



## Palestinian Statehood at the United Nations: An Information Resource

**Introduction:** These pages aim to serve as an informal information resource for issues relating to the current discussions around the question of Palestinian Statehood at the United Nations. The resources contained here are not intended to be exhaustive or definitive; rather they are intended to serve as a bibliographic record of our own research around this complex issue. This is a political and emotional topic for many, and much of the commentary is also politicized: views expressed in the sources cited are those of the authors, not of QUNO. We hope to update this resource on a regular basis and welcome feedback and recommendations for supplementary materials, although we do not make a commitment to include all materials submitted. Please write to [quno@afsc.org](mailto:quno@afsc.org)

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### Background

It is currently anticipated that Palestinian officials will approach the United Nations (UN) this September with a request for formal UN membership. Palestinian statehood was unilaterally declared in 1988 and has been recognized by around 122 countries to date. In UN terms, [becoming a UN member state](#) requires a Security Council (SC) recommendation followed by a vote with a two-thirds majority (129 member states) in the General Assembly (GA). The [Israeli leadership opposes the idea](#) and the US has indicated they would likely use their veto to block the process in the SC. However, there are a number of alternative routes that the Palestinians could take to bolster their case for statehood, some of which are referenced below.

This current initiative for UN recognition follows efforts to strengthen diplomatic relations, support the Palestinian private sector and implement institutional reforms. In April 2011, the [Ad Hoc Liaison Committee](#) and the [IMF](#) joined the [World Bank](#) in stating that the Palestinian Authority (PA) has the institutions and economic policies required of a well functioning state. The backdrop to these developments is Prime Minister Salam Fayyad's two-year plan 'Ending the Occupation, Building the State' (2009-2011), supported by the Quartet. The latest National Development Plan (2011-13) entitled 'Establishing the State, Building the Future' has also secured international backing.

At the UN, Considerations of Palestinian statehood can be seen in the context of the broader discussions of statehood, legitimacy and UN membership that have arisen in recent cases such as those of Kosovo and South Sudan, and even in the context of the recognition of Libya's rebel Transitional National Council.



## Scenarios

A number of alternative avenues to pursuing UN membership are being discussed in the public domain. These include:

- Palestinian leadership requesting the GA to reaffirm the 1947 [General Assembly Partition Plan Resolution 181](#), which called for the partition of British Mandate Palestine into a Jewish state and an Arab one.
- [Resolution 377, 'Uniting for peace'](#), being deployed. Uniting for peace is a rarely applied mechanism in which a two-thirds majority in the GA can potentially overrule the SC (and its veto) in certain circumstances. (See 'Specific Issues' for more information).
- Palestinian leadership requesting that the GA upgrades the status for Palestine from a ['non-member entity'](#) to ['permanent observer'](#).
- The GA referring aspects of the issue to the International Court of Justice (ICJ). (For further discussion see 'Specific Issues').
- Passing a GA resolution recognizing a Palestinian State, which would not be binding but which could have political and symbolic implications.

### Recent Developments

- An [op-ed](#) by President Abbas ran in the New York Times on 16 May 2011. It explains the timeliness and potential significance of UN recognition, and compares the fates of Palestine and Israel at the UN since 1948.
- [In a press conference](#) on 14 July 2011, Secretary General of the Arab League, Nabil Al-Arabi, confirmed the League's support of the initiative.
- On 29 June 2011, the [U.S Senate passed a resolution](#) threatening to suspend financial assistance to the PA if they pursue statehood at the UN. The American ambassador to the UN, Susan Rice, said there was ['no greater threat'](#) to US support and funding of the UN than member states possibly approving Palestinian statehood.
- There is a threat of Israel taking unilateral action if the Palestinians proceed. Using the UN bid as justification for increased restrictions and land confiscations / annexations could end any remaining hope for a two-state solution and possibly lead to violence, as highlighted in [this](#) article published in Haaretz.

## Broad Discussions

### [BBC, 16 June 2011](#)

A broad introduction framed as questions and answers, covering the following issues: what is being asked about the process; whether outcomes would be symbolic or change facts on the ground; why it is happening now; how it differs from previous declarations; and who supports and opposes it.

### [State-building and political change: Options for Palestine 2011](#)

[Elizabeth Sellwood, New York University Centre on International Cooperation \(CIC\), 2011](#)

CIC's substantial paper provides a comprehensive overview to the political options this September. It covers similar issues as the BBC pages but in more depth and with greater consideration of the political



landscape. In particular, it examines how the UN bid fits into Prime Minister Salaam Fayyad's vision of a two-state solution and how it could affect the PA's legitimacy.

#### [UN General Assembly "Uniting for Palestine"](#)

[Robbie Sabel, INSS Insight No. 251, April 2011](#)

The National Institute for Security Studies (INSS) offers an Israeli perspective on some potential avenues for pursuing Palestinian statehood. Included in these are the Uniting for Peace resolution, and its feasibility, the General Assembly calling for a UN trusteeship to replace Israel in the West Bank and Gaza, and the International Court of Justice giving an advisory opinion confirming that the 1949 armistice lines are the boundaries of the Palestinian state.

#### [FAQs on UN Membership for and Recognition of the State of Palestine](#)

[US Campaign to End the Israeli Occupation, June 2011](#)

This paper describes the position of the US Campaign to End the Israeli Occupation, and answers questions about US policy and the US role in this initiative. It also briefly considers general historical and legal issues, and possible ramifications of the UN initiative.

#### [A comment on Palestine's statehood, recognition and UN membership](#)

[Valentina Azarov, June 22 2011](#) (N.B: Scroll down page to find article)

This short article explores the following queries: What is the current statehood status of Palestine in light of the present international law and practice on statehood; what are the prospective legal effects, if any, of the Palestinian government plans; and what are the benefits of further recognitions of Palestinian statehood? Through this exercise, Azarov gives an overview of the major legal and procedural issues related to the proposal.

#### [Israel / Palestine](#)

[Security Council Report, Update Report, 25 July 2011](#)

This report covers the options, expected actions and dynamics of the Security Council on Israeli and Palestinian issues, generally, and on UN statehood, specifically. It also describes the parameters affecting this initiative that are already established by past Security Council decisions. Similar to [this](#) earlier update, it explains the technical protocol for applying for full UN membership.

## Specific Issues

### **Resolution 377, 'Uniting for Peace'**

Uniting for peace presents a possible alternative to a deadlock in the Security Council (SC). In cases of stalemate, and when there is a threat to international peace and security, the GA can pass (non-binding) resolutions with a two-thirds vote. It is not clear that this route is available for issues of UN membership however. A March 1950 [ICJ opinion](#)<sup>i</sup> stated that a SC majority with no veto was required membership on issues. However, this opinion pre-dates the Uniting for peace resolution of November 1950.

See the GA resolution of [Uniting for Peace](#) for technical details, or for a scholarly description, read [Christian Tomuschat's paper](#) on the resolution, published by the United Nations Audiovisual Library of International Law in 2008.



### **Theories and Legal Technicalities of Statehood**

The process of recognizing a political entity (state or government) is characterized by competing theories. In practice, the decision appears to be at the discretion of other entities. For an overview of declarative and constitutive theories of statehood, see Worster's paper, which also evaluates the application of these competing theories.

[Law, Politics, and the Conception of the State Recognition Theory](#)

*William Thomas Worster, Boston University International Law Journal, Vol: 27:115, 2009*

John Quigley provides a detailed legal analysis on Palestinian statehood in his book *The Statehood of Palestine: International Law in the Middle East Conflict*, Cambridge University Press, 2010. He advances the case of Palestinian statehood, while critiquing the criteria for independence as detailed in the Montevideo Convention on the Rights and duties of States. Unavailable online, Victor Kattan's review summarizes the key points while appraising some aspects of Quigley's argument.

[Review of The Statehood of Palestine: International Law in the Middle East Conflict, John Quigley, Cambridge University Press, 2010](#)

*Victor Kattan, Recent Books on International Law, Vol. 105, School of Oriental and African Studies, London, 2011*

### **The Role of the International Court of Justice (ICJ) and International Criminal Court (ICC)**

The ICJ has been involved in membership issues in the past, (most recently in Kosovo, 2010). Strictly speaking, the ICJ only deals with member state disputes, but has already accepted jurisdiction in respect of certain Palestinian issues, such as the 2004 advisory opinion on the illegality of the separation wall.

The GA could make a series of referrals to the ICJ that could help to move along the case for Palestinian sovereignty. ICJ involvement increases the internationalization of the conflict as a legal matter and would help enable the Palestinian leadership to pursue claims against Israel in human rights treaty bodies and the ICC.

The International Criminal Court (ICC) is currently considering whether it has jurisdiction to prosecute Israel for alleged crimes in Gaza 2009 offensive. The ICC document below, from May 2010, compiles submissions that consider whether the ICC can recognize a Palestinian state and is therefore a forum open to Palestinian leadership. If the ICC does allow a suit to proceed, it may be implicitly recognizing Palestinian statehood.

[Summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements](#)

*International Criminal Court, 3 May 2010* (see bottom of document for suggested reading).

### **[The Palestine Problem: The Search for Statehood and the Benefits of International Law](#)**

Adam G. Yoffie, *The Yale Journal of International Law*, Spring 2011

This paper argues that an unconventional avenue in which the power of the ICJ and the ICC are used to promote Palestinian sovereignty exists and should be explored further. Yoffie contends that international law can be used a 'step ladder' rather than a stumbling block to achieve Palestinian sovereignty. He also draws comparisons with Kosovo, East Timor and Israel.

### **[What the ICJ ruling on Kosovo could mean for Palestine](#)**

*Daniel Haboucha, Legal Frontiers, McGill's Blog on International Law, February 2010*



This short article considers the possible effects of an ICJ advisory opinion determining Kosovo's secession to be legal on a Palestinian declaration of independence. It also analyses some of the similarities between the cases.

### **History of Palestinian Status at the United Nations**

[This background paper](#) by the Observer Mission of Palestine to the UN provides a detailed account of 50 years of the status of Palestine at the UN (1948-1998).

The United Nations Information System on the Question of Palestine ([UNISPAL](#)) offers a collection of relevant documents on this topic.

The website of Israel's Ministry of Foreign Affairs provides a [chronology of Israel's foreign relations](#) for the years 1947-1974 and lists many of the UN resolutions also affecting its neighbor. The Permanent Mission of Israel to the UN also provides a brief historical account of [Israel's relationship with the UN](#).

## **Opinion Pieces**

### [Letter to the UN Secretary General: A UN Resolution to Recognize a Palestinian State within the "1967 Borders" Would Be Illegal](#)

*Jerusalem Center for Public Affairs May 2011*

A letter to the UN Secretary General drafted by lawyers of the Legal Forum for Israel and the director of the Jerusalem Center for Public Affairs. It argues that a resolution declaring a Palestinian state and determining its borders is illegal, harmful to the Middle East peace process and abuses the integrity of the UN.

### [The Long Overdue State of Palestine](#)

*Hussein Ibish and Saliba Sarsar, Huffington Post, 18 July 2011*

This piece laments the failure to secure Palestinian independence, despite many efforts, and reflects on the damage this has caused. The authors draw a comparison with Jewish yearning for self-determination prior to 1948, and set the current UN initiative for Palestinian statehood alongside South Sudan, which became a full UN member in July 2011.

### [On the Possible Recognition of a Palestinian State at the United Nations](#)

*Rashid Khalidi, Jadaliyya, 28 June 2011*

Khalidi questions the purpose of this exercise. Beyond increased support at the GA from countries that normally back Israel, he views any potential outcomes and implications as very limited.

### [Online debate over Palestinian statehood](#)

*Aljazeera*

Social media is playing a part in the discussions of a possible UN vote. Aljazeera offers an introduction to the online debate taking place on Facebook, Twitter and YouTube.

### [Behind the Headlines: The Dangers of Premature Recognition of a Palestinian State](#)

*Israel Ministry of Foreign Affairs, 30 June 2011*

This piece voices concern for any unilateral declaration of statehood, arguing it undermines all internationally accepted frameworks for peace and will intensify the conflict. The MFA considers the



initiative as implicitly recognizing a terrorist entity (Hamas) and as a way for the Palestinian leadership to continue to avoid recognizing Israel as the nation-state of the Jewish people.

[Articles, statements and reports on Unilateral Declaration /Premature Recognition of a Palestinian State](#)

The Israeli Ministry of Foreign Affairs has compiled a large number of articles and public statements on the subject.

[Obama Should Support Palestinian Statehood at the United Nations](#)

*MJ Rosenberg, Huffington Post, 22 July 2011*

Rosenberg argues that the position of the Israeli government is contradictory and flawed. He sees the UN initiative as a great opportunity and a potential first step on the road toward successful negotiations.

[Palestine/Israel: Where do we go from here?](#)

*Jeff Halper, 4 June 2011*

Halper criticizes the Palestinian leadership for not having joined with civil society to mobilize support for the September initiative.

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## List of Sources

### Background

[Can a new State or Government be recognized by the UN? How does a country become a member of the UN?](#)

Department of Public Information, United Nations, August 2005

[Israel's UN ambassador tells U.S. Jews: Prepare for September vote on Palestinian state](#)

Haaretz, 20 June 2011

[Palestinian State-building: A Decisive Period](#)

Office of the UN Special Coordinator for the Middle East Peace Process, Ad Hoc Liaison Committee Meeting, Brussels, 13 April 2011

[IMF: Macroeconomic and Fiscal Framework for the West Bank and GazaL Seventh Review of Progress:](#)

Staff Report for the Meeting of the AHLC, Brussels, April 13, 2011

[World Bank: Building the Palestinian State: Sustaining Growth, Institutions, and Service Delivery,](#)

Economic Monitoring Report to the AHLC, Brussels, April 13, 2011

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[Resolution 377, 'Uniting for Peace'](#)

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### Recent Developments

[The Long Overdue Palestinian State](#)

Mahmoud Abbas, *New York Times*, May 16, 2011

[Arab League to submit UN Palestinian statehood bid,](#) *Maan News*, 14 July 2011

[U.S. Senate passes resolution threatening to suspend aid to Palestinians](#)

Natasha Mozgovaya, Haaretz, 29 June 2011

[US 'could withdraw funding from UN if Palestine state is recognised'](#)

Jon Swaine and Adrian Blomfield, *The Telegraph*, 24 Jun 2011

[Israel looking into revoking Oslo Accords in response to Palestinian UN bid](#)

Barak Ravid, Haaretz, 25 July 2011



## Broad Discussions

### [Q&A: Palestinian statehood bid at the UN](#)

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### [State-building and political change: Options for Palestine 2011](#)

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### [Israel / Palestine](#)

Security Council Report, Update Report, 25 July 2011

#### [Excerpt: Issue of Admission to the UN](#)

Security Council Report, Update Report No. 2 Israel/Palestine 19 April 2011

## Specific Issues

### [International Court of Justice, Report of Judgments, Advisory Opinions of the General Assembly for the Admission of a State to the United Nations](#)

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### [Resolution 377, 'Uniting for Peace'](#)

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### [Uniting for Peace](#)

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[Background Paper Related to Palestine Status; Status of Palestine at the United Nations](#)

Permanent Observer Mission of Palestine to the United Nations

[The United Nations Information System on the Question of Palestine \(UNISPAL\)](#)

UNISPAL Documents Collection

[Israel's Foreign Relations: Selected Documents](#)

Israel Ministry of Foreign Affairs

[Israel and the UN](#)

The Permanent Mission of Israel to the UN

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<sup>i</sup> See page 9 for English version.