

International Legal Issues Related to the Status of the State of Israel

Abstract

The emergence and continued existence of the State of Israel, which is completely surrounded by Arab neighbors, may be one of the main causes of the current conflict that began in this part of the region more than seventy years ago. At the same time, the creation of the State of Israel constitutes a certain exception to international law because it was linked to a non-legally binding resolution of a body of an international organization of a universal nature, in particular to the UN General Assembly Resolution 181 (II) of 1947. This resolution foresaw the establishment of both a Jewish and an Arab state in part of the territory of the former Ottoman Empire, which was then administered by Great Britain as a mandate territory. While the state of Israel declared its independence on 14 May 1948, the Arab people of the mandate rejected this resolution, and their right to self-determination was not pursued until many decades later. In relation to this, and as a result of several armed conflicts between the State of Israel and the surrounding Arab states, there has also been a controversial situation with regard to parts of the territory of the former Mandate of Palestine that is at the same time not the territory of the State of Israel. According to the 2004 Advisory Opinion of the International Court of Justice on the Palestinian - Israeli Wall case, these territories, including East Jerusalem and the West Bank, are occupied territories to which the international humanitarian law regime applies and the State of Israel is, therefore, a military occupying power. However, the State of Israel continues to expand its influence on these territories by building settlements on which the citizens of Israel are resettled. Thus, the State of Israel significantly strengthens its influence vis-à-vis these territories while at the same time preventing the full development of the statehood of Palestine. The aim of the dissertation thesis is to determine whether the State of Israel could have a legal claim to the city of Jerusalem as a whole and to some parts of the West Bank territory. For the purpose of this finding, the relevant flagship events and legal facts are analyzed from the perspective of international law. The effects of the related sources of national law and interpretations of the court are also examined. The thesis does not bring a solution of disputes over the territories in question, all the more so, it does not bring the legal solution of the Israeli - Palestinian conflict, but offers some considerations and hopefully also the impartial conclusions on the issue.

Key words: creation of the state, state of Israel, Jerusalem, Palestine, occupied territory, settlements