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UN bid moves forward amidst legal debate

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RAMALLAH, September 17 (JMCC) – The Palestinian initiative to become a United Nations member state has led to speculation about the legal ramifications of the move.

In a televised address, Palestinian president Mahmoud Abbas announced Friday that he will lead a delegation of Palestinian officials to the United Nations in New York next week asking the Security Council to recognize a Palestinian state.

The [Palestine Liberation Organization](#) currently has observer status at the UN, and while officials say that they will continue to represent all Palestinians, critics worry that the statehood bid will delegitimize the organization's role.

“The key element of concern is that the PLO will be replaced by the state as the representative of the Palestinian people at the UN,” former PLO official Karma Nabulsi said in an email statement.

Nabulsi commissioned legal scholar Guy Goodwin-Gill to issue a legal opinion regarding the effects of the United Nations bid.

In the opinion, Goodwin-Gill discusses the relationship between the Palestinian Authority and the PLO, suggesting that the Palestinian Authority is a subsidiary of the PLO, and therefore does not have the power to dissolve its parent body or govern outside of specified areas within the West Bank and Gaza Strip.

PLO spokeswoman Hanan Ashrawi responded that such fears should be put aside, however, and that the PLO remains the sole representative of the Palestinian people.

“The PLO represents all Palestinians, wherever they are, and not just the ones in the West Bank and Gaza,” she said, reaffirming the organization's commitment to the right of return for millions of Palestinian refugees.

The PLO, founded in 1964, is signatory to all signed agreements with Israel and has been an observer at the United Nations for over 30 years.

In his speech Friday, Abbas said concerns that the Palestinian political body will cease to represent Palestinians outside of the occupied West Bank and Gaza Strip were unfounded.

He also confirmed that the PLO will address its bid to the UN Security Council, where nine of its members will have to approve the bid, along with no vetos, in order for the resolution to succeed.

Abbas, who is head of both the Palestinian Authority and the PLO, will lead the initiative.

Proponents argue that statehood recognition will establish Palestine as an occupied state, as opposed to a disputed territory, in the international community.

“I believe this should be part of a whole strategy that relies on international law and replaces the negotiations,” said Shawqi Eissa, director of Ensan Center for Human Rights. He thinks Israel is using the negotiations process to maintain the status quo in the region, and that statehood will make diplomacy opposing alleged Israeli war crimes or policies more forceful.

The move will also give Palestinians greater access to the International Court of Justice. While the US has said it will veto the Security Council resolution, Palestinians could then appeal to the General Assembly for non-member state status similar to the Vatican. This would also provide greater access to international courts and agencies.

Writing in *The Guardian*, Mehdi Hassan criticized the Abbas government for not doing more with the influence it already has. He said that Abbas should have pushed for a Security Council debate on the UN’s Goldstone report, which charged the Israeli military of committing war crimes during its 2008-09 offensive in the Gaza Strip.

Abbas was widely criticized for allowing the report to lose momentum at the behest of the United States.

## DEMOCRATIC REPRESENTATION

Abbas first announced he would consider going to the UN in November 2010, following the breakdown in negotiations with Prime Minister Benjamin Netanyahu. Soon after a new round of bilateral talks began, Israel refused to extend a moratorium on settlement expansion in the West Bank, a prerequisite for Palestinian participation.

PLO officials then began asking UN member countries to recognize the state of Palestine on the borders occupied by Israel in 1967. Abbas said Friday that Palestinians have the support of 126 countries, enough to secure a two-thirds majority in the General Assembly.

The PLO declared Palestine a state in its 1988 declaration of independence. The document did not codify borders, but a subsequent PLO document mentioned the pre-1967 borders. Since 1993, the organization has been negotiating with Israel to achieve statehood along those borders of the West Bank, including East Jerusalem, and the Gaza Strip.

Ashrawi warned that if Israel continues to refuse a two-state solution with Palestine, then the two nations will become a defacto binational state.

In an email response to questions, Goodwin-Gill expressed “serious misgivings” that a sovereign Palestinian state will be possible due to Israel’s ongoing settlement policy. Although he thinks a less-than-sovereign state may increase the leverage of the Palestinian people, he wrote that Palestinian leaders still need to work on a plan to secure the “full democratic representation” of the Palestinian people.

Recently, some Palestinians have called for elections in the PLO's parliament in exile, the PNC, that would include all Palestinians in the diaspora. Currently, PNC members are nominated by committee and only residents of the West Bank and the Gaza Strip can vote in elections for the Palestinian Authority's legislature.

Eissa said the Palestinian initiative at the UN will have no effect on the rights of refugees. "Our demands as a Palestinian people to have a state on the '67 borders and to have the return of refugees are not conflicting," he said.