

International Recognition and Statehood: The Empirical Case of Palestine

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Abstract

This article examines the recognition and statehood of Palestine which has now become one of the most debated issues in international politics. This topic is selected due to the prevalent misconception surrounding this recognition. Often, the discourse on Palestine focuses solely on its conflict with occupation, neglecting a deeper analysis of Palestine's actual standing within the international community as a state or non-state entity. For further examination, the researcher studied the historical evolution of the Palestinian conflict and delved into the international treaties. The article extends this discussion by examining the scope of the role of the United Nations in supporting development in Palestine under Israeli occupation. The methodology employed in this study indicates that the Israeli occupation is identified as the primary hindrance to development in Palestine. Additionally, it suggests that the United Nations' efforts thus far have been ineffective in bringing an end to this occupation, highlighting the limited role the United Nations has played in this regard. Thus, according to the findings, the study suggests several actions including establishing a legal structure with transparent repercussions concerning state recognition on the international stage, devoid of political bias, are deemed essential. Furthermore, while achieving non-observer status at the UN is significant, it should be perceived not as a final objective but rather as a tool for progress towards recognizing the statehood of Palestine. Henceforth, endeavors should focus on utilizing this status to propel Palestinian goals and ambitions forward.

Keywords: Palestine; Israeli Occupation; recognition; statehood; United Nations

الملخص

يتناول هذا المقال الاعتراف بدولة فلسطين والتي أصبحت الآن واحدة من القضايا الأكثر إثارة للجدل في السياسة الدولية. وقد تم اختيار هذا الموضوع نظراً للمفاهيم الخاطئة السائدة حوله. في كثير من الأحيان، يركز الخطاب حول فلسطين فقط على صراعها مع الاحتلال الإسرائيلي، متجاهلاً التحليل الأعمق لمكانة فلسطين الفعلية داخل المجتمع الدولي كدولة أو كيان غير دولة. لإجراء دراسة مفصلة، قامت الباحثة بدراسة التطور التاريخي للصراع الإسرائيلي الفلسطيني وتعمقت في المعاهدات الدولية. ويوسع المقال هذا النقاش من خلال دراسة نطاق دور الأمم المتحدة في دعم التنمية في فلسطين تحت الاحتلال الإسرائيلي. تشير المنهجية المستخدمة في هذه الدراسة إلى أن الاحتلال الإسرائيلي يعتبر العائق الرئيسي أمام التنمية في فلسطين. وبالإضافة إلى ذلك، تُظهر النتائج أن جهود الأمم المتحدة حتى الآن لم تكن فعالة في وضع حد لهذا الاحتلال، مما يسلب الضوء على الدور المحدود الذي لعبته الأمم المتحدة في هذا الصدد. وبالتالي، وفقاً للنتائج، تشير الدراسة إلى الحاجة إلى مجموعة من الإجراءات، بما في ذلك إنشاء هيكل قانوني له تداعيات شفافة تتعلق بالاعتراف بدولة فلسطين على الساحة الدولية، ويكون خالياً من التحيز السياسي. علاوة على ذلك، بينما يعد الحصول على وضع غير مراقب في الأمم المتحدة أمراً ذا أهمية كبيرة، فلا ينبغي لنا أن ننظر إليه كهدف نهائي، بل كأداة لتحقيق التقدم. ومن الآن فصاعداً، ينبغي أن تركز الجهود على توظيف هذه المكانة لدفع الأهداف والطموحات الفلسطينية إلى الأمام.

Introduction

Recognition holds fundamental importance within the framework of international relations and is a recurring topic in global affairs. However, it is only recently that the International Relations (IR) area of activity has begun to explore the analytical significance of recognition, despite its extensive discussion in other academic disciplines (MIT Press, n.d.). Previously, discussions on state recognition primarily revolved around assertive and formative interpretations within the domain of international law. Assertive recognition implies that a body achieves statehood by meeting the four conditions outlined in the 1933 Montevideo Convention (Montevideo Convention, n.d.) which are a permanent population; a defined territory; government; and capacity to enter into relations with the other states which the majority of United Nations member states are adhered to. By granting recognition, existing states simply acknowledge the ‘empirical reality’ of the statehood of another body (Kelsen, 1941). Conversely, according to the formative perspective, a political body attains statehood whenever the established states acknowledge the status of the body as a state (Lauterpacht, 1944). Therefore, state or territory achieves international “State” status by meeting Montevideo Convention, membership in the United Nations, recognition in International Law including diplomatic recognitions and international relations.

Ongoing battles for recognition by contested states persistently prompt existing states to adopt stances. Indeed, established states bear the responsibility of evaluating the eligibility of new claimants for recognition (Lauterpacht, 1944). Participating in modern recognition disputes and conflicts carries consequences for all parties involved, as exemplified by the situations in the Western Sahara, Palestine, and Taiwan.

Palestinian statehood acknowledgment in the Occupied Palestinian Territories (OPT) has consistently ignited arguments among states and international legal scholars (Crawford, 1990). The complexity of the Palestine conflict, a legal standpoint alone fails to fully elucidate the reasons behind the non-recognition of Palestine. According to the Palestinian Authority, which has limited powers in parts of the occupied West Bank, 142 of the 193 member countries of the United Nations already recognized a state of Palestine. They include many Middle Eastern, African and Asian countries, but not the United States, Canada, most of western Europe, Australia, Japan or South Korea (News C. , 2024). The country also holds the status of a non-member observer state in the UN and enjoys complete membership in various global institutions. The UN assembly consists of 192 member states. To be successfully admitted into the UN, a country needs a two-thirds majority, which is 128 votes.

Palestine is still not admitted into the UN even after being recognized by 142 countries (News, 2017). However, within an international community characterized by uneven contributors, the position of the country within this community influences the ethical influence of being recognized. Besides Sweden, countries wielding ethical authority (such as the European Union (EU) or the Western European states collectively) persist in withholding recognition of Palestine. Additionally, in 2012, and based on the refrainment at the UN, the countries of EU that acknowledged the existence of Palestine in 1988 (while being affiliates of the Union of Soviet Socialist Republics) adopted an unfavorable stance regarding this issue. From the international actors’ point of view (EU or Nordic countries), recognition professed to hold ethical authority may lead to formative results in tilting the scales in favor of recognizing Palestine as a state (Manners, 2002).



Figure 1: Countries that Recognize the State of Palestine

The challenge remains in the concept of establishing Palestine as a state even if we were to apply the Montevideo Convention in a somewhat artificial manner. The complex extent of its land is under Israeli occupation, with Israel effectively functioning as the governing authority on that ground. The Palestine Liberation Organization (PLO) did not act once as a governing authority overseeing the occupied territories. However, the Montevideo Convention essentially views statehood as a current condition, encompassing both factual reality and a matter of law (Montevideo Convention, n.d.). From this perspective, neither the PLO nor the Palestine National Council has been capable of exercising the full spectrum of governmental powers within the territory in question. While it could be argued that the Palestinian people are entitled to elect a governing body, this argument is irrelevant in the system of Montevideo. The system primarily focuses on the presence of a stable governing body instead of the potential future exercise of that authority. It is important to note that the formulation of Montevideo Convention occurred during a period where in the realm of international law, the concept of independence or self-governing was not acknowledged. It is possible that the concept of statehood, as imperfectly outlined in the Montevideo Convention, has evolved in light of these developments. However, it is curious that discussions regarding the statehood of entities like Palestine continue to be framed within the context of that Convention.

The concept of state independence as a fundamental requirement for statehood basically encompasses two key elements: the presence of a cohesive community within a specific territory that mainly or entirely exercises sovereign authority, and external governance absence or asserting the right by another state to govern that territory autonomously. From this point of view, the commonly asserted notion that evidently defined boundaries are not a requirement for statehood is self-evident.

Certainly, there are alternative conceptions of statehood that could lead to different conclusions. The concept of statehood formation is one of the prominent alternatives. From this viewpoint, a body achieves statehood only when it is recognized by other states. However, the formative theory introduces significant subjectivity into the state's concept. In international law, no existing provision stipulates that recognition by the majority obliges third-party states. Currently, Palestine has garnered recognition as a state from over 100 countries, but it has not attained the level of near-unanimous support necessary to establish a specific legal rule confirming its statehood. Without such a 'particular'

rule, the formative or constitutive theory implies that a recognition of a body as a state is not obligatory by another state if it has not done it itself. Given that the United States and Israeli occupation, both crucial actors in this context, vehemently refuse to recognize Palestine as a state, the constitutive theory fails to provide a resolution. The UN does not formally adhere to the Montevideo Convention but operates in a manner consistent with its principles. The Montevideo criteria provide a widely accepted legal framework for defining statehood, which aligns with the practical considerations taken into account by the UN and its member states when recognizing new states and admitting them as UN members.

Palestine has endured a lengthy and tumultuous journey in its quest for statehood. More than half a century ago, international law demonstrated its inability to ease the statehood of Palestine despite the shifting dynamics in the legal framework at the international level. International law provides a framework for recognizing statehood based on criteria such as a permanent population, defined territory, effective government, and the capacity to engage in international relations. The process involves both declaratory elements, where meeting these criteria establishes statehood, and constitutive elements, where recognition by other states and international organizations like the UN is crucial for practical and legal acknowledgment of statehood (Shaw, 2017).

The research question is "How does international recognition impact the statehood and legal status of Palestine within the framework of international law?" What are the implications of international recognition (or lack thereof) on the quest for statehood by Palestine?". This question would guide the article in exploring the complex relationship between the legal criteria for statehood, the political processes of international recognition, and the specific case of Palestine. To answer this question, the researcher will delve deep into historical events, UN resolutions, and global political dynamics to shed light on the complexities of the Israeli-Palestinian conflict through providing valuable insights that can inform policymakers, legal scholars, and anyone concerned with international relations about the ongoing efforts and obstacles in the pursuit of Palestinian self-determination.

Materials and Methods

Research Methods

To ensure thoroughness and precision in this analysis, the researcher has referenced notable books addressing the core concept of both statehood and recognition in theory, intending to obtain a comprehensive grasp of the conceptual basis surrounding the mentioned subject. Additionally, the researcher delved into numerous academic reviews that present diverse perspectives on Palestinian statehood, allowing for comparisons of ideas and a comprehensive overview of the issue. To do so, the researcher referred to academic web search, such as JSTOR, Google Scholar, Research Gate, and others. Furthermore, the researcher consulted various official documents from the UN, including resolutions and reports, as well as documents from the Israeli occupation and Palestinian governments. This multi-faceted approach has contributed to a well-rounded examination of the subject matter (see Figure 2).

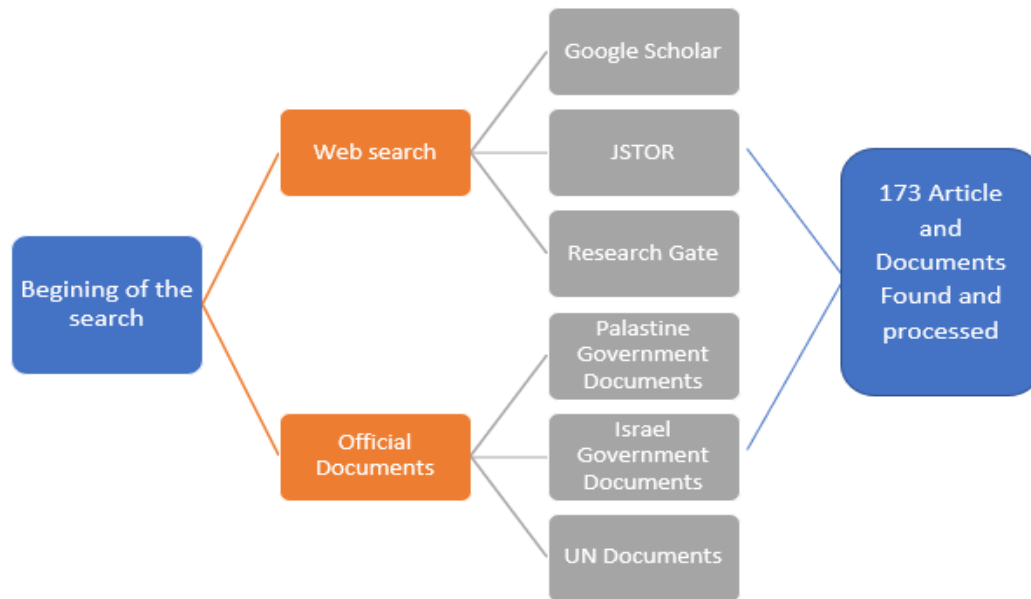


Figure 2: Framework of the Search Method Conducted

Historical Background

In 1990, James Crawford authored *The Creation of the State of Palestine: Too Much Too Soon*, wherein he aimed to provide a comprehensive and balanced analysis of the challenges and prospects of Palestinian statehood within the framework of international law and politics. The assertion that UN General Assembly Resolution 43/177 recognized the existence of a State of Palestine (Crawford, 1990). A comparable debate emerged in 2012 regarding whether UNGA Resolution 67/19, which granted Palestine non-member observer State status in the UN, constituted recognition of the State of Palestine (UN General Assembly, 2012). Just as in 1990, it remains challenging for international lawyers to approach the Palestine issue impartially and objectively (Crawford, 1990). Scholars who advocate for the Palestinian cause often align their moral stance with legal interpretation, and use the resolution to validate the notion they believe in that the acknowledgment of the State of Palestine already exists, sometimes without thorough examination of the specifications of the resolution (Dugard, 2013). Conversely, those less convinced of Palestine's pre-existing statehood are more cautious about the legal implications of the resolution (Cerone, 2012). Differences in perspective encompass various aspects, including evaluations of efficiency principles, and the impact of acknowledgment, alongside the fact that Resolution 67/19 amounted to a form of recognition.

According to the argument presented by Ringmar (2008), states require recognition from other states to uphold their sense of identity and narratives, much like individuals and communities require recognition to solidify their identities. As stated by Ringmar, 'only as recognized can [they] conclusively come to establish an identity.' (Ringmar, 2008). Murray elaborates that when the recognition of a state is in a proper place, its identity is affirmed, its significance is solidified, and its role as a political entity is guaranteed (Murray, 2010).

Conversely, Wolf detailed that when the acknowledgment of a state is refused, it could undergo feelings of profound embarrassment and disregard, where assuming the position in society and its significance are brought into doubt (Wolf, 2011). On the other hand, IR scholars have long focused

on the form acknowledgment of states under legal frameworks. It is evident from the discussion above that the recognition states require and pursue transcends mere legal acknowledgment (Fabry, 2010). This conflict on land is bounded by two groups opposing aspirations on the right, the distribution, and the ownership of the land. The Zionist bourns search for legality in two directions: literal connection with Palestine and authorization by the transnational community of the Zionist trouble at statehood in Palestine. When in 1984 the Jewish Agency, representing the World Zionist Organization, declared founding Palestine as a state, it placarded these two bases of legitimation 'We by virtue of our natural and literal right and on the strength of the resolution of the UN General Assembly, hereby declare the establishment of a Jewish state in Eretz- Israel, to be known as the State of Israel' (Affairs, 1948). With these bourns lies a lot of dubieties, when the literal connection is taken into consideration, there are some criteria to be looked at. First, transnational law allows claims grounded on ancient occupation. Second, the occupation of that period must be the critical occupation for the determining current title. Third, the group claiming the current title must be the group formerly in occupation.

Throughout history, although pieces of land faced the issue of ancient claims against physical ultramodern authorities none was asserted like the Palestinian conflict. No party has successfully asserted a claim to home grounded on the previous title over and against a people or state in recent occupation. No claim has been asserted, with the exception of the Zionist claim to Palestine, grounded on a title so ancient. No state practice exists that would render such a conception a norm of transnational law. Addressing the claim in the House of Lords in 1922, Lord Sydenham refocused on the difficulty that would be caused by recognition of ancient title over and against more recent inhabitants 'If we're going to admit claims grounded on con- hunt thousands of times ago, the whole world will have to be turned upside'(Quigley, 2023).

An alternate base claimed by the World Zionist Organization and the Israeli occupation for its term in Palestine is an authorization for a Jewish state from the transnational community, as represented by the League of Nations and United Nations. The League gave Great Britain accreditation over Palestine on July 24, 1922, calling on it to promote the creation there of a 'Jewish public home' (Project, 2008). The UN proposed partition of Palestine into a Jewish state and an Arab state. This claim confronts two redoubtable obstacles. The transnational community lacks the authority to designate a reference. Neither the League of Nations nor the UN, by their constituting covenants, was given such a right. For either of them to give a home to a state or people other than one entitled to it would violate the right of tone- determination, which was honored by the constituting covenants of each.

With the UN, reliance decisions are placed on the General Assembly's Resolution 181 established on November 29, 1947, acclaiming two countries in Palestine- one Arab, one Jewish- with close profitable union between them. The Assembly did not, in espousing this resolution, purport to determine that the Jews of Palestine had a right to a state there. The offer was rather an attempted result of a Jewish exile problem in Europe that had nothing to do with rights to home in Palestine. The major powers, unintentionally accepting Jewish deportees themselves, viewed a Jewish state in Palestine as an accessible result. Europe was working on a problem at the expense of Third World people. Then, the same script repeats with the third world country paying the prices of working the first world country problems. Although the occupation state had no right internationally to attack Palestine or divide it when the plan was being enforced, there was no transnational resistance but rather support from utmost first-world countries (Eran and Sabel, 2024).

The assembly would generally conduct analogous situations involving queries to the International Court of Justice. Still, the assembly in fact refused to take up a suggestion by Arab countries to seek

the International Court of Justice's premonitory perspective on the contending claims to Palestine. With Palestine, it did not do so for two reasons. First, the Assembly was handling the matter as a political issue, not one of the rights. Second, the Zionist claim was so weak that the Court would have had to decide in favor of the Arabs (Muasher, 2021).

During the summer and autumn of 1948, the Israel Defense Forces (IDF) compelled almost the entire Arab populace of the region, this event is called 'Al Nakba' and it is translated in Arabic to the catastrophe because all the Palestinians were forced out of their houses by either guns, trucks, or seizure of their rights. Out of 900,000 people, only a couple of ten thousand were left in the whole occupied area. Given that the Arabs had a right to Palestine upon the termination of the mandate, the Zionists had trouble establishing a state that constituted aggression. The World Zionist Organization was an outside force conforming to recent advents from Europe who established a state by force, pursuant to a preliminarily conceived plan for that purpose. Like any people faced with such an intrusion, the Arabs of Palestine had a right to repel by force, as they did, albeit unsuccessfully. They also had a right in that tone of defense to request backing from countries. This they did by requesting intervention from bordering Arab countries, which interposed 15 May 1948. Between 1947 and 1949 the Israeli Military destroyed at least 530 villages (Hadad, 2022).

International Treaties

The relationship between Palestine and Israeli Occupation has been characterized by a series of complex and often contentious negotiations. The main international treaties and agreements between both parties are listed below. By examining these treaties, one can assess the degree of international recognition Palestine has received, the legal and political commitments made by both parties, and the extent to which these agreements have influenced or failed to influence the recognition and realization of Palestinian statehood. The treaties highlight the incremental steps toward self-governance and international engagement, while also showcasing the obstacles and setbacks faced due to partial recognition, non-compliance, or unilateral actions.

Venice Declaration 1980

In June 1989, the Venice Declaration established a unified European approach to the ongoing conflict between Arabs and Israelis. It affirmed the principle of Palestine's self-determination, the involvement of PLO in peace accommodations, and the right of "Israel" to exist securely. Initially endorsed by nine member states of the European Community at the Venice European Council, it later served as the foundation of EU policy. This declaration contributed to the growing acceptance, both internally and among key stakeholders that are represented by Palestine and Israel occupation, resulting in the formation of two states to the occurring conflict.

The core values underpinning this method are outlined in Composition four of the Venice Declaration, videlicet 'to promote the perpetration and recognition of the right to actuality and security of all States in the region, including Israel, and justice for all the peoples, which implies the recognition of the licit rights of the Palestinian people'. Additionally, composition seven asserts that 'the Palestinian people, which is conscious of being as similar, must be placed in a position, by an applicable process defined within the frame of the comprehensive peace agreement, to exercise completely its right to tone- determination' (Venice Declaration, 1980).

Oslo Process

Initiated in 1993 by Norway, the Oslo Process introduced a method grounded on mutual commitments outlined in the Oslo Accords. These agreements, also known as the Declaration of Principles on Interim Self-Government Arrangements, involved Israeli Occupation and the PLO officially recognizing one another as negotiating partners. Signed in Oslo, on the 20th of August, 1993, they were formally ratified at a community ceremony in Washington D.C. on September 13, 1993,

with Mahmoud Abbas representing the PLO and Shimon Peres representing the Israeli Occupation (Interactive Encyclopedia of the Palestine Question, n.d.).

Yitzhak Rabin and his assassination represent a turning point to the Oslo process and the conflict itself. Yitzhak Rabin was the Prime Minister of “Israel” and a key figure in the Oslo Accords, a series of agreements between “Israel” and the Palestine Liberation Organization (PLO) aimed at achieving a peace treaty based on United Nations Security Council Resolutions 242 and 338 and at fulfilling the “right of the Palestinian people to self-determination.” Rabin's commitment to the peace process was instrumental in the signing of these accords. His assassination on November 4, 1995, by an Israeli extremist opposed to the peace process, dealt a significant blow to the Oslo process. Rabin's death not only removed a crucial advocate for peace but also deepened the political and social divides within “Israel” regarding the peace negotiations with the Palestinians (Haass, 2020).

Main terms of Oslo Accords are composed of the Oslo I Accord (1993): Mutual Recognition, Interim Self-Government Arrangements, Phased Israeli Occupation Withdrawal, Five Year Interim Period, Elections; and the Oslo II Accord (1995): Division of the West Bank into Three Areas, Further Israeli Occupation Withdrawals, Security Arrangements, Civil Affairs, Economic Cooperation, Elections and Governance, Human Rights and Rule of Law. These terms were intended to build mutual trust and lay the foundation for a lasting peace agreement, though many challenges and setbacks have complicated their implementation.

In September 1995, the Palestinians agreed on Oslo II, stating that the occupation militaries would withdraw from the West Bank, home to the great majority of the Palestinian population, subject to full recognition of Israel's agreements and military labels in the area. A new Palestine Authority (PA) created in 1995 with its headquarters in the West Bank town of Ramallah was to take full charge of civil matters and domestic affairs, and to help the “Israeli” forces to shoulder security responsibilities in the countryside, before being completely pulled out by the Israel Defense Forces (IDF).

The Oslo approach's weakness stemmed from its dependence on both parties meeting predetermined goals before advancing to subsequent stages, which neither side accomplished within the agreed timeframe. This led to a decline in confidence and a repetitive pattern of assigning blame for unmet obligations, instead of fostering a collaborative approach built on mutual respect. Additionally, the approach aimed for a consensus conclusion eventually, instead of embracing the explicit target of a two-state solution from the beginning (Parliament, 2007).

The Road Map

The Road Map was introduced during April 2003 summit in Sharm El- Sheikh. It serves as a framework of peace, offering a more definite commitment than that of Oslo toward achieving a negotiated agreement. This agreement notably for a two- state solution, with specific scheduled and phased actions enforced to resemble both parties reach a mutual agreement of a two-state result within the year 2005.

The Road Map suffered from unmet expectations and corrosion of trust, as did the Oslo process. There have been no direct accommodations toward peace among both Israeli Occupation and Palestine, with both sides failing to accomplish their obligation. Although there has been a decline in the attacks against Israeli Occupation since 2003, the Palestinians have not checked host exertion nor bullet outbreaks from Gaza on Israeli Occupation. Similarly, the Israeli Occupation continued the development of agreement structure in the West Bank and did not disassemble illegal posts, regardless of individually removing colonizers from Gaza in 2005 (Road Map for Peace, 2003).

Arab-Israeli Occupation Wars

Arab Israeli Occupation War 1948 (Nakba)

The United Nations General Assembly espoused Resolution 181, known as Partition Resolution,

on 29 November 1947. In May 1948, this resolution proposed the division of Great Britain's previous Palestinian accreditation into separate Jewish and Arab states with Jerusalem's religiously substantial zone remaining under international control directed by the UN (UNHCR, 2012). This plan was opposed by the Palestinian Arabs, viewing it as biased toward the Jews on the one hand, and being illegal for the Arabs to maintain residential in Jewish homes within a barrier on the other hand. The UN resolution was backed by the US which also advocated for peace negotiations in the region between Arabs and Jews; consequently, a conflict was triggered between them.

Palestinian Arab irregular forces, along with units of the Arab Liberation Army consisting of fighters from Palestine and neighboring Arab states, hurled attacks on the Jewish metropolises, agreements, and fortified militaries. Jewish armies, including the Haganah, the main host militia of the Jews in Palestine, as well as smaller groups like Irgun and LEHI, established control over the territory allocated to them in the Partition Plan (Office of the Historian, n.d.).

On the 14th of May 1948, following Israel's declaration of independence, the conflict intensified after the attack of settlements in the former Palestinian accreditation by other Arab armies consolidated the Palestinian Arabs. This action was followed by an air attack orchestrated by the Arabs on Tel Aviv; however, it was resisted. Then, the Arab armies from Lebanon, Iraq, Egypt, and Syria, invaded the previous Palestinian accreditation, while Saudi Arabia transferred a conformation under the command of Egypt. Eventually, British armies interposed but limited their intervention to areas selected to be part of the Arab state according to the UN Partition Plan and the internationalized zone of Jerusalem. Despite initial tensions, the Israeli army managed to repel the attack (Al Nakba, 2013).

Amid the conflict, the UN arranged two ceasefires; however, the fighting persisted till year 1949. It was not until February that both parties formalized any truce agreement. Through dispersed accords with Egypt, Lebanon, Transjordan, and Syria, Israeli Occupation established formal ceasefire lines with its next-door countries. As a result, Israeli Occupation expanded its control over homes that were previously designated for Palestinian Arabs under the 1947 UN resolution. The Gaza Strip and the West Bank, independently, remained under the Egyptian and Jordanian control. The ceasefire lines remained in place until 1967 (Office of the Historian, n.d.).

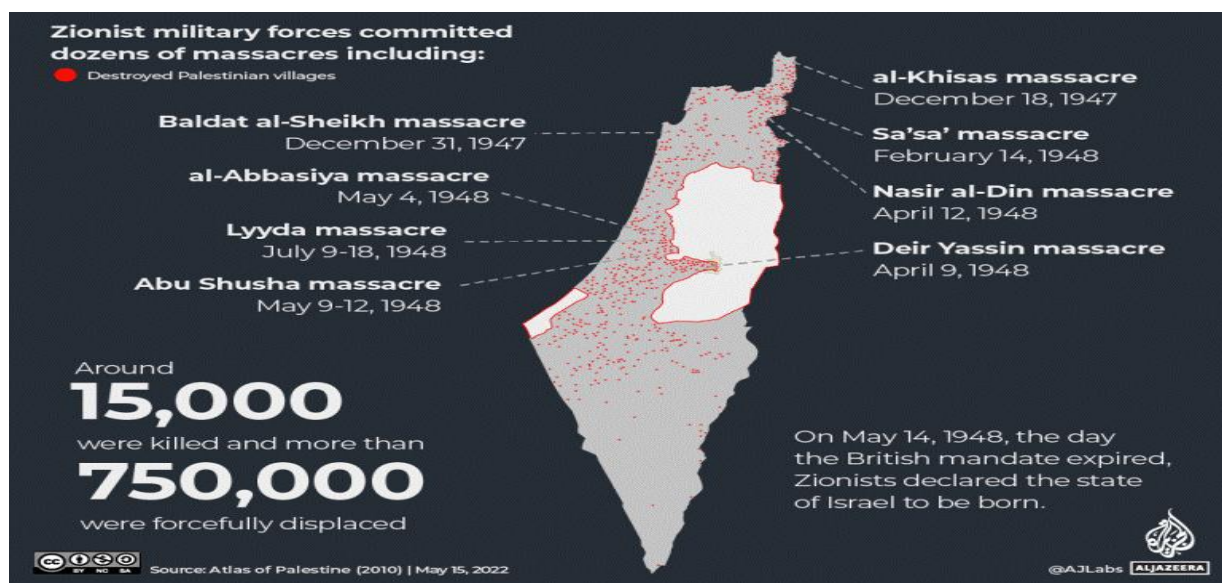


Figure 3: Nakba in 1948 and the Massacres Done by the Zionist Military (Middle East Monitor, 2024)

Arab-Israeli Occupation War 1967 (Naksa)

The world was astonished as Israeli Occupation swiftly took control of the remaining Palestinian territories of the West Bank, East Jerusalem, Gaza Strip, along the Syrian Golan Heights, and the Egyptian Sinai Peninsula, in a matter of six days more than fifty years ago. This decisive action occurred during a conflict with Egypt, Jordan, and Syria, famously known as the 1967 War or the June War. This victory was known as 'Naksa' which implies a setback. It dealt a significant blow to the armies of the adjoining Arab nations and resulted in the loss of Palestinians with little remained of their motherland. A continuation of previous significant events was marked by the Naksa, notably the establishment of Israel through the violent process in 1948, which included the ethnical sanctification of Palestinian communities (Naksa, 2004).

In 1967, Israeli Occupation not only occupied the entirety of historic Palestine but also annexed additional territories from Egypt and Syria. At the conclusion of the conflict, Israeli Occupation managed to banish around half of a million Palestinians from their land, which consisted of 130,000 who had been banished in 1948 and expanded its territory to three and a half times its original extent. On June 9, the attack on the Syrian Golan Heights commenced, and within a day, Israeli Occupation had seized control over the Golan, placing it in striking distance of Damascus, the Syrian capital. On the same day, a ceasefire agreement was signed between Egypt and Israeli Occupation, and on June 11, another agreement was signed between Syria and Israel, successfully bringing an end to the war with truces orchestrated by the UN (Tahhan, 2018).

War of October 1973

The October War, as it is known to Arabs, or the Yom Kippur as known to Israeli Occupation began with a two-frontal attack on Israeli Occupation initiation by Egypt and Syria to reclaim territories lost during the 1967 Six Days War. At that time, Israeli Occupation seized the Sinai Peninsula in Egypt and Syria's Golan Heights. Israeli Occupation also seized a large corridor of major Palestine in 1967. The defeat suffered by the Arabs and Palestinians is referred to as 'Naksa', which emphasizes reversal or defeat.

Egypt recaptured control of Sinai but Syria's Golan Heights remains enthralled by Israeli Occupation. The fate of the war contributed to the shifting political dynamics between Arab nations and the United States. Former US President Jimmy Carter brokered a series of peace addresses between Egypt's also- President Anwar Sadat and Menachem Begin, the former Israeli Prime Minister. These secret conversations that took place in Camp David gauged over thirteen days. The accords outlined circumstances for a peace convention between Egypt and Israeli Occupation, in addition to a peace frame for both parties Palestine and Israeli Occupation using Resolution 242, which called for a pull-out of Israeli Occupation from homes enthralled during the Six Days War in 1967. Israeli Occupation agreed to pull out its forces and civilians from Sinai in exchange for political ties with Egypt and access to the Suez Canal after the Camp David Accords inked in 1978 (Doyle, 2016).

MIDDLE EAST

The October Arab-Israeli War of 1973

On October 6, 1973, Egypt and Syria jointly launched a surprise attack against Israel on the Jewish holiday of Yom Kippur in order to regain the territory they lost in 1967.



Territories that Israel occupied in 1967



Source: Al Jazeera

October 6, 1973

Egyptian and Syrian armies launch a two-front offensive attacking Israeli military positions in the Sinai Peninsula and the Golan Heights.

October 14, 1973

The United States launches a massive airlift of military supplies to Israel to help bolster its defences

October 17, 1973

OPEC, led by Arab countries, imposes an oil embargo on the US and other nations for supplying weapons to Israel, prompting an energy crisis. The embargo lasted until March 1974.

October 22, 1973

The United Nations passes Resolution 338, calling for an immediate ceasefire and negotiations to end the conflict, which does not hold.

October 25, 1973

A second ceasefire is secured, officially ending the war.

March 26, 1979

Egypt signs a peace treaty with Israel following the 1978 Camp David Accords. According to the agreement, Israel would relinquish the Sinai Peninsula to Egypt in exchange for Egypt's full recognition of Israel.



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Figure 4:Flow of Events in the October War (Al Jazeera, 2023)

Hamas Israeli War 2023

On October 7, 2023, Hamas launched a significant barrage of rockets in the south of Israeli Occupation, causing alarms as far as Tel Aviv and Beersheba. Shortly after, fighters infiltrated Israeli Occupation through a coordinated operation involving land, ocean, and air. Near the Re'im military base, attendees of the winner musical jubilee were targeted by Hamas fighters who breached the barriers between Gaza and Israeli Occupation, which resulted in multiple casualties (Ibrahim, 2023). This unexpected attack followed Israeli colonizers' incursion into the Al-Aqsa Mosque compounding in the preceding days and a surge in Palestinian casualties at the hands of Israeli Occupation in recent months. It was also a response to various grievances, such as the Gaza barrier, the growth of Israeli Occupation settlements in the West Bank, Israeli settler viciousness, and limitations regarding the transportation of goods and people between Gaza and Israeli Occupation.

Many titled the conflict as the new 'Nakba' because Israeli Occupation has launched its attack on civilians forcing millions to relocate and killing thousands. The international community has chosen to stay silent as so far, no one is condemning Israeli Occupation for the war crimes it's doing such as cutting off food, water, electricity, and recently communication, using phosphorous bombs and bombing hospitals, schools, refugees' camps and places they labeled as safe. The people from around the globe are showing solidarity with Palestine and advocating for a cessation of hostilities and the termination of the ethnic cleansing going on, but the governments are either staying silent or openly supporting and funding the illegal occupation (AJLabs, 2023).

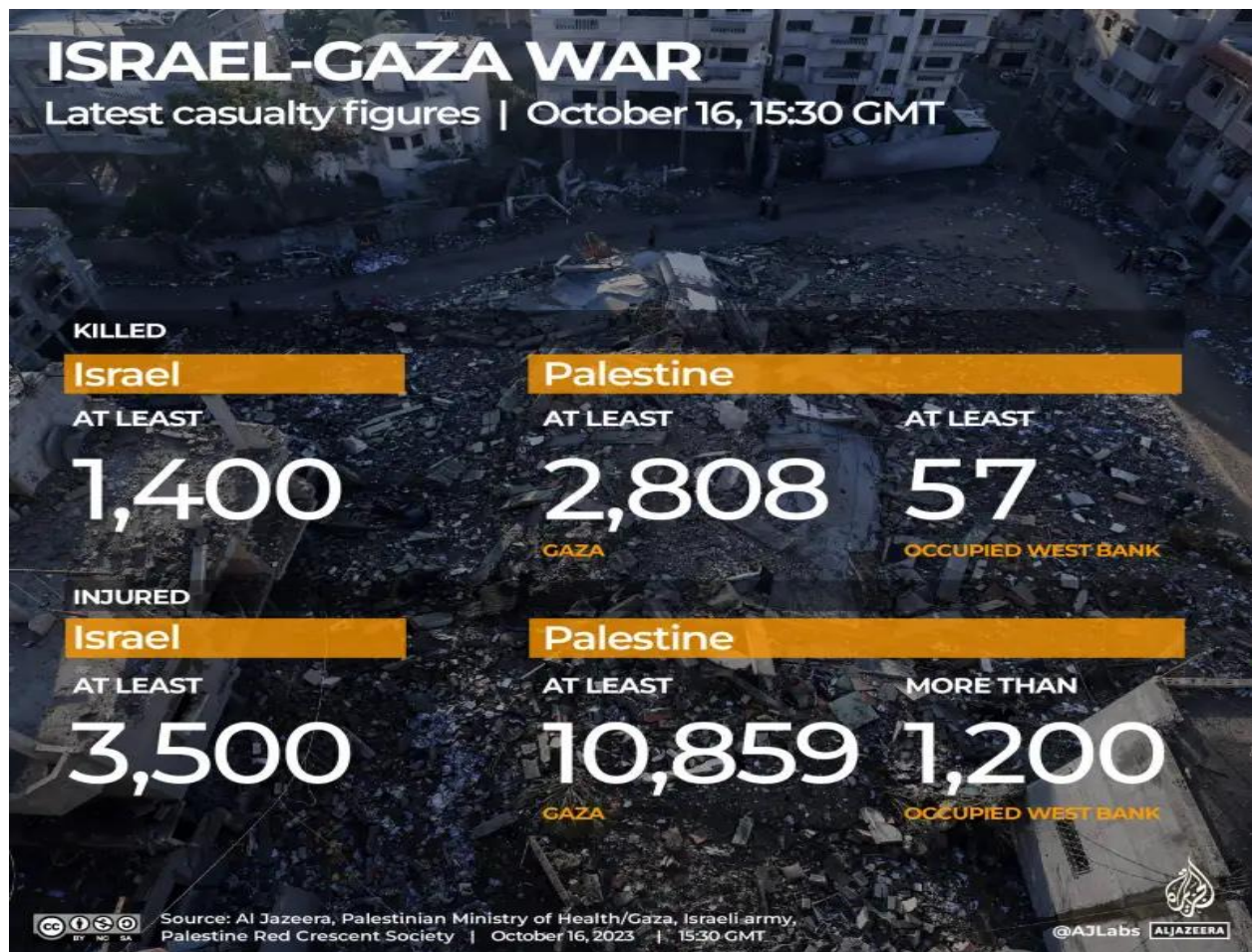


Figure 5: Effect of the Current War on the Population (Al Jazeera, 2023)

Legal and Political Considerations

The pursuit of statehood by Palestine within the framework of international law is a complex and contentious issue, shaped by legal principles, diplomatic relations, and political dynamics on both regional and global scales. This section explores the critical legal criteria and political factors that underpin the quest for Palestinian statehood, examining how international recognition influences its legal status and the implications thereof.

A lot of work has been done to try to get Palestinians' voice heard with various international organizations such as the UN, UNESCO, and the ICC (International Criminal Court), as well as to approve many international agreements. This goal is not new; since it was established, the PLO has been actively trying to join regional groups, especially in the Arab world. It became a member of the Organization of Islamic Cooperation in 1969, then joined the Arab League in 1976, and the UN Economic and Social Commission for Western Asia in 1977. These efforts increased during Mahmoud Abbas's presidency, as he started looking for new ways to continue negotiations with Israeli Occupation following a long period of peace talks stagnation. Affiliation in international organizations, particularly the UN, developed to be increasingly vital, as while it does not inherently signify statehood, it implies that the entity assumes all the rights and responsibilities associated with UN membership under international law. Palestinian authorities actively pursued this path, knowing the current deadlock in negotiations with Israeli Occupation are acknowledging that stimulating the peace process

might necessitate time and possibly a political shift in Israeli Occupation and the US. However, the elevation of Palestine's position in the UN to observer non-member states via GA Resolution 67/19 sparked an argument regarding whether the UN formally recognized the state of Palestine, or if it was merely a symbolic gesture without signifying the acknowledgment of Palestinian statehood by the international community.

Prior to upgrading its position to observer non-member state, the UN had already acknowledged Palestine's existence. Resolution 67/19 included a significant clause stating optimism that the Security Council would contemplate Palestine's application approved for full membership. This recognition indirectly acknowledges Palestine's statehood as a pre-existing detail prior to the resolution. Article 4(1) of the Charter stipulates that 'membership in the UN is open to all other peace-loving states which accept the obligations contained in the present Charter and [...] are able and willing to carry out these obligations.' (Charter of the United Nations, 1945). Palestine clearly affirmed its dedication to the principles outlined in the UN Charter through its Declaration of Independence. Additionally, Palestine explicitly renounced resorting to violence or coercion in the face of other nations and willingly embraced its responsibilities outlined in the Geneva Conventions that occurred in 1949 and the Hague Resolutions in 1907, which serve as the foundation of international humanitarian law and the laws governing warfare (Qafisheh, 2013). Resolution 67/19 marked a significant advancement by granting Palestine the authority to sanction UN conventions and other international agreements. In 2014, this authority was exercised when Palestine sanctioned fourteen treaties and formally became a party in the Geneva Conventions that controlled the comportment of armed conflict. Furthermore, it is noteworthy that in October 2011, Palestine achieved full membership status in UNESCO, becoming the 195th member of this scientific and cultural organization (The New York Times, 2011). These advancements demonstrate Palestine's earnest desire for full membership in the UN and underscore that political conflicts of interest in the association are the primary obstacles preventing Palestine from attaining full UN membership.

According to Rule 134 of the GA Rules of Procedure, 'Any state which desires to become a Member of the UN shall apply to the Secretary General. Such application shall contain a declaration [...] that the state in question accepts the obligations contained in the Charter' (UN General Assembly, 1947). Looking at it from this perspective, there's undeniable evidence of Palestine's strong desire to achieve full membership, demonstrated through its formal application in 2011 and its consistent dedication to upholding the values and responsibilities outlined in the UN Charter. Nevertheless, the ultimate decision-making authority lies with the Security Council (SC). Upon the Secretary-General's request, the SC must provide a reference regarding admission. If the SC references a country to uphold a membership, the General Assembly (GA) confirms it by a two-thirds majority vote (Alzoughbi, 2015). If the SC fails to make a recommendation due to the veto power of at least one permanent member, the GA can return the application to the SC. Consequently, the SC holds the final decision-making power, exemplified by the US vetoing Abbas' bid for full recognition in 2011.

The political conflict of interest with the US emerges as a crucial element in the Palestinian statehood pursuit. Alongside Israeli Occupation, the US has been a prominent adversary of Palestine's bid for statehood within the UN. The solid economic, armed, and political ties between the US and Israeli Occupation underscore their strategic alliance in the Middle East. Consequently, the US reliably backs Israeli Occupation's positions and has often disapproved of UN for what it perceives as biased support toward the Palestinian cause. Over the years, the US has utilized its veto power over forty times to thwart Security Council resolutions addressing various issues, including the right to self-determination for Palestinians, the unlawfulness of Jewish settlements, conditions in the Occupied Palestinian Territories (OPT), the matters of Palestinian refugees, and the status of Jerusalem, among

others (Sarsar, 2004). Notably, the sole lasting member to veto these resolutions was the US, with record receiving majority support from the remaining fourteen Security Council members, albeit with occasional abstentions. The most recent instance occurred in 2017 when the US vetoed a resolution condemning Donald Trump's recognition of Jerusalem as Israel's capital. This voting pattern trend highlights two key points: the consistent use of the veto by the US and the broad backing from other Security Council members for resolutions addressing these issues.

Given these considerations, the prospects of Palestine achieving UN full membership appear bleak, particularly in the near future. With the prevailing political landscape in the US and Israeli Occupation, the scene of Palestine gaining full membership in the UN is unlikely. However, it becomes evident that the UN admission process requires revision, especially concerning the issue of veto power. As articulated by Jordanian Diplomat Hazem Zaki Nuseibeh in 1969, 'The UN Charter is a master in utopia [...] and its basic principles are unquestionable. But in the most crucial issues, the voices, conscience, and votes of the overwhelming majority of mankind remain ineffectual because power evidently lies somewhere else' (Alegre, 2003). The mentioned statement aptly captures the UN's existing incapability in resolving conflicts and addressing the widespread sentiment that Palestine, in essence, already functions as a state and should therefore be granted full UN membership, with all its attendant rights and obligations. The Security Council (SC) suffers from inherent flaws that often render it ineffective. The existing veto power structure is unlikely to change soon, and the substantial alignment between the US and Israel's voting patterns at the UN is expected to persist (Sarsar, 2004). However, such discourse should not supersede the nation's desire and the overwhelming majority of the international community, as it fundamentally contradicts the UN's foundational values.

Discussions

The absence of endorsement from key international players such as the United States, Britain, and others regarding Palestine's statehood is often perceived as a manifestation of the political dynamics of global diplomacy since they have the special privilege of the veto right in United Nations. Many scholars of international relations have attempted to decipher the underlying reasons behind this trend, citing factors such as religious interests, political motives, and economic considerations. However, among these factors, human rights protection emerges as a significant concern.

The decision by the UN to elevate Palestine's status to that of a non-observer member did not lead to direct negotiations, especially with the United States. According to reports in the UK media, Britain expresses its backing with the understanding that they would abstain from seeking to hold Israeli Occupation accountable for crimes against humanity in the ICC and are ready to resume peace negotiations. However, France took a different stance and publicly announced its vote in favor of the demand pleaded by the Palestinians, joining the ranks of other notable European nations that endorsed the bid. Portugal, Spain, and Switzerland also pledged their support, while the United States and Britain opposed it. Despite considering two scenarios initially, France ultimately backed the statehood bid, with experts like Elliot Abrams from the Council on Foreign Relations noting that France aims to strengthen its influence with the Palestinians for future negotiations (Abrams, 2012). Votes conducted in several countries in Europe show strong support for Palestine and hold a negative view toward Israeli Occupation. This explains why Portugal, Spain, and Switzerland aligned themselves with France on this issue. Abraham stated that the decision-making process in Europe regarding this issue is primarily influenced by local politics. He emphasized that politicians in European countries must weigh the potential benefits of supporting Israeli Occupation against the political consequences, suggesting that there is little to be gained politically by supporting Israeli Occupation on this matter (Abrams, 2012). Abrams further explained that the US considers the

statehood bid as flawed, a stance simpler for a geographically isolated country and holds significant individual strength (Abrams, 2012). Additionally, the US firmly supports Israeli Occupation and believes that the most effective path to achieving peace and improving the conditions of both parties is through negotiations.

One question remains unanswered, is the delay in the 'entry fee of Palestine into the United Nations' connected to the country's economic status? The composition of Palestine's exports, predominantly featuring cement, base metals, iron and steel, food and beverages, furniture, plastics, and dairy products, underscores its economic dependency. With Israeli Occupation accounting for over 80% of its total exports, Palestine's trade relations are heavily concentrated within the Middle East region. While it also engages in trade with countries like Jordan, the United Arab Emirates, Algeria, Egypt, Saudi Arabia, the Netherlands, Germany, and Canada, its export market remains largely regional. This regional focus on trade means that Palestine does not have direct economic ties with major world powers that wield significant influence within the UN. Consequently, its limited economic reach may present challenges in garnering support for its admission to the world body. The absence of robust economic partnerships with major global players could indeed pose difficulties in Palestine's quest for UN membership, as economic power often translates into diplomatic leverage on the international stage.

Robert Danin, representing the International Monetary Fund, along with Oussama Kanaan and Firas Raad, acting as the head of mission for the office of the Quartet Representative Tony Blair, assessed the present condition of the Palestinian economy and its anticipated trajectory. Their evaluation also considered the diplomatic implications of the monetary circumstances of the Palestinian Authority on the peace talks, as well as the reconstruction and expansion efforts for Palestine. In alignment with the Quartet's findings, the assessment of the present state of the Palestinian economy highlighted the following:

Economic Strategy: the report emphasized that any analysis of Palestine's current economic situation ought to retrace the economic plan developed by 'Prime Minister of the Palestinian Authority (PA) Salem-Fayyad in 2007'. Fayyad's government used its strategy on three main issues as parts of an integrated whole: good governance, economic growth, and enforcing security, Dani clarified. Now, he noted, two of these parts have retreated since political 'stagnation and economic downtown', which, in turn, is placing more pressure on the security sector (Marwan et al., n.d.).

According to the above statement, Palestine lacks oil production and is not a significant commercial player, indicating its economic fragility and limited impact on other nations. Consequently, Palestine's economic status is seen as a hindrance rather than an advantage in its pursuit of international recognition.

In all, it becomes evident that the primary barrier to Palestinian progress is the Israeli occupation. This occupation maintains control over Palestinian territories and resources, exerting influence over Palestinian decision-making and hindering development initiatives aimed at reducing reliance on the occupier. The only viable solution to enable comprehensive Palestinian development lies in fulfilling their entitlement to self-governance and control over their territories and natural assets. This entails removing disintegration imposed by the occupation. Accordingly, attaining expansion requires safeguarding additional fundamental civil rights of Palestinians.

Henceforth, the United Nations General Assembly has reiterated in various resolutions, such as Resolution No. (A/RES/73/98 (2018), para. 1) (UN General Assembly, 2018), that the Israeli occupation of Palestinian territories, including East Jerusalem, and the establishment of settlements serve as impediments to economic and social progress. In efforts to tackle this issue, the UN General Assembly, through resolutions like Resolution No. (A/RES/73/19 (2018), paras. 22 & 23) (Coello

and Macías, n.d.), have reiterated their demand for Israeli Occupation to retreat from the Palestinian lands that were taken over since 1967, and to uphold the Palestinians' inherent privileges, notably their right to self-rule and the formation of their sovereign state.

Furthermore, despite the issuance of Resolution 242 by the Security Council in 1967, urging Israeli Occupation to evacuate from Palestine during that year, Israeli Occupation did not comply with this directive. Consequently, the Security Council repeated its stance in Resolution 476 in 1980, calling for a conclusion to the extended Israeli Occupation control over Arab territories seized since 1967. Shortly thereafter, in Resolution 478, the Council acknowledged Israeli Occupation's failure to adhere to Resolution 476 and expressed its intention to explore practical measures, as per the applicable clauses of the Charter, to enforce the implementation of Resolution 476 in the incident of Israeli Occupation non-adherence. However, despite over four decades passing, the disobedience exerted by Israeli Occupation regarding the Council's resolutions has persisted without consequence, and no measures have been taken to force Israeli Occupation to evacuate the Palestinian lands under occupation (United Nations, 2024).

Conversely, to advance the Palestinians' rights to self-determination and their fundamental entitlements, the UN General Assembly took a significant step on 29 November 2012. Through Resolution 67/19, it approved the granting of non-member state status to Palestine within the UN. This decision elevated Palestine's status from a non-member entity to a non-member state (UNHCR, 2012). Moreover, in 2022, the UN General Assembly reaffirmed the global recognition of the Palestinian people's permanent sovereignty in the Occupied Palestinian Territory, including East Jerusalem, over their natural resources (Heaney, n.d.).

Nevertheless, the Security Council often faces paralysis when it comes to taking action opposing Israeli Occupation, because of the US unwavering provision. The US has consistently shown bias towards Israeli Occupation in its political stance, which shields Israeli Occupation from significant global responsibility for desecrating Palestinians' rights since its occupation of the Gaza Strip, and the West Bank, including East Jerusalem, since 1967. Consequently, Israeli Occupation has largely escaped meaningful repercussions on the international stage (The Palestine Yearbook of International Law Online, 2020).

Therefore, it can be noted that the UN implements its resolutions through coercive measures facilitated by the Security Council, the executive body of the UN. However, the Security Council faces challenges in taking action regarding the situation in Palestine due to conflicting interests among its permanent member states. This conflict of interests creates a gap in the UN system, causing the organization to prioritize the interests of major powers over the principles of international law.

Conclusion

This paper explores the complexities surrounding Palestinian statehood and recognition along with the impact of international legal frameworks which all shaped the status of Palestine recognition till date. Statehood and recognition represent highly contentious and debated issues, primarily due to the intricate interplay between legal and political factors, which often complicates the determination of whether an entity qualifies as a state. The Palestinian case serves as a prime example highlighting the challenges inherent in defining statehood within the framework of international law. The effectiveness of international law in addressing statehood is frequently called into question, as geopolitical considerations frequently influence an entity's ability to assert itself as a state under international law, particularly when it encounters obstacles in obtaining membership in the UN and other international organizations.

Thus, after examining the expansive exploration handed, it becomes apparent that the Palestinian-

Israeli conflict remains deeply rooted in literal grievances, territorial controversies, and complex transnational legal fabrics. The study delves into the complications of statehood recognition, ancient claims to the region, and the ongoing challenges posed by clashing narratives and interests. Also, the study focuses on the role of the UN in safeguarding Palestinian human rights is notably restricted, necessitating the intervention of the Security Council to issue binding decisions on Israeli Occupation in line with Resolution No. 478 (1980) and Chapter VII of the Charter. This is because the only viable path to realizing Palestinians' right to comprehensive development lies in securing their right to self-determination and full sovereignty over their lands and resources, thereby eliminating occupation and fragmentation. Achieving development entails ensuring the fulfilment of other essential Palestinian human rights.

In conclusion, the United Nations' effectiveness in supporting the statehood recognition development in Palestine and Rakhine is compromised due to the Security Council's inability to take meaningful action, primarily stemming from disagreements among its permanent members.

Through the disquisition of significant literal events similar to the Nakba of 1948, the Naksa of 1967, and the Hamas-Israeli War of 2023, the exploration underscores the enduring mortal cost of the conflict, emphasizing the relegation and suffering of Palestinian communities. It also highlights the complications girding transnational covenants, including the Venice Declaration of 1980, the Oslo Process, and the Road Map, emphasizing the challenges of achieving lasting peace and stability in the region. In this study, only few wars and treaties were mentioned but this is a complex and gas-lighted topic that the world needs to know more about.

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