

CHAPTER V

CONCLUSION, LIMITATION & RECOMMENDATION

A. Conclusion

Based on the discussion in the previous chapter, the Researcher has make conclusions to answer the research questions for the topic International Law Analysis on the Territorial Conflict between Israel and Palestine:

1. The reason on why Israel invades Palestine

The invasion of Israel to Palestine starts as an act of finding a safe place to settle for the Jewish People that received discrimination from the British Countries. This invasion suits both the theory of territorial claims which is the Remedial Theory and the Direct Territorial Theory. In order to protect itself, the Jewish People must achieve full independence in the meaning of international law. They must, in short, become a state in order to have a safe place for them.

The Israel state uses the UN Resolution 181 as a legal foundation for its statehood. The UN Resolution 181 did not specify any borders for Israel thus Israel need to secure a land for the settlements and violence is the way used.

2. The approaches from the International Law towards the invasion of Palestine

There are several approaches from the International Law which mainly are products from The United Nation as an international organization that has the purpose to keep peace between states in the world. The first is the Resolution 181. This Resolution suggests the partition of Palestine. In other words, the UN recognized the existence of the Jewish Agency who in a dire need to make a Jewish State. This resolution was resisted by the Arab League since they do not want to recognize a Jewish State. Sadly, The UN Resolution 181 did not specify any borders for Israel thus Israel need to secure a land for the settlements and they choose violence and hostility to take bits by bits the land of Palestine.

242 UN Resolution was made but unfortunately it is unclear whether withdrawal was to be from all the territories it had occupied, or only from some portion. The UN Resolution 242 sought to force Arab states to recognize Israel's control over the territory inside the 1949 armistice lines in exchange for Israel's withdrawal from the Gaza Strip and West Bank and received many critics. The UN Resolution 24 acted under Chapter 6 instead of Chapter 7 of the UN Charter resulting that

this resolution only acted as a recommendation and is not binding for the related parties.

Looking at the hostility of Israel, a lot of countries criticized Israel by saying that the violent act done especially to the people in Palestine violates the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War. But the Supreme Court of Israel argued that they don't meet the criteria stated in 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War approach by saying that the settlers themselves had established the settlements. Israel also argued that the General Convention was not applicable to its administration of the West Bank and Gaza Strip.

Negotiation also have been attempted by the Oslo Accord 1, but Israel didn't show any good faith and still continued to expand its settlements. United States vetoed twice on the issue regarding a resolution for the development of Israel's settlements, resulting no resolution to be given.

3. Possible solution on resolving the Invasion of Israel to Palestine

The solutions provided by the United Nation and acts done by the international community sadly doesn't resolve the core issue since there are countries such as The United States that rally behind it with

personal goals. The one-state solution shall not be attainable since Israel as a Jewish state might find ways to get rid of the Palestinians that has the opposing view and beliefs. The possible solution is actually to change the veto system in the United Nations Security Council since it has been proved to be a big hindrance to achieve a resolution. The United States has used the power to veto several good resolutions. By eliminating the veto system, resolutions will be based on votes from the Security Council members, resulting in a more fair and equal way to achieve a decision. Together with the application of dualism theory, Israel will have to submit under the resolution and peace will be obtained.

B. Limitation

Upon doing the research, there are some limitations that limits the outcome of this project:

1. The depth of knowledge that the Researcher had in discussing this research;
2. The Researcher can do more by obtaining data from the ambassador of Palestine and Israel in Jakarta, Indonesia.
3. The Researcher finds difficulties on obtaining data such as papers and regulations regarding to the issue.

4. The Researcher finds difficulties to find sources such as journal and books in local bookstores.
5. The research was only done through literature and report rather than conducting a field study for a more factual condition.

C. Recommendation

There are some recommendations that the Researcher would like to suggest:

1. For the Indonesia government, the Researcher suggest that Indonesia should also participate as an international community to act on resolving the issue. Indonesia should support any resolution that will bring peace to Israel and Palestine. Indonesia should also support the idea of erasing the veto system in the United Nations Security Council.
2. For the United Nation, the Researcher suggest that The United Nation should always remember about their duties which is to keep peace between states and to leave political matters behind. The United Nation also have to eliminate the veto system since it has a strong political derive.
3. For the Palestine Government, the Researcher suggest that Palestine should not give up to the power of Palestine. If it feels that Palestine is losing power in the board of UN then Palestine can try and make political effort to the neighboring countries to gain supports.

4. For the Israel Government, the Researcher suggest that Israel needs to reflect on the act that they have done. The area that they conquered is already enough for the building of jewish settlements and they are already been a complete state therefore the violence on the disputing areas should stop.