



Europe and the Palestinian Appeal for UN Membership

November 2011

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The Palestinian appeal for membership in the UN is a mine in the Israeli-European Union field. For the time, as long as the issue does not reach the moment of voting, the explosion and its aftermath are averted but the mine and the detonator are all to be seen. The vote, when and if it takes place, would once again touch the raw nerve which the 1967 Six Days War and Israel's occupation of the West Bank and Gaza Strip exposed.

Israel's reaction to Europe's position on the Israeli-Palestinian conflict is somewhat curious, especially when compared to Israel's reaction to the US position. It is Europe, both collectively and individually, that is the target of Israel's wrath, although it has been the United States that led the international community in most of the key functions in the Israeli-Palestinian conflict. There are key cases in evidence of which the Rogers Plan of December 1969 is probably the most important one. There and then the US position on the future borders of Israel with its eastern neighbors had been determined and has not been altered since. In that plan the US stipulated that the 1967 lines with minor, insubstantial, alterations would be the borders. All subsequent statements and documents made by US presidents and officials should be seen in light of that statement. When, a few months later, the British Secretary for


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Foreign Affairs delivered the Harogate Speech, he encountered a much angrier reaction by Israel. It is only later that the US became Israel's sole supplier of major weapon systems that could explain Israel's more mild approach to US statements and actions concerning the future of the Occupied Territories. In the immediate years after the Six Days War it was the deep residue of mistrust and distrust and the weight of history that determined Israel's attitude to the origin of the positions rather than their content.


Ten years later the EU came out with the Venice Declaration that has left a deep scar on the Israeli political mind. In the 13 June 1980 document the EU (then known as the European Community) had recognized the Palestinian People's right "to exercise fully its right to self-determination". The then 9 members of the EC expressed objection to "any unilateral initiative designed to change the status of Jerusalem" and declared that "the Israeli settlements constitute a serious obstacle to the peace process... (and)... are illegal under international law". The Venice Declaration, with minor changes, became the cornerstone of the EU position on the Israeli-Palestinian conflict and a constant irritation in the bilateral relations, although it has been just a hairbreadth distant from the US position. (Over the years, the US has ceased to refer to the legality aspect of the settlements.)

The two sides have gone to build strong economic and scientific cooperation, but the political impact of the Venice Declaration on Israel's attitude to Europe has never diminished. That, in spite of the



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deep changes that occurred in Israel's own position on the Palestinian issue.

A flood of EU statements that have come out almost once a month, in the wake of the EU Foreign Ministers' meetings, had done little to change Israel's view of the European attitude, leaving both sides frustrated and suspicious of each other. The widening of the EU in 2004, that added several friendly states, has slightly contributed to moderate the language but hardly changed the Israeli basic attitude.

Speaking to the Arab League on 15 March 2010, the new EU High Representative Catherine Ashton repeated in detail the EU position:

- The EU aim is “a viable state of Palestine in the West Bank including East Jerusalem and the Gaza Strip, on the basis of the 1967 lines”.
- “A way must be found to resolve the status of Jerusalem as the future capital of Israel and Palestine”.
- Recent Israeli decisions to build new housing units in East Jerusalem had endangered and undermined the tentative agreement to begin proximity talks.
- Settlements are illegal, constitute an obstacle to peace and threaten to make a two-state solution impossible.
- The blockade of Gaza is unacceptable.

Ashton indicated the acceptance of the Arab League initiative of 2002 that calls for Israeli withdrawal to the 1967 lines, making East Jerusalem the capital of the Palestinian State and calls for a just and agreed solution to the Palestinian refugees' problem according to General

Assembly Resolution 194. Furthermore, the High Representative was calling for the implementation of that initiative.


The Palestinian move in the UN to gain membership has confronted the EU with a dilemma. The request meets little opposition in terms of substance among most of the EU member states but it confronts them with some procedural issues such as the need to refer, in deciding on the response, to issues that are outside the UN mandate such as determining borders and capitals. The Palestinian request negates also the call of the Quartet, in which the EU is a partner, to the Israelis and Palestinians to resume direct negotiations. It is clear that adopting a resolution, even if just in the General Assembly, rather than the Security Council, would put a spoke in the wheels of negotiations.

Though Israel is resigned to the possibility that, if brought to a vote, the resolution would pass, it invested a full-scale diplomatic effort in order to peel off from the majority a block of UN member states that it views as a moral-political weight to counter the numerical majority. Obviously, the EU and its members rank high among those that are on this short list of “heavy”, politically and morally, UN member states. A vote in the UN on the Palestinian request would become, in Israel’s view, a “test to Europe’s claim that it is and can play the role of an honest broker.

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a definite timetable, disregards the Palestinian appeal to the UN. It met with an initial positive reply. If Israeli-Palestinian negotiations can be resumed with an agreed procedure to deal with Palestinian UN membership request, that would avert a crisis of confidence between the EU and Israel. Failure to reach an understanding on this issue would expedite the vote in the General Assembly and/or the Security Council. The Palestinian initial intention was to bring their request to the Security Council. Notwithstanding the US almost certain veto, the four European members, the United Kingdom, France, Germany and Portugal, would face a tough decision. The way they would vote would reveal not only their own position but also that of the EU to the extent that there is one. These four votes hold a very important key to a Palestinian approach to the Security Council as they need nine affirmative votes to pass a resolution if any of the permanent members do not veto it, or in order to gain a moral victory if they get the nine votes but the US vetos it.

Though negotiations between Israel and the Palestinians might postpone the EU need to take a decision on the Palestinian request for UN membership, they might introduce other elements of friction with Israel. As indicated in all the EU statements, the EU position on borders between Israel and the State of Palestine to be, differ from that of Israel and its current government. Though the US and EU positions on the core issues between the Israelis and Palestinians do not differ much, the US is unlikely to pressure Israel, especially during a presidential elections year and when matters of security are

discussed. It will be a tough call for the EU whether to play the honest broker role or remain wholly committed to the positions as expressed by Baroness Ashton in Cairo 2010.

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On 31 October, the General Conference of UNESCO voted to admit Palestine as a Member State. The EU members in the General Conference split their votes and created some surprise. Sweden, who is one of Israel's most critical EU members voted against the Palestinian request, joining Germany and the Netherlands, while France voted in favour. This pattern, of a split EU vote, may recur in the General Assembly of the UN if and when the Palestinian request for UN membership comes up for discussion there.

Another complication will be added if the reconciliation process between Hamas and Fatah produces a political agreement and a joint platform for political action, without reference to the Quartet's conditions which the EU adopted as its policy towards Hamas. No mention of these conditions (disavowing terror, recognition of Israel and acceptance of all previous agreements and obligations) in the Fatah-Hamas joint action plan would put the EU in a serious dilemma, faced between supporting a Palestinian unity effort and commitment to a declared EU

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and Quartet policy. If the Palestinians continue to push for a UN resolution, the EU will not be able to escape, collectively, from making choice, tough as it may be.

The author is the sole responsible for the content of this article which do not reflect the opinion of the coordinators of the IEPN project or the Friedrich-Ebert-Stiftung.



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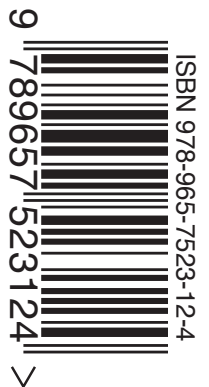
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