

Arab American University

Faculty of Graduate Studies

Department of Legal Sciences

Master Program in International Law and Diplomacy



**The Powers of the General Assembly to Intervene in Israeli
Violations in the Palestinian Territories Occupied in 1967,
Pursuant to its Resolution No. 377, Uniting for Peace**

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**This Thesis Was Submitted in Partial Fulfillment of the
Requirements for the Master Degree in International Law
and Diplomacy.**

Palestine, July/2025

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Thesis Approval

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Declaration

I declare that, except where explicit reference is made to the contribution of others, this thesis is substantially my own work and has not been submitted for any other degree at the Arab American University or any other institution.

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Dedication

I dedicate this thesis to my family and friends who have given me a lot of support.

I also dedicate this thesis to my supervisor Dr. Abdelhalim Attiah, thanking him for all his support and assistance.

And also to the thesis committee members.

Yasmeen Waleed Yaser Hamad

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The Powers of the General Assembly to Intervene in Israeli Violations in the Palestinian Territories Occupied in 1967, Pursuant to its Resolution No. 377, Uniting for Peace

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Abstract

This study aims to analyze the possibility of activating General Assembly Resolution 377 "UFP" on the impact of Israeli violations committed in the occupied Palestinian territories on international peace and security under the UN Charter. It seeks to prove the extent of their danger to them and to clarify the impact of the repeated use of the American veto in the Security Council on any resolutions that would mitigate the severity of these obligations or impose an obligation on Israel to be able to resort to Resolution 377 "UFP" in the General Assembly, according to the text of its resolution, which enables states to activate it when it is proven that the Security Council is failing to perform its basic duties in maintaining international peace and security due to the repeated veto obstructing the consensus of its permanent members on a resolution. The study addresses the case of the Palestinian territories occupied in 1967, and aims to prove and confirm the threat of these violations, not only to the interests of the Palestinians themselves, but also to the security and peace as a whole in the region, and to international peace and security. This study provides evidence and proof of the Security Council's inability to put an end to these violations, or to compel Israel to abide by any of its resolutions in light of the repeated uses of the veto right by the USA in favor of Israel, and against any resolutions in favor of Palestine and the Palestinian cause, and calling for these violations, and the failure to implement Resolution 377, UFP. The researcher relied on descriptive and analytical approaches to reach the study's results, the most important of which was that Israel is indeed committing crimes that amount to a threat to international peace and security. The repeated use of the American veto against Security Council resolutions affirming the Palestinian people's right to self-determination and imposing measures that enable them to do so has led to the Security Council's inability and failure to put an end to Israeli violations in the occupied Palestinian territories. The Palestinian situation meets the conditions for demanding the activation of Resolution 377 in the General Assembly, as the Security Council's failure to resolve the conflict or mitigate its severity has been proven. The researcher recommended the necessity of mobilizing international opinion and human rights institutions to support the move to implement Resolution 377 as a more realistic legal option in light of the Security Council's continued obstruction of issuing any substantive resolution regarding Palestine, and submitting an official request to hold an emergency session in the General Assembly under Resolution 377, with the submission of the necessary legal files and evidence for this.

Keywords: General Assembly, 377 "Uniting for Peace", Veto, Security Council, Israeli violations.

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Introduction

The UN Charter did not grant the General Assembly, in the field of maintaining international peace and security, except the power to “issue recommendations,” and made the power to issue resolutions the basis of the work of the Security Council. However, the arbitrary use of veto power by some major powers made the Security Council in many situations unable to carry out its responsibilities in maintaining international peace and security. This prompted the United Nations General Assembly to work on developing its powers in this field, out of a desire to intervene in situations in which the Security Council was unable to perform its duties. Accordingly, Resolution No. 377, known as “Uniting for Peace,” was issued by the General Assembly on November 3, 1950, following the Korean crisis resulting from the Security Council’s inability to carry out its duties due to the former Soviet Union’s use of the veto power. The resolution stipulates that “if the Security Council, due to lack of unanimity among its five permanent members, fails to carry out its primary responsibility for the maintenance of international peace and security, and in cases where there is an imminent threat to the peace, breach of the peace, or act of aggression, the General Assembly may consider the matter immediately for the purpose of making the necessary recommendations to Member States to take “Appropriate collective measures, including the use of armed force to maintain and restore peace.”¹

With regard to Palestine and the Palestinian territories occupied in 1967, the continued presence of Israel therein, its refusal to withdraw from it, and Israel’s failure to implement any of the Security Council resolutions that essentially call for the maintenance of peace and security as a function of the Security Council, and following Resolution 377, this resolution authorizes the General Assembly through it the right to consider all issues and disputes that threaten or affect international peace and security, and to take whatever measures and procedures it deems appropriate, including military intervention in all cases in which it is proven that the Security Council is hesitant or actually neglects to exercise its legal duties and powers regarding the dispute; Because the veto holders use this right in an arbitrary and unjustified manner to obstruct the efforts of the Security Council, and the possibility of its intervention in the exercise of its duties and functions in relation to the dispute, the most prominent evidence of the

¹ Abdul Rahim, Y. (13/12/2023). Uniting for peace in Gaza. Retrieved from: <https://rb.gy/dilvp8>

necessity of resorting to Resolution 377 was the successive use of the American veto against resolutions issued by the Security Council supporting the right of the Palestinian people to self-determination and sovereignty over their land, and resolutions aimed at de-escalating the Palestinian-Israeli conflict. The US had voted with a veto against more than 32 draft resolutions affirming the inalienable rights of the Palestinian people and their right to self-determination.¹

As for the current period of writing this thesis, which coincides with the ongoing Israeli aggression on the Gaza Strip and the genocide that is still ongoing to the date of writing, the veto has been used several times against resolutions seeking to stop this genocide, the most recent of which was the draft resolution submitted by Algeria calling for an immediate ceasefire in Gaza for humanitarian reasons. While the draft received the support of 13 out of 15 members, the USA opposed it by using its veto, and the UK abstained from voting. Despite the global consensus on Israel's violations against the Palestinians, the US remains steadfast in its support for Israel, disregarding the ethics of political and diplomatic action and the UN' goals of maintaining international peace and security. One of the most prominent ways it implements this support is its continued, unjustified use of the veto power against resolutions and projects in favor of Palestine, and against the occupation's policies and violations of international law. This is the third time the US has used its veto power in the Security Council since the start of the Israeli aggression on Gaza on October 7, 2023, against projects calling for a ceasefire in Gaza.²

The veto is the power to obstruct the five permanent members of the Security Council, enabling them to invalidate the implementation of any resolution that may conflict with their interests. According to American reports, the US has used it 89 times, 46 of which were in favor of Israel, This negatively affects the Security Council's ability to carry out its basic tasks in the region in maintaining international peace and security, and makes it negligent in this task.³

¹ Ibid

² Jnaidi, L. (21/2/2024). The American veto. "Diplomatic Shield" to protect Israel (frame). Retrieved from: <https://rb.gy/4a6xbq>

³ Ibid.

Research Importance

The researcher sheds light on this specific topic in international law for the escalation and increase of Israeli violations and crimes committed in the occupied Palestinian territories and continuing since 1967 until the date of writing this thesis. The thesis comes to prove and confirm the threat of these violations, not only to the interests of the Palestinians themselves, but to the security and peace as a whole in the region, and international security and peace. This study provides evidence and proof of the inability of the Security Council to put an end to these violations, or to oblige Israel to any of its decisions in light of the repeated uses of the veto by the USA in favor of Israel, and against any decisions in favor of Palestine, and the Palestinian cause, and calling these violations, and negligence to activate Resolution "377 Uniting for Peace" which was activated in other previous cases whose circumstances required it, and to determine the limits and powers of the General Assembly under this resolution, and the mechanisms required to activate it in the Palestinian case. This study also helps students of international law and academics to learn more about this resolution, its limits, powers, and mechanisms for its implementation to serve other cases that may require them to clarify the necessity of resorting to this resolution.

Research Problem

The research problem is focused on Israel's continuous and repeated violations of the Security Council and General Assembly resolutions, the Fourth Geneva Convention, human rights laws, and international laws related to the occupation status, increase the tension and intensity of the conflict in the region, which advances day after day towards the impossibility of a solution, and hinders the right of the Palestinian people to self-determination and sovereignty over their land, as stipulated in the Charter of the UN, which makes them practices that threaten international security and peace, the main task of the Security Council. The Security Council's continued inability and failure to perform its role in this mission, and its inability to compel Israel to comply with its resolutions, and the repeated American use of the veto right against any of the resolutions related to the interests of Palestine, hinders the Security Council from performing its duties, and leads to Israel continuing to ignore the Security Council resolutions. The Security Council's silence on Israel's obligations implicitly means the acceptance of the international community, including the UN of what Israel is doing in

terms of annexing Palestinian lands and violating international law against them, and the international community forgets the right of refugees to return. Until the UN has transformed from a decision-maker and reference in resolving and settling the Palestinian issue to a marginal and ineffective party, here comes the role of the necessity of activating Resolution "377" issued by the General Assembly "Uniting for Peace", so this study comes to clarify the rights and powers of the General Assembly under this resolution, considering that Israel's violations and these practices threaten and affect international peace and security, and this study clarifies what measures and procedures can be taken by the General Assembly in the event that it is proven that the Security Council is actually failing to exercise its legal duties and powers regarding the Palestinian-Israeli situation, especially due to the deliberate use of veto by any of its members who have the right to veto in an arbitrary, repeated and unjustified manner, which obstructs the efforts of the Security Council and the possibility of its intervention and exercise of its supposed duties and tasks, and the procedures and measures towards the conflict, including military measures, in the face of Israel's actions violating the provisions of the Charter of the UN and the rules of international law when the Security Council fails and neglects to use its powers, and how the General Assembly can activate this resolution in the Palestinian-Israeli situation.

Hence the main question of the following research:

What are the powers of the General Assembly to intervene in the Israeli violations in the occupied Palestinian territories in 1967, pursuant to Resolution "377 Uniting for Peace"?

Research Objectives

1. Identify the circumstances surrounding Resolution 377 "UFP".
2. Discuss and analyze General Assembly and Security Council resolutions relevant to the Palestinian issue.
3. Discuss the procedures adopted by the Assembly pursuant to Resolution 377 and their impact on the ground.
4. Identify the mechanisms for leveraging the resolution to serve the Palestinian cause under the repeated Israeli violations.

The following sub-questions branch from these objectives:

1. What are the powers of the Security Council in the occupied Palestinian territories?
2. What are the powers of the General Assembly in the occupied Palestinian territories?
3. What are the circumstances that necessitated the activation of Resolution 377 in previous cases to use it?
4. What are the limits, powers and mechanisms of the General Assembly in activating this resolution?
5. To what extent do Israeli violations in the occupied Palestinian territories require the activation of Resolution 377, uniting for Peace?

Research Hypotheses

1. The permanent member states of the Security Council arbitrarily and repeatedly use the veto against the Palestinian issue, in a way that could lead to the activation of Resolution 377.
2. Israeli violations in the occupied Palestinian territories threaten international security and peace, not just Palestinians.
3. Resolution 377 can be activated in the face of Israeli violations committed in the occupied Palestinian territories.
4. Activating Resolution 377 in the Palestinian-Israeli case is an effective measure by the General Assembly.

Research Limits

The researcher addresses her research problem within the spatial limit represented by the Palestinian territories occupied in 1967, including East Jerusalem, as stated in the advisory opinion of the ICJ regarding the legitimacy of the Israeli occupation of these territories, including the West Bank and the Gaza Strip, and the Israeli violations committed on these territories, and a temporal limit represented by the years 1967 until the last aggression, and the crime of genocide committed in the Gaza Strip in the years 2023/2024, which is still ongoing to the date of writing, and the researcher also addresses her research problem within a legal limit represented by the resolutions issued by the Security Council during these years in favor of the Palestinian cause, and the

recent advisory opinion of the ICJ on the illegality of the Israeli occupation of the Palestinian territories, and Resolution "377 Uniting for Peace".

Concepts and Terminology

General Assembly, 377 "Uniting for Peace", "Veto, Security Council, Palestine, Israeli violations, Occupied Palestinian Territories.

Previous Studies

First study, entitled: The Palestinian Issue between the Security Council and the General Assembly (Maqbula Hamidis, 2018), this study deals with two main chapters in which the researcher presents the Palestinian-Israeli conflict and the impact of the Palestinian issue on the Middle East. She explains the reasons for the Security Council's failure to reach a solution to this issue, as the international body responsible for maintaining international peace and security. The study addressed the issue of the veto power and its effects on the escalation of the Arab-Israeli conflict. According to mentioned study, the primary cause of this conflict was Resolution 181, which the General Assembly issued in 1947 after its intervention in resolving the conflict. This conflict was an attempt to remedy the Security Council's failure through Resolution 377, "Uniting for Peace." The study concluded that the UN, through its two main bodies, failed to reach a just and final solution to the Israeli-Palestinian conflict, and that any political settlement outside the scope of these two bodies would have reached the same result. regarding the Security Council, stating that its resolutions on the Palestinian issue have always been devoid of provisions under Chapter VII of the UN Charter. Israel refuses to abide by any Security Council resolutions, and the major powers also refuse to compel Israel to implement them. The study also concluded that the US veto in the Security Council has protected the status quo in Palestine for more than 68 years.¹

The study by (Hamidis, 2018) identifies the powers of the Security Council and the General Assembly regarding the Palestinian issue, and determines when the General Assembly should implement Resolution 377 after documented Israeli violations of General Assembly resolutions, specifically the Security Council. This study allows the researcher to clarify the extent of the success or failure of existing Israeli methods in

¹ Hamidis, Maqbula. (2018). "The Palestinian Issue between the Security Council and the General Assembly". Unpublished PhD Study

achieving a peaceful and just solution to the Palestinian issue, and to what extent they are consistent with what the international community, represented by the Security Council and the General Assembly call for.

The second study, entitled: "The Uniting for Peace Resolution: Its Validity Today" (Mohammed Al-Tawila, 2021). The researcher of this study examines the extent of the powers granted to the General Assembly to issue resolutions and recommendations related to the maintenance of international peace and security, which fall within the exclusive powers of the Security Council and are stipulated in Chapter VII of the UN Charter, the researcher focuses in his study on Resolution 377, "Uniting for Peace," issued by the General Assembly in 1950. He demonstrates the validity of this resolution in authorizing or recommending armed intervention to maintain international peace and security in the event that the Security Council fails to perform this task. Also he explains the legal value of this resolution compared to other Security Council resolutions, as it is a resolution issued by the General Assembly, and clarifies its relevance to the principle of "responsibility to protect." concludes that the behavior of the Security Council since its inception clearly relies on the permanent Membership states policies, These policies have already negatively impacted the Council's primary role in maintaining international peace and security. The reseacher also found that Resolution 377 is flawed in that it does not specify the criteria for the legitimate exercise of the Security Council's mandate. This makes it easier to uncover instances of actual abuse of rights committed by a permanent member. This leaves the General Assembly, when implementing Resolution 377, free from debates about its overstepping its authority if it acts on behalf of the Security Council.¹

This study provides the researcher with a broad understanding of Resolution 377, identifying any shortcomings or criticisms that limit its proper functioning and implementation. It allows the researcher to understand the justifications the General Assembly has established for resorting to this resolution, and its basis for it. Through this study, the researcher can also determine the responsibilities of the General Assembly when implementing this resolution, and compare this with what it must do if

¹ Taweelah, Muhammad. (2021). "Uniting for Peace resolution: its usefulness today". International Journal of Jurisprudence, Judiciary and Legislation

it is implemented regarding Israeli violations committed in the Palestinian territories occupied in 1967 addressed in the current study.

Third study is entitled: *The Contribution of Uniting for Peace Resolution 377 of 1950 to Contemporary International Conflicts - The Palestinian-Israeli Conflict as a Model* (Manal Bokoro, 2023). This study provides an explanation of Resolution 377 and considers it, in her study to be one of the legal frameworks for resolving the Palestinian issue, provided there is political will and concerted Palestinian and Arab diplomatic efforts to confront the violations of the Israeli occupation forces in the Palestinian territories. It clarifies the content of the resolution and the conditions that enable the General Assembly to implement the provisions of the "Uniting for Peace" resolution. The researcher concludes that "UFP" can be considered one of the legal frameworks that can be relied upon when the Security Council fails to resolve the Palestinian-Israeli conflict through peaceful means, whether under Chapter VI of the UN Charter, or fails to implement sanctions under Chapter VII of the UN Charter. She considers this resolution to have become a customary rule for repeated application in previous cases mentioned by the researcher, especially after ICJ recognized its legitimacy. The study found that the substantive and procedural conditions for implementing the resolution are available in the Palestinian case, and it is possible to benefit from activating this resolution, even if it is in the form of a condemnation from the General Assembly, which could later turn into sanctions, if there is the will and concerted political efforts to persuade more members of the General Assembly to support the Palestinian cause and achieve international justice by putting an end to the Israeli occupation's violations of international conventions and norms.¹

The study by (Bokoro, 2023) addresses the same case as the current study, namely, the case of Israeli violations in the occupied Palestinian territories as it presents Resolution 377, UFP, as a solution that can be resorted to to limit these violations, as the researcher does in her current study. Therefore, this study will help the researcher determine the conditions that apply to the Palestinian case to demand the activation of Resolution 377 to confront Israeli violations in the occupied Palestinian territories. This study will also help the researcher present a future vision for the international action of

¹ Bokoro, Manal. (2023). "The contribution of the Union for Peace Resolution No. 377 of 1950 to the resolution of contemporary international conflicts - the Palestinian-Israeli conflict as a model". *Journal of International Law and Development*

the General Assembly in the event that it actually resorts to this resolution, and the more stringent international measures that could follow if it is properly and fairly implemented. This previous study will differ from the current study in that this study presented the necessary conditions for activating Resolution 377, while the current study will provide proof that these conditions are available in the Palestinian case under consideration, which actually calls for activating the resolution.

Fourth study, entitled: The Crime of Israeli Settlement in the Occupied Palestinian Territories under the Provisions of International Law (Muhammad Fawaz Muhammad Yassin, 2022). The researcher aims to identify the provisions of the crime of Israeli settlement under the provisions of international law and to define the positions of the Security Council and international agreements on the crime of settlement. The study addressed the means by which the Israeli occupation seizes Palestinian lands by seizing state-owned and private lands, purchasing land, and using the land for public purposes. He concluded that the crime of settlement is a violation of international agreements, most notably the Fourth Geneva Convention of 1949, particularly Article 6/49, the Statute of the ICC, particularly Article 2/8/b/8; and the Hague Convention, represented by Article 46. The crime of settlement also violates a number of Security Council resolutions, particularly Resolution 60/105¹ of 2005, Resolution 70/225² of 2015, Resolution 465 of 1980, and Resolution 1515 of 2003, as well as the decisions of the ICJ, which considered the crime of settlement a violation of international humanitarian law and the Rome Statute. The researcher explained Israel's methods of seizing Palestinian lands for military purposes, declaring certain lands state property, confiscating absentee property, and expropriating land for public projects. He also highlighted the negative Israeli position of the Israeli Supreme Court regarding seizure and confiscation decisions.³

The study by (Yassin, 2022) helps the researcher identify the international conventions, norms, and resolutions that Israel violates in the occupied Palestinian

¹ Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

² Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

³ Yassin, Muhammad. (2022). "The crime of Israeli settlement of the occupied Palestinian territories in accordance with the provisions of international law". Unpublished MA thesis

territories, and identifies its practices that violate these resolutions, particularly the crime of settlement, which constitutes the most serious crime committed by the Israeli occupation in these territories. This crime will occupy a large portion of the researcher's current study. This study helps the researcher provide a definition of this crime and the extent to which it relates to the violations that warrant a claim for recourse to Resolution 377, UFP.

Fifth study, entitled: *The Legal Implications of the Status of East Jerusalem under International Law* (François Dubuisson, 2019). The researcher focuses on the policy pursued by Israel since 1967 regarding East Jerusalem, by annexing this part of the city and regulating settlement there. Numerous UN's resolutions have condemned this policy based on the legal principles applicable to East Jerusalem as occupied Palestinian territory. Through its practices in this part of Jerusalem, Israel seeks to cut off communication and natural links with the West Bank. In addition, its construction of the Annexation and Expansion Wall violates the legality of the Wall, which was recognized as illegal by both the General Assembly and the ICJ in its advisory opinion issued on July 9, 2004. This opinion requires states to take measures and procedures to ensure Israel's respect for international law. Jerusalem, as it contains the holy sites of the three monotheistic religions, has become a sensitive center in the Palestinian-Israeli conflict. he explained the unilateral Israeli measures aimed at changing the status of Jerusalem. The demographic characteristics of the city defy all international condemnation. In his study, the researcher presented an analysis of the legal implications applicable to the status of East Jerusalem in light of the 2004 Advisory Opinion of the ICJ. In his study, he sought to prove that Israel's policies toward the city constitute a violation of international law, imposing obligations on states to intervene to put an end to these violations.¹

The study by (Dubuisson, 2019) helps the researcher understand the legal status of East Jerusalem under international law and clarify the Israeli violations committed against it, considering it part of the territories occupied in 1967. The study allows the researcher to provide an explanation of these violations and identify the international conventions, laws, and resolutions that Israel violates. It also determines, as in the

¹ Dupuisson, Francois. (2019). "Legal implications of the status of East Jerusalem in international law". Al-Maqdisiyya Journal

previous study, what necessitates the implementation of Resolution 377, considering it a city of international and religious holy status.

Sixth study entitled: Israeli War Crimes in the Gaza Strip: A Legal Study of Operation Cast Lead 2008-2009 (Hissam Fawdil, 2014). The study aims to shed light on Israeli war crimes in light of the rules of international humanitarian law. It addresses the Israeli military operation in the Gaza Strip, "Cast Lead," 2008-2009, as a case study. It explains the legal status of the Gaza Strip after 1967, provides an explanation of the legal response to the Israeli position toward the Strip, and the legitimacy of Palestinian resistance against the occupation. It also identifies the legal texts that support the right of resistance and the legitimacy of the right of legitimate self-defense in the Israeli operation, "Cast Lead." It also presents violations in the Gaza Strip that constitute war crimes, including violations of the 1949 Geneva Convention, violations against protected persons, crimes against life, physical integrity, health, and environmental freedom, crimes related to prisoners, unlawful deportation, transfer, or confinement, as well as forms of Compensation imposed on Israel after these crimes and violations that led to the destruction of the Gaza Strip. The study concluded that the Palestinian conflict and occupation are an international armed conflict to which international humanitarian law applies. He concluded that military operations in the Gaza Strip are considered violations of international humanitarian law and fall within the concept of war crimes, some of which amount to crimes against humanity. He also concluded that the US' dominance over international resolutions has led to the international community's failure to fulfill its true role in confronting Israeli crimes and its inability to take measures to compel Israel to comply with its international obligations.¹

Considering that the Israeli operation "Cast Lead," discussed in (Fawdil, 2014) study, is a repeated Israeli operation and violation in the Gaza Strip under various names, the most recent of which was the recent Israeli aggression in 2023, which lasted for 477 days and carried with it various international crimes and brutality against civilians in the Gaza Strip, this study helps the researcher determine the status of these operations under international law, classify them under the category of war crimes and crimes against humanity, and their consequences and impact on the Yemeni, Lebanese

¹ Fawdil, Hissam(2014). "Israeli war crimes on the Gaza Strip: A legal study of Operation Cast Lead 2008-2009". Unpublished MA Study

and Egyptian intervention, every time Israel embarks on these operations, which not only threatens security and peace in the Gaza Strip, but also the entire Middle East, which leads to an impact on global security and peace, which enables research to prove the necessity of calling for the recourse to Resolution 377, UFP.

Research Methodology and Tools

Based on the study problem and the topic that the researcher sheds light on, and the study questions and their importance, the researcher decided to rely on the descriptive and analytical approach; Because they are the most appropriate approaches to the research problem and its title, and answering its questions by tracking and collecting legal texts, their interpretations and analyses in clarifying the powers of the General Assembly to intervene in Israeli violations on the Palestinian territories occupied in 1967, pursuant to Resolution 377, Uniting for Peace, and studying the case under the framework of the aforementioned resolution.

Search Plan

The researcher divided the study into three integrated chapters, each chapter deals with a number of sections as follows:

Chapter I: The powers of the Security Council and the General Assembly over the occupied Palestinian territories

1.1: The powers of the Security Council over the occupied Palestinian territories

1.2: The powers of the General Assembly over the occupied Palestinian territories

1.3: The impact of the veto on the performance of the Security Council in the Palestinian situation

Chapter II: 377 "Uniting for Peace"

2.1: The general circumstances of the Previous cases of Resolution 377

2.2: The powers, controls and mechanisms of the General Assembly's work under Resolution 377

Chapter III: The Palestinian situation and Resolution 377

3.1: The violations of the Israeli occupation in the occupied Palestinian territories

3.2: The international effects of the Israeli violations of international security and peace and the international position on the conflict

3.3: Uniting for Peace for Palestine

Chapter I: The Powers of the Security Council and the General Assembly over the Occupied Palestinian Territories

The Security Council and the General Assembly have specific tasks under the UN Charter, and each of these bodies has specific powers. The Security Council is responsible for maintaining international peace and security, investigating international conflicts and disputes, making recommendations for settling these disputes, and regulating armaments. The Security Council also identifies threats to peace and security and makes recommendations and measures to be taken in response. The Security Council must call on member states to implement sanctions against violating states, particularly economic sanctions that do not involve the use of force. The Security Council also has the right to take military measures against an aggressor state.¹ This is for the Security Council, while the General Assembly has different tasks related to the actions taken by the Security Council. One of the basic tasks of the General Assembly is the admission, suspension, or expulsion of members to the UN. This work makes it the voice of world public opinion and a global parliament in which general international standards and the basis for international cooperation can be established. Matters related to international peace and security are presented to the General Assembly by any member or non-member state, given that the member states of the General Assembly represent different political, economic, and social viewpoints, and their opinions are consistent and stem from the provisions of the Charter of the UN. According to the Charter, the General Assembly discusses any of the matters within the scope of the UN Charter, and with regard to the powers and functions of any organs stipulated in the Charter. It may also discuss the general principles of cooperation in the maintenance of international peace and security. It does not appear that all issues and matters of international concern fall outside the role of the General Assembly, as a forum for public opinion. The General Assembly is responsible for “making recommendations” to the Security Council or the member states. The Security Council may also request the General Assembly to assist in resolving an existing dispute. The Security Council must keep the General Assembly informed of any dispute and the actions it is taking in that regard. The General Assembly may also draw the attention of the Security Council to a situation likely to endanger international peace and security. Thus, the General

¹ Faudel, Hisam. (2014). "Israeli war crimes on the Gaza Strip: A legal study of Operation Cast Lead 2008-2009". Unpublished MA Study

Assembly becomes a barometer of opinion regarding world peace and urges the Security Council to take executive action to maintain it. In addition to its powers of discussion and settlement, it is specifically tasked with making recommendations that would:

1. Strengthen international cooperation
2. Develop the flexibility of international law
3. Promote economic, cultural, and social cooperation among nations
4. Achieve human freedoms everywhere
5. Provide general oversight of the non-strategic trusteeship system

Thus, it can be said that the phrase "making recommendations" reveals that the General Assembly's powers are broad, but not sufficiently deep. Its specific mission is not to legislate, but rather to "formulate policies," and it does not go to the Security Council for approval like resolutions.¹

1.1: The Powers of the Security Council over the Occupied Palestinian Territories

In general, based on the current situation of the Palestinian-Israeli conflict, the role of the Security Council towards it is relatively weak. This is directly due to the reflection of the US' policy based on excluding the international community and preventing it from intervening in the conflict. It usually works to weaken the role of the Council towards the Palestinian issue by preventing it from issuing resolutions related to this conflict. Despite this, it was able to issue a number of resolutions that were aimed at addressing some issues related to the conflict. Despite the limitations of its role, recently, the development in the awareness of the international community and its involvement in a modest role in the Security Council has encouraged it to increase its role and attempt to weaken the policy of exclusion followed by the US. In addition, the establishment of the Palestinian National Authority has affected the role of the Security Council and its resolutions towards the Palestinian issue, whose view has shifted to the fact that Israel is not the party with the greatest commitment to resolving this conflict,

¹ American historical association. (1/1/1946). What Are the Functions of the General Assembly?. Retrieved from: <https://www.historians.org/resource/what-are-the-functions-of-the-general-assembly/>

but rather its responsibilities must also converge with the responsibilities of the Palestinian Authority.¹

The Security Council's outputs vary between presidential statements, press releases, reports, decisions, documents, and resolutions, each of which has its own political and legal value. The most important of these outputs are the binding resolutions in accordance with Article 25 of UN Charter, by which member states pledge to accept and implement these resolutions.²

As the researcher noted, Security Council resolutions regarding the Palestinian-Israeli conflict are characterized by weakness. This weakness is evident in two aspects. The first relates to the issuance of these resolutions, as the Security Council either issues resolutions that are weak in substance and do not definitively address the issue before the Security Council, or the Security Council is unable to issue the resolution at all. The second aspect of weakness relates to the implementation of these resolutions. Despite this, the Security Council has managed to issue more than 19 resolutions, covering important and substantive matters. Based on the UNs' definition of Security Council resolutions, these resolutions are the official expression of the Security Council's will. They consist of a preamble that specifies the considerations on the basis of which the resolution was made, followed by the text of the resolution, which consists of several paragraphs that stipulate the opinion and the measures to be taken. Based on these resolutions, the formal declaration and announcement of a state's violation of international law is determined. It also specifies the timing and manner of implementing the resolution.³ Resolutions with substantive effect are usually directed to a specific actor, such as various UN bodies, the UN Secretary-General, or to a group or individual by name, such as a country or international organization.⁴

¹ Mustafa, Ahmed. (2021). "Determinants of the issuance of UN Security Council resolutions towards Israel and Palestine during the period (1990-2018)". Journal of the Faculty of Politics and Economics

² UN Charter

³ C. Wood, Michael. (1998). "The interpretation of Security Council's resolutions". Max Planck Yearbook of United Nations law

⁴ Atwi, Khaled. (2016). "The impact of the practices of the UN Security Council on the state". Unpublished PhD Study.

In the case of the occupied Palestinian territories, Security Council resolutions with substantive effect were directed at:

1. UN bodies, such as the General Secretariat
2. Israel: The resolution is directed at one party, namely Israel, such as calling for the withdrawal of forces from an area or calling for respect for Security Council resolutions
3. The Palestinians: In this case, the resolutions are directed at the Palestinian Authority
4. The Palestinians and Israelis together: These resolutions address both parties and treat them equally, calling for respect for Security Council resolutions and support for a specific solution to the conflict, and indicating equality between the two parties in terms of obligations
5. The international community, such as states and international organizations. The resolutions directed at this party refer to the implementation of military sanctions or the formation of military campaigns to resolve the conflict. Sanctions are non-military, such as a recommendation to the international community to sever or limit political and economic relations. They may also include resolutions indicating a deteriorating humanitarian situation, in which case the Security Council directs the international community to intervene and provide humanitarian assistance.¹

Between 1990 and 2018, the Security Council issued 19 resolutions related to the Palestinian-Israeli conflict, directed at the aforementioned parties and distributed among them. The resolutions directed at Israel were not substantive in nature. The content of the resolutions directed at Israel, which violates international law and its international obligations, was as follows:

1. That the Israeli government fulfill its obligations towards the Palestinian people as an occupying power. This demand was addressed to Israel 11 times, and this obligation was framed within the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, within three axes:

¹ Mustafa, Ahmed. (2021). "Determinants of the issuance of UN Security Council resolutions towards Israel and Palestine during the period (1990-2018)". Ibid

The first: relates to the obligation to protect the safety of Palestinian civilians from violence directed at them by Israeli forces, as documented in Resolution No. 1073 of 1996.¹

Second: Related to the Palestinian demographic dimension and the protection of its composition in the Palestinian territory, either because of the Israeli settlement activities that have intensified the Israeli presence in the occupied Palestinian territories, and aim to change its features and change the reality of its territory from the Palestinian population to the Israeli settlers in the document of its resolution No. 2334 of 2016², or because of the Israeli behavior of expelling Palestinians from the Palestinian territory, which leads to an assessment of changing the demographic composition in, as stated in its resolution No. 694 of 1991.³

Third: It includes all aspects of the agreement, with the Security Council requesting that Israel fully adhere to and implements the Fourth Geneva Convention in general, as stated in its Resolution No. 681 of 1990.⁴

2. Security Council Resolutions Imposing Temporary Measures: The Security Council has issued 14 resolutions imposing temporary measures, calling on Israel, and in some cases jointly with the Palestinians, to abide by them in order to preserve the status quo and prevent its deterioration. These measures involve requesting both parties, one of whom is a party, to end ongoing violence, such as a ceasefire, as in Resolution 1402 of 2002⁵, or requesting the two parties, or one of them, to reverse negative measures taken that led to the deterioration of the situation and the escalation of tension, as in its resolution No. 1073 of 1996.⁶
3. The Israeli government must commit to implementing Security Council resolutions: The Security Council has made this demand to Israel twice, as a result of Israel's explicit refusal to implement previous Security Council

¹ UN Security council resolution No. 1073

² UN Security council resolution No. 2334

³ UN Security council resolution No. 694

⁴ UN Security council resolution No. 681

⁵ UN Security council resolution No. 1402

⁶ UN Security council resolution No. 1073

resolutions publicly and explicitly, or its procrastination or misinterpretation of them. This was stated in Resolution 673 of 1990 and Resolution 1403 of 2012.^{1 2}

4. That Israel resume its negotiations and support peace with the Palestinians. The Security Council directed this request to Israel to resume peace negotiations with the Palestinian Authority more than nine times since 1996 after the establishment of the Palestinian Authority. These resolutions were directed to both Israel and the Palestinians.³

As for the resolutions directed at the Palestinians, the Security Council had directed them in conjunction with the Israelis 35 resolutions out of 36, which included the resumption of negotiations, commitment to Security Council resolutions, and interim measures. However, the resolution in which the Security Council singled out the Palestinian Authority without Israel was Resolution No. 1435 of 2002, in which the Security Council requested the Palestinian Authority to bring the perpetrators of hostile acts to justice in order to hold the Palestinian Authority accountable as an interim government.⁴

Regarding resolutions directed at the international community, the Security Council has issued 15 resolutions related to the Palestinian-Israeli conflict, including the following:

1. Requesting the High Contracting Parties to the Fourth Geneva Convention to ensure Israel's compliance with its obligations, as a result of Israel's refusal to comply with Security Council resolutions regarding the cessation of actions that would alter the demographic composition of the occupied territories, such as the deportation of Palestinians, and its commitment to its responsibilities as an occupying power, and its rejection of the principle of considering the Palestinian territories as occupied territory in Security Council Resolution 681 of 1990, and requesting the High Contracting Parties to the Geneva Convention to meet to decide how to ensure Israel's compliance with this convention. However, in this regard, the Security Council did not specify a specific means by which Israel

¹ UN Security council resolution No. 673

² UN Security council resolution No. 1403

³ Mustafa, Ahmed. (2021). "Determinants of the issuance of UN Security Council resolutions towards Israel and Palestine during the period (1990-2018)". Ibid

⁴ UN Security council resolution No. 1435

could be compelled to comply with this convention, leaving it to the States Parties to determine this means. This resolution was issued only once.¹

2. Urging the international community to provide humanitarian assistance to the Palestinian people, as in its Resolution 1544 of 2004, in which it directly called for urgent assistance to be provided to the Palestinians², and its Resolution 1860, in which it indirectly called for assistance to the Palestinians, as it called on the international community to provide such assistance to UNRWA.³
3. Urging the international community to provide assistance in the peace process between the two parties, the Security Council directed the request to the international community in various forms, including Resolution 904 of 1994, to assist in the peace process between the two parties, as it is the most issued resolution among the resolutions directed to the international community.⁴
4. Requesting states to differentiate in their treatment between the territory of Israel and the occupied territories. These resolutions come as a result of Israel's refusal to cease its settlement activities and its declaration of the annexation of some territories that the Security Council considers occupied territories that cannot be annexed, because they are territories acquired by war, such as its Resolution No. 2334 of 2016, in which it directed the international community's behavior towards Israel.⁵

Regarding the resolutions directed at the Organization's organs and the Secretary-General, their content included:

1. Requesting the Secretary-General to submit a report to the Security Council on the situation between Israel and Palestine, so that the Council may be kept informed, with the aim of monitoring the developments of the situation. These resolutions were intended only as a tool for gathering information on the situation.⁶

¹ UN Security council resolution No. 681

² UN Security council resolution No. 1544

³ UN Security council resolution No. 1860

⁴ UN Security council resolution No. 904

⁵ UN Security council resolution No. 2334

⁶ Mustafa, Ahmed. (2021). "Determinants of the issuance of UN Security Council resolutions towards Israel and Palestine during the period (1990-2018)". Ibid

2. Requesting the Secretary-General to consider keeping a representative in the region after the Israeli government decided in 1992 to deport 418 Palestinians to Lebanon, which prompted the Security Council to issue its decision to the Secretary-General to send a representative to the region to follow up with the Israeli government regarding that issue.¹
3. Requesting the Secretary-General to cooperate with the international community, especially the Red Cross, after the first Al-Aqsa massacre in 1990, Israel's rejection of the aforementioned Security Council Resolutions 672 and 673, and Israel's violation of the Fourth Geneva Convention and its refusal to apply it to the Palestinian territories occupied in 1967. The Secretary-General suggested in his report the need to urge the international community to commit to applying the Convention to the occupied Palestinian territories², so the Security Council issued Resolution No. 681 of 1990, in which it called on the Secretary-General to cooperate with the International Committee of the Red Cross, and called on the contracting parties to the Fourth Geneva Convention to take additional measures to protect the Palestinian people, and to persuade Israel to accept the applicability of the provisions of the Convention to the Palestinian territories.³

In the midst of the Israeli-led war and the aggression that lasted for 477 days on the Gaza Strip, the Security Council had a relatively weak role in stopping this war, as evidenced by the length of the war and the destruction it caused. August 24, 2024, the Acting Under-Secretary-General for Humanitarian Affairs, Joyce Msuya, described in her briefing to the Security Council to discuss the situation in the Middle East, including the Palestinian issue, that the situation in the Gaza Strip is extremely desperate, and explained that the office is facing unprecedented difficulties.⁴

The Security Council had attempted to pass more than one resolution to stop the war in the Gaza Strip, including Resolution 2728 of 3/25/2024, Resolution 2735, which the Security Council adopted on 7/10/2024, which Israel also did not comply with, and

¹ UN Security council resolution No . 799

² UN Secretary General's report, Paragraph 17, 31 October 1990. Document Code: S/21919

³ UN Security council resolution No . 681

⁴ UN Official website. (29/8/2024). UN calls on Security Council members and all states to act to stop suffering in Gaza. retrieved from: <https://news.un.org/ar/story/2024/08/1133961>

a number of other resolutions with the same context, while the war had ended based on an agreement between the two parties, which entered into force on 1/19/2025, and not by a resolution issued by the Security Council, and the researcher will delve into the issue of the Gaza Strip in greater depth in the subsequent chapters.

1.2: The Powers of the General Assembly over the Occupied Palestinian Territories

The General Assembly has had an impact on the Palestinian issue since the Israeli occupation of Palestine in 1948, as the UN body that expresses international public opinion. Its first resolution in this regard was Resolution 194 in 1948, which called for the right of refugees to return to their homes. The USA voted in favor of the resolution. This was followed by Resolution 3236 in 1974, which recognized the Palestinians' right to sovereignty over their land. In the same year, General Assembly Resolution 3237 granted the PLO observer status in the General Assembly. The USA voted against this resolution. Then, in 1975, Resolution 3379 was issued, which considered Zionism a form of racism and discrimination. The USA also voted against this resolution. The General Assembly returned and repealed this resolution in 1991 in its Resolution 46/86. The USA voted in favor of this resolution, in addition to its Resolution 50/124 of 2004 regarding Israel's practices that affect Palestinian human rights in the occupied Palestinian territories, including East Jerusalem, and its resolution 67/19 in 2012 granted the status of a non-member observer state in the UN. Accordingly, its resolution 69/320 in 2015 allowed non-member observer states to raise their flags at the UN headquarters. The USA opposed both resolutions ¹, But the General Assembly's most important resolution was prior to 1948, when the Palestinian issue was first presented to the General Assembly in 1947. Resolution 181 was issued, in which it decided to partition Palestine into two states: an Arab state and a Jewish state, with Jerusalem retaining a special international status. This resolution later became known as the Partition Resolution.²

To further clarify the legal value of this resolution and the impact of the role of the General Assembly, it is worth re-clarifying and reminding that the UN Charter had

¹ PLO Official website. Department of Human Rights and Civil Society. (N.D). Main General Assembly and Security Council Resolutions on Palestine. Retrieved from: <https://shorturl.at/CTOmw>

² Palestinian ministry of foreign affairs and expatriates. (19/9/2019). Palestine and the General Assembly. retrieved from: <https://shorturl.at/8LxHN>

given the General Assembly the power to issue binding decisions on certain issues such as accepting or suspending membership, or when taking decisions under the item “UFP” when issuing decisions within the framework of its succession to the League of Nations with regard to the trusteeship system¹, It also has the authority to issue recommendations, and the decision in this case is not binding unless the decision is issued in succession with a recommendation, in which case the decision becomes binding as it has become an international custom.²

In the details of Resolution 181 issued on November 29, 1947, the General Assembly had held a special session at the request of the mandatory Power to form a special committee and instruct it to prepare for consideration of the question of the independent government of Palestine at its second regular session. The committee was formed and instructed to investigate all questions and issues relating to the Palestine question and to prepare proposals for a solution to the issue. The General Assembly considered that the situation in Palestine at that time was likely to cause harm to the general interest and friendly relations among nations. In the report of the special committee, it received a plan for partition with economic union, which had been approved by a majority of the special committee. Accordingly, it:

The UK recommends to, as the mandatory Power for Palestine, and to all other Members of the UN, with regard to the independent government of Palestine, the adoption and implementation of the plan of partition and economic union outlined below, and requests:

- A. That the Security Council take the necessary measures, as indicated in the plan, for its implementation.
- B. That the Security Council should consider, if circumstances during the transitional period so warrant, whether the situation in Palestine constitutes a threat to international peace and security. If the Security Council determines that such a threat exists, it shall, in order to maintain international peace and security, add to the mandate of the General Assembly the authority to take measures granting the UN Commission—in accordance with Articles 39 and 41 of the

¹ Nafati, Zaraz. (2001).The Oslo Accords and the provisions of international law. Edition. 1

² Nafati, Zaraz. (2001).The Oslo Accords and the provisions of international law. Edition1. Ibid

Charter and as clarified in this resolution—the authority to carry out in Palestine the functions assigned to it in this resolution.

- C. That the Security Council should consider any attempt to implement the settlement contemplated in this resolution by force as a threat to the peace, breach of the peace, or act of aggression, in accordance with Article 39 of the Charter.
- D. That the Trusteeship Council should be informed of its responsibilities under this plan.

The General Assembly calls upon the people of Palestine to take, on their part, the steps necessary to realize this plan. Governments and peoples are obliged to refrain from any action likely to obstruct or delay the implementation of these recommendations¹. Regarding Jerusalem, in Resolution 181, the General Assembly decided to unify and internationalize Jerusalem. At a time when the General Assembly was still studying the issue of Israeli aggression against the Arab lands allocated to the Arabs of Palestine, Israel took a decision to change Jerusalem to “Urshalim.” The General Assembly’s resolutions regarding the status of Jerusalem since 1967 have been more powerful and influential than any of the resolutions issued by the UN regarding any issue of the Palestine question and the issues stemming from the Arab-Israeli conflict.²

The General Assembly was the first to adopt resolutions that consider Israel a colonial power. In its resolution 2253 in 1967, it considered the measures taken by Israel to change the status of Jerusalem illegal, and called upon Israel to rescind all measures it had taken and to refrain from any action that would change the status of Jerusalem. It also requested the Secretary-General to submit a report to the General Assembly and the Security Council on the position and implementation of this resolution no later than one week from the date of its adoption.³ A week later, the General Assembly returned to study the issue and assess the extent of Israel's compliance with this resolution. At that time, the report included a letter from the Israeli

¹ . Esmat, Abdul Majeed. (1995). *United Nations Resolutions on Palestine and the Arab-Israeli Conflict*, vol. I, 1947-1975. Pa.4-5

² ‘ Gold, Dori. (1996). "Jerusalem: The Permanent Solution". *Journal of Palestine Studies*. No.26

³ Esmat, Abdul Majeed. (1995). *United Nations Resolutions on Palestine and the Arab-Israeli Conflict*.ibid

Foreign Minister explaining the measures taken by his government without referring to the General Assembly's decision to cancel these resolutions. Accordingly, General Assembly Resolution No. 2254 was issued, which reiterated Israel's demand in the previous resolution - 2253 - and returned to its call to cancel all measures, remove them, and refrain from taking any action regarding the change in the status of Jerusalem.¹

Since 1980, Jerusalem has been a permanent item in the General Assembly's resolutions during its sessions on Palestine, the situation in the Middle East, and practices in the occupied territories. These resolutions were divided into several parts, each of which was voted on separately, such as General Assembly Resolution 35/122 of 1980, which considers Jerusalem part of the Arab territories occupied in 1967. Here, it is worth noting that the General Assembly and the Security Council, starting in 1967, classified the West Bank and the Gaza Strip as occupied Palestinian territories, which means recognizing the presence of the Palestinian people in the territories allocated in the partition resolution for the establishment of a Palestinian state. The two bodies are keen to highlight Jerusalem by name to confirm its special status in UN resolutions.²

Returning to the General Assembly resolutions on Palestine, there were resolutions issued by the General Assembly that established international bodies and committees, including the Conciliation Commission for Palestine to help the two parties reach a final settlement pursuant to its resolution 194 in 1949. In the same year, the General Assembly also established the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The UN Committee on the Exercise of the Inalienable Rights of the Palestinian People was established in 1975 pursuant to General Assembly resolution 3376, and was entrusted with the task of advising the General Assembly on programs aimed at enabling the Palestinian people to exercise their inalienable rights, including the right to self-determination without external interference, the right to national independence and sovereignty, and the right to return to their homes and property from which they were displaced.³ These decisions come in confirmation of the text of Resolution 194 on the return of refugees to their homes, issued in 194, This

¹ Daoud, Fawzi. (2003). The idea of internationalization in international law and its applications in the light of United Nations resolutions on the city of Jerusalem, edition. 1. Pa. 121

² UN Official documents. W Thomas Mallison, Sally Mallison. (1979). An international law analysis of the major united nations resolutions concerning the palestine question. doc. code: ST/SG/SER.F/4

³ Palestinian ministry of foreign affairs and expatriates. (19/9/2019). Palestine and the General Assembly.Ibid

General Assembly resolution is the basis for resolving the refugee issue, along with Security Council Resolution 237.¹

On September 19, 2024, the General Assembly adopted a resolution calling for an end to the Israeli occupation of Palestine by a majority of 24 members. The General Assembly demanded that Israel end its “illegal presence” in the occupied Palestinian territories within 12 months. This resolution was based on an advisory opinion requested by the General Assembly from the ICJ regarding the legal consequences of Israel’s policies and practices in Palestine. The vote on this resolution came after the draft was submitted by several countries, including Palestine for the first time, after it had obtained additional privileges under a previous resolution in which it approved support for the application for full membership and granted additional privileges and was submitted by the UAE, in its capacity as chair of the Arab Group, during the month of issuing the resolution - 5/2024 - in its emergency special session entitled “Illegal Israeli actions in East Jerusalem and the rest of the occupied Palestinian territory.” The resolution stated that the State of Palestine is eligible for full membership in the UN in accordance with Article 4 of the Charter of the UN, and should therefore be admitted as a member of the organization. It recommended that the Security Council consider positive on this issue.

The General Assembly also decided, in accordance with the resolution, on an exceptional basis to adopt several modalities regarding the participation of the State of Palestine in the sessions and work of the General Assembly and international conferences held under its auspices, as well as in other UN bodies. The resolution reaffirmed the right of the Palestinian people to self-determination, including the right to an independent State, and called on the international community to exert concerted

¹ Resolution 237 (1967) of 14 June 1967: The Security Council: Considering the urgent need to spare the civil populations and the prisoners of the war in the area of conflict in the Middle East additional sufferings, Considering that essential and inalienable human rights should be respected even during the vicissitudes of war, Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict, 1. Calls upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities; 2. Recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949; 3. Requests the Secretary General to follow the effective implementation of this resolution and to report to the Security Council.

and renewed efforts to end the Israeli occupation that began in 1967 and to achieve a just, lasting, and peaceful settlement of the question of Palestine and the Israeli-Palestinian conflict, in accordance with international law and relevant UN resolutions.¹

Accordingly, the General Assembly resolution that followed, based on the advisory opinion of the ICJ, stipulated that Israel must end, without delay, its illegal presence in the occupied Palestinian territories within a period not exceeding 12 months from the date of adoption of the resolution, and that Israel must comply without delay with all its obligations under international law, including as stipulated by the ICJ. Israel must, inter alia:

- Withdraw all its forces from the occupied Palestinian territories
- End its illegal policies and practices, including the immediate cessation of all new settlement activities, the evacuation of all settlers from the occupied Palestinian territory, and the dismantling of the sections of the wall constructed by Israel
- Return land and other immovable property, and all assets seized since the beginning of its occupation in 1967
- Allow all Palestinians displaced during the occupation to return to their original place of residence
- Not hinder the Palestinian people from exercising their right to self-determination, including the establishment of their independent and sovereign State over the entire occupied Palestinian territory.

The General Assembly called upon all States in the resolution to comply with their obligations under international law and decided to convene an international conference during the 79th session of the General Assembly to implement UN resolutions related to the question of Palestine and the two-state solution to achieve a just, lasting and comprehensive peace in the Middle East. It also called, as in its previous resolutions, for a conference of the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to

¹ UN Official website. (19/9/2024). General Assembly adopts resolution demanding an end to the Israeli occupation of Palestine. retrieved from: <https://shorturl.at/WQ4Yp>

address the necessary measures to implement the Convention in the occupied Palestinian territories, including East Jerusalem.¹

The researcher recalls the decisions issued by the General Assembly in its undertaking in the course of exercising the functions and powers assigned to it in accordance with the UN Charter. They come in the form of recommendations that do not in themselves have binding force, but they acquire the status of binding in cases where certain conditions are met, such as if the recommendation was issued with the approval of the vast majority of the members of the UN, and in this case the countries voted in favor of a recommendation that expresses through their conduct a position that they are satisfied to conduct their mutual relations in accordance with the requirements of the recommendation, and that they will take into account in their actions related to the issue or subject of the recommendation and the provisions and obligations it contains.²

General Assembly recommendations also have binding force when they reveal a legal rule that creates a general international obligation and a command confronting all members of the international community, such as when the Assembly issues a recommendation on non-recognition of the consequences of the unlawful use of force in the relations of one state with another, or when the recommendation relates to respect for fundamental human rights and freedoms, particularly those rights related to racial discrimination and self-determination. The legal value of this type of recommendation increases to the extent that it creates legal obligations confronting all, as is the case when the Security Council becomes unable to address a fundamental problem that threatens international peace and security, and the Assembly implements its recommendations regarding the problem based on Resolution 377 "UFP" of 1950. For example, the resolutions issued by the General Assembly regarding Palestinian refugees are binding on Israel, and it must implement them³, in addition to the General Assembly resolutions relating to Palestinian refugees, which generally acquire a binding legal character that guarantees the legitimate rights of the Palestinian people to return and

¹ UN Palestine. (19/92024). General Assembly adopts resolution demanding an end to the Israeli occupation of Palestine. retrieved from: <https://shorturl.at/mhEo9>

² Chalabi, Hassan.(1969). The question of Palestine in the light of international law. edition.1

³ Sheta, Abdel Wanis. (1993). The legal basis for resolving the problem of Palestinian refugees within the framework of the peaceful settlement of the Arab-Israeli conflict

self-determination and makes them a legal source for supporting the Palestinian position regarding the issues of Palestinian refugees, whether from 1948 or 1967.

How does the General Assembly work in the field of maintaining international peace and security?

The UN Charter stipulates that the General Assembly has the right to discuss any matter within the scope of the Charter or relating to the powers or functions of its organs, and to make recommendations to the members of the organization or to the Council on any matters it deems appropriate. However, this right is limited in cases related to political matters in the Security Council, which is essentially the sole body responsible for maintaining international peace and security. However, the General Assembly has several powers in this area, including considering the general principles of cooperation in the maintenance of international peace and security, with regard to topics such as disarmament and the regulation of armaments.¹ It also has the authority to discuss any matter relevant to the maintenance of international peace and security referred to it by any member of the UN, the Security Council, or even any state that is not a member of the UN. It has the right, according to Article 35 of the Charter, to submit its recommendations regarding these matters to the states concerned or to summon the Security Council to consider all matters that are likely to threaten or endanger international peace and security. It may recommend taking the necessary measures to settle any situation peacefully. The General Assembly has enjoyed, on many occasions, broad powers when the Security Council has fallen short and been unable to exercise its basic role in maintaining international peace and security.²

Accordingly, we find that the General Assembly's powers in maintaining international peace and security are to discuss matters related in accordance with Article 2/11 of the UN Charter when the matter has been referred to it by one of the bodies stipulated in the article, and the dispute is under consideration by the Security Council, then it refers the matter to the Security Council if necessary, and it presents the necessary recommendations to resolve the dispute by appropriate means, by force or

¹ Saadi, Muhammad. (2008). "The law of international organizations: the United Nations as a model". Edition.1

² Al-Shukri, Ali Yousef. (2003). "International - regional and specialized organizations: a study in the League of Nations and the United Nations". Edition 1. Itrak Printing, Publishing & Distribution. Pa. 101-102

otherwise. The General Assembly's recommendations can become binding if the concerned states accept them and include them in agreements between them. Also, the General Assembly's drawing the attention of the Security Council to a dispute or an existing situation is a partial authority of utmost importance, especially in the event that the Security Council neglects to address a situation that threatens international peace and security. This prompts the Security Council to put the situation under consideration after the General Assembly presents to it the factors of the existing situation, its causes, requirements, effects, and political and legal reasons, and recommends that it take the necessary measures within its duties and capabilities. It can recommend taking peaceful measures in accordance with Article 14 of the UN Charter, or that Recommends measures including the use of force as recommended under resolution 377.¹

1.3: The Impact of the Veto on the Performance of the Security Council in the Palestinian Situation

When we want to talk about the impact of the veto on the Security Council in the Palestinian case, we are certainly talking about the American veto and American foreign policy towards the Palestinian issue, and Israel, its ally in the Middle East. In this section, the researcher explains the impact of this policy on the Security Council's position and performance regarding the Palestinian-Israeli conflict. She also explains whether the veto in general and the American veto in particular, actually weakens the Security Council's performance and response to resolving the Palestinian-Israeli conflict. There are a number of international conflicts that the Security Council has been unable to resolve, and we may find that it plays a role in increasing their complexity or transforming them into a more intense and bloody conflict. The consequences of Security Council resolutions have shown that the interests of the major powers are what govern its decisions, not the general international interest. Some cases are dealt with in a dual manner, especially in light of the dominance of powerful countries militarily, politically, and economically, including the US.²

Hegemony and the acquisition of power are among the most important reasons for the Security Council's failure. This is due to the dominant powers' leadership of the UN,

¹ Saad al-Din, Murad. (2009). "The role of the United Nations General Assembly in maintaining international peace and security". Unpublished study

² Shalaby, Muhammad. (1997). Methodology in political analysis.

which enjoys privileges within the Security Council. The most prominent obstacles resulting from this hegemony are:

1. Permanent membership in the Security Council and the right to veto, Five major powers enjoy permanent membership and the right to veto Security Council resolutions, with no other countries allowed to share these two rights.
2. Motives for hegemony, Each of the permanent members has military, political, and economic privileges that enable it to assert its control over the recommendations and management of international policy, based on its interests. It can also impose treaties and restrictions on countries as it deems supportive and appropriate for its goals and interests.
3. Legal obstacles, the issue of reforming the UN is a legal problem in itself, as amending the UN Charter requires the approval of all permanent members of the Security Council. Accordingly, these countries will not allow other countries to share their rights and remain keen to maintain the Charter as it is.
4. The nature of hegemony over the Security Council, Even if countries are able to Abolishing the veto right will leave a hidden veto that the US will have and impose on the remaining member states through political, economic and military pressure, and its ability to impose its decisions on the remaining members through its own means.¹

It is worth noting that the voting system in the Security Council differs from that in the General Assembly. The majority in the Council is not 1/2 +1, but 7 votes out of 11, then 9 votes out of 15. The Charter divides voting issues for the Security Council into two parts, the first of which deals with procedural matters, and the second of which is concerned with substantive matters. Article 27 of the UN Charter stipulates in its first paragraph that each member of the Security Council has one vote. Then, in the second and third paragraphs of the same article, it differentiated between procedural matters and other matters in terms of the majority required for a decision to be issued in these two types of matters. This voting system constituted one of the most important

¹ Karini, Idris. (2008). "The Security Council in a Changing World: The Reality of Deviation and the Requirements for Reform."

problems facing the UN throughout its history, and no solutions or settlement agreement was reached to change it.¹

It is also worth noting that the UN Charter does not establish a standard for distinguishing between procedural and substantive issues, which constitutes an obstacle to the interpretation of provisions relating to the voting system, nor does it assign this task of distinction to a specific authority. Therefore, it is not acceptable to issue a resolution in the case of substantive issues if the permanent members of the Security Council object to it by means of their veto.²

Forms and Motives for Using the Veto

The use of the veto takes several forms and motives other than direct use, including:

1. Abstaining from voting, as the UN Charter has failed to resolve this issue. Some jurists believe that the use of the veto constitutes a negative act, but the response has been that it is not a negative act, but rather a positive one, and it benefits more than one representative of the five major powers in the Security Council, because in this case, if they abstains from voting, they does not intend to use the veto power per se, but rather want to let things take their course without imposing any influence on them.³ Thus, it is established in the minds that the practice of abstaining from voting is not synonymous with the use of the veto, and this right is not established unless it is directly stated.
2. Absence from the Security Council, and failure to attend the discussion and vote, this method first appeared when the former Soviet Union used it when it was absent from the Security Council sessions in 1950 due to the refusal of the Republic of China to be accepted into the UN, to permanently replace Nationalist China in the Security Council, and for the Security Council to adopt during the absence of the former Soviet Union through its sessions more than one resolution condemning the aggression against South Korea, and the expulsion of the aggressor armies from it. The Soviet Union protested these resolutions and their legitimacy in light of its absence from attendance, which

¹ UN Charter. Ibid

² Al-Alimat, Nayef. (2005). United Nations resolutions in the balance. Edition 1

³ Rateb, Aisha. (1998). International Organizations: A Theoretical and Applied Study. Edition 1

means using what is similar to a veto in terms of invalidity. The Security Council responded to it that the Council is in permanent session, and that the member must be present, otherwise its work will be deficient, and that the Soviet Union is the one who committed the fault in its absence from attendance, and since it did not declare the use of the veto right, the declaration of veto is not permissible except in attendance¹

3. Double veto: This occurs when the nature of the issue is determined whether it constitutes a disagreement or a dispute, which makes the matter a substantive matter in which the use of the veto is permitted, provided that the member returns and uses the veto right again in the event of a vote on this substantive matter. This repetition of the use of the veto right is called double veto.²
4. Indirect objection, as USA has the implicit or indirect veto power over most Security Council resolutions. It can prevent the issuance of any Security Council resolution without using its veto power directly due to its dominance over Council members, which enables it to gather seven votes without explicitly using its veto power.³

Granting a specific number of countries the privilege of using the veto contradicts one of the most important principles and goals of the UN, namely the principle of achieving equality among peoples. Some legal scholars have classified it as a purely political act that has no connection to the law in the known legal rule, whether within the scope of domestic or international law, which stipulates equality before the law. On the other hand, granting this privilege to specific countries impoverishes the UN Charter in terms of fair geographical and cultural distribution, meaning that major international groups, regions, or even entire continents, such as the continent of Africa, are deprived of enjoying this right. This right exposes the Security Council to much criticism from the peoples of the world, who have expressed their desire to reform this council to include non-Western countries in its membership, in light of the changes the world is witnessing that have made it multi-centered. For example, it is assumed that the European Union will be represented by only one of its members, and South America by one member, and North America by a rotating member, as well as Africa, Asia, and the

¹ Dakkak, Muhammad Al-Saeed. (1977). United Nations and Regional Organizations. Edition 1

² Majzoub, Muhammad. (2002). International Organization: Theory and Specialized Global and Regional Organizations

³ Fatlawi, Suhail. (2011). United Nations: Achievements and Failures Part III. Edition. 1

Pacific region. In this manner, the number of members can also be increased from 15 to 20 to achieve equality.¹

At the end of this chapter the researcher returns and recalls the most important resolutions that brought the Palestinian issue to this stage, namely General Assembly Resolution 181 regarding the partition of Palestine into two states, Arab and Jewish, and its Resolution 194 of 1948 regarding the return of Palestinian refugees, and the most important Resolution 242 issued by the Security Council in 1967 following the Arab-Israeli war, when Israel occupied the lands of the West Bank and the Gaza Strip, i.e. what remained of the lands of Palestine, the Syrian Golan Heights, and the Egyptian Sinai. The Security Council issued Resolution No. 242 on 22/11/1967, regarding the establishment of a just and lasting peace in the Middle East, as a result of the Arab defeat in the Arab-Israeli war in June 1967. The paragraphs of this resolution were characterized by ambiguity, especially the paragraph related to withdrawal in the English text, as Article 1, Paragraph (1) states: “Withdrawal of Israeli forces from territories occupied in the recent conflict.” In the French, Russian, Spanish, and Chinese texts, the definite article “The” was introduced to the word “territories,” so that there was no longer any ambiguity or confusion. Regarding the withdrawal issue, the resolution stipulated the end of the state of war and the implicit recognition of Israel without linking this recognition to a solution to the Palestinian issue, as the resolution considers it a refugee issue. This prompted some Arab countries to accept this resolution, including Egypt and Jordan, which established recognition of the occupying state and led to the consolidation of the occupation in the balance of power and the literal text of the resolution, which still lies at the heart of international and Arab negotiations and efforts to find a solution to the Arab-Israeli conflict.²

One of the most prominent flaws of this resolution is that it does not clearly define the lines from which the Israeli entity must withdraw. It acknowledges that the Israeli entity has the illegal expansion it acquired before the 1967 war. It does not address the core of the conflict, namely the Palestinian issue, except from the perspective of refugees, which means that it does not address the legitimate political and fundamental rights of the Palestinian people. It makes Israeli withdrawal contingent upon the

¹ Majzoub, Muhammad. (2012). The Security Council and its role in safeguarding international peace. Edition1

² UN Security council resolution No . 242

fulfillment of other conditions. Furthermore, the deletion of the definite article “the” in the English text makes it “withdrawal from territories,” not the territories occupied by the Zionist entity. This means that the withdrawal will not necessarily be comprehensive from all territories, unlike the French and Spanish texts, which retain the definite article. Therefore, at the time, France, the former Soviet Union, Mali, India, and Nigeria stated, before approving the resolution, that they understood that the withdrawal would be comprehensive. Therefore, reading this resolution shows that one of the conditions for achieving a lasting and just peace in the Middle East is achieving a just settlement to the refugee issue. However, the resolution did not provide clarification of the meaning or method of achieving this settlement, and made the solution dependent on negotiations between the parties, which in turn depends on the strength of the negotiating parties and their ability to achieve their conditions and demands, which increased the ambiguity of the refugee issue for the Palestinians.¹

Resolution 338 also affirmed Resolution 242 of 22 October 1973. Paragraph 2 stated that the Security Council calls upon all parties concerned to begin, immediately after the ceasefire, the implementation of Security Council Resolution 242 in all its parts. It is worth noting that Security Council Resolution 338 followed the call for a ceasefire between the Arabs and Israel in the October 1973 War, which increased the ambiguity of the Palestinian refugee issue. Resolution 242 was accepted by Egypt, Syria, Jordan, the PLO, and Israel as the basis for a settlement. However, the binding force of this resolution, as a result of the convergence of circumstances and reasons, is represented in a "general" legal framework based on the statement of the basic provisions and principles governing the peaceful settlement of the conflict.²

It is clear from the above that the Palestinian issue as a whole represents rights, a struggle for existence, and national survival. As an extension of this description, the researcher agrees with the approach that the Palestinian issue is the issue of a people whose rights were denied at a certain historical stage, and international bodies did not grant them the opportunity to reclaim and exercise their national rights like other peoples. Because of this characteristic of the Palestinian issue, it was considered one of

¹ Abu Ja'far, Ahmad. (2008). "A critical study of UN General Assembly resolutions 181 and 194 on the Palestinian question". unpublished MA Study

² UN Security council resolution No . 338

the historical, extended, and dynamic international conflicts resulting from the interaction and struggle of international and regional wills, or in other words, the result of unbalanced power relations between the international will and the regional will prevailing in each historical stage. This resulted in settling the Jewish question at the expense of depriving the Palestinian people of exercising their historically legitimate rights. Recognizing the right of the Zionist entity to live in peace and security, as in Resolutions 242 and 338, is tantamount to conceding and handing over the title deed to the Palestinian territories occupied in 1948 to the Zionists, which will make it difficult for refugees to return to them, especially after countries with veto power in the Security Council stood behind the occupying entity.

UN Security Council Resolutions on the Palestinian Question Vetoed

In Security Council Resolution 73, issued on August 11, 1949, the Security Council expressed hope that the governments and authorities concerned in the 1948 conflict would undertake to seek an agreement through negotiations, to be conducted either directly with the Conciliation Commission, to reach an agreement on outstanding issues, including the refugee question. Despite the Conciliation Commission's failure to reach any significant agreement, and the Palestinians' preoccupation with their threatening issues in Palestine, the Palestinians at that time had no government or official body that could effectively represent them.¹

Then, a succession of decisions and recommendations followed in the UN forums, and international positions varied between those who supported and demanded the Palestinians' rights in the four main issues, namely: the rejection of partition, the right of return, the right to self-determination and the resolution of the refugee issue, and the demand for recognition of Palestine as a member state in the UN, and those who opposed and were committed to their covenant with Israel, especially the USA, which this position pushed it to use the veto power to undermine the decisions supporting the previous issues at the time of their implementation. In this section, the researcher explains the decisions that were faced with a veto in the Security Council.

¹ Saadi, Hussein. (1986). The inalienable rights of the Palestinian people to return and self-determination

UN Security Council resolutions on the Palestinian issue that were vetoed by the US:

1. Resolution S/11940 of January 26, 1976, which affirmed the right of the Palestinian people to exercise self-determination and establish an independent Palestinian state in accordance with the UN Charter. It also demanded Israel's withdrawal from the Palestinian territories occupied in 1967 and condemned the establishment of settlements there.
2. Resolution S/12022 of March 25, 1976, which called on Israel to refrain from any actions against the Arab population in the occupied territories.
3. Resolution S/12119 of June 29, 1976, which affirmed the right of the Palestinian people to self-determination and return to their homeland, and their right to sovereignty and independence.
4. Resolution 465 of March 1, 1980, which called on Israel to dismantle existing settlements and cease planning and construction of settlements in Arab territories, including Jerusalem.
5. Resolution S/14943 of April 2, 1982, which condemned Israel's attempted assassination of the Mayor of Nablus, Bassam Shakaa.
6. Resolution S/14985 of April 20, 1982, which condemned the attack on Al-Aqsa Mosque.
7. Resolution S/17459 of September 13, 1985, which condemned Israel's repressive practices against the Palestinians.
8. Resolution S/19466 of February 20, 1987, condemning the iron fist policy and the policy of breaking the bones of children who threw stones during the First Intifada.
9. Resolution S/19466 of February 1, 1988, calling on Israel to curb its retaliation against Palestinians in the occupied territories.
10. Resolution S/19780, condemning Israel for using an iron fist policy during the First Intifada in the occupied territories and for expelling eight Palestinians.
11. Resolution 639 of July 6, 1989, reaffirming the condemnation of the previous resolution.
12. Resolution S/21326 of May 31, 1990, ordering the dispatch of an international fact-finding mission to the occupied Palestinian territories to investigate Israel's repressive practices against the Palestinian people.

13. Resolution S/1995/394, calling on Israel to cease its decision to confiscate 53 acres of Arab land in East Jerusalem.
14. Resolution S/1997/241 of March 7, 1997, which called on Israel to cease its settlement activity in occupied East Jerusalem.
15. Resolution S/1997/241, which condemned Israel's construction of Jewish settlements in Jabal Abu Ghneim, east of occupied Jerusalem.
16. Resolution S/2001/270, dated March 27, 2001, which authorized the establishment of an international observer force to protect Palestinians in the West Bank and the Gaza Strip.
17. Resolution S/2001/1199, dated December 14, 2001, which called on Israel to withdraw from the territories under Palestinian Authority control and condemned the targeting of civilians.
18. Resolution S/2002/1385, dated December 20, 2002, which condemned the killing of several UN personnel by Israeli forces.
19. Resolution S/2003/891, dated September 14, 2003, which demanded the removal of the separation wall that Israel was building, which violated Palestinian civilian lands.
20. Resolution S/2003/980 of October 14, 2003, which was adopted to protect Palestinian President Arafat following the Israeli Knesset's decision to eliminate him.
21. Resolution S/2004/240 of April 25, 2004, condemning Israel's assassination of Sheikh Ahmed Yassin, founder of Hamas.
22. Resolution S/2004/783 of October 5, 2004, demanding that Israel cease its aggression against the northern Gaza Strip and withdraw from the area.
23. Resolution S/2006/1508 of July 13, 2006, demanding the release of the Israeli soldier held by Hamas in exchange for the release of Palestinian prisoners.¹
24. Resolution S/2006/878 of November 10, 2006, condemning the massacre committed by Israel in Beit Hanoun in the Gaza Strip.
25. Resolution S/2011/24 of February 18, 2011, condemning settlement activity since 1967 in the West Bank and Jerusalem, deeming it illegal, calling on Israel to cease settlement activities, and considering settlement activity a major obstacle to a just and lasting peace.

¹ UN Official website. Archive of UN Security Council resolutions since 1983. Started from: <https://main.un.org/securitycouncil/en/content/resolutions-adopted-security-council-1983>

26. Resolution S/916/2014 of December 30, 2014, calling for the declaration of a Palestinian state and the end of the occupation within two years.
27. Resolution S/1060/2017 of 18 December 2017, which affirms that any decisions or measures aimed at altering the character, status, or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void, and must be rescinded in compliance with relevant Security Council resolutions. In this regard, it calls upon all States to refrain from establishing diplomatic missions in the city of Jerusalem, in accordance with Security Council Resolution 478 of 1980.
28. Resolution S/2018/516 of 1 June 2018, regarding the establishment of an international mission to protect the Palestinians, submitted by the State of Kuwait after dozens of Palestinians were killed by Israeli army fire during demonstrations on the border between Gaza and Israel following the US' relocation of its embassy to Jerusalem.
29. Resolution S/2023/970 of 8 December 2023, which called for an immediate ceasefire in Gaza for humanitarian reasons.
30. Resolution S/2024/173 of February 20, 2024, which also called for a ceasefire for humanitarian reasons, rejected the forced displacement of Palestinian civilians, called for full, safe, and rapid access for humanitarian assistance to the Gaza Strip, and affirmed its commitment to the two-state solution.
31. Resolution S/2024/312 of April 18, 2024, which accepted the State of Palestine as a full member of the UN.
32. Resolution S/2024/835 of November 20, 2024, calling for a ceasefire and facilitating immediate access to basic services and humanitarian assistance in Gaza.¹

The researcher mentioned the 32 most important draft resolutions issued by the Security Council at the heart of the Palestinian-Israeli conflict that the United States vetoed with its veto power. The British “Middle East Eye website” reported that the US used its veto power for the 49th time against Security Council resolutions related to Israel when it vetoed the last draft resolution in 2024 to cease fire in the Gaza Strip, considering that the US is Israel’s largest ally in the Security Council and has often used

¹ Wafa. Palestine news and info agency. (N.D). Draft Security Council resolutions vetoed by the United States of America. Retrieved from: <https://info.wafa.ps/pages/details/30566>

this right in Israel's favor, according to the same website. Also, according to the "Jewish Virtual Library", the US has used its veto 48 other times against draft Security Council resolutions related to Israel since it first began using it in 1970.¹

The Impact of the Veto on Security Council Resolutions Related to the Palestinian Issue

The historical facts and realities of Palestine refute the Zionist fabrications alleging the Jews' right to Palestine as a homeland. A realistic examination of these facts will force the international community, including the USA, to reverse its deviant approach to the Palestinian issue. Neither the partition resolution nor the expulsion of Palestinians from their homes and their displacement across the world are legitimate. The international community, represented by the UN and its agencies, most notably the Security Council, will be required to implement the principles of the Palestinian people's right, like other peoples of the world, to self-determination and, most importantly, their right to become an independent state enjoying full sovereignty over its territory, and to be recognized by the entire international community as a member state of the UN.

Despite clarifying all the facts and all the historical Palestinian facts to the world, what is clearest is that the Palestinian issue did not receive its share of international resolutions supporting it due to the American veto that supports Israel. Accordingly, we find that the veto changed the fate of an entire people and constituted an eternal obstacle in the path of a just and comprehensive settlement of the Palestinian issue. Rather, it increased Israeli incursion in its arrogance and stubbornness, and gave it the green light to commit more violations of international law and violations against the Palestinians. It contributed greatly to changing the political scene in the region. The situation became more dangerous when the USA began to impose its will on the world, and force it to recognize the State of Israel at the expense of the Palestinians. Although the majority of the major countries in the world, including Western countries, supported international resolutions related to Palestine and the Palestinian people's right to return and self-determination, some countries changed and altered their positions as a result of many reasons, the most important of which is the pressure of major countries, including the

¹ Arabi 21. (21/11/2024). 49 American "vetoes" in the Security Council against resolutions related to the occupation. "Diplomatic cover". retrieved from: <https://shorturl.at/Pfnmp>

USA, which did not stop practicing methods of pressure on countries by exploiting the circumstances, wars, divisions and conflicts that These countries are politically, economically, and security-wise exhausted by diverting their course in favor of Israel.

The Security Council's failure to find a just and comprehensive settlement to the Palestinian issue

The failure of the Security Council to find a just and comprehensive settlement to the Palestinian issue. After 1946, the Security Council worked to adjust its resolutions to suit the interests of the Zionist gangs. When the Security Council considered the Palestine issue in April 1948, it did not find it a threat to international peace and security. In May of the same year, it issued a resolution calling for an immediate truce. In July of the same year, it also issued a resolution describing what was happening as a threat to international peace, obliging the disputing parties to refrain from hostilities, and deciding that any violation by one of the parties constitutes a breach of international law that requires the implementation of Chapter VII of the UN Charter. Thus, it can be said that the Security Council indirectly contributed to the existence of the Israeli entity through carefully programmed resolutions prepared to benefit it.¹ The declaration of the establishment of the Zionist entity by the government headed by Ben-Gurion, which submitted an application to the UN on October 29, 1948, to join its membership. When the application was presented to the Security Council on January 17, it was rejected on the basis that Israel was a hostile and occupying state. The Jews resorted to using other methods, starting with enticement and ending with threats, until Israel succeeded in its conspiracies. It resubmitted the same application on February 24, 1949. The Security Council approved it on March 4 of the same year, by a majority of 9 votes. The text of the resolution stated, "Israel is a peace-loving state, able and determined to carry out the obligations contained in the Charter." Accordingly, the Security Council recommended to the General Assembly that Israel be admitted to the UN. Israel was accepted as a member of the UN, provided that General Assembly Resolutions 181 and 194 were implemented.² However, immediately after joining UN, Israel explicitly declared its unwillingness to implement the two aforementioned resolutions. UN should have taken the measures in force in the Charter, which stipulate that if a member state fails to

¹ UN Documents. yearbook of the international law commission 1970. Vol II. Documents of the twenty-second session including the report of the Commission to the General Assembly. Document code: A/CN.4/SER.A/1970/Add.1

² Majzoub, Muhammad. (2012). The Security Council and its role in safeguarding international peace.

comply with the conditions imposed on it for joining, the organization would be released from its obligations to Israel and grant it the right to impose sanctions on it under the UN Charter, including expulsion for violating the principles and purposes of the UN. However, in reality, it did neither of these things, and Israel maintained its membership in the UN. The UN was also unable to address the crimes committed by the Israeli occupation against the Palestinians, and the Security Council remained indifferent to them. At best, it would timidly and discreetly warn it, fearing its wrath and the wrath of the US over countless crimes, from Deir Yassin to Kafr Qasim, to Sinai, and the aggression against Lebanon and Gaza, among others, which the researcher will explain in subsequent chapters. Take, for example, Security Council Resolution 521¹ in 1982 after the Sabra and Shatila massacre. It is noteworthy that the condemnation in the resolution, if not specifically stated, is notable. The party that was condemned and did not direct the responsible occupation under international humanitarian law and the Hague and Geneva Conventions not to attack civilians, although the committee charged with the investigation condemned the Israeli occupation, which was responsible for it at the time, Sharon, and thus this Security Council condemnation was recorded against an unknown.²

The impact of the US veto, in addition to the Security Council's failure to address the issue, has been demonstrated as follows:

1. The use of the veto against Security Council Resolutions 270 (2001), 1199 (2001), and 783 (2004) resulted in the complete separation of the Gaza Strip from the West Bank, a prelude to the fragmentation of the geographical, political, and legal unity of the Palestinian territories. This separation was evident from the outset of Sharon's announcement of a unilateral withdrawal from the Gaza Strip, without any connection to the political process or any link between it and the political future of the West Bank.
2. After the use of the veto against Security Council Resolutions 891 (2003), Israel continued to build the racist separation wall, which the ICJ's Advisory Opinion clearly stated. This is a political measure under a flimsy legal pretext aimed at imposing the borders of Palestine on the West Bank by the occupying power

² Ibid

within the wall, systematically destroying the foundations of the territorial contiguity of the Palestinian state, and transforming the West Bank into separate enclaves.

3. The use of the veto against Security Council Resolutions 465 (1980) and 465 (1981) resulted in the complete separation of the Gaza Strip from the West Bank. 394 (1995), 199 (1997), and 241 (1997), isolate Jerusalem, alter its demographic character, and thwart its future as the capital of the Palestinian state. This has been ongoing since the ban on entry to the city by anyone except holders of Jerusalem ID cards. This includes the expansion of the seizure of Arab homes and neighborhoods, the displacement of its residents, and the arbitrary revocation of residency status from its citizens, all aimed at changing the demographic and urban character of the city. This is in addition to the ongoing excavation work around Al-Aqsa Mosque, the massive settlement expansion within the city, and the effort to obliterate its Palestinian character.
4. The use of the veto on matters brought before the Security Council has also resulted in the continued and intensified settlement expansion through the expansion of settlement outposts, the increase in the number of settlers, and the continued isolation of the Jordan Valley, which represents approximately 28% of the West Bank, from the rest of the West Bank.
5. This repeated use of the veto on matters brought before the Security Council has completely separated Israel from its responsibilities as an occupying power, whether with regard to the population, which has become the responsibility of the Palestinian Authority, or other aspects related to the lands and rights of the occupied state. International law, Israel has transferred these responsibilities to the Palestinian Authority and the international community, while continuing to exercise its control as an occupying power, using its orders whenever it wants, in addition to its control over the majority of Palestinian lands in what is known as “Area C” and controlling all its affairs, including construction, organization, water, security, etc., and controlling the crossings and controlling the movement of individuals and goods, imports, exports, and recurring needs, under the pretext of security, and setting up military barriers and preventing commercial trade between Gaza and Jerusalem, and many other occupation practices, without any responsibilities arising from this, and without the UN paying

attention by suspending them, for example, or rejecting or approving sanctions on Israel, for its violation of all international laws and norms.¹

At the end of this chapter, the researcher found that the American veto is an illegal tool, and does not achieve the principles of equality and parity between countries stipulated in the UN Charter, as it is the monopoly of the five major countries. It has become the American means cloaked in legitimacy that allows it to support Israel and stand with an occupying force that disregards Security Council resolutions and does not comply with any international laws or will, regarding the suffering of Palestinians at home and abroad. The USA continues to this day to threaten to use its veto against any draft resolution that the Palestinian Authority would submit, condemn, or end the occupation, or any resolution calling for full recognition of Palestine as an independent member state of the UN. This has negatively affected the course of the Palestinian issue, as the most important resolutions issued by the Security Council in this regard were Resolutions 242 and 338. However, the procedures for implementing these two resolutions have always been met with an American veto, which has obstructed the implementation of any of them to this day, despite them being the basis for negotiations between the parties to the conflict in all rounds of negotiations. The American veto has also invalidated draft resolutions adopted by the Security Council to condemn the Israeli occupation's violations of international law. Its oppressive and settlement practices in Palestine are motivated by American strategic and political motives in the Middle East, and the USA continues to provide support and assistance to Israel through this right.

¹ Shurrab, Naji, Abu Nahl, Osama. (2012). "The historical and political dimensions of the national rights of the Palestinian people". Journal of the Islamic University for Human Research

Chapter II: The legal frame and the technical power of the General assembly according to resolution 377

On November 3, 1950, the General Assembly adopted Resolution 377 a (V) entitled uniting for Peace. The resolution came in response to the Soviet Union's strategy to obstruct the issuance of any Security Council resolution on the necessary measures to protect the Republic of Korea from the aggression launched against it by military forces from North Korea. In the first stage of this conflict in June 1950, the Security Council was able to issue a recommendation to the members of the UN to provide all necessary assistance to the Republic of Korea to repel the armed attack and restore international peace and security in the region in its Resolution 83 of 1950. The resolution was taken after the Soviet Union deliberately boycotted the Security Council sessions at that time, with the aim of achieving the allocation of a permanent seat for the communist government in China. It was thought that in its absence the Security Council would be unable to carry out its duties under Article 27, paragraph 3, which stipulates that substantive decisions in the Security Council require the agreement of nine members, including the concurring votes of the permanent members. However, the majority of the Security Council members considered that his absence from the meeting room did not prevent the principal organ of the UN from acting properly here, and this opinion was later endorsed by the ICJ.¹ This case has general circumstances that govern it and led to the activation of Resolution 377, which has conditions, controls, and mechanisms for its activation, as in other cases as well, which the researcher explains in this chapter.

2.1: Legal Base and the Organizational Practice of Applying the UFP Resolution

According to the first paragraph of Resolution 377 "UFP", the General Assembly decides that if the Security Council, due to lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security, in any situation in which there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately, with a view to making appropriate recommendations to Members

¹ Tomuschat, Christian. (2008). Uniting for Peace General Assembly resolution 377 (V) New York, 3 November 1950. UN Audiovisual library of international law. Retrieved from: <https://legal.un.org/avl/ha/ufp/ufp.html>

for collective measures, including the use of armed force, if necessary, in the case of such breach of the peace or act of aggression, to maintain or restore international peace and security. If the General Assembly is not in session at that time, it may meet in emergency special session within 24 hours of a request. Such an emergency special session shall be convened, if the Security Council so requests, by the vote of any seven members or by a majority of the Members of the UN.¹

This part is considered the most important part of the resolution, as it reveals the purpose behind this resolution, which is to organize the possibilities of collective action through the General Assembly. This resolution is applied in cases where certain conditions apply, the most important of which is “the failure of the Security Council” to exercise its primary responsibilities for the maintenance of international peace and security “due to lack of unanimity among the permanent members.” When there appears to be a threat to the peace, breach of the peace, or act of aggression, and as for the phrase related to allowing the UN General Assembly to inform member states to take collective measures in the event of a breach of the peace or act of aggression, and to use force when necessary, states tend to believe that there are two exceptions to the prohibition on the use of force from Article 2/4 of the UN Charter: the first is the right to self-defense under Article 51 of the Charter, and collective armed action authorized by the Security Council under Article 42 of the Charter as well. It can be said that if the Security Council fails to authorize the use of force, any coercive action taken by states must be limited to the right of legitimate self-defense, as is also indicated in the General Assembly’s recommendations on the use of force that fall within its jurisdiction, “encouraging states to exercise a right granted to them under Charter,” and it can recommend coercive measures such as those taken by the Security Council when the conditions for exercising the right of self-defense are not met.²

One of the conditions of Resolution 377 was that the Security Council could not adopt a resolution, not because it failed to achieve the required majority of nine yes votes, but because one of the permanent members cast a negative vote that prevented the adoption of a resolution that could have passed, if the veto had not overcome the

¹ General Assembly Resolution 377 "Uniting for Peace"

² Kleczkowska, Agata . (2025). "Resolution 377 “Uniting for Peace” The United Nations General Assembly powers and the prohibition of the use of force". Polish Academy of Sciences (PAS) - Institute of Legal Studies

required majority. This is indicated by the resolution “UFP”: “If the Security Council... fails to exercise its essential responsibilities” due to the lack of consensus among its permanent members, since 1950, the first time the veto was used, the permanent members of the Security Council have been and continue to use the veto based on internal interests specific to their state.¹

The second condition is a condition on the situation that requires the activation of Resolution 377, and it must have arisen in it a threat or breach of the peace, or an act of aggression, as in the text of the resolution “in any situation in which it appears that there is...” Here, the General Assembly is the one who assesses the situation whether it constitutes one of the three previous situations that the Council must decide exist in order to operate within the scope of Chapter VII of the UN Charter, pursuant to Article 39 thereof, and in UFP, and since the Security Council has obstructed its solution with the right of veto, the General Assembly is the one who decides and issues the ruling on whether it appears that one of the previous situations exists. If the situation in question meets these two conditions, the General Assembly "considers" the matter immediately with a view to making appropriate recommendations to members regarding collective measures to maintain and restore international peace and security. In this case, there is no infringement on the Security Council's powers to impose coercive measures on a State, but its recommendations determine that governments in the present situation are required to take certain measures under Chapter VII of the UN Charter.²

Could there be a conflict between the General Assembly's recommendations on the use of force under Resolution 377 and Article 2/4 of the UN Charter?

Article 2/4 of the UN Charter, which prohibits the use of force, is a cornerstone of the Charter and has international legal and customary status. The article is subject to two overarching exceptions: the first is collective measures taken by the Security Council under Chapter VII of the Charter, and the second is the exercise of the right of self-defense by Member States in response to an armed attack pursuant to Article 51 of the Charter. Some may argue that the General Assembly's recommendation to States to take coercive measures against another State would constitute a violation of the

¹ Johnson, Larry D. (2017). “Uniting for Peace”: Does it Still Serve Any Useful Purpose?”. American Journal of International Law Unbound

² Kleczkowska, Agata . (2025). "Resolution 377 “Uniting for Peace” The United Nations General Assembly powers and the prohibition of the use of force".ibid

prohibition on the use of force in Article 2/4. However, any use of force by States pursuant to the General Assembly's recommendation can only be carried out if the State is in compliance with the UN Charter and falls under the two exceptions of the legitimate use of force, namely self-defense and collective measures by the Security Council. The action taken can only serve to urge States to exercise an existing right. This is a convincing argument to the extent that the General Assembly **only** recommends the use of force.¹

According to the previous, we conclude that Resolution 377 is resorted to by the General Assembly in the event that it is proven that the Security Council has failed to pass resolutions that would limit the effects of or end a conflict and a situation in which it is proven that it threatens international peace and security, due to a member state using its veto power to obstruct the efforts of the Security Council and the veto overrides the will of the majority of member states. In this case, it has the right to hold an emergency special session and recommend taking collective measures, including the use of force, under Chapter VII of the United Nations Charter.

The General Assembly's Practice of UFP

UFP was established to address three main issues: the first is the possibility of quickly reconvening the General Assembly when a crisis of international peace and security arises outside the regular session of the Assembly. However, now that the General Assembly is in continuous session throughout the year, there is no longer a need to use the UFP initiative for this purpose. The second is the possibility of the General Assembly making recommendations regarding a conflict or situation threatening international peace and security. Although Article 12 of the UN Charter prohibits it from making any recommendations while the Security Council is carrying out its functions in relation to the situation or conflict, Article 12/1 states that the General Assembly shall not, while the Security Council is exercising in relation to any dispute or situation the functions assigned to it in the present Charter, fail to make any recommendation with regard to that dispute or situation unless the Security Council so requests. This issue aroused such great concern in the early years that these items were removed from the Council's agenda when the General Assembly wished to discuss

¹ Carswell, Andrew J. (2013). "Unblocking the UN Security Council: The Uniting for Peace Resolution". *Journal of Conflict and Security Law*

them. This practice was subsequently dropped, and it was dropped after the General Assembly discussed the items over the years and adopted recommendations on the items included on the agenda of the two bodies, the ICJ described this practice in its advisory opinion in the Wall case in 2004, stating: “The Court notes that there is a growing tendency over time for the General Assembly and the Security Council to deal in parallel with the same question relating to the maintenance of international peace and security, and the Court considers that the accepted practice of the Assembly as it has evolved is consistent with paragraph 1 of Article 12 of the Charter.”¹

Requirements of practicing competence to recommend collective measures

1. Collective measures not to use force

These measures may be similar to those contained in Article 41² of the Charter, which provides a non-exhaustive list of measures the Council may adopt to implement its decisions and calls upon states to implement them. These include matters such as the severance of diplomatic relations, trade embargoes, economic sanctions, and the interruption of means of communication. According to the ICJ, this means that collective measures may be implemented outside the framework of Chapter VII of the Charter. The ICJ stated that the Charter authorizes the General Assembly to make recommendations regulating the maintenance of international peace and security upon the request of the states concerned, or with their consent. Previous sessions of the General Assembly, including sessions related to Uniting for Peace, which the researcher elaborates on in the subsequent section, resulted in the General Assembly adopting a variety of measures not to use force, such as establishing commissions of inquiry in Hungary in 1956, calling for the withdrawal of foreign forces from Jordan and Lebanon in 1958, and calling on Israel to rescind its unilateral measures in Jerusalem in 1967 in 1980, provide assistance to East Pakistani refugees in 1971, call for the withdrawal of foreign forces from Afghanistan in 1980 and for the withdrawal of Israel from the Palestinian territories occupied in 1967 in 1980, condemn South Africa's occupation of

¹ Carswell, Andrew J. (2013). "Unblocking the UN Security Council: The Uniting for Peace Resolution".ibid

² Article 41: The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Namibia and call for assistance to the liberation struggle in 1981, and request an advisory opinion from the ICJ on the legal consequences of the construction of the wall in the Palestinian territories occupied in 1967¹ and the most recent, in the same context, was the request for an advisory opinion from the ICJ on the legality of the Israeli occupation of the occupied Palestinian territories. In addition, it also included what might be called "optional sanctions," such as:

- A. Resolution (ES-IV) 1474 of September 20, 1960, in which the General Assembly called upon states to refrain from supplying, directly or indirectly, arms and other war materials, military personnel, and other military assistance to the Congo.²
- B. Resolution ES-8/2 of 14 September 1981, in which the General Assembly called for sustained support and financial, military and other forms of assistance to the Organization of West African Peoples to enable it to intensify its struggle to liberate Namibia. In the same resolution, it called on the international community to urgently provide all assistance, including military assistance, to the front-line States to enable them to defend their sovereignty and territorial integrity against renewed hostilities from South Africa.³
- C. Resolution ES-9/1 of February 5, 1986, which called on Member States to implement judicial measures, including refraining from supplying Israel with any weapons and related equipment and suspending any military assistance received from Israel. It also recommended holding a regular session of voluntary sanctions, the most prominent of which was Resolution 31/35F of November 10, 1986, entitled "The Oil Embargo" imposed on South Africa. The General Assembly requested all Member States, pending a decision by the Security Council, to take effective measures and/or legislation to expand the scope of the oil embargo in order to ensure a complete cessation of the supply and shipment of oil and petroleum products to South Africa, directly or indirectly. Another resolution issued on the same date also called on States to consider adopting legislative measures to increase pressure on the apartheid regime in South

¹ Security council report. (N.D). Security Council Deadlocks and Uniting for Peace: An Abridged History. Retrieved from: https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Security_Council_Deadlocks_and_Uniting_for_Peace.pdf

² General Assembly Resolution No. (ES-IV) 1474

³ General Assembly- eighth Emergency Special Session. Resolution No. ES-8/2. Question of Namibia

Africa, giving examples of which included halting investment in the South African government and halting loans to it.¹

It is worth noting that in cases where voluntary sanctions were involved, the sanctions imposed by the General Assembly and the sanctions imposed by the Security Council were in effect at the same time. The Security Council imposed an embargo on South Africa under Chapter VII in 1977. In short, voluntary collective measures can be communicated to the General Assembly through UFP or without the need to refer to it. In both cases, the General Assembly has the right to recommend collective measures not to use force.

2. Collective Measures to Use Force

The General Assembly, invoking Resolution 377, may also recommend the use of force and authorize its use when the Security Council's veto obstructs its action. In 1951, the General Assembly adopted Resolution 498², which included the language of 377, "UFP," stating that the Security Council had failed to exercise its primary responsibility due to its veto. It called on states and authorities to provide every assistance to the work of the UN in Korea. "Every assistance" here refers to the

¹ General Assembly Resolution No. ES-9/1

² The General Assembly, Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea, 2. Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there, 1. Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea; 2. Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea; 3. Affirms the determination of the United Nations to continue its action in Korea to meet the aggression; 4. Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea; 5. Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea; 6. Requests a Committee composed of the members of the Collective Measures Committee as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, 3 it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts; 7. Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

possibility of using force to help South Korea repel an armed attack.¹ In the Korean case, armed force had already been used in collective self-defense, meaning that the UFP was not used to recommend the use of any new enforcement action or coercive measures, but rather a defensive measure that was required and used, which arguably gave it legitimacy. Even in the aforementioned resolution ES-8/2 within the framework of the UFP, it also did not recommend the use of coercive force against South Africa, but rather called for the provision of military assistance to states so that they could defend their sovereignty and territorial integrity against South Africa's aggression. Therefore, in both of the mentioned cases in which the General Assembly recommended the use of force, it was in the context of its use in collective self-defense.

When does the UN resort to the use of force?

The Stockholm International Peace Research Reports, published by Oxford University Press, defines peace operations as the umbrella term that applies to all UN missions involving military personnel, whether peacekeeping, humanitarian, or peace-enforcement missions. This term also applies broadly to non-UN missions, such as those carried out by NATO or temporary international coalitions, whether mandated by the Security Council or not. The UN may resort to these operations, with or without the use of force, when the following conditions are met:

1. The voluntary or quasi-natural consent of all parties to the mission's presence and activities.
2. The impartiality of peacekeepers in their relationship with the parties.
3. The use of force is minimal, and only when force is a last resort to maintain peace or prevent, manage, or resolve conflicts.

This means that peacekeepers are present in a conflict zone as enablers, not imposed ones. They have no enemies, are not there to win, and rely on voluntary cooperation that enables them to operate objectively and their presence poses no threat to anyone.

¹ Tomuschat, Christian. (2008). *Uniting for Peace* General Assembly resolution 377 (V) New York, 3 November 1950. Ibid

The UN can also resort to the use of force in what are known as peace enforcement operations, which are used in peace operations mandated by the Security Council. These operations aim to persuade one or more parties to adhere to a previously agreed-upon peace arrangement or agreement, using means including the use or threat of military force. These missions are certainly intended to enforce peace, not to defeat one party militarily, but rather to compel it to comply with the will of the international community and its previously agreed-upon obligations. In this case, the UN has the right to use or threaten to use force as a negative incentive to achieve a final solution.¹ These characteristics have been evident in a number of UN missions, including the United Nations Operation in Somalia (UNOSOM), the UN Protection Force in the former Yugoslavia (UNPROFOR), the UN Transitional Administration Mission in East Timor (UNTAET), and the UN Mission in Sierra Leone (UNSMIL).

In these cases, the term "peace enforcement" is used to refer to military operations authorized by the Security Council, either implicitly or explicitly, under Chapter VII of the UN Charter, to use or threaten force to impose the will of the international community on a state or non-state actor. These operations differ from war in terms of intensity and purpose, as demonstrated by the Security Council's authorization of member states to undertake such operations, as in the UN operation in the Korean War (1950-1954), which sought to repel North Korea's invasion of South Korea, and the coalition operation in the Gulf War, which expelled Iraq from Kuwait in early 1991.²

The Role of the general assembly in Maintaining peace and security in the Framework of Resolution 377 "Uniting for Peace"

The researcher previously explained that the General Assembly resorts to Resolution 377 when it is proven that the Security Council is failing to perform its primary duties in maintaining international peace and security due to the obstruction of its veto power by a permanent member state, or when there is a situation threatening international peace and security. Therefore, the researcher must clarify what

¹ Jablonsky, David, McCallum, Jams S. (1999). "Peace Implementation and the Concept of Induced Consent in Peace Operations". The US Army War College Quarterly: Parameters The US Army War College Quarterly: Parameters

² Findlay, Trevor (2002). "The Use of Force in UN Peace Operations". Stockholm International Peace Research Institute

international peace and security mean for the Security Council and the General Assembly, particularly within the framework of Resolution 377 "Uniting for Peace", and when the current situation or conflict is a conflict that actually threatens international peace and security, prompting the General Assembly to resort to Resolution 377. This is especially true in light of the complexity of clarifying this concept with the ongoing escalation of various international conflicts and the extension of the nature of the threats to them to political, economic, social, and environmental aspects, as well as the military aspect of human rights violations and international humanitarian law, the proliferation of weapons of mass destruction, and environmental problems.

In defining peace, there is a simple definition that is simply referred to as the absence of war and direct violence, and this is known as negative peace, or whether it includes both the means of the absence of war and direct violence with the presence of social justice, which is known as positive peace. As for the second meaning, peace is the political conditions that ensure social justice and stability through formal and informal institutions, procedures, and norms.¹ Traditional thinking about peace was directed only to avoid war. This thinking has subsequently declined, and peace has become defined as the representative state in which human beings enjoy true human dignity and a decent human life, regardless of creed, race, etc., and will then be able to live with relative prosperity in education, health, employment, equality before the law, free elections, etc., in addition to being safe in expressing their opinions. In this context, any factors that would expose these components lead to threaten peace.²

As for international peace and security in the UN Charter, the UN, according to its Charter, began with a resolution to protect future generations from the scourge of war, and considered the maintenance of international peace and security the first goal after two devastating wars shook the world. The UN came and expanded the concept of peace from the previous classical concept, and considered itself the founder of an international system based on justice. It was no longer just the absence of a state of war

¹ Miller, Christopher E. (2005). A Glossary of terms and concepts in peace and conflict studies. Edition.2

² Vankovska, B, Wiberg, Hakan.(2003). between past and future: civil-military relations in the post-communist Balkans. Edition.1

that was peace, but rather everything that conflicted with justice threatened and violated peace.¹

Based on these principles and in the wake of the devastation of World War II, the UN was established in 1945 with one central mission: to maintain international peace and security by working to prevent conflicts, assist parties to conflicts in making peace, deploy peacekeeping forces, and create conditions for peace to rise and flourish. These activities often overlap; to be effective, they must reinforce each other. The UN Security Council bears the primary responsibility for the maintenance of international peace and security, while the General Assembly and the Secretary-General play key and complementary roles with the work of the Security Council, along with other UN offices and bodies. The Security Council takes the lead in determining the existence of a threat to the peace or an act of aggression under Chapter VII of the UN Charter. The Security Council can take measures to enforce the maintenance and restoration of peace and security. These measures, as previously mentioned, range from economic sanctions to international military action. The Security Council also establishes UN peacekeeping operations and sends special missions. Peacekeeping operations are not only tasked with maintaining peace and security, but also with facilitating political processes, protecting civilians, and assisting in the disarmament of former combatants. Demobilization and reintegration, support for constitutional processes and elections, strengthening the protection of human rights, assisting in the rule of law, and extending the legitimate authority of the state. UN Member States contribute their troops and police to, manage, and support peacekeeping operations. These operations aim to help countries emerge from conflict, reduce the risk of relapse into conflict, and lay the foundations for sustainable peace and development. The UN works to achieve this through:

1. Counter-terrorism, by coordinating the global fight against terrorism. The UN has developed 18 universal instruments to combat international terrorism related to specific international activities. In September 2006, Member States adopted the UN Global Counter-Terrorism Strategy, marking the first time Member States agreed on a joint strategic and implementation framework to combat terrorism.

¹ Ashra'fi, D. (2015). International Organizations and the Conceptual Evolution of National Sovereignty. Edition.1

2. Disarmament, which the General Assembly and other UN bodies work on, with the support of the Office for Disarmament Affairs, to advance international peace and security by striving to eliminate nuclear weapons and other weapons of mass destruction and regulate conventional weapons.¹

The Evolution of the Concept of International Peace and Security

The human goal throughout history, in all societies, has been to achieve peace and security, which gradually disappears as a result of the natural violence in human life. In the past, the idea of the absence of war and conflict was the meaning of peace, because the use of war had become a political tool for states and had become an integral part of human existence. At the same time, states were still searching for ways to save humanity from it. The UN Charter began with a resolution to protect future generations from the scourges of war, and its primary and fundamental goal was considered the preservation of international peace and security.²

The definition of peace not only identifies the phenomena that oppose it, but also identifies the measures and requirements that enable peace to exist in the presence of negative peace related to the absence of a state of war and positive peace related to the absence of a state of war and the presence of a state of social justice. Accordingly, peace is the political conditions that guarantee social justice and stability through formal and informal institutions, procedures and standards. It has several means, including: post-war treaties that achieve a state of harmony and balance and a state of silence and calm.³

As for peace in the UN Charter, there is no place in the Charter that sets a specific definition of peace, its breach or threat, because peace in the current time and modern era must exist within the context of the state of the international community and its structure,⁴ The structure of the UN, especially the structure of the Security Council, reflects the international structure and the relationship of power at the founding of the organization, especially after the fears of the First and Second World Wars, which made

¹ UN Official website. (N.D). Maintain International Peace and Security. Retrieved from: <https://www.un.org/en/our-work/maintain-international-peace-and-security>

² UN Security council reports. (2019). "The UN Security Council Handbook: A User's Guide to Practice and Procedure. UN Security Council publishes. New York

³ Free Colins Dictionaries. find at: <https://collins.co.uk/pages/licensing-and-rights>

⁴ Henderson, Christian, Lubell, Noam. (2013). "The Contemporary Legal Nature of UN Security Council Ceasefire Resolutions'. Leiden Journal of International Law

it obligatory for countries to accept broad powers for the Security Council to verify threats to peace, and to give special privileges to the permanent members. The lack of a specific definition of it gives it flexibility in terms of adapting to changing circumstances, and in terms of allowing the Security Council to define it in light of global developments, and to determine the state of peace or not.¹ Since the beginning of the UN was aimed at preventing devastating wars such as the First and Second World Wars, reducing violations of international peace and security can be defined by the emergence of a situation in which the world will face similar events. The concept of security and peace is facing new challenges that require an effort to prevent the development of conflicts between countries and limit entry into the scope of war, or the threat of weapons of mass destruction. However, after the collapse of the Soviet Union, for example, and the transformation of the international system into a unipolar system, there was an automatic shift in some concepts related to security and peace, and the strengthening of cooperation between members after the UN focused on the more general field of direct war between countries.² Accordingly, the members of the UN Security Council adopted a statement on January 31, 1992, in which they reiterated the idea that the absence of conflict between states is not a unity of peace, but rather the lack of economic, social, humanitarian and environmental stability also represents a threat to peace and security. This declaration is considered the origin of the development of the concept of peace without necessarily linking it to war, but its achievement requires the existence of a set of conditions related to a healthy, safe and peaceful international lifestyle for people, as peace is considered not just an international governmental phenomenon, but also between people and groups. It has taken international peace and security out of the traditional pattern associated with military matters only, and political, economic, social and environmental threats have become a threat to international peace and security. These threats also include civil wars, human rights violations, the development of weapons of mass destruction,

¹ . Simma, Bruno, Erasmus Khan, Daniel, Nolte, George, Paulus, Andreas. (2012). "The charter of the UN: A commentary". Edition 4

² Adger, W.N., J.M. Pulhin, J. Barnett, G.D. Dabelko, G.K. Hovelsrud, M. Levy, Ú. Oswald Spring, and C.H. Vogel, 2014: Human security. In: Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Field, C.B., V.R. Barros, D.J. Dokken, K.J. Mach, M.D. Mastrandrea, T.E. Bilir, M. Chatterjee, K.L. Ebi, Y.O. Estrada, R.C. Genova, B. Girma, E.S. Kissel, A.N. Levy, S. MacCracken, P.R. Mastrandrea, and L.L. White (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, Pa. 755-791

organized crime, international terrorism, the lack of democracy, governmental instability, poverty and underdevelopment, which are challenges and threats that have strong potential to negatively impact international peace and security.¹

Therefore, it can be said that the situation in Palestine does not even meet the primitive definition of peace related to the absence of war, nor even the new concepts of peace. This will become clearer in the next chapter when identifying Israeli violations in the occupied Palestinian territories, and how the American VETO regarding the resolutions related to limiting them has strengthened their impact and increased it, and threatened international security and peace in general, not just at the Palestinian level.

The legal standers for identifying threats and violations of peace

The classification of an international crime or other international conduct and its legal definition as a violation of international peace and security allows the UN and the Security Council to take appropriate action, including the use of military force by Member States.² Under Article 103 of the UN Charter, the Charter supersedes all other international obligations in the event of a conflict between the obligations of the UN Members under the Charter and their obligations under any other international agreement. Their obligations under the Charter shall prevail. The researcher reiterates and recalls the Charter's text in Article 2/4 prohibiting the use of force, and that the primary purpose listed in the Charter is the maintenance of international peace and security, and to reach this, effective measures are taken to prevent and remove threats to peace. This open definition allows for the inclusion of individual international criminal acts committed by states or non-state actors under this prohibition, while there is an exception to this prohibition in the case of force used in self-defense, and force authorized by the Security Council under the exception contained in Chapter VII of the Charter, which deals with acts constituting a threat to the peace, breach of the peace, and acts of aggression in Articles 39-51.³

¹ UN Department of Public Information. (2004). A more secure world: Our shared responsibility, Report of the High-level Panel on Threats, Challenges and Change. UN Publishes. New York

² UN charter Chapter VII, Articles 39-51

³ UN Charter

Under Article 39 and 2/4 of the UN Charter, the Security Council is empowered to authorize the use of force by Members of the UN in the event of a threat to the peace or breach of the peace. The UN General Assembly has defined aggression as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the UN Charter, as set forth in the definition.¹ Modern UN guidelines for determining the existence of a threat to the peace include not only the resort to invasion, bombardment, blockade, or attack on land, sea, or air forces, but also other considerations relating to the scope and severity of the consequences of such acts and evolving concepts of state sovereignty.²

The determination of the existence of a threat to international peace and security falls within the competence of the Security Council. Once the Security Council determines the existence of a threat to international peace and security, the Charter establishes a framework for authorizing force under Article 41 of the Charter. The Security Council may decide what measures will be used to implement its decisions without resorting to force. However, if the Security Council considers that the measures provided for in the aforementioned Article 41 are insufficient, it may authorize the imposition of military sanctions under Article 42 by resorting to land, sea or air force measures as may be necessary to maintain or restore international peace and security.³ Therefore, if the Security Council determines that there is a threat to the peace, breach of the peace, or act of aggression as defined in Article 39, it has the authority to act under Articles 41 and 42 and has broad discretion under the Charter to reach a decision.

It is worth noting that human rights violations, civil wars, and terrorism are not within the domestic jurisdiction of a state. They call for international intervention to protect a state's citizens, authorize the use of armed force, and can rise to the level of a threat to international peace and security, thus authorizing Chapter VII sanctions. Therefore, a state committing these violations cannot invoke the principle of non-

¹ Medecins sans frontiers. (N.D). The Practical Guide to Humanitarian Law. Retrieved from: <https://guide-humanitarian-law.org/content/article/3/aggression/>

² General Assembly Resolution No. 3314, U.N. GAOR, 29th Sess., Supp. No. 19, Annex art. 1, U.N.Doc. A/9619. (1974).

³ UN Charter

interference in its internal affairs.¹ Accordingly, any internationally wrongful act resulting from a State's breach of an international obligation that is essential to protecting the fundamental interests of society and whose breach is recognized by the international community constitutes an international crime, and a serious breach when it involves a breach of a State's obligation of fundamental importance, such as: the prohibition of aggression, the right to self-determination, the prohibition of "establishing" or maintaining colonial domination by force, the protection of human beings, the prohibition of genocide and apartheid, the protection of the environment, and the prohibition of massive pollution of the atmosphere or oceans. Violations of these principles and obligations remain at the level of international crimes that threaten international peace and security.²

Article 14 of the International Law Commission's draft law on State responsibility states:

1. An international crime entails all the legal consequences of an internationally wrongful act, in addition to the rights and obligations that establish applicable rules accepted by the international community.
2. An international crime committed by a State entails an obligation for every other State:
 - a) Not to recognize as legal the situation resulting from that crime.
 - b) Not to provide aid and assistance to the State that committed that crime in maintaining the situation resulting from that crime³.

¹ Borlini, Leonardo. (2021). "The Security Council and Non-State Domestic Actors: Changes in Non-Forcible Measures between International Lawmaking and Peacebuilding". Virginia journal of international law

² UN Documents. (2008). Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries. Report of the International Law Commission on the work of its fifty-third session. Text adopted by the International Law Commission at its fifty-third session, in 2001, and submitted to the General Assembly as a part of the Commission's report covering the work of that session (A/56/10). The report, which also contains commentaries on the draft articles, appears in the Yearbook of the International Law Commission, 2001, vol. II, Part Two, as corrected

³ General Assembly Resolution. Ibid No. 3314

For an act to rise to the level of a threat to international peace and security, its impact is linked to several factors, the most important of which are:

1. Transnational Consequences

According to the UN Guiding Principles and previous Security Council practice, criminal conduct constitutes a threat to international peace and security when it is determined that the consequences of such criminal conduct are transnational in nature. This is regulated by Article 2 of the UN Charter, which prohibits the use of force against the sovereign territory of a state and prohibits interference in matters strictly within the domestic jurisdiction of a state. Therefore, proving that the existing conduct constitutes a breach of international peace and security requires examining these consequences. For example, the detonation of a weapon of mass destruction is likely to have transnational consequences and lead to international instability. Similarly, the use of internationally prohibited weapons and those that cause environmental damage may be of an international nature. This also applies to the case of a state supplying weapons to a state that is violating international conventions and laws, leading to the outbreak of conflicts outside the state's own international borders, for example, between allies of the state carrying out the act and the state being attacked.¹

2. Criminal behavior or behavior that is -internationally criminalized-

There is a law that clearly criminalizes behavior committed, whether it is brought before the Security Council or prohibited under international criminal law or the criminal laws of UN member states, such as war crimes, crimes against humanity, the crime of aggression, and genocide. The UN Charter supports the argument that if an act is criminalized under the majority of member states' laws, this leads to its de facto international prohibition. Article 38 of the Statute of the ICJ, annexed to the UN Charter, also states that one of the sources of international law that must be applied is the general principles of law recognized by civilized nations. Furthermore, the de facto state's refusal to notify the Security Council that the act constitutes a crime, and its continued conduct constitutes a violation of international laws and notifications that it

¹ UN Documents. UN. International Law Commission Report on the Draft Articles Adopted at Its Forty-Third Session: Draft Articles on the Draft Code of Crimes Against the Peace and Security of Mankind. Draft code: A/26/405

threatens international peace and security, and in cases where the domestic law of the de facto state is unable to stop this violation.¹

3. Human Suffering.

In fact, in addition to the fact that behavior that threatens international peace and security has transboundary effects and is criminalized under international law, the conclusion that there is massive human suffering in a conflict zone also constitutes a threat to international peace and security, and to the fundamental purposes of the UN Charter, which are to be upheld. This in itself constitutes the Security Council's mandate and powers under Chapter VII. These include causing famine, poverty, and harm to civilians, directly targeting them, the indiscriminate use of air, land, and sea weapons, and the psychological effects that behavior employed by the aggressor state may have on children and civilians in general, especially in cases where the criminal behavior is organized, systematic, and intentional, and does not respect any of the principles of necessity, proportionality, or distinction between civilian and military targets.²

4. Military conduct does not comply with the principles of the use of force (necessity, proportionality, and distinction).

These principles indicate that there are restrictions even on the use of legitimate force, as there are conditions for self-defense when a state exercises its right to legitimate self-defense. States have a legal right to use armed force in self-defense if they are subjected to an armed attack or an armed attack is imminent, but only to the extent necessary and proportionate. However, the content of these two conditions is not defined in the UN Charter or other treaty texts. Their content is determined by examining state practice, considering the standards and rules that states use to justify their behavior and criticize the behavior of other states. International law researchers turn to Security Council discussions on actual incidents of states resorting to armed

¹ Status of ICJ, League of Nations Doc. C.80 M.28 (1936). Available in: A comprehensive handbook of the UN (Min-chuan Ku ed. (1978) (annexed to the UN Charter

² Pickard, Daniel. (1998). "When Does Crime Become a Threat to International Peace and When Does Crime Become a Threat to International Peace and Security?". Florida Journal of International Law

force to provide evidence of this law, and to constitute a general practice that makes these rules international and customary law.¹

Necessity determines whether defensive force may be used in response to an actual or imminent armed attack, and where it should be directed. Proportionality determines the amount of force permitted. Once the right to respond to an armed attack exists, these two conditions limit the scope of defensive action and ensure that it remains defensive. The actions required to respond to aggression are self-defense because of the existence of this right, and are necessary to repel and prevent the attack from succeeding, and nothing else. Compliance with these two conditions, "necessity and proportionality," indicates that the purposes of self-defense have been achieved and nothing further. They seek to strike a balance between the rights and interests of each of the following actors:

1. The state's self-defense against an armed attack.
2. The attacker's right to protection from excessive defensive responses.
3. The interests of states and the international community: which include concern for civilian and environmental damage, and containing the risk of escalating violence and instability to contribute to international peace and security.

These two principles apply in principle throughout the duration of the armed conflict arising from self-defense, and not only at its beginning, so that if the continued use of force becomes unnecessary or disproportionate, it does not constitute legitimate self-defense and constitutes a violation of Article 2/4 of the UN Charter.²

Proportionality

Proportionality, in essence, prohibits the excessive use of force to limit the permissible harm to others. However, there is no clear legal definition of the principles of this element, so it is used based on an internal feeling about what constitutes excessive force. This is because states rely on international humanitarian law to determine this. According to the Advisory Opinion of the ICJ, to answer the question:

¹ Haque, A. (14/11/2023). Proportionality in Self-Defense: A Brief Reply. Retrieved from: <https://www.justsecurity.org/90118/proportionality-in-self-defense-a-brief-reply/>

² O'Meara, C.; (2018). "Necessity and Proportionality and the Right of Self-Defence in International Law". Unpublished PHD thesis

"Proportional to what?" Regarding collective response, the Court identified two main criteria: the consequences of the measures, activities, actions, and operations of the defending states, their collateral damage to civilians, their consequential damage to infrastructure, and the results of these measures. This is divided into:

1. **Quantitative proportionality:** Focuses on a purely quantitative approach to the equivalence of armed attack and defensive response. It seeks to balance the amount of damage suffered or expected by each party to the conflict in terms of casualties and damage. It balances the offensive kinetic forces and their results with the defensive kinetic forces and their results, and the damage caused to civilians.
2. **Teleological proportionality:** This is a proportionality linked to the defensive needs of the defending state. It measures the defensive force (means) used against the legitimate purpose (self-defense) for which that force was used. That is, the proportionality of the action taken in self-defense and its relationship to its purpose. In this case, it is a mistake to believe that proportionality must be between the behavior that constituted the armed attack and the opposing behavior. The response may take on dimensions disproportionate to the attack itself. What is important here is the result that the defensive action will achieve, not the action itself. Or its essence or strength, and this proportionality, rather than the only criterion in it being the damage that has already occurred, also explains the potential need to confront ongoing and imminent attacks, and includes responding to previous, current and potential armed attacks. Without this criterion, the response of states will be limited to past events only, rather than flexibility in the face of current threats, which can be reasonably expected, and takes into account the inherent right of self-defense Article 51 of the UN Charter.¹

Necessity

Necessity is met in justified self-defense if and only if the action is necessary to ward off the danger you face. That is, X is necessary to avoid Y. If and only if we cannot avoid Y, X appears to result in defensive harm. It is necessary to avoid an

¹ O'Meara, C. (2018). "Necessity and Proportionality and the Right of Self-Defence in International Law". Ibid

unjustified threat. For example, if a person subjected to an unjustified attack could have his life saved by killing the attacker or breaking his leg, and **there are no other alternatives**, then this action must be taken, and it is not necessary to inflict greater harm to save himself.¹ Necessity requires that the conflict cannot be resolved by peaceful measures, and absolute certainty that no other measures can prevent an attack; this is necessary justification. This condition requires the existence of conclusions based on established facts that the attack requires this response, and that the response be in response to a real threat to the existence of the state, and a proper obligation to verify whether there are no other peaceful settlements to the conflict.² If the prohibition required for self-defense is not immediate and urgent, and there is a means other than resorting to force, such as resorting to an international organization, then in this case there is no room for legitimate defense, and the use of force in this case is considered aggression, and legitimate defense against it is permitted. This condition depends on each individual case, and the degree of progress in war technology, and not only on the danger actually faced, but also on the extent of the danger expected for the attacked state, which invokes its right to self-defense if it proves that force here is a necessary measure to protect the state from any future harm.³

2.2: The General Conditions of the Previous Cases in the Implementation of Resolution 377 "Uniting For Peace"

The issuance of Resolution 377 "UFP" had state circumstances related to the Soviet Union and its absence from the Security Council, which the researcher previously explained. This was followed by the activation of the resolution more than once in cases where the General Assembly found the circumstances and conditions that prompted it to activate this resolution, including cases that included wars and armed aggressions, the violation of the sovereignty of a member state of the United Nations, clear violations of international law, and the Security Council's failure to find a solution to those conflicts that threatened international peace and security through repeated uses of the veto by the permanent member states of the Council. The researcher explains

¹ Lazar, S. (2012). "Necessity in Self-Defense". Wiley Periodicals, Inc. Philosophy & Public Affairs

² Upienece, V. (2018). "Conditions for the lawful exercise of the right of self-defence in international law". SHS Web of Conferences

³ Salama, A. (8/10/2019). The charter of the United Nations stipulates the right of the state victim of aggression to confront it by force. Retrieved from: https://araa.sa/index.php?option=com_content&view=article&id=4803&catid=4244&Itemid=172

these cases and their details and how General Assembly Resolution 377 was applied in them in this section.

The Korean War

After World War II, two blocs emerged in the world: the Western bloc led by the US and the Eastern bloc led by the Soviet Union. The relationship between these two blocs was contradictory, which was reflected in the actions of both camps. One result of this was the rejection of the Republic of China's membership in the UN in early 1950, and the refusal to grant it the permanent seat on the Security Council, which was then occupied by Nationalist China. This angered the Soviet Union, which led it to boycott Security Council sessions from January 13 to August 1, 1950. At that time, the Republic of China was part of the Soviet bloc and shared its communist ideology, while Nationalist China (Taiwan) was part of the US bloc. In the same year, war broke out between the two Koreas: South Korea, which was part of the US, and North Korea, which was part of the Soviet Union. This prompted the UN to intervene on the side of South Korea based on Security Council resolutions issued in the absence of the Soviet Union from its sessions, and its boycott of them in protest against the inclusion of the Nationalist Chinese representative in the Security Council.¹ The UN resolution to intervene on the side of South Korea prompted the Soviet Union to return to Security Council sessions again, which led to the Security Council's inability to continue the combat operations it had begun on the side of South Korea, as a result of the Soviet Union's use of its veto power to support its ally, North Korea.² The return of the Soviet Union to Security Council sessions and its use of its veto power against UN resolutions proposed to continue military operations against North Korea raised concerns in the US. This prompted then-US Secretary of State "Dean Acheson" to seek a resolution from the General Assembly that would have allowed the US to continue military operations in North Korea. Indeed, in November 1950, the General Assembly issued a resolution authorizing it to carry out tasks related to maintaining international peace and security, replacing the Security Council due to its inability to do so.³ The General Assembly does not have a veto and found support and backing in it that is not present in the Security

¹ Abdul hamid, Muhammad Sami. (2000). Law of International Organizations: The United Nations. Edition.9

² Barros, James. (1979). The United Nations: its past. And its present. edition. 1.

³ Rakha, Tariq Ezzat. (2006). Contemporary international organizations. Edition. 1.

Council. This resolution was called, according to the English version Resolution 377 (V), “Uniting for Peace”. The Korean case was the first time and basis for the existence of this resolution, and it was motivated by several reasons, including political reasons, and reasons related to maintaining international peace and security. The existence of a contradiction between the Eastern and Western camps in goals and interests, and the lack of elements of partnership between them, pushed the Soviet Union to use the veto within the Security Council, especially with regard to the Korean War, which made the Security Council unable to perform its role, which prompted the USA to search for an alternative, which it found in the General Assembly, and through it regained its lost prestige in the Security Council in the face of the Soviet veto, given that the US possesses the overwhelming majority in the General Assembly. The stated reason was that the maintenance of international peace and security as the primary and fundamental task of the Security Council under the UN Charter and Article 24 thereof. However, it had been unable to perform this task in the face of the veto power of the permanent member states when voting on substantive issues, which prompted the issuance of the resolution of the “UFP” to continue to maintain international peace and security. However, the political reason was the strongest driving force behind the issuance of this resolution.¹

The Egyptian Case

The Uniting for Peace measures were implemented in relation to the Israeli invasion of Egypt on October 29, 1956. The Security Council met approximately four times to consider the issue, and veto was used twice against resolutions in favor of stopping the war. Reference was made to the "Uniting for Peace" resolution, and the General Assembly called for an emergency session regarding the Egyptian situation, to better understand what had happened leading up to Resolution 377, the researcher provides some details in a chronological order of events.

Immediately after the Israeli invasion of Egypt, US requested a Security Council meeting to consider steps to immediately halt Israeli military action in Egypt. The Council met and worked to include this item on its agenda. The Council met three times that same day. In the afternoon session, the US representative began by informing the

¹ Syam, Ashraf. (2011). “the resolution of uniting for peace: is it a possible device to protect the Palestinians?”. Ibrahim Abu-Lughod Institute of International Studies.

Security Council that it had issued a final ultimatum to both parties, to the British government and the French government, to first cease fire and to stop the occupation of certain points in the Suez Canal area by British and French forces. The Council then approved the draft resolution submitted by the US, which would also have called on Israel to withdraw its forces from the Canal, and to call on all members to refrain from the use or threat of force, both the UK and France abstained from voting. The Soviet Union then presented a shorter version of the same proposal, and after another short discussion on the subject, the session was adjourned. The Egyptian government then sent a letter to the Security Council referring to the same ultimatum that had been presented to both Britain and France and describing the event as an imminent occupation of Egyptian territory. In its letter, it requested that the Security Council meet immediately to consider the aggressive action by both the UK and France. This action was actually included on the Council's agenda despite Australia's objection. It should be noted that the previous item, which the Security Council had already considered, related to the Israeli military action in Egypt, had not been resolved, which means that the item added to the agenda of this meeting was the "British-French" aggression. The Council proceeded to discuss the unfinished business in the previous item, the additional item, and the Soviet version of the American proposal. In this session, Britain and France again abstained from voting, and thus the Security Council was in a state of confusion. This prompted the Yugoslav delegate to call for consideration of the possibility of holding an emergency session of the General Assembly under Resolution 377 entitled "Uniting for Peace." ¹This call was presented in the form of a proposal with the condition that the Security Council fail to exercise its responsibility in a specific case due to the absence of a group of permanent members and due to the right of veto and discussion of the letter sent by the Egyptian government, and despite the objection of the representatives of the UK and Australia, the Yugoslav delegate indicated that all aspects of the issue required its referral to the General Assembly under Resolution 377, and that a solution must be reached for the Israeli-Egyptian issue that threatens international peace and security. The Yugoslav proposal was actually passed, and accordingly the first emergency special session of the General Assembly met the next day - November 1, 1956 - and it was sufficient to take into account the lack of consensus among the permanent members to resolve the issue in its 749th and 75th

¹ Petersen, Keith S. (1959). "The Uses of the Uniting for Peace Resolution since 1950". Cambridge University Press

meetings held on January 30, 1956.¹ Without going into details about the entry of French, British and Israeli forces into Egypt, the Egyptian army was able to nationalize the canal, and based on the recommendation of the General Assembly under Resolution 377, at midnight on November 6, 1956, a ceasefire was called for at the insistence of the then UN Secretary-General, Dag Hammarskjöld, and Security Council Resolution 1001 was issued, calling for a ceasefire.²

The Hungarian Case

In the course of the Hungarian case and the emergency special session of the General Assembly at that time, this case is considered the most precise application of the Uniting for Peace measures in the UN experience. The Hungarian Revolution against the Soviet Union began on October 23, 1956. Five days later, on October 28, 1956, the Security Council met to consider an item proposed by France, USA, and the UK, entitled "The Situation in Hungary." The item was included on the Council's agenda despite Soviet objections at the time. The US then submitted a draft resolution calling on the Soviet Union to immediately cease any interference in Hungary and withdraw its armed forces. The Soviet Union voted against it. Consequently, the US submitted another draft resolution calling for an emergency session of the General Assembly to make specific recommendations on the situation in Hungary. The draft was adopted, and the General Assembly opened its second emergency session in the afternoon of the same day. The only substantive issue on its agenda was titled "The Situation in Hungary" at the under the resolution 377 "UFP" which embarrassed the Soviet delegate at the time because he had voted in favor of the same type of resolution concerning Egypt only five days earlier,³ accordingly In 1957, the General Assembly issued a resolution condemning the Soviet invasion of Hungary and the overthrow of its then-president, Nagy Imre. This came after Hungary had witnessed a national movement in 1956 to break away from Soviet interference and move towards implementing true socialism, demanding the overthrow of the pro-Moscow government and the installation of a new government headed by Nagy Imre. This came in the 1950s, which was the beginning of the Cold War between the US and the Soviet Union. The Soviet Union did not allow itself to be overlooked in Hungary, as it was divided within

¹ Ibid

² Al Jazeera. (31/10/2022). the triple aggression against Egypt. Retrieved from: <https://shorturl.at/yt7zD>

³ Petersen, Keith S. (1959). "The Uses of the Uniting for Peace Resolution since 1950". *ibid*

the Eastern Bloc loyal to it, fearing the collapse of that bloc. This prompted it to intervene militarily and politically to suppress this revolution, which the UN condemned and turned to the “UFP” for it, in accordance with Nagy Imre’s request for assistance from the UN at that time in confronting the Soviet invasion. The UN considered this invasion a threat to security and peace, as it could turn from a Soviet invasion of Hungary into a war in Eastern Europe.¹

At the end of this chapter, we find that the decision to “UFP” was initially, and primarily, a response to the Soviet Union's absence from Security Council sessions and its use of the veto power against resolutions that could have stopped an ongoing war in which international interests were at stake, given the Security Council's inability to stop it, due to the veto. This means that its goal is to resolve issues that the Security Council is unable to resolve due to the lack of consensus among the permanent members on a resolution and the repeated use of the veto. Through the text of this resolution, the General Assembly can recommend what is necessary to resolve the existing conflict, including the use of armed force, without this conflicting with Article 2/4 of the UN Charter prohibiting the use or threat of force, and in application of Article 51 thereof regarding the legitimate right of self-defense, where the General Assembly can recommend taking measures through the use of force or without it by imposing political and economic sanctions or severing diplomatic and trade relations and stopping military supplies to the state violating international law, which the ICJ has confirmed its possibility in its various advisory opinions. Member states are working to call for the activation of Resolution 377, UFP, in cases that Indeed international peace and security are threatened when the Security Council is unable to carry out its duties in preserving them. The behavior of states rises to the level of a threat to international peace and security when the consequences of this behavior transcend the national borders of the state violating international law, and it is possible for the conflict to turn into a regional war, for example, and when the act carried out by the state is an internationally criminal behavior, whether according to the laws of national states or internationally ratified agreements and charters, in addition to this act causing human suffering to civilians, and the state actually not observing the principles of necessity, proportionality, and discrimination in the use of force. These conditions and procedures for Resolution 377

¹ Al Jazirah. (14/9/2005). UN condemns Soviet invasion of Hungary. retrieved from: <https://www.al-jazirah.com/2005/20050914/xh2.htm>

appeared in various previous cases, the first of which was the Korean War and the absence of the Soviet Union from Security Council sessions, and its return to them to use the veto in favor of continuing the war, and the case of the tripartite aggression against Egypt and the Suez Canal, and the failure of the Security Council to find a solution to the British-Israeli-French aggression against Egypt, and the possibility of it turning into an occupation, in addition to its failure to stop the Soviet invasion of Hungary due to the repeated use of the Soviet veto to support its continuation of its military operation there. The emergency sessions of the General Assembly under the framework of UFP in the cases described were successful in putting an end to these conflicts, Even in the form of a recommendation to take the necessary measures to stop it, which is what the researcher seeks in this study.

Chapter III: Discussion

In the previous chapter, the researcher stated that a crime can reach the level of threatening international peace and security if there are factors that have consequences that transcend national borders, if the criminal behavior is internationally prohibited, if it causes clear human suffering, if it does not take into account the principles of necessity and proportionality in the use of force in international law, and if it departs from the principle of the internationally legitimate right to self-defense. The researcher provided an explanation of these factors, in addition to the procedural and substantive conditions necessary for resorting to Resolution 377, “UFP”.

Regarding the substantive conditions, the Palestinian territories have remained under Israeli occupation for more than 75 years. There is no doubt that the Israeli occupation persists in committing serious acts and violations of international law, conventions, and norms. It has committed and continues to commit international crimes against the Palestinians. Regarding the Gaza Strip alone, it should be noted that the Israeli occupation forces withdrew from the Gaza Strip in 2005 and evacuated the settlements they had established there, but they continued to carry out military operations in the Strip. Some of these operations lasted for weeks and months and left thousands of casualties, given that the Gaza Strip is the most densely populated area in the world, with more than two million Palestinians living there. The most recent was the 2023 aggression, which came in response to the operation that the Palestinian resistance called “Al-Aqsa Flood” in response to the ongoing Israeli violations of Al-Aqsa Mosque and Islamic holy sites in the city of Jerusalem. Israel declared the “state of war” and began a military operation with intensive air strikes on the Strip, in which more than 100 martyrs and 500 wounded in one day, a process that continues until the date of writing this research, the number of martyrs has reached more than 50,000 Palestinian martyrs and more than 113,000 wounded in its 580th day, Israel claims in its repeated aggressions, and the losses and damages they cause to civilians, that its operations are nothing but the right to self-defense, with clear Western support for this pretext.¹ As well as the confiscation of lands to establish more settlements, and other crimes that the researcher explains in more detail in this section, with this policy of the Israeli occupation, it threatens the stability of international security and peace in general, and

¹ Al-Jazeera. (11/10/2023). Israel's most prominent wars on the Gaza Strip. Retrieved from: <https://tinyurl.com/38uv83wf>

Palestinian peace in particular. Accordingly, the first objective aspect of the “UFP” resolution applies to the Palestinian situation. As for the second objective condition, regarding the Security Council's inability to fulfill its duty to maintain international peace and security, the researcher believes that the details in this section of this condition also apply to the Palestinian situation, especially in light of the American veto, which the researcher previously explained, which contributed significantly to the failure of multiple international resolutions that could have mitigated the intensity of this conflict and forced Israel to comply with them. The Security Council has failed and continues to fail in providing protection to the Palestinian people from the crimes of the Israeli occupation, which continue to be committed due to the complete American bias towards Israel and its policies.¹

This requires analyzing the precedents to which Resolution 377 was applied in order to identify the extent to which it applies to the Palestinian situation and what are the most important results that resulted from its application, with the aim of arriving at the obstacles that hinder its application to the Palestinian situation and the results that can be achieved in favor of the Palestinian cause in the event that the resolution is implemented.

3.1: Analyzing the Previous Cases that Applied 377 Resolution

Resolution 377 “UFP” has been applied in numerous previous cases in which the Security Council proved negligent in issuing a resolution threatening international peace and security. These include the Tripartite Aggression against Egypt, which could have reached the level of occupation; the Hungarian Revolution, which could have escalated into a regional war; and the tripartite aggression against Egypt. The same applies to the Korean War, which could have also escalated into regional war.

Regarding the recent case related to the Korean War, the Soviet Union was deliberately absent from and boycotting Security Council sessions. When it found that things were going against it, and that its absence from Security Council sessions led the Council to issue a resolution supporting South Korea, which the Soviet Union had previously opposed, the Soviet Union returned to the sessions with the aim of vetoing

¹ Syam, Ashraf. (2011). “the resolution of uniting for peace: is it a possible device to protect the Palestinians?”.Ibid

any resolution that would encourage the continuation of the military operations it had initiated alongside South Korea. It found the condition of threatening international peace and security, and using the veto against a situation in which the Security Council deemed it a threat to international peace and security. This prompted the US to resort to the General Assembly to issue a resolution with a general and abstract character. The same applies to the Palestinian situation, where, after mentioning Israeli violations in the occupied Palestinian territories and their impact on international peace and security, And the use of the American veto increased it and strengthened its impact. Then, as in the Korean case, it is possible to resort to Resolution 377 to use resolutions of a general nature to prove the threat of Israeli violations to international peace and security, and to prove that the American veto stands in the way of resolutions that would move in the direction of the international solution with the two-state solution.

After the Soviet Union's absence from Security Council sessions, it had returned to attend them, using its veto power to prevent UN intervention in the Korean conflict. Resolution 377 was used for the first time as a mechanism that gives the General Assembly the ability to intervene when the Security Council is unable to perform its role due to the use of the veto. One of the results of activating Resolution 377 during the Korean War was the holding of the first emergency special session of the General Assembly under the aforementioned resolution in November 1950 regarding the Korean War. In it, resolutions were passed condemning North Korea's aggression against South Korea and calling for support for the UN forces led by the US to assist South Korea. Activating Resolution 377 in the Korean case also gave international legitimacy to the UN military intervention, despite it having been initiated under previous Security Council resolutions in light of the temporary absence of the Soviet Union. Resolution 377 came and provided political and international cover for these Security Council efforts. It also encouraged countries in the emergency General Assembly session under it to send troops and aid to South Korea, which strengthened collective international cooperation. Under it, there was a shift in the role of the General Assembly and an expansion of its powers from an advisory role to a more effective role in the field of international peace and security, it demonstrated the General Assembly's ability to act in cases of Security Council failure, even if this is in the form of recommendations under its basic powers. This use, for the first time in the Korean crisis, laid the foundation for

subsequent uses of this resolution, such as resorting to it in the case of the tripartite aggression against Egypt, which the researcher also mentions later.¹

It can be said that in the Korean case, Resolution 377 succeeded, in a partial, emergency, and limited manner, in addressing the Security Council's failure by allowing a temporary override of the Soviet veto, granting collective international legitimacy to efforts and actions that could not have been passed in the Security Council, and demonstrating the General Assembly's potential as an important tool for political pressure in international crises. Despite the limitations of General Assembly resolutions not being legally binding, or its ability to impose sanctions or use force directly, the researcher believes that the effectiveness of general collective resolutions always depends on the willingness of states to participate in their content, especially major powers, as in the Korean case, where the US led the military campaign.

Regarding the cases mentioned by the researcher in the previous chapter regarding the implementation of Resolution 377 "UFP", the researcher found that in the Egyptian case, recourse was had to the UFP after the Security Council failed four times to issue a resolution that would stop the aggression against Egypt. At that time, the General Assembly called for an emergency session under the UFP. This came as a result of the repeated use of the veto regarding a situation and events that threatened international peace and security, and circumstances that were almost turning into an occupation of Egypt, according to the Egyptian notification to the Security Council. When Britain and France abstained from voting twice and used the veto twice more, the Yugoslav delegate at the time found it necessary to resort to Resolution 377 after the condition of the Security Council not being unanimous on a resolution was met due to abstention or veto on resolutions that would stop the aggression. When resorting to Resolution 377 and holding an emergency session of the General Assembly at that time, it was sufficient to take into consideration the problem of the lack of consensus on resolving the issue. We also find this in the Palestinian case under discussion and its status in the Security Council with regard to the resolutions that come in favor of the Palestinian cause. Either Britain abstains from voting or faces a US veto, which would lead to the failure to reach a consensus on a Security Council resolution regarding the Palestinian

¹ Binder, Christina. (2017). "Uniting for Peace Resolution (1950)". Max Planck Institute for Comparative Public Law and International Law. Oxford Public International Law

issue, particularly regarding the aggression on the Gaza Strip. To date, the permanent members of the Security Council have not agreed on a resolution that would halt or condemn this aggression, or even allow the entry of humanitarian aid into the Strip, at least to mitigate its severity and impact on civilians.

During the tripartite aggression against Egypt, some countries, such as the US and the Soviet Union, attempted to pass a resolution in the Security Council calling for an end to the aggression. The British and French vetoes prevented the Security Council from taking action. Consequently, the US called for an emergency special session of the General Assembly under Resolution 377, which resulted in General Assembly Resolution A/RES/1001 (I), in which the General Assembly called for an immediate ceasefire and the withdrawal of the forces of Israel, Britain, and France from Egyptian territory. Following this session, the UN Emergency Force was established for the first time in the organization's history. Under widespread international pressure, particularly from the UN and the Soviet Union, the three countries gradually agreed to cease their military operations in Egypt. However, the official ceasefire began on November 6, 1956, with Britain and France withdrawing. Israel then withdrew in 1957 after additional international pressure and threats in the General Assembly to impose sanctions. Under the resolution, the UNEF was established, which was considered the first successful experiment in deploying UN forces on the ground. Its mission was to monitor the ceasefire, supervise the withdrawal of military forces, and act as a “buffer zone” between Egypt and Israel. This force, which was established under Resolution 377, established the concept of “UN peacekeeping,” which was later used in other international situations.¹

Accordingly, it can be said that the General Assembly, by activating Resolution 377 in the Egyptian case, was able to impose itself as a legitimate and effective alternative when the Security Council was inactive, as the resolution highlighted the possibility of collective action by states against the will of aggressor states. The General Assembly, through these efforts, created an effective platform for resisting colonial influence. However, one of the challenges was also the dilemma of the continued non-binding of the General Assembly’s recommendations by law and the dependence of their effectiveness on consensus among states. In this case, the possibility of evading or

¹ Andrassy, Juraj. (2017). "Uniting for Peace". American Journal of International Law

procrastinating regarding the resolutions constituted another challenge in implementation, as Israel did in its delay in withdrawing.

As in the Hungarian case, when the Soviet Union vetoed a resolution demanding the withdrawal of its forces from Hungary and the cessation of interference in its internal affairs, on the grounds that this situation threatened international peace and security, the US immediately requested the activation of Resolution 377 to convene the General Assembly to urge the Security Council to issue a resolution demanding the withdrawal of Soviet forces from Hungary and the installation of a new government. Here, the common condition of Resolution 377 between the Palestinian cases under consideration and the Hungarian case becomes apparent: the situation threatens international peace and security to the point that it requires the activation of Resolution 377, in addition to the use of the veto against resolutions that would address it, as there was a fear that the invasion would escalate. The Soviet Union's intervention in Hungary led to a war in Eastern Europe. This was the same fear regarding Israel's aggression on the Gaza Strip and the possibility of it escalating into a regional war, especially after the intervention of Hezbollah in Lebanon and the Houthis in Yemen, and the spread of the aggression to the Syrian border. This raised concerns that the aggression could escalate into a comprehensive war in the region.

In the case of Hungary, the US, Britain, and France submitted a draft resolution to the Security Council condemning the Soviet intervention and demanding the withdrawal of Soviet forces from Hungary. However, the Soviet Union at the time used its veto to prevent any condemnation or international intervention. As a result, the General Assembly was resorted to under Resolution 377, and an emergency special session was held after the session on the aggression against Egypt in November of the same year. The General Assembly issued Resolution A/RES/1004, which condemned the Soviet invasion of Hungary and demanded the immediate withdrawal of Soviet forces. It also called for a UN fact-finding commission to investigate Hungary. However, in this case, unlike previous cases, the resolution failed to stop the aggression immediately, as the Soviet Union continued its military action in Hungary and ignored the General Assembly's resolutions. It also did not allow the UN fact-finding commission to enter, as the Soviet Union refused to cooperate with it and prevented it from entering Hungary. The commission conducted interviews and took testimonies from Hungarian

refugees in Austria and Yugoslavia only, and documented serious Soviet crimes and violations. However, the resolution, despite not its procedural effectiveness provided significant moral support to the Hungarians, and mobilized international public opinion in favor of Hungary and against the Soviet Union at the time, as the overwhelming majority in the General Assembly condemned the Soviet aggression against Hungary, which increased international pressure on Moscow. The activation of this resolution in this case demonstrated the seriousness of the events taking place, which reached the point of activating Resolution 377, as in the Palestinian case under discussion, and the speed of resorting to the resolution despite the Soviet veto. It contributed to isolating the Soviet Union internationally for some time and for a temporary period after more than 50 countries condemned the aggression. Its activation highlighted the failure of the Security Council to actually perform its mission of maintaining international peace and security, despite its symbolic role in condemning the aggression. In this case, it appears that the international system at that time was subject to the balance of power more than international law.¹

After clarifying and comparing previous cases of implementing Resolution 377 and the consequences of each case after its implementation, the researcher concludes the common conditions between the previous cases and the Palestinian context, as well as the possibility of applying the resolution to the Palestinian situation. The researcher reiterates and recalls the text of Resolution 377 issued by the General Assembly, which states: "If the Security Council, due to lack of unanimity among its permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security, the General Assembly may consider the matter immediately and recommend collective measures, including the use of force if necessary, to maintain or restore peace and security." Accordingly, the basic conditions for implementing the resolution are the paralysis of the Security Council due to the use of the veto and its inability to take decisions to maintain international peace and security and perform its primary task due to the objection of one of the permanent members, and the existence of a real threat to international peace and security in the presence of a crisis involving the use of force or a large-scale threat. This was evident in the three cases mentioned, as in the Korean case, the Soviet veto obstructed the work of the Security Council, and the situation clearly

¹ Borhi, Laszlo. (2004). "Hungary in the Cold War, 1945-1956: Between the United States and the Soviet Union". Edition. 1

threatened international peace and security and included armed military aggression. The same applies to the French and the British veto in the Egyptian case, which clearly threatens international peace and security, with the possibility of it turning into an occupation and the joint military aggression taking place there, and the Soviet veto in the case of the Soviet invasion of Hungary and the military repression that caused an international crisis threatening international peace and security. We find that the common factors between the aforementioned cases and the Palestinian case under discussion are the veto that obstructs the work of the Security Council and the situation that constitutes a real threat to international peace and security, especially with the presence of armed aggression. The Security Council has been obstructed more than 40 times due to the American veto, which provided protection to Israel and prevented it from being held accountable. The situation also seriously threatens international peace and security in terms of the wars on Gaza, which always pose the risk of escalating into regional wars in the region, and settlements, forced displacement, and massacres against civilians, all of which threaten regional and international stability. Palestine also enjoys international support, particularly in the General Assembly, where more than 30 countries recognize Palestine and often vote in favor of its resolutions. Therefore, it can be said that the conditions that led to the activation of Resolution 377 in Korea, Egypt, and Hungary apply legally and substantively to the Palestinian situation today.

Regarding the Palestinian situation, Palestine has remained under Israeli occupation for more than 75 years, during which the Israeli occupation has grossly violated all international laws and conventions. The Security Council has failed to put an end to this aggression, and has even exacerbated its effects, both in the occupied Palestinian territories and across the entire Middle East region. This is particularly true after the recent aggression on the Gaza Strip, which continues to this day. Israel has committed countless international crimes, violating international humanitarian law and human rights, and has committed genocide, the deliberate killing of countless civilians, and has demolished homes, hospitals, schools, and even UN facilities. It has also forcibly displaced residents of the Gaza Strip, the West Bank, and East Jerusalem, all within measures intended to impose facts on the ground that prevent the implementation of any international solution that aimed at restoring security and peace to the region, particularly the two-state solution, the primary international solution adopted in the Palestinian issue.

While the world is adopting an international solution that it considers the basic solution to the Israeli-Palestinian conflict, namely the two-state solution, and is seeking to keep this conflict confined to its geographical borders in the occupied Palestinian territories, and is seeking to oblige states to abide by international laws and the basic principles of the UN Charter, Israel has committed, and continues to commit, crimes of settlement, which violate these laws and violate the basic rights of Palestinians, the most important of which are the right to life, the right to freedom of movement, equality, and education. It increasing settlement expansion policies that increase the number of Israeli settlers in lands internationally classified as Palestinian in international resolutions on the status of two states. The presence of settlements there and the discriminatory system associated with them have made the two-state solution impossible to implement. In addition, the wall and the discriminatory system associated with it have also undermined this solution through the demographic changes imposed on the ground by one side, the Israeli side. In addition, the Israeli occupation is a long-term occupation that has exceeded the duration of any previous occupation without any justification, which has led us to emphasize describing its measures as measures that seek to maintain a colonial system that violates Security Council and the General Assembly resolutions, openly and publicly, shows contempt and mockery of it, and does not even make any attempt to implement it. Rather, it seeks, through its established procedures, to prevent it from even being implemented. In these practices, Israel violates the principles of membership in the UN, as evidenced by the calls of many countries to expel it from it and withdraw its membership in the General Assembly. It also violates international humanitarian law in its prisons by practicing the worst types of torture on Palestinian prisoners. Israel also uses the Oslo Accords, which it does not adhere to in any of its provisions, as an excuse to procrastinate and continue its illegal measures in the occupied Palestinian territories. The researcher proved its violation of all its provisions based on the VCLT, on the basis of which international agreements are signed, through facts and statistics that prove this, whether in the West Bank, the Gaza Strip, or East Jerusalem. This automatically led to a violation of the basis of the two-state solution, which is General Assembly Resolution 181, through which Israel changed, through its illegal measures, the proportions in the area specified therein, as well as the numbers of Jews and Palestinians by continuing with the crime of settlements to reach the complete annexation of the West Bank and East Jerusalem, which is It is prohibited by the laws of occupation, and Israel continues to commit genocide in the Gaza Strip, practicing all

kinds of international crimes, directly targeting civilians, and using internationally prohibited weapons. This aggression led to the intervention of Iran's arms in the Middle East and the transfer of the war to southern Lebanon, and directly between Iran and Israel, which makes it a regional war that threatens international peace and security. To this day, the Security Council has been unable to stop it or any of these Israeli crimes that are still ongoing, which made the international solution of the two-state solution impossible, and allows us to demand the activation of Resolution 377 in the General Assembly to unite for peace for Palestine.

Regarding the second objective condition for activating Resolution 377, which is related to the Security Council's failure to perform its duties in maintaining international peace and security due to the repeated obstruction of the use of the veto to issue resolutions that would mitigate the intensity of the conflict, after the researcher explained how the Israeli violations committed in the occupied Palestinian territories affected international peace and security, undermined the internationally adopted solution and made it impossible, and violated various international laws, agreements, and norms, the American veto came and aborted even the resolutions that would at least condemn this. We find in the resolutions that were met with the American veto issued by the Security Council, which the researcher explained in the first chapter of the research, where the researcher mentioned 32 repeated and arbitrary uses of the American veto against resolutions that would condemn Israel's practices and violations of international laws, and impose specific obligations on it. For example, we find that the veto vote on Resolutions: S/11940, 465, S/1995/394, S/1997/241, S/2001/1199, S/2011/24, and S/1060/2017 led to Israel's continued persistence in its settlement-related crimes, reaching this level. The US' policy, which does not consider settlements a crime, has become the dominant policy in Israel's actions regarding settlements.

The Security Council has also been unable to condemn the Israeli occupation's construction of the annexation and expansion wall or impose any obligation through a resolution compelling Israel to dismantle this wall, despite the issuance of an advisory opinion by the ICJ, the highest international judicial body, declaring its illegality. The General Assembly had requested its opinion. The US veto of resolutions S/2003/891, S/12022, and S/17459 prevented the Security Council from doing so.

Israel also has not been held accountable for any of its public and flagrant violations of these resolutions, and the Security Council has not been able to do so to this day. If it were to be questioned or held accountable, this long-term occupation would not have continued for more than 75 years. The American veto has also been an obstacle to any resolutions that would hold it accountable, or even document its violations through an official international body or fact-finding committees. This was evident in the American veto of resolutions: S/14943, S/14985, S/17459, S/19466, S/19780, 639, S/21326, S/2001/270, S/2002/1385, S/2003/980, S/2014/916, and S/2018/516. These resolutions would have condemned Israel's attempt to assassinate a number of Palestinian figures and its attacks on holy religious sites, especially Al-Aqsa Mosque, and denounced Israel's repressive policy towards the Palestinian civilians, and resolutions that would have sent international fact-finding committees to the occupied Palestinian territories regarding these practices, and established international observer protection forces to protect Palestinians from these practices. In addition, the US veto hindered condemnation of the killing of UN employees. The Security Council was unable to issue such a condemnation of Israel's killing of employees of the institution to which the Security Council belongs. This was evident in Resolution S/2002/1385, which was met with a US veto, as well as other resolutions related to ending the occupation, setting a specific timeframe for its end, and declaring a Palestinian state.

The US veto of Resolution S/2006/1508 also marginalized the issue of the Palestinian prisoners in Israeli occupation prisons, the torture, and the crimes committed against them, in addition to other resolutions that included them in substance.

The repeated and arbitrary use of the US veto on the aforementioned resolutions also weakens the Palestinian Authority's role in exercising control over the territories classified as A in the Oslo Accords and the territories classified as Palestinian territories under Resolution 181, the most important and fundamental resolution in the internationally adopted two-state solution. Resolution S/2024/312 was met with a US veto regarding Palestine's full membership in the United Nations.

The most important point in the second procedural condition, which is the repeated veto obstructing the Security Council's work in maintaining international peace and security, is that the Security Council has, to date, been unable to put an end to the ongoing Israeli crimes and aggression against the Gaza Strip, even to mitigate its impact

on the Palestinians by allowing humanitarian aid into the Strip. Resolutions S/2023/970, S/2024/173, and S/2024/835, which called for an immediate and urgent ceasefire in the Gaza Strip and the entry of humanitarian aid into the Strip, which continues to be subject to Israeli aggression, and a circumstances surrounding the commission of the crime of genocide are currently being investigated by the ICJ, and the Security Council has been unable to stop it or put any limits on its effects.

Accordingly, after the researcher clarified the applicability of the procedural conditions of Resolution 377 to what is happening in the Palestinian territories, where the Israeli violations and crimes committed in the occupied Palestinian territories constitute a clear threat to international peace and security and stand as a major obstacle to the international solution adopted to stop this threat to the two-state solution has made it impossible through its repercussions and the imposition of facts on the ground that would change the demographic nature of the Palestinian territories occupied in 1967, undermining the possibility of implementing this solution. This is in addition to its continued violation of international conventions, laws, norms, and Security Council resolutions and notifications, openly and explicitly, and the possibility of the crisis escalating into a regional war through Israel's aggression on the Gaza Strip opening several fronts in the Middle East, including Yemen, southern Lebanon, Syria, and Iran. This is in addition to the continued use of the US' veto against resolutions that would at least limit the effects of these violations or condemn them. The researcher believes that this repeated and arbitrary use of the American veto has actually made the Security Council derelict in performing its primary mission of maintaining international peace and security in the region. This has been evident in the Israeli violations and their impact on the international solution and the Middle East region, which the researcher explained.

3.2: Obstacles to Implementing 377 Resolution

To date, the Palestinian government has not submitted an official request directly and publicly to implement Resolution 377, as in previous cases discussed by the researcher, such as the Egyptian or Korean crises. However, there have been Palestinian attempts that can be classified as indirect or semi-official, within a framework similar to holding emergency sessions of the General Assembly regarding incidents related to Israeli violations in the occupied Palestinian territories, without directly moving towards

the legal and explicit implementation of the resolution. In other words, it can be said that the Palestinian Authority has been close to the path of Resolution 377 at several points. This was evident in its positions in the General Assembly regarding the Israeli aggression on the Gaza Strip, especially the 2014 aggression, in which it sought to issue resolutions condemning the aggression on the Strip and demanding international protection for the Palestinians. In 2014, Foreign Minister Riyad al-Maliki called on the Assembly to assume its responsibilities in light of the Security Council's failure to do so. This can be understood implicitly as a reference to the text of Resolution 377, but he did not submit an official memorandum to implement it, which means that there was no explicit announcement of the demand for this.¹

The Palestinians' resort to the General Assembly can also be viewed as an alternative to the Security Council, especially after the US used its veto multiple times. The Palestinian Authority resorted to the General Assembly, for example, in 2017 when the US vetoed a Security Council resolution calling for the rejection of the recognition of Jerusalem as the capital of Israel. It also turned to the General Assembly to hold an emergency session in 2018 after Israel killed peaceful demonstrators in the Gaza Strip. However, this extraordinary session was also not part of Resolution 377.²

Internally, there were various calls to activate Resolution 377, demanded by Palestinian political officials, such as calls from the Palestinian National Council and the Executive Committee of the Palestine Liberation Organization, and media statements by American officials calling for overriding the veto and the necessity of internationalizing the Palestinian issue, a discourse that is theoretically close to what was stated in Resolution 377.³

The demand for the activation of Resolution 377 also appeared explicitly among Palestinian civil rights organizations. In 2023, when the Security Council was unable to take a resolution that would stop the ceasefire in the Gaza Strip due to the repeated use of the American veto against resolutions that would have done so, the Palestinian

¹ Motamedi, Maziar. (11/12/2023). What's UN Resolution 377A, can it help in efforts to stop Israel-Gaza war?. Retrieved from: <https://www.aljazeera.com/news/2023/12/11/whats-un-resolution-377a-can-it-help-in-efforts-to-stop-israel-gaza-war>

² Ibid

³ Elshinnawi, Mohamed. (7/9/2011). Palestinians and UN – Statehood or Stalemate?. Retrieved from: <https://www.voanews.com/a/palestinians-and-the-un--statehood-or-stalemate-129467193/173196.html>.

human rights organizations: Al-Haq, Al-Mezan Center, and the Palestinian Center for Human Rights issued an urgent appeal to the General Assembly in which they explicitly called for the activation of Resolution 377, and demanded the imposition of sanctions on Israel to force it to stop the aggression. These appeals and reports explicitly acknowledged the paralysis of the Security Council in performing its duties in Palestine due to the American veto.¹

Also in September 2024, at the diplomatic level, the Palestinian mission to the UN sent a joint letter with a number of Arab countries, the Organization of Islamic Cooperation, and the Non-Aligned Movement countries, calling for the resumption of the emergency session of the General Assembly (ESS-10) within the framework of Resolution 377, with the letter adopting the advisory opinion of the ICJ on the illegality of the Israeli occupation of the occupied Palestinian territories. The Jerusalem Post also reported that the Palestinian Ambassador to the UN, Riyad Mansour, adopts the strategy that if a solution is not reached through negotiations, the General Assembly should move to Resolution 377. He indicated in his speeches that the official use of this framework has become possible if the solution process continues to be blocked by the veto.²

After reviewing previous solutions for implementing Resolution 377 and the conditions for demanding its implementation, the researcher believes that the Palestinian government's demand for its implementation may face challenges and obstacles, including the ongoing internal Palestinian dispute, the absence of a unified vision and policy for the international community, the division of power between the West Bank and the Gaza Strip, and the occupation's control over Jerusalem. This means the absence of a unified Palestinian territory, as discussed in this research, related to the implementation of Resolution 377. And even if Resolution 377 goes beyond the veto, the US may find another means of pressure on the Palestinians, such as threatening to cut funding to the Palestinian Authority or international agencies affiliated with the UN, such as UNRWA, in addition to its attempts to pressure countries that would support Palestine in this step by preventing them from supporting any such action. Also, Some

¹ Al-Haq Center. (26/10/2023). Open Letter: Palestinian Civil Society Organizations Call on the UN General Assembly to Urgently Adopt Resolution on Ceasefire. Retrieved from: <https://www.alhaq.org/advocacy/22029.html>

² Ibid

Arab countries that have already normalized relations with Israel may also fear escalation between them and may see the implementation of Resolution 377 as a threat to their interests with Israel, which would reduce their ability to stand in solidarity with the Palestinians in this step, as any international action would require it. Palestinian solidarity at the UN is not usually possible for independent international action. In addition, the challenge of the non-binding nature of General Assembly resolutions in general is challenged. Even if a vote in favor of a resolution is taken, it will not guarantee decisive enforcement action, such as the imposition of sanctions or other executive Security Council measures.

The challenge of the influence of Israel and its ally at the UN, the US, cannot be ignored. This country consistently seeks to undermine any international Palestinian action by accusing Palestinians of terrorism and corruption and pressuring other countries to prevent them from voting in favor of the Palestinians, even in regular sessions of the General Assembly, not just sessions under Resolution 377. International attention is currently focused on other global crises, such as the war between Russia and Ukraine, the situation in Yemen, and Sudan, despite the humanitarian suffering and ongoing Israeli aggression in the Gaza Strip.

3.3: Expected Results of Applying 377 Resolution on the Palestinian Case

As the researcher mentioned and emphasized throughout the research, Resolution 377, “UFP” is a resolution resorted to when a situation actually threatens international peace and security, in light of the Security Council’s inability and failure to perform its main tasks of preserving them. This has been proven so far, especially in the event of its failure to stop the Israeli aggression to date on the Gaza Strip. If it is possible and is activated for the benefit of the Palestinians, this will have an important consequences for them, whether on the legal, diplomatic, or even symbolic levels. First, it is expected that if it is activated, the General Assembly will issue a recommendation, the main task of which may not be legally binding, but it may become a clear political impact under Resolution 377, such as calling for the General Assembly to take collective international measures calling on the international community to impose economic or political sanctions on Israel or boycott it economically. It could also lead to a call to suspend Israel’s membership in international organizations, as it did previously with the government of South Africa. In addition, the General Assembly may recommend

providing international protection to the Palestinians or calling on the Security Council to send peacekeeping forces to the region. It may also recommend that member states not export weapons to Israel or stop investments in Israeli settlements in the Palestinian territories occupied in 1967. Although the General Assembly's recommendations are not internationally binding, they carry significant international political and moral weight.¹

The activation of Resolution 377 in the General Assembly regarding the Israeli violations in the occupied Palestinian territories will also work to revive the international momentum for full recognition of the State of Palestine. The General Assembly may adopt a new resolution reaffirming the right of the Palestinian people to self-determination, which is violated by Israel, and calling for their independence and full sovereignty on the 1967 borders. This will encourage states that have not yet recognized Palestine to do so. This happened previously when Palestine obtained the status of “non-member observer state” in the General Assembly in 2012 with a majority of 138 votes in the General Assembly pursuant to its resolution A/RES/67/19 on Palestine as a non-member observer state.² This will work to achieve broader international support for the right to self-determination and recognition of the Palestinian state and will increase the possibility of issuing a new resolution in the Security Council or the General Assembly calling for recognition of the State of Palestine as a full member state or expanding and increasing the number of states recognizing it and pressuring hesitant states to take a more balanced positions towards the Palestinians, such as Germany and Britain, which will strengthen Palestine's legal status in the UN and its affiliated organizations.³

These General Assembly recommendations, in addition to the possibility of calling on Member States to sever diplomatic relations with Israel or boycott companies involved in settlements or ongoing Israeli violations, could also include referring the situation to the ICJ again or supporting the investigations launched last year by the ICC, as previously stated in General Assembly report A/ES-10/17 of 2004 on "Practical Measures to End the Israeli Occupation".⁴ This support by the General Assembly could

¹ Besson, Samantha.(2022). General International "Law and the United Nations General Assembly". unpublished study. college of graduate studies. Oxford University. Oxford

² UNGA Resolution A/RES/67/19

³ Quigley, John. (2005). *"The Case for Palestine An International Law Perspective"*. Edition 1. Duke University press.

⁴ UNGA Report on Practical Measures to End the Israeli Occupation, Doc. Code: A/ES-10/17

be used as a political and legal tool to strengthen the Palestinian cases in the ICC and the ICJ, in particular. The General Assembly could again request an additional advisory opinion from the ICJ regarding ongoing Israeli violations or their legitimacy as occupation measures that reinforce the occupation and make its removal impossible.¹

Given that Resolution 377 allows the General Assembly to convene immediately when the Security Council is unable to maintain international peace and security due to repeated use of the veto, preventing it. This allows the General Assembly to bypass the Security Council's veto, which allows it to open the door to political and international pressure on the US and Israel, especially the US, which has the largest use of the veto regarding resolutions related to the Palestinians.² This will strengthen the legitimacy of Palestinian demands before the international community, meaning that here is the General Assembly proving to the international community that the American veto has been disabled to stop any of the Israeli violations that are taking place or to put an end to them.

At the diplomatic level, activating Resolution 377 regarding Israeli violations in the Palestinian territories occupied in 1967 would strengthen the Palestinian position diplomatically by giving a greater opportunity through global political platforms for Palestinian representatives, such as diplomatic missions, the Minister of Foreign Affairs, or the Palestinian delegate to the UN, to speak more broadly and at length about the occupation's violations and crimes before the international community and various international blocs. This would activate Palestinian action in various international organizations such as the Human Rights Council. This action allows Palestinian diplomats to build global support and pressure hesitant countries to take more balanced positions towards the Palestinian-Israeli position, and to re-articulate the political narrative in a manner based on international law and accountability, given the significant role diplomacy plays in mobilizing international support and its ability to communicate externally. By activating Resolution 377 as an international framework for the Palestinians, they can recalibrate the international diplomatic discourse and have a tangible impact on host countries, platforms, and international actors, which opens up

¹ UNGA Resolution A/RES/77/247

² UNUCPR. (21/9/2024). The role of the General Assembly in strengthening peace and security. Retrieved from: <https://unu.edu/cpr/event/role-general-assembly-strengthening-peace-and-security>.

a wider space for the Palestinians to confront Israeli international campaigns and enhance the presence of their cause in global forums.¹

At the end of this research, the researcher concluded that the Security Council's resolutions regarding the Palestinian issue were characterized by weakness despite the large number of resolutions taken regarding the Palestinian issue, which essentially demanded that the Israeli government fulfill its obligations towards the Palestinian people and protect them and the safety of civilians, and resolutions related to imposing temporary measures in cases of armed conflict and repeated aggression by Israel against the Palestinians, in addition to resolutions demanding that Israel commit to implementing its resolutions, and to support peace in Palestine, as stated in the contents of the General Assembly's resolutions in the same context, in addition to its most important resolution, Resolution 181 regarding the partition of Palestine into two states, which Israel violates through practices that seek to impose facts on the ground that would change the percentage and areas specified in the resolution and Resolution 194, which established UNRWA, the international agency concerned with Palestinian affairs. However, for these matters to be achieved, the Security Council had to pass a greater number Other binding resolutions that could have mitigated the conflict and compelled Israel to fulfill its obligations towards the Palestinians were met with a US veto, which prevented the Security Council from achieving a permanent and comprehensive solution to the Palestinian issue. Over the years, more than 30 resolutions that would have affirmed the Palestinian people's right to self-determination and passed measures to achieve this were met with a US veto. The researcher cited the texts of 32 of these resolutions. This repeated use of the veto and the lack of consensus among Security Council members on a resolution on more than one occasion and in a Security Council session have led to the Security Council's inability to resolve several issues, including: the fragmentation of the unity of the occupied Palestinian territories and their unilateral division by Israel; its continued construction of the annexation and expansion wall, which is likely to reinforce this division and further separate East Jerusalem from the rest of the occupied Palestinian territories, altering its demographic character and

¹ Hassan, Zaha & others. (2/7/2021). Reviving a Palestinian Power: The Diaspora and the Diplomatic Corps. Retrieved from: <https://al-shabaka.org/reports/reviving-a-palestinian-power-the-diaspora-and-the-diplomatic-corps/>

increasing the displacement and exodus of the Palestinian population; and the continued expansion of settlements and their penetration into the occupied Palestinian territories.

As for Resolution 377, "UFP," the General Assembly may recommend any necessary measures, including the use of armed force, to maintain international peace and security in cases where the Security Council appears to have failed to reach a unanimous decision due to the arbitrary and repeated use of the veto by one of its permanent members in a conflict that actually threatens international peace and security in cases of breaches of the peace or acts of aggression. The procedures recommended for the use of force within the right of self-defense are consistent with Article 51 of the UN Charter, and **only** to the extent recommended by the General Assembly. Under the resolution, the General Assembly may recommend measures not to use force or to refrain from using force. measures not to use force include imposing economic and military sanctions, calling for an economic or political boycott of the state that has breached the peace, refraining from providing military resources, or providing military and financial assistance to the state under attack. The General Assembly and the Security Council play complementary roles in restoring international peace and security.

Any internationally wrongful acts and violations by states of international obligations, including the prohibition of aggression, the violation of the right to self-determination, the establishment or maintenance of colonial domination by force, the protection of humans, the commission of genocide and apartheid, and the protection of the environment, are considered acts that threaten international peace and security or amount to international crimes. Continued acts require the activation of Resolution 377 in the event that the Security Council is unable to stop them due to the lack of consensus among its permanent members on a resolution or the repeated and arbitrary use of the veto by one of its permanent member states, especially when the impact of these practices extends beyond the national borders of the state committing the internationally criminal act in laws, charters, and agreements, and when this act causes human suffering to civilians, such as causing poverty, hunger, or displacement, and directly targeting civilians, especially when the state does not take into account the principles of necessity, proportionality, and distinction in its use of force.

3.4: Conclusions and Recommendations

Based on the above, the researcher reached the following set of conclusions:

1. The mandate of the Security Council and the General Assembly over the occupied Palestinian territories is to issue resolutions and recommendations aimed at reducing the intensity of the Palestinian-Israeli conflict. These resolutions essentially call on Israel to comply with its international obligations towards the Palestinians.
2. The repeated use of the US veto against Security Council resolutions affirming the Palestinian people's right to self-determination and imposing measures that enable them to do so has led to the Security Council's inability and failure to put an end to Israeli violations in the occupied Palestinian territories and separated Israel from all its responsibilities towards the Palestinians as an occupying power, in addition to the most important point of its inability to stop the ongoing aggression against the Gaza Strip and its perpetration of genocide there
3. Resolution 377, "Uniting for Peace," can be invoked in the General Assembly when the Security Council has proven its failure to reach a solution to a conflict that genuinely threatens international peace and security. The Assembly can recommend the necessary measures to restore international peace and security, including the use of armed force. It can recommend measures using or not using force by imposing economic or political sanctions on the aggressor state, providing material and military assistance to the aggressed state, or sending peacekeeping missions to the region and achieving disarmament.
4. A situation that threatens international peace and security occurs when states violate their obligations under international law and commit internationally prohibited crimes, including practices that establish or maintain a colonial regime. This calls for the intervention of the General Assembly under Resolution 377, especially when the practices cross the national borders of the aggressor state and cause human suffering to civilians as a result of internationally prohibited and criminal behavior, and the Security Council fails to put an end to these practices
5. Previous cases in which the UFP measures were implemented actually necessitated resorting to the resolution, as the conditions for the Security Council's failure to resolve them were met, due to the repeated use of the veto by

the Council's permanent members and the actual threat to international peace and security

6. Israel commits crimes that violate international law, including international humanitarian law, human rights law, the Geneva Conventions, treaty law, the laws of war, and the laws of occupation
7. The UN Security Council has failed to put an end to any of the ongoing violations, practices, and crimes of the occupation, a primary reason for which is the repeated and arbitrary use of the US veto against any resolution that would do so
8. Israeli crimes in the occupied Palestinian territories threaten international peace and security. It completely undermines international solutions to the conflict, and in several cases has almost escalated to a regional war that threatens the security and peace of the entire Middle East region.
9. The Palestinian situation meets the necessary conditions to demand the implementation of Resolution 377 in the General Assembly, as it has been proven that the Security Council has failed to resolve the conflict or mitigate its severity. The conflict threatens international peace and security, not just Palestinian peace and security. This prompts us to demand Uniting for peace for Palestine.
10. Under Resolution 377, the General Assembly could issue recommendations calling on the international community to impose economic or political sanctions on Israel as measures not to use force, or recommendations for measures using force such as sending peacekeeping and security missions to the region.
11. The implementation of Resolution 377 on Israeli violations in the occupied Palestinian territories strengthens the Palestinian position internationally, increases recognition of the State of Palestine, and puts international pressure on countries with hesitant positions to adopt more balanced positions towards the Palestinians

Finally, the Palestinian people, like all other peoples, have the right to live in freedom and peace, and they have the right to self-determination and resistance until the end of the occupation. These rights are affirmed in several international resolutions and charters. Previous cases in which the General Assembly was resorted to under the

"Uniting for Peace" principle demonstrated the seriousness of the situations and their international impact. In this study, the researcher did not seek to prove that UFP is the magic formula that will resolve the Palestinian issue, with its complexities and ongoing suffering for more than 75 years. However, its role in previous cases has been influential in reaching measures that would limit the severity of the situation and mitigate its escalation. For the sake of uniting for peace for Palestine, perhaps getting an international condemnation of what Israel is doing, and perhaps international pressure to force it to fulfill its international obligations, and grant the Palestinian people their usurped rights, and perhaps even an international discussion about the situation might take place, in which states express their opinions and positions, as in any regular General Assembly session. However, what is certain is that the situation in Palestine, their violated rights, and the effects of these violations have reached a level of seriousness that requires the world to unite for Palestine.

Accordingly, the researcher recommends the following:

1. Formulating a national strategic plan based on integrating the various active elements within the Palestinian people, working internationally as a tool for struggle, as a legal and diplomatic program based on solid foundations, avoiding reaction or trial and error, with the focus of working on Resolutions 377 and activating them to serve the Palestinian cause.
2. Mobilize international opinion and human rights organizations to support the implementation of Resolution 377 as a more realistic legal option in light of the Security Council's continued obstruction of any substantive resolution regarding Palestine.
3. Competent officials in the Palestinian government should submit a comprehensive legal file to the General Assembly, highlighting the Security Council's failure to act and the threat posed by Israeli violations to international peace and security.
4. Prepare a documented file on Israeli crimes, including ongoing Israeli violations, supported by legal evidence and documented testimonies.
5. Submit an official request to hold an emergency session of the General Assembly under Resolution 377, providing the necessary legal documents and evidence.

6. Coordinate with the Non-Aligned Movement, Islamic countries, and countries affected by the Security Council's veto power to build an international coalition supporting the Palestinian demand to implement Resolution 377.
7. Palestinian civil society organizations should establish a reliable database that systematically documents Israeli crimes and violations, which can be used for legal, media, and diplomatic pressure in international forums.
8. Increase international pressure on states to recognize Israeli violations as systematic international crimes, including crimes of apartheid, genocide, and forced displacement.
9. Call on the international community to adopt more effective alternative means of protecting civilians through international blocs and non-governmental organizations.

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صلاحيات الجمعية العامة في التدخل في الانتهاكات الإسرائيلية على الأراضي الفلسطينية المحتلة عام 1967، بموجب قرارها رقم 377، الاتحاد من أجل السلم"

إعداد: ياسمين وليد ياسر حمد

لجنة الإشراف:

د. عبد الحليم عطية

د. رزق سلمودي

د. سنية الحسيني

د. يعقوب الحلبي

الملخص

تهدف هذه الدراسة إلى تحليل إمكانية تفعيل قرار الجمعية العامة للأمم المتحدة رقم (377) المعروف بقرار (الاتحاد من أجل السلام)(UFP)، وذلك في ضوء تأثير الانتهاكات الإسرائيلية المرتكبة في الأراضي الفلسطينية المحتلة على السلم والأمن الدوليين، وفقاً لميثاق الأمم المتحدة. وتسعى الدراسة إلى إثبات مدى خطورة هذه الانتهاكات على الأمن والسلم الدوليين، وتوضيح أثر الاستخدام المتكرر للفيتو الأمريكي في مجلس الأمن على تعطيل صدور أي قرارات من شأنها التخفيف من حدة هذه الانتهاكات أو فرض التزامات على إسرائيل، مما يجعل من الممكن اللجوء إلى تفعيل قرار الجمعية العامة رقم (377)، استناداً إلى نص القرار الذي يتيح للدول الأعضاء تحريكه عند ثبوت عجز مجلس الأمن عن أداء واجباته الأساسية في حفظ السلم والأمن الدوليين بسبب تكرار استخدام الفيتو الذي يعوق توافق أعضائه الدائمين.

تناولت الدراسة حالة الأراضي الفلسطينية المحتلة عام 1967، وتهدف إلى إثبات أن هذه الانتهاكات تشكل تهديداً لا يقتصر على مصالح الشعب الفلسطيني وحده، بل يمتد ليهدد الأمن والسلم في المنطقة والعالم بأسره. وتقدم الدراسة أدلة وبراهين على عجز مجلس الأمن عن وقف هذه الانتهاكات أو إلزام إسرائيل بتنفيذ قراراته، في ظلّ الاستخدام المتكرر للفيتو الأمريكي لصالح إسرائيل وضد أي قرارات داعمة لفلسطين وقضيتها، مما أدى إلى تعطيل تطبيق القرار رقم (377) «الاتحاد من أجل السلام.»

اعتمدت الباحثة المنهجين الوصفي والتحليلي للوصول إلى نتائج الدراسة، وكان من أبرزها أنّ إسرائيل ترتكب بالفعل جرائم ترقى إلى مستوى التهديد للسلم والأمن الدوليين، وأنّ الاستخدام الأمريكي المتكرر لحق النقض (الفيتو) ضد قرارات مجلس الأمن التي تؤكد حق الشعب الفلسطيني

في تقرير مصيره واتخاذ التدابير الكفيلة بتمكينه من ذلك، قد أدى إلى عجز المجلس عن إنهاء الانتهاكات الإسرائيلية في الأراضي المحتلة.

خلصت الدراسة إلى أنّ الحالة الفلسطينية تستوفي الشروط اللازمة للمطالبة بتفعيل قرار الجمعية العامة رقم (377)، إذ ثبت فشل مجلس الأمن في حلّ النزاع أو الحدّ من خطورته. وأوصت الباحثة بضرورة تعبئة الرأي العام الدولي والمؤسسات الحقوقية لدعم التحرك نحو تطبيق القرار (377) كخيار قانوني واقعي في ظل استمرار عرقلة مجلس الأمن لأي قرارات جوهرية بشأن فلسطين، مع تقديم طلب رسمي لعقد جلسة طارئة للجمعية العامة بموجب القرار المذكور، وإرفاق الملفات القانونية والأدلة اللازمة لذلك.

الكلمات المفتاحية: الجمعية العامة، القرار 377 «الاتحاد من أجل السلام»، الفيتو، مجلس الأمن، الانتهاكات الإسرائيلية.