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THE SITUATION IN THE MIDDLE EAST: ISRAEL AND THE OCCUPIED TERRITORIES

“Remember the solidarity shown to Palestine here and everywhere... and remember also that there is a cause to which many people have committed themselves, difficulties and terrible obstacles notwithstanding. Why? Because it is a just cause, a noble ideal, a moral quest for equality and human rights.”

Edward Said

“I think that a strong Israel is the only Israel that will bring the Arabs to the peace table.”

Binyamin Netanyahu

“The security of Israel is a moral imperative for all free peoples.”

Henry Kissinger

“*Affirming* a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders”

Security Council Resolution 1397

Introduction

The state of Israel and its relations with its neighbors have commanded miles of newsprint and much of the Security Council’s agenda since the founding of Israel in the late 1940’s. The nature of Israel’s claim over the lands classified as the “occupied territories” is complex. Stemming from Israel’s acquisition of surrounding land during the Six Days War in 1967, the occupied territories have been a source of constant conflict and debate ever since. Israel has relinquished some control over areas of the Gaza Strip and the West Bank and has even returned one of the occupied territories, the Sinai Peninsula, to its former country, Egypt. Despite the efforts of the international community, however, the region continues to be a hotbed for violence and militant organizations.

The Occupied Territories:

The Israeli-occupied territories are defined as the areas captured from Egypt, Jordan, and Syria by the nation of Israel during the Six Day War of 1967. These areas currently consist of the the Golan Heights, the West Bank, East Jerusalem, and the Gaza Strip. The Sinai Peninsula was also part of the occupied territories until 1982 when Israel returned the Sinai Peninsula to Egypt as part of the 1979 Israel-Egypt Peace Treaty. Israel disengaged from Gaza in September 2005; however, Israel has imposed blockades of Gaza on and off since June 2007 following the eruption of violence between the Fatah and Hamas parties. According to the United Nations and an assortment of human rights organizations, Israel is still considered the dominating power in Gaza and is regarded as the occupier of the West Bank, East Jerusalem, and the Golan Heights.



The Sinai Peninsula

Located between the Suez Canal and the Gulf of Aqaba, Israel first captured the Sinai Peninsula during the 1956 Suez Campaign in coordination with France and the United Kingdom's seizure of the Suez Canal. The United States and the Union of Soviet Socialist Republics (USSR) exerted diplomatic and political pressure on Israel -- which eventually resulted in Israel's withdrawal from Sinai in 1957.

The second Israeli invasion of the Sinai Peninsula occurred in 1967 during the Six-Day War and resulted in Israel's re-capturing of the Peninsula. In 1978, Israel and Egypt participated in the Camp David Accords with then U.S. President Jimmy Carter. The talks began the processing of Israeli withdrawal from the Sinai Peninsula. Following 12-years of occupation, in which time Israel's plans of the Sinai Peninsula never came to full fruition, Israel returned the Sinai Peninsula to Egypt as part of the Israel-Egypt Peace Treaty of 1979. By 1982, Israel had completed its dismantling of its air force bases, military installations, and settlements in the Sinai Peninsula.

The West Bank and the Gaza Strip

Formerly part of the British Mandate of Palestine, the West Bank and Gaza Strip - also referred to as the Palestinian Territories -- are better known in Israel as the Yesha, or Ha-Shetachim: their Hebrew names. With mainly Arab Palestinian inhabitants, the primary population of these areas is comprised of "historic residents" of the territories as well as refugees who have settled here in years since Israel's founding in 1948 following the conclusion of the Arab-Israeli War. Mixed in with the population are nearly 300,000 Israeli settlers in the West Bank.

Despite initially being partitioned as part of an Arab nation as part of the United Nations Partition Plan of 1947, the Gaza Strip was quickly occupied by Egypt and the West Bank by Jordan following the Arab-Israeli war of 1948. During the Arab-Israeli War, or as the Israelis call it the Six Day War, of 1967, Israel captured both areas. Of all the occupied territories, the West Bank and the Gaza Strip have been seemingly constant areas of conflict and interest. In terms of the regions' populations, Israel has exerted a constant or near-constant military presence in and around Gaza and the West Bank.

From the beginning of the occupation in 1967 through 1993, a majority of the area's population did not carry Israel citizenship and were subjected to Israeli military organization/rule. Beginning in 1993 with the Israel-Palestine Letters of Recognition, the Palestinian Authority took control of the Palestinian population and cities in terms of the people and towns' internal jurisdictions. An additional part of this Recognition was the limited presence of Israel's military; as the years progressed, however, Israel has gradually increased the frequency of its patrols of the areas and has even reinstated full military control in some areas of the West Bank and Gaza.

In 2000, Israel began construction of the Israeli-West Bank Barrier that separates Israel and numerous West Bank settlements. The wall also separated multitudes of Palestinians from portions of the West Bank. The construction of this wall has been widely criticized by the international community and the International Court of Justice stated in a 2004 that the barrier was in violation of the international law.¹ Nevertheless, Israel's Supreme Court countered this ruling, stating that Israel had -- under international definition -- been legally holding the areas of the West Bank and Gaza strip under "belligerent occupation since 1967."²

Beginning in 2005, Israel's government implemented a Unilateral Disengagement Plan for the Gaza Strip and four settlement areas in the West Bank. Under the terms of the plan, numerous families were forced to abandon their homes. Families refusing to relocate by choice were forcibly relocated by the Israeli Defense Force (IDF).

In 2005, Israel legislated that -- as part of Israel's unilateral disengagement plan -- all Israeli residents in the Gaza Strip and in four settlements in the northern West Bank would have to abandon their homes. Withdrawal from the area was approved in

¹ "U.N. Court Rules West Bank Barrier Illegal." *CNN*, 10 July 2004.
<http://edition.cnn.com/2004/WORLD/meast/07/09/israel.barrier/index.html>.

² "Beit Sourik Village Council v. The Government of Israel and Commander of the IDF Forces in the West Bank."
[http://domino.un.org/unispal.nsf/f45643a78fcb719852560f6005987ad/380fd102b1711ea48525705a00524cf6/\\$FILE/H CJ%20ruling.pdf](http://domino.un.org/unispal.nsf/f45643a78fcb719852560f6005987ad/380fd102b1711ea48525705a00524cf6/$FILE/H CJ%20ruling.pdf)

June 2004 and implemented the following year in August. While some Israeli citizens accepted the terms of the Unilateral Disengagement Plan and the compensation package offered by the Israeli government, others did not. Those choosing to defy the order were forcibly removed by the IDF following the August 15, 2005 relocation deadline.³

Following this Disengagement Plan, two factions of the Palestinian people began vying for political control. The conflict, which began in 2006 following Hamas' victory in the Palestinian Legislative elections, is known as the Palestinian Civil War or the Conflict of Brothers and was fought between the two dominant Palestinian factions: Fatah and Hamas.

During the initial stages of this conflict in the Gaza Strip, the United States supplied Fatah activists with guns, ammunition, and training.⁴ The first round of fighting broke out on December 15, 2006 when Palestinian security personnel opened fire on a Hamas rally. Fighting continued through February 2007 before a ceasefire was reached.⁵ The second round of fighting occurred in May 2007. Despite numerous attempts from both parties' leaders, a formal truce was never reached.⁶ The bloodiest of the Gaza conflicts came in June 2007 when over 100 people were killed during a nine day period of intense conflict. The third round of fighting concluded with Hamas asserting control over the Gaza.⁷ A fourth round of fighting occurred in October 2007 between Hamas security forces and a Fatah-affiliated sect. At least four people were killed in this confrontation -- for which no official cause has been determined. The conflict escalated on October 20, when three people associated with the Fatah-sect, including a 13-year old boy, were killed. On October 22, seven more Palestinians were killed.⁸ The largest Fatah demonstration in the Gaza occurred on November 12. The demonstration ended when Hamas security forces fired into the crowd, killing six people.⁹

East Jerusalem

Despite initial thoughts that Jerusalem would be an international city, the eastern portion of the city was captured by Jordan during the Arab-Israeli War on 1948 and the western portion by Israel. Twenty-years later, Israel captured the western portion of the city from Jordan during the Six Day War. Thirteen-years later, in 1980, the Israeli legislature (The Knesset) passed the "Basic Law: Jerusalem, Capital of Israel" -- better

³ "IDF issues north Samaria relocation ban." *ynetnews.com*, March 2005.

<http://www.ynetnews.com/articles/0,7340,L-3060939,00.html>.

⁴ Erlanger, Steven. "U.S. offers plan to strengthen Abbas - Americas - International Herald Tribune." *New York Times*, 4 October 2006. http://www.nytimes.com/2006/10/04/world/americas/04iht-jerus.3031389.html?_r=1.

⁵ "Palestinian infighting kills Hamas man in Gaza." *ynetnews.com*, 11 March 2007.

<http://www.ynetnews.com/articles/0,7340,L-3374774,00.html>.

⁶ "Palestinian rivals: Fatah & Hamas." *BBC News*, 17 June 2007.

http://news.bbc.co.uk/2/hi/middle_east/5016012.stm.

⁷ "Gaza-Westbank – ICRC Bulletin No. 22 / 2007." *Reuters AlertNet.com*, 15 June 2007.

<http://www.alertnet.org/thenews/fromthefield/220224/025f24b73a37ef712ad576eb84b22e84.htm>

⁸ "Gaza: 4 dead as Hamas, Fatah clan clash." *The Jerusalem Post*, 18 October 2007.

<http://www.jpost.com/servlet/Satellite?cid=1192380585473&pagename=JPost/JPArticle/ShowFull>.

⁹ al-Mughrabi, Nidal. "Gunfire kills seven at Fatah rally in Gaza." *Reuters AlertNet.com*, 12 November 2007. http://www.reuters.com/article/idUSL12626820._CH_.2400.

known as the Jerusalem Law. The law mandated the Jerusalem become the capital city of Israel and further served to solidify the annexation of East Jerusalem by Israel.¹⁰

The United Nations Security Council responded to the passage of law in kind with Resolution 478, declaring this action to be "null and void," and that it "must be rescinded forthwith." The resolution, which passed by a vote of 14-0 with one abstention (the United States), called upon countries with diplomatic delegations to Israel in Jerusalem to move them outside the city.¹¹ Despite efforts by the United States Congress to establish the nation's Israeli embassy in Jerusalem, the U.S. embassy to this day is not located in the holy city. Furthermore, Israeli's claim over East Jerusalem is not widely supported by the international community.

The Golan Heights

Captured from Syria toward the conclusion of the Six Day War, the Golan Heights was created and brought under the control of Israel through the employment of an armistice line at the end of the War. Following Israel's annexation of the Golan Heights, the Syrian government attempted -- in 1973 -- to reclaim the area. This conflict, known as the Yom Kippur War, lasted for 20-days and resulted in a high number of casualties. Israeli retained control of the area following the Yom Kippur War and a UN observation force was established in the region to monitor the terms of the cease fire.¹² Of the 40,000 inhabitants of the regions, of which approximately half are Israeli and half are of Syrian nationality, all are sanctioned as Israeli citizens.¹³

In 1981, Israel -- in a move which is widely considered to be a decree of formal annexation of the Golan Heights -- passed the Golan Heights Law which basically applied common law over the region. The Golan Heights Law states that, "The Law, jurisdiction and administration of the state shall apply to the Golan Heights...."¹⁴ Despite the nature of the law, the provision itself does not mention the word annexation, nor does it employ a synonym.

The UN Security Council chastised Israel in UN Security Council Resolution 497. The Resolution states that:

1. Decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;
2. Demands that Israel, the occupying Power, should rescind forthwith its decision;

¹⁰ "Basic Law: Jerusalem, Capital of Israel." (n.d.)

http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm.

¹¹ *U.N. Security Council Resolution 478*. 1980.

<http://unispal.un.org/UNISPAL.NSF/0/DDE590C6FF232007852560DF0065FDDB>.

¹² "Regions and Territories: The Golan Heights." *BBC News*, 31 July 2009.

http://news.bbc.co.uk/2/hi/middle_east/country_profiles/3393813.stm.

¹³ See "Regions and Territories"

¹⁴ GOLAN HEIGHTS LAW. *Israel Ministry of Foreign Affairs*.

<http://www.mfa.gov.il/MFA/Peace+Process/Guide+to+the+Peace+Process/Golan+Heights+Law.htm>

3. Determines that all the provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 continue to apply to the Syrian territory occupied by Israel since June 1967....¹⁵

Validity of the Term “Occupied”

While Israel disputes the claims that the areas generally considered the “occupied territories” are in fact “occupied,” the UN, the High Contracting Parties of the Fourth Geneva Convention, and the International Committee of the Red Cross has all upheld the fact that the areas in question here are “occupied.” Furthermore, all of the aforementioned bodies have expressed that the Fourth Geneva Convention provisions on occupied territories apply to the regions in question.¹⁶

Nevertheless, numerous Israeli cabinets and citizens have/continue to deny that the territories are occupied. Instead, the cabinets and Israeli citizens state that classifying their control of the regions in question as an occupation has no basis in international law. Furthermore, they claim that the label “occupation” precludes any positive outcome to ongoing negotiations with/in Gaza, the West Bank, and the Golan Heights.¹⁷

If the regions are not “occupied,” they could be considered “disputed.” However, an agreement as to the exact classification of the “occupied territories” is unlikely to be reached any time soon. As such, the humanitarian provisions of the Fourth Geneva Convention remain in effect and the areas are classified as “occupied.”

In fact, the Israeli government, in recent years, has argued before the Israeli Supreme Court that the government’s control of the areas in question is based on the international law of belligerent occupation as set forth by the Hague Conventions.¹⁸ Israel’s various governments since the Six Day War have flip-flopped on the implementation of the Geneva Conventions’ provisions in the “occupied territories.” At first, Israeli government stated that the Geneva Conventions applied -- a decision that was later reversed based on the ideals set forth in the Mission Reversioner Theory.¹⁹

Israel would seem to be in direct conflict, however, with its own official stance of control over the occupied territories when it comes to the West Bank and Gaza Strip. When the decision was made to implement the unilateral disengagement plan, the Israeli Supreme Court upheld the plan. In a 2005 ruling, the Israeli Supreme Court declared that the two portions of the occupied territories were not part of Israel because they were seized during a time of war -- a decision that would seem to imply an “occupation” of the West Bank and Gaza Strip by Israel in the preceding years.

¹⁵ UN Security Council Resolution 497

¹⁶ "Annex 2 - Conference of High Contracting Parties to the Fourth Geneva Convention: statement by the International Committee of the Red Cross." (2001)
<http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList247/D86C9E662022D64E41256C6800366D55#2>.

¹⁷ "International law expert, Professor Yoram Dinstein, on the international ‘War on Terrorism’." (2008)
<http://uninews.unimelb.edu.au/view.php?articleID=5387>.

¹⁸ 2004 Israeli Supreme Court ruling

¹⁹ Blum, Yehuda Z. *The Missing Reversioner: Reflections on the Status of Judea and Samaria*. 1968.

Further adding to the problems is a 1986 International Court of Justice (ICJ) ruling that portions of the Geneva Conventions merely declare existing customary international law, a ruling Israel has used to refute claims that the Conventions apply to the occupied territories. The Israeli Supreme Court has also ruled that just because a law is deemed a customary international law does not imply that it must be accepted without question by the Israeli government. Instead, Israel has a right to decide which international laws it considers customary. Then, only those Israeli recognized international laws are subject to implementation in the occupied territories.

This argument has led the Palestinian mission to the U.N. to argue that:

it is of no relevance whether a State has a monist or a dualist approach to the incorporation of international law into domestic law. A position dependent upon such considerations contradicts Article 18 of the Vienna Convention on the Law of Treaties of 1969 which states that: "*a state is obliged to refrain from acts which would defeat the object and purposes of a treaty when it has undertaken an act expressing its consent thereto.*" The Treaty, which is substantially a codification of customary international law, also provides that a State "*may not invoke the provisions of its internal law as justification for its failure to perform a treaty*".²⁰

Environmental Considerations

A generally unspoken consideration of Israel's dominance over the occupied territories is the environmental effects. In particular, the Mountain Aquifer supplies Israel with over one-third of its fresh water resources; however, 83% of its recharge area is located within the West Bank.²¹ Additionally, The Gaza Strip's main source of fresh water has become brackish, creating a severe water shortage in the area. The diversion of the Jordan River for hydroelectric power generation and irrigation has shifted the water flow through the region and severely limited the amount of water reaching southern areas of the nation-state and the occupied territories.

Establishment of a Lasting Peace:

The establishment of a just and lasting peace has been one of the primary concerns of the United Nations and the international community since the conclusion of the Arab-Israeli War of 1967, commonly known in the United States and Israel as the Six Day War. Despite numerous attempts from numerous political administrations, in Israel, the United States, the United Kingdom, Egypt, Syria, and even in the Palestinian Occupied Territories, through the 43-year history of the conflict, the closest any of these talks have come to actually establishing a just and lasting peace was the Israel-Egypt Peace Treaty of 1979 which resulted in the ceding of the Sinai Peninsula to Egypt.

The UN Security Council has passed numerous resolutions on the subject, including Resolution 242 which called for "the establishment of a just and lasting peace in the Middle East" through the "the application of both the following principles:

²⁰ "Israel's Belligerent Occupation of the Palestinian Territory, including Jerusalem and International Humanitarian Law." 15 July 1999.

<http://unispal.un.org/UNISPAL.NSF/0/6B939C57EA9EF32785256F33006B9F8D>.

²¹ "Geography of Water Resources." Princeton University.

Withdrawal of Israeli armed forces from territories occupied in the recent conflict” and the “Termination of all claims or states of belligerency.”²²

Israel’s tense relationship with the UN

Israel’s relationship with the UN has always been tense. From its creation, largely because of the efforts of the UN, the US, and the UK in the aftermath of World War II and the Holocaust, Israeli governments have frequently criticized the UN for maintaining an anti-Israeli bias. In November 1975, the General Assembly adopted resolution 3379 (A/RES/3379/30) in which the GA determined that “Zionism is a form of racism and racial discrimination.”²³ Sixteen years later, in resolution 46/86 (A/RES/46/86) from December 16, 1991, the GA revoked resolution 3379 but in the minds of many Israelis, the UN retains an overt anti-Israeli stance. “Aside from the robotic institutional framework within the General Assembly against Israel, other UN bodies and organs obsessively target Israel, as well. The Geneva-based UN Human Rights Council is yet another glaring example.... The Human Rights Council has, in fact, passed more resolutions against Israel than all other countries — combined.”²⁴ Israel has never been elected to the Security Council and there are several UN bodies dedicated specifically to Palestinian issues, including the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division on Palestinian Rights, and the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories as well as the UN Relief and Works Agency (UNRWA).

A recent incident that has led to a deterioration of UN-Israeli relations was the shelling of a school administered by UNRWA during the last Gaza conflict in January 2009. Israel officially reprimanded two military officers for shelling densely populated areas and “for exceeding their authority in a manner that jeopardized the lives of others.”²⁵ As will be discussed below, the Israeli military also dropped white phosphorus bombs near the UNRWA school, a practice that many governments and human rights groups have condemned in recent years but that Israel defends as being within the bounds prescribed by international law.

Acceptance of a Two-State Solution

The stated preferred solution for most of the major players in the Middle East peace process is to create a situation with two viable and self-sustaining states of Israel and Palestine. In December 1988, the Palestine Liberation Organization (PLO) officially recognized the state of Israel and called for a two-state solution to the Middle East peace process. The state of Israel also officially calls for a two-state solution to the Middle East peace process. The UN Security Council, in a perambulatory clause in resolution 1397 (S/RES/1397), affirmed “the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders....”²⁶ With both the Israelis and

²² UN Security Council Resolution 242 (S/RES/242).

²³ (A/RES/3379/30) November 10, 1975.

²⁴ Permanent Mission of Israel to the United Nations, “Israel at the United Nations” 2010.

²⁵ Isabel Kershner, “Two Israeli Officers Reprimanded for Gaza Shelling” *The New York Times* February 1, 2020.

²⁶ (S/RES/1397) March 12, 2002 p. 1.

the official Palestinian leadership, as well as the UN and the overwhelming majority of the international community, committed to a two-state solution, it would seem that achieving a workable compromise would be feasible but violent occupation and resistance continue.

The Intifadas

Palestinian resistance to Israeli occupation erupted in November 1987 in the first intifada, or uprising; from most accounts, Palestinian resistance was centrally organized but not a direct threat to Israel's security. Hence, the lasting images of Palestinian resistance from the first intifada is of men and boys throwing rocks at Israeli soldiers and tanks.²⁷ The first intifada would last for nearly 3 years and would force world leaders, academics, and journalists to examine Palestinian anger, grievances, and violent resistance.

The second intifada would erupt in 2000 after Israeli Defense Minister Ariel Sharon insisted on touring the Temple Mount, site of the Al-Aqsa mosque. Palestinian resistance during the second intifada would again last for several years, prompting a harsh, and in the eyes of much of the international community disproportionate, response from Israel. According to official statistics, 743 Palestinians were killed during the first intifada from 1987-1990, whereas 3,161 Palestinians were killed in the first 4 years of the second intifada.²⁸ By comparison, Israeli deaths during the first 4 years of the second intifada totaled 949.²⁹ Israeli use of tanks and attack helicopters would be countered by Palestinian suicide bomber attacks and a further deterioration of the security situation for civilians in both Israel and the Palestinian Occupied Territories.

Human Rights Violations During Recent Conflict Situations

Charges and denials of massive, and often intentional, human rights violations are issued by Israel as well as the Palestinian factions of Fatah and Hamas, as well as Hezbollah in southern Lebanon. Israel has been cited repeatedly by United Nations fact-finding missions for collective punishment, disproportionate use of force, the intentional targeting of civilians and civilian infrastructure, and closing off the Gaza Strip and West Bank to undermine the viability of the Palestinian economy. On September 25, 2009, the UN Fact-Finding Mission on the Gaza Conflict, chaired by South African judge Richard Goldstone, issued its 452-page report on "Human Rights in Palestine and Other Occupied Arab Territories." In the report, the UN Fact-Finding Mission asserted that Israel launched at least 10 "deliberate attacks against the civilian population" amongst other human rights violations during the most recent conflict in Gaza.³⁰ Israel rejects these assertions and is preparing to deliver its own report on the recent conflict in Gaza,

²⁷ *BBC News*, "1987: First Intifada" May 6, 2008.

²⁸ Neve Gordon, "Before the Law" *The Nation* May 2, 2005.

²⁹ Middle East Policy Council (MEPC), "Number of Palestinians Killed Each Year Since 9/29/00" 2009. Found at: <http://www.mepc.org/resources/mrates.asp>

³⁰ UN General Assembly (UNGA), (A/HRC/12/48) "Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict" September 25, 2009 p. 20. The full report may be accessed at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/a-hrc-12-48.pdf>

denouncing Hamas for its use of asymmetric warfare and for using the Palestinian population as human shields.³¹

Israel's frequent closing off, or blockades, of the Gaza Strip and the West Bank, depending upon the perspective of the observer, prevent various UN agencies, particularly the UN Works and Relief Agency (UNRWA), from delivering vital humanitarian aid. "Through much of the year [2008], Israeli restrictions on movement in and out of Gaza – imposed in mid-2007 in response to rocket attacks by Hamas – threatened to precipitate a humanitarian crisis."³² Israeli politicians and military commanders consistently argue that if the Palestinian political and security authorities actually prevented attacks against Israeli civilians, then these closures, or sieges, of the Gaza Strip and West Bank would be unnecessary.

The Road Map to...Nowhere?

The Middle East peace process, in common parlance, has lasted since the creation of the state of Israel but the major international conferences and initiatives dedicated to achieving peaceful coexistence date back to the early 1970's. In 1978-79, President Carter hosted the Israeli and Egyptian leadership at the Camp David presidential retreat in Maryland, ultimately resulting in the aforementioned Camp David Accords and the return of the Sinai Peninsula to Egypt. In 1993, US President Bill Clinton received Palestine Liberation Organization (PLO) leader Yasir Arafat and Israeli President Yitzhak Rabin at the White House to celebrate the inauguration of the Oslo Accords, so named because much of the negotiations took place in the Norwegian capital. By the early 2000's, the peace process revolved around the Wye River Memorandum of 1998 and the Camp David Summit in 2000. These various conferences and negotiations ultimately led to the establishment of the Road Map for Peace, first unveiled in April 2003, a peace process that was scheduled to unfold in 3 stages. The basic premise that pervades these negotiations is "land for peace," meaning that Israel will cede or return land to the Palestinians in return for Palestinian guarantees that violence against Israelis will be prevented. The Roadmap for Peace has never been fully implemented by either side; even after Israeli withdrawal from the Gaza Strip in 2005, Israeli military incursions into the Gaza Strip continue. Violent attacks by Hamas, including indiscriminate launching of missiles towards Israeli cities, continue with little apparent concern on behalf of the Palestinian security forces.

The Roadmap for Peace, or simply Road Map, also introduced the formal concept of the "Quartet", composed of the United States, European Union (EU), Russia, and the UN, to mediate the Israeli-Palestinian conflict. Under-Secretary-General for Political Affairs B. Lynn Pascoe noted on March 25, 2009 that "it is important that the Quartet and the international community act with unity of purpose to help stabilize Gaza and reinvigorate the peace process. We need to have both Israeli and Palestinian Governments that are clearly committed to the two-State solution."³³ As both Israel and

³¹ Ethan Bronner, "Israel Poised to Challenge a UN Report on Gaza" *The New York Times* January 23, 2010.

³² Richard Gowan, "A Dual Role in the Middle East" from United Nations Association (UNA-USA), *A Global Agenda: Issues Before the United Nations 2009-2010* New York 2009 p. 43.

³³ Ban Ki-moon, A/64/351-S/2009/464 "Peaceful settlement of the question of Palestine: Report of the Secretary-General" September 15, 2009 p. 6.

the Palestinian Occupied Territories seek greater international support, it is increasingly imperative that their respective allies and financiers commit fully to reaching a viable and equitable two-state solution.

Momentum towards achieving the Roadmap for Peace has been stalled for several years. Recent elections in both Israel and the Palestinian Occupied Territories have brought more hardline rulers into power on both states; within the Palestinian leadership, Prime Minister Mahmoud Abbas of the Palestinian Authority has faced widespread criticism from Hamas and even within Fatah. Palestinians have taken to the streets in larger numbers in recent months, prompting further Israeli crackdowns on these protests.³⁴

The Roles of Interested States

Each American presidential administration lists resolution of the Israeli-Palestinian conflict as a critical American foreign policy priority; since 1967, 8 presidents have left office without a successful resolution of this conflict. It is obviously too early to tell if President Obama will become the 9th US president to be disappointed in his quest to broker a lasting two-state solution but his envoy, former US Senator George Mitchell, is optimistic that he can bring the Israelis and the Palestinians back to the negotiating table in the near future.³⁵

Israel's neighbors are critically interested parties for obvious reasons. Jordan continues to house nearly 2 million Palestinian refugees in what have become permanent camps.³⁶ As one of only a few Muslim states, including Egypt, to officially recognize Israel, Jordan has faced serious criticism from Iran and Syria as well as from Islamist parties within Jordan that oppose recognition of, and reconciliation with, the state of Israel. In January 2009, during the most recent crisis in Gaza, Egypt and Jordan were very concerned about renewed influxes of Palestinians as well as the strain placed upon local populations and economies of continuous warfare in Gaza and the West Bank.³⁷ In January 2010, Egypt asserted greater pressure on Hamas to reconcile with Fatah in order to accelerate the commencement of a new round of peace talks.³⁸

Lebanon must also be included amongst the interested parties as its own tumultuous relations with Israel have all too often erupted in warfare, including in July 2006. Israel occupied southern Lebanon from 1982 until 2000, finding itself engaged in frequent clashes with Hezbollah. Israel's actions during this brief war were roundly condemned as Israel was denounced for using cluster munitions and also white phosphorus bombs; white phosphorus bombs would also be used in the January 2009 conflict in Gaza.³⁹

³⁴ Isabel Kershner, "Israel Signals Tougher Line on West Bank Protests" *The New York Times* January 26, 2010.

³⁵ *The Economist*, "Do get a move on" January 21, 2010.

³⁶ Dale Gavlak, "Jordan's camps for Palestinians" *BBC News* June 7, 2004.

³⁷ Michael Slackman, "Crisis Imperils 2-State Plan, Shifting a Balance" *The New York Times* January 11, 2009.

³⁸ *Reuters*, "Gaza: Hamas Says It Could Restart Talks with Fatah" January 27, 2010.

³⁹ Ethan Bronner, "Outcry Erupts Over Report That Israel Used Phosphorus Arms on Gazans" *The New York Times* January 21, 2009.

Iran and Syria are currently considered the two Middle Eastern countries with the most hostile policies towards Israel. While bellicose rhetoric is nothing new in the region, Israel bombed what it and the US claimed to be a Syrian nuclear site in September 2007. Officials from the International Atomic Energy Agency (IAEA) visited the site in June 2008 but have publicly said little in regards to Israeli and US allegations that Syria was building a nuclear reactor along the lines of the infamous Yongbyon reactor in the Democratic People's Republic of Korea (DPRK).⁴⁰

The European Union (EU), Russia, Saudi Arabia and Turkey are all critical players in the Middle East process as well. Britain's involvement stems, at the latest, from the Balfour Declaration of December 1917 when the UK announced that it would establish a Jewish homeland. Turkey in particular has a complex relationship with Israel as it has been a longstanding ally of Israel, due largely to Turkey's desire to maintain positive relations with the US and the European Union. During periods of intense conflict, however, Turkish-Israeli relations typically sour; during the second intifada, Turkey's Prime Minister accused Israel of committing genocide against the Palestinians.⁴¹

Achieving a lasting and equitable peace in the Middle East necessitates the establishment and two viable states of Israel and Palestine. Resolving long-standing territorial, legal, and human rights disputes will require diligent diplomacy and a consistent focus on behalf of the international community. Delegates to the Security Council must consider the best strategy for restarting the Roadmap to Peace process with the goal of achieving realizable and sustained progress towards peace in the Middle East.

Guiding Questions:

1. Under what circumstances do the Geneva Conventions apply? Moreover, what are Israel's claims toward the nullification of the Geneva Conventions in the occupied territories and how have/do these claims interfere with the peace process in the region?
2. Aside from the UN Security Council Resolutions mentioned here, what other steps has the UN taken toward facilitating an end to the conflict in the Israeli occupied territories? How were these actions viewed in the eyes of the international community? What implications have these resolutions had on other "occupied territories" throughout the world?
3. Is a two-state solution a viable option for this region? If so, how would the situation of the Golan Heights be remedied? What would be appropriate roles for interested countries to take in fostering a viable two-state solution?
4. If Israel was willing to cede the Sinai Peninsula to Egypt, why then is the nation-state resistant toward the idea of relinquishing control of the Occupied Territories? An extension of this question would be: Why does Israel feel it has a claim over these areas?

⁴⁰ Lally Weymouth, "A Conversation with Mohammed ElBaradei" *Washington Post* February 1, 2009.

⁴¹ Jonny Dymond, "Turkey accuses Israel of genocide" *BBC News* April 4, 2002.

5. How should the militant extremists in the area be dealt with? Further, whose definition of “militant extremists” is used when discussions the various political factions throughout the Palestinian Occupied Territories? Is this a proper classification? How does that classification in the internal community affect the way in which UN Security Council Resolutions are worded?
6. What has been done to assist the refugees of the region -- both those from the initial creation of Israel in 1947 and those from the occupied territories since 1967?
7. Aside from the Mountain Aquifer, what other environmental and cultural concerns stem from Israel’s occupation of the region? Specifically, how have Israel’s actions toward natural resourced affected those living in the occupied territories?

Resolutions:

S/RES/242 (1967)

S/RES/338 (1973)

S/RES/478 (1980)

S/RES/1397 (2002)

S/RES/1515 (2003)

S/RES/1850 (2008)