and Norway are signatories to the Interim Agreement as witnesses. It will effectively end the Israeli-Palestinian peace process.

The negotiated land-for-peace framework has been accepted by the international community since the adoption of Security Council Resolution 242 in 1967. Since the 1990’s, Israel and the Palestinians have actively engaged in direct negotiation based on reaching an agreement based on land-for-peace. This aggressive unilateral action will violate the letter and spirit of this internationally-embraced fundamental principle. It would be inappropriate for the United Nations and the international community to reject existing Israel-Palestinian agreements and decades-old Security Council mechanisms to promote peace and reconciliation.

Given the atmosphere of hostility and non-cooperation, it is unrealistic to assume that negotiations on outstanding issues, such as final borders, refugees, Jerusalem and settlements, can resume/commence following a unilateral declaration of statehood.

ISRAEL’S OPTIONS

Israel has no choice but to oppose UDI by the Palestinians. Israel cannot be expected to react in a benign fashion to a Palestinian state established not in the spirit of cooperation, but of confrontation and non-cooperation.

One of Israel’s basic requirements in peace negotiations with the Palestinians are iron-clad security guarantees. A state established out of UDI will be created without any mutually-negotiated security guarantees and procedures. Nor will this newly created Palestinian state have formally recognized the existence and borders of the State of Israel, nor announced the end of conflict – fundamental matters which would have been settled through negotiations. Israel will have no choice but to view this entity with (at the very least) suspicion and wariness.

IMPLICATIONS FOR THE PALESTINIAN PEOPLE

A unilateral declaration will not bring great benefits to the Palestinians. UDI is likely to be a largely symbolic act. It will not provide Palestinians with a viable and sovereign state, and it is likely to fail to meet the expectations of average Palestinians.

On a practical level, at best, UDI will create a Palestinian state with non-contiguous borders on less than 40% of the territory of the West Bank (what might happen in Gaza remains to be seen). No provisions will be in place for Palestinian access to water, electricity, the road network and telecommunications which are managed by and in Israel. Moreover, core issues in the Israeli-Palestinian conflict will remain unresolved and festering, including final borders, refugees, Jerusalem. Such a makeshift and ill-functioning state, independent only in theory, will likely lead to widespread dissatisfaction and frustration among Palestinians.

Indeed, the “Palestine Papers” - memos from the Palestinian Authority’s Negotiations Unit which were leaked to and published by Al-Jazeera in early 2011– reveal that the PA’s own experts have argued repeatedly to Palestinian leadership that UDI is an unwise strategy. In recent weeks, Guy Goodwin-Gill, an Oxford law professor and a member of the legal team which pursued a judgment against Israel at the International Court of Justice regarding the security barrier in 2004, concluded in a legal opinion requested by the PA that “[U]ntil such time as a final settlement is agreed, the putative State of Palestine will have no territory over which it exercises effective sovereignty, its borders will be indeterminate or disputed, its population, actual and potential, undetermined . . .” and “it will fall short of meeting the internationally agreed criteria of statehood . . .” He also noted that a unilateral declaration would “disenfranchise” Palestinian refugees living outside the area administered by the Palestinian Authority. Goodwin-Gill went so far as to state that as a result of the actions being contemplated by the Palestinian leadership place “[T]he interests of the Palestinian people are at risk of prejudice and fragmentation . . .”

THE ROLE OF THE INTERNATIONAL COMMUNITY

UN and international community support for UDI will mean a rejection of existing Israeli-Palestinians agreements and UN mechanisms to promote peace. It would be inappropriate for the United Nations and the international community to support UDI which would effectively mean the demise of existing Israel-Palestinian agreements and decades-old Security Council mechanisms to promote peace and reconciliation. Furthermore, given the Fatah-Hamas reconciliation, international recognition of an independent Palestinian state at this time will represent international acceptance of Hamas, a genocidal terrorist organization, ideologically dedicated to the violent eradication of the State of Israel, and the rejection of reconciliation with the Jewish state. The international community must reject Palestinian plans to act unilaterally and urge the PA to separate from Hamas and resume negotiations with Israel.