

DRAFT LETTER

Paris Peace Summit in Paris - 15th January 2017

10th January 2017

Your Excellency,

The European Coalition for Israel represents hundreds of thousands around the globe who support the right of the Jewish state of Israel to exist as a sovereign nation within secure borders and free of threats of force.

In light of Security Council Resolution 2334 and U.S. Secretary of State Kerry's speech on 28th December 2016, we are writing to express our deep concern about the proposed conference in Paris on Sunday 15th January 2017.

It appears that Security Council members and other nations are considering adopting measures, without Israel's consent, that would effectively adopt or purport to give recognition to the following positions that have been consistently advocated by the Palestine Liberation Organization since the 1970's, and which Israel disputes. These measures include:

- Recognition of the 1949 Armistice Lines (the "4 June 1967 lines") as being the default or *de facto* "borders" between Israel and "Palestine" in the event no agreement can be reached on this issue between the PLO and Israel;
- Recognition of the so-called "right" of the Palestinian people to an independent State of Palestine, and to nominate "East Jerusalem" as capital of the "State of Palestine"; and
- Recognition of an obligation on Israel to "withdraw from the Occupied Palestinian Territories" (perhaps within a specified time period) on the basis that all Israeli settlements in these territories are illegal, and/or such occupation is "illegal."

In our submission, any resolution or other internationally-sponsored measure that purported to implement any of these terms without Israel's consent would be counter-productive and undermine real prospects for peace, because it would adopt a one-sided narrative that completely ignores Israel's genuine historical, religious and security concerns.

But just as importantly, any such resolution or measure would itself infringe a number of important principles of international law:

1. These measures would constitute a grave infringement of the legitimate claims and rights of the State of Israel and the Jewish people with respect to sovereignty over "East Jerusalem" and the "West Bank" under

international law. The San Remo resolution (1920) and the Mandate for Palestine (1922) recognized the pre-existing rights of the Jewish people to self-determination based on their close historical connection with the land. Under the Mandate for Palestine, the Jewish people had a right to “close settlement” in all of Palestine. The rights recognized and created under these binding instruments of international law were explicitly preserved in article 80 of the UN Charter, and have in no way been waived or terminated. Similarly, pursuant to the principle of “*uti possedetis juris*”, the boundaries of the Mandate for Palestine determined the borders of the new State of Israel on 14th May 1948.

2. They would completely undermine the rights of Israel under the Oslo Accords and would conflict with the PLO’s obligations under those agreements. They would also constitute a breach of the obligations of the United States and Russia as signatories of those agreements. Those agreements, which remain valid and binding on the parties, provide that all “permanent status” issues such as the status of Jerusalem, “settlements”, “security arrangements” and “borders” are to be determined through bilateral negotiations between Israel and the PLO. By seeking to have conditions imposed – directly or indirectly - by means of UN resolutions, the PLO is gravely in breach of its obligations under the Oslo Accords, and by adopting such claims the signatories to those Accords are also in breach of their commitments.
3. They would infringe the principle of sovereign equality of states and the fundamental right of the State of Israel to territorial integrity/inviolability, political independence, and reflected in the UN Charter and Security Council Resolutions 242 and 338. All UN Member States are obliged to recognize these rights, and they have no jurisdiction whatsoever to determine the borders of another sovereign UN Member State or in any other way impinge on Israel’s right to territorial integrity and political independence.
4. In the absence of robust security arrangements, acceptance of the “4 June 1967 lines” as *de facto* borders would undermine the right of Israel, as a sovereign state, to secure borders. It is widely acknowledged that, without binding guarantees and enforceable security arrangements on the ground, the 1949 Armistice Lines are completely indefensible.
5. Allowing “East Jerusalem” and the “West Bank” to become part of an Islamic State of Palestine, without further agreed measures, would fail to protect the rights of all non-Muslim minority groups to worship and freedom of religion in Jerusalem, Judea and Samaria. In particular, the Palestinian institutions have completely failed to demonstrate that they

are willing and able to allow Jews and Christians to access their holy sites in the territories under their control, including the Temple Mount – the holiest site in Judaism, and an important site for many Christians. On the contrary, they have openly advocated the removal of all Jews from these areas. The current Israeli administration of “East Jerusalem”, on the other hand, has proven since 1967 that it is both willing and able to ensure protection of freedoms for minority groups far exceeding any other nation in the Middle East.

6. They would undermine the UN Charter principle of the prohibition of the acquisition of territory by force, and the obligation of all UN member states to refrain from acts of aggression and settle their disputes by peaceful means. The 1949 Armistice Lines were themselves the result of the armed attack launched on the fledgling State of Israel on 15th May 1948. *De facto* acknowledgement of these lines as “borders” effectively recognizes the validity of this attack on the State of Israel, and implicitly validates the PLO’s consistent use of armed force to achieve its aims.
7. Finally, it would ignore the fact that “Palestine” does not meet the criteria for Statehood under international law. In particular, “Palestine” completely lacks an effective authority that is capable of governing East Jerusalem, Gaza and the West Bank. Unless and until such authority has been established, the State of Palestine” simply does not exist under international law, and it is incumbent on UN member states not to recognize such a State or give it any until and unless such authority has been established.

We respectfully submit for your consideration the attached Position Paper in which these issues are further elaborated.

We call on the international community to embrace these principles, thereby keeping alive the chances of genuine reconciliation and real peace.

The only route to lasting peace in Israel/Palestine in full compliance with international law is through mutual acceptance, negotiation, and cooperation - not through unilateral measures.

Yours sincerely,