



United Nations Resolutions

The United Nation General Assembly (UNGA) and the 15-member Security Council (UNSC) has passed over 600 resolutions related to the division of the former British mandate of Palestine and the subsequent Palestinian-Israeli conflict since 1947. The following is an assemblage of the most important objectives of the resolutions.

Resolution 181(II) - 1947

On 29 of November 1947, the UNGA adopted resolution 181, which recommended a partition of Mandatory Palestine at the end of the British Mandate. Resolution 181(1947) was based on the plan of creating two independent Arab and Jewish states and a special international regime for the city of Jerusalem. According to the four-part Partition Plan, attached to resolution 181(1947), the British armed forces would withdraw before 1 August 1948 and the two new states would come to exist no later than 1 October 1948. In the transition period a Commission, elected by UNGA and guided by UNSC, would take over the administration of Palestine and help to establish a Constituent Assembly of each state and administrative organs of government, central and local in both the Arab and Jewish states. The intention of resolution 181(1947) was that the Constituent Assembly in each state should draft a democratic constitution that guarantee:

“...all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association...”

Resolution 181(1947) prohibits discrimination of any kind between inhabitants on the grounds of race, religion, language or sex. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws. The UNGA still stand by its believe in a two-state solution based on the pre-1967 borders, as well be demonstrated in all subsequent relevant resolutions.

1947 – 1948 Ethnic Cleansing of Palestinians

One day following the vote on UNGA Resolution 181 (1947) and its rejection by Arab States, Zionist paramilitary troops commenced on 30 November 1947 in attacking Palestinian civilians and villages and continued until 14 May 1948. The UNSC reacted by adopting Resolution 42 on 5 March 1948 by appealing to all governments and people to aid the situation in any way possible. One month later, on 1 April 1948, UNSC noted increasing violence and disorder in



Palestine and called upon the Arab and Jewish groups to cease act of violence immediately in resolution 43 (1948) and UNSC asked the Jewish Agency of Palestine and the Arab Higher Committee to collaborate with the Security Council in arranging and enforcing a truce. UNSC's resolutions 46 (1948), 48 (1948), 49 (1948), 50 (1948), 53 (1948), 54 (1948), 56 (1948), 61 (1948), 62 (1948), and 66 (1948) all followed and emphasized Resolution 43 (1948), calling for a ceasefire and the maintenance of truce.

Conciliation Commission

The events that followed UNGA Resolution 181 until 14 May 1948 led to the exodus of at least 700,000 Palestinians, who became refugees in Jordan, Syria, Lebanon, West Bank and Gaza Strip. In response to the refugee cause and to other implications of the ethnic cleansing of Palestinians, UNGA adopted resolution 194 on 11 December 1948, which states:

“Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible”

The resolution also establishes a Conciliation Commission, previously mentioned in resolution 181(1947). The purpose of the Conciliation Commission is to establish contact between all stakeholders and involved parties to achieve settlement of all outstanding issues and questions between them. The resolution instructs the Conciliation Commission to seek arrangements among the Governments and authorities that can “facilitate the economic development of the area including arrangements for access to ports and airfields and the use of transportation and communication facilities.” The work of the Conciliation Commission continues to be relevant today because it has never reached its objective.

1967 Arab-Israeli War

Continued tensions in the region between Israel on one hand and Egypt, Jordan and Syria on another hand, ultimately led to the outbreak of a full-scale war in 1967 when Israel set the objective to reopen the Straits of Tiran to Israeli shipping. 1967 Arab-Israeli War lasted from 5 – 10 June 1967. The war resulted in the occupation of the West Bank, including east Jerusalem, Gaza Strip, Sinai Peninsula and Golan Heights. Additionally, Israel annexed east Jerusalem immediately after the war in contravention with principles of international law. A number of



UN resolutions are relevant to the six day war, including UNSC resolutions 233 (1967), 234 (1967), 235 (1967), 236 (1967), 237 (1967) and UNGA resolution 2252 (1967) that called for an immediate ceasefire and emphasized the importance of adhering to provisions of international humanitarian law, including protection of the civil population, the prisoners of the war, and to respect the human rights.

Following the 1967 war, the UNGA issued Resolutions 2256 (1967) and 2257 (1967), which emphasized that the UN remained seized on the matter of the situation in the Middle East and added the situation to the agenda of the 22nd regular session of the General Assembly. UNSC Resolution 242 (1967) recalled that all member states in their acceptance of the Charter of the United Nations have committed to act in accordance with the Charter principles, emphasizing the inadmissibility of the acquisition through the use of force and the need to work for a just and lasting peace in the region. UNSC Resolution 242 demanded Israel to withdraw its armed forces from territories occupied after the war in 1967 and to acknowledge the sovereignty, territorial integrity and political independence of every state with the right to live in peace and security.

Israeli practices affecting the human rights of the Palestinian People

Israel's continued occupation of Palestinian territory, including the annexation of east Jerusalem, following the 1967 war and associated system of oppression and domination is in violation of International Humanitarian Law, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; relevant UN Resolutions; and International Human Rights Law. This includes the acquisition of territory through the use of force, whether through annexation or through settlement expansion; use of collective punishment; restrictions on freedom of movement and closure of areas; and policies and practices designed to change the legal status, geographical nature and demographic composition of the State of Palestine, including Jerusalem. UNGA resolution 54/79(1999) addressed this issue, emphasizing these actions and measures' inadmissibility and illegality, calling for their immediate rescind, particularly those pertaining to the territorial integrity of Palestine.

On another level, UNGA expresses grave concern with respect to Israeli acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians, and properties, including homes, mosques, churches and agricultural lands; further, UNGA condemns acts of terror by several extremist Israeli settlers in resolution 72/14(2017). Additionally, UNGA, in



resolution 72/14(2017) highlights the disastrous socioeconomic and humanitarian crisis in the Gaza Strip due to the blockade and point out that efforts should be aimed at rehabilitating and developing the damaged Palestinian economy and opening Gaza's borders.

Assistance to Palestine Refugees

In the aftermath of the ethnic cleansing of Palestinians in 1948, UNGA stressed its concerns about the Palestinian refugees on 19th November 1948 in its resolution 212, which emphasized the dire humanitarian situation of Palestinian refugees and need for aid and relief, stating:

"...action must be taken to determine the necessary measures [of relief] and to provide for their implementation"

Resolution 212 (1948) paved the way for the establishment of the United Nations Work and Relief Agency for Palestinian Refugees in the Near East (UNRWA) through UNGA Resolution 302 of December 1949. The presence of the UNRWA to provide relief services does not negate the right of Palestinian refugees to return to their homeland in accordance with UNGA's resolution 194 (1948). Resolution 194(1948), recalled countless times, stresses that

"Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensations should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."

As Resolution 194 is yet to be realized in fulfillment of the Palestinian right of return, the UNGA has repeatedly renewed UNRWA's mandate recently extending it until 30 June 2020.

Notwithstanding UNRWA's relief and work programs, the right of return of Palestinian refugees is recalled, since 1948, annually by the UNGA: resolution 302 (1949), 393 (1950), 394 (1950), 513 (1952), 614 (1952), 720 (1953), 881 (1954), 916 (1955), 1091 (1957), 1018 (1957), 1191 (1957), 1315 (1958), 1456 (1959), 1604 (1961), 1725 (1961), 1856 (1962), 1912 (1963), 2002 (1965), 2052 (1965), 2154 (1966), 2341 (1967), 2380 (1968), 2522 (1969), 2653 (1970), 2756 (1971), 2912 (1972), 3053 (1973), 3227 (1974), 3370 (1975), 31/22 (1976), 32/40 (1977), 32/111 (1977), 33/81 (1978), 34/52 (1979), 35/13 (1980), 36/146(1981), 37/120(1982), 38/83 (1983), 39/99 (1984), 40/165 (1985), 41/69 (1986), 42/69 (1987), 43/58 (1988), 44/47 (1989), 45/73



(1990), 46/46 (1991), 47/69 (1992), 48/40 (1993), 49/35 (1994), 50/28 (1995), 51/128 (1996), 52/63 (1997), 52/62 (1997), 53/51 (1998), 54/75 (1999), 54/74 (1999), 55/129 (2000) 55/128 (2000), 56/58 (2001), 56/57 (2001), 56/56 (2001), 58/95 (2002), 58/95 (2003), 59/120 (2004), 59/119 (2004), 60/102 (2005), 61/114 (2006), 62/104 (2007), 63/93 (2008), 64/89 (2009), 65/100 (2010), 66/74 (2011), 67/116 (2012), 68/78 (2013), 68/88 (2014), 70/85 (2015), 71/93 (2016), and 72/80 (2017).

As can be seen, the issue of Palestine refugees remains on the agenda of the UN since 1948. In resolution 72/80 adopted on 7 December 2017, the UNGA refers to the growing needs of the Palestinian refugees in Jordan, Lebanon, Syrian Arab Republic and Palestine; emphasizes the inalienability of the right of return of Palestinian refugees; and requests funding to support the work of UNRWA in its work to provide education, health, relief and social services and ongoing work in the areas of camp infrastructure, microfinance, protection and emergency assistance.

That same day UNGA also adopted resolution 72/83(2017) recalling the Universal Declaration of Human Rights and the principles of international law to uphold that no one shall be arbitrarily deprived of his or her property. Furthermore, resolution 72/83 (2017) recalls resolution 394 (1950), in which the Conciliation Commission, continued in consulting with concerned parties to prescribe measures for the protection of the rights, property and interests of Palestine refugees. The Conciliation Commission announced in its twenty-second progress report that the Land Office has a schedule of Arab owners and a file of documents defining the location, area and other particulars of Arab property. The importance of this information lies in facilitating a just resolution of the plight of the Palestine refugees in conformity with resolution 194 (1948).

International Status of the City of Jerusalem

One of the most contentious issues revolves around the legal status of east Jerusalem and especially the Old City of Jerusalem. Positions on the legal status of Jerusalem vary among States. Proposals range from support to east Jerusalem being the capital of the State of Palestine and west Jerusalem the capital of the State of Israel while another proposal seeks to confer an international status over the unified city as outlined in UNGA's resolution 181 (1947). The plan was that the UN should administer the international status of Jerusalem to preserve freedom of transit and visits for all residents and citizens, while Israel and Palestine should control residence within its borders. According to UNGA's resolution 181(1947) and the following UNGA resolutions; the borders of the City of Jerusalem should include the municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which



shall be Abu Dis, the most southern Bethlehem, the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat. The UNGA requested in 1947 of UNSC to take further steps to ensure the demilitarization of Jerusalem, and UNGA asked for an agreement, among the Governments and authorities concerned, of the freest possible access to Jerusalem by road, rail or air to all inhabitants of Palestine.

After the Arab-Israeli War 1947-1949, UNGA's resolution 303(1949) clarifies that UNGA remains on the position it held before the war. Additionally, after the Arab-Israeli War in 1967, UNSC reaffirmed in resolution 252 (1968) that Israel has failed to comply with UNGA resolutions and emphasized the illegality of the annexation of east Jerusalem in light of the inadmissibility of the acquisition of territory through the use of force. Additionally, the UNSC considers all legislative and administrative actions taken by Israel to change the status of Jerusalem, "including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem" remain invalid and cannot change that status. UNSC's resolution 271 (1969) announced in the aftermath of arson attack on Al-Aqsa Mosque in Jerusalem by Denis Michael Rohan, that the attack underlined Israel's need to respect previous UN Resolutions and condemned Israel for failing to do so.

Another important UNSC resolution on this issue is resolution 478(1980). While Israel *de facto* annexed east Jerusalem in June 1967, it completed the *de jure* annexation in gradual, incremental steps. In 1980, the Israeli Knesset passed "Basic Law: Jerusalem, Capital of Israel." The law stated in Article 1 "Jerusalem, complete and united, is the capital of Israel". In response, UNSC Resolution 478 reaffirmed in its preamble that the acquisition of territory by force is inadmissible, censured in the strongest terms Israel's enactment of the "basic law", decided not to recognize the "basic law", and requested that member states that have established diplomatic missions in Jerusalem to withdraw them.

The declaration of the President of the United States, Donald Trump, that Jerusalem is the capital of Israel on 6 December 2017 was met with a Security Council Resolution to withdraw recognition of Jerusalem as the capital of Israel. Naturally, the resolution was vetoed by the United States. Consequently, an emergency session for the UNGA was organized, which voted in a landslide to withdraw recognition of Jerusalem as the capital of Israel in accordance with the 'Uniting for Peace' procedure. The importance of this vote lies in that the procedure, under UNGA Resolution 377 (1950), serves as a pathway around a Security Council veto.



Another important resolution is UNGA resolution 56/31 (2001), which determined that Israel, the occupying power, has altered or purported to alter the character of the city and UNSC called these legislative, administrative measures and actions taken by Israel: “...null and void and must be rescinded forthwith.” Additionally, UNGA resolution 63/30 (2009) expressed grave concern about the continuation of illegal settlement activities including the so called E-1 plan; Israel’s construction of the wall in and around east Jerusalem; its restrictions on access to and residence in east Jerusalem; and the further isolation of the city from the rest of the Occupied Palestinian Territory. All these acts have a detrimental effect on the lives of Palestinians. Resolution 63/30 (2009) points towards a solution that takes considerations of both parties into account and that ensure the freedom of religion, conscience of its inhabitants and permanent, free and unhindered access to the holy places by the people of all religions and nationalities.

Israeli Settlements

Settlement construction and expansion is illegal under International Humanitarian Law. Article 49, paragraph 6, states:

“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

The latest binding Resolution on the issue of settlements is UNSC Resolution 2334 (2016). The resolution recalled previous resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 478 (1980), 1397 (2002), 1515 (2003) and 1850 (2008). Resolution 2334 (2016) is a firm and insistent reminder of Israel’s obligations, as the occupying power, to respect its legal obligations and responsibilities having signed the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. UNSC condemn all measures at altering the demographic composition, character and status of the Palestinian territory occupied since 1967, including east Jerusalem. These being the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, and demolition of homes and displacement of Palestinian civilians. These actions are in violation with international humanitarian law and relevant resolutions.

UNSC reiterated its concern that settlement activities are threatening the objectives and realization of the two-state solution and recalled its obligation under the Quartet roadmap in resolution 1515 (2003) for a freeze of all settlements by Israel, including “natural growth”, and the dismantlement of all settlements build since 2001. In resolution 2234 (2016) UNSC continue to push for its vision of a region where two democratic states, Israel and Palestine, live side by



side in peace within secure and recognized borders. “...*status quo* is not sustainable and that significant steps consistent with the transition contemplated by prior agreements...”

In resolution 2234 (2016) UNSC called upon member states to bear in mind to distinguish between the State of Israel and the territories occupied since 1967. UNSC called upon both parties to refrain from provocative actions, incitement and inflammatory rhetoric to de-escalate the situation, rebuild trust and confidence, demonstrated through policies and actions committed to the two-state solution and creating the conditions necessary for promoting peace.

UNSC resolution 446 (1979) determines that the policy and practices of Israel in establishing settlements in Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. Several UNSC and UNGA resolutions since 1967 have recalled resolution 242 (1967) and 446 (1979) to persist in pressuring Israel to uphold and abide by the principles of international law.

Israeli settlements also existed within Egyptian territory in the Sinai Peninsula and within the Gaza Strip following the 1967 war. Israel dismantled 18 settlements in the Sinai Peninsula in 1982 and 2005 it dismantled 21 settlements in the Gaza Strip and 4 in the West Bank. However, Israel continues to expand its settlements and setting new areas for construction in the West Bank despite numerous UN resolutions.

The Israeli Government and PLO in the United Nation General Assembly

While Israel was granted membership in the United Nations on 4 March 1949 through UNSC resolution 69 (1949), considering Israel is a peace-loving state, Palestine is yet to enjoy a similar status.

On 29 November 2012 UNGA adopted resolution 67/19 (2012) in which UNGA recalled the principle of resolution 58/292 (2004) affirming that the status of the Palestinian territory occupied since 1967, including east Jerusalem remains a military occupation. According to international law and relevant UN resolutions, as the Palestinian people are entitled to the right of self-determination and to sovereignty over their territory, the UNGA continues to recognize the PLO as a non-state observer entity in UNGA.

The PLO was granted the status of non-state observer for the first time on 22 November 1974 when UNGA adopted resolution 3237 (1974). The Resolution effectively recognized the PLO as



the sole legitimate representative of the Palestinian people. Nine years later UNGA past resolution 43/160 (1988) granted the PLO the right to circulate communications without intermediary like other official documents of UNGA. Later the same year UNGA in resolution 43/177 agreed on changing the term they use to describe PLO in the UN system. As UNGA recognizes the PLO as the representative of the Palestinian people, the PLO is referred to as 'Palestine' in the UN system. In UNGA resolution 52/250 (1998) Palestine was granted the right to participate in general debate and additional rights.

In resolution 67/19 (2012) UNGA expressed its hopes that UNSC will consider the State of Palestine's application to become a full member of the UN.