

UNDERSTANDING GERSHON BASKIN:

Gershon Baskin advocates imposing the two-state solution in the United Nations:

- Baskin calls for the Palestinian leadership to send a letter to the President of the Security Council asking the UNSC to recommend to the GA full UN membership for the State of Palestine based UN resolutions 181, 242, 338. Below are the possible current voting scenarios which may appear if this happens (See Figure 1);
- If the UNSC votes in favor of recommending to the GA UN membership for the State of Palestine, the GA will follow suit. The UNSC can set the borders of Palestine on the Green line, as it set numerous borders in history, such as the 33rd parallel between the two Koreas, and recently the “blue line” between Lebanon and Israel. Palestine has very strong support in the GA. If the US votes in favor, or even abstains in the SC, the vote in the GA could be possible to reach 185 in favor and 7 against/abstaining, the usual suspects are US, Israel, Marshall Islands, Palau, Micronesia, Nauru and Tonga. Palestine needs two-thirds vote in favor, which currently is 128 votes.
- Once Palestine gets full membership at the United Nations, Baskin argues at that point, the situation on the ground would be of one member-state (Israel) occupying another member-state (Palestine).
- Israel will be asked by the Security Council in a new resolution to withdraw from the State of Palestine which will be facilitated by passing a resolution written under Chapter VII calling for Interim forces enter Palestine to keep the peace.
 - Baskin also argues the invocation of Chapter VI, but Chapter VI was already used for SC resolution 242, which remains unimplemented. Chapter VI is merely a recommendation, as opposed to Chapter VII which is a binding order.
 - Examples of Chapter VII:
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- In the new resolution written under Chapter VII important clauses from key resolutions should be duly incorporated.
 - Peaceful Settlement of the question of Palestine A/RES/63/29
 - “Affirming the principle of the inadmissibility of the acquisition of territory by war”;
 - “Reaffirming the illegality of the Israeli settlements in the Palestinian territory since 1967, including East Jerusalem”;
 - “Reaffirming the illegality of Israeli actions aimed at changing the status of Jerusalem, including measures such as the so-called E-1 plan and all other unilateral measures aimed at altering the character, status and demographic composition of the city and the territory as a whole”;
 - “Recalling the ICJ AO on the Legal Consequences of the construction the Wall”
 - GA RES 181(II) with relevant changes to reflect the current situation
 - **Calls upon the occupying Power to complete its evacuation of Palestine by xx xxxxxxxx xxxx;**
 - “Requests that:

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- The Security Council take the necessary measures as provided for in the plan for its implementation;
- Parts A (Termination of **Occupation, Establishing Peace** and Independence) and B (Steps Preparatory to Independence)

Projected Security Council outcome of draft resolution recommending Palestinian Statehood in 2009 before new Security Council Elections in October 2009.+

FIGURE 1:

Member-State	Vote 1*	Vote 2**	Vote 3***
Austria 2010	Y	Y	Y
Burkina Faso 2009	Y	Y	Y
Costa Rica 2009	Y	Y	Y
Croatia 2009	Y	Y	Y
Japan 2010	Y	Y	Y
Libya 2009	Y	Y	Y
Mexico 2010	Y	Y	Y
Turkey 2010	Y	Y	Y
Uganda 2010	Y	Y	Y
Vietnam 2009	Y	Y	Y
US	Y	N	A
Russia	Y	Y	Y
UK	Y	Y	Y
France	Y	Y	Y
China	Y	Y	Y
TOTAL	15 - 0	US VETO	14-1

+ To clarify that in Jan 2010, 5 members will leave, and 5 new members will be elected in October 2009 will be replace them. Below is just an explanation of which members will possibly run for election.

New elections will result in five new members that will serve on the Security Council for the 2010–11 period.

Two for Africa (currently held by Burkina Faso and Libya)

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One for Asia (currently held by Vietnam)

One for Eastern Europe (currently held by Croatia)

One for Latin America and the Caribbean (currently held by Costa Rica)

Nigeria was expected to run unopposed for a 2010–11 seat, but unexpectedly faced competition from **Sierra Leone**. Nigeria has already served three times in the UNSC, while Sierra Leone served only once.

Bosnia and Herzegovina is currently the only candidate country for the Eastern European group seat, as Poland withdrew its candidacy after it became clear that it could not overcome the strong support for Bosnia and Herzegovina's candidacy.

As Libya's term is ending, the new Arab representative will come from the Asian Group. One of the eleven Arab League member states in Asia will therefore succeed to Vietnam's seat in this election. **Lebanon** has announced its intention to obtain this seat.

It is unclear which Latin American countries will seek to replace Costa Rica, but it has been rumored that **Venezuela** will run.

* Based on how each Member-State votes on “The Right of the Palestinian People to self-determination” in the General Assembly 63rd Session (2007), with a change in US policy.

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*** Based on the possibility of a U.S. Abstention which the U.S. has a history of doing, i.e. S/RES/1860.

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Rami's Questions:

1. What would the Resolution look like?
 - a. The resolution would encompass resolutions 242, 338, 1397, 1515 and 1860:
 - i. Withdrawal of Israel armed forces from territories occupied in 1967;
 - ii. Emphasizing the inadmissibility of the acquisition of territory by war;
 - iii. Reaffirming its vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders;
 - iv. The Security Council calls for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment;
 - b. It would also include language never used before:
 - c. The Security Council:
 - d. Acting under Chapter VII of the Charter of the United Nations,
 - i. Reaffirms its belief that the Arab-Israeli conflict can be ended and all rights can be restored;
 - ii. Calls upon Israel to end its belligerent occupation and to pull back all its military forces and civilians to the June 1967 border no later than thirty days from the adoption of the present resolution;
 - iii. Calls upon Israel to destroy the Wall in the West Bank and pay compensation to Palestinians effected by such belligerent acts, such as confiscation and loss of income;
 - iv. Recommends to the General Assembly that the State of Palestine be a full member of the United Nations;
 - v. Affirms the right of the State of Palestine to exist with peace and security in the region within the borders in prior to June 1967 with sovereignty over its own territorial waters, airspace, borders, and electromagnetic sphere;
 - vi. Affirms that the State of Palestine is one political entity comprised of the West Bank and Gaza Strip;
 - vii. Calls on all states in the region to facilitate assistance to Palestine;
 - viii. Requests states members of NATO to contribute peace keeping troops to Palestine under American command;
 - ix. Calls upon all states to establish diplomatic and economic ties with the State of Palestine;
 - x. The city of Jerusalem will remain one contiguous entity, with Palestinian sovereignty over East Jerusalem and Israeli sovereignty over West Jerusalem;
 - xi. Calls upon Israel to transfer all Palestinian prisoners in Israel to Palestine;
 - xii. Calls upon Israel and Palestine to equally share water resources;
 - xiii. Calls upon Israel to allow the return of 20,000 Palestine refugees to their homes or land in which they left as a result of the war in 1948;
 - xiv. Calls upon Israel to pay compensation to all Palestine refugees and their descendants;
 - xv. Calls upon Israel to facilitate the Gaza-Hebron highway that will keep Palestinian civilians and commercial goods flowing contiguously to and from Gaza without Israeli interference;
 - xvi. Calls upon Israel to pay compensation to the State of Palestine for the occupation which began on 4 June 1967;

NSU INTERNAL MEMO

- xvii. Calls upon all member states willing to accept Palestine refugees to communicate their interests to the President of the Secretary-General;
 - xviii.
 - xix. Calls upon member states to continue their training of Palestinian law enforcement and other security forces;
 - xx. Requests the Secretary-General to report to the Council on the Progress of the implementation of the present resolution, the first report to be submitted within sixty days;
 - xxi. Decides to keep this item on its agenda and to continue its efforts to put an end to the Israeli occupation of Palestine;
2. Will it set the borders, parameter to conclusion of conflict?
 - a. Yes, See Above.
 3. Examples of UNSC resolution on states occupying states that are declared states after the occupation?
 - a. Iraq invasion of Kuwait, UNSC Res 660, 661, 662, 664, 665, 666 and Israeli invasion of Golan UNSC Res 497
 4. Examples of Chapter VII calling for peacekeeping or other force to enter the territory?
 - a. Iraq invasion of Kuwait and Korea
 5. Are there other measures that can be adopted under Chapter VII short of military action, are any useful in our case?
 - a. Partial arms embargo, such as the recent one imposed by the UK,
 - b. not processing mail with addresses in illegal settlements,
 - c. suspending Israel from the United Nations,
 - d. international boycott of Israeli products from the OPT.