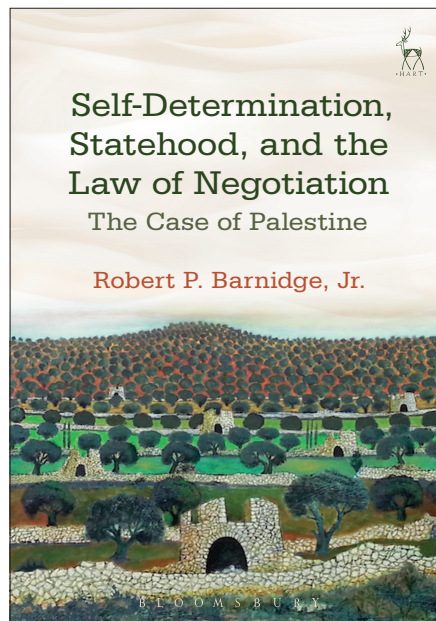


Self-Determination, Statehood, and the Law of Negotiation

The Case of Palestine

Robert P. Barnidge, Jr.



From the Madrid Invitation in 1991 to the introduction of the Oslo process in 1993 to the present, a negotiated settlement has remained the dominant leitmotiv of peacemaking between Israel and the Palestinian people. That the parties have chosen negotiations means that either side's failure to comply with its obligation to negotiate can result in an internationally wrongful act and, in response, countermeasures and other otherwise impermissible responses. This monograph seeks to advance our understanding of the international law of negotiation and use this as a framework for assessing the Israeli-Palestinian dispute, with the Palestinian people's unsuccessful attempt to join the United Nations as a Member State in autumn 2011 and its successful attempt to join the same institution as a non-Member Observer State in November 2012 providing a case study for this. The legal consequences of these applications are not merely of historical interest because they inform the present rights and obligations of Israel and the Palestinian people. This work fills a significant gap in the existing international law scholarship on the Israeli-Palestinian dispute, which neither engages with this means of dispute settlement generally nor does so specifically within the context of the Palestinian people's engagements with international institutions.

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