



## The United Nations and Palestinian Statehood: Scenarios and Realities

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Palestinian Authority President Mahmoud Abbas has announced that in September 2011, the Palestinians will go to the United Nations to request recognition of a unilaterally-declared independent state

Exactly what the Palestinians intend to do, and what process they will pursue at the U.N., will likely be in flux until the latter part of September.

Below is an overview of what is feasible within the United Nations system, and some of the options the Palestinians might pursue.

### **Can the United Nations recognize a Palestinian state?**

No, the United Nations does not have the power to recognize states. Only sovereign states can recognize other states and establish bi-lateral relations. The U.N. can only admit countries as members in the international body.

### **If the Palestinians want “Palestine” to become a full member of the United Nations, what is the process?**

The process for becoming a member of the U.N. is strictly established by the U.N. Charter. A country seeking membership must apply to the Secretary General, affirming that it accepts the obligations of membership as outlined in the Charter.

The Secretary General refers the application to the President of the Security Council, and the Council then meets to consider the proposed membership. According to the Charter, membership will be recommended if at least 9 of the 15 Council members vote in favor of the application, and none of the five permanent members (United States, France, Great Britain, China, Russia) vote against (i.e., veto). The Security Council recommendation to welcome a country as a U.N. member is then presented to the General Assembly. Two-thirds of the General Assembly (129 of the current 193 member states) must vote in favor of that state's membership, which goes into effect the day of the affirmative vote.

### **Do the Palestinians intend to go to the Security Council and request that Palestine be approved as a member state of the U.N.?**

Not necessarily. The Palestinian Authority has yet to submit a membership request to the Secretary General, although there are news reports that P.A. President Mahmoud Abbas might do so on or around September 20.

Moreover, the Palestinians know that their membership application will not be approved by the Security Council. The United States has made clear that it does not approve of Palestinian plans to seek “recognition” or membership at the United Nations, and that it will veto a Palestinian application for membership. The other four permanent members of the Security Council have not officially declared how they might vote (although China and Russia are expected to be in favor) , but an American veto would be enough to ensure that the Security Council does not recommend that the “State of Palestine” be granted full membership in the UN.

**If the Palestinians aren’t going to be approved for membership by the Security Council, what other options can they pursue to gain United Nations support for a Palestinian state?**

The Palestinians will undoubtedly submit a related resolution in the General Assembly. Such a resolution is not legally binding, and would only be considered a recommendation. No General Assembly resolution can confer statehood or bring them membership in the body. However, the General Assembly can refer issues to the International Court of Justice for advisory opinions, or to other international bodies

Instead of asking the Assembly to vote on its membership, the Palestinians are likely to put forward a resolution, or a series of resolutions for consideration in the General Assembly. Such resolutions may call for the General Assembly to recognize an independent State of Palestine, or express support for Palestinian statehood. There might be content specifying the borders of a Palestinian state (likely the pre-June 1967 borders) and other details on the core issues of the conflict.

The Palestinians are likely to request that the General Assembly upgrade their official status in the United Nations from the current “observer” to “observer state.” The only other “observer state” in the U.N. is the Holy See.

Given the political realities of the make-up of the General Assembly, pro-Palestinian resolutions garner an “automatic majority.” While the Palestinian goal would be to have at least 2/3 of the member states vote in favor of a proposed resolution(s), there is no doubt it would easily garner the support of at least seventy-seven states, and likely more. How the European and other moderate member states vote will depend on the wording of the resolution(s) and other political considerations.

**So, if the Palestinians can’t gain membership or real “recognition” from the General Assembly, how does this action benefit them?**

While a General Assembly resolution will not be legally binding, it has declarative, symbolic and “public relations” value for the Palestinians.

Support/recognition from the General Assembly will be presented by the Palestinian Authority as a victory, as a demonstration of Israel's international isolation, and a means of adding pressure on the Security Council to follow accordingly.

The Palestinians could also use the General Assembly's stamp of approval to seek full membership in other international bodies, for example, the International Telecommunications Union, which conveys additional legitimacy as a state. The Palestinians also believe that upgraded status in the U.N. will enable them to gain admission into the International Criminal Court, which will enable them to pursue legal action against Israel.

The Palestinians might also use the General Assembly action to urge other states to recognize an independent Palestine and establish full diplomatic relations.

**Why is the Palestinian pursuit of an independent state at this time problematic? Even Prime Minister Benjamin Netanyahu has expressed support for the establishment of a Palestinian state. Shouldn't supporters of a "two-state solution" to the Israeli-Palestinian conflict welcome this?**

The vast majority of Israelis and Israeli political leadership support the establishment of a Palestinian state which lives side by side in peace and security with the Jewish State of Israel. But, this support assumes that this state will be created in the spirit of peace and reconciliation and is the outcome of an agreement directly negotiated between Israel and the Palestinian Authority which results in an end of conflict and an end to claims by the Palestinians. In unilaterally pursuing the establishment of an independent Palestinian state outside the context of negotiations with Israel, and in seeking its recognition by the international community, the Palestinians are provocatively and confrontationally rejecting the process of a negotiated peace with Israel.

Unilateral statehood by the Palestinians violates prior Israel-Palestinian agreements. Notably the 1995 Interim Agreement states that "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the Permanent Status negotiations." Thus, any Palestinian effort to change the status of this territory on its own (i.e. seek recognition of its status as an independent state at the U.N., or through seeking a recommendation of statehood by the International Court of Justice) would violate this agreement, and likely void all signed agreements.

Moreover, while Palestinian unilateral action may provide symbolic gains, it will leave the core issues of the Israeli-Palestinian conflict unresolved and festering, with no framework in place to negotiate the issues. It will not provide Palestinians with a viable and sovereign state, and is likely to raise expectations of the Palestinian people which cannot be met, leading to greater frustrations.

(For more information on the impact of a Palestinian unilateral declaration of statehood see: <http://www.adl.org/peace-process/default.asp>)

**Wasn't the State of Israel established by the United Nations? Aren't the Palestinians just doing what the founders of Israel did in the 1940's?**

No, just the opposite. The U.N. did not establish the State of Israel.

In 1947, the U.N. General Assembly recommended the partition of the British Mandate of Palestine into two states, one Jewish and one Arab (Resolution 181). The Jewish leadership accepted the proposal, the Arab leadership rejected it. The British Mandate of Palestine formally ended on May 13, 1948. The next day, David Ben Gurion, declared the establishment of the State of Israel. (Immediately thereafter, the new state was attacked by the surrounding Arab nations.) In the following days, Israel was recognized by the leading nations of the international community, including the United States and Russia. Following UN protocol, the State of Israel submitted its application for membership in the body. In the spring of 1949, the Security Council recommended Israel for membership, and it was confirmed by the General Assembly.

Today, the Palestinians are reversing the process that Israel followed. The Palestinians do not have a state, and are not engaged in a process of negotiations with Israel in order to establish one in accordance with the principles and wishes of the international community. What they are trying to do instead is to use the symbolic authority of the U.N. as a means to enhance their international status, and their bid to unilaterally establish the semblance of a state.

**Didn't the Palestinians already declare an independent state?**

Yes. On November 15, 1988, Palestine Liberation Organization (PLO) Chairman Yasser Arafat declared an independent Palestinian state. One month later, on December 15, 1988, the General Assembly passed resolution 43/177 on the "Question of Palestine" which "acknowledges the proclamation of the State of Palestine by the Palestine National Council." The resolution passed with 104 countries in favor, and two votes - U.S. and Israel - against. It should be noted that 44 countries abstained, including the entire Western bloc, because the Palestinian state lacked the normal attributes of statehood, including sovereign territory and a functioning government. Nonetheless, since that time "Palestine" has been recognized by up to 90 countries, albeit with varying degrees of recognition and bilateral relations.

Of course, while current Palestinian efforts at the U.N. are reminiscent of their actions at the General Assembly in 1988, the whole Israeli-Palestinian dynamic has changed since that time, notable in the 18 years of (on/off) negotiations and engagement. The repercussions of current Palestinian efforts - including the violation of existing Israeli-Palestinian agreements - are potentially more damaging and explosive, and will signify a Palestinian rejection of the peace process.