

**Forum:** General Assembly 4

**Issue:** Legality of Israeli military actions in Palestine

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## Introduction

The conflict between Israel and Palestine (and by extension, the Arab League) is a relatively recent one, starting post World War II. Since the creation of Israel and its formal recognition as a state, alliances have changed and shifted and so has perspectives and opinions on its policy and activities in the region, particularly in the West Bank and Gaza, areas which are territories of the State of Palestine. Many developments in the region have drawn strong criticism from all sides in the international community, particularly on the subject of Israeli military actions in Palestine towards the citizens living in the West Bank and Gaza.

## Definition of Key Terms

### **Palestine (geographical region)**

The geographical landmass that encompasses Israel, the West Bank, and the Gaza strip. Often used interchangeably with the State of Palestine.

### **West Bank**

The region located in the west of Palestine claimed by the Palestinian Authority as part of the State of Palestine.

### **Gaza Strip**

The area of land located south of Israel, currently under control of the terrorist organisation Hamas, although a heavy blockade has been implemented on it by Israel.



*Caption #1: Map of Israel, the West Bank, and Gaza (West Bank & Gaza Map)*

**Israeli Defense Forces (IDF)**

The official name of the Israeli military.

**Occupied territories**

Areas under the control of a government they do not originally belong to. The word ‘occupied’ carries negative connotations.

**Geneva Conventions**

A series of treaties signed in Geneva centered around relieving the damaging effects of war on civilians. It is cornerstone of international law.

## Background Information

### Creation of Israel

Following the end of World War II, the idea of a Jewish state came into reality with the official creation and recognition of the State of Israel, located in an area formerly known as the British Mandate of Palestine. The creation of the State of Israel and subsequent immigration of Jewish people into the region displaced many Palestinians, especially Arabs. Many emigrated and relocated outside of Israeli borders, in what is known as the Nakba, a period of Palestinian exodus, due to the destruction of their family homes and settlements. Most Palestinians who originally lived in what is now Israel currently reside in the West Bank or Gaza.

### Violence and protests

Unsurprisingly, many Palestinians were unhappy with the change brought about by Israel's creation and no few revolts and protests took place in the country, sometimes violent, sometimes not, and taking many lives along the way, both Israeli and Palestinian. The military and police were heavily involved in containing these riots, often employing violence to do so. Hundreds up to thousands of civilians died during the series of riots and protests known as the Intifada.

The occurrence of violence continued well into recent history with Hamas carrying out multiple attacks on Israel in forms of suicide bombing and rocket attacks. Israel cites actions such as these as reasons for why the construction of the West Bank border wall as well as why the complete economic blockade on Gaza are necessary for the defence of its sovereignty.

### Israeli 'occupation' of Palestine

Despite the construction of the border wall in the West Bank, the Israeli government has actively encouraged settlements beyond the border, subsidising settlements in the West Bank and slowly eradicating Palestinian communities in the region through the years. The IDF have also carried out multiple operations demolishing Palestinian homes. In addition to that, the military and government have installed numerous checkpoints on roads throughout the region to restrict Palestinian movement in the area.

### Occupied vs. disputed territories

Due to the negative connotations of the term 'occupied' the Israeli government have repeatedly referred to the occupied territories as being 'disputed', meaning not particularly claimed or settled on by any country or party. The Israeli government has stated that it believes that the territories it currently

controls such as parts of the West Bank, Gaza, the Golan Heights, etc. were not governed by any nation before, therefore its current administration of the region does not count as occupied territory. However most of the international community disagrees with Israel's statement and considers the land occupied territory anyway.

### **Eradication of Palestinian communities and establishments**

As stated above, the Israeli government and military have subsidised and encouraged settlements in the West Bank beyond their own borders. At least one third of Israelis currently living in the West Bank have relocated due to economic reasons, such as government supported housing and subsidies. The IDF and Israeli government's support of such settlements have been deemed illegal and condemned by the majority of the international community, due to the fact that it arguably violates the fourth Geneva Conventions' article 49, which states that occupying nations cannot move its populations into the territory. The Israeli government disagrees that article 49 applies to the West Bank and Gaza because it does not consider those regions occupied territory, despite the support of the stance by the Red Cross, the United Nations, and the International Court of Justice. Israel has also been criticised for possibly violating another article in the fourth Geneva Convention, which states that occupying countries shall not destroy any fixed property. The IDF has very efficiently destroyed Palestinian homes as a means of exerting influence over the region, which can be seen as a violation of said article.

### **The West Bank barrier**

The Israeli government and IDF has built and currently operates a massive border wall running along the border between the West Bank and Israel under the claims of protecting itself from terrorists and outside threats from Palestinians. Opinions on the wall vary, some are in support of it as a legitimate tool of defense while others consider it as a tool of segregation, used to implement an 'apartheid' on Palestinians. Regardless, its presence in the West Bank has been ruled as a violation of the UN charter and other international laws by the UN's legal branch, the International Court of Justice, which states that the wall poses a threat to Palestine and counts as the use of force to intimidate civilians.

### **International reactions**

Aside from the obvious views of the Israeli government and the State of Palestine (or Palestinian Authority), much of the international community also have stances on this issue.

Due to the strategic importance of Israel in the Middle East, the USA have had a history of strong support for its long time ally, consistently vetoing resolutions in the Security Council that aimed to hold Israel accountable for its actions in the region. In a brief time period towards the end of former US president Obama's time in office, the USA somewhat retracted its support for Israel, condemning its

human rights violation and letting an anti-settlement resolution pass without a veto. However, the current Trump administration have shown strong support towards Israel, even announcing their recognition of Jerusalem as Israel's capital, despite its disputed status and vetoing a Security Council resolution condemning that statement.

Opposing Israel's activities in the West Bank for virtually all of Israel's existence thus far are the members of the Arab League, most of which do recognise Israel as a state at all and consider the land to be occupied. The Arab League has condemned actions and statements supporting Israel in anyway, such as president Trump's support of Jerusalem becoming Israel's capital. However, the validity and sincerity of these statements have been questioned, mainly due to the Arab League's inability to effectively carry out any actions towards Israel in recent summits.

## Timeline of Events

Date	Description of event
14 May 1948	Following the end of the British Mandate of Palestine and adoption of resolution 181 by the General Assembly and the partition plan which divided Palestine into the West Bank, Gaza and Israel, the State of Israel declared its independence.
2002	Israel begins the construction of the West Bank barrier wall, a project that is planned to stretch for more than 600 km along Israel's border. Construction goes underway for the protection of Israeli sovereignty from terrorist threats.
2004	The International Court of Justice rules the construction of the West Bank barrier wall as illegal, stating that it violates the UN charter and acts an agent of aggression and threat towards Palestine.
2005	Israel evacuates its civilians living in the Gaza strip and implements a strict economic blockade on the area, both on land, in airspace and at sea.
2017	Despite the previous slow of Israeli subsidised settlements in the West Bank, the Israeli government authorises the construction of more settlements in the West Bank as well as legalises the previous settlements present on private Palestinian property.

## UN Involvement, Relevant Resolutions, Treaties and Events

The United Nations has been deeply involved in the situation in Israel and Palestine on most fronts and the question has been brought up several times in the Security Council, but not much debate or progress has been made towards accountability due to the United States of America's vetoes on resolutions criticising its long-time ally. The UN ICJ has issued an advisory opinion against the West Bank barrier's legal status in 2004, a stance much of the General Assembly had shown support for. Despite that, Israel remains strong on its support of its military actions in Palestine and few treaties, ceasefires and resolutions have managed to yield more favorable outcomes for Palestine.

- Oslo Accords
- ICJ advisory opinion on the Construction of a Wall in the Occupied Palestinian Territory, 2004
- Geneva Conventions
- The situation in the Middle East, including the Palestinian question, 24th September 2002 **(S/RES/1435)**
- The situation in the Middle East concerning Israeli Settlements, 23rd December 2016 **(S/RES/2334)**

## Bibliography

Beauchamp, Zack. "What Are Israel and Palestine? Why Are They Fighting?" Vox, Vox Media, 31 Mar.

2014, [www.vox.com/cards/israel-palestine/intro](http://www.vox.com/cards/israel-palestine/intro).

"International Court of Justice Finds Israeli Barrier in Palestinian Territory Is Illegal." UN News Center,

United Nations, 9 July 2004, [www.un.org/apps/news/story.asp?NewsID=11292](http://www.un.org/apps/news/story.asp?NewsID=11292).

"Israel Profile - Timeline." *BBC News*, BBC, 7 Dec. 2017,

[www.bbc.com/news/world-middle-east-29123668](http://www.bbc.com/news/world-middle-east-29123668).

Melhem, Ahmad. "Is Israel Violating the Geneva Convention?" *Al-Monitor*, Al-Monitor LLC, 16 Oct. 2015,

[www.al-monitor.com/pulse/originals/2015/10/israel-destroys-palestinian-houses-jerusalem.html](http://www.al-monitor.com/pulse/originals/2015/10/israel-destroys-palestinian-houses-jerusalem.html).

Myre, Greg, and Larry Kaplow. "7 Things To Know About Israeli Settlements." *NPR*, NPR, 29 Dec. 2016,

[www.npr.org/sections/parallels/2016/12/29/507377617/seven-things-to-know-about-israeli-settle](http://www.npr.org/sections/parallels/2016/12/29/507377617/seven-things-to-know-about-israeli-settle)

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ents.

“The Geneva Convention.” BBC News, BBC, 10 Dec. 2009,

[news.bbc.co.uk/2/hi/middle\\_east/1682640.stm](http://news.bbc.co.uk/2/hi/middle_east/1682640.stm).

“West Bank & Gaza Map 2007 (Settlements).” Wikipedia, Wikimedia Foundation, Inc., 29 Oct. 2013,

[https://en.wikipedia.org/wiki/Israeli%E2%80%93Palestinian\\_conflict#/media/File:West\\_Bank\\_%2](https://en.wikipedia.org/wiki/Israeli%E2%80%93Palestinian_conflict#/media/File:West_Bank_%2)

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[\\_Gaza\\_Map\\_2007\\_\(Settlements\).png](#)