



General Assembly Plenary
Topic 2: The Question of Palestine¹

27 October 2011

The “Question of Palestine” was first considered by the General Assembly (GA) during its second session in 1947. Since then, it has been a recurring agenda item.² From 1947 to the present, the question has been: should Palestinians have their own state? If so, where should it be located, and how should it be formed? In the 64 years since 1947, this issue has not been resolved. This is not because UN member states have been unable to agree about the issue. From the beginning, most UN member states have supported the creation of an independent Palestinian state.³ Instead, the problem is that Israel and the Palestinians have been unable to agree about whether, where, and how a Palestinian state should and could be created. Moreover, they have consistently come to blows on this issue. As a result, millions of Palestinians remain displaced, and thousands of people have died on both sides. As a result, the question today concerns not only whether a Palestinian state should and could be created, but also how the UN can promote the security and human rights of both Palestinians and Israelis until they come to some agreement.

History and Current Events

Jews, Palestinians, and many other groups have historically occupied the area now recognized as Israel, the West Bank, and the Gaza Strip. As a result, the first step in understanding and responding to the question of Palestine is to understand the membership and challenges of each group, as well as their territorial claims, political aspirations, and cultural and religious similarities and differences.

Defining Groups: Race, Ethnicity, Religion, and Nationality

In thinking about inter-group conflicts such as the conflict between Israeli and the Palestinians, it is important to distinguish between race, ethnicity, religion, and nationality. According to Webster’s dictionary, *race* refers to “a family, tribe, people, or nation belonging to the same stock.” Today, scientists generally agree that there is a single human race, not as thought for many centuries many different human races. According to the Human Genome Program at the US Department of Energy, “DNA studies indicate that all modern humans share a common female ancestor who lived in Africa about 140,000 years ago, and all men share a common male ancestor who lived in Africa about 60,000 years ago.” The descendants of these individuals are physically more similar than different and are therefore all part of a single human race:

DNA studies do not indicate that separate classifiable subspecies (races) exist within modern humans. While different genes for physical traits such as skin and hair color can be identified between individuals, no consistent patterns of genes across the human genome exist to distinguish one race from another. There also is no genetic basis for divisions of human ethnicity. People who have lived in the same geographic region for many generations may have some alleles in common, but no allele will be found in all members

¹ This background guide was written by Karen Ruth Adams, faculty advisor, and Samantha Stephens, research assistant. Copyright 2011 by Karen Ruth Adams.

² UN General Assembly President, “The Question of Palestine,” 66th session (2011), available at <http://www.un.org/en/ga/62/plenary/palestine/bkg.shtml>

³ UN General Assembly President, “The Question of Palestine.”

of one population and in no members of any other. Indeed, it has been proven that there is more genetic variation within races than exists between them.⁴

The implications of this finding are profound. We can no longer assume that people who look different are genetically different and therefore may have trouble getting along. Instead, human *ethnic groups* are fundamentally social. People who have inhabited a certain place or who have shared certain experiences or a common language or religion may consider themselves to be part of a single group. Because these groups are social, they can form and reform over time in response to new experiences and new ideas.

An excellent example of the fact that ethnic groups can be redefined comes from the concept of “European.” Historically, groups on the European continent were more aware of their differences than they were of their similarities. From their perspective, Europeans inhabited many different places (for example, the Scottish Highlands versus the Pyrenees of on the border between France and Spain) and had very different experiences as well as different languages and religions. Thus until the rise of modern European states, European politics were marked by civil conflicts among groups within the territories we currently think of as being their “national” homelands. In France, for example, it was not until the authorities in Paris became strong enough to impose their will on other groups that the modern state of France was born. With that political change, French citizens changed their idea of their nationality from that of their local area (such as Brittany in France, where the people are known as Bretons) to that of the modern state they occupy (such as France).⁵

With the emergence of strong European states came the emergence of deadly inter-European wars, including the Napoleonic Wars, World War I, and World War II. During the Cold War, national distinctions between, for example, the French and the British, were supplemented by regional concepts of Western and Eastern European, with Eastern Europeans considered by those in the West and also by themselves to be different on the basis of their Slavic language and history. Since the end of the Cold War, however, Eastern and Western Europe have become much more politically and economically integrated. As a result, it is much more common to hear people in both parts of the continent talk about their common European identity. Should new conflicts emerge on the continent, cultural anthropologists would expect new European identities to emerge as well.

The fact that people can change their concept of their ethnic identity does not mean that they frequently do so. Neither does it mean that ethnic conflicts never occur. It does suggest, however, that conflicts among groups may arise for many reasons – not just their culture – and can therefore ebb when those other conflicts wane.

Jews, Arabs, Palestinians, Muslims and Christians

Now that we have defined different types of groups, we can understand a bit more about the conflict between Israel and the Palestinians. To do so, let us first consider the ethnic groups involved, namely the Jews and the Arabs.

What unites Jews is their religion. Jews are people who adhere to the Jewish faith or who descend from people who adhered to that faith. Among the latter, one can distinguish between ethnic Jews and practicing Jews; some ethnic Jews do not practice the religion. The historical language of Jews is Hebrew. When Jews were dispersed over many countries, the number of people who spoke Hebrew declined. When the state of Israel was established in 1948, Hebrew was made its official language.⁶

In 2010, there were 13.4 million Jews worldwide (about 0.02% of the world population). Of those, 5.7 million lived in Israel (75% of Israel’s population), and 5.2 million lived in the US (2% of the US population). Other countries with large Jewish populations are France, Canada, the UK, Russia, Argentina, Germany, and Brazil.⁷

⁴ Human Genome Program, “Genetic Anthropology, Ancestry, and Ancient Human Migration,” US Department of Energy Office of Science, Office of Biological and Environmental Research, available at http://www.ornl.gov/sci/techresources/Human_Genome/elsi/humanmigration.shtml

⁵ Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (Verso, 1991).

⁶ “Hebrew,” *Encyclopedia Britannica*.

⁷ Israel Central Bureau of Statistics, *Statistical Abstract of Israel*, 2010, available at http://www.cbs.gov.il/shnaton61/st02_27.pdf

What unites Arabs is their language. The Arabic language began among groups on the Arabian Peninsula and spread with the Islamic faith to North Africa and Central Asia.⁸ Palestinians are Arabic-speaking people who have historically occupied the Middle Eastern region known as Palestine. Although the spread of Islam from the Saudi Arabian city of Mecca throughout the Middle East, Africa, and Asia was important in the spread of the Arabic language, many Arabs are not Muslim. In particular, there are both Muslim and Christian Palestinians. According to historians and geneticists, Palestinians Muslims are largely descendants of “a core population” of Christians and Jews who “lived in the area since prehistoric times.”⁹ This reflects the fact that the oldest of the three religions is Judaism, followed by Christianity and Islam.

Today, there are 11 million Palestinians worldwide (about .02% of the world population). Of those, 1.5 million live in Israel and are Israeli citizens (about 20% of Israel’s population),¹⁰ and 3.8 million live in the West Bank and Gaza Strip. These are territories adjacent to Israel which since 1967 have been almost continuously occupied by Israel.¹¹

In 2005, Israel withdrew from Gaza, which was then administered by the moderate Palestinian group known as Fatah that also runs the Palestinian Authority in the West Bank. As discussed below, in 2007, Gaza came under the authority of the more militant Palestinian group, Hamas.¹²

Although Israel has withdrawn from Gaza and parts of the West Bank, it is unwilling to enter into negotiations to recognize Gaza, the West Bank, and East Jerusalem (which is currently occupied by Israel) as parts of a new, independent, Palestinian state unless the Palestinian Authority is willing to negotiate with Israel with no preconditions. But the Palestinians are not willing to negotiate until Israel stops allowing Israeli settlers to take over additional land in the occupied territories.¹³

Other countries with large Palestinian populations are Jordan (2.7 million), Syria, Chile, and Lebanon.¹⁴ These countries are hosting Palestinian refugees, who fled or were evicted from their homes when the state of Israel was created in 1948.

The Creation of the State of Israel

The region currently known as Israel, the West Bank, and Gaza Strip is one of the oldest areas of human occupation. The ancestors of the Jews and Palestinians were present in the area before 1000 BC. Throughout history, the region fell under the control of outside empires, such as the Babylonians, Greeks and the Persians. Before World War I, the Ottoman Turks occupied the area.

⁸ “Arabs,” *Encyclopedia Britannica*.

⁹ Ann Gibbons, “Jews and Arabs Share Recent Ancestry,” *ScienceNOW*, American Academy for the Advancement of Science, October 30, 2000, available at http://bric.postech.ac.kr/science/97now/00_10now/001030a.html

¹⁰ “Israel on eve of Rosh Hoshanah: Population hits 7.5m, 75.4% Jewish,” *Haaretz* news service, 16 September 2009, available at <http://www.haaretz.com/news/israel-on-eve-of-rosh-hoshanah-population-hits-7-5m-75-4-jewish-1.7768>

¹¹ “Palestinians grow by a million in decade,” *Jerusalem Post*, 9 February 2008, available at <http://www.jpost.com/MiddleEast/Article.aspx?id=91497> According to *Encyclopedia Britannica*,

¹² “Israel and Palestinian territories country profile,” *BBC News Online*, updated March 9, 2011, available at http://news.bbc.co.uk/2/hi/middle_east/country_profiles/803257.stm.

¹³ Ariel Zirulnick, “What are the Israeli-Palestinian peace talk preconditions?,” *Christian Science Monitor*, 26 October 2011, available at <http://www.csmonitor.com/World/Middle-East/2011/1026/What-are-the-Israeli-Palestinian-peace-talk-preconditions/Palestinian-Authority-Settlement-freeze>

¹⁴ Joshua Project, “Arab, Palestinian,” available at <http://www.joshuaproject.net/peoples.php?rop3=107785>

During World War I, the French and British promised the Palestinians and other Arabs that in return for their support against the Ottomans and Germans, they would support the creation of an independent Arab state. In 1917, the British also signed the Balfour Declaration, declaring their support for “the establishment in Palestine of a national home for the Jewish people.”¹⁵

After the defeat of the Ottomans in World War I, the British and French occupied the area, administering various parts of it as “trusteeship territories” authorized by the League of Nations and ostensibly preparing them for independence. The “French mandate of Syria and the Lebanon” included what is today Syria and Lebanon, while the British “Palestine mandate” included Israel, the West Bank, the Gaza Strip and Jordan. Despite their promises, it was not until after World War II than the British and French allowed independent states to form in these areas.

During World War II, 6 million European Jews were exterminated during the Holocaust in Germany, Poland, Hungary, Romania the Soviet Union, and other countries.¹⁶ The Holocaust was motivated by the idea that there were a variety of human races and that the Aryan race was pure and should be promoted over all others through any means necessary, including genocide (the deliberate extermination of all members of a race or ethnic group). This idea was advanced most stridently by Adolf Hitler, but it had many adherents, both in Germany and throughout Europe, and both in the 20th century and in earlier times.

During the Holocaust, the British allowed Jews to escape to Palestine and to make their homes in the British mandate.¹⁷ Before the 1930s, very few Jews lived in what is today Israel. Instead, Jews had dispersed all over the world, and especially to Europe, as the result of successive waves of imperialism and inter-group conflict in the Middle East. According to the Israel Central Bureau of Statistics, there were just 136,000 Jews in the region in 1925.¹⁸ By 1946, however, 600,000 Jews were living in Palestine, along with 1.3 million Arabs, and Jews had purchased 20% of the arable land.

After World War II, the British asked the newly created UN General Assembly to deal with the situation. At the 1947 UN special session the United Nations Special Committee on Palestine (UNSCOP) was established. In Resolution 181 (November 1947), the GA recommended partitioning Palestine into two states, one Jewish and the other Arab, each with a majority of its own population and sharing Jerusalem and Bethlehem as international zones.

In May 1948, the UK relinquished its mandate over Palestine, and Israel declared independence. Egypt, Iraq, Jordan, Syria and Lebanon immediately declared war on Israel. Israel quickly gained control over 77 percent of the territory once known as Palestine, and Jordan and Egypt controlled the rest.¹⁹ Most of the Palestinians who lived within the borders of the new state of Israel became refugees. During these hostilities, the Security Council determined that the situation represented a “threat to the peace” and ordered a ceasefire. In 1949, the new state of Israel became a member of the United Nations.²⁰ Contrary to GA Resolution 181, no independent Palestinian state has ever been formed.

¹⁵ “Balfour Declaration,” written by Lord Rothschild, 1917, available at <http://www.fordham.edu/halsall/mod/balfour.asp>.

¹⁶ Shoah Resource Center, “Frequently Asked Questions,” The Holocaust and the United Nations Outreach Programme, available at http://www.un.org/holocaustremembrance/docs/FAQ_Holocaust_EN_Yad_Vashem.pdf

¹⁷ Middle East Research Information Project (MERIP), “Palestine, Israel and the Arab-Israeli Conflict: A Primer: The British Mandate in Palestine,” available at http://www.merip.org/palestine-israel_primer/brit-mandate-pal-isr-prime.html.

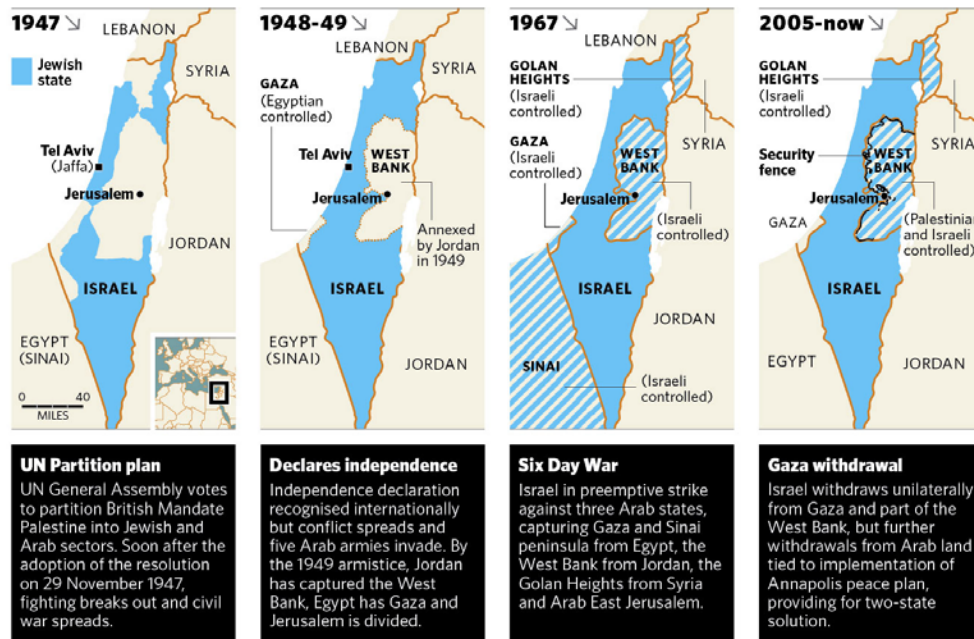
¹⁸ Israel Central Bureau of Statistics, *Statistical Abstract of Israel*.

¹⁹ MERIP, “Palestine, Israel and the Arab-Israeli Conflict: A Primer: The British Mandate in Palestine.”

²⁰ United Nations, “The Question of Palestine: History,” available at <http://unispal.un.org/unispal.nsf/his.htm?OpenForm>, accessed August 29, 2011.

The Israeli-Occupied Territories (West Bank, Gaza Strip, Golan Heights, and East Jerusalem)

Where the boundaries of the Israeli and Palestinian states should lie is at the root of the “Question of Palestine.” As shown below, since 1947, when the GA drew the recommended borders, Israeli territory has grown. According to Israel, this territorial expansion has been necessary to provide security for the new state, which was not welcomed by those already residing in the area.



Source: *Origins and Evolution of the Arab-Zionist Conflict, Israel: A History, The Question of Palestine and Graphic News*

In 1956, Egypt nationalized the Suez Canal in response to the withdrawal of financial assistance from the US and UK. Soon after, the UK, France, and Israel invaded Egypt to take over the Canal and change the Egyptian government. Israel invaded both the Gaza Strip and the Sinai Peninsula, both of which it evacuated within a year as in response to international pressure.

In response to the Suez crisis, the GA deployed the first UN peacekeeping force, the United Nations Emergency Force (UNEF I), which patrolled the border between Israel and Egypt until 1967. Despite the priority given by the UN Charter to the Security Council on all matters of security, the GA was able to authorize this force under the 1950 “Uniting for Peace” resolution, which states that when the Council is paralyzed, the GA may act if 2/3 of UN member states agree that it should do so.²¹ In this case, the Council was paralyzed because Britain and France had responded with force to Egypt’s policy and vetoed a Security Council resolution authorizing UN intervention.²² The US and Soviet Union were among the supporters of the GA resolution.

When UNEF was removed from the region in 1967, Israel launched a surprise attack on Egypt, Syria, and Jordan. Following the 1967 war, also known as the Six-Day War, the GA passed Resolution 242 or a “land for peace” deal in which Israel agreed to withdraw from the territories it took during the war in exchange for diplomatic recognition from the Arab states.²³ These territories were the Sinai Peninsula and Gaza Strip, which it took from Egypt; the West Bank and East Jerusalem, which it took from Jordan; and the Golan Heights, which it seized from

²¹ UN Office of Legal Affairs, “Uniting for Peace: General Assembly Resolution 377,” Audiovisual Library of International Law, available at <http://untreaty.un.org/cod/avl/ha/ufp/ufp.html>

²² UN Association of Canada, “UN Peacekeeping: The First Mission-Suez Crisis, 1956,” available at <http://www.unac.org/peacekeeping/en/un-peacekeeping/fact-sheets/the-first-missionsuez-crisis-1956/>

²³ Sam Roberts, “1967 the six-day war: much of today’s conflict between Israel and the Palestinians stems from a war 40 years ago that lasted less than a week,” *New York Times Upfront*, 16 April 2007.

Syria. Neither Palestinian recognition of Israel nor Israeli withdrawals from the occupied territories were forthcoming.

In 1973, Egypt and Syria launched a surprise attack on Israel in what is known as the Yom Kippur War because the attack occurred on the Jewish holiday of Yom Kippur. The conflict lasted only three weeks, and Israel was largely successful in fending off the offensive. However, Israel did agree to return the Sinai Peninsula to Egypt and part of the Golan Heights to Syria.²⁴

In 1977, Egyptian President Anwar Sadat agreed to meet and talk with the Israeli leadership. In 1978, Sadat, US President Jimmy Carter and Israeli Prime Minister Menachem Begin met at Camp David to discuss the Camp David Accords, the first major step towards Arab-Israeli peace since Israeli independence.²⁵ In 1979, when Israel and Egypt signed the Camp David Accords, Egypt became the first Arab state to recognize the existence of Israel. Many Arab states condemned Sadat's actions and denounced the Accords.

The 1990s saw a decrease in Arab-Israeli hostilities as the UN once again focused on its "land for peace" formula. During a peace conference in Madrid, Spain in 1991 the Israelis and the Palestinian Authority agreed to mutual recognition and the eventual signing of the Declaration of the Principles on Interim Self-Government Arrangements in 1993 (Oslo Accords).²⁶ However, in 2000 Israel began building a separation wall in the West Bank within the Occupied Palestinian Territory. The International Court of Justice ruled that such a wall was illegal under international law, citing Article 2 of the UN Charter that states, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."²⁷ The advisory opinion also cited the self-determination provisions of the Charter, expressing a fear "that the route of the wall will prejudice the future frontier between Israel and Palestine."²⁸

Palestine Divided: Fatah and Hamas

Since the creation of Israel, the Palestinian movement has developed into two separate groups, Fatah and Hamas. Fatah, also known as the Palestinian National Liberation Movement, was formed in the 1950s. Fatah controls the West Bank and governs through an organization known as the Palestinian Authority. One of the primary leaders of Fatah from the 1950s until the mid-1990s was Yassar Arafat. Fatah officially recognized the existence of Israel in the 1993 Oslo Accords. In exchange, Israel recognized the Palestinian Authority as a provisional or interim government of the occupied territories of the West Bank and Gaza until a final settlement can be made.²⁹ After Arafat's death in 2004, Mahmoud Abbas replaced him as president of the Palestinian Authority. Since the signing of the Oslo Accords, Fatah has generally taken a moderate, primarily diplomatic approach towards Israel.³⁰

Hamas, or the Islamic Resistance Movement, took form in 1987 after a major Intifada (uprising against Israeli occupation). Hamas is the more radical and more militant of the two Palestinian groups and represents the Palestinian branch of the Muslim Brotherhood. A second Intifada occurred from 2000 to 2005, with Palestinian

²⁴ Roberts, "1967 the six-day war."

²⁵ Roberts, "1967 the six-day war."

²⁶ United Nations, "The Question of Palestine."

²⁷ United Nations Charter, Article 2, Paragraph 4, available at <http://www.un.org/en/documents/charter/chapter1.shtml>.

²⁸ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, July 9, 2004, available at <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&ca>.

²⁹ Roberts, "1967 the six-day war."

³⁰ "Times Topics: Palestinian Authority," *The New York Times*, available at http://topics.nytimes.com/topics/reference/timestopics/organizations/p/palestinian_authority/index.html

suicide bombings killing more than 1,000 Israelis and an Israeli crackdown in the West Bank and Gaza killing more than 4,000 Palestinians.³¹

In 2006, parliamentary elections were held in the occupied territories, and Hamas won a majority of votes. When Fatah, with US support, used force to retake the government, Hamas pushed Fatah completely out of Gaza and has since then single-handedly run that territory.³² Hamas refuses to recognize Israeli's right to exist and the only peaceful solution it will entertain is a truce in return for Israel's withdrawal from areas Israel took during the 1967 war. Both Israel and the US regard Hamas as a terrorist group and have thus dealt primarily with the Fatah government.

Reconciliation between the two movements has become a primary goal for many Palestinians. Many thought this came to pass in May 2011 when the two signed a reconciliation accord in Cairo, avowing a common interest against Israeli occupation. But details of the agreement remain unclear, and there are still many points of disagreement.³³ In 2011, the Fatah-controlled Palestinian Authority declared that it would hold presidential and parliamentary elections in September in response to the widespread movement across the Middle East for democratic governance. Hamas rejected this call for elections, claiming that Abbas does not have the authority to call for elections because he has overstayed his presidential term, which was set to end in January 2009.³⁴ Also in 2011, Hamas criticized the Palestinian Authority's application for UN membership as a waste of time.³⁵

Refugees

Palestinians are the largest population of refugees in the world. Currently, there are 4.7 million Palestinian refugees. This is one in three refugees worldwide. The displacement of Palestinians dates to 1948, when Israel was formed to provide a homeland for Jews who had been persecuted in Germany and other European states. When this occurred, people who lived in the region of Palestine were displaced.

In 1949, the GA established the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to aid these refugees. According to UNRWA, Palestinian refugees are "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict." Descendants of person who became refugees in 1948 are also considered Palestinian refugees. Initially, there were about 750,000 Palestinian refugees. Due to population growth, the 1967 Arab-Israeli war, the 1982 Israeli invasion of Lebanon and continued Israeli settlement in the occupied territories, the number of Palestinian refugees has grown to more than 4.7 million.³⁶

Today, most of the Palestinians who have registered as refugees live in Jordan (about 2 million). Of those, the majority have settled in Jordanian towns and cities, but 338,000 continue to live in 10 UNRWA camps. Although other refugees in Jordan have only been granted "guest" status, Palestinian refugees were given Jordanian citizenship after Israel took the West Bank from Jordan in the 1967 Arab-Israeli war.³⁷ The next largest populations

³¹ Roberts, "1967 the six-day war."

³² "The Gaza Bombshell," *Vanity Fair*, April 2008, available at <http://www.vanityfair.com/politics/features/2008/04/gaza200804>

³³ "Times Topics: Palestinians," *The New York Times*, <http://topics.nytimes.com/top/reference/timestopics/subjects/p/palestinians/index.html>.

³⁴ "Israel and Palestinian territories country profile," *BBC News Online*, updated March 9, 2011; available at http://news.bbc.co.uk/2/hi/middle_east/country_profiles/803257.stm.

³⁵ For information on the Palestinians' UN membership application, see the 2011 Montana Model UN Background guide on for the GA Plenary on "Admission of New Members to the UN."

³⁶ UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), "Who Is a Palestinian Refugee?," available at <http://www.un.org/unrwa/refugees/whois.html>.

³⁷ Rana F. Sweis, "For Refugees, a Frustrating Feeling of Permanence," *The New York Times*, July 20, 2011; available at <http://www.nytimes.com/2011/07/21/world/middleeast/21iht-M21-REFUGEES.html?emc=eta1>.

of displaced Palestinians live in the Gaza Strip (1 million, including 8 camps), West Bank (0.7 million, 19 camps), Syria (0.5 million, 9 camps), and Lebanon (0.4 million, 12 camps).³⁸ In addition, some Palestinians have been resettled in countries beyond the Middle East. During the hostilities that occurred from December 2008 to January 2009 alone, over 90,000 Palestinians were displaced in the Gaza Strip.³⁹

When the GA established the UN High Commissioner for Refugees (UNHCR) in 1951, it decided that Palestinians would not come under the UNHCR's authority because they were already receiving support from the UNRWA. Palestinian refugees are the only refugees in the world who do not come under the authority of the UNHCR and the 1951 Refugee Convention. Instead they are subject to host countries' policies. In addition, unlike UNHCR, the UNRWA is not funded by UN Member States' dues, but relies on separate contributions, which have fallen substantially in recent years.⁴⁰

Why Palestinians are refugees is a matter of debate. According to Israel, the Palestinians left during the 1948 Arab-Israeli war on the order of the Arab commanders and are in limbo due to an unwillingness of Arab states to recognize Israel's right to exist and grant citizenship to Palestinians. By contrast, Palestinians maintain they were expelled by Israeli military forces and fled in fear with the hope of one day returning.⁴¹ In Resolution 194 (1948) the GA supported the latter view, stating that Palestinian "refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss or damage to property." This concept became known as the "right to return." However, Israel has refused to allow the repatriation of the Palestinians, whose homes and towns have generally been destroyed.⁴² Many Palestinians are frustrated that UN Member States continue to reaffirm their right to return to Israel, but do nothing substantial to support that right.

Human Rights Issues

In a December 2010 resolution on the human rights in the occupied territories, the GA stated that "all states have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens."⁴³ This resolution passed by a vote of 165 affirmative, 9 opposed (Australia, Canada, Israel, Marshall Islands, Federated States of Micronesia, Nauru, Palau, Panama, United States) and 2 abstaining (Cameroon and Cote d'Ivoire).⁴⁴ In this resolution, the GA outlined a number of human rights abuses by Israel, including:

³⁸ UNRWA, "Publications/Statistics," available at <http://www.un.org/unrwa/publications/index.html>.

³⁹ Aghreed El-Khodary and Sabina Tavernise, "U.N. Warns of Refugee Crisis in Gaza Strip," *The New York Times*, January 12, 2009, available at <http://www.nytimes.com/2009/01/13/world/middleeast/13mideast.html?scp=5&sq=Palestine + refugees&st=cse>.

⁴⁰ UNHCR, "Chapter 5: Protracted refugee situations: Box 5.1 Palestinian refugees," *The State of the World's Refugees 2006*, 19 April 2006, available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4444d3c92f&query=unrwa>. See also Jennifer Ibrahim, "The Discrimination of Palestinian Refugees Living in Lebanon," *Palestine-Israel Journal of Politics, Economics, and Culture* 15:1/2 (2008), pp. 83-90.

⁴¹ Terry M. Rempel, "Who are the Palestinian Refugees?" *Forced Migration Review* 26 (August 2006), p. 5.

⁴² UNHCR, "Chapter 5: Protracted refugee situations: Box 5.1 Palestinian refugees."

⁴³ UN General Assembly, "Resolution 65/105: Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem," January 20, 2011, available at <http://www.un.org/en/ga/65/resolutions.shtml>.

⁴⁴ UN General Assembly, "General Assembly Adopts 28 Fourth Committee Texts on Effects of Israeli Practices, Decolonization, Outer Space, Atomic Radiation, UN Public Outreach, Peacekeeping," Press Release BA/11035, 10 December 2010, available at <http://www.un.org/News/Press/docs/2010/ga11035.doc.htm> For speeches from individual countries, see the meeting record at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/685/53/PDF/N1068553.pdf?OpenElement>

the excessive use of military force and military operations causing the death and injury of Palestinian civilians, including children, women and non-violent and peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice line of 1949; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem[.]”⁴⁵

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories reaffirmed the concerns expressed by the GA and called for “serious follow-up” by the international community to look into the continuing human rights crisis on the ground.⁴⁶

While such complaints have long been made against Israel, they have increased in number and urgency since December 2008, when Israel launched a three-week military offensive in the Gaza Strip known as “Operation Cast Lead.” During this operation, Israel carried out over 2,360 airstrikes—as well as number of ground strikes—that killed more than 1,300 Palestinians and wounded another 5,000. A third of the casualties were reported to be children. Hamas responded by killing 3 Israeli civilians and 9 Israeli soldiers and wounding 182.⁴⁷ In carrying out this operation, Israel cited its right to self-defense under Article 51 of the UN Charter. But according to the International Court of Justice (ICJ), such a claim could only be made “in the case of armed attack by one State against another State.” In response, the Israeli High Court of Justice reasserted that Israel is engaged in an international armed conflict with Palestine.⁴⁸

In 2009, the Human Rights Council (HRC) endorsed a report on human rights abuses that occurred during this three-week offensive. The Goldstone report detailed evidence of war crimes by both the Israeli army and Hamas fighters. According to the Rome Statute of the International Criminal Court (ICC), war crimes are “grave breaches of the Geneva Conventions of 12 August 1949” including torture, extensive destruction that is not militarily necessary, and intentionally targeting civilian populations.⁴⁹ According to Amnesty International, during the war, Israel used “battlefield weapons against a civilian population trapped in Gaza, with no means of escape,” and Hamas and other Palestinian groups “fired hundreds of rockets into southern Israel, killing three Israeli civilians, injuring scores and driving thousands from their homes.”⁵⁰ Of the 47 HRC members, 25 (including China and Russia) voted to endorse the report; six (including the US) voted not to do so; 11 abstained, and five (including the UK and France) cast no vote.⁵¹

⁴⁵ UN General Assembly, “Resolution 65/105.”

⁴⁶ UN General Assembly, “Resolution 65/102: ‘Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,’” January 20, 2011, available at <http://www.un.org/en/ga/65/resolutions.shtml>.

⁴⁷ Yael Ronen, “ICC Jurisdiction Over Acts Committed in the Gaza Strip: Article 12(3) of the ICC Statute and Non-State Entities,” *International Law Forum: The Hebrew University of Jerusalem*, January 2010; available at <http://ssrn.com/abstract=1530529>.

⁴⁸ John Reynolds, “Sovereignty, Colonialism and the ‘State’ of Palestine under International Law,” paper prepared for: *Re-envisioning Israel/Palestine*, Human Science Research Council of South Africa in Cape Town, June 12-14, 2009; available at <http://ssrn.com/abstract=1682636>.

⁴⁹ International Criminal Court, “Rome Statute,” 1998, Article 8, available at <http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>.

⁵⁰ Amnesty International, “Impunity for war crimes in Gaza and southern Israel a recipe for further civilian suffering,” 2 July 2009, available at <http://www.amnesty.org/en/news-and-updates/report/impunity-war-crimes-gaza-southern-israel-recipe-further-civilian-suffering-20090702>.

⁵¹ Neil MacFarquhar, “U.N. Council Endorses Gaza Report,” *New York Times*, October 16, 2009, available at <http://www.nytimes.com/2009/10/17/world/middleeast/17nations.html?scp=1&sq>.

Since 2007, Israel has enforced a blockade on Gaza, at first restricting the import of any goods, including food and medicine, and more recently limiting the import of weapons and construction materials.⁵² As a result, states and aid groups have tried to get aid through to the inhabitants of Gaza. In 2010, nine Turkish activists bringing such aid were killed when Israeli military forces boarded their vessel. This has caused a major rift in Turkish-Israeli relations, which were previously quite good.⁵³

In June 2011, Human Rights Watch criticized Israel for demolishing Palestinian homes in the West Bank without providing compensation or alternative housing. According to the Israeli government, the buildings did not have the proper construction permits. But Israeli authorities have generally refused to grant proper permits to Palestinian settlers while continuing to grant permits to their Israeli counterparts.⁵⁴ Over 400 Palestinians have been displaced in this way since the beginning of 2011 alone.⁵⁵

Unemployment in the occupied territories is high (30 percent) and the poverty rate is estimated at 26 percent overall and 38 percent in Gaza. In 2010, more than 500 obstacles—such as regulations, paperwork and checkpoints—impeded the movement of Palestinian people and goods in the West Bank.⁵⁶ Although the GA has applauded recent measures Israel has taken to allow more access to the Gaza Strip, it has asked that Israel undergo “a fundamental change in policy that allows for the sustained and regular opening of the border crossing.”⁵⁷

Israeli Settlements

In 1967, Israel seized the entire city of Jerusalem during the Six-day War and announced that it was incorporating East Jerusalem into its united capital. This action has been condemned by a majority of UN member states.⁵⁸ Since then, Israel has allowed and, in general, encouraged Israeli settlers to take over Palestinian homes in East Jerusalem.

In September 2010, the Israeli government agreed to a 10-month “freeze” on settlement activity with the occupied Palestinian territory and East Jerusalem. However, Israel’s refusal to extend the freeze when it expired in 2011 prompted the Palestinians to cease talks with the Israelis.⁵⁹ As mentioned, the Palestinians refuse to talk with the Israelis until they halting settlement activity.

In August 2011, violence surged as Palestinians and Israelis clashed over new Israeli settlements in occupied territories. As a result, the UN Committee on the Exercise of the Inalienable Rights of the Palestinian

⁵² “Ban calls for more Israeli steps to lift blockade of Gaza,” *UN News Centre*, July 29, 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39198&Cr=palestin&Cr1=>.

⁵³ “Turkey ‘to escort Gaza aid ships’ amid row with Israel,” BBC News, 8 September 2011, available at <http://www.bbc.co.uk/news/world-europe-14844902>

⁵⁴ “Israel’s restrictive zoning rules force Palestinians out of West Bank area – UN Report,” *UN News Centre*, August 1, 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39204&Cr=Palestin&Cr1=>.

⁵⁵ “Israel: Halt Home Demolitions,” *Human Rights Watch*, June 21, 2011, available at <http://www.hrw.org/news/2011/06/21/israel-halt-home-demolitions>.

⁵⁶ “High unemployment blights Palestinian lives—UN Report,” *UN News Centre*, August 24, 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39373&Cr=palestin&Cr1=>.

⁵⁷ UN General Assembly, “Resolution 65/134: Assistance to the Palestinian people,” March 3, 2011, available at <http://www.un.org/en/ga/65/resolutions.shtml>.

⁵⁸ “UN Palestinian rights body calls on world to compel Israel to halt settlements,” *UN News Centre*, August 19, 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39340&Cr=Israel&Cr1=>.

⁵⁹ “Ban disappointed at Israel’s approval of more settlements in East Jerusalem,” *UN News Centre*, August 6, 2011, available at <http://www.un.org/apps/news/story.asp?NewsID=39248&Cr=Palestin&Cr1=>.

People asked the international community to take “credible and decisive action” to force Israel to stop its settlement activity in occupied Palestinian territory.⁶⁰ According to this Committee, the construction of more 5,200 Israeli settlements in East Jerusalem during the month of August alone was contrary to international law.⁶¹ The GA has also condemned the expansion of settlement around East Jerusalem in what is known as Israel’s “E-1 plan.” In GA Resolution 65/104, UN member states expressed “grave concern” regarding “continued demolition of Palestinian homes and eviction of Palestinian families from the city, [and] the revocation of Palestinian residency rights in the city.”⁶²

Sovereignty and the Question of Statehood

According to Article 1 of the 1933 Montevideo Convention, the four fundamental elements of statehood are: (1) a permanent population; (2) a defined territory; (3) a government; and (4) the capacity to enter into relations with other states.⁶³

Whether the Palestinian territories do or could constitute a state is a matter of dispute, but a majority (112) of the UN’s 193 member states do recognize it diplomatically.⁶⁴ Since 1988, when the Palestinian National Council issued a declaration of independence known as the “Algiers Declaration,” the Palestinian Liberation Organization and the Palestinian Authority have worked to establish relations with other states and join a number of international treaties and organizations, including the Organization of the Islamic Conference, the Non-Aligned Movement, and the Arab League. The World Health Organization, the International Court of Justice, and UNESCO have deferred decisions on allowing Palestinian membership pending a determination of Palestinian statehood.⁶⁵

Palestine’s bid for statehood has been supported by the International Monetary Fund (IMF), which said that the Authority is “now able to conduct the sound economic policies expected of a future well-functioning Palestinian state, given its solid track record in reforms and institution-building in the public finance and financial areas.” The World Bank made a similar statement. The IMF and the World Bank estimate that due to the Authority’s economic reforms, the Palestinian area’s real GDP grew by 9 percent in 2010. However, both organizations noted a strong dependence on foreign aid preventing sustainable growth and development of a strong private sector.⁶⁶

The question of Palestinian statehood has divided major UN member states. Germany and Italy have rejected the idea, while France and Spain have been receptive and Britain remains undecided. The US has said that it would veto any resolution admitting Palestine to UN membership before Israel and the Palestinians agree to specific borders and to recognize one another as equals.⁶⁷ At present, therefore, the Palestinian Authority is simply a Permanent Observer at the UN, which gives it access to UN meetings and documents, although it cannot vote.⁶⁸

⁶⁰ “UN Palestinian rights body calls on world to compel Israel to halt settlements.”

⁶¹ “Surge in violence makes breaking Israeli-Palestinian deadlock more urgent—UN,” *UN News Centre*, August 25, 2011, available from <http://www.un.org/apps/news/story.asp?NewsID=39380&Cr=palestin&Cr1=>.

⁶² UN General Assembly, “Resolution 65/104: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan,” January 20, 2011, available at <http://www.un.org/en/ga/65/resolutions.shtml>.

⁶³ Convention on the Rights and Duties of States (Montevideo Convention), Article 1, December 26, 1933; available at http://avalon.law.yale.edu/20th_century/intam03.asp.

⁶⁴ Whitbeck, “The State of Palestine Exists,” p. 63.

⁶⁵ Reynolds, “Sovereignty, Colonialism and the ‘State’ of Palestine under International Law.” See also Ronen, “ICC Jurisdiction Over Acts Committed in the Gaza Strip.”

⁶⁶ Ethan Bronner, “Bid for State of Palestine Gets Support From I.M.F.,” *The New York Times*, April 6, 2011; available at http://www.nytimes.com/2011/04/07/world/middleeast/07palestinians.html?_r=1.

⁶⁷ Jon Swaine and Adrian Blomfield, “US ‘could withdraw funding from UN if Palestine state is recognized,’” *The Telegraph*, June 24, 2011; available at <http://www.telegraph.co.uk/news/worldnews/middleeast/palestinianauthority/8597559/US-could-withdraw-funding-from-UN-if-Palestine-state-is-recognised.html>.

Recent Events

In September 2010, a new round of talks between the Israeli government and the Palestinian authority stalled because of Israel's continued settlement of the Palestinian Occupied Territory. According to the president of the Palestinian Authority, Mahmoud Abbas, "We [Palestinians] want a complete cessation of settlement constructions. We don't want to be deceived with another moratorium or a half moratorium or a quarter moratorium. If they want to talk to the direct talks, the settlements must stop completely."⁶⁹

The Quartet (US, European Union, UN, and Russia) are the primary actors involved in bringing both sides to the negotiating table. The Quartet has issued a road map for a permanent two-State solution and specifically called for a continued "freeze" of all Israeli settlement activity (including "natural growth") and the dismantling of settlement outposts erected since March 2001.⁷⁰

In 2011, in an effort to get leaders of the Palestinian Authority and Israel to begin to negotiate potential borders for the creation of a Palestinian state, US President Obama proposed using the borders from the 1967 Arab-Israeli war, adjusting for new Jewish settlements in the West Bank. Israeli Prime Minister Benjamin Netanyahu initially rejected the proposition saying it would threaten Israeli security. However, in recent weeks Mr. Netanyahu has come closer to accepting the offer by asking the Palestinians as a whole to recognize Israel as a Jewish state.⁷¹

Previous Committee Work on This Topic

In 2007, UN Secretary-General Ban ki-Moon said, "The Palestinian people still yearn for the freedom and dignity denied them for decades. The Israeli people yearn for long-term security. Neither can achieve their legitimate demands without a settlement of the conflict. Today, we are at a critical juncture in efforts to move beyond crisis management and renew efforts toward genuine conflict resolution."⁷²

In March 2009, the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza was held in Sharm el-Sheikh, Egypt to mobilize donors to address the immediate humanitarian crisis in Gaza. At this conference donors pledged approximately \$4.5 billion USD towards assisting the Palestinian people. The GA has asked that the Secretary-General submit a report during the 66th Session of its annual UN conference in New York assessing the amount of assistance actually received by the Palestinian people, determining what needs remain unsatisfied and implementing specific proposals to address those shortcomings.⁷³

⁶⁸ United Nations, "Permanent Observers: About Permanent Observers," available at <http://www.un.org/en/members/aboutpermobservers.shtml>, accessed 25 July 2011.

⁶⁹ UN Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967," authored by Richard Falk, January 10, 2011, available at <http://www.ohchr.org/en/countries/menaregion/pages/psindex.aspx>.

⁷⁰ UN General Assembly, "Resolution 65/104."

⁷¹ Mark Landler, "As US Steps Back, Europe Takes Bigger Role in Mideast Peace Push," *The New York Times*, July 20, 2011; available at <http://www.nytimes.com/2011/07/21/world/middleeast/21mideast.html?emc=eta1>.

⁷² Ban ki-Moon as quoted in "The Question of Palestine and the United Nations," United Nations, New York 2008, available at <http://unispal.un.org/unispal.nsf/home.htm>.

⁷³ UN General Assembly, "Resolution 65/134: Assistance to the Palestinian people," March 3, 2011, available at <http://www.un.org/en/ga/65/resolutions.shtml>.

In March 2011, the GA issued a resolution specifically addressing the environmental and natural resource concerns facing the region. In this resolution, the GA condemned Israel's destruction of Palestinian agricultural land, orchards and "vital infrastructure" (water pipelines and sewage networks).⁷⁴

The Security Council has remained very involved in the territorial dispute between the two parties and has held fast to the "land for peace" formula it first introduced in Resolution 242 (1967) and Resolution 338 (1973). In 2002, the Security Council issued resolution 1397, reaffirming its vision of a Palestinian state and an Israeli state living side-by-side with recognized borders. In 2003, the US, European Union, Russia and the United Nations issued a joint statement including a "Road Map" for a two-state solution. The Security Council endorsed this "Road Map" in resolution 1515. However, continued discussion of the two-state solution took the back burner to a number of skirmishes on the ground including the violent Hamas takeover of Gaza in 2007 and the Israeli launch of Operation Cast Lead in 2008.⁷⁵

Conclusion

The dispute between Israel and Palestine has given rise to some of the most serious refugee problems and consequent human rights abuses since World War II. A reluctance to engage in, conclude, and abide by meaningful peace talks has caused considerable human suffering. What can and should the GA do to respond to the complex situation between Israel and Palestine? As you develop your country's position on this issue, consider the following questions:

- What relations does your country have with Israel and/or the Palestinians?
- Where does your country stand on the creation of an independent Palestinian state? For example, how has your country voted on past resolutions regarding Israel and Palestine? Has your country been involved in any UN aid missions or peacekeeping missions to the occupied territories?
- If your country supports Palestinian independence, what has it done and what can it do to encourage the process? If your country opposes Palestinian independence, what has it done and what can it do to inhibit the process?
- What should be done about Israeli settlements in occupied Palestinian territory?
- Is a two-state solution a viable answer? Can a two-state solution be negotiated and upheld? Without a two-state agreement, will there ever be peace between these groups?
- What should the GA's priority be: admitting Palestine as a member, working for the creation of an independent Palestine, or stabilizing the current situation so that it can last into the future without too much harm to either Israelis or Palestinians?
- How the UN can promote the security and human rights of both Palestinians and Israelis until they come to an agreement?
- Does your country have or has it overcome ethnic conflicts like those that divide the Israelis and Palestinians? If not, why not? If so, what has your country learned about such conflicts that might be helpful to those who seek an answer to "the Question of Palestine"?

⁷⁴ UN General Assembly, "Resolution: 65/179: Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources," March 22, 2011, available at <http://www.un.org/en/ga/65/resolutions.shtml>.

⁷⁵ United Nations, "The Question of Palestine: History," available at <http://unispal.un.org/unispal.nsf/his.htm?OpenForm>, accessed August 29, 2011.

Recommended Reading

Global Policy Forum. "Security Council: Israel, Palestine and the Occupied Territories." Available at <http://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/israel-palestine-and-the-occupied-territories.html>.

This website provides a summary of the UN's historical involvement in the Israel/Palestine issue as well as summaries of the major issues facing reconciliation in the region (such as the "right to return" and "land and settlement issues"). The website includes links to major UN documents.

"Times Topics: Palestinians" and "Times Topics: Palestinian Authority." *The New York Times*. Available at <http://topics.nytimes.com/top/reference/timestopics/subjects/p/palestinians/index.html> and http://topics.nytimes.com/topics/reference/timestopics/organizations/p/palestinian_authority/index.html.

These sites provides general background on the Palestinian people and groups as well as a chronological rundown of the most recent events.

United Nations. General Assembly, "Resolution 65/105: Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem." January 20, 2011. Available at <http://www.un.org/en/ga/65/resolutions.shtml>.

This resolution includes most of the major grievances the UN has levied against Israel, as well as the demands the General Assembly has made on Israel's behavior and treatment of the Palestinian people. See footnote 44 for links to a press release and meeting summary with remarks from individual countries.

United Nations Human Rights. Office of the High Commissioner for Human Rights. "Occupied Palestinian Territory." Available <http://www.ohchr.org/en/countries/menaregion/pages/psindex.aspx>.

This website includes links and general information about human rights in Palestine. This is a good place to start looking into your country's involvement in this topic and find reports that have been issued by the different special committees regarding Israeli compliance with UN resolutions and GA demands.

United Nations. Human Rights Council. "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967." Authored by Richard Falk. January 10, 2011. Available at <http://www.ohchr.org/en/countries/menaregion/pages/psindex.aspx>.

This report includes basic background on all of the major human rights concerns the UN has identified in the region since the 1967 war. It also includes the UN's responses (resolutions). This is good to read if you want a broad overview of the different areas the UN has taken action in—and those that is has not—as you work to formulate your resolutions.

United Nations. "The Question of Palestine." Available at <http://unispal.un.org/unispal.nsf/home.htm>.

This website provides a comprehensive look at all the actions the UN has taken since it first became involved in this conflict in 1947. It includes actions taken by the Security Council and the General Assembly as well as updates and information about work done by non-governmental organizations. It also outlines a few major issues the UN is working on the implications of different solutions.