**The question of Palestine’s UN membership**

Israel’s war on Gaza has raised several ethical, political, and diplomatic questions. One diplomatic development that has attracted a lot of interest is Palestine’s renewed application for membership of the United Nations (UN). Ironically, its quest is stuck at the UN Security Council (UNSC) due mainly to the geopolitical calculations of the U.S., which argued that membership should follow and not precede a negotiated solution to the long-standing conflict.

This is not the first time that Palestine has attempted to obtain UN membership. In 2011 too, its request was opposed by the veto-bearing U.S. in the UNSC. Since then, Palestine enjoys only non-member observer status.

This year, in April, after the UNSC failed to agree on Palestine’s request because of the lone veto cast by the U.S. in its capacity as a permanent member, the UN General Assembly (UNGA) stepped in to voice support to the Palestinian application. On May 10, the UNGA overwhelmingly adopted a resolution affirming Palestine’s eligibility to assume full membership in the UN. It also urged the UNSC to favourably consider Palestine’s request.

Norms and politics

The UN requires membership seekers to be “peace loving” states and to be able and willing, in its judgment, to carry out the obligations of the Charter. While the criteria were liberally interpreted, the procedural threshold laid down for admission turned out to be decisive and difficult, and was dictated by the political exigencies of the five permanent members (P5) in the UNSC at any given time. As such, membership applications require recommendation without the express opposition of any of the P5 before the UNGA accepts the admission request. In other words, the UNSC’s recommendation is ruled out if any of the P5 casts a negative vote by exercising their veto power, whereas no such veto power applies in the UNGA except that the decision should be cleared by a two-thirds majority.

When Cold War politics stalled numerous admission requests in the UNSC in early years, the UNGA sought the World Court’s opinion on whether the UNGA had the power to admit states in the absence of the UNSC’s recommendation. The Court ruled in 1948 that the UNSC’s recommendation is a prerequisite for the UNGA to exercise its power. Subsequently, the deadlock in the UNSC was broken to recommend all pending applications. This marked successive decades of steady increase of the total membership from the 51 founding members to 193 today. It would not be off the mark to note that membership of the UN is invariably viewed as a sought-after confirmation of sovereign statehood of the countries which gained independence from foreign rule or occupation.

The example of Mongolia is comparable to Palestine’s plea. When Mongolia’s membership application was stuck in the UNSC, the UNGA intervened with a resolution similar to what was done in the Palestine case, suggesting that Mongolia deserves a favourable recommendation by the UNSC. Eventually Mongolia became a member in 1961.

India’s approach

India joined 142 member countries in supporting the UNGA in the May 2024 resolution favouring Palestine’s case for membership. India opined that membership status could enhance the prospect of a two-state solution to the protracted Israel-Palestine conflict. Notably, India’s position to the membership question is now entirely in line with the approach articulated during the Nehruvian era — that UN membership should be open to all state applicants without discrimination. In fact, there is not a single instance of India opposing any country’s membership so far. India supported Pakistan’s admission to the UN in 1947 and also representation of the People’s Republic of China’s in 1971, despite a prolonged border conflicts with the latter.

While it is true that the U.S. or the former USSR/Russian Federation stood in the way of many applicants’ prospects of becoming UN members, China is not free from blame either. After being seated in the UNSC in 1971, the People’s Republic of China vetoed newly liberated Bangladesh’s membership application.

What is the way forward?

Clearly Palestine cannot assume full membership bypassing the UNSC and the U.S. China and Russia are apprehensive that such bypassing could become a precedent for the admission of Taiwan or Kosovo later. In a less likely scenario, the U.S. might refrain from casting yet again its veto or abstain from voting, as an expression of displeasure with Israel for ignoring its advice to cease attacks against Gazan civilians, thereby paving the way for the UNGA’s approval of Palestine’s membership. Israel might protest and quit the UN. If the UNSC stalemate continues, the UNGA could possibly consider keeping Israel out of its deliberations. Such a bold tactical move, which is short of Israel’s suspension or expulsion that would be impractical without the UNSC’s recommendation, has precedents. South Africa in the apartheid era and the Serb Republic of Yugoslavia during the brutal ethnic cleansing era were barred from participating in the UNGA.

Apart from these theoretical options, accretion of participatory privileges to Palestine, just short of the power to vote in the UNGA and eligibility to be elected to other major principal organs of the UN, from September would signal that might cannot become right in this age.