

Dossier: Expel Israel

(motion before the Palestine Solidarity Campaign (PSC) at its 23 January 2016 AGM to lobby for the expulsion of Israel from the UN)

Appendix I = text of the motion and sections of the UN Charter and UN Resolutions it refers to

I. *The motion within the BDS framework*

1. The BDS Call states: “We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel.” However, the *sanctions* part of Boycott, Divestment and Sanctions has been only minimally pursued. Sanctions are enacted by governments rather than individuals. They share with boycotts and divestments the purpose of pressuring Israel. Political rather than economic sanctions apply pressure in the form of loss of prestige and ostracism.¹ Examples are severing nation-to-nation diplomatic ties,² expulsion from FIFA, the OECD, EU organisations and – the strongest – the UN. States are free to express their disapproval of other states, such as Israel, in ways they find proportional to the criminal state’s behaviour.³

2. The motion assumes Israel deserves the strongest possible pressure because, like apartheid South Africa, it is far outside the frame of democracy, decency and peace. If you believe Israel has perhaps one foot within the realm of decency and legitimacy, do vote against the motion. Likewise if you believe further decades of dialogue and cajoling, rather than pressure, can bring Israel to reason, or if you share the Zionist conviction in the rightness of a Jewish state in Palestine.

3. The identical motion did not come to a vote at the January 2015 PSC AGM but was rather ‘remitted’ for further consideration to the Executive Committee which in fact declared its support for the *content* of the motion. It however opposed it on the stated grounds that the time is not ripe; grassroots preparation must precede such a motion. As

¹ Heian-Engdal et al. 2013: “In the opinion of Abba Eban, Israel’s first representative to the UN, the state of Israel’s ‘nonmembership in the United Nations symbolized the unfinished nature of the enterprise’. Eban regarded UN membership as crucial for Israel’s international relations in a world that was having ‘difficulty in getting used to Israeli sovereignty’.” (‘Finishing the enterprise: Israel’s admission to the United Nations’, p 465)

² Cuba cut diplomatic ties with Israel in 1973, as did Venezuela and Bolivia after the 2008/09 assault on Gaza. Nicaragua and Turkey did so after the 2010 attack on the *Mavi Marmara*. During the 2014 assault on Gaza El Salvador, Chile, Ecuador, Peru and Brazil temporarily recalled their ambassadors from Israel. These moves are universally welcomed in the Palestinian and solidarity communities. See *Appendix II*.

³ The international responsibility-to-protect (R2P) doctrine grants legitimacy to outside political and even military efforts to protect people from their own governments when genocide, ethnic discrimination and other crass violations of human rights are objectively the case.

if the PSC were not a grassroots group, and as if Ben-Gurion's dictum that time is on Zionism's side no longer held.

4. Nobody can speak the last word on tactics. Over just which type of pressure, at exactly what time, there is room for disagreement amongst those of us embracing the vision of anti-Zionist support for all the rights of all Palestinians. One's stance is often more a matter of temperament than of political science. However, the burden of proof does lie on those who want to hestiate and postpone.⁴

5. The Executive Committee has had a year to consider the matter, but rejected our suggestion in October to air the pros and cons in the PSC journal *Palestine News*. We are therefore posting here some of the 'pros'. The opinion of the PSC rank-and-file will be better known after the coming January 2016 vote.

II The history of the idea

Appendix II = some quotations from Henry Cattan, Francis Boyle and others

6. The case for Israel's expulsion has been described and/or supported in detail by Henry Cattan, John Quigley, Naseer Aruri, and Francis Boyle.⁵

7. The PLO Charter opposes the establishment of the state of Israel. This as well as the PLO's non-recognition of Israel prior to 1988 implied *a fortiori* rejection of Israel's belonging in the UN, as does in much weaker form its non-recognition to the present day of Israel 'as a Jewish state'. These stances have rendered discussion of Israel's UN membership amongst this Palestinian leadership superfluous.⁶

8. More recent and less formal rejection by most Palestinians of *normalisation* of the racist Israeli state, not least within BDS circles, likewise entails rejecting perhaps the main pillar of a state's normality, UN membership.⁷

9. Scores of UN members moved Israel's expulsion in 1956 after its war against Egypt (conducted with the UK and France) and refusal to leave Sinai. Expulsion would have

⁴ Empirical analysis tells us that the 30-year-old attempt to gain improvement for Palestinians by proceeding cautiously has gone hand in hand with a *worsening* of the Palestinian lot on all fronts.

⁵ Cattan, Henry, 1988. *The Palestine Question*. Croon Helm, London, pp 51, 65, 86-88, 224-225, 237-238; see also Cattan, Henry, 1973. *Palestine and International Law: The Legal Aspects of the Arab-Israeli Conflict*. Longman, London; Quigley, John, 1990. *Palestine and Israel: A Challenge to Justice*. Duke U. Press, Durham, pp 87-93, 222-227; Aruri, Naseer (ed.), 2001. *The Palestinian Refugees: The Right of Return*. Pluto, London, p 261; Boyle, Francis, 2001. *The Palestinian Right of Return under International Law*. Clarity Press, Atlanta, pp 39-40.

⁶ Cattan, *ibid.*, pp 113, 301.

⁷ After Algeria ousted the French colonisers Israel voted against its UN membership on 8 October 1962.

impossibly required the votes of SC members the UK and France,⁸ but Israeli withdrawal was effected by US pressure before a final vote.

10. On 25 October 1971 GA Resolution 2758 simultaneously expelled 'China' in the form of the government on Taiwan (ROC) and admitted to membership 'China' in the form of the government on the mainland (PRC).⁹ A single motion could similarly *replace* Israel with Palestine.

11. Annually from 1982 through 1989 an Arab country or Iran would move Israel's expulsion but each time motions by the Scandinavian countries to shelve the expulsion motions would be passed. For example Iran's 1982 motion was shelved by a vote of 74 yeas to 9 nays with 31 abstentions; Iran's and Libya's in 1983 by 79 to 43 to 19.¹⁰

12. In Resolution 3324/E of 16 December 1974 the GA voted to "recommend that the South African regime be totally excluded from participation in all international organizations and conferences under the auspices of the United Nations so long as it continues to practice apartheid..." This confirmed the ruling by GA President Abdelaziz Bouteflika on 12 November 2015 to suspend the country's participation in UN work.¹¹ This amounted to not 'recognising the credentials' of the South African government at the UN. It worked, South Africa rejoining the UN only in 1994.¹²

13. In 1992 SC Resolution 777 of 19 September and UNGA Resolution 47/1 of 22 September denied the Federal Republic of Yugoslavia's right to assume the membership of former Yugoslavia, resp. resolved that "it shall not participate in the work of the General Assembly." In 1965 the GA rejected Rhodesia's membership as "incompatible with the principle of equal rights and self-determination of peoples" and

⁸ Both expulsion and accession to membership require 9 of 15 Security Council votes and 2/3 of General Assembly members present and voting according to the Charter, Articles 4 (2), 6, 18 (2) and 27 (2 & 3).

⁹ This violated the Charter provision in Article 6 that the GA can expel a member only on the recommendation of the Security Council, but since ROC was a Security Council member, moreover with veto power, this was impossible.

¹⁰ Funny, this is similar to what happened at the January 2015 PSC AGM... See <https://news.google.com/newspapers?nid=1946&dat=19831021&id=90klAAAAIBAJ&sjid=S6UFAAAAIBAJ&pg=3293,30003&hl=de>

¹¹ A/PV 2281, 12 November 1974, vote 91 Yes, 22 No, 19 abstentions.

¹² Quigley gives as reasons for South Africa's exclusion its denial of the principle of self-determination anchored in the Charter Article 1 (2) and the fact that it represented only one segment of the actual population of the country; both arguments apply without deduction to Israel. (*ibid.* p 223) See https://books.google.com.tr/books?id=xANtAAAAMAAJ&pg=PA223&lpg=PA223&dq=motions+to+expel+israel+from+un&source=bl&ots=TizOaE9PdO&sig=ayZYpi0J2Jo610zmBnC8N_xHr5A&hl=de&sa=X&ved=0CCwQ6AEwAzgUahUKEwi4oZPAnsrlAhXEiywKHZMpCM4#v=onepage&q=motions%20to%20expel%20israel%20from%20un&f=false See also *Appendix III, Cattani*

the SC agreed, calling on Member States “not to recognize this illegal racist minority regime” and indeed to boycott it both diplomatically and economically.¹³

14. Charter Article 4 (1) sets the attribute ‘peace-loving’ as a condition for UN membership. Only by way of example: Resolutions 37/123 A (12) of 16 December 1982 and 38/180 (12) of 19 December 1983 hold that the GA “Determines once more that Israel's record and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949”. There is abundant further evidence that Israel is not peace-loving and violates the conditions of its accession to membership.¹⁴

III. Israel violates the conditions of its acceptance as a member (UNGA Res 273)

Appendix IV = text of Res 273 and references to the UN debate of May 1949

15. In Security Council and General Assembly votes in 1948 and 1949 the UK opposed Israeli membership, Lord Cadogan explaining that it was only to avoid misusing its veto power that it abstained rather than voting No.¹⁵

16. The four conditions set for Israel that it promised and failed to fulfill:

1. Israel should re-try and properly punish those Zionists responsible for murdering UN Mediator in Palestine Folke Bernadotte.¹⁶
2. Israel should effectively rule over only that territory recommended for the Jewish state by GA Res 181 and clearly state its borders.
3. Israel should abide by various UN decisions¹⁷ placing Jerusalem under international jurisdiction, i.e. relinquish control over the western half of the city.

¹³ Quigley 1990, p 225; UNGA Res 2012 §2 of 12 October 1965; SC Res 216 of 12 November 1965; SC Res 217 §6 & 8 of 20 November 1965.

¹⁴ Israel would not even allow Bernadotte's most recent successor, Makarim Wibisono, to visit the West Bank and Gaza – so he resigned as of 31 December 2015. Most likely, Israel *laughs at* the UN.

¹⁵ Voting No on Res 273 of 11 May 1949 were Afghanistan, Burma, Egypt, Ethiopia, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Yemen. Due to Bernadotte's assassination Sweden also abstained. It was obvious to those voting No, moreover, that Britain's abstention meant that Charter Article 27 (3) requiring the “affirmative” votes of all SC “permanent members” had been violated, rendering any GA action on Res 273 null and void.

<http://unispal.un.org/UNISPAL.NSF/0/2DAC0ED54BCD6AF68525629F00718B98>

¹⁶ Bernadotte's liquidation on a Jerusalem street on 17 September 1948 by the Lehi group led by later Prime Minister Yitzhak Shamir, while then PM Ben-Gurion and Irgun leader and later PM Menachem Begin looked on, reached its juridical conclusion when Ben-Gurion pardoned all involved Lehi members on 24 February 1949, two weeks after the final sentencing of just two of them.

¹⁷ UNGA Res 181 I. §3, III.A; UNGA Res 194 §8.

4. Israel should allow the Palestinian refugees to return as citizens to their homes as decided by GA Res 194 of 11 December 1948.

Expulsion until these conditions are met remains a practical remedy.

17. Henry Cattan: "The UN is justified, if not obligated, in intervening in order to enforce the undertakings given by Israel as a condition of its admission to UN membership. ... Israel was admitted to membership in the UN only after it gave certain undertakings and assurances concerning its observance of GA resolutions, and in particular, concerning the implementation of the resolutions of 29 November 1947 and 11 December 1948." (*ibid.* 1988, p 323)

18. The GA itself in 1982 and 1983 *determined* "once more that Israel's record and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949." That is, the GA acknowledged sufficient grounds for Israel's expulsion on the basis of Charter Article 6, but *called upon* all Member States only to fully boycott Israel in the area of "weapons and related... military equipment", "suspend economic, financial and technological assistance to and co-operation with Israel", and "sever diplomatic, trade and cultural relations with Israel... in order totally to isolate it in all fields."¹⁸

IV. This is between the UK and Israel

19. The motion asks the UK Government to take its own stand on whether it thinks Israel deserves UN membership and whether it should be pressured in this way. It is a question of international ethics. States have responsibilities to take such stands.

20. Of course both the PSC and the UK Government should try to ascertain the effects of Israel's expulsion *on Palestinians*. The danger of retribution against Palestinians seems small because the move would have been made by the UK, not Palestinians. On the positive side, it would place pressure on Israel to respect the self-determination of Palestinians and allow return and restitution for the refugees and their descendants. It would free the stage for UN membership for Palestine as potential sovereign over all of historic (Mandate) Palestine.

21. Ascertaining the majority opinion of Palestinians on this and other questions is next to impossible, however, since unfortunately there is no database for them all and no

¹⁸ UNGA Res 37/123(A)§12-14 of 16 December 1982 and Res 38/180(A)§12-14 of 19 December 1983.

mechanism for polling them all. Certainly some are for this motion, others against. We in Palestine solidarity are thus forced to *choose* to whom we listen.

V. Support and opposition amongst Palestinians

22. In judging the extent amongst Palestinians of support for and opposition to this step, the PSC Executive Committee has said that its ‘partners’ have never mentioned this measure, and moreover when the subject was broached to them they expressed concern that it could interfere with the Palestinian Authority’s (PA) present attempts to gain UN membership.¹⁹ It is not known which Palestinian partners were asked, nor their closeness to the PA, which as we know accepts Israel de jure (and de facto as a Jewish state in Palestine) *alongside of which* a Palestine made up of the West Bank and Gaza would be a UN member.

23. Some Palestinian supporters of the motion can be named:

- Mazin Qumsiyeh, Bethlehem U, naturalist and activist
- Nur Masalha, St Mary’s U and SOAS, historian and PSC Patron
- Suleiman Abu Sharkh, Professor of Engineering, U Southampton
- Diana Alzeer, Journalist and Human Right Advocate. Ramallah, Palestine
- Ahmad Azem, Birzeit U head of the International Studies Program and *al-Ghad* columnist
- Aya Manaa, Coalition of Women for Peace, Galilee
- Ramzy Baroud, author and *Palestine Chronicle* editor
- Rania Madi, BADIL and the United Nations, Geneva
- Antoine Raffoul, architect, London
- Mahmoud Hassan, head of the Legal Unit of Addameer, Ramallah
- Fadwa Barghouthi, lawyer, wife of Marwan Barghouthi
- Karl Sabbagh, author, publisher and television producer, Warwickshire
- Jafar and Sandra Ramini, London
- Ibrahim Saad, Manchester
- Yahya Zaloom, artist, P21 Gallery London
- the Popular Movement for One Democratic State on the Land of Historic Palestine, West Bank & Gaza, which includes many activists and academics

PSC Patron Ilan Pappé also supports it publicly. Other Palestinian supporters have understandably decided to remain anonymous.

¹⁹ In an email to motion supporters PSC Chair Hugh Lanning wrote that “it was thought counterproductive to the general approach in relation to the UN – to get recognition, use ICC, be admitted to various international UN bodies.” Note however that Israel is *not now* a member of the ICC; conversely, its membership in UNESCO does *not* increase Palestine’s leverage on cultural and heritage matters.

24. Support is implicit in some statements also of Omar Barghouti, one of the leaders of BDS, although he has written in an email that he feels the time is not ripe. He wrote in an email to one of the movers, “Of course ending Israel's membership in the UN is important, even crucial, but it is not urgent, nor is it achievable without a lot more grassroots BDS success. The idea ought to be floated, just to normalize it, but I do not think it is strategic to invest real energies in it at this stage.”

25. Again, is non-achievability at this time a reason not to move it at this time? Not to float it? Having to decide how to vote on it forces us to think about how to strengthen the ‘sanctions’ part of BDS. Also, the motion does not demand ‘real energies’ but only some letters to the UK government; it is a warning shot to be followed up after more discussion and strategising.

26. Barghouti has several times advocated “sanctions against Israel like those against Apartheid South Africa”.²⁰ “The tipping point will be reached in which Israel's oppression is met with substantial resistance... particularly in the form of sustainable BDS campaigns leading to comprehensive UN sanctions (as was the case in the struggle against South African apartheid).”²¹ We can start normalising the idea by discussing and even passing this motion. The ‘South Africa moment’ is surely not far distant.

27. Most likely 100% of the Palestinians protesting at high risk on the streets during the fall of 2015 would regard their support for any strong measure against Israel as self-evident. Admittedly anecdotal, but during my stay in Palestine in November 2015 I heard the comment, ‘Expel Israel from the UN? Stupid question.’

VI. The PSC's stated goals

28. The PSC itself has supported isolating Israel, with no caveats about waiting for better political conditions. In a PSC email of 14 October 2015 Rachel Diamond wrote, “Our government should place immediate sanctions on Israel - let's push them to do it.” In the 2014 PSC Annual Report Executive Director Sarah Colborne wrote, “From being a distant dream, it is becoming realistic to plan and organise politically to make a real difference – to move from protests to... applying pressure to Government and companies to try to get them to *isolate* and then hold Israel accountable.” (emphasis added)

29. The PSC Executive Committee evidently has a reason for opposing the motion based on the Palestinians it listens to. But the AGM is a different PSC organ not beholden to whatever informal processes the PSC leadership may adhere to. The AGM

²⁰ <https://krautreporter.de/75>

²¹ See his chapter in Lim, Audrea (ed.), 2012. *The Case for Sanctions against Israel*. Verso, London.

is “open to all national members and shall be the policy making body of the PSC.” It stands above the EC and must not uncritically follow EC recommendations.

30. It is at least as unlikely that Israel would honour Right of Return as that Britain would move to expel Israel from the UN. Yet the PSC supports the Right of Return.

31. The EC works hard to become part of the political mainstream, but its role should also be to shift the mainstream. BDS is moreover explicitly decentral, and the PSC can use this freedom to suggest to the UK government a measure that would be consistent with its principled stand against Israel’s membership in 1949 and also help it atone for its establishment of the Jewish state in Palestine during the Mandate years.

VII. Some arguments against the motion

32. Points 21 & 22 above show that claims about whether ‘the Palestinians’ support or oppose this motion – at this time – depends upon which Palestinians one asks. Yet objectively, the motion is asking Britain to take a stand over against a state that is structurally more racist than was South Africa because it also ethnically cleanses. The UK is within its rights to condemn this and press Israel to change.

33. Would PSC resources be better used on other projects, for instance economic sanctions or academic boycott or Right of Return? First, the rank-and-file vote on this motion is part of the process of democratically deciding that; setting priorities is always open to debate. Objectively, though, the ‘lobbying’ foreseen by the motion requires little more than a letter to the appropriate government office, a press release, some follow-up telephone conversations and perhaps a meeting with MPs and civil servants. Several supporters of the motion are willing to field media and government questions concerning the motion, and this dossier could be re-phrased in a more ‘mainstream’ way.

34. Is Israel’s UN membership good for Palestinians in keeping Israel in the central international dialogue?²² But not only does ‘dialogue’ presume good faith, but in our electronic age one can transmit and gather information about ‘the other side’ without any given public forum. To be sure, the motion assumes that the path of dialogue with Zionism, taken for 100 years, has *failed*. There is only one history, and we cannot determine with certainty that a strategy of pressure as opposed to one of respectful dialogue – and normalisation of Israel – would not have led to even worse results. It is however plausible that one should try something new.²³

²² In a [Guardian piece on 20 February 2008](#) Jonathan Freedland generously offers the Palestinians advice against “proposing ostracism in place of engagement” as the way for Palestinians to deal with Israel. If this arch-Zionist is against ostracism, it is a safe bet that ostracism is the strategy that will work.

²³ On the evidence of further West-Bank settlement building, repeated slaughters in Gaza, encroachment upon Haram al-Sharif, etc., it is plausible that Israel is laughing behind the backs of those who seek reasonable dialogue with it.

35. It is said that since the goal of the motion is not achievable, one shouldn't even bring it up. One said that about the end of slavery, women's suffrage, replacing South African apartheid – and about Zionism.²⁴

VIII. Bold or timid?

36. There is an apparent consensus within PSC that excluding Israel from the fora of relative civilisation is actually appropriate and would constitute effective pressure.²⁵ The disagreement is over *when* to make such a move.

37. The motion might seem less premature if several parallel measures are envisioned: perhaps convening a new Palestine Conciliation Committee democratically elected by the General Assembly; perhaps establishing a virtual Palestinian citizenship in a database able to function as an inclusive, democratic polity;²⁶ perhaps tying Palestine's accession to UN membership to Israel's exclusion; perhaps drafting a constitution clarifying the protected place of individual Jewish citizens of Israel in historic Palestine.

38. How one votes on this motion is also a function of exactly how bad one thinks Israel is. If one agrees with Cattan that Israel is beyond the pale and has proven time and time again it has no intention of doing anything other than ethnically cleansing the whole area between the river and the sea, then only the severest tools fit the task. There is no reason to hesitate, or deliver ostracism in small doses.²⁷ One should do as academic supporters of Palestine in the UK have, following PACBI guidelines by standing up for full boycott of all Israeli universities, now.

39. In 2010 senior PA official Nabil Shaath said Palestinians should attempt to expel Israel from the UN in order to "isolate it internationally", echoing the same call by George Habash in November 1977.²⁸ George Galloway in 2014 noted that even when Israel kills

²⁴ Arch-Zionist Jonathan Freedland, the *Guardian's* Executive Editor, Opinion, [writing on 27 July 2010](#): "The first Jewish settlers in Palestine pushed the boundaries of the possible, establishing themselves in places that initially seemed insanely ambitious, only for time to reward their daring."

²⁵ Why, indeed, did Israel not complete its ethnic cleansing in 1948? Why did it allow 150,000 'Arabs' to remain in the area it controlled? The main reason was probably that, yearning as it did for international acceptance including UN membership, yet having instigated and condoned Bernadotte's murder, it did not wish to push its luck.

²⁶ See Azzam, Fateh, 'A bold proposal...' and related discussion at al-Shabaka: <https://al-shabaka.org/briefs/refugees-citizenship/>

²⁷ Ghazi Hamad, deputy foreign minister of Hamas, criticises the Palestinians and says they are failing and losing because they look at and do little things only and lack a "*strategic vision*". He says that after 50 days of war last summer, "[All we requested was] the opening of border crossings and the expansion of the fishing zone!"

²⁸ <http://www.jpost.com/Breaking-News/Nabil-Shaath-Expel-Israel-from-the-UN>

UN personnel and destroys UN facilities “no one threatens them with expulsion [or] suspension.”²⁹ *Appendix II* lists moves to unilaterally de-recognise Israel politically. Ben White, Ghada Karmi and Norman Finkelstein successfully argued in a debate at the Cambridge Union on 5 March 2015 that “Israel is a rogue state.”³⁰ *Haaretz* reported that when Mahmoud Abbas realised that Netanyahu had given Kerry nothing to bring him, “he began threatening to turn the keys of the PA over to Israel or start new diplomatic and legal campaigns against Israel at the United Nations.”³¹ Perhaps this motion’s time has actually come.

40. What is the ‘last straw’? Was it, as the original freedom fighters believed, the Nakba or even earlier Zionist deeds? Was it Qibya or Qalquilya in the 1950s? Was it the de-facto annexations of 1967? Was it Abu Jihad’s assassination in 1988? Was it the PLO sell-out in the early 1990s? Was it the destruction of the January 2006 election results? Was it Gaza 2008/09, 2012 or 2014? Is it the repeated electoral success of Likud and the rise of the likes of Bennet, Shaked and Lieberman to cabinet positions? Is the present takeover of Haram al Sharif?

41. In July 2000 legislation passed in the Knesset making it *illegal* for any Israeli government from negotiating over the implementation of the Right of Return of Resolution 194. What is the proper way to treat such an outrageous government? At what point will the solidarity movement and the governments of the world see not only that Israel has long surpassed apartheid South Africa – Palestinian ‘refugee years’ number about 200 *million* – but also that it should be treated as South Africa eventually was?

42. During Cast Lead 6 years ago a letter from about 500 Jewish Israelis to foreign ambassadors in Israel complained, “Israel is handled with ***kid gloves*** ... international backing must stop.” With international backing, the UN is a place where Israel can hide. Yet Palestinians can draw on a long tradition of Israeli scorn for the UN’s membership rules.³²

²⁹ Galloway on 18 October 2014 interviewing former UN Assistant Secretary General Denis Halliday: “In just the last few months it has broken the Charter, has broken extant Security Council resolutions, has killed United Nations personnel, has destroyed United Nations facilities in Gaza, in fact over and over again, and yet at the next meeting of the United Nations can walk up the red carpet as a pukka member state. No one threatens them with expulsion, no one threatens them with suspension or any sanction of any kind. How can that happen?” <https://www.rt.com/shows/sputnik/197072-un-security-council-war/>

³⁰ <https://www.youtube.com/watch?v=jjkivkkZYNo>

³¹ Friday 27 November 2015 (‘Cabinet...’)

³² There is a hoary Arab tradition of contrasting Israel with the noble ‘principles and purposes’ of the UN. In reaction to perhaps the best post-war speech ever, delivered to the GA on 5 May 1949 by a mellifluous master of mendacity and evasion by the name of Abba Eban, representatives of Syria (Mr Asha), Iraq (Mr

43. Why leave strong sanctions in the BDS toolbox, unused? Why stop short of full government-level sanctions? Why continue to grant Israel the prestige, legitimacy and material advantages of membership in good standing of the community of states?

44. As Karl Krauss said, 'In case of doubt, do the right thing.' If you think the Israeli ethnocracy rightfully exists in any part of Palestine, vote No. If you believe Israel isn't all that bad or that a slower, nicer approach will bring better results, or that there is still hope that Israel will return 15 or 18% of Palestine to the Palestinians, who can then take a seat at the UN, vote No. But if you think Britain should do all in its power to bring Israel to the table, including using the powerful tool of isolation used against apartheid South Africa, please vote Yes.

45. Marwan Barghouthi wrote in October in the *Guardian*, "We are the only item to have stood on the UN's agenda since its inception." It will eventually be seen that Israel is usurping Palestine's seat at the UN. To break this 66-year impasse, let us take a radical step.

APPENDICES

Appendix I the motion and its bases

<< BEGIN TEXT OF MOTION >>

Considering that Israel's admission to the UN on 11 May 1949 by General Assembly Resolution 273 was conditional upon its (1) honouring the UN Charter and (2) implementing UNGA Resolutions 181 of 29 November 1947 and 194 of 11 December 1948;

Noting that Israel has: (1) repeatedly acted inconsistently with the Purposes of the UN expressed in Article 1.2 of the UN Charter and thus also with Article 2 (*introduction*); (2) repeatedly violated the provisions and Principles of the Charter as expressed in Articles 2.3, 2.4, 4, 55 and 56; (3) failed to implement GA Resolutions 181 and 194; (4) violated numerous other resolutions of the Security Council and GA; and (5) beginning in 1948 killed many Palestinian civilians and forcibly expelled many others from their homes and land;

Noting further that all attempts to ensure through negotiation Israel's adherence to the Purposes and Principles contained in the Charter and to general principles of international law have failed;

Abbas), Yemen (Mr Ibrahim), Egypt (Fawzi Bey) and Lebanon (Edward Said's mentor Charles Malik) – as well as Mr Castro of El Salvador actually won the argument, stating correctly that if Eban had said anything at all in his 3 hours, it was certainly not to the effect that Israel would act on the four issues as the UN had decided. See *Appendix IV* and <http://www.wnyc.org/story/215675-abba-eban/> There is no lack of arguments, even for a creature of Oslo.

Considering that effective measures should be taken to resolve the present situation arising out of Israel's unlawful policies that violate the Charter and UNGA Res 273;

Recalling that Article 6 of the Charter states,

“A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.”;

this AGM resolves that the PSC Executive Committee shall

request the government of the United Kingdom, enforced by a petition and lobbying, to submit a motion to the Security Council recommending that the General Assembly expel Israel from the UN in compliance with the Charter, Article 6.

proposed (moved) by PSC member Blake Alcott blakeley@bluewin.ch **seconded** by PSC members Heather Stroud stroudheather@aol.com , Dr Chris Burns-Cox chris.burns-cox@virgin.net and Dr Suleiman Abu Sharkh s.m.abu-sharkh@soton.ac.uk

<< END TEXT OF MOTION >>

Sections of the UN Charter referred to:

Article 1.2: “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...”; **Article 2, introduction:** “The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:... **Article 2.3:** All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; **Article 2.4:** All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations;... **Article 4.1:** “Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations...;”

Article 55: “With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:... [c)] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; **Article 56:** “All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

See also the **Purposes** expressed in the Charter's **Preamble**.

*The violated sections of **Res 181** (referred to by the Arab delegations at the May 1949 hearings on Israel's accession to membership and later by Henry Cattan, who was party behind the scenes):* With respect to borders sections I A 3 [Part 1, Chapter 1, Paragraph 3]; I B 10 b, c, d & e; I C 2.2, 2.3 & 2.8; II A & B; with respect to Jerusalem's borders and international status sections III B, III C 4, 5, 6, 7 & 8; and on the prohibition of population transfer/ethnic cleansing section I B 8, that is, Part 1, Chapter 2, paragraph 8): "No expropriation of land owned by an Arab in the Jewish state (by a Jew in the Arab state) shall be allowed except for public purposes."

*The violated sections of **Res 194**:* With respect to Jerusalem and environs' international status and accessibility §§7-9; with respect to return, repatriation, restitution and compensation "by the Governments or authorities responsible" § 11; and with respect to co-operation with the Palestine Conciliation Committee (France, Turkey and the US *passim*).

Note also Cattan further:

[Israel's] refusal to repatriate the Palestine refugees violated resolution 194. Its annexation of Jerusalem violated General Assembly resolutions 181, 194 and 303 [*corpus separatum* for Jerusalem] as well as specific assurances before admission. In opposing the establishment of a Palestinian State, it violated resolution 181 and also repudiated its own birth certificate. Lastly, in launching general wars of aggression in 1956, 1967 and 1982 it flouted the principles of the UN Charter and international law. (1988, p 320)

Also violated (amongst others): **SC Res 242** of 22 November 1967 regarding borders and refugees; **GA Res 2443** of 19 December 1968 regarding co-operation with the Special Committee... Occupied Territories; **GA Res 3236** of 22 November 1974 naming the "inalienable rights" of the Palestinians, "including self-determination, national independence and sovereignty, and return of refugees to their homes and property"; **SC Res 512, 513, 515 and 518** in June-August 1982 to prevent the starvation and death by sickness of Palestinians surrounded in Beirut were flouted by Israel; Charter **Art 4.1** prohibiting the unprovoked wars of 1956, 1967, 1978, 1982, 2006, 2008-09, 2012 and 2014.

Appendix II nation-to-nation political sanctions

Like economic sanctions, severing diplomatic (political) ties is a hoary method of pressuring states. Alain Gresh in 1984 came out for breaking political and economic ties with and withdrawing recognition from Israel. (*The PLO: The Struggle Within*, p 158) In July 2015 the ANC Youth League's Deputy Chairperson Vuyo Mhaga [likewise demanded](#) the "expulsion of the Israeli Ambassador in South Africa and... the closure of South Africa's Embassy in Israel", according to a BDS South Africa press release – an idea supported by ANC veteran Denis Goldberg.

In August 2014 former UN Rapporteur for Israel Richard Falk [wrote in Al Jazeera](#) "It is past time for the peoples of the world to wake up to the real nature of the challenge and

support a more militant international campaign of solidarity with the Palestinian struggle, and insist on boycott and divestment in all venues, working toward arms embargoes and sanctions on the part of as many governments as possible.”

Zeynel Abidin Özkan, speaking in November 2014 for the Turkish *IHH* group that chartered the *Mavi Marmara* to Gaza in May 2010, [called on](#) the Turkish government to “End all of the trade, military and diplomatic relations that you carry out with the occupier terror organisation Israel immediately. Send the recently-appointed Israeli ambassador back to his county immediately.”

Charter Article 41 gives the SC the power to ‘call upon’ members to take measures to restore peace such as ‘complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.’

The UN General Assembly in Resolutions 37/123(A)§13(d) of 16 December 1982 and 38/180(A)§13(d) of 19 December 1983 “calls once more for all Member States to... sever diplomatic, trade and cultural relations with Israel.”

Appendix III legal experts concur

Henry Cattan (1906-1992) paid his dues. He was law professor in Jerusalem into the 1940s, represented Palestine before the Anglo-American Committee of Enquiry in 1946 and the Palestinian Arab Higher Committee before the UN committees debating partition, where alongside Zafarullah Khan of Pakistan he pleaded for a single secular, democratic state. Heartbroken, in his unsurpassed 1988 book *The Palestine Question* he wrote:

Is it realistic to assume that after having established a most amazing record of defiance of UN resolutions, Israel will graciously bow down, recognize its past errors and rescind the measures it has taken, allow the Palestine refugees to return to their homes, withdraw the settlers it has brought to Palestine and annul the confiscations and expropriations of Arab property? It is completely utopian to imagine that any of these things could be achieved by negotiation between the parties by fresh UN resolutions or by any means short of recourse by the UN to sanctions or the use of force. This is, therefore, the crux of the matter: without coercion, there can be no solution, no restoration of right and justice, no peace in Palestine and in the Middle East. But how is coercion on Israel to be exercised? The answer is that coercion can be exercised by the US or by the UN or both. (p 346)

The motion chooses the non-violent of Cattan’s two options.

Professor of Law Francis Boyle advised the Palestinian delegation at the Madrid and Washington talks in the two years prior to their subversion by the theretofore secret

'Oslo' talks. This passage from his 2001 book *The Palestinian Right of Return under International Law* is the inspiration for this motion:

We must immediately move for the de facto suspension of Israel throughout the entirety of the United Nations System, including the General Assembly and all subsidiary organs and bodies. We must do to Israel what the U.N. General Assembly has done to the genocidal Yugoslavia and to the criminal apartheid regime in South Africa! The legal basis for the de facto suspension of Israel at the U.N. is quite simple: As a condition for its admission to the United Nations Organization, Israel formally agreed to accept General Assembly Resolution 181 (II) (1947) (partition/Jerusalem trusteeship) and General Assembly Resolution 194 (III) (1948) (Palestinian right of return), inter alia. Nevertheless, the government has expressly repudiated both Resolution 181 (II) and Resolution 194 (III). Therefore, Israel has violated its conditions for admission to U.N. admission to U.N. membership and thus must be suspended on a de facto basis from any participation through the entire United Nations System. (p 39)

Finally, Fred Jerome writing in 2015 on the 'Americans for Middle East Understanding' website:

The killing of Count Bernadotte changed the course of history. It showed that an infant state, with near impunity, could thumb its nose at the world body. It essentially killed the final version of Bernadotte's plan that the U.N., with the U.S. concurring, adopted on December 11, 1948 as Resolution 194. This is the resolution that calls for repatriation of, or compensation to, the Palestinian refugees. Israel has rejected Resolution 194, unilaterally declaring it 'obsolete.' Even the United States has abandoned support for it. In its place we now have the longest, and arguably the most grinding military occupation in modern history. (Symbolically, the killing of Bernadotte also killed the title of U.N. Mediator, which would never again be used, being replaced by Rapporteur.)³³

According to J. Bowyer Bell (1972, 'Assassination in International Politics'. *International Studies Quarterly* 16 (1): 59-82) it was in fact the UN's and world opinion's treatment of Israel with kid gloves after that 1949 assassination that 'immunized Israel to international pressure and United Nations' interference.' Should the UN keep such a member?

On the alternative of non-recognition of credentials, as opposed to expulsion, Cattan writes,

The political support which the US extends to Israel includes its protection from exclusion under Article 6 of the UN Charter or from the rejection of the credentials of its representative for its violations of the Charter and UN resolutions. The rejection of credentials, as in the case of South Africa for reasons of apartheid, deprives such members of their seats at the General Assembly. In 1975, a movement developed among third-world nations to seek the expulsion of Israel from the UN General Assembly or the rejection of the credentials of its representative on account of its continued

³³ <http://www.ameu.org/Current-Issue/Current-Issue/2015-Volume-48/Kill-Bernadotte.aspx>

occupation of Arab territories and its flouting of UN resolutions. This move was thwarted by the US which threatened to walk out of the UN if Israel were expelled or the credentials of its representative were not accepted.

Following Israel's destruction of the nuclear reactor in Iraq in June 1981 for which it was condemned by the Security Council on 19 June 1981, the International Atomic Energy Agency voted in 1982 to reject Israel's credentials and, as a gesture of disapproval, the US walked out of the Agency and suspended its payments to it. (1988, pp 237-238)

For the Letter to the GA from 37 of 17 October 1988 challenging Israel's *credentials* see <https://unispal.un.org/DPA/DPR/unispal.nsf/d0911f77d9bb1f14852574050052b8d6/33a12816cc1a43b6852568b7006f7580?OpenDocument&Highlight=0,resolution,273>

Appendix IV GA Resolution 273 admitting Israel

On 11 May the vote was 37 to 12 with 9 abstentions to admit Israel. Here's the text:

General Assembly Resolution 273, May 11, 1949

Having received the report of the Security Council on the application of Israel for membership in the United Nations,

Noting that, in the judgment of the Security Council, Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter,

Noting that the Security Council has recommended to the General Assembly that it admit Israel to membership in the United Nations,

Noting furthermore the declaration by the State of Israel that it "unreservedly accepts the obligations of the United Nations Charter and undertakes to honor them from the day when it becomes a Member of the United Nations,"

Recalling its resolutions of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representatives of the Government of Israel before the Ad Hoc Political Committee in respect of the implementation of the said resolutions,

The General Assembly

Acting in discharge of its functions under Article 4 of the Charter and rule 125 of its rules of procedure,

1. Decides that Israel is a peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations;
2. Decides to admit Israel to membership in the United Nations.

For transcripts and paraphrases of the entire debate during May 1949, including the cogent arguments of representatives of Lebanon, Syria, Yemen, Egypt and Saudi

Arabia, see <http://unyearbook.un.org/> (browsing needed) and <https://unispal.un.org/UNISPAL.NSF/0/2DAC0ED54BCD6AF68525629F00718B98> (if not accessible, For A/AC.24/SR.50 see <https://unispal.un.org/DPA/DPR/unispal.nsf/9a798adbf322aff38525617b006d88d7/b1446ff059de28f28525742e00504a37?OpenDocument>

and for A/AC.24/SR.51 see <https://unispal.un.org/DPA/DPR/unispal.nsf/9a798adbf322aff38525617b006d88d7/e67947f1b2b7e06a8525742e00525d85?OpenDocument>

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