

The Perils of the Palestinians' Big Moment at the UN

by [Michael Herzog \(/experts/michael-herzog\)](/experts/michael-herzog)

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ABOUT THE AUTHORS



[Michael Herzog \(/experts/michael-herzog\)](/experts/michael-herzog)

Michael Herzog was appointed Israel's ambassador to the United States in 2021. Previously, he was an international fellow at The Washington Institute.



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The Palestinian bid for statehood at the UN could bring yet another tsunami to a region already swept by a maelstrom. It is too late to stop this showdown, but all parties must do what they can to limit the damage.

The Palestinian move marks a sharp departure from two decades of bilateral negotiations. The initiative may signal despair at the prospects for negotiations, but it is not clear how it can advance a two-state solution. Sentiments are one thing, strategy is another. Seeking to force Israel's hand through a UN resolution could trigger a major Israeli-Palestinian confrontation with irreversible damage to both parties and to the chances of a negotiated agreement. Regardless of what is passed at the UN, there will be no real victories here for either side.

Firstly, a UN resolution endorsing maximalist Palestinian positions on the core issues, such as on borders and refugees, could close the door on negotiations for a long time. The Palestinians will find it hard to compromise on such internationally endorsed positions and Israelis will find it hard to negotiate under one-sided terms of reference which predetermine the final agreement.

Then, there is the question of what happens the day after a resolution. A UN declaration will not produce a Palestinian state on the ground -- the Palestinian Authority (PA) does not even control Gaza. This can only come about as a result of negotiations, as they well know. Instead it will give them new legal and political tools to fight Israel.

Statehood brings inherent rights and powers, but also responsibilities. Even if the Palestinians achieve only the status of non-member state at the UN, they could gain standing in UN-affiliated bodies such as the International Criminal Court (ICC). Palestinian president Mahmoud Abbas has signalled an intention to use such forums to confront Israel.

Once the international community recognises Palestinian statehood, the ICC can decide it has jurisdiction over the

Palestinian request, filed in 2009, to investigate Israeli "war crimes". This will open the door to countless attempts to bring politically motivated charges against Israel. Such legal confrontations will provide a constant distraction from the attempt to restart the peace process and create an atmosphere inimical to a negotiated solution.

Equally worrying is that the political fumes could ignite the situation on the ground. The PA is organising mass marches in support of the UN bid. The demonstrations may have non-violent intentions, but they could easily spin out of control should they confront Israeli security forces. This unstable situation could be manipulated by extremists on both sides who thrive on violence.

European actors, concerned by these prospects, proposed to support Palestinian statehood if it came with a diluted definition, which would link Palestinian rights to act on their sovereignty to future negotiations with Israel. They were rejected by the Palestinian leadership.

The US rejects the Palestinian bid because it is opposed to any motion at the UN. The US Congress is threatening to withhold its crucial \$500m annual financial assistance to the PA. The Israeli government is under pressure to respond to the Palestinians' unilateral move. Some of its members are calling for Israel to suspend the transfer of tax remittances that Israel collects on Palestinians' behalf. This situation could escalate rapidly. If Israel and the US cut the PA's funding, it could collapse -- disastrous for all.

The Arab Spring exacerbates the challenges, especially to Israel. The newly empowered Arab street is rife with anti-Israel sentiments, as shown in the recent storming of the Israeli embassy in Cairo. An Israeli-Palestinian confrontation is likely to inflame the Arab masses. This will also motivate two non-Arab actors seeking regional dominance, Turkey and Iran, to take further anti-Israel action earning them political credit in the Arab world.

It is too late to turn this to mutual benefit, but not too late to mitigate the risks -- of closing the door on a negotiated solution, sparking violence on the ground, or triggering the PA's collapse. The content of the UN resolution should be balanced, and the parties' response restrained.

A two-state solution is in the vital interest of Israelis and Palestinians. Israel, while clarifying to the Palestinian leaders the consequences of its unilateral moves, should continue financial transfers to the PA and leave the door open to talks.

This is a defining moment for Israel. Many neighbours are hardening their positions even as this critical moment nears. In the nearly two decades I have been engaged in peace talks I cannot recall so many dangerous uncertainties for Israel at one time. If it does not rise to the challenge it stands to pay a heavy price.

Michael Herzog, The Washington Institute's Milton Fine international fellow and a fellow of BICOM, served as a key participant in nearly every Arab-Israeli peace negotiation between 1993 and 2010. ❖

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