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Katja Creutz
Research Fellow
The Finnish Institute of International Affairs

Palestinian Frustration Vented > Seeking Increased Leverage through Multilateral Fora

The Palestinian Authority is stepping up its involvement in the international community and in international institutions. These practical moves are no substitute for a negotiated solution to the Israel–Palestine conflict, but they do seek to bolster Palestine’s position in future peace talks.

The breakdown of the last round of peace talks between Israel and the Palestinian Authority brokered by US Secretary of State John Kerry coupled with the conflict in Gaza this summer have led the Palestinian Authority to re-evaluate the strategy on how to achieve independence.

The Palestinians have increasingly undertaken action outside negotiations with Israel that strive to increase their leverage in the international arena and thus force progress in the negotiations on Palestinian statehood. The aim of all these measures is to show that the negotiation deadlock with Israel cannot continue.

One of the most visible recent campaigns by the Palestinian Authority has been the introduction of a draft resolution to the United Nations Security Council that seeks to set November 2016 as a deadline for Israeli withdrawal. Palestine is, however, still short on sponsoring states; it arguably lacks two out of nine states that would be needed in a Security Council vote in order for the resolution to be adopted.

Even if this threshold was overcome, the likelihood of such a resolution being passed in the Security Council is practically zero. The United States would almost certainly veto a timeframe imposed upon its

ally, Israel. But future predictions of voting behaviour in the Security Council should not hinder debate on the matter, which is an important function of the work in the Security Council. If Palestine manages to get the resolution to a vote, it would open a public debate on the conflict and the ongoing stalemate.

Earlier this year, Palestine also requested to join multiple international organizations and treaties. These reportedly include the International Civil Aviation Organization, the Universal Postal Union, and the World Health Organization. As for treaties, Palestine has sought to accede to a number of fundamental international conventions in the field of international humanitarian law and human rights law. It has announced that a further round of membership applications to dozens of international organizations will take place if there is no progress with regard to the two-state solution. Yet, the Palestinian Authority has been careful not to overly irritate the United States or Israel. It has not, for example, sought membership of all UN bodies.

A volatile move on the part of the Palestinians would be to join the International Criminal Court (ICC). Accepting ICC jurisdiction would open the door to scrutiny of Israeli

occupation and war crimes committed by Israeli troops. One opening to deal with these issues was the recent claim raised by the Comoros with regard to the crimes that occurred in 2010 on the vessel Mavi Marmara flying Comorian flag. Nine persons were killed in the Israeli raid, which stopped the ship from delivering humanitarian aid to Gaza. In early November 2014, the ICC nevertheless rejected the application on the grounds that it lacked sufficient gravity.

The Palestinian Authority is now seriously considering how to proceed with respect to the ICC. In 2009, Palestine issued a declaration accepting the ICC’s jurisdiction, which nonetheless was rejected by the Court due to Palestine’s status at the UN at that time. The General Assembly Resolution 67/19 of 2012, which accepted Palestine as a ‘non-member observer State’ of the UN, has, according to the ICC, now made it possible for Palestine to recognize ICC jurisdiction.

It remains to be seen whether the Palestinian Authority will take advantage of this option to use it as a tool to question the Israeli occupation and crimes related thereto. Different Palestinian factions, including the PLO and Hamas, have announced their support for

Finnish Institute of
International Affairs

Kruunuvuorenkatu 4

POB 400

00161 Helsinki

Telephone

+358 (0)9 432 7000

Fax

+358 (0)9 432 7799

www.fiia.fi

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President Mahmoud Abbas should he decide to move ahead with this issue. The acceptance of the ICC would, however, seriously endanger the engagement of the United States in future peace talks, as well as exacerbate the relations with Israel.

Whether pursuing the path of increased international participation will prove useful or not for the Palestinians remains to be seen. As such, taking the indirect route is not unprecedented. A similar strategy was adopted by the international community with respect to building an independent Kosovo. Kosovo was, as part of the Ahtisaari Plan of 2006, allowed to apply for membership of international organizations, to ratify international conventions, and its legal status was subsequently even discussed by the International Court of Justice.

Still, the prospects of building a viable Palestinian state via different practical undertakings in multilateral fora are remote and can easily backfire.

Only negotiated solutions that involve Israel can lay the foundation for a lasting peace. But forcing the international community to confront the conflict through various campaigns is crucial to help build international pressure on Israel. Overall, they might even generate

some international recognition for Palestine as a byproduct.