

Committee/Council:	Political Committee
Issue:	The situation in the occupied Palestinian territory
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Position:	Co-Chair

Introduction

The question of Palestine can be characterized as one of the most controversial issues that has been discussed in the United Nations (UN) since its establishment as an international organization. In the epicenter of the Palestine Issue lies the Arab-Israeli problem which the Israeli-Palestinian conflict continuously deepens and perpetuates. This Study Guide aims to provide a deeper insight into the political conflict surrounding the occupied Palestinian territory and to direct the delegates in the proposal of feasible compromises, agreements and solution.

Definition of Key-Terms

Occupied Palestinian Territory (oPt or OPT)

The International Court of Justice defines oPt as the area of the West Bank of the river Jordan, including East Jerusalem as well as the Gaza Strip. When the Six-Day-War broke out in 1967, Israel occupied these territories. The West Bank previously belonged to Jordan and the Gaza Strip belonged to Egypt. After the Six-Day-War of 1967 these territories were under Israeli military control and supervision and were hence referred to as the oPt. (see pictures after the Bibliography). Geographically, the West Bank lies on the west of the river Jordan and borders Israel and Jordan. The Gaza Strip is a strip of land on the coast of the Mediterranean Sea, on the North-West of Egypt. The Gaza Strip does not have common borders with the West Bank. It only borders Egypt and Israel.

Palestinian Authority (PA) - Palestinian National Authority (PNA) - State of Palestine

Before the establishment of an internationally recognized Palestinian interim self-government, the Palestine Liberation Organization (PLO), an organization

established in 1964 with the aim of creating an independent Palestinian state, had been recognized as the “sole legitimate representative of the Palestinian people” by a large number of countries and had been given observer status at the UN in 1974. Until the Madrid Conference in 1991 though, the PLO was considered to be a terrorist organization by the US and Israel. However, from then on, the improving diplomatic relations led to the mutual recognition of Israel and the PLO and to the 1993 Declaration of Principles on Interim Self-Government Arrangements (also known as the Oslo I Accord, full text [here](#)), which paved the way to the creation of an internationally recognized Palestinian interim self-government:

“Article I:

Aim of negotiations:

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council"), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973). It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council resolutions 242 (1967) and 338 (1973).

Article II:

Framework for the interim period:

The agreed framework for the interim period is set forth in this Declaration of Principles.

Article III:

Elections:

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will ensure public order.

2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.

3. These elections will constitute a significant interim preparatory step toward the realisation of the legitimate rights of the Palestinian people and their just requirements.

Article IV:

Jurisdiction:

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and the Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.”

The Interim Agreement on the West Bank and the Gaza Strip (also known as the Oslo II Accord, full text [here](#)) between Israel and the PLO followed in 1995. It extended the competences/jurisdiction of the agreed “Council” (the PA), specified the structure and size of the “Council”, called for Israeli troop withdrawals from the Palestinian areas, planned the “Council” elections and provided regulations for the borders of Israel with the Palestinian territories. According to Article II, paragraph 2 of the agreement:

“These elections will constitute a significant interim preparatory step towards the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions.”

The elections were held in 1996. The Oslo II Accord became the basis for subsequent negotiations and agreements, such as:

- The 1997 “Protocol Concerning the Redeployment in Hebron” (also known as the Heron Agreement) between Israel and the PLO with specific provisions on Israeli troop withdrawals by mid-1998 (apart from “settlements and military locations”).
- The Wye River Memorandum, agreed on by Israel and the PA, which aimed to promote the implementation of the 1995 Interim Agreement to full extent (including newly adopted provisions on redeployment, security action and cooperation as well as mutual economic cooperation).
- The Road Map for Peace of 2003 which merely constituted a plan of action for the peaceful establishment of an independent Palestinian state as well as peaceful coexistence between Israel and the Palestinians. The plan was never implemented, though, due to political disagreement, settlement expansion by Israel in Palestinian territories and ongoing hostilities from both sides (including terrorist activity from the Palestinian side). Major parties involved, namely Israel, the PA, Egypt, Jordan, the US and others, continued to express their support for the road map until 2006, but a general diplomatic crisis and military

tensions between Israel and Lebanon caused by the Hamas'¹ victory in the Palestinian parliamentary elections led to the assumption the road map was dead.

An inner-Palestinian conflict between the Fatah² and the Hamas, the Gaza war of Israel against the Hamas and the Israeli debate on a settlement freeze further increased tensions.

On the 03.01.2013, Mahmoud Abbas, the President of the PA, officially changed the name of the PA to "State of Palestine". This new name is not used by all countries. The countries that voted against [General Assembly Resolution A/RES/67/19](#) of 2012 (which gave the PA observer status with the UN) initially refrained from using it. Even some countries that voted in favor of the resolution have not yet recognized the "State of Palestine" as the official name and at the time of writing refrain from using it.

Background Information

It can be claimed that the impact that the UN has had on the issue of the occupied Palestinian territories is not as significant as some would expect, given that the issue has been discussed in the UN in many forms since its creation.

Fattah and Hamas

The Gaza Strip used to be a part of Egypt, a land where Arabs and mainly Palestinians lived until the Six day War, after which Israel gained control of the Gaza strip and the West Bank which belonged to Jordan. This occupation has magnified and deepened the issue of Palestine and has created the Occupied Palestinian Territory. In these regions violence was a widespread phenomenon for long and the Palestinian civilians usually suffered the most casualties. The attempts of the Palestinians to organize themselves in legal bodies of representation such as the Palestine Liberation Organization (PLO) and after that the Palestinian Authority (PA) were not always characterized by a spirit of unity. In 2005, after the death of PA leader Yasser Arafat, the elections held led to a majority vote for the Fattah member Mahmoud Abbas

¹ The „Islamic Resistance Movement“ or Hamas (for short) is a Palestinian Sunni Islamist organization with extremist religious and political views and an associated military wing. The liberation of Palestinian lands from Israel (through military action) is the organization's founding goal. Recent negotiations have led to compromises, though, where the Hamas' political bureau chief stated that the organization was willing to cooperate with "a resolution to the Arab-Israeli conflict which included a Palestinian state based on 1967 borders".

² According to [Wikipedia](#), the „Fatah is a major Palestinian political party and the largest faction of the Palestine Liberation Organization (PLO), a multi-party confederation. “

(now president of the State of Palestine). However there were allegations that Yasser Arafat had used foreign aid funds to cover his expenses. These allegations towards this great Palestinian leader gave rise to the Islamist party of Hamas. By 2006 the elections for the Palestinian Legislative Council were held and Hamas won with a clear majority vote. Despite Hamas being elected by the people in a position of political power, Hamas has been regarded by the EU, Israel and the USA as a terrorist organization because it fails to recognize Israel's right to exist. Conflicts in the oPt escalated significantly with the split of the Palestinian Authority to the Fattah government in the West Bank and the Hamas' governing body in the Gaza Strip. Hamas would not initially recognize the Fattah government as a legitimate representative of the Palestinian people and at the same time Fattah would refer to the Gaza Strip that was occupied by Israel as part of the the oPt and hence would not recognize the Hamas government. The differences of these two political factions are often ignored but pose a major hurdle towards the achievement of peace. These differences peaked in 2007 when Hamas started governing the Gaza Strip and Fattah governed the oPt of the West Bank. The aftermath of this split that lasts until today is the lack of political consensus in many matters between the Palestinian president Mahmoud Abbas and members of the more radical Hamas. A more short-term impact of the rise of Hamas was the temporary cut in foreign Humanitarian Aid in 2007 by 3 of the 4 members of the "quartet" (UN, US, EU, Russian Federation), with Russia warning against this measure. Also the aggression of Hamas and its refusal to recognize Israel and negotiate with it, led to the Gaza War.

The Gaza War

The Gaza War lasted for three weeks from the 27th of December 2008 until the 18th of January 2009 when both conflicting sides declared a unilateral ceasefire. The conflict started when the Israeli army begun the operation code-named "Cast Lead" in order to halt rocket attacks by Hamas that would target Israel's urban centers. The operation began with airstrikes and navy strikes. A ground attack followed on January 3 in which militants of Israel attacked police stations, facilities of storage of weaponry and small arms as well as teams that were suspected to be firing rockets towards Israeli territory. Palestinian paramilitaries and members of Hamas replied by launching rockets into Israel. Due to pressure and criticism of the international community the Israeli forces, having already penetrated into the territory of the Gaza Strip decided not to proceed further and declared a ceasefire. Hamas declared a unilateral ceasefire soon after. The death toll was estimated by human rights groups to 1400 Palestinian civilians, while Israel maintains the opinion that the dead were 1166 and claimed these reports to be inadequate and one sided. It is certain though, that 10 Israeli soldiers and 3 civilians were killed. An investigation carried out by Richard Goldstone, a judge from South Africa, after the ceasefire stated: "indicating serious violations of international human rights and

humanitarian law were committed by Israel during the Gaza conflict". The UN statement also mentions that the Israeli attacks were of disproportionate magnitude and aimed towards the whole population of Gaza being terrorized and humiliated. Therefore it becomes evident that major human rights abuses that have lasted for decades continue and will continue if the critical issue is not resolved. Recent conflicts in the Gaza territory include the operation Pillar of Defense carried out by Israel in November 2012.

Settlements

A settlement can be defined as a usually small residential area. The settlements build by Israel in the oPt have posed and continue to pose a major threat to political stability while hindering the negotiation progress and the achievement of peace. The settlements can be characterized as unlawful colonies that are built in the oPt and maintained by Israel. At the same time part of the Israeli population inhabits these growing settlements leading to an artificial alteration in demographics. These settlements lead to the displacement of Palestinians from their land as they create Israeli communities in the outskirts of East Jerusalem and other areas of the West Bank. As Time magazine reported, at the start of 2012 a peace seeking pressure group claims that if settlement construction continues at that rate a two state solution, and a Palestinian State will soon become unfeasible. Since then, Benjamin Netanyahu, the current prime minister of Israel, has nearly quintupled the construction rate. For decades, the settlements have been connected by road network that is only available to the Israelis and as a result Palestinian patches of land are left virtually landlocked with only secondary road network. This has a harmful impact on economy and society and perpetuates the division in the largely troubled region of the West Bank. However it should be mentioned that Israel decided to disengage from the Gaza Strip and withdrew its settlements from there. Despite that, Israel remains in control of the airspace of the Gaza Strip as well as the waters near Gaza; consequently, the Gaza Strip remains an oPt according to the UN. As a result there have been cases where humanitarian aid headed to the Gaza Strip was blocked by Israel. The most famous case has been the Gaza flotilla raid against six ships carrying humanitarian aid that led to the death of nine Turkish activists, one of which also had roots in the USA.

Major Countries and Organizations Involved

Israel

As expected, Israel is a major stakeholder in this topic. The State of Israel has a legitimate right to fight against radical organizations like the Hamas that do not

recognize its right to exist as a country and hence want to regain what is official Israeli territory since 1948. In order to ensure its defense is strong against rockets launched from Gaza or other areas of the Middle East, Israel has created one of the most advanced air defense systems in the world, the Iron Dome. The government of Israel had a varying degree of hostility against Palestinian people and territories from the birth of Israel until today that ranged from the 6-Day-War of 1967 and the rapid expansion of Israeli settlements in a state-backed process to peace talks with the late Palestinian leader Yasser Arafat and the Oslo Accords. After the Gaza War and, more specifically, in 2010, the peace talks between Israel and the PA were brought to an unprecedented stalemate. This, in addition to several other factors, has contributed, according to the opposition to the Israel government, to Israel's international isolation. In 2013 peace talks are continuing with the use of shuttle diplomacy³.

The "Quartet"

As defined above, the quartet is composed of the UN, the EU, the US and the Russian Federation. These major organizations and countries are pursuing the establishment of peace via negotiations, towards the achievement of a fair solution for both parties.

The UN

The UN has a longstanding policy that aims towards the stabilization of the situation in the oPt through peaceful negotiations along with the achievement of a two-state solution that will bring peace and mutual recognition of the right to exist of both Israel and the State of Palestine. The UN Secretary Generals have deplored the human rights violations that have occurred through the decades and called for peace talks. The UN deployed its first peacekeeping mission there; the UN Truce Supervision Organization is at the Golan Heights since 1948. The UN is also sending humanitarian aid to the oPt when needed.

The EU

The EU in general supports the Palestinian Authority as well as the efforts made by PA to achieve its goal. Most EU countries voted in favor of UN resolution A/RES/67/19 (granting observer status to the PA) and the ones that did not vote in favor, e.g. the United Kingdom, chose to abstain. Also, the EU members combined have been the largest supporter of the PA in terms of humanitarian aid by far. It has been estimated that in 2011 the EU provided 53% of the overall humanitarian aid

³ According to [Wikipedia](#): „The action of an outside party in serving as an intermediary between (or among) principals in a dispute, without direct principal-to-principal contact“.

directed to the oPt, while the Arab World provided 20% and the US donated 11% with the rest coming from other countries or organizations.

The US

On May 14, 1948, David Ben-Gurion, the head of the Jewish Agency, proclaimed the creation of the State of Israel. US president Harry S. Truman recognized the new nation on the same day. That shows that the US has helped significantly Israel since its creation. The US is a close ally of Israel and one of the nine countries that voted against resolution A/RES/67/19. Its policy supports a two state solution, as Hillary Clinton, Minister of Foreign Affairs, recently outlined: “We have been clear that only through direct negotiations between the parties can the Palestinians and Israelis achieve the peace they both deserve: two states for two people with a sovereign, viable independent Palestine living side by side in peace and security with a Jewish and democratic Israel”. However in that same speech that was given after the vote of the resolution A/RES/67/19, Hillary Clinton claimed that the vote was “unfortunate and counterproductive”. The US has been supporting Palestine with humanitarian aid but has also been selling arms to Israel. The Obama administration has pressured Benjamin Netanyahu regarding the issue of settlements.

The Russian Federation

Russia has officially supported the Palestinian bid for statehood in 2011 and voted in favor of resolution A/RES/67/19. Mahmoud Abbas has visited Russia numerous times since his election as leader of the PLO, the sole legitimate representative of the Palestinian people. Russia also sent humanitarian aid to Gaza after the Gaza War. Generally, the Russian Federation seeks for the establishment of a two-State solution with a viable Palestinian state that can, according to Russia, only be created if there is a significant pull-out from the West Bank by Israel. It becomes evident that the Russian Federation condemns violence and the construction of settlements.

Timeline of Events

Date	Description of Event
1947	UN partition plan (on Wikipedia).
14 May 1948	The declaration of the birth of the State of Israel.

1950-1960	Israeli expansion to Palestinian land (according to the UN partition plan).
1964	Palestine Liberation Organization is created.
1967	Israel triumphs in the 6-Day-War, gains control over the West Bank, the Gaza Strip (oPt) and the Golan Heights.
1973	Fourth Arab-Israeli War.
1980-1990	Intensive construction of settlements.
1987	The first intifada (uprising) begins with riots of the Palestinian inhabitants in the oPt.
1993	Secret Talks begin in Norway. Yasser Arafat and Yitzhak Rabin sign Oslo Peace Accords, leading to the formation of the PA in Gaza and parts of the West Bank. Arafat recognizes the right of the State of Israel to "exist in peace and security," and Israel recognizes the PLO and grants it limited autonomy.
1998	Wye River Memorandum is signed; unsettled issues in the implementation of the Oslo Accords are dealt with.
2003	The Road Map for Peace is proposed; it aims towards restarting the peace process by outlining specific milestones for progress. Palestinians are urged to abandon terrorism in exchange for an end to the Israeli settlement program with the ultimate goal of a two state solution.
2004	Yasser Arafat dies, Mahmoud Abbas leads PLO and PA ever since.
2005	Tensions continue while Israel adopts the Gaza disengagement plan and abandons Jewish settlements in the Gaza Strip. Settlements expanding around East Jerusalem in the West Bank.
2006	Hamas wins Palestinian elections; the "quartet" (except for Russia) suspends humanitarian aid to the PA.
2007	Palestinian Movement divided; Hamas drives Fatah out of the Gaza Strip. Israeli towns of the South are almost daily attacked leading to retaliation of greater magnitude.

December 2008 - January 2009	Gaza War that ends with a January ceasefire, tensions remain.
2009	President Obama criticizes the settlements, advocates a negotiated two state solution, saying that "Israelis must acknowledge that just as Israel's right to exist cannot be denied, neither can Palestine's." Benjamin Netanyahu speaks about co-existence of "a demilitarized Palestinian State alongside a Jewish State".
2010	Peace talks halt temporarily.
2011	The PA seeks full UN membership and becomes the 195 th member of UNESCO; full UN membership is not granted.
26.11.2012	Resolution A/RES/67/19 recognizes the State of Palestine and upgrades it to a "non-member observer". The resolution passes with 138 in favor, 9 against and 41 abstentions.

Relevant UN Treaties, Resolutions and Events

Yasser Arafat's "olive branch speech" in 1974

A speech about hope for a peaceful coexistence between Israel and Palestine, see short Youtube-video:

<http://www.youtube.com/watch?v=LVXN6EiqKFY> (The introduction of episode 3 of the documentary entitled "PLO History of a Revolution"; 1:06 minutes long.)

The Oslo Accords (see "Definition of Key Terms / PA - PNA - State of Palestine")

Resolution A/RES/67/19 (see "Timeline of Events")

Right before its adoption on the 29.11.2012, PA president Mahmoud Abbas gave a speech about Palestinian independence and the importance of a two state solution:

<http://www.youtube.com/watch?v=Hsv0GUNcGG8> (Full speech; 21:54 minutes long.)

Full text of the speech at:

<http://www.timesofisrael.com/full-text-of-mahmoud-abbass-speech-to-the-un-general-assembly-november-29-2012/>

Previous Attempts to solve the Issue

The issues connected to the Arab-Israeli problem have always called for complex negotiations and discussion. In summary:

A major breakthrough towards a solution started with the official recognition of the PLO as legitimate representative body of the Palestinians living in the oPt. These attempts to bridge the religious, political, territorial and historical gap between the two nations continued in the 1990s with the Oslo Accords and the birth of the PA. However, a major setback towards the resolution of the matter was the assassination of Yitzhak Rabin, the 5th Israeli Prime Minister, in 1995 (while still in office). The governments of Israel that followed did not managed to negotiate in the same manner as late Prime Minister Rabin.

In 2003, attempts by both sides and the “quartet”, with the significant guidance of US President George W. Bush led to “The Road Map for Peace”. This was an attempt to gradually solve the issue by creating specific checks for the progress of the peace process, accompanied by the restart of peace talks. “The Road Map to Peace” calls for an end in the Israeli settlements in exchange for an end to Palestinian terrorist attacks. The Second Palestinian Intifada, the death of the great Palestinian leader Yasser Arafat, the rise of Hamas that led to the Gaza War all indicate that the international community, Israel and the PLO are still at the beginning of the road to peace and prosperity.

Possible Solutions

At this point, it is evident that there is international consensus on the need for a two state solution. This need is expressed by almost all UN member states. Israeli Prime Minister Benjamin Netanyahu talked about the creation of a demilitarized Palestinian State. During the conference, the delegates should bear in mind the need for a two state solution and the international acknowledgement of the illegitimacy of the Israeli Settlements in the oPt. The fact that there is a lack of Political consensus between the terrorist organization of Hamas and the PA should also be taken into account. What also needs to be resolved is the problem of refugees in the region. The UNHCR (The UN Refugee Agency) could offer precious help. Many say that the two sides should accept the right of one another to exist, something that only partially happens today despite past negotiations.

Regarding the borders, some argue that they should return to the “1967 line”. This seems a realistic solution on condition that all Israeli settlements are withdrawn from the oPt. However, a scenario of such massive disengagement should

be carefully planned in order to minimize the harm on economy and society. Apart from that, the “1967 line” raises the question of the territory around East Jerusalem. Will it remain under Israeli occupation? Is it realistic to propose a shared area that is sacred to both Jews and Arabs without expecting any violent confrontation that can lead to turmoil? Also the status of the State of Palestine in the UN should be further evaluated. In order for all these issues to be tackled, the delegates should produce a detailed plan that takes account of the rising power of Hamas and all the other challenges that threaten the traversal of the long road towards peace.

Material for Further Reading and Images

All delegates are advised to read thoroughly the information and detailed maps provided by the following links as well as to watch the video provided in the second link.

Link 1 : <http://www.fmep.org/resources/publications-1/FMEP%20map%20progression%20presentation.pdf>

Link 2: <http://www.cfr.org/israel/crisis-guide-israeli-palestinian-conflict/p13850>



Above: The growth of Israel and the oPt

Source: <http://palsolidarity.org/wp-content/uploads/2013/06/shrinking-map-of-palestine.png>

6. <http://www.ifamericansknew.org/history/>
7. <http://www.infoplease.com/world/countries/israel-palestine-conflict/>
8. http://www.pbs.org/newshour/bb/middle_east/jan-june06/hamas_2-28.html
9. <http://www.project-syndicate.org/commentary/can-a-more-powerful-hamas-make-peace-with-israel-by-mkhaimar-abusada>
10. <http://unispal.un.org/UNISPAL.NSF/0/38D6C47FC5FB0CDD852575D6006C70D4>
11. <http://www.un.org/News/Press/docs/2012/ga11319.doc.htm>
12. <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486826>
13. <http://www.independent.co.uk/voices/comment/the-latest-war-with-hamas-over-gaza-proves-benjamin-netanyahu-is-leading-israel-into-isolation-8348298.html>
14. http://www.factsandlogic.org/ad_134.html
15. <http://www.alonben-meir.com/uploads/pdfs/pij1.pdf>
16. <http://www.fmep.org/resources/publications-1/FMEP%20map%20progression%20presentation.pdf>
17. <http://www.cfr.org/israel/crisis-guide-israeli-palestinian-conflict/p13850>
18. http://thecepr.org/index.php?option=com_content&view=article&id=115:illegal-israeli-settlements&catid=6:memos&Itemid=34