

**His Excellency Ban Ki-Moon,
Secretary-General of the United Nations,
1st Avenue & 44th St.,
New York, NY 10017**

May 20, 2011

Excellency,

**Re: The proposed General Assembly resolution to recognize a Palestinian State
"within 1967 borders"- an illegal action**

We, the undersigned, attorneys from across the world who are involved in general matters of international law, as well as being closely concerned with the Israeli-Palestinian dispute, appeal to you to use your influence and authority among the member states of the UN, with a view to preventing the adoption of the resolution that the Palestinian delegation intends to table at the forthcoming session of the General Assembly, to recognize a Palestinian state "within the 1967 borders".

By all standards and criteria, such a resolution, if adopted, would be in stark violation of all the agreements between Israel and the Palestinians, as well as contravening UN Security Council resolutions 242(1967) and 338(1973) and those other resolutions based thereon.

Our reasoning is as follows:

1. The legal basis for the establishment of the State of Israel was the resolution unanimously adopted by the League of Nations in 1922, affirming the establishment of a national home for the Jewish People in the historical area of the Land of Israel. This included the areas of Judea and Samaria and Jerusalem, and close Jewish settlement throughout. This was subsequently affirmed by both houses of the US Congress.
2. Article 80 of the UN Charter determines the continued validity of the rights granted to all states or peoples, or already existing international instruments (including those adopted by the League of Nations). Accordingly the above-noted League resolution remains valid, and the

650,000 Jews presently resident in the areas of Judea, Samaria and eastern Jerusalem, reside there legitimately.

3. "The 1967 borders" do not exist, and have never existed. The 1949 Armistice Agreements entered into by Israel and its Arab neighbors, establishing the Armistice Demarcation Lines, clearly stated that these lines "are without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto". Accordingly they cannot be accepted or declared to be the international boundaries of a Palestinian state.
4. UN Security Council Resolutions 242 (1967) and 338 (1973) called upon the parties to achieve a just and lasting peace in the Middle East and specifically stressed the need to negotiate in order to achieve "secure and recognized boundaries".
5. The Palestinian proposal, in attempting to unilaterally change the status of the territory and determine the "1967 borders" as its recognized borders, in addition to running squarely against resolutions 242 and 338, would be a fundamental breach of the 1995 Israeli-Palestinian Accord on the West Bank and the Gaza Strip, in which the parties undertook to negotiate the issue of borders and not act to change the status of the territories pending outcome of the permanent status negotiations.
6. The Palestinians entered into the various agreements constituting what is known as the "Oslo Accords" in the full knowledge that Israel's settlements existed in the areas, and that settlements would be one of the issues to be negotiated in the permanent status negotiations. Furthermore, the Oslo Accords impose no limitation on Israel's settlement activity in those areas that the Palestinians agreed would continue to be under Israel's jurisdiction and control pending the outcome of the Permanent Status negotiations.
7. While the Interim Agreement was signed by Israel and the PLO, it was witnessed by the UN together with the EU, the Russian Federation, the US, Egypt and Norway. It is thus inconceivable that such witnesses, including first and foremost the UN, would now give license to a measure in the UN aimed at violating this agreement and undermining major resolutions of the Security Council.
8. While the UN has maintained a persistent policy of non-recognition of Israel's sovereignty over Jerusalem pending a negotiated solution, despite Israel's historic rights to the city, it is inconceivable that the UN would

now recognize a unilaterally declared Palestinian state, the borders of which would include eastern Jerusalem. This would represent the ultimate in hypocrisy, double standards and discrimination, as well as an utter disregard of the rights of Israel and the Jewish People.

9. Such unilateral action by the Palestinians could give rise to reciprocal initiatives in the Israeli Parliament (Knesset) which could include proposed legislation to declare Israel's sovereignty over extensive parts of Judea and Samaria, if and when the Palestinians carry out their unilateral action.

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It appears to be patently clear to all that the Palestinian exercise, aimed at advancing their political claims, represents a cynical abuse of the UN Organization and of the members of the General Assembly. Its aim is to bypass the negotiation process called-for by the Security Council.

Regrettably this abuse of the UN and its integrity, in addition to undermining international law, has the potential to derail the Middle-East peace process.

We trust that you will use your authority to protect the UN and its integrity from this abuse, and act to prevent any affirmation or recognition of this dangerous Palestinian initiative.

Sincerely,