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THE PERMANENCE PARADOX: PROLONGED OCCUPATION, AND SUSPENDED SOVEREIGNTY IN THE GOLAN HEIGHTS

Aman Aryan* & Ananya Pandey⁺**Abstract**

A territory can be occupied for decades, condemned by the world, and still never returned, and international law has no answer for that. The law prohibits the acquisition of territory by force. Israel acquired the Golan Heights by force in 1967, annexed it in 1981, and expanded it in 2024. The law has not changed. The territory has not moved. Something, clearly, is broken. The Golan Heights case, involving disputes between Israel and Syria, represents one of the longest-standing cases under international law. Israel has occupied the region since the Six-Day War in 1967 and extended its occupation of the area once again in December 2024 in view of the collapse of the Assad regime in Syria. The Golan Heights case is located precisely at the interface between the aspirational qualities of international law and the harsher realities of geopolitics. In this paper, we contend that despite the continued demise of the state sovereignty of Syria, the Golan Heights will remain a piece of territory that is internationally classified as Syrian territory and subject to the Israeli occupation. This analysis implies that there remains a mounting contradiction between the rules of international law and the practicalities of geopolitics, and an interesting question that arises out of this is whether international law can regulate the issue of protracted occupation.

This paper also covers arguments on the human dimension of occupation, especially the citizenship and identity crisis that the Druze population of the Golan faces. The paper underlines the phenomenon by which prolonged occupation, though never expressly converting into sovereignty under international law, gradually acquires the functional character of sovereignty in practice. It terms that phenomenon as ‘permanence paradox’. We have further tried to situate the Golan Heights dispute within the broader structural transformation of the international order, where the Westphalian logic of territorial boundaries is increasingly challenged by the power-assertive behaviour of dominance-seeking regional states. In such an environment, the concept of nation-state appears so futile and no state, especially militarily vulnerable, can rely on boundaries to define itself. Despite numerous General Assembly and Security Council resolutions affirming the illegality of the occupation, and despite near-universal international consensus, with the exception of the US, the Golan Heights remains occupied Syrian territory.

Keywords – Golan Heights, Prolonged Occupation, Ex Injuria Jus Non Oritur, Permanence Paradox, Israeli Annexation, Syrian State Collapse, Self-Defence, Cold Peace, Multipolar Order.

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I. INTRODUCTION

On 8 December 2024, the Assad regime, having ruled Syria for sixty-one years, collapsed.²⁷⁷ Opposition forces entered Damascus, and the Syrian Arab Army dissolved almost overnight. After the regime's fall, the Israeli Defence Forces crossed the 1974 ceasefire line, seized the United Nations Buffer Zone administered by the United Nations Disengagement Observer Force (UNDOF), and extended Israeli control to Mount Hermon (Jabal al-Shaykh), Syria's highest peak, offering strategic visibility from Damascus to Lebanon's Bekaa Valley.²⁷⁸ Israel justified these actions on security grounds, the same it has invoked since 1967.

What happens to the legal status of an occupied territory when the state from which it was taken faces a temporary crisis? Does the temporary collapse of the Syrian state create a legal vacuum capable of altering the Golan Heights' status as occupied Syrian territory under international law? Or does the principle of *ex injuria jus non oritur* insulate the territory's legal status from such factual disruptions?

This paper argues that the fall of the Assad regime does not, and cannot, legally alter the Golan Heights' status as occupied Syrian territory. A legal disability of a government cannot be converted into a legal advantage for the occupying power.

The persistence of Israeli occupation is a symptom of a structural failure in the capacity of the international order to enforce its own prohibitions. The occupation has survived because the multipolar world has allowed the stronger party to render those prohibitions meaningless in practice. If you have a lobby in a powerful state, you are no less than that state itself. Israel has exploited both political vacuums and legal ambiguities to enforce its control through military means.²⁷⁹

This paper's arguments unfold across three pillars. Firstly, the question is of the legal vacuum created by the collapse of the regime in Syria and what international law actually says about sovereignty in such a scenario. Is the degree of sovereignty exercised by a nation-state directly proportional to its military and economic might? Secondly, it is the human dimension of the occupation, which shows that prolonged occupation is not merely an abstract question, but it also affects the identities, rights, and futures of real communities caught between competing sovereign claims. Finally, the paper explores the concept of "permanence paradox." While prolonged occupation does not explicitly or automatically produce sovereignty, it gradually creates the functional and psychological character of sovereignty. It is a *de facto* reality that increasingly challenges the *de jure* position.

In exploring these aspects, the paper also tries to explore the status of the disputed Golan Heights in the post-Assad 'reset' between Israel and the new Syrian government led by Ahmed al-Sharaa. The January 2026 Paris talks produced an agreement for a so-called "Joint Fusion Cell" for security coordination.²⁸⁰ This "Cold Peace" carefully sidesteps the formal status of the Golan

²⁷⁷ Ali Osman Karaoğlu, *Israel and Syria Dispute: The Legal Consequences of the Expansion of the Occupation of the Golan Heights* 16 LAW & JUST. REV. 137 (2025).

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ All Israel News Staff, 'Israel and Syria Agree on "Joint Fusion Cell" for Intel-Sharing, Will Discuss US-Backed Economic Free Zone on Golan Heights', ALL ISRAEL NEWS (Jan. 7, 2026) <https://allisraelnews.com/israel-and-syria-agree-on-joint-fusion-cell-for-intel-sharing-will-discuss-us-backed-economic-free-zone-on-golan-heights>.

Heights and raises a question, i.e, can a durable security relationship be built on a foundation of unresolved illegality?

II. LITERATURE REVIEW

The literature on the Golan Heights and its legal status is substantial, but it remains fragmented along disciplinary lines. Through this review, we have mapped the existing scholarship related to the three pillars of this paper.

a. *The Legal Status of the Golan Heights*

The foundational legal position on the Golan Heights is relatively settled in scholarly literature. There is near-consensus that Israel's 1967 occupation was unlawful, that its 1981 annexation was null and void, and that the territory remains occupied Syrian territory. This position is grounded in the prohibition on acquisition of territory by force that is a *jus cogens* norm,²⁸¹ and a series of binding Security Council resolutions, most notably Resolution 242 (1967) and Resolution 497 (1981).²⁸²

Karaoğlu's study establishes that the Six-Day War of 1967 constituted an act of aggression by Israel, and not a lawful act of self-defence. The occupation flowing from it has been continuously in breach of international law. Abi-Saab and Kohen argues that the occupation regime loses its legal coherence when occupation becomes prolonged and entrenched, and that the erosion of the temporariness principle risks enabling the very annexation that the law of occupation was designed to prevent.²⁸³ Karaoğlu further argues that Israel's expansion into Mount Hermon and the UN Buffer Zone in December 2024 constitutes a clear violation of binding UNSC resolutions and the 1974 disengagement agreement, and represents a continuation of Israel's pattern of creating facts on the ground to entrench occupation.²⁸⁴

Syrian Network for Human Rights draws on the principle of *ex injuria jus non oritur* to affirm that the fall of the Assad regime in December 2024 cannot alter the Golan's legal status as occupied Syrian territory.²⁸⁵ The principle that law cannot arise from injustice is the doctrinal foundation for the position that no advantage, legal or otherwise, can accrue to an occupying power from the temporary or permanent political collapse of the occupied state. This principle was articulated in the ILC's 2001 Draft Articles on State Responsibility²⁸⁶ and has been applied in advisory opinions of the International Court of Justice, including the 2004 Wall Opinion and the 2024 Advisory Opinion on Israel's practices in the Occupied Palestinian Territory.²⁸⁷

²⁸¹ Ingrid Brunk and Monica Hakimi, *Is the Prohibition of Forcible Annexations of Territory a Jus Cogens Norm?* EJIL: TALK! (May 2, 2024), www.ejiltalk.org/is-the-prohibition-of-forcible-annexations-of-territory-a-jus-cogens-norm/.

²⁸² S.C. Res. 242, U.N. Doc. S/RES/242 (Nov. 22, 1967); S.C. Res. 497, U.N. Doc. S/RES/497 (Dec. 17, 1981).

²⁸³ Georges Abi-Saab and Marcelo Kohen, *Is "Prolonged Occupation" Still "Military Occupation" Governed by IHL?*, EJIL: TALK (May 5, 2025), www.ejiltalk.org/is-prolonged-occupation-still-military-occupation-governed-by-ihl/.

²⁸⁴ Karaoğlu, *Israel and Syria Dispute*, *supra* note 2.

²⁸⁵ Fadel Abdulghany, *The Legal Status of the Golan Heights: Established Sovereignty and the Impermissibility of Acquisition by Force*, SYRIAN NETWORK FOR HUM. RTS. (Jan. 5, 2026), <https://snhr.org/blog/2026/01/05/the-legal-status-of-the-golan-heights-established-sovereignty-and-the-impermissibility-of-acquisition-by-force/>.

²⁸⁶ *Draft Articles on Responsibility of States for Internationally Wrongful Acts* (2001), Y.B. INT'L L. COMM'N, UN Doc A/56/49 (Vol I)/Corr.4.

²⁸⁷ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 2024 I.C.J. (July 19), <https://www.icj-cij.org/node/204176>.

Some scholars have looked at the Golan Heights dispute through the lens of the Security Council's repeated failure to act. Their central argument is that when a permanent member of the Security Council openly backs the occupying power, it becomes structurally impossible for the Council to enforce its own resolutions.²⁸⁸ This directs us to the question of whether international law can ever deal with a permanent occupation. In the Golan case, the US has not simply stayed silent, but has gone further, formally recognising Israeli sovereignty over the territory in 2019.²⁸⁹ It turned from a passive bystander into an active obstacle to enforcement.

A report by Foreign Policy frames the occupation as not only illegal but dangerous because it incentivises other regional actors to follow the Israeli example of treating military conquest as a viable tool of territorial expansion.²⁹⁰

The BBC and Al-Jazeera background analyses provide important contextual grounding on the history of the Golan Heights dispute and the demographic composition of the territory, including the approximately 25,000 Israeli settlers who now inhabit over thirty illegal settlements.²⁹¹ This complicates any future scenario for de-occupation.

b. State Collapse, Sovereignty, and the Westphalian Order Under Pressure

Some literature also deals with the broader structural question of what happens to the international legal order when state authority collapses, and how does this interact with the concept of occupied territory? With the structural transition from a bipolar/unipolar to a multipolar order, Westphalian norms of sovereignty and territorial integrity are being challenged by power-asserting states.

The Australian Institute of International Affairs' analysis of the growing geopolitical footprint of Turkey in the Western Indo-Pacific region provides a comparative lens for understanding the Golan dispute. It indicates the case of regional powers, primarily Turkey and Israel, claiming “spheres of dominance” that transcend traditional Westphalian borders.²⁹² While the nation-state has not disappeared, it has transcended the passive, boundary-respecting model and has assumed a more assertive, regionally projected posture. Israel does not merely defend its recognised boundaries but actively extends its control beyond them, giving security concerns as justification which actually seems to be an act of aggression.

The Trump administration and the Netanyahu government have pursued a clear and deliberate policy in 2025 to sideline the Security Council as the body that decides whether a border is legitimate or not. They operate on a simpler logic: a border is legitimate if the militarily stronger

²⁸⁸ Sumit Tripathi, *Politics of Occupation and Normalization: The Case of Golan Heights*, CTR. FOR MIDDLE E. STUD. (2021), <https://pure.jgu.edu.in/id/eprint/1642/1/Tripathi57-69.pdf>.

²⁸⁹ *Golan Heights: Trump Signs Order Recognising Occupied Area as Israeli*, BBC NEWS (Mar. 25, 2019), www.bbc.com/news/world-middle-east-47697717.

²⁹⁰ Nizar Ayoub and Aaron Southlea, *Israel's Occupation of the Golan Heights Is Illegal and Dangerous* FOREIGN POL'Y (Feb. 5, 2019), <https://foreignpolicy.com/2019/02/05/israels-occupation-of-the-golan-heights-is-illegal-and-dangerous/>.

²⁹¹ *What Is the Golan Heights and Who Controls It?*, AL JAZEERA (Jul. 29, 2024), www.aljazeera.com/news/2024/7/29/what-is-the-golan-heights-and-who-controls-it.

²⁹² Mustafa Cem Koyuncu, *Beyond Borders: Türkiye's Growing Footprint in the Western Indo-Pacific Amid Global Instability*, AUSTL. OUTLOOK (Mar. 3, 2026), www.internationalaffairs.org.au/australianoutlook/beyond-borders-turkiyes-growing-footprint-in-the-western-indo-pacific-amid-global-instability/.

party says it is.²⁹³ The US' position as a permanent member of the Security Council makes this doctrine difficult to challenge. Its veto power means that no resolution can pass against it. The recognition of Israeli sovereignty over the Golan Heights in 2019, directly contrary to UNSC Resolution 497, shows this idea in action. This represents an effective replacement of international law by a power-based alternative framework.

The EJIL:Talk debate on prolonged occupation addresses the most technically complex question of whether an occupying power can claim "defensive necessity" to hold territory indefinitely. The debate finds that there is an assumption of temporariness at the heart of the law of occupation. The entire normative framework of the Hague Regulations and the Fourth Geneva Convention is premised on the expectation that occupation is a temporary condition pending a peace settlement.²⁹⁴ When that assumption is falsified by decades of continued occupation as in the Golan Heights case, the existing IHL offers no satisfactory answer.

The UN's consistent position is that Israel remains an occupying power and that no legal change of status has occurred. This was reaffirmed as the Secretary-General's recent report called for Israeli withdrawal from the Golan buffer zone.²⁹⁵

c. The Human Dimension: Identity, Citizenship, and the Druze of the Golan

The human dimension of the occupation is addressed most comprehensively in the UN Secretary-General's October 2025 report on the Occupied Syrian Golan. The report documents the systematic manner in which Israel has sought to impose Israeli citizenship on the Druze community of the Golan Heights. The report characterises the imposition of Israeli law and citizenship on the Golan's population as a systematic violation of international humanitarian law, invoking the Fourth Geneva Convention.²⁹⁶

This report represents the most current and detailed treatment of the human rights dimension of the Golan occupation, but it leaves important questions unaddressed. It does not engage with the question of what international law requires for the protection of the Druze community's identity and citizenship rights in the event of de-occupation or political transition.

d. The "Permanence Paradox"

The literature on the question of when prolonged occupation becomes functionally indistinguishable from sovereignty, is more diffuse and less developed than the foundational legal literature.

The EJIL:Talk debate on prolonged occupation is the most sustained academic treatment. The ORF (Observer Research Foundation) analysis of the post-Assad 'reset' and the pursuit of a "Cold Peace" between Israel and the Sharaa government examines the practical dimensions of this question. The ORF argues that there is a form of 'security pragmatism' at work, but it expresses scepticism about the sustainability of a relationship built on deliberate legal

²⁹³ Davit Khachatryan, *Operation Epic Fury, Regime Change, and the Collapse of Legal Constraint*, CTR. FOR INT'L POL'Y (Mar. 4, 2026) <https://internationalpolicy.org/publications/epic-fury-international-law/>.

²⁹⁴ Abi-Saab & Kohen, *supra* note 7.

²⁹⁵ Syria: UN Chief Calls for Urgent De-escalation by Israeli Forces, Withdrawal from Golan Buffer Zone, UN NEWS (Dec. 12, 2024), <https://news.un.org/en/story/2024/12/1158131>.

²⁹⁶ UN Secretary-General, *The Occupied Syrian Golan*, UN Doc A/80/443 (Oct. 14, 2025), www.un.org/unispal/document/sg-report-the-occupied-syrian-golan-14nov25/.

ambiguity.²⁹⁷ The January 2026 Paris Agreement, under which Israel and the new Syrian government agreed to accelerate progress towards a deal and established a "Joint Fusion Cell" for security coordination, is presented by the Times of Israel as a promising development; but the same reporting makes clear that the formal status of the Golan Heights was explicitly excluded from the Paris talks, making the agreement a framework for managing the consequences of occupation rather than resolving its legal status.²⁹⁸

The Times of Israel analysis provides a more optimistic reading of the Cold Peace dynamic, suggesting that the new Syrian government's pragmatic posture. But this analysis too notes that any arrangement that leaves the Golan's legal status unresolved will remain vulnerable to political disruption.

The Crisis Group flashpoint analysis identifies the Golan Heights and Southwest Syria as a zone of continuing high risk, and said that Israel's December 2024 territorial expansion will be difficult to reverse. It also warns that the combination of Israeli power-assertiveness, American diplomatic protection, and Syrian weakness creates a structural dynamic that disadvantages the restoration of Syrian sovereignty over the Golan.²⁹⁹

e. RESEARCH GAP

The existing literature reveals four key gaps this paper seeks to address.

First, while scholars agree that the Golan Heights remains occupied Syrian territory, little attention has been paid to what Syria's state collapse means for the legal framework of occupation. *Ex injuria jus non oritur* is treated as a sufficient answer, but the question of what happens when the territorial state cannot perform its obligations for an indefinite period remains underexplored.

Second, the literature does mention the shift towards power-assertive regional behaviour but does not adequately examine what this shift means for the enforceability of the prohibition on territorial acquisition by force. Especially, when the occupying power is shielded by a veto-wielding permanent member of the Security Council.

Third is the intersection of identity, citizenship, and occupation law as applied to the inhabitants of Golan remains unresolved. The UN Secretary-General's 2025 report documents the violations, but does not engage with what international law should require in a future de-occupation scenario, where a community has lived under the occupier's legal order for over four decades. Plus, there are Israeli settlers in the region.

Fourth, there is no sustained treatment of what this paper calls the 'permanence paradox'. It is a phenomenon by which prolonged occupation acquires a *de facto* permanence that the legal system cannot reverse. Whether a security-based 'Cold Peace' can manage the Golan dispute while its legal status remains frozen is also underdeveloped in the academic literature.

²⁹⁷ Kabir Taneja and Samidha Jain, *The Golan Heights: From Demilitarisation to a Pursuit of Peace*, OBSERVER RSCH. FOUND. (Dec. 12, 2025), www.orfonline.org/expert-speak/the-golan-heights-from-demilitarisation-to-a-pursuit-of-peace.

²⁹⁸ Lazar Berman, *Israel, Syria Said to Agree to Hasten Progress for Deal on 2nd Day of Renewed Talks*, TIMES OF ISR. (Jan. 6, 2026), www.timesofisrael.com/israel-syria-said-to-agree-to-hasten-progress-for-deal-on-2nd-day-of-renewed-talks/.

²⁹⁹ INT'L CRISIS GRP., *Golan Heights and South/West Syria*, INT'L CRISIS GRP. (Jan. 21, 2026), www.crisisgroup.org/trigger-list/iran-usisrael-trigger-list/flashpoints/golan-heights-and-southwest-syria.

f. RESEARCH QUESTIONS

This paper is organised around three pillars, each addressing a distinct set of research questions.

Pillar A: The "Legal Vacuum" and Sovereignty

- 1: Does the prolonged collapse of state authority in Syria affect the legal status of the Golan Heights? And what will be the status of the territory under international law?
- 2: What is the concept of nation-state and boundary in times when the global order has again been shifting from balance of power to power assertion?
- 3: Is the degree of sovereignty directly proportional to the military might of a nation-state?
- 4: Is international law structurally equipped to address "permanent occupation"?

Pillar B: The Human Dimension

- 5: How should international law address identity and citizenship dilemmas under long-term occupation?

Pillar C: The "Permanence Paradox"

- 6: At what point does prolonged occupation become de facto sovereignty?
- 7: Can Israel and the Sharaa government sustain a security-based "Cold Peace" while the formal status of the Golan Heights remains excluded from diplomatic negotiations?

g. RESEARCH METHODOLOGY

This paper follows a qualitative, doctrinal methodology along with a contextual and structural analysis of the international political order for its analysis and suggested reforms.

Doctrinal Legal Analysis forms the primary method as in this paper we have examined the core sources of international law applicable to the Golan dispute. Along with this we also did a comparative analysis by drawing on other prolonged occupations. These are used not as direct analogies but as illuminating parallels.

By using the structural and contextual analysis method this paper situated the dispute within the broader transformation of the international order. It also used analysis of secondary sources.

h. LIMITATIONS

The paper acknowledges several limitations such as the rapidly evolving political situation in Syria and the Israel-Syria relationship and their uncertain aftermath. Some of the factual context of the paper may be superseded by events. Also it did not engage in primary field research; the situation of the community of the Golan Heights, is addressed entirely on the basis of secondary sources.

III. FINDINGS AND ANALYSIS

Pillar A: The "Legal Vacuum" And Sovereignty

a. Does the prolonged collapse of state authority in Syria affect the legal status of the Golan Heights? What will be the status under international law?

On 8 December 2024, the Assad government collapsed within hours of the opposition's entry into Damascus. Israel did not wait for the dust to settle. Israeli forces crossed the 1974 ceasefire line, occupied the United Nations Buffer Zone administered by UNDOF, and extended their control to Mount Hermon.

The answer to the question of whether this collapse changes the legal status of occupied territory is 'no'. This is grounded in the core principles of public international law. The collapse of Syrian state authority is a factual and political event and the legal status of the Golan Heights as occupied Syrian territory is a legal and normative determination, and the two operate on different

planes. The principle that governs this relationship is *ex injuria jus non oritur*, which translates to law does not arise from injustice.

Syria's inability to exercise effective governmental authority cannot convert Israel's unlawful occupation into a lawful one. It can also not provide Israel with any additional legal basis for the expanded control.

The ICJ's landmark 2024 Advisory Opinion provides the authoritative contemporary statement of this principle. Although it addresses the Occupied Palestinian Territory, the Court's reasoning can be made applicable to all situations of prolonged occupation, and the Opinion itself refers to the Golan as "Occupied Golan," thereby confirming its status. The Court held that the fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law.³⁰⁰ The Court stated:

"The fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law. Although premised on the temporary character of the occupation, the law of occupation does not set temporal limits that would, as such, alter the legal status of the occupation."

This ruling shuns the argument that the sheer passage of time, or the collapse of the opposing state's authority, somehow 'normalises' or 'legalises' the occupation. Time alone cannot extinguish the *de jure* sovereignty of Syria over the Golan. The Syrian Network for Human Rights' analysis reached the same conclusion, affirming that the Assad regime's fall creates no legal 'vacancy' into which Israel may step as sovereign.

The December 2024 expansion is an unlawful expansion of the occupation of Syrian territory, violating the prohibition on the acquisition of territory by force, and secondly, it directly breaches the binding 1974 Disengagement Agreement and the UNSC resolutions. The argument advanced by Prime Minister Netanyahu that the Buffer Zone might fall into hostile hands and therefore required Israeli intervention is legally untenable.³⁰¹

The status of the Golan Heights under international law therefore remains precisely what it has been since 1967, it is occupied Syrian territory, the occupation is unlawful, the 1981 annexation is null and void, and the December 2024 expansion is an aggravation of that unlawful occupation. The Syrian state's collapse does not alter this position. What Syria's collapse does do, however, is make it even harder in practice to enforce that legal position.

b. What is the concept of nation-state and boundary in times when the global order has again been shifting from balance of power to power assertion?

The Peace of Westphalia of 1648 established the foundational architecture of the modern international system: a world of sovereign, territorially defined states, each supreme within its borders and equal before international law, with no higher authority empowered to override that sovereignty.³⁰²

Lately, that model is under the most sustained and systematic assault it has faced since World War II. The nation-state has not disappeared, but it has been transformed from a passive,

³⁰⁰ *Occupied Palestinian Territory*, Advisory Opinion, 2024 I.C.J.

³⁰¹ *Egypt Accuses Israel of "Exploiting Power Vacuum" After Seizing Golan Heights Buffer Zone*, SKY NEWS (Dec. 9 2024), <https://news.sky.com/story/egypt-accuses-israel-of-exploiting-power-vacuum-after-seizing-golan-heights-buffer-zone-13270377>.

³⁰² *Peace of Westphalia*, ENCYCLOPAEDIA BRITANNICA, www.britannica.com/event/Peace-of-Westphalia.

boundary-respecting entity of equal sovereign dignity into a vehicle for aggressive power projection by the strong.

At the global level, a survey of the world's current territorial disputes and military occupations reveals a structurally diagnostic pattern. Russia occupies approximately twenty percent of Ukraine's territory since 2022,³⁰³ in addition to Crimea (annexed in 2014), Abkhazia and South Ossetia in Georgia (since 2008), and Transnistria in Moldova (since 1992). Turkey occupies the northern third of Cyprus (since 1974) and significant portions of northern Syria (since 2016). Morocco controls roughly eighty percent of Western Sahara, a territory whose people have been denied their right to self-determination since 1975.³⁰⁴ China exercises control over Tibet, annexed in 1950. Iran controls islands in the Persian Gulf claimed by the United Arab Emirates. Israel occupies the West Bank, East Jerusalem, exercises control over Gaza, and holds the Golan Heights. In every single one of these cases, the occupying power is either militarily, or economically, or both, stronger than the occupied or dispossessed party. In every single one of these cases, the international community has declared the situation unlawful, but the territory has not been returned.

In practice, the nation-state is only as sovereign as its military and economic capacity allow it to be. The boundary drawn on a map is only as real as the power available to defend it. As the ORF noted, when Syrian state authority collapsed, Israel rapidly asserted military control and created new facts on the ground that the new Syrian government must now accept as the starting point for negotiations. The map was redrawn not by the military presence of the stronger party and not by law.

This structural pattern is what this paper terms the shift from balance of power to power assertion. In the current multipolar moment, that corrective mechanism of balance-of-power era has broken down. Regional powers such as Israel and Turkey assert "spheres of dominance" that are defined not by treaty or legal compact but by the outer limit of their coercive capacity. The nation-state has become more aggressive for the strong and more fragile for the weak.

The boundary, in international law, is supposed to be a fixed legal line that defines the spatial extent of a state's sovereignty and jurisdiction. In the current order, boundaries are increasingly treated as temporary arrangements subject to revision by the exercise of superior force. The Israeli proclamation of the Golan Heights as Israeli territory first domestically through the Golan Heights Law of 1981,³⁰⁵ and internationally through the Trump proclamation of 2019 is the same logic.

The concept of the nation-state has thus become deeply paradoxical. On one hand, nationalist sentiment and the assertion of national identity remain among the most powerful mobilising forces in contemporary politics. On the other hand, the formal apparatus of the nation-state, the boundary, and the flag has been shown to provide no protection to a state that lacks the military or economic capacity to defend itself.

³⁰³ CENTER FOR PREVENTIVE ACTION, War in Ukraine, COUNCIL ON FOREIGN RELS., 16 December 2025) www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine.

³⁰⁴ INT'L INST. FOR STRATEGIC STUD., The End of the Ceasefire in Western Sahara, INT'L INST. FOR STRATEGIC STUD. (Nov. 15, 2021) www.iiss.org/publications/strategic-comments/2021/the-end-of-the-ceasefire-in-western-sahara/.

³⁰⁵ Golan Heights Law 5742–1981 (Israel).

It is, as UN Secretary-General António Guterres warned in January 2026, the law of the jungle, where rules are dismissed as inconveniences by the powerful, and laws are reduced to opinions.³⁰⁶

c. Is the degree of sovereignty directly proportional to the military might of a nation-state?

This question demands an honest answer, because the honest answer is uncomfortable. The *de jure* answer, the answer that international law gives, is no. Sovereignty is a legal status, not a military capability. Under the UN Charter and the corpus of international law, all states are formally equal in sovereign dignity regardless of their military or economic power.

The *de facto* answer, an answer that the empirical record gives, is troubling. Looking at the pattern of territorial occupations described in the previous section, the correlation between military might and effective sovereignty is overwhelming. Every state that currently holds territory of another state by force is militarily and economically stronger than the state from which it holds that territory. Russia relative to Georgia, Moldova, and Ukraine; Turkey relative to Cyprus and Syria; Morocco relative to the Polisario Front; Israel relative to Syria. And, every state that has successfully recovered occupied territory has done so through force or through the leverage provided by a powerful patron.

John Mearsheimer's theory of Offensive Realism posits that the international system is structurally anarchic. It argues that there is no higher authority capable of enforcing legal norms against a sufficiently powerful state and that in this environment, states must maximise their relative power to ensure survival.³⁰⁷ Land power and military capacity are the ultimate ratio of international politics.³⁰⁸ In this framework, sovereignty is effectively the area a state can successfully deny to others through force. The Golan Heights is not Israeli sovereign territory under international law. But Israel has the military capacity to deny it to Syria, and Syria currently lacks the military capacity to recover it. In the Mearsheimerian framework, that asymmetry is the operative fact.

This was given an unusually candid endorsement from Russian Foreign Minister Sergey Lavrov, who in his 2026 annual press conference, stated explicitly that the current global era is defined by the principle that those who have more resources will have greater influence on the outcome.³⁰⁹

The ability of Israel to expand its occupation and to continue to hold the territory in defiance of near-universal condemnation is a direct function of its military superiority, its strategic relationship with the US, along with the practical incapacity of Syria, the Arab League, and the international community to mount an effective counter-force. The territory went where the power was.

However, the ICJ's 2024 Advisory Opinion explicitly and formally rejected this logic. The Court stated that security concerns cannot override the prohibition on the acquisition of territory by

³⁰⁶ "Law of the Jungle" Replacing Rules-Based Order, Secretary-General Warns, as Speakers Push Security Council to Reform, Ensure Accountability, UN PRESS (Jan. 26, 2026), <https://press.un.org/en/2026/sc16282.doc.htm>.

³⁰⁷ JOHN J MEARSHEIMER, THE TRAGEDY OF GREAT POWER POLITICS (W W Norton & Company 2001).

³⁰⁸ *Id.*

³⁰⁹ MINISTRY OF FOREIGN AFFS. OF THE RUSSIAN FED'N, *Foreign Minister Sergey Lavrov's Remarks and Answers to Media Questions during a News Conference on the Performance of Russian Diplomacy in 2025* (Jan. 20, 2026), https://mid.ru/en/foreign_policy/news/2073858/.

force, and that effective control only imposes the duties of an occupier. It does not grant the rights of a sovereign.

Judges Nolte and Cleveland added that the right of self-defence can never justify the acquisition of territory by force, and any such justification is lost once the presence of the occupying power becomes a vehicle for achieving annexation.³¹⁰ The law is clear, but has had no material effect. Israel continues to hold the Golan; it continues to build settlements; it has expanded its control.

d. Is international law equipped to address "permanent occupation"?

No. The entire normative architecture of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949 rests on a single foundational assumption that the occupation will end. This "temporariness assumption" has been falsified in practice.

Article 43 of the Hague Regulations was designed to preserve the *status quo ante* pending the occupation's end.³¹¹ When the occupation's end is indefinitely deferred, the article becomes a mechanism for freezing a conflict without resolving it. This structural contradiction is unresolvable within the current framework. As, it does not contain a mechanism for determining and enforcing the end of an occupation.

The ICJ did try to push the law further. In its 2024 Opinion, it ruled that an occupation aimed at permanent control becomes unlawful not just in how it is conducted but in its very existence. This shifted the question from 'how is the occupier behaving?' to 'does it have any right to be here at all?' Although the move is significant, the Opinion is advisory. It binds no one and enforces nothing.

The problem is compounded by the dysfunctional Security Council regarding Israel. According to Chapter VII of the UN Charter, the UNSC is entitled to give the green light to enforcement measures against countries breaching international law.³¹² It has taken action in other contexts, but this one. The US' permanent veto power, and its consistent support of Israel, means that one organ of the international system with genuine enforcement capacity is disabled from acting. So here we are. There are multiple binding Security Council resolutions that have demanded withdrawal of Israel, two ICJ opinions affirming Israeli occupations as illegal, but the Golan has not moved an inch.

While international law can describe the problem with precision and condemn it with clarity, it has run out of tools to fix it.

Pillar B: The Human Dimension

a. How should international law address identity and citizenship dilemmas under long-term occupation?

The gap between *de jure* sovereignty and *de facto* control is not an abstraction but the daily reality of a community that has been caught for decades between two sovereign claims and belongs to neither.

The thousands of Druze people living in the Golan Heights are the human face of the 'Permanence Paradox'. They are nationals of Syria, a state that has exercised no jurisdiction over their daily lives since 1967. But in practice, they live under the civil law and administration of

³¹⁰ *Occupied Palestinian Territory*, Advisory Opinion, 2024 I.C.J.

³¹¹ HAGUE CONVENTION (IV) RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND Convention art. 43, Oct. 18, 1907, 205 C.T.S. 277.

³¹² U.N. CHARTER ch. VII.

Israel. They have access to Israeli institutions, but they cannot vote in Israeli national elections; they are formally "permanent residents" rather than citizens unless they apply individually for Israeli citizenship, which a majority of Druze have refused.

Israel's Golan Heights Law of 1981, by which Israeli law was unilaterally extended to the Golan, is the legal instrument through which this identity crisis was created. The UN Secretary-General's October 2025 report documents in detail how this law, combined with subsequent administrative integration measures including wind farm development, settlement expansion, and infrastructure projects has been used to "thicken" Israel's administrative presence in the Golan.³¹³ This is done to progressively erode the practical distinction between Israeli-administered territory and Israeli sovereign territory.

The ICJ, in its 2024 Advisory Opinion, found that the extension of Israeli law to occupied territory in the manner Israel has practised is not justified under any of the grounds laid down in Article 64 of the Fourth Geneva Convention:

"The Court is not convinced that the extension of Israel's law to the West Bank and East Jerusalem is justified under any of the grounds laid down in the second paragraph of Article 64 of the Fourth Geneva Convention. Furthermore, the comprehensive application of Israeli law... cannot be deemed 'essential' for any of the purposes enumerated in the second paragraph of Article 64 of the Fourth Geneva Convention."

The Court went further, addressing the human cost of indefinite legal suspension:

"The Court is of the view that occupation cannot be used in such a manner as to leave indefinitely the occupied population in a state of suspension and uncertainty, denying them their right to self-determination while integrating parts of their territory into the occupying Power's own territory."

This explains the identity crisis faced by the Golan Druze. They are not merely persons without full political rights, they are persons recognised as being in a "state of suspension and uncertainty". International humanitarian law prohibits compelling the population of an occupied territory to swear allegiance to the hostile power, and the pressure of any kind such as economic, social, and administrative, that creates "utilitarian shift" is a form of constructive coercion even if it falls short of formal compulsion.

The existing framework of temporariness assumption combined with IHRL's individual rights protections is necessary but insufficient. IHL protects the Syrian state's sovereignty in the abstract; IHRL protects individual Druze from the most egregious violations. But neither framework adequately addresses the condition of a population that has lived for nearly sixty years in legal limbo.

This paper has come up with "Status-Neutral Rights" approach. This decouples civil and social rights from the territorial sovereignty question. Under this model, the Druze population would be recognised as Protected Persons under international humanitarian law. They will enjoy full protection of their rights to healthcare, education, freedom of movement, cultural expression, and family life without implying any legal concession on the sovereignty question. Their Syrian nationality and identity would be formally preserved; their rights as residents under Israeli

³¹³ *The Occupied Syrian Golan*, *supra* note 20.

administration would be formally guaranteed; and a neutral third party, probably the UN would serve as the institutional guarantor of those rights against the coercive pressure to adopt Israeli citizenship.

The identity crisis of the Golan Heights is a direct consequence of a prolonged occupation that international law has been unable to end and international law's answer to that crisis cannot be simply to repeat that the occupation is illegal.

Pillar C: The "Permanence Paradox"

a. At what point does prolonged occupation become de facto sovereignty?

International law says prolonged occupation never becomes sovereignty. The ICJ has said it in 2004 and again in 2024. Effective control gives an occupier duties, not rights.

But look at the Golan. Israel has been there for nearly 60 years. It has built over thirty settlements, extended its civil law, and run public services as though the territory were its own. And in all that time, neither the UN nor any state has taken a concrete step to give it back. The law says it is occupied Syrian territory. But, Israel runs it like it is not. This gap is 'Permanence Paradox'.

One thing is true that sixty years of occupation does not create a legal right to land. But what it does create is facts. If Syria were to reclaim the region now, it would not find an empty land, but a land with six decades of Israeli civil life embedded in it. One cannot undo that with a declaration.

This reality is for other states as well. Russia has held Crimea for twelve years and Turkey has held Northern Cyprus for fifty. The world has watched each of these occupations without doing anything material to reverse them. The legal prohibition now doesn't function as a constraint but only as a record. Everyone acknowledges but no one enforces. *De facto* sovereignty does not arrive with a ceremony. However, it crystallises quietly, when three things happen at once: the occupier's administration becomes deeply embedded; the displaced state loses the practical capacity to reverse; and the international community loses the will to make it happen. The situation of Golan Heights crossed all these three thresholds some time ago.

That does not make Israel's claim legally valid. But it makes Syria's legal right increasingly theoretical. And in the real world, a right that cannot be enforced is barely a right at all.

b. Can Israel and the Sharaa government sustain a security-based "Cold Peace" while the formal status of the Golan Heights remains excluded from diplomatic negotiations?

The experiment of 2026 is whether an occupying power that refuses to acknowledge the illegality of its occupation can sustain a functional security relationship with the occupied state's new government consumed by the demands of post-civil-war reconstruction, that too without resolving the underlying territorial dispute.

The January 6, 2026 Paris Agreement, under which Israel and the Sharaa government agreed to accelerate progress toward a deal and established a "Joint Fusion Cell" for intelligence sharing and security coordination.³¹⁴ This represented a step toward formalising the Cold Peace. The question is whether it can hold.

³¹⁴ Maya Gebeily and Alexander Cornwell, *Israel, Syria Set up Communication Mechanism after US-Mediated Talks*, REUTERS (Jan. 6, 2026), www.reuters.com/world/middle-east/israel-syria-set-up-communication-mechanism-after-us-mediated-talks-2026-01-06/.

The Cold Peace's sustainability rests on three pillars of shared interest. First, both Israel and the Sharaa government share a mutual interest in preventing the resurgence of ISIS and the re-entrenchment of Iranian-backed militias in southern Syria. Second, the Sharaa government's economic situation creates a powerful incentive for pragmatism. Syria requires an estimated \$216 billion for reconstruction.³¹⁵ That reconstruction depends on the lifting of Western sanctions. And, a confrontational posture toward Israel would jeopardise this entire economic strategy. Thirdly, the US' role as mediator and guarantor provides the Cold Peace with an external scaffolding.

The case against the Cold Peace's sustainability rests on the fundamental structural flaw in the arrangement. The agreement is built on a foundation of unresolved illegality, and the deliberate exclusion of the Golan's formal status from the diplomatic process. This is not a clever circumvention, instead it is a time bomb. The Ynet analysis of the Paris Agreement described the Cold Peace as a "survival manoeuvre" for President al-Sharaa.³¹⁶

The arrangement, therefore, rests not on a resolution of this asymmetry but on its deliberate deferral. Both sides have agreed to not talk about the thing they most disagree about, while cooperating on the things they agree about. This is a posture that works under favourable conditions but it is not a stable equilibrium. It is, what is described as, a dormant volcano.³¹⁷

The legal dimension reinforces this instability, as the ICJ framework makes clear that tactical security cooperation cannot legally legitimise the underlying territorial status or serve as a substitute for de-occupation. A Joint Fusion Mechanism, however sophisticated, does not constitute Syrian recognition of Israeli sovereignty over the Golan; it does not constitute a waiver of Syria's legal claim; and it does not constitute the "peaceful settlement".

The Cold Peace is hence more of a legal fiction being sustained by the power asymmetry between the two parties and the diplomatic protection of the United States.

IV. SUGGESTED REFORMS

The paper also presents reforms that are not just abstract aspirations. To demonstrate how they might be translated into binding international legal language, a draft convention is set out in the Annexure to this paper that gives institutional and textual form to each of the mechanisms. The draft is not a finished treaty but a scholarly instrument. The gap between what the international law declares and what it can enforce is both a drafting and a political problem and the draft attached in the Annexure attempts to close that.

V. CONCLUSION

The Golan Heights is not a mystery, instead it is a mirror held up to the international legal order, reflecting back everything it cannot enforce. This paper has established that Syria's state collapse changes everything in practice. The legal position is settled: the Golan remains occupied Syrian territory, the annexation remains null and void, and the December 2024 expansion remains a violation.

³¹⁵ WORLD BANK, *Syria's Post-Conflict Reconstruction Costs Estimated at \$216 Billion*, WORLD BANK (Oct. 21, 2025), www.worldbank.org/en/news/press-release/2025/10/21/syria-s-post-conflict-reconstruction-costs-estimated-at-216-billion.

³¹⁶ Amine Ayoubt, *The Paris summit: assessing the Israel-Syria 'joint fusion mechanism'*, YNETNEWS (Jan. 12, 2026), www.ynetnews.com/opinions-analysis/article/hj7gyf11bzl.

³¹⁷ INT'L CRISIS GRP., *supra* note 23.

The Cold Peace of 2026 remains fragile and is certainly not a path towards resolution. It is like making the status quo bearable enough that no one is forced to confront it.

International law does not fail here because its rules are wrong. It fails because the enforcement architecture is not designed for a situation where the powerful entity is also the principal protector. US' transformation into an active obstacle from a passive bystander broke the circuit through which international law attempts to materialise.

The nation-state has not collapsed, instead it has split. It has become a launching pad for dominance for the powerfuls, but for the weak, it has contracted. Syria is the best example of this bifurcation.

The people in Golan live inside this contradiction every day. They are born into a legal limbo that international law calls temporary but the same is now entering its sixth decade. They are being pressed by economics, by administration, by the sheer weight of time to abandon an identity that the law says they are entitled to keep. This is the human cost of a system that can declare rights but cannot protect them.

"Occupation cannot be used in such a manner as to leave indefinitely the occupied population in a state of suspension and uncertainty." — ICJ Advisory Opinion, 2024

The gap between what the law declares and what the world allows was the real subject of this paper. Golan Heights shows that in the absence of enforcement, even the clearest legal prohibition becomes optional for the powerfuls.

VI. ANNEXURE

DRAFT

INTERNATIONAL CONVENTION ON THE PREVENTION OF UNLAWFUL OCCUPATION AND TERRITORIAL ACQUISITION BY FORCE (ICPUOTAF)

PREAMBLE

The States Parties to this Convention,

Recalling the purposes and principles of the Charter of the United Nations, and the obligation of all Member States to refrain from using force against the territorial integrity or political independence of any State;

Reaffirming the fundamental prohibition on the acquisition of territory by force, which constitutes a peremptory norm of general international law (*jus cogens*) from which no derogation is permitted;

Recognising that obligations arising from the prohibition on the acquisition of territory by force are owed to the international community as a whole (*erga omnes*) and that every State has a legal interest in the protection and enforcement of such obligations,

Acknowledging that the International Court of Justice, in its Advisory Opinion of 19 July 2024, affirmed that an occupation becomes unlawful in its very existence when it is designed to achieve permanent control or annexation,

Convinced that the effective protection of occupied populations, the enforcement of judicial decisions of international courts and tribunals, and the prevention of impunity for unlawful

territorial acquisition require the establishment of binding, automatic, and veto-proof mechanisms under general international law,

Have agreed as follows:

PART - I

Definitions

Article 1: Definitions

For the purposes of this Convention:

- (a) "Unlawful occupation" means any military occupation of the territory of a State initiated or maintained in violation of the prohibition on the use of force under Article 2(4) of the UN Charter, or in violation of binding Security Council resolutions, including any occupation that is a permanent acquisition, annexation, or administrative integration of occupied territory.
- (b) "Entrenched occupation" means any unlawful occupation that has persisted for a continuous period of twenty-five years or more, or any occupation in which the occupying power has established permanent civilian settlements, extended its domestic law to the occupied territory, or undertaken systematic demographic change, regardless of the duration of occupation.
- (c) "Occupying State" means any State exercising effective control over the territory of another State without the consent of the legitimate government of that State and in violation of international law.
- (d) "Recognising State" means any State that formally or informally acknowledges the sovereignty or territorial title of an Occupying State over unlawfully occupied territory.
- (e) "Protected Population" means any civilian population residing in unlawfully occupied territory, regardless of nationality.

PART - II

Obligation of States

Article 2: Obligation of Non-Recognition

1. No State shall recognise any situation arising from an unlawful occupation as lawful, including any claim to sovereignty, territorial title, or administrative authority by an Occupying State over occupied territory.
2. No State shall enter into any bilateral or multilateral agreement, treaty, or arrangement with an Occupying state or states that confer legitimacy upon an unlawful occupation or upon the sovereignty of an Occupying State over occupied territory.
3. The obligation of non-recognition under this Article is absolute and has no exception on the grounds of diplomatic convenience, or economic interest.

Article 3: Obligation of Non-Assistance

1. No State shall provide aid, assistance, or support, be it military, economic, financial, diplomatic, or logistical, to an Occupying State in connection with the establishment, continuation, or consolidation of an unlawful occupation.

Article 4: Obligation of Active Cooperation

1. All States Parties shall actively cooperate, through the mechanisms established under Part III of this Convention, to bring to an end to any unlawful or entrenched occupation and to ensure accountability for violations of this Convention.

- (a) The obligation of active cooperation includes the duty to support enforcement measures adopted under this Convention;
- (b) refrain from obstructing proceedings before international courts and tribunals, and;
- (c) execute arrest warrants and comply with judicial orders issued pursuant to this Convention without undue delay.

PART - III

Enforcement Mechanisms

Article 5: Automatic Sanctions upon Determination of Unlawful Occupation

1. Upon a determination by the International Court of Justice, or by the Enforcement Council established under Article 9, that a situation of unlawful occupation exists, the following measures shall apply automatically and immediately, without requiring any further vote or decision:

- (a) Freezing of all state assets of the Occupying State held in the territory of any State Party, to the extent directly connected to the occupation;
- (b) Suspension of the Occupying State's participation in international financial institutions, including the International Monetary Fund and the World Bank, with respect to facilities from which it would otherwise benefit, either directly or indirect;
- (c) Prohibition on the importation of goods originating from occupied territory, including the Occupying State by any State Party;
- (d) Suspension of bilateral or multilateral treaties, or any arrangement between the Occupying State and States Parties;

2. The measures in paragraph 1 shall remain in force until the Enforcement Council determines that the Occupying State has taken concrete and verifiable steps toward withdrawal from the occupied territory.

3. No State Party may invoke national security, domestic law, or existing treaty obligations as grounds for non-compliance with the measures prescribed in this Article.

Article 6: Escalating Consequences for Continued Non-Compliance

1. Where an Occupying State fails to take concrete steps toward withdrawal within twelve months of the measures under Article 6 entering into force, the Enforcement Council shall impose the following additional measures:

- (a) Comprehensive diplomatic isolation, including the suspension of the Occupying State's right to vote in the United Nations General Assembly and its exclusion from all UN subsidiary bodies and specialised agencies;
- (b) Mandatory referral of the situation to the International Criminal Court for investigation of individual criminal responsibility of state officials for the international crime of unlawful annexation, consistent with Article 8 bis of the Rome Statute;
- (c) Activation of the Protected Population Support Mechanism under Article 11 of this Convention at the highest level of intervention.

2. Where a State that is a permanent member of the United Nations Security Council is the Occupying State, or is found to be providing assistance to an Occupying State in contravention of Article 4, the Enforcement Council shall be empowered to adopt enforcement measures by a three-quarters majority of its members, and such measures shall be binding on all States Parties notwithstanding the veto power of that State.

Article 7: Consequences for Recognising States

1. Any State that formally recognises the sovereignty or territorial title of an Occupying State over unlawfully occupied territory shall be:
 - (a) Subject to mandatory referral to the International Court of Justice by any State Party for a declaration of breach of the non-recognition obligation under Article 3;
 - (b) Subject to the same graduated measures applicable to the Occupying State under Articles 6 and 7.

PART - IV

Institutional Framework

Article 8: The Enforcement Council

1. An Enforcement Council shall be established, composed of all States Parties to this Convention, which shall be responsible for monitoring compliance, determining the application of enforcement measures, and reviewing the situation of unlawful or entrenched occupations on a biannual basis.
2. Decisions of the Enforcement Council on enforcement measures shall be taken by a three-quarters majority of States Parties present and voting. No State shall have a right of veto in proceedings of the Enforcement Council.
3. The Enforcement Council shall operate with full transparency. All votes, deliberations, and decisions shall be published and made accessible to the public.

Article 9: Relationship with the International Court of Justice

1. Any State Party may bring a case before the International Court of Justice against an Occupying State for breach of its obligations under this Convention, without the requirement of the Occupying State's consent to jurisdiction.
2. Judgments of the International Court of Justice finding a violation of this Convention shall be enforceable through the Enforcement Council, independently of the Security Council. The Enforcement Council shall be empowered to impose the measures in Articles 6 and 7 directly upon receipt of an ICJ judgment.

Article 10: Protected Population Support Mechanism

The Enforcement Council shall establish and maintain a Protected Population Support Mechanism to ensure the protection of civilian populations in unlawfully occupied territories. This Mechanism shall:

- (a) Issue internationally recognised neutral documentation, such as identity documents, travel documents, and civil status records, to members of protected populations;
- (b) Guarantee access to education, healthcare, freedom of movement, and cultural expression for all members of protected populations, with financial support from a /dedicated fund maintained by mandatory contributions from States Parties;

PART V

Veto Reform And Democratic Accountability

Article 11: Restraint of the Veto in Cases of Jus Cogens Violations

1. Permanent members of the United Nations Security Council are called upon to refrain from exercising their veto power to block Security Council action in cases involving a prima facie violation of a peremptory norm of general international law, including the prohibition on the acquisition of territory by force.

2. Where a permanent member exercises its veto to block Security Council action in connection with a situation of unlawful occupation, the General Assembly shall be automatically informed of the matter and shall be empowered, by a two-thirds majority, to:
- (a) Request an advisory opinion from the International Court of Justice on the legality of the occupation within ninety days;
 - (c) Refer the matter to the Enforcement Council established under Article 9 of this Convention for the imposition of binding measures under Articles 6 and 7.

PART VI

Final Provisions

Article 12: Reservations

No reservations may be made to this Convention.

Article 13: Amendment

Amendments to this Convention may be proposed by any State Party and shall be adopted by a three-quarters majority of the Enforcement Council. No amendment may reduce or derogate from the obligations established in Parts II or III of this Convention.

— *END OF DRAFT CONVENTION* —