



“Human Rights Violations in Palestine: A Legal Analysis”

Iqra Syed¹, Uwais Chauhan²

¹Student, Department of Law, Aligarh Muslim University, Aligarh (iqrasyed004@gmail.com)

²Student, Department of Law, Aligarh Muslim University, Aligarh (uwaischauhan7@gmail.com)

ABSTRACT :

This research paper focuses on the Israel and Palestine conflict, a conflict that started in the year 1917 during the British mandate for Palestine up to present day. It describes significant events like the Balfour Declaration, the United Nations' partition plan of the region in 1947 leading to the creation of the state of Israel in 1948 with consequent outcomes described as the Nakba. The study also tackles such current problems as further settlement enlargement, forcible displacement, and the Gaza and West Bank humanitarian situation. Thus, this paper focuses on recognizing these historical and contemporary elements as a background for stressing the necessity of finding both general and long-lasting solution.

Keywords: Palestine Conflict, British Mandate, Balfour Declaration, United Nations, Nakba, Gaza, West Bank.

Introduction :

The Israeli-Palestinian conflict is a complex and lasted geopolitical conflict that started early in the 20th century under the British Mandate for Palestine. From the moment of the Balfour Declaration in 1917 that confirmed the British support of a Jewish homeland in Palestine the conflict between Jewish settlers and the Palestinian Arabs began. This conflict further unfolded when Israel was established in 1948 and many Palestinians Arabs were expelled in what is called the Nakba. Tensions for the past decades reflected by continual military confrontations, disputed sovereignty, and extreme suffering of the population. This will be a study of historical and present dynamics of the conflict, including the issue's origins, primary events, and current factors that highlight the necessity of an effective and lasting solution to the Israeli-Palestinian conflict.

Historical background

The British Mandate

The British Mandate for Palestine was created after the World War I and in accordance with the Article 22 of Covenant of the League of Nations, the Britain was supposed to administer both Palestine and Transjordan. The mandate could be from September 29, 1923 until May 15th 1948; the guiding policy of this mandate was to enable the former Ottoman territories to become self-governing societies to practice the provisions of the Balfour Declaration of 1917¹.

The Balfour Declaration affirmed the British support to the establishment of a Jewish home in Palestine without prejudice with the section of the population who are non-Jewish. With the arrival of British rule, there was changes in socio-economic and politics that included Jewish immigration to Palestine hence counter reaction from the Palestinian Arabs. The mandate period proved to be a troubled time due to many conflicts between Jews and Palestinian Arabs which led to the formation of the State of Israel in 1948.²

UN Partition Plan (1947)

In February 1947, the British government declared its plan to withdraw the Mandate government in Palestine, the result of which the United Nations General Assembly put together a new formation called the United Nations Special Committee on Palestine or UNSCOP. Thus, the UNSCOP proposed partitioning the country into two states for Jews and Arabs, economically integrated, and a Jerusalem-Bethlehem international regime. This partition plan was adopted on the 29th of November in the year 1947 whereby thirty-three nations voted in the affirmative, thirteen nations voted in the negative and ten nations had a neutral stance. The plan allocated Arab and Jewish states in the British Mandate and placed Jerusalem and Bethlehem in the direct international control because of their sacredness.³

¹ Article 22, Covenant of the League of Nations

² <https://www.aljazeera.com/features/2018/11/2/more-than-a-century-on-the-balfour-declaration-explained> (last visited on July 12 2024).

³ <https://embassies.gov.il/MFA/AboutIsrael/Maps/Pages/1947%20UN%20Partition%20Plan.aspx> <https://www.aljazeera.com/features/2018/11/2/more-than-a-century-on-the-balfour-declaration-explained> (last visited on July 12, 2024).

Among the Jewish people, mainly the Jewish Agency that represented the Jewish leadership endorsed the plan as the approval of international law for state formation in Palestine. However, the Arab leadership such as the Arab Higher Committee and Arab neighbors turned it down stating it was discriminative against the Arab majority. As soon as the UN decision was made, Arab groups began to attack Jewish people and in turn Jewish defense forces like the Haganah attacked those Arab groups. This civil conflict developed to the first Arab-Israeli War soon after the Israeli declaration of independence on 14th of May, 1948. In 1948, Egypt, Jordan, Syria, and Iraq attacked the nascent Israeli state and managed to capture vast territories, inflict heavy losses, and expel hundreds of thousands of Palestinians Arabs. It established a refugee problem that persists up to date, which is termed as the Nakba by the Arab side and the War of Independence by the Zionist side.⁴

Establishment of Israel

It was on the fifteenth of May 1948 when David Ben-Gurion formally proclaimed the State of Israel and President Truman acknowledged it within the self-same year. However, after Jewish representatives appealed to Truman, he studied the question and agreed to allow 100 000 displaced persons into Palestine and supported a Jewish state even though this was against the Arabs and British gave only lip service to a bi-national Palestine that would be jointly run by Jews and Arabs. The division of the Palestine into Jewish and Arab states along with Jerusalem going under the international control was proposed through the UN partition plan in the year 1947. Despite apprehensions expressed by the State Department regarding the intended communism influence and supply of oil together with prospect of a conflict, Truman proceeded to grant recognition to Israel as the intensity of the Arab-Jewish conflict unfolded.⁵

Arab-Israeli Wars

Firstly, Israel has had armed confrontation with Arab forces in 1948-49, at the Suez in 1956 and in 1967⁶, then in the Yom Kippur war in 1973, in the Lebanon war in 1982, in the second Lebanon war in 2006, and from operation Storm or operation 'Protect the People of Israel in 2023 up to date. Like the previous wars, this war was initiated by the five Arab countries' attacks on Israel immediately after the declaration of its independence in 1948, and this was ended up with Israel occupying all other territories except Gaza in the Negev region. The Suez Canal Controversy of 1956 saw Franco-British-Israeli invasion after Egypt sought to take over the Suez Canal. A major conflict was fought in 1967 the Six Day War in which Israel attacked and won against Egypt, Syria and Jordan, and took control of Gaza, Sinai, the West Bank, and Jerusalem. Yom Kippur War in 1973 occurred when Egypt and Syria invaded Israel, several weeks of war and Israel makes peace with Egypt in 1979. The PLO and Israel fought again in 1982 when the latter invaded the former located in Lebanon and by 1985 the Israeli forces pulled out. The conflict with Hezbollah that took place in 2006 did not last for more than a month hence was a stalemate. In 2023, the Hamas organization invaded the Israel territory, whereby more than 1200 Israeli citizens were killed, and more than 240 taken as hostages. Israel labeled the operation as an exercise in self-defense and formally declared war then bombed and invaded Gaza which led to a great deal of destruction and a humanitarian calamity.⁷

Actions By Israel Criticized as Human Rights Violations

Settlement expansion: Israel's Settlements Have No Legal Validity

The UN Security Council re-emphasized its stand that settlements constructed in the Palestinian territory seized since 1967, including East Jerusalem are unlawful and obstruct the notion of two states co-existing. Resolution 2334 (2016) required that Israel to halt all settlement actions and stressed that there would be no recognition of the alterations in the 1967 lines unless agreed mutually. The Council demanded to stop the usage of force, fight terrorism and negotiate on any of the final status issues. Most of them include; The US refused to vote due to bias, but all of them agreed that settlements are destructive of peace. The resolution was considered as very negative by the Israelis while the Palestinian Authority viewed the resolution as positive progress towards the achievement of peace. Other representatives spoke of negotiations and the two-state solution, urging the international community to work together in pursuing a stable peace.⁸

3.2 Present day scenario: Settlement Expansion in Occupied Palestinian Territory Violates International Law

UN official Tor Wennesland recalled the appeal of the Secretary General to cease the occupation and reach the two-state solution considering Israeli settlements building, Palestinians' demolition, daily attacks, and toxic speech. He also highlighted the Israeli intentions for 6,300 housing units in Area C and 3,580 housing units in East Jerusalem and mentioned that 68 Palestinians were killed by the Israelis and 10 Israelis were killed by Palestinians. Challenges and recommendations Wennesland called on Israel to stop all settlement activities and demolitions, drew attention to the critical financial situation in UNRWA and the WFP. The council said that the settlements are unlawful, demanded to reduce tensions and underlined the need for political solution. The US was against this option while settlements were criticized by Gabon and Switzerland who further pushed for ending the blockade of Gaza, Japan gave \$40 million to UNRWA, China, France, the UAE, and Brazil stressed on diplomatic actions and direct talks⁹.

⁴ *Ibid*

⁵ <https://history.state.gov/milestones/1945-1952/creation-israel> (last visited on July 12, 2024).

⁶ Farzana Khan, "The Arab Israeli War" 20 *Pakistan Horizon* 254 (1967).

⁷ <https://www.britannica.com/summary/Arab-Israeli-wars> (last visited on July 12, 2024).

⁸ <https://press.un.org/en/2016/sc12657.doc.html> (last visited on July 12, 2024).

⁹ Nazir Hussain, "Israel's Gaza Invasion Geopolitical Changes and Regional Security Implications." 7(2) *Policy Perspectives* 127 (2010)

3.3 House demolitions and forced evictions: Security Council Delegates Urge Israel to End Evictions of Palestinians

At the meeting of the United Nations Security Council aimed at discussing the Middle East peace process delegates called on Israel to stop the process of forcing Palestinians out of their homes in Sheikh Jarrah, East Jerusalem stating it is counterproductive for the two State solution. The Norwegian authorities for their part condemned the eviction of Salhiya family stressing that Israeli settlements in occupied territory are unlawful. He pointed out that today China speaks about the need to stop expulsions and to refrain from undertaking illegal settlements. On the positive side, the communication was newly established with the Israeli Prime Minister Bennett visit Bahrain in addition to the visit made by the National Council of UAE to the Knesset appreciated by the U. S Georgia also focused on efforts made by the Middle East Quartet and the Munich Group in the ongoing conflicts. Palestine in its observer status also claimed Israeli regime as an apartheid regime while Israeli delegate stated that the Council turns the blind eye to terrorist group Hamas. In his statements, Tor Wennesland, the Special Coordinator urged for support to the Palestinian government and solidarity for the two-State solution. Different countries' representatives spoke about the Palestinian removals and urged for more negotiation and collaboration for the sake of peace.¹⁰

3.4 The Blockade of the Gaza Strip

During second Intifada in 2000s Israeli blockade on all Palestinian territories including Gaza resulted in 85 percent unemployment and doubling of the child malnutrition rates. Since the Hamas seizure of control of Gaza in June 2007, Israel and Egypt further closed the border, fearing insecurity. Based on this table it may be seen how the number of truck transits into Gaza reduced from an average of 12000 in the year 2005 to an average of 2000 by November 2007. Specific product that affected included; The access to foods, fuel and foreign currency was limited. In June 2010 Israel partially relaxed the blockade for almost all the other goods except for weapons and ammunition. IOF escalated the cases of aggression by imposing what they described as a total blockade on Gaza strip following the conflict in October 2023 when the group of Hamas attacked the state of Israel. By early 2024, Israel restricted the import of any humanitarian and food products that could have reached the Gaza Strip. It has stunted Gaza's economy cutting the GDP by half since 2007, raised unemployment to 43 percent, or more than 60 percent for youth; and left 1. 3 million Gazans needing food. This has seen construction materials, commercial items, and food supplies significantly affected while electricity and clean water supplies are highly affected.¹¹

3.5 Detention Practices

After October 7, 2023, the Israeli forces have arrested more than 7,600 Palestinians; the number of political prisoners raised to 9,100 by March 4, 2024. The rest include; Over 3,558 administrative detainees and 793 persons considered unlawful combatants from Gaza that include women, children, journalists, students and political leaders. Police arrest operations entail the use of force, night raids, and use of dogs while arresting suspects. Inmates are subjected to extreme treatment, including overcrowding, isolation, lack of sufficient water and food, and medical abuse. 13 people have died in detention since October 7, 2023 reported in the document. Legal amendments have increased the detention for up to 180 days without charging an individual and also banned lawyers from meeting their clients contrary to the Geneva Conventions, and the UN Convention on the Rights of the Child. These actions are considered as having systematic policy of oppression and control on Palestinians where there is limited justice for the abuses done.¹²

3.6 Disproportionate use of force and military operations

Released on 07/10/2023, report indicates that Israeli occupying forces have used deadly force during search Cordone, particularly using explosives, assault and razing down of residential buildings. Palestinian officials record 7,691 Palestinians arrested from 7 October 2023 to 4 March 2024, many during night raids with force. In one of the raids, Mohammed Mansara met his fate in a death by a door explosion. Some police dogs have been used in the arrest of criminals and as a consequence inflict bites on the residents intentionally. Inmates in prison undergo serious flogging, and operations conducted by other forces like Metsada and Keter, fully armed with guns and iron bars. Since October 7, at least thirteen deaths of Palestinian prisoner have been confirmed while other sources indicate as many as twenty-seven deaths. Some examples are Thaiier Abu Asab and Abdul Rahman Mar'ii, a forensic report showed that Mar'ii died of severe beating. Military elements as "Nahshon" are used in transfer of prisoners, and acts of raids. Apparently, the military camp "Sdeh Teman" is known to have been employed to detain hundreds of civilians and more than 4,000 workers without the presentation in court.¹³

3.7 Inequality and discrimination:

The Palestinians for almost seventy years now have been displaced and ethnically cleansed out of their homeland with 2. 3 million Palestinians living in refugee camps. These include prejudice and discrimination by the Israeli authorities, specifically in arrest and, later, the courts. Palestinian officials reveal that between 7/10/2023 to 4/3/2024 over 7,600 Palestinians were detained comprising women, children, journalists, students, political figures comprising

¹⁰ <https://www.middleeastmonitor.com/20230928-un-official-reiterates-illegality-of-israeli-settlements-in-occupied-west-bank/> (last visited on July 12, 2024).

¹¹ James Farrant,, "The Gaza Flotilla Incident and the Modern Law of Blockade" 66 *Naval War College Review* 90 (2013).

¹² <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/> (last visited on July 12, 2024).

¹³ <https://www.amnesty.org/en/location/middle-east-and-north-africa/middle-east/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/> (last visited on July 12, 2024).

18 parliamentary members all detained. Administrative detention cases increased from 1,320 to approximately 3,558 so that detainees could be held without case or trial. It is a legal change that has aggravated the position and today, detainees in Gaza can be held for up to 180 days and do not have access to a lawyer for this time. The Palestinians are tried by military courts whereas the Israeli settlers are tried by civil courts. Palestinian detainees in prison are exposed to overcrowding, poor and scarce food and water supply, as well as medical crisis. Women detainees are vulnerable to being gang raped or threatened with rape besides being forced to strip naked. Children suffer beatings and torturing and are subjected to degrading treatment in Palestine. All these practices are part of apartheid and colonial policies and systems which are in dictatorialship of international laws and conventions.

3.8 The treatment of Palestinian women and children in Israeli detention

After October 7, 2023, it has been established that there has been an upsurge in the arrest and detention of women and children of Palestinian in Israeli forces. More than 230 women and 430 children detained, many of them are held under administrative arrest. It is also stated that there are serious abuses in detention centers: gender-based violence, use of sexual harassment, and other kinds of physical abuse. It reveals that women have been forced to undergo strip search while in custody and even in presence of their minors while children have been tortured, beaten and humiliated. Night raids are common, and detainees suffer from torture through beatings, electronic shocks, suspension by arms, branded on their skin, suffocation, and sexual abuse while in custody; detainees endure crowded cells, little or no provisions of food and water, and untreated diseases and injuries. Most are detained for long without being charged and accesses to an attorney is also limited. Regarding the latter, the document states that these methods contradict the United Nations Convention on the Rights of the Child and are a part of the overall system of eliciting dominance over the Palestinian people. The treatment is described as a form of roster castigation as a way of capturing the general adversity that Palestinians undergo in the hands of the Israeli security forces.¹⁴

3.9 Severe Restrictions on Development and Limited Access to Essential Resources

The Palestinians are constrained in almost all spheres of development and ability to obtain needed resources for sustaining daily life. Occupation of land, water and resources by Israel in West Bank restricts the growth convection and construction of infrastructure in the Palestinian territories. Areas and occupied territories settlers have limited building permits, scarce water resources, and barely enough food. For example, in Gaza, thereof more than 95% of water qualifies as waste water and product import bans result in poverty and poor nutrition. The farming process is limited by the lack of proper land to cultivate and poor access to fishing sites. Lack of energy aggravates an already difficult challenge of storing and cooking food. Such conditions infringe several human rights outlined under international law such as the rights to shelter, movement, work, self-determination, and health. According to WHO recommendation Palestinian in the West Bank use about 73 liters of water per capita per day. Due to restriction in construction in Area C (occupied 60% of the west bank) leads to demolitions and displacement. The situation violates the principles of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights as well as the Fourth Geneva Convention meaning a systemic human rights violation and persistent breaching of international humanitarian law.¹⁵

3.10 devastating conditions in Gaza and Rafah due to Israeli military operations

The residents of Gaza and Rafah have been through very awful times with terrible Israeli military attacks starting from October of 2023 which have caused a lot of destruction and the worsening global aliment crisis. Hundreds of Palestinians are dead, and women and children are major victims of this atrocious act. Enormous districts have been obliterated, people's houses, health care facilities, educational institutions, and municipal services are swept away. Currently, Rafah's population exceeds one million and this has strained the existing accommodation to the limits. Civilian houses and UN shelters have been targeted, and whole families were reported to be exterminated by one strike. Women and patients are getting pregnant and delivering in unhygienic environments and situations, children are ending up with physical injuries as well as psychological problems. There have been reported cases of sexual persecution. The people, children particularly, are starving, thirsty, and lacking medical attention; there are scarcities of food, water, and basic needs with most of residents living in tents. The sponsor country has virtually contracted a non-existent healthcare system by the time it is overwhelmed by the colossal population totaling more than 200 million people. It is against the liberal human rights and international humanitarian law since civilians are targeted, their property destroyed, and essential needs such as food, medicine, water, and shelter are withheld from them. The actions placed upon the people of Gaza can be deemed as collective punishment with the blockade of Gaza. Concerns have been raised over compliance to principles of distinction and proportionality of targets in war. Prolonged effects on the physical and mental wellbeing profile and especially children are likely to be experienced. More people are demanding for an end to the fighting, delivery of aid to affected civilians, and independent probes into reports mainly of the warring factions committing atrocities.¹⁶

Human rights and international humanitarian law have been grossly violation in Gaza and Rafah starting from October 2023. These are Asia's violation of the UDHR, including the rights to life, liberty, and security, freedom from torture, freedom of movement, adequate standard of living, and education. In addition, the ICCPR and the ICESCR emphasize on what may be considered as violations, the killing of civilians¹⁷ (Article 6, ICCPR) or destruction of homes (Article 11, ICESCR)¹⁸. Furthermore, the Fourth Geneva convention is breached; protection of hospitals (article 18) and care for children (article

¹⁴ <https://apnews.com/article/israel-hamas-gaza-detainee-palestinian-deaths-hospitals-51d4727a1365b9e06198579c3eb856f8> (last visited on July 12, 2024).

¹⁵ <https://www.un.org/unispal/document/auto-insert-206852/> (last visited on July 12, 2024).

¹⁶ <https://www.womensrefugeecommission.org/blog/women-and-children-did-not-choose-the-israel-gaza-conflict-but-they-bear-the-brunt-of-it/> (last visited on July 12, 2024).

¹⁷ Article, ICCPR

¹⁸ Article 11, ICCPR

50). Prevention of any form of distinction between civilian's is in violation of international humanitarian law. The Rome Statute elaborates war crimes and crimes against humanity, which could be expressed in this case in civilian losses and destruction of infrastructure. Criminal justice is also not respected where rights concerning the life and health of children, their education, and protection during an armed conflict as outlined in the Convention on the Rights of the Child. The blockade and limitations on access to supplies and medicine might qualify as a form of collective punishment¹⁹, which has an effect on life and health. IDP internally displaced in Gaza raise concerns as per the UN. These violations require some form of an investigation to ensure that the individuals who perpetrated the acts face justice and work to ensure that people's right to be protected is upheld.²⁰

Humanitarian Crisis: The ongoing conflict has resulted in significant humanitarian challenges

The current strings of conflict have led to a horrible situation in Gaza, where majority of its inhabitants enjoy poor living standards, high unemployment rates and scarce access to social amenities. The social condition has worsened, with most households challenged in terms of food and income since people lost their jobs or cannot go to work, businesses cannot acquire capital since they cannot travel. This has contributed to inheritance of poverty that spans generations and slows down the development of society.²¹

- Institutional deliverable such as in the health and education sectors have been highly compromised. Hospitals and clinics draw stiff shortages of many of the necessary supplies, equipment's, and professionals, and therefore patients with acute and chronic diseases receive suboptimal care. Homes, early childcare, and education have been impacted including home-schooling due to spacing and resource constraints including damaged schools, crowded classes, and no learning materials or equipment hence envisioning the future of these children is a big challenge²².
- Food insecurity has been a concern around the region where majority of the families fail to afford nutritional foods. Incidents in agriculture, fishing, and importing of foods, actually led to shortages and high prices of foods. Mr. Aslett reported that the malnutrition rates have increased, and this is more so among children since malnutrition can lead to severe health and developmental complications in the future.²³
- Population is at the risk due to poor Water and sanitation facilities. Polluted water mainly due to destructed water treatment plants and sewage has tended to influence water borne diseases. Wash facilities and clean drinking water are scarce which presents a major issue in the management of hygiene and personal sanitation²⁴.
- The prolonged conflict has as well led to high incidences of psychological symptoms and mental disorders. This has resulted in high levels of anxiety, depression, and post-traumatic stress disorder due to frequent exposure to violence, loss, displacement and insecurity including bad living conditions among children, and the youths. There are few mental health services to counter these problems increase the difficulties in improving the welfare of the affected individuals, their families, and contribute to the interruption of social cohesion of communities²⁵.
- They are social, political, economic, security and humanitarian issues which consolidate to contribute to deterioration of all sectors in life in Gaza, with adverse effects on health, development and future of the population in regard to aspects of life.

Stand of USA

Starting from October 2023, the United States has been actively involved and this position in the Israel-Palestine conflict took quite a disputable turn supporting Israel's side. After the attacks of October 7th, the US officially denounced Hamas while at the same time expressing support for Israel's capacity to defend itself and offering political, military, and logistical assistance. The US has blocked several UN Security Council motions demanding a cease-fire claiming that this will complicate the mission of incapacitating Hamas. But at the same time, the US has also called upon Israel to keep civilian losses to a minimum and allow humanitarian assistance. Domestically, it has caused controversies mainly in the American society as to whether the US is fairly playing the role of a mediator and whether the country supports the two-state solution.²⁶

Challenges faced by UN

Key Challenges Facing the United Nations:

The practical application of the UN's missions dealing with the maintenance of international peace and security, promotion of social progress and development of cooperation among nations often encountered several major problems. Such challenges are complicated and multidimensional and are frequently compounded by political conflicts and conflicting objectives of member nations.²⁷

¹⁹ Article 33, Geneva Convention

²⁰ <https://www.internal-displacement.org/spotlights/Palestine-Conflict-in-Gaza-leaves-83-per-cent-of-the-population-internally-displaced-in-less-than-three-months/> (last visited on July 12, 2024).

²¹ <https://www.unrwa.org/gaza15-years-blockade> (last visited on July 12, 2024).

²² <https://www.doctorswithoutborders.org/latest/hospitals-are-breaking-point-southern-gaza-bombing-intensifies> (last visited on July 13, 2024).

²³ <https://www.wfp.org/stories/hunger-gaza-famine-findings-dark-mark-world-says-wfp-palestine-country-director> (last visited on July 13, 2024).

²⁴ <https://www.who.int/news-room/fact-sheets/detail/drinking-water> (last visited on July 13, 2024).

²⁵ <https://www.who.int/news-room/fact-sheets/detail/mental-disorders> (last visited on July 13, 2024).

²⁶ <https://www.pewresearch.org/2024/03/21/majority-in-u-s-say-israel-has-valid-reasons-for-fighting-fewer-say-the-same-about-hamas/>

²⁷ Stephen Graham, "Laboratories of War: United States-Israeli Collaboration in Urban War and Securitization" 17(1) *He Brown Journal of World Affairs* 45 (2010).

Limited enforcement mechanisms for resolutions:

Another issue that can be said to be affecting the working of the UN is the fact that the organization is generally weak in implementing its resolutions. Although the current established international organization can pass binding decisions in the form of resolutions, the organization does not possess a permanent army to enforce the decisions passed. This frequently leads to the outcome that decisions are not complied with or are only partially complied with by the member states. Again, added to this are factors such as veto power that is available and can be exercised independently by the five permanent members of the Security Council, which hinders decisive measures on key matters. This has been also criticized by other countries because being one of the permanent members the United States sometimes used the veto to defend its own and its allies' interests²⁸.

Perceived biases by different parties to conflicts:

The situation analysis shows that the UN frequently faces challenges with credibility issues including perceived bias especially in a conflict of interest. Some of the conflicting parties in conflicts may feel that UN has taken a particular side or that the peace keeping missions lean towards one side. Such attitude can threaten the organization's credibility as a mediator in case of disputes and its efficiency in this capacity. This has at times been occasioned by the United States' active involvement in matters of the UN and its international diplomacy. For instance, some countries have been negative that the UN organization acts as a mouthpiece of the United States especially in areas where this country has major interests²⁹.

Balancing humanitarian aid with political concerns:

A major issue that the UN encounters is the provision of aid in war zones wherein the political context must be taken into consideration. The IGOs face challenges in balancing the two roles of mediating and diplomacy especially due to the requirement that the IGO should not favor any of the fighting parties in the conflict. This is in relation to the organizational risk of aid being diverted and or misused by different actors in the organization. On one hand, it is possible to note that the presence of the USA in this sphere has its advantages and on the other hand, there are some issues concerning the American participation in the area. Although US is one of the largest fund contributors for humanitarian causes supported by UN, its – political and or military intervention in certain geographic areas might hinder the delivery of assistance or may disrupt relations with other Member States of the UN³⁰.

Maintaining neutrality while addressing human rights issues:

Essentially the UN Charter's purpose of advancing human rights becomes inextricably linked with the concept of sovereignty, which is generally not favorable to such an endeavor by the organization. This challenge is more apparent when advocating for minority rights or something that is battling human rights abuses in member states. One of the biggest challenges that the organization faces is how to campaign against abuses while at the same time ensuring that the cooperation of other organizations necessary to induce change is not damaged. America has been both a supporter and critic of Human Rights issues through its affiliation to the United Nations. Despite its rather active involvement in the discussion of human rights situations in the UN setting, shortcomings in the United States' own records and an overly selective approach to human rights issues, which raises questions about impartiality where the UN is expected to mediate³¹.

Why U.S.A supports Israel

The US has always had pro-Israel policies in their Foreign Politics, because of historical, strategical, cultural and political reasons. Since the year 1948 when the US offered recognition to Israel, the latter has been regarded as an important strategic asset in the Middle East besides the cold war context. Minhajuddin & Ahmed mentioned that culturally, many Americans have a connection which easily relates to Israel, and this is further enhanced by substantial lobbying in support of Israel. Economically, it serves as a supply source of high technology for many countries and as a tourism hub hence its political significance as a democratic nation in a region considered unstable. The US and Israel maintain a highly intricate military relationship as the latter has been a recipient of the former's largesse especially in military assistance and intensified joint military drills. In the economic aspect, there is significant bi-lateral business relations focused in areas of trade and investments mostly in the technology industry that helps the countries innovate³².

²⁸ Rishika Singh, "US Veto of Gaza Ceasefire: Why Only Five Countries Have Veto Power in the UN Security Council", Indian Express, Dec. 17, 2023, available at: <https://indianexpress.com/article/explained/everyday-explainers/permanent-five-veto-power-uncs-explained-9071707/> (last visited on July 14, 2024).

²⁹ Michelle Benson and Jacob D. Kathman, "United Nations Bias and Force Commitments in Civil Conflicts" 76(1) *The Journal of Politics* 355 (2014).

³⁰ Allard Duursma, Bara Corinne, *et.al.*, "UN Peacekeeping at 75: Achievements, Challenges, and Prospects" 30(4) *International Peacekeeping* 416 (2023).

³¹ <https://humanrights.gov.au/our-work/education/human-rights-explained-fact-sheet-8promoting-and-protecting-human-rights-un> (last visited on July 13, 2024).

³² Matt Surman, Michael Levenson, *et.al.*, "After \$15 Billion in Military Aid, Israel Calls Alliance with U.S. 'Ironclad'", *New York Times*, Apr. 24, 2024, available at: <https://www.nytimes.com/2024/04/24/world/middleeast/israel-us-aid.html> (last visited on July 14, 2024).

Challenges posed by U.S. intervention

These aspects of the UN system show that while the United States has a powerful role, there are benefits as well as pressures. The US also provides the UN with most of the funds it needs and has an automatic right to a seat on the Security Council that determines the organization's policies and actions. However, this was followed by complaints that UN is an arm of America foreign policy especially when the America disregards the UN by going ahead with unilateral action such as in Iraq in 2003 that ensued the weakening of the UN powers. The US has also withdrawn its funding whenever it feels that the UN is acting contrary to its agenda – a situation that has put pressure on the organization. This source of leverage generates conflict within the member states, which in turn hinders the UN's capacity to address global issues adequately. But it is worth to underline that support of Israel by the USA is a disputable issue and is not unique without its shades of the ambivalence. Due to the current nature of the conflict between the Israelis and the Palestinians, US policy has received criticism both at home and around the world. Critics state that without pressure on Israel, the US cannot meet its role as an honest broker in the Middle East conflict. Furthermore, there have been intermittent rows between the US presidents and Israeli prime ministers for instance, on the construction of settlements in the West Bank. However, the political relations between USA and Israel are stable due to mutual strategic interests, cultural bonds, and political affiliations. Subsequent U.S. administrations, Democrats and Republicans alike, have continued to support this, if not the policy or strategy. It has remained as one of the critical factors in Middle Eastern power politics and part of the America's foreign policy considerations.³³

The present role of United Nations

The UN General Assembly convened its 10th Emergency Special Session to address the escalating violence between Israel and Hamas in Gaza.

8.1 The key resolutions passed during this period included:

- **Humanitarian Truce and Cessation of Hostilities:** The Assembly called for an “immediate and sustained humanitarian truce” to halt the violence. This resolution aimed at ensuring the delivery of humanitarian aid and the protection of civilians in Gaza³⁴.
- **Compliance with International Law:** The Assembly demanded that Israel comply with international law, particularly concerning the construction of the separation wall and other actions deemed illegal under international statutes³⁵.
- **Humanitarian Aid and Ceasefire:** The Assembly highlighted the urgent need for humanitarian aid, a ceasefire, and the release of hostages held by Hamas. These resolutions underscored the critical humanitarian situation and the necessity of immediate international intervention to alleviate the suffering of civilians³⁶.

The General Assembly continued Its emergency session, focusing on further resolutions and debates regarding the Gaza crisis. The discussions emphasized the need for ongoing humanitarian aid and the protection of civilians amid the continued hostilities. The Assembly reiterated its calls for a ceasefire and the unhindered delivery of aid to those affected by the conflict³⁷.

8.2 UN Secretary-General Interventions

UN Secretary-General António Guterres played a significant role during this period. His key actions included:

- **Condemnation of Violence:** Guterres condemned the attacks by Hamas on Israel and called for an immediate ceasefire. He also criticized the ongoing occupation of Palestinian territories, labeling it as a major violation of international humanitarian law³⁸.
- **Calls for De-escalation:** Guterres urged both sides to avoid further escalation, emphasizing the need for the protection of civilians and the delivery of humanitarian aid. He called for the release of hostages and the cessation of hostilities to facilitate the flow of aid to those in need³⁹.

8.3 Working of UN and its Agencies

Various UN agencies have been actively involved in responding to the humanitarian crisis in Gaza:

³³ <https://www.pewresearch.org/2024/03/21/views-of-the-u-s-role-in-the-israel-hamas-war/> (last visited on July 14, 2024).

³⁴ <https://www.defense.gov/News/News-Stories/Article/Article/3800582/us-completes-repairs-to-gaza-pier-expects-to-resume-aid-deliveries-soon/> (last visited on July 14, 2024).

³⁵ <https://press.un.org/en/2024/ga12580.doc.htm>(last visited on July 14, 2024).

³⁶ <https://www.ungeneva.org/en/news-media/news/2023/10/86762/un-general-assembly-adopts-gaza-resolution-calling-immediate-and> (last visited on July 14, 2024).

³⁷ <https://news.un.org/en/story/2024/05/1149596>(last visited on July 14, 2024).

³⁸ <https://www.government.se/government-policy/governments-response-to-situation-in-israel-and-palestine/governments-response-to-the-war-between-israel-and-hamas/> (last visited on July 14, 2024).

³⁹ *Ibid*

- **UNRWA:** The UNRWA for Palestine refugees in Near East has been using schools to offer shelter and aid to thousands of Gazans who fled. Nonetheless, UNRWA has not ceased its efforts to supporting the concerned population even though its infrastructures have been affected⁴⁰.
- **WHO:** The World Health Organization has attempted to provide the much-needed medical supply in Gaza; however, the process has been quite slow and hindered by a lack of adequate stock. This organization has been trying its best to ensure that medical aid which is so essential gets to the needy⁴¹.
- **UN Human Rights Experts:** Scholars currently working within the framework of the UN have also spoken ways about genocide in a bid to refer to the obliteration of Gaza. They have demanded special intervention from the international community to suppress more incidents and exercise prosecution on violations of international law⁴².
- **Legal Accountability:** Some of the countries, for instance, South Africa, have sought legal retribution against Israel based on legal precursors regarding international law and possibly genocide. These actions include seeking justice and prosecuting those who are responsible for the conflict crimes.⁴³

Conclusion :

The events in Gaza and Rafah since October 2003 reflect a severe violation of human rights and the international humanitarian law. As it is seen, moving from the direct targeting of civilians and their living quarters to the outright violation of fundamental rights as defined in treaties and covenants that the states are parties to, the violations are broad and grave. Appeals made to international law enforcement instruments such as ICC and other UN organizations demonstrate the need for a pursuit of justice and the rights of the inhabitants. This enormous violation calls for international cooperation to protect the principles of human dignity, peace, and justice by fulfilling the rights of all parties in conflict.

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⁴⁰ <https://theconversation.com/gaza-conflict-what-is-unrwa-and-why-is-israel-calling-for-its-abolition-222310> (last visited on July 14, 2024).

⁴¹ <https://news.un.org/en/story/2024/05/1149596>, (last visited on July 14, 2024).

⁴² <https://www.aljazeera.com/news/2024/3/26/un-expert-accuses-israel-of-several-acts-of-genocide-in-gaza> (last visited on July 14, 2024).

⁴³ <https://press.un.org/en/2024/ga12580.doc.htm>(last visited on July 14, 2024).

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