

Palestine Under Attack: Humanitarian Principles in Case of Armed Conflict

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Abstract

This research examines the application of International Humanitarian Law in armed conflicts and the involvement of countries in blockades to promote peace. It reveals that Humanitarian Law is enforced through the 1977 Additional Protocol, which governs international and non-international armed conflicts. The study also highlights Israel's use of retaliatory Cast Lead operations in response to Hamas rocket attacks, which pose a threat to Israeli citizens' safety. A narrative review is a research method that defines a topic, searches for relevant literature, organizes it, analyzes findings, and presents results in narrative form. It is suitable for broad overviews and provides flexible analysis. The ancient state of Israel, established by Shaul around 1025 BC, faced conflicts with the Palestinian nation, leading to the rise of groups like Fatah, Hamas, and the Palestine Liberation Organization. The Israeli Navy declared a blockade of the Gaza Strip in 2009, but the status of occupation remains questionable. International Humanitarian Law (IHL) is needed to protect victims affected by the conflict, and law enforcement mechanisms include diplomatic settlements, criminal investigations, and warnings. International Humanitarian Law is consistently respected and enforced, despite ongoing breaches, particularly in armed conflicts. Blockades, such as Israel's infringement on Gaza, have resulted in widespread pain and loss of lives, highlighting the need for a more balanced approach to conflict resolution.

Keywords

Armed conflict, Humanitarian, Israeli, Hamas.

Introduction

The Hamas-Israel conflict is a protracted and complex disagreement in the Middle East, characterized by profound historical, religious, political, and national identity factors.¹ The conflict originated with the founding of the State of Israel in 1948, resulting in a protracted fight between Jewish settlers and Palestinian Arabs about land, sovereignty, and national rights.² Hamas, an Islamist movement established in 1987 during the First Intifada, has emerged as a pivotal actor in the fight against Israel.³ Hamas aims to build an autonomous Palestinian state controlled by Islamic law, which entails regaining the land now recognized as Israel. Israel perceives Hamas as a significant national security danger, countering its rocket assaults and terrorist activities with military operations and retaliatory strikes. The war is geographically focused on the Gaza Strip and the West Bank, two Palestinian regions governed by distinct types of authority.⁴ Since 2007, Gaza has been governed by Hamas and often serves as a focal point for armed conflicts with Israel. The siege enforced by Israel and Egypt around Gaza has intensified the humanitarian catastrophe, leaving millions of inhabitants in urgent need of essential necessities. Cycles of violence, including airstrikes, rocket fire, and retaliatory assaults, have sustained a continuous spiral of warfare. The dispute is profoundly divisive on the global scene. Israel gets robust support from nations such

¹ Gabriel T Abumbe, Alagh Terhile, and Dede Chinyere Helen, “Hamas-Israel Conflicts In Gaza And Its Implications For Middle East Stability,” *Global Journal of Social Sciences* 23, no. 1 (2024): 157–78.

² P R Kumaraswamy, *The Arab-Israeli Conflict: A Ringside View* (Routledge India, 2023).

³ Liliana-Maria Tivadar, “The Gaza Strip and the Israel-Hamas Conflict: From 2008 until Nowadays,” *Acta Musei Napocensis. Historica* 58, no. 58 (2021): 293–311.

⁴ Nigel Parsons and Mark B Salter, “Israeli Biopolitics: Closure, Territorialisation and Governmentality in the Occupied Palestinian Territories,” *Geopolitics* 13, no. 4 (2008): 701–23.

as the United States^{5,6,7}, but Hamas obtains moral and material assistance from countries like Iran and Turkey.^{8,9,10} Moreover, organizations such as the United Nations and numerous international bodies have pursued diplomatic resolutions; however, these initiatives often fail owing to political impasse and insufficient agreement among the parties concerned. The war has inflicted severe human suffering on both Israelis and Palestinians. Numerous people on both sides have perished, and millions remain in a state of dread and uncertainty while the battle continues. The siege, bombings, evictions, and limited access to essential resources have precipitated a grave humanitarian catastrophe, especially in Gaza, characterized by chronic shortages of food, potable water, and medical supplies. The Hamas-Israel conflict, characterized by entrenched causes and divergent interests, presents a formidable diplomatic challenge for the international community in seeking settlement.

Under the framework of International Law, States initiate cooperative interactions with other States in order to foster improved relations.¹¹ The nature of the interaction between subjects of International Law, which encompasses more than just the State, is susceptible to change in accordance with evolving times and circumstances, as shown by global experience and historical events. Diplomacy is crucial for preserving and sustaining fluctuations in relationships. The primary goal of nations engaging in international relations is to satisfy their own national interests.¹² Frequently, while pursuing their own national interests, nations often encounter disputes or conflicts arising from conflicting interests, particularly with relation to state sovereignty. Whether it is a quarrel or dispute that can be peacefully handled via diplomacy or a dispute that escalates into military

⁵ (Safran, 1963

⁶ Schoenbaum, 1993

⁷ Zanotti, 2014)

⁸ (Hroub, 2009

⁹ Benjamin, 2016

¹⁰ Szekely & Szekely, 2017)

¹¹ Jeffrey Dunoff et al., *International Law: Norms, Actors, Process* (Aspen Publishing, 2023).

¹² Paul Arthur Berkman, "Evolution of Science Diplomacy and Its Local-Global Applications," *European Foreign Affairs Review* 24, no. Special (2019).

combat as a means of resolving the issue. International military conflict often arises when diplomatic negotiations between two or more nations reach an impasse. The Law of War, currently known as Humanitarian Law, governs armed confrontations that were formerly referred to as wars.¹³ Historically, hostilities or military confrontations known as wars were governed by the Laws of War.¹⁴ Periodically, this legislation undergoes further evolution and has now become known as International Humanitarian Law.¹⁵ International Relations studies focus on the examination of conflict and violence as intriguing subjects that are continuously analyzed as modes of interaction among international entities.¹⁶

War is the most intense kind of conflict that occurs between two or more parties. This kind of engagement has persisted from the inception of human civilization up to the present day. Throughout antiquity, substantial evidence of this interplay has been discovered. An armed conflict is a volatile occurrence characterized by intense violence and animosity between opposing groups. Throughout the annals of warfare, it has been unequivocally shown that armed combat is not only characterized by unjust practices, but also engenders acts of extreme brutality. The subject of conflict and war has emerged as a current concern in the field of International Law, particularly when there are human casualties resulting from these occurrences. The recurring armed conflicts unequivocally infringe against human rights since they entail violence and inflict human suffering, therefore contradicting fundamental human principles. While not desired by all parties, it is undeniable that armed conflict persists in the international arena, despite numerous countries having ratified international conventions and agreements aimed at preserving global peace and security by preventing

¹³ Gary D Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge University Press, 2021).

¹⁴ Geoffrey S Corn, Ken Watkin, and Jamie Williamson, "The Law in War: A Concise Overview," 2023.

¹⁵ Maria Alejandra Gomez Duque, "Towards a Legal Reform of Rape Laws Under International Human Rights Law," *Georgetown Journal of Gender and the Law* 22, no. 3 (2021): 489–91.

¹⁶ Georg Sørensen, Jørgen Møller, and Robert H Jackson, *Introduction to International Relations: Theories and Approaches* (Oxford university press, 2022).

armed conflicts. The primary catalysts for the occurrence and persistence of armed conflicts nowadays are undoubtedly state security concerns and urgent circumstances. Armed conflict arises from divergent objectives with other countries or internal disputes inside a country.¹⁷ It is essential to prevent the use of armed conflict as a means of resolving problems. Nevertheless, endeavors to prevent conflict on our planet are unattainable. Therefore, to mitigate the anguish inflicted by this conflict, a convention or international treaty was established to govern warfare. The general public has little awareness of Humanitarian Law, which is a subset of Public International Law. Similarly, the name generates significant misunderstanding due to its rather deceptive nature. Humanitarian Law is often regarded as a modern term for what was once referred to as Laws of War. The evolution of terminology from “Laws of War” to “Laws of Armed Conflict” and finally to “Humanitarian Law” (International Humanitarian Law Applicable in Armed Conflict).¹⁸ Humanitarian law does not scrutinize the motives behind a country’s decision to engage in armed conflict or instigate war.¹⁹

The rationale for engaging in warfare has no significance or relevance in the context of Humanitarian Law. Humanitarian law refers to a set of international rules that are created through international agreements or customs. These rules are designed to address humanitarian issues that arise from both international and non-international armed conflicts. The purpose of humanitarian law is to restrict the parties involved in a conflict from using any methods or means of warfare they choose, as well as to protect individuals and their property that may be affected by the conflict. The field of International Humanitarian Law encompasses both Geneva Law and Hague Law. The Geneva law governs the safeguarding of individuals affected by armed conflict, while the

¹⁷ Laurie R Blank, “Irreconcilable Differences: The Thresholds for Armed Attack and International Armed Conflict,” *Notre Dame L. Rev.* 96 (2020): 249.

¹⁸ NWALA Paul, “An Examination of International Humanitarian Law of Armed Conflict: Perspective from the Legal Issues on War Crimes in Africa,” *Wukari International Studies Journal* 6, no. 2 (2022): 22.

¹⁹ Miriam Bradley, “From Armed Conflict to Urban Violence: Transformations in the International Committee of the Red Cross, International Humanitarianism, and the Laws of War,” *European Journal of International Relations* 26, no. 4 (2020): 1061–83.

Hague law focuses on the methods and processes used during warfare. The following text provides an elucidation of Hague Law and Geneva Law, which serve as the primary foundations of legal principles. This research identifies the Hamas-Israel conflict from history and humanitarian perspective.

Literature Review

International humanitarian law (IHL) regulates armed conflicts and distinguishes between international armed conflicts (IACs) involving states and non-international armed conflicts (NIACs).²⁰ The difference has historical origins and legal ramifications for the implementation of International Humanitarian Law (IHL).²¹ Prior to World War II, international humanitarian law mostly pertained to interstate conflicts, with internal conflicts not acknowledged as wars under international law until rebels received belligerent status²². The Geneva Conventions of 1949 set the difference between International Armed Conflicts (IACs) and Non-International Armed Conflicts (NIACs).^{23,24,25} Common Article 3 of the Geneva Conventions provides basic protections in NIACs. The 1977 Additional Protocols made the legal frameworks even clearer.²⁶ Protocol I dealt with International Armed Conflicts (IACs)²⁷, and Protocol II added to the rules for Non-International Armed Conflicts (NIACs).²⁸ The difference influences combatant status, prisoner safeguards, and the legality of attacking

²⁰ Akande, "Classification of Armed Conflicts: Relevant Legal Concepts."

²¹ Alexander, "A Short History of International Humanitarian Law."

²² Solis, *The Law of Armed Conflict: International Humanitarian Law in War*.

²³ Yoram Dinstein, *Non-International Armed Conflicts in International Law* (Cambridge University Press, 2021).

²⁴ Matthias Vanhullebusch, *The Law of International Humanitarian Relief in Non-International Armed Conflicts*, vol. 59 (Brill, 2021).

²⁵ Ajla Škrbić, "Armed Conflict," in *Encyclopedia of Law and Development* (Edward Elgar Publishing, 2021), 16–19.

²⁶ Artem Sergeev, "Applying Additional Protocol II of the Geneva Conventions to the United Nations Forces: Legal Insights on a Growing Responsibility," *Journal of International Humanitarian Legal Studies* 8, no. 1–2 (2017): 234–54.

²⁷ Marco Sassòli, "International and Non-International Armed Conflicts," in *International Humanitarian Law* (Edward Elgar Publishing, 2024), 227–54.

²⁸ Dinstein, *Non-International Armed Conflicts in International Law*.

certain entities. Legal frameworks have progressed toward standardizing regulations for both categories of conflicts, with the Tadić Case and the ICRC Study on Customary International Humanitarian Law indicating that customary law has broadened safeguards for non-international armed conflicts.^{29,30} Still, countries are still hesitant to fully compare non-international armed conflicts (NIACs) to international armed conflicts (IACs). This is because they are worried about sovereignty, involvement, and the legitimacy of armed groups that are not part of a state. The difference is legally significant, since ascertaining whether a dispute is international or non-international influences the relevant legal regulations. Elements such as foreign intervention, occupation, and insurgency may obscure the distinctions between International Armed Conflicts (IACs) and Non-International Armed Conflicts (NIACs).

International humanitarian law (IHL) seeks to regulate and mitigate the consequences of armed conflict; nevertheless, it lacks a definitive definition of “armed conflict”.³¹ Legal literature delineates many sorts of disputes without instituting definitive criteria for their differentiation. The absence of clarity complicates the identification of applicable legal standards for certain circumstances. The paper examines this topic by classifying armed conflicts according to international humanitarian law and assessing the evolution of legal judgments in recent years. International armed conflicts (IACs) typically denote hostilities between two or more sovereign nations, according to Common Article 2(1) of the Geneva Conventions.³² The notion of IAC has evolved, particularly with the 1949 Geneva Conventions and the 1977 Additional Protocol I, which acknowledged “wars of national liberation” as

²⁹ Laurent Gisel, Tilman Rodenhäuser, and Knut Dörmann, “Twenty Years on: International Humanitarian Law and the Protection of Civilians against the Effects of Cyber Operations during Armed Conflicts,” *International Review of the Red Cross* 102, no. 913 (2020): 287–334.

³⁰ Jean-François Quéguiner, “The Principle of Distinction: Beyond an Obligation of Customary International Humanitarian Law,” in *The Legitimate Use of Military Force* (Routledge, 2016), 161–87.

³¹ Solis, *The Law of Armed Conflict: International Humanitarian Law in War*.

³² Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge university press, 2022).

international conflicts.^{33,34,35,36} Non-international armed conflicts (NIACs) include confrontations between state military forces and organized non-state armed organizations, or between such groups independently.³⁷ These disputes are regulated under Common Article 3 of the Geneva Conventions and Additional Protocol II.³⁸ The criteria for classifying a Non-International Armed Conflict (NIAC) hinge on two elements: the severity of violence and the structure of armed factions.³⁹ Additional Protocol II establishes other criteria for the categorization of non-international armed conflicts; however, it excludes conflicts involving non-state actors.⁴⁰ Certain disputes elude definitive categorization, prompting legal discussions about their classification. Foreign involvement in armed conflicts that aren't international may

³³ Noam Zamir, "The History of the Distinction between International and Non-International Armed Conflicts," in *Classification of Conflicts in International Humanitarian Law* (Edward Elgar Publishing, 2017), 10–47.

³⁴ Kubo Macak, *Internationalized Armed Conflicts in International Law* (Oxford University Press, 2018).

³⁵ Jessica Whyte, "The" Dangerous Concept of the Just War": Decolonization, Wars of National Liberation, and the Additional Protocols to the Geneva Conventions," in *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, vol. 9 (University of Pennsylvania Press, 2018), 313–41.

³⁶ Noelle Higgins, "The Geneva Conventions and Non-International Armed Conflicts," in *Revisiting the Geneva Conventions: 1949-2019* (Brill Nijhoff, 2019), 168–89.

³⁷ Heleen Hiemstra and Ellen Nohle, *The Role of Non-State Armed Groups in the Development and Interpretation of International Humanitarian Law* (Springer, 2019).

³⁸ Emily Crawford, "Interpreting the Geneva Conventions: Subsequent Practice Instead of Treaty Amendments? A Case Study of Non-International Armed Conflicts under Common Article 3," in *Law-Making and Legitimacy in International Humanitarian Law* (Edward Elgar Publishing, 2021), 117–40.

³⁹ Nathan Derejko, "A Forever War? Rethinking the Temporal Scope of Non-International Armed Conflict," *Journal of Conflict and Security Law* 26, no. 2 (2021): 347–76.

⁴⁰ Martha M Bradley, "Classifying Non-International Armed Conflicts: The 'Territorial Control' Requirement under Additional Protocol II in an Era of Complex Conflicts," *Journal of International Humanitarian Legal Studies* 11, no. 2 (2020): 349–84.

become internationalize.⁴¹ However, current legal frameworks distinguish between engagements between states and those involving rebel groups, making the law less consistent. Multinational troops in non-international armed conflicts may be regarded as participants in the war, yet the debate persists over the classification of such engagements as international or non-international. The Rome Statute of the International Criminal Court (ICC) categorizes war crimes in both international and non-international wars⁴², while establishing a novel criterion that defines non-international armed conflicts (NIACs) as necessitating “protracted armed conflict”⁴³, introducing a temporal threshold. The ICC’s Pre-Trial Chamber has construed criteria as necessitating prolonged military conflicts, confounding categorization further. The legal categorization of armed conflicts under international humanitarian law is essential since distinct legal regulations apply to international and non-international wars. As wars progress, international law must adjust to provide effective humanitarian safeguards.

The modern interpretation of combat rules is called international humanitarian law.^{44,45,46} It is a part of international law that governs interactions between states. Its goal is to protect people who are not fighting, like the sick and injured, prisoners, and civilians, while also laying out the rights and duties of fighting parties during hostilities. Many times, international lawyers explain that the term “international humanitarian law” used to only refer to the “Geneva” part of the *ius in*

⁴¹ Patricia L Sullivan, *Who Wins?: Predicting Strategic Success and Failure in Armed Conflict* (Oxford University Press, 2012).

⁴² Josef Mrázek, “International Criminal Court, War Crimes and Crimes against Humanity,” in *The Rome Statute of the ICC at Its Twentieth Anniversary* (Brill Nijhoff, 2018), 65–82.

⁴³ Stefan Robert McClean, “From Theory to Reality: A Definition for the Termination of Non-International Armed Conflicts,” *Journal of Conflict and Security Law* 28, no. 3 (2023): 533–67.

⁴⁴ Dieter Fleck, *The Handbook of International Humanitarian Law* (Oxford University Press, 2021).

⁴⁵ Page Wilson, “The Myth of International Humanitarian Law,” *International Affairs* 93, no. 3 (2017): 563–79.

⁴⁶ Jonathan Crowe and Kylie Weston-Scheuber, *Principles of International Humanitarian Law* (Edward Elgar Publishing, 2013).

*bello*⁴⁷, which focused on humanitarian issues, as opposed to “Hague” law, which was more about the methods of warfare. However, this difference has been made up from different points of view for a long time, and it is now thought that both parts of the law are based on humanitarian concerns and overlap. As a result, the phrase “international humanitarian law” includes all international rules that deal with armed conflict, such as customary, conventional, Hague, and Geneva rules.⁴⁸ International lawyers often conceptualize the history of international humanitarian law in two predominant narratives: one depicts the humanization of warfare and legal frameworks, while the other portrays a narrative of imperialism and subjugation.⁴⁹ The conventional narrative of international humanitarian law asserts that rules of war have perpetually existed to mitigate the devastation of conflict.⁵⁰ The ancients, medieval knights, and early modern jurists all attest to the documentation of this issue. It is not only a Western issue. Various civilizations, including China, Japan, India, and the Islamic world, possess distinct traditions about the laws of combat.⁵¹ Nevertheless, the endeavor to limit warfare has encountered several obstacles. The drive to codify the rules of war began in the 19th century, leading to the establishment of contemporary international humanitarian law. The Lieber Code, which was made to control how Union soldiers behaved during the American Civil War⁵², was the first time that rules for war were written down. The Battle of Solferino in 1859 is seen as a turning point in the history of modern humanitarian law.⁵³ Henry Dunant, a Swiss citizen, was moved by the

⁴⁷ Stefan Kirchner, “Modern International Humanitarian Law,” in *International Law* (Routledge, 2018), 231–56.

⁴⁸ Jean-Marie Henckaerts, “The Development of International Humanitarian Law and the Continued Relevance of Custom,” in *The Legitimate Use of Military Force* (Routledge, 2016), 117–33.

⁴⁹ Anne Peters and Tom Sparks, *The Individual in International Law* (Oxford University Press, 2024).

⁵⁰ Thomas G Weiss, *Humanitarian Intervention* (John Wiley & Sons, 2016).

⁵¹ Samuel P Huntington, “The Clash of Civilizations?,” in *The New Social Theory Reader* (Routledge, 2020), 305–13.

⁵² Richard Shelly Hartigan, *Military Rules, Regulations and the Code of War: Francis Lieber and the Certification of Conflict* (Routledge, 2017).

⁵³ Peter J Hoffman and Thomas G Weiss, *Humanitarianism, War, and Politics: Solferino to Syria and Beyond* (Rowman & Littlefield, 2017).

plight of wounded soldiers and helped get the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field ratified in 1864.⁵⁴ This was the start of the Geneva tradition of humanitarian law. This conventional narrative often merges a lengthy history of diverse interpretations of the rules of war with contemporary international humanitarian law. While it is recognized that previous frameworks governing the rules of war differ from contemporary international humanitarian law, the emphasis is placed on their common ‘humanitarian’ principles and the continuity between them. Historical narratives often use the phrase international humanitarian law indiscriminately, obscuring any distinctions between them. This negative point of view, along with the common accepted history it talks about, places our current understanding of international humanitarian law within a long line of rules that have been in place since the beginning of time. By using these histories, attorneys may demonstrate the enduring nature of international humanitarian law and strengthen whatever assertions they may wish to make about it. A well-established history makes assertions regarding the moral legitimacy, authority, and standing of the field more difficult to contest. Histories of international humanitarian law both reflect and influence the contemporary understanding of the discipline.

The discord between Israelis and Palestinians stems from two conflicting historical narratives.⁵⁵ The Israeli battle of independence represents a significant “*nakbah*” (disaster) for Palestinians, as Jewish immigration to Palestine surged in response to European persecution

⁵⁴ A P V Rogers, “Wounded, Sick and Shipwrecked,” in *Law on the Battlefield* (Manchester University Press, 2024), 66–96.

⁵⁵ Andrew Pilecki and Phillip L Hammack, “Negotiating the Past, Imagining the Future: Israeli and Palestinian Narratives in Intergroup Dialog,” *International Journal of Intercultural Relations* 43 (2014): 100–113.

over the 19th and 20th centuries and Zionist propaganda.^{56,57,58,59,60} The struggle began after the First World War and the dissolution of the Ottoman Empire.^{61,62} In December 1917, British and Allied forces commanded by Sir Edmund Allenby conquered Gaza and Jerusalem, while the remainder of the nation was controlled by British troops.^{63,64} In May 1916, Britain, France, and Russia executed the Sykes-Picot Agreement, which violated the accord established between Sir Henry McMahon^{65,66,67}, the High Commissioner of Egypt, and Emir Hussein ibn Ali of Mecca from July to October 1915, stipulating that Palestine

⁵⁶ Ilan Pappé, *A History of Modern Palestine* (Cambridge University Press, 2022).

⁵⁷ Ilan Pappé, *The Forgotten Palestinians: A History of the Palestinians in Israel* (Yale University Press, 2011).

⁵⁸ Martin Bunton, *The Palestinian-Israeli Conflict: A Very Short Introduction* (OUP Oxford, 2013).

⁵⁹ Akan Malici, *An Introduction to the Israeli-Palestinian Conflict* (Taylor & Francis, 2025).

⁶⁰ Michael Scott-Baumann, *The Shortest History of Israel and Palestine: From Zionism to Intifadas and the Struggle for Peace (Shortest History)* (The Experiment, LLC, 2023).

⁶¹ Mustafa Aksakal, "The Limits of Diplomacy: The Ottoman Empire and the First World War," *Foreign Policy Analysis* 7, no. 2 (2011): 197–203.

⁶² Ryan Gingeras, *Fall of the Sultanate: The Great War and the End of the Ottoman Empire 1908-1922* (Oxford University Press, 2016).

⁶³ LCDR Geronimo Nuño, *Incomplete Victory: General Allenby and Mission Command in Palestine, 1917-1918* (Pickle Partners Publishing, 2015).

⁶⁴ Kristian Coates Ulrichsen and Kristian Coates Ulrichsen, "Intensification of Wartime Control, 1917–18," in *The Logistics and Politics of the British Campaigns in the Middle East, 1914–22* (Springer, 2011), 63–78.

⁶⁵ Michael D Berdine, *Redrawing the Middle East: Sir Mark Sykes, Imperialism and the Sykes-Picot Agreement* (Bloomsbury Publishing, 2018).

⁶⁶ Peter Shambrook, *Policy of Deceit: Britain and Palestine, 1914-1939* (Simon and Schuster, 2023).

⁶⁷ Eugene Rogan, "The First World War and Its Legacy in the Middle East," in *The Oxford Handbook of the Contemporary Middle East and North African History* (Oxford University Press, 2015), 93–108.

would achieve independence as an Arab territory.^{68,69,70,71} In November 1917, British Secretary of State Arthur Balfour articulated his renowned proclamation, pledging British support for the establishment of a Jewish homeland in Palestine.^{72,73,74,75} A British military government was established upon the seizure of Jerusalem, and a basic international framework was provided for Britain under Article 22 of the Covenant of the League of Nations, signed in 1919.^{76,77,78} On April 2, 1947, Britain, diminished by the Second World War and eager to reduce its expensive military presence, submitted the Palestinian issue to the United

⁶⁸ Ilias Bantekas and Moza Al-Thani, “Self-Determination and Territorial Agreements in the Middle East: From the Ottomans to Colonial Rule,” *Emory International Law Review* 39, no. 1 (2024): 77.

⁶⁹ Karin Loevy, “Reinventing a Region (1915–22): Visions of the Middle East in Legal and Diplomatic Texts Leading to the Palestine Mandate,” *Israel Law Review* 49, no. 3 (2016): 309–37.

⁷⁰ Ian Black, *Enemies and Neighbors: Arabs and Jews in Palestine and Israel, 1917–2017* (Atlantic Monthly Press, 2017).

⁷¹ Hanafi Wibowo, *Palestine: Long Road To Freedom* (Neosphere Digdaya Mulia, 2024).

⁷² Robert W Storey, “A Step-by-Step Reappraisal of the Irreversible Journey from the Balfour Declaration of 1917 to the Partition of Palestine in 1947” (Kingston University, 2019).

⁷³ Bernard Regan, *The Balfour Declaration: Empire, the Mandate and Resistance in Palestine* (Verso Books, 2017).

⁷⁴ Shambrook, *Policy of Deceit: Britain and Palestine, 1914–1939*.

⁷⁵ William M Mathew, “War-Time Contingency and the Balfour Declaration of 1917: An Improbable Regression,” *Journal of Palestine Studies* 40, no. 2 (2011): 26–42.

⁷⁶ N. Wheatley, “Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations,” *Past & Present* 227, no. 1 (May 1, 2015): 205–48, <https://doi.org/10.1093/pastj/gtv020>.

⁷⁷ S. Ilan Troen, “Conquest, Treaties and Self-Determination,” in *Israel/Palestine in World Religions* (Cham: Springer Nature Switzerland, 2024), 21–42, https://doi.org/10.1007/978-3-031-50914-8_2.

⁷⁸ Isaiah Friedman, *British Pan-Arab Policy 1915–1922* (Routledge, 2017), <https://doi.org/10.4324/9781315081953>.

Nations.^{79,80} The UN General Assembly formed a Special Committee on Palestine to verify facts and mediate all matters pertaining to the Palestine conflict. The majority proposal suggested dividing Palestine into three distinct entities: an Arab state, a Jewish state, and an international administration overseeing Jerusalem.^{81,82,83,84,85} Nevertheless, the Zionists embraced the suggested division since it provided acknowledgment of the Jewish state and allocated around 55% of Palestine to the forthcoming Jewish state.^{86,87} The Arabs rejected it, and the British administration was reluctant to enforce a policy that was unacceptable to both parties. The Palestinian refugee issue has reached legendary proportions, with the majority of Palestinians residing in Jordan⁸⁸, where they comprised two-thirds of the population and were granted citizenship in 1949. The Arab-Israeli war of 1967 had ravaged Arab

⁷⁹ Ellen Jenny Ravndal, “‘The First Major Test’: The UN Secretary-General and the Palestine Problem, 1947–9,” *The International History Review* 38, no. 1 (January 20, 2016): 196–213, <https://doi.org/10.1080/07075332.2015.1023212>.

⁸⁰ William M. Mathew, “The Balfour Declaration and the Palestine Mandate, 1917–1923: British Imperialist Imperatives,” *British Journal of Middle Eastern Studies* 40, no. 3 (July 2013): 231–50, <https://doi.org/10.1080/13530194.2013.791133>.

⁸¹ David Lyon et al., *Surveillance and Control in Israel / Palestine*, ed. Elia Zureik (Routledge, n.d.).

⁸² Lori A. Allen, “Determining Emotions and the Burden of Proof in Investigative Commissions to Palestine,” *Comparative Studies in Society and History* 59, no. 2 (2017): 385–414, <https://doi.org/10.1017/S0010417517000081>.

⁸³ Elad Ben-Dror, *Ralph Bunche and the Arab-Israeli Conflict*, 1st ed. (Routledge, 2015), <https://doi.org/10.4324/9781315764573>.

⁸⁴ Rashid Khalidi, “1948 and after in Palestine: Universal Themes?,” *Critical Inquiry* 40, no. 4 (June 2014): 314–31, <https://doi.org/10.1086/676410>.

⁸⁵ Neil Caplan, *Futile Diplomacy: The United Nations, the Great Powers and Middle East Peacemaking 1948–1954*, 1st ed. (Routledge, 2013), <https://doi.org/10.4324/9781315037806>.

⁸⁶ Sammy Smooha, *Arabs and Jews in Israel*, 1st ed. (Routledge, 2019), <https://doi.org/10.4324/9780429033209>.

⁸⁷ Nadim N. Rouhana and Areej Sabbagh-Khoury, “Settler-Colonial Citizenship: Conceptualizing the Relationship between Israel and Its Palestinian Citizens,” *Settler Colonial Studies* 5, no. 3 (July 3, 2015): 205–25, <https://doi.org/10.1080/2201473X.2014.947671>.

⁸⁸ Arieh J. Kochavi, “The US, Britain and the Palestinian Refugee Question after the Six Day War,” *Middle Eastern Studies* 48, no. 4 (July 2012): 537–52, <https://doi.org/10.1080/00263206.2012.682575>.

states⁸⁹, resulting in Israel seizing the Golan Heights from Syria, Gaza and the Sinai Peninsula from Egypt, and the West Bank from Jordan, thereby acquiring the remaining land of ancient Palestine. In 1973, Syria and Egypt launched an invasion against Israel, resulting in the Yom Kippur War.⁹⁰ A shift in the war's dynamics compelled Israel to accept a US-mediated disengagement deal. During the renewed armed conflict in the Middle East from 1973 to 1974, efforts to establish a ceasefire showed how important it is to see these agreements as part of a larger plan to get all sides to work together to solve important problems that are causing the conflict.⁹¹ Former Secretary of State Henry Kissinger successfully facilitated the requisite agreements for military withdrawals.^{92,93} During the 1970s, the Palestinian struggle achieved notable gains, with the Palestinian Liberation Organization (PLO) establishing representation in over 80 countries.^{94,95,96,97} On September 22, 1974, the UN General

⁸⁹ Uzi Rabi and Chelsi Mueller, "The Gulf Arab States and Israel since 1967: From 'No Negotiation' to Tacit Cooperation," *British Journal of Middle Eastern Studies* 44, no. 4 (October 2, 2017): 576–92, <https://doi.org/10.1080/13530194.2017.1360013>.

⁹⁰ David Rodman, *Israel in the 1973 Yom Kippur War: Diplomacy, Battle and Lessons* (Liverpool University Press, 2016).

⁹¹ Itamar Rabinovich and Haim Shaked, *From June To October: Middle East Between 1967 and 1973* (Routledge, 2017), <https://doi.org/10.4324/9780203791325>.

⁹² R Gerald Hughes and Thomas Robb, "Kissinger and the Diplomacy of Coercive Linkage in the 'Special Relationship' between the United States and Great Britain, 1969–1977*," *Diplomatic History* 37, no. 4 (September 1, 2013): 861–905, <https://doi.org/10.1093/dh/dht061>.

⁹³ Stephan Kieninger, "A Preponderance of Stability: Henry Kissinger's Concern over the Dynamics of Ostpolitik," *Journal of Transatlantic Studies* 17, no. 1 (March 13, 2019): 42–60, <https://doi.org/10.1057/s42738-019-00003-3>.

⁹⁴ Jillian Becker, *The PLO: The Rise and Fall of the Palestine Liberation Organization* (AuthorHouse, 2014).

⁹⁵ Paul Chamberlin, "The Struggle Against Oppression Everywhere: The Global Politics of Palestinian Liberation," *Middle Eastern Studies* 47, no. 1 (January 1, 2011): 25–41, <https://doi.org/10.1080/00263201003590300>.

⁹⁶ Anne Irfan, "Palestine at the UN: The PLO and UNRWA in the 1970s," *Journal of Palestine Studies* 49, no. 2 (February 1, 2020): 26–47, <https://doi.org/10.1525/jps.2020.49.2.26>.

⁹⁷ Osamah F Khalil, "The Radical Crescent: The United States, the Palestine Liberation Organisation, and the Lebanese Civil War, 1973–1978," *Diplomacy &*

Assembly included “the Palestine question” on its agenda for the first time, despite significant Israeli opposition.^{98,99,100} King Hussein endorsed the Rabat resolution stipulating that any freed area shall return to its rightful Palestinian proprietors under the aegis of the PLO.^{101,102} The rejectionist coalition, consisting of the PFLP, PFLP-GC, pro-Iraq Arab Liberation Front, and the Front for the Popular Palestinian Struggle, condemned the Rabat decision.¹⁰³ By early 1970, Palestinian guerrilla groups intensified their operations against Israel, mostly from Lebanon, provoking Israeli reprisals.^{104,105} The facade of tranquility was shattered in 1982 when the Israeli air force violated the truce along its northern border and struck Palestinian targets inside Lebanon.^{106,107} The newly established Lebanese government, under Bashir Gemayel, was killed on

Statecraft 27, no. 3 (July 2, 2016): 496–522, <https://doi.org/10.1080/09592296.2016.1196071>.

⁹⁸ Abdelhamid Abdejljaber, “The UN and the Palestine Question: Security and Conflict in the Middle East,” in *Changing Security Paradigm in West Asia* (Routledge, 2022), 55–72.

⁹⁹ Honaida Ghanim, “The Palestine Question,” in *The Oxford Handbook of the Sociology of the Middle East* (Oxford University Press, 2022), 97.

¹⁰⁰ Joana Ricarte, “The UN Approach to the ‘Question of Palestine’ During the Cold War BT - The Impact of Protracted Peace Processes on Identities in Conflict: The Case of Israel and Palestine,” ed. Joana Ricarte (Cham: Springer International Publishing, 2023), 117–59, https://doi.org/10.1007/978-3-031-16567-2_5.

¹⁰¹ May Barakat and Yasser Amouri, “Who Is Representing the Palestinian People: The Palestine Liberation Organization or the State of Palestine? The Aftermath of United Nations General Assembly Resolution 67/19,” *Arab Law Quarterly* 38, no. 1–2 (2022): 50–79, <https://doi.org/10.1163/15730255-bja10115>.

¹⁰² Avraham Sela, “The PLO at Fifty: A Historical Perspective,” *Contemporary Review of the Middle East* 1, no. 3 (September 27, 2014): 269–333, <https://doi.org/10.1177/2347798914542326>.

¹⁰³ ISHAMALI and Ibiang, “Peace Agreements: Instruments of Resolving Conflict in Israeli-Palestinian Conflict.”

¹⁰⁴ Zach Levey, “The United States, Israel and the 1976 Red Lines in Lebanon,” *The International History Review* 44, no. 4 (September 6, 2022): 772–90, <https://doi.org/10.1080/07075332.2021.1976811>.

¹⁰⁵ Tomáš Michalák, “The Palestinians and the Outbreak of Civil War in Lebanon (1975),” *Asian and African Studies* 22, no. 1 (2013).

¹⁰⁶ Al J Venter, *Lebanon: Levantine Calvary, 1958–1990* (Casemate Publishers, 2017).

¹⁰⁷ Seth J Frantzman, *The October 7 War: Israel’s Battle for Security in Gaza* (Wicked Son, 2024).

September 14th, and the Israel Defense Forces let right-wing Christian militias enter the Palestinian refugee camps of Sabra and Shatila to eliminate the last Palestinian resistance.^{108,109} By 1985, it became evident to Israel and its supporter, the United States, that its strategy in Lebanon was in disarray.^{110,111,112,113} The historical relationship between Israel and Palestine toward peace has been intricate and multifarious.^{114,115,116,117} US President Jimmy Carter was the first proponent of a Palestinian state yet, the US maintained its policy of refraining from engagement with the

¹⁰⁸ Rami Siklawi, "The Palestinian Resistance Movement In Lebanon: Survival, Challenges, and Opportunities," *Arab Studies Quarterly* 39, no. 3 (February 3, 2017): 923–37, <https://doi.org/10.13169/arabstudquar.39.3.0923>.

¹⁰⁹ Asher Kaufman, "Rethinking The Root Causes of The First Lebanon War: Bringing Together Lebanon and The Palestinian Occupied Territories, 1977–1982.," *Israel Studies* 29, no. 3 (2024).

¹¹⁰ Charles D Freilich, "Israel in Lebanon—Getting It Wrong: The 1982 Invasion, 2000 Withdrawal, and 2006 War," *Israel Journal of Foreign Affairs* 6, no. 3 (January 1, 2012): 41–75, <https://doi.org/10.1080/23739770.2012.11446518>.

¹¹¹ Daniel Byman, "The Lebanese Hizballah and Israeli Counterterrorism," *Studies in Conflict & Terrorism* 34, no. 12 (December 1, 2011): 917–41, <https://doi.org/10.1080/1057610X.2011.621114>.

¹¹² Augustus Richard Norton, "Hizrallah and the Israeli Withdrawal from Southern Lebanon," in *Warfare in the Middle East since 1945* (Routledge, 2017), 483–96.

¹¹³ Bernard Reich and Shannon Powers, "The United States and Israel: The Nature of a Special Relationship," in *The Middle East and the United States, Student Economy Edition* (Routledge, 2018), 220–43.

¹¹⁴ Beste İşleyen, "Governing the Israeli–Palestinian Peace Process: The European Union Partnership for Peace," *Security Dialogue* 46, no. 3 (June 29, 2015): 256–71, <https://doi.org/10.1177/0967010615579563>.

¹¹⁵ Ian Nelson, "Infinite Conditions on the Road to Peace: The Second New Labour Government's Foreign Policy Approach to the Israeli–Palestinian Conflict after 9/11," *Contemporary British History* 33, no. 1 (January 2, 2019): 123–53, <https://doi.org/10.1080/13619462.2018.1535974>.

¹¹⁶ Jamil Hilal, "The Fragmentation of the Palestinian Political Field," *Contemporary Arab Affairs* 11, no. 1–2 (March 21, 2018): 189–216, <https://doi.org/10.1525/caa.2018.000012>.

¹¹⁷ GUY HARPAZ and ASAF SHAMIS, "Normative Power Europe and the State of Israel: An Illegitimate EUtopia?," *JCMS: Journal of Common Market Studies* 48, no. 3 (June 4, 2010): 579–616, <https://doi.org/10.1111/j.1468-5965.2010.02065.x>.

Palestinian Liberation Organization (PLO).^{118,119} In 1988, the PLO repudiated terrorism and advocated for a ‘two-state solution,’ resulting in the Gulf War and the US-led Madrid peace conference in 1991.^{120,121,122,123} Israel opposed the Oslo project, which aimed to establish a Palestinian state on the West Bank, leading to Rabin’s assassination in 1995.^{124,125,126} Benjamin Netanyahu came to power in opposition to the original 1993 peace deal.^{127,128,129} President Clinton’s proposal resolved the impasse, and Ehud Barak’s electoral success prompted conversations between Israeli and Palestinian negotiators, resulting in the Sharm el-

¹¹⁸ Jørgen Jensehaugen, *Arab-Israeli Diplomacy under Carter: The US, Israel and the Palestinians* (Bloomsbury Publishing, 2018).

¹¹⁹ Janice J Terry, “Unrequited Hope: Obama and Palestine,” *Arab Studies Quarterly* 39, no. 3 (February 3, 2017): 896–909, <https://doi.org/10.13169/arabstudquar.39.3.0896>.

¹²⁰ Shlomo Ben-Ami, *Prophets Without Honor: The 2000 Camp David Summit and the End of the Two-State Solution* (Oxford University Press, 2022).

¹²¹ Hani Faris, *The Failure of the Two-State Solution: The Prospects of One State in the Israel-Palestine Conflict* (Bloomsbury Publishing, 2013).

¹²² Hasan Afif El-Hasan, *Israel or Palestine? Is the Two-State Solution Already Dead?: A Political and Military History of the Palestinian-Israeli Conflict* (Algora Publishing, 2010).

¹²³ Rex Brynen, “The Palestinians and Confidence Building Measures in the Arab-Israeli Conflict: The Implications of Statelessness,” in *Confidence Building Measures in the Middle East* (Routledge, 2019), 33–70.

¹²⁴ Efraim Karsh, “Israel 25 Years after the Oslo Accords: Why Did Rabin Fall for Them?,” *Middle East Quarterly*, 2018.

¹²⁵ Hassan Jabareen, “20 Years of Oslo: The Green Line’s Challenge to the Statehood Project,” *Journal of Palestine Studies* 43, no. 1 (November 1, 2013): 41–50, <https://doi.org/10.1525/jps.2013.43.1.41>.

¹²⁶ Uri Ben-Eliezer, “Internal Struggle around the Oslo Agreements BT - Old Conflict, New War: Israel’s Politics toward the Palestinians,” ed. Uri Ben-Eliezer (New York: Palgrave Macmillan US, 2012), 29–51, https://doi.org/10.1057/9781137027573_3.

¹²⁷ Aluf Benn, “Israel’s Self-Destruction: Netanyahu, the Palestinians, and the Price of Neglect,” *Foreign Aff.* 103 (2024): 44.

¹²⁸ Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995 to 2002* (Other Press, LLC, 2021).

¹²⁹ Zaki Shalom, “The Controversy Surrounding Prime Minister Netanyahu’s Position Regarding the Two-State Solution—Background and Implications,” in *Polarization and Consensus-Building in Israel* (Routledge, 2023), 240–60.

Sheikh Agreement.¹³⁰ This agreement includes a pledge to establish a framework agreement on permanent status issues by February 2000 and to finalize the phased 13% Israeli redeployment in the West Bank by January 20, 2000.^{131,132,133,134} Nonetheless, the Israeli government's settlement policy continued unaltered, supported by the National Religious Party. The Ministry of Construction and Housing announced tenders for 2,600 units during the initial three months of Barak's administration, and the Cabinet resolved that the vast majority of the 42 outpost settlements established in the concluding months of Netanyahu's administration would be permitted to persist. On July 5, 2000, President Clinton convened an open-ended summit at Camp David with Prime Minister Barak and PLO chairman Yasser Arafat to establish a framework agreement on 'final status' concerns.^{135,136,137,138} Three nationalist parties within his governing coalition, however, withdrew their support for the government due to Barak's failure to consult them on the magnitude of concessions he was willing to offer at

¹³⁰ Daniel E Zoughbie, *Indecision Points: George W. Bush and the Israeli-Palestinian Conflict* (MIT Press, 2014).

¹³¹ Geoffrey Aronson, *Israel, Palestinians and the Intifada: Creating Facts on the West Bank* (Taylor & Francis, 2024).

¹³² George J Mitchell and Alon Sachar, *A Path to Peace: A Brief History of Israeli-Palestinian Negotiations and a Way Forward in the Middle East* (Simon and Schuster, 2017).

¹³³ Yair Hirschfeld, "Maintaining the Struggle for a Two-State Solution Under Sharon and Olmert (2001–2009) BT - The Israeli–Palestinian Peace Process: A Personal Insider's Account," ed. Yair Hirschfeld (Cham: Springer Nature Switzerland, 2024), 163–91, https://doi.org/10.1007/978-3-031-43285-9_8.

¹³⁴ Efraim Inbar, "Israel's Palestinian Dilemmas" (Begin-Sadat Center for Strategic Studies, February 4, 2016), <http://www.jstor.org/stable/resrep04450>.

¹³⁵ William B Quandt, *Camp David: Peacemaking and Politics* (Brookings Institution Press, 2015).

¹³⁶ Ben-Ami, *Prophets Without Honor: The 2000 Camp David Summit and the End of the Two-State Solution*.

¹³⁷ Michele K Esposito, "Update on Conflict and Diplomacy," *Journal of Palestine Studies* 41, no. 1 (November 1, 2011): 147–88, <https://doi.org/10.1525/jps.2011.XLI.1.147>.

¹³⁸ Adi Schwartz and Eytan Gilboa, "The False Readiness Theory: Explaining Failures to Negotiate Israeli-Palestinian Peace," *International Negotiation* 28, no. 1 (2022): 126–54, <https://doi.org/10.1163/15718069-bja10059>.

Camp David.^{139,140} As Prime Minister Ehud Barak faced an impending electoral defeat in December 2000, President Clinton proposed a comprehensive framework that included the establishment of a Palestinian state in 94-96% of the West Bank, the joint administration of East Jerusalem, and the right of refugees to return to Palestine.^{141,142,143} Following the principles outlined by President Clinton, the Palestinian and Israeli teams, led by Mahmoud Abbas and Yossi Beilin, convened in the Egyptian resort of Taba to negotiate an agreement.^{144,145,146} The Oslo framework for the Israeli-Palestinian conflict addresses three core issues: land, Jerusalem, and conflict resolution.^{147,148,149} The strategy employs a

¹³⁹ Ian J Bickerton, "The Oslo Peace Process and the Camp David Summit, 1993–2000," in *Routledge Companion to the Israeli-Palestinian Conflict* (Routledge, 2022), 136–52.

¹⁴⁰ Oren Barak, *State Expansion and Conflict: In and between Israel/Palestine and Lebanon* (Cambridge University Press, 2017).

¹⁴¹ M L C Rost, "In Peaces: The Bush Administration and the Israel-Palestine Conflict, 2001-2006" (2010).

¹⁴² Mariana Trindade, "The Israeli-Palestinian Road Towards Peace: The Camp David-Taba Case Study, 2000-2001" (Universidade Catolica Portuguesa (Portugal), 2023).

¹⁴³ Steven L Spiegel, "The Origins of the Relationship of the United States to the Israeli-Palestinian Conflict Emerge in the Immediate Aftermath of World War II. At the End of the War, Americans Were Publicly Focused on the Holocaust and Jews in the European Displaced Persons'," in *The Routledge Handbook on the Israeli-Palestinian Conflict* (Routledge, 2013), 295.

¹⁴⁴ Trindade, "The Israeli-Palestinian Road Towards Peace: The Camp David-Taba Case Study, 2000-2001."

¹⁴⁵ Wael Abdelhafez, "Three Years of Abrahamic Accords: A Contemporary Episode of False Peace" (University of Arkansas, 2024).

¹⁴⁶ Gregory S. Mahler, *The Arab-Israeli Conflict: An Introduction and Documentary Reader*, 3rd ed. (London: Routledge, 2023), <https://doi.org/10.4324/9781003348948>.

¹⁴⁷ Ghazi-Walid Falah, "The (Im)Possibility of Achieving a Peaceful Solution to the Israeli-Palestinian Conflict," *Human Geography* 14, no. 3 (July 2, 2021): 333–45, <https://doi.org/10.1177/19427786211019014>.

¹⁴⁸ Amir Lupovici, "Ontological Security and the Israeli–Palestinian Peace Process: Between Unstable Conflict and Conflict in Resolution," in *Conflict Resolution and Ontological Security* (Routledge, 2014), 33–51.

¹⁴⁹ Lior Lehrs, "Jerusalem on the Negotiating Table: Analyzing the Israeli-Palestinian Peace Talks on Jerusalem (1993-2015)," *Israel Studies* 21, no. 3 (February 4, 2016): 179–205, <https://doi.org/10.2979/israelstudies.21.3.09>.

gradual interim method, allowing Palestinians to progressively obtain sovereignty over certain cities or portions of territory, which would be expanded incrementally. This technique significantly depends on several independent circumstances that may adversely affect the chances for peace. The unsuccessful summit meeting, after seven years of diplomatic efforts, underscores the significance of these issues. Innovative conflict resolution grounded in justice is essential to address these problems. The primary concern is the proportion of territory that Palestinians would ultimately get for a sovereign state. During Camp David II, when Yasser Arafat and Ehud Barak convened under Clinton's mediation, the territorial problem revealed the little progress made by the two sides since Oslo.^{150,151,152,153} The second and most challenging problem that persists is Jerusalem.¹⁵⁴ Israeli legends state that in 960 BC, Solomon ascended to the throne of Israel and constructed a temple in Jerusalem for the Ark of the Covenant.¹⁵⁵ In the next years of Christian Byzantine dominion over the city, the temple lay in ruins until its reconstruction by Caliph Abdul Malik in 691.¹⁵⁶ The exact location of the temple is currently unknown, but it is believed to be under the Dome of the Rock.¹⁵⁷ The Palestinian refugee crisis started in 1948, when Israel proclaimed independence and

¹⁵⁰ Nicholas Maalouf, "The US Mediation Team's Role in Camp David II" (University, 2018).

¹⁵¹ Jeremy Pressman, "From Madrid and Oslo to Camp David: The United States and the Arab-Israeli Conflict, 1991–2001," in *The Middle East and the United States* (Routledge, 2018), 185–202.

¹⁵² Joel Peters, "The Camp David Summit: A Tale of Two Narratives," in *Routledge Handbook on the Israeli-Palestinian Conflict* (Routledge, 2013), 87–96.

¹⁵³ Patrick Müller and Claire Spencer, "From Madrid to Camp David: Europe, the US, and the Middle East Peace Process in the 1990s," in *European-American Relations and the Middle East* (Routledge, 2010), 120–35.

¹⁵⁴ Michael Romann and Alex Weingrod, *Living Together Separately: Arabs and Jews in Contemporary Jerusalem*, vol. 1140 (Princeton University Press, 2014).

¹⁵⁵ Mario Liverani, *Israel's History and the History of Israel* (Routledge, 2014), <https://doi.org/10.4324/9781315710433>.

¹⁵⁶ Erkan Aydın, *The Holy Land Jerusalem* (Erkan Aydın, 2020).

¹⁵⁷ Pamela Berger, "Building the Dome of the Rock," in *The Crescent on the Temple* (Brill, 2012), 31–53.

entered conflict with its Arab neighbors.^{158,159,160,161} The UN forcibly displaced more than 700,000 Palestinians from their homes and sent them to refugee camps under its administration.^{162,163} The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) was founded in 1949 as a subsidiary body of the United Nations.¹⁶⁴ At Camp David, the US plan stipulated that Israel would admit around 100,000 Palestinian refugees under an internationally funded and overseen ‘family reunion’ program.^{165,166} Nonetheless, Arafat of Palestine declined, resulting in the ambiguous destiny of the majority of Palestinian refugees. The collapse of Camp David resulted in the three leaders parting ways: Clinton left the US president in 2001¹⁶⁷, Barak was followed by Sharon as Israeli prime minister¹⁶⁸, and Arafat became

¹⁵⁸ Eyal Lewin, “The Inevitable Dead End of the Arab-Israeli Conflict,” ed. Sylvia I Bergh, *Cogent Social Sciences* 2, no. 1 (December 31, 2016): 1227294, <https://doi.org/10.1080/23311886.2016.1227294>.

¹⁵⁹ Benny Morris, “1948 Refugees,” *Israel Law Review* 51, no. 1 (2018): 47–110, <https://doi.org/10.1017/S0021223717000280>.

¹⁶⁰ Michael Brecher, *Dynamics of the Arab-Israel Conflict* (Cham: Springer International Publishing, 2017), <https://doi.org/10.1007/978-3-319-47575-2>.

¹⁶¹ Jonathan Schneer, *The Balfour Declaration: The Origins of the Arab-Israeli Conflict* (A&C Black, 2011).

¹⁶² Fatina Abreek-Zubiedat, “The Palestinian Refugee Camps: The Promise of ‘Ruin’ and ‘Loss,’” *Rethinking History* 19, no. 1 (January 2, 2015): 72–94, <https://doi.org/10.1080/13642529.2014.913941>.

¹⁶³ Jalal Al Hussein, “The Palestinian Refugee Issue,” in *Routledge Handbook on Palestine* (Routledge, 2024), 364–81.

¹⁶⁴ Scott Custer Jr, “United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Protection and Assistance to Palestine Refugees,” in *International Law and the Israeli-Palestinian Conflict* (Routledge, 2010), 55–78.

¹⁶⁵ David S Wyman, *Paper Walls: America and the Refugee Crisis, 1938-1941* (Plunkett Lake Press, 2019).

¹⁶⁶ Wilbur Crane Eveland, *Ropes of Sand: America’s Failure in the Middle East*, vol. 26 (Open Road Media, 2018).

¹⁶⁷ Nigel Ashton, “Taking Friends for Granted: The Carter Administration, Jordan, and the Camp David Accords, 1977–1980,” *Diplomatic History* 41, no. 3 (June 1, 2017): 620–45, <https://doi.org/10.1093/dh/dhw062>.

¹⁶⁸ Ghassan Khatib, *Palestinian Politics and the Middle East Peace Process*, 1st ed. (Routledge, 2010), <https://doi.org/10.4324/9780203863978>.

ensnared in the complexities of the Second Intifada¹⁶⁹. Since then, the media has recognized the region as experiencing a cycle of violence. The building of a barrier wall by Israel in the West Bank is the one measure that may substantially influence the war.^{170,171,172,173,174} In the absence of consensus over territorial division, the Wall will render the issue of territory inconsequential. The contemporary conflict with Israel started after Hamas triumphed over Fatah in the Palestinian Authority's parliamentary elections in 2006, resulting in factionalism among Palestinians and granting Hamas control over the Gaza Strip.^{175,176,177,178,179}

¹⁶⁹ Samy Cohen, "'Peace for Galilee' or the Making of a New Insurgency BT," in *Israel's Asymmetric Wars*, ed. Samy Cohen (New York: Palgrave Macmillan US, 2010), 43–56, https://doi.org/10.1057/9780230112971_4.

¹⁷⁰ Elai Rettig and Eli Avraham, "The Role of Intergovernmental Organizations in the 'Battle over Framing': The Case of the Israeli–West Bank Separation Barrier," *The International Journal of Press/Politics* 21, no. 1 (November 4, 2015): 111–33, <https://doi.org/10.1177/1940161215613060>.

¹⁷¹ Simon Perry et al., "The Situational Prevention of Terrorism: An Evaluation of the Israeli West Bank Barrier," *Journal of Quantitative Criminology* 33, no. 4 (2017): 727–51, <https://doi.org/10.1007/s10940-016-9309-6>.

¹⁷² Reece Jones, *Border Walls: Security and the War on Terror in the United States, India, and Israel* (Bloomsbury Publishing, 2012).

¹⁷³ Karam Dana, "The West Bank Apartheid/Separation Wall: Space, Punishment and the Disruption of Social Continuity," *Geopolitics* 22, no. 4 (October 2, 2017): 887–910, <https://doi.org/10.1080/14650045.2016.1275576>.

¹⁷⁴ Aronson, *Israel, Palestinians and the Intifada: Creating Facts on the West Bank*.

¹⁷⁵ Manal A Jamal, "Beyond Fateh Corruption and Mass Discontent: Hamas, the Palestinian Left and the 2006 Legislative Elections," *British Journal of Middle Eastern Studies* 40, no. 3 (July 1, 2013): 273–94, <https://doi.org/10.1080/13530194.2013.791135>.

¹⁷⁶ Evan Braden Montgomery and Stacie L Pettyjohn, "Democratization, Instability, and War: Israel's 2006 Conflicts with Hamas and Hezbollah," *Security Studies* 19, no. 3 (August 31, 2010): 521–54, <https://doi.org/10.1080/09636412.2010.503514>.

¹⁷⁷ Frode Løvlie, "Explaining Hamas's Changing Electoral Strategy, 1996–2006," *Government and Opposition* 48, no. 4 (2013): 570–93, <https://doi.org/10.1017/gov.2013.3>.

¹⁷⁸ Martin Kear, *Hamas and Palestine: The Contested Road to Statehood* (Routledge, 2018), <https://doi.org/10.4324/9780429505270>.

¹⁷⁹ Aqel Mohammed Ahmed Salah, "The Hamas Movement and Its Political and Democratic Practice, 1992–2016," *Contemporary Arab Affairs* 10, no. 4 (October 21, 2017): 561–76, <https://doi.org/10.1080/17550912.2017.1401739>.

Between 2006 and 2011, several deadly confrontations and failed peace initiatives led to the achievement of a reconciliation agreement. In 2014, Fatah and Hamas established a unity government; nevertheless, the Israeli military and Hamas subsequently entered into a military battle throughout the summer of that year.^{180,181,182} In August 2014, Egypt brokered a cease-fire deal, resulting in the deaths of 73 Israelis and 2,251 Palestinians beforehand.^{183,184} The most lethal phase of warfare since 2014 began when hostilities erupted between Hamas and the IDF in May 2018.^{185,186,187,188,189,190} The Trump administration has prioritized achieving peace between Israel and the Palestinians in its foreign policy agenda.¹⁹¹

¹⁸⁰ Zaki Shalom, *Israel, the United States, and the War Against Hamas, July-August 2014: The Special Relationship under Scrutiny* (Liverpool University Press, 2019).

¹⁸¹ Tareq Baconi, *Hamas Contained: The Rise and Pacification of Palestinian Resistance* (Stanford University Press, 2018).

¹⁸² Tarek Hamoud, "Understanding October 7 through Hamas's Adaptability and Leadership Structure," *Journal of Palestine Studies* 53, no. 2 (April 2, 2024): 88–94, <https://doi.org/10.1080/0377919X.2024.2380608>.

¹⁸³ Seneca Vaught, "No Justice, No Peace Prize: Stanley 'Tookie' Williams, the 1992 Bloods-Crips Truce, and the Limits of Racial Peacekeeping," *Peace & Change* 46, no. 4 (October 1, 2021): 353–83, <https://doi.org/10.1111/pech.12493>.

¹⁸⁴ Greg Shupak, *The Wrong Story: Palestine, Israel, and the Media* (Or Books, 2018).

¹⁸⁵ Ron Schleifer, "The 2018-19 Gaza Fence Clashes: A Case Study in Psychological Warfare," *Israel Affairs* 28, no. 3 (May 4, 2022): 357–72, <https://doi.org/10.1080/13537121.2022.2066842>.

¹⁸⁶ Raphael D Marcus, "Learning 'Under Fire': Israel's Improvised Military Adaptation to Hamas Tunnel Warfare," *Journal of Strategic Studies* 42, no. 3–4 (June 7, 2019): 344–70, <https://doi.org/10.1080/01402390.2017.1307744>.

¹⁸⁷ Efraim Karsh, "From Oslo to Be'eri: How the 30-Years-Long Peace Delusion Led to Hamas's 10/7 Massacres," *Israel Affairs*, n.d., 1–49, <https://doi.org/10.1080/13537121.2024.2399882>.

¹⁸⁸ David Tal, "Israel's Wars," in *The Oxford Handbook of Israeli Politics and Society*, 2018.

¹⁸⁹ Awa Adamu, "The Fight Against Terrorism, the Common Responsibility of States? A Look at the Israel-Hamas Conflict," *American Journal of Social and Humanitarian Research* 5, no. 2 (2024).

¹⁹⁰ Efraim Inbar and Menachem Bacharach, "The Perils of Containment/Restraint in Israel's National Security Behavior," *Israel Journal of Foreign Affairs* 18, no. 1 (January 2, 2024): 35–47, <https://doi.org/10.1080/23739770.2024.2321546>.

¹⁹¹ Jonathan Rynhold, "The Second Trump Administration: Foreign Policy, the Middle East, and Israel," *Israel Journal of Foreign Affairs*, n.d., 1–15, <https://doi.org/10.1080/23739770.2024.2451481>.

In 2018, the Trump administration rescinded a longstanding US policy by terminating funding to the UN Relief and Works Agency, which assists Palestinian refugees, and relocated the American embassy from Tel Aviv to Jerusalem.¹⁹² The Trump administration's "Peace to Prosperity" plan was introduced in January 2020, but Palestinians dismissed it due to its support for possible Israeli annexation of West Bank settlements and control over an "undivided" Jerusalem.^{193,194,195}

Method

A literature review is a research method that involves gathering, evaluating, and analyzing existing literature on a specific topic or phenomenon. The process involves defining the research question, searching for relevant literature sources, selecting the literature based on relevance, quality, and publication date. The literature is then carefully read and analyzed, focusing on key concepts, major theories, research methods, findings, and limitations of the studies. The findings are organized chronologically, thematically, methodologically, or theoretically, depending on the timeline of the research, the method used, and the theories employed. The review is written in a clear and structured manner, starting with an introduction that provides background on the topic and explains the importance of the review. The review presents relevant literature either thematically or chronologically, followed by critical analysis and synthesis. The final section summarizes the findings, highlighting research gaps, unanswered questions, or areas for future research.

¹⁹² Graham G Dodds et al., *Foreign Perceptions of the United States Under Donald Trump* (Rowman & Littlefield, 2021).

¹⁹³ Dana M Landau and Lior Lehrs, "Populist Peacemaking: Trump's Peace Initiatives in the Middle East and the Balkans," *International Affairs* 98, no. 6 (November 2, 2022): 2001–19, <https://doi.org/10.1093/ia/iiaa228>.

¹⁹⁴ José S. Vericat, "A Palestinian Statelet in Gaza," *Journal of Palestine Studies* 49, no. 4 (August 1, 2020): 109–26, <https://doi.org/10.1525/jps.2020.49.4.109>.

¹⁹⁵ Una McGahern, Dalal Iriqat, and Amin Al-Haj, "Building a Border-City University in Occupied Palestine: Developing a Cross-Border 'Resistance Economy' in Practice," *Political Geography* 108 (2024): 103030, <https://doi.org/10.1016/j.polgeo.2023.103030>.

A narrative review is a research method that involves defining a topic or research question, searching for relevant literature from various sources, selecting and organizing the literature, analyzing and synthesizing findings, and presenting the results in narrative form. This method is suitable for analyzing topics that are not extensively researched or providing a broad overview. The process begins with defining the topic or research question, then searching for relevant literature from various sources such as academic journals, books, reports, or articles. The selected literature is then organized by themes or concepts to aid in structuring the review. The analysis process is more flexible than in systematic reviews, involving conceptual understanding or in-depth interpretation of the discussed themes or issues. The results are presented in narrative form, explaining how each piece of literature relates to the research question and illustrating the connections between concepts or theories. In the final section, the narrative review presents conclusions based on the literature analysis, offering recommendations for further research, highlighting gaps in existing studies, or providing new insights related to the topic.

Result and Discussion

This part discussed before the establishment of Modern Israel, Shaul established the ancient state of Israel around 1025 BC.¹⁹⁶ Conflicts arose, including the Balfour agreement in England and the war against the Palestinian nation. The Muslim community in Palestine advocated for the abolition of the Balfour promise, halt to Jewish immigration, and the establishment of a Palestinian national government. The decline of the Muslim presence in Palestine contrasts with the Jews' triumph in establishing Israel. The Muslim defense in Palestine under Ottoman Turks was vulnerable, and Muslims embraced nation-state politics. Palestinian Muslims' efforts to protect themselves from Western aggression are evident through the rise of groups like Fatah, Hamas, and the Palestine Liberation Organization. Arab nations, including Jordan,

¹⁹⁶ Anthony J Frendo, "Israel in the Context of the Ancient Near East," in *The Hebrew Bible: A Critical Companion*, ed. John Barton (Princeton University Press, n.d.), 86–106, <https://doi.org/10.1515/9781400880584-006>.

Egypt, Saudi Arabia, and Syria, have contemplated liberating Palestine from Israeli occupation since 1948. The Israeli Navy declared a blockade of the Gaza Strip in 2009 to cut off Hamas weapons. International Humanitarian Law (IHL) is necessary to safeguard victims affected by the conflict, particularly those impacted by the siege of Gaza.

A. Historical Perspective on the Establishment of Israel-Palestine Conflict

Before the establishment of Modern Israel, there was a state of Israel in the ancient period.¹⁹⁷ This state was founded and established by *Shaul*, also known as *Thalut* according to the Qur'an, around 1025 BC.¹⁹⁸ He assumed leadership over all the tribes of Israel. During that period, other conflicts arose, including the campaign to subjugate the *Amun* people in the Eastern part of Jordan and the war waged against the Palestinian nation. Prior to the establishment of the state of Israel in the Middle East, the Jewish people had a persistent aspiration to inhabit the territory of Palestine.¹⁹⁹ Multiple initiatives were undertaken, such as the Balfour agreement in England, with the aim of acquiring territory in Palestine, along with other deliberate actions intended to incite conflict.²⁰⁰ Additionally, the Muslim community from many spheres has consistently maintained a policy that ought to be implemented in Palestine. Advocate for the abolition of the Balfour promise, which they perceive as cruel and unjust towards the rights of the Palestinian people.²⁰¹ They also call for a halt to Jewish immigration and land sales to Jews. They propose the establishment of a Palestinian national government, elected by the parliament (*Tasyri'i* council), as a true representation of the community's desires.²⁰² Additionally, they seek negotiations with the British to reach an

¹⁹⁷ Colin Shindler, *A History of Modern Israel* (Cambridge University Press, 2013).

¹⁹⁸ Shindler.

¹⁹⁹ Oren Yiftachel, "Territory as the Kernel of the Nation: Space, Time and Nationalism in Israel/Palestine," *Geopolitics* 7, no. 2 (2002): 215–48.

²⁰⁰ Sahar Huneidi, *The Hidden History of the Balfour Declaration* (OR Books, 2019).

²⁰¹ Rashid Khalidi, *The Hundred Years' War on Palestine: A History of Settler Colonialism and Resistance, 1917–2017* (Metropolitan Books, 2020).

²⁰² Meirison Alizar and Qasim Muhammadi, "Islamic Sharia And Non-Muslim Citizens In Kanunname During Sultan Abdul Hamid II Of The Ottoman Empire," *Walisono: Jurnal Penelitian Sosial Keagamaan* 27, no. 1 (2019).

agreement that would ultimately free Palestine. The decline of the Muslim presence in Palestine, juxtaposed with the Jews' triumph in establishing their independent state Israel, which was established at the expense of the suffering of the Muslims in Palestine and the surrounding region, is not solely attributable to the Jews' remarkable ability to consolidate their power, garner support, and exert influence through lobbying efforts. Rather, it is largely due to the vulnerability of the Muslim defense in Palestine under the leadership of the Ottoman Turks in the early 20th century.

The Ottoman Turkish military were unable to effectively respond to the hostility of European nations²⁰³, which was mostly driven by the Jewish population inside them. Another contributing factor is the inability of Muslims to uphold unity (Pan-Islamism) for all Muslims. Instead, Muslims have embraced the concept of the nation-state, which was popularized by the West, particularly France, following its influential revolution that reshaped the global political landscape. The last point raised indicates that throughout the late 19th century and early 20th century, Muslims were strongly enticed by the prospect of achieving independence in their own nations.²⁰⁴ This unequivocally demonstrates the West's triumph in implementing nation-state politics, renowned for its slogans like "Egypt for Egyptians, not for Turkey".²⁰⁵ This marks the beginning of the fragmentation among Muslims, since they have deviated from the principles of the caliphate that were passed down by the Prophet and the *Khulaur-Rasyidin*. Due to the effectiveness of Western instigations involving nation-state politics, Ottoman Turkey, as the recognized authority of the caliphate, became the target of both external and internal assaults.²⁰⁶ Externally, there is a desire from the Western powers to exploit and seize a portion of the West's land. Internally, there is a growing yearning among Muslims to liberate themselves from the rule and caliphate of the Ottoman Turks. These two factors provide a

²⁰³ Metin Heper, "The European Union, the Turkish Military and Democracy," *South European Society and Politics* 10, no. 1 (2005): 33–44.

²⁰⁴ Charles Kurzman, *Modernist Islam, 1840-1940: A Sourcebook* (Oxford University Press, USA, 2002).

²⁰⁵ Émile De Laveleye, "Egypt for Egyptians," *Fortnightly Review*, 1882.

²⁰⁶ Fatma Müge Göçek, *The Transformation of Turkey: Redefining State and Society from the Ottoman Empire to the Modern Era* (Bloomsbury Publishing, 2011).

significant challenge for Muslims in their endeavor to protect themselves from Western aggression, particularly in the case of Palestine, where Jews have resettled in their ancestral towns after a prolonged period of residing in different European and American nations. The Palestinian Muslims' endeavor to protect themselves and seek liberation from the control of the Jewish state of Israel is evident via the rise of many groups, organizations, and prominent combatants. Fatah, Hamas, and the PLO (Palestine Liberation Organization) represent the Palestinian people and serve as their means of resistance against Israel.²⁰⁷ Furthermore, liberate Palestine from Jewish-Israeli colonialism, it is crucial to raise awareness among Muslims, especially the Palestinian people, about the significance of *Bait al-Maqdis* in Islam.²⁰⁸ This holy site holds the same level of importance as *Masjidilharam* and *Masjidnabawi*, and it is imperative that it is recognized as such.

The endeavor to free Palestine from Israeli occupation has been contemplated at the regional level by Arab nations, including Jordan, Egypt, Saudi Arabia, and Syria.²⁰⁹ The culmination of our efforts and contemplation has been achieved in the ongoing endeavor to liberate Palestine from Israeli oppression since 1948.²¹⁰ Each of the aforementioned nations is making preparations for an assault, and Egypt has taken the measure of closing off its Mediterranean shore (specifically, *Madhbiq Tiran*). Additionally, Egypt has requested that the United Nations border inspectors vacate their land.²¹¹ Prior to the Arab League team's relocation, namely on June 5, 1967, Israel, with the help of Britain and France, initiated airstrikes on Egyptian, Jordanian, and Syrian fighter

²⁰⁷ Meir Litvak, "The Islamization of the Palestinian-Israeli Conflict: The Case of Hamas," *Middle Eastern Studies* 34, no. 1 (1998): 148–63.

²⁰⁸ Ihwanarotama Bella Indriasandi and Wildana Wargadinata, "Palestine-Israel Conflict Resolution Analysis Study in the Perspective of Islamic History," *Jurnal Al-Azhar Indonesia Seri Humaniora* 8, no. 2 (2023): 102–12.

²⁰⁹ Abdul Majid Khan, "Palestine, Israel and Jordan," *India Quarterly* 6, no. 4 (1950): 341–51.

²¹⁰ Jacob Coleman Hurewitz, *The Struggle for Palestine* (Plunkett Lake Press, 2022).

²¹¹ Aaron T Wolf, *Hydropolitics along the Jordan River: Scarce Water and Its Impact on the Arab-Israeli Conflict*, vol. 99 (United Nations University Press, 1995).

jets that were stationary at their respective airports.^{212,213,214} Unexpectedly, this development has given Israel more freedom to launch offensive operations against several nations. Approximately 80% of Egypt's arsenal was destroyed during the incident.^{215,216,217} Israel successfully annexed the remaining Palestinian areas, including the West Bank measuring 5878 km and Gaza measuring 363 km².²¹⁸ The Sinai desert, measuring 61198 km, is under the control of Egypt.²¹⁹ Additionally, Israel took control of the Golan plateau, which is 1150 km².²²⁰ In addition, the Jewish fighting squad successfully infiltrated the areas of *al-Quds* and *Masjidilqsha*, chanting "*musy-musy*" and "apple".²²¹ They expressed a derogatory view towards the religion of Muhammad, stating that it has declined and lost its influence, and even made disrespectful remarks about Muhammad himself. Furthermore, they left the ladies behind. Furthermore, they vociferously exclaimed, "we must exact retribution (overcome) in Khaibar". This aforementioned historical truth deeply wounds the sentiments of Muslims who hold a profound admiration and possess a strong feeling of Islamic unity

²¹² Simon Dunstan, *The Six Day War 1967: Sinai*, vol. 212 (Bloomsbury Publishing, 2012).

²¹³ David Rodman, *Sword & Shield of Zion: The Israel Air Force in the ArabIsraeli Conflict, 1948-2012* (Liverpool University Press, 2013).

²¹⁴ Craig Daigle, *The Limits of Détente: The United States, the Soviet Union, and the Arab-Israeli Conflict, 1969-1973* (Yale University Press, 2012).

²¹⁵ Arthur Goldschmidt Jr, *Historical Dictionary of Egypt* (Rowman & Littlefield, 2023).

²¹⁶ K Subrahmanyam, "The Lessons of the 1973 Arab-Israeli War," *Strategic Analysis* 48, no. 3 (May 3, 2024): 273–90, <https://doi.org/10.1080/09700161.2024.2372755>.

²¹⁷ Ellen Morris, *The Architecture of Imperialism: Military Bases and the Evolution of Foreign Policy in Egypt's New Kingdom*, vol. 22 (Brill, 2021).

²¹⁸ Indriasandi and Wargadinata, "Palestine-Israel Conflict Resolution Analysis Study in the Perspective of Islamic History."

²¹⁹ Major General Indar Jit Rikhye, *The Sinai Blunder: Withdrawal of the United Nations Emergency Force Leading....* (Routledge, 2013).

²²⁰ Uri Davis, "The Golan Heights Under Israeli Occupation 1967-1981," 1983.

²²¹ Ofira Seliktar and Farhad Rezaei, "Deploying Proxies Against the 'Zionist Enemy' and Undermining the Oslo Peace Process," in *Iran, Revolution, and Proxy Wars*, ed. Ofira Seliktar and Farhad Rezaei (Cham: Springer International Publishing, 2020), 57–94, https://doi.org/10.1007/978-3-030-29418-2_3.

B. The Israeli Palestinian Armed Conflict

In 1948, the founding of the State of Israel sparked the first Arab-Israeli conflict, leading to the widespread displacement of Palestinians.²²² Additional battles between Israel and Arab governments include the 1956 Suez Crisis, the 1967 Six-Day War, and the 1973 Yom Kippur War.²²³ The first Palestinian Intifada, a revolt against Israel's rule of the West Bank and Gaza Strip, established Hamas in 1987.²²⁴ Two years later, Hamas executed their first assault against the Israeli army, which included the abduction and murder of two Israeli soldiers. The Oslo Accords of 1993 sought to establish a peace deal between Israel and the Palestine Liberation Organization (PLO).²²⁵ Hamas resisted the agreement and executed violent and suicide assaults against Israelis. The first Palestinian Intifada, a revolt against Israel's control of the West Bank and Gaza Strip, established Hamas (the Islamic Resistance Movement) in 1987.²²⁶ Hamas resisted the agreement and executed violent and suicide assaults against Israelis. Israel and the Palestinians failed to reach a peace agreement at the US-convened summit in July 2000. Following a two-month period, Palestinians demonstrated against Israeli opposition leader Ariel Sharon's visit to the Al-Aqsa Mosque in East Jerusalem, referred to as the Temple Mount by Jews.^{227,228} In June 2001, Hamas

²²² Benny Morris, *1948: A History of the First Arab-Israeli War* (Yale University Press, 2008).

²²³ Moshe Gat, *The Arab-Israeli Conflict, 1956–1975: From Violent Conflict to a Peace Process* (Routledge, 2017).

²²⁴ Joshua Teitelbaum and Joseph Kostiner, "The West Bank and Gaza: The PLO and the Intifada," in *Revolutions of the Late Twentieth Century* (Routledge, 2019), 298–323.

²²⁵ Avi Shlaim, "The Oslo Accord," *Journal of Palestine Studies* 23, no. 3 (1994): 24–40.

²²⁶ Rami Nasrallah, "The First and Second Palestinian Intifadas," in *Routledge Handbook on the Israeli-Palestinian Conflict* (Routledge, 2013), 74–86.

²²⁷ Yitzhak Reiter and Dvir Dimant, *Islam, Jews and the Temple Mount* (Routledge, 2020), <https://doi.org/10.4324/9781003032977>.

²²⁸ Aeyal Gross, "Reducing the Friction: A Functional Analysis of the Transformed Occupation of the Gaza Strip," in *Prolonged Occupation and International Law* (Brill | Nijhoff, 2023), 69–103, https://doi.org/10.1163/9789004503939_006.

executed deadly assaults in Israel, resulting in the deaths of 21 Israelis.²²⁹ In 2004, Israeli bombings murdered Hamas spiritual leader Sheikh Ahmed Yassin and political leader Abdel Aziz al-Rantissi in Gaza both were co-founders of Hamas.²³⁰ The leadership of Hamas and the identity of Rantissi's successor were kept confidential. In 2005, Israeli forces began the withdrawal of soldiers from Gaza, territory acquired from Egypt during the 1967 Middle East conflict, transferring authority of the Gaza Strip to the Palestinian Authority but maintaining a supervisory role.^{231,232,233} In 2006, Hamas secured the majority of seats in the Palestinian Legislative Election.²³⁴ The United States and Israel halted assistance to the Palestinians due to Hamas's refusal to denounce violence and acknowledge Israel's existence.^{235,236}

On June 25, 2006, Hamas terrorists seized Israeli soldier Gilad Shalit during a cross-border assault, prompting Israel's reprisal.²³⁷ Five years of incarceration ultimately led to Shalit's liberation.²³⁸ After a civil

²²⁹ Joshua Arsenault and Or Honig, "Israel–Hamas: From National Liberation to Partial Deterrence Stability," in *Deterring Terrorism* (Routledge, 2018), 219–47.

²³⁰ Azzam Tamimi, *Hamas: Unwritten Chapters* (Hurst Publishers, 2024).

²³¹ Eran Zohar, "The Arming of Non-State Actors in the Gaza Strip and Sinai Peninsula," *Australian Journal of International Affairs* 69, no. 4 (July 4, 2015): 438–61, <https://doi.org/10.1080/10357718.2014.988206>.

²³² Jean-Pierre Filiu, *Gaza: A History* (Oxford University Press, 2014).

²³³ Nicolas Pelham, "Gaza's Tunnel Phenomenon: The Unintended Dynamics of Israel's Siege," *Journal of Palestine Studies* 41, no. 4 (July 1, 2012): 6–31, <https://doi.org/10.1525/jps.2012.XLI.4.6>.

²³⁴ Tavishi Bhasin and Maia Carter Hallward, "Hamas as a Political Party: Democratization in the Palestinian Territories," in *Violence, Elections, and Party Politics* (Routledge, 2016), 75–93.

²³⁵ Shalom, *Israel, the United States, and the War Against Hamas, July–August 2014: The Special Relationship under Scrutiny*.

²³⁶ Audrey Wells, "Israel and the Palestinians: The Futility of Violent Revenge BT," in *The Importance of Forgiveness and the Futility of Revenge: Case Studies in Contemporary International Politics*, ed. Audrey Wells (Cham: Springer International Publishing, 2022), 103–16, https://doi.org/10.1007/978-3-030-87552-7_13.

²³⁷ Alan Dershowitz, *Terror Tunnels: The Case for Israel's Just War Against Hamas* (Rosetta Books, 2014).

²³⁸ Douglas Guilfoyle, "The Mavi Marmara Incident and Blockade in Armed Conflict," in *The British Yearbook of International Law*, vol. 81 (Oxford University Press, 2011), 171–223.

conflict on June 14, 2007, Hamas seized control of Gaza, expelling Fatah forces loyal to Palestinian President Mahmoud Abbas from the West Bank. On December 27, 2008, Israel initiated a 22-day military campaign in Gaza after rocket attacks by Palestinians on the southern Israeli town of Sderot, resulting in the deaths of about 1,400 Palestinians and 13 Israelis.²³⁹ On November 14, 2012, Palestinian terrorists assassinated Ahmed Jabari, the Chief of Staff of Hamas, following eight days of assaults and rocket fire.^{240,241,242} The abduction and murder of three Israeli teens by Hamas in 2014 ignited a seven-week conflict in Gaza, resulting in the deaths of over 2,100 Palestinians and 73 Israelis, including 67 IDF.^{243,244} In 2018, Palestinians demonstrated against Israel's closure of the Gaza border, resulting in Israeli forces firing at the protestors and causing the deaths of over 170 Palestinians within a few months.²⁴⁵ On May 7, 2021, at Al-Aqsa Mosque during Ramadan, Israeli police engaged in confrontations with Palestinian demonstrators over a dispute involving eight Palestinian families displaced from their houses in East Jerusalem by Jewish settlers. The consequences of such confrontation indicated that a minimum of 20,000 Palestinians in Gaza perished between October 7 and December 16, 2023.²⁴⁶ The 20,000 fatalities

²³⁹ Jim Zanotti, *Israel and Hamas: Conflict in Gaza (2008-2009)* (DIANE Publishing, 2010).

²⁴⁰ Mohammed Omer, *Shell Shocked: On the Ground Under Israel's Gaza Assault* (Haymarket Books, 2015).

²⁴¹ Sagit Yehoshua, "Hamas," in *Routledge Handbook of Terrorism and Counterterrorism* (Routledge, 2018), 292–301.

²⁴² Luiz Alberto Moniz Bandeira, "Great Israel, Israel and Palestina," in *The Second Cold War: Geopolitics and the Strategic Dimensions of the USA*, ed. Luiz Alberto Moniz Bandeira (Cham: Springer International Publishing, 2017), 303–20, https://doi.org/10.1007/978-3-319-54888-3_23.

²⁴³ Steven Simon and Jonathan Stevenson, "The Gaza Horror and US Policy," in *Survival* (Routledge, 2023), 37–56.

²⁴⁴ Noura Erakat, "The Sovereign Right to Kill: A Critical Appraisal of Israel's Shoot-to-Kill Policy in Gaza," *International Criminal Law Review* 19, no. 5 (2019): 783–818, <https://doi.org/10.1163/15718123-01905002>.

²⁴⁵ Mohammed Nijim, "Genocide in Palestine: Gaza as a Case Study," *The International Journal of Human Rights* 27, no. 1 (January 2, 2023): 165–200, <https://doi.org/10.1080/13642987.2022.2065261>.

²⁴⁶ Zeina Jamaluddine et al., "Traumatic Injury Mortality in the Gaza Strip from Oct 7, 2023, to June 30, 2024: A Capture–Recapture Analysis," *The Lancet*, 2025.

constituted 1 percent of Gaza's 2.2 million inhabitants. Reports from July 2024 indicated the discovery of 60 deceased individuals in the Tal al-Hawa region of Gaza City, with several more buried under debris, while Israeli forces suspended rescue operations.²⁴⁷ During this confrontation, four (4) relief workers from the Al-Khair Foundation perished in Khan Younis.²⁴⁸ In summary, media reports indicate that tensions have intensified over the years between the Israeli government and the Palestinian militant group Hamas.²⁴⁹ From October 7, 2023, to July 12, 2024, the ongoing conflict claimed the lives of at least 38,345 Palestinians and injured 88,295 Israelis, leaving many more in captivity in Palestine.²⁵⁰ The origins of the war stem from historical grievances, geographical disagreements, and divergent national ambitions. Despite ongoing intermittent violence and humanitarian concerns in the area, efforts for enduring peace have so far been unsuccessful.

C. Israel Occupied Palestine Territory—Humanitarian Perspective

The military confrontation in Gaza necessitates the presence of International Humanitarian Law (IHL) to safeguard the victims affected by the conflict, particularly those impacted by the siege of Gaza.²⁵¹ This pertains to the UN General Assembly Resolution and Advisory Opinion of the International Court of Justice in 2004. The UN General Assembly's Resolution ES/10-14 and the International Court of Justice's Advisory Opinion of 9 July 2004 confirm the implementation of International Humanitarian Law, as outlined in all Geneva Conventions IV/1949, in relation to the Israeli occupation of Palestinian land. Full adherence to the rules of Geneva Convention IV/1949 in the Israeli-

²⁴⁷ Gideon Levy, *The Killing of Gaza: Reports on a Catastrophe* (Verso Books, 2024).

²⁴⁸ Esposito, "Update on Conflict and Diplomacy."

²⁴⁹ Gadi Wolfsfeld, "The Role of the Media in Violent Conflicts in the Digital Age: Israeli and Palestinian Leaders' Perceptions," *Media, War & Conflict* 11, no. 1 (September 19, 2017): 107–24, <https://doi.org/10.1177/1750635217727312>.

²⁵⁰ Okoro Sunday Asangausung et al., "The Israel-Hamas Armed Conflict in the Middle East: A Sociological Lens," *AKSU: Journal of Administration and Corporate Governance* 4, no. 3 (2024): 111–25.

²⁵¹ Laurie R Blank, "Finding Facts but Missing the Law: The Goldstone Report, Gaza and Lawfare," *Case W. Res. J. Int'l L.* 43 (2010): 279.

occupied Palestinian territory implies that every military engagement conducted by Israeli forces in that area is classified as an international act of warfare under International Humanitarian Law (IHL). The fundamental tenet of humanitarian law regarding the use of weapons is that the preservation of human values must be upheld during times of conflict.²⁵² The intention is not to dispute a state's entitlement to engage in warfare or use armed force for self-defense, but rather to restrict the utilization of weaponry by a state while conducting warfare in order to minimize undue suffering and destruction that deviates from military goals. Humanitarian law is designed to safeguard those who are not actively involved in combat or have ceased their participation, while also restricting the means and tactics used in warfare.²⁵³

Humanitarian law encompasses both tight and wide meanings.²⁵⁴ In the restricted sense, it refers only to the Geneva Conventions. In the broad sense, it comprises War Law and Human Rights, which encompasses Hague Law, Geneva Law, and even unwritten standards. The subsequent viewpoint on humanitarian law categorizes it into two primary principles: a) The legislation that governs the permissible techniques and instruments used in warfare (The Hague Laws); b) The laws that safeguard combatants and civilians from the repercussions of conflict (Geneva Laws). Starke said that the term "laws of war" has been substituted with "international humanitarian law," as would be shown later. Starke equates the law of war with international humanitarian law. Starke defines the law of war as the restrictions imposed by international law on the use of force to defeat the enemy, as well as the principles that govern the treatment of individuals during war and armed conflict.²⁵⁵ According to this comprehension, the extent of humanitarian law may be categorized into three groups: the wide school, the medium school, and the small school. For instance, Jean Pictet subscribes to a comprehensive interpretation of humanitarian law, which encompasses Geneva Law,

²⁵² Galih Bagas Soesilo et al., *HUKUM INTERNASIONAL* (Mafy Media Literasi Indonesia, 2023).

²⁵³ Umar Suryadi Bakry, *Hukum Humaniter Internasional: Sebuah Pengantar* (Prenada Media, 2019).

²⁵⁴ Oscar Schachter, *International Law in Theory and Practice*, vol. 13 (Martinus Nijhoff Publishers, 2024).

²⁵⁵ J.G. Starke, *Pengantar Hukum Internasional* (Jakarta: Sinar Grafika, 1999).

Hague Law, and Human Rights.^{256,257,258} Conversely, Geza Herzegh subscribes to a limited perspective, asserting that humanitarian law only pertains to Geneva Law.^{259,260} Meanwhile, the perspective of humanitarian law is comprised of both Geneva Law and Hague Law.^{261,262}

Humanitarian law is applicable in the context of armed conflict, namely where there are two or more opposing parties engaged in armed combat.^{263,264,265} The significance of International Humanitarian Law (IHL) is in its ability to address the humanitarian challenges that arise during armed conflicts, therefore restraining the involved parties from engaging in excessive and arbitrary actions against each other. Even in the midst of armed conflict, the law remains necessary and applicable. The existence of war does not automatically nullify the law. Humanitarian law is also characterized by its set of principles. A legal code is based on underlying concepts, one of which is humanitarian law, a component of

²⁵⁶ Geoffrey Best, “International Humanitarian Law: Principles and Practices,” in *Ethics and Nuclear Deterrence* (Routledge, 2020), 143–65.

²⁵⁷ Gilad Ben-Nun, *The Fourth Geneva Convention for Civilians: The History of International Humanitarian Law* (Bloomsbury Publishing, 2020).

²⁵⁸ Emily L Camins, “Needs or Rights? Exploring the Limitations of Individual Reparations for Violations of International Humanitarian Law,” *International Journal of Transitional Justice* 10, no. 1 (March 1, 2016): 126–45, <https://doi.org/10.1093/ijtj/ijv035>.

²⁵⁹ John B Bellinger and Vijay M Padmanabhan, “Detention Operations in Contemporary Conflicts: Four Challenges for The Geneva Conventions and Other Existing Law,” *American Journal of International Law* 105, no. 2 (2011): 201–43, <https://doi.org/10.5305/amerjintelaw.105.2.0201>.

²⁶⁰ Francoise Bouchet-Saulnier, *The Practical Guide to Humanitarian Law* (Rowman & Littlefield Publishers, 2013).

²⁶¹ Fleck, *The Handbook of International Humanitarian Law*.

²⁶² Crowe and Weston-Scheuber, *Principles of International Humanitarian Law*.

²⁶³ Rogier Bartels, “When Do Terrorist Organisations Qualify as ‘Parties to an Armed Conflict’ under International Humanitarian Law?,” *The Military Law and the Law of War Review* 56, no. 2 (2018): 451–88.

²⁶⁴ Vito Todeschini, “The ICCPR in Armed Conflict: An Appraisal of the Human Rights Committee’s Engagement with International Humanitarian Law,” *Nordic Journal of Human Rights* 35, no. 3 (July 3, 2017): 203–19, <https://doi.org/10.1080/18918131.2017.1353213>.

²⁶⁵ Rogier Bartels, “The Classification of Armed Conflicts by International Criminal Courts and Tribunals,” *International Criminal Law Review* 20, no. 4 (2020): 595–668, <https://doi.org/10.1163/15718123-02004006>.

public international law. The field of humanitarian law encompasses many fundamental concepts, particularly.

The embargo imposed by Israel on Gaza is a unilateral and capricious measure. The embargo has been enforced since July 2007 with the aim of safeguarding Israel's security and undermining Hamas' influence in Gaza.²⁶⁶ The presence of Hamas poses a genuine and perilous threat to the state of Israel, necessitating the dismantling and eradication of the Hamas resistance and movement.²⁶⁷ Does Israel's siege comply with International Humanitarian Law (IHL) or can Israel's blockade be legally justified under International Humanitarian Law (IHL) during a military confrontation, those who are safeguarded by international law are comprised of both combatants and civilians.²⁶⁸ Combatants who are classified as "hors de combat" must be safeguarded and treated with respect under all circumstances. Combatants who fall into enemy hands obtain the status of prisoners of war.

The Geneva Convention III regulates the protection and rights of prisoners of war, whereas the protection of civilians during armed conflict is governed by the Geneva Convention IV and Additional Protocol I of 1977.²⁶⁹ The regulation and protection of civilians under International Humanitarian Law (IHL) may be distinguished based on their form and substance.²⁷⁰ IHL rules are found in both customary international law and international treaty law, based on their respective forms. The quantity of settings is very extensive. In addition, each regulatory unit operates independently. The validity of one regulatory unit is not reliant on the validity of other regulatory units. Among the many rules, one notable example is customary International Humanitarian Law (IHL). Regarding

²⁶⁶ Michael Ramsden, "Litigating the Gaza Crisis: Legal and Political Strategies in South Africa v. Israel," *Israel*, 2024.

²⁶⁷ Sherifa Zuhur, *Hamas and Israel: Conflicting Strategies of Group-Based Politics* (US Army War College, Strategic Studies Institute, 2008).

²⁶⁸ Michael N Schmitt, "Human Shields in International Humanitarian Law," in *Israel Yearbook on Human Rights* (Brill Nijhoff, 2008), 17–59.

²⁶⁹ Antonio Cassese, "The Geneva Protocols of 1977 on the Humanitarian Law of Armed Conflict and Customary International Law," *UCLA Pac. Basin LJ* 3 (1984): 55.

²⁷⁰ Nils Melzer and Etienne Kuster, "International Humanitarian Law," *A Comprehensive Introduction. Geneva: International Committee of the Red Cross*, 2019.

international humanitarian law (IHL) treaties, particularly the Hague Convention of 1899/1907, the Geneva Convention of 1949, and the 1977 Additional Protocol to the Geneva Convention of 1949.^{271,272,273} There is an aspiration to minimize the casualties and repercussions of armed conflict, as well as to deter parties involved in war from engaging in disproportionate operations against military objectives or valuable things. Furthermore, in contemporary society, weaponry has reached a high level of complexity, with a multitude of strategies and techniques used in armed conflicts. Based on its provisions, the norms of International Humanitarian Law (IHL) that safeguard individuals during armed conflicts are established on the fundamental premise of distinguishing between civilians and combatants.²⁷⁴

D. Global Response on Conflict Resolution

Numerous initiatives aimed at achieving peace in Palestine have seen instances of reconciliation, highlighting the possibility of conflict settlement via diplomatic efforts. Enacted in 1947, UN General Assembly Resolution 181 marked the initial attempt to achieve peace.^{275,276,277} It suggested the termination of the British Mandate in Palestine, splitting the country into two sovereign states: one Jewish and

²⁷¹ Antoon De Baets, “The View of the Past in International Humanitarian Law (1860–2020),” *International Review of the Red Cross* 104, no. 920–921 (2022): 1586–1620, <https://doi.org/10.1017/S1816383122000145>.

²⁷² Borhan Uddin Khan and Mohammad Nazmuzzaman Bhuiyan, “The Development of the Geneva Conventions,” in *Revisiting the Geneva Conventions: 1949-2019* (Brill | Nijhoff, 2019), 12–39, https://doi.org/10.1163/9789004375543_003.

²⁷³ Ben-Nun, *The Fourth Geneva Convention for Civilians: The History of International Humanitarian Law*.

²⁷⁴ Tom Farer, “Humanitarian Law and Armed Conflicts: Toward the Definition of International Armed Conflict,” *Colum. L. Rev.* 71 (1971): 37.

²⁷⁵ Jonathan Franco, “The Palestine Commission: The Forgotten Chapter in United Nations Peacemaking and Peacekeeping in the Arab-Israeli Conflict,” *Middle Eastern Studies* 60, no. 5 (September 2, 2024): 763–76, <https://doi.org/10.1080/00263206.2023.2280232>.

²⁷⁶ Marte Heian-Engdal, Jørgen Jensehaugen, and Hilde Henriksen Waage, “Finishing the Enterprise’: Israel’s Admission to the United Nations,” *The International History Review* 35, no. 3 (2013): 465–85.

²⁷⁷ M J Peterson, “The UN General Assembly,” in *International Organization and Global Governance* (Routledge, 2023), 277–91.

one Arab, together with an international rule for the city of Jerusalem. The Arabs opposed the partition proposal for Palestine since it mostly favored the Jews. Nevertheless, the Jewish factions embraced the proposal and proclaimed independence in the territories governed by the specified British mandate according to Resolution 181. However, a conflict erupted between the Arabs and the newly formed Israel, resulting in the definitive collapse of the peace process. Following the Six-Day War of 1967²⁷⁸, the UN Security Council Resolution 242²⁷⁹, enacted in November 1967, mandated Israel's departure from the seized areas, including the West Bank, East Jerusalem, Gaza Strip, Sinai Peninsula, and Golan Heights, although this was ineffective²⁸⁰. Following the Yom Kippur War of 1973, Egypt shifted its relations from rivalry to collaboration.^{281,282} The 1978 Camp David Accords, facilitated by then-US President Jimmy Carter, resulted in a peace deal between Israel and Egypt.²⁸³ The Oslo Accords (1993-1995), a significant peace endeavor, mandated the establishment of the Palestinian Authority (PA), granting limited self-governance to Palestinians in the West Bank and Gaza.²⁸⁴ Nonetheless, it neglected to tackle critical concerns, like the status of Jerusalem. Subsequently, in November 1995, an extremist Jew assassinated Israeli Prime Minister Yitzhak Rabin, thereby undermining the peace movement. Since Benjamin Netanyahu, a critic of the Oslo

²⁷⁸ Dunstan, *The Six Day War 1967: Sinai*.

²⁷⁹ Ruth Lapidoth, "The Misleading Interpretation of UN Security Council Resolution 242 (1967)," *Jewish Political Studies Review* 23, no. 3/4 (February 4, 2011): 7–17.

²⁸⁰ Michael Brecher, "Israel's Behavior in the 1967 and 1973 Wars: Overall Findings," in *Dynamics of the Arab-Israel Conflict: Past and Present: Intellectual Odyssey II*, ed. Michael Brecher (Cham: Springer International Publishing, 2017), 157–276, https://doi.org/10.1007/978-3-319-47575-2_10.

²⁸¹ Rodman, *Israel in the 1973 Yom Kippur War: Diplomacy, Battle and Lessons*.

²⁸² David A. Korn, *Stalemate: The War Of Attrition And Great Power Diplomacy In The Middle East, 1967-1970* (Routledge, 2019), <https://doi.org/10.4324/9780429307331>.

²⁸³ Jeremy Pressman, "Explaining the Carter Administration's Israeli-Palestinian Solution," *Diplomatic History* 37, no. 5 (November 1, 2013): 1117–47, <https://doi.org/10.1093/dh/dht056>.

²⁸⁴ Sandra Pogodda and Oliver Richmond, "Peace Formation versus Everyday State Formation in Palestine," in *Post-Liberal Peace Transitions: Between Peace Formation and State Formation* (Edinburgh University Press, 2016), 105–25.

Accords and peace efforts, became the Prime Minister of Israel in 1996, the chances of peace in Palestine have remained diminished.^{285,286} The Quartet on the Middle East comprising the United Nations, European Union, and Russia presented the 2003 Roadmap for Peace, which aimed to resolve conflicts between Israel and the Palestinians, halt Intifada-II, create two nations, and implement democratic reforms.^{287,288} Nevertheless, hostilities from both factions and the growing schism between Hamas and Fatah resulted in its collapse. The United States supported the 2007 Annapolis Conference as an initiative to preserve peace, focusing on the establishment of pre-1967 lines and the partition of Jerusalem. Nonetheless, the summit constituted just a political commitment, with no enforceable agreement established. A multitude of commentators claimed that it was a politically driven project.

The process collapsed due to internal divisions between the Palestinian Authority, which includes Mahmoud Abbas' Fatah in the West Bank, and Hamas, which secured victory in the 2006 elections and primarily governs Gaza. Additionally, the inability to resolve settlement problems and the partition of Jerusalem also played a significant role. In 2012, the UN General Assembly conferred non-member observer state status on Palestine. In 2017, US President-elect Donald Trump acknowledged Jerusalem as the capital of Israel during his first term, a decision that faced significant condemnation from Palestinians. Trump's Deal of the Century modified US backing for a two-state solution, endorsing Israel's annexation of the West Bank and proposing a demilitarized Palestinian state without defined boundaries. The Palestinians and the Arab leaders decisively opposed the action. The US-led Abraham Accords restored ties between Israel and the Arab governments of the UAE, Bahrain, and Morocco in 2020, heralding a new initiative of peace. Many viewed the agreements as the epitome of diplomatic success, asserting that they refuted Huntington's Clash of Civilizations theory. The Palestinians unequivocally rejected the

²⁸⁵ Ehud Sprinzak, "The Israeli Right and the Peace Process," in *Peacemaking in a Divided Society* (Routledge, 2014), 67–95.

²⁸⁶ Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995 to 2002*.

²⁸⁷ Edgar O'Ballance, *The Palestinian Intifada* (Springer, 2016).

²⁸⁸ Nasrallah, "The First and Second Palestinian Intifadas."

Abraham Accords, as they advocated for normalization without addressing fundamental issues, sought to legitimize Israel's territorial appropriation of Palestinian land, undermined the Palestinians' right to self-determination, and, crucially, marginalized the Palestinians despite their status as primary stakeholders.

E. Armed Conflict on Legal Anthropology Perspective

The Hamas-Israel conflict is a complex and enduring dispute in modern geopolitics, involving territorial, political, religious, and humanitarian dimensions.²⁸⁹ Legal anthropology provides a lens to examine how differing interpretations of law, sovereignty, and identity have shaped and perpetuated this struggle. The region, historically known as Palestine, has been a contested territory for centuries, with tensions escalating after the collapse of the Ottoman Empire and subsequent British Mandate. The post-1948 period saw a series of wars, including the Six-Day War in 1967, during which Israel captured the West Bank, Gaza Strip, and East Jerusalem. These territories remain central to the conflict, as they are viewed by Palestinians as part of their future state and by many Israelis as integral to their historical and religious heritage. Legal pluralism emphasizes the coexistence of multiple legal systems within a single geographical or social space, such as the Hamas-Israel conflict. The region is governed by a patchwork of legal frameworks, including Israeli domestic law, Palestinian Authority laws, Hamas' governance in Gaza, and international law. Each of these systems operates with distinct interpretations of sovereignty, justice, and legitimacy. From Israel's perspective, its legal framework is rooted in the sovereignty of the state and the need to ensure security for its citizens. This often translates into military operations, border controls, and the construction of barriers, which Israel justifies under the principle of self-defense. On the other hand, Hamas and other Palestinian groups challenge Israel's sovereignty, viewing its presence in the West Bank and blockade of Gaza as violations of international law. Hamas' governance

²⁸⁹ Loubna Madani, "Reassessing Peace: The Implications of the Abraham Accords for Conflict Resolution in the Gulf Region," *Asian Journal of Middle Eastern and Islamic Studies* 18, no. 3 (July 2, 2024): 260–81, <https://doi.org/10.1080/25765949.2024.2416845>.

in Gaza operates under a combination of Islamic law (Sharia) and political-military strategies, further complicating the legal landscape. Customary law and collective identity play a significant role in shaping legal practices and interpretations. For Palestinians, customary norms related to land ownership, community solidarity, and resistance play a significant role in their claims to the land. For Israelis, the connection to the land is similarly steeped in historical and religious narratives.

The concept of *Eretz* Israel (the Land of Israel) is central to Jewish identity and serves as a foundation for claims to sovereignty over certain territories.²⁹⁰ International law plays a significant role in framing the Hamas-Israel conflict, particularly through conventions such as the Geneva Conventions, UN resolutions, and human rights treaties. However, the application of international law is often contested. For example, Israel's settlement activities in the West Bank are widely considered illegal under international law, yet Israel disputes this interpretation, citing historical and security considerations. Legal anthropology also sheds light on the various forms of resistance and peacebuilding efforts within the conflict. Resistance takes many forms, from armed struggle and protests to cultural expressions such as art, literature. Peacebuilding efforts, though often overshadowed by violence, also play a significant role. The Hamas-Israel conflict offers valuable insights into the broader field of legal anthropology, emphasizing the importance of understanding law as a dynamic and contested process shaped by historical, cultural, and political factors. It also highlights the limitations of state-centric approaches to law and governance, particularly in contexts where non-state actors and customary practices play significant roles.

Conclusion

Before the establishment of modern Israel, there was an ancient state of Israel founded by Shaul around 1025 BC. Jewish people had a persistent aspiration to inhabit Palestine, leading to initiatives like the Balfour agreement in England. The Muslim community advocated for

²⁹⁰ Ilan Troen and Shay Rabineau, "Competing Concepts of Land in Eretz Israel," *Israel Studies* 19, no. 2 (February 4, 2014): 162–86, <https://doi.org/10.2979/israelstudies.19.2.162>.

the abolition of the Balfour promise, halt to Jewish immigration, and the establishment of a Palestinian national government. The decline of the Muslim presence in Palestine contrasts with the Jews' triumph in establishing Israel. Muslims embraced the concept of nation-state politics, leading to fragmentation and threats to their homeland. Palestinian Muslims, including Fatah, Hamas, and the PLO, seek liberation from Jewish-Israeli colonialism. Arab nations, including Jordan, Egypt, Saudi Arabia, and Syria, have been working to free Palestine from Israeli occupation since 1948. Egypt has closed off its Mediterranean shore and requested the removal of United Nations border inspectors. Israel has used airstrikes on Arab nations, allowing them to launch offensive operations. The Israeli-Palestinian conflict began in 1948 with the founding of Israel, leading to widespread displacement of Palestinians. The Palestinian Intifada in 1987 established Hamas, which resisted peace agreements and executed violent assaults against Israelis. The Israeli withdrawal from Gaza in 2005 and the Palestinian Legislative Election in 2006 led to Hamas securing majority seats. The Palestinians have demonstrated against Israel's closure of the Gaza border in 2018, resulting in the deaths of over 170 Palestinians. The Israeli-Palestinian conflict, involving Israeli police clashing with Palestinian demonstrators, resulted in 20,000 Palestinians dying between October 7 and December 16, 2023. The conflict, originating from historical grievances, geographical disagreements, and divergent national ambitions, has claimed 38,345 Palestinian lives and injured 88,295 Israelis. The ongoing conflict necessitates the presence of International Humanitarian Law (IHL) to protect victims, particularly those affected by the siege of Gaza. IHL encompasses War Law and Human Rights, including Hague Law and Geneva Law. It is applicable in armed conflicts, restraining parties from engaging in excessive and arbitrary actions. Despite ongoing intermittent violence and humanitarian concerns, efforts for enduring peace have been unsuccessful. Israel's embargo on Gaza since July 2007 aims to protect Israel's security and undermine Hamas' influence. The presence of Hamas poses a significant threat to Israel, necessitating the dismantling and eradication of the Hamas resistance movement. The blockade is governed by International Humanitarian Law (IHL), which distinguishes between combatants and civilians during armed conflicts. Various peace initiatives have attempted

to achieve peace in Palestine, but the process has been hindered by internal divisions, the partition of Jerusalem, and the failure to resolve settlement problems. The US-led Abraham Accords in 2020 restored ties between Israel and Arab governments, but the Palestinians rejected them due to their advocacy for normalization without addressing fundamental issues and the Palestinians' right to self-determination. The Israeli blockade is a unilateral and capricious measure that has been criticized for its potential to undermine international humanitarian law. The Hamas-Israel military confrontation is not only a geographical fight but a complex debate about law, identity, and legitimacy. From a legal anthropological standpoint, it elucidates the interaction between formal legal frameworks, customary practices, and the lived realities of impacted communities. Although international law offers a framework for resolving the dispute, its efficacy is constrained by a lack of agreement and the impact of political interests. To achieve settlement, it is imperative to embrace a comprehensive strategy that takes into account the cultural, historical, and legal aspects of the dispute, promoting discussion and mutual understanding as necessary conditions for enduring peace.

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