

## Al-Quds as Mentioned in UN Resolutions

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### Introduction

The Palestinian issue has had the attention of the entire world throughout history because of Palestine's strategic location in the center of the Arab region and the Old World continents.

The powers' ambitions have resulted in the occupation of the land, its civilization, and its history. Palestine has been the place where the message was revealed to the prophets, and where old civilizations grew.

The Jewish immigration in the early 20<sup>th</sup> century constituted a major turning point in the history of Palestine. It was then when the ambitions of world powers and Jewish associations and their desire to seize it were explicitly expressed. After lots of endeavors, a huge part of the lands was occupied and the occupation continued to expand until this day.

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

This study presents the international resolutions which were issued about Palestine and Al-Quds from the early Zionist immigration and establishment of the UN until this day.

## Topic One: The United Nations

### About the UN

The UN is the outcome of several human attempts and endeavors to create a world body that functions as a channel of communication among them<sup>(1)</sup>. The great conflict from which Europe suffered, and the global alliances which were formed in the First and Second World Wars required the establishment of an international commission that monitors politics and international behavior.

Before the UN, other international organizations and bodies had been established. In 1919, the League of Nations was founded by the USA, France, Britain, Italy and Japan<sup>(2)</sup>; yet it was not internationally recognized so it failed to prevent the wage of another world war<sup>(3)</sup>.

In April 1945, representatives from 50 countries assembled in the USA to agree on a cooperation charter. These states signed on the draft of the founding charter of the UN. Poland then joined them, making the total number 51 states. The UN was officially declared on October 24, 1945. All active parties and major powers assembled at an international level with the USA, Soviet Union, China, France and the UK in the lead<sup>(4)</sup>.

The UN encompasses over 20 specialized institutes that cover most of the global issues and fields. The most influential and prominent UN institutes on Al-Quds issue are:

#### 1. The General Assembly

The General Assembly is the largest and most inclusive institute. It has 193 state members. It is specialized in enacting policies, and giving memberships and representations in the UN. The states assemble in the headquarters in New York to

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<sup>(1)</sup> Hanimaki, Jussi, the United Nations: A Very Short Introduction, Hindawi Educational Institute, Cairo, 2013, p. 15.

<sup>(2)</sup> Al-Marashi, Faisal, the League of Nations, the Political Encyclopedia.

<sup>(3)</sup> Christian, Harliman, Introduction to the UN: Orientation for Serving on a UN Field Mission, Peace Operations Training Institute, 2011, p.3.

<sup>(4)</sup> History of the United Nations, United Nations Website, 2020.

approve plans, budgets and new memberships; and to elect a new president for the coming year<sup>(1)</sup>.

## 2. The Security Council

The Security Council consists of 15 members who are categorized into two groups: Permanent members (the USA, the UK, Russia, China and France); and nonpermanent two-year membership states. Each country is assigned as president for one month, and the Council discusses issues related to war and peace and relevant decisions<sup>(2)</sup>.

The Security Council may express its positions on world security and peace, and invite countries through diplomatic mechanisms to improve the situation. The Council can also call for the use of force to deter parties that violate the International Law and do not abide by its constants<sup>(3)</sup>.

## 3. UNESCO

The acronym UNESCO stands for 'the United Nations Educational, Scientific and Cultural Organization'. It was founded in 1945<sup>(4)</sup>. 193 states are currently members. The headquarters is located in France, but the Organization has over 60 offices worldwide. The UNESCO is active in different fields; mainly in culture, education, natural sciences, social sciences, human sciences, information and communication<sup>(5)</sup>.

### Topic Two: UN Resolutions before 1967

As mentioned earlier, the UN was founded in 1945, after which several specialized institutes were established. The UN emerged around the same time of the Palestinian people's Nakba: From when the Zionist project was fully developed and the partition of Palestine, as stipulated in a UN resolution, was announced in 1947 until the Nakba and expulsion of the Palestinian people in 1948<sup>(6)</sup>.

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(1) Introduction to the UN System: Orientation for Serving on a UN Field Mission.

(2) The Security Council, Al-Jazeera Network, December 16, 2014.

(3) UNITED NATIONS SECURITY COUNCIL FAQ, United Nations website, 2020.

(4) UNESCO, Al-Jazeera, March 8, 2015.

(5) History of the UN, UN website, 2020.

(6) Halima, Saber, Palestine Partition Resolution No. 181 and Beginning of Nakba, Palestinian Refugees Portal, 2019, p. 31.

After the Nakba, the Palestinian issue became the center of the UN's discussions, and because of the holiness of Al-Quds city; it received special attention and the UN issued resolutions that address its issues. Following are the main resolutions that are deemed as a proof for the Islamic and Arab identity of Al-Quds.

## 1. General Assembly Resolutions

Resolution 181 was issued in November, 1947. It was then known as the Plan of Partition. It approved dissecting a part of Palestine and giving it to the Jewish immigrants. The holy sites in Al-Quds and Bethlehem became under international guardianship and UN supervision<sup>(1)</sup>.

Resolution 181 was later supported by Resolution 303, which was issued in 1949 and called for protecting Al-Quds and the holy sites<sup>(2)</sup>. The Resolution placed the inside and outside of Al-Quds under international guardianship<sup>(3)</sup>. The Resolution also confirmed the General Assembly's dismissal of 'Israel's' declaration that Al-Quds was its capital<sup>(4)</sup>.

## 2. Security Council Resolutions

The Security Council issued several resolutions in conjugation with the UNGA after 1948. These resolutions also called for the protection of the holy sites in Al-Quds, and placing it under international guardianship and UN forces' protection. Resolution 49, issued in May 1948, was the first of many others<sup>(5)</sup>. Resolution 50 then followed a week later to confirm the protection of people's freedom to reach the holy sites<sup>(6)</sup>.

The Security Council also issued resolutions 54<sup>(7)</sup> and 60 which called for the formation of a sub-committee that includes envoys from Britain, China, France, Belgium and Ukraine to prepare for a project that puts Al-Quds under the UN supervision; the

<sup>(1)</sup> Resolution 181 Adopted on the Report of the Ad Hoc Committee on the Palestinian Question, UN documents.

<sup>(2)</sup> Al-Anani, Jaser, Al-Quds between Political Solutions and the International Law, Yazori Scientific House for Publication and Distribution, Amman, 2002, p. 161.

<sup>(3)</sup> Al-Qadi, Mohammed, Al-Quds in International Resolutions, MA thesis – Hebron University, 2009, pp. 31-34.

<sup>(4)</sup> RESOLUTION 303, Question of an International Regime for the Jerusalem Area and the Protection of the Holy Places, UN Documentation, General Assembly.

<sup>(5)</sup> RESOLUTION 49, Security Council Resolutions, UN Documents.

<sup>(6)</sup> RESOLUTION 50, Security Council Resolutions, UN Documents.

<sup>(7)</sup> RESOLUTION 54, Security Council Resolutions, UN Documents,

resolutions also confirmed the protection of holy sites and people's right to reach them<sup>(1)</sup>.

From the above-mentioned resolutions from 1948 to 1967, it appears that the UN's interest in the Palestinian issue and Al-Quds remarkably decreased. The Palestinian issue was no longer addressed in the UN, except in a very few resolutions that called for the protection of the holy sites, freedom of worship, and a peaceful solution that could end the Arab-Israeli conflict<sup>(2)</sup>.

### **Topic Three: UN Resolutions from 1967 – 1993**

The Israeli occupation of the West Bank, the Gaza Strip and Al-Quds in 1967 resulted in a new shock for the international community that failed to protect Al-Quds. The Israeli forces occupied Al-Quds and imposed a state of de-facto on the occupied holy city.

The Israeli behavior was internationally condemned; this is reflected in the UN's resolutions which called for the occupation's retreat from Al-Quds and keeping Al-Quds legal status as it is in the international system. The resolutions also called for the occupation's retreat from political, legal and administrative procedures imposed on the city<sup>(3)</sup>.

Following are the main resolutions on Al-Quds:

#### **1. General Assembly Resolutions**

After the 1967 Naksa, the UNGA issued Resolution 2253 in which it expressed its sorrow for the occupation's seizure of the West Bank and Al-Quds<sup>(4)</sup>. The resolution stated the illegality of the Israeli behavior and the must to change it. However, this

<sup>(1)</sup> RESOLUTION 60, Security Council Resolutions, UN Documents.

<sup>(2)</sup> Al-Adayla, Adel, Al-Quds the Gate of the Middle East for Peace, Dar Alshorok for Publishing, Amman, 2007, p. 86.

<sup>(3)</sup> Ibid: pp. 87-88.

<sup>(4)</sup> RESOLUTION 2253, General Assembly, UN Documents.

resolution could not deter the occupation which continued to impose its control over the land<sup>(1)</sup>.

Such behavior pushed the UNGA into issuing Resolution 15/36 in October in 1981. It deemed any changes in Al-Quds as illegal and against the International Law, and hindered the achievement of just and inclusive peace. The resolution demanded 'Israel' to stop all excavations and changes in the historical, cultural and religious sites in Al-Quds, especially beneath and around Al-Masjid Al-Aqsa and the Dome of the Rock<sup>(2)</sup>.

## 1. Security Council Resolutions

The Security Council issued Resolution 242 after about 5 months from the Israeli occupation of Al-Quds in 1967<sup>(3)</sup>. The Council expressed to the Israeli occupation the importance of withdrawing to the borders prior to 1967 war<sup>(4)</sup>, and not to change the status quo through resorting to military power and ignoring the international system and resolutions<sup>(5)</sup>.

In the following year in May, the Council issued Resolution 251<sup>(6)</sup> which condemned the occupation's military parade in Al-Quds<sup>(7)</sup>. A few days later, Resolution 252 was issued and called for the cancellation of arbitrary measures that seek to change Al-Quds<sup>(8)</sup>.

<sup>(1)</sup> Al-Hazayma, Mohammed, Al-Quds in the Arab-Israeli Conflict, Dar Al-Hamed Publishing, Amman, 2011, p. 464.

<sup>(2)</sup> RESOLUTION 36/15, General Assembly, UN Documents.

<sup>(3)</sup> Hakeem, Sami, Al-Quds and Settlement, Dar Al-Nidal for Printing and Publishing, Beirut, p. 60.

<sup>(4)</sup> RESOLUTION 242, Security Council Resolutions, UN Documents,  
[https://undocs.org/S/RES/242\(1967\)](https://undocs.org/S/RES/242(1967)).

<sup>(5)</sup> Al-Anani, Jaser, Al-Quds: Legal and Historic Study, Printers Print Co., Amman, 2001, p.163.

<sup>(6)</sup> Msalat, Essam, Reality Enforces Realism: Al-Quds in International Resolutions, Eighth Day of Al-Quds Conference, Al-Najah University, Nablus, 2006, p. 56.

<sup>(7)</sup> RESOLUTION 251, Security Council Resolutions, UN Documents,  
[https://undocs.org/S/RES/251\(1968\)](https://undocs.org/S/RES/251(1968)).

<sup>(8)</sup> RESOLUTION 252, Security Council Resolutions, UN Documents,  
[https://undocs.org/S/RES/252\(1968\)](https://undocs.org/S/RES/252(1968)).

In July 1969, the Security Council condemned the burning of Al-Masjid Al-Aqsa, and the settlers' profanation of its arenas as declared in Resolution 271 on the protection of holy sites in Al-Quds<sup>(1)</sup>.

The Council urged the Israeli occupation to remove the settlements it had constructed on the lands of the West Bank and Al-Quds which it had occupied in 1967. Resolution 465<sup>(2)</sup> called for ending the planning and construction of settlements, and Resolution 476 in 1980 declared the nullity of Israeli procedures to change the nature of Al-Quds<sup>(3)</sup>.

Because the occupation continued to impose its rule and law on Al-Quds, the Security Council in Resolution 478 in 1980 called for not recognizing the Israeli law in Al-Quds<sup>(4)</sup>, and for all countries to withdraw their diplomatic missions from the city<sup>(5)</sup>.

The last Resolution of this stage is 672 which condemned the Israeli massacre carried out in the arenas of Al-Masjid Al-Aqsa in 1990. This confirmed the Security Council's position on Al-Quds as being under the Israeli occupation<sup>(6)</sup>.

In this stage of Al-Quds issue, the occupation had complete control over it; occupying the city, seizing its lands and establishing settlements in all directions disregarding the International Law and with full support from the USA<sup>(7)</sup>. The occupation's response to all international calls was having more determination to carry out its judaizational plans and seizure of lands.

<sup>(1)</sup> RESOLUTION 271, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/271\(1969\)](https://undocs.org/S/RES/271(1969)).

<sup>(2)</sup> RESOLUTION 465, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/465\(1980\)](https://undocs.org/S/RES/465(1980)).

<sup>(3)</sup> RESOLUTION 476, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/476\(1980\)](https://undocs.org/S/RES/476(1980)).

<sup>(4)</sup> Al-Qar'i, Ahmed, Al-Quds from Ben-Gurion to Netanyahu, the Center for Arab European Studies, Paris, 1997, p. 66.

<sup>(5)</sup> RESOLUTION 672, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/672\(1990\)](https://undocs.org/S/RES/672(1990)).

<sup>(6)</sup> RESOLUTION 672, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/672\(1990\)](https://undocs.org/S/RES/672(1990)).

<sup>(7)</sup> Al-Arqa, Abdullah, International, Arab and Islamic Positions on Al-Quds, Dar Osama for Publishing and Distribution, Amman, 2003, p. 34.

## Topic Four: UN Resolutions After 1993

The Oslo Accords of 1993 constitute a major turning point in the history of the Palestinian cause. The occupation recognized the PLO as the official representative of the Palestinian people, and the people had temporary self-rule in the West Bank and Al-Quds under the occupation. However, the latter did not adhere to the agreed-on procedures and placed obstacles instead.

Al-Quds issued was a major topic in the negotiations between the occupation and the PA. The occupation did not stop its endeavors to Judaize the city and impose a fait accompli. It breached the agreements on the legal status of Al-Quds and seized its lands through establishing more settlement units.

In Response, the international community issued the following resolutions:

### 1. General Assembly Resolutions

The Palestinian issue became less discussed in the UN after the signing of the Oslo Accords and until the beginning of Al-Aqsa Intifada in late 2000 when the issue regained its importance in the UN General Assembly.

As a result to the Israeli violations, the UNGA issued Resolution 55/130 in February 2001. It asked the occupation to make the necessary facilitations for the committee that was going to investigate the Israeli practices against the Palestinian people's rights in the Palestinian lands, including Al-Quds<sup>(1)</sup>.

In 2003, the UNGA rejected the Israeli construction of the Apartheid Wall in the occupied West Bank. It issued Resolution 58/22<sup>(2)</sup> and Resolution 58/98<sup>(3)</sup> in which the International Court of Justice called for an urgent resolution on the construction of the wall in the Palestinian lands and around the eastern side of Al-Quds<sup>(4)</sup>.

The UN resolutions against the Israeli crimes, targeting of civilians and violation of human rights continued. The UNGA in 2006 asked in its Resolution 60/104 the

<sup>(1)</sup> RESOLUTION 55/130, General Assembly, UN Documents, <https://undocs.org/en/A/RES/55/130>

<sup>(2)</sup> RESOLUTION 58/22, General Assembly, UN Documents, <https://undocs.org/en/A/RES/58/22>.

<sup>(3)</sup> RESOLUTION 58/98, General Assembly, UN Documents, <https://undocs.org/en/A/RES/58/98>.

<sup>(4)</sup> RESOLUTION 58/98, General Assembly, UN Documents, <https://undocs.org/en/A/RES/58/98>.



committee to investigate the Israeli practices against human rights to continue its work until the occupation is entirely over<sup>(1)</sup>.

The GA maintained its position against the settlement project. In 2015, it issued Resolution 70/98 condemning the occupation's settlement activities in the occupied Palestinian lands, expansion of settlements in the eastern side of Al-Quds, and illegal construction of the Apartheid Wall<sup>(2)</sup>. In the following year, the GA emphasized the importance of applying Geneva Conventions and protection of civilians in the Palestinian lands and Al-Quds in Resolution 71/96<sup>(3)</sup>.

## 2. Security Council Resolutions

The UN Security Council addressed several Palestinian issues after the Oslo Accords were signed. It condemned the Israeli practices and violations against the Palestinian civilians and their rights, and construction of settlements on Palestinian lands disregarding the International Law and the UN resolutions.

The UN Security Council in 1996 issued Resolution 1073 in which it urged the occupation to stop the construction of an entrance to a tunnel next to Al-Masjid Al-Aqsa. This resulted in great confrontations between the occupation's soldiers and the Palestinians, and resulted in the martyrdom and injury of many Palestinian civilians<sup>(4)</sup>.

As the 2000 Al-Aqsa Intifada began upon extreme Zionist Ariel Sharon's break-in of Al-Masjid Al-Aqsa, the Council issued Resolution 1322 and condemned such break-in and use of violence against the Palestinian civilians which led to the martyrdom of 80 Palestinians in less than a month<sup>(5)</sup>.

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<sup>(1)</sup> RESOLUTION 60/104, General Assembly, UN Documents, <https://undocs.org/en/A/RES/60/104>.

<sup>(2)</sup> RESOLUTION 70/98, General Assembly, UN Documents, <https://undocs.org/en/A/RES/70/98>.

<sup>(3)</sup> RESOLUTION 71/96, General Assembly, UN Documents, <https://undocs.org/en/A/RES/71/96>.

<sup>(4)</sup> RESOLUTION 1073, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/1073\(1996\)](https://undocs.org/S/RES/1073(1996)).

<sup>(5)</sup> RESOLUTION 1322, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/1322\(2000\)](https://undocs.org/S/RES/1322(2000)).

In 2002, the Security Council issued Resolution 1397 and urged both the Palestinians and the Israelis to resume negotiations on concluding a settlement policy that guarantees and protects Al-Quds issues<sup>(1)</sup>.

In December 2016, the Security Council issued Resolution 2334 in which it confirmed that the occupation's establishment of settlements in the occupied lands of 1967, including the eastern side of Al-Quds, has no legal grounds. The resolution requested from the Israeli occupation to immediately stop all its settlement activities, and it refused to recognize any changes that had been made to the borders of June 4, 1967<sup>(2)</sup>.

### 3. UNESCO Resolutions

The UNESCO's resolutions gave Al-Quds and its Christian and Islamic sites a cultural ground. They recognized the city's historical and religious roots. The UNESCO issued several resolutions that denounced the Israeli attempts to Judaize Al-Quds and its sites.

In 1996, the UNESCO issued Resolution 150 declaring Al-Quds on the List of World Heritage in Danger<sup>(3)</sup> because the Israeli forces had constructed a tunnel along the western wall of Al-Masjid Al-Aqsa<sup>(4)</sup>. In 2010, the UNESCO also denounced the Israeli excavation work in Al-Masjid Al-Aqsa and the Old Town in its Resolution 184 in which it expressed its concerns over the procedures that contradicted the resolutions of the UNESCO, UN and Security Council<sup>(5)</sup>.

Despite all requests made by the UNESCO and other specialized international institutions, the occupation did not withdraw and, instead, continues the excavation works beneath and around Al-Masjid Al-Aqsa. The UNESCO then issued Resolution 192 condemning the stubbornness of the Israeli occupation and settlers' activities as they continuously break into holy sites<sup>(6)</sup>.

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<sup>(1)</sup> RESOLUTION 1397, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/1397\(2002\)](https://undocs.org/S/RES/1397(2002)).

<sup>(2)</sup> RESOLUTION 2334, Security Council Resolutions, UN Documents, [https://undocs.org/S/RES/2334\(2016\)](https://undocs.org/S/RES/2334(2016)).

<sup>(3)</sup> Al-Quds: Complete List of International Resolutions, Al-Israa for Studies and Research, Beirut, 1998, p. 279.

<sup>(4)</sup> UNESCO Decision 150, Wafa Archive.

<sup>(5)</sup> UNESCO Decision 184, Wafa Archive.

<sup>(6)</sup> UNESCO Decision, 192, Wafa Archive.

In addition, the UNESCO criticized the Israeli measures that prevented the Palestinians' access to Al-Quds, the holy sites and the Old Town. In June 2000, it issued Resolution 159 that stated in article three, "The Executive Board is concerned at the measures which continue to impede the free access of Palestinians to Jerusalem and to the Holy Places of the Old City of Jerusalem"<sup>(1)</sup>.

In the last decade, the UNESCO issued several decisions against the Israeli practices that aimed to change the identity of Al-Quds. Such practices include the closure of buildings, closure of gates, and construction of cable-train to facilitate the settlers' movements near Al-Masjid wall. The UNESCO's decision 196 issued in 2015 stated,

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

The UNESCO issued decision 200 in 2016 and demanded the occupation to return to pre-2000, and condemned the continuous incursions of Al-Masjid Al-Aqsa by Israeli right extremists, and the restrictions imposed on Al-Masjid. It also confirmed that Al-Mughrabi Gate slope is part and parcel of Al-Masjid Al-Aqsa<sup>(2)</sup>.

## Study Conclusions

- The Palestinian issue is a just cause and has legal grounds guaranteed and protected by international institutions' resolutions.
- Al-Quds is an occupied city as described by the resolutions of the International Law. Any changes made do not change the fact that is Arab, Muslim and Palestinian.

<sup>(1)</sup> UNESCO Decision, 196, Wafa Archive.

<sup>(2)</sup> UNESCO Decision 2000, Wafa Archive.

- The international community's conspiracy with the occupation contributed to the Judaization and seizure of a great portion of the Palestinian lands, including lands from Al-Quds.
- The international resolutions failed to effectively deter the occupation, and prevent it from assaulting and violating Al-Quds and the Palestinian people's rights.
- The support of the USA and other countries to the occupation helped the occupation escape punishment for its actions and crimes.

## Recommendations

This study recommends:

- Raising the world's awareness about the Palestinian issue and ensuring enough and continuous support to the cause.
- Confirming the importance of Al-Quds as a holy city with an Islamic and Arab identity, and as the right of the Palestinian people.
- Building an international network with Arab and Muslim countries as its base to protect Al-Quds from the occupation's endeavors to Judaize and seize its lands.
- Filing lawsuits in the international courts against the occupation and prosecuting it for violating the International Law and committing crimes against the Palestinians.
- Exercising pressure on the countries that support the occupation through forming Arab and Muslim lobbies that work on breaking the relation between these countries and the occupation, and mobilizing them to support the Palestinians' rights.

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