

Saint Joseph University
Institute of Political Science
Arab Programme in Democracy and Human Rights

**Assessing the Role of Third Parties on Addressing Human Rights
Violations during Armed Conflicts (Case of Gaza Strip - Palestine)**

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The Institute of Political Science at Saint Joseph University does not intend to give any approval or disapproval to the opinions expressed in this thesis. These opinions belong solely to their author.

Quotation

“Justice cannot be a local or isolated endeavor; it must be a universal commitment, an unyielding demand for all people, everywhere.”

- Edward Said

"You cannot have peace without justice, and you cannot have justice without human rights."

- Hanan Ashrawi

"For her sake, he carried his six years on his shoulders, jostling with a thousand other children, a thousand men, and a thousand women, to fill her a bucket with water. He walked slowly for two reasons: first, because he was still a child who did not sprout muscle in his arms to carry the bucket, and second, because he didn't want a single drop of water to fall to the ground. His mother hadn't drunk any water for two days, and her lips had cracked. He doesn't know anything about his father and siblings, they are gone, and he didn't know what to do for a sick woman, even if she was his mother.

He returned after three hours, and he didn't have enough vocabulary to understand what his neighbor said: "To God belongs what He gives and to God belongs what He takes."

- Khaled Juma

Dedication

To the resilient people of my country Palestine, whose unyielding spirit and courage in the face of adversity.

To the people of the city that I have been raised in, Gazans, who are living in an ongoing war, living through the harshest of circumstances of death, injury, bombardment, internal displacement and loss of beloved ones.

To the martyrs of Palestine, whose sacrifice illuminates the path toward justice and freedom.

To the children of Palestine who had to act as adults since they started to walk and talk.

And to my beloved parents, whose unwavering support and boundless love have been my greatest strength, your belief in me and your sacrifices have paved the way for this journey, and this work is dedicated to both of you.

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List of Abbreviations:

Abbreviation	Term
AP	Additional Protocol of Geneva Conventions
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
Genocide Convention	Convention on the Prevention and Punishment of the Crime of Genocide
GA	General Assembly
HRs	Human Rights
HRC	Human Rights Council
IAC	International Armed Conflict
ICRC	International Committee of the Red Cross
ICJ	International Court of Justice
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IHRL	International Human Rights Law
IHL	International Humanitarian Law
ILC	International Law Commission
INGOs	International Non-Governmental Organizations
IGOs	Intergovernmental Organizations
MSF	Médecins Sans Frontières
NIAC	Non-International Armed Conflict
OHCHR	Office of the United Nations High Commissioner for Human Rights
RS	Rome Statute
SC	Security Council
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNGA	United Nations of General Assembly
UNTSO	United Nations Truce Supervision Organization
WFP	World Food Program
WHO	World Health Organization

Abstract

This study is assessing the role of third parties on human rights violations in the ongoing war on Gaza as the main case, it analyzes the involvement of States, Intergovernmental Organizations, and International non-governmental organizations regarding human rights violations committed during armed conflicts to understand their influence on the humanitarian situation on the ground whether mitigating such rights, abuses or causing the perpetuation of more of them.

This research used mixed-methodologies, the analytical and descriptive approaches, including case study analysis, interviews with key stakeholders, and a review of human rights reports, the study identifies the mechanisms through which third parties contribute to or alleviate human rights violations.

The study relies on the legal frameworks of Geneva Conventions and their Additional Protocols, UN Charter, Customary International Law rules, International Courts Rules, The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), and other Conventions, by the IRAC legal methodology for the analysis.

The study concluded that third parties have a role in addressing and mitigating the violations of human rights in armed conflicts, however, their role might not be as sufficient because of matters that hinders the actions they take and the missions they aspire to make in order to help the civilians who are exposed to coercion violence, these matters are influenced by internal and external political considerations, leading to inconsistent application of international legal norms. The research revealed that despite the existence of legal frameworks under International Humanitarian Law (IHL) and International Human Rights Law (IHRL), their enforcement remains inadequate, and this inadequacy is worsened by the influence of geopolitical interests, which frequently undermine the effectiveness of Security Council resolutions and other international measures aimed at protecting civilians. Consequently, human rights violations continue.

In response to these findings, this research has multiple recommendations where the most important one of it recommends the development of a more comprehensive and enforceable international legal framework specifically designed to address the complexities of modern armed conflicts such as the ongoing war on Gaza Strip.

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Assessing the Role of Third Parties on addressing Human Rights Violations during Armed Conflicts (Case of Gaza Strip - Palestine)

General Framework of the Research

In the recent years, numerous armed conflicts in various places have taken place leading to widespread human rights violations, forcing many people to flee their homes in search of safety and peace away from conflict zones. These individuals, who have no role in the conflicts, endure significant sufferings in many aspects violating the right to peace, health, life, and food. It is essential to have involvements aimed at mitigating human rights violations, preventing violence, and providing humanitarian aid. This study examines the actions and policies of third-party actors involved in these conflicts, aiming to identify patterns of complicity and intervention by differentiating between what is obligated to be done according to international law, and the practical implementation of these obligations on the ground, considering the different responses according to the location of the armed conflict and the specific needs of the affected populations. By analyzing these patterns, laws, and actions the study provides a nuanced understanding of the impact third parties have on the conflicts, conflicts' zones, and the humans affected from this armed conflict. The findings are expected to offer significant insights into the complex dynamics of external influence in conflict zones, highlighting the critical role of third-party actors in either perpetuating or alleviating human rights violations according to international law rules. This research contributes to the broader discourse on international law, conflict resolution, and the protection of human rights in war-torn regions, along with practical implications for policymakers, advocates, and international bodies, especially UN bodies working to address human rights abuses and promote peace.

There are two main legal tools that apply simultaneously during armed conflicts, and the responsibility for protecting humans within international law rests on applying the rules of International Humanitarian Law as the law most specific to cases of armed conflicts, as well as applying the protection mechanisms stipulated by the United Nations. In addition to that the legal tools that apply to external and third parties to interfere and mitigate the human rights violations

such as the Convention on the Prevention and Punishment of the Crime of Genocide, and International Customary Law rules.

Research Problem (Statement & Questions):

Humanitarian crises in armed conflicts around the world in general and in Gaza strip in particular, imposes some kind of human solidarity and the intervention of related regional and international entities to address such violations. Regarding Gaza case it has been obvious going through cycles of violences, and human rights violations, that its people have been fully exposed to various types of violence as a result of the Israeli occupation. There which shall be involvement to prevent what people go through. Here comes the third parties' involvement to mitigate the exposure to violence in various capacities, from providing humanitarian aid and mediating peace efforts to imposing sanctions.

Understanding the roles and impacts of third parties in an armed conflict zone such as Gaza is essential for assessing the broader dynamics of the Gaza conflict and the quest for peace and human rights implementation, in which there is a pressing need to differentiate between what is mandated by international law rules and what is actually implemented on the ground. This differentiation is crucial for understanding the real impact of third-party actions and policies on the lives of people in Gaza and for developing effective strategies for conflict resolution and human rights protection.

This research aims to mainly explore:

To what extent could the intervention of Third - Party constrains the human rights violations in armed conflicts?

With four fundamental sub-questions:

What are the Roles of Third Parties in Conflicts?

How do parties influence the human rights situation on the ground?

What are the implications of third-party actions for international law and conflict resolution?

How Do Third-Party Involvements Impact the Palestinian Conflict and Human Rights?

Research Significance:

This research aims to understand the dynamics of the involvement of external parties to alleviate human rights abuses in conflict zones, especially in the ongoing war on Gaza to hinder the conflict resolution and assure the maintenance of peace in the region as a whole. This research aims to inform policymakers, advocates, and international bodies working to address human rights abuses and promote peace in conflict zones, offering practical recommendations for improving the effectiveness of third-party involvements.

Research Scope Limitations:

This study focuses on the role of third-party actors in the ongoing war on Gaza, specifically examining their influence on human rights violations and conflict resolution efforts, it includes a range of third-party actors, such as some States, Intergovernmental Organizations, and International Non-Governmental Organizations, and emphasizes the analysis of human rights issues and relevant international laws.

Research Conceptual Framework:

This research is focusing mainly of the role of the Third Parties in mitigating human rights violations in armed conflicts, in which **Third Parties** are the entities that are not directly involved as principal actors in a conflict or dispute but play significant roles in its dynamics, these can include states, Intergovernmental Organizations (IGOs), and International Non-Governmental Organizations (INGOs), each contributing to the mitigation of human rights violations in armed conflicts. Meanwhile, **Human Rights Violations** is any action or omission that violates the basic rights and freedoms to which all humans are entitled, including but not limited to rights to life, liberty, and security, freedom from torture, and the right to a fair trial¹. And therefore, what is meant by **Armed Conflict** and its definition according to Amnesty International: “a situation in which there is resort to armed force between States or protracted resort to armed force between governmental authorities and organized armed groups”².

¹ United Nations. "Human Rights." Accessed August 11, 2024. <https://www.un.org/en/global-issues/human-rights>.

² Amnesty International, (2022), Millions of people have their lives shattered by armed conflict every year. Accessed August 11, 2024. <https://www.amnesty.org/en/what-we-do/armed-conflict/>.

To be able to analyze and assess the role of Third Parties the legal framework needed is **International Humanitarian Law (IHL)**, which is a set of rules which, for humanitarian reasons, seek to limit the effects of armed conflict, and it protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare³. Which involves the **Geneva Conventions and its Additional Protocols**, which is a series of international treaties concluded between 1864 and 1949 and the additional protocols of 1977 that set the standards for international law for humanitarian treatment in war. The Geneva Conventions are four separate yet interrelated conventions that define the rights of wartime prisoners, civilians, and the wounded and establish protections for them, and the additional Protocols that supplements them.

Literature Review:

The ongoing war in Gaza and the external involvements can be studied and evaluated from various perspectives, including political, humanitarian, and legal aspects. This includes examining the role of third-party actors in which they are states, intergovernmental organizations, and national and international non- governmental organizations in armed conflict, and their impact on human rights, and the broader implications for the enforcement of related international law rules and conflict resolution.

The only recent research regarding this topic was research by Mag. Junaid Sattar by the title of "The Role of International Organizations in Protecting Human Rights in Palestine."⁴ Published in January, that focuses mainly on the significant role that international organizations have played in safeguarding human rights in Palestine, it explores the challenges these organizations face, including political pressures, and offers best practices to enhance their effectiveness in promoting and protecting human rights during the ongoing conflict with a historical and a broad overview. Even though both researches focus on the protection of human rights in Gaza, my research focuses more than only the role and the responsibility if the international organizations like the United Nations and Organization of Islamic Cooperation that Mr. Sattar discussed, where my research

³ Antonios Abou Kasm, "Chapter 1: Concept, Historical Evolution, and Problematic of International Humanitarian Law," in Political & Administrative Sciences

⁴ Butt, Junaid Sattar. "The Role of International Organizations in Protecting Human Rights in Palestine." International Journal of Research Publication and Reviews, vol. 5, no. 1, January 2024, pp. 4052-4067. DOI: <https://doi.org/10.55248/gengpi.5.0124.0314>.

focused on third parties comprehensively, including states, intergovernmental organizations, and international and national non-governmental organizations.

In addition, my thesis primarily examines the role of third-party actors in addressing human rights violations during armed conflicts, with a concentration on the ongoing war on Gaza Strip, and it provides a detailed analysis of legal frameworks like the Geneva Conventions and its Additional protocols, the Rome Statute, and the Convention on the Prevention and Punishment of the Crime of Genocide, and the effectiveness of these actors and tools in mitigating human rights abuses.

The United Nations Human Rights Council and various United Nations specialized agencies released reports highlighting the efforts in mitigating the humanitarian crisis and challenges facing them. Also, the International Committee of the Red Cross' involvement, as a prominent neutral institution working in this field, focuses on providing civilians with medical assistance, facilitating humanitarian access, and promoting adherence to international humanitarian law. In addition to other INGOs that play a crucial role in documenting human rights violations, providing humanitarian aid, and advocating for policy changes⁵. These mechanisms are directly influenced by international law rules, especially rules and principles of international humanitarian law to mitigate human rights violations and their mechanisms shortcomings in protecting human rights with different methodologies where the focus is placed on three main headings: the role of the states, intergovernmental organizations, and non-governmental ones in the raising, promoting, and protecting human rights, tackling the shortcomings and challenges facing international mechanisms in protecting humans in times of armed conflict, and suggesting opportunities for third parties to solve what got harmed and maintain peace.

These aspects were discussed in this research for evaluating the international mechanisms and the role of third part actors. Analyzing the involvement of these actors' sheds light on how international law is enforced or neglected during conflicts. This is crucial for understanding the strengths and weaknesses of current international legal frameworks and their practical implications for conflict resolution and human rights protection.

⁵ Mac Ginty, R. (Ed.). (2013). *Routledge Handbook of Peacebuilding* (1st ed.). Routledge. <https://doi.org/10.4324/9780203068175>

Moreover, assessing the humanitarian efforts and challenges faced by international bodies and third parties on the ground and differentiate between the ideal legal framework that was written to mitigate or stop human rights' violations and its implementation on the ground when an armed conflict takes place, and as for this research case, reports from the UN Human Rights Council, specialized UN agencies, and the ICRC highlights the challenges in mitigating the humanitarian crisis in Gaza. By reviewing these efforts, the effectiveness of international humanitarian mechanisms and their limitations in addressing the crisis was critically assessed.

As this research is taking Gaza City- Palestine as its case study, understanding the roles and impacts of external involvements is crucial for comprehensively evaluating the conflict and its broader implications on human rights and international law, where the ongoing conflict in Gaza is a multifaceted issue that requires an in-depth analysis from various perspectives, including political, humanitarian aspects of third parties involvement during armed conflicts, along with international legal aspects that regulates the actions of third parties.

The Political Aspects

United States and some European states Research indicate that the policies and aid provided by entities like the United States and some European states significantly influence the dynamics of the war on Gaza where their involvement includes financial and military support, as well as diplomatic efforts aimed at conflict resolution. However, their roles are often controversial, as their actions can both contribute to or alleviate the conflict and its associated human rights issues. The issue differs based on which conflictual party these countries stand behind, whether Israel or Palestine. The political interests and alliances of these states shape their involvements and the overall political landscape of the war on Gaza, which finally affect the way they address human rights violations occurred there.

Neighboring Arab States Countries like Egypt and Qatar have been involved in mediation efforts and providing humanitarian aids, which have both positive and negative impacts on the armed conflict dynamics and human rights situation. Their geographical proximity and political interests in the region make their involvement particularly significant, and the political maneuvers by these states often aim to stabilize the region while balancing their national interests.

The Humanitarian Aspects

United Nations (UN) In addition to what is mentioned above, the UN's involvement is crucial in coordinating international responses and ensuring that different types of humanitarian aids are reaching to those who need it despite the complex and dangerous environment.

International Committee of the Red Cross (ICRC) Where their work in alleviating some of the immediate suffering caused by armed conflicts and in ensuring that the principles of international humanitarian law are upheld, even in the core of hostilities is very critical. The ICRC's consistent presence and advocacy for neutral humanitarian space are key to their effectiveness.

International Non-Governmental Organizations (INGOs) like Human Rights Watch and Amnesty International working on the field of documenting human rights violations have been instrumental in raising awareness and pressuring for accountability, their reports provide detailed accounts of violations and offer recommendations for both immediate and long-term improvements. INGOs often operate in spaces where states and international bodies cannot conduct their roles, filling critical gaps in the protection and promotion of human rights.

The Legal Aspects

International Humanitarian Law and International Human Rights Law The application of international humanitarian law and international human rights law in the Gaza conflict is extensively analyzed, the Geneva Conventions, especially the fourth one which discusses the international protection of civilians during armed conflicts, the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) adopted in 1948, and customary international law rules provide the legal basis for assessing the actions of parties involved. These legal frameworks are designed to protect human rights during armed conflicts, but their enforcement in Gaza has been inconsistent and often hampered by political and logistical challenges.

Challenges in Enforcement Studies highlight significant challenges in enforcing compliance with international laws. The role of international bodies and the effectiveness of sanctions and legal actions are critically examined. Issues such as political involvement, lack of accountability, and the complex nature of international law contribute to the difficulties in ensuring that all parties

adhere to legal standards. The effectiveness of third-party involvements in addressing human rights abuses is debated, with studies highlighting both positive impacts and limitations.

Challenges and Gaps:

Despite extensive research, gaps remain in understanding the nuanced impacts of third-party involvements and the long-term implications for peace and human rights. Along with that there's still challenges in understanding the different actions taken in different armed conflict places according to political relations instead of humanitarian involvement.

Research Methodology:

This research adopts the qualitative methodology to reach the results aimed in this research, by collecting and analyzing non- numerical data such as reports, books, and legal documents, contextual analysis. The qualitative approach is particularly suited to exploring the complex role of third parties in the war on Gaza focusing on their impact on mitigating and the trials of preventing of the human rights violations and their implications on implementing the international law.

Along with the analytical and descriptive approach with the IRAC legal analysis to systematically evaluate the issues, the relevant rules, the application of these rules to the conflict, and the conclusions drawn from this analysis.

This approach and methodology align with the study of the effectiveness of mechanisms implemented by third parties such as states, Intergovernmental Organizations, and international non-governmental organizations, particularly focusing on how these mechanisms protect human rights during armed conflicts. It examines the application of International Human Rights Law and International Humanitarian Law, and different conventions exploring how these legal frameworks can complement each other to enhance the protection of civilians and ensure adherence to international legal standards on the ground.

The research relied on the analysis of legal provisions, customary law, precedents, conducting key informative interviews with staff from Intergovernmental Organizations and International Non-Governmental Organizations to fully recognize and understand their mechanisms and the struggles

and challenges faced in implementing their strategies and mechanisms on the ground, in addition to their suggestions to mitigate the violence, rebuild the rubble, and maintain piece.

Research Structure:

The research consists of the introduction, and three chapters as follows:

Introduction:

Illustrates the general framework of the research which consists of: the research problem (statement & questions), the research objectives, the research importance \ significance, the research scope limitations, the research definition of terms, literature review, the research methodology, the research structure.

Chapter One:

Role of Third Parties during armed conflicts: general perspective. Providing full meaning of who are the Third-parties, providing an overview of International Law Governing Third Parties such as UN charter provisions related to the use of force and the principle of non-intervention, customary international law rules, customary rules applicable to third-party involvement in armed conflicts, international humanitarian law, genocide convention and other conventions.

Chapter Two:

Protecting Civilians' Human Rights During Armed Conflicts: Legal Framework and the Violations During Current War on Gaza. The case during the current war on Gaza as analyzing International Law rules governing the protection of civilians and their human rights during armed conflicts.

Chapter Three:

Third Parties' roles on addressing human rights violations in Gaza: Opportunities and Challenges. The analysis of the Key Informative Interview with Intergovernmental Organizations and National and International Non- Governmental Organizations, divided into the challenges faced and opportunities given to them in addressing human rights violations.

Conclusion and recommendations:

The main findings and suggested recommendations.

The research aims to provide a comprehensive analysis of the role of third-party actors on the war on Gaza as an armed conflict place, examining both the legal frameworks and practical impacts of their interventions. Through an in-depth exploration of international laws governing third-party actions and a detailed case study of Gaza, the study seeks to illuminate the complexities and consequences of external involvement in armed conflicts. The findings underscore the critical need for more robust and effective mechanisms to ensure that third-party involvements align with international legal standards and genuinely contribute to the protection of human rights. The recommendations proposed aim to protect the civilians exposed to violence and enhance the accountability and efficacy of third-party actions, ultimately promoting a more just and humane approach to conflict resolution and humanitarian intervention.

Chapter I

Role of Third Parties during armed conflicts: general perspective

There should be means to stop or lessen human rights violations that occur during armed conflicts, and wars. Especially in the situation of Palestine which is under occupation and with the ongoing war on Gaza Strip which is the case study of this research, the dynamics of occupation and conflict profoundly impact the daily lives of thousands of Palestinian people, this violent and bloody conflict, combined with the restrictions on movement, and the lack of access to essential services, has created a protracted humanitarian crisis in Gaza since the breakout of the war. Where the Palestinians have faced numerous challenges in their quest for self-determination, living as refugees, exiles, and minorities for two-thirds of a century. They have been ruled by various countries, including the Ottomans, British, Jordanians, Egyptians, and then occupied by Israel. The 1948 Nakba and the dispersal of Palestinians due to Israel's establishment brought them under close scrutiny by various administrative regimes. Today, the majority of Palestinians live under surveillance, with their numbers contested, demography analyzed, and their activities scrutinized for political content. This study discusses surveillance, monitoring, control, and resistance as essential components for understanding Palestinian society. The systems of control include colonial state policies, legal impositions, and population containment. Israel, which contributed to the Nakba, plays a central role in this monitoring process⁶.

In these situations, comes the role of third parties that can be a positive tool to redirect the belligerents to the international humanitarian law and international human rights law. Third parties in armed conflicts entail various bodies who can interfere to address human rights violations, its involvement can be significant to influence the dynamics and humanitarian outcomes of such conflicts. However, third parties' role can also consist of a negative role and can negatively intervene to unbalance the power of the conflictual parties, for instance the United States Veto of the Security Council Resolution calling for a ceasefire in Gaza⁷.

⁶ Zureik, Elia. 2016. *Israel's Colonial Project in Palestine: Brutal Pursuit*. New York: Routledge.

⁷Opinio Juris. "The Legal Responsibility Not to Veto a Ceasefire in Gaza." Accessed July 23, 2024. <https://opiniojuris.org/2024/03/19/the-legal-responsibility-not-to-veto-a-ceasefire-in-gaza/>.

These third parties include states, Intergovernmental Organizations, and International non-governmental organizations. States, which provide military, economic, or political backing to one or more of the parties involved in the conflict, often shaping the balance of power and the conduct of hostilities. Intergovernmental organizations, such as the United Nations or regional bodies, which play crucial roles in peacekeeping, mediation, and imposing sanctions, aiming to restore and maintain peace and security while addressing humanitarian needs. International Non-Governmental Organizations which are vital in delivering humanitarian aid, documenting human rights abuses, and advocating for the protection of affected populations, often operating in challenging and dangerous environments.

First Section: Defining the concept of “Third Parties”

Third Parties refer to entities that are not directly involved as principal actors in an armed conflict or dispute but may still play a significant role in its dynamics. This study will focus on three main Third- Parties that can play and are currently playing a pivotal role in the armed conflicts around the world at the moment. These Third Parties are firstly, states. Secondly, Intergovernmental Organizations, and Thirdly, International Non- Governmental Organizations.

1.1 States as Third Parties in Armed Conflicts

States, which is the main subject of international law, is a political association that establishes sovereign jurisdiction within defined territorial borders⁸. International law obligates states to ensure that their involvement in conflicts comply with the legal principles and norms that are supposed to be followed in order to preserve Human Rights in armed conflicts, in addition to maintaining international peace and security. As defined by the Montevideo Convention on the Rights and Duties of States of 1933, which builds upon the principles established by the Treaty of Westphalia in 1648, a state must possess four essential qualifications: a defined territory, a permanent population, an effective government, and the capacity to enter into relations with other states. In this view, states, or countries (the terms can be used inter changeably in this context), are taken to be the key actors on the world stage, and perhaps the only ones that warrant serious

⁸ Andrew Heywood, *Global Politics*, 4th ed. (London: Palgrave Macmillan, 2011), 239.

consideration.⁹ This serious consideration that is connected with the sovereignty of the state along with its privilege of entering relations with states have put the obligation on the states to also maintain peace either in its territory or other state territories. And that's because state sovereignty became the primary organizing principle of international politics according to Andrew Heywood. The idea of state involvement to maintain peace and mitigate violence gained significant momentum after World War II, which resulted by the establishment of the United Nations, in San Francisco, on June 26, 1945, with the signing of the UN Charter¹⁰. The primary purpose of the UN was to maintain international peace and security, promote social progress, and foster human rights¹¹. However, the principle of non-intervention in member nations' domestic affairs was incorporated in the UN Charter, with the goal of ensuring international relations' stability, yet despite this principle, the increasing awareness of human rights along with the evolution of the international community, led to the development of specific mechanisms within international organizations, especially political ones, to maintain peace and security, these mechanisms were designed not only to protect states but also to safeguard individuals' human rights from violations. The adoption of collective security measures by the United Nations demonstrates this evolution. These measures aim to punish and deter any member state from violating its obligations under the UN Charter, reinforcing the international community's commitment to protecting human rights and maintaining global peace and security.

This has similarly happened following the circumstances of World War I, where the League of Nations was conceived in 1919 under Treaty of Versailles¹² "to promote international cooperation and to achieve peace and security"¹³ but the League of Nations have ceased after it failed to prevent a global war which is WWII¹⁴. which raises the question "Is the United Nations as a third party

⁹ Andrew Heywood, *Global Politics*, 4th ed. (London: Palgrave Macmillan, 2011), 239.

¹⁰ United Nations. (1945). Charter of the United Nations. <https://www.un.org/en/about-us/un-charter>

¹¹ Rochester, J.M. (2016). *The New Warfare: Rethinking Rules for an Unruly World* (1st ed.). Routledge. <https://doi.org/10.4324/9781315640242>

¹² League of Nations. (1919). Treaty of Versailles. <https://www.loc.gov/rr/program/bib/ourdocs/versailles.html>

¹³ Pataraiia, D. (2021). *International Law: Text, Cases and Materials* (1st ed.). Routledge. <https://doi.org/10.4324/9781003213772>

¹⁴ National Archives, "The United Nations was established on June 26, 1945, in San Francisco, following a series of events similar to those in the circumstances following World War I," accessed July 22, 2024, <https://www.archives.gov/milestone-documents/united-nations>

revenge and hatred that the damaged society may experience. This leads to the sanctions efforts that may be imposed on states or non-states actors if any which involved in armed conflicts, aiming to compel compliance with international law principles and roles, such as the sanctions the UN Security Council required against North Korea for its nuclear activities, where North Korea was sanctioned under paragraph 8(c) of Resolution 1718, Member States were required to prevent any transfers, to or from North Korea, of technical training, advice, services, or assistance regarding the manufacturing¹⁶. This illustrates the use of sanctions to influence state behavior¹⁷.

The United Nations (UN) stands at the forefront of international cooperation, providing multiple platforms for states to collaborate on issues ranging from peace and security to economic development and human rights protection. For instance, UN peacekeeping missions hold a pivotal position in maintaining peace and security in volatile regions, often mandated to protect civilians and assist in peace agreement implementations. Moreover, UN specialized agencies like the UN High Commissioner for Refugees (UNHCR) and the World Food Program (WFP) coordinate effective global responses to humanitarian crises, delivering aids and support where it is needed the most. On the developmental front, the United Nations Development Program (UNDP) promotes sustainable development by enhancing governance, managing disasters, and helping nations prevent conflicts. Furthermore, the Office of the United Nations High Commissioner for Human Rights (OHCHR) diligently works to promote and protect human rights, ensuring that international human rights laws are respected worldwide. Beyond the UN, organizations such as the World Health Organization (WHO) that addresses specific sectors of international relations, the WHO leads international public health efforts, crucial for managing health emergencies like pandemics that require a coordinated global response.

1.3 International Non-Governmental Organizations

Another kind of third parties is the International Non-Governmental Organizations (INGOs), in which it is a group of individual volunteers that function independently of any government with

¹⁶Asada, M. (Ed.). (2019). *Economic Sanctions in International Law and Practice* (1st ed.). Routledge. <https://doi.org/10.4324/9780429052989>

¹⁷ Arms Control Association. "UN Security Council Resolutions on North Korea." Accessed July 23, 2024. <https://www.armscontrol.org/factsheets/un-security-council-resolutions-north-korea>.

the objective of improving social conditions. INGOs are typically non-profit institutions. They are sometimes called civil society organizations and are established on local, national, and international levels to serve a social or political goal such as a humanitarian cause¹⁸. INGOs might focus on activities in areas involving health or health emergencies, education, infrastructure, advocacy of minority rights, support of who are in need, and reduction of crime. International Non-Governmental Organizations (INGOs) are pivotal in managing and mitigating the negative effects of armed conflicts through diverse roles and functions. Humanitarian INGOs like Médecins Sans Frontières¹⁹ and Action Against Hunger provide critical services such as medical assistance, food and water supply, and emergency shelter to conflict-affected populations. Development-focused INGOs, such as CARE and International Human Rights Support Organization, engage in post-conflict reconstruction, capacity building, and economic development to help communities rebuild and recover sustainably, which is also a very important role on this regard. Advocacy INGOs, including Human Rights Watch and Amnesty International, play key roles in monitoring human rights abuses, lobbying for policy changes, and promoting peace and legal accountability for war crimes. These organizations face numerous challenges, including severe security risks, access restrictions in conflict zones, fluctuating funding, and complex political and ethical dilemmas, and targeting their employees. Despite these obstacles, INGOs significantly impact by delivering essential aid, influencing international policies, and supporting the long-term recovery and empowerment of affected communities, thereby upholding human dignity and fostering sustainable peace in troubles regions.

Third parties, including Intergovernmental Organizations, International Non-Governmental Organizations (INGOs), and foreign States, which play crucial roles in mitigating human rights violations during armed conflicts. Their roles can consist of diplomatic intervention where Third parties can facilitate peace negotiations, mediate between conflicting parties, and push for ceasefires such as what Qatar and Egypt are doing in the ongoing war on Gaza²⁰.

¹⁸ Investopedia. "What Is a Non-Governmental Organization (NGO)?" Investopedia, Accessed July 23, 2024. <https://www.investopedia.com/ask/answers/13/what-is-non-government-organization.asp>.

¹⁹ Médecins Sans Frontières. (2023). Annual Report 2023. <https://www.msf.org/annual-report-2023>

²⁰ Reuters. "White House, Qatar, Egypt Plan Talks with Hamas on Gaza Ceasefire." *Reuters*, June 15, 2024. Accessed July 23, 2024. <https://www.reuters.com/world/middle-east/white-house-qatar-egypt-plan-talks-with-hamas-gaza-ceasefire-2024-06-15/>.

Organizations like the United Nations often engage in diplomatic efforts to prevent and resolve conflicts, such as the United Nations Peacekeeping Force in Cyprus (UNFICYP) that was founded in 1964, UNFICYP was initially deployed to prevent further intercommunal violence between Greek and Turkish Cypriots. Following the 1974 intervention, the mission's mandate was extended to monitor the ceasefire lines and maintain peace and stability on the island²¹.

Third-Parties can also provide humanitarian assistance by providing aid and support to affected populations where humanitarian organizations deliver food, medical care, and shelter to those in need. For instance, the United Nations High Commissioner for Refugees (UNHCR) has been actively involved in providing support to Syrian refugees. The organization has provided emergency shelter, medical care, and essential supplies to millions of people affected by the conflict²².

Second Section: Legal Framework Applicable to Third- Parties' Involvement in Armed Conflicts.

The legal framework governing third-party involvement in armed conflicts is multifaceted, encompassing various international treaties, customary laws, and principles, central to this framework are the Geneva Conventions and their Additional Protocols, which form the fundamental texts of International Humanitarian Law (IHL)²³. These conventions lay down comprehensive provisions for protecting non-combatants and the people who are no longer participating in hostilities, emphasizing that third parties must ensure their actions do not harm civilians and must facilitate humanitarian aid. It is also mandatory to treat prisoners of war humanely in accordance with their rights under the Third Geneva Convention, as well as to follow rules of engagement that emphasize necessity, proportionality, and the difference between civilians and combatants in the usage of force. Under International Humanitarian Law (IHL), the Geneva

²¹ United Nations Security Council. (2004). Resolution 1557 (2004) on the situation in Cyprus. UN Security Council

²² United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (2021). Syrian Humanitarian Response Plan 2021A

²³ International Committee of the Red Cross. (1949). Geneva Conventions of 1949. <https://www.icrc.org/en/doc/resources/documents/misc/geneva-conventions.htm>

Conventions oblige contracting parties to maintain neutrality regarding armed conflicts that do not occur within their territories.

Neutrality, in this context, means that states or organizations must refrain to take sides or provide military support to any of the conflicting parties. This principle is intended to ensure impartiality and avoid exacerbating the conflict; however, neutrality does not preclude international solidarity with civilians who suffer the most from the conflict. Humanitarian efforts, including the provision of aid and support to affected populations, remain crucial. Thus, while neutrality in terms of military aid is important, it is equally essential to assess and discuss the role of third parties in providing humanitarian assistance and addressing the needs of innocent civilians impacted by armed conflicts²⁴.

Nevertheless, certain entities like the United Nations (UN), regional organizations, and UN specialized agencies are mandated to undertake specific roles in addressing these conflicts according to their legal mandates.

As this research is taking Gaza Strip and Palestine as its case study it's important to consider that Israel remains the hostile occupation of the Palestinian territories. Even though, there are regions over which Israel has only a temporary administrative right, not sovereignty, consequently, Israel must follow the appropriate principles of armed conflict law—primarily the requirements of the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949—when administering the territories. In addition, International human rights law supplements armed conflict law and extends to seized area as well, and the prohibitions against colonialism and apartheid are primarily founded in the sphere of international human rights law²⁵.

The UN Charter further establishes foundational principles for international relations, particularly concerning the use of force and intervention. Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of any state, while Article 2(7) restricts intervention in matters within the domestic jurisdiction of states²⁶. Chapter VII empowers the

²⁴ UNHCR. "Emergency Protection." UNHCR, Accessed August 13, 2024. <https://emergency.unhcr.org/protection>.

²⁵ Human Sciences Research Council of South Africa. *Occupation, Colonialism, Apartheid? A Re-assessment of Israel's Practices in the Occupied Palestinian Territories under International Law*. Democracy and Governance Programme, Middle East Project, 2009.

²⁶ United Nations. (1945). *Charter of the United Nations*. Article 2(4) & Article 2(7). <https://www.un.org/en/about-us/un-charter>

Security Council to take measures to maintain or restore international peace and security, including coercive military measures. Customary international law rules, consisting of unwritten rules focusing on the ethical part on following them from consistent state practice, includes the principle of non-intervention, requiring states to desist from coercive actions interfering with other states' internal affairs. Customary IHL rules apply to all conflict parties, including third parties²⁷. Jus cogens norms are universally binding principles that cannot be overridden, such as the prohibition of genocide and torture, which third parties must uphold in all circumstances²⁸. The Genocide Convention executes duties on states to prevent genocide, demanding them to take all actions within their power to stop genocide and to prosecute or extradite individuals responsible for it²⁹. Third parties have a responsibility to prevent and lessen human rights violations, ensuring their military operations fulfil IHL principles and facilitating humanitarian assistance. They must engage diplomatically, economically, and militarily to stop genocide and respond to credible early warnings of genocide risk. In the UN Security Council context, permanent members have a moral and legal duty to refrain from using their veto power to block actions aimed at preventing human rights violations and genocide, reinforcing the overarching obligation to uphold human dignity and international peace³⁰.

The United Nations Security Council (UNSC) as one of the six principal organs of the United Nations (UN), which operates under the legal mandate derived from the UN Charter. This mandate grants the UNSC broad authority to maintain international peace and security, making its decisions enforceable on all UN member states, article 24 of the Charter assigns the Council main responsibility for peace and security, empowering it to act as a representative for all member states. Meanwhile, under Chapter VI, the UNSC is legally empowered to investigate disputes, recommend methods of peaceful resolution, and engage in preventive diplomacy. And chapter VII grants the Council authority to take enforcement actions, including imposing sanctions or authorizing military force, in addressing threats against peace, disruptions of peace, or aggressive

²⁷ International Committee of the Red Cross. Customary International Humanitarian Law. <https://www.icrc.org/en/customary-international-humanitarian-law>

²⁸ United Nations. Jus Cogens Norms. <https://www.un.org/en/genocideprevention/jus-cogens-norms>

²⁹ United Nations. (1948). Convention on the Prevention and Punishment of the Crime of Genocide. <https://www.ohchr.org/en/treaties/convention-prevention-and-punishment-crime-genocide>

³⁰ United Nations Security Council. UN Security Council Resolutions. <https://www.un.org/securitycouncil/content/resolutions>

actions. The Council also oversees peacekeeping operations and can authorize involvements under the Responsibility to Protect (R2P) doctrine, a principle recognized by the UNSC to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. Moreover, article 25 ensures that the Council's resolutions are legally binding, reinforcing its central role in the international legal framework, and, the UNSC enjoys legal immunities and privileges under article 105, necessary for fulfilling its mandate and the Security Council's legal mandate thus positions it as one of the most powerful and significant bodies within the UN system, in charge for maintaining global peace and security.³¹

Another tool used for assessing human rights violations is the UN General Assembly which was established in 1945 under the Charter of the United Nations, the General Assembly (GA) occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprised of all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter, it additionally serves a major role in establishing standards and codifying international law³². Through resolutions, the GA can call for ceasefires, demand humanitarian assistance, or condemn human rights violations. While GA resolutions are not legally binding, they carry an important moral and political weight and can influence international norms and actions. For example The Assembly adopted the resolution titled "Protection of civilians and upholding legal and humanitarian obligations" by a recorded vote of 153 in favor to 10 against (Austria, Czech Republic, Guatemala, Israel, Liberia, Federated States of Micronesia, Nauru, Papua New Guinea, Paraguay, United States), with 23 abstentions, during a resumption of its tenth Emergency Special Session on Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory.

This means that the Assembly may take action in cases of a threat to the peace, breach of peace or act of aggression, when the Security Council has failed to act owing to the negative vote of a permanent member. In such instances, according to its "Uniting for peace" resolution of 3

³¹ Willmot, Haidi, and Scott Sheeran, eds. *United Nations Security Council Conflict Management Handbook*. Anwar Gargash Diplomatic Academy, 2023. Abu Dhabi, United Arab Emirates. Accessed July 20, www.agda.ac.ae.

³² Missoni, E., & Alesani, D. (2023). *Management of International Institutions and NGOs: Insights for Global Leaders* (2nd ed.). Routledge. <https://doi.org/10.4324/9781003289852>

November 1950, the Assembly may evaluate the issue immediately and recommend to its members collective measures to maintain or restore international peace and security.

1.2.1 States Related Regulations:

The state obligations in mitigating human rights violations during armed conflicts either by the states involved in the armed conflicts or the third parties are mentioned in various articles in conventions such as the Geneva conventions of 1949 and its additional protocols,

Starting with the common article No. 3³³ in the Geneva Conventions I, II, III, and IV that at the beginning there was questioning of whether states are obligated to protect individuals not participating in hostilities during non-international armed conflicts, then the provision of Common Article 3 of the Geneva Conventions required that in non-international armed conflicts, all parties must treat persons taking no active part in the hostilities humanely, without adverse distinction based on race, religion, nationality, or other similar criteria.

After that the Common Article 3 states that states must ensure that all individuals not participating directly in hostilities, such as civilians and persons who have surrendered, are treated with humanity. This includes protection against violence, torture, and ill-treatment. The article sets a minimum standard for humane treatment in conflicts. Which reflects that states are legally bound to protect individuals who are not involved in active fighting, ensuring they are treated humanely and without discrimination, in line with Common Article 3.

Meanwhile the Additional Protocol I to the Geneva Conventions, Article 51, regulates the protection of civilians and civilian objects in international armed conflicts. It prohibits indiscriminate attacks, which are attacks not directed at a specific military objective or that cannot be directed at a specific military objective. It also requires parties to the conflict to take all feasible precautions to minimize civilian casualties and damage to civilian objects. And states must ensure that their military operations are targeted specifically at military objectives and that they do not use methods or means of warfare that would result in excessive civilian harm. This includes:

³³ WorldLII, "Article 3 Offers an International Standard," Accessed June 8, 2024, <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/11.html#:~:text=Article%203%20offers%20an%20international,protections%20offered%20under%20this%20provision.>

- Ensuring limiting attacks to military objectives and avoiding civilian places or items, and that they have feasible precautions to implement measures to minimize the risk to civilians, such as providing warnings of attacks when feasible and choosing means and methods of warfare that reduce civilian casualties.
- States are obligated to train and instruct their armed forces on these requirements and to develop operational procedures to comply with these principles. Failure to do so can result in violations of international humanitarian law, with potential legal and reputational consequences.

Additionally, Article 13 of the Additional Protocol II, regarding the obligations of states regarding the protection of civilians in non-international armed conflicts where it provides specific measures to ensure civilians' protection in non-international armed such as civil wars, and it requires that all parties to the conflict must ensure that civilians are protected from violence, intimidation, and reprisals and that civilians must not be subjected to acts of violence or harassment. All possible measures must be taken to ensure their safety and well-being, where it must be ensured that civilians are not subjected to violence or other forms of mistreatment, this includes preventing acts of violence by both state and non-state actors involved in the conflict³⁴.

Putting into consideration that the failure to comply with these obligations can lead to serious humanitarian consequences and potential accountability for violations of international humanitarian law.

These analyses underscore the responsibilities of states under international humanitarian law to protect civilians and limit harm during armed conflicts, whether international or non-international, meanwhile other regulations regarding the Third- Party states that are not directly interfering in the armed conflict such as International Law Commission (ILC) Draft Articles, the United Nations Charter, the international Court of Justice (ICJ) Case Law and the UN Security Council Veto Power.

The International Law Commission (ILC) Draft Articles are a set of principles and rules proposed by the ILC, which is a body established by the United Nations established by the General

³⁴ International Committee of the Red Cross (ICRC). "Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977," Article 13. <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/475?OpenDocument>. Accessed August 13, 2024.

Assembly, in 1947, to undertake the mandate of the Assembly, under article 13 (1) (a) of the Charter of the United Nations to "initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification"³⁵. These draft articles serve as foundational texts that aim to clarify and systematize various areas of international law however, they are not legally binding but it provides a significant basis for the development of treaties and international legal norms³⁶.

Aid or Assistance in the commission of an internationally wrongful Act, was an article that the ICL suggested is Article 16 where Third-party states must avoid providing support that would facilitate violations of international law by another state. For instance, if a third state provides military aid to a party involved in a non-international armed conflict, it could be held responsible if the aid contributes to war crimes or other violations. This article attempts to stop states that are not parties to an international law dispute from cooperating with other states that are breaking the law by offering support or assistance to those states. By doing this, states are prevented from tacitly endorsing or encouraging transgressions of international law, and protecting the rule of law. Additionally, the article ensures that governments cannot avoid accountability by providing indirect support by holding third-party states accountable for their part in aiding violations. It contributes to the idea that every state must play a part in averting international wrong. In addition, the text discourages giving assistance that can lead to violations, encouraging a more moral approach to aid and foreign relations.

In addition to Recognition of Lawful Situations Article 41 where Third-party states should not endorse or support outcomes of conflicts that result from serious breaches of international norms, such as severe human rights violations or war crimes. Third-party nations are forbidden from acknowledging or supporting outcomes that stem from flagrant violations of international law, such as grave human rights abuses or war crimes. This guarantees that states do not sustain or legitimate the results of illegal activity. Furthermore, by preventing the acknowledgment of illegal results, the article contributes to the preservation of international norms and guarantees that governments do not subvert the joint endeavors to protect justice and human rights.

³⁵ International Law Commission, International Law Commission Home Page, Accessed June 8, 2024 <https://legal.un.org/ilc/>

³⁶ International Law Commission, Methods of Work, Accessed on June 8, 2024 <https://legal.un.org/ilc/methods.shtml>.

Additionally, it strengthens governments' adherence to international law by encouraging them to assist in addressing and correcting major violations rather than tolerating or justifying them.

Under Article 54, states other than those that have been harmed are likewise permitted to take action against a state that has violated international law, so long as the action is compliant with that law. Even if they are not the state that was directly damaged, states are nonetheless allowed to take action against a state that has committed an internationally wrongful act under Article 54. This increases the reach of enforcement and promotes teamwork in resolving infractions. The article also encourages international collaboration and joint responsibility in enforcing international law by empowering governments to take action against transgressions, as opposed to depending exclusively on the state that has been harmed. It also allows for flexibility in the application of measures, provided that they abide by international law³⁷. This makes it possible to efficiently handle breaches with a variety of remedies, such as sanctions and diplomatic pressure.

These articles here ensure that the maintenance of peace is not just an obligation on the countries in the armed conflict themselves but because it affects the international community as a whole the Third- Part states shall interfere in mitigating the violence and reinforcing the principles of accountability and cooperative enforcement.

Meanwhile, The Charter of the United Nations which is the founding document of the UN, was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on October 24, 1945.

The United Nations can take action on a wide variety of issues due to its unique international character and the powers vested in its Charter, which is considered an international treaty. As such, the UN Charter is an instrument of international law, and UN Member States are bound by it. The UN Charter codifies the major principles of international relations, from sovereign equality of States to the prohibition of the use of force in international relations³⁸.

Some of the key provisions of this charter is article 2(4), which prohibits member states from using force against the territorial integrity or political independence of any other state. This provision

³⁷ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, Art. 54, U.N. Doc. A/56/10 (2001).

³⁸ United Nations, Charter of the United Nations. Accessed 23 July, 2024. <https://www.un.org/en/about-us/un-charter>

reflects the international community's commitment to uphold the sovereignty of states and prevent aggressive actions that could lead to broader conflicts.

In addition to chapter VII of it specifically articles 39, 41, 42 which states the following:

Article 39: The Security Council is empowered to address situations threatening international peace, where Third-party states must cooperate with the Security Council's measures, which can include sanctions or military actions, and must refrain from actions that undermine these measures. For example, if the Security Council imposes sanctions on a conflict party, third-party states are obligated to comply with these sanctions and not assist the sanctioned party.

Article 41: Third-party states should respect and adhere to any sanctions imposed by the Security Council, including economic and diplomatic measures, and any support that circumvents these sanctions or helps the sanctioned party could be seen as violating this article.

Article 42: If the Security Council decides that non-forceful measures are insufficient and opts for military action, third-party states must cooperate with or not obstruct such actions. For instance, if the Security Council authorizes military intervention to restore peace, third-party states should not engage in activities that could obstruct or undermine the authorized actions.

And as a court decision there's the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) (2007):

Where Bosnia and Herzegovina accused Serbia and Montenegro of violating the Genocide Convention during the Bosnian War, and the ICJ found that Serbia was not directly responsible for committing genocide but had violated its obligation to prevent genocide and to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY). This case highlights the responsibilities of states not just to avoid direct acts of genocide but also to prevent and respond to genocidal acts committed by others.³⁹

Finally, the issue of the UN Security Council's veto power involves examining whether states with veto authority are obligated to avoid using their veto to block actions aimed at preventing or addressing human rights violations, including during armed conflicts.

³⁹ Tams, C. (2015). International Law and the Use of Force. https://www.scienze giuridiche.uniroma1.it/sites/default/files/varie/GML/2015/GML_2015-Tams.pdf

The UN Security Council is responsible for maintaining international peace and security. The permanent members of the Security Council (the P5: China, France, Russia, the United Kingdom, and the United States) have veto power, which allows them to block any substantive resolution. However, there is no formal legal obligation preventing these states from using their veto power to block resolutions. Nevertheless, there are ethical and political considerations that suggest that states should exercise their veto power responsibly, particularly when it comes to addressing grave human rights abuses.

The misuse of the veto to block resolutions addressing severe human rights violations, such as genocide or war crimes, can be seen as contrary to the principles of the UN Charter and the moral responsibilities of the Security Council members. This has led to calls for reforms or guidelines on the use of the veto to ensure that it is not employed in ways that undermine the international community's efforts to prevent or address atrocities.

Moreover, there is a responsibility not to veto in cases of mass atrocities and this notion appeared in the 2001 International Commission on Intervention and State Sovereignty (ICISS) report, 'The Responsibility to Protect', in which it was proposed that: The duty to prevent genocide was defined by the ICJ in the Bosnia v. Serbia case as the obligation of states 'to employ all means reasonably available to them, so as to prevent genocide so far as possible. This obligation varies from one state to another according – as highlighted by the Court – to the state's 'capacity to influence effectively the action of persons likely to commit, or already committing, genocide.'⁴⁰

1.2.2 Intergovernmental Organizations Related Regulations:

IGOs operate within a framework of international laws and regulations that guide their actions, particularly in conflict and post-conflict settings, and one of the crucial regulations governing IGOs is International Humanitarian Law (IHL), which ensures that these organizations operate within a legal framework designed to mitigate violence and protect human rights during armed conflicts. A key example of this is the role of the United Nations in peacekeeping missions, where IHL shapes the mandates of these missions to ensure they align with international legal standards.

⁴⁰ The Legal Responsibility Not to Veto a Ceasefire in Gaza, Rana Mostafa, March 19, 2024, Accessed on June 9, 2024. <https://opiniojuris.org/2024/03/19/the-legal-responsibility-not-to-veto-a-ceasefire-in-gaza>.

UN Peacekeeping helps countries navigate the difficult path from conflict to peace. On May 29, 1948, the Security Council, in resolution 50 (1948), called for a cessation of hostilities in Palestine and decided that the truce should be supervised by the UN Mediator, with the assistance of a group of military observers. The first group of military observers, known as the United Nations Truce Supervision Organization (UNTSO), was the first peacekeeping mission established by the United Nations regarding Palestine. UNTSO Military Observers remain in the Middle East to monitor ceasefires, supervise armistice agreements, prevent isolated incidents from escalating, and assist other United Nations peacekeeping operations in the region⁴¹. The United Nations, in this and every other peacekeeping mission, operates within the bounds of international law and IHL to mitigate violence and uphold human rights.

Regional organizations also play a crucial role in maintaining international peace and security besides to global IGOs like the United Nations, where chapter VIII of the UN Charter for instance recognizes the importance of regional arrangements or agencies in addressing conflicts, emphasizing that the Security Council should use these entities whenever appropriate. Regional organizations, such as the Arab League, act as important political actors in this context, serving as tools of the Security Council to manage regional conflicts. The Arab League, for example, has been actively involved in addressing the conflict in Gaza, advocating for ceasefires and diplomatic solutions. However, the effectiveness of such organizations is often influenced by the complex political dynamics among their member states.

By working within the framework established by the UN Charter and IHL, both global and regional organizations contribute to the broader effort to maintain international peace and security. The Arab League's involvement in the Gaza conflict, while not the primary focus of this thesis, serves as an important example of how regional organizations can complement the work of global IGOs in conflict resolution and peacekeeping.

1.2.3 International Non-Governmental Organizations Related Regulations:

⁴¹ United Nations, "UN Peacekeeping: 70 Years of Service & Sacrifice," United Nations Peacekeeping, Accessed August 23, 2024, <https://peacekeeping.un.org/en/un-peacekeeping-70-years-of-service-sacrifice>.

IHL provides the basics of Humanitarian assistance on a neutral matter that only cares for the civilians who are subjected to violence in armed conflict times, so organizations such as the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières (MSF) operate under IHL principles to provide impartial and neutral humanitarian assistance and the IHL ensures that their activities are protected under international law, allowing them to deliver aid without involvement. Where The Geneva Conventions of 1949 and Additional Protocol I of 1977 describe the ICRC as an impartial humanitarian body or organization, the relevant provisions generally using the expression "an impartial humanitarian body, such as the International Committee of the Red Cross". The Statutes of the International Red Cross and Red Crescent Movement themselves refer to the ICRC as a "neutral institution" and as a "specifically neutral and independent" institution and intermediary⁴². And this actually was a great step to find a neutral party that only cares about the victims despite their party and nationality.

The legal framework and compliance in this domain of Intergovernmental Organizations mainly focus on the adherence to IHL norms where the Intergovernmental Organizations are expected to operate in compliance with IHL it, and this includes respecting the laws and customs of war, avoiding actions that could contribute to violations of IHL, and ensuring that their activities do not exacerbate the conflict.

In addition, it focuses on the human rights monitoring that later serves as evidence before court, where organizations may be involved in monitoring and reporting human rights violations, including those related to IHL. Their findings can contribute to accountability mechanisms and advocacy for the protection of civilian rights.

IHL and International Human Rights Law are also the compass of the INGOs in which in its missions and work it always needs to put these regulations into consideration and must follow it while implementing the work. And according to this neutrality all the humanitarian workers working with the INGOs must be protected under the IHL and the INGOs needs to provide the requirements of protection of their employees according to the law.

⁴² Plattner, Denise. "ICRC Neutrality and Neutrality in Humanitarian Assistance." *International Review of the Red Cross*, vol. 86, no. 855, 1993. Accessed July 23, 2024. <https://international-review.icrc.org/sites/default/files/S0020860400084072a.pdf>.

The protections provided by the IHL were chosen concisely in order to preserve the civilians and the humanitarian workers, along with the religious personnel, where several protections for humanitarian workers and facilities was mentioned in the Geneva conventions and its additional protocols such as Geneva Convention IV, Article 3 that provides minimum protections for persons not taking an active part in hostilities, including humanitarian workers, the article mentions civilians in general and stresses on the humanitarian workers in particular, where it prohibits violence against these individuals and underscores their protection during conflicts, the implication for humanitarian workers is that they should not be targeted or harmed, and any violence against them is considered a violation of IHL⁴³.

Meanwhile, the Additional Protocol I, Article 70 which ensures the protection of medical and humanitarian personnel in international armed conflicts and facilitates their work, grants humanitarian organizations the right to offer services and obligates parties to the conflict to facilitate their work, meaning that humanitarian workers should be able to carry out their duties without involvement from the warring parties⁴⁴.

And at last, the Additional Protocol II, Articles 9 and 10 that protects humanitarian workers and facilities in non-international armed conflicts, ensuring their respect and protection, in which Article 9 ensures the protection of medical and humanitarian personnel, while Article 10 mandates that these personnel and facilities be respected and protected, thus ensuring they can function effectively even in internal conflicts⁴⁵.

Since IHL is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly or actively participating in hostilities, and imposes limits on the means and methods of warfare⁴⁶, it normally seeks to facilitate

⁴³ International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, Article 3. <https://ihl-databases.icrc.org/ihl/INTRO/380>

⁴⁴ International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 70. <https://ihl-databases.icrc.org/ihl/INTRO/470>

⁴⁵ International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Articles 9 and 10. <https://ihl-databases.icrc.org/ihl/INTRO/475>

⁴⁶ International Committee of the Red Cross. "What is International Humanitarian Law?" Accessed July 24, 2024. <https://www.icrc.org/en/document/what-international-humanitarian-law>.

the work of who will assist in mitigating the violence, so it creates a safer operational environment for humanitarian workers, thereby ensuring that humanitarian aid can be delivered impartially and effectively.

INGOs also adhere to human rights law beside the IHL which is their main focus, as in safeguarding the rights and dignity of individuals, including during conflicts. Where the interpretive guide of The Corporates Responsibility to Respect Human Rights made by the UNCHR identifies Guiding Principles and build on the three-pillar structure of the “Protect, Respect and Remedy”. These principles clarify the human rights responsibilities of business. They seek to provide the first global standard for preventing and addressing the risk of adverse human rights impact linked to business activities. If endorsed, the Guiding Principles will constitute an authoritative normative platform which will also provide guidance regarding legal and policy measures that, in compliance with their existing human rights obligations, States can put in place to ensure corporate respect for human rights⁴⁷.

⁴⁷ Office of the High Commissioner for Human Rights. "Human Rights: A Compilation of International Instruments." 2012. Accessed July 24, 2024. https://www.ohchr.org/sites/default/files/Documents/publications/hr.puB.12.2_en.pdf.

Chapter II

Protecting Civilians' Human Rights During Armed Conflicts: Legal Framework and the Violations During Current War on Gaza

Gaza, is part of occupied Palestine, a small city as a home of 2.3 million people, the area is now under severe blockade imposed by Israel, along with an ongoing bloody war on its grounds between the Israeli Occupation Forces and the Palestinian armed groups, which makes the places that civilians are placed in Gaza under constant threat and this situation has led to numerous civilian casualties and severe limitations on essential services, including healthcare, electricity, and clean water, exacerbating the already dire living conditions.

This chapter discusses the legal frameworks established to preserve the civilians' human rights during armed conflict, with focusing on the ongoing war on Gaza as the case study, where it examines the relevant international legal instruments, including international humanitarian law and international human rights, that were designed to safeguard civilians during armed conflicts. Furthermore, this chapter analyzes the ongoing violations of human rights in the ongoing war on Gaza and the humanitarian crises faced by the population in Gaza.

First Section: Protecting Civilians During Armed Conflicts According to IHL Rules.

Third parties can monitor human rights conditions and report violations, in which organizations such as Human Rights Watch and Amnesty International document abuses and advocate for accountability. Human Rights Watch has extensively documented human rights abuses in Palestine, including violations committed during conflicts and the impact of Israeli policies on Palestinian civilians, a recent report titled "*Israel: Starvation Used as a Weapon of War in Gaza*"⁴⁸ details how Israel's blockade and restrictions on the movement of goods and people into Gaza have led to severe shortages of food, medicine, and other essential supplies, it here argues that these restrictions amount to using starvation as a weapon of war, which is criminalized by international humanitarian law.

⁴⁸ Human Rights Watch. (2023). "Israel: Starvation Used as a Weapon of War in Gaza". [HRW](#)

One of the most crucial measures that third parties can undertake to empower victims to assert their rights and to facilitate the healing process of forgiveness is the accountability of human rights violators. Holding perpetrators accountable demonstrates to victims that their suffering is acknowledged and valued, reinforcing their sense of worth and affirming that the international community is committed to their dignity and justice, this can happen through International Criminal prosecution and Transitional Justice.

Accountability in the context of human rights refers to the ability to make individual human rights abusers responsible for their acts. As part of Transitional Justice, accountability measures include non-judicial procedures such as truth commissions and criminal prosecutions.⁴⁹ The legal framework of these bodies that can assist in making human rights violators accountable and give the victims the feeling of justice and praise are firstly, the Convention on the Prevention and Punishment of the Crime of Genocide (1948) that defines and criminalizes genocide, secondly, the Geneva Conventions (1949) and Additional Protocols that provide legal standards for the protection of individuals during armed conflicts, and thirdly, the Rome Statute of the International Criminal Court (1998) that defines international crimes and establishes the ICC. And lastly on 15 December 2017, the Assembly of States Parties adopted by consensus a resolution on the activation of the jurisdiction of the Court over the crime of aggression as of 17 July 2018.

2.1.1 International Humanitarian Law and the Protection of Civilians: Principles, and Obligations.

Protection of civilians in armed conflicts mainly falls under the legal framework of IHL where there are fundamental principles that should be taken into consideration from belligerents and obligations on the states who are taking part in the armed conflict or states acting as third parties in addition to the other third parties, intergovernmental organizations and INGOs.

A. Fundamental principles of IHL

The fundamental principles of IHL are founded on treaties, customs, and basic legal principles rather than a separate body of international law. On the one hand, they can and must frequently

⁴⁹ The Advocates for Human Rights. "Chapter 8, Accountability" 2014 Accessed July 23, 2024. https://www.theadvocatesforhumanrights.org/Res/ch_8_2.pdf

derive from existing norms, conveying the rules' substance and meaning. On the other hand, they inspire existing norms, provide support for them, make them more understandable, and must be considered when interpreting them⁵⁰.

A. Equality of Belligerents and Non-Reciprocity

Belligerents cannot use the harsh realities of war as an excuse to disregard IHL; they are obligated to uphold their humanitarian responsibilities under all circumstances. This means that IHL is binding on all parties involved in a conflict, regardless of their motivations or the origins of the conflict. Whether a State is defending itself or restoring law and order within its borders, it must adhere to IHL just as strictly as an aggressor State or a non-State armed group that has unlawfully resorted to force (equality of belligerents). Additionally, even if one party violates IHL, the other party is still required to comply (non-reciprocity of humanitarian obligations). Reprisals by belligerents are only allowed under very strict conditions and must never target individuals or objects that are protected under humanitarian law⁵¹.

B. Balancing Military Necessity and Humanity

While IHL acknowledges that, during wartime, it may be necessary to cause death, injury, and destruction to defeat an adversary, it also emphasizes that this necessity does not justify unrestricted warfare. Military actions must be tempered by humanity, which imposes limits on the methods and means of warfare and ensures that those who fall into enemy hands are treated humanely at all times. This balance is further reflected in several core principles that guide the conduct of hostilities⁵².

C. Distinction

The fundamental principle of distinction between combatants and non-combatants where the parties to a conflict must always distinguish between military targets and civilian objects, ensuring that attacks are only directed at legitimate military objectives. Meaning by that the combatants should identify the objects they would attack as military objects for the attack to be legitimized.

⁵⁰ International Committee of the Red Cross (ICRC). "Fundamentals of International Humanitarian Law." ICRC Casebook. Accessed August 15, 2024. https://casebook.icrc.org/law/fundamentals-ihl#d_iii.

⁵¹ Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, International Committee of the Red Cross (ICRC), November 2019. <https://www.icrc.org/sites/default/files/documents/publications/ihl-a-comprehensive-introduction.pdf>.

⁵² Ibid

This implies that indiscriminate attacks and the use of indiscriminate means and methods of warfare are prohibited⁵³.

D. Proportionality

The principle of proportionality which prohibits attacks that may cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, which would be excessive in relation to the anticipated military advantage, and this rule is fundamental because it aims to minimize civilian harm during military operations. In other words, the principle of proportionality seeks to limit damage caused by military operations by requiring that the effects of the means and methods of warfare used must not be disproportionate to the military advantage sought⁵⁴.

E. Precautions

The Precautions in Attack in which IHL requires in the conduct of military operations, that constant care must be taken to spare the civilian population, civilians and civilian objects all feasible precautions be taken to avoid, or at least minimize, incidental harm to civilians and civilian objects, this includes choosing means and methods of warfare that reduce risks to civilian lives and infrastructure⁵⁵.

F. Unnecessary Suffering

(IHL) not only safeguards civilians from the impacts of hostilities but also restricts or prohibits means and methods of warfare that cause unnecessary suffering or excessive injury to combatants. As early as 1868, the St. Petersburg Declaration recognized that the only legitimate aim in war is to weaken the enemy's military forces. It emphasized that this goal can be achieved by merely incapacitating as many enemy soldiers as possible, without resorting to weapons or tactics that unnecessarily worsen their suffering or make their deaths inevitable. The use of such weapons is considered contrary to the principles of humanity. Consequently, IHL prohibits the use of

⁵³ International Committee of the Red Cross (ICRC). "Distinction." ICRC Casebook. Accessed August 15, 2024. https://casebook.icrc.org/a_to_z/glossary/distinction.

⁵⁴ International Committee of the Red Cross (ICRC). "Proportionality." ICRC Casebook. Accessed August 15, 2024. https://casebook.icrc.org/a_to_z/glossary/proportionality.

⁵⁵ British Red Cross. "International Humanitarian Law." Accessed August 15, 2024. <https://www.redcross.org.uk/about-us/what-we-do/protecting-people-in-armed-conflict/international-humanitarian-law>.

weapons, projectiles, and methods of warfare that are designed to cause superfluous injury or unnecessary suffering⁵⁶.

G. Humane Treatment

Common Article 3, which serves as a customary "minimum standard" for protection in any armed conflict, clearly states that "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction based on race, color, religion, faith, sex, birth, wealth, or any other similar criteria." While IHL does allow parties to the conflict to implement necessary control and security measures over individuals under their control due to the war, the right to humane treatment is absolute. This right extends not only to those deprived of their liberty but also to the broader population living in territories under enemy control⁵⁷.

H. Enforcement and Accountability:

Under International Humanitarian Law (IHL), states engaged in armed conflicts have a fundamental obligation to protect the innocent civilians who are forcibly interfering in the armed conflict and this involves not only respecting the principles and rules set forth by IHL but also ensuring their effective implementation throughout the conflict, where States must actively work to minimize harm to civilians and uphold humanitarian standards. States are primarily responsible for the implementation and enforcement of IHL. They must take measures to ensure respect for IHL within their own military forces and are required to prosecute individuals who commit grave breaches of IHL, such as willful killing or torture of civilians.

Under the law of State responsibility, the state of is a circumstance precluding the wrongfulness of an otherwise internationally wrongful act. The state of necessity can be invoked under precise conditions, laid down in Article 25 of the International Law Commission's Articles on State Responsibility. It traditionally indicates the existence of a situation in which the sole means by which a state can safeguard an essential interest from grave and imminent peril is by violating

⁵⁶ Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction*, International Committee of the Red Cross (ICRC), November 2019. <https://www.icrc.org/sites/default/files/documents/publications/ihl-a-comprehensive-introduction.pdf>.

⁵⁷ Ibid

international law. IHL, as a domain of international law that is intended to apply to emergency situations, contains no room for necessity as a circumstance precluding wrongfulness of a particular course of conduct, except where explicitly stated otherwise in some of its rules.

In addition to the responsibilities of the combat parties, there are established international mechanisms designed to hold individuals accountable for violations of IHL. These mechanisms provide a framework for prosecuting and punishing those who engage in unlawful acts, thereby reinforcing the enforcement of humanitarian norms and protecting the rights of civilians during armed conflicts⁵⁸.

In terms of IHL, Common Article 1 to the Four Geneva Conventions demands that every State, whether party to an armed conflict or not, ensure respect for the laws of war. Hence, if a violation occurs, not only the injured State but every State may and must take measures to restore respect for IHL⁵⁹. And in situations where states fail to fulfill their obligations, international mechanisms, such as the International Criminal Court (ICC), can play a role in holding individuals accountable for war crimes, including serious violations of IHL.

2.1.2 International Criminal Prosecution:

International Criminal Prosecution is a way of accountability that addresses serious crimes such as war crimes, genocide, and crimes against humanity. The legal frameworks and institutions involved include the International Criminal Court (ICC), in which the ICC prosecutes individuals for genocide, war crimes, and crimes against humanity. It operates under the Rome Statute, which outlines its jurisdiction and procedures. The purpose of International Criminal Prosecution is to punish the perpetrator, give the perpetrator and others a strong incentive not to commit similar crimes, reform the perpetrator, if possible, satisfy public desire for retribution⁶⁰. Additionally, the prosecution of a criminal specially who committed serious crimes that harm hundreds or maybe thousands of people by violating their human rights needs a reaction that is equal in magnitude for

⁵⁸ International Committee of the Red Cross (ICRC). "State Responsibility." ICRC Casebook. Accessed August 15, 2024. https://casebook.icrc.org/a_to_z/glossary/state-responsibility.

⁵⁹ ⁵⁹ International Committee of the Red Cross (ICRC). "State Responsibility." ICRC Casebook. Accessed August 15, 2024. https://casebook.icrc.org/a_to_z/glossary/state-responsibility.

⁶⁰ International Criminal Court (ICC). Understanding the ICC. Accessed July 23, 2024. <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf>.

the other people to understand that there's no impunity and flee from justice and for people to keep on believing the international community and its' regulations.

The international Criminal Court is an international judicial justice institution that investigates and prosecutes war criminals. Its scope of competence includes four different crimes which are first, the crime of genocide which is characterized by the specific intent to destroy in whole or in part a national, ethnic, racial or religious group by killing its members or by other means: causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; or forcibly transferring children of the group to another group⁶¹. Article 6 of the Rome Statute is the article that discusses the genocide crime, where the first part discusses how the crime of genocide get established, by mentioning elements that need to be present for the proof of a genocide, such as the perpetrator killed one or more persons of victims belonged to a particular national, ethnical, racial, or religious group, the perpetrator intended to destroy, in whole or in part, that group as such, and the conduct occurred within the context of a manifest pattern of similar conduct directed against that group or was conduct capable of effecting such destruction.

In which the action itself involves the killing where evidence must show that the perpetrator actually killed the victims. This includes proving the act of killing and that it was deliberate and it must be demonstrated that the victims were members of the targeted group, with the perpetrator's intent to destroy the group must be established. This can often be inferred from the pattern of conduct. In addition, the killing must be part of a broader pattern or have the potential to contribute to the destruction of the group⁶².

Another crime is crimes against humanity, which are defined as serious violations committed as part of a large-scale attack against any civilian population. The 15 forms of crimes against humanity listed in the Rome Statute include offences such as murder, rape, imprisonment, enforced disappearances, enslavement – particularly of women and children, sexual slavery, torture,

⁶¹ International Criminal Court. "How the Court Works." Accessed July 24, 2024. <https://www.icc-cpi.int/about/how-the-court-works>.

⁶² International Criminal Court. "ICC Elements of Crimes." 2011.

apartheid and deportation⁶³. One of the cases where the ICC considered as a crime against humanity was The Situation in Côte d'Ivoire where the defendant was Laurent Gbagbo (former President of Côte d'Ivoire) and was charged with crimes against humanity, including murder, rape, persecution, and other inhumane acts, during the post-election violence in Côte d'Ivoire in 2010-2011. Gbagbo was acquitted by the ICC in 2019 due to insufficient evidence, although the decision was controversial and criticized by some as a setback for justice⁶⁴.

Finally, the fourth crime falling within the ICC's jurisdiction is the crime of aggression. However, it is important to note that there isn't a general consensus about the precise meaning of this crime, making it a complex and contentious issue in international law. The crime of aggression involves the use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State.

The definition of this crime was adopted through an amendment to the Rome Statute at the first Review Conference of the Statute in Kampala, Uganda, in 2010 for instance, the use of child soldiers; the killing or torture of persons such as civilians or prisoners of war; intentionally directing attacks against hospitals, historic monuments, or buildings dedicated to religion, education, art, science or charitable purposes⁶⁵.

This definition marks a significant development in international criminal law, yet the practical application and enforcement of the crime of aggression remain challenging, reflecting the ongoing debates and differing interpretations among States and legal scholars.

Finally, the fourth crime falling within the ICC's jurisdiction is the crime of aggression. It is the use of armed force by a State against the sovereignty, integrity or independence of another State. The definition of this crime was adopted through amending the Rome Statute at the first Review Conference of the Statute in Kampala, Uganda, in 2010⁶⁶.

⁶³ International Criminal Court. "How the Court Works." Accessed July 24, 2024. <https://www.icc-cpi.int/about/how-the-court-works>.

⁶⁴ International Criminal Court (ICC). "Gbagbo and Blé Goudé." Accessed July 23, 2024. <https://www.icc-cpi.int/cdi/gbagbo-goude>.

⁶⁵ International Criminal Court. "How the Court Works." Accessed July 24, 2024. <https://www.icc-cpi.int/about/how-the-court-works>.

⁶⁶ Ibid

There's also the Ad Hoc Tribunals, in which they are Special courts established for specific conflicts, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), prosecute crimes committed during particular conflicts.

The International Criminal Tribunal for the former Yugoslavia (ICTY) was a United Nations court of law that dealt with war crimes that took place during the conflicts in the Balkans in the 1990s. During its mandate, which lasted from 1993 - 2017, it irreversibly changed the landscape of international humanitarian law, provided victims an opportunity to voice the horrors they witnessed and experienced, and proved that those suspected of bearing the greatest responsibility for atrocities committed during armed conflicts can be called to account⁶⁷.

It's important to mention that the ICTY was the reason to first indictment for commander of Sušica detention camp in eastern Bosnia and Herzegovina, for crimes committed against non-Serb civilians in 1992, and it was the reason for the first judgement where a soldier in the Bosnian Serb Army, pleaded guilty to participating in mass executions after the Srebrenica enclave was overrun in July 1995. In addition to that the ICTY enforced sentence where Italy becomes the first country to sign an agreement with the UN on the enforcement of sentences imposed by the Tribunal, and as of 2013, 17 countries had signed similar agreements with the ICTY. And the first suspect arrested on behalf of the ICTY by an international agency, the UN Transitional Authority in Eastern Slavonia (UNTAES).

ICTY also introduces the first major trial dealing exclusively with charges of sexual violence against women commences. The indictment includes the groundbreaking charge of 'Sexual enslavement as a crime against humanity'.

The Tribunal hands down its first genocide conviction, against Radislav Krstić, a Bosnian Serb Army officer. He was convicted for his role in the massacre of over 7,500 Bosnian Muslim men and boys in Srebrenica in July 1995. On 19 April 2004, the Appeals Chamber will unanimously

⁶⁷ International Criminal Tribunal for the former Yugoslavia. "Homepage." Accessed July 24, 2024. <https://www.icty.org/>.

find that “genocide was committed in Srebrenica” and will find Krstić guilty of “aiding and abetting genocide”⁶⁸.

The ICTY has introduced plenty of changes in the international law and gave hope for communities that they can gain back their justice after being exposed to violence and it also gave trust in the international community that it can preserve civilians and the innocent people from human rights violations by the tool of law and international norms.

In conclusion, international criminal prosecution is considered as an essential component of the global effort to mitigate human rights violations during armed conflicts which reinforces the rule of law, supports victims’ rights, and strengthens the international community’s commitment to justice, and this takes place by addressing the most serious crimes and promoting accountability, these mechanisms help build a foundation for lasting peace and respect for human rights in conflict-affected regions.

Second Section: Human rights violations during current war on Gaza

The ongoing war that has been going on Gaza since October 7, 2023 has resulted in serious human rights violations that are still occurring and need immediate and radical actions from international community to illuminate its catastrophic effects on the Palestinian people. These violations are making the humanitarian situation in the whole area get worse, not only for the 365 km² of Gaza but also for the neighboring countries such as South of Lebanon that are getting involved in the armed conflict or Egypt that shares borders with Gaza and have been accepting displaced, wounded, and sick people, and other countries that are afraid of getting into the armed conflict by using its airforce like Jordan. Human rights and international humanitarian law have been broken by both Israeli occupation and armed Palestinian organizations; however, the civilians are the ones struggling the most with all the International Humanitarian Law and other provisions breaches.

This section will examine and detail the current human rights violations occurring in Gaza City amid the ongoing conflict. It will address the recent events, exploring the impact on civilians and assessing how these violations align with international human rights standards. By highlighting

⁶⁸ International Criminal Tribunal for the former Yugoslavia (ICTY). Prosecutor v. Radislav Krstić, Case No. IT-98-33-T, Judgment, August 2, 2001; Prosecutor v. Radislav Krstić, Case No. IT-98-33-A, Judgment, April 19, 2004.

the situation on the ground, this discussion aims to shed light on the urgent humanitarian issues and the need for effective responses and accountability.

2.2.1 Escalating Humanitarian Crisis: Examining Human Rights Violations in Gaza

The humanitarian concerns can be classified into three categories: war crimes, crimes against humanity, and genocide. War crimes are considered to be the illegal actions that violate international humanitarian law, that are designed to protect civilians during armed conflicts. The Geneva Conventions, Hague Conventions, and Rome Statutes outline the rules of war in which its central purpose is to limit and prevent human suffering in times of armed conflict⁶⁹, and it is ratified by all UN member states. Meanwhile Crimes against humanity are fundamental breaches of international criminal law and are considered among the most serious crimes of concern, they can be committed through acts such as apartheid, enslavement, or forcible population transfer and take place in the context of a widespread and systematic attack against a civilian population. They are defined by their large-scale violence and are usually planned or condoned by state authorities. And Genocide, a term coined in 1943 by Polish lawyer Raphael Lemkin, is an international crime committed with intent to destroy a national, ethnical, racial, or religious group. It was first recognized as a crime in 1946 by the UN and codified in the Genocide Convention of 1948. Genocide can occur in armed conflict or peacetime, but intent is the most difficult element to prosecute, which is making experts deny defining what is happening in Gaza as a Genocide. There are several ongoing human rights violations currently taking place in Gaza, including but not limited to the following:

A. Mass Casualties and Displacement

The Israeli military operations have resulted in killing at least 39,653 people, including more than 15,000 children killed, and more than 91,535 people injured, in addition to more than 10,000 people missing. This is the latest casualty figures as of August 6, 2024 Gaza.

⁶⁹ Canadian Red Cross. "What is International Humanitarian Law?" Canadian Red Cross, Accessed August 8, 2024. <https://www.redcross.ca/how-we-help/international-humanitarian-law/what-is-international-humanitarian-law#:~:text=Its%20central%20purpose%20is%20to,the%20use%20of%20certain%20weapons.>

Additionally, about 1.9 million people have been displaced, living in severely cramped and unsanitary conditions with inadequate access to food, water, and medical care⁷⁰. Israel has continued its military assault across Gaza forcing people to flee the central Deir el-Balah area, with the United Nations saying 86 percent of the Gaza Strip is now under Israeli evacuation orders. Putting into consideration the fact that there is no legal status that can preserve the rights of the people displaced internally like the legal status that was made for refugees, where they are protected under the 1951 Refugee Convention and its 1967 Protocol, which provide a clear legal framework for their rights and state obligations. Refugees, by definition, cross international borders, triggering international protection and assistance from entities like the UNHCR, and UNRWA for Palestinian refugees. Unlike refugees, IDPs lack a universally binding treaty or legal framework that mandates their protection, leaving their rights more vulnerable to violation, and their protection relies heavily on the domestic laws of their own country, which may be inadequate or non-existent, especially in conflict or fragile states.

The shelters are overcrowded, with poor sanitary conditions, increasing the risk of disease outbreaks, Gaza's health ministry has declared a polio epidemic across the Palestinian enclave, blaming Israel's devastating military offensive for the spread of the deadly virus, where in a statement on Telegram, the ministry said that the situation "poses a threat to the health of residents of Gaza and neighboring countries," the latest sign of the worsening public health emergency caused by Israel's genocidal war since October. The ministry described the epidemic as a "setback" for the global polio eradication program and called for "immediate intervention to end the (Israeli) aggression and find radical solutions" to the lack of clean water and personal hygiene, damaged sewage networks and the disposal of tons of garbage and solid waste⁷¹.

In addition to the catastrophic health conditions, women are also living exceeded battles where women and girls in Gaza are resorting to unsafe ways of managing their periods amid a severe shortage of period products and catastrophic humanitarian conditions. ActionAid has heard that

⁷⁰ Office of the High Commissioner for Human Rights. "Gaza: A Massive Human Rights Crisis and Humanitarian Disaster." January 2024. Accessed August 7, 2024. <https://www.ohchr.org/en/stories/2024/01/gaza-massive-human-rights-crisis-and-humanitarian-disaster#:~:text=There%20are%201.9%20million%20people,tents%20and%20other%20basic%20necessities>.

⁷¹ LexisNexis. "Polio epidemic declared in Gaza, latest sign of worsening health crisis | News on the Israel-Palestine conflict." LexisNexis Blog, July 29, 2024. Accessed August 7, 2024. <https://www.lexisnexis.com.tw/blog/8kdaja200259P1cedd02.htm>.

some displaced women living in Rafah are so desperate they are cutting out small pieces of the tents they rely on for shelter from the cold and rain to use as a substitute for period products, risking infection. The lack of water means keeping clean is near impossible, with women telling us they have gone for weeks without showering⁷².

Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator have said that the constant bombardment has left no safe place in Gaza, forcing people to live in makeshift tents and endure severe scarcity of basic necessities. “More and more people are being crammed into an ever-smaller sliver of land, only to find yet more violence and deprivation, inadequate shelter and a near absence of the most basic services,” he continued. “There is no safe place in Gaza” and dignified human life is “a near impossibility,” he said, adding: “Even if people were able to return home, many no longer have homes to go to.” Warning that the spread of hostilities further southwards would significantly increase pressure for the mass displacement of people into neighboring countries, he firmly rejected any attempt to change the demographic composition of Gaza⁷³.

The ongoing conflict in Gaza has created a severe humanitarian crisis, with massive casualties, widespread displacement, and critical shortages of basic necessities, leading to a dire situation for the affected population, and all of these are considered human rights violations under International Humanitarian Law.

B. Total Siege and Restrictions on Humanitarian Aid

Since October 7, 2023 Israeli authorities have imposed a "total siege" on Gaza, severely restricting the entry of humanitarian aid and commercial goods, this violates Article 33 of the Fourth Geneva Convention that explicitly forbids collective penalties and all measures of intimidation or terrorism against protected persons.

This blockade has prevented essential supplies, including food, water, and medical equipment, from reaching the population, exacerbating the humanitarian crisis. The inspection process for aid has been arbitrary and unnecessarily complex, leading to significant delays and shortages. The

⁷² ActionAid. "Women in Gaza Resort to Using Scraps as Tent to Place Period Products and Go Weeks Without Showering." ActionAid, July 22, 2024. Accessed August 7, 2024. <https://actionaid.org/news/2024/women-gaza-resort-using-scraps-tent-place-period-products-and-go-weeks-without-showering>.

⁷³ United Nations Security Council. "Security Council Press Release SC/15564." United Nations Press Release, January 18, 2024. Accessed August 7, 2024. <https://press.un.org/en/2024/sc15564.doc.htm>.

blockade and inspection process have led to severe restrictions on the volume of humanitarian aid reaching Gaza, causing significant shortages and suffering among the civilian population, where even neighboring countries with its own sovereignty couldn't get aid inside Gaza through its borders and resorted to the option of airdropping aid to Gazans, where some got malfunctioned and dropped on the people which resulted in killing them⁷⁴.

These acts are violations of both IHL and International Human Rights Law, where it contradicts with Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 3 of the Universal Declaration of Human Rights (UDHR). These documents establish the right to life as a non-derogable right, meaning that states cannot suspend or limit this right even in times of emergency. This right to life which is inherently threatened by actions that lead to starvation or block access to essential resources, and any state or occupying power that imposes such conditions violates this fundamental right.

In addition to that, Article 7 of the ICCPR that prohibits torture and cruel, inhuman, or degrading treatment or punishment, which extends to actions that cause severe physical or mental suffering. The right to safety and physical integrity, in which beyond the right to life, IHRL protects the safety and physical integrity of individuals, the imposition of a siege that leads to hunger, malnutrition, and a lack of medical care directly contravenes these rights. For example, the United Nations Special Rapporteur on the right to food has condemned the use of starvation as a method of warfare, asserting that it violates the physical integrity and dignity of individuals⁷⁵.

Under IHRL, states have positive obligations to ensure that individuals under their jurisdiction can enjoy these rights without impediment, this means that states or occupying powers cannot lawfully impose measures that result in the deprivation of these basic human rights. For example, The International Court of Justice (ICJ) in its advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004) affirmed that states must

⁷⁴ Al Jazeera. "Aid Airdrop Kills Five in Gaza amid Israel War, Hunger, and Famine." Al Jazeera, March 8, 2024. Accessed August 7, 2024. <https://www.aljazeera.com/news/2024/3/8/aid-airdrop-kills-five-gaza-israel-war-hunger-famine>.

⁷⁵ UN Special Rapporteur on the Right to Food. Report on the Right to Food. 2019. Accessed August 16, 2024. [https://hilalelver.org/about_trashed/contact/#:~:text=United%20Nations%20Special%20Rapporteur%20on%20the%20Right%20to%20Food%20\(2014,more%20about%20Hilal%20Elver%20here](https://hilalelver.org/about_trashed/contact/#:~:text=United%20Nations%20Special%20Rapporteur%20on%20the%20Right%20to%20Food%20(2014,more%20about%20Hilal%20Elver%20here).

respect and ensure the human rights of individuals in occupied territories, including the rights to life, health, and food⁷⁶.

Israel's recent actions in Gaza have raised concerns regarding its compliance with International Humanitarian Law (IHL) and the appropriateness and legality of the United States continuing its arms supply to Israel. Two new mechanisms are now scrutinizing the Israeli government's actions more closely. The International Court of Justice (ICJ) has issued legally binding provisional measures directing Israel to facilitate the flow of aid and alleviate humanitarian suffering in Gaza. Additionally, in February, the Biden administration issued National Security Memorandum (NSM-20), which mandates that countries receiving U.S. security assistance must actively support the delivery of humanitarian aid or risk suspension of U.S. security aid. Although Israel is not specifically mentioned in NSM-20, it is required to adhere to its provisions⁷⁷.

C. Attacks on Civilian Infrastructure:

Israeli forces have conducted widespread attacks on civilian infrastructure, including hospitals, schools, and residential areas. Al-Shifa Hospital – once the largest and most important referral hospital in Gaza – have reaches the point of being empty shell after the siege of March and April. Where no patients remain at the facility, and most of the buildings are extensively damaged or destroyed and the majority of equipment is unusable or reduced to ashes. The WHO team said that the scale of devastation has left the facility completely non-functional, further reducing access to life-saving health care in Gaza⁷⁸.

Schools in Gaza have been used as a kind of shelter in war times, and specially in this war where people have been asked continuously to evacuate from one place to another leaving their houses behind, if their houses was still standing to schools and particularly UNRWA schools. A report by UN news on 27 March 2024 that the intense Israeli bombardment of Gaza has included “direct hits”, as from the 563 school buildings in Gaza, 165 of the 212 that received a direct hit are in

⁷⁶ International Court of Justice, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," Advisory Opinion, 2004. Accessed August 16, 2024. <https://www.icj-cij.org/case/131>

⁷⁷ Refugees International. "Siege and Starvation: How Israel Obstructs Aid to Gaza." Refugees International, March 7, 2024. Accessed August 7, 2024. <https://www.refugeesinternational.org/reports-briefs/siege-and-starvation-how-israel-obstructs-aid-to-gaza/>.

⁷⁸ World Health Organization. "Six Months of War Leave Al Shifa Hospital in Ruins—WHO Mission Reports." World Health Organization, April 6, 2024. Accessed July 23, 2024. <https://www.who.int/news/item/06-04-2024-six-months-of-war-leave-al-shifa-hospital-in-ruins--who-mission-reports>.

areas designated for evacuation by the Israeli military. Data indicates that 62 schools were directly targeted in southern Khan Younis governorate, 14 in the Middle Area governorate, 94 in Gaza governorate, and 42 in North Gaza governorate – which is the most severely affected area to date, with 86.2 per cent of school buildings either directly hit or damaged⁷⁹.

The escalation of conflict since October 2023 has caused unprecedented destruction of infrastructure, including water supply systems, sewage treatment plants, and solid waste facilities. This has resulted in severe environmental contamination, including the pollution of soil, water, and air. Water infrastructure has been particularly devastated, with 57% of facilities, including desalination plants and water wells, destroyed or severely damaged, reducing water production capacity to less than 5% of its usual output. This collapse in the Water, Sanitation, and Hygiene (WASH) system has resulted in widespread contamination of water sources. Additionally, the use of explosive munitions has dispersed hazardous dust and compounds, such as asbestos and heavy metals, into the air, soil, and water, posing serious health risks. The conflict has also generated over 39 million tons of debris, much of it contaminated with hazardous materials like unexploded ordnance and asbestos, further complicating clean-up efforts. Moreover, the destruction and flooding of an extensive network of tunnels have raised concerns about groundwater contamination and soil instability. These impacts have created a complex environmental crisis that necessitates immediate and long-term remediation, along with specialized assessments to address both visible and hidden environmental challenges⁸⁰.

These actions have further devastated living conditions in Gaza and hindered access to education and healthcare. The attacks on hospitals and clinics have severely impacted medical care, and the destruction of schools has disrupted education for thousands of children, destroying their hopes for the future.

The ongoing conflict in Gaza has led to significant casualties and injuries, which are starkly represented in the latest data from the Palestinian Ministry of Health. The figure below titled by

⁷⁹ United Nations News. " Gaza war: 'Direct hits' on more than 200 schools since Israeli bombing began ." UN News, March 27, 2024. Accessed August 7, 2024. <https://news.un.org/en/story/2024/03/1148031>.

⁸⁰ United Nations. Environmental Impact of Conflict in Gaza. Accessed August 7, 2024. https://www.un.org/unispal/wp-content/uploads/2024/06/environmental_impact_conflict_Gaza.pdf.

Figure 1 provides a detailed breakdown of fatalities and injuries in both Gaza and the West Bank since the events of October 7, 2023⁸¹.

Figure 1: Casualties in Gaza and the West Bank

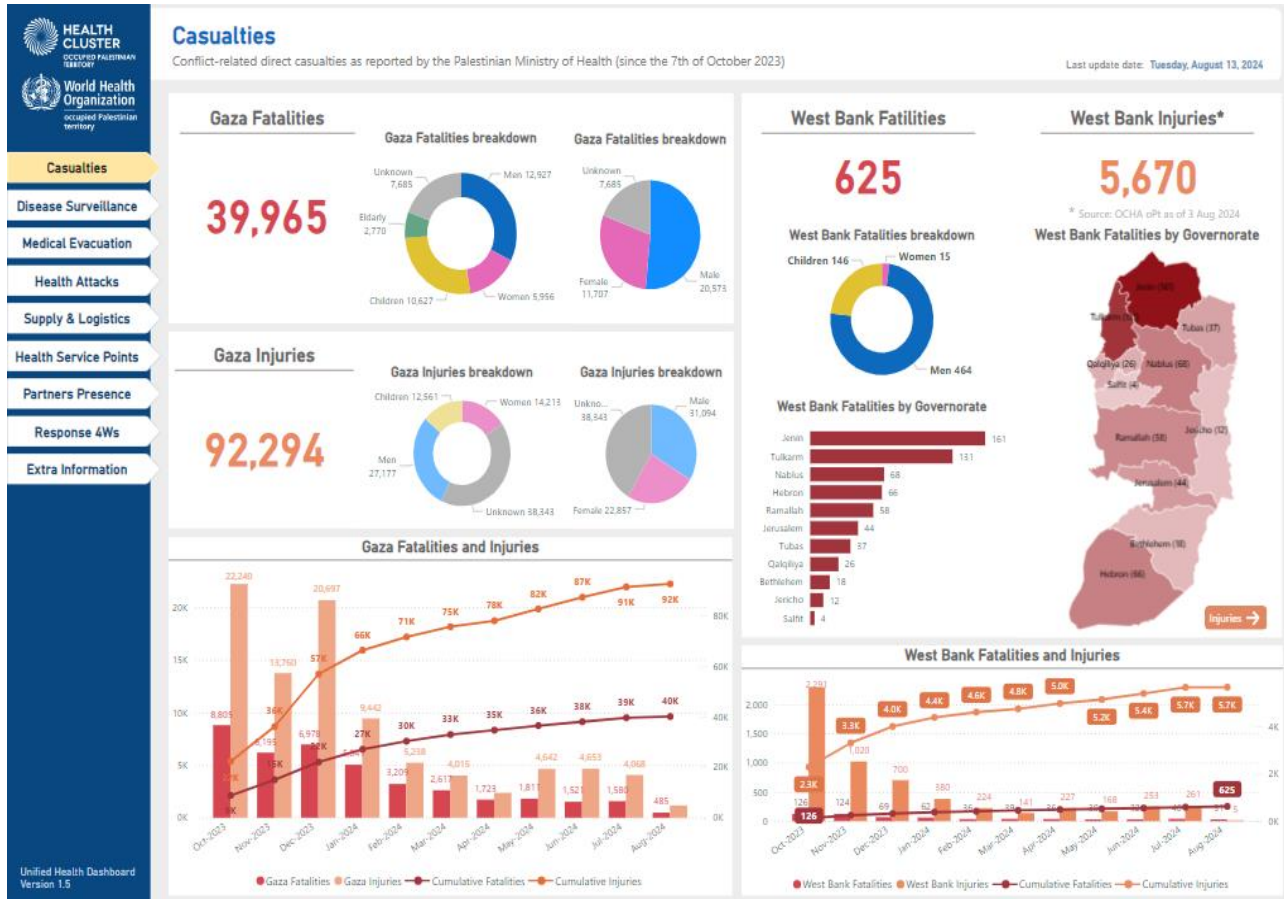


Figure 1 highlights the severe impact of the ongoing war on Gaza (OCHA Reported Impact Snapshots) with an update from 13 August 2024, with 39,965 fatalities and 92,294 injuries reported in Gaza alone. The data is broken down by demographics, in the West Bank, 625 fatalities and 5,670 injuries have been reported, with a significant number occurring in Jenin and Tulkarm governorates. The cumulative trend lines further illustrate the escalating nature of the conflict, with the number of casualties steadily increasing over time, and this visualization underscores the urgent need for humanitarian intervention and the protection of civilians in the affected regions.

⁸¹ Office for the Coordination of Humanitarian Affairs (OCHA). "Reported Impact Snapshot: Gaza Strip, 14 August 2024." Accessed August 16, 2024. <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-14-august-2024>.

These events mentioned were not the only ones and the Amnesty International Investigations have discovered other violations of International Humanitarian Law in the right of civilians, so the Amnesty International called on the Israeli authorities since October 20, 2023 to⁸²:

- Immediately end unlawful attacks and abide by international humanitarian law; including by ensuring they take all feasible precautions to minimize harm to civilians and damage to civilian objects and refraining from direct attacks on civilians and civilian objects, indiscriminate and disproportionate attacks.
- Immediately allow unimpeded delivery of humanitarian aid to Gaza's civilians.
- Urgently lift its illegal blockade on Gaza, which amounts to collective punishment and is a war crime, in the face of the current devastation and humanitarian imperatives.
- Rescind their appalling "evacuation" order, which has left more than one million people displaced.
- Grant immediate access to the Independent Commission of Inquiry on the Occupied Palestinian Territory to carry out investigations, including collecting time sensitive evidence and testimonies.

In conclusion, this war on Gaza and Palestine is not the first, and it won't be the last if a real solution isn't found to end the suffering of the civilian population. The war is having a multifaceted impact on the Gazans living in Gaza right now, and there should be a strong base to reserve the human rights of Palestinians and Gazans during and after armed conflicts.

2.2.2 The Legal Framework of the War on Gaza Human Rights Violations

A. Targeting Civilians especially aged Persons, Women, and Children:

Article 51(2) of Additional Protocol I to the Geneva Conventions prohibits attacks on civilians, it clearly states " The civilian population and individual civilians shall enjoy general protection

⁸² Amnesty International. "Damning Evidence of War Crimes as Israeli Attacks Wipe Out Entire Families in Gaza." Amnesty International, October 6, 2023. Accessed August 7, 2024. <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>.

against dangers arising from military operations"⁸³. In addition to Article 6 of the Convention on the Rights of the Child (CRC) emphasizes the right to life, survival, and development of children. Meanwhile, the reported targeting of 40005 people⁸⁴, including 10267 children, 5956 women, and 2770 elderly and 92294 Injured⁸⁵ directly contravenes these protections, highlighting a failure to distinguish between combatants and civilians and these actions constitute a grave breach of IHL and the CRC, amounting to war crimes.

Article 27 of the Fourth Geneva Convention provides special protection for women, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) emphasizes the right to health. Meanwhile, the severe shortage of period products and the unsanitary conditions for women and girls constitute a violation of their rights under IHL and CEDAW, and these conditions reflect a breach of the obligation to ensure the health and dignity of women.

B. Displacement:

Article 49 of the Fourth Geneva Convention prohibits the forcible transfer of populations unless for their security or imperative military reasons. Even though the Israeli Occupation forces have claimed the evacuation of people for their own safety, the displacement of about 1.9 million people of 2.3 under cramped and unsanitary conditions without adequate access to essential services nor having a safe place to flee to violates these provisions, and results that forced displacement under such conditions without justified military necessity is a violation of IHL.

C. Public Health Crisis and Lack of Sanitary Conditions

Article 55 of the Fourth Geneva Convention requires the occupying power to ensure food and medical supplies to the population. But the spread of disease, inadequate sanitation, and the declaration of a polio epidemic indicate a failure to provide necessary health and sanitary

⁸³ International Committee of the Red Cross. "Article 51 of the 1977 Additional Protocol I." ICRC IHL Databases. Accessed August 7, 2024. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-51>.

⁸⁴ The Palestinian Ministry of Health- Gaza. Accessed August 15, 2024. <http://www.moh.gov.ps/>

⁸⁵ Office for the Coordination of Humanitarian Affairs (OCHA). "Reported Impact Snapshot: Gaza Strip, 14 August 2024." Accessed August 15, 2024. <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-14-august-2024>.

conditions clearly shows that Israel as an occupying power fails to amount to the violations of IHL and human rights laws concerning food, health and hygiene.

D. Blockade and Restriction of Aid:

Article 55 of the Fourth Geneva Convention mandates that the occupying power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate. However, the "total siege" and the arbitrary inspection process that hinders the entry of essential supplies into Gaza violate this article, and restrictions exacerbate the humanitarian crisis by preventing the delivery of humanitarian aid.

E. Destruction of Hospitals and Medical Facilities:

Article 18 of Additional Protocol I and Article 56 of the Fourth Geneva Convention protect medical units from being attacked, where this article explicitly outlines " To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics." ⁸⁶

But the contrary of this obligation has taken place in the extensive damage to Al-Shifa Hospital and other medical facilities, resulting in a lack of access to life-saving health care, and amounting it to war crimes.

F. Targeting Schools and Educational Institutions:

Article 53 of Additional Protocol I protect cultural objects and places of worship, including schools and the direct hits on 212 school buildings, especially those designated as evacuation sites, violate the protections afforded to educational institutions. In addition to that these attacks disrupt

⁸⁶ International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, Article 56. <https://ihl-databases.icrc.org/ihl/INTRO/380>

education and safety of the displaced people, impacting the future of thousands of children and the lives of millions⁸⁷.

The Human rights violations and the International Humanitarian Law violations should raise the international community for the humanitarian crises the civilians are going through in this bloody war which should lead to global demand for cease fire.

⁸⁷ International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 53. <https://ihl-databases.icrc.org/ihl/INTRO/470>

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Chapter III

Third Parties' roles on addressing human rights violations in Gaza: Opportunities and Challenges

Third-party involvements in armed conflicts to mitigate human rights violations are guided by a robust framework of laws and conventions, these regulations outline the responsibilities and actions that third parties need to take to lessen the humans suffering during armed conflicts⁸⁸. However, the reality on the ground often contradicts the legal rules, where security precautions, political conditions, and operational challenges significantly limit the effectiveness and reach of these interventions.

This chapter delves into the practical mechanisms of third-party involvements during armed conflicts putting the war on Gaza Strip as the main case that will be studied, where the complex and instable environment in Gaza poses challenges for states, international and national NGOs and other Intergovernmental Organizations attempting to provide humanitarian aid and safeguard human rights. Through an in-depth analysis of key informative interviews with 9 different staff members at both managerial and frontline levels of employees in both IGOs and NGOs mentioned in **Annex 1**, who were asked direct questions regarding their activities and missions in Gaza Strip, and the questions that were asked to the key informants are mentioned in **Annex 2**. The key informants are within different positions and different organizations and this variety ensures that each role's contributions to the key informative interview are valued and supported. This chapter aims to uncover the realities of third-party in Gaza, where these interviews provided valuable insights into the operational difficulties, political constraints, and security risks faced by these organizations as they strive to fulfill their mandates, and by the recommendations set by the employees to enhance the situation in Gaza.

By examining the experiences and perspectives of those directly involved in the interventions, this chapter seeks to highlight the discrepancies between the intended roles of third-party actors and their actual capabilities on the ground, and the findings will contribute to a broader understanding of the practical limitations and challenges of third-party involvements in armed

⁸⁸ Office of the High Commissioner for Human Rights (OHCHR), "Human Rights in Armed Conflict," OHCHR, https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf.

conflicts, offering a nuanced perspective on their impact and effectiveness in addressing human rights violations in the Gaza Strip, to propose suggestions that will intensify the intervention of Third- Parties for the sake of the innocent civilians during armed conflicts.

Then a third section will analyze the involvements of the neighboring states, and states that are directly and indirectly intervening to help in the ongoing war on Gaza that erupted on October 7, 2023. The conflict has drawn in regional and international actors, reshaping the geopolitical dynamics in the Middle East. The analysis will focus on how key states have influenced the course of the conflict, the implications of their actions on regional stability, and if these actions align with the international law rules.

First Section: Challenges of IGOs and INGOs involvement in Gaza Strip

Intergovernmental organizations such as the United Nations play a pivotal role in addressing humanitarian crises and conflicts around the world, and their presence in conflict zones like the Gaza Strip is critical, as they bring together the collective resources, expertise, and diplomatic influence of multiple nations to respond to complex emergencies. However, the unique position of intergovernmental organizations also presents distinct challenges that can hinder their effectiveness on the ground.

Meanwhile, unlike intergovernmental organizations, which operate under the backings of international treaties and diplomatic channels, INGOs often work at the grassroots level, directly engaging with local communities to provide essential services and advocate for human rights. This distinctive role enables INGOs to be more flexible and quickly address the urgent needs of vulnerable communities⁸⁹.

The key informative Interview that was made with 4 employees of intergovernmental organizations which are Protection Cluster at UN OHCHR, Child Protection Officer at UNICEF, Quality Protection Programming at UN, and Humanitarian Affairs Officer at UN OCHA, and another 4 employees of international and national governmental organizations who were WASH Program Manager at Action Against Hunger, Gaza office manager at Stars of Hope Association, Head of the International Human Rights Support Organization, and Office Manager at Tamer

⁸⁹ Kelbesa Megersa, Institute of Development Studies" Strengths and Weaknesses of INGOs in Delivering Development Outcomes" 6 June 2022. <file:///C:/Users/Hp/Downloads/85c4238e59c235bfbfc3d1dfceec6a2a0.pdf>

Institute. In addition to one staff member from Red Cross with the position of Humanitarian and Protection Support from Distance Officer.

The analysis of the key informative interview explores the dual nature of intergovernmental organizations' and international non- governmental organizations' involvement in Gaza by analyzing the specific challenges they face, including security and access issues, and political sensitivities, and these challenges often stem from the complex and volatile environment in which they operate, where the intersection of global politics and local realities creates significant barriers to swift and effective action for IGOs and resource constraints, and the ethical dilemmas that arise from navigating the highly polarized political landscape for INGOs.

3.1.1 Challenges Faced by Intergovernmental Organizations (IGOs):

IGOs are created by states through multilateral treaties that act like a constitution in that the member states agree to adhere to the treaty that sets up the agencies, functions, and purposes of the organization⁹⁰. Which imposes that IGOs have a strong legal framework that facilitates their work in armed conflict zones, however, there are challenges on the ground that complicates the missions and work of IGOs.

A. Governance Fragmentation

Gaza Strip's political landscape is highly fragmented, with conflicts between two main authorities, which are the Palestinian Authority (PA) and de facto governments, Hamas, and this fragmentation led to a lack of a unified representation, complicating coordination efforts between IGOs and local authorities. The absence of a central authority made it challenging for IGOs to establish consistent and effective communication and cooperation with the local governance structures, and the competing visions and policies of these fragmented entities further exacerbate the difficulties in aligning humanitarian efforts with local needs and priorities. This is because the need of a sense of agreement and arrangement with the authority to facilitate the missions of the IGOs in Gaza and without a clear arrangement with these

⁹⁰ University of Cincinnati Libraries. "Intergovernmental Organizations (IGOs)." Accessed August 10, 2024. <https://guides.libraries.uc.edu/igos#:~:text=IGOs%20usually%20have%20a%20governing,subsidiary%20organs%20that%20perform%20special>.

authorities the missions might stop from working which will directly affect the community who will not be benefitting from the IGOs missions and aids.

B. Restricted Access and Movement

Political dynamics, particularly the controls imposed by Israel during this ongoing war severely restrict the movement of personnel, goods, and aid within and into Gaza Strip. As a result of these movement restrictions, the ability of IGOs to deliver aid efficiently and complicate logistical planning is hindered. The blockade and conflict-related security measures such as the closure of both the Rafah and Kerem Shalom crossings is especially damaging to an already dire humanitarian situation, which create significant barriers to accessing affected populations⁹¹. These restrictions not only delay the delivery of critical aid but also limit the scope of interventions, as IGOs often struggle to reach all areas in need, particularly those that are hardest hit by the war.

C. Coordination Difficulties

The complex political environment in Gaza Strip significantly impacts the ability of IGOs to coordinate their involvements with other humanitarian actors, including national NGOs and international organizations, where the lack of effective coordination leads to fragmented efforts, with varying levels of access and support across different areas. This fragmentation results in inefficiencies and duplication of efforts, as different organizations may unknowingly target the same areas or beneficiaries while neglecting others. Most importantly, the political fragmentation also affects the ability of IGOs to align their strategies with the overarching humanitarian goals in the region, in which the strongest point of the IGOs is being neglected and not used efficiently.

D. Legal and Ethical Challenges

IGOs face significant legal and ethical challenges when operating in a region controlled by a de facto government, such as Hamas in Gaza, these challenges include navigating the legal implications of engaging with an entity that is not internationally recognized while ensuring

⁹¹ Reuters. "Closure of Rafah Crossing Imperils Humanitarian Aid in Gaza." Accessed July 23, 2024. <https://www.reuters.com/graphics/ISRAEL-PALESTINIANS/MAPS/movajldadpa/#closure-of-rafah-crossing-imperils-humanitarian-aid-in-gaza>

that their operations adhere to international humanitarian law. In which the ethical dilemmas are particularly pronounced when it comes to balancing the need to provide aid with the requirement to maintain neutrality and impartiality in order to adhere to the IHL rules and mitigate human rights' violations, especially when IGOs must constantly assess the legal risks of their involvements and the potential consequences of being perceived as supporting one side of the conflict over the other.

On another angle the way of handling the armed conflicts and the double standard response in it that have been clearly shown in comparing the response of the UN to the case of the Russian-Ukrainian War where there has been significant international condemnation, sanctions, and calls for accountability for human rights violations, and the situation has been widely covered and condemned by the international community, insisting on the protection of civilians and respect for international law. Meanwhile in the case of the current war on Gaza has seen way less decisive responses despite the repeated demands and reports of the human rights violations taking place in the current war on Gaza, and the international response has been much more muted. Moreover, this difference clearly shows the geopolitical interests and the influence of powerful states within the international organizations.

E. Perception of Bias

In the highly polarized environment of the ongoing war on Gaza Strip, maintaining the principles of neutrality and impartiality is a constant challenge for IGOs where these organizations often face accusations of bias, whether from local authorities, the affected population, or other stakeholders. This have happened when Israel accused UNRWA of bias where Israel's Ambassador Gilad Erdan said UNRWA was "one of the weapons" crafted by the General Assembly that was only prolonging the Middle East conflict⁹².

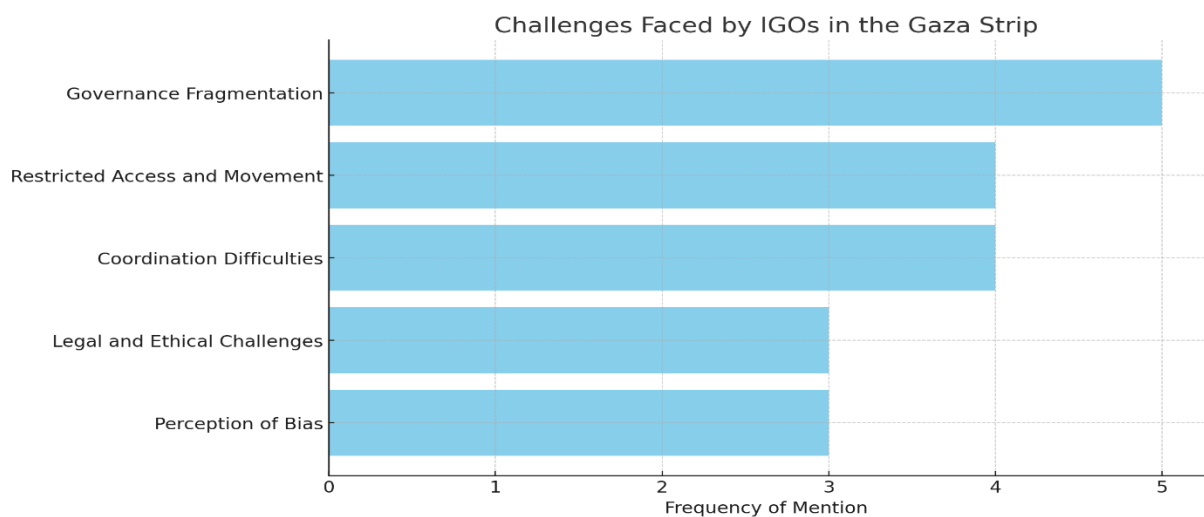
The perception of bias can undermine the trust and legitimacy of IGOs, making it difficult for them to operate effectively, and to resolve this matter, IGOs must be attentive in ensuring that their actions are guided solely by humanitarian principles, and they must clearly communicate their commitment to these principles to all parties involved. The challenge is compounded by

⁹² United Nations News. "UN Calls for Immediate Humanitarian Access to Gaza." Accessed August 10, 2024. <https://news.un.org/en/story/2024/04/11486760>.

the need to navigate complex political dynamics while avoiding any actions that could be interpreted as favoring one side rather than the other.

The following figure 2 shows the mention frequency of the challenges faced by IGOs in Gaza Strip in the Key informative Interview by the Key Informants staff from IGOs.

Figure 2: Annual Overview of Humanitarian Requirements, People in Need, and People Targeted in 2024



These challenges are hardly to overcome in such an emergency situation as the ongoing war on Gaza, but it can be overcome by implementing strategies that to decrease the impact of the negative events that take place during the implementation of the missions. One of these strategies could be the creation of a body that facilitates the coordination mechanisms, such as the cluster approach but with more power and dedication, here can come the role of states as third parties and members of IGOs where they should advocate for the establishment of a central coordination body specifically designed to operate in fragmented political environments and in emergency situations like the war on Gaza, and this body could ensure that all humanitarian efforts are being done, and ensuring aid reaches all areas. Another strategy the states can take the action in is putting diplomatic pressure and apply political sanctions on Israel such as the ones taken against Russia such as announcing 500 new sanctions against Russia, US President Joe Biden said they would target Russia's war machine. Export

restrictions will be imposed on nearly 100 firms or individuals, and the UK which has frozen the assets of six bosses at the prison and banned them from travelling to the UK, in addition to the EU that has announced sanctions on 200 organizations and people which it says are helping Russia acquire weapons, or taking Ukrainian children from their homes⁹³, instead of approving more than \$20 billion major arms sales to Israel, including new F-15 fighter jets and tens of thousands of tank and mortar shells, as what Biden administration did⁹⁴. This political pressure can result in facilitating the entry of humanitarian aid in all the Strip areas, and would push for a ceasefire, or at least taking into consideration the International Humanitarian Fundamental principles to preserve the civilians' lives.

3.1.2 Challenges Faced by International Non-Governmental Organizations (INGOs):

Even though International and national Governmental Organizations work closely on the ground and directly with the victims of the human rights violations and the violations of human rights which facilitates their missions, they still face specific challenges that can detract from the INGOs positive influence.

A. Operational Disruptions

Same as challenges faced by IGOs, INGOs face operational disruptions, where the Israeli Occupation military activity, blockades, or other forms of conflict in the ongoing war on Gaza, cause severe coordination problems and operational disruptions, which lead to the duplication of efforts, where multiple organizations unknowingly provide the same services, or conversely, which create gaps in service delivery where some needs go unmet, and strengthens the chances of the inability to maintain a stable operational environment that complicates the planning and execution of long-term humanitarian projects, making it challenging to establish sustainable interventions. This effect is on ground as for the present time there is no access to the northern governorate of Gaza, complicating healthcare provision, and there are continuous hostilities

⁹³ BBC News, "Ukraine Conflict: How Far Has Russia's Invasion Gone?" BBC News, January 26, 2022, Accessed August 23, 2024. <https://www.bbc.com/news/world-europe-60125659>

⁹⁴ Axios, "U.S. Approves \$20 Billion Weapons Sale to Israel," Axios, August 13, 2024, Accessed August 23, 2024, <https://www.axios.com/2024/08/13/us-approves-weapons-sale-israel-20-billion>.

across Gaza strip pose significant barriers to accessing healthcare service points⁹⁵. Additionally, the reduction of aid that restricts the role of the IGOs and INGOs where Humanitarian NGOs operating in Gaza have consistently reported that the systematic obstruction of aid by Israel and its ongoing attacks on aid operations, including aid facilities, personnel and distribution points have prevented the effective delivery of aid to people in need⁹⁶, this leads to a surge of human rights violations and the harm of the community.

B. Limited Local and Technical Expertise

International staff often face challenges due to the short duration of their missions and limited grasp of the local context in Gaza can result in involvements that fail to meet the community's real needs stemming from insufficient local insight, and knowledge. Moreover, the frequent rotation of international staff can disrupt the continuity of projects and hinder the development of meaningful relationships with local actors. This gap in local expertise complicates the cooperation between international organizations and local communities, often leading to involvements that are less effective or even counterproductive⁹⁷.

C. Fragmentation and Competition

The presence of numerous organizations, each with its own mandate, priorities, and operational approach, results in a fragmented humanitarian landscape in Gaza, in which this fragmentation leads to competition among organizations for resources, visibility, and access to beneficiaries. Moreover, the lack of a unified strategy undermines collective efforts, reducing the overall impact of humanitarian assistance, in which the competition can foster a siloed approach, where organizations focus on their individual goals rather than collaborating to address the broader needs of the population. This kind of fragmentation that results in decreasing the impact of humanitarian assistance for who needs it contradicts with the fundamental principles of humanitarian action which are humanity, impartiality, neutrality, and independence that the

⁹⁵ Relief Web. "Gaza Health Cluster Bi-Weekly Report: March 22, 2024." Accessed August 10, 2024. <https://reliefweb.int/report/occupied-palestinian-territory/gaza-health-cluster-bi-weekly-reportmarch-22-2024-gaza-health-cluster-partners-bi-weekly-update-03-mar-20-2024>.

⁹⁶ Plan International, "Gaza INGO Humanitarian Snapshot," Plan International, Accessed August 23, 2024, <https://plan-international.org/publications/gaza-ingo-humanitarian-snapshot/>.

⁹⁷ Hofmann, Thomas. "The Impact of Armed Conflict on Health Systems." National Center for Biotechnology Information, August 10 2024. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10249250/>.

United Nations has endorsed based on international humanitarian law, through General Assembly Resolutions 46/182 and 58/114⁹⁸. The implementation of these principles in the humanitarian action that the organizations do will result in the focus on the impacts of the humanitarian assistance that will finally assist the civilians who are exposed to the violence of the war.

D. Security Constraints and the lack of Access, and Emergency Telecommunications

Besides being a challenge for intergovernmental organizations, access and security remain paramount challenges for non-governmental organizations operating in Gaza, due to the movement restrictions, imposed by the Israeli military that severely limit the ability of NGOs and INGOs to reach the affected populations. In addition, Due to escalating hostilities, increased restrictions on the movement of commodities, damaged infrastructure and fuel shortages, local Mobile Network Operators and Internet Service Providers in the Gaza Strip are experiencing network outages and are unable to conduct the necessary repairs, where the availability of telecommunications equipment is severely limited, hampering the delivery of ETC services. Much equipment has been damaged or destroyed and the import of new equipment has been lengthy and challenging. Only 20 satellite phones, four VHF repeaters and four solar power solutions have been approved for importation into Gaza by Israeli authorities since October 7, 2023 until 12 June, 2024⁹⁹. This often leads to the suspension of activities, the evacuation of staff, or the redirection of resources away from critical areas.

Lack of access and telecommunications since the beginning of the war and the cut of internet on the whole Gaza Strip for days is an indicator of the constraints on the Gazan's ability to reach the world wide, in addition to targeting the journalists where at least 97 journalists and media workers have been killed since October – 92 of whom were Palestinian – according to the Committee to Protect Journalists (CPJ). This makes it the deadliest period for journalists since 1992, when the CPJ started collecting data. Gazan journalists told CNN they are haunted by their colleagues' deaths, as they balance the emotional labor of covering the war with trying

⁹⁸ UNHCR, "Humanitarian Principles," UNHCR Emergency Handbook, Accessed August 23, 2024, <https://emergency.unhcr.org/protection/protection-principles/humanitarian-principles#:~:text=At%20the%20core%20of%20all,%2F182%20and%2058%2F114>.

⁹⁹ Office for the Coordination of Humanitarian Affairs (OCHA). "Gaza Humanitarian Response: June 12, 2024." Accessed August 10, 2024. <https://www.un.org/unispal/document/gaza-humanitarian-response-ocha-12jun24/>.

to protect their families¹⁰⁰. This shows the suppressing of who are trying to raise the voices of the Palestinian community who are currently living a genocide and confronting the violence done by the Israeli Occupation Military.

E. Competing Over Limited Resources

The competition for limited funding and resources is a significant issue in Gaza, where humanitarian needs are vast and resources are scarce, this competition not only constrains the capacity of local NGOs but also leads to duplicated efforts, as organizations vie for the same donor funding or target the same beneficiaries, the result is a less efficient use of resources, where some areas may receive an overabundance of aid while others are neglected. Furthermore, donor priorities have shifted in response to the ongoing emergency in Gaza, with most funds being directed towards trauma-related projects, this has led to the neglect of non-trauma populations, increasing the burden on national organizations to address these gaps, especially as the health, education, and protection sectors face collapse. National societies and community-based organizations are severely impacted by the current crisis and heightened security risks, where many have lost funding opportunities as donors hesitate to support them due to a loss of operational capacity. This loss is attributed to several factors, including the bombing of their premises, targeting their staff members, and their displacement, the departure of management and executive teams abroad, and restricted access to their bank accounts, all of which hinder their ability to continue serving the Gaza community.

Gaza Strip was always under full blockage, and with an unstable life where a lot of escalations and wars take place from Israel on Gaza, meaning that the humanitarian aid, and the IGOs and International and National NGOs missions where always a need for the people living in Gaza Strip, however, the situation currently has drastically worsened, where the violations of human rights harshly developed, and the involvements and aid needed since October 7, 2023 is way more than what was needed before¹⁰¹. Whereas the second revision of the UNRWA Flash Appeal for the occupied Palestinian territory (oPt), covering the period April – December 2024.

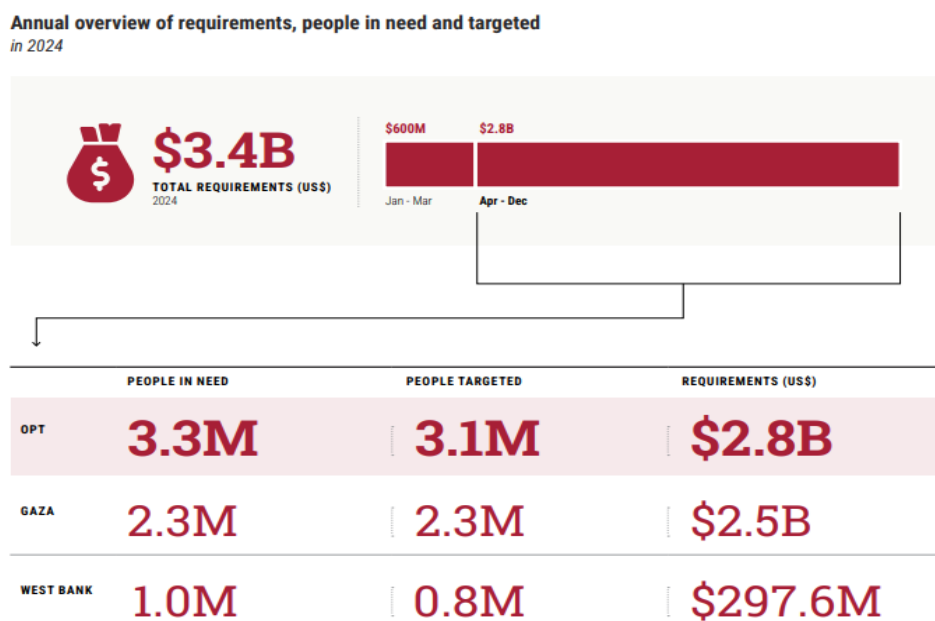
¹⁰⁰ CNN, "Palestinian Journalists in Gaza Face Daily Dangers as They Cover the Conflict," CNN, May 2, 2024, Accessed August 23, 2024, <https://edition.cnn.com/2024/05/02/middleeast/palestinian-journalists-gaza-world-press-freedom-day-intl-cmd/index.html>.

¹⁰¹ UNICEF, "Gaza Strip: The Humanitarian Impact of 15 Years of Blockade," June 2022, Accessed August 23, 2024, <https://www.unicef.org/mena/documents/gaza-strip-humanitarian-impact-15-years-blockade-june-2022>.

UNRWA is seeking US\$ 1.21 billion to address the most critical humanitarian needs of 1.7 million of the most vulnerable refugees and non-refugees in Gaza, as well as over 200,000 individuals in the West Bank, including East Jerusalem. This appeal comes in response to the ongoing and unprecedented escalation of conflict and resulting needs in the Gaza Strip and the West Bank. The entire 2.3 million population of the Gaza Strip is in need, on the brink of famine, where most health, water and shelter infrastructure has been flattened or placed out of commission by Israeli military operations and denial of access. West Bank. It outlines the resource requirements to reduce suffering and prevent further loss of life¹⁰².

The humanitarian crisis in Palestine has necessitated substantial financial resources to meet the needs of the affected population. The following figure 3 provides an annual overview of the financial requirements, the number of people in need, and the targeted population for the year 2024 from (UNRWA Updated oPt Flash Appeal April – December 2024).

Figure 3: Annual Overview of Requirements, People in Need, and Targeted in 2024



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¹⁰² UNRWA, "UNRWA Updated oPt Flash Appeal April – December 2024," UNRWA, Accessed August 23, 2024, <https://www.unrwa.org/resources/emergency-appeals/unrwa-updated-opt-flash-appeal-april-%E2%80%93-december-2024>.

¹⁰³ Ibid

Figure 3 illustrates that a total of \$3.4 billion is required to address the humanitarian needs in the OPT (Occupied Palestinian Territories) for 2024. This figure is broken down into two phases: \$600 million needed from January to March, and an additional \$2.8 billion required from April to December. The figure also highlights that 3.3 million people in the Palestine are in need, with 3.1 million targeted for assistance. In Gaza, where the needs are most severe, 2.3 million people are both in need and targeted, with \$2.5 billion allocated for their support. In the West Bank, 1.0 million people are in need, with \$297.6 million required to meet their needs, targeting 0.8 million individuals. This data underscores the significant scale of the humanitarian crisis and the urgent need for adequate funding to support those most affected.

F. Bureaucratic, Political and Administrative Delays

Humanitarian operations in Gaza are frequently hampered by a complex web of bureaucratic, political, and administrative hurdles. These challenges come from the varying processes and regulations imposed by different authorities, including the Israeli government, the Palestinian Authority, and local governing bodies in Gaza. Each of these entities has its own set of rules and procedures that humanitarian organizations must navigate. Aid agencies now fear an acceleration in deaths from starvation, diseases and denied medical assistance, in addition to most desperately need of fuel, and attacks in areas sheltering civilians intensify, while land and sea entry points remain effectively shut to meaningful humanitarian assistance, and that's because the systematic obstruction at Israeli-controlled crossing points, intensified hostilities, and prolonged telecommunications blackouts have reduced the volume of aid entering Gaza, including food, fuel, and medical supplies, to some of the lowest levels witnessed in the last seven months, said 20 aid agencies. As per example Médecins Sans Frontières/Doctors Without Borders (MSF) – one of the largest humanitarians and medical providers in Gaza – has been unable to get any supplies into the enclave since May 6. The lack of clean water supplies puts patients at high risk of disease. Yet, desalination kits and submersible pumps to set up sustainable water systems to provide water, are almost always denied by the Israeli authorities¹⁰⁴.

Political sensitivities add another layer of complexity. Humanitarian organizations must often contend with the political agendas of the governing bodies, which can affect their ability to

¹⁰⁴ War Child. "Humanitarian Access Disintegrates in Gaza." Accessed August 10, 2024. <https://www.warchild.net/news/humanitarian-access-disintegrates-in-Gaza/>.

operate freely or distribute aid equitably, and this political involvement can lead to delays in obtaining necessary permits, restrictions on movement, and even the targeting of humanitarian workers, such as the seven World Central Kitchen aid workers were killed by Israeli airstrikes in Gaza¹⁰⁵.

Moreover, the administrative burden on organizations is substantial to secure multiple approvals, comply with varying regulations, and manage relationships with multiple authorities creating a highly fragmented operational environment. This fragmentation not only causes delays but also leads to frustration among both international and local actors, who must continuously adapt to an ever-changing regulatory landscape, where mostly national NGOs need to adapt to the INGOs agenda with the least resources they have especially during armed conflicts time in order to maintain their work with and international donor.

The overall impact of these bureaucratic, political, and administrative delays is a diminished capacity to deliver timely and effective aid, ultimately prolonging the suffering of the affected population and undermining the goals of humanitarian missions.

G. Communication Barriers

Effective communication is crucial for coordinating humanitarian efforts, yet it is often hindered by several factors in Gaza, such as language differences between international staff and local communities, the use of specialized terms that may not be universally understood, and damaged or unreliable infrastructure all contribute to communication challenges. Humanitarian operations are less effective as critical information is lost in translation and limited resources are wasted, getting the language factor right improves not only communication and community engagement, but also access to services, needs analysis and accountability, and missing it can lead to misunderstandings, misaligned expectations, and delays in the implementation of projects¹⁰⁶.

¹⁰⁵ Rogers, Kate. "World Central Kitchen Workers Strike Over Conditions in Gaza." *The New York Times*, April 2, 2024. Accessed August 10, 2024. <https://www.nytimes.com/2024/04/02/world/middleeast/world-central-kitchen-workers-strike-gaza.html>.

¹⁰⁶ Translators Without Borders. "The Language Factor: Lessons in Communication and Community Engagement." *ODI HPN*, Accessed August 10, 2024. <https://odihpn.org/publication/language-factor-lessons-communication-community-engagement-translators-without-borders-experience/>.

Figure 4 below shows the percentage of key informant responses on the above mentioned challenges faced by National and International Non-Governmental Organizations that complicate their efforts to provide humanitarian aid and services while operating in Gaza.

Figure 4: Relevant Challenges Faced by NGOs and INGOs in Gaza

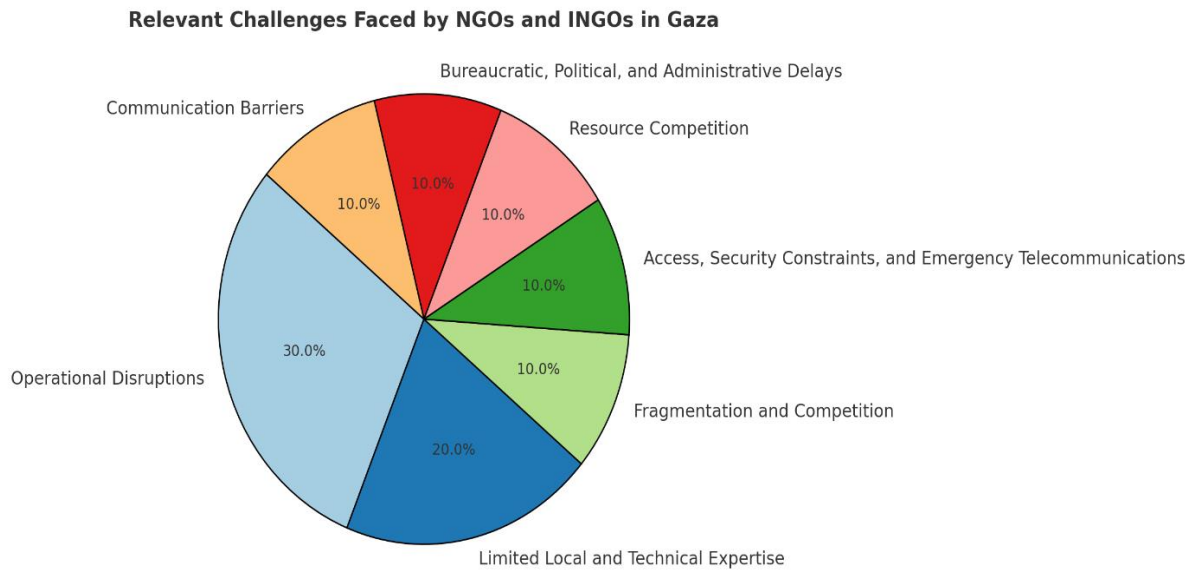


Figure 4 illustrates the key challenges encountered by NGOs and INGOs in Gaza, with operational disruptions being the most frequently mentioned, accounting for 30% of the challenges. This is followed by fragmentation and competition, which represent 20% of the challenges, highlighting the difficulties in coordination among various entities. Other significant challenges include access and security constraints, communication barriers, and bureaucratic delays, each contributing equally to the overall difficulties faced by these organizations.

Second Section: Opportunities for IGOs and INGOs Involvements and Evolving Roles

The opportunities for third-party involvements and the evolving roles of intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs) in Gaza, where the key informative interview have focused on a section regarding the recommendations that the key informants would give in order to enhance the work of their organizations and increase the positive role of involvement of these third parties in mitigating human rights violations.

3.2.1 Opportunities for IGOs and INGOs Involvements:

The ongoing war on Gaza Strip, and all of the difficulties that IGOs and national and international NGOs encounter while carrying out their work, and the opportunities that arise to address these difficulties and problems in the best interests of the civilians in Gaza that is currently subjected to violence. These opportunities involve:

A. Encouraging the Outreach of a Cease Fire:

The primary opportunity of Third parties at the moment shall be the intervention to facilitate a ceasefire or a truce which is crucial for an immediate stop of military actions that directly harm civilians and destroy civilian infrastructure in Gaza. The third parties' involvements refer to the process where an impartial third party is brought in to help conduct conflict resolution between two disputing parties. In many cases, third-party intervention can provide a more objective perspective to help the parties resolve their differences in an efficient and timely manner¹⁰⁷. The roles can be divided on the three third parties, States, IGOs and INGOs:

- a) States can intervene in bilateral or multilateral engagements in truce and ceasefire negotiations, either working directly with the parties of the conflict such as Egypt, and Qatar offering incentives for peace or through regional organizations such as the League of Arab States to garner a broad support for a ceasefire. States can also support ceasefire efforts by backing peace initiatives at the international level, ensuring that there is a coordinated and unified approach to ending hostilities, where they can endorse and promote resolutions at the UN Security Council or other international forums calling for an immediate cessation of violence with no veto.
- b) IGOs can assist can be persuade in bringing the parties to the dispute to the negotiation table by regional and international organizations like the United Nations, where their international recognition and impartiality provide them the power to settle disputes successfully.
- c) National and international NGOs can also play a critical role in advocating for a ceasefire by mobilizing the public opinion, providing facts from on-the-ground, and supporting peacebuilding efforts.

¹⁰⁷ Study.com, "Third Party Conflict Resolution Strategies," Accessed August 23, 2024, <https://study.com/academy/lesson/third-party-conflict-resolution-strategies-lesson-quiz.html>.

B. Post-War Recovery and Reconstruction:

There are significant opportunities for third parties to contribute to the reconstruction of Gaza following conflicts. This includes rebuilding infrastructure, homes, and essential services, which are critical for the long-term recovery of the community. However, it the international community must take into consideration and facilitate a reconstruction strategy that respects diverse perspectives. Engaging local communities and stakeholders in the decision-making process can help ensure that reconstruction efforts are inclusive and considerate of Gaza's unique historical and cultural heritage¹⁰⁸. This opportunity will be in the interest of both the third parties and the community where the organizations will benefit from the expansion of its work in the region and the reconstructing the city will be in the favor of the community.

C. Advocacy for Human Rights:

It is stressed how crucial it is for third parties to advocate for human rights, particularly in areas where abuses are common. This advocacy job entails encouraging adherence to international humanitarian law and advocating for people safeguarding. A place like the Gaza Strip, where human rights are constantly violated and where successive generations have witnessed both human right violations and currently a genocide¹⁰⁹, will undoubtedly require human rights advocacy and the expansion of projects that will lessen these violations on many levels, including food security, education, psychology, and quality of life. Even though there are still arguments on whether what is happening in Gaza is a genocide or not, the Associate Professor of Holocaust and Genocide Studies and Endowed Professor in the Study of Modern Genocide at Stockton University asserted clearly that it is a genocide.

D. Strengthening Local Partnerships:

Building stronger relationships with local NGOs and community leaders is crucial, in which such partnerships can enhance the effectiveness of involvements by benefiting from local knowledge and trust, which are vital for successful humanitarian efforts. Future opportunities lie in

¹⁰⁸ Orf, Observer Research Foundation. "Rebuilding Gaza: Navigating the Challenges of Post-War Reconstruction." Accessed August 10, 2024. <https://www.orfonline.org/expert-speak/rebuilding-gaza-navigating-the-challenges-of-post-war-reconstruction>.

¹⁰⁹ Raz Segal. " A Textbook Case of Genocide. Israel has been explicit about what it's carrying out in Gaza. Why isn't the world listening?" 2023

strengthening partnerships with local organizations, which can provide deeper community engagement and sustainability for interventions, and this is because national NGOs are engaged more with the local conditions, realities, and the real needs of the communities, and, therefore, are seen to have limited abilities to foster community input and participation¹¹⁰.

E. Expansion of Mental Health Services:

The psychological impact of the ongoing war on Gaza, makes an opportunity to expand the mental health services in Gaza Strip, particularly for children and families who have been going through internal displacement, bombarding, and targeting humans, which resulted in sleep deprivation, anxiety, depression, and will end up by having post-traumatic stress disorder¹¹¹. Meaning that mental health services will be crucial for the community's long-term resilience. Which will also collaborate with enhancing the feeling of justice after armed conflict times by curing the mental health of the innocent community. Putting into consideration the Palestinian detainees that were taken since October 7, 2023 and before who are suffering from harsh mental health complications because of what they go through in the Israeli Occupation jails, who are now demanding accountability which made an association like the Norwegian Refugee Council to adopt the ICLA approach, Information, counselling and legal assistance, that aims to strengthen the ability of Palestinians affected by the occupation to engage with relevant Israeli legal authorities to claim their rights and entitlements and obtain remedies. Where they work to protect people and communities who have been, or are at risk of being forcibly internally displaced, and provide legal information, training, counselling and assistance for those affected by discriminatory policies and practices. Their efforts also focus on strengthening the Palestinian Authority and civil society's ability to support individuals and communities in asserting their rights. This type of accountability can enhance the psychological well-being of the affected, as it ensures that justice is achieved and their demands for fairness are addressed.¹¹².

¹¹⁰ Cunningham, David. "The Impact of Armed Conflict on Economic Development." *Contemporary Economic Policy*, vol. 59, no. 3, 2024, pp. 438-452. Accessed August 10, 2024. <https://academic.oup.com/cdj/article/59/3/438/7165257>.

¹¹¹ Associated Press. "The Impact of the Gaza War on Children's Mental Health." *AP News*, Accessed August 11, 2024. <https://apnews.com/article/israel-palestinians-gaza-war-children-mental-health-370c7ccc24dcc8a2c4b81acd5345221b>.

¹¹² Norwegian Refugee Council, "NRC in Palestine." Accessed August 23, 2024, <https://www.nrc.no/countries/middle-east/palestine/>.

3.2.2 Evolving Roles of IGOs and INGOs:

The roles of INGOs and IGOs can evolve to enhance their activities in armed conflict places, the evolving roles can consist of:

A. Piece Building in the Context of Occupation

In the case of Gaza, where the primary issue is the ongoing occupation, the first step toward peacebuilding must involve a focus on ending the occupation and recognizing Palestinians' right to self-determination, through which they can autonomously determine their political status and work toward their economic, social, and cultural development¹¹³. States, IGOs, and INGOs must advocate for a peace process that addresses the origin causes of the conflict, including the occupation and denial of basic rights to Palestinians. This should involve pushing for international diplomatic efforts, sanctions, and other measures that can pressure Israel as an occupation to comply with international law and human rights standards.

B. Enhanced Advocacy and Awareness-Raising:

As INGOs face the ongoing challenges mentioned by the key informants, there are challenges that should meet specific solutions such as finding a way to engage more with the Palestinian community in Gaza in order to fully meet their needs, in addition to find a way of communication with the local communities to have a base and a framework to facilitate the work in Gaza in favor of the people. The INGO and IGOs roles are expected to evolve towards greater advocacy, particularly in raising awareness about human rights issues and the humanitarian situation in Gaza such as the violations of the right to life, safety, and security, that urgently need to be preserved to stop the river of blood that is currently taking place in the war on Gaza.

C. Localization and Empowerment:

A shift towards greater localization is anticipated, with IGOs and INGOs increasingly focusing on empowering local entities to take the lead in humanitarian efforts, as mentioned before national non-governmental organizations are the most engaged with the local society, and the most credible in addressing the community's demands, meaning by that INGOs need to open the way for national NGOs to build their own projects and programs to meet the people's needs without adopting the

¹¹³ Office of the High Commissioner for Human Rights (OHCHR), "International Covenant on Civil and Political Rights," OHCHR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

regular framework that the INGOs ask for that sometime does not give satisfying solutions for the issues of the society. This approach will not only enhance sustainability but also builds local capacities for handling crises independently.

D. Integration of Digital Solutions:

The use of digital tools for remote monitoring, data collection, and aid delivery is likely to increase, especially in response to the dynamic and often inaccessible environment of Gaza. This technological integration could improve efficiency and reach of interventions, such as the UNDP's Programme of Assistance to the Palestinian People has been exploring different ways to promote digital transformation, in which the idea was to bring together the various efforts and expertise of the government, private sector, civil society, and citizens – together with development partners and investors towards a digital transformation that benefits all parts of society. It would integrate all sectors, and not only focus on the technological aspects of digitalization, but also the behavioral changes that accompany such a transition, amongst all stakeholders¹¹⁴.

E. Transitional Justice

Transitional justice embodies the collective response of societies emergent from times of conflict, repression, or authoritarian rule to a democratic one. Through truth commissions, reparations programs, and judicial proceedings, transitional justice events to confront historical wrongs, promote accountability, and pave the way for reconciliation.

On 16 December 2005 the UN General Assembly adopts resolution 60/147 by the title "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law." This resolution outlined the basic principles for ensuring that victims of such violations have access to justice, receive reparation, and have the means for their rehabilitation and redress¹¹⁵.

¹¹⁴ United Nations Development Programme (UNDP). "Digital Transformation in the State of Palestine: Creating Strong and Unconventional Partnerships." Accessed August 11, 2024. <https://www.undp.org/papp/publications/digital-transformation-state-palestine-creating-strong-and-unconventional-partnerships>.

¹¹⁵ Office of the High Commissioner for Human Rights. "Basic Principles and Guidelines on the Right to a Remedy and Reparation." Accessed August 11, 2024. <https://www.ohchr.org/fr/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.

The remedies for the flagrant violations of IHRL and immoral violations of IHL include the victims right as provided for under international law include equal and effective access to justice, adequate, effective and prompt reparation for harm suffered, and access to relevant information concerning violations and reparation mechanisms¹¹⁶. The state is obligated to compensate victims for acts or omissions attributable to it that amount to gross violations of IHRL and IHL.

The violations that the Palestinian innocent civilians are facing in the ongoing war needs intervention to mitigate it and stop it as soon as possible, besides that there should be a customized framework for IGOs and INGOs along with the national NGOs to reform and restore what the Palestinians have gone through while also maintaining peace within the community.

Third Section: Challenges and Opportunities of States Involvements

The Israeli Occupation on Palestine is a long-standing source of violence in the Middle East, and this violence has erupted once more in October 7 2023, after that a triggering chain of events rippled across the geopolitical landscape. The conflict escalated into a full-fledged war, attracting the attention and participation of international and regional actors in direct and indirect ways. The consequences of this war this time stretched beyond Israel's and Palestine's borders, having an impact on among the key players and powers in the global and regional arena. As the war progressed, it became clear that the geopolitical effects were not limited to the immediate region, but had far-reaching consequences that reverberated across the global political scene.

3.3.1 Challenges Faced by States:

After October 7 2023 there was a demand for the Middle East countries to lead a way to de-escalate the war happening between Hamas and Israel. Before that and Since 2019, Middle Eastern states have been undergoing a period of realist regional diplomacy, driven by decreasing US engagement, geopolitical shifts from the Ukraine war, and a re-prioritization of domestic economic needs. This has resulted in the normalization of relations between Israel, Bahrain, and the UAE in the 2020 Abraham Accords, the end of the Qatar blockade in 2021, a reset of Gulf-Turkish relations in 2023, and the restoration of Iranian-Saudi ties brokered by China. Yemeni negotiations are also

¹¹⁶ Simić, O. (Ed.). (2016). *An Introduction to Transitional Justice* (1st ed.). Routledge. <https://doi.org/10.4324/9781315672649>

ongoing, and Syria's Bashar al-Assad is being rehabilitated. Qatar and Oman have played a crucial role in managing indirect dialogue between Washington and Tehran, securing the release of American hostages. Recent negotiations between Israel, Saudi Arabia, and the US were intended to bring about another round of normalization, but the outbreak of armed conflict has likely halted this. This war has made a regional reset, while noteworthy, remains inherently fragile and the origins of tensions have come back to reality, for Instance, Gulf states, particularly Riyadh and Abu Dhabi, have different visions for Yemen, while Iraq and Kuwait face renewed maritime tensions. Mistrust between Saudi Arabia and Iran persists despite normalization. The US's role is diminished, and external powers' influence is in question. The Israeli-Palestinian issue and Iran's support for Hamas in Gaza and Hezbollah in Lebanon remain unresolved as regional players seek normalization agreements and new economic opportunities¹¹⁷.

Where since October 7, 2023 Hezbollah and Israel have exchanged near-daily strikes since affecting civilians. By mid-May 2024, the attacks had displaced almost ninety thousand people in Lebanon, approximately killed 350 people, more than 50 have been civilians and the rest Hezbollah fighters¹¹⁸.

Egypt's president on the other hand has stated clearly his rejection of the displacement of Gazans into the Sinai desert and this is due to a historical origin on the Gaza Egypt borders, where Egypt is wary of insecurity near its border with Gaza in northeastern Sinai, where an Islamist insurgency intensified a decade ago.

Any transfer of Palestinians to Sinai would mean "that we move the idea of resistance, of combat, from Gaza to Sinai, and so Sinai would become the base for launching operations against Israel," said Sisi¹¹⁹. And this reflected Sisi's concerns about recreating the history of hostility between Egypt and Israel on one hand, and Egypt and the Muslim Brotherhood on the other. Which

¹¹⁷ Chatham House, "MENA Countries Should Lead the Way in De-escalating the Israel-Hamas War," October 2023, Accessed July 21, 2024, <https://www.chathamhouse.org/2023/10/mena-countries-should-lead-way-de-escalating-israel-hamas-war>.

¹¹⁸ Council on Foreign Relations (CFR), "What Escalating Hezbollah-Israel Tensions and War in Gaza Mean for Lebanon," CFR, Accessed July 22, 2024, <https://www.cfr.org/in-brief/what-escalating-hezbollah-israel-tensions-and-war-gaza-mean-lebanon>.

¹¹⁹ Reuters, "Egypt Rejects Any Displacement of Palestinians into Sinai, Says Sisi," Reuters, October 18, 2023, Accessed July 22, 2024, <https://www.reuters.com/world/egypt-rejects-any-displacement-palestinians-into-sinai-says-sisi-2023-10-18/>.

increases its missions in sustaining a ceasefire or any kind of agreement between the conflict parties as a mediator along with Qatar, United Arab Emirates and Saudi Arabia¹²⁰.

Meanwhile, Jordan, which shares a border with the Israeli-occupied West Bank and absorbed most of the Palestinians who fled or were driven from their homes as Israel was created on the Palestinians' lands of 1948, 1976, has also warned against Palestinians being forced off their land, and had closed its airspace as a precautionary measure, and the Jordanian Air Force reportedly shot down dozens of Iranian drones headed for Israel, after the Islamic Republic of Iran fired more than three hundred missiles and drones at the Jewish state after an Israeli airstrike killed two Iranian generals and others in Damascus nearly two weeks earlier, however, NBC News reported that the Hashemite Kingdom also permitted Israeli fighter jets to enter Jordan's airspace and intercept the Iranian missiles¹²¹.

This shows the challenges that the neighboring countries are facing in where states like Lebanon, Egypt and Jordan face the difficult task of maintaining stability within their own borders while managing the potential spillover effects of the conflict, and this includes preventing the conflict from escalating into their territories and managing the influx of refugees. In addition to that comes the challenge of maintaining good international relations, by acting by its pressure and by balancing between this pressure and the domestic pressure where states are currently facing significant pressure from their domestic populations, who may have strong views on the conflict, and balancing these domestic pressures with international diplomatic relations, particularly with powerful allies like the United States, poses a significant challenge. The war on Gaza has also sparked a war of narratives, escalating tensions in many cultures, particularly in the West. It has politicized relations between countries in the global North and South, exacerbated domestic divisions, and raised concerns about international rules. It has fueled tendencies like the rise of far-right movements and anti-immigrant attitudes¹²².

¹²⁰ Ministry of Foreign Affairs of Qatar, "Foreign Ministers of Qatar, Saudi Arabia, Jordan, UAE, Egypt Support Gaza Crisis Mediation Efforts," Accessed July 23, 2024, <https://mofa.gov.qa/en/statements/foreign-ministers-of-qatar--saudi-arabia--jordan--uae--egypt-support-gaza-crisis-mediation-efforts>.

¹²¹ Atlantic Council, "Jordan, Israel, and Iran: Retaliation in Gaza," Atlantic Council, Accessed July 23, 2024, <https://www.atlanticcouncil.org/blogs/menasource/jordan-israel-iran-retaliation-gaza/>.

¹²² Carnegie Endowment for International Peace, "The Gaza War and the Rest of the World," November 2023, Accessed August 23, 2024, <https://carnegieendowment.org/posts/2023/11/the-gaza-war-and-the-rest-of-the-world?lang=en>.

Moreover, the military assistance and involvement by states, particularly in the context of the Gaza conflict, ensures significant challenges in addressing and potentially increasing the human rights violations. When states provide military aid, such as weapons, intelligence, or logistical support, to one side of the conflict likewise the military aid of America to Israel since these weapons are used for unlawful attacks¹²³, they risk contributing to actions that may result in civilian casualties, destruction of infrastructure, and other violations of international humanitarian law, the continuation of this military support, without adequate safeguards and oversight, can perpetuate cycles of violence and hinder efforts to achieve a peaceful resolution. This creates a moral and legal dilemma for states involved in the armed conflict, as their assistance is used in violence and harm of innocent humans which results to be seen as complicity in ongoing human rights abuses, thus undermining international efforts to protect civilian populations and uphold the rule of law.

3.3.2 Opportunities for States

Along with the opportunities that states can take to mitigate human rights violations in armed conflict such as mediating between conflicting parties, offering neutral ground for negotiations and peace talks, providing essential humanitarian aid to affected populations, including food, medical supplies, and shelter, and supporting international judicial mechanisms such as the International Criminal Court (ICC) or ad hoc tribunals to ensure that those responsible for war crimes, genocide, or crimes against humanity are held accountable, there is also a need for support for refugees and displaced persons in armed conflicts.

States can play a very important role in addressing the humanitarian needs of refugees and internally displaced persons (IDPs) affected by armed conflicts such as the internally displaced people in Gaza since the very beginning of the war and the Gazan refugees in Egypt, Qatar and other countries.

One of the most direct forms of assistance that states can offer is the resettlement of refugees which involves allowing displaced persons to relocate and start new lives in a host country, offering them protection, shelter, and basic services. Neighboring countries where Gazans have fled to should at

¹²³ Amnesty International USA, "No Weapons for War Crimes Accessed August 23, 2024, <https://www.amnestyusa.org/blog/no-weapons-for-war-crimes/#:~:text=Given%20the%20overwhelming%20evidence%20that,of%20all%20arms%20to%20Israel.>

least guarantee the basic humane way of living for the displaced Gazans however, these countries may be overwhelmed by large numbers of displaced people. Consequently, countries that have well-established resettlement programs allow refugees to integrate into society through support services such as language courses, job training, and education. the Nordic countries have been strong resettlement partners to UNHCR and have welcomed refugees via resettlement. Denmark since 1979, Finland since 1985, Iceland since 1995, Norway since the 1980s and Sweden since 1950¹²⁴.

The United Nations Refugee Agency (UNHCR) often facilitates these programs by identifying vulnerable refugees, such as those at risk of persecution, or violence, for resettlement in third countries, the UNHCR identifies and refers refugees for resettlement based on defined criteria and after confirming their eligibility for international protection. Individual interviews or dossier selection are used by states to determine who should be resettled. Before leaving their country of initial asylum, selected refugees go through a thorough process that includes health and security screenings as well as preparations for their new life in the resettlement country¹²⁵. States participating in these programs provide legal residency, access to social services, and the opportunity for refugees to become permanent residents or citizens over time.

States can also provide substantial financial and material aid to refugee-hosting countries and humanitarian organizations working on the ground. For instance, neighboring countries to the conflict zones, such as Lebanon, Jordan, and Turkey, which host large numbers of Syrian refugees, often require international assistance to manage the influx of displaced people¹²⁶. Financial contributions from wealthier states to these host countries help provide vital services such as healthcare, food, shelter, education, and water¹²⁷.

¹²⁴ UNHCR, "Our Work: Resettlement," UNHCR, Accessed August 24, 2024, <https://www.unhcr.org/neu/about/our-work-resettlement>.

¹²⁵ Ibid

¹²⁶ IEMed, "Neighbouring Host Countries' Policies for Syrian Refugees: The Cases of Jordan, Lebanon, and Turkey," Accessed August 23, 2024, <https://www.iemed.org/publication/neighbouring-host-countries-policies-for-syrian-refugees-the-cases-of-jordan-lebanon-and-turkey/>.

¹²⁷ International Labour Organization (ILO), Regional Dialogue on Labour Market Impact of the Syrian Refugee Crisis in Jordan, Lebanon, Turkey, Iraq, and Egypt, ILO Regional Office for Arab States, July 28-29, 2015, Accessed August 25, 2024, <https://www.ilo.org/arabstates>.

States can also offer temporary protection status to refugees; where temporary protection can be an effective instrument for states to respond to humanitarian crises and complicated or mixed population migrations in cases where other protection solutions are either unavailable or insufficient to allow admission and immediate protection from refoulement. Temporary protection should ensure bare minimum treatment and access to key rights for the displaced population while being implemented in a streamlined and efficient manner¹²⁸.

For instance, many European countries like Czechia, Poland, Slovakia and the Republic of Moldova provided temporary protection for Ukrainian refugees in 2022 following the Russian invasion, as the European Union activated the Temporary Protection Directive, allowing displaced Ukrainians to reside in EU countries without going through lengthy asylum procedures¹²⁹.

There can be also long-term solutions that involve diplomatic efforts to create the conditions for safe, voluntary, and dignified return of refugees and IDPs to their home countries. States can support peace processes, reconstruction, and stabilization efforts to make return a viable option.

In conclusion, states play a critical role in assisting refugees and displaced people afflicted by violence. They can help manage the enormous obstacles that displaced people encounter by providing resettlement, financial assistance, legal protection, and international cooperation. Working with international organizations, states may ensure that refugees and IDPs receive the necessary protection and aid while contributing to global peace and stability.

¹²⁸ UNHCR, "Temporary Protection," UNHCR Emergency Handbook, accessed August 25, 2024, <https://emergency.unhcr.org/protection/legal-framework/temporary-protection>.

¹²⁹ Ibid

Conclusions:

In the ongoing war on Gaza Strip there are innocent civilians who are on daily basis facing violent and humiliating actions that are done by the occupying military powers, and this research concludes that third parties, states, IGOs, and international and national NGOs play a crucial role in mitigating the human rights violations, however the effectiveness of this role is hindered by external elements like political interests, challenges in coordination among international actors in a complicated authoritative and an under occupation territory, and lack of enforcement of legal mechanisms. International Humanitarian Law (IHL) and International Human Rights Law (IHRL) impose obligations on third parties to protect civilians, while the enforcement of these laws remains inconsistent and the case study of Gaza in this research highlights the significant gap between the legal obligations and their practical implementation, with third parties often struggling to navigate the complex political landscape.

In addition, the United Nation General Assembly resolutions that have been made to addressing human rights violations it was proven in the thesis that it lacks the binding power limiting its impact on the ground and showed that its more symbolic with no actual actions on the ground that will stop or at least mitigate the violations that are happening in Gaza currently.

The research also focuses on the challenges that third parties face while trying to lessen human rights' violations in their missions including restrictions on access to the territory and specific internal parts of it due to the targeting and bombardment, the politicization of humanitarian aid and preventing it from entering Gaza Strip, and the reluctance of powerful states to hold perpetrators accountable, where these challenges often result in prolonged suffering for civilians and a perpetuation of the conflict.

Moreover, the international legal framework, beside the fact that parts of it in non-binding and other parts are not implemented, there are some gaps and is considered insufficient to address the complexities of modern armed conflicts, particularly in regions like Gaza, as the lack of a universal binding framework for internally displaced persons (IDPs) further exacerbates their vulnerability.

Lastly, putting into consideration the community itself and the long-term negative effect on them, with generational consequences on different levels, as psychological and health, social, and economic effects of prolonged conflict, as seen in Gaza, creating deep-seated challenges that third-

party involvements must address not only in immediate post-conflict periods but also in long-term recovery and development strategies.

Recommendations:

A. Promoting Palestinians' right to self-determination:

Palestinians under occupation will remain trapped in a cycle of violence, displacement, and targeting, making them unable to exercise control over their land, resources, and political future, however, achieving self-determination for Palestinians will establish an independent state that can ensure their political, social, cultural, and economic development and it is crucial for the international community to actively support this right to foster lasting peace and stability in Palestine and the region.

B. Promoting Political Solutions:

Finally, the thesis emphasizes the need for third parties to support and facilitate political solutions to armed conflicts like the current war on Gaza Strip, rather than relying solely on humanitarian involvements that are barely being entered into Gaza and barely actually mitigating the violence that the civilians are facing now. Whereas sustainable peace can only be achieved through addressing the root causes of conflict and ensuring that all parties are committed to a just and lasting resolution.

C. Strengthening International Legal Frameworks:

The results of this research recommend the development of stronger enforcement mechanisms within International Humanitarian Law and International Human Rights Law, this could include the establishment of independent legally binding international bodies and tools with the authority to enforce compliance and impose sanctions on violators.

D. Enhancing the Role of Relevant International Organizations:

Along with the fact that the United Nations General Assembly have tools that are influential, it still needs increase the effectiveness of it, suggesting reforms that would allow its resolutions to carry more weight, potentially through the development of new international agreements that grant the UNGA more authority in situations where the Security Council is incapacitated or inadequate to implement regulations.

E. Improving Coordination Among Third Parties:

The key informative interview analysis promotes for an enhanced coordination and collaboration between national and international NGOs, as well as intergovernmental organizations, and this could be achieved through the creation of joint task forces and basis of a framework that facilitates these organization's work, in addition to coalitions that share resources, information, and strategies to address human rights violations more effectively.

F. Focus on Accountability and Justice:

The research suggests that third parties prioritize accountability by supporting international criminal justice mechanisms such as the International Criminal Court (ICC) and advocating for prosecuting those who commit human rights violations by backing court decisions and assisting with its implementation.

G. Support for Internally Displaced Persons (IDPs):

As one of the conclusions that considers a gap in the legal tools that doesn't consider the internally displaced persons rights, as for the creation of a universal binding framework specifically for IDPs, which would clearly define their rights and the responsibilities of the international community and the states to protect them particularly in regions like Gaza, where IDPs face heightened risks.

Bibliography

1. Official Documents

1. Geneva Conventions and Additional Protocols
2. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
3. Rome Statute of the International Criminal Court (1998)
4. UN Charter
5. International Law Commission (ILC) Draft Articles
6. UN General Assembly Resolution 60/147 (2005)
7. Convention on the Prevention and Punishment of the Crime of Genocide (1948)
8. International Covenant on Civil and Political Rights
9. Montevideo Convention on the Rights and Duties of States of 1993

2. Books

1. Truth Seeking: Elements of Creating an Effective Truth Commission, Prepared by ICTJ, Published originally in Portuguese by the Amnesty Commission of the Ministry of Justice of Brazil. 2013
2. Elements of Crimes, Published by the International Criminal Court. 2011
3. The Advocates for Human Rights, Chapter 8. 2014
4. Global Politics by Andrew Heywood. 2011
5. Israel's Colonial Project in Palestine: Brutal Pursuit. 2016
6. Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law. 2009
7. United Nations Security Council Conflict Management Handbook. 2023
8. ICRC Casebook: How Does Law Protect in War. 2014
9. Environmental Impact of the Conflict in Gaza: Preliminary Assessment of Environmental Impacts. 2024

10. Antonios Abou Kasm: Chapter 1: Concept, Historical Evolution, and Problematic of International Humanitarian Law
11. A Textbook Case of Genocide. Israel has been explicit about what it's carrying out in Gaza. Why isn't the world listening? By Raz Segal. 2023
12. Mac Ginty: Routledge Handbook of Peacebuilding. 2013
13. Rochester, J.M.: The New Warfare: Rethinking Rules for an Unruly World. 2016
14. Asada, M.: Economic Sanctions in International Law and Practice. 2019
15. Missoni, E., & Alesani, D.: Management of International Institutions and NGOs: Insights for Global Leaders. 2023
16. Simić, O.: An Introduction to Transitional Justice. 2016
17. Nils Melzer, International Committee of the Red Cross: International Humanitarian Law: A Comprehensive Introduction, (ICRC). 2019

3. Reports

1. **Human Rights Watch Report:** "Israel: Starvation Used as a Weapon of War in Gaza."
2. **United Nations Reports:** Various reports from the UN Human Rights Council and UN agencies on the humanitarian crisis in Gaza.
3. **Amnesty International Report:** Investigations into violations of International Humanitarian Law regarding civilian rights in Gaza.
4. **Médecins Sans Frontières Report:** Documenting the impact of conflict on healthcare access in Gaza.
5. **International Committee of the Red Cross (ICRC) Report:** Addressing humanitarian access and adherence to International Humanitarian Law in Gaza.
6. **Oxfam Report:** Reports on the economic and social impact of the Gaza conflict.
7. **CARE International Report:** Efforts in providing humanitarian aid and support to conflict-affected populations in Gaza.
8. **World Food Program (WFP) Report:** Assessing food security and humanitarian needs in Gaza.

9. **World Health Organization (WHO) Report:** The impact of conflict on public health and medical facilities in Gaza.
10. **UNHCR:** Emergency Protection.
11. **Kelbesa Megersa, Institute of Development Studies:** Strengths and Weaknesses of INGOs in Delivering Development Outcomes.
12. **Butt, Junaid Sattar, International Journal of Research Publication and Reviews:** "The Role of International Organizations in Protecting Human Rights in Palestine", January 2024.
13. Office of the High Commissioner for Human Rights (OHCHR), "Human Rights in Armed Conflict," OHCHR.

4. Articles, Journals, and Websites

1. Amnesty International. "Damning Evidence of War Crimes as Israeli Attacks Wipe Out Entire Families in Gaza." Amnesty International, October 6, 2023. <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>.
2. International Committee of the Red Cross. "Article 51 of the 1977 Additional Protocol I." ICRC IHL Databases. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-51>.
3. Arms Control Association. "UN Security Council Resolutions on North Korea." <https://www.armscontrol.org/factsheets/un-security-council-resolutions-north-korea>.
4. ActionAid. "Women in Gaza Resort to Using Scraps as Tent to Place Period Products and Go Weeks Without Showering." ActionAid, July 22, 2024. <https://actionaid.org/news/2024/women-gaza-resort-using-scraps-tent-place-period-products-and-go-weeks-without-showering>.
5. Refugees International. "Siege and Starvation: How Israel Obstructs Aid to Gaza." Refugees International, March 7, 2024. <https://www.refugeesinternational.org/reports-briefs/siege-and-starvation-how-israel-obstructs-aid-to-gaza/>.
6. World Health Organization. "Six Months of War Leave Al Shifa Hospital in Ruins—WHO Mission Reports." World Health Organization, April 6, 2024.

<https://www.who.int/news/item/06-04-2024-six-months-of-war-leave-al-shifa-hospital-in-ruins--who-mission-reports>.

7. United Nations News. "Gaza war: 'Direct hits' on more than 200 schools since Israeli bombing began." UN News, March 27, 2024. <https://news.un.org/en/story/2024/03/1148031>.
8. Al Jazeera. "Aid Airdrop Kills Five in Gaza amid Israel War, Hunger, and Famine." Al Jazeera, March 8, 2024. <https://www.aljazeera.com/news/2024/3/8/aid-airdrop-kills-five-gaza-israel-war-hunger-famine>.
9. United Nations Security Council. "Security Council Press Release SC/15564." United Nations Press Release, January 18, 2024. <https://press.un.org/en/2024/sc15564.doc.htm>.
10. Canadian Red Cross. "What is International Humanitarian Law?" Canadian Red Cross. <https://www.redcross.ca/how-we-help/international-humanitarian-law/what-is-international-humanitarian-law#:~:text=Its%20central%20purpose%20is%20to,the%20use%20of%20certain%20weapons>.
11. Plattner, Denise. "ICRC Neutrality and Neutrality in Humanitarian Assistance." International Review of the Red Cross, vol. 86, no. 855, 1993. <https://international-review.icrc.org/sites/default/files/S0020860400084072a.pdf>
12. Al Jazeera. "Israel-Hamas War in Maps and Charts: Live Tracker." Al Jazeera, October 9, 2023. <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>
13. The Advocates for Human Rights. "Chapter 8, Accountability." 2014. https://www.theadvocatesforhumanrights.org/Res/ch_8_2.pdf
14. SDG16+. "Colombia's Measures for Armed Conflict Victim Reparations and Land Restitution." <https://www.sdg16.plus/policies/colombias-measures-for-armed-conflict-victim-reparations-and-land-restitution/#:~:text=In%202011%2C%20the%20Colombian%20government,reparation%2C%20and%20non%2Drepetition>.

15. Reuters. "White House, Qatar, Egypt Plan Talks with Hamas on Gaza Ceasefire." Reuters, June 15, 2024. <https://www.reuters.com/world/middle-east/white-house-qatar-egypt-plan-talks-with-hamas-gaza-ceasefire-2024-06-15/>.
16. International Committee of the Red Cross. "What is International Humanitarian Law?" <https://www.icrc.org/en/document/what-international-humanitarian-law>.
17. International Criminal Tribunal for the former Yugoslavia. "Homepage." <https://www.icty.org/>.
18. University of Cincinnati Libraries. "Intergovernmental Organizations (IGOs)." <https://guides.libraries.uc.edu/igos#:~:text=IGOs%20usually%20have%20a%20governin%20g,subsidiary%20organs%20that%20perform%20special>.
19. Reuters. "Closure of Rafah Crossing Imperils Humanitarian Aid in Gaza." <https://www.reuters.com/graphics/ISRAEL-PALESTINIANS/MAPS/movajdladpa/#closure-of-rafah-crossing-imperils-humanitarian-aid-in-gaza>.
20. United Nations News. "UN Calls for Immediate Humanitarian Access to Gaza." <https://news.un.org/en/story/2024/04/11486760>.
21. ReliefWeb. "Gaza Health Cluster Bi-Weekly Report: March 22, 2024." <https://reliefweb.int/report/occupied-palestinian-territory/gaza-health-cluster-bi-weekly-reportmarch-22-2024-gaza-health-cluster-partners-bi-weekly-update-03-mar-20-2024>.
22. Office for the Coordination of Humanitarian Affairs (OCHA). "Gaza Humanitarian Response: June 12, 2024." <https://www.un.org/unispal/document/gaza-humanitarian-response-ocha-12jun24/>.
23. War Child. "Humanitarian Access Disintegrates in Gaza." <https://www.warchild.net/news/humanitarian-access-disintegrates-in-Gaza/>.
24. Hofmann, Thomas. "The Impact of Armed Conflict on Health Systems." National Center for Biotechnology Information. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10249250/>.
25. Translators Without Borders. "The Language Factor: Lessons in Communication and Community Engagement." *ODI HPN*. <https://odihpn.org/publication/language-factor-lessons-communication-community-engagement-translators-without-borders-experience/>.
26. Orf, Observer Research Foundation. "Rebuilding Gaza: Navigating the Challenges of Post-War Reconstruction." <https://www.orfonline.org/expert-speak/rebuilding-gaza-navigating-the-challenges-of-post-war-reconstruction>.
27. Cunningham, David. "The Impact of Armed Conflict on Economic Development." *Contemporary Economic Policy*. <https://academic.oup.com/cdj/article/59/3/438/7165257>.

28. Plan International, "Gaza INGO Humanitarian Snapshot." Plan International. <https://plan-international.org/publications/gaza-ingo-humanitarian-snapshot/>.
29. Axios, "U.S. Approves \$20 Billion Weapons Sale to Israel." <https://www.axios.com/2024/08/13/us-approves-weapons-sale-israel-20-billion>.
30. BBC News, "Ukraine Conflict: How Far Has Russia's Invasion Gone?" BBC News. <https://www.bbc.com/news/world-europe-60125659>
31. CNN, "Palestinian Journalists in Gaza Face Daily Dangers as They Cover the Conflict." <https://edition.cnn.com/2024/05/02/middleeast/palestinian-journalists-gaza-world-press-freedom-day-intl-cmd/index.html>.
32. UNRWA, "UNRWA Updated oPt Flash Appeal April – December 2024." <https://www.unrwa.org/resources/emergency-appeals/unrwa-updated-opt-flash-appeal-april-%E2%80%93-december-2024>.
33. Study.com, "Third Party Conflict Resolution Strategies." <https://study.com/academy/lesson/third-party-conflict-resolution-strategies-lesson-quiz.html>.
34. Norwegian Refugee Council, "NRC in Palestine." <https://www.nrc.no/countries/middle-east/palestine/>.
35. UNHCR, "Humanitarian Principles," UNHCR Emergency Handbook. <https://emergency.unhcr.org/protection/protection-principles/humanitarian-principles#:~:text=At%20the%20core%20of%20all,%2F182%20and%2058%2F114>.
36. Council on Foreign Relations (CFR), "What Escalating Hezbollah-Israel Tensions and War in Gaza Mean for Lebanon." <https://www.cfr.org/in-brief/what-escalating-hezbollah-israel-tensions-and-war-gaza-mean-lebanon>.
37. **Ministry of Foreign Affairs of Qatar**, "Foreign Ministers of Qatar, Saudi Arabia, Jordan, UAE, Egypt Support Gaza Crisis Mediation Efforts." <https://mofa.gov.qa/en/statements/foreign-ministers-of-qatar--saudi-arabia--jordan--uae--egypt-support-gaza-crisis-mediation-efforts>.
38. Atlantic Council, "Jordan, Israel, and Iran: Retaliation in Gaza." <https://www.atlanticcouncil.org/blogs/menasource/jordan-israel-iran-retaliation-gaza/>.
39. Reuters, "Egypt Rejects Any Displacement of Palestinians into Sinai, Says Sisi." <https://www.reuters.com/world/egypt-rejects-any-displacement-palestinians-into-sinai-says-sisi-2023-10-18/>.
40. Chatham House, "MENA Countries Should Lead the Way in De-escalating the Israel-Hamas War," October 2023. <https://www.chathamhouse.org/2023/10/mena-countries-should-lead-way-de-escalating-israel-hamas-war>.
41. United Nations, "UN Peacekeeping: 70 Years of Service & Sacrifice," United Nations Peacekeeping. <https://peacekeeping.un.org/en/un-peacekeeping-70-years-of-service-sacrifice>.

42. Carnegie Endowment for International Peace, "The Gaza War and the Rest of the World," November 2023. <https://carnegieendowment.org/posts/2023/11/the-gaza-war-and-the-rest-of-the-world?lang=en>.
43. Amnesty International USA, "No Weapons for War Crimes." <https://www.amnestyusa.org/blog/no-weapons-for-war-crimes/#:~:text=Given%20the%20overwhelming%20evidence%20that,of%20all%20arms%20to%20Israel>.
44. International Labour Organization (ILO), Regional Dialogue on Labour Market Impact of the Syrian Refugee Crisis in Jordan, Lebanon, Turkey, Iraq, and Egypt, ILO Regional Office for Arab States, July 28-29, 2015, <https://www.ilo.org/arabstates>.
45. UNHCR, "Our Work: Resettlement," UNHCR, <https://www.unhcr.org/neu/about/our-work-resettlement>.
46. IEMed, "Neighbouring Host Countries' Policies for Syrian Refugees: The Cases of Jordan, Lebanon, and Turkey." <https://www.iemed.org/publication/neighbouring-host-countries-policies-for-syrian-refugees-the-cases-of-jordan-lebanon-and-turkey/>.

Appendices:

1- Annex 1: Key informants

	Name	Organization	Position	Email
1	Adel Abu-Ikmeil	Action Against Hunger	WASH Program Manager	aabuikmeil@pt.acfspain.org
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4	Hamada Al Bayari	UN OCHA	Humanitarian Affairs Officer	al-bayari@un.org
5	Salah Al Din Abdul Ati	International Human Rights Support Organization	Head Manager	Salahati2@gmail.com
6	Ahmad Ashour	Tamer Institute	Office Manager	A.ashour@tamerinst.org
7	Jehad Arafat	OHCHR	Protection Cluster	Jehad.arafat@un.org
8	Ali Shaqaliah	Save the Children	Child Protection Program Manager in Gaza Office	Ali shaqaliah@savethechildren.org
9	Wasfy Abuzanoona	UNICEF	Child Protection Officer	wabuzanoona@unicef.org

2- Annex 2: Key Informative Interview Questions

This Key Informant Interview questionnaire is designed to gather insights from staff working at International and National Non-Governmental Organizations and International Organizations at both managerial and frontliner levels involved in third-party involvements during armed conflicts, particularly in the context of the war on Gaza Strip. Your responses will provide valuable information to understand the challenges and strategies in third-party involvements in conflict zones. The questionnaire will also be translated into Arabic for use by national organization staff. Thank you for your time and cooperation.

Participation in this questionnaire is entirely optional, and you may withdraw at any time if you are unable to continue for any reason.

1. Staff background and Role:

- Name:
- Email:
- Can you please describe your role within your organization and the scope of your work in Gaza Strip?

2. Operational Challenges:

- What are the primary operational challenges your organization faces when intervening in Gaza Strip during armed conflicts?
- How do logistical constraints (e.g., access, transportation, communication) impact your operations?

3. Security Challenges:

- What security risks do your staff and personnel face while operating in conflict zones like Gaza Strip?
- How do these security risks affect your ability to carry out involvements effectively?

4. Human Rights Challenges:

- Can you describe the specific human rights challenges your organization faces while intervening in the Gaza Strip?
- How do you ensure that your involvements do not inadvertently contribute to human rights violations?

5. Coordination with Local Authorities:

- What challenges do you encounter when coordinating with local authorities and other stakeholders in Gaza Strip?
- How do political dynamics and local governance impact your intervention strategies?

6. Collaboration with Other INGOs and International Organizations:

- What are the challenges of collaborating with other INGOs and international organizations working in Gaza Strip?
- How do you manage overlap and competition among different organizations?

7. Ethical Dilemmas:

- What ethical dilemmas have you encountered during your involvements in Gaza Strip?
- How does your organization address issues of neutrality and impartiality in such a polarized conflict environment?

8. Policy and Advocacy:

- What challenges do you encounter in advocating for policy changes at the local, national, or international level?
- How do political pressures and international dynamics influence your advocacy efforts?

9. Lessons Learned:

- Based on your experience, what lessons have you learned about the challenges of third-party involvements in Gaza Strip?
- What strategies have proven effective in overcoming these challenges?

10. Recommendations:

- What recommendations would you offer to other INGOs and international organizations planning to intervene in similar conflict zones?
- How can international policies better support effective and ethical involvements in conflict zones like the Gaza Strip?

Conclusion

11. Future Outlook:

- What do you see as the future challenges and opportunities for third-party involvements in Gaza Strip?

- How do you envision the role of INGOs and international organizations evolving in response to these challenges?

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