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ISRAELI/PALESTINIAN CONFLICT: A REVIEW OF THE PAST AND THE PRESENT

Walnshak Alheri Danfulani (Corresponding Author)

Department of Politics and International Studies, Girne American University, Üniversite Yolu Sk,
Karaman 99320 Girne, Via Mersin 10, North Cyprus/Center for Conflict Management and Peace
Studies, University of Jos, Plateau State, Nigeria
E-mail: walnshak@gmail.com/+905338428747

Jesse James Leawat

Center for Conflict Management and Peace Studies
University of Jos, Plateau State, Nigeria
E-Mail: leawatjesse2014@gmail.com

Dr Luka Dajahar Dinshak

Center for Conflict Management and Peace Studies
University of Jos, Plateau State, Nigeria
E-mail: dinshakluka@gmail.com

ABSTRACT

The Israel/Palestine conflict has attracted both regional and global attention for a very long time. It seems to go on unabated despite several attempts at a resolution by world leaders, the United Nations (UN) and other regional and international bodies. The UN has been at the center of finding ways to produce a win-win scenario to the parties in the conflict but no suggestion or agreement has so far been able to meet the demands/interests of the parties. These parties are very rigid with regards to their demands/interests and in most cases are willing to do all it takes to come out on top. So, what are the issues of contention? What has been done so far to reduce the tension and resolve the conflict? This study therefore tried to review the past, present and so many issues in-between to see some of the key actions taken by the United Nations, Arab Nations and the United States to try to find a resolution to the conflict. A lot has been done but a lot more needs to be done before these two long term enemies can be on the path of sustainable peace. The UN, United States, Arab Nations and other major power brokers in the region like Russia and Turkey all have a major role to play in ensuring that a lasting solution is found. This paper thus seeks to highlight all these issues as the debate continues towards finding lasting peace in the region.

Keywords: Conflict, United Nations, Peace, Middle East, Israel, Palestine

INTRODUCTION

The occupation of the territory formerly known as Palestine by the Israeli's continues to cause widespread debates especially over the legality of their displacement of the Palestinian population and their allowing the Palestinian refugees the right to return. Furthermore, the Israelis are not willing to allow the Palestinians to have a formal form of government over a specific territory like every other nation in the world. The conflict is very complex in nature in the sense that even within both communities (Israeli and Palestinian) there are radical divisions which makes it difficult for decisions to be reached and also to abide with these decisions. Thus, the debates are reoccurring both within and outside the territory. This and many more issues of contention as would be discussed in this paper Varying resolutions from the United Nations and precedents from international laws have been invoked on the parties to the conflict but have been consistently neglected by the warring parties. This paper aims to look into some of the narratives to the conflict and the arrays of solutions from within and outside Israel that have been both successful and unsuccessful to ascertain the prevailing situation and what lays ahead for both parties and the region as a whole.

The paper will exploit secondary sources of data varying from articles to books, newspapers, magazines, documentaries, resolutions and personal experience from previous discussions on the topic. The paper will thus begin by giving a brief history of the conflict; analyzing the warring parties; it also considers the various legal frameworks that have been put in place in pursuit of a resolution; and it will look at the various attempts at finding a resolution like the Oslo and Camp David Accords.

BRIEF HISTORY

Some writers attribute the start of the Israeli/Palestinian conflict to the Second World War that saw atrocities that led to the death of over six million Jews and the migration of millions of Jews in a mass 'Zionist' movement. This mass movement saw the repatriation of occupied by Palestinians under the colonial rule of the British. This led to a bitter struggle between the Israeli's and the Palestinians as they embroiled in one of the most tragic and intractable conflicts in the world today (SBS News, 2019). However, the conflict between these two groups can be traced to about half a century prior to the Second World War.

The area known as Israel today was officially Palestine starting 1917 (SBS News, 2019) as they made up the majority of the populace in the area then with a few Jews and Turks were also resident there. Between 1882 to 1948, SBS News reports that there had been large scale movements of Jews into the area in several 'Aliyahs' resulting in surges in the numbers of Jews then residing in the region making it a major attraction for other Jews around the world to want to return home. These movements were sparked by embittered Jews who were fleeing oppression in eastern Europe around 1881 especially from Russia at a time also marked by the "writings of Moses Hess, Judah Alkalai, Zvi Hirsch Kalischer and Theodor Herzl" about Zionism in building a national home for the Jews in Ottoman ruled Palestine (Morris, 2004:9). The Zionist movement back to this region was a conscious, calculated and planned strategy that emanated from the first Zionist congress that was held in Basel, Switzerland in 1897 (Jewish Virtual Library, n.d.). This meeting had at the top of its agenda the finding and repatriation of Jews to a permanent home which was in an area inhabited by majority Palestinians. This move was later supported by a British Declaration (the Belfour Declaration) in 1917 affirming Palestine to be a national home for the Jewish returnees despite apprehensions and rebuffs by the Palestinians (SBS News, 2019; BBC, 2019; Morris, 2004) after they had taken over the area as a colony with the defeat of the Ottoman empire in the first world war (BBC, 2019). For the Jews, it marked a return to their ancestral home while for the Palestinians it was an incursion into their land ensuing resultant violence between Jews and Arabs (BBC, 2019) and also between the Arabs and the British against the Arabs and later a refusal by the British of more Jewish immigration in favor of the Arabs.

The hitherto peaceful coexistence that existed between the Jews, Turks and Palestinians slowly gave way to conflicting and competitive relationships. But in patience and submission the Jews kept coming in smaller numbers to serve as workers, farmers and to some extent, even slaves to the then occupants of Palestine till their number kept surging higher and higher with the ever-increasing aliyahs. These conflicts saw the displacement of Palestinian populations and more competition over scarce resources. Of significance is the Arab revolt in 1936 which Galnoor (1995:35) believes "placed the possibility of establishing a Jewish State on the political agenda" despite earlier discussions on the issue in 1934 of likely geographic separation between the Israelis and the Palestinians. This led to further discussions by the British colonialist and an onward proposal to the League of Nations in 1937 for ratification which led to a subsequent postponement on any decisions with regards to partitioning (Galnoor, 1995). After the second world war, the British relinquished their colonial obligation over Palestine leaving the UN with the task of finding a solution to the statehood and governance debacle inherent in the region especially with the conflicts that have arisen due to the Jewish population surge as most Jews that were displaced during the second world war were afraid of moving back to their old habitations because of anti-Semitic fears leaving the UN with the obligation to find a place to repatriate them (United Nations, 1947).

The 1947 report of the UN Special Committee on Palestine (UNSCOP) stated that despite offering to resettle the displaced Jews in other countries, they were met with stiff resistance as a majority of them affirmed they weren't going to settle in any other country except Palestine. The Arabs wanted a unitary Palestinian state, some members of the UN committee advocated for a federal state with shared powers which was rejected by both the Jews and Arabs and the other part of the committee opted for two independent states which was very much accepted by the Israelis to the disgust of the Palestinians (Isseroff, 1947). This led the UN under the auspices of the UNSCOP to come up with a partition plan that opted for both Israeli and Palestinian states living side by side with Jerusalem being marked as a neutral international zone because of the contentious issues surrounding it.

The plan made provisions for an economic union between the Israelis and the Palestinians (United Nations, 1947). This purported promulgation was however unsatisfactory to the Palestinians stating the illegality of taking their lands and relinquishing it to the Jews. As such, because of the refusal by Arabs both within and outside Palestine, the UN partition plan wasn't implemented (Galnoor, 1995). Galnoor pointed out that the conditions for partitioning weren't exactly favorable to Israel but was acceded to by the Jewish leadership then because their desire for statehood far outweighed any other benefits that could have accrued to them at that point in time. So, despite the omission of Galilee, winding boundaries, not enough agricultural land, likely rise in population due to the return of more Jews, proximity to large Arab populations and the high propensity for conflicts with its Arab neighbors, the Israelis were happy to have a partition deal. Israel was given 'de facto' recognition by some nations while others gave it 'de jure' recognition.

THE CONFLICTS

1947/48: the Jews declared an independent state of Israel (BBC, 2019) claiming the territories they were already in control of immediately after the British ended their colonial mandate in Palestine on the 14th May 1948. The refusal of the Palestinians to accept this ultimately led to an all-out war which is known as the first 'Arab-Israeli war' – the Arab nations surrounding them united behind the Palestinians to back the Palestinian claims in an effort to oust the Jews from Palestinian territories. This war led to the exodus of over 700,000 Palestinians in what was called the 'Nakba' – an Arabic word that translates into 'catastrophe' (BBC, 2019; SBS News, 2019; Morris, 2004; FRUS, 1977). These refugee figures tend to differ however depending on who is presenting them – the Israelis claim is about 520,000; Arab officials claim about 900,000 to one million; the British 810,000 and the UN Agency for Palestine Refugees in the near east estimated it at 726,000 (Morris, 2004). Palestinian refugees currently in camps in the West Bank, Gaza Strip, Jordan, Syria, Lebanon and east Jerusalem are said to number over 5 million now (UNRWA, n.d.). The Arab bloc made and continue to make request for the repatriation of these refugees who have caused a significant strain to the economy and in some cases conflicted with host communities but the Israelis on the other hand demand for the resettlement of most of these refugees within the Arab region as called for by some international organizations (FRUS, 1977). During the war, the Israelis were able to take over even more territories than was allotted to them during the UN partitioning. The Palestinians were left with the Gaza Strip under the control of Egypt and the West Bank under Jordanian control. As such, despite the UN partitioning never being implemented, the partitioning that was meant to be between the Jews and Palestinians became a wider de-facto partitioning between the Israelis and the Arabs

1967: This wave of the Arab-Israeli conflict ensued on the 5th of June 1967, lasting for six days in an attack that pitted Egyptian, Syrian and Jordanian forces against the Israeli forces in what is known today as the 'six-day war'. Clearly outnumbered and outgunned, the conflict portrayed doom for the Jews. However, they were able to counter the Arab alliance in a surprise attack that saw an Arab defeat and the loss of land to Egypt, Syria and Jordan. The precursor to the conflict saw Israel and Syria having a tensions/standoff that could possibly lead to a full-scale war as a result of skirmishes that arose from the river Jordan and the Kinneret lake (Israel Ministry of Foreign Affairs, 2013). Other issues that led to the war included the removal of UN peacekeepers from the Sinai Peninsula and the blockade by Egypt of the straits of Tiran to Israeli vessels (Israel Ministry of Foreign Affairs, 2013). Egypt who was a major ally to Syria had agreements on mutual defense which ultimately meant that war with Syria was war with Egypt which would likely involve all the other Arab nations in solidarity to their Arab brothers. This happened at a time when the Egyptian president Abdel Nasser was very popular and pursued/fostered a pan Arab ideology that looked to unite the Arab nations of the Middle East and North Africa as one. He rallied around his armed forces to the Sinai Peninsula as they planned an invasion of Israel – a move widely supported by Egyptians and their Arab brothers. Unfortunately for them, Israel acted preemptively by attacking Egyptian, Syrian, Jordanian and Iraqi airbases in a move that crippled the air capabilities of all the nations involved. With that great victory, they were able to advance on all fronts (Egypt, Syria and Lebanon) eventually capturing lands in all three countries. By the end of the six days of fighting, Israel had doubled in size (History, 2010). Israel had occupied the West Bank, Gaza Strip, Golan Heights and the Sinai Peninsula (Beitler, 2004) and have absolutely refused to allow the return of displaced refugees with a claimed justification of their return overwhelming the nation and threatening the existence of the Israeli state (BBC, 2019). At the end of the war, Israel became belligerent occupants (Koechler, 2000)

1973: On the 6th of October 1973, Israelis experienced a surprise attack on a very significant day in its history as most of its armed forces were observing ‘Yom Kippur’ weakening their level of alertness. Traditionally this was supposed to be a day of sober reflection, prayer, atonement and fasting for all Jews around the world – the holiest day in Jewish calendar year (May, 2017). Determined to win back territories that had been lost during the six-day war and now under occupation by Israel, Egypt and Syria strategically used the advantage of the Yom Kippur and sprung a two-way attack on Israel in both the Sinai Peninsula and the Golan Heights exacting heavy fatalities and losses on the Israelis (History, 2009). Syria received reinforcements and support from Jordan while Iraq also joined its Arab brothers in the assault on Israel. Israel was however able to rally its forces, re-strategize and launch counter attacks on both ends which enabled the Israeli forces to reverse its fortunes and gaining even more ground than it had during the six-day war bringing it in attacking range of the seat of government of both Syria (Damascus) and Egypt (Cairo) (Israel Ministry of Foreign Affairs, 2013). Despite the heavy casualties, it marked another victory for Israel in the region and paved the way for peace talks that ultimately led to a treaty at the end of that decade.

THE FIRST INTIFADA

The Arabic word intifada translates to ‘shakingoff’ (History, 2010) or uprising in English and in the Israel-Palestine scenario, it portrays a particular time in the history of hostilities between the Israelis and their Arab-Palestinian neighbors. This particular insurrection is unique as it marked the first major opposition from the Palestinians that wasn’t spearheaded by either the Arab coalition or the PLO – rather it was Palestinians standing up to demand their rights to self-determination and against the continued Israeli occupation of the West Bank and Gaza strip. This expressively altered the nature of the protracted Arab-Israeli conflict with Palestinians now at the forefront as main actors in the conflict which is now referred to as the Israeli-Palestinian conflict (Beitler, 2004). The protests were recorded to have begun 20 years after the Israelis invaded and occupied the territories on the 9th of December 1987 (Said, 1989) (spanning over five years) in Gaza when an Israeli truck collided with a vehicle transporting Palestinians leading to the death of four and fatalities to 10 others (History, 2010). This was interpreted by the Palestinians as a deliberate act of retribution by the Israelis for the murder of a Jew in Gaza leading to widespread demonstrations by the Palestinians that witnessed the protesters attacking Israeli security agents with stones and locally made bombs resulting in the use of force by the security agents which culminated in the killing of a teenage Palestinian boy escalating the situation into riots (History, 2010).

Other factors that could be attributed to the manifestation of the intifada was the extant relative deprivation that existed in the occupied territories. For example, History (2010) publication painted a scenario as at the time of the uprising whereby the Israelis occupied 40 percent of the Gaza Strip with 2200 armed Jews whilst 650,000 disadvantaged Palestinians were densely crammed into the remaining 60 percent of the territory. This could be particularly very frustrating considering the fact that the Palestinians believe the whole of the Israel was formerly Palestine and belongs to them and now they could not even enjoy the small area being apportioned to them without the occupation of the Israelis living opulence at the expense of the squalor the Palestinians were experiencing. They thus felt relatively deprived politically, economically, humanely, and geographically. They had to endure low standards of living, sub servient status, lower pay, less than human humiliating status, torture, harassment, deportations, curfews, raids, arrests and a vicious military occupation (Hasan, 2017; Said, 1989). The deaths and fatalities of 9th December 1987 thus served as the trigger to bring all these other issues to the fore and the need to portray the Palestinian dissatisfactions in protests. The first 12 months of the intifada recorded 300 Palestinian deaths and 20000 injured (History 2010; Hasan, 2017). The violence got worse with the emergence of Hamas in the Gaza strip to carry out attacks on Israeli forces and civilians including murder, street violence, stabbings, suicide bombings and kidnappings as they advocated for a Palestinian state based on Islamic tenets after the successful expulsion of the occupiers (Nasrallah, 2013). By 1991 however, the PLO became the sole legitimate representative of the Palestinian people and participated in the Madrid conference and later on at the Oslo negotiations that climaxed in the signing of the Oslo Accords in 1993 (Hasan, 2017; Nasrallah, 2013) costing the lives of about 1500 Palestinians, 185 Israelis (Hasan, 2017) and over 60000 injured (Nasrallah, 2013).

THE SECOND INTIFADA

Prior to becoming Israeli prime minister, Ariel Sharon paid a courtesy call to the Temple Mount in East Jerusalem on the 28th of September 2000– a move that was widely seen by Palestinians as an affront on Islam’s third holiest site claiming Israel was trying to affirm its autonomy over the Al-Aqsa Mosque (SBS News, 2019; Nasrallah, 2013; Beauchamp, 2018; Pressman 2006).

Despite this action being considered to be one of the major triggers leading to the second intifada, Nasrallah (2013), Beauchamp (2018) and Pressman (2006) all opine that the cause could also be attributed to Yasser Arafat for resorting to violence by unleashing Palestinian militants against Israel rather than conceding to a negotiated solution to the conflict. These narratives depend on the side that is telling the story as each side blames the other for actions that resulted in conflict. Beauchamp (2018) despite supporting both arguments posited that the second intifada resulted from the collapse in the year 2000 of the peace process that followed the Oslo accords when discussions between the leaders of both nations broke down and a strong mutual distrust for each other resulting ultimately in violent conflicts after peace talks failed to produce a negotiated solution while Pressman (2006) appropriates a chain of events emanating after the inception of the Oslo accords in 2003 upon which the conflict stemmed from. He located the perennial issue resulting in the second intifada to the sharp contrast in expectations by the Palestinians of greater political freedom/autonomy and economic gains after the Oslo accords – especially the provision for self-rule and Israeli withdrawal from the West Bank and Gaza – to the stark reality of deepening Israeli occupation leading to popular discontent amongst the Palestinians (Pressman, 2006). The Palestinians argue that the Israeli occupation and its policies not only violated international rights but also impeded on their basic human rights (American Muslims for Palestine, 2012). Other bone of contention included free access to Jerusalem, the right of return for refugees spanning all the conflicts from 1947 and the second-hand citizenship status granted to them by the Israelis in what they deemed to be their land (Aljazeera, 2003).

The trigger to the conflict were a series of protests by the Palestinians that was met with force from the Israeli forces leading to the eventual firing of live rounds in an effort to disperse the crowd (Beauchamp, 2018). This act resulted to violent reprisals from the Palestinians when militia groups employed suicide bombings, rocket and sniper attacks on the Israelis and as expected, the Israelis counter response was even far more lethal (Beauchamp, 2018). He accounted the resultant death toll of the conflict after its five-year span lapsing at 1000 Israelis and 3200 Palestinians. Other sources such as the American Muslims for Palestine (2012) puts the figures of Palestinians killed at almost 5000 and destroyed over 5000 Palestinian homes as they also began building a wall – referred to as Apartheid Wall by the source – around Israeli settlements in the occupied territories. Sources such as American Muslims for Palestine (2012) and Aljazeera (2003) argued that the Palestinian protest started with the visit of Ariel Sharon to the mosque with a heavily fortified security presence numbering at about a thousand personnel resulting in protest that led to the fighting between the angry Muslim Palestinians and the Jew security personnel culminating in the death of seven Palestinians that day. This war according to different statistics presented by opinions, led to the exodus of between 500,000 to 1,000,000 Palestinians.

THE ISSUES IN CONTENTION

The Israeli-Palestinian conflict has obviously become complex because of the layers of parties involved: The Israelis and the Palestinians are primary. Then the Arabs, the Muslim world and Christendom. There are also the geopolitical interests of world powers notably the US, Russia and the EU. All of these have varying interests but the issues generally relate to the status of Israel and Palestinians in the area that was once a British protectorate before 1947. Reliefweb (2007), a humanitarian information portal of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) published an article outlining the core issues in the Israeli-Palestinian conflict which are captured below.

What Palestinians consider their right of return to historic Palestine constitutes one prominent issue. In the wake of the establishment of the state of Israel in 1947 and the war that broke out between them and the Arabs, about 800,000 Palestinians fled their habitations and had become refugees in the Gaza Strip area and various parts of the Middle East. They have been agitating for a return to their homeland which has since been taken over by Israelis who are not willing to accept their return.

The second issue is that of Jerusalem which Israel claims to be their eternal capital. It was under the sovereignty of Jordan until the 1967 war when Israel took it in war and since then have exercised control over it. The Palestinians claim it as their capital as well. More so, it is the third most holy place of the Islamic faith. While to the Jews, it is the site of the temple, for the Muslim Arabs, the Dom of the Rock is the site from where Mohammed ascended into heaven is in Jerusalem. Whoever has sovereignty over the city is therefore a contentious issue.

Thirdly is the issue of what constitutes Palestinian and Israeli borders. Palestinians would have Israel withdraw from all areas post 1948-49 war particularly the border separating Israel from the West Bank. They would accept nothing less than this. Israelis on the other hand are not willing to concede, citing security considerations with reference to the 2005 withdrawals which area militant Palestinian groups used to launch missiles into Israel on a daily basis. The Palestinians also want Israel to dismantle the settlements on Palestinian territories which constitutes Jewish enclaves on their land. The Israelis however would want to maintain so-called settlement blocks close to major Palestinian settlements.

The fourth is security concern for Israel. Whereas Security Council Resolution 242 of November 22, 1967 calls for Israel to withdraw its armed forces from Palestinian territories, it is concerned about the activities of militant groups such as Hamas, the Islamic jihad and the armed wing of the Fatah movement. The Palestinian authority can hardly guarantee control of the activities of these groups against Israel. Implementing this provision thus becomes a challenge for Israel.

Tal-Landman (2010) has added a fifth issue which is the recognition of Israel as the State of the Jewish People. This is not just the recognition of the existence of the state but also the acceptance of its existence. This translates into recognition of Palestinians and Jews as national groups in the context of the Israeli-Palestinian conflict. He notes that:

"It goes beyond de facto existence of political entities, and aims rather at a recognition of their existence de jure: a recognition of the rights upon which their political existence is based, and specifically, the right of each state to sovereign self-determination on the basis of a national collective identity which therefore grants them the right to political self-determination".

At another level, this is a demand that the Palestinian side not only recognize the right of the Jewish people to a national homeland, but also the right to establish its country as a Jewish state in the land of Israel. This recognition will absolve Israel of any wrongdoing to the Palestinians in establishing themselves in Palestine as a Jewish state since they have a right to do so. This obviously strikes at the very root of the agitation of the Palestinians.

Attempts at resolving the issues using conventional conflict resolution mechanisms where conflict parties are willing to compromise while seeking to maximize their own interest do not seem to have succeeded in this case (Landman, 2010). This is the uniqueness of the Israeli-Palestinian conflict is that no formula that is mutually acceptable has been found to both sides.

LEGAL FRAMEWORKS FOR RESOLUTION

Laws of Natural Right and self-determination: this law of national right was first propagated by an English philosopher known as John Locke in 1689 when he postulated that all individuals are equal in the sense that they are born with inalienable natural rights which he argues is God given (Constitutional Rights Foundation, 2001). These rights are life, liberty and property in man's pursuit of happiness. When the UN committee on Palestine was constituted to look into the conflicts in the area to recommend a way forward, they undertook widespread consultations including Zionist/Israeli organizations and Arab organizations/countries from within and outside the area (United Nations, 1947). The Arab organizations however, boycotted such consultations citing the Law of Natural Rights to be allowed to come into play especially since the British colonialist had withdrawn their mandate (United Nations, 1947). Veritable examples of the Natural Law were already at play in nations that had achieved independence such as the United States who used the law to campaign for their independence. They thus advocated for the Palestinian natural rights should be recognized by the UN and they should be giving full independence (United Nations, 1947).

In addition to their natural rights, the Arabs also declared their rights to self-determination which is one of the principal ideologies upon which the UN charter was established. The right to self-determination also an inalienable right that must be enjoyed by everyone absent of any form of discrimination as enshrined in Article 1(2) of the said UN charter (Koechler, 2000). These rights, continues Koechler, were hitherto enjoyed by the Palestinians during the Ottoman Empire and as a colony under the British mandate with projections of gaining independence as a sovereign state. He thus argued the violation of the sovereign right to self-determination of the Palestinians at the termination of the British mandates faulting the decision of the UN to implement a 'juscogens' resolution 181 putting the Palestinians in a 'defacto' position of a divested sovereignty – ceding very vast Palestinian territories to Israel.

This action has singlehandedly denied the people of Palestine their sovereignty, natural rights and rights to self-determination estranging them from territories that belonged to them, sources of livelihood and dignity as a people (Koechler, 2000).

UNGAR 181: this United Nations General Assembly Resolution (UNGAR) was meant to bring into effect the partition plan that had been recommended by the UNSCOP. This resolution called on the Palestinian state to put into effect the plan and warning off any nation that would likely put this plan in jeopardy to desist from doing so. The resolution amongst other declarations put a deadline of August 1948 for the expiration of the British mandate in Palestine; provided for a transition period from colonial rule to independence a commission answerable to the UN security council; a creation and overseeing of provisional council of government in both states; full administration of the states by their provisional governments and subsequent total handover after the transition mandate of the commission has expired; creation of armed militia from within the states to ensure law and order between their confines and prevent border clashes; ensuring equal human rights and freedoms; freedom of movement between the states including Jerusalem; economic cooperation with an aim to establishing an economic union between the states; citizenship status in any of the states one is resident in with no regard to them being either Jews or Arabs (Palestinians) with total civil and political rights (with the option to opt out); and after independence, each state can vie for membership into the UN (United Nations, 1947).

Brownly (as cited in Koechler, 2000) believe that the UN did not have the legal right to partition Palestine because the UN 'inter alia' does not have the requisite powers to take up the role of a territorial sovereign and can only make recommendations (as provided in article 14 of the UN charter) thus making its resolution 181 'ultra vires'. This position was also supported by Potter (as cited in Koechler, 2000) who postulates that the UN contravened international law because it fell short of establishing a basis for its authority to act in such a manner in Palestine. The UN do not have the legal right neither do they have any form of legal backing to establish autonomous sovereigns neither do they have the power to deny the legitimacy and rights of sovereign entities rendering this particular milieu to be 'ex injuria jus non oritur' – rendering the predicament invalid (Koechler, 2000).

UNGAR 194: this resolution came into being on the 11th of December 1948 (Israel Ministry of Foreign Affairs, 2013) at the period where the Arab-Israeli war was winding down in an effort to bring all the warring parties to the table to negotiate ways of resolving the conflict on all sides. Pertinent to this resolution, the war and the parties involved was the right of return for refugees who had been displaced in a forceful migration into the neighboring Arab states who are party to the war. This germane issue as seen above and will be seen below has been a great matter of contention till date. This resolution therefore provided for the refugees willing to return to their homes to be allowed to do so as soon as was possible (Israel Ministry of Foreign Affairs, 2013; UNRWA, n.d.). The resolution also provided for those who weren't willing to return to be duly compensated by the Israeli government for the loss of their properties justifying this proposal on the principles of international law and equity (Israel Ministry of Foreign Affairs, 2013; UNRWA, n.d.). Despite the passage of the proposal in the UNGA, the parties involved in the conflict weren't in support of the resolution (Reut Institute, 2007) at all with the Palestinians not being consulted even though they were likely to go with the decision of the Arab coalition – the Arab coalition voted against the resolution as they still stood their ground in refusing to recognize Israel as a state and also wanting the sovereignty and rights of the peoples of Palestine to be upheld. Israel at that time wasn't a member of the UN and as such could not even vote but still expressed their displeasure to the resolution especially on issues bordering around the return of Palestinian refugees who they deemed to be a risk to their own internal security as they wanted to be given an opportunity to decide who returns (Reut Institute, 2007). The Israelis had other nations who recognized them and supported their plight with a solidarity vote against the resolution – however, they only formed a minimum and the resolution was passed (United Nations, 1948).

UNGAR 273: this resolution effectively admitted the Israeli state into the UN on the 11th of May 1949 (United Nations, 1949) after the Israelis formally signed armistice agreements with their neighbors (Israel Ministry of Foreign Affairs, 1949) and agreed to the partitioning that had been declared under resolution 181 as outlined above and also agreed to the right of return for Palestinian refugees under resolution 194. History has shown that Israel hasn't been akin to remain committed to these resolutions which they accepted flouting them continuously till date.

The Armistice Agreements (1949): these constitute a couple of individual agreements between the state of Israel and the coalition of Arab nations (Syria, Egypt, Jordan and Lebanon) that fought against them in the 1947/48 Arab-Israeli war. With these agreements, Israel maintained the territories it had taken militarily with minor adjustments tallying over 77 percent of Palestine (Quigley, 2005). These agreements were put in place to ensure a semblance of boundary demarcations before more tentative bilateral agreements/treaties could be reached between Israel and each of these Arab states and also before a permanent solution/agreement is reached concerning Arab Palestine.

With Syria, Israel demanded the retreat of opposition Syrian forces from occupied territories. The agreements reached allowed for Syrian withdrawal from the territories it had overtaken; establishment of demilitarized zones; establishment of non-aggression pacts; prisoner exchange and; allowing defense forces along borderlines for the purpose of security (Israel Ministry of Foreign Affairs, 2013).

With Egypt, Israel was able to come to a deal after several impasse that resonated around boundary lines that will consolidate the agreement. Where Egypt wanted the release of its captured military personnel and the boundary lines to be reverted to the lines provided for by the UN Security Council Resolution (UNSCR) of 4th and 16th November 1948, the Israelis wanted the Egyptians to evacuate the areas designated to the Palestinian mandate (United Nations, 1948). The armistice between the two nations provided for the cessation of hostilities between them; the discontinuance and refusal to the use of military force for any future efforts at settling the Palestine question in pursuance of the UNSCR of 1948; the respect of the freedom and security of both parties; the release and rites of passage to be granted to military prisoners and; the demilitarization of the region by both parties amongst other provisions (United Nations, 1949). The Gaza Strip was left under the control of Egypt.

With Jordan, concessions were made with the Israelis especially with regards to withdrawing their forces from areas that were left under the purview of the Jordanians while they Jordanians also withdrew to areas left under the control of the Israelis; ceasefire lines were negotiated; agreements were reached for non-violent solutions to the Palestinian question; reverting to border demarcations as outlined in the 16th November 1948 UNSCR; prisoner exchange and; limiting number of military personnel along borders for just defensive purposes (United Nations, 1949). Israel was however said to violate this agreement when they dislodged the Arab inhabitants of a small agricultural town (WadiFukin) ceded to it during the armistice agreement (United Nations, 1949). The press publication reported that when Israel was compelled to allow the return of the villagers, the villagers found their properties destroyed and were again compelled by the Israeli military personnel to leave the area again back to Jordanian controlled territories.

With Lebanon, Israel was able to reach an agreement that saw its withdrawal from territories it had captured during the 1947/48 war; sticking to boundary lines agreed to in the armistice agreement which remained along the lines of the former official lines between Lebanon and Palestine; non-aggression pacts; and prisoner exchanges amongst others (United Nations, 1949).

There have been numerous actions by Israel and all the parties it reached armistice agreements with that threatened to or violated the agreements they have reached. It became even more pertinent within the periods of 1953/54 there were gross violations of the armistice agreements on all sides of the divide with several casualties being reported and the destruction of properties despite several calls by the mixed armistice commissions and the United Nations to uphold the armistice agreements signed by all sides involved. This has resulted to claims and counter claims as to the states responsible for the intrusions and encroachments with regards to the specific boundary lines in question.

UN Security Council Resolution (SCR) 242: This resolution was adopted after the six-day war on the 22nd of November 1967 (United Nations, 1967) especially to deal with the issues of lands that had been conquered and overtaken during the war. On the most part, Israel was recorded to have made significant advancements into the territories of their opponents in Egypt, Jordan and Syria. During the six-day war, Israel was able to take over Jerusalem, the Gaza Strip and the Sinai Peninsula in Egypt, the Golan Heights in Syria and the West Bank in Jordan. The return of these territories was believed will assist in ensuring talks that could lead to enduring peace in the region. The resolution thus demanded for the retraction of Israeli forces from the occupied territories captured during the war; mutual recognition; respect for each other's sovereignty; cessation of any use of or threat to use force; the recognition of each other's boundaries; and the demilitarization of Jerusalem/ensuring free access and freedom of movement (United Nations, 1967).

This resolution also touched on the issues of refugees citing the need for the ‘just settlement of the refugee problem’ (Reut Institute, 2007). Again, this resolution was rejected by the Israelis and the Palestinians (now under the auspices of the Palestinian Liberation Organization – PLO). As would be seen later in this study, the Israelis later on came into separate agreements with each of the nations (Egypt, Syria, Jordan and even Palestine) in varying treaties despite initially refusing the proposals of the resolution. The PLO on the other hand rejected the resolution claiming its contradictions with the Palestinian national aspirations, their right to their homeland, existence and self-determination.

UNSCR 478: this resolution (adopted 20th August 1980) was sequel to resolution 476 of 30th June 1980 as part of a series of resolutions that were strictly against Israel’s annexation of Jerusalem especially the eastern part which was annexed to Jordan as the western part of the city had remained occupied by Israel since after the six-day war. Israel has declared this territory as its capital and claimed that they would ensure it remained united under Israel leading to a number of countries establishing their embassies in Jerusalem. The resolution thus considered this to be a total breach of international law and thus asked all UN member nations to remove their embassies from the city. The resolution noted that Israel had flouted resolution 476 by changing the status, geography, history and character of the holy city (United Nations, 1980) that once was recognized as an international zone. Israel has refused to comply with various resolutions of the Security Council; and the refusal by the UN to recognize the enactment of ‘basic law’ by Israel because of its violation of international law under the Geneva Convention (United Nations, 1980). The Israeli foreign ministry in a statement called the resolution unjust as the UN is now being used by Israel’s enemies to war against its existence and independence (Jewish Telegraphic Agency, 1980). They thus rejected the resolution entirely and bitterly condemned the resolution for causing all the nations with diplomatic missions in Jerusalem to move to Tel Aviv and other cities.

UNSCR497: this resolution particularly focused on the Israeli occupation of the Golan Heights which it had forcefully taken from Syria during the six-day war in 1967. Israel decided to annex the territory in 1981 leading to this resolution by the UNSC on the 17th of December 1981 affirming the inadmissibility of amassing territory by force under the UN charter and international laws; rendering the annexation null and void; and demanded Israel to rescind its decision immediately (United Nations, 1981). This was followed by a resolution on the Golan heights in January 1981 stating that the continued annexation by Israel constituted a threat to international peace and security and is an act of aggression against Syria calling on members of the UN to force Israel into obeying the resolution by discontinuing any aid, assistance or cooperation with Israel (The New York Times, 1982).

CAMP DAVID ACCORDS

This accord was organized by the United States government in September 1978 in a two weeks secret talks that led to the signing of series of agreements between the Prime Minister of Israel Menachem Begin and the President of Egypt Anwar Sadat at the presidential retreat of President Jimmy Carter known as Camp David (History, 2018). The accords looked to trail-blaze a path to peace in the Middle East by encouraging the withdrawal of Israel from the Arab territories it occupied in the region in exchange for the recognition of Israel by its neighbors all in an effort to ensure the security of the region.

The agreements provided for self-rule for the Palestinians in Gaza and the West Bank (both occupied territories) as a positive step towards a sovereign Palestinian state; the implementation of resolution 242 – Israeli withdrawal from troops it overtook during the six day war; acknowledgment of the rights to full autonomy of the Palestinians; instatement of full diplomatic relations between the two nations; and partnership on the usage of the Suez Canal and Straits of Tiran to the benefit of both nations (History, 2018).

OSLO ACCORDS

The Oslo Accords signed on the 13th September 1993 (and the second in 1995) saw the leaders of Israel and Palestine come to a negotiated agreement to that allowed for both sides to recognize each other – Israel as a state that is officially recognized by the Palestinians and also Israel recognizing Palestine under the leadership of the Palestinian Liberation Organization (PLO) with the authority to govern (though limited) the Gaza Strip and the West Bank with the potential for a more sustainable deal within a five year period (SBS News, 2019; History, 2018). The parleys between the warring groups that led to this agreement started with secret meetings in Norway so as to avoid any backlash that could come up as a result of the various controversies on both divides that could impact on the negotiations because of the extremes that several parties held on both sides (History, 2018).

Coming to Oslo, both parties along with international stakeholders led by the United States hoped to build upon the achievements of the 15 years prior Camp David Accords which was the foundation upon which they had planned to provide a pathway to peace in the Middle East which had provided for the Palestinian rights to self-determination that could climax in a sovereign independent Palestinian nation. At the first accords in 1993, both parties agreed to mutual recognition; provisions for an interim self-government for the Palestinians headed by the PLO; creation of a Palestinian parliament and a five-year timeframe for Israeli forces to pull out completely from Gaza (History, 2018).

The follow up discussions for the second Oslo Accords in 1995 took place in the city of Taba in Egypt bordering mostly around the contentious issue of Jerusalem as both parties laid claim to the city as their capital city. With the agreements, both sides were able to settle on limited control of the West Bank and Gaza by the Palestinian authority albeit allowing Israel to annex part of the West Bank; parameters were also set for mutual economic and political cooperation in disputed areas (History, 2018). With this agreement, the West Bank was divided into three with the Palestinian authority in charge of two of the areas covering about 40 percent of the West Bank control sectors such as education, health and the economy while Israel controlled external security (Damen, 2013; Rudoren, 2015). The third area which was the largest was still left in the total control of Israel with an agreement to be handed over to the Palestinian authority (Damen, 2013; Rudoren, 2015).

The eventual continued violence and skirmishes between the warring parties did not allow for this deal to hold up even though few of its provisions are at play today while most of it had been left derelict. Of all these items in the legal framework concerning the conflict between the parties involved, there seems to be no strong sense or standing because of conflicting interests amongst the parties involved; ineffective machinery for monitoring; that leads to ineffective implementation; which gives birth to little or no compliance at all as a result of double mindedness on the part of brokering parties like some individual Arab nations, the United States and the United Nations.

TREATIES

Israel was able to reach agreements with individual Arab nations at varying periods in their deluge. With Egypt, they were able to reach an agreement brokered by the United States on the 26th of March 1979 after 30 years of war (BBC, 2005) following rounds of negotiations known as the Camp David Accords that took place the previous year. The two nations were able to agree on mutual recognition in return for the withdrawal of the Israeli forces from the Sinai Peninsula and the agreement to self-determination for the Palestinians (Jerusalem Post, 2012). This has been followed by a good relationship between the two nations ever since.

With Jordan, Israel was able to agree on a treaty with them on the 26th of October 1994 putting to death 46 years of war mistrust and fear (Haberman, 1994) after some failed attempts at reaching an agreement. This happened 15 years after it had signed its treaty with Egypt making this agreement the second of such treaties with its Arab enemies in the region. This agreement also provided for Palestinian self-determination; demilitarization of the borders between the two nations; settlement of land and water disputes; cooperation on trade and tourism; refusal to allow third parties to use either nation to stage an attack on the other; and mutual recognition with the exchange of diplomatic missions between the two nations (Haberman, 1994).

With Syria, several attempts were made to broker peace with Israel but none has ever been successful. A former United States Department of State official was cited as saying that President Assad of Syria was willing to cut ties with Iran, Hezbollah and Hamas and was willing not to pose any form of threat to Israel if it was willing to relinquish all the lands it had acquired from Syria during the six-day war (Fisher, 2015). This statement shows that Syria was willing to agree to a treaty with Israel under this condition because of how significant it was to Syrian national interest. This however does not mean that Israel was willing to agree to this term as they were very much interested in the water resources in the river Jordan and the Kiniset Lake and consider the Golan Heights to be of strategic viability to its defense/security. As such, a peace deal is yet to be reached between the two nations coupled with the almost one decade long Syrian civil war.

CONCLUSION

The conflict between these two enemies continue to persist despite a plethora of UN Security Council and General Assembly Resolutions most of which have not been implemented by both sides depending on which best suits their interests. The support for the Palestinians by the Arabs seemed to have waned over time and the United States have become the forerunner for the Israeli cause as the Former President Donald Trump led administration opened up new frontiers in Israel Arab relations to the perceived detriment of the Palestinian plight. The world continues to anticipate a peace deal that will finally put the region at peace, foster mutually beneficial relationships, development and ensure freedoms, rights and justice. The world continues to expect the foreign policy angle the new administration of President Joe Biden will take concerning the conflict.

If the continual subjugation of the rights of the Palestinians continue to persist, the region would not be able to enjoy peace as the mutual suspicion will continue to fester and the animosity will surely continue to fuel the killings, destructions, hatred and conspiracies to annihilate the enemy. The UN, EU, United States, Arab Nations and other major power brokers in the region like Russia and Turkey all have a major role to play in ensuring that a lasting solution is found. Both parties must come back to the negotiating table for a politically negotiated solution. The change in the leadership of Israel may offer new ideas and approaches which may impact significantly on the whole process.

The road to peace in the region is a long and arduous. This makes finding a win-win solution that will be mutually acceptable and beneficial to both parties must be treaded carefully to ensure freedoms, rights, fairness, peace and dignity.

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