

**Palestinian Unilateral Declaration of Independence (UDI)-  
Innocuous or Real Threat?**

**isranet-publications**

**Israzine, October 12, 2011**

**<https://www.isranet.org/israzine/palestinian-unilateral-declaration-independence-udi-innocuous-or-real-threat/>**

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**On September 23rd., Mahmoud Abbas, after a vitriolic speech, officially submitted his application to the U.N. to unilaterally recognize a Palestinian state. Earlier that week, President Obama reiterated the U.S. position that a unilateral move is counterproductive to establishing a lasting peace. He therefore insisted that the U.S. would exercise its right to a veto in the Security Council should it be necessary to do so. Many maintain that given the built-in anti-Israel vote existing in the UN, Palestinian application for observer status (not equivalent to full state recognition) would easily be passed should it ever reach the General Assembly.**

**It is generally acknowledged that UN recognition of a Palestinian state will not automatically establish a state nor will it change facts on the ground. What it will do is nullify the Oslo Accords, of which the Europeans were signees, which categorically states that neither Israel nor the Palestinian Authority can unilaterally preclude any binding changes in status between them.**

**What, in fact, is this state that the U.N. is being asked to recognize? Steven J. Rosen, in his article entitled *"The Palestinians' Imaginary State"*, argues that it is a state that does not meet the requirements of international law as put forth by the 1933 *Montevideo Conference on the Rights and Duties of States*, given that it possesses no defined territory and government. Although Gaza and the West Bank alone could each be theoretically viewed as meeting these requirements, the "minimum demand" for a state put forth by the Palestinian Authority, Rosen writes, " includes Gaza along with the West Bank, the eastern part of Jerusalem, and all the other parts of mandatory Palestine that were under Jordanian and Egyptian control before 1967. Fatah, the PA, and the PLO are demanding title to lands and authority over populations they do not control, being as they are under the rule of Hamas and Israel." As such, Abbas is essentially requesting recognition of what Rosen terms "an imaginary state" one that is, in fact, a nonexistent political entity that is run by two competing presidents and prime ministers and maintains a legislature that neither meets nor has the ability to "hold presidential or legislative elections as required by Article 47 of its Basic Law."**

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**Robbie Sabel in “*The Palestinian Bid for Statehood: Wherein Lies the State?*” goes further by pointing out that the actual application submitted by the Palestinian Authority did not, contrary to perceived opinion, relinquish any claims to Palestinian territory prior to June 4, 1967. In fact, the application itself is based on the 1947 “UN General Assembly resolution 181” and the Declaration of Independence of the State of Palestine of 15 November 1988, neither of which, he writes, makes any “reference whatsoever to the ‘67 lines or to the borders of a Palestinian state.” Additionally, a verbal slight of hand is utilized in the annex to Abbas’ submission that makes reference to the *international community’s* acceptance of the ‘67 border and East Jerusalem as its capital, but does not categorically state what it is that the Palestinians themselves would accept.**

**Given that this move, according to a September 6, 2011 poll conducted by the Palestinian Center for Public Opinion (see *Links*), contravenes the majority opinion of the Palestinian people - 59% of whom are in favour of direct negotiations with Israel and oppose a unilateral move on the part of the Palestinian Authority - why then has Mahmoud Abbas chosen to pursue this route, and why now? Both Charles Krauthammer and Emanuele Ottolenghi, in dealing with these questions, arrive at similar conclusions.**

**Krauthammer in “*Land Without Peace: Why Abbas is going to the U.N. now*” maintains that this move is very much in keeping with historic Palestinian positions that indicate a perfect willingness to sign interim agreements, but a refusal to sign a “final” one. As such, Abbas’ decision to go to the U.N. now, Krauthammer argues, is simply to get land without giving peace in return. As such, the conflict is left wide open. Krauthammer, as well, inverts the “conventional wisdom” that maintains that Netanyahu’s hard-line stance, in regard to settlement building as an example, does not allow the Palestinians any alternative option.**

**Should the Palestinian Authority succeed in obtaining U.N. recognition, what could be its consequences? In “*The Grave Dangers of a Palestinian Unilateral Declaration of Independence*” Emanuel Ottolenghi asserts that, given the**

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**Palestinian Authority's acknowledgement that it has done nothing to ready the territory for actual statehood, its purpose in putting forth this application at this time is to place Israel on the defensive. But, more than that, he quotes Palestinian Prime Minister Nabil Shaath who admits that their primary motive is to force Israel to "leave our country" (without any reciprocity on their part.)**

**This ploy, he claims, had been utilized many times in the past - especially by Yasser Arafat who was adept at creating "a chaotic situation that leans the balance of power in the Palestinians' favor." But, he writes, this approach always resulted in disastrous consequences for the Palestinians. Should the UDI go through, Ottolenghi foresees — given the extremely volatile situation resulting from the Arab Spring currently engaging the larger region — possibilities exist for an even more expanded conflict.**

**Disapproval of this UDI has come from many quarters - most notably from the Palestinian Authority's legal advisor Guy S. Goodwin-Gill, whose legal opinion (found in *Perspectives*) concludes that "the interests of the Palestinian people are at risk of prejudice and fragmentation." His fear is that a UDI would disenfranchise the greater Palestinian entity by limiting its state residents to those living in the West Bank and Gaza. *Israzine* would also like to draw readers' attention to Nathan J. Brown's article "*No Savior*" found in *Links*, that analyzes Palestinian economic realities and what has come to be known as Fayyadism.**

***Machla Abramovitz (Editor, Israzine)***