

HISAR SCHOOL

JUNIOR MODEL UNITED NATIONS 2021

“Combating Polarization in Times of Global Crisis”

Human Rights Council

*Tackling the human rights situation in
the occupied Palestinian territory*

Salih Emre Demirkol



RESEARCH
REPORT



Forum: Human Rights Council (HRC)

Issue: Tackling the human rights situation in the occupied Palestinian territory

Student Officer: Salih Emre Demirkol - Vice President

Introduction

Undeniably, the Israeli-Palestinian conflict has been one of the biggest epicenters of war, casualty, and human rights violations for the last couple of decades. The term “occupied Palestinian territories” (OPT) refers to the areas that have been under the occupation of Israel since 1967, that were officially a part of Mandatory Palestine, which are West Bank (including East Jerusalem) and the Gaza Strip. Despite, pursuant to the Oslo Accords, the Palestine Liberation Organization (PLO) had become the political authority in the territory; it has never exercised its jurisdiction. With Hamas’s takeover of Gaza in 2007, it has become the *de facto* authority in the area, and the division of Palestinian territory deteriorated even further. Since then, both parties have been taking actions that are further worsening the human rights situation in OPT by committing different forms of human rights violations, *inter alia*, forcible transfers, discrimination, disproportionate use of force, etc.

Definition of Key Terms

Occupied Palestinian Territories (OPT): The geographical term that refers to the territories that remained under the control of Israel after the Six-Day War that were officially recognized as Palestine’s, namely, West Bank (including East Jerusalem), and the Gaza Strip.

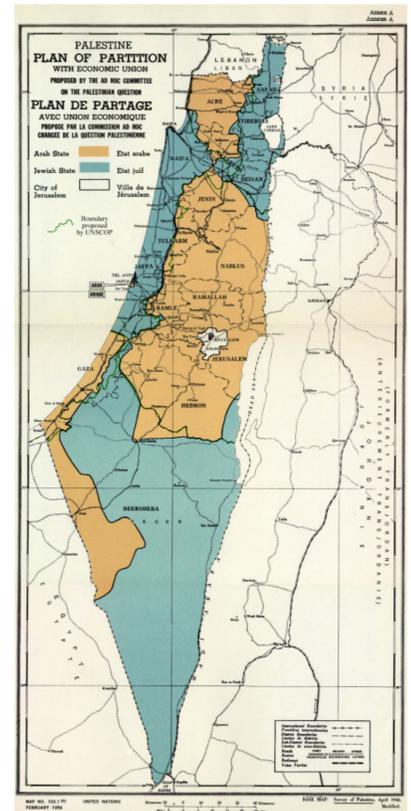
Palestine Liberation Organization (PLO): A multi-party confederation that has the political party Fatah as its biggest faction and is recognized by the United Nations and most of the member states as the legitimate representative of the Palestinian people and the government of the State of Palestine.

Intifada: Two uprisings that were initiated by the Palestinians against the Israeli rule that caused clashes between two sides, casualties, and protests.

Antisemitism: Antisemitism is an extremist view that is hostile to and discriminative against the Jewish people.

De Facto: existing in fact, however not particularly legal, intended to, or accepted.

General Overview



United Nations Partition Plan for Palestine - Map

Mandatory Palestine was an entity that was established over the territory of today's Israel and Palestine (including Golan Heights) and was under the jurisdiction of the United Kingdom from 1920 until its dissolution in 1948 with the United Nations Partition Plan for Palestine (hereafter "the plan"). The plan was adopted in late 1947 per the United Nations Security Council Resolution 181 (II), which proposed to divide the territory into two different independent states, with one of them being the Muslim state and the other Jewish state. In the aftermath of the passage of the plan and the Israeli declaration of independence in 1948, the first Arab-Israeli War had begun, which has led to two more Arab-Israeli Wars, whose third one (Six-Day War, 1967) has lasted only six days and resulted in the occupation of Palestinian territories by Israel. Since then, the region has experienced a constant conflict environment. For decades, the violence in the region has never ended nor deteriorated due to the actions of both parties.

In 2000, the Palestinians had initiated the second intifada, which lasted until 2005 and caused the Israeli government to construct a barrier wall surrounding the West Bank in 2002 whose legality is disputed due to the opposition from the International Court of Justice and International Criminal Court. In the 2006 Palestinian Legislative election, Hamas took over Gaza with an electoral victory. In response, Israel imposed ground, air, and maritime blockades that would allow only humanitarian aid. With the escalating tension in the region, a ceasefire had been established in 2008, which lasted only for six months. Later on, a full-scale war between the Israeli forces and Hamas was inflicted, named Gaza War, also known as Operation Cast Lead. Even though the war lasted for mere three weeks, it caused massive humanitarian law breaches committed by both sides. In the aftermath of the war, the United Nations Human Rights Council (UNHRC) initiated the United Nations Fact Finding Mission on the Gaza Conflict to investigate the international humanitarian law violations that happened during the war. The mission found out that the Israeli attack "was a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability" (Report of 408). It was also included that the Palestinian militias, such as Hamas, have also committed human rights violations by deliberately launching rockets and mortars targeting civilians and civilian structures. Even though the Gaza War was over, the armed conflict in the region remained active.

During 2021, according to Amnesty International, violations such as but not limited to forcible transfers, discrimination, excessive use of force, limitation of freedom of movement, and arbitrary detention have been committed in OPT. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Israel demolished 848 Palestinian homes and residential buildings in West Bank (including East Jerusalem), causing the displacement of 996 people. In addition, it is reported that the Israeli law enforcement forces' excessive use of force caused the death of at least 31 Palestinians, 9 of them being minors, in the Gaza Strip and West Bank. The remaining ground, air, and maritime blockade of the Gaza Strip from the Gaza War continue to restrict the transportation of people and products in and out of the area, deteriorating the situation in Gaza.

Major Parties Involved and Their Views

United Nations Human Rights Council (UNHRC)

UNHRC has been involved in the conflict since the beginning. It has conducted investigations such as the United Nations Fact Finding Mission on the Gaza Conflict in order to understand the situation of the humanitarian crisis thoroughly.

Israel

Israel is one of the two states that was established in accordance with the United Nations Partition Plan for Palestine who got involved in numerous armed conflicts and full-scale wars since its first existence. Currently, the Israeli forces still commit human rights abuses in OPT against the Palestinian people via blockades, barriers, government bodies, and direct violence.

Palestine

Palestine is the other state of the two states that was established in accordance with the United Nations Partition Plan for Palestine. Strong political dissension is present within Palestine between Fatah and Hamas, the two largest factions in the Palestinian Legislative Council.

Hamas

A Palestinian armed militia that is recognized as a terrorist organization by some member states, but not by the United Nations itself, due to its extremist political opinions such as jihadism and antisemitism. Hamas conducts military offenses against both Israeli forces and civilians via rockets and mortars, causing casualties and human rights abuses.

Timeline of Events

Date of Event	<i>Description of Event</i>
1948	<i>United Nations Partition Plan for Palestine per United Nations Security Council Resolution 181 (II) was adopted</i>
15 May 1948 - 10 March 1949	<i>First Arab-Israeli War</i>
1967	<i>Third Arab-Israeli War (Six-Day War) and the occupation of Palestinian territory by Israel</i>
1987-1993	<i>First Intifada</i>
1993-1995	<i>Oslo Accords (I and II, respectively)</i>
2000-2005	<i>Second Intifada</i>

2002	<i>West Bank Barrier Wall</i>
2006	<i>Hamas's takeover of Gaza from Fatah and the Israeli blockade</i>
2008-2009	<i>Operation Cast Lead (or the Gaza War)</i>

Treaties and Events

Security Council Resolution 181 (II), 29 November 1947, (A/RES/181(II))

This is the Security Council resolution that proposed the dissolution of Mandatory Palestine into two independent states. It is also commonly referred to as the United Nations Partition Plan for Palestine.

Universal Declaration of Human Rights (UDHR), 10 December 1948

Gaza War, 27 December 2008 - 18 January 2009

Also known as the Operation Cast Lead, which is an Israeli offensive military operation against the Palestinians and Hamas. The war lasted for only a couple of weeks and was initiated due to the blockades that were imposed by the government of Israel against the Gaza Strip by Hamas, which was the *de facto* authority in the region at the time. The war had caused massive human rights abuses from both sides, which even included the usage of humans as shields by the Israeli forces.

Evaluation of Previous Attempts to Resolve the Issue

In 1993, the Ad Hoc Liaison Committee was established with the aim of coordinating the transportation and delivery of international humanitarian aid to the Palestinians. The entities that are providing humanitarian aid are being categorized. There are seven main groups: Arab countries, the European Union, the United States, Japan, international organizations (including United Nations agencies), European countries, and other nations. However, some countries have ceased their support of the committee over time.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is a non-governmental, non-profit organization that was established in 1949 in order to provide the necessary humanitarian aid to the Palestinian refugees that were displaced due to the 1948 Palestine war but is still operating in the region. Currently, it has a budget of 806 million US Dollars and uses its budget to operate different operations in the region, such as education programmes, health programmes, infrastructure and settlement improvement operations.

Possible Solutions

It is definite that unless the ongoing fighting and violent clashes between Hamas (and other Palestinian forces) and Israeli forces are put to an end, it is nearly impossible to achieve a suitable environment in which it is possible to deliver proper humanitarian aid to the ones in need. Thus, the delegates should also focus on creating a safe environment for the delivery of the aid as well.

Another possible solution is to come up with a way to monitor the activities of both parties in the region to detect any human rights violations being committed. Perhaps an independent division established by the United Nations would be effective. While developing ideas that involve monitoring, delegates should be aware of the boundaries of national sovereignty and jurisdiction.

Bibliography

Amnesty International. *Amnesty International Report 2020/21*. Amnesty International, 2021. *Amnesty International*, www.amnesty.org/en/wp-content/uploads/2021/06/English.pdf.

“De Facto.” *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/de-facto>.

"Israeli-Palestinian Conflict." *Global Conflict Tracker*, Council on Foreign Relations, 21 Jan. 2022, www.cfr.org/global-conflict-tracker/conflict/israeli-palestinian-conflict. Accessed 24 Jan. 2022.

Report of the United Nations Fact-Finding Mission on the Gaza Conflict. *Human Right in Palestine and Other Occupied Arab Territories*. Human Rights Council, 25 Sept. 2009, digitallibrary.un.org/record/666096?ln=en#record-files-collapse-header. Accessed 25 Jan. 2022.

"UN Palestine Partition Versions 1947." *Wikipedia*. Accessed 25 Jan. 2022. Map