



THE BHAWANIPUR



THE BHAWANIPUR EDUCATION SOCIETY COLLEGE
ASSEMBLY OF NATIONS

STUDY GUIDES

BESCAON

2024

THE BHAWANIPUR EDUCATION SOCIETY COLLEGE

ASSEMBLY OF NATIONS

Message from EB.....	3
About committee.....	4
Introduction to the Agenda.....	5
Historical developments.....	5
Recent events.....	7
Legal perspective.....	9
- Right to Self-Determination.....	10
- Responsibilities of the Occupier.....	11
- Right of Return.....	12
- Laws Concerning War and other related considerations.....	13
The Perspective of International Relations.....	14
Realist Perspective.....	14
Security Dilemma.....	14
Relative Gains.....	15
Security Complexities Military Posturing:.....	15
Border Disputes:.....	15
International Organizations.....	15
Economic Interests.....	15
Balance of Power.....	15
Past Peacebuilding efforts.....	16
Understanding Geopolitical Bloc Dynamics.....	18
State Actors:.....	18
Israel:.....	18
Palestinian Authority:.....	18
Regional Power Players:.....	19
Iran:.....	19
Saudi Arabia:.....	19
Turkey:.....	19
The United States-Israel Relationship:.....	19
Russia's Role:.....	19
Non-State Actors:.....	19
Hamas:.....	19
Hezbollah:.....	19
International Actors:.....	20
United States:.....	20
Other International Players:.....	20
Conclusion.....	21
The major obstacles to reaching a Two State Solution.....	21
Failed Attempts after Failed Attempts.....	22
“Peace is Possible, Conflict is Inevitable”.....	23



THE BHAWANIPUR EDUCATION SOCIETY COLLEGE

ASSEMBLY OF NATIONS

Message from Executive Board

It is a privilege for us to have you all as a part of the Special Political & Decolonization Committee at The Bhawanipur Education Society College Assembly of Nations 2024 (BESC AON 2024). The agenda we will be addressing in this committee are- "Agenda Item 50: Israeli Practices and Settlement Activities Affecting the Rights of the Palestinian People and other Arabs of the Occupied Territories".

As an important and unique committee of its kind to be introduced in the MUN arena, we assure you that you will all gain something memorable and worthwhile during BESC AON 2024. It may be new knowledge on the assigned topic or a different experience in your MUN career.

The Study Guide contains briefly described details on key issues related to the agenda. The study guide has been provided to you guys to have a better understanding of the agenda and will help you to structure your research properly. However, please do note that this study guide is not exhaustive in nature. This is merely to provide you with a short overview of the topic and you are expected to do more thorough research from your end on your own.

Over the four days of the conference, we anticipate high-quality debates from each and every delegate present in the committee. This is an issue that will require teamwork and cooperation to solve all of your efforts and performance will be taken into account. We hope that you shall spend each and every minute of the committee sessions engaging in constructive diplomatic dialogue, as to achieve feasible solutions.

We hope you enjoy perusing these topics as much as we did in preparing them, and that you come up with ideas, solutions and compromises that will impress us, and yourselves.

Wish you all the best!

From the Executive Board.

THE BHAWANIPUR EDUCATION SOCIETY COLLEGE
ASSEMBLY OF NATIONS

About committee

The United Nations General Assembly Fourth Committee, often referred to as the Special Political and Decolonization Committee, is one of the six main committees of the UN General Assembly. Established in 1949, its primary focus is on addressing issues related to decolonization, political affairs, peacekeeping, and a range of special political matters.

In charge of directing regions toward independence and self-government during the decolonization process is one of the Fourth Committee's primary responsibilities. The committee has been instrumental in helping to bring an end to colonial control in many different parts of the world over the course of its existence. Reflecting the dynamic character of international relations, it offers a forum for the discussion of matters pertaining to peoples' sovereignty and right to self-determination.

The committee's agenda covers a wide range of subjects, from the state of affairs in particular areas that are being considered for decolonization to the peaceful use of space. Member states can use it as a platform to voice their opinions, propose resolutions, and have diplomatic discussions. The Fourth Committee plays a crucial role in determining how the UN addresses political issues and conflicts by encouraging member states to communicate and work together to find solutions.

The committee's mission also includes the crucial task of peacekeeping operations. It examines new missions, evaluates the efficacy of current ones, and talks about the larger picture of peacekeeping operations. The Fourth Committee's participation in peacekeeping demonstrates its dedication to upholding international peace and security in line with the main objectives of the UN.

In addition, the group tackles matters with refugees and internally displaced individuals, prioritising the humanitarian dimensions of hostilities. It looks at measures to lessen suffering among people, safeguard populations at risk, and advance the rights of internally displaced people and refugees. The Fourth Committee's deliberations on humanitarian issues support larger global initiatives to protect human rights and aid the underprivileged.

Member nations are able to have open discussions and negotiations because of the transparent workings of the Special Political and Decolonization Committee. The committee upholds the UN Charter's tenets by fostering diplomatic attempts to settle disputes amicably throughout its meetings. The inclusive approach of the Fourth Committee guarantees that the interests of all member states are taken into consideration and allows for a varied variety of opinions.

The Fourth Committee has encountered further difficulties recently, which is indicative of how the world is changing. The committee's agenda now includes topics like cyberwarfare,

climate change, and emerging technologies, demonstrating its flexibility in response to changing geopolitical conditions. This demonstrates the UN's dedication to tackling new risks and opportunities that affect global peace and stability in addition to more conventional political issues.

Introduction to the Agenda

It is not at every juncture that we get an opportunity to deliberate on a conflict in an academic space while it rages on for the better part of the last century and continues till this point. The tragedy that it presents us with is unquantifiable. The patterns are recurrent yet evolving, and the frameworks are constant but their appropriations change to catch up. This makes us question, for how long shall the international order play catch-up to the conflict? The United Nations General Assembly (Special Political and Decolonization Committee), as the most representative international forum with all member states of the United Nations, has had and continues to have the obligation to “decolonize” and offer a political end to the conflict. The definitions of the words we used in the previous sentence continue to be a matter of debate. This is precisely why we choose to discuss the very oft-discussed but hardly answered agenda- the question of Israel, its settlements and of Palestine and Palestinians. The agenda in itself is multidisciplinary, imbibing a range stretching from the politics of language to the politics of law. In an exercise of the faculties of mind, this is that one agenda which confronts both sides of the spectrum with the same moral dilemma: if not now, then when?

Historical developments

This segment shall sketch a very brief history to the conflict. While we recognize the central necessity of understanding and deliberating history for a committee of this nature, we also need to limit ourselves to not deliberate disputed history much here because after all, objectivity in history is a historical myth! Further, it is almost impossible to confine the entire historical development within the length of about, a page. Thus, this segment begins by providing a brief idea as to the origins of the conception of, and the demography of Palestine, in a very basic way, outline the history of the past century.

Unlike the common understanding that Palestine was conceived by the Romans, traces of “Palestine” can be found much earlier in the Late Bronze Age, around 1300 BC. Philistine coins from the Iron Age bear testament to the same; Umayyad and Abbasid Palestine coins too contain the mint name “Filistin”. Manuscripts of the mediaeval al-Futsal (old Cairo) Genizah refer to Filastin; and from the Late Bronze Age all other names used to identify the region give way for “Palestine”. Therefore, it is understood that Palestine as an entity existed longer than we generally comprehend. In its journey from the Roman era to the Byzantine era and then the Islamic (or Ottoman) era, the area Palestine received an official stamp as an administrative unit. This too runs contrary and dispels a common myth that has been preached by a school of historians that Palestine emerged as an administrative entity only as a British mandatory; while, history suggests that the same dates back to “Syria Palestina” of the Romans and later, as three provinces of the Byzantines. Further, to

understand Palestinian nationhood, it is important to understand the nature of Palestine as a nation in history. Firstly, it is not to be evaluated from the prism of a “nation-state”, as the existence of the Palestinian nation far predated it. Rather, Palestine has been a nation with evolving dynamics and boundaries- it is the *bilad* (country), the homeland of the indigenized immigrants of the land and the indigenous people of the land (*Filastin-al-Tarikiyyah*). They have a strong multicultural and multi faith heritage. Secondly, it is not an universally accepted proposition in history that the origins of Palestine were nomadic in nature. To the contrary, some argue it was actually a result of a modernizing process- initiated in the Early Bronze Age and leading to emergence of urban centres such as Gaza, Jerusalem, Tell al-Sakan, Tell Tannek, etc.

It is in the Roman Age that the historic exodus of Jews is located, wherein only a small segment of Jews stayed behind in Palestine while the rest of the diaspora left the land. It is to be noted that the Arab Identity of Palestine also extends to the indigenous Jews (the one mistake we should avoid, by the way, is to group the Jews and the Samaritans together- the latter far precedes the Arab Jews).

The Byzantine and the Ottoman empire (or the Turkish empire, or the Islamist era) shall not be discussed here, owing to word and page constraints. However, it is worth mentioning that both the Arab as well as the Jewish scholars look at the Ottoman era from a negative lens; however more recently there is a revisionist school of history who look into the era's strength- characteristic, cultural and demographic.

The present issue majorly arises post the acquisition of Palestine by the British as a mandate. There had been a slow flow of Jews into Palestine constantly, however none amounting to one that alarms the Arabs. The rise of nationalism and enlightenment led to the birth of Jewish national consciousness, culminating in the foundation of the World Zionist Organization in 1897 and claimed their right to their national homeland, Palestine. Bearing in mind the sociopolitical standing of the Jews in Europe, they received the sympathy of the west and in 1917, British foreign minister Arthur Balfour supported the idea of a national homeland. It is worth noting here that the Jews in Palestine- the *mirzahi* or the Sephardic, lived comfortably alongside Arab Christians and Muslims and were non-Zionists. However, there was a rapid increase in the Jewish influx from Europe after Palestine became a British mandate, much to the dismay of the Arabs. The holocaust and the second world war only worsened the problems, with a further influx, or rather an inpour of Jews from the USA as well as Europe. The considerably weakened post World-War Britain left the Palestinian question to the United Nations, which in 1947 resolved to divide Palestine into three parts- and reserved almost a half of it for an independent Jewish state, the modern day Israel.

A brief account of the wars and uprisings in the second half of the 20th Century

- The 1948 War- Immediately post the declaration of Israeli independence, it was attacked by Arab States from all sides. Though Arabs were expected to win, the military experience of Israeli soldiers and poor Arab coordination led to Israel capturing more of Palestine than the UN had given it- almost three fourths, and Port Eliat of Egypt. This also led to the *naqbah*- exodus of 750,000 Palestinians over the next three years.

- The Suez War- The pro-Arabic activities of the Egyptian President Colonel Nasser was a cause of concern for the west. This aggravated when he nationalised the Suez Canal in 1956. This led to the invasion of Egypt by Israel across the Sinai peninsula, supported by the west. Even though they captured Sinai initially, the outcry of the international community and the lack of American support led to a withdrawal of the British, France and Israeli troops and the presence of UN Peacekeepers.
- The Six Day War- In 1967, led by Iraq, Syria and Egypt, the Arab States started planning to attack Israel again and amassed their troops in the Israeli frontiers. Anticipating the attack, Israel decided to be the first aggressor and launched an attack, catching the Arabs off-guard. Israel took Golan Heights from Syria, Jerusalem and West Bank from Jordan and Gaza and Sinai peninsula from Egypt.
- Yom Kippur War- The Palestinian Liberation Organization (PLO) pressurised the Arab states to take further action; and the Popular Front for Liberation of Palestine (PFLP), to attract the attention of the world to the grave injustices meted out to Palestinians, conducted a series of terrorist activities including murder of Israeli contingent at the Munich Olympics. In 1973, Egyptian and Syrian forces attacked the Yom Kippur feast, a traditional Jewish festival. After some Arab successes, Israel turned the tables and crossed Suez to enter Egypt. This war forced the USA and the USSR to finally mediate, and organize a ceasefire- ably supported by the United Nations.
- The Intifadas- Intifada refers to the two Palestinian uprising against the Israeli occupation. The first Intifada was connected with land expropriation and settlement activities of Israel post the victory of the right-wing Likud party in 1977. The first intifada occurred in 1987. The second intifada was much more violent and occurred in 2002. Both the intifadas saw death of Israelis and Palestinians (an approximate ratio of 1:3) and the Israeli occupiers quelled both in quite brutal manner, which raises questions of proportionality.

Recent events

In early October 2023, hostilities erupted between Israel and Hamas, the militant Islamist organization governing Gaza since 2006, marking a significant escalation in the Israeli-Palestinian conflict after several decades. Hamas militants launched rockets into Israeli territory and conducted incursions into southern Israeli municipalities adjacent to the Gaza border, resulting in the deaths of over 1,300 Israelis, injuries to 3,300 individuals, and the capture of hundreds of hostages. The assault caught Israel off guard, prompting an immediate and forceful retaliatory campaign. The Israeli government formally declared war against Hamas one day following the October 7 assault, with the defence minister issuing directives to the Israel Defense Forces (IDF) to impose a comprehensive blockade on Gaza.

Subsequently, both sides engaged in daily exchanges of rocket fire, with Israel instructing over one million Palestinian civilians in northern Gaza to evacuate in anticipation of a ground invasion commencing on October 28. Israeli military forces encircled Gaza City, isolating it

from southern Gaza and placing pressure on Hamas. Despite the ongoing conflict, hundreds of thousands of civilians remain within the city. According to health authorities in Gaza, the war has resulted in the deaths of 10,000 Palestinians, including more than 4,000 children. Additionally, the territory faces severe shortages of water, fuel, and essential supplies due to Israel's refusal to permit humanitarian pauses and restrictions on aid delivery.

The displacement of millions more Palestinians presents a complex dilemma for Egypt and Jordan, who have historically absorbed significant numbers of Palestinian refugees but are reluctant to do so during the current conflict. Concerns centre on the potential for Gazans, many of whom were previously displaced within Israel, to be denied the right of return upon departure. Egypt is also apprehensive about the prospect of Hamas militants infiltrating its territory and instigating conflicts, potentially destabilising Abdel Fattah el-Sisi's regime by backing the Muslim Brotherhood. Thus far, negotiations have resulted in only a small fraction of Gazans exiting through the Rafah border crossing to Egypt. The remaining 1.5 million displaced individuals, comprising 70 percent of Gaza's population, confront increasingly dire living conditions and security challenges with no immediate resolution in sight.

The conflict in the Gaza Strip has intensified, characterised by what local residents perceive as some of the most severe Israeli bombardment witnessed during the ongoing hostilities, occurring concurrently with high-level discussions aimed at establishing a new ceasefire, as termed by Washington authorities.

According to assessments conducted by the Institute for the Study of War and the AEI Critical Threats Project, Israeli military operations have transitioned from clearance manoeuvres to occupying positions within certain areas of the northern Gaza Strip.

The heaviest bombing occurred in the northern region of the Gaza Strip, where eyewitnesses observed vivid orange explosions and billowing black smoke in the early morning light from vantage points within Israel. The airspace resounded with the roar of aircraft, while the percussive blasts of airstrikes reverberated at frequent intervals, interspersed with the staccato sounds of gunfire.

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) reported extensive destruction, with over 60% of Gaza's infrastructure either demolished or impaired, and more than 90% of the territory's 2.3 million inhabitants displaced.

In ground operations, Israeli armoured units advanced deeper into the southern urban centre of Khan Younis, where they encountered stiff resistance from local residents, who reported shelling in market areas. Hamas fighters, numbering in the thousands and utilizing an extensive network of tunnels, are engaging in guerrilla tactics against Israeli military forces.

Since Israel's retaliatory bombing campaign following Hamas' October 7th assault, health authorities in Gaza, under Hamas governance, have reported a death toll approaching 20,000 Palestinians, prompting warnings from United Nations officials about the looming

humanitarian crisis. The World Food Programme has indicated that half of Gaza's population is facing severe food shortages, with only a fraction of the required food aid reaching the territory since October 7th.

Legal perspective

This segment looks to provide a basic run-through to the principles of international law pertinent to the agenda. This segment refrains from being Palestine-specific; link to suggested readings specifically pertaining to the Palestinian question shall be provided. The reluctance to get into a detailed discussion on the principles from an agenda-specific lens is due to the classic lawyer's dilemma- the dilemma of whom to represent, or whether to represent at all - and thereby to avoid running the risk of advocating rather than analyzing. Rather, just for this section, we prefer to provide a list of readings to ease the friction with law which many of us encounter quite often, especially when many of these principles need an insight par what we are willing to allow ourselves to get into. The framework of international law has been, as authors comment, a double edged weapon- on one had victimizing Palestine and on the other hand, also providing it with the tools to fight back colonization (both the Eurocentric and the TWAIL schools flourish under the same framework, for a quick reference). We examine the Right to Self Determination, Responsibilities of the Occupier, the question of Sovereignty, and the Right to Return of the Refugees. We also get into a general discussion of the Laws of Armed Conflict and International Criminal Law. Note that this is in no way an exhaustive list of legal principles, but merely a suggestive one when it comes to applicability to the agenda.

- Right to Self-Determination

The Right of Self Determination of peoples pitches a very strong idea which is of primary importance in the modern evolution of human civilization- the right of peoples to choose their social, political and cultural identity. The rolling back of colonial rules and the freedoms attained by the erstwhile colonies only worked to cement the idea of self-determination as a human right- a peremptory norm of international law- a *jus cogens* principle. However, this right is not as modern as it appears- it dates back to the eighteenth century, manifested in the American and French revolutions. If we strip the principle of all its developments, augmentations, contents and look at it in the raw form to understand the basic proposition, it boils down to the “right of the people to determine their future- economic, social and political”. It is precisely in this form that the principle has been codified in Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The primary aim of this principle in the post World War 2 period was to decolonize the colonies. A reading of the United Nations General Assembly resolution 1514- which is meant to secure independence of colonised peoples and/or territories, and a reading of United Nations General Assembly resolution 42/95- which lays stress on universal self determination together would help us amply understand the centrality of self determination as a human right to this process of decolonisation. If we consider Palestine to be either an “occupied” or a

“colonized” nation (the understanding of Israel as the Occupier is well rooted in International Law), do Palestinian people have the right to secede and give to themselves, “independence”? Does Self-Determination envision the same? The Friendly Relations Declaration conceptualises accession, cessation, or declaration of sovereignty and independence as methods of expressing self determination. This might seem to be in direct discord with today’s idea of territorial integrity of a nation. The Helsinki Final Act looks to balance the two- in Principle 8, while affirming the right to self determination of peoples (both internal and external), it calls upon *states* to respect territorial integrity along with the people's right to self determination. Even here we find an apparent conflict. When should, or should at all, a state step in to help peoples denied of such internal rights (for the cause of humanitarian intervention or responsibility to protect, as elucidated earlier); or can people at all seek to enforce the same in derogation of the territorial integrity of the state? The Vienna Declaration and Program of Action probably has some answer- while upholding the right, it says that territorial integrity and unity is to be upheld for states adhering to “equal rights and self determination” of peoples. So, in a situation to the contrary, does cessation become a right? If we search for answers in International Law, we find quite a grey area lying before us. Cessation as an expression of self-determination has hardly been decided to finality- while in its *Burkina Faso* judgement the International Court of Justice (ICJ) upholds territorial integrity and calls “*uti possidetis juris*” a general principle, the same ICJ in its *Kosovo* advisory opinion says cessation and unilateral declaration of independence is not in discord with international law. Opinions, quite contradictory in nature, have been propounded by other judicial and quasi-judicial bodies too. For example the *Qubec* judgement is one of the often discussed judgements which places reliance on exercise of external self determination as a remedy- but to what extent can the integrity of a state’s territory be compromised for the same? Further, how much immunity does “integrity” render to the occupier in an occupied territory? These questions abound. Herein below, we attach a list of readings specific to Palestine and the question of Self-Determination.

Readings-

1. <https://www.ohchr.org/sites/default/files/documents/countries/ps/sr-selfdetermination/2022-07-07/Palestinian-Self-Determination.pdf>
2. <https://www.un.org/unispal/document/right-of-peoples-to-self-determination-right-of-palestinian-people-to-self-determination-secretary-general-report-to-ga-excerpts/>

- Responsibilities of the Occupier

This segment deals with the responsibilities attributed by international law to an occupying power. The responsibilities majorly stem from customary international law, codified in the various documents of Laws of Armed Conflict, such as the Geneva Conventions (in this case, the 4th Geneva Convention specifically) and the Hague Regulation IV. Article 43 of the Hague Regulations (IV) lays down the powers and functions of the occupier. Contrary to what it appears, it is, in its essence, limits the powers of the occupier to maintaining public order.

At a certain point in history, it was presumed that the civilian population of the occupied territory has a responsibility to obey the occupier. However the changing dimensions and

interpretations today posit that there exists no such duty of obedience. In fact, article 45 of the Hague Regulations (IV) and Article 68(3) of the Fourth Geneva Convention explicitly deny the right of the occupier to command obedience of the civilian population.

The next point of evaluation could be the existence of the occupier's right to self defense. Upon inquiry, this too turns out negative. This perhaps is because the principle of self defense in just war theory is located as a part of *jus ad bellum*- just cause of war. However, occupation persists during war, thereby under the operation of *jus in bello* or just conduct in war. Authors have posited that just like a sovereign cannot claim self defense in their own territory, they cannot make the same claim in any territory effectively controlled by them. The majority ruling of the International Court of Justice in the *Advisory Opinion on Israeli Wall* reflects this position.

The occupier in the modern day has evolved from being an enemy combatant to a *de-facto* administrator of the territory. Article 43 of the Hague Regulations (IV) confers an obligation on the occupier to maintain public order, and thus to prevent any derogation of International Humanitarian Law. However, Resolution 1483 of the United Nations Security Council increases the extent of such obligation, by adding that the occupier must look after the "welfare" of the civilians- and not merely prevent derogation. Coupled with this, the coterminous application of International Humanitarian Law and International Human Rights Law makes it incumbent upon the occupier to also ensure human rights of the occupied persons.

A viewing of Israeli Settlements in light of International Law would tell us it is way beyond the scope of the occupier's rights. Per Hague Regulations of 1907, the property of the occupied territory is to be governed by the usufruct law- in short, the occupier has very limited rights over the territory, and settlements is certainly not one of them. Article 49 of the fourth Geneva Convention very explicitly prohibits such activities. The United Nations Security Council, *vide* resolution 2334, also refers to the settlement activities as a "flagrant violation of international law".

Readings-

1. <https://www.icj-cij.org/case/131>
2. <https://www.armedgroups-internationallaw.org/2023/11/13/the-icj-wall-advisory-opinion-on-and-israels-right-of-self-defence-in-relation-to-the-current-armed-conflict-in-gaza/>
3. <https://www.ohchr.org/en/press-releases/2022/10/commission-inquiry-finds-israeli-occupation-unlawful-under-international-law>
4. <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/#:~:text=Israel%E2%80%99s%20policy%20of%20settling%20its%20civilians%20in%20occupied,own%20civilian%20population%20into%20the%20territory%20it%20occupies.%E2%80%9D>

- **Right of Return**

"Everyone has a right to leave any country, including his own, and to return to his country". So reads Article 13(2) of the Universal Declaration of Human Rights, thus enshrining the Right to Return as a principle of International Human Rights Law. Article 12 of ICCPR

reinforces the same via article 12, enshrining the freedom of movement. Human Rights Committee General Comment on Article 12 of ICCPR specifically identifies the right of an individual to return to their own country. And when we look into international refugee law, right to return is well-placed within the Refugee Convention of 1951. Thus, international refugee law and international human rights law operate complementarily in this regard. Furthermore, United Nations General Assembly vide Resolution 194 (III) also recognizes this right and posits that the exercise of this right should be granted at the earliest possible occasion.

Palestinian peoples are no exception and equally have this right. More so, because it has been a matter of international concern that in the Global North, refugees of the Global South are recipients of sub-human standards of treatment. In the *naqbah* and the years following it, more than a million Palestinians stand displaced. Forcible displacement has a ramification not only on the standard of living but also, in the long run, on cultural preservation and identities of peoples. The inalienable right of Palestinian peoples over their land and natural resources (read UNGA resolutions recognizing self-determination of Palestinians) further augments the Right of Palestinians to return to the land. Both the United Nations Security Council and the United Nations General Assembly have called upon the State of Israel multiple times, to reparate and facilitate the return of the Palestinian refugees.

However, another set of scholars would argue the very existence of such a right by pointing out that the UNGA resolution 194 (III) was merely recommendatory, and that in the texts of the human rights documents, right to return does not appear explicitly- thus the language of the law does not envision such a right.

The central question we face today as we face further displacement, is how to, if the international community at all can, facilitate the return of peoples to a deserted deathland that Occupied Palestinian Territory is being reduced into? Or, does this right to return exist?

Readings-

1. <https://www.ohchr.org/en/statements/2023/06/right-return-palestinian-refugees-must-be-prioritised-over-political>
2. <https://forbes5.pitt.edu/article/evolutions-perception-right-return-palestinian-refugees-1948-today>
3. <https://jcpa.org/article/does-a-palestinian-right-of-return-exist-in-international-law/>

- Laws Concerning War and other related considerations

This segment is specifically titled “Laws Concerning War” and not “Laws of Armed Conflict” because we do not intend to reduce this segment into a mere narration of international humanitarian law. We rather here outline certain key principles which might be looked into to get further relevant legal substance. The Laws of Armed Conflict relevant to the conduct of hostilities is certainly the most reiterated and emphasized body of law that we turn to. We have seen the conduct of hostilities by the Israeli military, coupled with the Israeli settlers, adversely affecting women, children, civilians and civilian infrastructure- which the letter of the law says is a violation of the principle of distinction. Israeli narrative however goes along the lines that owing to tunnels of the insurgents, the civilian infrastructure could

be deemed as military objects. However, we need to question the proportionality of the measures used, and how far does force against military objects stretch?

Israel has been repeatedly, as well as recently in light of incidents post October 7th, accused of genocide against Palestinians. The Genocide Convention provides a definition for Genocide, in light of which the same must be evaluated. It is with this claim that, initiated by South Africa, multiple states have moved the International Court of Justice.

An allegation of Genocide also makes us turn towards International Criminal Law and the Rome Statute which provides a list of crimes as crimes against humanity, which includes, *inter alia*, genocide.

The issue of sovereignty and recognition of states too has been a relevant issue in the Israel-Palestine discourse, though not of as central importance as those elucidated. Particularly, the authority of Britain as a mandate holder to transfer sovereignty to Israel has been deliberated and disagreed upon. Further, recognition of a Palestinian State too has been recurrently talked about.

Lastly, regard must be had to the cultural rights of Palestinians and their right to development and a community. The effects of a colonial regime on such rights and international rule of law needs to be ascertained.

Readings-

1. <https://theconversation.com/recognition-versus-reality-lessons-from-30-years-of-talki-ng-about-a-palestinian-state-212648>
2. <https://www.un.org/unispal/document/auto-insert-189091/>
3. <https://news.un.org/en/story/2024/02/1146927>
4. <https://www.icj-cij.org/case/186>
5. <https://www.icj-cij.org/case/192/provisional-measures>

The Perspective of International Relations

Realist Perspective

Analyzing the Israeli-Palestinian conflict from a realist theory perspective involves examining the dynamics, motivations, and power struggles between actors in the region, with an emphasis on self-interest, security, and the pursuit of power. Realism is a school of thought in international relations that posits that states and other actors act primarily in their own self-interest and prioritize their own security and power.

Security Dilemma

Realism also highlights the security dilemma, wherein one actor's efforts to enhance its own security can be perceived as a threat by others. This dilemma plays out in the conflict, as Israeli security measures and Palestinian resistance can escalate tensions and perpetuate the cycle of violence.

Relative Gains

Realism suggests that states and actors seek to maximize their relative gains compared to others. In the Israeli-Palestinian conflict, the perception of relative gains is a significant obstacle to peace, as both sides are wary of making concessions that might weaken their position relative to the other.

From a realist perspective, the Israeli-Palestinian conflict is primarily driven by self-interest, power politics, and the pursuit of security. While realist analysis can provide valuable insights into the motives and behaviors of the parties involved, it may not fully capture the human, ethical, and historical dimensions of the conflict, which are also critical for understanding and resolving it.

Security Complexities Military Posturing:

Realism explains the emphasis on military capabilities and deterrence in the conflict. Both Israel and its adversaries have developed formidable armed forces to protect their interests and maintain regional power.

Border Disputes:

The realist perspective helps explain the significance of border disputes and territorial control. The Golan Heights, West Bank, and Gaza Strip are all strategically important regions that have been points of contention and influence in the conflict.

International Organizations

The United Nations: The UN's role in the conflict reflects the challenges of pursuing a comprehensive resolution, as powerful states often prioritize their interests over international consensus. Realism helps explain the limitations of international organizations in resolving the conflict.

Economic Interests

Natural Resources: Access to resources, such as water, plays a realist role in the conflict. Control over valuable resources can be a source of power and influence, further complicating the resolution of the conflict.

Balance of Power

The concept of a regional balance of power is crucial within the realist framework. Shifting alliances and power dynamics among regional actors, including states, non-state actors, and international powers, have a direct impact on the Israeli-Palestinian conflict.

While realist theory offers valuable insights into the geopolitical complexities of the Israeli-Palestinian conflict, it is essential to recognize that realpolitik considerations alone

cannot fully address the deeply rooted historical, cultural, and human aspects of the conflict. Any comprehensive solution must take into account a broader range of factors, including the aspirations and rights of the people living in the region, the moral and ethical dimensions of the conflict, and the need for international cooperation in achieving a just and lasting peace.

Past Peacebuilding efforts

This segment shall very briefly outline the United Nations Partition of Palestine, the Camp David Accords and the Oslo Accord- which form the major across the table peacebuilding efforts (the UN Partition being an outcome of British inability to handle the mandate of Palestine's tension between the recently-influxed Jews and the Arabs). Other than these, there have been several ceasefires across the history of the conflict, and failed efforts at bringing sustained peace.

- United Nations Partition of Palestine- Via resolution 181, the United Nations General Assembly decided to partition the British mandate of Palestine into three zones. Around 55% of the Land was to go to the Jewish entity, Israel and 42% to the Arabs. The city of Jerusalem was a confluence point- having the holy site of Islam- the *Al-Aqsa* mosque; it is also a holy site for Jews and Christians. Thus, it was to be a *corpus separatum*- a separate entity under an international regime. This was the formalisation of the majority advice of the UN Special Committee on Palestine (UNSCOP). The other proposal of UNSCOP was that only those Jews who arrived before the Balfour declaration would be rendered as citizens. The Jews accepted the majority proposal and the Arabs opposed both.
- Camp David- Post the Yom Kippur war, the Egyptians and Israel sat for a dialogue mediated by USA, with the peace treaty being signed in Washington. While Egypt realized Israel could not be conquered through war, Israelis too were facing economic constraints. The final treaty thus ended the perennial state of war between Egypt and Israel since 1948 and Egypt guaranteed to refrain from attacks; Israeli ships could use Suez canal and Israel committed to withdraw from Sinai. The PLO and most Arab states condemned the treaty. Israel refused to cooperate when USA attempted to bring them and PLO on the same table; instances such as President Begin announcing Israel would never return Golan heights only increased this distance.
- The Oslo Accords- Peace between the PLO and Israel became possible only in 1993 with the election of a more centric labour government in Israel. Prime Minister Rabin of Israel and Yasser Arafat, the leader of PLO, sat across the table and concluded the Oslo Accords of 1993, wherein Israel formally recognized the PLO and the PLO recognized Israel's right to exist. There was to be limited self rule for Palestinians in parts of the West Bank and Gaza Strip. The extremist groups of both sides condemned this compromise and called it a shameful surrender. The Palestinian Authority (majorly composed of the PLO leaders) emerged post the Accords. However the rise

of the extremist Hamas occurred post 1996; today, while Palestinian Authority is in control of the West Bank, Hamas effectively controls the Gaza Strip.

Conflict resolution apparatus

The Israel-Palestine conflict is a protracted and multifaceted dispute that has endured for decades, defying numerous attempts at resolution. The conflict resolution apparatus for addressing this complex and deeply entrenched conflict involves various actors, mechanisms, and approaches, each with its strengths, limitations, and historical context. Here, we discuss the primary components of the conflict resolution apparatus in the Israel-Palestine conflict:

- **International Diplomatic Efforts:** International diplomacy has been a central avenue for addressing the Israel-Palestine conflict. Entities such as the United Nations, the European Union, the United States, and regional actors like Egypt and Jordan have played significant roles in facilitating negotiations, brokering agreements, and promoting peace initiatives. Key milestones include UN resolutions, peace summits (e.g., Oslo Accords, Camp David Summit), and initiatives such as the Quartet on the Middle East.
- **Peace Processes and Negotiations:** Several peace processes and negotiation frameworks have been pursued over the years, aiming to reach a comprehensive and lasting resolution to the conflict. The Oslo Accords (1993) marked a significant milestone, leading to the establishment of the Palestinian Authority and outlining a framework for interim governance arrangements. Subsequent efforts, including the Camp David Summit (2000), the Taba Summit (2001), and the Annapolis Conference (2007), sought to address core issues such as borders, security, refugees, and Jerusalem.
- **Track II Diplomacy and Track III Initiatives:** In addition to official negotiations, Track II diplomacy involves unofficial dialogues and backchannel communications between non-governmental actors, intellectuals, and civil society representatives from both sides. These initiatives aim to build trust, foster understanding, and explore creative solutions outside formal diplomatic channels. Track III initiatives involve grassroots peacebuilding efforts, such as people-to-people exchanges, interfaith dialogue, and reconciliation programs.
- **Mediation and Conflict Resolution Mechanisms:** Mediation efforts by third-party facilitators, including international organizations, diplomats, and prominent individuals, have sought to bridge gaps, facilitate dialogue, and promote confidence-building measures between Israelis and Palestinians. Mediators often

employ shuttle diplomacy, direct negotiations, and informal consultations to facilitate communication and overcome obstacles to peace.

- **Economic and Development Initiatives:** Economic development and confidence-building measures are integral components of conflict resolution efforts, aiming to address socio-economic disparities, enhance stability, and promote mutual interdependence between Israelis and Palestinians. International aid, investment projects, and economic cooperation initiatives seek to alleviate poverty, create employment opportunities, and foster economic growth in both communities.
- **Multitrack Approach and Comprehensive Peacebuilding:** Recognizing the interconnectedness of political, social, economic, and cultural dimensions of the conflict, a multitrack approach to peacebuilding integrates various strategies and stakeholders to address root causes, mitigate tensions, and build sustainable peace. Comprehensive peacebuilding efforts encompass conflict prevention, reconciliation, transitional justice, and long-term institution-building to address grievances, promote coexistence, and establish frameworks for peaceful cohabitation.

Despite these efforts, achieving a durable resolution to the Israel-Palestine conflict remains elusive, hindered by deep-seated mistrust, divergent narratives, territorial disputes, security concerns, and political obstacles. Nonetheless, ongoing engagement, dialogue, and commitment to peacebuilding continue to be essential pillars of the conflict resolution apparatus, underscoring the importance of sustained international support and collective action in advancing the prospects for peace in the region.

Understanding Geopolitical Bloc Dynamics

A deeper geopolitical analysis of the Israeli-Palestinian conflict within a realist framework reveals the intricate regional and international dynamics that have a substantial impact on the conflict. Here are some of the key stakeholders to consider in this conflict:

State Actors:

Israel:

From a realist perspective, Israel's primary goal is to ensure its own security and survival. This has led to a focus on military strength, maintaining control over disputed territories, and a cautious approach to negotiations. Israel's actions, such as the construction of settlements in the West Bank, can be seen as efforts to enhance its strategic position.

Palestinian Authority:

The Palestinian leadership also acts based on realist principles, as they seek to establish an independent Palestinian state and protect the rights of their people. They engage in negotiations, diplomacy, and appeals to the international community to gain support for their cause.

Regional Power Players:

Iran:

Iran's support for non-state actors like Hamas and Hezbollah is driven by a realist pursuit of regional influence and countering its regional rival, Israel. Iran's strategic use of proxies and alliances contributes to the regional complexity of the conflict.

Saudi Arabia:

Saudi Arabia's engagement in the Israeli-Palestinian conflict is influenced by its desire to counter Iranian influence and maintain strong ties with the United States. Realist considerations drive its efforts to influence regional dynamics and protect its interests.

Turkey:

Turkey's involvement in the conflict reflects its aspirations for regional leadership and its desire to project power beyond its borders. The government's support for the Palestinian cause aligns with its realist calculations to boost its regional standing.

The United States-Israel Relationship:

The close alliance between the United States and Israel is rooted in shared strategic interests and the realist pursuit of maintaining a reliable ally in the Middle East. U.S. support for Israel, including military aid and diplomatic backing, enhances its influence in the region.

Russia's Role:

Russia's involvement in the Israeli-Palestinian conflict has grown in recent years. It aims to enhance its influence in the Middle East, contribute to regional stability, and counterbalance U.S. dominance. Realist considerations shape Russia's policies in the region.

Non-State Actors:

Hamas:

The Islamist organization Hamas, which governs the Gaza Strip, can be viewed through a realist lens as pursuing its interests, including gaining popular support, challenging the Palestinian Authority, and resisting Israeli control. Its use of violence and its refusal to recognize Israel's right to exist are consistent with realist principles of power politics.

Hezbollah:

In Lebanon, Hezbollah is another non-state actor that acts in its own self-interest, seeking to enhance its military capabilities and gain political power. It maintains close ties to Iran, which also aligns with realist notions of forming alliances to increase power and security.

International Actors:

United States:

The U.S. has historically supported Israel and has used its power to influence the conflict in favor of Israel. This alignment can be explained by realist considerations, including shared strategic interests in the region, access to military bases, and the desire to maintain a stable ally in a volatile region. The actions by US are also influenced by strong pro-Israeli lobbyist groups within the US political system.

Other International Players:

Various international actors, including the European Union and Russia, engage in the Israeli-Palestinian conflict for a combination of reasons, including power politics, economic interests, and diplomatic influence. Realism can help explain their involvement and the limited success of peace initiatives, as they often prioritize their own national interests over resolving the conflict.

Conclusion

The major obstacles to reaching a Two State Solution

The Israel-Palestine conflict is a complex and deeply entrenched conflict with numerous obstacles to reaching a two-state solution, where both Israelis and Palestinians can coexist in separate, independent states. Some of the major obstacles include:

- 1. *Borders and territory:*** One of the core issues is the determination of borders and the division of territory. Both sides have historical and emotional ties to the land, and agreeing on the specific borders of each state is a significant challenge.
- 2. *Status of Jerusalem:*** Jerusalem is a holy city for Jews, Christians, and Muslims, and both Israelis and Palestinians claim it as their capital. Resolving its status is a highly contentious issue.
- 3. *Settlements:*** The growth of Israeli settlements in the West Bank has been a major point of contention. The expansion of settlements complicates any potential two-state solution, as it affects the territorial integrity of a future Palestinian state.
- 4. *Refugees:*** The issue of Palestinian refugees and their right of return is a deeply sensitive one. Palestinians who fled or were displaced during the 1948 and 1967 wars, and their descendants, seek the right to return to their ancestral homes, which many Israelis oppose.
- 5. *Security concerns:*** Israel is deeply concerned about its security, given its history of conflicts with neighboring Arab states and various Palestinian groups. Any peace agreement must address Israel's security concerns.
- 6. *Governance and institutions:*** The Palestinian territories are divided between the West Bank, governed by the Palestinian Authority, and Gaza, controlled by Hamas. Reconciliation and building effective, unified governance structures are critical for a viable Palestinian state.
- 7. *Political leadership:*** The leadership on both the Israeli and Palestinian sides has been divided and at times inconsistent in its approach to negotiations. The lack of a strong, unified leadership can hinder progress.
- 8. *Public opinion and trust:*** Public sentiment on both sides remains deeply divided and skeptical of the other's intentions. Building trust and gaining public support for a two-state solution is a significant challenge.
- 9. *International involvement:*** International actors, including the United States, European Union, and regional powers, have been involved in peace efforts, but their involvement can also introduce complexities and power dynamics that affect negotiations.

10. Historical narratives and identity: The conflict is rooted in deep historical narratives and identity politics, making it challenging to bridge the gaps in perception and understanding between Israelis and Palestinians.

These obstacles, among others, have made it difficult to achieve a lasting two-state solution. Over the years, various attempts at peace negotiations have failed, and the situation remains volatile and unresolved. Reaching a two-state solution will require significant diplomatic efforts, concessions on both sides, and a conducive international environment.

Failed Attempts after Failed Attempts

The countless failed attempts at resolving the Israeli-Palestinian conflict serve as painful reminders of the complexities and the deeply entrenched mistrust that shroud the region. Over the years, we have seen peace initiatives come and go, agreements forged and shattered, and the cycle of violence perpetuate itself. The road to peace has been fraught with missteps and disappointments, and the wounds have only deepened.

Despite these setbacks, it is crucial to understand that the failures of the past should not deter us from pursuing a lasting solution. We must not forget the tireless efforts of individuals, organizations, and diplomats who have committed their lives to mediating and seeking resolution. The inability to achieve lasting peace should not be seen as a testament to the futility of the quest but rather as an indication of the dire need for new approaches and renewed determination.

The lessons from past failures should inform our path forward. They remind us that any successful resolution must be comprehensive, addressing the fundamental issues at the heart of the conflict, such as borders, the status of Jerusalem, the right of return, security, and sovereignty. It must also address the humanitarian concerns of the people living in the region, who have endured tremendous suffering.

International mediation and dialogue remain crucial, but they must be accompanied by a genuine willingness to compromise from all parties involved.

This is not a one-sided endeavor; it requires concessions, trust-building, and a recognition of the legitimate rights and aspirations of both Israelis and Palestinians. It is only through a joint commitment to peace that a lasting solution can be achieved. Moreover, it is essential to engage civil society and grassroots movements, as they can often bridge the gap when political leadership falters. These movements can create momentum for change and bring the voices of ordinary people, who yearn for peace, to the forefront.

Reconciliation and the healing of past wounds are also vital components of a sustainable peace process. Acknowledging the pain and suffering on both sides is an essential step towards fostering an environment where trust can grow. This may include initiatives for truth

and reconciliation, and efforts to address the grievances and traumas that have accumulated over decades.

Lastly, the international community must maintain a consistent and unwavering commitment to the peace process, lending support and expertise when needed, and upholding the principles of justice, equality, and respect for human rights. International involvement can help ensure that any agreement is fair, sustainable, and adheres to the values of a just and lasting peace.

In the face of past failures, we must not abandon the pursuit of peace in the Israeli-Palestinian conflict. The words "Peace is Possible" remain a beacon of hope, and the wounds of the past should only strengthen our resolve to find a way forward. The cycle of conflict may be deeply ingrained, but so is the human desire for peace, and it is this shared aspiration that should guide us on the path to reconciliation and coexistence in the troubled land of Israel and Palestine.

"Peace is Possible, Conflict is Inevitable"

In the heart of a region embroiled in turmoil, the Israeli-Palestinian conflict stands as a poignant reminder of the seemingly unending struggle for coexistence. With heavy hearts and tear-stained streets, we are left to ponder the deep-rooted complexities of this conflict, where every stone hurled and every tear shed bears witness to the shared pain and yearning for a better tomorrow.

The phrase "Peace is Possible, Conflict is Inevitable" encapsulates the paradox that plagues the region. The people of Israel and Palestine have borne the heavy weight of this long-standing feud, their dreams of harmony often shattered by the bitter winds of discord. We are reminded that peace is attainable, but conflict remains an ever-present shadow that looms over their lives.

In the face of this unforgiving reality, it is essential to acknowledge the resilient spirit of those who persist in their quest for peace. Families on both sides, trapped in a perpetual cycle of violence, long for the day when they can lay down their weapons and embrace one another in the warm embrace of unity. Amidst the pain and despair, there is a glimmer of hope that peace may one day prevail.

The Israeli-Palestinian conflict is a testament to the tragic consequences of unresolved disputes. It has claimed countless lives, shattered dreams, and left a trail of suffering in its wake. The emotional scars run deep, and the anguish is felt on both sides of the border. It is a testament to the tragedy that ensues when peace remains elusive.

But even in the darkest of times, it is essential to remember that peace is not an unattainable dream. The yearning for a peaceful coexistence is a shared desire, and countless individuals

on both sides are working tirelessly to bridge the divides. They are the beacons of hope, the embodiment of the belief that peace is not just a possibility; it is a necessity.

In the midst of the turmoil, the world watches, holding its breath, praying for a breakthrough, and hoping that the children of this strife-torn land can inherit a world where they live side by side in harmony. The path to peace may be fraught with obstacles, but it is a path worth pursuing with unwavering determination and resilience. The Israeli-Palestinian conflict is a reminder that we must never lose sight of the belief that peace is possible, and it is our collective responsibility to support the efforts to end this conflict.

