

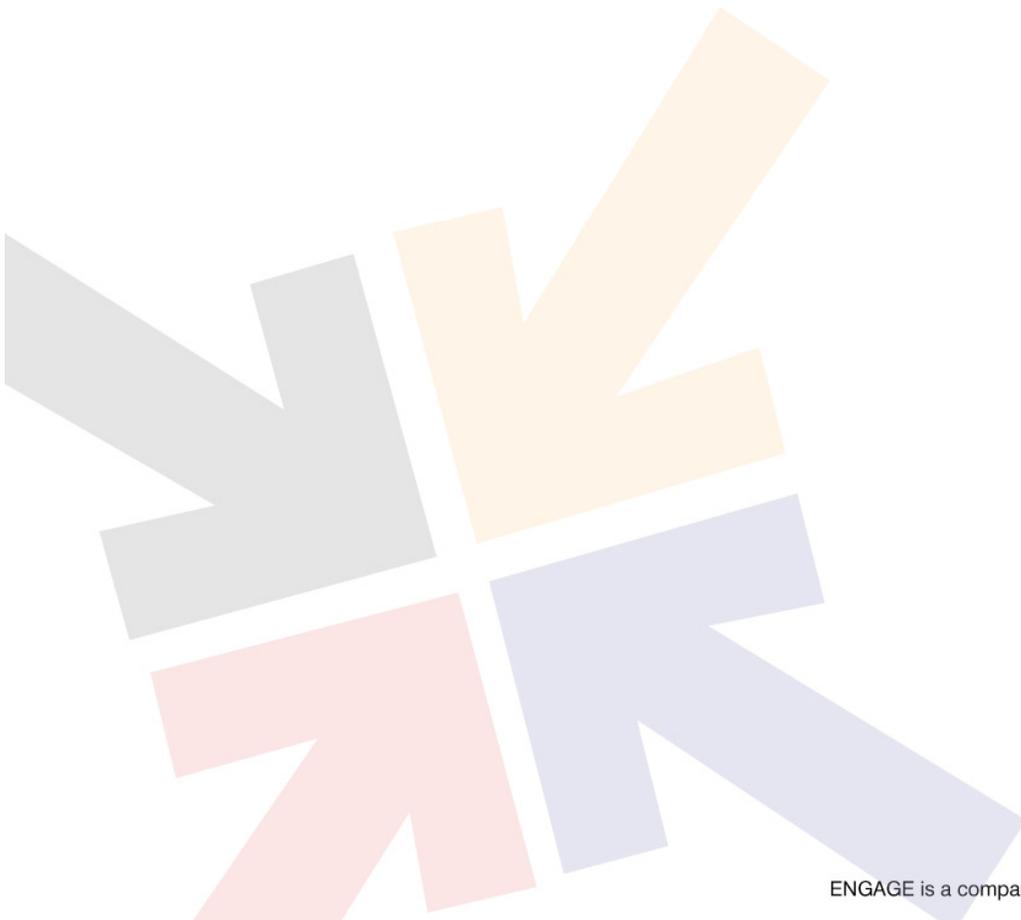
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ENGAGE briefing note on Palestine:

**Support for an independent, viable and sovereign
Palestinian state**

August 2011



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List of abbreviations:

OPT	Occupied Palestinian Territories
PA	Palestinian Authority
PNA	Palestinian National Assembly
PLO	Palestine Liberation Organisation
UNGA	United Nations General Assembly
UNGAR	United Nations General Assembly Resolution
UNOCHA	United Nations Office for the Co-ordination of Humanitarian Affairs
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution

Executive summary:

- On 20th September 2011 the Palestinian Authority will unilaterally declare independence at the UN General Assembly meeting in New York and seek recognition as a sovereign state and 194th Member of the international community of states embodied in the United Nations.
- The PA will seek recognition from the Member-States of the UN and the UN Security Council of the state of Palestine based on the pre-1967 borders and with East Jerusalem as its capital.
- This move has been a long time coming and has its foundation in a broad body of international law. These include UNSCR 242 and 1397, regarding the territorial integrity and sovereignty of the Occupied Palestinian Territories; UNGAR 181, 2253 and 2254 and also UNSCR 267, 298, 476 and 478 regarding the status of Jerusalem and its occupation by Israel; UNSCR 446, 452, 465, 471 regarding the illegality of settlements in the Occupied Palestinian Territories
- The ongoing, illegal occupation of the Occupied Palestinian Territories and the introduction of new obstacles to peace, in the form of the blockade on Gaza, the illegal wall constructed in the occupied West Bank , and the expansion of illegal settlements in East Jerusalem , have all contributed to the loss of Palestinian confidence in the peace process and its oft-promised outcomes.
- The vote in the General Assembly must be backed by a majority in the Security Council for the vote to materially deliver a seat for Palestine in the UN as a sovereign state and international recognition as a member of the community of states. The Palestinian Authority is confident of securing the two-thirds majority it requires in the General Assembly, 129 votes out of the total 193.
- The US Government has threatened to exercise its veto power to obstruct passage through the UN Security Council
- The unilateral declaration of Palestinian statehood finds its culmination in the two-year program of the 13th Government of the Palestinian National Authority, 'Ending the Occupation, Establishing the State,' adopted in August 2009.
- International bodies such as the IMF, the World Bank and the UN accept that Palestinian institutions are ready to assume the responsibilities of statehood.
- The British Foreign Secretary, William Hague, has previously spoken of the need for "*decisive leadership*" in resolving this protracted conflict. To act otherwise, he said, would only foment "*decades of potential conflict and even deeper difficulties in the Middle East.*"
- The Palestinian Authority has taken the initiative and shown "decisive leadership" in declaring its intent to push a vote for recognition of a Palestinian state at the UN in September 2011. We would urge the British Government to match this with a display of "decisive leadership" of its own and vote in favour of recognition in order to rescue the peace process and to make progress towards a fully negotiated settlement by establishing its long-overdue and principal outcome: a viable, independent and sovereign Palestinian state.

1. Background –

Why the vote?

As various states across the Arab world re-imagine their destiny in the wake of the mass popular uprisings and the deposing of corrupt, undemocratic regimes, there is one state that has long remained in abeyance, a Palestinian state based on the pre-1967 borders and fully recognized by the international community as an independent, sovereign nation-state.

Thirty seven years on from UN resolution 3236 (1974) stipulating the right to self-determination of the Palestinian people, the Palestinian Authority will on 20th September 2011 submit a unilateral declaration of statehood to the UN General Assembly and Security Council seeking full recognition of Palestine on the pre-1967 borders with East Jerusalem as its capital, and UN membership as a sovereign state.

This move by the PA has been a long time coming and has its foundation in a broad body of international law including a plethora of UN resolutions. These include UNSCR 242 and 1397 regarding the territorial integrity and sovereignty of the Occupied Palestinian Territories; UNGAR 181, 2253 and 2254 and also UNSCR 267, 298, 476 and 478 regarding the status of Jerusalem and its occupation by Israel; UNSCR 446, 452, 465, 471 regarding the illegality of settlements in the Occupied Palestinian Territories.¹

Despite previous declarations contained in the 1988 Palestinian Declaration of Independence and the 1993 Oslo Accords, under which the transitional establishment of the Palestinian National Authority (PNA) was constructed with a view to negotiating final status issues and preparing for statehood, advancement towards a Palestinian state as a full member of the international community of states has repeatedly floundered.

The ongoing, illegal occupation of the Palestinian Territories and the introduction of new obstacles to peace, in the form of the blockade on Gaza, the illegal wall constructed in the occupied West Bank², and the expansion of illegal settlements in East Jerusalem³, have all contributed to the loss of Palestinian confidence in the peace process and its oft-promised outcomes.

Additional factors include the wars fought in the region in recent years, the invasion of the Gaza Strip in December 2008-January 2009 having a most devastating impact on the Palestinians of Gaza and the imposition by Israel of a wide-ranging, crippling blockade of the Gaza Strip, impoverishing its inhabitants and grossly impeding the ability to rebuild essential infrastructure in the Strip. The International Committee of the Red Cross has pronounced the Gaza blockade as “illegal” under International Humanitarian Law and a form of “collective punishment” of the Gazan people.

The impetus for the move to declare statehood at the UN comes amid growing frustration and distrust in a peace process that shows no signs of being revived. The continued building of illegal settlements in the West Bank and East Jerusalem endangers the prospect of two states emerging at all. The momentous changes undergoing in the region since the start of the Arab Spring and the renewed zeal of the Palestinians to aspire to the same goals espoused by the many thousands of protestors that have taken to the squares in Tunisia, Egypt, Bahrain, Yemen, Libya and Syria, has paved the way for

¹ For all relevant UN resolutions can be found at: <http://domino.un.org/unispal.nsf/home.htm>

² ‘Israel approves homes in West Bank’s Ariel settlement’, BBC News, 16 August 2011 [Online], Available at: <http://www.bbc.co.uk/news/world-middle-east-14540419> [Accessed 16 August 2011]

³ ‘Israel approves 1,600 settler homes in East Jerusalem’, BBC News, 11 August 2011 [Online] Available at: <http://www.bbc.co.uk/news/world-middle-east-14488066> [Accessed 16 August 2011]

the Palestinians to test the sincerity of the international community in establishing an independent, viable and sovereign Palestinian state.

The vote in the General Assembly must be backed by a majority in the Security Council for the vote to materially deliver a seat for Palestine in the UN as a sovereign state and international recognition as a member of the community of states.

The Palestinian Authority is confident of securing the two-thirds majority it requires in the General Assembly, 129 votes out of the total 193.

The legal requirement of a two-thirds majority in the General Assembly and Security Council backing is only a part, though a significant one, of the wider struggle for recognition.

While GA endorsement in the absence of UNSC confirmation of the move will only render the outcome symbolic, the greater issue at stake in the September vote is the desperate straits in which the peace process is engulfed and Palestinian frustration with the lack of progress in the establishment of a recognized homeland of their own. Many contend that the move will change little in the Occupied Palestinian Territories until there is a successful conclusion to bilateral negotiations on all final status issues, but the unilateral declaration of Palestinian statehood is a statement of both fortitude and of optimism. It encapsulates the frustrations that have preceded this moment and the desire to mark a shift from the stalled talks of the past to a conclusive settlement in the near future.

It is an opportunity for the international community to echo Palestinian sentiments that more than six decades on since the creation of Israel and after more than four decades of living under Israeli occupation, now is the time to make a Palestinian state a reality through recognition of its status as a fully fledged member of the international community of states.

Why now?

The unilateral declaration of Palestinian statehood at the UN in September 2011 finds its culmination in the two-year program of the 13th Government of the Palestinian National Authority, 'Ending the Occupation, Establishing the State,' adopted in August 2009.

The program details the efforts of the PNA to advance its state-building programmes in pursuit of eventual statehood with a two-year window offered in preparation of the unilateral declaration. It also asserts a determination to "...conclud[e] the national unity dialogue and ending the factional split so that all our energies can be devoted to defying and ending the occupation."⁴

In his Cairo speech of 2009⁵, the US President Barack Obama spoke of the situation for the Palestinian people as "*intolerable*" and reasserted America's support for a two-state solution to the Middle East conflict arguing that the US would not "*turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own.*"

More than two years on from the speech in Cairo and the wave of enthusiasm it unleashed among Palestinians and their supporters on progress towards attainment of statehood and the promise of

⁴ 'Palestine: Ending the Occupation, Establishing the State, Program of the Thirteenth Government', Palestinian National Authority, August 2009. [Available at: <http://www.un.int/wcm/webdav/site/palestine/shared/documents/Ending%20Occupation%20Establishing%20the%20State%20%28August%202009%29.pdf>]

⁵ 'Remarks by the President On a New Beginning,' speech made at Cairo University on 4 June 2009 [Online] Available at: <http://www.whitehouse.gov/the-press-office/remarks-president-cairo-university-6-04-09> [Accessed 17 August 2011]

global co-operation to fulfil this aspiration, the peace process has floundered and the prospect of a Palestinian state materializing under its auspices have all but dissipated.

Despite moratoriums on the building of further settlements in the West Bank and East Jerusalem, their presence being a major obstacle to any prospect of a contiguous, territorially viable Palestinian state, and their subsequent expiry, the renewed activity in settlement building adds further anxiety to Palestinians' concerns that the passage of time merely confirms the inevitability of no viable future state ever emerging.

The UNGA vote presents the international community with the opportunity to make good on the oft-declared commitment to supporting the creation of an independent, sovereign and viable Palestinian state, side by side a secure Israel.

The UN vote for recognition does not address the final status issues: land swaps, refugees, borders and security and Jerusalem, which can only properly be resolved through negotiated agreements between the two parties, Israel and Palestine. The UN vote does, however, offer an important opportunity to reverse the steady decline in trust and optimism among the Palestinian people. It is an opportunity to inject a renewed vigour into the peace process by recognizing the end product of these long-running deliberations: a Palestinian state based on the pre-1967 borders.

Furthermore, according to the IMF, the World Bank and the UN, the progress in state-building, predominantly in the West Bank, considered "sufficient for a functioning state".⁶

Israel has criticized the efforts of the Palestinians arguing that any declaration of statehood at the UN would deal a fatal blow to the peace process and further hinder a negotiated settlement between the two parties.

The British Foreign Secretary, William Hague, has previously spoken of the need for "*decisive leadership*" in resolving this protracted conflict. To act otherwise, he said, would only foment "*decades of potential conflict and even deeper difficulties in the Middle East.*"

The Palestinian Authority has taken the initiative and shown "decisive leadership" in declaring its intent to push a vote for recognition of a Palestinian state at the UN in September 2011. We would urge the British Government to match this with a display of "decisive leadership" of its own and vote in favour of recognition in order to rescue the peace process by establishing its long-overdue outcome: a viable, independent and sovereign Palestinian state.

2. State and nation-building – preparing for independence

In its 13th program of Government, the PNA sets out its state-building programme to prepare the Palestinian people for the assumption of governing powers and institutions over the Palestinian territories of the West Bank, the Gaza Strip and East Jerusalem.

The document details the preparatory work undertaken and continuing in the fields of Governance, Social welfare and cohesion, Economic development and Infrastructure.

The UK's commitment to state-building, economic development and poverty alleviation in the OPTs are set out by the Department for International Development and most recently in the DFID Palestinian

⁶ 'DFiD Palestinian Programme – operational plan 2011- 2015', UK Department for International Development, July 2011, [Online] Available at: <http://www.dfid.gov.uk/Documents/publications1/op/occupied-palestinian-territories-2011.pdf> [Accessed 17 August 2011]

Programme - Operational Plan 2011-2015 under which the UK will spend £349 million to support the Palestinian people over the next four years.

Support for state-building and good governance has been supported by the Quartet members with the EU a major contributor of financial aid.

The Interim Association Agreement between the PLO (for the PNA) and the EU was signed in February 1997 and came into force in July of that year. The agreement falls within the EU's European Neighbourhood Policy programme and Instrument (ENPI), a key plank of the EU's foreign and development assistance policy in the eastern, southern and Mediterranean basin neighbourhoods and is structured on the basis of joint action plans to be agreed and implemented by the EU and development assistance country-recipient.

The Action Plan agreed by the EU and the PNA, as with all other plans, devotes financial resources to and monitors progress on the following key areas: political issues – including the development of political institutions based on the values of the Union of democracy, the rule of law and human rights; and economic and social sectors – including structural and fiscal reforms, trade liberalization and human development policies.

According to the Interim Agreement, the limitations experienced by the Palestinians in the full implementation of the agreement under duress of the state of occupation is acknowledged with the Action Plan stating that “*Joint action will be required both to bring about the implementation of the Roadmap and to continue the preparations for statehood.*”⁷

The EU-PA Interim Agreement alludes to progression towards a full Association Agreement, similar to the contractual relationship with the EU currently enjoyed by Israel, “*upon the establishment of an independent Palestinian state,*” thereby underscoring the urgency of statehood for the Palestinians.

Further, the PNA is a recipient of funding under the EU's European Initiative for Democracy and Human Rights (EIDHR) for support in the development and expansion of civil society.

The EU's aid to the Palestinians since 2007 has averaged at €500 million annually with a cumulative sum of €8 billion to date.⁸ In April 2011, EU Representative and Head of the EU's office in the West Bank and the Gaza Strip, Christian Berger, announced a further €21 million to support work in key sectors: economy and finance, justice, security and public infrastructure.⁹

While the West Bank has seen considerable and commendable development in institutions for statehood and the economy, the Gaza Strip, due largely to the EU and US deployment of a “West Bank first” development policy, is according to the UN Relief and Works Agency, in a state of “de-development”.

The impact of the blockade on the Gaza Strip, the restrictions on the entry of foodstuffs and essential reconstruction materials to rebuild the devastation of the 2008-09 war, and the unwillingness of the international community to recognize and deal with Hamas, the victors of the January 2006

⁷ *EU-Palestinian Authority Action Plan* [Online] available at:

http://ec.europa.eu/world/enp/pdf/action_plans/pa_enp_ap_final_en.pdf

⁸ European Former Leaders' Group letter to EU High Representative, Baroness Catherine Ashton and EU President, Herman van Rompuy, 2 Dec 2010.[Online] Available at: <http://www.usmep.us/usmep/wp-content/uploads/2010-12-10-EFLG-letter-to-EU.pdf>

⁹ 'EU to support PA's drive to build the institutions of future Palestinian State with €21 million,' 19 April 2011 [Online] Available at: http://eeas.europa.eu/delegations/westbank/documents/news/20110419_financing_agreement_en.pdf [Accessed 17 August 2011]

parliamentary elections, has left the Gaza Strip lagging far behind the West Bank in economic and social indicators. According to UK government estimates unemployment levels in the West Bank and Gaza Strip are 17% and 38% respectively. Poverty levels are 16% for the West Bank and 33% for Gaza.¹⁰ According to the UNRWA, 80% of the population in Gaza is dependent on international aid.¹¹

The residual impact of the two-track development in the West Bank and the Gaza Strip compounds the difficulties of state and nation building in the Palestinian territories. A difficulty that has since 2007 been exacerbated by the “West Bank first” approach of international donors.

3. Hamas-Fatah unity agreement – prospects for a durable peace

The PNA in its 13th program underscores the need to achieve “national unity” and conclude a “national unity dialogue” to better serve the interests of the Palestinian people and the demands for statehood.

In February 2007, the political leaders of Hamas in the Gaza Strip and Fatah in the West Bank reached a deal, brokered by the Saudi government, to form a unity government and to put behind them the turmoil and violence that erupted following Hamas’ victory in the parliamentary elections in the Gaza Strip in January 2006. The agreement floundered amidst an outbreak of factional fighting which saw Fatah retreat to governance in the West Bank and Hamas remain in power in Gaza, where the 2006 election granted the party a governing mandate.

In May 2011, Fatah and Hamas concluded an agreement under the auspices of the post-Mubarak Egyptian regime, known as the Cairo Agreement, which set out the terms of a national unity government.¹²

The terms of the Cairo agreement stipulate:

- The establishment of a government of technocrats instead of the two currently existing governments headed by Salam Fayyad and Ismail Haniye.
- The holding of general elections to the parliament and presidency in about eight months.
- A merger and unification of the security apparatuses.
- The release of political prisoners.
- Arab League supervision of the implementation of the agreement.

¹⁰ DfID Palestinian Programme.

¹¹ ‘*Dashed Hopes: continuation of the Gaza blockade*’, Amnesty International UK, Broederlijk Delen, CAFOD, CCFD-Terre Solidaire, Christian Aid, Church of Sweden, Cordaid, Diakonia, EMHRN, Handicap International, ICCO, IKV Pax Christi, International Federation for Human Rights, Medical Aid for Palestinians, Medico International, Merlin, MS Action Aid Denmark, Norwegian Refugee Council, Quaker Council for European Affairs, Oxfam International, Rehabilitation and Research Centre for Torture Victims, Redd Barna, Save the Children UK, Trocaire, UCP, p6 [Online] Available at: http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/dashed-hopes-continuation-gaza-blockade-301110-en.pdf [Accessed 17 August 2011]

¹² ‘*Palestinian rivals Hamas and Fatah sign reconciliation deal*,’ The Guardian, 4 May 2011 [Online] Available at: <http://www.guardian.co.uk/world/2011/may/04/palestinian-rivals-hamas-fatah-deal> [Accessed 17 August 2011]

The agreement has since the signing in May this year come unstuck with the parties falling out over accusations on the failure to honour the terms of the agreement. These include the appointment of a mutually agreeable prime minister and the release of political prisoners, Hamas members and supporters. A subsequent meeting took place in August 2011 to revisit these contentions and to proceed with agreed implementation of the terms of the Cairo agreement.

It is worth recalling the advice offered by the Foreign Affairs select committee to the UK government on the UK's policy to date of refusing to negotiate with Hamas.

The select committee has in its reports on Global Security: The Middle East (2007) and Global Security: Israel and the Occupied Palestinian Territories (2009) argued that HMG's position is untenable and counter-productive.¹³

The select committee has recommended to HMG to:

"...urgently consider ways of engaging politically with moderate elements within Hamas as a way of encouraging it to meet the three Quartet principles." We further recommend that in its response to this Report, the Government should set out the specific indicators, if any, that would trigger a shift of British Government policy towards engagement with Hamas."

As the Arab Spring remakes the political destinies of the Middle East and the strong probability of "Islamists" emerging as legitimate political actors in the region's electoral fortunes, a shift in HMG policy on engaging with Hamas is not only long overdue, it is paramount.

In his address following the eruption of the revolutions in the Middle East, US President Barack Obama remarked upon the Fatah-Hamas unity deal stating:

"...the recent announcement of an agreement between Fatah and Hamas raises profound and legitimate questions for Israel: How can one negotiate with a party that has shown itself unwilling to recognize your right to exist? And in the weeks and months to come, Palestinian leaders will have to provide a credible answer to that question. Meanwhile, the United States, our Quartet partners, and the Arab states will need to continue every effort to get beyond the current impasse."¹⁴

Non-recognition of Hamas as a legitimate partner enjoying a popular mandate is a major factor in the "current impasse" in the peace process. The need to accept that no negotiated settlement will stand the test of time without the active participation of Hamas has been oft-repeated by agencies and advisors in the peace process, including the UK's Foreign Affairs select committee. As Fatah and Hamas work to alleviate their differences in the interests of Palestinian unity and in preparation of Palestinian statehood, it is requisite that the Quartet, and regional and international supporters of the peace process, recognize their own contribution to the stalemate and address the need to engage Hamas in the peace process.

¹³ 'Global Security: The Middle East', House of Commons Foreign Affairs Select Committee, 13 August 2007 [Online] Available at: <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmcaff/363/363.pdf> [Accessed 17 August 2011]; 'Global Security: Israel and the Occupied Palestinian Territories', House of Commons Foreign Affairs Select Committee, 26 July 2009 [Online] Available at:

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmcaff/261/261.pdf> [Accessed 17 August 2011]

¹⁴ 'Remarks by the President on the Middle East and North Africa,' 19 May 2011 [Online] Available at:

<http://www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa> [Accessed 17 August 2011]

4. Yes to UN recognition of Palestinian statehood

The government has, in response to recent questions in Parliament, stated its position on several issues regarding the Israel-Palestine conflict. Foreign Secretary William Hague has stated that HMG's position concerning Hamas has not changed and that the movement must abide by the Quartet principles to be fully included in the negotiations for peace.¹⁵

The Foreign Affairs Select Committee has of course stated several times that the government should strongly consider doing more to engage with more moderate elements of Hamas in order to encourage them to abide by the Quartet principles. Such recommendations are contained in the committee's report on Global Security in 2007 and 2009.

On the reconciliation pact between Fatah and Hamas, the Foreign Secretary has stated that Hamas has not changed the overall position of the Palestinian National Authority and that Israel is able to continue to negotiate with President Mahmoud Abbas as before as the PA is ready to negotiate with Israel on a two-state solution.

On the crucial issue of the move for recognition of statehood at the UN, Hague has stated that negotiations are the best way forward and that the British position on recognition of statehood is currently reserved. The UK, in not disclosing its position ahead of the UN meeting may be taken as a sign that the Government is considering its leverage in urging both the Palestinians and Israelis back into negotiations.

However Hague has acknowledged that it is, "*when those negotiations get nowhere that discussions about unilateral recognition get going in the world.*"¹⁶

As Richard Burden MP so succinctly put it, "*For more than half a century, Israel has rightly been recognised as a full member of the United Nations, with internationally recognised borders delineated by the green line. That has not been seen as an impediment to a negotiated settlement—in some cases, it has been seen as a prerequisite to it. In that case, what is the problem with recognising Palestine as a full member of the United Nations as requested by the Palestinian people, with borders delineated by that same green line?*"¹⁷

Moreover, the Secretary of State for International Development, Andrew Mitchell, has made clear that through financial support the PA has developed governance institutions to the point where international bodies such as the IMF, the World Bank and the UN all recognise Palestinian institutions as technically ready to assume the responsibilities of statehood.

The acceptance that the Palestinians have made steady progress on the road to statehood surely renders any case made against UN and international recognition of a Palestinian state in September 2011 grossly unjust.

¹⁵ 'Middle East, North Africa, Afghanistan and Pakistan', Daily Hansard Debate, 16 May 2011, column 66 [Online] Available at: <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110516/debtext/110516-0002.htm> [Accessed 17 August 2011]

¹⁶ 'Middle East, North Africa, Afghanistan and Pakistan', Daily Hansard Debate, 16 May 2011, column 67 [Online] Available at: <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110516/debtext/110516-0002.htm> [Accessed 17 August 2011]

¹⁷ 'Occupied Territories', Daily Hansard Debate, 19 July 2011, column 782 [Online] Available at: <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110719/debtext/110719-0001.htm> [Accessed 17 August 2011]

Support for the creation of a Palestinian state has been unequivocally espoused by the Quartet countries with US President Barack Obama stating in May 2011, *“The Palestinian people must have the right to govern themselves, and reach their full potential, in a sovereign and contiguous state.”*

The UK government and the EU, major donors to the Palestinians, have committed considerable financial resources in support of the institutions of governance with the explicit aim of laying the foundations for a Palestinian state.

Years of waiting on the bilateral negotiations to yield a settlement before being granted leave to assume the reins of power in an independent and sovereign state has left the Palestinians weary at the slow rate of progress and frustrated with the frequent reversals.

The unilateral declaration of statehood at the UN on 20th September 2011 is an attempt by the Palestinians, consistent with the stated objectives contained in the program of the 13th government of the PNA, to make change happen.

More than four decades since the passing of UN resolutions calling upon Israel to end its occupation of Palestinian land and to withdraw from the Occupied Territories, the Palestinians are looking, in the manner of their Arab neighbours amid the tumult and jubilation seen in recent months, to take command of their political destiny.

The unilateral declaration of Palestinian statehood at the UN does not negate the need for the continuation of bilateral negotiations between Palestinians and Israelis, not least on all final status issues: land swaps, refugees, borders and security, water resources and the status of Jerusalem. But it does present the UN, the Quartet and the international community of nations the opportunity to welcome a member whose admission is not only long overdue, but faces the very real prospect of never materializing on the basis of the pre-1967 borders endorsed in numerous UN resolutions.

It is an opportunity to rescue the peace process by signaling a rejection of Israel’s policy of expanding illegal settlements in the West Bank and East Jerusalem and recognizing a Palestinian state now and without any further procrastination or delay.

Appendix 1 - *Peace process – key milestones, key challenges*

A summary of the key milestones and challenges arising from the Middle East peace process and the parties involved in mediating the talks in the last decade are listed below:

21 May 2001

Committee headed by former US Senator George Mitchell publish report on the Middle East which calls for a ceasefire, action against terrorism by the Palestinians halt to settlement activity by Israelis and resumption of negotiations. Report becomes basis for Quartet-sponsored 'Roadmap' for peace.

28 March 2002

Arab League Summit in Beirut adopts 'Arab Peace Initiative'. The initiative calls for Israel to fully withdraw from all territories occupied since 1967; the establishment of a Palestinian state on the territories occupied by Israel since 1967 with East Jerusalem as its capital; a just solution to the refugee problem, in return for normalized relations with Israel.

30 April 2003

Following appointment of Mahmoud Abbas as Prime Minister of the Palestinian Authority in March, the Middle East Quartet- the UN, EU, USA and Russia, publish the Roadmap for peace which was announced in 2002, with the aim of the full settlement of the conflict by 2005. It calls for an end to Palestinian violence and democratic political reform in exchange for statehood; the end of all settlement activity by the Israelis and an Israeli withdrawal from territories occupied since 1967; a resolution to core issues of refugees and the status of Jerusalem. Israeli leader Ariel Sharon rejects the proposals for a settlement freeze and later announces additional conditions on the plan.

8 February 2005

Mahmoud Abbas and Ariel Sharon declare a mutual ceasefire at a summit in Sharm Al Sheikh and state that future negotiations will be guided by the Roadmap peace plan.

15-24 Aug 2005:

Israel disengages all settlements in Gaza and four settlements in the occupied West Bank.

25 January 2006:

Hamas wins Palestinian parliamentary elections. The international community rejects relations with Hamas-led Palestinian Authority unless it renounces violence and recognises Israel.

28 March 2006:

Ehud Olmert's Kadima party wins national elections. Olmert become Prime Minister and promises continuation of Sharon's policy of withdrawing from the occupied territories.

June 2007:

Hamas takes control of Gaza Strip following fighting with the West bank based Fatah movement.

13 August 2007:

A report by the UK Foreign Affairs Select Committee, 'Global Security: The Middle East' contains several recommendations for the government to do more to facilitate a national unity government in Palestine following fighting between Fatah and Hamas, and describes as 'counterproductive' the decision not to speak to Hamas following the Mecca Agreement of 2007. The report also recommends beginning engagement with moderate elements within Hamas to encourage its acceptance of the Quartet principles.

September 2007:

Israel imposes a blockade of Gaza in response to Hamas's election victory. Closures and impediments to the free movement of people was practiced before the imposition of the official blockade.

27 November 2007:

The US hosts an international peace conference at Annapolis, Maryland attended by Mahmoud Abbas, Ehud Olmert and George W. Bush. A joint declaration states an agreement to launch bilateral negotiations to resolve all issues, including core issues, with parties also agreeing to implement immediately their respective obligations under the 2003 Roadmap.

27 December 2008- 17 January 2009:

Israel carries out Operation Cast Lead, also referred to as the Gaza War, which lasts 22 days and kills around 1440 Palestinians and 13 Israelis. The UN Goldstone Report catalogues breaches of international humanitarian law by both sides. The UN Human Rights Council calls for independent investigations into the conduct of the war by Israel and Hamas.

26 July 2009:

A report by the UK Foreign Affairs Select Committee, 'Global Security: Israel and the Occupied Palestinian Territories' reiterates the recommendation of its 2007 report that the Government engages with moderate elements within Hamas to encourage its acceptance of the Quartet principles.

October 2009:

UN Human Rights Council endorses the Goldstone report into human rights abuses by Israel and Hamas during the 28 day war in December 2008 - January 2009.

25 November 2009:

Israel announces a ten-month freeze on the building of new settlements in the occupied West Bank, excluding occupied East Jerusalem, to help peace negotiations.

9 March 2010:

Israel announces the building of 1600 new homes in occupied East Jerusalem. The announcement takes place during a visit by Vice President Joe Biden. Biden condemns the announcement, stating that *"The substance and timing of the announcement, particularly with the launching of proximity talks, is precisely the kind of step that undermines the trust we need right now and runs counter to the constructive discussions that I've had here in Israel."*

31 May 2010:

International 'Freedom Flotilla' headed by Turkish humanitarian aid charity, IHH, sets sail with 10,000 tonnes of essential food and construction aid. Mavi Marmara, a Turkish vessel, is intercepted by Israeli commandos in international waters, 60 km off the coast of Israel. Reports say 9 people were killed and between 30 and 50 injured when Israeli commandos raided the main vessel opening fire on the aid activists on board.

2 September 2010:

Mahmoud Abbas and Binyamin Netanyahu meet in Washington for direct talks and state that a peace deal could be achieved within one year. They agree to begin setting out a framework agreement on all core issues as basis for a comprehensive peace deal to produce a two-state solution.

26 September 2010:

A ten-month freeze on building of new Israeli settlements ends.

15 October 2010:

Israel announces plans to construct 238 new houses in occupied East Jerusalem.

7 December 2010:

The Obama administration abandons efforts to pressure Israel to halt settlement construction in the Occupied Palestinian territories.

January 2011:

Al Jazeera releases the Palestine Papers, the biggest leak of information in the history of the Israel-Palestine conflict. The leaks, amongst many things reveal the concessions which the Palestinian leadership is willing to make for a resolution to the conflict.

18 February 2011:

The UK votes in favour of a UN Security Council resolution calling for Israel to immediately halt all settlement activity in the occupied Palestinian Territories. The resolution is not adopted following a USA veto of the resolution.

4 May 2011:

Hamas and Fatah officially sign a reconciliation pact brokered by Egypt. The pact brings to an end four years of Palestinian infighting. The pact sets out the path for a joint transitional government formed of independent technocrats to prepare for elections to be held within the next year. The agreement also allows for the entry of Hamas into the Palestinian Liberation Organisation. The reconciliation pact is rejected by the Israeli government.

20 May 2011:

Obama and Netanyahu meet at the Oval Office. Obama iterates backing of a two-state solution based on the pre-1967 war borders. Netanyahu rejects those borders as 'indefensible'.

24 May 2011:

Netanyahu makes a speech to the US Congress in which he states that he is willing to make 'painful compromises' for peace, however insists that borders will not return to the pre-1967 war lines and emphasises the need to maintain control over certain settlements and places of strategic and national importance within the West Bank. He also states that the Palestinian refugee issue should be resolved outside of Israel's borders; that Jerusalem must remain the undivided capital of Israel; that peace can only be found through negotiations and rejects the Fatah-led Palestinian Authority's pact with Hamas.

7 August 2011:

Fatah and Hamas resume efforts to implement a reconciliation deal following the stalling of talks subsequent to the signing of a reconciliation pact in Cairo in May 2011.

11 August 2011

Israel approves the building of 1600 settlements in the occupied territory of East Jerusalem.

16 August 2011

Israel further approves the building of 500 settlements in the occupied territory of the West Bank. The settlements have long been regarded as a major obstacle to any return to the negotiating table. The settlements represent a clear disregard for international law which deems the settlements illegal and a deliberate attempt to undermine the territorial integrity of any future Palestinian state.

Appendix 2 – UN Security Council and General Assembly Resolutions pertaining to the OPTs

On Territorial Integrity:

UNSCR 1860, 8 January 2009, 'The situation in the Middle East including the Palestinian question'

- Called for an “immediate ceasefire in Gaza leading to a full Israeli withdrawal” from Gaza following Operation Cast Lead.

UNSCR 1435, 24 Sept 2002, 'The situation in the Middle East including the Palestinian question'

- Demanded that Israel “cease measures in and around Ramallah” and the “withdrawal of the Israeli occupying forces from Palestinian cities towards the positions held prior to September 2000”.

UNSCR 1397 12 March 2002, 'The situation in the Middle East including the Palestinian question'

- First Security Council Resolution to call for a two-state solution and recalled resolution 242 regarding the recognition of the pre-1967 borders.

UNSCR 242, 22 September 1967, 'The situation in the Middle East'

- Called for the withdrawal of Israeli forces from territories occupied in the recent Six-Day War, as well as “respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area” and guaranteeing the territorial inviolability and political independence of every State in the area”.

On Jerusalem:

UNSCR 478, 20 August 1980, 'Territories occupied by Israel'

- Stated that the enactment of the ‘basic law’ by Israel which stated “the integrity and unity of greater Jerusalem” in the post-Six-Day War boundaries was a violation of international law, and all action to annex it are “null and void”.

UNSCR 476, 30 June 1980, 'Territories occupied by Israel'

- Called for the need to end the occupation of Arab territories occupied by Israel since 1967, and that all action to annex East Jerusalem are “null and void”.

UNSCR 298, 25 September 1971, 'The situation in the Middle East'

- Deplored “the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem” and stated that all

UNSCR 267, 3 July 1969, 'The situation in the Middle East'

- Stated that all legislative and administrative action taken to annex East Jerusalem were invalid and must be rescinded.

UNSCR 252, 21 May 1968, 'The situation in the Middle East'

- Stated that all legislative and administrative action taken to annex East Jerusalem were invalid and must be rescinded, and that Israel must halt further action to alter the character and status of Jerusalem.

UNGA resolution 2254, 14 July 1967, 'Measures taken by Israel to change the status of the City of Jerusalem'

- Considered that all legislative and administrative action taken to annex East Jerusalem were invalid and must be rescinded, and that Israel must halt further action to alter the character and status of Jerusalem.

UNGA resolution 2253, 4 July 1967, 'Measures taken by Israel to change the status of the City of Jerusalem'

- Considered that all legislative and administrative action taken to annex East Jerusalem were invalid and must be rescinded, and that Israel must halt further action to alter the character and status of Jerusalem.

UNGA resolution 181, 29 November 1947, 'Future government of Palestine'

- Set-out the internationally recognised position on Jerusalem with regards to the creation of Israel.

On Illegal Settlements

UNSCR 471, 5 June 1980, 'Territories occupied by Israel'

- Reaffirmed resolution 465 relating to the illegality of Israel's policy and practice of establishing settlements in the occupied Arab territories including Jerusalem.

UNSCR 465, 1 March 1980, 'Territories occupied by Israel'

- Stated the illegality of Israel's policy and practice of establishing settlements in the occupied Arab territories including Jerusalem.

UNSCR 452 20 July 1979, 'Territories occupied by Israel'

- Called on Israel to cease immediately its policy and practice of establishing settlements in the occupied Arab territories including Jerusalem.

UNSCR 446, 22 March 1979, 'Territories occupied by Israel'

- Stated the illegality of Israel's policy and practice of establishing settlements in the occupied Arab territories including Jerusalem.

On Palestinian refugees and the right of return

UNSCR 799, 18 December 1992, 'Territories occupied by Israel'

- Regarded the deportation of hundreds of Palestinians in the occupied territories illegal and called for those deported to be safely and immediately returned to the occupied territories.

UNSCR 726, 6 January 1992, 'Territories occupied by Israel'

- Regarded the deportation of Palestinians in the occupied territories illegal and called for those deported to be safely and immediately returned to the occupied territories.

UNSCR 608, 14 January 1988, 'Territories occupied by Israel'

- Regarded the deportation of Palestinians in the occupied territories illegal and called for those deported to be safely and immediately returned to the occupied territories.

UNSCR 89, 17 November 1950, 'The Palestine Question'

- Stated that thousands of Palestinian Arabs expelled from their land are, in the opinion of the Egyptian-Israeli Mixed Armistice Commission entitled to return.

UNGA resolution 194, 11 December 1948, 'Progress Report of the United Nations Mediator'

- Stated that Palestinian refugees who wished to return to their homes should be permitted to do so at the earliest possible date.

Appendix 3 – UNOCHA reference maps - West Bank : Area C Map | February 2011¹

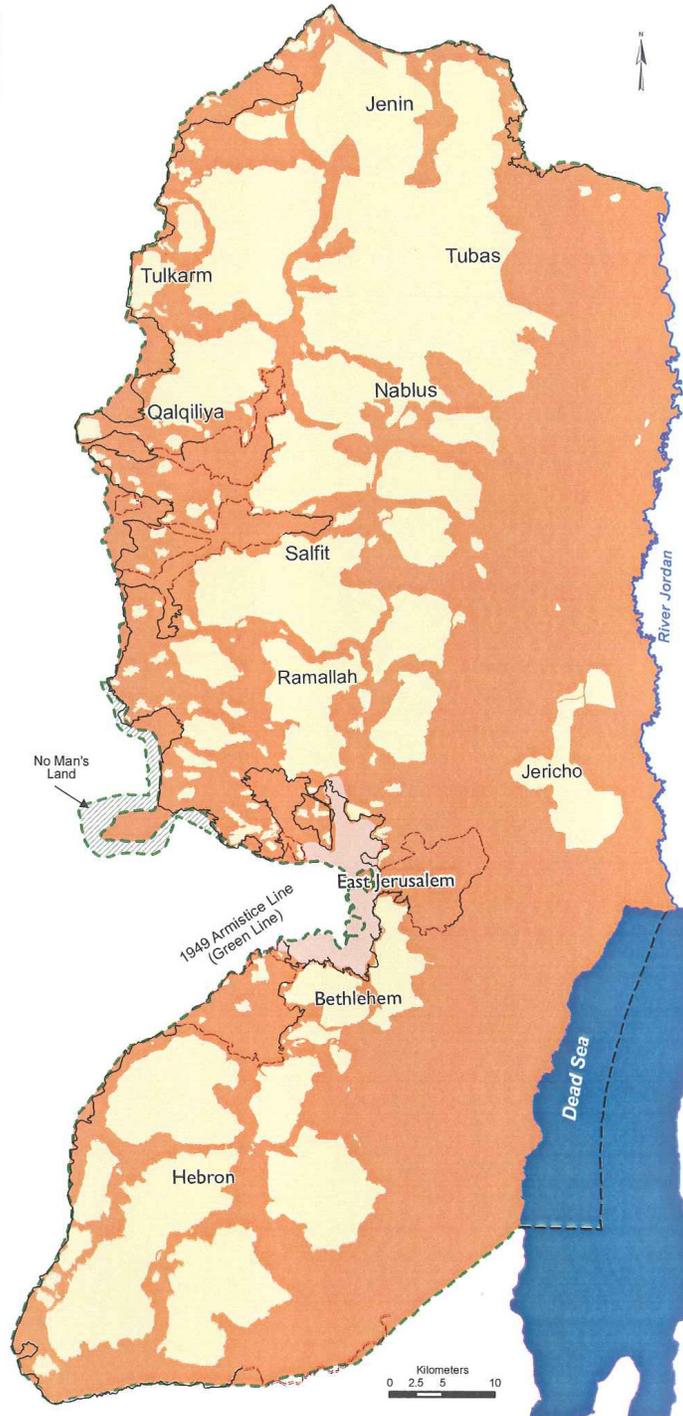


United Nations Office for the Coordination of Humanitarian Affairs
occupied Palestinian territory

West Bank: Area C Map

February 2011

Border	
---	International Border
---	Green Line
Israeli Unilaterally Declared Municipal Area of Jerusalem ¹ <small>1. In 1967, Israel occupied the West Bank and unilaterally annexed to its territory 70.5 km² of the occupied area</small>	
Barrier	
---	Constructed / Under Construction
---	Planned
Oslo Agreement²	
---	Area (A), (B)
---	Area C & Nature Reserves
Oslo Interim Agreement	
<small>2. Area A : Full Palestinian civil and security control Area B: Full Palestinian civil control and joint Israeli-Palestinian security control Area C: Full Israeli control over security, planning and construction</small>	



United Nations Office for the Coordination of Humanitarian Affairs
 Cartography: OCHA-oPt - February 2011. Base data: OCHA, PA MoP, JRC
 update 08. For comments contact <ochaopt@un.org>
 or Tel. +972 (0) 582-9862. <http://www.ochaopt.org>



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The occupied Palestinian territory: Overview map

June 2010

CAP 2010 - Consolidated Appeal Process



¹⁸ UN Office for the Co-ordination of Humanitarian Affairs, Occupied Palestinian Territory, reference maps, The occupied Palestinian territory : Overview map. June 2010 [Online] Available at: http://www.ochaopt.org/documents/ocha_opt_overview_map_june_2010.pdf



UN Office for the Coordination of Humanitarian Affairs

Territorial fragmentation of the West Bank

CAP 2006 - Revised Emergency Appeal

May 2006



¹⁹ UN Office for the Co-ordination of Humanitarian Affairs, Occupied Palestinian Territory, reference maps, *West Bank Territorial fragmentation (Revised)*. June 2006 [Online] Available at: http://www.ochaopt.org/documents/WB_territorial_fragmentation_revised_CAP_June06.pdf

