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## ROLE OF INTERNATIONAL LAW IN PEACEBUILDING AND RESOLVING THE PALESTINE-ISRAEL CONFLICT

### ABSTRACT

The Gaza-Israel conflict continues to ravage the region for decades, which is characterized by recurring violence as well as humanitarian crisis indicating that there needs to be immediate peace building initiatives. International law has a crucial role to play in this regard, by offering a platform for resolving conflicts and eventually promoting peace among the combating parties. This article examines how international law can foster peace and help resolve the Gaza-Israel conflict. Firstly, it traces the historical background of the conflict, going back to competing territorial claims and notions of sovereignty. The intricacies of the problem are inherent in its past failures at peace talks and hence underscore the need for comprehensive legal framework that will address fundamental grievances.

Secondly, it assesses some principles of international law that apply to the Israel-Gaza Strip conflict such as self-determination, non-aggression and respect for human rights and IHL. These legal benchmarks provide an important foundation towards addressing core issues such as borders, settlements and Jerusalem's status. Furthermore, it appraises how international institutions and mechanisms assist in promoting peace in addition to accountability within that area. Among others including Security Council or General Assembly under United Nations plays key role in dealing with Gaza-Israel Conflict. The regional organizations like the Organization of Islamic Cooperation and Arab League also contribute to the diplomatic efforts to settle down the dispute between Gaza and Israel.

Moreover, the article looks into challenges and limitations of international law in resolving the Gaza-Israel conflict. These encompass absence of enforcement mechanisms and dominance of unilateral steps by parties to the fight. Moreover, another obstacle is that non-state actors such as Hamas and Palestinian militant groups may play a vital role in preventing peace. Lastly, the

article concludes that for peacebuilding to be effective it must be approached holistically by combining legal mechanisms with political dialogue, economic development, and reconciliation initiatives. Although international law provides important principles and norms for solving the Gaza-Israel conflict, achieving lasting peace primarily depends on all parties involved being sincerely ready to talk out things and follow their lawful commitments.

**KEYWORDS:** International Law, Israel-Palestine Conflict, Resolution, Legal Violations, Peacebuilding

## **INTRODUCTION**

Preventing conflicts in the first place is the most efficient strategy to lessen suffering among people as well as the enormous financial expenses associated with wars and their aftermath. The UN plays a significant role in preventing conflict through mediation, good offices, and diplomacy. The Organization deploys political missions on the ground and special envoys as some of its instruments of peacekeeping.

After the Second World War devastated most of the world, the United Nations was established in 1945 to preserve world peace and security. The UN does this by preventing violence, assisting parties in conflict in resolving their differences, sending out peacekeepers, and establishing the framework necessary for peace to persist and grow. For these to be effective, they should support and frequently overlap. Along with other UN offices and bodies, the Secretary-General and the General Assembly serve significant, crucial, and complimentary duties.

One of the UN's most useful weapons for helping nations travel the treacherous road from conflict to peace has shown to be peacekeeping. In addition to preserving peace and security, today's multifaceted peacekeeping operations are required to support political processes, safeguard civilians, aid in the demobilization and reintegration of former combatants, support constitutional processes and election organization, defend and advance human rights, and support the restoration of the rule of law and legitimate state authority.

The UN Security Council issues the mandates for peacekeeping operations, which are manned by troops and police from member states and overseen by the Department of Peace Operations.

## **UNDERSTANDING THE CONFLICT**

After the Ottoman Empire, which had dominated that region of the Middle East, was defeated in World War One, Britain seized control of the region known as Palestine.

A majority of Arabs and a minority of Jews lived in the region, along with many smaller ethnic groups.

When the international world tasked the UK with creating a "national home" for Jews in Palestine, tensions between the two peoples increased. This was a result of the 1917 Balfour Declaration, which was a promise given to the Jewish population in Britain by then-foreign secretary Arthur Balfour.

The proclamation was accepted by the newly established League of Nations, which served as the model for the United Nations, in 1922 and was inscribed in the British mandate over Palestine. Although Palestinian Arabs also claimed the land and were against the relocation, Jews considered Palestine to be their ancestral home.

Jews began to arrive in greater numbers between the 1920s and the 1940s; many of them were escaping persecution in Europe, particularly the Nazi Holocaust during World War Two. There was also a rise in violence against British rule and between Jews and Arabs. The UN decided in 1947 to divide Palestine into Jewish and Arab states, with Jerusalem becoming a global metropolis. Though it was never carried out, the Arab side rejected the idea, which was approved by Jewish officials.

Jewish leaders claim that the State of Israel was established in 1948 after Britain left due to its inability to resolve the issue of the state. Israeli soldiers occupied the West of Jerusalem, while Jordanian forces occupied the East. In the decades that followed, there were further conflicts and violence because there was never a peace treaty.

Gaza is a small area of land surrounded by Israel and the Mediterranean Sea. At just 41 km (25 miles) long and 10 km wide, it is one of the most densely populated areas on Earth, home to almost two million people. Following the 1948–1949 conflict, Egypt occupied Gaza for 19 years. During the 1967 conflict, Israel invaded Gaza and remained there until 2005, during which time it established Jewish settlements.<sup>1</sup>

## **EFFORTS IN CONFLICT RESOLUTION**

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<sup>1</sup> Israel gaza war: History of the conflict explained (2023) BBC News. Available at: <https://www.bbc.com/news/newsbeat-44124396> (Accessed: 07 April 2024).

Between the 1990s and 2010s, there were intermittent negotiations between Israel and Palestine that were interrupted by violent outbursts.

In the beginning, a negotiated peace did appear to be feasible. In 1993 the Oslo peace process was immortalized with a ceremony led by President Bill Clinton on the White House lawn. The Palestine Liberation Organization (PLO), Israel's longtime foe, was acknowledged by both the Palestinians and the State of Israel as the exclusive representative of the Palestinian people on a momentous occasion. The goal of resettling Jews in the conquered Palestinian territory was expedited by the Israelis. Hamas, a hostile Palestinian organization that just surfaced, despatched suicide bombers to kill Israeli citizens and destroy any hopes of a deal.

Israel's climate deteriorated, leading to the killing of Israeli Prime Minister Yitzhak Rabin on November 4, 1995, by a Jewish extremist. Efforts were made in the 2000s to bring the peace process back to life, and in 2003 the global powers created a roadmap with the ultimate goal of a two-state solution. However, this blueprint was never put into action. After failed 2014 negotiations between Israel and the Palestinians in Washington, peace attempts eventually came to a halt. The US-prepared peace plan from the previous administration, which was dubbed "the deal of the century" by Prime Minister Netanyahu, was rejected by the Palestinians as being biased and never materialized. It was drafted under President Trump's administration.

## **LEGAL VIOLATIONS**

Israel has been under increasing pressure for its policies, which seem to be punishing Gaza's civilian population as a whole. The prolonged blockade and frequent attacks have resulted in a significant number of civilian casualties, particularly children, prompting international groups to demand investigations. A large number of Palestinians have reportedly died as a result of Israeli operations since October 7th, raising concerns about the discriminatory and proportionate nature of these attacks. Serious claims have also been made that Israel has used white phosphorous, a chemical that has terrible effects on human tissue, in crowded areas of Gaza. Because of the indiscriminate suffering that it causes, its usage in civilian areas may be in violation of IHL. Armed organizations in Palestine are charged with war crimes for continuously hitting Israeli civilians, attacking with the rockets into Israeli territory without warning, and using people as human shields. Since the conflict's resurgence, the government has reported that these activities have resulted in about 1,400 Israeli deaths, which is a violation of the fundamental rules of IHL. The UN report also restates the widely held belief that Israel

may have committed war crimes due to its settlement activity in the West Bank and East Jerusalem as well as the eviction of residents. The UN asserts that Israel retains effective sovereignty over Gaza even after its withdrawal in 2005, with responsibilities under international humanitarian law to meet the needs of the local populace. Prosecution of grave crimes such as war crimes and genocide may take place through the International Criminal Court (ICC). The International Criminal Court (ICC) has received strong international backing, despite Israel's claims that it lacks jurisdiction and concerns about Palestine's statehood. The seriousness of the problem is shown by Palestine's 2015 ICC admission and the demands that followed for an examination of Israeli settlements.

International human rights law has placed the Israeli occupation under further scrutiny due to its prolonged duration. It is the duty of the Palestinian administration and the Israeli government to protect the human rights of the people they rule, including Hamas, which is the de facto ruler of Gaza. Rights organizations have made accusations of apartheid and persecution of Palestinians, which has complicated the moral and legal framework regulating the war. There is an urgent need for official declarations from legal authorities regarding the applicability of international law to the current situation, given the ongoing investigation by the International Criminal Court (ICC) and the growing body of evidence gathered by human rights organizations.

The intention is to send a message that any organization found guilty of war crimes, regardless of its military or political power, could be subject to judicial action. It is believed that seeking accountability is essential to breaking the cycle of violence and preserving the fundamentals of international law. To sum up, the UN's ongoing efforts to collect proof and record these possible violations highlight how crucial it is to abide by the established rules of war. The need for justice and responsibility cannot be overstated, and the world community is waiting for more information.

## **HUMAN RIGHTS VIOLATIONS**

Article 1 of the EU Charter of Fundamental Rights states that “the dignity of the human person is not only a fundamental right in itself but constitutes the real basis of fundamental rights. Human dignity is inviolable. It must be respected and protected.” The conflict between Israel and Gaza violates the right to dignity through civilian deaths, displacement, and restricted access. Israelis as well as Palestinians experience a loss of life, homes, and basic amenities that

dilutes their security consciousness and sense of belonging. Arbitrary detentions, movement restrictions, living in perpetual fear and trauma are part of everyday Palestinian existence. Likewise, the Israelis suffer from violence fears and insecurity. To address these abuses there is need for dialogue commitment towards human rights plus international law which will assure dignity and wellbeing for all those affected by the conflict. The right to privacy is present in section 29 of the Human Rights Act 2019. According to this section, Right to Security applies not just to criminal justice processes like detention or arrest, rather it can be relevant in any circumstance where a person's security (both physical and mental) is threatened. Israel-Gaza strife puts personal safety and security at risk for innocent lives on every side. Palestine is frequented by airstrikes, artillery shelling and Israeli incursions resulting in civil casualties that cause widespread panic on the ground. Furthermore, Israelis are often exposed to rocket attacks launched by Palestinian armed groups hence causing traumatic experiences that disrupt normal daily activities. Furthermore, the conflict leads to displacements thus making individuals vulnerable while destabilizing communities. The sustainability of all peoples' safety can only come about if concerted efforts are made to address the root causes of conflicts with a view to peaceful coexistence.

### **CHALLENGES TO PEACEBUILDING**

Domestic Israeli and Palestinian issues, such as coalition politics, educational reform, state institution-building, and secular-religious divides, have a significant impact on the conflict as a whole and on international efforts to find a peaceful solution.

Administrative detention keeps a large number of Palestinians behind bars. They become into a ticking time bomb that is ready to go off if let loose. Furthermore, the hatred of the other present in both cultures is giving rise to nationalists and resentment toward the other. This resentment can take many forms, including bitterness without any hope of healing, bitterness that keeps one from realizing the suffering of the other, bitterness that keeps one from acknowledging the other, bitterness against creating a shared future, bitterness against pursuing peaceful coexistence, bitterness against both societies and cultures, and bitterness against shared equality, prosperity, and the pursuit of happiness for a shared society and capital. Lastly, we can include animosity toward mutual understanding and peace.

We must ask: Where is a disarmament, demobilization, and reintegration (DDR) strategy for military reform for individuals who seek peace in the Israeli-Palestinian conflict? Where are the forums for compromise on ideas of human rights, justice, equality, and peace, as well as for

the expression of the truth and empathy for others in need? Where are the rebuilding of infrastructures that conform to equality and institutional reforms? Where are the humanitarian concerns, refugee returns, cooperation, and explanations regarding contentious matters like territory or other issues that are up for debate? Where is the disarmament and crisis management component of a single security architecture? Where are the expressions of regret and friendship that pay tribute to the victims?

Where are the efforts to restore justice and equality through reparations and other means? Where is the collaboration on diplomatic, legal, ecological, and economic matters, including helping each other out when a tragedy strikes? What about collaboration within civic society, such as youth and student exchanges or city twinning?

## **RECOMMENDATIONS AND FUTURE PROSPECTS**

**Two-State Resolution:** This solution calls for the creation of Israel and Palestine, two independent states that will coexist in safety and harmony. The status of Jerusalem, the borders, the Palestinian refugees' right of return, and the security plans for both states would all need to be discussed during negotiations.

**Regional Cooperation:** Including other Arab neighbors and the larger international community in the peace process can help to stabilize and provide further support.

Security issues, economic growth, and the Arab world's acceptance of Israel can all be addressed through regional collaboration.

**International mediation:** can help to secure a fair process and facilitate negotiations by maintaining the involvement of international entities such as the United States, the European Union, the United Nations, or other neutral parties.

**Initiatives in Culture and Education:** Divides can be closed by supporting educational projects and cultural exchange programs that foster acceptance, tolerance, and understanding. If future generations are raised in an environment of respect and gratitude for one another, long-term peace might be easier to maintain.

**Measures to Promote Confidence and Maintain Calm:** A favorable atmosphere for talks can be produced by enacting quick ceasefires and confidence-boosting initiatives. The release of prisoners, the relaxation of travel restrictions, and other acts of kindness are examples of trust-building strategies.

Open Diplomacy and Community-Based Initiatives: Establishing a foundation for peace can be aided by promoting grassroots activities that advance communication and understanding as well as encouraging interpersonal encounters.

## **CONCLUSION**

The ongoing war between Israel and Palestine is a threat to humanity, if conflicts like these will not be solved through deliberations and discussions, then it would pave the way for more such conflicts and wars. Today's era is not an era of violence, rather it's an era of peace-building. The war has taken several innocent lives from both sides, which is not acceptable as we live in a globalized world, where the rights and dignity of every single man is respected.

Both parties' rights and ambitions must be acknowledged in the pursuit of peace, and there must be a desire to have open and sincere discussions. Initiatives for regional cooperation, economic growth, and education can support diplomatic efforts by creating a climate that is favorable to mutual understanding and trust. Furthermore, international support and mediation are essential for directing talks and guaranteeing the execution of any resolution that is reached.

The need for a fair and long-lasting resolution to the Israel-Palestine issue is growing more pressing as the world observes its toll on human life and its geopolitical repercussions. Though the road to peace is paved with obstacles, there is yet hope for a shared future based on respect, cooperation, and cohabitation. A thorough and long-lasting peace in the region can only be achieved by persistent efforts, empathy, and a dedication to communication. The Israel-Palestine conflict highlights the shared obligation of the international community to work toward a more peaceful and just world and serves as a sobering reminder of the necessity for collective resolve in resolving long-standing issues.

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