

Official Recognition of the State of Palestine: The Time is Now by *Dr Victor Kattan (University of Nottingham), Sir Vincent Fean (Balfour Project) and Hasan Pandor (SOAS University of London)* (22nd May 2024)

This month, Ireland, Malta, Slovenia, Spain and Norway are expected to officially recognise the State of Palestine. By doing so, they will join the [143 \(out of 193\)](#) UN member states who already recognise the state of Palestine, of whom [9 \(out of 27\)](#) are also European Union member states.

Given the impossibility of a just solution in Israel/Palestine without an independent Palestinian state in which the Palestinian people are free to live in security and shape their own future, **the UK, too, must immediately give official recognition to the State of Palestine** (alongside Israel on pre-June 1967 borders), and support Palestine's full membership of the UN as a state. **Without this, the UK's commitment to the two-state solution is meaningless**, especially as the current Israeli government continues to establish 'the legal infrastructure for [the establishment of a veritable apartheid state](#) from the Jordan River to the Mediterranean Sea'.

We explain here two theories of recognition: the first is the [declaratory theory of recognition](#). According to this theory, the recognition of states must follow empirical realities, i.e., Palestinians would first have to seize power and retain effective control. This, however, is like putting the cart before the horse: 'How can the Palestinian government function effectively as a state when "the situation" that is impeding this ability is Israel's unlawful occupation?' [The Palestinians are thus in a catch-22](#): if they don't attempt to assert control over the occupied territories, they cannot be a state, as they lack effective control, but if they attempt to assert control, they will be condemned for engaging in "acts of terror". Yet, this was [the UK's position in 2011](#).

The alternative is the constitutive theory of state recognition, whereby [the act of recognition itself creates the state](#). Indeed, it is through this approach that Israel was first recognised as a state in 1947 when a majority of states ([33 out of 57 – the UK abstained](#)) in the UN General Assembly voted in favour of [resolution 181 \(II\)](#), which purported to establish [a Jewish and an Arab state in Palestine](#), with the City of Jerusalem (defined as including Bethlehem) forming a *corpus separatum* under the direct administration of the United Nations. Moshe Sharett, Israel's Minister of Foreign Affairs, and subsequently its second prime minister, [told the UN General Assembly as late as April 1948](#), two weeks before his government declared independence, **that in his government's view, resolution 181 (II) was binding**. The fact that the juridical basis for Israel's statehood followed from the adoption of a UN General Assembly resolution, which Israel acknowledged in its [Declaration of Independence](#), meant that Israel could not – and cannot – deny the juridical basis for the establishment of a Palestinian state without denying the basis of its own creation.

The sovereignty of Israel is not violated by recognising the State of Palestine. Since HM Government recognises states, not governments, there is no question of HM Government recognising any faction, be it Fatah, Hamas or any other group.

UK foreign secretary David Cameron stated in February this year that, after a ceasefire in Gaza, the UK could officially recognise a Palestinian state '[without waiting for the outcome of what could be years of talks between Israel and the Palestinians on a two-state solution](#).' However, waiting while the Israeli coalition government escalates its [internationally condemned](#) attack on Rafah and its '[racist and expansionist policies](#)' throughout Israel and the Occupied Palestinian Territory **could be interpreted as support for the status quo**.

We thus urge all MPs and Peers to support the immediate recognition of the State of Palestine and support it becoming a full United Nations member state. This would empower the progressive factions in Israeli and Palestinian politics who want to live in open, democratic, multicultural societies. It could also be the factor that [breaks the deadlock in negotiations over the past decade and ends the fifty-seven-year occupation](#).

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