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**What was the resolution passed by the United Nations General Assembly regarding Israel's prolonged presence on Palestinian land? How did Israel come to occupy the West Bank? How does the newly elected government of Israel view its relations with the State of Palestine?**

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DIKSHA MUNJAL

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A general view of the Jewish settlement of West Bank in Efrat. | Photo Credit: AP

**The story so far:** The United Nations General Assembly (UNGA) ended 2022 by passing a resolution that asked the body's highest court, the **International Court of Justice (ICJ)**, to render its opinion on the legal consequences of Israel's prolonged occupation of Palestinian land. The resolution was passed with 87 member countries voting favourably, as opposed to 26 countries, including the U.S. and Israel, voting against it. **India was one of the 53 countries that abstained from the vote.**



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Jerusalem) that was taken over by Jordan and the Gaza Strip (controlled by Egypt). Tensions kept rising between Israel and three countries in the region — Egypt, Jordan, and Syria — which led to the six-day war of 1967. The war resulted in Israel capturing the West Bank, the Gaza Strip and East Jerusalem, along with Syria's Golan Heights and the Sinai Peninsula of Egypt. While the Sinai Peninsula was later returned to Egypt, other captured areas of Palestinian and Syrian territory remain under Israel's military control. Later, Israel also declared the whole of Jerusalem as its "eternal, undivided capital". While Israel withdrew from Gaza in 2005, its external borders are still controlled by Israel and Egypt.

While the UN Security Council passed a resolution in late 1967 stating that Israel must withdraw from the territories it seized in the war, it is yet to happen and the fate of Palestinian self-determination remains uncertain. Palestinians seek the West Bank as the heartland of a future independent State. However, in the decades since the 1967 war, Israel has constructed dozens of Jewish settlements in West Bank, alongside the three million Palestinians living under Israeli military rule. Most of the international community considers Israel's West Bank settlements illegal and an obstacle to peace. Incidents of violence and killings of Palestinians by Israeli forces have become common over the years.

## What does the resolution seek to do?

The resolution passed by the UNGA on December 30 asked the ICJ to provide its advisory opinion on the legal consequences of Israel's "occupation, settlement and annexation including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures." While the U.S. rejected the resolution and major European powers abstained, the vote got unanimous support from the Arab nations. There are two possibilities when a referral is made to the ICJ, it can either lead to a settlement with a party withdrawing its case or it can lead to a trial followed by a verdict. While its rulings are binding, the ICJ has no power to enforce them.

The last time the ICJ dealt with the issue of Israeli occupation was in 2004 when it ruled that the separation or security wall built by Israel in the West Bank was illegal but Israel rejected the verdict, terming it politically motivated. While Israel had started building the wall in 2004 as a



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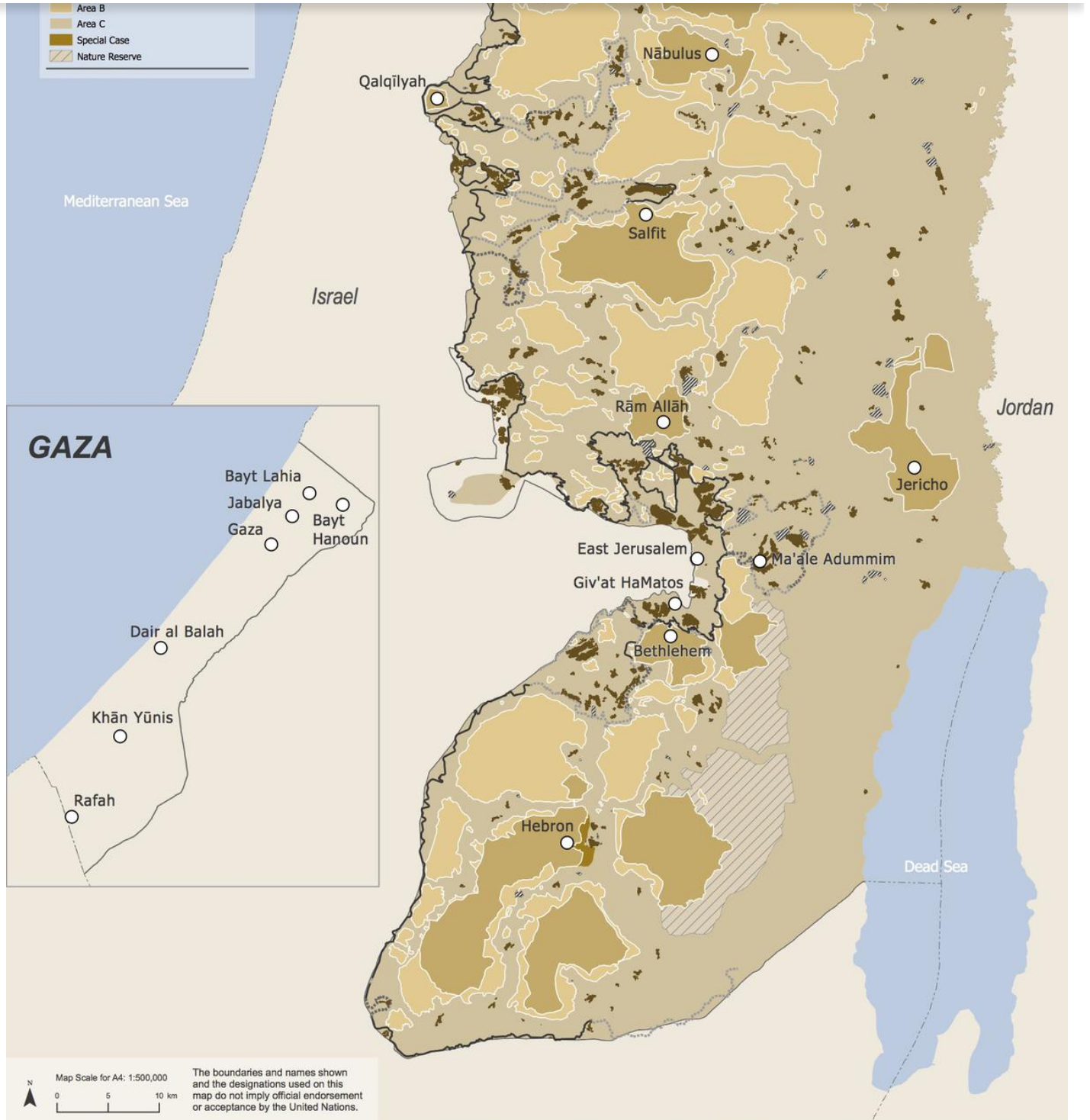
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International law states that the occupation of territory in wartime by an occupying power is a temporary situation and does not deprive the occupied power of its statehood or sovereignty. The occupying power is also forbidden from transferring its civilian population in large numbers to the occupied territory, changing its demographic composition, and expropriating the territory's natural resources.

As per the Committee's findings, Israel's successive governments, through their "occupation", "de-facto annexation" policies, civic planning, and military control, tried to ensure permanent Israeli control in the West Bank by expanding Israeli settlements and sending Israeli civilians to live in these settlements. As per the Oslo Accords of 1993 and 1995, West Bank was divided into Areas A, B, and C. Israel controls Area C, which constitutes 60% of the West Bank.

According to the Israeli government, while only 33 building permits were issued to Palestinians by the Israeli Defence Ministry in Area C between 2017 and 2021, construction began for more than 7,000 houses in Israeli settlements between 2017 and 2020.

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The report also said that over the years, Israel often confiscated land for military purposes and later used it for settlement construction. Besides, it expanded settlements of three types- officially sanctioned settlements in the West Bank and Jerusalem on private Palestinian land, Outposts not authorised by Israeli authorities but supported by politicians and ministries, and enclaves in East Jerusalem established by right-wing groups.

The report also highlighted the exploitation of natural resources. Notably, while most of the Palestinians live in Areas A and B of the West Bank, the fertile pastures, water resources, and agricultural and mineral-rich land is in Area C controlled by Israel, where the entry of Palestinians is highly restricted.

## **How does the new Israeli government look at the conflict with Palestine?**

The UN resolution coincides with the return of [Benjamin Netanyahu as Israel's Prime Minister](#) for a sixth time, with the most far-right coalition in the history of Israel taking charge of the



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names for the West Bank. The agreement also promises to annex the West Bank “while choosing the timing and considering the national and international interests of the state of Israel.”

Israel’s new Finance Minister Bezalel Smotrich and National Security Minister **Itamar Ben-Gvir** are known for their anti-Palestinian stands. Mr. Smotrich wants to fund settlements and Mr. Ben-Gvir hopes to grant immunity to Israeli soldiers who shoot at Palestinians among other things.

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A UNGA resolution had earlier sought to partition British mandate Palestine. But as the UN partition plan was rejected by the Arabs and the British mandate was coming to an end, Zionists went ahead declaring independence, triggering the first Arab-Israel war.

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The UN resolution coincides with the return of Benjamin Netanyahu as Israel’s Prime Minister for a sixth time, with the most far-right coalition in the history of Israel taking charge of the administration.

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