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THE QUESTION OF PALESTINE

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Basic Overview of the Issue

Palestine, the region bounded by the Mediterranean Sea to the Dead Sea, is home to Jerusalem, Bethlehem, Nazareth, and Jericho - all holy lands according to the three main Abrahamic religions. Judaism, the oldest of the three, was founded in Palestine and called Palestine “the land of Israel”. Jesus Christ, the founder of Christianity, was from Nazareth and was crucified by Roman forces near Jerusalem. Caliph Umar of the Rashidun Caliphate built Islam’s third holiest site, the Al-Aqsa Mosque, in Jerusalem.

Prior to the start of the First World War, Palestine had been controlled by the Ottoman Empire for nearly 400 years. The area was majority Muslim and had Christian, Druze, and Jewish minorities. At this time, an overwhelming majority of Jews lived abroad, mostly in Eastern and Central Europe. The Zionist movement, advocating for the creation of a State of Israel, lacked support; however, after the horrors of the Second World War was witnessed, the Jewish community started to support the creation of a Jewish state.

That said Jewish state, the State of Israel, was carved out of British Mandatory Palestine. Arab states around it opposed its creation, while the Western powers, especially the United States, were strongly in favour. The State of Israel and its Arab neighbours continue to have extremely tense relationships. With the start of the War in Gaza last year, following Hamas’ devastating terror attack on Israel, the State of Israel has unleashed total war on Palestine, prompting international outcry and condemnation.

Explanation of Important Terms

Zionism

As defined by the Encyclopaedia Britannica, Zionism is the “Jewish nationalist movement with the goal of the creation and support of a Jewish national state in Palestine, the ancient homeland of the Jews” and the founding ideology of the State of Israel (Editors of Encyclopaedia Britannica).

Nakba

The United Nations states that the word “refers to the mass displacement and dispossession of Palestinians during the 1948 Arab-Israeli war” (United Nations).



Genocide

The Genocide Convention defines genocide as the following. In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.

Various sources, especially after the 7th of October terrorist attacks, have accused Hamas of the crime of genocide. Likewise, many international organizations have accused the State of Israel of the crime of genocide due to the disproportionality and discriminatory nature of its retaliations. There is currently a case brought by South Africa against Israel in the International Court of Justice regarding whether Israel's actions amount to the crime of genocide.

Two State Solution

Supporters of the two-state solution state that there should be two separate countries, one for Jews and one for Palestinians, in Palestine and Israel. This is the position adopted by the United Nations and the State of Palestine. The State of Israel used to support the two-state solution; however, they have stopped endorsing it citing constant terrorist threats originating from the West Bank and Gaza.

Apartheid

Apartheid, meaning apartheid, was the policy that governed the race relations between whites and other race groups in South Africa until 1992. This system disenfranchised nonwhite citizens of South Africa, limited their civil rights, and forced nonwhite citizens into specific areas of the country called Bantustans. Many critics of Israel and, increasingly, international organizations such as Amnesty International and Human Rights Watch now accuse the State of Israel of committing the crime of apartheid against Palestinians. They cite the facts that Palestinians in the Occupied Territories face military law, whereas Israelis are only subject to civil law, that Israel



limits the right of travel and property of Palestinians by forbidding the right to own property to Palestinians and block their travel by declaring roads and infrastructure for solely Israeli use, that the State of Israel denies the right of return to Palestinians, and the continuation of Israel's military occupation in the West Bank and Gaza as proof of Israel's apartheid. The Israeli government responds that these policies are in place for the security of Jewish citizens of Israel, and is an effective way to stop terror attacks from Gaza and the West Bank into Israel.

Detailed Background of the Issue

The start of the Israeli-Palestinian conflict can be traced back to the years leading up to the First World War, when what is today called Palestine had been a part of the Ottoman Empire for the last three hundred years. After the First World War, the territory was occupied by the British, who established Mandatory Palestine. As the ideals of nationalism spread like wildfire across the Middle East, the wishes for an Arab state in the region increased. The British Empire, in the letters between Sir Henry McMahon (British High Commissioner in Egypt) and Hussein ibn Ali (Sharif of Mecca), known as McMahon-Hussein correspondence, promised the establishment of an Arab state following the end of the war, in exchange for a revolt. At the same time, an agreement between Sir Mark Sykes (British diplomat) and François Georges-Picot (French diplomat) was negotiated, by which the territory of the Ottoman Empire in the Middle East was partitioned between the British Empire and France. Concurrently, with the Balfour Declaration, the British promised the creation of a Jewish homeland in Palestine. As a result of the rise in anti-semitic ideologies across Europe, Jewish immigration to the British Mandate of Palestine increased, even though the British tried to regulate it. Discontent regarding the increase in Jewish immigration and the nonfulfillment of the promise of an independent Arab state resulted in a revolt by the Palestinian Arab population from 1936-1939. In response, the government put harsher quotas on Jewish immigration at a time that coincided with an increased persecution of Jews in Europe and the Holocaust, leading to the establishment of Jewish armed groups in the British Mandate for Palestine that resisted British rule.

Following the Second World War, the British canceled their mandate over Palestine and asked the General Assembly to propose a partition plan. On the 29th of December, 1947



Resolution 181 (II) passed the General Assembly, dividing the land between the Jews and the Muslims, with Jerusalem being a separate body (*corpus separatum*). The plan was accepted by the Jews, who, despite being only $\frac{1}{3}$ of the population in the mandate, were given 57% of the land, but was rejected by the Muslims and the Arab League on the grounds that it was unfair to the Arabs living in the regions allocated to Israel, as they'd be forced to immigrate. The Muslim refusal of the plan led to a civil war, which in turn kickstarted the 1948 Arab-Israeli War. The War was devastating for the Palestinians, and the State of Israel emerged victorious. The Palestinian refugee crisis began in 1948, and the Israeli government occupied and commandeered civilian buildings for Jewish use from Palestinian Muslims. Today, the events are referred to as Nakba, meaning catastrophe in Arabic. In 1948, 85% of the Palestinians living in the areas that became the state of Israel became refugees. The Nakba has been called ethnic cleansing by many international outlets and is seen as one of the core reasons for the continuation of the Israeli-Palestinian conflict.

The following years bore even more conflicts between the Arab states and Israel: the Suez Crisis in 1956, the Six-Day War in 1967 that resulted in Israeli control of the Sinai Peninsula, Gaza Strip, West Bank, and Golan Heights, the Yom Kippur War in 1973 after which, by the Camp David Accords signed in 1978, Israel relinquished control over the Sinai Peninsula to Egypt in exchange for recognition, and the Lebanon War in 1982. The Camp David Accords, led by the recently deceased American president Jimmy Carter, were the first large-scale diplomatic meeting between an Arab State (Egypt) and Israel. However, the product of the Accords which included a plan for Palestine was condemned by the United Nations as no Palestinian representative was present in the writing of the Accords.

The occupation of the West Bank and the Gaza Strip, the last remaining Palestinian territories, led to the formation of militant resistance forces within both, and led to the start of the First Intifada, meaning the first uprising. Beginning in 1987 and continuing until the signing of the Oslo Accords in 1993, the First Intifada started when an Israeli truck rammed into four cars, killing four Palestinian civilians. The Oslo Accords in 1993 stipulated the withdrawal of Israeli forces from Palestinian municipalities. In 2000, the Camp David Summit also failed to produce any long-term solution to the Palestinian question.

The failure of the Camp David Summit led to the start of the Second Intifada, which was characterised by widespread Palestinian stone-throwing.



Up until 2023, conflict in Palestine hadn't seen such intense stages since 2005 when the Second Intifada ended. Following Hamas' attack on Israel on the 7th of October, 2023, the conflict in Gaza reignited, and has, up until December 2024, claimed the lives of 46,000 civilians, 44,000 of them being Palestinian and more than half women and children.

Hamas is a Palestinian political party that is currently governing the Gaza Strip (see the Palestine section under Major Parties Involved for further details regarding Palestinian factions), whose military wing, the Al-Qassam Brigades, which is referred to as Hamas in Israeli sources, led the attack on Israel on the 7th of October. Hamas is recognized as a terrorist organization by most of the Western World, including the United States and the European Union. However in the East, especially within the Islamic World, Hamas is seen as a force of resistance in the face of brutal occupation.

The West Bank, on the other hand, is governed by the Palestinian Authority, led by Fatah. Hamas and Fatah represent the largest Palestinian functions, and frequently have conflicts over the control of the Palestinian Authority.

Major Parties Involved

Israel

The State of Israel was founded in 1948 during the first Arab-Israeli War after successfully defending itself from Arab enemies on three different fronts. Most Israelis have preferred the two-state solution to the status quo during the last decade; however, the portion of Israelis preferring it has decreased significantly in the last ten years. Nonetheless, Israel's refusal to allow the establishment of a Palestinian state in the West Bank and Gaza Strip is based on two ideas: The first of which is that it is the land of historic Palestine, which Israel wholly secured in the June 1967 War. The second is that Jewish control over the whole territory is crucial for the security of the Jewish state. Hence, Israel refuses to permit the establishment of an Arab Palestinian state on it. Especially after the start of the War in Gaza, more Israelis became hostile to the idea of the existence of Palestine.

Israel, because of its conduct in the war in Gaza, has been accused of the crimes of genocide, ethnic cleansing, and apartheid by international organizations such as Human Rights Watch and Amnesty International. Still, Israel defends its ground operations in Gaza by stating that they are integral to the security of Israel.



Israeli settlements, also called Israeli colonies, have also been condemned by the United Nations Security Council as violations of Palestinian statehood. However, despite significant international backlash, the State of Israel has continued to build settlements, especially in the West Bank.

Palestine

The State of Palestine is a non-member observer state of the United Nations. Latest attempts to make Palestine a complete member state of the United Nations have faced vetoes from the United States of America at the Security Council. Currently, Palestine is recognized by 75% of all UN member states. The states that do not recognize Palestine are mostly from the Western World. However, most do support a two-state solution, but believe that the recognition should come as a result of bilateral discussions between Israel and Palestine. Two pieces of Palestine are separated by Israel: Gaza to the Mediterranean and West Bank to the Jordan Valley. Following the 2007 elections in Palestine, Gaza has been governed by Hamas, while the West Bank has been governed by Fatah.

Various factions exist within Palestine, such as Fatah and Hamas. A peace process will also require the creation of a centralized Palestinian government, something that does not exist at this moment.

Since October 7th, 2023, more than 44,000 Palestinians have been killed in the conflict in Gaza. The brutality of the conflict amplified support for Palestine across the world; however, it also made it apparent that the state apparatus of Fatah, based in the West Bank, is unable to exert any considerable influence over the affairs of Gaza.

United States of America

Often referring to Israel as its most unequivocal ally, the United States of America has drawn both condemnation and praise for its unwavering support of Israel throughout the conflict. Blocking many attempts to condemn Israel and granting full UN membership to Palestine, the United States has used its political capital to protect Israel from international isolation. Still, although Western support was high at the start of the war, rising civilian casualties have resulted in the State of Israel and the United States becoming increasingly isolated within the global arena. Even the United States government has grown critical of Israel's conduct of war, allowing some UN resolutions to pass that demand a ceasefire in Gaza and asking for guarantees that civilians will be protected.



Still, the US government has stated that Israel's special relationship with the United States is not up for discussion.

Chronology of Important Events

Date	Description of Event
November 29, 1947	Resolution 181(II) passes the General Assembly, dividing Palestine into an unnamed Jewish state and an unnamed Arab state
May 15, 1948	Great Britain terminates its mandate over Palestine, Israel declares independence, start of the <i>Nakba</i>
December 11, 1948	General Assembly passes Resolution 194, allowing Arab refugees to return to their homes after the end of War
May 11, 1949	General Assembly passes Resolution 273, admitting Israel into the United Nations. Israeli delegation promises to uphold Israel's obligations in Resolution 194
December 8, 1949	General Assembly's 302nd resolution establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
June 10, 1967	End of the Six-Day War, Israel



	occupies West Bank, including East Jerusalem, Gaza, Golan Heights, and Sinai Peninsula
November 22, 1974	The United Nations recognizes the Palestinian Liberation Organization (PLO) as the official and sole representative of the Palestinian people, grants it observer status Resolution 3236 affirms the inalienable rights of Palestinian people to self-determination, independence and sovereignty, and refugee return
July 30, 1980	The Knesset (Israeli parliament) enacts the “Basic Law: Jerusalem, Capital of Israel”, proclaiming Jerusalem, whole and united” is the capital of Israel. This is censured by the General Assembly and the Security Council
June 6, 1982	Israel invades Lebanon aiming to eliminate the PLO, the war results in the formation of the Hezbollah
December 9, 1987	The First Intifada begins
September 13, 1993	The First Oslo Accords are signed
April 30, 2003	The Quartet on the Middle East releases the “road map for peace”



	which is endorsed by the Security Council
July 9, 2004	The International Court of Justice issues its advisory opinion on the legality of the building a wall on Occupied Palestinian Territories: it declares that Israel's building of a wall is illegal under international law
June 15, 2007	Hamas expels Fatah leaders from Gaza, establishing control over the area. Israel seals Gaza off from the outside world, beginning of the Gaza Blockade
December 27, 2008	As a response to Hamas attacks, Israel begins Operation Cast Lead and invades Gaza. Between 1,146 and 1,417 Palestinians are killed, compared to 13 Israelis (4 killed by friendly fire)
December 23, 2016	The Security Council passes Resolution 2334, declaring Israeli settlements in Occupied Palestine illegal
October 7, 2023	Hamas passes the West Bank barrier and kills 797 civilians and 379 Israeli security forces, abducting a further 251 into the Gaza Strip as hostages. Israel starts its invasion of the Gaza



	<p>Strip. The invasion is still ongoing, and sources estimate the Palestinian life toll at around 44,000. The healthcare infrastructure of Gaza is completely destroyed by the Israeli military, and a famine is widespread. At least 70 hostages have been killed.</p>
December 29, 2023	<p>South Africa initiates a case against Israel at the ICJ, accusing the latter of the crime of genocide</p>
April 1, 2024	<p>Allegedly a Hamas command centre (a claim that couldn't be proven by Israeli authorities), the Al-Shifa Hospital in Gaza is completely destroyed by Israel Defense Forces (IDF)</p>
July 19, 2024	<p>The ICJ renders its ruling on the advisory case regarding the "Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem", its finding declared that the Israeli occupation of Palestinian Territories was illegal under international law, Israel should pay reparations to Palestinians, and that the State of Israel has failed meet its obligations as outlined in the International Convention on the</p>



	Elimination of All Forms of Racial Discrimination (ICERD)
November 24, 2024	<p>The ICC issues arrest warrants against Benjamin Netanyahu, the Prime Minister of Israel, and Yoav Gallant, the former Minister of Defense of Israel, alleging responsibility for the war crime of starvation as a method of warfare and the crimes against humanity of murder, persecution, and other inhumane acts during the Israel– Hamas war</p> <p>The ICC also issues an arrest warrant against a Hamas commander who was reportedly killed by an Israeli airstrike</p>

Relevant International Documents

- Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), 12 January 1951
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 4 January 1969
- Resolution Adopted On The Report Of The Ad Hoc Committee On The Palestinian Question, 29 November 1947 (**A/RES/181(ii)**)
- On annexation of the Golan Heights, 17 December 1981 (**S/RES/497(1981)**)
- United Nations Security Council resolution 1397, 12 March 2002 (**S/RES/1397**)
- United Nations Security Council resolution 1515, 19 November 2003 (**S/RES/1515**)



- Status of Palestine in the United Nations, 29 November 2012 (**A/RES/67/19**)
- Illegality of Israeli Settlements in Palestinian Territory Occupied Since 1967, 23 December 2012 (**S/RES/2334(2016)**)

Past Attempts to Resolve the Issue

There is yet to be a successful attempt to solve the Palestinian Question. The Quartet on the Middle East, led by Russia, the United States, the European Union, and the United Nations has published their “road map for peace” in 2003, but no real action has been taken upon this.

Other than the Quartet, there have been moves brokered by different US presidents at different times between Palestine and Israel. The current administrative system is based loosely on the Oslo Accords that were first signed in 1993 (which itself was loosely based on the Camp David Accords). However, this system is increasingly harmed by Israel’s dismantling of Palestinian authority in the West Bank by the building of new settlements. Furthermore, Israel, despite agreeing to the gradual transformation of certain areas in the West Bank (called Zone C) back to the Palestinians, has not taken any steps to do that since 1997.

Currently, the two-state solution is the most supported measure, based on 1967 borders. However, the prospects of the solution seem meek every day, as disagreements over borders, holy areas, Jerusalem, and the right of return continue to persist.

Since 2003, no other real concrete solution has been put on the table by any international organization.

Solution Alternatives

This section will identify some of the primary concerns regarding the peace process, and give some alternative solutions to the said concerns.

Borders: There needs to be an agreement on the borders of the two-states, and where Israel ends and Palestine begins. Israel wishes to incorporate its illegal settlements into its borders, whereas Palestine aims to restore whole control in its own territories. East Jerusalem, including the Old City, is recognized as part of Palestine; however, the Israeli



government wants to incorporate the city of Jerusalem, in its entirety, into Israel.

Israeli settlements: Israel has previously unilaterally disengaged from Gaza, dismantling twenty-ish settlements. Still, Israel has continued to build settlements in the West Bank. The settlements are viewed as illegal by international law, and even the United States, Israel's most steadfast ally, has requested their support. For a possible peace prospect, these settlements will have to be relocated into Israel and return the sovereignty to Palestine.

Right of return: The United Nations, International Court of Justice, and customary international laws grant Palestinian refugees who were forcefully expelled from their homes by Israel starting in 1948 the right to return. This means that the refugees and their descendants should be able to return to their homes, and their property must be reinstated. Israel has fought against this measure, which is viewed largely contradicting, considering that the State of Israel grants any Jew in the world the right to "return" to Israel and gain citizenship. This problem can be solved by reaching a compromise as to how the right of return will work, and what will happen to properties now owned by citizens of Israel.

Jerusalem: Jerusalem or al-Quds was declared a *corpus separatum* by the United Nations in 1949, meaning that it was to be put under an international mandate. The United Nations recognizes East Jerusalem (and the West Bank as a whole), including the Old City, as the territory for an independent Palestinian state, and West Jerusalem as part of Israel. The State of Israel claims Jerusalem, in its entirety, as its capital, however, that is widely condemned by member states of the United Nations who take Western Jerusalem to be the capital of Israel. Until a permanent deal is signed, most states continue to maintain their embassies in Tel Aviv, with the United States being the exception. A deal has to be made on the Status of Jerusalem, perhaps demanding both nations to allow for transit between the various sectors of Jerusalem.

Terrorism and war crimes: It is evident that Palestinian territories, as a result of its 70-ish year-long invasion, have become hotbeds for terrorism, called acts of resistance by its supporters. A peace process necessitates the demilitarization and disbandment of terrorist groups, and the judicial process to begin against any terrorists. Furthermore, Hamas and Israeli leaders who are accused of war crimes need to be tried accordingly.



Useful Links

- <https://www.un.org/unispal/history/> UN's account of the history of the Palestinian question
- <https://www.gov.il/en/pages/swords-of-iron-faq-6-dec-2023#2> Israel government's own account of its conduct of war
- <https://www.mofa.pna.ps/en-us/fundamentalissues/settlementandapartheidwall> The Palestinian government's own account of the conflict
- <https://www.icj-cij.org/case/131> ICJ ruling on the Wall case
- <https://www.icj-cij.org/case/186> ICJ ruling on Practices case
- <https://www.ochaopt.org/> United Nations Office for the Coordination of Humanitarian Affairs page on Palestine



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