
The Israel – Gaza Conflict: A Human Rights Impact Assessment

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Abstract

The recurring conflicts between Israel and Palestine in recent pasts present a multifaceted challenge in the attainment of Global Peace and International Relations where human rights violations have been occurring amidst ongoing hostilities and brigandage. The accompanied wanton destructions of properties, exchange of gun fire spiraling to killings, maiming of innocent children, hostage taking and human right abuses have been consistently been a source of distress to kinetic global health, peace and development. Thus, this paper examines the complex overview in the human rights abuses and conflict with focus on the Israel-Gaza war as a case study. The study, therefore, emphasizes the use of diplomatic approach through an analysis of relevant literatures, international law, and media reports. This would greatly help in better understanding the impact of the conflict on the civilian populations characterized by the vulnerable children, women and weak in the abuse of their fundamental human rights as enshrined in several international treaties, articles or conventions, the underlying causes of the violations, and the potential avenues for its resolution. This paper seeks further to explore the intricate relationships between human rights and conflict in the context of the Israel-Gazawar. By addressing these issues, this research work contributes to a deeper understanding of the complexities involved in promoting and protecting human rights in the conflict zones. The paper concludes by recommending mechanisms for maintaining world Peace and Conflict resolutions as enshrined in International law.

Keyword: Human Right, International law, War, Peace and Conflict.

1.1 Introduction

The Israel-Gaza conflict is a protracted and deeply entrenched conflict characterized by recurring cycles of violence, humanitarian crises, and widespread human rights violations¹. At its core, this conflict encompasses territorial disputes, historical grievances, and competing claims to land and resources. Against this backdrop, the protection and promotion of human rights have become increasingly challenging, as both Israeli and Palestinian populations endure the consequences of ongoing hostilities². The Israeli–Palestinian conflict is an ongoing military and political conflict in the Levant. Beginning in the mid-20th century, it is one of the world's longest-continuing conflicts³. Key areas of the conflict include the Israeli occupation of the West Bank and Gaza Strip, the status of Jerusalem, Israeli settlements, borders, security and water rights, as well as Palestinian freedom of movement and the Palestinian right of return.

The conflict has its origins in the arrival of Jewish immigrants and settlers to Palestine in the late 19th and 20th centuries and the advent of the Zionist movement. The local Arab population opposed Zionism, primarily out of fear of territorial displacement and dispossession. The Zionist movement garnered the support of an imperial power in the 1917 Balfour Declaration issued by Britain, which promised to support the creation of a "Jewish homeland in Palestine". Following World War I, Mandatory Palestine was established, and tensions grew into open sectarian conflict between Jews and Arabs. In 1936, an Arab revolt erupted demanding independence, which the British suppressed⁴.

The 1947 United Nations Partition Plan for Palestine triggered the 1948 Palestine war, which saw the expulsion and flight of most Palestinian Arabs, the establishment of Israel on most of the Mandate's territory, and the control of the Gaza Strip and the West Bank by Egypt and Jordan, respectively. In the 1967 Six-Day War, Israel occupied the West Bank and the Gaza Strip (which became known as the Palestinian territories), which is now considered to be the longest military occupation in modern history, and has drawn international condemnation for violating the human rights of the Palestinians⁵.

The conflict has claimed many civilian casualties, mostly Palestinian, since its inception. Various attempts have been made to resolve the conflict as part of the Israeli–Palestinian peace process, alongside efforts to resolve the broader Arab–Israeli conflict. Progress towards a negotiated solution between the Israeli government and the Palestine Liberation Organization (PLO) was made with the Oslo Accords of 1993–1995. The majority of recent peace efforts have been centered on the two-state solution, which involves the establishment

of an independent Palestinian state alongside Israel. Public support for a two-state solution, which formerly enjoyed support from both Israeli Jews and Palestinians, has dwindled in recent years if not jettisoned. Official negotiations are mediated by the Quartet on the Middle East, which consists of the United Nations, the United States, Russia, the European Union and until recently, Egypt and Qatar. The Arab League, which has proposed the Arab Peace Initiative, is another important actor, along with Egypt and Jordan. Since 2006, the Palestinian side has been split between Fatah dominating the Palestinian Authority in the West Bank and Hamas that gained control of the Gaza Strip. Attempts to remedy this have been repeated and continuing. Since 2019, the Israeli side has also been experiencing political crisis. The latest round of peace negotiations began in July 2013 but was suspended in 2014⁶. Since 2006, Hamas and Israel have fought five wars, the most recent of which began in 2023 and are ongoing as of 2024.

1.2 Conceptual Framework

Human Right: this can be conceptualized as the fundamental rights and freedom belonging to every individual who are considered to be universal, inalienable and indivisible. Human rights are enshrined in various international treaties and declarations such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These documents provide the framework for the protection and promotion of human rights globally.

International Law: this is conceived as a set of rules, agreements and treaties that binds countries, govern states and other actors including international organizations and in some cases, individuals. The main purpose of international law is the promotion of peaceful and cooperative relations between states safeguard human rights and promote global justice and safety.

War: this can be explained as an organized and prolonged conflict involving two or more parties such as sovereign states or organized groups within a state and characterized by extreme violence, socio-economic disruptions.

Peace: peace is conceptualized as basically the absence of war and conflict, tranquility or quietness. Peace in actual sense transcends just the absence of war but the presence of the conditions that entrenches harmony and stability.

Conflict: this is a more serious disagreement or a protracted argument, arising from opposing or incompatible needs or interests. These conflicts can, therefore, occur at various levels of either interpersonal or international relations.

1.3 Theoretical and the Legal Framework

New diplomacy is international relations in which citizens play the key object. Under the old diplomacy, global policymaking was more strictly the purview of governments. The Israel-Gaza conflict has drawn international attention and condemnation for its human rights implications⁷. International human rights organizations, such as Amnesty International and Human Rights Watch, have documented and denounced violations committed by both parties to the conflict. Additionally, various United Nations bodies, including the Human Rights Council and the International Criminal Court, have initiated inquiries into alleged war crimes and violations of international law. However, the politicization of these issues and the lack of consensus among member states often impede meaningful action and accountability. After the 2014 war and 2021 crisis, Hamas began planning an attack on Israel⁸. In 2022, the far-right Netanyahu government came to power, which led to greater political strife in Israel and clashes in the Palestinian Territories. This culminated in the 2023 Israel–Hamas war, when Hamas-led militant groups launched a surprise attack on southern Israel from the Gaza Strip, killing hundreds of Israeli civilians and taking hostages. The Israeli military retaliated by conducting an extensive aerial bombardment campaign on Gaza, followed by a large-scale ground invasion with the stated goal of destroying Hamas and controlling security in Gaza afterwards. Israel killed tens of thousands of Palestinian civilians and displaced almost two million people⁹. South Africa accused Israel of genocide at the International Court of Justice and called for an immediate ceasefire. The court ruled there was plausibility of genocide, but did not order a ceasefire.

The war spilled over, with Israel engaging in clashes with local militias in the West Bank, Hezbollah in Lebanon and northern Israel, and other Iranian-backed militias in Syria. Iranian-backed militias also engaged in clashes with the United States, while the Houthis blockaded the Red Sea in protest, to which the United States responded with airstrikes in Yemen, Iraq, and Syria¹⁰.

1.3 The Diplomatic and Conflict Resolution Process

Israel-Palestinian peace talks were held on and off between the 1990s and 2010s, interspersed with outbreaks of violence. A negotiated peace did seem possible in the early days. A series of secret talks in Norway became the Oslo peace process, forever symbolized by a ceremony on the White House lawn in 1993 presided over by President Bill Clinton¹¹. In a historic moment, the Palestinians recognized the State of Israel and Israel recognized its historical

enemy, the Palestine Liberation Organization (PLO), as the sole representative of the Palestinian people. A self-governing Palestinian Authority was set up.

Cracks soon appeared, though, with then opposition leader Benjamin Netanyahu calling Oslo a mortal threat to Israel. The Israelis accelerated their project to settle Jews in the occupied Palestinian territories¹². The recently emerged Palestinian militant group Hamas sent suicide bombers to kill people in Israel and wreck the chances of a deal.

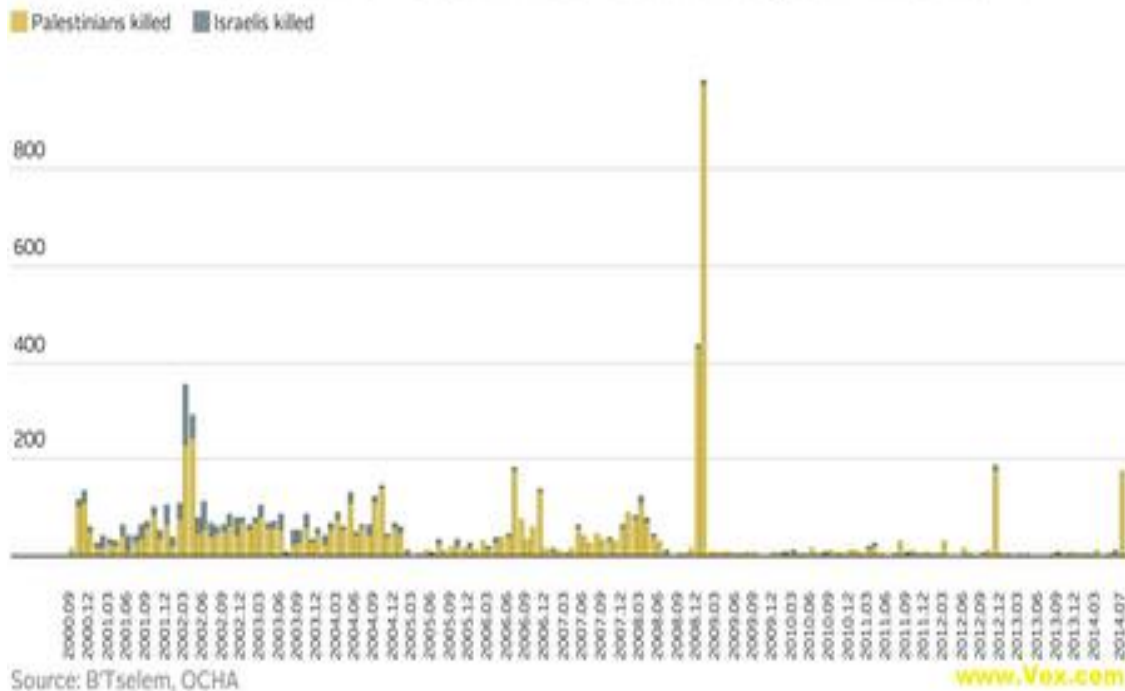
1.4 Human Rights Violations in the Israel-Gaza Conflict

The Israel-Gaza conflict has resulted in numerous human rights violations perpetrated by both Israeli security forces and Palestinian armed groups. These violations encompass a range of abuses, including indiscriminate attacks on civilians, extrajudicial killings, arbitrary detention, torture, and the blockade of essential goods and services. Civilian infrastructure, such as schools, hospitals, and residential areas, has often been targeted, leading to civilian casualties and widespread displacement¹³. The use of disproportionate force and collective punishment further exacerbates the humanitarian crisis and undermines efforts to uphold human rights principles.

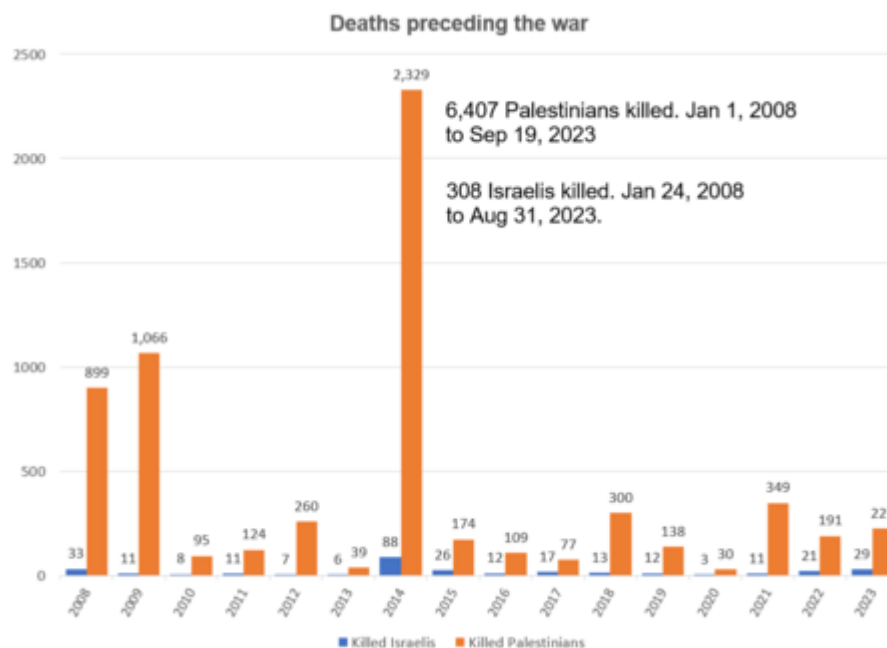
1.5 Causes of the Human Rights Violations and Deaths

Several factors contribute to the perpetuation of human rights violations in the Israel-Gaza conflict. These include the lack of accountability for past abuses, the absence of a viable peace process, entrenched political divisions, and the proliferation of extremist ideologies¹⁴. The asymmetrical power dynamics between Israel and Gaza, compounded by external geopolitical interests, also play a significant role in perpetuating violence and impeding efforts to address human rights concerns¹⁵. Moreover, the erosion of trust between the parties involved hinders dialogue and reconciliation, further entrenching the cycle of violence and impunity. The below figures and tables explain the abuses encountered.

Israel-Palestine conflict deaths per month



Bar chart showing Israeli and Palestinian deaths from September 2000 to July 2014



Source: OCHAoPt

A variety of studies provide aggregated casualty data for the Israeli–Palestinian conflict. According to the Stockholm International Peace Research Institute, 13,000 Israelis and Palestinians were killed in conflict with each other between 1948 and 1997. Other estimations give 14,500 killed between 1948 and 2009. Palestinian fatalities during the 1982 Lebanon war where 2,000 PLO combatants killed in armed conflict with Israel¹⁶.

According to B'tselem, during the first intifada from 1987 until 2000, 1,551 Palestinians and 421 Israelis lost their lives. According to the database of the United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory (OCHAoPt), 6,407 Palestinians and 308 Israelis were killed in the ongoing Israeli–Palestinian conflict from 2008 to September 2023, before the 2023 Israel– Hamas war¹⁷.

Demographic percentages for the Israeli–Palestinian conflict according to Office for the Coordination of Humanitarian Affairs from September 2000 until the end of July 2007.

	Belligerent	Combatant	Civilian	Male	Female	Children	Children male	Children female
Palestinian	41%	59%	94%	6%	20%	87%	13%	
Israeli	31%	69%	69%	31%	12%	Not available	Not available	

Partial casualty figures for the Israeli–Palestinian conflict from the OCHAoPt (numbers in parentheses represent casualties under age 18)

Year	Deaths		Injuries	
	Palestinians	Israelis	Palestinians	Israelis
2008	464 (87)	31 (4)		
2007	396 (43)	13 (0)	1,843 (265)	322 (3)
2006	678 (127)	25 (2)	3,194 (470)	377 (7)
2005	216 (52)	48 (6)	1,260 (129)	484 (4)
Total	1,754 (309)	117 (12)	6,297 (864)	1,183 (14)

Source: OCHAoPt Figures include both Israeli civilians and security forces casualties in West Bank, Gaza and Israel¹⁸. All numbers refer to casualties of direct conflict between Israelis and Palestinians including in IDF military operations, artillery shelling, search and arrest campaigns, barrier demonstrations, targeted killings, settler violence etc. The figures do not include events indirectly related to the conflict such as casualties from unexploded ordnance, or events when the circumstances remain unclear or are in dispute. The figures include all reported casualties of all ages and both genders^{19,20}.

1.6 Criticism of casualty statistics

As reported by the Israeli human rights group B'tselem, since 29 September 2000 a total of 7,454 Palestinian and Israeli individuals were killed due to the conflict. According to the report, 1,317 of the 6,371 Palestinians were minors, and at least 2,996 did not participate in fighting at the time of death. Palestinians killed 1,083 Israelis, including 741 civilians, of whom 124 were minors^{21,22}.

The Israeli-based International Policy Institute for Counter-Terrorism further analyzed the Palestinian deaths from 2008 to 2023, preceding the 2023 Israel– Hamas war in perspective²³. Of the Palestinian deaths 5,360 were in Gaza, 1,007 in the West Bank, 37 in Israel. Most were civilians on both sides. A variety of studies provide aggregated casualty data for the Israeli–Palestinian conflict. According to the Stockholm International Peace Research Institute, 13,000 Israelis and Palestinians were killed in conflict with each other between 1948 and 1997. Other estimations give 14,500 killed between 1948 and 2009. Palestinian fatalities during the 1982 Lebanon War were 2,000 PLO combatants killed in armed conflict with Israel^{24, 25}.

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1.7 Statistical Analysis of the Conflict and Human Right Abuse

As reported by the Israeli human rights group B'Tselem, since 29 September 2000, a total of 7,454 Palestinian and Israeli individuals were killed due to the conflict. According to the report, 1,317 of the 6,371 Palestinians were minors, and at least 2,996 did not participate in fighting at the time of death. Palestinians killed 1,083 Israelis, including 741 civilians, of whom 124 were minors^{31,32}.

The Israeli-based International Policy Institute for Counter-Terrorism criticized the methodology of Israeli and Palestinian rights groups, including B'Tselem, and questioned their accuracy in classifying civilian/combatant ratios³³.

1.8 Conclusion

The war in Gaza has affected the lives of children, women and vulnerable in their millions since the war started. As reported, in Gaza, more than 15,500 children have lost their lives and estimated 17,000 minors have lost a parent, parents or separated from them. In hospitals, the Wounded Child No Surviving Family (WCNSF) is now roaming the street without any family member. Several children remained traumatized from either of the parents dead from the Israeli air strikes or bombardment. These air strikes have impacted on the children's emotional, physical or mental health as larger numbers of them are displaced and several dead bodies littering the streets with severe humanitarian consequences. Most of the children were reported malnourished and unattended to. Going to schools are now a distant memory for them.

For these, the impact of intersection of human rights and conflict on the going Israel-Gaza war presents a complex and multifaceted challenge that requires urgent attention and concerted efforts from the international community in order to forestall further escalation of the unnecessary conflict and breakdown of severe global humanitarian crisis. Addressing the root causes of the conflict, promoting accountability for human rights violations, and advancing a just and durable resolution are essential steps towards mitigating the humanitarian crisis, abuse and upholding the rights and dignity of all affected populations. By acknowledging the interconnectedness of human rights abuses and conflict, stakeholders can

work towards building a more peaceful and inclusive future for the region thereby impacting the world positively. The series of resolutions passed should be upheld and implemented by the international community.

1.9 Recommendations

The Israel-Gaza war has been described by scholars as time bomb in sparking the occurrence of another world war. Several efforts have, however, been made for years without success of abating. Furthermore, noticeable peace processes have been put forward by scholars to ending Israel-Gaza war which have often been focused on a mixture of social, economic and political strategies. Some of the affirmations by the study at ending the war include but not limited to;

1. Two-State Solution: These ordinarily translate to an independent state of Palestine alongside the state of Israel with border solely based on pre-1967 agreed perspective.
2. Security Guarantee and Demilitarization: the approach of the commitment made by a state or group of states to protecting the security of another state. These can take various forms like military alliance, bilateral security treaties and nuclear allies. In demilitarization or elimination of a state's military forces and capacities in a specific perspective. In doing this, complete disarmament, partial disarmament or arms control agreements should be put in place.
3. International Mediation: this is a conflict resolution process in which a neutral third party called a mediator is employed to assist conflicting states or entities in reaching a much mutually acceptable agreement.
4. Provision of Humanitarian Aid: this is the immediate provision of assistance to people affected by emergencies such as armed conflict or natural disasters. The ultimate aim is to save lives, maintain human dignity and alleviating human sufferings.
5. Legal and Peace Talk: by employing this strategy, negotiations are done to resolving conflicts through legal frameworks in a peaceful manner. These processes are germane in the field of international relations in seeking to establish lasting peace, stability and justice.

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