Fourth General Assembly (GA4)

The right of Palestinian people to self-determination

Research Report

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"Out of this world"

Forum: Fourth General Assembly (GA4)

Issue: The right of Palestinian people to self-determination

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Introduction

The right of the Palestinian people to self-determination is a highly debated issue that continues to hold a significant place on the international agenda. It involves various countries and international organisations, and has been a central topic in Middle Eastern politics for decades. This topic is a focal point on the agenda of various United Nations (UN) committees, including the General Assembly and the Human Rights Council, due to its profound implications for peace, justice, and human rights in the Middle East. This report aims to provide an overview of the issue, its historical context, key stakeholders, and previous actions taken by the international community.

Definition of Key Terms

Self-determination:
The right of peoples to determine their political status and pursue their economic, social, and cultural development.

Occupied territories:
Refers to the West Bank, Gaza Strip, and East Jerusalem, which were occupied by Israel during the 1967 Six-Day War and are considered occupied under international law.

Two-state solution:
A proposed solution to the Israeli-Palestinian conflict envisioning an independent State of Palestine alongside the State of Israel.

Palestine Liberation Organization (PLO):
The recognized representative of the Palestinian people, which seeks to establish an independent Palestinian state.

UN General Assembly Resolution 194:
A 1948 resolution calling for the right of Palestinian refugees to return to their homes and for compensation for those who choose not to return.

International Covenant on Civil and Political Rights (ICCPR):
A key human rights treaty that enshrines the right to self-determination.

Oslo Accords:
Agreements between Israel and the PLO aimed at achieving peace and granting limited autonomy to Palestinians.

Intifada:
Palestinian uprisings against Israeli occupation.

UNRWA (United Nations Relief and Works Agency):
An agency established by the United Nations to provide assistance and protection to Palestinian refugees.

General Overview

Historical context

The historical context of Palestinian self-determination is rooted in the early 20th century with the decline of the Ottoman Empire and the subsequent British mandate over Palestine. The Balfour Declaration of 1917, which supported the establishment of a "national home for the Jewish people" in Palestine, laid the groundwork for future conflicts. The conflicting promises made by the British to both Jews and Arabs during World War I sowed the seeds of future discord.

Post-World War II, the UN proposed a partition plan to create separate Jewish and Arab states, leading to the establishment of Israel in 1948. The ensuing war resulted in the displacement of hundreds of thousands of Palestinians, creating a refugee crisis that persists to this day. The Nakba, or "catastrophe," as it is known in Arabic, is a pivotal event in Palestinian collective memory, symbolising loss and displacement.

The 1967 Six-Day War marked a significant turning point, with Israel occupying the West Bank, Gaza Strip, and East Jerusalem. This occupation has been a focal point of Palestinian grievances and international diplomatic efforts. The continued expansion of Israeli settlements in these territories has been a major obstacle to peace and a source of international condemnation.

Legal Basis for Palestinian Self-Determination

The right to self-determination is a fundamental principle of international law, recognized in various treaties and conventions. Article 1 of the UN Charter affirms that one of the purposes of the United Nations is "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." This principle is further elaborated in the ICCPR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which assert the right of all peoples to self-determination.

In the context of Palestine, the UN General Assembly has repeatedly affirmed this right. Resolution 3236, passed in 1974, specifically recognizes the inalienable rights of the Palestinian people, including the right to self-determination without external interference. The International Court of Justice (ICJ) has also addressed the issue, particularly in its 2004 advisory opinion on the legality of the Israeli West Bank barrier, in which it reaffirmed the applicability of the right to self-determination to the Palestinian people.

Current situation

Today, the Palestinian territories are divided between the West Bank, governed by the Palestinian Authority, and the Gaza Strip, controlled by Hamas. The Israeli settlement expansion in the West Bank, the blockade of Gaza, and the status of Jerusalem are major points of contention. The political divide between Fatah and Hamas further complicates the situation, with both factions having different approaches and agendas.

Efforts to achieve a two-state solution have repeatedly faltered, with both sides unable to agree on key issues such as borders, security, the status of refugees, and the control of Jerusalem. The international community remains divided, with some countries recognizing Palestine as a state and others

supporting Israel's security concerns. Recent developments, such as the normalisation agreements between Israel and several Arab states, have added new dynamics to the conflict.

Obstacles to Palestinian Self-Determination

Despite the clear legal foundations, the Palestinian people's right to self-determination faces significant obstacles. Chief among these is the ongoing Israeli occupation of the West Bank, Gaza Strip, and East Jerusalem. The Israeli government maintains that its presence in these territories is necessary for security reasons, citing the threat of terrorism and attacks from militant groups like Hamas. However, the occupation is widely considered illegal under international law, and it severely restricts Palestinian political and economic freedoms.

Settlements are another major barrier. Over 700,000 Israeli settlers live in the West Bank and East Jerusalem, in direct violation of international law as articulated in the Fourth Geneva Convention. These settlements fragment Palestinian territories, making the creation of a contiguous and viable Palestinian state increasingly difficult. The Israeli government's policies of settlement expansion, land appropriation, and home demolitions further exacerbate the situation.

Furthermore, the internal political divide between the Palestinian Authority (PA), which governs parts of the West Bank, and Hamas, which controls Gaza, has weakened Palestinian efforts to achieve self-determination. The PA is internationally recognized and has engaged in negotiations with Israel, while Hamas is designated as a terrorist organisation by Israel and several Western countries, leading to its isolation and limited engagement in diplomacy. This division complicates efforts to present a unified Palestinian position in negotiations.

International Efforts and the role of the United Nations

The United Nations has played a pivotal role in advocating for Palestinian self-determination. In addition to passing numerous resolutions affirming this right, the UN has established various bodies to address the situation, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People.

The UN Security Council, however, has been less effective in advancing the Palestinian cause due to the veto power of the United States, a staunch ally of Israel. U.S. vetoes have blocked numerous resolutions critical of Israel's policies in the occupied territories, contributing to the ongoing impasse.

Other international actors, such as the European Union and the Arab League, have also sought to mediate the conflict and promote Palestinian self-determination. The EU has been a major donor to Palestinian institutions and has supported the two-state solution, though it has been criticised for not taking a firmer stance against Israeli settlements. The Arab League has consistently supported Palestinian statehood, though its influence has waned in recent years due to internal divisions and shifting regional dynamics.

Human Rights and Humanitarian Concerns

The denial of Palestinian self-determination has had severe humanitarian and human rights consequences. The Israeli blockade of Gaza has led to widespread poverty, unemployment, and a lack of access to basic services such as healthcare and clean water. The West Bank is characterised by

frequent clashes between Israeli security forces and Palestinian protesters, restrictions on movement, and the demolition of homes and infrastructure.

Palestinian refugees, estimated at over five million, also remain a pressing issue. The majority of these refugees live in neighbouring countries such as Jordan, Lebanon, and Syria, often in difficult conditions. UNRWA continues to provide essential services to these populations, but a permanent solution to the refugee crisis remains elusive.

Major Parties Involved

Palestinian people
The primary stakeholders, seeking recognition of their right to self-determination and the establishment of an independent state. They include various factions such as Fatah, which controls the West Bank, and Hamas, which controls the Gaza Strip.

Israel
Opposes certain aspects of Palestinian self-determination that threaten its security and territorial integrity. Israel's government, military, and settlers in the West Bank are key players in this complex dynamic.

United Nations
Plays a mediating role through various resolutions and peacekeeping efforts. The UN has established agencies like UNRWA to support Palestinian refugees.

United States of America
A key ally of Israel, influencing negotiations and peace processes. The U.S. has historically provided significant military and economic aid to Israel, while also occasionally acting as a mediator in peace talks.

Arab League
Supports Palestinian self-determination and provides political and financial backing. The Arab League has issued numerous statements and resolutions in support of Palestinian rights.

European Union
Advocates for a two-state solution and provides humanitarian aid. The EU often acts as a significant donor to Palestinian territories and supports various peace initiatives

Timeline of Events

1917 **Balfour Declaration:** The British government expressed support for the establishment of a "national home for the Jewish people" in Palestine, laying the groundwork for future tensions between Jewish and Arab populations in the region.

1947 **UN Partition Plan:** The United Nations proposed the partition of Palestine into separate Jewish and Arab states, with Jerusalem under international control. This plan was accepted by Jewish leaders but rejected by Arab leaders, leading to the first Arab-Israeli war.

1948 **Creation of Israel and Nakba:** The State of Israel was declared, resulting in the displacement of hundreds of thousands of Palestinians in an event known as the Nakba ("catastrophe"). This event is

central to the Palestinian narrative of dispossession and loss.

***1964*: Formation of the Palestine Liberation Organization (PLO).**

***1967* - Six-Day War and Occupation:** Israel captured the West Bank, Gaza Strip, East Jerusalem, and the Golan Heights during the Six-Day War. These territories remain a key point of contention, as they are considered occupied under international law.

***1987* - First Intifada:** A Palestinian uprising against Israeli occupation began, leading to increased international attention on the Palestinian struggle for self-determination.

***1993* - Oslo Accords:** A landmark set of agreements between Israel and the Palestine Liberation Organization (PLO) aimed at achieving peace and Palestinian self-governance in parts of the West Bank and Gaza. However, the accords ultimately failed to deliver a final settlement.

***2000* - Second Intifada:** Renewed violence erupted following the breakdown of peace talks, leading to widespread destruction and loss of life on both sides.

2012 - UN Recognition of Palestine as a Non-Member Observer State: The United Nations General Assembly granted Palestine non-member observer state status, a significant diplomatic victory for Palestinians, though it did not translate into full statehood.

Possible Solutions

1. Two-State Solution

- **Land Swap Agreement:** Establish a detailed framework for land swaps between Israel and Palestine to adjust the pre-1967 borders. This would involve exchanging Israeli settlement blocs near the 1967 lines for equivalent land in Israel, allowing Israel to keep certain settlement areas while giving Palestinians equivalent land to ensure a viable state. This should be brokered by international actors to ensure fairness and mutual agreement.
- **East Jerusalem as Palestinian Capital:** An internationally supervised agreement to divide Jerusalem should be negotiated, with West Jerusalem remaining the capital of Israel and East Jerusalem becoming the capital of Palestine. Specific holy sites could be placed under international administration to ensure access to all faiths. This could be overseen by the United Nations or a multinational council, ensuring the security and neutrality of the arrangement.
- **Phased Withdrawal of Israeli Forces:** A phased withdrawal of Israeli military presence from the West Bank, in coordination with Palestinian security forces, should be implemented. This withdrawal could be monitored by international peacekeepers, who could oversee the gradual transfer of control to the Palestinian Authority. A specific timeline should be set, with provisions for halting or adjusting the withdrawal in case of serious security threats.

2. International Mediation

International mediation efforts must be re-energized and made more effective by increasing the involvement of neutral and experienced parties:

- **Appointing a Special UN Envoy for the Israeli-Palestinian Peace Process:** A high-profile diplomat, agreed upon by both sides and supported by key international players (the U.S., EU, Russia, Arab League), should be appointed as a special UN envoy with the sole task of facilitating continuous negotiations. This envoy would report directly to the UN Security Council and would ensure regular engagement from all stakeholders.

- **Regional Peace Summit:** A major peace summit hosted by neutral countries (e.g., Norway, Switzerland, or Finland) should be convened to restart negotiations, including Israel, Palestine, and key regional actors like Egypt, Jordan, and Saudi Arabia. The summit should result in a roadmap for peace, including timelines for negotiations on borders, security, refugees, and Jerusalem.
- **Quartet Oversight Committee:** Establish a permanent oversight committee within the Quartet (UN, EU, U.S., Russia) tasked with regularly assessing progress in negotiations and implementing confidence-building measures. The committee could impose incentives for progress (such as increased economic aid for Palestinians or diplomatic guarantees for Israel) and sanctions for non-cooperation.

3. Economic Development

Economic development in the Palestinian territories is essential to improving living conditions and laying the groundwork for statehood. The following are concrete initiatives that could be implemented:

- **Palestinian Infrastructure Fund:** Create an international fund to invest in major infrastructure projects in Palestinian territories. Projects could include the construction of roads, sewage systems, water desalination plants, and solar energy facilities. This fund would be managed by a consortium of international donors (e.g., the World Bank, EU, Gulf countries) and could be distributed through transparent public-private partnerships. Projects should be tailored to alleviate infrastructure deficiencies and create jobs.
- **Gaza Industrial Zone:** Establish a designated industrial zone near the Gaza border, with international security guarantees and financial incentives for businesses to invest. This zone would focus on industries like textiles, food processing, and electronics manufacturing, creating jobs and providing access to international markets. Israel could provide controlled access to ports and border crossings under international supervision.
- **Joint Israeli-Palestinian Economic Ventures:** Foster Israeli-Palestinian joint ventures in areas like technology, agriculture, and tourism, with tax incentives and legal protections for businesses operating across borders. These ventures could be incentivized through grants and low-interest loans provided by international donors, including the EU and U.S. Such economic cooperation could help reduce tensions and increase interdependence between the two economies.

4. Human Rights Protections

Human rights protections are critical for building trust and ensuring a just peace. Here are specific steps that could help guarantee these protections:

- **International Human Rights Monitors:** Deploy UN or international human rights monitors to the West Bank, Gaza, and Israeli territories to document and report on violations committed by both Israeli and Palestinian authorities. These monitors could be part of an expanded mandate for the United Nations Relief and Works Agency (UNRWA) or the OHCHR. Regular reports should be submitted to the UN Human Rights Council and published globally to increase accountability.
- **Civil Rights Reforms in Israel and Palestine:** Both Israel and the Palestinian Authority should undertake specific legal reforms to protect civil rights, such as improving due process, ensuring freedom of speech, and eliminating arbitrary detention. Israel should lift restrictions on movement in the West Bank and Gaza, except in cases of verified security concerns. For

Palestine, internal reforms should focus on ensuring democratic governance and eliminating corruption within the Palestinian Authority and Hamas.

- **Accountability for Human Rights Violations:** Establish an independent, international commission tasked with investigating allegations of war crimes and human rights abuses by both Israeli and Palestinian actors. This commission could operate under the auspices of the International Criminal Court (ICC) and would have the authority to recommend prosecutions. Both Israel and Palestine would need to cooperate with this body to enhance accountability.

5. Confidence-Building Measures

In addition to political and economic solutions, smaller, practical confidence-building measures are essential to reducing tensions and improving relations between Israelis and Palestinians:

- **Mutual De-escalation of Military Tensions:** Initiate an immediate de-escalation agreement, with both Israel and Palestinian militant groups agreeing to a ceasefire under international supervision. The ceasefire could be monitored by the United Nations or an international coalition, which would impose penalties for violations.
- **Cultural and Educational Exchange Programs:** Establish joint Israeli-Palestinian cultural and educational programs to foster understanding and reconciliation. This could include student exchange programs, joint history projects, and peace education curricula implemented in schools on both sides. Funding for such initiatives could come from international donors or private foundations.
- **Prisoner Release and Amnesty Programs:** A phased release of Palestinian prisoners held by Israel could be initiated in exchange for Palestinian pledges to reduce militant activities. Special attention should be given to the release of political prisoners and minors. Israel, in return, could receive international guarantees for security cooperation from the Palestinian side, ensuring a mutually beneficial outcome.

Conclusion

The right of the Palestinian people to self-determination remains a complex and contentious issue with deep historical roots and significant contemporary challenges. While various solutions have been proposed, the path to peace requires mutual compromise, international support, and a commitment to human rights and justice. Delegates are encouraged to consider the historical context, current situation, and potential pathways as they engage in debates and seek to contribute to a viable and lasting resolution.

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