

PAPER 8

INTERNATIONAL LAW

A CRASH COURSE ON THE TRUTH

What does the UN & International Law have to say?

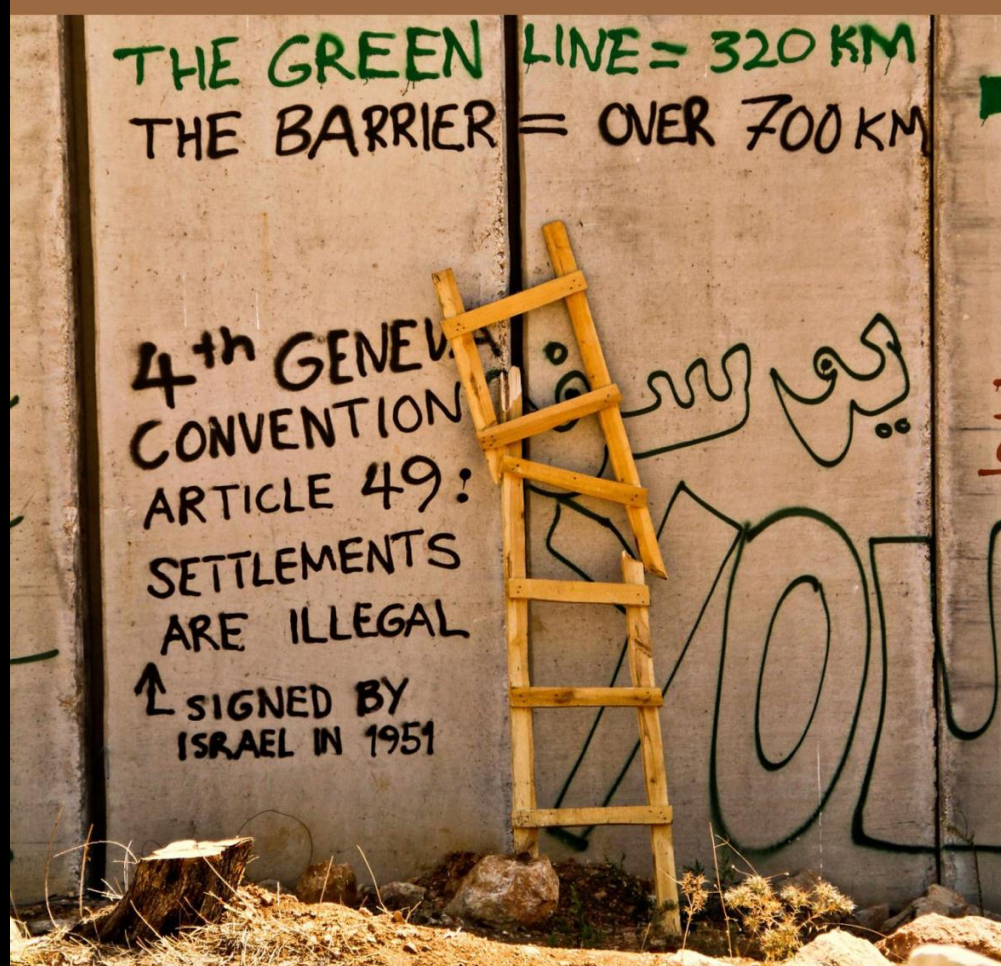


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INTERNATIONAL LAW

Numerous resolutions have been passed concerning Israeli violations of human rights in the Occupied Palestinian Territories and the Question of Palestine. In fact, more resolutions have been passed regarding this issue than any other. The UN has several principal organs: one is the General Assembly (GA) where every country in the world is represented and another is the Security Council (SC) which consists of five permanent members (US, China, Russia, France and the UK) and 10 rotating elected non-members. The most significant difference between the two is that GA resolutions are non-binding "recommendations", whereas resolutions passed by the SC are binding under Article 25 of UN's Charter. While the UN has passed numerous resolutions condemning Israel for its conduct and demanding a cessation to hostilities and the occupation, Israel has yet to comply.

THE RIGHT OF RETURN

One of the most relevant resolutions is GA resolution 194, which resolves that Palestinian refugees who fled in 1948 and 1967 have the right to return to their homes. However, this recognition of the Palestinian "right to return" is superseded by UN SC resolution 242 where it says that the "refugee problem" must be solved through "achieving a just settlement" which has yet to include the "right to return." However, the right of a person to return to his or her country after leaving is enshrined in Article 13 of the **Universal Declaration of Human Rights**. Israel refuses to respect the rights of Palestinians as the return of millions of refugees would challenge its Jewish demographic.



ISRAELI WITHDRAWAL TO 1967 BORDERS

The binding UN Security Council resolution 242 also calls for the withdrawal of Israeli forces from territories occupied in 1967 and the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force." Acquiring territory by war is illegal according to the Geneva Convention. Israel has yet to comply with this resolution, among others.



SETTLEMENTS AND THE APARTHEID WALL

UN SC resolution 446 determines "that the policy and practices of Israel in establishing settlements in the 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."

Further, the resolution calls on Israel, as a signatory, to abide by the 1949 Fourth Geneva

Convention, which deems both

Israeli settlements and the apartheid wall illegal. In

resolution 3236, the GA

affirmed that the Palestinian

people have an "inalienable

right" to self-determination, national independence and sovereignty and reaffirms

the refugee right to return to their homes and property. In 2002, the SC addressed this

issue in resolution 1397, and asserted the vision of a "two states" within "secure and

recognized borders." Not only has Israel not complied with these resolutions, but the

number of settlers continues to rise significantly in the tens of thousands. In 2004, the

GA (10248) responded to the International Court of Justice's (ICJ) advisory opinion on

the apartheid wall, and demanded Israel's compliance with the ICJ ruling, which

stated:



"ISRAEL IS UNDER AN OBLIGATION TO TERMINATE ITS BREACHES OF INTERNATIONAL LAW; IT IS UNDER AN OBLIGATION TO CEASE FORTHWITH THE WORKS OF CONSTRUCTION OF THE WALL BEING BUILT IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING IN AND AROUND EAST JERUSALEM, TO DISMANTLE FORTHWITH THE STRUCTURE THEREIN SITUATED, AND TO REPEAL OR RENDER INEFFECTIVE FORTHWITH ALL LEGISLATIVE AND REGULATORY ACTS RELATING THERETO..."

INTERNATIONAL COURT OF JUSTICE, JULY 2004

These resolutions are but a glimpse into the sea of UN SC binding resolutions that Israel has blatantly violated, and the ocean of GA resolutions condemning Israel's policies and practices of occupation. With such a vast amount of resolutions condemning the occupation, and overwhelming evidence to the fact that Israel acts with impunity, enforcement is imperative.

While these laws are already damning to Israel, it is important to note that *another* 45 Security Council resolutions criticizing Israel have been **vetoed** by the US. This means that while the majority of the countries in the SC have wanted to pass these binding resolutions demanding that Israel be held accountable, the US, protecting its ally, has blocked these resolutions. Had there been no veto process in the SC facilitating Israel with immunity, there would be **another 45 binding UN SC resolutions** condemning Israel.

UNITED NATIONS RESOLUTIONS

Note: These include the topics of Israel, the Question of Palestine, and Palestinian rights.

SECURITY COUNCIL 50+ RESOLUTIONS

GENERAL ASSEMBLY 395+ RESOLUTIONS



1860 (2009)	592 (1986)	1065-1	41/43C	51/223	61/23	38/79C	42/160F	46/79D	61/118
1850 (2008)	573 (1985)	303(V)	41/43D	51/23	61/24	38/79D	42/160G	47/116F	61/119
1701 (2006)	520 (1982)	31/20	42/66A	51/24	61/25	38/79E	42/23D	47/55	61/120
1544 (2004)	500 (1982)	32/40A	42/66B	51/25	61/26	38/79F	42/4A	47/70A	61/184
1515 (2003)	484 (1980)	32/40B	42/66C	51/26	62/80	38/79G	43/21	47/70B	61/99
1435 (2002)	469 (1980)	3236XXX	42/66D	52/250	62/81	38/79H	43/50E	47/70C	62/106
1405 (2002)	468 (1980)	33/28A	43/175A	52/49	62/82	38/85	43/57E	47/70D	62/107
1403 (2002)	446 (1979)	33/28B	43/175B	52/50	62/83	38/9	43/58A	47/70E	62/108
1402 (2002)	339 (1973)	33/28C	43/175C	52/51	62/84	39/101	43/58B	47/70F	62/109
1397 (2002)	332 (1973)	3376XXX	43/176	52/52	63/26	39/14	43/58C	47/70G	62/110
1322 (2000)	259 (1968)	34/65A	43/177	53/39	63/27	39/72C	43/58D	48/40E	62/181
1073 (1996)	236 (1967)	34/65B	43/233	53/40	63/28	39/95A	43/58E	48/41A	63/201
1052 (1996)	235 (1967)	34/65C	44/2	53/41	63/29	39/95B	43/58F	48/41B	63/95
904 (1994)	171 (1962)	34/65D	44/41A	53/42	64/16	39/95C	43/58G	48/41C	63/96
799 (1992)	162 (1961)	35/169A	44/41B	54/39	64/17	39/95D	43/80	48/41D	63/97
726 (1992)	113 (1956)	35/169B	44/41C	54/40	64/18	39/95E	44/121	48/78	63/98
694 (1991)	114 (1956)	35/169C	44/42	54/41	64/19	39/95F	44/27F	49/36A	63/99
681 (1990)	108 (1955)	35/169D	45/67A	54/42	65/13	39/95G	44/47E	49/36B	64/185
673 (1990)	107 (1955)	35/169E	45/67B	55/52	65/14	39/95H	44/48A	49/36C	64/91
672 (1990)	101 (1953)	36/120B	45/67C	55/53	65/15	40/161A	44/48B	49/36D	64/92
641 (1989)	93 (1951)	36/120C	45/68	55/54	65/16	40/161B	44/48C	49/78	65/133
636 (1989)	92 (1951)	36/120D	45/69	55/55	ES-7/2	40/161C	44/48D	50/29A	55/134
608 (1988)	89 (1950)	36/120E	46/74A	56/33	ES-7/3	40/161D	44/48E	50/29B	56/204
607 (1988)	73 (1949)	36/120F	46/74B	56/34	ES-7/4	40/161E	44/48F	50/29C	57/126
605 (1987)	60 (1948)	37/86A	46/74C	56/35	ES-7/5	40/161F	44/48G	50/29D	57/127
	42 (1948)	37/86B	46/75	56/36	ES-7/6	40/161G	45/176D	51/131	57/128
		37/86C	46/76	57/107	ES-7/7	40/6	45/63	51/132	60/183
		37/86D	47/64A	57/108	ES-7/8	40/64E	45/73E	51/133	61/116
		37/86E	47/64B	57/109	ES-7/9	40/93	45/74A	51/134	61/117
		38/58A	47/64C	57/110	36/120A	41/12	45/74B	51/135	59/123
		38/58B	47/64D	58/18	2253ESV	41/35C	45/74C	52/207	59/124
		38/58C	47/64E	58/19	2254ES-V	41/63A	45/74D	52/64	ES-10/18
		38/58D	48/158A	58/20	31/61E	41/63B	45/74E	52/65	65/179
		38/58E	48/158B	58/21	32/105D	41/63C	45/74F	52/66	60/108
		39/49A	48/158C	58/292	33/183D	41/63D	45/74G	52/67	59/122
		39/49B	48/158D	59/28	33/71[A]	41/63E	46/39	52/68	ES-10/2
		39/49C	49/62A	59/29	34/93P	41/63F	46/46E	53/196	ES-10/17
		39/49D	49/62B	59/30	35/206H	41/63G	46/47A	53/53	65/106
		40/96A	49/62C	59/31	36/172M	41/93	46/47B	53/54	55/131
		40/96B	49/62D	60/36	37/69F	42/160A	46/47C	53/55	55/132
		40/96C	50/84A	60/37	38/39F	42/160B	46/47D	53/56	57/124
		40/96D	50/84B	60/38	38/69	42/160C	46/47E	53/57	57/125
		41/43A	50/84C	60/39	38/79A	42/160D	46/47F	54/230	60/106
		41/43B	50/84D	61/22	38/79B	42/160E	46/47G	54/76	60/107
		64/93	ES-10/10	ES-10/5	58/100	57/269	56/59	54/77	58/99
		64/94	ES-10/11	ES-10/6	58/229	59/125	56/60	54/78	59/121
		64/95	ES-10/12	ES-10/7	58/96	59/251	56/61	54/79	ES-10/3
		65/102	ES-10/13	ES-10/8	58/97	60/104	56/62	54/80	ES-10/4
		65/103	ES-10/14	ES-10/9	58/98	60/105	56/63	55/130	ES-10/16
		65/104	ES-10/15	65/105					

WE APOLOGIZE ON BEHALF OF ISRAEL FOR THE SMALL FONT. THERE WASN'T ENOUGH SPACE



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