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## **Letter from the Executive Board**

*Greetings delegates,*

I would firstly like to welcome you all to the second annual SNISMUN conference! My name is Aditya Sircar and it is my utmost pleasure to serve as your President for this year's simulation of the United Nations Security Council, alongside your Vice-President Yash Pincha. As much as I would have preferred the conference to be held offline, we have to work with the format we have right now.

Having participated in numerous Model United Nations conferences before, we as an Executive Board have realized the importance of the background guide to be just as an item that helps further one's research. The fact that background guides are made to facilitate research and not hand them in a platter is what the Executive Board believes.

However, we recognize that it can prove to be a basic point from which to begin or substantiate your research as well as an invaluable asset that delegates who haven't yet had the opportunity to accumulate a significant amount of experience often find themselves in dire need of. Therefore, while aware that this background guide will probably and should only comprise a small fraction of your research, we shall commit ourselves to ensuring that it is written to the best of our ability.

Having established this we believe that it is essential that we regard MUNs, not as means of earning some quick money but as a platform to portray ones believes on various aspects of the worlds position. We believe that conferences such as these serve as means of knowledge and also provoke one to further delve into the said topics of choice, to look at the world from a point of view of neutrality and most of all understanding the problems that lie in the world of today and work towards reaching solutions.

This background guide will give sufficient information for every delegate, to familiarize with the agenda at hand. But it should be made clear that this is by no means all the research one as a delegate must do. This is just the beginning or rather a document that will aid your research process.

After having said so much I hope, all delegates are on fully backed with research on the days of the conference. We hope to have an informative and diplomatic conference. Through the course of the days of this conference, I trust that you all will discharge your duties aptly. I look forward to seeing you all in committee and presiding over your deliberations.

*Thank you.*

*Aditya Sircar*

*President of the Security Council*

*SNISMUN II, 2021*

*Nota bene: Delegates must understand that due to the severe complexity of the issue, the below mentioned views are not bias proof. However, effort has been taken to assure that utmost amount of neutrality has been maintained. Multiple revisions have been made to achieve the most suitable compilation.*

## **Introduction to the Committee:**

The Security Council held its first session on 17 January 1946 at Church House, Westminster, London. Since its first meeting, the Security Council has taken permanent residence at the United Nations Headquarters in New York City.

A representative of each of its members must be present at all times at UN Headquarters so that the Security Council can meet at any time as the need arises.

The Security Council has primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. Under the Charter of the United Nations, all Member States are obligated to comply with Council decisions.

The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can even authorize the use of force to maintain or restore international peace and security.

*Mandate:* The UN Charter gives primary responsibility for maintaining international peace and security to the Security Council, which may meet whenever peace is threatened. According to the Charter, the United Nations has four purposes:

- To maintain international peace and security;
- To develop friendly relations among nations;

- To cooperate in solving international problems and in promoting respect for human rights; and
- To be a centre for harmonizing the actions of nations.

While other organs of the United Nations make recommendations to member states, only the Security Council has the power to make decisions that member states are then obligated to implement under the Charter.

## **History**

Following World War II and the horrors of the Holocaust, increased Jewish populations migrated to the area in the Middle East known as Palestine at the time. Seeing the area as their historic homeland, migration continued to increase, especially to areas around Jerusalem and other historical cities. With the increasing populations in mind, in 1947 the UN General Assembly adopted Resolution 181, which called for the creation of two separate Jewish and Arab states in the Palestinian territories. Following the Declaration of the Establishment of the State of Israel<sup>1</sup> on 14 May 1948, the Arab League decided to intervene on behalf of Palestinian Arabs, marching their forces into former British Palestine, beginning the main phase of the 1948 Arab–Israeli War. The overall fighting, leading to around 15,000 casualties, resulted in cease fire and armistice agreements of 1949, with Israel holding much of the former Mandate territory, Jordan occupying and later annexing the West Bank and Egypt taking over the Gaza Strip, where the All-Palestine Government was declared by the Arab League on 22 September 1948.

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<sup>1</sup> It declared the establishment of a [Jewish state](#) in [Eretz-Israel](#), to be known as the [State of Israel](#), which would come into effect on termination of the [British Mandate](#) at midnight that day. The event is celebrated annually in Israel with a [national holiday Independence Day](#) on [5 Iyar](#) of every year according to the [Hebrew calendar](#).

Through the 1950s, Jordan and Egypt supported the Palestinian Fedayeen militants' cross-border attacks into Israel, while Israel carried out reprisal operations<sup>2</sup> in the host countries. The 1956 Suez Crisis resulted in a short-term Israeli occupation of the Gaza Strip and exile of the All-Palestine Government, which was later restored with Israeli withdrawal. The All-Palestine Government was completely abandoned by Egypt in 1959 and was officially merged into the United Arab Republic, to the detriment of the Palestinian national movement. Gaza Strip then was put under the authority of Egyptian military administrator, making it a de facto military occupation. In 1964, however, a new organization, the Palestine Liberation Organization (PLO)<sup>3</sup>, was established by Yasser Arafat. It immediately won the support of most Arab League governments and was granted a seat in the Arab League.

The 1967 Six-Day War<sup>4</sup> exerted a significant effect upon Palestinian nationalism, as Israel gained military control of the West Bank from Jordan and the Gaza Strip from Egypt. Consequently, the PLO was unable to establish any control on the ground and established its headquarters in Jordan, home to hundreds of thousands of Palestinians, and supported the Jordanian army during the War of Attrition, most notably the Battle of Karameh. However, the Palestinian base in Jordan collapsed with the Jordanian–Palestinian civil war in 1970. The PLO defeat by the Jordanians caused most of the Palestinian militants to relocate to South

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<sup>2</sup> were raids carried out by the [Israel Defense Forces](#) in the 1950s and 1960s in response to frequent [fedayeen attacks](#) during which armed Arab [militants](#) infiltrated [Israel](#) from [Syria](#), [Egypt](#) and [Jordan](#) to carry out [attacks on Israeli civilians and soldiers](#). Most of the reprisal operations followed raids that resulted in Israeli fatalities.

<sup>3</sup> The Palestine Liberation Organization is an organization founded in 1964 with the purpose of the "liberation of Palestine" through armed struggle, with much of its violence aimed at Israeli civilians.

<sup>4</sup> Also known as the June War, 1967 Arab–Israeli War, or Third Arab–Israeli War, was fought between 5 and 10 June 1967 by [Israel](#) and the neighboring states of [Egypt](#) (known at the time as the [United Arab Republic](#)), [Jordan](#), and [Syria](#).

Lebanon, where they soon took over large areas, creating the so-called "Fatahland".

Palestinian insurgency<sup>5</sup> in South Lebanon peaked in the early 1970s, as Lebanon was used as a base to launch attacks on northern Israel and airplane hijacking campaigns worldwide, which drew Israeli retaliation. During the Lebanese Civil War, Palestinian militants continued to launch attacks against Israel while also battling opponents within Lebanon. In 1978, the Coastal Road massacre led to the Israeli full-scale invasion known as Operation Litani. Israeli forces, however, quickly withdrew from Lebanon, and the attacks against Israel resumed. In 1982, following an assassination attempt on one of its diplomats by Palestinians, the Israeli government decided to take sides in the Lebanese Civil War and the 1982 Lebanon War commenced. The initial results for Israel were successful. Most Palestinian militants were defeated within several weeks, Beirut was captured, and the PLO headquarters were evacuated to Tunisia in June by Yasser Arafat's decision. However, Israeli intervention in the civil war also led to unforeseen results, including small-scale conflict between Israel and Syria. By 1985, Israel withdrew to a 10 km occupied strip of South Lebanon, while the low-intensity conflict with Shia militants escalated.

The first Palestinian uprising began in 1987 as a response to escalating attacks and the endless occupation. By the early 1990s, international efforts to settle the conflict had begun, in light of the success of the *Egyptian–Israeli peace treaty of 1982*. Eventually, the Israeli–Palestinian peace process led to the *Oslo Accords of 1993*, allowing the PLO to relocate from Tunisia and take ground in the West

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<sup>5</sup> Was a conflict initiated by Palestinian militants based in South Lebanon upon Israel since 1968 and upon Christian Lebanese factions since mid-1970s, which evolved into the wider [Lebanese Civil War](#) in 1975 and lasted until the expulsion of the Palestinian Liberation Organization from Lebanon in the [1982 Lebanon War](#).

Bank and Gaza Strip, establishing the Palestinian National Authority. The peace process also had significant opposition among radical Islamic elements of Palestinian society, such as Hamas and Palestinian Islamic Jihad, who immediately initiated a campaign of attacks targeting Israelis. Following hundreds of casualties and a wave of radical anti-government propaganda, Israeli Prime Minister Rabin was assassinated by an Israeli fanatic who objected to the peace initiative. This struck a serious blow to the peace process, from which the newly elected government of Israel in 1996 backed off.

The Palestinian National Security Forces and the Israel Defence Forces, lasted until 2004/2005 and led to approximately 130 fatalities. In 2005, Israeli Prime Minister Sharon ordered the removal of Israeli settlers and soldiers from Gaza. Israel and its Supreme Court formally declared an end to occupation, saying it "had no effective control over what occurred" in Gaza. However, the United Nations, Human Rights Watch and many other international bodies and NGOs continue to consider Israel to be the occupying power of the Gaza Strip as Israel controls Gaza Strip's airspace, territorial waters and controls the movement of people or goods in or out of Gaza by air or sea.

In 2006, Hamas won a plurality of 44% in the Palestinian parliamentary election. Israel responded it would begin economic sanctions unless Hamas agreed to accept prior Israeli-Palestinian agreements, forswear violence, and recognize Israel's right to exist, which Hamas rejected. After internal Palestinian political struggle between Fatah and Hamas erupted into the Battle of Gaza (2007), Hamas took full control of the area. In 2007, Israel imposed a naval blockade on the Gaza Strip, and cooperation with Egypt allowed a ground blockade of the Egyptian border.



The tensions between Israel and Hamas escalated until late 2008, when Israel launched operation Cast Lead upon Gaza, resulting in thousands of civilian casualties and billions of dollars in damage. By February 2009, a ceasefire was signed with international mediation between the parties, though the occupation and small and sporadic eruptions of violence continued.

In 2011, a Palestinian Authority attempt to gain UN membership as a fully sovereign state failed. In Hamas-controlled Gaza, sporadic rocket attacks on Israel and Israeli air raids still take place. In November 2012, the representation of Palestine in UN was upgraded to a non-member observer State, and its mission title was changed from "Palestine (represented by PLO)" to "State of Palestine".

## **Definition of Key Terms**

### **Zionism**

It is the ideology that sought “to secure for the Jewish people a publicly recognized, legally assured homeland in Palestine”. Begun by Theodor Herzl, the ideology developed into several subsections over the course of history, with the common goal of uniting all Jewish people keeping in mind the formation of a Jewish State.

### **Anti-Semitism**

As acknowledged by the European Agency for Fundamental Rights, “anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews”. The FRA also accepts that, “rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”. As a definition adopted by the International Holocaust

Remembrance Alliance, the Working Definition as it is also called, is the most widely accepted definition of antisemitism.

The EUFRA goes on to state how contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

Examples of the ways in which antisemitism manifests itself with regard to the state of Israel taking into account the overall context could include:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.

- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for the actions of the state of Israel.

### **Pan-Arabism**

The ideology that all Arab people must unite to constitute a single Arab state that gave to them the land that was rightfully theirs. President Gamel Abdel Nasser championed this ideology and was a driving force in the formation of the United Arab Republic in 1958 which united Syria and Egypt into a single sovereign state.

### **Statehood**

The principal subjects of International Law and accepted as International Persons, a State was defined as “a community which consists of a territory and a population subject to an organised political authority” that is “characterized by sovereignty”, on 20th November 1991, in Opinion No. 1 of the Arbitration Commission of the European Conference on Yugoslavia.

The most widely accepted criteria for statehood are laid down by the 1993 Montevideo Convention on the Rights and Duties of States which mentions the following criteria as prerequisites for statehood:

- A permanent population
- A defined territory
- A government

- The capacity to enter into relations with other States

An important fact to note would be that while a permanent population and a defined territory, there is no specification of either the minimum number of inhabitants or any settled boundaries in international law. However, in the case of the latter, there must exist a consistent band of land that is controlled by the “state” in question.

### **Two-State Solution**

A two-state solution is suggestion that a solution to two conflicting claims over the same piece of land can be resolved by partially acknowledging both claims and dividing the disputed area between both parties of the conflict.

For example, the 1967 Allon plan to initially split parts of the West Bank with Palestine, and later refined into a plan to split the region with the Hashemite Kingdom of Jordan by retaining the Jordan Valley along with Gush Etzion, part of the Hebron foothills and East Jerusalem, while offering the rest to Jordan, including the more populated areas like Jericho was the first suggestion of a two-state solution from Israel in modern history.

### **One-State Solution**

The suggestion that a disputed territory can only, in the end, belong to one of the claimants in its entirety.

### **Mandate**

The League of Nations authorized “Mandatories”, i.e., States that would administer territories whose ownership and administration was in question after the War. These Mandatories were to administer the regions on behalf of the League as set out in article 22 of the Covenant of the League of Nations. The League classified them into three categories:

- **Class A mandates** covering territories that were considered to be ready to receive independence within a relatively short period of time. These territories were all in the Middle East: Iraq, Palestine, and Transjordan, administered by the UK; and Lebanon and Syria, administered by France,
- **Class B mandates** covering territories for which the granting of independence was a distant prospect. These territories were all in Africa: the Cameroons and Togoland, each of which was divided between British and French administration; Tanganyika, under British administration; and Ruanda-Urundi, under Belgian administration, and
- **Class C mandates**, which were granted over territories where there was virtually no prospect of self-government, let alone independence, was held out. These territories included South West Africa, administered by the Union of South Africa; New Guinea, administered by Australia; Western Samoa, administered by New Zealand; Nauru, administered by Australia under mandate of the British Empire; and certain Pacific islands, administered by Japan.

### **Legal Standpoint of the Situation**

1. After the war in 1948, the mandate ended up being split between Israel, Egypt and Jordan. Israel and Jordan annexed all areas under their administration; Egypt maintained a military occupation of Gaza. The United Nations attempted to assert its authority over Jerusalem but the designated mediator, Count Bernadotte, was killed by the militant Zionist group Lehi while pursuing his official duties, and the city ended up being split between Israel and Jordan. Lehi had feared that Israel would agree to Bernadotte's peace proposals, which they considered

disastrous, unaware that the provisional Israeli government had already rejected a proposal by Bernadotte the day before;

2. Although there were numerous informal and backchannel communications between Israel and Arab states through the years, all Arab states refused to accept Israel's sovereignty until 1979, and most (excluding Jordan, Mauritania, and Egypt) persisted in rejecting Israel's desire to exist (see Khartoum Resolution) until the *2002 Arab Peace Initiative* that offers Israel peace and normal relations with all Arab countries if Israel withdraws from all areas occupied in the 1967 war and "attain a just solution" to the Palestinian refugee problem to be agreed upon in accordance with the *UN General Assembly Resolution 194*.
3. The war in 1967 brought all remaining parts of the Mandate (as defined by Great Britain in 1947) as well as the Sinai Peninsula and parts of the Golan Heights under Israeli administration. Israel subsequently effectively annexed East Jerusalem, asserting that the West Bank and Gaza were "disputed territories". The United Nations Security Council rejected the effective annexation of East Jerusalem and Golan Heights as "null and void" in United Nations Security Council *Resolution 478* and United Nations Security Council *Resolution 497* respectively, and consider Israel to hold the Gaza Strip, the West Bank, including East Jerusalem, and the Golan Heights under military occupation.
4. Both as a result of the wars in 1948 and 1967, Arab residents of the former Mandate were displaced and classified by the United Nations as "refugees"
5. In approximately the same time frame, most Jews in Arab states fled or were forced to leave, with most of them absorbed by Israel.

6. United Nations Security Council issued *Resolution 242* that set the framework for a resolution through "land for peace".
7. In 1979, Egypt and Israel signed a peace treaty, Israel returning Sinai in return for peace, agreeing on international borders between the two states, but leaving the disposition of Gaza for peace negotiations between Israel and the Palestinians.
8. In 1988, the PLO declared "the establishment of the State of Palestine in the land of Palestine with its capital at Jerusalem." Jordan relinquished its claims to the West Bank.
9. In 1993, the PLO and Israel signed a declaration of principles that included mutual recognition and the ultimate goal of establishing self-rule for the Palestinian people.
10. In 1994, Jordan and Israel also signed a peace treaty.
11. No other Arab state has granted legal recognition of Israel's sovereignty. A formal state of war still exists between Israel and several Arab states, though armistice agreements govern interaction between the states.
12. Several attempts at finalizing the terms for a peace agreement between Israel and the PLO have failed. In 2006 the Palestinians elected Hamas into power, a party that does not recognize Israel as legitimate.

### **Legal Issues related to War**

Sovereign states have the right to defend themselves against overt external aggression, in the form of an invasion or other attack. A number of states assert that this principle extends to the right to launch military actions to reduce a threat, protect vital interests, or pre-empt a possible attack or emerging threat

Security Council *Resolution 242*, emphasized "the inadmissibility of the acquisition of territory by war," setting the stage for controversy on the legal status of areas captured in 1967, and in 1948.

There are two interpretations of this matter:

1. The Israeli position is that:

1.1 The wars in 1956 and 1967 were waged by Israel to ensure the state's survival. As most hostilities were initiated by the Arab side, Israel had to fight and win these wars in order to ensure the state's sovereignty and safety. Territories captured in the course of those wars are therefore legitimately under Israeli administration for both security reasons and to deter hostile states from belligerence.

1.2 In the absence of peace treaties between all the parties at war, Israel has under all circumstances the right to maintain control of the captured territories. Their ultimate disposition should be a result of peace treaties, and not a condition for them. Even so, Israel asserts that:

1.2.1 The 1956 war was caused by a pattern of Egyptian belligerence against Israel, culminating with the nationalization of the Suez Canal and the blockage of the canal for Israeli traffic in violation of the Convention of Constantinople and other relevant treaties, in their view a clear *casus belli*.

1.2.2 The 1967 war was similarly caused by the closing of the Straits of Tiran, the rejection of UN forces in the Sinai desert, and the redeployment of Egyptian forces. Jordan and Syria entered the war in spite of Israeli efforts to keep these frontiers peaceful.

1.2.3 The 1973 war was a surprise attack against Israel by Syria and Egypt.

2. The Arab position is that:



2.1 The 1956 war came after an Israeli attack on the Gaza strip killing 25 Egyptian soldiers, and was a result of a conspiracy between France, the United Kingdom and Israel in violation of Egypt's sovereignty. Egypt claimed several legal justifications for refusing Israel use of the Suez Canal, including the right of self-defense.

2.2 The war in 1967 was an unprovoked act of aggression aimed at expanding the boundaries of Israel, and the territories captured during this war are illegally occupied and this occupation must end.

### **Legal Issues relating to Occupation**

The Geneva Conventions and other international tractates recognize that land a) conquered in the course of a war; and b) the disposition of which is unresolved through subsequent peace treaties is "occupied" and subject to international laws of war and international humanitarian law. This includes special protection of individuals in those territories, limitations on the use of land in those territories, and access by international relief agencies.

#### **Jerusalem**

Recognizing the controversial nature of sovereignty over Jerusalem, UNSCOP recommended that the city be placed under United Nations administration in the partition plan. This was approved by the General Assembly in November 1947, accepted by the Jews and rejected by the Arabs. However, the 1948–1949 war resulted in Israel occupying the western portion of the city. Israel made Jerusalem its capital in 1950, establishing governmental offices in areas it controlled. Soon afterward in 1950, Jordan annexed the eastern part along with the remainder of the West Bank.

After the 1967 war, Israel put the parts of Jerusalem that had been captured during the war under its jurisdiction and civilian administration, establishing new municipal borders. Arguing that this did not amount to annexation at the time, subsequent legal actions have been interpreted as consistent with an annexation.

On July 30, 1980, the Knesset passed a basic law making "Jerusalem, complete and united...the capital of Israel." Since then Israel has extended the municipal boundaries several times.

On October 6, 2002, Yasser Arafat signed the Palestinian Legislative Council's law making Al Quds "the eternal capital of Palestine."

International bodies such as the United Nations have condemned Israel's Basic Law concerning Jerusalem as a violation of the Fourth Geneva Convention and therefore hold that the establishment of the city as Israel's capital is against international law. Consequently, countries have established embassies to Israel's government outside of Jerusalem. Similarly, missions to the Palestinian National Authority are at the insistence of Israel's government located outside of Jerusalem.

Israel has filed strenuous protests against this policy, asserting that:

1. There is no basis in international law for denying Israel's establishing its capital in Jerusalem, because there is no binding treaty that makes the city a *Corpus separatum*.
2. The 1980 Basic Law is not a legal innovation and only affirms Israel's long-standing position on Jerusalem.
3. Israel has the sovereign right to establish its capital at the most meaningful place for its people, and its claim is unique.

4. Objections to Jerusalem as Israel's capital are political in nature, and not legal.

In its 2004 advisory opinion on the legality of the Israeli West Bank barrier, the International Court of Justice concluded that the lands captured by Israel in the 1967 war, including East Jerusalem, are occupied territory.

## **Territorial Settlement**

The international community widely considers the establishment of Israeli settlements in the Israeli-occupied territories illegal on one of two bases: that they are in violation of Article 49 of the Fourth Geneva Convention, or that they are in breach of international declarations. The United Nations Security Council, the United Nations General Assembly, the International Committee of the Red Cross, the International Court of Justice and the High Contracting Parties to the Convention have all affirmed that the Fourth Geneva Convention applies to Israeli settlements.

1. Arguments supporting the position that establishing, funding, or allowing settlements in the territories is a violation of international law are,

**a) ICRC:**

The International Committee of the Red Cross' commentaries to the Geneva Conventions state that Article 49, paragraph 6, "is intended to prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories." It further notes "that in this paragraph the meaning of the words 'transfer' and 'deport' is rather different from that in which they are used in the other paragraphs of Article 49 since they do not refer to the movement of protected persons but to that of

nationals of the occupying Power". The Committee has on several occasions described the establishment of Israeli settlements in the occupied territories as a violation of the Fourth Geneva Convention.

**b) ICJ:**

the International Court of Justice, in paragraph 120 of its advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, asserts that: "That provision (article 49(6)) prohibits not only deportations or forced transfers of population such as those carried out during the Second World War, but also any measures taken by an occupying Power in order to organize or encourage transfers of parts of its own population into the occupied territory" and "concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law". The dissenting judge Thomas Buergenthal agreed that "this provision applies to the Israeli settlements in the West Bank and that their existence violates Article 49, paragraph 6".

**c) ICC:**

Article 8(2)(b)(viii) of the International Criminal Court Rome Statute defines "the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies" as a war crime. Israel did initially sign the statute, but later declared its intention not to ratify it.

**d) UNSC:**

The Security Council has in [\*Resolution 446\*](#) determined: "that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity".

2. Arguments supporting the position that settlement in the territories does not violate international law are,
- a) Israel ministry of foreign affairs argues "As the West Bank and Gaza Strip were not under the legitimate and recognized sovereignty of any state prior to the Six Day War, they should not be considered occupied territories."
  - b) Article 49 of the Fourth Geneva Convention is limited to transfers or deportations into or out of Occupied Territories which are 'forcible'.
  - c) Article 49 "cannot be viewed as prohibiting the voluntary return of individuals to the towns and villages from which they, or their ancestors, had been ousted" from living.
  - d) Gush Etzion, Jerusalem, or Hebron before 1948.
  - e) The Palestinians, as part of the Oslo Accords , agreed that the issue of settlements in the territories shall fall under the jurisdiction of final status negotiations (Article V, Section 3)
  - f) Jews have a legal right to settle the areas according to the Mandate for Palestine (specifically Article 6 of the mandate concerning Jewish settlements) and to such documents as the Faisal Weizmann Agreement. The British Mandate (granted by the League of Nations) specifically encouraged "close settlement by Jews on the land."

### **Legal Issues relating to the West Bank Barrier**

Israel has completed long stretches of barriers within the West Bank, separating Israel proper, Israeli settlements and large parts of the Palestinian territories from Palestinian cities and population centres.

**United Nations**

In October 2003, the United States vetoed a United Nations Security Council resolution, which stated:

***“The construction by Israel, the occupying power, of a wall in the Occupied Territories departing from the armistice line of 1949 is illegal under relevant provisions of international law and must be ceased and reversed.”***

The United Kingdom, Germany, Bulgaria, and Cameroon abstained from the vote. The justification given by the U.S. for the veto was that the resolution did not condemn terrorist attacks made by Palestinian groups (see Negroponte doctrine). The United States, however, has been condemned by some countries for its support of the barrier.

One week later, on October 21, a similar (though non-binding) resolution (ES-10/13) was passed by the UN General Assembly 144–4 with 12 abstentions. The resolution said the barrier was "in contradiction to international law", and demanded that Israel "stop and reverse" its construction. Israel called the resolution a "farce".

## **International Court of Justice:**

### **1. Process**

In December 2003, the United Nations General Assembly passed a resolution requesting the International Court of Justice (ICJ) to make a non-binding advisory opinion on the "legal consequences arising" from the construction of the barrier.

The hearings began in February 2004. The Palestinian Authority is not a member of the court but was allowed to make a submission by virtue of being a UN observer and a co-sponsor of the General Assembly resolution. In January 2004,

the court also authorized the League of Arab States and the Organization of the Islamic Conference to make submissions.

Israel initially announced that it would cooperate with the court, while noting that advisory rulings of the ICJ are not binding. Israel later made a written submission to the court rejecting the authority of the court to rule on the case, but announced (on February 12, 2004) that it would not appear at the court to make oral submissions.

On January 30, 2004, Israel announced officially it did not recognize ICJ authority to rule over the barrier issue. Israel also dispatched a 120-page document, elaborating on the security needs to build the "terror prevention fence" and purporting to demonstrate the atrocities committed by Palestinian terrorists. The document also included a judicial part with legal accounts supporting Israel's claim that the issue of the barrier is political and not in the ICJ authority.

## **2. Ruling**

On July 9, 2004, the International Court of Justice issued its opinion against the barrier, calling for it to be removed and the Arab residents to be compensated for any damage done. The Court advised that the United Nations General Assembly, which had asked for the ruling, and the Security Council should act on the issue.

A summary of the ruling is as follows:

1. The construction of the wall by the occupying power Israel in the Occupied Palestinian Territory, including around East Jerusalem and its regime are "contrary to international law".
2. Israel is obligated to stop construction of the wall, including around East Jerusalem and to dismantle the structure, and to repeal all legislative and regulatory acts relating to the wall.

3. Israel is obligated to "make reparation for all damages caused" by the wall, including around East Jerusalem".
4. All states are under an obligation not to recognize the illegal wall and "not to render aid or assistance in maintaining the situation", and to "ensure compliance by Israel with international humanitarian law" in accordance with the Fourth Geneva Convention relating to the Protection of Civilian Persons in Time of War 1949, while "respecting the United Nations Charter and international law, as embodied in that convention".
5. The United Nations General Assembly and the Security Council should consider what further action is required to bring to an end the illegal wall and the associated regime."

### **3. Reaction**

The opinion was accepted by the United Nations General Assembly, on July 20, 2004, it passed a resolution demanding that Israel obey the ICJ ruling. Israel, the US, Australia, the Federated States of Micronesia, the Marshall Islands, and Palau voted against the resolution, 10 nations abstained, and 150 nations voted in favour.

Palestinian leader Yasser Arafat said: ***"This is an excellent decision. This is a victory for the Palestinian people and for all the free peoples of the world."***

Israel rejected the ICJ ruling and emphasized the barrier's self-defence aspect, and stressed that Israel will continue to build the barrier. The United States also rejected the ruling, declaring that the issue was of political rather than legal nature. Colin Powell stated that barrier was effective against terror, and noted that the ICJ ruling was not binding, but insisted that Israel not use the barrier to predetermine permanent borders.



Numerous human rights organizations welcomed the ICJ ruling. Amnesty International said that Israel should immediately cease constructing the barrier. The governments of Israel's neighbours Lebanon, Syria, Jordan, and Egypt also welcomed the ruling

On July 13, 2004, the US House of Representatives passed [\*Resolution HR 713\*](#) deploring "the misuse of the International Court of Justice (ICJ)... for the narrow political purpose of advancing the Palestinian position on matters Palestinian authorities have said should be the subject of negotiations between the parties." The Resolution further stated that twenty-three countries, including every member of the G8 and several other European states, had "submitted objections on various grounds against the ICJ hearing the case."

### **Legal Issues regarding the Refugees**

Palestinian refugees were excluded from the 1951 Convention due to the clause that "This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance." As interpreted by UNHCR, this caused some anomalies, since UNRWA admits some persons as refugees that are not automatically admitted by the Convention, and, conversely, some of the legal protections given to refugees by the Convention were not available to most Palestinians. In 2002, UNHCR adopted a revised interpretation that fills some of these gaps. The BADIL Resource Centre for Palestinian Residency and Refugee Rights published a critical analysis of UNHCR revised interpretation of the 1951 Refugee Convention.

## **Current Situation in 2021**

In order to make it easier to comprehend below is a table showing the events that transpired in the year 2021 in a detailed fashion to make the delegates understand the most recent aspects of the crisis.

<b>Date (2021)</b>	<b>Event(s) that Transpired</b>
February 4	Israel razed Khirbet Humsa al-Fawqa for the second time because of what it claimed was an illegal settlement next to a military firing range.
April	Clashes occur throughout April in the Sheikh Jarrah neighbourhood of Jerusalem where dozens of Palestinian families are threatened with eviction due to the long-running Sheikh Jarrah property dispute.
May 5	Negotiations to form a new Israeli government under Benjamin Netanyahu fail and Yair Lapid of the centrist Yesh Atid party is asked by President Reuven Rivlin to try form a government.
May 6	The rising tensions in the West Bank and East Jerusalem in recent weeks were confirmed as two Palestinians were killed in clashes with the Israel Defence Forces.
May 7	Large numbers of police were deployed on the Temple Mount as around 70,000 worshippers attended the final Friday prayers of Ramadan at Al-Aqsa Mosque. After the evening prayers, some Palestinian worshippers began throwing previously stockpiled rocks and other objects at Israeli police officers. Police officers fired stun grenades into the mosque compound, and into a field clinic.
May 8	More clashes occurred on 8 May, the date of the Islamic holy night of Laylat al-Qadr. Palestinian crowds threw stones, lit fires, and chanted "Strike Tel Aviv" and "In spirit and in blood, we will redeem al-Aqsa", which <i>The Times of Israel</i> described as in support of Hamas. The Israel Police, wearing riot gear and some on horseback, used stun grenades and water cannons. At least 80 people were injured.
May 10	A mosque spokesman stated that major clashes broke out after Israeli police attempted to evacuate the compound, where many Palestinians sleep over in Ramadan, adding that the evacuation was intended to allow access to Israelis. More than 300 Palestinians were wounded as Israeli police stormed the

	<p>mosque compound. The same day, a video showing a raging fire on the al-Haram al-Sharif, caused by the conflagration of a tree near the Al-Aqsa Mosque, began to circulate on social media. Below in the Western plaza, a packed group of Jewish Israelis chanted what Yair Wallach called 'genocidal songs of vengeance' while cheering the flames with words from a song from Judges 16:28 in which Samson cries out before he tears down the pillars in Gaza, "O God, that I may with one blow take vengeance on the Philistines for my two eyes!"</p>
May 11	<p>the 13-story residential Hanadi Tower in Gaza collapsed after being hit by an Israeli airstrike.</p>
May 12	<p>Over 850 rockets crossed into Israeli territory after being launched from Gaza, and another 200 fell inside the Hamas-run coastal enclave. Several rockets have made direct hits on buildings and cars in Israel, killing five Israelis. Coalition negotiations between Yair Lapid and Naftali Bennett collapse amid the fighting.</p>
May 13	<p>Eight victims were confirmed from the May 12 rocket attacks from Hamas, the youngest being five years old. Israel mobilized around 9,000 reservists. The Israel Defence Forces carried out several strikes on Hamas targets in the Gaza Strip.</p>
May 14	<p>Three rockets were fired from Syria, while two of them hit the Israeli-occupied Golan Heights but fell in uninhabited places.</p>
May 15	<p>The IDF targeted the al-Jalaa building in Gaza, which housed Al Jazeera and Associated Press journalists, and a number of other offices and apartments. The building was hit by at least 4 missiles, approximately an hour after Israeli forces called the building's owner, warning of the attack and advising all occupants to evacuate.</p>
May 16	<p>During the night 40 rockets were fired from Gaza towards Ashdod and Ashkelon, according to the IDF. The IDF says they began 'phase II' of the operation to destroy underground tunnel networks in Gaza, dropping 100 bombs from dozens of fighter jets. The IDF reports the total count of missiles launched from Gaza to Israel to be over 3,000.</p>
May 17	<p>The Gaza Strip Ministry of Health stated that 212+ Palestinians have died and over 1400 have been injured as of 17 May. An Israeli airstrike hit the only COVID-19 testing lab within the Gaza Strip.</p>

May 18	Egypt has announced they will put \$500 million in efforts to rebuild Gaza after Israeli missile strikes. A missile strike by Hamas killed two foreign workers from Thailand and injured at least seven others. Israeli Arabs, together with Palestinians in the West Bank and Gaza Strip, held a general strike in protest against Israeli policies actions towards Palestinians.
May 20	Israel and Hamas agree to implement a ceasefire beginning at 2:00am local time.
May 21	The IDF reports the total count of targets hit in Gaza as 1500, and reports that 4360 rockets had been fired at Israel since the beginning of the 2021 Israel—Palestine crisis. The report states that approximately 3400 rockets from Gaza landed in Israeli territory, with approximately 680 falling inside the Gaza Strip, and 280 into the sea. Egypt announces its intent to send a delegation for talks with Palestinians. During Friday prayers, worshippers chanted messages in solidarity with Sheikh Jarrah residents and Palestinians in Gaza, and Israeli security forces responded by firing rubber bullets and using stun grenades.
July 7	Khirbet Humsa al-Fawqa was demolished by Israel again for at least the third time.
September 6	A total of six Palestinian prisoners escaped from Gilboa Prison at dawn on September 6th, their fleeing attracting international media attention. They were all recaptured, with the last two individuals rearrested on September 20th.
September 26	Five Hamas fighters were killed in IDF raids in the West Bank against what Israel claimed was a Hamas cell planning attacks against Israel. Two Israeli soldiers were wounded.

## **Possible Solutions**

### **1. Isratin**

This is a proposal for a bi-national state in the “Holy Land”. Proposed by Saif al-Islam Gaddafi, it seeks the establishment of a secular federal republic where there are 5 administrative divisions with Jerusalem being a city-state.

### **2. Elon Peace Plan**

The plan was drafted by the then-Tourism Minister of Israel, Benjamin Elon. It sought the annexation of West Bank and Gaza by Israel and the absorption of Palestinian refugees into the neighbouring Arab countries, mainly Jordan.

### **3. Allon Plan**

Made soon after the Six Day War, it aimed at partitioning the West Bank between Israel and Jordan and creating a State of Druz in between the Israeli and Jordanian portions of the West Bank.

### **4. Arab Peace Initiative**

The initiative involved the withdrawal of Israeli forces from all Occupied Territories and a settlement to be paid in view of the Palestinian refugee problem by Israel, in exchange for the cessation of hostilities.

### **5. Israeli Peace Initiative**

It offered the withdrawal of Israeli troops from occupied territories, full civil rights to the Arab minority in Israel, partition of Israel along the Jewish-Arab lines such that the Jewish Quarter is under Israeli control leaving the Temple Mount under “God’s sovereignty” and relinquishing the rest to Jordan and the sacred Islamic places to be given to a Muslim Waqf to maintain in exchange for recognition by the Palestinian Authority and the complete cessation of hostilities.

## **Useful Links for further Reaserch**

- I. <https://www.un.org/securitycouncil/content/resolutions-0>
- II. <https://www.hrw.org/world-report/2019/country-chapters/israel/palestine>
- III. <https://www.palestinianbasiclaw.org/>
- IV. <https://www.un.org/unispal/document/auto-insert-209986/>
- V. <https://m.knesset.gov.il/EN/activity/Pages/BasicLaws.aspx>

- VI. <https://www.un.org/press/en/2018/ga12096.doc.htm>
- VII. <https://www.securitycouncilreport.org/chronology/israelpalestine.php>
- VIII. <https://www.timesofisrael.com/libermans-peace-plan-calls-for-funding-arab-emigration/>
- IX. <https://geneva-accord.org/>
- X. <https://www.bbc.com/news/world-middle-east-39002001>