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## Question No: 01

11/20

### Israel - Gaza : A precedence of war crimes

The ongoing Israel-Palestine conflict has seen repeated cycles of violence, with major escalations leading to significant loss of life and widespread destruction. The recent events in Gaza, particularly the actions by Israel following militant attacks by Hamas, have generated significant international debate. To critically evaluate "classical example of war crimes" and international legal standards, it's necessary to assess the response from key factors like United States and International Court of Justice (ICJ).

# 1- Israel's actions in Gaza:

## Allegations of War Crimes

### 1.1- Military strategy and civilian casualties:

Israel's military actions in Gaza have often been described as disproportionate targeting densely populated areas where Hamas fighters are embedded. The high number of casualties, including women and children, raises a question about whether Israel's tactics violate international law, specifically the principle of proportionality under the Geneva Conventions.

### Targeting civilian infrastructure:

Under international law, the targeting of civilian infrastructure, unless it is being used for military purposes (e.g. weapon storage or command center) can be considered a war crime. The use of airstrikes and artillery shelling, which causes indiscriminate harm to civilians, can

be seen as a violation of Geneva Conventions, which prohibit attacks on civilian infrastructure.

### Collective Punishment:

Israel's blockade of Gaza, combined with its military strikes has been described as collective punishment, which is prohibited under international law. If the intent is to punish the whole community of Gaza for the actions of Hamas, this could be considered as a war crime.

### The Role of Hamas:

With the criticism of Israel's actions, it is important to recognize that Hamas, which governs Gaza, has also been accused of war crimes. Hamas has launched rockets indiscriminately at Israeli civilian areas, which is also a violation of international laws. The use of human shields, hiding military assets in civilian areas, and deliberate

targeting of civilians are considered violations under the laws of armed conflict.

Thus the actions on both sides are contributed to the war crimes, but it is imbalance of power and the larger scale of civilian suffering in Gaza that has garnered significant international attention and condemnation of Israel.

## The international Court of Justice and its role.

### 2.1- Lack of Binding Jurisdiction:

The ICJ has issued opinions in the past related to the Israeli-Palestinian conflict, most notably the 2004 advisory opinion on the Israeli-built West Bank Barrier. The court ruled that the construction of the barrier in occupied Palestinian territory was illegal under International law. However Israel did not comply with

the ruling, and the international community was divided over its implementation.

If Israel were to be brought before the ICJ, the attacks of Hamas on Gaza, the court could examine whether its actions in Gaza violated international legal norms, particularly the prohibition of collective punishment, the targeting of civilians, and disproportionate use of force. However, any ruling against Israel would likely be politically contentious, given its support from powerful states like the United States.

## 2.1- ICJ advisory Opinion:

As ICJ gave a similar advisory opinion before in 2004 about West Bank Barrier, but Israel did not comply it. Now, Gaza is likely facing the same challenges; Israel might refuse to comply, and states that support Israel might

block any meaningful enforcement measures.

## US Response and its Political Dimensions:

### Support for Israel:

The United States has historically been one of the Israel's strongest allies, offering it diplomatic, military and financial support. This relationship is often framed as a strategic alliance in the Middle East, with shared interests in counterterrorism, regional stability and ensuring that Israel's security is not threatened by neighbouring adversaries.

In response to criticism of Israel's military actions in Gaza, the US government has consistently expressed its support for Israel's right to defend itself against Hamas. Washington argues that Israel faces an existential threat from Hamas,

which is classified as a terrorist organization by US and many other nations.

## US Criticism of Israeli Actions

Despite strong support for Israel, some lawmakers, particularly among progressives and the left-wing of the Democratic Party, have called for more scrutiny of Israel's tactics and for holding Israel accountable for its actions.

However, the US government's response remains deeply influenced by domestic political considerations, including the influence of pro-Israel lobbying groups and strategic interests in maintain strong ties with Israel.

## Impacts on US - Arab world Relations

### Arab Perceptions of

### US Bias:

Arab governments and

Publics have increasingly voiced strong opposition to Israel's military actions, and may have criticised US for not holding Israel accountable.

The US unwavering support for Israel, particularly in the face of widespread civilian suffering in Gaza, risks alienating Arab and Muslim majority countries. Arab leaders may find it difficult to maintain strong relations with the US, while their populations demand a more critical stance on Israel.

### Potential shifts in Alliances:

In recent years, some Arab countries like the UAE and Bahrain, have pursued normalization agreements with Israel through the Abraham Accords, seeking to build economic and security ties with Israel, sometimes at the expense of the Palestinian cause.

However, public sentiment in the Arab world remains strongly



Pro-Palestinian, and any continued US alignment with Israel over Gaza could undermine these diplomatic initiatives and strain relations with both the Arab populace and governments that may feel compelled to distance themselves from US.

### Regional Instability:

Rising anti-American sentiment in the Arab world may fuel extremist groups and contribute to border instability. It may also affect US efforts to counter Iranian influence in the region, as Iran has positioned itself as a staunch supporter of the Palestinian cause and often criticizes US policies as unjust.

### Conclusion:

The disproportionate targeting of civilians, collective punishment, and targeting of civilian infrastructure could meet the criteria for war crimes under the Geneva Conventions, though the

response from international institutions like the ICT and the ICC is often complicated by political considerations.

The US response, while firmly supportive of Israel's right to self-defense may strain its relations with the Arab world, particularly as regional governments and populations become increasingly critical of Israeli actions. This could challenge US strategic objectives in the Middle East and specially reshape alliances in the region, making the dynamics of the Israeli - Palestinian conflict an important factor in US-Arab relations in the years to come.

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## Question No: 03

### Outline:

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## Introduction:

The UNGA passing a resolution in favour of a two-state solution and the recognition of Palestine as a sovereign state by several European countries reflects international sentiments for a peaceful and just solution. However, whether a two-state solution is achievable in the current political climate is a question that demands deeper scrutiny.

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## Recent Development UNGA Resolution for Two- state Solution:

In the 2023, UNGA, a resolution was passed reaffirming the commitment to a two state solution based on 1967 borders, with the East Jerusalem as the capital of the Palestinian state.

The resolution, however,

met with the mixed reactions. While many countries particularly from Global South, supported it, Israel and its main ally, US opposed it. It asserted that negotiations should be direct between Israel and Palestine without preconditions.

### European Recognition of Palestine:

Several European countries, including Sweden, Ireland and the Vatican, have recognized Palestine as a sovereign state in recent years. This recognition does not carry the same weight as full diplomatic recognition by major powers like US or the UN Security Council and it does not change the on ground realities, particularly Israel's continued occupation of Palestinian territories.

### Critically Evaluation of Two-State Solution

#### Historical Content of the Two-State Solution:

The two state solution envisioning a sovereign state of Palestine alongside Israel has been the cornerstone of peace efforts since the UN partition plan of 1947. This idea has faced numerous obstacles.

The status of the Jerusalem remain one the most contentious issue. Israel controls the entire city, including East Jerusalem, which Palestinian view as the capital of their future state.

The Palestinian political division between Fatah, which controls the West Bank, and Hamas, which controls Gaza, undermines Palestinian unity and complicates the establishment of a viable united states.

### Obstacles of the Two-State Solution:

Since the Oslo Accords (1993), which set the framework for a two-state solution, Israel's policies

including the separation wall and the road networks designed to bypass Palestinian territories, have fragmented the West Bank and Isolated Gaza making the idea of a contiguous Palestinian state increasingly unrealistic.

## Roles of the US and Global Politics:

The US veto power at the US Security Council has prevented any binding resolutions against Israel, weakening international pressure for a two state solution.

## Palestinian Internal politics

The division between Fatah (in the West Bank) and Hamas (in Gaza) is a significant obstacle to the two state solution. While Fatah has been involved in peace negotiations with Israel, while Hamas remain committed to Israel's destruction and has been resistant to any form of negotiation.

## Security Concerns and Israeli Politics:

Israeli security concerns are often cited by the government as justification for its policies, including the construction of settlements, the separation barrier and the blockade of Gaza. The security of Israel's borders particularly with Gaza and the West bank is a major factor in Israel's reluctance to make concessions.

## The Apartheid Debate:

Human Rights Watch 2021 and Amnesty International 2022 have labeled Israel's policies towards Palestinians as apartheid, arguing that Israel's system of control over Palestinian territories amounts to systematic discrimination and oppression, similar to the apartheid regime in South Africa.



## The Future of Two-State Solution:

### International pressure and changing dynamics:

The UNGA, European countries and Arab League continue to call for a two-state solution based on the 1967 borders, and there is still a significant portion of international community that sees it as the only viable path to peace. With regional normalization of relations between Israel and Arab states, the Palestinian cause has become less central to some Arab governments. While this shift may give Israel more diplomatic leverage, it risks further isolating Palestinians and undermining support for their cause.

### The Apathetic state scenario:

If two-state solution becomes unfeasible, Israel may

increasingly be seen as the  
apartheid state, with Palestinians  
in the West Bank, Gaza and  
Israel itself living under  
the discriminatory laws, limited  
freedoms and ongoing occupation.

However, Israel is  
likely to resist such a characterization  
and argue that its actions are  
based on security concerns  
rather than racial or ethnic  
discrimination.

If current scenarios  
continued, Israel may increasingly  
be viewed as an apartheid  
state rather than a democracy.  
The ongoing occupation, the  
lack of negotiations and Israeli  
government's policies towards  
Palestinians might lead to  
further erosion of Israel's legitimacy  
in the eyes of much of the  
international community. However, as of

## Security Concerns and Israeli

now, Israel is unlikely to voluntarily move toward a two-state solution without significant external pressure, especially given its security concerns and political realities.

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