

## The Gaza Plan: Ambitious on Paper, Unrealistic in Practice

By Andrew Tucker

On 17 November the UN Security Council adopted [resolution 2803](#) implementing the so-called *Comprehensive Plan to End the Gaza Conflict* (the Plan) that was brokered by the United States on 29 September, and which had laid the foundation for the release of the hostages held by Hamas and other organizations in Gaza.

This plan, and the resolution, comprise an ambitious plan for the removal of Hamas and establishment of peace in Gaza. They basically envisage three successive phases:

- Phase 1: the return of all hostages held in Gaza and release by Israel of prisoners.
- Phase 2: the establishment of the Board of Peace, and an International Stabilization Force (ISF) to achieve the demilitarization of Hamas.
- Phase 3: the creation of an interim technocratic government, reform of the Palestinian Authority and training of a Palestinian police force, a possible pathway towards establishment of an Palestinian state, and the gradual rebuilding of Gaza.

While impressive on paper, the plan is now being confronted with the realities of the Middle East, and is already proving to be unrealistic.

The fact is that the plan is based on a number of false legal, historical and factual assumptions, which render the plan unrealistic and are likely to make it unworkable.

This short article addresses three of these problems in particular.

### **1. Demilitarizing Hamas will inevitably require more conflict – who is able and willing to do the job?**

As events over recent weeks have shown, the tragic fact is that Hamas and the other Islamist jihadist groups in Gaza have no intention of being demilitarized or of giving up power in the Gaza Strip. Hamas will never abandon its Islamist charter, which sees the Jewish people as pigs and requires the use of violence to kill Jews and destroy the Jewish nation.

Will the International Stabilization Force be able to achieve such demilitarization? This seems unlikely. According to the Security Council, the task of the ISF is to:

“help secure border areas; stabilize the security environment in Gaza by ensuring the process of demilitarizing the Gaza Strip, including the destruction and prevention of rebuilding of the military, terror, and offensive infrastructure, as well as the permanent decommissioning of weapons from non-state armed groups; protect civilians, including humanitarian operations; train and provide support to the vetted Palestinian police forces; coordinate with relevant States to secure humanitarian corridors; and undertake such additional tasks as may be necessary in support of the Comprehensive Plan.”

Given Hamas' identity and strategies, the only way of achieving its removal from power and demilitarization is through the use of military force. However it seems that none of the countries who agreed to the Peace Plan are willing to join the ISF if this means they must commit their own troops and materiel to actually do the hard work of using force to defeat Hamas. At the end of the day, it will probably only be Israel that will have both the will and means to use force to demilitarize Hamas. That will require significant use of force. The task may be easier than it has been to date, now that the bodies of all hostages (except two) have been returned. Israel will be more free to destroy tunnels and other infrastructure without fear of killing living hostages. Nevertheless, the task will not be easy, as Hamas seems to be re-establishing itself and is re-building its manpower and weaponry. One way or another, it is hard to see how phase two can be completed without a major resumption of armed conflict in the Gaza Strip.

## **2. Where does sovereignty in the Gaza Strip lie?**

The second problem is that the Security Council fails to clarify the question of sovereignty. Identifying the *locus* of sovereignty is more than an abstract issue – it is a vital matter that must urgently be clarified if there is to be true peace. Without a sovereign power exercising true authority over a territory, there will inevitably be chaos. For too long, the international community has persisted in the notion that Israel is not and cannot be the sovereign of the so-called “occupied Palestinian territories”.

The importance of clarity regarding sovereignty has been expressed by Prof. Eyal Benvenisti (in his [submisison to the ICC concerning Palestine in March 2021](#)) as follows:

“Territorial sovereignty is a fundamental principle of the international political and legal order. Sovereignty provides the State with exclusive competence regarding its territory in such a way as to make it the point of departure in settling most questions that concern international relations. Importantly, sovereignty not only grants rights and powers over the territory concerned, but also imposes corollary duties on the sovereign. It “serves to divide between nations the space upon which human activities are employed, in order to assure them at all points the minimum of protection of which international law is the guardian.” Hence, sovereignty is critical from the perspective of States in two central aspects – it provides States with the prerogative to make exclusive, independent decisions with regard to their territory, and it holds them accountable towards other States for acts that take place on their sovereign territory.”

Arguably, it has been the ongoing uncertainty and failure to resolve the dispute about sovereignty in the Gaza Strip that has enabled Hamas and other militant groups to take effective control of the Gaza Strip, as there has been no sovereign able to resist them. Egypt, that invaded and took control of the Gaza Strip in 1948, has never claimed sovereignty. After it liberated Gaza in June 1967, Israel has not asserted sovereignty over the Gaza Strip; rather, it implemented a military administration, arguing that

“sovereignty is in abeyance” and negotiating “land for peace”. The Oslo Accords failed to create any clarity on this issue, leaving to final status negotiations the thorny issue of borders.

The Palestinians, on the other hand, have claimed sovereignty over all of Palestine, but have been unable to build the necessary institutions of an effective and independent government that are the preconditions of statehood.

The result has been a vacuum of effective sovereignty that Hamas has been only too happy to exploit, by taking power but refusing to take responsibility for the well-being of the Palestinian people.

By referring to the Peace Plan, previous Security Council resolutions and the “French-Saudi Proposal”, the Security Council is perpetuating this uncertainty. Granted, the creation of the Board of Peace and related institutions will create a degree of stability (assuming Hamas can first be removed). But this is only temporary. What is to happen after Hamas has been removed? The Council seems to assume that sovereignty in the Gaza Strip vests in the Palestinian people. But that is simply not true. First of all, only states can be sovereign over territory. Unless and until Palestine truly becomes a state, it cannot enjoy the rights or (more importantly) exercise the responsibilities of a legitimate sovereign.

Underlying all of this is the ahistorical rejection of the historical rights of the State of Israel to sovereignty in the “occupied territories” (including Gaza). Gaza and the West Bank were created as defined territories through the aggressive war launched by the Arab states in May 1948, flagrant violation of the UN Charter. This act of aggression is the only reason the Gaza Strip has a separate identity. Gaza’s identity is not based on any historical connection of the Palestinian people with that particular piece of land. The separation of Gaza and the West Bank from the remainder of the land of former Mandate Palestine is solely the result of an artificial and violent act in 1948 that has no historical or legal justification.

The fact is that Gaza was part of the Mandate for Palestine, and as such it was destined to be the place where the Jewish national home would be established. Pursuant to the principle of *uti possidetis juris*, Gaza and the West Bank were in principle included within the territory of the newly-created state of Israel.

The idea that Israel is a “mere occupying power” in those territories is a fiction that was invented after 1973 by certain Israeli lawyers and was soon embraced by other lawyers. That fiction simply ignores (or refuses to recognize) the historical and legal reality described above.

### **3. Palestinian right to self-determination is not a right to statehood**

This brings us to the question of Palestinian statehood. It is remarkable that UN Security council resolution 2803 refers explicitly to “the French-Saudi proposal” (this being the proposal launched in 2024 for establishment and recognition of a Palestinian state), as well as the following:

“After the PA reform program is faithfully carried out and Gaza redevelopment has advanced, the conditions may finally be in place for a credible pathway to Palestinian self-determination and statehood. The United States will establish a dialogue between Israel and the Palestinians to agree on a political horizon for peaceful and prosperous coexistence.”

While the Security Council is careful not to promise statehood, the reference to “statehood” in the resolution perpetuates the myth that, somehow, the Palestinian people have a right to statehood.

This is simply not true.

It must be recalled that international law recognizes two forms of self-determination: internal and external. External self-determination refers to the right to independence of “non-self-governing” territories, such as colonies and Mandate and Trusteeship territories, from the state that has been governing that territory. A recent example is right of Mauritius to sovereignty over the Chagos Islands, and the obligation of the United Kingdom to ensure such independence.

According to the leading expert on statehood, the late Prof. James Crawford, “even the exercise of external self-determination need not result in independence; there are other options”. As Prof. Rose has noted in his [recent study](#) –

“A wide variety and range of national self-determination practices and precedents are implemented and recognized under international law. Its variables can include qualified international sovereignty, non-fully independent defence and security arrangements, reduced participation in the United Nations bodies, subordination of international trade to other managerial bodies, dependency on foreign currencies for financial transactions, and geographically non-contiguous territories.”

Internal self-determination, on the contrary, refers to the rights of minority peoples to independence within the framework of an existing state. Rose:

“Protection of minorities often involves the granting of rights to particular groups of people who are subjects in specific regions of dismantled empires, colonial countries, or disputed lands. Those rights include distinct cultural expression, devolution of governance, independent resource management or other minority rights. For example, as recently as 1 June 2025, UK and Morocco issued a joint communiqué that proposed local self-government under Moroccan sovereignty, by the Saharawi, in the Western Sahara. The proposal for Saharawi self-government under Moroccan sovereignty is supported by Portugal, Spain, the USA and France. The communiqué states that: ‘the UK, in encouraging the relevant parties to engage, urgently and positively with the UN-led political process, considers Morocco’s autonomy proposal, submitted in 2007 as the most credible, viable and pragmatic basis for a lasting resolution of the dispute.

A comparable internal autonomy regime might be appropriate for an Arab population in disputed Palestine. Various arrangements for self-determination can include federation, consensual provisions for geographic regionalisation with devolved autonomous government under a central sovereign state, as well as provisions for multiple distinct languages and financial currencies within a state.”

It is perhaps not surprising, given the fact that so many Arab and Islamic states are involved in this deal, but it is nevertheless a pity that the Security Council did not take the opportunity to recognize the multitude of other possibilities than full statehood for Palestinian self-determination in circumstances where they are so obviously needed.

Quoting again Prof. Rose:

“The fact that none have been proposed in the campaign for Palestinian self-determination is a likely result of the half-century long zero-sum diplomatic offensive against the legitimacy of the State of Israel as a Jewish state, organised by the Arab League and Organisation for Islamic Cooperation, in broad coalition with regional neighbours, economically dependent clients and some predominantly hostile allies. This gambit posits Palestinian Arab statehood as a strategy opposed to Jewish statehood. The legal concept of statehood and the integrity of international law are collateral damage in the Palestinian statehood diplomatic offensive.”

## **Conclusion**

President Trump’s vision of peace in the region may potentially achieve a kind of ceasefire – a temporary cessation of hostilities - but is unlikely to bring peace, because it fails to address two fundamental realities.

First, the root cause of the conflict is Islamist rejection of the right of existence of a sovereign Jewish nation in any part of the territory of Mandate Palestine. Until that is recognized, there can be no peace.

Second, the refusal of the international community to respect the historical and legal grounds for establishment of the territorial scope of the State of Israel has perpetuated the myth that the Palestinians have a right to statehood – a claimed right that, given Islamist hostility towards the Jewish people, conflicts fundamentally with the secure existence of the Jewish state.