

THE HUMANITARIAN CRISIS IN THE ISRAEL-GAZA WAR: What Needs to be Done?

Tayyaba Razzaq

The Israel war on Gaza is long-standing, with tensions extending back many years. The war has caused tremendous human suffering and a terrible humanitarian crisis. The most recent surge of violence was triggered by the events on October 7th, 2023 – leading to what can only be deemed an act of genocide on the Palestinian people. The past few months have involved a profoundly destructive series of human right violations, exposing the limitations and tensions inherent within the frameworks of international law and its various execution bodies. Despite the existence of these laws, Israel's inhumane atrocities clearly violate the existing rules whilst completing discrediting all the organisations responsible for adherence to them.¹

According to international humanitarian law, it is mandatory for both states and non-state actors involved in an armed conflict to safeguard the well-being of civilians, medical personnel, and humanitarian aid workers. They must also guarantee unhindered access for humanitarian relief. However, since the conflict escalation, the Palestinian death toll stands today at over 34,000, including 14,500 children who have either been killed, slaughtered, burned or buried alive.² Apart from this, figures of misplaced persons are approaching alarming rates – whereas approximately 8,000 are reported to be under the rubble of collapsed buildings. Additionally, a report by UNICEF depicts a grim picture: documenting how 17,000 children are unaccompanied or separated from their parents. Approximately 1,000 children in Gaza have lost one or the other part of their legs as per the Palestine Red Crescent Society (PRCS). Moreover, Israel has carried out almost 400 assaults on healthcare facilities in the Gaza Strip, targeting each and every hospital – causing the majority of them to be inoperable. As of February 13, a mere 11 out of the total 36 hospitals in Gaza were operating –

– and that too, at less-than-optimal capacity. Five hospitals are currently running in the northern region, while six are operational in the southern region.³ The World Health Organisation (WHO) reports that the total hospital bed capacity in Gaza has declined from 3,500 to 1,400.⁴ In January, Oxfam International reported that the daily mortality rate in Gaza surpassed that of all other major conflicts in the 21st century⁵, depicting Israel's total disregard for rules of war and lack of concern about being held accountable.

The United Nations Security Council (UNSC) is meant to serve a pivotal function in resolving global disputes. The United Nations issues resolutions that can be categorised into two types. Some resolutions are binding under Chapter 7 of the UN Charter, which deals with threats to peace, authorizing the use of force. Other resolutions are non-binding under Chapter 6, which focuses on the peaceful settlement of disputes.

¹The views expressed here is author's alone and do not necessarily represent the views of the Discourse Magazine or PIDE more broadly. The author alone is responsible for any error or omission.

²Somdeep Sen, "It's Time to Declare Israel a Rogue State," Al Jazeera, accessed April 26, 2024, <https://www.aljazeera.com/opinions/2024/4/25/its-time-to-declare-israel-a-rogue-state>.

³Fatima Hassan London Shuaib Manjra, Leslie, "Israel's Unrelenting War on Gaza Healthcare Requires Urgent Action," Al Jazeera, accessed April 26, 2024, <https://www.aljazeera.com/opinions/2024/2/14/israels-unrelenting-war-on-gaza-healthcare-requires-urgent-action>.

⁴WHO Director-General's Opening Remarks at the Special Session of the Executive Board on the Health Situation in the Occupied Palestinian Territory – 10 December 2023," accessed April 26, 2024, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-special-session-of-the-executive-board-on-the-health-situation-in-the-occupied-palestinian-territory--10-december-2023>.

⁵"Daily Death Rate in Gaza Higher than Any Other Major 21st Century Conflict - Oxfam," Oxfam International, February 21, 2024, <https://www.oxfam.org/en/press-releases/daily-death-rate-gaza-higher-any-other-major-21st-century-conflict-oxfam>.

Chapter 7 of the international law also permits the application of sanctions on countries considered a danger to global peace and security. Additionally, the International Court of Justice (ICJ) is the primary judicial body of the United Nations (UN). States can present conflicts to the International Court of Justice (ICJ) for resolution according to international law. In this regard, no matter which way we look at the genocidal situation, Israel is committing war crimes. The question is: how do we challenge statements/sentiments that claim or imply that there are no red lines for Israel, and address the alarming issue of the international community's inaction? The International Court of Justice (ICJ) is also being suspected of employing double standards.

The Court's decisions in instances involving disputes are legally binding. South Africa filed a legal complaint with the court on December 29, addressing Israel of violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.⁶ Several signatories of the Genocide Convention, including Bangladesh, Bolivia, Jordan, Malaysia, the Maldives, Pakistan, Palestine, Turkey, Namibia, Nicaragua, and Venezuela, expressed their support for South Africa's application. The Organisation of Islamic Cooperation also released a statement expressing its endorsement of the case. The International Court of Justice, in response, determined the sensitivity to specify particular actions 'to safeguard the rights asserted by South Africa, which the Court has deemed to be credible' such as 'ensuring the protection of the Palestinians in Gaza from acts of genocide'. The court's mandate additionally required Israel to stop the annihilation and guarantee the preservation of evidence related to the case, whilst also obligating it to provide a report on the execution of the mandated actions within a one-month timeframe. Nevertheless, Israel's defiance of the ICJ's decision demonstrates the ongoing difficulty in implementing these legal judgments. This prompts a debate on the efficacy of these institutions in the modern world.

WHAT NEEDS TO BE DONE?

It is crucial to recognise that Israel is using 'imposed starvation' as a weapon of war. Access to humanitarian assistance is being blocked, resulting in fatalities due to severe malnutrition and dehydration, exacerbated by acts of violence targeting relief personnel. The situation is really bleak, and what is needed is to create a worldwide setting in which everyone's rights are protected without discrimination. In order to achieve this, it is imperative to establish an alternate collective mechanism that guarantees fair decisions that are free from Western influence and possesses the power to implement humanitarian laws. All stakeholders in the international community ought to be engaged in this process so that a shared policy can be derived on the basis of 'humanitarian aspects' which are not ideologically driven.

It is crucial to acknowledge that international law is not a philanthropic effort or charity; it is a humanitarian right that demands implementation of its principles at any cost. The lack of enforcement of laws from the existing bodies is shameful, especially considering that Israel has already illegally occupied 75% of Gaza's territory. The IDF's current primary goal seems to be the expulsion of the Palestinian population.

Israel's assertion of the right to self-defence under Article 51 of the UN Charter is ambiguous, as this provision does not extend to the territory it has forcibly occupied in Gaza. The actions taken by Israel are clear evidence of a racially motivated occupation and can be deemed as ethnic cleansing. Unfortunately, it appears that the global community is prepared to undermine the fundamental principles of international law.

Muslim states do not have sufficient political will and economic clout to effectively challenge the influence of Western powers and the allies of Israel, largely because of their own myopic economic interests that render them powerless as singular entities. On the other hand, if they were to unite – not just amongst themselves but with other countries in the Global South – and leverage platforms such as the OIC and BRICS to have a shared voice, perhaps this could create some momentum in the right direction in the international arena.

The author is Research Associate, NUST Institute of Policy Studies (NIPS), National University of Sciences and Technology, Islamabad. She has an academic background of international relations & Peace and Conflict Studies.



⁶ "Convention on the Prevention and Punishment of the Crime of Genocide.Pdf," accessed April 26, 2024, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.