

Forum: Security Council

Issue: The violation of international law in the Gaza Strip

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Introduction

Gaza Strip was first partitioned to the Arabs by the UN following the creation of the Israeli state in 1948. Over the past few decades, Israel has fought many wars with various parties over the control of the Gaza Strip. Egypt has remained in controlled of the Strip from 1949 to 1967 except for a brief period between late 1956 and early 1957. In the six-day war of 1967, Israel regained control of the Gaza Strip. Peace finally came about to Israel and Egypt in 1979. However, attacks against Israeli forces by local Palestinians in the occupied territories of Gaza and West Bank never stopped.

Under the organization of US President Bill Clinton in 1993, the leader of the Palestinian Liberalization Organization, Yasir Arafat, and Israeli Prime Minister, Yitzhak Rabin, agreed to pass control of the Gaza Strip and West Bank slowly over to the newly created Palestinian Authority. However, disagreements between two leading Palestinian groups, the Fatah and the Hamas, led to instability throughout the occupied regions of Gaza and West Bank.

In 2003, the “Quartet”, EU, UN, US, and Russia, helped to solve the conflict by laying out a roadmap to a peaceful resolution. In late 2005, Israel formally withdraws from Gaza after its 38 years of occupation. A big blow to the international community came when the Hamas overwhelmingly won in the parliamentary elections of the Palestinian Authority in Gaza in 2006. Since then, little progress in peace has been made as many nations consider the Hamas a terrorist group, and thus an illegitimate representation of the Palestinians. In June 2007, the Hamas ousted the forces of Fatah, From 2007 to 2008, Israel and the Hamas-controlled Gaza often carried out air raids on each other.

In June 2008, Egypt managed to broker a six months cease-fire between both parties. Hostilities resumed in December 2008, with each party accusing each other of breaking the truce. In late January 2009, both sides agreed to a weeklong truce as Israel withdraws from Gaza. The United Nations Fact Finding Mission on the Gaza Conflict was established in April to investigate violations of international law. On September 29, the Mission published their report. It included recommended measures to be taken. The UN General Assembly endorsed the report in November 2009. In January 2010, UN Secretary-General once again called for Israel to end its three-year blockade against Gaza. Recently, Israel compensated UN for damage done in the brief offensive from late 2008 to 2009.

Definition of Key Terms

Palestinian Authority

Created under the Oslo records in 1993, the Palestinian Authority is recognized as the legitimate government of the Palestinian people. It has a seat in the United Nation without voting privileges. It controls the occupied territories of Gaza and West Bank. With the ousting of the Fatahs in the Gaza Strip, PA's leadership is effectively divided.

Fatah

One of the two parties that dominates Palestinian politics and the Palestinian government – the Palestinian Authority. After losing the Gaza parliamentary elections in 2006, its rival, the Hamas, now is control of the Palestinian Authority. They have advocated peace with Israel, and pursue a two-nation policy.

Hamas

Hamas is a radical Islamic group that rivals the Fatahs. Unlike the Fatahs, the Hamas seeks to destroy the modern Israeli state, joining it with the West Bank and the Gaza strip under a unified Palestinian control. Following its suicide bomb attacks in Israel, the United States, European Union, Israel and a few others and classified it as a terrorist organization. Hama's victory of the Gaza parliamentary was seen as a huge blow to the Israel-Palestinian peace process.

General Overview

Report of the United Nations Fact Finding Mission on the Gaza conflict

This is a controversial report released by the United Nations Fact Finding Mission on the Gaza Conflict as both sides were accused of committing war crimes. Its conclusions and recommendations has been the main focus of the Israel-Palestinian conflict since. Both Israel and Hamas have been repeatedly urged to follow the recommendations and improve the situation in Gaza.

The Blockade

In September 2007, Israel declared Gaza "hostile territory" and subsequently imposed a series of economic and political sanctions against Gaza. Israel restricted the movement of Palestinians and supplies in and out of the Gaza Strip. Given the small territory is heavily reliant on imports for sustenance, the living conditions in Gaza plummeted. Electricity and fuel were often cut, rendering many government sectors and companies inoperable. These severely impacted Gaza's economy, and the health of its population.

Israel's offenses

Israel has repeatedly been condemned by the International Community for employing air strikes against its rivals, killing innocents in the process. At times, the Israeli army was found to not have given the warning required under International Law prior to its air strikes. The mission called Israeli's attack on buildings (government buildings and civilian infrastructure) a violation of International Humanitarian Law as it was not justified by military necessity.

Use of Weapons

The Mission found evidences of the Israeli military using weapons such as white phosphorous and flechette missiles. While they are not explicitly prohibited by International Law, they result in aftereffects that are extremely adverse to health. The Mission believes that the use of certain weapons by the Israeli army was absolutely unnecessary.

United Nations activities in the Gaza Strip

Facing numerous challenges, the United Nations has often stepped in to help the Palestinians living in Gaza Strip. It has also went in and assessed the situation from different aspects.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

The UNRWA was established by UNGA resolution 302 (IV) in December 1949. It serves to provide assistance for Palestinian refugees in the Middle East, including the Gaza Strip. It helps them maintain a decent standard of living by providing education, health, relief and social services to these refugees.

Environmental Assessment

The United Nations Environment Program identified the main issues as management of solid waste, waste water, and contaminated. The Gaza Strip was already weak in waste management prior to the 2008-09 conflict, and following the conflict, more damage to existing waste management infrastructure caused waste disposal to be a huge environmental problem for the Gaza Strip.

UN Development Programme – Programme of Assistance to the Palestinian People

The UNDP-PAPP mainly aims to “work with the Palestinian people to fulfill their vision of a peaceful, sustainable, and equitable society”. They focuses on poverty reduction and democratic governance.

Health Assessment

The World Health Organization (WHO) has identified the lack of adequate medical facilities, insufficient medical supplies, and limited health professionals as main issues affecting the treatment of the sick and wounded in the Gaza Strip area. The blockage and the 2008-09 conflict has only worsen the situation by damaging a huge proportion of Gaza's health services infrastructure.

Timeline of Events

Date	Description of event
May 14, 1948	Creation of the Jewish state - Israel
June 5 – June 10, 1967	In this six day war, Israel invaded the Egyptian administrated Gaza.
March 26, 1979	Egypt and Israel signed a peace treaty, ending their hostile relationship
September 13, 1993	The Oslo Accords are signed setting up the Palestinian Authority as the government of the occupied areas of Gaza Strip and West Bank.
September 2005	Israel withdraws all its troops from Israel.
January 26, 2006	The Hamas unexpectedly wins the parliamentary elections of the Gaza strip.
June 13, 2007	Hamas forces ousted its rival party Fatah from the Gaza Strip region.
June 19, 2008	Egypt stepped in to mediate a six months ceasefire between Israel and the Hamas.
December 27, 2008	Believing that the Hamas broke the truce, Israel started a military operation, "Operation Cast Lead", against the Gaza Strip.
January 18, 2009	Operation Cast Lead came to an end as Israel and Hamas agreed to a ceasefire, and Israel started to withdraw from the Gaza Strip.
April 03, 2009	An international and independent Fact Finding Mission was established by the President of Human Rights Council.
September 29, 2009	The Fact Finding Mission presented its report of findings, conclusions, and recommendations to the Human Rights Council

UN Involvement, Relevant Resolutions, Treaties and Events

UN missions, committees, and programmes were also established of to aid the victims of this conflict, as mentioned above under General Overview. UN strives to work through already established activities to solve the problems this region is facing.

- On the Implementation of the Quartet Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, 16 December 2008 (**S/RES/1850 (2008)**)

- On a durable and fully respected ceasefire and the full withdrawal of Israeli forces from the Gaza Strip, 8 January 2009 (**S/RES/1860 (2009)**)
- Follow-up to the Report of the United Nations Fact Finding Mission on the Gaza Conflict, 05 April 2009 (**A/RES/64/10**)

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