



## Why Ireland should support UN membership for a Palestinian state

In November 1988, the Palestine Liberation Organisation (PLO) declared the establishment of a Palestinian state on the 1967 borders, that is, in the West Bank, including East Jerusalem, and Gaza – the Palestinian territories Israel has occupied by force since 1967 [\[1\]](#).

With this declaration, Palestinians accepted the objective of a state on just 22% of their historic homeland, with Israel continuing to exist in the other 78%. Since then, the way has been open for a “two-state solution”. But, it has been impossible to achieve because Israel has refused to withdraw from the territory meant for a Palestinian state.

In response to this declaration in 1988, close to a hundred states in the world recognised a Palestinian state and granted it full diplomatic relations. Other states, including Ireland, while not going as far as recognition, established some form of diplomatic relations with it. In January 2011, Ireland upgraded Palestinian representation in Dublin to that of a Mission.

Palestinians are now seeking the ultimate form of international recognition for their state, that is, UN membership. Writing in the New York Times on 17 May 2011, PLO Chairman, Mahmoud Abbas, made the following appeal:

“We call on all friendly, peace-loving nations to join us in realizing our national aspirations by recognizing the State of Palestine on the 1967 border and by supporting its admission to the United Nations.” [\[2\]](#)

An application for UN membership must first be recommended by the Security Council, where it may be subject to a US veto, and then approved by the General Assembly by a two-thirds majority of members present and voting (see Article 4 of the UN Charter [\[3\]](#)).

If the US vetoes UN membership in the Security Council, Palestinians are expected to apply for observer rights at the UN as a “non-member state”, which requires a simple majority in the General Assembly and cannot be blocked by the US.

As far back as 1974, the General Assembly recognised the PLO as “the representative of the Palestinian people” and granted it observer rights at the UN. At present, Palestine has a permanent mission at the UN with observer rights, but as a liberation movement, not as a state with internationally recognised territory.

We in Sadaka believe that Ireland should support UN membership for a Palestinian state on the 1967 borders.

In the UN General Assembly this autumn, Ireland should vote for UN membership for Palestine, if the opportunity arises, or alternatively for observer rights for Palestine at the UN as a “non-member state”.

### Putting pressure on Israel

The purpose of this Palestinian initiative is to maximise international pressure on Israel to withdraw from the occupied territories and make way for the creation of a Palestinian state.

The experience of the past 22 years, since Palestinians announced their willingness to settle for a state in 22% of their historic homeland, demonstrates that Israel will not withdraw unless it is subject to external pressure.

In that period, Israel has consolidated its control over the West Bank, including East Jerusalem. In 1988, around 190,000 Jewish settlers lived there. Today, there are around 500,000. The construction of settlement-related infrastructure, such as the network of settler bypass roads and tunnels, the Jerusalem Light Rail and the Wall that snakes in and out of the West Bank, have strengthened links between Israel and its settlements in the occupied territories. All of this activity is contrary to international law, specifically to the 4<sup>th</sup> Geneva Convention.

These are not the actions of a state that is preparing to withdraw from the occupied territories to allow a Palestinian state to be established. On the contrary, they are the actions of a state that is intent upon holding on permanently to these territories and preventing the creation of a Palestinian state.

Tánaiste and Minister for Foreign Affairs and Trade, Eamon Gilmore, acknowledged this on 13 July 2011, when he told Dáil Éireann:

“The continuing Israeli military occupation of the Palestinian territories is at the heart of the unresolved Arab-Israeli conflict. ... It is the continuing occupation, and the creation and growth of illegal settlements on the occupied lands, which are now the major obstacles to peace.” [\[4\]](#).

It is clear that, whereas Palestinians are prepared to settle for a state in 22% of mandatory Palestine, Israel is not willing to settle for a state in the other 78%. A Palestinian state will not come about unless external pressure is brought to bear on Israel to withdraw from the occupied territories.

### Netanyahu says NO, NO, ...

If there be any doubt about Israel's unwillingness to withdraw, it was surely removed by Prime Minister Netanyahu's speech to the US Congress on 24 May 2011 [\[5\]](#), when he said NO to a return to the 1967 borders, NO to military withdrawal from the Jordan River (so a future Palestinian state would be completely encircled by Israeli armed forces), NO to a Palestinian capital in East Jerusalem, and NO to even a symbolic return of some refugees.

There has rarely been a more straightforward statement by an Israeli leader that Israel is determined to hold on permanently to parts (at least) of the territory it acquired by force in 1967. For Israel to do so would violate the long established principle of international law that the acquisition of territory by military conquest is inadmissible, as the Security Council has stated on many occasions in relation to Palestine. For example, resolution 242, passed in November 1967, emphasised “the inadmissibility of the acquisition of territory by war” [\[6\]](#).

In these circumstances, it is imperative that the international community reaffirm its commitment to a Palestinian state on the 1967 borders and re-emphasise that Israel cannot acquire territory by military conquest. The admission to UN membership of a Palestinian state on the 1967 borders would send a powerful signal of the will of the international community in these matters.

### **Ireland's experience**

Ireland should be especially sensitive to the predicament in which Palestinians find themselves today. In December 1918, Sinn Féin won a landslide victory in Ireland in the UK General Election, on a platform stating that their elected representatives would not take their seats in the UK Parliament but instead would convene in Dublin as Dáil Éireann and found an Irish Republic.

They duly met on 21 January 1919 and issued (a) a Declaration of Independence [\[7\]](#) and (b) a Message to the Free Nations of the World [\[8\]](#) seeking international recognition for the new state. The Message began:

“The Nation of Ireland having proclaimed her national independence, calls through her elected representatives in Parliament assembled in the Irish Capital on January 21st, 1919, upon every free nation to support the Irish Republic by recognising Ireland's national status and her right to its vindication at the Peace Congress [in Versailles].”

At that time, Ireland was under British occupation. The new state sought international recognition before it had actual control of its territory. The occupying power used its influence to block the consideration of Ireland's case for statehood at Versailles.

The similarity with the Palestinians' present predicament is obvious, with Israel/US blocking their path to statehood. Can Ireland, which sought international recognition while not in control of its territory, refuse to recognise a Palestinian state today, on the grounds that it doesn't control its territory? Surely not.

Over thirty years ago, Ireland was the first EU member state to support the establishment of a Palestinian state and, since then, it has played a leading role in promoting that objective. Is Ireland going to oppose this latest Palestinian initiative aimed at bringing about a Palestinian state? Surely not.

It is certain that at the UN in the autumn a large majority of states will back UN membership for a Palestinian state on the 1967 borders, if they get the chance. If the Palestinian application for UN membership fails, it will be because of the veto power of the US (and perhaps other states) in the Security Council. Is Ireland going to stand with the minority of powerful states in this world that refuse to apply pressure on Israel to end the occupation? Surely not.

### **Israel's world record**

Israel holds the world record for violating Security Council resolutions. It is in breach of over 30 Security Council resolutions that require action by it and it alone, dating back to 1967 [\[9\]](#). If it had implemented those resolutions, it would have

- removed all Jewish settlements from the West Bank, including East Jerusalem,
- reversed its annexations of East Jerusalem and the Golan Heights, and
- allowed the International Atomic Energy Agency (IAEA) to inspect its secret nuclear facilities.

So it would be a triumph of hope over experience to expect Israel to withdraw from the occupied territory, just because the UN admitted Palestine as a member state or granted it observer rights as a “non-member” state.

Nevertheless, any external pressure on Israel to end the occupation is to be welcomed.

### **End Israel’s military dictatorship**

Speaking to AIPAC (American Israel Public Affairs Committee) in Washington on 23 May 2011, Prime Minister Netanyahu expressed enthusiastic support for the spread of democracy in the Middle East. He told his AIPAC audience:

“What the people of Israel want is for the people of the Middle East to have what you have in America, what we have in Israel -- democracy.” [\[10\]](#)

Palestinians living in the occupied territories will be puzzled by Mr Netanyahu’s belated enthusiasm for democracy in the Middle East. They have had to endure Israeli military dictatorship for 44 years, without Israel showing the slightest concern for their democratic rights.

If dictatorship is unacceptable in Arab states in the Middle East today, then it is surely unacceptable in the occupied Palestinian territories as well.

At present, only Jewish settlers in the occupied territories enjoy democratic rights, including the right to vote in Knesset elections.

Basically, there are two options for ending Israel’s 44-year military dictatorship over Palestinians in the occupied territories.

Israel can create a single state in mandate Palestine and accord Palestinians in the occupied territories the same democratic rights as the Jewish settlers living in their midst (and as people living in Israel today). A single state along these lines would not have a Jewish majority.

Alternatively, Israel can withdraw to the 1967 borders and allow a democratic Palestinian state to come into being. An overwhelming vote at the UN in favour of statehood for Palestine is one way of putting pressure on Israel to bring this about.

### **A unilateral act?**

The US and Israel are opposed to this Palestinian initiative to seek UN membership for a state on the 1967 borders. They claim that the only way to bring about a Palestinian state is through negotiations between Israel and the Palestinians, despite the lack of success after nigh on two decades of trying. They say that the UN initiative is a unilateral act on the part of Palestinians which is getting in the way of negotiations.

In a letter to the Irish Times on July 2011, Ruth Zakh, the Israeli Deputy Ambassador to Ireland went so far as to say that as a result of the Palestinian initiative:

“The interim agreement from 1995, expressly prohibiting unilateral action by either side, would be breached.” [\[11\]](#)

The interim agreement to which she is referring is the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* [\[12\]](#) (aka Oslo II), signed on 28 September 1995, Article XXXI (7) of which states:

“Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.”

It takes a brass neck of enormous proportions for a representative of Israel to complain about Palestinians changing the status of the occupied territories in breach of this agreement when Israel has breached it every day since it was signed, notably by relentless settlement expansion.

Ruth Zakh also complains that the Palestinian initiative “undermines all internationally accepted frameworks for peace, including ... the Peace Roadmap”. Under the Roadmap, accepted by Israel on 25 May 2003, Israel was supposed to “freeze all settlement activity (including natural growth of settlements)” [\[13\]](#). Israel has driven a coach and horses through the Roadmap from the moment it signed up to it.

### UN inappropriate?

The US and Israel also imply that it is somehow inappropriate for Palestinians to take their case for statehood to the UN.

But it is hard to imagine a more relevant matter for the UN to act upon. Article 1 of the UN Charter defines “the purposes of the UN” to be, inter alia

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;” [\[14\]](#)

In the light of this, how can self-determination for the Palestinian people not be an appropriate agenda item for the UN?

Israel’s own legitimacy as a state is derived from UN General Assembly Resolution 181 [\[15\]](#), passed in November 1947, which proposed the partition of mandate Palestine into two states, a Jewish state in 56% of the land and an Arab state in 44% (with a small area around Jerusalem under international control).

The role of the UN in the birth of Israel is acknowledged in the Declaration of the Establishment of the State of Israel made on 14 May 1948, which states:

“On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required

the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.” [\[16\]](#)

Resolution 181 recommended that “when the independence of either the Arab or the Jewish State as envisaged in this plan has become effective ... sympathetic consideration should be given to its application for admission to membership in the United Nations”. In May 1949 Israel's application for UN membership was accepted.

If the UN had a role in the creation of the Israeli state, why is it inappropriate for it to have a role in the creation of a Palestinian state at this time?

### **Generous compromise**

In 1948, Israel expanded by force the 56% of mandate Palestine assigned to a Jewish state by the UN General Assembly to include more than 78% of mandate Palestine, expelling around 750,000 Palestinians into the rest of Palestine and the surrounding Arab states, where they and their descendants live today. In 1967, Israel took over by force the remaining 22% of mandate Palestine – the Gaza Strip and the West Bank, including East Jerusalem. The West Bank, including East Jerusalem, has been under Israeli military occupation ever since.

With their 1988 declaration of a Palestinian state on the 1967 borders, Palestinians adopted the objective of establishing a Palestinian state on only 22% of their historic homeland, with the Israeli state continuing to exist in the other 78%. This was an extraordinarily generous compromise on the part of Palestinians.

In 2002, the Arab League unanimously endorsed proposals for a comprehensive settlement in the Middle East [\[17\]](#), based on a “two-state solution” along these lines. This Arab initiative included the normalization of relations between Israel and the Arab state members of the League, with the prospect of ending Israel's political and economic isolation in the Middle East. The proposal was also endorsed by the Organisation of the Islamic Conference, which has 57 member states.

Israel has never bothered to reply to this Arab initiative, let alone seek to negotiate a comprehensive settlement based on it, despite the great benefits that could flow to Israel from such a settlement with its neighbours in the region. It is difficult to avoid the conclusion that Israel is simply unwilling to pay the basic price for such a settlement, that is, withdrawal to the 1967 borders.

The admission to UN membership of a Palestinian state on the 1967 borders would send a powerful signal to Israel from the nations of the world that it must withdraw to the 1967 borders, that it cannot hold on permanently to territory that it acquired by force in 1967 and that it must allow the creation of a Palestinian state on the 1967 borders.

**David Morrison**  
**5 September**

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*Sadaka supports a peaceful settlement in Israel/Palestine based on the principles of democracy and justice, be that in two states or in one state. We maintain an independent position on internal politics within Palestine, favouring neither Fatah, Hamas nor any other Palestinian political organisation.*