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RESEARCH ARTICLE

CASE STUDY OF ISRAEL-PALESTINE CONFLICT AND THE ABUSE OF HUMAN RIGHTS

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Abstract

Israel is an established country. And Palestine, despite being a country with rich heritage since ages, has been occupied by the Israel government who refuse to provide Palestine with the status of a sovereign nation. Israeli-Palestine conflict has led to numerous war crimes and most of the victims have always been the innocent and common people of the land. Besides territorial disputes, religious fundamentalism and persecution has also been a major factor. The state of Israel has always supported the ideology of Zionism wherein Israel supported the establishment of a Jewish state. Jews also claim that there is a large-scale antisemitism among the Arabs as well as various other communities because of which they face non-acceptance. But the conflict is not merely confined to one cause and has other grounds as well. This paper takes up the study of the conflict between the two countries and analyse the historical and political background that led to the series of events and how it led to the abuse of human rights in the region. The research further seeks to find out the role of the USA and the United Nations. USA had been the pioneer of liberalism and human rights in today's neo liberal world, but has remained silent in occasions of Israel's wrongful claims over Palestinian territories. Hence, the protection and restoration of humanitarian laws is a major field of discussion.

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Introduction:-

The conflict started long back in the 1881 when Jews started migrating to Palestine. Zionist movement came in the late 19th century. It was opposed by the Arabs because they had the fear of displacement from their homeland. However, the main conflict basically began after World War II, in 1947, when Resolution 181 or the Partition Plan was enacted by the UN with the aim of dividing the British Mandate of Palestine into Arab and Jewish states. India was a newly independent nation around that time and voted against the resolution. But, the creation of Israel was an attempt to relieve the guilt of the horrific genocide that took place in Nazi Germany. Western imperialism got released. But, with the establishment of the State of Israel on May 1948, the first Arab-Israeli War began. After Israel won the war in 1949, the region was split into three sections: the Gaza Strip, the West Bank and the State of Israel. This partition resulted in the displacement of almost 750,000 Palestinians. In the historic six days war in 1967, Israeli military occupied the West Bank and the Gaza strip. Since then, to till date military conflict between the Israeli military and Hamas killed and wounded thousands of people on both sides, especially the Arabs and damaged both military and civilian infrastructure, including homes, offices, hospitals and facilities for therefugees. The conflict resulted in the displacement of more than 72,000 Palestinians.

Political Background of The Conflict:-

This problem basically didn't arise just because the Arabs disagreed with the two-state system. Though Israel agreed to the partition, but it is a questionable matter about the extent to which Israeli leaders accepted the Palestinians as their fellow citizens. Religious extremism had also risen as a major factor. Not only regional disputes, mass ethnic cleansing is also said to be a goal of Israel, that seeks the expulsion of ethnic minorities, Muslims in particular, by force. Though the actions of Hamas cannot also be justified; but what is necessary is to understand the root cause of this conflict. Because, the conflict that is happening today is not completely a battle for supremacy, rather it is the angry outburst against Israel's seven and a half decades of colonial rule over Palestine. Israel, on the other hand, believes there is large scale antisemitism among the Arabs. Antisemitism exists in many parts of the world specially the South Asia and middle east. It is believed that antisemitism was manifested from the fact that there has been a denial of the holocaust and its memories. There is a belief that Zionists managed to justify their existence and get international support for the creation of Israel only by highlighting the incident of holocaust. Therefore, when the Arabs believe that Israel has been Islamophobic the entire time; the Jews believe that the Arabs portray hatred towards the Jews and are reluctant to accept them.

The recent attack took place on 7 October, 2023 towards Israel from Gaza by the Hamas. Almost 1,400 Israeli soldiers died fighting within a day. Also, some common people were captivated. The real reason behind this was to negotiate for the release of Hamas members held hostage in the prisons of Israel. And as expected, Israel also launched counter-attack on the Hamas. But, in this case, it led to the death of mainly those who are the common people of the land. Thereafter, the scope of Israel's counter-attack has seemingly increased day by day. In almost a month, more than 6000 common people of Gaza had been killed as a result of Israeli bombing. When US President Joe Biden arrived at Tel Aviv, a deadly explosion at a Gaza hospital, made the Arab leaders to cancel their meeting with Biden. Therefore, counter attack might not seem to be a solution to this as Hamas has a bigger goal. Not only in Gaza, but the West Bank also saw the killings of hundreds of Arab residents by the Israelis.

US Policy Towards Israel And Role Of UN For Restoration Of Human Rights:-

The USA And the UN plays a major role in the conflict. In the United Nations, Palestine is only allowed to attend sessions without the right to vote. Hence, Palestine's long experiences with injustice is believed to be inflicted by the United Nations itself. The United States has been Israel's supporting power. USA provides Israel with massive military and other aids and Israel, today, has made enormous progress in all aspects in the West Asian region. In an article, Amal Kumar Mukhopadhyay writes," The United States, Britain and European union have supported Israel. Now, this a very dangerous situation as, if the war is not stopped immediately, then at some point it might lead to World War III. Because, a day might come when Russia and China will stand by Hamas and then the consequences will be unimaginable". Though another world war is not inevitable, the possibilities cannot be completely denied either. The UN continues to be a silent spectator, wherein, it was born with the promise of eradicating wars. United Nations has a Global Counter-Terrorism Strategy that emphasis the significance of human rights. According to the Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly on December 10, 1948, everyone has the right to a nationality. However, this right was qualified by the addition that "no one shall be arbitrarily deprived of his nationality or denied the right to change his nationality" (Article 15). But the Security Council is said to be dominated by the Western powers and hence, UN actually has no choice but to remain silent. Now, as the western countries consider Hamas as a terrorist group, they consider counter-terrorism as the most important duty. But as Hamas have always fought for the liberation of Palestine, they are basically just freedom fighters for them. Israel is seen to have used death penalty repeatedly as a deterrent for terrorism or like activities. But in this effort to counter terrorism, violation of the right to life took form. Therefore, when the western countries are taking the side of Israel, the third world countries are often expected to take the side of Palestine, because they are believed to understand the terrible nature of colonialism.

Historically, the American Foreign Policy has given large emphasis to human rights. With the first Palestinian uprising in the West Bank and Gaza in 1987, the topic of human rights violations in the Israel-Palestine conflict acquired international attention. The human rights philosophy was regarded as "exceptionalism triumphant" during the Reagan years. The administration felt that there was no need for international norms because the US already had enough civil and political rights to serve as an example to others. Reagan's administration, however, was the most pro-Israeli of all; this was due to both its profound strategic significance to US policy toward the Soviet Union in the Middle East and its biblical conception of Israel. George H. W. Bush assumed office in 1989. The goal of the Bush administration was to resolve the Arab-Israeli conflict instead of denouncing Israel for violating human rights while it persisted in doing so. In actuality, Israel received unwavering and unquestioning diplomatic, military, and

economic support from the US Congress. The administration of Barack Obama challenged the Middle Eastern leaders to step up and play a more active role since he felt that the US could not force peace. The US's reputation as a distorted middleman advancing Israel's interests was ultimately strengthened as a result of Obama's team's attempts to accommodate Israel, which only served to alienate Palestinian leaders. After Obama, Donald Trump led the next government and pursued strong pro-Israel foreign policy in the Middle East. The current administration under Joe Biden holds up democratic values. But, since October 7, 2023, the Biden government has provided military support and diplomatic backing to Israel and has expressed its concern towards the humanitarian crisis in Palestine, while defending Israel. Beyond broadly noting his concern for Israeli and Palestinian civilian life, Biden has criticized only Hamas' conduct.

Human Rights Violation in The Conflict:-

There has been struggle against all forms of oppression including sociocultural, economic and political and recognition of human rights have been the most significant part of human history. According to the definition of United Nations, "Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more." The human rights movement in Israel began in 1968 when Felicia Langer, a Jewish lawyer, began working in military courts as a way to resist the military occupation. She attracted the attention of other lawyers and activists, and as a result, a sizable legal apparatus was established with the goal of investigating the crimes committed against Palestinian inhabitants in Israel-occupied territory. Palestinian activists and attorneys took legal action to address the human rights infractions and the early human rights groups were initially viewed from a legalistic standpoint. In order to address human rights violations, Palestinian activists and attorneys pursued legal action, and the first human rights groups that were established had a juridical outlook from the first. Documents and widely disseminated literature detailing the Israeli authorities' ruthless disregard for international law within the occupied territories started to appear. Numerous groups devoted their efforts to this collecting and analysis of data, which mostly dealt with statistics regarding the quantitative and qualitative aspects of human rights violations. The world was made aware of the horrors occurring in Palestine and thanks to this technique, which increased accountability and transparency.

When it comes to human rights, anyone who curbs others' rights is a criminal, no matter where they belong to. In this context, both sides killed people indiscriminately, most of whom were unarmed, innocent and poor people. Common people were deprived of their basic needs. Palestinian Legislative Council election was held last in 2006 and amidst popular discontent, President Mahmoud Abbas continued to rule by decree. Arbitrary rule has also been a major violation of human rights as it included arbitrary detention of more than 200 Palestinians. Authorities in Gaza and West Bank restricted Freedom of Expression and Assembly. Peaceful gathering and associations were also forcefully dispersed. Furthermore, civic societies in Palestine that fight for citizens' rights have been called "terrorist" groups. In addition, demonstrators against the illegal military occupation faced arbitrary arrests and imprisonment. Colonisation, confiscations, house demolitions and forced displacement were illegal under the Fourth Geneva Convention. Deprivation of the right to self-determination, extrajudicial killings, incursions and attacks, forced eviction and displacement of many Palestinian families, restrictions on freedom of movement and assembly and illegal settlements were some of glaring manifestations of human rights violations of the Palestinian people. Women and children have always been the worst sufferers in the case of war and refugee situations. Reports of sexual violence and abuse have come from refugee shelters. Israel and its army continued to assault the reproductive rights of the women in Palestine through forceful impregnation and abortion, lack of healthcare services for pregnant women and new born resulting in degrading health conditions and increasing maternal mortality rate during or after childbirth. All these qualify as violation of right to life under various articles of CEDAW and International Covenant on Civil and Political Rights. There has been alarming rise in the torture and abuse of children in the Gaza strip and West Bank. A large number of children have been deprived of basic necessities of food, water etc. The Al Mezan Centre for Human Rights indicates that Israeli military uses such harmful ways of force that several children were shot and killed and many more were wounded. Many children were reported missing according to official statistics. Education and schooling have been a distant dream for many. On the other hand, according to Israeli officials, the attack on October 7th was the deadliest. Members of Palestinian armed groups killed about 1,200 Israelis and foreign nationals in Israel, including women, children, and senior citizens. The Israeli Ministry of Health reports that at least 5,400 persons were injured. According to media estimates, 242 Israelis, including women, children, senior citizens, foreign nationals, and Israeli military, were kidnapped and are being held captive in Gaza. Israel responded with air strikes and the Gaza Ministry of Health reported that between October 8 and November 5, 2023, at least 9,488 Palestinians—including 2,430 women and

3,900 children—were killed and 24,173 were injured. In Gaza, another 2,000 people are reportedly missing. The United Nations Office for the Coordination of Humanitarian Affairs identified a financial requirement of approximately US\$1.2 billion to meet critical needs for 2.7 million people across the Occupied Palestinian Territories (OPT), the 2.2 million population of the Gaza Strip and 500,000 from the West Bank, including East Jerusalem till December, 2023.

Conclusion:-

Human rights are “the rights that one has simply because one is a human being, and are held equally and inalienable by all human beings. They are social and political guarantees necessary to protect individuals from the standard threats to human dignity posed by the modern state and modern markets.” The international human rights protection mechanism, though, were framed to design the limitation of statepower, in reality, however, they projected a much market-oriented domain of human rights. The neoliberal world order is strongly violent towards human rights as it places it in a sphere which comprises its domain of subjugation as well. It is characterized by free markets and trade, the absence of economic regulation, strong individual property rights and seeks to reduce the role of the state on which human rights depend for protection. The human security perspective may be seen as a quasi-realist substitute for the Neo-liberal internationalist perspective on human rights incorporated in the international human rights regime. States are not independent bodies, they are heavily influenced by elites, private corporations and interest groups. Human rights are designed to protect individuals from state elites who undermine citizens’ interest deliberately for their own benefit. Therefore, as mankind enters a new era of globalization in the twenty-first century, it is crucial that this stain on the planet is removed. Both Israel and Palestine should arrive at a compromise to end military disputes. Though neither side appears to believe the other, but when both sides will be able to create confidence in the reliability of the other side, peace will come. And in this neo-liberal world, giving sovereignty to a colonised state would be undoubtedly the most humane and just thing to do.

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