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EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

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The admission of Palestine to the UN, an obligation for the international community

The Middle East has arrived at a cross road. Multiple violations of international law by Israel (the continuation of Israeli colonisation, the blockade of Gaza, violations of fundamental rights of the Palestinians) prevent all progress towards peace and have led the negotiations to an impasse. At a time when the Arab peoples are taking their fate in their own hands, only recognition at the United Nations of the Palestinian State in the frontiers as they existed before the war of 1967, with East Jerusalem as the capital, can open a new perspective. This recognition has to be fulfilled by all States, in particular those of the European Union. EU States have to escape from the contradiction which arises when the EU gives financial help to Palestine, without recognising the Palestinian state.

This recognition is an obligation for states and does not need the consent of Israel. In fact, under international law, every state is free to recognize as a state a people which is candidate to become a state. This is an independent diplomatic step. It must be remembered that 24th September 2010 President Obama proposed that the UN General Assembly should "meet again next year with an agreement that will lead to a new member of the United Nations, an independent sovereign state of Palestine which will live in peace with Israel." On the 21st of April 2011 the French president Nicolas Sarkozy informed the Palestinian president Mahmoud Abbas of his very clear "support of the efforts which aim to the creation of a Palestinian state". And the French Ministry of Foreign Affairs has taken the view that recognition of the Palestinian state is "an option which one has to keep in mind" but "that one has to do it with the European Union". The EU declared on 13th December last year, that they will do it "when the time has come".

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This opinion must not become a pretext to postpone the decision. The moment has come now. President Mahmoud Abbas has undertaken a series of political visits to obtain the recognition of the Palestinian State. Even in Israel a group of personalities, many of them from the Mossad, the Shin Bet, the army and business have published an "Israeli Peace Initiative" in favour of the creation of a Palestinian State on the part of Israel. This initiative was followed by a petition in the same terms, signed by about 60 personalities, 17 of them Laureates of the Israel Prize, one of the highest honours in the field of art, science and literature, lecturers like Zeev Sternhell and Yirmiyahu Yovel and the founder of the Meretz party Shulamit Aloni. The signatories reminded their readers of Resolution 181 of the UN General Assembly of 29th November 1947 which stipulated "the creation of a Jewish State and an independent Arab State" and referred to several sentences of the Declaration of Independence of Israel of 14th May 1948. They added "we have looked around us and have taken notice of what happens in the surrounding countries and we have come to the conclusion that it time that the Israeli make their voice be heard."

These initiatives deserve to be welcomed and the international community has to bear its responsibility in this matter. It is 64 years after Israel's rejection of the plan to divide Palestine. Now it is the task of the international community to assure a definitive, just and enduring settlement, which is based on international law. The European Union has to take the initiative, and recognise without delay the Palestinian state in the frontiers existing before the war of 1967 with East Jerusalem as the capital, and demand that the UN does the same without delay.

According to the provisions of the UN Charter, acceptance of the membership of a new state needs a decision of the UN General Assembly based on a recommendation of the UN Security Council. If in any case a permanent member of the UNSC should exercise its veto against a recommendation proposing the admission of Palestine, then there should be an extraordinary meeting of the UN General Assembly. This is possible by virtue of Resolution 377 of 1950, in a case when the UNSC blocks, due to a veto of one of its permanent members, a decision for the safeguard of peace ("uniting for peace"). There is no doubt that peace in the region depends on the normalisation of the situation in Palestine, and its unconditional admission to the community of states. Hence the UN General Assembly has to bear its responsibility.

However the national and international authorities cannot go in this direction if they are not supported by world public opinion. This has to be mobilized. Therefore personalities and intellectuals of all origins, tendencies and interests are invited to join this appeal. So that peace dominates over war. So that international law is not only made of promises and lies. In order to avoid new tragedies. In order to assure the future of two peoples who live together on the same earth.