



Relevancy of International Law in Israeli- Palestine Conflict: Has International Law Failed?

Theme: Global Justice, Human Rights and Gender Justice Sub-Theme: Humanitarian Challenges in Conflict Zones

Author: Bhavya Jain¹, Student, Vivekananda Institute of Professional Studies; and Co-Author: Charvi Kohli², Student,

Vivekananda Institute of Professional Studies

Abstract

The Israeli-Palestinian conflict is not just a geopolitical struggle; it is a profound humanitarian crisis that raises urgent questions about the effectiveness of international law. This paper delves into whether international law has truly failed in its mission to regulate and resolve this enduring conflict. Despite the existence of numerous United Nations resolutions and advisory opinions from the International Court of Justice (ICJ) that deem many Israeli actions in the Occupied Palestinian Territories illegal, compliance remains frustratingly elusive. The political dynamics and influence of powerful states have severely weakened international law's authority, resulting in ongoing violations and deepening suffering for civilians caught in the crossfire.

Key legal frameworks, such as international humanitarian law and human rights law, are intended to safeguard individuals during armed conflicts. However, this study reveals a troubling pattern of selective adherence to these laws by both Palestinian authorities and Israel, complicating the pursuit of justice. Recent escalations in violence, particularly in Gaza, underscore the urgent need to scrutinize claims of self-defense against established principles of necessity and proportionality.

By examining the root cause of this never-ending conflict, this research seeks to illuminate and assess the strengths and limitations of international law in ensuring accountability during a political crisis. While international law offers a framework for justice and human rights, its effectiveness hinges on the political will and collective action of the international community. Thus, this paper critically aims to analyse the effectiveness of International law in political conflicts and argues that without a significant commitment to enforcing legal norms and holding violators accountable, international law risks being perceived as an inadequate tool for resolving the Israeli-Palestinian conflict, leaving countless lives hanging in the balance.

Keywords: Israeli-Palestinian conflict, Efficiency of International law, humanitarian law, Justice

I. Introduction

a. Background

Political turbulence in the Middle East has persisted since the 1947s, rooted in the aspiration for statehood, a fundamental principle outlined in Article 1 of the Montevideo Convention³. The conflict is deeply intertwined with components involving that of ethnicity, territory and religion, which forms its historical and socio-political backdrop.⁴

The complex historic battle dates back to the early 1900s, when nationalist groups were growing and the Ottoman Empire was in decline. After World War I, the Ottoman Empire ruled over the area, which was then known as Palestine, before the British took over. This shift signalled the start of major political and demographic shifts. Tensions between the increasing Jewish minority and the preexisting Arab majority increased under British administration, especially following the 1917 Balfour Declaration, in which Britain backed the creation of a "national home for the Jewish people" in Palestine.⁵ Persecution in Europe and the Holocaust's horrors increased Jewish immigration, which in turn heightened Arab resistance to the creation of a Jewish state.

In 1947, the United Nations proposed a partition plan to create separate Jewish and Arab states, with Jerusalem designated as an international city.⁶ The Arab governments rejected the idea, which sparked an internal strife and, eventually, the 1948 Arab-Israeli conflict. Neighbouring Arab countries invaded Israel when it declared its independence in May 1948. Israel had taken over most of the region by the end of the war, forcing hundreds of thousands of Palestinians to flee what they call the Nakba, or "Catastrophe."

³ Convention on Rights and Duties of States of December 26, 1933, League of Nations Treaty Series 1936, vol. 165, no. 3802, pp. 19ff.

⁴ Atique, Irteza, "Discourse and Controversy in the Israel-Palestine Conflict - A Review of the Literature" (2024). Major Papers. 304. <https://scholar.uwindsor.ca/major-papers/304>

⁵ UN General Assembly, Reolution 181 (II) <https://www.un.org/unispal/data-collection/general-assembly/> (Last visited Jan 23, 2025)

⁶ BBC, Israel and the Palestinians: History of the conflict explained <https://www.bbc.com/news/newsbeat-44124396>

The region was further altered by other conflicts, such as the 1967 Six-Day War, in which Israel took control of regions that are still at the heart of the conflict, including the West Bank, Gaza Strip, and East Jerusalem. The conflict now highlights the profound historical, political, and cultural differences between the two peoples and involves problems of statehood, borders, refugee rights, and mutual recognition. With opposing views on justice and peace, attempts to realise the two-state solution—which calls for an independent Palestine alongside Israel— remain difficult.

b. Research Question

- Whether International Law has failed in addressing the Israeli-Palestinian conflict?

c. Literature Review

Offering an historic overview and analysis of a conflict that has been recurrent since 1947 can be challenging, especially when the topic is hotly debated among the scholars and media. This study does not aim to favour any one side. Our conclusions and analysis are based on a comparative and quantitative study of various journals, media outlets, websites and books.

d. Objectives

- To analyze the effectiveness of international Law in regulating the conflict
- To assess whether there is compliance with the International Legal norms by both parties and if not then evaluating the possible reasons for non-compliance.

II. Mechanisms of International Law Enforcement

The fundamental rule of International Humanitarian law in conflict is that all parties must distinguish, at all times, between combatants and civilians.⁷ Civilians and civilian objects must never be the target of the attack; parties may only target combatants and military objectives. International Law deals with the rules that govern the relationships and the conducts of sovereign states and international organisations. The Israeli-Palestine conflict is much complex geopolitical issue that has questioned the relevance of international law. International law often referred to as the “law of the nations” which comprises of a set of rules and principles to be

⁷ Clive Baldwin, How does International Humanitarian Law Apply in Israel and Gaza?, <https://www.hrw.org/news/2023/10/27/how-does-international-humanitarian-law-apply-israel-and-gaza>

followed for the right conduct of the states and international actors. The Israeli-Palestine Conflict has not only called attention to international law but also to its several areas of international law such as the humanitarian law and human rights law.⁸

Article 3 of the Geneva Conventions mandates humane treatment for all individuals who are not actively participating in the hostilities. Article 49 of the Fourth Geneva Convention specifically prohibits the transfer of an occupying power’s civilian population into occupied territory⁹. International Humanitarian Law is a body of treaty and customary international law rules that governs the conduct of the armed conflicts Legal Maxims such as Jus in Bello and Jus ad Bellum, both signifies the use of force and the conduct of parties during a war. Since the UN Charter, 1945 prohibits the states from using force against each other but Article 51 provides states with the right of self-defense against armed attacks. A state’s inherent right of self-defense is limited by various other principles in the international law such as proportionality and necessity, which are largely regulated by the Geneva Conventions of the 1949 and their Protocols.¹⁰

“However, the existence of international law is not preconditioned by its enforcement.

It has operated even without modern enforcement mechanisms and this is worth remembering. Ideally, countries should adhere to international law not out of the fear of enforcement but because of their commitment to the law in good faith (known as pacta sunt servanda in international law) and the rights or obligations owed towards all (erga omnes). Hence, violations of international law must be treated as such regardless of the state of enforcement.”¹¹

The Charter of the United Nations is the document that expounds upon International law, but the United Nations cannot enforce those laws directly in the same way that a sovereign state can enforce its laws domestically¹². It has been pretty evident from the news and the reports that both Israel and Hamas have committed acts that contravene the standards of the international law. For instance, Hamas’s indiscriminate rocket attacks on the Israeli civilians violate provisions designed to protect non-combatants during warfare, conversely Israel’s

⁸ Akhila Basalalli and Ashna Singh, Self-Defence under International Law: Lessons from the Israel- Gaza Conflict, <https://www.nls.ac.in/blog/self-defence-under-international-law-lessons-from-the-israel-gaza-conflict/>, (Online since 31st January,2024)

⁹ Eric A. Heinze, International Law, Self-Defense, and Israel-Hamas Conflict, <https://press.armywarcollege.edu/cgi/viewcontent.cgi?article=3273&context=parameters> (Online since 3-7-2024)

¹⁰ Supra, 6

¹¹ Supra, 6

¹² Cornell Law School, International Law, https://www.law.cornell.edu/wex/international_law

military responses in Gaza have raised concerns regarding proportionality and the protection of civilians, leading to accusations of potential war crimes¹³.

International Humanitarian Law faces challenges in fulfilling its action-guiding and evaluative functions in real time, violations such as extrajudicial killings, torture, and denial of access to humanitarian aid are subjects to scrutiny.

The ICC(International Criminal Court) and ICJ (International Court of Justice) has the jurisdiction over war crimes committed in the sovereign state, and strive to address the issues arising in the Israeli-Palestinian conflict through legal framework aimed at promoting accountability for violations of the international norms. Following the Hamaz's attack on Israel on 7th October, 2023 and the proceeding Israeli military actions in Gaza serveral complaints where lodged with the ICC regarding the armed attack committed by both the parties. The ICC prosecutor, Karim Khan, assured to investigate these alleged attacks particularly emphasizing on the confing hostages by the Hamas group which constitutes a serious violation of the international law. The major problem with the enforcement of the ICC orders and ICJ ruling s is the lack of bining power on the states which lack the proper enforcement mechanism. No matter how many advisory opinions, notices, investigations have been served to both the states, ICC and ICJ have failed to prevail international law and bring peace in both the states due the challenge in their authority and jurisdiction.

III. Case Studies

Since the Israeli-Palestine war has taken a hot war situation defying all international norms, the world has always suffered with other protracted conflicts which have either resolved or are still on-going.

1. Yemen Civil War¹⁴

A war that began around 1990s but took a situation of hot war only in 2014 where the initial hosilities began. It is also considered one of the worst humanitarian crises leaving approximately 80% of the Yemen population without any assistance, as it faced widespread famine exacerbated by bloackades and on going conflict and the on-going conflict lead to a outbreak of cholera and other health deteriorating issues. The UN initiated peace talks in 2016,

¹³ David J. Scheffer, What International Law has to stay about the Israel-Hamas War, <https://www.cfr.org/explainers>

¹⁴ Kali Robinson, Yemen Tragedy: War, Stalemate and Suffering, <https://www.cfr.org/background/yemen-crisis>

subsequently in 2018, the famous Stockholm agreement, which lead to a temporary ceasefire and cordinated with ICRC to provide humanitarian relief but lacked due to the restrictions made by the conflicting state. The war marked widespread human rights abuses and violations of international humanitarian law. Despite international efforts toa dress these crises through peace negotitations and hmanitarian assistance, the situation remains critical leading to alarming levels of hunger

and poverty while leaving millions without access to basic services like clean water and sanitation. International organizations like the United Nations (UN) have been engaged in tackling the crisis via humanitarian appeals and peace talks. The UN has initiated a 2025 Humanitarian Needs and Response Plan, aiming to secure around \$2.47 billion to tackle pressing requirements. Nonetheless, in spite of these initiatives, the situation is still dire as persistent violence obstructs efficient aid distribution. The International Criminal Court (ICC) has been urged to look into possible war crimes perpetrated by all sides in the conflict; nonetheless, political intricacies frequently obstruct these proceedings. The International Court of Justice (ICJ) has faced demands for action concerning human rights abuses in Yemen, yet its impact is restricted because it lacks binding power over the actions of states during armed conflicts. With the humanitarian crisis worsening and geopolitical tensions escalating—intensified by regional conflicts like those in Israel—the chances for peace and recovery in Yemen seem to be growing more dim. Without ongoing global focus and intervention addressing both urgent humanitarian needs and enduring political solutions, the distress of the Yemeni population will probably persist unremittingly.

2. *Columbian Armed Conflict*¹⁵

It almost began in 1964 and is the longest running internal conflicts, deep rooted in socio- economic disparities, political exclusion and the influence of drug trafficking. Almost over 2,20,000 people have lost their lives and more than 6 million have been displaced due to the violence and insecurity, which has resulted in grave human rights violations such as forced disappearance, targeted killings, sexual violence, and many more. Civilians are often caught in the crossfire between armed groups and government forces in turn leading to a pervasive culture of fear and instability. Many communities experience violent control by armed actors limiting access to essential services such as education and healthcare. The UN has been involved and has played a significant role in addressing the humanitarian crises, as the UN established

¹⁵ William Tamayo-Agudelo and Vaughan Bell, *Armed Conflict and Mental Health in Columbia*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC6520540/>

a political mission to monitor the implementation of the peace talks between the Colombian government and Revolutionary Armed Forces of Colombia (FARC) which aims to support disarmament processes and promotes transitional justice mechanisms to address the human rights violations taking place. ICC have been directly involved unlike ICJ in addressing the human rights violations committed in the conflict, its intervention has raised awareness about the accountability for the on-going human rights abuses however actual prosecutions have been limited due to political complexities and the need for cooperation from Colombian Authorities. Efforts are still being taken to stabilize the affected areas but face significant challenges due to the socio-economic disparities and the entrenched violence.

3. *Sri-Lankan Civil War*¹⁶

The Sri-Lankan Civil war began in 1983 and went on to 2009, leading to approximately over 1,00,000-1,50,000 deaths and millions displaced. Civilians bore the entire brunt of the conflict, facing all kinds of discrimination and violence from both the Sinhalese-dominated government and the Liberation Tigers of the Tamil Eelam (LTTE). The United Nations estimated that approximately 40,000 civilians lost their lives in just the final months of the war. The situation worsened due to limited humanitarian access caused by military actions and restrictions set by both parties. The consequences of the conflict caused many survivors to struggle with trauma, the loss of loved ones, and the ruin of homes and means of living.

Both sides engaged in significant human rights abuses during the conflict. The LTTE gained notoriety for employing child soldiers, executing suicide bombings, and attacking civilians as elements of their military tactics. On the other hand, the Sri Lankan government confronted allegations of extrajudicial killings, enforced disappearances, and torture. Reports from global organizations underscored cases where government troops killed surrendering LTTE members and attacked hospitals caring for injured civilians.

The UN Human Rights Council has recorded many violations in the war's concluding phase and demanded accountability for these acts. Nonetheless, post-war inquiries have faced opposition from the Sri Lankan government, which has frequently rejected claims of war crimes. The reaction of the global community to the Sri Lankan Civil War has been intricate. The United Nations attempted to facilitate peace negotiations at different times throughout the

¹⁶ Nithyani Anandakugan, *The Sri Lankan Civil War and its History, Revisited* in 2020, <https://hir.harvard.edu/sri-lankan-civil-war/>

conflict but encountered difficulties due to Sri Lanka's political dynamics. In 2009, as the conflict peaked, then-UN Secretary-General Ban Ki-moon urged for an independent inquiry into the supposed war crimes. The International Criminal Court (ICC) has not taken action on cases concerning Sri Lanka because it is a non-member; nonetheless, there have been appeals for accountability via alternative means. Numerous human rights groups have called for global inquiries into war crimes that occurred during the conflict. The Sri Lankan Civil War stands as a stark illustration of how ethnic strife can develop into extended violence resulting in severe humanitarian repercussions. Though the war officially concluded in 2009, its impact persists in Sri Lankan society via unaddressed grievances and persistent human rights issues. International organizations such as the UN have aimed to tackle these concerns; nonetheless, securing justice for victims continues to be a major obstacle due to political opposition and insufficient authentic reconciliation initiatives in Sri Lanka.

IV. Recent Escalations in Violence, particularly in Gaza shows it's implications for international law and humanitarian principles.

Both Israel and Hamas have been reported to have violated international law during the course of the conflict.

Infringements by Hamas:

- **Indiscriminate Attacks:** The assault on October 7 involved random killings and hostage-taking, breaching Common Article 3 of the Geneva Conventions, which mandates humane treatment for all persons not engaged in hostilities. Additionally, continuous rocket strikes on civilian sites in Israel are classified as war crimes according to Articles 7 and 8 of the Rome Statute.
- **Utilization of Human Shields:** Accounts suggest that Hamas has employed civilian facilities as cover for military actions, which jeopardizes non-combatants and contravenes IHL standards.

Breaches by Israel:

- **Targeting Civilians:** Israeli airstrikes have led to considerable civilian casualties and damage to crucial infrastructure, including hospitals and schools. These activities provoke significant worries about adherence to IHL principles of

distinction and proportionality.

- Blockade and Collective Punishment: The blockade enforced on Gaza since 2007 has faced criticism as a type of collective punishment aimed at the Palestinian people. This blockade limits access to food, medical resources, and vital services, worsening humanitarian situations and contravening international human rights law.
- Settlement Expansion: The ongoing growth of Israeli settlements in the West Bank is viewed as unlawful according to international law. The International Court of Justice (ICJ) has confirmed that these settlements breach Article 49(6) of the Fourth Geneva Convention, which forbids an occupying force from relocating its civilian population into occupied regions.

The Israeli-Palestinian conflict has experienced notable spikes in violence, especially in Gaza, most recently after Hamas's assault on Israel on October 7, 2023. This assault led to around 1,400 Israeli fatalities and prompted a significant military reaction from Israel, which featured extensive airstrikes on Gaza. The clash has resulted in thousands of Palestinian deaths and extensive damage to infrastructure, worsening an already critical humanitarian crisis. The consequences for international law are significant; the behaviors of both sides pose essential inquiries about adherence to international humanitarian law (IHL) and human rights law.¹⁷

International humanitarian law, especially the Geneva Conventions, requires the safeguarding of civilians in times of armed conflict¹⁸. In this context, both Hamas's first assaults and Israel's following military actions have been examined for possible violations. For example, Hamas's random rocket attacks on civilian zones violate Article 51 of Protocol I of the Geneva Conventions, which forbids assaults that fail to differentiate between military objectives and civilian groups. In contrast, Israel's airstrikes have sparked worries regarding proportionality and necessity according to IHL, particularly in light of reports indicating civilian casualties and harm to civilian infrastructure. The United Nations has consistently urged for compliance with humanitarian principles amid escalations, highlighting the necessity for all involved parties to safeguard civilians. Nonetheless, the impact of these appeals has frequently been weakened by political factors within the UN Security Council and the larger international community.

The persistent violence in the Israeli-Palestinian conflict prompts vital inquiries regarding the significance and application of international law. Even with well-defined legal structures set

¹⁷ David J. Scheffer, What International Law has to say about the Israel-Hamas War, <https://www.cfr.org/article/what-international-law-has-say-about-israel-hamas-war>

¹⁸ *Supra*, 15

by treaties like the Geneva Conventions and numerous UN resolutions, adherence is still variable. The advisory opinions of the ICJ have highlighted the unlawfulness of Israeli activities in occupied regions¹⁹; yet, these opinions do not possess binding enforcement measures. The involvement of global organizations such as the United Nations and the International Criminal Court (ICC) is essential in tackling violations. The ICC has begun inquiries into purported war crimes by both sides; nonetheless, political factors frequently obstruct proper accountability efforts. For example, although numerous countries advocate for inquiries into Hamas's conduct, there is considerable hesitance to hold Israel responsible for its military activities. Although international law offers a structure for evaluating actions in the Israeli-Palestinian conflict, its efficacy is weakened by political factors and selective application²⁰. Ensuring accountability for violations presents a

major challenge that necessitates ongoing international involvement and a dedication to maintaining humanitarian principles in the face of persistent violence. As tensions rise further, it is crucial for all involved to fulfill their responsibilities under international law to safeguard civilians and pursue a fair resolution to this enduring conflict.

V. Political Dynamics of the Conflict

Since the beginning of time, international relations and international law have collaborated to address global concerns. The nexus between both fields has however not flowed seamlessly or naturally.²¹ The key situations that were a part of this long standing conflict were the partition of Palestine in 1947; the response to the refugee crisis following the Nakba of 1948–1949; the failure to bring Israel's occupation of Palestine that began in 1967 to an end; and the refusal in 2011 to admit Palestine to UN membership. In all these situations, the UN has been guided by political expediency and not the international rule of law.²²

From a conceptual standpoint, international relations broadly refers to how countries relate to one another, in matters relating to trade and commerce, terrorism, pandemics, world events,

¹⁹ Regional Information Centre for Western Europe, Israel-Palestine: The Role of International Justice, <https://unric.org/en/israel-palestine-the-role-of-international-justice/>

²⁰ The Elders, A new approach to the Israeli-Palestinian conflict is needed grounded in international law, <https://theelders.org/news/new-approach-israeli-palestinian-conflict-needed-grounded-international-law>

²¹ Omodele, Adeyemi, *THE DICHOTOMY BETWEEN INTERNATIONAL RELATIONS AND INTERNATIONAL LAW IN THE FACE OF THE GLOBAL COVID-19 PANDEMIC*, NAUJILJ Vol 11(2) 2022

²² Ardi Imseis, *The UN and the Question of Palestine: Rule by Law and the Structure of International Legal Subalternity*, Cambridge University Press, 2023

peace treaties, and cultural events through an international system of organizations like the United Nations.²³ International law can be defined as a collection of rules, norms, and principles that govern how states interact with one another within the international system.²⁴ A thorough understanding of the subject would be impossible without discussing world politics and international relations, particularly when attempting to comprehend a protracted struggle like this one. International relations is the driving force behind all of these fields since the world today is marked by shifting arrangements of power and balance, diplomacy and conflict, aid and trade among states.²⁵

International law primarily seeks to prevent nations from engaging in full-scale wars, following the collective security theory, which is also a customary practice. It establishes a system where an aggressor against one nation is viewed as an aggressor against all states. Consequently, it becomes the collective responsibility of member states to cooperate and repel any threat.²⁶ Thus, maintaining a strong and balanced relationship among nations is crucial. The challenge arises from the fact that modern conflicts often stem from conflicts of interests, particularly among the major veto powers, manipulating and complicating the implementation of international norms within the UN system.

Since the partition of Palestine in 1947, international relations have been heavily influenced by competing geopolitical interests, with major powers like the United States and the United Kingdom often prioritizing their strategic and political alliances over the principles of justice and human rights. Resolution 181, which partitioned Palestine into separate Jewish and Arab states, is a prime example of this.²⁷ While it was intended to provide a solution to the Jewish diaspora's desire for a homeland, it disregarded the rights of the Palestinian Arab majority. The political dynamics of the time, particularly the

Western desire to support the establishment of a Jewish state in response to the horrors of the Holocaust, led to a decision that has had lasting repercussions for the Palestinians, whose right to self-determination was sacrificed in favor of political expediency.

²³ P Stoeva; 'International relations and the Global Politics of Health: A State of the Art' *Global Health Governance- The Scholarly Journal for the New Health Security Paradigm*, 10(3), (2016) pp. 99-109 ²⁴ I Brownlie, *Principles of Public International Law*, 4th ed. (United Kingdom: Oxford University Press 1990) p. 70

²⁵ F Grunfield, 'International Law and International Relations: Norm or reality or Vice Versa', *Amsterdam Law Forum, Vrije Universiteit Amsterdam*, (2011), pp3-6.

²⁶ Yale Law School; 'The Avalon Project, Documents, History and Diplomacy,' *In the Covenant of the League of Nations*, (1919)

²⁷ *Supra* 20

This pattern of selective enforcement continued throughout the 1967 occupation of Palestine, which remains a key issue in the conflict today. The UN has repeatedly failed to effectively confront Israel's prolonged occupation of Palestinian territories, opting instead to advocate for negotiations between Israel and Palestine as the solution. This stands in stark contrast to the UN's handling of other instances of illegal occupation, where the body has taken decisive actions to address such violations. By insisting on negotiations, the UN allowed Israel to maintain control over Palestinian territories, while the international community failed to hold Israel accountable for its violations of international law, including its settlement policies and the annexation of parts of the West Bank.

The political dynamics of the Israel-Palestine conflict are further complicated by the broader regional and global context. Israel, seen by many in the West as a democratic ally in the Middle East, has benefited from strong diplomatic and military support from the United States, which have consistently shielded Israel from international scrutiny. This support is driven by a combination of geopolitical considerations, including access to resources, counterterrorism efforts, and shared democratic values, which have led to a bias in international relations that favors Israeli interests over Palestinian rights.

In this environment, the refusal to admit Palestine to UN membership in 2011 further highlighted the influence of political expediency over legal principles. Despite widespread recognition of Palestine as a state by much of the international community, the UN's decision to deny its membership was driven by political calculations, primarily the influence of the United States and its allies, who were unwilling to antagonize Israel. This refusal to grant Palestine full membership not only ignored the growing momentum for Palestinian statehood but also contradicted the UN's own principle of universal membership.

VI. Analysis

Israel's image in the international media has undergone significant shifts, particularly since the Six-Day War in 1967. Initially, Israel enjoyed broad support and a largely favorable portrayal, particularly in the Western world. This was especially true in the post-World War II era, when Israel was seen as a symbol of resilience and as a saviour for Jews after the horrors of the Holocaust. The identification of Israel as a European-style democracy in the Middle East, alongside its emerging as a newly established state also contributed to this positive image.²⁸ Furthermore, Israel's early diplomatic alliances, particularly with the United States, played a critical role in shaping its image favorably in much of the Western media.

However, the media's portrayal of Israel began to shift dramatically after the Six-Day War in 1967. While Europe's media quickly adopted a more critical perspective, questioning Israel's actions and expanding territorial occupation, the United States was still backing Israel. For much of the Cold War, American media remained largely sympathetic to Israel, reflecting the nation's strong political and military support for the Jewish state. Over time, though, Europe's media became more vocal in their critique, highlighting the humanitarian issues arising from the occupation of Palestinian territories, whereas in the United States, the media's position remained more aligned with Israel's government, reflecting the broader political and cultural ties between the two nations.²⁹

This split reflects deeper political dynamics and the differing geopolitical priorities of the two continents. While Europe has increasingly positioned itself as a neutral party, calling for a balanced approach to peace and a two-state solution, the U.S. has remained firmly aligned with Israel, often using its veto power in the UN Security Council to block resolutions critical of Israeli policies.³⁰ While, recently U.S. helped mediate a ceasefire but the challenge lies in the ability or inability of both the State parties to cooperate. While the temporary cessation of violence can provide critical humanitarian relief and offer a brief window for diplomatic engagement, these ceasefires often lack the framework needed for long-term peace since they fail to address the core issue. By focusing on de-escalation without requiring concrete steps toward resolving key issues such as borders, the status of Jerusalem, or the rights of Palestinian refugees, U.S.-mediated ceasefires risk solidifying the status quo. Without meaningful political progress, these ceasefires can create the illusion of stability while leaving the underlying tensions unresolved.

²⁸ <https://journals.openedition.org/bcrfj/6773?lang=en> Jérôme Bourdon, « Representing the Israeli- Palestinian conflict », Bulletin du Centre de recherche français à Jérusalem [Online], 23 | 2012, Online since 20 January 2013, connection on 19 April 2019. URL : <http://journals.openedition.org/bcrfj/6773>

²⁹ *Ibid*

³⁰ <https://journals.openedition.org/bcrfj/6773?lang=en> Jérôme Bourdon, « Representing the Israeli- Palestinian conflict », Bulletin du Centre de recherche français à Jérusalem [Online], 23 | 2012, Online since 20 January 2013, connection on 19 April 2019. URL : <http://journals.openedition.org/bcrfj/6773>

VII. Conclusion and Recommendation

“In conclusion, although the Israel-Hamas war is governed by numerous international legal frameworks intended to mitigate the impact of war on civilians and ensure accountability for violations, both parties have been accused of significant breaches, highlighting the limitations of international law and particularly its lack of enforcement mechanisms.”³¹

The failures in the negotiations for peace between Israel and Palestine can be attributed to both sides' reluctance to compromise on at least four key matters: borders, security, the status of Jerusalem, and the status of refugees. Although the foundational security concerns and identity feelings related to these matters make it reasonable that both sides struggle with making compromises, it is essential for both sides to seek advancement in resolving these four fundamental issues. Equally significant as the extensive debates on these matters are the circumstances under which the negotiations will take place. Consequently, it is essential for both sides to assist in establishing a conducive environment by avoiding—at least for the time being—actions that could escalate the shared distrust between them. The involvement of a third party as a neutral facilitator, like the United States, is essential for aiding the negotiations. This facilitation might be achieved, among other methods, by offering specific parameters that would guide the behavior of both parties during the negotiations. Besides alleviating the mutual distrust between the two parties, a third party would also serve to balance the current power imbalance

between Israel and Palestine. Nonetheless, recent events have shown that a third party—even one as influential as the United States—can only fulfill its role if it proves to be neutral and thus gains the confidence of both sides as well as the global community.³²

A further reason for the unsuccessful negotiation efforts is the overall perception held by the constituents of both entities. Self-righteous perspectives, like Islamic fundamentalism and Zionist extremism, can occasionally inspire radical movements that disregard rational considerations. The Palestinian fight under Hamas, for example, has prioritized unsuccessful military efforts over negotiations. This indicates that dying in the struggle against Israel is no longer viewed with dread, but rather with admiration. This perspective on the concepts of struggle and death, originating from radical Islamism, has consequently led to an increased level of violence perpetrated by Palestinians against Israelis. In response to this violence,

³¹ Mara R. Revkin, *The Israel-Hamas Conflict: International Law, Accountability, and Challenges in Modern Warfare*, <https://judicature.duke.edu/articles/israel-hamas-conflict-international-law/>

³² Fadhila Inas Pratiwi, M. Aryo Rasil Syarafi, Demas Nauvarian, *Israeli-Palestinian Conflict Beyond Resolution: A Critical Assessment*, <https://jurnal.ugm.ac.id/jsp/article/view/66935/pdf>

Israel—which has historically exhibited a repressive and violent stance towards Palestinians— would likely be more motivated to employ its greater material strength to guarantee its security. Although initially intended to reduce Palestinians' motivation for attacks, the irrational characteristics of these assaults have caused Israel's security measures to trigger even greater violence. Consequently, the potential for resolving the conflict and achieving peace between the two sides has persisted in worsening. Consequently, until a two-tiered strategy is implemented to establish a basis of mutual trust that encourages increased flexibility and greater concessions from both sides in the dispute while negotiating the four primary issues, it is very probable that the conflict will persist unresolved.

While the Israeli president pledges to ensure the safety of Gaza, the authenticity of this commitment is questioned. Palestinians, who have lost loved ones in Israeli airstrikes, might struggle to accept guidance from the very source of their pain. This event also prompts inquiries regarding the collective responsibility of the international community during this critical period. Does Israel have immunity from international law due to its strong partnership with the USA? The Israeli government has not outlined a definitive future strategy for Gaza should they achieve the removal of Hamas. The lack of a thorough post-crisis strategy creates serious worries, presenting possible difficulties and sparking deep concerns regarding the safety of Israeli citizens. Is Israel using the existence of Hamas to rationalize its occupation of Palestinians? Is Netanyahu distracting from his trial by inciting conflicts, or is this primarily about seizing land and resources by displacing Gazans? Is there a struggle to safeguard Western values in the Middle East, with Israel serving as the representative of the West in that region? Is the hesitation of Gazans to challenge Hamas governance, despite experiencing years of hardship and deprivation, motivated by a wish for liberation from Israeli control, fear of Hamas, or a mixture of these factors? We readily identify Hamas as the cause of instability, but who is accountable for molding them into this position? Furthermore, who is to be blamed if, after the events of October 7th, those Palestinian children, stripped of their aspirations, homes, and loved ones, seek comfort in Hamas, the only group that appears to advocate for Palestine?³³

³³ Shipra Sawarj, *A Comprehensive Analysis of the Israel-Palestine Conflict*, <https://www.ijnrd.org/papers/IJNRD2312320.pdf>