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Note from the Executive Board

Distinguished Delegates,

It is my distinct pleasure to welcome you to the Security Council of this year's COEP MUN. My name is Jemin Shah and I shall be serving as President of the Security Council for our two day session debating the Palestine question

The nature of this agenda's open ended stating is intended to encompass all aspects of the current situation in Palestine. While you will be expected to tackle the prominent issues such as the violation of human rights in the Gaza Strip and the unprovoked shelling of Israel from areas of Gaza, you will also be expected to tackle solutions based on historical context and signed treaties.

Since the scope of this agenda is incredibly vast, this committee is expected to focus on the current real world situation including the humanitarian, territorial and security aspects. The question of Palestinian statehood shall be an important one, and will have to be approached with a well-researched outlook.

This guide has been divided into subcategories that should help you gain an initial perspective, but is in no way comprehensive and you are expected to carry out extensive research on your own on this agenda as well as the mandate, powers and functions of the Security Council before you come to committee.

As a chairperson I personally prefer to not intervene in committee proceedings unless the situation is extremely dire, which is why I expect all delegates to be well-versed with current affairs and foreign policy to complement, contradict and point out inconsistencies in arguments made by fellow delegates. Given the technical and background-rich nature of our agenda, your **research and quality of ideas are the most important categories on which you shall be evaluated** in committee, followed by **paperwork, lobbying and foreign policy**. Decorum shall be of utmost importance in the Security Council, and you shall be expected to behave with utmost diplomatic courtesy at all times towards the Secretariat, the Executive Board and your fellow delegates. We shall be following the UNA-USA Rules of Procedure, which you may familiarise yourself with online.



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I look forward to seeing you all in December.

Regards,

Jemin Shah
President
United Nations Security Council
COEP MUN 2016



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THE PALESTINIAN CONFLICT

The roots of the Israeli-Palestinian conflict lie in the late 19th and early 20th century. The conflict was caused by the birth of major nationalist movements among the Jewish as well as among the Arabs whereby both aimed to create a sovereign state for their people in similar regions in the Middle East. At that time, there was global nationalist movement going on as people from around the world began to identify themselves as nations and strive to become independent. Furthermore, members of the Jewish diaspora (this refers to the Jews that had been exiled from their kingdoms as far back as 733 BC) sought to create their own state with real borders, rather than being a nation spread around the world.

After the Second World War, this new movement in which they tried to identify a place where Jews could come together to form an independent nation grew stronger. The region of Palestine with important religious sites such as the city of Jerusalem seemed, for many, to be the best location. The Jewish nationalist movements, also known as Zionist movements, had already started in 1882 with the first mass immigration of European Jews. Conflict started to boil up in 1947 with the emergence of Palestinian nationalism which has its roots in the 1920s, and escalated when other Arab states started to get involved.

The conflict developed into a crisis between Palestinian Arabs and Israelis in the region. After having been under Ottoman rule for many years, the area came under British rule during the 1st World War, as stated in the Sykes-Picot Agreement between Britain and France in 1916. The British planned to divide the territory into a made two parts – the Arab state Transjordan (as promised in the McMahon-Hussein Correspondence in 1915) and the Jewish Palestinian state (as promised in the Balfour Declaration of 1917). Although several attempts were made to reconcile both sides to implement this decision such as the Paris Peace Conference in 1919, the London Conference (1920) and finally the San Remo Conference (1920), no agreement was ever lastingly achieved. The Faisal-Weizmann Agreement, which established the British Mandate and called for a demarcation of the borders for these areas by a special commission therefore was signed by all parties in 1919 but never implemented.

Under arising conflicts and in the aftermath of World War II, the British government decided to terminate their mandate in 1947 and referred to United Nations for all matters regarding the future of Palestine. In reaction to this, the UN formed the United Nations Special Committee on the Status of Palestine (UNSCOP). This committee deliberated during three months until finally



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proposing what became known as the UN Partition Plan to the UN General Assembly. The proposal recommended a partition with Economic Union of Mandatory Palestine to follow the termination of the British Mandate. On 29 November 1947, the U.N. General Assembly adopted a resolution recommending the adoption and implementation of the Plan as Resolution 181(II). The recommendation in the resolution included the creation of the independence of the two states, Israel and Palestine, and an International Regime (Corpus Separatum) for the city of Jerusalem. The Partition Plan, a four-part document attached to the resolution, provided for the termination of the British Mandate, the progressive withdrawal of British armed forces and the delineation of boundaries between the two States and Jerusalem. Part I of the Plan stipulated that the Mandate would be terminated as soon as possible and the United Kingdom would withdraw no later than 1 August 1948. The new states would come into existence two months after the withdrawal, but no later than 1 October 1948. The Plan sought to address the conflicting objectives and claims of two competing movements: Arab nationalism in Palestine and Jewish nationalism. The Plan also called for Economic Union between the proposed states, and for the protection of religious and minority rights.

The Plan was accepted by the Jewish public, except for its fringes, and by the Jewish Agency despite its perceived limitations. Arab leaders and governments rejected the plan of partition in the resolution and indicated an unwillingness to accept any form of territorial division. Their reason was that it violated the principles of national self-determination in the UN charter which granted people the right to decide their own destiny.

Immediately after adoption of the Resolution by the General Assembly, the civil war broke out. The partition plan was not implemented. In 1967, the Six-Day War broke out in which Israel took the West Bank, Gata Sinai, East Jerusalem and the Golan. Regarding these threats and invasions, the Security Council unanimously adopted Resolution 242 sponsored by the United Kingdom. It stressed five different principles: withdrawal of Israeli forces, peace within secure and recognized boundaries, freedom of navigation, a just settlement of the refugee problem and security measures including demilitarized zones.

The last Security Council action was in 1973 adopting Resolution 338 which called for a ceasefire in the Yom Kippur War, which broke out in 1973 and constituted an attempt by a coalition of Arab states led by Egypt and Syria against Israel from October 6 to 25. With the exception of isolated attacks on Israeli territory on 6 and 9 October, the military combat actions during the war took place on Arab territory, mostly in the Sinai and the Golan Heights. Egypt's stated goal for the war was the expelling of the Israeli forces occupying Sinai.



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In 1974, the UN General Assembly Resolution 3236 recognised the right of the Palestinian people to self-determination, national independence and sovereignty in Palestine. This was another milestone in the international realm that officially acknowledged the UN's contact with the Palestine Liberation Organisation (PLO) and made them the official representative of the Palestine people to the UN, as well as adding the 'Question of Palestine' to the UN agenda. Even though U.S. action is still preventing Palestine from becoming an official member state, something the PLO is still fighting for, they were granted Nonmember Observer Status on the 29th of November 2012 by the United Nations Member States. The move was considered mostly symbolic, and although United States and Israeli Governments strongly contested this measure, former Israeli Prime Minister Ehud Olmert expressed support for it.

The Israel-Palestine conflict, also called as the "Question of Palestine", has concerned the UN since its foundation in 1947. It has remained in the agenda until today and remains highly controversial. Questions posed by the conflict concern the development of modern statehood, the necessity of international recognition, the security of state borders as Palestine remains occupied territory. Moreover, the availability of drinking water is limited in many areas and therefore further increases tensions between the local populations. The most important resolutions which have been passed by the UN are the following:

Resolution 181 (Future government of Palestine)
Resolution 242 (aftermath of the Six-Day War)
Resolution 338 (the Yom Kippur War)
Resolution 3236 (Palestinian people's right to self-determination)

KEY ISSUES:

1. Right Of Return: According to Article 13 of the UN Universal Declaration of Human Rights, everyone has the right to return to their home country. The Israeli government however denies this right to several thousand Palestinian refugees who fled during the partition as well as subsequent wars, going so far as to pass domestic laws preventing territory from being claimed on historic ownership rights by people who are not born citizens of Israel.
2. Blockade of Gaza: The blockade of Gaza imposed by Israel in 2007 crippled Gaza's infrastructure and economy. To this day, shipments and supplies going into Gaza



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are heavily controlled by Israel, with the supply of several resources being restricted or prohibited, greatly lowering standards of life in Gaza.

3. Cross-border Firing: There are frequent incidents of rocket and mortar attacks into Israel from Gaza, and a similar system of targeted airstrikes in Gaza by the Israeli Air Force. These have caused great loss of life and property to civilian populations in both countries.

4. Israeli Expansion: The construction of new settlements by Israel in the West Bank has drawn strong protest from Palestinian representatives as being illegal expansion in addition to Israel's already war-acquired territories of Golan Heights in Syria.

PEACE PROCESS

The 1978 Camp David Accords and subsequent 1979 Egypt-Israel Peace Treaty formed the basis for future negotiations on Palestine, while also earning Israeli President Begin and Egyptian President Sadat the Nobel Peace Prize. The first of these accords was the Framework for Peace in the Middle East, which recognised the 'legitimate rights of the Palestinian people' under UNSC Res. 242, and was intended to guarantee them full autonomy and the withdrawal of Israeli troops from the West Bank and Gaza after an election of a self-governing authority within a period of five years. However, the agreements also alienated Egypt from much of the Arab world, leading to Egypt's suspension of membership by the Arab League for a decade and Sadat's assassination. The PLO had meanwhile gained diplomatic recognition both from the 1974 Arab League summit as the 'sole legitimate representative of the Palestinian people' and from the United Nations who invited Arafat to address the General Assembly on behalf of the PLO.

The 1991 Madrid Conference and thereafter the Oslo Accords in 1993 and 1995 aimed to establish a framework for a peaceful settlement represented the first face-to-face agreement between the government of Israel and the PLO. The first agreement, Oslo I negotiated in 1993, provided for the creation of the Palestinian National Authority, later simply the Palestinian Authority, as an interim self-government with responsibility for the administration of the territory under its control. The Accords also called for the Israel Defense Forces (IDF) to withdraw from parts of the Gaza Strip and West Bank. The second agreement in 1995, Oslo II, gave Palestinians self-rule in Bethlehem, Hebron, Jenin, Nablus, Qalqilya, Ramallah, Tulkarm, and



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some 450 villages. Neither promised a Palestinian state, but a lasting solution was anticipated within a matter of years. Although seen as the most significant breakthrough in the peace process, negotiations stalled, with both sides blaming the other, and conflict resurfaced in the Second Intifada in 2000-2005 and exchanges of rocket attacks between Hezbollah and Israel in the 2006 Lebanon War. In 2002, the United Nations, United States, European Union, and Russian Federation came together to form the Quartet on the Middle East which provided a Road Map for a two-state solution. However, critics argue that many of its statements since have been mere repetition and have not led to any significant changes in policy on either side.

PROPOSED SOLUTIONS:

The Israel-Palestine conflict is broad and complex, and many of the issues that are key to finding peace need to be negotiated directly between Israeli and Palestinian leaders. However, there are several key issues that the United Nations and the Security Council can act on that could impact peace negotiations:

- **Palestine 194:** Palestine is applying to become the 194th member state of the United Nations. Becoming a member state would give the state of Palestine more credibility and legitimacy in the eyes of the international community. And it would help Palestinian leaders in negotiations with Israel. However, membership to the UN requires a vote by the Security Council, and historically the US has vetoed Palestine's bid for membership. But can the Security Council find a compromise that would enable Palestine to become a member of the UN?
- **Security Concerns:** Currently, the Israeli military occupies Palestine. From the Israeli point of view, this is to protect its borders, ensure national security, and prevent acts of terrorism. From the Palestinian point of view, this is a violation of Palestine's sovereignty and is seen as a show of force and intimidation. And at the same time, there are groups within Palestine that do not recognize Israel's right to exist, and have committed acts of terror within Israel. Can the Security Council and the international community make efforts to relieve this tense situation and guarantee the security of both Israelis and Palestinians?
- **Human Rights:** Palestinian leaders have accused Israel of violating the human rights of Palestinians, starting with the Israeli occupation of Palestine to Israel's refusal to recognize the right of reply of Palestinian refugees. However, various Palestinian groups have refused to recognize Israel's right to exist. And Israeli leaders believe it is their right to preserve Israel's



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national security. What is the UN's and the Security Council's view on these issues? Can their opinion affect peace negotiations?

QUESTION OF PALESTINIAN STATEHOOD:

Recognition of an entity as a State does not only imply that the entity has fulfilled all required qualifications to attain the status of statehood. It also means that the recognizing state and recognized state assume their rights and responsibilities towards one another. Furthermore, it clarifies the fact that both are ready to bare the usual legal consequences that stem out as a result of according recognition. It is, therefore, believed that recognition is an amalgamation of both politics and international law.

Concerning politics, one could argue that to enter into relations with another State and allow privileges to her, is directly relevant to the State's interests. It also involves reciprocity between the nations. Thus, when States decide upon the question whether to accord recognition or not, they weigh both options: That is, whether it is to their advantage to grant recognition or not. It is also pertinent to consider the internal situation in one's State before the final decision is made. For instance, a country suffering from separatist movements will practice restraint from according recognition to an entity that is demanding recognition on the basis of a similar movement. Since such recognition will advance the cause of the movement already fevering in its own territory.

Aside from political considerations, international law also has a strong bearing in this as well. According to some international law scholars, recognition upon fulfillment of requirements is mandatory and must be accorded, whereas others claim that such assertion is baseless and against the free will of a state. Also, the former assertion i.e. the duty of recognizing a state, cannot be made with finality considering the established state practices.

Article 1 of the Montevideo Convention that lists the criteria that qualifies a state and is accepted as customary international law, defines a state as follows:

"The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states"

These factors must be kept in mind while deciding the question of Palestinian statehood.



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QUESTIONS TO ANSWER

- Does the blanket of self-defense interests permit the activities being carried out by Israel in the West Bank and Gaza Strip leading to the suppression of human rights?
- Does the Palestinian authority (represented by the Palestine Liberation Organisation) form a legitimate authority to represent the Palestinian people? How must we handle the diverging policies of Hamas and Fatah factions of the same?
- How will the question of Palestinian statehood be tackled, and what will the territorial distribution be?
- Presuming the adoption of the Two-State Solution, what will the status of Jerusalem be?

Once again, please remember that these guidelines and questions are only basic starting points and are not comprehensive. It is imperative for you to explore the current situation, proposed solutions, problems and positions on your own.