

BIGMUN 2024
Security Council (SC)

Research Report

Topic 2: Defining the limitations/boundaries of self-defence in regard to the Israel-Palestine conflict.



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Introduction

In the complex and enduring conflict between Israel and Palestine, the definition of the boundaries and limitations of self-defence is a critical aspect that demands careful examination. This conflict, rooted in political, territorial, and historical disputes, has seen numerous clashes and peace initiatives over the years. As the conflict persists, it becomes imperative to establish clear guidelines regarding the right to self-defence in accordance with international law.

Key terms

Self Defence (International law): In the context of international law, self-defence refers to the inherent right of a nation to use force in response to an armed attack. The use of force must be necessary, proportionate, and immediately directed against the aggressor¹.

The Israel-Palestine conflict refers to the ongoing political and territorial dispute between Israel and the Palestinian people. It involves issues such as borders, refugees, and the status of Jerusalem, and has led to numerous conflicts and peace initiatives over the years².

Background Information

The Israel-Palestine conflict, deeply entrenched in a web of historical grievances, territorial disputes, and political complexities, is emblematic of one of the world's most enduring and intricate geopolitical struggles. Dating back to the mid-20th century, this conflict has defied easy resolution, with each passing year witnessing a myriad of events that contribute to its protracted nature. This paper seeks to delve into the heart of this complex struggle, with a specific focus on the crucial and nuanced aspects of defining the boundaries and limitations of self-defence in the context of international law. The multifaceted nature of the conflict arises from a convergence of historical, political, and territorial factors. Stemming from the aftermath of World War II and the subsequent establishment of the State of Israel in 1948, the conflict encapsulates divergent narratives, competing national aspirations, and deeply rooted cultural and religious identities. Over the decades, issues such as borders, refugees, and the status of Jerusalem have become entrenched in the discourse, contributing to a volatile and intricate geopolitical landscape. In the midst of this complexity, the examination of the boundaries and limitations of self-defence emerges as a paramount concern. The conflict has been characterized by a series of armed clashes, each triggering a cascade of geopolitical repercussions. Understanding the parameters within which nations involved in the conflict can legitimately claim the right to self-defence is crucial for both the prevention of further hostilities and the establishment of a foundation for lasting peace. In this context, establishing clear guidelines within the framework of international law regarding the right to self-defence becomes not only a diplomatic imperative but a prerequisite for fostering stability and justice in the region. The evolution of international norms and legal principles, particularly those

¹ International Law Commission Wood, Michael "INTERNATIONAL LAW AND THE USE OF FORCE: WHAT HAPPENS IN PRACTICE?" https://legal.un.org/avl/pdf/ls/Wood_article.pdf

² Council of Foreign Affairs "Israeli-Palestinian Conflict" <https://www.cfr.org/global-conflict-tracker/conflict/israeli-palestinian-conflict> November 27, 2023

governing armed conflict and self-defence, adds an additional layer of complexity to the ongoing discourse.

Major Countries and Organisations Involved

Israel: A key player in the conflict, Israel's actions and policies significantly impact the dynamics in the region.

Palestine: The Palestinian territories, represented by the Palestinian Authority and Hamas, play a central role in negotiations and conflict dynamics.

United States: Historically, the U.S. has been involved in brokering peace talks and providing support to Israel³.

Arab States (e.g., Saudi Arabia, Egypt, Jordan): Play roles in regional dynamics and peace initiatives⁴.

European Union (EU): Participates in diplomatic efforts and provides financial support for peace-building initiatives⁵.

The Palestine Liberation Organization (PLO) is a political and paramilitary organisation founded in 1964 with the aim of representing the Palestinian people in their quest for self-determination and the establishment of an independent Palestinian state. The organisation played a central role in the Palestinian national movement and has been involved in diplomatic, political, and armed activities⁶. The PLO gained international recognition as the representative of the Palestinian people and engaged in peace negotiations with Israel, leading to the Oslo Accords in the 1990s. The PLO's leadership has evolved over time, with different factions and leaders shaping its strategies and objectives in the pursuit of Palestinian rights and statehood⁷.

Relevant UN Resolutions

United Nations Security Council Resolution 242 (1967): These resolutions were adopted by the United Nations Security Council in the context of the Israel-Palestine conflict. Resolution 242 (1967) emphasises the inadmissibility of the acquisition of territory by war, and Resolution 338 (1973) calls for an immediate ceasefire and implementation of Resolution 242⁸. This resolution emphasises the inadmissibility of the acquisition of territory by war and

³ CNN “75 years of US support for Israel, briefly explained”

<https://edition.cnn.com/2023/10/11/politics/presidents-israel-cnn/index.html> by Wolf, B. Zachary published October 11, 2023

⁴ European Union External Actions “MEPP: The European Union, Saudi Arabia, the Arab League, in cooperation with Egypt and Jordan, launch the Peace Day Effort for Middle East Peace, and invite the world to join” https://www.eeas.europa.eu/eeas/mepp-european-union-saudi-arabia-arab-league-cooperation-egypt-and-jordan-launch-peace-day-effort_en September 2023

⁵ European Union External Actions “Middle East Peace Process” https://www.eeas.europa.eu/eeas/middle-east-peace-process_en August 2021

⁶ Britannica “Palestine Liberation Organization Palestinian political organisation” <https://www.britannica.com/topic/Palestine-Liberation-Organization>

⁷ Britannica “Palestine Liberation Organization Palestinian political organisation” <https://www.britannica.com/topic/Palestine-Liberation-Organization>

⁸ The security Council “Resolution 24 2 (1967) of 22 November 1967” <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242%281967%29.pdf> 1967

calls for the withdrawal of Israeli armed forces from territories occupied in the recent conflict⁹.

United Nations Security Council Resolution 338 (1973): This resolution calls for an immediate ceasefire and implementation of Resolution 242, especially regarding negotiations between the parties concerned¹⁰.

Previous Attempts to Solve the Issue

Oslo Accords (1993): The Oslo Accords were a series of agreements between Israel and the Palestine Liberation Organization (PLO) aimed at achieving a lasting peace in the region. The accords established the Palestinian Authority and outlined a framework for the eventual creation of a Palestinian state¹¹.

Camp David Summit (2000): The Camp David Summit, hosted by the United States, aimed to address the final status issues in the Israel-Palestine conflict. However, the summit ended without a final agreement, contributing to increased tensions¹².

Annapolis Conference (2007): The Annapolis Conference brought together Israeli and Palestinian leaders, along with international representatives, to relaunch negotiations for a two-state solution. Despite initial optimism, the talks did not lead to a comprehensive agreement¹³.

Possible Solutions

- A Two state solution would require negotiated agreements on borders, the status of Jerusalem, and the rights of refugees. International support and guarantees may be essential to ensure the viability and security of both states¹⁴.
- Engaging a neutral third party or international organisations to mediate and facilitate negotiations could help bridge the trust deficit between Israel and Palestine. Additionally, the deployment of international peacekeeping forces may contribute to maintaining stability in the region during the transition period¹⁵.
- Negotiations could explore the possibility of land swaps and border adjustments to address territorial disputes. This approach may involve compensating each party with

⁹ The security Council “Resolution 242 (1967) of 22 November 1967”

<https://peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242%281967%29.pdf> 1967

¹⁰ The security Council “Resolution 338 (1973) of 22 October 1973”

<https://peacemaker.un.org/sites/peacemaker.un.org/files/SCR338%281973%29.pdf> 1973

¹¹ U.S Department of State “The Oslo Accords and the Arab-Israeli Peace Process”

<https://history.state.gov/milestones/1993-2000/oslo>

¹² U.S Department of State “Camp David accord and the Arab-Israeli Peace Process”

<https://history.state.gov/milestones/1977-1980/camp-david>

¹³ UN Peacemaker “Annapolis Conference Joint Understanding and Statements Joint Understanding on Negotiations”

https://peacemaker.un.org/sites/peacemaker.un.org/files/IsraelOPT_JointUnderstandingOnNegotiations2007.pdf

November 27, 2007

¹⁴ Britannica “Two-State Solution” <https://www.britannica.com/topic/two-state-solution> December 15, 2023

¹⁵ European Union External Actions “What the EU stands for on Gaza and the Israeli-Palestinian conflict”

https://www.eeas.europa.eu/eeas/what-eu-stands-gaza-and-israeli-palestinian-conflict_en November 15, 2023

equivalent land to meet their respective needs and concerns, contributing to a more equitable solution¹⁶.

- Regional powers, including Arab states and Israel, could collaborate on initiatives that promote economic development, shared resources, and regional stability. Encouraging diplomatic and economic ties might help build trust and create a conducive environment for a comprehensive resolution¹⁷.
- Investing in joint humanitarian initiatives and development projects that benefit both Israeli and Palestinian populations could foster goodwill and cooperation. Improving living conditions, infrastructure, and economic opportunities may contribute to a more positive atmosphere for negotiations¹⁸.
- Empowering civil society organisations on both sides to engage in dialogue, promote understanding, and advocate for peace could contribute to changing public perceptions and fostering a culture of coexistence. People-to-people initiatives may exert bottom-up pressure for a peaceful resolution¹⁹.
- Addressing the issue of Palestinian refugees could involve a combination of rehabilitation, compensation, and acknowledgment of their rights. International support may be crucial in funding initiatives that enhance the well-being and livelihoods of refugees²⁰.

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¹⁶ The Carter Center "Approaches to solving territorial conflicts" https://www.cartercenter.org/resources/pdfs/news/peace_publications/conflict_resolution/solving_territorial_conflicts.pdf May 2010

¹⁷ Carnegie Endowment for International Peace "Arab Peace initiatives II: How arab leadership could design a peace plan in Isreal and Palenstine" <https://carnegieendowment.org/2023/11/17/arab-peace-initiative-ii-how-arab-leadership-could-design-peace-plan-in-israel-and-palestine-pub-91047> November 17, 2023

¹⁸ The White House "Peace to Prosperity" <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf> January 2020

¹⁹ Aalborg University department of politics and society "NGO's role on peace building" https://projekter.aau.dk/projekter/files/595417231/Helvy_final__Thesis.pdf

²⁰ University of Oxford "Rethinking solutions for Palestinian refugees A much-needed paradigm shift and an opportunity towards its realisation" https://www.rsc.ox.ac.uk/publications/rethinking-solutions-for-palestinian-refugees/@_download/file may 2021

91047](<https://carnegieendowment.org/2023/11/17/arab-peace-initiative-ii-how-arab-leadership-could-design-peace-plan-in-israel-and-palestine-pub-91047>) (November 17, 2023)

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