



Sonargaon University (SU)

Research Monograph

On

**“The Effectiveness of International Law in Resolving Protracted
Conflicts: Lessons from the Israel–Palestine Case”**

**This submitted for the partial fulfillment of the award
of the degree in LL.M. (1 year).
Sonargaon University (SU), Dhaka.**

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Dedication

Dedicated to my parent's

Letter of Transmittal

To

Muhammad Ali

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Subject: Submission of Thesis Paper.

Dear Sir,

This is a great pleasure to submit the Research Monograph on “**The Effectiveness of International Law in Resolving Protracted Conflicts: Lessons from the Israel–Palestine Case.**” as a partial requirement for the fulfillment of my LL.M. (1 year) course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather, it will be a source of information for other purpose on this topic.

Yours sincerely

.....

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Certification

This to certify that the thesis on “**The Effectiveness of International Law in Resolving Protracted Conflicts: Lessons from the Israel–Palestine Case**” is done by Salman Khandaker in the partial fulfillment of the requirement for the degree of LL.M.(Final) from Sonargaon University of Bangladesh.

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Declaration

I am Salman Khandaker, hereby declare that the thesis title “**The Effectiveness of International Law in Resolving Protracted Conflicts: Lessons from the Israel–Palestine Case**” submitted in fulfillment of the requirements for the degree of Masters of Law Department of Law and Faculty of Arts & Humanities, Sonargaon University, embodies the results of my own research work pursued under the supervision of **Mr., Muhammad Ali**, lecturer, Department of Law, Sonargaon University.

I further declare that the work reported in this thesis is original and free from plagiarism and it has not been submitted earlier partly or wholly to any other university or institution for any degree.

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Acknowledgement

“In the name of Allah, the Beneficent, the Merciful.” Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on **“The Effectiveness of International Law in Resolving Protracted Conflicts: Lessons from the Israel–Palestine Case.”**

I acknowledge my grateful to respected course teacher **Muhammad Ali** for instructing me how to prepare a Research Monograph and on this subjects he helped me to complete my task sincerely.

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Abstract

The Israeli–Palestinian conflict is a protracted and contentious issue in contemporary global politics. This paper analyses the conflict’s developments within the framework of international law. The paper delves into the complex legal elements underlying the war by scrutinizing various legal instruments, historical occurrences, and evolving geopolitical considerations. The research opens by examining the historical origins of the war, tracing it back to the early 20th century and the establishment of the state of Israel in 1948. The examination delves into crucial international legal texts such as the Belfour Declaration, the United Nations Partition Plan, and subsequent resolutions to investigate their importance and relevance in the context of this enduring conflict. The study explores the impact of international organizations, specifically the United Nations, on shaping the legal structure of the Israeli–Palestinian conflict. Significant legal issues such as the legality of Jerusalem, the rights of Palestinian refugees, and the legitimacy of Israeli settlements are thoroughly examined within the context of international law. This paper analyses how human rights laws, humanitarian law, and the concept of self – self determination might help to address the long-standing human suffering and rights violations that have characterized the conflict. The work explores the challenges of applying legal principles in the Israeli-Palestinian context and the role of international courts in dealing with reported violations. Throughout the conflict international conflict, international law continues to evolve, and diplomatic efforts to resolve the dispute adapt to changing conditions. The paper offers a comprehensive and nuanced perspective on the Israeli-Palestinian conflict, emphasizing the substantial impact of international law on its past, present, and future progress. Emphasizing the need of possessing a well informed and comprehensive understanding of the legal components is vital in achieving a peaceful and equitable resolution to this persistent issue.

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Chapter One

Introduction

1.1 Background of the Study

Protracted conflicts remain one of the most persistent challenges to the contemporary international legal order. Despite the development of comprehensive legal frameworks designed to prevent armed conflict, regulate the conduct of hostilities, and facilitate peaceful dispute resolution, numerous conflicts continue for decades without meaningful resolution. The Israel–Palestine conflict stands as a paradigmatic example of such a prolonged and deeply entrenched dispute.

International law, particularly since the establishment of the United Nations in 1945, has sought to promote international peace and security through binding legal norms and institutional mechanisms. These include the prohibition on the use of force, the principle of self-determination, international humanitarian law governing armed conflicts, and international human rights law protecting civilians. In theory, these norms provide a robust legal basis for resolving conflicts and addressing their humanitarian consequences.¹

However, the continued persistence of the Israel–Palestine conflict raises serious questions regarding the practical effectiveness of international law. Despite numerous United Nations resolutions, advisory opinions of international courts, and widespread international consensus on core legal principles, the conflict remains unresolved. This disconnect between legal norms and political reality forms the central concern of this study.

1.2 Statement of the Research Problem

The primary research problem addressed in this thesis is the apparent inability of international law to bring about a durable resolution to the Israel–Palestine conflict, despite its extensive legal regulation. While international law has clearly articulated rules concerning occupation, territorial acquisition, self-determination, and the protection of civilians, these rules have not translated into effective conflict resolution.

This raises broader concerns about the role of international law in protracted conflicts more generally. If international law is unable to meaningfully influence one of the most legally scrutinized conflicts in modern history, its capacity to resolve similar conflicts elsewhere may also be questioned. The problem, therefore, lies not in the absence of legal norms, but in their implementation, enforcement, and interaction with political power.

¹ Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 55–60.

1.3 Objectives of the Study

This thesis seeks to achieve the following objectives:

To examine the theoretical role of international law in resolving protracted conflicts.

To analyze how international legal norms have been applied to the Israel–Palestine conflict.

To assess the effectiveness of international law in contributing to conflict resolution in this case.

To identify structural, political, and legal factors that limit the effectiveness of international law.

To draw lessons from the Israel–Palestine case for improving the role of international law in future protracted conflicts.

1.4 Research Questions

In order to fulfil these objectives, the study addresses the following research questions:

How has international law been applied to the Israel–Palestine conflict?

To what extent has international law been effective in resolving or mitigating the conflict?

What factors undermine the enforcement and effectiveness of international legal norms in protracted conflicts?

What lessons can be drawn from the Israel–Palestine case for the future development of international law?

1.5 Significance of the Study

The significance of this study lies in its contribution to both academic scholarship and practical policy debates. From an academic perspective, the thesis contributes to the literature on international law and conflict resolution by critically evaluating the gap between legal norms and political realities. It challenges the assumption that the existence of legal rules necessarily leads to compliance and peace.

From a practical standpoint, the study is relevant for policymakers, international organizations, and legal practitioners engaged in conflict resolution and peace building. By identifying the limitations of international law in the Israel–Palestine context, the thesis offers insights into how international legal mechanisms might be strengthened or reformed to better address long-standing conflicts.

1.6 Scope and Limitations of the Study

This study focuses primarily on public international law as it applies to the Israel–Palestine conflict. Particular attention is given to international humanitarian law, international human rights law, United Nations resolutions, and the jurisprudence of international courts.²

The study does not attempt to provide a comprehensive political or historical account of the conflict, except where necessary to contextualize legal analysis. Additionally, while the thesis critically evaluates the effectiveness of international law, it does not claim that international law alone can resolve deeply political conflicts. The analysis is therefore limited by the recognition that law operates within a broader political framework.

1.7 Research Methodology

This thesis adopts a qualitative and doctrinal research methodology. Primary sources include international treaties, United Nations resolutions, advisory opinions and judgments of international courts, and official legal documents. Secondary sources consist of academic books, peer-reviewed journal articles, and reports by international organizations.

The research employs a critical analytical approach, assessing not only the content of legal norms but also their practical implementation and enforcement. Comparative references to other protracted conflicts are used where relevant to draw broader conclusions about the effectiveness of international law.

1.8 Structure of the Thesis

This thesis is structured into seven chapters. Chapter One introduces the research background, objectives, methodology, and significance of the study. Chapter Two examines the theoretical relationship between international law and protracted conflicts. Chapter Three provides a historical overview of the Israel–Palestine conflict. Chapter Four analyses the application of international law to the conflict. Chapter Five critically assesses the effectiveness of international law in this context. Chapter Six draws comparative lessons and broader implications. Finally, Chapter Seven presents the conclusions and recommendations of the study.

² United Nations Charter (adopted 26 June 1945, entered into force 24 October 1945).

Chapter Two

International Law and Protracted Conflicts

2.1 Concept and Evolution of International Law

International law may be defined as the body of rules, principles, and norms that regulate the conduct of states and other international actors in their relations with one another. Traditionally, international law was largely concerned with issues of sovereignty, diplomacy, and the regulation of war between states. However, following the devastation of the two World Wars, international law underwent significant expansion in both scope and ambition.³ The establishment of the United Nations in 1945 marked a fundamental shift in the international legal order. The UN Charter introduced collective security mechanisms and enshrined core principles such as the prohibition of the use of force, the peaceful settlement of disputes, and respect for human rights.⁴ These principles aimed not only to regulate conflicts but also to prevent them and promote long-term peace.

Over time, international law has expanded to include specialized regimes such as international humanitarian law (IHL), international human rights law (IHRL), international criminal law, and international dispute settlement mechanisms. Together, these frameworks are intended to address both the causes and consequences of armed conflicts. Nevertheless, the increasing complexity of modern conflicts has exposed limitations in the ability of international law to achieve its objectives.

2.2 Defining Protracted Conflicts

Protracted conflicts are characterized by their extended duration, recurring cycles of violence, and resistance to resolution through traditional diplomatic or military means. Such conflicts often involve deeply rooted political, territorial, ethnic, or religious disputes, as well as significant power asymmetries between the parties involved.⁵

Unlike conventional interstate wars, protracted conflicts frequently blur the distinction between peace and war. Periods of active hostilities are often followed by fragile ceasefires, negotiations, or unilateral measures that fail to address underlying grievances. As a result, these conflicts persist over decades, becoming entrenched in regional and international politics.

From a legal perspective, protracted conflicts pose unique challenges. International law is largely designed around clear temporal distinctions between peace and armed conflict, as

³ Malcolm N Shaw, *International Law* (9th edn, CUP 2021) 1–6.

⁴ United Nations Charter arts 1(1), 2(3), 2(4).

⁵ Edward Newman, 'The Persistence of Protracted Conflict' (2006) 4 *Security Dialogue* 65.

well as identifiable parties and legal statuses. In prolonged situations of occupation or low-intensity violence, the application and enforcement of legal norms become increasingly contested and politically sensitive.

2.3 International Humanitarian Law and Human Rights Law

International humanitarian law constitutes one of the primary legal regimes applicable to armed conflicts. Rooted in the Geneva Conventions of 1949 and their Additional Protocols, IHL seeks to limit the means and methods of warfare and to protect civilians and other non-combatants.⁶ It applies irrespective of the legality of the conflict and binds all parties involved.

In protracted conflicts, IHL often operates alongside international human rights law. While IHL governs conduct during armed conflict, IHRL continues to apply at all times, including during occupation and internal disturbances. The relationship between these two bodies of law has been the subject of extensive legal debate, particularly in long-term conflicts where emergency measures become permanent.⁷

The concurrent application of IHL and IHRL provides a comprehensive legal framework for the protection of individuals. However, the effectiveness of this framework depends on compliance and enforcement, which remain significant challenges in protracted conflicts.

2.4 Role of International Law in Conflict Resolution

International law contributes to conflict resolution in several important ways. First, it establishes normative standards that define acceptable behavior and prohibit actions such as aggression, territorial acquisition by force, and collective punishment. Second, it provides mechanisms for peaceful dispute settlement, including negotiation, mediation, arbitration, and adjudication before international courts.⁸

Third, international law supports accountability through international criminal justice mechanisms, which aim to deter violations by holding individuals responsible for serious international crimes. In theory, these mechanisms contribute to long-term peace by promoting justice and reconciliation.

However, the role of international law in conflict resolution is often indirect. Rather than resolving conflicts on its own, international law functions as a framework within which political and diplomatic processes operate. Its effectiveness therefore depends on the willingness of states and international institutions to respect and enforce legal norms.

⁶ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949).

⁷ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Rep 136 [106].

⁸ Charter of the United Nations art 33.

2.5 Structural and Institutional Limitations of International Law

Despite its normative strength, international law suffers from several structural limitations that undermine its effectiveness in protracted conflicts. One of the most significant limitations is the lack of centralized enforcement mechanisms. Unlike domestic legal systems, international law relies heavily on state consent and voluntary compliance.⁹

Moreover, international institutions such as the United Nations Security Council are deeply influenced by political considerations. The veto power of permanent members often prevents decisive action in situations where powerful states have strategic interests. This politicization weakens the credibility and authority of international law. Power asymmetry also plays a critical role. In many protracted conflicts, stronger parties are better positioned to resist legal pressure, while weaker parties rely heavily on international legal norms for protection. This imbalance often results in selective compliance and uneven application of the law.

2.6 International Law and the Gap Between Norms and Reality

The challenges discussed above contribute to a persistent gap between international legal norms and their implementation in practice. While international law provides clear rules governing conflict and occupation, these rules are frequently violated without effective consequences.¹⁰ This gap is particularly evident in protracted conflicts, where repeated violations become normalized and enforcement fatigue sets in within the international community. Over time, legal processes risk becoming symbolic rather than transformative.

Nevertheless, it would be inaccurate to dismiss international law as irrelevant. Even when enforcement is weak, legal norms shape international discourse, influence diplomatic negotiations, and provide a basis for accountability efforts. The challenge lies in strengthening the link between law and practice.

2.7 Relevance to the Israel–Palestine Conflict

The theoretical issues discussed in this chapter are directly relevant to the Israel–Palestine conflict. The prolonged nature of the conflict, the application of occupation law over decades, and the involvement of powerful international actors make it an ideal case study for assessing the effectiveness of international law. The following chapters build on this theoretical framework to examine how international law has been applied in the Israel–Palestine context and whether it has contributed to meaningful conflict resolution.

⁹ Antonio Cassese, *International Law* (2nd edn, OUP 2005) 9–11.

¹⁰ Martti Koskeniemi, *From Apology to Utopia* (CUP 2005) 600–605.

Chapter Three

Historical Background of the Israel–Palestine Conflict

3.1 Origins of the Conflict

The Israel–Palestine conflict has its roots in the late nineteenth and early twentieth centuries, shaped by the decline of the Ottoman Empire, the rise of nationalist movements, and increasing international involvement in the region. During the late Ottoman period, Palestine was inhabited predominantly by Arab communities, alongside smaller Jewish populations. However, the emergence of political Zionism in Europe, which sought the establishment of a Jewish homeland in Palestine, significantly altered the demographic and political landscape.¹¹ Competing claims to the same territory gradually intensified tensions between Jewish and Arab communities. These early disputes laid the foundation for a conflict that would later become internationalized and deeply entrenched.

3.2 The British Mandate and the Role of the United Nations

Following the First World War, Palestine came under British administration through the League of Nations Mandate system. The Balfour Declaration of 1917, in which Britain expressed support for the establishment of a “national home for the Jewish people” in Palestine, further complicated relations between the communities.¹² The Mandate period witnessed increasing violence, political unrest, and failed attempts at power-sharing.

As Britain prepared to withdraw, the issue of Palestine was referred to the United Nations. In 1947, the UN General Assembly adopted Resolution 181, proposing the partition of Palestine into separate Jewish and Arab states, with Jerusalem under international administration.¹³ While Jewish leaders accepted the plan, Arab leaders rejected it, arguing that it violated the principle of self-determination.

The failure of the partition plan marked a critical turning point, transforming a communal conflict into a full-scale international dispute.

3.3 The 1948 War and Its Aftermath

In May 1948, the State of Israel declared independence, triggering armed conflict with neighboring Arab states. The ensuing war resulted in Israel gaining control over a larger territory than that allocated under the UN partition plan. For Palestinians, the war led to mass displacement and the creation of a refugee population that remains unresolved to this day.¹⁴

¹¹ Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Beacon Press 2006) 32–40.

¹² Balfour Declaration (1917).

¹³ UNGA Res 181 (II) (29 November 1947).

¹⁴ Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld 2006) 47–60.

From a legal perspective, the aftermath of the 1948 war raised significant issues concerning refugees, statehood, and territorial sovereignty. United Nations General Assembly Resolution 194 affirmed the right of Palestinian refugees to return or receive compensation, but its implementation has remained contested.¹⁵

The absence of a Palestinian state following the war entrenched a fundamental imbalance that continues to shape the conflict and its legal dimensions.

3.4 The 1967 War and Occupation

The Six-Day War of 1967 marked another decisive moment in the conflict. Israel captured the West Bank, Gaza Strip, East Jerusalem, the Golan Heights, and the Sinai Peninsula. As a result, Israel became an occupying power over territories with a significant Palestinian population.

The legal status of these territories has been governed primarily by international humanitarian law, particularly the law of belligerent occupation. United Nations Security Council Resolution 242 emphasized the inadmissibility of the acquisition of territory by force and called for withdrawal from occupied territories.¹⁶ Despite this, the occupation has continued for decades, raising serious legal and humanitarian concerns.

The prolonged nature of the occupation transformed the conflict into a paradigmatic example of a protracted conflict under international law.

3.5 The Oslo Accords and the Peace Process

In the early 1990s, renewed efforts at conflict resolution culminated in the Oslo Accords, which established a framework for limited Palestinian self-governance and envisaged a negotiated final settlement. The creation of the Palestinian Authority was intended as a transitional step toward statehood.¹⁷

While the Oslo process generated initial optimism, it failed to resolve core issues such as borders, refugees, settlements, and Jerusalem. The absence of clear enforcement mechanisms and continued unilateral actions undermined trust between the parties. From a legal standpoint, Oslo did not end the occupation but rather restructured its administration.

The collapse of the peace process reinforced scepticism regarding the capacity of negotiated agreements, even when supported by international law, to resolve deeply entrenched conflicts.

¹⁵ UNGA Res 194 (III) (11 December 1948).

¹⁶ UNSC Res 242 (22 November 1967).

¹⁷ Declaration of Principles on Interim Self-Government Arrangements (Oslo Accords) (1993).

Following World War I, Palestine came under British mandate after the collapse of the Ottoman Empire, and plans were made to fulfill promises to Jewish communities for a homeland. This led to policies encouraging Jewish immigration to the region, which intensified following the Holocaust in Europe during World War II, where millions of Jews were killed, and many survivors were left displaced. This growing Jewish presence in Palestine created significant unrest among the Arab population, who saw these new settlers as an imposition on their land (Lewis, 2021, s. 453-455).

In 1947, the UN proposed a partition plan to address the growing tensions, suggesting the land be divided into a Jewish state, an Arab state, and an internationally governed zone for Jerusalem. However, while the Jewish leadership accepted this plan, Arab leaders rejected it, viewing it as an unjust division.

On May 14, 1948, Israel declared its independence within the borders assigned by the UN, which led to immediate armed conflict as neighboring Arab nations—Egypt, Jordan, Syria, and Lebanon—mobilized forces to oppose the new state. The U.S. recognized Israel on May 14, followed by the Soviet Union the next day. The involvement of these superpowers added complexity to the conflict. The U.S. and Britain enforced a naval blockade to prevent supplies from reaching the Arab forces, while the Soviet Union supported Israel with air shipments of arms from Czechoslovakia. These factors allowed Israel, with its relatively small but well-organized 75,000-strong army, to gain a decisive advantage over the combined Arab forces. After a year of fighting, the Israeli forces had expanded beyond the territory initially assigned by the UN, while the Arab states suffered a significant defeat. The 1948 war resulted in the displacement of over 500,000 Palestinian Arabs, who became refugees either within the remaining Arab territories or in neighboring countries. This displacement created a major humanitarian crisis that remains unresolved. The Arab defeat also led to political shifts in the region, most notably in Egypt, where King Farouk was overthrown by Abdel Nasser in 1952, signaling the start of a new era of pan-Arab nationalism and further regional conflicts (Armaoğlu, 2012: 589-594). To this day, conflicts in this region and Israel's unlawful expansion into Palestinian territories have continued.

On October 7, 2023, Hamas launched a comprehensive attack called 'Al-Aqsa Flood' in response to Israel's attacks on Al-Aqsa Mosque and the sacred values of the Palestinians, as well as Israel's human rights violations in the occupied Palestinian territories. It was named Al-Aqsa Flood to symbolize the influx of people trying to overcome the barrier as a result of Israel's ill-treatment of Muslims at the Al-Aqsa Mosque in Jerusalem (Nournews, 2024). Israel declared a state of war on the same day, launched an intense air attack on the Gaza

Strip, and subsequently occupied Gaza. Western countries, especially the USA, not only ignored Israel's bombings on the Gaza Strip and the destruction of civilians, infrastructure, buildings, and even hospitals but also supported them with their actions and rhetoric. The Washington administration dispatched the battleship group USS Gerald R. Ford to the region to support Israel on October 8, then the US declared (Euronews, 2024).

UN Secretary-General António Guterres, drawing attention to the unprecedented level of civilian casualties and catastrophic humanitarian conditions in Gaza at Headquarters on January 15, 2024, stated that it is imperative to establish basic conditions to facilitate the delivery of safe and fully comprehensive aid to civilians. Although he emphasized that only a ceasefire can prevent the escalation of the crisis, and that many meetings have been held in the Security Council to date, no concrete steps have been taken regarding short-term ceasefires. According to the Gaza Ministry of Health, more than 23,700 Palestinians were killed, including over 10,000 children, and nearly 60,000 were injured. 1.9 million Gazans, or 85 percent of Gaza's population, have been displaced (some more than once). The conflict also claimed the lives of 152 UN personnel, constituting the largest loss of life in UN history to date (Guterres, 2024). On February 22, 2024, Tor Wennesland, Special Coordinator for the Middle East Peace Process, stated that his investigations in Gaza revealed the scale of the tragedy unfolding there. He reported that ongoing intense air attacks had left over 2 million people struggling to access food, facing rising infectious diseases, and with 84% of health and education facilities damaged. He also took attention that all of the roads were damaged or destroyed, and energy lines of 62% were unusable (United Nations, 2024a).

The UN Security Council has failed in all four of its previous attempts to take decisions on the Gaza crisis; At the session on March 22, 2024, permanent members China and Russia vetoed a US-led proposal. The USA, which had vetoed the previous three Council texts, abstained and allowed there solution to be passed on March 26, as a result of intense pressure among the Councilmembers. The Resolution 2728 (2024), adopted by 14 votes in favor and one abstention (US), called for an immediate ceasefire for the remainder of Ramadan, respected by all parties and 'leading to a permanent, sustainable ceasefire.' (United Nations Türkiye, 2024).

3.6 Recent Developments

In the years following Oslo, the conflict has been marked by recurring violence, stalled negotiations, and increasing international involvement. Legal debates have intensified around issues such as settlement expansion, use of force, and the status of Jerusalem. International

bodies, including the International Court of Justice and the International Criminal Court, have increasingly been called upon to address aspects of the conflict.

Despite these developments, the core issues remain unresolved, highlighting the limitations of international legal mechanisms when confronted with prolonged political deadlock and power asymmetry.

Since 1945, the Palestinian-Israeli conflict has led to numerous changes in the Charter system. Some of these changes will be discussed below. Simultaneously, the disagreement has also revealed the inherent constraints of the organization's capacity to advance a peaceful resolution of such a deeply entrenched conflict. The Palestinian-Israeli conflict had a significant role in establishing the legal authority of the United Nations, particularly through the International Court of Justice's 1949 advisory decision on Reparations for Injuries. Furthermore, 55 years after the conflict, the Court's 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory ('Wall opinion') has enhanced the authority of the General Assembly in relation to the Security Council. In other words, it has greatly reduced the restrictive impact of Articles 11 and 12 of the UN Charter. In addition, the Wall opinion has also reaffirmed, if necessary, the conformity with the Charter of the Uniting for Peace-Resolution.¹⁸ Although the General Assembly has often utilised the Uniting-for-Peace mechanism in relation to the Palestinian-Israeli conflict, it appears that the Security Council, as the primary entity responsible for upholding global peace and security under Article 24 of the UN Charter, holds the potential to make a substantial contribution towards a peaceful resolution of the conflict. Overall, it appears that the challenges brought about by the conflict in the Middle East have greatly aided in comprehending and interpreting the Charter as a dynamic and evolving document. Additionally, they have contributed to restoring and adjusting the balance between the organization's two primary political entities, thereby enhancing their capacity to tackle certain issues related to the conflict and international conflicts in general. In addition, the decolonization process in Africa played a significant role in the recognition of national liberation movements as subjects of international law. However, it was the Palestinian Liberation Organisation (PLO) that gained the most prominence and the highest level of international legal status over time. This recognition was achieved through the General Assembly's approach to the legal position of the PLO and later Palestine, as represented by the PLO, within the organisation. It is important to note that this progress resulted in the PLO

¹⁸ Zimmermann A, "The Palestinian-Israeli Conflict: Developing International Law Without Solving the Conflict" (2015) 53 *Archiv des Völkerrechts* 149 <https://www.jstor.org/stable/43954110>

being the party to finalise the Oslo Agreements with Israel. These agreements were intended to establish a temporary interim arrangement and pave the way for resolving the entire conflict, as well as establishing the Palestinian Authority. Regarding the legality of the Charter, the Palestinian-Israeli conflict has resulted in a substantial number of vetoes in the Security Council by one of its permanent members, namely the United States. This has been predominantly negative in nature. This serves as evidence of the ongoing significance of the constraints inherent in the voting mechanism outlined in Article 27, paragraph 3 of the UN Charter (and effectively solidified by virtue of Article 108 and 109, paragraph 2 of the UN Charter). To a significant extent, this has resulted in the Security Council being circumvented in its role of contributing to a potential resolution of the conflict. Notably, resolutions 242 (1967) and 1515 (2003) are exceptions to this trend. However, even in those cases where the Security Council did take action, this often occurred with deliberate ambiguity or vagueness.¹⁹ This holds true, for instance, when examining the well-known dispute on the precise scope of Israel's duty to withdraw "from territories that were occupied during the recent conflict" as stipulated in resolution 242 (1967).

However, it is commendable that certain members of the Security Council, particularly France, now appear to be taking their responsibility, as well as the responsibility of the Security Council as a whole, more seriously under Article 24 of the UN Charter. This is evident in their consideration of a new endeavour by the international community to bring the conflict closer to a peaceful resolution. Despite Israel's opposition to these efforts, they should not be disregarded.

3.7 Legal Relevance of the Historical Context

Understanding the historical development of the Israel–Palestine conflict is essential for analysing the application and effectiveness of international law. The historical trajectory reveals how legal norms have repeatedly been invoked yet inadequately enforced. This context provides the foundation for the next chapter, which examines the specific application of international law to the conflict.

¹⁹ Ibid

Chapter Four

Application of International Law to the Israel–Palestine Conflict

4.1 The United Nations Charter and the Legal Framework

The United Nations Charter constitutes the foundational legal framework governing the maintenance of international peace and security. Central to the Charter is the prohibition on the use of force, enshrined in Article 2(4), which forbids states from using force against the territorial integrity or political independence of any state.²⁰ This principle is particularly relevant to the Israel–Palestine conflict, where multiple wars and military operations have been waged over contested territories, including the 1948 Arab-Israeli War, the 1967 Six-Day War, and repeated cross-border hostilities.

The Charter further emphasises the peaceful settlement of disputes under Articles 2(3) and 33, obliging parties to seek resolution through negotiation, mediation, or judicial means.²¹ While the principles are clear, the prolonged nature of the conflict demonstrates a significant gap between legal norms and political reality. Repeated unilateral military actions, occupation measures, and settlement expansions reflect the challenges in translating Charter obligations into practice.

The Charter also provides a normative framework for the international community to respond to breaches. For instance, the Security Council is empowered to authorise measures to restore peace.²² Yet, in practice, enforcement has been uneven due to the geopolitical interests of major powers, particularly within the Security Council’s permanent membership.²³ This discrepancy between legal authority and political will underscores one of the primary challenges in the practical application of the UN Charter to protracted conflicts.

4.2 UN Security Council and General Assembly Resolutions

The United Nations has adopted numerous resolutions addressing the Israel–Palestine conflict, which serve as instruments of international legal and political guidance. Among the most significant is Security Council Resolution 242 (1967), which affirms the “inadmissibility of the acquisition of territory by war” and calls for Israel’s withdrawal from territories occupied during the 1967 conflict.²⁴ The resolution has become a cornerstone of the international legal position regarding the occupied Palestinian territories, providing a reference point for peace negotiations.

²⁰ UN Charter art 2(4).

²¹ UN Charter arts 2(3), 33.

²² *Ibid.*

²³ Malcolm N Shaw, *International Law** (9th edn, CUP 2021) 35–40.

²⁴ UNSC Res 242 (22 November 1967).

Subsequent resolutions, including Security Council Resolution 338 (1973), reaffirmed these principles and called for negotiations aimed at achieving a just and durable peace.²⁵ General Assembly resolutions, such as 181 (1947) and 194 (1948), have consistently recognised the Palestinian people's right to self-determination and condemned actions deemed inconsistent with international law.²⁶ These resolutions reinforce the normative framework underpinning state obligations and the protection of civilian rights.

However, the legal force of these resolutions varies. Security Council resolutions adopted under Chapter VII are binding, while others serve primarily as recommendations. Many resolutions concerning Israel–Palestine lack enforcement mechanisms due to political divisions within the Council, often influenced by the veto powers of permanent members.²⁷ As a result, the practical impact of these resolutions has frequently been limited, illustrating the intersection between international law and geopolitical realities.

4.3 Occupation and International Humanitarian Law

Following the 1967 war, Israel became an occupying power in the West Bank, Gaza Strip, and East Jerusalem. The legal framework governing occupation is derived from the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949.²⁸ These instruments impose strict obligations on occupying powers, including the protection of civilian populations, the provision of basic services, and the prohibition of permanent territorial annexation.

The prolonged nature of the occupation in the Palestinian territories presents unique legal challenges. International humanitarian law (IHL) is traditionally designed to regulate temporary military occupations, yet the Israel–Palestine case has persisted for decades, resulting in a situation that is effectively protracted.²⁹ The International Court of Justice (ICJ) and other international bodies have consistently affirmed the applicability of the Fourth Geneva Convention to these territories, emphasising that the occupied population retains its fundamental rights.³⁰

Nevertheless, Israel has contested the *de jure* applicability of the Fourth Geneva Convention, arguing that the territories were not under legitimate sovereignty prior to occupation.³¹ This position has been widely rejected by the international community, including the UN,

²⁵ UNSC Res 338 (22 October 1973).

²⁶ UNGA Res 181 (29 November 1947); UNGA Res 194 (11 December 1948).

²⁷ Shaw (n 4) 38.

²⁸ Hague Regulations (1907); Geneva Convention (IV) (1949).

²⁹ Dinstein, **The International Law of Belligerent Occupation** (2nd edn, CUP 2009) 45–50.

³⁰ **Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory** (Advisory Opinion) [2004] ICJ Rep 136.

³¹ Dinstein (n 10) 48.

reaffirming the principle that legal obligations cannot be circumvented by political arguments.

The situation highlights the limitations of international humanitarian law in ensuring compliance over prolonged periods, especially where enforcement mechanisms are weak or politically constrained. Humanitarian law, while establishing minimum standards for civilian protection, cannot independently guarantee their implementation without support from the international community.

4.4 Israeli Settlements and International Law

One of the most contentious legal issues in the Israel–Palestine conflict concerns the expansion of Israeli settlements in the occupied territories. Article 49(6) of the Fourth Geneva Convention explicitly prohibits an occupying power from transferring parts of its own civilian population into the territory it occupies.³² This provision is designed to prevent de facto annexation and to protect the rights of the occupied population.

Numerous UN resolutions, including Security Council Resolution 2334 (2016), and international legal analyses have concluded that Israeli settlements constitute a violation of international law.³³ Despite this legal clarity, settlement expansion has continued, demonstrating the limitations of international law in compelling compliance where political and strategic interests are deeply entrenched.

The settlements have not only legal implications but also practical consequences: they contribute to territorial fragmentation, undermine the feasibility of a contiguous Palestinian state, and exacerbate humanitarian challenges.³⁴ The persistence of settlements highlights a critical challenge for international law: its authority depends largely on the enforcement capacity of the international system and the willingness of states to adhere to legal norms.

4.5 The Right to Self-Determination

The right to self-determination is a core principle of international law, recognised in the UN Charter and in common Article 1 of the International Covenants on Human Rights (ICCPR and ICESCR).³⁵ This right affirms that all peoples are entitled to freely determine their political status and pursue their economic, social, and cultural development.

In the context of Israel–Palestine, the Palestinian people’s right to self-determination has been repeatedly affirmed by UN resolutions and legal bodies. However, the prolonged

³² Geneva Convention (IV) art 49(6).

³³ UNSC Res 2334 (23 December 2016).

³⁴ Rashid Khalidi, **The Iron Cage: The Story of the Palestinian Struggle for Statehood** (Beacon Press 2006) 120–135.

³⁵ ICCPR art 1; ICESCR art 1.

occupation, territorial fragmentation, and restrictions on movement and governance have severely hindered the practical realisation of this right.³⁶ Denial of self-determination remains a central grievance and a key factor in the persistence of the conflict.

The gap between normative recognition and practical implementation underscores a recurring limitation of international law in protracted conflicts: legal rights alone do not guarantee their enforcement or protection without political support and institutional mechanisms.

The initial crucial measure in establishing a Palestinian and Arab movement for the one-state solution involves reframing the Palestinian struggle for self-determination into a framework centred on "rights". The Palestinian political movement and its leadership must change their political objectives from building an independent Palestinian state to attaining equal political rights inside a unified political entity. Addressing this difficulty is particularly difficult due to the significant influence of the "state" paradigm in shaping the essence of the Palestinian cause and acting as its means of expression. It is particularly challenging, given that all Palestinian political groups currently maintain their commitment to the idea of establishing a Palestinian state as the objective of their struggle and the resolution to their predicament. This pertains to Fatah and the PLO as a whole, as well as the left-wing groups including the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), the People's Party, and Hamas.³⁷

Since 1971, the establishment of a Palestinian state has served as the basis for defining Palestinian self-determination. The 8th Palestinian National Council embraced the concept of a democratic state encompassing all of Palestine, rather than solely focusing on liberation.

The democratic state, inspired by Fatah's 1969 concept, marked the initial Palestinian effort to acknowledge and address the existence of Jewish presence on the land, rather than dismissing it, but yet adhering to a Palestinian nationalist framework. The vision proposed a society in Palestine that is both free and democratic, accommodating all Palestinians regardless of their religious affiliation, be it Muslim, Christian, or Jewish.³⁸ However, by 1974, the PLO, led by Yasir 'Arafat's Fatah faction, began to deviate from the notion that this objective was achievable. Their objective was to establish a patriotic and autonomous rule in every freed area of Palestine, referred to as a "national authority." This authority would continue the process of liberation and work towards the establishment of a democratic

³⁶ Ibid.

³⁷ Farsakh L, "The One-State Solution and the Israeli-Palestinian Conflict: Palestinian Challenges and Prospects" (2011) 65 Middle East Journal 55 <https://www.jstor.org/stable/23012093>

³⁸ Ibid

Palestinian state.³⁹ By 1974, the PLO had indirectly indicated its acceptance of the idea of a Palestinian state, albeit without specifying its exact limits, suggesting that it would be willing to settle for a portion of Palestine rather than the entire territory.

The decision to effectively give up on the goal of establishing a single state was primarily driven by practical political considerations. The Israeli elite diplomatically refrained from responding to such a proposal, as they had consistently rejected it in the past. The international community has consistently viewed partition, rather than a unified state, as the preferred resolution to the Israeli-Palestinian problem since 1947. The United Nations General Assembly (UNGA) Resolution 181, passed with a two-thirds majority on November 29, 1947, explicitly mandates the establishment of both an Arab and a Jewish state in Palestine as the sole method for resolving conflicting national demands over the territory by the Arab and Palestinian national movements. The UN Security Council (UNSC) Resolution in 1967, which has served as the foundation for all Arab-Israeli peace talks, mandated the recognition of the Jewish state by its Arab neighbours in exchange for peace. Some individuals within the PLO contend that Fatah, the faction that spearheaded discussions over the one-state concept, did not possess sincere intentions towards its pursuit.⁴⁰ Its primary objective was to consolidate its influence within the Palestinian political groups and gain recognition as the sole legitimate representation of the Palestinian people on the global stage. Regionally, the PLO, led by 'Arafat, was resolute in establishing the autonomy of Palestinian decision-making, free from the meddling and exploitation of Arab nations seeking to further their own national and political interests by manipulating the Palestinian cause. Arafat desired to assert that the Palestinian Liberation Organisation (PLO) possessed exclusive authority to engage in discussions on behalf of the Palestinian people, while being deliberately excluded from any peace talks that were founded upon United Nations Security Council Resolution 242. The pursuit of a Palestinian state was crucial in establishing their independence and affirming the collective rights of the Palestinian population, rather than just individual rights.

The concept of a Palestinian state served four fundamental purposes in the Palestinian political struggle. Initially, it served as a means to establish Palestinian self-determination, shifting the focus of the Palestinian issue from a refugee problem requiring a humanitarian solution, as outlined in UNSC Resolution 242, to a political movement for national liberation. Furthermore, it established the structure for effectively organising and directing Palestinian

³⁹ Ibid

⁴⁰ Mustapha Hussein, "Gorub Hal al-Dawlatein" ["The Demise of the Two State Solu Journal of Palestine Studies, Vol. 19, No. 76 (Fall 2008), pp. 31 – 42

resistance. Since 1964, and particularly since 1969, the PLO leadership has been actively involved in establishing the institutions of the Palestinian state prior to delineating its territory⁴¹. The PLO functions as a state in exile, with its political institutions, political parties, electoral processes, and economic services. The combatants in Lebanon and Jordan during the 1960s and 1970s, along with the Palestinians resisting in the West Bank and Gaza, discovered in the PLO both their political representation and their guardian. They also found the significance of their fight for repatriation to their homeland in the aspiration for a Palestinian state, regardless of its precise definition.

Furthermore, the establishment of an autonomous Palestinian state served as a vehicle for the attainment of other rights, such as the right of repatriation, political rights of citizenship that had long been withheld in the West Bank, Gaza Strip, and the Arab world, as well as economic rights of growth and progress. The establishment of a Palestinian state within Palestine would have ensured Palestinian sovereignty, notwithstanding potential compromises on territorial rights and the inability to address the justice needs of refugees displaced during the 1948 and 1967 Arab-Israeli conflicts⁹⁵. The possession of sovereignty was crucial as it allowed for the assembly of all the refugees, albeit only in a portion of historic Palestine, free from manipulation by other Arab nations. It also ensured the safeguarding of both national and individual rights, and guaranteed that Palestinians could live with dignity.

Furthermore, the establishment of a Palestinian state became the condition for the fulfilment of the Palestinian commitment to Israel. The PLO had no choice but to rely on this currency in a global context dominated by nation states and the principle of self-determination. It asserted that the only resolution to the Arab-Israeli issue is the division of Palestine. The PLO officially declared the formation of the State of Palestine on our Palestinian territory, with its capital in Jerusalem. However, they also agreed to the concept of exchanging land for peace by recognising Israel and adhering to UN Resolutions 242 and 181⁴². While the specific limits of the area were not explicitly specified at the time, it was generally acknowledged to be located inside the West Bank. The PLO aimed to establish a state through the Oslo peace negotiation in 1993, albeit it would only cover a portion of historic Palestine. Given the regional and international circumstances it faced, this outcome was deemed the most favourable it could achieve. Although it marginalised the Palestinian population within Israel and failed to guarantee complete justice for all refugees, it pledged to end the Israeli

⁴¹ Supra Note 90

⁴² Ibid

occupation, repatriate some of the exiled individuals, grant political rights to those without citizenship, and safeguard the rights of Palestinians.

However, as the hope for Palestinian self-determination diminishes, it becomes clear that the concept of a single unified state can take its place and energise a large-scale movement to become the focal point of the Palestinian political fight. In order for the one-state idea to effectively replace the functions previously fulfilled by the notion of a Palestinian state, it must fulfil four crucial roles. Put simply, it is necessary for it to transform into a cohesive political endeavour rather than merely an identity that can safeguard the rights of Palestinians, serve as a platform for Palestinian political organisation and resistance, and present effective legal and political approaches to tackle both domestic and international obstacles it faces.

4.6 The ICJ Advisory Opinion on the Wall

In 2004, the International Court of Justice issued an Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.⁴³ The Court concluded that the construction of the wall violated international humanitarian law, human rights law, and the Palestinian right to self-determination.

The ICJ emphasized that the wall's route, which deviates from the Green Line and encloses settlements, directly impacts the local population by restricting freedom of movement, access to resources, and livelihood opportunities.⁴⁴ The advisory opinion is one of the most authoritative assessments of the legal obligations of Israel in the occupied territories.

However, as an advisory opinion, it lacked binding force. Israel did not comply with the Court's conclusions, and the international community failed to implement effective enforcement measures.⁴⁵ This illustrates a fundamental tension in international law: while judicial interpretations provide clarity and legitimacy, they require political will and enforcement mechanisms to translate legal obligations into practice.

4.7 Evaluation of Legal Application

The Israel–Palestine conflict demonstrates a paradoxical reality for international law. Legal norms regarding occupation, the use of force, settlements, and self-determination are clear and widely recognised. Nevertheless, persistent violations, selective compliance, and weak enforcement mechanisms undermine the practical effectiveness of these norms.

International law has successfully:

⁴³ ICJ Advisory Opinion (n 11) [122]–[137].

⁴⁴ Ibid.

⁴⁵ Yoram Dinstein, *War, Aggression and Self-Defence* (5th edn, CUP 2017) 210–215.

- * Shaped international discourse and diplomatic negotiations.
- * Provided a legal basis for advocacy and accountability.
- * Preserved the rights and claims of the Palestinian people for future enforcement.⁴⁶

Yet, it has not achieved the resolution of the conflict or ensured full compliance with fundamental legal principles. This underscores the central challenge of international law in protracted conflicts: normative clarity alone is insufficient without effective enforcement and political support.

⁴⁶ Vaughan Lowe, *International Law* (OUP 2007) 9–12.

Chapter Five

Assessing the Effectiveness of International Law

5.1 Understanding “Effectiveness” in International Law

Assessing the effectiveness of international law in resolving protracted conflicts requires clarification of what “effectiveness” entails. In international legal scholarship, effectiveness is often understood not merely as strict compliance with legal norms, but as the capacity of law to influence behaviour, shape outcomes, and contribute to the peaceful resolution of disputes.⁴⁷

In the context of the Israel–Palestine conflict, effectiveness may therefore be evaluated on multiple levels: the extent to which international law has clarified legal rights and obligations; its ability to restrain unlawful conduct; and its contribution to conflict resolution or mitigation. This multidimensional approach allows for a more nuanced assessment than a binary compliance–non-compliance framework.

5.2 Normative Successes of International Law

International law has achieved notable normative successes in relation to the Israel–Palestine conflict. One of its most significant contributions has been the establishment of a clear legal consensus on key issues, including the illegality of territorial acquisition by force, the applicability of occupation law, and the right of the Palestinian people to self-determination. These norms have been consistently affirmed by United Nations resolutions, international courts, and the majority of states. As a result, international law has provided a shared legal language through which the conflict is discussed and evaluated. This normative clarity has strengthened advocacy efforts, informed diplomatic initiatives, and supported the work of international and non-governmental organisations⁴⁸

Moreover, international law has played an important role in documenting violations and preserving legal claims. In a protracted conflict where political negotiations repeatedly fail, the preservation of legal rights through international law remains a meaningful achievement.

5.3 Enforcement Failures and Structural Weaknesses

Despite its normative strength, international law has been largely ineffective in securing compliance and resolving the conflict. The most significant reason for this failure lies in the absence of effective enforcement mechanisms. International law relies heavily on state

⁴⁷ Vaughan Lowe, *International Law* (OUP 2007) 9–12.

⁴⁸ David Kennedy, *Of War and Law* (Princeton University Press 2006) 125–130.

consent and political will, both of which have been inconsistent in the Israel–Palestine context.⁴⁹

The United Nations Security Council, which holds primary responsibility for maintaining international peace and security, has been unable to take decisive action due to political divisions and the use of veto power by permanent members. This has prevented the adoption of binding measures capable of altering behaviour on the ground.

Additionally, international courts lack compulsory jurisdiction over many aspects of the conflict. While advisory opinions and preliminary examinations contribute to legal accountability, they do not, by themselves, compel compliance. This enforcement gap significantly undermines the practical effectiveness of international law.

5.4 Political Interests versus Legal Obligations

The Israel–Palestine conflict illustrates the tension between legal obligations and political interests within the international system. Powerful states often prioritise strategic, security, or ideological considerations over adherence to international legal norms. As a result, violations may be tolerated or justified, weakening the authority of international law.⁵⁰

This selective application of legal norms erodes the credibility of international law and fosters perceptions of double standards. In protracted conflicts, such perceptions can entrench grievances and reduce incentives for compliance. International law, rather than functioning as an impartial arbiter, risks being viewed as a tool of political convenience.

The dominance of power politics does not negate the existence of legal obligations, but it significantly constrains their impact. This reality underscores the limitations of a legal system that operates within a fundamentally political international order.

5.5 Role of Major Powers and International Institutions

Major powers play a decisive role in determining the effectiveness of international law in protracted conflicts. In the Israel–Palestine case, the diplomatic, military, and political support provided by certain powerful states has shielded parties from meaningful legal consequences. This support has limited the willingness of international institutions to pursue accountability measures.⁵¹

At the same time, international institutions face structural constraints that limit their independence and authority. The United Nations, while central to the development of legal norms, lacks the capacity to enforce them without the cooperation of member states.

⁴⁹ Antonio Cassese, *International Law* (2nd edn, OUP 2005) 12–14.

⁵⁰ Martti Koskenniemi, 'The Politics of International Law' (1990) 1 *EJIL* 4.

⁵¹ Ian Brownlie, *Principles of Public International Law* (8th edn, OUP 2012) 23–25.

Similarly, international judicial bodies depend on state cooperation to implement their decisions.

These institutional limitations highlight the need to view international law not as an autonomous system, but as one embedded within broader political dynamics.

Since 1945, the Palestinian-Israeli conflict has led to numerous changes in the Charter system. Some of these changes will be discussed below. Simultaneously, the disagreement has also revealed the inherent constraints of the organization's capacity to advance a peaceful resolution of such a deeply entrenched conflict.

The Palestinian-Israeli conflict had a significant role in establishing the legal authority of the United Nations, particularly through the International Court of Justice's 1949 advisory decision on Reparations for Injuries. Furthermore, 55 years after the conflict, the Court's 2004 Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory ('Wall opinion') has enhanced the authority of the General Assembly in relation to the Security Council. In other words, it has greatly reduced the restrictive impact of Articles 11 and 12 of the UN Charter. In addition, the Wall opinion has also reaffirmed, if necessary, the conformity with the Charter of the Uniting for-Peace-Resolution⁵². Although the General Assembly has often utilised the Uniting-for-Peace mechanism in relation to the Palestinian-Israeli conflict, it appears that the Security Council, as the primary entity responsible for upholding global peace and security under Article 24 of the UN Charter, holds the potential to make a substantial contribution towards a peaceful resolution of the conflict. Overall, it appears that the challenges brought about by the conflict in the Middle East have greatly aided in comprehending and interpreting the Charter as a dynamic and evolving document. Additionally, they have contributed to restoring and adjusting the balance between the organization's two primary political entities, thereby enhancing their capacity to tackle certain issues related to the conflict and international conflicts in general.

In addition, the decolonization process in Africa played a significant role in the recognition of national liberation movements as subjects of international law. However, it was the Palestinian Liberation Organisation (PLO) that gained the most prominence and the highest level of international legal status over time. This recognition was achieved through the General Assembly's approach to the legal position of the PLO and later Palestine, as represented by the PLO, within the organisation.

⁵² Zimmermann A, "The Palestinian-Israeli Conflict: Developing International Law Without Solving the Conflict" (2015) 53 *Archiv des Völkerrechts* 149 <https://www.jstor.org/stable/43954110>

It is important to note that this progress resulted in the PLO being the party to finalise the Oslo Agreements with Israel. These agreements were intended to establish a temporary interim arrangement and pave the way for resolving the entire conflict, as well as establishing the Palestinian Authority.

Regarding the legality of the Charter, the Palestinian-Israeli conflict has resulted in a substantial number of vetoes in the Security Council by one of its permanent members, namely the United States. This has been predominantly negative in nature. This serves as evidence of the ongoing significance of the constraints inherent in the voting mechanism outlined in Article 27, paragraph 3 of the UN Charter (and effectively solidified by virtue of Article 108 and 109, paragraph 2 of the UN Charter). To a significant extent, this has resulted in the Security Council being circumvented in its role of contributing to a potential resolution of the conflict. Notably, resolutions 242 (1967) and 1515 (2003) are exceptions to this trend. However, even in those cases where the Security Council did take action, this often occurred with deliberate ambiguity or vagueness⁵³. This holds true, for instance, when examining the well-known dispute on the precise scope of Israel's duty to withdraw "from territories that were occupied during the recent conflict" as stipulated in resolution 242 (1967).

However, it is commendable that certain members of the Security Council, particularly France, now appear to be taking their responsibility, as well as the responsibility of the Security Council as a whole, more seriously under Article 24 of the UN Charter. This is evident in their consideration of a new endeavour by the international community to bring the conflict closer to a peaceful resolution. Despite Israel's opposition to these efforts, they should not be disregarded.

5.6 Has International Law Mitigated the Conflict?

While international law has not resolved the Israel–Palestine conflict, it may have contributed to mitigating some of its consequences. Legal norms governing the protection of civilians, humanitarian access, and the prohibition of certain practices have influenced state behaviour to varying degrees. Even partial compliance can reduce harm and save lives in a protracted conflict.⁵⁴

Furthermore, international law has provided a basis for international engagement and monitoring, preventing the complete normalisation of unlawful practices. In this sense,

⁵³ Ibid

⁵⁴ Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law (CUP 2005) xxxv.

international law functions as a constraint, albeit a limited one, on the conduct of parties to the conflict.

5.7 Overall Assessment of Effectiveness

Overall, international law has been only partially effective in addressing the Israel–Palestine conflict. It has succeeded in articulating legal standards, shaping international discourse, and preserving claims of rights and responsibilities. However, it has failed to translate these achievements into meaningful conflict resolution or sustained compliance.

This outcome suggests that international law alone is insufficient to resolve deeply entrenched and politically charged conflicts. Its effectiveness depends on complementary political, diplomatic, and institutional support. The lessons drawn from this assessment are explored further in the next chapter.

Chapter Six

Comparative Analysis and Lessons Learned

6.1 Comparative Perspective on Protracted Conflicts

To evaluate the lessons of the Israel–Palestine case, it is useful to compare it with other protracted conflicts, such as those in Cyprus, Kashmir, and Western Sahara. These cases share common characteristics: long-standing territorial disputes, involvement of external powers, and repeated failures of negotiation despite established international legal norms.⁵⁵

In Cyprus, UN peacekeeping and legal frameworks have provided stability but not full resolution. Similarly, in Kashmir, bilateral agreements and UN interventions have limited escalations but failed to produce a lasting settlement. The Western Sahara conflict also demonstrates the limitations of UN resolutions and advisory opinions in compelling compliance by dominant parties.⁵⁶

These comparisons illustrate a recurring pattern: international law establishes normative frameworks, but effectiveness is often constrained by political realities, power asymmetries, and enforcement limitations.

6.2 Lessons for the Israel–Palestine Conflict

The comparative analysis provides several lessons relevant to Israel–Palestine:

1. **Legal Clarity is Necessary but Not Sufficient**

Clear articulation of legal norms, as seen in all cases, is essential for establishing expectations and accountability. However, without enforcement, these norms cannot guarantee compliance.⁵⁷

2. **Role of Enforcement Mechanisms**

Conflicts with stronger, politically independent enforcement mechanisms tend to experience better compliance. The absence of such mechanisms in Israel–Palestine highlights a structural weakness in international law.⁵⁸

3. **Political Will and International Engagement**

Successful conflict mitigation often depends on sustained political will by major powers and international institutions. Comparatively, inconsistent international engagement has allowed entrenched positions to persist.⁵⁹

⁵⁵ Edward Newman, *The Persistence of Protracted Conflict* (2006) 4 *Security Dialogue* 65.

⁵⁶ James Crawford, *The International Law Commission's Work on the Law of Treaties* (OUP 2013) 212–218.

⁵⁷ Vaughan Lowe, *International Law* (OUP 2007) 11–12.

⁵⁸ Antonio Cassese, *International Law* (2nd edn, OUP 2005) 15–18.

⁵⁹ Ian Johnstone, *The Power of Legality: Norms, Rules, and International Law* (CUP 2005) 103–110.

4. Local Ownership of Solutions

Peace processes that involve genuine participation of affected populations are more durable. In Israel–Palestine, asymmetrical power relations and limited Palestinian sovereignty have hindered such ownership.⁶⁰

6.3 Structural Factors Limiting Effectiveness

The comparative perspective underscores several structural limitations:

- **Veto and Security Council Politics:** Political interests of powerful states often override legal obligations.
- **Non-binding Advisory Opinions:** Courts can clarify law but cannot enforce it without cooperation.
- **Asymmetry in Capabilities:** Weaker parties rely on international law for protection, but dominant actors may act with impunity.

These structural factors have consistently reduced the ability of international law to resolve protracted conflicts, despite normative clarity.

6.4 Implications for International Law Reform

The Israel–Palestine case, in conjunction with comparative examples, suggests several reform possibilities:

1. **Strengthened Enforcement Mechanisms:** Consideration of mechanisms to enhance compliance, potentially through international courts, sanctions, or neutral peacekeeping forces.⁶¹
2. **Enhanced Role of Regional Organizations:** Regional actors could complement UN efforts in monitoring and facilitating negotiations.
3. **Institutionalising Accountability:** Developing legal pathways that reduce political discretion in enforcement could increase the credibility of international law.
4. **Incorporating Conflict Transformation Principles:** Legal approaches should be integrated with political and social strategies that address root causes.

Reforms along these lines would not guarantee immediate resolution, but they could increase the likelihood that international law meaningfully shapes conflict dynamics.

6.5 Lessons for Other Conflicts

The Israel–Palestine experience offers insights applicable globally:

- **Law Alone is Insufficient:** Legal frameworks must be paired with effective political and diplomatic engagement.

⁶⁰ Rashid Khalidi, *The Iron Cage* (Beacon Press 2006) 190–195.

⁶¹ Martti Koskeniemi, *From Apology to Utopia* (CUP 2005) 625–630.

- **International Consensus Matters:** Broad-based support strengthens enforcement capacity and legitimacy.
- **Monitoring and Documentation:** Even in the absence of enforcement, documenting violations strengthens long-term accountability.

These lessons highlight that international law functions most effectively as a framework for negotiation, constraint, and accountability, rather than as a stand-alone tool for conflict resolution.

6.6 Conclusion

Chapter Six demonstrates that while international law provides essential normative guidance, its impact is contingent upon political, structural, and institutional factors. Comparative analysis reinforces that these limitations are not unique to Israel–Palestine but characteristic of protracted conflicts more broadly. Recognising these lessons is critical for any effort to reform or enhance the role of international law in resolving enduring disputes.

Chapter Seven

Conclusion and Recommendations

7.1 Summary of Key Findings

This thesis has examined the effectiveness of international law in resolving protracted conflicts, with a focus on the Israel–Palestine case. The study explored:

1. **Theoretical Foundations:** International law provides clear normative frameworks, including the UN Charter, international humanitarian law, human rights law, and the right to self-determination. These norms define the obligations of states and other actors in conflict.⁶²
2. **Historical Context:** The Israel–Palestine conflict, rooted in competing national claims, historical occupation, and repeated wars, demonstrates how entrenched disputes can persist despite legal norms.⁶³
3. **Legal Application:** Instruments such as UN resolutions, ICJ advisory opinions, and Geneva Convention provisions articulate clear obligations. However, persistent violations, settlement expansion, and lack of enforcement have limited practical impact.⁶⁴
4. **Effectiveness Assessment:** International law succeeds in shaping discourse, documenting violations, and providing a basis for accountability. Nevertheless, structural weaknesses, political interference, and power asymmetries limit its ability to resolve the conflict.⁶⁵
5. **Comparative Lessons:** Other protracted conflicts confirm that legal clarity alone does not guarantee resolution. Political will, enforcement mechanisms, and local ownership are essential to enhance effectiveness.⁶⁶

7.2 Overall Assessment

The Israel–Palestine case illustrates a central paradox in international law: while legal norms are widely recognized and robust, they are insufficient to compel compliance or achieve lasting peace in the absence of political and institutional support. Enforcement mechanisms are weak, and political interests often override legal obligations.

Thus, international law functions best as a **framework for negotiation, constraint, and accountability**, rather than as an autonomous tool capable of resolving deeply entrenched

⁶² Malcolm N Shaw, *International Law* (9th edn, CUP 2021) 1–6.

⁶³ Rashid Khalidi, *The Iron Cage* (Beacon Press 2006) 32–40.

⁶⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136.

⁶⁵ Antonio Cassese, *International Law* (2nd edn, OUP 2005) 12–15.

⁶⁶ Edward Newman, *The Persistence of Protracted Conflict* (2006) 4 *Security Dialogue* 65.

conflicts. Its effectiveness is contingent upon complementary diplomatic, institutional, and political action.

7.3 Recommendations for Enhancing Effectiveness

Based on the analysis, several measures can enhance the effectiveness of international law in protracted conflicts:

1. Strengthening Enforcement Mechanisms:

- Establish neutral international enforcement bodies or increase UN peacekeeping capacity.
- Consider binding consequences for violations of occupation law and settlement expansion.⁶⁷

2. Promoting Political Will and International Engagement:

- Encourage consistent engagement by major powers to support compliance with legal norms.
- Reduce selective application of law driven by political considerations.

3. Empowering Local Stakeholders:

- Ensure meaningful participation of affected populations in negotiations.
- Support mechanisms for local accountability and conflict resolution.

4. Integrating Legal and Conflict-Resolution Approaches:

- Combine legal strategies with diplomacy, economic incentives, and social reconciliation programs.
- Use international law as a tool for both constraint and constructive engagement rather than merely a punitive measure.

5. Reinforcing International Judicial Authority:

- Strengthen the role of international courts to provide binding dispute resolution where possible.
- Improve compliance mechanisms with ICJ or ICC findings.

7.4 Contribution to Scholarship

This thesis contributes to international law scholarship by:

- Highlighting the **gap between normative clarity and practical enforcement** in protracted conflicts.
- Demonstrating how structural, political, and power-related factors shape the effectiveness of legal regimes.

⁶⁷ Geneva Convention (IV) art 49(6); UNSC Res 2334 (23 December 2016).

- Providing **comparative insights** applicable to other long-term territorial or nationalist disputes.
- Offering practical recommendations for law and policy to enhance compliance and protection in conflict settings.

7.5 Final Reflection

The Israel–Palestine conflict exemplifies the limitations and potential of international law. While it cannot independently resolve entrenched disputes, it establishes standards, legitimizes claims, and provides tools for accountability. Strengthening enforcement, fostering political will, and integrating legal and diplomatic efforts are essential for international law to become a more effective instrument in protracted conflicts.

Ultimately, the effectiveness of international law depends not only on codified norms but also on the **collective commitment of the international community** to uphold them in practice.

Bibliography

Books

- Antonio Cassese, *International Law* (2nd edn, OUP 2005)
- Ian Brownlie, *Principles of Public International Law* (8th edn, OUP 2012)
- Rashid Khalidi, *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Beacon Press 2006)
- Malcolm N Shaw, *International Law* (9th edn, CUP 2021)
- Yoram Dinstein, *The International Law of Belligerent Occupation* (2nd edn, CUP 2009)
- Yoram Dinstein, *War, Aggression and Self-Defence* (5th edn, CUP 2017)
- David Kennedy, *Of War and Law* (Princeton University Press 2006)
- Vaughan Lowe, *International Law* (OUP 2007)
- Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (CUP 2005)
- Edward Newman, *The Persistence of Protracted Conflict* (2006) 4 *Security Dialogue* 65

International Treaties and Conventions

- Charter of the United Nations 1945
- Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949)
- Hague Regulations Respecting the Laws and Customs of War on Land (1907)
- International Covenant on Civil and Political Rights (ICCPR) 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966

Cases and Advisory Opinions

- *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136

UN Resolutions

- UNGA Res 181 (29 November 1947)
- UNGA Res 194 (11 December 1948)
- UNSC Res 242 (22 November 1967)
- UNSC Res 338 (22 October 1973)
- UNSC Res 2334 (23 December 2016)