



The Role of the United Nations in Protecting the Right to Development in Occupied Palestine

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| Article | Abstract |
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| <p>Keywords: Development; Human Rights; Palestine; United Nations.</p> <p>Article History Received: Apr 13, 2023; Reviewed: Apr 15, 2023; Accepted: May 20, 2023; Published: May 22, 2023;</p> | <p><i>Talking about human rights in the absence of development is nonsense. Therefore, Palestinian human rights are deficient due to the disruption of development in the occupied Palestinian territories. The purpose of this study is principally to analyze the obstacles to the development process in Palestine, examine the scope of the role of the United Nations in supporting development in Palestine under Israeli occupation, and compare that with its role in Rakhine. The methodology refers to a comparative analytical study and a statutory and a conceptual approach, revealing that the existence of the Israeli occupation is considered the main obstacle to development in Palestine; and the role of the United Nations has been ineffective to date in ending this occupation; therefore, the role of the United Nations in protecting the Palestinians' right to development is very limited, as the realization of the right to development is linked to the realization of the right to self-determination for the Palestinian people. Development requires the unification of regions and the optimal exploitation of natural resources, but this is not possible in Palestine because of the policies of the Israeli occupation in building settlements, imposing a complete blockade on the Gaza Strip and separating it from the West Bank, and dividing the West Bank into areas of influence, as well as imposing complete control over the natural resources and preventing the Palestinians from benefiting from them, with the aim of keeping the Palestinian economy weak and under Israeli control, thereby keeping the Palestinian decision under the influence of Israel. In conclusion, the role of the United Nations is ineffective in supporting development in Palestine and Rakhine, due to the inability of the Security Council to take any effective action due to the disagreement of the permanent members.</i></p> |



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INTRODUCTION

Development growth is still low in Palestine due to the Israeli occupation's destruction of the Palestinian economy, as social and economic conditions worsened, unemployment remained high, food insecurity increased, and more than a third of families fell below the poverty line (United Nations, 2022a). In addition, the Palestinian economy is characterized by a state of uncertainty in future prospects in light of the limited sources of sustainable growth (Group, 2019), despite the abundance of natural resources in Palestine that help it advance its development (Niksic et al., 2014). Similarly, in Rakhine State, the home of the Rohingya, the Rohingya suffer from stunted development due to the gross violations of their rights committed by the Myanmar government (United Nations, 2019).

The right to development grants the ability to enjoy civil, political, economic, social and cultural rights (Omar Ali Moufaq Mulud, 2022). Reflection on development is most concretely related to human beings (Abustan, 2022), in the sense that human rights and development are interdependent and mutually supportive (Mette Kjær, 2002). There can be no sustainable development without full respect for human rights. Conversely, without development, the full enjoyment of human rights cannot be realized. In this context, both natural resources and human resources play a crucial role in determining the success of development (Romadhona et al., 2022).

Consequently, the Sustainable development means protecting and utilizing natural resources (Kamal, 2018), with the aim of achieving social progress, environmental balance, and economic growth (Mensah, 2019). The achievement of sustainable development is based on three pillars: environmental sustainability, which focuses on preserving the quality of the environment necessary to conduct economic activities and improve people's lives, social sustainability, which seeks to guarantee human rights, and economic sustainability (Aditya & Al-Fatih, 2021). Economic sustainability involves economic activities that require regulations and depend on factors such as labor, natural resources, management, and others (Salam et al., 2021). Economic sustainability is essential for preserving natural, social, and human capital necessary for income and living standards (Klarin, 2018). This can only be achieved by integrating the economic, environmental and social sectors into the decision-making process, that is, by integrating economic, environmental and social objectives across all sectors and regions of the country. Therefore, sustainable development requires the elimination of fragmentation, whether it is regional fragmentation or fragmentation in the environmental, social and economic sectors (Emas, 2015).

For these reasons, the UN General Assembly issued the Declaration on the Right to Development, which confirmed that the right to development is based on the full realization of peoples' right to self-determination and their full sovereignty over their land, wealth and natural resources (United Nations, 1986). Furthermore, the UN General Assembly reaffirmed the international affirmation of the permanent

sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, over their natural resources (United Nations, 2022a). Despite the United Nations resolutions, the development in Palestine is still low and almost interrupted. This study will explain its reasons and find solutions to the problems.

This study is considered the first to examine the obstacles that reduce the impact of the role of the United Nations in supporting development in Palestine; therefore, it adds a great deal of knowledge in this field. The importance of this study is highlighted to give a clear picture to the leaders of the United Nations, Palestine and other supporting countries about the main obstacles to the development in Palestine, as well as clarifying the scope of the role of the United Nations in overcoming the issues, which is expected to help them to make decisions that work to overcome obstacles and adopt new options that help support the development effectively. Hence, this study aims to identify the obstacles to the development in Palestine by clarifying the political and legal status of the Palestinian territories and the description of the Israeli presence on them, as well as clarifying the Israeli tools and practices that obstruct Palestinian development, in addition to clarifying the role of the United Nations in overcoming these obstacles that impede the development in Palestine, then comparing this to the role of the United Nations in supporting the development of the Rohingya in Rakhine, explaining the similarities and differences to know the weaknesses in the performance of the United Nations in this regard

METHOD

This study involves a descriptive, analytical and comparative methods, and conceptual, statutory, and analytical approaches (Al-Fatih & Siboy, 2021), where the analytical one aims to analyze the development process in Palestine and identify the most important obstacles it faces, as well as conducting a legal analysis of the role of the United Nations in supporting development in Palestine and the extent of its contribution to the implementation of decisions and treaties in this regard; the comparative approach compares the role of the United Nations in supporting development in Palestine with its role in supporting the development of the Rohingya in Rakhine, to identify similarities and differences; the conceptual approach provides a legal analytical viewpoint for solving problems in the study; and the statutory approach examines the provisions and agreements related to the issues in this study. With this approach, it is possible to identify weaknesses and gaps in the role of the United Nations in protecting the right to development in Palestine.

RESULTS AND DISCUSSION

Any analysis of the development process in the Palestinian territories must include structural considerations affecting development. This is to show that there is no intention to hide the essence of the problem, namely the existence of the Israeli occupation (Hanieh, 2016). Therefore, to understand the obstacles to the development

in Palestine, we have to return to the starting point where the Palestinian problem lies and explain the current political and legal situation of this country because it is not possible to find a solution to a problem that does not address its basis.

The problem of Palestine began when the British government issued the Balfour Declaration on November 2, 1917, to Lord Rothschild, as the representative of the Zionist movement, which included the establishment of a national home for the Jews in Palestine (Kramer, 2017). The aim of the Balfour Declaration was to support the Zionist project in Palestine, thus dissolving the Ottoman Empire and expanding the British Empire in the Middle East (Gutwein, 2016; RENTON, 2007). On May 14, 1948 - the day Britain withdrew from Palestine, Zionist gangs took control of most of Palestine and declared the establishment of the State of Israel on 78% of the lands of Palestine (Ahlam, J., Allal Z., Kamal, 2015). The establishment of the State of Israel in Palestinian land in 1948 marked the beginning of the domination and exploitation of Palestinian lands and resources. Israeli practices since the Nakba in 1948 until now have aimed to eliminate the Palestinians and seize their lands through settlement expansion and the continued displacement of Palestinians from their homes (Qabaha & Hamamra, 2021). One of the forms of these practices is the Israeli forces' occupation of the rest of the Palestinian territories (the West Bank, including East Jerusalem, and the Gaza Strip) in early June 1967 (Bendix et al., 2022).

Accordingly, the area of historical Palestine is about 27,000 square kilometers. The area of Israel from historical Palestine is about 20,770 square kilometers, and the area of the lands occupied in 1967, which includes the Gaza Strip, the West Bank, including East Jerusalem, is approximately 6,020 square kilometers (Haddad, 2020). The West Bank and Gaza Strip constitute 22% of the area of historical Palestine, which remained with the Palestinians after the 1948 war, which was also occupied by Israel in the aftermath of the 1967 war. The West Bank and Gaza Strip are now internationally recognized as the Occupied Palestinian Territories (Beinin & Hajjar, 2014).

However, the independence of the State of Palestine was declared on November 15, 1988, by the Palestine Liberation Organization, at the Pine Palace Hall in Algiers (United Nation: A / 43/827 | S / 20278). The UN General Assembly acknowledged the proclamation of independence of the State of Palestine by Resolution No. 43/177 of December 15, 1988. However, the Palestinians were unable to establish their rule on Palestinian land in light of the presence of the Palestinian leadership in exile and the diaspora outside Palestine due to the Israeli occupation's chase of the Palestinian leaders and attempts to assassinate them, and the Palestinian people remained under direct Israeli military rule. As a result, the Palestinian leadership was forced to enter into peaceful negotiations with the Israeli occupation, which resulted in the Oslo Accords and the subsequent agreements that established the Palestinian Authority in 1994.

This Palestinian Authority was established on part of the Palestinian land with limited powers for a period of 5 years (transitional period). During this period, the Israeli withdrawal was supposed to take place gradually from the occupied Palestinian territories and the powers of governance were also supposed to gradually transfer to the Palestinian Authority after each stage of withdrawal of the Israeli forces in accordance with the Oslo Accords and their subsequent agreements. Also, during this period, the final status issues of Jerusalem, refugees, borders, water and some settlements were supposed to be settled in accordance with Security Council Resolution No. 242, so that after the transitional period specified in five years, full Palestinian sovereignty would be imposed on all the Palestinian territories that were occupied in 1967, including the West Bank, East Jerusalem, and the Gaza Strip, leading to the establishment of a Palestinian state with full powers and sovereignty. The Oslo Accords and their subsequent agreements established the structure and powers of Palestinian interim self-government and laid the foundations for the transfer of the powers and territories to the Palestinian Authority on the basis of divisions of three regions under the names A, B, and C, according to the gradual Israeli withdrawal from them; first withdrawal from Area A, then from Area B, and then from Area C. The distribution of areas A, B, and C according to the agreements, which is still today, is as follows (Oslo I Accord, 1993; Oslo II Accord, 1995; Sharm Al-Shaykh Memorandum, 1999; Wye River Memorandum, 1988).

Area (A): It includes all major population centers (Jenin, Nablus, Tulkarm, Qalqilya, Ramallah, Bethlehem and Jericho) and is under complete Palestinian security and administrative control with weapons that have been agreed upon in advance. Its area amounts to about 18% of the area of the West Bank.

Area (B): It includes villages and towns adjacent to cities, and is under Palestinian civil and Israeli security control; it constitutes 22% of the West Bank area.

Area (C): It is the only contiguous and uninterrupted area in the West Bank under full Israeli security and administrative control, and this area constitutes about 60% of the area of the West Bank. Look at Figure 1.

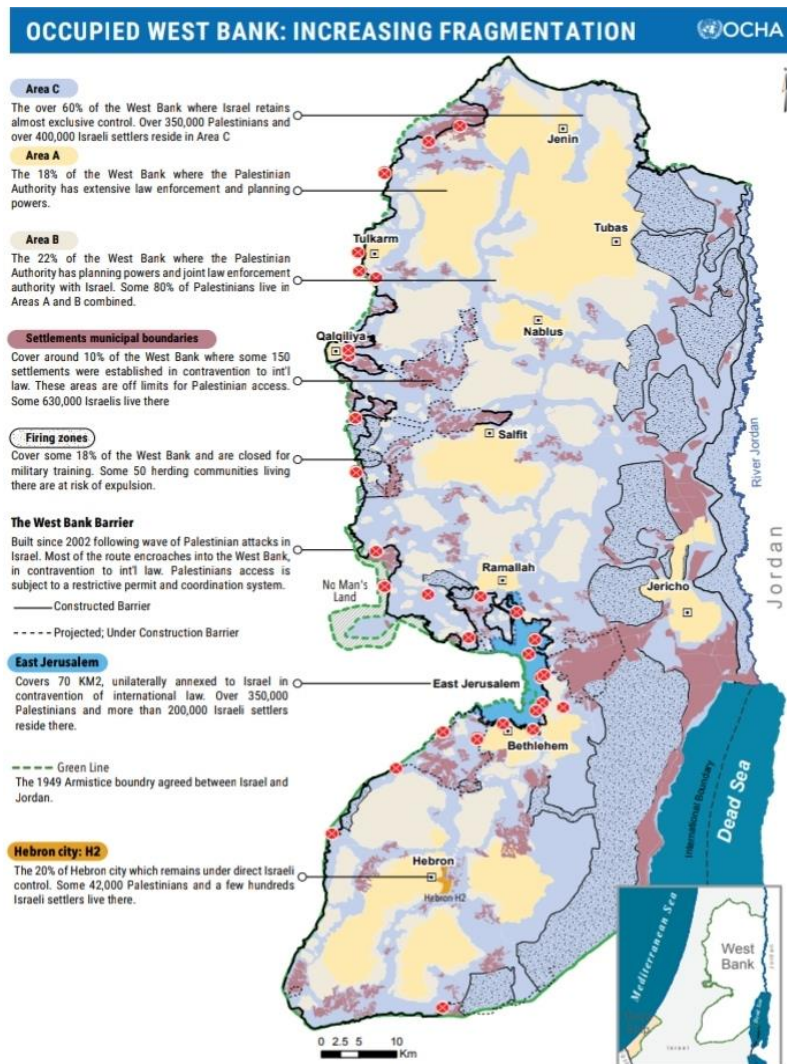


Figure 1. It clarifies the divisions of the West Bank according to the Oslo Accords, as well as the route of the separation barrier, and other things

(Source: United Nations Office for the Coordination of Humanitarian Affairs (OCHA)).

The Oslo Accords aimed at an interim agreement that would allow the beginning of the Israeli withdrawal steps and the establishment of a Palestinian self-rule that would gradually take over the affairs of governance in the territories from which the Israeli forces withdraw, with the achievement of a final settlement of the final status in accordance with United Nations Resolution No. 242, within a period not exceeding 5 years from May 4 1994 until June 4, 1999, after which the Palestinians can extend their full sovereignty over their lands, thus establishing their own independent state. However, Israel did not abide by the Oslo Accords and subsequent agreements, did not complete its stages, obstructed an agreement of a final settlement, and continued its occupation of the Palestinian territories.

The goal of the Israelis from the Oslo Accords and subsequent agreements was to preserve Israel's security by eliminating the Palestinian resistance under the name of the peace process (Rosler, 2016). On the other hand, although the time period ended in May 1999, the Palestinian side is unable to derogate from most of their provisions, given that it does not possess the elements of force on the ground in the face of the Israeli occupation army. Thus Palestinian governance in the Gaza Strip and parts of the West Bank remains restricted, disarmed and lacks actual authority, as the areas under Palestinian rule were divided into isolated categories into closed and open cantons according to the Israeli security situation, thereby depriving the Palestinian Authority of its sovereignty over the borders, air and sea, and most of the areas of the West Bank that are full of natural resources that were classified as Area C. The Palestinians were also prevented from establishing a seaport and an airport, as well as the Palestinian civil registry remained under the control of the Israeli occupation, which prevented a lot of Palestinians from obtaining a Palestinian identity. Consequently, this does not give the Palestinian Authority powers to exercise its functions normally on its lands and people, which led to an imbalance in the structure of the Palestinian Authority.

In addition, the Paris Economic Protocol, attached to the Oslo II Accord, made full control of the Israeli occupation over Palestinian foreign trade. The Palestinian side is obligated to follow the Israeli standards and specifications when importing goods and in quantities determined by the Israeli side (Awwad & Zidan, 2021; Elmusa & El-Jaafari, 1995). The protocol deprives the Palestinians of sovereign economic policies and their tools, and links the Palestinian economy to the Israeli economy within the framework of colonial dependence (Palestinian Economic Policy Research Institute, 2021).

Moreover, it is known that the existence of the occupation is accompanied by practices of persecution and apartheid. According to the United Nations, since Israel occupied the rest of the Palestinian territories in 1967, the human rights situation, including the right to the development, have been deteriorating continuously and significantly due to the Israeli grave violations of international law, including the systematic policy of apartheid and persecution against the Palestinians, Israel. This Israeli policy takes various forms, such as imposing severe restrictions on the freedom of movement of Palestinians, and suppressing their political and civil rights, as well as denial of residency, nationality and family reunification rights. In addition, the confiscation of Palestinian lands and property, forced displacement, unlawful killings, arbitrary arrests and detention on a large scale against all groups, including children and women, as well as obstructing humanitarian access and not cooperating with relevant international organizations, denying Palestinians of their property and access to their natural resources (UN General Assembly, 2022; UN Human Rights Council, 2020).

The United Nations also issued several successive reports over the past years documenting the dire consequences of Israeli settlements in Palestinian Territories on the human rights, including the right to development, of Palestinians (see: A/HRC/22/63, A/HRC/25/38, A/HRC/28/44 and A/HRC/31/42 and A/HRC/34/39). These reports clearly indicated the significant changes brought about by the settlements on the demographic composition of the Occupied Palestinian Territory, which greatly undermined the Palestinians' right to self-determination and development. The settlements cause widespread and destructive human rights violations and affect all aspects of Palestinian life. Whereas, due to the expansion of settlements and infrastructure on Palestinian lands, Palestinians suffer from significant restrictions on their basic rights, such as the right to development, as well as the violation of their rights to exploit their natural resources, access to livelihoods and their rights to family life, and many other basic human rights (UN Human Rights Council, 2018). This relates to the implementation of the “strategic fragmentation”, plan of dividing and fragmenting the Palestinian territories, this plan is part of the Israeli toolkit to contain the Palestinian people and control them, restrict their freedom of movement inside and outside the occupied territories, and deprive them the exploitation or access to most of the Palestinian lands. These Israeli actions have also distorted the landscape of Palestine, reshaped the land to serve Israel's own interests, as well as separated and isolated the Palestinian people across small discrete areas under Israeli control (UN General Assembly, 2022).

Furthermore, since 2006, the Gaza Strip has been suffering from a comprehensive air, sea and land blockade, as Israel continues to rely on collective punishment as a prominent tool in its coercive toolkit to control the Palestinian population since 1967 (UN Human Rights Council, 2020). As the blockade has caused severe damage to the Gaza economy and kept it in a state of collapse (Butt & Butt, 2016; Weinthal & Sowers, 2019). In addition, the Gaza Strip was subjected to four aggressive military operations in the years 2008-2009, 2012, 2014, and 2021, during which the Israeli occupation destroyed the infrastructure, including roads, medical facilities, schools, communications, electricity stations, water structures, industrial facilities, and many vital civilian objects, as well as the destruction of tens of thousands of residential houses, which made the Gaza Strip as a hell hole for its population. Eighty percent of the population of Gaza lives on humanitarian aid as a result of the collapse of the economy and the lack of job opportunities due to the siege and wars, as shown by UN reports (A/HRC/12/48 (2009); A/HRC/29/52 (2015); A/HRC/49/83 (2022)) (Figure 2).

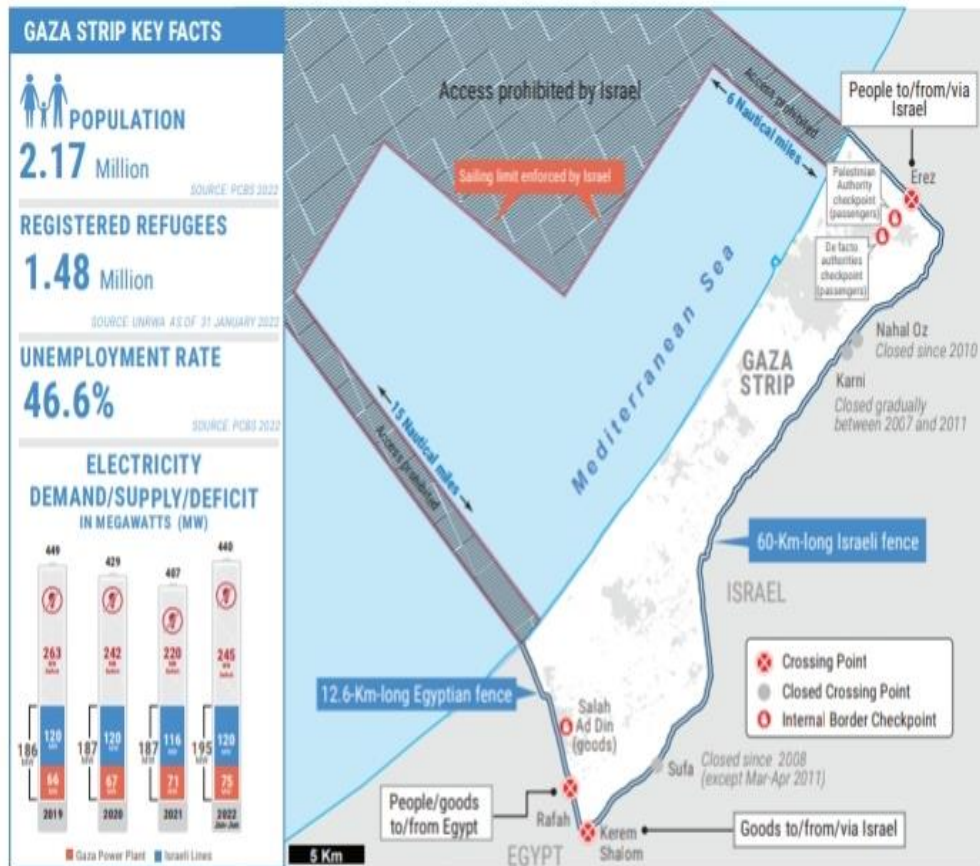


Figure 2. It shows how the Israeli blockade is imposed on the Gaza Strip, the large population of a small area, including the number of refugees (since 1948), and some aspects of suffering (Source: OCHA)

On the other hand, the Israeli occupation controls most of the natural resources in the Palestinian territories and prevents the Palestinians from exploiting and developing them (Abualrob & Kang, 2016; Antreasyan, 2013). According to the World Bank (Niksic et al., 2014), which is considered one of the specialized agencies of the United Nations concerned with development, Area C is rich in natural resources; it also contains the majority of natural resources in the West Bank in Palestine and constitutes about 61% of the area of the West Bank, in addition to being interconnected and undivided, in contrast to Areas A and B, which constitute small secluded and densely populated islands (see Figure 1). Furthermore, Area C is considered fertile land and contains the water needed for irrigation. Likewise, the Dead Sea in Area C contains many precious minerals, most of which are huge stocks of Potash and Bromine; this represents 6% of the global supply of Potash and 73% of the world's production of Bromine. Area C is also rich in stones, as the estimated area of land suitable for use as quarries is about 21 thousand dunums. In addition, Area C

has global tourism potentials. Therefore, According to the World Bank, Area C is the key to achieving Palestinian prosperity, the growth of the Palestinian economy, and sustainable development. Area C can also achieve an increase equivalent to 35% in the gross domestic product, which will inevitably lead to the creation of job opportunities, thus the Palestinians will not need foreign aid. However, the Palestinians cannot benefit from or exploit Area C. As industries and development depend to a large extent on the quality of the infrastructure, such as transportation, electricity, water and communications, the Palestinian infrastructure faces a major problem, as the Palestinian Authority cannot establish institutional infrastructure such as banking services or establish economic infrastructure facilities, such as roads, water depots and waste treatment plants, as well as industrial facilities, airports, and railways, whether within or through Area C to connect Areas A and B.

The World Bank also found that the reasons for this are due to the presence of occupation restrictions imposed on the movement of Palestinians, as well as preventing them from reaching Area C or its resources, and preventing them from building or residing in it since Area C is completely under the dominance of Israeli settlements. Consequently, these factors led to severely limiting the growth of the Palestinian economy and impeded development almost entirely in the Palestinian territories.

Similarly, there is the Rantis oil field located northwest of the city of Ramallah within Area C in the West Bank, and its production volume is estimated at about 800 barrels per day. It has been controlled by the Israeli occupation since the opening of the field in 2010. Moreover, in 1999, more than 1.1 trillion cubic feet of natural gas was discovered in the Palestinian territorial waters near the shores of Gaza Strip, distributed over two fields, the largest of which is called the Gaza Marine and the other is the Border Field (Mustafa, 2015)(Fathi Nassar & Yassin Alsadi, 2019). However, the Israeli occupation prevented the Palestinians from developing and benefiting from these fields, as the gas is still under Palestinian waters. What made it more difficult was the Israeli occupation's imposition of a military blockade on the Gaza Strip since 2006 (Antreasyan, 2013). Although Palestine possesses oil and gas, it is deprived of the exploitation of them, which makes it import 95% of the energy, such as electricity, fuel and gas from the Israeli occupation and Egypt, at an average annual cost of more than 1.4 billion dollars (Miqdad M., 2022). On the other hand, the Israeli occupation is the main factor that negatively affects the tourism sector in the Palestinian territories, especially in Area C, which is under full Israeli control (Abahre & Raddad, 2016).

The matter was further complicated by the Israeli occupation building the apartheid wall (Separation Barrier) in the Palestinian territories in June 2002. The width of the wall ranges between 60-150 meters and the height reaches 8 meters (Ayash, 2009). It will be 830 kilometers long when completed, with at least 85% of the wall zigzagging through Palestinian territory. The wall separates more than 300,000

Palestinians from their lands, bisects homes and squares, divides families from one another and restricts the freedom of movement of millions of others (Gould, 2014). See Figures 1 & 3.



Figure 3. Apartheid Wall in the West Bank in Palestine

(Source: Aljazeera)

The wall isolates 9% of the West Bank, including East Jerusalem. It also prevents Palestinians living in the "Seam Zone" from reaching their workplaces and basic services in the rest of the West Bank, as well as to continue living in their homes and to continue the family and social relations with the rest of the West Bank, they must obtain permits or "prior coordination", and pass through checkpoints. In addition, the farming-based livelihoods of thousands of families have been undermined by the gate and permit system, which impedes farmers from accessing their agricultural lands and pastures in the "Seam Zone", as permit applications are regularly denied (OCHA, 2022). In addition, the separation wall came to deprive the Palestinian people of most of the good water, as the wall separated the western, northeastern, and eastern regions of the West Bank, which contain aquifers whose water capacity is estimated at approximately 680 million cubic meters annually. Thus the Israeli occupation controls more than 85% of the Palestinian water from the aquifers (Zeid, 2016).

On a personal level, the first author is a Palestinian living in the Gaza Strip. He cannot move to the rest of his country's provinces without the approval of the Israeli military administration. He applied for a permit to visit Al-Aqsa Mosque on the West Bank at the beginning of 2020, but it was rejected with no reasons. This is the case

with most of the requests made by the Palestinians. A person whose request to visit the West Bank from the Gaza Strip, or vice versa, has been accepted, is allotted a specific period for him/her, which is only three days, except for the case of treatment in hospitals. In this case, the period is determined by the duration of treatment. Accordingly, Palestinians in the Gaza Strip cannot reside or build in the West Bank, and vice versa. Likewise, the Israeli occupation prevents Palestinians from building an airport or a seaport. When the Palestinian author traveled to Indonesia, he first traveled to Cairo Airport in Egypt by car, which took a full day, the rest of the citizens in the Gaza Strip travel in the same way. Travelling through Jordanian airports for citizens in the West Bank is also not easy, as the procedures for travel registration and waiting for a turn sometimes take more than two months due to the large number of travelers, which can be torturing for most.

It becomes clear to us that the Israeli occupation is the main obstacle to Palestinian development, as the Israeli occupation continues to control the Palestinian land and all Palestinian resources to impose its control over Palestinian decisions and to prevent the Palestinians from achieving development projects that liberate them from economic and financial dependence on the occupation. Hence, the only solution to achieve the Palestinians' right to comprehensive development is the realization of their right to self-determination and their right to full sovereignty over their lands and resources, thereby eliminating fragmentation, either territorial fragmentation or fragmentation in the environmental, social and economic sectors caused by the occupation. Consequently, achieving development means guaranteeing other Palestinian human rights

Therefore, the UN General assembly affirmed that, in several resolutions, such as Resolution No. (A/RES/73/98 (2018), para. 1), the Israeli occupation of the Palestinian land, including East Jerusalem, and the construction of settlements constitutes an obstacle to economic and social development. And to address this matter, the UN General Assembly, in several resolutions, such as Resolution No. (A/RES/73/19 (2018), paras. 22 & 23), confirmed its call for Israel to withdraw from the Palestinian territories occupied since 1967, including East Jerusalem, the realization of the inalienable rights of the Palestinian people, primarily their right to self-determination and their right to establish their own independent state.

In addition, the Security Council issuing the 1967 Resolution 242 called on Israel to withdraw from the Palestinian lands occupied in 1967, but it did not withdraw. Therefore, the Security Council reaffirmed in its Resolution 476 in 1980 its call to end the prolonged Israeli occupation of the Arab lands occupied since 1967. Two months later, in Resolution 478, the Council confirmed that Israel had not complied with Resolution 476 and reaffirmed its intention to examine practical ways and means, in accordance with the relevant provisions of the Charter, to ensure full implementation of its Resolution 476 in the event of Israel's non-compliance. And now, after more

than four decades, the Israeli challenge to the Council's resolutions remained unchecked, and no measures were adopted to compel Israel to withdraw from the occupied Palestinian territories (UN General Assembly, 2019).

On the other hand, in order to promote the rights of the Palestinians to self-determination and their basic rights, including the right to development on November 29, 2012, the UN General Assembly voted in Resolution 67/19 in favor of granting Palestine the status of a non-member state in the United Nations. Accordingly, the resolution upgraded Palestine from a non-member entity to a non-member state (United Nations, 2012). In 2022, the UN General Assembly reaffirmed the international affirmation of the permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, over their natural resources (United Nations, 2022b).

In fact, since 1967, the United Nations has issued dozens of resolutions affirming the right of the Palestinians to self-determination, calling on Israel to withdraw from the Palestinian territories occupied since 1967 and to end all occupation measures to enable the Palestinians to achieve progress in development in their country (UN General Assembly, 2022).

Nevertheless, UN resolutions remain in the circle of recommendations that do not have a binding character (Alasttal, 2022), except in cases that threaten international peace and security, including aggression on the territory of another country and gross violation of human rights, including the right to self-determination and the right to development, like in the Palestinian case. In these cases, the Security Council has the right to Intervention to deal with these cases in accordance with Chapters VI and VII of the UN Charter, and its resolutions have an obligatory nature. If the concerned state does not comply with the decisions of the Security Council, the Council has the authority to take punitive measures against it; these decisions are characterized by coercion and repression, such as imposing economic and political sanctions, and in the worst cases, military intervention.

However, the Security Council is generally paralyzed in taking action against Israel due to the full support of the United States of America for Israel. It is well known that American politics is always biased towards Israel. Consequently, Israel is not subject to effective international accountability for the gross and systematic violations of the rights of the Palestinian people since its occupation of the rest of Palestinian territory - the Gaza Strip and the West Bank, including East Jerusalem - since 1967. There is no doubt that imposing international sanctions on Israel is the key to hoping to compel it to end its occupation of the Palestinian territories (UN General Assembly, 2019). As Israel is a relatively small country in terms of geography and population. Therefore, Israel is highly dependent on the international community for trade, investment, and diplomatic cooperation, and is therefore unable to continue this oppressive, long-term occupation without the disregard of Western countries. The mere issuance of

statements or condemnation decisions does not constitute a political and legal solution to the question of Palestine that would enable the Palestinians to have independence and the ability to advance development.

In this regard, when we compare the role of the United Nations in protecting the Palestinians' right to development with its role in protecting the Rohingya's right to development, it becomes clear that the United Nations has also failed to address the development impediments in Rakhine (United Nations, 2019).

In this context, Rakhine State is the home of the Rohingya (Tuz, 2021)—a Muslim ethnic minority in Myanmar's Rakhine state that is majorly populated by Buddhist people. They have been subjected to collective punishment and ethnic cleansing at the hands of the Myanmar army since the 1940s, which, in recent years, has led to the burning of hundreds of their villages, and the slaughter of more than 1,000 men, women and children (Prasse-Freeman, 2017). In addition, seven hundred thousand Rohingyas have been forced to flee (Albert & Maizland, 2020).

In 2019, the independent international fact-finding mission on Myanmar concluded that equitable and sustainable economic development in Rakhine State is impossible. The reason for this, according to the UN mission, is that the Rohingya have been subjected to discriminatory policies and practices, including apartheid and severe restrictions on their movements besides deprivation of nationality; denial of economic, social and cultural rights; and violation of civil and political rights. The UN mission considered that all of these practices constitute continuous persecution and the most serious crimes prohibited under international law. The UN mission found that the solution to development obstacles in Rakhine State is to stop the continuous violations of the rights of the Rohingya, lift all restrictions imposed on them, and guarantee the safe return of refugees, in addition to obligating the Myanmar government to guarantee and promote their civil, political, economic, social and cultural rights, including the recognition of their nationality and citizenship, and the abolition of all discriminatory legislation that violates their rights (United Nations, 2019).

This was also confirmed by the UN resolutions, the latest of which were Resolutions A/RES/76/180 (2022), A/RES/75/238 (2020), A/RES/74/246 (2019), A/HRC/RES/47/1 (2021), and A/HRC/RES/43/26 (2020), which condemned the egregious crimes committed by the Myanmar army against the Rohingya Muslims in Rakhine State. These resolutions also stressed the need to find a political solution for the Rohingya minority, which would enable them to restore their civil, political, economic, social and cultural rights and their freedom to exercise them, which would enable them to advance development.

However, the United Nations has failed to address the issue of the Rohingya despite issuing resolutions condemning the Myanmar army and calling on the Myanmar government to respect the rights of the Rohingya (Tuz, 2021). This is due

to the inability of the Security Council to take any effective action in this matter as a result of the opposition of China and Russia, both of which are allies of Myanmar (Carroll, 2019).

Accordingly, we found that the United Nations implements its resolutions by coercive force through the Security Council, which is the executive organ of the United Nations, but the Security Council is unable to take any action to address the situation in Palestine and Rakhine as a result of the conflict of interests of the permanent member states, which constitutes a loophole in the United Nations system. This loophole makes the United Nations organization focus on the interests of the great powers and not on the provisions of international law.

CONCLUSION

The Israeli occupation is the main obstacle to Palestinian development, this is indicated by UN Resolution No. 73/98 (2018), where Israel continues to occupy and fragment the Palestinian land, control all Palestinian resources and destroy the infrastructure by military force to impose its control over Palestinian decisions and prevent the Palestinians from achieving development projects that liberate them from economic dependence and finances of the occupation.

The role of the United Nations in protecting Palestinian human rights is very limited. thus, this requires the intervention of the Security Council to issue decisions binding on Israel in accordance with its resolution No. 478 (1980) and in accordance with Chapter VII of the Charter, because the only solution to achieve the right of the Palestinians to comprehensive development is to achieve their right to self-determination and their right to full sovereignty over their lands and resources, thereby eliminating occupation and fragmentation as achieving development means guaranteeing other Palestinian human rights. In conclusion, the role of the United Nations is ineffective in supporting the development in Palestine and Rakhine, due to the inability of the Security Council to take any effective action due to the disagreement of the permanent members.

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REFERENCES

- Abahre, J. S. S., & Raddad, S. H. (2016). Impact of political factor on the tourism development in Palestine: Case study of Sabastiya Village. *American Journal of Tourism Management*, 5(2), 29–35. <https://doi.org/10.5923/j.tourism.20160502.01>
- Abualrob, A. A., & Kang, J. (2016). The barriers that hinder the adoption of e-

- commerce by small businesses. *Information Development*, 32(5), 1528–1544. <https://doi.org/10.1177/0266666915609774>
- Abustan, A. (2022). Aspek – Aspek Penting Membangun Kehidupan di Desa Menuju Kesejahteraan dan Keadilan Sosial. *Indonesia Law Reform Journal*, 2(1), 32–46. <https://doi.org/10.22219/ilrej.v2i1.19362>
- Aditya, Z. F., & Al-Fatih, S. (2021). Indonesian constitutional rights: expressing and purposing opinions on the internet. *The International Journal of Human Rights*, 25(9), 1395–1419. <https://doi.org/10.1080/13642987.2020.1826450>
- Ahlam, J., Allal Z., Kamal, R. (2015). The First Arab-Israeli War (Nakba War) 1948. *M'sila: Mohamed Boudiaf University*.
- Al-Fatih, S., & Siboy, A. (2021). *Menulis Artikel Karya Ilmiah Hukum di Jurnal Nasional dan Internasional Bereputasi*. Inteligencia Media.
- Alasttal, A. (2022). Mechanisms of United Nations Human Rights Institutions in the Protection of Human Rights. *International Journal of Global Community*, 5(3-November), 227–238.
- Albert, E., & Maizland, L. (2020). The rohingya crisis. *Council on Foreign Relations*, 23.
- Antreasyan, A. (2013). Gas Finds in the Eastern Mediterranean. *Journal of Palestine Studies*, 42(3), 29–47. <https://doi.org/10.1525/jps.2013.42.3.29>
- Awwad, B., & Zidan, J. (2021). The Role of the Clearance Crisis on Public Expenditure and Budget Deficit in Palestine. *International Journal of Business Ethics and Governance*, 1–40. <https://doi.org/10.51325/ijbeg.v4i1.59>
- Ayash, A. (2009). The Israeli Apartheid Wall “The Negative Effects on Salfet Area.” *Journal of the Islamic University (Human Studies Series)*, 17(2), 215–250.
- Beinin, J., & Hajjar, L. (2014). Palestine, Israel and the Arab-Israeli Conflict. *Middle East Research and Information Project*.
- Bendix, R. F., Haidar, A., & Salamon, H. (Eds.). (2022). *June 1967 in Personal Stories of Palestinians and Israelis*. Göttingen University Press. <https://doi.org/10.17875/gup2022-1956>
- Butt, K. M., & Butt, A. A. (2016). Blockade on Gaza strip: A living hell on earth. *Journal of Political Studies*, 23(1), 157.
- Carroll, J. (2019). Why the UN failed to save the Rohingya. *Al Jazeera*.
- Elmusa, S. S., & El-Jaafari, M. (1995). Power and Trade: The Israeli-Palestinian Economic Protocol. *Journal of Palestine Studies*, 24(2), 14–32. <https://doi.org/10.2307/2537730>
- Emas, R. (2015). The concept of sustainable development: definition and defining principles. *Brief for GSDR, 2015*, 10–13140.
- Fathi Nassar, Y., & Yassin Alsadi, S. (2019). Assessment of solar energy potential in Gaza Strip-Palestine. *Sustainable Energy Technologies and Assessments*, 31, 318–328. <https://doi.org/10.1016/J.SETA.2018.12.010>

- Gould, R. (2014). The Materiality of Resistance. *Social Text*, 32(1), 1–21. <https://doi.org/10.1215/01642472-2391315>
- Group, W. B. (2019). *Economic Monitoring Report to the Ad Hoc Liaison Committee*. World Bank.
- Gutwein, D. (2016). The politics of the Balfour Declaration: Nationalism, imperialism and the limits of Zionist-British cooperation. *Journal of Israeli History*, 35(2), 117–152. <https://doi.org/10.1080/13531042.2016.1244100>
- Haddad, M. (2020). Palestine and Israel: Mapping an annexation. *Aljazeera. Com*, 26.
- Hanich, A. (2016). Development as Struggle: Confronting the Reality of Power in Palestine. *Journal of Palestine Studies*, 45(4), 32–47. <https://doi.org/10.1525/jps.2016.45.4.32>
- Kamal, F. (2018). Development Sustainable. *Journal of Research Professor for Legal and Political Studies*, 11, 277–295.
- Klarin, T. (2018). The Concept of Sustainable Development: From its Beginning to the Contemporary Issues. *Zagreb International Review of Economics and Business*, 21(1), 67–94. <https://doi.org/10.2478/zireb-2018-0005>
- Kramer, M. (2017). The Forgotten Truth about the Balfour Declaration. *Mosaic Magazine*, June 5.
- Mensah, J. (2019). Sustainable development: Meaning, history, principles, pillars, and implications for human action: Literature review. *Cogent Social Sciences*, 5(1), 1653531. <https://doi.org/10.1080/23311886.2019.1653531>
- Mette Kjær, K. K. (2002). Good Governance: How Does It Relate to Human Rights? In *Human Rights and Good Governance* (pp. 1–18). Brill | Nijhoff. https://doi.org/10.1163/9789004479357_003
- Miqdad M., N. M. (2022). Gaza Gas between Reality and Hope. In *Beirut: Al-Zaytouna Center for Studies and Consultations*.
- Mustafa, M. (2015). Petroleum and Natural Gas in Palestine: Potential and Obstacles. *Journal of Palestinian Studies*, 102, 071–077.
- Niksic, O., Eddin, N. N., & Cali, M. (2014). *Area C and the Future of the Palestinian Economy*. World Bank Publications.
- OCHA. (2022). *Fact Sheet: The Humanitarian Impact of 20 Years of the Barrier. East Jerusalem: United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory*.
- Omar Ali Moufaq Mulud, A.-N. (2022). The right to development within the framework of the United Nations organization. *Arabic Renewal Journal*, 2(1), 195–233.
- Oslo I Accord. (1993). *Declaration of Principles on Interim Self-Government Arrangements (Oslo I Accord) of 1993*.
- Oslo II Accord. (1995). *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza*

- Strip (Oslo II Accord) of 1995.*
- Palestinian Economic Policy Research Institute, (MAS). (2021). Development prospects in Palestine. *Ramallah: MAS.*
- Prasse-Freeman, E. (2017). The Rohingya crisis. *Anthropology Today*, 33(6), 1–2. <https://doi.org/10.1111/1467-8322.12389>
- Qabaha, A., & Hamamra, B. (2021). The Nakba Continues: The Palestinian Crisis from the Past to the Present. *Janus Unbound: Journal of Critical Studies*, 1(1), 30–42. <https://doi.org/10.2021/ju.v1i1.2315>
- RENTON, J. (2007). CHANGING LANGUAGES OF EMPIRE AND THE ORIENT: BRITAIN AND THE INVENTION OF THE MIDDLE EAST, 1917–1918. *The Historical Journal*, 50(3), 645–667. <https://doi.org/10.1017/S0018246X07006292>
- Romadhona, M. K., Kurniawan, F., Sabrie, H. Y., & Agustin, E. (2022). Pengembangan Objek Wisata Potensial “Kampung Tenggher”: Tantangan dan Strategi. *Jurnal Dedikasi Hukum*, 2(1), 38–50. <https://doi.org/10.22219/jdh.v2i1.20217>
- Rosler, N. (2016). Leadership and peacemaking: Yitzhak Rabin and the Oslo Accords. *International Journal of Intercultural Relations*, 54, 55–67. <https://doi.org/10.1016/j.ijintrel.2016.07.003>
- Salam, S., Suhartono, R. M., A, I. R., & Dee, M. La. (2021). CONSTRUCTION OF THE CONCEPT OF BUILDING POPULIST ECONOMIC LAW. *Audito Comparative Law Journal (ACLJ)*, 2(3), 119–130. <https://doi.org/10.22219/aclj.v2i3.17494>
- Sharm Al-Shaykh Memorandum. (1999). *Between Israel and Palestine.*
- Tuz, M. (2021). The Interaction of the United Nations with the Tragedy of Rohingya Muslims. *University of Algiers Research* 1, 15(1), 74–83.
- UN General Assembly. (2019). A/74/ 507. *New York: United Nations.*
- UN General Assembly. (2022). A/77/356. *New York: United Nations.*
- UN Human Rights Council. (2018). A/HRC/37/39. *Geneva: United Nations.*
- UN Human Rights Council. (2020). A/HRC/44/60. *Geneva: United Nations.*
- United Nations. (1986). A/RES/41/128. *New York: United Nations.*
- United Nations. (2012). A/RES/67/19. *New York: United Nations.*
- United Nations. (2019). A/HRC/42/50. *Geneva: United Nations.*
- United Nations. (2022a). A/RES/77/187. *New York: United Nations.*
- United Nations. (2022b). TD/B/EX(72)/2. *New York: United Nations.*
- Weinthal, E., & Sowers, J. (2019). Targeting infrastructure and livelihoods in the West Bank and Gaza. *International Affairs*, 95(2), 319–340. <https://doi.org/10.1093/ia/iiz015>

Wye River Memorandum. (1988). *Between Israel and Palestine*.

Zeid, T. A. (2016). The Apartheid Wall: Its Description, its Lengths, The Opinion Of International Law, and its Damages to The Palestinian People and Land. *London: Academy of Refugee Studies*.