

UNSC Failure: The Role of the Uniting for Peace Resolution in Facilitating Palestine's UN Membership

AFIA Kada ⁽¹⁾

⁽¹⁾ Mascara University, Research Unit: State and Society (Algeria)

kada.afia@univ-mascara.dz

Received
25/04/2026

Accepted
02/06/2026

Published
31/10/2026

Abstract:

After a series of repeated uses of the veto power in the Security Council to obstruct Palestine's full membership in the United Nations, this article seeks to explore the legal and procedural mechanisms that could enable Palestine to obtain such membership, particularly through the reactivation of the Uniting for Peace resolution, as one of the possible mechanisms that bypass both the Security Council in general and the veto power in particular. The findings of this study conclude that, although the Uniting for Peace resolution was originally adopted in a manner considered legally irregular, it nevertheless proves to be valuable from both humanitarian and procedural perspectives in situations where the Security Council fails to address the question of Palestine's membership in the United Nations.

key words:

Membership – Palestine - Security Council – UN - Uniting for Peace Resolution - Veto Power

introduction:

The improper practices of the UN Security Council, resulting from the United States' repeated use of the veto in every matter related to the Palestinian question—particularly issues concerning applications

¹ - AFIA Kada

AFIA Kada

for UN membership—have rapidly undermined the credibility of the most important international body entrusted with humanity’s welfare. Despite the significant draft resolutions submitted by states such as Algeria, these efforts are consistently overturned during the voting process.

Among the most notable draft resolutions introduced by Algeria to the UNSC and subsequently blocked by the American veto was the resolution calling for an immediate, unconditional, and permanent ceasefire in Gaza. Although supported by 14 members, it was struck down by the U.S. Veto on 18 September 2025. Similarly, an earlier resolution seeking to secure Palestine’s full UN membership was also vetoed by the United States on 18 April 2024.

This situation has led many observers of the Palestinian question to conclude that the UNSC has been reduced to a mere formal structure. It even prompted Algeria’s Permanent Representative to the United Nations to apologize to the Palestinian people in the Council chamber after the American Veto against the aforementioned Algerian resolution on 18 September 2025, declaring: *“Forgive us, because this Council could not save your children, as Israel killed more than 18,000 of them. Forgive us, because this Council could not protect your women, as Israel killed more than 12,000 of them. Forgive us, because this Council could not safeguard your elderly, as Israel killed more than 4,000 of them.”*¹

In light of this persistent paralysis of the UNSC, the present study explores the legal and procedural alternatives that could enable Palestine to obtain full membership in the United Nations. Specifically, it focuses on the *Uniting for Peace* resolution, as a mechanism that has proven effective in several instances where the Security Council failed to act, while also reflecting the will of the overwhelming majority of the UN General Assembly.

Palestine's full UN membership bid dates to 2011 as a non-member observer. In April 2024, Algeria's draft got 12 yes votes in the UNSC, with UK and Switzerland abstaining, but faced a US veto, leading to

¹ Amar Bendjama, statement at the UN Security Council, 18 September 2025, reported in “Forgive us, O Palestinians,” Ummid News, 19 September 2025.

the 10th Emergency Special Session (ES-10/23) on May 10, 2024, affirming Palestine's "qualification for full membership" and urging SC reconsideration. Supported by 143 states, it reflects global shifts post-October 7, 2023, but remains tied to SC powers.

Accordingly, this study raises the following central question: To what extent can the *Uniting. For. Peace* resolution serve as an alternative to the Security Council's failure in granting "Palestine" full UN membership?

To address the research problem, the study focuses on the following main points:

1. The Failure of the UNSC in Addressing the Question of Membership
2. The Uniting for Peace Resolution Beyond the Scope of the UNSC
3. Methods and Materials
4. Results and discussion

Section I: From UNSC Failure to Uniting for Peace

The inability of the United Nations Security Council to address the question of membership, largely due to political divisions and the use of the veto power, provides a starting point for rethinking decision-making mechanisms within the United Nations system. In this context, the recourse to United Nations General Assembly Resolution 377 (Uniting for Peace) emerges as an alternative avenue capable of enhancing the role of the General Assembly in responding to institutional paralysis. Accordingly, this section first examines the manifestations of the Security Council's failure in this regard, and then explores the potential of the "Uniting for Peace" resolution as a means to overcome these limitations

A) The Failure of the UNSC in Addressing the Question of Membership

A close reading of Article 4 of the UN Charter reveals that accession to the Organization is subject to both substantive and procedural conditions. Substantively, it is sufficient for a state to be

peace-loving and capable of assuming the obligations enshrined in the Charter, as stated in paragraph one. Procedurally, however, paragraph two specifies that membership is granted by a decision of the General Assembly upon the recommendation of the Security Council.¹

The challenge lies precisely in paragraph two, as the authority of the General Assembly to admit new members remains contingent upon the recommendation of the Security Council, which itself retains the power to block any membership application through the use of the veto. Practice has shown that this power has been exercised repeatedly to obstruct applications by various states, with such deadlocks being resolved only through political bargains.²

Moreover, the Security Council's voting system entrenches the disparity between permanent and non-permanent members, granting the former the ability to single-handedly defeat any resolution through a negative vote—a power popularly known as the "veto." Beyond that, a resolution may also fail if it does not secure at least nine affirmative votes. These seemingly simple rules form the foundation of the Council's membership and voting structure.³

To better analyze the legal issue contained in Article 4, which has prevented Palestine from securing full UN membership, it is essential to note that the UN.SC exercises its functions through the adoption of both resolutions and recommendations, acting under Article 27 of the Charter, whether the matters are procedural or substantive.⁴

¹ article 4, UN Charter, visited in 22-03-2025

² AFIA kada, Mahfoud Ikram **Palestine's United Nations Membership and Overcoming the American Veto**, Journal of Law, Society and Authority, Volume (14), Issue (1); Algeria, 2025 pp. 1 – 13.

See:

محمد بوسلطان، مبادئ القانون الدولي العام، الجزء الأول، ديوان المطبوعات الجامعية، الطبعة الرابعة، الجزائر 2008.

³ Articles 23, 27, UN Charter, visited in 22-03-2025

⁴ Jan Wouters and Tom Ruys, **Security Council Reform: A New Veto For A New Century ?**, The Military Law and the Law of War Review, Volume 44: Issue 1-2, Belgium, p-p: 139–171, 2005, DOI: <https://doi.org/10.4337/mlwr.2005.1-2.07>

Recommendations of the United Nations regarding membership and conflict resolution can be classified according to the intensity of procedures and the nature of the legal basis into three main categories, reflecting a clear progression from simple preparatory measures to non-procedural decisions with significant political impact.

Category One relates to recommendations associated with General Assembly resolutions, including matters such as UN membership admission and the appointment of the Secretary-General. These recommendations are characterized by a preparatory and simple procedural nature, based on specific provisions of the UN Charter, such as Article 4 concerning membership admission and Article 97 regarding the appointment of the Secretary-General. It is noteworthy that this category aims to pave the way for final decisions and does not require direct implementation or binding measures on member states (UN Charter, Article 4, 97).

Category Two includes recommendations under Chapter VI of the UN Charter, focusing on the peaceful settlement of disputes. Here, the nature of procedures varies from simple procedural steps to more substantive measures, based on Articles 36 and 37. These recommendations provide methods for resolving international conflicts and are distinguished by combining procedural and substantive aspects, as they establish legal frameworks for addressing disputes without imposing sanctions or resorting to force.¹

Category Three covers recommendations under Chapter VII, which deal with threats to international peace and acts of aggression. In this category, the Council is authorized to recommend or decide on situations involving a deterioration of peace, based on Articles 39 and 40 of the Charter. These recommendations are non-procedural in nature, carrying greater political and strategic weight, and have a direct impact on the policies and obligations of member states regarding international peace and security.²

¹ UN Charter, Article 36, 37, visited in 22-03-2025

² UN Charter, Article 39, 40, visited in 22-03-2025

B) The Uniting for Peace Resolution Beyond the Scope of the UNSC

There is no logical basis for classifying the question of UN membership as a non-procedural matter. Even if one were to assume—exceptionally—that the situation in "Palestine" is characterized by such security complexities that the United States invokes them to place the issue under the framework of maintaining international peace and security, this would not necessarily conflict with paragraph one of Article 4 of the Charter, which requires only that the applicant state be peace-loving. Should such a characterization be raised, a legal alternative remains available through recourse to the Uniting. For Peace resolution.¹

Although we maintain some reservations regarding this resolution—stemming primarily from the circumstances of its adoption, which we view as a clear encroachment upon the Security Council's powers and therefore inconsistent with the Charter from a strictly legal perspective—it nevertheless remains, from humanitarian, practical, and procedural standpoints, an effective option that could serve as one of the possible solutions to enhance Palestine's chances of obtaining full UN membership. On this basis, we proceed to outline the idea and content of this resolution.

The Uniting For Peace resolution, also known as the "Dean Acheson Resolution," was adopted by the UN General Assembly as Resolution 377 on 3 November 1950. Its purpose was to empower the General Assembly to act when the UNSC fails to take measures to maintain international peace and security due to the use of the "veto" The resolution was first invoked during the Korean War in 1950 to bypass the Soviet veto, and was later applied during the Suez Crisis of 1956 and the Warsaw Pact intervention in Hungary that same year. International practice shows that the resolution has been rarely invoked, as it limits the sovereign interests of the Security Council's permanent members. Nevertheless, its reactivation is considered a

¹ Michael P. Scharf, **Power Shift: The Return of the Uniting for Peace Resolution**, Case Western Journal of International Law, Vol.55, USA, 2023.

viable solution to the "veto" problem, particularly in urgent matters obstructed by its use.¹

Since our reservations concern the circumstances of the resolution's adoption, it is important to clarify them. At the time, the Soviet Union was boycotting UNSC sessions in protest against Taiwan's continued occupation of China's seat instead of Beijing's communist government. Following North Korea's crossing of the 38th parallel into South Korea, the Council adopted Resolution 82 on 25 June 1950, with nine votes in favor, none against, and Yugoslavia abstaining. The resolution described the attack as a breach of the peace, paving the way for measures under Articles 41 and 42 of the Charter.²

The continued absence of the Soviet Union hastened the adoption of another resolution—Resolution 83 on 27 June 1950—which passed with seven votes in favor, one against, and two abstentions, recommending that UN member states provide military assistance to South Korea. Sixteen states, under U.S. leadership, responded by sending troops. This development made the Soviet Union realize the risks of its absence, prompting its return to the UN.SC in August of the same year to resume its opposition.³

The Soviet Union's return to the Council compelled the United States to seek new avenues for action in the face of the Council's evident paralysis caused by the "veto" These efforts were spearheaded by then-Secretary of State Dean Acheson, alongside delegates Benjamin Cohen and John Foster Dulles, who sought to provide an innovative interpretation of the UN Charter that would enable the General Assembly to intervene whenever the UN.SC was unable to fulfill its responsibilities. This initiative culminated during the General Assembly's annual session in September 1950, when the U.S.

¹ Andrew J. Carswell, **Unblocking the UN Security Council: The Uniting for Peace Resolution**, Journal of Conflict and Security Law, Volume 18, Issue 3, United Kingdom, Pages 453–480, <https://doi.org/10.1093/jcsl/krt016>, 2023.

² Carswell, A. J. **Unblocking the UN security council: The uniting for peace resolution**. Journal of Conflict and Security Law, 18(3), 2013, pp 453-480.

³ L. H. Woolsey, **The "Uniting for Peace" Resolution of the United Nations**, American Journal of International Law, Volume 45 Issue 1, USA, 2017.

delegation requested the inclusion of a new item on the agenda, accompanied by the following memorandum:

"The Charter grants the General Assembly important responsibilities in the field of international peace and security, including the right to discuss any matter relating to this field and to make recommendations. The experience of the United Nations during the five years since the Charter came into force has demonstrated the importance of the Assembly's role. The United States believes that the Assembly can play a larger role both in preventing conflicts and in restoring peace when necessary.

*The Assembly should be able to convene on very short notice in the event of a breach of the peace or an act of aggression if the Security Council – because of lack of unanimity among its permanent members – fails to exercise its primary responsibility for the maintenance of international peace and security. For this purpose, the United States proposes that the Assembly establish a procedure for convening emergency special sessions within twenty-four hours..."*¹

Section II: Methods and Materials:

This study adopts a qualitative, doctrinal, and analytical research approach, focusing on both legal and procedural dimensions of Palestine's quest for full United Nations membership. Primary sources include the UN Charter, official United Nations resolutions, and historical records of Security Council and General Assembly proceedings. Secondary sources comprise academic literature, scholarly articles, and expert commentaries on the Uniting for Peace Resolution, the veto power, and the dynamics of UN membership processes.

The research is structured around a case-study approach, with Palestine serving as the central case. Key events, such as the 2024 and 2025 draft resolutions blocked by the United States and subsequent Emergency Special Sessions of the General Assembly, are analyzed to

¹ Note from the head of the US delegation to the UN Secretary General (20 September 1950) 5 UNGAOR (279th plenary meeting) Annexes (Agenda Item 68) 2–3 UN Doc A/1377.

illustrate the practical application and limits of international legal instruments. The study also examines alternative legal and procedural mechanisms, including recourse to the International Court of Justice and informal practices within the Security Council.

Data collection involved a systematic review of UN official documents, complemented by the analysis of academic interpretations of relevant Articles. The analysis focuses on identifying patterns of veto usage, the interplay between permanent and non-permanent members, and the efficacy of the Uniting for Peace Resolution in bypassing Council deadlocks.¹

The study employs a critical legal methodology, combining doctrinal analysis with practical and procedural evaluation. This enables an assessment of both the theoretical legitimacy and the practical feasibility of proposed pathways for Palestine's UN membership, highlighting potential avenues for international and legal action beyond the immediate control of the Security Council.

Section III: Results and discussion :

A) The Impact of Uniting for Peace Resolution

The American initiative was not, at its core, an innocent one. It primarily sought to circumvent the Soviet "veto" by channeling decisions through the General Assembly, taking advantage of the pro-U.S. majority therein. Yet, in practice, this approach was a double-edged sword, as it could just as well be used to counter the American "veto" and curtail its influence. With regard to Palestine's UN membership, the Uniting for Peace Resolution (UFPR) appears to provide an important procedural avenue for raising this issue, supported by several sufficient and compelling arguments.²

If the UN-SC were to consider membership as a non-procedural matter, then by implication it would fall within the scope of substantive issues that require the approval of nine members, including the concurring votes of all permanent members—thus

¹ Articles 4, 27, 36–40, 96, 97 of the UN Charter

² Article 27, UN Charter, visited in 22-03-2025.

making it subject to the "veto" Since the Council has routinely invoked peace and security considerations to justify the "veto" the United States maintains—albeit falsely—that Palestine’s membership application falls within this category; otherwise, its use of the "veto" would have no justification.¹

This American argument is largely based on paragraph one of Article 4 of the Charter, even though it is not explicitly stated. The U.S. representative’s speech before the UN-SC, during its 79th session on 18 April 2024 regarding Palestine’s membership application, made clear that Washington justified its "Veto" by citing the absence of peace and security in the region, placing the blame on Hamas and portraying its existence as a threat to a future Palestinian state. Such reasoning stands in contradiction to the very spirit of Article 4 itself—“according to its baseless claim”—which merely requires that the applicant state be peace-loving, a substantive condition that should not be turned into a procedural obstacle.²

Thus, this unfounded pretext employed by the United States to block Palestine’s membership could, in practice, trigger the activation of the (UFPR). The Charter explicitly states that: “The Charter grants the General Assembly important responsibilities in the field of international peace and security, including the right to discuss any matter relating to this field and to make recommendations...”. This clearly implies that any issue falling within the realm of peace and security, when the UN-SC fails to address it, may be taken up by the General Assembly.³

- Assuming, therefore, that Palestine’s membership indeed falls within this scope, proving the UN-SC’s failure to address it may be demonstrated through three main indicators:

¹ See draft resolution S/2024/312

² UN S C, 79th session, S/PV.9609, 18 April 2024

³ Note from the head of the US delegation to the UN Secretary General (20 September 1950) 5 UNGAOR (279th plenary meeting) Annexes (Agenda Item 68) 2–3 UN Doc A/1377.

AFIA Kada

- The acquisition of both legal and practical legitimacy from the General Assembly and the majority of UN-SC members, excluding the United States.
- The repeated submission of the same issue before the Council without resolution.
- The majority of membership-seeking countries obtaining the approval of the SC.¹
- While the first two indicators are well-documented in UN history, our focus here is on the third: the role of both permanent and elected members of the S. Council.

Despite the United States' explicit opposition to Palestine's admission, global opinion has shifted almost overwhelmingly toward supporting its membership, particularly in the wake of the atrocities committed by Israel after the events of October 2023. This global awakening has left the United States increasingly isolated, as even the permanent members generally aligned with it did not oppose Palestine's admission. The membership bid received 12 votes in favor, with two abstentions—by the United Kingdom and Switzerland—and only one rejection, from the United States.²

Academic studies and international critiques of the S. Council's structure often overlook the important role of non-permanent members in shaping outcomes. Although they lack the v.e.to power, they nonetheless constrain—at least partially—the dominance of the permanent members. Furthermore, as noted by Jess Gifkins, the UN Secretariat itself can exert influence on decision-making. Such practices could have significant long-term implications in limiting the authority of the permanent members, especially in cases where a v.e.to is exercised by only one state. In this regard, our study recommends that Palestine intensify its membership applications to the UN, not only to pursue full admission, but also to build cumulative momentum

¹ See Membership Applications on the United Nations website: <https://research.un.org/fr/docs/sc/quick/veto>, visted in 22-03-2025

² See draft resolution, UN S. Council, 79th session, S/PV.9609, 18 April 2024

that could gradually weaken the legitimacy and dominance of the American veto.¹

B) Alternative Legal and Procedural Options

In addition to the possibility of invoking the Uniting for Peace resolution as a means to overcome the S. Council veto and enable Palestine to attain full membership in the United Nations, other legal avenues can be proposed. The first consists of resorting to the International Court of Justice (ICJ) through a judicial path, while the second is linked to what is referred to as the informal veto. With regard to the first option, the petition can be reformulated while maintaining the Security Council's recommendation as stipulated in the UN Charter, emphasizing that the issue of membership—by virtue of being a recommendatory matter—should fall under procedural rather than substantive issues. This would require only the approval of a majority of the permanent members, especially given the existence of a clear legal gap in this regard.²

The international arena has witnessed several attempts to abolish the requirement of a S. Council recommendation for the admission of new UN members, yet none of them succeeded. The most prominent attempt was advanced by Argentina, which proposed that the S. Council's recommendation concerning the admission of a new member should be classified as a procedural rather than a substantive matter. Other proposals also suggested that admission should not be conditional upon such a recommendation. However, the ICJ issued an opposing advisory opinion in 1950. Nevertheless, the Court has subsequently been confronted with issues previously rejected, only for them to be reintroduced as requests for advisory opinions of great significance, most notably the case concerning the "threat or use of nuclear weapons".³

¹ Jess Gifkins, **Beyond the Veto, Roles in UN Security Council Decision-Making**, Global Governance 27, Netherlands (2021) 1–24.

² UN Charter, Art. 27, 96 (1); Statute of the ICJ, Art. 65.

³ Imseis, A. **On Membership of the United Nations and the State of Palestine: A Critical Account**, Leiden Journal of International Law, Vol. 34, No. 4, pp. 855–878. UK, 2021.

AFIA Kada

This flexibility demonstrated by the ICJ highlights the possibility of reintroducing the question of Palestine’s membership in the United Nations, but through the aforementioned path—encouraging states to call upon the General Assembly to request an advisory opinion on the matter. This is because states themselves are not authorized to directly address the ICJ on issues related to advisory opinions, as stipulated in Article 96 of the UN Charter.¹

At this juncture, an opportunity emerges for countries supportive of the Palestinian cause, such as Algeria and Malaysia, to take the lead in urging states to submit such a request to the General Assembly. This move would enable the Assembly to seek an advisory opinion from the ICJ that would reclassify the membership issue as a procedural matter. Such an approach could thus constitute a solid legal foundation for initiating the first practical step towards advancing Palestine’s position within the United Nations through a constructive legal framework.

The second alternative focuses on the rules governing voting procedures and membership in the UNSC, which provide only a minimum level of procedural detail. This gap allows permanent members to expand their influence through what is known as the “informal veto” This is manifested in their control over draft resolutions, leadership of negotiations, and the shaping of the agenda prior to formal sessions. Such informal dominance preconditions the final decisions, as the permanent members monopolize three main aspects: drafting texts, setting the agenda, and using the threat of the informal veto as a tool of pressure. Nevertheless, they seek to legitimize these practices by building informal consensus and securing support from regional states. Opposing this dominance, non-permanent members attempt to counterbalance it through collective action and informal alliances.²

See also: AFIA Kada, Op.Cit

¹ ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996; ICJ, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory*, Advisory Opinion, 2024.

² Jess Gifkins, Op.Cit

Other diplomatic traditions within the United Nations corridors are mostly procedural in nature, such as rules on convening meetings, determining attendance, or rotating the presidency of the Council. Although these rules are clear and formal, they fail to adequately clarify the Council's informal practices. This shortcoming prompted Japan to propose unifying these practices under a single framework, which culminated in the adoption of "Note 507" in 2017. However, its application has not been binding on all states, as some permanent members—particularly the United States, the United Kingdom, and France—have continued to monopolize the "penholding" practice and the drafting of draft resolutions.¹

Permanent members derive their actual power from their veto right and permanent status, which enable them to entrench cumulative practices that have become embedded in the Council's working traditions. In practice, this allows them to settle issues even before they are formally submitted to a vote. Experience has shown that the informal veto is employed more frequently than the formal v.e.to. One prominent example was in the lead-up to the 2003 Iraq War, when the United States attempted to secure a resolution authorizing the use of force. Faced with threats from Russia and France to veto the draft, Washington withdrew it before the vote (Adler-N, and Vincent P, 2014).

The influence of the informal veto is also evident in modifying the agenda, by adding or removing items in favor of certain states. For instance, the United States, after threatening to use the veto, succeeded in obtaining an exemption that shielded nationals of some non-Rome Statute parties—except Sudan—from prosecution before the International Criminal Court, during discussions of the draft resolution referring the Darfur situation to the Court. It should be noted that adding new items to the agenda is formally considered a procedural matter. Yet, in practice, the three permanent members (the United States, the United Kingdom, and France) often exert influence through the informal veto in such cases, while China and Russia show relatively less interest in this aspect.²

¹ S C Report 2018b, 10, 2019

² Rebecca and Pouliot, Vincent (eds.), **Power in Practice: Negotiating the International**, First Edition, United Kingdom; 2014

Against this backdrop, the role of non-permanent members becomes crucial in imposing a collective approach before any issue is put to the vote, including the question of UN membership. Our study therefore recommends that these members, together with China and Russia, should act to ensure compliance with the provisions of “Note 507” and to curb the monopoly of the P3 (the United States, the United Kingdom, and France) over penholding—particularly when the elected member represents the region directly concerned by the issue under discussion.

Institutionalizing a collective stance against the informal veto contributes to strengthening legitimacy within the Council. International practice indicates that between 2000 and 2020, the UNSC Council adopted 1,328 resolutions, 87% of which were supported by all 15 members, underscoring the significance of consensus in enhancing the Council’s legitimacy. In this regard, Algeria, as a current Council member and representative of the Arab Group, can play a pivotal role in breaking the P3’s monopoly over penholding by drafting a resolution on Palestine’s membership. Such initiatives foster legitimacy within the Council and gradually build the legal and political momentum necessary to bring Palestine closer to achieving full UN membership.

The Algerian Permanent Representative to the United Nations emphasized, following the United States’ blocking of the draft resolution calling for an immediate ceasefire in Palestine that all member states of the U.N.S.C participated in the voting process. Out of the 15 members, 14 countries voted in favor of the resolution, while the United States opposed it. In response to this opposition, the Algerian representative expressed his deep regret and offered a formal apology to the Palestinian people, highlighting the Council’s failure to protect civilians despite overwhelming international support for the resolution. This incident underscores the persistent challenge posed by the informal veto, which, despite its political significance, remains confined within the framework of the UNSC, leaving little hope for its reversal through internal mechanisms.¹

¹ See: <https://news.un.org/ar/story/2025/09/114337>.

In contrast, alternative solutions that fall outside the direct scope of the U.N.S.C offer greater prospects for action. Among these, the activation of the (UFPR) presents a pathway for the General Assembly to take collective action when the UNSC is deadlocked. Similarly, recourse to the International Court of Justice provides a legal avenue to seek advisory opinions that could influence the Council's approach or clarify the legal status of Palestine's membership. Because both of these mechanisms operate beyond the Council's immediate control, their implementation appears far more feasible and offers a promising route to advance Palestine's position within the United Nations.

Conclusion

It appears that the repeated inability of the UNSC to grant Palestine full membership in the United Nations has rendered the search for alternative pathways an unavoidable task for the international community. This persistent deadlock highlights the limitations of relying solely on the Council, particularly in the face of the consistent use of the veto by permanent members. Consequently, states and scholars alike have been compelled to explore solutions that lie outside the immediate authority of the UNSC, seeking mechanisms that can uphold the principles of international law while promoting Palestine's quest for recognition.

One of the most notable alternatives identified in this research is the (U.F.P.R) on. This mechanism allows the General Assembly to step in when the U.N.S.C fails to act due to a veto or deadlock. By invoking (UFPR), the Assembly can authorize collective action that bypasses the procedural constraints imposed by the veto, thereby reinforcing the legitimacy of the measures taken. This approach not only provides a practical solution to the impasse but also strengthens the role of the General Assembly as a forum for addressing matters of international peace and security when the Council is unable or unwilling to act.

Nevertheless, the (U.F.P.R) is not the only viable avenue. Another significant path involves the International Court of Justice (ICJ). States can encourage the General Assembly to request an advisory opinion from the ICJ, specifically aimed at classifying UN membership applications as procedural matters. Such a legal

determination would effectively circumvent the possibility of a veto blocking the membership process, providing a judicially grounded route to advance Palestine's full participation in the United Nations. By combining political and legal strategies, the international community can thus explore multifaceted approaches to overcoming the Council's repeated deadlocks.

As a final conclusion, enabling Palestine to obtain membership in the United Nations could only be achieved if the scope of the Security Council is addressed. In this regard, there are two primary solutions: the Uniting for Peace resolution and the judicial pathway before the International Court of Justice. Other alternatives, despite their importance, remain constrained by the exercise of the veto.

Bibliography:

A - Books:

- 1- محمد بوسلطان، مبادئ القانون الدولي العام، الجزء الأول، ديوان المطبوعات الجامعية، الطبعة الرابعة، الجزائر 2008.

B - Journal Articles:

- 1- AFIA kada, Mahfoud Ikram **Palestine's United Nations Membership and Overcoming the American Veto**, Journal of Law, Society and Authority, Volume (14), Issue (1); Algeria, 2025 pp. 1 – 13.
- 2- Andrew J. Carswell, **Unblocking the UN Security Council: The Uniting for Peace Resolution**, Journal of Conflict and Security Law, Volume 18, Issue 3, United Kingdom, Pages 453–480, <https://doi.org/10.1093/jcsl/krt016>, 2023.
- 3- Jess Gifkins, **Beyond the Veto, Roles in UN Security Council Decision-Making**, Global Governance 27, Netherlands (2021) 1–24.
- 4- Jan Wouters and Tom Ruys, **Security Council Reform: A New Veto For A New Century ?**, The Military Law and the Law of War Review, Volume 44: Issue 1-2, Belgium, p-p: 139–171, 2005, DOI: <https://doi.org/10.4337/mlwr.2005.1-2.07>

AFIA Kada

- 5- Michael P. Scharf, **Power Shift: The Return of the Uniting for Peace Resolution**, Case Western Journal of International Law, Vol.55, USA, 2023.
- 6- L. H. Woolsey, **The “Uniting for Peace” Resolution of the United Nations**, American Journal of International Law, Volume 45 Issue 1, USA, 1951.
- 7- Petersen KS. **The Uses of the Uniting for Peace Resolution since 1950**. International Organization;13 (2):219-232.UK, 1959, doi:10.1017/S0020818300000059
- 8- Imseis, A. **On Membership of the United Nations and the State of Palestine: A Critical Account**, Leiden Journal of International Law, Vol. 34, No. 4, pp. 855–878. UK, 2021.
- 9- A. J. Kuperman, **The Limits of Humanitarian Intervention: Genocide in Rwanda and Lessons for Libya**, European Journal of International Relations, Vol. 20, No. 4, United Kingdom; 2014, pp. 889–911.
- 10- Carswell, A. J. **Unblocking the UN security council: The uniting for peace resolution**. Journal of Conflict and Security Law, 18(3), 2013, pp 453-480
- 11- Rebecca and Pouliot, Vincent (eds.), **Power in Practice: Negotiating the International**, First edition, United Kingdom; 2014.

C- Official Document

- 1- Note from the head of the US delegation to the UN Secretary General (20 September 1950) 5 UNGAOR (279th plenary meeting) Annexes (Agenda Item 68) 2–3 UN Doc A/1377.
- 2- (ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996; ICJ, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion, 2024)
- 3- UN Charter