

Committee: Legal Committee (GA6)

Topic: Evaluating the legal status of Jerusalem on a long-term scale

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Position: Deputy President

Personal Introduction

Dear delegates,

My name is Mike Papakonstantinou and I will be serving as your co-chair in the Legal Committee in this October's Champion School MUN conference. I am a Costeas Geitonas School student and I've been doing MUN since 8th grade. MUNing is a really challenging and exciting experience that can put the most skilled students to the test, by requiring the best possible global solutions for current affairs. In October, we will expect well-prepared and determined delegates so we can have a successful and fruitful debate, and for the formal procedure to run properly and as smoothly as possible.

See you in the conference!

Yours truly,

Mike Papakonstantinou

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Definition of Key Terms

Ritual

“A religious or solemn ceremony consisting of a series of actions performed according to a prescribed order.” Briefly, it is a procedure that certain people follow in order to pay respects to the Holy Spirit or being.¹

Independence

“Freedom from being governed or ruled by another country.” It is the state of a country that controls its own internal and external affairs after being under the administration of another state.²

Annexation

“The act or an instance of adding to something larger, especially the incorporation of new territory into the domain of a city, country or state.”³

West Bank

West Bank is the territory of Palestine west of the Jordan river. It is approximately 2180 square miles and it represents the portion of the former British mandate in the area.

Emirate

“The rank, lands or reign of an emir.”⁴

¹ “Ritual: Definition of Ritual by Oxford Dictionary on Lexico.com Also Meaning of Ritual.” *Lexico Dictionaries | English*, Lexico Dictionaries

² “INDEPENDENCE: Meaning in the Cambridge English Dictionary.” *Cambridge Dictionary*

³ “Annexation.” *Dictionary.com*, Dictionary.com

⁴ “Emirate: Definition of Emirate by Oxford Dictionary on Lexico.com Also Meaning of Emirate.” *Lexico Dictionaries*

Mandate

“The authority to carry out a policy, regarded as given by the electorate to a party or candidate”. It is a permission that is given by a government to someone or some force to have control over a situation or a country.⁵

Administration

“The management of public affairs; government.” It is the government that has the jurisdiction over a state.⁶

Ceasefire

“A temporary suspension of fighting; a truce.” It is an agreement between forces to stop the conflict for a certain amount of time or indefinitely.⁷

Armistice lines

It is a geographically defined line for the forces involved in a conflict to withdraw after a truce or a cease fire agreement.

Gaza Strip

The Gaza Strip is a territory occupying 140 square miles along the Mediterranean Sea northeast of the Sinai Peninsula. It is a densely settled area not recognized as a part of any extant country.

Sinai Peninsula

It is a triangular peninsula linking Africa with Asia and it occupies an area of 23500 square miles.

⁵ “Mandate: Definition of Mandate by Oxford Dictionary on Lexico.com Also Meaning of Mandate.” *Lexico Dictionaries*

⁶ “Administration: Definition of Administration by Oxford Dictionary on Lexico.com Also Meaning of Administration.” *Lexico Dictionaries*

⁷ “Ceasefire: Definition of Ceasefire by Oxford Dictionary on Lexico.com Also Meaning of Ceasefire.” *Lexico Dictionaries*

Casus belli

“An act or situation that provokes or justifies war.”⁸

Intifada

“An armed uprising of Palestinians against Israeli occupation of the West Bank and Gaza Strip.”⁹

Background Information

Part A: Ottoman Empire

The supremacy of the Empire

The occupation of Jerusalem lasted exactly 300 years (1517-1917) when the Ottomans attacked the city and managed to occupy it with minimum resistance from the city itself. The occupation occurred under the leadership of Sultan Selim the First, who died 3 years later, giving his reign to Sultan Suleyman the Magnificent, who regarded Jerusalem a lot. The Ottomans only accorded the city of Jerusalem with religious concern. That is the reason that Suleyman focused on creating many rituals and churches in order for the diverse religions in the area to be practiced accordingly and freely.

The strategic position and the downfall

Jerusalem was really important for the Ottoman Empire since it is located in a strategic position in Anatolia, which meant that more resources and revenue were available for them through trade. At that time, they had the complete control of the region, which was excessively beneficial for the integrity of the Empire as a whole. However, after 250-280 years of absolute and undeniable supremacy over the city and the general area around it, a World War was

⁸ “Casus Belli: Definition of Casus Belli by Oxford Dictionary on Lexico.com Also Meaning of Casus Belli.” *Lexico Dictionaries*

⁹ “Intifada.” *Merriam-Webster*

emerging. When the Ottomans understood the power of Great Britain, they handed the region to their hands peacefully according to their generals at the time. However, Winston Churchill suggested that there was conflict, in which the Ottomans were defeated and therefore forced to hand the region over to the British.

Part B: The Aftermath of World War I

The British occupation

When the British troops entered the city after the Battle of Jerusalem in December 1917, there was already a plan for the city and for the spirit of it, which was created from the British government. This later influenced the people's minds. The British were aiming to redesign the city in a more modernized way since they were attempting to force their culture in the city's rhythms. This effort to fit Jerusalem based on European culture and stereotypes ruined the natural flow of the Holy City. Many archeological sites were declared off-limits, and all this in the urbanizations' sake.

Late Palestinian-American academic Edward Said quotes: "...made by a European power... about a non-European territory...in a flat disregard of both the presence and wishes of the native majority resident in that territory"¹⁰. Briefly, the British promised the new Jewish population a land that was already mostly occupied by natives.

The Jordanian annexation of the West Bank

Shortly after World War I, an Arab emirate, the emirate of Transjordan was carved out of the land of the former Ottoman Empire by the British. The ruler of the emirate, Emir Abdullah asked the British to have Palestine under his jurisdiction, but they refused. Still, the desire for the Arab territory west of the

¹⁰ Dr Mahon Murphy (Trinity Collge Dublin). "The British in Jerusalem 1917-1920: The Imagined City."

Jordan remained. On November 29, 1947, the United Nations General Assembly adopted the Resolution 181 (aka Partition Resolution) which granted independence to now separate Arab and Jewish states from the former British mandate. This meant that Israel and Palestine were now independent and Britain had no administrative power in any of these states.

In 1946 Transjordan became a kingdom, independent of Great Britain, and in the Arab-Israeli war of 1948, the Arab Legion, took the Jewish quarter of Old Jerusalem and seized control of the West Bank area on the western side of the Jordan, later the new name of the kingdom.

The agreement between the Arab states and Israel

The United Nations actively diplomatically participated in the efforts of ceasing the conflict indefinitely and managed to achieve two cease-fires, but fighting continued going into 1949. Certain agreements between Israel and the neighboring Arab states involved were finally made in February of the same year. Israel gained some territory formerly granted to Palestinians under Resolution 181, while Egypt and Jordan retained control over the Gaza Strip and the West Bank respectively. These armistice lines held successfully until 1967.

Part C: Six Day War

The timeline of the conflict

Going into 1967, a six-day war between Israeli forces and their Arab neighbors reshaped modern Middle East and broke the then-set armistice lines between the states in the region. On June 5, Israeli air attacks against Egypt, Jordan and Syria begin, and Tel Aviv receives backfire from Jordan and Iraq. On June 7, the Security Council presents a cease-fire initiative, but it is being turned down by Egypt's former president. The war ended with

Israel, re-claiming the Gaza Strip, the West Bank, Golan Heights and Sinai Peninsula to the Suez Canal.

The involvement of the United Nations

The United Nations were involved in the start of the conflict of the Six Day War. In May 1967, United Nations Emergency Force (UNEF) forces, which were placed between the Suez Canal and the Sinai Peninsula did not oppose Egyptian and later Syrian troops to march towards Israel's southern border, which was left completely exposed after the removal of the UNEF forces. This made the approach of the Arab troops and the creation of a "casus belli" much easier. However, the United Nations, and especially the Security Council made numerous efforts for an indefinite cease-fire. They failed twice but eventually after most of the Arab Troops had retreated they managed to persuade this side to a final cease-fire.

United Nations, more than 50 years later, still condemn the Israeli government for not delivering the Gaza Strip, the West Bank and other territories that were conquered during the Six Day War back to Palestine, in order for a second state to be formerly shaped, a solution that most of the UN states continue to urge many times.

Part D: Current legal status of Jerusalem

The current status of Jerusalem is under the jurisdiction of the Israeli government, but the United Nations do not recognize that and request for the region of west Jerusalem to be under the jurisdiction of the state of Palestine.

East and West Jerusalem

East and West Jerusalem are still under the jurisdiction of Israel, with their side showing no signs of backing off whatsoever. Still, during the latest years,

diplomatic work from different states such as Hungary and the United States has been conducted in Jerusalem territory.

The opinion of the US

One of the major headlines in recent years has been the approval of Donald Trump, the president of the United States, to move the American Embassy of Israel, from its initial position in Tel Aviv to Jerusalem, and at the same time, formally recognizing Jerusalem as the official capital city of the country. This move from the President of the United States was criticized and was considered the most controversial political move of recent history by experts of the field. Obviously, the United States and the White House fully support the current territorial situation in Jerusalem, opposing the majority of the Member United Nations States, and possibly putting their beneficial hierarchical position in jeopardy.

The opinion of Russian Federation

Despite recognizing the west side of Jerusalem as the capital of Israel, the side that was occupied by the country before the incident of the Six Day War, the Russian Federation has refused to move their embassy in Jerusalem. To justify such action, Russia's ambassador to Israel, Anatoly Viktorov explained: "The issue of transferring the Russian Embassy to Jerusalem is off the agenda...Russia is committed to the international legal framework concerning Jerusalem, including corresponding United Nations Security Council resolutions".¹¹ Of course such resolutions mentioned are condemning Israel of their actions in Jerusalem. This puts a big question mark in Russia's intentions and it controversies with the initial position of Russia upon the issue at hand.

The conflict between Palestine and Israel this day

The conflict between the two neighbor states, which has been evolving since the end of the nineteenth century, still continues to this day. Once the

¹¹ "Russia Refuses to Move Embassy to Jerusalem." *Middle East Monitor*, 8 Feb. 2019

conflicts for territory were over, there was a significant uprising among the Palestinians, starting in 1987, in the West Bank and the Gaza Strip. The Oslo Accords in 1993 eased the conflict, by giving the chance to the Palestinians to govern themselves by setting up a certain framework. However, in 2000, the second intifada unfortunately began and eventually in 2015, the Palestinian President Mahmoud Abbas announced that Palestine would not be bound by the Oslo Accords.

The United States have made the achievement of a deal between Israel and Palestine one of its priorities, but their decision to move their embassy to Jerusalem has been condemned by Palestine and other Middle East Nations, and they have yet to release their proposal for a peace process.

There are concerns for a third intifada that could possibly mean that escalated tensions could lead to large-scale violence. Of course the United States has an interest in protecting their ally and improving regional security.

Religious concerns

Jerusalem is home to many diverse religions and this has massively affected the conflict. Extremist Zionists groups in Israel and Islamist groups in Palestine and in other Middle East nations consider themselves as advocates of their own beliefs and often come into severe conflict, by preaching violence and hatred against each other. Adding to that, the worsening socioeconomic conditions in the Arab world also contribute to the growth of religious extremism, youth fanaticism and religion-inspired politics to these areas. These religious conflicts aren't making the negotiations for a peace process any easier.

Major countries and organizations involved

United States of America (USA)

The United States of America is a nation much involved in the issue of Jerusalem and they have stated that it is one their priorities. Their decision to move their embassy to Jerusalem was one of the biggest headlines as well as their announcement of their recognition for Jerusalem as the capital city of Israel. They have been trying to propose solutions for a peace process between Israel and Arab countries and they have been actively involved in diplomatic negotiations and strong relations with all the other countries involved.

Russian Federation

The Russian Federation has been conflicting with their opinions and actions upon the issue at hand. Their most recent position regarding Jerusalem is that they are not backing Israel's position and they also refused to move their embassy at Jerusalem, an action that was seemingly sure it was going to happen eventually. They suggest that they remain loyal to the international legislation proposed by the United Nations upon the matter. Possibly this contrasting decision was made because of differences of interests between them and the United States.

Israel

Israel has been the main character in this issue. They do not wish to solve the matter with a two state solution and they claim that the part of East Jerusalem is legally theirs. They are in conflict with the majority of the United Nations for the issue but they have the support of the United States.

Palestine

Palestine has been the second main character in the issue of Jerusalem. They fully support the two state solution, although they have been responsible for the two intifadas and their withdrawal from the Oslo Accords.

Jordan

Jordan has been involved in the Jerusalem issues mostly before 1967, when the Six Day War happened, and they had control of a part of the city back in the day. Still, they are involved in the attempts for a peace process.

Hungary

Hungary has moved some of its diplomatic operations in the country of Israel to Jerusalem, signifying that they might support Israel in the issue at hand.

Timeline of events

| <u>Date</u> | <u>Event</u> |
|---------------|---|
| 1517 | The Ottoman Empire enters Jerusalem. |
| December 1917 | The Ottoman Empire delivers Jerusalem to the British forces. |
| October 1945 | The United Nations was created. |
| November 1947 | The Resolution 181, that grants independence to the states that were under Britain's administration after the World War, is being passed. |
| May 1948 | The Arab Israeli war breaks out with the Kingdom of Transjordan |

| | |
|----------------|---|
| | conquering part of Jerusalem and part of Palestine. |
| June 1967 | The Six Day war breaks out. |
| December 1987 | The first intifada between Israel and other Middle Eastern countries breaks out. |
| September 1993 | The Oslo Accords are signed. |
| September 2000 | The second intifada breaks out. |
| September 2015 | Palestinian president announces that Palestine would no longer act according with the Oslo accords. |
| September 2017 | The United States of America announce that they recognize Jerusalem as the capital city of Israel and they move their embassy to Jerusalem. |

Previous attempts to solve the issue

In the past 53 years, there have been countless attempts from the United Nations and from numerous States individually to propose solutions for Jerusalem for a peace process with Palestine and the Arab world. The United States has been participating in diplomatic procedures through the whole conflict. Also, lots of humanitarian aid form NGOs and governmental funds from all around the globe to help the families that are massively affected by the extremists' conflict by the Zionists and the Islamists. Furthermore, the Legal Committee and the special committee have proposed frameworks, legal solutions and resolutions for the conflict to be solved and for the territorial question to be cleared. Finally, there have been over 45 resolutions for the issue at hand.

The Oslo Accords

The Oslo Accords were an effort for the armed conflict between Israeli and Palestinian groups to stop and to secure a ceasefire until a solid solution for the issue was agreed upon. It seemed to be the perfect initiative to make the negotiations work but after the second intifada in 2000, this measure seemed to have no result. In 2015, Palestine decided to withdraw their signing from the Accords.

The Balfour Declaration

The Balfour Declaration (Balfour's promise in Arabic) was composed in the form of a letter from Britain's former foreign secretary, Arthur Balfour, addressing Lionel Walter Rothschild, a figurehead of the British-Jewish community. The aim of this mandate system was to give clearance to the Brits to administer the emerging, soon-to-be independent states until they actually have gained their independence. The case of Palestine was challenging since the Jewish population at the area was less than 9 percent at the time. However, between 1922 and 1935, the Jewish population rose to 27 percent of the total population.

The Balfour included the clause that "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine". However, the British mandate plan was designed in a way that the new Jewish population was handed important tools in favour of the establishment of self-rule, of course at a major expense for the already existing Arab population in the region.

Relevant UN Resolutions, Events, Treaties and Legislation

Resolution [A/RES/73/22](#)

This resolution was composed in order to request for Israel to respect international law and to reconsider a two-state solution, as well as to show solidarity to the state of Palestine.

Resolution [A/ES-10L.22](#)

This resolution was composed in order to criticize the policy that the United States followed for the issue of Jerusalem. There are 45 UN resolutions that condemn the state of Israel for its ruling in the whole of Jerusalem.

The Oslo Accords were one of the main efforts to put an end to the armed conflicts and the intifadas between extremist groups in Palestine and Israel. However, the effort came to be unsuccessful almost two decades after, as the Palestinian president decided to withdraw from the signing of the Accords.

Many efforts from the United Nations as from Member States have been observed either with diplomatic means or other state affairs decisions such as the decision of the US to move their embassy. Despite these constant efforts and these solutions offered to the states involved, the situation has been no different.

Possible solutions

The one state solution

The UN has proposed that the borders should be like the pre-1967 ones where Israel had control over the East side of the city.

The one-state solution, sometimes also called a bi-national state, is a proposed approach to resolving the Israeli–Palestinian conflict. Some Israelis advocate another version of the one-state solution in which Israel will annex the West Bank but not the Gaza Strip and remain a Jewish state with a larger Arab minority.

The two state solution

Many Palestinians and Israelis, as well as the Arab League, have stated that they would accept a two-state solution based on 1949 Armistice Agreements, more commonly referred to as the "1967 borders".

The two-state solution has been described as the only way to guarantee peace by Antonio Guterres, the incumbent secretary-general of the UN. But for a two-state solution to be possible, a sustainable and democratic Palestinian government needs to be established.

Regaining diplomatic relations

Israel and Palestine are in need of diplomatic discussions to avoid more and possibly worse armed conflicts. Therefore, this should be in priority of achieving these relations in order to establish certain stability in all kinds of conflicts between both the states as well as third party factors.

Third factor challenges

The intervention of other states might be helpful in some cases, however, in some other cases, it could be harmful, not only for the Israel-Palestine relations, but for other States' relations too. When it comes to external involvement for the benefit of the long-searched solution, the factors involved

need to make sure that the actions made always comply with international as well local legislations and policies.

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