

FAQ: Palestinian Statehood

By [Canadians for Justice and Peace in the Middle East](#)

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Theme: [United Nations](#)
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In light of the Palestinian bid for statehood at the UN next week, CJPME has prepared a FAQ document analyzing this important development. Many believe that Palestinian membership in the UN may help jumpstart stalled negotiations, and may help to increase human rights protections for the Palestinians. Please read below:

Q: What are the Palestinians seeking?

A: The Palestinians will seek membership at the United Nations, likely in September, 2011.

Q: Does membership in the UN confer “statehood”?

A: Not specifically. Under international law there are recognized criteria for statehood:[i] (1) a permanent population, (2) defined territory, (3) government, (4) independence. Palestine meets all of these criteria even though there is disagreement about its borders – Israel was admitted to the UN despite disputes about its borders. As to independence, the term is defined to mean the capacity to enter into relations with other states – something Palestine has demonstrated. The “State of Palestine” was declared in 1988 and has been recognized by 122 countries. Palestine maintains embassies in more than 100 countries.[ii] The World Bank, the International Monetary Fund and the European Union have all stated that Palestinian institutions are developed to a level appropriate to statehood.[iii]

Membership in the UN – pursuant to Article 4 of the UN Charter – is different than recognition by individual states. Although Palestine is recognized as a state by many countries, it is not a member of the UN, and therefore it has none of the rights, and protections, that come with membership of the UN. It is for this reason the Palestinians seek membership of the UN.

Q: What is required for Palestine to achieve membership of the UN?

A: Palestine may achieve membership through one of two mechanisms: 1) via an affirmative vote recommending admission by 9 to 15 members of the Security Council (barring a veto from any of the permanent Security Council members), or 2) via a vote garnering two-thirds of the members of the General Assembly. The US has publicly expressed opposition to the Palestinian bid, and will likely veto any affirmative Security Council vote. As a result, the Palestinians will likely take their case to the UNGA.

Q: Do the Palestinians have the numbers?

A: Palestinian and Israeli government officials estimate that at least 130 of the 193 UN member states would support the Palestinian bid in the UNGA (one more than the two thirds

majority required).[iv] The Palestinian bid is supported by the Arab League, most countries in Latin America, Africa, Asia, Russia and the former members of the Soviet Bloc. Many members of the EU are leaning towards support for the bid. The outcome of a UNGA vote is not certain, however. The governments of Israel, the US and Canada are currently pressuring the governments of other countries to oppose the bid.[v]

Q: Why now?

A: The Palestinians are taking this step to force the hand of Israel and the US, and to give the international community a chance to demonstrate its support for an independent Palestinian state. Since the 1993 Oslo Accords, the US and the international community have promised that the Palestinians would achieve their national aspirations through the negotiations process. This has not happened. The bid for membership of the UN is just the first of many steps that the PA is considering to force a breakthrough in the current impasse.

Q: What are the advantages of being a member of the UN?

A: There are very significant advantages of UN membership apart from the symbolic achievement. Voting rights at the UN are extremely important – and as a UN member, Palestine would gain a vote. As a member of the UN, Palestine would also have official recourse to the International Court of Justice (ICJ), which resolves disputes between UN member states, as well as the International Criminal Court (ICC) and the various UN human rights tribunals.

Very importantly, Palestinians would have the opportunity to seek the formal protections afforded to a member country of the UN. Palestine would be in the position of one UN member state whose territory and sovereignty is militarily violated by another UN member state. Under the UN Charter, sovereign states have the right to use reasonable force to defend their territorial integrity and citizens, and other UN members can assist them in such efforts. The UN can impose sanctions and take other actions if one member violates another's rights.

Q: What reasons are there to support the Palestinian bid for statehood?

A: There are many legal, ethical and administrative reasons to support the bid, aside from the fundamental one of supporting Palestinian self-determination and realization of their national aspirations.[vi] In fact, the Palestinians would only be asking for what was already granted by the UN, in 1947, when it voted to establish two states, one Jewish, the other Arab, on the territory of what was British Mandate Palestine.

Q: Why do some countries – including Canada – choose to oppose the bid?

A: Israel opposes the Palestinian UN bid for political reasons. The current Israeli government is a coalition comprised of parties including those on the extreme right. Many of its members have no interest in peace with the Palestinians if it means giving up any of the land that has been illegally colonized by Israel. They oppose any move that would see the Palestinians gain any political leverage.

As for Canada, since prior to 2006, it has consistently taken positions favouring Israeli political interests, despite Israel's extremely poor human rights record. This policy seems driven from domestic political pressures, rather than a particular foreign policy principle.[vii]

The Israeli government, supported by its international friends, argues that the Palestinian move is “unilateral”; that it will impede a negotiated settlement and is in breach of the Oslo Accords. This argument ignores the fact that the Israeli occupation is a decades-old institution that regularly foists unilateral decisions on the Palestinians: confiscation of land, house demolitions, new laws governing land and water use, etc. It also ignores the fact that the negotiations process has been at an impasse for almost two years.[viii]

Notes

[i] Article I of the Montevideo Convention on Rights and Duties of States, 1933.

[ii] Abbas, Mahmoud, “The Long Overdue Palestinian State”, New York Times, May 16, 2011.

[iii] Palestinian Negotiations Office, “State 194: Frequently Asked Questions”, This Week in Palestine, Issue 161, September 2011.

[iv] “Erekat: U.S. has no reason to veto Palestinian bid for statehood”, Haaretz, July 16, 2011.

[v] See, e.g. Bronner, Ethan, “Ahead of U.N. Vote, Effort to Restart Mideast Talks”, New York Times, June 24, 2011.

[vi] See CJPME Factsheet No. 123, “Palestinian Bid for Statehood”, May 2011.

[vii] See, e.g., “Palestinian Statehood: Canada Rejects UN Bid For Recognition”, “The Huffington Post”, July 11, 2011.

[viii] See CJPME Factsheet No. 134, “Impasses in Israeli-Palestinian Negotiations”, August 2011.

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