

AL-QUDS AS MENTIONED IN UN RESOLUTIONS

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ABSTRACT: Al-Quds (Jerusalem) has always enjoyed a special standing in the world for either its historic and civilised position, or for its geographically strategic location in the centre of the Arab region and the Old-World continents. Due to its importance, its issues were paid attention to on the global arena by major countries and international institutes, particularly the United Nations and its institutes. This is what prompted these institutions to express their positions on this issue, which is what we seek to address during this study. This study addresses four main claims: 1) the most prominent UN institutes influencing the Palestinian issue, 2) UN resolutions before 1967, 3) UN resolutions from 1967-1993, and 4) UN resolutions after 1993. It adopts a descriptive analysis methodology, and concludes that al-Quds is an occupied Palestinian city as described in the International Law, the international community's complicity with the occupation contributed to the Judaisation and seizure of the holy city, and the international resolutions failed to deter the occupation from violating the law. The study also recommends shedding light on the Israeli occupation, its crimes against the Palestinians, and its violations against international law in the international forums. Moreover, it recommends exerting pressure on the countries supporting the occupation through building Arab and Muslim lobbies that work on breaking the relation between those countries and the occupation, and mobilising them to support Palestinians' rights.

KEYWORDS: Palestine, United Nations, Israeli Occupation, Jerusalem.



INTRODUCTION

The issue of al-Quds has assumed an important position as part of the wider Palestinian issue, which had the attention of the entire world throughout history because of Palestine's strategic location in the centre of the Arab region and the Old-World continents. The powers' ambitions have resulted in the occupation of the land, its civilization, and its history. Palestine is the place where the message was revealed to the prophets, and where old civilisations grew. The Jewish immigration in the early 20th century constituted a major turning point in the history of Palestine. It was then when the ambitions of world powers and Jewish associations and their desire to seize it were explicitly expressed. After lots of endeavours, a huge part of the land was occupied and the occupation continued to expand until this day.

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In April 1945, representatives from 50 countries assembled in the USA to agree on a cooperation charter. These states signed on the draft of the founding charter of the UN. Poland then joined them, making the total number 51 states. The UN was officially declared on October 24, 1945. All active parties and major powers assembled at an international level with the USA, Soviet Union, China, France and the UK in the lead (United Nations, 2022). The UN encompasses over 20 specialised institutes that cover most of the global issues and fields. The most influential and prominent UN institutes on al-Quds issue are:

1. **The General Assembly:** The General Assembly is the largest and most inclusive institute. It has 193 state members. It is specialised in enacting policies, and giving memberships and representations in the UN (Christian, 2011).
2. **The Security Council:** The Security Council consists of 15 members who are categorised into two groups: Permanent members (the USA, the UK, Russia, China and France); and non-permanent two-year member states. Each country is assigned as president for one month (Al-Jazeera, 2014). The Council can also call for the use of force to deter parties that violate the International Law (United Nations, 2022).
3. **UNESCO:** The acronym UNESCO stands for 'the United Nations Educational, Scientific and Cultural Organisation'. It was founded in 1945 (UNESCO, 2022). 193 states are currently members. UNESCO is active in different fields; mainly in culture, education, natural sciences, social sciences, human sciences, information and communication (UNESCO, 2015).

Because of its importance at an international level, the Palestinian cause was particularly paid attention to by major countries and international institutes whose positions and decisions have proven the Palestinian people's right to control their land and holy places. Al-Quds was largely addressed by so many resolutions and decisions which exposed the occupation's crimes and the Palestinian and Islamic right over the holy city.

The main focus of the study is how the UN institutes deal with the issue of al-Quds, and the resolutions that were issued since the establishment of the United Nations until this day. This generates a prominent question for the researcher: what is the level of interaction of the UN institutes with al-Quds? And what are the most prominent resolutions that were issued by the UN institutes during the phases of conflict with the Israeli occupation? The Objectives of the Study are: to identify the UN institutes, to determine the international role of the United Nations towards the issue of al-Quds, the possibility to activate this role in service of the al-Quds issue and to measure the effectiveness of the UN resolutions adopted in curbing the occupation's crimes in al-Quds.

AL-QUDS AS MENTIONED IN UN RESOLUTIONS BEFORE 1967

The UN emerged around the same time of the Palestinian people's Nakba, from when the Zionist project was fully developed and the partition of Palestine, as stipulated in a UN resolution, was announced in 1947 until the Nakba and

expulsion of the Palestinian people in 1948 (Halima, 2019). The issue of the Nakba posed a legal dilemma over the legitimacy of the Israeli occupation, the status of the areas under its control, and their legal description. Where the occurrence of the Nakba was accompanied by consequences of humanitarian, political, security and religious dimensions. After the Nakba, the Palestinian issue became the centre of the UN's discussions, and because of the holiness of al-Quds city; it received special attention and the UN issued resolutions that address these issues. Following are the main resolutions that are deemed as proof for the non-Israeli identity of al-Quds.

1. General Assembly Resolutions

Resolution 181 was issued in November 1947, it was then known as the Plan of Partition. It approved dissecting a part of Palestine and giving it to the Jewish immigrants. The holy sites in al-Quds and Bethlehem were to come under international guardianship and UN supervision (United Nations, 1947). Resolution 181 was later supported by Resolution 303, which was issued in 1949 and called for protecting Jerusalem and the holy sites (Al-Anani, 2002). The Resolution defined the bounds of al-Quds and placed it under international guardianship (Al-Qadi, 2009). The Resolution also confirmed the General Assembly's dismissal of 'Israel's' declaration that claimed al-Quds as its capital (United Nations, 2022).

2. Security Council Resolutions

The Security Council issued several resolutions in conjunction with the United Nations General Assembly (UNGA) after 1948. These resolutions also called for the protection of the holy sites in Jerusalem, and placed it under international guardianship and UN forces' protection. Resolution 49, issued in May 1948, was the first of many others (United Nations, 1948a). Resolution 50 then followed a week later to confirm the protection of people's freedom to reach the holy sites (United Nations, 1948b). The Security Council also issued resolutions 54 (United Nations, 1948c) and 60 which called for the formation of a sub-committee that includes envoys from Britain, China, France, Belgium and Ukraine to prepare for a project that puts al-Quds under UN supervision; the resolutions also confirmed the protection of holy sites and people's right to reach them (United Nations, 1948d).

Following the above-mentioned resolutions until 1967, it appears that the UN's interest in al-Quds issue remarkably decreased. The Palestinian issue was no longer addressed in the UN, except in a very few resolutions that called for the protection of the holy sites, freedom of worship, and a peaceful solution that could end the Arab-Israeli conflict (Al-Adayla, 2007). Moreover, those resolutions, in addition to being few in number, were also almost without effect and remained trapped and without tools for their implementation, which explicitly indicates a lack of interest and real determination to implement them. This situation allowed the occupation to continue controlling Jerusalem and its suburbs and large areas of the occupied West Bank.

AL-QUDS AS MENTIONED IN UN RESOLUTIONS FROM 1967-1993

The Israeli occupation of the West Bank, the Gaza Strip and Al-Quds in 1967 resulted in a new shock for the international community who failed to protect al-Quds. The Israeli forces occupied eastern Jerusalem and imposed a state of de-facto occupation on the holy city. The Israeli behaviour was internationally condemned; this is reflected in the UN's resolutions which called for the occupation's retreat from al-Jerusalem and the keeping of al-Quds legal status as it is in the international system. The resolutions also called for the occupation's retreat from political, legal and administrative procedures imposed on the city (Al-Adayla, 2007).

Following are the main resolutions on Al-Quds:

1. General Assembly Resolutions

After the 1967 "Naksa", the UN General Assembly issued Resolution 2253 in which it expressed its sorrow regarding the occupation's seizure of the West Bank and al-Quds (United Nations, 1967). The resolution stated the illegality of Israeli behaviour and the need to change it. However, this resolution could not deter the occupation which continued to impose its control over the land (Al-Hazayma, 2011). Such behaviour pushed the UN General Assembly into issuing Resolution 36/15 in October in 1981. The resolution demanded Israel to stop all excavations and changes in the historical, cultural and religious sites in Al-Quds, especially beneath and around Al-Masjid Al-Aqsa and the Dome of the Rock (United Nations, 1981). It deemed any changes in al-Quds as illegal and against the International Law, and hindered the achievement of just and inclusive peace.

2. Security Council Resolutions

The Security Council issued Resolution 242 after about 5 months from the Israeli occupation of al-Quds in 1967 (Hakeem, 1987). The Council expressed to the Israeli occupation the importance of withdrawing to the borders prior to the 1967 war (United Nations, 1967), and not to change the status quo through resorting to military power and ignoring the international system and resolutions (Al-Anani, 2001). In the following year in May, the Council issued Resolution 251 (Msalat, 2006) which condemned the occupation's military parade in al-Quds (United Nations, 1968a). A few days later, Resolution 252 was issued which called for the cancellation of arbitrary measures that seek to change Al-Quds (United Nations, 1968b). In July 1969, the Security Council condemned the burning of al-Masjid al-Aqsa, and the settlers' profanation of its arenas as declared in Resolution 271 on the protection of holy sites in Al-Quds (United Nations, 1969). The Security Council urged the Israeli occupation to remove the settlements it had constructed on the lands of the West Bank and al-Quds which it had occupied in 1967. Resolution 465 (United Nations, 1980a) called for ending the planning and construction of settlements, and Resolution 476 in 1980 declared the nullity of Israeli procedures to change the nature of Al-Quds (United Nations, 1980b). Because the occupation continued to impose its rule and law on al-Quds, the Security Council in Resolution

478 in 1980 called for not recognising the Israeli law in al-Quds, (Al-Qar'i, 1997) and for all countries to withdraw their diplomatic missions from the city (United Nations, 1980c).

The last Resolution of this stage was 672 which condemned the Israeli massacre carried out in the arenas of al-Masjid al-Aqsa in 1990. This confirmed the Security Council's position on al-Quds as being under Israeli occupation (United Nations, 1990). In this stage of al-Quds issue, the occupation had complete control over it; occupying the city, seizing its lands and establishing settlements in all directions disregarding international law and with full support from the USA (Al-Arqa, 2003). The occupation's response to all international calls was having more determination to carry out its Judaisation plans and seizure of lands.

It is clear that the multiplicity of resolutions in the Security Council is due to the Arab countries' adoption of draft resolutions in favour of the issue of Jerusalem, and the adoption of the issue by most countries that believe in justice and freedom. So that we realise that the global interest began to be strong and largely supportive at the beginning of the occupation of Jerusalem, then it began to weaken little by little. This decline in the international position can be attributed to the American support for the Israeli occupation and the Israeli diplomatic efforts to influence the views that support the Palestinian cause, and sometimes threaten these countries.

UN RESOLUTIONS AFTER 1993 IN REGARDS TO AL-QUDS

The Oslo Accords of 1993 constitute a major turning point in the history of the Palestinian cause. The Palestine Liberation Organisation (PLO) recognised the Israeli entity, and in parallel, the occupation recognised the PLO as the official representative of the Palestinian people, and the people had temporary self-rule in the West Bank and al-Quds under the occupation. However, the latter did not adhere to the agreed-on procedures and placed obstacles instead. Al-Quds issue was a major topic in the negotiations between Israel and the Palestinian Authority. Israel did not stop its endeavours to Judaise the city and impose a fait accompli. It breached the agreements on the legal status of al-Quds and seized its lands through establishing more settlement units. In Response, the United Nations institutions issued several resolutions over the years.

After the beginning of Al-Aqsa Intifada in late 2000, the issue regained its importance in the UN General Assembly. As a result of the Israeli violations, the UN General Assembly issued Resolution 55/130 in February 2001. It asked the occupiers to make the necessary facilitations for the committee that was going to investigate the Israeli practices against the Palestinian people's rights in the Palestinian lands, including al-Quds (United Nations, 2000b). In 2003, the UNGA rejected the Israeli construction of the Apartheid Wall in the occupied West Bank. It issued Resolution 58/22 (United Nations, 2003a) and Resolution 58/98 in which the International Court of Justice called for an urgent resolution on the

construction of the wall in the Palestinian lands and around the eastern side of al-Quds (United Nations, 2003b).

The UN resolutions against the Israeli crimes, targeting of civilians and violation of human rights continued. The UN General Assembly in 2005 asked in its Resolution 60/104 the committee to investigate the Israeli practices against human rights in all Palestinian territories, including the city of Al-Quds to continue its work until the occupation is entirely over (United Nations, 2005). The UNGA maintained its position against the settlement project. In 2015, it issued Resolution 70/98 condemning the Israeli's settlement activities in the occupied Palestinian lands, expansion of settlements in the eastern side of Al-Quds, and illegal construction of the Apartheid Wall (United Nations, 2015). In the following year, UNGA emphasised the importance of applying Geneva Conventions and protection of civilians in the Palestinian lands and al-Quds in Resolution 71/96 (United Nations, 2016b).

The UN Security Council addressed several Palestinian issues after the Oslo Accords were signed. It condemned the Israeli practices and violations against the Palestinian civilians and their rights, and construction of settlements on Palestinian lands disregarding the International Law and the UN resolutions. The UN Security Council in 1996 issued Resolution 1073 in which it urged Israel to stop the construction of an entrance to a tunnel in the vicinity of al-Masjid Al-Aqsa. This resulted in great confrontations between the occupation's soldiers and the Palestinians, and resulted in the martyrdom and injury of many Palestinian civilians (United Nations, 1996).

As the 2000 al-Aqsa Intifada began upon extreme Zionist Ariel Sharon's intrusion into al-Masjid al-Aqsa. The Council issued Resolution 1322 and condemned the break-in and use of violence against the Palestinian civilians which led to the martyrdom of 80 Palestinians in less than a month (United Nations, 2000a). In 2002, the Security Council issued Resolution 1397 and urged both the Palestinians and the Israelis to resume negotiations on concluding a settlement policy that guarantees and protects Al-Quds (United Nations, 2002). Whilst in December 2016, the Security Council issued Resolution 2334 in which it confirmed that the occupation's establishment of settlements in the occupied lands of 1967, including the eastern side of al-Quds, has no legal grounds. The resolution demanded that the Israeli occupation immediately stop all its settlement activities, and it refused to recognise any changes that had been made to the borders of 4 June 1967 (United Nations, 2016a).

UNESCO's resolutions gave al-Quds and its Christian and Islamic sites a cultural ground. They recognised the city's historical and religious roots. UNESCO issued several resolutions that denounced the Israeli attempts to Judaise al-Quds and its sites. In 1996, UNESCO issued Resolution 150 declaring Al-Quds on the List of World Heritage in Danger (Al-Israa for Studies and Research, 1998) because the Israeli forces had constructed a tunnel along the western wall of al-Masjid al-Aqsa

(WAFA, 1996). In 2010, the UNESCO also denounced the Israeli excavation work in al-Masjid al-Aqsa and the Old City in its Resolution 184 in which it expressed its concerns over the procedures that contradicted the resolutions of the UNESCO, UN and Security Council (WAFA, 2010). Despite all the requests made by UNESCO and other specialised international institutions, the occupation did not withdraw and, instead, continued the excavation works beneath and around al-Masjid al-Aqsa. UNESCO then issued Resolution 192 condemning the stubbornness of the Israeli occupation and settlers' activities as they continuously break into holy sites (WAFA, 2014).

In addition, UNESCO criticised the Israeli measures that prevented the Palestinians' access to al-Quds, the holy sites and the Old City. In June 2000, it issued Resolution 159 that stated in article three, *"The Executive Board is concerned at the measures which continue to impede the free access of Palestinians to Jerusalem and to the Holy Places of the Old City of Jerusalem"* (WAFA, 2000). In the last decade, UNESCO issued several decisions against Israeli practices that aimed to change the identity of al-Quds. Such practices include the closure of buildings, closure of gates, and construction of cable-train to facilitate the settlers' movements near al-Masjid al-Aqsa's wall. The UNESCO's decision 196 issued in 2015 stated (WAFA, 2015),

The Executive Board regrets the damage caused by Israeli security forces on 30 October 2014 to the historic gates and windows of al-Qibli Mosque inside al-Aqşà Mosque/al-Ḥaram ash-Sharīf which is a Muslim holy site of worship and an integral part of the world heritage site; and expresses its deep concern over the Israeli closure and ban on the renovation of the al-Raḥma Gate building, one of the al-Aqşà Mosque/al-Ḥaram ash-Sharīf gates, and urges Israel to stop obstruction of the necessary restoration works, in order to repair the damage caused by the weather conditions, especially the water leakage into the rooms of the building.

UNESCO issued decision 200 in 2016 and demanded the occupation to return to pre-2000, and condemned the continuous incursions of al-Masjid al-Aqsa by Israeli right extremists, and the restrictions imposed on al-Masjid. It also confirmed that Al-Mughrabi Gate slope is part and parcel of al-Masjid al-Aqsa (WAFA, 2016).

CONCLUSION AND RECOMMENDATIONS

Ultimately, this study highlights the importance of the efforts of the United Nations and its position at the international level, and the significance of investing those efforts in serving the Palestinian cause and protecting the historic sites and holy places. It also shows that the influence of the UN institutes is still vulnerable to deter the occupation and prevent it from committing more crimes. The Conclusions of the study are as follows:

- The Palestinian issue is a just cause and has legal grounds guaranteed and protected by international institutions' resolutions.

- Al-Quds is an occupied city as described by the resolutions of the International Law.
- The unequivocal support provided to Israel by the US, Britain and several other UN member states contributed to the Judaisation and seizure of a great portion of the Palestinian lands, including lands from al-Quds.
- There are plenty of UN resolutions that demanded Israel to stop the occupation and changing of the demography of al-Quds, but the international community has failed to have them implemented.

This study recommends:

- Raising the world's awareness about the Palestinian issue and ensuring enough and continuous support to the cause.
- Confirming the importance of al-Quds as a holy city with an Islamic and Arab identity, and as the right of the Palestinian people for all religions.
- Building an international network with Arab and Muslim countries as its base to protect al-Masjid al-Aqsa and al-Quds from Israel's endeavours to Judaise and its seizer.
- Filing lawsuits in the international courts against the occupation and prosecuting it for violating the International Law and continuing to occupy al-Quds and changing the demographic structure of the holy city.

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