



Israel/Palestine, International Law and the Chances for a Compassionate Peace:

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The West Bank, East Jerusalem and Gaza

WEST BANK: What a One State Reality Looks Like

- Area A and B
- Nature Preserve
- No building

- As of December 2015, there are 6.335 million Jews in the area from the Jordan River to the Mediterranean Sea, and 6.561 million non-Jews.
- In the combined areas of Israel, Jerusalem, the West Bank, and the Gaza Strip, Jews no longer represent the majority.



Highly Unequal Struggle

- Militarily, Israel is a nuclear power with the strongest armed forces in the region;
- Economically, Israel enjoys a European-style standard of living with a GDP per capita 26+ times higher than the Palestinian standard;
- Territorially, Israel is the overwhelmingly dominant political power between the Mediterranean Sea and the Jordan River;
- Diplomatically, Israel has had the enduring support of the US and, to a lesser degree, the EU;
- Demographically, Israeli Jews and Palestinian Arabs each have roughly 7.5 million people between the Sea and the River.

The Importance of International Law

International Law is the Common Good of Humanity

Modern human rights and humanitarian law was created after WWII

- International Human Rights Law
 - * 9 Conventions, including Genocide, Racial Discrimination, Women and Apartheid
- International Humanitarian Law
 - * Governs the laws of war and occupation
 - * 1949 Geneva Conventions + 1977 Protocols
- International Criminal Law
 - * 1998 Rome Statute of the International Criminal Court

Importance of applying the principles of IHRL, IHL & ICL to the occupation

1. Rich body of international law and values of equality to guide a just and lasting peace
2. Strong international consensus on the content and application of the legal principles to Israel's occupation of Palestine.
3. Principles of international law have been strikingly absent from the ME peace process – *Realpolitik*, instead of rights, has prevailed
4. Would create a much more level playing field between Israel and the Palestinians
5. The Rule of Law is meant to be a sturdy guardrail against the abuse of power. Its absence guarantees the lack of justice and the reign of impunity.

Gaza



- 2023 population : 2.2 million Palestinians
- 70% of Palestinian population in Gaza are refugees or descendants of Palestinian refugees from 1948-49
- Administered by Egypt 1949-1967
- Occupied by Israel since June 1967
- Israel withdrew its troops and settlers in 2005, but Gaza remained occupied under the “effective control” test in international law
- Gaza placed under a complete blockade in 2007 by Israel, controlling everything and everybody that enters or leaves
- Ban Ki-moon, UN Secretary General (2016), calls the Israeli blockade a “collective punishment”:

“The closure of Gaza suffocates its people, stifles its economy and impedes reconstruction efforts”

Children in Gaza



- 1 million children in Gaza – one of the youngest populations in the world
- More than 20,000 Palestinian children have been killed since October 2023
- 42,000 children injured + 21,000 children permanently disabled
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- “The famine in Gaza Governorate is likely to spread in the coming weeks with over a million people, about half of whom are children, already facing catastrophic hunger, the worst-case IPC Phase 5. At least 132,000 children aged under five face risk of death from acute malnutrition, and at least 135 children have already starved to death”

Save the Children, 6 September 2025



Photo of James Elder with Palestinian children

“I cannot overstate how the capacity has been reduced of hospitals the last seven weeks. We cannot see more children with the wounds of war, with the burns, with the shrapnel littering their body, with the broken bones. Inaction by those with influence is allowing the killing of children. **This is a war on children.**”

James Elder, Spokesperson, UNICEF

CBC Radio 3 September 2025

Starvation and Famine



UN IPC Famine Review Committee: (22 August 2025)

“The FRC finds the analysis team’s classifications plausible for the period (1 July – 15 August 2025), indicating Famine (IPC Phase 5) for Gaza Governorate and IPC Phase 4 (Emergency) for Deir al-Balah and Khan Younis.”

“The FRC finds the severity of conditions in North Gaza similar or worse than in Gaza Governorate. However, due to limited evidence on the population status in this area the FRC recommends not to classify North Gaza Governorate. Urgent steps should be taken to allow for a full humanitarian assessment in this governorate. “

“The FRC also considers the analysis team’s classifications for the projection period (16 August – 30 September 2025) of Famine (IPC Phase 5), to be plausible for Gaza, Deir al-Balah, and Khan Younis governorates.”

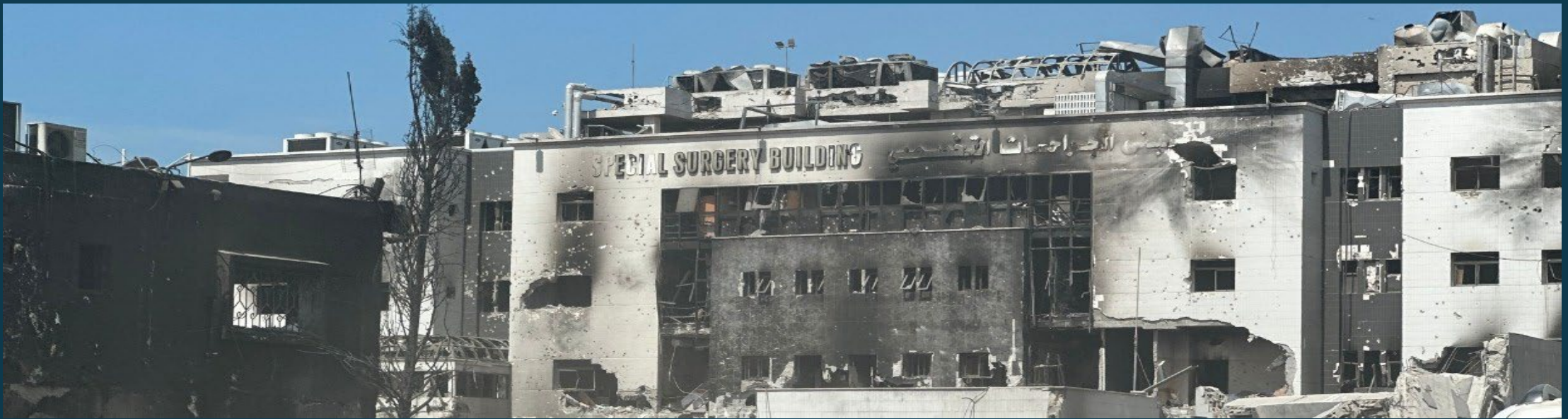


“Israel has built the most efficient starvation machine you can imagine. So, while it’s always shocking to see people being starved, no one should act surprised. All the information has been out in the open since early 2024,”

“Famine is always political, always predictable and always preventable. But there is no verb to famine. We don’t famine people, we starve them – and that inevitably leads to famine if no political action is taken to avoid it.”

Michael Fakhri – UN Special Rapporteur on the Right to Food, 4 August 2025

Hospitals



“Public health conditions in Gaza are “catastrophic”, with hospitals operating far beyond capacity. Some life-saving medicines are totally out of stock, while deaths from malnutrition and disease are on the rise”

UN World Health Organization

- Fewer than half of Gaza’s hospitals and under 38 per cent of primary healthcare centres are partially functioning – or are doing so at minimal levels
- The critical shortage in medications and consumables continue and have only exacerbated, with **52 per cent of the medicines and 68 per cent of consumables at zero stock**
- **“Hospitals are particularly overwhelmed by injuries from food distribution areas, which are also driving persistent shortages of blood and plasma.”**

Health Care Workers



Since October 2023, according to UN WHO:

- 720 attacks on healthcare facilities or vehicles in Gaza by Israeli military
- At least 1,580 health care workers – doctors, nurses, technicians, ambulances drivers – killed

UN human rights experts (13 August 2025):

- “The targeted destruction of Gaza’s healthcare system by the Israel Defense Forces amounts to ‘medicide.’”
- “Deliberate attacks on health and care workers, and health facilities, which are gross violations of international humanitarian law, must stop now,”
- “States have failed in this duty, and Palestinians trapped in Gaza’s hellscape are paying the ultimate price for that failure and indifference.”



23 March 2025

- 15 Palestinian Red Crescent paramedics and rescue workers were killed by Israeli forces while on duty and were then buried in a mass grave by the IDF along with their vehicles.
- Israel originally claimed troops opened fire because the convoy approached "suspiciously" in darkness without headlights or flashing lights. It said movement of the vehicles had not been previously co-ordinated or agreed with the army.
- Then a video made by one of the murdered health care workers was found, showing that the ambulances had their flashing lights on, and they were clearly health care vehicles.

The Israeli Occupation
is Unlawful

Since 1967,
Israel has
occupied the
West Bank, East
Jerusalem and
the Gaza Strip

(Gaza was formally
evacuated in 2005, but
Israel's effective control – the
test in international law --
has continued)

Occupation is governed by the *Fourth Geneva Convention* of 1949:

- Palestinians are protected people
- Occupation must be temporary
- Occupier acquires absolutely no rights to annex even a square centimeter of territory
- Occupying Power must govern in the “best interests” of the population under occupation
- Occupying Power must govern in “good faith” and follow international law and the directions of the international community
- Collective punishment is absolutely prohibited
- Civilian settlements are illegal



*Advisory Opinion on Israeli Policies and Practices
in the OPT by the International Court of Justice
(19 July 2024)*

Para. 261: “The sustained abuse by Israel of its position as an occupying power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful.”



Advisory Opinion on Israeli Policies and Practices in the OPT by the International Court of Justice (19 July 2024)

Para. 285: “...all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory.”

The United Nations General Assembly voted (124-14-43) to welcome the Advisory Opinion on *Israeli Policies and Practices in the OPT* by the ICJ (18 September 2024)



- “Demands that Israel brings to an end without delay its unlawful presence...and do so no later than 12 months from the adoption of the present resolution...”
- “Demands...ceasing immediately all new settlement activity, evacuating all settlers from the OPT...”
- “...Making reparation for the damage caused to all natural and legal persons concerned in the OPT...”
- “...Calls upon all States...Not to recognize as legal the situation arising from the unlawful presence of Israel in the OPT...”
- “Strongly deplores the continued and total disregard and breaches by the Government of Israel of its obligations under the Charter of the United Nations, international law and the relevant United Nations resolutions...”

Genocide

What is Genocide under International Law?

1948 Genocide Convention + 1998 Rome Statute (ICC)

“*Genocide* means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of a national, ethnical, racial or religious group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting conditions of life calculated to bring about its physical destruction, in whole or in part
- Imposing measures intended to prevent births within the group

Elements of Crimes define the term “conditions of life” as including but not limited to “deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.”



- International Court of Justice (January 2024):

Para. 54: “In the Court’s view, the facts and circumstances mentioned above are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible.”

“This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III [of the 1948 Genocide Convention] , and the right of South Africa to seek Israel’s compliance with the latter’s obligations under the Convention.”

Destruction of Gaza

- Dead: 64,000+ Palestinians
- Injured: 151,000+ Palestinians
- Displaced: 2.2 million+ Palestinians
- No fully functioning hospitals
- 16/36 hospitals only partly/ minimally functioning
- 400,000+ (92%) of housing units destroyed or badly damaged
- 2.2 million Palestinians are suffering either famine or extreme levels of starvation.
- Destruction of all 12 universities in Gaza and most schools
- Before 7 October/23: 500 trucks of humanitarian aid daily into Gaza
- March-May 2025: An almost total Israeli blockade of Gaza
- Since late May, an average of 70-130 trucks daily
- More than 1,400 Palestinians killed at food depots since May run by the “Gaza Humanitarian Foundation” – backed by Israel and the US



Intent to commit Genocide

Statements by Israeli leaders

* President Issac Herzog: “It is an entire nation out there that is responsible. This rhetoric about civilians not being aware, not involved, it’s absolutely not true.”

* Prime Minister Benjamin Netanyahu: “You must remember what Amalek has done to you.”

* Economy Minister Israel Katz: “Humanitarian aid to Gaza? No electrical switch will be turned on, no water hydrant will be opened, and no fuel truck will enter Gaza until the Israeli abductees are returned. No one will preach morals to us.”

* Defence Minister Yoav Gallant: “I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed. We are fighting human animals and we are acting accordingly.”



Martin Griffiths

UN Under-SG for Humanitarian Affairs
(2021-2024)

- “In the face of genocide, war crimes, ethnic cleansing and crimes against humanity, the job of enforcing humanitarian law cannot remain detached or siloed from humanitarian action itself...”
- “...above all how we classify the carnage in Gaza matters. Words carry consequences and must trigger concrete steps. When the legal threshold for genocide is met, we must call it genocide – and act accordingly.”

10 June 2025

Accountability
under the 1948
*Genocide
Convention*

Four Specific Duties of Third States:

- i. To prevent genocide from happening and to cooperate to bring it to an end
- ii. Not to recognize the situation
- iii. Not to provide aid and assistance to the state plausibly committing genocide
- iv. To enable the criminal punishment of those individually responsible.

Accountability

1998 Rome Statute and Universal Jurisdiction

* 125 states have ratified the Rome Statute and joined the ICC, including all EU states and much of the Global North. (But not the USA or Israel.)

* The Rome Statute promotes universal jurisdiction, meaning that all members of the ICC are required to arrest anyone for whom the ICC issued an arrest warrant. They can also arrest and try persons accused of war crimes, crimes against humanity, etc, in their own domestic courts if persons who have allegedly committed serious international crimes are found on their soil.

* Principle of complimentary

* A Pre-Trial Chamber of the ICC ruled in 2021 that it has jurisdiction over the OPT, because the State of Palestine is a member of the ICC and therefore crimes allegedly committed in EJ, the WB or Gaza fall within its scope.

The ICC arrest warrants issued against Netanyahu and Gallant

On 21 November, the International Criminal Court issued arrest warrants against Benjamin Netanyahu and Yoav Gallant (as well as for a Hamas leader, now confirmed dead)

- * War crime of starvation as a method of warfare and intentionally attacking a civilian population, and
- * Crimes against humanity of murder, persecution, and other inhumane acts

Trump's Executive Order on the ICC

On 6 February 2025, President Donald Trump issued an Executive Order imposing sanctions of the International Criminal Court

"I, Donald Trump, President of the United States of America, find that the International Criminal Court (ICC), as established by the Rome Statute, has engaged in illegitimate and baseless actions targeting America and our close ally Israel....

"The ICC has no jurisdiction over the United States or Israel, as neither country is party to the Rome Statute or a member of the ICC."

"Neither country has ever recognized the ICC's jurisdiction, and both nations are thriving democracies with militaries that strictly adhere to the laws of war."

"The United States unequivocally opposes and expects our allies to oppose any ICC actions against the United States, Israel or any other ally of the United States that has not consented to ICC jurisdiction."

1998 Rome Statute of the ICC

Article 70:

Offences against the Administration of Justice:

The Court shall have jurisdiction over the following offenses against its administration of justice when committed intentionally:

(d) Impeding, intimidating or corruptly influencing an official of the Court for the purpose of forcing or persuading the official nor to perform, or to perform improperly, his or her duties.

The Ethnic Cleansing of Gaza

“The Riviera of the Middle East”

On 4 February, President Donald Trump said that:

“People shouldn’t be going back to Gaza... They’ve lived like hell, like you’re living in hell. Gaza isn’t a place for people to be living,” and proposed resettling them in Egypt and Jordan.

- 1949 Geneva Conventions: Article 49, para. 1 prohibits the individual or mass forced transfer of populations from occupied territory “to that of any other country.”
- 1998 Rome Statute defines a crime against humanity as the: “deportation or forced transfer of a population” and a war crime as the: “deportation or transfer or all or parts of the population of an occupied territory within or outside this territory.”
- In June 2024, the United Nations Security Council adopted Resolution 2735, calling for an “immediate, full and complete ceasefire”. In the resolution, the Council stated that it:
“rejects any attempt at demographic or territorial change in the Gaza Strip, including any actions which reduce the territory of Gaza.”

What is the Future?

**Israeli Knesset votes to
reject a Palestinian
state (July 2024)
Vote: 68-9**

“The Knesset of Israel firmly opposes the establishment of a Palestinian state west of Jordan. The establishment of a Palestinian state in the heart of the Land of Israel will pose an existential danger to the State of Israel and its citizens, perpetuate the Israeli-Palestinian conflict and destabilize the region,”

The Endgame

The six possible solutions/futures for Israel and Palestine

- Genuine Two State Solution, based on the pre-1967 borders; or
 - One Democratic Bi-National State: Equal Rights for All
-

- One and a Half State Solution: The 2020 Trump Plan;
- One Unequal State: Annexation without Rights;
- The Status Quo: Continuing to managing the Occupation, with thickening of settlements + *de facto* annexation; and/or
- The Expulsion of the Palestinians

What Does the International Community Have to Support/Do?

1. Fully end the unlawful occupation by September 2025.
2. Remove of all the 360+ illegal Israeli settlements.
3. Impose accountability on Israeli and Hamas leaders for grave breaches of international law, including war crimes + genocide and genocide incitement.
4. Ensure genuine Palestinian self-determination.
5. Respect, support and defend the work of the ICJ and the ICC.
6. Overturn Israel's ban on UNRWA.
7. Release all the remaining Israeli hostages, living and dead
8. Dismantle Israeli military courts and release all arbitrarily detained Palestinians
9. A permanent ceasefire in Gaza. Ensure that the rehabilitation and political future of Gaza is decided by Palestinians.