General Assembly grants Palestine 'Non-Member Observer State' status
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On November 29, the anniversary of the General Assembly resolution on the partition of Palestine and the International Day of Solidarity with the Palestinian People, the General Assembly voted overwhelmingly in favor of a resolution granting Palestine the status of “non-member observer state”. In 2011, the Palestinian’s bid for recognition as a full member of the United Nations stalled when it was unable to garner sufficient support in the Security Council, and faced the threat of a veto from the United States. [1] However, unlike the bid for full membership, recognition as an observer state only required a simple majority of the 193 Member States of the General Assembly. [2]

The resolution was approved with 138 states voting in favour, 9 against and 41 abstentions. Five States did not vote. [3] The United States, Canada, the Czech Republic, Palau, Nauru, Micronesia, the Marshall Islands, Panama and Israel voted against the resolution [see full vote record here]. European Union (EU) countries were almost evenly split between voting for and abstaining, with only the Czech Republic voting against. This was a significant change from the EU votes last year on Palestine’s membership in UNESCO, showing a marked increase in support. [4] The majority of African, Asian and Latin American and Caribbean States voted in favour of the resolution. [5]

Sudan introduced the draft text. In addition to Mahmoud Abbas, Chairman of the Executive Committee of the Palestinian Liberation Organization and President of the Palestinian Authority, and Ron Prosor, the Ambassador of Israel to the UN, 40 States spoke at the adoption of the resolution. [6] Israel expressed that the resolution will not confer statehood on the Palestinian Authority, will not enable it to join international treaties, organizations, or conferences, and cannot serve as terms of reference for peace negotiations because it says nothing about Israel’s security needs.

Mr Abbas did not make any specific reference to other international bodies or treaties that Palestine would aim to join, including the International Criminal Court (ICC). Many States have expressed concern in recent days that such action by Palestine would jeopardize the peace process. However, human rights groups are urging States that have been pressing Palestine to forgo membership in the ICC to end such pressure and support universal ratification of the ICC treaty.

Of the nine States that voted against the resolution, only Canada, the USA and the Czech Republic spoke. All shared the view that the resolution undermined the prospects for a two-state solution and that peace can only be achieved through direct negotiations. Of the 41 countries that abstained, many expressed concern that the resolution would have an adverse impact on negotiations. In addition, many States that voted in favor of the resolution affirmed that this was not a formal recognition of Palestine as a State. [7] Presumably referring to the potential for Palestine to pursue action against Israel at the ICC, many expressed concern that ‘unilateral actions’ are counter-productive and threaten the viability of the two state solution. Others, including the UK, Japan and Italy, referred more overtly to the ICC issue, with the UK stating that it abstained for lack of assurances that Palestine would forego such actions.

Though attention has been focused on the ICC, a significant development for human rights defenders is the fact that Palestine’s new status may also open the door for ratification of core human rights treaties. Human rights treaty-monitoring and reporting would be an important development towards promoting and protecting the rights of Palestinians in the West Bank and Gaza.

[1] According to Article 4 of the UN Charter, full membership requires a recommendation by the Security Council. See also XIV of the UN Rules of Procedure.
The granting of observer status is based purely on practice, and there are no provisions for it in the UN Charter. The practice dates from 1946, when the Secretary-General accepted the designation of the Swiss Government as a Permanent Observer to the UN. Observers were subsequently put forward by certain States that later became UN Members, including Austria, Finland, Italy, and Japan. The Holy See is currently the only other observer State.

Equatorial Guinea, Kiribati, Liberia, Madagascar, and Ukraine.

Compared to the UNESCO vote in 2011, five EU countries switched from abstain to yes (Italy, Denmark, Switzerland, Portugal and Georgia); three EU countries switched from no to abstain (Germany, Netherlands, and Lithuania); and one country switching from no to yes (Sweden).

In Africa, only Cameroon, the Democratic Republic of the Congo, Malawi, Rwanda and Togo abstained. Equatorial Guinea, Liberia and Madagascar did not vote. Of 54 Asian States, only eight abstained (Fiji, Mongolia, Papua New Guinea, Korea, Samoa, Singapore, Tonga, Vanuatu), four voted no (Marshall Islands, Micronesia, Nauru, Palau) and Kiribati did not vote. In GRULAC only six States abstained (Bahamas, Barbados, Colombia, Guatemala, Haiti, and Paraguay) and Panama voted no.

Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Indonesia, Italy, Jamaica, Japan, Korea, Mauritius, Mexico, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Romania, Serbia, Singapore, South Sudan, Spain, Sudan, Switzerland, Tanzania, The Russian Federation, Turkey, United Kingdom, USA.

Including Belgium, Germany, Denmark, New Zealand, Norway and Papa New Guinea. As of November 2012, 131 States had formally recognized the State of Palestine.