



FAQs on UN Membership for and Recognition of the State of Palestine
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In September, Palestinians are expected to make a push for the United Nations to admit the State of Palestine, whose territory would comprise the West Bank, including East Jerusalem, and the Gaza Strip, as a full member of the organization.

The following frequently asked questions (FAQs) are designed to provide groups, activists, and concerned individuals with information to help them think through the ramifications of this important diplomatic initiative.

Questions Regarding the Position of the US Campaign

1. Does the US Campaign support or oppose this Palestinian effort to seek membership at the UN and to increase the number of countries recognizing Palestinian statehood?

The US Campaign takes no position on this Palestinian diplomatic initiative. As a U.S.-based coalition, the US Campaign takes positions only on U.S. policy toward Palestine/Israel.

2. So then what does the US Campaign believe the U.S. position should be?

The US Campaign believes that the United States should not oppose Palestinian efforts to achieve full membership at the UN. Neither should it oppose Palestinian efforts to have other countries recognize the State of Palestine.

For too long and too often, the United States has acted in the UN to shield Israel from any accountability for its policies toward Palestinians. Most recently, in February 2011, the Obama Administration used its first and only veto in the UN to prevent the Security Council from condemning Israel's illegal settlements in the Occupied Palestinian Territories. The U.S. policy of opposing Palestinian rights at the UN should end.

3. Does this mean the US Campaign supports a two-state solution?

The US Campaign is focused on U.S. policy toward Israel/Palestine and does not take a position on the specific arrangements for resolving the Israeli-Palestinian conflict. Our call is for a U.S. policy based on international law and human rights.

4. So then what does the US Campaign support?

The US Campaign supports the right to self-determination, freedom, justice, and equality for the Palestinian people. For Palestinians, this means freedom from occupation, justice for Palestinian refugees, and equality for Palestinian citizens of Israel. The US Campaign works for a just and lasting Israeli-Palestinian peace based on human rights and international law by seeking to align U.S. policy with these principles.

Questions about U.S. Policy

1. Can't the United States exercise its veto power in the Security Council to prevent the State of Palestine from being recommended to the General Assembly for UN membership?

According to UN procedures, the Security Council must first recommend UN membership with at least nine yes votes and no vetoes by its permanent members. The General Assembly must then approve the recommendation with at least a 2/3 vote.

It is very likely that the United States could prevent the State of Palestine from becoming a member of the UN by vetoing its application in the Security Council. There is an infrequently used mechanism in the General Assembly, called "Uniting for Peace," which enables it to circumvent the Security Council when it is blocked from taking action.

Some analysts contend that Palestinians may try to invoke "Uniting for Peace" in case of a U.S. veto in the Security Council. But Palestinian international lawyer Victor Kattan concludes that "this is a risky strategy" because the International Court of Justice ruled in 1950 that the General Assembly cannot admit a new member of the UN in the absence of a Security Council recommendation to do so.

If the United States vetoes Palestine's application for UN membership, then the General Assembly still may be able to take symbolic action in September such as passing a resolution urging the Security Council to act affirmatively on the application.

2. Is it true, as the United States claims, that the UN is not the appropriate venue for addressing the Israeli-Palestinian conflict and that it can only be solved through U.S.-brokered negotiations between the two parties?

The United States has wrongly arrogated to itself the role of convening and mediating the Israeli-Palestinian "peace process." The United States likes to portray itself as an "honest broker" but it is actually nothing of the sort. The United States provides Israel with the weapons it misuses to entrench its illegal military occupation and commit human rights abuses of Palestinians, while shielding Israel at the UN from accountability for its actions.

Documents revealed by WikiLeaks and the Palestine Papers show the inside details of what outside observers have long acknowledged: the United States coordinates positions with Israel in negotiations and then jointly pressures the Palestinians to accept Israel's demands while relegating Palestinian rights to the distant background.

It is within this context that the United States insists that the Israeli-Palestinian conflict can only be

resolved by the parties in negotiations sponsored by Washington, and not at the UN. However, with such a vast disparity of power between the two sides, and with an actor as biased as the United States is toward the much stronger side, such an arrangement cannot resolve the conflict.

The UN, which bases its resolutions and actions on standards of human rights and international law—not on what is solely in Israel’s interests as the United States does—is actually the more neutral institution, the more legitimate actor, and the more legally appropriate venue to resolve this conflict. U.S. claims to the contrary are only designed to strengthen its grip over the never-ending and disingenuously named “peace process.”

3. Will the United States still be relevant to resolving the Israeli-Palestinian conflict if it tries to block the State of Palestine from becoming a full member of the UN?

It is already doubtful whether the United States is relevant to resolving the Israeli-Palestinian conflict as things stand now. Palestinians, who are clearly frustrated and disillusioned by twenty years of negotiations in a U.S.-led “peace process” (that has been all process and no peace), appear to have largely abandoned the constraints of deferring to U.S. dictates.

Since the latest round of Israeli-Palestinian negotiations broke down in October 2010, due to Israel refusing to halt its illegal settlement activities, several events have occurred that point toward a new Palestinian diplomatic strategy that would avoid the trap of futile U.S.-led talks.

For example, its chief negotiator resigned over the Palestine Paper leaks and the PLO shuttered the Negotiations Support Unit, which provided research to its negotiating team.

Rather than rely on the United States for relief, Palestinians took their case regarding Israel’s illegal settlements directly to the UN in February 2011. In that instance, the United States demonstrated by its veto that it is willing to stand against the entire international community to protect Israel’s illegal actions, even when Washington claims it disagrees with those same actions.

In May 2011, Palestinian political parties Fatah and Hamas signed a unity agreement that appears to include their cooperation on moving forward this diplomatic initiative at the UN. (It should be noted, however, that the Fatah-Hamas agreement so far only touches upon their roles in the Palestinian Authority, created by the Oslo Accords to administer some of the West Bank and Gaza. The PA does not conduct peace negotiations with Israel; only the PLO has that authority, and as yet Hamas is not a member of the PLO.)

If the United States were to attempt to block the UN from providing the State of Palestine with full membership, then it would only be one more nail in the coffin for U.S. efforts to portray itself as an “honest broker” and to resolve the Israeli-Palestinian conflict. It would likely steel Palestinian determination to go around, not through, the United States to achieve their long-denied rights.

4. What is our role here in the United States?

As U.S. citizens, we have the most important role to play of all civil societies around the world. It is

our tax dollars that our government uses to subsidize Israel's military occupation and enable it to violate Palestinian rights. It is our government that uses its veto to shield Israel at the UN and prevent the application of international law to this conflict.

Whatever happens at the UN this September, we have an obligation to work to stop U.S. military aid to Israel until it ends its violations of Palestinian human rights. We have a responsibility to engage in campaigns of boycott, divestment, and sanctions (BDS) and demand that U.S. corporations like Caterpillar, Motorola, Northrop Grumman, and many other U.S.-based transnational, national, and Israeli businesses stop profiting from Israel's occupation and human rights abuses of Palestinians. And we must communicate to our elected representatives—in city councils, state governments, Congress and the White House—that these policies do not represent us, and demand they support the policies we want to see. Together we will change U.S. policy and support freedom, justice, and equality for all.

Questions about Palestinian Rights

1. Will Palestinian membership at the UN advance Palestinian human rights?

Full membership at the UN and further recognition of the State of Palestine may advance the cause of Palestinian freedom from Israeli military occupation for Palestinians living in the West Bank, including East Jerusalem, and the Gaza Strip.

Israeli human rights lawyer Michael Sfard argues that with the State of Palestine enjoying full membership in the UN, "Israelcan expect a legal tsunami, which for the first time will claim a price for violating human rights in the occupied territories." For example, the State of Palestine could sign international treaties, including the Rome Statute establishing the International Criminal Court, which could result in Israeli officials being prosecuted retroactively and in future cases for their human rights abuses of Palestinians.

As such, this initiative may constitute an important step towards Palestinians achieving freedom, justice, and equality within the framework of human rights and international law.

However, the initiative will not, in and of itself, achieve justice for Palestinian refugees because it will not ensure they can exercise their right of return to their homes in what is today Israel. (For additional details on the US Campaign's position in support of the Palestinian refugees' right of return, see its fact sheet "[The Palestinian Right of Return](#).") Nor will the initiative, in and of itself, achieve equality for Palestinian citizens of Israel.

Both justice for Palestinian refugees and equality for Palestinian citizens of Israel are necessary for the establishment of a just and lasting Israeli-Palestinian peace and for reconciliation between Palestinians and Jewish Israelis.

2. Will the admission of the State of Palestine as a full member of the UN change realities on the ground?

In and of itself, the admission of the State of Palestine as a full member of the UN will not change

realities on the ground. Israel will still be the Occupying Power under international law and it will likely continue to violate its obligations under the 4th Geneva Convention. Israel will likely still expand its illegal settlements in the West Bank, including East Jerusalem, and still impose its collective punishment on the Gaza Strip through its illegal siege.

3. Assuming that even if the State of Palestine attains full membership at the UN, and Israel still occupies the West Bank, East Jerusalem, and Gaza Strip, treats its Palestinian citizens unequally, and denies Palestinian refugees their right of return, then isn't this all much ado about nothing?

In addition to the State of Palestine attaining increased rights and functions at the UN that could lead to the protection and advancement of Palestinian human rights, the initiative—whether or not it is successful—is likely to further increase global opposition to Israel's policies toward Palestinians, as well as U.S. support for these policies. This is partly why Israeli Defense Minister Ehud Barak referred to the initiative as a “diplomatic tsunami.”

Legal Questions

1. Will full membership in the UN change the legal status of the Occupied Palestinian Territories?

Since 1967, Israel has maintained a belligerent military occupation of the Palestinian West Bank, including East Jerusalem, and the Gaza Strip. As the Occupying Power of these territories, Israel is already legally obligated under the 4th Geneva Convention to provide for all the needs of its residents and not to change its demographics. This is why Israel's policies and actions of injuring and killing civilians, destroying infrastructure, building settlements for Israelis to move into the occupied territories, demolishing Palestinian homes, establishing curfews and travel restrictions, etc. are all illegal.

Admission of the State of Palestine as a full member of the UN will not change the legal status of the Occupied Palestinian Territories. They will still be held by Israel under belligerent military occupation and the 4th Geneva Convention will still apply.

The only difference would be that the UN would be recognizing that Israel is occupying the territory of a country that is a member state of the UN. It would also demolish Israel's specious argument that the Occupied Palestinian Territories are “disputed” rather than occupied.

2. Is there a difference between a state being admitted as a full member of the UN and its recognition as a state by others?

Whether or not a country decides to recognize a member of the UN is left to the discretion of that country; the UN does not have the power to “recognize” states. Were the State of Palestine to secure full membership in the UN, this would provide it with credentials to participate in all aspects and functioning of the UN, including by signing treaties and joining other inter-governmental agencies just like all other members of the UN. If the General Assembly were to vote on full membership for the

State of Palestine, then its non-recognition by Israel and/or the United States would not prevent it from fully participating in the UN.

3. Could the United States recognize the State of Palestine if it wanted to?

The United States currently accredits the Palestine Liberation Organization Delegation of the United States as the Palestinian diplomatic mission in this country. It does not recognize the State of Palestine, although it has discretion to do so if it chose, just like the other 100+ states which already have done so.

U.S. recognition of Palestinian statehood could have important legal and political implications for ending U.S. support for Israeli military occupation. The United States has ratified the Montevideo Convention on the Rights and Duties of States, which affirms that “The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.”

Referring to the Montevideo Convention, international legal scholar John Whitbeck notes that “Both domestic and international law require[s] the U.S. Government to respect and observe its provisions, which are not subject to any geographical qualifications or limits.” He also observes that the United States could recognize the State of Palestine even in the absence of that state controlling its territory, as the United States continued to do with the Baltic States after they were absorbed by the Soviet Union by the end of World War II.

Historical Questions

1. Didn't the UN already call for an Arab State to be created in Palestine in the 1947 Partition Plan?

In 1947, the UN General Assembly passed Resolution 181 to partition Palestine into two states—a Jewish state (55%) and an Arab state (45%)—with Jerusalem as a *corpus separatum*, an open city administered by the UN. At the time of partition, Palestinian Arabs owned approximately 93% of Palestine, and Jews owned 7% of the land.

The partition plan was never implemented. Pre-state Zionist militias and later the Israeli army, which came into existence upon the creation of the State of Israel in 1948, drove Palestinians from their homes both within and beyond the territories allocated for a Jewish state under the partition plan. Other Palestinians fled their homes under war conditions, fully intending to return when the situation was calm.

By the time armistice agreements were signed between Israel and neighboring Arab countries in 1949, somewhere between 750,000 and 1.1 million Palestinians had become refugees, and Israel controlled 78% of historic Palestine. Of the remaining 22%, part was annexed by Jordan (the West Bank, including East Jerusalem) and part placed under military administration by Egypt (the Gaza Strip). This situation remained until 1967, when Israel captured and occupied these remaining Palestinian territories as well as the Syrian Golan Heights and Egyptian Sinai Peninsula.

2. Didn't the Palestine Liberation Organization already declare independence in 1988?

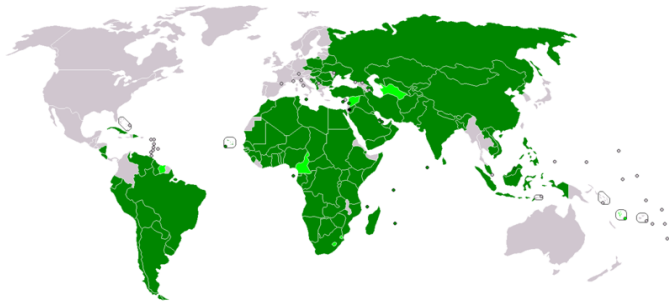
Yes, the Palestine National Council, the legislative arm of the PLO, declared the independence of the State of Palestine at its 19th session, held in Algeria in November 1988. The declaration acknowledged that the UN's partition plan "still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty."

The anticipated September 2011 move focuses on gaining full UN membership for the State of Palestine, along with recognition of that state from additional countries that had not recognized it earlier.

3. Don't other countries already recognize a State of Palestine?

Around 100 countries already recognized the State of Palestine soon after its independence declaration in 1988. Since 2009, many Central and South American countries (Argentina, Bolivia, Brazil, Chile, Dominican Republic, Ecuador, Guyana, Peru, Suriname, Uruguay, and Venezuela), most of which were under U.S.-backed non-democratic governments in 1988, have recognized the State of Palestine as well.

Figure #1: Countries Recognizing the State of Palestine



Key: Dark green=countries recognizing State of Palestine. Light green=inconclusive status. Source: http://en.wikipedia.org/wiki/File:Palestine_recognitions_only.png

4. Don't Palestinians already have a diplomatic presence at the UN?

The PLO is recognized as "Palestine" at the UN as an Observer, not as a Member State. Its official presence is termed the Permanent Observer Mission of Palestine to the United Nations, which affords Palestinians a limited diplomatic presence at the UN.