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The (in)significance of the UN Palestine vote

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On November 29, 2012, the General Assembly voted overwhelmingly to accord Palestine 'non-Member Observer State' status in the United Nations (UN). The draft resolution on the Status of Palestine at the UN (document A/67/L.28) was adopted by a vote of 138 in favour to 9 against, and 41 abstentions (see map below). Through this procedure, Palestine is now the second non-member observer state (after the Holy See) of the UN. This status entails the right to speak at the UN General Assembly meetings, participate in procedural votes and eligibility to become member in various UN agencies. However, observers are not allowed to vote on resolutions and other substantive matters.

In 1974, the Palestine Liberation Organization (PLO) was granted non-state observer status in the UN and was recognized as the sole representative of the Palestinian people. Therefore, the recent vote meant an upgrade from a non-state observer to a non-member observer state, and from now on Palestinians are no longer represented by the PLO but by the Palestinian state.

Symbolic implications

The UN vote on the status of Palestine took place on the International Day of Solidarity with the Palestinian people, exactly sixty-five years after the UN General Assembly's partition plan (resolution 181) that envisaged the divide of Palestine in two states, one Jewish and the other Arab. The newly adopted resolution 67/19 is undeniably a symbolic victory since it affirms the Palestinian cause for self-determination.

On the diplomatic level, it was also a symbolic success. The world's vast majority sided with the Palestinians, with only 9 countries (including Israel and the US) voting against the upgrade of Palestine's status. Particularly interesting was Europe's position: 14 of its members voted for the Palestinian bid, 12 abstained, and one voted against (Czech Republic). While Europe's 27 votes were never going to decide the outcome, they are an important indicator of potentially changing global diplomacy with regards to Israeli-Palestinian relations.

Practical Implications

As a non-member observer state, Palestine could join treaties and specialized UN agencies, such as the International Civil Aviation Organization, the Law of the Sea Treaty, and the International Criminal Court (ICC)¹. That would give it legal rights over its territorial waters and air space, and would allow Palestinians to appeal for ICC jurisdiction.

With its new status, Palestine may ratify the ICC's founding treaty, the Rome Statute. That could open the door for an investigation to bring war crime charges against Israel, despite intense pressure by countries such as the United States and Britain for the opposite. However, that does not mean that Israeli generals and politicians will be seen soon prosecuted at The Hague. Israel – which originally signed onto the ICC, but then withdrew its signature – has no legal obligation to respect ICC warrants. If the new Palestinian state joins the court, it will be taking on legal duties that Israel does not share.

More importantly, it is highly unlikely that the new resolution will change the reality on the ground. The occupation, the Wall, the illegal settlements, and the enclavization of the Gaza Strip are still on going. In reality, its new status is this of non-member observer state under military occupation. Furthermore, the UN vote led already to two punitive consequences for the Palestinians. First, immediately after the vote, Benjamin Netanyahu announced the illegal construction of thousands of new settlement houses. And second, Israel seized \$120m of Palestinian tax revenues in response to the overwhelming vote. These moves were widely interpreted as retaliation for Palestine's status upgrade.

Conclusion

The UN vote on the Status of Palestine has been of symbolic significance, especially on the diplomatic level. However,

¹ UNESCO has already admitted Palestine in October 2011 as a member state by a vote of 107-14 with 52 abstentions.

