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The Battle of Soldiers and Noncombatant Civilians:
A Reflection on the Israeli-Palestinian Imbroglio

Awaisu Imurana Braimah
Department of Political Science, University of Ghana, Ghana

Abstract:
Israeli-Palestinian conflict is one of the oldest and intractable conflict in the world. There have been intermittent recurrences of the conflict in spite of the several attempts to resolve it. The conflict resolution attempts span from the UNO resolutions to peace pacts brokered by many international actors including Norway, Egypt and the United States. Nonetheless, the conflict continues to surge, assuming many dimensions and leading to the destruction of lives and property of innocent Palestinians and Israeli civilians. This paper argues that the current Israeli – Palestinian conflict and the pounding of unarmed civilians in Gaza through airstrikes by Israeli forces further exposes the deep-rooted resentment around the World of the double standards of world powerful states, and particularly the obstructionist policy of the United States of America in the Middle-East.

Keywords: Airstrike,Conflict, Conflict resolution, Genocide, Humanitarian law, Israeli-Palestinian conflict, Non-combatants, War crime

1. Introduction

The intractable conflict between Israel and Palestine, and to a large extent, the combined Arab states in the Middle East has a checquered historical antecedence.The British and French colonial maneuvers after the demise of the Ottoman Empire played a key role in the contemporary Israel-Palestine conflict that has become an albatross on the world political landscape. In 1917, Britain issued the Balfour Declaration committing itself to facilitate the establishment of the 'Jewish homeland' in Palestine regardless of the concerns of the local indigenous Palestinians (Muhammad, 2007:1). The subsequent creation of Israel in 1948 did not only anger the indigenous people(the Palestinians), but also exasperated neighboring Arab states as a whole. The resolve of world powers (such as Britain, United States of America, Canada among others) to ensure the creation, re-establishment and return of Jews to the Biblical 'homeland' in Palestine further severed ties with Israel's Arab neighbors. This Zionist Movement was borne out of sympathies in the West for the Jews who were almost exterminated through ethnic cleansing by Nazi forces to find a safe haven or 'national home' for all Jews.

The project (to find a 'national home' for all Jews which was a moral obligation for the international community to find a lasting solution for a people – Jews – whose collective identity and survival was severely threatened of extinction) embarked uponby world leaders in the West, has been a recipe of the lethal unending conflict between the Israelis and the Palestinians in contemporary times. The West, led by the US hassupported and continue to supportIsrael through military and financial resources to maintain or defend itself against their immediate Palestinian neighbors in particular andagainst the combined military aggression of some Arab-states in the Middle East. By this, Israel undoubtedly became and stillthe most 'powerful' state in terms of military capability in the Middle East. This status of Israel –as the most powerful military state - had culminated inthe seizure, ejection and occupation of vast territories belonging to the local Palestinian people. The military aggression and territorial aggrandizement policy of Israel have caused internal displacement of Palestinians, a situation which made them refugees and/or 'squatters' in their homeland. Israel's unprovoked and expansionist policy has had some tremendous consequences on Palestine as it "uprooted"Palestinian families from their natural habitat, causing series of turmoil and mayhem arising out of Israeli-Palestinian military encounters. The Palestinian leadership, out of frustration and alienation, declared *intifadah*(the spontaneous uprising against Israel's occupation of Arab territories captured in the 1967 war) which first erupted on December 9, 1987. The uprising is marked as the major phase in the Palestinian mass resistance against Israel. The Israeli-Palestinian imbrogliois laden with ever-growing emotional attachments and acrimonies, which havetriggered reactions that have the propensity of cocooning authors of the issue into pro-Israelites and pro-Palestinians. The mind-boggling questions in this paper are: Why will the U.S. and its allies (undoubtedly the promoters of universal human rights) preside over the gross human right violations perpetuated by Israel in Palestine? Why is the U.S. continuously vetoing UN Resolutions on the Israeli-Palestinian conflict? Why is Israel and U.S. not interested in the two-state solution? Will the security of Jewish state be in jeopardy when Palestine gain statehood?

2. Methodology

Data and information for this study have been collected/generated for over a decade of monitoring the Israel-Palestine conflict and the efforts of the United Nations Organization and the United States of America to broker a peace deal in the aftermath of the 2007 Israel-Hamas crisis that claimed several Palestinian and moderateIsraeli lives; and the events and processes leading to a ceasefire. The study also took into consideration the events that led to the ongoing crisis between Israel and Hamas in the Gaza strip. This data was complemented with secondary sources from books, monographs gleaned from historical records, journal articles, newspapers, internet, radio, and television networks. Also, the speeches of the past and presentIsraeli Prime Minister(s) including the spokespersons from both the Israeli government/militaryand Hamas in the ongoing conflict were monitored, evaluated, analyzed and synthesized.

3. Theoretical Framework

This section is an attempt to put the current and the ongoing Israeli-Palestinian conflict into theoretical context and to find well-grounded theories to underpin this study. There isplethora of theories in scholarly arena, which interrogated the intractable nature of the Israeli-Palestinian conflict for over the past five decades. None of the theories, however, has been able to amply explain holistically the historical and political analysis of the conflict under examination. This paper does not attempt to profferthe theoretical antidote that entirely explains the Israeli-Palestinian conflict since its inception either. It is significant to emphasize that any attempt to give the Israeli-Palestinian Crisis a theoretical nomenclature must necessarily make use of an agglomeration of conflict theories. Therefore, the theoretical analysis of the Israeli-Palestinian conflict is this paper is anchored by three broad themes or theories: the Enemy System Theory,Human Needs Theory and Internal Colonialism Theory.

Enemy System Theory (EST) was developed to assist in explaining intractable conflicts and was used to explain the Cold War in the early 1990s before the collapse of the Soviet Union. It is a fusion of developmental psychology and international relations theory. This theory was developed in the late 1980s by a group of psychiatrists and international relations practitioners – former members of the American National Council and the US state Department – as a model to explain the complexities of group behavior, particularly with regard to antagonistic relationships. The thrust of the Enemy System Theory (EST) is the supposition that humans have a deep-rooted psychological need to establish,dichotomize relation,and create enemies and allies. Both Israel and Palestine have states and international organizations that they consider as allies and enemies. Israel, for instance, considers the US, Britain, Canada, among others, as allies in its bid to conquer all political and economicthreads emanating from the Middle East. This alliance has culminated in the open declaration of US supportto Israel. This is evidenced by many US speeches and policies, which concluded that 'Israel has the right to defend itself.' The speeches describe Hamas as a 'terrorist organization.' US support to Israel is also evidenced by the provision of logistics (Military hardware) including budgetary support to Israel to maintain its existence against its hostile neighbors. In the same vein, Hamas/Palestine has also identified itself with some states it consider as allies in the struggle of what they termed 'anti-colonial' and 'liberation' war with Israel. The countries the US and Israel consider as allies to the Hamas-led government in Gaza are Qatar, Iran and Iraq (in the case of Iraq, under ex-head of state, Saddam Hussein) who continuously provide financial and logistical support to the group. The creation of these alliances and foes makes the Israeli-Palestinian crisis an internationalizedregional conflict. The alliance formation makes the US, Egypt, Qatar, Iran and other invisible states as part of the problem of the over five decades old conflict. The source of alliance formation and/or enmity can often be traced to some historical animosity (Mack, 1990:58). Enemy System Theory, according to Volkan (1998), involves two types of mourning: uncomplicated and complicated. Uncomplicated mourning is when a group comes to terms with what was lost. They learn to cope with their grief and sorrow. As Hamas and/or Palestinians enmeshed by complicated mourning, they continue to be under threat and are unable to forget their losses. Consequently, they continuously try to regain what waslost, especially their prestige, power, position or territory. As Volkan states:

When territory – or even prestige – is lost to an enemy, and a group had difficulty forming a remembrance formation, the group can still be seen trying to recoup ancient losses. Under political, military or economic stress, the mourning may become complicated when the representation of what is lost cannot be surrendered because it is too highly idealized or too necessary to self-esteem (Volkan, 1998:33).

Volkan's complicated mourning further adumbrate the situation between Israel and Palestine. Palestine for instance, finds it difficult to let go, its perceived legitimate territories lost to Israel in the 1967 war. Hence, groups that suffersuch losses tend to perpetuate violence of all kinds in order to redeem what was lost. This further complicates the mind-boggling search for peace for groups suffering from complicated mourning since they are not disposed towards compromise and particularly over what was lost. In the situation of Palestine/Hamas, the demand has been the unconditional withdrawal of Israel on all usurped and occupied lands in exchange for peace.The EST, though offers a sophisticated theory of conflict which underpins the study of intractable conflictbetween Israel and Palestine, it is not by itself enough and well-grounded theory in explaining the entirety of the Israel-Palestine conflict.

This study also utilized the Human Needs Theory (HNT) to help streamline the exigencies of the Israeli-Palestine imbroglio.Human Needs Theory (HNT) was developed in the 1970s and the 1980s as a generic or holistic theory of human behavior. It is based on the hypothesis that humans have basic needs that have to be met in order to maintain stable societies. As Burton states:

We believe that the human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs – needs such as security, identity, recognition and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs. This struggle cannot be curbed, it is primordial (Burton, 1990:150).

The struggle for primordial needs is theoretically related to the Frustration-Aggression Theory which is based on the stimulus-response hypothesis. According to Fisher et al (2000), Human Needs Theory (HNT) assumes that deep-rooted conflict is caused by unmet or frustrated basic human needs – physical, psychological and social. Security, identity, recognition, participation and autonomy are often cited (Fisher et al, 2010:8).The frustration of not satisfying these needs leads to aggression and subsequently, conflict. What distinguishes Human Needs Theory (HNT) from the Frustration-Aggression Theory is that the former is concerned only with absolute needs while the latter is alsoconcerned with wants and desires. Burton further states:

Now we know that there are fundamental universal values or human needs that must be met if societies are to be stable. That this is so thereby provides a non-ideological basis for the establishment of institutions and policies. Unless identity needs are met in multi-ethnic societies, unless in every social system there is distributive justice, a sense of control and prospects for the pursuit of all human and other human societal developmental needs, instability and conflict are inevitable (Burton, 1990:151).

Human Needs Theory (HNT) as enunciated is significant in understanding the Israeli-Palestine imbroglio. The theory recognizes and legitimizes the needs and desires of both Israel and Palestine to exist as independent entities. Conflict based on ENT requires belligerents to go through third party mediation/negotiation processes to identify the factors that cause the unmet needs, and generate mechanisms for sorting out those needs (agreements and/or settlements that meet the basic human needs for all or both conflicting parties).Groups in conflict must have at least some of their needs and desires met and not the needs of one faction at the expense of the other if peace is to be achieved. In the context of the ongoing Israeli and Palestinian conflict, an enduring peace pact must not be a hotchpotch of demands but one that addresses the fundamental and underlying issues of the conflict. The settlement/agreement must be a positive-sum game (win-win situation) and not a zero-sum game (one party's gain is a loss to the other).

The attempt to interrogate the Israeli-Palestinian conflict cannot but make use of the concept of internal colonialism. This concept suggests that a 'powerful' dominant and subordinate relationships that exist in a region or nation. The gist of the theory suggest that there will never be equality between the dominant and the marginalized groups, nor full civic integration of all groups due to the unequal relations (Bullock and Trombley, 1999:438). Accordingly, the blueprint for Palestine/Hamas has always been how to liberate itself from the Israeli occupation from conquered lands and a determination of self-rule to co-exist side by side with the Jewish state. In spite of the Oslo Peace Accord (July 1, 1994) and the UN resolution for Israel to return lands or territories expropriated from Palestine during the 1967 war, Israel and its allies have blatantly ignored such resolutions. This position by Israel is reminiscent to traditional colonialism before World Wars I and II. Cassanova (1970) argued that:

The same conditions of traditional colonialism … are found internally in nations today. These conditions include monopoly and dependence – the metropolis dominates the isolated communities, creating a deformation of the native economy and decapitalization – relations of production and social control (exploitation plunders the land and discriminates everywhere); and culture and living standards (subsistence economies accentuate poverty, backward techniques, low productivity, lack of services). These are the conditions of marginal peoples who suffer from low levels of education, unemployment, and underemployment … such people experience a sense of resignation and fatalism similar to that of colonized people (Cassanova, quoted in R. H. Chilcote 1981:302).

Cassanova's (1970) conditions of traditional colonialism and their ramifications manifest, and forma well-grounded theoretical underpinning in the ongoing Israeli-Palestinian imbroglio. Internal colonialism is applied in the analysis of social inequalities within societies. Such inequalities may include, among others, force annexation and occupation of territories of the minority or marginalized people; denial of self-determination of the marginalized;monopoly in the control and exploitation of natural resources (i.e. land and sea) and ethnic cleansing. Such deprivations tend to breed conflict between the dominant power (the colonialist) and the 'colonized'.Some scholars perceive the root cause of the Israeli-Palestinian conflict as that of a 'powerful' colonial imperialist (that is Israel) against a less superior (people of Palestine). This relation is akin to European imperialism or colonialism in most parts of the globe between 16th and18thcenturies. In the context of the Israeli-Palestinian conflict, Israel's annexation of Palestinian lands,have rendered the local population as either internally displaced persons and/or refugees in neighboring states and depriving or preventing the refugees the right to return to their land of birthcan only be described as a modern vestige of colonialism. In such a phenomenon, it was the case that the Palestinian people would normally mobilize all demonstrations reminiscent of Algerian revolution against France for autonomy. The continuous occupation of these Palestinian lands conquered in the 1967 war and the Israel's military siege or blockade of the Gaza strip is the prime cause of the intermittent lethal conflict between Israel and militants or 'liberation' movements from Palestine.

4. U.S. Policy in the Middle East: A Commitment to Peace or Propaganda?

The U.S. policy in the Middle is decisive and unambiguous in its open support for Israel's policy of hard-handedness to its neighbors in the region. The U.S. do not only provide financial and military support to Israel, but also turn a blind eye on the question of human rights infractions perpetuated by Israel against the Palestinians. The July 8, 2014 Palestinian-Israeli conflict which witnessed indiscriminate killings of noncombatants and physical attacks on UN facilities, did not perturb the U.S. and its allies except to continue the well-known rhetoric of "Israel has the right to defend itself" and referring to Hamas and its surrogates resisting Israel's expropriation and occupation of Palestinian territories; and the unrealistic blockade in Gaza as 'terrorists'. This black propaganda against militants in Palestine (who refer to themselves as 'liberation forces' against Israeli 'foreign' domination) and the continuous white propaganda for Israel is a clear manifestation of a non-commitment on the part of the U.S. to impartially preside over peace deals it negotiated or brokered over the years between Israel and Palestine. The U.S. vetoes on UN Resolutions requesting peacekeeping and observer missions to supervise Israel's return of Palestinian lands also indicates the U.S. unfettered

support for Israel against UN Resolutions. The U.S. policy toward Israel since the Cold War era has been reconciliatory and an unfettered ally (in the Middle East) during the cold war. The pedigree of the U.S. as the promoters of 'justice' and 'Universal Human Right' for the marginalized people everywhere in the world, has been compromised in its handling of the Israel-Palestine conflict. Hence, the U.S. commitment to peace in the Middle East, and in particular, the Israel-Palestine conflict has been a mere propaganda and less commitment to implement peace deals (i.e. Oslo Peace Accord, Two-State solution etc) and UN Resolutions that are not favorable to Israel (e.g. Israel's withdrawal from occupied Palestinian territories).

5. Israeli-Palestinian/Hamas Conflict: Just or Unjust War?
The current Israeli-Palestinian/Hamas conflict can be described in legal sense, as both 'just' and 'unjust' war. For, every society has the responsibility to protect itself against a possible threat of attack. Just war is narrowly construed in this paper to mean the right of a state to defend its people and interestswhether by air,land and sea on condition that there is a potential threat of attack or if it is attacked. Accordingly, the current conflict is designated as a 'just war' in the context of the right of both Israel and Palestine to defend their citizens. The use of the term 'Just war' has been repeatedly abused by belligerents as a justification to go to war or continue military offences on the perceived 'enemy'. Each faction accuses the other as the aggressor but regard their course as 'just'.In the context of this current Israeli-Palestinian conflict, Israel continue to blame the Palestinians or Hamas as the aggressors, hence the justification to continue the war. Hamas consistently accuses Israel as the aggressor and oppressor hence itsresistance. The Israeli-Palestinian/Hamas fracas is a political conflict, one that can be managed or resolved by means of dialogue that includes compromises and sacrifices from both sides oftheconflict. The use of violence to deal with a political conflict can only be a temporal measure orreprieve.The fundamental root causes of the conflict cannot be addressed by violence means. For, war of any kind only creates new obstacles to peace. As aptly captured by Ikle (1971);
Whatever the obstacles to an arrangement that would have prevented war; the use of violence itself engenders new obstacles to the reestablishment of peace. Fighting sharpens feelings of hostility. It creates fear that an opponent might again resort to violence; and thus adds to the skepticism about a compromise peace ...more is expected of a settlement because both the government and the people will feel that the outcome of the war ought to justify the sacrifices incurred (Ikle, 1971:107).

The Israeli-Palestine conflict has raged on for decades and so far defied all conflict resolution mechanisms initiated by the international community/organizations and other individual states. The consistent use of violence by both Israel and Palestine to resolve a political conflicthas thus far yielded no positive results. Instead, it has causedthe mass killing of unarmed civilians or noncombatants from both sides. The consequences of the conflict are enormous and conspicuous. Apart from the annihilation of innocent civilians, the conflict has brought many settlements in Palestine to a sanguinary end. It has also jeopardized peace in Palestine, polarized international relations into pro-Israel and pro-Hamas/Palestine, and somersaulted all attempts to broker a peace pact between the factions. The result is that the civilian population in Palestine continues to live in perpetual apprehension, embracing an anti-nihilism philosophy. The conflict has also cause an ingrained mutual suspicion and mistrust between Israel and Palestine. Enduring lasting peace is not achieved under such conditions of mistrust and occasional or intermittent killings/attacks of parties in conflict. A state that feels threatened or is under attack may take necessary measures to protect itself. This phenomenon may be considered as a 'just war'.
However, a 'just war' loses its 'venom' or empathy when in the pursuance of the 'aggressors', leads to transgression, excesses or blatant disregard to the law of war on noncombatants and/or the vulnerable in society. Acts that are devoid of human dignity, collective penalties/punishment of whole populations, mass killings and the destruction of 'immune' persons and structures (examples include: hospitals, non-combatant civilians and their home, places of worship, humanitarian workers, journalists/media houses) in the course of warfareare generally considered as violations of Law of War and an 'unjust war'.The Hague Draft Rules of 1923 states inter alia: 'attacks from the air would be permitted only if directed against a military objective, the total or partial destruction of which presented a 'distinct military advantage' to the attacker'.In the current context of the Israeli-Palestinian imbroglio, the Law of War has been broken from the day and date (July 8, 2014) of the start of the conflict. Israel, out of frustration of identifying the military wing of Hamas fighters to engage in war, aggressively unleashed severe and disproportional grand scheme of air strikes on whole unarmed civilian populations including 'immune' humanitarian facilities such as schools, hospitals/medical facilities, media houses and places of worship. The reaction of Hamas has been the unabated firing of rockets into Israel with the sole aim of destroying lives and property.The collective penalties by Israel on the Palestinian people is a gross violation of not only the international law of non-engagement or killing of non-combatants but also, the abuse of the fundamental human rights of a people. The situation in Gaza (the mass killings or genocide)is despicable, inexplicable and cannot be justified under any reasonable circumstance. The seemingly caught-watching and hypnotization of the international community on the mass killings in Gaza by Israel only reaffirmed the world-wide notion of double standards of 'Western powers' of selective justice on the rights and determination of a people.

5.1. Human rights abuse or Genocidein Palestine? Exploring the Humanitarian Law of War
The rights of the Palestinian people were trampled upon by the United States of America and its allies since the twilight of history and events that led to the unilateral declaration of Israel's statehood. This is followed by unfettered and obdurate support by the US to Israel; a situation which made the US to turn a blind eye to Israel's human right violations or atrocities against the Palestinian people.Encapsulating US international relations with Israel is the biblical apocalyptic reason and the return of the Jews to their so-called homeland. A discussion of the rationale of US relations with Israel is incomplete without the mention of the Holocaust (The Holocaust perpetuated by Nazi Germany under Adolf Hitler that systematically aimed and killed about six million Jews). The Holocaust made the founding of Israel as a nation necessary. It was therefore not surprising that the international

community did not see the founding of Israel as a nation phantasmagorical but regarded as agreat response to one of history's greatest humanitarian catastrophes. Israel's identification with democracy and the political 'pressure' on the US government by lobbyist of pro-Israeli 'forces' across the globe also account for the unbridledU.S. support for Israel. There were also geopolitical and strategic factors that were particularly important during the Cold War period (Turner, 2003; Muhammad, 2007).While this sympathy to Jews is permissible, that should not be expressed at the expense of the rights of other groups or 'nations'. Some historical fundamental human right abuses toward the Palestinian people include the following:

First, since Israel's 1948 unilateral declaration of statehood and the fierce resistance from Arab forces that ensued, Palestine has been in a state of turmoil. This phenomenon has rendered manyPalestinians homeless, and were also compelled to flee to neighboring states as refugees. As aptly captured by Turner (2003):

More than 200,000 Palestinians were forcedfrom their homes or fled in fear to neighboring Arab territories. Following the declaration of statehood and the ensuing war between Israel and surrounding Arab countries; which rejected Israel's statehood, an additional 550,00 to 600,000 Palestinians were dispossessed of their land and were made permanent refugees in countries such as Egypt, Jordan, Lebanon, and Syria. When the war had ended, Israel had expanded into 78 percent historic Palestine, thus establishing by force and ethnic cleansing its internationally recognized borders ... the United Nations General Assembly adopted Resolution 194, recognizing the Palestinian refugees' right of return. This right has never been honored (Turner, 2003:527).

The forciblyejection and the subsequent occupation of Palestinian lands by Israel severely undermined the world-wide recognition of the U.S. as the champion of promoting the rights of all persons, irrespective of their geographical location, religion, ethnic, political, cultural and social status. For instance, on May 30, 2001, Amnesty International declared that the United States was no longer the world's human rights leader. This declaration followed the vote of the United Nations Economic and Social Council (ECOSOC) not to renew the United States seat on the Human Rights Commission (cited in Turner, 2003:524).This vote was as a result of the consistent U.S. opposition and selective application of international human right issues.

Secondly, the continuous occupation of Palestinian territories by Israel is not only illegal and gross disrespect for international law, but a denial of collective rights and self-determination of the Palestinian people. In spite of the several UN resolutions (Security Council Resolutions 242, 338, 476, 180 and 1322) requiring Israel to withdraw from the Palestinian lands, all these resolutions have come to naught.These resolutions passed by the UN Security Council could have been facilitated or 'pushed' and implemented had the U.S. played its dominant role as the 'global police' in seeking justice and protection for the 'weak' and the marginalized minority as it had led the crusade for justice in the former Yugoslavia and the Balkan wars. Again, the U.S. selective promotion and duality on human right issues around the world was seen during the Iraqi occupation of Kuwait in the 1990s. The alacrity to which the U.S. anchored the UN Security Council into the adoption of a series of punitive resolutions (e.g. UN resolution 678) and condemnable declarations against Iraqi occupation was heartwarming and a show of a 'powerful' state interested not only in the protection of its strategic and vital interest abroad, but also, the champion in the promotion of worldwide human right issues. In the case of Israeli-Palestinian conflict where the former militarily annexed large tracks of land and the occupation of such territories from the latter, the U.S. has a different approach that undermines its principle – justice. On the contrary, the U.S. is resolute and solidly behind Israel in spite of its worse human right abuses against the Palestinians. According to Turner (2003):

The United States stands alone in its reluctance to condemn Israeli human rights abuses. Its veto has blocked the creation of UN observer force to protect Palestinians, and in April 2001it cast the only vote in the UN Human Rights Commission against a resolution expressing"grave concern" over Israel's expropriation of land, the demolition of houses, the confiscation of property, (and) the expulsion of Palestinians. Despite President George W. Bush's adoption of a more critical stance toward Israel during the April 2002 offensive, Congress approved a resolution expressing support for Israel and undercutting the President's policy (Turner, 2003:529).

This call to question the U.S. ambivalent on its principle of "championing" justiceand the father-figure role it plays for the destitute and marginalized in global politics. The U.S, seem to be willing to surrender its principle on human right abuses in matters relating to Israel and its neighbors, and particularly to the Palestinian people. This posture of the U.S. undoubtedly has created some resentments across the Arab world against the U.S. and its policy in the Middle East.

5.2. Humanitarian Law of War, Human Right Issues and the Current Israeli-Palestine/Hamas Conflict

The recent Israeli-Palestinian conflict is one of the deadliest since 2007. The current conflict has defied all ethics and humanitarian law of war since its inception on July 8, 2014. The conflict has witnessed the indiscriminate mass killing of noncombatants; majority of whom included the elderly, women, children and babies. This category constituted the largest population of noncombatantswhowere particularly and/or systematically targeted and killed by Israeli forces in contravention of forbidden acts of war enshrined in the Geneva Convention IV of 1949 on Civilians. Accordingly, the Health Ministry in Palestine and independent foreign media reports put the death toll in the forty-nine (49) days of Israeli onslaught on Gaza to be two thousand and two hundred (2,200) Palestinians so far exterminated. Seventy (70) people are reportedly killed on the side of Israel – majority of those killed were Israeli combatants.Forbidden acts or practices in the conduct of war as outlined in the provisions of Geneva Convention IV of 1949 under Protocol I (cited in De Lupis, 1987:273) include the following:

- Violence to the life, health, or physical or mental well-being of persons in particular:
  - Murder
  - Torture of all kinds, whether physical or mental;
  - Corporal punishment; and
  - Mutilation
- Outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault
- The taking of hostages;
- Collective punishment; and
- Threats to commit any of the foregoing acts

Besides the provisions of Geneva Convention IV of 1949, Protocol I of 1977 extends protection or 'immunity' to specific category of people and/or professionals as part of Humanitarian Law of War. They include: women and children; journalists, medical professionals/personnel; civil defense personnel; religious personnel and places of worship; and prisoners of war. Women (particularly pregnant women and mothers with dependent infants) are particularly protected from any physical attack by belligerents regardless of the level of provocation so long as they are not directly engage in combat. Children under fifteen (15) years of age are equally exempted from any form of physical attack and must be evacuated to safety as part of mandatory rule of war. The second category of persons who are supposed to be protected are journalists.The Geneva Convention IV of 1949 and Protocol I of 1977 both gave a wide range of protection for war correspondents and journalists in general. Journalists are most crucial in the conduct of war. Their reportage determines if the humanitarian Law of War was/is adhered to by parties in the battlefield. Medical staff are particularly protected in the conduct of war. These category of [1]professionals are particularly important in the treatment of the wounded – both combatants and noncombatants. As a result, hospitals, clinics and any other places(s) designated for the treatment of war victims, are to be protected from any physical attack from warring factions. Prisoners of war are also protected by Protocol I of 1977. Prisoners of war are to be treated with dignity and not to be subjected to inhuman and/or degrading and humiliating acts. The captives are not supposed to solicit information from the prisoners of war except to take their names and rank. Religious personnel such as military and civilian priests are not to be molested or subjected to inhuman treatment so long as they are not in combat.Places of worship such as Churches/Temples, Mosques, Synagogues are to be protected from any physical attack or damage. The guiding principles of the Law of War enumerated above are meant to control or moderate the behavior of combatants and to reduce the scourge of war on noncombatants who usually constitute the largest segment of civilian population.

However, in the context of the Israeli-Palestinian conflict, the Humanitarian Law of War was shabbily respected by the warring parties. The airstrikes from the Israeli forces seemed not to have been directed to the forces of Hamas militants; but were indiscriminately targeting defenseless civilians. Two cases in point were the killings of four Palestinian children at a beach resort; and a few Palestinian civilians who took refuge in a UN building/schools in Gaza and Rafah were not spared by Israeli missiles killing thirteen (13) Palestinians in the process. At the time of the Israeli attack on the UN school, the facility was housing three thousand (3,000) people most of whom were women and children (UN source in Gaza). The UN Secretary-General, Ban Ki Moon described the attack on the UN /compound/school as 'a moral outrage and a criminal act'. Hospitals and medical personnel (ambulances were bombed and destroyed and Red Cross staff were obstructed from picking the wounded and the dead) were hit or targeted by Israeli missiles. Media house(s) (e.g. al-Jazeera) andsome war correspondents/journalists were not spared in the Israeli aggression on Gaza.Civilian homes were flattened, and there was a deliberate blockade and access of food and water to the homeless Palestinians and thereby, degrading the human dignity and starving whole population as a collective penalty or punishment by the Israeli forces.In the same vein, Hamas militants fired rockets into Israel as a response to Israeli military offensive on Gaza with the intent to cause harm to Israelis – most of the rockets were intercepted by Israeli forces. While the casualty on the Israeli side were combatants (Israeli soldiers), the casualty levels in Gaza were mainly civilians with women and children dominating the death toll figure of 2,200.These incidences of utterly disregard of the protection of noncombatants such as women and children, journalists, medical personnel and the missile attack on the UN compound by Israeli forces have attracted international condemnations and/or criticisms from some prominent individuals and states who hitherto, were sympathetic to Israel's course. For instance, public opinion monitored on social media on the current Israeli-Palestinian conflict showed that some American citizens' support for Israel is fast waning in view of the merciless killing of unarmed Palestinian civilians by Israeli forces.

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[1] See Geneva IV article 8
  Geneva I, article 40: Protocol I of 1977, article 18 (3)
  Geneva I, article 24
  Geneva I, article 26
  Geneva I, article 28

6. Peace-making and Peace-Building

The Palestinian-Israeli imbroglio has defied all attempts at resolution. Accordingly, the conflict has largely been a crisis management conflict. This explains the cyclical and intermittent violence that characterizes the Palestinian-Israeli conflict. A combination of peace-making and peace-building mechanisms must be pursued by the international community to bring an end to the over fifty (50) year old conflict.Peace-making is the process of establishing a settlement after the end of conflict. A wide range of diplomatic channels such as mediation, reconciliation, negotiation, good offices and fact-finding missions are adopted to ensure lasting peace. When these diplomatic efforts fails, peace enforcement may become the last option. Peace enforcement is permissible under Chapter VII of the UN Charter involving the application of political and economic sanctions and/or military force to restore peace (cited in SIPRI-UNESCO Handbook,1998:39) Peace-building occurs in the aftermath of conflict to avoid a recurrence. The main purpose is to re-establish normal relations including communication between belligerents. This paper outlines four thematic areas that may assist in the peace-making and peace-building efforts to de-escalate the bitter recriminations between Israel and Palestine.

- Firstly, Israel's occupation and the continuous expropriation of Palestinian territories must halt as a first step toward meaningful settlement of the political conflict that has claimed several lives from both Palestine and Israel. It is normally difficult to discuss issues of peace between factions when one party is in the possession of territories/land and/or property of theother party. The latter, no matter how 'weak' the group, always work to recoup ancient losses by all means possible. This fuels reoccurrence of violent conflict as in the case of the Palestinian-Israeli conflict. Again, the continuous siege, blockade (both land and sea) and the restrictions of movement of persons and goods by Israel in Gaza only exacerbate the tensions that already exist between Palestine and Israel.
- Secondly, the intermittent attacks on Israel by Hamas and their surrogates must halt to pave way for peace-building and peace-making efforts. Discussions of peace are not and cannot be held under an environment of threat or insecurity. The notion of the annihilation of Israel by some Arab-states in the 1960s is utopian and cannot garner support from any quarter in contemporary global world. Israel as a state needs assurance and recognition from its immediate environs to pave a conducive environment for the political and economic settlement of the impasse that existed between Palestine and Israel since the creation of Israel in 1948.
- Thirdly, the international community must buck down on existing stereotype of Palestine/Hamas as 'terrorists' and instead put in more effort to create/establish a Palestinian state that will exist side by side with the Jewish state. The 'Two-State Solution' agenda is one of the surest way of de-escalating tensions between the Israelis and the Palestinians. The 'Two-State Solution' will be meaningful and practical if the international community pool resources together to form a Multilateral UN Protection Force (UNPROFOR) - a neutral observer peacekeeping mission (similar to the 1992/1996 UN Protection Force in Bosnia and Herzegovina SCR 743; 778; 796; 982; the Mission had 2,675 troops/personnel from 38 countries) in the disputed territories between Palestine and Israel. The UN Protection Force must protect the citizens of both Palestine and Israel while negotiating the establishment of a Palestinian state to exist side by side with Israel. 'The Two-State Solution' to a large extent, will guarantee the security of a future Palestinian state and Israel as well. It is the view of this paper that, the security of Israel will be enhanced if it withdraws from some of the occupied territories (e.g. Jerusalem) and also compromise and cooperate in the creation of an independent Palestinian state.

Finally, the recent Israeli-Palestinian conflict was devastating and dehumanizing. The forty-nine days of war witnessed extreme excesses. These excesses if not properly investigated and punish those culpable for excesses by the international community, the phenomenon of having to target and kill civilians or noncombatant populations in contravention of international convention of ethics of war will forever remain a blot on the conscience of states that had the capability to stop the massacre witnessed in the just ended Israeli-Palestinian conflict. It is heartwarming that the Israeli government have initiated internal investigation into some of the 'serious' human rights or war excesses by its forces to women and children, physical attacks on the UN compound in Gaza and Rafah, hospitals, medical personnel, media houses and their like. It is in the view of this paper that, the internal enquiry instituted by Israeli government is not enough. The United Nations Human Rights Council (UNHRC) and the International Criminal Court (ICC) must as a matter of urgency, investigate for possible genocide or war crimes against humanity by both sides of the conflict. The investigation of the ICCif found individuals and/or their surrogates culpable, must be hauled before it to face justice to serve as a deterrent to other individuals or groups that they need to be circumspect during conflicts or warsto serve as a sign of respect for international law of war.

7. Conclusion

The Palestinian uprising is akin to the anti-colonial nationalist movements in the 'Third world' countries in the 1950s that had the sole aim to free themselves from the clutches of colonial imperialism or occupation; and a determination of its people. The name tag given to the Palestinian/Hamas militants as 'terrorists' all depend on the individual ideological orientation or prism. The hyper reality in any conflict resolution mechanism that aims to cure future needless deaths of Israelis and Palestinians, must first begin with Israeli ending the occupation of Palestinian lands, easing or dismantling the blockade on Gaza and amnesty granted by Israeli government for Palestinians languishing in Israeli jails.. The Palestinian-Israeli conflict has so far defied all international efforts to resolve. This is because, the conflict has assume an internationalized regional conflict involving major players/world powers that have the capacity to ensure the resolution of the conflict. But these 'powerful' and other petit bougoiuse states regrettable, are themselves part of the problem. In the absence of a clear-cut supranational organization to impartially provide level field or platform for dialogue, has continued to make the Palestinian-Israeli conflictintractable.Hence, until the alliances of states to both Israel and Palestine bystates are redefined and focus on 'genuine' commitment to resolving the over five decade Palestinian-Israeli conflict, the Middle East as a whole will never know peace. The 'Two-State' solution is the way forward in resolving the 'ancient'

conflict between Israel and Palestine. Israel as a state and its existence has come to stay. What Israel need is a genuine commitment and assurance of its security from its immediate neighbors and not military aid from abroad. Palestinians on the other hand, need justice and a self determination of its people; and not foreign aid. The Palestinian-Israel conflict just like any other war around the globe, is costly. Besidethe direct scourge(s) of war to the populations of the warring factions, there is also, the negative and devastating impact on the national economy. The only benefit perhaps that accrue to Israelis is the continuous expropriation and occupation of Palestinian territories/lands and the ever unflinching support (logistical and financial resources) from the U.S. whiles the Palestinians over the decades have endured.

8. References

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