

Palestine's Quest for Full United Nations Membership

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Amidst the ongoing war between Hamas and Israel in Gaza, the United States vetoed Palestine's latest bid for full acceptance as a member State of the United Nations (UN). In the [view of the United States](#), the only way for a stable future between Israel and Palestine is through direct, bilateral negotiations.

Earlier in the week the United Nations Security Council had [unanimously agreed](#) to begin the process to consider Palestine's petition to become a full member State. Ambassador Vanessa Frazier of Malta, who holds the Security Council's rotating presidency for the month of April 2024, acknowledged the lack of objection to initiating the process and announced the Palestinian request would be given immediate consideration.

Earlier, the Security Council met in a private session to discuss giving renewed consideration to Palestine's request for full membership, which it first entered on September 23, 2011. A second, public session was held in which the Security Council approved the proposal to reconsider Palestine's application. Ambassador Frazier then referred the matter to the Security Council's admissions committee for immediate consideration. Thus began a new phase of Palestine's quest for full UN membership.

Palestine's Road to UN Membership

In September 2011, Palestinian Authority President Mahmoud Abbas applied to then-Secretary-General Ban Ki-Moon for an upgrade of Palestine's status in the UN General Assembly from observer to full member State. Abbas cited the UN's 1947 decision to divide the Palestine Mandate into two States—one with a Jewish majority and one with an Arab majority—after the United Kingdom referred the matter to the UN for resolution. Britain had ruled all of Palestine under a mandate from the League of Nations awarded in July 1922 as part of the dismantling of the Ottoman Empire after the First World War. By 1947, however, Britain was exhausted by the Second World War and ready to hand over the increasingly tense situation in Palestine to the UN for resolution. After investigating various alternatives, the UN proposed partition. The UN admitted the Jewish State, Israel, as a member State almost immediately, on May 11, 1949.

More than six decades later, Palestine has yet to be granted full UN member State status. Currently, Palestine maintains the status of non-Member Observer State in the UN General Assembly, a status it was granted on November 29, 2012 in lieu of the full membership it had sought the previous year. As such, representatives of Palestine may participate in and speak at sessions of the General Assembly and its working groups. Palestine is further authorized to maintain a Permanent Observer Mission at the United Nations Headquarters but may not vote in the General Assembly's proceedings or sit as a rotating member of the Security Council.

How are States Admitted to the United Nations?

Article 4 of the United Nations Charter provides that membership in the United Nations is “open to all peace-loving states” that accept the obligations contained in the Charter and which, in the judgment of the member States, are able and willing to carry out these obligations. Article 4 further empowers the member States of the General Assembly to decide on the admission of a new State by vote, after receiving a favorable recommendation from the Security Council.

The application process is initiated when a State submits a letter of application to the Secretary-General stating that it accepts the obligations under the Charter and requests membership. The Secretary-General is required to immediately refer the matter to the Security Council for its consideration. The Security Council then establishes a committee to consider the application, which must report its findings in a timely manner. Once the Security Council receives the committee's report, the representatives of the Security Council's member States vote on whether, in their judgment, the applicant State is both peace-loving and willing and able to carry out the obligations contained in the Charter. To receive a favorable recommendation for admission, the applicant State must receive affirmative votes from at least nine of the fifteen members of the Security Council and must not receive a non-

concurring vote (i.e., a veto) from any of the Council's five permanent members (the People's Republic of China, France, the Russian Federation, the United Kingdom, and the United States).

If the Security Council recommends admission, it forwards the application to the General Assembly with a complete record of its discussion. Alternatively, if the Security Council recommends against membership, it submits a special report to the General Assembly that includes a complete record of the discussion. This process must be completed in advance of the General Assembly's annual meeting in New York, which commences each year in September and is scheduled this year to commence on September 10.

If the Security Council issues a favorable recommendation for the applicant State's admission, the matter is brought before the General Assembly for a vote. To be admitted, the applicant State must receive a two-thirds majority of the votes in the General Assembly. There are currently 193 member States in the United Nations, meaning an applicant State must receive at least 129 affirmative votes to be admitted. If the applicant State receives sufficient votes in the General Assembly, its membership becomes immediately effective.

Is Palestine's Membership on the Horizon?

There are signs that Palestine will not yet see the outcome it has long sought. For instance, while the United States did not veto the Security Council's referral of full membership for Palestine to the admissions committee, the Biden administration has been reluctant to approve full Palestinian UN membership over Israeli objections. American UN Deputy Ambassador Robert Wood stated the American position on April 8, 2024, maintaining that full Palestinian membership is a decision that should be negotiated between the governments of Israel and Palestine. This view underlies the United States' veto on referring the matter to the General Assembly after the Security Council admissions committee issued a favorable recommendation.

Second, the extremely violent terrorist attacks committed by Hamas against more than 1,100 security forces and innocent Israeli civilians on October 7, 2023, leaves genuine questions whether Palestine is truly peaceable or willing and able to accept the UN Charter's obligations. According to updated figures, 695 Israeli civilians were murdered, including 36 children, plus 373 Israeli security forces and 71 foreigners.

Furthermore, Palestine's territory is comprised of two parts, one of which was under the complete control of Hamas and the other in which Hamas retains some political power. Palestine's larger part comprises the West Bank of the Jordan River and East Jerusalem. Palestine's smaller part, the Gaza Strip, sits along the Mediterranean coast separated from Palestine's main territory. It is from the Gaza strip that Hamas launched its October 7th attacks.

Although both parts of Palestine stand under actual or technical occupation by Israel, as a result of the Oslo Accords the current Palestinian government of President Mahmoud Abbas exercises authority in the West Bank portion of Palestine. Under the Oslo Accords, Israel accepted the Palestine Liberation Organization (PLO) as the representative of the Palestinians, and the PLO renounced terrorism and recognized Israel's right to exist in peace. Both sides agreed that a governing authority would be established to govern the West Bank and Gaza Strip. Abbas's government derives its authority from elections held in 2005 pursuant to the Oslo Accords, in which he was elected President. Abbas is a member of the Fatah party, which is the largest faction of what was once the PLO. Since 2005, Abbas has repeatedly postponed further elections in part because of conflict between Fatah and Hamas.

In legislative elections in 2006, Fatah's rival party, Hamas, won a slim majority of the vote to gain a majority of seats in Palestine's legislative Council. This led to the conflict between Fatah and Hamas, the result of which is that since 2006, Hamas exercised *de facto* authority over Gaza and Fatah remains dominant in the West Bank. No new elections have occurred since 2006, leaving both Fatah and Hamas as contending political forces within Palestinian territory. Given Hamas's admitted responsibility for the slaughter of Israeli civilians on October 7, 2023, and Fatah's lack of control over all of Palestine's territory, it would challenge objective consideration to consider the governing forces in Palestine as committed to peace or willing and able to uphold the principles of the UN Charter. Ambassador Wood referred to this reality in justifying the American veto, saying there are "unresolved questions" concerning whether Palestine is truly ready to assume its responsibilities under the UN Charter.

Who Would Represent Palestine?

If Palestine were to be admitted to the UN, given Hamas's influence within Palestine's political system it cannot be ruled out that Palestine would put forward a representative sympathetic to Hamas's use of terrorist violence against Israeli civilians. Accordingly, even if Palestine is admitted to the UN as a member State, it is theoretically possible that its chosen representatives might be barred from taking the newly won seat. Credentialing of a State's representatives is ultimately a matter for the General Assembly to decide, by majority vote, based on recommendations from the Assembly's credentials committee. Questions such as whether a particular representative has been accredited by a government actually in power or whether a particular representative is acceptable to the members of the General Assembly could bar certain individuals from being seated.

That said, despite Hamas's use of terrorist violence, Palestine enjoys considerable support in the General Assembly. One hundred and forty members of the General Assembly have already recognized Palestine's Statehood, and in 2012 it was the General Assembly that voted to accept Palestine as a non-Member Observer State after full membership failed to receive sufficient votes in the Security Council. Palestine even enjoys support among

permanent members of the Security Council. The United States was forced to veto the motion to move Palestine's application for full UN membership because twelve of the fifteen Security Council members voted in favor, including a favorable vote from permanent members Russia, China, and France, and an abstention from the United Kingdom.

Concluding Thoughts

Despite Palestine's broad international support, its application for full member State status in the UN will continue to face roadblocks as long as the government of the United States remains convinced that authorities in Palestine will employ acts of terrorism or aggression to achieve their aims. To be admitted, article 4 of the UN Charter clearly requires States to be peace-loving and to carry out the other purposes of the Charter, including the prohibition against armed attacks. The shocking events of October 7, 2023, and the war they unleashed, make clear Palestine is not yet ready to assume these obligations.

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