

The Politics of Non- Recognition in International Law: The Palestine Experience

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Abstract

This study seeks to find out the reasons behind the non-recognition of Palestine in the international community; and to examine the place of international law and international politics in terms of recognition of new states. This work adopted the use of secondary sources and qualitative data analysis to discuss and evaluate the data collected. The world system theory was adopted to ascertain the level of interdependence theoretically, with a discovery that politics at the level of the Security Council of the United Nations is a major setback to the recognition of Palestine as a sovereign state. Economic strength of an entity is an added advantage in terms of recognition. Also, threat to international peace and security can lead to denial of a group of people's right to statehood in the international community. Based on the findings, the study recommended among others that Palestine should initiate and progressively work out a dialogue approach with her immediate neighbor Israel in order to earn the support of some powerful states in international community. Also, there should be legal framework and corresponding consequences guiding recognition of states in the international community without any trace of politics, and that, Palestine's attainment of the status of non-observer membership at the UN should not be seen as the end itself, but a means to an end. Therefore, Palestine should strive more in achieving the desired status of sovereign state in the international community.

Keywords: International law, Recognition and non-recognition, Palestine, Israel

Introduction

The non-recognition of Palestine as a sovereign state in the international community and particularly the United Nations is an issue of concern amongst scholars of international relations. For this reason, there is need to critically evaluate the reason behind the non-recognition of Palestine as a sovereign state. Therefore, this study will analyze the major factors that influence the recognition of States and government in international community. But we shall narrow it to the concern of Palestine, and the politics behind the recognition and non-recognition of new states.

This study also aims at evaluating the concern of major powers and influences on the current status of Palestine as a non-recognized state in international organization with an analysis on recognition as a legal or political instrument. Recognition is the assurance given to a new government which grants permission to hold its place and rank, in the character of an independent political organization in the people of its nations. These rights and attributes of sovereignty are rights to all recognized states. Therefore, it is only after recognition that such state is assured of exercising

them. Recognition is usually accomplished through a formal note sent by the Department of States to the diplomatic representatives in the country in question (Eleogu,2015).

In international law, recognition of a state is a "unilateral political act" having domestic, as well as international legal penalties, in which a "state admits an act or status of a different state or government in control of a state". Recognition might stand accorded to either de facto or de jure. Recognition might also stand as a 'declaration', such that it recognizes governments binding into treaty among other state. Any vote via a country in the "United Nations" to favor another country, is regarded as an "implicit recognition" of that country in the UN. Therefore, recognition of a new state in international arena depends only on the acceptance and extension of hand of fellowship by recognized states based on the ability of the new state to enter into diplomatic relations with other states. Another binding form of recognition is the acceptance of a fresh state into international organizations by votes of members of such organization which signifies an acceptance of such new state into the membership of a regional, sub-regional or international organized body.

The "non-recognition of a particular act over a state does not ordinarily affect the recognition of the aforementioned state. For example, the international rejection of the occupation of a specific territory via an acknowledged state, does not imply a non-recognition of the state as-well-as a rejection of a change of government of illegal means". The "non-recognition" of a state which exists in international law doesn't depict that such state does not enjoy international recognition in the "United Nations" as is the case of Palestine. But such state can be granted a "non-member observer status" i.e. the state is represented during "UN General-Assembly session", but doesn't own a legal-right to partake in the proceedings.

At the United Nations, a non- recognized state over a bid to seek recognition may request for upgrade of status from "observer entity" to a non-member spectator state" as such case of Palestine in 2012. Furthermore, political act on "recognition is used to whichever support or reject a state or government", that is fresh in international community. Recognition is understood as a highly-political-subject in international relations; authors in international law understand it as a blend of "politics and legal-implication"(Malcolm,2003). In fact, this area in international law, in which law and politics are thoroughly intermingled. The political sense of recognition appears to have outweighed the legal aspect in place of no supranational authority in international law which conditions that a specific stage, a state should attain the level of recognition; instead,' recognition in international law is a thing of choice'. If a state chose not to recognize a precise state, its reasons are accepted to great extent, the reasons may be political (Eleogu,2015).

International law like other systems of law cannot be dismissed as a principal guide to international actors. The purpose of international law is to control the behavior of political entities in order to co-exist within a community. Palestine is recognized by 124 other states comprising the vast majority of mankind and has enjoyed diplomatic relations with sovereign states in international community, but is yet to be granted full statehood in the 'United Nations'; a situation that can be said to be political. In 2012, Palestine's application for a complete membership status was staled due to the incompetence of the "Security Council members" to make an undisputed endorsement. The Palestine Authority thus decided to follow up an upgrade of status from "observer entity to non-member observer status".

It is imperative at this point to ex-ray the reasons behind the constant conflict between Palestine and Israel. The problem between the Arab Palestine and the Jewish Palestine now Israel, basically on who is the rightful owners of the particular geographical location. The fundamental issues

between these two entities is anchored on mutual recognition, border disagreement, security matters, rights of water ways, control of the center(Jerusalem), Israel invasion and settlements, Palestinian rights of freedom of movement and self- determination, as well as right of return (Helena Lindholm, et al 1991).

Israel's position is that Palestinian territory is the land of Canaan; a land of covenant between God through Abraham, Jacob and Isaac.

According to Net-Zehngut, Rafi (2011), scripture asserts that God promised land to the people of Israel. Some biblical texts suggest that God gives the land with no conditions or expectations. "And I will bring you in unto the land, concerning the which I did swear to give it to Abraham, to Isaac and to Jacob; and I will give it you for a heritage: I am the LORD"(Exodus,6:8). Other passages place conditions on the gift. The book of Deuteronomy, for example, details calamities which will harm the land or separate people from the land, if they break the covenant with God (28:15-68). Texts such as Leviticus 25:18 and 26:31-34, Amos 5:6-7 and Jeremiah 7:1-7 concur with this idea of conditionality. Scripture also asserts that the earth belongs to God (Leviticus 25:23; Psalm 24:1) land is a gift linked to covenant responsibility in relation to God and others.

Israel also argues that it is their disobedience to God that led them into captivity. According to the claim, God allowed them to be captured out of their ancestral land into other kingdoms such as Babylon, Egypt etc. to make them suffer for their inability to keep to the commandments of God. It was against this backdrop and the increase of anti- Semitism in Europe that Zionism ideology was established. The idea behind Zionism movement was aimed at establishing a nation for the Jewish descendants in the land of Palestine. Historically, the modern phase of the conflict began in the 1800s, when a Viennese journalist named Theodore Herzl witnessed an increased activity in anti-Semitism in Europe which made him to concluded that the best solution would be the mass movement of Jews to build a state they could call their own. This movement slowly gained steam and became popular as Zionism; 'Zion' is one of the Biblical names for Jerusalem. Zionist first place of meeting was in Basel, Switzerland in 1897 and established the world Zionist organization to establish the economic foundation for a Jewish sovereign state in Palestine, which was once part of the Ottoman empire. The Congress produced Herzl as elected President of the organization and he spent years trying to position and reposition Zionism as well as gather financial and political support for his dream.

In 1904, a Russian chemist named Chain Weizmann moved to London and was actively involved in Zionist affairs. He believed that large scale Jewish Exodus to Palestine combined with forces and encouragement of the great powers for Zionism was the way to realize Herzl's vision. During the First World War, British policy gradually warmed to Zionist despite that it contradicted promises made to both France and Arabs. It was made officially in 1917 in the form of a letter called the Balfour Declaration-this was the first recognition accorded to Zionist aims by a great power. It is imperative to note that at this time, Jews population was less than 11% of the population of Palestine.

Jews had lived in relative peace among their Muslim neighbors in the Middle East for centuries. But as waves of them began to immigrate to Palestine from Europe- many of them desperately fleeing Nazi persecution- Palestinians became worried that Britain, which held Palestine under mandate authority after World War 1, would make good on its promise to hand most or all of Palestine over to the newcomers. Between 1936 and 1939, Palestinians organized civil and armed resistance against repressive British land laws and European Jewish colonization in a conflict

known as the Arab revolt in Palestine. When the uprising was crushed, Palestinians were largely stripped of their arms and leaders, and the Jews and Palestinian populations became further isolated and alienated from each other (Ari, Shavit 2004). But the Arab Palestinians point of argument remains that the said land is their right from the Arab conquered the Canaanite in the 7th century.

According to Marcia, what is today known as West Bank, Lebanon, Israel and some parts of Jordan and Syria were occupied by Canaanite civilization between 3000 and 1200 BC. After the sack of the Jews by Romans power, there were mixture of farmers and vineyard growers in the land of Canaan, and amongst them were descendants of Arabs, descendant of Persians, pagans and converts to Christianity, old Canaanite tribes and Greeks(Marcia,1991). But it is important to note that the parent tree was Canaanite, therefore all these movements to Canaan were additions, sprigs grafted onto the parent tree. In 7th A.D the Arab invaded and conquered Canaan, settled as natives, made Muslim converts and intermarried with them, considering that all are totally Arabized so that there is no difference between the Canaanite leave off and the Arabs start.

It is on the above ground that the Arab Palestinians still maintained that the land is their ancestral land owing to the fact that they have been there from the 7th century. Allene Beatty in 1959 argued," the era of the Jewish kingdom in Palestine was one amongst many kingdoms in ancient Palestine. Therefore, the territorial demands by the Zionist about the kingdoms of David and Solomon existed for a period of 73 years. The Jewish kingdom fell apart after 414 years, hence the entire period from when David conquered Canaan in 1000 BC to when Judah was conquered in 586 BC is not up to the territorial claim by the Zionist movement" (Ilene,1959).

At the end of the 7th century, Palestine was already predominated by the Arab and Islamic race. Shortly, its boundaries and characteristics changed including its name in Arabic as Filastin. At this point the region became more popular to the Islamic world, not only for its beauty and fertility but also for its religious importance. Ottoman Empire conquered Palestine in 1516, but this defeat did not affect its fertile nature or made it less Islamic entity. About sixty percent of the total population of Palestine was agriculture; the balance of 40 percent was divided between business and relatively small nomadic group. All these people believed that they belong to the Arab nation as a group known as Palestine. In 1882 there was steady arrival and increase of Jewish population in the land of Palestine, but it is imperative to note that prior to the actualization of the sovereign state of Israel in 1948 the population of Arabs still outweighs that of the Jews .for example, the Jewish population in 1931 was 184,606 against a total of 1,433,314 of Arabs (Cohre & Badil,2005).

From the above, it is clear that both the Arab Palestinians and the Jewish Israel have strong connection to this historic land of ' Palestine'. Therefore, it is important to check the role politics played in the international community and the right of a group of people to govern themselves as provided by the UN Charter in particular and the international legal system in general .this will help to validate or nullify the position taken by some states to or not extend recognition to an existing entity such as Palestine.

Theoretical framework

The system approach is adopted for this paper. This theory was established as a reaction against traditional approaches to politics. It introduced into the study of politics, the idea that political life ought to be understood as a "system" or a system of interaction (Apiki, 2000). System is considered as fixed of connected things of different parts or objects together with relations between them with inter independence of parts and boundary of some kind between the system and its environment

(Alapiki,2000). System theory focuses on the arrangement of and relations between the parts which connect them into the whole. Scholars in international relations defined system as relationship between state and non-state actors in international political system. System theory is borrowed from biology. According to McClelland 1976, system "is any structure that is perceived to have some identifiable boundaries that separate it from its environment"(McClelland, 1976).

The world system analysis is a "perspective and a critique of other perspectives contained by social sciences. Its social origins stayed situated in the dawn of the 1960s and the apparent insufficiency of modernization theory to describe what is happening. The unit of breakdown is the world system than a state or society, with specific highlighting on the long-term history and totality of the system. The nation of totality (globalism and holism) differentiates world systems; analyzing starting alike methods, such as global or international political economy, which looks at relationship amid the two segregated system of politics and economics.

Proponents of the world system theory also respect it as an intellectual drive, capable of changing social science and world system into a drive for "Worldwide social change". The system theory explains relationship amongst states and other international actors as one guided by interest. And this interest ranges from self-preservation, military security, economic prosperity, influence over other states etc. System theory is relevant because Palestine as an entity is demanding to be admitted into a community made up of independent states as one body.

International Law and Recognition of States

The legal effect for recognition of entities claiming to be "States" as remained categorized above a century via a great "debate" between the "Constitutive" and "declaratory" schools of thought. Despite the fact that the former contends that a state only converts to a State by feature of recognition, the latter that is now broadly accepted argues that a state is a state because it is a state, that is, when it meets all the international legal criteria for statehood .The initial stage of recognition is status creating; the latter is simply status confirming. International laws and states don't constantly distinguish plainly among the necessities for recognition of a body as a criteria for statehood and the necessities for recognition of a state which is the pre-conditions towards engaging into "optional or discretionary -diplomatic, political, cultural or economic relations" with the said body being conditions for recognition. Despite the fact that the former are prescribed via International law, the latter varies from State to State (Talmon,2008).

Palestine entity which claimed the status of de jure sovereign state is located in the Middle East region with West Bank and Gaza Strip as her major cities. She claims East Jerusalem as the designated capital while her administrative center is located in Ramallah. She covers area of 6,220km² with a total population of about 4.55 million with Rami Hamdallah as Prime Minister and Mahmoud Abbas as the President. Its currencies are Israeli new Shekel, Egyptian pound, Jordanian dinar and their official language is Arabic.

From the above, Palestine is a state following the declaratory school of thought, because she meets the basic criteria for State-hood e.g. definite territory, population, government, sovereignty etc. But against this backdrop is a solid and opposing argument of Palestine not being a state because she is not yet admitted into world bodies such as the 'United Nations'. As argued by the constitutive school, that a state ought to not by law be a legal entity by mere declaration and such entity will have the 'right to sue and be sued' in the court of law.

Occasionally," states are recognized substance to certain conditions, usually the contentment of assured obligations". The "respect and guarantee of the rights of ethnic, national groups and minorities; the respect of religious freedoms; and the respect of the rule of law, democracy and human rights" explains this.

The "Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union", adopted by the EU Member States; Ministers of Foreign Affairs on 16 December 1991 make recognition dependent on the fulfillment of certain minimum standards of rule of law, democracy and human rights, guarantee of minority rights, respect for inviolability of present boundaries, acceptance of all significant obligations with respect to disarmament, and remedying arbitration". The above and alike principles were adopted at the time ' United States and Japan', as a laydown values or interest led political conditions for "Recognition of New States,"i.e these are preconditions for entering into discretionary relations, without cataloguing any fresh criteria for state good (Talmon,2008).

United Nations and State Recognition

From the constitutive theory point of view, a state is not a state by mere declaration; rather she must belong to a world body if she meets the stipulated criteria in the charter of the United Nations. Hence, by the declarative theory, Palestine is a state on the fact that she declared her independence in 1988, but the contentious issue is that, the declaration so proclaimed has not been fully acknowledged by the United Nations.

Historically, the foundation of the United Nations was laid on the ashes of the League of Nations. The League of Nation's failure to avert the second world war and to promote world peace reiterated the convention of the people to work out for enduring peace (Prakash et al,2015). Following this, the call for a United Nations was made as early as 1941, and plans for the creation of an international organization devoted to the maintenance of international peace and security involved, in successive conferences into drafting of the United Nations charter approved at the San Francisco conference in 1945 by fifty one governments (Onyeneho,2006).

From after the formation of world body (United Nations) in 1945,the organizations has grown in membership of about 193 member states with the admission of the Republic of South Sudan in 2011. The General Assembly reserves the right of admission of any prospective member(s) into the organization. The General Assembly is the apex body of the United Nations. It has been described as the 'the town meeting of the world' because all members of the United Nations are ipso facto members of the General Assembly. Each member has a single vote even though each state can send five representatives to the Assembly. These representatives are the nominees of their respective governments. The charter does not impose any restriction on the member states with regard to the appointment of the delegates to the general Assembly except that article 8 enjoins upon the states not to make any discrimination on the basis of sex. These representatives have to act in accordance with the instructions of their respective governments and are directly responsible to their governments (Prakash et al,2015).

Membership in the organization, in accordance with the charter of the United Nations," is open to all peace loving states that accept the obligations contained in the United Nations charter and, in the judgement of the organization, are able to carry out these obligations". States are admitted to membership in the United Nations by decision of the General Assembly upon the recommendation

of the Security Council. The General Assembly has stipulated rules and procedures of admitting new states into the world comity of states;

Admission of New Members to the United Nations

Applications

Rule 134

Any state which desires to become a member of the United Nations shall submit an application to the Secretary General. Such application shall contain a declaration, made in a formal instrument, which the state in question accepts the obligations contained in the Charter.

Notification of Applications

Rules 135

The secretary General shall, for information, send a copy of the application to the General Assembly, or to the members of the United Nations if the Assembly is not in session.

Consideration of Applications and decision theorem

Rule 136

If the Security Council recommends the application state for Membership, the General Assembly shall consider whether the application is a peace loving state and is able and willing to carry out the obligations contained in the Charter and shall decide, by a two thirds majority of the members present and voting, upon its application for membership.

Rule 137

The security council does not recommend the applicant state for membership or postpones the consideration of the application, the General Assembly may, after full consideration of the special report of the security council, send the application back to the Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

Notification of decision and effective date of membership

Rule 138

The secretary General shall inform the 'Application State' of the decision of the General Assembly. If the application is approved, membership shall become effective on the date on which the General Assembly takes its decision on the application.

From the above,' the Security Council' is a major actor in the process of recognition of a state in the United Nations this is because the General Assembly acts for or against based on the recommendations made to it by the Security Council. This means that actions of the Security Council has great influence in determining the membership of a new state in the United Nations.

The Security Council is the main organ charged with the responsibility of world peace and security under article 39, council has the duty to determine the existence of and threat to peace, breach of

peace or act of aggression and makes recommendations or decides what measures shall be taken to maintain or restore peace and security (Onyeneho,2006).

Since 1965, the Security Council has 15 members. Five of these members are permanent while the other ten are elected by the General Assembly for two year terms. Theoretically, non-permanent members are elected on the basis of their contributions to the cause of international peace and security, in reality, geographic considerations and bloc politics have been weighty forces. Over time, a pattern has emerged allowing two to Latin American States, three to European States and two to Asian States (Onyeneho, 2006).

The above distribution of representation at the Security Council according to the Article 39 establishing the Security Council is to ensure that every region in the world is fully represented. Security Council meeting is held regularly at any time and on short notice. Any member country or otherwise the Secretary General of the United Nations may bring the attention of the Security Council, a dispute or threat to peace. Members take turns at being President of the council for a month at a time. To vote in the Security Council, nine members of the council must vote YES, but in an event, if any of the five permanent members of the council vote a NO, it is called veto. Thus, the Security Council members collectively have the power to block any substantive recommendation of the General Assembly by their veto, while any of the Security Council by her veto (Onyeneho, 2006). Consequently, it is fair to say that Palestine's current status as 'non-observer member' in the United Nations is as a result of such recommendations by the Security Council to the General Assembly.

Relationship Between International Law and State Recognition

Most scholars of international relations agree to the circumstance that there is a link with international law and recognition, which is a prerequisite for the admittance and non-admittance of fresh states into international organizations such as the United Nations.

The two elements of recognition theory are; the nature of the existence of the fresh state 'preceding to the recognition and the degree of discretion states' have in refusing recognition. It is significant to acknowledge that these two aspects must be separately considered because most authors combine the two in either the orthodox pairing or in other innovative ways. These combinations are the source of most of the attempts at synthesis of the two theories. However, the two aspects each have, in turn, two possible sub-choices that are irreconcilable. It is the inability to resolve the alternatives for each theory that demands a choice. This choice is based on the actors understanding of the nature of the state, whether it is primarily a legal or non-legal entity, and the actors understanding of the ultimate source of legitimacy in the international system, either from the legitimate external constraints of the 'laws of the international community' or from the political will, consent, and overwhelming power of violent states(Thomas,1999). Therefore, "recognizing Palestine as a state" has to be a meeting point between law and politics i.e. the lay down basic requirement for recognition and the political will as argued by the constitutive theory.

The irony presents the classic theories mix their justifications. The classic declaratory theory declares that a state is not a purely legal entity since it exists prior to recognition, yet other states' right to recognize the state is constrained by the criteria of law and not substance to politics. The classic constitutive theory says that the next exists only upon recognition since it is a purely legal creation of "rights and obligations", yet the other states have no constraints in law in recognizing the purported state. The foregoing positions "law and politics" as enemies.

International law and politics of major actors in state recognition

The fact that Palestine has not received the nod of the United States of America, Britain and some other major international actors for statehood is what many have termed to be politics of international relations. Most scholars of international relations who have argued on what actually are the reasons for such trend even try to link it with reasons such as religious interest, political interest, economic interest etc. But amongst all, one of the major reasons that stand out arguably is the of human right protection. According to the Former US President Barack Obama " But for the sake of Israel and Palestine- and the peace and security of the world - we must speak with one voice. There is no excuse for inaction... " Ultimately, it is Syrians who must live side by side. Ultimately, it is the Syrians not us -who must reach agreement on the issues that divide them". In fact, the then President position on Israel/Palestine, however, like the examples of Northern Ireland and South Sudan, disregards those same norms, instead seeking an entirely extra-UN resolution (Fleming,2011). However, Israel proclaimed that any Palestinian attempt to elevate their status at the UN would" aggregate a unilateral action that would pre-empt final status peace discussion". Thus, Israel declarations would violate their previous commitment to resolve unresolved issues via negotiations.

Lengthways with the U.S., it is believed that the UN action alleviated Palestine status to non-observer member did not yield in direct negotiations. Seen in U. K. media reports, Britain communicated to Palestinians of their support bid when they make considerable effort not to pursue Israel for war crimes in the ICC and to restart peace talks. But in another development, France made broadcasted that it votes in good turn of the Palestinians' demand, becoming one of more 'prominent European countries' to assume position. Portugal, Spain and Switzerland also pledge their support on Palestinians' bid, whereas, United States and Britain opposed it. Also, the French who were considering two scenarios lastly backed the statehood bid. The game is to be in a better position down the road with the Palestinians, said Elliot Abrams (2012), a "Middle East expert with the Council of Foreign Relations". "France wants to be able to influence them." Polls in most European cities overwhelmingly support Palestinians and have a dim outlook of Israel, which illustrates why Portugal, Spain and Switzerland also sided with France.

It's all local politics in Europe, Abraham said. A politician in European countries is going to have to ask,' what do I gain by supporting the Israelis on this?' the answer is you don't gain anything in political terms. The United States views the bid as a bad idea, Abrams said, but that's an easier position to take for a country that is geographically alone and strong individually. Plus, the U.S. supports Israel and has confidence that the only way to achieve peace and improve the lives of Israelis and Palestinians is at the negotiating table.

Economic Strength and the Non-Recognition of Palestine in International Community

In the introductory part of this work, we asked if the economic strength and weakness of a state can influence its acceptance or rejection in the international community. The above statement will guide us to know whether the delay in "entry fee of Palestine into the United Nations" is connected to her economic status. Palestine mainly exports cement, base metals, iron and steel, food and beverages, furniture, plastics and dairy products. Palestine's main export partner is Israel (over 80 percent of total exports). Other export partners include Jordan, the United Arab Emirates, Algeria, Egypt, Saudi Arabia, the Netherlands, Germany, and Canada. Implicitly, Palestine majorly exports to the Middle East and consequently, does not directly trade with the major world powers which by

economic power can influence her admission into the United Nations. Therefore, it becomes so difficult for her to be granted admission into the world body.

Robert Danin, the International Monetary funds and Oussama Kanaan, and Firas Raad, acting head of mission of the office of the Quartet Representative Tony Blair, observed the current status of the Palestinian economy and its future predictions, the political sway of the Palestinian-Authority's financial situation, and the peace process in rebuilding and the development of the state of Palestine. Agreeing to the Quartet, the report on the current status of the Palestinian economy was this;

* Economic Strategy: the report emphasized that any analysis of Palestine's current economic situation ought to retrace the economic plan developed by "Prime Minister of the Palestinian Authority (PA) Salem-Fayyad in 2007".Fayyed's government used its strategy on three main issues as parts of an integrated whole: good governance, economic growth, and enforcing security, Dani clarified. Now, he noted, two of these parts have retreated since political ' stagnation and economic downtown', which, in turn, is placing more pressure on the security sector (Robert Danin,2007).

From the above, Palestine is not an oil producing state, and is not also a major commercial state. This confirms that Palestine economic strength is weak and will have little or no influence on "other states in the international community. Therefore, the economic strength of Palestine is a minus and not a plus to achieving her international goal of recognition.

Palestine's Effort to Attain International Recognition

The first effort made by Palestine Liberation Organization (PLO) to attain international recognition was the "declaration of independence on 15 November, 1988 in Algiers, Algeria at an extraordinary session in exile by the Palestinian National Council. The declaration was promptly acknowledged by a range of countries, and by the end of the year the state was recognized by over 80 countries. In February 1989, at the United Nations Security Council, the PLO representative claimed recognition by 94 States. As of 14 September 2015,136(70.5%) of the 193 member states of the United Nations and two non-member states had recognized the state of Palestine. Many of the countries that do not recognize the state of Palestine nevertheless recognize the PLO as the representative of the Palestinian people. The Arab League and the organization of all Islamic Conference (OIC) immediately published statements of recognition and support for, and solidarity with Palestine, which was accepted as a member state in both forums (<http://en.wikipedia.org/wiki>).

Secondly, Palestine attempted to gain membership as a state in several agencies connected to the United Nations, but its efforts were thwarted by U.S threats to withhold funding from any organization that admitted Palestine. For example, in April 1989, the PLO applied for membership as a state in the World Health Organization, an application that failed to produce a result after the U.S informed the Organization that it would withdraw funding if Palestine were admitted. In May the same year, a group of OIC members submitted to UNESCO an application for membership on behalf of Palestine, and listed a total of 91 states that had recognized the state of Palestine.

Thirdly, in June 1989, the PLO submitted to the government of Switzerland letter of accession to the Geneva Conventions of 1949 though, Switzerland as a depositary state, determined that because the question of Palestinian statehood had not been settled within the international community, it

was therefore incapable of determining whether the letter constituted a valid instrument of accession.

Many of the early statements of recognition of the state of Palestine were termed ambiguous. In addition, hesitation from others did not necessarily mean that these nations did not regard Palestine as a state. This has seemingly resulted in confusion regarding the number of States that have officially recognized the state declared in 1988. Numbers reported in the past are often conflicting, with figures high as 130 being seen frequently. In July 2011, in an interview with Haaretz, Palestinian Ambassador to the United Nations, Riyad Mansour claimed that 122 States had so far extended formal recognition. By the end of September, the same year, Mansour applied the figure had reached 139(<http://en.wikipedia.org/wiki>). Therefore, it is fair to say that Palestine has made several efforts to gain international recognition as well to be admitted into the United Nations, but her efforts has not yielded the desired goal.

Interest of Powerful Nations and Non-Recognition of Palestine as a State

United States of America and other States that opposed Palestine statehood maintained that, their interest is "World Peace". And that this peace can only be achieved through dialogue between Israel and Palestine. As Bruce Riedel, put it, "There are many reasons why America should promote peace in the Middle East. Promoting peace is a good thing in and of itself, but today, more than ever, it is because our national security interests are at stake that we need to promote peace. Why is it a moment of truth? The US- Israeli forum sponsored by the Saban Centre at Brookings, the then Secretary of State Hillary Clinton admitted what we all knew: the Obama administration's very brave efforts of the first years had not succeeded, had not produced a breakthrough despite the hard work of Secretary Clinton and special representative George D. Mitchell. Despite the brave words at Cairo, we had not achieved a breakthrough. The Israeli- Palestinian conflict is a national security threat to America. Certainly, American lives are being lost today because of the perpetuation of the Israeli-Palestinian conflict. A peace agreement is the key to achieving most of our goals in the Middle East (2011).

Conclusion

Politics of non-recognition is a deliberate refusal of an existing state not to accept the existence of a new state because of what she will gain or lose; thereby refusing any form of international relations with such state. From the angle of declarative school of thought, Palestine should attain statehood, because she has met the preconditions of having a population, definite territory, government and sovereignty. But the constitutive school argued and maintained that statehood should not be by mere declaration but such state should be admitted into international community base on the contentment of certain minimum standards of the rule of law, democracy and human rights, respect for the inviolability of existing boundaries, acceptance of all relevant commitment with regards to disarmament, and recourse to arbitration.

From the foregoing, we can deduce that the actualization of the independent state of Palestine is a project in progress. Municipally and internationally, Palestine as a state enjoys the support of a majority of sovereign states in the international community. Also, the major issue with which the United States and some powerful states decline against the recognition of Palestine as a full state is purely the inability of Palestine and Israel to live in peace with each other which by extension is a threat to global peace.

The essence of international law is to regulate the conduct of political entities in armories, and co-exist with one another within a community. Global peace is cardinal to international law; any attempt to truncate the primary aims of international law should be discouraged in the international community. Lastly therefore, Palestine who is currently on the status of NON- observer member of the United Nations, as a criterion for full admission should be preconditioned by the international community to enter into a peace agreement with her immediate neighbor Israel.

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