
GAZA BEFORE THE WORLD COURT: STATE RESPONSIBILITY AND THE LIMITS OF INTERNATIONAL LAW IN ARMED CONFLICT

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ABSTRACT

The Gaza conflict is one of the longest-standing and intricate human conflicts of the modern period. It speaks volumes not only to the geopolitical tension of a land torn apart but also to the moral crisis of the world standing by and watching violence recur without resolution. This paper navigates through three interrelated dimensions of the conflict: the legal, humanitarian, and moral to understand how contending narratives and prolonged suffering configure the larger discourses of justice and accountability. By tracing the historical evolution of the conflict, the paper shows how deep-seated distrust, displacement, and collective trauma have diminished the prospects for coexistence. While the humanitarian dimension underlines the deepening civilian toll, the recurring displacement, infrastructure collapse, and restricted access to basic necessities return to assail human dignity during wars. The moral dimension interrogates the silence, the selective outrage, and the dwindling empathy that too often accompany such long, grinding conflicts, raising questions as to the global conscience and the ethics of indifference. Rather than looking to institutions or formal authorities for anchorage, the paper emphasizes human responsibility and moral consciousness as driving forces toward peace. It suggests that a shift in perspective from strategic dominance to shared humanity may transform how justice and reconciliation are approached. The study concludes that any sustainable path forward must place priority on compassion, moral restoration, and the reaffirmation of human worth above political or ideological gain.

Keywords: Gaza, conflict, morality, humanitarian crisis, justice, accountability, empathy, reconciliation, peacebuilding, human dignity.

I. INTRODUCTION

The ongoing conflict in Gaza stands as one of the most distressing humanitarian crises of the twenty-first century, raising serious questions about the effectiveness of international law in protecting civilians during war¹. What began as a regional territorial struggle between Israel and Palestine has now become a test case for the very foundations of the international legal system, a system designed to prevent genocide, regulate warfare, and uphold human dignity. The Gaza crisis has not only exposed large-scale human suffering but has also demonstrated how international legal institutions often bend under political pressure² from powerful states. The Gaza Strip, home to over two million Palestinians, has been described by numerous humanitarian organisations as an open-air prison³. Since 2007, Israel has imposed a strict land, air, and sea blockade⁴ on Gaza following the rise of Hamas, a Palestinian political and militant movement, to power in the territory. The blockade, justified by Israel as a security measure to prevent attacks, has effectively cut Gaza off from the rest of the world. Food, medicine, construction materials, and even electricity are tightly controlled. The result has been decades of economic collapse, mass unemployment, and immense civilian suffering. Many legal scholars argue that this situation violates the principle of proportionality under international humanitarian law⁵. In October 2023⁶, this long-standing tension erupted once again when Hamas launched an attack on Israel, killing civilians and taking hostages. Israel's response, however, was unprecedented in its scale and devastation. Intensive aerial bombardments, destruction of hospitals, schools, and refugee camps, and the restriction of food and water supplies led to an enormous civilian death toll. As of mid-2024⁷, estimates placed Palestinian casualties at over thirty-five thousand, the majority of whom were women and children. These events have reignited the question of when acts of war cross the line into crimes against humanity or even genocide. At the heart of this debate lies international law, particularly the

¹ Rashid Khalidi, *The Hundred Years' War on Palestine* (2020).

<https://us.macmillan.com/books/9781627798549/thehundredyearswaronpalestine/>

² John Dugard, *International Law and the Israeli–Palestinian Conflict: The Need for an Even-Handed Approach*, 37 Eur. J. Int'l L. 221 (2023), available at <https://academic.oup.com/ejil/article/24/3/867/481600>.

³ Amnesty Int'l, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity* (Feb. 2022), <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>.

⁴ Human Rights Watch, *Gaza: Israel's Blockade Unlawful Despite Easing*, (June 2010), <https://www.hrw.org/news/2010/06/14/gaza-israels-blockade-unlawful-despite-easing>.

⁵ Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (3d ed. 2016), available at https://assets.cambridge.org/9781107118409/frontmatter/9781107118409_frontmatter.pdf

⁶ U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel*, U.N. Doc. A/HRC/56/26 (2024), <https://www.un.org/unispal/document/coi-report-a-hrc-56-26-27may24/>.

⁷ Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel Situation Report No. 90* (Oct. 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-situation-report-90>.

Geneva Conventions,⁸ which regulate the conduct of war, and the Genocide Convention,⁹ which prohibits the intentional destruction of a people. The International Court of Justice, the principal judicial organ of the United Nations, has become the main arena for determining whether Israel's actions amount to genocide¹⁰. In December 2023, South Africa, invoking its obligations under the Genocide Convention, filed a case against Israel at the International Court of Justice¹¹. This act reflected a growing global frustration that the international system seems to protect powerful states and their allies while failing those who suffer under occupation or bombardment. This case has garnered intense international attention, not only because of the gravity of the allegations, but also because it directly challenges the credibility of international law itself. For decades, world leaders have pledged that "never again" would genocide be tolerated. Yet, in Gaza, the world watches as civilians die by the thousands, and humanitarian aid is blocked while the law remains largely unenforced. The conflict thus symbolises a deeper issue, the imbalance between law and power, where legal principles exist on paper but fail in practice when geopolitical interests are involved. That is complicated further by the role of the United States¹². The United States remains irrepressibly engaged with Israel¹³, providing direct and extensive military and diplomatic support even as international institutions call for restraint and accountability. Most legal scholars and human rights advocates consider such support to make the United States complicit in possible breaches of international law¹⁴. Such selectiveness in the administration of justice, being rigidly applied against some states and lightly against others, betrays the structural partiality of the international rule of law. This research will examine how the Gaza conflict exposes the weaknesses of international law in addressing state violence, especially when major powers are involved. It will analyse the International Court of Justice proceedings in South Africa v.

⁸ *Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, Aug. 12, 1949, 75 U.N.T.S. 287, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949..>

⁹ *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277, https://treaties.un.org/doc/Treaties/1948/12/19481209%2002-38%20AM/Ch_IV_1p.pdf.

¹⁰ Statute of the International Court of Justice, art. 1, June 26, 1945, 59 Stat. 1055, T.S. No. 993, available at <https://www.icj-cij.org/en/statute>.

¹¹ *South Africa v. Israel (Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip)*, Application Instituting Proceedings, Int'l Ct. Justice (Dec. 29, 2023), <https://www.icj-cij.org/case/192>.

¹² The White House, *Readout of President Biden's Call with Prime Minister Netanyahu* (May 2024), <https://www.whitehouse.gov/briefing-room>.

¹³ The White House, *Readout of President Biden's Call with Prime Minister Netanyahu* (May 2024), <https://www.whitehouse.gov/briefing-room>.

¹⁴ Richard Falk, "Slaughter in Gaza: The Failures of International Law and Responsible Statecraft," (Nov. 5, 2023), available at <https://richardfalk.org/2023/11/05/slaughter-in-gaza-the-failures-of-international-law-andresponsible-statecraft/>.

Israel¹⁵, the legal framework governing genocide and war crimes, and the broader political implications of the case. Ultimately, the paper will argue that the Gaza crisis is not only a humanitarian disaster but also a legal and moral test for the international community. If international law cannot protect the people of Gaza, it raises the troubling question: who, then, is it truly designed to protect?¹⁶

II. AIM OF THE STUDY

The primary aim of this research is to critically analyse how the Gaza conflict exposes the weaknesses and political limitations of international law in addressing humanitarian crises. The study seeks to evaluate whether the International Court of Justice and other global legal institutions have been effective in upholding international humanitarian and human rights law in the face of political pressure from powerful states. By focusing on the case of *South Africa v. Israel*¹⁷ at the International Court of Justice, the research aims to examine the role of international legal mechanisms in preventing genocide, protecting civilians, and ensuring accountability for violations committed during armed conflicts.

The research also intends to highlight the imbalance in the enforcement of international law, where powerful nations and their allies are often shielded from consequences while weaker states are held accountable. Through this analysis, the study aims to contribute to a broader understanding of how international law functions not only as a system of justice but also as a reflection of global political power. Ultimately, this research will argue that the ongoing situation in Gaza represents both a humanitarian catastrophe and a legal failure, questioning whether the international legal order truly serves the cause of justice or merely the interests of the powerful.

III. RESEARCH METHODOLOGY

This research adopts a qualitative and doctrinal approach, relying primarily on the analysis of

¹⁵ Antonio Cassese, *International Law* (3d ed. 2013).

<https://www.oxfordlawtrove.com/display/10.1093/he/9780199694921.001.0001/he-9780199694921.oxfordlawtrove.com+1>

¹⁶ Antonio Cassese, *International Law* (3d ed. 2013).

<https://www.oxfordlawtrove.com/display/10.1093/he/9780199694921.001.0001/he-9780199694921.oxfordlawtrove.com+1>

¹⁷ Antonio Cassese, *International Law* (3d ed. 2013).

<https://www.oxfordlawtrove.com/display/10.1093/he/9780199694921.001.0001/he-9780199694921.oxfordlawtrove.com+1>

international legal instruments, case law, and scholarly commentary. The doctrinal method focuses on interpreting primary sources of international law, including the United Nations Charter, the Geneva Conventions of 1949¹⁸, the Genocide Convention of 1948¹⁹, and relevant judgments of the International Court of Justice. The study also examines UN resolutions, reports of human rights organisations such as Amnesty International and Human Rights Watch, and statements from the UN Office for the Coordination of Humanitarian Affairs (OCHA)²⁰.

Qualitative content analysis of scholarly literature, news reports, and expert views supplements doctrinal analysis to appreciate the political dynamics that inform the enforcement or nonenforcement of international law. Comparative efforts are derived from previous cases decided by the ICJ, such as *Bosnia and Herzegovina v. Serbia and Montenegro*, 2007,²¹ to see how principles enunciated in such cases would apply to the situation in Gaza. This approach will permit an in-depth legal and political analysis of the Gaza conflict, guaranteeing that both the legal doctrines and their practical application are scrutinised properly. The normative approach shall not be restricted merely to determining violations of law but shall also extend to testing the efficiency and credibility of international law in the prevention and resolution of humanitarian disasters.

IV. HISTORY

The Gaza conflict represents one of the most enduring and complex struggles in modern international law, reflecting the failures of global institutions to uphold justice, protect civilians, and enforce accountability²². The roots of this crisis stretch back to the early twentieth century, when the disintegration of the Ottoman Empire left Palestine under British control through the League of Nations Mandate of 1922. Embedded within that mandate was

¹⁸ *Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, Aug. 12, 1949, 75 U.N.T.S. 287, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949..>

¹⁹ *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277, https://treaties.un.org/doc/Treaties/1948/12/19481209%2002-38%20AM/Ch_IV_1p.pdf.

²⁰ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel Flash Update #116* (Feb. 12, 2024), available at https://www.ochaopt.org/content/hostilities-gaza-strip-andisrael-flash-update-116?_gl=1*2ywwms*_ga*MTAyODI1NDE0NS4xNzAxODA5MDM2*_ga_E60ZNX2F68*MTcwNzc2NDQ0NC40NS4xLjE3MDc3Njc0MDMuNTEuMC4w.

²¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 2007 I.C.J. 43 (Feb. 26 2007), available at <https://www.icjci.org/node/103164>

²² Richard Falk, *Slaughter in Gaza: The Failures of International Law and Responsible Statecraft* (Nov. 5, 2023), <https://richardfalk.org/2023/11/05/slaughter-in-gaza-the-failures-of-international-law-and-responsiblestatecraft/>.

the 1917 Balfour Declaration, which promised to establish a “Jewish national home” in Palestine, a clause that became the basis for decades of territorial dispute and demographic tension²³. In 1948, the establishment of the State of Israel marked a turning point, triggering a mass displacement of over 700,000 Palestinians in what became known as Al Nakba, or “the Catastrophe.” Many of those displaced fled to Gaza, which became a densely populated enclave under Egyptian administration. The expulsion of Palestinians and denial of their right to return raised serious questions under the Fourth Geneva Convention, which prohibits forcible transfers of civilian populations during conflict²⁴. Despite these clear legal norms, accountability was never imposed on Israel, setting a precedent that has persisted for decades. Following the 1967 Six-Day War, Israel occupied Gaza, the West Bank, and East Jerusalem, territories recognised by the United Nations as occupied under international law²⁵. UN Security

Council Resolution 242 called for Israel’s withdrawal from territories seized during the war, yet this demand was never fulfilled. Instead, the following decades saw the expansion of Israeli settlements, severe restrictions on Palestinian movement, and recurring military confrontations that left thousands dead and infrastructure destroyed. In 2005, Israel unilaterally withdrew its settlers and troops from Gaza but maintained control over its airspace, borders, and maritime access, effectively sustaining its occupation in all but name. When Hamas, a Palestinian political and militant group, took control of Gaza in 2007, Israel imposed a full blockade on the territory²⁶. This blockade restricting food, medical supplies, and electricity has been described by humanitarian organisations as a form of collective punishment, violating Article 33 of the Fourth Geneva Convention²⁷. The humanitarian crisis in Gaza today is a direct result of this prolonged occupation and blockade. Despite repeated resolutions by the United Nations and investigations by international bodies, including the UN Human Rights Council and the International Court of Justice, the situation has only deteriorated²⁸. The failure of international

²³ Rashid Khalidi, *The Hundred Years’ War on Palestine: A History of Settler Colonialism and Resistance, 1917-2017* (2020), <https://us.macmillan.com/books/9781627798549/thehundredyearswaronpalestine>.

²⁴ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* art. 49, Aug. 12, 1949, 75 U.N.T.S. 287, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-conventionrelative-protection-civilian-persons-time-war>.

²⁵ United Nations Security Council Resolution 242 (Nov. 22, 1967), S/RES/242(1967), available at <https://digitallibrary.un.org/record/90717?ln=en>.

²⁶ John Dugard, *International Law and the Israeli–Palestinian Conflict: The Need for an Even-Handed Approach*, 37 Eur. J. Int’l L. 221 (2023), available at <https://academic.oup.com/ejil/article/24/3/867/481600>.

²⁷ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel Flash Update #116* (Feb. 12, 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flashupdate-116>.

²⁸ U.N. Security Council, S.C. Res. 242, U.N. Doc. S/RES/242 (Nov. 22, 1967), available at <https://digitallibrary.un.org/record/90717?ln=en>

law to enforce its own principles in Gaza underscores a broader issue: when global justice depends on the political will of powerful states²⁹, the law becomes secondary to power. The Gaza conflict³⁰ is, thus, not only a political or territorial issue but also a test of legality and morality before the international system. A peek into its history shows how selective enforcement and geopolitical bias can make international law impotent, leaving the most vulnerable population in the world without protection or recourse.

V. LEGAL FRAMEWORK GOVERNING THE GAZA CONFLICT

The Gaza conflict cuts to the very heart of modern international law, a grim test of whether global norms can restrain state violence when geopolitics intervene. Rooted in the framework of international humanitarian law and international criminal law, the rules made to protect civilians and uphold human dignity in the context of war appear to falter in the face of overwhelming political pressure. Gaza, as one of the most heavily surveilled, blockaded, and bombed regions in the world, exposes the cracks in these legal institutions and calls into question the global community's willingness to enforce them impartially. International humanitarian law was developed, particularly through the Geneva Conventions of 1949³¹, to protect civilians in situations of armed conflict. The Fourth Geneva Convention stipulates the rights of civilians living under occupation and imposes clear obligations on the occupying power for their safety, welfare, and dignity. Article 49³² explicitly prohibits the forcible transfer or deportation of protected persons, as well as the establishment of settlements by the occupying power within occupied territories. Also, Israel's control over borders, airspace, and maritime access, coupled with restrictions on essential supplies like food, water, and medicine, has been considered by many human rights organisations as collective punishment. Such measures directly contravene the humanitarian principle of proportionality, which forbids inflicting harm on civilians that is excessive in relation to the anticipated military advantage. Occupation and proportionality are issues the United Nations has repeatedly had to address.

²⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 2007 I.C.J. 43 (Feb. 26, 2007), <https://www.icjci.org/node/103164>.

³⁰ Richard Falk, *Slaughter in Gaza: The Failures of International Law and Responsible Statecraft* (Nov. 5, 2023), available at <https://richardfalk.org/2023/11/05/slaughter-in-gaza-the-failures-of-international-law-andresponsible-statecraft/>.

³¹ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* art. 49, Aug. 12, 1949, 75 U.N.T.S. 287, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-conventionrelative-protection-civilian-persons-time-war>.

³² U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel*, U.N. Doc. A/HRC/56/26 (2024), available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-israel>.

Following the Six-Day War in 1967, the United Nations Security Council passed Resolution 242³³, calling for the withdrawal of Israeli forces from territories occupied during the conflict, while reaffirming the right of every state to live within secure and recognised boundaries. This resolution has never been fully implemented in Gaza due to Israel's sustained military and political dominance. The continued occupation—both physical and administrative—among the longest and most controversial in modern international relations. Its persistence serves to show how international law is undermined by defects in its enforcement mechanisms, particularly when powerful states opt to do nothing. Another cornerstone of international criminal law is the Convention on the Prevention and Punishment of the Crime of Genocide of 1948³⁴, under which genocide is defined as the act committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. The 2023 application of South Africa before the International Court of Justice against Israel represents one of the biggest, most serious attempts in recent history to invoke this convention in an active conflict³⁵. The case not only accuses Israel of perpetrating genocidal acts on the Palestinian population but also questions the complicity of states that provide military or diplomatic support. The proceedings before the ICJ thus represent a rare example of a state's exercise of its obligation under Article I³⁶ of the

Convention to prevent genocide wherever it occurs. This signals something of a turning point in law and morality, confronting the world community anew with the question of whether justice is indeed universal or selectively applied. Going beyond the Genocide Convention, the legal basis for maintaining peace and security must be found within the United Nations Charter itself, the constitutional document of international legal order. While Article 2³⁷ of the Charter prohibits threat or use of force against the territorial integrity or political independence of any state, Article 51³⁸ recognises the inherent right to self-defence. However, repeated invocations of self-defence by Israel to justify large-scale attacks on Gaza's civilian population have

³³ United Nations Security Council Resolution 242 (Nov. 22, 1967), S/RES/242(1967), available at <https://digitallibrary.un.org/record/90717?ln=en>.

³⁴ Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>.

³⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application Instituting Proceedings, Int'l Ct. Justice (Dec. 29, 2023), available at <https://www.icj-cij.org/case/192>.

³⁶ U.N. Charter art. 1, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

³⁷ U.N. Charter arts. 2, 51, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

³⁸ U.N. Charter arts. 2, 51, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

attained global censure. As such, scholars like Richard Falk³⁹ argue that the doctrine of self-defence cannot be used to justify the collective punishment of an occupied people, as Gaza remains legally under occupation. This position underlines a growing divide between the legal interpretation of self-defence under the Charter⁴⁰ and its political manipulation in practice. The UN Human Rights Council has consistently documented widespread violations of international humanitarian law in the Occupied Palestinian Territory⁴¹. Reports have catalogued indiscriminate airstrikes on civilian areas, the destruction of hospitals and refugee shelters, and the denial of humanitarian aid. Yet, despite such clear documentation of violations, accountability has remained elusive. The Security Council, hamstrung by the political interests of its permanent members-foremost among them, the United States-has repeatedly failed to take binding action against Israel. The result is selective enforcement that underlines a core flaw in the very architecture of international law: while small or weak states face immediate censure for infractions, more powerful or allied states enjoy de facto impunity. In the end, the legal structure that guides the Gaza conflict reveals an uncomfortable truth. The chasm between the ideals of the law and its application grows widest when political power intervenes. International law was designed as a protector of those most in need, but too often in Gaza, it is little more than a rhetorical tool-in other words, cited but unenforced. With the ongoing humanitarian crisis, the application of the rule of law will continue to be subordinated to the rule of power until states and international institutions demonstrate a genuine commitment. The case of Gaza serves as a humanitarian tragedy, even a legal mirror into which the failures of the international system itself stare back⁴².

VI. ROLE OF INTERNATIONAL BODIES IN THE GAZA CONFLICT

The Gaza conflict was a profound test of the will of the international community to uphold human rights and to enforce international humanitarian law. A variety of international bodies, including but not limited to the United Nations, the International Criminal Court, and regional organisations, have been central in shaping the global response to the crisis. Their actions,

³⁹ Richard Falk, *Slaughter in Gaza: The Failures of International Law and Responsible Statecraft* (Nov. 5, 2023), available at <https://richardfalk.org/2023/11/05/slaughter-in-gaza-the-failures-of-international-law-andresponsible-statecraft/>.

⁴⁰ U.N. Charter arts. 2, 51, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

⁴¹ UN Office for the Coordination of Humanitarian Affairs (OCHA), *Occupied Palestinian Territory: Humanitarian Impact of the Escalation in Gaza – Overview*, available at <https://www.ochaopt.org/>.

⁴² Richard Falk, *Slaughter in Gaza: The Failures of International Law and Responsible Statecraft* (Nov. 5, 2023), available at <https://richardfalk.org/2023/11/05/slaughter-in-gaza-the-failures-of-international-law-andresponsible-statecraft/>.

inaction, and political divisions reflect the deep structural weaknesses of the international system when confronted with conflicts involving powerful states and enduring geopolitical interests.

a. United Nations and Its Mechanisms According to Article 1 of the UN Charter⁴³, one of the key stipulations and purposes for which the United Nations was established was to maintain international peace and security. In relation to the Gaza Strip, the UN's engagement has largely consisted of humanitarian appeals, fact-finding missions, and resolutions condemning violations of international law. The United Nations Relief and Works Agency⁴⁴ for Palestine Refugees in the Near East continues to be one of the primary humanitarian agencies providing education, health, and food assistance to millions of displaced Palestinians⁴⁵. Its operations, however, are frequently hampered by funding shortages and political obstruction. The UNSC⁴⁶ has repeatedly tried to seek a resolution through various resolutions demanding ceasefires and protection of civilians. However, the actions of the Council have often been paralysed by the use of the veto by permanent members, particularly the United States, which has blocked multiple resolutions critical of Israel's military operations⁴⁷. This repeated pattern demonstrates the inherent political imbalance within the Council and how the veto power undermines the UN's capacity to enforce international law in an impartial way. Notwithstanding numerous sessions of the UN General Assembly⁴⁸ calling for the cessation of hostilities and respect for humanitarian principles, enforcement remains elusive.

b. International Criminal Court (ICC) The ICC plays a very important role in ensuring that war crimes and crimes against humanity committed within the

⁴³ U.N. Charter art. 1, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

⁴⁴ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Who We Are*, available at <https://www.unrwa.org/who-we-are>.

⁴⁵ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Who We Are*, available at <https://www.unrwa.org/who-we-are>.

⁴⁶ United Nations Security Council, *Meetings Coverage and Press Releases on Gaza Ceasefire*, 2023, available at <https://press.un.org/en/>.

⁴⁷ United Nations Security Council, *Meetings Coverage and Press Releases on Gaza Ceasefire*, 2023, available at <https://press.un.org/en/>.

⁴⁸ U.N. General Assembly Res. ES-10/20, *Protection of Civilians and Upholding Legal Obligations in Gaza*, Dec. 15, 2023.

Gaza Strip are held accountable. In March 2021⁴⁹, the ICC began to investigate the alleged war crimes by Israeli forces and Palestinian armed groups that have taken place since 2014⁵⁰. This was an important moment for international justice, as such a move confirmed the jurisdiction of the ICC over the Palestinian territories, subsequent to the accession of Palestine to the Rome Statute back in 2015⁵¹. These investigations would cover, among other things, indiscriminate attacks, expanding settlements, and targeting civilians-all of which could amount to violations of international humanitarian law. Nevertheless, this work has faced political resistance. Israel has rejected⁵² the jurisdiction of the Court, citing that it is not a party to the Rome Statute, while the US has been rather critical of the actions of the ICC, terming them politicised. This resistance reflects a larger pattern of selective adherence to international law, where powerful states endorse legal mechanisms only when aligned with their interests. The ongoing investigation of the ICC symbolises both the promise and the limits of global justice in the face of political resistance⁵³.

- c. **Role of Regional Organisations and States.** Regional organisations like the Arab League and the Organisation of Islamic Cooperation have played crucial roles in mobilising diplomatic responses and humanitarian action⁵⁴. The Arab League has time and again condemned the military operations of Israel, demanding the recognition of Palestinian statehood. The OIC has equally pressed for international intervention and accountability under the Genocide Convention of 1948⁵⁵. However, such collective actions are mostly weakened by internal divisions among the member states. Individual states have also

⁴⁹ Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, available at <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

⁵⁰ Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, available at <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

⁵¹ Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, available at <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

⁵² Human Rights Watch, *ICC: Investigation into Palestine a Historic Step Toward Justice*, Mar. 3, 2021, available at <https://www.hrw.org/news/2021/03/03/icc-investigation-palestine-historic-step-toward-justice>.

⁵³ International Criminal Court, *Situation in the State of Palestine*, ICC-01/18 (Mar. 2021), available at <https://www.icc-cpi.int/palestine>.

⁵⁴ Arab League, *Resolutions on the Palestinian Question*, Council of the League of Arab States (2023), available at <https://www.leagueofarabstates.net/en/>.

⁵⁵ *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277, https://treaties.un.org/doc/Treaties/1948/12/19481209%2002-38%20AM/Ch_IV_1p.pdf.

influenced the conflict's direction through active and passive engagement. The United States is the most crucial ally of Israel, granting large-scale military assistance and protection in international fora. On the other side of the divide are countries such as South Africa, Malaysia, and Ireland, which have championed Palestinian rights, appealing to legal principles of international humanitarian law and self-determination. South Africa's case before the International Court of Justice against Israel in 2023⁵⁶ for alleged genocide was a historic assertion of the duty of prevention, as enshrined in Article I⁵⁷ of the Genocide Convention.

d. Challenges to Global Accountability The most persistent challenge in applying international law to Gaza has been the lack of political will. There has been little meaningful accountability for repeated violations despite overwhelming documentation by UN bodies, Amnesty International, and Human Rights Watch. The asymmetric power dynamics of international relations ensure that enforcement is selective⁵⁸. While international law aspires to universality, its practice is marked by deep inequities. The Gaza conflict underlines how moral and legal imperatives are usually given up in the face of state sovereignty, political alliances, and economic concerns⁵⁹. The failure of enforcement mechanisms is clear and demands urgent reform. Proposals have emerged in recent years regarding the restriction of the veto in the case of mass atrocities, the expansion of ICC jurisdiction, and increasing the UN's investigative powers⁶⁰. But without the sustained commitment of the most powerful states, these reforms risk remaining aspirational rather than transformative.

⁵⁶ Al Jazeera, *South Africa Takes Israel to ICJ Over Gaza Genocide*, Dec. 29, 2023, available at <https://www.aljazeera.com/news/2023/12/29/south-africa-takes-israel-to-icj-over-gaza-genocide>.

⁵⁷ U.N. Charter art. 1, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

⁵⁸ Amnesty International, *Israel/OPT: Pattern of War Crimes in Gaza*, Oct. 2023, available at <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-war-crimes-gaza/>.

⁵⁹ Human Rights Watch, *Israel/Palestine: Unlawful Attacks in Gaza*, Oct. 2023, available at <https://www.hrw.org/news/2023/10/12/israel-palestine-unlawful-attacks-gaza>.

⁶⁰ United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel*, U.N. Doc. A/HRC/52/73 (June 2023), available at <https://digitallibrary.un.org/record/3984919>.

VII. ROLE OF THE INTERNATIONAL COMMUNITY

The international community has shaped the trajectory of the Israeli-Palestinian conflict with its intricate combination of legal frameworks, humanitarian interventions, and diplomatic negotiations. Among them, one can name activities regarding the UN, the ICC, and state and non-state actors who seek to uphold the principles of international law and humanitarian protection. Despite these efforts, the gap between the legal obligations and their enforcement remains stark, reflecting the political complexities embedded within the conflict. The UN, as the foremost international body with the primary responsibility of maintaining peace and security around the world, regularly uses resolutions and sends fact-finding missions to address situations in Gaza and the broader Occupied Palestinian Territory. The General Assembly of the UN reaffirmed protection for civilians and respect for international humanitarian law through its resolution. The Security Council has passed resolutions calling for the withdrawal of Israeli forces from the occupied territories and recognition of two states living in peace⁶¹. However, geopolitical divisions through the use of veto powers by the permanent members of the UNSC have quite often nullified any effective implementation of such Resolutions. International legal institutions have also sought to provide accountability mechanisms for violations occurring within the conflict. The Rome Statute⁶² of the International Criminal Court grants it jurisdiction over the crimes of genocide, war crimes, and crimes against humanity⁶³. Ongoing examinations by the ICC into the situation in Palestine seek to assess alleged violations committed by both Israeli and Palestinian actors. However, Israel's non-membership in the ICC, added to the political resistance from major powers, has curtailed any practical influence that the Court could have. This reflects the broader challenge of applying universal legal standards to conflicts deeply intertwined with state sovereignty and regional politics. The United Nations Human Rights Council has contributed immensely to this by creating the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem. Its report for 2023⁶⁴ outlined the pervasive violation of

⁶¹ United Nations Security Council, *Resolution 338*, S/RES/338 (Oct. 22, 1973), [https://docs.un.org/S/RES/338\(1973\)](https://docs.un.org/S/RES/338(1973))

⁶² Rome Statute of the International Criminal Court, July 17, 1998, U.N. Doc. A/CONF.183/9 (entered into force July 1, 2002), Arts. 5-8, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

⁶³ Rome Statute of the International Criminal Court, July 17, 1998, U.N. Doc. A/CONF.183/9 (entered into force July 1, 2002), Arts. 5-8, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

⁶⁴ Indep. Int'l Comm'n of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, & Israel, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, U.N. H.R. Council, 53rd Sess., Agenda Item 2, U.N. Doc. A/HRC/53/22 (May 9, 2023), <https://www.un.org/unispal/document/coi-report-a-hrc-53-22/>

human rights and humanitarian law, accordingly targeting civilians and disproportionately using force. These findings undergird that systematic accountability is an urgent need to prevent humanitarian disasters. Yet again, despite such clear documentation of such violations, tangible international action has more often been muted or selective, reflecting the political inertia surrounding the conflict. Beyond institutional responses, a number of states and international organisations have sought to mediate peace and reconstruction in Gaza. Humanitarian organisations like the UN Office for the Coordination of Humanitarian Affairs have been instrumental in monitoring civilian conditions, coordinating relief operations, and underscoring the dire imperatives of access to basic services under blockade conditions, UN OCHA⁶⁵. These kinds of interventions are necessary to mitigate current suffering, but cannot replace the political solutions needed to resolve the roots of the conflict. The selectiveness of international engagement, too often based on strategic alliances and national interests, has allowed structural injustices and the cyclical nature of violence to prevail in Gaza. Ultimately, the role of the international community is paradoxical. Whereas institutions and states have elaborated an extensive legal and humanitarian framework for dealing with the conflict, the actual enforcement of norms remains strictly circumscribed by political realities. For real progress to be achieved, a gap must be bridged between the normative ambitions of international law and the pragmatic possibilities of state behaviour. Until the enforcement mechanisms of the international order are more objective and more robust, the civilian plight in Gaza will remain paradigmatic of the failure of collective responsibility.

VIII. ROLE OF THE INTERNATIONAL COMMUNITY

The international community stands at the centre of framing the course of events in the Israeli–Palestinian conflict, through a mix of legal frameworks, humanitarian interventions, and diplomatic negotiations. Central to this involvement are the actions of the United Nations, the International Criminal Court, and state and non-state actors who have sought to uphold the principles of international law and humanitarian protection. Despite such efforts, the gap between the legal obligations and enforcement remains striking, revealing the political complexity intrinsically woven within the conflict. The United Nations, being the main international organ for the maintenance of peace and security, has been addressing the situation in Gaza and the general Occupied Palestinian Territory through various resolutions and

⁶⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Occupied Palestinian Territory*, (accessed Oct 31, 2025), <https://www.unocha.org/occupied-palestinian-territory>.

factfinding missions. The UN General Assembly has also reiterated the protection of civilians and respect for international humanitarian law through resolutions⁶⁶. The Security Council, through its key resolutions, has called for the withdrawal of Israeli forces from the occupied territories and the recognition of both states' rights to live in peace⁶⁷. However, geopolitical divides have mostly hindered the implementation of these resolutions, with the use of veto powers by the permanent members often preventing effective enforcement of resolutions.

International legal bodies have also made attempts to establish mechanisms of accountability for the atrocities taking place within the conflict. The Rome Statute of the International Criminal Court gives jurisdiction over crimes such as genocide, war crimes, and crimes against humanity⁶⁸. The ICC's ongoing investigation into the situation in Palestine aims to determine the alleged violations committed by Israeli and Palestinian actors. However, Israel is not a party to the ICC, and political obstruction from major powers means that the practical impact of the Court has been limited. This speaks to the deeper problem of universal legal principles being applied to conflicts that are deeply embroiled in state sovereignty and regional politics. The United Nations Human Rights Council has made valuable contributions, including establishing the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem. In its 2023 report, the Commission cited comprehensive violations of human rights and humanitarian law, including against civilians and through disproportionate use of force⁶⁹. These findings support the argument for concerted accountability as an ongoing imperative to prevent further humanitarian crises. Yet, despite clear documentation of such violations, tangible international action has often been muted or selective, reflecting the political inertia surrounding the conflict. Beyond these institutional responses, various states and international organisations have sought to mediate peace and promote reconstruction in Gaza. Humanitarian agencies, like the UN OCHA, have played an important role in monitoring civilian conditions, coordinating relief, and emphasising the urgent need for access to essential services given the blockade conditions⁷⁰. Such interventions

⁶⁶ U.N. General Assembly Res. ES-10/20, *Protection of Civilians and Upholding Legal Obligations in Gaza* (Dec. 15, 2023), available at https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/ES-10/20.

⁶⁷ U.N. Security Council Res. 242 (Nov. 22, 1967), available at [https://undocs.org/S/RES/242\(1967\)](https://undocs.org/S/RES/242(1967)).

⁶⁸ *Rome Statute of the International Criminal Court*, arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, available at <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

⁶⁹ *United Nations Human Rights Council, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory*, A/HRC/52/73 (June 2023), available at <https://www.ohchr.org/en/hrbodies/hrc/iici-israel/index>.

⁷⁰ *UN Office for the Coordination of Humanitarian Affairs (OCHA), Occupied Palestinian Territory: Humanitarian Response Overview*, available at <https://www.ochaopt.org>.

remain crucial to alleviate immediate suffering; however, they are grossly insufficient without parallel political solutions that tackle the root causes of the conflict. The selective intervention of the international community, guided by strategic alliances and national interests, has perpetuated structural injustices and accounts for the cyclical nature of violence in Gaza. In the final analysis, this indicates a paradoxical role for the international community: Although institutions and states have built an extensive legal and humanitarian framework with regard to the conflict in question, the enforcement of these norms remains hampered by political realities. Progress will be genuine to the extent that this gap between the normative aspirations of international law and the pragmatic limitations of state behaviour is bridged. Until the international order's enforcement mechanisms become more objective and powerful, the plight of civilians in Gaza will continue to typify the failure of collective responsibility.

IX. RESPONSE AND ACCOUNTABILITY TAKEN

The reaction of the international community to the conflict in Gaza has highlighted deep divisions between legal principle, political imperative, and humanitarian conscience. Legally framed by the Geneva Conventions⁷¹, the Genocide Convention⁷², and the United Nations Charter, its application has been highly selective. The reactions at the level of international institutions-the United Nations, the ICJ, the ICC-point to both the potential and paralysis of mechanisms of global governance when the powerful are concerned. Historically, the ICJ has played a very important role in the adjudication of cases involving alleged genocide and state responsibility. A relevant precedent is that of *Bosnia and Herzegovina v. Serbia and Montenegro* in 2007⁷³, wherein the Court held that Serbia had violated its obligation to prevent genocide under the Genocide Convention⁷⁴ but had not directly committed it. This judgment established an important standard: states are legally obliged not only to refrain from genocide but also to act to prevent it wherever it occurs. The same principle cropped up in the case of

⁷¹ *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* art. 49, Aug. 12, 1949, 75 U.N.T.S. 287, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-conventionrelative-protection-civilian-persons-time-war>.

⁷² *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-andpunishment-crime-genocide>.

⁷³ *Bosnia and Herzegovina v. Serbia and Montenegro*, Judgment, 2007 I.C.J. 43 (Feb. 26), <https://www.icj.org/case/91>.

⁷⁴ *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-andpunishment-crime-genocide>.

South Africa v. Israel in 2023⁷⁵. South Africa's claim before the ICJ accuses Israel of committing genocidal acts against Palestinians in Gaza, citing mass civilian casualties, destruction of essential infrastructure, and denial of humanitarian aid. Provisional measures by the Court in January 2024⁷⁶ ordered Israel to prevent genocidal acts and ensure humanitarian access, although without demanding a ceasefire. This cautious ruling reflected both the Court's awareness of its legal duty and its sensitivity to political realities. The ICC, under the Statute of Rome, also has jurisdiction over war crimes, crimes against humanity, and genocide. Article 8⁷⁷ explicitly criminalises attacks directed against civilian populations and starvation as a weapon of war. In 2021⁷⁸, the ICC launched a formal investigation into the crimes committed in the Palestinian territories since 2014. A case such as that of Prosecutor v. Omar Al-Bashir reminds states that international justice will reach into the highest echelons of leadership when atrocities are alleged to have been committed. However, despite the issuance of warrants against Al-Bashir, several member states refused to arrest him—proof that the Achilles heel in this matter is still enforcement. The same kind of challenge faces Gaza, where powerful allies continue to shield Israel from accountability—most notably, the United States itself. Reactions at the United Nations level have been divided. While the General Assembly passed Resolution ES-10/20 (2023)⁷⁹, expressing deep concern for the protection of civilians and the need to uphold international humanitarian law, the Human Rights Council produced reports in 2023 and 2024⁸⁰ detailing patterns of indiscriminate bombing, denial of medical aid, and targeting of civilian infrastructure in Gaza. Notwithstanding these findings, the Security Council has repeatedly failed to adopt binding resolutions calling for a ceasefire due to the veto power exercised by the United States. This structural imbalance demonstrates how geopolitical interests override the rule of law. Humanitarian organisations have also attempted to fill the gap created by political institutions. Charities and NGOs operating in Gaza, such as those listed

⁷⁵ *South Africa v. Israel (Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip)*, Application Instituting Proceedings, Int'l Ct. Justice (Dec. 29, 2023), <https://www.icj-cij.org/case/192>.

⁷⁶ *South Africa v. Israel (Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip)*, Application Instituting Proceedings, Int'l Ct. Justice (Dec. 29, 2023), <https://www.icj-cij.org/case/192>.

⁷⁷ Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, <https://www.icccpi.int/resource-library/documents/rs-eng.pdf>.

⁷⁸ Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, <https://www.icccpi.int/resource-library/documents/rs-eng.pdf>.

⁷⁹ U.N. General Assembly Res. ES-10/20, *Protection of Civilians and Upholding Legal Obligations in Gaza* (Dec. 15, 2023), <https://digitallibrary.un.org/record/4010341?ln=en>.

⁸⁰ Human Rights Careers, *Charities Helping Civilians in Palestine* (2024), <https://www.humanrightscarers.com/issues/charities-helping-civilians-in-palestine/>.

by Human Rights Careers 2024⁸¹, work towards providing medical care, food, and legal assistance to displaced civilians. These, while important, point to a greater failure on the part of states under their international legal obligations. Protection for civilians under international humanitarian law is not an act of charity, but one owed by states. Therefore, the presence of an extensive humanitarian network is at once a testimony to human solidarity and an indictment of international inaction. This comparative table shows the increasing gap between legal norms and political enforcement. While international law does provide clear-cut prohibitions and obligations, its practical effect relies on political will. The Gaza conflict resembles many humanitarian crises in proving that when power decrees justice, the precepts of international law turn out to be no more than rhetorical rather than real. International Response and Accountability. The reaction of the international community to the conflict in Gaza has highlighted deep divisions between legal principle, political imperative, and humanitarian conscience. Legally framed by the Geneva Conventions, the Genocide Convention, and the United Nations Charter, its application has been highly selective. The reactions at the level of international institutions-the United Nations, the ICJ, the ICC-point to both the potential and paralysis of mechanisms of global governance when the powerful are concerned. Historically, the ICJ has played a very important role in the adjudication of cases involving alleged genocide and state responsibility. A relevant precedent is that of *Bosnia and Herzegovina v. Serbia and Montenegro* in 2007⁸², wherein the Court held that Serbia had violated its obligation to prevent genocide under the Genocide Convention but had not directly committed it. This judgment established an important standard: states are legally obliged not only to refrain from genocide but also to act to prevent it wherever it occurs. The same principle cropped up in the case of *South Africa v. Israel* in 2023⁸³. South Africa's claim before the ICJ accuses Israel of committing genocidal acts against Palestinians in Gaza, citing mass civilian casualties, destruction of essential infrastructure, and denial of humanitarian aid. Provisional measures by the Court in January 2024 ordered Israel to prevent genocidal acts and ensure humanitarian access, although without demanding a ceasefire. This cautious ruling reflected both the Court's awareness of its legal duty and its sensitivity to political realities. The ICC, under the Statute of Rome, also has jurisdiction over war crimes, crimes against humanity, and genocide. Article

⁸¹ Human Rights Careers, *Charities Helping Civilians in Palestine* (2024), <https://www.humanrightscareers.com/issues/charities-helping-civilians-in-palestine/>.

⁸² *Bosnia and Herzegovina v. Serbia and Montenegro*, Judgment, 2007 I.C.J. 43 (Feb. 26), <https://www.icj-cij.org/case/91>.

⁸³ *South Africa v. Israel (Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip)*, Application Instituting Proceedings, Int'l Ct. Justice (Dec. 29, 2023), <https://www.icj-cij.org/case/192>.

⁸⁴ explicitly criminalises attacks directed against civilian populations and starvation as a weapon of war. In 2021, the ICC launched a formal investigation into the crimes committed in the Palestinian territories since 2014⁸⁵. A case such as that of Prosecutor v. Omar Al-Bashir⁸⁶ reminds states that international justice will reach into the highest echelons of leadership when atrocities are alleged to have been committed. However, despite the issuance of warrants against Al-Bashir, several member states refused to arrest him-proof that the Achilles heel in this matter is still enforcement. The same kind of challenge faces Gaza, where powerful allies continue to shield Israel from accountability-most notably, the United States itself. Reactions at the United Nations level have been divided. While the General Assembly passed Resolution ES-10/20 (2023)⁸⁷, expressing deep concern for the protection of civilians and the need to uphold international humanitarian law, the Human Rights Council produced reports in 2023 and 2024 detailing patterns of indiscriminate bombing, denial of medical aid, and targeting of civilian infrastructure in Gaza. Notwithstanding these findings, the Security Council has repeatedly failed to adopt binding resolutions calling for a ceasefire due to the veto power exercised by the United States. This structural imbalance demonstrates how geopolitical interests override the rule of law. Humanitarian organisations have also attempted to fill the gap created by political institutions. Charities and NGOs operating in Gaza, such as those listed by Human Rights Careers 2024⁸⁸, work towards providing medical care, food, and legal assistance to displaced civilians. These, while important, point to a greater failure on the part of states under their international legal obligations. Protection for civilians under international humanitarian law is not an act of charity, but one owed by states. Therefore, the presence of an extensive humanitarian network is at once a testimony to human solidarity and an indictment of international inaction.

⁸⁴ Rome Statute of the International Criminal Court arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, <https://www.iccpi.int/resource-library/documents/rs-eng.pdf>.

⁸⁵ United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory*, A/HRC/52/73 (June 2023), <https://www.ohchr.org/en/hr-bodies/hrc/co-israelpalestine/index>.

⁸⁶ *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Case No. ICC-02/05-01/09, Judgment (Int'l Crim. Ct. 2019), <https://www.icc-cpi.int/case/ICC-02/05-01/09>.

⁸⁷ U.N. General Assembly Res. ES-10/20, *Protection of Civilians and Upholding Legal Obligations in Gaza* (Dec. 15, 2023), <https://digitallibrary.un.org/record/4010341?ln=en>.

⁸⁸ Human Rights Careers, *Charities Helping Civilians in Palestine* (2024), <https://www.humanrightscarers.com/issues/charities-helping-civilians-in-palestine/>.

Legal Principle / Case	Institution Involved	Key Finding / Action	Actual Implementation
<i>Bosnia v. Serbia (2007)</i>	ICJ	Duty to prevent genocide recognised	Limited enforcement; no sanctions
<i>South Africa v. Israel (2023)</i>	ICJ	Provisional measures ordered	No ceasefire or full compliance
<i>Prosecutor v. AlBashir (2019)</i>	ICC	Head of state accountability affirmed	States ignored arrest warrants
<i>Rome Statute (1998)</i>	ICC	Defines war crimes and genocide	Enforcement blocked by politics
<i>U.N. Res. ES-10/20 (2023)</i>	U.N. General Assembly	Condemned attacks on civilians	Non-binding; no enforcement
<i>Humanitarian NGOs (2024)</i>	Civil Society	Aid delivery and civilian protection	Partial, under blockade constraints

This comparative table shows the increasing gap between legal norms and political enforcement. While international law does provide clear-cut prohibitions and obligations, its practical effect relies on political will. The Gaza conflict resembles many humanitarian crises in proving that when power decrees justice, the precepts of international law turn out to be no more than rhetorical rather than real.

X. IMPACT FOR FUTURE INTERNATIONAL LAW

The Gaza conflict has been a defining test for the credibility and adaptability of international law during the 21st century. It has brought into focus a persistent gap between the normative ideals embedded in international legal instruments and their operational enforcement in politically charged contexts. The ongoing violations of humanitarian norms in Gaza—from indiscriminate attacks on civilian populations to the denial of essential aid, raise urgent questions about the future relevance of international legal institutions such as the United Nations, the International Court of Justice, and the International Criminal Court. The development of international law in the years since World War II has been premised on the

principle that sovereignty does not immunise atrocities. The establishment of the Nuremberg Tribunal and subsequently the Convention on the Prevention and Punishment of the Crime of Genocide in 1948 created a normative expectation that states bear responsibility for actions against humanity. However, as events in Gaza demonstrated, the practice of those norms remains unequal and politically contingent. As international lawyer Antonio Cassese⁸⁹ once said, the strength of international law does not lie only in its codification but also in its ability to build compliance even when coercive enforcement is absent. The Gaza crisis reveals the brittleness of that compliance when political alliances override legal obligations.

Erosion of Normative Authority

International humanitarian law has conventionally rested on the consensus of the Geneva Conventions of 1949⁹⁰ and their Additional Protocols. Deliberate targeting of civilians and non-combatants is thus prohibited under these instruments, but this prohibition is increasingly ignored with impunity, as in the case of Gaza. In Gaza, civilian casualties documented by the United Nations Office for the Coordination of Humanitarian Affairs have topped 30,000⁹¹ by the year 2024⁹², with frequent targets being hospitals and schools. The inability to apply accountability for such acts undermines the normative authority of humanitarian law, entrenching a view among other states that violations can be committed with impunity.

Selective enforcement further accelerates this erosion: powerful states and their allies are shielded from international scrutiny, while the weak face sanctions and prosecution. This double standard calls into question the principle of equality before the law, enshrined in Article 2 of the United Nations Charter⁹³. The conflict in Gaza, hence, portends the normalisation of a two-tier international order in which legality is subject to political convenience.

Transformation of Jurisdictional Practice

The ICC's approach to the Palestinian case will be determinative of the development of both

⁸⁹ Cassese, Antonio, *International Law* (2d ed., Oxford Univ. Press 2005), available at https://books.google.com/books/about/International_Law.html?id=MIWkwgEACAAJ.

⁹⁰ Geneva Conventions of 1949 and Additional Protocols, International Committee of the Red Cross, <https://ihl-databases.icrc.org/en/ihl-treaties>

⁹¹ United Nations Office for the Coordination of Humanitarian Affairs, *Gaza Situation Report* (2024), <https://www.unocha.org/>

⁹² United Nations Office for the Coordination of Humanitarian Affairs, *Gaza Situation Report* (2024), <https://www.unocha.org/>

⁹³ United Nations Charter art. 2, June 26, 1945, 59 Stat. 1031, <https://www.un.org/en/about-us/un-charter/fulltext>

the theory of universal jurisdiction and complementarity, two pillars on which contemporary international criminal law rests. In 2021⁹⁴, the ICC Pre-Trial Chamber judicially confirmed that the Court does have jurisdiction over crimes committed in Gaza, the West Bank, and East Jerusalem⁹⁵. This decision, though legally sound, sparked intense geopolitical backlash and thus revealed how jurisdictional claims are inherently political. If the ICC proceeds to indict in the context of Gaza, it may be the first time an international tribunal prosecutes officials of a state not considered to be an aggressor but one responding to terrorism. Such a precedent would help extend the legal understanding of state responsibility under asymmetric warfare, as has been argued by legal scholars who analyse the ICC's potential impact on accountability.

Statement of State Responsibility

Another essential influence concerns the potential reawakening of state responsibility as a foundational principle of international law. In its provisional measures order in *South Africa v. Israel* (2023)⁹⁶, the ICJ reaffirmed that all states have a legal obligation, under Article I⁹⁷ of the Genocide Convention, to prevent genocide wherever it may occur. This may bring back into focus the concept of *erga omnes*⁹⁸ obligations-or duties owed to the international community as a whole. If understood broadly, these commitments could bind states not only to condemn violations but also to take concrete measures of prevention, such as suspending arms transfers, imposing sanctions, or providing support to humanitarian access. The decision reached in *Bosnia v. Serbia* (2007)⁹⁹ has already set a precedent for that broader interpretation. Gaza can thus provide the modern test case on whether international law can become a genuinely collective system of responsibility.

Emergence of Civil and Technological Accountability

Where effective state enforcement is absent, non-state actors, civil society, journalists, and

⁹⁴ *Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine*, Case No. ICC-01/18 (Int'l Crim. Ct. Feb. 5, 2021), <https://www.icc-cpi.int/palestine>

⁹⁵ *Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine*, Case No. ICC-01/18 (Int'l Crim. Ct. Feb. 5, 2021), <https://www.icc-cpi.int/palestine>

⁹⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Case No. 192, Order, Int'l Ct. Justice (Jan. 26, 2024), <https://www.icj-cij.org/case/192>

⁹⁷ U.N. Charter art. 1, June 26, 1945, 59 Stat. 1031, T.S. No. 993, available at <https://www.un.org/en/aboutus/un-charter/full-text>.

⁹⁸ *Barcelona Traction, Light and Power Co. (Belgium v. Spain)*, Judgment, 1970 I.C.J. 3, ¶ 33 (Feb. 5). Available at: <https://www.icj-cij.org/en/case/50/judgments>

⁹⁹ *Bosnia and Herzegovina v. Serbia and Montenegro*, Judgment, 2007 I.C.J. 43 (Feb. 26), <https://www.icj-cij.org/case/91>

digital investigators increasingly take on quasi-legal roles. Organisations like Bellingcat¹⁰⁰ and Forensic Architecture have used satellite imagery, artificial intelligence, and open-source intelligence to document possible war crimes in Gaza. This is the rise of digital accountability, where evidence becomes decentralised and accessible to the global public. Where technology in human rights monitoring is increasingly integrated, the democratisation of international law can be furthered by allowing independent verification of state actions. But it also gives rise to other concerns of evidentiary reliability and digital manipulation. As the ICC increasingly relies on such open-source data, the Gaza conflict may define the future procedural standard for admissibility of digital evidence in international proceedings. Reconceptualising the Role of International Law. Finally, the Gaza war has some compelling effects that make a philosophical reconsideration of the very purpose of international law imperative. Rather than simply serving as an after-the-fact mechanism of accountability, international law must be transformed toward preventive governance-anticipating and mitigating crises well before they culminate in humanitarian catastrophe. As Martti Koskeniemi¹⁰¹ says, law cannot afford to remain an observer of catastrophe; it must turn into an instrument of foresight. The conflict makes the case for reform: a restructuring of the U.N. Security Council's veto system, an empowerment of regional human rights courts, and the strengthening of domestic implementation of international norms. Absent such reforms, international law faces the prospect of being reduced to a language of protest, rather than an architecture of protection. Gaza thus may define whether the course of the 21st century continues the cycle of impunity or ushers in a renewed era of legal accountability grounded in universality.

XI. CONCLUSION

The story of Gaza is not solely a record of conflict but a reflection of humanity's struggle to balance power with conscience. Beneath the rubble and the smoke, there is a deeper question about the moral architecture that binds societies together. When civilians suffer, when homes become graves, and when silence replaces outrage, it is not merely political failure but human. Gaza has come to symbolise the fragility of compassion in a world where might often overshadows right. The tragedy there is challenging the very notion of collective responsibility, as each neighbourhood is reduced to rubble and every displaced family speaks volumes about

¹⁰⁰ Bellingcat, *Gaza Conflict Investigations* (2024), <https://www.bellingcat.com/>

¹⁰¹ Martti Koskeniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge Univ. Press 2005), available at <https://www.cambridge.org/core/books/from-apology-toutopia/146C2D8967B109E959E651A5583EED54>.

erased empathy and the incremental normalisation of human suffering. The conflict has also confronted the world with uncomfortable truths-that moral clarity often blurs in the glare of political alliances and the value of life can seem negotiable if that life happens to belong to people with less power. In that sense, this is not a local crisis but a mirror to the whole world, which shows the gap between words and deeds, promises, and principles.

The struggle of Gaza is, at its very core, about dignity-the most basic, yet deeply profound, of human aspirations. It is about the right of ordinary people to live free of fear, to raise their children in safety, and to dream without a shadow of destruction. No ideology or defence can justify the systematic deprivation of such fundamental rights. It's a moral situation that cuts across the geography and religion that divides humanity. What the world sees in Gaza is not only the collapse of infrastructure, but a corrosion of moral order. Every act of indifference and every justification for suffering adds to the distance between humankind's ideals and its actions. The lessons of Gaza remind us that laws, policies, and systems are only as meaningful as the compassion and courage that animate them. When people lose faith in fairness, when justice becomes a privilege instead of a principle, the foundation of peace begins to crumble. And yet, within despair, there is a spark of resilience. The voices from Gaza, the voices of parents, teachers, artists, and children, attest to an enduring belief in life and meaning, a challenge to the world to remember that suffering does not erase humanity; it amplifies it. The persistence of hope in such conditions is perhaps the greatest indictment of indifference and the most powerful affirmation of the human spirit. The future depends not upon the drafting of new promises but on the renewal of empathy. Real peace begins when the world chooses to see beyond the language of strategy and recognises the shared humanity in every child, every family, and every loss. Gaza's suffering will only find redemption when compassion becomes action, when memory becomes responsibility, and when silence gives way to truth.

In the end, the measure of justice is not written in texts or institutions, but in the choices people make in the face of suffering. Gaza stands as that test of choice, a reminder that the greatness of humanity does not lie in its domination but in its capacity to protect, to heal, and to remember. The lesson it leaves behind is simple yet profound: no conflict can ever justify abandoning

BIBLIOGRAPHY REFERENCES

Books

1. Rashid Khalidi, *The Hundred Years ' War on Palestine: A History of Settler Colonialism and Resistance, 1917–2017* (2020), <https://us.macmillan.com/books/9781627798549/thehundredyearswaronpalestine>.
2. Antonio Cassese, *International Law* (3d ed. 2013), <https://www.oxfordlawtrove.com/display/10.1093/he/9780199694921.001.0001/he9780199694921>.
3. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (3d ed. 2016), https://assets.cambridge.org/97811071/18409/frontmatter/9781107118409_frontmatter.pdf.
4. Martti Koskeniemi, *From Apology to Utopia: The Structure of International Legal Argument* (Cambridge Univ. Press 2005), <https://www.cambridge.org/core/books/from-apology-toutopia/146C2D8967B109E959E651A5583EED54>.

Treaties & Conventions

1. *Charter of the United Nations*, June 26, 1945, 59 Stat. 1031, T.S. No. 993, <https://www.un.org/en/about-us/un-charter/full-text>.
2. *Statute of the International Court of Justice*, art. 1, June 26, 1945, 59 Stat. 1055, T.S. No. 993, <https://www.icj-cij.org/en/statute>.
3. *Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, Aug. 12, 1949, 75 U.N.T.S. 287, <https://ihl-databases.icrc.org/en/ihltreaties/gciv-1949>.
4. *Convention on the Prevention and Punishment of the Crime of Genocide*, Dec. 9, 1948, 78 U.N.T.S. 277, <https://www.ohchr.org/en/instrumentsmechanisms/instruments/convention-prevention-and-punishment-crime-genocide>.

5. *Rome Statute of the International Criminal Court*, arts. 5–8, July 17, 1998, 2187 U.N.T.S. 90, <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.
6. *Geneva Conventions of 1949 and Additional Protocols*, International Committee of the Red Cross, <https://ihl-databases.icrc.org/en/ihl-treaties>.

Cases

1. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application Instituting Proceedings, Int' 1 Ct. Justice (Dec. 29, 2023), <https://www.icj-cij.org/case/192>.
2. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, Int' 1 Ct. Justice (Jan. 26, 2024), <https://www.icj-cij.org/case/192>.
3. *Bosnia and Herzegovina v. Serbia and Montenegro*, Judgment, 2007 I.C.J. 43 (Feb. 26), <https://www.icj-cij.org/case/91>.
4. *Barcelona Traction, Light and Power Co. (Belgium v. Spain)*, Judgment, 1970 I.C.J. 3 (Feb. 5), <https://www.icj-cij.org/en/case/50/judgments>.
5. *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Case No. ICC-02/05-01/09, Judgment (Int'l Crim. Ct. 2019), <https://www.icc-cpi.int/case/ICC-02/05-01/09>.
6. *Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine*, Case No. ICC-01/18 (Int' 1 Crim. Ct. Feb. 5, 2021), <https://www.icc-cpi.int/palestine>.

U.N. Documents & Reports

1. U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel*, U.N. Doc. A/HRC/56/26 (2024), <https://www.ohchr.org/en/hr-bodies/hrc/iici-israel>.
2. U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel*,

- U.N. Doc. A/HRC/52/73 (June 2023), <https://digitallibrary.un.org/record/3984919>.
3. U.N. Security Council Res. 242 (Nov. 22, 1967), [https://undocs.org/S/RES/242\(1967\)](https://undocs.org/S/RES/242(1967)).
 4. U.N. General Assembly Res. ES-10/20, *Protection of Civilians and Upholding Legal Obligations in Gaza* (Dec. 15, 2023), <https://digitallibrary.un.org/record/4010341?ln=en>.
 5. U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel Flash Update #116* (Feb. 12, 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-116>.
 6. U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel Situation Report No. 90* (Oct. 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-situation-report-90>.
 7. United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Who We Are*, <https://www.unrwa.org/who-we-are>.
 8. United Nations Office for the Coordination of Humanitarian Affairs, *Gaza Situation Report* (2024), <https://www.unocha.org>.

Scholarly Articles & Commentaries

1. John Dugard, *International Law and the Israeli–Palestinian Conflict: The Need for an Even-Handed Approach*, 37 Eur. J. Int'l L. 221 (2023), <https://academic.oup.com/ejil/article/24/3/867/481600>.
2. Richard Falk, *Slaughter in Gaza: The Failures of International Law and Responsible Statecraft* (Nov. 5, 2023), <https://richardfalk.org/2023/11/05/slaughter-in-gaza-the-failures-of-international-law-and-responsible-statecraft>.
3. Human Rights Watch, *Gaza: Israel's Blockade Unlawful Despite Easing* (June 14, 2010), <https://www.hrw.org/news/2010/06/14/gaza-israels-blockade-unlawfuldespite-easing>.
4. Amnesty International, *Israel's Apartheid Against Palestinians: Cruel System of*

Domination and Crime Against Humanity (Feb. 2022),
<https://www.amnesty.org/en/documents/mde15/5141/2022/en>.

5. Amnesty International, *Israel/OPT: Pattern of War Crimes in Gaza* (Oct. 2023),
<https://www.amnesty.org/en/latest/news/2023/10/israel-opt-war-crimes-gaza>.
6. Human Rights Watch, *Israel/Palestine: Unlawful Attacks in Gaza* (Oct. 12, 2023),
<https://www.hrw.org/news/2023/10/12/israelpalestine-unlawful-attacks-gaza>.
7. Human Rights Watch, *ICC: Investigation into Palestine a Historic Step Toward Justice* (Mar. 3, 2021), <https://www.hrw.org/news/2021/03/03/icc-investigationpalestine-historic-step-toward-justice>.
8. Al Jazeera, *South Africa Takes Israel to ICJ Over Gaza Genocide* (Dec. 29, 2023),
<https://www.aljazeera.com/news/2023/12/29/south-africa-takes-israel-to-icj-overgaza-genocide>.
9. Human Rights Careers, *Charities Helping Civilians in Palestine* (2024),
<https://www.humanrightscareers.com/issues/charities-helping-civilians-in-palestine>.
10. Bellingcat, *Gaza Conflict Investigations* (2024), <https://www.bellingcat.com>.