

PALESTINIAN AUTHORITY GIVEN ‘NON-MEMBER OBSERVER STATE’ STATUS AT THE UNITED NATIONS GENERAL ASSEMBLY

On November 29, 2012, the UN General Assembly, vide resolution 67/19, voted overwhelmingly in favour of upgrading the Palestinian Authority’s status to that of a “Non-Member Observer State”. 138 UN Member States voted in favour of the resolution while 9 voted against and 41 abstained from voting. The importance of the resolution lies in the recognition of Palestine as a “State” and the consequent implicit recognition of its sovereignty.

Background of Palestine in the United Nations

In 1974, The Palestine Liberation Organization (PLO) was accorded the status of a “Observer” by the UN General Assembly through resolution 3237 (XXIX), and was invited to participate, as an observer, in the sessions of the General Assembly and in all the activities and conferences organized under the auspices of any of the UN’s organs.

In 1988, the General Assembly, through resolution 43/77, acknowledged the “Proclamation of State” by the Palestine National Council, and decided that this proclamation was in line with General Assembly resolution 181(II) of 1947 which *inter alia* called for the establishment of an Arab State and a Jewish State in Palestine. The resolution also changed the designation of “Palestine Liberation Organization” to “Palestine” for all purposes within the UN.

In 1998, Palestine’s status with the UN was further upgraded, through resolution 52/50, and Palestine was extended to right to participate in the general debate at the beginning of each General Assembly, the right to cosponsor resolutions, and the right to raise points of order concerning Middle-East and Palestinian issues. This was a unique position occupied by Palestine at the UN, and the rights held by Palestine were just short of those held by a Non-Member State.

In 2011, Palestinian Authority President Mahmoud Abbas attempted to gain full-membership of the United Nations for Palestine through the “Palestine 194” initiative and submitted an application to UN Secretary-General Ban Ki-Moon. Ultimately, this proposal was not voted on by the Security Council as it was not clear if Palestine would be able to obtain the requisite majority. In addition, the United States of America threatened to veto the resolution even if majority was attained. However, Palestine was admitted as a member state by the United Nations Educational, Social and Cultural

Organization (UNESCO) when Palestine ratified the UNESCO Constitution on November 23, 2011.

On November 29, 2012, at the UN General Assembly's 67th Session, the resolution accorded Palestine the status as a "non-member observer State" was passed with 138 states voting in favour of the resolution, and 9 states voting against it. 41 states abstained from voting while 5 states were absent.

The 9 states that voted against the resolution included Canada, Czech Republic, Israel, Marshall Islands, Micronesia, Nauru, Palau, Panama, and the United States of America.

43 AALCO Member States voted in favour of according Palestine the status of "non-member observer State". Cameroon, Mongolia, Republic of Korea and Singapore abstained from voting. A large bloc of abstaining voters came from Europe and the European Union.

Significance of the Resolution

The resolution comes after a stalemate in negotiations between Israel and the Palestinian Authority, for a sovereign Palestinian state, that has lasted virtually since 2008. The resolution was also passed in the immediate wake of the ceasefire between Israeli forces and Hamas forces on November 22, 2012, which concluded 8 days of escalating hostilities between the two forces in Gaza.

The resolution which ostensibly does not change Palestine's actual situation very much, is important in that it represents the international community's recognition, due to the overwhelming majority of the support, of the immediate need for the creation of a Palestinian state, as well as perhaps more subtly, Palestine's future border arrangements, particularly a return to the pre-Six Day War 1967 delimitation.

The resolution has been hailed, particularly by Palestinian Authority President Mahmoud Abbas, as a strong push towards the creation of a sovereign Palestinian state. It is hoped that it will provide some of the impetus necessary to end nearly seven decades of hostilities between Palestine and Israel, and to finally enfranchise the Palestinian people and bring lasting peace to Palestine. Critics however see the move as a possible setback for Palestinian independence due to the possibility that this development, which was strenuously opposed by Israel, will increasingly complicate the negotiations, between Israel and Palestinian Authority, that will eventually lead to the creation of a Palestinian state and bring a lasting peace.