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GA4: Special Political and Decolonisation (SPECPOL)

Research Report

Topic 3: Combatting violations of The International Humanitarian Law in
the Israel-Palestine Conflict



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Introduction:

The Israel-Palestine conflict is an extremely complex dispute, marked by recurring cycles of violence and humanitarian crises. The consistent allegation of violations of International Humanitarian Law (IHL), has been central to international concern, particularly during periods of armed conflict affecting civilian populations. This report provides delegates with an overview of the armed conflict, the historical and political context, and the role of states and international organizations in addressing violations of IHL.

Definition of Key Terms:

International Humanitarian Law (IHL): This is known as the "law of armed conflict" or the "laws of war". It is a system of international law aimed at reducing the humanitarian consequences of armed conflict. It protects those who are not or no longer involved in hostilities and limits the tools and techniques of warfare. The four Geneva Conventions of 1949, as well as their Additional Protocols, are key agreements.

Proportionality (IHL Principle): A key concept of IHL which forbids attacks that may be expected to inflict incidental loss of civilian life, harm to civilians, damage to civilian objects, or any of them, which would be disproportionate in relation to the specific and direct military gain planned.

Distinction (IHL Principle): A fundamental requirement of the international humanitarian law that requires conflict parties to differentiate between fighters and civilians at all times, as well as between military aims and civilian objects. Attacks may only be directed at fighters and military objectives.

Blockade: A hostile operation that prevents vessels and/or aircraft from entering or departing certain ports, airfields, or coastal regions owned, occupied, or controlled by an enemy nation. The legitimacy of a blockade is subject to various restrictions under IHL, including enabling the flow of humanitarian aid for civilians.

Occupation: an arrangement in which a hostile force maintains effective authority over an area. The Hague Regulations of 1907 and the Fourth Geneva Convention require the occupying force to preserve public order and safety, as well as meet the fundamental necessities of civilians.

Background Information:

The origins of the Israel-Palestine conflict can be traced back to the early twentieth century, during the final years of the Ottoman Empire and the period of British administration over Palestine¹. After the First World War, Britain took control over Palestine and governed it as the British Mandate (1920-1948), during which both Zionist and Arab nationalist movements increasingly clashed². This led to the United Nations' 1947 Partition Plan, which proposed the creation of separate Jewish and Arab states³.

In 1948, the establishment of the State of Israel and the subsequent Arab-Israeli war resulted in significant displacement of Palestinians and the division of territory beyond the boundaries proposed by the UN⁴. The conflict began evolving even further following the 1967 Six-Day War, after which Israel occupied the West Bank, East Jerusalem, and the Gaza Strip⁵. These territories are often discussed in legal and humanitarian debates, particularly regarding occupation and civilian protection.

Since the late twentieth century, the conflict has gone through repeated escalations of violence, including the First and Second Intifadas, rocket fire from Gaza into Israel, and military operations. There have been high civilian casualties, damage to homes, hospitals, and long-term damage to basic services such as water and electricity⁶. The conflict involves both state and non-state actors operating in densely populated areas, which has further complicated the enforcement of IHL.

Recent large-scale hostilities, especially since 2023, have intensified several major escalations, prompting renewed international focus on the protection of civilians, humanitarian access, and accountability for alleged violations of IHL.

¹ Wikimedia Foundation, "Israeli–Palestinian Conflict," Wikipedia, last modified January 14, 2026, accessed January 15, 2026

² Wikimedia Foundation, "Israeli–Palestinian Conflict," Wikipedia.

³ "Origins and Evolution of the Palestine Problem: 1917-1947 (Part I)," United Nations, accessed January 15, 2026

⁴ Wikimedia Foundation, "1948 Palestinian Expulsion and Flight," Wikipedia, last modified December 16, 2025, accessed January 15, 2026

⁵ Wikimedia Foundation, "Israeli–Palestinian Conflict," Wikipedia.

⁶"Alleged Violations of International Humanitarian Law in the Israel-Palestine Conflict: A Simple Explainer," ReliefWeb, last modified November 2, 2023, accessed January 15, 2026

Major Countries and Organisations Involved:

State of Israel: Israel is a central actor in the conflict and maintains military control over disputed territories. It claims that the military actions are undertaken in self-defence, while facing international scrutiny regarding the proportionality of force and civilian protection. Israel would seek outcomes that prioritise security and countering armed groups.

Palestinian Authorities and Armed Groups: The Palestinian Authority and armed groups within Gaza are involved in hostilities in Israel. They seek recognition of Palestinian self-determination and territorial rights, while also being subject to allegations of IHL violations.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): UNRWA provides essential services to Palestinian refugees such as healthcare, education, and emergency relief.

Relevant UN Resolutions:

UN Security Council Resolution 242 (1967): Emphasises the "inadmissibility of the acquisition of territory by war" and calls for a just and lasting peace based on Israeli withdrawal from territories occupied in the 1967 conflict and the termination of all claims of belligerency.

UN Security Council Resolution 338 (1973): Calls upon the parties to cease all firing and terminate all military activity, and to implement Resolution 242 in all its parts through negotiations.

UN Security Council Resolution 476 (1980): Reaffirms that the acquisition of territory by force is inadmissible and censures Israeli actions altering the character and status of Jerusalem.

UN General Assembly Resolution ES-10/23 (2023): A recent resolution demanding an immediate humanitarian ceasefire in the Gaza Strip, the immediate and unconditional release of all hostages, and ensuring humanitarian access. It underscores the obligation to comply with international law, including the IHL.

UN Security Council Resolution 2720 (2023): Calls for urgent steps to allow safe, unhindered, and expanded humanitarian access to the Gaza Strip and to create the conditions for a sustainable cessation of hostilities¹⁰.

Previous Attempts to Solve the Issue:

Peace Processes and Negotiations: Several formal frameworks, most notably the Oslo Accords (1993-1995), established a transitional period of Palestinian self-governance and a process for final status negotiations on core issues. Subsequent efforts like the Camp David Summit (2000), the Arab Peace Initiative (2002), and the Annapolis Process (2007) failed to yield a final agreement, with violations of commitments and outbreaks of violence undermining trust.

UN Investigative and Reporting Mechanisms: The UN has repeatedly established commissions of inquiry and fact-finding missions to document IHL violations by all parties. Examples include the UN Fact-Finding Mission on the Gaza Conflict (2009) and the ongoing UN Independent International Commission of Inquiry on the Occupied Palestinian Territory. Their reports document alleged war crimes but have faced political opposition and challenges in enforcement.

International Judicial and Legal Actions: Cases have been brought before international judicial bodies. In 2004, the International Court of Justice (ICJ) issued an advisory opinion stating that the construction of the Israeli barrier in the West Bank was contrary to international law. In 2024, the ICJ heard a case brought by South Africa alleging violations of the Genocide Convention. The International Criminal Court (ICC) has opened an investigation into the situation in Palestine since 2021, probing alleged crimes by all sides.

Diplomatic Sanctions and Pressure: Various actors have employed diplomatic and economic measures. Examples include the Arab League boycott, periodic EU statements differentiating between Israeli territory and settlements, and national-level decisions by some states to recognise the State of Palestine or to impose conditions on aid and trade with settlements. The effectiveness of these measures in changing policy has been mixed and politically divisive.

Possible Solutions:

Enhancing Immediate Protections on the Ground:

1. **Deployment of International Monitors:** Propose the deployment of an adequately mandated and protected international or UN-supervised observer mission to conflict hotspots to monitor adherence to IHL, report violations in real-time, and help de-escalate tensions.

2. **Reinforcing Humanitarian Corridors & Access:** Develop concrete proposals for a trusted, third-party mechanism to guarantee the safe and unimpeded passage of humanitarian aid and personnel, as required by IHL, possibly involving a role for neutral states or international agencies in logistics.
3. **Clear "No-Strike" Lists:** Advocate for the formal establishment, sharing, and mutual recognition of protected civilian sites (e.g., major medical complexes, large-scale UN shelters, critical water/power infrastructure) to minimise the risk of incidental damage.

Addressing Root Causes and Political Frameworks:

1. **Reviving a Rules-Based Peace Process:** Advocate for a new negotiation track that is clearly based on the terms of relevant UN Security Council resolutions (242, 338) and international law, with specific boundaries and schedules.
2. **Conditioning help on IHL Compliance:** Discuss the benefits of connecting military, financial, or diplomatic help from third-party nations to measurable benchmarks relating to the recipient's compliance to IHL and human rights laws in the war.
3. **Civil Society and Track-II Diplomacy:** Encourage the facilitation of grassroots Israeli-Palestinian dialogues and joint civil society initiatives focused on human rights and IHL, to build constituencies for peace and mutual accountability from the bottom up.

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