



## Palestinian Statehood at the United Nations: A Resource

**Introduction:** These pages aim to serve as an informal resource for issues relating to the current discussions around the question of Palestinian Statehood at the United Nations. The references contained here are not intended to be exhaustive or definitive; rather they are intended to serve as a bibliographic record of our own research around this complex issue. This is a political and emotional topic for many, and much of the commentary is also politicized: views expressed in the sources cited are those of the authors, not of QUNO. We hope to update this resource on a regular basis and welcome feedback and recommendations for supplementary materials, although we do not make a commitment to include all materials submitted. Please write to [guno@afsc.org](mailto:guno@afsc.org)

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### Background

Palestinian officials have announced their [decision](#) to [formally request full UN membership status](#) as a state when the General Assembly convenes in September. Palestinian statehood was unilaterally declared by the Palestine National Council in 1988 and has been recognized by around 122 countries to date. In UN terms, [becoming a UN member state](#) requires a Security Council (SC) recommendation followed by a vote with a two-thirds majority (129 member states) in the General Assembly (GA). The [Israeli leadership opposes the idea](#) and the US administration has indicated they would likely use their veto to block the process in the SC. Should the Security Council reject the initial request for statehood, there are a number of alternative routes that the Palestinians could take to bolster their case, some of which are referenced below.

This current initiative for UN recognition follows efforts to strengthen diplomatic relations, support the Palestinian private sector and implement institutional reforms. In April 2011, the [Ad Hoc Liaison Committee](#) and the [IMF](#) joined the [World Bank](#) in stating that the Palestinian Authority (PA) has the institutions and economic policies required of a well functioning state. The backdrop to these developments is Prime Minister Salam Fayyad's two-year plan 'Ending the Occupation, Building the State' (2009-2011), supported by the Quartet. The latest National Development Plan (2011-13) entitled 'Establishing the State, Building the Future' has also secured international backing.

At the UN, considerations of Palestinian statehood can be seen in the context of broader discussions of [statehood](#), legitimacy and UN membership that have arisen in recent cases. Examples include Kosovo and South Sudan, and the recognition of Libya's rebel Transitional National Council as a sub-state entity.



## Scenarios

A number of alternative avenues to pursuing UN membership are being discussed in the public domain. These include:

- Palestinian leadership requesting that the GA upgrades the status for Palestine from a [‘non-member entity’](#) to [‘permanent observer’](#).
- Passing a GA resolution recognizing a Palestinian State, which would not be binding but which could have political and symbolic implications.
- Palestinian leadership requesting the GA to reaffirm the 1947 [General Assembly Partition Plan Resolution 181](#), which called for the partition of British Mandate Palestine into a Jewish state and an Arab one.
- [Resolution 377, Uniting for peace](#), being deployed. Uniting for peace is a rarely applied mechanism in which a two-thirds majority in the GA can potentially overrule the SC (and its veto) in certain circumstances. (See ‘Specific Issues’ for more information).
- The GA referring aspects of the issue to the International Court of Justice (ICJ). (For further discussion see ‘Specific Issues’).

## Recent Developments

- [President Abbas will present Secretary General Ban Ki-Moon](#) with an application for full UN membership prior to the opening of the General Assembly on 20 September. Before then, Abbas will travel to Lebanon, the member state filling the rotating role of presidency of the Security Council in September, in order to discuss the initiative further.
- Palestinian negotiator, Saeb Erekat, reaffirmed Palestinian commitment to the UN approach after Israel approved 1,600 new settlement homes in East Jerusalem on 11 August. Marwan Barghouti, a Fatah leader jailed in Israel, warned Washington of [possible protests](#) if the US exercises its veto in the Security Council.
- [Palestinians report](#) that they currently have the backing of 120 member states. Germany and Italy reportedly stand opposed to Palestinian state recognition, with Ireland and Portugal in favor, and the UK and France undecided. The US has asserted that it will veto any bid that comes before the Security Council, and that negotiations are a necessary precursor to statehood. [In a press conference](#) on 14 July 2011, Secretary General of the Arab League, Nabil Al-Arabi, confirmed the League’s support of the initiative. A [delegation of Arab foreign ministers](#) is visiting permanent members of the SC urging them to support the initiative.
- The Israeli government is also holding talks with the US, EU and Russia, hoping they will [persuade the Palestinians to abandon the UN bid and return to negotiations](#). According to Israeli security agencies, restarting [the peace process could put a stop to the Palestinian UN initiative](#). [Israeli officials have stated they will accept pre-1967 lines](#), with swaps, as a baseline for talks, but with the proviso that the Palestinians recognize Israel as a Jewish State. The Knesset Foreign Affairs and Defense Committee warned that the UN effort could lead to increased escalation and [harm Israel’s standing](#) internationally. There is a concern that Israel could take unilateral action, [using the bid as justification for increased restrictions and land confiscations](#) / annexations which potentially could end any remaining hope for a two-state solution and possibly lead to violence.



- On 26 July, Robert Serry, the UN Special Coordinator for the Middle East Peace Process, [briefed the Security Council](#). He said that the PA is ready to assume the responsibilities of statehood in the West Bank but state-building efforts are jeopardized by the continued political deadlock. The debate included statements from the Permanent Observer for Palestine, Israel's representative as well as many others.
- On 29 June 2011, the [U.S Senate passed a resolution](#) threatening to suspend financial assistance to the PA if they pursue statehood at the UN. The American ambassador to the UN, Susan Rice, said there was '[no greater threat](#)' to US support and funding of the UN than member states possibly approving Palestinian statehood.
- An [op-ed](#) by President Abbas ran in the New York Times on 16 May 2011. It explains the timeliness and potential significance of UN recognition, and compares the fates of Palestine and Israel at the UN since 1948.

## Broad Discussions

### [BBC, 16 June 2011](#)

A broad introduction framed as questions and answers, covering the following issues: what is being asked about the process; whether outcomes would be symbolic or change facts on the ground; why it is happening now; how it differs from previous declarations; and who supports and opposes it.

### [State-building and political change: Options for Palestine 2011](#)

Elizabeth Sellwood, New York University Centre on International Cooperation (CIC), 2011

CIC's substantial paper provides a comprehensive overview to the political options this September. It covers similar issues as the BBC pages but in more depth and with greater consideration of the political landscape. In particular, it examines how the UN bid fits into Prime Minister Salaam Fayyad's vision of a two-state solution and how it could affect the PA's legitimacy.

### [UN General Assembly "Uniting for Palestine"](#)

Robbie Sabel, INSS Insight No. 251, April 2011

The National Institute for Security Studies (INSS) offers an Israeli perspective on some potential avenues for pursuing Palestinian statehood. Included in these are the Uniting for Peace resolution, and its feasibility; the General Assembly calling for a UN trusteeship to replace Israel in the West Bank and Gaza; and the International Court of Justice giving an advisory opinion confirming that the 1949 armistice lines are the boundaries of the Palestinian state.

### [Al-Haq's Questions & Answers on Palestine's September Initiatives at the United Nations](#)

Al-Haq, 20 July 2011

This comprehensive paper, written in a question-and-answer format discusses the technical parameters and procedures for the September initiatives (which include applications for membership in international organizations and the ratification of various conventions), Palestinian statehood status in international law, and the potential political and legal ramifications of Palestinian statehood. The paper is followed by a list of several sources for further reading.



### [FAQs on UN Membership for and Recognition of the State of Palestine](#)

[US Campaign to End the Israeli Occupation, June 2011](#)

This paper describes the position of the US Campaign to End the Israeli Occupation, and answers questions about US policy and the US role in this initiative. It also briefly considers general historical and legal issues, and possible ramifications of the UN initiative.

### [A comment on Palestine's statehood, recognition and UN membership](#)

[Valentina Azarov, June 22 2011](#) (N.B: Scroll down page to find article)

This short article explores the following queries: What is the current status of the Palestine initiative in light of the present international law and practice on statehood; what are the prospective legal effects, if any, of the Palestinian government plans; and what are the benefits of further recognitions of Palestinian statehood? Through this exercise, Azarov gives an overview of the major legal and procedural issues related to the proposal.

### [PA Statehood Gambit at U.N. Undermines Peace Efforts](#)

[The American Israel Public Affairs Committee \(AIPAC\), July 20, 2011](#)

This memo summarizes the main points of AIPAC's position that a statehood initiative at the UN will endanger peace negotiations. The first part of the document looks at major developments and arguments of the parties involved in the initiative's progress to date, while the second part discusses the implications that it could have for the peace efforts, which AIPAC asserts could be severe.

### [Israel / Palestine](#)

[Security Council Report, Update Report, 25 July 2011](#)

This report covers the options, expected actions and dynamics of the Security Council on Israeli and Palestinian issues in general, and specifically on UN statehood. It also describes the parameters affecting this initiative that are already established by past Security Council decisions. Similar to [this](#) earlier update, it explains the technical protocol for applying for full UN membership.

### [Road for Palestine Statehood – Recognitions and Admission](#)

[Negotiations Affairs Department of the PLO](#)

Released by the Negotiations Affairs Department of the Palestine Liberation Organization, this document outlines the perceived necessity of a Palestinian state separate from Israel. It asserts statehood as fulfilling international and UN regulations, and as the only option for sustainable peace. The document includes the 122 UN member states that recognize Palestinian independence, attesting that Palestinian self-determination is an inalienable right and thus an international responsibility to uphold.

## Specific Issues

### **Resolution 377, Uniting for Peace**

Uniting for peace presents a possible alternative to a deadlock in the Security Council (SC). In cases of stalemate, and when there is a threat to international peace and security, the GA can pass (non-binding) resolutions with a two-thirds vote. It is not clear that this route is available for issues of UN membership however. A March 1950 [ICJ opinion](#)<sup>i</sup> stated that a SC majority with no veto was required on membership issues. However, this opinion pre-dates the Uniting for peace resolution of November 1950.



See the GA resolution of [Uniting for Peace](#) for technical details, or for a scholarly description, read [Christian Tomuschat's paper](#) on the resolution, published by the United Nations Audiovisual Library of International Law in 2008.

### **Theories and Legal Technicalities of Statehood**

The process of recognizing a political entity (state or government) is characterized by competing theories. In practice, the decision appears to be at the discretion of other entities. For an overview of declarative and constitutive theories of statehood, see Worster's paper, which also evaluates the application of these competing theories.

[Law, Politics, and the Conception of the State Recognition Theory](#)

William Thomas Worster, Boston University International Law Journal, Vol: 27:115, 2009

John Quigley provides a detailed legal analysis of Palestinian statehood in his book *The Statehood of Palestine: International Law in the Middle East Conflict*, Cambridge University Press, 2010. He advances the case of Palestinian statehood, while critiquing the criteria for independence set out in the Montevideo Convention on the Rights and Duties of States. Unavailable online, Victor Kattan's review summarizes the key points while appraising some aspects of Quigley's argument.

[Review of The Statehood of Palestine: International Law in the Middle East Conflict, John Quigley, Cambridge University Press, 2010](#)

Victor Kattan, Recent Books on International Law, Vol. 105, School of Oriental and African Studies, London, 2011

### **The Role of the International Court of Justice (ICJ) and International Criminal Court (ICC)**

The ICJ has been involved in membership issues in the past, (most recently in Kosovo, 2010). Strictly speaking, the ICJ only deals with member state disputes, but has already accepted jurisdiction in respect of certain Palestinian issues, such as the 2004 advisory opinion on the illegality of the separation wall.

UN member states and specialized agencies could make a series of referrals to the ICJ that could help to move along the case for Palestinian sovereignty. ICJ involvement increases the internationalization of the conflict as a legal matter and would help enable the Palestinian leadership to pursue claims against Israel in human rights treaty bodies and the ICC.

The International Criminal Court (ICC) is currently considering whether it has jurisdiction to prosecute Israel for alleged crimes in the Gaza 2009 offensive. The ICC document below, from May 2010, compiles submissions that consider whether the ICC can recognize a Palestinian state and is therefore a forum open to Palestinian leadership. If the ICC does allow a suit to proceed, it may be implicitly recognizing Palestinian statehood.

[Summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements](#)

International Criminal Court, 3 May 2010, (See the annex for hyperlinks to the submissions).

[The Palestine Problem: The Search for Statehood and the Benefits of International Law](#)

Adam G. Yoffie, The Yale Journal of International Law, Spring 2011

This paper argues that an unconventional avenue in which the power of the ICJ and the ICC are used to promote Palestinian sovereignty exists and should be explored further. Yoffie contends that international law can be used a 'step ladder' rather than a stumbling block to achieve Palestinian sovereignty. He also draws comparisons with Kosovo, East Timor and Israel.



### [What the ICJ ruling on Kosovo could mean for Palestine](#)

[Daniel Haboucha, Legal Frontiers, McGill's Blog on International Law, February 2010](#)

This short article examines the ICJ advisory opinion determined Kosovo's secession to be legal in relation to a Palestinian declaration of independence. It also analyses some of the similarities between the cases.

### **History of Palestinian Status at the United Nations**

[This background paper](#) by the Observer Mission of Palestine to the UN provides a detailed account of 50 years of the status of Palestine at the UN (1948-1998).

The United Nations Information System on the Question of Palestine ([UNISPAL](#)) offers a collection of relevant documents on this topic.

The website of Israel's Ministry of Foreign Affairs provides a [chronology of Israel's foreign relations](#) for the years 1947-1974 and lists many of the UN resolutions also affecting its neighbor. The Permanent Mission of Israel to the UN also provides a brief historical account of [Israel's relationship with the UN](#).

## Opinion Pieces

### [Can the Palestinian Leadership Pave the Way from Statehood to Independence?](#)

[Noura Erakat, Jadaliyya, 28 July 2011](#)

Noura Erakat criticizes the PA for failing to resist the Israeli occupation and US support of Israel. The PA has missed opportunities to hold Israel accountable, particularly after the Goldstone Report and ICJ Advisory Opinion on the wall and settlements. The statehood bid, she argues, is the PA/PLO's first direct confrontation of the occupation since the peace process. It will be little more than digression from US-brokered bilateral negotiations, however, if it is not part of a much larger reorientation and new strategy that includes applying pressure on Israel and resuming the struggle for self-determination and independence.

### [Palestinians will soon come full circle](#)

[Sam Bahour, The Guardian, 4 August 2011](#)

Bahour lists some of the reasons why the Palestinian national liberation movement has failed to achieve statehood to date. He criticizes the concessions of the 1970s that culminated in the 'lopsided' Oslo agreement of 1993 and almost two decades of struggle to revive the peace process since then. The new Palestinian leaders, who Israeli negotiators have not met yet, will break this pattern, he says. After the UN statehood process has run its course, Bahour expects Palestinians to articulate their desire for self-determination in their historic homeland, and therefore drop the aspiration for an independent state in a fraction of their homeland.

### [Obama straining every nerve against UN membership for Palestine](#)

[Josh Ruebner 11 August 2011](#)

Ruebner parses the rhetoric of the Obama administration in order to undermine the US government's anti-statehood stance regarding the Palestine initiative. He uses specific quotes from Obama, Secretary of State Hilary Clinton, and Ambassador Rosemary DiCarlo in his argument that US policy language towards the initiative is not only overly convoluted, but deeply flawed in its logic and in the extent to which it will reach in its defence of Israel.



[Gingrich: Suspend U.N. Funding Now!](#)

[Newt Gingrich, 10 August 2011](#)

Gingrich argues that the United States should halt its funding of the United Nations and use its considerable leverage as a way of putting pressure on the UN to curb the Palestinian-led initiatives in September. He emphasizes that no viable statehood option, or UN recognition of it, can take place without negotiations.

[Letter to the UN Secretary General: A UN Resolution to Recognize a Palestinian State within the "1967 Borders" Would Be Illegal](#)

[Jerusalem Center for Public Affairs May 2011](#)

A letter to the UN Secretary General drafted by lawyers of the Legal Forum for Israel and the director of the Jerusalem Center for Public Affairs. It argues that a resolution declaring a Palestinian state and determining its borders is illegal, harmful to the Middle East peace process and abuses the integrity of the UN.

[The Long Overdue State of Palestine](#)

[Hussein Ibish and Saliba Sarsar, Huffington Post, 18 July 2011](#)

This piece laments the failure to secure Palestinian independence, despite many efforts, and reflects on the damage this has caused. The authors draw a comparison with Jewish yearning for self-determination prior to 1948, and set the current UN initiative for Palestinian statehood alongside South Sudan, which became a full UN member in July 2011.

[On the Possible Recognition of a Palestinian State at the United Nations](#)

[Rashid Khalidi, Jadaliyya, 28 June 2011](#)

Khalidi questions the purpose of the statehood bid. Beyond increased support at the GA from countries that normally back Israel, he views any potential outcomes and implications as very limited.

[Online debate over Palestinian statehood](#)

[Aljazeera, July 2011](#)

Social media is playing a part in the discussions of a possible UN vote. Aljazeera offers an introduction to the online debate taking place on Facebook, Twitter and YouTube.

[Behind the Headlines: The Dangers of Premature Recognition of a Palestinian State](#)

[Israel Ministry of Foreign Affairs, 30 June 2011](#)

This piece voices concern for any unilateral declaration of statehood, arguing it undermines all internationally accepted frameworks for peace and will intensify the conflict. The MFA considers the initiative as implicitly recognizing a terrorist entity ( Hamas ) and as a way for the Palestinian leadership to continue to avoid recognizing Israel as the nation-state of the Jewish people.

[Articles, statements and reports on Unilateral Declaration /Premature Recognition of a Palestinian State](#)

The Israeli Ministry of Foreign Affairs has compiled a large number of articles and public statements on the subject.

[Obama Should Support Palestinian Statehood at the United Nations](#)

[MJ Rosenberg, Huffington Post, 22 July 2011](#)

Rosenberg argues that the position of the Israeli government is contradictory and flawed. He sees the UN initiative as a great opportunity and a potential first step on the road toward successful negotiations.



[Palestine/Israel: Where do we go from here?](#)

Jeff Halper, 4 June 2011

Halper criticizes the Palestinian leadership for not having joined with civil society to mobilize support for the September initiative.

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Department of Public Information, United Nations, August 2005

[Israel's UN ambassador tells U.S. Jews: Prepare for September vote on Palestinian state](#)

Shlomo Shamir, Haaretz, 20 June 2011

[Palestinian State-building: A Decisive Period](#)

Office of the UN Special Coordinator for the Middle East Peace Process, Ad Hoc Liaison Committee Meeting, Brussels, 13 April 2011

[IMF: Macroeconomic and Fiscal Framework for the West Bank and Gaza Seventh Review of Progress:](#)

Staff Report for the Meeting of the AHLC, Brussels, April 13, 2011

[World Bank: Building the Palestinian State: Sustaining Growth, Institutions, and Service Delivery,](#)

Economic Monitoring Report to the AHLC, Brussels, April 13, 2011

### Scenarios

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[Resolution 377, Uniting for Peace'](#)

UN General Assembly, 3 November 1950

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## Recent Developments

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Harriet Sherwood, Guardian, 14 August 2011

### [Marwan Barghout warns of protests if US wields veto](#)

Cairo (AFP), Maan News, 10 August, 2011

### [Arab League to submit UN Palestinian statehood bid](#)

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### [Arabs to urge 'yes' vote on Palestinian statehood bid](#)

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### [Knesset Committee: "Palestinian UN Bid Would Harm Israel Internationally"](#)

Saed Bannoura, IMEMC & Agencies, 4 August 2011

### [PM would accept pre-'67 lines as baseline for talks](#)

Herb Keinon, Hilary Leila Kireger, Jerusalem Post, 3 August 2011

### [Knesset Foreign Affairs and Defense Committee: Palestinian UN bid will harm Israel in int'l arena](#)

JPost.com Staff and Herb Keinon, Jerusalem Post, 3 August 2011

### [Israel looking into revoking Oslo Accords in response to Palestinian UN bid](#)

Barak Ravid, Haaretz, 25 July 2011

### [Press Release: UN Special Coordinator for the Middle East Peace Process Serry briefs Security Council; Debate](#)

UNISPAL, 26 July, 2011

### [U.S. Senate passes resolution threatening to suspend aid to Palestinians](#)

Natasha Mozgovaya, Haaretz, 29 June 2011

### [US 'could withdraw funding from UN if Palestine state is recognised'](#)

Jon Swaine and Adrian Blomfield, The Telegraph, 24 Jun 2011

### [The Long Overdue Palestinian State](#)

Mahmoud Abbas, New York Times, 16 May, 2011

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