

Foreign Affairs magazine:

A UN Trusteeship for Palestine

A Temporary Fix That Can Lead to an Enduring Peace

By [Lloyd Axworthy](#), [Michael W. Manulak](#), and [Allan Rock](#)

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The current crisis in the Middle East, sparked seven months ago by Hamas's attack on Israel, shows worrying signs of worsening. Tit-for-tat strikes between Israel and Iran in April, unprecedented in their directness, threaten to turn the long-standing shadow war between the two countries into outright military confrontation. Now, as Israel begins its ground assault in Rafah, the situation inside Gaza is deteriorating swiftly. With more than 34,000 civilian deaths already, accusations of genocide, and indications of a manmade famine, the humanitarian imperative is enormous and urgent. Outside Gaza, new Jewish settlements and incursions by the Israel Defense Forces in the West Bank stoke further tensions.

The elements of a wider regional deal, built around the normalization of Israeli-Saudi relations and a pathway for Palestinian statehood, have been circulating for months and would be welcomed by the United States and many other countries. A key obstacle to realizing such an agreement, however, is Israel's reluctance to end the war, with the government of Prime Minister [Benjamin Netanyahu](#) seemingly unwilling to bring the military campaign to an end. Another obstacle is a refusal on the Palestinian side to recognize that Hamas can play no role in postconflict governance.

Basic questions must also be answered for both sides to move toward this future. How would Gaza be administered? By whom? How could Israeli security be guaranteed? So far, few answers have emerged. Israel lacks a political vision for the war's end. An Israeli occupation of Gaza, perhaps the most likely outcome currently, will come at enormous cost to [Israel](#), in terms of blood, treasure, and international reputation. But neither is the Palestinian Authority under President Mahmoud Abbas in a position to govern Gaza. The PA needs reform and fresh leadership to regain credibility among Palestinians. And a return to rule by Hamas, which thrives on violence and the suffering of those it governs, is even less viable.

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The situation cries out for an international arrangement to help all sides realize their self-interest in a durable peace for Gaza and, ultimately, a two-state solution to the [Israeli-Palestinian conflict](#). To last, any such arrangement will have to be backed by regional leaders, have the clear goal of strengthening

Palestinian institutions as a prelude to statehood, and guarantee Israel's security. Fortunately, there is an established, long-dormant mechanism that can do just that: a UN trusteeship.

WORK YOURSELF OUT OF A JOB

The administration of UN trusteeships is supervised by the UN Trusteeship Council, a forum that was set up shortly after the creation of the United Nations in 1945. Trusteeships were established for remaining League of Nations mandates, the colonies of the Axis powers in [World War II](#), and any other territories placed under the system. Trust territories included Western Samoa, Cameroon, Togoland, New Guinea, Italian Somaliland, among others.

One of six organs of the UN system—alongside the Security Council, General Assembly, Economic and Social Council, the Secretariat, and the International Court of Justice—the Trusteeship Council suspended operations in November 1994 when its final trust territory, Palau, achieved independence. In total, the Trusteeship Council oversaw 11 trust territories. The Trusteeship Council, a rare example of an international institution that unambiguously fulfilled its agenda, provided a vital mechanism for facilitating decolonization in Africa and the Pacific. It exceeded even the most optimistic expectations of governments.

It could continue this legacy with a trusteeship for Palestine, putting Palestinians on a pathway toward statehood. As made clear under Article 76 of the UN Charter, trusteeships have the express purpose of fostering “progressive development towards self-government and independence” based on the “expressed wishes of the people concerned,” alongside respect for human rights and the furtherance of international peace and security.

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[UN](#) trusteeships are a product of what are known as administrative agreements, pacts negotiated by UN member states and approved by the General Assembly. These agreements are devised by one or more states that assume a duty under the UN Charter to aid the trust territory in strengthening its institutions of governance as it moves toward independence. This includes the provision of force, as necessary, to maintain peace and security. Supervision by the Trusteeship Council ensures the support and oversight of the international community. With these layers of oversight, trusteeships are designed to benefit the inhabitants of non-self-governing territories. They work with the consent of the governed, accompanying them as they develop their institutions and capacity.

Though suspended, the current membership of the Trusteeship Council includes the five permanent members of the UN Security Council. It could be reconvened by request of the Security Council or the General Assembly, or by a decision of current Trusteeship Council members. Upon convening, members of the Trusteeship Council would duly elect a president and vice president.

A trusteeship for Palestine has been considered before. In 2003, former U.S. Ambassador to Israel Martin Indyk [made the case](#) for a U.S.-led and UN-endorsed trusteeship for Palestine in *Foreign Affairs*. “Without some form of effective international intervention, Israelis and Palestinians will continue to die and their circumstances will continue to deteriorate, fueling vast discontent and anger at the United States in the Muslim world and placing Israel's future well-being in jeopardy,” he wrote. In

2007, he [renewed](#) his proposal for a UN-mandated international force to replace Israeli forces in the Palestinian territories. Although similar in spirit, what's needed now is something different. Although firm U.S. backing is necessary, the trusteeship should be under the aegis of the UN and led by regional actors.

GOVERNING GAZA

A temporary trusteeship in [Palestine](#) should include both Gaza and the West Bank. If the objective is to forge a unified Palestinian state, as it must be, both territories should be included. Negotiation of an administrative agreement might also consider the future of the UN agency serving Palestinian refugees (known as UNRWA), the status of East Jerusalem, and Jewish settlements in the West Bank. As specified in the UN Charter, provision must be made to ensure that the expressed wishes of the Palestinian people will be the overriding consideration in state building throughout the trusteeship, including political, economic, social, and educational advancement.

The trusteeship should establish a time frame for full Palestinian statehood. A timeline would help focus state-building efforts and guard against the risk that this temporary measure becomes more enduring than initially intended, which is what happened to the UNRWA. UN trusteeships are designed to come to an end. Many UN trusteeships were concluded within 15 years, with some complete in less than ten. Conceivably, a Palestinian trusteeship could lead to statehood even more swiftly.

Like most other former mandates established under the League of Nations after [World War I](#), Palestine very nearly became a UN trust in 1948. Indeed, senior U.S. officials believed strongly that this was the most suitable option and circulated a draft agreement at the UN to achieve it. The plan was scuppered at the last moment—with not a little embarrassment at the State Department—by objections from U.S. President Harry Truman, some say for domestic political reasons, as well as by hesitations on the part of Jewish and Palestinian groups.

UN trusteeship offers a path to progress on an intractable problem.

Using the Trusteeship Council to pave the way to a two-state solution would require no amendment to the UN Charter, since the organ would be used for its intended purpose. Indeed, it would arguably rectify the error made in 1948. Moreover, agreement on a trusteeship would not be subject to a UN Security Council veto. Trusteeships fall under the responsibility of the General Assembly, and so the administrative agreement to establish the trusteeship would need merely a majority vote of all members. This was a hard-earned win for states that are not permanent members of the Security Council at the San Francisco conference in 1945. This arrangement avoids veto-power-induced wrangling over a Security Council resolution that, in all likelihood, would result in the same type of fractured, ambiguous mandate that has bedeviled other UN missions. It might also save the five permanent members of the Security Council (China, France, Russia, the United Kingdom, and the United States) from excessive politicization, moving discussions from a security-focused venue to a more technical forum.

Negotiations over an administrative agreement would be complex. All sides would need to feel that their interests would be safeguarded. The support of Israel, the PA, moderate forces in Gaza, and the United States would be necessary. The agreement would need to support the wider regional deal on

Israeli-Saudi normalization, offering value to all sides. The trusteeship should be administered by a small group of regional states, including Saudi Arabia and Jordan, which would assume primary responsibility for the trusteeship. Active Israeli collaboration in some form would be essential on the ground, especially—if it were not itself elected to the Trusteeship Council—as a nonvoting participant in discussions. Israel, often skeptical of UN solutions, would likely need some convincing to back a trusteeship, up to and including the type of U.S. arm-twisting seen recently over weapons shipments. Although key regional players have in the past voiced concern about assuming responsibility for postconflict Gaza, they have a strong interest in Palestinian statehood and might welcome the more formal institutional backing of the UN in any solution. The staggering costs of rebuilding Gaza will be a key consideration for these regional actors in embarking on any administrative agreement, making the broad international support of the UN system especially appealing.

Once an administrative agreement for the trusteeship has been finalized and approved by a majority vote at the General Assembly, the Trusteeship Council could be reconstituted. With only one trust territory, the revived organ could be small, limited in number to the administrative authorities—in this case Saudi Arabia, Jordan, and any other actors in the region that assume the responsibility—and, as stipulated in Article 86 of the UN Charter, an equal number of nonadministrative members elected by the General Assembly for three-year terms. Members of the Trusteeship Council would convene in New York to review progress toward Palestinian statehood, issuing by majority vote decisions or recommendations in support of this process. Any abstaining governments are not counted in votes. The permanent members of the UN Security Council would be included among the membership of the Trusteeship Council. Any additional nonadministrative members should be elected on a geographically representative basis, taking into account the experience of candidate countries with state building. The small size of the Trusteeship Council would be a virtue, bringing coherence and, with luck, depoliticizing the endeavor.

BUYING TIME

Although the initiative would not be simple to negotiate, it is probably less complicated than the alternatives and could open the way to the wider regional deal centered on Israeli-Saudi normalization. Although the PA is currently in no position to govern, a temporary trusteeship would offer the international administrative and supervisory support required to aid its transition to government. The Trusteeship Council has proved it can do this sort of work. With [Saudi Arabia](#) leading the administering authority, alongside one or two other regional partners, Hamas could be disbanded, Israeli security could be guaranteed, and Palestine's pathway to statehood clarified. Troops would be provided, chiefly by administering states, but with contributions from other UN member states. All this would be done within a UN framework and with the support of the UN membership.

UN trusteeship thus offers a path to progress on an intractable problem. The Palestinian question has remained an open wound, triggering resentment and accusations of Western hypocrisy for decades. It has also proved highly divisive domestically in many countries, as seen recently on U.S. university campuses. A temporary trusteeship also sidesteps a fractured Security Council, offering the hope of resolving a conflict in the midst of great-power competition.

Although the notion of trusteeship may seem anachronistic, it could offer a useful tool for UN-led state building beyond Palestine. As civil wars rage with renewed ferocity around the world, a reinvigorated Trusteeship Council might serve as a useful means of fostering the transition to statehood for other non-self-governing regions, such as the Western Sahara and 15 others, that may require support to transition to independence. Ending these conflicts would mark an important achievement for a UN system in need of a victory. And in the case of the Israeli-Palestinian conflict, it offers the best chance of peace.

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