



International status of Palestine

Standard Note: SN06992

Last updated: 8 October 2014

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Section International Affairs and Defence Section

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1 Introduction

In 2011, the 'State of Palestine' applied to become a member of the United Nations. Its application was unsuccessful, but in 2012 it successfully obtained the lesser status of "non-member observer state." Separately, 134 out of 193 UN member states have extended diplomatic recognition to the State of Palestine. This note provides details of all these processes and developments.

2 Diplomatic recognition by UN member states

At present, the UK has not extended diplomatic recognition to the State of Palestine. On 9 November 2011 the then Foreign Secretary, Rt Hon William Hague MP, said: "We reserve the right to recognise a Palestinian state at a moment of our choosing and when it can best help bring about peace."¹

In December 2012 Baroness Warsi, then a Senior Minister of State at the Foreign & Commonwealth Office, said:

The UK supports the principle of Palestinian statehood but a Palestinian state will only be brought into reality when the occupation comes to an end through agreement between both sides. The UK will continue to be one of the principal supporters of Palestinian state building efforts, assisting the Palestinians to tackle poverty, build institutions and boost their economy.²

However, 134 out of 193 UN member states have done so since the Palestine National Council's proclamation of statehood on 15 November 1988. The list of the countries which have done so is as follows:

Afghanistan, Albania, Algeria, Angola, Antigua & Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia & Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Congo (Republic of), Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Equatorial Guinea, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Russian Federation, Rwanda, St. Vincent and the Grenadines, Sao Tome & Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Tanzania, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.³

¹ [HC Deb 9 November 2011 c290](#)

² [HL Deb 10 December 2012 WA204](#)

³ "Diplomatic Relations", website of the Permanent Observer Mission of The State of Palestine to the United Nations [accessed 2 October 2014]

In addition, it was reported on 3 October 2014 that the Government of Sweden intended to extend diplomatic recognition to the State of Palestine.⁴

It is important to note that the attempt by the Palestine to become a UN member state is a separate and unconnected process: details of this process are provided below. Even if Palestine were recognised as a UN Member State, it would not necessarily amount to legal recognition of its statehood under international law.

3 Status of Palestine within the United Nations

3.1 2011: unsuccessful application to become a member state

The 'State of Palestine' submitted an [application to become a UN member state](#) on 23 September 2011. Article 4 (2) of the [United Nations Charter](#) states:

The admission of any [...] state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 27 (3) states:

Decisions of the Security Council on all other matters [including the admission of new member states] shall be made by an affirmative vote of nine members including the concurring votes of the permanent members [...].

In practice, this means that prior to a vote in the General Assembly, full member status would have required the approval of nine members of the 15-member Security Council, with any of the five permanent Members (the US, the UK, France, China and Russia) having the right to veto such a decision.

The application was never likely to succeed since the US was expected to use its veto. However, some suggested that the objective of the Palestinian Authority was simply to obtain enough support (nine Security Council members) to force the US to use its veto; it was argued that this would be a "moral victory."⁵ By November 2011, however, it became apparent that the bid would only be supported by eight Security Council members (Russia, China, South Africa, India, Brazil, Lebanon, Nigeria and Gabon). As a consequence, the Palestinian Authority decided not to force a vote on the issue.⁶

The UK had indicated that it would abstain. In a statement to the House of Commons on 9 November 2011 (at which point a vote still looked likely), William Hague said:

The United Kingdom judges that the Palestinian Authority largely fulfils criteria for UN membership, including statehood, as far as the reality of the situation in the occupied Palestinian territories allows, but its ability to function effectively as a state would be impeded by that situation. A negotiated end to the occupation is the best way to allow Palestinian aspirations to be met in reality and on the ground. We will not vote against the application because of the progress the Palestinian leadership have made towards meeting the criteria, but nor can we vote for it while our primary objective remains a return to negotiations [i.e. Israeli-Palestinian negotiations aimed at ending Israel's occupation of the Palestinian Territories] through the Quartet process and the success of those negotiations.

⁴ ["Sweden to recognise state of Palestine"](#), Guardian, 3 October 2014

⁵ ["UN vote on Palestinian state put off amid lack of support"](#), Guardian, 3 October 2014

⁶ Ibid.

For those reasons, in common with France and in consultation with our European partners, the United Kingdom will abstain on any vote on full Palestinian membership of the UN.⁷

3.2 2012: successful application to become a non-member observer state

In 2012, the “State of Palestine” applied to become a non-member observer state. Unlike full member status, non-member observer state status is granted by a simple majority vote in the General Assembly. On 28 November 2012, the day before the vote, William Hague said in a statement to the House of Commons:

I spoke to President Abbas on Monday and my right hon. Friend the Deputy Prime Minister spoke to him yesterday. We explained that, while there is no question of the United Kingdom voting against the resolution, in order to vote for it we would need certain assurances or amendments. The first is that the Palestinian Authority should indicate a clear commitment to return immediately to negotiations—without preconditions. This is the essential answer to the charge that by moving the resolution, the Palestinians are taking a path away from negotiations. Given the great difficulty in restarting negotiations in recent years and the risk that some will see this resolution as a step that is inconsistent with such negotiations, this commitment is indispensable to us.

The second assurance relates to membership of other specialised UN agencies and action in the International Criminal Court. Our country is a strong supporter, across all parties, of international justice and the International Criminal Court. We would ultimately like to see a Palestinian state represented throughout all the organs of the United Nations. However, we judge that if the Palestinians were to build on this resolution by pursuing ICC jurisdiction over the occupied territories at this stage, it could make a return to negotiations impossible. This is extremely important, given that we see 2013 as a crucial year—for the reasons I have described—for the Middle East peace process.

We have also said to President Abbas that we would like to see language in the resolution that does not prejudge any deliberations by the UN Security Council, and for it to be clear that the resolution does not apply retrospectively. We believe these changes would not be difficult to make; that if they were made either in the text of the resolution or in accompanying statements as appropriate, they would win wider support for the resolution without any prejudice to final status issues; and that they would increase the prospects for negotiations moving ahead.

Up until the time of the vote itself, we will remain open to voting in favour of the resolution if we see public assurances by the Palestinians on these points. However, in the absence of these assurances, the United Kingdom would abstain on the vote. That would be consistent with our strong support for the principle of Palestinian statehood, but also with our concern that the resolution could set the peace process back.⁸

These conditions were not satisfied, so the UK decided to abstain.⁹ Despite the UK’s abstention, the resolution granting non-member observer state status was adopted by a vote of 138 in favour to 9 against, with 41 abstentions, as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan,

⁷ [HC Deb 9 November 2011 c290](#)

⁸ [HC Deb 28 November 2012 c228](#)

⁹ [HC Deb 18 Dec 2012 cc768-9W](#)

Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Canada, Czech Republic, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Panama, United States.

Abstain: Albania, Andorra, Australia, Bahamas, Barbados, Bosnia and Herzegovina, Bulgaria, Cameroon, Colombia, Croatia, Democratic Republic of the Congo, Estonia, Fiji, Germany, Guatemala, Haiti, Hungary, Latvia, Lithuania, Malawi, Monaco, Mongolia, Montenegro, Netherlands, Papua New Guinea, Paraguay, Poland, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Singapore, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Togo, Tonga, United Kingdom, Vanuatu.

Absent: Equatorial Guinea, Kiribati, Liberia, Madagascar, Ukraine.¹⁰

The acquisition of non-member observer state status means that Palestine is now able to take part in General Assembly debates.¹¹ It also enabled Palestine to apply for accession to international conventions and treaties. On 2 April 2014, Palestine applied for accession to the following fifteen treaties and conventions:

- The Vienna Convention on Diplomatic Relations
- The Vienna Convention on Consular Relations
- The Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (CRC-OPAC)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- The Convention on the Rights of Persons with Disabilities (CPRD)
- The Vienna Convention on the Law of Treaties
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- The United Nations Convention against Corruption

¹⁰ UN General Assembly Press Release, [General Assembly votes overwhelmingly to accord Palestine 'non-member observer state' status in United Nations](#), 29 November 2012

¹¹ "Q&A: Palestinians' upgraded UN status", [BBC website](#), 30 November 2012

- The Convention on the Prevention and Punishment of the Crime of Genocide
- The International Convention on the Suppression and Punishment of the Crime of Apartheid
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Four Geneva Conventions of 12 August 1949 and the First Additional Protocol
- The Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations Concerning the Laws and Customs of War on Land.¹²

Palestine successfully acceded to five of these treaties on 2 May 2014 (CAT, CERD, CEDAW, CRPD and CRC). It subsequently acceded to CRC-OPAC on 7 May, and ICESCR and ICCPR on 2 July.¹³

Palestine's attempts to accede to the above treaties/conventions led to difficulties in its direct, US-brokered negotiations with Israel. The negotiations, which had been underway since August 2013, sought to make progress towards ending Israel's occupation of the Palestinian Territories. Each side's participation in the talks had been conditional on certain concessions made by the other side: Israel agreed to release 104 Palestinian prisoners, whilst the Palestinians agreed to refrain from upgrading their membership of UN organisations. In early April Israel demanded that the negotiations be placed under "review", and cancelled the release of the final tranche of Palestinian prisoners. This was a response to the Palestinian Authority's decision to resume its campaign for membership of 15 UN organisations; for the Palestinians, the decision to pursue the UN "route" was itself a response to delays in the prisoners' release.¹⁴ The negotiations eventually collapsed in late April 2014, following the decision by Fatah (the dominant faction in the Palestinian Authority) to form a unity government with Hamas, which does not recognise Israel's right to exist. Further details on this are available in [House of Commons Library Standard Note 06927](#).

3.3 2014: speculation as to content of forthcoming draft resolution

In his speech to the UN General Assembly on 26 September 2014, the Palestinian President Mahmoud Abbas said:

During the past two weeks, Palestine and the Arab Group undertook intensive contacts with the various regional groups in the United Nations to prepare for the introduction of a draft resolution to be adopted by the United Nations Security Council on the Israeli-Palestinian conflict and to push forward the efforts to achieve peace.

[...]

This endeavour aspires to correct the deficiency of the previous efforts to achieve peace by affirming the goal of ending the Israeli occupation and achieving the two-State solution, of the State of Palestine, with East Jerusalem as its capital, over the entire territory occupied in 1967, alongside the State of Israel and reaching a just and agreed upon solution to the plight of the Palestine refugees [...], with a specific timeframe for the implementation of these objectives as stipulated in the Arab Peace Initiative. This will be linked to the immediate resumption of negotiations between

¹² UN Secretary General Press Release, [Note to Correspondents in response to questions asked at noon concerning Palestinian letters for accession to international conventions and treaties](#), 2 April 2014

¹³ OHCHR, [Press briefing notes on South Sudan, Ethiopia, United States, Palestine and Thailand / South East Asia](#), 2 May 2014

¹⁴ R Page, [Gaza ceasefire agreement](#), House of Commons Library Standard Note 06969, 1 September 2014

Palestine and Israel to demarcate the borders, reach a detailed and comprehensive agreement and draft a peace treaty between them.¹⁵

However, there is no indication that this resolution will provide for Palestinian membership of the UN. The draft resolution has not yet been published, but on 1 October 2014 Associated Press (which has obtained the draft) reported that:

The draft calls for intensified efforts, including through negotiations, to reach a peaceful settlement of the Israeli-Palestinian conflict and "a just resolution" of the status of Jerusalem as the capital of two states and of the Palestinian refugee problem.

Its key provision calls for "the full withdrawal of Israel, the occupying power, from all of the Palestinian territory occupied since 1967, including East Jerusalem, as rapidly as possible and to be fully completed within a specified timeframe, not to exceed November 2016, and the achievement of the independence and sovereignty of the state of Palestine and the right to self-determination of the Palestinian people."

[...]

The draft resolution calls on the parties to consolidate the Aug. 26 cease-fire agreement that ended the Gaza conflict and refrain from provocative actions, incitement and inflammatory rhetoric, especially with regard to East Jerusalem which the Palestinians want as the capital of their independent state.

It calls for the opening of all border crossings in the Gaza Strip and demands an end to all Israeli military operations, settlement activities, and "collective punishment" of Palestinians. It also calls for stepped up humanitarian assistance to Palestinian civilians and calls on U.N. member states to contribute to the urgent reconstruction and economic recovery of the war-battered Gaza Strip.

The draft also calls for deployment of "an international presence" throughout the Palestinian territories to protect Palestinian civilians.

The Palestinians contend that Israel as an occupying power has a responsibility under the Geneva Conventions to protect civilians in time of war and have failed to do so. They have been quietly seeking support for some outside method of protecting Palestinian civilians.

The draft does not provide any details on what kind of "international presence" the Palestinians are seeking.¹⁶

¹⁵ [Statement by H.E. Mr. Mahmoud Abbas before United Nations General Assembly Sixty-ninth Session, 26 September 2014](#)

¹⁶ ["Palestinians: Israeli occupation must end in 2016", Associated Press, 1 October 2014](#)