QUICK POLICY INSIGHT

Palestine's bid for UN observer state status advances despite EU hesitation

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A week of violence between the Israeli Defence Forces and Hamas militants has largely diverted the attention of the international community away from the non-violent efforts of the Palestinian National Authority (PNA) to move the Israeli-Palestinian conflict beyond its current, intractable state. Palestinian President Mahmoud Abbas confirmed last week that the PNA would seek non-member observer state status for Palestine in the United Nations General Assembly on the basis of Palestine’s pre-1967 borders. This decision follows Palestine's unsuccessful application for full UN membership last year. The vote on the current, downgraded application is scheduled for 29 November, the 65th anniversary of the 1947 UN decision to partition Palestine.

Within the UN, non-member observer states are recognised as sovereign states. The only such state currently is the Holy See, although some current members have previously held observer state status. Switzerland, for example, was an observer state for 50 years, and only became a member in 2002.

The draft resolution circulated by the PNA does not call on those countries that have not recognised Palestine to do so, although it expresses 'the hope' that the UNSC will eventually consider the application for full membership. The text of the draft resolution stresses the PNA’s willingness to return to direct negotiations with Israel to discuss all final status issues.

Unlike the proposal for full UN membership, which required — and failed to garner — Security Council approval, a simple majority in the General Assembly is required for observer status to be granted; 97 of the 193 members must vote in favour. Given that 132 countries have recognised

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1 29 November is also known as the International Day of Solidarity with the Palestinian People.
Palestinian statehood (as declared by the PLO in 1988), the chances are high the bid will pass, despite calls for postponement (by the United Kingdom and others), the opposition of the United States and Israel, and Israel’s threats of reprisals.

**The PNA wishes to overcome the status quo, which offers no prospects for a solution**

The deadlock in peace talks and the expansion of Israeli settlement-building in the West Bank and East Jerusalem motivated President Abbas’s actions. Yet not all Palestinian forces support the bid: unresolved internal divisions plague the PNA, and **Hamas does not support the proposal**. Because Hamas does not recognise Israel as a legitimate state, it believes that the initiative concedes parts of ‘historic Palestine’ and ‘infringes’ upon the right of return for five million Palestinian refugees.

Currently, the Palestine Liberation Organisation (PLO), the umbrella group which represents most Palestinian factions, including the Diaspora, has ‘permanent observer’ status — not observer state status — at the UN. As a state, Palestine has been a member UNESCO of 2011, and belongs to the UN Economic and Social Commission for Western Asia, the League of Arab States, the Non-Aligned Movement and the Organisation of Islamic Cooperation (OIC).

A successful bid would also allow Palestinians to participate in General Assembly and UN agencies. Perhaps most importantly — and most worryingly for Israel — UN observer state status would allow Palestine to take legal action in the **International Criminal Court (ICC)** against Israel and Israeli citizens for alleged war crimes or for settlement building in the West Bank, including East Jerusalem.

**The European Union supports Palestinian statehood ... in principle**

The European Union supports Palestinian statehood in principle, but is divided on the appropriateness of the timing of the UN bid.

The principle of establishing a Palestinian independent state within the pre-1967 borders existing side by side with Israel is in principle supported by the European Union.

In December 2009, the Council of the European Union endorsed a set of conclusions on the Israeli–Palestinian conflict that form the basis of present EU policy. The Council reasserted the objective of a two-state solution, and stressed that the Union ‘will not recognise any changes to the pre-1967 borders including with regard to Jerusalem, other than those agreed by the parties.’ It recalled the EU’s position that the future state of Palestine would have its capital in Jerusalem. In December 2010, the Council reiterated these conclusions and announced its readiness, ‘when appropriate’, to recognise a Palestinian state, but also encouraged a return to negotiations. For the time being, eight EU Member States

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2 The draft resolution currently on the table does not alter the status of the PLO within the UN system.
Palestine's bid for UN observer state status

The European Parliament backs the two-state solution, with its implicit upgrading of Palestine's status.

The European Parliament has repeatedly affirmed its support of the two-state solution, involving the establishment of a Palestinian state. The EP considers Palestine's bid for UN membership 'legitimate'\(^3\).

The European Union has failed to formulate a common position on Palestine's current request for UN observer state status. If the Union does not reach a last-minute consensus on abstention, Member States will likely split. This was true at the UNESCO vote in 2011, when 11 Member States voted for, 5 voted against, and 11 abstained. Given changes in the governments and in the ministerial competencies within cabinets since the UNESCO vote and public statements, the distribution of votes would likely look as follows:

**Figure 1**

EU Member States' possible voting behaviour at the UN General Assembly

![Map of EU Member States]

**Source:** UN with additions by the Policy Department, DG EXPO

The European Union is the principal supporter of the PNA and the main trade partner of Israel. Its support of the PNA is likely to remain unchanged regardless of the outcome of the vote. The EU could use a successful bid to strengthen its stature as a defender of international law and adopt concrete policies with both 'sticks' and 'carrots' to reinforce its position on the principle.

**Israel and the US oppose the 'internationalisation' of the Palestinian question**

Israel has tried to influence EU Member States and other western countries and convince them to wither vote against the bid or to abstain. The

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\(^3\) Resolution of 29 September 2011.
Israel has threatened the Palestinian National Authority with serious reprisals if the PNA pursues its bid at the United Nations.

The Palestinian National Authority’s survival is at stake with the statehood bid in more than one way.

country has warned against ‘far-reaching consequences’ if the bid is adopted. Whereas some European states, e.g. the United Kingdom, have urged Abbas not to seek the upgrade at this stage, Israel and the US are vehemently opposed to the move which they regard tantamount to an abandonment of the Palestinian National Authority’s commitment to negotiating a two-state solution bilaterally with Israel.

The Palestinian bid has been complicated by the ongoing crisis in Gaza. Israel’s UN ambassador Ron Prosor stated that events in Gaza had shown the futility of the Palestinian campaign for international recognition. He said, ‘they should change their request from a Non-Member State to Non-Member Terrorist State’. For its part, the PNA has suggested that the attack on Gaza has been deliberately timed action to torpedo the UN vote and influence Israel’s general election in January.

Israeli Prime Minister Binyamin Netanyahu has endorsed the two-state solution\(^4\), but his government has offered no reconciliatory policies. Israel is fiercely opposed to any ‘internationalisation’ of the Palestinian question. The US shares the Israeli point of view and holds that the bid could incite regional unrest and ‘undermine the peace talks’, since it does not resolve the key issues that have been obstacles to an agreement in the past\(^5\), including the borders of a future Palestinian state, security arrangements, control of Jerusalem, and the ‘right of return’ for Palestinian refugees.

A successful UN bid entails many risks for the PNA given the economic and political dependency of Palestine on Israel. Israeli retaliation could produce severe consequences in the West Bank and a collapse in Israeli-Palestinian work relations. Israel has said it would force Abbas out of office and cancel the Oslo accords if the bid were accepted.

Economic and fiscal conditions in Palestine are in a serious state. The Palestinian economy depends heavily on foreign aid, and many economists, including at the IMF, say that growth requires that Israel ease restrictions that encumber sustainable economic development and normal flow of commerce. If the Israelis take measures against the Palestinians by blocking the fiscal revenues it has collected for the PNA, and if the US Congress decides to cut US aid (USD 440 million is at stake for 2013), the situation may become untenable for Abbas, and his authority could collapse.

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\(^4\) The full text of Netanyahu’s foreign policy speech at Bar Ilan in June 2009