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**Understanding Palestinian Diplomacy in 21st Century:
Future, prospective and the role of the EU in fostering the
Palestinian Statehood**

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Statutory Declaration

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Abstract

Palestinian diplomacy is considered as a unique and distinct case in the modern history which is different from states diplomacy. Palestinian diplomacy has started in the absence of sovereign Palestinian political entity and emerged from outside the Palestinian Territory and before the establishing the Palestinian National Authority. Despite the political and diplomatic developments of Palestine, and the fact that Palestine has been recognised in more than courtesy manner by virtue of the diplomatic interaction by other states, Palestine is still until now not recognised as a fully sovereign state.

The EU's position towards the direct recognition of Palestinian statehood has been articulated progressively over the decades. The EU has taken an active role in the Middle East peace process, through developing many diplomatic instruments and policies to support Palestinian state-building. However, EU is still relent and hesitant in its support for a Palestinian state and the EU Member States have been divided between themselves on the question of Palestinians state at the UN.

The incentive for the researcher of this study is to provide an overview of Palestinian diplomacy as well as to analyse EU's policy towards fostering Palestinian state. The research therefore recalls that, to what extent is the EU policy towards Palestine aiding the establishment of a fully functioning, legally recognised Palestinian state?. Thus, the research argues that, the EU as a largest single donor to the Palestinian and a member of the Quartet, as well as with its new speaking powers at the UN can do immense effort regarding to the Palestinian bid at the UN and fostering the Palestinian statehood.

The study mainly uses typical academic approaches, such as descriptive, analytical and inductive approaches. The method of analyses encompasses primary and secondary sources of law that pertain to diplomacy. As well, interviews have been conducted with diplomats in order to in-depth analyses both the Palestinian and European perspectives which at the end would definitely enrich the research.

The study has concluded, *inter alia*, that the EU may gain more value and more important role towards the Middle East peace process by supporting the Palestinian State. Therefore, the EU shall succeed to find a common position between its member states in order to speak with one voice regarding to the Palestinian bid to the UN. However, in the event that the EU fails to reach a unified consensus on a Palestinian bid, the EU would show its internal split which ultimately undermine its credibility and confirming that the EU is not yet able to speak with one voice regarding to the Palestinian State.

Keywords

Palestinian Diplomacy

The Palestinian bid to the United Nations

Palestinian Statehood

The European Union

The United Nations Membership

The diplomatic recognition of states *in status nascendi*

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Dedication

I DEDICATE THIS WORK TO MY:

DEVOTED PARENTS

List of Abbreviations

EU	The European Union
PNA	The Palestinian National Authority
PLO	Palestinian Liberation Organisations
UN	The United Nations
SC	Security Council
GA	General Assembly
UNSC	Security Council of the United Nations
UNGA	The United Nations General Assembly
WB/GS	West Bank and Gaza Strip
ICJ	International Court of Justice
ICC	International Criminal Court
MFA	Ministry of Foreign Affairs
PLC	Palestinian Legislative Council

1 Introduction

Palestinian diplomacy is a unique and distinct case in the modern history which is different from other states diplomacy. Diplomacy has existed since the first human societies decided to communicate with each other in order to achieve certain goals,¹ and it has always been about communication and mediation between human beings.² In the history, the practice of traditional diplomacy was conducted by sovereign states in the field of politics,³ as well as was concerned with state crisis management⁴ and the transition from the state of war to the state of the peace.⁵

Palestinian diplomacy has started in the absence of sovereign Palestinian political entity, and it has emerged from outside of the Palestinian Territories. Palestinian diplomacy has carried out by the Palestinian Liberation Organisation (PLO) in order to achieve the Palestinian statehood. In the last decades, the PLO has begun its diplomatic relations with international community and has succeeded to garner the international support to the Palestinian cause.

Palestinians have been struggling for decades to join the global family of nations, standing in line and waiting for the international community to recognise their right to self-determination and their right to have a fully sovereign state. Diplomacy as a "method of political interaction at the international level and the techniques used to carry out political relations across international boundaries"⁶ has been shaped by the Palestinians over past decades who have included bilateral and multilateral dimensions in their diplomatic practices. In 2011, the Palestinian National Authority (PNA) decided to go to the United Nations (UN) in order to enhance its position for a full membership of the UN. Despite the fact that the Palestinian people and politicians realised that the UN bid was not going to lead to full membership in the UN, or to the Palestinian statehood, it was a tremendous

¹ K. Hamilton & R. Langhorne, *The Practice of Diplomacy: Its evolution, theory and administration*, Routledge, London, 2011, (2nd edn.), p. 7.

² J. Batora, "The Organizational Basis of Modern Diplomacy", in J. Batora, *Foreign Ministries and the Information Revolution: Going Virtual?*, Leiden, Martinus Nijhoff, 2008, p. 17.

³ S. Roberts, *Satow's Diplomatic Practice*, Oxford University Press, New York, 2009, (6th edn.), p. 5.

⁴ P. Lauren, "Diplomacy: History, Theory, and Policy", in P. Lauren (ed.), *Diplomacy: New Approaches in History, Theory, and Policy*, The Free Press, London, 1979, p. 5.

⁵ J. Siracusa, *Diplomacy: A Very Short Introduction*, Oxford University Press, New York, 2010, p.1. See also, A. Khalil, "What is diplomacy?", paper for the course 'Diplomacy today: Theory and Practice', Bruges, College of Europe, November 16, 2011.

⁶ J. Robert & L.Feilleix, *The dynamics of diplomacy*, Lynne Rienner, the United States of America, 2009, p. 8.

diplomatic step for the Palestinians to enter mainstream international politics as a recognized sovereign state.⁷

1.1 Research Problems

The international diplomatic recognition of states *in statu nascendi*⁸ could be the case of the international diplomatic recognition of the Palestinian state. Palestinian diplomacy is now facing a series of challenges in achieving Palestinian statehood and these challenges create increasing confusion for PNA. Bearing in mind that, the bilateral track of Palestinian diplomacy has failed to achieve a sovereign state through negotiation with Israel which leads the PNA to choose multilateral track by going to the UN. Many scenarios envisaged to get a sovereign and independent state at the UN. Firstly, the Palestinians could approach the Security Council of the United Nations (UNSC) in order to claim their right to self-determination once they assured of getting the nine votes that are needed from the Security Council members, and once they ensure that no veto will be used by any of the permanent members at the Security Council, in particular the United States of America.⁹ Secondly, even if the Palestinians do not win the Security Council, then they still have the possibility to go to the General Assembly which could give them access to the international judicial bodies of the United Nations such as the International Court of Justice (ICJ) and the International Criminal Court (ICC).

The European Union's (EU) position towards the question of the direct recognition of Palestinian statehood has been articulated progressively over the decades. The EU has taken an active role in the Middle East peace process between the Palestinians and Israelis, through developing many diplomatic instruments and policies in order to support Palestinian state-building. The EU is the largest single donor for the Palestinians, a member of the Quartet and nowadays the EU has more speaking power at the United Nations after the upgrading of its status in the United Nations General Assembly (UNGA).¹⁰ Having said this, however the

⁷ A. Khalil, "Public Relations Campaign towards the Palestinian State no. 194 at the United Nations", paper for the course 'Public Relations', Bruges, College of Europe, March 27, 2012.

⁸ Its Latin term means something in the process of becoming, but which still hitherto has not received the legal recognition. See, S. Silverberg, "Diplomatic recognition of States *in statu nascendi*: The case of Palestine", *Tulsa Journal of Comparative and International Law*, vol. 6, no. 1, 1998, p. 21.

⁹ The United Nations Charter art. 4, para. 2 states that, "*the admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council*".

¹⁰ Resolution number 65 /276 on the participation of the European Union in the work of the United Nation. United Nations General Assembly, Resolution A/65/L.64/Rev.1.

EU is still reluctant and hesitant in its support for a Palestinian state. The EU Member States have been divided between themselves on the question of Palestinian state at the UN,¹¹ and they could not reach an accord to speak with one voice.

1.2 Research Questions

The research therefore focuses on two main issues: Firstly, on the nature of Palestinian diplomacy in 21st century and the main challenges that it faces. Secondly, on the role of the EU's policy towards strengthening and fostering Palestinian state.

Therefore, the research addresses the main question: to what extent is the EU policy towards Palestine aiding the establishment of a fully functioning, legally recognised Palestinian state? In order to answer this question, the current research will look at:

- What is the nature of the Palestinian diplomacy, and what are its characteristics?
- What are the main challenges that face Palestinian Diplomacy in the 21st century in the negotiations and the constant battles to reassert its legitimacy?
- What is the role of the EU policy in fostering the Palestinian state?

The research recalls that, the distinctive role of the EU and the distinctive diplomatic and economic instruments that have been used towards Palestinian state lead the EU to take on a greater diplomatic role in order to influence the potential solution of the conflict and recognize Palestinians right to have a sovereign state. Therefore, the research hypothesis is that, the multilateralism dimension will be more effective for the Palestinian diplomacy in order to gain their statehood than the bilateralism or unilateralism dimension.

1.3 Research Aims and Objectives

The research aims to enlighten and provide an overview of some substantial issues and questions regarding Palestinian diplomacy, to the present day. The research intends to highlight Palestinian diplomacy in retrospect and prospect. Furthermore, the research is expected to expose the need for more effective diplomatic instruments in order to let the

¹¹ Other example at the UNISCO where the EU failed to come to a common position and to speak with one voice regarding to the Palestinian membership to the UNISCO.

Palestinians achieve their statehood. Moreover, the research intends to shed light on the European Union's policy in fostering and strengthening the Palestinians in achieving their statehood.

1.4 The Research Methodology

The method that will be used for this research is primarily an analytical one; analyzing the academic writings on the nature of diplomacy will be used to analyse the main characteristic of Palestinian diplomacy. Then, the research will illustrate the main challenges that face the Palestinian diplomacy in 21st century. Moreover, explaining the EU's policy towards the Palestinian state.

The study combines typical academic approaches, such as descriptive, analytical and inductive approaches. The method of analysis encompasses primary and secondary sources of law that pertain to diplomacy. The first step consists in the collection of primary resources including resolutions and legislation, international agreements and court decisions. Secondary resources include books, articles, and the explanations of laws, documents and case law. Moreover, the research intends to conduct seven interviews with experts in the field of Palestinian and European diplomacy, such as diplomats of the delegation of Palestine to the European Union, Belgium and Luxembourg. As well, with official European Union diplomats in the European External Actions Service (EEAS), in order to in-depth analysis both the Palestinian and European perspectives which at the end would definitely enrich the research.

1.5 Structure of the Study

The study, which primarily presents the general scope of Palestinian diplomacy in retrospect and prospect and the role of the EU policy in fostering the Palestinian state; is structured as follow:

Chapter One: Theoretical Framework of Palestinian Diplomacy

Illustrating the theoretical framework of Palestinian diplomacy is the thrust of chapter one, which is divided into two sub-chapter.

Sub-chapter one reviews the literature of diplomacy by depicting the differences between the term diplomacy and foreign policy.

Sub-chapter two presents and reviews the historical impact of Palestinian diplomacy by analyzing the evolution and development of the Palestinian foreign policy in the last decades. Furthermore, this sub-chapter investigates the nature of the Palestinian diplomacy to give a preview and enlighten the knowledge about the main characteristics of Palestinian diplomacy through shedding the light on the literature of diplomacy.

Chapter Two: Palestinian Diplomacy in 21st Century: Facts and Challenges

Applying the literature of diplomacy considered in chapter one to the current Palestinian diplomacy is the thrust of chapter two, which is divided into two sub-chapters.

Sub-chapter one illustrates the search for Palestinian statehood by describing the diplomatic recognition of states in *status nascendi*, and then examines the diplomatic methods that might be used by the Palestinians in order to evaluate the effectiveness of bilateralism and multilateralism, as well as the role of the international bodies in securing the support for Palestinian statehood.

Sub-chapter two examines the Palestinian bid for a full membership at the United Nations and the main challenges that might face Palestinian diplomacy by analysing the legal and political ramifications and consequences of the UN bid.

Chapter Three: The EU Diplomatic Instruments Towards the Palestinian State

Analyzing the EU diplomatic instruments towards the Palestinian state is the trust of this chapter which is divided into three sub-chapters.

Sub-chapter one illustrates the role of the EU that plays in the Middle East peace process in order to check whether the EU's instruments have provided any real opportunity for the EU to take a greater diplomatic role towards the Palestinian-Israeli conflict and towards fostering the Palestinian state.

Sub-chapter two exposes the EU's policy in fostering the Palestinian state by assessing the EU's credibility in promoting a democratic Palestinian state.

Sub-chapter three designates to analyse the EU's position towards the Palestinian bid at the United Nations.

2 Theoretical Framework of Palestinian Diplomacy

The question of what diplomacy is inseparable from the question of what it is not. Therefore, rather than starting with a long and abstract discussion of what diplomacy is and what is not, this chapter aims at introducing the reader to diplomacy by using a literature framework on diplomacy. Sub-chapter 2.1 describes the literature review on diplomacy by illustrating the differences between diplomacy and foreign policy. Sub-chapter 2.2 briefly reviews the historical impact of Palestinian diplomacy over the last decades by depicting the evolution and development of Palestinian foreign policy. Then, describing the nature and the essence, as well as the functions of Palestinian diplomacy.

2.1 Literature Review on Diplomacy

2.1.1 Diplomacy and Foreign Policy¹²

Diplomacy has existed within international theory¹³ and was used interchangeably with international relations.¹⁴ The term diplomacy has been used among early political scientists in different ways. On one hand, Realists used it in a way to describe the state's methods and strategies in sending and receiving information before conducting wars. On the other hand, Liberals used the term diplomacy in context of the negotiation between states.¹⁵ More recently, the Neoliberals used diplomacy in terms of its function and they considered diplomacy as to be synonymous with foreign policy.¹⁶ Nevertheless, the literature on diplomacy is limited and the conceptual term of diplomacy is rarely analyzed or explored,¹⁷ as well as, diplomacy has been considered as a "resistant to theory" throughout the last decades.¹⁸

¹² This sub-chapter is based on a paper written by the researcher which has been submitted to the College of Europe for the course 'Diplomacy today: Theory and Practice'. The paper titled by, "What is diplomacy", November 16, 2011.

¹³ Diplomacy has been interpreted as an aspect of international system, society or community. See, P. Sharp, *Diplomatic Theory of International Relations*, Cambridge University Press, United Kingdom, 2009, p. 113.

¹⁴ M. Cross, *The European Diplomatic Corps: Diplomats and International Cooperation from Westphalia to Maastricht*, Palgrave Macmillan, New York, 2007, p. 3.

¹⁵ Cross, *op. cit.* p. 3.

¹⁶ Cross, *op. cit.* , p. 13.

¹⁷ C. Jonsson & M. Hall, *Essence of Diplomacy*, Palgrave Macmillan, New York, 2005, p. 1.

¹⁸ J. Der Derian, "Mediating Estrangement: A theory for Diplomacy", in C. Jönsson & R. Langhorne (eds.), *Diplomacy*, vol. I, London, Sage, 2004, p. 279. See also, Khalil, "What is diplomacy?", *op. cit.*, 2.

In general terms, the word diplomacy has been used in English literature,¹⁹ and it is often used to conduct a state's foreign policy. However, it still suffers from misuse and confusion with other terms mainly foreign policy; which is policy formulated by government and not by diplomats.²⁰ To the extent that, the term diplomacy is different from the term foreign policy, where diplomacy is the process of negotiation between states, and foreign policy is the essence of the states relation with each other.²¹ It should be mentioned at this point that, the British diplomat -Peter Marshall- explained the difference between diplomacy and foreign policy by referring to that "foreign policy is about what to do and diplomacy is about how to do it".²²

The research focuses on the study of diplomacy which is different from the study of foreign policy. Foreign policy²³ is analyzed from the perspective of states as well as the other actors who are engaged in executing it.²⁴ Diplomacy is rather the implementation of the state's foreign policy.²⁵ Therefore, in the next sub-chapter, the research highlights the evolution and development of Palestinian foreign policy and then, analyses the essence of Palestinian diplomacy in terms of executing the Palestinian foreign policy.

¹⁹ Gasparo Bragoccia in 1626 defined diplomacy "Men began...almost in the first infancy of the world to exercise this office, trying to make peace and coalitions for war", Napoleon in 1805 said that "Diplomacy is the police in grand costume". See, C. Freeman, *The Diplomat's Dictionary*, United States Institute of Peace Press, the United States of America, 1997, p. 70. See also, A. Khalil, "What is diplomacy?", *op. cit.*, 3.

²⁰ Roberts, *op. cit.*, p. 3.

²¹ J. Batora, "Does the European Union Transform the Institution of Diplomacy?", *Journal of European Public Policy*, vol. 12, no. 1, 2005, p. 45, 46.

²² K. Rana, *Bilateral Diplomacy*, Diplo Handbook, Malta, 2001, p. 17. See also, Khalil, "What is diplomacy?", *op. cit.*, p. 3.

²³ Further information about foreign policy of states, See, B. Hocking "What is Foreign Ministry?", in K Rana & J. Kurbalija (eds.), *Foreign Ministries*, Geneva and Malta, DiploFoundation, 2007, pp. 3-19.

²⁴ G. Pigman, *Contemporary Diplomacy*, Polity Press, the United States of America, 2010, p. 9.

²⁵ Robert & Feilleix, *op. cit.*, p. 8.

2.2 *The Historical Impact of Palestinian Diplomacy*

2.2.1 The evolution and development of Palestinian foreign policy

The evolution of Palestinian foreign policy retunes back to the establishment of the Palestinian Liberation Organisation (PLO) in 1964.²⁶ The Palestinian foreign policy, since that time has been dedicated to achieve the Palestinian political identity and to get the recognition of the international community of the PLO.²⁷ Therefore, in 1974 the Arab heads of state and government at Rabat Summit affirmed that the PLO is the sole legitimate representative of the Palestinian people.²⁸ In addition, the turning point for the PLO was on 22 of November 1974, when the UN passed a Resolution 3236 (XXIX) which recognised the PLO as a representative of the Palestinian people, and recognised the right of the Palestinian people to self-determination and the national independence.²⁹ Moreover, the UNGA granted the PLO as an 'observer status' at the UN³⁰ and invited *Yasser Arafat* to deliver a speech before the UNGA in the same year,³¹ which was considered as a revolutionary change for Palestinian diplomacy.

Afterward, the PLO was able to shape its diplomatic effort worldwide by establishing more than 96 official delegations in order to gain the legitimacy of its program which aimed to create the independence Palestinian state. The PLO played a substantial role in executing the Palestinian foreign policy and in the construction of concrete basis of Palestinian diplomacy that gained the international recognition.³²

²⁶ C. Pfeiffer, *Arab Resistance in Palestine: From Fateh to the Foundation of the Palestinian Liberation Organisation (PLO)*, Seminar Paper, GRIN, 2005, p. 8.

²⁷ R. Haj Aissa, *Palestinian Diplomacy: A Glance at the Institutions and the Historical Impact*, Master's thesis, European University Centre for Peace Studies, Schlaining, Austria, 2008, 16.

²⁸ A. Cassese, *Self-Determination of Peoples*, Cambridge University Press, the United Kingdom, 1995, p. 239.

²⁹ The United Nation General Assembly Resolution 3262 (XXIX) of 22 November 1974 on invitation of the Palestinian Liberation Organisation to participate in the efforts for peace in the Middle East. Available online at [http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/3376\(XXX\)&Lang=E&Area=RESOLUTION](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/3376(XXX)&Lang=E&Area=RESOLUTION), accessed on March 30, 2012.

³⁰ The United Nation General Assembly Resolution No. 3237 of 22 November 1974 on observer status for the Palestine Liberation Organization (PLO). Available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/39/IMG/NR073839.pdf?OpenElement>, accessed on March 30, 2012.

³¹ Y. Lukacs, *The Israeli- Palestinian Conflict: A document record 1967- 1990*, Cambridge University Press, Cambridge, 1992, p. 317.

³² Haj Aissa, *op. cit.*, p. 16.

2.2.2 A foreign relation as an element of the Palestinian statehood

As noted before, the Palestinian foreign policy is concerned about creating a fully independent and sovereign Palestinian state. Therefore, one of the fundamental criteria of statehood under the international law is the capacity of states to enter into foreign relations with other states. Thus, the Montevideo Convention on the Rights and Duties of States³³ in Article I states that, "The state as a person of international law should possess the following qualification: (a) a permanent population; (b) a defined territory; (c) a government; and (d) capacity to enter into relations with other states. Despite of the fact that the issue of recognising Palestine as a state under the international law was and still under the question,³⁴ the issue of foreign relations has received a special treatment in each agreement that has been negotiated between the PLO and Israel. The PLO was eager to transfer the authority regarding to the foreign relations to the hand of the PNA in order to shape the nature of autonomous entity for PNA and its Ministry of Foreign Affairs.³⁵

2.2.3 The nature of Palestinian foreign policy

The PLO entered into bilateral and multilateral diplomatic tracks during the last decades. In 1993, the PLO negotiated for the first time with Israel, and since signing the Oslo Accords in 1993,³⁶ the new diplomatic and politic structures have been created and featured of the emerging Palestinian state,³⁷ which extended to create the Palestinian National Authority (PNA) and to recognise the Palestinian right to self-determination. The PNA established the Ministry of Planning and International Cooperation which was responsible for development

³³ The Montevideo Convention on the Rights and Duties of States, December 12, 1933, 165 L.N.T.S 19.

³⁴ The researcher will not tackle the question of Palestine under the International Law. For that, see, D. Khairallah, "UN Membership for a Palestinian State: Legal and Political Ramifications", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, 1- 25.

³⁵ J. Singer, "Aspects of Foreign Relations Under the Israeli-Palestinian Agreements on Interim Self-Government Arrangements for the West Bank and Gaza", in S. Silverberg (ed.), *Palestine and International Law: Essays on Politics and Economics*, McFarland, the United States of America, 2002, p. 174, 175.

³⁶ The Oslo Accords or Oslo Agreement has been signed in Washington DC on 13 September 1993. It has officially terminated the conflict between PLO and Israel and started to negotiate diplomatically the arrangement for establishment of Palestinian National Authority. Both parties signed the Declaration of Principles on Interim Self-Government Arrangement (DoP) which was the first agreement between Israel and the PLO. See, F. Bikerat and others, *The Palestinian Business Law Guide*, Birzeit University- Institute of Law, Palestine, 2009, p, 64.

³⁷ N. Brown, *Palestinian Politics after the Oslo Accords: Resuming Arab Palestine*, University of California Press, England, 2003, p. 12.

and supervising of the PNA foreign relations.³⁸ In 2003, the Ministry of Planning and International Cooperation has become the Ministry of Foreign Affairs (MFA),³⁹ that undertakes all the duties of the country in the course of managing Palestinian's foreign relations, and negotiating on behalf of the PNA.⁴⁰ Moreover, MFA carries on behalf of the PNA the methods and techniques of political interaction at the regional and international level. The MFA is responsible for organising of diplomatic and consular between the PNA and other states, as well as the international organisations.⁴¹ Moreover, MFA represents PNA in international conferences and international organisations.⁴²

The PNA has adopted the basic goals of its foreign policy in order to deal with all regional and international issues. Mainly, maintaining the independence of Palestinian political decision that reflects the will of Palestinian people. Respecting the principle of non-intervention in other countries internal affairs, as well as respecting the sovereignty of other countries. Also, the commitment to the United Nations Charter, International Law Rules and the Universal Declaration of Human Rights. Moreover, among the PNA foreign policy principles is maintaining and establishing a good relationships with all states on the basis of equality and mutual respect. Standing by the international legitimacy and supporting the good and just causes. Commitment to the peaceful existence and cooperation with all countries in order to achieve the comprehensive, just and lasting peace that based on justice and respect of rights. As well as, commitment to settling all regional and international crises via a peaceful ways, and to refuse all forms of use, or threat to use of force against its territory, without prejudice of its right to self-defence.⁴³

It should be mentioned at this point that, the PNA foreign policy towards the peace process, which is one of the most crucial issue, has been identified in a very clear way. Therefore, PNA affirms its request for the peace, hence on this basis the PLO entered into serious negotiations with Israel in order to reach the desired peace in accordance with the principles

³⁸ A. Ghanem, *The Palestinian Regime: A Partial Democracy*, Sussex Academic Press, Great Britain, 2002, p. 79.

³⁹ M. Hassan & R. Al-Hantole, "Youth and the Problem of Palestinian Diplomacy", Workshops and Policy Papers about Institutional Reform in Palestine, No. 6, Ibrahim Abu-Lughod Institute of International Studies, Birziet University, Palestine, 2004, p. 26. (In Arabic)

⁴⁰ Palestinian National Authority, the Ministry of Foreign Affairs, http://www.mofa.pna.ps/ar/index.php?p=ministry_3

⁴¹ Interview with the Deputy Chief of Palestinian Mission, Hadi Shibli, General Delegation of Palestine to the European Union, Belgium and Luxembourg, Brussels, May 2, 2012.

⁴² Haj Aissa *op. cit.*, 26.

⁴³ Palestinian National Authority, the Ministry of Foreign Affairs, *op. cit.*

of the international law, which requires Israel's full withdrawal from all occupied Arab territories, including the occupied Syrian and Lebanese territories. As well as, enable the Palestinian people exercise their inalienable rights, particularly their rights to self-determination and the establishment of their independent state. In this framework, the PLO has identified its vision on peace through emphasising on: A complete Israeli withdrawal to the borders of 4th, June 1967, in referent to the United Nations Security Council Resolution No. 242 and the principle of land for peace.⁴⁴ Termination, by Israeli, the occupying power, of the illegal annexation of the occupied city of Jerusalem, in referent to the UNSC RES. no. 478 of 1980, and a comprehensive withdrawal from the city in order to become fully under full and complete jurisdiction of the Palestinian state.⁴⁵ Moreover, to dismantle settlement infrastructure in referent to the UNSC Res. no. 465 on 1980 and all relevant UN Resolutions.⁴⁶ Stressing on the Rights of the Palestinian refugees in referent to the UNGA Resolution no. 194 which guaranteed their right to return to their homes and to compensation (the right of return).⁴⁷ Finally, the recognition of the right of the Palestinian people to self-determination under the relevant UN Resolutions, especially the Security Council Resolution 1397,⁴⁸ and to restore its complete sovereignty on its territory of the West Bank including Jerusalem and the Gaza Strip.⁴⁹

⁴⁴ The United Nation Security Council Resolution No. 242 of 22 November 1967 on the situation in the Middle East. Available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/240/94/IMG/NR024094.pdf?OpenElement>, accessed on March 30, 2012.

⁴⁵ The United Nation Security Council Resolution No. 478 of 20 August 1980 on Territories occupied by Israel. Available online at <http://www.un.org/documents/sc/res/1980/scres80.htm>, accessed on March 30, 2012.

⁴⁶ The United Nation Security Council Resolution No. 465 of 1 March 1980 on Territories occupied by Israel. Available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/399/58/IMG/NR039958.pdf?OpenElement>, accessed on March 30, 2012.

⁴⁷ The United Nations General Assembly Resolution No. 194 of 11 December 1948 on Palestine Progress Report of the United Nations Mediator. Available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/65/IMG/NR004365.pdf?OpenElement>, accessed on March 30, 2012.

⁴⁸ The United Nation Security Council Resolution No. 1397 of 12 March 2002 on the situation in the Middle East, including the Palestinian question. Available online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/283/59/PDF/N0228359.pdf?OpenElement>, accessed on March 30, 2012.

⁴⁹ Palestinian National Authority, the Ministry of Foreign Affairs, http://www.mofa.pna.ps/ar/index.php?p=foreign_policy1#1

2.2.4 The essence of Palestinian diplomacy

As mentioned before, Palestinian diplomacy is considered as an unique and distinct case in the modern history which is different from other states diplomacy. The practice of diplomacy is normally exercised by sovereign and independent state. *Nicolson* had defined the tradition diplomacy as the management of international relations between states by negotiation.⁵⁰ However, Palestinian diplomacy has started in the absence of sovereign Palestinian political entity and it started before the establishing the Palestinian National Authority. Moreover, the PLO has begun the diplomatic relations with other states and with the international community from outside the Palestinian Territory and it succeeded to build a diplomatic relations with many states in order to garner the international support to the Palestinian cause.

In the diplomacy literature, one can clearly notice that the early uses of diplomacy was primarily concerned with the process of diplomacy, such as the negotiations between states to achieve their objectives. In this context, some scholars perceived diplomacy as an art of negotiation such as, *Berridge* who defined diplomacy as "an essentially political activity and well resourced and skilful, a major ingredient of power",⁵¹ and he argued that the most important function of diplomacy is negotiation.⁵² Other scholar such as *Satow* defined diplomacy in terms of "the application of intelligence and tact".⁵³

It should be stressed that, in the last century the term diplomacy has been expanded to cover not only the process of diplomacy, but also the actors of diplomacy who are negotiating on behalf of states. Having said this, *Nicolson* defined diplomacy as "the management of international relations by negotiation, the method by which these relations are adjusted by ambassadors and envoys; the business or art of the diplomatist".⁵⁴ It's clear *Nicolson's* definition acknowledges the role of practitioners who determine the diplomatic process.⁵⁵

Drawing on these ideas, *Sir Ernest Satow* offered a seemingly complete definition of defined diplomacy as "the application of intelligence and tact to the conduct of relations between the

⁵⁰ H. Nicolson, *Diplomacy*, Oxford University Press, United Kingdom, 1950, p.15.

⁵¹ G. Berridge, *Diplomacy: Theory and Practice*, Palgrave Macmillan, New York, 2005, (3rd edn.), p. 1.

⁵² *ibid*, p. 27.

⁵³ Roberts, *op. cit.* p. 3.

⁵⁴ Nicolson, *op. cit.*, p.15.

⁵⁵ Pigman, *op. cit.*, p. 4,5.

government of independent states, extending sometimes also to their relations with vassal states, or, more briefly still, the conduct of business between states by peaceful means".⁵⁶ However, *Satow* failed to take into account evolving trends and arguably in the twentieth-first century, a broader range of actors than state representatives can be engaged in diplomacy, through increasingly complex processes, such as multilateral institutions.⁵⁷

In the light of these developments, the essence of Palestinian diplomacy goes back to the emergence of the Palestinian Liberation Organisation, as one of the National Liberation Movements that sought to achieve the right of self-determination, which had an impact on the patterns of international and diplomatic relations with other states. The PLO engaged in the international system and sought for a peaceful solution for the conflict and claimed the right of self-determination of the Palestinian people. Diplomacy was a vital tool for the PLO to execute its foreign policy in addition to the armed struggle. The PLO combined the use of both diplomacy and armed struggle tools which helped to recognise the PLO as an effective and necessary actor in solving the conflict.⁵⁸ Moreover, the PLO had recognised from the very beginning the importance of getting involved in the international system and to develop relations with other states, which helped the PLO to adopt less radical approach and to turn away from the armed struggle to the use of more diplomatic strategies.⁵⁹

⁵⁶ Roberts, *op. cit.*, p. 3.

⁵⁷ Khalil, "What is diplomacy?", *op. cit.*, p. 4.

⁵⁸ R. Tawam, Diplomatic Activity of National Liberation Movements and its Impact on International Law and International Relations: The Palestinian Experience, Master's thesis at Birzeit University, Palestine, 2011. (In Arabic)

⁵⁹ H. Agha & others, *Track- II Diplomacy: Lessons from the Middle East*, the Belfer Centre for Science and International Affairs, Harvard, University, MIT Press, 2004, p. 10.

2.2.5 The functions of Palestinian diplomacy:

Diplomacy as a "method of political interaction at the international level and the techniques used to carry out political relations across international boundaries"⁶⁰ involves many elements such as, communication, negotiation and representation between states or non-states actors.

2.2.5.1 Communication:

Diplomacy is often defined in term of communication as a "regulated process of communication".⁶¹ Therefore, communication is the essence of Palestinian diplomacy which facilitates the communication between the Palestinian political leaders and representations with other actors⁶² through the transmission of messages by the diplomats.⁶³

Moreover, Palestinian diplomacy executes the Palestinian government's external policy by communicate the Palestinian issues to other governments or international organisations. Thus, the power of communication lies in the ability to achieve the objectives of Palestinian diplomacy through maintaining a good relationship with other states, as well as, involves also the ability to influence and modify the interests of other actors in the international community.⁶⁴

2.2.5.2 Negotiation:

Negotiation is also considered as one of the major functions of diplomacy, and diplomacy is frequently defined by scholars in terms of negotiations, such as *Watson* defined diplomacy as a negotiation between different political entities.⁶⁵

Negotiation is used by the Palestinian diplomats in order to conciliate divergent point of views between the Palestinian government and the Israeli government in order to find a

⁶⁰ Robert & Feilleix, *op. cit.*, p. 1.

⁶¹ C. Constantinou, *On the Way to Diplomacy*, University of Minnesota Press, the United States of America, 1996, p. 25.

⁶² H. Bull, *The Anarchical Society: A Study of Order in World Politics*, Columbia University Press, New York, 2002, (3rd edn.), p. 163.

⁶³ Interview with the Deputy Chief of Palestinian Mission, Hadi Shibli, *op. cit.*

⁶⁴ *ibid.*, See also, Pigman, *op. cit.*, p. 7.

⁶⁵ A. Watson, *Diplomacy: The Dialogue Between States*, Eyre Methuen, London, 1983, p. 33.

common interest in solving the conflict, as well as in order to conclude agreements between them.⁶⁶ In the last decades, the Palestinian diplomats entered into many bilateral and multicultural negotiations with the Israel to resolve the conflict. Back to Madrid conference in 1991, a joint Jordanian-Palestinian delegation was formed to join a peace conference between Arab countries and Israel.⁶⁷ The next step toward joining the PLO the diplomatic negotiation was through secret channel provided by Norwegians in the early 1993⁶⁸ which resulted to sign the Oslo Accords in the White House of the United States of America.⁶⁹ Until recent days, the Palestinian diplomats are still negotiating with Israel in many bilateral and multilateral environments.

2.2.5.3 Representation:

Diplomacy has often involved the representation of one actor towards other actors in world politics.⁷⁰ A diplomat⁷¹ normally represents one state in another state's territorial jurisdiction.⁷² The Palestinian diplomats represent Palestine in 96 countries and many other multilateral organisations. The diplomatic representation of Palestine in other countries ranging between embassy such as in most Arab, African and Asian countries, mission in Greece and Norway, general mission such as in Japan, permanent mission such as in Austria, general delegation such as in Belgium and Denmark.⁷³

⁶⁶ Interview with the Deputy Chief of Palestinian Mission, Hadi Shibli, *op. cit.*

⁶⁷ W. Quandt, "Israeli- Palestinian Peace Talk: From Oslo to Camp David II", in T. Wittes (ed.), *How Israelis and Palestinians Negotiate: Across- Cultural Analysis of the Oslo Peace Process*, United States Institute for Peace, the United States of America, 2005, p. 21.

⁶⁸ *Ibid*, p. 22, 23.

⁶⁹ S. Behrendt, *The Secrete Israeli- Palestinian Negotiations in Oslo: Their success and why the process ultimately failed*, Routledge, the United Kingdom, 2007, p. 2-3.

⁷⁰ J. Scholte, "From Government to Governance: Transition to a New Diplomacy", in Andrew Cooper, B. Hocking & W. Maley, *Global Governance and Diplomacy Worlds Apart?*, Palgrave Macmillan, New York, 2008, p. 55.

⁷¹ Cross defined diplomats as "a high-level government officials engaged in professional interaction as plenipotentiaries on the transnational level". See, Cross, *op. cit.*, p. 1.

⁷² Khalil, "What is diplomacy?", *op. cit.*, p. 6.

⁷³ Interview with the Deputy Chief of Palestinian Mission, Hadi Shibli, *op. cit.* See also, Palestinian National Authority, the Ministry of Foreign Affairs, *op. cit.*

2.3 Conclusion

This chapter demonstrated the theoretical framework of Palestinian diplomacy by describing the literature review on diplomacy and illustrating the differences between the term diplomacy and foreign policy. Moreover, in view of the foregoing examination, the researcher highlighted the evolution of Palestinian foreign policy and analysed the essence of Palestinian diplomacy in terms of executing the Palestinian foreign policy.

Therefore, after reviewing the development and the essence of Palestinian diplomacy, and recognizing that diplomacy was a major tool of PLO in order to execute the Palestinian foreign policy, the purpose is to conclude by stating that the emergence of National Liberal Movements, such as PLO in the last decades formed a significant feature of the international system. The PLO was one of most prominent movements that involved in the international system and it has been succeeded to develop diplomatic relation with the international community.

Thus, the following chapter is designed to explain the main features of Palestinian diplomacy in 21st century and the main challenges that it faces by analysing the Palestinian diplomatic methods to the international bodies in order to achieve the Palestinian statehood.

3 Palestinian Diplomacy in 21st Century: Facts and Challenges

After highlighting in the previous chapter the theoretical framework and the historical impact of Palestinian diplomacy, the discussion in this chapter reviews Palestinian diplomacy in 21st century and the main challenges that it faces. Therefore, sub-chapter 3.1 illustrates the search of Palestinian statehood by describing the diplomatic recognition of states in *status nascendi*. Then, reviews the Palestinian diplomatic methods to the international bodies and the role of these international bodies in securing general international support for Palestinian statehood. At the end, sub-chapter 3.2 recalls that the international bodies route is not an easy process and there are many challenges face the Palestinian diplomacy. Thus, this sub-chapter examines the Palestinian bid for a full membership at the United Nations.

3.1 The search for Palestinian Statehood by using new diplomatic methods to gain benefits of international law

3.1.1 The diplomatic recognition of states *in status nascendi*

Brownlie defines *states in status nascendi* as "a political community with considerable viability, controlling a certain area of territory and having statehood as its objective, may go through a period of travail before that objective has been achieved".⁷⁴ Therefore, *Silverberg* argued that, the emergence of Palestine as a non-state actor that emerged from the multilateral negotiations and the evolutionary nature of international politics have given credence to the *de facto* acceptance of the change of the international political system.⁷⁵ Moreover, he stresses the point that, the declaratory doctrine⁷⁶ which emphasises the political nature of exercise the diplomatic recognition, extends to illustrate the relation between the PNA and other states and international organisations as an indicator of the PNA's ability to engage into diplomatic relations with other states.⁷⁷

⁷⁴ I. Brownlie, *Principles of public international law*, Oxford University Press, the United States of America, 1998, (5th edn.), p.77.

⁷⁵ S. Silverberg, "Diplomatic recognition of States *in statu nascendi*: The case of Palestine", in S. Silverberg (ed.), *Palestine and International Law: Essays on Politics and Economics*, McFarland, the United States of America, 2002, p. 24.

⁷⁶ One of the major schools of modern thought on diplomatic recognition. See, L. Hammer, *A Foucauldian Approach to International Law: Descriptive Thoughts for Normative Issues*, Ashgate Publishing, England, 2007, p. 31.

⁷⁷ Silverberg, *op. cit.*, p. 9, 17.

Despite the political and diplomatic developments of Palestine, and the fact that Palestine has been recognised in more than courtesy manner by virtue of the diplomatic interaction by other states and international organisations,⁷⁸ Palestine is still until now not recognised as a fully sovereign state. Therefore, the next section highlights the Palestinian diplomatic methods that are using in order to achieve the Palestinian state.

3.1.2 The Palestinian diplomatic methods

The Palestinian National Authority at this moment recognised that, the legal landscape at the international level has changed and the bilateral negotiation in order to achieve the Palestinian statehood with Israel has failed.⁷⁹ Therefore, the PNA acknowledged the fact that the state's status is subject to the regime of understanding where many actors involved in the process and the "recognition is not a final or definitive determination by a state actor".⁸⁰ Whereas, the international political organisations and other actors like non-governmental organisations and legal institutions such as, the United Nations Agencies, the International Court of Justice actually may help Palestinians in their strive for sovereign legitimacy.⁸¹

It should be mentioned at this point that, *Solane* refers to three types of recognition: Firstly, the political recognition which is the formal acts by sovereign states towards another state that claim to statehood. Secondly, the legal recognition which is based on objective legal criteria. Thirdly, the civil recognition which is based on the force of popular moral opinion that expressed by different players and actors such as the civil society organisations, governmental and non-governmental organisations.⁸² In addition, *Leonard* stresses and confirms the role of global civil society where the range of non-state actors might be able to intervene in intrastate matters.⁸³

In this context, Palestinian diplomacy efforts to achieve Palestinian statehood has shifted to gain the civil recognition according to *Solane* typology of recognition, where the civil

⁷⁸ *ibid*, p. 24.

⁷⁹ A. Yoffie, "The Palestine Problem: The search for statehood and the benefits of international law", *The Yale Journal of International Law*, Vol.36, No. 2, 2011, 497.

⁸⁰ Hammer, *op. cit.*, p. 40.

⁸¹ Yoffie, , *op. cit.*, p. 497.

⁸² R. Sloane, "The changing face of recognition in international law: A case study of Tibet", *Emory International Law Review*, Vol. 16, 2002, p. 109, 110.

⁸³ Yoffie, , *op. cit.*, p. 503.

society organisations and the international organisations such as the UN, may influence the sovereign states to recognise Palestine as a fully independent state. *Adam* stresses that, the Palestinian diplomatic efforts to the international bodies⁸⁴ either international political organisations such as, the United Nations General Assembly (UNGA), the United Nations Security Council (UNSC), or international judicial organisations such as, International Court of Justice (ICJ) and International Criminal Court (ICC) could be the best way to achieve the recognition of the Palestinian state.⁸⁵ He argues that, the PNA after the unilateral declaration of the Palestinian state in 1988,⁸⁶ and after the collapse of all peace talk initiatives in the last two decades, realised that pushing for the recognition from individual states does have little effect. Instead, the PNA might use the multilateral declaration⁸⁷ through the international bodies in order to advance and establish the Palestinian state.⁸⁸

Furthermore, *Adam* illustrates the point that, the Palestinian diplomatic efforts towards the statehood could be achieved via the conventional path and unconventional path. The conventional path to statehood runs through the United Nations (UNGA and UNSC),⁸⁹ and the unconventional path runs through International Courts, in particularly the ICJ and ICC. Moreover, *Adam* stresses the role that the international bodies that might play in order to enhance the international legal sovereignty to Palestine. He based his argument on *Krasner's* typology of sovereignty. According to *Krasner* sovereignty has four different forms: the international legal sovereignty, Westphalian sovereignty, domestic sovereignty and interdependence sovereignty.⁹⁰ Thus, the international legal sovereignty according to *Krasner* means "practices associated with mutual recognition, usually between territorial entities that have formal juridical independence".⁹¹

⁸⁴ Adam used the term international bodies broadly to include the UNGA, UNSC as well as, ICJ and ICC. See, Yoffie, *op. cit.*, p. 499.

⁸⁵ Yoffie, *op. cit.*, p. 499.

⁸⁶ Palestine National Council: Political Communiqué and Declaration of Independence, Nov. 15, 1988, U.N. Doc. A/43/827-S/20278, Annex III (Nov. 18, 1988). Available online at <http://unispal.un.org/UNISPAL.NSF/0/6EB54A389E2DA6C6852560DE0070E392>, accessed on April 08, 2012.

⁸⁷ E. Bronner, "Palestinians Shift Focus in Strategy for Statehood", New York TIMES, Oct. 21, 2010. Available online at <http://www.nytimes.com/2010/10/21/world/middleeast/21mideast.html>, accessed on April 11, 2012.

⁸⁸ Yoffie, *op. cit.*, p. 499, 500.

⁸⁹ Yoffie, *op. cit.*, p. 504.

⁹⁰ J. Assi, "Diplomatic recognition of of Emerging States: The case of Palestine", Working Paper for the Conference on the Quest for Palestine Statehood: Legal, Political and Economic Implications, Institute of Law, Birzeit University, Palestine, 2011, p. 48. pp. 47-62. (In Arabic)

⁹¹ Yoffie, *op. cit.*, p. 503.

3.2 *Palestinian bid for a Statehood at the United Nations*

3.2.1 The role of the United Nations in securing the Palestinian Statehood

There are many classical theories over recognition of new entities and states in international law, in particular the main two theories of recognition. The declaratory theory which concerns with the formal acceptance with existing facts, and the constitutive theory which concerns with the act of recognition that leads to create states.⁹²

General speaking, recognition is "a procedure whereby the governments of existing states responding to certain changes in the world community".⁹³ Therefore, recognition is an act that other state grants and it is one of the statehood requirements, and the statehood is required for a membership in the UN. However, the UN as an international legal entity is not entitled to recognise any state. It is an organisation of 193 independent states that may either admit or deny any membership of potential states.⁹⁴ By saying that, one should not ignore the crucial role of the UN in securing the statehood for any state.

To extent that, the PNA leaders and representatives expressed their intention to go to the UN in order to submit a unilateral declaration of independence on September of 2011, along the 1967 borders. In addition, the Palestinian bid has extended to submit more applications to other international organisations and acceding to international treaties such as, the Geneva Conventions and International Covenants on Civil and Political Rights.⁹⁵

3.2.2 The membership at the UN: scenarios and challenges

Article 4 of the UN Charter provides that the membership in the UN "is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations". The same

⁹² A. Aust, *Handbook of International Law*, Cambridge University Press, the United Kingdom, 2010, (2nd edn.), p. 16.

⁹³ T. Grant, *The Recognition of States: Law and Practice in Debate and Evolution*, Praeger, the United States of America, 1999, p. xix.

⁹⁴ D. Khairallah, "UN Membership for a Palestinian State: Legal and Political Ramifications", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 16.

⁹⁵ Al-Haq, Questions & Answers on Palestine's September initiatives at the United Nations, 20 July 2011, p. 1. Available online at http://www.alhaq.org/images/stories/PDFz/qa_July_2011.pdf, accessed on April 12, 2012.

⁹⁵ L. Charbonneau, Q+A-Can Palestine become a United Nations member state?, Reuters, available online at <http://www.trust.org/Alertnet/news/qa-can-palestine-become-a-united-nations-member-state/>, accessed on April 12, 2012.

article also provides that "the admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council".⁹⁶

Therefore, the Palestinian path to a full membership at the UN might take different scenarios:

1. The Palestinian might seek for a full membership at the UNSC. In this case, the Palestinian application for a full membership requires the affirmative vote of nine of the fifteen members of the council and none of the five permanent members⁹⁷ uses its veto.⁹⁸ Therefore, the main threat for the Palestinian is that the United States veto, specially the American administration has announced for many times its determination to veto the Palestinian application at the SC.⁹⁹ Moreover, the USA president Mr. *Obama* declared that, the UN is not the appropriate venue for addressing the issue of Palestinian statehood and the Palestinian bid will not create an independent Palestinian state.¹⁰⁰

In this scenario, it has been suggested that the UNGA can act despite the negative recommendation from the SC. The UNGA can use the 'Uniting for Peace' power based on its Resolution 377.¹⁰¹ This framework allows the UNGA to take action to address threats to international peace and security, when any of the five members at the UNSC

⁹⁶ The United Nations Charter, Chapter II: Membership, Article 4.

⁹⁷ The five permanent members at the UNSC are the United States, France, the United Kingdom, China, Russian Federation.

⁹⁸ The United Nations, About UN Membership, available online at <http://www.un.org/en/members/about.shtml>, accessed on April 10, 2012.

⁹⁹ Alcaro, *op. cit.*, p. 5. See also, A. Qasem, "The Palestinian Bid to the United Nations", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 6. (In Arabic)

¹⁰⁰ President Barak Obama, "Remarks by the President on the Middle East and North Africa," May 19, 2011, White House, Office of the Press Secretary, available online at <http://www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa>, accessed on April 12, 2012.

¹⁰¹ The UNGA Resolution 377 A (V) which is known as "Uniting for Peace" adopted in 1950 as a response to the USSR strategy to block any determination by the SC on measures to be taken to protect the Republic of Korea against the aggression launched against it by military forces from North Korea. See, Uniting for Peace, General Assembly Resolution 377, New York, 3 November 1950. Available online at <http://untreaty.un.org/cod/avl/ha/ufp/ufp.html>, accessed on April 13, 2012. See also, M. Abu-Sa'da & O. Abu-Nahel, "The Palestinian Attitudes of the Declaration of the State: September 2011", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 5. (In Arabic)

uses its veto in order to block any action.¹⁰² However, it is highly doubtful that the question of non-admission of Palestine by the SC either would be seen as a ground to use 'Uniting for Peace' power, nor it would be defined as a 'threat to international peace and security'. To that extent, it is unlikely that the Uniting for Peace power can be applied.¹⁰³

2. The Palestinian might go to the UNGA to adopt a non-binding resolution¹⁰⁴ that call on the international community to recognise Palestine as a state on the border on 4 June of 1967,¹⁰⁵ and reaffirm its commitment to the UN Resolution 181, which also known by the UN Partition Plan of 1947.¹⁰⁶ In this case, countries have no authority to block a resolution, and thus the Palestinians need a two-thirds majority of the UNGA members which means 129 out of 193 countries in order to pass the resolution.¹⁰⁷ It should be mentioned at this point that, the UNGA resolution is an advisory in nature without carrying any legal standing, which means the Palestinians would gain only a symbolic political victory which would serve to highlight the international community commitment to the notion of two states and the creation of independent Palestinian state.¹⁰⁸
3. In case that the USA uses the veto to block the Palestinian application at the SC, the Palestinian might seek to upgrade the Palestinian observer status¹⁰⁹ to that of non-member state¹¹⁰ at the UN which requires the approval of two-thirds of the UNGA,¹¹¹

¹⁰² O. Dajani, "September Song", *Foreign Policy*, 24 May 2011. Available online at http://mideast.foreignpolicy.com/posts/2011/05/24/september_song?sms_ss=facebook&at_xt=4dddaa05187a1958%2C1, accessed on April 14, 2012.

¹⁰³ Al-Haq, *op. cit.*, p. 5.

¹⁰⁴ A. Rieu-Clarke, *International Law and Sustainable Development*, IWA Publishing, the United Kingdom, 2005, p. 25.

¹⁰⁵ R. Alcaro & Andrea Dessì, "The September UN Vote On Palestine: Will the EU be up to the Challenge?", Istituto Affari Internazionali, (IAI) Working Papers, no. 11, 2011, p. 4. See also, A. Al-Qasem, "The meaning behind Palestinian's bid for the UN Statehood from legal perspective", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 5. (In Arabic)

¹⁰⁶ The United Nations General Assembly Resolution No. 181 of 29 November 1947 on the Future Government of Palestine. Available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/IMG/NR003888.pdf?OpenElement>, accessed on April 13, 2012.

¹⁰⁷ There are 133 countries that confirmed their willing to recognise the State of Palestine at the UNGA.

¹⁰⁸ Alcaro, *op. cit.*, p. 6.

¹⁰⁹ It has mentioned before the UNGA granted the PLO an observer status in 1974.

¹¹⁰ This status is based on practice and there is no provision for it in the UN Charter. Vatican is a non-member observer state at the UN which means no right to vote. The same case of Switzerland before it became a UN member state in 2002.

and there is no need for the SC approval.¹¹² The non-member state status is an important adjustment that would provide further political leverage for Palestine,¹¹³ and would be interpreted as an implicit recognition of Palestinian statehood by the UN.¹¹⁴ As well as, could bring many advantages to the Palestinians such as, signing certain international agreements like, the Rome Statute of the International Criminal Court¹¹⁵ which allows the Palestinian to request international investigations against Israeli's violation of the human rights and humanitarian law in the Palestinian territory.¹¹⁶

3.2.3 Legal and political ramifications of the Palestinian bid to the UN: Positive and Negative

In legal terms, the Palestinian bid to a full membership at the UN would be failed if the USA uses its veto.¹¹⁷ However, certain indirect legal impacts could flow from the Palestinian bid to other international organisations and treaties which would enhance the Palestinian's international personality. In addition, the Palestinians would have further possibilities to adjudicate claims against Israeli's violation of human rights and the possibility to call the international community to put an end to Israel's occupation.¹¹⁸ Moreover, the accession to the international organisations and treaties provides access to new international fora including the UN human rights bodies, World Bank and International Monetary Fund (IMF),¹¹⁹ as well as, provides access to the ICC.¹²⁰

¹¹¹ Some scholars argued that the simple majority vote is sufficient for granting an observer status based on Article 18(2) of the UN Charter which deals with important questions and the admission of new member is included in this article. See, Khairallah, *op. cit.*, p. 18.

¹¹² Alcaro, *op. cit.*, p. 5.

¹¹³ Al-Haq, *op. cit.*, p. 6.

¹¹⁴ Charbonneau, *op. cit.*

¹¹⁵ ICC Prosecutor Luis Moreno-Ocampo said that "as soon as the General Assembly establishes that Palestine is an observer state, then we can proceed". See, E. Lederer, AP Interview: Ocampo Discuss Palestinians on ICC, available on line at <http://abcnews.go.com/US/wireStory/ap-interview-ocampo-discusses-palestinians-icc-16074579#.T4cEpauya8A>, accessed on April 6, 2012. In 2009, the PNA requested membership in ICC but has been refused by the virtue of the fact that, it's not a recognised as a state.

¹¹⁶ Alcaro, *op. cit.*, p. 5.

¹¹⁷ *ibid*, p. 6.

¹¹⁸ Al-Haq, *op. cit.*, p. 7. See also, M. Muhareib, "Israel and the Palestinian Bid at the United Nations", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 9.

¹¹⁹ Khairallah, *op. cit.*, p. 23.

¹²⁰ D. Makovsky, "The Palestinian Bid for UN Membership: Rationale, Response, Repercussions", Policy Notes, Working Paper, the Washington Institute for Near East Policy, Number 7, 2011, p. 3. See also, P. Sasnal & D. Levy, "Palestinian UN Vote and Triple-faced EU Policies", Policy Paper, the Polish Institute of International Affairs, no. 16, 2011, p. 3.

In political terms, the approval of the UNGA on upgrading the Palestinian status would have an implication on Palestine's position in the international legal system and assert the Palestinian sovereignty on the border 1967,¹²¹ which lead to bring Palestine "onto the footing of equal formality with other states".¹²² In addition, these moves could considerably advance the Palestinian's position in negotiation with Israel.¹²³ It should be mentioned that, a political paradigm shift of the conflict would be expected, this shift would be seen as a shift from a bilateral and zero-sum situation between the Palestinians and Israel into multilateral situation where actors are the same but diversified.¹²⁴

It should be borne in mind that, despite of these legal and political implications, there are potential negative implications related to the Palestinians refugees who are living outside Palestine. According to some scholars such as Professor *Guy Goodwin-Gill*¹²⁵ sees that the recognition of the state of Palestine at the UN might have problems "affecting the right of the Palestinian people to self-determination and the manner by which that right can or may be exercised, due account being taken of the will of the people".¹²⁶ He based his argument on a constitutional problem of replacement the PLO by the State of Palestine, where Palestinians refugees are represented by the PLO and they are constitute more than half of the Palestinian people. In case of replacement the PLO by the State of Palestine in the UN this would lead to disenfranchised the right of the Palestinian refugees and they might lose their representation in the UN.¹²⁷ In addition, he argues the question of the capacity of the state of Palestine to take on the role and responsibilities of the PLO in the UN as well as the question of popular representation.¹²⁸ He concludes by saying that, the Palestinian bid to the

¹²¹ *ibid*, p. 3.

¹²² Al-Haq, *op. cit*, p. 8.

¹²³ Alcaro, *op. cit.*, p. 6.

¹²⁴ Al-Haq, *op. cit*, p. 8.

¹²⁵ Professor Guy is a professor of public international law at Oxford University and was a member of the team that prosecuted the Israel's separation wall as an illegal. He published an opinion on the Palestinian Liberation Organisation, the future State of Palestine, and the question of popular representation on August 10, 2011.

¹²⁶ G. Goodwin-Gill, "The Palestinian Liberation Organisation, the future State of Palestine, and the question of popular representation", Opinion, p. 1. Available online at http://www.alzaytouna.net/english/selections/2011/Plo_Statehood_Opinion-8-11.pdf, accessed on April 14, 2012.

¹²⁷ A. Gresh, "The Strategic Crisis of the Palestinian's National Movement and the UN Bib", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 6.

¹²⁸ Goodwin-Gill, *op. cit.* p. 1. See also, S. Hanafi, "The Repercussions of the UN membership on the PLO Status and the Relations with the Palestinian Diaspora and their Right to Return", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 3, 4. (In Arabic)

UN is at risk of prejudice and fragmentation of the Palestinian people and would undermine the legal and political position of the PLO.¹²⁹

Moreover, in this context, some legal experts like *Francis Boyle*¹³⁰ criticises the argument of *Guy Goodwin-Gill* by saying that, the PLO still exists and it will not lose its status even if the UN recognised Palestine as a state.¹³¹ In addition, *John Quigley* argued that, the Palestinian bid to the UN will improve the refugees standing and the refugees will in fact be in a much stronger situation.¹³²

¹²⁹ Goodwin-Gill, *op. cit.* p. 6.

¹³⁰ Francis Boyle is a professor of international law at the University of Illinois. He was a legal advisor to the PLO and he played a role in writing the Palestinian Declaration of Independence of 15 November 1988.

¹³¹ Gresh, *op. cit.* p. 6. See also, The Legal Opinion of Dr. Francis Boyle Regarding Palestinian Statehood, available online at <http://occupiedpalestine.wordpress.com/2011/08/31/the-legal-opinion-of-dr-francis-boyle-regarding-palestinian-statehood/>, accessed on April 14, 2012.

¹³² Ma'an News Agency, "Does the Palestinian UN Bid threaten Refugee Rights", available online <http://www.maannews.net/eng/ViewDetails.aspx?ID=416930>, accessed on April 14, 2012.

3.3 Conclusion

In view of the foregoing examination and investigation of Palestinian diplomacy in the current century, the researcher elaborated that diplomatic recognition of states *in status nascendi* could be the case of Palestine and the evolutionary nature of international politics has helped the emerging of Palestine as a non-state actor. Moreover, the researcher's opinion is that, the Palestinian diplomatic methods towards the multilateral environment which includes the international bodies could be more effective way to achieve the recognition of Palestinian state, especially after constant failing of bilateral negotiations with the Israeli side.

Furthermore, this chapter illustrated the Palestinian bid to a full membership at the United Nations and the role that these international bodies could play in supporting the Palestinian state. It should be born in mind that, the international bodies route is not always an easy way and there are many challenges and scenarios that face Palestinian diplomacy which lead for positive and negative legal and political ramifications.

To sum up, the Palestinian bid to the UN will not absolve the Palestinians of the need to negotiate with Israeli side, however, the Palestinian bid for a full membership at the UN would improve the negotiation leverage with Israel.

The following chapter is designed to examine the European Union diplomatic instruments towards the Palestinian state by analysing and assessing the EU's policy in fostering the Palestinian state as well as the EU's position towards the Palestinian bid at the UN.

4 The EU Diplomatic Instruments Towards the Palestinian State

After highlighting in the previous chapter Palestinian diplomacy in 21st century and the main challenges that it faces, as well as the effectiveness of multilateralism by going to the international bodies in order to achieve the Palestinian statehood, the discussion in this chapter reviews the European Union diplomatic instruments towards the Palestinian state. Therefore, sub-chapter 4.1 intends to illustrate the EU's policy and instruments towards the Palestinian state in the past and present. Then, sub-chapter 4.2 intends to assess the EU's policy in fostering a democratic Palestinian state. Moreover, sub-chapter 4.3 designates to analyse the EU's position towards the Palestinian bid at the UN.

4.1 What is the role of the EU's policy in fostering the Palestinian State?

The European Union (EU) as one of the largest economic and political actor in the world has a leverage in maintaining the stability and security in the Middle East, as well as in fostering the Palestinian State.

The EU has always been strong supporter of the Palestinian state-building through its involvement in the peace process. In the last decades, the EU has deployed various policies and instruments; particularly diplomatic and economic tools in order to advance the creation of a Palestinian State.¹³³ The EU's policy towards promoting and supporting the Palestinian State had to some extent positive impacts on the Palestinian institutions-building, however, the EU assistance in fostering the Palestinian State reveals serious shortcomings and inconsistencies. The EU has not been sufficient to overcome the substantial impediments to the realisation of a viable Palestinian State.¹³⁴

¹³³ M. Pace, "The end of the EU democracy promotion and of the two-state solution?", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, European Union Institute for security Studies, Paris, 2010, p. 87.

¹³⁴ A. Bertrand-Sanz, "The conflict and the EU's assistance to the Palestinians", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, European Union Institute for security Studies, Paris, 2010, p. 43. See also, A. Khalil, "To what extent does the European Union promote democracy effectively in the Palestinian Territories?", paper for the course 'EU Democracy Promoting and Human Rights Policy', Bruges, College of Europe, May 03, 2012.

4.1.1 The EU's policy and instruments towards the Palestinian State: Past and Present

Collectively, the EU has defined its goals towards the Palestinian over the last four decades. Since the 1970s, the EU member states have affirmed their support for the legitimate rights of the Palestinian people and acknowledge their right to self-determination in the Venice Declaration.¹³⁵ Moreover, since the signing of the Oslo Agreement in 1993, the EU has become increasingly vocal about a two-state solution and the future democratic, independent and viable Palestinian State¹³⁶ on the basis of the 1967 borders that has been adopted by the United Nation Security Council Resolutions 242 and 338.¹³⁷ The Palestinian state has viewed by the EU as desirable per se as well as an instrument to maintain the peace in the Middle East.¹³⁸

The EU has always used various diplomatic instruments, as well as bilateral aid and trade policies in order to facilitate the creation of Palestinian state.¹³⁹ The main platform is the Barcelona Process¹⁴⁰ which is known as well by the Euro-Mediterranean Partnership (EMP) that launched in 1995 and revamped in 2008¹⁴¹ into the Union for the Mediterranean (UfM).¹⁴² The EMP has focused primarily on three dimensions: Firstly, the political and

¹³⁵ Declaration by the European Council on the Situation in the Middle East, Venice, 12-13 June 1980. See also, A. Bertrand-Sanz, "The conflict and the EU's assistance to the Palestinians", in Esra, Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 44. p. 43- 54.

¹³⁶ Council of the European Union, Council Conclusion on the Middle East Peace Process, 8 December, 2009, Brussels.

¹³⁷ Muriel Asseburg, "EU crisis management in the Arab-Israeli conflict", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 75.

¹³⁸ Interview with official EU diplomats, European External Action Service (EEAS), Brussels, May 2, 3, 2012.

¹³⁹ N. Tocci, "Does the EU promote democracy in Palestine?", in M. Emerson, (ed), *Democratisation in the European Neighbourhood*, Centre for European Policy Studies, 2005, p. 131.

¹⁴⁰ Barcelona process launched in November 1995 by 15 EU member states and 14 Mediterranean countries, as a general framework to manage bilateral and regional relations, where the Palestinian National Authority was represented and took part in the Euro-Mediterranean Conference in Barcelona. European Union External Action. The Barcelona Process. Available online at http://www.eeas.europa.eu/euromed/barcelona_en.htm, accessed on April 19, 2012.

¹⁴¹ The Union for the Mediterranean launched under the French EU Presidency in July 2008. See, N. Tocci, "Firm in Rhetoric, Compromising in Reality: The EU in the Israeli– Palestinian Conflict", *Ethnopolitics*, 2009, Vol. 8, Nos. 3–4, p. 392.

¹⁴² M. Pace, "The end of the EU democracy promotion and of the two-state solution?", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, 89.

security dialogue which aimed at creating a common area of peace and stability.¹⁴³ Secondly, the economic and financial partnership which aimed at creating a free-trade area in order to promote shared economic prosperity. Thirdly, the social, cultural and human partnership which aimed at promoting understanding between cultures and people.¹⁴⁴

In the field of trade, the EU has supported the Palestinian state-building and development through its trade policy.¹⁴⁵ In 1997, the European Community signed the Euro-Mediterranean Interim Association Agreement on trade and cooperation (IAA) with the Palestinian Liberation Organization (PLO), which aimed to provide a sustainable framework for cooperation and development of relations between the EU and Palestinian Territories in terms of trade liberalisation and establishment of political dialogue.¹⁴⁶ It is interesting to note that, despite of the fact that the Palestinians were -and still are- struggling to achieve their sovereignty and their state, the EU has dealt with the Palestine as a state,¹⁴⁷ due to the fact that the EU concluded the IAA on the evident assumption that the PLO is the sole representative of the Palestinian people.¹⁴⁸

In the light of this trade agreement, the Palestinians have gained political and economical benefits, especially when the EU sought to ensure "the emergence of an economically viable Palestinian state",¹⁴⁹ also due to the fact that, the EU is the largest international donor to the

¹⁴³A. Ahearn J., "Europe's Preferential Trade Agreements: Status, Content, and Implications", Congressional Research Service, 2011, p. 6.

¹⁴⁴ European Union External Action. The Barcelona Process. Available online at http://www.eeas.europa.eu/euromed/barcelona_en.htm, accessed on April 19, 2012. See also, N. Kanafani, "Associating Palestine with the European Union: The Present Framework and the Way a Head", Palestine Economic Policy Research Institute, 2000, p.7.

¹⁴⁵ Tocci, "Firm in Rhetoric, Compromising in Reality: The EU in the Israeli– Palestinian Conflict", *op. cit.*, 392.

¹⁴⁶ Official Journal L 187, 16.7.1997, p. 3-135. See also, E. Rubinson, "More than Kin and Less than Kind: The Status of Occupied Territories under the European Union's Bilateral Trade Agreements", Hebrew University of Jerusalem, Jerusalem, 2010, p. 17.

¹⁴⁷ C. Hauswaldt, "Problems under EC-Israel Association Agreement: The Export of Goods Produced in the West Bank and the Gaza Strip under the EC-Israel Association Agreement", *EJIL*, vol. 14, no. 3, 2003, p.597.

¹⁴⁸ J. Quigley, *The Statehood of Palestine: International Law in the Middle East conflict*, Cambridge University Press, New York, USA, 2010, p. 179,180. See also, A. Khalil, "EU-Palestinian trade relation towards a viable Palestinian state", paper for the course 'The EU in a Global Political Economy Context', Bruges, College of Europe, October 03, 2011.

¹⁴⁹ G Escribano, "Promoting EU-Israel Trade Integration: The Bilateral And Regional Dimensions", Working Paper, Israel European Policy Network (IEPN), 2005, p. 1. Available on line at <http://www.uned.es/deahe/doctorado/gescribano/eu%20israel%20gescribano%202.pdf>, accessed on April 17, 2012.

Palestinians,¹⁵⁰ contributing around €500 million each year from the EU's budget in order to supporting the Palestinian state.¹⁵¹

In addition, the EU-PA European Neighbourhood Policy (ENP) has been adopted in 2005,¹⁵² which underpinned by an Action Plan in order to establish mutual commitments for "a future Palestinian State, going beyond co-operation, to involve a significant measure of economic integration and deepening of political cooperation".¹⁵³ The EU-PA relationship is part of the EU's response to the PNA political and economic reform agenda which included reforms for the Palestinian legislation, norms and standards to maintain democracy, accountability and transparency in the Palestinian Territories.¹⁵⁴

4.1.2 The deployment of the EU diplomatic instruments towards the Palestinian State

Diplomatically, the EU goals on Palestinian State have been pursued through various diplomatic instruments. Since 2001, the EU has participated in the Middle East Quartet's¹⁵⁵ work and the EU developed bilateral diplomatic channels through the EU High Representative, the EU Special Representative to the Middle East Peace Process¹⁵⁶ and the

¹⁵⁰ M. Asseburg, "The EU and the Middle East Conflict: Tackling the Main Obstacle to Euro-Mediterranean Partnership", *Mediterranean Politics*, vol. 8, no. 2-3, 2003, p. 157.

¹⁵¹ Interview with official EU diplomats, *op. cit.* See also, Communication From The Commission To The Council And The European Parliament: "EU-Palestinian cooperation beyond disengagement - towards a two-state solution", COM(2005) 458 final, Brussels, 5.10.2005, p.2.

¹⁵² M. Amin, "The Role of the State and Democracy Building in the Arab world", International Institute for Democracy and Electoral Assistance, Stockholm, 2010, p.9.

¹⁵³ EU and the Palestinian Authority Action Plan. Available online at http://trade.ec.europa.eu/doclib/docs/2010/june/tradoc_146237.pdf, accessed on April 24, 2012.

¹⁵⁴ *Ibid.* See also, D. Schmid, & F. Braizat, "The Adaptation of EU and US Democracy Promotion Programmes to the Local Political Context in Jordan and Palestine and their Relevance to Grand Geopolitical Designs", Working Paper, No. 50, EuroMesco, 2006, p. 14.

¹⁵⁵ The Middle East Quartet which has been established in Madrid in 2002 is considered as the most high-profile body coordinating international efforts in order to achieve peace in the Middle East. The Quartet consists of the United Nations, the United States, the European Union and Russia Federation. See, R. Hollis, "The basic stakes and strategy of the EU and Member States", in E. Aymat (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 32.

¹⁵⁶ The Council of the European Union appointed on 25 November 1996 the first EU Special Envoy for the Middle East Peace Process. See, Joint Action, *OJ L 315, 4.12.1996*. Available online at http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31996E0676&model=guichett, accessed on April 24, 2012. Recently on 23 January 2012, the Council of the European Union appointed Mr. *Andreas Reinicke* as the EU Representative to the Middle East Peace Process. Council of The European Union, Council appoints EU Special Representative to the Middle East Peace Process, Brussels, 23 January 2012, 18763/11, PRESSE 504. Available online at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/127419.pdf, accessed on April 24, 2012.

member states individual initiatives.¹⁵⁷ Under the Quartet umbrella, the EU did try to play a significant role with other actors in achieving and promoting the peace in the Middle East.¹⁵⁸

In 2003, the EU has played a leading role in developing the Quartet Roadmap for peace¹⁵⁹ which intended to achieve the Palestinian statehood through focusing more on the security reform¹⁶⁰ and ending the violence in order to reach a fair and lasting peace in the Middle East.¹⁶¹

It should be mentioned that, in 2007 the EU is also directly engaged and supported the Palestinian and Development Plan (PRDP) which has been implemented by the Palestinian Prime Minister *Fayyad* to maintain the security reform,¹⁶² as well as which "aimed at paving the way for *de facto* creating the Palestinian State".¹⁶³ The PRDP is a national plan that detailed strategy for institution development in order to achieve sustainable economic growth and independence, as well as maintaining equality and social justice for Palestinians.¹⁶⁴

Moreover, in 2005 the EU undertaken security missions in the Palestinian Territories, such as the *EUPOL COPPS*,¹⁶⁵ which intended to strengthen the civil police and providing

¹⁵⁷ Tocci, *op. cit.*, p. 135. See also, E. Aymat, "Examining European involvement in the Arab-Israeli conflict", in Aymat, Esra (ed), *European Involvement in the Arab-Israeli Conflict*, Chaillot Paper 124, Paris, European Union Institute for security Studies, 2010, p. 22.

¹⁵⁸ S. Reigeluth, "Europe's Lopsided Foreign Policy: Israel, Lebanon and the Palestinians", UN in the Middle East Research Initiative, Working Paper Series No. 5, Issam Fares Institute for Public Policy and International Affairs American University of Beirut, 2011, p. 10.

¹⁵⁹ The Roadmap known as A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. See, Institute for Palestinian Studies, "Special Document: The Road Map", *Journal of Palestinian Studies*, 2003, Vol. 32, No. 4, p. 84.

¹⁶⁰ H. Schulz, "Security as an Interregional Concern: The EU and the Middle East", Working Paper, the College of Europe and the *Comparative Regional Integration Studies Programme* of the United Nations University, Bruges, Belgium, 2010, p. 9.

¹⁶¹ Hollis, *op. cit.*, p. 32. See, EU and the Palestinian Authority Action Plan, *op. cit.* See also, I. Alvariano, "The European Strategy for the Middle East", Jean Monnet/Robert Schuman Paper Series, 2004, Vol. 4, No. 19, p. 9.

¹⁶² Palestinian National Authority, *Palestinian Reform and Development Plan: 2008-2010*, Palestine, 2008. Available online at <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/PRDP08-10.pdf>, accessed on April 24, 2012.

¹⁶³ Bertrand-Sanz, *op. cit.*, p. 45.

¹⁶⁴ Interview with official EU diplomats, *op. cit.*

See also, Palestinian National Authority, *Palestinian Reform and Development Plan: 2008-2010*, Palestine, 2008, p. 4.

¹⁶⁵ The acronym refers to the European Union Coordinating Office for Palestinian Police Support (EU COPPS). See, EU Coordinating Office for Palestinian Police Support, <http://www.eupolcoppes.eu/>.

training measures, advice and equipment¹⁶⁶ in order to improve the security situation and to keep law and order in the Palestinian Territories.¹⁶⁷ Furthermore, the EU also deployed a monitoring mission on the border between Gaza-Egypt, the *EU BAM Rafah*, to facilitate access for Palestinians to and from Gaza.¹⁶⁸

In 2008 the EU launched the Berlin Conference in supporting of Palestinian civil security and the rule of law. The Berlin Conference aimed at supporting the "international efforts to improve Palestinian capacity building in the area of civil security and the rule of law with civil police and criminal justice as a main focus"¹⁶⁹ where these areas are "an essential and indispensable foundation for a viable state".¹⁷⁰ In this context, the EU has supported the judicial sector reform by launching rule of law programs, such as, *Seyada* program which intended to strengthen the judicial system in the Palestinian Territories by providing training to judges and public prosecutors.¹⁷¹

¹⁶⁶ R. Youngs and H. Michou, "Assessing Democracy Assistance: Palestine", FRIDE, Working Paper, 2011, p. 6, 10.

¹⁶⁷ Hollis, *op. cit*, p. 33.

¹⁶⁸ Interview with official EU diplomats, *op. cit*.

See also, EUBAM Rafah, the European Union Border Assistance Mission in Rafah. <http://www.eubam-rafah.eu/>. See also, M. Asseburg, 'The ESDP Missions in the Palestinian Territories (EUPOL COPPS, EU BAM Rafah): Peace through Security?', in M. Asseburg & Ronja Kempin (eds.), *The EU as a Strategic Actor in the Realm of Security and Defence: A Systematic Assessment of ESDP Missions and Operation*, SWP Research Paper, German Institute for International and Security Affairs, Berlin, 2009, p. 84, 87.

¹⁶⁹ Berlin Conference in Support of Palestinian Civil Security & The Rule of Law, 24 June 2008 - Summary of the Chair. Available on line at http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/200/200809/20080924berlin_summary.pdf, accessed on April 25, 2012.

¹⁷⁰ Summary remarks by EUHR Solana at Berlin Conference in support of Palestinian Civil Security and Rule of Law. Available on line at http://www.europa-eu-un.org/articles/fr/article_7984_fr.htm, accessed on April 25, 2012.

¹⁷¹ Empowering the Palestinian Judicial System, <http://epj.ps/en/>. See also, ENPI, Second phase of Seyada Palestinian justice project to address key challenges. Available online at http://www.enpi-info.eu/mainmed.php?id_type=1&id=18508, accessed on April 17, 2012. See also, Khalil, "To what extent does the European Union promote democracy effectively in the Palestinian Territories?", *op. cit*, p. 5.

4.2 *The assessment of the EU's policy towards the Palestinian State*

In retrospect, it is clear that the EU's involvement in supporting and building a Palestinian State either by providing financial and economic support, or supporting the Palestinian institutional building were ineffectiveness and have not achieved the main objectives of creating the Palestinian State and maintaining the stability in the region, in spite of the leverage the EU had.¹⁷² Moreover, the impact of the European financial and economic support has not had the intended result due to the fact that the PNA is still dependence on foreign financing.¹⁷³ Therefore, this sub-chapter intends to assess the EU's credibility in promoting a democratic Palestinian state.

4.2.1 The EU's credibility in promoting a democratic Palestinian State

General speaking, the EU has always been supportive of a future democratic, independent and viable Palestinian state,¹⁷⁴ through using many diplomatic and economic instruments. However, the EU's credibility in promoting democracy is declined in the Palestinian case.¹⁷⁵ The EU used double standards,¹⁷⁶ where the EU's interest is maintaining security and stability in the Middle East in a short-term comes before a long-term promoting democracy.¹⁷⁷

In 2006, the EU showed its inconsistency in supporting democracy in Palestine¹⁷⁸ when it refused to recognise the victory of *Hamas* in the Palestinian legislative elections, in spite of the fact that the elections have been declared as a fair, free and transparent by the EU.¹⁷⁹ The

¹⁷² O. Eran, Z. Magen & S. Stein, "The Superpowers and the Middle East: Walking a Fine Line", Institute for National Security Studies (INSS), Israel, 2011, p. 34.

¹⁷³ M. Asseburg, "From declarations to implementation? The three dimensions of European policy towards the conflict", in M. Ortega (ed.), *The European Union and the crisis in the Middle East*, Institute for Security Studies, Chaillot Papers, no. 62, 2003, 11, 15.

¹⁷⁴ Council of the European Union, Council Conclusion on the Middle East Peace Process, 8 December, 2009, Brussels.

¹⁷⁵ Interview with official EU diplomats, *op. cit.*

¹⁷⁶ D. Huber, "Is the EU losing credibility in Palestine?", FRIDE, A European Think Tank for Global Action, Working Paper, No. 50, 2011, p. 3.

¹⁷⁷ K. Khatib, "How Promotion of Political Reform by the European Union is Perceived in the Arab World: The Cases of Lebanon and the Palestinian Territories", International Institute for Democracy and Electoral Assistance (IDEA), Stockholm, 2009, p. 4

¹⁷⁸ Interview with official EU diplomats, *op. cit.*

¹⁷⁹ EU Election Observation Mission West Bank and Gaza 2006, Statement of Preliminary Conclusions and Findings, 26 January 2006. Available online

EU refusal to recognise the results of 2006 legislative elections has seen by the Palestinian as a big mistake that has been done by the EU which proved the EU's failure as a democratic actor in Palestine.¹⁸⁰

It should be mentioned at this point that after 2006 legislative elections, the political divisions between the West Bank (WB) which is ruled by the Palestinian National Authority and Gaza Strip (GS) which is ruled by Hamas has led to create two separate political entities which affected the creation of one democratic state.¹⁸¹

In overall terms, the democratic standards are in regression in Palestine¹⁸² and many restrictions have been imposed on the democratic rights.¹⁸³ Complaints of torture committed by the PNA security services increased and many cases of arbitrary detention of *Hamas* members in the West Bank are occurred by the PNA.¹⁸⁴ Human rights violations are still exist in Palestine and in particularly in concerning to death penalty.¹⁸⁵ Moreover, Palestinian president and the parliament terms of ruling have been expired and no elections have been taken place.¹⁸⁶ As well as, many administrative legislations have been adopted in the last 5 years without legislative oversight due to the fact that, the Palestinian Legislative Council (PLC) has not been convened because many of the PLC *Hamas* members are prisoners in Israeli prisons.¹⁸⁷

at <http://unispal.un.org/UNISPAL.NSF/0/236F02CF539AA9418525710600587785>, accessed on April 26, 2012.

¹⁸⁰ Khatib, *op. cit.*, p. 12.

¹⁸¹ Khalil, "To what extent does the European Union promote democracy effectively in the Palestinian Territories?", *op. cit.*, p. 4.

¹⁸² Interview with official EU diplomats, *op. cit.*

¹⁸³ EMHRN, "The Euro-Mediterranean Region, A Threatened Civil Society", Freedom of Association Assessment Report, 2010, p.59 – 63.

¹⁸⁴ World Report 2012, Israel, Occupied Palestinian Territories. Available online at http://www.hrw.org/sites/default/files/related_material/israel_opt_2012.pdf, accessed on April 23, 2012.

¹⁸⁵ Amnesty International, Urgent Action, 10 April 2012. Available online at <http://www.amnesty.org/en/library/asset/MDE21/002/2012/en/f38b9918-5680-47cd-bf52-2510ce2cbdc6/mde210022012en.pdf>, accessed on April 23, 2012.

¹⁸⁶ R. Youngs and H. Michou, *op. cit.*, p. 2.

¹⁸⁷ H. Michou, *op. cit.*, p. 2. Khalil, "To what extent does the European Union promote democracy effectively in the Palestinian Territories?", *op. cit.*, p. 6.

4.3 *The European Union's position towards the Palestinian bid to the United Nations:*¹⁸⁸

In general terms, the EU commitment to the multilateralism is one of the most defining principle of the EU's external policy.¹⁸⁹ The EU has always sought to strengthen its voice in the UN in order to fulfil its potential as a global actor,¹⁹⁰ due to the fact that, the EU member states make up one seventh of the UN's total membership which could lead to carry an important role within the UN. In case of the EU member states could reach an agreement between themselves and act coherently in order to speak with one voice.¹⁹¹

On 3 May 2011, the UN General Assembly (UNGA) adopted a resolution on the participation of the European Union in the work of the United Nations.¹⁹² Therefore, the EU enjoys a full participation status at the UNGA¹⁹³ which enables the EU to promote its position in the UN.¹⁹⁴

While the EU has succeeded to upgrade its status at the UNGA, yet too often, the EU is still reluctant to play an active role regarding to the UN membership request by the PNA. Therefore, this section primarily focuses on presenting the EU status at the UNGA. Then, the section analyses the EU's position over recognition of a Palestinian State at the UN.

¹⁸⁸ This sub-chapter is based on a paper written by the researcher which has been submitted to the College of Europe, Bruges for the course 'EU's External Representation'. The paper titled by, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", February 17, 2012.

¹⁸⁹ J. Wouters, S. Bijlmakers & Katrien Meuwissen, "The EU as a Multilateral Security Actor After Lisbon: Constitutional and Institutional Aspects", Working paper, no. 80, Leuven Centre for Global Governance Studies, Katholieke Universiteit Leuven, 2012, p. 6.

¹⁹⁰ Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament. "The European Union and the United Nations: The Choice of Multilateralism"*, COM(2003) 526 final, Brussels, 2003, p. 3.

¹⁹¹ A. Degrand-Guillaud, "Actors and Mechanisms of EU coordination at the UN", *European Foreign Affairs Review*, vol. 14, no. 3, 2009, p. 405. See also, A. Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", paper for the course 'EU's External Representation', February 17, 2012.

¹⁹² United Nations General Assembly, Resolution A/65/L.64/Rev.1. Available online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/529/10/PDF/N1052910.pdf?OpenElement>, accessed on April 25, 2012.

¹⁹³ The EU with this status at the UNGA will be equated with the Palestinian Liberation organisation and Vatican.

¹⁹⁴ Statement by the High Representative, Catherine Ashton on the adoption of the UN General Assembly Resolution on the EU's participation in the work of the UN, New York, 03 May 2011, Available online at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/272>, accessed on April 25, 2012.

4.3.1 The EU status at the UN:

The Treaty of Lisbon in Article 47 explicitly states that: "*The Union shall have legal personality*".¹⁹⁵ The EU single legal personality extends to enhance the EU's visibility toward effective multilateralism¹⁹⁶ as a global actor.¹⁹⁷ Thus, the EU might accede to any international organisations or agreements.¹⁹⁸

Since 1974,¹⁹⁹ the EU had enjoyed an observer status at the UNGA²⁰⁰ which gave the EU less political weight by the fact that, the EU was allowed to attend only formal meetings and it had the possibility to intervene at the end of all interventions by states. As well, the EU observer status did not extent to permit the right to vote or to propose amendments by the EU.²⁰¹

¹⁹⁵ Consolidated Version in the treaty on European Union, Title VI, Article 47. As well, the Lisbon Treaty provides the EU with legal commitments towards multilateralism and the UN. Article 3(5) TEU mentions that "*In its relations with the wider world, the Union... shall contribute to the development of international law, including respect for the principles of the United Nations Charter*", and Article 21 TEU states that: 1. "*The Union's action on the international scene shall be guided by... and respect for the principles of the United Nations Charter and international law... it shall promote multilateral solutions to common problems, in particular in the framework of the United Nations*". 2. "*The Union shall... preserve peace, prevent conflicts and strengthen international security, in accordance with the principles of the United Nations Charter...*".

¹⁹⁶ S. Gratius, "Can EU Strategic Partnerships Deepen Multilateralism?", FRIDE, A European Think Tank for Global Action, Working Paper, no. 109, 2011, p. 1-2.

¹⁹⁷ J. Wouters, S. Bijlmakers and K. Meuwissen, *op. cit*, P. 4.

¹⁹⁸ I. Govaere, J. Capiu & An Vermeersch, "In-Between Seats: the Participation of the European Union in International Organizations", *European Foreign Affairs Review*, vol. 9, no. 2, 2004, p. 156. See also, Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", *op. cit*, p. 2.

¹⁹⁹ F. Hoffmeister, & P. Jan Kuijper, "The Status of the European Union at the United Nations: Institutional Ambiguities and Political Realities", in J. Wouters, F. Hoffmeister & T. Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, 2006, p. 18. See also, J. Wouters, "The United Nations and the European Union: Partners in Multilateralism", *EU Diplomacy Papers*, no. 4, College of Europe, 2007, p. 6.

²⁰⁰ UNGA Resolution 3208 (XXIX) of 11 October 1974. See, Michael Emerson and others, "Upgrading the EU's Role as Global Actor Institutions: Law and the Restructuring of European Diplomacy", Centre for European Policy Studies (CEPS), 2011, 65. See, M. Vaughne, "The European Union at the United Nations", Working Paper, UK House of Commons Library Research Papers, International Affairs and Defense Section, United Kingdom, 2011, p. 2. See also, E. Passivirta and D. Porter, "EU Coordination at the UN General Assembly and ECOSOC: A view from Brussels, a view from New York", in J. Wouters, F. Hoffmeister & T. Ruys (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, The Hague, T.M.C. Asser Press, 2006, 35.

²⁰¹ *Ibid.*, p. 14-15.

Currently, as mentioned before, the EU enjoys the full participation or enhanced observer status at the UNGA which gave to EU more rights to make proposals and amendments,²⁰² as well as, the EU can serve as a *rapportuer* or chair the meeting without any restrictions on the time or on the length of the interventions. However, the enhanced status did not permit the EU to exercise the right to vote.²⁰³

4.3.2 The EU position over recognition of a Palestinian State at the UN:

Although, the EU has succeeded to act cohesively regarding UN different matters, the EU still faces difficulties in coordination between its member states; in particularly when individual member states have different national interests.²⁰⁴ What is not known at this moment is how the EU will succeed to manage a common position between its member states regarding to the Palestinian request to a full membership at the UN.²⁰⁵

As have been mentioned before, the EU over the last decades has been engaged in the Middle East peace process in order to find a solution to the conflict, as well as to support the Palestinian state-building. However, the EU diplomacy is struggling when it comes to international high politics matter.²⁰⁶ To extent that, the full EU backing for the Palestinian bid at the UN is difficult and challenging for its member states.²⁰⁷ The EU's 27 member states are divided into different clusters in terms of their voting stance on the declaration of a Palestinian state at the UN.²⁰⁸ The first group includes countries that support the Palestinian state bid at the UN, mainly Spain, Sweden, Belgium, Cyprus, Greece, Ireland, Portugal and

²⁰² The European Union External Action, "The European Union at the United Nations: Partnership in Action", available online at http://www.europa-eu-un.org/articles/en/article_10999_en.htm, accessed on April 25, 2012. See also, G. Grevi, "From Lisbon to New York: The EU at the UN General Assembly", FRIDE, A European Think Tank for Global Action, Working Paper, no. 81, 2011, 5.

²⁰³ *Ibid.*, p. 15. See also, J. Wouters, J. Odermatt & T. Ramopoulos, "The Status of the European Union at the United Nations after the General Assembly Resolution of 3 May 2011", *Global Governance Opinion*, Leuven, Leuven Centre for Global Governance Studies, 2011, p. 3. See also, Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", *op. cit.*, p. 4.

²⁰⁴ Interview with official EU diplomats, *op. cit.*

²⁰⁵ Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", *op. cit.*, p. 4.

²⁰⁶ R. Alcaro and A. Dessì, *op. cit.*, p.9.

²⁰⁷ Interview with official EU diplomats, *op. cit.*

²⁰⁸ P. Sasnal, D. Levy, "Palestinian UN Vote and Triple-faced EU Policies", Policy Paper, the Polish Institute of International Affairs, no. 16, 2011, p. 3. See also, M. Isma'i, "The European Union position toward the Palestinian cause: 1993-2009", Working Paper, Arab Center for Research and Policy Studies, Doha, 2011, p. 30.

Luxembourg. The second group includes countries that oppose the Palestinian bid at the UN, headed by Germany and other countries, such as Italy, the Netherlands, the Czech Republic and Bulgaria. The third group includes countries that are still hesitant in determining their voting stance to the Palestinian bid at the UN, headed by France and the United Kingdom.²⁰⁹ In the light of the division between the EU member states on the question of the Palestinian bid at the UN, the EU's member states have realised that they should act unanimously on this key foreign policy matter.²¹⁰ Therefore, the EU's High Representative for Foreign Affairs and Security Policy, *Baroness Catherine Ashton* has sought to convince the PNA to change their stance at the UN,²¹¹ in order to allow the EU to act as a bloc²¹² and to avoid any contradiction to the USA position which is against the Palestinian bid to the UN.²¹³

²⁰⁹ Makovsky, *op. cit.* p. 6. See also, Isma'i, *op. cit.*, p. 30.

²¹⁰ Makovsky, *op. cit.* p. 6.

²¹¹ B. Smith & A. Thorp, "Palestinian Statehood", Working Paper, UK House of Commons Library Research Papers, International Affairs and Defense Section, United Kingdom, 2011, p. 5.

²¹² R. Alcaro and A. Dessì, *op. cit.*, p.3.

²¹³ Interview with official EU diplomats, *op. cit.* See also, International Crisis Group, "Curb Your Enthusiasm: Israel And Palestine After The UN", International Crisis Group: Working to Prevent Conflict worldwide", Middle East Report, no. 112, 2011, p. 32. See also, Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", *op. cit.*, p. 6.

4.4 Conclusion

In view of the foregoing examination of the EU's policy and instruments towards the Palestinian state, this chapter examined the role of the EU in fostering the Palestinian state, as well as analysed the EU's position towards the Palestinian bid to the UN.

In the light of this examination, the researcher recalls that, the Palestinian bid for a statehood at the UN is considered as a potential Pandora's box²¹⁴ for the EU's member states. Therefore, the researcher suggests that, the EU as a largest single donor to the Palestinian and a member of the Quartet, as well as with its new speaking powers at the UN can do immense effort regarding to the Palestinian bid at the UN.²¹⁵ The EU can draw the support to the Palestinian State not only through its 27 member states, but also the EU can gain the support of other countries²¹⁶ that often vote alongside with the EU.²¹⁷ Bearing in mind that, the EU member states are spreading into different separate regional groups²¹⁸ which can be very effective as it expands the EU's influence over other states in the UN.²¹⁹

To sum up, the researcher proposes that the EU may gain more value and more important role towards the Middle East peace process by supporting the Palestinian State. Thus, the EU should speak with one voice and avoid any division between its member states. In addition, the EU's member states should not repeat the UNISCO scenario on the Palestinian request for a membership; where the EU failed to come to a common position between its member state.²²⁰ Eleven of the EU' member states voted in favour²²¹ of the Palestinian membership at the UNISCO, eleven member states abstained²²² and five member states voted against.²²³

²¹⁴ Makovsky, *op. cit.*, p.11.

²¹⁵ H. Michou, "Towards declaration of a Palestinian State?", FRIDE, A European Think Tank for Global Action, Working Paper, No. 79, 2011, p. 4.

²¹⁶ Such as, Australia, New Zealand and Turkey.

²¹⁷ Makovsky, *op. cit.*, p. 8.

²¹⁸ P. Luif, "EU cohesion in the UN General Assembly", Occasional Paper, Institute for Security Studies, no. 49, 2003, p. 7. See also, B. Fassbender, "The Better Peoples of the United Nations? Europe's Practice and the United Nations", *The European Journal of International Law*, vol.15, no. 5, 2004, p. 877-878.

²¹⁹ A. Degrand-Guillaud, *op. cit.* p. 411. See, T. Renard & B Hooijmaaijers, "Assessing the EU's Strategic Partnerships in the UN System", Security Policy Brief, No. 24, Egmont - Royal Institute for International Relations, 2011. See also, Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", *op. cit.* p. 6,7.

²²⁰ Palestine in UNESCO: US, EU in diplomatic chessboard, available online <http://read-online.org/archives/583>, accessed on April 26, 2012.

²²¹ Austria, Belgium, Cyprus, Finland, France, Greece, Ireland, Luxembourg, Malta, Slovenia, Spain.

²²² Bulgaria, Denmark, Estonia, Hungary, Italy, Latvia, Poland, Portugal, Romania, Slovakia, UK.

²²³ Czech Republic, Germany, Lithuania, the Netherlands, Sweden.

Otherwise, the EU may show its internal split which ultimately undermine its credibility and confirming that the EU is not yet able to speak with one voice regarding to the Palestinian State.²²⁴

²²⁴ Khalil, "Testing the EU's Member States Coordination after Upgraded the EU Status at the UNGA: The case of the Palestinian bid for a full membership in the United Nations", *op. cit*, p. 7.

5 Conclusion

The research descriptively and analytically reviewed Palestinian diplomacy in 21st century and the role of the European Union in fostering the Palestinian statehood. The research therefore intended to answer the main question which referred, to what extent is the EU policy towards Palestine aiding the establishment of a fully functioning, legally recognised Palestinian state?. Moreover, the research aimed at providing an overview on Palestinian diplomacy by analysing its characteristics and the main challenges that it faces as well as the EU's policy towards the Palestinian state. In an attempt to achieve the aim above, the introduction of this study raised a set of questions to be addressed throughout the chapters of the study. The study consequently has been divided into three chapters to answer these questions consequentially and coherently.

The first chapter demonstrated the theoretical framework of Palestinian diplomacy by describing the literature review on diplomacy and illustrating the differences between the term diplomacy and foreign policy. Then, the chapter reviewed the historical impact of Palestinian diplomacy over the last decades by depicting the evolution and development of Palestinian foreign policy. Moreover, the study has focused on Palestinian diplomacy in terms of executing and implementing the Palestinian foreign policy.

This chapter found that Palestinian diplomacy is considered as an unique and distinct case in the modern history which is different from states diplomacy. Palestinian diplomacy has started in the absence of sovereign Palestinian political entity and it started before the establishing the Palestinian National Authority. Moreover, the PLO has begun the diplomatic relations with other states and with the international community from outside the Palestinian Territory and it has succeeded to build a diplomatic relations with many states in order to garner the international support to the Palestinian cause.

The second chapter illustrated the new diplomatic methods that might be used by Palestinians in order to achieve the Palestinian statehood and to gain benefits of international law. This chapter extended to examine the diplomatic recognition of states *in status nascendi* which could be the case of Palestine. The chapter found that the emergence of Palestine as a non-state actor which emerged from the multilateral negotiations, and the evolutionary

nature of international politics have given credence to the *de facto* acceptance of the change of the international political system.

The second chapter also shed light on the main features of Palestinian diplomacy in 21st century and the main challenges that it faces by analysing the Palestinian diplomatic methods to the international bodies in order to achieve the Palestinian statehood. The PNA has shifted its diplomatic efforts to more multilateral environment through the international bodies in order to advance and establish the Palestinian state; especially after the collapse of all bilateral peace talk initiatives in the last two decades. Consequently, the researcher suggests that shifting Palestinian diplomacy to the multilateral environment which includes conventional path that runs through the United Nations (UNGA and UNSC) and unconventional path that runs through International Courts, in particularly the ICJ and ICC, could be more effective way to achieve the recognition of Palestinian state, instead of pushing for the recognition from individual states which does have little effect.

This chapter also explored the Palestinian bid to a full membership at the UN and the role that these international bodies could play in supporting the Palestinian state. Taking into account that, the international bodies route is not always an easy way and there are many challenges and scenarios that face Palestinian diplomacy which may lead for positive and negative legal and political ramifications.

Accordingly, it is suggested that the Palestinian bid to the UN will not absolve the Palestinians of the need to negotiate with the Israeli side, however, the Palestinian bid for a full membership at the UN would improve the negotiation leverage with Israel.

The third chapter dealt with the European Union's diplomatic instruments towards the Palestinian state by analysing and assessing the EU's policy in fostering the Palestinian state as well as the EU's position towards the Palestinian bid at the UN.

This chapter recalled that, the EU as one of the largest economic and political actor in the world has a leverage in maintaining the stability and security in the Middle East, as well as in fostering the Palestinian State. The EU has always been strong supporter of the Palestinian state-building through its involvement in the peace process. In the last decades, the EU has deployed various policies and instruments; particularly diplomatic and economic tools in

order to advance the creation of a Palestinian State. However, it is clear that the EU's involvement in supporting and building a Palestinian State either by providing financial and economic support, or supporting the Palestinian institutional building were ineffectiveness and have not achieved the main objectives of creating a fully functioning, legally recognised Palestinian state, in spite of the leverage the EU had.

The third chapter has also revealed that the Palestinian bid for a statehood at the UN is considered as a potential Pandora's box for the EU's member states. Therefore, what is not known at this moment is how the EU will succeed to manage a common position between its member states regarding to the Palestinian request to a full membership at the UN.

Therefore, the researcher indicated that the EU as a largest single donor to the Palestinian and a member of the Quartet, as well as with its new speaking powers at the UN can do immense effort regarding to the Palestinian bid at the UN. The EU can draw the support to the Palestinian State not only through its 27 member states, but also the EU can gain the support of other countries that often vote alongside with the EU.

To sum up, the researcher proposes that the EU may gain more value and more important role towards the Middle East peace process by supporting the Palestinian State. Thus, the EU shall succeed to find a common position and avoid any division between its member states in order to speak with one voice. In addition, the EU's member states should not repeat the UNISCO scenario on the Palestinian request for a membership; where the EU failed to come to a common position between its member state. Otherwise, EU may show its internal split which ultimately undermine its credibility and confirming that the EU is not yet able to speak with one voice regarding to the Palestinian State.

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