

A stylized world map composed of grey dots of varying sizes, with several dots highlighted in red. The map is centered behind the title and subtitle.

Showdown in September?

The Palestinian bid for Statehood at the United Nations

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August 2011

- Should bilateral negotiations with Israel continue to stall, Palestinians will ask for recognition of their state and admission to the United Nations this September.
- According to estimates 120 countries currently support the accession of a Palestinian state to the UN as a full member state. A two-thirds-majority in the General Assembly seems as certain as a US veto in the UN Security Council.
- As of now, it remains uncertain whether Palestine will apply for full UN membership or turn to the General Assembly to reach an upgrade of the current status to that of a non-member observer state and circumvent a US veto.
- This past spring, World Bank, IMF and UN declared that the conditions for a Palestinian state are met due to the successful state-building process initialized by the two-year »Fayyad plan« of 2009.

Abbas: Negotiations vs. UN bid

On 16 May, Palestinian President Mahmoud Abbas clarified in an op-ed in the New York Times that in September, the Palestinians would »request international recognition of the State of Palestine on the 1967 borders and that our state be admitted as a full member of the United Nations.«

With this statement, Abbas publicly reaffirmed a plan the Palestinian leadership had been harboring for a while: to turn to the United Nations in case success in negotiations with Israel would remain elusive. For the Palestinians, the UN option is not a weapon of choice, but rather a last resort after years of deadlock in which bilateral talks with Israel failing to yield substantial results. This approach was supported by Palestinian Foreign Minister Riad Malki at the end of June. Malki assured that Palestinians would refrain from calling upon the UN - should meaningful negotiations with a clear time line materialize.

The Palestinian leadership and President Abbas in particular are under heavy pressure: Against the backdrop of revolutions in the Arab World, they fear mass protests in the Palestinian Territories that could easily spin out of control. The rationale behind this: Abbas personally as well as his secular Fatah movement are intrinsically connected with a negotiated approach to solving the Middle East conflict. Almost two decades after the beginning of the Oslo process, tangible results of this approach continue to remain missing. In the face of Abbas' determination of the past weeks and months regarding the UN question, retracting from the UN bid now without serious negotiations to show for would equal political suicide.

Additionally, the political leadership is convinced that Prime Minister Benjamin Netanyahu on the Israeli side is no partner for peace. In his speech at the American Congress at the end of May, Netanyahu rebuffed negotiations on the basis of the 1967 borders and showed that he is not willing to stop the settlement enterprise in the occupied Palestinian Territories. Without an Israeli settlement freeze, however, only few Palestinians would find themselves willing to start another long-winded negotiations process – while Israel creates facts on the ground through continued settlement expansion, rendering the Two-State-Solution increasingly impossible. Under these premises, only 27

per cent of Palestinians would support a resumption of negotiations according to an October poll.

Ready for statehood

The idea to push for the recognition of the Palestinian state in September 2011 is not a recent plan. In August 2009, Prime Minister Salam Fayyad announced the plan »Ending the Occupation, Establishing the State« that was approved, among others, by the Middle East Quartet (UN, USA, EU, Russia) in March 2010. The plan foresees a two-year phase of institution building of the Palestinian National Authority (PNA) followed by the foundation of the Palestinian State. According to reports by the World Bank (September 2010) and the IMF (April 2011), the PNA under the leadership of Fayyad succeeded: Palestine is »ready for statehood« says the verdict of the international organizations. Robert Serry, UN Special Coordinator for the Middle East Peace Process, also praised the progress in state building of the Fayyad government in April 2011 saying the PNA was »well positioned for the establishment of a state at any point in the near future«.

Additionally, the unity agreement signed in Cairo on 4 Mai 2011 between the rivaling factions Hamas and Fatah is meant to end the four-year split of the Palestinian Territories into a Fatah-dominated West Bank and a Hamas-controlled Gaza Strip. The Cairo document foresees the formation of a unity government for the Palestinian Territories as well as parliamentary elections within a year of signature. By means of reconciliation, Fatah and Hamas at least formally managed to evade a major stumbling block on the path to the UN bid – a path that both movements endorsed in the framework of the Cairo agreement. Nonetheless, the implementation of the agreement has not moved beyond the question of the appointment of the unity government's prime minister. While President Abbas insists on Salam Fayyad as prime minister, Hamas rejects the financial expert and darling of the international community. But however profound the disagreements, they are not likely to derail the move to the UN.

The procedure at the UN

The Palestine Liberation Organization (PLO) was granted observer status at the United Nations in 1974, allowing it to take part in General Assembly sessions without granting a right to vote. In 1988, Yassir Arafat

proclaimed a Palestinian state in Algiers, when he read out a declaration of independence with reference to the two-state-solution. An event that was followed by an upgrade of the Palestinian status at the UN which, however, stopped short of the recognition of Palestinian statehood. Against this backdrop, Palestinians now aim for international recognition of this Palestinian state within the borders of 1967 and for achieving an upgrade of their current *sui generis* status at the UN: either to that of a full member state or to that of a non-member observer state.

The formal procedure of the application for full UN membership consists of three phases. First, a formal application must be submitted to the General Secretary, who forwards the application to the Security Council and sends a copy to the General Assembly for information. The Palestinian leadership had originally planned to apply by 15 July, but Palestinian envoy to the UN Riyad Mansour declared shortly before the date that the application would be filed when it was »ready«.

In the second phase, a standing committee on Admission of New Members, comprised of all members of the Security Council, debates the request of admission and reports its conclusions to the Council. On this basis, the Council takes a decision. If nine of 15 members approve and no permanent member makes use of its veto, the Security Council, by resolution, recommends admission of the applying country to the General Assembly. Should the Security Council recommend admission, the third phase would be a vote in the General Assembly. For admission, a two-thirds majority is needed. Since the admission of Southern Sudan on 14 July, this constitutes 129 of 193 votes. The Fatah Commissioner for Foreign Relations and former Minister of Foreign Affairs Nabil Shaath explained that with the support of Syria, 119 countries had declared their consent. As many of his fellow Palestinians, Shaath is optimistic the quota for admission will be reached. Most analysts further agree that the Palestinian bid will receive the support of at least 130 countries.

Alternatives in the case of a US veto

It is, however, highly unlikely that the Palestinian application for full UN membership will reach the General Assembly. It seems almost certain that the United States will use their veto power against the

motion, thereby ensuring its failure in the Security Council. In order to circumvent a possible US veto, Palestinian Foreign Minister Malki at the beginning of June spurred the discussion around the option of using the instrument »Uniting for Peace«, which was created in 1950 with Resolution 377 A (V) against the backdrop of the Cold War and in the attempt to circumvent the vetoes of the USSR. This approach, however, can only be applied when the Security Council, because of a lack of unanimity of the permanent members, fails to act in order to maintain international peace and security. With the approval of seven of the permanent and non-permanent members of the Security Council, the issue can be passed to the General Assembly on the basis of the »Uniting for Peace« Resolution, thereby bypassing a veto. In this case, the General Assembly has to convene for an emergency meeting within the next 24 hours. Whether »Uniting for Peace« is applicable in the Palestinian context, however, is highly contentious. At the end of May, President of the General Assembly Joseph Deiss made clear that from his point of view, there was no way around the Security Council in this matter. Furthermore, »Uniting for Peace« has never been applied to the admission of a new member to the UN in the past.

In the face of a likely US veto, the Palestinian leadership is pursuing a double track in its quest to accede the UN: On the one hand, according to the Palestinian envoy to the UN Mansour, the aim is to convince as many members of the General Assembly as possible to support the Palestinian application for full UN membership. On 22 July, President Abbas met all Palestinian ambassadors and envoys in Turkey to give them personal guidance for a diplomatic push. In this way, he is hoping to maximize the pressure on the Security Council and the USA especially. However, PLO-Executive-Committee member Hanan Ashrawi who was sent to Washington by President Abbas in order to convince the Obama administration not use their veto against the admission of Palestine as a full member state to the UN declared on 4 August she failed to achieve this goal.

In the case of a failure of the motion in the Security Council, Palestinians are currently working behind closed doors on a resolution that will be submitted directly to the General Assembly without needing Security Council approval. President Abbas confirmed this strategy for the first time on 18 June: »Our goal is to go to the Security Council. If we fail we will go to

the General Assembly.« The two most likely elements of such a resolution are first: the enhancement of the Palestinians' status at the UN to that of a non-member observer state – currently only held by the Holy See. And second, a recommendation to all UN member states to recognize Palestine as an independent country.

Contrary to the application for full UN membership, such a resolution would not need to pass the hurdle of a Security Council resolution. Although it would not lead to the accession of the Palestinian state to the UN, it could create some momentum for its international recognition. Formal recognition is not granted by the UN, but bilaterally: Existing states declare their recognition of the new state. A resolution recommending the recognition of Palestine as a state could speed up this process¹, even though in the face of the Israeli occupation, inner sovereignty of Palestine is limited and the core three elements of statehood (territory, population, government) are fulfilled only in parts.

...the consequences

While the Palestinian bid at the UN is criticized by Israel and the US as a unilateral breach of the parameters of the Middle East Peace Process, the Palestinian leadership views it as a multilateral strategy to internationalize the Israeli-Palestinian conflict. This is deemed necessary, as bilateral negotiations between Israel and the PLO have not yielded results in the past and will not do so in the near future, taking into account the lack of will of the Israeli government to reach compromise.

Regarding the inner-Palestinian situation, the UN plan will probably lead to a greater loss of importance of the PLO: As of now, within the Palestinian political landscape, Palestinian representation at the UN is managed within the structures of the PLO. Should the Palestinians succeed in achieving the status of a non-member observer state – let alone the status of a full

¹ At the beginning of the year, a number of South American countries recognized the Palestinian borders of 1967, among them Brazil, Argentina, Uruguay, Bolivia, Ecuador, Chile, Guyana, Peru, Paraguay and Surinam.

UN member – this responsibility would be transferred into the domain of the PNA. The exact consequences for the relationship between PLO and PNA are still being discussed. Whether inner-Palestinian consensus can be reached in this question until September remains to be seen. Not least for this lack of clarity, more and more Palestinians argue that September is not the point of decision and closure, but rather an official beginning to the Palestinian UN quest.

The actual changes in the occupied Palestinian Territories through the UN bid are currently hard to predict. In spite of their general approval of the UN bid, most Palestinians are skeptical of it yielding changes on the ground: At the beginning of July, 61 per cent of Palestinians according to a poll conducted by the Palestinian Center for Policy and Survey Research thought that this step will not have any or even negative consequences for the situation in the Palestinian Territories.

The fear that at least in the short term, there will be no improvements on the ground in the Palestinian Territories is justified. But there are a couple of legal implications that might matter: In the case of a broad recognition of Palestine as a state, the Middle East Conflict would transform into a conflict between two – at least formally – equal entities. This might not change the grave asymmetry in the balance of power between the two parties to the conflict, but Israel would no longer simply occupy a »disputed territory« and its people, but an internationally recognized country. It would therefore not only violate – as it does now – several UN resolutions and the Geneva Conventions, but additionally continuously contravene the Charter of the UN, which prohibits to violate the »territorial integrity or political independence of any state« (Chapter I, Article 2, Paragraph 4). As a full UN member, a Palestinian state would have the right to call upon the International Court of Justice in The Hague. The Court of Justice would not be able to act unless Israel recognizes the Court as being competent in the matter, but at least an international audience would be created. Additionally, several diplomatic missions of the Palestinians would be upgraded in countries that recognize Palestine.² Should the Palestinians fail in the

² Several countries have already taken this step; on 18 June the Norwegian Foreign Minister announced an

Security Council and only achieve the status of a non-member observer state, this would still grant them additional rights like the ratification of international treaties.

Most importantly, however, the admission of Palestine to the United Nations would be a moral victory for the Palestinians, which could change the perception of the Israeli-Palestinian conflict significantly in the medium term. This would even be the case if the admission of Palestine as a full UN member state fails due to a US veto in the Security Council, but an overwhelming majority in the General Assembly grants Palestine the status of a non-member observer state. This option could prove to be devastating for the standing of the USA in the Middle East: All alone or with few allies – among them possibly Germany – the USA would stand isolated against the overwhelming majority of the international community of states. At the same time, it would demonstrate President Obama's failure in achieving a peaceful solution of the Mideast Conflict – one of his top priorities in the field of foreign policies.

Rejection in the USA and Israel

The United States are currently – beside Israel – the strongest critics of the Palestinian quest to accede the UN. President Obama in his speech on 19 May hinted at a US veto against Palestinian accession in the Security Council. This stance was reiterated after the Security Council Meeting on 26 July by the U.S. Deputy Permanent Representative to the United Nations Rosemary DiCarlo who stated that »her country would not support unilateral campaigns in September or at any other time.«

At the beginning of July, US Congress increased pressure on the Palestinians by passing a resolution threatening to cut American financial aid to the Palestinians in case of a Palestinian UN bid. At the same time, US Foreign Minister Clinton admits that time is not ripe for a resumption of negotiations between Israelis and Palestinians.

Israel, for its part, fears a »political tsunami« (Minister of Defense Ehud Barak) if the Palestinian state is

upgrade of the Palestinian mission in Oslo during a visit of President Abbas in Norway.

admitted to the UN. The current government is working hard to convince as many countries as possible to vote against the admission. Israeli embassies worldwide were asked to write up a strategy of how to convince the respective governments of rejecting the Palestinian bid. The main argument in this vein is that recognition in the UN framework is aimed at delegitimizing Israel, thereby spoiling every chance of resuming peace negotiations. Confronted with the increasing hopelessness of this endeavor, a change in course has become apparent: Israel is now advocating for abstentions in a possible UN vote. Sending a clear message to the Palestinians, the Israeli Foreign Minister Avigdor Lieberman threatened to cancel all agreements signed between Israel and the PLO since the Oslo Process.

Peace, said the Israeli Prime Minister Netanyahu in his speech at US Congress on 24 May, cannot be imposed, but must be negotiated. However, in the course of his speech, Netanyahu reduced every possible room for maneuver in the solution of the conflict through negotiations by rejecting the borders of 1967 as a basis for negotiations, by ruling out a division of Jerusalem and by refusing to negotiate the right of return of the Palestinian refugees. But not only did Netanyahu thereby formulate Israeli maximum demands in all central points of contention without hinting at a willingness to compromise, he also argued that in Judea and Samaria - referring to the West Bank - Israelis are not occupiers, bearing in mind a 4000 year old connection between the Jewish people and the Jewish land.

While Netanyahu is being scolded for his uncompromising position within Israel, 64 per cent of Jewish Israelis do not believe that bolstering the negotiations process can prevent the Palestinian bid at the UN. Additionally, many Israeli decision makers believe that, in the face of the Arab Spring, it is advisable to remain in an observant position while waiting for the outcome of the geopolitical reshuffle in the region. Former Israeli Ambassador in Germany Shimon Stein brings it to the point: »For Israel, insecurity about the developments in the region and their risks is a reason to delay strategic decisions.« The suggestions that the Netanyahu government would be willing to negotiate on the basis of the 1967 borders if Palestinians recognize Israel as a Jewish state and abstain from heading to the UN made recently are widely viewed as PR-maneuver among Palestinians,

especially since Israeli President Shimon Peres cancelled a meeting with Palestinian President Abbas at last minute on 2 August.

European dissonance

Within the European Union, there is (yet again) no common position on the question of recognizing Palestine. While the European heads of state mostly agree that negotiations would be the best way to a solution of the Israeli-Palestinian conflict, their more detailed positions are inconsistent and contentious (see table 1).

British Prime Minister David Cameron signaled that Britain would support the Palestinian UN bid if the negotiations process stalls until September. France and a couple of other countries hold similar views, a position commonly viewed as an attempt to increase pressure on the Netanyahu government in order for it to show willingness to compromise and return to the negotiations table. French Foreign Minister Alain Juppé offered at the beginning of June to host an international peace conference in Paris before September with the aim of reviving negotiations between the conflict parties. The parameters of the conference were to be the elements of Obama's speech of 19 May 2011.

German Chancellor Angela Merkel, however, defined her position as early as April during a visit of Netanyahu in Berlin, assuring that Germany would vote against Palestinian »unilateralism« in the United Nations.³ With her unshakable and untimely positioning, the Chancellor aggrieved the options of finding a common European position and additionally, gave away every opportunity of pressuring the Israeli government to stop settlement activity and return to the negotiations table. As in the question of a military intervention in Libya, the German government is risking a German *Sonderweg* and an increasingly isolationist position. A negative German vote would disappoint the hopes of yet another Arab nation for political support from Berlin.

³ According to Palestinian sources, however, the German government unofficially promised to abstain in case of a vote in the UN.

Broad support and soft criticism in the Palestinian Territories


Despite the low expectations with regard to a positive outcome mentioned above, there is broad support for the UN bid in the Palestinian Territories. According to a poll by the Friedrich-Ebert-Stiftung and the Jerusalem Media & Communication Center of June 2011, 64.4 per cent of the Palestinians approve of heading towards the UN in September. But there are also critical voices: Among others Prime Minister Salam Fayyad, former Prime Minister Ahmed Qureia and the former envoy to the UN Nasser al-Qudwa fear the UN plan could end up harming the Palestinian cause. Recently, voices of Hamas have also joined the ranks asking not to »beg« for a Palestinian state: The Palestinian people had the right to its own state – a right that could only be obtained through »resistance«. Single members of the PLO have likewise spoken out against the UN move. Nabil Amro, member of the PLO Central Council, declared the Central Council would discuss postponing the membership bid by a year in order to avoid harmful confrontation with the USA and other important international actors. These voices, however, are in the clear minority.

Behind the scenes, the Palestinian leadership is pondering over the possibility of filing their application for full UN membership and then silently agreeing to accept a delayed decision in the Security Council in order to allow all parties to save face. In return for this concession, Palestinians would expect a positive vote of the EU in the General Assembly. The non-binding resolution of the General Assembly is, according to Fatah representatives, »unstoppable«.

In May, the Arab League ensured the Palestinian leadership of its unlimited political support should negotiations »on substantive grounds« not materialize. The General Secretary of the Arab League Nabil al-Arabi once more underlined this position in mid-July.

Time is running out

In the face of an increasingly improbable resumption of bilateral negotiations a Palestinian application for full UN membership seems close to certain. However, the exact strategy of the Palestinians for their UN bid – especially in case of a US veto in the Security Council – is not entirely transparent; the details of the resolution for the General Assembly are still unclear and its exact



content is not yet known. Likewise, the consequences for the situation in the occupied Palestinian Territories are barely foreseeable and alternatives range from no tangible changes to speculations of a third, non-violent *Intifada* to a massive violent escalation. While President Abbas has called for large-scale non-violent marches in the Palestinian Territories following the UN-vote and ordered the Palestinian security forces to prevent a violent escalation of these demonstrations, much will depend on Israel's reaction to September's events.

With September approaching quickly, the European Union must work towards finding a common stance on the issue. Only when speaking with a united voice, will the EU be able to play a positive and meaningful role in the Middle East conflict. Its position must open up an acceptable perspective to Palestinians. In 2009, the EU – as well as the US – in the framework of the Middle East Quartet signaled support for an independent Palestinian state and raised many expectations. A negative vote at the UN with a simultaneous refusal to increase pressure on Israel would disappoint these expectations, put European reliability into question and would, once again, harm the credibility of European foreign policy.


Rejecting the Palestinian UN bid for allegedly constituting an unilateral step or even a breach of the Oslo Accords while remaining silent in the face of continued and intrinsically unilateral Israeli settlement building that changes the status quo on a daily basis by creating facts on the ground is simply implausible. Moreover, nowhere in the Oslo Accords is an admission of a Palestinian state to the UN explicitly excluded. Likewise, the argument that negotiations need to be concluded before Palestine should be allowed to accede the UN is flawed. After all, Israel has been a full UN member state since 1949 without a negotiated final agreement in place. In fact, the false dichotomy between Palestine's UN membership and negotiations with Israel is quite far from reality: The Palestinian leadership is very well aware and has made abundantly clear that even after an admission of Palestine to the UN, negotiations with Israel will be needed to find a solution to the Middle East conflict. Israel has made peace in the past with an internationally recognized Egypt and Jordan. Why should this not be possible with an internationally recognized Palestine?

Table 1: Assumed position of European states on Palestine's accession to UN

State	pro	pro (with reservations) ⁴	vague	contra
Austria			X	
Belgium	X			
Bulgaria			X	
Cyprus	X			
Czech Republic			X	
Denmark				X ⁵
Estonia			X	
Finland	X			
France		X		
Germany				X
Greece	X			
Hungary			X	
Iceland	X			
Ireland	X			
Italy				X
Latvia			X	
Lithuania			X	

⁴ This category includes states, which are in favor of bilateral negotiations, but have signaled their readiness for a positive vote if talks remain elusive.

⁵ The opposition in Denmark favors the accession to the UN. Elections will be held on November 9, 2011. A government change is presumed.



Luxemburg	X	
Malta	X	
Netherlands		X
Norway	X	
Poland		X
Portugal	X	
Romania		X
Slovakia		X
Slovenia	X	
Spain	X	
Sweden	X	
Switzerland	X	
United Kingdom		X



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Imprint

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Among the priorities of the Friedrich-Ebert-Stiftung in the Palestinian Territories is the development of political institutions and parties that can support a future democratic Palestinian state. The preconditions for this include an active civil society, economic development and social security as well as the development of peace strategies.

The struggle for statehood also takes place on the international stage. In this manner, the FES lends its support to political and civic decision makers in developing of a Palestinian bargaining position. Operations take place in the context of a political conflict with violent dimensions. The resulting challenges shape the daily life of the FES and its cooperation with partner organizations.

„The Politics of Change in Palestine – Statebuilding and Non-Violent Resistance“ / M. Bröning

Pluto Press (London) March 2011.

<http://www.plutobooks.com/display.asp?K=9780745330938&>

“The real challenge of Palestinian unity“ / M. Bröning

Published May 3rd, 2011 in New Statesman. Fulltext available: <http://www.newstatesman.com/blogs/the-staggers/2011/05/palestinian-hamas-israel>