

## **THE CURRENT WAR ON GAZA: A CHALLENGE TO THE PRINCIPLE OF ‘THE RESPONSIBILITY TO PROTECT’**

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**ABSTRACT:** *The current Israel-Palestine conflict on Gaza has erupted early July to avert the rockets fired to southern Israel. The conflict has been exacerbated by the killing of three Israeli teenagers. The conflict intensified and caused the loss of the life of many civilians and destruction of huge materials. Both parties failed to protect civilians. In such circumstances, the principle of “The Responsibility to Protect” requires the international community to step in and safeguard civilians. However, the international community has not taken significant measure to halt the ongoing war on Gaza. And, still the war continues despite the fragile ceasefire agreements. This article argues that for normalization of the two countries’ relations and, thus, protection of civilians from suffer international community needs to take a timely military intervention. If UN had deployed military on the area, the current casualties would not have been happened. Thus, the inaction of international community depicts the absence of genuine application of the principle of R2P, which is merely theoretical.*

**KEYWORDS:** Current War, Gaza, Israel, Palestine, the Responsibility to Protect.

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### **INTRODUCTION**

#### **The Genesis of Israel-Palestine Conflict**

The Israel-Palestine conflict dated back to the Biblical era. Competing claim over land constituted the crux of the long lasted Israel-Palestine conflict. Israelis claimed Palestine on the basis of God’s promise to the Jewish and the fact that it was historically the land of Jewish kingdom of Israel until its devastation by the Roman Empire (Chao, 2011). Besides, they used to consider it as the only safe haven for the intense dislike for and prejudice against Jewish people. On the contrary, Palestinians invoked their continued existence in the area as a ground not to give the land and had been unwilling to provide their land as a remedy for European injustice.

Later, UN established Special Commission on Palestine (UNSCOP) to consider the issue on the ground and recommend the solution thereto. Accordingly, majority of states delegated recommended the partition of the area (G. Bard, 2012; Pressman, 2005). It was accepted by Jewish while unwelcomed event for Palestinians (*ibid*). In the 1947 UN passed a partition resolution. Immediately following the resolution battling between Arab and Jewish residents had begun. Until independence of Israel the conflict was confined between the two parties. Subsequently, by 1948, Britain evacuated from Palestine and the independent existence of state of Israel was announced. From the time of its creation the war intensified as neighbouring Arab states involved into it (Friesel, 1996; Pressman, 2005).

After the 1948 war Gaza Strip was controlled by Egypt and by 1950 West Bank annexed by Jordan (Pressman, 2005). Eventually, in the “Six Days War” Israel captured those territories

and began settlements on those areas (G. Bard, 2012; Katirai, 2001). On December 9, 1987 the first Palestinian *Intifada* (“uprising” in Arabic) began in the West Bank and Gaza, which lasted for six years (1987-1993) claiming the life of many people and wounded many others (Katirai, 2001). Palestinians resisted against their military occupation by Israel demanding for autonomous existence (UN, 2008). However, they faced a fierce reaction from the side of Israel. Since the war was between two unequally equipped forces, it resulted in serious casualties for Palestinians where 1,000 died and tens of thousands injured (UN, 2008; Stephan, 2003). Following the “Oslo channel”, on 10 September 1993, Israel and the Palestine Liberation Organization (PLO) provided each other with mutual recognition (UN, 2008; Pressman, 2005). The objective of the accord, *inter alia*, was to establish self-government authority for Palestinian people in the West Bank and Gaza Strip by stopping Israel’s administration of the area as well as withdrawing its military (UN, 2008). Since then negotiation process has continued despite occasional interruptions. By the end of 2000, violence (the second *intifada*) has anew in the occupied Palestinian territory. The second *intifada*, involving a number of gun battles, was broke out following Ariel Sharon’s visit of the Temple Mount in Jerusalem’s Old City (Pressman, 2005). This conflict has taken life and caused injury for thousands of, mostly, Palestinians (UN, 2008).

Later, as part of the continuing peace process, Israel completely withdrew all Jewish civilians from Gaza in 2005 freeing the area for Palestinian authority (*ibid*). However, in the 2006 election of Gaza Palestinians terrorist Hamas has come to power putting crippling effect on the whole peace process between the two states. Hamas never accept the existence of Israel as a state and the preceding accords as well (*ibid*). Hamas continued to strike Israel. Accordingly, it has attacked Israel in its southern and coastal areas with rockets and mortars (Zanotti 2009). After three years of such continuous attacks, Israel decided to act decisively.

Accordingly, a two years (2008-2009) decisive war arose following the Israel’s military campaign (named Operation Cast Lead) within Gaza on December 27, 2008 for the purpose of averting Hamas’s rocket attacks on southern Israel (Benoliel and Perry, 2010; Jones, 2009). In the course of the conflict, Israel killed hundreds of Palestinians in Gaza where majority of them are civilians with significant number of children (Amnesty International, 2009). Houses and properties of civilians had demolished as a result of Israel’s indiscriminate attack on Gaza. To complicate the matter, humanitarian issues had suffered as Israel destructed infrastructures (*i bid*). It employed devastative instruments against civilians disproportionately and indiscriminately, which amounts war crime (*ibid*). The international actors urged for immediate ceasefire. Subsequently, this conflict comes to an end on January 18, 2009 when both parties declared unilateral ceasefire (Benoliel and Perry, 2010). However, the hostile relations between two parties continued with the exchange of shootings, where one can mention the 2012 8-day bombing of Gaza (Editorials, 2014). Though ceasefire was brokered by Egypt in 2012, it has gone undermined, and eventually the current new wave of conflict arises to take human life and cause material destruction. Thus, this paper focuses on the current war on Gaza which erupted in early July. Literature on the current war does not take into consideration of the need for international community to take military measure (NRC, 2014). Hence, the paper emphasizes on the need for international community to avert the conflict through intervening militarily and facilitating negotiations.

### **The Current Crisis, How Was It Began?**

The latest escalation of strikes in Gaza is the new wave of Israel-Palestine conflicts. Three Israeli teenagers have been kidnapped in June 12, 2014. Israel has constantly blamed Hamas

for orchestrating the event despite the fact that its allegation was firmly denied by the Palestinian Islamist militant group. Benjamin Netanyahu, at the beginning of an emergency cabinet meeting Monday night, proclaimed that “ Hamas is responsible, and Hamas will pay” (Rudoren and Kershner, 2014). It was maintained that retaliation has started by the midnight of same day to destroy the house of Marwan Qawasmeh and Amer Abu Aisha, who were suspected for committing the crime (*ibid*). Following the disappearance of teenagers an arrest of many has been conducted while few are killed. On June 30, 2014 the bodies of kidnapped teenagers have been found buried in the West Bank after an intensive search of 18 days. Following the discovery of their body clashes have been reported in Halhul. The event, angering Israel, has led for reprisal against Hamas (*ibid*).

Israel conducted a military operation (named Operation Protective Edge) on July 7, 2014, opening a new wave of Israel-Palestinian conflict, to avert Palestinian rockets to southern Israel and dismantle the military infrastructure of Hamas and other armed groups (OCHA, 2014). Netanyahu stated that the operation was in response to 3,500 rockets fired on their towns and civilians (The Times of Israel, 2014). The event appears to obstacle the Egyptian-brokered ceasefire agreement of Israel and Hamas on November 2012. The agreement has actually been gradually undermined since December 2013 (OCHA, 2014). The operation was also exacerbated by the killing of the three teenagers.

The conflict escalates day-after-day. Israel has continued bombarding Gaza Strip decisively escalating the prevailing rocket exchanges (Rudoren and Kershner, 2014). Human catastrophe get worsened in Gaza, which is territorially confined not to escape anywhere from Israel’s attack. As NRC (2014) notes in Gaza neither safe place nor way out exists. As the war intensified, civilian and property casualties has continued to increase alarmingly in Gaza. Palestinians, on their side, never stop striking Israel despite their incomparable effect.

Egypt was brokering the 72 hours ceasefire agreement. During the truce, Israel claimed complete demilitarization of Gaza while Palestine demanded for complete lifting of blockage, which have devastated Gaza’s economy, restricted the people not to leave Gaza and not to obtain healthcare and educational services. The three days ceasefire agreement was aimed to bring long term effect on the two parties’ relations. However, the agreement ended fruitless and right after its collapse shootings have been exchanged and some Palestinians killed in Gaza City while some wounded on both sides (NBC News, 2014).

### **Effect of the War**

The latest wave of conflict commenced on early July has caused grave humanitarian catastrophe in Gaza. A number of residential houses have been demolished causing the loss of multiple family members. In the course of the strike, around 900 houses severely torn down (OCHA, 2014). And more than 1,800 Palestinians lost their life, almost 1,000 of which are civilians with significant number of children and women (The Times of Israel, 2014). Besides, 485,000 Palestinians have also displaced from their residence (NRC, 2014). Though incomparable, the casualties have not limited to Gaza. Indiscriminate attacks into southern and central Israel have been made though largely tapped by Iron Dome missile defense system. Accordingly, in Israel, from July 8 on, 3 civilians and 63 militaries have died while dozens injured (McCoy, 2014). Thus, the conflict has caused serious human suffering, predominantly, on Gaza.

Israel's attack has continued targeting institutions which it believes a cover for militants. The 20,000-student university was destroyed by an Israeli airstrike, which resulted in human and material damages. The attack was based on the allegation that there was a hidden weapon in such institution so that to destroy such weapons as well as those who are in possession of them (*ibid*). As Israel maintained, the targets were not civilian or the school. No matter the truth, the fact to be noted is this attack left enduring consequence. In this connection, it is asserted that "Wherever the true blame lies, the school's demolition highlights a potentially long-lasting side effect of the war: the destruction of Gaza's educational facilities" (*ibid*). Further, as UN announced the war has also resulted in the destruction of 138 schools which embraces 49 government schools and 89 schools run by the United Nations Relief and Works Agency (UNRWA) (*ibid*). The attack of schools which serve as a shelter for civilians, as the war intensifies, has been condemned.

The ongoing war also resulted in the damage of Gaza's power plant. Israel bombarded the Gaza's only power plant, which amounts collective punishment of Palestinians (The guardian, 2014). The bombardment of the plant exacerbates the prevailing serious problems of water supply, sewage treatment and power supplies to medical facilities in Gaza (Oxfam, 2014; OCHA, 2014). In a nutshell, war on Gaza has caused loss of life, property, and seriously destruction of social facilities.

As regards who is to be blamed for all these tragedies, though not the tenet of this paper, Israel has laid the responsibility on Hamas. Netanyahu reiterated that it is Hamas to be blamed for civilian crisis in Gaza. This was because Hamas fired rockets to Israel by operating from civilian residential areas, mosques, and schools. This has necessitated for the intensification of war on Gaza and increased the death toll of Palestinians as Israel decisively responded to defense itself. Netanyahu claimed that Hamas used civilians in Gaza to shield itself from the Israel army (The Times of Israel, 2014). Hence, Netanyahu argues "... this tragedy should be put squarely where the responsibility for it belongs. The responsibility for this tragedy belongs with Hamas. It's a deliberate strategy" (*ibid*). Notwithstanding this argument, the central tenet of the paper is not to say that it is Hamas or Netanyahu who is responsible for the calamities occurred. Rather, it is to show the catastrophes happened and the response of the international community to the turmoil.

### **The Concept and Application of "The Responsibility to Protect"**

The principle of 'The Responsibility to Protect' (R2P) is a recent development which aimed at protecting human beings from grave suffering of genocide, war crimes, crimes against humanity and ethnic cleansing. R2P was adopted by UN's World Leader's Summit in 2005, and, subsequently approved by the Security Council (Mehta, 2009). Thus, whenever the concerned state (s) commit or fail to prevent grave human suffering, international community has collective responsibility to take the action which it deems necessary. The development of this concept denotes that state sovereignty will no longer be a sacrosanct principle. Besides, it shows that international community will not be a mute observer of people's tragedy for the reason of state sovereignty.

The principle of R2P has three elements including the responsibility to prevent, the responsibility to react, and the responsibility to rebuild. For the purpose of this study R2P mean predominantly the responsibility to react. Once the misery of human beings occurred, the international community (UN) has the responsibility to respond to the situation through imposing coercive measures like sanctions and international prosecution, and in extreme cases

military intervention (ICISS, 2001). Accordingly, military intervention up on the authorization of UN is allowed in a circumstances where there is “large scale loss of life, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation” (*ibid*). Thus, in the upcoming section the issue of R2P will be examined in the light of crises happened in Gaza.

### **Where is R2P in Gaza’s Crisis?**

The latest horrific war on Gaza is described previously. Human suffering as well as material damage happened in Gaza have been explained. Such tragic war and the evil consequence thereto have been maintained by various authorities as illegitimate act. The UN Secretary General Ban Ki-moon proclaimed that an Israeli attack on a UN school in Gaza was “a moral outrage and a criminal act” (The Independent, 2014). Accordingly, it is observed that the gross violation of international law has happened. Further, Ban Ki-moon clearly portrayed the Israeli-Palestinian conflict by saying that the “cycle of suffering” has “shocked and shamed the world” indicating the need to rebuild Gaza and push both parties to negotiating table (Vale, 2014). It is also argued that “Attacks on civilians and civilian property in Gaza and Israel violate international humanitarian law and may constitute war crimes” (Global Centre for The Responsibility to Protect, 2014). The United Nations Human Rights Council’s Goldstone Commission stated that the 2009 attack of Israel on Gaza amounted to crimes against humanity (Editorials, 2014). The current attack of Israel on Gaza is equivalent to its bombardments and strikes during 2008, 2009 and 2012 (*ibid*). Hence, it is safe to say that the current war on Gaza has violated the international law by committing crime against humanity. Moreover, the UN’s top human rights official maintained the violation of international law in his accusation of both parties for committing war crimes (The Globe and Mail, 2014). The bottom line is the current war on Gaza has caused grave humanitarian catastrophe, and thereby breaching the international law. Large scale loss of life has occurred necessitating the international community to take strong response swiftly.

Both Israel and Palestine have the responsibility to protect civilians from war crime. However, they failed to do so. It was in this case that the international community needed to step in and take appropriate measures such as military intervention. However, the international community does not go beyond condemning the effect of the war and calling parties for ceasefire, while some states are still providing Israel a green light by perceiving its action as a self-defense. The UN Security Council has called for immediate and unconditional ceasefire in Gaza. In response to the UN call there was a 12 hour calm in Israeli military action on Saturday, in the absence of Hamas’s formal agreement to the ceasefire (The guardian, 2014). However, Hamas was restricted from firing rocket. Israel later extended the ceasefire by four hours to Saturday midnight, and then further extended to 24 hours until Sunday midnight (*ibid*). From Sunday morning on Israel resumed its attack on Gaza and the death toll in Gaza increased.

This shows that the measure taken by UN is not sufficient, it was necessary to intervene militarily. Had the military measure taken by UN, the record of casualties would not have been reached its current extent. Hence, the reality on the ground shows both conflicting parties as well as the international community have successfully failed to protect civilians in Gaza from grave devastation of the current conflict, thereby rendering the principle of R2P merely a theoretical tone.

## The Way Forward

To avert the ongoing war as well as the consequence thereof, it is highly recommended that the international community should take strong and fast response. In doing so, the security force should be deployed so that it will create buffer zone between the two conflicting parties and monitor the ceasefire agreements. The deployment of security force will reduce the continuation of the conflict disregarding the ceasefire agreement. Moreover, the security force will also assist in the proper delivery of humanitarian aid to the conflict-affected people in Gaza. Thus, UN should not be a bystander, rather, needs to actively involved and provide solutions to the suffered people.

## CONCLUSION

The origin of Israel-Palestine Conflict traced back to the Biblical era. Since the emergence of the state of Israel in 1948, Israel-Palestine conflict, as extension of the historical conflict, continued to intensify opening a new wave of conflict. Since then Israel and Palestine proceeded to fight over territories. Conflicts over Gaza and West Bank have occurred time and again. Though several peace processes have been attempted, they failed to bring durable peace between two states. Conflicts occurring now and then have caused loss of life and destruction of materials. The current war on Gaza is, thus, the new wave of the prevailing Israel-Palestine conflict. This conflict has caused grave humanitarian catastrophe and huge material destruction. Though the international community was expected to protect civilians from such calamity, it has not made significant effort to avert the turmoil other than calling parties for fragile ceasefire agreements. Ceasefires have failed to bring significant change in the life of civilians in Gaza. Thus, the continuing repression of civilians as well as severe destruction of materials in Gaza will not be resolved unless immediate and strong international response is made.

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