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## Israel Alert: Information We Need

*"The only way of getting a lasting solution is through direct negotiations between the parties, and the route to that lies in Jerusalem and Ramallah, not in New York."*

US Secretary of State Hillary Clinton

Tomorrow, the United Nations General Assembly is scheduled to vote on a resolution that will upgrade the Palestinian Authority's status to a non-member observer state. It's clear that this resolution will pass overwhelmingly. It's important that we understand the background and possible implications of this move.

### Background

In September 2011, the Palestinian Authority, led by its president, Mahmoud Abbas, made a bid to the UN Security Council to be accepted as a non-member observer state. The U.S., Israel and a number of European and other countries opposed this attempt, which ultimately failed in the Security Council.

In a variation of this strategy, Mahmoud Abbas will tomorrow approach the UN's General Assembly in an effort to recognize Palestine as a non-member observer state. The choice of November 29 is historically significant, as it is the anniversary of the 1947 vote on the Partition Plan that formally called for the establishment of a Jewish state. The Palestinian Authority has an "automatic majority" in the General Assembly, almost always gaining the support of the multitude of non-democratic and non-Western states across the globe. Unlike in the Security Council, the U.S. does not hold veto power in the General Assembly.

### Legal Perspective

From a legal perspective, the Palestinian bid is problematic. Among other points, under international law, a "state" must have control over its territory and population. Since Hamas is in control in Gaza and Israel still exercises considerable authority in the West Bank, it is clear that the state bid does not comply with international law. Read about the legal implications of a bid in this [Washington Post article](#).

At the same time, Israel is also concerned with the legal implications of a successful bid, which could, in theory, pave the way for the International Criminal Court in The Hague to claim jurisdiction and attempt to prosecute Israeli military and political leaders.

## Pertinent Points

- Israeli Prime Minister Benjamin Netanyahu has repeatedly offered to resume negotiations with the Palestinians without pre-conditions, while President Abbas seeks to circumvent Israel and unilaterally seek UN recognition of a Palestinian State based on the pre-1967 borders with its capital in East Jerusalem. The only way to solve the conflict is through bilateral negotiations rather than unilateral UN fiat.
- The position of the Obama Administration, the Quartet, and the Israeli Government all support the establishment of a Palestinian State through direct negotiations, not President Abbas' current action to bypass them.
- As the Quartet -- the US, Russia, EU, UN - stated on September 23, 2011: "The Quartet reiterated its urgent appeal to the parties to overcome the current obstacles and resume direct bilateral Israeli-Palestinian negotiations without delay or preconditions."
- A declaration of Palestinian statehood at the UN leaves unresolved all final status and core issues of the Palestinian-Israeli conflict, including Jerusalem, refugees, water, borders and settlements.
- This unilateral bid for statehood undermines previous agreements, particularly violating the Interim Agreement of 1995 ("Oslo II"), which specifically rejected unilateral moves that would change the status of the West Bank and Gaza. Similarly, UN Security Council Resolutions 242 and 338 both called for negotiations "between the parties concerned under appropriate auspices aimed at establishing a just and durable peace."

## Perspectives:

[Jerusalem Post: PA Submits Draft Resolution to UNGA](#)

[J Street's position](#)

[AIPAC resources](#)

Watch the Israel Embassy in DC's [video clip](#).

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Director of Community Relations and  
Israel & Overseas Engagement

1360 N Prospect Ave  
Milwaukee, Wisconsin 53202

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Milwaukee Jewish Federation | 1360 N Prospect Ave | Milwaukee | WI | 53202