



**Arab American University
Faculty of Graduate Studies**

**The Responsibility of the United Nations in
Maintaining International Peace and Security in
Palestine: A Case Study**

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**This thesis was submitted in partial fulfillment of the
requirements for the Master's degree in Literature and
Intercultural Communication.**

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Thesis Approval**

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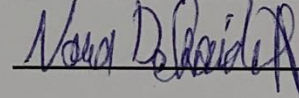
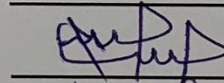
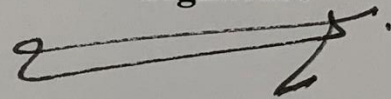
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Declaration

I, the undersigned, am the owner of the thesis entitled as “The Responsibility of the United Nations in Maintaining International Peace and Security in Palestine: A Case Study”.

I declare that the work provided in this thesis, unless otherwise referenced, is the researcher’s own work, and has not been submitted elsewhere for any other degree or qualification.

Nuha Naim Tubasi

Date: 5/7/2021

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Dedication

To my beloved country, Palestine through which many invaders passed and stood still because its people are free.

To the spirit of my father Naim Al- Tubasi who struggled and died before witnessing this achievement. He left me in the middle of the way as he believed in me since he gave me his love, intellect and dignity. Surely, I will get there my father lit by your endless satisfaction until the end of the dream. Rest in peace my pride... my dignity and olive tree that never dies.

To my dear sixty- year old mother as all Palestinian mothers who got really tired overtime but never complained. She is the one who gave hope in us all the way long.

To my husband who supported me to achieve me success. He helped me go over all hindrances by following his wisdom. To my husband and my soul mate Dr. Omran Ataya, thank you.

I also dedicate this success to my beautiful son Mohamed, my two sisters Lina and Ramiya, my dear brothers Zaid, Ibrahim, Mohammed and Muneer and to Noor who always supported me until the very end.

I dearly thank Dr. Rezeq Al- Salmoodi for his efforts to supervise and follow up with the thesis progress. Without his guidance and valuable notes and advice, this thesis would not have any value.

I also dedicate this thesis to the professors in the Arab American University and the High Studies Faculty led by its Dean, Dr. Abdulrahman Abu Libda.

I also thank my university, the extraordinary educational institution, the supporter of creativity, achievement, giving, breaking the borders and going over difficulties to get to the top.

Table of Content

Content	Page
Declaration	iii
Dedication	iv
Table of Content	v
Abstract	ix
الملخص	x
Chapter One: Introductory Chapter	1
1.1 Introduction	1
1.2 Aims of the Study	3
1.3 Statement of the Problem	3
Chapter Two: Research Methods	5
2.1 Introduction	5
2.2 Sources of Data	5
2.3 Research Questions	6
2.4 Significance of this Study in Light of Previous Studies	7
2.5 Review of Previous Literature	8
Chapter Three: Theoretical Framework for International Organizations	23
3.1 Introduction	23
3.2 The International Community and the Phenomenon of International Organizations	23
3.3 The Treaties of Westphalia and the Birth of the Modern State	23
3.4 Modern International Community	24
3.5 The General Theory of International Organizations	24
3.5.1 Definition of the International Organization	24
3.5.2 Types of International Organizations	26
3.5.3 The International Legal Personality	26
Chapter Four: The Role of the UN in Peacekeeping and Security: Models of Peacekeeping	31
4.1 Background about the UN	31
4.2 The Charter of the United Nations	32
4.3 The Goals and Objectives of the United Nations	34
4.4 Maintaining International Peace and Security	35
4.5 The Development of Friendly Relations between Countries	36
4.6 Maintaining International Cooperation in Economic and Social Affairs	37
4.7 The United Nations Should Take the Coordination Center for Actions among the Nations or direct it	38

4.8 United Nations Principles	38
Content	Page
4.9 United Nations Bodies	40
4.10 The Cold War	41
4.10.1 Implications of the Cold War for the United Nations Crisis Management System	41
4.10.2 Excessive use of the Right of Veto	42
Chapter Five: Means Pursued by the UN in Resolving Disputes	43
5.1 Introduction	43
5.2 The Role of the UN in Peacekeeping and Security: Models of Peacekeeping	43
5.3 United Nations and the Anglo-Iraqi Conflict	47
5.4 Dispute Models the United Nations Has Failed to Resolve	47
5.5 The United Nations Failed to Resolve the Iraqi-Kuwaiti Conflict	48
5.6 International Disputes	49
5.7 Security Council Procedures in the Case of an International Conflict	53
5.8 The Foundations of Conflict Resolution in the United Nations System	56
5.9 Peaceful Methods to Settle International Disputes	59
5.10 Applications on the United Nations' Use of Non-Peaceful Means to Resolve International Conflicts	65
5.11 Models of international Dispute Resolution	67
5.11.1 A Model for Success: the Case of Darfur	67
5.11.2 The Border Dispute between Qatar and Bahrain	68
5.11.3 International Court of Justice	69
Chapter Six: The Responsibility of the United Nations in Achieving International Peace and Security between Success and Failure - Palestine as a Case Study	73
6.1 The United Nations and the Responsibility for Maintaining International Peace and Security	73
6.2 Implications of the UN's Failure to Maintaining International Peace and Security: Palestine as a Case Study	73
6.3 The UN and its Responsibilities towards the Palestinian Cause	74
6.4 Recommendations	84
Chapter Seven: The United Nations and Legal Responsibility towards the Palestinian Issue	87
7.1 Introduction	87
7.2 The Most Prominent Stages in the History of the Palestinian Issue at the United Nations	88
7.3 The Most Important Stages of the Palestinian Cause in the United Nations	89
7.4 International Law and the Liberation Organization	91

7.5 The Palestinian Issue and the United Nations during the 1980s and Beyond	93
Content	Page
7.6 The Hague Advisory Opinion of the International Court of Justice on the legal effects arising from the construction of a wall in the Occupied Palestinian Territory	100
7.7 Mandatory Advisory Opinion of The Hague Court Opinion on the Apartheid Wall	103
7.8 The Impact of The Hague Court Religious Judgment on the Wall	104
7.9 The General Assembly and Palestine	106
7.9.1 The General Assembly and the most important decisions related to Palestine	106
7.10. The International and Legal Responsibility of the United Nations	111
7.11 The Position of the General Assembly Regarding Israeli War Crimes	116
7.12 Consolidation of Peace and International Security	119
7.13 The Position of the International Security Council Regarding Israeli War Crimes	120
7.14 The Basis of the Security Council's Responsibility	120
7.15 Violations of Security Council Resolutions	122
7.16 The Use of the Veto	125
7.17 The United Nations Resolutions on the Question of Palestine and the Legal Implications	126
7.18 The Refugee Issue	129
7.19 The Factors that Paved the Way to the Adoption of Resolution 194	130
7.19.1 The Importance of Resolution 194	130
7.19.2 Israel's Position on Resolution 194	132
7.19.3 The Script of Resolution 194	133
7.20 The Establishment of UNRWA	139
7.21 The United Nations and the Right to Self-Determination	142
7.22 The American Veto	143
Chapter Eight: Discussion	146
8.1 Introduction	146
8.2 Palestine Membership in the United Nations	146
8.3 Palestinian Refugee Issue	157
8.4 The Effect of the Veto on International Justice	158
8.5 Peaceful Settlement of Disputes: Palestinian-Israeli Negotiations	164
Chapter Nine: Conclusion	173
Content	Page
References	177
Appendices	185

Appendix A: The Most Important UNESCO Decisions	185
Appendix B: Interview with Rania Mohareb	202
Content	Page
Appendix C: Interview with Dr. Omar Rahal	213
Appendix D: Interview with Mr. Shawan Jabareen	222
Appendix E: Interview with Dr. Issam Abdeen	224

Abstract

The analysis of the role of the United Nations (hereinafter referred to as 'UN') in the extent of holding the responsibility of maintaining international peace and security as one of the most effective international law parties in the world. Besides, the United Nations is an essential part of the international community. The Charter of the United Nations states the aims and principles of the UN based on keeping international peace and security and the good relationships among countries. Consequently, the Charter thrusts the responsibility of keeping international peace and security on the UN council has the right to meet whenever a threat to peace and security emerged. In addition, the sixth chapter of the Charter is concerned with the jurisdiction and power of the UN council in case of any dispute threatening international peace and security. Articles 33 and 36 of the Charter crystallize the peaceful means to which disputed parties resolve to settle their disputes peacefully summarizing them in negotiations, investigation, mediation, reconciliation, judgment, judicial settlement or resolving to regional organizations and agencies.

Chapter One

Introductory Chapter

1.1 Introduction

The world has been going through many long struggles not to mention the World War I and the World War II in which there was much bloodshed and violence compared to wars in the 20th century taking the lives of many innocent people. As a result, the great nations held the responsibility of spreading peace and security in the world in 1945. After many agreements and considerations great nations, this led to the emergence of the UN as the first international organization after the League of among the Nations aiming at maintaining international peace and security and preventing international disputes, which could threaten relations among countries threatening the life and freedom of their people.

The global system has been going through many transformations and developments including the Cold War, the dissolution of the Soviet Union enabling the US to emerge as the greatest country in the world. Other developments included the Chinese economic growth leading to considering it one of the leading economic countries in the world. Not to mention the political changes in the world leading to the shaking the international stability figuring out the two-faced nature of the UN that it does its duty according to the Charter on the one hand and the conflict among the great nations to control the world and the administration of the UN serving their greatest interests.

As per the UN Charter, the UN has taken upon itself to save succeeding generations from the scourge of war, which has brought untold sorrow to mankind; to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and, to promote social progress and better standards of life in larger freedom. Further, the UN has urged the people of the world to practice tolerance and live together in peace with one another as good neighbors; to unite our strength to maintain international peace and security; to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest; and, to employ international machinery for the promotion of the economic and social advancement of all peoples¹.

This study addresses the responsibility of the UN of maintaining international security and peace concerning the Palestinian case; the UN was described as powerless in light of the heavy use of the American veto and not holding the Israeli occupation the responsibility for many violations against the Palestinians and their legal rights.

Since the foundation of the UN, scholarly papers have analyzed its commitment to its Charter concerning its responsibility towards saving the lives of people from disastrous wars and struggles taking in consideration helping these nations to prosper and develop. This study will bring an updated exploration and analysis of the research in regards to the UN's commitment to peacekeeping and security in light of the Palestinian case.

¹ UN Charter, Chapter 7, 1945. Available in: <https://www.un.org/en/sections/un-Charter/un-Charter-full-text/>

1.2 Aims of the Study

The main objective of this study is to analyze the extent of the UN's sense of responsibility towards maintaining international peace and security, and the extent of its efficiency in holding the Israeli occupation its responsibility for violating the right of the Palestinians and breaking the laws of the international law and human rights.

The specific objectives of this study are:

1. Investigate the UN, its aims in an attempt to know the peaceful means followed to resolve international disputes.
2. Evaluate the performance of the UN and Security Council in settling and resolving conflicts.
3. Analyze the reasons of the failure of the UN in resolving many international disputes.

1.3 Statement of the Problem

Many studies, scholars, international law and political sciences experts and political, legal and academic resources analyzed the role of the United Nations since its foundation in maintaining international peace and security highlighting its way in doing its duties. They investigated if their action had clear results by solidifying its aim as the preface states or there are failures in doing its tasks. Based on that, they were divided into supporter of the UN claiming that it held its responsibilities in keeping international peace and security and others who witnessed its failure in maintaining its goals.

In fact, the problem lies in the fact that the Palestinian issue arose primarily as a result of United Nations Resolution 181, which stipulated the partition of Palestine into

a Jewish state and a Palestinian state, and Jerusalem under international trusteeship. Thus, the UN did not rely on the UN Charter to respect the sovereignty of states and the right to self-determination, and up to the present moment, the UN resolutions have yet to be implemented due to the dominance of major countries, such as the United States, over the Security Council.

Also, the problem is that there are those who believe that the UN has failed towards the Palestinian issue, and there are those who believe otherwise. With that, there are differences of opinion, and the researcher would like to prove that the UN has really failed in securing peace in Palestine.

Chapter Two

Research Methods

2.1 Introduction

This study employs the comparative analytical methods by mentioning some practical models trying to achieve the aims of the study in order to test the hypothesis of the study. In addition, it depended on different sources electronic and printed not to mention many studies tackled the UN and the extent it takes its responsibilities in maintaining international peace and security.

Tension among great nations is risky to the organization because they will race to control the world and areas strategically significant for them such as Eastern Europe and Eastern Asia. These tensions weakened the UN as well as the technological threats represented by the artificial intelligence (AI).

The legal and ethical questions about the formal response remain; still, it has few tools to face the international system since the AI will reform the international economy leading to labor instability and political instability. In addition, there will be developments in weapons, and this will lead other nations to have cheap weapons, which will threaten the international security and peace.

2.2 Sources of Data

This study relied on secondary sources, such as electronic sources and books, selected readings from electronic articles, and a review of literature on the responsibility of the United Nations in achieving international peace and security. Further, this study also utilized primary sources of data, such as interviews with experts in the field of

international law and political science, while inquiring about the nature of the United Nations' political and legal responsibility towards the United Nations. On the other hand, this study reviewed some articles of the UN Charter, Security Council and General Assembly resolutions, and linked them to the Palestinian issue. Then, this study analyzed these data in light of the existing reality and the decisions of the Security Council.

2.3 Research Questions

The main research question is: What is the extent of the efficiency of the United Nations in holding its responsibility towards international peace and security?

From the main question, the following sub-questions were raised:

1. Did the UN implement its charter in maintaining the international peace and security preventing other countries from using their veto unless in exceptional cases?
2. Did the UN ban any threat for international peace and security in their session by using the Security Council's jurisdiction?
3. Did the UN implement its aims and principles without the intervention of the great nations in its resolutions especially the US?
4. How can the UN resolve the Israeli- Palestinian struggle in light of the US's use of veto to against many resolutions in favor of the Palestinian cause?
5. Did the United Nations implement the International Legitimacy and the International Law in light of the Israeli violation of the principles of the International law and the decisions of the international legitimacy?
6. What are the most important issued resolutions by the UN in favor of the Palestinian cause?

7. How can the UN protect itself from the intervention of the great nations in its resolutions?
8. What is required to activate the role of the UN in maintaining international peace and security?

2.4 Significance of this Study in Light of Previous Studies

The significance of this study lies in analyzing and evaluating the responsibility of the United Nations in maintaining the international peace and security especially in light of international disputes worldwide and the attempts of the great nations dominate it. One of the countries trying to dominate the United Nations is the US aiming at protecting its interests in the world.

In addition, this study analyzes the role of the United Nations in holding Israel accountable for all its crimes against the Palestinians by violating the international law and all the international agreements. Besides, it tackles the way the United Nations use the permitted procedures against Israel in case there is a violation for the international peace and security according to the UN's Charter. Finally, this study is an attempt to know the extent of the UN's commitment in implementing the articles of the UN's Charter in order to achieve international peace and security especially the applicability of these articles to the resolution of the Israeli- Palestinian conflict and implementing the resolutions of the UN issued by the Security Council and the General Assembly. This analysis is done in light of analyzing the powers of the UN in addition to the powers of the US as a permanent member of the SC and a mediator in the Israeli- Palestinian conflict resolution.

2.5 Review of Previous Literature

Reviewing previous studies tackling the topic of this thesis, which is the responsibility of the United Nations in maintaining international peace and security is crucial in understanding the significance of this research.

The reviewed previous studies include books, articles or academic studies that call for the necessity of having amendments in the UN especially in the Security Council along with the necessity of limiting the domination of the great nations on the UN. This is to allow it to do its tasks and responsibilities since it is one of the key organizations in implementing the international law.

In light of the changes in the global system since the foundation of the UN until now, some of the studies focused on the role of the international organization in maintaining peace and security. Still, most of the studies criticized the UN in international conflict resolution threatening the global peace and security.

One of the examples of these failures is the Israeli- Palestinian conflict, which became harder because of using the American veto. These studies recommended amending the Charter of the UN especially its voting section in order to limit the control of the great nations on the UN and avoid politicizing its decisions in favor of the great nations. These nations cancelled many decisions that achieve justice. The researcher studied many sources such as books, articles and academic papers¹.

Nafa'a talked about the foundation of the UN and its development from 1945 until the end of the Cold War. He explored the bodies of the UN and its Charter focusing on the impact of the international environment on the work of the UN such as

¹Nafa'a, Hasan. The UN in Half a Century. The National Council for Arts and Culture. 1995.

the Cold War and its impact on the UN's performance. He indicated the most important notes on the UN's effort in the area of conflict resolution peacefully. He assured that the UN is a very important organization from which the Charter of human rights was issued.¹

He also indicated that the bodies of the UN need amendments especially after a long time since the foundation of the UN. This showed the strengths and weaknesses by its practices. Article 109 of the Charter recognizes the urgent need for the periodic review of the Charter the first article indicated the possibility of calling for a meeting to reconsider the Charter in the time and place determined by the General Assembly.

The Charter itself is under the consideration of the members to be reviewed every 10 years, but the situations of the global system and the power balance prevented that. This study showed that clarity in the number of principles the Charter includes is urgent and there is grave need to reconsider the organizational hierarchy of the UN. Also, it clarified that the Security Council in its current state is not appropriate, so there should be amendments in order to stop the dominance of the great nations on the UN council in order to be a real peaceful reality.

Nafa'a (1995) also talked about the challenges facing the UN in maintaining international peace and security, which made it crippled since it was founded in abnormal alliances' environment imposed by the Second World War. In other words, it co-existed with the bilateral polarity (east vs. west). With the dissolution of the Soviet Union, the bilateral polarity collapsed and joined the UN making a new direction to Russia in investing in peace making and keeping.

¹ Nafa'a, Hasan. *The UN in Half a Century*. **The National Council for Arts and Culture**. 1995.

The operation of liberating Kuwait and the later on resolution of the UN are models for the work of the UN in the Post- Cold War period. The UN council convened twice at the level of foreign ministers and this was unprecedented in the history of the Cold War. During this period, the United States played a vital role in two events, namely: ending colonization and development cause, but the way the US managed this crisis was not followed in the massacre of Al-Aqsa in which 20 people were killed and 150 were wounded confirming the principle of double standards in dealing with crisis.¹ After September 11 event, it turned out that the attempts of the United States under the rule of the Radical Right during George Bush's administration sought to dominate the leadership of the world. This stand negates the philosophy of collective security.

Then, it became hard for the UN to perform its role unless radical amendments occurred starting with reviewing the UN's Charter.

Al-Arja's (2014) recognized the nature of the role of the UN in organizing the international relations through setting a number of aims such as recognizing the nature of the UN and its role after the war until 2012. In addition, he aimed at recognizing the international factors leading to the foundation of the UN and its impact on the international relations and its contribution in the international organization in order to achieve international peace and security to find alternatives for international disputes and strengthen relationships after the Cold War.²

Al-Arja focused on clarifying the ability of the UN as an international organization to achieve its political, economic and social goals and its ability to

1 Nafa, Hasan. The Amendment of the UN Laws in Light of the International RockyWay. Al-Dar Al-Arabia for Science. 2009.

2 Al-Arja, Ziad. The Role of the UN in Organizing International Relations Post the Cold War Until 2012. Amwaj for Publishing and Distribution. 2014.

organize international relations after the Cold War (1991-2012) depending on the historical method, which depicts the history of international history to get to the patterns and laws. It also focused on reaching general conclusions concerning balance factors and imbalance in the development of the main and secondary systems leading to other forms. He summarized that the UN played a vital role and still playing a vital role in peacekeeping, peace enhancement and international peace by maintaining international economic, social, cultural and human cooperation along with human respect for freedoms.

Eichelberger¹ focused on the role of the UN in preventing wars in the first 25 years exploring some models of disputes which the UN resolved. He talked about peaceful settlements, collective security, and the purpose of the UN is preventing wars hoping for a better life until all war calamities go away.

It is clear that the UN found new means, which are not included in the Charter in order to face disputes that it formed committees to supervise any truce, and there is an international team of military supervisors in the passages of Kashmir in the mountains to keep peace between the Pakistani forces and the Indian ones. It founded agencies in order to control the borders for bad purposes. In 1946, the Security Council established a committee to investigate and send reports about the borders between Greece and its neighbors. In addition, it established an international general committee to deal with Balkan issue.

In addition, the author of this book referred to peacekeeping operations and general secretaries focusing on three cases in which the UN exerted efforts known as

¹ Eichelberger Clerk, *The UN in Quarter of a Century*. Dar Al-Afaq Al-Jadida. 1980.

“Peacekeeping Process” including Suez, Congo and Cyprus. This process is a military task force sent to an area to keep order until peace was made. This force is impartial and when the program of peacekeeping in the Middle East, Congo and Cyprus was analyzed, we feel the role of the Security Council, the general assembly and the General Secretary.

In this chapter, the author gave the learned lessons from peacemaking forces that the UN had the sufficient fund at that time. However, in 1964, the UN suffered from financial deficiency because of peacekeeping operations that it was over 100 million dollars. This happened because specific countries such as Soviet Union, and France refused to pay their share of the expenses of this force as a result of considering the main responsible for peacemaking and international security was the UN and it was the only one to decide.

He clarified that the General Secretary is the third factor in the UN bodies in settling disputes peacefully. His power came directly from the fifth chapter of the Charter. He also crystallized that the UN achieved many successes in conflict resolution as well as failures due to negligence. Furthermore, he said that some disputes the UN resolved went back to the past and it could not take away such reasons. This made the UN stop the fight and impose a truce without turning the truce to a permanent settlement.

The members of the UN agreed on a procedure recommended by the UN to stop the fighting, which would lead to a catastrophe. Still, they did not sacrifice much with their direct interests for a permanent settlement.

In addition, the situation became worse because many disputes were due to a collapse in ancient colonial regimes such as Vietnam, Congo and the Middle East. Walter Leman said that they all the results of imperial regimes such as the French regime in Chinese India, the British regime in the east of the Mediterranean and the Belgium regime in Africa.

The UN achieved truce agreements between Israel and the Arab countries, but fight followed them and the UN did not find any other way to turn these agreements to peaceful settlements. On the other hand, the majority refused to join any actions for the UN preferring to be in the shade of a great country to make use of its protection.

Furthermore, the modern movement of disarmament started with the League of Nations, so we should compare the era of the League of Nations with the UN and its Charter concerning this topic especially disarmament for the sake of collective security. During 50 year of action, there had been variation in the weaknesses of the UN and its budget because some members did not pay their share. Consequently, to enable the UN to be effective, the great nations in the UN should work for the progress of humans and protecting their freedoms and basic needs. This was done by controlling the countries having nuclear energy using it as a way of protecting and supporting human rights.

A Study by Rachel Corrie confirmed the significant role of the UN in maintaining international peace and security through peaceful and non-peaceful means used to resolve international conflicts. It showed that the peaceful means the UN used were: ¹

¹Rachel Currie Center. International Disputes, 2013. Retrieved from <http://rachelcenter.ps/news.php?action=view&id=9714>

- a. Political methods: such as negotiations, good- will visits, mediation, investigation and reconciliation.
- b. Seeking the help of international organizations such as regional and international.
- c. Judicial solutions, international judgment, Supreme Court of Justice.

The study which was published by Rachel Corrie Center suggested that one of the reasons for conflict-settlement failure of the Israeli-Palestinian conflict through peaceful measures such as negotiations was not having equally powerful parties of the dispute. It is argued that the negotiations failed due to the US economic and military support for Israeli party.

This study distinguished between judgment, mediation, judicial power like the judge whose decision is binding, so judging had many advantages such as:

1. Judging is one of the judicial ways of dissolving international conflicts.
2. Resolving to judge is optional and might be obligatory by the use of special treaties among countries.
3. Complying with the decisions of the judge is binding in all cases.

In his report, Al-Masri shed light on the role of the experts in the international law including the UN in order to resolve disputes focusing on the concept of peaceful settlement of disputes and its effectiveness. One of them was international courts as one of the peaceful methods of settling disputes since international courts were the ideal system for settlement. This study focused on the general rules of this system especially in the case of Taba.

It divided conflict resolution methods into diplomatic methods including negotiation; good- will visits, investigation and reconciliation. The second was the political methods embodied in the role of the international organizations in conflict dispute leading to the UN. The third method is judicial settlement by going to the international courts, which was considered one of the oldest ways of settling any dispute. Nowadays, the idea of the state made general authorities in the hands of the government starting from the rule to judgment to law enforcement.

On the other hand, this study indicated that the role of the international and regional organizations especially the UN in dispute settlement was a vital role in the disputes that caused international threat to peace and security as the UN Charter stated. Still, its power has been limited to giving orders with a number of ways to practice pressure on the parties to assure the implementation such as economic and military penalties as the seventh chapter of the Charter stated.

Furthermore, this study reviews the concept of international judgment clarifying its types and specialties considering it the basic law from which the court passes its conclusive sentence. Besides, it showed the articles of the implementation of the judgments of the international courts. Courts are really old that they existed in the ancient civilizations that Aristotle said that disputed parties prefer judging than going to court because the arbiter sees the justice while the judge cares about the laws. ¹

Arbitration is judging by someone that the parties choose subduing to his judgment. ² Hague Conventions were organized (1899-1907) having a specific

¹ Al-Masri, Hekmat. *Peaceful Settlement for International Disputes: Tabas as A Model*. The Arab Democratic Center. 2017. Retrieved from <https://democraticac.de/?p=43313>

² Al-Masri, Hekmat. *Peaceful Settlement for International Disputes: Tabas as A Model*. The Arab Democratic Center. 2017. Retrieved from <https://democraticac.de/?p=43313>

agreement of resolving disputes. Chapter four (article 27-90) cleared the judging by judicial settlement for international disputes was bound by obliging the disputed parties about the decision as agreed with them.

A specific body was specified to run judging process called “The Court of Permanent Arbitration” founded based on Hague Conventions in 1899. The agreement was revised in the second peace convention held in Hague in 1907. International arbitration is divided into two types:

1. International general arbitration whose parties have international representation and the dispute is international. It follows the general law including borders arbitration about Koch region between India and Pakistan signed on June 30, 1965, Taba arbitration between Egypt and Israel on September 11, 1986.
2. The second type is when the parties of the conflict are from different countries, the arbitration here is not about the general international law, but about contracts and international commercial deals, which is in the domain of the international special law and the international commercial law.

Abdul Salam’s¹ study, the writer explores that the international organizations are the international center because countries believe that their cooperation in the political, economic, social and cultural fields is important, but they should fulfill the terms of joining the organization and the kind of relationships, which might achieve international peace and security.

The second team suggests that the will of the organization in making the impact while its acts according to will of the members by voting, so the members have the

¹ AbdulSalam, Ja’far, the International Oranizations and Their Role in Maintaining International Peace and Security. The 27th Conference Events, 2017. <https://rb.gy/jjtejg>

greatest role in creating the will of the organization as independent body. The Non-Governmental Organizations (hereinafter referred to as 'NGO') have representative in the UN who strengthen its relationship with the world because they contributed in fulfilling an agreement in 1997 to ban land mines and establishing the international criminal court in 1998 to ban genocide and war crimes. In other words, NGO's work side by side with the UN and other organizations which had their independent will separated from the members and secretaries by taking decisions in the UN by their representative.

The most important element in the arbiter is to function according the international law and the international organization that aims at maintaining international peace and security. In addition, the establishment of international organization is linked with war, which is a requirement for having international peace. This study indicated that the UN bodies are for peace and security keeping since the process is a worldwide partnership gathering the effort of the countries to keep peace and security through hosted police. It did not expand to the change in the UN's role because of the change in the global system, so there should be change and development in the UN responding the recent updates.

There are many factors led to endangering international peace and security such as the Cold War as a kind of ideological struggle between the communist party and the capitalist party. This led to the incompetence in the tools of the UN's system and using Veto without any regulations. The results of the Cold war led to the collapse of the cluster of countries held with economic, social, political problem. On the other hand, the US went out victorious.

Al-Zamily¹ indicated that the UN was a supervisor for implementing rules, which is a government with limited power. The great nations passed the law, so they have to respect them and doing so is a kind of dictatorship negating relative justice. The balance of power affected the resolutions of the UN especially the rules because of the veto and other factors such as not considering these resolution binding and amending the Charter. This led to the paradox between the new and original script and the realism of implementing the Charter.

Manila declaration issued in 1982 concerning peaceful resolution for international disputes obliged the countries to subdue to their commitments in the Charter and implement the recommendations of the General Assembly. Article 33 of the Charter indicated that the parties of the conflict should seek peaceful methods of conflict resolution.

The preface of the Charter included (cooperating to keep peace and international security). The first article of the Charter stated peacekeeping and international security. In order to achieve that, effective procedures should be taken to prevent the threat. The Charter gave the responsibility of peacekeeping and international security to the Security Council giving it all the powers to define any international threatening problem for peace and security. In addition, it gave the veto right to five permanent members. Then, it gave the Security Council the right to accept or refuse any recommendation from the bodies of the UN such as the General Assembly if it includes a threat to peace and security. For example, the Security Council has the right to send the case to the International Criminal Court for the countries, which did not sign Rome Charter.

¹ Al-Zamily, Majid. *The Impact of the Perminant Members of the UN on the International Justice*. 2019. Retrieved from: <https://rb.gy/tggqro>

We notice that the way of voting in the International Trade Organization (hereinafter referred to as 'ITO') and the International Monetary Fund (hereinafter referred to as 'IMF'), which gave the great nations, rights at the size of their economy in order to maintain economic stability. The writer assured that the UN has gone through crises of losing power and the inability of implementing its resolutions especially the Security Council whose powers were taken. One of the most important one is stopping wars and peacekeeping especially in the American dominance on the international decision. The US violated many international Charters such as banning using power of threat outside the international legitimacy because the five great nations have the Veto right and it is a privilege to have their agreement in any unclear decisions.

They agree among themselves at the expense of other countries, which tried many time before to use Veto right less because it paralyzes the Security Council and hindered the performance of the UN to perform its basic duty, which is peace and international security keeping.

The status of the Security Council negates the declaration of San Francisco, which obliged the full cooperation among the members of the UN as the main term for the activation of the UN. Any disagreement jeopardizes the efficiency of the UN. In the conference, they agreed that no one should use Veto right but in the essential causes concerning international peace and security. The General Assembly in its first and second session called the five great nations to do its best not to use Veto right to hinder the justice of the council that this led to cancelling the laws in the articles 6 and 7 in the Charter. Consequently, this led to the inability of the UN to do their tasks because there are call for finding solutions guaranteeing the full performance of the Security Council and General Assembly. The privilege of the five members bonded the power of the UN.

In regards to the importance of the role of the UN in peacekeeping and international security, Lubna Bahli clarified in her study that the UN is one of the most important committee for the international organization, which aims at peacekeeping and international security.¹ In addition, it highlighted the status of the UN as an active role in international relations and international peace and security keeping that there are two directions for their relations in peacekeeping and general security. Other scholarly papers undermined the role of the UN in peacekeeping, despite that fact that is one of the main aims of the UN. The Cold War was a great challenge to the UN for being under great pressure and the control of the great nations paralyzing the UN.

Despite the changes of the 1990s enabling the UN to play a great role in conflict resolution based on the 7th chapter of the Charter of the UN, others considered it a tool for maintaining the goals of great nations especially the US known with the duality in their position.

This is confirmed with the credibility of the UN in its status, methods in maintaining peace and security. The liberals considered it as playing the key role in conflict resolution following different tools coping with the international changes.

Ahmad Ajaj reaffirms the vitality of the study of international peace and security keeping, but the flaws of the UN under the great nations and their domination over the Security Council coping with their interests.² Besides, it talked about the role of the UN peacefully and non-peacefully analyzing the efficiency of their resolutions and procedures in conflict resolutions. This is mentioned in the first article of the Charter.

¹ Baholy, Lubna. *The Role of the UN in Maintaining International Peace and Security: Examining Relative Theory*. Mohammad Bo Dabaq University. Retrieved from <https://rb.gy/qa6svb>

² Ajaj, Ahmad, *The Role of the UN in International Dispute Resolution*. (MA thesis, Damascus University, 2018)

The researcher concluded the following:

The international community is demanded to achieve peace and keep it and that requires a political will of the disputed parties according to the UN Charter. Also, it is unacceptable for the great nations to stick to the rule of not amending the Charter. In addition, it is vital to cancel and amend the veto right and reconsidering the permanent members having privileges. Besides, the judicial sentences of the international court of justice should be executive along with giving it all the actions to make sure they are executed.

The study of Hana¹ tackled the reality of the implementation of the UN's resolutions concerning the Palestinian cause. It included the principles of the UN, its Charter and activities. Also, it tackled the history of the Palestinian cause focusing on the resolution 242, 383, 181, 194 highlighting the hindrances of the implementation of these resolutions such as the American bias to Israel by using Veto right to cancel all these resolutions affecting the stand of the UN from the Palestinian cause and the efficiency of its resolutions. Besides, the responsibilities of UN in peace and security keeping were discussed in light of the changes in the power balance affecting the efficiency of the UN resolutions especially in the Israeli- Palestinian struggle. Most of the times, the US uses Veto for canceling any resolution against the interest of Israel, so the great nations' power should be limited or disabled in order achieve peace.

The study of Hasona² indicated the importance of the UN as one of the main organizations in conflict resolution and peacekeeping. As a result, there should be legitimacy in their decisions according to the Charter from which the decisions of the

¹ Hana, Iyad. *The Reality of the Implementation of the Resolutions of the UN about the Palestinian Issue*. **Al-Aqsa University**, 2017.

² Hasouna, N. R. *The Legality of the UN Resolutions and their Supervision*. Damascus University. 2011.

Security Council should be. Still, the Security Council might violate the terms for making decisions because they might violate the Charter and it's hard to amend it since the judge cannot be the judge and accused at the same time.

Brooking Institute¹ had a study about the role of the UN in maintaining peace and security because of the increase of violence in the world such as the genocide in Rwanda after the Cold War, the wars of Ukraine, Syria, Iraq and Yemen. This regional increase is due to the war in Syria and the conflicts in the Middle East and Africa between 2010 and 2015 representing 68% of the entire mortality rate in battles in the last 5 years. (17-2013)

The intersection between civil wars and terrorism in Africa is challenging for peace processes. The spread of ISIS and other extremists related to terrorism is a major factor in the increase. This study focuses on the effective role of the UN in peace and security keeping in the area proving that the UN cannot do anything in these wars.

¹ Broking Institute. Study Abstract: The Administration of the New Threats Scene of Normalizing the Tools of International Peace and Security. 2018. Retrieved from: <https://rb.gy/xiq7nf>

Chapter Three

Theoretical Framework for International Organizations

3.1 Introduction

This chapter will focus on defining international organizations, their powers, roles and status, and will then focus on the United Nations.

3.2 The International Community and the Phenomenon of International Organizations

In this chapter, and before talking about the role of the UN in international peacekeeping and security, in this study we will address international organizations, their foundation, definition, and their characteristics.

The laws governing international relations become the law of the powerful, as long as there are no laws that transcend state power¹. Hopes' theory was supported by many supporters, including the German philosopher, Emmanuel, who in his book sees that humanity is called to long-term revival of peace" and also supported this position Friedrich Hegel K, And However, George Burdeau thinks the international community is developing and dynamic, making international relations take place only between countries .In addition, Burdeau sees that this future development only gives us an international community made up of sovereign, independent states.

3.3 The Treaties of Westphalia and the Birth of the Modern State

The second half of the 15th century witnessed a great development for the formation of the international community, in general, and the European community in

¹ Al-Abdaly, Abdulmajid. **The Law of International Relations**. P1. Dar Al-Qos Pub. 1994.

particular. One of these developments is the outbreak of the Thirty Years War 1618-1648, in which the vast majority of the countries of the European continent participated. These wars ended up with the conclusion of the Peace Treaties of Westphalia in 1648.

These treaties were an attempt to find a way to stabilize relations between countries, especially since European countries have become sovereign states, in anticipation of the rush of these countries to competition and collision.

3.4 Modern International Community

The United States of America is the first complex state in the form of a federation, while the forms of European unions were mostly represented in personal unions based on the inheritance system. America was a country with a republican system. Besides, the United States of America was the first country in the new world to obtain its independence, as it helped it to contact the countries of the old world especially the European one.

3.5 The General Theory of International Organizations

3.5.1 Definition of the International Organization

Jurists differed in the definition of the international organization, due to the novelty of this term in the jurisprudence of international law, and the multiplicity of its types and denominations. However, the international organization can be defined as "a body in which a group of countries is always involved," in order to be informed about common public affairs and grant them self-jurisdiction that these bodies exercise in the

international community¹". Consequently, international organizations of various types generally share some elements, which are:

- These organizations are subject to the rules of international law, as the international organization is considered a person of international law.²
- Membership in the international organization is limited to the countries in which it participates through delegates appointed by the government, and for this, it can be said that international organizations are international governmental organizations.
- Every international organization has a constitution or a basic law issued in the form of a collective treaty that includes a statement of the obligations and rights of member states in the organization, such as the United Nations Charter and the constitution of the International Labor Organization.
- Each international organization has a council or body made up of representatives of member states that meets in regular sessions and supervises the organization's general policy.
- Decisions of the organizations operating in the organization are issued unanimously or by majority, according to the basic system of work in these bodies and for each country, one vote at most.
- The member states of the organization contribute financially to the expenses of the organization.

¹ Alwan, Abdulkarim. *Al-Wasit in the General International Law*, International Organizations. P4, Al-Thaqafa Pub. 1997.

² Alwan, Abdulkarim. *Al-Wasit in the General International Law*, International Organizations. P4, Al-Thaqafa Pub. 1997.

3.5.2 Types of International Organizations

International organizations are divided into three sections: First: general international organizations, which are the organizations whose activities extend to all kinds of disputes that arise among themselves and Member States and to support peaceful links between them as the United Nations organization; second: international judicial organizations which its mission is to settle international disputes based on applying the rule of international law, such as the International Court of Justice and the Courts of Arbitration; and third: the League of Arab States, the Organization of African Unity, the Organization of American States, and the European Union.

This research will focus on the first type of international organizations, which is the United Nations.

3.5.3 The International Legal Personality

First, the international legal personality means the ability to assume the unit concerned with its administration with the rights and obligations that have been concluded in whole or imposed by international law. On the other hand, it means the ability of this unit to contribute with its willingness to establish the rules of international law¹.

As a result, the legal personality of international organizations and their capacity to conclude legal actions is not the same regarding as the legal personality which is not based on states, but rather changes with the limits of the purposes of the organization.²

¹ Al-Daqaq, S.M. *International Organization*. Al-Dar Al-Jam'ya for Pub. 1986.

² Al-Hadidi, J.T. *Studies of the General International Law*. Al-Hamid for Publication and Distribution. 2012.

The legal personality is defined in the legal sphere as the power to acquire rights and bear obligations. International organizations are considered a legal person, meaning the legal personality of the international organizations is the authority of the latter to enjoy rights and fulfill obligations, as well as having a legal will independent of the will of the founding member states. International law requires the availability of two elements necessary for the establishment of legal personality: the first is for the personality to be able to establish legal rules with other legal personalities by mutual consent, and the second element is for the personality to address the provisions of international law, meaning that it has the capacity to enjoy the rights and the capacity to fulfill the obligations entrusted to it, as follows: the right to conclude a treaty; the right to participate in the creation and formation of international legal norms, convention and customs, in cooperation with other persons; the right to diplomatic representation, that is, to send and receive diplomatic and international delegations and missions; and the right to present international claims, meaning being a plaintiff or defendant before international courts.

The international obligations of an international legal person are: the necessity to respect the rules of international law; implement international obligations in good faith; not to use force or threaten to use it in international relations except within the limits established by international law; the peaceful settlement of international disputes; the obligation to respect the rights of other international persons and to be able to establish international legal rules by compromising with other similar undertakings to establish these rules.

In this advisory opinion, the International Court of Justice recognized the legal personality of the United Nations organization, affirming that states are not the only

persons of public international law, so it was considered that the international bodies that have arisen as a result of developments in international circumstances can be considered legal persons of a nature distinct from the nature of states, as the international organization enjoys special legal capacity commensurate with the broadness or narrowness of the objectives for which it was established. This recognition of the legal personality of the United Nations has become applicable to other international organizations, as all of these organizations have goals that require their achievement to have an international legal personality that distinguishes them from states.

Article 38/1 of the Statute of the International Court of Justice identifies the sources of the rules of general international law, indicating that: “The court's function is to settle disputes brought to it based on the provisions of international law”, and it applies in this regard:

- General and private international agreements that lay down rules expressly recognized by the conflicting states.
- The accepted international custom is a law indicated by the frequency of use.
- General principles of law endorsed by civilized nations.
- Court rulings and the doctrines of leading authors in public international law from various nations.

The legal personality of the United Nations appears in the following matters:

- The United Nations is equipped with an integrated and permanent organizational structure, and it has specific competencies that it exercises in his name and not on behalf of the member states.

- That the United Nations is able to issue decisions that bind its member states in accordance with what is stipulated in the Charter, and the necessity for states to provide all assistance to the regular to complete the measures it deems to be taken.

Accordingly, the court affirmed that the member states must recognize the international legal personality of the United Nations, as it is indispensable for achieving its objectives. The court has rightly noted that while states enjoy all of the international rights and obligations established by international law, international organizations necessarily enjoy all of these rights and obligations. Rather, the amount of rights and obligations they enjoy depends on their goals and functions. The international personality of international organizations is understood in light of the treaty establishing the organization, because this treaty explicitly defines the goals and powers of the organization, and the founding treaty - like other international treaties - is usually subject to interpretation that takes place in light of the general rules of interpretation established in the Vienna Convention on the Law of Treaties of 1969. It is evident from the previous review that for an international organization to have international legal personality, the organization must have self-will independent of the will of the member states. That is, all the actions of the organization and the legal actions that it produces do reflect upon the individual member states, but rather to the organization itself, because it is an international legal person who is independent in its legal life from the countries that established it¹.

Here lies the question about the extent to which the United Nations should bear its legal responsibilities towards the Palestinian cause, especially as it is responsible for the

¹ Safty, F. and Mohammad, F. The International Legal Personality of the OSCE, 2020. Arab Studies for Research and Studies. Retrieved from <http://www.acrseg.org/41497>.

emergence of the Palestinian cause through the partition resolution, and since the United Nations has concluded many agreements and treaties, and issued UN resolutions that affirm the inalienable rights of the Palestinian people, why It failed to shoulder its legal responsibilities towards the concluded treaties such as the Fourth Geneva Convention?

Chapter Four

The Role of the UN in Peacekeeping and Security: Models of Peacekeeping

4.1 Background about the UN

The establishment of the UN was the result of an agreement between the allied countries, especially the major countries, and this consensus emerged through official consultations, the most important of which are:

- **The Atlantic Charter:** It is the title of the document or the joint statement, which was issued after the meeting of British Prime Minister Winston Churchill with American President Roosevelt on August 14, 1941, on the back of the navy near the Atlantic Ocean from Newfoundland Island in the Atlantic Ocean.
- **The United Nations Declaration or the Washington Declaration:** This declaration was issued in Washington in January 1942, i.e. several days after the United States entered the war, and came in the wake of the conference in which the countries allied against the Axis countries participated.
- **Moscow Declaration:** It is the declaration that was issued following the meeting of foreign ministers, the United States and the Soviet Union, Britain, and was signed by Svir China to the Soviet Union, in Moscow on October 30, 1943, and the importance of this declaration comes as an official document.
- **Dumberton Oaks Consultations:** In mid-1944 consultations began to establish a new world organization to replace the League of Nations, and after exchanging proposals and formal plans, the United States extended an invitation to both the

Soviet Union, Britain, and China to attend a conference to crystallize a preliminary version of a draft Charter acceptable to the four major countries .

- **Yalta Consultations:** are the consultations that took place at the summit level between the three major countries, in which both Stalin, Roosevelt and Churchill participated, and during these consultations the three agreed to share areas of influence after the Second World War.
- **San Francisco Foundation Conference:** In this conference, the small states succeeded in amending some of the texts of the draft Charter presented to the San Francisco Conference. For example, they succeeded in expanding the powers of the General Assembly, and were able to expand some of the powers granted to the Secretary-General.¹

4.2 The Charter of the United Nations

In this paper, we must shed light on the United Nations Charter signed by the United Nations Charter on 26 June 1945 in San Francisco at the conclusion of the United Nations conference on the system of the international body and became effective on October 24, 1945. The statute of the International Court of Justice is an integral part of the Charter. The Charter of the UN is a document that gave life and importance to the United Nations, as it has a distinct subjectivity that distinguishes it from the subjectivity of the countries included in its membership, and exercises certain jurisdictions by means attributed to it. On the other side, those familiar with the UN's Charter and its preamble, which contains a sentence, will attract the attention of everyone who looks at it.

¹ Nafa'a, Hasan. *The UN in Half a Century*. **The National Council for Arts and Culture**. 1995.

"We the peoples of the United Nations have an obligation This sentence ¹" removed all the differences between the peoples of the United Nations, and considered that what the Charter of the United Nations stipulates is a pledge of commitment from all fairness, equality and protection of human rights, and maintaining peace, security and social advancement for all peoples. These pledges gave the Charter to the people a glimmer of hope after the world had lived through the scourge of wars for decades. On the other hand, it did not make membership of the UN absolute from every restriction, but specified its acquisition of certain conditions, considered objective, while others are formal. Therefore, we see that some countries have gained membership in the UN and some have not acquired membership due to the lack of conditions for membership in them. The framers of the Charter saw the necessity to regulate the relationship between the UN on the one hand and the non-member states on the other hand. It is a necessity established by the main objective of establishing the systematic one, which is to preserve international security and peace.

The first principle is respect for human rights, whether individual or group, without discrimination in this regard for any racial, economic or geographical reason. The second principle emphasizes the need to respect justice and international obligations emanating from treaties and other sources of international law.²

Here we stop at an important question: Did the UN, when intervening in conflict resolution aiming to bring international peace and security, solve and address the causes of the conflict, or was it content to achieve peace ostensibly or formally in

¹ The UN, the UN Charter, Chapter 7, 1945. Available at <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>.

² Al-Daqaq, *S.M. International Organization*. Al-Dar Al-Jam'ya for Pub. 1986.

contravention of the principles of its Charter? This is what we will discuss in the coming chapters.

Since the foundation of the UN in the shadow of the tragedy of the Second World War, the first goal of the UN Charter was to save future generations from the scourge of wars. The goals of the UN Charter I and III were to prevent wars and establish peace, and the second and fourth goal is faith in human rights, social advancement and the removal of causes the war. Therefore, the whole purpose of the UN is to maintain peace.

The Charter of the UN aimed at settling the differences of states directly, and it proposes a variety of ways to address these differences. Among the most important efforts of the UN is to preserve peace, and for the UN to conduct international peacekeeping operations, adequate funding must be available for these efforts. In 1964, the UN faced a deficit as a result of peacekeeping operations, and the financial crises increased to \$ 100 million, and this crisis is a serious issue. This problem occurred because of the failure of both the Soviet Union and France to pay the peacekeeping expenses at the time.

4.3 The Goals and Objectives of the United Nations

The UN has four goals. These goals are:

- Maintaining international peace and security
- Developing friendly relations between countries
- Maintaining international cooperation in economic, social and cultural affairs

- The International Commission should take center stage to coordinate the work of the nations or direct them.

4.4 Maintaining International Peace and Security

The first Article of the Charter clarifies three types of measures that the United Nations must take to maintain peace and international security. First, preventive measures to remove the causes of tension and prevent conflicts from erupting, and second, measures to help parties to the conflict reach a peaceful settlement of the conflict, in accordance with the principles of justice and law. Third, repressive measures to confront situations of aggression or the threat or breach of peace should be taken. On the other hand, the Charter prohibits the UN from interfering in matters that fall within the framework of the reserved jurisdiction of states; "Article 2, paragraph 7". Therefore, wars and internal conflicts may require, the UN to intervene if its national effects exceed, and a position arises from it would threaten international peace and security. The general principle established by the UN Charter is the prohibition of the use or threat of force, but there are exceptions that we will clarify as follows:

1. Prohibition of the use of force by individual states, as stipulated in Article 2/4, which requires the following: All members of the commission refrain from threatening the use of force or using it against the territorial integrity or political independence of any country, or otherwise being consistent with the purposes of the United Nations.
2. The exception to the prohibition on the use of force in international relations, legitimate defense: Article 51 of the Charter confirmed the principle of legal defense. It considered it an exception contained in the principle of the prohibition of the use of force in international relations, an exception contained in the principle of the

prohibition of the use of force in international relations. For example, in its decision in the Nicaragua case, the International Court of Justice clarified the content of this right.¹ In all cases, the states exercising their right to legal defense shall be obligated to inform the Security Council of the measures they have taken and taken in this regard.

The other exception to the principle of the prohibition of the use of force is, the measures taken against enemy states during the Second World War, where Articles 107 and 53 of the Charter stipulated the possibility of taking measures against enemy states during World War II.

3. One country accepts that another country use force in its territory.

4.5 The Development of Friendly Relations between Countries

This goal was mentioned in the fifth preamble paragraph, which stated that the peoples of the United Nations "take ourselves with tolerance, and live together in peace and good neighborliness"². It stipulated on this goal the first article of its second paragraph by saying, "developing friendly relations" among nations on the basis of respecting the principle that guarantees peoples equal rights and makes them entitled to self-determination, and to take other appropriate measures to promote public peace. "

This goal was a great victory for the anti-colonial powers; it had enormous effects on the unification of the United Nations activity in the field of anti-colonialism. This goal sees the basis for developing friendly relations between countries based on respect for equality between states and the right of peoples to self-determination and

¹ Al-Daqaq, *S.M. International Organization*. Al-Dar Al-Jam'ya for Pub. 1986.

² Alwan, Abdulkarim. *Al-Wasit in the General International Law*, International Organizations. P4, Al-Thaqafa Pub. 1997.

respect for human rights and here we will see if the UN in this context is applied on the Palestinian-Israeli conflict.¹

4.6 Maintaining International Cooperation in Economic and Social Affairs

It stipulated this goal that in the fourth preamble paragraph, by saying that the peoples of the United Nations have committed themselves to "pushing social progress forward and raising the level of life in an atmosphere of freedom which is more broad." As stated in the last preamble paragraph, "the international instrument should be used to promote the economic and social affairs of all peoples," The same is stipulated in the third paragraph of the first article: "Maintaining international cooperation in solving international issues of economic, social, cultural and humanitarian formula, and in promoting respect for human rights and fundamental freedoms for all people², and encouraging it absolutely and without any kind of discrimination based on sex, language or religion and without any distinction between men and women.³ This text stems from the importance that he affirmed that the organization is a public organization and not a specialized political or security organization.

This paragraph gives the UN certain powers in the fields of economic, social and cultural activity. In addition, this paragraph the Charter speaks about human rights which are one of the means of maintaining the first goal of the United Nations⁴. It is the maintenance of international peace and security, as many international crises and

¹ The UN, The Prologue (1945). Retrieved from <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>

² Al-Daqaq, *S.M. International Organization*. Al-Dar Al-Jam'ya for Pub. 1986.

³ The UN, The Prologue (1945). Retrieved from <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>

⁴ Alwan, Abdulkarim. *Al-Wasit in the General International Law*, International Organizations. P4, Al-Thaqafa Pub. 1997.

conflicts and wars are due in fact to economic and social crises, which affect the state of the state and push it to war.

4.7 The United Nations Should Take the Coordination Center for Actions among the Nations or direct it

In the fourth paragraph of Article 1 of the Charter, the geographical location of the body is not intended, and not all international organizations and bodies of the United Nations are required to be located, where the UN is located. Rather, the UN itself works to reconcile the different policies of member states, with the aim of becoming a coordinating body so that the actions and behaviors of countries and other organizations alike do not conflict.

4.8 United Nations Principles

The preamble to the Charter of the United Nations contains many founded principles on which the United Nations. These principles are:

1. The principle of equality among nations requires sovereignty as a basis on which the UN depending on several places of the Charter, whether legally or by having the rights conferred upon it by its sovereignty. Every country is committed to respecting the legal personality of other countries, that regional unity or political independence cannot be violated for any state. Every country is free to choose and develop its political, social, economic and cultural system.
2. The principle of good faith in the implementation of international obligations is necessary. This principle is one of the most important principles on which the international and private legal system is based, because it is after the real guarantee

of the proper course of international relations. As mentioned in Article No 2 in the Charter, in order for the members of the commission to guarantee themselves all the rights and benefits arising from the status of membership, they must have a principle of goodwill for them with the obligations that they took on themselves in the Charter of the United Nations. The principle of goodwill is one of the fundamental principles in international law; many jurists saw that it is the basic principle of international relations.¹

3. Resolving disputes by peaceful means: this principle was mentioned in the third paragraph of Article 2 of the Charter, so that all members of the commission resolve their international disputes by peaceful means, so as not to make peace, security and international justice not be threatened or threatened. In addition, article 33 in its first paragraph stipulates these used peaceful means in resolving international disputes. The same article gave the parties the conflict the freedom to choose the means that suits them best as long as they guarantee them a peaceful solution to the conflict.
4. In the seventh preamble paragraph states, "The peoples of the United Nations intend not to use armed force in a way other than in the common interest."; this prevents the use of force in international relations. In addition, this principle was mentioned in the fourth paragraph of the second article, where it says, "All members of the commission refrain from threatening the use of force or using it against the territorial integrity or political independence of any country or in any other manner inconsistent with the purposes of the United Nations."
5. Obliging non-member states to act in accordance with the principles of the United Nations: As stipulated in this principle, the sixth paragraph of the second of the

¹ Alwan, Abdulkarim. *Al-Wasit in the General International Law*, International Organizations. P4, Al-Thaqafa Pub. 1997.

Charter, by saying, "The commission works to ensure that non-member states follow these principles to the extent required by the necessity of maintaining peace and international security."¹

6. The non-interference of the United Nations in the internal affairs of member states, and this principle stipulated in the seventh paragraph of Article Two: Members may submit such matters to be resolved by virtue of this Charter, provided that this principle does not prejudice the application of the repressive measures contained in Chapter Seven. "²
7. The right to self-determination is the Charter of the UN; this principle is one of the principles upon which the United Nations is based. This principle was confirmed by the General Assembly Resolution issued on December 14, 1960, regarding the granting of independence to colonial territories and peoples, which was considered a turning point in the history of the principle of the report Fate.

4.9 United Nations Bodies

The General Assembly is one of the principal organs of the United Nations, consisting of all members, electing a new President and 21 deputies to him at the beginning of each session.

The Charter of the United Nations created six major organs of the United Nations, including the Security Council. The Charter places the primary responsibility for the maintenance of international peace and security on the Security Council, and the

¹ Alwan, Abdulkarim. *Al-Wasit in the General International Law*, International Organizations. P4, Al-Thaqafa Pub. 1997.

² The UN, The Prologue (1945). Retrieved from <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>

Council can meet whenever a threat to peace emerges and the Security Council consists of fifteen members.

The Economic and Social Council. It is the body that takes the initiative, studies and makes proposals to address international problems related to development, international trade and manufacturing, population, social services, crime and drug control. The Economic and Social Council generally holds two general sessions, one of which is held at the main headquarters in New York and the other at the European headquarters in Geneva, and each takes about a month.

The Trusteeship Council. It is the apparatus that has been agreed upon to be formed as one of the main branches of the United Nations to carry out a specific function which is to supervise the administration of the regions.

The International Court of Justice. Article 92 of the Charter stipulates that the International Court of Justice is the main judicial tool of the United Nations, and it carries out its work in accordance with its statute attached to this Charter¹.

4.10 The Cold War

4.10.1 Implications of the Cold War for the United Nations Crisis

Management System

When analyzing the role of the United Nations in maintaining international peace and security, it is necessary to stop at the stage of the Cold War, because this stage is of great importance at the level of international relations, the balance of powers, and at the level of some political changes in the world.

¹ Al-Abdaly, Abdulmajid. **The Law of International Relations**. P1. Dar Al-Qos Pub. 1994.

After World War II, a few years ago, the two worlds were divided into two camps, the capitalist camp and the socialist camp, led by the Soviet Union, and a Cold War erupted among them. It had extremely dangerous consequences for the role of the United Nations in managing international crises. This had an impact on the role of the Security Council.

4.10.2 Excessive Use of the Right of Veto

The extravagant use of the veto power is due to the widening of differences during the Cold War between the United States and the Soviet Union, and its extension to most important issues.

After the Soviet Union was the most used veto, compared to other permanent states, until the mid-sixties, it seemed that the trend was completely reversed, and Western countries in general, are the most used fools since that date.¹

The year 1955 is the most widely used veto in the history of the Security Council, as about 70% of all draft resolutions presented. As for the shortest periods for the use of the veto in the history of the Security Council is the period 1962-1970.

¹ Nafa'a, Hasan. *The UN in Half a Century*. The National Council for Arts and Culture. 1995.

Chapter Five

Means Pursued by the UN in Resolving Disputes

5.1 Introduction

Since the era of the United Nations League, general international law has established the principle of settling international disputes by peaceful means, seeking to delegitimize the future use of force. Later it in the Charter of the United Nations, where the settlement of peaceful disputes is extremely important, because it is considered the cornerstone for treating crises and conflicts, and they also eliminate the possibility of using weapons as an excuse for all international conflicts.

In light of this, I will explore international dispute resolution in this theoretical framework chapter, the procedures of the Security Council in the case of an international conflict, and the foundations of conflict resolution within the UN.

5.2 The Role of the UN in Peacekeeping and Security: Models of Peacekeeping

The United Nations has a legal personality, and in its relations with countries, it has no legal status. However, the United Nations is provided with a complete organizational structure, as well as the given powers exercised in its name. The United Nation is capable of issuing decisions, which obliges the states in accordance with the aforementioned provision in the Charter, and the required provisions of this Charter.

It is equipped with areas and powers that cannot be interpreted as a higher level of means of peacemaking (for example, international treaties, and the capacity of

litigation ... etc.). This requires the recognition of member states of the council of the United Nations of it is the international legal personality as well as its wealth.

Of course, this does not mean that it is above states, but rather an international person with a set of international rights and obligations that it requires to achieve the goal in order to establish and enable it to achieve its goals. The matter making the commitment as an argument to all, even in the face of those countries intervening in its membership.

On the other hand, Article 36 stated that the Security Council must at any stage of a conflict of the type referred to in article 33, or a similar situation, recommend what it deems appropriate from the procedures and methods of settlement as in article 37. In addition, the discussion touched on peaceful means to settle international disputes in article 33, the real role of the United Nations is clear and related to the goals of establishing the organization, which is to achieve international peace and security, and to preserve the sovereignty of states from violation.

One of the indications of it and the analysis of the extent of its responsibilities is the extent of respecting the rules of international legitimacy in the decisions issued by the international organization, especially from the International Security Council. The UN can be analyzed through two phases, the work of the UN organization, which extends until the beginning of the nineties until the end of the cold war.

The competition between them and the rule of the Cold War between the two poles of the Soviet Union and the United States of America, and this phase remained until the beginning of the 1990s, until it limited the Iraqi aggression against the State of Kuwait.

As for the second stage: it is represented by confronting the United Nations through the Security Council for the Iraqi aggression against Kuwait and presented a radical shift in the method of confrontation in the organization's way in facing international events, where the ability of the Security Council to face international conditions. The international community, which came as a real response to the end of the Cold War between the two poles, i.e. between the eastern camp and the western camp, the veto, is no longer an obstacle before the Security Council, in order to exercise its functions and powers.

On the other hand, in order for the major powers to find an input by interfering in the affairs of other countries, the Security Council has identified actions that constitute a threat to peace and security. Why are these factors not limited to conflicts between countries and large-scale hostilities that have violated the borders of states? Rather, the threat to peace also includes the suppression of minorities, as well as terrorist acts and all human tragedies that resulted from internal fighting, and from the infringement of democracy and human rights in some countries, for example.

With regard to the situation between Iraq and Kuwait, the Council issued its resolution 688 regarding the situation between Iraq and Kuwait that what Iraqi civilians disturb it subjected to from repression in various places in Iraq and in the area inhabited by the Kurds, which led to the displacement of refugees towards the borders.

The threat of peace is achieved in the event of an armed clash in the territory of the state when this clash is characterized by force and violence to the extent that endangers the interests of other countries or when recognizing one of the parties, disputers are described as a warrior by a large group of countries. For example, in its

1993 Resolution No. 794, the Security Council decided that the scale of the human tragedy resulting from the conflicts in Somalia constituted a threat to international peace and security.

Another example is in the Western Libyan case, the Security Council has made it clear, and in the Western Libyan case, the UN Security Council made clear in its Resolution No. 748 Al Sadri on March 31, 1992. It is the belief of the Council that the suppression of any international action is necessary to maintain international peace and security.

In addition, the Security Council continued to expand the concept of the so-called threat to international peace and security, as it considered that what it was subjected to the United States of America a terrorist act. All members agree that terrorism is an international crime that must be eliminated.

Therefore, we find that the Security Council is handling of international conflicts, giving it ample space in issuing decisions to prevent any threat to international peace and security, giving it the discretionary and decisive authority of disputes classifying them as threatening international security. Hopefully, this has increased the Security Council's ability to interfere in the affairs of other countries at any time, with the assistance and guidance of major countries. Its intervention models such as, northern Iraq, Libya, Somalia, Bosnia and Herzegovina and Haiti, opened the door for the United States and its allies to interfere in Iraqi affairs, overthrow the regime and occupy its entire territory. This raises a clear question about the seriousness of the United Nations organization in carrying out its responsibilities in maintaining international peace and security according to when it came to its Charter.

As this conflict started in the aftermath of the events of September 11, over the United States of America, in 2001 when the United Nations failed to confront the situation and prevent Anglo-American aggression against Afghanistan. There will be interference by the Security Council in the sense that the Council concerned with preventing aggression and maintaining international peace and security. This is further evidence of the failure of the organization and its lack of responsibility in maintaining the goals and objectives for which it was created.

5.3 United Nations and the Anglo-Iraqi Conflict

This conflict started after the United States of America called the war on terrorism, at the global level, where it put a group of countries that sponsor terrorism, headed by Iraq, Afghanistan, Iran, Libya and Sudan. It started in Afghanistan then Iraq, where it launched an attack on Iraq and occupied its lands.

Accordingly, Resolution No. 1441 was issued in November 2000, and this resolution was another example of violating countries. The great Charter of the United Nations and interference in the affairs of other countries, where this decision was the beginning of the aggression against Iraq by the United States of America, and subjected Iraq to the decision against his will seeks to impose hegemony and control over his wealth.

5.4 Dispute Models the United Nations Has Failed to Resolve

The United Nations failed to resolve the Palestinian-Israeli conflict, which resulted from the aggression on Arab lands on June 6, 1967, and accordingly the United Nations issued Resolution No. 242, in 1967, which calls on Israel to withdraw completely, to the pre-June 6, 1967 borders. 1967. Israel continues to transgress in its

violations and aggression the highest of the Palestinian people, in violation of both international norms and covenants.

Moreover, another example of what happened in Afghanistan, and the illegal international presence in its territory, by the Anglo-American coalition forces. On the other hand, the UN has failed to prevent the aggression of the United States of America and its allies over Iraq and its occupation of Iraq without any justification.

5.5 The United Nations Failed to Resolve the Iraqi-Kuwaiti Conflict

The issue of the Iraqi-Kuwaiti conflict erupted after the Iraqi invasion of Kuwait and the complete occupation of its lands in 1990. When the justifications for the Iraq war on Kuwait were that Iraq had a historical right in Kuwait, the Iraqi argued that Kuwait was during the Ottoman rule an integral part of the Iraqi Basra Brigade as a result of border disputes between the two countries. Kuwait claimed repeated aggression on Iraqi oil through the Rumaila field located in Iraqi territory with the right of Iraq Om Ubian Island until it finds a seaport on the Arabian Gulf. The Iraqis' wanted to build and develop weapons and its war fleet in the Persian Gulf.

In fact, the role of the United Nations in the Iraqi-Kuwaiti conflict was different from its role in other conflicts in the world, as it issued decisions that had not previously been issued, in any other conflict, beginning with Resolution No. 660 on condemning Iraq and withdrawing its forces to the pre-first borders of August 1990. Then, the UN issued resolution No. 678 calling for the use of force against Iraq, and by declaring and permitting all friendly and allied countries to Kuwait, to use all possible means against Iraq for the sake of liberating Kuwait.

On the morning of 16 January 1991, the spark of the war against Iraq was launched with a severe air strike against the Iraqi forces in Kuwait, and a cruel land war since March 1991, ended with the liberation of Kuwait and the return of its legitimate government.

Despite the legitimacy of the goal of this war, it exceeded the limits of legal defense by all measures, and the reason for this is that these forces were not subject to the Security Council, nor the United Nations, but rather. These forces were subject to the United States of America and its allies, and despite the end of the mission of the American forces in this war, they remained in the form of military bases.

5.5 International Disputes

The Permanent Court of Justice has defined the international dispute in its decision issued on August 13, 1924 in the Mavromits case, as a dispute between two states over a legal issue or a specific incident or because of its conflicting legal views or interests. We find that the International Court of Justice has defined international conflict in its issued decision However, "lack of agreement on a matter of reality or law, in other words, it is a ritual identification of legal claims, or the companions are two persons."

As for the types of international disputes: In general, sovereignty, and other names were and still are major causes of international disputes, as international jurisprudence and law took a precise definition of what international disputes mean, as there are types, political disputes, legal disputes, and technical disputes, and for the conflict to gain international character.

Chapter VI of the Charter of the United Nations came to emphasize the need to resort to peaceful means to resolve disputes. On the other hand, Chapter VI may indicate that the Security Council has to examine any conflict, to see if that conflict endangers the maintenance of international peace and security according to Article 34. Article 35 states that issues requiring the members of the UN to alert the Security Council or the General Assembly to any dispute or position on the conflicts are referred to in Article 34.

On the other hand, Article 36 indicated that the Security Council must at any stage of a conflict of the type referred to in Article 33 or a similar position recommend what it deems appropriate in terms of procedures and methods of settlement. On the other hand, article 36 has also indicated that it takes into account legal disputes that the parties to the conflict must consider. In other words, it is within the jurisdiction of the Security Council to recommend that the dispute to be presented to the International Court of Justice.

Article 37 indicates that the process of presenting the dispute to the Security Council in the case that the parties to the conflict failed to resolve the dispute among themselves by peaceful means. Accordingly, article 3 of the Security Council stated that if all the parties requested to submit to them its recommendations with a view to resolving the conflict peacefully, without Breach of the provisions of Articles 33 to 37 the Security Council deals with it.¹

¹ The UN, The Reference of the Practices of the UN Security Council, Part Six, 2015. Retrieved from <https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/17-03714-part-6.pdf>

If we look at the articles of Chapter VI of the Charter, (Article33-38),¹ we find that the Charter emphasized the need to use the proper means to resolve disputes, in several ways, most notably negotiations, mediation, conciliation, arbitration, and judicial settlement. The Security Council must invite the parties to the conflict to use these means to solve the conflicts between them.

The Security Council deals with investigative and fact-finding activities and all activities that are considered peaceful means of resolving disputes falling within the scope of Article34 failed. Then, it clarifies the recommendations of the Council to the parties to disputes and its support for the efforts made by the Secretary-General to settle disputes by peaceful means, and the Council also draws Member states' attention to new situations or conflicts, such as human rights.

For example, in 2014-2015, the Council's attention was brought to several new situations or disputes regarding the conflict, the human rights situation in the Democratic People's Republic of Korea and the spread of the Ebola virus in West Africa. For example, the Council dispatched four missions to Africa, the Americas and Europe, and visited places in Ethiopia, Burundi, the Central African Republic, South Sudan, Somalia, Mali, Belgium, the Netherlands and Haiti.

The Council also supported the Secretary-General's investigation of violations of international humanitarian law, international human rights law in the Central African Republic, the escalation of violence in Mali, the use of chemical weapons against civilians in the Syrian Arab Republic, and injuries sustained in 2014 during the Israeli aggression on the Gaza Strip.

¹ The UN, the UN Charter, Chapter 7, 1945. Available at <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>.

Based on that and an explanation of what was mentioned in Chapter VI of the Charter of the United Nations, we will highlight the section related to the use of peaceful means in resolving peaceful disputes, but first we will try to discuss first when the international conflict is a threat to international peace and security for conflict resolution.

In fact, the Charter did not define the criteria for that by which the conflict judged as a threat to international peace and security. On the other hand, it is not necessary that the conflict between two countries be equal in terms of power in order to apply to it, that it constitutes a threat and a threat to international peace and security, as it may some believe that the Security Council exercises its jurisdiction in relation to international conflicts in two stages:

The first stage is for the council to ensure that the conflict poses a threat or threat to international peace and security. This issue requires careful and thorough study. The second stage based on the powers authorized by the Council in Article 34 of examining the conflict whether its continuation constitutes a threat to the international peace and security.

As Article 34 of the Charter of the United Nations stipulated that, the Security Council should examine any conflict or any situation that may lead to international friction. Kindle raises a conflict to decide whether the continuation of this conflict or the situation would jeopardize the maintenance of international peace and security. "¹

¹ The UN, the UN Charter, Chapter 7, 1945. Available at <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>.

This task requires the formation of committees to investigate or conciliation. Examples of investigation committees are the formation of investigation committees by the massacres committed by Israel in the Jenin camp. As a result of America's veto power, the Council was forced to issue a resolution entrusting the Secretary-General with the task of forming a fact-finding committee instead of the investigation committee. Israel has refused Her reception, and the Secretary General was forced to issue a decision to dissolve it. Chapter Seven of the United Nations Charter included many measures that the Security Council can take if it threatens international peace and security.

Before taking any action, the Council must decide whether the issue constitutes a threat to international peace and security, or a breach of it, in accordance with the Article stipulated in Section 39 of Chapter Seven of the Charter. "The Security Council decides whether there has been a threat to or breach of the peace or if the act of aggression occurred, and he submits his recommendations, or decides what measures must be taken in accordance with the provisions of Articles 41 and 42 to maintain or restore peace and international security. On the other hand, there is a problem in drafting, since the drafters of the Charter (and I mean here the major countries) have drafted the Charter and deliberately drafted it in a way that it can control the Council of Representatives, so that it can achieve its interests.

5.6 Security Council Procedures in the Case of an International Conflict

The Security Council must decide whether the issue constitutes a threat to international peace and security, or a breach of it, in accordance with Article 39 of the

Charter, which gives the Council unlimited discretion in deciding cases that the Council considers a threat to security and peace.

In the case the interim measures approved by the Security Council were not successful, the Security Council can take measures by the naval or air forces and can request the member states to implement these measures. Those countries must put at the disposal of the Security Council the forces, aid and facilities and everything necessary to maintain international peace and security.

If the Security Council decides to use force, then before requesting a member who is not represented to provide the armed forces in fulfillment of the obligations stipulated in Article 43, he should invite that member to participate if he wishes in the decisions he issues regarding the use of units from the armed member of this force.

To maintain international peace and security, the measures taken by members in the use of the right of self-defense are reported to the council immediately. These measures do not affect the council in accordance with its authority and its ongoing responsibilities with regard to the provisions of this Charter.

Article 40 of the Charter indicated, ¹"In order to prevent the situation from aggravating the Security Council, before it makes its recommendations or takes the measures stipulated in Article 39. It calls on the contestants to take what it deems necessary or desirable from temporary measures, and these temporary measures do not prejudice the rights of the contestants and their demands or their status. The Security Council must account for the failure of the parties to take these interim measures to take

¹ The UN, the UN Charter, Chapter 6, 1945. Available at <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>.

account, "which stipulates many temporary measures, two conditions that do not prejudice the rights of the people in conflict". For example, the UN Security Council resolution in October 1953, which includes stopping work in the demilitarized zone Between Syria and Israel, during the Council's consideration of the complaint submitted by Syria against Israel.

As it may be temporary measures to invite the Council to the parties to the conflict, by concluding a truce, as in the decision issued by the Council on November 16, 1948, which requested the parties to the conflict in Palestine to A ceasefire agreement was concluded.¹

Article 41 stipulated that the Security Council should decide what measures should be taken that do not require the use of the armed forces to implement its decisions, and it may request the members of the United Nations to implement these measures,. It may be among them to suspend economic links and rail, sea, air, postal, telegraphic, and wireless and other means Transportation, partial or total suspension, and severing diplomatic relations.

Article 42 stipulates that if the Security Council considers that the measures provided for in Article41 do not serve the purpose or proven that it has not fulfilled it, it may take the necessary actions, through the air, sea and land forces, to maintain peace and international security or to restore it to its quorum. These actions may address demonstrations, restrictions, and other operations by the air, sea, or land forces of the United Nations membership.

¹ The UN, The Prologue (1945). Retrieved from <https://www.un.org/en/sections/un-Charter/chapter-vii/index.html>

According to Article 43 of the Charter, all members of the United Nations undertake to contribute to the maintenance of international peace and security. They do so to place at the disposal of the Security Council at its request in accordance with a special agreement or agreements the necessary armed forces and the necessary assistance and facilities for the maintenance of international peace and security.

The International Court of Justice consists of fifteen judges elected by each of the General Assembly and the Security Council for a period of nine years with the possibility of re-election, and divides the jurisdiction of the International Court of Justice into judicial jurisdiction or consultative jurisdiction.

Resorting to the international judiciary is one of the peaceful ways to resolve crises and border disputes between countries in the event that the conflicting countries have the desire to transfer dispute cases to a neutral party represented in the International Court of Justice to rule among them.

5.7 The Foundations of Conflict Resolution in the United Nations System

It affirmed the great importance the Charter attaches to the goal of maintaining international peace and security. This phrase has appeared more than 31 times in the Charter. On the other hand, the Charter gave the UN Security Council broad powers to settle disputes and define the obligations of members towards it.

Accordingly, reference must be made in this chapter to the so-called Manila Declaration, concerning the peaceful settlement of international disputes issued by the General Assembly adopted by UN General Assembly Resolution 10/37 of November

15, 1982. This declaration came to reaffirm the principle contained in the Charter of the UN, Which states that all states must settle their international disputes by peaceful means, in a manner that does not endanger international peace, security and justice.¹

The Charter of the UN has included the means necessary for a peaceful settlement, and for international disputes whose continued existence is likely to endanger the maintenance of international peace and security, and provides an essential framework for such settlement.

On the other hand, this declaration emphasized the importance of the role of the UN and the necessity of increasing its effectiveness in settling international disputes by peaceful means, and in maintaining international peace and security, in accordance with the principles of justice.

This includes situations arising from the violation of the provisions of this Charter clarifying the purposes and principles of the United Nations. Accordingly, the General Assembly shall discuss any issue related to the maintenance of international peace and security, submitted to it by any member of the United Nations or the Security Council or a state that is not one of its members.

Article 33 of Chapter VI of the Charter of the United Nations came, “The parties to any conflict whose continuation would jeopardize the maintenance of international peace and security must seek a solution, first of all, through negotiation, investigation, mediation, conciliation, arbitration, and judicial settlement, or resort to regional agencies and organizations or other. The peaceful means chosen by it calls on the

¹ Human Rights Office. The Declaration of Manella about the International Settlement in Peaceful Means. Mennisota University. 1982. Retrieved from: <http://hrlibrary.umn.edu/arab/b202.html>

Security Council to the parties to the conflict to settle the conflict between them by these means if it deems it necessary.

The General Assembly can consider issues even after the Security Council has considered them. For example, the Korean issue, where the Security Council failed to find solutions to this, three decisions were issued for this issue in the absence of the delegate of the Soviet Union, which did not succeed the three decisions taken by the Security Council to solve this issue.

Therefore, the United States of America submitted a request to the Secretary-General of the United Nations and requested that the Korean issue be included in the agenda of the fifth session of the General Assembly.

The General Assembly issued Resolution No. 377 on November 3, 1950, which includes many principles, foremost among which is the affirmation of the commitment of United Nations members to resolve their disputes by peaceful means. The permanent members of the UN Security Council contribute by refraining from using the veto to help the Security Council find the necessary solutions to disputes.

The Charter gave the General Assembly the right to take the necessary measures to confront any situation that threatens international peace and security, and it can be said that these measures represent attempts to find a peaceful settlement to international disputes with the means stipulated in the Charter. They are represented in negotiations, investigation, mediation, conciliation, arbitration, recommendation, and recourse to regional organizations or other peaceful means upon which the parties to the conflict are chosen.

5.8 Peaceful Methods to Settle International Disputes

For peacekeeping the UN bodies have established peaceful means for international dispute resolution. Those methods include negotiation, good offices, mediation, investigation, and reconciliation. This concept had its role in the efforts made by jurists during the Middle Ages to determine the nature of war and the necessity to negotiate before everyone agreed to use force.

The fact that negotiations are means of diplomacy and cooperation between persons of international law and the management of their international relations, does not mean that they deviate from international law.

Examples of negotiations: In Guatemala, negotiations with the assistance of the United Nations led to the end of a 30-year civil war. In 2001, the United Nations in Afghanistan made great efforts to encourage dialogue between the Afghan parties with the intention of forming a broad, inclusive government.

In this type of means, there will be efforts made by a third party to help the parties to the conflict to settle it, and the third party may be either the Secretary-General of the United Nations, the Secretary-General of an international or regional organization or a prominent person as a former president of a third country

As for the difference between good offices and negotiations, the job of the body that undertakes good offices is limited to trying to urge the two conflicting parties to negotiate. The task of the third party in good offices is to overcome obstacles, and try to bring the points of view of conflict in the conflict, and facilitate their entry into direct negotiations, Negotiators are supposed to resolve the conflict.

In November 1947, the Security Council formed a committee for good offices that includes representatives of the countries of Australia, Belgium, and the United States, and a consular committee that includes the consuls of member states of the Security Council, Bata in helping to negotiate an end to the war operations between the emerging Indonesian Republic and between Holland.

As for the mediator, he actually participates in the negotiations and gives his opinion, submits both parties will accept demands and suggestions that he believes, and the mediator continues his mission until an agreement is reached.

Sometimes, the UN's mediates efforts with regional or sub regional organizations, national actors, or civil society. Even in these cases, the need for United Nations support remains. The UN lays down international legitimacy on specific mediation operations, and by virtue of the Secretary-General strengthening the capacities of the United Nations in the field of mediation, the effectiveness of the support provided by the United Nations system to Member States and other actors by means of their capable employees has increased.

The Security Council appointed Count Bernadotte as a mediator in Palestine between the Arab countries and the Israeli occupation authorities, on May 20, 1948. A Zionist gang assassinated him on September 7, 1948. He appointed his council to Dr. Ralph Bunche who mediated his activities to end the war between the Israeli occupation authorities and the Arab states in 1948.

The establishment and development of this method dates back to The Hague Peace Conferences of the years 1899, 1907, where the 1899 agreement urged the use of conciliation committees to resolve international disputes. Article nine of the first

agreement of the 1907 agreements emphasized the willingness of the contracting states to resolve their international dispute, which implies a dispute that failed to find solutions related to facts. Also, it does not affect the honor of the state and its vital interests through an international investigation committee whose mission is to examine the facts of the conflict and estimate where the role of the committee is limited. The agreement included other procedural details related to locating meetings and languages used and filling vacancies in any committee and others.

Article 12 (1) of the League's era stipulated that the investigation be carried out in a manner similar to the one stipulated in the Hague Agreement of 1907. As stipulated in the Charter of the United Nations in Article 33 as a peaceful means to resolve international disputes, the General Assembly of the United Nations unanimously approved at the 22nd session in 1967 the decision No. 2329, which urged states to make more use of the means available for gathering facts in accordance with Article 33 of the Charter. The General Assembly also requested the Secretary-General to prepare a list of experts who might be used to collect facts; in general, the task of the investigation committees is limited to telling the facts.

To express an opinion on the responsibilities in any way and responsibilities are usually extracted from the objective report to tell the facts. The parties to the conflict remain free to take what was stated in the report or reject it. In May 15, 1947, the General Assembly appointed a special committee with wide specializations to study the question of Palestine. When Britain asked the United Nations on 2-4-1947 to include the Palestinian issue on its agenda, and then an international investigation committee for

Palestine UNSCOP was formed to study the situation, report on it, the committee finalized its report on 8-31-1947, and its recommendations stated the following:

End the British mandate over Palestine.

Dividing Palestine into two Arab and Jewish states, with Jerusalem placed under an international trusteeship.

Accordingly, the United Nations General Assembly issued its Resolution No. 181 by dividing Palestine into two Arab and Jewish states, whereby the resolution gave 54.7% of the land of Palestine to the Jews, 44.8% for the Arab state and about 0.5% for the Jerusalem area.

The Security Council issued Resolution No. 687 on 2 April of 1991, according to which it established technical investigation committees to investigate the doubts that the council received regarding Iraq's possession of weapons of mass destruction. The work of the committees continued for more than ten years and the purpose of this decision as stipulated in it was to establish a region Free of weapons of mass destruction. In 1999, the Security Council set up committees to investigate East Timor over the abuses that occurred during the civil war that occurred on the island.

This procedure is a modern procedure for settling international disputes, and the committee can be characterized by the nature of permanence, as it is established under an international agreement, and either party is entitled to resort to it later. It can also arise after the outbreak of conflict, and these sides are distinguished so that its existence ends with the end of its mission. Reconciliation differs from arbitration, as arbitration ends with a mandatory ruling, while conciliation ends with proposals in which the

parties to the dispute have complete freedom to accept or reject them. Thus, conciliation is characterized by more flexibility than arbitration and does not affect the freedom and sovereignty of the parties to the dispute. On the other hand, it is sometimes possible to make compulsory reconciliation compulsory in this case relates to resorting to it, not its results. In other words, either party can submit the dispute to the conciliation commission to submit proposals on how to settle it in a mandatory nature (UN 1982 Law of the Sea provided for mandatory conciliation in some matters of fishing).

The fifth part of the United Nations Convention on the Law of the Sea to settle disputes related to the interpretation and application of the treaty stipulated the use of peaceful means, including the optional pending conciliation on the agreement of all parties to the conflict. As a result, reconciliation is considered terminated if the recipient of the invitation to use it accepts or the parties have not agreed to do so. For example, in 1948, the resolution stipulated the establishment of the United Nations' reconciliation Committee, the determination of the status of Jerusalem in a permanent international system, and the determination of the right of refugees to return to their homes in order to amend the conditions to lead to peace in Palestine in the future.

Among the diplomatic and judicial means of resolving disputes by peaceful means also:

Arbitration

Arbitration is one of the most important methods used in settling disputes that arise between states because they combine the judicial formula and the agreement. It is intended as contained in Article 39 of the Hague Agreement for the Peaceful

Settlements of International Disputes issued in 1899 and amended in 10/18/1907 where international arbitration aims to resolve disputes. This is done through judges according to the forms of judges their choice is according to the shapes determined by the parties to the conflict and based on the commitment of the law.

Among the most important issues that were resolved by this means is the Alabama case, between the United States of America and Britain, and this was the first serious conflict between two large countries to be resolved by an arbitration court.

International Jurisdiction in Solving International Disputes

Unlike international arbitration, international justice is a new idea after many attempts, which were born where it was in 1907. The cradle of the establishment of a permanent international court of justice in 1907 and whose statute was adopted in 1921, during the League of Nations, and which embodied what is now with the establishment of the International Court of Justice, which was adopted through Charter UN.¹

Article 61 of its third paragraph stipulates that the court may require the enforcement of its ruling issued before it accepts the proceeding of the review procedures. The ability of the final ruling to interpret or review it does not affect the final and does not delay its implementation.

For a boat carrying military missions to one of the two sides, the warring parties, and the court did not take this defense because the provisions of the Versailles Treaty will not give Germany the right to prevent traffic from the channel except in cases that

¹ Tory, Yakhlaf, Peaceful International Disputes Settlement. Al-Ijtihad Magazine for Legal and Economic Studies. 2018.

do not enter the case presented within it. The International Court of Justice issued its ruling in this case, with compensation in exchange for Damage caused by her behavior.

International organizations are one of the peaceful means used in resolving international disputes, as their role increased, especially after the end of the Cold War and the emergence of the United Nations. A group of means for the peaceful settlement of international disputes is decided by the Security Council and the General Assembly to avoid resorting to improper methods.

In sum, this section showed that international law has been considered by the international community as a way of guaranteeing the establishment and maintenance of peace and security in the world. These have always been the highlight of international law. It was the driving force behind the establishment of the League of Nations in 1919 and the UN in 1945. Since the force behind war and violence is almost always a dispute of some sort between states, it is therefore for the best that peace and security be settled and maintained. The means and procedures for the peaceful settlement of disputes have been made available in international law. States have established numerous multilateral treaties aiming to peacefully settle disputes. The most significant treaties are the 1899 Hague Convention for the Pacific Settlement of International Disputes, which was revised by the Second Hague Peace Conference in 1907, and the 1928 General Act for the Pacific Settlement of Disputes which was determined under the backings of the League of Nations.

5.9 Applications on the United Nations' Use of Non-Peaceful Means to Resolve International Conflicts

There are different means to non-peaceful conflict resolution. These include a peaceful siege of a specific country, economically boycotting of a country, and waging warfare. These means are discussed below in more detail.

A peaceful Siege: occurred when the United States of America besieged Cuba in the early 1960s following the victory of President Fidel Castro's revolution, and the blockade of race for more than 10 years.

The economic boycott. It cuts off commercial dealings with the state or other countries to force it to fix a mistake in it or amend an illegal act submitted to it, and the economic boycott requires cutting off every financial or commercial relationship between the two countries or between their nationals. Still, it often goes to not allowing the ships or planes of the country that targeted by using the port of the countries that used it.

War: The Charter of the United Nations prohibits war and prohibits the use of force or the threat to use it except in two cases: the state of legitimate defense, and the case of the force being used under the banner of the United Nations in implementation of the provisions of Chapter VII of the Charter.

Article 41 and Article 42 of the Charter came to define the restraining measures stipulated in Chapter 7 of the Charter according to the following:

1. Coercive measures: as they do not amount to the use of force and include the cessation of economic links with the aggressor state and the suspension of rail, sea, air,

telegraphic, wireless and other means of transportation with the aggressor state in whole or in part, according to Article 41.

2. Military measures: If the Security Council considers that the previous measures are not in purpose or insufficient, it may take, by sea, air and road forces, actions necessary to maintain international peace and security or to restore it to its proper level. Military measures were already applied in Korea 1950 and more recently in Bosnia and Herzegovina 1992.

As a contribution to the maintenance of international security, all member states have pledged to place at the disposal of the Security Council when deciding to use armed force in accordance with special agreements, the necessary armed forces and the necessary assistance and facilities, including the right of passage in their territories.

The Security Council is considered the executive body of the UN, and according to its jurisdiction. It has wide discretionary powers and great freedom to exercise its functions for a special executive apparatus in the framework of exercising its powers in maintaining international peace and security in accordance with Article 39 of the Charter, so a decision issued by this council is crucial for the state against which it was taken.

A lot of controversy has been raised about whether the Security Council adheres to international legal rules, especially about the implementation of the provisions of Chapter VII of the Charter. The question is: does the Council adhere to the restrictions imposed on it by the provisions of the Charter, or is the Council acting individually and speaking due to the absence of any text that restricts its powers and the lack of exercise any kind of monitoring by any other device?

5.10 Models of International Dispute Resolution

5.10.1 A Model for Success: The Case of Darfur

The protocol for the establishment of the Conciliation and Good Offices Commission is entrusted with the search for settlement of any disputes that may arise between the parties in the agreement to combat discrimination in the field of education.

In accordance with Chapter VII of the Charter of the United Nations, the Security Council decided, in accordance with its Resolution 1769 of July 31, 2007, to authorize the United Nations and the African Union in Darfur to take all necessary measures in the areas of the deployment of its forces as it deems within its capabilities. The Security Council decided to support the good offices of the Joint Special Representative of the African Union and the United Nations in Darfur and the mediation efforts of the African Union and United Nations Special Envoys.

That imposes mandatory solutions on them. It is a position that is not confined to the new states, but also by which the superpowers adhered to before them, as these states saw that the process of restricting their sovereignty by accepting the mandatory general and automatic jurisdiction of the international courts, is a limitation of sovereignty and therefore surrender that cannot be accepted.

5.10.2 The Border Dispute between Qatar and Bahrain

After long pleadings and deliberations in the corridors of the International Court of Justice, on Friday March 16, 2001 in The Hague, the final and binding ruling issued for both Qatar and Bahrain in the border dispute between them since 1937. This means

closing the judicial file of the dispute permanently due to the mandatory decision of the International Court of Justice and the inability to Appealing or contesting it.

With the ruling on the border dispute between Qatar and Bahrain, the final chapter in the longest border case that the International Court of Justice has examined so far, ends with the court's decision to grant Bahrain sovereignty over the Hawar Islands and the island of Qarat Jaradah.

However, Qatar obtained sovereignty over the Jinan Islands and Haddad Janan and Al-Zubarah and Fasht Al-Dibel, and with regard to the passage of commercial ships, the court ruled that the Qatari commercial vessels have the right of peaceful passage in the territorial waters of Bahrain located between the Hawar Islands and the Bahraini mainland.

Thus, the duality in which the Security Council deals with, conflicts makes the Security Council loses its transparency in front of member states. There are conflicts that the Security Council deals decisively and resolves conflicts and continuous disputes due to the different interests of major countries, such as the Palestinian-Israeli conflict , which was vetoed by the United States of America without bringing Israel to justice and do justice to the Palestinian right.

5.10.3 International Court of Justice

First: 4/9/2004 was an important day in the history of the Palestinian issue, and in the history of the Palestinian-Israeli conflict, when the International Court of Justice issued its advisory opinion on the legal implications of building the apartheid wall in the occupied Palestinian territories, where the court ruled building this wall is an illegal act,

and that Israel's construction in the occupied territories is a violation of its international commitment and its capacity as the occupying power. This is considered the first successful attempt by the Palestinians to reach the highest judicial forum in the world, in order to look into the grievances of their grievances. As for the advisory opinion of the International Court of Justice, the advisory opinion of the International Court of Justice came, comprehensive, partial and decisive. On the other hand, the court responded to the opposition from Israel and other countries to its opinion, and the court's inability to issue an advisory opinion on this issue, i.e. building the wall.

The court unanimously rejected this attack on the basis of its founding law and other judicial precedents, and the court confirmed that the United Nations General Assembly has the authority, in accordance with the charter and the court's establishment law, to request an advisory opinion from the court, and the court considered that the responsibility of the United Nations towards the Palestinian issue is an ongoing responsibility and its roots go back to the British Mandate era. And the partition resolution and that the General Assembly reiterates its permanent responsibilities for the Palestinian issue, until this issue is resolved in a satisfactory manner and in line with international legitimacy.

"The International Court has decided in defining the Occupied Palestinian Territory, which is the land between the armistice lines of 1949 and the eastern borders of the Mandate Palestine, that is, those lands occupied in the June 1967 War, where this decisive definition cut off the path to Israeli sophistry, which has spent more than three decades and is repeating that Security Council Resolution 242 spoke of "occupied land", and did not mention of "occupied lands," and thus Israel wanted to grab the West Bank

and the Golan Heights. This definitive legal definition means that any seizure of these lands or any part thereof is a seizure by force, which is clearly prohibited in international law.”¹

Second: "The court, in its advisory opinion, decided the issue of the applicability of the Fourth Geneva Convention to the occupied Palestinian territories, which is the international convention on the protection of civilians under military occupation, as the most important significance of the report of the International Tribunal is that the Fourth Geneva Convention applies to the occupied territories, especially in the context of the construction of the separation wall, which is that the establishment of Israeli settlements in the Occupied Territories is in violation of Article 49 (6), and that the destruction of Palestinian property to construct the wall is in violation of Article 53 of the Agreement, and that requires the occupying power to compensate those affected, as this strong condemnation of the establishment of Israeli settlements, in the occupied lands, will give the Palestinians clear legal support in adhering to their rights to remove settlements from their lands, And if we add to this what was stated in the Rome Statute of the International Crimes Court, establishing settlements in the occupied territories is considered a war crime, then an Israeli situation in the international community becomes that of a rogue state.”²

Third: The International Court has decided that East Jerusalem is an integral part of the occupied Palestinian territories, and this opinion undermines all the Israeli

¹ Qasim, A.F. Fatwas of the International Court of Justice, Chapter: The Consulted Opinion of the ICJ and the Enhancement of the Palestinian Performance. The Palestinian Center for Peace and Democracy Center, 2004.

² Qasim, A.F. Fatwas of the International Court of Justice, Chapter: The Consulted Opinion of the ICJ and the Enhancement of the Palestinian Performance. The Palestinian Center for Peace and Democracy Center, 2004.

legislation that was issued regarding Jerusalem as of June 1967, especially the Basic Law issued in 1980, in which he declared that Jerusalem is the capital of Israel. It must be noted here, that in 1989 the United States of America and Israel signed an agreement to lease and purchase a plot of land to build the embassy building on it in Jerusalem, and part of this land was an endowment land. And, that the American Congress has issued several decisions directing the American President to the necessity to transfer the American embassy to Jerusalem and to recognize Jerusalem as the capital of Israel, and in 1995 he issued a law pertaining to this request.”¹

The International Court of Justice has responded to the arguments of Israel, that the construction of the wall is for purposes, the right to self-defense and therefore - according to Israel - it is a temporary wall and does not create international borders, and does not change the status of the Palestinian lands. The court ruled that the path Israel had chosen to build the wall did not certify that it was built for security purposes, and that the transgressions it caused on the lives of Palestinians "cannot be justified by military necessities or by the requirements of national security and public order.”²

The court did not hesitate to say that the route of the wall excludes the Palestinian population, and includes Jewish settlements, that “in fact amount to

¹Qasim, A.F. Fatwas of the International Court of Justice, Chapter: The Consulted Opinion of the ICJ and the Enhancement of the Palestinian Performance. The Palestinian Center for Peace and Democracy Center, 2004.

²Qasim, A.F. Fatwas of the International Court of Justice, Chapter: The Consulted Opinion of the ICJ and the Enhancement of the Palestinian Performance. The Palestinian Center for Peace and Democracy Center, 2004.

annexation so that the dissenting judge, Professor Bergenthal, agreed with the majority and said that any actions claimed by Israel must be consistent with international law.”¹

¹ Qasim, A.F. Fatwas of the International Court of Justice, Chapter: The Consulted Opinion of the ICJ and the Enhancement of the Palestinian Performance. The Palestinian Center for Peace and Democracy Center, 2004.

Chapter Six

The Responsibility of the United Nations in Achieving International Peace and Security between Success and Failure - Palestine as a Case Study

6.1 The United Nations and the Responsibility for Maintaining International Peace and Security

The principles of international law recognized international disputes that may lead to breaching the peace or settling them. In addition, it aims at abiding with the UN's framework legal settlement and resolving all crises and international, punishing the breakers of the law of the international legitimacy and ensuring system security collective or security cooperative.

6.2 Implications of the UN's Failure to Maintaining International Peace and Security: Palestine as a Case Study

In the Palestinian case in which the laws of the international law and the provisions of the Statute of the ICC, the Israeli authority is responsible for the damage resulting from the crimes committed by representatives of various grades and levels, whether they are leaders or singling out military or officials of government, settlers and ordinary individuals against Palestinians.

This constitutes a violation of the obligations of Israel under the Charter of the UN conventions and international resolutions, namely: resolution No. 181. Generally speaking, the obligations resulting from international resolutions lead to international responsibility namely civil liability represented by cessation of unlawful acts,

compensation satisfaction and the individual criminal responsibility of prosecuting the perpetrators of intentional homicide.

It is the responsibility of the Council of Security commitment to protect people, who are being harmed seriously as a result of wars, internal failure of the state to protect its citizens. It is unable to stop the harm and avoid it especially if this violation resulted in a large influx of refugees in neighboring countries as the Security Council considered this a threat to international peace and security.

After conducting interviews with a number of Palestinian specialists in the field of international law and political science, it is found that the UN has in several cases achieved success in resolving or mitigating conflicts. Still, it has failed to solve many international problems, and at the level of The Palestinian, case has failed in a just solution to the Palestinian issue.

6.3 The UN and its Responsibilities towards the Palestinian Cause

When clarifying the responsibility UN in maintaining international peace and security, the views of Palestinian specialists in the field of international law and political science, who had works in the field of human rights in Palestine

In the case of success of the UN to take responsibility for maintaining international peace and security, specialists see that although the UN has made unremitting efforts to achieve international peace and security, and the alleviate many conflicts, it has failed in many cases to maintain international peace and security in many conflicts that threaten peace. In other words, it failed to find a just solution to the Palestinian issue. The division of the world into two axes contributed to the success of

the role of the UN by calming and mitigating conflicts to some extent, and at the same time, it contributed to achieve balance that expressed itself in the formula of the Cold War, which was among the basic features of international politics.

Since the foundation of the UN, great efforts were made to restore international peace and security, to reject the prohibition of aggression, and to uphold the principle of international disputes resolved by peaceful means. The UN intervened in the most dangerous hotbed of wars in the world, put out some war in regions, and issued dozens of decisions calling for an end to war and aggression between countries. Nevertheless, it cannot be said that the UN has actually succeeded in fully preserving international peace and security. Rather, there was a duality in implementing the decision of the UN.

A third world war did not break out, but because of the balance of nuclear terror practiced by the major powers, which were certain that the outbreak of nuclear war means a human yard. "If the UN was successful in maintaining international peace and security, the impact of the equations of the balance of power on its work and the nuclear arms race in the world makes a deal specialists on the UN and the United is under the domination of the major powers, especially those countries dominate the Council of Security.

They hinder its work in the issuance of any a resolution preventing any threat to international peace and security. Yes, the UN failed to achieve its objectives, not only in the Palestinian case, but also at the level of international crimes committed in many countries of the world.

This failure is due to many complex factors, including the decisive role of the will of the victorious allies in World War II in establishing the UN based on the San

Francisco Conference in 1945, and the hegemony of the victorious countries in the war over the UN and its charter. The Security Council, with its five permanent members, impedes efforts to achieve international peace and security, by using its veto power to paralyze many of the draft international resolutions on the Council's agenda in this way. Thus, the composition of the charter reflected the hegemony of the victorious allies in the war, and is still pouring in the course of thwarting efforts to maintain international peace and security.

As for the Palestinian case, specialists found that the UN is responsible for the Palestinian issue when it approved Partition Resolution 181, which is unfair to the Palestinian people and in which the right of self-determination of the Palestinian people and the principle of sovereignty are violated. For example, the UN is responsible for the Palestinian issue or about the creation of the Palestinian cause when it issued a partition 181 resolution.

Therefore, this decision, which is considered unfair against the Palestinian people and a violation to the principle of the right to self – determination since the UN, has proceeded to act b a trauma of the Palestinian people and the infringement of its sovereignty. This is what the Egyptian judge in the advisory opinion of the international Court of Justice in the advisory opinion of The Hague (2004), concerning the separation wall, where he pointed out “the division's decision is unfair decision.”

On the other hand, the UN is the heir to the League of Nations, and the League of Nations issued at that time and the major allied countries agreed to entrust the administration of Palestine to a mandatory state chosen by the major powers, which was known as the Mandate Deed. " In terms of other UN Committee on the Exercise of

Palestinian rights is inalienable in 1975 was established, pursuant to General Assembly resolution 3376, which was the functions of the Commission, to enable the Palestinian people to exercise their inalienable rights , including the right to Self-determination without any external interference, the right to national independence and sovereignty, and the right to return to his homes and properties from which he was displaced.

Consequently, the UN is responsible for the Palestinian issue, a legal and political responsibility. On the other hand, the UN granted conditional membership to Israel in the United Nations as Israel is the only country in the world with membership in exchange for conditions. They do not violate the rights of the Palestinian people and in exchange for the return of refugees to their homes, until the moment has violated the rights of the Palestinian people, and all international norms. However, its membership is still not frozen.

This is confirmed by the competent professor of international law Rania Mohareb¹ "that the partition plan of self - determination for the Palestinians. It violated the partition of Palestine in violation of the ban on the acquisition of territory by force, as provided for in article 2 of the charter of the UN, which by the division of time has already prohibited the use of force in relations.

The Palestinian people have been deprived of exercising their inalienable rights for the past 72 years. In addition, as a result of the partition decision, the Nakba took place in 1948, and led to the displacement of Palestinians as they were uprooted from

¹An Interview with Dr. Rania Mohareb- What is the responsibility of the United Nations in achieving international peace and security? - 2020.

their homes, lands and properties during The Nakba and its aftermath, and were never granted their inalienable right to return to Palestine.

Even now the Council of Security and because of the dominance of the five countries members of it and the use the right of veto could not even oblige Israel to stop its violations. Still, the General Assembly can that replace the Council of Security in the issuance of a decision to prevent the threat of any danger to international peace and security , international, and through the issuance of the decision of the Union for peace , as happened in several crises. However, on November 3, 1950, it approved what is known as the Union for Peace, and that was a resolution issued by the United Nations General Assembly, by providing the opportunity for the General Assembly. This is to replace the Security Council when it was unable to take a decision towards an international crisis threatening international security and peace, as a result of the use of a veto by one or more of the permanent members of the Security Council. This decision requires the availability of a total of conditions, namely:

It may invite it to a special session if it is not in session. This decision is one of the procedural issues in which it suffices to achieve a majority of nine votes without stipulating the necessity of unanimity of the permanent states to support the resolution, i.e. not permitting the use of the objection.

It is concluded from the previously mentioned that the General Assembly may issue recommendations to take measures and measures to confront breaches of the peace, in addition to giving it the authority to use the armed forces. As examples of this, the Union for Peace resolution was adopted in international disputes, for example:

Suez Crisis 1956. Hungary Crisis 1956.

The Crisis in Jordan and Lebanon 1958.

The Namibia Crisis, 1981.

But in the Palestinian case, it is found that there is a duplication of standards of the UN, so why not applying the resolution with the Palestinian situation, where he "there was duplication in the application of the UN's decision for peace, on the one hand and that there was an agreement between the poles to activate this decision from It is in their own interest, but the uses of this decision have been frozen in other crises.

However, the issue of holding the UN accountable for its violation of Palestinian rights remains the subject of discussion by Palestinian researchers and specialists, and this research raises this issue that has not been discussed widely by specialists in the field of international law and political science.

The UN accounting on the partition resolution, or not to assume their responsibilities towards the State of Palestine, and the direction of ending the occupation of the Israeli, thinking of making it a must that the UN should be held accountable for what is going on in Palestine, or Is there the text of the charter of the Nations United in this regard. It seems that there is no single text in the charter refers to the United Nations accountable for its failure, as if the victorious nations when they drafted the Charter it is not reasonable for those countries that put the mechanism of accounting itself!

The opportunity to hold the UN accountable is very weak because there is no provision for holding it accountable, and the member states or the parties are the ones who control United Nations decisions, especially those issued by the Security Council.

On the other hand, the use of the American veto paralyzes any decision in favor of the issue of Palestine. Because Palestine is not a member of the Organization of UN, it cannot make a complaint to the international Court of Justice and can only call for an emergency session of the General Assembly of the UN in accordance with resolution (377 / 1950) known as the decision of the "Uniting for peace ".

This comes in the event that the Security Council fails to shoulder its responsibilities and fails to maintain international peace and security, which allows the General Assembly to take some of the powers of the Security Council in accordance with this resolution, but even this resolution, was only applied twice. The problem lies in the lack of political will to respect and apply the rules of law. and the international use of the mechanisms available to the international problem is not in the absence of mechanisms and texts but will closely balance of world powers on the one hand and political interests of each country giving priority to any legal considerations.

In the case of providing the will of the political decision that the Security Council is eligible to impose economic, commercial and diplomatic sanctions on Israel. Still, unfortunately it's not that way until something is done with regard to the Palestinian cause. The UN is still responsible for the Palestinian cause and resolution in line with the resolutions. The international law does not fall in this political, legal and diplomatic responsibility.

In addition, Rahal has confirmed competent international law on the accounting process of UN is not as easy, but it is a very difficult process as he stated that there is no mechanism in the UN charter at this level, and can play Assembly resolution public" Uniting for Peace "issued in 3 November 1950 (Resolution 377 (5) has an important

role in maintaining international peace and security when the Security Council fails in its role set out under the charter. It was used in the past in the tripartite aggression against Egypt and the Warsaw Pact intervention in Hungary and the advisory opinion issued on the authority of the International Court of Justice in the illegal annexation wall built by Israel. The occupying power in the Occupied Palestinian Territory, and recently after the US President declared occupied Jerusalem the capital of Israel. However, the hegemony of the permanent members, especially the United States, continues to impede the UN's efforts to preserve International peace and security.

Abdeen explained that the solution lies in reforming the UN, intensifying, and uniting Palestinian efforts, but certainly, over the past decades, voices calling for reforming the UN have risen, and there has been more than one initiative and more than one report talking about the UN's reform proposals. The most important of which was Boutros Ghali's report at the beginning of the nineties, but it seems that efforts must be intensified to reform.

To begin with, reforming the foundations of the UN modified the issue of permanent membership of the five member states, and the voting system in the Security Council that granted the right of veto to these countries and gives the opportunity to join new countries that have emerged in the region as an economic power.

For example, Japan called for intensifying efforts to implement serious reforms in the UN. These efforts must be continued and strengthened to amend the United Nations charter in a way that ensures the fulfillment of the purposes and principles for which it was established and the achievement of equality and justice. This primarily requires serious work to abolish the right of veto and the domination of the Security

Council over the General Assembly and member states, and there is also a need to establish an international human rights court as a UN body to prosecute violations in Human rights and international justice .

The Palestinian division has played and still has a negative role in the Palestinian official performance and the level of state support for the rights of the Palestinian people in international forums. The opportunity to have Palestinian cadres specialized in international law, especially human rights law, international humanitarian law and international criminal law, must be exploited.

Therefore, there must be an inclusive and participatory national strategy from the various Palestinian parties, official and unofficial, based on the inalienable rights of the Palestinian people, foremost among which is return and self-determination, and serious work to hold Israel, the occupying power, accountable for war crimes and crimes against humanity they committed against the Palestinian people and achieving international justice.

According to an interview held with Dr. Rania Mohareb by the researcher¹, the United Nations has long recognized that it has a permanent responsibility towards the resolution of the Question of Palestine in all its aspects until such time as a just and lasting solution is achieved. The United Nations' permanent responsibility towards Palestine stems from the purposes and principles stipulated in the Charter of the United Nations of 1945, which enshrined, in Article 1(2), "the principle of equal rights and self-determination of peoples" and determined as a principle of the United Nations, in line with Article 2(4), the prohibition on "the threat or use of force against the territorial

¹An Interview with Dr. Rania Moharib- What is the responsibility of the United Nations in achieving international peace and security? - 2020.

integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” In addition, the Charter’s Preamble sought “to save succeeding generations from the scourge of war” and “to establish conditions under which justice and respect for... international law can be maintained.”

That the Partition Plan violated Palestinian self-determination was recognized by the United Nations Special Committee on Palestine (UNSCOP) already at the time, which considered, in September 1947, that: “With regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War and it was adhered to with regard to the other Arab territories... it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there. Actually, it may well be said that the Jewish National Home and the sui generis Mandate for Palestine run counter to that principle” (A/364, paragraph 176). In addition, the partition of Palestine violated the prohibition on the acquisition of territory by force, as enshrined in Article 2(4) of the Charter of the United Nations, which by the time of the partition had already outlawed the use of force in international relations.

The United Nations and its Member States have failed in their obligation to fulfil the Charter of the United Nations, and in particular, “to save succeeding generations from the scourge of war,” with wars having continued in all parts of the world since 1945. At the same time, the United Nations has played an active role in the colonization of Palestine through the adoption by Member States of the General Assembly of the Partition Resolution in 1947, despite its illegality, and by failing to uphold the

inalienable rights of the Palestinian people to self-determination and return, even while continuing to reaffirm these rights in over a hundred resolutions to date.

6.4 Recommendations

Based on the above and the opinions of international specialists in law and after analyzing the data, it is found that the UN is responsible for achieving peace and international security on the basis of the Charter, and is responsible for the Palestinian cause, especially that it has issued resolution 181 of the partition resolution in which the rights of the Palestinian people of others violated Disposable and also violated the sovereignty of the Palestinian people on their land.

The UN is responsible for the Palestinian cause as it is created the Palestinian problem because of the partition resolution 181 unjust against the Palestinian people. It granted conditional membership to Israel despite all the crimes that Israel committed against the Palestinian people at that time, which calls for activating international advocacy and developing a Palestinian participatory plan calling for the freezing of Israel's membership in the UN. Also, It has failed Nations United assume its responsibilities in achieving peace and security , international, has failed to find a solution to the question of Palestine, with science is a matter of creating the issue of the Palestinian as a result of the decision partition.

It has proved that the Council of Security is unable to allow Nations United to move and intervene in conflicts and wars that actually threaten the peace and security of international, because of the dominance of nations big on the UN United Nations, and the Security note. It has become the operations of Nations United for keeping the peace

distancing itself from addressing the challenges of security successive for the time being.

To confront this hegemony and its impact in the UN on the issue of Palestine, Palestinians need to have a plan for a national strategy joint. It makes efforts diplomacy, and international in the corridors of the UN pressure on the states dominant for not issuing the right of veto against any resolution condemning Israel and to put pressure on Israel to stop their violations. This means that the State of Palestine must to have a program and plan a strategy for action at the level of Nations United, to acquire and extract more of the rights of the people of the Palestinian, and in order to invest all of the gains arising after the granting of Palestine status new in the UN.

There is a need for the continuation and intensification of efforts to make reforms serious in the UN must be continued and strengthened those efforts to amend the Charter of the UN, including ensure the achievement of the purposes and principles that created the created and equality and justice.

This requires primarily the first to work hard on the abolition of the right of veto power and the hegemony of the Council of Security to the Assembly General and States Members, there is a need also to establish a tribunal of an international human rights organ of organs Nations United for the prosecution of violations of human rights and the achievement of justice and international Court of Justice, is the tool of judicial main UN and tool legal to her, where the work in accordance with its Statute, which is part of a complement to the Charter. Based on that, what is contained in the Charter of Article 92-96 is the practice of its work and activities and the nature of its work.

It must develop the function of preventive Court and the conversion of the Court authority control constitutional on the decisions of all organs of different Nations United, including the Council 's Executive (Council of Security).

Here, we have had given the side of the legal significance on the side of the political , which is being exploited by countries major of the order to pass their projects and achieve their interests .

The Palestinians has gotten the membership of the observer in the UN which is an opportunity to request the formation of a committee of an international fact - finding in accordance with the text of Article 90 of the Protocol I Annex Conventions Geneva, and this right gives the right to claim compensation and the signing of the sanctions criminal. It is an international opportunity for us to demand prosecution of war criminals.

It must be that there is a Palestinian national unity, especially that even a split has weakened the Palestinian cause of and the Palestinian position in the United Nations, and is bound to have a diplomatic plan, at the level of mobilization of solidarity with the Palestinian cause and the pressure on Israel to stop its violations and pressure on The UN to shoulder its responsibilities in ending the occupation and its violations against the Palestinian people.

Thus, others have granted UN membership conditional on Israel in the UN United, and Israel is the state only in the world that gets membership conditional versus that does not violate the rights of the people of the Palestinian and in exchange for the return of refugees to their homes and until the moment has fulfilled the rights of the

people of the Palestine. Still, it violated all international norms and its membership is frozen.

Chapter Seven

The United Nations and Legal Responsibility towards the Palestinian Issue

7.1 Introduction

The Palestine issue arose as a result of the historical injustice inflicted on Palestine from 1917 until today, and because of the international resolutions that resulted from the UN, such as the Partition Resolution 181. Although this legitimacy gave Palestine only the land occupied since 1967, the Israeli occupation authority, backed by the current US administration, has replaced it with the Deal of the Century and annexation plans for more than 33% of the land of the State of Palestine, in addition to annexing occupied East Jerusalem, including Al-Aqsa Mosque and the Church of the Holy Sepulcher, which is what is considered to be in violation of international legitimacy resolutions, which recognized the State of Palestine in 2012 as part of the international system. Further, the Partition Resolution 181, which was issued in 1947, which provides for the division of Palestine into two states, provided that the decision shall be effective as soon as the British Mandate forces withdrew from Palestine.

The Palestinian-Israeli conflict, as it is considered one of the long and thorny conflicts that the United Nations has failed to solve so far, must raise international responsibility towards not resolving the Palestinian-Israeli conflict, especially since the authors of international law are the people of international law, and on top of them.

The United Nations, and therefore the United Nations must ensure the application of general international law and international humanitarian law, and obligate

states to stick to international conventions and norms, and to raise international responsibility for any violation of international law.

Consequently, the United Nations is responsible for raising international responsibility towards Israeli violations and crimes against the Palestinian people, and this is what we will explain in this chapter. As an international organization, that is a reference for the application of international law, and an important tool in maintaining international peace and security.

7.2 The Most Prominent Stages in the History of the Palestinian Issue at the United Nations

In fact, those who follow the development of the presence of the Palestinian issue in the United Nations will find that this process, i.e. the process of attending the Palestinian issue in the United Nations, will find that the stages of this development may be marked by a failure and ignorance of the rights of the Palestinian people,

On the rights of the Palestinian people, and calls on Israel to abide by international law and international covenants, but unfortunately these decisions were not applied on the ground and Israel did not abide by them.

As a result, here comes to our mind a question about the seriousness of the United Nations in maintaining international peace and security in general and about the extent of those decisions are mandatory and the United Nations can bear responsibility in maintaining international peace and security, and in resolving the Palestinian-Israeli conflict in particular.

7.3 The Most Important Stages of the Palestinian Cause in the United Nations

The role of the United Nations in resolving the Palestinian-Israeli conflict began, and the question of Palestine took an international dimension, when Britain asked the United Nations in 1947 to include the issue on its agenda. Then an international investigation committee for Palestine UNSCOP was formed to study the situation and submit a report on it, and it ended its report in 8/31/1944, where his recommendations stated:

The British mandate over Palestine ends

Dividing Palestine into two independent states, Arab and Jewish, with Jerusalem placed under international guardianship.¹

On 11-29-1944, the United Nations General Assembly issued Resolution No. 181, dividing Palestine into two Arab and Jewish states, and won a two-thirds vote by American and Russian pressure.²

On the one hand, the Palestinians were protecting their rights to freedom and self-determination. On the other hand, as the Palestinian people have not been consulted and fulfilled, as the details of the decision to give about 55% of the land of Palestine to the foreign minority are 31% of the population, then Resolution 181, which the Arabs rejected. The Zionist movement accepted it.

¹ Saleh, Mohsen. *The Palestinian Cause: Historical Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

²

It is clear that it was revealed at the will of the major countries to establish a national homeland for the Jews, on a land that is not their land. Thus, the decision was similarly passed to the Balfour Declaration and its legitimacy on Calculation of the Palestinian people and the land of Palestine, and all this is in contravention of the Charter of the United Nations.

On the other hand, even Israel's membership in the United Nations is problematic, so that an occupied entity can accept its membership in the United Nations and it does not meet the conditions of membership in the United Nations, which was discussed in the first chapter of this research.

This is further evidence that the United Nations is politicized by the major powers, and therefore, its failure to add to the rights of the Palestinian people has fueled the Palestinian-Israeli conflict, and therefore it is here that I have defied itself in assuming its responsibilities in maintaining international peace and security.

Israel joined the United Nations on 12/5/1949 after his pledge to return the displaced Palestinians to their homes and compensate them according to the United Nations Resolution 194 issued on 11/12/1948. It is the return of Palestinian refugees. Members of the United Nations must freeze the membership of "Israel" in order to abide by the resolutions of international legitimacy.

The liberation organization began to impose its presence through the struggle and armed struggle and to attract the world, on the other hand, Fatah was able to reach an organized leadership Palestinian liberation in February 1969. In 1974 at the Conference of Arab Leaders in Rabat, the Palestine Liberation Organization was recognized as the only and legitimate representative of the Palestinian people from Arab

countries, as the United Nations recognized the right of peoples to liberate, struggle and resist colonialism.

In the following month, Yasser Arafat was invited to the United Nations headquarters in New York, and the Palestine Liberation Organization was accepted as an observer member in the United Nations. This was a turning point in the nature of the relationship between the United Nations and the Palestinian issue, as the United Nations no longer deals with the Palestinian issue as a refugee issue.

In the 1970s, several decisions were passed in support of the right of the Palestinian people to self-determination. Since 1974, the question of Palestine has returned to the inclusion of a separate item on the agenda of the United Nations for the first time. It was one of the most important United Nations resolutions No. (3236 Al-Sadri, 11/22/1970), and it is titled Resolution of the Rights of the Palestinian People, in accordance with the purposes and principles of the United Nations.

Also, in the 1970s, the United Nations in 1974 took a turning point in the relationship between the United Nations and the PLO, where this year the United Nations recognized the Palestine Liberation Organization as the representative of the Palestinian people, and granted it the status of observer member in the General Assembly.¹

7.4 International Law and the Liberation Organization

National liberation movements have come to the fore on the international stage, so they have rights and conditions recognized in international law, and the Geneva

¹ Saleh, Mohsen. *The Palestinian Cause: Historical Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

Conventions of 1949 and the protocols came in 1977, to give fighters of these movements' distinct positions in protection, rights as combatants and prisoners of war. The Palestinian Liberation Organization occupied an advanced position and Distinguished, to the extent that it is possible to say, "The position of the PLO on the international stage is as close as possible to the status of a state without accomplishing the status of a sovereign state. And the historical leaders of the organization can be proud of this unique achievement in which the organization was unique from all of its peers.¹ "

Significance and impact, the Liberation Organization has made very important and impactful achievements. For example, in the year 14-1974, the General Assembly extended an invitation to the Palestine Liberation Organization, to participate in the discussions taking place on the Palestinian issue, as a representative of the Palestinian people.

Weeks later, the United Nations granted it a "observer", not only in the meetings of the General Assembly, but also in all of the conferences held under the supervision of the United Nations, and the international organizations that derive from it. Consequently, the organization occupied an observer position in about seventeen organizations of the United Nations, such as UNESCO, FAO, WHO and other organizations.

The organization has achieved diplomatic confessions with more than a hundred countries on various continents, and these confessions ranged between full confessions, including immunities and privileges established for country missions "The US State

¹ Qasim, A. F. *The Legal Status of the PLO in the International Law*. **The Palestinian Center for Political Research and Strategic Studies- Masarat**, 2016.

Department mentioned in the " General Announcement No. 2035 "issued on June 21, 1994.

In the latter resolution, the US State Department considered the Office of the Liberation Organization in Washington, a foreign mission, for an organization that represents a region or a political body and was granted diplomatic privileges and immunities, according to US laws as it got an observer status with the United Nations. It comes very close to treating the organization as if it were a "state".

In fact, the organization's victories on the international stage were the result of its adherence to the organization's Charter, which was amended (amended in 1968) and that Charter declared the goals of the PLO to be the total liberation of historic Palestine and the return of Palestinians who forcibly abandoned their lands and homes, exercising the right to self-determination (Articles 9 and 26 of the Charter), and the Charter decided that The Balfour's Declaration, Mandate and Division Resolution 181 issued by the United Nations in 1947 are false documents and have no effect (Article 19 of the Charter). The PLO remained representative of the Palestinian people inside and outside the occupied territories. The Palestinians considered them a representative of the legitimacy and expression of their struggle.¹

7.5 The Palestinian Issue and the United Nations during the 1980s and Beyond

Both the socialist camp and the non-aligned countries played an important role at that time in the development of the relationship between the United Nations and the

¹ Qasim, A. F. *The Legal Status of the PLO in the International Law*. The Palestinian Center for Political Research and Strategic Studies- Masarat., 2016.

Palestine Liberation Organization, especially since the majority of the member states of the United Nations were formed, and on the other hand at the time, the PLO had adopted a more moderate political speech.

On the other hand, during the seventies, several decisions and recommendations were issued calling for granting the Palestinian people the right to self-determination. In 1980, the Security Council issued Resolution No. 478, in which it strongly criticized the decision of the Zionist entity to annex Jerusalem, and considered that the Israeli behavior contravened previous international resolutions and the Geneva Convention of 1949.

"In 1948 the UN passed the Treaty prohibiting and punishing the genocide of humankind, and this important international treaty is tantamount to an international legalization that prohibits and prohibits the crime of genocide (Holocaust) and punishes perpetrators as war criminals like Nazi war criminals. The UN took another advanced step and ratified in 1949 the four Geneva Conventions of 1949, whereby the fourth agreement deals with the protection of the civilian population, which gave it an important place in international humanitarian law. Article 49 of the said agreement states that the occupying power may not deport or transfer part of its civilian population to the lands it occupies. "¹

Among the most notable transformations in the relationship of the United Nations to the Palestinian issue is the nineteenth Palestinian National Council meeting, which was held on 12-15-1988, in which a Palestinian program was established, based on the recognition of United Nations Resolution No. 181 of 1947 to divide Palestine

¹ Hussein, Ghazi. *The Legality of Resistance in the International Law*. 2014. Retrieved from <https://pulpit.alwatanvoice.com/content/print/338326.html>

into two Arab and Jewish states? The Palestine Liberation Organization recognized Resolution 242 of the Security Council in November 1967 and called for a political settlement through an international conference.

Then, the Council declared "Palestine Independence" in 1988, and this declaration was widely welcomed by the United States, but the United States of America has rejected the Palestinian formula for peace. Washington's position at the time, insisted that the PLO recognize Israel, and accept an international conference based on Security Council Resolution 242 and Resolution 338, excluding other UN resolutions. In 1991, and later the Madrid Peace Conference was held in 1991.¹

It must be noted that the period from 1987 to 1993, that this period was characterized by Arab weakness, especially after the Arab-Arab conflict after Iraq's occupation of Kuwait. In addition to the collapse of the Soviet Union and the collapse of the socialist system in Eastern Europe, this contributed to the international political imbalance and thus the United States emerged as the first and only first power in the world, especially after the Gulf War in early 1991. The United States of America exploited its presence as a permanent member of the Security Council to pass a resolution authorizing it interfering in the affairs of other countries. .

Certainly, the end of the Cold War had an impact on the Palestinian-Israeli conflict, since with the collapse of the Soviet Union and the United States' domination of the new world order, Israel benefited from this situation, specifically that the collapse of the Soviet Union and the socialist countries had led some countries to restore diplomatic relations with them.

¹ Saleh, Mohsen. *The Palestinian Cause: Historical Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

It also opened the gates of Jewish immigration to occupied Palestine, as well as the success of the United States in making the Arab countries go to the Arab-Israeli Peace Conference in Madrid in 1991. Later on, the Oslo Accords were signed on September 13, 1993 in Washington under the auspices of US President Bill Clinton.

In 1993 the Oslo agreement was concluded between the Palestinians and the Israelis, after secret negotiations in Oslo, the result was the peace process, and the establishment of the Palestinian Authority, Oslo became the reference point for the negotiations and not the United Nations.

However, the absence of the United Nations from the Oslo agreement, has lost the negotiations an important paper, which is international supervision and international reference. In addition, the absence of the United Nations from negotiations between the Palestinians and Israelis, this has weakened the international dimension of the Palestinian issue, where the negotiating reference has replaced the international reference.

Besides, the situation continued until the negotiations and the peace process reached a dead end, as the role of the United Nations came back again through the Quartet, which consists of the United Nations, the European Union, Russia, and the United States of America, and then the road map that was not implemented is put in place. And after President Mahmoud Abbas came to power.

In a step to try to impose the Palestinian leadership on the United Nations to assume its responsibility, President Abu Mazen followed what he called the alternative strategic options for the negotiation process, which is the direction of the United Nations to extract recognition of the state of Palestine on the 1967 borders. He called it

the September entitlement, where President Abu Mazen submitted a request to The United Nations, when the General Assembly convened in September 2011, submitted an application for Palestine's membership in the United Nations. For the Palestinian Authority, the failures of Camp David and the blockage of the negotiating process were a catalyst for asylum in the United Nations.

The idea of declaring the state by the Palestinian side met with acceptance by the Arab street, and international support, with the approval of the majority of the members of the General Assembly, to recognize the state of Palestine on the 1967 borders. This is until America announced its rejection of this plan through the Security Council, from the point of view of the Palestinian Authority, the motive for taking this The decision is:

A. Restoring consideration to the legal dimensions of the Palestinian issue, confirming the recognition of the Palestinian state as an occupied country, and deleting the concept of disputed territories on the borders of 67.¹

B. If the Palestinian Authority receives this recognition, it will enable it to move the International Criminal Court against Israeli leaders.

In the case of failure and the refusal of membership of the Security Council, this will enable it to obtain the membership of an observer state if it has recourse to the General Assembly, which gives it more powers.

The Assembly expressed its regret for the transfer of some diplomatic missions to Jerusalem by some countries, which is considered a violation of Security Council

¹ Saleh, Mohsen. *The Palestinian Cause: Historical Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

Resolution 478 (1980), which states that the basic law that Israel has ratified on Jerusalem and its refusal to abide by relevant Security Council resolutions.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, and this is the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which is the only body within the United Nations devoted to restricting the question to Palestine. This committee had many contributions to support the Palestinian people, concerning their inalienable rights.

In particular, he has the right to self-determination and to a negotiated solution to the just cause of Palestine. The committee endorsed the calls made by the United Nations for an international peace conference on the Middle East under the auspices of the United Nations, which it did add to the peace process, in the Middle East that begins in Madrid in 1991, also in the bilateral initiative that started in Oslo in 1993. Then, the committee confirmed that Israel It must fulfill the obligations under it under the Fourth Geneva Convention, and as the occupying Power, and respect those obligations.

Out of its tangible contribution to the ongoing international efforts to support the peace process, the Committee decided to contribute to the Palestinian Authority initiative called "Bethlehem 2000".

Hence, after the start of the second intifada, the committee was providing support to all international efforts aimed at stopping the violence and resuming peace negotiations in order to end the occupation and find a solution to the question of Palestine in all its aspects. In 1996, the General Assembly, in its resolution 51/129, requested the Secretary-General to take all appropriate steps in consultation with the United Nations Conciliation Commission for Palestine (the Conciliation Commission)

to protect Arab property, assets and property rights in Israel, and to save the existing records and to update them. This project was supported by the committee and was completed in 2000.

Despite the international commitment represented by the Quartet to implement the road map, this reality proved that this commitment was not serious, as the United States of America changed its position on the road map, which had not been one year since the announcement. It was announced, and negotiations began, until the United States announced its bias towards Israel, in an attempt to liquidate the Palestinian issue and the United States of America accepted the 14th Israeli reservations about a road map, based on Bush's promise to Sharon al-Sadr, on April 14, 2004, as the Americans sought to link the disengagement plan, Unilateral Israeli, with a road map. President Bush declared at a press conference that it was "unrealistic for Israel to return to the 1967 borders, or to remove Israeli settlements, in the West Bank, to accept the return of Palestinian refugees inside Israel." He thus promises the American position to circumvent the settlement process based on United Nations resolutions and violating The promises made by the American administration to the Palestinian leadership, and thus this position is considered a green light for Israel. This is in order not to comply with international resolutions and impose its sovereignty on the ground, thus ignoring international law and international conventions.¹

The international law is illegal and contrary to international law, and Israel demanded to stop building it and demanded compensation for all the affected Palestinians. The two courts said the wall is really hindering Palestinians in deciding

¹ Sha'th, A.A. *The Directions of the Palestinian League Towards the Arab Israeli Struggle*. Al-Zaitona Studies and Consultations. 2019.

their fate, and that its construction is a de facto annexation of the land and the colonies are considered a violation of international law.¹

7.6 The Hague Advisory Opinion of the International Court of Justice on the legal effects arising from the Construction of a Wall in the Occupied Palestinian Territory

First: As the date of 9-4-2004 was an important day in the history of the Palestinian issue, highlighting since it is the history of the Palestinian-Israeli conflict. Then, the International Court of Justice issued its advisory opinion on the legal implications of building the Apartheid Wall in the occupied Palestinian territories, where the court ruled that Building this wall is an illegal act,

The construction of Israel² in building it in the occupied territories is considered a breach of its international commitment and as an occupying power, as it demanded that Israel demolish what was built and compensate the Palestinians who were affected by the construction of the wall.

This is considered the first successful attempt by the Palestinians to reach the highest judicial forum in the world, in order to consider the grievances of their grievances. As for the advisory opinion of the International Court of Justice, the opinion of the consultant to the International Court of Justice came comprehensive, molecular and decisive.

¹ Saleh, Mohsen. *The Palestinian Cause: Historcial Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

² Sha'th, A.A. *The Directions of the Palestinian League Towards the Arab Israeli Struggle*. Al-Zaitona Studies and Consultations. 2019.

On the other hand, the court's response came to Israel and other countries oppose its opinion and the court's inability to issue an advisory opinion on this matter that is building the wall, so the court unanimously rejected this attack based on its founding law and other jurisprudence.

The court confirmed that the United Nations General Assembly has the authority, according to the Charter and the law establishing the court, in requesting for an advisory opinion from the court. The responsibility of the United Nations towards the Palestinian issue is an ongoing responsibility and its roots go back to the era of the British Mandate, the partition resolution and that the General Assembly repeats its permanent responsibilities on the Palestinian issue, until it is completed This issue was resolved satisfactorily and in accordance with international legitimacy.

"The International Court has decided to define the occupied Palestinian territories, which is the land between the armistice lines of 1949, and the eastern borders of the Mandate Palestine, i.e. those lands that were occupied in the June 1967 war, as this decisive identification cut the road on Israeli sophism, which spent more than three decades ago.

It repeated that Security Council Resolution 242, had spoken of "occupied land", and had not spoken of "occupied lands" and thus Israel wanted to swallow the West Bank and the Golan Heights. The decisive legal means that any seizure of these lands or any part thereof is an acquisition by force, which is expressly prohibited in international law.¹

¹ Qasim, A. F. *The Legal Status of the PLO in the International Law*. **The Palestinian Center for Political Research and Strategic Studies- Masarat**, 2016.

Second: "In its advisory opinion, the court resolved the issue of the applicability of the Fourth Geneva Convention to the occupied Palestinian territories, which is the international agreement relating to the protection of civilians under military occupation, since the most important significance of the report of the International Court is that the Fourth Geneva Convention.

It applies to the occupied territories, especially in the context of building the separation wall, which is that the establishment of Israeli settlements in the occupied territories is contrary to Article 49 (6), that the destruction of Palestinian property for the construction of the wall is contrary to Article 53 of the Convention, and that this requires the occupying power to compensate those affected, as this strong condemnation of the establishment of settlements.

The Israelis, in the occupied territories, will give the Palestinians clear legal support in upholding their rights to remove settlements from their lands, and if we add to that what was stated in the Rome Charter of the International Crime Court, that establishing settlements in the occupied territories is a war crime, the status of Israel in the international community becomes a situation, A "rogue state".

Third: The International Court has decided that East Jerusalem is an integral part of the occupied Palestinian territories, and this view undermines all Israeli legislation, which was issued regarding Jerusalem as of June 1967, especially the Basic Law of 1980, in which it was declared Jerusalem as the capital of Israel.

It should be noted here that the United States of America and Israel signed in 1989 an agreement to lease and purchase a plot of land for the establishment of the embassy building in Jerusalem, and part of this land was Waqf land.

The American Congress has issued several decisions directing the American President The necessity of moving the American embassy to Jerusalem and recognizing Jerusalem as the capital of Israel, and in 1995 he issued a law on this request.

The International Court of Justice has responded to Israeli statements that the construction of the wall is for the purposes of the right to self-defense and thus - according to Israel.

It is a temporary wall and does not create international borders, and does not change the status of the Palestinian territories, the court replied that the route that Israel chose it to build the wall, which it does not believe was built for security purposes, the violations that it caused to Palestinian life "cannot be justified by military necessities or by the requirements of national security and public order."

7.7 Mandatory Advisory Opinion of The Hague Court Opinion on the Apartheid Wall

Concerning the binding of the advisory opinion issued by the International Court of Justice, and despite the rumors that the advisory opinion issued by the International Court of Justice is an advisory opinion, and it is not binding, but this statement is very simplistic.

The International Court, with its supreme position in society International, which is one of the main organs of the United Nations, what was reported on the court was based on international law, convention, customary, and jurisprudence international law as stated in the decisions and opinions of the court in other cases.

However, what was reported by the court in The Hague fatwa is the most credible interpretation of the principles of international law. For example, "The interpretation by the International Court of Article 49 (6) of the Fourth Geneva Convention prohibiting the establishment of settlements in the occupied territories is a crucial interpretation of this article, and an international jurisprudence or a local or regional court is not sought to not take this interpretation with utmost seriousness and great respect.

That is because the interpretation of the International Court is the most credible and most objective interpretation, and therefore the advisory opinion per se may not be binding, except that the interpretation contained therein is an interpretation of binding law. It directs the United Nations body to take steps that are consistent with the provisions of international law, to dismantle this wall and force Israel to abide by what is stated in those provisions. "

7.8 The Impact of The Hague Court Religious Judgment on the Wall

The issuance of the advisory opinion on the issue of the separation fence is a success and victory for the Palestinian cause. We find that the advisory opinion in the first part carried legal interpretations and elaborated and explained in terms of the illegality of the construction of the wall on the Palestinian land.

As for the second part of the advisory opinion, He carried a detailed list of the obligations that Israel must abide by the provisions of international law and what it should do. The first list of obligations relates to Israel's obligations as the court imposed on it a moratorium on the construction of those parts of the wall, which were not built and demolished, including the part of the wall.

What will take place around East Jerusalem, the abolition of all legislation and regulations related to the construction of the wall, compensation for natural and legal persons affected by the construction of the wall, and the empowerment of bankruptcy Clay from the exercise of the right to self-determination.

As for the second set of obligations, it relates to other countries, the most important of which is its commitment to enable the Palestinian people to exercise the right to self-determination and to compel Israel to adhere to this principle of international law, and its commitment under Article I to all the Geneva Conventions.

This is to respect and ensure respect for the covenants in all circumstances by Israel and not to Acknowledgment of the anomaly that arose from the construction of the wall in the occupied Palestinian territories, and that states are obligated not to provide any aid or assistance that would be supportive of the situation that arose from the construction of the wall.¹

As for the third set of obligations, it relates to the opinion of the international organization itself, as it is the one that requested the advisory opinion from the International Court, and the advisory opinion stated.

The Assembly and the Security Council should consider any procedures or other steps to put an end to this illegal situation, which Arose out of the construction of this wall, and the Court affirmed the urgent need for the United Nations to redouble its efforts to end the Palestinian-Israeli conflict that threatens international peace and security.

¹ Qasim, A. F. *The Legal Status of the PLO in the International Law*. **The Palestinian Center for Political Research and Strategic Studies- Masarat**, 2016.

The fourth obligation is "when the International Court decided to compensate the Palestinians for the damages they sustained as a result of the construction of this wall."

What is related to the Palestinian Authority?

1. The Palestinian leadership must not dispel this victory and make a systematic, practical investment, and not place it, or allow it to be placed, on the negotiating table.
2. The Palestinian Authority should benefit from the experiences of the International Compensation Authority established by the Security Council to assess the damage caused to individuals, companies, and countries that have been affected by the invasion of Alwait by the former Iraqi regime.
3. It is imperative that the Palestinian Authority unify its efforts and institutions, activate it, and lay down various foundations for action in which it attracts the trust of the Palestinian public, and then moves to do the role of Arab states and create a coherent Arab front.
4. Palestinian officials can make this international, clear and comprehensive international law a comprehensive and binding Arab and international commitment.

7.9 The General Assembly and Palestine

7.9.1 The General Assembly and the Most Important Decisions Related to Palestine

Because of the Israeli occupation, and since the occupation of the West Bank and Gaza Strip in 1967, it is a systematic violation of the provisions of the Fourth

Geneva Convention, which has caused a serious deterioration in the conditions of Palestinian rights. Since 1998, the General Assembly of the United Nations has adopted a series of resolutions and affirmed a position the international community, regarding the implementation of the Fourth Geneva Convention of 1949.

After Netanyahu received the Israeli occupation government, the Israeli occupation intensified the Jewish settlement in the occupied Palestinian territory, especially in the occupied city of Jerusalem, where there were severe protests by the international community over these measures, which led the governments of the world to work and through the United Nations to show that rejection

The United Nations General Assembly adopted a series of resolutions. Resolution No. 5 / 10E adopted by the United Nations General Assembly on March 17, 1998 recommended that a conference of the High Contracting Parties be held, to be devoted to discussing the procedures of implementing the Fourth Geneva Convention in the occupied Palestinian territories, and ensuring respect for their application For the obligation imposed on it under Article 1.

However, the full implementation of the agreement is necessary to ensure respect for the basic human rights of the civilian population, in times of war and occupation. As this issue is the subject of direct attention by the Office of the High Commissioner for Human Rights, which is at the core of the responsibility of the Office of the High Commissioner for Human Rights, the tasks of the system of nations, including the monitoring bodies of the agreements, monitoring human rights violations and providing technical cooperation to help governments implement human rights.

It is the Office of the High Commissioner for Human Rights performs its duties in the occupied territories and the disputed territories in the countries, knowing that all the bodies the United Nations' monitoring of agreements has to date recognized the legal applicability of Israel's obligations to fulfill its obligations to implement human rights agreements in the occupied territories.¹

On 22 November 1967, the United Nations Security Council adopted Resolution 242, calling for Israel's withdrawal from the "occupied territory", and after the October 1973 war, Resolution 338 reaffirmed On the principles of Resolution 242, he called for negotiations aimed at "maintaining a just and lasting peace" in the Middle East. On September 25, 1971, Resolution 298 condemned Israel's failure to respect UN resolutions regarding its actions to change the status of Jerusalem.

Besides, he affirmed that all these measures that changed the features of the city of Jerusalem and its geographical, demographic and historical status "are measures that are invalid and should be canceled in accordance with the relevant Security Council resolutions" and later, The United Nations condemned Israel in 1980, which is the decision that made East Jerusalem part of Jerusalem the capital of Israel, and It is what the international community did not recognize.

Recalling its resolutions No. 252 (1968), No. 267 (1969), and previous General Assembly resolutions No. 2253 (the emergency special session - 5) and No. 2254 (the emergency special session - 5) issued in June 1967, regarding the procedures and actions undertaken by Israel to change the status of the sector occupied by Israel from Jerusalem.

¹ Qasim, A. F. *The Legal Status of the PLO in the International Law*. **The Palestinian Center for Political Research and Strategic Studies- Masarat**, 2016.

1. "Reaffirms Security Council resolutions No. 252 (1968) and No. 267 (1969)."¹
2. "Regrets the failure of Israel to respect the previous decisions taken by the United Nations with regard to the actions and actions of Israel that lead to affecting the status of Jerusalem,"²
3. "Affirms, in the clearest possible terms, that all legislative and administrative actions undertaken by Israel to change the status of the city of Jerusalem, including the confiscation of land and property, the transfer of residents, and legislation aimed at annexing the occupied sector, is totally null and cannot change that status."³
4. "Urgently calls on Israel to cancel all previous measures and actions, and not to take other steps in the occupied sector of Jerusalem from which it may be understood to change the status of the city, or may prejudice the population's right and the interests of the international community, or by a just and lasting peace."
5. "Requests the Secretary-General to submit a report, in consultation with the President of the Security Council, and by using the means he chooses, including a representative and a mission, to a report to the Security Council as he deems appropriate and in any case within sixty days of the implementation of this resolution."

In 2011, the Palestine Liberation Organization became a full member of UNESCO, and on December 13, the Palestinian flag was raised at the organization's headquarters in Paris, and UNESCO adopted many decisions, especially regarding the protection of the Palestinian cultural heritage in Jerusalem, in addition to that, UNESCO

¹ Security Council, Resoluton 298/1971. For more information please visit: <https://rb.gy/iqusby>

² Al- Bataina, Fuad. *The UNRemains and th Regime Goes Away*. The Arab Institution for Studies and Publicaiton. 2003.

³ Security Council, Resoluton 298/1971. For more information please visit: <https://rb.gy/iqusby>

adopted resolutions on Jerusalem and the protection of Palestinian heritage in Jerusalem.

The city of Hebron in the West Bank was included on the list of world heritage in danger, and in 2017 Israel and the United States of America withdrew from UNESCO, accusing the organization of bias against it. On September 30, 2015, the Palestinian flag was raised for the first time at the United Nations headquarters in New York. On December 23, 2016, the UN Security Council Resolution condemned for the first time since 1979 Israeli settlement in the occupied Palestinian territories.

On December 22, 1994¹, the General Assembly adopted for the first time a resolution devoted exclusively to the right of the Palestinian people to self-determination, issuing Resolution (49/149), and with the increasing number of supporters, including the European Union, these decisions gradually reaffirmed the right of the Palestinians to decide Destiny includes their right to establish a state.

During that decision, he adopted resolution 55/87, which is the strongest of those decisions in that period, and he received a recorded vote of 170 to two (Israel and the United States of America) and 5 members abstaining (Blau, Tonga, Marshall Islands, Canada, and Micronesia) . In the second half of the decade, the General Assembly adopted annually a set of decisions regarding the permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and over natural resources (resolutions 51/190, 52/207, 54/230, 55/209).

¹ Al- Bursan, Ahmad. *The Future and Scenarios of the Arab- Israeli Struggle*. Middle Eastern Studies Center, 2011.

On November 29, 2012, Palestine was granted observer state status as a non-member of the United Nations. The General Assembly declared 2014 the International Year of Solidarity with the Palestinian People. In April 2014, Israel suspended a new round of negotiations that started in 2013 following the announcement by the Palestinian national government of consensus. Another aggression against the Gaza Strip occurred in July / August 2014.¹

7.10. The International and Legal Responsibility of the United Nations

The application of international responsibility and the application of international law is not an easy thing, especially in light of the existence of conflicts and competition between countries seeking to protect their interests, and from the premise that states invoke their sovereignty.

It is clear that international responsibility arises when it comes to the existence of behavior contrary to the legal obligations of members of the international community. This violation results in material or moral harm to another international person. Consequently, he has to compensate sometimes, as is the matter with respect to the occupation of states, or to commit aggression against a state.

Regarding, the Palestinian issue has been brought up to the United Nations since its foundation in 1945, and the fact that posing the Palestinian issue to the United Nations was a challenge and a true test of the scale of the organization's credibility and seriousness Its principles and goals.

¹ Al-Quds Newspaper. **The Role of hte UN in the Palestinian- Israeli Struggle**, 2017. Look at April 2, 2020. <http://www.alquds.com/articles/1511616900867584200/>

As there are Israeli crimes that violate international law and the principles of the organization by the Israeli occupation against the Palestinian people, and as a matter of international responsibility, the United Nations issued a set of resolutions and recommendations, by the Security Council and the General Assembly, such as Security Council resolutions (242, 338, 3089, 3236 , 2646, 2672).

However, the majority of these decisions remained unimplemented and problems remained in their proposal for the use of the veto power by the Security Council, on the other hand, the United Nations was affected by the Cold War, when the conflict between the eastern and western military forces (the Soviet Union and the United States of America)), and the work of the United Nations became affected by that conflict within the Security Council as well. It is the body responsible for the maintenance of international peace and security.

Since Israel applies to it as occupying countries, the actions constituting war crimes, which are a serious violation of the Geneva Convention and a violation of international law, which is defined in the context of Article Eight, of the Statute and which relates to conflicts Armed International. It does not prevent Israel not joining the Rome Convention establishing the International Criminal Court, or its subsequent ratification of the statute of it, or the lack of membership of Palestine, given that the Palestinian state has not yet been established, as this does not affect and does not prevent that Israel's responsibility for Israeli war crimes be raised.

Israel can be condemned by special international tribunals established by the Security Council in accordance with the powers granted to it by Chapter VII of the Charter and the statute of limitations does not apply to crimes within the jurisdiction of

the International Criminal Court, as stated in the text of Article 29 of the 1968 Convention on the Non-Prescription of War Crimes Against Humanity.

In addition to that one of the most important legal obligations incurred by Israel is the commitment to cancel its military presence in the Palestinian territories and end its occupation that contradicts the principles of international law, international legitimacy resolutions and the United Nations Charter.

Israel's continued occupation of the Palestinian territories, violates the rules of international law and entails a legal obligation. By ending occupation and aggression, on the one hand, and on the other hand the Fourth Geneva Convention is a country that breaches its international obligations to compensation, as it is responsible for all actions committed by people belonging to its armed forces.

In fact, there are many ways to raise the international responsibility of Israel according to many international covenants and agreements, and there are many ways to prosecute Israeli war criminals, including officials, leaders, soldiers, and settlers, for their crimes against the Palestinian people. Among the most important international agreements and conventions that raise Israel's responsibility:

First: The United Nations Charter of 1945, in which the Charter is an international agreement binding on the parties and its articles are legal texts binding on what the Charter has in preference over other international obligations. They relate to preventing aggression, preventing just the threat of using force in international relations against the integrity of the lands and political independence of any country.

In return, ¹Israel refused to abide by all General Assembly and Security Council resolutions alike. The United Nations affirmed the prohibition of aggression. The United Nations allowed M / 51 the right to legitimate defense of states individually or collectively.

Second: The Geneva Conventions 1949, and the protocol also in the first 1977: The international responsibility of Israel arises in accordance with the four Geneva Conventions, which prohibited the devolution of responsibility or the analysis of others thereof.²

Third: The Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The United Nations considered genocide, whether committed in the days of peace or during the war, as a crime under international law, and undertakes to prevent and punish it. The United Nations has considered the massacre of Sabra and Shatila which committed against Palestinian refugees in Lebanon from Genocide, which raises the responsibility of the United Nations for its international commission.

Fourth: The 1968 Convention on the Non-Limitation of War Crimes and Crimes against Humanity. The Convention affirmed that statute of limitations not apply to war crimes and crimes against humanity, and stipulated that states pledge to prosecute and punish perpetrators of crimes.

Fifth: The Nuremberg Principles drafted by the International Law Commission in 1950: where the second principle of the Nuremberg Principles states that "the failure to impose internal law as a punishment for an act, constitutes a crime under

¹ Al-Abdaly, Abdulmajid. **The Law of International Relations**. P1. Dar Al-Qos Pub. 1994.

² The UN, the UN Charter, Chapter 2, 1945. Available at <https://www.un.org/ar/sections/un-Charter/chapter-ii/index.html>

international law that is not responsible in the person who commits the act of liability under international law.

Sixth: The principles of international cooperation in tracking, arresting, extraditing and punishing persons guilty of war crimes and crimes against humanity for the year 1973.

The Geneva Conventions and the Additional Protocol establish in the first and the statute of the International Criminal Court the responsibility, not only for the perpetrators of international crime, but also for everyone who contributed, participated, and incited directly or indirectly.

A report by the United Nations Office for the Coordination of Humanitarian Affairs, "OCHA", showed that Israel has completed building Approximately 57% of 415 km of the total route of the wall in the West Bank is 723 km, where 86% of the planned route of the wall runs within the West Bank, and leads to the separation of Palestinians from each other and farmers from their land and that 9% of the route is under construction, And 9.8% of the West Bank lands will be annexed at the end of the wall, and it follows that:

Security Council Resolution No. 1860 was issued on 9/1/2009. The Security Council referred to all its previous relevant resolutions, including Resolutions 242, 338, 1397, 1515, and 1850, as it affirmed that the Gaza Strip is an integral part of the land occupied in the year 1967. It will be part of the Palestinian state.

In order to achieve its goals, the Charter of the States Parties was obligated to take joint and effective measures, in order to prevent and eliminate causes that threaten

peace, suppress acts of aggression and other breaches of peace, in accordance with the principles of justice and international law, as well as work to develop friendly relations between nations over The basis for respecting the principle that a settlement of rights between peoples has the right to determine their own destiny.

To achieve these goals, the Charter affirmed the necessity for the commission to be based on the principle of equality between all member states, and the settlement of all international disputes by peaceful means in a way that does not make international peace and security endangering it. And also to refrain from the threat or use of force against the territorial integrity, political independence of any state or any other aspect that is inconsistent with the purposes of the United Nations.

7.11 The Position of the General Assembly Regarding Israeli War Crimes

The General Assembly is composed of all the members of the United Nations; it is incumbent upon it under the Charter to commit to maintaining international peace and security and developing friendly relations between the nations, maintaining international cooperation in accordance with the principle of equality and sovereignty among all members, and working to resolve international disputes by peaceful means in a manner. It does not make international peace and security It is at risk, as well as refraining from the threat or use of force against the territorial integrity, political independence of any country, or otherwise it is inconsistent with the purposes of the United Nations.

With regard to the responsibility of the members of the General Assembly to implement its decisions related to the Palestinian issue, and work to assist the Palestinian people in maintaining their fundamental rights to freedom and

independence, self-determination, end of occupation and Israeli aggression, and if they do not respond, the illegality of General Assembly Resolution No. 181 dividing Palestine into several Factors:

The two International Covenants on Civil, Political and Economic Rights have also been recognized. Social, cultural and cultural affairs adopted by General Assembly Resolution 2200 A-D of 21 December 16, 1966, the right to self-determination in the first common article between the two Covenants, stipulating that all peoples have the right to self-determination, and according to this a free right to determine their political status and freedom to Pursuit of its economic and social development and trust.

The UN recognized the legitimacy of the Palestinian national struggle to establish the principle of a report Fate is the subject of practical application. Among the most important of these decisions is what was issued following the decision of the Palestinian National Council on November 15, 1988 to announce the establishment of the Palestinian state, namely resolutions 43/176 and 43/177 issued on December 15, 1988.

However, Israel did not respond to the General Assembly's decisions regarding enabling the Palestinian people to exercise their right to self-determination,. It continued its aggression despite its membership in the United Nations, commenting on the abusive condition under the Lausanne Protocol in which Israel pledged to return and compensate the Palestinian refugees, and without that pledge, it would not have happened. Israel joined the United Nations on May 12 1949.¹

¹ Al-Wadiya. **The International Responsibility for the Israeli War Crime**. Al-Zaitona for Consultations and Publication. 2009.

That constitutes an obligation on the General Assembly to separate Israel from its membership, in accordance with Article 6 of the Charter, which states "if it considers a member of the United Nations in violation of the principles of the Charter, the General Assembly may dismiss him from the commission, upon the recommendation of the Security Council."

By issuing the partition resolution, the General Assembly ignored the principles of the Charter and the rules of international law, and it was obligated, according to the principles of the Charter, to place Palestine under the international trusteeship system or declare its independence. The United Nations has ignored its competence stipulated in the Charter, to maintain international peace and security, to develop friendly relations between the nations, to achieve international cooperation, and to preserve the territorial integrity and political independence of states, without any interference in matters that are at the core of the country's sovereignty.

The competence of the General Assembly to achieve international peace and security towards Palestine is the following:

Palestine should have been placed under the international trusteeship system. The inheritor United Nations of the League of Nations system has replaced the international guardianship system, replacing the mandate system, which is stipulated in Article 22 of the League of Nations era.

As a result, the United Nations has incorporated the principles of the Charter corresponding to those principles proclaimed in Article 22 of the Covenant in Chapters 11, 12, and 13, the Charter of the United Nations.

The text of Article 77 of the Charter, which relates to the guardianship system, came to confirm the replacement of the guardianship system in place of the mandatory system, and Palestine was subject to the British Mandate system until the General Assembly did not submit to the guardianship system and issued the unjust division decision.

7.12 Consolidation of Peace and International Security

1. Working to promote the people of the provinces covered by trusteeship in matters of politics, social, economic and education.
2. Encouraging respect for human rights and fundamental freedoms for all without distinction as to race, language, or religion.

In a religious judgment of the International Court of Justice issued in 1950 on southwest Africa, it was stated that the rights that were decided in favor of the peoples and which were subject to the Mandate system remain and do not disappear with the demise of the League.

The religious judgment affirms the responsibility of the United Nations for its decision to partition Palestine and grant the Jews the largest part of them illegally, considering Palestine is one of the territories subject to the mandate and that the rights of the Palestinian people decided by Article 22 of the League's era to help grant him independence are inalienable. The United Nations deprived the Palestinian people of their right to political independence, self-determination and changed the content of a basic principle of the Charter, and transformed it from the principle of the right of

peoples to self-determination to the principle of the United Nations' right to self-determination of peoples.

7.13 The Position of the International Security Council Regarding Israeli War Crimes

Articles 1-24 came to clarify the terms of reference of the Security Council related to the maintenance of international peace and security, and a desire for the work of the United Nations to be swift and effective, and the members of the Commission undertake to the Security Council what is necessary to maintain international peace and security. They agree that the Council acts on their behalf in carrying out the duties imposed on them by these consequences, and based on the jurisdiction of the Security Council.

This is in accordance with the Charter of the United Nations and the mandate of the members of the United Nations with all the consequences related to the maintenance of international peace and security.¹

7.14 The Basis of the Security Council's Responsibility

The responsibility of the Security Council arises under Chapter VII of the Charter of the United Nations on situations of threat to the peace and breach of it, and the occurrence of aggression, and the Charter guaranteed the Security Council to intervene to prevent these actions by taking all measures and measures to do so.

Still, the Security Council did not take any practical measures to prevent the Israeli aggression right The Palestinian people, as they pose a serious threat to

¹Al-Wadiya. **The International Responsibility for the Israeli War Crime**. Al-Zaitona for Consultations and Publication. 2009.

international peace and security and to what the Palestinian issue constitutes, based on the conflict in the Middle East since the Israeli aggression on Palestine in 1948, the occupation of the West Bank and Gaza Strip, the Arab lands in Egypt, Jordan and Syria in 1967 and the Lebanese territories in 1982 .

Also, the continued Israeli aggression against the Palestinian people is considered a threat to Arab national security, and therefore it is a threat to international peace and security. Israel's continued failure to adhere to the implementation of Security Council resolutions, and the latter is continued silence regarding Israeli war crimes over the long years of occupation raises international responsibility for the Security Council and the permanent members.

Here we will address the responsibility of the Security Council in relation to Chapter VII of the Charter in regard to actions taken in cases of threats to the peace, breaches of the peace, and aggression:

Threatening and disturbing the peace: Considering that international peace and security is the most important purpose of the United Nations mentioned in the first article in the first chapter, related to the purposes of the United Nations.

Acts of aggression: The United Nations definition of aggression, adopted by General Assembly resolution 3314 of 12-14-1474, confirms that aggressive war is considered a serious international crime against peace, for example the International Criminal Tribunal for Rwanda that was formed under Chapter VII of the Charter, according to the Council's decision No. 955 of 1994 in relation to crimes of genocide, crimes against humanity, and violations of Article 2 common to the four Geneva Conventions 1949.

7.15 Violations of Security Council Resolutions

As many Security Council resolutions were passed regarding the Palestinian-Israeli conflict, none of them were implemented. Among the most important of these decisions were Resolution 242 issued on 11/22/1967 and Resolution 338 in which the Security Council called for the implementation of Resolution 242.

Besides, the Security Council issued many decisions. Among the decisions that refuse to change the existing situation in the occupied territories, especially Jerusalem, and all administrative and legislative measures practiced by Israel to achieve that goal are considered invalid and have no legal implications, and with regard to Israeli settlement, the Security Council issued many decisions, the most important of which is Resolution No. 465 issued on 1980.

Resolution No. 731 issued on 21/1/1992 called for the extradition of those accused of bombing a Pan American plane to be tried. Resolution No. 748 issued on 3-31-1992 obliging member states to cut off all air connections with Libya and ban their supply of weapons, and reduce the level of diplomatic and consular representation if it does not extradite two of its citizens to the United States of America or Britain to simulate them.¹

The Charter gave the Security Council broad powers in determining non-military measures. He did not restrict his powers in choosing the appropriate means to ensure the maintenance of international peace and security and their restoration in the conflicts of a military nature.

¹Al-Wadiya. **The International Responsibility for the Israeli War Crime**. Al-Zaitona for Consultations and Publication. 2009.

A. Non-military measures

Article 41 of the Charter includes measures that do not require the use of the armed forces to ensure the implementation of Security Council resolutions, in the event that in the event that the interim measure is not feasible, it will cease aggression and maintain international peace and security. The use of the armed forces to implement its decisions, and he may ask the members of the United Nations to implement these measures, and it may be among them to suspend economic links and rail, sea, postal and wireless communications and other means of transportation in accordance with partial or total and cut diplomatic relations.

The Security Council has given broad powers in determining the nonmilitary measures and not restricting his powers in choosing the appropriate means to ensure the maintenance of international peace and security and their restoration in the conflicts of a military nature. "

Article 2 of the Charter stipulates, "All members shall provide all assistance to the United Nations in whatever action it takes in accordance with this Charter as well as They refrain from assisting any country that takes the United Nations against it as an act of prevention or repression. "

B. Military measures

Military interventions are among the most dangerous measures taken by the Security Council in the event of a threat to international peace and security, the Council has the authority to assess the occurrence of a threat to peace and security.

Still, the Charter did not require the Security Council to gradually take measures so that the Council can take military measures without resorting to non-military measures according to his assessment, and when the Security Council took any of the military measures, all members of the United Nations undertake to contribute to the maintenance of international peace and security.

Despite the Security Council exercising its powers in some of the aforementioned international issues, it did not take any military or even non-military measures in the face of the Israeli aggression, occupation, settlement and war crimes that contradict all provisions of international law.

It raises the responsibility of the members of the Security Council for the breach In accordance with the principles of international law not to prevent the commission of Israeli war crimes, or to not prosecute the perpetrators by forming special international tribunals along the lines of the Yugoslavia and Rwanda Courts.

The United States of America and Britain bear the responsibility in a way In particular, for all these crimes, Britain is primarily responsible for the occupation from the Balfour Declaration, which paved the Jewish presence in Palestine. On the other hand, the US veto formed the force of support for the Israeli occupation and aggression and prevented the mere formality of condemnation of Israel, which does not represent any legal value.

The American responsibility for Israeli crimes cannot be denied, as both the United States of America recognized the State of Israel, minutes after the announcement of its establishment on May 15, 1948, and also supported its accession to the United Nations membership in the year 1949. On the other hand, it is considered The American

veto is one of the most important means of political support that it provides to Israel according to which mere formal condemnation is prevented, as all General Assembly and Security Council resolutions that were issued since the beginning of the Arab-Israeli conflict did not implement Israel, none of which was free of the content of the obligation due to the American influence in the United Nations and the use of the veto.

7.16 The Use of the Veto

The United Nations has issued hundreds or even thousands of decisions regarding the Palestinian issue since the Israeli aggression in the year 1948, but the US veto prevented many of them from being implemented¹.

The veto was the main factor in the escalation of the Israeli aggression and occupation of the Palestinian territories and ignored the international legitimacy resolutions calling for refraining from cooperation with " Israel "in all fields, as a non-peace country for its permanent violation of the principles of international law and the Charter and resolutions of the United Nations. The General Assembly issued Resolution No. 37/123 A of 16-12-1982, which condemned Israel's policies in the occupied territories and demanded complete withdrawal from them and called for a full recognition of the right of the Palestinian people to self-determination and the establishment of their independent state, and demanded the states parties to:

1. Refrain from supplying Israel with any weapons or related equipment, and cease any military aid that Israel receives from it:

2. Refrain from acquiring any weapons or military equipment from Israel.

¹ Palestine News and Info Agency (Wafa), The President at the United Nations: Jerusalem is not for sale, and our people are not redeemed, and their rights are not for bargaining, 2018. Retrieved from https://www.wafa.ps/ar_page.aspx?id=b1kXNr837652091595ab1kXNr.

3. Stop the economic, financial and technological aid to Israel and stop cooperating with it

4. Cut diplomatic, commercial and cultural ties with Israel. Consequently, the United States of America bears direct responsibility for the Israeli war crimes against the Palestinian people for their continued support at all economic, political and military levels of the Israeli occupation government in contravention of the United Nations Charter and the principles of international law.

7.17 The United Nations Resolutions on the Question of Palestine and the Legal Implications

Here we will address the most important decisions in the history of the United Nations towards the Palestinian issue, the refugee issue, and the direction of Jerusalem, as well as the most important UNESCO decisions.¹² (See Appendix B)

The Executive Council of (UNESCO) unanimously adopted the decisions of Palestine, including the decision of occupied Palestine and educational and cultural institutions, which express the need to protect and preserve the monuments, culture and education in the land of the occupied Palestinian state, including East Jerusalem.

Also, it is adopted to show Israeli violations against heritage, Palestinian cultural and natural sites, especially the Old City of Jerusalem, the Noble Sanctuary, the Church of the Nativity, the Bilal bin Rabah Mosque in Bethlehem, the Old City and the Ibrahimi Sanctuary in Hebron, and the Gaza Strip

¹Lekrini, Idrins, *The International Responsibility and Occupation's Crimes*, **The Gulf Studies Center**. Retrieved from <http://www.alkhaleej.ae/studiesandopinions/page/fe358b66-c506-4346-a923-1f75b55646d4#>

² Al- Jazeera. The Main Resolutions of the UN Security Council about Jerusalem since 1967- 2017 Retrieved from <https://rb.gy/jjtejg>

In 2019, the decision reaffirmed the rejection of Israeli unilateral violations and actions in these historical places, and the resolution also demands that Israel stop its unilateral and illegal violations and actions against the blessed Al-Aqsa Mosque / the Noble Sanctuary, and in the Old City of Jerusalem and its walls.

Consequently, the United Nations issued a number of pro-Palestinian villages denouncing the Israeli violations in Palestine, whether decisions issued by the Security Council or the General Assembly, as we have noted, or from one of its affiliated institutions, such as those issued by UNESCO. The United Nations and the Mandate Instrument have recognized the legal status of the Palestinian people on the land of Palestine, and the United Nations has affirmed the same thing and recognized the national rights of the Palestinian people through United Nations General Assembly resolutions as well as Security Council resolutions.

It is clear that the United Nations has contributed to the creation and continuation of the Palestinian problem as a result of the decision to partition Al-Sadr in 1947, which decided to establish a Jewish and other Arab state on the land of Palestine, and the subsequent decisions of the United Nations that treated the Palestinian issue as a refugee problem.

The United Nations, as an international organization, seeks to achieve international peace and security, and since it issued the partition resolution for Palestine, it had no role in defending this decision. It is what led to the establishment of an Israeli state on the computer of the Palestinian state and its seizure of Palestinian lands, which exceeded the limits set out in the partition resolution.

On the other hand, it is clear that the Palestinian state is a state established under the partition resolution, and recognized, and according to the partition resolution issued in 1947 No. 181. As for what is happening now, it is unlawfully occupying the territory of another party, with the international community condoning This matter. And the United Nations, as a representative of international legitimacy, must review its decisions on the Palestinian issue and seek fairness and justice so that these decisions that pertain to the Palestinian issue are issued by the Security Council because its decisions are binding. What is required of this decision is the obligation to present these decisions to the Security Council and for the Security Council to take a decision in accordance with Chapter VII. But most of the decisions that are issued in favor of the Palestinian cause are decisions issued by the General Assembly in the form of recommendations and are not characterized as binding.

On the other hand, since the United Nations principles include equality between countries, just as the disputes of states are presented to the Security Council and binding decisions are taken to resolve these disputes, It was necessary to deal with the Palestinian-Israeli conflict and present it to the Security Council and take decisions in it to resolve the conflict according to Chapter Seven of the Charter of the United Nations.

But it is clear that these decisions have always clashed with the US veto in the Security Council, on the one hand, and Israel was intransigent in implementing the United Nations resolutions on the other. Hence, these decisions, even if they are in the interest of the Palestinian cause, then their lack of implementation remains as if they were ink on paper.

UNESCO's decisions have always been supportive of Palestine, and it demands Israel to stop its violations against the Al-Aqsa Mosque and Jerusalem, and its walls, and the Old City, and rejects unilateral and illegal Israeli violations and measures against the Al-Aqsa Mosque - the Temple Mount - in these historical places. The decisions of UNESCO and its annexes stressed the invalidity of all Israeli measures aimed at changing the character and identity of the Holy City.

On the other hand, and despite the provision of international law mechanisms that enhance global support for Palestinian rights, and calls from some of the leadership of the Fatah movement in the Hebron region to transfer the experience of electronic portals to the people of Jerusalem to the Ibrahimi Mosque, these invitations did not receive a response on the ground, as well as The city of Hebron does not receive the required attention in the Palestinian official discourse and media, similar to Jerusalem or Bethlehem.¹

7.18 The Refugee Issue

The refugee issue must be addressed, as it is an integral part of the Palestinian issue. Concerning the issue of refugees, the General Assembly remembered annually the right of refugees to return and compensation according to Resolution (194 D-3) and the Relief and Employment Agency for refugees is considered to be a priority for the provision of humanitarian assistance, and emergency assistance to the Palestinian refugees. Self-determination and their implications.

¹ Shadid, Tha'ra. *The Scope of the UNESCO about Hebron. (Al- Ibrahimi Mosque). The Palestinian Center for Political Studies.*

These decisions are: Resolution 194 concerning the return of Palestinian refugees to their homes. Resolution 194 pertains to the right of the Palestinian refugees to return to their homes and the right to compensation for those who do not wish to return. The right of return is a fixed and contradictory right and is guaranteed by all international laws and laws.

7.19 The Factors that Paved the Way to the Adoption of Resolution 194

The United Nations interfered in the Palestinian-Israeli conflict, and issued the partition resolution 181 in 1947, which stipulated that it be divided into two states, one Jewish and the other Palestinian, as the decision allocated 56% of historic Palestine to Jews, while the rest of the land was allocated to Arab Palestinians. And the decision was rejected by the Arabs at the time. The Palestinian-Israeli conflict reached its climax days before Israel declared the state of Israel.

Where the Zionist movement committed several massacres against our Palestinian people, among them, the most famous of which was the massacre of Deir Yassin, where hundreds of Palestinian homes were destroyed and displaced from their lands. These massacres committed against our Palestinian people were tantamount to ethnic cleansing of the Palestinian population, and the state of Israel was declared on the lands of Palestine on May 15, 1948,. As a result, two-thirds of the Palestinian people became refugees in Al-Mana in, and the remaining parts of Palestine, which later became known as the West Bank and Gaza Strip.

7.19.1 The Importance of Resolution 194

The importance of Resolution 194 lies in the fact that this decision established a just and lasting framework for a just and lasting solution to the Palestinian refugee

issue. It is from the fact that he demonstrated the rights of refugees to return, return property, material and moral compensation, and these rights, according to the interpretations of legal experts, are the basis for a future solution to the Palestinian-Israeli conflict. When we read paragraph 11/1 of the resolution, we find that this paragraph has talked about three rights Major for Palestinian refugees.

All Palestinian refugees have the right to exercise it according to international custom first, and international human rights law second, which is the right of return, property restitution, and compensation. In addition to this paragraph includes free news for refugees and in determining what each person deems appropriate to determine his fate, one of them is appropriate for the determination of his fate . The right to free choice is more broadly explained in paragraph 11/2, which is entrusted to the United Nations Conciliation Commission in Palestine, to implement all solutions to the refugee problem, including: repatriation, resettlement, compensation, and economic and social rehabilitation.

It is a right that is mentioned without ambiguity or ambiguity, and it applies to all the displaced persons in 1948, and accordingly legal expert "Gail Bowling" because the first right mentioned in Resolution 194 "is the right to return without ambiguity or ambiguity, and this decision applies to all people Displaced during the 1948 conflict,.

As for the second right mentioned in Resolution 194, which is the right to restore property and the restoration of private property, it is closely related to the first right., This right is considered, according to the General Assembly, "the intended place or location declared by the United Nations General Assembly that refugees have the right In the exercise of their right to return to it.

That is, the right to return to their homes. As for the third right referred to in Resolution 194, it is the right to compensation for property. This text gave the right to two groups of Palestinian refugees to receive full cash compensation in exchange for certain categories of their private property.

Article13/2 of the declaration says that" everyone has the right to leave any A country, including his own, has the right to return to it. "The same text also came in the International Covenant on Civil and Political Rights, where Article12/4 of the Covenant states that "No one shall be arbitrarily deprived of the right to enter his country. "

7.19.2 Israel's Position on Resolution 194

Since accepting Israel as a permanent member of the United Nations on May 11, 1949, its position characterized by the categorical rejection of the rights of the Palestinian refugees, especially return and compensation, as stipulated in the successive UN and Security Council resolutions. Israel was admitted as a member of the United Nations on the condition that it "abides clearly to implement and not violate the United Nations constitution from the day you become a member of the international institution."

"The reason for the Israeli refusal to implement the decision is, first, according to the Israeli allegations, as it is the political-religious claim that any attempt to implement Resolution 194 will result in a violation of the teachings of the Israeli belief, regarding the right to determine the fate of the Jewish people. The implementation of United Nations resolutions in this regard, from the political-religious claim that any attempt to implement Resolution 194 would violate the teachings of the Israeli belief in

the right to decide the fate of the Jewish people, which would have catastrophic consequences for the existence of Israel according to the Zionist claims.

As for the Israeli legal interpretation, it revolves around The idea that the resolution is only a recommendation and not a binding decision for Israel, especially because there is a term that should be replaced instead of a term that should be in Resolution 194,. Therefore, Israel does not bear any responsibility for its refusal of the right of return to the Palestinians, and it is perhaps very important to stress that if the issuance of Resolution 194 by the General Assembly makes it merely A recommendation without legal or actual value, this statement completely withdraws from the legitimacy of the existence of Israel, which was established by Resolution 181 issued by the same body as a recommendation, and even from the same Members ".¹

7.19.3 The Script of Resolution 194

The General Assembly has examined the situation in Palestine again:

1. Expresses its deep appreciation for the good offices of the late United Nations mediator in promoting a peaceful settlement of the future situation in Palestine, for which he sacrificed his life. She thanks the acting mediator and staff for their continuous efforts and dedication to duty in Palestine.
2. The reconciliation Committee consisting of three member states of the United Nations shall be established with the following tasks:

¹ Sabih, Basim. *The Denial of the Resolutons 194 for the Recognition of the Illegality of the Establishment of Israel. The Palestinian Center of the Source of Citizenship.*

A. Carry out - to the extent that you consider that the existing conditions require - the tasks entrusted to the United Nations mediator for Palestine in accordance with General Assembly Resolution No. 186 (Da-2) of May 14, 1948.

B. Implement the specific tasks and directives issued to it by the current resolution, and those additional tasks and directives that may be issued to it by the General Assembly or the Security Council.

C. To perform - at the request of the Security Council - any task currently assigned by the Security Council resolutions to the United Nations mediator for Palestine, firstly to the United Nations Truce Commission. The role of the mediator ends at the request of the Security Council from the Conciliation Commission to carry out all remaining tasks that are still assigned by the Security Council resolutions to the United Nations mediator for Palestine.

3. It was decided that a committee of the General Assembly - consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America - would propose a proposal for the names of the three countries that would comprise the Conciliation Committee to the General Assembly for its approval before the end of the first part of its current session.

4. Requests the committee to start its work immediately in order to establish as soon as possible relations between the parties themselves, and between these parties and the committee.

5. Calls upon the governments and relevant authorities to expand the scope of the negotiations stipulated in the Security Council Resolution of November 16, 1948, and to

search for an agreement through negotiations to be conducted either directly or with the Conciliation Commission, with a view to a final settlement of all outstanding issues between them.

6. It instructs the Conciliation Commission to take measures to assist the governments and relevant authorities to achieve a final settlement of all outstanding matters between them.

7. It was decided that the holy places - including Nazareth - and religious sites and buildings in Palestine should be protected, and freedom of access to them in accordance with existing rights and historical custom, and that arrangements in place for this purpose should be subject to the effective supervision of the United Nations.

8. It was decided that, given the association of the Jerusalem region with three world religions, this region, including the current Jerusalem municipality, is added to the neighboring villages and centers, the farthest east of which is Abu Dis, the farthest to the south of Bethlehem, and the farthest to the west Ein Karem - including the built-up area in Motsa - and the farthest North of Shuafat, it must enjoy special treatment separate from the treatment of other areas of Palestine, and it must be placed under the effective control of the United Nations.

a. Requests the Security Council to take new measures with a view to securing disarmament in the city of Jerusalem as soon as possible.

B. It instructs the Conciliation Commission to submit to the General Assembly at its fourth session detailed proposals regarding a permanent international regime for the

Jerusalem area that provides for each of the two distinct groups the maximum local self-government compatible with the special international regime for the Jerusalem area.

T. the Conciliation Commission is empowered to appoint a United Nations representative to cooperate with the local authorities regarding the interim administration of the Jerusalem area.

9. It was decided that all of the inhabitants of Palestine should be given the maximum freedom possible to reach the city of Jerusalem by road, rail and air route, until the governments and relevant authorities agreed on more arrangements that are detailed.

10. It instructs the Conciliation Commission to inform the Security Council immediately of any attempt to block access to the city by any of the parties, in order for the Council to take the necessary measures.

11. It instructs the Conciliation Commission to work to find arrangements between governments and relevant authorities that facilitate the economic growth of the region, including agreements on access to ports and airports and the use of transportation and transportation.

12. Decides that refugees who wish to return to their homes and live in peace with their neighbors must be allowed to return as soon as possible, and that compensation must be paid for the property of those who decide not to return to their homes and for every lost or injured person, when it is necessary in accordance with the principles of law to compensate for that Loss or damage by responsible governments or authorities.

13. It instructs the Conciliation Commission to facilitate the return and resettlement of refugees again and their economic and social rehabilitation, as well as to pay

compensation and to maintain close contact with the United Nations Relief Director for Palestine Refugees, and through him to the appropriate specialized agencies and agencies of the United Nations.

14. The Conciliation Commission authorizes the authority to appoint subsidiary bodies and to use technical experts under its authority with what it considers it needs to perform meaningfully its functions and obligations incumbent upon it under the text of the current resolution. The official conciliation commission shall be located in Jerusalem, and the authorities responsible for maintaining order in Jerusalem shall take all necessary measures to ensure the safety of the commission. The Secretary-General provides a number of guards to protect a staff member and its role.

15. It instructs the Conciliation Commission to submit to the Secretary-General periodically reports on the evolution of the situation for submission to the Security Council and to members of the United Nations.

16. Calls upon all governments and relevant authorities to cooperate with the Conciliation Commission and to take all possible measures to assist in the implementation of the current resolution.

17. Requests the Secretary-General to provide the necessary staff and facilities and make appropriate arrangements to provide the funds necessary to implement the provisions of the current resolution.

The General Assembly adopted this decision in its 186th plenary meeting, with 35 votes, against 15 against and 8 abstentions as follows:

With Resolution: Argentina, Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Abyssinia, France, Greece, Haiti, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Siam, Sweden, Turkey, South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Against the decision: Afghanistan, Belarus (Belarus), Cuba, Czechoslovakia, Egypt, Iraq, Lebanon, Pakistan, Poland, Saudi Arabia, Syria, Ukraine, the Soviet Union, Yemen, and Yugoslavia.

Abstinance: Bolivia, Burma, Chile, Costa Rica, Guatemala, India, Iran, Mexico.

This decision: 194 came as a result of the recommendation of the United Nations mediator, Count Bernadotte, who pushed his life at the hands of the Zionist gangs, as a result of his recommendation in his report dated 1948, there is no just and comprehensive solution if the Arab refugees' right to return to the homes from which they were abandoned is not observed.

The aforementioned decision suffices to focus on the right of return, and the third item included a special paragraph that established the United Nations, according to which the International Reconciliation Commission assigned it the task of facilitating the return of refugees to their homes, which the Israeli government rejects so far, and that the United Nations is in asserting this right to the refugees. The General Assembly issued several decisions affirming this right, "the right of return", such as its resolution 394 dated 12/14/1950 in favor of the right of return, and was also supported by the Geneva Convention on the Rights of Refugees in 1951 and confirmed in Resolution 1191 issued on 12/12/1957 and Resolution 535 In 1965 as well as in resolutions 3628

and 2672 in 1970, "What gives this decision the importance that it adheres to the right of return is a legal basis and a fixed historical right for refugees who left in 1948, and that return is based on the personal choice of each refugee, and it is a personal right of every refugee and No one has the right to waive this right. Also, by returning to the decision, we find that it is indicated that the return must be as soon as possible. It imposes on Israel an international obligation to allow the return of refugees to their homes and homes, and it must provide the conditions for their return and ensure their protection, as it acquires great importance in affirming the right to return all Palestinian refugees to their homes without fragmentation in any way. On the other hand, the decision's focus on the right of return does not ignore the refugees 'right to compensation, in addition to the right of return.

To implement this decision needs to be back from the priorities of official and popular work, and to intensify all these efforts internationally, regionally and locally in order to activate it, "This decision and pressure on Israel to implement this right. Emphasizing the importance of reviving the International Conciliation Commission and demanding it to implement its duties." It is required from it since its inception and work on various levels in order to preserve the right of return in accordance with Resolution 194, especially as the legal force for the legitimacy of this decision is still in force and is confirmed annually for more than 135 times, concluded by saying, and certainly must be adhered to by all international conventions And international norms, including the Universal Declaration of Human Rights. "

7.20 The Establishment of UNRWA

The United Nations established an organization called the "United Nations Relief and Works Agency for Palestine Refugees" in November 1948 to provide aid to Palestinian refugees and coordinate services provided to them by NGOs and some other United Nations organizations. On December 8, 1949, and pursuant to General Assembly Resolution No. 302, the United Nations Relief and Works Agency for Palestine Refugees was established to act as an ad hoc and temporary agency, with its mandate renewed every three years until a just solution to the Palestinian issue is found. It is headquartered in Vienna and Amman.¹

The continued presence of UNRWA is linked to the provision of the basic needs of the Palestinian refugees, as there is no political solution to their problem until today. In the 11th paragraph of the resolution, the General Assembly "decides that refugees who wish to return to their homes and live in peace with their neighbors must be allowed to return as soon as possible, and that compensation must be paid for the property of those who decide not to return to their homes, as well as for any loss, loss or damage to property So that the thing returns to its origin in accordance with the principles of international law and justice, so that the loss, loss, or damage is compensated by the responsible governments or authorities.

In October 1949, the General Assembly adopted Resolution 302, which established the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). July 4, 1967: A call to respect human rights in the occupied territories and obliges Israel to ensure the safety and security of the residents of those areas. On

¹ Al-Awad, Waleed, Resolution 194,2008.

December 20, 1971: Israel was called upon to cancel all procedures for annexation or settlement of the occupied territories.

The question that arises is what is the role of the United Nations as a state organization when violating the rules of international humanitarian law? Especially since Israel has committed many violations and massacres that are considered violating and considered a violation of international humanitarian law, that the United Nations is not a state and therefore cannot in this capacity be a party to the Geneva Conventions and its additional protocols, but the Charter establishing the organization allows it To establish forces, when the need arises, and remains under the leadership and supervision of the international organization, according to the mission entrusted to it to maintain international peace and security. Certainly, violations of human rights and international law in Palestine by the Israeli occupation are considered unlawful violations, as illegal international acts, and are borne by persons of international law, either individually or jointly, and the persons of international law are the states, individuals and international organizations who are assigned international responsibility, Assigning the unlawful act (the violation) to the one who commits it is in accordance with the rules of international law in general and the rules of international humanitarian law and international human rights law in particular, and that there are international legal means to move the (international responsibility) whether related to international criminal and non-criminal courts on the one hand Or by diplomatic means on the other hand.

Where international organizations, especially the United Nations, have recognized that the obligation to respect and implement international humanitarian law

includes the duty to investigate violations effectively, promptly, accurately and impartially, and to take action against perpetrators of violations.

Consequently, there is a multiple scope of international responsibility towards individuals, states and international organizations, and there are multiple mechanisms to implement, this responsibility in accordance with the rules of international law, as the United Nations issued a number of international instruments under which it criminalized certain acts as crimes against humanity, including the International Convention for the Suppression of a Crime Apartheid, and the punishment imposed on it on 11-30-1973, as the first article of it stipulated that apartheid is a crime against humanity.

7.21 The United Nations and the Right to Self-Determination

The United Nations Charter clearly recognized the right of peoples to self-determination in the second paragraph of the first article, and it was recognized that it is one of the purposes of the United Nations, and the reference to the United Nations Charter to the right to self-determination is among the purposes and principles of it. Both the seventy-third and seventy-sixth articles of the Charter of the United Nations refer indirectly to the right of peoples to self-determination and also the right of peoples to self-determination was addressed in the chapter on the international guardianship system, where the Charter stipulated that the goals of the guardianship system is to prepare and develop the region under guardianship In order to declare its independence and self-determination. The United Nations General Assembly has asked the Commission on Human Rights to work to include the right to self-determination of peoples in the international and private covenants of civil, political, economic, social and cultural rights.

It was stated in United Nations General Assembly Resolution No. 3227 issued on November 22, 1974 regarding granting the Palestine Liberation Organization observer status in the United Nations and inviting it to participate in the sessions of the General Assembly and its work as an observer. The General Assembly and the International Security Council issued hundreds of decisions that relate to the Palestinian issue, which affirms the Palestinian people's right to self-determination and their inalienable rights.

7.22 The American Veto

Since the 1970s, successive US administrations have used veto power in the United Nations Security Council to thwart resolutions condemning Israeli violations of the Palestinian people and the right to Palestinian lands, or decisions demanding Israel withdraw from territories it occupied in 1967. One of the most important cases in which the US administration has used veto power against decisions regarding Palestine:

June 1976: The United States dropped a report submitted by a committee tasked with preparing an implementation program to enable the Palestinian people to exercise their rights recognized in United Nations General Assembly Resolution 3236. The report of the committee was resubmitted to the Security Council four times in the period 1976 -1980, and faced the same fate after America's use of the veto.

In August 1980, it abstained in the vote in favor of UN Resolution 478, which included non-recognition of the Israeli law on Jerusalem, although all members of the Council supported that decision.

On December 15, 2001, the United States of America vetoed a resolution prepared by the Arab Group, and the resolution calls for the deployment of monitors in the West Bank and Gaza Strip, where 12 countries including France, Russia, and China voted with the resolution, while two countries voted. They are Norway and Britain.

On April 19, 2002, the United States of America warned the Security Council that it would use its veto power if the vote brought up a draft resolution demanding an investigation into the massacres committed by Israeli forces in the Jenin refugee camp in the West Bank.

On December 20, 2002, the United States used its veto power against a draft resolution submitted by Syria to the Security Council that included condemning Aspril for the killing of three UN employees working in the Palestinian territories by the occupation forces. The draft resolution received the support of 12 members of the Security Council, and two other members, Cameroon and Bulgaria, while the United States was the only objector.

On September 16, 2003, Washington used the veto to block a resolution submitted by Arab states demanding that Israel demand not to harm or expel Palestinian President Yasser Arafat. Resolution 11 of the members of the Security Council supported it while Britain, Germany and Bulgaria abstained from voting.

On October 14, 2003, the United States used its veto power in the Security Council against a draft resolution prepared by the Palestinians, submitted by Syria on behalf of the Arab Group, condemning Israel's building of a separation wall deep inside the West Bank. The draft resolution received ten votes, and four countries abstained, Germany, Britain, Bulgaria and Cameroon.

On October 6, the United States of America used another US veto on the Security Council against an Arab draft resolution to halt Israel in the Gaza Strip. Eleven countries supported the project and three countries abstained, Germany, Britain, and Romania.

Washington used its veto against a resolution condemning Israel for the massacre committed by its forces in Beit Hanoun. Ten members of the council voted in favor, and four abstained.

On February 19, 2011, the United States of America vetoed a draft Security Council resolution condemning Israeli settlement building in the West Bank and Jerusalem and deeming it illegal.

September 22, 2011: Former US President Barack Obama informs Palestinian President Abbas that Washington will use the veto power to thwart any Security Council move to recognize the Palestinian state. Obama's warning came in response to President Abbas, who confirmed at the time his adherence to go to the United Nations to request recognition of the Palestinian state on the 1967 borders if efforts to resume peace negotiations with Israel and stop settlement activity failed. December 23, 2016: President-elect Donald Trump calls on outgoing President Obama to veto a UN resolution condemning the building and expansion of Israeli settlements in the occupied West Bank and Jerusalem. However, the United States declined to use its veto this time.

December 18, 2017: The Trump administration used its veto power in the Security Council against a project submitted by Egypt demanding that the US President's decision to recognize Jerusalem be recognized as the capital of Israel, while 14 council members supported the project, and demanded respect for international

resolutions that affirm that East Jerusalem is occupied Palestinian land. And that Jerusalem should resolve its issue within the framework of direct negotiations between the Palestinians and the Israelis.

Chapter Eight

Discussion

8.1 Introduction

Israel has not implemented one of the hundreds of resolutions issued by the Security Council, the last of which is Resolution 2334, and the UN General Assembly, related to the Palestinian cause (86 issued by the Security Council, and 705 issued by the General Assembly)¹. One of the reasons is the Security Council's use of its veto power, and this indicates the great powers over the UN.

8.2 Palestine Membership in the United Nations

Palestine's membership in the United Nations is one of the issues that have received widespread support and controversy in the Arab and European world, and sharp criticism by Israel and the United States of America. However, the Palestinian leader resorted to what President Abu Mazen has given the alternative strategic options for the negotiation process, especially after negotiations faltered.

The Israeli-Palestinian forces, and the international forces sponsoring the peace process, are unable to convince us to recognize Israel by implementing their obligations and benefit Judaic policy from 1999 to 2011. Since the separation of the two successive Palestinian Liberation Organization and Oslo, to end the transitional phase in the year 1999, this is the end of the state.

In the Palestinian-Israeli negotiations, it was necessary to seek recognition of the state of Palestine on the 1967 borders, which was called the September entitlement.

¹ Palestine News and Info Agency (Wafa), The President at the United Nations: Jerusalem is not for sale, and our people are not redeemed, and their rights are not for bargaining, 2018. Retrieved from https://www.wafa.ps/ar_page.aspx?id=b1kXNr837652091595ab1kXNr.

Then, President Abu Mazen submitted a request to the United Nations when the General Assembly convened in September 2011,

This step came after the United Nations was absent for a while A long way from the Palestinian negotiations because of the Oslo agreement. This approach comes after a long struggle by the Palestinians to prove their legitimate and inalienable rights in the United Nations and the international community.

The UN General Assembly Resolution No. 3227 issued on November 22, 1974, regarding granting the Palestine Liberation Organization observer status in the United Nations and inviting it to participate in the sessions of the General Assembly and its work as an observer. The General Assembly and the UN Security Council has hundreds of resolutions related to the Palestinian issue that affirm the right of the Palestinian people to self-determination and their inalienable rights. Some questioned the possibility of the State of Palestine obtaining membership in the United Nations because its membership conditions were not complete, and another group saw that Palestine fulfilled the conditions for membership.

According to Mohareb¹, the United Nations and its Member States have a responsibility towards ensuring respect for the right to self-determination of all peoples, a peremptory norm of international law, binding on all States. This includes an obligation to ensure the full realization of the inalienable right of the Palestinian people to self-determination, which had been provisionally recognized as early as 1920 by the League of Nations, the predecessor of the United Nations. The Covenant of the League of Nations, which entered into force on 10 January 1920, recognized in Article 22, that

¹ An Interview with Dr. Rania Mohareb- What is the responsibility of the United Nations in achieving international peace and security? - 2020.

with respect of “those colonies and territories which... have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization,” adding that “Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.

Meanwhile, Rahal¹ stated that the UN experienced more than a hundred and five disputes and conflicts in different places of the world, leading to the killing of millions of people without being able to organized international stand effectively against these wars because of the use of the right of veto - wielding more than three hundred times in the Security Council.

Thus, it has played a negative role in the Cold War at the level of taking the UN for its role in conflicts and wars; therefore it did not intervene in conflicts and wars only with the consent of the States major.

The jurists of international law define the state, as a group of people residing for the sake of stability in a particular region and are subject to the ruling supreme sovereign authority; most jurists of international law agree that the state consists of three elements: The people, the region, and the region.

¹ An interview with Dr. Omar Rahal (see Appendix C).

They are necessary and a condition for acquiring the legal personal state and political power, which reflects the sovereignty and independence of the state. Sovereignty means independence, and the freedom to conduct the internal affairs of the state and equality, with other countries.

In the Palestinian case, there are jurists of international law who support the legal opinion of the availability of elements of the state and its application to the Palestinian case, specific land, permanent residents, and effective governance; even if at this moment, it is only in areas A, and the ability to establish relations with other countries.

This is consistent with the state standard according to an agreement Montevideo in the year 1933 on the rights and duties of states, which stipulates that the state as a person of international law have a permanent population, a defined geographical area, government, and the ability to enter into relations with other countries¹. President Mahmoud Abbas has indicated that the success of the UN's liberation organization will enhance entry into equal negotiations and obligations to reach peace soon

On the statehood readiness and availability of the conditions for existence of a specific presence - and the people, political authority, and government and the establishment of cooperative relations between the different countries, he has interests

¹ Palestine's Full Membership in the UN. *A Series of Legal Reports 76. The Independent Committee for Human Rights*. P.14- Ramallah- Palestine, 2011.

through achievements at different levels that enable them to claim their right to set up an independent, fully sovereign state on the land.¹

Consequently, the motives of the Palestinian Authority to go to the United Nations to obtain a request for membership in the General Assembly are the following:

1. Re-consideration of the legal exclusion of the Palestinian issue and affirmation of the recognition of the Palestinian state as an occupied state and the deletion of the concept of disputed territories within the borders of 67.
2. If the Palestinian Authority receives this recognition, we can move the International Criminal Court against Israeli leaders.
3. In the event of failure and rejection of membership of the Security Council, we can obtain a member's mandate to monitor the treatment of the General Assembly. It gives it more power to see the mechanism of accepting the membership of new members in the United Nations according to the Charter of the United Nations and Acceptance of New Members.

In the Charter Articles 3 4, 5,6, determinants and conditions for membership in the United Nations, and Article4 mentioned many conditions for membership in the United Nations, the most important of which are:

- To be a country
- To be peace-loving
- Accept the obligations stipulated in the Charter
- Ability to implement obligations

¹ Palestine's Full Membership in the UN. *A Series of Legal Reports 76. The Independent Committee for Human Rights*. P.14- Ramallah- Palestine, 2011.

- The state is willing to implement the obligations contained in the Charter
- Positive recommendation in the Security Council

In order for the country to become a member of the United Nations, there must be a positive recommendation by the UN Security Council, where the President of the General Assembly submits the request to the Security Council. The committee concerned with accepting new members in a period not exceeding 35 days must answer this.

- Submit an Application to Join the United Nations

On the one hand, Israel claimed that the declaration of a Palestinian state was unilateral, that the Palestinian National Council made the declaration of a Palestinian state in Algeria in 1988, and more than 100 countries recognized it.

Palestine's membership in the United Nations, as a full-fledged state, will have many legal implications. In the simplest case, the establishment of the United Nations General Assembly raises Palestine's legal status from an observer member other than a state to an observer member as a country that grants it several benefits, the most important of which are political and legal gains.

The accession of Palestine to the status of observer state has led to its acquisition of a set of rights, including its ability to become a member of regional and international public institutions, a party to general international agreements, and to enter into full diplomatic relations.¹

¹ Hamdan, M.I. *Four Years from the Possession of Palestine of A Non- Observer Member*. The Palestinian Center for Political Research and Strategic Studies- Masarat. 2016.

On the other hand, the resolution also granted the State of Palestine a set of political gains, and one of the most important political gains is to put an end to what Israel claims that the Palestinian lands are disputed territories. It is also to confirm all of the previous United Nations resolutions as Palestinian lands occupied since 1967, including East Jerusalem .

Furthermore, Palestine has signed 33 international treaties and agreements such as:

1. The four Geneva Conventions of 1949
2. Protocol of 1977, the Vienna Convention on Law Treaties of 1969
3. The Vienna Convention on Diplomatic Relations of 1961
4. The Vienna Convention on Consular Relations of 1963
5. The two International Covenants on Civil
6. Political, Economic Social Rights
7. The Convention on the Rights of the Child of 1989
8. The Rome Statute of the International Criminal Court in 1998
9. The High Contracting Parties to Geneva Conventions ¹

On the other hand, Palestinians, based on membership as an observer, have managed to raise the Palestinian flag to the United Nations headquarters. Besides, the European Union issued decisions regarding the settlement of settlements with a special mark, as

¹ Al-Rayes Naser. The Recognition in the Palestinian State in the UN: Chances and Alternatives. Haq Institution: Law for Humans. 2012. Retrieved from: <http://www.alhaq.org/ar/advocacy/2563.html>

well as the recognition of European parliaments in the State of Palestine, as well as to Gain more solidarity with the rights of the Palestinian people.

Consequently, the most important gains that Palestine achieves because of its accession to the United Nations:

- First, the recognition by the UN of Palestine as a state in the UN will give the right to demand, specifically the Security Council to interfere to end the Israeli occupation of its territories as the UN Charter is in the provisions of Chapter VI and VII.
- In this case, the Palestinians can also pressure the General Assembly to use its powers under Resolution 377 if the Security Council fails to use its powers.
- This decision will allow the Palestinians to use all available international mechanisms to open up the responsibility of Israel for its violations of the rights of the Palestinian people, and for their actions to destroy and waste their wealth .In addition, Israel's responsibility for settlement, its content, Jerusalem, and the racist wall of annexation will be questioned.
- Since most international agreements do not require validity for their accession, until the party wishing to join them has the status of a state, the Palestinians have the right to use the mechanisms of these agreements in order to hold the Israeli occupation accountable. In addition, we will be able to practice pressure on the states of the UN to bear its legal and contractual responsibilities to confront Israeli practices and encounters.

Perhaps one of the most important agreements whose mechanisms and tools can be used in this regard is the UN's Charter, the four Geneva Conventions of 1949 and specifically the Fourth Geneva Convention relating to the protection of the civilian

population in time of war and occupation, the International Convention on the Elimination of All Forms Torture.

- The recognition of the Palestinian state will grant Palestine, the possibility of raising the issue of Israeli responsibility at the level of the United Nations and may lead to the formation of an international committee to discuss the issue of Palestinian harm arising from the occupation.
- As soon as it is recognized, the State of Palestine will become the legitimate successor of the Palestine Liberation Organization, and accordingly all rights approved by the United Nations will be transferred to the people of Palestine in accordance with its decisions issued during the representation of the Palestinian People to the State of Palestine.¹
- Palestine's legal status in the United Nations will shift from observer status to state as observer
- It will allow it to obtain full membership in all specialized agencies and organizations of the United Nations such as the World Health Organization, UNESCO and UNICEF
- Palestine's membership in the United Nations will make Palestine accede to international conventions and agreements relating to human rights, especially contractual treaties thereof, and the promotion of human rights in Palestine.
- The accession of Palestine to membership in the international organization permits the accession of Palestine to the basic system of the International Criminal Court,

¹ Al-Rayes Naser. The Recognition in the Palestinian State in the UN: Chances and Alternatives. Haq Institution: Law for Humans. 2012. Retrieved from: <http://www.alhaq.org/ar/advocacy/2563.html>

according to what is provided for by the Rome Statute, and thus the opportunity to pursue war criminals will increase,

- Palestine obtaining membership in the United Nations would join the statute of the International Court of Justice, and would allow it to request the issuance of religious judgment on specific issues concerning the forms of discrimination, the need for approval by Israel.
- The possibility of Palestine joining the Law of the Sea Convention of 1982, as this accession has many benefits, especially in preserving water rights of a Palestinian.
- Palestine's membership would contribute to the existing international cooperation represented in ending the occupation, and would perpetuate the right to self-determination and to obtain the Palestinian people's legitimate rights.
- The accession of Palestine would enhance its position in terms of equality between countries, as the accession of Palestine would make it enjoy the right to vote, whether in the General Assembly or in the specialized agencies affiliated with the United Nations whether rich or poor, one big voice.
- This puts an end to the Israeli claims that the Palestinian land is a disputed land and a new affirmation of all previous United Nations resolutions as Palestinian land occupied since 1967, including Jerusalem. This proves it is the land of the Palestinian state under Israeli occupation that must be liberated and enable its people to exercise its right in self-determination.
- The right of the Palestinians to enjoy diplomatic privileges and immunities - which the international law prescribes for its people, the most important of which is

diplomatic immunity, and also the right of Palestine to establish foreign diplomatic relations with member states and other organizations.

- The right to participate in the establishment of the rules of international law, by concluding treaties or by contributing to the creation of customary rules which is a source of the international legal rule. On the other hand, Palestine's accession to the United Nations membership opens the door to joining the Fourth Geneva Convention and thus the possibility of internationalizing the issue of prisoners.¹

As for some of the concerns raised by some experts in international law, which are as follows:

- There are also some risks related to the status of Palestinian representation. The Palestinian Liberation Organization, in accordance with international law, represents the Palestinian people, in all areas of its presence at home and in the Diaspora, but if Palestine joins the United Nations, the state in international law represents its citizens.
- Therefore, the guarantee of representation to the Palestine Liberation Organization as a national liberation movement is not that the concept of representation is broader and more comprehensive than the concept of the state in international law.

¹ Hamdan, M.I. *Four Years from the Possession of Palestine of A Non- Observer Member*. The Palestinian Center for Political Research and Strategic Studies- Masarat. 2016.

The Israeli occupation authorities refused to deal with the Palestinian state, in specific matters, and the PLO negotiated according to its interests, where there is fragmentation and selectivity in the negotiation files according to Israeli harm.¹

This indicates that the United Nations has failed to achieve international justice, as the resolution itself is a decision contrary to the basis on which it implements respect for the principle of sovereignty between states and the achievement of international peace and security, because this decision in itself expresses the absence of international justice, and its non-application by the United Nations, but the Arabs have rejected this decision and its injustice to Palestinians.

The problem in this decision 181 is not only unfair to the Palestinians, but it raises an important issue. It is that who manages the application of the law to the world, the relationship of countries to each other, and the relationship of the United Nations with the peoples of the world are the major countries and not the United Nations.

Consequently, the United Nations has exceeded its terms of reference specified in the Charter by issuing partition resolution No. 181 of 1947, and violated the purposes of the United Nations, especially with regard to the right to self-determination, and to preserve the political independence of states.

In Resolution No. 3103, the 28th session on January 12 In 1973, which was taken on the recommendation of the Sixth Legal Committee, this decision is considered one of the most important decisions issued by the United Nations General Assembly, on armed resistance movements. It has announced in its third paragraph, "Armed conflicts,

¹ Al-Rayes Naser. The Recognition in the Palestinian State in the UN: Chances and Alternatives. Haq Institution: Law for Humans. 2012. Retrieved from: <http://www.alhaq.org/ar/advocacy/2563.html>

including the struggle of peoples against colonialism and foreign domination, Racist systems, conflicts are international in accordance with the concept of the 1949 Geneva Conventions, and the legal status that applies to combatants Within the Geneva Conventions of 1949, and other international laws should apply to persons involved in the armed struggle against colonialism, foreign domination, and racist regimes."¹

8.3 Palestinian Refugee Issue

The 1948 war (the Nakba), the defeat of the Arabs and the declaration of the establishment of the State of Israel over 48% of the area of Palestine, led to the displacement of most of the Palestinian population, and the destruction of Palestinian villages.

8.4 The Effect of the Veto on International Justice

The veto was a tool for major powers to control Security Council resolutions by threatening at times to use the veto to block any resolution in order to amend the resolution in a way that guaranteed their interests. The veto was used to prevent the issuance of decisions condemning Israel in the United Nations.

Still, in any case recognize its legal capacity, that the presence of the veto is a decrease of the legal character of international law And it must be abandoned, and that the achievement of international justice must start from the removal of interests from international law and the decisions of the United Nations, and that this has not yet been achieved for a simple reason, because international problems have not yet reached a

¹ Al-Ghazawi, Hussein. *The Stand of the International Law from Terrorism and Armed Resistance:*

stage in which the United Nations is declared a failure, so the status of those problems is governed by the principle of balance.¹

There must be a clear and unified stance in order to weaken the vulnerability and control of the major powers in the United Nations, and the Palestinian leadership must strive to issue a united resolution and work for peace in which the General Assembly can bypass the Security Council and consider the issue if it was indeed a threat to international peace and security.

Accordingly, the United Nations formed the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Hence; the United Nations has come to deal with the Palestinian issue as a humanitarian issue in which they need relief and assistance.²

In the early 1970s, there was a clear disregard by the United Nations of Palestinian political rights and dealing with the Palestinian issue from a humanitarian standpoint as a refugee issue. This ignorance coincided with the time that time.

The following is a chronology of the US veto in favor of Israel in the UN Security Council³ (select):

¹ Saleh, Mohsen. *The Palestinian Cause: Historical Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

² Saleh, Mohsen. *The Palestinian Cause: Historical Background and its Temporary Development*. Al-Zaitona Studies Center. 2012.

³ Al-Dehny, S. "A Big Number... How Many Times has America Used the Veto on Behalf of Israel?", *Arabi 21 News*, 2017. Retrieved from <https://arabi21.com/story/1057548/%D8%B1%D9%82%D9%85-%D9%83%D8%A8%D9%8A%D8%B1-%D9%83%D9%85-%D9%85%D8%B1%D8%A9-%D8%A7%D8%B3%D8%AA%D8%AE%D8%AF%D9%85%D8%AA-%D8%A3%D9%85%D8%B1%D9%8A%D9%83%D8%A7-%D8%A7%D9%84%D9%81%D9%8A%D8%AA%D9%88-%D9%84%D9%85%D8%B5%D9%84%D8%AD%D8%A9-%D8%A5%D8%B3%D8%B1%D8%A7%D8%A6%D9%8A%D9%84>.

- ***July 26, 1973***

A US veto objecting to a draft resolution submitted by India, Indonesia, Panama, Peru, Sudan, Yugoslavia and Guinea, which affirms the right of the Palestinians and demands withdrawal from the Arab lands they occupied.

- ***Three US Veto Power in 1976***

January 25: An American veto to block a resolution submitted by Pakistan, Panama, Tanzania and Romania, which stipulates the right of the Palestinian people to exercise the right to self-determination and to establish an independent state, in accordance with the United Nations Charter, and the need for Israel to withdraw from the occupied territories since June / June 1967, and condemns the establishment of Jewish settlements in the occupied territories.

March 25: An American veto against a resolution submitted by a group of third world countries asking Israel to refrain from any actions against the Arab population in the occupied territories.

June 29: Another veto against a decision made by Guyana, Pakistan, Panama and Tanzania, affirming the Palestinian people's right to self-determination and return to their homeland and their right to independence and sovereignty.

- ***April 30, 1980***

An American veto against a draft resolution submitted by Tunisia that provides for the Palestinian people to exercise their legitimate rights.

- *1982 (The most year in which America has vetoed seven times)*

January 20: US veto against a draft resolution to impose sanctions on Israel for its annexation of the Syrian Golan Heights.

February 25: Another US veto against a Jordanian draft resolution calling on the local authorities in Palestine to exercise their functions and canceling all measures applied in the West Bank.

April 2: A third US veto annuls a bill condemning Israel for the assassination attempt on Nablus Mayor Bassam Shaka'a.

April 20: Veto in the same month against a draft Arab resolution condemning the attack on Al-Aqsa Mosque.

June 9: An American veto against a Spanish draft resolution condemning the Israeli invasion of Lebanon.

June 25: An American veto of the same month against a French draft resolution in the Security Council regarding the Israeli invasion of Lebanon.

On August 6: an American veto obstructs the issuance of a resolution condemning Israel for its escalation policy in the Middle East, specifically in Lebanon.

- *February 15, 1983*

The United States voted against a resolution condemning the massacres of the Palestinian refugee camps in "Sabra and Shatila" in Lebanon.

- ***September 6, 1984***

An American veto against issuing a resolution affirming that the provisions of the Fourth Geneva Convention of 1949 apply to the occupied territories.

- ***1985 (Two vetoes)***

March 12: US veto against a Lebanese draft resolution in the Security Council condemning Israeli practices in southern Lebanon.

September 13th: Another veto blocking a draft resolution before the Security Council condemning Israel's oppressive practices against the Palestinians.

- ***1986 (US vetoed three times)***

1986 America vetoed three times

January 17: An American veto blocks a draft resolution in the Security Council demanding that Israel withdraw its forces from Lebanon.

January 30th: Another veto against a Security Council bill condemning Israeli violations of the sanctity of Al-Aqsa Mosque and rejecting Israel's claim that Jerusalem is its capital.

February 7: A third US veto prevented a decision condemning Israel's hijacking of a Libyan airliner.

- ***February 20, 1987***

An American veto objects to a decision denouncing the "iron fist" policy, and the policy of breaking the bones of children who throw stones during the first Palestinian intifada.

- ***1988 (America vetoed five times)***

January 18: An American veto against a draft resolution in the Security Council denouncing the Israeli attacks on southern Lebanon, and demanding that it stop the encroachment on Lebanese territory and the measures against civilians.

February 1: Another veto against a Security Council proposal calling for a curb on Israeli reprisals against Palestinians in the occupied territories.

April 15th: A third veto against a Security Council resolution condemning Israel for its use of the iron fist policy toward the Palestinian uprising in the occupied territories, following its expulsion of eight Palestinians.

May 10: An American veto to veto a draft UN Security Council resolution condemning the Israeli invasion of southern Lebanon.

December 14th: America seals the year with another veto to prevent the issuance of a UN Security Council resolution condemning the Israeli air and ground attacks on Lebanese territory.

- ***1989 (Use of the veto four consecutive times)***

February 1: An American veto fails to issue a statement in the Security Council rejecting Israel's practices in the occupied Palestinian territories, and calling on it to abide by the Geneva Convention on the Rights of Civilians in Time of War.

February 18th: Another veto against a draft UN Security Council resolution condemning Israel for human rights violations in the occupied Arab territories.

June 9: A veto against a draft resolution for non-aligned countries condemning Israel for its repressive policy in the occupied territories.

November 7: Veto a resolution submitted to the Security Council condemning Israeli practices in the occupied territories.

- ***June 1, 1990***

A veto against a draft UN Security Council resolution submitted by the non-aligned countries by sending an international commission to the occupied Arab territories to investigate facts about the Israeli repressive practices against the Palestinian people.

- ***March 17, 1995***

An American veto fails the Security Council to reach a resolution calling on Israel to halt its decisions to confiscate (53 dunums), a dunum equivalent to a thousand square meters, of Arab lands in the eastern part of occupied Jerusalem.

- ***1997 two vetoes in the same month***

March 4: An American veto obstructs the issuance of a resolution demanding Israel to stop its settlement activities in occupied East Jerusalem.

On the 21st of the same month: Another veto against a draft resolution condemning Israel's construction of Jewish settlements in Mount Abu Ghneim, east of occupied Jerusalem.

And more recently,

- *July 13, 2006*

The United States used its veto against the adoption of a resolution calling for the release of Palestinian prisoners in the occupation prisons, an end to the siege in Gaza and the Israeli incursion into the Strip, in exchange for the release of the Israeli soldier held by the Palestinian resistance.

- *December 31, 2014*

Washington used its veto in the Security Council against a draft resolution accepting the Palestinian project to end the occupation.

And although America did not need to use the veto at the time because Palestine did not get enough votes, it did use it.

8.5 Peaceful Settlement of Disputes: Palestinian-Israeli Negotiations

In this part, we will not go into the details of the Palestinian-Israeli negotiations, nor will we go into the details of the provisions of the Oslo agreement, because the goal of this model is not to present the details of the Oslo peace agreement. Still, the goal is to see a model on the use of peaceful means to resolve conflicts. The means have been successful in resolving the Palestinian-Israeli conflict or have they failed to resolve. On the other hand, this model shows that the Security Council is responsible in accordance with the Charter, to prevent what threatens international peace and security, and the United States of America, which was the mediator in the peace process, had a role in obstructing the peace process.

Here the contradiction appears clear in the work of the Security Council, especially since the United States of America endowed one of the permanent members of the

Security Council, and that American mediation in resolving the Palestinian-Israeli conflict revealed how great powers control Security Council resolutions according to their interests and not in accordance with maintaining international peace and security.

Then, the late President Abu Ammar declared the establishment of an independent Palestinian state on the lands of 1967, the West Bank and Gaza Strip and its acceptance for all international legal decisions, but America rejected the Palestinian formula for peace, and since Washington's position at the time was for the PLO to recognize Israel and accept an international conference.

In 1993, the Oslo agreement was concluded between the Palestinians and the Israelis, after secret negotiations in Oslo, and the absence of the entire United Nations. The result was the peace process and the establishment of the Palestinian Authority, as Oslo became the reference point for the negotiations, not the United Nations.

The situation continued as well until the negotiations and the peace process reached a dead end, as the role of the United Nations returned through the Quartet, which consists of the United Nations, the European Union, the Russian Federation, and the United States of America, and then the road map that was not implemented was developed. On the other hand, Israel announced its acceptance of the understanding with President Yasser Arafat, signing the Declaration of Principles on Palestinian acceptance of Security Council resolutions 242 and 338 and affirming that the provisions of the Palestinian Charter that deny Israel the existence and the paragraphs that are in line with the obligations of the PLO.

What is important for us in this research is to show how the Palestinian side has demonstrated its commitment to the following aspects:

- The PLO recognizes the right of the State of Israel to exist in peace and security

- The Palestine Liberation Organization accepts UN Security Council resolutions 242 and 338

- The Palestine Liberation Organization is committed to the peace process in the Middle East and a peaceful solution to the conflict between the two sides and declares that all major issues related to the permanent status will be decided through negotiations.

The Palestine Liberation Organization considers the signing of the Declaration of Principles a historic event and begins a new era of peaceful coexistence free from violence and all actions that threaten peace and stability. Accordingly, the organization condemns the use of terrorism and other acts of violence taking responsibility for all elements of the organization enlisted in it to ensure their compliance¹

The Agreement of Principles between the leadership of the Palestine Liberation Organization headed by PLO Chairman Yasser Arafat and the Israeli government headed by Prime Minister Yitzhak Rabin, which was agreed upon in Oslo and signed in Washington. Other agreements that followed in Cairo and Paris, is the closest thing to a peace settlement, not a peace contract because it did not find a just solution that will be contracted between the two negotiating sides, especially in light of the complete American bias towards the Israeli side and the uniqueness, domination and domination of the American side.

This political settlement provided a solution to the interim acceptance of the Palestinians in response to the requirements of the difficult Palestinian reality, and came

¹ Al-Ja'bary, Kh. F. *A Beginning or an End? An Analytical Study for Gaza-Jericho Agreement*. P1. Research Center: PLO. 1995.

to political, economic, social and international conditions completely biased towards the side of Israel. It made it impose unacceptable harsh conditions on the Palestinian majority. When negotiation between two modes is equal in all matters of concern to the issue of negotiation, and there is good intent from both sides, the result of this negotiation will inevitably be contracting and documentation that neither of the two sides may undo.

The agreement, called the Agreement of Principles, started with a first stage as an experiment in the Gaza and Jericho region, and this case is an experimental consensual agreement, not a peace agreement, but rather a peace settlement under a specific circumstance.

The goal of the Oslo Accords was to facilitate an end to the occupation based on Resolution 242 of the United Nations Security Council. - The Israeli ", among other things, to the establishment of a temporary Palestinian Authority for self-rule, the elected council of the Palestinian people in the West Bank and Gaza Strip for a transitional period of no more than five years and leading to a permanent settlement based on resolutions 242 and 338 issued by the Security Council.¹

Israel's goals to block the peace process were the following:

- Marginalization and obstruction of the Palestinian Authority by blockading and restricting it in order to create chaos and collapse.

¹ Al-Ja'bary, Kh. F. *A Beginning or an End? An Analytical Study for Gaza-Jericho Agreement*. P1. Research Center: PLO. 1995.

- Emptying the idea of establishing a Palestinian state from its components, as the land is occupied, sovereignty is lacking, and the people are divided between the interior and the outside.

After Hamas seized control of the Gaza Strip in mid-June 2007, Israel imposed a blockade on the Strip, as this step weakened the Palestinian Authority at the negotiating table, and it showed it to the powerless party unless Israel commits to stop settlement construction. Later, President Abu Mazen seemed to follow what he called the alternative strategic options for the negotiation process, which is the direction of the United Nations to extract recognition of the state of Palestine on the 1967 borders, which he called the September entitlement.

President Abu Mazen submitted a request to the United Nations when the General Assembly held in September 2011. With a request to Palestine membership in the United Nations, and this step came after the United Nations was absent because of the Oslo agreement in this context.

The idea of declaring the state was accepted by the Arab street, and international support if the majority of the members of the General Assembly supported the recognition of the state of Palestine on the 1967 borders. This remained until America announced its rejection of this plan through the Security Council, from the point of view of the Palestinian Authority, the motivation behind making this decision is:

A. Restoring consideration to the legal dimensions of the Palestinian issue, confirming the recognition of the Palestinian state as an occupied state, and deleting the concept of disputed territories on the borders of 67.

B. If the Palestinian Authority receives this recognition, it will enable it to move the International Criminal Court against Israeli leaders.

C. In the event of failure and the refusal of membership of the Security Council, it will enable it to obtain the membership of an observer state if it enters the General Assembly, which gives it more powers.

The efforts of the United Nations to resolve the Palestinian-Israeli conflict appeared after the end of the 1967 war, with the United Nations adopting Resolution 242, which stipulated the withdrawal of Israel from the "occupied lands". International efforts were made to resolve the Palestinian conflict represented in many agreements and conferences that are considered a form of peaceful means of conflict resolution that pave the way for conflict resolution.

One example of this is the Camp David agreement, and although the Palestinians did not participate as a party to this agreement, it was the first agreement that opened the door to the Middle East peace process in 1977, under the auspices of US President Jimmy Carter.

Then came the 1991 Madrid conference, where this stage was marked by a change of Arab stance. The conference was held under the auspices of the United States and the Soviet Union, and led to the signing of the Jordanian-Israeli peace agreement in 1994.¹

In addition, in 2002, Saudi Arabia presented the Arab Peace Initiative, unanimously from Arab countries, which are based on the withdrawal of Israel from the Palestinian

¹ The Archive of Palestine News Today, the Department of Information and Archive, Retrieved from <https://books.google.ps/books?id=zleNDwAAQBAJ&pg=RA2-PA28&lpg=RA2#v=onepage&q&f=false>

territories on the 1967 borders with East Jerusalem as its capital, in return for there to be comprehensive Arab normalization with Israel.

To this day, the Palestinian Authority adheres to this initiative, which has the support of the international community, but the Israeli intransigence and rejection has not reached the level of implementation. In 2003, US President George W. Bush developed the Road Map, a peace plan prepared by the Quartet, the United States, Russia, the European Union and the United Nations, until the road map also failed.

As for US President Barack Obama, he also failed to find a solution to the Palestinian-Israeli conflict and failed to revive the Palestinian-Israeli peace process although on September 2, 2010 he launched direct talks in the White House that brought President Mahmoud Abbas to Israeli Prime Minister Benjamin Netanyahu. , he continued Israeli settlement has It led to the failure of these efforts, and rejected the Israeli occupation of the idea of a two-state solution. Before the end of Barack Obama's term, the United States of America refrained from vetoing the Security Council resolution condemning the settlements.

As for the year 2016, the United States of America revealed its full bias towards Israel when the US President declared Jerusalem as the capital of Israel, and when he announced the deal of the century, and he took measures toward the Palestinian Authority, stopping support for UNRWA and closing the office of the Palestine Liberation Organization in Washington.¹

¹ Q. Post. Will Trump Move the Embassy. Is it A Storm Prior to The Deal of the Deal of the Century? 2017. Retrieved from <https://rb.gy/ursvul>

We conclude from this how American mediation hindered the peace process because of its bias towards Israel on the one hand. On the other hand, how the United Nations efforts to solve the Palestinian-Israeli conflict did not address the problem from its roots, namely that the cause of the Palestinian conflict is the presence of an Israeli occupation on the Palestinian lands and that there is an occupation that violates international law.

The presentation of Palestinian negotiations as a model for peaceful means of settling disputes is clear evidence that there is a problem with the Security Council and its application of the principles of the Charter, especially Chapter VI and Chapter Seven. The United States of America, which has played for more than 20 years as a mediator for the peace process, is completely biased in favor of Israel. This is what hindered the implementation of Security Council resolutions on the Palestinian issue and condemnation of Israeli crimes.

Consequently, the principle of peaceful conflict resolution is considered one of the most important principles of important international law, and it is one of the principles of the United Nations Charter. The international community and pressure on major countries must be required to adhere to the principle of good faith and the principle of commitment to use peaceful means to resolve conflicts and avoid the use of force, stopping

On interfering in the internal affairs of states on the pretext that some internal conflicts in some countries threaten international peace and security, it is clear that the United Nations Charter gave the Security Council broad powers to resolve international conflicts, without any restrictions. Therefore, the Security Council must use these

powers in accordance with the principles of international law to spread international peace and security, not to provoke conflicts, chaos and violence in the world.

Chapter Nine

Conclusion

It is clear that the reason for the failure of the United Nations to shoulder its responsibilities and most of the many international disputes:

1. The dominance of the great powers over the law of states and its institutions,
2. The politicization of the United Nations: In fact, the exploitation of the right to interfere and politicize is one of the most important manifestations of the absence of international justice and the failure of international law and its institutions, in dealing with many sensitive issues, especially through the development of a clearly defined and disciplined legal system that reduces the possibility of its politicization.

On the pretext of protecting the rights of minorities and on the pretext of protecting anything that threatens international peace and security, since in reality international law permits interference with the protection of minorities, but the major powers have used this to their advantage. If these countries went to exploit international law and its institutions under the pretext of fighting terrorism, where international law criminalized terrorism, the United States of America found this as an excuse to interfere in the internal affairs of states.

For this reason, we have found opinions that seek to find solutions that guarantee the work of the provisions of the Charter, so that the international organization is able to fulfill its roles and fulfill the purpose for which it was found.

Those countries that are essentially established the United Nations after the Second World War have worked to Establishing a system in the Security Council that allows it

to adapt the issues before it, and the extent of its threat to international peace and security without any legal system determining how to legalize the issues presented, and this is part of the crisis of the extent of the authority of any international organization to adapt the issues before it or interpret the legal texts in isolation. On the authority of an independent or legislative judiciary to undertake this, and in order to protect these five major states from any threats to their interests, it set itself a veto in the Yalta Conference.

The veto was a tool for the major powers to control the Security Council's decisions by threatening at times to use the veto to prevent the issuance of any resolution, in order to amend the resolution in a way that guarantees their interests. The veto represented a violation of international justice. The law remains so long as it is far from the interests of those countries or its allies. The veto was used to prevent the issuance of decisions condemning Israel in the United Nations. Chapter VII represented a kind of infringement on the sovereignty of all states under the pretext of international law, as the only binding decisions are Security Council resolutions and the reason for binding the presence of the veto, as the presence of the veto protects the interests of major countries from any binding decision.

Those problems are governed by the principle of balance, and when that balance is disturbed, justice will become the demand of states in accordance with the legitimacy of international law by giving up part of sovereignty in favor of the rule of international law.

However, many recommendations came out of the implementation framework, which added a lot to international justice somewhat, and made the General Assembly an

outlet for the smaller states away from the dominance of the major powers over the Security Council. In conclusion, we cannot ignore that the United Nations Organization with its purposes, principles, and goals is an important organization with its international and legal weight, and it has united the countries of the world under one international umbrella, to achieve international peace and security, international justice and stop violations of human rights, and for the United Nations to achieve as it prepares A person of international law, whose purposes and objectives are very efficient.

Among the most important conclusions of this research:

1. The existence of international law is important and necessary to preserve justice, establish the moral value of international law, accumulate experiences and increase the mandatory character of the legal base, and with the development of the status of the United Nations as a supervisor on the application of international law, but the lack of respect for states by law enforcement states is a dictatorship that contradicts relative justice.
2. The American Veto is the main reason for the weakness of the UN to do anything to the Palestinian cause because it uses this right to object to any resolution in favor of the Palestinians and against the Israelis.
3. The reform of the United Nations has become an urgent necessity as a result of the evolution and transformation of the world order. Amendments and revisions must be made to a number of general principles and rules contained in the Charter, as the Charter was drawn up a long time ago and has not been subject to any amendment or revision. Especially those that undergo several interpretations that would lead to double standards, applied by the United Nations, and there have

been no amendments or revisions to the Charter for a long time, such as the rule of non-interference in internal affairs and the right to legitimate self-defense.

4. The organizational structure of the United Nations must be reconsidered, as there are organs created by the United Nations and provided for in the Charter, has ended due to the end of the colonial phenomenon and the absence of lands subject to the trusteeship system.
5. The formation of the Security Council in its current form affects the responsibility of the United Nations for maintaining international peace and security and leads to its failure to achieve that responsibility and achieve its goals and objectives.
6. As for the Palestinian- Israeli struggle, the unfulfilled stipulations of the acceptance of Israel in the UN, they are unfulfilled by giving the Palestinians their rights and legitimacy.
7. The UN is the main source of jurisdiction and international law making that it passed laws for refugees, so pressure should be practiced on it.
8. The UN is also responsible for the crimes against the Palestinians because of the control of the major powers, especially the US.

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Appendices

Appendix A: The Most Important UNESCO Decisions

Decision No	Date of Decision	The content of the decision
181	1947	which was issued by the United Nations General Assembly, and aims to divide Palestine into two Jewish and Arab states, and Jerusalem divided.
303	1949	The United Nations General Assembly adopted this resolution in 1949, after the 1948 war, the first Arab-Israeli war. The decision affirmed that the General Assembly does not recognize the declaration of Israel as Jerusalem as the capital of Israel.
242	1967	issued by the United Nations Security Council, which states the withdrawal of the Israeli occupation from the West Bank, Gaza, the Golan and Sinai.
2253	1967	Issued on the Fourth of July 1967, in which the General Assembly regrets the decision of Israel to apply Israeli law to East Jerusalem, and it considers it illegal
338	1973	Issued by the Security Council, and the most important clauses are the cease-fire between Egypt and Syria on the one hand and the occupation state on the other hand and implement Resolution 242
3236	1974	The resolution recognized the Palestinian right to sovereignty over their lands. The United States voted no.
3237	1974	The resolution granted the Palestine Liberation Organization observer status in the General Assembly. The United States

		voted against the decision
3379	1975	The decision specified that Zionism is a form of racism and discrimination. The United States voted against the decision.
36/15	1981	was issued on October 28, 1981, and it considers that any changes in the Jerusalem area are illegal and against international law, and that such actions constitute an obstacle to maintaining a just and comprehensive peace.
194	1984	The United Nations issued Resolution 194, which affirms the right of Palestinian refugees to return and compensation
86/46	1991	This decision overturned Resolution 3379, which determined that Zionism is a form of racism and discrimination. The United States voted in favor of the resolution
55/130	2001	Issued on February 28, 2001, and demanding that Israel provide the necessary facilities for the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People in the Palestinian Territories, including Jerusalem.
10/14/	2003	Issued on December 8, 2003, in which the General Assembly requested the International Court of Justice to issue a religious judgment urgently on the construction of the wall in the Palestinian territories and around East Jerusalem, and outlines the rules and principles of

		international law in this regard.
59/124	2004	This decision relates to Israeli practices affecting Palestinian human rights in the Occupied Palestinian Territories, including East Jerusalem. The United States voted against the decision.
104/60	2006	Issued on January 18, 2006, in which the General Assembly requested the Special Committee to Investigate Israeli Practices Affecting Human Rights to continue its work until the Israeli occupation is completely ended. 70/98: Issued on December 9, 2015, denouncing settlement activities in the Occupied Palestinian Territories, expansion of settlements in and around occupied East Jerusalem, and condemning Israel's continued illegal construction of the wall
67/19	2012	The resolution gave Palestine the status of a non-observer state in the United Nations. The United States opposed the decision
69/320	2015	This decision allowed non-member observer states to place the flag at United Nations Headquarters in New York. The United States opposed the decision.
71/96	2016	issued on December 6, 2016, and it includes confirmation that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, applies to the Occupied Palestinian Territory, including East Jerusalem.
10/19	2017	The resolution related to the status of Jerusalem, and was adopted during the tenth emergency special session of the

		General Assembly, 128 countries voted in favor of the resolution, 9 opposed it, 35 abstained and 21 countries absent. The United States voted against the decision.
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Security Council Resolutions

General Resolution No	Year	The content of the decision
1073	1996	The United States abstained. In response to digging a tunnel under the Al-Aqsa Mosque and continuing fighting. The resolution called for the immediate cessation and reversal of all actions that exacerbated the situation, which have negative effects on the peace process in the Middle East, and called for ensuring the safety and protection of Palestinian civilians, and for the immediate continuation of negotiations within the Middle East peace process and its agreed rules and setting a timetable Implement the agreements reached.
1073	1996	Issued on September 30, 1996, calls for an immediate halt and withdrawal from the opening of a tunnel entrance near the Al-Aqsa Mosque, whose opening resulted in a large number of deaths and injuries among Palestinian civilians.
1322	2000	Issued on October 7, 2000, denounces the provocative behavior of Ariel Sharon entering the Noble Sanctuary and the violence that killed eighty Palestinians
1397	2002	United States voted in favor of the resolution. The council called for an end to violence since the outbreak of the

		second intifada. Emphasizing the vision of a two-state solution, Israel and Palestine, living side by side within secure and defined borders, and the resolution demanded the immediate cessation of all acts of violence, including terrorism, incitement, provocation and destruction, as the resolution called on the Israeli and Palestinian parties and their leaders to cooperate in implementing a plan Tenet and Mitchell report recommendations and maintaining the goal of resuming negotiations on a political settlement.
1397	2002	Issued on March 2, 2002, calling on the Palestinian and Israeli sides to resume negotiations on a political settlement
1435	2002	The United States voted in favor of the resolution. The council called for an end to violence since the outbreak of the second intifada. Emphasizing the vision of a two-state solution, Israel and Palestine, living side by side within secure and defined borders ... The resolution demanded the immediate cessation of all acts of violence, including terrorism, incitement, provocation and destruction, as the resolution called on the Israeli and Palestinian parties and their leaders to cooperate in order to implement Tenet's plan and Mitchell report recommendations and maintaining the goal of resuming negotiations on a political settlement.
1860	2009	The resolution called for respect for an immediate and

		sustainable ceasefire, leading to a full Israeli withdrawal from Gaza. 14 countries adopted the resolution, and the United States abstained.
2334	2016	was issued on December 23, 2016, and confirms that Israel's establishment of settlements in the Palestinian territories occupied since 1967 - including East Jerusalem - has no legal legitimacy, and demands that Israel immediately cease all settlement activities and not recognize any changes within the borders of June 4 June 1967.
2334	2016	, Resolution condemning Israeli settlements, 14 countries voted in favor of the resolution and the United States abstained. The decision included that Israeli measures violate international humanitarian laws and those measures aim to change the demographic composition and status of the Palestinian territories occupied by Israel, including building and expanding settlements, transferring Israeli settlers, confiscating land, demolishing homes and displacing Palestinian civilians.
242	1967	The resolution called for the withdrawal of Israel from all the lands it occupied in 1967 after the Six-Day War. The United States voted in favor of the resolution.

252	1968	Issued on May 2, 1968, it condemns the Israeli military parade in Jerusalem.
253	1968	In it, the Security Council calls on Israel to cancel all arbitrary measures to change the city's status.
271	1969	Issued on July 3, 1969, condemning the attempt to burn the Al-Aqsa Mosque and desecration of holy sites
338	1973	The Security Council adopted in October 1973 the resolution that called for a ceasefire after the Yom Kippur War. The resolution was adopted by the Security Council with 14 votes, with the absence of the People's Republic of China. The resolution called for the implementation of the provisions of Resolution 242.
465	1980	demanding that Israel dismantle existing settlements, Tweet the text on Twitter, and stop planning and building settlements in the occupied territories, including Jerusalem
476	1980	The decision reaffirmed the illegality of Israeli actions to change the status of Jerusalem and its landmarks. The United States abstained.
476	1980	The Israeli measures to change the character of Jerusalem are declared invalid
476	1980	: The decision reaffirmed the illegality of Israeli actions to change the status and features of Jerusalem. The United

		States abstained.
478	1980	Issued on August 29, 1980, which includes the non-recognition of Israeli law on Jerusalem, and the call for states to withdraw their diplomatic missions from the city
608	1988	The resolution demanded that Israel cease deporting the Palestinians. The United States voted in favor of the resolution.
672	1990	Issued on October 12, 1990, condemns the massacre that took place inside the arenas of Al-Aqsa Mosque and Jerusalem, and confirms the position of the Security Council that Jerusalem is an occupied territory.
672	1990	The resolution called on Israel, as the occupying power, to implement its obligations and responsibilities within the Fourth Geneva Conference, and the resolution requested the Secretary-General of the United Nations to send a mission to the occupied territories. The United States voted in favor of the resolution
904	1994	The decision was adopted without a vote. The Council called for measures to be taken to protect Palestinian citizens in the occupied territories after the massacre of the Ibrahimi Mosque. The council called on the United States and Russia to continue making efforts to conclude a peace

		deal.
452	1979	The decision declared that the settlements in the occupied territories do not have any legal status and that the legal status of Jerusalem cannot be changed unilaterally. The United States abstained.

Decisions on Jerusalem¹

General Resolution No	Year	The content of the decision
242	1967	In which the UN Security Council calls on Israel to withdraw to the pre-1967 borders.
252	1968	Condemns an Israeli military parade in Jerusalem.
253	1968	In it, the Security Council calls on Israel to cancel all arbitrary measures to change the city's status.
271	1969	Existing settlements, Tweet the text on Twitter, stop planning and building settlements in the occupied territories, including Jerusalem.
476	1980	The Israeli measures to change the character of Jerusalem are declared invalid.
478	1980	It includes not recognizing Israeli law on Jerusalem, and calling on states to withdraw their diplomatic missions from the city.
672	1990	condemns the massacre that took place inside the arenas of Al-Aqsa Mosque and Jerusalem, and confirms the position of the Security Council that Jerusalem is an

¹الجزيرة، أبرز قرارات مجلس الأمن بشأن القدس منذ عام 1967. 2017. مأخوذ من <https://www.aljazeera.net/encyclopedia/events/2017/5/24/%D8%A7%D9%84%D9%82%D8%B1%D8%A7%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%AA%D8%B9%D9%84%D9%82%D8%A9-%D8%A8%D8%A7%D9%84%D9%82%D8%AF%D8%B3-%D9%85%D9%86%D8%B0-1967>

		occupied territory.
1073	1996	calls for an immediate halt and withdrawal from the opening of a tunnel entrance next to the Al-Aqsa Mosque, whose opening resulted in a large number of deaths and injuries among Palestinian civilians.
1322	2000	Condemns the provocative behavior of the entry of Ariel Sharon, the Noble Sanctuary, and the violence that resulted in the deaths of eighty Palestinians.
1397	2003	And calls on the Palestinian and Israeli sides to resume negotiations on a political settlement.
2334	2016	confirms that Israel establishing settlements in the Palestinian territories occupied since 1967 - including East Jerusalem - has no legal legitimacy, and demands that Israel immediately cease all settlement activities and not recognize any changes within the borders of June 4, 1967.

General Assembly Resolutions

General Resolution No	Year	The content of the decision
181	1947	known as the "Partition Law" whereby the division of Palestinian land into an Arab state and a Jewish state was established, with Jerusalem, Bethlehem, and the adjacent

		lands placed under international custody.
303	1949	The first Arab-Israeli wars. The decision affirmed that the General Assembly does not recognize the declaration of Israel as Jerusalem as the capital of Israel.
2253	1967	In which the General Assembly regrets the decision of Israel to apply Israeli law to East Jerusalem, and it considers it illegal.
15/36	1981	It considers that any changes in the Jerusalem area are illegal and against international law, and that such actions constitute an obstacle to maintaining a just and comprehensive peace.
55/130	2001	and calls upon Israel to provide the necessary facilities for the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People in the Palestinian Territories, including Jerusalem.
10/14	2003	In which the General Assembly requested the International Court of Justice to quickly issue a religious judgment regarding the construction of the wall in the Palestinian territories and around East Jerusalem, and outlines the rules and principles of international law in this regard.
104/60	2006	, in which the General Assembly called on the Special

		Committee to Investigate Israeli Practices Affecting Human Rights to continue its work until the complete end of the Israeli occupation
98/70	2015	denounced settlement activities in the Occupied Palestinian Territories, expansion of settlements in and around Occupied East Jerusalem, and condemned Israel's continued illegal construction of the wall.
96/71	2016	includes confirmation that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, applies to the Occupied Palestinian Territory, including East Jerusalem.

UNESCO Resolutions

General Resolution No.	Year	Content
150	1996	It is reported that old Jerusalem is on the World Heritage List at risk, and it deplores the opening of the tunnel by the Israeli authorities along the western wall of the Noble Sanctuary.
159	2000	Concern is expressed about the measures that still hinder the free access of Palestinians to the city of Jerusalem and to the holy sites located in Old Jerusalem.

184	2010	Expresses grave concern over the excavation and excavation of Israeli works in the buildings of the Al-Aqsa Mosque and the old Jerusalem, in contravention of the decisions of UNESCO, the United Nations and the Security Council.
192	2014	, in which the United Nations Educational, Scientific and Cultural Organization (UNESCO) deplores Israel's failure to stop the excavation work that it is still carrying out in East Jerusalem, and condemns the continuous unilateral Israeli measures and practices and intrusions by settlers in East Jerusalem
196	2015	expresses deep regret at the Israeli refusal to implement the previous UNESCO resolutions regarding Jerusalem, and the damages that the Israeli security forces inflicted on the doors and windows of the tribal mosque, in addition to the closure of the Bab Al Rahma building, which is one of the doors of the Al Aqsa Mosque, and denounces Israel's decision to approve the establishment of a cable car in East Jerusalem.
2016	2016	demands that Israel allow the return to the historical status quo that existed until September 2000, and strongly condemns the continuous storming of the Al-Aqsa Mosque by a militant on the Israeli right,

		denounces the restrictions imposed by Israel on the Al-Aqsa Mosque, and reaffirms that the slope of the Mughrabi Gate is an integral part of Al-Aqsa Mosque.
150	1996	, It is reported that Old Jerusalem is on the list of endangered World Heritage, and condemns the Israeli authorities opening the tunnel along the western wall of the Noble Sanctuary
184	April 2010	expresses grave concern regarding the excavation and excavation of Israeli works in the buildings of the Al-Aqsa Mosque and the Old Jerusalem, in contravention of the decisions of UNESCO, the United Nations and the Security Council.
192	2014	in which the United Nations Educational, Scientific and Cultural Organization (UNESCO) deplores Israel's failure to stop the excavation work it is still carrying out in East Jerusalem, and condemns the continuous unilateral Israeli measures and practices and settlers' incursions In East Jerusalem
196	2015	expresses deep regret at the Israeli refusal to implement the previous UNESCO resolutions regarding Jerusalem, and the damages that the Israeli security forces inflicted on the doors and windows of the tribal mosque, in

		addition to the closure of the Bab Al Rahma building, which is one of the doors of the Al Aqsa Mosque, and denounces Israel's decision to approve the establishment of a cable car in East Jerusalem.
200	2016	demanding that Israel be allowed to return to the historical situation that existed until September
	2000	Strongly condemns the continuous storming of the Al-Aqsa Mosque by a militant on the Israeli right, denounces the restrictions imposed by Israel on the Al-Aqsa Mosque, and reiterates that the slope of the Mugrabi Gate is an integral part of the Al-Aqsa Mosque.

Appendix B: Interview with Rania Mohareb

PhD student at the Irish Center for Human Rights at the National University of Ireland Galway, and former legal researcher and advocacy officer at the Palestinian human rights organization, Al- Haq.

Interview Date: August 17, 2020 - Date of Interview: 17 August 2020

"In an interview, the specialist in international law, Professor Rania Mohareb, about

What is the responsibility of the United Nations in achieving international peace and security?

The dimensions of this responsibility in general and in the Palestinian case in particular, and towards the Palestinian cause? Did the United Nations fail or succeed in assuming responsibility towards achieving international peace and security, especially in the Palestinian case? What are the dimensions of the responsibility of the United Nations in achieving international peace and security in general and in the Palestinian case in particular? How is it held accountable for this failure? Or what are the means that we follow to be held accountable to its failure and to face the stall in the application of decisions of the Nations United for Palestine? Why the United Nations was not held accountable for its violations of international law and United Nations resolutions? What are the means that must be followed by UN United to implement the resolutions issued from the Council of Security and Assembly the general right of the issue of the Palestinian? Where is the responsibility of Nations United to declare US United Alamarkih Jerusalem, the capital of Israel?

From what does the United Nations draw its responsibility in achieving international peace and security, and in resolving the Palestinian conflict? Has the United Nations failed or succeeded in assuming its responsibility towards achieving international peace and security, especially in the Palestinian case? What are the dimensions of the United Nation's responsibility in achieving international peace and security, in general, and in the Palestinian case in particular, and what are the elements of this responsibility?

The UN has long recognized that it has a permanent responsibility towards the resolution of the Question of Palestine in all its aspects until a just and lasting solution is achieved. The United Nations' permanent responsibility towards Palestine stems from the purposes and principles stipulated in the Charter of the United Nations of 1945. It enshrined, in Article 1(2), "the principle of equal rights and self-determination of peoples". It determined as a principle of the United Nations, in line with Article 2(4), the prohibition on "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." In addition, the Charter's Preamble sought "to save succeeding generations from the scourge of war" and "to establish conditions under which justice and respect for... international law can be maintained."

As such, the United Nations and its Member States have a responsibility towards ensuring respect for the right to self-determination of all peoples, a peremptory norm of international law, binding on all States. This includes an obligation to ensure the full realization of the inalienable right of the Palestinian people to self-determination, which had been provisionally recognized as early as 1920 by the League of Nations, the predecessor of the United Nations. The Covenant of the League of Nations, which entered into force on 10 January 1920, recognized in Article 22, that with respect of "those colonies and territories which... have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization," adding that "Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory." It was later, in 1971, that the International Court of Justice in its Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970) determined that, "Taking the developments of the past half-century into account, there can be little doubt that the ultimate objective of the

sacred trust was self-determination and independence.” As such, the right of the Palestinian people to self-determination and independence in Mandatory Palestine had already been recognized by 1920.

The right to self-determination was further recognized in Article 55(c) of the Charter of the United Nations, which determined that, in order to ensure respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction.” Yet, within two years of the adoption of the Charter, the United Nations General Assembly adopted Resolution 181 (II) of 29 November 1947, which recommended the partition of Palestine. The partition violated sacrosanct principles of international law as it stood at the time, having divided a self-determination unit in which the right of the Palestinian people to self-determination and independence had already been recognized by the League of Nations.

That the Partition Plan violated Palestinian self-determination was recognized by the United Nations Special Committee on Palestine (UNSCOP) already at the time, which considered, in September 1947, that: “With regard to the principle of self-determination, although international recognition was extended to this principle at the end of the First World War. It was adhered to with regard to the other Arab territories... it was not applied to Palestine, obviously because of the intention to make possible the creation of the Jewish National Home there.

Actually, it may well be said that the Jewish National Home and the sui generis Mandate for Palestine run counter to that principle” (A/364, paragraph 176). In addition, the partition of Palestine violated the prohibition on the acquisition of territory by force, as enshrined in Article 2(4) of the Charter of the United Nations, which by the time of the partition had already outlawed the use of force in international relations.

Even though the partition of Palestine violated the Charter of the United Nations, the illegal partition has never been reversed. Instead, the Palestinian people have been deprived of the exercise of their inalienable rights for the past 72 years, meaning for much of the United Nations’ existence.

In addition to the denial of the Palestinian right to self-determination, millions of Palestinian refugees and displaced persons, who were uprooted from their homes, lands, and property during and since the Nakba, have never been granted their inalienable right of return. This is despite the fact that, on 11 December 1948, the United Nations General Assembly adopted Resolution 194 (III), which recognized the right of return of Palestinian refugees and displaced persons, a right.

It had already become customary by the time of Nakba. Resolution 194 has been reaffirmed in over a hundred United Nations resolutions since 1948, reflecting the strength the right of return has continued to gain over time, despite its continued denial.

It is within the context of the United Nations' failure to uphold the inalienable rights of the Palestinian people, including their right to self-determination and the right of return since the Nakba, that we must consider its inability, to date, to uphold international peace and security in Palestine. As a prerequisite for the realization of international peace and security, the principles of the Charter of the United Nations, in particular the prohibition on the use of force must be upheld in Palestine as elsewhere.

The fulfillment of Article 2(4) of the Charter of the United Nations is essential to reverse illegal facts on the ground created as a result of the illegal partition of Palestine and the prolonged occupation of the occupied Palestinian territory and the occupied Syrian Golan since 1967.

It included the illegal annexation of occupied territory in violation of the prohibition on the acquisition of territory by force. Accordingly, international peace and security cannot be realized without the full respect for fundamental rights, including the right to self-determination as a peremptory norm of international law?

In what way is the United Nations responsible for the violations against the Palestinian people, and what are the means to hold it accountable for its failure [to fulfill Palestinian rights]?

The United Nations and its Member States have failed in their obligation to fulfill the Charter of the United Nations, and in particular, "to save succeeding generations from the scourge of war," with wars having continued in all parts of the world since 1945. At the same time, the United Nations has played an active role in the

colonization of Palestine through the adoption by Member States of the General Assembly of the Partition Resolution in 1947. This is despite its illegality, and by failing to uphold the inalienable rights of the Palestinian people to self-determination and return, even while continuing to reaffirm these rights in over a hundred resolutions to date.

Since 1947, no effective measures have been adopted by third States to ensure justice and accountability for widespread and systematic human rights violations, including international crimes committed against the Palestinian people, nor to reverse the illegal partition and colonization of Palestine and guarantee effective remedies for the crimes committed during the Nakba.

It had already been recognized as international crimes at the time and prosecuted during the Nuremberg Trials. Instead, the United Nations admitted Israel as a Member State on 11 May 1949, even while it had rejected its membership mere months before, and conditioned that membership upon the implementation of the illegal Partition Plan and Resolution 194 for the return of Palestinian refugees and displaced persons. Seventy-two years since the Nakba, the right of return, as an indivisible element of the right of the Palestinian people to self-determination, remains unfulfilled, as a root cause prolonging the situation of injustice and the oppression of the Palestinian people.

It is States, notably Member States of the United Nations, who are primarily responsible for upholding international law, including the inalienable rights of the Palestinian people. In line with the 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts issued by the International Law Commission.

Third States have obligations under customary international law, in particular: not to recognize as lawful a situation arising from a serious breach of international law, such as acquisition of territory by force. In addition, it includes the partition of Palestine and illegal annexation; not to render aid or assistance in the maintenance of the illegal situation, including by ensuring that corporations are not complicit in prolonging these breaches.

Finally, to cooperate to bring an end to the illegal situation through lawful means. In addition, in what concerns the occupied Palestinian territory and the occupied

Syrian Golan, third States have obligations under international humanitarian law, as High Contracting Parties to the Fourth Geneva Convention (1949), under Common Article 1, “to respect and to ensure respect for the Convention in all circumstances.” This requires third States to reverse population transfer and the colonization of Palestine, including the illegal transfer of Israeli settlers into occupied Palestinian and Syrian territory.

For decades, third States have failed in their own legal obligations to uphold international law in Palestine and to cooperate, through the United Nations, to realize the inalienable rights of the Palestinian people, and have, therefore, failed to address the root causes prolonging Palestinian oppression. At the same time, third States have failed in their obligation to ensure international justice and accountability for Palestinian victims of international crimes, whether by triggering universal jurisdiction mechanisms to try suspected perpetrators in their own courts or by supporting an investigation by the International Criminal Court in the Situation in Palestine, thereby effectively allowing the illegality to continue.

If the United Nations has failed to achieve international peace and security, especially in Palestine, how can the UN be held accountable for this failure? What are the mechanisms we can use to hold it accountable for its failure, notably to implement its resolutions on Palestine? Why has the United Nations not been held accountable for its violations of international law and United Nations resolutions? What are the measures the United Nations has at its disposal to implement the resolutions issued by the Security Council and General Assembly regarding Palestine? Where does the responsibility of the United Nations lie concerning the United States declaring Jerusalem as the capital of Israel?

Member States of the United Nations must be held accountable for their failure to uphold the law of third State responsibility to reverse illegal facts on the ground prolonging Israel’s regime of institutionalized racial oppression and domination over the Palestinian people, which amounts to the crime of apartheid. There are avenues to ensure third State responsibility for serious breaches of international law and to guarantee individual criminal responsibility for widespread and systematic human rights violations amounting to international crimes against the Palestinian people. In terms of

State responsibility, the International Court of Justice has previously highlighted the obligations of third States and the United Nations to put an end to serious breaches in Palestine.

In its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory of 9 July 2004, the International Court of Justice found, in paragraph 163, states that “The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion.” Yet, 16 years since, the Wall remains standing as a testament third State failure to end Israeli impunity.

In light of third State failure to act, there is an urgent need for international justice and accountability for international crimes committed against the Palestinian people. Article 146 of the Fourth Geneva Convention mandates all High Contracting Parties to the Convention to provide effective penal sanctions for persons committing, or ordering to be committed, any grave breaches of the convention, including but not limited to: willful killing, torture or inhuman treatment, willfully causing great suffering or serious injury to body or health.

Also, it includes unlawful deportation or transfer, willfully depriving a protected person of the rights of fair and regular trial, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 146 provides: “Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.” As such, the High Contracting Parties to the Fourth Geneva Convention are under a legal obligation to prosecute suspected perpetrators of international crimes committed against Palestinians in their own courts, under the principle of universal jurisdiction.

At the same time, States must cooperate with and support the opening of a full, thorough, and comprehensive investigation by the International Criminal Court into the

Situation in Palestine. Notably, the International Criminal Court is competent to try suspected perpetrators of war crimes and crimes against humanity committed in the occupied Palestinian territory, comprising the West Bank, including East Jerusalem, and the Gaza Strip. The Prosecutor of the International Criminal Court announced the conclusion of her preliminary examination of the Situation in Palestine in December 2019. Member States of the United Nations must support the International Criminal Court as an important avenue to end Israel's institutionalized impunity for international crimes committed against the Palestinian people.

In addition, the latest United Nations Commission of Inquiry on the 2018 protests in the occupied Palestinian territory, which examined the Israeli occupying forces' widespread . Systematic suppression of the Great Return March demonstrations in the Gaza Strip in 2018 were organized and found reasonable grounds to believe that "during the Great March of Return, Israeli soldiers committed violations of international human rights and humanitarian law.

Some of those violations may constitute war crimes or crimes against humanity," and recommended, in February 2019, that "States parties to the Geneva Conventions and/or to the Rome Statute carry out their duty to exercise criminal jurisdiction. Also, they arrest persons alleged to have committed, or who ordered to have committed, the international crimes described in the present report, and either to try or to extradite them" (A/HRC/40/74, paragraph 128).

On 22 March 2019, the United Nations Human Rights Council adopted Resolution 40/13 on ensuring accountability and justice for all violations of international law committed in the occupied Palestinian territory, including East Jerusalem, which called upon all duty bearers and United Nations bodies to pursue the implementation of the recommendations of the 2018 United Nations Commission of Inquiry as well as those adopted by previous United Nations investigatory mechanisms on Palestine. Since 2000, the United Nations has created ten commissions of inquiry and fact-finding missions on Palestine alone. Not one recommendation of any of these mechanisms has been implemented to date.

As such, it is clear that there is no absence of available mechanisms at the disposal of the United Nations and its Member States to uphold international justice and

accountability for Palestinian victims and to end and reverse serious breaches of international law. Instead, it is political will that is lacking to implement existing recommendations and resolutions.

The Security Council has been particularly dominated by politics, at the expense of the purposes and principles enshrined in the Charter of the United Nations. This explains the Security Council's systematic failure to uphold international peace and security, notably for the Palestinian people.

Due to the power of its five permanent members to oppose substantive resolutions through a veto or negative vote, the Security Council has never adopted sanctions against Israel for its violations of international law.

Instead, the United States has systematically resorted to its veto powers, as a permanent member of the Security Council, to block any attempts at adopting coercive measures to hold Israel to account, thereby effectively shielding Israeli perpetrators from accountability for decades, while entrenching the widespread and systematic human rights violations committed against the Palestinian people. There has long been a deadlock within the Security Council when it comes to addressing serious breaches of international law committed in Palestine.

At the same time, any reform of the Security Council would require the agreement of all five permanent members. Given the paralysis of the Security Council on Palestine, the normative power of the General Assembly has continued to grow. Over the past few decades, the General Assembly has increasingly played a leading role in reaffirming the primacy of international law in Palestine in the face of Israel's entrenchment of illegal facts on the ground. In fact, where the Security Council fails in its mandate to uphold international peace and security due to a lack of unanimity amongst its permanent members, the General Assembly has the power to immediately consider the matter to maintain and restore international peace and security, under the 'Uniting for Peace' procedure.

The General Assembly may meet in an emergency special session if it is not in session at the time, as it has done on countless occasions to discuss the situation in Palestine. As such, the General Assembly has been able to more adequately reflect

international support for the realization of the inalienable rights of the Palestinian people, having repeatedly adopted resolutions on Palestine by an overwhelming majority of Member States.

The General Assembly has regularly met in an emergency special session to address the situation in Palestine, with the first such session having been convened in 1956. In February 1982, for example, following the failure of the Security Council to impose sanctions on Israel for illegally extending its laws, jurisdiction, and administration to the occupied Syrian Golan, the General Assembly met in an emergency special session and adopted Resolution ES-9/1, which called “upon all Member States to apply the following measures: (a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance which Israel receives from them; (b) To refrain from acquiring any weapons or military equipment from Israel; (c) To suspend economic, financial and technological assistance to and cooperation with Israel; (d) To sever diplomatic, trade and cultural relations with Israel” (A/RES/ES-9/1, paragraph 12).

Similarly, in 2017, following the declaration by the President of the United States of Jerusalem as Israel’s capital on 6 December 2017, and the failure of the Security Council to adopt a resolution rejecting any changes to the status of Jerusalem due to a negative vote by the United States, the United Nations General Assembly overwhelmingly adopted Resolution ES-10/19 on 21 December 2017, with 128 votes in favor, nine votes against, and 35 abstentions, affirming “that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded.” Resolution ES-10/19 called on “all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to [Security] Council resolution 478 (1980).”

As recently highlighted by Palestinian and regional civil society organizations, “Over the years, the General Assembly, through its emergency special sessions convened under the “Uniting for Peace” resolution, has allowed the international community to overcome the political deadlock within the Security Council, as a result

of the [United States'] systematic use of its veto powers to block measures of accountability when it comes to ongoing Israeli breaches of international law.

Instead, the General Assembly has sought to address Israel's pervasive impunity, which shields perpetrators from accountability, and to call for effective measures to be taken by all Member States to bring the illegal situation to an end, including through coercive measures, where the Security Council has failed to do so."

Given this powerful role played by the General Assembly in guaranteeing the realization of the inalienable rights of the Palestinian people, Member States must increasingly cooperate, through the General Assembly and the United Nations at large, to adopt effective measures, including sanctions, to end Israeli impunity. The General Assembly offers third States the necessary tools to overcome the paralysis within the Security Council, in particular in relation to Palestine, and to adequately address the prolonged denial of rights of the Palestinian people. As such, the role of the General Assembly in advancing the international peace and security agenda should continue to be strengthened and developed by third States in fulfillment of their own legal obligations to end the illegal situation in Palestine.

Appendix C: Interview with Dr. Omar Rahal

Interview with Dr. Omar Rahal: 8/17/2020

General background on the subject matter and interview's questions' answers:

Omar Rahal is a professor of science political at the University of Birzeit and the General Director of the Center for Information for Human Rights and Democracy "Shams".

Has the UN failed or succeeded in assuming its responsibilities towards maintaining international peace and security in the Palestinian cause since its founding in 1945 until now?

The UN experienced more than a hundred and five disputes and conflicts in different places of the world, leading to the killing of millions of people without being able to organized international stand effectively against these wars because of the use of the right of veto - wielding more than three hundred times in the Security Council.

Thus, it has played a negative role in the Cold War at the level of taking the UN for its role in conflicts and wars; therefore it did not intervene in conflicts and wars only with the consent of the States major.

As it was approved in the 3rd of October in 1950, what is known as the Union of for peace, and was that the words of the decision issued from the Assembly General Nations United by providing an opportunity for the Association General to replace the place of the Council of Security. This happens when not being able to take a decision to crisis of international threat to international peace and security. As a result of the use of a member or more of the members of the permanent in the Council of Security (veto), this decision requires the availability of a set of conditions, namely:

1. To be a case of situations of threat to security and peace international , or the occurrence of aggression on the state or more than by the state or states other .
2. That fails Council Security for taking a decision in this regard because of the use of the right veto.

3. That the Security Council refer the dispute before it to the General Assembly. It may invite it to a special session if it is not in session. This is the resolution of such matters of procedure that only the achievement of a majority of nine votes without requiring the need for unanimity states permanent to support the resolution, i.e. not leave the use of veto.

It is concluded that the Assembly General has to issue recommendations to take measures and actions to address the breach of the peace, to the side to give it the authority to use forces armed. Examples on this have been the adoption of the decision of the Union of for peace in international disputes, including on, for example:

1. The Suez Crisis 1956 ,
2. Hungary Crisis. 1956
3. The Crisis in Jordan and Lebanon 1958 .
4. The Namibia Crisis 1981 .

The International organization derives its constituents and the existence of a security system, which constitutes its basic law, which is based primarily on the idea of protecting the collective security, and that of through protection from any state strong you want to change it by using force to their advantage.

It is true that the UN cared for some crises and discussed and tried to put some solutions to them, but there are crises of serious in which the UN was not able to offer a solution for such as the war of Vietnam, and in the crisis. It has offered to UN have been dealt with either by issuing decisions binding and immediate or decisive resolutions, still its actions don't go beyond being recommendations.

The division of the world into two axes contributed to the success of the role of the UN from through calming conflicts and mitigation of unity to the extent that it contributed to achieving a balance across all the same in the formation of Cold War , which was among the features of a basic international policy.

Since the foundation of this International organization, it has made great efforts in order to restore international security and peace and renounce the prohibition of aggression and to adhere to the principle of resolving disputes and international peaceful means. Furthermore, it intervened in the most dangerous hotspots the world, and put out some war in many regions.

In addition, it issued dozens of decisions that call for stopping wars and aggression between nations as it played an important role in curbing rein in the Cold War. It provided substantial humanitarian relief to victims of war and natural disasters.

However it cannot be said that the UN has succeeded already in keeping international peace and security, but was there duplication in the application of the decision Union of for peace. It was responsible for an agreement between the poles to activate this decision based of their own interests. Still, uses of this decision were frozen in other crises, it is not because of the effectiveness of the role of the UN on the international stage with regard to peace or because of the effectiveness of the international law. It is because of the balance of nuclear terror which is practiced by large nations, which was the certainty that the outbreak of war, nuclear means a human yard. With the approach of some actors, function international lies of reed uses of nuclear weapons. Still, with the victorious countries' diplomacy and the lack of the outbreak of war whether conventional or nuclear, the UN did not prevent the outbreak of wars and conflicts regional here or there whenever major countries are involved.

The function of International Security Council is essential maintaining international peace and security and the settlement of disputes in peaceful ways. The is due to the attention of Chapter VI of the charter of the UN concerning resolving disputes peacefully as provided in paragraph (1) article (33) to resolve the Charter of the UN subject of resolving disputes a solution peacefully.

It has to propose principles for a settlement or to undertake the task of mediation. In case there is a fight trying the Council to reach a halt to launch fire. It may have to send a mission to save the peace to assist the parties in maintaining the truce and the separation between the forces in conflict,

but if it saw that, there is a threat, off peace it takes recommendations or that it decides to take measures to enforce its decisions.

The US is able to turn things in its favor through the UN expansion of the scope of the policy of sanctions, bilateral, which was practiced against some countries, such as Cuba, Iran and Syria. This is done in order to become a policy of sanctions collective within the framework of UN and give international character by issuing resolutions issued from the Council of Security not to cancel decisions bilateral previous.

The mechanisms by which the conversion provisions of the charter of Nations United from the base to organize the international peace and security and save them to the decisions of procedural assault on the states and peoples independent, comes as a practice of the Council to issue decisions.

They show that this Council does not refrain from fabricating the threat of supposed international peace and security in order to make the acceptable intervention measures especially when it required the interests of the members of the permanent members especially the US. They show that this Council does not refrain from fabricating the threat of supposed international peace and security in order to make the acceptable intervention measures especially when it required the interests of the members of the permanent members especially the US.

Also, the performance of the UN did not differ much from that of the League of Nations, in terms of its impact on the existing international reality with all its interactions.

The League did not resolve conflicts without the countries on the international stage, and applies it to the UN where it failed also for the prevention of states actors on the stage of international from the practice in its charter. In other words, the organization Z of international affected in a direct system of international status, both in light of the system bi-polar or in the status quo, but was one of the manifestations of the basic and reflection accurate to it. Thus the UN was unable to all carry out the tasks entrusted to them based on the charter; it was neutralized, and marginalized at times as it has been overcome in other times.

In the Conference of the Madrid Peace, the UN was invited as an observer, and in the war, the second on Iraq did not seek permission, as well as in Yugoslavia replaced NATO Atlantic being in other places invited to carry out the tasks and humanitarian duties.

To clarify whether the UN has failed or succeeded in shouldering its responsibilities towards UN. It must be noted that decisions taken by the Council of Security against Iraq or Afghanistan or Libya was with the consent of the members of the Council of Security. Furthermore, the Council of Security can to be an effective if coincided wills of the UN, where they were making those decisions on the basis of Chapter VII. However, in the case of the Palestine, the UN was not able to take even a decision one based on the separation of the seventh, which should be the decision - duty application immediately, but were all decisions take on the basis of Chapter VI. To clarify whether the UN has failed or succeeded in shouldering its responsibilities towards UN. It must be noted that decisions taken by the Council of Security against Iraq or Afghanistan or Libya was with the consent of the members of the Council of Security. Furthermore, the Council of Security can to be an effective if coincided wills of the UN, where they were making those decisions because of Chapter VII. However, in the case of the Palestine, the UN was not able to take even a decision one based on the separation of the seventh, which should be the decision - duty application immediately, but were all decisions take on the basis of Chapter VI.

Also, it emphasizes the UN's ways and organizations, specialized institutions including the Council of Human Rights that Israel, as the authority of the occupation in the land of the Palestinian territories, bound by the law of international human rights law and international humanitarian, including in it as stated in the law of international customary.

In addition, Israel is obliged to face particular Convention Geneva on the protection of persons of civilians in time of war (Convention Geneva IV) and the rules of The Hague. As confirmed all of the Council of Security sessions on occasions different, and the Assembly General, and the Council of Human Rights and the Court of Justice International that the construction

of settlements , Israeli and expansion activities and other related settlement in the land of the Palestinian territories are illegal under the of international law.

Also, the UN emphasizes a permanent and continuing Israeli control over the land of the Palestinian territories, including the Jerusalem East, located on Israel's responsibility to abide by the obligations contained in the treaties of international human rights.

They have ratified it, including the Covenant of international private economic ,social and cultural rights, the Covenant International Special Rights Civil ,Political Rights, the Convention against torture , other of cruel treatment or punishment and cruel or inhuman or degrading treatment . Others included the Convention, the international elimination on all forms of discrimination racial, the Convention on the elimination on all forms of discrimination against women and the Convention on the rights of the Child.

The last resolution adopted by the International Council of Security in the year 2016 demanded " Israel " to stop all activities related to settlement in the territories of the Palestinian occupied year 1967 , including the Jerusalem , where it supported the decision (14) state , in a while abstained the US for voting .

It explained the Council in its decision that any changes to the borders of 1967 will not be recognized by only by the two parties callin Israel as a force exsiting occupying milirty to respect Geneva agreements particularly the Convention, the fourth, which speaks for the protection of civilians caught up under the occupation.

This is to the side of adherence to the Convention with regard to measures aimed at changing the composition of demographic , such as building settlements and expansion , and the transfer of settlers , Israeli and the confiscation of land and demolition of homes and the displacement of civilians, in violation of the law of international resolutions with relevant .

In short, the UN failed in the Palestinian case. To begin with, it couldn't not force Israel to respect the rules of the law of international, including the law of international humanitarian, and the law of human rights , and was not able to oblige it to

respect the decisions of international legitimacy especially those decisions issued for The United Nations itself . Secondly, it established Israel as a state based on the decision of partition No. (181) dated 29/11/1947, was not able to pop up the state of Palestine based on the same decision.

Still, the reward was to occupy bands of the Zionist parts of the territories of the Palestine and the displacement of citizens of Palestinian. It has resulted in a larger and broader process of conspiracy witnessed history talk not only about the state of Zionist racist aggression on the land of Palestine at the expense of the people of the Palestine and the fixed national and legitimate rights.

Still, in the displacement of bring up to a million Palestinians, and the destruction and demolition of more than four hundred city and Palestinian village. If the International Security Council may occur in order to justify the division of Palestine two states , one Arab and the other Jewish , is because the situation was in Palestine constitutes a threat to peace , and that the Council acknowledges that the division is to protect the international security and peace,.

Therefore, the Security Council mandated Assembly General of the UN in order to achieve the division of Palestine. In this argument, in order to maintain the international peace and security agreed on the division. Still, historical events stress that the division was in order to enable the movement of Zionism to establish their national homeland since the promise of Balfour through the assignment, and the end of the decision of the division. It did not aim to maintain the international peace and security as evident by the wars that broke out between Jews and Arabs since the year 1948 until the moment. They have fought the wars of the year 1948, 1956, 1967, 1968, 1973, 1978, 1982, 2006, and wars continued on the Gaza Strip. In addition to the attacks, the state of occupation on Iraq, Syria, Tunisia, Lebanon, and Palestine as well as the continuous occupation by Israel of the land Palestinian and Arab.

All that is a threat to the international security of peace, the UN was not able to safeguard or to maintain it , or to compel Israel to comply with the purposes and principles of the UN or its charter which prohibits the use of force against the independence and sovereignty of states. .

As for to the Palestinian role , it must be emphasized that , since Palestine became a member in the UN as a non-member observer state , after the voting of the Assembly General of the UN on 29 October the second 2012. Seventy six voted in the affirmative on the request of Palestine issuing its decision No. (67/19), which requires the granting of Palestine put the state non - member observer.

Accepting Palestine as an observer member in the UN can be a prelude to ending the Israeli occupation and establishing the Palestinian state with Jerusalem as its capital especially. This is because the legal status as its capital especially since the legal status of Palestine today differs from the previous one , especially since the State of Palestine today can apply for membership in the specialized of Palestine today international organizations of the United Nations .

Also, it allows them to the conventions and treaties and international and this means that the State of Palestine must to be to have a program and plan a strategy for action at the level of Nations United. This is based on the idea of moving and confrontation to the organization UN to acquire and extract more of the rights of the people of the Palestinian, and in order to invest all of the gains arising after the granting of Palestine status new in the Nations United.

As a result, confronting with the occupation on the international stage not particularly in the UN and specialized organizations is very important. Therefore, it is necessary to invest all the effects of legal and political to accept Palestine as a member of an observer in the UN. It is not necessary to harmonize the rights of the historical and legitimate for the people of Palestine, and the reality of Pension, This requires a comprehensive national strategic plan at the level of the UN that includes tools, opportunities, obstacles, threats and opportunities for success.

This plan must be based on the historical right of the Palestinian people to their land on international law and resolutions of international legitimacy. In the direction, the second work to get Palestine to membership full in the UN and full sovereignty on the borders of 1967, with its capital Jerusalem.

The UN must also be a sponsor of the peace process, with a clear reference to it . As the activation dimension of the international issue of Palestine depends on the internationalization of the conflict must to be one of the options of the Palestinian, whether from by joining the more of the organizations and international treaties to activate the principle of universal jurisdiction of the judiciary. Also, we should fight and resist all forms of normalization with the state of occupation of the Israeli, and the adoption and expansion campaign Boycott BDS to hold accountable, isolate and boycott the Israeli occupation state.

If this requires the will of the Palestinian political movement, and to activate diplomatic Palestinian at the level of the world, and in the UN to force the UN and the world to intervene in a new position issuing resolutions from beginning of the work to end the Israeli occupation to the establishment of the state of the Palestinian owning its sovereignty on the territory of the Palestinian territories on the borders of 1967.

Therefore, it is necessary to keep the case of the Palestinian living on the agenda of international and even in the introduction to their agenda. This requires the use of all the mechanisms of international available to open the issue of the responsibility of Israel for its violation of the rights of the people of the Palestinian. Also, it has done from the destruction and looting and squandering of their wealth and their fortunes, and the other of the crimes that committed and still proceeding in the commission, such as settlement annexation and Judaization of Jerusalem, and the wall of racial separation.

Concerning the importance of signalling that Palestine is not able to hold the UN accountable to its failure in the preservation of international peace and security , in the Palestinian situation, but can Palestine to claim the violations of Israel against the people of Palestine on the table. The is specified by the Assembly General Nations United has taken a decision important in the year 1974 his relationship with the inclusion of the issue of the Palestinian on the agenda the work of the Assembly General , in an independent , also taken Assembly General Nations United No. (3236)

dated 22/11/1974. Where he confirmed the decision on the rights fixed for the people of Palestine in Palestine, non - removable disposable. ¹

Appendix D: Interview with Mr. Shawan Jabareen

The interview with Mr. Shawan Jabareen, Director General of Al-Haq, on the date of the interview 8/18/2020

“The UN is responsible for the issue of the Palestinian, or for the creation of the issue of the Palestinian when he issued a decision to partition 181, and therefore this decision. It is considered unfair against the people of the Palestinian and violates the principle of the right of self - determination, as the nations of the United has proceeded to act in the land of the people of Palestine and infringement on its sovereignty.

This is what referred to him the judge of the Egyptian Arab in the opinion Advisory Court of Justice international in (2004), the advisory opinion of the Hague, the separation wall where he noted the judge Egyptian then that " the decision partition resolution unjust".

On the one hand, the UN is the successor to the League of Nations has issued the League of Nations, then and states allies major had agreed to be entrusted with the management of Palestine then state - mandated choice states countries major, which is known as the instrument of the Mandat. On the other hand , the established Committee Nations United concerned with the exercise of the Palestinian people for the rights of non - viable to act in the year 1975 was done accordance with the decision of the Assembly General 3376. It was of the functions of this Committee , to enable the people of Palestine from exercising their rights is not viable to act, including in it the right to self - determination without any intervention outside, and the right to independence and sovereignty , national, and the right to return to their homes and property , which displaced them.

¹ An interview with Dr. Omar Rahal. (Previously mentioned).

Therefore, the UN is responsible for the issue of legal and liability policy. On the one hand, others have been granted conditional UN membership to Israel, and Israel is the state only in the world that enjoys membership conditional versus that that does not violate the rights of the people of the Palestinian and in exchange for the return of refugees to their homes. This will continue until the moment of the return of the rights of the Palestinians knowing that it violated all international norms. However, it is still their membership frozen.

Is it possible to hold the UN accountable for creating the Palestinian problem, as Britain did with the Balfour Declaration, and also for its failure to stop Israel from its violations? Opportunity in accounting UN United weak very first because it is not there what provides the accountability, and secondly because the states members of or parties are to control the decisions of the UN especially the issue of the Council of Security and the use of the US veto which paralyzes any decision in favor of the Palestinian issue . Of course, Palestine is not a member of the Organization of United Nations, but is a member as an observer. Therefore, it is not able to submit a complaint to the Court of Justice International.

It can only call for a session of emergency Assembly General Nations United in accordance with Resolution No. 377 of 1950 known as the decision of " Union of for peace " , comes this in the event of the failure of the Council of Security to assume its responsibilities and failing to save the peace and security of international . It allows the Assembly of the General taking some of the powers of the Council of Security according For this decision, but even this decision was only applied twice.

The problem lies in the absence of the political will to respect and apply the rules of international law and to use the available international mechanisms. The problem is not in the absence of mechanisms and texts, but rather the political will is linked to the global balance of power on the one hand, and the interests of each country prevail over any legal considerations. Where it can, in the case of available will political, that the Council of Security to impose sanctions on the state of occupation, economic, commercial and diplomatic, but unfortunately severe it is not on this as so far with regard to the issue of the Palestinian.

The UN is not still responsible for the issue of the Palestinian and resolve , including consistent decisions and the law of international and must be not fall this responsibility in Mkhatabatna and our pursuit of political , legal and diplomatic. “¹

Appendix E: Interview with Dr. Issam Abdeen

Interview with Dr. Issam Abdeen 8-22-2020

Specialist in legal and human rights affairs

Part - time Professor in the Master's Program - Faculty of Law - Birzeit University

Question: Do you have failed Nations United to assume its responsibilities in achieving peace and security, international in general and in the case of the Palestinian in particular? What is the responsibility of the United Nations towards that?

"Without a doubt that there is a responsibility to clear the UN the United direction of the issue of the Palestinian - related linked directly to achieving peace and security. This is in accordance with the Charter of Nations United and based on the material first of the charter, which affect the purposes of the Nations United. Any objective of the establishment of the system UN and the principles of save the international peace and security , take measures of common effective to prevent the causes that threaten the peace and removed, , the suppression of acts of aggression, and respect for human rights and peoples to self - determination . From here comes the responsibility of the States members of the Assembly General, and the responsibility of the Council of Security, in the application and the embodiment of the purposes and principles of the Nations United. Both of them go through Chapter VI of the charter on By peacefully resolving disputes or Chapter Seven of the Charter related to taking the necessary measures and measures to confront threats to peace and acts of aggression, the use of armed forces and the cooperation of states to maintain international peace and security. Yes, the United Nations failed to achieve its objectives, not only in the

¹ An interview with Dr. Shawan Jabareen. (Mentioned Before)

Palestinian case, but also at the level of international crimes committed in many from countries of the world.

This failure is due to factors numerous and complex of them role crucial to the will of the allied victors in the war world second in the establishment of Nations United build on the Conference of San Francisco in 1945 . The dominance of states victorious in the war on the nations of the United and its charter, the terms of the composition of the provisions of the Charter and the policies of the Council of Security as it hinders efforts Nations United in the preservation of international peace and security in particular from by States members of the five permanent in the Council of the Security international. Also, it hinders the use of the right of veto power to block the efforts of the Nations United in this track, especially in the case of the Palestinian.

In the crimes of war and crimes against humanity that were committed against the people of Palestine where the Council security organs of the five permanent, hampering efforts. This is to maintain international peace and security, to use the right of veto power to paralyze much of the draft resolutions and international put forward on the agenda of the Council in this path. Thus, the composition of the Charter reflected the dominance of states Allied victors in the war, and still, which is flowing in the path of efforts to maintain international peace and security. In particular, that the Charter of Nations United gives the dominance of the full Council security under Chapter VII in all as regards the efforts to maintain peace and security, international, and the Assembly General Nations United, which represents the various countries of the world, is just a port-harrowed power of the resolutions of the Council of Security.

As the will of the victor in the war world, the second led to the dominance of the victor on the courts of international special court of Nuremberg and the Court of Tokyo. It established the Allies after the end of the war , the global second trial countries defeated in the war, as well as the case in the establishment of the Court of Yugoslavia , the former Court of Rwanda , which originated the decisions of the Council of the Security International And his rule over the course of international justice .

There are obstacles and other related system of judicial Nations, the UN represented by the Court of Justice International, which is more like a body arbitration international need the consent of the parties to the dispute to the jurisdiction and to the

intervention of the Council of Security also to impose its decisions on the states . In addition to the machine functional bureaucratic huge factor in the UN, which suffers from many of the problems and overlap in functions, slow performance and aspects of corruption in appointments and a number of activities? Crises of financial many hinder the performance of Nations United as a result of lack of commitment of the States Members pay dues and financial implications in accordance with the regulations UN. There, we find that less than 10% of the States members of the Assembly General Nations United only is that the financing of all its activities, which states the major dominant on the resolutions of the UN and in particular resolutions of the Council of Security . This is related to saving the security and peace of international, which used the pressure of financial to disrupt those activities and thwarted by trends and policies of those countries and impede the purposes and principles that have on the basis of Nations United "

No need to point out here to many of the efforts that have been made to over the years to reform the UN through annual sessions that held conferences. They were held and participated in which experts at this level, in particular the voices that called for the abolition of the right of veto, which played a role crucial to thwart the efforts of the UN in the achievement of peace and security , international general and in the case of the Palestinian on his face particular.

Still, these efforts have encountered obstacles large and including the difficulty of modifying the Charter of Nations United. It requires the side to get the two - thirds of the number of members of the Assembly general approval of all members of the permanent in the Council of Security, have dropped those efforts to the extent. This is due to the events in the region, especially the events of September 11th in the United States, and it has turned towards fighting the so-called terrorism .

With regard to the accountability of the United Nations on the failure direction of the Palestinian cause, there is no mechanism in the charter of Nations United on this level. It can can play vital roles in the decisions of the Assembly General " Uniting of for Peace " issued on 3 October the second / November 1950 (resolution 377 (D - 5)) in the preservation of peace and security , international. It is used when it fails the Council of Security in the role described under the Charter, has been used in the past in

the aggression trio on Egypt and the intervention of NATO and Warsaw in Hungary and opinion advisory issued from the Court of Justice international in the wall of annexation is legal.

It was built by Israel power list by the occupation of the Occupied Palestinian Territory, and recently after US President Trump declared occupied Jerusalem as the capital of Israel. Still, the dominance of states permanent membership, in particular States of the United, is still hampering the efforts of UN in the course of keeping security and international peace.

There is a need for the continuation and intensification of efforts to make reforms serious in the UN, must be continued and strengthened those efforts to amend the Charter of Nations United as ensure the achievement of the purposes and principles that established the created. As well as the achievement of equality and justice and this requires primarily the first to work hard on the abolition of the right of veto power and the hegemony of the Council of Security to the Assembly General and States Members. Also, there is a need also to establish a tribunal of an international human rights organ of organs Nations United for the prosecution of violations of human rights and the achievement of justice.

As for the problems that the UN suffer from, there are problems no less importance on the level of internal Palestinian, is the imbalance is clear in the performance of diplomatic Palestinian who does not should be based on the work of seasonal roses act but on the work of a diplomat on a cumulative. This is based on the plan clearly defined the goals and priorities, and are subject to evaluation, where we note the decline in the positions of many of the countries that were in the former friend of the people of the Palestinian and pro - rights of the Palestinian non - negotiable inalienable.

It also played a role in the division of the Palestinians and still playing a role negatively in the performance of official Palestinian and the level of support of states for the rights of the people of the Palestinian in the forums of international, and must be of an investment opportunity. As well as the presence of cadres of Palestinian specialized in the international law and in particular the law of human rights law and

humanitarian international law and criminal international, and supporters and experts in the outside supporters of the rights of the Palestinian.

Therefore not to be the existence of a strategy and a national university and participatory of the various bodies of the Palestinian, official and non - official, built on the rights of non - viable to act for the people of Palestine and in the forefront of return and self - determination, and work hard on the accountability of the UN power list. It takes over the crimes of war and crimes against humanity that committed against the people of Palestine and the achievement of justice and international.”¹

¹ An Interview with Dr. Isaam Abdeen (Previously Mentioned)

الملخص

ان تحليل مدى تحمل مسؤولية الامم المتحدة في تحقيق السلم و الامن الدوليين، يعتبر محم للغاية اولا في معرفة اسس نشأة المنظمة و هيكلتها، و عضويتها و مدى فعاليتها في حل النزاعات بطرق سلمية و الحد من من اي تهديد يعرض السلم و الامن الدوليين للخطر، و بالتأكد كون ان الأمم المتحدة مسؤولة عن القضية الفلسطينية نتجية قرار التقسيم 181، فستكون فرصة من خلال هذا البحث ان نسلط الضوء، على مدى اخفاق او نجاح الأمم المتحدة في تحمل مسؤولياتها اتجاه تحقيق السلم والأمن الدوليين، بشكل عام و اتجاه القضية الفلسطينية بشكل خاص كمنهج دراسة، كأحد أشخاص القانون الدولي الفاعل على الساحة الدولية، حيث إن منظمة الأمم المتحدة هي جزء وثيق من المجتمع الدولي. إن ميثاق الأمم المتحدة ينص بشكل واضح على مقاصد واهداف ومبادئ الأمم المتحدة القائمة على حفظ السلم و الامن الدوليين والعلاقات الودية بين الشعوب، ويضع الميثاق المسؤولية عن حفظ السلم والأمن الدوليين على عاتق مجلس الأمن، وللمجلس الحق في أن يجتمع كلما ظهر تهديد للسلم والأمن، وقد تضمن الفصل السادس من الميثاق على النصوص التي تتعلق بالاختصاصات والسلطات التي يجوز لمجلس الأمن اتخاذها ازاء أي نزاع أو موقف من شأنه تهديد الأمن والسلم الدوليين وتعريضها للخطر .

ولقد أثرت الحرب الباردة بانعكاساتها على عمل الأمم المتحدة في ظل وجود الخلافات بين الاتحاد السوفييتي والولايات المتحدة الأمريكية، فمرحلة الحرب الباردة ليست متجانسة من حيث نمط التحالفات أو السياسات، وهذا أدى ذلك الى تغيير كبير على هيكل علاقات القوى في النظام الدولي خلال الفترة التي تبلغ أربعين عاماً.

ولقد أبرز البحث كيفية تعامل الأمم المتحدة مع القضية الفلسطينية، ومعالم القوة والإخفاق في هذه العلاقة أو هذا التعامل. وفي مدى مسؤولية الأمم المتحدة لحل الصراع الفلسطيني الاسرائيلي، إن العلاقة بين هيئة الأمم المتحدة والقضية الفلسطينية من الناحية السياسية والقانونية بدأت فور وضع حكومة الانتداب البريطانية، موضوع انتدابها لفلسطين على جدول أعمال الجمعية العامة، وذلك للبت في مصير الانتداب، ولكي تحسم الجمعية العامة المسألة الفلسطينية، وتجسد تسوية لوضعها القانوني وذلك فور انتهاء الانتداب البريطاني لفلسطين. والذي كان نتجته ان اصدرت الجمعية العامة خلال دورتها الثانية قرار 181، وفي عام 1947 في 29 نوفمبر، والذي ينص على تقسيم فلسطين الخاضعة للانتداب البريطاني الى دولتين إحداهما عربية والأخرى يهودية، وتبقى مسؤولية الأمم المتحدة حول تحقيق الامن والسلم الدوليين ومسؤولياتها في انهاء الاحتلال

الإسرائيلي على المحك بين ميثاق المنظمة الذي يدعو إلى تحقيق السلم والأمن الدوليين وبين الدول الكبرى التي تريد أن تسييس الأمم المتحدة وقراراتها وفقاً لمصالحها.

لقد توصلت الدراسة إلى استنتاج أنه قد استطاعت الدول الكبرى وعلى رأسها الولايات المتحدة الأمريكية في تسييس دور الأمم المتحدة بما يخدم مصالحها ونفوذها في العالم، ويقي حلفاء تلك الدول بأمن عن أي مساءلة دولية لانتهاك قواعد القانون الدولي. فلم تستطع الأمم المتحدة مسؤولية عن القضية الفلسطينية، وأخفقت في تطبيق أهم القرارات المنصفة للقضية الفلسطينية ولحقوق الشعب الفلسطيني، بسبب الفيتو الأمريكي الذي دائماً يقف بالمرصاد ليمنع أي فرصة في مجلس الأمن من خلال القرارات التي يصدرها مجلس الأمن لتحقيق العدالة الدولية وتحقيق السلم والأمن والصراع الفلسطيني الإسرائيلي.