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## With Help

# From the UN Security Council Trump Can Still Make Lemonade From Jerusalem Lemons

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As impossible as it may seem, there remains a way that President Trump can turn the Jerusalem-recognition affair around and actually emerge as a statesman, unorthodox for sure, but perhaps onto something that others have missed. The key here is for the Administration to build on a widely ignored sentence in the President's Jerusalem recognition statement. In leading up to recognition the President said that the step he was taking, "marks the beginning of **a new approach** to conflict between Israel and the Palestinians."

If we pull back from **the specific substance** of the President's Jerusalem statement, and ask what it represents by way of "**a new approach**," it appears to represent a judgment that in the absence of negotiations, there may be **constructive steps that third parties can take that will increase the likelihood of successful negotiations**, if and when they resume.

Regardless of whether or not the step the US took will have this effect, which seems highly unlikely, the question that emerges is whether there are **other issues** that might be usefully addressed by third parties, outside the context of negotiations.

One big possibility exists, and it would be a win-win for both Israel and the Palestinians, Further, it is eminently doable. **There exists a way to make substantial progress on two big issues: Palestinian recognition of Israel as a Jewish State, and international recognition of the State of Palestine.** This latter would both nail down the two-state solution as the only option, and could, in time, be the key to **a transfer of power in Gaza, from Hamas, not to Fatah, but to the State of Palestine.**

The key to achieving this is **the pending application of Palestine for full membership in the United Nations**, an application that will only be acted on by the General Assembly, if it is given a favorable recommendation from the Security Council. In the past, the United States worked very hard to prevent such recommendation. Why might it be different this time?

The key to all this is something Secretary of State John Kerry noted in his final speech on the conflict. Kerry called attention to a little known fact, that **the 1947 Partition Resolution that called for the partition of Palestine into two states, one Arab and one Jewish, is cited not only in the Israeli Declaration of Independence by also in the Palestinian Declaration of 1988.** Specifically, the Palestinian Declaration reads:

"Despite the historical **injustice** inflicted on the Palestinian Arab people following upon . . . U.N. General Assembly Resolution 181 (1947), which partitioned Palestine into two

states, one Arab, **one Jewish**, yet it is this Resolution that **still provides those conditions of international legitimacy** that ensure the right of the Palestinian Arab people to sovereignty."

Thus, the Palestinians, while still holding true to the central element of their narrative, that the establishment of Israel was unjust, reversed the PLO Covenant position on "international legitimacy" and now linked the international legitimacy of Palestine to that of the Jewish state. Yes, **the words "Jewish State" actually appear in the Palestinian declaration!**

Thus, in the face of an expected application for membership of Palestine in the United Nations, **the Trump administration could advance a UN Security Council Resolution that says:**

**"If the State of Palestine, in an application for membership to the United Nations, acknowledges the international legitimacy of Israel's existence as a Jewish State, then the Council will recommend to the General Assembly, favorable action on that application."**

The situation has parallels to that faced by **President Reagan in December 1988**. US policy prohibited contact with the PLO until they accepted Israel's right to exist and recognized UNSC Res. 242. The PLO was prepared to do so, but always with wording that affirmed **the right of self-determination** of the Palestinian people. This was a **deal killer for the US**. A way around this was achieved in virtue of the same 1988 Declaration cited above. The PLO recognized the right to exist in peace and security of all states in the region, **including Israel and Palestine (proclaimed four weeks earlier by the Declaration)**. Having exercised self-determination, it was able to drop reference to the right of self-determination

Interestingly, when President Reagan accepted this bold PLO wording and opened the US/PLO dialogue **no objections** were raised to the PLO language invoking the State of Palestine.

Thus, in response to the US/UNSC condition cited above, the US/UNSC could accept a PLO statement that makes the following four points:

1. The State seeking admission (Palestine) **is the state** proclaimed in 1988 through the Palestinian Declaration of Independence.

2. The Palestinian Declaration of Independence notes that the Partition Resolution of 1947 (UNGA Res. 181) called for the division of Palestine into two states, **one Arab and one Jewish**. It further notes that UNGA Res. 181, required that both states be **democracies with equal rights for all citizens**.

3. The Declaration also affirmed the **continuing** international legitimacy of the Partition Resolution.

4. Accordingly the PLO acknowledges the continuing international **legitimacy of Israel as a Jewish state, consistent with the norms of democracy and equal rights** of all citizens.

Given that **Prime Minister Netanyahu** has, more than anyone else in the world, emphasized that the key to ending the conflict is Palestinian recognition of Israel as a Jewish state, it is

untenable that he could dismiss such **transformative movement**; yet for President Abbas, satisfying these conditions, though not without political difficulty, in truth represents simply re-affirming the, largely unknown, positive legacy of Yasser Arafat who proclaimed the Declaration and of Palestinian national poet, Mahmoud Darwish, who penned it.

Moreover, the idea of recognized **Palestinian statehood prior** to permanent status negotiations, was legitimized in the **2003 Bush Administration Road Map for Middle East Peace**, accepted by the government of **Prime Minister Ariel Sharon**.

President Trump's "new approach" offers a way for the Trump Administration to reconcile with the United Nations, to address the issue viewed by the Israeli government as most essential, and at the same time to move future negotiations to a more balanced state-to-state framework, while at the same time laying the basis for Hamas to gradually transfer de facto sovereignty in Gaza to the State of Palestine.

Jerome M. Segal, a Research Scholar at the University of Maryland, and President of the Jewish Peace Lobby, has just completed the manuscript of his next book: *Oliver Branch: The Palestinian Declaration of Independence and the Strategy of Unilateral Peace-making*. He is running in the June primary in Maryland against Senator Ben Cardin.