

Master's Thesis

The United Nations and Persistent Conflicts in Jerusalem

(An examination of how effective United Nation resolutions have been in resolving conflicts in Jerusalem)

By

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ACRONYMS

GA	GENERAL ASSEMBLY
GC	GENEVA CONVENTION
ICJ	INTERNATIONAL COURT OF JUSTICE
IO	INTERNATIONAL ORGANIZATION
OT	OCCUPIED TERRITORIES
PA	PALESTINE AUTHORITY
RES	RESOLUTION
SC	SECURITY COUNCIL
SG	SECRETARY GENERAL
UN	UNITED NATIONS
UNGA	UNITED NATIONS GENERAL ASSEMBLY
UNSC	UNITED NATIONS SECURITY COUNCIL
USA	UNITED STATES OF AMERICA

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CERTIFICATION PAGE

I, UZOIGWE Kingsley Chukwuemeka (Student ID, 51117607), at this moment declare that the contents of this Master's Thesis are original and it is my work, and I have not submitted this thesis at any other University for the award of a degree or its equivalent. All the information obtained from other published or unpublished sources were appropriately cited and acknowledged.

UZOIGWE Kingsley Chukwuemeka

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ABSTRACT

The Israel and Palestine conflicts over the ownership of Jerusalem and partition of settlements have raised many issues and arguments among political actors both locally and globally. This research is looking into the effectiveness of the United Nations (UN) resolutions in resolving conflicts over the status and ownership of Jerusalem. More so, to empirically examine which other actions or interventions of the UN have contributed more to peace and stability in Jerusalem. The principal tenant of this research is basically to examine the roles of the United Nations and three of its agencies (i.e.) General Assembly, Security Council, and International Court of Justice, over the past years through their resolutions/ruling in trying to resolve the conflicts as mentioned above in Jerusalem. Hypothetically, it is with the presumption that local and international political dimensions of actual and potential conflict of interests may frustrate or are frustrating the effectiveness of the UN efforts, and also some states with veto power within the Security Council may sabotage or are sabotaging efforts of the UN for their interest over the conflict in Jerusalem.

Keywords: Agencies, Conflicts, Effectiveness, General Assembly, International Court of Justice, Israel, Jerusalem, Palestine, Resolutions, Security Council, Settlement, and United Nations.

CHAPTER ONE: INTRODUCTION

1.1: Introduction

The 21st century and its inherited challenges in a complex world system are severe concerns for not only nation-states and international organizations (IO's), but also humanity in general, however, IO's in collaboration with states are working closely to improve these challenges. To a large extent, there is a broad consensus and understanding that issues surrounding status and ownership of Jerusalem are the most contending reason(s) why the Arab-Israeli conflicts and other Jerusalem conflicts persist.

This research centers on the roles the United Nations (UN) has played over the past years to resolve this conflict (i.e.) status and ownership of Jerusalem, that has since taken many lives from both sides of the conflicting parties. However, other reasons may be associated with the causes of this conflict, e.g., cultural beliefs, region, identity, heritage, and political affiliations, but the focus of this study is on the effectiveness of the UN efforts, through their numerous resolutions on the subject matter. This research examines the roles of judgments, recommendations, decisions, and legal opinion of three agencies of the UN, (i.e.) General Assembly, Security Council, and the International Court of Justice.

1.2.1: Historical Background of the Study:

Jerusalem commands different narratives since Israel occupation in (1967). Thus the contesting issue, of what is the legal status of Jerusalem and who is the owner of the Holy City continues to dominate discussions. Israel and their neighbors mainly Palestine's have

often engaged each other in warfare about the ownership of Jerusalem and building of settlements in Jerusalem, an outcome that has resulted in conflicts/clashes. However, this has led to a severe security tension, resulting in the death of both civilians and uniform officers. The UNGA through their resolutions (A/RES/ES-10/L.22) maintained a special status for the City of Jerusalem that is devoid of a direct rule/ownership of any single nation-state. According to Kelman (1999) and Shinar (2003), the quest to establish national identity in the contested territory has indeed allowed the conflict in Jerusalem to linger for so long. Historically, the conflict escalated by the influence of the (1967) Arab-Israeli War, this allowed the conflict to degenerate upon Israel occupation of Jerusalem. Before Israel occupation in (1967), the conflict in the Middle East is as a means to stop Israel expansion and allow Arab control of the region, (Barak, 2005).

1.2.2: Status of Jerusalem

The ownership of Jerusalem continues to generate questions, with both international law and diplomatic differences and dimensions. International Court of Justice (ICJ) however, maintained that Israel expansion, occupation, and settlements in Jerusalem are illegal and a violation of international law, (ICJ, 2004). In ICJ's legal opinion of 9th July (2004), the Court maintained that building of settlements by the Israeli Government in Jerusalem is entirely illegal, which violates international law, (ICJ, 2004). However, the United Nations pronouncements over the status of Jerusalem, through their binding and non-binding resolutions against Israel occupation in Jerusalem has not deterred Israel from continuing its expansion of settlements and overseeing its sovereign power both in East and Western Jerusalem. On diplomatic practices, some countries have chosen to recognize

Jerusalem as the capital city of Israel, for instance, the United States of America. Considering the divide of choices and opinion over the ownership of Jerusalem, it is, however, compelling for the United Nations to admit that Jerusalem should have an international status that is devoid of a direct rule/ownership of any single nation-state, see (United Nations, 1947)

1.2.3: The Divides between Western and Eastern Jerusalem.

Western Jerusalem is another section of Jerusalem that has been more widely accepted and recognized as Israel's legitimate territory, in addition to that, the western Jerusalem has been under Israeli control after the (1948) Arab-Israeli War. Some western countries like the United Kingdom, indeed acknowledged Israel's authority and sovereignty over the western part of Jerusalem, in line with the UN partition plan, see [United Nations, 1947].

The East Jerusalem is simply part of Jerusalem that has the holiest site for Christianity, Islam, and Judaism, these include “Western Wall, the Temple Mount, Al-Aqsa Mosque, the Church of the Holy Sepulchre and Dome of the Rock,” (Dallas, 2017), see also, (Schulson, 2018). It is important to note that East Jerusalem has been under the occupation of Jordan since (1948) and consequently, after the (1967) Arab-Israeli War, East Jerusalem came under the occupation of Israel. Thence the eruption of conflicts, clashes, and confrontations, between Israel and Palestine's and these conflicts indeed has taken many lives of both civilians and uniform men. However, the United Nations, on its part never relent on their efforts to ensure that "just and lasting peace" returned to Jerusalem.

Thereupon, numerous resolutions both at the General Assembly (GA) and at the Security Council (SC) were adopted and decisions taken, reminding both sides of the special status of Jerusalem, the 4th Geneva Convention (GC) provisions and the need for both parties to maintain the status quo. However, to no avail, Jerusalem conflicts persist to even a larger scale, as interests of both religion, politics, identity, political alliances, all indeed has made the dispute as convoluted as it is today.

1.3: Research Objectives

International relations of the 21st century enjoy states cooperation that has since triggered many international institutions with different objectives and states empowers these institutions and organization to perform specific duties for the collective interest of countries in the global system. To that effect, the UN has played this role since (1945). The UN has dominated humanitarian affairs, pacifying states unity, conflicts resolutions, and peacekeeping. Conversely, the UN has adopted many resolutions towards resolving the Jerusalem conflicts. The objective of this study, however, is to empirically examine the effectiveness of both GA and SC resolutions towards resolving the disputes about status and ownership of Jerusalem. The gap this study will address is basically to determine the effectiveness of UN resolutions as a tool in international conflict resolution. Moreover, the results from the findings of this study will shape contributions in theory/practice for both proponent/critics of the UN towards the different arguments about the UN as an international organization.

1.4: Research Questions

Through series of curious and critical readings and also having gone through the archives of the UN resolutions, it indicates that the intractable nature of Jerusalem conflicts has dominated discussion over the years in the UN, both at the UNGA and UNSC. These have led to the adoption of different resolutions, recommendations, decisions, negotiations, ceasefires, and setting up of various special committees, peace conferences on the question of Jerusalem. Therefore, it is imperative to retrospectively examine to what extent these extremely efforts of the UN agencies are practical. These intrigues prompt the below research question and sub-question.

Main: Q: How effective are the numerous United Nations Resolutions towards resolving conflicts over the status and ownership of Jerusalem?

1.4.1: Sub Question

Sub: Q: What other actions or interventions of the UN have contributed more to peace and stability in Jerusalem?

1.4.2: Research Hypothesis

After a direct observation of activities in Jerusalem at different times, a scenario forecast was done hypothetically before embarking on this study. These are the two hypotheses on why the conflicts in Jerusalem continued in an intractable manner as it is and the possible outcome of this study towards answering the above research questions.

1. If the quest by states for self-interest as argued by realism continues uninhibited, then the local and international political dimensions of actual and potential conflict of interests may frustrate the effectiveness of the UN efforts.
2. If the dominate great powers interest in the Middle East as pointed by the realism were sustainable, great powers with veto power within the Security Council might sabotage efforts of the UN for their interest.

1.5: Research Significance

This study will effectively produce recommendations towards new approaches and understanding of UN resolutions, importance/needs for compliance and non-compliance to UN resolutions, and the consequences thereupon. From this research, evidence will show the effectiveness of UN binding and non-binding resolutions, towards UN quest in maintaining international peace and security. This research will expose in-depth sticks and carrot for compliance and non-compliance to UN decisions. Above all, the significance of this research will show how influential, proactive, and effective are SC considering the enormous powers bestowed on it through UN Charter.

1.6: Research Scope and Delimitations

This study is limited towards an empirical evaluation of the UN resolutions and its effectiveness in the context of resolving conflicts over status and ownership of Jerusalem. Because of time limits, this study selected three case studies for data collection, findings, and analysis.

1.7: Research Structure

Structured into Five Chapters and the First Chapter provide the historical overview and background of Jerusalem. More so, the international status of Jerusalem and the divides between the East and Western Jerusalem and inclusively were the research objectives, research main and sub-questions, the research significance, scopes, and delimitations were all part of this chapter. The Second Chapter, however, includes the different theoretical paradigms and their perspectives toward the functions of the UN as an international organization and also the underpinnings of states intentions in international cooperation. The Third Chapter outlines the research methodology of this study towards data collections and subsequent data analysis. The Fourth Chapter, however, presents the research findings from all the data collected and latterly presents the summary of the results. Also, thereupon adumbrate the analysis of three case studies of this study. More-so, the chapter provides test of the hypothesis of this research. Conclusively offers answers to the research main and sub-questions and also measures the effectiveness of UN resolutions. Finally, the Fifth Chapter provides the conclusion of this study, including recommendations and possible further research work.

CHAPTER TWO: LITERATURE REVIEW

2.1: Introduction:

The researcher will explore the realism theoretical paradigm of international relations (IR) in this literature review section, including other differing and opposing theories, in an effort to address the research question of this study. Moreover, the focus is on states fundamental desires when joining international organizations (IO). Secondly, this review will also show how IO's manage these differing desires and interests of states. To a large extent ascertaining these theories, fundamental principles and explanatory power will be critical in this research as it will give a logical comprehension of different paradigms and outcomes in international cooperation. In this regard, the researcher will look at the propositions of the United Nations Paradigm, Lederach's Conflict Resolution Model, United Nation Charter, Realism Paradigm, and the opposing and differing Paradigms of Liberalism, and Constructivism. These divergent stances on states in international cooperation and operational ethics of countries in an international environment and also opinion and views of the Area Study of the Middle East were also covered and thereupon a conclusion. These will help to understand how the UN, the world's most global IO, has thus far been capable in meeting the vast expectation of it thereof. Therefore, a review of UN "Charter," an operational document that specifies the rights, privileges of its members on one hand and powers and functions of its agencies with limitations to UNGA, UNSC, and ICJ, on the other hand, will be conducted. Also, a look at the area study of "Middle East" will make this literature review section more concise, as that will bring events more closely to the happenings in Jerusalem.

The conflicts in Jerusalem and the way forward has been a subject of debate for so long, including; the many arguments about which IR theory or theories that best explain the situation in Jerusalem. However, Nye believes that realism is the best fit for the study (Nye, 1997). While others believe that constructivism approach will be best, considering the social nature and configuration of the region. Fawcett admits that even at the center of the differing arguments, issues of beliefs and identity hold firm ground in the Middle East, (Fawcett, 2005). As aforementioned, this calls for a broader review of perspectives in this research, albeit, the researcher adopted a realism paradigm as the primary source of reference, and also a review of other opposing and differing theoretical views.

2.2: United Nations Paradigm:

Peaceful resolutions of conflicts are one of the primary purposes of the UN, since its inception in (1945). Since then, the international community converges on this platform to enhance peace and security amongst states. To achieve their aim, the UN adopted different peace operations that will help towards achieving their objectives, beyond the use of military might. One of these approaches is the resolutions of the UN, which the organization uses to communicate its collective desire/decision to member and non-member states. In this regard, there are concerns about how this organization has been able to achieve its aim and desire effectively. According to Williams (2017), who argues that the UN and other regional organizations combined has conducted about (135) peacekeeping operations, globally, (Williams, 2017). It is essential to ask how the word “effectiveness” could be measured in conflict resolutions as that will show if there is progress or not. Doyle

and Sambanis (2000), argues that an assessment of effectiveness in conflict resolution can be through a peaceful sign of stability in the polity. While others believe that, compliance with ceasefires is paramount (Fortna V. , 2008). However, avoiding civilian casualties in a conflict confrontation is another means possible to access effectiveness (Bove & Ruggeri, 2015). More importantly reduction of conflicts among belligerents is another way to show the efficacy in maintenance of peace and security, (Hultman, Kathman, & Shannon, 2014).

However, the hopes bestowed upon UN to ensure peaceful co-existence of states in the international system since its inception can be compared with its failures and with the present realities, (Kennedy, 2007). The historical procedures by the UN to adopt resolutions as a means to communicate their stance on global affairs, also signifies measures of effectiveness or otherwise of the UN, (Lowe et al, 2008) and (Bosco, 2009). Roberts and Zaum (2008), shows how UNSC picks security threats that demand its intervention, a question is, have these interventions brought peaceful resolution of the said conflict? From the data collected for this research, it is evident that the UN passed numerous binding/non-binding resolutions, to the effect on disputes over status and ownership of Jerusalem, to a large extent one wonders why the conflicts persist. To consider why the dispute continues, Mazower (2009), argues that UN was formed not basically to enhance the Woodrow Wilson liberalism, but to preserve the imperial rule of the white, in non-western societies.

On the other hand, Muravchik (2005), calls for the abolition of the UNSC, because it is a mere forum for discussion with no substantive decision making power/influence. To abolish the UNSC may not be an easy task, considering why the agency came to be in the

first instance. However, Roberts and Zaum (2008), criticizes how UNSC refuses to get involved in some conflicts and how the UNSC was then able to mount sufficient pressures and interventions to some disputes. It raises questions about motives, conflict of interest, and why the Council will commit to act effectively to some conflicts but then seems reluctant towards others. Diehl (1988), maintained that the core to the maintenance of peace in a conflict situation amounts to the ability to limit conflicts, prevent their reoccurrence and fostering of settlements in a peaceful manner. Also, Fortna (2003) equates conflict resolution effectiveness to the duration of peace.

2.2.1: Lederach's Conflict Resolution Model

Intractable conflicts as could be seen in Jerusalem seems like what is beyond the UN to resolve, considering the above arguments of different scholars and the duration of the Jerusalem conflict. Is it imperative to look for other means possible that will help the said conflict to a transformed peaceful resolution? Lederach (2003), argues that conflict transformation and decisions amount to possible means, to resolve intractable disputes in such a way that will bring positive change in a conflict situation. Albeit, Lederach expressively maintained that this model is not a quick fix solution of conflicts, but the aim of conflict transformation is only a process that will construct change needed to address the issues that cause the said conflict and its underpinning, (Lederach, 2003). It is the social structural foundations of the supposed conflict that will help to institute any constructive change whatsoever. Accordingly, for any peaceful resolution of a protracted dispute, it is significant to admit the context of the conflict and proffer solutions that will be appropriate for the differences to be resolved, (Lederach, 2003). Therefore, the need to study first the

context in which states converge to form the UN is as critical as what is indeed the actual cause or causes of conflicts in Jerusalem. It is easier to put blames and counter blames towards the roles and activities of the UN in resolving the Jerusalem conflict, but then again, studying the two aforementioned contextual scenarios of convergence of states and the causes of the disputes will assist in finding the needed solutions to the conflict. Moreover, for a resolution of protracted conflict, it is also essential to revise approaches in most case scenarios as to enhance effective means of managing/resolving disputes, because it is evident that over time, generations, actors, interests, and narratives will change, (Kiefer, 2015). Gray, Coleman, and Putnam (2007), maintained that incompatible perception and activities of claims, actions, values, are regarded as the causes of conflict. This incompatibility leads to a situation in which one particular actor is determined to achieve his/her goals at the expense of others. Practically actors with different claims and goals create different conditions.

However, some characteristics are evident in the Jerusalem conflict that one can categorize it as intractable. These characteristics according to Kriesberg and Northrup (1989) and Bar-Tal (1998), includes; a protracted in nature conflict that has lasted for decades, with often mass atrocities and deaths of civilian populations and importantly with a subjected discussion in international sphere for a substantive amount of time. The intractability of the said conflicts allows actors in the dispute with the view that their existence or their survival rests in the continuation of the conflict, which gives them some recognition, (Kriesberg & Northrup, 1989) and (Bar-Tal, 1998). Interestingly, the difficulties in resolving intractable conflicts are however attributed to opposing ideologies

or instead competing agendas, particularly territorial claims, with both opposing parties refusing compromise of their beliefs or claim, these permits the conflict to linger, (Coleman, 2000) and (Kriesberg, 2010). Vallacher, Coleman, Nowak, and Bui-Wrzosinska (2010, p. 263) and Coleman (2003), argued that intractable conflicts live on with immunity against resolution and settlement; this indeed makes a peaceful resolution of the conflict seems impossible. More-so, the difficulties in reaching an agreeable decision allow the conflict to persist, even at the instances of foreign interventions as mediators, (Kriesberg, 2005) and (Coleman, 2000). To this end, many justifications are there to see how and why the conflict in Jerusalem persists even at the expense of numerous efforts by the UN through its binding and non-binding resolutions. A close look at the prescriptions of the founding principles of the UN will, however, assist to substantiating or otherwise most of the above arguments.

2.2.2: United Nation Charter:

The charter specifies the rights and privileges of all members. Stating that the members of UN are "determined to save succeeding generations from the scourge of war" and to unite with one another, and to live in peace, see [The UN Charter, 1945]. The above two cardinal highlights of the opening statement of the charter form the basis of this study. It does raise concerns on how, thus far, this global organization has succeeded or instead how succeeding are their approaches to global issues. Cohering with member states, the UN has been subjected to rigorous scrutiny by its members on numerous occasions. It is imperative that a retrospective study is conducted from time to time by concern citizens and

practitioners to predict the prospective future of this global entity possibly. To this end, Hanhimaki asks "has the UN been able to achieve all, some or any of these wordy goals" after over sixty years of its inception? (Hanhimaki, 2008, p. 1). The "purposes and principles" of the United Nations were extensively made known through its charter (e.g.), chapter (1), article (1:1), article (1:4). Chapter 111, article (7:1), outlines different organs that exist in the UN; these include "General Assembly, Security Council, and International Court of Justice" and others.

The UN Charter maintained that resolutions of the GA are non-binding to member states, these resolutions, and recommendations, are made through negotiations for the overall interest of the assembly. On the other hand, chapter V, article (23:1); maintained that the security council (SC) is composed of "five permanent members," while, GA shall elect six of its members to be "non-permanent members" of SC. More-so, article (23:2); states that elected non-permanent members are for a term of two years. The resolutions of the SC are binding to all members, and SC ensures compliance to its resolutions through different methods such as, economic, and military sanctions. However, the functions and power, of the Security Council, as stipulates in the UN Charter, includes, chapter V, article (24:1); UN members confer on SC the "responsibility for the maintenance of international peace and security" [The UN Charter, 1945]. All members of the UN agreed that the SC acts on their collective behalf. Importantly, powers unanimously granted to the SC are obtainable in chapters (VI, VII, VIII, and XII). An essential point of reference is in chapter VII, article (51), which states the inherent member's right of individual or collective self-defense.

The notion of the International Court of Justice (ICJ), gives a sense of custodian of “international law.” Hedley Bull referred “international law” as “body of rules” that binds states and others together in world politics which is regarded to have law status, (Bull, 1977, p. 122). Myres McDougal et al. rejected the idea of “international law” as “body of rules” instead they opted for “a social process of decision making that is both authoritative and effective,” (McDougal, 1960). McDougal (1960), believe that “international laws are shaped by different attributes,” see also (Higgins, 1968). Bull later admitted to the definition of international law as a “social process” (Bull, 1977, p. 123). On this note, the “principles and rules of ICJ” an agency of the UN, saddled with the responsibility of settling disputes between states, in chapter XIV, article (92), argues that ICJ “shall function under the annexed statute.” While, article (93:1), stipulates that “all members are parties to the statute of the ICJ.” Article (94:1), makes it clear that all members are to comply with the decisions of the ICJ. These provisions of the charter of the UN will be a guiding principle of arguments about the actions and inactions of these three agencies mentioned above of the UN, in this study, refer to [The UN Charter, 1945].

Antagonizing, criticizing, or even apportioning of credits to the UN will not entirely do justice to this study, without looking at the underpinnings that brought about the cooperation of the global states. States do not summarily join UN for instance; something perhaps may have prompted their desire to do so. Conversely, a look at the different paradigms of IR's theories and why states converge to cooperate in an anarchical society is

vital to this research. Simply because this will address the issues of expectations, objectively project future, and consequences of international cooperation amongst states.

2.3: Realism Paradigm:

Realism believes that two attributes motivate cooperation between states; “self-interest and quid pro quo” (i.e.) give and take syndromes of international cooperation, (Waltz, 1979). Realism has the assumption that power and its distribution are central issues of concern in IR. Waltz (1979), argued about the unique nature of international politics, in the sense that different desires of states prompt different outcomes. On the other hand, Morgenthau (1954), uses the analogy of “scarce goods,” he argues that, practically in a competition over a “scarce good” where no one is willing to mediate, definitely power tussle will surface with apparent consideration of anarchical society of men. Morgenthau argued that struggle for power is because of wants associated with men and not because of bad intentions of men thereof, (Morgenthau, 1954). According to Morgenthau, the desire for power is a test for political successfulness, in which one will be able to maintain, demonstrate, and increase its power/influence over others. Morgenthau considers power as inherent in men, maintaining that in a world that power is essential no state considers wanting or renouncing of power, all states pursues a policy towards power accumulation, an apparent lust for power, (Morgenthau, 1954). According to Waltz (2001), what the statement by Morgenthau translates is that in competitive situations struggles for powers are inevitable, with the consideration that “men are born seekers of power,” the struggle for power will persist, (Waltz, 2001, p. 35). If for any reason to believe the argument of Morgenthau, clearly speaking, one must be wary of the position of an international

organization like the UN, in this struggle, states join IO's with the desire to promote their interests, but then how to coordinate these diverse interests is another question. Perhaps, Waltz urges that to accept the ideas presented by Morgenthau, the implication thereof in international politics is that national interest is a practical power which men seek naturally and this guarantees the survival of states in international politics, (Waltz, 2001, p. 35). Then the understanding of what "power" means will vary.

In five assumptions, John Mearsheimer, in his writing "the tragedy of great power politics," summed up reasons struggles for power is evident among great powers in the international system. These include anarchy, the offensive military capabilities of states, uncertainty over the intentions of others, the inherent quest for survival and great powers as rational actors, (Mearshimear, 2014, pp. 30-32). These five assumptions are, however, not limited to great powers as far as international cooperation are concerned. Considering the anarchic nature of the international system quest for survival is paramount, as the state once conquered will not have the means to pursue other objectives, (Mearshimear, 2014, p. 31). The bottom line is, it is common knowledge that states when cooperating with others, maintain these assumptions to their core principle. Waltz (2001), in his "first image" theory analysis, argues that the role of the state in international politics is inherent in human behavior. To say that states act in "international relations," what it meant is that people/individuals in it act. It is important to note that the understanding of the quest for power is evident in most case scenario (Waltz, 2001). However, Wright (1952), raises the question of why power will not be the principal value of importance to states? In a positive

approach, realism respond that states in pursuit of their national interest are in for supreme “augmentation of their power position,” (Waltz, 2001, p. 37), see also (Wright, 1952).

The above arguments of realism allow the situation to take into cognizance that power is rooted in men and their ability to dominate others; these are the genesis of world ills, not limited to the conflicts in Jerusalem. Power could be regarded as an instrument of states or as a supreme value that possibly propels countries for a maximum pursuit of “national interest” (Waltz, 2001). Ideally, it is evident that everyone is for their national interest; no state originates/propagates policy with the plea/aim though it will hurt or jeopardize the originator states interest and help other states. States always advocates for a foreign policy that will be of their benefit. Waltz pinpoints that the problem is basically between evaluative, in the sense that “interest is legitimate” and pragmatic in the sense that policies best serve promoters' interest, (Waltz, 2001). Waltz also offers some inroad to solutions to the two paradigms; he urges for a comprehensive understanding of both “politics and man,” which neither he said could be exempt from the other. To understand human behaviors, improper behavior, and evil associated with men lead to war, while goodness if possibly spread globally will mean peace, (Waltz, 2001, p. 44). The above statement is more likely to be disregard by critics; first, there is the possibility to question the word “good” what does it entail? Also, how possible could reform or renewal of men from their evil be, will it cure the numerous world and societal conflicts (e.g.) Jerusalem conflicts?

Consequently, there is no shortage of plans towards world peace, even in Jerusalem conflicts. Although, national interest associated with power struggle continues to cause turbulence. The only possible reason why war/conflicts persist is that political leaders refuse to listen/play according to the plans that will avert them. Interestingly, since there is no shortage of ideas to world peace, hopefully, methods will be the answers to societal ills; albeit that is a conviction most people will say they are not new, so to speak, (Waltz, 2001). Durkheim (1939), maintains that pushing society towards ideal, is not attractive any longer, but he urged that states should be prepared to prevent and provide solutions to issues.

In contrast, Lasswell wrote a criticizing piece about the roles of methods saying “political methods are tools to solve problems afterward, but the alternative should be politics of prevention which is ideal,” (Lasswell, 1930). Lasswell submits that it is no longer needful to make organizational changes, but the need is a reorientation of minds of individuals, particularly the “most influential in society” (Lasswell, 1930). The bottom line is, there is a comprehensive need for an increased understanding among people, which means an increased peace, (Waltz, 2001).

Furthermore, because men expect war is the simple reason why conflict occurs, and to do away from war, men should change their expectations, (Waltz, 2001, p. 47). Waltz points out that whichever way the internal organization of the state is structured is, however, essential towards a better understanding of war and peace alike, (Waltz, 2001, p. 81). In sum, the internal challenges, that confronts a given state will form an integral part of the internal organization, e.g., a country that faces security challenges from hostile

neighbors will organize towards defensive approaches, while the other will possibly organize towards offensive approach, (Waltz, 2001). A clear indication of what is obtainable between Israel and its neighbors. On that note, the contributions of offensive and defensive realism school of thoughts, makes their proposal distinct, for the former; state must maximize their relative power position simply because of the structural issues, while the latter differs and argues that countries in international system are clearly more concerned with their security, (Mearshimear, 2014). Mearsheimer submits that offensive realism exposes the working of the global state system (Mearshimear, 2014, p. 10). Adam Smith argues that whatever that is subject-able to a lawsuit may likely cause war (Smith, 1948). This indeed shows why conflicts in Jerusalem persist.

2.3.1: States Behaviors in Anarchy

Since anarchy continues to be an essential “determinant of state behavior in the international system”, it has since rendered states to the point of a quagmire that countries are very uncertain about intents of others and their possibly “offensive capabilities,” (Waltz, 2001). This uncertainty makes international cooperation more complex and awkward. The sovereignty at bay nature of the international system puts states at a constant fear for survival, (Waltz, 2001). As Grieco et al., argued in "absolute gains problem" that states are for interest maximization in preponderance to the gains and losses of others, seems apparent why the conflicts linger, (Grieco, Powell, & Snidal, 1993). Furthermore, the numerous defects in promises of IO's are visible considering failures of IO's to deliver expected results, frequently. Mearsheimer (1995), argues that IO's is an avenue of power

distribution and power politics, which are worrisome that it, therefore, to a large extent, prevents IO's from being effective. Mearsheimer argued that evidence of IO's not having independent power over the eventual outcomes in international cooperation is foreseeable. He maintained that even when IO's does matter, they do so because states allowed that to happen, (Mearsheimer, 1995). In other words, Mearsheimer believed that states use IO's instrumentally for their gain and for their self-interest, which enables them to engage in power politics (Mearsheimer, 1995). Importantly, IO's and their institutions operate within what Mearsheimer called “marginal power,” an arena for power politics and power relations between states. However, it makes IO a reflective avenue for power distribution in the international system (Mearsheimer, 2004, p. 13). In a competitive world, according to Mearsheimer, states will indeed use the pretext of cooperation to take advantage of others (Mearsheimer, 1995). Could the above narrative sums up the UN some may ask? Below are the opposing and differing paradigms for more inroads into the activities of the UN as an international organization.

2.4: Opposing and Differing Paradigms:

The understanding of the differing and opposing views and paradigms against the realism submissions above, will give adequate legitimacy or otherwise to the realism perspective as narrated above. First, liberals point to their preference of “democracy” as against “dictatorship” labeling it the “good and bad” states of the international system. With the notion that good states seek/pursue cooperation with others, alas “bad state” does not, resorting to conflict and usage of force to get their way, (Mearshimear, 2014, p. 16). It

will be interesting to see how that plays out as the majority of members of the UN are “good states.” The route to peace, liberals argue is to spread “good states” across the globe (Mearshimear, 2014). Thereby, distancing itself from power calculation, as realism argued above, explaining further that power matters little for good states, perhaps its economic calculations that are more important for “good states.” Power will be of no value or somewhat irrelevant if possibly the world is filled with only the “good states” (Mearshimear, 2014). In contrast, realism distanced from the idea of "good and bad states" maintaining that great powers act same in the international system, regardless of culture, or who the leader of the government is and even the political system, (Mearshimear, 2014). Realism maintains that power calculation dominates state thinking at all times. Moreover, in the quest for power, states do not mind going to war, which, according to Mearsheimer, is an instrument of statecraft that is acceptable, (Mearshimear, 2014). In sum, realism refused to distinguish "good and bad states" instead opting for relative power capabilities as the basis for the differences amongst states, (Mearshimear, 2014, p. 24). Even to a large extent, most strategic roles assigned in the UN are determined by power relativity that indeed shows the relevance of power against the opinion of liberals.

However, one may even ask, does it mean that liberals never envisaged the defects of international anarchy? Alternatively, are liberals deliberately trying to equate domestic affairs into the international arena to “substitute reason for force” (Waltz, 2001, p. 120). It is understandable that because of distrust and hostility which comes from a competitive society of men, men opt for collective measure rather than individualistic to advance their existential course, evident as more than (190) countries converge as UN members.

According to Waltz, the problem is that liberal accepts the importance of states, but then they “circumscribe it.” Secondly, liberals understand and accept the roles of war in IR, and then they “minimize it.” Though, for a comprehensive understanding of liberal’s perspective of the state, it is expedient to comprehend first their idea of man and society, individual state and of the community of states intersection in IR’s, (Waltz, 2001, p. 100). That will give a good note of what to expect from an organization like the UN. Albeit the “interest of the people is in peace, while their governors make war” (Waltz, 2001, p. 101). It cannot be summarily agreed, as some provisions in UN Charter empower "people" in contrast to the wants of their “governors,” so to say, refer to [The UN Charter, 1945].

2.4.1: Critics of Liberals

Morgenthau (1946), vividly maintained that the real error of many liberals' theorist and proponents are their misunderstanding and misestimating of human nature and their behavior. In consonance, Reinhold Niebuhr, affirms that human characters are so convoluted and complicated that it can justify every open submission, (Niebuhr, 1934). The core attributes of human nature, are likely tricky to change, but social-political institutions can be changed, let the reform if possible start from the latter, (Niebuhr, 1934). Though these changes in social-political institutions often seem also tricky, it is of commonplace there has been a long call for reform of UN, but then to what extent that is possible, is another point. Hans and E.A. Carr, criticizes the utopian views/believes of liberals, arguing that if followed, will lead states to political disaster, (Carr, 1962). On that note, attention to constructivism will show if indeed, human nature has any role whatsoever to play in socio-

political institutional structures and changes. Admittedly, Alexander Wendt of constructivism paradigm maintained that two challenges are inevitable for constructivism in the international system, these are on two grounds, the social fronts were norms, and laws exist in domestic politics while on the other hand, the international politics were self-interest and coercion rules. Contrarily, Wendt argued that law and institution do exist, albeit limited will within the "superstructures" to stop influence, interest, and powers that be makes law and institutions ineffective, (Wendt, 1999). Interestingly, Wendt disparages the idea of "anarchy in the international system," first he argues that there is no such thing as "logic of anarchy." Insisting that anarchy means absence, not a presence (of a rule), which then gives a clear understanding of what there is not and not the other way. The point is that if states want an active association, they can achieve that.

Furthermore, structure and kind of people, including their relationship, are what gives anarchy a definition, (Wendt, 1999, pp. 308-9). In sum, realism insistence on "self-interest" if not sustained through practice will ultimately (in his words) "die out," and then structural change will emancipate, (Wendt, 1999, pp. 368-9). Conclusively, Waltz [1979] argues that anarchy causes conflicts in international politics, which leads states into a "self-help world." Wendt differs, that "anarchy is what states make of it" (Wendt, 1999, p. 6). In furtherance to that, Stefano Guzzini and Anna Leander, in their edited version of Wendt and his critics, quoted Wendt as saying that, conflicts or even peaceful situations in a system is not a function of neither anarchy or power; instead it is a practice of "shared culture in social interface" (Guzzini & Leander, 2006, p. 1). Guzzini and Leander sum it up since Wendt has the view that there is no "logic of anarchy" states interactions with others

depends upon the culture of international politics they live therein, (Guzzini & Leander, 2006, p. 57).

2.5: Conclusions:

Having reviewed these different theories as it relates to the activities of state to states in international relations, it is, however, pertinent to say that so much is with too many ambiguities. However, the commonality among them is that these theories re-echo much influence of three variant components (i.e.) People, Politics and Power. From the lens of realism, it is clear that IO's and possible global states cooperation will mean different thing to different states. This study will show if indeed, self-interest is the central factor of states participation in international activities amongst countries. Unlike realism, constructivism rejected both realism ideas that IO's have no independent power and that it is only reflecting the distribution of power in the international system (Wendt, 1992). The only problem of IO's is the social construction of it thereof (Wendt, 1992). It is too early to jump into conclusion with that line of thought of constructivist, as the research findings of this study will prove if it is true or not. On the other hand, Wendt argument that neo-realism of Waltz, conviction of international politics on the basis of anarchy and distribution of material capabilities is faulty, pointing out that it is impossible to explain different global outcomes, without first a consideration of different types of states; which includes, "status quo states and revisionist states." Which Wendt believed that the "status quo states" seek to maintain what it has, while "revisionist states" wants a change of system by force. Concisely, this will define the kind of state that exist and compete in the Jerusalem

conflicts, whether good or bad states" as argued by liberals or "status quo states and revisionist states" as argued by the constructivist. To a large extent, Wendt insisted that in a system with only status quo states, it represents "one kind of anarchy" while a system with revisionist states represents another. What this entails Wendt suggests is that in status quo states, there will be peace relatively, whereas in revisionist states, it will be conflictual, (Wendt, 1992, pp. 5-6). The research findings will prove the validity or otherwise of Wendt's argument.

Regardless of how one might see the realism paradigm, differing and opposing stances of liberalism and constructivism, the need for order in every society is essential; this is practically what the UN is indeed trying to achieve. However, institutions are regarded as order, as Bull (1977) argued, insisting that order in a social context is essential, which humankind looks for in every day social interaction, that is result oriented which promotes expedient goals and values, (Bull, 1977). Bull argued that social orders, in most cases, are compliance/obedience to "rules of conduct and law," this will also be tested through respect to the UN resolutions over the conflict in Jerusalem. Interestingly, the need to attach value to order in every society is because men have great value to predict human behavior that emanates from neither elementary nor primary purpose of coexistence, (Bull, 1977, pp. 4-7). Bull maintained that order in the international system is a sustaining goal of the global society of states that preserves both the system, nation, and states, (Bull, 1977, pp. 16-17).

In sum, the area study of the Middle East gives some inroad towards answering the

research question of this study. Matar and Dessouki (1983), maintained that the term "Middle East" originates as a political concept for a strategic reflection of interests by the great powers, (Matar & Dessouki, 1983, pp. 24-31). According to Valbjorn and Lawson (2015), the interaction and relations between states in the Middle East and great powers remain hierarchical, because more outside significant forces dictate the happenings in the region, (Valbjorn & Lawson, 2015, p. 44). Therefore, to understand the political happenings and developments in the Middle East correctly, one must first seek to understand the configuration of global powers relations and alliances with different states within the region.

2.5.1: Justification of theories used:

First; for Waltz, Hans and Mearsheimer the core underpinnings of actions and inactions amongst states include; the quest for power, and self-interest, while liberalism distinguishes between the good and bad states in international cooperation. On the other hand, constructivists were able to show that social construction is the most important determining factor of structures and anarchy thereof. Various happenings and conditions make states actions more logical. Notably, the area studies highlight the key concepts and precepts of the political situation in the Middle East and while the lingering circumstances persist. Finally, the UN Charter exposes possible weaknesses (if any) on the part of member states/agencies to sanction a defaulting country through its resolutions, particularly the "Security Council." This study will show how true or false these submissions are at the end of this study through the research findings. Other arguments of theorists like Mazower

(2009), Muravchik (2005) and Lederach (2003), that UN was not formed to enhance the Woodrow Wilson liberal internationalism, but to preserve imperial rule of the white, in non-western societies, the call for the abolition of the UNSC and Lederach's conflict resolution model will be tested at the end of this study.

2.5.2: The relationship of theories used:

Whether quest for power or interest maximization, states comes together to promote their national interest, through a socially contesting process and platform orchestrated by constructivism idea kind of structures. In essence, this does show that even the "good and bad states" as argued by liberals, may not likely cooperate if they do not have sufficient contact and impact towards each other. While the fear of "unrestricted violence" that prompts states to develop certain "rules and institutions" for their corporate affairs may be in jeopardy. Above all, recognition of their shared interest will not have occurred without the understanding of needs for an international kind of society. Thereupon, Area Studies were able to bring attention more closely to the happenings and intricacies of the Middle East, showing the need for more work to be done locally before venturing into a global stage for peaceful co-existence of states in the region. In sum, these correlations thereof show how both the "good/bad states" converge at the international stage with different self-interest in the quest for power maximization or balance of it.

CHAPTER THREE: METHODOLOGY

3.1: Introduction:

The researcher will adopt a qualitative research approach in this study, to examine to what extent the UN resolutions, decisions, and judgment of ICJ have been assiduously proactive in resolving the conflicts, over the status and ownership of Jerusalem. To explore the roles of the UN in the conflicts, an approach, and research design that revolves around the critical agencies of the UN will be adopted. In that context, the researcher will look at the binding and non-binding resolutions of the GA and SC, and more importantly, the pronouncements and judgments of ICJ on the subject matter. Different arguments are ongoing from time to time about the status of Jerusalem, both within the United Nations and out of this organization. People from various divides choose to see Jerusalem and its ownership as best suits them. In the data collection, few variables will play an important role, towards the selection of data from a particular period. There are many resolutions by the UN as regards conflicts in Jerusalem, and across the Middle East, the most crucial reference point resolutions of the UN for this study is resolutions S/res/242 (1967) and S/res/338 (1973). Resolutions S/res/242 (1967) called for “peaceful resolutions of Arab-Israeli conflict, through territorial compromise,” and “termination of the state of belligerency.” However, resolution S/res/338(1973), reaffirms the importance of S/res/242 (1967) and urge all sides to its adherence to achieve "durable peace" in the region, (See Appendix 1). Notwithstanding, conflicts continue in the region. On 13th December (1980), Israel in its own right as a sovereign state, passed a law called "Basic Law," affirming Jerusalem as Israel's Capital, (Israeli Knesset, 1980). Before the passage of this law by the

Knesset, Israel has since acted upon Jerusalem as its capital, leading to numerous clashes between civilians and security forces. Conversely, before and after the law was passed by Israel, the question is then, how has the preceding and subsequent UN resolutions being able to resolve/settle conflicts over the status and ownership of Jerusalem? Thence the data collection starts from January (1980) up till (2019). The researcher chooses to select resolutions before the actual passage of the law by Knesset, to show if there is any provision by the UN to prevent any eventualities thereof. However, statements, press releases, and other pamphlets from UN archive, “Israel Ministry of foreign affairs,” White House press, on the subject matter, formed the basis of this study.

The data collections are in three (3) cases, and these three case studies will help to show distinct correlations both in data collection and analysis. Markedly, the usage of three case studies is very significant in addressing the research questions of this research, because that will give a broader assertion on effectiveness of the UN resolutions in the conflict over the status and ownership of Jerusalem. More-so, the analytical part of this study will explain in details the roles of these case studies, their common similarities, differences and show how they were part or otherwise the cause and effects of the research questions.

3.2: Table of Case Studies & Data Collection

Table 1: Case Study 1: General Assembly Resolutions

Table 2: Case Study 2: Security Council Resolutions

Table 3: Case Study 3: International Court of Justice (ICJ)

The choice of selecting resolutions was basically on the limitations of this study, which are the conflicts over the status and ownership of Jerusalem. The following resolutions with the titles coined by the UN, but the working code of (GA1-GA4), (SC1-SC2), and (ICJ1-ICJ3) was coined by the researcher to avoid verboseness.

3.2.1: Case Study 1: General Assembly

1. “Question of Palestine” (GA.1).
2. “Report of the Special Committee on Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories” (GA.2).
3. “Jerusalem” (GA.3).
4. “Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12th August (1949), to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories” (GA.4). (See Appendix 2, for GA1-GA4, collected data)

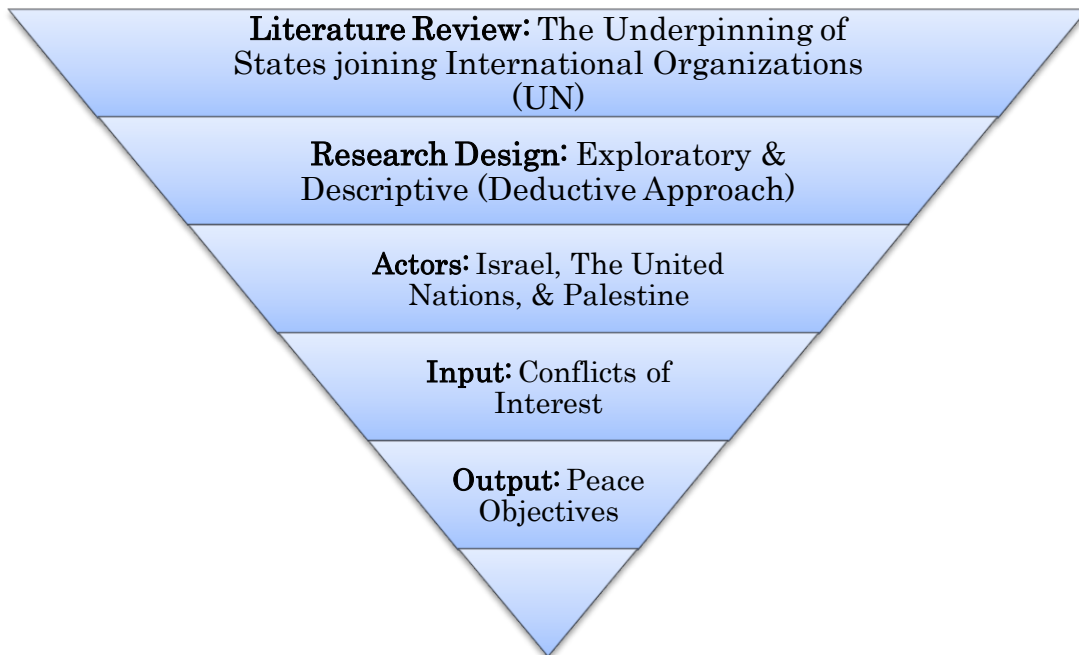
3.2.2: Case Study 2: Security Council

1. “Territories occupied by Israel” (SC.1).
2. “The Middle East, including the Palestinian question” (SC.2). (See Appendix 3, for SC1-SC2, collected data)

3.2.3: Case Study 3: International Court of Justice

1. “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” (ICJ.1).
2. “Relocation of the United States Embassy to Jerusalem,” (Palestine v. the United States of America), (ICJ.2).
3. “The State of Palestine institutes proceedings against the United States of America” (ICJ.3). (See Appendix 4, for ICJ1-ICJ3, collected data).

3.3: Theoretical Framework.



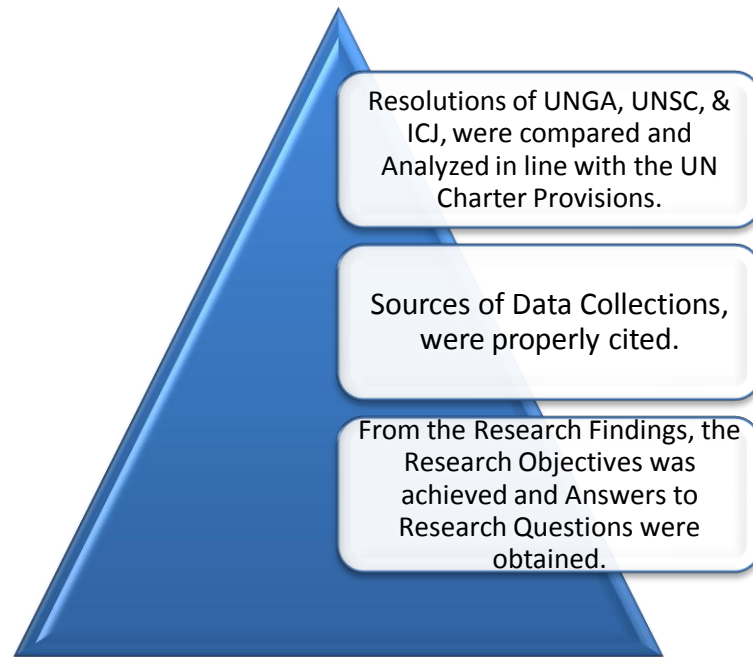
Box 1: Theoretical Framework.

Source: Assembled by the Researcher

3.4: Research Design

The researcher used secondary research method, both in data collection and construction of arguments. These entail reviewing of the literature of international relations to ascertain the underpinnings of states joining international organizations. Sources of materials used in this research were from academic sources and UN data archive. There was a review of the scholarly work of authors about action and inactions of states before and after joining an international organization. The rationale for examining these differing opinions of theorists was to give headways into the possibility of pro-activeness of international organizations, considering different mindsets and interest of states when converging on the international stage for possible states cooperation. Discussion in this thesis centers around the roles of UN resolutions both binding and non-binding in solving this long decade intractable conflicts in Jerusalem that have indeed cost many their lives.

Focus, will be given to the roles of states with veto and their voting pattern and possible motives behind their objectivity in the said conflict, and also the way forward, and alternatively the peace prospects. These will help to evaluate effectiveness, and weaknesses of UN resolutions in resolving the said conflicts and possible alternatives if any. Below is the summary of the research design.



Box 2: Research Design

Source: Assembled by the Researcher

3.5: Limitations

Many works of literature are indeed available that exposes different interests of states when joining an international organization, like the UN. However, these varied interests are necessitated by the national interest that translates into foreign policy. This research is limited only with a central focus on disputes over status and ownership of Jerusalem. Because of time constraints, this research is with limitation to the roles and effectiveness of UN resolutions in resolving the said conflict. The aim is to objectively identify the effectiveness of the UN resolutions in resolving the dispute over the status and ownership of Jerusalem. Above all, considering that this is the first academic work of this nature conducted by the researcher, the quality of this paper may have some defects.

3.6: Research Approach

According to Ahmed (2012), the concepts of "research approach" are means necessary for the collection of data in an orderly manner in which information is obtained to answer a research question, (Ahmed, 2012, p. 125). More-so, Greener (2008) argues that a research question and objectives mostly forms the basis when selecting an approach that is appropriate for any study. In that regard, the researcher uses a deductive approach in analyzing the roles the UN resolutions has played thus far in the conflicts. If the premises of hopefulness should continue, (i.e.) that the UN has all it takes to resolve the dispute, or that the concerned parties should adopt new alternative narratives, any of these will be evident through the research findings. According to Neuman (2007), research generally starts from an observation point of view, then spread to ideas of abstract generalization, (Neuman, 2007, p. 30). These underpinnings are indeed essential to this study, as existing narratives about the UN over the conflict and IR theories will be tested, including the UN influence and roles of conflicting parties and also the alliances between the belligerent and outside powers. These will help to understand why the conflict persists even after numerous UN efforts.

Coherently, the researcher adopts a qualitative case study strategy to explore how the three agencies of the UN have handled the dispute. Creswell (2007, p. 73), argues that a case study is a study of a particular issue, approached in a given method within the context of one or more cases. Formerly, Yin (2003), maintained that case studies contribute to our understanding of how organizational, individual, or even group and social spheres operate,

(Yin, 2003, p. 1). Critically enough, these form the basis of arguments and analysis of this research.

According to Creswell (2007), research methods are instrument and techniques used while conducting research; these include methods of data collection and data analysis. In this regard, the researcher selected resolutions of UNGA and UNSC, from the UN archive from the year (1980) till (2019), the reasons for the choice of selection from the said year as aforementioned was substantiated, (see introduction 3.1). Coherently, Creswell (2007) summed it up that qualitative research approaches give understanding both in context and settings of a particular study area, which allows us to see the viewpoints and happenings in the study area. Ultimately this provides a comprehensive understanding of the effects of numerous UN resolutions to these conflicts that have been on for decades.

3.7: Data Collection

The six methods of data collection, 1: Data were collected from UNGA resolutions with limitations on the following titles, as mentioned earlier; refer to, introduction (3.1). Source (UN General Assembly, 1980-2019).

2: Also, from the UNSC archive, data were also collected with limitation of the titles as aforementioned, source, (UN Security Council, 1980-2019).

3: Reports and interpretation of judgments by the ICJ, as brought to the agency by different concerned parties, were also collected, source, (ICJ, 2004).

4: Text of the "Basic Law" by the Israeli Knesset, source, (Israeli Knesset, 1980).

5: The United States government press statement on the relocation of its embassy to Jerusalem and recognition of the city as Israel's capital. That also plays a significant role in the conflict, source, (White House, 2017).

6: Statement issued by the UN, on American relocation of its embassy to Jerusalem, source, (UN Press Release, 2017).

3.8: Data Analysis

The analysis contained the empirical examination of the roles and effects of UN resolutions towards resolving conflicts through three case studies. Other relevant press releases were coherently analyzed in each of the case studies as necessary. As Brikland (2016) puts it, the various complexity of policy process due to diverse issues such as economic development, political system, and agendas are difficult to generalize. That allows the researcher to analyze the roles of the UN agencies through case studies. Thereupon during the discussion and conclusion, the case studies will be coherently discussed, and also the assessment of effectiveness in conflict resolution.

3.8.1: Methods of Assessing Effectiveness in Conflict Resolution.

1. Peaceful sign of stability in the polity.
2. Compliance to ceasefires/resolutions.
3. Avoiding civilian casualties in a conflict confrontation.
4. Reduction of conflicts among belligerents.

3.9: Methodological Limitations

Few numbers of challenges were visible, particularly during the data selection; numerous UN resolutions are in one way or the other linked to Israel and Palestine, with different titles. However, due to the research limitation, the focus was centered on the conflicts over the status and ownership of Jerusalem and as such, data selections were thoroughly made, using titles that are in correlation with the said conflicts.

3.10: Ethical Considerations

In compliance with "Ritsumeikan Asia Pacific University" ethical guidelines and conduct of research, the researcher made sure that information and data's are from reliable sources. Secondly, the individuals that the researcher sought for their inputs were aware of their voice recording during the conversations. Interviews were not part of the research methodology due to the researcher inability to get also respondents from Palestine's side. Some of the people the researcher interviewed were former Israeli ambassador at the "Jerusalem Center for Public Affairs," and three academic professors at "Tel Aviv University."

CHAPTER FOUR: RESEARCH FINDINGS AND ANALYSIS

4.1: Introduction

As was discussed in chapter 3, the research finding centers on the empirical examination of resolutions of the UN agencies as regards conflicts over the status and ownership of Jerusalem, and the judgments/interpretations of ICJ on the subject as brought to it by concerned parties. From the findings in this chapter, it will be imperative to analyze here the factors that influence actions and inactions of both agencies of the UN and its efforts towards resolving the conflict over the status and ownership of Jerusalem. Thereupon, there will be an assessment and evaluation of the findings towards answering the research main and sub-question of this research. The three case studies will be analyzed based on their roles and contributions towards resolving the conflict. After that, this chapter will test the hypothesis coined by the researcher and also the theories used in (Chapter 2). After which a conclusion will be drawn to see how effective or otherwise the UN resolutions are towards settling this long age conflict over the status and ownership of Jerusalem.

4.2: Qualitative Research Data

The empirical data collection was done from three primary sources first, UNGA, UNSC, and ICJ archives. The study was able to curtail the collection of data, strictly based on the research limitation, which will assist in answering the research question, (see Appendix 1-4). Secondly, other data, as aforementioned, like official press releases, UN

press statements, and news pamphlets were also interchangeably used in addressing arguments in each of the three case studies.

The box below outlines the cases and their imperatives.

Case Study	Name of Agency	Significance
1	General Assembly Resolution	<ul style="list-style-type: none"> • Non-Binding • Recommendation • Negotiation • Decision
2	Security Council Resolution	<ul style="list-style-type: none"> • Binding to all members • Compliance • Sanctions
3	International Court of Justice	<ul style="list-style-type: none"> • International Law Custodian • Legal Interpretation • Statute to all Members

Box 3: The Cases and their Imperatives.

Source: *Assembled by the Researcher.*

4.3: UN Resolutions and Decisions

The UN resolutions are in a different compilation, in both sessions and annual meetings. The decisions of both agencies of the UN continue to be a contested concept, considering the agreement and disagreement that trials most of its outcome. The UN

continues to generate large numbers of resolutions as years roll by. These resolutions consist of two essential parts, the preamble part, and the operative part.

4.3.1: Formulation and Implementation Process

The UN charter article (10) allows GA to discuss issues within its powers as permitted in the charter and make a recommendation to member states as the case may be. In that regard, the resolutions of GA are considered as recommendations when passed under agenda items, which are non-binding to member states. It can only become legally binding if adopted by the SC. Considering the non-binding nature of the GA resolutions, a consensus agreement is however essential, in the sense that member states often take hours to discuss a draft resolution word to word to reach an agreement before any foreseeable action on the draft. However, if member states were able to reach a consensus, there will be no vote. Albeit if all member states agreed on the draft text except one member state that demands a vote, indeed there is no consensus. As noted that the resolutions of GA are not legally binding the best way to achieve implementation of GA resolutions is to encourage all members to agree to a consensus, which is an uphill task in some contentious issues.

4.4: Reference Point of SC Resolution 1967:

This reference point resolutions of Security Council (SC) deals with the generality of conflicts in the Middle East and has been referred to frequently by both GA and SC as the basis for achieving just and lasting peace in the Middle East. It is appropriate to see propositions of these two reference point resolutions, as the UN continues to cite these

resolutions in every matter that relates to the Middle East peace process. The SC on 22nd November (1967) through the resolution (S/Res-242, 1967) expressed concerns about the situation in the Middle East, urges that territory cannot be taken over by war and proffers the importance of all states in the region to work towards achieving lasting peace, which will enable the countries within the region to live in peace. This resolution affirmed withdrawal of armed military men from the occupied territories and call for a stop to all states of belligerency, adherence to sovereignty provisions, independence of countries within the region and territorial integrity of all states. However, on 22nd October (1973), the SC through resolution (S/res/338, 1973) called for a cease-fire to all parties fighting in the region to stop all military activities with immediate effect. Secondly, the SC called on all parties to start the implementation of its resolution (S/res/242, 1967) as cited above. Notwithstanding, the above reference point resolutions, conflicts continue in the region. Then Israel on 13th December (1980), in its own right as a sovereign state, passed "Basic Law," affirming Jerusalem as Israel's Capital, (Israeli Knesset, 1980). Defiling the two reference point resolutions of (1967) and (1973), cited above respectively, and that of international law partition plan of Jerusalem, (United Nations, 1947).

4.5: Findings and Analysis of Case Study 1: General Assembly

The passage of "Basic Law" by the 9th Knesset of Israeli parliament on 13th December (1980), affirmed Jerusalem as Israel's capital, (Israeli Knesset, 1980). Although, it defiled international law and also the UN position on the subject matter, (United Nations, 1947). However, the law stipulates other things including; that Jerusalem is the seat of

government of Israel and the Supreme Court, and also, it secures the right of all persons and their religion, (Israeli Knesset, 1980). Few days to the passage of “Basic Law,” the UN had through resolution (A/res/35/169A-E) recalled its previous resolutions on the subject; also maintained that the UN charter and international law are the essential purpose and principles of the UN, including provisions of the Geneva Convention (GC) of (1949). With a reminder to states in the occupied territories, including Jerusalem that they are parties to GC provisions and UN principles. The resolution deplored Israel's inability to take into cognizance the applicability of GC provisions and called on Israel to acknowledge and comply with GC provisions. The resolution expressed concerns at the situation in the occupied territories (OT) resulting from Israel's continuing occupation and the occupying power to amend the status of the occupied territories. The resolution outlined that all actions and measures by Israel in the OT are illegal and a breach of peace efforts. Also, it deplored Israel's building of settlements in the OT. More-so, the resolution also deplores Israel's refusal to allow UN special committee to enter the OT, called on Israel to grant its committee access to the OT. Deplored Israel's continued violations of GC and international law, which the UN peace committee called, "grave breaches." Condemns Israel's policies of the annexation of OT, building and expanding Israeli settlements, the deportation of Arab inhabitants in the OT, demolition of Arab houses in the OT, and also, mass arrest. However, called upon the UN member states not to accord any form of recognition to amended laws of Israel, attempting to change the status of Jerusalem, thereupon called on Israel to desist from the enactment of such legislation. It also condemns Israel's rejection not to accept and comply with the decisions of the SC through resolutions (S/res-468 & 469) of the same year. The resolution among other things condemned Israel's policy of

opening fire on unarmed students and repression of universities in the OT and requests the SC to convene as to take necessary actions in line with UN charter.

Furthermore, resolution (A/res/35/169A-E), recalled and reaffirmed previous resolutions including SC resolution (S/res-242, 1967), and also expressed concern that the question of Jerusalem should be addressed or else it will continue to aggravate the generality of conflicts in the Middle East. The GA demanded that Israel comply with the unanimous SC resolutions, (S/res-465, S/res-476) and (S/res-478, 1980), respectively, which affirmed the applicability of GC provisions towards the protection of civilian lives in conflict confrontation. Deeply concerned with the settlement policy of Jerusalem, the GA reminded Israel of the specific position of the UN on the Jerusalem status has not changed and the need to protect the Holy City in that regard, see also (United Nations, 1947). The resolution insisted that any measure taken towards changing the status of Jerusalem remains illegal and that building of settlements in Jerusalem constitute a violation of GC provision which is an outright obstruction to peace efforts in the region. It also condemned Israel persistent execution of settlement policies and called for an immediate rescind and discontinue of all settlements programs in Jerusalem and called upon all States not to assist Israel, towards its settlement policies in the OT, including Jerusalem. However, resolution (A/res/35/169A-E), continued that the GA rejects Israel's declaration of Jerusalem as its capital. Once again condemned Israel refused compliance to the GA resolution (res-ES-7/2) and SC resolutions as above listed. The GA requested the SC to convene, to consider the situation and adopt chapter VII of the UN Charter, refer to [The UN Charter, 1945]. The GA decision expressed satisfaction towards states compliance with SC (S/res-478, 1980) by

withdrawing their diplomatic representatives from Jerusalem. Affirmed that Israel's "Basic Law" constitutes a complete violation of GC provisions and international law positions, thus maintained that all legislative and administrative actions through the "Basic Law" are illegal. It was affirmed by the GA, that Israel's action through the "Basic Law" obstructs peace efforts and then refused to acknowledge the "Basic Law" provisions, for details of the law refer to [Israeli Knesset, 1980]. States, international organization's (IO's) and other agencies were called upon to comply with the resolution. The GA resolution (A/res/36/120A-F), among other things with SC resolution (SC/res-242, 1967); maintained that GA is confident with the fact that addressing the question of Palestine through international recognition will ensure peace in Jerusalem. It also reaffirmed that there would be no peace in the region without Israel withdrawal from all the OT, including Jerusalem.

The passage of the "Basic Law" by Israeli Knesset aggravated the unresolved issues surrounding the status of Jerusalem. Even as maintained by the UN, through the partition plan (1947) that the city of Jerusalem will remain under international supervision, it is, however, a concept that was neither accepted by the Arab countries nor Israel, (Green, 2015). After the war of Independence in March (1949), Israel had occupied Western Jerusalem, while Jordan occupied Eastern Jerusalem. Indeed Jerusalem was physically divided, and residents of the two countries were not allowed to pass between the divides, (Green, 2015). However, as Ian Lustick (1997) cited in Green (2015), maintained that the "Basic Law" never made mention of "sovereignty" or "annexation," which is another contending issue, it is essential to note that the "Basic Law" without using the word "sovereignty" or "annexation," could mean different thing to different people.

On the other hand, former Israeli Prime Minister Menachem Begin, in his response to the UN criticism of the "Basic Law" maintained that the word "annexation," was unknown to the "Basic Law," (Green, 2015). Ideally, the practical purpose of the Law, however, indicates a declarative stance of Israel and its commitment to the City of Jerusalem, rather than a change of status, (Green, 2015). Albeit, from the global perspective, Israel was heard clearly, as UNSC resolution (478) nullifies the "Basic Law" in its entirety. The passage and subsequent implementation of the "Basic Law" by the Israeli Government, indeed exposes the significant weaknesses of the GA and SC, in particular, see (Israeli Knesset, 1980). It is quite worrisome that a law enacted in the year (1980), is still a talking point in most of the GA resolutions even after many years. What this portends is that the binding rhetoric's of the SC resolutions cannot stand the self-motivated interest of states behavior. The alliance of Israel and the United States of America admittedly could be said to have cost the SC most of its credibility and effectiveness, in dealing with the said conflict appropriately. However, excuses of one member action or inaction cannot be seen or said to be more superior to a collective council decision. Though it is proven through the relocation of the American embassy to Jerusalem, that regardless of others opinions, states will always have its way in a matter of interest, then wait for the consequences that follow, if any, see (White House, 2017). Even to that effect the UN issued a statement condemning American government decision to recognize Jerusalem as Israel's capital and subsequent relocation of the American embassy to Jerusalem, could not even stop the United States government, see (UN Press Release, 2017). Before the passage of "Basic Law" by Israel, the UN was fully aware of it and passed a resolution against it; though Israel went on to get

the law passed. Israel, the occupying power was condemned in all the resolutions the data collected showed for its refusal not to comply with relevant GA and SC resolutions. The UN, on the other hand, called on all members not to recognize any Israeli administrative and legislative actions contrary to both GA and SC resolutions, see resolution (A/res/49/87A). The overall compliance to the GA resolutions by Israel was deficient, though it is understandable because the generality of GA resolutions is recommendatory, a form of negotiation and whereas it is not binding, see chapter (3.2.1). The resolutions often reaffirm the inadmissibility of territory acquired through force as stipulated in the UN Charter.

Thus resolutions (A/res/36/147A-G), (A/res/37/86A-E), (A/res/37/88A-G), (A/res/38/58A-E), (A/res/38/79A-H) and (A/res/39/49A-D), stipulated the following; having recalled and reaffirmed its previous resolutions on the subject. In accordance to the article (1) of GC, called on states, parties to GC, IO's and specialized agencies not to accord recognition to the purported changes to the status of Jerusalem and refuse any aid assistance to Israel which might be used to pursue its policies in OT. The GA called for conferences that will highlight awareness towards a peaceful resolution of the conflicts and proffer solutions based on the relevant UN resolutions. The resolution declares that Israel's breaches of the GC principles are grave, and it is a "war crime." The resolution condemned Israel's policies and practices in excavations and transformations of historical, landscape and religious sites in Jerusalem and also condemned the refusal of Israel to allow persons from the OT to make an appearance before the select committee as witnesses. The GA requested SC to ensure that Israel complies and respects provisions of GC as regards

civilian lives in the OT. The resolution also strongly condemned Israel for not complying with the GA and SC relevant resolutions, particularly (S/res-497, 1981). The GA welcomed and endorsed the peace conference on the conflict, and thus rejected de facto scenario orchestrated by Israel through its policies and practices in the OT (e.g.) building of settlements, as it constitutes main obstacles in the peace effort. More-so, the GA considered the reports of Secretary-General (SG) of 13th March and 13th September, (1984) respectively, which showed that Israel and United States of America governments are not willing to take part in the peace conference. Thereupon, took into cognizance the report, endorsed the meeting and expressed regrets over the negative replies of the governments mentioned above, and urge them to reconsider their stance towards the conference. Thereupon, the GA encourages all governments to strengthen their political will to convene the meeting and also achieve its peaceful objectives.

Resolutions, (A/res/39/95A-H), recalled and reaffirmed other previous resolutions on the subject. Then, took note of the SG report of 14th November (1984), which condemned Israel inability to comply with GA resolution (A/res-38/79A) and request the SG to update the council as regards compliance to its decision. However, in a specific term, the GA condemned Israel's act of arming its settlers in the OT, who commit acts of violence, injury, and deaths to the Arabs. Whereas (A/res/40/161A-G), called upon Israel to reopen a Roman Catholic Medical Hospital in Jerusalem, which will allow Arab population access to health and medical services and demand that Israel rescinds its illegal actions of expelling the Mayor of Halhul and other Palestine's. Ordered Israel to allow them a return to continue performing the functions they were elected and appointed to do. After that, the

GA called upon Israel to rescind its illegal deportation decision of 26th October (1985) of Palestine leaders. More-so, resolution (A/res/41/43A-D), expressed convictions, that addressing the question of Jerusalem will be a way forward to achieving permanent peace in the region. Also, resolution (A/res/41/63A-G) noted the release of Palestinian detainees on 20th May (1985) and also complained about the continuing detention of others and called upon Israel for their immediate release. Perhaps the GA, through the same resolution, strongly condemned Israel's policies and practices, that includes, implementation of "iron-fist policy" against the inhabitants of the OT since 4th-August 1985. Secondly, torture and ill-treatment of children and minors under detention and closure of headquarter and harassment of trade union leaders and thirdly, press interference and closure, suspension and censorship of media.

Indeed, reports have it that since (1967) children of the Palestine origins in the OT, lives under Israeli military law and are prosecuted under the military court's jurisdictions, see (Defense for Children International, Palestine, 2019). However, reports also have it that each year about (500-700) "Palestinian children are arrested, detained, and prosecuted in the Israeli military court" (Defense for Children International, Palestine, 2019). In the similar instance in the first few months of (2019) about (1,600) Palestinians are in detention in Israel's custody, these include (230) children and about (40) women, which according to "Palestine Liberation Organization" (PLO) some of these detainees are held indefinitely under administrative detention without charge or trial, (Jaffe-Hoffman, 2019). Additionally, Israeli army refutes the reports contending that in such situation, the military is insufficient with choices, but to interrogate, detain, and prosecute, (Jaffe-Hoffman, 2019). Considering

the inhuman treatment of the Palestinian prisoners, these prisoners embrace hunger strike, demanding that other Palestinian people stand by them, in the quest for their human dignity, (Defense for Children International, Palestine, 2019).

Conversely, the GA through the findings shows a complete commitment to resolve the conflict. However the SC resolution (S/Res-242, 1967) which is the reference point of this study maintained that "acquisition of territory by war" has no international recognition, should have compelled Israel to refrain from making substantive advancement in Jerusalem; indeed, the resolution failed to stop Israel. The liberalism assumption that "good" states (in this context, democratic state) seek peaceful co-existence of one another, while the "bad" states produce war, will get most people talking as Israel is possibly the only democracy in the Middle East, would have been expected to comply and adhere to numerous UN resolutions over the status and ownership of Jerusalem. Albeit, the stance of Israel on security objectives as the reason for occupation and right to self-defense was however rejected by the ICJ through its advisory opinion, suggesting that applicability of particular behavior are only for self-interest pursuit, see (ICJ, 2004). The locus of war realism argued that it is in "nature and behavior of man" is then undisputable, (Waltz, 2001, p. 16).

On the other hand, (A/res/42/66A-D), having considered the reports of the SG, as requested by the GA on 7th May and 13th November, (1987), respectively, the report indicates that the major obstacle towards the international peace conference is the inability

of the Israeli Government to agree with the principles as set by the UN. With hope, that member states will reconsider their attitudes regarding the convening of the conference. Afterward, the conference, the "Extraordinary Arab Summit Conference" held on 8th-11th November (1987) among other things, demanded the return of all OT as the basis for achieving permanent peace in the region. Resolution (A/res/43/58A-G), strongly condemned the escalation of Israeli brutality since the uprising "intifadah" on 9th December (1987), the killing, wounding, breaking of bones and limbs of civilian demonstrators, and also the GA strongly condemned the house and town arrest, using toxic gas to kill Palestine's. While, resolution (A/res/43/175A-C), recalled and reaffirmed previously mentioned resolutions on the subject, including; resolution (A/res-43/176), affirmed the following principles as means to achieve peace; (a) Guaranteeing internationally approved boundaries demarcations. (b) Dismantle of Israel's settlements within the OT and (c) access to Holy Places for all religion. Noted the expressed desire to place the supervision of Jerusalem under the UN as part of the peace process and resolution (A/res-43/177); recalled resolution (A/res-181 (II), of 29th November (1947) for the establishment of Arab and Jewish states, among other things, which was also on the partition plan of the UN, see also (United Nations, 1947). Resolution (A/res/43/233), adopted without reference; was concerned with the deteriorating situation in the OT and condemned Israel's violation of human rights, right of freedom of worship and also condemned opening of fire, wounding and killing of defenseless civilians. Finally, resolutions (A/res/44/41A-C, and A/res/44/42), maintained that it is aware of the lack of progress in attaining peace in the region orchestrated by Israeli policies. Also, note that the GA is aware of "intifadah" uprising by the Palestinians, aimed at ending Israeli occupation

since (1967). In that regard resolution (A/res/44/48A-G) also alarmed by the continued deportation of Palestinians in the OT, by the Israeli government, demands Israel to facilitate their immediate return and cease from deporting Palestinians. Conversely, resolution (A/res/46/47A-G), condemned 18th November (1991), an Israeli attack on "Sharia Islamic Court" in Jerusalem, and demand that Israel return all the documents and papers it took away from the court during the attack. Resolution (A/res/47/64A-E), took note of 30th October (1991), "Madrid Peace Conference," bilateral and multilateral negotiations with the hope that it will speed up the peace process. The resolution indeed expressed shock over the killing and wounding of Palestinian civilians at the "Haram al-Sharif in Jerusalem" on 8th October and 29th December (1990), respectively. Importantly, resolution (A/res/47/70A-G), demand that Israel accepts the "de jure" applicability of GC and comply with the provisions in the OT. Furthermore, resolution (A/res/48/158A-D), demand the resolving of the problems created by illegal Israeli settlements, which are obstacles to the peace process under the relevant UN resolutions. It also expressed satisfaction over the return of some deportees to the OT, in compliance with relevant UN resolutions and urges Israel to allow the return of remaining others and then called on Israel to respect fundamental freedom of all Palestinian people in the OT forthwith. Resolutions, (A/res/49/87A), recalled and reaffirmed its previous stance not to recognize the "Basic Law," while resolution (A/res/51/27) deplores the transfer of states diplomatic mission to Jerusalem in violation of SC resolution (S/res-478, 1980) and thereupon call on countries to abide by the SC resolution in conformity with UN Charter.

Notably, resolution (A/res/51/131) maintained that Israel's occupation of Jerusalem constitutes a violation of human rights. On the other hand, resolutions (A/res/51/132), and (A/res/51/133), expressed concern over Israeli government decision to start settlement programs as against the following; international humanitarian law, UN resolutions, and also against both parties' agreement. It demanded the implementation of SC resolution (S/res-904, 1994) and other relevant SC and the GA resolutions and also demanded Israel to stop all illegal settlement programs. Whereas, resolution (A/res/51/134) expressed concern over the closure of Jerusalem by the Israeli authorities, which prevents people and free movement of goods, thereupon causing social and economic hardship as against the GC provisions towards the protection of civilian persons. Also, resolutions (A/res/52/51), and (A/res/52/52), stated the GA awareness that (1997) marks fifty years since (S/res-181(II)) of 29th November (1947) was adopted, and also thirty years since Israel occupied Jerusalem. The GA, called upon all concerned, interested parties, and the international community, to ensure that the peace processes are back on track, to achieve a peaceful resolution of the conflict. Among other things, resolution (A/res/52/66), expressed its concern over the decision of Israeli government to resume construction of new settlements in "Jabal Abu Ghneim" as against the relevant UN resolutions. Also, demand a complete stop to the construction of the new settlements. In furtherance to that, the Assembly stressed the need for compliance to the SC resolution (S/res-904, 1994), which called upon Israel to confiscate illegal arms amongst its settlers and stop acts of violence to guarantee safety for Palestinian's in the OT. Resolution (A/res/52/67), among other things, stressed the need that any form of restrictions by Israel into East Jerusalem is removed and preserve of OT territorial integrity. All the same, the SC had fewer resolutions which were adopted,

recalled and often reaffirmed signaling acts of non-compliance and adherence to UNGA and UNSC decisions, and recommendations through their joint resolutions.

Israel though may have its reasons for the rejection and non-compliance to the UN resolutions; in (2016) for instance, Israel rejects resolutions over its settlements and maintained that it would not comply with the terms of the resolution (Withnall, 2016). The resolution came after the United States of America under President Obama, refused to use American's veto to stop the UN, contrarily Israeli Prime Minister Benjamin Netanyahu argued that Israel rejects the resolution, which he called "shameful anti-Israel resolution," (Withnall, 2016). However, in other reaction, the then UN Secretary-General Ban Ki-moon maintained that the resolution was an opportunity for Israeli and Palestinian leaders to partner with the international community towards a peaceful resolution of the settlement conflicts (Withnall, 2016) see also (BBC, 2016). The General Assembly (GA), through all the resolutions from the data collected from the year (1980) was expressively concerned about the instability in the Middle East and Jerusalem in particular. The GA publicly admitted that for a just and lasting peace in the Middle East, there is a justifiable reason for the question of Jerusalem to be addressed in the right context. The GA recalled and reaffirmed multiple times its previous resolutions, showing a lack of non-compliance or rather non-adherence to its recommendations by the concerned parties, particularly Israel. The Government of Israel indeed mocked many of the GA resolutions; this included resolution (res-ES-7/2). However, the large number of non-compliance to the GA and SC resolutions is indeed very worrisome. As it is understandable that there is no limit to recommendations, the GA could go on with more resolutions on the subject matter. Albeit,

sometimes frustrating, but the GA commitment towards resolving the conflict is commendable. In cases where Israel complied with the recommendation of the GA, it was noted adequately, see resolution (A/res/48/158A-D). Article (18:2) of the UN charter implies that two-thirds majority of members present are to make any decision of the assembly possible. However, as Waltz puts it that the evilness of man causes violence and the conflicts among states are as a means of international anarchy, (Waltz, 2001, p. 14). It shows that the possibility of the two-thirds majority being firm to the commitment of the agreement reached may not likely stand the test of the veto power of an SC member.

From year (2000-10), the case has not changed as most of the resolutions since (1980) of both GA and SC were recalled and reaffirmed, with exception to few additions to its contents perhaps based on new development of issues/concerns within Jerusalem and other OT. These indeed showed an apparent lack of compliance to the existing resolutions and a lack of commitment towards the peace process. However, resolutions, (A/res/56/59-62), and (A/res/57/111), reaffirmed that question of Jerusalem is of the international community's legitimate interest. Meanwhile, resolution (A/res/57/124-127), condemned all violence, incitement, provocation, destruction, terror, and application of military force by Israel against Palestinians, which has led to numerous deaths and also condemned killings, displacement, that occurred in "Jenin refugee camp" against civilian dwellers. Resolutions (A/res/58/22, and A/res/58/96), expressed concerns about the situation in East Jerusalem since 28th September (2000) which includes, extrajudicial executions/killing of about (2,600) Palestinian, including numerous others with injuries.

More-so, resolution (A/res/58/97-99), maintained that GA was however gravely concerned about suicide bombing attacks against Israeli citizens which led to the death of many people. So, the deep concern over Israel's destruction of homes, properties, and institutions, in the Palestinian cities, villages and refugee camps is evident. Resolutions (A/res/59/32), and (A/res/59/121-124), recalled the Quartet recommendation for two state solutions as a means to an end Israel and Palestinian conflict and advocates for a complete stop to all settlement activity, see also (Quartet Report, 2016). Also, recalled the “advisory opinion of ICJ” on 9th July (2004) which maintained that wall construction in OT by Israel is contrary to international law and therefore cannot stand, (ICJ, 2004). Resolutions (A/res/60/41, and A/res/60/104-107), stressed the need for full compliance to the Quartet recommendation on Israeli-Palestinian conflict as steps in the right direction towards the Middle East peace process in general, (Quartet Report, 2016). The assembly was also concerned with the checkpoints in East Jerusalem that have transformed into structures like a permanent border structure. After that, resolution, (A/res/61/26), expressed concern about the illegal settlement activities and wall construction around East Jerusalem, which has a detrimental effect on the inhabitants. The assembly welcomed the decision made by states in compliance with SC (S/res-478, 1980) to withdraw their diplomatic missions from Jerusalem.

The Quartet may have had its contribution towards the Middle East peace process, but the lingering challenges of acceptance of some, if not all their recommendations, make the organization look redundant. The Quartet maintained that both Israel and Palestine should maintain a genuine commitment towards peaceful resolutions of the conflicts.

Besides, the Quartet urged that a genuine dedication through policies and actions is necessary for peaceful resolution of Jerusalem conflicts. The Quartet also called on Israel and Palestine to desist from unilateral actions that hinder two-state solution and peace negotiations, (UN News, 2016). In a more mystifying argument over the Quartet reports, Israel insists that it is a "myth" to regard its settlements as an obstacle to peace process, while on the other hand, Palestinians maintained that "equal" responsibility towards peace should not be accord to "people under occupation" and the "foreign military occupier" (BBC News, 2016). These counter-arguments by both conflicting parties indeed continues to intensify the conflicts, and consequently makes the Quartet report and other peace negotiating agencies efforts more challenging.

Furthermore, the Quartet Road Map for two state solutions, will have little effect, going by the unresolved issues of status and ownership of Jerusalem, the current situation even if eventually, two states were to be actualized, the conflicts and clashes by both conflicting parties will always occur from time to time, see (Quartet Report, 2016). It is a fact that none of the party may be willing to give up to the quest of achieving its specific aim of ownership. As argued that intractability of conflicts is that each actor believes that its existence and survival rests in the dispute and for them to achieve any form of recognition they must achieve victory over the dispute, (Kriesberg & Northrup, 1989) and (Bar-Tal, 1998). With this notion, however, it does ultimately shows that there is no possible room for compromise by any of the actors, thereby rendering most of the GA efforts to the nullity of just a talking spot. The need for a transformation of adverse thoughts and harmful mindset is critical towards developing a newer relationship that will

guarantee peace and thus create an avenue for cooperation between Palestinians and Israelis (Lederach, 2003).

Conversely, resolution (A/res/61/116-119) expressed concern over the detention of, children, women, and other Palestinians, in Israeli prisons under harsh and painful condition. The resolution also acknowledged the truce initiated by Palestinian which Israel accepted on 26th November (2006), urged both parties to remain committed to the ceasefire as means toward permanent resolution of the conflict. Resolutions (A/res/69/90-92) called for the implementation of the UN "Protect, Respect and Remedy" framework, which aims to uphold human rights in Israeli settlements and OT, see (United Nations, 2008). In the similar instance, resolution (A/res/73/96-99) among other things, regrets that it has been (51) years since the Israeli occupations started in East Jerusalem and other OT's and therefore called for the reverse of the "negative trends." The resolution also recognized the need for the compliance and respect for International and human right laws, as measures to end the conflicts, reiterated that security measures alone are not enough to de-escalate tensions in Jerusalem.

Conclusively, the admittance of the UN through resolution (A/res/73/96-99) that it is over fifty years since the Israeli occupation in Jerusalem, certainly shows that it is no longer a mere occupation but now a complete ownership as against the ruling of ICJ, and the position of international law on the subject matter, see also (ICJ, 2004). However, in most resolutions, the UN acknowledged its permanent responsibility to address the question of Jerusalem satisfactorily. Then, after about four decades, the whole statement continues to

repeat itself, in all resolutions about the question of Jerusalem. Till when the desire, request, and intention of the UN will be actualized is a question on the lips of many. However, one credible thing that nobody can take away from the UN as the data's collected showed is indeed the UN committed efforts towards resolving the conflict. The big puzzle is how to tam Israel and its allies, particularly the United States, who have played dominant roles using its veto to influence votes and opinion in most critical resolutions and its global strategic influence in global politics. Forty-three occasions the United States of America has vetoed against UN resolution on Israel, see [Middle East Eye Staff, 2017], see also, [Jewish Virtual Library, 1972-2019]. Series of requests to the Secretary-General (SG) and the UN special committees are evident of the GA commitments in its effort to find an amicable solution to the conflict.

4.6: Findings and Analysis of Case Study 2: The Security Council (SC)

The SC also adopted the following resolutions, some of which were in affirmation of the previous SC resolutions cited by the GA as stated above. Firstly, resolution (S/res/471, 1980) called on the Israeli government to comply with the provisions of GC and relevant SC resolutions and reminded states once again not to assist Israel in all its settlement programs in the OT. However, resolution (S/res/476, 1980) went further to reaffirmed SC commitment to examine ways to ensure that Israel complies with all the relevant decisions under the UN Charter. On the other hand the SC resolution, (S/res/478, 1980) was also concerned with the "Basic Law" provisions which proclaimed changes to the status of Jerusalem, then reminds the implication of this law to the peace and security in

Jerusalem, considering that Israel has not complied with SC (S/res-476, 1980), refer to (Israeli Knesset, 1980). Importantly, the SC resolution also affirmed just like GA resolution did, that the "Basic Law" is a violation of GC provisions and international law towards peace efforts in Jerusalem. Urged that the "Basic Law," should be rescinded as it is an act of illegality. The SC refused recognition to the "Basic Law," reminds member states to comply with this resolution and henceforth withdraw their diplomatic missions in Jerusalem.

The unanimous powers granted to the SC by the members of UN particularly that of chapter V, article (24:1), i.e., the "responsibility for the maintenance of international peace and security" is overwhelming going by these factors, 1; rejection of SC resolutions by member states without any consequences is indeed a misnomer. As the data collected from (1980-2019) showed, there is no mention of the word "sanction" in all the contents of its resolution. The only place the SC was close in showing its capability was in resolution S/res/476 (1980), where the council reaffirmed its commitment to examining "practical ways and means" to ensure that Israel complies fully with all the relevant resolutions under the UN Charter. As the central organ of the entire UN system, many look up to the SC, considering the enormous powers granted to it as an active participant in international affairs. The SC as an executive committee is mandated to decide on appropriate sanctions needed to stop conflicts, but sadly, no forms of sanctions were visible in all its resolutions from the data's collected. Sanctions may not be only or best approach in dispute settlement, but then, it helps to build up compliance with resolutions. Arguably the enormous powers of the SC could be regarded as a collective will of the UN to ensure global peace. Critics

continuing questions about the need for such powerful organization like the SC may be associated with its structures, but it is evident that SC structure is not unproblematic. It then reflects the argument of Roberts and Zaum (2008) on how UNSC refuses to get involved in some conflicts and was then able to mount sufficient pressures and interventions to some other conflicts. These indeed reflect one of the central tensions that have overshadowed the UN and often hampered its effectiveness. Accordingly, whether it is "faulty or not," the SC overshadows other agencies of the UN, (Hanhimaki, 2008, p. 33). Once again, the SC is not irrelevant, but the underlining fact is that its effectiveness entirely rests on collective agreement of the five permanent (P5) members. At best that raises the question of veto puzzle, with few limits to its power; the collective will of P5 cannot be ignored by states when the P5 are determined to enforce its resolution on any subject matter. However, getting the collective will of the SC on a specific issue so to say is an elusive quest from time to time. The veto right of the P5 members, however, makes it difficult for the UNSC to function effectively and also complicates the duties and roles of the SC in maintaining international peace and security.

The "Basic Law" of (1980) which presumably led to the action of President Trump in (2017) to recognize Jerusalem as Capital of Israel overturns decades of international negotiations over the disputes of status and ownership of Jerusalem. However, the recognition by the American president is not without a heavy criticism by critics of American government and even American allies, which includes Britain, Japan, and others. Fourteen members of the Security Council that comprises permanent and non-permanent members, including the United States close associates Britain, Japan, France, and others,

voted in support of the SC resolution that deplores President Trump's recognition of Jerusalem as Israel Capital as null and void, with no legal effect, (Lynch, 2017). The United States, subsequent relocation of its embassy to Jerusalem is also not without a challenge as Nikki Haley, the United States of America ambassador to the United Nations argued that no country will tell the United States where it would put its embassy, (Lynch, 2017) see also, (Al-Jazeera, 2017).

Conversely, resolutions (S/res/484, 1980) and (S/res/ 592, 1986), among other things, strongly deplored the opening of fire on the defenseless students by Israel army, that led to the death of many students at Bir Zeit University. The resolution further maintained that Israel actions violated the GC and called for restraint. Also, resolution (S/res/608, 1988), expressed sincere regret that Israel in defiance to the decision (S/res-607, 1988) deported Palestinians from the OT and called upon Israel to cease from such actions, and decided to continue to keep the situation in Jerusalem under review. Whereas, resolution (S/res/672, 1990), indeed reaffirmed that for permanent peace to be achieved in the region compliance and implementation of SC resolutions (S/res-242, 1967) and (S/res-338, 1973) are required, perhaps these are the reference point resolutions of this study as cited above. Subsequently, resolutions (S/res/673, 1990), and (S/res/681, 1990), expressed grave concern over the government of Israel rejection of decisions (S/res-672) and (S/res-673, (1990) respectively.

Israel rejections of UN resolutions, particularly the SC resolutions, can be attributes of different poor institutional factors within the UN internal organizational structures. For

instance, the call for the abolition of the UNSC by Muravchik (2005), because it is a mere forum for discussion with no substantive decision making power/influence, is not new though, but maybe one of the factor for Israel rejection of the UN resolutions. However, to abolish the UNSC may not be an easy task, considering why the agency came to be in the first instance. It is commonsensical to admit that the agency needs immediate reform that will enhance its capacity for effective service delivery. The only problem and obstacle that is visible, which could hinder any liberal reform in the SC, is practically the submission of the realism about "self-interest" of states, particularly the P5 members in this context. Although most notable UN staffs and other practitioners see reasons to have a full functional SC, that is proactive and effective. In (1997) late Kofi Anna, barely six months that he assumed office as the UN Secretary General, joined the call for a reform of the entire UN system, a global organization with high expectation of it, but delivers little in most cases, see, (Global Policy Forum, 1997). The need for the organizational reform of this powerful agency of the UN is indeed now. Notably, critics of the UNSC maintained that the council is not active because of the limited number of permanent members, thereby called for more inclusion of permanent members into the council which they believe will eradicate the effectiveness deficit created by the limited number of P5. Inclusively, even member states of the UN from time to time have also called for removing of veto power in the SC, citing that P5 members use veto influence to frustrate the collective agenda of the SC, see (General Assembly Plenary, 2018). Other opposing views, however, argued that it is inadequate to conceive the idea that more inclusion of permanent members will enhance meaningful and useful reform of the council. The good thing is that any liberal reform of the SC through the inclusion of more permanent members may not solve all the

effectiveness concerns of the SC, but mostly it will accommodate more views, opinions, and perspectives towards global agenda, see (Nadin, 2014).

Though with fewer resolutions, unlike the GA, the SC continues to mediate that for peace to be achieved, the need for total adherence and compliance to the relevant SC resolutions is paramount. Thus, SC resolution (S/res/1435, 2002), among other things expressed its support to the initiatives of the Quartet and called upon the parties in the region, including Israel and Palestine to cooperate with the efforts of the Quartet towards achieving peace and security in the region, refer to (Quartet Report, 2016). Resolutions (S/res/1515, 2003) and (S/res/1544, 2004) called upon Israel to fix its security obligations within the confines of its boundaries under international law. The SC condemned all violence, including acts of terror and destruction of properties, in particular, the killing of civilians in the Rafah area and called for restraint. The SC resolutions S/res/1850 (2008) and S/res/1860 (2009) welcomed the 9th November (2008) agreement between the Quartet, Israel and the Palestinian towards two-state solutions to end the conflict, refer to (Quartet Report, 2016). Finally, the SC resolution S/res/2334 (2016), demand “that Israel cease all settlement activities in East Jerusalem” and that the SC will not accord any form of recognition to changes of status quo in Jerusalem against the 4th June (1967) agreement.

The criticism of Roberts and Zaum (2008), on how UNSC refuses to get involved in some conflicts and how the UNSC was then able to mount sufficient pressures and interventions to some disputes are submissive. For instance, the SC had in the past authorized global actions that yielded some level of satisfactory results, one of which is a

global fight against terrorism and poverty. These collective unanimous actions of the UN could be replicated in most contending global issues, particularly "conflict resolution in Jerusalem." Over time the questions about motives, conflict of interest, and why the council will commit to act effectively to some conflicts but then seems reluctant towards others are worrisome. Looking back at the response of the council to ensure regime change and removal of Libyan leader Muammar Gaddafi in (2011) is a unifying decision of the UN, that was allowed by the SC, see (The Guardian, 2011). The lack of such enthusiasm towards Jerusalem conflict that outdated even the conflict in Libya is, however, a concern. According to, Diehl (1988), who argued that the core to the maintenance of peace in a conflict situation amounts to the ability to limit conflicts, prevent their reoccurrence and fostering of settlements in a peaceful manner, is so valid that human orchestration cannot deny the anomalies that have trailed the conflict in Jerusalem. However, as Mazower (2009), summed it up that the UN was formed not basically to enhance the Woodrow Wilson liberal internationalism, but to preserve the imperial rule of the white, in non-western societies, is indeed a thought to ponder with, as the organization continues to exist.

4.7: Findings and Analysis of Case Study 3: The International Court of Justice (ICJ)

The ICJ advisory legal opinion was obtained through GA resolution ES-10/14 of 8th December (2003), which urgently requested the ICJ for its advisory opinion over Israel wall construction in the OT, including East Jerusalem. However, the Court decided that all parties to the suit should appear before it and furnish information to the Court according to

article (66) paragraphs (2-3). Thereupon, on 9th July (2004) the Court made public its opinion. The Court maintained that the GA has the authority under the UN Charter article (96:1) to sort for its advice. The Court, having established its jurisdiction on the matter, then ascertained, 1; that building of settlements in the said area had breached international law provisions. 2; the wall construction creates a "fait accompli," which could become a permanent structure which is against de facto annexation. 3; The Court maintained that wall construction was against the Palestinian peoples right and urged respect to that right of self-determination. 4; The Court found that the wall construction was contrary to Hague Regulations of (1907), 4th GC provisions, and also it prevents the liberty of inhabitants movement as well as their right to work, and health. 5; The Court also found that the construction was against the demographic composition of the OT, based on relevant SC resolutions and 4th GC provisions. 6; The Court rejected Israel's stance that the construction was as a means to enhance its security objectives and rights to self-defense. Thus the Court submits that Israel breached the obligations of international human right law. The Court, however, called on Israel to put an end to the construction and demolish the structures and repeal all legislation in view to that construction. The Court also maintained that Israel must make reparation for damages suffered as a result of that construction. The Court called on all states that are obliged to UN Charter and international law, to avoid recognition of the wall as the structure was illegal. Finally, the Court urges GA and the SC to deduce actions necessary to stop the wall construction, see (ICJ, 2004).

4.7.1: Proceeding against the USA

Unilaterally, the United States of American President, Donald Trump on 6th December (2017), recognized Jerusalem as Israel's capital, accordingly announced the relocation of the American embassy from Tel Aviv to Jerusalem, (White House, 2017). This is not without many intrigues, however on 28th September (2018), Palestine Authority instituted proceeding against the United States of America, over its decision to relocate the formal's embassy to Jerusalem, placing its faith in the Court (i.e., ICJ) that within its statute and jurisprudence it will find a solution to the dispute. However, pleads made by Palestine Authority (PA) includes 1; the determination of the legal context in which the relocation took place. 2; The PA cited relevant UN resolutions that have since maintained a special status for Jerusalem, these included; the Partition Plan of resolutions S/res-181 (II), and S/res-303 (IV), international regime question of Jerusalem and Holy Places, see also (United Nations, 1947). The applicant also cited resolution S/res-476 (1980), which was against the passage of "Basic Law" by Israel Knesset, affirming Jerusalem to be Israel's capital. The Palestine Authority also cited countries like Chile, Venezuela, and Ecuador among others that have since withdrawn their embassies from Jerusalem based on SC resolutions, before the United States relocation of its embassy to the same Jerusalem. Therefore the applicant maintained that American embassy relocation violates the Vienna Convention on Diplomatic Relations of 18th April (1961). Accordingly, Palestine Authority requested the Court among other things, 1; to declare the American embassy relocation to Jerusalem, as a breach of "the Vienna Convention on Diplomatic Relations." 2. To order the United States of America to relocate its diplomatic mission out of

Jerusalem. Also inclusively, Palestine Authority called upon the Court to order the United States of America to comply with its obligations, and stop any action that will violate its obligation on the subject.

In response to the order of 2nd November (2018) from the ICJ, the United States of America informed the Court about the communiqué it had submitted to the Secretary-General (SG) of the UN in (2014) and (2018) respectively, in which American government argued that it considered no treaty relationship with the applicant under "the Vienna Convention or the Optional Protocol." Therefore it cannot be part of the suit and will not participate in the proposed meeting of 5th November (2018). However, the ICJ on 30th November (2018) in its wisdom maintained that the "written pleadings" in the case of American embassy relocation to Jerusalem (Palestine vs. the United States of America) would be addressed first as to ascertain the Court jurisdiction. The Court then fixed 15th-May and 15th-Nov-2019 respectively for filing "memorial and a counter-memorial" by Palestine and the United States of America, [ICJ, 2004].

In sum, Bull (1977, p. 122), admitted that "international law is a body of rules" that binds states and others in international politics, proves the point that there is no foreseeable international cooperation or even politicking of international repute without some level of order and commitment by "state actors and non-state actors" to observe and obey existing international laws. Conversely, McDougal (1960) understanding of "international law as a social process" stands as a stimulator that directs the effective sociability of morals and political considerations in international relations. These are, however, paramount in self-

guarding the rules of engagement in international politics. However, when states go against these rules and understanding of global engagement without a steep consequences, it then shows that some are more powerful than the existing laws/rules or that states are reluctant in keeping to the laws/rules because of their national interest, or that both scenarios are obtainable. The ICJ through its advisory opinion rendered on 9th July (2004) vividly admonished that Israel's wall construction in the occupied Jerusalem violates existing international law on the status of Jerusalem and that the structures are also against the provisions of the 4th Geneva Conventions, see (ICJ, 2004). The total disregard to ICJ advisory opinion by the Israeli Government is a sign that states most times consider nothing as more important as their national interest. While, article (93:1), stipulates that "all members are parties to the statute of the ICJ," also, section (94:1) of the same UN Charter makes it clear that all members are to comply with decisions of the ICJ. Although, since it is only an advisory opinion that is presently available from the ICJ at the moment, it will be interesting to wait and see its ruling on the matter. Since, it has fixed 15th May and 15th November (2019) respectively "as the time limits for the filing of a memorial and a counter-memorial" by both parties involved in subject matter. Though it may amount to sub judice to discuss or rather pre-empt the outcome of the ICJ ruling, perhaps it will be interesting to wait and see the nature/level of compliance by all the parties to the suit, after the verdict.

4.8: Summary of Finding

The research findings, as shown above, indeed indicates many lapses towards resolving the conflict over the status and ownership of Jerusalem and achieving durable peace in the region seems impossible. Below is the table of the summary section that summarizes the empirical findings of this research.

Agencies

Key findings

General Assembly

Res-titles, (GA1, GA2, GA3, and GA4)

1. Both the GA and SC resolutions were recalled and reaffirmed in all decisions, affirming the special status of Jerusalem and declared Israel's proclaim of Jerusalem as its capital as illegal from (1980-2019) respectively.
2. There is a large number of non-compliance to the GA and SC resolutions.
3. In a few cases, acknowledgment to resolution compliance was made, e.g., the release of prisoner and detainees.
4. The GA, SC, and ICJ all condemned Israel wall construction in East Jerusalem.
5. The GA and the SC condemned "Basic Law."
6. The GA and SC condemned the relocation of the American embassy to Jerusalem, citing legal consequences.
7. There is a large volume of resolutions on the subject (i.e., status and ownership of Jerusalem), mostly dominated GA sessions and annual meetings.

8. There is compliance to agreements through ceasefire between Palestine and Israel.
9. The UN admitted that it had been over fifty years since the Israel occupation in Jerusalem started.
10. The Quartet Road Map of two state solutions was adopted, without a definite statement on who owns Jerusalem.
11. Children, women and other Palestinians, were detained in Israeli prisons under harsh and severe conditions.
12. Many lives were lost. Killing, bombing were all observed, as resolution (A/res/58/22), and (A/res/58/96) reported loss of 2,600 lives.

Security Council (SC)

Res-titles, SC1, and SC2

13. The United States uses its veto power in support of Israel and influences outcomes of SC resolutions, thereby frustrating the ability of SC to be proactive towards a consistent unanimous decision.
14. Satisfaction was expressed towards compliance to SC resolution towards the relocation of embassies out of Jerusalem by countries other than the United States of America.
15. The SC noted that Israel breached Geneva Convention provisions on many occasions.
16. The SC condemned Israel's illegal deportation of Palestinians.

17. The SC acknowledged the need to address the question of Jerusalem for peace to be achieved in the region of the Middle East.
18. UN observed that Israel's persistent policies in Jerusalem obstruct the peace process.
19. Israel rejected the SC resolutions against its occupation of Jerusalem.

International Court of Justice (ICJ)

Res-titles ICJ1, ICJ2, and ICJ3

20. The ICJ maintained that Israel breached International Law, 4th Geneva Convention, and the construction creates “fait accompli.”
21. The ICJ rejected Israel's stance on security objectives and a right to self-defense as its basis for wall construction.
22. The ICJ reminded Israel its obligation to the compliance of the UN charter and International Law provisions.
23. The ICJ advised GA and SC to consider actions that are necessary to end Israel's illegality in Jerusalem.

4.8.1: Summary of Analysis:

The analytical part of this thesis showed the roles of the three agencies of the UN, towards resolving the intractable conflict in Jerusalem; firstly the UNGA was dominated with the issue of Jerusalem conflict evident by the number of resolutions on the subject. It is evident that from (1980) to (2019) the data collected showed that the dispute over the status and ownership of Jerusalem had a substantial amount of resolutions in the GA, unlike

in the SC that in (1981-85), (1995-9), (2005-7), (2010-15), and (2017-19) had no SC resolutions, in other words, the conflict was not made mention of in SC, based on the resolution titles the researcher collected data from for this study. Coherently, what this portends is that the discourse was more dominant in the GA than in the SC. However, the only foreseeable hope for a peaceful resolution of this intractable conflict rests upon the ICJ, as the custodian of international law with a binding statute to all members of the UN. Many are hopeful that ICJ will give legal interpretation to the conflict that will be adhered to by all concerned parties.

More-so, in order to differentiate between compliance and effectiveness of UN resolutions in the Jerusalem conflict. It is with the fact that action of Israel against UN resolutions since (1967) is evidence of substantial noncompliance. However, the effectiveness of the UN resolutions towards resolving the conflict over the status and ownership of Jerusalem can be mediate towards the degree in which numerous resolutions by the UNGA and the UNSC are producing the desired results towards a peaceful resolution of the Jerusalem conflict. Albeit these undoubtedly, could be difficult to adjudicate in an intractable conflict of this kind that exists for a long period of time in Jerusalem.

However, using Lederach model of conflict transformation, the Jerusalem conflict could have a substantial effect that will possibly produce a desirable outcome towards peace. Since the model emphasized the need for a re-conceptualization of identities, social structures and relationship between the conflicting parties, these Lederach believes will

create a favorable situation that will transform conflicts into peace through negotiations, (Lederach, 2003). The proliferation of diverse narratives between the conflicting parties has indeed permitted adverse and harmful mindset to dominate within different populations, thereby allowing intractable conflict to continue unresolved. Lederach urges that in order to achieve the objectives of the peace process in conflict resolution, it is crucial to address the underlying intractability of the said dispute. Once again, the need for a transformation of adverse thoughts and harmful mindset is critical towards developing a newer relationship that will guarantee peace and thus create an avenue for cooperation between Palestinians and Israelis (Lederach, 2003). Conversely, changing the adverse depictions between Palestine and Israelis will allow a transformed relationship which will enable practical efforts towards peace.

To confirm the validity of the research findings based on the theories used in (chapter 2), these analytical and theoretical summaries becomes inevitable. As was observed in (chapter 2.5.2), the suggestion that different interests, motives, and underpinnings brought about the cooperation of states in the international system, these differing perspectives and paradigms was validated from the findings, firstly;

- ❖ Realism belief that the motivating factor for states cooperation is an attribute of "self-interest" is valid based on the research findings, NO's; 2, 4, 5, 15, 18 and 19. Although, not the UN, Israel, nor data collected, gave a specific reason why there was substantial non-compliance to the UN resolutions. Hypothetically it suggests that the said resolution is either directly or indirectly in conflict with the receiving

end interest, which therefore validated the realism position on self-interest motivation.

- ❖ Liberalism assumptions that possible spread of "good" states in the international system will limit conflicts in the international system are false. This is evident in the research findings, NO's; 11, 12, and 16, because no "good state" in (this context democratic state, which Israel is a democracy) will detain human being, particularly children in a harsh and challenging condition, defiling the provision of their human right enshrined in the UN charter. More-so, illegal deportation and execution of human lives summarily without a Court process and right to a fair hearing are not attributes of a "good states" (i.e.) democracy.

- ❖ The constructivism submission that anarchy nature of the international system is what states make of it was valid. From the findings NO's 1, 6, 9, and 13, the repeated condemnation of an act, action, and behavior of a state over many years through different resolutions, is an indication that the cause of the problem is known, but the lack of political will or organizational will is the foundational problem, so basically that is what states made of it. Secondly, the UN admitted that it is over fifty years since Israel occupation in Jerusalem began and the United States subsequent relocation of its embassy to Jerusalem in disregard to the existing UN resolutions, were a human orchestration. The aftermath, therefore, translates that social constructions designed the pre, post-relocation provocations, and its

consequences. Thus it shows that constructivists were right in the sense that anarchy is what states make of it.

- ❖ The Area Study of the Middle East was, however, valid in the sense that the lingering conflicts in the region are because of diverse interests of great powers. From the findings NO's 6, it shows that the United States, one of the world superpower placed its own and that of its ally interests above the collective interest of the UN. Thereupon, findings NO's 8, indicated that Israel and Palestine could achieve more internally than relying on external affiliations or third parties to solve their problem, considering the compliance to the agreement between them as the finding indicated.

Conclusively, these differing arguments were useful in substantiating the different tenants and ideologies of states when joining an international organization like the UN. However, theorist like Mazower (2009) and others urges that the UN and its agencies are not for the promotion of liberal internationalism, as many hopes bestowed upon the UN are not obtainable as great powers are bound to dominate. Mearsheimer (1995) argument that even when international organizations do matter it is because states allow that to happen, both points validated the realism paradigm.

4.9: Hypothesis Testing

- The first hypothesis raised concerns about the roles of local and international political dimensions of actual and potential conflicts of interests that may frustrate the effectiveness of the UN efforts. From the research findings, local and international politics indeed influence the efficacy of UN efforts. Firstly, the actual conflict of interest is the presently seen bond between Israel and the United States, while on the other hand, the potential conflict of interest revolves around the United States future interest in the region of Middle East, these continue to determine the United States, standing in the dispute. On the local political front, the findings showed that Israel and Palestine complied more with ceasefire agreement reached by both parties, in comparison with the UN resolutions.
- The second hypothesis talked about how some states with veto power within the SC may sabotage efforts of the UN for their interest. It is not true; however, from the research findings that alliance between the USA and Israel can be regarded as sabotage, because their friendship is open for decades, and it is of public knowledge. However, the finding shows that the collective interest of both the United States and Israel remains supreme above UN decisions. That was evident when United States of America refused to veto the SC resolutions against Israel proves the point of international political effect against the effectiveness of the UN, particularly the SC, see [Middle East Eye Staff, 2017], see also [Jewish Virtual Library, 1972-2019]. Although, as a permanent member, the United States reserves

the legitimate right to veto or not. As Matar and Dessouki (1983, pp. 24-31) suggested (see chapter 2.5), that great powers interest are also factors in the lingering conflict.

4.10: Assessment of Effective Conflict Resolution

Doyle & Sambanis [2000], Fortna (2008), Bove & Ruggeri (2015) and Hultman, Kathman & Shannon (2014), outlines different ways to assess "effective" conflict resolution, these include; 1) peaceful sign of stability in the polity, 2) compliance with ceasefires/resolutions, 3) avoiding civilian casualties in a conflict confrontation, and 4) reduction of conflicts among belligerents (See Chapter 2: 2). These are points of reference towards assessing the effectiveness or otherwise of the UN resolutions, in resolving the conflicts over the status and ownership of Jerusalem.

- **Peaceful sign of stability in the polity:** from all the data collected since (1980), there are definite reasons to admit that there is no substantial back down from Israel, on its quest to continue occupation in Jerusalem. Although, it is evident that Israel in some instances complied with some resolutions of the UN (e.g.) the release of civilian Palestinian prisoners, (cited in resolution A/res/41/63A-G), apart from that there is no substantial stability towards confrontations in the polity between Palestinians and Israeli citizens over the status and ownership of Jerusalem.

- **Compliance to ceasefires/resolutions:** There is a high percentage of non-compliance to both GA and SC resolutions by the occupying power Israel, since 1967. In a few cases where there is compliance in ceasefires, it emanates from ceasefire agreement between Palestine and Israeli leaders. Not necessarily in line with the UN resolutions. (See, chapter 4, or summary 4:8)

- **Avoiding civilian casualties in a conflict confrontation:** Avoiding civilian casualties in a conflict confrontation, as was observed in (chapter 4), the findings from the data collected shows that arming of Israeli citizens in the occupied territory, which they use against their supposed/alleged opponent, causes deaths of civilian populations. The opening of firearms by the Israeli army at the Birzeit University, and also the bombing of Israeli towns and cities by the Palestinians were all a tragic loss of civilian lives, see, chapter (4.5), or the summary (4:8).

- **Reduction of conflicts among belligerents:** Reduction of conflicts among belligerents, there is a reduction in disputes amongst Palestine-v-Israel, but the reinforcement trigger of confrontations through any slightest form of provocation (whether via policy, actions or inactions) always triggers drastically conflicts. However, the best suitable way to equate a reduction of conflict in an intractable nature of Jerusalem conflict may sound vague, see, chapter (2:2).

4.11: Answers to Research Main and Sub Questions

The answers to the research main and sub-questions of this study are in line with the research findings, results of the assessment of effective conflict resolution, test results of hypothesis, and validity of theories used for this study.

Main: Question: How effective are the numerous United Nations Resolutions towards resolving conflicts over the status and ownership of Jerusalem?

Answer: Evidence from the research finding showed that UN resolutions are not effective in resolving conflicts over the status and ownership of Jerusalem. Because there are no substantive and definite measures to tam and compel Israel, in particular, to comply with the numerous GA and SC resolutions since the Jerusalem occupation began in (1967).

4.11.1: Sub Question

The essence of this sub-question is as supporting proof and evidence that assisted in answering the main research question.

Sub: Q1: What other actions or interventions of the UN have contributed more to peace and stability in Jerusalem?

Answer: The UN interventions through its resolution have had a positive effect on the stability in Jerusalem, the research findings showed, that indeed some UN resolutions had a positive impact, these included resolutions that empowered and set up the

UN special committees that contributed towards safeguarding human lives in the occupied territories. Secondly; the publicity created by the UN through its decision to organize different conferences towards the peace process has continuously kept the question of Jerusalem on the international sphere. Thirdly, the rescue operations and efforts of different states and international organizations authorized by the UN resolutions towards rendering humanitarian assistance in the occupied territories is another positive effect that has ensured stability in Jerusalem to a large extent.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1: Research Summary

This research was an empirical investigation of the effectiveness and roles of the UN in resolving conflicts over the status and ownership of Jerusalem. However, other relevant secondary data's was also collected (e.g.) the “advisory opinion of ICJ” on the conflicts and the consequences of American embassy relocation to Jerusalem, the press releases of Israeli, and United States of America, governments were also examined, as identified in, chapters (3.9), and (4). The research main and sub-questions guided this study, see, chapter (1.4) and (1.4:1), these assisted in achieving the research objectives. The significance of this study is that it was able to explore the activities of the UN, through its resolutions and how best these resolutions have compelled the conflicting parties to comply with the recommendations and decisions of the UN. Also, this research examined the roles of conflicting actors towards compliance to the UN resolutions; however at different instances, it was identified that Israel rejected and disobeyed multiple times the decisions and recommendations of the UN, which aimed at finding solutions to the conflicts. Therefore in order to answer the research question, these resolutions of both the GA and the SC were examined from the reference point resolutions of (1967) when the occupation in Jerusalem started till (1980) when the actual research data collections commenced till (2019). This study adopted a qualitative approach which was exploratory and descriptive, thus the research design, method, strategy, and limitations were all outlined, see, chapter

(3.3), and also for the data collection, see, chapter (3.2:1-3.2:3), and (3.9), these were limited, based on the research limitation and time constraints.

Therefore, considering the findings and analysis in the chapter (4), the three case studies present the following flashpoints and conclusions.

- The lack of compliance with the UN resolutions by Israel is a significant cause of the lingering conflict.
- The lack of reaching a compromise between Palestine and Israel is a critical challenge towards achieving lasting peace.
- The interest and alliance of the United States of America towards Israel is an undermining factor towards pro-activeness of the SC resolutions.

5.2: Achieved Objective of the Research

The objective of this study, see chapter (1.3), was achieved, and the justifications shown in the chapter (4) through findings and analysis, see also summaries in the chapter (4.8) and (4.8.1). Albeit, given the limited time, more case studies could have been explored comparatively, as that will help towards a more extensive empirical examination of UN resolution effectiveness in conflict resolutions.

5.3 Limitation of the Research

The most limitation to this study is time constraints as there is a limited time to complete course credits and conducting a more extensive range of research. More in-depth research may be needed hopefully since the conflict began or a comprehensive data collection of UN resolutions from (1967) since the occupation started, and that will showcase the weaknesses and strengths of the UN even more, towards resolving the conflict. Due to visa constraints, the researcher could not visit Palestine, making it impossible to have also the input of Palestine's. Above all, considering that this is the first academic work of this nature conducted by the researcher, the quality of this paper is expected to have some defects.

5.4: Recommendations

Considering the empirical investigation conducted over this research and the subsequent analysis that follows it is imperative to give the following recommendations;

- The UN should devise means to ensure maximum compliance with its resolutions by all member states regardless of status and influence.
- The SC should marshal out plans to ensure that a single individual member does not frustrate their operations.
- The need for internal organizational reform of the UN is now; thereupon the applicability and compliance to its resolution will surface towards problem-solving that will ensure peace and stability both in Jerusalem and elsewhere.

- Israel and Palestine should deduce framework that will convince both parties about neighborhood peace campaign because peace in Jerusalem is more important to a person in Tel Aviv and Ramallah than people in the UN building in faraway New York or elsewhere.
- The importance of internal conflict and dispute resolutions stands out in all human endeavors. The need for the in-out approach is urgent for Israel and Palestine than the outs-in method that has lasted for decades with little or no substantial achievement. Another possible alternative will be a step-up approach by the religious sister cities of "Mecca and Vatican," which can bring Israel and Palestine to a compromise.

5.5: Further Research

Possible further research will be a comparative study of compliance of UNSC resolutions between Israel and another country, which will help to examine the level of compliance and non-compliance and consequences thereupon if any. Interested practitioners, scholars, and student researchers can study this aspect, as it will give a deeper understanding of values and general effectiveness of UN resolutions.

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APPENDICES

Appendix 1: The Reference Point Resolutions on Conflicts in the “Middle East”

Res/Year	Res/Title	Res/Code
1967	Middle East	S/RES/242(1967)
1973	Cease-fire in Middle East	S/RES/338(1973)

Source: Assembled by the Researcher:

Appendix 2: Case Study 1: General Assembly

Res/Year	Res/Title	Res/Code
1980-1981	GA.1	A/RES/35/169 A-E
	GA.2	A/RES/35/122 A-F
1981-1982	GA.2	A/RES/36/147 A-G
	GA.1	A/RES/36/120A
	GA.1	A/RES/36/120B
	GA.1	A/RES/36/120C
	GA.1	A/RES/36/120D
	GA.1	A/RES/36/120E
	GA.1	A/RES/36/120F
1982-1983	GA.1	A/RES/37/86 A-E
	GA.2	A/RES/37/88 A-G
1983-1984	GA.1	A/RES/38/58A-E
	GA.2	A/RES/38/79A-H
1984-1985	GA.2	A/RES/39/95A-H
	GA.1	A/RES/39/49A-D
1985-1986	GA.2	A/RES/40/161A-G
	GA.1	A/RES/40/96A-D
1986-1987	GA.2	A/RES/41/63A-G
	GA.1	A/RES/41/43A-D
1987-1988	GA.2	A/RES/42/160A-G
	GA.1	A/RES/42/66A-D
1988-1989	GA.2	A/RES/43/58A-G
	GA.1	A/RES/43/175A-C
	GA.1	A/RES/43/176
	GA.1	A/RES/43/177
	GA.1	A/RES/43/233
1989-1990	GA.2	A/RES/44/48A-G
	GA.1	A/RES/44/41A-C
	GA.1	A/RES/44/42
1990-1991	GA.2	A/RES/45/74A-G
	GA.1	A/RES/45/67A-C

1991-1992	GA.2	A/RES/46/47A-G
	GA.1	A/RES/46/74A-C
1992-1993	GA.2	A/RES/47/70A-G
	GA.1	A/RES/47/64A-E
1993-1994	GA.2	A/RES/48/41A-D
	GA.2	A/RES/48/40E
	GA.3	A/RES/48/59A
	GA.1	A/RES/48/158A-D
1994-1995	GA.2	A/RES/49/36A-D
	GA.1	A/RES/49/62A-D
	GA.3	A/RES/49/87 A
1995-1996	GA.1	A/RES/50/84A-D
	GA.2	A/RES/50/29A-D
	GA.3	A/RES/50/22 A
1996-1997	GA.2	A/RES/51/134
	GA.2	A/RES/51/133
	GA.4	A/RES/51/132
	GA.2	A/RES/51/131
	GA.3	A/RES/51/27
1997-1998	GA.2	A/RES/52/67
	GA.2	A/RES/52/66
	GA.2	A/RES/52/65
	GA.2	A/RES/52/64
	GA.3	A/RES/52/53
1998-1999	GA.2	A/RES/53/53
	GA.2	A/RES/53/55
	GA.3	A/RES/53/37
	GA.4	A/RES/53/54
1999-2000	GA.2	A/RES/54/79
	GA.2	A/RES/54/78
	GA.4	A/RES/54/77
	GA.2	A/RES/54/76
	GA.3	A/RES/54/37
	GA.1	A/RES/54/41
2000-2001	GA.2	A/RES/55/133
	GA.2	A/RES/55/132
	GA.4	A/RES/55/131
	GA.2	A/RES/55/130
	GA.3	A/RES/55/50
2001-2002	GA.3	A/RES/56/31
	GA.2	A/RES/56/62
	GA.2	A/RES/56/61

	GA.4	A/RES/56/60
	GA.2	A/RES/56/59
2002-2003	GA.3	A/RES/57/111
	GA.2	A/RES/57/124
	GA.4	A/RES/57/125
	GA.2	A/RES/57/126
	GA.2	A/RES/57/127
2003-2004	GA.3	A/RES/58/22
	GA.2	A/RES/58/96
	GA.4	A/RES/58/97
	GA.2	A/RES/58/98
	GA.2	A/RES/58/99
2004-2005	GA.3	A/RES/59/32
	GA.2	A/RES/59/121
	GA.4	A/RES/59/122
	GA.2	A/RES/59/123
	GA.2	A/RES/59/124
2005-2006	GA.3	A/RES/60/41
	GA.2	A/RES/60/104
	GA.4	A/RES/60/105
	GA.2	A/RES/60/106
	GA.2	A/RES/60/107
2006-2007	GA.3	A/RES/61/26
	GA.2	A/RES/61/116
	GA.4	A/RES/61/117
	GA.2	A/RES/61/118
	GA.2	A/RES/61/119
2007-2008	GA.3	A/RES/62/84
	GA.2	A/RES/62/106
	GA.4	A/RES/62/107
	GA.2	A/RES/62/108
	GA.2	A/RES/62/109
	GA.2	A/RES/62/181
2008-2009	GA.3	A/RES/63/30
	GA.2	A/RES/63/95
	GA.4	A/RES/63/96
	GA.2	A/RES/63/97
	GA.2	A/RES/63/98
2009-2010	GA.3	A/RES/64/20
	GA.2	A/RES/64/91
	GA.4	A/RES/64/92
	GA.2	A/RES/64/93

	GA.2	A/RES/64/94
2010-2011	GA.3	A/RES/65/17
	GA.2	A/RES/65/102
	GA.4	A/RES/65/103
	GA.2	A/RES/65/104
	GA.2	A/RES/65/105
2011-2012	GA.3	A/RES/66/18
	GA.2	A/RES/66/76
	GA.4	A/RES/66/77
	GA.2	A/RES/66/78
	GA.2	A/RES/66/79
2012-2013	GA.3	A/RES/67/24
	GA.2	A/RES/67/118
	GA.4	A/RES/67/119
	GA.2	A/RES/67/120
	GA.2	A/RES/67/121
2013-2014	GA.3	A/RES/68/16
	GA.2	A/RES/68/80
	GA.4	A/RES/68/81
	GA.2	A/RES/68/82
	GA.2	A/RES/68/83
2014-2015	GA.3	A/RES/69/24
	GA.2	A/RES/69/90
	GA.4	A/RES/69/91
	GA.2	A/RES/69/92
	GA.2	A/RES/69/93
2015-2016	GA.3	A/RES/70/16
	GA.2	A/RES/70/87
	GA.4	A/RES/70/88
	GA.2	A/RES/70/89
	GA.2	A/RES/70/90
2016-2017	GA.3	A/RES/71/25
	GA.2	A/RES/71/95
	GA.4	A/RES/71/96
	GA.2	A/RES/71/97
	GA.2	A/RES/71/98
2017-2018	GA.3	A/RES/72/15
	GA.2	A/RES/72/84
	GA.4	A/RES/72/85
	GA.2	A/RES/72/86
	GA.2	A/RES/72/87
2018-2019	GA.3	A/RES/73/22
	GA.2	A/RES/73/96
	GA.4	A/RES/73/97

	GA.2	A/RES/73/98
	GA.2	A/RES/73/99

Source: *Assembled by the Researcher*

Appendix 3: Case Study 2: Security Council

Res/Year	Res/Title	Res/Code
1980	SC.1	S/RES/465 (1980)
	SC.1	S/RES/468 (1980)
	SC.1	S/RES/469 (1980)
	SC.1	S/RES/471 (1980)
	SC.1	S/RES/476 (1980)
	SC.1	S/RES/478 (1980)
	SC.1	S/RES/484 (1980)
1981	0	0
1982	0	0
1983	0	0
1984	0	0
1985	0	0
1986	SC.1	S/RES/ 592 (1986)
1987	SC.1	S/RES/605 (1987)
1988	SC.1	S/RES/607 (1988)
	SC.1	S/RES/608 (1988)
1989	SC.1	S/RES/636 (1989)
	SC.1	S/RES/641 (1989)
1990	SC.1	S/RES/672 (1990)
	SC.1	S/RES/673 (1990)
	SC.1	S/RES/681 (1990)
1991	SC.1	S/RES/694 (1991)
1992	SC.1	S/RES/726 (1992)
	SC.1	S/RES/799 (1992)
1993	0	0
1994	SC.1	S/RES/904 (1994)
1995	0	0
1996	0	0
1997	0	0
1998	0	0
1999	0	0
2000	SC.2	S/RES/1322 (2000)
2001	0	0
2002	SC.2	S/RES/1397 (2002)
	SC.2	S/RES/1402 (2002)
	SC.2	S/RES/1403 (2002)

	SC.2	S/RES/1405 (2002)
	SC.2	S/RES/1435 (2002)
2003	SC.2	S/RES/1515 (2003)
2004	SC.2	S/RES/1544 (2004)
2005	0	0
2006	0	0
2007	0	0
2008	SC.2	S/RES/1850 (2008)
2009	SC.2	S/RES/1860 (2009)
2010	0	0
2011	0	0
2012	0	0
2013	0	0
2014	0	0
2015	0	0
2016	SC.2	S/RES/2334 (2016)
2017	0	0
2018	0	0
2019	0	0

Source: *Assembled by the Researcher:*

Appendix 4: Case Study 3: International Court of Justice (ICJ)

Year	Title/Code	Source
2003	ICJ.1	https://www.icj-cij.org/en/case/131
2018	ICJ.2	https://www.icj-cij.org/en/case/176
2018	ICJ.3	https://www.icj-cij.org/en/case/176

Source: *Assembled by the Researcher:*