

Chapter 16

Julius Stone and the Question of Palestine in International Law

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Much of legal and political significance has come to pass since Julius Stone wrote on Israel and Palestine between the mid 1940s and the early 1980s, and in some respects the legal situation of which Stone wrote has become unrecognisable. The Palestinian Liberation Organization (PLO) has recognised Israel's right to exist and, in turn, Israel has accepted, in principle, a two-state solution. Israel and Jordan have signed a peace agreement and Jordan has relinquished its claim to sovereignty over the West Bank, in favour of Palestinian self-determination. The breakthrough of the 1993 Oslo Accords¹ led to the conferral of limited autonomy for Palestinians under a Palestinian Authority, sporadically interrupted by subsequent security concerns. Two intifadas in the Occupied Territories in 1988 and 2000 were matched by Israel's resort to 'targeted killings' and a security barrier in the West Bank. Israel withdrew from southern Lebanon in 2000 and then from Gaza in 2005, although Jewish settlements in the West Bank continue to expand, while Israel maintains a blockade around Gaza and invaded it again in 2008-2009. The rise of Hamas and the death of Arafat signalled the waning fortunes of the PLO, while complicating the political situation and hence prospects of any legal solutions.

While the contemporary political landscape has changed considerably, Stone's legal views on the Israeli-Palestinian dispute nonetheless continue to resonate on a number of core legal issues which remain unresolved or controversial: the underlying right of self-determination of peoples in the region; the legality of foreign occupation of territory (and indeed the characterisation of territory as occupied); the lawfulness of Israeli settlements in occupied territory; the applicability of the 1949 Geneva Conventions to occupied territory and to the conflict as a whole; the use of force against

1 'Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993' in (1993) 4 *European Journal of International Law* 572.

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