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## Status of Palestine

Updated 1 August 2013

### Background

Palestine's status in the United Nations has evolved considerably over last half-century. Beginning as an Observer Mission of a national liberation organization, the Palestine Liberation Organization, now as an Observer State. Palestine remains committed to obtaining full United Nations membership – taking its natural place in the international community, among the community of nations.

The Charter of the United Nations is silent on the issue of observer status. The issue rests purely on practice and has been set on a firm legal basis through discussions, decisions and practice of the General Assembly. There is more than one type of observer, which includes non-member States; national liberation movements; intergovernmental organizations and other entities as well.

Rights and privileges of observers vary and precedents refer to a broad spectrum of "activities" or "power". Variations stem from the different process of acquisition of observer status, the language of the relevant General Assembly resolution granting the observer status and any additional resolution(s) granting more rights and privileges to a particular observer, as well as the established practice in this regard, including the interpretation by the Secretariat of those resolutions.

These variations manifest themselves through differences in access to U.N. principal organs, U.N. subsidiary organs and U.N. conferences; differences in access to the areas and facilities provided for participation in the U.N. system; differences in participation in substantive issues and participation in procedural issues; and finally differences on issues related to immunities and privileges.

The U.N. recognized national liberation movements and granted observer status to them. Such recognition originates from the policy of decolonization, particularly in Africa. The significance of the participation of national liberation movements has not only been in areas concerning decolonization and the right to self-determination but also in areas of economic and social concerns. They have been perceived as authoritative governments that are responsible for the social and economic well-being of their people.

Since 1948, seventeen non-member States maintained Permanent Observer Missions to the U.N. Switzerland was the first and the same process that was followed in the case of other non-member States. At present, only two non-member States maintain observer missions at U.N. headquarters, namely the State of Palestine and the Holy See. All other observer States eventually became full Members of the United Nations.

### Palestine Liberation Organization

In May 1964, the Palestine National Council sent formal notification to the U.N. Secretary-General regarding the establishment of the PLO and, in October 1965, the Special Political Committee, at the request of some Arab

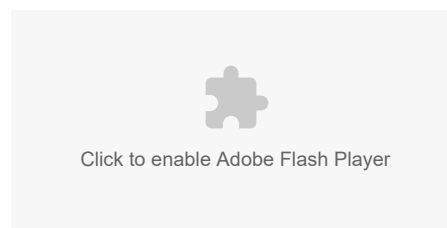


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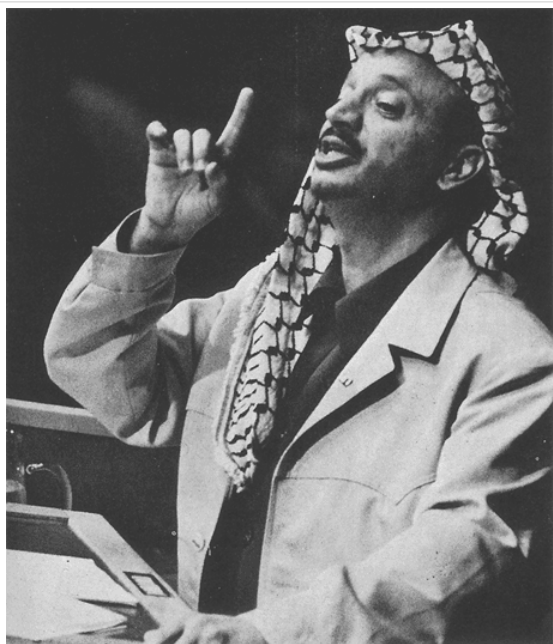
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states, decided that a PLO delegation be allowed to attend meetings of the Committee and present a statement, without implying recognition. The PLO participated in the discussions of the Committee under the agenda item of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in much the same way until 1973.

On 10 December 1969, the General Assembly adopted resolution 2535 B (XXIV), which reaffirmed the inalienable rights of the people of Palestine. On 8 December 1970, the General Assembly adopted resolution 2672 C (XXV), which recognized that the people of Palestine are entitled to equal rights and self-determination in accordance with the Charter of the U.N.

On 12 December 1973, the General Assembly adopted resolution 3102 (XXVIII), which, *inter alia*, urged that national liberation movements be invited to participate as observers in the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. In May 1974, the Economic and Social Council (ECOSOC) adopted resolution 1835 (LVI) and 1840 (LVI), inviting representatives of national liberation movements recognized by the Organization of African Unity and/or the League of Arab States to participate without the right to vote in the World Population Conference and the World Food Conference, respectively. These conferences invited the PLO to participate and, by late 1974, the PLO had already participated as an observer in several other international conferences, such as the Third U.N. Conference on the Law of the Sea.

On 14 October 1974, the General Assembly, through resolution 3210 (XXIX) recognized the PLO as the representative of the Palestinian people and invited it to participate in the deliberations of the General Assembly on the Question of Palestine in plenary meetings. Accordingly, Yasser Arafat addressed the Assembly on 13 November 1974. With the exception of the ceremonial occasion when Pope Paul VI addressed the Assembly, he was the first representative of an entity other than a member state to address the Assembly.



"Today I have come bearing an olive branch and a freedom-fighter's gun. Do not let the olive branch fall from my hand. I repeat: do not let the olive branch fall from my hand." 13 November 1974 – New York

[Listen to Yasser Arafat's Statement \(Arabic\)](#)

[Part 1](#) – [Part 2](#)

On 22 November 1974, the General Assembly adopted resolution 3237 (XXIX) granting observer status to the PLO (mentioned above). The PLO has established a permanent observer mission since 1974 at U.N. headquarters in New York and another one in Geneva.

On 8 May 1975, ECOSOC adopted resolution 1949 (LVIII), amending rule 73 of its rules of procedure to provide for the participation of national liberation movements as observers in the deliberations of the Council. In April 1977, the

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Economic and Social Commission for Western Asia (ESCWA) adopted resolution 36 (IV), recommending to ECOSOC the amendment of ESCWA's terms of reference so that the PLO could be included in its membership. In July 1977, ECOSOC adopted the recommendation in resolution 2089 (LEXIS) and the PLO became a full member of ESCWA.

On 4 December 1975, at its 1859 th meeting, the Security Council considered a request by a Member State (Egypt) for the participation of the PLO in the debate of the Council. The request was not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Council. The Security Council decided on that day by a vote that an invitation should be extended to the representative of the PLO to participate in the debate and that the invitation would confer upon it the "same rights of participation as are conferred when a Member State is invited to participate under rule 37." That invitation, upon vote by the Council, was repeated henceforth on numerous occasions.

On 23 September 1982, in a letter to a private counselor-at-law, the Office of Legal Affairs stated "as indicated above, a review of the procedural practice of the United Nations shows that the Palestine Liberation Organization now has a unique status in the United Nations with extensive and continuing rights of participation. Even outside the United Nations framework, the overwhelming majority of states formally recognize the PLO as the representative of the Palestinian people and have established direct links with it on a bilateral basis, sometimes even granting it full diplomatic status". On 2 April 1986, the Asian Group of the U.N. decided to accept the PLO as a full member.

In resolution 43/160A of 9 December 1988, adopted under the agenda item entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or the League of Arab States", the Assembly decided that the Palestine Liberation Organization was entitled to have its communications issued and circulated as official documents of the United Nations. The same right was also granted to SWAPO in the same resolution. To date, no other observer enjoys that right.

On 2 March 1988, the General Assembly, in a resumed session, adopted resolution 42/229 A & B, which reaffirmed that the Permanent Observer Mission of the PLO to the UN is covered by the United Nations Headquarters Agreement and which called upon the U.S. to abide by this agreement. In resolution B, the Assembly decided to ask the International Court of Justice (ICJ) for an advisory opinion. Several other resolutions were adopted later in this regard until the [U.S. ceased its attempts to close down the PLO Mission to the U.N.](#)

## **Palestine**

That same year, in resolution 43/177 of 15 December 1988, the General Assembly acknowledged the proclamation of the State of Palestine by the Palestine National Council on 15 November 1988 and decided, inter alia, that the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system.

On 9 February 1989, at its 2845 th meeting, the Security Council considered a request made directly by the Observer Mission of Palestine for the participation of the Observer of Palestine in the debate of the Council. Again, the request was not made pursuant to rule 37 or rule 39 and the Security Council decided by a vote to invite the Observer of Palestine to participate "with the same rights of participation of rule 37 ." That invitation, upon vote by the Council, was repeated henceforth on numerous occasions.

On 28 February 1994, at its 3340 th meeting, the same request was made by the Observer Mission of Palestine and, after negotiations aimed at accepting the request without a vote, the Council decided to invite the Observer of Palestine to participate in the current debate of the Council "in accordance with the rules of procedure and the previous practice in this regard." That invitation was also repeated on numerous occasions.

On 9 November 1994, the General Assembly adopted without a vote resolution 49/12, approving the Report of the Preparatory Committee for the Fiftieth Anniversary of the United Nations. In that report, the Committee authorized its Chairman to send a letter to the Permanent Observer of Palestine, confirming that the arrangements mentioned in General Assembly resolution 48/215B of 1994 for the Special Commemorative Meeting of the

General Assembly on the occasion of the Fiftieth Anniversary of the U.N., in addition to applying to all member and observer states, shall also apply to Palestine, in its capacity as observer. Further, the Assembly adopted resolution 49/12B of 30 May 1995, which included Palestine, in its capacity as observer, along with member and observer states in the organizing process of the list of speakers for the Commemorative Meeting.

On 7 July 1998, the General Assembly overwhelmingly adopted resolution 52/250 entitled: Participation of Palestine in the work of the United Nations . The resolution conferred upon Palestine additional rights and privileges of participation that had previously been exclusive to Member States. These include the right to participate in the general debate held at the start of each session of the General Assembly, the right to cosponsor resolutions and the right to raise points of order on Palestinian and Middle East issues. The resolution also changes the seating of Palestine to a location directly after non-Member States, with the allocation of six seats for delegates (observers get two seats). The resolution also makes several important improvements related to participation in the debate under different agenda items. In short, the resolution upgraded Palestine's representation at the UN to a unique and unprecedented level, somewhere in between the other observers, on the one hand, and Member States on the other.

On 28 October 1998, Mr. Yasser Arafat, addressed the 53 rd General Assembly plenary under agenda item: General Debate. This marked the first time in the history of the UN that an entity that is not a member state participated under that item. Palestine's participation was without restrictions with regard to speaking order in the debate. During the 53 rd Session of the General Assembly, Palestine also co-sponsored 21 resolutions and one decision. Both of these were direct results of resolution 52/250.

In November 1998, the U.N. secretariat made some changes regarding Palestine in the book of Permanent Missions to the United Nations ("the Blue Book"). The location of the category under which Palestine is listed was moved and placed immediately after non-member states and before the inter-governmental organizations. The title of Palestine's category was also changed to "Entities Having Received a Standing Invitation to Participate as Observers in the Sessions and the Work of the General Assembly and Maintaining Permanent Observer Missions at Headquarters " instead of "Organizations Having received a standing invitation to participate as observers in the sessions and work of the General Assembly . . ." Earlier, the word " Office " was used instead of " Mission ." Another such change, at the request of the Mission, was the use of the title " Ambassador " in conjunction with "Permanent Observer of Palestine " .

### **State of Palestine**

On 23 September 2011, Mr. Mahmoud Abbas, in his capacity as President, submitted on behalf of the State of Palestine, an [application for United Nations Membership to Secretary-General, Mr. Ban Ki-moon, contained in S/2011/592](#). In accordance with the Charter of the United Nations, the Secretary-General then forwarded the application to the President of the Security Council (Lebanon). After numerous deliberations of the standing Committee on the Admission of New Members of the Security Council, on 11 November 2011, [the Council adopted its report, S/2011/705](#), in which many Council members expressed support for, as well as two Members which did not support Palestine's application, including one Permanent Member, the United States; therefore the Committee was unable to make a unanimous recommendation to the Security Council. Palestine's application remains before the Security Council awaiting a positive recommendation.



President Abbas holds Palestine's Application for UN Membership during his Statement during the 66th General Debate

On 31 October 2011, the United Nations Educational, Scientific and Cultural Organization (UNESCO) accepted Palestine as its 195<sup>th</sup> Member State with 107 in favor, 14 against and 52 abstentions. Palestine becoming a State member of a U.N. specialized agency now allowed Palestine to be considered under the "Vienna Formula", Member States of the United Nations or States members of the specialized agencies, which is used to determine which States can be invited to participate in various Diplomatic Conferences and Treaties.

On 23 November 2011, the Minister of Foreign Affairs of the State of Palestine, Dr. Riad Malki, signed and deposited an instrument of ratification for the UNESCO Constitution at the Ministry for Foreign Affairs of the United Kingdom. The UK functions as treaty depository for the UNESCO Constitution.

#### **Raising of the Flag of the State of Palestine at UNESCO**

13 December 2011

On 29 November 2012, the General Assembly adopted [resolution 67/19](#) entitled "[Status of Palestine in the United Nations](#)" with 138 votes in favor, 9 against and 41 abstentions. The resolution accorded to Palestine non-Member observer State status in the United Nations, marking the first time that the General Assembly considered Palestine to be a State. The rights and privileges of Palestine in the work of the United Nations remained the same as they were enhanced by resolution 52/250, which gave Palestine maximum rights without becoming a Member of the United Nations.

**Watch the proceedings which granted Palestine non-Member observer State status:**

On 12 December 2012, the Permanent Observer Mission of Palestine sent a letter to the U.N. Secretariat that recalled resolution 67/19 and requested that in all U.N. documentation including “the Blue Book” Palestine’s designation be changed to “State of Palestine” and that H.E. Mr. Mahmoud Abbas is the President of the State of Palestine. On 17 December 2012, the Secretariat replied to the Mission and confirmed all the changes and now lists Palestine under category II, after the Holy See, as a “Non-member State having received a standing invitation to participate as observer in the sessions and the work of the General Assembly and maintaining permanent observer mission at Headquarters.”

In March 2013, the Secretary-General of the United Nations issued his report, A/67/738, pursuant to resolution 67/19, which reconfirmed the Status of Palestine in the United Nations and the State of Palestine’s fulfillment of the “all States” and “Vienna” formulas allowing the State of Palestine to participate in many Diplomatic Conferences and Treaties which are open to States other than the Members of the United Nations.



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