**Swedish recognition of Palestine: politics, law, and prospects for peace**

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*Sweden’s decision to recognise Palestine on 30 October, 2014, was a controversial one and this article explores two key aspects. First, it contextualises the decision in relation to doctrines about the recognition of states in the international system. Here, the Swedish decision provides further evidence of the growing trend in the 21st century that recognition of new states is primarily determined by politics rather than law. Second, the article examines the decision within the history of Swedish policy towards the conflict. By analysing the position of Sweden’s main political parties and of past governments, it shows that recognition simultaneously represents both continuity and change. While Carl Bildt worked through the EU to achieve progress on the two-state solution, by recognising Palestine Margot Wallström decided to change Swedish foreign policy, and sought to impact European member state positions. The outcome has, however, been limited and much continuity has ensued. Nonetheless, Swedish officials are confident that history will do them justice, despite the current lack of progress.*

**Keywords:**recognition of states, Palestine, Sweden, foreign policy, Israel

On 30 October, 2014, the Swedish government led by the Social Democratic Prime Minister Stefan Löfven recognised the state of Palestine. Predictably, this caused consternation in Israel, with Foreign Minister Avigdor Lieberman commenting that “the Swedish government must understand that relations in the Middle East are more complex than one of IKEA’s flat-pack pieces of furniture.” (Davidovich, 2014) Just as predictably, the Palestinian President Mahmoud Abbas heralded it as a “brave and historic” decision (AFP, 2014). The decision to recognise Palestine was politically controversial not just in Israel, but also in Sweden itself. It had been debated for many hours over multiple years in parliament, reflecting disagreement over the basis for recognising new states and the relationship between international law and politics.

Palestine is, to use the term coined by Geldenhuys (2009), a contested state, in that their purported statehood does not enjoy widespread *de jure* recognition or recognition through institutions like the United Nations. While Palestine enjoys widespread titular recognition in that states accept its right to statehood, it is severely constrained in exercising the responsibilities of states due to the ongoing Israeli occupation (Geldenhuys, 2009, p. 1, 25). This continuing conflict with Israel has had a significant impact on international attitudes towards Palestinian statehood, both positively and negatively.

After outlining a brief theoretical framework relating to the recognition of states in the international system, the article will reflect on the Swedish debate over Palestine, and analyse the reasons that motivated recognition. The decision will be contextualised within the history of Swedish policy towards the conflict in order to demonstrate that recognition simultaneously represents both continuity and change. The article will then evaluate whether or not Swedish recognition has had any impact on wider European stances toward the issue and analyse how recognition fits into an overall strategy to affect the peace process and help achieve peace. It argues that the Swedish decision further evidences the growing trend in the 21st century that recognition of new states is primarily determined by politics rather than law.

**Recognition in theory**

The recognition of new states in the international system sits uncomfortably between the realms of international law and international politics. As Crawford (2007) observes, a tension exists “between the conviction that recognition is at some level a legal act in the international sphere, and the assumption of political leaders that they are, or should be, free to recognise or not to recognise on grounds of their own choosing. If this is the case, the international status and rights of whole peoples and territories will seem to depend on arbitrary decisions and political contingencies.” (p. 18-19)

From a legal perspective, there is a longstanding debate between the constitutive and declaratory theories of recognition. In the constitutive theory, an entity only becomes a state when it is recognised as such, and is thus a relative concept that only exists in relation to other states (Ryngaert & Sobrie, 2011, p. 469). This is necessary to avoid legitimising illegal entities created through breaches of laws on the use of force or acquisition of territory by force (Crawford, 2007, p. 21). However, it is unclear whether the decision should be based on facts, norms, geopolitical considerations, or a combination of factors (Ryngaert & Sobrie, 2011, p. 469).

In the declaratory theory, statehood is determined by the existence of a set of observable conditions, listed in Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States: “The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.” (Montevideo Convention, 1933) In this conception, recognition is merely the acknowledgement of something that already exists, and the use of criteria helps establish legal norms and avoid recognition being wielded arbitrarily for political reasons (Ryngaert & Sobrie, 2011, p. 470). These criteria do, however, remain subjective.

Although the declaratory theory is deemed to be dominant in current doctrine and jurisprudence, Geldenhuys (2009) observes that “the very existence of contested states points to the influence of the constitutive theory in world politics.” (p. 20) Crawford (2007) concurs, arguing that recognition “can resolve uncertainties as to status and allow for new situations to be regularized,” (p. 27) and acknowledging that individual acts of recognition can contribute towards a consolidation of status. While he sympathizes with the merits of combining both elements into a unified theory, he insists that one must take precedence over the other.

The difficulty of applying the Montevideo criteria consistently was highlighted by the confused European reaction to the dissolution of the Federal Republic of Yugoslavia. The European Community (EC) recognised Bosnia and Croatia in 1992 despite the fact that they manifestly failed to meet the criteria of a stable government able to exercise control of the whole of its territory. Moreover, the EC even added new normative criteria, including commitment to democratic governance, and respect for human rights and minority rights, which the new states also fell short of. Significantly, the EC Declaration also mentions “the political realities in each case” as factors to be taken into account, which casts doubt upon the importance of the criteria (Ryngaert & Sobrie, 2011, p. 474-476).

This dynamic was further strengthened by international reactions to Kosovo’s declaration of independence in 2008, where political expediency trumped international law. States who recognised Kosovo “almost invariably justified their decision to grant recognition … by referring to political considerations, most notably the need for stability, peace, and security in the region, and the positive effect recognition would have on these parameters,” with only vague references to “international law.” (Ryngaert & Sobrie, 2011, p. 480) Ryngaert and Sobrie argue that when giving an advisory opinion on Kosovo’s independence, the International Court of Justice missed an opportunity to give clear guidance on the content, scope, and status of the norms that govern state recognition. Consequently, “[T]he lack of a clear-cut normative framework gives way to uncertainty and incoherent policies based on ‘unique cases.’” (Ryngaert & Sobrie, 2011, p. 484) This article will now consider how Sweden justified its decision to recognise Palestine and what the effects have been.

**Sweden’s rationale for recognition**

Sweden has long been an advocate of Palestinian self-determination, and was one of the first European countries to endorse this idea in the early 1970’s. A Palestinian state living peacefully alongside the state of Israel was seen as the only possible equitable solution to the conflict, and one that was in the best interest of both sides. The Palestinians would have their national aspirations realised, while Israel would end an occupation that former Prime Minister Olof Palme argued was damaging to its democracy, national character, and international standing. Furthermore, it was also a question of respecting and acting in accordance with international law, which was central to Swedish foreign policy (Eriksson, 2015, p. 57, 69-71). A two-state solution would have to be reached through negotiations between the two sides. While governments and ruling parties have changed over decades, this policy has been a constant. Differences between governments have tended to focus on how best to achieve this goal, with significant differences visible even within the Social Democratic party. Prime Minister Göran Persson, for example, who led the country from 1996 to 2006, adjusted what he saw as a traditional pro-Palestinian bias within the party in line with the Palme tradition, and pursued closer relations with Israel (Eriksson, 2015, p. 165-171). Although this was a substantive change in Swedish policy, manifested for example by an abstention in a United Nations General Assembly vote on a resolution condemning disproportionate Israeli violence towards Palestinians during the second *intifada*, the goal of a two-state solution remained (Eriksson, 2015, p. 198-200).

During the leadership of Conservative Prime Minister Fredrik Reinfeldt, Foreign Minister Carl Bildt maintained this traditional line on the conflict, but also worked within the EU to articulate policy on certain key issues, particularly when Sweden held the presidency of the EU in 2009. Bildt spearheaded a joint statement of EU foreign ministers that for the first time articulated the need for Jerusalem to be the shared capital of two states. A leaked draft specifically mentioned East Jerusalem as the capital of the state of Palestine, but this initial Swedish formulation was softened due to a lack of consensus among member states and Israeli diplomatic pressure (McCarthy & Black, 2009; Ravid, 2009). Nonetheless, it remained a significant development and was condemned by Israel as pre-judging the outcome of negotiations between the two parties on the issue (Ravid & Reuters, 2009). From an EU perspective, this was a necessary response to decades of unilateral Israeli action to alter the demography of the city, particularly illegal settlement construction around East Jerusalem seemingly designed to disconnect it from the rest of the occupied Palestinian territories (Dahlberg, 2009; ICG, 2012).

The draft document also states, “The Council [of the European Union] also reiterates its commitment to support further efforts and steps towards Palestinian statehood and to be able, at the appropriate time, to recognise a Palestinian state.” (Ravid, 2009) Clearly, Bildt was not averse to Sweden and the EU trying to endorse and enshrine certain elements of a two-state solution, but recognising statehood was deemed to be premature. In parliamentary foreign policy debates on 25 October, 2011 (Riksdagen, 2011) and 15 February, 2012 (Riksdagen, 2012), Bildt explained his reasoning. Control of territory was, he argued, a basic criteria which the Palestinians could not fulfil as Israel was the ultimate power in the occupied territories. He warned that one should not ignore the reality of the occupation and think that the Palestinians actually exercised sovereignty. Palestinian officials could be democratically elected one day and arrested by Israel the next. While he hoped that circumstances would change to allow recognition, policy could not ignore this frustrating reality. Sweden would continue to work for a “strong and unified European policy” towards the conflict, building on the example of the 2009 statement (Riksdagen, 2012).

The opposition coalition composed of the Social Democrats, the Greens, and the Leftists argued differently.[[1]](#footnote-1) In an op-ed to the newspaper *Svenska Dagbladet* published that day to coincide with the debate, the opposition leaders argued that to follow the government’s logic was to put all the power in the hands of the Israeli occupiers (Löfven et al, 2012). In their view, the three main international legal criteria for statehood (borders, a permanent population, and government) were in fact met. In line with UNSC Resolution 242, the borders of a Palestinian state would be based on the so-called 4 June, 1967 borders which demarcate the occupied Palestinian territories. Although these are disputed borders and are subject to negotiation with Israel, this has not prevented in the international community from recognising the state of Israel. The Palestinian Central Bureau of Statistics estimates that 4.88 million Palestinians live in the West Bank and the Gaza Strip, which constitutes a permanent population, and in the event of a peace treaty they could be joined by roughly 6 million Palestinian refugees who would be allowed to exercise their right of return to the state of Palestine (PCBS, 2016). As Bildt suggested, the question of effective government is more complex and contentious. However, the opposition parties emphasised that UN and World Bank officials had acknowledged that, in a number of areas, Palestinian institutions were “ready to assume the responsibilities of statehood.” (UNSCO, 2011) This point was also cited by the Swedish government in a 2015 submission to the Parliamentary Constitutional Committee explaining the reason for the decision and how it was implemented. The document further explains that international law experts within the Ministry of Foreign Affairs were consulted, and that international law informed the decision (Cabinet Office, 2015).

In her explanation of the government’s 2014 decision, Foreign Minister Margot Wallström acknowledged that the Palestinians did not exercise full control over the West Bank and the Gaza Strip, but also pointed to the Swedish recognition of Croatia in 1992 and Kosovo in 2008, where those nationalist groups were not in full control of their territory either (Riksdagen, 2014a; Wallström, 2014). Indeed, in his justification of the recognition of Kosovo, Foreign Minister Bildt (2008) stated clearly that the decision was not based on the traditional Montevideo criteria. Instead, he emphasised the broader political and conflict context, and the deadlock between Brussels, Moscow, and Washington which made agreement impossible to reach. Kosovo’s political and economic development would be a considerable challenge, but one that the international community would help them face.

In the Palestinian case, political factors and the failure of the peace process were central to the Swedish decision. Wallström (2014) stressed the need to support moderate Palestinian political parties (in other words, the deeply unpopular Mahmoud Abbas and Fatah), and prevent violence and extremism by giving some hope of a better future to the younger generation (Riksdagen 2014a, 2014b). It was the Palestinian Authority’s concerted campaign for international recognition, begun in 2009 and taken to the UN in 2012, which brought the issue to the fore, and the Social Democrats were ready to support this Palestinian initiative. As with Kosovo, the argument was that Palestine should be a special case considering the historic longevity and trajectory of the conflict. Recognition of Palestinian statehood was not seen as a substitute for a negotiated peace, but would in fact contribute to one by addressing the asymmetry between the parties and enabling negotiations between two states rather than an occupier and the occupied. Recognition was in many ways an effort to keep the dwindling prospect of a two-state solution alive: “there are those who will argue that today’s decision is premature. If anything, I fear it is too late.” (Wallström, 2014)

The decision was hotly criticised and debated by the opposition parties. The Conservative, Liberal, and Christian Democrat parties questioned the “moderate” and democratic nature of the Palestinian Authority, pointing to incitement to violence against Israel, praise for terrorists, and violations of Palestinian human rights (Riksdagen, 2014b). In a similar vein, the far-right Sweden Democrats concurred that recognition was tantamount to recognising Hamas, who had announced their intention to form a unity government with Fatah, and also denounced the Palestinian Authority’s support for and payments to terrorists and their families, calling for an end to Swedish aid to the Palestinians (Riksdagen, 2013a). This echoed the criticism that emanated from Israel. Before being recalled for a month, the Israeli ambassador to Sweden commented that the decision would encourage terrorism (“Israel kallar hem”, 2014).

**Effects of recognition**

While there is little evidence to suggest that Swedish recognition has in fact encouraged terrorism, it can hardly be said to have had the desired effect either. According to a September 2017 poll by the Palestinian Centre for Policy and Survey Research (2017), the Palestinian Authority and the Fatah leadership in particular remain deeply unpopular, with 67% of Palestinians polled wanting Abbas to resign. Fifty-seven percent of those polled believe that a two-state solution is no longer practical due to Israeli settlement construction. [[2]](#footnote-2) Much as then-Foreign Minister Bildt noted in 2012, the notion of Palestinian sovereignty remains largely symbolic, with no meaningful change in the asymmetry between the parties and little improvement in the day-to-day lives of Palestinians.

Sweden continues to be a major donor to Palestine, now on a bilateral basis. In conjunction with recognition, the government presented their 2015-2019 development strategy for Palestine, which focuses on democratic development, human rights, environmental issues, and private sector development, to the tune of 1.5 billion SEK ($177 million), a significant increase on previous aid budgets (Ministry of Foreign Affairs, 2014). While considered significant by Palestinian (Interview 3) and Swedish officials (Interview 2), it is a continuation of existing international state-building policy, the effectiveness of which has arguably been limited (Bouris, 2014). It is also noteworthy that while Palestinian diplomatic representation in Stockholm has been upgraded to that of an embassy, Swedish representation to Palestine has not; Sweden maintains a general consulate in East Jerusalem rather than an embassy. In substance, relations are marked by continuity rather than change.

In terms of reviving the peace process, the parties have not returned to the negotiating table and the gaps between the two sides remain as substantial as they have ever been. This deadlock was clearly reflected in the 2016-2017 French international peace initiative which convened in Paris, to which the parties themselves were not invited. Sweden was invited to participate and lead the working group on civil society development, which Swedish officials considered an important vindication of their policy (Interview 2). However, this had little effect on the lives of Palestinians or on the peace process as a whole. The repetition of the same old hackneyed phrases about seizing the opportunity before it is too late without any type of innovative engagement made the exercise, in the words of one journalist, “a damp squib.” (Rabbani, 2017; Ahren, 2016) *The Economist* (“An Israel-Palestine peace conference”, 2017) has argued that the January 2017 meeting was primarily designed to impact the policy of the new Trump administration, but this too seems to have failed. It continues to prove difficult for the international community to formulate a coherent strategy which harnesses the strengths of different key actors, including the Arab world.

This lack of coherence is also reflected within key actors like the EU. One of the main ways in which recognition was intended to affect the peace process was to impact EU policy towards the conflict, much like Sweden did in 2009. A more unified EU position on Palestinian statehood could serve to strengthen international consensus, protect a two-state solution, and make it possible for some pressure to be exerted on the parties to return to the negotiating table. Despite this ambition, the decision to recognise Palestine was not discussed in-depth with EU representatives, partly out of frustration with the EU’s seeming acquiescence to the status quo in the conflict, nor was it discussed with fellow member state governments (Aggestam & Bicchi, 2018). Instead, a broader vision was discussed at party-political level with European Labour parties for Sweden to take the lead on recognition, and for other parties to follow suit when they were in a position of power to do so, including France, Slovenia, and the UK (Interview 1). Ireland, another sympathetic member state, was also thought likely to join such a movement.

However, this did not come to pass. In the UK, Ed Miliband lost the 2015 elections, and even though socialist Francois Hollande was in power, the French sought to leverage recognition in order to produce results at an international peace summit in Paris in 2016, without any success. Many parliaments in Europe, including the British, French, Spanish, and the EU, have passed motions to recognise Palestine, but although the Swedish government has pointed to this as some measure of progress, it has little impact. Further consultation and more in-depth coordination of recognition could perhaps have led to a better outcome. Still, the consensus that, for example, Bildt achieved in the 2009 statement (although watered down) has not been replicated on the issue of recognition due to domestic political reasons in each member state, no doubt amplified by the greater significance of the move, and it is debatable whether these obstacles could have been overcome.

As a major donor to the Palestinian Authority and Israel’s most lucrative trading partner, the EU has a tremendous amount of potential economic leverage at its disposal to affect the cost-benefit calculus of both parties. If the EU were to implement its differentiation policy in accordance with EU law, make trade and aid conditional on certain Israeli and Palestinian behaviour respectively, or refuse to continue to subsidise the Israeli occupation and dismantle the Palestinian Authority, this might have a substantial effect on moribund negotiating prospects (Lovatt, 2016). The unity required to make any such moves, however, is severely lacking, and the potential negative humanitarian and political effects of dismantling the Palestinian Authority make this a risky option. Like the EU, Sweden has and continues to invest millions in Palestinian statebuilding efforts, capacity building programmes, and institutional development, which it will not abandon, and certainly not while a two-state solution remains the official goal of the Palestinian Authority. The rationale of recognition was to support the Authority in their own internationalisation strategy, and Wallström would not undercut it by calling time on its existence before they do. As a supporter of the two-state solution, Sweden is unlikely to advocate any move perceived to threaten this outcome.

From a normative perspective, recognition can still be considered significant despite the reality on the ground. Persson (2017) argues that both Israelis and Palestinians take European normative power seriously, particularly in the case of recognition of Palestinian statehood, as evidenced by the discourse surrounding the Palestinian bid for UN membership in 2011. Swedish-Israeli relations were negatively affected by recognition, and Israel sent a clear message of diplomatic protest to the rest of the world (Interview 4). The Palestinian leadership considered it a very significant move, and although they wanted more countries to follow the Swedish lead, the fact that this did not materialise does not, in their view, diminish the importance of the Swedish decision (Interview 3). The hope remains that additional states will eventually follow the Swedish example and strengthen the idea that Palestinian statehood is morally and legally correct on the basis of the right to self-determination, not just as an outcome of negotiations with Israel.

Consensus around norms, however, takes time to develop. In the early 1970’s, Sweden adopted a normative position on the need for Palestinian self-determination and statehood which came to be widely recognised as legitimate after having been considered controversial for many years. The European Community eventually followed suit in the 1980 Venice Declaration which called for self-determination, and the 1999 Berlin Declaration which called for statehood. Time, however, is not a commodity the Palestinians have in abundance. Each year, settlement expansion diminishes the territory Israel is likely to concede in any peace deal. Moreover, normative power alone is not the main factor which compels action, but the ability of norms to be used to affect tangible interests of the parties.

Ultimately, Israel is correct when it suggests that any resolution to the conflict will need to be negotiated between the two parties. While Wallström is theoretically correct to argue that levelling the asymmetry can be an important contribution to the negotiating process, recognition itself will do little to affect this or bring the parties back to the table; it needs to be anchored in a wider European and international strategy which moves beyond recognition. The extent to which Swedish policy more broadly has any positive effect on this outcome will remain to be seen.

One of the most important roles Sweden can continue to play is to push within the EU for stronger and clearer unified policy towards the occupation. Indeed, Sweden continues to lobby within the EU regarding final status issues, for example when it argued strongly in favour of the January 2016 foreign affairs council resolution condemning Israeli settlement expansion (Beaumont & Rankin, 2016). It also continues to be in favour of differentiation and the labelling of settlement goods (Wallström, 2015). Beyond the EU, Sweden is since 2017 a non-permanent member of the UN Security Council, where the Palestinians are confident that Sweden actively represents their interests (Interview 3). However, this has yet to generate any significant new initiatives towards the Israeli-Palestinian conflict or other tangible outcomes for the Palestinians. At the time of writing, US President Donald Trump’s recognition of Jerusalem as the capital of Israel has prompted an emergency meeting, but a US veto would prevent anything significant from emerging from it.

The Swedish decision to recognise Palestine attests to the primacy of politics when recognising new states in the international system. Although international law featured in the rationale, showing the relevance of the declaratory school, the decision was primarily motivated by political considerations, chiefly the failed peace process. The case thus demonstrates the continued relevance of the constitutive school. Regardless of whether or not Palestine meets the traditional criteria for statehood, this statehood will be incomplete without acceptance by Israel and other key members of the international community, such as the permanent members of the UN Security Council.

Even so, the strength of Israeli objections to the recognition of Palestine suggests that the normative element of recognition remains significant, though insufficient. Similarly, Swedish opposition parties remain staunchly opposed to the government’s policy. Christian Democrat, Liberal, Moderate, and Sweden Democrat parliamentarians continue to raise their objections to a policy they deem hostile to Israel and unhelpful to the peace process. In 2016 the Sweden Democrats even called for parliament to withdraw recognition, though unsuccessfully (Söder et al, 2016; Wiechel et al, 2017). Although a prominent foreign policy issue, the Israeli-Palestinian conflict is not politically decisive in Sweden. While there is widespread public criticism of the Israeli occupation, public opinion is not blindly pro-Palestinian; there is also criticism of Palestinian actions, including terrorism, and understanding for the security challenges Israel faces (Bjereld, 2005). In fact, previous generations of Social Democratic foreign policy towards the Palestinians did not necessarily reflect public opinion, but was still accepted (Eriksson, 2015, p. 77-78). Far from being settled, the issue will undoubtedly continue to feature prominently in political debate and be a source of opposition criticism.

Nonetheless, Swedish officials are confident that history will repeat itself and their stance towards the Palestinians will once again become the new norm (Interviews 1 & 2). This optimism, however, stands in stark contrast to the lack of progress towards widespread European recognition of Palestine. If history is anything to go by, Sweden may once again have to wait many years for others to follow, if indeed they ever do.

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1. It is worth noting that one member of the ruling coalition, the Center party, also argued in favour of recognising Palestine (Riksdag, 2013b). [↑](#footnote-ref-1)
2. These results echo longer term trends observable in an earlier poll (Palestinian Centre for Policy and Survey Research, 2016). [↑](#footnote-ref-2)