International Borders of Palestine and Israel According to the International Law and UN Conventions

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Abstract

The concept of border differs in the modern era than it was in the past. The borders were about the farthest point or the end of an area where people live. This concept reflects the important fact of the lack of attention to the regions because the state, which is a form of the human evolution, was not known at that time as it is today. Countries in the modern era focused on the regions. This allows the country to agree on the delimitation of its borders with its neighboring countries precisely to get rid of unrest and disputes among them.

Keywords: Borders - International Resolutions - Palestinian right to return - 1967 truce lines - Palestinian state - Israel - 242 Resolution - armistice agreements - Occupied territories

Introduction

The border is a line that surrounds the state and separates the own territory from the other neighboring territories of the countries. The state sovereignty lies within the border scope and ends outside it. The border is a phenomenon that mankind agree upon so you cannot imagine the existence of a state without a territory and you also can not imagine the existence of the territory if it is not defined clearly. Hence, theories that lead to non-tuning the borders of a state were rejected. The Soviet theory, was an example of such theories, was known as the theory of the floating borders or the Nazi borders. It has been proven that these theories were a reflection of colonial expansion and soon faded. The good example is what happened to the Eastern bloc of developments; however it was negatively affected by the Zionist thought and the frequent and consistent behavior of the State of Israel.

The borders of the state in the modern era gain an economic and legal importance. Borders are one of the most important causes of the international disputes. They previously were the duty of the domestic law, but in the modern era, the border is being demarcated under international treaties, international arbitration courts or international resolutions, as in the case of delimitating the borders of the Israeli state in the UN resolution No. 181, issued on November, 29th 1947. Borders in all of these cases, are subjected to the international law and affected by several legal, social, economic, political and military factors.

We also must distinguish between boundaries and borders. Boundaries were not specific and clear for regions characterized by the phenomenon of persistence. They were often a natural phenomenon without human interference, while borders are about clear lines that separate the country from its neighbors. They are transferable from a place to another if the neighboring countries want this. They constitute a man-made phenomenon. The countries agree on selecting, identifying, and planning them.

Boundaries in the ancient times were considered as a defensive zone to protect the state from sudden invasions as well as a buffer zone. They give the state the geographical depth that gives the State the full opportunity to prepare the defense plans. On the contrary, borders do not give the State the entire protection but with the progress of the art of war and the emergence of the modern warfare technology, boundaries do not secure the state with the suitable defense needs, and they do not become as they were. They are now under the concept of expansion as what happened in the southern Lebanon.

The international community has not witnessed an international agreement to regulate the borders until the end of the seventeenth century, but the process of border delimitation has emerged in fact when the empire of Charlemagne, among his three sons under the Treaty of Verdun in 843 AD, was divided. The current borders of the states have been formed as a result of many overlapping factors, including the historical, political, military and geographical ones. Border delimitation varied from a continent to another, for example, countries in Europe were divided on the basis of the natural borders as well as the historical and political factors. The borders in Europe were totally stabilized, especially after signing the border agreement between Poland and Germany in November 1990. The cause of the borders ultimate stability in Europe is perhaps due to considering the natural boundaries as a basis to delimitate the borders between the countries as well as the progress of countries and the evolution of topography and cartography.

With regard to the two Americas, borders in North America are often based on the latitude and longitude lines. However, borders in Central and Latin America, after getting their
liberation from the foreign rule, were according to the principle of retaining the status quo. The principle stipulates that the borders that separate the two countries should match the administrative divisions that were present and delimited at the time of the Spanish and Portuguese rulers and orders. However, depending on such principles caused many disputes such as the dispute between Argentina and Chile that lasted for a century.

In Asia and Africa, borders in Asia have passed in several key circumstances that have had a deep impact on the delimitation of its borders because of the Dutch, French, British, and Portuguese colonialism. The borders in Asia were set by the colonial powers on the basis of economic and geographical division; more especially the borders of the Arab countries were subjected to unfairness in delimiting its borders.

The Arab countries were as an integrated unit under the Islamic Caliphate, while after colonizing them; the unit was divided into small states. Colonialism established arbitrary borders around these states according to the Allied Supreme Council resolution in 1920. The resolution put Syria and Lebanon under the French mandate while Iraq, eastern Jordan, and Palestine under the British mandate. It stipulates that there was a national home for the Jews in Palestine. Many examples can show that borders in Asia are still troubled in some parts of it, including the conflict between India and Pakistan over Kashmir region, the Chinese-Indian conflict over borders and the border dispute between Iraq and Kuwait. Similarly to Arab countries of Asia, borders of the Arab countries in Africa were delimited on the basis of arbitrary colonialism, where there are many border disputes between the Arab countries, whether in Africa or Asia because of the colonial powers.

**Literature Review**

Specialists differentiate between the natural borders and the artificial ones. These differences are based on the natural or military border theory, which the ancient empires were secured by. These empires believed that the borders must go with the natural extension of the natural phenomena. According to these beliefs, Israel is now trying to impose such theory on the Arab countries. This theory is based on the idea of expansion, where the kings of France believe that the Rhine River and the mountains of Albor nahr are the natural borders of their kingdom.

However, we believe that the right of borders delimitation is whatever complies technically with the rules of the international law. The borders should be according to historical or eternal items or agreements, regardless of mountains, rivers, tunnels, bridges, dams, lakes and swamps. However, the borders that emerged by war are not legal and right, such as the ceasefire line.

It arises as a result of the war necessities and conditions and the desire of the warring leaders to achieve certain purposes, such as transferring the wounded and burying the dead. In fact, the cease-fire line is not a border line in terms of international law because the victorious party always stands outside its borders. Consequently and in accordance with the contemporary general international law, cease-fire or armistice lines are not legally considered as right borders.

According to legal agreements, occupation cannot impose its control over all or some of the territory of the defeated State. For example, Israel, after the wars of 1948 and 1967, confiscated many lands and cities of the Palestinian state.

The international law does not consider the cease-fire line as a political border between the two countries. It is worth mentioning that the cease-fire decision was not included in the field of international regulation in the Hague Conventions or the Charter of the League of Nations, but it was included within the interim measures the UN Security Council took according to the fortieth article of the Charter of the United Nations that decides that these measures shall not prejudice the rights of the disputants, their claims, or their position. The best proof of that is when the UN Security Council decided to ceasefire in Palestine on May 29th, 1948 during the war between the Arab states and Israel, whereas the Security Council decided not to send fighters and warships materials to Palestine during the cessation of hostilities period.

Among the most important examples of the recent cease-fire lines in the Arab-Israeli wars are the agreement that is reached by US Secretary of State, William Rogers, and signed in the summer of 1970 between Egypt and Israel in order to stop the war of attrition, and the agreement reached between Egypt and Israel in 1973 to determine the armistice line between the Egyptian and Israeli forces after The Yom Kippur War or Kilometer 101 Six-Point ceasefire agreement. This means that the armistice line, as in the thirtieth six articles of Hague Regulations of the ground war, is a temporary line between the warring forces under an agreement between them for a certain period to stop the fighting. The truce is a military and political work, and this is the difference between the truce and ceasefire.

In the basis of the armistice line, it must be confirmed that whatever the warring forces agreed upon is obligate, and any amendments to the borders under an agreement between the parties are not recognized by the international law, therefore, when the armistice agreements were concluded in 1949 between the Arab states and Israel, Israel did not request to delimitate its borders in the agreements in order not to commit itself to any specific borders because its borders were accurately delimited and clearly defined in the United Nations Partition Plan for Palestine in 1947.

The Truce agreement, signed between Egypt and Israel in Rhodes, said in 1949 "The armistice line in fact is not a line of political borders. The fifth article of the Convention stipulated that the armistice line should not be interpreted as a political or territorial boundary. Israel's Foreign Minister, Abba Eban, reclaimed in the memorandum he sent to the Personal Representative of the Secretary General of the United Nations Jonar Aaring on October 15th, 1968 to demarcate permanent Israeli borders and recognized them, where he said" well-recognized and safe borders should be replaced instead of the ceasefire lines."

Specialists differentiate between delimitating and planning the border. Borders delimitation is the first phase in the process of establishing the borders. It means drawing the borders lines and describing them accurately under a border treaty, arbitral award, judicial decisions, or international resolutions. This means that the process of borders
delimitation is to write the borders down on notes or draw them on attached and related maps, but borders planning means putting the borders as the two parties, who signed the agreement, agreed.

We believe that the State of Israel appeared in the international map by the resolution No. 181 issued in 1947 by the General Assembly of the United Nations. The decision divided the Palestinian territory into two states, Jewish and Arab. There is no doubt that the Israeli perception of the borders was expansive based on the Nazi idea that does not believe in the idea of the political borders of the state, but calls to apply the idea of the moving borders or as Hitler says about the state theory and its borders, " The borders of a state are man-made and must be changed by human. Despite the extinction of this theory, Israel still follows up those measures.

The whole world must know that such Israeli ideas about the borders are flagrant violations of the principles of the international law, which are stable among countries in the contemporary international community. ( and remind the Israeli ideas of the 21st century that imitate the Hitler’s idea about borders that they will be ended and defeated as the Nazi ideas).

We should answer a very important question regarding the subject, which is what the borders of the State of Israel in the light of United Nations resolutions and international legitimacy are...? The answer to this question leads you to know the right borders of the Palestinian state.

It is commonly known that the concept of the Israeli state borders appeared in the first decision of the International Organization No. 181 of 1947, which is related to the decision of Palestine partition. Through the resolution, the borders of the Israeli state, Jerusalem, and the other Arab states were clearly delimited. The Security Council of the United Nations pointed at the borders attaching them with a map in the decision that issued unanimously on November 22, 1967. In fact, if the partition resolution has divided and delimited the borders of each of the State of Palestine and the State of Israel is for resolving the crisis in Palestine, however, Resolution No. 242 in 1967 did not refer to the borders between the warring countries.

This decision confirmed that the establishment of a just and lasting peace requires the right of these countries to live in peace within secure and recognized borders. It is said that this decision was taken to create safe and well-recognized borders. The decision did not delimitate the borders if they are as they were after the agreement which is after the war of the fifth of June 1967, and it did not explain if there are new or innovative borders or not among these countries.

On the basis of the principles and rules of the previous international legitimacy resolutions of and in line with international conventions, borders must match the purposes they are made for, which are achieving the fact of stability, bringing cooperation among the concerned states in the framework of good neighborliness, and respecting the sacredness of them, regardless of the manner in which they were formed whether they are eternal, convention or by international resolutions, as in the case of the Israeli state. If the borders did not achieve stability and consistency, they will be a cause of unrest and problems. Therefore, we believe that the Israeli border had been delimited by the Assembly of the United Nations decision No. 181 of 1947 that has marked the Israeli borders on a map.

In fact and after the decision issuance, the International Organization has not issued any decision to modify the Israeli borders. The Egyptian jurisprudence concerning Taba issue confirms that it believed that Israel does not have the right to be a party of the Taba conflict because its borders, stipulated in the partition resolution, do not extend along the eastern borders of Egypt.

It shares Egypt only with the southern borders. However Palestine is a main party of the Taba issue, according to the partition resolution. Before the issuance of the partition resolution on December 29, 1988, the Palestinian state has been declared in accordance with the delimited, set, and described borders in the partition resolution on November 15, 1988 in which a large group of countries recognized it. Such international consensus is an explicit recognition of an independent Palestinian state and of course a proof of the Palestinian state and its legal existence, therefore the Palestinian state is the owner of jurisdiction in the case of Taba.

It is important that the Israeli manipulation with the Security Council resolution No. 242 of 1967 states that it is no longer satisfied with its borders and that it had under the international resolution No. 181. The position of Israel has become clear that it wants to set new borders, depending on the annexation of many parts of the Arab territories from Hitler’s theory about the moving borders.

We do not agree to the Israeli position which is resulted by its interpretation to the resolution 242/1969, because the second mentioned part of the introduction of the resolution text pointed to the inability to acquire territories by war and this rule came in a uniform manner in the English and French text, which means inadmissibility of the acquisition of Israel of any territory by war... and this resolution was made unanimously, which assigned by the seventh Chapter of the Charter of the United Nations. The resolution was enforceable by force in the scope of collective security of the Charter of the United Nations, like the resolutions which were made regarding to Iraq.

Unfortunately, the Arab parties and the Palestinian party conform with the American view, which says that 242 is just a plan to be negotiated on its basis and cannot be imposed by force that meant necessarily to conclude peace treaties among Israel and the Arab countries through the direct negotiations.

The international resolution 242 was added to several resolutions that recognized the Palestinian people's rights, such as their right of return and the right of self-determination. The right of return is to the Arab Palestinian state which was established by the partition resolution 181. The subsequent international resolutions of Resolution 242 dealt with the Palestinian people as a people who has the right to sovereignty over his land, the land of state which was established by the international legitimacy. All international resolutions urge the Palestinian side to deal with the resolution 181 and confirm on the necessary of the
right of self-determination without any external interference, and the right of independence and national sovereignty.

I don’t think that the independence, which is mentioned in the international resolutions, means the independence in the whole parts of Palestine which were divided between the Arab and Jewish State, but the independence in the recognized state according to the international resolution 181, but the international resolutions will be meaningless, and the reality and intend as well.

If The United Nations allowed Israel to expand its borders to holdover the territories which have been occupied either through the war in 1948, the issuance of the international resolution 181, or through the war in 1967, the second part in resolution 242 would has no meaning. In this case, the intended withdraw means the withdrawal of the Israeli forces from the territories which were occupied in the last struggle and respect the sovereignty, territories integrity, and the political independence of every state in the region. It means a complete withdrawal, and does not allow acquiring the territories by war.

Israeli interpretation to the resolution 242 based on a part of this resolution without considering the text’s content in general, and if Israel benefited from the English text, there were many official copies that confirmed that the Israeli interpretation of the resolution is just a void slur to expand its borders, and it sent outdated theories which do not agree with the Contemporary public international law and these are the theories of Nazism and fascism. The Spanish and French texts for the same resolution confirm the complete withdrawal from the occupied territories by Israel in the last struggle which is mentioned in the resolution 242/1967 and Invalidate the justification for the Israeli claim in regional expansion. We will review these justifications, allegations, and their criticism in the following notes briefly.

First Note: Nullity of the regional concessions which were emerged from peace treaties:

The peace treaties that Israel would like to conclude with countries in order to obtain territorial concession were mainly in the circle of the absolute nullity which is provided in the Article 52 from the agreement of the international treaties in 1969, these treaties confirmed that if this treaty concluded by the threat of using the force in a violating way with the principles of the international law which is mentioned in the Charter of the United Nations, it would be Null and fully void. These treaties conclude with the victorious and the defeated State, so they are not right, because they are tinged by the compulsion flaw, and the 53 Article from the treaties of the international law confirmed that if the treaty was disagreed with another authoritative rule from the general rules of the international law, it would be considered as a null and fully void treaty. From these rules, the illegal recourse to use the force in the international relations was prohibited.

Second Note: Invalidity of all Israeli claim justifications in the regional expansion:-

we explained an important fact that Israel wouldn’t like to settle down in its limited borders which demarcated by the international resolutions and would like to obtain regional concessions from the Arab countries, and all wishes to expand its delimited borders by the partition resolution 181 are illegal and without any legal support, whereas Israel impose the peace treaties on the Arab countries to make these countries waive parts of their regions that Israel occupies. All these treaties are null and void in the eyes of the international law and the Charter of the United Nations, so Israel tries to find different justifications in order to find support to expand its international borders by the partition resolution.

There are several justifications including,

First: Defensive invasion

The traditional international law in the past allowed the defensive invasion, but in the period of the modern international law, the invasion becomes a reason of changing the regional sovereignty and just has a historical value, but now the rules of general modern international law and the Charter of the United Nations prohibit using the force, and war becomes an unwanted desire to solve the international conflicts in case the war is aggressive or legitimated, so the Israeli occupation to the Arab regions is null and void and does not move the sovereignty from these regions to Israel absolutely. The jurists of the general law (international and constitutional law) or - supporters of Israel - divided the invasion for two types: defensive invasion and offensive invasion; and they say the annexation of the occupied regions is legal in case this annexation was by using force to self-defense, a supporter of Israel call by this opinion on the basis of all Arab-Israeli wars occurred because of attacking the Arab countries to Israel.

We understand that these differences between the defensive and offensive invasion from its legal effects are not based on a legal principle and these discriminations do not represent the current situation of the international law and relations among countries. They try to create a new reason to acquire the regions that, but this was prohibited by the modern international law. The theory of invasion did not fall just by disagreement of the jurists with it, but it does not find any support to the issued decisions of the United Nations which is related to the Middle East crises.

Second: gaining of the statute of limitations

It means to acquire a region through an ongoing and not disputed direct jurisdiction during a period of time that is sufficient for breeding the feeling that the status quo is consistent with the rule of law.

We do not want to inter neither in a jurisprudential conflict about the permission of the restriction as a reason to move the sovereignty nor in the details and conditions in such cases. We confirm that we cannot depend on the restrictions as a legal international means to acquire the sovereignty on the Arab regions according to the rules of the international law, because they do not return to the non-availability of the special conditions of restrictions in the Arab-Israeli conflict case. We confirmed that the Israeli acquisition of these lands was not quiet and stable, and Israel occupied these Arab lands in front of the whole world, and the United Nations issued the resolution, which void this occupation and
without any doubt the protest of the Arab and Foreign countries - either individual or groups - against the heinous practices in the occupied lands that refuse the Israeli argument which claim that its occupation to the Arab regions depends on acquisition or restriction.

**Third: General Acceptation**

It means the recognition of the international society to acquire a region of a particular state, knowing that this region was not for it.

This general acceptance is a legal support to acquire the region, but this acceptance has never occurred for the lines of truce agreements between The Arab countries and Israel, and the lines of the armistice are not political borders, but temporary military lines that do not affect on the parties’ rights in the final settlement. The Arab countries have never accepted the Israeli occupation of the Arab lands after their defeat in the war 1967. Moreover, the international society and the Arab countries, did not accept this heinous crime that Israel committed against the Palestinian people.

The resolutions of the general, regional international organizations and parliaments in different countries are a real expression of the international society to refuse the annexation of the Arab lands by military forces, and we agree with Mr. Wright in his mentioned article that there is just a general acceptance for Israeli borders according to the partition resolution issued by the general assembly of the United Nations NO.181 in 1947, because this resolution represents a legal and international work to delimit the borders of Israel accurately, so Israel has not any other allegations in other borders, and it cannot obtain any regional concessions from the Arab countries and the state of Palestine which has been created by the same resolution as a result of the Arab-Israeli conflict.

**Fourth: Selection of the legal basis of the former possession**

Some defenders of the Israeli position based on the annexation of West-bank to the east of Jordan, as well as the Egyptian control of Gaza Strip between 1948-1967 does not give the two countries - Egypt and Jordan - a legal and final right on these lands, and that's why this team of defenders inferred that the Israeli occupation for West-Bank and the Gaza Strip is considered as a must right, especially occupying these lands occurred as a result of defensive work while the previous occupying of these lands by Egypt and Jordan was an offensive work in 1948. Without any doubt, this view tries to justify the Israeli existence on the occupied Arab territories as compared with the previous situation in the Gaza Strip and West Bank, and this view does not find any support from the international law.

From above, it is clear that there is no invalidity of Israeli justifications according to the international law and the resolutions issued by the United Nations organization. These justifications express the Nazism Israeli expansion which does not find any legal support, so the borders of Israel according to the international legitimacy are just the borders which were mentioned in the resolution 181 in 1947, The Israeli foreign minister confirmed this in the telegraph which he sent to the government of United State of America.

Whereas he says" that state of Israel has declared an independent republic inside borders approved by the general assembly in 29/11/1947," so we see the borders of Palestinian state in discrimination concept are the borders which have been declared in the issued resolution by the international organization - partition resolution 181 - because the resolution 242 was confirmed on in beginning, refusing of the acquisition of regions by war, and that applies on the lands that Israel occupied by force after the issuance of the international resolution 181, because this resolution delimited the Palestinian borders clearly, and these are clear borders on the attached geographical map in the mentioned resolution, and there are no other borders, and the lines of cease-fire in 1967 are not considered as legal borders and the international resolution 181 is still valid, because ending or cancellation of this resolution withdraw the resolution of create Israel and its demise automatically.

This idea accords with Mr. Francois Giuliani the Spokesperson of the Secretary General of the United Nations in 15/11/1988 when he said that the international resolution 181 is still valid and end this resolution leads to demise the legal support for Israel and affects its legal character but the legitimacy of its existence also, but it does not affect on the legal and international aspect character to Palestine which was fixed before releasing this resolution.

The areas which related to the Palestinian authority will stand for the Palestinian sovereignty, then the next developments will judge on the Declaration of Independence, and subsequently, will judge on the internal and foreign sovereignty of the state and the possibility of the extension of the sovereignty on the other regions and lands, this order depends on the political and military developments in the region, and the strength of the recognition that the declaration will be received on the regional and international level and the strength which will defend and keep its continuance.

We believe that the adoption of this interpretation which returns back the order to the international legitimacy will solve a lot of problems, among of them a part of the problem of the right of return which mentioned in the recommendations of the mediator of the United Nation Folke Bernadotte in 1947 that the principle of the right of return for Palestinian refugees considers as a true and right from the legal review while the danger on the Jewish security because of some political, economic, and security considerations.

In case we consider the resolution of the general assembly 194 issued in 11/9/1948 as the first legal support to the principle of the right of return according to the paragraph (1) from the item (11) from the mentioned resolution, which confirms the right of the refugees to return to their homes and live in peace with their neighbors.

Also, the resolution 73 in 11/8/1949 confirmed that the governments and concerned authorities have to vow to reach to an agreement and settlement to all related matters of refugees in the war 1948.

All of that confirm our view and interpretation that the international resolutions are one package, and the resolution 242 is one of a single series which begins in the resolution...

These three resolutions issued in the same period were indicate the necessity of practice of the right of return to the Arab countries which was established by the international resolution 181 to live in peace with their neighbors according to the resolution 194, and these all international resolutions which confirm that the right of return does not mean to return to Palestine before the partition, but to Palestine which was divided, so we cannot see a real solution to achieve stability in this period but we have to believe in the partition resolution, but if we do not, the area would have still as a struggle area from time to time, because the right of return will stay the active turbine of struggle in order to recover this right that we will not give it up.

Joining Israel to the membership of the United Nations connected Israel with its acceptance, to the partition resolution 181 between the two countries and the international resolution 194, so Israel was and is still the only state which has accepted the membership of the United Nations on a clear condition which is its acceptance of the implementation of these international resolutions, and this needs a serious seeking to study the challenge of Israeli membership in the United Nations, because of its retrogression of keeping the faith of its acceptance conditions to the membership in the United Nations Organization.

In the end, we believe that justice will defeat power, and the rights of people will find good supporters against arrogance of power. In the late age of the Palestinian cause, the published/issued statements by Dennis Macedo, the Senior Assistant of President Obama, on Monday (23/3/2015), indicate the necessity of ending the Israeli occupation on the Palestinian land, and the borders between Israel and the (Independent Palestine) should base on the lines of year 1967.

In the conference, he told the Jewish pressure group known as (J. Street), it is a Jewish pressure group in the United States and seeks to enhance the role of American leadership to end the conflict among Palestinian and Arab, and the Israelis on the other hand, as if he would like to say enough is enough. So, he broke the mold to say that the United States administration knows how the peace agreement should be, the Israeli borders and independent Palestine should depend on the lines of 1967 by implementation of agreed exchanges. Every state needs to save, protect, and recognize its borders and it must be strict controls to save the security of Israel, the occupation which has begun for 50 years should end, and the Palestinian people should have the right to live and govern themselves in a special state with their sovereignty.

We see the statement of the white house’s chief staff is a part of the fact that the United States recognizes by it after the longtime of supporting the falsehood, because the fact is what we say about the occupation which has begun for 66 years during war 1948 (not for 50 years) should end by respecting the international resolution which divided Palestine in 1949 according to the resolution 181 between Israel and Palestine. Mr. Dennis Macedo, the white house’s chief staff demands the Palestinian people to waive off all land that Israel has occupied from their delimited borders according to the partition resolution 181 which was issued on 29/11/1947, he also demands them to waive the concept of the international resolution 194 on 11/12/1948, and the resolution 73 on 11/8/1949. These three resolutions were issued in the same period. They were authoritative resolutions and indicated the necessity of having the right of return to the State of Palestine which its borders delimited carefully according to the international resolution 181.

These borders are still internationally recognized. Surely, these borders are completely different from the line of cease-fire which is delimited by the resolution 242 in 1967. The State of Palestine, according to the resolution 181, is larger than that one according to the resolution 242 and it can accommodate the whole Palestinian refugees.

Conclusion

The Palestine signature on the Rome agreement, and gaining the membership of the International Criminal Court on 04.01.2015, were a result of the political and diplomatic action, and because of the Palestinian leadership effort, this resolution made Palestine as an observer member in the United Nations on 29/11/2012 and no one can deny that this recognition is too late to recognize the State of Palestine according to the partition resolution 181 which has determined the geographical borders accurately, to the State of Palestine since 1947...

These borders hasn’t changed until this day by any international resolution and that enhances our legal view which is the legal situation of the Palestinian territories after the accession of Palestine to the International Criminal is the same legal situation according to the international resolution 181 on 29/11/1947, because we have to mention all resolutions as one package and complete each other. All jurists know, if you need to write any new international resolution, you have to study all previous resolutions.

Therefore, the State of Palestine is a legal state according to the partition resolution 181 and this is the resolution which clears the way for Palestine to join dozens of international conventions and treaties, among of them the signing of the Rome agreement (1988) that removes all obstacles for Palestine to join to the International Criminal Court, and the Court acceptance resolution with Palestine to be a member was a revealer resolution about the legal center of Palestine. When the president of the State of Palestine said "we - Palestinian people - want an international resolution that insures us our rights, an independent state on the lines of the fourth of June 1967, Jerusalem as our capital, implementation of the resolution of the Security Council NO.194 related to the return right of refugees is so necessary, and stopping colonization.

We need a complete state on the occupied territories in 1967." Our president proves that he wants to accommodate the developments which occurred during the partition resolution, to achieve peace, to coexist with all people, and to accept the imposed injustice by the modern international
society to solve the Palestinian cause and end the conflict in the Middle East in order to live in stability alongside with each other and with Israel.

References

1. Ibrahim Shehada:
   - The safe and recognized boundaries, Beirut, first edition, 1974.


4. Abdul Aziz Sarhan:
   - Principles of the Public International law, Cairo, 1980.
   - The Arabian-Israeli conflict within the Charter and resolution of the UN and international law.
   - The Palestinian state, Cairo, 1980.


8. Abdul Razzaq Abbas: Geo-policy with focusing on the geopolitical concepts.


10. Fathi Al Wahidii:
    - The constitutional developments in Palestine from 1917 to 1995, the charitable commission presses in the Gaza strip, second edition 1996.
    - Comparative political regimes, the charitable commission presses in the Gaza strip, 1997.
    - System of governance in Israel, the charitable commission presses in the Gaza strip, 1997.
    - The legal and political bases of the Palestinian state, a research has been submitted to a workshop under the auspices of ministry of media with the cooperation with negotiation circle of the PNA, named the Palestinian state requirements, Gaza city, 1999.


13. A'aesha Ratib studies within international law, UNSC resolution 242, the third volume, 1971.


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