



## Responsibility of third-party states in the Israel-Palestine conflict

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### Abstract

The Israel-Palestine conflict, due to its very nature, requires timely and appropriate collective action for conflict resolution and restoration of peace. Moreover, the failure of the parties to the conflict to comply with their international obligations and the continuous breaches of international law constitute internationally wrongful acts that jeopardize the human rights and fundamental freedom of the people living in the conflict zones. This calls for effective intervention from the international community of States. The customary international law norm of “obligation *erga omnes*” and the more recent idea of “third-party State responsibilities” impose certain obligations and responsibilities upon all the States. The fulfilment of such responsibilities by third-party States can help greatly in resolving the conflict. However, the study finds that third-party States have been rather negligent toward their responsibilities. Their intervention in the conflict has not been in conformity with these responsibilities rather has worsened the situation. Hence, the study argues that adopting an attitude of compliance toward these responsibilities and duly fulfilling them would contribute significantly to resolving the conflict, ensuring the rehabilitation of the people, and re-establishing international peace and security.

**Keywords:** Israel-Palestine conflict, International peace and security, Obligation *erga omnes*, State responsibilities, Conflict resolution.

### Introduction

The Israel-Palestine conflict has been among the world’s most enduring conflicts since the emergence of the State of Israel in 1948. To this day, there have been countless violations of international law in this conflict as highlighted in the *Wall case* <sup>[1]</sup>. Moreover, many obligations arising under peremptory norms of general international law i.e., *jus cogens* have been breached in the conflict. In particular, Israel has been accused of the majority of these alleged breaches which are “serious within the meaning of article 40 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts, 2001” (DARSIWA). Such breaches entail some responsibilities of the “other States” (i.e. States who are not a party to the conflict) or third-party States. The ICJ pointed out that the obligations Israel breached included several “obligations *erga omnes*” and these are “the obligations of a State towards the international community as a whole” and “in view of the importance of the rights involved, all States can be held to have a legal interest in their protection” <sup>[2]</sup>. Hence, it is established that all States have a duty not to recognise any illegal situation resulting from the violation and not to provide aid or assistance in maintaining such situation created by the violation which mirrors the words of Article 41 of the DARSIWA.

The DARSIWA enumerated the legal consequences for internationally wrongful acts (IWA) on the part of States. It outlines the responsibilities of States for such wrongful acts and the obligations of third-party States in mitigating such wrongs and ensuring accountability. Article 41 of the DARSIWA demarcates the measures that third-party States can take to ensure compliance with international law in situations of breach of international laws and norms. The responsibility of the third-party States in the Israel-Palestine conflict includes implementing these measures to promote and restore peace and protect human rights in the conflicting areas.

However, the existing literatures do not encapsulate the responsibilities or the obligations of the third-party States in the ongoing Israel-Palestine conflict although such an assessment is crucial and a dire need of time considering the escalating violence and degrading human rights situation in the conflict. Moreover, it can significantly contribute to holding the responsible actors liable and in accelerating the Israel–Palestine peace process. Hence, this study is focused on assessing the responsibilities and obligations of the “third-party States” in the Israel-Palestine conflict. In doing so, this study examines and analyses the recent developments regarding the responsibilities of third-party States. This paper investigates the international obligations breached in the conflict and discusses the significance of third-party States’ role in mitigating these breaches and resolving the conflict. It then proceeds to highlight the responsibilities of third-party States in the present conflict and examines the realities by focusing on the ‘question of sufficiency’. Finally, it concludes the whole study by way of providing suggestions regarding the actions that ought to be taken by these States.

### Historical Context of the Israel-Palestine Conflict

The Israel-Palestine conflict, a long-standing dispute over land and political control in the Middle East, dates back to Ottoman-controlled Palestine, where Zionists sought a Jewish homeland. The 1917 Balfour Declaration endorsed the idea of a Jewish homeland in Palestine, leading to increased international pressure for a Jewish state. The UN Resolution 181 aka “the Partition Plan” divided Palestine into two separate states for Arab and Jewish which sparked the first war in the region which ended in 1949 with Israel’s victory. The Six-Day War in 1967 resulted in Israel occupying the Sinai Peninsula, Gaza Strip, West Bank, East Jerusalem, and Golan Heights. In 1979, the Camp David Accords ended the thirty-year conflict between Egypt and Israel and improved Israel’s relations with its neighbours

but failed to resolve the issue of self-determination of the Palestinians and their self-governance.

1987's first intifada led to the Oslo I Accords of 1993, which mediated the conflict and established mutual recognition between the Palestinian and Israeli authorities while the Oslo II Accords of 1995 extended the original agreement, mandating Israel's total withdrawal from West Bank territories. In 2000, Palestinians launched the second intifada that lasted until 2005 due to Israeli domination over the West Bank and a stagnating peace process. Israeli authority erected a barrier wall in response, disregarding international opposition. In 2013, the US attempt to revive peace talks was ultimately disrupted by Fatah's unity government formed with its rival faction Hamas. Israeli military clashes with Hamas led to a military confrontation in Gaza in 2014. In 2018, weekly demonstrations were held by the Palestinians at the border resulting in great casualties perpetrated by Hamas and the Israeli forces in Gaza.

At present, political tension in the region is escalating, and the UN asserted that the current path of growing violence between Israelis and Palestinians is not sustainable [3].

### **Breach of International Obligations in the Israel-Palestine Conflict**

A breach of international obligation occurs when a State fails to fulfil its duties and may give rise to legal consequences entailing to that State, including the obligation to cease the wrongdoing, to make reparation for any injury caused, or to face countermeasures [4]. Such breaches have been termed as "internationally wrongful acts". Again, a breach of "*an obligation arising under a peremptory norm of general international law*" i.e., *jus cogens* entails the international responsibility of States under article 40 of the DARSIIWA. One of the key aspects of the Israel-Palestine conflict is the Israeli occupation of Palestinian territory, which has been condemned due to the breaches of international obligations involved.

Israel is a party to the UN Charter, the ICCPR, the ICESCR, the UNCRC, the Fourth Geneva Convention of 1949 (GC IV), and the Convention against Torture or CAT. On the other hand, Palestine is a non-member observer State in the UN General Assembly (UNGA) and is a party to the aforementioned treaties. Israel and Palestine both are parties to the VCLT 1969 and one of its crucial provisions is that "*every treaty in force is binding upon the parties to it and must be performed by them in good faith*". [5] This provision implies that both Israel and Palestine are bound to fulfil their treaty obligations and the failure to do so constitutes IWA. Nonetheless, many of these treaty obligations have been breached by the parties to the conflict.

### **Obligations under the UN Charter**

The Charter requires members to "*fulfil in good faith the obligations assumed by it*" and prohibits "*the threat or use of force against the territorial integrity or political independence of any State*" [6]. However, Israel has, on many occasions, used force against the Palestinian people and territory and has even occupied a substantial part of Palestinian territory and constructed a barrier wall in the Occupied Palestinian Territory (OPT) which the ICJ held in the *Wall case* to be unlawful and contrary to international law. The Charter's prohibition on the use of force is "*customary and general international law*" [7] and thus entails "*the illegality of territorial acquisition resulting from the threat or use of force*". [8] The occupation is also

unlawful under the UNGA resolution 2625 (XXV) which stressed that territorial acquisition resulting from the threat or use of force is not to be recognised as legal. Moreover, the Israeli occupation is illegal due to its duration and the Israeli government's de facto annexation policy, and violates the core principles of the Charter [9].

**Obligations under the ICCPR & the ICESCR** – The protection offered by the ICCPR and the ICESCR remains applicable in time of armed conflict [10]. Article 1 of both instruments guarantees "*the right of self-determination*" and requires States to "*promote the realization of the right*". This right is embodied in the UN Charter and in the UNGA Resolution 2625 (XXV) as well. The right being an *erga omnes* one [11] every State is obligated to refrain from taking coercive action that deprives people of this right. However, the Palestinians in the OPT have been denied and deprived of their right to self-determination. Furthermore, Israeli occupation has deprived people of their freedom of movement and from the basic needs of human life, disrupting regular courses of life, and restricting the exercises of religious, social, and cultural activities. In addition, they are constantly tormented by the conflict which is affecting their physical and mental health. In the West Bank and Gaza Strip, Palestinian authorities continue to severely limit freedom of expression, association, and assembly, detain hundreds of people arbitrarily and subject them to torture and other ill-treatment. Moreover, Israel has maintained a system of apartheid [12] against the Palestinians depriving them of their civil and political rights. Under Israel's cruel occupation and apartheid, Palestinians in the OPT continue to experience oppression, domination, fragmentation, and segregation. These are all a manifest violation of the human rights instruments.

### **Obligations under the UNCRC**

The UNCRC guarantees full range of human rights and fundamental freedoms to the children without any discrimination and obligates States to take appropriate and adequate measures to protect children from violence, abuse, and exploitation. Nonetheless, children in the OPT are deprived of their rights to food, health, education, and recreation which are essential in ensuring a decent human life. Attacks against schools and hospitals are diminishing the scope of education and healthcare for these children while Israel's military airstrikes and tank shelling of Palestinian homes are causing displacement of the house residents including children. Continuous occupation and violence in the zone have subjected children to grave violations such as killing, maiming, injury, arrest and imprisonment, and denial of humanitarian access [13]. Israeli troops detain and arrest Palestinian children aged 12 to 17 from the OPT and subject them to ill-treatment. Since the 7 October 2023 attack, the war in Gaza has resulted in casualties of more than two percent of Gaza's children [14]. Adolescents are becoming caught up in occupation-related violence which is leaving deep-rooted impacts on their psychological health and overall well-being. As a result of protracted exposure to conflict, violence, and uncertainty, these children fall into "a state of toxic stress" [15]. Such exposure puts these children at risk of suffering from anxiety, insecurity, or even loneliness. Growing up while being surrounded by conflict can lead them to show aggressive behaviour or complete withdrawal from family and society.

### Obligations under the Hague and the Geneva Conventions

Provisions of the 1907 Hague Regulations, and the Geneva Convention (GC IV) are applicable in the Israel-Palestine conflict and in the OPT as well. However, the ICJ identified that the requirements of these two Conventions have been breached by Israel<sup>[16]</sup> and continue to be disregarded and violated through the unlawful occupation of Palestinian territory.

Israel, being the Occupying State, is obligated to safeguard properties such as public buildings, real estate, forests, and other agricultural estates in the OPT<sup>[17]</sup>. But the Israeli authorities continue to demolish Palestinian homes, buildings, and other structures in the OPT, alleging “lack of building permit” or “military necessity” as justifications<sup>[18]</sup>. Apart from this, a great deal of agricultural land and orchards have also been wiped out, stripping many Palestinians of their primary source of income. Israel has allegedly maintained and advanced its “settlement enterprise”, which entails relocating Israeli people into occupied territory, expropriating and exploiting the land and natural resources, and imposing restrictive urban planning and zoning policies on Palestinians<sup>[19]</sup>. Israel has defied the provision that prohibits from deporting or transferring parts of its civilians into the occupied territory. Moreover, Israel has disregarded its obligations to protect the civilians of the occupied territory but rather, has put them in more danger by launching attacks and air strikes in the OPT.

### Obligations under the CAT

The Convention against Torture (CAT) is applicable in the Israel-Palestine conflict which has been violated by both parties. Israel has been alleged to torture Palestinian prisoners with impunity. Most of the prisoners are taken into custody from the conflict-prone areas in the OPT and remain in detention in for a long time which could last up to several years. These prisoners are subjected to physical and mental torture, and ill-treatment while the women prisoners also face sexual violence and assaults<sup>[20]</sup>. Not even the child detainees are spared from such violations although States are required to ensure that children are not deprived of their liberty, regardless of the allegations made against them. The Israeli occupation allegedly uses “*administrative detention to arbitrarily hold Palestinians without charge or trial, indefinitely, based exclusively on secret information, preventing any fair trial*”<sup>[21]</sup>. On the other hand, Palestinian Authorities have also been reported to have been “*systematically mistreating and torturing Palestinians in detention, including critics and opponents*”<sup>[22]</sup>.

### A Need for Third-Party States’ Involvement?

In light of the escalating conflicts and violence in the zone, the UNGA was called on by the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel to request an urgent advisory opinion from the ICJ. It also urged Israel “*to comply with its international obligations and to respect the right of self-determination of the Palestinian people*”. Due to the growing concern, the UN experts also exclaimed that “*Member states must abide by UN Charter and provide protection in the OPT*”<sup>[23]</sup>.

The reason for inviting third-party action in the OPT is that all States have their respective duties and obligations in resolving the conflict owing to the concept of “obligations

*erga omnes partes*”. As affirmed by the ICJ these obligations are “*owed to the international community as a whole*” and “*are the concern of all States*”<sup>[24]</sup>. Hence, all States have a legal duty to ensure their protection. In the *East Timor case* as well, ICJ took recourse to the notion of “*obligations to the international community as a whole*”<sup>[25]</sup>. Erga omnes obligations imply that third-party States have their respective role in ensuring that the obligations are fulfilled by the States undertaking them. A breach of these responsibilities is of concern not just to the afflicted state, but to all and any State can take measures in mitigating the breach and ensuring accountability. In this context, the third-party States have played a rather middling role in the Israel-Palestine conflict.

The role of other countries in the Israel-Palestine conflict is complex, especially the Middle-Eastern countries. For example, Iran has provided “*significant military and financial backing to Hezbollah, Hamas, and Syria — the so-called Axis of Resistance to Israeli and Western interests in the Middle East*”<sup>[26]</sup>. Saudi Arabia has been working with the US to broker a peace deal between Israel and Palestine. Turkey has been providing aid to Gaza while Egypt has acted as an intermediary between Israel and Gaza in the past. Jordan tries to maintain a good relationship with both Israel and Palestine. Many countries of the Arab League and Asia do not recognise Israel and “demand a separate Palestine”<sup>[27]</sup>. Moreover, East Asian countries like North Korea, Venezuela, and Pakistan show no support for Israel. The East Asian country Bangladesh does not have any trade or diplomatic relations with Israel but has maintained good diplomatic ties with Palestine. Bangladesh had voted “in favour of Palestine” in a UN resolution “*seeking the opinion of the ICJ on the trial of Israel for its illegal occupation of Palestine*”<sup>[28]</sup>.

The role of the US is particularly crucial in the Israel-Palestine conflict as it has been alleged to provide military assistance to Israel and is its main supplier of weapon for use in conflicts<sup>[29]</sup>. The US “*relocated their Embassy from Tel Aviv to Jerusalem*” as the diplomatic mission of the US to the State of Israel. In 2018, the US government ceased funding for the UN Relief and Works Agency, which assists Palestinian refugees. These acts imply de-facto recognition of Israel’s illegal occupation of the Palestinian Territory which are against the mandate of the DARSIIWA.

When a State signs a treaty, it is obliged to fulfil the obligations undertaken and the failure to do so amounts to IWA and entails legal action from other States or international organisations. For example, in 1986, the ICJ found that the US guilty for having breached its treaty obligations to Nicaragua and ordered to pay compensation to Nicaragua<sup>[30]</sup>. Similarly in the present case, these States have not fulfilled their treaty obligations but rather have breached them. None has truly fulfilled their part of the responsibilities in ending the conflict nor has taken any significant action toward the restoration of peace in the conflict region. Instead, their failure to cease all forms of support to the conflicting parties has resulted in the deterioration of the situation and increased casualties. Hence, it is critical to implement the duties and obligations that these states have in bringing the conflict to an end. However, it is important to address the responsibilities that these States are required to fulfil to facilitate and promote peace and prosperity for all. The paper shall shed some light on these in the following section.



### Responsibilities of Third-Party States

The Israeli occupation of Palestinian territory is not only a breach of international obligations but also a source of ongoing violence, oppression, and suffering for millions of people. As such, all third-party States must take proactive actions to ensure accountability for violations of international law and to support a just and lasting resolution of the conflict. The ICJ in the *Wall case* pointed out that violations of erga omnes obligations by one State require others to fulfil their obligation so as to not support such violations and to take measures in mitigation. The ICJ in its judgement quite elaborately considered “*the legal consequences of the internationally wrongful acts flowing from Israel’s construction of the wall as regards other States*”<sup>[31]</sup>. The DARSIIWA, too, has enshrined the responsibilities required to be carried out by third-party States for “breaches of international obligations”. Hence, the responsibilities entailing to the third-party States in the Israel-Palestine conflict are as follows –

### Responsibility to cooperate

States have a concrete responsibility to cooperate for the purpose of putting a stop to serious breaches of international law<sup>[32]</sup>. This is the first positive duty imposed on the States by article 41 of the DARSIIWA and States are duty-bound to collaborate with other entities for the greater cause of ending significant violations of international obligations. The article does not, however, specify how this collaboration should take shape or what steps are to be taken. Cooperation might be coordinated by a competent international body, such as the UN or the EU, and may include non-institutionalized collaboration. The cooperation must be accomplished by such legal mechanisms as will be determined by the facts of the particular scenario. It is, however, made clear that the need to cooperate applies to all states, regardless of whether they are directly impacted by the breach or not<sup>[33]</sup>.

It is debatable whether provisions of international law mandate a positive responsibility of collaboration. However, such collaboration is already underway in reaction to the most serious violations of international law, particularly within the framework of international organisations. The DARSIIWA strives to expand current methods of cooperation on the premise that all States are obligated to respond appropriately to serious violations of international law. In this ongoing Israel-Palestine conflict, such cooperation can significantly contribute to ending violations and ensuring Israel's compliance with its international obligations.

### Responsibility not to recognise the unlawful situation

Article 41 of the DARSIIWA mandates States to abstain from accepting illegitimate situations resulting from severe violations<sup>[34]</sup>, and not to recognise any resulting consequence of the violation as lawful<sup>[35]</sup>. It refers to a collective obligation of the international community to deny the validity of situations emerging from significant violations of international law. The obligation extends not only to the official acknowledgment but also to conduct that would suggest such recognition.

An obligation of non-recognition is already established in international practice and ICJ decisions. For example, during the Manchurian crisis (1931-1932), the US and the League of Nations declared not to admit the legality of

situations or treaties that could impair the sovereignty, independence, or territorial integrity of China. Collective non-recognition is essential for any coordinated community response to breaches of international law and is the minimum essential response to such breaches. The UNSC's reaction to the Iraqi invasion of Kuwait in 1990 exemplifies the non-recognition of acts breaching peremptory norms<sup>[36]</sup>. The ICJ advisory opinion in Namibia also called for the non-recognition of the denial of peoples' rights of self-determination<sup>[37]</sup>.

The commitment of article 41 is that States shall not consider as legal any situation established by a violation, and this commitment is binding on all states<sup>[38]</sup>. Thus, in the present conflict as well, third-party States have a duty not to recognise, in any form, unlawful situations created by breaches of international obligations by the concerned parties to the inflict. This requirement prohibits giving both de facto and de jure recognitions, and express and implied recognitions.

**Responsibility not to render aid or assistance:** Article 41 of the DARSIIWA also forbids States from providing any sort of support in preserving a situation caused by a breach of international law<sup>[39]</sup>. This goes beyond the requirements in Article 16 dealing with “*aid or assistance in the carrying out of an internationally wrongful act*” as there is no requirement of “knowledge” of the IWA. Rather article 41 has addressed the “after-the-fact” activity that assists the responsible State in maintaining a situation created in contravention of international law.<sup>[40]</sup>

In some ways, the prohibition in the article might be viewed as a natural extension of the duty of non-recognition and applies to all situations resulting from grave violations. It does, however, have a different scope of applicability in terms of activities that do not involve acknowledgment of the situation caused by major violations in the meaning of Article 40. This independent existence is affirmed, for example, by the UNSC resolutions forbidding any support in upholding South Africa's illegal apartheid system or Portuguese colonial control<sup>[41]</sup>.

### Responsibility to protect (R2P)

The R2P, is “an international norm” that strives to see that the international community always brings an end to major atrocity crimes like “*genocide, war crimes, crimes against humanity, and ethnic cleansing*”<sup>[42]</sup>. It implies a commitment of the international community to ending the most heinous kinds of violence against people<sup>[43]</sup>. The idea evolved in response to the “*failure of the international community to adequately respond to mass atrocities committed in Rwanda and the former Yugoslavia during the 1990s*” and was later introduced in a 2001 report titled “Responsibility to Protect”. This responsibility is “*activated when a particular state is clearly either unwilling or unable to fulfil its responsibility to protect or is itself the actual perpetrator of crimes or atrocities*”.

The R2P principle has been adopted by a UNGA resolution and is enumerated in the 2005 World Summit Outcome Document paragraphs 138 and 139. These provisions articulate the fundamental aspects with regard to the “*prevention of and response to the most serious violations of international human rights and humanitarian law*”. Paragraph 138 clarifies that the international community has an obligation to “*encourage and help States to exercise this*

responsibility and support the United Nations in establishing an early warning capability". The principle establishes three pillars of responsibility:

"1. ....to Protect its populations from four mass atrocity crimes.... 2. ....to encourage and assist individual states in meeting that responsibility. 3. If a state is manifestly failing to protect its populations, .... to take appropriate collective action, in a timely and decisive manner....<sup>[44]</sup>"

Therefore, the international community has an obligation to assist other States in ensuring that their responsibilities are carried out and that if States fail to comply with the obligation in any way, the international community ought to step in and take action to protect the people. This might include employing diplomatic, humanitarian, and other nonviolent tactics or even stronger actions, such as sanctions or UNSC-approved use of armed force<sup>[45]</sup>. Moreover, the application of the R2P principle needs to be done following some considerations namely, prevention, early warning, capacity building, coordinated response, non-coercive measures, and coercive measures. Hence, in the present conflict, coercive measures are not to be considered except only as a last resort while the scope of considering 'prevention or early warning measures' might not bring any result since the conflict has already reached its peak. Nonetheless, States need to come together in fulfilling other secondary obligations under R2P including capacity building, providing humanitarian aid and assistance, contributing to socio-economic development, initiating negotiation between the parties, and improve the human rights situation.

### Responsibility to ensure compliance

In the *Wall case*, the ICJ noted that all States have the responsibility to ensure that a State violating its obligations under any particular treaty or convention, complies with those provisions and upholds its obligations. In other words, all States entail the responsibility to ensure that international obligations are complied with by a State undertaking them. This duty is especially crucial when international obligations have been disregarded and violated by a State undertaking them.

In the *Wall case*, Israel was found to have violated the provisions of the GC (IV) which formed a part of CIL. Hence, the ICJ proclaimed that all the States parties to that Convention were under the obligation to guarantee that Israel adhered to the international humanitarian laws as enshrined in the Convention. All States also had the obligation to ensure that the situation created by the violation of international law does not impede the rights guaranteed under human rights instruments, and in doing so the States must follow the UN Charter and other international laws. Another incidence of duty to ensure compliance is seen in the *Belgium v. Senegal case*<sup>[46]</sup>. In this case, Senegal was found to have committed wrongful acts by failing to comply with its obligations under the CAT to which Belgium was also a party. As such, Belgium brought the matter to the ICJ and requested a court ruling to ensure Senegal's compliance with the obligations undertaken by it. The ICJ affirmed the entitlement of Belgium in asking for such a ruling and ordered Senegal to fulfil its obligations under the said convention.

ICJ rulings in both these cases provide the legal validity in establishing this responsibility and to apply it to similar cases of breach of obligations. The responsibility falls

within the category of collective responsibility and requires States to take collective action to ensure compliance. This responsibility is in conformity with the responsibility to cooperate and the R2P, requiring the cooperation of the international community, and is corroborative to the obligation to ensure accountability and justice. This is an obligation not just upon the victim or guilty State, rather it is up to all States to see that the guilty State is properly held accountable for the wrong done and that justice is ensured to the injured State. While ensuring such accountability and justice, States also must ensure compliance with international laws and carry out their respective duties and obligations. However, States can also take individual action in respect of the responsible State following the *Gambia v. Myanmar* case where Gambia took legal action against Myanmar in the ICJ with the view to ensuring Myanmar's compliance with its international obligation under the Genocide Convention<sup>[47]</sup>.

### Examining the Reality

It is so far clear that all States have a stake in protecting erga omnes rights and fulfilling erga omnes obligations in the ongoing Israel-Palestine conflict. Nonetheless, the complex and middling actions of different States have fueled the conflict instead of ending it and are contradictory to erga omnes obligations. Hence, it is essential to assess whether the existing framework of international law has sufficiently addressed the question of "third-party State responsibility" and to what extent these responsibilities have been met.

The issue of 'sufficiency' in international law actually depends on the attitudes and approaches of the States as the provisions of international law are rather "soft" in nature and their compliance depends upon State consent. The framework of "third-party State responsibility" evolved from the concept of "obligations erga omnes partes" and later, developed through the formulations of the DARSIVA, UNGA resolutions, and ICJ judgements. Hence, the existing framework is, in fact, 'sufficient' only if the States adopt an attitude of compliance. However, the absence of a compliance attitude among the States has resulted in the negligence of "third-party State responsibilities".

The UN and the ICJ have many times called on States to carry out their obligations in the Israel-Palestine conflict. Nonetheless, most States appear to be indifferent and have hardly taken any fruitful initiative. The UNSC too, has failed to take any intervening measures due to conflicting State interests. Furthermore, peace talks between the parties have been disrupted several times due to non-cooperation and there has even been an incident of casualty of a UN Mediator. Israel continues to occupy Palestinian territory defying condemnation of the international community and the UNSC resolution 2334 terming Israeli occupation and settlements "*flagrant violation under international law*". In addition, other States have not succeeded in fulfilling their responsibilities and have not taken significant action toward conflict resolution. Essential cooperation is still lacking owing to the conflicting interests among different States, and the issue is yet to reach unanimity in global institutionalized platforms like the UN. The lack of cooperation is evident from the fact that Palestine has not been granted membership in the UN due to the US veto in the UNSC. Several attempts by the UN to broker peace negotiations also failed due to political tension in the region and lack of support.

The responsibility not to recognise any unlawful situation includes not just *de jure* but also *de facto* recognition. This means that a State must neither give any direct nor indirect recognition of the unlawful situation. However, when a powerful State like the US moves its embassy to Jerusalem or recognises it as Israel's capital, it conveys a message of *de facto* recognition of the unlawful situation and of the regime. Moreover, many States have been alleged to have provided military assistance to Israel used by the Israeli troops and forces in the conflict. In fact, the US is allegedly the largest provider of weapons to Israel and gives a huge amount of aid in maintaining Israel's regional military superiority which is a critical component of the US Middle East policy. On the contrary, no significant initiative has been taken by the US for the betterment of the Palestinian refugees or for their rehabilitation and socio-economic development. The US has provided \$146 billion of aid for military, economic, and missile defence to Israel through Fiscal Year 2020<sup>[48]</sup> whereas gave only \$19 million in aid to Palestinians that too coupled with many conditions<sup>[49]</sup>. Apart from the US, Germany, and Italy are among Israel's suppliers of weapons. These are a clear violation of the duty not to render aid as stipulated in article 41 of the DARSIIWA since these weapons and funding are used for the ill-treatment of Palestinians, forced displacements, demolition of Palestinian homes, evictions, and unlawful annexation. Many countries in the Middle East also have been supporting the rebel groups in Palestine and providing monetary and military assistance in violation of their obligation.

The R2P doctrine requires the international community of States to take measures in a timely and decisive manner with the view to protect endangered civilians of a State when that State is found to be manifestly failing to do so and thus need to protect the Palestinian people as Palestine has not been successful in protecting its citizens against Israeli aggression. Israel, being the Occupying Power, has also failed to protect the people in the OPT. In addition, the international community seems to have completely ignored their commitment under the R2P and has not fulfilled any of the obligations like capacity building, rehabilitation, constructive activity arrangements, humanitarian aid, or diplomatic measures. But the principle has been selectively applied by the powerful States and has not been applied, despite the urges of the UN, to protect the Palestinian people. In this situation, the last resort might be to use appropriate and proportional coercive measures approved by the UNSC.

The responsibility of the States to ensure Israel's compliance with its obligations has also been ignored and disregarded. The international community of States has many times pressured another State into fulfilling its obligations under international law by resorting to different methods like economic or trade sanctions, cutting off trade relations, or military sanctions. However, in this case, the international community has not resorted to any measure to compel Israel to comply with international laws. Despite the growing international criticism, no action has been taken against Israel due to the power politics of Israel's ally States.

## Conclusion

To this very date, the conflict between Israel and Palestine remains unresolved as the parties have not been able to

reach any peaceful settlement despite many attempts at peace brokerage. As both sides claim ownership of the same land and engage in violent clashes, innocent lives continue to be lost and people continue to suffer. Conflict resolution requires the sacrifice and cooperation of the parties involved, which seem to be absent here. In addition, the involvement of external actors has further complicated the situation. Moreover, the conflict has greatly impacted the economy and infrastructure of the region, hindering development and progress while the violence and instability have created a sense of fear and uncertainty among people. A lasting solution to the conflict remains elusive, but efforts toward peace must continue in order to bring peace, prosperity, and stability to the region and its people.

In this regard, the international community of States has a major role to play in peaceful conflict resolution between Israel and Palestine and in the protection of people in the conflict zones. They are required by international law to fulfil their obligations and to ensure compliance by others as well. Under Article 41 of the DARSIIWA, third-party States have a responsibility to promote and uphold international peace and security. This includes taking measures to prevent and resolve conflicts, as well as refraining from actions that may escalate tensions or contribute to the perpetuation of the conflict. In this respect, all the States must first and foremost, establish cooperation as it is one of the biggest tools in restoring peace and tranquility and expediting the rehabilitation of the people suffering.

They need to facilitate other States and bodies working for conflict resolution or peace mediation and create international pressure upon Israel and Palestine to do so. They must be careful not to give any direct or even indirect recognition to the unlawful situation resulting from the conflict and cease providing all types of military aid or assistance used in maintaining such an unlawful situation. Moreover, all the States must ensure, through lawful measures, compliance by Israel and Palestine with their international obligations, and "cessation and non-repetition" of the IWA to prevent further violation. Actions aiming at rehabilitation, development, and institutional capacity building of the Palestinians also need to be taken. Initiatives should be taken to engage them in constructive works and to arrange educational and recreational arrangements for them such as the "friendly football matches" arranged for the Rohingya refugees by the UNHCR<sup>[50]</sup>. Such activities will keep their mind aloof from the conflict and give them moments of respite and enjoyment. Adequate humanitarian aid must be provided to the affected communities. Measures need to be taken for monitoring, reporting, and improving human rights situations and to give more support to the accountability mechanisms of international law.

Last but not least, third-party States should not consider lightly the provisions of international law, especially, the DARSIIWA and the UNGA resolutions regarding their responsibilities as that would defeat the whole purpose of international law. Therefore, all the States including the parties to the conflict need to fulfil their respective responsibilities and the UN must take collective action, alongside the third-party States, to uphold its Charter with the aim of ending and preventing the conflict and safeguarding the Palestinians from any further Israeli war crimes.



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