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AL-MUNTAQA

NEW PERSPECTIVES ON ARAB STUDIES

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Genocide in Gaza: The Ongoing Nakba

Azmi Bishara

Gaza: Moral Matters in Hard Times

Aicha Elbasri

The United Nations Early Warning Mechanism for the Prevention of Genocide
and its Obstruction in the Case of Palestine

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EDITOR'S NOTE

This is *Al-Muntaqa*'s first special volume, occasioned by the Israeli genocide against the Palestinians in Gaza. Ongoing since October 2023, this genocide has hitherto taken the lives of over 36,000 Palestinians, injured more than 83,000, and deliberately and systematically decimated all civilian infrastructure, including health, education, and water facilities. It has forcibly displaced almost two million civilians, leaving no safe haven for them as Israel continues to bomb Rafah, despite the International Court of Justice's order to stop the Rafah offensive.

This genocide is but one chapter in a long history of massacres committed by Zionist militias and Israeli Defense Forces against Palestinians, a chapter of an ongoing Palestinian Nakba. Thus, the Nakba of 1948 marked neither the beginning nor the end of the mass killing and expulsion of Palestinians and their dispossession of their homeland.

Nevertheless, the current genocide in Gaza is different. It is a "spectacle" to which the world is bearing witness, screened hourly as consecutive reels of high-tech warfare, of dystopian destruction and unspeakable human suffering, and of global protests upholding moral values amidst global immoral politics towards Palestinians. Student protests at Western universities have been the most significant and iconic ones. Defiant and persistent student-protestors have dealt Israel's narrative a most severe blow and made it clear that Gaza is a universal moral compass. This genocide as a spectacle has dominated the world stage and has drawn in world institutions, some of which have taken unprecedented measures, such as the International Criminal Court's applications for arrest warrants against Israeli leaders implicated in the genocide, and the International Court of Justice's order for Israel to immediately halt its military operations in Rafah.

Perhaps no other genocide has compelled the world to define its morality vis-à-vis unfolding war atrocities the way the genocide in Gaza has. Hence, the opening article of this special volume is Azmi Bishara's essay on the moral dilemmas posed by the genocide in Gaza, one of the earliest topics related to the war in Gaza that the author has probed. Bishara links moral values to innate human dispositions that potentially constitute universal human values. He takes aim at Israel's claim of self-defense to justify its acts as an occupying state. Bishara also exposes the moral deficiencies in Jürgen Habermas and Seyla Benhabib's bias towards Israel.

This volume consists of nine articles, the lengthiest volume ever produced by *Al-Muntaqa*. Two of them are translated from articles originally published in Arabic. The rest were produced in response to the atrocities in Gaza. Most of the contributors are faculty and researchers at the Doha Institute for Graduate Studies and the Arab Centre for Research and Policy Studies respectively.

Following Bishara's article, Aicha Elbasri's timely essay examines the failure of the United Nations Early Warning Mechanism to Prevent Genocide to be applied in the case of Palestine, proposing five reasons behind this failure, and offering a number of recommendations for the reform of this vital mechanism.

Mohammed Hemchi, in a passionate essay, focuses on the legal debate over the relevance and applicability of the Responsibility to Protect (R2P) principle in an occupied territory and population upon which the occupier does not exercise control on the ground, while the occupied has neither a state nor sovereignty.

Ibrahim Rabaia sheds light on the electricity sector in the Occupied Palestinian Territories since 1967, with a focus on the Gaza Strip. He explores the determinants and outcomes of public policies regulating this sector following the establishment of the Palestinian Authority in 1993.

Basim Tweissi dissects the Israeli propaganda narrative during the Israeli war on Gaza in 2023–2024 and notes the first shift in the global perception of the war following the bombing of the Al-Ahli Arab Hospital in Gaza and the emergence of a new narrative, visible on digital Madeira platforms, that clearly contradicts the Israeli propaganda narrative.

Raja Khalidi and Qais Iwida assess the socio-economic impacts of Israel's War on Palestine, and Gaza in general, and the possibility of rebuilding Gaza after a catastrophe of such a scale. They call for an urgent reimagining of the structures needed for Palestinian political and economic renewal.

Majd Abuamer offers an analysis of Gaza's massive tunnel network that is central to Hamas's defensive strategy against Israel. He examines the various Israeli initiatives to tackle the tunnels, and outlines the limitations of each of these technologies.

Adham Saouli analyses what he considers Hezbollah's puzzling engagement in the war in Gaza by drawing on Ontological Security Theory (OST) and primary data. He argues that Hezbollah engaged in constrained warfare that aimed to restore its ontological security while preserving the cohesion and survival of the regional Resistance Axis.

Ayat Hamdan's essay outlines the reasons behind Israel's incitement against UNRWA. She calls for the Palestinian refugee issue and UNRWA to be framed in explicitly political terms and not solely in humanitarian ones and offers possible scenarios of the agency's future and the implications on Palestinian refugees.

The volume also includes two book reviews related to Palestine and Gaza. Tariq Dana reviews Ali Jirbawi's *From Expulsion to Self-Rule: The Zionist Quest to Bury Palestine Alive*, and Omar Shaban reviews Mazen Ejlah's *Gaza: The Lost Years of Development (2007-2018)*.



ARTICLES

Azmi Bishara*

Gaza: Moral Matters in Hard Times

An Essay**

غزة: قضايا أخلاقية في أزمنة صعبة

Abstract: This essay explores the moral dilemmas posed by the atrocities committed in Gaza and the stifling of any moral judgment of these crimes. It argues that morals are not limited to transcendent principles from which precepts are derived by analogy and rational judgment but that they stem from innate human dispositions. These dispositions, though not moral principles per se, constitute a seed from which morals emerge, forming the human potential for universal human values. These moral precepts are not rendered inoperative during wartime. The essay contends that Israel and its allies' claim of self-defence to justify their genocidal actions in Gaza and to marginalize moral judgements is a blatant lie. Occupying states do not have a right of self-defence before they end territorial occupation. The (conditional) right of self-defence rests with resistance to the occupation, also subject to moral standards. The claim that the Palestinian resistance in Gaza represents "absolute evil" is less a moral judgment than it is a strategy to deflect attention from the context of resistance operations. The essay also engages in a discussion of Jürgen Habermas and Seyla Benhabib's positions on the war on Gaza, criticizing their bias toward Israel, and exposing the moral deficiencies of these positions.

Keywords: Moral Values; Self-Defence; Gaza; Israel Genocide; Jürgen Habermas.

ملخص: تبحث هذه المقالة المعضلات الأخلاقية التي تُثيرها الأعمال الوحشية التي تُرتكب في حرب غزة، ومساعي قمع أي حكم أخلاقي على هذه الجرائم. وتجادل بأن الأخلاق لا تقتصر على مبادئ فوقية تُشتق منها الأحكام بالقياس والمحاكمة العقلية، بل إنها تعود إلى طبائع فطرية في البشر ليست في حد ذاتها مبادئ أخلاقية، بل تشكّل أساساً لنشوء الأخلاق، ونواةً لقيم إنسانية كونية. ولا يجوز أن تُحيد الأخلاق في زمن الحروب. تجادل المقالة أيضاً بأن إسرائيل وحلفاءها يكذبون في تذرّعهم بالدفاع عن النفس، لتبرير أعمال الإبادة في غزة وتهميش الأحكام الأخلاقية؛ فليس لدول الاحتلال حق الدفاع عن النفس إلى حين إنهاؤها الاحتلال، بل إن حق الدفاع عن النفس (وهو حق مشروط) المتمثل في مقاومة الاحتلال يخضع أيضاً لمعايير أخلاقية. أمّا وصف المقاومة الفلسطينية في غزة بأنها "شر مطلق"، فليس حكماً أخلاقياً بقدر ما هو استراتيجية تهدف إلى صرف الانتباه عن سياق عمليات المقاومة وخلفياتها. وتُجري المقالة أيضاً نقاشاً حول مواقف يورغن هابرماس وشيلا بن حبيب من الحرب على غزة، وتنتقد انحيازهما إلى إسرائيل، وتكشف المغالطات الأخلاقية التي وقعا فيها.

كلمات مفتاحية: القيم الأخلاقية؛ الدفاع عن النفس؛ غزة؛ الإبادة الإسرائيلية؛ يورغن هابرماس.

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** An earlier version of this essay was published on the website of the Arab Centre for Research and Policy Studies under the title, "Moral Matters in Hard Times," at: <https://tinyurl.com/45vfkux>, and re-published subsequently in *Tabayyun*, adding an introduction and revisions in the first section. I have also integrated sections from my discussion of Jürgen Habermas's stance on the war, taken from a lecture titled "The War on Gaza: Politics, Ethics, and International Law", delivered on 28 November 2023 at the ACRPS, then published on the Centre's website: "The War on Gaza: Politics, Ethics, and International Law," *Arab Center for Research and Policy Studies*, 28/11/2023, accessed on 2/3/2024, at: <https://tinyurl.com/2p8xvn8d>

Introduction

Beside political and ideological conflicts, the savagery of war and mass killing inspires several existential reflections. There seems to be little space for moral discussion, trapped as it is between a ruthless aggression that sets the annihilation of the war enemy as a self-justifying objective beyond good and evil, even permitting the bombing of hospitals and schools, and the survivors clinging to bare life among their dead and amidst total, unthinkable loss. Nevertheless, this article discerns and addresses the moral issues raised by the Israeli war on the Palestinian people in the Gaza Strip at a time when the blurring of moral boundaries makes it difficult to discern any morality in the thick of political polarization in wartime. These are the moral dilemmas that confront humanity as a result of the atrocities committed during the aggression and the means employed that allow the suspension of any moral judgment of the crimes committed.

It is crucial to remember that while individuals and groups may observe or flout moral standards in wartime, moral values do not drive human action, in wartime or otherwise, except in two cases:

1. If these values, in which one believes or with which they were inculcated, touch one's emotional, affective constitution, such that they spur them to act or refrain them from acting, or cause feelings of guilt if they do not act in accordance with them.
2. If these values have been articulated as norms that can be inculcated or have become customs or laws, such that an individual respects them for their own sake or out of a sense of duty, and not in fear of punishment. These norms are absolute in the sense that adherence to them is a duty when faced with other options. But they may also be weighed against one another in terms of precedence.

Generally speaking, human action is driven not by moral values but by other incentives, including avoidance of physical or psychological harm, incapacity to endure, rejection of humiliation, desire for liberation from certain constraints, desire for recognition and appreciation from others, love of control, habit and custom, lust, possessiveness, pleasure, envy, love, and hate. Individual and/or socially prevalent moral values often reinforce and encourage acts motivated by these myriad incentives, or they may constrain, regulate, or deter them, or justify them after the fact. But none of these motives are moral motives, nor are the actions they inspire. Nevertheless, the means used in human action are subject to moral judgment, while the ends themselves may be transformed into values and norms. For example, the pursuit of happiness, though not a moral value per se, is conducted by means that are subject to moral judgment. But an articulation of the pursuit of happiness as one's right to pursue their own happiness without harming others turns it into a moral value. The same is true of the values of life, human dignity, and freedom. Freedom from restrictions on mobility or on expression may propel one to act if they are not overwhelmed by the survival instinct or fear, but it becomes a moral value to defend it if it is transformed into a recognition of the right to freedom. Such morals can become universal due to human beings' natural predispositions.

Values often intersect with core human emotions. Dignity, for example intersects with a powerful aversion to humiliation that may push one to rise up against those who seek to humiliate them. Similarly, it intersects with discontent and internal anguish when one is unable to protest or protect themselves from humiliation. It may also inspire feelings of guilt when humiliating others.

There are basic natural human incentives in the form of instincts, falling "beyond" (actually prior to) the distinction between good and evil. However, the heedless impulse to satisfy them is treated by human society as evil or potentially evil. Such drivers include possessiveness, envy and jealousy, and angry reactions that fuel the quest for vengeance and unconstrained lust. If morality is based on distinguishing good from evil in human action and in judging the behaviour of individuals and groups, whether the distinction is based on the values of virtue or a judgment of outcomes, it is only possible in the context

of human society. An entire stream of thought, from Rousseau to Freud, holds that moral life is possible because human society is based on the taming of instincts. This is reflected in the ways that societies and individuals deal with instincts, resulting in various social norms and individual psychological constructs. Societies deal with these natural instincts based on countless variables, and as our understanding of morals has been evolving over time.

Natural facts of life are neither moral nor immoral. At the same time, however, there is something other than instincts that must not be tamed in order to enable social life – some innate human traits constitute natural predispositions for the emergence of morals. While morality does not arise from some predetermined moral law, as Kant held, not every natural human disposition is an instinct that must be tamed or suppressed to enable the realization of human society. There are natural human impulses that conflict with social life and others that foster it.

These predispositions do not mean that human beings are good or evil by nature. Our nature is neither good nor evil. Rather, these postulated innate dispositions constitute a foundation for the emergence of morals and of universal human values as they interact with each other, through human sentiments and consciousness, and through the interaction among human beings in social life. Five of these dispositions come to mind:

1. The devotion to life driven by survival instinct. Life itself is simply a given fact. The fact that life is valuable for the individual doesn't make it a moral value. The moral value in this case is not life per se, but the right to live, including other people's right, and the prohibition of ending the life of others.

2. An aversion to causing pain to the human body. This may be a projection of the aversion to pain one feels when inflicting physical pain on other humans, or it may be an instinctual aversion to seeing a human body being harmed. One may suppress this aversion when engaging in violence and live with the outcomes. The recognition of the right not to be tortured and solidarity with victims of torture is the foundation for various moral obligations. Groups and societies may overcome this aversion by privileging the right of self-defence, or through penal systems, or the demonization of the other. If one is numb toward violence because they practice it or have been repeatedly exposed to it, the values of sympathy and solidarity are no longer drivers because their link to one's emotional constitution is eroded.

3. Birth into and belonging to a kinship group. A community of solidarity and sympathy can expand to encompass others, just as hostility can extend to people an individual has never personally met. With the rise of the individual – one who is aware that their individuality transcends belonging in a given group – imagined groups are formed based on common affiliations, not on blood ties. This affiliation – or its negation and a desire to be liberated from or replace it – becomes the basis for new values such as loyalty and sincerity, and also possibly for conflict between these and other values. The group also becomes the framework for the potency of values, which become norms inside the group. These values are more potent among the collective “we” (real or imagined) or in a relationship with someone who is like “us”. Some of them may evolve into norms within relationships between group members, or, conversely, they may allow certain behaviour that is normally impermissible within the group when it is a matter of people who are not like “us”. Moral norms could be neutralized and, in extreme cases, even inverted when dealing with members of other groups.

4. The aspiration for recognition and admiration. It is difficult to determine whether this trait is innate or not, but it is closely related to the development of the human self. Acknowledgement and admiration inspire a sense of satisfaction, which is a fundamental driver of moral behaviour. If recognition becomes a goal in itself, it could become a drive for immoral behaviour.

5. The emergence of the self and self-awareness gives rise to a sense of dignity and feelings of distress at humiliation and insult. This is linked to a one's consciousness of their self-identity, which includes affiliation to a group (as aforementioned in item 3.).

These natural predispositions continue to interact with certain socially dominant moral norms after their emergence, as well as with one's awareness and social conditions, thus giving rise to individual morality. One's strong moral constitution may derive the self-satisfaction associated with authenticity – meaning an alignment between one's expressive and practical behaviour and their values, as Charles Taylor may put it. This is the pinnacle of individual identity.

Human actions are subject to moral judgment even if their motives are not moral. These moral judgments, whether based on individual morals or socially dominant moral values, are a prerequisite for the formation of social relations. The widespread assumption that the actions of states – through their governing authorities and institutions – are typically not driven by morality, but by power and by interests real or perceived, is rarely called into question. Nevertheless, people judge the policies and actions of states not only by the degree to which their interests, however defined, are achieved and harm averted, but also by moral standards. Without this inclination to judge morally, there can be no human civilization.

Morals evolve in tandem with the development of self-awareness, reciprocal relationships, and the evolution of culture, combined with the innate human dispositions discussed above. But, in the case of social institutions and states, such natural inclinations do not exist. How, then, do the moral values that govern their conduct evolve? Collective morals develop within groups and states as frames of reference for any given “we”, ones that are capable of enacting laws and cultivating a sense of belonging. Nevertheless, states and institutions, being made up of individuals, or active subjects within a system, do not develop their own morals, for they have no natural predispositions, instinctual drives, or individual subjectivity. What they do have is institutional memory, cumulative experience, and imperatives arising from balances of power. Mechanisms are established that transform conclusions drawn from their experiences – reciprocal relationships (e.g., trade), rivalries, wars, etc. – into agreed-upon norms articulated in the language of morals and positive laws. None of them are binding absent a body to enforce them. More importantly, agreed-upon norms have been formulated among states not only regarding their rights and duties, but the rights of humans as humans. These apply to the citizens and populations of these states that create charters outlining all rights, with their protection being dependent on the state's respect for them. These rights or charters, too, have been couched in moral terms, and they are a summation of conclusions derived from the interaction of wars, trade, economic crises, and states' interests in the discourse of law and ethics in the modern era.

As a result of this interaction, the forcible occupation of others' land and the imposition of an occupation on another people, in the modern global order that recognizes territorially defined states, and people aspiring to become nations organized in a state, are considered by so-called international norms or international law an injustice because they preclude the collective practice of the right to self-determination.¹ Maintaining an occupation requires violence, including limiting people's freedom, subjecting them to humiliation, execution, and torture, and imposing collective punishment. Resisting occupation is a right not only because occupation prevents the exercise of the right to self-determination, but also because it is self-defence against these acts.

The moral debate about international conflicts, including occupation, is not about virtue. It is about the applicability of agreed-upon norms to acts committed by states and the inability to enforce them due to the conduct of states considered great powers, whose behaviour is governed not by norms, but by various

¹ The right of self-determination is a core principle in the UN Charter and in UN General Assembly Resolution 1514 of 14 December 1960, titled “Declaration on the Granting of Independence to Colonial Countries and Peoples”. “Declaration on the Granting of Independence to Colonial Countries and Peoples,” *United Nations Human Rights Office of the High Commissioner*, accessed on 12/11/2023, at: <https://tinyurl.com/43t3ftxc>

biases, alignments, and strategic interests. Before “exposing” the hypocrisy of the international order – the double standards applied to friend and foe at every turn, and not only during the war on Gaza – it would be useful to look at the breadth of the global public that insists on judging events through the lens of morals, not ideologies or international alignments.

The public that protests in defence of black lives and of the Rohingya people facing genocide, for refugee rights, and the future of humanity in the face of environmental degradation are often the very same people who oppose the Israeli occupation and show solidarity with the Palestinian people facing genocide in Gaza, regardless of their feelings about the ideology of Hamas. By dint of what they are and their reality, states will never be guided by this universal moral approach. It is nevertheless vital to draw attention to standards that ostensibly apply to all of humanity and for human solidarity, as well as for pressuring states to amend their policies.

This essay proceeds from the assumption that moral judgment may be passed on institutions, including states. There is grounds for this. First, they are comprised of individual human beings with reason and will, who can distinguish good from evil. Moreover, the object of their actions, or at least those impacted by them, are human beings, both individuals and groups. Second, their goals and methods and the outcomes of their actions are subject to individual moral judgment based on values as well as agreed-upon moral norms, enshrined in conventions and treaties that constitute the chief element of international law.

When one commits an act of murder, robbery, or fraud within the state, they not only break the law, but also commit an immoral act. When states violate international law through a war of aggression or genocide, they are committing immoral acts while also violating conventions they have signed and committed themselves to. This does not apply to the individual citizen, who did not sign the law that criminalizes their action. Rather, they are assumed to be morally committed to the value embodied by the law, or they comply with it because of their knowledge of the consequences and possible punishment. In the case of the state, there is no accountability or punishment for violating the law unless there is another state or group of states capable of imposing the law on it and has an interest in doing so. This fact makes moral judgment of its conduct even more important, as this judgment is a significant element of political action to confront a state's crimes.

War crimes, crimes against humanity, and genocides committed after the Cold War (for example, in Rwanda and the Balkans) spurred the establishment of the International Criminal Court (ICC), whose founding charter, the Rome Statute, has been signed by 123 states since July 1998. The court exists to hold the perpetrators of such crimes responsible as individuals, whether they are leaders of states, commanders of armies, or officers. In other words, the official nature of their conduct does not absolve them of individual moral responsibility. But since the court's founding, it has proved unable to punish those who are officials or officers from the great powers, or individuals from states that emerged victorious from the war. Once states are involved, other considerations wholly unrelated to morals are brought to bear. For all practical purposes, the ICC is dedicated to punishing the defeated.

Truth is not, as often claimed, the first casualty of war; it is morality. This is justified by separating *raison d'état* from morals on the grounds of interests, and the emergence of a mood of forgiveness toward warriors who absolve themselves from moral commandments in dealing with enemy population. It is also argued that the state is forced to commit immoral acts in service of ends that warrant it, like war itself. In encouraging the killing of the enemy and adopting two distinct moral standards for allies and enemies, war permits the violation of the premier value: the right to life. What, then, will be the fate of other, lesser values? When the campaigns of propaganda and lies commence, morals have already been thrust aside. They are asked to fall mute, and the voices that speak on behalf of them are silenced. The thin line between life and

death cannot tolerate the urgency of their appeal. It is specifically at this moment that raising the question of morals becomes urgent for the victims. The duty extends beyond the need to discuss the “justice” of the war: is it a just war, meaning a war of liberation or self-defence? A war fought after the exhaustion of all non-violent means? Or an unjust war of aggression? Humans are moral beings. Alignments in wartime may be one of the greatest challenges to their moral fibre.

Morals and Identity in the Present Context

Moral standards are formed and expressed in daily life in the context of belonging to a reference group. An individual's position and status within the group are inseparable from the expectations of them and their expectations of themselves. Within the framework of closely knit groups, such as the extended family, the tribe, and the traditional small neighbourhood, it is difficult to distinguish between private and public morals, and the moral rules and binding norms that apply outside the group differ from those that apply within it.

As affiliation groups expand, individual morality grows increasingly distinct from customs and traditions. This expansion is not that of a state's or empire's territory which can happen even as individuals continue to belong to their small, closely knit group. It is rather the expansion of the affiliation group, whether it is coterminous with the state or not. This is the case with the individual cognizant of their individuality in a national or citizenship-based group, or in identity groups, which constitute at certain levels an alternative to the traditional, closely knit group.

However, individuation and the individual's perception of their own individuality, through the distinction between individual and public morality, and the awareness for the potential for individual moral decisions, do not diminish the importance of the imagined identity-based community. In the event of the outbreak of hostility, especially war, the bonds within the imagined community become more tightly knit; that is, its “tribalism” becomes more pronounced. As a result, the gap between morals that apply inside and outside the group widens, reaching the point of total contradiction in the event of war. This is the political reality enthusiastically described by Carl Schmitt in his various writings, which consider politics to be the art of distinguishing friend from foe.

Hence, the moral treatment of individuals within the imagined community does not apply to individuals belonging to the enemy. In this context specifically, two elements are important. The first is the existence of individuals and organizations who preserve ostensibly universal human values. Unlike their state rulers and intellectuals who merely pay lip service to such values, ignoring or justifying acts that contravene them and for whom values are universal only in content but not in the scope of application, they acknowledge the universal validity of moral values across groups and their applicability to human beings in general. The second is serious engagement with norms that regulate relations between peoples and states even in times of war, and institutions that call for their implementation and document violations in the absence of major powers capable of enforcing them. It is important to underscore here that a belief in universal human values is insufficient; more important is adherence to them.

Some people have discovered the hypocrisy of Western states (meaning their governing institutions) during the genocidal Israeli war on Gaza. They have seen it in the support of these states (save for the governments of Spain, Ireland, and Belgium) for the continuation of the war even after the magnitude of the Israeli crimes had become clear, in the editorial policies of Western mainstream media, and in their contravention of human rights and universal charters. These states remained silent amid the bombardment of densely populated neighbourhoods, deliberate starvation, the suspension of water and electricity to the population, and the shelling of hospitals and schools. This has led some to question human rights and universal values as a whole, a tendency encouraged by certain ideological streams in Muslim societies.

In fact, this is nothing new. We have seen it in Vietnam, Cambodia, and Laos, and amid crises in Africa (the genocide in Rwanda and events currently underway in Sudan), and during the war on Iraq and the bombing of Mosul and Raqqa.

Palestine, because of the clarity of its cause, throws this hypocrisy into stark relief. But this is not necessarily because of Palestinians; but more likely because of the bias toward Israel and the particularity of Western states' relationship with it and their unconditional support for it. Moreover, hypocrisy is not limited to the West, but extends to Arab and Muslim states as well. Judgement on hypocrisy is made by the yardstick of universal moral values, as represented in global human rights formulations and international conventions on occupation. Yet, how can we use these to expose hypocrisy while they are simultaneously being contravened? The task is not to deny universal values or expose their falsity, but to expose lip service to them, their disavowal, the lack of commitment to these values and international law, and the way international law has been hollowed out of any substance in an international order where values articulated in conventions and their interpretations are subordinated to interests and power relations.

In spite of Western states' hypocrisy when it comes to applying universal human rights values outside their national and/or cultural scope, many peoples, Arab and non-Arab, Muslim and non-Muslim, have been liberated from Western colonialisms, with anti-colonial movements emerging in colonial states themselves. South Africa, too, was liberated from apartheid thanks to armed and unarmed struggle, and international solidarity. Armed struggle was not enough to free Palestine from occupation in the past and it is not enough in the present day. The Palestinian people need Arab and international solidarity. But how can this be advocated without a belief, critical as it may be, in its existence? Denial of universal values and claims that they are but a monumental lie leads only to moral nihilism, feeding the nihilistic extremism of marginal groups that Arab societies have already experienced and for which they have paid a heavy price.

The most effective way to expose the Western countries' ostensible moral hypocrisy to universal values is for those who struggle against the injustice with which these states are complicit to formulate their demands and political discourse in genuine alignment with universal values and human rights. Here the question arises: Are those protesting the war in Gaza with moral passion and agony motivated by morality? Or does their protest arise out of the national or religious identity they share with the victims? Both motives are legitimate, and can be formulated in the language of justice, because the Palestinian people are being subjected to injustice and oppression, and their cause is just. Similarly, demonstrators in Europe, the United States and elsewhere demanding a ceasefire may be motivated by universal morals resulting from a sense of common belonging to a single identity. This is neither a national nor a religious identity, but rather a human identity, which enables them to imagine themselves in the place of the victims. This is the highest level of shared belonging; humanity as a larger reference group ought to be governed by universal values.

Young American Jews have done a great work through their solidarity with the people in Gaza and their rejection of Israeli practices, whether acting based on universal values, on their understanding of Jewish values together with human values, or even on a shared Jewish identity with Israeli Jews. In this case, shared identity is a motive for rejecting Israel's monopolization of the conversation, its claim to speak in the name of the Jews while committing genocide, and its distortion of that identity with its criminal practices against the Palestinian people. It is an identity-based starting point; however, it is diametrically opposed to identity-based chauvinism, since it invokes identity not to boast about it, but rather to refuse support for anyone who claims to represent that identity.

The Right to Self-Defence

The United States, in the person of its president and a great many journalists and intellectuals – including Israeli intellectuals and journalists who have been mobilized into media battalions and brigades – have tried to encapsulate, and then negate, all the moral issues arising from waging war on the Palestinian people in the Gaza Strip with one phrase: Israel's right to self-defence in the wake of the crimes committed against Israeli civilians on 7 October 2023. The war is considered legitimate, even necessary, because it is waged in self-defence.

The International Court of Justice (ICJ) has previously ruled that a state occupying the territory of others has no right of self-defence. It is defending not its “self”, which in this case is the state within its internationally recognized borders, but its occupation. At the same time, there are international conventions that uphold the right to resist occupation. Logically speaking, the right of self-defence belongs to a people under occupation. It is called the right of resistance. In any case, self-defence is not a moral value, but a natural imperative, and the word “right” lends it a legal and moral normative character, transforming it into a recognition of the right of any people to resist occupation. Because the occupation entails practices like arbitrary violence, the denial of freedom, and humiliation, and because a society under occupation defends its existence, culture, and identity, resistance in the view of liberation movements transcends the mere right of self-defence to become a moral duty as well. This duty, on the level of discourse at least, is to defend a set of values like dignity, justice (including freedom and rejection of supremacy in this case), and the right of belonging or the right to an identity.

In fact, there is no unconditional right, moral or legal, to self-defence. There are conditions of proportionality between action and reaction and other conditions related to means, not all of which are legitimate. After it has become clear how Israel exercises this “right”, some states continue to invoke it to justify the ongoing aggression, even after the killing of thousands of innocent civilians, including a staggering number of children. This justification goes beyond hypocrisy to sheer moral depravity. Even if the invocation of “Israel's right to self-defence” is followed by remarks urging Israel to respect international law and “avoid killing civilians”, support for Israel is not conditional on such respect, and so they remain a meaningless addendum with no impact whatsoever on reality.

For its part, Israel moved immediately to justify the all-out assault on the Gaza Strip by asserting the elimination of terrorism as an objective, which requires the elimination of Hamas, or at least its military apparatus and its administration in the Gaza Strip. As soon as this goal was articulated, nearly everything became permissible. The dirty means used, and the crimes perpetrated in this type of war are forgotten, and no one is held accountable as long as the mission is a “success”. Accountability only begins in the case of failure, or if the states committing such crimes pay a relatively high price during the war. Meanwhile, the voices of those driven by moral impulses are raised in Western societies.

When the Israeli prime minister falsely but repeatedly insisted that Hamas is the ISIS of Gaza, he was laying the groundwork to make anything permissible in Gaza. Very few people, after all, cared about the crimes committed during the bombardment of Mosul and Raqqa after an international consensus formed on the need to eliminate ISIS. International attention at the time was focused solely on the coalition's successful occupation of these cities and its efforts to cleanse them of ISIS forces regardless of the cost, including cost of life, to their inhabitants and in disregard for the plight of civilians suffering under the ISIS occupation and during their liberation from ISIS, and the number of those killed by US bombing. As the coalition's campaign made clear, ISIS crimes against Iraqi and Syrian civilians were of no interest to the coalition states; what concerned them was the actions against foreign nationals and the threat the group posed to “stability” in the region.

The demagogic identification of Hamas with ISIS can be easily refuted. Hamas is not an international organization that fights in others' territory. It is a Palestinian movement that operates on occupied land against the occupation. And unlike many other Palestinian and non-Palestinian armed organizations, it has not carried out military operations outside occupied Palestine and has not harmed civilians in other countries. Even if one disagrees with Hamas, it is nonetheless a political movement that does not engage in nihilistic violence, but rather uses violence in resisting the occupation.

In addition to the attempt to popularize this association between Hamas and ISIS and therefore groom the public to accept anything in the name of eliminating Hamas, Palestinian movements have repeatedly been compared to Nazis and Nazism, a recurrent Israeli trope since the eve of the June 1967 war. Gamal Abdel Nasser was likened to Hitler, as was Yasser Arafat, and the Israeli government has repeatedly invoked the Holocaust. The purpose is not only to elicit international sympathy while helping to assuage Europe's guilt by projecting it onto Arabs and Palestinians, in exchange for its support of Israel, but also to monopolize the role of the victim. By permanently inhabiting this role, victimhood becomes an intrinsic characteristic of Israel, even as it occupies the land of others and is the executioner, not the victim.

These are some of the mechanisms used to neutralize the moral questions raised by the war on Gaza and dull any moral sense that every human being has, as I state in the opening of this essay.

Absolute Evil

From the beginning, the justification for the aggression on Gaza and the genocidal war against the Palestinian People was conspicuous for the refusal of Israel, its media, and the Western media supporting it to discuss any precursor to the Izz al-Din al-Qassam Brigades' offensive against Israel on 7 October, insisting that any mention of context was tantamount to a justification of the attack. The claim was thus propagated that the Qassam Brigades carried out the operation simply because they are absolute evil, echoing Benjamin Netanyahu's old mantra that "the cause of terrorism is terrorists".

This is not a philosophical claim, but part of a propaganda campaign. Explaining the difference between this and absolute evil as understood in moral philosophy is a pointless exercise. I do not agree with Nietzsche's admonition that "evil" does not actually exist, or his assertion that the source of evil is the jealousy, envy, and resentment that the weak harbour for the strong, embodied by the supplanting of Greco-Roman morals with Christian morality due to its commingling with Judaism. Nor do I agree with the notion that the idea of evil originated to demonize superiority, though I agree that the concept of evil can most certainly be invoked to demonize others, as, for example, in political propaganda. Absolute evil is a concept rarely used in moral philosophy, unless one is referring to absolute moral judgments, between two options (either/or). In this context, the meaning of "absolute" is not that the choice is between absolute evil and absolute good, but rather that moral choices between right and wrong, or good and bad, are freely made choices without compromise. Compromises are subsequent to moral judgment; based on practical imperatives, they lay outside the framework of moral judgment.

It is also clear that the meaning here is not what Kant called radical evil (*das radikale böse*). For him, the source of radical evil was the human propensity to prefer love of self (self-interest, vanity, etc.) over moral law, which requires adherence to the morally right choice out of duty alone, not based on interest or a consideration of outcomes. For Kant, this is the motive of evil, an idea that has been subject to severe criticism. As for doing evil simply for the sake of evil, according to Kant, this can only come from Satan. In other words, he did not employ the term "absolute evil". It is an imagined evil that does not motivate humans.

In contrast, when Israel and its propaganda machine speak of “absolute evil”, the purpose is to equate Hamas with evil itself – in short, to demonize the movement. This is an ontological evil, one that exists in and of itself without beginning or end. More importantly, it implies that its acts defy explanation: Hamas commits evil deeds for no reason but being evil incarnate. There is no remedy but to fight and eliminate it. From this perspective, any attempt to explain the reasons for or background to the operation carried out by the Qassam Brigades is read as a justification of its acts, and those who attempt to offer explanations are accused of complicity with terrorism. Claims about evil incarnate are more than mere incitement or emotional outburst. They are a system of political propaganda with its own, predetermined logic, which includes premises and consequences. They are claims based on false assumptions and fallacies.

For example, the assertion that Palestinian violence arises from an animus toward Jews is a baseless accusation; even civilian victims, if targeted, are not targeted because they are Jews, but rather in the context of a conflict with an occupying state and the reality of its occupation and associated practices. This is not a justification for targeting civilians, but rather a refutation of the assertion that Jews are targeted as Jews. The occupation state is not resisted because it is Jewish, but because it is an occupation state. Levelling the charge of anti-Semitism against people living under occupation effaces the specificity of religious, ethnic, and social anti-Semitism that Jews have historically faced as religious minorities in Europe.

In any case, this is not the first operation carried out by Hamas in which Israeli civilians are among the victims. Hamas and other resistance movements have carried out several suicide operations (referred to by Hamas and others as martyrdom operations) in Israeli cities, mostly during the Second Intifada, a practice that has been given up since then. This has always provoked a violent Israeli response that included collective punishment and the killing of more Palestinian civilians. But that response does not resemble the current Israeli response, neither in its emotional tenor nor vindictiveness, wreaking vengeance on all Palestinians. What so provoked the fury of the military state, which conceives of itself as Sparta, is not the number of civilians killed or injured during the operation (many of whom were killed by Israeli forces), but its shock and surprise at three things. First, never since 1948 has an Arab (Palestinian) party brought the war inside the 1967 borders; Second, the audacity and capabilities of Palestinian fighters have shocked the Israelis. In this respect, entering military bases and killing soldiers is more enduring and traumatic than killing civilians. Third, the shock that sent the state reeling mingled with the calculated fear that weaknesses will be exposed, and Israeli deterrence will be ineffective. Israel thus rushed headlong into an all-out war on Palestinians in the Gaza Strip, which has been recognized internationally as plausibly genocidal.

In this context, any inquiry into the background of the 7 October attack becomes completely unacceptable, even suspect, as sympathetic to terrorism. History, according to this narrative, began on what has become known in Israel as “Black Sabbath”, ignoring the nearly two-decade siege suffocating the Gaza Strip, the regular Israeli airstrikes, the expansion of colonization in the occupied West Bank in the past two years, the increasing frequency of incursions in al-Aqsa and attempts to impose on Muslims a division of the religious site, the harassment and torture of Palestinian detainees in Israeli prisons, and political regression under a far-right government. A discussion of this background introduces a measure of rationality in the treatment of the events of 7 October, relativism as opposed to absolutes. In turn, this could temper the overwhelming desire to restore deterrence by means of all-out tribalistic vengeance against the Palestinian people, with the difference that the Israeli tribe is armed with the latest American military technology for aerial, naval, and terrestrial warfare.

Hence the emphasis on absolute evil. Although we are talking about human beings who have lived most of their lives under a siege like no other, those who are older than the siege had lived the first part of their lives under direct occupation in conditions of oppression and deprivation. For example, the overwhelming

majority of Gazans are refugees from the environs of the Israeli towns and villages that the Qassam Brigades infiltrated or shelled. There is no absolute evil or absolute good here. Even the right to resist occupation that some imagine to be absolute is not an absolute good, as I will demonstrate below.

Applying terms like “absolute evil” to socio-political phenomena is contrary to rationality, which entails interpretation and comprehension. It prevents us from explaining why ordinary people resort to violence, whether for moral or immoral ends. It also precludes an understanding of the circumstances of the moral deterioration of Israeli soldiers and their barbaric conduct – acts of mass murder, the abuse and humiliation of Palestinian civilians – as well as the relationship between this and growing up in a culture of occupation and racism.

In the second half of the twentieth century, the Nazi genocide against the Jews constituted the historical background for the philosophical discussion of evil. The Holocaust was described as an absolute evil, meaning an extraordinary, universally recognized evil. But in *Eichmann in Jerusalem*, Hannah Arendt discerned what she considered the banality of evil, the direct opposite of radical evil. Arendt located the source of evil in ordinary people who, divested of any moral sense, did their jobs, lived their everyday lives, and played their part in the process of extermination. They did so not because their love of self had prevailed over moral law, but rather because they had become instruments in the service of a totalitarian regime. This war has shown that political culture of democratic countries can become totalitarian in wartime.

Palestinian Civilians Are Not Collateral Damage

State leaders typically express regret for the killing of civilians in the course of war, even if they offer some justification for it – it was an error, collateral damage from shelling or fighting. Israel, however, does not apologize or offer similar justifications that could neutralize a moral judgment of the killing of civilians. On the contrary, it announces that it bombs buildings, residential neighbourhoods, and even hospitals, regardless of the civilians within. It gives no consideration to their presence.

Like all cases of settler colonialism, the history of Israeli settler colonialism is replete with the deliberate targeting of civilians with the purpose of taking their place in the labour market and on the land. Zionist movements planted bombs in markets and places where civilians gathered, and they used wholesale violence against the residents of entire villages from which gunmen launched resistance operations against Zionist settlements. This pattern of quasi-tribal reprisals and revenge continued until the Haganah and other terrorist Zionist organizations embarked on the crime of mass expulsion in 1948, committing organized massacres against entire villages. Expulsion is a doctrine and a policy for Zionist settler colonialism. Without it, Jews cannot be a majority in a Jewish state. After the establishment of Israel, the state pursued the same method, retaliating against the residents of Palestinian villages in response to the actions of resistance fighters infiltrating across the border. Finally, there came the direct occupation of the West Bank and Gaza Strip in 1967.

Contrary to its claims, Israel does not kill civilians because the Palestinian resistance uses the population among whom it resides as human shields. Even if it were true, it does not justify aerial bombardment in order to postpone direct confrontation on the ground, which would require sacrifices that the Israeli army is not prepared to make. But it is not true. Israel targets civilians directly and deliberately for various reasons, including: 1) to teach civilians a lesson so that the Palestinian resistance does not repeat such acts, as if they bear individual and collective responsibility for them; In this case, violence according to the arrogant colonial mentality is a tool of collective punishment; 2) to cause unbearable human suffering and push the population to direct their resentment at resistance movements and to even turn against the very idea of resistance as too costly; 3) to pressure the populace to leave “willingly”. This is the logic underlying the

merciless shelling and the cutting off of water, electricity, food, and fuel (the same logic underlying the siege on the Gaza Strip since 2007); and 4) racism. Racism should not be underestimated as a factor given the racist culture prevalent in Israeli society and the army, whose soldiers are indoctrinated with hatred of Arabs. Racism is both an attitude and a pseudo-scientific “theory”. The former is morally reprehensible, while the latter leads those who espouse it to make foolish mistakes due to their misdiagnosis, misjudgement, and underestimation of victims of racial discrimination.

Public statements by Israeli leaders have laid the groundwork for the genocidal acts of their army. The President of Israel Isaac Herzog, for example, told the media that there are no innocents in Gaza and that the people themselves are guilty because they did not rise up against Hamas.² The Israeli minister of defence, Yoav Gallant, told his officers that there would be no electricity, no water, no medicine because “we are fighting human animals and we are acting accordingly”.³ None of Israel’s allies in the US and Europe issued an official denunciation of these statements, to say nothing of its relatively new allies like the current Indian government, which is just as racist as Israel’s. Israel’s allies engage in feints and diversions, condemning statements by two specific extremist Israeli ministers, freeing them of the need to condemn official Israeli policy and allowing them to ignore the statement of war commanders and decision-makers.

Anyone who follows the Israeli media, especially visual media, is struck at the way intellectuals, media professionals, former officials, and regular studio guests repeat similar statements and seem to be in a permanent state of alert, as if they were in a war room, or in a competition to encourage their army to commit crimes, accusing of anti-Semitism anyone who dares object.

The Morality of the Right to Resistance and of Actions to Avail this Right

The United Nations recognizes the right of peoples to resist occupation using “any means at their disposal” in accordance with the principles and United Nations Charter.⁴ Of course, “any means” is a qualified expression and one bound up with the Charter, while other treaties restrict it to the laws and customs of war. However, this recognition is not what makes resistance to occupation moral. Rather, resistance is moral by virtue of the right to resist injustice and seek freedom from illegitimate restrictions. This is a collective right since, under occupation, an entire people is being subjected to injustice. The difference between this kind of injustice and that to which state authorities subject their own people is not a moral difference; it is rather one that is distinguished by international laws and norms that recognize peoples’ right to self-determination.

² Israel’s president stated that “It’s an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it’s absolutely not true. They could’ve risen up, they could have fought against that evil regime”. Chris McGreal, “The language being used to describe Palestinians is genocidal,” *The Guardian*, 16/10/2023, accessed on 14/11/2023, at: <https://shorturl.at/aMOX8>

³ “Israel defence minister Yoav Gallant calls Palestinians in Gaza “human animals”, orders total siege,” *The New Arab*, 10/10/2023, accessed on 14/11/2023, at: <https://shorturl.at/dlX36>

⁴ See: United Nations, United Nations General Assembly, Resolution No. 2649 (25th session), 30 November 1970, Condemning the Denial of the Right to Self-Determination to Peoples of South Africa and Palestine (New York: 1970), accessed on 12/11/2023, at: <https://bit.ly/40GLTDS>. See also: United Nations, United Nations General Assembly, Resolution No. 3236 (29th session), 22 November 1974, Recognizing Palestinian Inalienable Rights and Palestinian People as Principal Party for Establishing Peace (New York: 1974), accessed on 12/11/2023, at: <https://bit.ly/3Qul6pw>

On 4 December 1986, the General Assembly affirmed the legitimacy of the Palestinian armed resistance, linking it to Namibia and South Africa. The resolution stipulated “the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle”. See: UN General Assembly, 29 November 1985, A/RES/40/25, accessed on 12/11/2023, at: <https://tinyurl.com/5n78jr6x>

The Hague Convention and the Third Geneva Convention for the Protection of Prisoners of War give legitimacy to carrying arms to resist the occupier. See: International Committee of the Red Cross, The Convention Respecting the Customs and Laws of War on Land (The Hague, 18/10/1907), accessed on 12/11/2023, at: <https://bit.ly/3MAhP76>; United Nations Human Rights Office of the High Commissioner, *Geneva Convention relative to the Treatment of Prisoners of War* (1949), accessed on 12/11/2023, at: <https://tinyurl.com/zk5sb6dd>

Whatever justifications the occupier offers, occupation is imposed by force. Because the population under occupation has no citizenship rights of any kind, they are subjected to the arbitrary rule of the occupation authorities. Failure to submit to the occupation brings redoubled violence with the aim of subjugating them.

A people under occupation have the right to engage in violence in resisting the occupation, especially after exhausting all other methods of resistance. This is a form of self-defence (resistance) and an attempt to exercise the right to self-determination (liberation). The decision to use or refrain from violence involves both moral and rational considerations, in the utilitarian sense of “rational”. However, this violence does not necessarily result from a study of whether or not the conditions for the use of violence are met. Rather, it may erupt spontaneously and only later become organized. Therefore, the distinction between the eruption of violence in resistance to occupation, and rational planning for armed violence is crucial.

Having recognized a people’s right to resist occupation, are we not permitted to judge the morality of acts of resistance to occupation? Not only is it permissible, but also, perhaps, necessary. The permissibility of armed resistance to occupation, disagreements over its acts’ effectiveness rather than legitimacy notwithstanding, does not mean that we may not distinguish between good and bad in acts of resistance themselves, especially when they deliberately cause physical harm to innocent people. We might sometimes view these as details not worth delving into, especially if such acts result in political gains, such as deterring the occupying state, forcing it to negotiate or even to reconsider the occupation in its entirety, or if the response of the occupation is so heinous and overwhelming that it overshadows excesses committed by those fighting against it. But it is often the case that the harm done by certain acts of resistance is greater than any political gain, especially when they unite public opinion in favour of tightening the occupation’s grip and the occupied population pays a greater price. This is at once a political and a moral issue; liberation struggle has its own ethics too.

Targeting unarmed civilians, killing or mistreating them, is an immoral act which cannot be justified by the right to resist. But it is meaningless to condemn this type of action within the framework of a political discourse that does not recognize the right of people under occupation to resistance.

In fact, such acts were committed on 7 October, some by people not affiliated with Hamas. Here it becomes the duty of the resistance movement to clarify and explain what happened. To do so would not diminish its credibility; on the contrary, it would bolster it. However, there is a fear on the part of the peoples who have languished under occupation or experienced repeated defeats, that condemnation or the admission of mistakes would taint the purity of the struggle and the resistance, undermine the justice of the cause, and other such unfounded concerns. In reality, however, the true harm results from confusing the just with the unjust, the heroic with the criminal, and truth with lies. Such confusion brings real harm to a just cause. It takes moral courage to speak out on this matter among a people living under siege and collective punishment, and now suffering genocide.

The Shelling of Hospitals and Schools

After the bombing of al-Ahli (Baptist) Hospital on 17 October 2023, Israel rushed to deny responsibility and claimed that the cause of the “blast” (as it was subsequently called by the Western mainstream media) was a failed or faulty rocket launch by the Islamic Jihad movement. It made no effort to prove it, taking advantage of the fact that the US administration, represented by the president himself, was prepared to echo any official Israeli lie. But no longer does the Israeli government use this kind of lie. Instead, it acknowledges the bombing of hospitals and justifies it by pointing to tunnels under hospitals allegedly used as headquarters or refuge for the Qassam Brigades. It does not seek to convince anyone of its claims

and instead simply spreads rumours or extracts confessions from prisoners under torture and broadcasts them in the Israeli media, which, in itself, is a crime, and the Israeli media has never once hesitated to go along with it.

The same lies were applied to bombing schools affiliated with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). A month into the war, Israel no longer bothered to lie or justify and was bombing hospitals and schools with no stated rationale, as if it were a routine part of war.⁵

The official silence of the so-called civilized world on this crime has set a dangerous precedent. While the regime of Bashar al-Assad in Syria committed such crimes before Israel, its offences were met with well-known condemnation, sanctions, and international isolation. Israel, however, remains immune to official condemnation of Western governments and any sanctions. In fact, Western democratic states still consider it part of the “civilized world”. It is not condemned but counselled and called on to preserve civilian life as much as possible; it is not punished but rewarded. It would have been pitiful enough if Israel’s allies merely failed to condemn it or impose sanctions on it but they also lavish it with support and privileges granted to no other entity.

The bombardment of hospitals and schools has become a routine part of this barbaric war, one that is criticized only by some segments of the Western public and international humanitarian organizations. Israel’s allies, however, especially the US, and European governments, and most recently the Indian government, do not condemn such acts; they parrot Israel’s justifications without scrutiny. In a press conference held in Beirut on 6 November 2023, Hamas appealed to the UN Secretary-General to send teams to verify the existence of tunnels under hospitals. The UN did not reply. If it had, and Israel rejected the request, its lie would immediately be laid bare.

Bombing hospitals is a war crime. In the case of Gaza, thousands of civilians are sheltering in hospitals, believing hospitals are a safe haven. After all, hospitals are not bombed in wars. Speaking about “absolute evil”, bombing hospitals and schools is an evil deed from any perspective. It is even awkward to debate this, for it is difficult to make arguments for moral truisms. But Israel has turned what is evident into a point of contention with its claims about tunnels. Under no pretext is it permissible to bomb thousands of defenceless civilians, including patients in their sickbeds or hooked up to life-saving equipment (to which Israel has unscrupulously cut electricity). Even more astonishing was a petition signed by 100 Israeli doctors who, under the same pretext, called for the bombing of al-Shifa Hospital – an act inimical to the compassion and respect for life the word “doctor” implies.

Silence before this heinous breach of moral values and norms represents a setback for internationally accepted norms and a break with lessons learned from history.

Habermas on Moral Judgments and Legal Terms: A Critique

Jürgen Habermas’s statement⁶ against critics of Israel merits no academic discussion or debate. It is nothing but a political statement largely focused on justifying limits on the freedom of expression of critics of Israel in Germany and on rejecting the characterization of Israel’s actions in Gaza as genocide. Habermas rejects

⁵ According to World Bank figures in a report released in mid-December 2023, 8 of the 36 hospitals in operation on the eve of the aggression remained operational, and 400 schools have been bombed and damaged. “Impacts of the Conflict in the Middle East on the Palestinian Economy,” *World Bank*, December 2023, accessed on 2/3/2024, at: <https://shorturl.at/eAFKU>

⁶ Jürgen Habermas and three eminent colleagues from Frankfurt University (Nicole Deitelhoff, Rainer Forst, and Klaus Günther) issued a statement of solidarity with Israel. See: Nicole Deitelhoff, Rainer Forst, Klaus Günther & Jürgen Habermas, “Principles of solidarity. A statement,” *Normative Orders*, 13/11/2023, accessed on 21/11/2023, at: <https://shorturl.at/wHJLW>

the term for two reasons: one is related to Germany and its history, and another that is self-evident to him, namely that Israel's war on Gaza, which he calls "retaliation", is not controversial. Instead of criticizing the ongoing war, Habermas chooses to focus on a hypothetical war being waged in line with "guiding principles", which include "the prevention of civilian casualties", and has the goal of "future peace". While Habermas is not deluded enough to believe that Israel is adhering to his guiding principles, he nonetheless formulates them as rhetoric conditions, thereby making support for Israel's war seem conditional, although it is, in fact, unconditional. Anyone who supports a war cannot place conditions on a state that does not consult them on ways of waging its war. The individual intellectual's public support for the war is therefore inherently unconditional.

Habermas continues: "Despite all the concern for the fate of the Palestinian population, however, the standards of judgement slip completely when genocidal intentions are attributed to Israel's actions". One may express concern about the fate of the Palestinian population, but one may not call it genocide. Habermas himself expresses no sympathy or solidarity with Palestinians. His concern is that what they are experiencing should not be called genocide; it is a matter of the proper use of terminology. Habermas does not offer his own judgment of the cause of "concern for the fate of the Palestinian population". If killing tens of thousands of civilians, most of them women and children, in the wake of threats to punish the entire population of Gaza whom Israel does not consider to be civilians, and to expel and displace millions is not genocide, then what is it? The German philosopher does not elaborate, let alone offer a condemnation.

This is reminiscent of the discrepancy between Great Britain's arguments about the definition of genocide as applicable to the Rohingya and its stance on the claim of genocide against the Palestinians, filed by South Africa with the ICJ. Whereas in the former case it argued that the definition should be broadened, it reversed itself completely in the latter case to argue for a narrower definition of genocide.

Habermas has no notable record or stature when it comes to expressions of solidarity with peoples outside of Europe. His general focus is to rationalize political discourse in Europe and reconcile Enlightenment rationality with social justice and political liberalism. His stance on the US war on Iraq in 2003 was indicative of a political naivety befitting a German professor, as Karl Marx might have said. Habermas indeed believed in the invasion's goal of exporting democracy. He also embodied a kind of stunted moral sensibility and tendency to hide behind academic debates over terminology, especially when it comes to events outside "we" as the Western world. I will return to the term "genocide" below, which preoccupies many academics in this moment, as if determining the precise name of a thing is what determines one's moral stance toward it.

The mass killing of civilians, including the indiscriminate aerial bombardment of schools and hospitals, is presumably morally condemnable regardless of any terminology used to define it. The applicability of the term "genocide" is not a condition for considering it a heinous, reprehensible crime of the vilest sort; rather, it is a condition for considering it a particular crime under international law. Genocide is a specific term in international law, clearly defined by an international treaty that details the elements of the crime, with a particular focus on intent and goals. While there is a disagreement between states over whether Israel's crimes in Gaza constitute genocide, it is a political disagreement. Morally speaking, there should be no disputing that they are crimes.

Habermas adds that "Israel's actions" (without specifying what these actions are) "in no way justify anti-Semitic reactions, especially not in Germany". He is not concerned with what is happening to the Palestinian population or with the actions of Israel, but rather with anti-Semitic reactions in Germany. Most critical responses to Israel that are not anti-Semitic do not interest him. He does not even bother mentioning them. The anti-Semitic reactions which he and his colleagues have managed to observe manifest as a fear

among Jews in Germany who “are once again exposed to threats to life and limb and have to fear physical violence on the streets”. He considers this fear “intolerable”. Habermas does not offer any examples of how protests against the war pose a genuine danger to Jews in Germany. He merely refers to the anxiety and fear Jews experience from alleged threats.⁷

Habermas describes the recognition of “Jewish life and Israel’s right to exist” as “core elements” in “the democratic ethos of the Federal Republic of Germany”. He precedes this with the obligation to respect human dignity, which he fails to apply to Palestinians in Gaza. He concludes his solidarity statement commenting: “All those in our country who have cultivated anti-Semitic sentiments and convictions behind all kinds of pretexts and now see a welcome opportunity to express them uninhibitedly must also abide by this”. By this, he means “the elementary rights to freedom and physical integrity as well as to protection from racist defamation”, which he rightly considers rights that are “indivisible and apply equally to all”. His use of the phrase “those in our country”, instead of citizens or Germans, is not accidental. He probably refers here to Arab and Muslim immigrants in Germany, who, according to him, have their own reasons for adopting anti-Semitic ideas. In his view, these individuals have become a source of anti-Semitism in Germany. As a German professor, he found himself a battle against presumed non-German anti-Semites, thus closing the loop.

How can he justify this displacement? It is baffling, as no one has accused Israel of committing these massacres because, and as it defines itself, it is a Jewish state, or because Israel’s soldiers are Jewish. You will not find such a position against the aggression held by any significant number of Arabs, Palestinians, or protesters in Germany or around the world. Habermas joins the heated debate in the Western public sphere to divert attention to another fictitious arena: the struggle against anti-Semitism in Europe. This is also the case for politicians, intellectuals, and journalists who demonstrated against anti-Semitism in France while Israel was committing massacres in Gaza. The truth is, they are not protesting anything specific but against those who speak out about what is happening in Gaza. They are attempting to open another battle to obscure the massacres committed by Israel and to redraw the boundaries of freedom of expression so that they end where criticism of Israel begins.

Since the day the Qassam Brigades carried out their operation and the pro-Israel media campaign in the West was set in motion, Palestinians and their supporters have faced various kinds of harassment, up to and including losing their jobs. Raising the Palestinian flag and wearing the keffiyeh have been in some places virtually banned. On 14 October, a six-year-old Palestinian American child and his mother were stabbed at their home in the US by a white man, their landlord, simply because they were Palestinian.⁸ On 26 November, a white man opened fire on three Palestinian university students in Vermont.

Does Habermas not see that the persistence of anti-Semitism and racial discrimination in Europe manifests most clearly in the hostility toward those people? Does he not truly see that many potential anti-Semites in the West, on the right and far-right, are currently Israel’s staunchest supporters? The search for an answer brings me back to a fundamental shift in his thinking since Europe has witnessed extensive immigration, particularly from Muslim communities. His belief in the universality of Enlightenment ideas has been shaken, and he now sees them as rooted in what he considers Judeo-Christian civilization in Europe. I will avoid delving into this complex discussion here, although I believe that this casual pairing of Judaism and Christianity as distinctive features of European civilization is a facile attempt to move beyond European anti-Semitism and the Holocaust. European civilization is not Judeo-Christian, but

⁷ “Some German Jews Say Their Country Goes Too Far in Defending Israel,” *The Economist*, 4/1/2024, accessed on 2/3/2024, at: <https://shorturl.at/qzBU3>

⁸ “Slaying of 6-year-old Muslim in Illinois connected to Israel-Hamas war,” *Politico*, 10/15/2023, accessed on 3/12/2023, at: <https://tinyurl.com/3kcd6czk>

Christian, incorporating many non-religious components as well. The roots of the Enlightenment are not found exclusively in Christian civilization (insofar as it is Christian); they also lie in critiques of it, in rationalist traditions including non-Christian Greek Roman and Muslim, in the scientific revolution which is wholly unrelated to religious doctrine, in the rise of the centralized state and absolute monarchy, and in the discovery of maritime trade routes and engagement with other civilizations. The Enlightenment did not originate in Christianity, whether Catholic or Protestant, and there is no necessary connection between the two. As aforementioned, Habermas's late ideas on post-secularism are bound up with the fear to European secular and Christian identity in the face of broad immigration from Muslim countries and with the concern that the lack of cultural homogeneity will erode the dominance of liberal democratic ideas in Europe. However, immigration have undermined the dominance of liberal democracy, but not because of immigrants – only a small minority are out of step with this mainstream – but because of the populist and far-right reactions to them.

As for Palestine, Habermas and his colleagues show no sensitivity toward it. This would not matter had they remained silent about the ongoing crime in Gaza instead of issuing a flawed, morally hypocritical statement, concerned only with what Israel is doing in Gaza insofar as it may spark anti-Semitic reactions in Germany or elsewhere. I do not aim here to remind him of his moral duty toward the Palestinian people, for moral duty is self-imposed. However, he voluntarily stakes out a position of moral hypocrisy when he deliberately rejects the term “genocide” to describe the systematic and comprehensive bombardment of Gaza, which has levelled residential towers, refugee camps, schools, and hospitals and was preceded by calls for revenge by Israeli leaders and expulsion of the population. All of this occurs in a climate of racist hysteria in Israel and in its media, some of which seeps into Western media.

This debate was joined by another philosophy professor, Seyla Benhabib,⁹ whose principal foe is Hamas. This thinker and feminist activist generally opposes the occupation, acknowledging that Gaza is a large detention camp, but Hamas, with its ideology that calls for the elimination of Israel, bears responsibility for the blockade according to her statement, which is lengthy compared to that of Habermas and his colleagues. Hamas committed war crimes on 7 October, Benhabib says, recapitulating everything said in the Israeli and Western media about the events of that day. She does add that Israel is also committing crimes. Benhabib is adamant that Hamas may not emerge victorious from this war because it would hinder the rise of a moderate Palestinian leadership. She does not see Israel's role in thwarting and delegitimizing any Palestinian “moderate” leadership, nor does she realize the importance of armed struggle in legitimizing the force practiced under occupation. In any case, she demands that we avoid calling Israel a settler colonial state because ultimately Israeli and Palestinian nationalism “mirror each other”. We know that Zionism sees itself as a nationalist movement, even a national liberation movement, but its project in Palestine, the means it employs and its structure, occupying the land and expelling the original population, cannot be understood without seeing it through the lens of occupation and settler colonialism, and this is not solely a Palestinian perspective. Benhabib's language is aligned with that of the “endangered species” of the Zionist left that is currently rallying behind the war. For her, there are two national movements struggling over the same land. What hinders a mutual understanding are extremists on both sides. Benhabib easily condemns Bezalel Smotrich, Israel's Finance Minister, and Ben-Gvir, its National Security Minister. However, they are not the ones currently prosecuting the war; it is the secular generals who perhaps show respect for women's and LGBTQ's rights in the army. Benhabib no doubt considers these individuals to be enlightened and above her kind of criticism.

⁹ Seyla Benhabib, “An Open Letter to My Friends Who Signed ‘Philosophy for Palestine’,” *Medium*, 4/11/2023, accessed on 21/11/2023, at: <https://shorturl.at/NYZ78>

In her view, then, Hamas must not emerge victorious from this war. It must be defeated. She sees, and cannot ignore, that Israel's way of waging war includes the destruction of the Gaza Strip and a genocide against the Palestinian people. Her moral stance is not clear, and it becomes even more ambiguous after Benhabib accuses Hamas of placing its bases and tunnels among civilians and beneath hospitals, thereby turning Palestinians into "collateral damage" of "justified" Israeli airstrikes on these facilities, and shifting responsibility for such strikes onto Hamas itself. But where did the moral position go? It gets lost amid her "rational" analysis that sees the occupation and its victims as two equal parties. Her hostility to Islamists leads her to not only reject the right to resist occupation if Islamists are the ones resisting, but also to justify bombardment of civilians. More importantly, those she wishes to see vanquish Hamas are not the forces of enlightenment and moderation that will bring justice, fairness, and lasting peace between the two peoples, but the occupying state itself. The latter, instead of concluding that a just peace is imperative, has rather only concluded that military and intelligence errors had occurred and that the occupation's control over the Palestinian people must be even tighter.

In justifying an all-out war waged by an occupying state against a subjugated population, these intellectuals failed the moral test.

Instrumentalizing the Holocaust

The second point in my discussion of Habermas is the issue of the Holocaust and anti-Semitism. There is undoubtedly a connection between the Holocaust against European Jews and anti-Semitism. However, anti-Semitism does not fully explain the Holocaust as a historical phenomenon. One cannot interpret a phenomenon of the magnitude of the Nazi Holocaust without taking into account the rise of the totalitarian state, the pseudo-sciences arising from the application of biological theories to society, modern instrumental rationality unconcerned with ends, and the mechanisms that lead to the neutralization of the bureaucrats' moral judgment, whereby obeying orders and executing plans and job duties become values by themselves; moral judgment is thus suspended, even on matters related to the executed tasks.

The targeting of Jews in the Nazi Holocaust is doubtlessly directly related to anti-Semitism, whether it is the religious anti-Semitism that has continued since the Middle Ages, nationalist anti-Semitism that considers Jews a non-assimilative element precluding national homogeneity, or social anti-Semitism that used incitement against Jews to divert the class struggle from the conflict against capitalism to a conflict against the Jews. All these aspects merged in the racial anti-Semitic ideology of the Nazi Party. Though the majority of European peoples did not believe in it, some in European countries occupied by Nazi Germany, especially in France and certain Eastern European countries, collaborated in the process of rounding up Jews as a prelude to their extermination.

What does the Palestinian cause have to do with this? Palestinians, Arabs, and Muslims have no relationship with this crime committed in Europe, or with its intellectual and ideological precursors. The Palestinian people themselves have been harmed by it. Before the Holocaust, Zionism had not succeeded in convincing Jews to migrate to Palestine. The big crime committed against European Jews spurred migration to Palestine, as well as European sympathy with the Zionist project, although Western interests in our region played a more significant role in generating this sympathy. In any case, Palestinians are, for Europeans, collateral damage in the endeavour to resolve Europe's Jewish question through the establishment of a Jewish state in Palestine.

It was on the eve of the 1967 war that the Holocaust was instrumentalized to transform Israel from the aggressor into the victim. Israel attempted from the beginning, that is, from 1948, to act as a spokesperson for the victims of the Holocaust in negotiating with Germany to obtain financial compensation to be paid

to Israel and its resident survivors of the Holocaust. But the extensive invocation of the Holocaust in the Israeli media to describe Arab politicians, or the leaders of the Palestinian national liberation movement, was mere propaganda and a media charade. There is a consensus in the West on anti-Nazism and a revulsion at the genocide of the Jews; literary and cultural production on this subject continues to this day. Meanwhile, Israel attempts to take advantage of this fact to garner support of its position as a settler-colonial state in a region that has never witnessed a systematic persecution of Jews on a par with, or even close to anti-Semitism in Europe.

The Jews who were gathered from various parts of Europe and led away to concentration camps or the gas chambers in Nazi Germany were not Zionists. At that time, the Zionist movement did not enjoy the sympathy of European Jews as a whole; indeed, it was supported only by a tiny minority among them. The majority of Holocaust survivors did not go to Israel, but rather left for the United States. Israel has no right to speak on their behalf, let alone use them politically in its relations with other states. And it certainly has no right to use them to justify the persecution of another people while at the same time playing the victim.

Palestinians face no moral dilemma in this case, and Israel's exploitation of the Holocaust is immoral and an insult to the victims of Nazism, belittling the Holocaust itself. Rather, the moral problem for Palestinians begins with belittling the importance of the Holocaust, which reveals an unjustified disregard for the lives of human beings persecuted for their religion (or their race, in Nazi terms). Palestinians have no need to downplay the Holocaust to oppose Zionism. It did not take place in their land, and it is Europe alone that should bear responsibility for it and be reminded of the immoral act Israel is committing by exploiting the European guilt complex, and casting blame on Arabs and Palestinians. There is an immoral Israeli-European collusion that benefits both parties, the former by playing the victim, and the latter by exporting guilt. The true continuation of anti-Semitism is the ongoing racism toward others in Europe. Neither Germany, nor France, nor any other Western country has any right to lecture Arabs on anti-Semitism.

No doubt, some of these European anti-Semitic ideas were embraced in narrow Arab milieus at various stages of the evolution of anti-colonial nationalist thought and after the 1967 defeat. That defeat entrenched the notion of a global Jewish conspiracy and diabolical power that enabled Israel to triumph over three Arab armies and explained the irrational, unconditional US support for Israel. In addition, some Islamist movements revived anti-Jewish expressions from ancient traditions, particularly from the era of the Prophet, which was marked by actual wars with Jewish tribes in the Arabian Peninsula. However, Arab-Islamic civilization has never seen anything like what Europe perpetrated against the Jews, not only in the twentieth century, but since the Middle Ages.

Even in the context of resistance to the occupation and the struggle against Zionist colonization by Israeli Jews, anti-Semitic slogans were not mobilized in battle. The Palestinian national movement generally advocated democratic solutions, even when it championed the liberation of all of Palestine. Hamas initially used some such expressions, dating back to the early Islamic wars against Jewish tribes, in its original charter but later abandoned them in its revised charter. The Torah is rife with much more severe expressions against peoples considered enemies of the Jewish tribes – expressions that call for their complete annihilation and justify divinely-sanctioned genocide. Some Israeli religious and secular party leaders still invoke this Biblical legacy of the extermination of peoples who inhabited the land of Canaan, especially the Amalekites, to describe what should be done to the Palestinians.¹⁰

In any case, this refutation of the instrumentalization of the Holocaust is all theoretical talk, aimed at avoiding self-deception when discussing ambiguity and failing to establish a solid moral basis on which to

¹⁰ "Netanyahu cites 'Amalek' Theory to justify Gaza Killing," *The Times of India*, 29/10/2023, accessed on 3/12/2023, at: <https://tinyurl.com/3wnr3mtv>

stand in judging war crimes. It has nothing to do with the war currently being waged against the Palestinian people in the Gaza Strip through a series of war crimes and acts of genocide. The moral duty to oppose this war and demand a ceasefire is wholly unrelated to anti-Semitism. It is only Jewish critics of this war that mention the Jewish identity of the aggressor because of their shared identity and their refusal to allow the aggressor to speak in their name.

This goes not only for criticism of the aggression, but also for the resistance to occupation. Resistance to the occupation is unrelated to the nationality, ethnicity, or religion of the occupying state, although settler colonialism in general, whether in South Africa, Algeria, or the Americas, was carried out by settlers who professed a religion different from that of the indigenous people, serving to intensify settlers' racism and their view of the non-humanity of the local population. It is no wonder, then, that oppressed peoples used religion to mobilize resistance to settler colonialism, at least initially. But the modern Palestinian national liberation movement represented by the PLO was founded as a secular national movement bringing together non-religious and religious people of different confessions. The rise of Hamas since the late 1980s has nothing to do with an attitude toward Jews, but with developments in the Arab world in the 1970s and 1980s, such as diminishing faith in Arab nationalism, the Iranian revolution, the failure of the PLO-led peace process, and, finally, Hamas's adoption of armed resistance at a time when the main current in the Palestinian national movement had abandoned armed struggle. Certainly, the activity of armed Islamist movements has contributed to the failure of the so-called peace process between Israel and the PLO. However, the chief reason for the failure is Israel's unwillingness to accept a just and lasting solution to the issue of Palestine based on the principles of justice, even if relative.

Double Standards and the Fate of Universal Values

The attitude of the US and European countries toward Israeli crimes and the adoption of Israel's position lock, stock and barrel even into the fourth month of the war, coupled with apathy toward the Palestinian victims, has led some young people who are rightly shocked by the horrors of the war in the Gaza Strip to question the fate of the so-called "universal values" of justice, equality and freedom extolled by some Western countries. Those countries' responses have ranged from complete and unconditional support for Israel to making some non-binding comments or offering tepid advice on the lips of US officials.

The disappointment is understandable. However, the chorus is sometimes led by those known to instigate against universal human values in general and who did not believe in such values prior to the ongoing aggression. They only see the war as proving their "theories" of the existence of a religious or civilizational clash with the West. They do not believe in the values of freedom, justice, and equality among human beings, and are willing to justify regimes they like, running roughshod over these values while condemning the same practices by regimes they dislike.

The shocked youth is asking where the values of equality, freedom and justice have gone. Well, they haven't gone anywhere. They are upheld by those opposed to the occupation and protesting against the war. It is also on the basis of these values that they engage in other just causes. While the support of resistance to the Israeli occupation can be based on patriotism, love of Palestine and its people, or a sense of belonging to the Arab nation, disappointed young people who became "disillusioned" with universal values also find themselves formulating their position in moral terms. Those who are prompted by their religious creed to stand in solidarity with Palestine formulate their position based on the moral elements of their belief, one of which is justice, or based on a combination of religious belief and universal human values. Otherwise, there would be no shared language between them and others.

Regarding those who pay lip service ad nauseam to universal values, yet fail to apply them to all, is this new or surprising? Didn't colonialism proceed apace even after the Age of Enlightenment and the French Revolution's issuance of the Declaration of the Rights of Man and of the Citizen? Some of the countries that practiced colonialism and treated other peoples as if they were subhuman were ostensibly democratic states whose authorities preached freedom and equality while denying them to large sectors of their own populations. It wasn't long before these values were imposed in domestic politics, thus universalizing voting rights, social rights, and freedoms. And the struggle in these countries continues on numerous fronts. Black and Native Americans have fought for justice, equality, and freedom because they have been denied to them in a country that enshrined these values in its constitution. These struggles arise out of human needs and rising awareness of injustices and are stimulated by the gap between values and reality and exploit this moral tension to call for the actual application of these values. The application remains relative and selective to this day, which is grounds for criticism.

In the arena of international relations, the law has never imposed itself, nor have universal values, although demands for justice and equality have remained the focus of struggles within the framework of the nation-state. At the global level, certain international conventions and treaties embodying these values, particularly the United Nations Charter after World War II, have been ratified, enabling oppressed and weak peoples to demand their implementation. However, this has only happened in two cases: where law application has coincided with the interests of one or more powerful states (the metropole in the case of colonialism); and where public opinion within a powerful state (particularly the metropole) has adopted these demands for various reasons, including moral reasons, and organized protests that have ultimately influenced state policy. As for the struggle, it is governed by many other rules aside from moral argument, to allow for influence over interests, balances of power, etc.

What about the expression "double standards", which has been used frequently? This expression reflects the frustration and disappointment over the failure to hold influential countries to account for taking different, even opposite, positions on similar situations, especially when talking about occupying others' lands. Take, for example, Iraq's occupation of Kuwait and Russia's occupation of lands in Ukraine on one hand, and Israel's occupation of Arab and Palestinian territories on the other, and the glaring contradiction between the positions taken by the United States on the former two and the latter.

There is no lack of double standards applied by Arab and Muslim countries. For example, some criticize interference in their internal affairs or the internal affairs of their allies, while they themselves interfere directly in other countries' affairs to the point of supporting armed militias there. Some call for the lifting of the siege on Gaza while they themselves besiege it, or they applaud demonstrations of solidarity with Gaza in the West while banning them on their own soil. There are numerous examples that make the point that "the West" holds no monopoly on the practice of double standards. By the same token, it was South Africa – neither an Arab nor Muslim nation – that filed a petition with the ICJ accusing Israel of genocide.

A moral critique is, in any case, necessary. Going beyond the moral discourse adopted by governments of influential countries and addressed to public opinion regarding their decisions in support of an invasion or occupation, those governments are actually mainly driven by strategic and economic interests and considerations. There is no double standard here; rather a singular one. It is only when moral standards are applied that a double standard is revealed.

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Aicha Elbasri*

The United Nations Early Warning Mechanism for the Prevention of Genocide and its Obstruction in the Case of Palestine**

تعطيل آلية إنذار الأمم المتحدة لمنع الإبادة الجماعية في حالة فلسطين

Abstract: This study addresses a major research gap concerning the exclusion of Palestine from the UN's early warning mechanism for genocide prevention since its establishment in 2004. It examines the disruption of the mechanism and the failure of the UN Secretary-General and his Special Adviser on the Prevention of Genocide to relay to the Security Council experts' warnings about the risk of genocide being committed by Israel against Palestinians in Gaza. The study identifies five primary factors contributing to this failure: the mechanism's lack of independence and its subordination to the Secretary-General's authority; the absence of an independent expert committee to oversee the Special Adviser's work; the vulnerability of UN Secretaries-General to pressure from Israel and its allies; the lack of UN accountability; and the failure of the Palestinian Authority and Arab states to include Palestine in the early warning mechanism, in contrast to Israel and its allies' successful use of the mechanism to suppress critiques of Israeli policies under the guise of combating "the new anti-Semitism". The study proposes recommendations to address these institutional flaws and reform the mechanism.

Keywords: United Nations Secretariat; Early Warning Mechanism for the Prevention of Genocide; Genocide; Settler Colonialism; New Anti-Semitism; the Gaza Strip; Palestine.

ملخص: تحاول الدراسة سد فجوة بحثية مهمة، تتمثل في عدم وجود أي دراسة تناولت مشكلة إبقاء فلسطين خارج إطار عمل آلية الأمم المتحدة للإنذار المبكر لمنع الإبادة الجماعية منذ إنشائها في عام 2004، وتبحث في أسباب تعطل هذه الآلية، وفشل الأمين العام للأمم المتحدة ومستشارته المعنية بمنع الإبادة الجماعية في نقل التحذيرات من مخاطر ارتكاب إسرائيل جريمة إبادة ضد الفلسطينيين في غزة، إلى مجلس الأمن، وفقاً لولايتهم. واستنتجت الدراسة أن أسباب تعطل الآلية في فلسطين عمومًا وغزة تحديدًا، تتلخص في خمسة عوامل رئيسية؛ وهي: عدم استقلالية آلية الإنذار المبكر وخضوعها لسلطة الأمين العام؛ غياب لجنة خبراء مستقلة تراقب عمل المستشار الخاص واستقلاليته؛ خضوع الأمين العام لضغوطات إسرائيل وحلفائها؛ غياب مساءلة الأمم المتحدة؛ وفشل السلطة الفلسطينية والدول العربية في تفعيل الآلية في حالة فلسطين، في مقابل نجاح إسرائيل وحلفائها في تسخير آلية الإنذار المبكر لمكافحة ما يسمى «معاداة السامية الجديدة» الهادفة إلى إسكات أي انتقاد لسياسات إسرائيل وممارساتها. ولتجاوز هذه العيوب المؤسسية، تقدم الدراسة بعض التوصيات للمساهمة في إصلاح هذه الآلية التابعة للأمانة العامة للأمم المتحدة.

كلمات مفتاحية: الأمانة العامة للأمم المتحدة؛ آلية الإنذار المبكر لمنع الإبادة الجماعية؛ الإبادة الجماعية؛ الاستعمار الاستيطاني؛ معاداة السامية الجديدة؛ قطاع غزة؛ فلسطين.

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Introduction

The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly (UNGA) on 9 December 1948, and known as the “Genocide Convention”, identifies the prevention of the crime of genocide as one of its goals.¹ Article 8 of the Convention authorizes competent United Nations (UN) organs to take appropriate measures to prevent and suppress acts of genocide, conspiracy to commit such acts, direct and public incitement thereto, and even attempts to commit or participate in this crime. However, UN organs failed to prevent genocide in Cambodia (1975-1979), Rwanda (1994), and Bosnia (1995). Additionally, the International Court of Justice (ICJ) is currently examining the possibility that the governments of Myanmar and Israel have committed genocide, the former against the Rohingya Muslims (2017), and the latter against the Palestinian people in the Gaza Strip since October 2023.

While the United Nations Security Council (UNSC), as the organ responsible for international peace and security, is usually blamed for the failure to prevent genocide, UN investigations indicate that other organs, particularly the Secretariat, also contribute to this failure. The independent investigation into the measures taken by the UN before and during the genocide in Rwanda concluded that responsibility for the Organization’s failure to stop the genocide in that country “lies with a number of different actors, in particular the Secretary-General, the [UN] Secretariat, the Security Council, UNAMIR [the UN Assistance Mission for Rwanda], and the broader membership of the United Nations”.² The order in which the parties were cited above indicates that the responsibility of the Secretary-General and the Secretariat precedes that of the UNSC. The investigation attributes this to the fact that members of the UNSC had not received information from the Secretariat officially warning them of the occurrence of genocide in Rwanda, due to the absence of direct communication between the Secretariat and the UNSC.³

In a similar vein, UN investigations into the Organization’s failures in Bosnia-Herzegovina and Sri Lanka have demonstrated that the offices and departments of the Secretariat and UN organizations had received confirmed reports of civilians being exposed to, or about to be exposed to, serious international crimes, but they failed to communicate this information to decision-makers.⁴ In response to these failures, UN Secretary-General Kofi Annan launched a five-point action plan to prevent genocide in 2004, including the appointment of a Special Adviser on the Prevention of Genocide.⁵ The Special Adviser was charged with the following tasks: a) collect existing information related to grave violations of international law that might lead to genocide; (b) act as an early warning mechanism for the Secretary-General and, through him, the UNSC; (c) present recommendations to the UNSC to prevent or stop genocide; (d) strengthen the capacity of the UN system to analyse and manage information relating to genocide or related crimes.⁶

Since its establishment in 2004, the Office of the Special Adviser on the Prevention of Genocide has issued dozens of reports and statements warning of the risk of genocide in many countries. However, not once have these reports included Palestine. Moreover, neither UN Secretary-General António Guterres, nor the Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, issued an alert to the UNSC

¹ “Convention on the Prevention and Punishment of the Crime of Genocide,” UN General Assembly Resolution 260 A (III), 9/12/1948, accessed on 19/5/2024, at: <https://bit.ly/3UKCV5T>

² United Nations, General Assembly, Report of the Independent Inquiry into the actions of the United Nations during the 1994 Genocide in Rwanda, S/1999/1257, 16/12/1999, p. 30, accessed on 16/5/2024, at: <https://bit.ly/4aDIYjT>

³ Ibid., p. 33.

⁴ General Assembly, “Report of the Secretary-General submitted pursuant to Resolution 53/35, The Fall of Srebrenica,” 15/11/1999, p. 106, paragraph 474, accessed on 5/2/2024, at: <https://bit.ly/493R18o>; Charles Petrie, “Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka” (November 2012), p. 28, accessed on 5/2/2024, at: <https://bit.ly/3Sxr5L4>

⁵ “10 years after Rwanda genocide, Annan unveils plan to stop future massacres,” *UN News*, 7/4/2004, accessed on 5/2/2024, at: <https://bit.ly/3Uvmmw5>

⁶ Letter dated 31 August 2007 from the Secretary-General addressed to the President of the Security Council, S/2007/721, accessed on 21/3/2024, at: <https://tinyurl.com/6s3fvbm3>

conveying the warnings of experts and international human rights organizations regarding the risk of Israel carrying out a genocide in its war on the Gaza Strip in the wake of the attack launched by Al-Qassam Brigades, the military wing of the Islamic Resistance Movement (Hamas), on 7 October 2023.

This study draws on two types of analysis to understand the reasons for the failure of the UN's early warning mechanism to prevent genocide in the Gaza Strip and in the Occupied Palestinian Territories at large, and to address the institutional flaws in the mechanism. The first type entails a legal examination of the definition and substantive components of genocide, as well as an exploration of its operational processes, drawing on international documents, agreements and reports, as well as the relevant literature on international law. The second is a descriptive analysis of the Israeli occupation's policies toward the Palestinian people that have been identified as genocidal and how they were kept out of the UN's early warning mechanism for genocide prevention; using reports from the UN, its offices, UN Independent Experts, and other relevant reports and studies.

The study addresses a major research gap concerning the exclusion of Palestine from the UN's early warning mechanism since its establishment in 2004. To understand why this mechanism failed in the case of Palestine, it looks at five key dimensions: (1) limitations in the Genocide Convention's definition of genocide; (2) shortcomings in the warning mechanism itself in terms of its institutional structure, operational methods, and the performance of those responsible for its management in the Secretariat; (3) the extent to which the Palestinian Authority (PA) and the Arab countries have, or have not, made use of this UN mechanism; (4) the potential involvement of Israel and its allies in undermining the mechanism; and (5) responsibility and accountability within the UN and its correlation with the Secretariat's failure to issue warnings of genocide in the context of Palestine, including Gaza. By scrutinizing these factors and their interplay, this study aims to elucidate the dysfunctions and deficiencies of the UN's early warning mechanism for genocide prevention, thereby generating preliminary conclusions and recommendations. It is hoped that these findings will pave the way for further in-depth studies.

Genocide and Settler Colonialism

Article 2 of the Genocide Convention defines genocide as a crime committed with the intent to destroy a specific group:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) Killing of members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) [and] Forcibly transferring children of the group to another group.⁷

According to Article 3 of the Convention, "the following acts shall be punishable: (a) genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; [and] (e) Complicity in genocide". The Convention stipulates that Contracting Parties commit to both preventing and punishing the crime of genocide (Article 1), by enacting relevant legislation (Article 5). It also authorizes any Contracting Party to "call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide" (Article 8). In the event of a dispute between the Contracting Parties relating to the "interpretation, application or fulfilment" of the Convention, they are entitled to bring the dispute before the ICJ (Article 9).

⁷ "Convention on the Prevention and Punishment of the Crime of Genocide."

The definition of genocide as outlined in the Genocide Convention was adopted by the most important international instruments, including the Rome Statute of the International Criminal Court (ICC) (1998), the Statutes of the ad hoc tribunals for the former Yugoslavia and Rwanda (1993 and 1994 respectively), and many UN instruments. While the Convention is of considerable importance, it is not immune to criticism. This includes its emphasis on establishing the intent to destroy a particular group in whole or in part.⁸ Additionally, responsibility for preventing, stopping, and punishing genocide falls on the Contracting Parties in the absence of any mechanism to enforce it, or even to monitor the Parties' compliance with their commitments.⁹ Moreover, if a state fails to fulfill its obligations under the Convention, responsibility for holding it to account lies with the other Contracting Parties. This implies that efforts to prevent genocide and pursue its perpetrators are influenced by considerations of interstate relations, which are further shaped by power dynamics within UN organs, especially the UNSC.

The Convention has also faced criticism for its narrow definition of genocide, which limits it to physical extermination. During the first stage of drafting the Convention, the Secretariat presented a draft prepared by Polish-born Jewish lawyer Raphaël Lemkin, along with Vespasian V Pella and Henri Donnedieu de Vabres, who proposed three classifications of the crime: physical, biological and cultural genocide. However, the Sixth Committee of the UNGA voted to remove cultural genocide from the Convention's purview.¹⁰ As noted by William Schabas, as a result of this exclusion, genocide "remains confined to the intentional physical destruction of the group, rather than attacks on its existence involving persecution of its culture or the phenomenon of 'ethnic cleansing'".¹¹

Another major critique is the Convention's failure to draw a connection between settler colonialism and genocide; a connection initially articulated in late 1944, in Lemkin's book: *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Lemkin coined the term "genocide", derived from the Greek word "genos", meaning race or tribe, and the Latin suffix "cide", meaning killing.¹² He developed this concept based on his study of the history of European settler colonialism, and concluded that genocide was a colonial process rooted in the destruction of Indigenous Peoples, which were subsequently replaced by the colonialists' national pattern. According to Lemkin's thesis, genocide takes place in two phases, the first being the "destruction of the national pattern of the oppressed group"; and the second being "the imposition of the national pattern of the oppressor".¹³ Given the complexities and prolonged nature of the settlement process, Lemkin stressed in his definition that:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation [...] It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.¹⁴

The absence of what Pauline Wakeham calls "settler colonial genocide"¹⁵ from the Genocide Convention is one of its most significant deficiencies. However, the correlation between settler colonialism

⁸ See: Katherine Goldsmith, "The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach," *Genocide Studies and Prevention: An International Journal*, vol. 5, no. 3 (2010).

⁹ William Schabas has noted that unlike most other major human rights treaties, the Genocide Convention does not establish a monitoring mechanism. There have been periodic calls for the establishment of a special body associated with the Convention, which could be done through an additional protocol to the Convention, or simply through a resolution adopted by the General Assembly. William Schabas, "Convention for the Prevention and Punishment of the Crime of Genocide," *Audiovisual Library of International Law, United Nations*, p. 5, accessed on 5/2/2024, at: <https://tinyurl.com/mvew3d92>

¹⁰ Ibid., pp. 1-2.

¹¹ Ibid., p. 3.

¹² Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Carnegie Endowment for International Peace, 1944), p. 79.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Pauline Wakeham, "The Slow Violence of Settler Colonialism: Genocide, Attrition, and the Long Emergency of Invasion," *Journal of Genocide Research*, vol. 24, no. 3 (2022), p. 37.

and genocide perpetrated against Indigenous Peoples remains present in UN instrument. Article 7/2 of the UN Declaration on the Rights of Indigenous Peoples, adopted by the UNGA in 2007, stipulates that “indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence”.¹⁶ Based on the rights of Indigenous Peoples in international law, subjecting these groups to killing or other forms of violence falls within the scope of the Genocide Convention.¹⁷

It is beyond the scope of this study to address the academic debate that has been taking place since the 1990s around Israeli settler colonialism. Prominent historians and scholars have engaged in debates about Israel’s purported goals of exterminating Palestine’s Indigenous population.¹⁸ The risk of Israel committing genocide against Palestinians has been the subject of a number of independent international investigations. This includes the investigation conducted by the MacBride Commission, which was informally established by prominent international lawyers to look into Israeli violations of international law during its invasion of Lebanon. In its April 1983 report titled “Israel in Lebanon”, the Commission presented extensive evidence suggesting that Israel had committed genocide, and recommended the establishment of a competent international body to clarify the concept of genocide in relation to Israeli policies and practices toward the Palestinian people.¹⁹ Also, UNGA Resolution 37/123 of 1982 resolved that the massacre carried out against the Palestinians in the Sabra and Shatila refugee camps “was an act of genocide”.²⁰ Based on this resolution, the Palestinian Liberation Organization (PLO) petitioned the President of the UNSC in May 1984 to stop the genocidal policy that Israel had been pursuing since the Nakba:

This latest act of barbarism can only be viewed as a further link in the chain of Israel’s campaign of genocide against Palestinians, from Deir Yassin in 1948, to Kafr Kassem, Qibya, to the Sabra/Shatilla massacres in September 1982. The President of the Security Council is called upon to take immediate and effective measures not only to put an end to Israel’s genocidal policy against the Palestinian people, but also to guarantee the safety and security of all Palestinians living in areas under Israeli military occupation.²¹

Commissioned by the League of Arab States to investigate Israel’s invasion of the Gaza Strip from 27 December 2008 to 18 January 2009, the report prepared by an independent team led by South African judge John Dugard concluded that Israeli soldiers had committed acts that amounted to war crimes, crimes against humanity, and possibly genocide. The possibility that Israel had committed genocide was attributed to the individual behaviour of some soldiers under the influence of rabbis who encouraged them to believe that the Holy Land should be “cleansed” of non-Jews.²² The report refrained from accusing the State of Israel of committing genocide, as it could not verify its intention to destroy the Palestinians. However, it did not rule out charging it with genocide in the future, should be established that the soldiers had committed genocidal acts under orders from the Israeli government.²³

¹⁶ United Nations, “United Nations Declaration on Indigenous Peoples” (2008), accessed on 5/2/2024, at: <https://tinyurl.com/4d6fuem3>

¹⁷ Bonnie St. Charles, “You’re on Native Land: The Genocide Convention, Cultural Genocide, and Prevention of Indigenous Land Takings,” *Chicago Journal of International Law*, vol. 21, no. 1 (2010), p. 227.

¹⁸ For a discussion among prominent historians and researchers about “genocide and ethnic cleansing”, see: Haifa Rashed & Damien Short, “Genocide and Settler Colonialism: Can a Lemkin-Inspired Genocide Perspective Aid Our Understanding of the Palestinian Situation?,” *The International Journal of Human Rights*, vol. 16, no. 8 (2012), pp. 1142–1169.

¹⁹ “Israel in Lebanon: Report of the International Commission to Enquire into Reported Violations of International Law by Israel during Its Invasion of Lebanon,” *Journal of Palestine Studies*, vol. 12, no. 3 (Spring 1983), p. 132.

²⁰ General Assembly Resolution 37/123, 16 December 1982, A/RES/37/12.

²¹ Letter dated 17 May 1984 from the Permanent Observer of the Palestine Liberation Organization to the United Nations addressed to the President of the Security Council, S/16570, accessed on 5/2/2024, at: <https://bit.ly/42tWldf>

²² “No Safe Place,” Report of the Independent Fact-Finding Committee on Gaza Presented to the League of Arab States, 30 April 2009, para. 30.

²³ *Ibid.*, para. 33.

The intent to destroy the Palestinians as an Indigenous Peoples to make way for Israelis has become evident since Israel imposed a siege on the Palestinians in Gaza Strip in 2007, and initiated a series of wars against them thereafter. Following the 2014 war on Gaza (8 July-26 August), the American National Lawyers Guild (NLG) called on the ICC to investigate crimes committed by Israel, including genocide.²⁴

On 24 September 2014, the Russell Tribunal on Palestine (RtoP), an international citizen-based Tribunal of conscience, convened an emergency session in Brussels during which it heard a number of survivors' testimonies.²⁵ It concluded that "the cumulative effect of the long-standing regime of collective punishment in Gaza appears to inflict conditions of life calculated to bring about the incremental destruction of the Palestinians as a group in Gaza".²⁶ It also noted that racist rhetoric which constituted incitement to genocide was recorded in the summer of 2014. However, investigations, warnings, and academic studies received no response from the UN, which continued to exclude Palestine from the early warning mechanism to prevent the crime of genocide and other atrocities.

The Early Warning Mechanism and the Genocidal Rhetoric Against the Palestinians

Researchers generally agree that in order for the international community, represented by the UN, to succeed in preventing genocide, at least three main elements must typically be in place: a) intelligence capability through early warning and planning; b) preventive measures, including the capacity for intervention; and c) the political will to utilize the two aforementioned elements.²⁷ The early warning element includes three interrelated components: a) information gathering; b) information analysis; c) and relaying information to decision-makers.²⁸ Since the late 1980s, the UN Secretariat has coordinated early warnings of conflicts.²⁹ The UN Headquarters in New York, accommodates most offices and departments tasked with collecting and analysing information from various UN agencies and missions for early warning purposes. Cases involving risks of imminent conflict or serious international crimes are then referred to the Office of the Secretary-General.³⁰

In 2004, the Office of the Special Adviser on the Prevention of Genocide was established with the approval of the UNSC.³¹ The main objective of the office is to serve as an early warning mechanism aimed at alerting the Council when there is a risk of genocide. The Office is responsible for collecting and analysing information available within the UN system and reporting to the UNSC, through the Secretary-General, on situations involving the risk of atrocity crimes and making relevant recommendations. The Office of the Special Adviser currently consists of approximately

²⁴ "NLG and Other Legal Groups Send Letter to ICC Urging an Investigation into Potential War Crimes Committed by Israel and US in Gaza under 'Operation Protective Edge'," *National Lawyers Guild*, 24/8/2014, accessed on 5/2/2024, at <https://bit.ly/4bl9PBs>

²⁵ The "Russell Tribunal" was named after the British philosopher and scholar Bertrand Russell, who worked with the French philosopher Jean-Paul Sartre and a number of major thinkers and intellectuals to form a people's tribunal in 1966 to investigate the conduct of the US in the Vietnam War. The tribunal also investigated other wars in which international justice was not achieved, including the US war on Iraq, and Israel's wars on Gaza, as a symbol of the conscience of the peoples of the world. The tribunal was staffed by an elite group of judges and legal and human rights experts from around the world. For more on the Russell Tribunal, other people's tribunals, and their relationship with international law, see: Andrew C. Byrnes & Gabrielle Simm, "Peoples' Tribunals, International Law and the Use of Force," *University of New South Wales Law Journal*, vol. 36, no. 2 (2013).

²⁶ "Russell Tribunal on Palestine," Emergency Session, Brussels, 24/9/2014, p. 36, accessed on 5/2/2024, at: <https://bit.ly/3w7XaBN>

²⁷ A. Walter Dorn & Jonathan Matloff, "Preventing the Bloodbath: Could the UN have Predicted and Prevented the Rwandan Genocide?," *Journal of Conflict Studies*, vol. 20, no.1 (Spring 2000), p. 10, accessed on 19/5/2024, at: <https://bit.ly/3V75FqX>

²⁸ Stephen McLoughlin, Jess Gifkins & Alex J. Bellamy, "The Evolution of Mass Atrocity Early Warning in the UN Secretariat: Fit for Purpose?," *International Peacekeeping*, vol. 30, no. 4, (2023), p. 478.

²⁹ *Ibid.*, p. 471.

³⁰ *Ibid.*, p. 479.

³¹ The Office has been headed by four advisers: Juan Mendez (Argentina, 2004-2007), Francis Deng (Sudan, 2007-2012), Adama Dieng (Senegal, 2012-2020), and Alice Wairimu Nderitu (Kenya, 2020-present).

13 staff members and operates with a budget of approximately \$2.8 million.³² It relies on the reports issued by the Secretariat and UN departments and agencies that monitor human rights violations, each according to its mandate. These include the Department of Political Affairs (DPA), the Department of Peace Operations (DPO), the Office of the UN High Commissioner for Human Rights (OHCHR), the UN High Commissioner for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs, and the United Nations Development Programme.³³

In analysing the indicators of the risk of genocide, the Office uses the “Framework of Analysis for the Prevention of Atrocity Crimes”; a tool developed in 2009, and expanded in 2014 to include “atrocity crimes”.³⁴ These crimes encompass genocide, crimes against humanity, and war crimes as defined by international law according to the Genocide Convention, the Geneva Conventions of 1949 and their Additional Protocols of 1977, and the Rome Statute of the ICC.³⁵ The term “atrocity crimes” was later expanded to include ethnic cleansing, although the latter is not recognized as an independent crime under international law.³⁶

Genocide Indicators According to the UN Framework of Analysis

The UN Framework of Analysis emphasizes that genocide is not a spontaneous or accidental event, but rather a process preceded by signs, indicators, and careful planning.³⁷ The Framework consists of two analytical tools for assessing the risk of atrocity crimes. The first one assesses the 14 risk factors for the commission of genocide and other atrocity crimes, while the second includes indicators for each of the risk factors.

The crime of genocide is characterized by two specific risk factors (9 and 10). The first includes signs of a history of serious discrimination and bias that would provide an environment that enables committing genocide against a national, ethnic, racial, or religious group protected under the Genocide Convention. The first factor is monitored through the following six indicators that target these groups:

- a. The existence of dangerous practices, policies or laws that discriminate, segregate, restrict or exclude them;
- b. Denial of their existence or refusal to recognize certain elements of the groups’ identity;
- c. A history of atrocity crimes committed against them with impunity;
- d. Serious tensions or conflicts between these groups and the state regarding their rights and aspects of their identity;
- e. The presence of serious tensions or conflicts between other groups in the society that could develop on national, ethnic, racial or religious grounds;
- f. The lack of national mechanisms to deal with identity-related tensions or conflicts.³⁸

The second factor looks at signs that indicate an intent to destroy, in whole or in part, a protected group on the basis of its national, ethnic, racial, or religious identity, based on nine non-exhaustive indicators:

³² General Assembly, “Seventy-eighth Session, item 139 of the preliminary list, proposed program budget for 2024, Part II,” 12/5/2023, A/78/6 (Sect. 3) Ladd. 2, p. 24, accessed on 27/3/2024, at: <https://tinyurl.com/5xsds8sz>

³³ United Nations, “Framework of Analysis for Atrocity Crimes: A Tool for Prevention” (2014), p. 4.

³⁴ Adama Dieng & Jennifer Welsh, “Assessing the Risk of Atrocity Crimes,” *Genocide Studies and Prevention: An International Journal*, vol. 9, no. 3 (2016), p. 4.

³⁵ United Nations, “Framework of Analysis for Atrocity Crimes: A tool for prevention,” p. 1.

³⁶ Ibid., p. 5.

³⁷ Ibid., p. iii.

³⁸ Letter dated 22 January 2016 from the Secretary-General of the United Nations and addressed to the President of the General Assembly and the President of the Security Council, A/70/741-S/2016/71, pp. 14-15, accessed on 21/3/2024, at: <https://tinyurl.com/bdd4hexv>

- a. The existence of official documents or other records that either explicitly or implicitly indicate an intent, or incitement, to target a protected group;
- b. Targeted physical elimination of members of a protected group with the aim of ultimately destroying the entire group;
- c. Widespread discriminatory practices or acts of violence that target the life of the group even if not yet reaching the level of elimination;
- d. Development of policies or measures that seriously undermine women's reproductive rights or seek to forcibly separate or transfer children from their families;
- e. Violent practices that dehumanize the group and reveal the intent to cause humiliation, fear or terror, or to divide the group and alter its identity;
- f. Resorting to extreme means of violence against the group, including weapons prohibited under international law;
- g. Publicly expressing euphoria at dominating the group and controlling its existence;
- h. Attacking or destroying the group's homes, farms, shops, or other means of livelihood and/or its cultural or religious symbols and property.³⁹

Since adopting this analytical Framework, the Office of the Special Adviser on the Prevention of Genocide has monitored conflicts and issued statements and reports warning of genocide and other atrocity crimes in various parts of the world, from Asia to Latin America, through Europe and Africa. However, despite the clear applicability of most of the aforementioned genocide indicators to the Palestinians, Palestine has not been included on the Office's early warning list. This is notwithstanding the data available to the Office from both inside and outside the UN system. It is worth noting that Palestine stands out as a unique case, as the UNGA has been receiving the reports of the "Special Committee on Israeli Practices" for over fifty-five years. Since its establishment in 1968 under UNGA Resolution 2443, the Committee has been scrutinizing the crimes of the Israeli occupation against Palestine, Syria, and Lebanon. Furthermore, the Adviser's Office has access to a vast array of reports regularly provided by the aforementioned UN offices and organizations, along with reports of international investigations commissioned by the UNSC or the Secretary-General. Together, these reports facilitate the identification of the risk of genocide based on the Framework of Analysis' indicators, especially indicator 10.5, due to its association of the dehumanization of the protected group with genocide.⁴⁰

Genocidal Rhetoric Against the Palestinians Outside the Monitoring and Reporting Mechanism

Dehumanization of groups protected under the Genocide Convention falls within the framework of what the UN calls "hate speech", although the implications of genocidal speech extend beyond the Organization's definition of hate speech.⁴¹ The Office of the Special Adviser on the Prevention of

³⁹ Ibid., pp. 15-16.

⁴⁰ The indicator 10.5 reads: "Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity", United Nations, "Framework of Analysis for Atrocity Crimes: A tool for prevention," p. 19.

⁴¹ UN definition of hate speech: "To provide a unified framework for the United Nations to address the issue globally, the UN Strategy and Plan of Action on Hate Speech defines hate speech as... 'any kind of communication in speech, writing, or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.' However, to date there is no universal definition of hate speech under international human rights law. The concept is still under discussion, especially in relation to freedom of opinion and expression, non-discrimination and equality". "Understanding Hate Speech," *United Nations*, accessed on 5/2/2024, at: <https://tinyurl.com/4apde6nz>

Genocide oversees the implementation of the “United Nations Strategy and Action Plan on Hate Speech”, launched by Guterres in 2019 to address the danger of this rhetoric, which has paved the way for genocide and other crimes over the past seventy-five years.⁴² Secretary-General Guterres often articulates the connection between hate speech and genocide in his speeches: “The Holocaust did not start with the gas chambers, nor did the genocides in Rwanda, Srebrenica or Cambodia start with mass killings. They were all preceded by discrimination, hate speech, incitement to violence and the dehumanization of ‘the other’”.⁴³

The calls for the elimination of the Palestinian people seem to be rooted in the Zionist project, initiated in the late nineteenth century based on denying the existence of the Palestinian people.⁴⁴ In the context of the Israeli siege and wars on the Gaza Strip and of the resistance pursued by Hamas and other Palestinian factions, such calls have become increasingly prevalent in Israeli society, while genocidal rhetoric has spread among political and military leadership. In February 2008, then-Israeli Deputy Defence Minister, General Matan Vilnai, threatened Palestinians in Gaza with “a greater *shoah* Holocaust” if they continued to fire rockets at Israel.⁴⁵ In late September 2008, before Israel’s launch of Operation Cast Lead, Israeli Interior Minister Meir Sheetrit urged the army to “decide on a neighbourhood in Gaza and level it” if the Palestinians fired another rocket.⁴⁶

In early July 2014, following the discovery of the bodies of three young settlers abducted earlier in the West Bank, Netanyahu tweeted: “They were abducted and murdered in cold blood by human animals”.⁴⁷ Netanyahu’s dehumanizing characterization of Palestinians as “human animals” was echoed nearly ten years later by Israel’s Defense Minister, Yoav Gallant, following the 7 October attack, when genocidal rhetoric had become normalized in Israeli society.

In August 2014, amid Israel’s third war on Gaza, Ayelet Shaked, an Israeli MK from the Jewish Home Party, explicitly called for the extermination of the Palestinians. She asserted that the entire Palestinian people constituted the enemy and that Gaza should be destroyed, “including its elderly and its women, its cities and its villages, its property, and its infrastructure”.⁴⁸ Similarly, Moshe Feiglin, Deputy Speaker of the Israeli Knesset and a member of the ruling Likud Party at the time, published a detailed plan, calling for an assault on Gaza with no consideration for “human shields” or “environmental damage”.⁴⁹ The plan aimed to push Palestinians out of Gaza and replace them with Jewish settlers. As the extreme right rose to power with Netanyahu’s sixth government coalition, formed in December 2022, genocidal rhetoric has become pervasive within the leadership of the Israeli society, extending to its military, political, and religious elites.⁵⁰

The file submitted by the South African government to the ICJ in December 2023 charging Israel with genocide against the Palestinians included nearly seven pages of genocidal statements calling for the genocide of the Palestinian people in Gaza. These statements were made by senior officials of the Israeli

⁴² “The United Nations Strategy and Plan of Action on Hate Speech,” *United Nations*, accessed on 5/2/2024, at: <https://bit.ly/3ugeNXt>

⁴³ “Amid Alarming Surge of Xenophobia, Racism, Secretary-General Calls on States to Urgently Heed Genocide Warning Signs, in Message for International Day,” *United Nations*, 9/12/2019, accessed on 14/2/2024, at: <https://tinyurl.com/3t6czrnn>

⁴⁴ Joseph Massad, “‘Palestinians don’t exist’: Smotrich only repeats what Zionists have always said,” *The Middle East Eye*, 23/3/2023, accessed on 14/2/2024, at: <http://tinyurl.com/yz854jw3>

⁴⁵ “Israeli minister warns of Palestinian ‘holocaust’,” *The Guardian*, 29/2/2008, accessed on 5/2/2024, at: <https://bit.ly/3OymoQ4>

⁴⁶ See: Norman Finkelstein, “Foiling Another Palestinian ‘Peace Offensive’: Behind the Bloodbath in Gaza,” *Winter Patriot Community Blog*, 21/1/2009, accessed on 5/2/2024, at: <https://tinyurl.com/phdvs356>

⁴⁷ “Benjamin Netanyahu,” *X*, 1/7/2014, accessed on 5/2/2024, at: <https://bit.ly/3OBaAN3>

⁴⁸ Ben Norton, “Netanyahu appoints Ayelet Shaked—who called for genocide of Palestinians—as Justice Minister in new government,” *Mondoweiss*, 6/5/2015, accessed on 5/2/2024, at: <https://bit.ly/3OydySI>

⁴⁹ Moshe Feiglin, “My Outline for a Solution in Gaza, Arutz Sheve,” *Israel National News*, 15/8/2014, accessed on 5/2/2024, at: <https://bit.ly/3UzB711>

⁵⁰ “Settler extremists are sowing terror, Huwara riot was a ‘pogrom,’ top general says,” *The Times of Israel*, 28/2/2023, accessed on 5/2/2024, at: <https://bit.ly/3UrJpln>

State,⁵¹ including the President, the Prime Minister, the Minister of Defence, the Minister of National Security, and other decision-making figures. The file included Galant's reiteration of Netanyahu's description of the Palestinians as "human animals", serving as evidence of the normalization of genocidal rhetoric that had proliferated since the establishment of the Office of the Special Adviser on the Prevention of Genocide. It also underscores the Office's failure in its primary duty of monitoring, reporting, and alerting about such dehumanizing rhetoric.

Before "Operation Al-Aqsa Flood", this Office had issued only one statement regarding such discourse, specifically in the context of Israel's third war on the Palestinians in Gaza in 2014. However, this statement made by Special Adviser Adama Dieng, refrained from attributing genocidal rhetoric to Israeli leaders, instead casting doubt on the credibility of such rhetoric and downplaying its seriousness: "According to reliable reports, individuals have disseminated messages that could be dehumanizing to the Palestinians and have called for the killing of members of this group".⁵² He only entertained the "possibility" that Palestinians being dehumanized, without including them on the early warning list of people at risk of genocide. The statement contradicts Adama's own warnings regarding the seriousness of hate speech, which he often identified as a potential catalyst for genocide, war crimes, ethnic cleansing, and crimes against humanity. Guterres too has equated hate speech to "an alarm bell – the louder it rings, the greater the risk of genocide. It precedes and promotes violence".⁵³

Israel's genocidal rhetoric and other genocide indicators remained conspicuously absent from the early warning mechanism. They were also omitted from the UN Strategy and Action Plan on Hate Speech which the Special Adviser's Office has been implementing since its adoption in 2019. Palestine was absent from the Office of the Special Adviser's annual reports on its activities submitted to the UNGA. According to the Office's 2022 report, Special Adviser Alice Nderitu "undertook eight official visits, issued 15 public statements on situations of concern, and sent 20 internal notes to the Secretary-General. The Office organized 25 workshops and training sessions and seven technical assistance initiatives. The Office supported the development of context-specific action plans for United Nations country teams in four countries on countering and addressing hate speech and executed several policy initiatives highlighting the voices of new and underutilized actors in prevention".⁵⁴ Year after year, the Office failed to include the risk of Palestinians facing atrocity crimes under Israeli occupation in its monitoring and warning activities. Palestinian women too were excluded from the global women's network established by the Adviser's Office as part of an action plan to prevent atrocity crimes and global consultations with women leaders.⁵⁵

Reasons for the Failure of the Early Warning Mechanism to Prevent the Extermination of Palestinians

Shortly after Israel initiated its war on Gaza following the 7 October attack, numerous parties warned of the risk of Israel committing genocide against the Palestinians. However, the UN Secretariat failed to include Gaza in its early warning mechanism for the prevention of genocide and other atrocities. This failure can be attributed to five interconnected factors:

⁵¹ International Court of Justice, "Application instituting proceedings and request for the indication of provisional measures, South Africa," 28/12/2023, pp. 59-67, para. 101-107, accessed on 4/4/2024, at: <https://tinyurl.com/3j8tfrwm>

⁵² "Statement by the Special Advisers of the Secretary-General on the Prevention of Genocide, Mr Adama Dieng, and on the Responsibility to Protect, Ms Jennifer Welsh, on the situation in Israel and in the Palestinian Occupied Territory of Gaza Strip," *Reliefweb*, 24/7/2014, accessed on 14/2/2024, at: <http://tinyurl.com/h34p2ves>

⁵³ "Hate speech is rising around the world," *United Nations*, accessed on 3/31/2024, at: <https://tinyurl.com/3hwben6c>

⁵⁴ General Assembly, "Seventy-eighth Session, item 139 of the preliminary list, proposed program budget for 2024, Part II," p. 20.

⁵⁵ *Ibid.*, pp. 20-21.

1. The Mechanism's Non-Independence

Considering the wealth of information provided by reports submitted by the UN on Israel's policies and practices against the Palestinians, the failure of the early warning mechanism in the case of Palestine is less about the availability of information and more about the decision to collect, analyse, and report this information. This is a political decision that falls not to the Adviser's Office, but to the Secretary-General, who appoints the Special Adviser and supervises his/her work as he deems politically appropriate. The reports and statements that the Special Adviser submits to the Secretary-General require the approval of the Executive Office of the Secretary-General before their publication and dissemination.⁵⁶ An early study on the Office's work conveyed criticisms regarding the supervisory role exercised by the Secretary-General and his Executive Office over the tasks of the Special Adviser, noting a lack of independence.⁵⁷

According to Craig Mokhiber, former Director of the New York Office of the UN High Commissioner for Human Rights, who contributed to the discussion on the design of an early warning mechanism to prevent genocide at the UN in 2004, the initial proposal was to establish the position of an independent special rapporteur on the prevention of genocide. The rapporteur would be supported by the Human Rights Office and would report directly to the UNSC. This plan was announced by Secretary-General Kofi Annan in a speech he delivered at the Stockholm International Forum in early 2004.⁵⁸ Mokhiber explains that the Secretariat's political office rejected the idea of having an independent special rapporteur, preferring instead to appoint a special adviser who would report to the Secretary-General rather than directly to the UNSC. This approach was intended to avoid angering any of the UNSC's Member States. It also decided that the Special Adviser should be supported by the political office rather than by the Human Rights Office, as they believed that genocide is not a human rights issue, but a political one.⁵⁹ Reflecting on the Secretariat's politicization of the genocide, Mokhiber concludes that the Office of the Special Adviser "by design, it is weak, non-independent, politically controlled office", subordinate to the Secretary-General.⁶⁰

2. The Lack of an Independent Committee of Experts to Oversee the Work of the Special Adviser and Safeguard its Independence

The early warning mechanism lacks an autonomous body of experts in genocide studies to supervise the Special Adviser's work and participate in evaluating cases that require monitoring and reporting, thereby avoiding selective or politicized decisions. It should be noted that at the suggestion of the first Special Adviser, Juan Mendez (2004-2007), Kofi Annan established the Advisory Committee on Genocide in May 2006 to support the Special Adviser and advise the Secretary-General. This Committee consisted of prominent figures in various fields who volunteered their time and expertise, and contributed to the development of the Office of the Special Adviser, the expansion of its scope, and the improvement of its work. The Committee's work continued until 2011, providing confidential advice to the Special Adviser and the Secretary-General, including recommendations on addressing the risk of genocide in several

⁵⁶ General Assembly, "Thirtieth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed program budget for the biennium 2008-2009," 12/14/2007, A/62/7/Add.29, para. 12-13, accessed on 4/1/2024, at: <https://tinyurl.com/yc3rp544>

⁵⁷ Payam Akhavan, "Report on the Work of the Office of the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide," *Human Rights Quarterly*, vol. 28, no. 4 (November 2006), pp. 1056-1058.

⁵⁸ "Address by Secretary-General Kofi Annan to the Stockholm International Forum in Stockholm, Sweden," *United Nations Secretary-General*, 26/1/2004, accessed on 26/3/2024, at: <https://tinyurl.com/yr2azp6h>

⁵⁹ "UN officials abdicate responsibilities regarding the Gaza genocide, with Craig Mokhiber," *The Electronic Intifada – YouTube*, 26/12/2023, min: 8:50-13:50, accessed on 26/3/2024, at: <https://tinyurl.com/hwfut6z5>

⁶⁰ Ibid.

countries.⁶¹ Following the establishment of a joint office which brought together the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect in 2010, the membership and functions of the Advisory Committee were reviewed. Recommendations were made to Ban Ki-moon to reconfigure its composition and review its mandate to continue to provide new advisory tasks.⁶² Since 2012, this mechanism has disappeared from UN reports, raising questions about why it was abandoned.

3. Censorship of the Secretary-General by Israel and its Allies

The dysfunctionality of the early warning mechanism in the case of Palestine also stems from the censorship imposed by Israel and the United States on the UN Secretary-General. Since the establishment of the Office of the Special Adviser on the Prevention of Genocide in 2004, this censorship has aimed to protect Israel from criticisms of its policies and practices. This influence is evident in the annual reports prepared since 2008 by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict on states, militias, and armies that commit the crimes of murder, injury, and disablement against children, as well as child recruitment, attacks on schools and hospitals, kidnapping, torture, physical abuse, and prevention of access to humanitarian aid. Due to pressure from Israel and the United States, both Ban Ki-moon and Guterres removed Israel from the “list of shame” after it was included in draft reports prepared by the Office of the Special Representative.⁶³ Under pressure from the US Permanent Representative to the United Nations, Nikki Haley, Guterres demanded the withdrawal of the 2017 report of the UN Economic and Social Commission for Western Asia (ESCWA), which documented the apartheid regime imposed by Israel on the Palestinian people.⁶⁴ The Secretary-General’s lack of independence in political decision-making, along with his subordination to the will of the world’s major powers in multiple instances, explains in part why Israel has been exempted from the early warning mechanism to prevent genocide and other atrocities.

4. Failure to Connect UN Responsibility for Preventing Genocide to Legal Accountability

According to the definition given in UNGA Resolution 64/259, “accountability is the obligation of the Secretariat and its staff members to be answerable for all decisions made and actions taken by them, and to be responsible for honouring their commitments, without qualification or exception”.⁶⁵ However, the failure to link this ethical responsibility to legal accountability is a major factor in the repeated failures of senior UN officials in Rwanda, Srebrenica, Sri Lanka, Myanmar, and Gaza to report serious international crimes despite clear indicators or confirmed reports of their occurrence. The report submitted by the Internal Review Panel to evaluate the UN’s actions during the war in Sri Lanka confirmed that the Organization’s failure was due to a “UN system that lacked an adequate and shared sense of responsibility for human rights violations”.⁶⁶ It also acknowledged the deeper issue of leadership and accountability within the system,

⁶¹ The committee consisted of David Hamburg (chairperson), Monica Anderson, Ibrahim Zakari, first team Romeo Dallaire, Gareth Evans, Roberto Garroton, Juan Mendes, Sadako Ogata, and Father Desmond Tutu. Its members included the Special Adviser on the Prevention of Genocide. General Assembly, “Annual Report of the United Nations High Commissioner for Human Rights and Reports of the High Commissioner and the Secretary-General,” 18/3/2008, A/HRC/7/37, paragraphs 12-15, accessed on 1/4/2024, at: <https://tinyurl.com/3buhumde>; General Assembly, “Annual Report of the United Nations High Commissioner for Human Rights and Reports of the High Commissioner and the Secretary-General,” 18/2/2009, A/HRC/10/30, paragraphs 26-27, accessed on 1/4/2024, at: <https://tinyurl.com/3zcdjd7k>

⁶² Francis Deng, “Making an Impossible Mandate Possible: The Challenge of Preventing Genocide and Mass Atrocities,” *End of Assignment Note*, Concordia University, February 2012, p. 4, accessed on 4/1/2024, at: <https://tinyurl.com/2zestpvc>

⁶³ “Ensure Consistency in Children and Armed Conflict Report: Letter to UN Secretary-General Ban Ki Moon,” *Human Rights Watch*, 27/4/2023, accessed on 26/3/2024, at: <https://tinyurl.com/2sf987rm>; “After Broad Lobbying Effort, UN Leaves Israel off Child-Killer ‘List of Shame’,” *Jewish News Syndicate*, 23/6/2023, accessed on 14/2/2024, at: <https://cutt.ly/Kw1n8oVL>

⁶⁴ ESCWA, “Israeli practices towards the Palestinian people and the issue of apartheid, issued on 15/3/2017,” translation from English (Geneva: Euro-Mediterranean Human Rights Monitor, 30/7/2018), accessed on 29/4/2024, at: <https://shorturl.at/dxAN3>

⁶⁵ General Assembly, “Towards a System of Accountability in the United Nations Secretariat,” 5/5/2024, A/RES/64/259, p. 3, accessed on 1/4/2024, at: <https://tinyurl.com/yja7bn9n>

⁶⁶ Petrie, p. 28, para. 80.

when confronting such situations.⁶⁷ Negligence on the part of UN staff has caused serious harm to millions of citizens around the world in many cases.⁶⁸ Yet, they have not often been held legally accountable, due to the persistent issue of immunity. The UN has developed a procedure whereby it waives its employees' immunity in order to allow national authorities to file cases against them; however, it maintains its right to assert immunity when they are tried in a court of law.⁶⁹

5. The Failure of the Palestinian Authority and the Arab Countries to Activate the Mechanism

Since obtaining Observer status at the UN in 2012, the PA has ratified numerous international treaties, including the Genocide Convention, to which it acceded in April 2014. Since then, the PA has focused on prosecuting Israel in the ICC, and has filed a complaint against it with the UN Committee on the Elimination of Racial Discrimination. However, it failed to call on the Secretary-General to include Palestine in the early warning mechanism to prevent further atrocity crimes committed by Israel against the Palestinians. This failure represents a departure from one of the demands put forward in the 1980s by the PLO, which was to “end the policy of genocide pursued by Israel against the Palestinian people” since the Nakba.⁷⁰

Despite accusing Israel of committing genocide in Gaza in the wake of Al-Aqsa Flood Operation,⁷¹ the PA did not support Palestinian human rights organizations, in urging the Secretary-General to investigate the failure of his Special Adviser to fulfill her mandate regarding the Israeli genocide in Gaza.⁷² This failure is also shared by several Arab countries that are parties to the Genocide Convention, such as Jordan, Kuwait, and Iraq. Although they have characterized Israel's ongoing crimes in Gaza as genocide, they have failed to raise the issue of Palestine's exclusion from the Secretary-General-supervised early warning mechanism for atrocity prevention. Many Arab governments, especially those that recognized the State of Israel, have gradually scaled back their advocacy for Palestinians in the UN. They have long relied on Washington's mediation to settle the “conflict” through negotiation, rather than using UN mechanisms to support the Palestinians' right to self-determination.

Impact of Palestine's Negligence and Israel's Activism on the UN's Early Warning Mechanism

To understand the failure of the UN's early warning mechanism in preventing genocide and other atrocities in Palestine, it is essential to examine the relationship between the PA's negligence and Israel's increasing activism within the UN.

From Palestine's Failure to Oppose Zionism to Zionist Activism in the United Nations

Palestinian and Israeli advocacy have moved in opposite directions. As the PA has retreated from anti-Zionist activism and resistance to occupation, Israel has amped up its advocacy in the UN. This divergence has

⁶⁷ Ibid., p. 117, para.4.

⁶⁸ To review the lawsuits filed by the families of those affected in Haiti, Kosovo, and Srebrenica in light of the issue of the UN immunity, see: Kristen E. Boon, “The United Nations as Good Samaritan: Immunity and Responsibility,” *Chicago Journal of International Law*, vol. 16, no. 2 (2016); Rosa Freedman, “UN Immunity or Impunity? A Human Rights Based Challenge,” *European Journal of International Law*, vol. 25, no. 1 (February 2014), pp. 239–254.

⁶⁹ Ibid., p. 342.

⁷⁰ Letter dated 17 May 1984.

⁷¹ Servet Günerigök, “Israel is offering Palestinians genocide, ethnic cleansing: Palestinian foreign minister,” *Anadolu*, 23/2/2024, accessed on 22/5/2024, at: <https://bit.ly/3V93KII>

⁷² “Palestinian Organizations Demand Inquiry into UN Genocide Prevention Office's Inexcusable Failure to Address Israel's Ongoing Genocide in Gaza,” *Mezan*, 7/2/2024, accessed on 14/2/2024, at: <https://cutt.ly/jw1mMhUH>

contributed to the exclusion of Palestine from the early warning mechanism for the prevention of genocide and other atrocities.

In November 1975, during a period of global opposition to colonialism and apartheid, and a time of Arab unity following the October 1973 War, the UNGA adopted resolution 3379, declaring that “Zionism is a form of racism and racial discrimination”.⁷³ The resolution built on previous UNGA resolutions, and on statements by other international organizations that condemned Zionism and called upon “all countries to oppose this racist and imperialist ideology”.⁷⁴

Resolution 3379, along with UNGA Resolution 123/37 of 1982, which recognized that Palestinians in the Sabra and Shatila refugee camps had been subjected to genocidal acts, and the 1984 PLO demand to the UNSC to end Israel’s genocidal policy against the Palestinian people represented the peak of Palestinian advocacy in the UN. As the struggle to end the apartheid regime in South Africa intensified, the PLO engaged in a political process as a means of settling the “conflict” rather than pursuing the path of resistance to free Palestine from the Israeli occupation. This shift was reflected in the Oslo Accords (1993), which were preceded by the PLO’s acceptance in 1991 of revoking resolution 3379.

Accordingly, spearheaded by Washington, the UNGA adopted on December 1991 the short Resolution 46/86, which stated that “the General Assembly decides to revoke the determination contained in its resolution 3379 (XXX) of 10 November 1975”.⁷⁵ The PLO further compromised its liberation stance by entering into political negotiations that led to the Oslo Accords.

The repeal of Resolution 3379 significantly bolstered the pro-Israeli narrative at the UN. Since then, UNGA resolutions backtracked on its earlier stance that equated Zionism with racism. Instead, the new narrative has focused on peace, dialogue, and the two-state solution, disregarding issues of decolonization and self-determination. However, the NGO Forum which was held on the sidelines of the Anti-Racism Conference in late August and early September 2001 in Durban, South Africa, caught Israel and its supporters by surprise. It adopted a declaration that condemned Israel’s racism, “settler colonialism” and “State terrorism”, calling for a restitution of Resolution 3379 and the establishment of a war crimes tribunal to investigate and bring to justice those who committed serious crimes against Palestinians that may amount to genocide.⁷⁶ The declaration posed a major challenge to Israel and its supporters, particularly with the emergence of the Boycott, Divestment, and Sanctions (BDS) movement in the wake of the Second Intifada.

According to Brian Klug, some commentators claim that the start of Second Intifada in September 2000, sparked a wave of a new type of antisemitic hostility toward the Jews, in the form of criticism of Israel and Zionism which they term “the new antisemitism”.⁷⁷ Anthony Lerman contends that while the Durban Anti-Racism Conference, the Second Intifada, and September 11 contributed to the rise of the “new antisemitism” narrative, its emergence was in reaction to the UNGA resolution 3379. Over time, the new concept came to refer to perceived attacks on the Jewish people’s right to live as an equal member of the global community, with Israel being targeted as the “collective Jew among nations”.⁷⁸ Shifting from the traditional source of antisemitism, historically linked to Christianity, the “new antisemitism” tends

⁷³ “3379 (XXX). Elimination of all Forms of Racial Discrimination,” *United Nations – The Question of Palestine*, accessed on 20/3/2024, at: <https://tinyurl.com/3tyran3x>

⁷⁴ General Assembly Resolution 3379, 10 November 1975, A/RES/3379(XXX).

⁷⁵ General Assembly Resolution 8646, 16 December 1991, A/RES/46/86.

⁷⁶ “WCAR, NGO Forum Declaration,” *Adalah*, 3/9/2001, accessed on 14/2/2024, at: <https://bit.ly/49zwacV>

⁷⁷ Brian Klug, “The Collective Jew: Israel and the New Antisemitism,” *Patterns of Prejudice*, vol. 37, no. 2 (2003), p. 117.

⁷⁸ Antony Lerman, “New Antisemitism,” *Discussion Paper Series*, Centre for Research on Migration, Refugees and Belonging, September 2015, accessed on 15/5/2024, at: <https://bit.ly/3WMth5e>

to perceive Arab and Muslim societies, the political left, and the international advocacy movement for Palestinian rights as primary sources of antisemitism.⁷⁹

According to a recent study by Israeli historian Dina Porat, the challenges posed by “new antisemitism” and the BDS movement were answered in two ways: first, by promoting the new working definition of antisemitism developed by the International Holocaust Remembrance Alliance (IHRA), and second, by the UNGA’s adoption on 1 November 2005 of Resolution 7/60, which designated 27 January as International Holocaust Remembrance Day (IHRD).⁸⁰ This strategy turned the UN into an international battleground where “the new antisemitism” charge and Holocaust remembrance could be weaponized to counter any narrative favourable to Palestinian rights. Israel also capitalized on the shift in US policy in the wake of the 11 September 2001 attack, whereby resistance to the Israeli occupation was increasingly labeled as terrorism.⁸¹

Redefining Antisemitism: Serving Israel and Undermining Palestine

The Palestinian position within the UN weakened following the signing of the Oslo Accords, the events of September 11, and the “War on Terror”, while Israel and its supporters embarked on a broad partnership with the UN and its various agencies. The IHRA inaugurated an advocacy battle waged by Israel and its supporters within the UN. As an international body, the IHRA aims to influence decision-makers by keeping issues related to the Holocaust at the forefront of the political action agendas of both its Member States and the UN. It consists of thirty-five Member States, including Israel and its Western allies, and is supported by a number of permanent international partners, including the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and several UN offices.⁸²

The IHRA defines antisemitism as “a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”.⁸³ There is nothing objectionable about this working definition in and of itself. The issue arises with seven of the eleven examples that illustrate the definition, as they seek to label criticism of Israel as antisemitic. The IHRA definition has been adopted by over forty countries supporting Israel, as well as a coalition of nearly 180 international civil organizations.⁸⁴

Led by Human Rights Watch, 104 international human rights organizations have warned the UN against adopting the IHRA definition, arguing that it seeks to silence criticism of the Israeli government’s policies, restricts freedom of expression, and hinders the defence of Palestinian rights.⁸⁵ A group of 128 researchers in Holocaust studies and antisemitism also cautioned the UN against the use of a vague definition of antisemitism that could all too easily be weaponized.⁸⁶ However, the IHRA successfully promoted the

⁷⁹ Shane Burley, “Interrogating the ‘New Antisemitism,’” *Jewish Currents*, 15/9/2022, accessed on 14/2/2024, at: <https://bit.ly/48gOztY>. See also: Klug, pp. 117-138.

⁸⁰ Dina Porat, “A Different Attack on Israel and the Jewish People and Its Consequences,” in: Ronnie Fraser & Lola Fraser (eds.), *Challenging the Boycott, Divestment and Sanctions (BDS) Movement* (Abingdon: Routledge, 2023).

⁸¹ See: Muhammad Sayyid Ahmad, “11 September and the Palestinian Cause,” *Journal of Palestinian Studies*, vol. 13, no. 52 (Fall 2002).

⁸² “Permanent International Partners,” *International Holocaust Remembrance Alliance*, accessed on 14/2/2024, at: <http://tinyurl.com/4waz3y58>

⁸³ “Working definition of antisemitism,” *International Holocaust Remembrance Alliance*, accessed on 14/2/2024, at: <http://tinyurl.com/yc6bpsny>

⁸⁴ See: Canadians for Justice and Peace in the Middle-East, “IHRA’s True Intentions: This is the Speech about Israel and Palestine that IHRA Wants to Silence” (December 2022), accessed on 29/2/2024, at: <http://tinyurl.com/yfy9mccu>

⁸⁵ “Human Rights and Other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism: Joint Letter to UN Secretary-General António Guterres and Under Secretary-General Miguel Ángel Moratinos,” *Human Rights Watch*, 4/4/2023, accessed on 5/2/2024, at: <https://bit.ly/486uKpg>

⁸⁶ “Over 100 academics warn UN against adopting controversial IHRA anti-Semitism definition,” *The New Arab*, 4/11/2022, accessed on 14/2/2024, at: <http://tinyurl.com/y49s9vuc>

concept of the “new antisemitism” in the UN. In a speech delivered in September 2018, Secretary-General Guterres accused advocates of the Palestinian cause of antisemitism, according to IHRA definition :

Jews continue to be attacked for no other reason than their identity [...]. In more recent times, it [antisemitism] is expressing itself in attempts to delegitimize the right of Israel to exist, including calls for its destruction, using the pretext of the situation in the Middle East to target Jews and Jewish symbols.⁸⁷

In his 2019 report, Special Rapporteur on the Freedom of Religion or Belief, Ahmed Shaheed, echoed Guterres’ speech. He went as far as to charge anyone who associates Israel and Zionism with racism, including the BDS movement, of antisemitism.⁸⁸ On 23 July 2023, Shaheed launched an eight-point action plan to combat antisemitism, strongly recommending that Member States adopt the IHRA definition of antisemitism. He recommended that the UN should provide training for all personnel on recognizing and responding to antisemitism, adhering to international standards on freedom of expression and prohibition of incitement to discrimination. The Organization should also establish effective reporting mechanisms for antisemitic incidents and enforce disciplinary measures for personnel expressing antisemitic views.⁸⁹

As a result of the UN’s partnership with Israel and its allies, criticism of Israel’s policies has been equated with antisemitism. In addition to promoting the “new antisemitism” definition at the UN, the IHRA weaponized “Holocaust remembrance” in partnership with the UN. This strategy undermined the likelihood of the UN’s early warning mechanism to prevent genocide being applied to Palestinians as potential victims of Israel’s policies and practices.

Declaration of Holocaust Remembrance at the UN: From International Day to Early Warning Mechanism

Through IHRA, Israel and its allies have leveraged the UNGA to issue a series of resolutions that extend beyond Holocaust commemoration to also combat the “new antisemitism”. On 1 November 2005, the UNGA adopted Resolution 60/7,⁹⁰ which designated 27 January as an annual International Day of Commemoration (IHRD). In 2007, Resolution 61/255 condemned any denial of the Holocaust.⁹¹ Further, Resolution 76/250, adopted in 2022, placed Holocaust denial clearly within the framework of combating antisemitism, urging states and social media companies to take active measures to combat “antisemitism and Holocaust denial or distortion”.⁹²

Pursuant to Resolution 60/7, the UNGA also requested that the Secretary-General establish a UN program focused on outreach and mobilizing society for Holocaust remembrance and education. The UN Outreach Programme on the Holocaust, established in 2005 and funded by Member States through the budget of the Education Outreach Division of the UN’s Global Communications Department, has provided a platform that Israel has diligently utilized through its Permanent Representative to the UN and a network of supportive governmental and non-governmental organizations.⁹³ Through intensive outreach activities aimed at keeping the memory of the Holocaust alive year-round, the IHRA, in collaboration with the UN Secretariat and UNESCO, suppressed criticism of Israel and advocacy for Palestine at the UN.

⁸⁷ “Secretary-General’s remarks to High-Level Event on the Power of Education for Countering Racism and Discrimination: The Case of anti-Semitism,” *United Nations*, 26/9/2018, accessed on 14/2/2024, at: <http://tinyurl.com/bde2sr6r>

⁸⁸ United Nations, General Assembly, “Eliminate of all forms of religious intolerance,” A/74/358, 20/9/2019, para. 17.

⁸⁹ Ahmed Shaheed, “Taking Action to Combat Antisemitism: Follow-up Action Plan for Advancing the Implementation of the Recommendations of the UN Special Rapporteur on Freedom of Religion or Belief in his 2019 Report to the UN General Assembly,” A/74/358, pp. 7-16.

⁹⁰ General Assembly Resolution, A/RES/60/7, 1 November 2005.

⁹¹ General Assembly Resolution 61/225, 26 January 2007.

⁹² General Assembly Resolution 76/250, 25 January 2022.

⁹³ United Nations, General Assembly, “Proposed programme budget for 2024,” A/78/6, 4/4/2023, Part 7, Global communications, Section 28, Global Communications.

The program organizes numerous activities throughout the year in cooperation with the Office of the Special Adviser on the Prevention of Genocide, the Global Network of UN Information Centres, and other UN offices, in addition to the annual celebration of IHRD. These activities include panel discussions, art exhibitions, film series, and educational materials that ensure the memory of the Holocaust intensely present in the UN at all levels of communication. In 2014 alone, the program organized over 140 activities in 42 countries.⁹⁴ The Office of the Special Adviser on the Prevention of Genocide has been a major partner in these activities by issuing statements, delivering speeches, organizing events, and presenting papers on the Holocaust.⁹⁵ The Special Adviser's collaboration with the IHRA persisted despite criticism for bias in favour of Israel. Notably, Special Adviser Adama Dieng attended the 2016 annual conference of the International Association of Genocide Scholars in occupied East Jerusalem, despite calls for him to boycott the event.⁹⁶

The cooperation between IHRA and the Special Adviser's Office reached new heights after Alice Nderitu assumed this position at the end of 2020. In July 2022, her Office issued a policy paper titled "Combatting Holocaust and Genocide Denial: Protecting Survivors, Preserving Memory, and Promoting Prevention", based on the IHRA's working definition of antisemitism. This UN document, offering guidance to the governments of Member States, the UN system, and other bodies in partnership, was drafted by her Office in collaboration with the Jacob Blaustein Institute for the Advancement of Human Rights (JBI), which is affiliated with the pro-Israel American Jewish Committee.⁹⁷

Not only did Nderitu make combatting Holocaust denial one of the tasks of an Office responsible for preventing atrocity crimes, but it also made it one of its top priorities, based on the assumption that Jews today are at risk of being victims of atrocity crimes.⁹⁸ In doing so, she acted on the existential threat narrative promoted by the State of Israel since its establishment; a narrative promoted at the UN. In his speeches at the UN, Israel's Permanent Representative, Gilad Erdan, often compares the 1988 Hamas Charter – superseded by the 2017 charter – to Nazi Germany's genocidal objectives. In a UNSC session following the 7 October attack, he claimed that his country was waging war on Nazism.⁹⁹

The UN Outreach Programme on the Holocaust was conducting activities aimed at protecting Jews from the risk of antisemitism-related atrocities, while Israel was simultaneously waging successive bombing campaigns against Gaza's besieged population and committing well-documented atrocities that remained outside the scope of the UN's early warning mechanism. Furthermore, the outreach activities undertaken by Israel and its allies have successfully transformed the UN from an institution that once opposed Zionism into an ally of Zionist organizations. Due to Israeli lobbying, spearheaded by Israel's Permanent Mission to the UN in New York, the American Zionist Movement successfully obtained NGO consultative status at the UN in August 2022. The Movement comprises 45 American and international Jewish Zionist organizations affiliated with the World Zionist Organization, which is very active in networking in support of Israel and Zionism.¹⁰⁰ Israel's Permanent Mission to the UN described this achievement as "a great

⁹⁴ "The Holocaust and the United Nations Outreach Programme," *United Nations*, accessed on 14/2/2024, at: <https://tinyurl.com/4vuusbcx>

⁹⁵ United Nations, "Outreach Programme on the Holocaust," *Discussion Papers*, accessed on 14/2/2024, at: <https://cutt.ly/iw1nHMPo>

⁹⁶ "An Open Letter From Human Rights Defenders To Mr. Adama Dieng, Concerning Participation in the Inogs 2016 Annual Conference," *BADIL*, 24/5/2016, accessed on 27/3/2024, at: <https://tinyurl.com/2x42e6jk>

⁹⁷ "AJC's Jacob Blaustein Institute Partners with UN on New Policy for Combating Holocaust and Genocide Denial," *American Jewish Committee*, 16/6/2022, accessed on 5/2/2024, at: <https://bit.ly/3Oz4fBG>; "Anti-Zionism and Anti-Semitism," *The World Jewish Congress*, accessed on 14/2/2024, at: <https://tinyurl.com/5ce6v5ny>

⁹⁸ General Assembly, "Seventy-eighth Session, item 139 of the preliminary list, proposed program budget for 2024, Part II," p. 18, para. 44.

⁹⁹ Ibid.

¹⁰⁰ For a list of member organizations of the American Zionist Movement, see: "Constituent Members," *American Zionist Movement*, accessed on 5/2/2024, at: <https://bit.ly/3SY0Jm3>

day for Zionism”, which would enable the Movement to use the UN as a “platform from which to move the discussion of Zionism and support for Israel in the United Nations from a negative to a positive”.¹⁰¹

The Role of the UN Secretary-General and His Special Adviser in Disabling the Early Warning Mechanism Vis-à-Vis Gaza

What sets the ongoing genocidal campaign in Gaza from its predecessors in Rwanda, Srebrenica, and Cambodia is the unprecedented abundance of information available in today’s diverse and complex media landscape. For the first time in history, genocidal acts are being documented around the clock, in what has been described as the first “live-streamed genocide”.¹⁰²

Based on extensive reports, testimonies, and visual materials, Palestinian human rights organizations (Al-Haq, Al-Mizan, and the Palestinian Centre for Human Rights) issued the first call to protect Palestinians in Gaza from the threat of genocide on 13 October 2023.¹⁰³ Two days later, more than 800 scholars of genocide and international law from across the world, issued a warning, stating that “the ongoing and imminent Israeli attacks on the Gaza Strip are being conducted with potentially genocidal intent”.¹⁰⁴ Starting in mid-October, Independent Experts at the UN issued three statements warning of the risk of genocide and demanding its cessation.

Given his mandated responsibility, Secretary-General Guterres was expected to convey such warnings to the UNSC. Instead, he avoided any reference to the word “genocide”. When asked at a press conference on 8 November 2023, about the measures the UN could take to stop the genocide against Palestinians in Gaza, he deflected responsibility, stating, “[We have] no power, no money, but a voice and a platform where people can [bring] together governments, civil society, businesses, and at least try to find ways to address the dramatic problems of our time”.¹⁰⁵

This statement contradicts Article 99 of the UN Charter, which grants the Secretary-General a unique political authority unparalleled by any head of an international organization in history.¹⁰⁶ Guterres’ response is also inconsistent with the responsibility of supervising the early warning mechanism to prevent genocide and other atrocity crimes, as assigned to the Secretary-General by successive resolutions issued by the UNSC, and confirmed by the UNGA, and the Human Rights Council since 2001.¹⁰⁷ Thus, his insistent refusal to warn of the danger of genocide in Gaza and his failure to activate Article 99 of the UN Charter for this purpose underscore the responsibility borne by the Secretary-General and his Adviser for disabling this mechanism in the case of Palestine.

The Secretary-General Versus Independent UN Human Rights Experts

Guterres has faced more criticism than any previous Secretary-General for his silence on human rights violations and for eclipsing the “Human Rights Up Front” initiative launched by Ban Ki-moon in 2013,

¹⁰¹ “American Zionist Movement Officially Recognized By UN: Granted Advisory Status,” *American Zionist Movement*, 3/8/2022, accessed on 5/2/2024, at: <https://bit.ly/3uDFy08>

¹⁰² “World has failed Gaza in ‘livestreamed genocide’, South Africa’s delegation says at ICJ – video,” *The Guardian*, 11/1/2024, accessed on 5/2/2024, at: <https://bit.ly/49ci1SX>

¹⁰³ “Urgent Action: Palestinian Human Rights Organisations Call on Third States to Urgently Intervene to Protect the Palestinian People Against Genocide,” *Al Haq*, 13/10/2023, accessed on 5/2/2024, at: <https://bit.ly/3SneDgU>

¹⁰⁴ “Scholars Warn of Potential Genocide in Gaza,” *Third World Approaches to International Law Review*, 15/10/2023, accessed on 1/4/2024, at: <https://tinyurl.com/zbx9c9u8>

¹⁰⁵ “Guterres: We Cannot Prevent Genocide in Gaza,” *Palestine Chronicle*, 8/11/2023, accessed on 5/2/2024, at: <https://bit.ly/49l0JCQ>

¹⁰⁶ United Nations, “Report of the Preparatory Commission of the United Nations,” 23/12/1945, p. 87, accessed on 21/3/2024, at: <https://tinyurl.com/2eubbbp>

¹⁰⁷ See: General Assembly, “Seventy-eighth Session, item 139 of the preliminary list, proposed program budget for 2024, Part II,” p. 17, paragraph 40.

which included a comprehensive strategy and implementation mechanisms.¹⁰⁸ This initiative obliges all UN employees to issue warnings when serious violations of human rights and international law are imminent, thereby integrating it in the early warning mechanism.¹⁰⁹ However, this initiative has vanished from Guterres' speeches and reports, replaced by a humanitarian and political approach to crises influenced by his political background and his ten-year tenure as the UN High Commissioner for Refugees.¹¹⁰

The Secretary-General's statements and speeches on Gaza have used the language of humanitarian diplomacy. He has repeatedly called for a humanitarian ceasefire rather than a permanent one,¹¹¹ describing the situation in Gaza in vague and emotional terms such as "horror", "disaster", "tragedy", "nightmare" or "humanitarian catastrophe", thereby avoiding the language of human rights. He also frequently avoids attributing responsibility for the "tragedy" to Israel by excessively using the passive voice: "Gaza is becoming a graveyard for children. Hundreds of girls and boys are reportedly being killed or injured every day".¹¹² In the same vein, commenting on the release of the Integrated Food Security Phase Classification (IPC) report on 28 March 2024, the Secretary-General said that "Palestinians in Gaza enduring horrifying levels of hunger and suffering".¹¹³ He dismissed the assessment of the UN Special Rapporteur on the right to food, Michael Fakhry, who characterized Israel's deliberate starvation of the Palestinians as collective punishment that may amount to genocide.¹¹⁴

The significant disparity between the Secretary-General's rhetoric and the statements made by UN Independent Experts further underscores his position. On 19 October 2023, seven Special Rapporteurs issued a statement warning that the Palestinians in Gaza were in danger of being subjected to genocide.¹¹⁵ They reiterated the same warning on 2 November 2023. On 16 November, approximately 30 Special Rapporteurs, Independent Experts, and Working Groups issued an "early warning" concerning Israel's stated intention to destroy the Palestinian people.¹¹⁶ In her report issued on 25 March 2024, Francesca Albanese, the UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, stated unequivocally that Israel had committed three out of five acts of genocide listed under the UN Genocide Convention.¹¹⁷

The reports and statements from Special Rapporteurs and other UN Independent Experts were met with complete silence from the Secretary-General. Asked about the UN experts' statement on genocide and Guterres' notable silence on the risk of genocide in Gaza, his spokesperson, Stéphane Dujarric, claimed

¹⁰⁸ "UN: Promoting Rights Key to UN Chief Guterres' 2nd Term," *Human Rights Watch*, 8/6/2021, accessed on 1/4/2024, at: <https://tinyurl.com/3ax626ab>; Colum Lynch, "U.N. Chief Faces Internal Criticism Over Human Rights," *Foreign Policy*, 4/2/2020, accessed on 1/4/2024, at: <https://tinyurl.com/mr3ar42w>; Jennifer Norris, "Given UN failings in Myanmar, where is Human Rights up Front?," *Universal Rights Group*, 30/10/2019, accessed on 1/4/2024, at: <https://tinyurl.com/mtb3js9f>; Jennifer Norris, "Why is Human Rights Absent from the Secretary-General's Prevention Agenda?," *The International Peace Institute, Global Observatory*, 9/10/2018, accessed on 1/4/2024, at: <https://tinyurl.com/mu43mvcf>

¹⁰⁹ "Human Rights up Front speaks to the essence of the United Nations," *Briefing Note*, UN HABITAT, Human Rights Up Front, 5/12/2014, accessed on 1/4/2024, at: <https://tinyurl.com/54vyzww>

¹¹⁰ See: "Biography," *United Nations, Secretary-General*, accessed on 4/1/2024, at: <https://tinyurl.com/zpd86cj8>

¹¹¹ On the difference between a humanitarian ceasefire and a ceasefire, see: Emanuela Chiarrà-Gillard, "Humanitarian Pauses and Ceasefires – what are the Differences?" *Chattam House Blog*, 6/11/2023, accessed on 5/2/2024, at: <https://bit.ly/3usSRR5>

¹¹² Michelle Nichols, "UN Chief Says Gaza Becoming a 'Graveyard for Children'," *Reuters*, 6/11/2023, accessed on 5/2/2024, at: <https://bit.ly/3HQTz8X>

¹¹³ "Imminent famine in northern Gaza is 'entirely man-made disaster': Guterres," *United Nations Secretary-General*, 18/3/2024, accessed on 1/4/2024, at: <https://tinyurl.com/45f5v3t7>

¹¹⁴ Muhammad Iqbal Arslan, "United Nations rapporteur: Israel's starvation of the Palestinians of Gaza is a 'genocide'," *Anadolu Agency*, accessed on 4/1/2024, at: <https://tinyurl.com/3zf84svu>

¹¹⁵ "Gaza: UN Experts Decry Bombing of Hospitals and Schools as Crimes Against Humanity, Call for Prevention of Genocide," *UN: The Question of Palestine*, 19/10/2023, accessed on 5/2/2024, at: <https://bit.ly/42BYmcY>

¹¹⁶ "Gaza: UN experts call on the international community to prevent genocide that threatens the Palestinian people," *United Nations, Human Rights, Office of the High Commissioner*, 11/16/2023, accessed on 5/2/2024, at: <https://bit.ly/42L60lr>

¹¹⁷ The United Nations Human Rights Council, "Anatomy of A Genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese," *Agenda item 7, A/HRC/55/73*, 25 March 2024, pp. 6-11, accessed on 31/3/2024, at: <https://tinyurl.com/3xnj4e9h>

that, for legal reasons, the Secretary-General was not qualified to address the issue of genocide: “These experts, all the Independent Experts are independent from the Secretary-General. On the issue of genocide, we are very clear on our position, which is that genocide can only be labelled by a competent court”.¹¹⁸ This claim is based on an undated guidance note issued by the Office of the Special Adviser, urging UN staff to avoid using the term “genocide” as the charge could only be established by a competent international court of law.¹¹⁹ However, this directive does not apply to the Secretary-General and his Special Adviser, who explained her mission by saying,

My job is to prevent genocide and related crimes. More specifically, I am charged with raising alarm through early warnings to the Secretary General and the Security Council when there is a risk of genocide and related crimes and mobilizing action to prevent or stop that risk... I should emphasize that my role as Under Secretary General and Special Adviser on the Prevention of Genocide is not to decide whether genocide has taken place. This is the responsibility of independent courts of justice that have the jurisdiction to make those judgments.¹²⁰

In keeping with this mandate, Ban Ki-moon and his Adviser, Adama Dieng, warned of the risk of genocide in both South Sudan,¹²¹ and the Central African Republic,¹²² and of the risk of atrocity crimes in Burundi and Myanmar.¹²³ For his part, Guterres warned of the risk of atrocity crimes in Mali,¹²⁴ and described the Myanmar government’s crimes against the Rohingya Muslims as “ethnic cleansing”.¹²⁵ However, he overstepped his mandate when he dismissed the validity of Russia’s accusation that Ukraine had committed genocide in the Donetsk and Luhansk regions.¹²⁶ As for his Special Adviser, Alice Nderitu, she has issued a series of warnings about the risk of genocide across the world. In 2023 alone, she warned of the increasing risk of genocide in Sudan,¹²⁷ and in relation to the escalating conflict between Armenia and Azerbaijan.¹²⁸ Three days after Operation Al-Aqsa Flood, Nderitu issued a statement warning of the increasing risk of genocide and atrocity crimes in Ethiopia,¹²⁹ followed by another statement warning of genocide in Darfur,¹³⁰ yet made no mention of the clear threat of genocide facing Palestinians in Gaza.

At the daily media briefing with the Spokesman for the Secretary-General at the UN headquarters in New York, Arab media correspondents questioned the Secretary-General and his Adviser’s silence on the risk

¹¹⁸ “Daily Press Briefing by the Office of the Spokesperson for the Secretary-General,” *United Nations*, 16/11/2023, accessed on 5/2/2024, at: <https://bit.ly/3UumbkG>

¹¹⁹ “When to Refer to a Situation As “Genocide”,” *Guidance Note I*, United Nations Office on Genocide Prevention and the Responsibility to Protect, accessed on 31/3/2024, at: <https://tinyurl.com/yzryhfrm>

¹²⁰ “Statement by Alice Wairimu Nderitu, Special Adviser on the Prevention of Genocide, Friday, 24th February 2023, Abuja, Nigeria,” *Press Release*, United Nations, accessed on 5/2/2024, at: <https://bit.ly/3Ut9BO>

¹²¹ “Possibility of genocide in South Sudan is ‘all too real,’ Ban warns in opinion piece,” *UN News*, 16/12/2026, accessed on 1/4/2024, at: <https://tinyurl.com/m5kj4fsn>

¹²² Josie Ensor, “Ban Ki-moon warns of Rwandan genocide repeat in Central African Republic,” *The Telegraph*, 6/4/2014, accessed on 1/4/2024, at: <https://tinyurl.com/yrhsmbxu>

¹²³ See press statements of the Office of the Special Adviser for Genocide Prevention, available at: “Our Work,” *United Nations, Office on Genocide Prevention and the Responsibility to Protect*, accessed on 30/4/2024, at: <https://bit.ly/3UA9gOf>

¹²⁴ “UN chief warns of ‘high risk’ of atrocities in Mali,” *Radio France Internationale*, 3/6/2019, accessed on 1/4/2024, at: <https://tinyurl.com/5e2unbkr>

¹²⁵ Michelle Nichols, “Half of U.N. Security Council ask Guterres to publicly brief on Myanmar,” *Reuters*, 23/9/2017, accessed on 30/4/2024, at: <https://tinyurl.com/ynubzcjz>

¹²⁶ Antonio Guterres said: “Genocide is a crime that is clearly defined and whose application must be done in line with international law. I do not think that it is the case,” “Ukraine: We need de-escalation now – United Nations chief (22 February 2022),” *United Nations – YouTube*, 23/2/2022, minute 5:39-5:53, accessed on 1/4/2024, at: <https://tinyurl.com/4bab9a6p>

¹²⁷ “Urgent action needed to address Sudan crisis amid increasing risk of genocide and related atrocity crimes, warns UN Special Adviser on the Prevention of Genocide,” *United Nations*, 5/9/2023, accessed on 31/3/2024, at: <https://tinyurl.com/c2fz5sf>

¹²⁸ “Statement by Ms. Alice Wairimu Nderitu, UN Special Adviser on the Prevention of Genocide, on the situation in Armenia and Azerbaijan,” *United Nations*, 22/9/2023, accessed on 1/4/2024, at: <https://tinyurl.com/4f4krcn3>

¹²⁹ “Statement by Ms. Alice Wairimu Nderitu, United Nations Special Adviser on the Prevention of Genocide, Ethiopia: United Nations Special Adviser warns of heightened risk of genocide and related atrocity crimes amid increased violent clashes in Tigray, Amhara, Afar and Oromi,” *United Nations*, 10/10/2023, accessed on 31/3/2024, at: <https://tinyurl.com/25c5bf5a>

¹³⁰ “Statement by Ms. Alice Wairimu Nderitu, United Nations Special Adviser on the Prevention of Genocide, on the renewed escalation of violence in Darfur, Sudan,” *United Nations*, 14/11/2023, accessed on 31/3/2024, at: <https://tinyurl.com/4j6zapsw>

of Israel's committing genocide against the Palestinians in Gaza, particularly given the numerous warnings they had issued about other parts of the world.¹³¹ On the 14 December briefing, Arab News correspondent Ephrem Kossaiy reported that reliable sources at UN Headquarters had informed him that the Secretary-General demanded that press statements should not mention the word "genocide" about Gaza.¹³² Dujarric neither confirmed nor denied this statement. However, as discussed earlier, raising the issue of the risk of an Israeli genocide in Gaza is a political decision beyond the Special Adviser's authority. It lies with her superior, the Secretary-General.

The Secretary-General and his Special Adviser's failure to relay genocide warnings to the UNSC was exposed by the vocal stance of UN Independent Experts. These experts, including Special Rapporteurs, enjoy financial and intellectual independence since they are not UN employees. They receive no compensation for their pro bono work, under a system known as the Special Procedures of the Human Rights Council. This system includes approximately 60 Independent Special Rapporteurs, Independent Experts, and Working Groups who research topics within their areas of specialization, conduct field visits and report to the Human Rights Council on the issues they have been assigned. The UN experts' findings are considered advisory opinions and do not necessarily reflect the Organization's vision and position.¹³³ This partly explains why the Secretary-General and his Adviser have ignored their multiple warnings about the grave risk of genocide in Gaza.

Additionally, Guterres disregarded a panel discussion organized on 12 December 2023 at the UN headquarters in New York titled "The Gaza War: The Responsibility to Prevent Genocide". The UN Committee on the Palestinian People's Exercise of Their Inalienable Rights, established by the UNGA convened scholars and legal experts who called on Member States to urgently assume their responsibility to stop genocide and other atrocities being committed by Israel against the Palestinians.¹³⁴ For the first time in UN history, calls from within its own headquarters demanded an end to an ongoing genocide, yet these pleas were met with an intransigent silence from the Secretary-General and his Special Adviser.

The Secretary-General Squanders an Opportunity to Activate Article 99 to Warn of Genocide in Gaza

Resolution 1366, adopted by the UNSC in 2001, acknowledged "the essential role" played by the Secretary-General in preventing armed conflicts" in accordance with Article 99 of the UN Charter.¹³⁵ This Article authorizes the Secretary-General to alert the UNSC to any matter which he deems a threat to the maintenance of international peace and security. Since 2009, Article 99 has increasingly been understood as including the potential commission of atrocity crimes, including genocide.¹³⁶ In a report on the actions undertaken by the UN during the final phase of the war in Sri Lanka, a UN internal review criticized then-Secretary-General Ban Ki-moon for failing to invoke Article 99.¹³⁷ It recommended that the Secretary-General should more frequently and explicitly utilize his authority to convene the UNSC under Article 99.¹³⁸ When invoking Article 99, Walter Dorn notes that "In UN terminology, the phrase 'bring to the attention of the Security

¹³¹ "Secretary-General's remarks to the Security Council - on the Middle East [as delivered]," *United Nations – Secretary-General*, 29/11/2023, accessed on 30/4/2024, at: <https://tinyurl.com/2ufmd6cf>.

¹³² "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General," *United Nations*, 14/12/2023, accessed on 1/4/2024, at: <https://tinyurl.com/yyp7rxzw>

¹³³ "Special Procedures of the Human Rights Council," *United Nations, Human Rights, Office of the High Commissioner*, accessed on 5/2/2024, at: <https://bit.ly/48VQ14z>

¹³⁴ "2023 War on Gaza: The Responsibility to Prevent Genocide," *Chair Summary of Panel discussion*, United Nations, 12 December 2023, accessed on 2/5/2024, at: <https://bit.ly/3w7TQXk>

¹³⁵ Security Council Resolution 1366, S/RES/1366, 30 August 2001.

¹³⁶ Edward C. Luck, "Why the United Nations Underperforms at Preventing Mass Atrocities," *Genocide Studies and Prevention: An International Journal*, vol. 11, no. 3 (2018), p. 34.

¹³⁷ *Ibid.*, p. 15.

¹³⁸ Petrie, p. 34.

Council’ means to have a new item inscribed on the agenda of the Security Council”.¹³⁹ Therefore, the activation of Article 99 only applies to matters that the Council has not previously discussed, a prerequisite that is referred to in this study as the “novelty condition”.

On 6 December 2023, Guterres addressed the UNSC under Article 99 to draw its attention to a matter he believed might aggravate threats to the maintenance of international peace and security: “a severe risk of collapse of the humanitarian system” in Gaza.¹⁴⁰ However, this warning did not meet the novelty condition, since it did not inscribe a new matter in the Council’s agenda. The Secretary-General did not alert the Council to a new threat to international peace, but merely reiterated his previous statements, including one on 27 October 2023, in which he warned that the humanitarian system in Gaza was facing “a total collapse with unimaginable consequences for more than 2 million civilians”.¹⁴¹ His recommendation for a humanitarian ceasefire, which he had been repeating since 18 October 2023, was also not new.¹⁴² As noted by Moncef Khane, a former senior UN political affairs officer, Guterres wasted the opportunity to urge the UNSC to prevent genocide, as he would have been expected to do through the activation of Article 99.¹⁴³

The Special Adviser and Her Refusal to Warn Against the Genocide in Gaza

During the 53rd session of the Human Rights Council in July 2023, Nderitu provided an overview of the populations at risk of atrocity crimes. This review encompassed ten regions stretching from Asia to Latin America, through Europe and Africa, including the Indigenous Peoples of Papua in Indonesia, as well as Brazil’s Indigenous Peoples of African descent.¹⁴⁴ However, like her predecessors, Nderitu’s selective list omitted the situation of the Palestinians, despite the early warning mechanism offering no justification for prioritizing one group over others.¹⁴⁵ In addition to likely complying to the Secretary-General’s directives, Nderitu’s prolonged silence on Palestine can be attributed to her pro-Israel bias, evident in several aspects. Firstly, she maintains an essentialist view of the Jews, which prevents her from treating Israel as any other state rather than primarily as a “Jewish” state. Secondly, she holds a conviction that Jews are inherently victims; a perspective that precludes the possibility of them being perpetrators at the same time. Lastly, she believes that Jews are more at risk of genocide than others.

The Advisor’s Double Standards and Bias in Favour of Israel

In the aftermath of Israel’s reprisal campaign in Gaza, Nderitu’s Office issued a controversial statement on 15 October 2023. The statement characterized the violence during Operation Al-Aqsa Flood as particularly “vicious”, asserting that it was “targeted on the basis of identity”.¹⁴⁶ This perspective aligns with the Israeli narrative, which detaches the attack from the broader context of a decades-long illegal occupation, siege, state aggression, and settler violence.

¹³⁹ Dorn & Matloff, p. 308.

¹⁴⁰ “The Secretary-General letter to the Security Council invoking Article 99 of the United Nations Charter,” *OCHA*, 6/12/2023, accessed on 5/2/2024, at: <https://tinyurl.com/2u7zt365>; “Gaza: Guterres invokes ‘most powerful tool’ Article 99, in bid for humanitarian ceasefire,” *United Nations*, 6/12/2023, accessed on 8/3/2024, at: <https://tinyurl.com/47zs7c5k>

¹⁴¹ “Humanitarian System for More than 2 Million Civilians in Gaza Facing Total Collapse, Secretary-General Warns, Once Again Urging Ceasefire, Aid Delivery at Scale Needed,” *United Nations*, 27/11/2023, accessed on 5/2/2024, at: <https://tinyurl.com/4dxhrt8h>

¹⁴² “Highlights of the Noon Briefing by Farhan Haq,” *United Nations*, 18/10/2023, accessed on 5/2/2024, at: <https://tinyurl.com/484dwjz4>

¹⁴³ Moncef Khane, “Invoking Article 99 of the UN Charter: Does It Make a Difference?” *Passblue*, 18/12/2023, accessed on 14/2/2024, at: <https://cutt.ly/gw1minKZ>

¹⁴⁴ “53rd Session of the Human Rights Council, Interactive dialogue with the Special Adviser on the Prevention of Genocide,” *Press Release*, United Nations, 4 July 2023, accessed on 1/4/2023, at: <https://tinyurl.com/2xetbvpf>

¹⁴⁵ Ibid.

¹⁴⁶ “Statement of the Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, on the situation in the Middle East,” *Press Release*, United Nations, 15 October 2023, accessed on 30/4/2024, at: <https://tinyurl.com/bdekcm42>

In a rare move, 50 UN staff members sent Adviser Nderitu a strongly worded letter of protest, copying the Secretary-General and senior officials in the Secretariat.¹⁴⁷ The letter points out that the statement fails to mention the 16-year blockade on Gaza and the collective punishment imposed on its population, including the withholding of water, medicine, electricity, fuel, and other vital supplies. The staff expressed their objection to Nderitu's bias in favour of Israelis, criticizing her for implicitly inciting against Palestinians rather than warning of the threat of genocide they face. The letter states,

Sadly, the public statement, instead of condemning the dehumanization of Palestinians, may have further dehumanized them. We trust you are aware of the dangers of dehumanizing language – a warning sign and precursor to genocide – and that is [sic] has been and continues to be used by Israeli leaders.¹⁴⁸

The UN staff letter listed numerous statements by Israeli and US leaders expressing intent to destroy the Palestinians in Gaza, along with experts' warnings of a looming genocide. They warned the Adviser of the potential existence of an Israeli intent to commit genocide against the Palestinians in Gaza. The letter urged her, in fulfilling her mandate, "to uphold the equal rights and equal humanity of Palestinian civilians with the same passion and compassion as you have for Israeli civilians".¹⁴⁹

In response to press inquiries regarding the Secretary-General's stance on the contents of this letter, Dujarric affirmed, "the Secretary-General continues to have full confidence in the work of Ms. Nderitu".¹⁵⁰ Guterres demonstrated his support for his Adviser by refusing to address calls from numerous UN employees and online petitions demanding her dismissal. He also ignored requests by Palestinian human rights organizations for an inquiry into Nderitu's failure to fulfill her mandate. They demanded that the inquiry examine her neglect to raise awareness about Israel's ongoing genocide against Palestinians in Gaza or the alarming risk of such a genocide, her failure to acknowledge the ICJ ruling that Israel is plausibly committing genocide along with the provisional measures ordered for Israel, and her refusal to engage with, meet, or respond to requests from Palestinian human rights organizations.¹⁵¹

These requests assumed, however, that the Adviser is free to make independent decisions, whereas the Secretary-General has the authority to appoint the Special Advisers, supervise their work, and advise them based on the tasks formulated by Kofi Annan in 2004 in his letter to the President of the UNSC (S/2004/567). Nderitu operates under the directives of the Secretary-General, to whom she submits reports. Public reports must be approved by the Executive Office of the Secretary-General before they can be published and circulated.¹⁵² Likewise, press releases issued by the Adviser's Office are only circulated after receiving approval from the Executive Office of the Secretary-General, which reviews them for content to ensure alignment with the Secretary-General's position and directives.¹⁵³

Nderitu: Early Warning Mechanism Prioritizes Jews and Antisemitism

Nderitu firmly believes that Jews worldwide face a greater risk of genocide today than any other group. This belief may be attributed to the Adviser's interactions with Jewish circles. In 2014, Nderitu studied

¹⁴⁷ The full text of the letter is available on: "Rami Ayari," *X*, 9/11/2023, accessed on 22/5/2024, at: <https://bit.ly/4auufqe>

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General," *United Nations*, 14/12/2023.

¹⁵¹ Letter addressed by Palestinian Human Rights Organizations to the UN Secretary-General: "Palestinian Organizations Express Disappointment and Call for an Inquiry Regarding the Special Adviser on the Prevention of Genocide's Failure to Fulfil Her Mandate in Addressing Israel's Ongoing Genocide in Gaza," *Al Haq*, 7/2/2024, accessed on 22/5/2024, at: <https://bit.ly/44RnzRz>

¹⁵² General Assembly, "Thirtieth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed program budget for the biennium 2008-2009," para. 12-13.

¹⁵³ On how the office operates, see: Akhavan, pp. 1056-1058.

at the Raphaël Lemkin Seminar, affiliated with the Auschwitz Institute for the Prevention of Genocide, where she also worked as an instructor before assuming her current UN position.¹⁵⁴ She acknowledges that her family environment and her visit to the Auschwitz camp had a particular influence on her.¹⁵⁵ In her speeches and media interviews, she refers to Jews across the world, including those in Israel, as the “Jewish community”, regardless of their geographic, social, and doctrinal differences and affiliations. Moreover, the Adviser considers Jews and other communities that previously endured genocide more vulnerable than others to the risk of this crime being perpetrated again,¹⁵⁶ without citing any evidence in support of her personal assessment:

I think the sense of victimhood it's [sic] unfortunately not that anything these communities that have been targeted for extinction can get out [sic]. Because they continue to be targeted even today. Today the Jewish community, Bosnian Muslims, and Tutsis are still at risk, and sometimes because of social media, given that there are so many weapons in the world, there are so many ways of killing people, maybe the risk is even higher than it was before.¹⁵⁷

The Adviser holds an essentialist view of Jews, both in Israel and elsewhere. She perceives them all as immutable victims who could never become the perpetrators. Consequently, she struggles to recognize Palestinians as victims in their relationship with Jewish “victims”, whom she perceives as more vulnerable to genocide than others.

As a result of this rationale, Nderitu could only concur with Guterres' undeclared exclusion of Palestinians from the list of Indigenous Peoples at risk of genocide, while including Jews in the UN's early warning mechanism. The Palestinians' exclusion starkly contrasts with the Special Advisor's notable involvement in warning against a perceived threat of genocide facing Jews, as exemplified by her focus on Holocaust denial and antisemitism.

In her introduction to the policy paper published in July 2022 to combat Holocaust and genocide denial, in partnership with the pro-Israeli American Jewish Committee, the Adviser states that Holocaust denial is rooted in antisemitism. She emphasizes that it serves as a warning that the conditions that led to the extermination of the Jews persist today, without any study, research, or even opinion polls to support this assumption.¹⁵⁸ Dani Dayan, Chairman of Yad Vashem, the World Holocaust Remembrance Centre, contradicts Nderitu's assertion. He contends that the Jewish people are no longer persecuted and do not live at the mercy of others, but, on the contrary, they have “an independent nation and a formidable army”, and they decide their own fate.¹⁵⁹

Nderitu's belief that Jews are at risk of genocide is shaped by the IHRA's working definition of antisemitism. While she acknowledges that the world's leading human rights organizations reject this definition due to its censorship of criticism of Israel, she maintains that it lies at the heart of her mandate of preventing genocide.¹⁶⁰ She further states that she is not concerned about the distinction between antisemitism and anti-Zionism:

¹⁵⁴ “AIPG Congratulates Alice Wairimu Nderitu On Her Appointment as UN Special Adviser on The Prevention of Genocide,” *The Auschwitz Institute for the Prevention of Genocide and Mass Atrocities*, accessed on 1/4/2024, at: <https://tinyurl.com/2v8jeh42>

¹⁵⁵ “First Person: The Holocaust, Genocide, and War,” *UN News*, 20/1/2022, accessed on 14/2/2024, at: <http://tinyurl.com/4yk7w2w6>

¹⁵⁶ “What is the U.N. doing to Fight Antisemitism? with U.N. Special Advisor Alice Wairimu Nderitu,” *MomentMag – YouTube*, 19/9/2023, min. 35:00-35:31, accessed on 5/2/2024, at: <https://bit.ly/4bGYKLt>

¹⁵⁷ *Ibid.*, min. 37:30-38:05.

¹⁵⁸ “AJC's Jacob Blaustein Institute Partners with UN on New Policy for Combating Holocaust and Genocide Denial,” *American Jewish Committee*, 16/6/2022, accessed on 1/4/2024, at: <https://cutt.ly/Zw5ZUoLg>

¹⁵⁹ Gadi Zaig, Zvika Klein & Tovah Lazaroff, “Erdan blasts Hamas final solution wearing yellow star at UNSC,” *The Jerusalem Post*, 31/10/2023, accessed on 27/5/2024, at: <https://tinyurl.com/ydr3dwx7>

¹⁶⁰ “What is the U.N. Doing to Fight Antisemitism? A Wide-Open Conversation with U.N. Special Advisor Alice Wairimu Nderitu and Noah Phillips,” *Moment Magazine*, min. 42:50-43:25 and 45:15-45:30, accessed on 21/3/2024, at: <https://tinyurl.com/2su2ze74>

I think for me (sic) so long as anybody is targeted on the basis of their identity, it's very clear (sic) it's the genocide convention. I think the world knows enough about the difference between antisemitism and antizionism (sic), but basically, it doesn't even matter ... so long as there is a Jewish person, it doesn't matter what they are identified as... if they are targeted, then that is a big big (sic) problem, it is a big concern and it's an issue to be enquired (sic) about.¹⁶¹

Accordingly, if we link Nderitu's allegation that Hamas targeted Israeli civilians based on their identity and her view that targeting any Jew on this basis necessitates the application of the Genocide Convention, then Palestinians could become the source of a genocide threat to Jews, resulting in a complete reversal of roles according to her baseless assessment.¹⁶²

The Special Advisor's silence regarding Palestinians and the international warnings against the risk of genocide in Gaza is clearly linked to her bias in favour of Israel and its allies. For nearly four months following her controversial statement on 15 October, she maintained complete silence regarding the risk of genocide facing Palestinians in Gaza. She also failed to issue a statement stressing the need to implement the ICJ's provisional measures in Gaza in line with the statements she had issued following the ICJ's issuance of similar rulings in the cases of Ukraine-Russia¹⁶³ and Armenia-Azerbaijan.¹⁶⁴ The Adviser's inaction prompted 16 Palestinian human rights organizations to address the Secretary-General on 7 February 2024. They called upon him to investigate his Adviser's failure to fulfill her mandate concerning Palestinians in Gaza; a call he has thus far ignored.¹⁶⁵

In response to the Palestinians' appeal, Nderitu broke her silence in early February, issuing three press releases in less than two months. However, these statements make no distinction between the Palestinian victims and the Israeli perpetrators, referring to the situation in Gaza as a "war" and a conflict between two equal parties requiring a political solution.¹⁶⁶ Her 28 March statement on the "situation in the Middle East" marked the first reference to the threat of genocide. Rather than linking this threat to Israel's atrocities in Gaza, she framed it within the broader context of violence in the Middle East, claiming that "many have suffered insurmountable violence in the troubled history of the Middle East, a region in which the risk factors for genocide, war crimes and crimes against humanity are extremely high and continue to rise".¹⁶⁷

Nderitu's consistent exclusion of Palestinians from the early warning mechanism for the prevention of atrocity crimes aligns with the approach of Secretary-General Guterres. This stance is consistent with the decisions made by previous UN Secretaries-General and their Special Advisers on the Prevention of Genocide over the past twenty years. Consequently, any calls for investigation and accountability should not be limited to Special Adviser Nderitu but must also include Guterres, given his established responsibility. Their resolute decision not to warn of the risk of genocide facing Palestinians in Gaza sets a significant precedent in UN history, necessitating a review of the grave responsibilities entrusted to senior UN Secretariat officials, without clear legal accountability.

¹⁶¹ Ibid., min. 46:00-46:14.

¹⁶² Ibid., min. 45:15-45:30.

¹⁶³ "Statement by the UN Special Adviser on the Prevention of Genocide on the Order of the International Court of Justice of 16 March 2022 (Ukraine vs. Russian Federation)," *Global Centre for The Responsibility to Protect*, 8/3/2022, accessed on 5/2/2024, at: <https://bit.ly/3HT7EaV>

¹⁶⁴ "Statement by the UN Special Adviser on the Prevention of Genocide on the situation in Armenia and Azerbaijan," *Press Release*, United Nations, 27 September 2023, accessed on 2/5/2024, at: <https://bit.ly/3SO2hQp>

¹⁶⁵ "Palestinian Organizations Demand Inquiry into UN Genocide Prevention Office's Inexcusable Failure to Address Israel's Ongoing Genocide in Gaza," *Mezan*, 7/2/2024, accessed on 14/2/2024, at: <http://tinyurl.com/3pdm92xv>

¹⁶⁶ For the three statements issued on 9, 14 February and 28 March, 2024, see: "Public Statements," *The Office of the Special Adviser on the Prevention of Genocide and the Responsibility to Protect*, accessed on 1/4/2024, at: <https://tinyurl.com/3b54tyzb>.

¹⁶⁷ "Statement by Ms. Alice Wairimu Nderitu, Special Adviser on the Prevention of Genocide, on the situation in the Middle East," *Press Release*, United Nations, 28 March 2024, accessed on 1/4/2024, at: <https://tinyurl.com/5n863kwr>

Conclusion

This study underscores the intrinsic link between genocide and the Zionist settler-colonial project in Palestine. This process, which dates back to at least the Nakba in 1948, has intensified in Gaza since the Israeli siege began in 2007, reaching its peak in the aftermath of Operation Al-Aqsa Flood on 7 October 2023. The study argues that the Secretary-General and his Special Advisor's refusal to convey Palestinian and international warnings about the risk of genocide in Gaza to the UNSC points to the fact that the exclusion of Palestine from the early warning mechanism to prevent the crime of genocide and other atrocity crimes since 2004 was a deliberate political decision, rather than simple neglect. This is supported by the abundance of UN reports documenting that Israel's policies and practices in the occupied territories align with the risk factors and indicators of genocide outlined in the Framework Analysis, including genocidal rhetoric.

The study identifies five major factors that underlie the inherent institutional flaws in the early warning mechanism to prevent genocide, explaining why it continues to fail in the case of Palestine in general, and Gaza in particular: (1) The lack of independence of the early warning mechanism and its subordination to the authority of the UN Secretary-General; (2) the lack of an independent group of experts to monitor the work of the Special Adviser and ensure its independence; (3) the vulnerability of UN Secretaries-General to pressure from Israel and its allies; (4) the lack of UN legal accountability for atrocity crimes; (5) the failure of the Palestinian Authority and the Arab countries to include Palestine in the early warning mechanism, in contrast to Israel and its allies' successful use of the mechanism to suppress critiques of Israeli policies under the guise of combating "the new anti-Semitism".

The study concludes that the failure of the UN early warning mechanism for the prevention of atrocity crimes regarding Palestine is more institutional than functional. To overcome these flaws and failures, it makes three recommendations:

1. Linking UN responsibility to accountability for warning of potential atrocity crimes by requesting an independent international investigation into the failure of the Secretary-General and his Adviser in including Palestine in the early warning mechanism to prevent genocide, and their refusal to warn of genocide in Gaza. The investigation findings would be instrumental in reforming this mechanism.
2. Tasking the UN Human Rights Council with establishing an independent committee of experts on genocide and other atrocity crimes that includes a fairly balanced geographical distribution. The committee would be in charge of monitoring the work of a reformed Office of the Special Adviser on the Prevention of Genocide; help identify cases that require monitoring and reporting; issue warnings, submit reports, and provide periodic and urgent briefings directly to the UNSC and the UNGA.
3. Calling upon the Palestinian Authority and the Arab states to demand that the Secretary-General activate the early warning mechanism, by placing Palestinians in the occupied territories (the West Bank, East Jerusalem, and Gaza Strip) on the list of Indigenous Peoples at risk of genocide by the Israeli settler colonial state.

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On the Depraved Legal Debate over the Responsibility to Protect in Gaza

عن انحطاط النقاش القانوني بشأن مسؤولية حماية المدنيين في غزة

Abstract: This paper investigates the legal debate over the relevance and applicability of the Responsibility to Protect (R2P) principle to the Gaza Strip and the Occupied Palestinian Territories. The paper argues that some issues have been dismissed from this legal debate, including whether R2P applies to an occupied territory and population upon which the occupier does not exercise control on the ground, while the occupied population has neither a state nor sovereignty. The legal debate also neglects that R2P requires the approval of the Security Council without a veto. Consequently, the question of the appropriate authority to authorize R2P and to intervene is elided. The presumed impossibility of the United States, and its allies in the Security Council, allowing the application of R2P to Gaza and the interest-based, political, and ideological biases that lend support to this position drain the legal debate of any substance. However, in this R2P debate about Gaza, there seems to be nothing solid to rely on, despite the urgent need for the application of the principle following the events of 7 October 2023.

Keywords: Responsibility to Protect; the Gaza Strip; Occupied Palestinian Territories; Security Council.

ملخص: تبحث هذه المقالة في النقاش القانوني بشأن أهمية مبدأ مسؤولية الحماية وقابلية تطبيقه في قطاع غزة، وبقية أراضي فلسطين المحتلة. وتُجادل بأن بعض القضايا قد أُسقطت من هذا النقاش القانوني، منها إمكانية تطبيق مبدأ مسؤولية الحماية على إقليم وسكان تحت الاحتلال. ويتجاهل النقاش أيضاً أن هذا المبدأ يشترط الحصول على موافقة مجلس الأمن من دون استعمال حق النقض، وهكذا تسقط من النقاش مسألة السلطة الملائمة لمنح الإذن بتطبيق المبدأ والتدخل. ثم إن استحالة سماح الولايات المتحدة الأميركية وحلفائها في مجلس الأمن بتطبيق مبدأ مسؤولية الحماية على حالة غزة، والانحيازات المصلحية والسياسية والأيدولوجية إلى هذا الموقف، تُفرض النقاش القانوني بشأن المسألة من محتواه. ولا يبدو أن ثمة شيئاً يُعوّل عليه في هذا الضرب من النقاش القانوني بشأن مبدأ مسؤولية الحماية في غزة، مبدأ لا يمكن تصوّر أن لتطبيقه لحظةً أشدّ نضجاً من هذه التي تلت 7 تشرين الأول/ أكتوبر 2023.

كلمات مفتاحية: مبدأ مسؤولية الحماية؛ قطاع غزة؛ الأراضي الفلسطينية المحتلة؛ مجلس الأمن.

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From Libya to Gaza: Where Has R2P Gone?

In an article published on Al-Jazeera website, “Where is the ‘Responsibility to Protect’ in Gaza”,¹ Abdelwahab El-Affendi denounces those who yesterday championed R2P – namely, the United States and European countries – and today have become the most fervent cheerleaders of the genocidal war waged by the Israeli occupation state against civilians in the Gaza Strip, despite warnings and reports that the region is on “the precipice of a humanitarian catastrophe” and calls for an immediate ceasefire.² The Global Centre for the Responsibility to Protect is one of the most prominent sources of these appeals, and almost all of them have explicitly classified the atrocities of the Israeli war into various broadly synonymous boxes: crimes against humanity, war crimes, genocide, forced displacement, ethnic cleansing, and collective punishment. These designations are also found in the United Nations General Assembly resolution that adopted the 2005 World Summit Outcome, specifically under the subheading of “Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity”.³ But the United States and its European allies steadfastly persist in calling all such acts “self-defence”, and are merely advocating “a humanitarian pause”.⁴ What they mean by this ludicrous formulation is not a truce, but literally a short respite to let Israeli occupation forces catch their breath before resuming their aggressive actions.

It has become evident that compliance with and enforcement of the rules of international law is selective and consistently subject to double standards. R2P is no exception. It is widely understood that when it comes to the conduct of the major powers in international politics, the invocation or exclusion of these rules is purely a matter of political and economic interests. Examining each of the cases in which R2P has been invoked, one can easily deduce the relevant context and justifications, whether it is Darfur, Côte d’Ivoire, Yemen, or Libya. The same applies to cases in which it has been ruled out, in Syria, Myanmar, or occupied Palestine. But occupied Palestine is another story.

Commenting on the case of Libya in 2011, El-Affendi refers to the concerns expressed by Russia and China, which feared that R2P would serve as cover for international military intervention and a prelude for deliberate regime change rather than imposing peace⁵ and protecting civilians. And this is indeed what happened. Ahmed Qassem Hussein and I⁶ have already argued that investigating the reasons for NATO’s early intervention in Libya in March 2011 is a distraction. The right question is not, “Why did the intervention take place?” but rather: “To what end?” We have witnessed how the military intervention in Libya fuelled the civil war rather than extinguishing its initial spark. The responsibility assumed by the so-called representatives of the international community at the time was not, then, the responsibility to protect civilians, but to protect one specific party to a nascent civil conflict from another. The protection of civilians was merely a pretext.

It is worth recalling here that the report of the International Commission on Intervention and State Sovereignty (ICISS), which laid the foundation for the principle of R2P, stressed under the heading of “right intention” that “the primary purpose of the intervention must be to halt or avert human suffering. Any use

¹ Abdelwahab El-Affendi, “Where is the ‘Responsibility to Protect’ in Gaza?” *Al Jazeera*, 21/10/2023, accessed on 2/11/2023, at: <https://tinyurl.com/2auzn4p7>

² Ibid.

³ UN General Assembly, “Resolution Adopted by the General Assembly on 16 September 2005,” A/RES/60/1, 24 October 2005, accessed on 2/11/2023, at: <http://tinyurl.com/43ade295>

⁴ Ironically, Russia’s discourse in the UN Security Council, as reflected in its voting behaviour, showed greater awareness of this linguistic game: it justified its veto to the US resolution calling for “a humanitarian pause” saying that the situation demanded a “ceasefire”, not merely a “pause”.

⁵ El-Affendi.

⁶ Ahmed Qassem Hussein & Mohammed Hemchi, “al-Qas’a wa-Akalatuhā: al-Tadakhkhulāt al-Khārijīyya fī Lībyā Mā Ba’d al-Rab’ al-‘Arabī,” in: Ahmed Qassem Hussein (ed.), *Lībyā: Taḥaddīyāt al-Intiqāl al-Dīmuqrāfī wa-Azmat Binā’ al-Dawla* (Doha/Beirut: Arab Centre for Research and Policy Studies, 2022).

of military force that aims from the outset, for example, for the alteration of borders, or the advancement of a particular combatant group's claim to self-determination, cannot be justified. Overthrow of regimes is not, as such, a legitimate objective".⁷

From the perspective of R2P proponents, who are nowhere to be found today, Libya is an exemplary case⁸ for the application of R2P – and in fact, the only case since the adoption of the principle in 2005.⁹ For them, all questions are reducible to a single one: Does the legal text apply to the case at hand? And the answer is similarly reducible to a simple yes or no. This leads them to see Libya as a textbook case while dismissing the Palestinian case with the assertion that "the principle does not apply". This fanatical adherence to the literality of the law not only negates its spirit, but also its moral and normative teleological purpose, which is justice.

Notes on an Example of the Debate over Responsibility to Protect in Gaza

During a symposium hosted by the Middle East Centre at the London School of Economics during the Israeli war on Gaza in July 2014,¹⁰ participants were asked the following questions: "Does the Responsibility to Protect (R2P) apply to civilians in Palestine and Israel? Why has R2P been neglected in the context of the Israeli-Palestinian conflict? Who has the responsibility to protect civilians in this ongoing war? Is the asymmetrical loss of life between Israeli and Palestinian civilians relevant? Is R2P a useful framing for the conflict?"¹¹ I shall condense the most significant of these interventions below.

Megan Schmidt¹² brings the debate around to the question of the legal status of Gaza: "What entities have governing authority over and responsibility for the people of Gaza?" While acknowledging that "the issue of governing authority over Gaza is one of great complexity" (she does not inquire into the origin of this complexity, but simply recognizes it and moves on), she links the applicability of R2P to Gaza to its legal status. At the outset, she notes that the applicability of R2P does not override the obligations of the parties to the conflict set forth in international humanitarian and customary law. Schmidt seems to already know the answer to her question in advance, or to be preparing the reader for the conclusion that R2P does not apply. It could, however, "provide an additional framework for understanding the crisis, as well as an additional tool for advocacy by actors seeking to prioritize civilian protection". Also from the outset, Schmidt declines to grapple with the question of whether the Gaza Strip is an occupied territory or independent entity -as if it must be one or the other-, choosing instead to assess the applicability of the R2P standard in each of these two cases. After rehearsing the well-known arguments and counterarguments, Schmidt concludes, "If one accepts the status the Gaza as an occupied territory, the Responsibility to Protect the populations of Gaza would fall between both the occupying power, Israel, and the de facto authority, Hamas". She adds, "The degree to which each has the responsibility to protect populations in Gaza would be determined by the test of 'effective control'; namely, the extent of the capacity of each party to implement a particular measure to protect civilians". Schmidt concludes

⁷ Gareth Evans et al., *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), p. 35.

⁸ Gareth Evans called it "a textbook case" of the R2P norm "working exactly as it was supposed to". Evans is an academic and former foreign minister of Australia. He co-authored the ICISS report and is co-chair of the organization. See: Gareth Evans, "Interview: The 'RtoP' Balance Sheet after Libya," *Gevans*, 2/9/2011, accessed on 2/11/2023, at: <https://tinyurl.com/5n6p3hjr>. In truth, search engines indicate that Evans has mentioned the Gaza Strip as a possible case in which R2P might apply – one of the rare mentions of Gaza. See: Gareth Evans, "The Responsibility to Protect: Where to Now?" *Amnesty International*, 23/5/2018, accessed on 2/11/2023, at: <https://tinyurl.com/4bv7ve27>

⁹ See, for example: Catherine Renshaw, "R2P: An Idea whose Time Never Comes," *Lowy Institute*, 2/6/2021, accessed on 2/11/2023, at: <https://tinyurl.com/bdzaupuz>

¹⁰ Ribale Sleiman-Haidar, "Palestine, Israel and R2P: A Symposium," *London School of Economics*, 22/7/2014, accessed on 2/11/2023, at: <https://tinyurl.com/4f3uu4cn>

¹¹ Sleiman-Haidar.

¹² A researcher on genocide studies and human rights and then-senior program officer at the International Coalition for the Responsibility to Protect.

her intervention by drawing a clear equivalence between the continued suffering “of the people of Gaza and Israel”, “regardless of whether R2P applies or not”.¹³

David Rieff¹⁴ distinguishes the question of R2P’s applicability to the war in Gaza from the question of whether viewing the conflict through the lens of R2P is helpful or counterproductive. To the first, he responds, “There is simply no absolutely clear-cut answer” because “R2P only applies to intra-state wars. However, as Gaza is part of the internationally recognized State of Palestine, the conflict between Israel and Hamas is formally an inter-state conflict”. Rieff ignores that the recognition of the state of Palestine does not preclude it being an occupied territory. Indeed, insofar as Palestine as a state exercises no form of sovereignty, recognition was sought as an affirmation of the existence of the occupation and the need to take a position on it, as well as for the purposes of representation in international organizations. It is inconceivable that Rieff does not know this, which makes his disregard of the point less than innocent. Conversely, he states, “A strong case can thus be made that Israel remains the de facto occupying power” but “even assuming that R2P applies to the latest round of fighting in Gaza, the disadvantages of viewing events in Gaza through its prism should be obvious”. Thus, without expanding on the arguments he cites (including that Israel is a nuclear power and that the United States would veto any UN Security Council resolution on armed intervention under R2P), Rieff’s intervention shifts into a plea against the principle in its entirety. Even if R2P is used only as a “moral and legal frame for the conflict”, he concludes that “there is simply no basis for thinking R2P is a useful frame for anything”.¹⁵

In his intervention, Simon Adams¹⁶ states that “attacks on civilians and civilian property in Gaza and Israel violate international humanitarian law and may constitute war crimes”. He then explicitly describes the “indiscriminate” rocket attacks by “Palestinian armed groups” as war crimes “despite the fact that the inaccuracy of the rockets and the effectiveness of the Israeli ‘Iron Dome’ defence system had kept Israeli civilian fatalities to a minimum”. He does not describe Israeli military actions, neither indiscriminate shelling nor ground invasion, in a similarly clear-cut way, asserting only that there is “a need for a full and impartial investigation of possible war crimes that may have been committed” led by the United Nations. “While Israel had a right to defend itself against rockets raining down upon its cities, issues of proportionality and distinction (discriminating between civilian and military targets) appeared to have been repeatedly violated by the IDF”, he writes, concluding that “both the Israeli government and Hamas have a responsibility to protect civilians”.¹⁷

The most offensive intervention, titled “Gaza and Israel – A Case for International Humanitarian Law, Not R2P”, comes from James Rudolph.¹⁸ He, too, argues that R2P does not apply to civilians in Gaza, for several reasons: first, because Israel’s actions in Gaza do not amount to genocide, war crimes, crimes against humanity, or ethnic cleansing under R2P; second, because “none of these acts are occurring in Israel itself” (for him, the site of casualties is no less important than their number); third, even if Israel’s self-defence has become excessive, “this would have ramifications under the laws of war ... if anything, this is being directed at Hamas and Gaza. Stated differently, neither Israel nor Gaza is engaging in excessive force against its own population”; fourth, “the international community has been assisting both Israel and the Palestinians to fulfil their obligations under R2P”, as evidenced by recent ceasefire agreements. “Accordingly”, he states,

¹³ Megan Schmidt, “The Israeli-Gaza Crisis and the Responsibility to Protect: Does the Norm Apply?,” *London School of Economics*, 23/7/2014, accessed on 2/11/2023, at: <https://tinyurl.com/9hzvwbds>

¹⁴ Journalist, political analyst, and a previous fellow with various academic institutions.

¹⁵ David Rieff, “R2P Isn’t a Useful Framework for Gaza—or Anything,” *London School of Economics*, 25/7/2014, accessed on 2/11/2023, at: <https://tinyurl.com/2mjysav9>

¹⁶ An academic and then-executive director of the Global Centre for the Responsibility to Protect.

¹⁷ Simon Adams, “Both Israel and Hamas have a Responsibility to Protect Civilians,” *London School of Economics*, 25/7/2014, accessed on 2/11/2023, at: <https://tinyurl.com/4kx44ejm>

¹⁸ Lawyer in international law and former staff member of the US Agency for International Development.

“the use of force, which is contemplated under pillar three, is altogether inappropriate at this juncture, as it is to be used as a last resort after the state has manifestly failed to protect its own population”. For Rudolph, all of this means that R2P did not and likely will not apply in this case. Like Adams, Rudolph makes one single reference to Israeli forces’ respect for the principles of distinction and proportionality. Although he notes that a key question is whether the Gaza Strip is under occupation, he casually dismisses the issue with the remark: “Resolving this is beyond the bounds of this article; thus, it will be assumed, *arguendo*, that Gaza is not occupied and thus R2P does not apply”.¹⁹

Aidan Hehir²⁰ is the only voice that timidly breaks with the choir.²¹ He criticizes the silence of the Global Centre for R2P, the International Coalition for R2P, and the Asia Pacific Centre for R2P on key issues related to the applicability of R2P to the Israeli war on Gaza.²² Hehir poses the question: “Is Gaza in Israel?” From here, he takes issue with the argument that R2P does not apply to the population of Gaza because it does not apply to interstate conflicts. This is an odd argument, he continues, and even odder is the zealous devotion to it. Proponents of this view, illustrated in a statement from the Global Centre for R2P, argue that “Gaza is within the ‘State of Palestine’ which is recognized by 134 UN member states”. Hence, they reason, “If Gaza is not considered to be part of Israel, ‘RtoP would not be applicable to the protection of civilians *across* borders’”. Questioning the logic of this argument, Hehir objects to the refusal to respond to crises based on “a narrow technical interpretation of R2P’s remit”. In response, he cites “the ambiguity surrounding the status of the State of Palestine” – namely, that Israel itself does not recognize it as an independent state. Arguments that R2P does not apply to Palestinian civilians insofar as this is an interstate conflict are therefore invalid.²³

Between Fanatism and Agnosia

The cut-and-dried question of “does R2P apply or not” is the natural result of approaching a legal text as a document devoid of either spirit or purpose. It reflects a kind of agnosia – the loss of the ability to recognize objects and people or sounds and shapes. R2P either applies or does not apply, based on what Hehir calls “a narrow technical interpretation”. But a recognition of the impetus driving the call to consider the applicability of R2P, to say nothing of the call to apply it, should precede the consideration of the legal text. In practice, this has been the case in the past. NATO intervened militarily in Yugoslavia at a time when the legal text did not yet exist. Although the basis of the intervention was not R2P as such, the intervening parties nevertheless acted on their responsibility to stop the atrocities – a responsibility that was later affirmed by the principle of R2P. (In fact, the coalition was accused of violating the UN Charter because it used force without the approval of the Security Council).²⁴ The underlying impetus for the intervention was the “concern” – to use the oft-repeated phrase – about the violations to which civilians were being

¹⁹ James P. Rudolph, “Gaza and Israel—A Case for International Humanitarian Law, Not R2P,” *London School of Economics*, 23/7/2014, accessed in 2/11/2023, at: <https://tinyurl.com/6dtdkkyh>

²⁰ A reader in international relations at the University of Westminster and an expert on humanitarian intervention, responsibility to protect, transitional justice, and international law.

²¹ The same could be said of the intervention of Michael Kearney, a lecturer in law at the University of Sussex, but I chose not to focus on it because it is an example of a critique that dismisses R2P altogether, as is clear from the title. I will comment on this type of critique later, but the article merits reading and has several points of agreement with El-Affendi. See: Michael Kearney, “In Palestine, R2P Isn’t Dead. It Could Never Have Existed,” *London School of Economics*, 24/6/2023, accessed on 2/11/2023, at: <https://tinyurl.com/3ez5ad86>

²² Ibid. Kearney notes, for example, that the Israeli-Palestinian conflict “as a structural, long-standing problem of occupation, racism, and violence” does not “fit” mainstream international legal scholarship’s focus on distinct major crises rather than everyday life. Citing a statement by the International Coalition on Responsibility to Protect—“Questions remained as to whether invoking RtoP would have brought the desired changes to protect civilians in this deeply politicized situation”—he comments: “What’s meant here by politicized, I guess, is that ‘we don’t think we should attempt to apply a tool designed to harass bad guys, to our democratic allies’”.

²³ Aidan Hehir, “‘Is Gaza in Israel?’ R2P and Inter-State Crises,” *London School of Economics*, 23/7/2014, accessed on 2/11/2023, at: <https://tinyurl.com/bdhkc4v8>

²⁴ Renshaw.

subjected, to use the common phrase, which in the case of Gaza has become a sense of horror²⁵ at the atrocities now being committed by the Israeli occupation forces.

When are these feelings of concern and horror suppressed, and at what point does the call to act “in a timely and decisive manner”, as the legal text states, turn into hollow squabbling over legal arguments about whether or not to act at all? It happens when one is afflicted with agnosia, or when one deliberately refuses to recognize reality and loses the capacity to recognize things (homes, schools, hospitals) in shambles; people (civilians) being exterminated, ethnically cleansed, and forcibly displaced; sounds (of fighter planes, missile launchers, artillery) emanating from bombardment and voices (of civilians) crying out under the shelling; and the unmistakable shapes of “genocide, war crimes, ethnic cleansing, and crimes against humanity”, named by the text. When agnosia is wedded to fanaticism, the moral and normative purpose of the legal text – the reason and end for its existence – disappears from view and the spirit of the law dissipates. Instead of asking, “How can R2P be applied to protect civilians?” the question is posed as, “Does the principle even apply in this case?” It matters not that civilians are demonstrably in need of protection; the most important thing is whether the legal text applies to them.

In discussing the applicability of R2P, El-Affandi refers to Article 139 of the 2005 World Summit Outcome Document, which states, “We are prepared to take collective action, in a timely and decisive manner, through the Security Council...should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”. He writes, “The case of Palestine clearly fits in this definition. For decades, there has been manifest and repeated failure by ‘national authorities’ – in this case, the occupying power, Israel – to protect the population under its authority against the atrocities listed above. The situation in Gaza now should also call for the application of R2P”.²⁶ But is the concept of the occupying power a controversial one for those whose interventions are discussed above and others? I don’t believe so. It is instead, once again, blind fanaticism.

One can play the game of legal texts and arguments indefinitely. Take, for example, the argument that R2P applies only to intrastate crises; the crisis in Palestine is not unambiguously an intrastate one, the argument goes, but rather an interstate conflict. The ambiguity here is not a lack of clarity; it is an incapacity to identify the obvious. Yet, Article 139 makes no reference to the fact that intervention should distinguish between atrocities committed in the context of an intrastate crisis or a crisis between two (or more) states. When the text refers to the manifest failure of national authorities “to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”, it does not state that in order for the legal text to apply, these crimes must be committed by parties within the state, whether the national authority or other actors within the state. In other words, what about atrocities committed by one state in the territory of another state that the authorities of the latter are unable to protect their population from?

The same legal article refers to the obligation of the international community “to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”. Even if we recognize that Palestine is a state, or that the Gaza Strip is not under de jure Israeli occupation, but rather under the de facto authority of Hamas (these are their terms), the question remains: What about helping it to protect its population from the atrocities committed by another state, Israel?

We are not discussing here defects in the legal text, the inadequacy of R2P, or loopholes in the law, but merely highlighting its spirit, which is always obscured by fanatic devotion to the literal text. Most of the interventions discussed above hold that the responsibility to protect Palestinian civilians in Gaza

²⁵ “UN Chief ‘Horrified’ by Strike on Gaza Hospital,” *UN News*, 17/10/2023, accessed on 2/11/2023, at: <https://tinyurl.com/574db443>

²⁶ El-Affendi.

lies either with Hamas alone, or with both the Israeli occupation state and Hamas. But what if, *arguendo*, Hamas is unable to protect the civilians under its authority? Let us go even further: What if Hamas is able to protect them but does not care to?²⁷ For our interlocutors, this is irrelevant. What matters is that the letter of the legal statute, its terms and precise formulation, remain tidy and intact, safe from any ethical and normative interpretation.

Issues Left Undiscussed

Amid the pain that suffuses the current mood, this may be an inauspicious moment to talk about hope – the hopes pegged on scholars of international law and the norm entrepreneurs who still hold fast to a genuine moral and normative commitment. There are, however, a few issues that are dismissed from the legal debate about the applicability of R2P to the case of Gaza:

1. Along with this empty legal sparring tinged with fanaticism and agnosia undertaken to prove that R2P is inapplicable to the case of Gaza, the debate fails to address the need to reconsider the principle of R2P itself and its supporting legal texts. Aidan Hehir timidly raises one unexamined question concerning the applicability of R2P in interstate crises,²⁸ in the process implicitly casting the conflict between the Israeli occupying state and occupied Palestine as a conflict between two states. This is not what the debate ignores, however; rather, the unasked question is whether R2P applies to a territory and population under occupation that does not represent the conventional sense of occupation, an occupation in which the occupier does not exercise control on the ground, but the occupied has neither a state nor sovereignty.
2. Everyone recognizes that the problem with applying R2P is that it requires the approval of the UN Security Council without any veto. The principle was not applied in Syria, although it was applicable, because Russia would not allow it; it was not applied in Myanmar, although it was applicable, because China would not allow it; and it will not be applied in Palestine, even if we accept its applicability for the sake of argument, because the United States has not and will not allow it. In this way, the question of the appropriate authority to authorize R2P and to intervene is elided. Where has the ICISS recommendation disappeared to? The commission sets forth two alternative options if the Security Council rejects a proposal or is unable to deal with it within a reasonable timeframe: 1) that the General Assembly consider the matter in a special emergency session under the “Uniting for Peace” procedure; and 2) that regional or subregional organizations, acting within their defined jurisdictions, take action under Chapter VIII of the UN Charter, provided that they subsequently seek the authorization of the Security Council.²⁹
3. The ICISS followed its recommendation with a warning to the Security Council: If it “fails to discharge its responsibility in conscience-shocking situations crying out for action, then it is unrealistic to expect that concerned states will rule out other means and forms of action to meet the gravity and urgency of these situations”,³⁰ as a result of which the UN will lose its standing and credibility. The commission has two pertinent messages for the Security Council here. First of all: “If collective organizations will not authorize collective intervention against regimes that flout the most elementary norms of legitimate governmental behaviour, then the pressures for intervention by ad hoc coalitions or individual states

²⁷ Or as Schmidt argues, what if the state is “unable” or “unwilling” to protect its population? Or what if it is, itself, committing the crimes? See: Schmidt.

²⁸ Hehir.

²⁹ Evans et al., p. xiii.

³⁰ Ibid., pp. xiii, 55.

will surely intensify”. Second: “If, following the failure of the Council to act, a military intervention is undertaken by an ad hoc coalition or an individual state which does fully observe and respect all the criteria we have identified, and if that intervention is carried through successfully – and is seen by world public opinion to have been carried through successfully – then this may have enduringly serious consequences for the stature and credibility of the UN itself”.³¹ These recommendations did not arise from a vacuum, but from early cases of military intervention undertaken on the pretext of protecting civilians without a mandate from the Security Council, most notably the ECOWAS intervention in Liberia (1990) and in Sierra Leone (1998), and the NATO intervention in Yugoslavia (1999).³² Ironically, NATO acted without consulting the Security Council precisely because Russia would have vetoed any resolution authorizing intervention. Everyone is certain that no one will intervene to stop the extermination of civilians in Gaza, but the presumed impossibility of the United States, and its allies in the Security Council, allowing the application of R2P to Gaza and the interest-based, political, and ideological biases that lend support to this position drain the legal debate of any substance, shutting it down before it even begins. Acceptance of this position means ceding a common ethical rule that would enable us to have any debate.

4. There are voices – and they are not new – advocating an absolute rejection of everything related to international law and the international community, including the principle of R2P. As El-Affendi so eloquently puts it: “Observing leaders of the most powerful countries ganging up to mobilize the world’s most formidable arsenals and fleets against the poorest and most oppressed inhabitants of on earth, is a lesson in moral blindness. It appears to vindicate critics of R2P who have been arguing that the doctrine has always been a subterfuge for thinly disguised imperialism under false moral pretence”.³³ El-Affendi disagrees with this assessment, as do I: It is wrong to cede the space to these voices. There are norms that have been entrenched in international politics after a long struggle, and others that remain hostage to the politics of the major powers. Norm entrepreneurs play an indispensable role in moving norms from the realm of ideas to the realm of discourse, in the hope that they will end their life cycle in the realm of practice.³⁴ Norm entrepreneurs are prominent actors (individuals, international institutions, non-governmental organizations, epistemic communities) who take the initiative to speak out about certain norms,³⁵ defend them, and persuade states of the utility of internalizing and complying with them. They assume the responsibility to fight so that norms do not die. Accordingly, those discussing R2P in Gaza and occupied Palestine, especially experts on international law, should continue to assert what the ultimate teleology of the principle dictates, not hollow out the debate of any moral significance, as we have seen in this essay.

Conclusion

People around the world who share the UN Secretary-General’s horror at what is happening in Gaza and protesting against this horror across the globe are waiting for some morality in the words of politicians and international law experts. The demand for international humanitarian law to speak and for politicians to act in order to end the atrocities of wars is mounting as the atrocities do. In the legal debate about R2P

³¹ Evans et al., pp. xiii, 55.

³² On the debate over intervention absent Security Council authorization, see: Cristina G. Badescu, “Authorizing Humanitarian Intervention: Hard Choices in Saving Strangers,” *Canadian Journal of Political Science*, vol. 40, no. 1 (2007).

³³ El-Affendi.

³⁴ Martha Finnemore & Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization*, vol. 52, no. 4 (1998).

³⁵ We should not forget the title of John Austin’s work articulating the theory of speech act. See: John L. Austin, *How to Do Things with Words* (New York: Harvard University Press, 1962).

in Gaza, there seems to be nothing solid to rely on, though no sane person could imagine a more apposite moment for the application of the principle than this. As we have seen, there is a tendency to wholly rule out its applicability out of fanaticism to the literality of the law, obliterating the law's spirit and teleology. People are not expecting military intervention based on the international community's responsibility to protect civilians in Gaza. But they are crying out for an end to the extermination of Palestinian civilians in a war with no red lines, no morality, no legality, and no norms. Until their cry echoes in the ears of the living, it looks like, truly, "only the dead have seen the end of war".

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Majd Abuamer*

Detection, Neutralization, and Destruction: The Limits of Israel's Strategy against Gaza's Tunnels

اكتشاف الأنفاق وتدميرها/ تحييدها: محدودية الاستراتيجية الإسرائيلية تجاه أنفاق غزة

Abstract: Ever since taking control of the Gaza Strip in 2007, Hamas has heavily invested in underground infrastructure. It has developed a massive tunnel network that it regards as both an economic artery and a geo-strategy that helps withstand any Israeli attack or siege on Gaza. This tunnel network has thus become central to Hamas's defensive strategy in resisting Israel and its superior military force. In turn, Israel has made this tunnel network a major target in each of its wars on the Gaza Strip since 2014. This study seeks to understand Israel's military strategy against the tunnels in Gaza and evaluate its effectiveness. It examines the various Israeli initiatives to tackle the tunnels, including the establishment of special military units, and the use of new technologies to detect, destroy, or neutralize them, outlining the limitations of each of these technologies.

Keywords: The Gaza Strip; Hamas; Israel; Tunnels; Military Technology.

ملخص: منذ سيطرة حركة المقاومة الإسلامية «حماس» على قطاع غزة في عام 2007، طوّرت شبكة أنفاق ضخمة عُدت الشريان الاقتصادي لعقد من الزمان، وظلّت بنية جيوسياسية تُساهم في مقاومة الحصار والتفوق العسكري الإسرائيلي، وتؤدي دوراً مهماً أثناء الحروب الإسرائيلية على غزة حتى اليوم؛ ما جعل تدمير الأنفاق هدفاً رئيساً للحروب الإسرائيلية على غزة منذ حرب عام 2014. تسعى هذه الورقة لفهم الاستراتيجية العسكرية الإسرائيلية في مواجهة أنفاق غزة وتقييم فاعليتها، من خلال بحث المشاريع والوحدات العسكرية الإسرائيلية لمكافحة الأنفاق، والتقنيات المطوّرة لاكتشافها وتدميرها وتحييدها، ومحدودية هذه التقنيات في حالة غزة.

كلمات مفتاحية: قطاع غزة؛ حماس؛ إسرائيل؛ الأنفاق؛ التقنيات العسكرية.

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Introduction

On 7 October 2023, the Izz al-Din al-Qassam Brigades, the military wing of the Palestinian Islamic Resistance Movement (Hamas), launched an attack on Israeli targets, the first of its kind in the history of the Palestinian armed struggle. Dubbing its assault “Operation Al-Aqsa Flood”, the Qassam Brigades stormed dozens of Israeli military positions and settlements adjacent to the Gaza Strip, fired 5,500 rockets and shells, neutralized Israeli observation and transmission towers as well as communications and jamming systems, and smashed gaps through the separation wall surrounding the Gaza Strip. It mobilized some 4,500 fighters (3,000 in the assault and 1,500 in support roles) and targeted the Israeli army's Gaza Division in no fewer than 15 positions, and attacked another 10 military installations and guards at 22 kibbutzim. It also expanded beyond the Gaza Division to include the Camp Iftach base near Zikim, the Katsa naval base, the war emergency command centre, the Yad Mordechai kibbutz, the Orem base, the Tselem base, and the Mishmar HaNegev kibbutz.¹

Israel responded on the same day by launching an operation dubbed “Iron Swords”, with the stated aim of removing Hamas from power and destroying the group's military capabilities. On 27 October, after 20 days of intense, unprecedented bombing from the air, land, and sea, the operation expanded into a ground invasion of the Gaza Strip.

Despite inflicting massive destruction via extensive airstrikes, Israel has been unable to defeat Gaza fighters or seriously degrade their combat effectiveness. While they have suffered losses in terms of personnel and capabilities, they were still able to fire missiles at cities within the occupied territory and inflict casualties on Israeli forces during ground battles inside Gaza, attacking military vehicles and soldiers in various parts of the Strip, killing dozens of Israeli soldiers, and wounding hundreds of others.

The Israeli army understands that its greatest challenge since it sent in ground troops has been the underground tunnel network developed by Hamas since it took over the Strip in 2007. These subterranean passageways had already proved their effectiveness during Operation Protective Edge (8 July-26 August 2014), a comprehensive Israeli assault on Gaza. One Israeli soldier who fought Hamas fighters during that battle later remarked: “It was like I was fighting ghosts. You don't see them”.²

The Israeli army realizes out of experience from previous wars on Gaza that tunnels cannot be tackled through aerial bombardment alone. Rather, a ground intervention of troops capable of conducting underground operations is required.

This study analyses Israel's military strategy toward the tunnels in the Gaza Strip, exploring the methods and technologies the Israeli army uses to locate and destroy or neutralize them, and the limits of these methods. It also examines how Israel's strategy has evolved since Operation Cast Lead (27 December 2008 to 18 January 2009), when it enacted a far-reaching incursion into the territory, and made the destruction of this vital Palestinian infrastructure its topmost priority.

Israeli Initiatives for Tackling the Tunnels

Israel has introduced several initiatives to try and tackle Palestinian tunnels. In August 2014, the Israeli army announced that it was developing the “Iron Spade”, the underground equivalent of its Iron Dome rocket

¹ This was declared in a video message by the al-Qassam Brigades spokesman Abu Obaidah on 12 October 2023, five days after the operation. See: Alaraby TV, “Kalimat al-Nāṭiq al-Rasmi Bi-Isim Katā'ib al-Qassām ‘Abū ‘Ubayda’ Ḥawl Mujrayāt Ma‘rakat #Tūfān_al-Aqṣā,” X, 12/10/2023, accessed on 29/1/2024, at: <http://tinyurl.com/28ntfm5e>

² “‘Like fighting ghosts’: The challenge the IDF faces in destroying Hamas's tunnels,” *The Times of Israel*, 28/10/2023, accessed on 28/1/2024, at: <http://tinyurl.com/skcfy4n6>

defence system. The Iron Spade aims to detect tunnel digging operations via sensors designed to detect underground excavations and cavities, which would then be destroyed using a new generation of robots.³

At the beginning of 2016, the Israeli Ministry of Defence began implementing the first construction phase of a barrier against offensive tunnels in the Gaza Strip, a series of engineering works dubbed “Zohar Hadrom” (Glow of the South).⁴ The barrier, stretching the entire 65-kilometer border of the territory and completed in 2018 with a price tag exceeding \$1 billion, was implemented in three stages: an underground concrete barrier, a six-meter wall, and surveillance and sensory systems to monitor activity both above and below ground.⁵ In 2016, the Israeli army set up a technological laboratory to detect and locate tunnels. The lab is dedicated to field research, scanning, and monitoring underground cavities and improving existing technologies. The army claimed in April 2018 that the system had “detected and thwarted” five tunnels.⁶

Further, the Israeli Combat Engineering Corps set up dedicated forces for underground warfare. The most prominent of these is the Yahalom unit, which specializes, among other things, in detecting, evacuating, and destroying tunnels, demolishing and blowing up buildings, handling and neutralizing explosives, building explosive devices and bombs, clearing complex minefields. After the 2014 war, the unit was reorganized, and two additional sub-units were added to it. Now it includes five sub-units specialized in disposing explosive ordnance, the Sayfan unit specialized in dealing with non-conventional weapons, the Yael unit for engineering reconnaissance, and the Samur unit, which focuses on tunnel warfare.

Since 2016, the Yahalom unit has gradually expanded from 400 to 900 fighters experienced in complex military engineering missions.⁷ This expansion came in response to the challenges the unit had faced in Operation Protective Edge, such as delays in destroying newly discovered tunnels.⁸ Thus, the number of personnel specialized in dealing with tunnels in the 2023-2024 Gaza war has thus doubled since the 2014 war.

Within the Yahalom unit, the Yael and Samur sub-units are the most important when it comes to tunnel warfare. The Yael sub-unit operates under the command of the Gaza Division, and is charged with the tasks of locating, mapping, and destroying offensive tunnels, in addition to integrating ground data with intelligence and technological data to create unified operational plans. The Samur sub-unit tackles weapons caches and tunnels, while also specializes in underground combat detecting and destroying tunnels. Its personnel receive extensive training on working in tunnels, including communications and breathing systems,⁹ as well as on operating tunnel exploration robots, detonating bombs, and using trained military dogs to detect explosives and attack fighters.

Tel Aviv company Roboteam has developed robots for deployment in tunnels operations, including the ultra-light, throwable Individual Robotic Intelligence System (IRIS) “throwbot”, a reconnaissance robot capable of autonomously moving within tunnels and transmitting images using sensors that detect objects and people. There are also robots capable of locating and detonating booby traps using sensors and special equipment. They are similar to the US Marine Corps’ autonomous ground vehicle, the Gladiator,

³ “Israel to Develop ‘Iron Spade’ to Counter Hamas,” *Alarabiya*, 17/8/2014, accessed on 20/5/2020, at: <https://tinyurl.com/yckks25h>

⁴ Meaning Israeli settlements close to the Gaza Strip.

⁵ Omer Dostri, “The Buildup of Forces for IDF Underground Warfare,” *Scholarship*, The Jerusalem Institute for Strategy and Security, 15 January 2019, p. 5, accessed on 31/10/2023, at: <https://tinyurl.com/53v8xw5h>

⁶ “Technological Laboratory for Tunnel Detection and Location,” *Israel Defense Forces*, 15/4/2018, accessed on 31/10/2023, at: <https://tinyurl.com/ypk5sukw>

⁷ “Yahalom Unit,” *Israel Defense Forces*, 28/12/2021, accessed on 31/10/2023, at: <https://tinyurl.com/4tr54t6t>; “This is the IDF’s Plan to Combat Hamas Terror Tunnels,” *Israel Defense Forces*, 27/11/2016, accessed on 31/10/2023, at: <https://tinyurl.com/3k7p9whj>

⁸ Raphael D. Marcus, “Learning ‘under Fire’: Israel’s Improvised Military Adaptation to Hamas Tunnel Warfare,” *Journal of Strategic Studies*, vol. 42, no. 3-4 (2019), pp. 358-359.

⁹ Yiftah S. Shapir & Gal Perel, “Subterranean Warfare: A New-Old Challenge,” in: Anat Kurz & Shlomo Brom (eds.), *The Lessons of Operation Protective Edge* (Tel Aviv: Institute for National Security Studies, 2014), p. 55.

which contains sensors and a 7.62 mm automatic weapon. The Israeli army further uses trained military dogs from the Oketz unit to sniff out explosives, locate entrances, and attack armed individuals.¹⁰

The growing threat posed by tunnels prompted then Gaza Division Commander Yehuda Fox to set up in June 2018 a specialized underground combat unit consisting of a laboratory and two sub-units. The laboratory is known as “The Brain”, and its team includes experts from the Ministry of Defence, geologists, intelligence officers, and military and civilian advisors. The two sub-units are part of the Gaza Division’s two regional brigades (northern and southern), and they are charged with locating and destroying combat tunnels as well as coordinating intelligence information and transferring it to the field. Each sub-unit includes two sections: an engineering force specialized in underground reconnaissance, and a section made up of fighters trained in using special technologies.¹¹

The 2023-2024 Gaza war has tested Israel’s ability to tackle the tunnels, first and foremost, through the “smart” border wall, which had already proved unable to prevent Palestinian infiltrations over the past two years, and was then totally overrun by Hamas on 7 October.¹² Nor has the wall succeeded in preventing the spread of tunnels designed to infiltrate Israel. For example, the Israeli army announced on 17 December 2023 that it had discovered an al-Qassam Brigade tunnel, the largest of its kind, extending some four kilometres from the Jabalia district to an area inside the occupied territories near the Erez crossing. The tunnel was 50 meters deep and spacious enough to allow cars to pass through.¹³

Israel’s current war has also demonstrated the limited combat effectiveness of the Yahalom unit despite its advanced training. Many of its personnel have been already killed in the 2023-2024 Gaza war, including its deputy commander.¹⁴ Soldiers in the unit rely heavily on robots and police dogs when dealing with tunnels, and are reluctant to enter or fight inside the tunnels themselves. According to one testimony, they even used a young man from Gaza as a human shield, forcing him to wear an explosive belt and a GoPro camera, wrapping a rope around his waist, and coercing him to enter a tunnel, knowing that the explosive belt would be detonated if the camera detected Palestinian fighters.¹⁵

Tunnel Detection Techniques

Detection is Israel’s first challenge in its campaign against tunnels in Gaza. The Israeli army uses various techniques for this purpose, including excavations and sending in cameras or robots to infiltrate locations suspected of having tunnels. The army has long relied on traditional intelligence-gathering methods, primarily the recruitment of collaborators, whom Hamas has deterred in recent years through its Al-Majd security apparatus.

The Israeli Air Force also uses reconnaissance aircraft to monitor suspected digging sites or trucks suspected of transporting soil from such sites. However, this method has almost never succeeded in

¹⁰ “Robots and Attack Dogs: What Israel Brings to Tunnel Combat,” *The National News*, 31/10/2023, accessed on 1/11/2023, at: <https://tinyurl.com/mrxv4ybj>

¹¹ Dostri, pp. 4-5.

¹² On the combat effectiveness of Palestinian militants’ infiltration operations from Gaza and the evolution of their tactics against the Israeli barrier, see: Yara Nassar, “Khalf Khuṭūṭ al-‘Aduw: al-Fā‘iliyyah al-Qitāliyyah li-‘Amaliyyāt Tasallul Katā‘ib al-Qassām fī Qitā‘ Ghazzah,” *Strategic Papers*, no. 13, Arab Center for Research and Policy Studies, 8 January 2024, accessed on 18/1/2024, at: <http://tinyurl.com/2dcas9ej>

¹³ Dov Lieber, “Israeli Military Reveals Tunnel It Says Hamas Built for Large-Scale Attack,” *The Wall Street Journal*, 17/12/2023, accessed on 18/12/2023, at: <https://tinyurl.com/2b7xjskp>

¹⁴ “IDF announces deaths of 2 soldiers, raising Gaza ground op toll to 131,” *The Times of Israel*, 19/12/2023, accessed on 19/12/2023, at: <https://tinyurl.com/3b4c933d>

¹⁵ Abeer Ayyoub, “Israel-Palestine war: Palestinian says soldiers sent him into Hamas tunnel strapped with bombs,” *Middle East Eye*, 15/12/2023, accessed 19/12/2023, at: <https://tinyurl.com/2jvcxpav>

discovering tunnels themselves, as tunnel entrances are dug within enclosed spaces (buildings, agricultural greenhouses, and so on).¹⁶ It is also difficult to locate the exits of offensive tunnels used for infiltrating Israel, because the final few metres leading to the exit are usually only dug immediately before executing the attack.

This situation has pushed Israel to adopt and develop various other technologies to detect tunnels, including Ground Penetrating Radar, capable of underground exploration to a limited depth; geophones, a type of motion detector that detects digging sounds; traditional seismic sensor devices; and certain techniques used in oil and gas exploration, such as controlled detonations to detect echoes, which can then be analysed to locate underground cavities. After one tunnel opening is found, army technicians also use the “purple hair” technique to find other exits for the same tunnel network. Israeli soldiers do this by throwing a smoke bomb into the tunnel then monitoring the surrounding area for pillars of purple smoke, rising like strands of hair, which helps locate other nodes connected to the entrance in question.

Israel has used these various technologies in its anti-tunnel efforts, such as the Iron Shovel and Zohar Hadrom projects, as well as deploying them through specialized companies within the Israeli army's combat engineering corps. Yet there are various shortcomings associated with each of these technologies. For instance, Ground Penetrating Radar is ineffective against heterogenous soils comprising sand, clay, and rock, and could be impeded by walls and other underground remains. Geophones are not effective at detecting completed tunnels. Controlled detonations to detect echoes are of limited accuracy compared to their use in oil and gas exploration. Traditional seismic sensors get interrupted by vibrations from road traffic, interfere with heavy agricultural equipment, only target tunnels up to 20-30 meters deep, and are ineffective in sandy soil, which muffles the sound of digging operations. Finally, the purple hair technique requires locating and accessing at least one tunnel entrance first and is ineffective if other tunnel entrances are closed or far away.¹⁷

The new technologies that Israel has developed and used to destroy and/or control the Gaza tunnels have had limited success for six reasons:

1. They are mainly aimed at detecting uncompleted tunnels still under excavation;
2. They target tunnels of limited depth and are unable to reach deeper or multi-layered passages;
3. They specifically target offensive tunnels built for infiltrations into occupied territories, and are unable to reach tunnels within Gaza except during extensive ground incursions;
4. The sandy nature of the soil in the Gaza Strip muffles the sound of drilling and hinders the work of sensors, unlike the rocky soil in northern Palestine and on the border with Lebanon;
5. Detecting tunnels requires knowing where their entrances are but detection of a tunnel entrance does not necessarily reveal its path, which may wind or branch into more than one tunnel, with multiple entrances and exits;
6. The scanning techniques mentioned above require soldiers on the ground capable of operating large and unwieldy devices in exposed areas, placing them at risk of being targeted by snipers, artillery, shells, or booby traps.

¹⁶ Eado Hecht, “The Tunnels in Gaza,” Testimony before the UN Commission of Inquiry on the 2014 Gaza Conflict (February 2015), accessed on 2/1/2023, at: <https://tinyurl.com/5dye8xjk>

¹⁷ See: Raphael S. Cohen et al., *From Cast Lead to Protective Edge: Lessons from Israel's Wars in Gaza* (Santa Monica: RAND, 2017), pp. 99-100; Ian Slesinger, “A cartography of the unknowable: Technology, territory and subterranean agencies in Israel's management of the Gaza tunnels,” *Geopolitics*, vol. 25, no. 1 (2020), p. 33; Adam Goldman, Helene Cooper & Justin Scheck, “Gaza's Tunnels Loom Large for Israel's Ground Forces,” *The New York Times*, 28/10/2023, accessed on 31/10/2023, at: <https://tinyurl.com/yek5scf7>

Technologies for Tunnel Destruction and Neutralization

Modern armies typically rely on airstrikes to destroy tunnels. While they are unable to reach tunnels deep underground, such strikes are able to destroy or at least close tunnel openings leading to the surface, rendering the underground infrastructure useless. However, this does not necessarily succeed on a tactical level, especially if there is a lack of intelligence about the locations of the tunnels, and if the targeted areas are built up and are densely populated.

This is certainly the case in Gaza, where Israeli air raids have left massive destruction without causing serious damage to Palestinian combat infrastructure. Israeli forces have struck more than 11000-12000 targets inside Gaza¹⁸ in less than one month into the 2023-2024 Gaza war,¹⁹ and claim that they have targeted more than 15 thousand military targets. Yet as in previous assaults between 2008 and 2021, air power alone cannot achieve Israel's stated mission, and defensive tunnels continue to play a decisive role in the battle, as do "missile launchers", which are hidden inside tunnels and used for firing rockets.

Therefore, once a tunnel is discovered, and before resorting to ground technologies to destroy/neutralize it, military excavators and bulldozers are used to disable any booby traps or devices that could injure or kill soldiers, help to map its layout, and dig canals through which destructive agents such as bombs or floodwater can be delivered. Then the army uses various techniques to destroy the tunnels beyond repair or at least neutralize their battle effectiveness.

The various technologies that Israel has used to destroy or neutralize tunnels have been entirely imported from the US. Those delivered by air involve dropping heavy bombs such as "bunker busters" and thermobaric bombs on suspected tunnel sites, while those operated from ground level involve destroying the tunnel with kinetic drilling, flooding it with bulk emulsion explosives (a type of industrial explosive primarily used in mining, quarrying, and construction), water dumping, and Sponge Bombs.

Bunker buster bombs penetrate deep into the ground and have a high explosive destruction capacity targeting the toughest fortifications and tunnel structures, whether these are made of pure metal or a metal-concrete mix. Such bombs come in two types. The first has a single explosive head and a fuse to delay the explosion, so that the bomb is not simply detonated by the impact of landing. Rather, the bomb's weight allows it to penetrate the ground before exploding. The second type consists of two bombs and a small device that creates a hole and penetrates deep into the ground so the main charge can then detonate, causing the greatest possible amount of destruction.²⁰

Bunker buster munitions used by Israel include the GBU-39 small-diameter guided bomb, which weighs 129 kg and can penetrate a meter of concrete, the GBU-28, which weighs 2,300 kg and can penetrate up to 30 meters of fortifications, and the MK-84 unguided bomb, which can penetrate three meters of concrete and reach 11 meters into the ground. The US first used the latter against tunnels during the

¹⁸ See: "'The Gospel': how Israel uses AI to select bombing targets in Gaza," *The Guardian*, 1/12/2023, accessed on 29/1/2024, at: <http://tinyurl.com/ysbzw57h>; "Israel Has Struck More Than 11,000 Terror Targets in Gaza," *FDD*, 1/11/2023, accessed on 29/1/2024, at: <http://tinyurl.com/4tn975yv>; Geoff Brumfiel, "Israel is using an AI system to find targets in Gaza. Experts say it's just the start," *NPR*, 14/12/2023, accessed on 29/1/2024, at: <http://tinyurl.com/yy69ta65>

¹⁹ It should be mentioned that this number is absurd by the standards of military analysis. Any analyst who accepts that Gaza contains this staggering number of targets is either willfully suspending disbelief that the Israeli Air Force has completely lost its professionalism and morality and is blindly bombing civilian homes as part of an extermination plan, or believes that Hamas has operational combat capabilities of a vast magnitude. Israel itself does not have a comparable number of worthwhile military targets. Creating an airstrike target list of this length in an area that can be flown over in less than ten minutes is pure planning folly and a diversion of technology away from its intended purpose. Were the air force to impose its monopoly and the stronger party to dominate the skies, targeting such a vast number of objectives becomes a cover for mass killing that cannot be measured by standards of military effectiveness.

²⁰ Urooba Jamal & Alex Gatopoulos, "'Israel Doesn't Care about Collateral Damage': Bunker Busters Used in Gaza," *Aljazeera*, 9/10/2023, accessed on 6/11/2023, at: <https://tinyurl.com/yeuawxns>

Vietnam War. Israel used it during the wars of 2014 and 2021, during which the bomb caused indiscriminate civilian deaths more than it destroyed tunnels.²¹ However, these bombs are ineffective for tunnels deeper than 30 metres, and they only destroy part of the tunnel vertically without necessarily neutralizing the rest, especially tunnels with multiple entrances and branches.

Thermobaric bombs, also known as vacuum bombs, have a circular explosive force with a radius of about 300 meters. They consist of a solid fuel munition and two explosive charges, and unlike traditional explosives that consist of an oxidized mixture of fuel, they use the atmospheric oxygen at the target site. When a thermobaric bomb reaches its target, an initial explosive charge detonates, opening a canister that disperses an explosive fuel as a cloud of vapour, which penetrates defences and openings. The second charge then detonates and ignites this cloud, generating a massive fireball and blast wave that also creates negative pressure, sucking oxygen out of the air around the explosion. This increases the ability of thermobaric bombs to loosen the foundations of targeted buildings or tunnels and thus cause them to collapse, compared to conventional bombs that only destroy the target from the side of the explosion, rather than from all sides. As the air around the explosion is emptied of oxygen, and due to the high temperature generated, this type of bomb also kills those inside the tunnel or the blast radius, through suffocation and/or burning. However, its dependence on the oxygen present in the vicinity makes it unsuitable for use underwater, at high altitudes, and in bad weather conditions.²² Further, these bombs are banned internationally.

The kinetic excavation technique involves dropping Joint Direct Attack Munitions (JDAM), with delayed detonation fuses, at regular intervals along the length of a tunnel to destroy it. However, experience has demonstrated the difficulty of adjusting the munitions to explode at the correct depth, and the resulting debris hinders the work of tunnel detection and identification. In the same way, "Emulsa" water-gel explosives may be used to destroy the tunnel, but destroying the average tunnel requires flooding it with between 9-11 tons of this material and securing it for a long period,²³ which also demands the presence of ground forces.

The same is true of the method of flooding tunnels with cement or water, which requires a long time and large quantities of water. Indeed, the Israeli army installed huge seawater pumps near Gaza's Al-Shati refugee camp and other sites in the Strip in mid-November 2023. The process of pumping water to flood the tunnels began on 13 December 2023 and was expected to take several weeks and about one million cubic meters of seawater, according to Israeli estimates.²⁴ While it could force fighters out of the ground and pollute groundwater and soil, it would not destroy the advanced concrete tunnels.

Unlike the previous technologies, sponge bombs do not destroy tunnels, but rather attempt to neutralize the danger they pose to soldiers conducting ground incursions. They contain two chemicals separated by a mechanism that disappears when the bomb is activated. The chemicals combine to form a solid, spongy substance that blocks tunnel openings and is difficult to remove. However, to deploy this method effectively, Israeli forces must find all the entrances of the tunnel network, a near-impossible task in the case of defensive tunnels with multiple exits both inside and outside buildings. Moreover, these bombs

²¹ "Fuelling Conflict: Foreign Arms Supplies to Israel/Gaza," *Amnesty International* (February 2009), accessed on 27/11/2023, at: <https://tinyurl.com/y5abz45y>; Mohammed Omer, "Gaza Outraged at Israel's Use of GBU-28 Missile," *Middle East Eye*, 12/2/2015, accessed on 27/11/2023, at: <https://tinyurl.com/bddmdk6v>; "US Must Monitor Use of US Weapons in Gaza," *Amnesty International*, accessed on 27/11/2023, at: <https://tinyurl.com/5auskxsh>

²² Anna E. Wildegger-Gaissmaier, "Aspects of Thermobaric Weaponry," *Military Technology*, vol. 28, no. 6 (2004), pp. 125-130.

²³ Cohen et al., p. 101.

²⁴ Nancy A. Youssef, Warren P. Strobel & Gordon Lubold, "Israel Weighs Plan to Flood Gaza Tunnels With Seawater," *The Wall Street Journal*, 4/12/2023, accessed on 5/12/2023, at: <https://tinyurl.com/5a933p4b>; Nancy A. Youssef, Michael R. Gordon Follow & Dov Lieber, "Israel Begins Pumping Seawater Into Hamas's Gaza Tunnels," *The Wall Street Journal*, 13/12/2023, accessed on 13/12/2023, at: <http://tinyurl.com/68s3heaz>

pose a danger to their operators; some Israeli soldiers have lost their sight when using them.²⁵ Furthermore, rather than destroying tunnels, they simply block their entrances.

In addition to these techniques, the Israeli army uses various methods targeting individuals inside the tunnels. Israeli military protocol generally prohibits regular ground forces from entering tunnels to avoid the risk of being killed or captured. Therefore, to fight Palestinian fighters underground, the army resorts to sniffer dogs, robots, oxygen withdrawal, and the use of chemical weapons such as nerve gas, which temporarily paralyses people. In addition, Israel resorts to long sieges aimed to cut food supplies on Hamas leaders and fighters, and the fuel necessary to operate the generators providing lighting and ventilation underground, which could force them up to the surface.

The Limits of Israeli Anti-Tunnel Technologies

The processes of destroying or neutralizing tunnels are not necessarily easier than the processes of detecting or locating them. Although bunker busters and thermal bombs are the most effective technologies at destroying tunnels, they are debilitated by Gaza's geography, where multi-layered tunnels of varying depths are located in a highly dense urban area of less than 365 km². Conversely, this means that Israel's bombing of buildings above ground impedes its efforts to expose or destroy tunnels, as piles of rubble provide additional fortification to the tunnel network. Interconnected operational tunnels underneath urban areas also give Palestinian fighters the freedom of movement and allow them to carry out defensive attacks against military vehicles and ground forces, using sniper rifles, grenades, explosive devices, and armour-piercing shells.

Moreover, the capacity of these bombs to destroy tunnels is hindered by the engineering of the tunnels themselves, especially logistical tunnels used for the purposes of command and control, internal supply deliveries, and movement of personnel. These tunnels are dug deep underground to avoid detection and bombing, and except for the rooms branching off from them, are narrow, averaging just one meter in width and two in height. They are built by installing successive concrete wall pieces and arches that are prefabricated using concrete moulds, making them more solid and impeding the ability of attacking forces to storm them. Given that the tunnels vary in size, depth, and materials used in their construction, and given their location in urban or open areas, kinetic excavation and flooding with Emulsa explosives or water are also impractical methods. The fact is that each tunnel located by Israeli forces requires individual treatment. Moreover, the effectiveness of Israeli methods of detecting or destroying tunnels is weakened by the ongoing military and operational development of Hamas. The group has not only gained experience from previous Israeli wars on Gaza, but has also benefited from tunnel technologies used in other countries for civilian purposes, such as sewage networks, mine tunnels, and transportation.

Hamas also makes effective use of Open-Source Intelligence (OSINT) which it gathers on the occupying army²⁶ in order to develop its own offensive tactics and means of defence. Through OSINT, Hamas acquired information related to weaponry, units of the IDF, forces' deployment, drilling mechanisms, training activities, the Israeli mindset, and various aspects of the Israeli society. One example of OSINT's use is a broadcast produced by Hamas's Military Intelligence Department, in which selected segments from Israeli media on topics of interest for Hamas were reviewed with Arabic translation. A broadcast dated 7 April 2008, which was about 17 minutes long, opened with information indicating that the "IDF believed

²⁵ Dominic Nicholls, "'Sponge bombs' are Israel's new secret weapon to block Hamas tunnels," *The Telegraph*, 25/10/2023, accessed on 10/12/2023, at: <https://tinyurl.com/mstbkz98>

²⁶ Netanel Flamer, "'The Enemy Teaches Us How to Operate': Palestinian Hamas Use of Open Source Intelligence (OSINT) in its Intelligence Warfare against Israel (1987-2012)," *Intelligence and National Security*, 2023, pp. 1171-1188.

that the next battle in Gaza would feature substantial subterranean combat and was therefore training for such combat. Next, the broadcast showed a segment on this topic from Channel 10 in which IDF training was documented".²⁷ Similarly, Hamas has utilized OSINT to develop its tunnel infrastructure. For instance, by learning that Israel forbids its soldiers from entering tunnels, and instead sends robots or military dogs, Hamas has accommodated its subterranean combat methods and was able to exert maneuvering techniques.

Indeed, Gaza's tunnel network has become long and complex, designed to take into account new technologies to locate and destroy them. These defensive features include holes at tunnel entrances to prevent liquid explosives or water from spreading through the network, ventilation holes within tunnels to enable toxic gases to escape, and safe rooms alongside tunnels where fighters can take refuge. Tunnels are also divided into segments by iron doors, which play an important role in blocking gas transmission, dulling the force of explosions, and obstructing invading Israeli forces, robots, or dogs.²⁸ In addition, the tunnels are now well-equipped with the basic necessities of life, such as food supplies, water, power generators, and ventilation, enabling Palestinian fighters to endure a long war and siege.

Conclusion

The tunnels have been the major military target in the Israeli wars on the Gaza Strip since the 2014 war, during which Israeli Prime Minister Benjamin Netanyahu explained that the goal of the ground operation was to destroy the tunnel network.²⁹ He announced the same goal during the 2021 war. But Israel has continued to find it hard to detect and completely destroy the tunnels, despite launching no fewer than seven military operations over the last nine years.³⁰

This raises doubts over Israel's ability to destroy the subterranean infrastructure of resistance in Gaza at all. Given that tunnels are hidden, Israeli military planners struggle to determine the area from which the threat emanates, identify targets, and set time frames for operations against them. This knowledge gap means that the goal of destroying the tunnels is unrealistic.

During its various military operations against the Gaza Strip, the Israeli army has relied primarily on aerial bombardment, aiming to destroy as much of the tunnel network as possible. However, these strikes are only able to destroy or damage shallow tunnels and block the entrances of some others. This does little to help Israeli forces map out the tunnel network. On the contrary, such a strategy may be an obstacle to the methods described above for detecting or destroying the tunnel network, as vast masses of rubble represent additional fortification for the tunnels and hinder efforts to search for them. The strategy is also costly in terms of Israeli public opinion, given the large number of Israeli prisoners currently being held within the tunnels. Around 60 of them had already been killed as a result of Israeli bombing by November 4 last year, according to the Al-Qassam Brigades.

Unless it takes complete control of the entire Gaza Strip for an extended period, Israel will not be able to defuse this strategic threat. All the technologies and techniques it uses for detecting and locating tunnels require a prolonged presence of personnel on the ground.

²⁷ Ibid., p. 1177.

²⁸ Rami Ahmed, "Anfāq al-Muqāwama al-Filasṭīniyya wa-Ta'thīrahā 'alā al-Ihtilāl al-Isrā'īlī," *Dirāsāt Siyāsiyya*, Egyptian Institute for Studies, 25 February 2020, pp. 30-31, accessed on 1/11/2023, at: <https://tinyurl.com/2yk3yzyp>

²⁹ "Netanyahu: Gaza op Will Expand until Quiet Guaranteed," *The Times of Israel*, 21/7/2014, accessed on 31/10/2023, at: <https://tinyurl.com/28snkjwd>

³⁰ These operations are as follows: Protective Edge (8 July 8 – 26 August 2014), Magma of the Full Moon (3-6 May 2019), Dawn Cry (12-14 November 2019), Guardian of the Walls (10-21 May 2021), Breaking Dawn (5-7 August 2022), Shield and Arrow (9-13 May 2023), and Iron Swords (7 October 2023 – time of publication). For more information on the Israeli military operations in the Gaza Strip, see: Majd Abuamer & Wadee Alarabed, "The Israeli War on Palestinian Islamic Jihad: Unity of the Arenas Battle and its Strategic Implications," *Strategic Papers*, no. 6, Arab Center for Research and Policy Studies, 19 September 2022, pp. 6-7, accessed on 1/11/2023, at: <https://tinyurl.com/5n8jw7nb>

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Raja Khalidi* & Qais Iwida**

Assessing the Economic and Social Impacts of Israel's War on Palestine

تقييم الآثار الاقتصادية والاجتماعية للحرب الإسرائيلية على فلسطين

Abstract: The offensive on Gaza, in which 2.2 million lives have been thrown into the mire of humanitarian devastation, has decimated an already ravaged economy, rendering “recovery” to pre-2023 largely unreasonable. Meanwhile, Israel amped up its aggressions in the West Bank, further entrenching occupation, destabilizing its precarious economy and obstructing daily life. In an archipelago of isolated Palestinian towns, including Jerusalem and the Green Line, the Occupation's policies continue to compromise livelihoods, all of which debilitate economic prospects. In addressing this humanitarian and economic catastrophe, an urgent reimagining of the support structures for Palestinian political and economic renewal is imperative, including the role of Arab states, international allies, and the Palestinian diaspora.

Keywords: War on the Gaza Strip; Humanitarian Catastrophe; Palestinian Economy; Palestinian State; Apartheid Economy.

ملخص: أدى الهجوم على غزة، والذي كان ضحيته 2.2 مليون شخص، إلى تدمير الاقتصاد المدمر أصلاً؛ ما جعل «التعافي» والعودة إلى ما قبل عام 2023 أمراً غير واردٍ إلى حدٍ بعيد. وفي الوقت نفسه، صعدت إسرائيل اعتداءاتها في الضفة الغربية؛ ما أدى إلى زيادة ترسيخ الاحتلال، وزعزعة استقرار الاقتصاد المضطرب، وعرقلة الحياة اليومية. وتستمر سياسات الاحتلال في البلدات الفلسطينية المعزولة بعضها عن بعض - بما في ذلك القدس والخط الأخضر - في تعريض حياة الفلسطينيين للخطر، وكل ذلك يؤدي إلى تضيق الآفاق الاقتصادية. لمعالجة هذه الكارثة الإنسانية والاقتصادية، من الضروري إعادة تصور سريع لهياكل الدعم للتجديد السياسي والاقتصادي في فلسطين، بما في ذلك دور الدول العربية والحلفاء الدوليين، والشتات الفلسطيني.

كلمات مفتاحية: الحرب على قطاع غزة؛ كارثة إنسانية؛ الاقتصاد الفلسطيني؛ الدولة الفلسطينية؛ اقتصاد الأبارتهايد.

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As Israel continues to pummel the Gaza Strip, inflicting enormous suffering on the Palestinian people, the economic impact of the violence may appear to be a secondary issue. Yet Israel considers the destruction of the economy as central to its efforts to crush any form of Palestinian resistance, made evident by its systematic destruction of Gaza. With the ongoing Israeli offensive, it is not possible to measure the cost of the war or estimate the value of its losses. However, this paper outlines the key impacts of the war on the Palestinian economy, as well as their knock-on effects. It also examines the economic, financial, and social shocks that have already occurred or are expected to pose a risk in the future. It ventures into the possibility of rebuilding Gaza and making the territory inhabitable after this catastrophe, taking into account Israeli, American, and Arab manoeuvring on the issue of “governance” after the war ends. This thorny yet existential issue will be determined by military developments on the ground and the degree to which Israel achieves its stated aim of eliminating Hamas in Gaza, which remains uncertain. To examine the various potential impacts of the war, it is important to distinguish between the economy of Gaza and that of the West Bank and neighbouring Palestinian communities, including East Jerusalem and the other side of the Green Line, which collectively are home to approximately seven million Palestinians. While these areas will undergo a string of similar shocks and endure hostile and racist Israeli policies, major differences will persist between Gaza and other areas of Palestine.

Gaza's Economy: From Crisis to Obliteration

Gaza was already on the verge of collapse before the current onslaught, after more than a decade and a half of division and siege. Years of destruction, killing, and displacement had crippled its economy by the first quarter of 2023. Given the limited “economic activity” in Gaza, it operates as an economy of subsistence, allowing the territory's residents to just about cling to life. Within days, the fatal intent of Israel's latest offensive on the Gaza Strip became evident. The first few weeks of the unprecedented destruction of Gaza's economic and residential infrastructure meant that discussion of economic “losses” similar to those in previous Israeli offensives is unrealistic and futile.

Facing the full impact of a war launched by a military giant backed by an economy 150 times bigger implies that Gaza's prospects of returning to its pre-2023 situation are dim, and the concept of economic “recovery” is largely meaningless. Without delving into the horrific human cost of the war, the economic analysis of Gaza depicts one of the most dire scenarios in recent history. Even under the most favourable conditions, in which hostilities cease immediately and reconstruction commences swiftly, it is projected that Gaza's GDP per capita would only revert to its 2022 benchmark by 2028, even with a miraculous annual GDP growth rate of 10%, and it would reach the pre-blockade GDP per capita level recorded in 2006 by 2035.¹ It will be impossible to restart Gaza's commodities, service, and financial sectors until the immeasurable humanitarian needs of more than two million destitute, displaced, wounded and traumatized Palestinians are met.

The economic challenges posed by this war are distinguished from those of previous episodes of Israeli violence by the sheer and ever-growing scale of physical destruction inflicted on housing, factories, and commercial establishments, as well as educational and health services and facilities. Initial estimates of the damage reveal a total-war scale destruction; United Nations Conference on Trade and Development (UNCTAD) reported at the end of December that 18% of the Gaza Strip's total structures have been damaged or destroyed by the military operation.² Other analyses using satellite imagery reveal that more than half of Gaza's buildings, mainly in the north, may have been compromised or entirely razed through intense

¹ “Preliminary Assessment of the Economic Impact of the Destruction in Gaza and Prospects for Economic Recovery,” *Rapid Assessment*, United Nations Conference on Trade and Development (UNCTAD), January 2024, accessed on 17/3/2024, at: <https://tinyurl.com/46m7b34n>

² “Gaza: Unprecedented Destruction Will Take Tens of Billions of Dollars and Decades to Reverse,” *United Nations Conference on Trade and Development (UNCTAD)*, 31/1/2024, accessed on 17/3/2024, at: <https://tinyurl.com/2sc4bjdc>

conflict, with destruction also stretching to the south. This amounts to rending asunder the entire economic fabric of the northern Gaza Strip and disrupting what remains of the economy in the south of the territory.

The Palestinian Central Bureau of Statistics (PCBS) data indicates a significant economic downturn in Gaza for the year 2023, owing to the last quarter's devastation. The findings illustrate a 25% contraction in the overall economy relative to 2022, alongside a 26% decrease in GDP per capita.³ Concurrently, the region witnessed an alarming increase of 79% in unemployment. This is an erasure of all but meagre growth since 1994. The issue here is not only the scale of the destruction of economic production, but also whether the wheels of the economy can be restarted, allowing it to "recover" from the shock that has left it totally frozen for months. Gaza's economy may take months, if not years, to return to its pre-war production levels. It will also probably take until the end of 2024 to provide basic needs and relief to 2.2 million Gazans before they can return to productive labour.

Further revealing the genocidal intent of this assault, the Israeli apparatus targeted the United Nations Relief and Works Agency (UNRWA). By February 2024, 16 major country donors suspended their funding to the Agency, just as the ravaged population needed it most. With the suspension of \$440 million in funds, constituting about half of its 2024 core budget, UNRWA faces the threat of ceasing operations unless these funds are reinstated. This development is critical, given UNRWA's role in providing essential services to millions in Gaza, where it aids in delivering food, medicine, and water, and operates shelters and healthcare facilities amidst the war's devastation. In 2020, 77% of Gazan households depended on aid, predominantly from UNRWA, which focused on food and cash assistance. At present, the last remnants of self-sufficiency for this populace have been stripped away.

Past indicators provide some insight into the impacts this war is likely to have, of which a collapse in Gross Domestic Product (GDP) and massive physical destruction to residential and economic facilities, both private and public, are already clear. Previous rounds of Israeli attacks on Gaza (especially in 2008/2009 and 2014) were less ferocious and did not extend to all parts of the Strip. They also did not involve an overwhelming humanitarian crisis or population displacement on the scale we are currently witnessing, with the accompanying, ever-rising levels of hunger, thirst, disease and psychological trauma. Previous wars against Gaza created "setbacks" for its economy in the form of a GDP decline that did not exceed 10% in 2014 (the World Bank reported that Gaza's GDP declined by some \$460 million⁴ from which it quickly recovered due to a reconstruction programme the following year. According to UNCTAD, the direct economic damage resulting from the 2008/2009 war amounted to \$2.5 billion and the 2012 and 2014 wars inflicted \$2.7 billion of physical damage. The Palestinian Authority (PA) estimated reconstruction costs at \$3.9 billion.⁵ These estimates provide us with an indication of the war's potential costs on production and infrastructure in Gaza. The Gaza Strip's economy has failed to recover to its pre-division and siege scale when it represented a third of the "Palestinian national economy". On the eve of the current war, it amounted to about 17% of that economy, with local production totalling less than \$3 billion.⁶

The West Bank: Managing a Fragmented and Besieged Economy

In contrast to the Gaza Strip's systematic destruction, the West Bank's economy has not collapsed – albeit being on a deeply damaging trajectory due to the restrictive Israeli security measures, escalating attacks by

³ "Preliminary Assessment of the Economic Impact of the Destruction in Gaza and Prospects for Economic Recovery."

⁴ "Fundamental Shocks Pushed the Gazan Economy to the Brink of Collapse on the Eve of the War," *Economy Brief*, no. 3, Palestine Economic Policy Research Institute – MAS, 30 October 2023, accessed on 17/3/2024, at: <https://bit.ly/3QRqCUw>

⁵ Ibid.

⁶ "Palestinian Central Bureau of Statistics (PCBS) Issues a Press Release on the Impact of the Israeli Siege on Gaza Strip," *State of Palestine, Central Bureau of Statistics*, 9/11/2023, accessed on 27/3/2023, at: <https://tinyurl.com/2awtwy6e>

settlers in various areas and fiscal crises. On the one hand, Palestinians in the West Bank have continuously demonstrated their solidarity with Gaza, carrying out acts of peaceful and armed resistance, in which 409 Palestinians, including 103 children, had lost their lives by 1 March 2024.⁷ On the other hand, although the private sector has receded precipitously in its operation on precarious scales, government and municipal services are still being provided, workers continue to make their way to work, and the commercial sector has found ways to maintain a basic flow of goods and services. While the situation is far from normal, it is not in total crisis, given that a minimum level of internal stability remains, guaranteed by the Palestinian Authority security services (although residents of West Bank villages beyond the Authority's reach continue to face attacks by Israeli settlers).

Five months on, the features of the economic aftermath in the West Bank have become clear, accentuated by the profound uncertainty about the future. Examining these impacts shows that even in the absence of widespread military confrontations, the Palestinian economy will not return to the pre-war state in the West Bank.

Pressure on the economy is growing in PA-run areas of the West Bank from several sources; some pressing and immediate, while others will take longer to appear but will have less reversible effects. Previous economic shocks in the West Bank have included material losses resulting from Israeli incursions between 2001-2004, an economic decline of nearly 20% over the same period, and the destruction of buildings and public facilities with a cost estimated at \$2.5 billion.⁸ In 2020, the Palestinian economy shrank by no less than 12% within a year due to the coronavirus pandemic. It was expected to recover by the end of 2023, assuming a GDP growth of 3%. That possibility disappeared in the aftermath of Israel's war on Gaza. Thus, the West Bank continues to face successive waves of economic crises, which could still converge into a tsunami should they continue to reinforce each other. Some of these waves have already materialized in some form, although not at their full destructive potential, while others remain uncertain.

The first wave, which has already struck, may represent the biggest shock to the West Bank economy, particularly in terms of total demand and consumption. From the first day of the war, about 160,000 West Bank workers (approximately 20% of the territory's workforce) and 20,000 Gazans who had been allowed to enter Israel for work in the past year stopped working for Israeli employers. These workers, mostly day labourers, had been contributing \$3 billion annually to the Palestinian economy, approximately 15% of the national income, helping to maintain unemployment rates in the West Bank below 2%, compared to 45% in Gaza.⁹ This suggests that unless job opportunities are provided for these people in the short term, unemployment is likely to rise to more than 30% in the West Bank and perhaps as high as 90% in the Gaza Strip over the course of the war. Indeed, the annual unemployment rate for 2023 reached 31%, way above the 25% recorded at the beginning of the year.¹⁰

Given the Israeli employers' reluctance to keep "enemy" workers on the books (except under conditions resembling those of prison labour camps), and the workers' unwillingness to bear the risks associated with working for Israelis, the vast majority are unlikely to return to work at least until the war is over, perhaps months later – or in the case of those from Gaza, perhaps never. In fact, there has been no shortage of reports of Israeli plans to replace a substantial portion, if not all, of Palestinian labourers in Israeli markets

⁷ "Hostilities in the Gaza Strip and Israel | Flash Update #130," *United Nations Office for Coordination of Humanitarian Affairs*, 1/3/2024, accessed on 17/3/2024, at: <https://tinyurl.com/446atmph>

⁸ Ibid.

⁹ "Palestinian Central Bureau of Statistics (PCBS) Presents the Main Findings of Labour Force Survey in 2022," *State of Palestine, Palestinian Central Bureau of Statistics*, accessed on 17/3/2024, at: <https://tinyurl.com/52n27c5v>

¹⁰ "The Performance of the Palestinian Economy during 2023 and the Economic Forecasts for 2024," *State of Palestine, Palestinian Central Bureau of Statistics*, accessed on 17/3/2024, at: <https://tinyurl.com/4633sk77>

with foreign workers.¹¹ This doubling of jobseekers in the West Bank will spark immediate declines in consumer demand, the purchasing power of the poorest rural households and market liquidity. It will also put downward pressure on local wages. Other, subsequent declines will be difficult to absorb without rapid measures including investments and subsidies aimed at rapidly creating local job opportunities in the manufacturing, construction and service sectors.

The second wave, the effects of which are already being felt, is the drop in visits by Palestinian citizens of Israel and residents of Jerusalem to northern West Bank markets as well as tourist sites in Jericho, Nablus, and Ramallah. This decline has unfolded in the aftermath of the war, resulting in pronounced disruptions in the economic exchange across the Green Line, highlighted by restrictions to movement between Israel/Jerusalem and the West Bank. Additionally, many of this Arab demographic had recently invested in apartments and houses in Jericho and the Ramallah districts.¹² In December, the Palestine Economic Policy Research Institute (MAS) examined the financial consequences of Israeli impositions, reporting notable contractions in economic sectors previously surging with at least a 10% annual growth (retail trade, services, tourism, and real estate). Aggregating these figures, the economic downturn across these pivotal sectors amounted to direct financial losses between NIS 850-930 million (\$232-253 million) over the first three months of the war, approximately 2% of the West Bank's GDP for 2022. The continued cessation of this important income stream adds downward pressure on consumer demand and private spending, which had helped drive production, consumption and investment in a private sector that had performed relatively well before the war.

The next major wave could be fateful to the Palestinian economy. With extremist Israeli Minister of Finance Bezalel Smotrich at the helm, the government of Israel intensified its expropriations from the monthly clearance revenues it collects and transfers to the Palestinian Treasury, escalating an ongoing saga that has persisted in recent years. These new expropriations represent the equivalent of the PA's wage and pension outlays to Gaza, covering some 40 thousand beneficiaries. Clearance revenues are the fiscal artery for the PA, making up about two-thirds of its annual revenues and are the main source of salaries for nearly 147,000 public servants,¹³ as well as other social transfers, all amounting to about \$300 million per month. These funds also help enable indebted families to repay their debts to local banks, which add up to about \$7 billion, and service the PA's own debts to the banking sector, which increased to \$2.1 billion by the end of 2023. The strain on these revenues has compelled the PA to cover approximately 80-85% of public employee salaries since November 2021.

Only in February 2024, despite the Israeli intransigence, the PA finally received a partial amount of its revenues amounting to \$114 million, facilitated by Norway, with additional instalments to follow. Receiving deducted clearance revenues only twice since October 2024, it seems the PA has yielded to the mounting pressures of near financial collapse. Agreeing to such iniquitous schemes is a bad omen for the future of the most basic remnants of stability and sovereignty for the PA and it threatens a new normal. The fallout is multi-faceted and will pervade the economy from multiple channels. If the PA's financial crisis persists, it will not be able to carry out its most basic developmental and social roles, barring servicing the already reduced public wages. Public and private consumption have already declined by 8% and 3% respectively for 2023. Moreover, the economic downturn will result in reduced trade, both imports and exports, further depleting public revenues.

¹¹ Saudamini Jain, "As Indian Workers Queue Up to Work in Israel, Safety Concerns and Moral Questions Arise," *Haaretz*, 19/2/2024, accessed on 17/3/2024, at: <https://tinyurl.com/2kpkvnhf>

¹² "Naḥw al-Ta'āwwun al-Iqtisādī wa-l-Takāmul bayn al-Filasṭīniyyīn 'alā Ṭarfay 'al-Khaṭ al-Akhḍar," *Policy Analysis*, Palestine Economic Policy Research Institute – MAS, Arab Center for Research and Policy Studies, 25 May 2023, accessed on 17/3/2024, at: <https://bit.ly/40uT81q>

¹³ "Wage Bill and Employment Diagnostic: Key Drivers and Policy Recommendations," *Report*, World Bank Group, 15 December 2022, accessed on 17/3/2024, at: <https://tinyurl.com/2scz7yc3>

The final significant shock threatening the West Bank economy is the fragmentation of domestic markets, exacerbated by Israel's isolation tactics and unchecked settler violence. From October to December 2023, an alarming 85% of businesses across the West Bank reported distribution challenges, linked to Israeli movement restrictions and settler violence, with half unable to reach Jerusalem and a quarter cutting off distribution to the South.¹⁴ Concurrently, 60% of major food importers grappled with heightened port security and bureaucratic hurdles, inflating transport, storage, and insurance costs, undermining supply chain flows and market stability.¹⁵ Similarly, 61% of exporting producers faced obstacles such as crossing shutdowns and reduced operating times, particularly at the Allenby Bridge, which amplified transport expenses and payment collection problems.¹⁶ Such constraints have led to significant isolation and economic distress within key urban centres like Jenin and Nablus,¹⁷ where stringent measures have decimated local economies, impacting thousands of businesses and their varied sectors.

Occupied Jerusalem and Palestinians in Israel: Islands in an Israeli Sea

The economic outlook for residents of occupied East Jerusalem and for Palestinian citizens of Israel is no less grim, even if we exclude the possibility of further conflict in these areas, which could incite the Israeli racist right to carry out yet more attacks. The Israeli government's actions aimed at undermining the economic stability of East Jerusalem have intensified, manifesting in severe restrictions on commerce, trade, tourism, and transportation, exacerbating pre-existing vulnerabilities. A third of the workforce of East Jerusalem depends on jobs in Israeli markets, which have become increasingly tenuous. A similar percentage lives off the traffic of international and Palestinian tourism in the city, including the weekly influx of Palestinians from within Israel who visit the city for worship and shopping. This traffic has now completely stopped.

These trends indicate an increase in the number of unemployed people, whose livelihoods depend on Israeli social insurance for basic monthly aid and limited health and municipal services. Furthermore, the 350,000 Palestinians of Jerusalem are almost completely cut off from jobs, relatives and services in the West Bank. They are also at the mercy of the Israeli security services, which are set up to suppress any popular movement or expressions of solidarity with Palestinians in Gaza, and live alongside some 650,000 Israelis in Jerusalem, including approximately 250,000 in illegal East Jerusalem settlements. The cascading economic impacts are evident across various sectors, with trade, commerce, tourism, and transportation witnessing precipitous declines. The Old City, a historic economic hub, currently sees about 80% of its businesses shuttered or operating minimally. The economic toll on the Palestinian economy of East Jerusalem is projected at ILS 72 million (\$19.6 million) annually, assuming a significant decline in commercial interactions with the West Bank.

The economic outlook for the approximately 1.8 million Palestinians within Israel, viewed by the rest of the country as a potential "fifth column", is not much better. Arab citizens in Israel face the same racist treatment in the workplace as workers in the West Bank and Jerusalem. The stream of Jewish shoppers to Arab towns has slowed or stopped entirely. At least 40% of workers in these towns depend on jobs at Israeli institutions, which may lay these workers off if the war intensifies, even in the absence of Israeli alternatives

¹⁴ "Palestine Economic Update December 2024," *Economic Update*, Palestine Economic Policy Research Institute – MAS, 1 December 2023, accessed on 17/3/2024, at: <https://tinyurl.com/bdz6knk7>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ "Economic Losses and Damage to Infrastructure in Nablus and Jenin since the Start of the Israeli Aggression Against the Gaza Strip and West Bank," *Economy Brief*, no. 10, Palestine Economic Policy Research Institute – MAS, 25 January 2024, accessed on 17/3/2024, at: <https://tinyurl.com/mwxf5v5d>

to fill their positions. A return to the pre-war status quo would take months, perhaps years. Thus, this segment of the Palestinian people can depend on no-one but itself and the State of Israel to provide relief and meet its basic needs. It is now isolated from Palestinians in other areas, despite having significantly increased its economic dealings with them in recent years. Therefore, there is little hope for this major component of the Palestinian people other than to remain politically silent and support each other. They could even face the same *Nakba* as the rest of the Palestinian people at this historic and fateful moment in their long struggle for liberation from Zionist settler colonialism and national self-determination in their homeland.

A final factor is the risk posed by Israel's economic crisis, starting with a major decline in the value of the shekel, a decline in local agricultural and industrial production and the policy of urgently buying basic commodities on global markets to support the Israeli "war economy". Therefore, even if the West Bank becomes the scene of full-scale conflict, economic warfare is likely to unfold on multiple fronts, placing its economy at risk.

Beneath the Tempest: Unearthing Resilience

It is unquestionable that October 2023 marked a violent turning point in the history of the Palestinian national liberation struggle. At least in the sheer human toll, the ongoing catastrophe in Gaza is a *Nakba* reminiscent of 1948. Moreover, it might even rival it in its political repercussions and strategic shifts, which are yet to settle. We are already facing the full Israeli occupation of all of Palestine, a sweeping economic devastation, and the upending of the political order on the internal Palestinian landscape, the regional stage, and beyond. Furthermore, the current reality undermines the assumption that maintaining a balance between political stagnation, relative peace and economic normalcy could serve as an effective strategy for managing the conflict. This notion, prevalent among dominant Palestinian and Israeli circles, predicated on the illusion of stability fostering economic growth and perceived calm, gradually hollowed out over thirty years until it culminated in the October 2023 explosion.

The evident dissonance between a persistence of the status quo and the escalating clashes and chronic governance challenges since Oslo culminated dramatically on 7 October 2023. The far-reaching reverberations unleashed by this landmark day have seemingly injected life into the urgency of a Palestinian State. While the grim prospect of further throttling of the Palestinian struggle looms seriously, a stagnation in concept and action over the two-state solution seems to have cracked, with renewed international interest, including by Arab states, reinforced by the urgency of Palestinian political action and international support. Whether this interest materializes or proves illusory as its predecessors, this convergence may pressure Israel into making concessions, reigniting the path toward a sovereign Palestinian state, as envisioned at its declaration in 1988. Against this backdrop, the Palestinian economy stands at a pivotal juncture, navigating between supporting a two-state solution and grappling with the ongoing devastation and the apartheid economy promoted by Israel.

In light of these profound changes and given the magnitude of the current crisis, it is important to highlight that discussions about "economic" responses are secondary to the larger and significant transformations in Palestinian political and economic agenda. It is evident that the catastrophe facing Gaza, and by extension Palestine, necessitates an urgent, multifaceted response that transcends traditional frameworks of international aid and reconstruction. The pre-war economic fragility of Gaza, already on the brink of collapse due to prolonged division and siege, combined with the unprecedented scale of destruction witnessed during the genocidal war, stress a crisis of historic proportions. This challenge is compounded by the economic fallout rippling through the West Bank and East Jerusalem. Israel's targeting of the legitimacy and existence of UNRWA adds a dire dimension to the crisis, threatening the lifeline of millions reliant on its humanitarian aid for basic survival.

Following previous external shocks, international humanitarian aid, and contributions to reconstruction and economic recovery bore the majority of the financial burden of Israeli destruction and the occupation's restrictions on economic activity. The global political situation today is fundamentally different. International aid has declined considerably over the past five years, and in any case, the role of international donors in the reconstruction of the Gaza Strip will be linked to the political goals they share with Israel regarding the future of Palestinian governance. Accordingly, their role remains dubious as to their intentions and the conditions they will impose. The scale of the challenge of "compensating" for what was destroyed and "reviving" an afflicted people is impossible to predict but estimates range between \$10-20 billion over the next five years.¹⁸

These imperatives beget new-old questions on the pillars that would support the Palestinian political renewal: Would Arab countries, despite their inability to defend the Palestinians, and unlike their allies in the West, bear the financial burden of this humanitarian and economic catastrophe without conditions or restrictions? Is it possible for supporters of the Palestinian people in Latin America, Asia, and the Islamic countries of the South to play a new role in preserving the Palestinian cause and restoring the Palestinians' denied rights? A bigger question concerns the role of the Palestinian diaspora, scattered around the globe. Weathering the ferocious onslaught on the Palestinian people requires harnessing the full capabilities of its people, not only in occupied Palestine but also across the world.

¹⁸ Nidal Al-Mughrabi & Ali Sawafta, "Who is Mohammad Mustafa, the new Palestinian PM?," *Reuters*, 29/2/2024, accessed on 17/3/2024, at: <https://tinyurl.com/2kspt9wm>

Appendix 1: Major Indicators of the Weakness of the Palestinian Economy Prior to the Gaza War (2018-2022)

Table (1): Population (in Thousands)

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------|--------|------|--------|--------|--------|
| Palestine | 4915.3 | 5039 | 5101.2 | 5227.2 | 5403 |
| West Bank | 2953.9 | 3020 | 3053.2 | 3120.4 | 3214 |
| Gaza Strip | 1961.4 | 2019 | 2048 | 2106.7 | 2188.9 |

Table (2): Labour Market (Using Palestinian Central Bureau of Statistics' New Definition of Workforce)

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|-------|-------|-------|-------|-------|
| Workers (thousands) | 956.3 | 1013 | 956 | 1036 | 1136 |
| Percentage of West Bank workforce employed in Israel | 18.2% | 17.2% | 17.1% | 18.8% | 22.5% |
| Average daily wage of West Bank labourers working in Israel (in Shekels) | 234.2 | 247.7 | 258.6 | 266.1 | 276.9 |
| Percentage of Gaza workforce employed in Israel | 0% | 0% | 0.1% | 0.1% | 0.8% |

Table (3): Unemployment Rate

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------|------|------|------|------|------|
| Palestine | 26.2 | 25.3 | 25.9 | 26.4 | 24.4 |
| West Bank | 17.3 | 14.6 | 15.7 | 15.5 | 13.1 |
| Gaza Strip | 43.1 | 45.1 | 46.6 | 46.9 | 45.3 |

Table (4): Macroeconomic Indicators

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|------------|------------|------------|------------|------------|
| GDP (in 2015 prices, millions) | \$15,616.2 | \$15,829 | \$14,037.4 | \$15,027.1 | \$15,612.5 |
| Share of Gaza (GDP) | 18.1% | 17.9% | 17.6% | 17.2% | 17.4% |
| Gross National Disposable Income (millions) | \$19,608.6 | \$19,960.7 | \$17,173.2 | \$18,982.4 | \$20,497.8 |
| Share of Gaza (GNI) | \$17.8 | \$17.6 | \$17.4 | \$16.8 | \$18.2 |

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|------------|------------|------------|------------|------------|
| Percentage of Gross National Disposable Income made up of revenue from workers in Israel | 12.7 | 11.6 | 12.5 | 14.9 | 15.0 |
| Private consumer spending (in 2015 prices, millions) | \$13,570.1 | \$14,126.5 | \$12,367.2 | \$13,207.2 | \$15,908.7 |
| Public spending (in 2015 prices, millions) | \$3,318.9 | \$3,202.3 | \$3,213.5 | \$3,544.9 | \$3,174.4 |
| Gross fixed capital formation (in 2015 prices, millions) | \$4,260.3 | \$4,177.1 | \$3,328.6 | \$3,770.2 | \$4,197.6 |
| Share of Gaza (GFCF) | 9.8% | 10.1% | 7.6% | 6.9% | 7% |
| Exports (current prices, millions) | \$2,578.7 | \$2,630.5 | \$2,335.9 | \$2,740.4 | \$2,911.4 |
| Share of Gaza | 6.0% | 5.5% | 5.7% | 5.4% | 6.1% |
| Imports (current prices, millions) | \$8,256.8 | \$8,376.1 | \$7,189.1 | \$8,256.4 | \$10,377.6 |
| Share of Gaza | 14.2% | 14.3% | 14.5% | 13.6% | 14.5% |

Table (5): Figure GDP Per Capita (at 2015 prices in USD)

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|------------------|-----------|-----------|-----------|-----------|-----------|
| Palestine | \$3,417.7 | \$3,378.3 | \$2,922.5 | \$3,051.5 | \$3,086.8 |
| Gaza | \$1,458.3 | \$1,422.2 | \$1,207.6 | \$1,223.9 | \$1,256.8 |

Table (6): Public Finances (Cash Basis, in millions USD)

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|-----------|-----------|-----------|-----------|-----------|
| Net domestic revenues (including clearing) | \$3,462.9 | \$3,290.6 | \$3,526.2 | \$4,224.7 | \$4,685.1 |
| Total clearing revenue | \$2,255.3 | \$2,219.2 | \$2,399.9 | \$2,776.9 | \$3,146.2 |
| Current expenditures | \$3,660 | \$3,660.1 | \$3,954.9 | \$4,035.1 | \$4,158.1 |
| Public debt | \$2,369.5 | \$2,795.1 | \$3,649.4 | \$3,848.1 | \$3,542.7 |

Table (7): Banking Sector (in millions USD)

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|----------------------------------|------------|------------|------------|------------|------------|
| Bank Assets / Liabilities | \$16,125 | \$17,825.5 | \$19,886.2 | \$21,673 | \$21,404.4 |
| Public deposits | \$12,227.3 | \$13,384.7 | \$15,138.3 | \$16,518.1 | \$16,468.2 |
| Credit facilities | \$8,432.3 | \$9,039.1 | \$10,078.7 | \$10,747.2 | \$11,045 |

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Ayat Hamdan*

The Israeli War Against UNRWA and Its Impact on Palestinian Refugees**

حرب إسرائيل على الأونروا وأثرها في اللاجئين الفلسطينيين

Abstract: When Israel accused twelve UNRWA employees of participating in Hamas's military operation on 7 October 2023, more than twenty states announced the suspension of aid to the agency. UNRWA responded by dismissing 9 of the accused employees and opening an investigation, despite this measure violating its internal policy. The funding cuts to UNRWA affect about 6 million refugees, among them 1.7 million Palestinian refugees in the Gaza Strip and an additional 500,000 Palestinians without refugee status who benefit from UNRWA infrastructure and services. This paper elucidates the reasons for Israeli incitement against UNRWA and provides possible scenarios for the agency's future operations and the implications for Palestinian refugees. It calls for framing the Palestinian refugee issue and UNRWA in explicitly political terms, rather than solely humanitarian ones.

Keywords: UNRWA; Palestinian Refugees; Hamas; Aid Infrastructure.

ملخص: بعد اتهام إسرائيل 12 موظفًا في وكالة الأمم المتحدة لإغاثة وتشغيل اللاجئين الفلسطينيين في الشرق الأدنى «الأونروا» بالمشاركة في العملية العسكرية التي نفذتها حركة المقاومة الإسلامية «حماس»، في 7 تشرين الأول/أكتوبر 2023، أعلنت أكثر من عشرين دولة تعليق مساعداتها للوكالة. وردّت الأونروا على هذه الاتهامات بفصل تسعة من الموظفين المتهمين، وفتحت تحقيق في الأمر، على الرغم من أنّ هذا الإجراء يخالف سياستها الداخلية من الناحية العملية. سيؤثر تقليص تمويل الأونروا في نحو ستة ملايين لاجئ في أماكن تفويضها، منهم 1.7 مليون لاجئ فلسطيني في غزة، إضافة إلى 500 ألف فلسطيني يستفيد العديد منهم من خدمات الوكالة وبنيتها التحتية. تحاول هذه الورقة استجلاء أسباب التحريض الإسرائيلي على الأونروا، والسيناريوهات الممكنة بشأن مستقبل عمل الوكالة، وأثرها في اللاجئين الفلسطينيين، وتدعو إلى تأطير قضية اللاجئين الفلسطينيين والأونروا من خلال مصطلحات سياسية محدّدة، وليس بمصطلحات إنسانية فحسب.

كلمات مفتاحية: الأونروا؛ اللاجئين الفلسطينيون؛ حماس؛ البنية الأساسية للمعونات.

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UNRWA Funding

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established in late 1949 with a temporary mandate,¹ renewable every three years.² It operates in Jordan, Lebanon, Syria, the Gaza Strip, and the West Bank, where about 6 million Palestinian refugees reside, providing education, health care, humanitarian assistance, and social services.³ Its mandate is limited to humanitarian relief and, unlike other cases overseen by the UN High Commissioner for Refugees (UNHCR), does not include finding a political solution to the issue of Palestinian refugees. However, it does have a political aim, as it is tasked with working with governments to devise temporary measures and to provide assistance and relief to Palestinian refugees “pending a just solution” to the Palestinian refugee question.⁴ UNRWA faced criticism from both Palestinians and host countries upon its establishment, as it was seen as an attempt to integrate refugees into host societies instead of promoting the right of return. UNRWA donors and Israelis have also criticized the agency for politicizing the Palestinian cause, interfering in the construction of the Palestinian identity, and upholding the right of return.⁵

UNRWA’s annual budget of \$1.17 billion⁶ is funded by UN Member States on a voluntary basis. As a result of the failure of donors to honour their pledges, the agency was operating on a deficit of \$75 million even before the recent aggression on the Gaza Strip.⁷ While donors have prioritized maintaining UNRWA as a stabilizing factor in the region and a vehicle for continued humanitarian support for refugees without reaching a just and lasting political solution based on UN resolutions,⁸ Conditional funding has also been weaponized to exercise pressure on the agency. In 2021, the European Parliament⁹ adopted a resolution withholding €20 million (\$22 million) in aid to UNRWA aimed at forcing it to make immediate changes to Palestinian textbooks to ensure that they did not contain anti-Israeli material and that they promoted the two-state solution.¹⁰ In 2018, the Trump administration suspended \$60 million in funds to pressure the Palestinians to negotiate and accept the so-called “deal of the century”.¹¹

¹ Its current mandate is valid until 30 June 2026.

² “General Assembly Adopts 33 Resolutions Recommended by Its Fourth Committee, Including Renewal of UNRWA Mandate until 30 June 2026: Texts on Space, Information, Non-Self-Governing Territories Also Adopted,” *United Nations*, 12/12/2022, accessed on 2/4/2024, at: <https://tinyurl.com/yej84zee>

Israel, the United States, Canada, the Marshall Islands, and Micronesia voted against the resolution.

³ “Where We Work,” *UNRWA*, accessed on 2/4/2024, at: <https://tinyurl.com/fk7zahpb>.

⁴ “Resolution 302,” *UNRWA*, accessed on 2/4/2024, at: <https://tinyurl.com/2yjs5e23> The responsibility for finding a political solution fell within the remit of the the Conciliation Commission for Palestine (UNCCP), established by the UN in 1948, with the mission to seek a political solution to the Palestinian question and “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation”. “UNCCP initially sought to resolve the problem of the refugees through return to Israel and compensation. When despite its efforts it was unable to advance the return of the refugees, it concentrated on collecting Palestinian property records with a view to facilitating restitution and compensation whenever this would become possible. Once the UNCCP had completed its meticulous work on these records, in 1964 it suspended its operations and has been effectively inoperative since”. Francesca Albanese & Lex Takkenberg, “UNRWA and the Palestinian Refugees: Protecting Refugee Rights While Structurally Addressing the Agency’s Financially Unsustainable Modus Operandi,” *Working Paper*, no. 138, *Refugee Studies Centre at University of Oxford*, 27 February 2023, accessed on 2/4/2024, at: <https://tinyurl.com/368mstfz>

⁵ Anne Irfan, *Refuge and Resistance* (Columbia: Columbia University Press, 2023).

⁶ “How We Are Funded,” *UNRWA*, accessed on 2/4/2024, at: <https://tinyurl.com/v9khe733>

⁷ “al-Umam al-Muttaḥida Tuḥadhdhir min Inhiyār Mālī Washīk, li-l-Unūr wā-Tad’ū ilā Da’m Malāyīn al-Lāji’īn al-Filasṭīniyyīn,” *UN News*, 2/6/2023, accessed on 2/4/2024, at: <https://tinyurl.com/4zzaar9j>

⁸ Francesca Albanese, “Brussels International Conference on UNRWA: What really happened?,” *Arab Renaissance for Democracy and Development*, 30/11/2021, accessed on 2/4/2024, at: <https://tinyurl.com/2ftz3y9k>

⁹ “EU Makes UNRWA Aid Conditional on Textbook Changes,” *Independent Press*, 30/9/2021, accessed on 2/4/2024, at: <https://tinyurl.com/ymxb3ch9>

¹⁰ “Making UNRWA Funds Conditional on the Content of Palestinian Schoolbooks,” *European Parliament*, 12/9/2023, accessed on 2/4/2024, at: <https://tinyurl.com/3wassnxt>

¹¹ Edward Wong, “U.S. To End Funding to U.N. Agency That Helps Palestinian Refugees,” *The New York Times*, 31/8/2018, accessed on 2/4/2024, at: <https://tinyurl.com/mtudapyd>

The Securitization of UNRWA

Since 7 October 2023, Israel's war on UNRWA has targeted the agency on three levels. First, Israel has physically destroyed its facilities, barred the entry of aid, and killed 160 UNRWA employees, in addition to displaced people taking refuge in its shelters and schools. Some 1.9 million displaced people are currently seeking shelter in or near one of UNRWA's 154 shelters, and 155 of the agency's facilities have been damaged.¹² This is not the first war in which Israel has targeted UNRWA facilities and killed displaced Palestinians seeking shelter there; similar attacks were observed in the wars of 2014 and 2021.

Second, UNRWA as an entity has been "securitized". Securitization here is defined as:

The discursive process through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat.

The claim of existential threat is typically used to justify some political action that would perhaps not be viewed as legitimate absent the threat. As Bezen Coşkun says, "The theory of securitisation underlined two intertwined logics, namely the claim about existential threats and the legitimisation of exceptional measures".¹³ In the past, Israeli accusations against UNRWA typically targeted its actions or programmes but did not threaten the agency's existence. However, the securitization of UNRWA, based on accusations that it is involved in military actions against Israel or acts as an arm of a political faction, makes it more vulnerable to attacks by the Israeli occupation. It puts the agency on the defensive, undermining its UN mandate and the role it has played over the past seven decades in preventing the plight of Palestinian refugees from being forgotten. Israel claims that UNRWA "perpetuates the refugee problem"¹⁴ and has "accused UNRWA staff of working for Hamas, in what represented pre-emptive justification for striking the agency's schools and facilities in the Gaza Strip, which house tens of thousands of displaced people, most of them children and women".

UNRWA is obligated to maintain neutrality, a pillar of humanitarian work, as dictated by its UN mandate, but it has long breached this principle in the service of two basic aims: to attract funding, as is the case with the framework agreement signed with the United States in 2021, and to provide reports on its staff to the states in which it operates, including Israel, as an occupying state. UNRWA provides Israel with a list of all its employees in the Occupied Palestinian Territories, and its Commissioner-General Philippe Lazzarini meets nearly every month in Israel with Amir Weissbrod, the deputy director-general of the Israeli Ministry of Foreign Affairs responsible for relations with UN agencies.¹⁵ This fact alone demonstrates that allegations that UNRWA staff are involved in the resistance in the Gaza Strip are fabricated. Even if the accusations were proven true, it does not justify sweeping sanctions against an agency with 30,000 employees, including 12,000 in the Gaza Strip, which serves 6 million refugees. This is a form of collective punishment implemented by Israel and supported by its Western allies.

Third, Israel has weaponized humanitarian aid, deliberately crippling the operations of UNRWA as the largest relief organization in the Gaza Strip as a form of collective punishment. This tactic, pursued

¹² "UNRWA Situation Report #85 on the Situation in the Gaza Strip and the West Bank, Including East Jerusalem," *UNRWA*, 4/3/2024, accessed on 2/4/2024, at: <https://tinyurl.com/3bee4ew8>

¹³ Bezen Balamir Coşkun, *Analysing Desecuritisation* (Newcastle: Cambridge Scholars Publishing, 2011), p. 9.

¹⁴ Jacob Magid, "We Oppose Axing UNRWA Mid-War, Senior Israeli Official Says amid Funding Halt," *The Times of Israel*, 31/1/2024, accessed on 2/4/2024, at: <https://tinyurl.com/2hyb6vde>

¹⁵ Patrick Kingsley & Ronen Bergman, "The 8 Days That Roiled the U.N.'S Top Agency in Gaza," *The New York Times*, 3/2/2024, accessed on 2/4/2024, at: <https://tinyurl.com/3xed2e4u>

since the war broke out,¹⁶ aims to ratchet up the pressure on the population to force their displacement. The collective punishment has been coupled with dehumanizing Israeli rhetoric that casts Palestinians as animals. On 9 October 2023, Israel announced that it was cutting off essential aid and supplies to the Gaza Strip. Israeli Minister of War Yoav Gallant declared: “We are imposing a complete siege on Gaza. There will be no electricity, no food, no water, no fuel... We are fighting human animals and we act accordingly”.¹⁷ Israel also linked the entry of aid into Gaza to the release of hostages, with Benjamin Netanyahu’s office announcing, “Israel will not allow any humanitarian aid from its territory to the Gaza Strip as long as our hostages are not returned”.¹⁸

Israel operates according to a logic of genocide and displacement, two tactics that work in tandem: Israel carries out genocide to displace Palestinians and displaces Palestinians for the purpose of genocide. Since 7 October, people have been displaced from the northern governorates and Gaza City. Some 250,000 Palestinians remain in these areas, beset by famine, killing, and the systematic destruction of infrastructure and hospitals.¹⁹ Overall, 75% of the population of the Gaza Strip (1.7 million people) has been displaced since the beginning of the aggression.²⁰ Displacement is part of the Israeli plan for the “day after” in the Gaza Strip. Articulating the underlying goal of this plan, the Israeli minister of finance stated, “If there are 100,000 or 200,000 Arabs in Gaza and not 2 million Arabs, the entire discussion on the day after will be totally different”.²¹

This is an ongoing process that proceeds systematically and deliberately from one place to another (northern, central, and southern Gaza) until the final objective is achieved: extermination, the total destruction of all aspects of life in the Gaza Strip, and the expulsion of the indigenous population.²² In addition to being physically blockaded, Palestinians’ choices are severely constrained: either death or displacement. Those who remain are killed (by weapons, starvation, or diseases), while those who leave are killed during the forced displacement.²³

In addition to displacement, starvation is another tool of incremental genocide, which Israel is inducing by barring the entry of aid to the north and severely restricting the aid allowed to reach the south. Less than 100 trucks per day enter the Gaza Strip. Under normal circumstances, Gaza requires 500 trucks per day, and this number has doubled in wartime. Some organizations estimate that 92% of the population of

¹⁶ Cutting food, water, and electricity to the Gaza Strip is not new. Israel has pursued the same policy in previous wars, and it is a key instrument of the blockade on the Strip. It is moreover tantamount to a war crime, according to various international institutions. See: “Israel/OPT: Israel Must Lift Illegal and Inhumane Blockade on Gaza as Power Plant Runs out of Fuel,” *Amnesty International*, 12/10/2023, accessed on 2/4/2024, at: <https://tinyurl.com/46f4amcf>; “Mufawwad Huqūq al-Insān Yahuthth ‘alā Naz’ Fatīl al-Waḍ’ ‘al-Mutafajjir’ fī Isrā’īl wa-l-Ard al-Filasṭīniyya al-Muhtalla,” *UN News*, 10/10/2023, accessed on 2/4/2024, at: <https://bit.ly/3tJv1zU>; Sari Bashi, “Nowhere to Go in Gaza,” *Human Rights Watch*, 13/10/2023, accessed on 2/4/2024, at: <https://bit.ly/46IciTM>. The disruption of food, water, and electricity is also a violation of the Fourth Geneva Convention and its additional protocols. Article 14 of Protocol II states, “Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works”. See: “Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II),” *United Nations Human Rights Office of the High Commissioner*, 8/6/1977, accessed on 2/4/2024, at: <https://bit.ly/3SaQ9Jr>

¹⁷ Sanjana Karanth, “Israeli Defence Minister Announces Siege On Gaza To Fight ‘Human Animals’,” *Huffington Post*, 9/10/2023, accessed on 6/4/2024, at: <https://tinyurl.com/p5e2uhyp>

¹⁸ “Israel Says It Won’t Block Humanitarian Aid Entering Gaza from Egypt,” *Al Jazeera*, 19/10/2023, accessed on 2/4/2024, at: <https://bit.ly/4a4OKdH>

¹⁹ “UNRWA Situation Report #93 On the Gaza Strip and The West Bank, Including East Jerusalem,” *UNRWA*, 22/3/2024, accessed on 2/4/2024, at: <https://bit.ly/3TPDD2n>

²⁰ Ibid.

²¹ Jessica Buxbaum, “For Israel’s Religious Right, Gaza Is a war of Conquest,” *The New Arab*, 11/1/2024, accessed on 2/4/2024, at: <https://bit.ly/4a1cpXI>

²² This process is integral to settler colonialism in Palestine, which is based on the expulsion and extermination of the native inhabitants of historic Palestine. Today, we see this logic play out in Gaza in its most savage form. The ongoing genocide and ethnic cleansing in Palestine since the Nakba is a fundamental pillar of the Zionist project.

²³ The only ones to escape this closed loop are those who manage to leave the Gaza Strip. This option is available to the very few people who may be permitted to leave for the purpose of medical treatment or by paying exorbitant sums on the Egyptian side.

the Gaza Strip will reach catastrophic levels of hunger between March and July 2024.²⁴ As UNRWA is the largest institution providing food to the population of the Gaza Strip, the war on the agency is part of Israel's policy of genocide and displacement. "By preventing UNRWA to fulfill its mandate in Gaza, the clock will tick faster towards famine and many more will die of hunger, dehydration, and lack of shelter",²⁵ Philippe Lazzarini posted in March on the social media platform X, in response to Israel blocking UNRWA trucks' access to the northern Gaza Strip.

The New/Old Israeli Offensive

Israel's demand for the dismantlement of UNRWA as a prelude to the liquidation of the Palestinian refugee issue is not new. Netanyahu took advantage of Donald Trump's inauguration to the White House to press for the dissolution of the agency and its integration into the UNHCR in a meeting in 2017. After Trump's suspension of funding for UNRWA, Netanyahu reiterated his demand, saying: "UNRWA is an organization that perpetuates the Palestinian refugee problem, and perpetuates also the narrative of the so-called right of return, whose goal is the elimination of Israel. For these reasons, UNRWA should be shut down".²⁶ During the current war, Israeli Foreign Minister Israel Katz posted on X, "We have been warning for years: UNRWA perpetuates the refugee issue, obstructs peace, and serves as a civilian arm of Hamas in Gaza".²⁷

Recently, Israel has exploited the current momentum and its support by Western powers to take down the agency and thereby quash the refugee issue once and for all. Israel's campaign also serves as retaliation against UNRWA for its submission of reports to the International Court of Justice, which relied on UNRWA documentation to reach its judgment that Israel is plausibly committing genocide. Netanyahu has made no secret of this: "The worst I can say is this, that many of the charges are false and unfounded, that were leveled against us in The Hague, were brought by UNRWA officials".²⁸

Moreover, the Israeli war on UNRWA seeks to discredit its reports, insinuating that they are written by Palestinians who are directly implicated in the events of 7 October. Israel's allegations against UNRWA staff were released the same day that the International Court of Justice (ICJ) ordered it to take preventive measures against genocide. Its drive to see UNRWA dismantled flies in the face of these measures.

The destruction of UNRWA would also serve Israel's goal of restoring its direct occupation and administration of the Gaza Strip, as the agency would be broken down into separate bodies controlled by Israel, aligned to its vision, and subordinate to its direct control. Netanyahu told a delegation of UN ambassadors: "I think it's time that the international community and the UN itself understand that UNRWA's mission has to end".²⁹ The Israeli Foreign Ministry, meanwhile, seeks to ensure that the agency "will not be part of the day after".³⁰ Proposals to replace the agency with the World Food Programme or the United States Agency for Development (USAID)³¹ must be read as an attempt to weaponize humanitarian aid by imposing political control and funding conditions on Palestinians to thwart their political aspirations. This

²⁴ "Imminent Famine in Northern Gaza is 'Entirely Man-made Disaster': Guterres," *UN News*, 18/3/2024, accessed on 2/4/2024, at: <https://bit.ly/3Tuzfo8>

²⁵ Philippe Lazzarini, "Gaza: As of Today," X, 24/3/2024, accessed on 2/4/2024, at: <https://bit.ly/3PAaAh0>

²⁶ "Netanyahu Wants UNRWA Gradually Shut Down, Backs US Cuts," *The Times of Israel*, 7/1/2018, accessed on 2/4/2024, at: <https://tinyurl.com/mr436266>

²⁷ Israel Katz, "Commending the US Government for Its Decision," X, 27/1/2024, accessed on 2/4/2024, at: <https://tinyurl.com/29wbp8xy>

²⁸ Tim Lister, Amir Tal & Ibrahim Dahman, "UN Agency for Palestinian Refugees Warns It May Have to Halt All Operations by End of Month," *CNN*, 1/2/2024, accessed on 2/4/2024, at: <https://tinyurl.com/4ezpz4xs>

²⁹ Ibid.

³⁰ Jacob Magid et al., "Israel Wants UNRWA out of Gaza after Staffers Fired for Involvement in Oct. 7 Onslaught," *The Times of Israel*, 27/1/2024, accessed on 2/4/2024, at: <https://tinyurl.com/z44ryzzh>

³¹ Itamar Eichner, "Israel Considers Possible Replacements for UNRWA in Gaza," *Ynet*, 7/2/2024, accessed on 4/2/2024, at: <https://2u.pw/BDn7D21>

policy also functions as an instrument of genocide and strips Palestinian refugees of their rights. Israeli hostility to UNRWA stems fundamentally from the fact that the agency represents Palestinian refugees and is a symbol of their continued existence. Here, the position of the Israeli left is no different from the right. Einat Wilf, a former Labour Party member in the Knesset, reportedly stated that Palestinian refugees “should only be given aid on the condition that they sign a document disavowing their right of return”.³²

The Impact of Reduced Support for UNRWA and Future Prospects

The current hostility to and attempts to criminalize UNRWA, the lack of international and regional intervention to stop the war, and the failure of states to fulfil their financial pledges to the agency, could generate several scenarios. First, UNRWA may be dismantled. In this case, the burden of humanitarian assistance and relief would fall on Israel as the occupying power responsible for Palestinians.³³ If Israel does not meet its responsibility, the burden may also fall on the Palestinians, necessitating enormous financial resources. Countries hosting refugees would also confront additional responsibility. While the dissolution of the agency would not prejudice the legal status of Palestinian refugees,³⁴ it would eliminate the chief entity that provides relief and protection for refugees pending a political solution. The UN General Assembly is the only body authorized to terminate the agency’s mandate and legally dissolve it if a just and lasting solution for refugees is reached based on international law. However, concerns persist about attempts to dry up UNRWA funding, which could debilitate the agency and bring dissolution closer. The marginalization of the UNCCP is instructive in this respect. Israel’s claim that UNRWA perpetuates the Palestinian refugee problem must be confronted head on. It should be emphasized that the responsibility lies with Israel, which does not allow Palestinian refugees to return to their homes pursuant to UN resolutions and is displacing more Palestinians in the Gaza Strip and the West Bank.

Second, Funding for UNRWA may be subject to new conditions and regulatory mechanisms, which would violate the principle of neutrality in the provision of humanitarian assistance. Already some Western parties, such as the European Commission, Canada, and Sweden, have restored funding to UNRWA, with the condition that the agency fulfils its commitments to investigate any wrongdoing and implement reforms to strengthen neutrality protocols. This measure is intended to impose greater oversight on the agency.

Third, Arab states and some foreign countries may continue to provide minimal support to the agency, which will be reflected in the level of services provided by UNRWA, as well as the principle of differentiation between programmes and beneficiaries. Given the conditions in the Gaza Strip, it is vital to stop the war and prevent humanitarian assistance from being withheld as an act of collective punishment and orchestrated starvation. All legal and political means and pressures must be applied to force open the land crossings. The delivery of relief through airdrops and the temporary port is merely an attempt to prolong the crisis. The continued threat of forced displacement must be confronted, requiring humanitarian intervention and comprehensive reconstruction efforts to meet the needs of the Palestinians who remain steadfast in Gaza.

³² Riley Sparks, Hajar Harb & Omar Nabil Abdel Hamid, “Gaza In-Depth: Why Israel Wants to End UNRWA and What Its Closure Would Mean,” *The New Humanitarian*, 6/3/2024, accessed on 2/4/2024, at: <https://tinyurl.com/3whmx52f>

³³ Article 55 of the Fourth Geneva Convention states, “To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate”. *Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, 12 August 1949, <https://tinyurl.com/yxhkn66u>

³⁴ “When crafting the post-war international refugee regime, the international community committed to deal with the question of the Palestinian refugee issue until it is ‘definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations’ as reflected in art. 1D of the 1951 Convention on the Status of Refugees. The latter, in addition to article 7 (c) of the UNHCR Statute, recognizes a distribution of responsibilities among various UN agencies, primarily UNCCP and UNRWA and then UNHCR, in dealing with Palestinian refugees as internationally recognized refugees as of 1948”. Albanese & Takkenberg, p. 10.

Israel has systematically displaced Palestinians since the outset of the war, and the imminent invasion of Rafah raises the risk of further displacement. Through this campaign, Israel has deprived the Gaza Strip of the basic necessities for life and both demographically and physically changed the land, deliberately concentrating the population in the south in preparation for the military ground invasion, forcing Palestinians into densely populated, underserved areas. It has deployed starvation and collective punishment to compel them to leave Gaza and seek refuge in Sinai. Israel is currently promoting what it calls “voluntary migration” from the Strip, while promising to rebuild settlements and exert full security control over Gaza.³⁵ Israel’s plan is thus not limited to UNRWA but aims to create new realities on the ground to achieve its vision.

The Palestinian refugee issue and UNRWA must be framed in explicitly political terms, not solely in terms of humanitarian assistance and relief. Currently, the only focus is on the agency’s services. Although these are important, little attention is being paid to the political and legal implications of dismantling the agency and subordinating it to new oversight mechanisms, or Israel’s post-war plans to administer the Gaza Strip. The repercussions of this war will extend beyond Palestinian refugees in Gaza to encompass all 6 million Palestinian refugees, wherever they are, who are threatened by Israel’s attempt to eliminate the refugee issue and exclude them from any future political solution.

³⁵ Bethan McKernan, “Israeli Ministers Attend Conference Calling for ‘Voluntary Migration’ of Palestinians,” *The Guardian*, 29/1/2024, accessed on 2/4/2024, at: <https://tinyurl.com/y5bxwtjw>

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Identity, Anxiety, and War: Hezbollah and the Gaza Tragedy**

الهوية والقلق والحرب: حزب الله ومأساة غزة

Abstract: This study explores Hezbollah's puzzling engagement in Israel's ongoing military campaign in Gaza. Why has it limited its war to the Lebanese-Israeli border area? Why did not it engage in a full-scale combat akin to the 2006 war with Israel? Why did the movement, despite all the domestic and regional constraints it faced, enter war on 8 October? Drawing on Ontological Security Theory (OST) and primary data, the article finds that Hezbollah faced a predicament: if it abstained from supporting its Palestinian allies, it would threaten its ontological security (core being, reputation, and role as a resistance movement); conversely if it engaged in extensive warfare, it would endanger its physical security. To address this predicament, Hezbollah engaged in *constrained warfare* that aimed to restore its ontological security and preserve the cohesion and survival of the regional Axis of Resistance. The study argues that, in this way, Hezbollah was also constructing the future.

Keywords: Hezbollah; Ontological Security; Anxiety; Gaza; War; Identity.

ملخص: تتناول هذه الورقة مشاركة حزب الله المحييرة في الحملة العسكرية الإسرائيلية المتواصلة في غزة، وسبب اقتصر حربه على منطقة الحدود اللبنانية - الإسرائيلية، وعدم مشاركته على نطاق واسع في قتال شبيه بحرب عام 2006 مع إسرائيل، وسبب دخوله الحرب في 8 تشرين الأول/أكتوبر 2023 على الرغم من كل القيود الداخلية والإقليمية التي واجهها. واعتمادًا على نظرية الأمن الوجودي ومصادر بيانات أولية، تجادل الورقة بأن حزب الله واجه مأزقًا: فإذا امتنع عن دعم حلفائه الفلسطينيين، من شأن ذلك أن يهدد أمنه الوجودي (جوهر وجوده، وسمعته، ودوره بوصفه حركة مقاومة). وعلى العكس من ذلك، إذا انخرط الحزب في حرب واسعة النطاق، يعرض أمنه المادي للخطر. ولمعالجة هذا المأزق، انخرط حزب الله في حرب مقيدة تهدف إلى الاحتفاظ بأمنه الوجودي، والحفاظ على تماسك محور المقاومة الإقليمي، وبقائه. بهذه الطريقة، تجادل الورقة بأن الحزب كان أيضًا يرسم ملامح المستقبل.

كلمات مفتاحية: حزب الله؛ الأمن الأنطولوجي؛ القلق؛ غزة؛ الحرب؛ الهوية.

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The Puzzle

Hezbollah's engagement in the 2023-2024 Gaza war is puzzling. Since the start of the war on 7 October 2023, Hezbollah has engaged in intensive and costly military combat with Israel that is mostly contained in areas on the Lebanese-Israeli border. Yet, much to the chagrin of many of its supporters who are outraged by Israel's genocidal campaign in Gaza, it has not fought a full-fledged war on Israel, as it did in 2006.

Hezbollah's perplexing conduct raises several theoretical and empirical questions. What has motivated Hezbollah's conduct in this war? Why has Hezbollah not simply abstained from this confrontation with a stronger army that is supported by the US? Why, in contrast, has Hezbollah not lived up to its ideals and narratives about "resistance" to and "unity of fronts" against the Israeli occupation and US hegemony and engaged in a full-scale war?

To answer these questions, I draw on Ontological Security Theory (OST) and empirical primary data to make two arguments. First, I argue that Hezbollah's military conduct can be described as *constrained warfare* (CW). This form of warfare involves deliberate attempts by an actor, Hezbollah in this case, to restrain its use of full force to contain the response of its enemies and to deter them. These conscious attempts to restrain its power are dictated by knowledge of perceived constraints, which in the case of Hezbollah, involved: uncertainty about Israel's intentions, domestic considerations, fear of US direct involvement, and absence of a compatible regional political environment. Conceptualizing it as constrained warfare, however, does not explain why Hezbollah has engaged in it in the first place.

To explain Hezbollah's participation in the war, I argue that Hezbollah's engagement in constrained warfare is motivated primarily by the movement's anxiety over its ontological security. Ontological security has less to do with an actor's physical security and more with their understanding of the "Self", of their identity in relation to others, and of their role and reputation in a social setting. Israel's bloody campaign in retaliation to Hamas's 7 October attack generated anxiety, or ontological *insecurity*, for Hezbollah who has, over decades, fostered a political identity and reputation as a "resistance movement" that intends to liberate Palestine from Israeli occupation. Hezbollah thus faced a strategic predicament: if it distanced itself from the war, it would threaten its ontological security, but if it engaged in a full-scale war, it would endanger its physical security. Its response to this dilemma and conduct in the war reveals that it sought to balance the urge to restore its ontological security against the need to preserve its physical one. To curb its anxiety, Hezbollah has engaged in constrained warfare, not only to preserve its own ontological security but also to strategically preserve the identity and cohesion of the broader regional "Resistance Alliance". In this way, Hezbollah is, at the same time, seeking to shape the future. This finding offers empirical and theoretical insights into ongoing debates about the relationship between ontological security and physical security.¹

I develop my argument in three sections. In the first, I examine the main elements of OST, laying out the theoretical basis to examine Hezbollah's "Being", the movement's religio-political identity and goals, in the second section. Finally, I explore Hezbollah's response to the Gaza war. I begin by defining CW and explaining why Hezbollah engaged in it, before demonstrating how the movement attempted to restore its ontological security in the wake of 7 October.

Ontological Security

Hezbollah's behaviour and conduct in the war cannot be explained through mainstream frameworks on the causes of war. This is neither the "defensive" nor the "offensive" behaviour that Neorealist frameworks

¹ Nina C. Krickel-Choi, "The Concept of Anxiety in Ontological Security Studies," *International Studies Review*, vol. 24, no. 3 (2022), pp. 1-21; Bahar Rumelili, "Integrating Anxiety into International Relations Theory: Hobbes, Existentialism, and Ontological Security," *International Theory*, vol. 12, no. 2 (2020); Felix Berensköter, "Anxiety, Time, and Agency," *International Theory*, vol. 12, no. 2 (2020).

would suggest.² Neorealists, focusing primarily on states, argue that under conditions of international anarchy, political actors are never certain about the intentions of their enemies, and so when they perceive a threat, they have no other option but to either act defensively in trying to deter a threat and hence restore the status quo or, in Offensive Realism, to pre-emptively act on the offensive. Although Hezbollah's conduct reveals attempts to deter and, possibly, pre-empt its enemy, these frameworks rely on material factors to explain political action and expect actors to act "rationally": assess the military balance and decide to either "balance" against a threat or power or "bandwagon".³ But Hezbollah did not engage with either expectation. Moreover, despite the overwhelming military power it faced from Israel and the US, it still engaged in constrained warfare with Israel. We see that in these theoretical approaches the analytical weight is placed on the physical not ontological security of actors.

Hezbollah's long-term trajectory reveals that its conduct in this war is not entirely surprising. I have argued elsewhere that Hezbollah's political trajectory combines Max Weber's "value rational act" and "instrumentally rational" behaviour, which acts "to put to practice their convictions" but does so with a "prospect for success".⁴ This offers an entry point into the discussion of ontological security. Hezbollah's behaviour is shaped by its religio-political identity and doctrine, which I examine below. Thus, political identity matters in understanding Hezbollah's behaviour, which brings us closer to Constructivist approaches to understanding political behaviour. Constructivism assumes that the identities of actors that provide them with an ideational lens to understand the self in relation to the other, shape how actors distinguish a friend from an enemy. They also carry a set of values and norms that not only shape but also set standards for socio-political behaviour.⁵ Through narratives – stories and memories about the self and the nation – political actors reproduce identities to justify and enable their behaviours (for example, when a government wants to convince its people to go to war). But identities and associated narratives are malleable: they can be manipulated, activated, and de-activated by political actors as they strive to realize their goals. Was Hezbollah's participation in the war a sign of its identity? Only to an extent. Its identity as an Islamic resistance movement, you could argue, shaped its conduct, but identity as such cannot *alone* explain Hezbollah's conduct. Hezbollah could have argued that Lebanese concerns (another identity it holds) and threats to its survival (US potential intervention) require restraint; it could have used Islamist values to justify its choice.⁶ But that is not what Hezbollah did. On the other hand, using Constructivist assumptions, in reverse, one could argue that Hezbollah has intervened *because* it is an Islamist movement and may have fallen victim to what some scholars call "rhetorical entrapment": narratives and ideals that constitute actors' identities which set expectations for their behaviour.⁷ But taking past episodes into consideration reveals that Hezbollah has shown that neither identity alone nor its rhetoric has constrained its actions. For example, when it intervened in Syria in 2012 in support of the authoritarian regime repressing its people, Hezbollah was ready to *overcome* its identity and rhetoric as a movement that seeks to liberate the "oppressed of the world" because there was a threat to its physical security.⁸

² John Mearsheimer, *The Tragedy of Great Power Politics* (New York/ London: W.W. Norton & Company, 2001); Stephen M. Walt, *The Origins of Alliances* (Ithaca, NY/ London: Cornell University Press, 1987); Kenneth N. Waltz, *Theory of International Politics* (Reading, Mass./ London: Addison Wesley, 1979).

³ Mearsheimer; Walt; Waltz.

⁴ Max Weber quoted in: Adham Saouli, *Hezbollah: Socialisation and its Tragic Ironies* (Edinburgh: Edinburgh University Press, 2019), p. 32.

⁵ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999); Jeffrey Checkel, "Norms, Institutions, and National Identity in Contemporary Europe," *International Studies Quarterly*, vol. 43, no. 1 (1999), pp. 83–114.

⁶ Adham Saouli, "Intellectuals and Political Power in Social Movements: The Parallel Paths of Fadlallah and Hizbullah," *British Journal of Middle Eastern Studies*, vol. 41, no.1 (2014), pp. 97–116.

⁷ Frank Schimmelfennig, "Rhetorical Entrapment in EU–Turkey Relations," in: Wulf Reiners & Ebru Turhan (eds.), *EU-Turkey Relations* (Cham: Palgrave Macmillan, 2021).

⁸ Saouli, *Hezbollah*, pp. 158–202.

I argue that the framework that best explains Hezbollah's conduct is OST, which originated in the fields of Psychology⁹ and Sociology.¹⁰ International Relations (IR) scholars drew on the conceptualizations of the sociologist Antony Giddens, who focused on individuals, to introduce OST to IR¹¹ and explore how the same concepts can be applied to states. In IR, OST has drawn on the Classical Realism tradition, which assumed that other than material motivations, state behaviour is shaped by other factors such as fear, shame, and honour,¹² as well as on Constructivism, with its focus on identity and norms.¹³ In the study of the Middle East, May Darwich¹⁴ used OST to explain why the rise of Islamist movements generated anxiety for Saudi Arabia in the 2012-2018 period, Amal Jamal¹⁵ to understand Israel's "securitization" of Palestinian citizens, and Mohamad-Mehid Berjaoui¹⁶ to contrast Hezbollah's intervention in Syria to its engagement in Iraq. What is OST and how does it explain Hezbollah's conduct in the Gaza war?

The ontological security of political actors is about the security of their "Self" and "Being" and not only physical security.¹⁷ It is about the "subjective sense of who one is, which enables and motivates action and choice".¹⁸ Brent Steele has offered a useful distinction of the "two conceptions of security", Traditional Security and Ontological Security, which I adopt in the table below.¹⁹

Table (1): Conceptions of Traditional Security and Ontological Security

| | Traditional Security | Ontological Security |
|---|---|--|
| Security as | Survival | Being |
| Agents "structured" by | Distribution of power | Routines as Self-Identity |
| Challenge/ source of insecurity | Fear (in the face of threat) | Anxiety (uncomfortable disconnect with Self) |
| The outcome of incorrect decision in the face of challenge | Physical harm | Shame |
| Measurement of outcome | Change in material capabilities; deaths; damage | Difference between biographical narrative and actual behaviour; discursive |
| Structural change | Change in the distribution of power | Routinized critical situations; change in self-identity; change in agent routine |

Source: Adopted from: Brent J. Steele, *Ontological Security in International Relations: Self-Identity and the IR State* (New York: Routledge, 2008), p. 52.

⁹ Ronald D. Laing, *The Divided Self: An Existential Study in Sanity and Madness* (London: Penguin Books, 1969).

¹⁰ Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (California: Stanford University Press, 1991).

¹¹ Jef Huysmans, "Security! What Do You Mean? From Concept to Thick Signifier," *European Journal of International Relations*, vol. 4, no. 2 (1998), pp. 226–255; Jennifer Mitzen, "Ontological Security in World Politics: State Identity and the Security Dilemma," *European Journal of International Relations*, vol. 12, no. 3 (2006), pp. 341–370; Brent J. Steele, *Ontological Security in International Relations: Self-Identity and the IR State* (New York: Routledge, 2008).

¹² Ned Richard Lebow, *The Tragic Vision of Politics: Ethics, Interests, and Order* (Cambridge: Cambridge University Press, 2003); Steele, pp. 35-40.

¹³ Wendt.

¹⁴ May Darwich, "The Ontological (In)Security of Similarity Wahhabism versus Islamism in Saudi Foreign Policy," *Foreign Policy Analysis*, vol. 12, no. 4 (2016), pp. 469–488.

¹⁵ Amal Jamal, "Ontological Counter-Securitization in Asymmetric Power Relations: Lessons from Israel," *International Studies Review*, vol. 22, no. 4 (2019), pp. 932–956.

¹⁶ Mohamad-Mehid Berjaoui, "The Ideational and Material Factors of Hezbollah's Foreign Policy: The Case Studies of Syria and Iraq 2003-2017," Unpublished thesis, University of St Andrews, 2023.

¹⁷ Rumelili, p. 266.

¹⁸ Mitzen, p. 344.

¹⁹ Steele, p. 52.

Ontological security offers a sense of being, a core self, that furnishes individuals with a sense of stability and continuity. This is crucial on several fronts. It enables individuals and groups to act as purposive agents in the world. Being in the world requires a sense of selfhood, an identity, that situates an actor in relation to others in a social setting, identifying for example the friend from the enemy. Identities offer an ideational (cultural, religious, political) lens to make sense of the world and thus to find purpose and meaning within it. A fundamental purpose for social inaction is to minimize uncertainty and dangers and to sustain a stable social identity over time. The aim is to bring “uncertainty to tolerable levels”²⁰ and, in doing so, social actors intentionally or unintentionally establish *routines* that make the world a relatively predictable place to be in, even if this predictability or routinization involves endured conflict with an enemy (“balance of power” or “rules of engagement” in the language of traditional security). Establishing routines offers the space for actors to focus their daily energies on specific tasks or threats: “routines are internally programmed cognitive and behavioural responses to information or stimuli”.²¹

Thus, a key component of OST is the *social identity* of actors: how they see the world, how they see themselves, how they hope to be seen, and how they are actually perceived in their social context. Giddens argues that “to be ontologically secure is to possess ... answers to fundamental existential questions which all human life in some way addresses”.²²

Reproducing how actors perceive the world and how they are judged by others is sustained through action and narrative. The action or behaviour of actors should align with their social identity, particularly the ethical standards and socio-political goals it preaches, and the *role* it assumes in a social setting. Both the identity and role of the actor become internalized, constituting their sense of self: “role identities are formed and sustained relationally; they depend on others to be realized”.²³ Thus, if you present yourself to the world as a socialist, you are expected to act like one, for instance, join your professional union, support the poor and marginalized, join the strike, etc. Do otherwise, and you might be perceived as a hypocrite, which may have an impact on your social ties to others and might affect your sense of selfhood. Narratives, or “narratives of the self” as Giddens called them, tell the story of how an “identity is understood by the self and by others”. For political actors, narratives involve memories about the self/nation/community/movement that connect the past to the present and future, political and ethical ideals that give meaning to life and behaviour, and justifications for political action.²⁴ Intentionally or not, narratives set social expectations – you are expected to act in accordance with the narratives you preach and goals you promise – which, with time, begin to shape your behaviour, enabling or constraining your action.

What happens when the ontological security of an actor is threatened? In the traditional conception of security, a loss in war or an attack on a country causes physical harm; political actors thus *fear* such possibilities. On the other hand, the threat to the ontological security of an actor does not cause fear per se but *anxiety*, “an uncomfortable disconnect with the self”.²⁵ There is a difference between fear and anxiety. Fear is usually directed toward an identified target, such as the fear of death or physical survival or defeat in a war. Anxiety, on the other hand, “comes about when someone’s identity is challenged”.²⁶ Drawing on Paul Tillich,²⁷ Bahar Rumelili argues that there are three types of anxiety. The first concerns the anxiety about death. The other two, which relate to ontological security, involve threats to an actor’s spiritual and

²⁰ Mitzen, p. 346.

²¹ Mitzen, p. 346.

²² Quoted in: Steele, p. 51.

²³ Mitzen, p. 357

²⁴ Steele, p. 10.

²⁵ Steele, p. 52.

²⁶ Steele, p. 51. See also: Rumelili; Krickel-Choi.

²⁷ Paul Tillich, *The Courage to Be* (New Haven/ London: Yale University, 2000).

moral being. The threat to the spiritual level may cause an “anxiety of meaninglessness”; in the words of Tillich, it is “loss of an ultimate concern, of meaning that gives meaning to existence”.²⁸ The threats to moral being involves the inability of the actor to fulfil moral responsibilities that they have set for themselves which generates “anxiety of condemnation”²⁹ or social “shame”.³⁰

When is the ontological security of actors threatened? Ontological insecurity takes place when routines are disrupted causing anxiety, unpredictability, and uncertainty for actors, what Steele,³¹ drawing on Giddens,³² calls *critical situations*. Critical situations threaten the ontological security of actors (and not only of states, which most of the OST literature is concerned with), obliging them to act to restore it. The 7 October Hamas attack which generated a war, threatened Hezbollah’s identity as an Islamist resistance movement, as it caught the Islamist movement by surprise. The Israeli response, which amounts to a plausible genocide, obliged Hezbollah to act. It had to do so to narrow the gap between its sense of selfhood, narrative as a resistance movement, and its actual behaviour that was constrained by the factors discussed below. But, as I show below, Hezbollah was not only doing so to restore its ontological security; its constrained participation in the war was also *strategic*: a move to construct the future. The literature on OST tends to treat routines as ends for actors seeking ontological security, or one that “necessarily yields a conservative agency that is committed to continuity over change”.³³ OST scholars have debated whether “anxiety inhibits or promotes change” and the difference between “normal and existential anxiety”.³⁴ The “rules of engagement”, which has kept the Lebanese-Israeli border relatively calm since the 2006 war, is perceived by Hezbollah not as an end but as an interval to a future war for liberation of Palestine, which the movement believes is inevitable and which it continues to prepare for. I have called this “war-making”.³⁵ War-making – the constant preparation for and occasional engagement in war – keeps Hezbollah anxious, a “normal” anxiety so to speak, one that actors endure under anarchic conditions. But ontological insecurity, or existential anxiety, is experienced during critical episodes,³⁶ as in the latest war in Gaza. Here, anxiety threatens the ontological security of an actor, generating a sense of uncertainty about the actions of others, how the future will unfold, and the actor’s place and role in a social context.³⁷

Before we examine how Hezbollah responded to the critical episode of the Gaza war, it is important to first explore Hezbollah’s being, the religio-political identity of this Islamist movement and its political trajectory since inception.

Being Hezbollah

Studying ontological security through Hezbollah is useful. This is not an individual which will require “scaling up” to the level of the state, as the early scholarship on OST did. Nor is it a state that will involve the understanding of its corporate and usually contested identity. Hezbollah is, rather, an armed political movement (APM). Its core being, its sense of selfhood, and socialization over time is shaped by a religio-political doctrine,³⁸ which identifies a set of strategic goals that have supplied the movement with a sense

²⁸ Tillich quoted in: Rumelili, p. 260.

²⁹ Rumelili, p. 260.

³⁰ Steele, p. 52.

³¹ Steele, p. 12.

³² Anthony Giddens, *The Constitution of Society* (Cambridge: Polity Press, 1984).

³³ Rumelili, p. 269.

³⁴ Krickel-Choi, p. 3.

³⁵ Saouli, *Hezbollah*.

³⁶ I prefer to use in the case of Hezbollah critical “episode” rather than “situation” as episodes denote an event that is part of a sequence of events, which in this case is the decades-long conflict between Hezbollah and Israel.

³⁷ Berenskötter, pp. 275.

³⁸ This section draws heavily on Chapter 2, “Being Hezbollah,” in: Saouli, *Hezbollah*, pp. 45-85.

of purpose and meaning. This, certainly, does not mean that Hezbollah's identity is fixed; indeed, its socialization in Lebanon and war-making with Israel has developed Hezbollah's identity over time.

As an APM, Hezbollah is a product of the rise of Islamism in the second half of the 20th century. Inspired by the Islamic Revolution in Iran and motivated by the Israeli invasion of Beirut, Hezbollah was born in the period 1978-1982. It conceives of itself as a transnational Islamist movement. Its strategic charter, *The Open Letter to the Downtrodden in the World* (1985), presents Hezbollah as a "member of the world Islamic *Umma*... tied to Muslims throughout the world by a strong religious and political bond that is Islam". In its Islamic-Shi'a identity, Hezbollah conceives of itself as a member of a historical movement, which starts with the Imamate of Ali (the fourth Muslim Caliph), the martyrdom of his son Imam Hussein, and the line of successor Imams that culminates in the twelfth Imam, Muhammad al-Mahdi, the Mahdi (Messiah) who disappeared in 869 AD, and whom the Shi'a believe will return to end corruption and bring peace and order to the world. Imam Khomeini's Islamic Revolution, which brought *Wilāyat al-Fakīh* (Guardianship of the Islamic Jurist) to religio-political rule in Iran, is conceived as a major milestone in the road to the return of the Mahdi. Hezbollah "abide by the orders of the single, wise and just authority" of the Faqih, Imam Khomeini until his death in 1989 and Ayatollah Khamenei since then. Hezbollah conceives of the Faqih as the "deputy of the Mahdi" who, in addition to his responsibility as the religious leader of the Islamic *Umma*, is also paving the way for the return of the Mahdi.³⁹

The last point, which relates to the *future*, is crucial to understanding Hezbollah's political mission. Since its emergence, Hezbollah has identified a set of clear political goals. *The Open Letter* called for resistance to the Israeli and US occupation of Lebanon en route to the liberation of Palestine from Zionism – liberating Jerusalem is the religio-political duty of every Muslim, the movement believes – and the region from US hegemony. Hezbollah gives religio-political meaning to these political struggles. Jihad against Israeli occupation and US "oppression", Hezbollah leaders believe, is not only a religious duty, but in the words of Naim Qassem, deputy of Hezbollah's Secretary-General "part of the practical and realistic operation of *tamhīd* (paving the way for] the return of the Mahdi".⁴⁰ Hezbollah is, thus, much more than a Lebanese resistance; "they are divinely soldiers in the support of the awaited Mahdi".⁴¹

These religio-political elements are essential components of Hezbollah's identity and its sense of being. They are crucial for the internal cohesion of the movement, for its ability to mobilize and retain members, to make sense of and shape the world in which it exists, and to justify actions and decisions. In other words, they constitute Hezbollah as a purposeful agent in the world. Importantly, it is these elements that have shaped Hezbollah's *socialization process* – how actors seek to integrate in, alter, or preserve socio-political contexts⁴² – in Lebanon and the region. Given this ideological depth, Hezbollah's socialization process has prioritized war-making with Israel, adopted *resistance* in the movement's discourse, and painstakingly tried to maintain domestic stability in Lebanon as a safeguard to its war with Israel.

Hezbollah's growth and development were shaped by its priority to resist Israel and to legitimize its presence as an APM in Lebanon in the period 1982-2000. The movement's success in driving Israel out of Lebanon in 2000, freeing all Lebanese detainees in Israeli prisons, and its survival in its 2006 war with Israel, which it considered a "Divine victory", have reinforced the movement's religio-political identity and mission. The movement's belief in God, the Prophet, and the awaited *Mahdi*, notes Qassem, made all this possible.⁴³ The goal of liberating Palestine has continued to shape the movement's mission, although

³⁹ Quoted in: Ibid., p. 63, see: pp. 63-67.

⁴⁰ Quoted in: Ibid., p. 70.

⁴¹ Ibrahim Amin al-Sayyid quoted in: Ibid., p. 70.

⁴² For a more elaborate discussion of this concept of "socialization", see: Ibid., pp. 26-32.

⁴³ Ibid., pp. 124-125.

Hezbollah emphasizes the need to preserve its armed status in Lebanon to “protect” the country against Israel.

Regionally, Hezbollah is a key member of the “Axis of Resistance”, the alliance that ties Iran, largely through its Islamic Revolutionary Guards, Syrian Regime, Ansar Allah (known as the Houthis), Islamic Jihad, and, despite their occasional disagreements, Hamas. In the past decade, Iraqi movements who believe in *Wilāyat al-Fakīh* became members of the regional alliance. With certain variations, the alliance shares Hezbollah’s (and Iran’s) goals. The alliance, one could argue, is a realization of Hezbollah’s strategy in *The Open Letter*, which announced that the movement’s “ambition is to make Lebanon an invisible part of the geopolitical landscape that is ruled by Islam...that is in opposition to the US, the arrogant world, and Zionism”.⁴⁴ Thirty years later, Hezbollah MP, Mohammad Fadlallah, would reiterate the same message in the wake of the Arab uprisings: there is a need to overcome political boundaries if “national security” is threatened, which justified the movement’s intervention in other countries. Maintaining the alliance, physically and ontologically, has been a strategic goal for Hezbollah. This goal, for example, explains the movement’s controversial and costly “pre-emptive” intervention in Syria in support of its authoritarian regime in 2012-2013 that aimed to prevent regime change, which could have led to the breakup of the alliance. In that war, Hezbollah’s physical security was at stake.⁴⁵ Hezbollah, along with Iran and Russia, ultimately saved Bashar Assad’s regime, which revealed Hezbollah’s capabilities and its regional influence, and, once again, reinforced its sense of being and mission.

In the past decade, Hezbollah and the other Palestinian organizations began to speak of an ambiguous concept, *Tawhīd al-Jabahāt* or *al-Sāḥāt* (lit. unifying arenas or fronts),⁴⁶ especially the ones surrounding Israel, in preparation for the “great war”. In August 2022, it was reported that Hasan Nasrallah met Palestinian leaders to discuss “unifying arenas”. Responding to Benjamin Netanyahu’s threats against Lebanon in May 2023, Nasrallah claimed “it is not you who threatens us of a great war; it is us who threaten you with one”. Any great war, he added, “will involve all fronts; it will be inundated with hundreds of thousands of fighters”.⁴⁷ It is with no doubt that Hezbollah’s trajectory since its birth and the narratives it has promoted, especially in the last decade, have fostered a certain, if polarizing, reputation for the movement. Its narratives have focused on its military power, perceived achievements, and goals which promised, among other aims, the liberation of Palestine. It set high expectations, especially amongst its own supporters.

7 October: Anxiety and Constrained Warfare

In his recorded speech after the 7 October attacks, Mohammad Al-Deif, Hamas’s military commander, called upon “our brothers in the resistance in Lebanon, Syria, Iraq, and Iran” to join the battle “for this is the day when all fronts will unite”.⁴⁸ Hamas’s attack, which Hezbollah confirmed it was unaware of,⁴⁹ prompted a critical episode which generated anxiety and uncertainty for Hezbollah. Its perceived *role* and *reputation* as a resistance movement in the Arab-Islamic world and its perceived moral *responsibility*, which emanates from its sense of being, was at stake: it had to act. Initial signs of this anxiety were Hezbollah’s

⁴⁴ Quoted in: Ibid., pp. 130-131.

⁴⁵ Adham Saouli, “Hezbollah’s Military Intervention in Syria: Causes and Consequences,” in: Raymond Hinnebusch & Adham Saouli (eds.), *The War for Syria: Regional and International Dimensions* (London: Routledge, 2020).

⁴⁶ Kassem Kassir, “The Phrases of ‘Unity of Fields [of Battle]’, ‘Unity of Fronts’ or ‘Axis of Resistance’: Between Slogan and Reality,” *Policy Paper*, Institute for Palestine Studies, 20 November 2023, accessed on 28/3/2024, at: <https://tinyurl.com/c3ayy233>

⁴⁷ Muhammad Hamdar, “Hal Satuwājih Isrā’īl ‘al-Ḥarb al-Kubrā’ ‘alā ‘Iddat Jabahāt?,” *BBC Arabic*, 11/10/2023, accessed on 28/3/2024, at: <https://tinyurl.com/4d4ttd2n>

⁴⁸ Ibid.

⁴⁹ See Hassan Nasrallah’s speech on 3 November 2023 at: “al-Sayyid Nassrallah: Tūfān al-Aqsā Assasa li-Marḥala Tārīkhiyya Jadīda.. wa-Kul al-Iḥtimālāt fī Jabhatinā Maftūḥa,” *Almanar*, 3/11/2023, accessed on 28/3/2024, at: <https://tinyurl.com/43wnksd7>

restrained military conduct in the first weeks of the war, which drew criticism from its allies and many supporters in the Arab world, who called on the movement to do more,⁵⁰ and the “ambiguous” silence of its leader, Nasrallah, in the first three weeks of the war.⁵¹ But despite that, Hezbollah was taking steps aimed at restoring its ontological security, which was deepening as Israel’s response was beginning to take the form of a genocidal campaign in Gaza. For example, by day 9 of the war, Israel had killed over 2,600 Palestinians.⁵² Hezbollah’s response took two interrelated dimensions. It engaged in what I describe here as “constrained warfare” and symbolic and discursive actions to sustain its social identity. The aim was to realize two goals: restore its ontological security *and* preserve its physical security. This is because Hezbollah faced a dilemma: if it stayed neutral, it would have risked its ontological security; on the other hand, if it engaged in an unpredictable full-scale war, it would endanger its physical security. To contain the anxiety, Hezbollah has tried to stitch two gaps: the first, between its narrative about the self and its actual behaviour in this episode, and the second to preserve the continuity of this social identity (with the ideals it carries) into the future. First, let us explore why Hezbollah engaged in constrained warfare.

The 7 October attacks disrupted more than 17 years of *relative* stability on the Lebanese-Israeli border, a routine that preserved what many have described as “rules of engagement” that structured the Hezbollah-Israeli relations on the border. This came to an end on 8 October 2023 when Hezbollah attacked Israeli posts in the Israel-occupied and contested Shebaa farms, which led to an Israeli retaliation. For the first six months of the conflict (at the time of writing), both parties escalated the level of the conflict but kept the war limited to mostly the Lebanese-Israeli border regions and with attempts to limit the targets to militants on both sides.

In the tit-for-tat confrontation on the border, each party has tried to deter the other, leading to a gradual but restrained escalation of the conflict. Hezbollah has targeted surveillance cameras and Israeli posts on the border, while Israel has targeted Hezbollah’s military leaders, and by 6 March had dropped 117 phosphoric bombs on areas on the border.⁵³ Hezbollah has used its precision guided missiles, including the Kornet and Borkan. Israel, bolstered by strong intelligence capabilities, has skillfully targetted military leaders of Hezbollah as well as Hamas leaders operating in Lebanon. On 3 January 2024, Israel assassinated Hamas deputy leader, Saleh Al-Arouri, in Beirut’s southern suburb, Hezbollah’s stronghold.⁵⁴ Hezbollah’s declared goals, as we shall see below, included support for Gaza to increase pressure on Israel and to “deter” it from invading Lebanon.⁵⁵ Israel, in turn, aimed to curb Hezbollah’s abilities, target its military infrastructure, urge Lebanon to implement UN 1701, and create a political wedge between Hezbollah and the Lebanese public.⁵⁶

Still, the question remains, what factors constrained Hezbollah’s war with Israel? Why was it a limited rather than a full-fledged war like 2006? Constrained warfare involves the purposeful attempts by combatants to restrain their use of violence due to political, moral, and military considerations.⁵⁷ Donald

⁵⁰ “Taḥaddath ‘an Dawr Ḥizballah.. Khālīd Mish‘al lil-‘Arabī: Musta‘idūn li-Kul al-Sināryuhāt,” *Alaraby*, 16/10/2023, accessed on 28/3/2024, at: <https://tinyurl.com/2afnd4cn>

⁵¹ “Miḥwar al-Mumāna’a.. al-Fikra wa-Ḥudūdūhā (4): Ḥizballah wa-l-Ḍarb Ḍimn Qawā‘id al-Ishtibāk,” *Aljazeera*, 31/1/2024, accessed on 29/3/2024, at: <https://tinyurl.com/mtzxuby>

⁵² “Rights expert finds ‘reasonable grounds’ genocide is being committed in Gaza,” *UN News*, 26/3/2024, accessed on 3/4/2024, at: <https://tinyurl.com/bdhta98>

⁵³ Justin Salhani, “Israel’s toxic legacy: White phosphorus bombs on south Lebanon,” *Aljazeera*, 25/3/2024, accessed on 29/3/2024, at: <https://tinyurl.com/4mmw3cxu>

⁵⁴ Lyse Doucet, “Hamas deputy leader Saleh al-Arouri’s assassination sparks wider war fears,” *BBC*, 3/1/2024, accessed on 3/4/2024, at: <https://tinyurl.com/2hrztbwc>

⁵⁵ Nasrallah declared these goals in his first speech on 3 November 2023. See: “al-Sayyid Nassrallah: Tūfān al-Aqṣā Assasa li-Marḥala Tārīkhiyya Jadīda.. wa-Kul al-Iḥtimālāt fī Jabhatinā Maftūḥa.”

⁵⁶ “Israel’s Defence Minister says strikes will increase against Hezbollah,” *Euronews*, 30/3/2024, accessed on 3/4/2024, at: <https://tinyurl.com/mrxz2k3p>

⁵⁷ Donald Stoker, *Why America Loses Wars: Limited War and US Strategy from the Korean War to the Present* (Cambridge: Cambridge University Press, 2019), pp. 86-87.

Stoker has identified some constraints that restrain state behaviour, but which are relevant to Hezbollah. These include uncertainty about the enemy's intention; fear of "third-party intervention"; geopolitical environment; domestic environment; and limited political goals.⁵⁸

a) Uncertainty about Israel's Intentions: When Hamas attacked Israel on 7 October, Hezbollah was caught by surprise. In a shocking and coordinated air, sea, and land offensive, Hamas infiltrated the Gaza-Israel border, attacked small towns, army bases, and an outdoor music festival, and simultaneously fired thousands of rockets into Israel, killing around 1,139 Israeli civilians and soldiers, and kidnapping around 250 Israelis. In response to the deadliest attack on Israel in its history, its far-right government, led by Netanyahu, declared a state of war, activating Article 40 of its Basic Law, and mobilized around 300,000 reservists. Israel announced its declared objective to eliminate Hamas in Gaza and to free the hostages. Another aim was to restore its deterrence. Israel's defence minister Yoav Gallant ordered a total blockade of Gaza, cutting its electricity and the entry of food and fuel. "We are fighting human animals", he announced.⁵⁹ He added that he "released all restraints": "whoever comes to decapitate, murder women, Holocaust survivors, we will eliminate them with all our might, and without compromise".⁶⁰

In the coming weeks and months, Israeli air, sea, and land offensives targeted Gaza's civil infrastructure, including its buildings, hospitals, schools, and universities causing (by the time of writing) the death of more than 30,000 people, including 13,000 children, injuring 71,000, and displacing 80% of the population, causing one of the worst humanitarian crises.⁶¹ The International Court of Justice "found it plausible that Israel's acts could amount to genocide". Israeli threats to "turn Beirut into a Gaza",⁶² have made it difficult for Hezbollah to predict how Israel would act. Hezbollah feared that Israel could exploit the Hamas attack and the regional and international support it garnered to attack and possibly eliminate Hezbollah.⁶³ There was a threat to its physical security.

b) Fear of Third-Party Intervention: Another constraint was the fear of US intervention in the war. The US, which offered military, diplomatic, and economic support to Israel, dispatched USS Gerald R. Ford, a carrier of "more than 75 aircraft and electromagnetic launch gear" which carries "five destroyers with Aegis air-defence radars and missile interceptors" to the eastern Mediterranean and a similar one, USS Dwight D. Eisenhower, to the Gulf. This supplemented its 30,000 military personnel with 2,000 marines.⁶⁴ US President Joe Biden threatened Hezbollah and Iran not to intervene in the war. His National Security advisor made it clear that the "president's movement of these assets [was] to send that clear message of deterrence to make clear that this war should not escalate".⁶⁵ The US quest to avoid an escalation of the war contributed to deterring an Israeli pre-emptive attack against Hezbollah.⁶⁶

c) Geopolitical Environment: A third constraint is the geopolitical environment. Hamas's attack on Israel drew wide international condemnation. Western powers, including the US, UK, and EU,

⁵⁸ Ibid., pp. 86-88.

⁵⁹ Quoted in: Emanuel Fabian, "Defense minister announces 'complete siege' of Gaza: No power, food or fuel," *The Times of Israel*, 9/10/2023, accessed on 21/2/2024, at: <https://tinyurl.com/4bm355nr>

⁶⁰ Quoted in: Emanuel Fabian & Jacob Magid, "Gallant: Israel moving to full offense, Gaza will never go back to what it once was," *The Times of Israel*, 10/10/2023, accessed on 22/2/2024, at: <https://tinyurl.com/2tx4ypyr>

⁶¹ "Rights expert finds 'reasonable grounds' genocide is being committed in Gaza."

⁶² Tovah Lazaroff, "Netanyahu to Hezbollah: If you attack, we'll turn Beirut into Gaza," *The Jerusalem Post*, 7/12/2023, accessed on 3/4/2024, at: <https://tinyurl.com/mshcahc6>

⁶³ See Naim Qassem interview on Lebanese Broadcasting Corporation aired on 5 March 2024 at: "Na'im Qāsim, Ḥalqa Khāṣa," *LBC*, 5/3/2024, accessed on 3/4/2024, at: <https://tinyurl.com/5dv4khtc>

⁶⁴ "The three steps on America's ladder of military escalation," *The Economist*, 25/10/2023, accessed on 31/10/2023, at: <https://tinyurl.com/2zbu9mjz>

⁶⁵ Peter Baker & Farnaz Fassihi, "Fearing Escalation, Biden Seeks to Deter Iran and Hezbollah," *The New York Times*, 15/10/2023, accessed on 24/2/2024, at: <https://tinyurl.com/4u2cd84c>

⁶⁶ Edward Wong, Ronen Bergman & Julian E. Barnes, "Biden and Aides Advise Israel to Avoid Widening War With Hezbollah Strike," *The New York Times*, 20/10/2024, accessed on 26/2/2024, at: <https://tinyurl.com/yx4s2wv5>

condemned the attack and supported Israel's "right to defend itself", a position that did not radically change for the first 3 months into the war despite the humanitarian catastrophe in Gaza.⁶⁷ Regional powers, including Saudi Arabia, Egypt, and the UAE, had sour relations with Hamas, perceiving the organization as "extremist"⁶⁸ (in 2014, they designated the Muslim Brotherhood from which Hamas emerged as a terrorist organization).⁶⁹ Despite the calibrated formal statements on the Hamas attack, which put the blame on the Israeli occupation and called for restraint, the US-allied states did not oppose Hamas's defeat and the weakening of the Iran-led Resistance Axis. It took almost one month for Arab and Muslim leaders to meet in Saudi Arabia and to call for an "immediate end to military operations", which had no practical impact whatsoever on the war.⁷⁰ The unfettered Western support for Israel, the Arab governments' acquiescence, an economically paralysed and politically fragmented Syria, and the absence of a substantive Russian or Chinese intervention have all constrained Hezbollah's actions and threatened to isolate it or its regional patron, Iran. Like the US, Iran consistently announced that it did not want a regional war, which partly explains Hezbollah's own restraint. Regional (and international) environments were not conducive to a full-fledged war.

d) Domestic Environment: Since its emergence in 1982, Hezbollah has operated at the intersection of two arenas: the divided society of Lebanon, where Hezbollah has striven to establish a legitimate existence; and war-making with Israel, which involved occasional combat and continuous preparation for war. Balancing the pressures arising from these two arenas has shaped Hezbollah's political development.⁷¹ The 7 October attacks came at a time when Lebanon was suffering from political paralysis and an economic crisis. Lebanon has no president and no governor for its central bank. It has a caretaker government and a deeply divided parliament. The country has been divided since 2005 when its former Prime Minister, Rafic Hariri, was assassinated. The assassination, the Syria war, which Hezbollah joined in 2012, and Hezbollah's politico-military influence in the country have deepened the divisions, creating political paralysis and state erosion. In October 2019, a national uprising took place against sectarianism, corruption, and economic failures. The uprising failed to uproot the political elite and deepened economic crisis, which was one of the worst in the country's history. The crisis led to the collapse of the currency, losing more than 98% of its pre-crisis value in 2023, an inflation averaging 171% in 2022,⁷² a drop of the GDP per capita by 36%, an increase in poverty levels, and a rise in the unemployment rate from around 11% in 2019 to 30% in 2022, with almost half of the population under the poverty line.⁷³ Moreover, the presence of Syrian refugees, the Covid-19 pandemic, and the 2020 Beirut Port explosion intensified the crisis. These domestic factors and the widespread opposition, even among allies, to Hezbollah's entry into war with Israel have constrained the armed movement's actions.⁷⁴ Hezbollah may have feared that a war could cause a catastrophic displacement crisis, especially for Lebanese southerners who form its main social base. Unlike the 2006 war, displaced populations would not necessarily find a hospitable climate in other parts of Lebanon, nor would disintegrated Syria be a viable option for them to resort to.

⁶⁷ "US vetoes another UN Security Council resolution urging Gaza war ceasefire," *Aljazeera*, 20/2/2024, accessed on 28/2/2024, at: <https://tinyurl.com/5dcr8ap9>

⁶⁸ Hassan Abu Hannieh, "Why does Saudi Arabia describe Hamas as a terrorist organisation?," *Middle East Monitor*, 9/3/2018, accessed on 2/3/2024, at: <https://tinyurl.com/bdhxn2s>

⁶⁹ "Saudi Arabia declares Muslim Brotherhood 'terrorist group'," *BBC News*, 7/3/2014, accessed on 2/3/2024, at: <https://tinyurl.com/yc53es5a>

⁷⁰ Aziz El Yaakoubi & Nayera Abdallah, "Arab and Muslim leaders demand immediate end to Gaza war," *Reuters*, 12/11/2023, accessed on 26/2/2024, at: <https://tinyurl.com/4dfsmrys>

⁷¹ Saouli, *Hezbollah*.

⁷² "Lebanon: Normalization of Crisis is No Road to Stabilization," *The World Bank*, 16/5/2023, accessed on 2/3/2024, at: <https://tinyurl.com/2jk6z5va>

⁷³ "The World Bank In Lebanon," *The World Bank*, accessed on 2/3/2024, at: <https://tinyurl.com/237dynt5>

⁷⁴ Niqola Nassif, "'Awn: Ḥaṭḥthartu Ḥizballah wa-Khā'if 'Alayh," *Al-Akhbar*, 15/3/2024, accessed on 3/4/2024, at: <https://tinyurl.com/498a8wcw>

e) **Limited Political Goals:** As Stoker observes, setting limited goals for a war might itself form a constraint on behaviour.⁷⁵ Great powers might do this because they do not treat a war as existential. In Hezbollah's case, the setting of limited political goals is a derivative of the constrained nature of the war, which we have just explored. Hezbollah identified its political goals in entering the war as "support and backing for Gaza" and announced that its war with Israel will not end until Israel ceases its onslaught on Gaza.⁷⁶

The above factors have constrained Hezbollah's actions, preventing the movement from engaging in a full-scale war. By restraining itself, Hezbollah was concerned about its physical security. In theory, Hezbollah could have remained neutral for its own survival and the safety of Lebanon, but it did not. It still engaged in a costly war, albeit constrained. By 10 March 2024, Hezbollah had lost around 222 of its members, 35 members of other Lebanese and Palestinian armed groups, one Lebanese soldier, 42 Lebanese civilians, and three journalists.⁷⁷ That is in addition to the displacement of around 90,000 from southern Lebanon,⁷⁸ suspension of schools and businesses in border areas, and the suffering of the agricultural and tourist sectors. Hezbollah believed that this "level of war was necessary as [a moral] duty for Palestine".⁷⁹

Reflecting on these multi-level pressures, Nasrallah justified Hezbollah's participation in the war by asserting that "[o]ur decision aligns the *strategic vision* with the need to support Gaza and take into account *Lebanese national interests*".⁸⁰ As OST assumes, "ontological security can conflict with physical security".⁸¹ In joining the war, Hezbollah was preserving and reproducing its identity: "a crucial requirement of a stable self-understanding is that one's actions can sustain it overtime".⁸² Doing otherwise would have exposed Hezbollah to shame and condemnation, but as I am arguing here, it could also erode its long-term strategy. In addition to war, through discourse and the reproduction of narratives, Hezbollah attempted to restore its ontological security.

On 25 October 2023, Nasrallah wrote a letter to media outlets associated with Hezbollah asking them to name all fighters who fall in the battle as "Martyrs on the road to Jerusalem". This naming, he added, "is an affirmation of the *identity* of the sacrifices made for the sake of Almighty God on our Lebanese borders with occupied Palestine...any new martyr is referred to as a martyr on the *road* to Jerusalem".⁸³ The speech-act here serves more than one purpose. It reaffirms a religio-political ideal and moral commitments that Hezbollah carries, which is important for the ideological stability of its own self-hood. But this is also orientated toward the reaffirmation of Hezbollah's commitment to its regional allies, an act that sustains the alliance and, by emphasizing the idea of "on the road to Jerusalem", Hezbollah is also shaping the future. Symbols matter for retaining members and for the legitimacy of the movement. Contrast this with AMAL, another Lebanese-Shi'a movement, which also joined the war, albeit on a smaller scale. AMAL labels its own fighters who fall in the war as martyrs in the "defence of Lebanon and the South". Asked why the slogans differ, an AMAL official said "we disagree with them [Hezbollah] on the military and

⁷⁵ Stoker, p. 87.

⁷⁶ See Nasrallah's speech on 3 November 2023: "al-Sayyid Nassrallah: Tūfān al-Aqsā Assasa li-Marḥala Tārīkhiyya Jadīda.. wa-Kul al-Iḥtimālāt fī Jabhatinā Maftūḥa."

⁷⁷ "Death Toll in Lebanon," *Lorient Today – Instagram*, accessed on 30/3/2024, at: <https://tinyurl.com/bd2nv5kz>

⁷⁸ Justin Salhani, "Israel's toxic legacy: White phosphorus bombs on south Lebanon," *Aljazeera*, 25/3/2024, accessed on 30/3/2024, at: <https://tinyurl.com/4mmw3cxu>

⁷⁹ See Naim Qassem interview on Lebanese Broadcasting Corporation aired on 5 March 2024: "Na'im Qāsim, Ḥalqa Khāṣa."

⁸⁰ "al-Naṣ al-Kāmil li-Kalimat al-Sayyid Naṣrallah bil-Thikrā al-Sanawiyya al-Rābi'a li-Istishhād al-Qā'idayn Sulaymānī wa-al-Muhandis," *Almanar*, 4/1/2024, accessed on 29/3/2024, at: <https://tinyurl.com/yznw9y5v>. Italics added.

⁸¹ Mitzen, p. 342; Steele, p. 2.

⁸² Mitzen, p. 344.

⁸³ For the letter, see: "Naṣrallah Ṭalab Tasmiyat 'Anāṣir 'Ḥizballah' al-Lathīn Saqaṭū Munthu Tishrīn al-Awwal bi-'al-Shuhadā' 'alā Ṭarīq al-Quds'," *Elnashra*, accessed on 29/3/2024, at: <https://tinyurl.com/5n6ex3b3>. Italics added.

strategic vision: they are with the unity of arenas in the Axis of Resistance and we are for the unity of Lebanese territories”.⁸⁴

To the outrage of many Lebanese, and potentially at a high political cost, Hezbollah opened the southern front to other Palestinian armed groups, including Hamas and Islamic Jihad, to conduct operations against Israel.⁸⁵ The action served more than one purpose. Hezbollah did not want to be associated with Arab regimes that are shamed for closing the borders in the face of groups who want to fight Israel and are accused of “protecting” Israel’s borders. But Hezbollah was also reaffirming its religio-political commitment to the common battle against Israel that unites Resistance Axis members, and once again narrowing the gap between its narratives and behaviour. In several speeches, Nasrallah stressed how various “arenas” and “fronts” have come to support Gaza in Lebanon, Syria, Yemen, and Iraq, and Iran’s crucial role in supporting and coordinating these efforts, which started before 7 October.⁸⁶ The actions taken by the movement, Nasrallah was affirming, bridge past actions to the present, represented in the Gaza war, and the future.

To debunk accusations that attempted to shame Hezbollah for not engaging sufficiently in the war, Hezbollah used its speeches to underline – and in so doing to restore its ontological security – the sacrifices it is enduring for Gaza and the price Israel is paying. The “Lebanese front”, asserted Nasrallah, “has attracted one-third of Israel’s armed forces ... half of its missile defence are targeting Lebanon ... and tens of thousands have vacated their settlements in the north ... which generates financial, psychological, and economic pressure” on Israel. “This is all a product of the battle on our borders”.⁸⁷ The Hezbollah-Israel war has been costly for Israel, but whether it has had a direct effect on Israel’s conduct in Gaza is not so certain.

The above discourse demonstrates how Hezbollah has attempted to restore its ontological security in this critical episode. Clearly, through constrained warfare and justificatory discourse, Hezbollah has tried to connect its identity and perceived moral commitments to its actions: “there is no doubt about the moral, legal, and religious basis for this battle; it is one of the greatest examples of martyrdom for the sake of Allah”, it emphasized.⁸⁸ It also has tried to link this critical episode to the future:

We pledge to [our martyrs] that we will continue this path as a resistance...and we will preserve their goals... and accumulate their achievements to reach victory. The final victory is coming, it is coming, God willing. Our generations will witness the liberation of Palestine and the liberation of Jerusalem. This fact will be proven in the coming days, weeks, months and years.⁸⁹

In attempting to restore its ontological security, Hezbollah was also reinstating its vision, which is key for its own sense of self-hood. In doing so, it was also trying to control the future.

Conclusion

This study has attempted to explain Hezbollah’s puzzling engagement in the Gaza war. Hezbollah did not engage in a full-fledged war, nor did it stay neutral. Rather, as the study has shown, it conducted a “constrained war” aiming to restore its ontological security and to cope with the anxiety caused in the wake of the 7 October attacks. Hezbollah, the study has found, has tried to balance between restoring its

⁸⁴ Quoted in: Amal Khalil, “Shuhadā’ al-Ḥaraka ‘alā Tārīq Lubnān’ | Amal fī Qalb al-Muwājaha: ‘Awda ilā al-Juthūr,” *Al-Akhbar*, 6/2/2024, accessed on 3/4/2023, at: <https://tinyurl.com/muzpn5es>. I thank Wassim Mroue for pointing out this idea to me.

⁸⁵ Kassir.

⁸⁶ “Kalimat al-Amīn al-‘Ām li-Ḥizballah Samāḥat al-Sayyid Ḥasan Naṣrallah fī Iḥtifāl Yawm al-Shahīd 11-11-2023,” *Almanar*, 11/11/2023, accessed on 3/4/2024, at: <https://tinyurl.com/bdfmpjjj>

⁸⁷ “al-Sayyid Nassrallah: Ṭūfān al-Aqṣā Assasa li-Marḥala Tārīkhiyya Jadīda.. wa-Kul al-Iḥtimālāt fī Jabhatinā Maftūḥa.”

⁸⁸ Ibid.

⁸⁹ “Kalimat al-Amīn al-‘Ām li-Ḥizballah Samāḥat al-Sayyid Ḥasan Naṣrallah fī Iḥtifāl Yawm al-Shahīd 11-11-2023.”

ontological security without jeopardizing its physical security. Through constrained warfare on the Lebanese-Israeli border and a series of discursive acts, Hezbollah has attempted to narrow the gap between its social identity and actions, and thus, it was sustaining its reputation and role as a “resistance movement” and those of the alliance, Resistance Axis, that it belongs to.

The Hezbollah case offers important theoretical insights. First, it shows how in certain critical episodes, physical and ontological securities can *interact* to explain outcomes. In Hezbollah’s case, aims to preserve the movement physically have shaped its approach to restore its ontological security. These attempts at ontological restoration paved the way for the sustenance of Hezbollah’s identity and regional alliance. Second, it reveals that actors need not perceive routines as ends in themselves. Routines may offer a predictable environment for actors which could reproduce their ontological security. In Hezbollah’s case, routines have been perceived as time intervals for possible disruptions. Indeed, stable periods have included elements – preparation for war – that may form ingredients for future disruptions. Hezbollah’s being, along with its sense of mission, is future-orientated. Whilst there is a risk that it could slip into stasis or political conservatism, failure to live up to its mission may lead to meaninglessness and erode its role, reputation, and need as an APM in a divided society.

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Policies without Sovereignty: Palestinian Electricity under Occupation in Gaza**

سياسات بلا سيادة: قطاع الكهرباء الفلسطيني تحت الاحتلال في غزة

Abstract: This study sheds light on the electricity sector in the Occupied Palestinian Territories since 1967, with a focus on the Gaza Strip. It explores the determinants of public policies regulating this sector following the establishment of the Palestinian Authority in 1993. The study addresses the outcomes of these policies and their impact on the electricity sector under occupation, and the repercussions of liberalizing the sector, which began with the establishment of the Oslo Accords' economic parameters and took root after 2008. The study proposes strengthening reliance on alternative energy sources for electricity production, and restructuring the electricity sector by centralizing production, distribution, and management through a national, public, and social corporation.

Keywords: Electricity Sector; Palestinian Authority; the Gaza Strip; the Israeli Occupation; Public Policy.

ملخص: تسلط هذه الدراسة الضوء على واقع قطاع الكهرباء في الأراضي الفلسطينية المحتلة بعد عام 1967، مع التركيز على قطاع غزة. وتبحث في محدّدات السياسات العامة التي تنظّم هذا القطاع بعد إنشاء السلطة الفلسطينية عام 1993، وتحلل مخرجات هذه السياسات على قطاع الكهرباء الفلسطيني ونتائجها، وآثار لبرلته التي بدأت مع وضع محدّدات أوصلو الاقتصادية وتجذرت بعد عام 2008. وتقترح الدراسة تعزيز الاعتماد على مصادر الطاقة البديلة لإنتاج الكهرباء، كما توصي بإعادة هيكلة هذا القطاع عبر مركزة الإنتاج والتوزيع والإدارة في شركة وطنية عامة اجتماعية.

كلمات مفتاحية: قطاع الكهرباء؛ السلطة الفلسطينية؛ قطاع غزة؛ الاحتلال الإسرائيلي؛ السياسات العامة.

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Introduction

Five days after the 7 October 2023 attack, dubbed “Operation Al-Aqsa Flood” by the Qassam Brigades, Israeli Energy Minister, Yisrael Katz, announced that his government would not allow electricity to be restored to Gaza until the Israeli hostages were returned.¹ He also threatened to bomb the only power plant in the Strip if it were operated,² which Human Rights Watch declared to be collective punishment amounting to a war crime. The Israeli army destroyed 70% of the electricity transmission and distribution networks in the Strip, and about 70% of its solar panels during the first month of the war alone.³

The events that followed 7 October are no exception to the treatment Gaza has endured under the siege imposed on the Strip since 2007. In a report on average daily power outages in Gaza in 2021, UNICEF estimated that such outages totalled 11 hours per day.⁴ Although outages are part of the broader crisis suffered by the Palestinian electricity sector under occupation, it has been more concentrated and severe in Gaza.

The ongoing electrical current deficit has led homes and industrial facilities in Gaza to rely on electrical generators which, by the year 2009, had grown in both size and capacity to the point where they could supply citizens with electricity outside the grid, notwithstanding crises lack of regulation and oversight.⁵ Overall, the comprehensive Israeli siege of the Gaza Strip, the internal political division, the deterioration of the local economy, and the weak governance of the electricity sector in Gaza, have led to the decline of this sector.

The total consumption of electricity in the West Bank and the Gaza Strip in 2019 amounted to approximately \$743 million, 89.86% (or 6,025 gigawatt hours (GWh)) of which was imported from Israel. Over the past three decades, the Gaza power station has produced about 591 GWh, making up only 10% of the total consumption of the West Bank and the Gaza Strip.⁶ The total household consumption comes to about 1,179.5 GWh distributed among 354,000 subscribers, compared to 608.4 GWh distributed among 4,000 subscribers in the industrial sector, and 665.9 GWh consumed by about 80,000 subscribers in the commercial sector.⁷

This paper explores the shortcomings in the Palestinian electricity sector and the resulting weak returns on the electricity policies under occupation, with a focus on the Gaza Strip, as development plans under the government of Salam Fayyad (2007-2013), as well as subsequent governments, gave priority to this sector. The study examines the public policy determinants in the Palestinian context, the strategies and laws regulating this sector, the corresponding application of these policies, and colonial restrictions on this sector. The paper reviews and analyses Palestinian political and legislative plans and systems. It traces the shifts in this sector, as well as their implications and repercussions.

¹ “Isrā’īl: Lan Nu’īd al-Kahrubā’ wa-l-Mā’ ilā Ghazzah ilā Ba’d I’ādat al-Rahā’in wa-l-Mukhtaṭafīn,” *Al-Hurra*, 10/12/2023, accessed on 10/1/2024, at: <https://2u.pw/YuRszda>

² “Mas’ūl: Khasā’ir Shabakat Kahrubā’ Ghazzah Tajāwazat 30 Milyūn Dūlār,” *Al-Arabiyya*, 22/10/2023, accessed on 10/1/2024, at: <https://2u.pw/Ul6lhki>

³ “Milḥim: 70% min Shabakāt Naql wa-Tawzī’ al-Kahrubā’ Tadammarat bi-Sabab el-’Udwān ‘alā Ghazzah,” *Wafā*, 8/11/2023, accessed on 10/1/2024, at: <http://tinyurl.com/y8bpz3nk>

⁴ “Ghazzah bi-Dūn Mā’ Wa-Lā Kahrubā’ wa-Lā Ghithā’: Mā Mawqif al-Qānūn al-Dawlī,” *BBC*, 17/10/2023, accessed on 10/1/2024, at: <http://tinyurl.com/md3kfa2n>

⁵ “Azmat al-Kahrubā’ fī Qiṭā’ Ghazzah: al-Ḥulūl al-Mumkina bayn al-Muwallidāt al-Tijāriyya wa-l-’Addād al-Dhakī,” *Fact Sheet*, Al-Meezan Center, accessed on 27/1/2024, at: <http://tinyurl.com/5739kf5w>

⁶ Palestinian Energy and Natural Resources Authority, *Taqrīr al-Ṭāqa al-Kahrubā’iyya fī Filasṭīn 2016-2019* (Ramallah: 2020), accessed on 10/2/2021, at: <https://bit.ly/3eVmDmS>

⁷ Ibid.

Determinants of Public Policymaking in Palestine

According to Ali Al-Jarbawi,⁸ development in the occupied territories prior to the Oslo Accords underwent three main phases. The first phase was marked by direct Arab support for projects in cities and villages, which helped strengthen infrastructure and social structure. The second phase coincided with the First Intifada after 1987, and witnessed dispersion in funding and support, while the third phase involved the direct, public or official? entry of foreign financiers. In Al-Jarbawi's view, the Israeli occupation depletes resources and restricts development capabilities that militate against its colonial project, which made it very difficult to institutionalize a development process without an autonomous, sovereign regulatory authority with a specific plan that links needs to development and unifies dispersed financing channels. Therefore, these hurdles must be overcome first to launch development, while at the same time avoiding corruption and its contributing factors.

While Palestinians have not succeeded in forming an independent authority, the Palestinian Authority (PA) inherited a warped legislative system in which Ottoman, British, Jordanian, and Egyptian laws, as well as Israeli military regulations were intertwined. It was also restricted economically by the Paris Economic Protocol signed in 1994 by the Palestine Liberation Organization and Israel, which forced the PA to remain in a single customs framework with Israel at a time when the latter was developing economically. The protocol restricted the PA's ability to formulate autonomous financial and monetary policies, subordinating it to Israeli hegemony. It also determined price differences and the sources from which vital commodities, such as fuel and energy sources, could be imported. Moreover, not satisfied with the restrictions imposed by the Paris Protocol, Israel added non-tariff barriers, most of them security-related, to hinder the development and growth of the Palestinian economy, while keeping it bound to Israeli importers and merchants.

Faced with complex and unprecedented circumstances in which direct and indirect colonialism intersected with neo-colonialism,⁹ the PA devised a unique model of public policymaking which directly affected the electricity sector while limiting the ability to develop not only this sector, but most other developmental sectors as well. The most important of these public policymaking determinants are as follows:

- **Compound dependency:** The fragility of funding led to a forced Palestinian dependency on two fronts. The first was a dependency on Israel, whereby the occupation maintained control over the flow of clearance funds, which are taxes Israel collects on behalf of the Palestinian Authority on goods imported to Palestinian merchants through Israeli crossings. Beginning in August 1997, the Israeli government began freezing these funds or manipulating their transfer to the Palestinian Authority as a form of political punishment. These funds were cut off for nearly two years, between December 2000 and December 2002, during the Al-Aqsa Intifada. This fragility was not incidental, but rather was consolidated by the Paris Protocol, which attached the economy of the emerging PA to the Israeli economy in both quantity and quality.¹⁰ By 2016, the burdens on the clearing bill under the net lending clause reached approximately \$1.714 billion, which exceeded the Palestinian public debt at that time. This amount was deducted in favour of Israeli supply companies, especially in the areas of electricity and water.¹¹

The second face of dependency is international aid, which has further subordinated the PA to the international financing agenda. Between 1993 and 2017, the Palestinian economy received about

⁸ Ali Al-Jarbawi, "al-Tanmiya fi al-Arāḍi al-Filasṭīniyya al-Muḥtallah: Shurūṭ al-Ilhāq wa-Shurūṭ al-Intilāq," *Palestinian Affairs*, no. 235-236-237 (November-December 1992), pp. 3-14.

⁹ Tariq Dana, "Madkhal li-Fahm al-Iqtisād al-Siyāsī lil-Arāḍi al-Filasṭīniyya al-Muḥtallah," *Omran*, vol. 8, no. 30 (Fall 2019), pp. 57-80.

¹⁰ S. S. Elmusa & M. El-Jaafari, "Power and Trade: The Israeli-Palestinian Economic Protocol," *Journal of Palestine Studies*, vol. 24, no. 2 (1995), pp. 14-32.

¹¹ Melki Suleiman, "Naḥw 20 Milyār Shīkil Khasirathā 'al-Maqāṣṣah' Khilāl 'Aqdayn bi-Sabab Band 'Istithnā'ī," *Al-Hayat Al-Jadida*, 16/11/2021, accessed on 8/18/2022, at: <https://bit.ly/3bQooD6>

\$36.2 billion, which was spent according to the requirements of liberal-market and institution building. In a comparison between poverty rates and the share of foreign aid, the figures show that the overall poverty rate hit 25.4% in 2004, with a \$323 per capita share of international aid. Conversely, poverty rates rose to 26.1% in 2008, despite the fact that per capita share of foreign aid had more than doubled to \$685.5.¹²

International aid is generally linked to political reality. In February 2019, former US President Donald Trump (2017-2021) announced the suspension of all forms of financial aid provided to the Palestinians, which was estimated at more than half a billion dollars annually, including funding for the United Nations Relief and Works Agency for Palestinian Refugees, and the direct funding for PA institutions and projects, civil society, and the private sector.¹³ This led to the paralysis of US-funded development projects without the Palestinians' being able to compensate for this loss on their own.

- **Lack of sovereignty:** The core of the development crisis in the Palestinian case lies in the absence of an independent state capable of taking genuine responsibility for development action. The process of policymaking under occupation and in the context of absolute Israeli control is complex. Palestinians have been robbed of the ability to invest their resources in what the Oslo Accords designated as "Area C", which covers more than 60% of the area of the West Bank and holds the resources that would be capable of bringing about real development, while production in the Gaza Strip has been besieged and severely affected since the year 2000

The lack of sovereignty limits any development of the electricity sector in the Occupied Palestinian Territories, specifically in the Gaza Strip. By 2006, the occupation had bombed six of the Strip's power plants, resulting in a sustained deficit in the available electrical current. Moreover, the occupation's control over the quantities and periods of fuel input came to determine how much electricity citizens could receive from the existing plant, which only produces around half of the electrical energy in the Gaza Strip, while Israel controls the other half, which the Gaza Strip imports directly from the Israeli supplier through ten supply lines. Citizens have attempted to resolve the crisis produced by the usurpation of their sovereignty by using commercial generators, which sell electricity to citizens with a limited supply capacity that covers parts of certain neighbourhoods and regions. By 2019 there were approximately 274 commercial generators that organized themselves into 125 companies,¹⁴ with approximately 50,000 subscribers. However, the operation of these generators is also dictated by the flow of fuel through crossings over which the Palestinians have no sovereignty. The occupation has further restricted the ability to bring generators into the Gaza Strip by requiring them to be fitted with Global Positioning System (GPS).¹⁵

- **Policy uncertainty:** Political deadlock, the lack of alternative solutions or a comprehensive Palestinian national vision, together with the entrenchment of settlement and Israeli settlers' hegemony over land and resources, have precluded any ability to predict and formulate clearly defined policies. The settler-colonial project renders any policy scenarios, be they optimistic or pessimistic, ineffective. Moreover, the compound dependency robs policies of the necessary implementation tools

In fact, policy uncertainty is a direct reflection of the nature of Palestinians' relationship with the occupation, which produces financial, political, and economic dependency, and renders Palestinian

¹² Jeremy Wildeman & Alaa Tartir, "Can Oslo's Failed Aid Model Be Laid to Rest?," *Al-Shabaka*, 18/9/2013, accessed on 23/7/2022, at: <https://bit.ly/3peDCF7>

¹³ Hiba Jaffal, "Waqf al-Musā'adāt al-Amīrkiyya lil-Sulṭa al-Filasṭīniyya wa-l-Baḥṭh 'an Qiyāda Badīla," *Situation Assessment*, Masarat Center, 2019, accessed on 16/2/2021, at <https://bit.ly/3IXmstk>

¹⁴ Ashraf Abu Musa, "Wāqī' al-Nazāha wa-l-Shafāfiyya wa-l-Musā'alah fī Idārat Qitā' al-Kahrubā' fī Qitā' Ghazzah," *Report Series*, no. 203, Aman, 2021.

¹⁵ "Azmat al-Kahrubā' fī Qitā' Ghazzah."

governmental policy-making meaningless, if not consciously adapted to the constantly changing determinants of the occupation. Thus, uncertainty extends to all sectors, beginning with individuals' daily lives. People experience uncertainty in mobility, transport, commercial exchange, and the ability to receive services, all of which are subject to the occupation's measures at checkpoints and crossings, and the security and political conditions imposed on movement and transportation, which in turn impact policy formulation and implementation and the governance system overall¹⁶

Former Palestinian Prime Minister Rami Hamdallah (2013-2019) addressed this during the opening of the Al-Jalama Electricity Transmission Station in the northern West Bank, stating:

We demand that Israel offer assistance and cooperation in support of our efforts to build power lines and generating stations. It must enable us to continue construction, development, and the exploitation of natural resources in Area C, control the revenues from energy sales there, establish an effective system for granting the necessary approvals and licenses to connect the transfer stations to each other, and build feeders from the transfer stations we have established. We also call on Israel to refrain from deducting the cost of energy consumption from Palestinian clearing funds.¹⁷

- **Enforced geographic discontinuity:** The geographical discontinuity between the West Bank and the Gaza Strip has always been an obstacle to public policy formulation, implementation, monitoring, and evaluation. The PA made efforts to engage in policy harmonization prior to 2000. However, the Second Intifada, the resulting shift to emergency financing, and the occupation's destruction of infrastructure on all levels rendered any talk of development a mere luxury, which led to a pause in policy action. The occupation also cut off communication between the Gaza Strip and the West Bank and besieged Jerusalem, removing it from the Palestinian policymaking sphere overall. In 2007, the crisis of geographical separation was further exacerbated by internal political division, which saw the National Authority and the Palestine Liberation Organization lose control over the Gaza Strip, as well as their ability to act and influence policy there.

This geographical separation has created a major policy challenge for the electricity sector. It prevents planning for sustainable development in electrical power given the impossibility of establishing a unified infrastructure and obtaining single supply sources, and due to the emergence of different ruling authorities in the two regions since the Hamas-Fatah division in 2007. It has also led to dual responsibility for the electricity sector in the Gaza Strip, and in the Gaza Electricity Company specifically, which was reflected in tasks such as revenue collection, financial statements, payment mechanisms, maintenance, and grid development. The electricity sector in Gaza has further faced political and administrative difficulties. In 2009, the European Union financed the plant's operation, supplying it with 88,000 cubic litres of fuel to generate 60-65 megawatts, which decreased to 4,500 cubic meters per month, enough to operate a 30-megawatt generator. This was followed by the crisis around the "blue" tax linked to the price of fuel, which Hamas demanded be lifted from the Gaza Strip, but the Palestinian government rejected this demand because the tax is automatically collected by the occupation. In 2015, a factional committee was formed to manage this sector; however, the Palestinian government stopped paying for electricity supplies through the Israeli supplier until 2017, when Qatar committed itself to bear the costs of the fuel needed to operate the plant as part of what came to be known as the Qatari grant.¹⁸

- **The business sector as a policy influencer:** Financial fragility provided an entry point for the banking sector, controlled by the business elite, to influence public policies in exchange for loans. Successive

¹⁶ Mark Griffiths & Mikko Joronen, "Governmentalizing Palestinian futures: uncertainty, anticipation, possibility," *Geografiska Annaler: Series B, Human Geography*, vol. 103, no. 4 (2021), pp. 352-366.

¹⁷ "Jinān: al-Ḥamdallah Yudashin Maḥaṭat Taḥwīl al-Ṭāqa al-Kahrubā'iyya fī al-Jalamah," *Wafa*, 10/7/2017, accessed on 11/2/2021, at: <https://bit.ly/3EsaMdk>

¹⁸ "Mu'ālajat Azmat al-Kahrubā' fī Qitā' Ghazzah," *Policy Analysis*, Masarat Center, 11 January 2023, accessed on 12/1/2024, at: <https://2u.pw/laqqhRw>

Palestinian governments borrowed from banks to fill financing gaps and cover expenses during periods when clearing funds had been interrupted. By the end of 2018, loans from the local banking sector made up approximately 54% of the total internal public debt.¹⁹

Successive financial crises also hindered the Palestinian government from paying private sector dues, which provided an additional entry point for the private sector to increase its impact on policymaking. By the end of 2018, cumulative private sector arrears owed by the Palestinian government came to nearly \$3.41 billion.²⁰

Given the nature of this relationship, businessmen with ties to the banking sector and government contracts became public policymaking actors, which triggered an increase in the costs of implementing policies and related programs. For example, government-sector supply prices are higher than those connected to contracts with other sectors to compensate for late payment. The government also accepts high interest rates and allows discussion of mandatory reserve rates²¹ in return for loans from the local banking sector. For example, Bashar Masri, Board Chairman for the Palestine Holding Company “PADICO”, announced a project in Gaza City to generate electricity from solar energy with a production capacity of about 50 megawatts and a cost of about \$60 million based on investing in public spaces along 45 km of Salah al-Din Street, which runs the length of the Strip from north and south, at a time when there was a reluctance to invest in Gaza.²²

The Electricity Sector in the Occupied Territories: Shackling, Domination, and Subordination

The Israeli strategy in the occupied territories since 1967 has been based on three main pillars: hindering development and preventing any Palestinian sector from developing and competing with counterpart sectors in Israel; exploiting resources for the benefit of the Israeli economy, including manpower, raw materials, and Palestinians as consumers; and developing settlements, including production. All these pillars necessitate preventing Palestinians from controlling their own resources, most importantly energy, which is essential for production and development, while its appropriation is a necessary condition for development impoverishment. Electricity is also a tool for controlling and punishing Palestinians. In 1967, Israeli Defence Minister Moshe Dayan stated, “When the electricity grid in Hebron is fed from the central (Israeli) grid, we can pull the plug and cut off the electricity, which is obviously better than a thousand curfews, or dispersing a thousand riots”.²³

In 1969, Israel gradually linked the Gaza Strip to the Israeli electricity grid, beginning with the large cities, especially Gaza City, followed by Khan Yunis and Deir al-Balah in 1970. Mayors and local council chairmen objected to this linkage and, in a meeting with Israeli Defence Minister Moshe Dayan, demanded the separation of grids immediately and that they be allowed to purchase their own generators. However, Dayan rejected this demand, asserting that it was necessary to supply the Strip with Israeli electricity to facilitate the work of his army patrols.²⁴

¹⁹ Nasr Abdel Karim, “Wāqī‘ al-Dayn al-‘Ām wa-Muta’akhhkharāt al-Qitā‘ al-Khāṣ fi Filasṭīn,” *Report*, Aman Coalition, 2019, accessed on 24/7/2022, at: <https://bit.ly/3Ex9yNJ>

²⁰ Ibid.

²¹ In an online meeting with journalists held on 12 April 2020, Palestinian Finance Minister Shukri Bishara stated that the Monetary Authority was about to reduce the mandatory reserve for the banking sector from 9% to 5% with the aim of providing liquidity of up to about US\$ 520 million. See: “Bishāra: Qarār Qarīb Li-Sulṭat al-Naqd Bi-Sha’n al-Iḥtiyāṭ al-Ilzāmī,” *al-iqtisadi*, 12/4/2020, accessed on 27/1/2024, at: <https://bit.ly/3T56Zqj>

²² “Bashār Maṣrī Yu’lin ‘an Mashrū’ Badiku ‘Tāqat Amal’ Li-Tawlīd al-Kahrubā’ fi Ghazzah,” *Padico*, 21/9/2023, accessed on 5/1/2024, at: <https://2u.pw/5JODAbE>

²³ Dana.

²⁴ Sarah Roy, *The Gaza Strip: The Political Economy of De-development* (Beirut: Institute for Palestine Studies, 1995), p. 192.

As talks about a path to peace gained steam in the late 1980s, the PLO's Department of Economic Affairs and Planning charged Youssef Sayegh²⁵ with managing a team to prepare a national development program called "The General Program for the Development of the Palestinian National Economy for the Years 1994-2000". Sayegh had reservations about the use of the term "energy" as long as this sector remained limited and weak in composition, and confined to electricity and related production, distribution, and subsequent extraction or development. The plan stated that Palestine lacked the natural resources needed to make the energy sector sustainable and independent, such as oil and natural gas, and that the sources of sustainable energy production such as hydroelectric sources, wind, and solar energy were limited, resulting in a restricted, narrow sector that depended almost entirely on energy imports. The plan described Israel as a monopolistic partner that had been foisted upon the Palestinian energy sector. The total production of generating stations run by municipalities and local companies in seven major cities was quite limited, coming to no more than 59 megawatts, or a mere 25% of total consumption at the time.²⁶

The crisis facing the future Palestinian entity in the electricity sector was related to structural dependency on the Israeli producer and importer, and the limited ability to produce energy with independent management and self-regulation. The plan stated that the relationship between the Palestinian and Israeli energy sectors was not one that could be quickly changed and dismantled. As such, it placed priority on developing and modernizing production capacities and infrastructure and expanding alternative sources. These priorities would be realized via three programs that would operate simultaneously, namely, an energy production program, an energy distribution program, and a program to enhance relevant institutional capabilities.²⁷

The plan proposed the establishment of a temporary diesel-operated plant in Gaza, while connecting the sector to the Egyptian grid pending completion of a modern, gas-operated plant that would cover rising demand until the year 2000. It is important to note that the plan proposed the creation of a national electricity company that would bear responsibility for production, distribution, administrative organization, and legislative framing, and which would be linked to an institution for the development and exploitation of alternative energy and energy conservation. The estimated cost of the proposed electricity sector development projects came to approximately \$376-457 million, in addition to \$25-30 million to be allocated for the proposed linkage.²⁸

In 1993, in a plan to counter that of Sayegh, the World Bank proposed gradual privatization, governance, and ousting municipalities of the ownership of electricity companies, as well as converting them into shareholding companies. According to the World Bank, the main problems facing the electricity sector were a lack of transparency and weak consumption and investment. It proposed short-term goals including improving efficiency by enhancing transparency and institution building, improving the quality of service, fostering cooperation with Israel, Egypt, and Jordan, financing through public bonds, and attracting local and foreign investors. However, the World Bank disregarded the issues of responsibility for infrastructure and supplying electricity to the settlements, arguing that these matters should be topics of bilateral negotiations.²⁹ During the following decades, this disregard became a common feature of interventions in Palestine by international institutions and donors. The World Bank plan estimated the support that would be needed

²⁵ Youssef Sayegh is a Palestinian economist and researcher, and former member of both the Palestinian National Council and the Executive Committee of the Palestine Liberation Organization. Sayegh helped establish the Palestinian Planning Center, which he managed until 1971, after which he served as director of the Palestinian National Fund.

²⁶ Palestine Liberation Organization - Department of Economic Affairs and Planning, *al-Barnāmiġ al- 'Ām li-Inmā' al-Iqtisād al-Waṭanī al-Filasṭīnī lil-Sanawāt 1993-2000* (Tunis: 1993), pp. 899-925.

²⁷ Ibid.

²⁸ Ibid.

²⁹ World Bank, *Developing the Occupied Territories: An Investment for Peace* (Washington DC: The World Bank, 1993), V5.

by the electricity sector at \$7 million in the short term, \$357 million in the mid-term, and \$600 million in the long term, for a total of \$967 million, including investment in infrastructure, technical capacities, and regional integration.³⁰

The Electricity Sector: Crisis of Policies and Restrictions

These determinants have had a major impact on Palestinian governments' ability to formulate effective public policies in the energy sector, especially the electricity sector. Hence, the PA has not been successful in achieving electricity independence and security, as the electricity coming from Israel constituted nearly 89.86% of the total energy consumed in the West Bank and the Gaza Strip.³¹ Meanwhile, Israel persisted in its policies of domination over the Palestinian energy sector, ensuring its dependence on Israeli production sources.

The Palestinian Energy Authority has overseen the energy sector since its establishment under Law No. 12 of 1995, which regulates the work of the Authority with respect to the electricity sector in terms of production, distribution, management, organization, monitoring, and responsibility for infrastructure, import, and export.³² However, these responsibilities clashed with the reality of this fragile sector and the existing centres of responsibility in which the municipalities were the main actors, such as the municipality of Nablus and hundreds of municipal and village councils that produced and distributed electricity via locally owned diesel-run generators either as partners in the Jerusalem Electricity Company in the central West Bank, or as producers and distributors.

Moreover, the net lending dilemma has constituted a continuous drain on Palestinian revenues. Net lending in 2015 amounted to approximately \$300.5 million; in 2017 it came to approximately \$271 million; and the cumulative value between 2003 and 2016 was nearly \$4.48 billion.³³ It is noteworthy that this direct deduction from funds to which Palestinians have the right, and which are collected by Israel, began in 1997 with a letter from the Palestinian Minister of Finance authorizing its Israeli counterpart to deduct the Gaza electricity bill from the Palestinian dues "which had been withheld at the time as a form of punishment".³⁴ The consequences of net lending, which are intertwined in the electricity sector in Gaza, became still more complex following the Palestinian division in 2007. In total, net lending for electricity related to Gaza amounts to nearly \$10.8 million per month.³⁵

The Palestinian Ministry of Finance estimated that net lending for 2013 came to about \$82 million, while \$211.2 million was deducted. This applies to electricity, as neither the Energy Authority nor the Palestinian Ministry of Finance has access to information, data, and actual bills indicating consumption. The access to information crisis was further exacerbated in the Gaza Strip after the Palestinian division of 2007, as these funds were deducted from the clearing funds without the Energy Authority or the Ministry of Finance receiving any reports on consumption and its value, bills, or what had been collected, and without the public treasury receiving any revenues.³⁶

To address this crisis, the Electricity Law of 2009 expanded the base of actors with responsibility. More specifically, this law laid out a comprehensive plan led by the Palestinian government to regulate

³⁰ Ibid.

³¹ Palestinian Energy and Natural Resources Authority.

³² "Qānūn Raqm (12) Li-Sanat 1995 Bi-Sha'n Inshā' Sulṭat al-Ṭāqā al-Filasṭīniyya," *al-Muqtafi*, accessed on 18/2/2021, at: <https://bit.ly/3VgZWg8>

³³ Muayyad Afaneh, *Ṣāfi al-Iqrāḍ.. Mu'dillah Tastanzif al-Muwāzannah al-Āmma Bi-Milyār Shīkil Sanawiyyan* (Ramallah: Aman Foundation, 2017).

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

this sector and shift responsibility for distribution to companies owned by municipalities and managed within the parameters of the private sector. Furthermore, this law included severe penalties for those who produced and distributed electricity without a license or who stole electricity, while allowing companies to cut off power to anyone who failed to pay bills over three consecutive months.³⁷

Table 1: Net Lending (2003-2016)

| Year | Net lending (in million USD) | Overhead expenses and net lending (in million USD) | Ratio of net lending to total expenditures (%) |
|------|----------------------------------|---|---|
| 2003 | 173 | 1635 | 10.58 |
| 2004 | 157 | 1528 | 10.27 |
| 2005 | 344 | 2281 | 15.08 |
| 2006 | 376 | 1707 | 22.03 |
| 2007 | 535 | 2877 | 18.6 |
| 2008 | 446.9 | 3487.7 | 12.81 |
| 2009 | 374 | 3375.9 | 11.08 |
| 2010 | 243.3 | 3200.1 | 7.6 |
| 2011 | 139 | 3256.9 | 4.27 |
| 2012 | 277.2 | 3258.2 | 8.51 |
| 2013 | 211.2 | 3419.1 | 6.18 |
| 2014 | 287.4 | 3606.9 | 7.97 |
| 2015 | 300.5 | 3621.4 | 8.3 |
| 2016 | 269.8 | 3878.2 | 6.96 |

Source: Muayyad Afaneh, *Ṣāfi al-Iqrāḍ.. Mu'ḍillah Tastanzif al-Muwāzannah al-ʿĀmma Bi-Milyār Shīkil Sanawiyyan* (Ramallah: Aman Foundation, 2017).

Policies Without Sovereignty: Limited Impact

Israel is a member of the Ad Hoc Liaison Committee (AHLC), which supervises planning and policymaking related to international support. This committee includes international donors, both institutions and governments,³⁸ and encompasses four strategic groups specializing in governance, infrastructure, economy, and social development. Israel's membership in the AHLC gives it and the donors the opportunity to register

³⁷ Qānūn Raqm (13) Li-Sanat 2009 Bi-Sha'n Qānūn al-Kahrubā' al-ʿĀm," *al-Muqtafi*, accessed on 19/2/2021, at: <https://bit.ly/3ST8Y18>

³⁸ AHLC is the main body responsible for coordinating aid to the Palestinian Authority. Established in 1993, it meets periodically in Brussels or New York. It is chaired by the Kingdom of Norway and consists of 15 members, including key donors from the European Union, Arab countries, the United States and Japan, in addition to relevant international institutions.

their objection to Palestinian plans, programs, and policy frameworks, which are rendered without value if they fail to obtain Israeli approval for implementation and funding from donors.³⁹

Within the AHLC framework, Palestinians are absent from two important committees, namely, the joint liaison committee and the project implementation task force. In both committees, Israelis and donors work directly to coordinate in implementing projects and overcoming the obstacles they face. This situation robs Palestinians of any ownership or sovereignty over planning or implementation, while reinforcing donors' roles as financiers sustaining the occupation.⁴⁰ In this context, Israel has deliberately obstructed many projects and programs that are inconsistent with its policies, including the 2012 Gaza reconstruction program, which Israel thwarted with bureaucratic and security obstacles. Consequently, Prime Minister Salam Fayyad's approach to institution-building for liberation and independence, which was supported by international donors, failed due to declining growth rates that rendered his programs unsustainable.⁴¹

In this context, Palestinian institutions were immersed in administrative reform, developing institutional structures, and aligning them with the parameters of the market economy, with no opportunity to formulate policies to disengage from the occupation and establish an independent electricity production system. It is also important to note that, until recently, the occupation has prevented the PA from investing in gas in the "Gaza Marine" field, which was discovered in 1999, and whose reserves have been estimated at nearly 1 trillion cubic feet of natural gas with a value exceeding \$5.3 billion, in addition to oil reserves in Area C in the West Bank, which together would be sufficient to fully secure the Palestinian electricity sector.⁴²

The Palestinian government has attempted to develop alternative sources of energy production. It launched the National Alternative Energy Strategy in 2012; and then approved Decree Law No. 14 of 2015 regarding renewable energy and energy efficiency to encourage and enhance investment in the field of alternative energy.⁴³ Although the strategy set a goal of producing 130 megawatts by 2020, production came to no more than 100 megawatts by the end of that year. Alternative energy production focused on solar energy, including several projects implemented by the Palestine Investment Fund, self-generation projects by a number of universities and hospitals, and projects to generate electrical power for factories, schools, and mosques.⁴⁴

Solar energy has proven its efficiency in providing solutions to the electricity dilemma in the Gaza Strip. Vital facilities such as hospitals, schools, and universities have been provided with solar energy panels, and renewable energy has constituted the exclusive energy source for treating wastewater in the Strip, thus presenting a radical environmental solution. PADICO has inaugurated a huge project to produce electricity through solar energy in the Strip with an investment of approximately \$12 million, including the installation of 21,000 solar cells serving 32 facilities in Gaza Industrial City, with a production of approximately 7.3 megawatts. About 25-30% of homeowners in the Gaza Strip have been forced to rely on alternative energy sources for at least part of their electricity needs in light of a nearly 50% deficit in the energy supplied to Gaza, whereby consumers access electrical current for just 4-8 hours per day.⁴⁵

³⁹ Hadil Qazzaz, *al-Musā'adāt al-Dawliyya fī al-Daffa al-Gharbiyya wa-Qitā' Ghazzah* (Beirut: Institute for Palestine Studies, 2016), p. 57.

⁴⁰ Palestinian Energy and Natural Resources Authority.

⁴¹ Ibrahim al-Shaqqi & Joanna Springer, "Faṣl al-Hukm 'an al-Iqtisād fī Filasṭīn: Waṣfa Fāshila li-Dawla Fāshila," *Position Paper*, Palestinian Policy Network, 2015, accessed on 21/2/2021, at: <https://bit.ly/3eZ4FA8>

⁴² UNCTAD, *al-Takālīf al-Iqtisādiyya lil-Iḥtilāl al-Isrā'īlī 'alā al-Sha'b al-Filasṭīnī: Imkāniyyāt al-Niḡ wa-l-Ghāz al-Tabī'ī al-Latī Lam Tataḥaqaq* (New York: United Nations, 2019), accessed on 22/2/2021, at: <https://bit.ly/3Eviljm>

⁴³ Palestinian Energy and Natural Resources Authority.

⁴⁴ Ibid.

⁴⁵ "Badiku Taftatīh Mashrū' Tawliḍ al-Ṭāqa al-Kahrubā'iyya fī Ghazzah," *Wafa*, 10/3/2021, accessed on 21/7/2021 at: <https://bit.ly/3VivTod>

However, the Palestinian government still views renewable energy sources as supplementary in nature. This can be seen in the modest nature of the facilities provided, in addition to tax and customs barriers related to alternative energy production inputs, such as solar cells, batteries, and turbines. In the same context, mechanisms for investing surplus household electrical energy production are haphazard, and no binding law exists to guarantee citizens a return on such a surplus.

Conclusion

Israel imposes direct and complete control over the Palestinian energy sector as part of its colonial vision of conflict management. The Palestinian electricity sector, and its energy sector in general, became more complex after the establishment of the Palestinian National Authority, which adopted a liberal approach to public policymaking without challenging the restrictions entailed by Israeli domination, subordination, and exploitation. This resulted in distorted policies which entrenched the occupation as a semi-monopolistic supplier of energy, a situation which was reinforced after the division of 2007. The policies which aimed to restructure this sector after 2008 failed because they were based on neoliberal approaches that did not break with their founding vision or address the complexities of the aforementioned division. Instead, electricity went from being treated as a right to being treated as a business position and a paid service.

The crisis surrounding the electricity sector in the Occupied Palestinian Territories is structural in essence, and there is no far-reaching solution to it under occupation. However, the study presents two basic political proposals to mitigate the state of absolute dependency and reproduce the relationship with citizens. The first proposal is to establish more serious official interventions for alternative energy production. As such, it is important to strengthen public policies and private investment in energy production from renewable sources, which requires more facilities and incentives for both the consumer and the investor, as well as collaboration with international partners to facilitate the import of production inputs for this sector. Energy from renewable sources in Palestine is not limited to solar energy. Rather, it is also possible to invest in wind energy and facilitate the introduction of turbines for a pilot station that is planned to be constructed in the northern West Bank.

The second proposal is to restructure the electricity sector at the levels of production, supply, management, and the relationship with citizens apart from the rules of the market economy. This involves establishing a national public social company to manage the electricity sector. Given the current weakness of social entrepreneurship projects and companies in Palestine, it is the government's responsibility to protect and nurture this model by providing the financing, management, and organization it requires to succeed. This model would provide a solution that balances reduced reliance on the occupation as a monopolistic source of energy, the right of citizens to obtain sustainable energy at fair prices, and local authorities' need to allocate a portion of energy revenues for the public benefit, while ensuring efficient production and distribution. To this end, it may be more appropriate to increase the efficiency of the electricity sector by merging the national transport company with a unified national distribution company, so that the link between the producer or external source and the end consumer is a single unbroken line.

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How Israel Lost the 2023 Gaza Propaganda War

الدعاية في الحرب على غزة 2023: كيف خسرت إسرائيل سرديتها؟

Abstract: This study sheds light on the Israeli propaganda narrative during the ongoing Israeli genocide in Gaza. It is based on a qualitative content analysis of the messages that shaped the narratives, methods, and techniques utilized by the Israeli propaganda discourse in a persistent attempt to shape global perceptions of war and conflict. The Israeli narrative dominated the first three weeks of the war, and the Western mainstream media fully adopted the Israeli perspective for a long time, but the first indications of a shift in the global perception of the war began on 17 October 2023, the night of the bombing of the Al-Ahli Arab Hospital in Gaza city. At the end of the first month of the war, a new narrative emerged, primarily visible on digital media platforms, that clearly contradicts the Israeli propaganda narrative.

Keywords: The Israeli War on Gaza; Israeli Propaganda; Media; Digital Media.

ملخص: تسلط هذه الورقة الضوء على الرواية الدعائية الإسرائيلية، خلال الإبادة الجماعية الإسرائيلية المتواصلة في غزة، بالاعتماد على تحليل المحتوى الكيفي للرسائل المشككة لهذه الرواية، والأساليب التي يستخدمها خطاب الدعاية الإسرائيلي في محاولته المستمرة بناء التصور العالمي للحرب والصراع. لقد هيمنت الرواية الإسرائيلية على مدى الأسابيع الثلاثة الأولى للحرب، وتبنت وسائل الإعلام الغربية الرئيسة المنظور الإسرائيلي كلياً لفترة طويلة. لكن المؤشرات الأولى لتحوّل التصور العالمي للحرب بدأت، في 17 أكتوبر/ تشرين الأول 2023، بعد قصف المستشفى الأهلي العربي في مدينة غزة. ومع نهاية الشهر الأول من الحرب، ظهرت رواية جديدة على منصات الإعلام الرقمي أساساً، وهي في تناقض واضح مع الرواية الدعائية الإسرائيلية.

كلمات مفتاحية: الحرب الإسرائيلية على غزة؛ الدعاية الإسرائيلية؛ الإعلام؛ الإعلام الرقمي.

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Introduction

It is often said that “Words start wars and end them”. In this sense, propaganda, and psychological warfare are vital weapons in contemporary wars and are closely linked to the power and influence of the media. They have been used in the modern era to subjugate and destroy the morale of adversaries.

Such tools had already played a role in World War I, but World War II became a turning point with the trial of new methods in this field. Subsequently, rival camps in the Cold War adopted soft power tools to influence and manage public perceptions and beliefs. The US-led wars on Iraq were another arena for the development of propaganda and media warfare, to the point where the 1990-1991 Gulf War became the first war in which the victory was broadcasted live on television screens, turning it into a televised national drama.¹

The initial phase of Israel’s current war on the Gaza Strip was accompanied by an unprecedented propaganda campaign that drummed up enormous global support for Israel. But Israel gradually began to lose its grip on the narrative in most parts of the world, including the West. While most Western governments, led by the United States, continue to support Israel’s military operations, public opinion in much of the world has shifted dramatically in favour of the Palestinian narrative.

This paper argues that the war launched by Israel on Gaza in October 2023 represents a new chapter in the history of propaganda and psychological warfare. It explores how and why the Israeli propaganda narrative has ceded ground to the pro-Palestinian narrative over the course of the Gaza war. The paper analyses the content of the narratives and methods that each side has used in its attempts to shape global perceptions of the war.

Hasbara in Peril

At dawn on 7 October 2023, news of a Palestinian attack on Israeli forces and settlements northern the Gaza Strip broke around the world and quickly sparked an unprecedented propaganda campaign that manifested in three phases during the first two months of the war. Initially, it sought to shape the narrative around what happened on 7 October and create a global consensus in favour of Israel. During the second phase, Israel shifted its focus to justifying its brutal campaign of airstrikes, which had killed around 20,000 Palestinians by the 75th day of the war, destroying 60% of the Gaza Strip’s infrastructure in an operation that has compelled the International Court of Justice to warn of a possible genocide. In the third stage, Israel’s propaganda moved toward justifying its forced displacement of Palestinians and its vision of an Israeli victory.

Israel has utilized in this propaganda every possible media and communication tool to win over global support. It has designed and deployed wartime public relations campaigns, flooding social media with harsh and emotionally charged propaganda as well as running sustained communication campaigns via major international media outlets and by embedding dozens of journalists with its troops on the front lines. It has also taken dozens of journalists in military vehicles for tours of its ground incursion in northern Gaza.

Furthermore, Israel has waged a public diplomacy campaign to bolster its direct and indirect propaganda goals, including hosting successive solidarity visits by heads of state and diplomats to express their support for the Israeli war. These politicians were followed by a stream of prominent writers, artists, and business figures. The Israeli agency handling these campaigns developed a programme for these personalities that includes visits to the towns and kibbutzim in the so-called “Gaza envelope” that bore the brunt of the Palestinian attack.

¹ Douglas Kellner, *The Persian Gulf TV War* (Boulder, Co: Westview Press, 1992).

The Israeli Ministry of Foreign Affairs and the network of institutions and units responsible for producing Israeli propaganda – *hasbara* or “explaining one’s actions” in Hebrew – were quick to flood social media with their messaging. Such campaigns justifying wars are not new but what was new in this Israeli campaign was its unprecedented momentum and the sums of money invested in it.

Israel bought paid advertisements exhibiting dozens of images and videos full of brutal and emotionally charged scenes that allegedly took place on 7 October. The campaign began on X (formerly Twitter) and YouTube, before moving to other platforms. In the first week of the war alone, Israel paid for 30 sponsored ads on X, mainly aimed at European, particularly British, and American viewers. YouTube has hosted more than 75 different ads by the Israeli Ministry of Foreign Affairs, directed at viewers in Western countries, in multiple languages.²

The ads portrayed the Palestinian Islamic resistance group Hamas as an “evil terrorist group” in the same vein as ISIS. They depicted scenes of abuse, including horrific images such as a picture of a naked, lifeless woman in a pickup truck, overlaid with messages such as “The world has defeated ISIS. The world will defeat Hamas”. Another series of videos combined scenes of executions committed by ISIS with scenes purportedly featuring Hamas and other Palestinian fighters.

As Israel flooded the internet with its propaganda during the first weeks of the war, it sought to impose a total communications blackout on Gaza, knocking out its communications infrastructure with air strikes. Israel also revisited the strategy it had used during the 2008-2009 and 2014 wars on Gaza to control the narrative and determine the media agenda, particularly online.³ At the same time, the Israeli Ministry of Foreign Affairs launched a campaign to put up posters of Israelis believed to be in Hamas custody on city walls around the world.⁴

The Israeli Army Spokesperson’s Office further produced a 47-minute propaganda film titled “Bearing Witness to the October 7th Massacre”, which became an essential part of the propaganda presented to Israel’s guests, including presidents, political officials, and other personalities such as businessman Elon Musk. The film, made up of video clips collected from mobile phones and from Tik Tok, documents in detail every mutilated, charred corpse with multiple bullet wounds, scenes its producers claim were gathered from the battlefield during the Hamas attack.

The film’s producers claimed that the footage could largely be credited to Hamas itself, as its fighters left behind a wealth of visual and audio evidence from body cameras and cell phones. The remainder is mostly footage found on devices belonging to Israeli victims and first responders, as well as security cameras. The film was accused of containing false and doctored footage, even though the Israeli censorship agency had said it avoided using footage of rape or sexual assault, children (particularly infants) being exposed to harm or torture, or people being burned alive, in respect to the wishes of the victims’ families.⁵

The film does, however, show several bloodied bodies lying in a room with dead children, along with a man who is still alive. A gunman seizes an object and holds it to the man’s neck, and the screen goes black. It is clear that the film, whose producers say it relied on footage taken on 7 October, was carefully produced, implying that Israel wants to document what happened to prevent any denial of the massacre. The

² Liv Martin, Clothilde Goujard & Haley Fuchs, “Israel Floods Social Media to Shape Opinion around the War,” *Politico*, 17/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/4pk2rtus>

³ Thomas D. Mayfield, “A Commander’s Strategy for Social Media,” *Joint Forces Quarterly*, no. 60 (1st Quarter 2011), pp. 79-83.

⁴ Desiree Adib, “Amid Israel-Hamas Conflict, ‘Information War’ Plays out on Social Media, Experts Say,” *ABC News*, 24/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/27bvru54>

⁵ Jennifer Stefano, “Watching Video Footage of the Heinous Hamas Attacks on Oct. 7 is a Moral Obligation,” *The Philadelphia Inquirer*, 20/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/26x6vwt5>

strategy is reminiscent of Dwight Eisenhower's order that the horrors of the Holocaust be documented as World War II came to an end.⁶

"Bearing Witness" was first shown on 23 October 2023 to a group of journalists, and then to members of the Knesset. In the following weeks, more screenings were organized in several cities around the world, including Philadelphia, New York, and London. The film was also shown at the Museum of Tolerance in Los Angeles, where it was watched by politicians, journalists, movie stars, business figures and others, as protestors were demonstrating outside the museum against the movie.⁷

The Israeli Army Spokesperson's Office uploaded dozens of propaganda videos on its YouTube channel,⁸ portraying Hamas as a brutal terrorist group and humanizing members of the Israeli army, whether hostages or those currently fighting in Gaza. The videos showed intimate scenes of the Israeli army in their homes and with their children. There is a particular focus on female soldiers, emphasizing both their strength and their humanity.

The Ministry of Diaspora Affairs and Combating Antisemitism has also organized propaganda campaigns,⁹ involving dozens of professionally produced videos, some of which feature the stories of Israeli households and families allegedly attacked by Palestinian fighters on 7 October. They also include testimonies of survivors from the Nova music festival, which was being held just outside northern Gaza when the attack took place, and testimonies of Israeli girls at the party who claimed that they were forced to hide in a rubbish bin to escape being shot. Testimonies from people of multiple nationalities, including Arabs, were also provided. One video about Israeli prisoners held by Hamas features Santa Claus happily reading letters from children from around the world. Then he comes across a letter from a girl in Israel, informing him of what happened on 7 October: "Dear Santa, I am writing to you for the first time. On 7 October, evil men came to our house. They injured my mother and my little sister and kidnapped my father. I was left on my own. I hope you can help me bring my father home". Santa then bursts into tears.¹⁰

The idea of Hasbara emerged in the 1980s, as Israel trained new leaders for its public diplomacy campaigns, combining its propaganda efforts with the concepts of public diplomacy and political marketing that were growing in popularity at the time. Such efforts date back to the early days of the Zionist movement, when its first figurehead Theodor Herzl had urged attendees at the Zionist Congress in 1899 to engage in promotional propaganda for their project. At the time, the term "propaganda" was still largely neutral. The term gained prominence during World War II and was widely used by the Nazis, while the Soviets also referred to it in a positive sense during the Cold War. The term acquired a negative meaning from a Western perspective to refer to communications based on deception and manipulation. In this context, the Israelis invented the concept of Hasbara.

Israeli Prime Minister Benjamin Netanyahu re-established the Hasbara doctrine, arguing that Israel does not need to change itself or improve its policies, it just needs to better explain "the morality of its cause" to the world.¹¹ Thereby, Israel has made powerful use of the digital media environment in its contemporary Hasbara efforts, even though Hasbara by its nature involves *disrupting* access to reliable information

⁶ Sloan Oliver, "Bearing Witness to the Evil of Hamas," *The Monroe County Reporter*, 15/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/564wwhej>

⁷ Andrew Wallenstein, "After Seeing Israel's Gory Oct. 7 Hamas Attack Footage, I Say You Shouldn't – Yet," *Variety*, 16/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/3bky4b6r>

⁸ Israel Defense Forces, IDF, Spokesperson's Unit Videos, YouTube, accessed on 23/12/2023, at: <http://tinyurl.com/yc2jmbxb>

⁹ "Israel is under attack," Ministry of Diaspora Affairs and Combating Antisemitism, Israel National Digital Agency, accessed on 23/12/2023, at: <http://tinyurl.com/3mnhy8zj>

¹⁰ "Hostages and Their Families Speak," Israel National Digital Agency, 19/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/32yxa2e9>

¹¹ Anshel Pfeffer, "Screening Hamas Atrocities: Why Hasbara Is Another Israeli Concept that's Failed," *Haaretz*, 26/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/43y6avau>

through a wide range of technologies. But the strategy's fundamental goals remain to legitimize certain perceptions and delegitimize others by relying on narratives that reinforce stereotypes through imposing positive or pejorative labels on information and its sources.¹²

In recent decades, Israel's Hasbara apparatus has grown into a vast machine that incorporates a string of government agencies and domestic and foreign programmes. These include the Prime Minister's Office, the Ministry of Foreign Affairs, the Israeli Army Spokesperson's Unit, the Jewish Agency, and the Ministry of Tourism,¹³ as well as programmes such as fellowships and scholarships for students in communications and related disciplines. In 2009, Israeli leaders realized that the 2006 and 2008-2009 wars had inflicted significant damage on the country's reputation. In response, the Washington-based Israel Project conducted an extensive study in how Israel could reintegrate its image into the mainstream media, generating what it called its "Global Language Dictionary",¹⁴ drawn up by Republican expert Frank Luntz, which serves as a guide for prominent Israelis and defenders of Israel.¹⁵ A review of this dictionary reveals echoes of the current tactics being used by Israeli and US political leaders alike, who are putting the now well-evolved Hasbara machine to the test.

Propaganda Approaches

The propaganda campaign that has accompanied the 2023 war on Gaza is the largest in Israel's history. But this wave of propaganda has rapidly collapsed, despite its scale and early successes, as reflected in evidence presented by the international media. Indeed, Israel owed the success of its propaganda in the first three weeks of the war to several factors. The first was the shock inflicted by the attack on 7 October. Flooding the world with this discourse was an important driver of international support for Israel and helped create the political and moral justification for its onslaught in Gaza. The second factor was Israel's significant investment in the digital environment, forking out about \$60 million in paid advertisements on social media networks in the first month of the war alone.¹⁶ This is due to Israel's conviction of the importance of moving quickly to shape the world's first impressions of events. The third factor was Israel's investment in the global reputation of its army, portraying its operations as professional and carefully planned so as to not target civilians, and claiming that the army was capable of achieving its goals of self-defence while respecting human rights and international law.¹⁷ However, as explained below, these three factors subsequently contributed to the decline and, ultimately, the defeat of Israel's propaganda campaign.

During the successful early weeks of the war, Israel and its supporters focused their propaganda on a set of interrelated narratives that are structurally complex, dating back far into the history of Zionist propaganda. The following are some of the most prominent narratives:

1. Israel as the "Victim"

Early Zionist and then Israeli propaganda were historically based on Jewish victimhood; e victims of anti-Semitism, the Holocaust, hatred, terrorism, and Arabs. For more than seven and a half decades, Palestinians

¹² Chas W. Freeman, Jr, "Hasbara and the Control of Narrative as an Element of Strategy," Middle East Policy Council, accessed on 23/12/2023, at: <http://tinyurl.com/345u4sfw>

¹³ "The Hasbara Apparatus: Units, Tasks and Areas of Responsibility," The Center for the Renewal of Democracy, Molad, accessed on 23/12/2023, at: <http://tinyurl.com/4nuz7kn6>

¹⁴ Dr. Frank Luntz, *The Israel Project's 2009: Global Language Dictionary*, The Israel Project for Security, Freedom and Peace (Jerusalem/Washington, DC: The Israel Project (TIP), 2009).

¹⁵ M. Reza Behnam, "Uncovering Israeli Propaganda: Wars to Wage with Words to Bamboozle," *CounterPunch*, 16/8/2023, accessed on 23/12/2023, at: <http://tinyurl.com/778b5m2v>

¹⁶ Martin, Goujard & Fuchs.

¹⁷ "Prisoners, Propaganda, and the Battle over the Gaza War Narrative," *The Intercept*, 29/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/mr3mmaej>

and Israelis have been fighting over this narrative of victimhood, as each side attempts to convince the world that they are the only injured party.

Much research has established that the notion of status in contemporary international relations is not limited to physical, military, and economic power, but may also come from the ability to contribute to peace, or the ability to honour and recognize those who show compassion toward distant strangers in need, through foreign aid and humanitarian assistance, or by hosting refugees. Another source of this status in international relations¹⁸ is being recognized as a victim: “Those who are described as victims can expect greater resources, sympathy, and support in all its forms, as recognition of this party’s victimhood may restore their sense of power and their moral image”.¹⁹ As the “perfect victim” in the eyes of the West, Jews have earned sympathy that translates into new forms of unconditional support, a willingness to bear historical costs and reparations.

After the right-wing Likud Party came to power in 1977, Israel increasingly played on this sense of victimhood, with Likud prime ministers repeatedly claiming that the world is against them. Researchers have shown that Israel has promoted a self-image of victimhood to strengthen its ties with Jews around the world and to garner greater global diplomatic, financial, strategic, and political support.²⁰ With current Israeli politics dominated by manifestation of the right wing, the country’s political and cultural communications efforts have emphasized this victimhood role. Thus, The Israeli narrative of the 7 October attack was consistent with the victimhood narrative. The attack represented a golden opportunity for Israel to win the sympathy and support of the world based on its discourse of victimhood.

2. Demonizing the Palestinians and Hamas

In contrast to the image of itself as the victim, Israel’s propaganda requires that the Palestinian “other” be seen in complete contrast. Therefore, Palestinians are consistently portrayed as terrorists, barbarians, murderers, saboteurs, the enemies of human civilization, rapists of women, savages who cut the throats of children, and so on. All of this is accompanied by videos and pictures purporting to show them carrying out such horrific acts.

However, the demonization of the Palestinians and their portrayal as saboteurs and terrorists did not begin with this war. Instead, what is new is the reformulation of this propaganda since 7 October to portray them as *absolute* evil. This means that the Palestinians are evil in themselves regardless of their acts, that this evil has no beginning and no end, and that the only way to stop it is by fighting and exterminating it.²¹

Building on this central narrative, Israel’s political leaders and propaganda apparatus – allied with the Western media – has consistently sought to dehumanize the Palestinians. Take for example the comment of Israeli Defence Minister Yoav Galant: “We are fighting human animals”.²² The Israeli Minister of Heritage, Amihai Eliyahu, also suggested in a radio interview that Israel could drop a nuclear bomb on Gaza.²³ This

¹⁸ Alex Vandermaas-Peeler, Jelena Subotic & Michael Barnett, *Constructing Victims: Suffering and Status in Modern World Order* (Cambridge: Cambridge University Press, 2022).

¹⁹ Nurit Shnabel & Masi Noor, “Competitive Victimhood among Jewish and Palestinian Israelis Reflects Differential Threats to Their Identities: The Perspective of the Needs-Based Model,” in: K. J. Jonas & T. A. Morton (eds.), *Restoring Civil Societies: The Psychology of Intervention and Engagement Following Crisis* (New Jersey: Wiley Blackwell, 2012), pp. 192-207.

²⁰ Michael Barnett, “Cosmopolitanism: Good for Israel? Or bad for Israel?” in: Emanuel Adler (ed.), *Israel in the World: Legitimacy and Exceptionalism* (London, UK: Routledge, 2012).

²¹ Azmi Bishara, “Moral Matters in Hard Times,” *Arab Center for Research and Policy Studies*, 14 November 2023, accessed on 4/2/2024, at: <http://tinyurl.com/zr955ttz>

²² “Nuḥārib Ḥayawānāt ‘alā Hay’at Bashār.. Wazīr al-Difā’ al-Isrā’īlī Yuwajjih Bi-Farḍ Ḥiṣār Shāmil ‘alā Qitā’ Ghazzah,” Al-Jazeera Mubashir, Youtube, accessed on 23/12/2023, at: <http://tinyurl.com/35taj9ja>

²³ “‘Amīḥāy ‘Ilīyāhū.. Man Huwa al-Wazīr al-Isrā’īlī al-Lathī Sarāḥ Bi-Iḥtimāliyyat Qaṣf Ghazzah Bi-Qunbila Nawawīyyah?” *BBC Arabic*, 6/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/yvk5ua6h>.

language of dehumanization has historically served as a starting point for justifying genocide, as was the case in Rwanda in 1994, and with the Jews themselves in the Holocaust.

Such harsh descriptions of those deemed enemies, the lowering of their status, and the demonization of their actions, serve to portray their suffering deserved, or unworthy of attention, and instead something to celebrate, because they are seen as threat to society.

Israel's demonization of Palestinians intensified on an unprecedented scale in the first month of the latest war, invoking Nazism and the Holocaust, Al-Qaeda, and ISIS. This propaganda extended to the media and institutions active in the public sphere in the US and other Western countries, leading to violence against Palestinian children and youth in the diaspora.²⁴

3. Israel's "Moral and Human Superiority"

This third pillar of the Israeli propaganda narrative complements the victim vs. the evil narrative. It holds that the victim is morally and humanly superior. The construction and dissemination of the concept of shared humanity have placed increasing importance globally on the suffering of others and its alleviation, and compassion toward others is thus seen as the highest act of humanity.

In Israeli propaganda, however, the suffering of Israelis is more important, painful, and impactful on the world stage. Israeli victims have stories, homes, and addresses. They are fathers and mothers with children gathering around dinner tables. These are innocent children who have been deprived of their future or are still waiting for their fathers. They are beautiful, superior women with stories and dreams. Israeli individuals thus supposedly reflect the image of Israel itself, in their humanity and their superiority.

Israel's propaganda is crowned with an image of Israeli superiority since Israel is the strongest military power in the region, has a special relationship with the US, has won several wars, has a regional monopoly on nuclear weapons, is an occupying power, and has moved from economic poverty to economic and technological superiority. This also implies that the conscience of the world to rest assured that the Israeli army will carry out its mission in Gaza professionally and as quickly as possible, with a constant effort to reduce the collateral damage inherent to every military conflict.

4. The "Legitimacy" of Israel's Operation

The fourth narrative asserts the legitimacy of all of Israel's acts. Acknowledging Israeli suffering, which results from its enemies' acts, allows it to portray all acts against it as crimes, and for those affected to be formally labelled as victims, making it easier to obtain attention, redress, compensation, and punishment for the perpetrators.

In this context, Israel has consistently used the argument of self-defence to justify its military actions, including forced displacement and genocide. Israeli leaders have repeated the mantra that "Israel did not choose this war, but it was imposed upon us".²⁵ This premeditated use of the propaganda from the outset of the war sought to confer legitimacy on Israeli actions, as the government tried to portray its actions as consistent with international humanitarian law. Israel further uses a number of key methods to convey these narratives. Below are the most prominent ones:

²⁴ On 25 November 2023, three young Palestinians were shot in Vermont. Hisham Awartani, Tahseen Ali Ahmad, and Kinnan Abdalhamid were students at American universities. They were on their way to a family dinner when they were attacked because they were wearing Palestinian *kufiya* scarves. Before that, on 16 October, another Palestinian, a child, was stabbed 26 times and killed in Illinois. His mother was also injured in the hate crime, related to the war in Gaza.

²⁵ "Ba'da Taṣā'ud al-Intiqāḍāt Li-Ḥarbiḥā Bi-Ghazzah.. Hal Tuwājih Isrā'īl 'Uzlatan Diblumāsīyyah?" *Al-Hurra*, 15/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/4frd72b5>

a. Fragmentation and Decontextualization

There are dozens of examples of Israel using the techniques of fragmentation and decontextualization in its messaging. This even applies to its labelling of its operation as a war against Hamas in Gaza, not against Palestinian resistance as a whole. It portrays its operation as one that began out of nowhere in response to the 7 October attack, utterly ignoring the history of the conflict.

b. Media Inundation and Focus

This involves amplification and exaggeration in the form of large and focused media campaigns related to specific issues, over a short timeframe. Israel used this method intensively during the first three weeks of the war, and it undoubtedly had a direct impact in terms of controlling the narrative and building perceptions about the violence. This technique has been effective despite the proliferation of videos, photos, and reports on the killing of Palestinians in Gaza, including children, and the abuse of Palestinian women. It works despite Israel's continuous violations, such as arrests of innocent people without trial – a tactic used throughout the history of the occupation – and two decades of systematic destruction of Palestinian homes by Israel, violations largely ignored by the Western media.

c. Confusion and Counter-Agendas

This approach allows propaganda to reshape the media's agenda and priorities, shifting media outlets' interests, and, by extension, change the public opinion, particularly when Israel commits war crimes and targets civilians. Examples include its early campaign in the war to shape global perceptions of what happened on 7 October and its claims that the Hamas leadership were hiding command posts underneath Gaza's hospitals. Then, when Israel increased its bombing and the civilian casualties began to mount, it started diverting public debate away from discussions about post-Hamas defeat scenarios. Finally, as the Israeli army's ground losses increased, it leaked its plans to flood Gaza's tunnel network, a topic that dominated the media agenda in the tenth week of the war.

d. Moral Panic

Stirring up moral panic through the media, a highly focused tactic, is an extension of the use of propaganda techniques such as creating scapegoats or waging witch hunts. These strategies have been used throughout history to achieve political and religious goals, carefully manufactured by limited elite centres.²⁶ However, the power of moral panic has multiplied in the digital media environment. Israeli propaganda deployed this tactic intensively in the early days of the war, spreading horrific images and videos allegedly depicting a massacre by Palestinian "terrorists", appealing to the conscience and humanity of the world. While it is undeniable that there were civilian casualties in the attack, the propaganda campaign boiled over into a state of shock and moral panic.

How Did Israel Lose the Propaganda War?

There is no doubt that Israel's brutal campaign in Gaza, its direct targeting of civilians, the horrific scenes of destruction left by its bombing, and the worsening humanitarian situation as a result of the blockade have all shifted the global narrative about the war on Gaza. These dynamics have prompted audiences around the world to question the true nature of the Israeli army, and to understand the broader context of the war, and the roots of the conflict. This raised doubts about the legitimacy of Israel's campaign, placing its propaganda in a difficult situation.

²⁶ Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (London/ New York: Routledge, 2011), pp. 1-3.

The Israeli narrative dominated the first three weeks of the war. The harbingers of a shift emerged at the night of 17 October 2023, when Al-Ahli Arab Hospital was bombed. At that moment, a new narrative began to emerge that contradicted the Israeli propaganda narrative, gaining momentum by the end of the fourth week of the war. Multiple polls in Europe and the United States started to show that public opinion was shifting.²⁷ The political positions of world powers also began to shift, and the international consensus that had been behind Israel at the beginning of the war began to fragment, as seen in voting patterns on resolutions at the UN Security Council and General Assembly.

1. New Narratives and Shifting Trends

The new narrative began to gain momentum with revelations that a series of stories about the events of 7 October had been false. This narrative began to find its way into the liberal Western press. By the eighth week of the war, it had reached Israeli media outlets, which attempted to break out of the constraints imposed by the military censor.

The new narrative proved that much of what had been printed and broadcasted about the Palestinian attack during the first weeks of the war was deliberately misleading. This included stories of children being beheaded and women being raped during the Hamas attack on the Israeli settlements around the Gaza Strip. After it was proven that one widely-shared image of a burned child had been mocked up using Artificial Intelligence, many Western media outlets – including US sources such as the *Los Angeles Times* – deleted or corrected reports about Hamas fighters raping women. Even the Israeli army dropped claims that 40 children had been beheaded,²⁸ after the White House also distanced itself from the claim.

The bombing of Al-Ahli Hospital represented a turning point in the battle for the global narrative on Gaza. The Israeli army immediately blamed the Palestinian Islamic Jihad movement for firing the projectile that hit the hospital. On 24 October, *The New York Times* published an investigation by several of its correspondents which cast doubt on the Israeli narrative and concluded that the missile seen in the most highly publicized videos, brandished by Israel as evidence for its claims, was most likely not the cause of the blast at the hospital.²⁹ Another investigation by French newspaper *Le Monde* concluded that the Israeli army's claim that a Palestinian rocket caused the hospital explosion was incorrect, and that the missile that struck the hospital was launched from Israel.³⁰

On 11 December 2023, French newspaper *Libération* published an investigation bringing together a mass of evidence and testimonies in a comprehensive assessment of what happened during the Palestinian attack on Israel two months earlier. It concluded that much of what had been described as atrocities by Palestinian fighters, reported by the international media and promulgated by Western politicians, never happened. However, it added that these lies were promoted over a period of weeks by volunteer rescuers, Israeli soldiers and officials, and American political leaders.³¹

²⁷ See: Shibley Telhami, "Is the Israel-Gaza war changing US public attitudes?," *Commentary*, Brookings, 2 November 2023, accessed on 6/5/2024, at: <https://tinyurl.com/3bn6wybh>; Geneive Abdo, "How American Public Opinion on Palestine Shifted," *Essays*, The Cairo review: The American university in Cairo, Winter 2024, accessed on 6/5/2024, at: <https://tinyurl.com/5eymhvet>; Matthew Smite, "British attitudes to the Israel-Gaza conflict: February 2024 Update," *YouGov*, 15/2/2024, accessed on 6/5/2024, at: <https://tinyurl.com/bdftxbx8>; Jeffrey M. Jone, "Americans' Views of Both Israel, Palestinian Authority Down: Eight-point decline for Palestinian Authority, 10 for Israel," *Gallup*, 4/3/2024, accessed on 6/5/2024, at: <https://tinyurl.com/4rdrycr3>

²⁸ The spokesman for the Israeli army declined to confirm these claims, telling Turkish news agency *Anadolu*: "We have seen these reports and we have no details or confirmation on this matter". See: "Israeli Army Says It Does Not Have 'Confirmation' about Allegations that 'Hamas Beheaded Babies'," *Anadolu Agency*, 11/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/54t73zds>Top of Form

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²⁹ Aric Toler et al., "A Close Look at Some Key Evidence in the Gaza Hospital Blast," *The New York Times*, 24/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/2vx4s2br>

³⁰ Liselotte Mas & Thomas Eydoux, "Gaza Hospital: What Detailed Image Analysis Reveals about Deadly Blast," *Le Monde*, 19/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/yc8bzsb4>

³¹ Cédric Mathiot, Florian Gouthière & Jacques Pezet, "Israel, 7 Octobre: Un Massacre et des Mystifications," *Libération*, 11/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/5n6mst5x>

The *Libération* investigation also showed that information widely circulated about the numbers of Israeli deaths and child victims contradicts official Israeli figures. The Israeli police had informed the social security agency of the names of 789 identified civilian bodies, while only one child was found among the civilians killed on 7 October. This may partly explain why Israel revised its death toll downwards. On 14 October, Israel had announced that “more than 1,400 people” had been killed by Hamas fighters. On 10 November however, the Israeli Ministry of Foreign Affairs published “updated estimates” indicating that the figure was 1,200.³² Media outlets also published reports indicating that Israeli forces themselves were responsible for the killing of a number of Israeli civilians and military personnel on 7 October.³³

The siege and storming of al-Shifa Hospital, starting in the sixth week of the war, took place amid growing global scepticism of Israel’s narrative. Yet Benjamin Netanyahu’s account on X published a video clip purporting to show a Hamas military facility underneath the hospital.³⁴ Israel was now using its propaganda discourse to justify targeting hospitals, claiming that there were Hamas military headquarters or tunnels underneath them. It tried to deploy this claim to its advantage but its claims fell apart after its forces finally stormed the facility.

The only “evidence” Israel could offer for its claims was a video animation produced from the imagination of Israeli graphic designers. Videos shot by the Israeli army from inside the hospital were no more convincing. One showed an officer taking a weapon out of an MRI machine and displaying a page that he claimed was a schedule for Hamas operations. In fact, as social media users immediately pointed out, it was a hospital staff timetable. The clip sparked a wave of ridicule that reached the Western media. A week later, the Israeli army published images of a tunnel outside the hospital, with a small meeting room at the end, and took journalists to explore it. Shortly afterwards, former Army Chief of Staff and Prime Minister Ehud Barak said in an interview with CNN that, in fact, it was Israel that had dug the tunnel 40 years ago when it was still controlling the Strip.³⁵

On 24 November, a short truce began between Palestinian militants and the Israeli army, which was extended twice and lasted for a total of seven days. Dozens of Israelis held in Gaza were exchanged for hundreds of Palestinians held by Israel, and some humanitarian aid was allowed to be delivered into the Strip. The truce was accompanied by an exchange of propaganda and psychological warfare between the belligerents. It was notable that Hamas presented a new version of its own narrative to take a position that was more hard-line, on the one hand, and more humane on the other. High-quality videos that showed detainee handovers by Hamas demonstrated the power of a careful media strategy. It was clear that Hamas used drone photography, then moved to filming on the ground, with good use of lighting and advanced production techniques.

These scenes prompted a wave of questions and comparisons around the world between the way Hamas had been depicted during Operation Al-Aqsa Flood and the scenes in which Israeli civilian detainees were handed over to the International Committee of the Red Cross (ICRC). The scenes included masked Al-Qassam Brigades fighters lifting elderly Israeli women and gently placing them in ICRC vehicles, and detained women and girls waving goodbye to Hamas fighters. Many female detainees also told the media that they had been treated well and shown respect by Hamas fighters. Hamas thus used the handover to

³² “Arqām Wa-As’īlah ‘an Hujūm Hamās ‘alā Isrā’īl fī 7 Tishrīn al-Awwal/ Uktūbar,” *Euronews Arabic*, 15/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/4tj6ejvz>

³³ “A Growing Number of Reports Indicate Israeli Forces Responsible for Israeli Civilian and Military Deaths Following October 7 Attack,” *Mondoweiss*, 22/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/3expc8a7>

³⁴ “Hamas-ISIS is Sick. They Turn Hospitals into Headquarters for their Terror. We just Released Intelligence Proving It,” Benjamin Netanyahu, X, 27/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/r39nname>

³⁵ “Former Israeli Prime Minister Ehud Barak on Israel’s Al-Shifa Hospital Claims,” *CNN*, 20/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/y245ysf9>

project its own morality - compared to Israel's brutal bombing of civilians - based on treating prisoners first as human beings and then as strategic assets in the battle, and not as spoils of war to be tortured in tunnels.³⁶

Adding to the impact of this strategy, Hamas handed over one group of detainees in the heart of Gaza, a clear message of defiance to the Israeli army, which had claimed it was in control of the north of the Strip. The messaging of strength on both sides now took the form of a tit-for-tat battle. While Israeli Prime Minister Benjamin Netanyahu was inspecting soldiers in northern Gaza and sending the world a message that Israel was restoring its military supremacy, returning female detainees were testifying that top Hamas figure Yahya Sinwar had visited and spoken with detainees in one of the tunnels.³⁷

It is clear that the contest for the role of the victim has played a major role in the media battle between the two parties. However, the images of bloody scenes in Gaza, and the scale of Israel's killing and destruction, have been the most significant factor in shifting the global narrative. International media outlets finally began searching for a context in which to place the events and citing the history of the conflict. For example, they mentioned that in the 15 years prior to 7 October, no fewer than 6,407 Palestinians had been killed, compared to 308 Israelis, according to UN data.³⁸

Criticism of Israel also began to increase in the international media. At the beginning of the third month of the war, as the United States continued to obstruct any meaningful progress at the Security Council, the image of Israel as the victim began to disappear from much media coverage and commentary. On 9 December, an editorial in *Le Monde* wrote:

Israel has lost itself in the Gaza massacre, an unprecedented and unjustified massacre. Israel has drifted to the extreme right. The failure of the United States to protect Israel from itself is a moral mistake whose devastating effects the country will not be able to avoid.³⁹

The official propaganda war has been reflected in the online struggle for supremacy on social media platforms, which has witnessed a major shift over the course of the conflict on the ground. A study by the *Washington Post* found that the number of pro-Palestinian hashtags on TikTok, Instagram, and Facebook had doubled, against a decline in pro-Israel hashtags. The study found that the hashtag #freepalestine was used 39 times more than the hashtag #standwithisrael on Facebook, and 26 times more on Instagram.⁴⁰ Further, a study of TikTok posts by Australian tech entrepreneur Anthony Goldbloom, at the end of November, found that United States-based users of the platform saw pro-Palestine posts 54 times more than pro-Israel content that month, compared to 36 times a month earlier. The ratio of TikTok users in Australia was about 60:1 in favour of Palestine.⁴¹

Israel's propaganda apparatus reacted by portraying the dominance of the pro-Palestinian narrative on social media as a rising tide of anti-Semitism, accusing voices supporting it of promoting anti-Semitic content, denying atrocities, and promoting hate speech, specifically on TikTok.⁴²

³⁶ Andrew Mills, "Qatar Hostage Mediators Press Hamas on Civilian Releases - Diplomats, Sources," *Reuters*, 25/10/2023, accessed on 28/12/2023, at: <http://tinyurl.com/3r5zf9s>

³⁷ "Hostage recalls meeting with Hamas leader in tunnel during captivity," *Israel Hayom*, 28/11/2023, accessed on 6/5/2024, at: <https://tinyurl.com/7z8t283a>

³⁸ Leo Sands & Adela Suliman, "Why Are Israel and Hamas at War? A Basic Explainer," *The Washington Post*, 22/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/4prujanw>

³⁹ "Israel Is Losing Itself in the Carnage in Gaza," *Le Monde*, 9/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/5n8j3zh5>

⁴⁰ Drew Harwell, "TikTok Was Slammed for Its Pro-Palestinian Hashtags. But It's not Alone," *The Washington Post*, 13/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/5j83zrfs>

⁴¹ John Kehoe, "TikTok's Anti-Israel Bias Exposed by Aussie Tech Entrepreneur," *Financial Review*, 8/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/27h3std>

⁴² Jeffrey Sonnenfeld & Steven Tian, "The Israel-Hamas War Reveals the Fundamental Flaws of Social Media," *Time*, 3/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/mw2eu4hz>

2. The Disintegration of Israel's Media Censorship

Israel imposed military censorship on information relating to security affairs and the ongoing hostilities in the very first day it declared its war. This censorship prevented the publication of leaks about Israeli government meetings or secret political deliberations. The Israeli media also avoided publishing or broadcasting pictures or videos of material or human losses incurred by the Israeli army, which provided the media with videos and pictures that fitted with the image it wanted to portray of the military operation.

Yet Israel did allow some journalists to embed with its forces at the beginning of the ground incursion, subject to direct censorship, restricted to presenting the story from one side. The military censor simultaneously prevented foreign journalists, from entering Gaza independently of the army and freely reporting on what they saw. Fareed Zakaria, an analyst at CNN, said that from the second month onwards, the Israeli army had allowed the entry of a limited number of foreign journalists on the condition that they “submit all materials and footage to the Israeli military for review prior to publication”.⁴³

Israel has continuously tried to maintain control over everything published about the war. As the conflict entered its second month, Israelis themselves began expressing reservations about official censorship, and even major daily newspapers started to try to bypass it, in echoes of a domestic political crisis that had been raging for months before the war. *Haaretz* published an investigation which found that on 7 October, an Israeli helicopter struck both Palestinians and Israelis in the town of Re'im near Gaza, helping explain the high Israeli death toll in operation Al-Aqsa flood, as well as undermining the Israeli narrative that Hamas fighters deliberately targeted civilians. Following this report, the Israeli Ministry of Communications took punitive measures against the newspaper, cutting its funding, and suspending government advertising contracts with it.⁴⁴

At the start of the ninth week of the war, Israeli newspaper *Yedioth Ahronoth* reported that more than 5,000 wounded soldiers had arrived at Israeli hospitals since hostilities began, and that more than 2,000 soldiers had been officially recognized as disabled by the Ministry of Defence. After the military censor intervened, the newspaper was forced to retract and delete the article, which had already sparked outcry.⁴⁵

Israeli military censorship was not limited to traditional audio-visual and print media, but also extended to websites and social media, striking deals with companies such as Meta and X to delete or prohibit content it sees as harming Israel. Overall, the war has revealed significant structural weaknesses affecting Israel's information sector,⁴⁶ and military censorship of the media has proven to be a rudimentary tool for countering or burying information from the battlefield.

3. The Diversionary Objectives of the War

Israel announced at the start of the fighting that Operation “Iron Swords” aimed to wipe out Hamas and end its rule of the Strip by neutralizing its military capabilities, including the destruction of command centres, training facilities, rocket launch sites, the tunnel network under Gaza and military workshops, as well as assassinating the movement's leaders. It also aimed to free the Israeli and foreign hostages held by Hamas. These aims guided Israel's management of its military operations and its vision of victory.⁴⁷

⁴³ Omar Suleiman, “Israel Has Lost the War of Public Opinion,” *Aljazeera*, 30/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/yshbfzkr>

⁴⁴ “Dabṭ al-Jabha al-I'lāmiyyah al-Dākhiliyyah.. al-Ḥukūmah al-Isrā'īliyyah Tuṭālib Bi-Qaṭ' al-Tamwīl 'an Ṣaḥīfah Tajāwizat al-Raqīb al-'Askarī,” *Al-Arab*, 25/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/36futr9v>

⁴⁵ “Taḥta Daḡṭ al-Raqābah al-'Askariyyah.. Yedī'ūt Aḥrunūt Tataraja 'an Nashr A'dād Jarḥā al-Jaysh al-Isrā'īlī fī Ghazzah,” *Euronews Arabic*, 10/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/ymmt36c>

⁴⁶ Michael Eisenstadt, “Israel's Campaign Against Hamas in Gaza: War Aims and Operational Challenges,” The Washington Institute for Near East Policy, 31/10/2023, accessed on 23/12/2023, at: <http://tinyurl.com/rbsu6chp>

⁴⁷ Ibid.

Israel's continued escalation and carpet bombing of Gaza, unparalleled since the allies' indiscriminate bombing of cities in World War II – Hamburg (40,000 dead), Darmstadt (12,000 dead), and Dresden (25,000 dead) – has demonstrated that it has not learned a key lesson from history: aerial bombardment of cities does not achieve its intended military goals. The war has raged on, but on the ground at the time of writing, Israel has not achieved any of its desired outcomes. Hamas continues to fire rockets and kill Israeli soldiers, while Israel has failed to free a single hostage from Gaza except through negotiations. It is clear that Israel's Western allies are becoming increasingly uncomfortable as a result of its inability to achieve a swift victory, and their political and moral dilemmas have deepened as the number of civilian casualties spirals.

Furthermore, history reveals precisely zero examples of such bombing campaigns directly leading the people on the receiving end to overthrow their governments. World War II is telling: the Allies bombing of German cities only pushed the German public toward greater cohesion on the home front. Conversely, the German bombing of Britain, which inflicted 40,000 casualties, rallied the British public around Winston Churchill. The United States has tried the same method many times, in vain. Its relentless bombing of Vietnam failed to achieve victory. During the Gulf War, US airstrikes disrupted 90% of electricity generation in Iraq. Neither these, nor similar cases, prompted the public to revolt against their rulers or to surrender.

David Patrikarakos, a war correspondent and military information warfare expert, told *ABC News* in November that the military battle with Hamas and Israel is predetermined: "Hamas can't defeat the IDF [Israel Defense Forces] and [the] IDF can't obliterate Hamas. So, you have a wider battle, let's call it an information war".⁴⁸ The flood of propaganda that has accompanied this conflict has thus turned Israel's declared goals into nothing more than political propaganda and psychological warfare to distract from the operation's true goals: revenge and the restoration of Israel's image of a militarily superior entity that always emerges victorious.

The meaning of victory then, as defined by Israeli propaganda, is revenge. Israel's conduct is guided by vengeance, operating on the basis that victory is defined by the extent to which it kills and destroys. This mentality of revenge is echoed in comments by the head of the Shin Bet internal security agency, recalling Israel's "Operation Wrath of God" in the 1970s in retaliation for the kidnapping of the Israeli sports team at the Munich Olympic, and suggesting Israel assassinate Hamas leaders at home and abroad, describing them as "Children of Death". Indeed, the history of Zionism is full of this pursuit of vengeance.

According to *Foreign Affairs*, as Israeli forces pushed deeper into southern Gaza, their actual goal was far from clear. Robert A. Pape wrote that although Israeli leaders claim they are targeting Hamas alone, the apparent lack of distinction raised real questions about what the government actually intends to do. He asked whether Israel's eagerness to destroy Gaza was a product of the same incompetence that led to the IDF's abject failure to confront the Hamas attack on 7 October.⁴⁹

Israel's deceptive stated goals since the beginning of the war mark the culmination of its 17-year strategy of "mowing the lawn" against Palestinian militants in Gaza.⁵⁰ Its desire to annihilate its opponent now has no boundaries and seeks to target human beings and destroy their surroundings. This is Israel's

⁴⁸ Desiree Adib, "Amid Israel-Hamas Conflict, 'Information War' Plays out on Social Media, Experts Say," *ABC News*, 24/11/2023, accessed on 23/12/2023, at: <http://tinyurl.com/27bvru54>

⁴⁹ Robert A. Pape, "Israel's Failed Bombing Campaign in Gaza: Collective Punishment Won't Defeat Hamas," *Foreign Affairs*, 6/12/2023, accessed on 23/12/2023, at: <http://tinyurl.com/3ccpayks>

⁵⁰ "Mowing the Grass" is a metaphor referring to Israel's policy against the Palestinian resistance in Gaza, consisting of intermittent military operations every few years to exhaust and reduce the adversary's ability to harm Israel, and achieving temporary deterrence. These objectives are attained through incidental or large-scale operations. Proponents of the strategy had long argued that regularly "trimming" Gaza militants' capabilities, like grass, would erode their fighting capacity over time.

true strategic goal, hidden behind the aims it declares in its propaganda. The stated aims of the war have thus served as deceptive propaganda to cover for Israel's wanton killing and destruction. As its killing spree continues, Israel appears to have stopped caring about its previous claims of a high moral ground, as well as the fact that it is losing the propaganda war. Taking their place is the desire of its leaders to restore the image of a strong and superior Israel, one capable of unstoppable vengeance.

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BOOK REVIEW ESSAYS



ALI JARBAWI, *Min al-Ṭarḍ ilā al-Ḥukm al-Thāṭī: al-Mas'ā al-Ṣuhyūnī li-Wa'd Filasṭīn* [*From Expulsion to Self-Rule: The Zionist Quest to Bury Palestine Alive*] (Beirut: Arab Institute for Research & Publishing, 2023), pp. 517.

REVIEWED BY TARIQ DANA, Associate Professor and Head of Conflict Resolution and Humanitarian Action Programme, Doha Institute for Graduate Studies.

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Shaped by Zionist settler-colonialism, the field of Palestine studies has contributed unique concepts and insights to humanities and social sciences. This peculiar form of settler-colonialism has not only generated peculiar phenomena but also redefined existing ones, thereby challenging traditional scholarly paradigms and academic interpretations. For example, the application of the concept of “apartheid” in the Palestinian context,

originally associated with the racial segregation system in South Africa, does not fully capture the severity and nature of the brutal domination of the Israeli segregation system over Palestinians, as highlighted by scholars and South African leaders alike. Similarly, while the term “genocide” has been invoked to describe the large-scale mass killing and destruction of Gaza by Israel, it does not sufficiently reflect the multilayered atrocities, including mass extermination, ethnic cleansing, collective punishment, starvation, and other war crimes taking place in Gaza simultaneously, unprecedented in their visibility and the brazenness of their execution. Adapting those terminologies into the Palestinian context deepens our understanding of the peculiarity of that context and pushes the boundaries of social sciences to accommodate such extraordinary realities.

Ali Jarbawi’s book, *From Expulsion to Self-Rule: The Zionist Quest to Bury Palestine Alive* attempts to interrogate a concept that has been taken for granted for decades, which in turn fills an important conceptual gap in the field. In particular, the book critically examines the notion of “Palestinian Autonomy” or self-rule, presenting a reconceptualization that diverges markedly from conventional interpretations and existing models of autonomy. Jarbawi’s analysis underlines the unique nature of Palestinian self-rule, as enforced and promoted by Israel, which starkly contrasts with global norms and practices of autonomy. Despite its profound implications on understanding the dynamics of power, resistance, and governance in Palestine, the critical questioning of Palestinian autonomy has been largely under-researched.

The book takes as its starting point the dilemma the Zionist enterprise created for itself following the 1967 war, in which Israel occupied all of historic Palestine, but was unable to drive out its inhabitants as happened in the territories occupied in 1948, when Zionist gangs carried out a large-scale ethnic cleansing against Palestinian villages and cities and forcibly displaced the majority of Palestinians from their land. Highlighting the model of self-rule as an attempt to escape the impasse brought about by the failure to achieve the “physical transfer” of the Palestinians, Jarbawi examines how Israel created and implemented the idea of “legal transfer” through an agreement with the Palestine Liberation Organization (PLO),

which culminated in the Oslo Accords. This arrangement aimed at establishing a framework for Palestinian autonomy, albeit under constraints that perpetuate the status quo of Israeli colonial control.

The book rigorously traces the concept of autonomy, illustrating its exploitation by Israel to bolster its settler-colonial project. It critically evaluates autonomy theories, referencing historical and contemporary models, which led the author to the conclusion that these models are not suited for the Palestinian context. To address this gap, Jarbawi introduces the concept of “extraterritorial autonomy” to describe a unique form of self-governance, enforced and endorsed by a settler-colonial state beyond its internationally recognized borders. This term captures a specific kind of colonial administration superimposed upon a population not formally incorporated within the settler-colonial state’s citizenship and civil law domains. This governance strategy is characterized by efforts aimed at both the destruction and reconstruction of colonial spaces, with the ultimate goal of influencing and controlling the behavior of the colonized populace. The fundamentally violent character of extraterritorial autonomy, as a form of colonial governmentality, embodies the settler-colonial objective of eradication through alternative strategies, emphasizing its role in facilitating and perpetuating the settler-colonial agenda of dominance and control over the colonized.

He then provides a detailed historical analysis of how the idea of autonomy emerged and became a pivotal element in Israel’s strategy for dealing with the territories it occupied after 1967. This exploration, focused on the Palestinian situation but contextualized within the larger scope of Arab regional dynamics, offers key insights into the interplay between various actors and the autonomy project. In particular, the book elucidates that, notwithstanding the triumph Israel secured in the 1967 war, the conflict precipitated a significant quandary for the Zionist project due to its inability to expel the Palestinian population. Subsequently, the narrative shifts focus to the transformations within the Arab region, especially highlighting the transition in Egypt’s leadership from Gamal Abdel Nasser to Anwar Sadat. It critically examines the pivotal roles of Sadat and Israel’s then Prime Minister Menachem Begin in forging a new trajectory via the Israeli-Egyptian Camp David agreement. This agreement marked the first peace treaty between Israel and an Arab state, signifying a dramatic shift in the geopolitics of the Arab world. Crucially, Sadat positioned himself to negotiate on behalf of the Palestinians, during which Begin’s “autonomy plan” for the Palestinians was deliberated. This plan aimed to align with the Israeli vision while excluding the Palestine Liberation Organization (PLO) and the broader Palestinian national movement from the discussions.

Jarbawi then traces the trajectory of the self-rule project, examining the secret negotiations that unfolded during the 1990s and their ties to the Camp David Accords, against the backdrop of shifts within the Israeli government. He explores how the oscillating influence of right-wing and left-wing factions within Israel affected the course of these negotiations, alongside the evolving role of the PLO. Furthermore, Jarbawi scrutinizes the United States’ involvement, highlighting its support for Israel while positioning itself as a “mediator” in the negotiations. This analysis culminates in a comprehensive overview of the events and dynamics leading to the historic signing of the Oslo Accords, and by extension, the implementation of the Israeli envisioned autonomy model.

Jarbawi’s structured narrative serves as a vital groundwork for grasping the unfolding of events, incorporating crucial historical contexts and developments. Beyond a mere recount of history, the book imparts practical insights applicable to current and future contexts. Specifically, it lays the groundwork for a critical examination of the Palestinian Authority (PA). Given the internal divisions within the Palestinian national movement, the geographic and political isolation of the West Bank and Gaza Strip, and the ongoing expansion of settlements and annexation efforts, the PA has transitioned from a provisional solution to what appears to be a permanent establishment in the West Bank. This permanence, in turn, supports Israel’s

vision of a colonial autonomy for Palestinians, raising significant questions about the effectiveness and intentions of the PA in any long-term resolution of the Palestinian issue.

While the book offers a valuable account of the self-rule initiative, culminating in the creation of the PA post-Oslo Accords, it falls short in thoroughly analysing the outcomes and broader implications of this project. The book's omission of a detailed exploration into the PA's legitimacy crisis, its political failures, its security complicity, and the resulting impacts on Palestinian society and politics leaves a gap in understanding how the PA stands as a major obstacle to the broader struggle for Palestinian self-determination and liberation.

The book concludes that the Zionist project is one which is intended to erase Palestinian existence. It is not a party with any intention of negotiating a meaningful political settlement; rather, it is a settler colonial enterprise that has encountered no limits and no legal deterrent to its ongoing violations for over a century. Therefore, the book offers a warning and a lesson, namely, that those contemplating possible future solutions to this issue must hold fast to their "red lines", that is, their non-negotiable demands.

مازن العجلة

سنوات التنمية الضائعة في قطاع غزة (2007-2018)



مركز الأبحاث
منظمة التحرير الفلسطينية

MAZEN EJLAH, *Sanawāt al-Tanmiyya al-Ḍā'i'a fī Qitā' Ghazza (2007-2018)* [*Gaza: The Lost Years of Development (2007-2018)*] (Ramallah: Palestine Research Center, 2020), pp. 210.

REVIEWED BY OMAR SHABAN, Director of the PalThink for Strategic Studies, Gaza, Palestine.

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Mazen Ejlah's *Gaza: The Lost Years of Development (2007-2018)* explores the theme of development in the daily lives of Palestinians in Gaza. Development in the Gaza Strip has been undermined by the Fatah-Hamas divide, the Israeli siege of the Strip, and the international community's boycott of Hamas and its government. The impact of these factors on the loss or stagnation of development has not been thoroughly studied or analysed, often leading to superficial conclusions about the socioeconomic situation in the Gaza Strip.

The author addresses classical and modern theories of economic development extensively, with a specific focus on those that analyse development under crisis. Among the most prominent classical theories is Paul Rosenstein-Rodan's Big Push Model, which posits that incremental development will not overcome economic stagnation; Ragnar Nurkse's Balanced Growth Theory, which advocates for balanced growth across all sectors of the economy to break the vicious circle of poverty; and Albert Otto Hirschman's theory, which suggests that stimulating economic growth in developing countries requires implementing unbalanced growth by concentrating investments in key industries.

The book also addresses modern development theories, categorizing them into two main types: structural change models, which focus on the shift of underdeveloped economies from traditional agricultural production to more advanced industrial economies; and new neoclassical syntheses, which argue that economic underdevelopment results from the misallocation of resources due to misguided government policies.

The author explores Arab perspectives on development, with particular attention to Samir Amin's contributions to the Dependency and Unequal Exchange theory. Amin posits that economic development is only achieved when it is supported by political determination. The author also refers to the Egyptian economist Ismael Sabri Abdullah who argues that developmental theories attributing underdevelopment solely to economic reasons lack a historical explanation that substantiates their validity.

The Political Framework of the Lost Years of Development

The book discusses the evolution of the political framework from 2007-2018, the lost years of development, linking it to Hamas's forced control of the Gaza Strip, its establishment of a government within a context of total geographic and political division, and the absence of legislative and legal authority, all of which harmed public freedoms and human rights.¹ The Israeli siege of the Gaza Strip is examined as another main

¹ Mazen Ejlah, *Sanawāt al-Tanmiya al-Ḍā'i'a fī Qitā' Ghazza (2007-2018)* (Ramallah: Palestine Research Center, 2020), p. 34.

factor stunting development.² Additionally, the author details the amounts and sources of funding, with a focus on public expenditure by the Palestinian National Authority in the Gaza Strip, net current transfers, expenditure of the Palestinian government in the Gaza Strip, and credit facilities.³

The author argues that institutional weakness in the Gaza Strip, coupled with a lack of a clear political and economic vision — overburdened with slogans of resilience against “conspiracies” rather than reflecting a developmental and national perception — have hindered the Palestinian institutions’ ability to develop. This weakness is further exacerbated by international isolation and a comprehensive Israeli siege.

Consequently, all these factors contributed to what the author terms a “geo-economic shock”, manifested in a deterioration in productive capacity, especially in sectors no longer able to import raw materials and export their products. In addition, thousands of workers were laid off and foreign trade volume declined. The banking sector also declined due to the regression of economic activities and the suspension of transactions with Palestinian banks by Israel. Additionally, the transportation of goods and commodities through tunnels between Egypt and the Gaza Strip, supervised by Hamas, dealt a severe blow that precluded any possibility of recovering the “geo-economic shock”.⁴ This situation weakened the impact of cash flows into Gaza provided by the Palestinian Authority and foreign aid on development. Moreover, it reinforced challenges for the private sector operating in a political and economic atmosphere lacking government support.⁵

Economic Developments in the Gaza Strip

The author argues that economic data indicates a significant decline across all economic activities since the Palestinian political rupture and Israeli siege. While average economic growth during 2007-2019 increased by approximately 2.1% annually, negative growth rates were observed during these years (particularly in 2007, 2008, 2014, 2017, and 2018). The economic growth sunk to its lowest point in 2018, at a rate of -7%.⁶

These rates have resulted in significant structural changes that reflect how severe the decline in economic activity is. The most notable changes include a decrease in average GDP per capita, a reduction in the contribution of Gaza’s GDP to the overall Palestinian GDP, a decline in the contribution of productive sectors to the GDP, an increase in the role of the service sector in the economy, and a rise in the number of very small-scale service establishments. The growing prominence of the service sector has bolstered the Palestinian economy in Gaza. This is particularly noteworthy as growth in this sector is often less dynamic than in agricultural and industrial sectors and is characterized by limited employment opportunities and weak investment spending.⁷

Among the structural changes affecting the Palestinian economy in the Gaza Strip is the growing trend of consumerism in contrast with weak production. Consumption has seen significant growth rates, surpassing local production. Furthermore, the role of foreign trade in economic activity has diminished, impacting both exports and imports. This decline naturally extends to the relative importance of Gaza’s imports in the overall value of Palestinian imports, as well as a decrease in its significance in relation to the imports of the West Bank.⁸ These combined effects manifested in the labour market, which experienced profound distortions, losing its capacity to accommodate the growing numbers of job seekers each year.

² Ibid., pp. 45-48.

³ Ibid., pp. 79-93.

⁴ Ibid., pp. 70-78.

⁵ Ibid., pp. 88-89.

⁶ Ibid., p. 97.

⁷ Ibid., pp. 98-101.

⁸ Ibid., pp. 107-111.

The reconstruction process in the Gaza Strip was also adversely affected. The reconstruction mechanism imposed by Israel, fraught with complexities and obscurities, resulted in the rebuilding of only 71.7% of destroyed houses four and a half years since the conference. Additionally, only 57.3% of partially destroyed houses have received compensation, while approximately 16% of economic establishments that suffered damages have been compensated.⁹ This is also due to the fact that, three years after the Cairo Conference in October 2014, donor countries had disbursed no more than 37% of the amount to which they committed.

Public Services, Poverty, and the Middle Class

The author highlights the diminishing capacity of infrastructure and public services in education, health, and public facilities such as water and electricity, to cope with escalating demand. The quality and reach of public services have deteriorated, leading to school shortages. This shortage became more pronounced with the growing number of students per classroom and the increasing prevalence of schools operating through morning and afternoon shifts.¹⁰ These challenges were further intensified by high population density, which has been increasing at a rate of up to 40.5% since 2007.

In the health sector, the number of functioning clinics has decreased, in addition to shortages in doctors, nurses, and beds.¹¹ Moreover, the Gaza Strip has been facing a critical water insecurity situation, compelling residents to purchase drinking water solely from desalination stations.¹² The Gaza Strip also grapples with an intense energy crisis, as many destroyed houses lack a sufficient and continuous electricity supply. For the past ten years, electricity has been provided for 4-hour periods, often followed by blackouts of 12 hours or longer. This crisis has taken a toll on citizens, the private sector, and all segments of society. Hamas often bears responsibility for this issue as the governing authority, given its inability to manage the sector transparently, particularly in engaging in political disputes with the Palestinian Authority over fuel costs. Furthermore, Hamas is the entity that receives the revenues from consumed electricity, while the Palestinian Authority covers the costs of electricity purchased from Israel and Egypt.¹³

The book also addresses the rising poverty rates and the expansion of the impoverished class both vertically and horizontally following the political division. It examines its impact on the size and role of the middle class. Indicators suggest that poverty rates throughout the years of siege and division never dipped below 38%, rising to 53% in 2017, and at times potentially sweeping 70% of the total population. Additionally, the percentage of the population vulnerable to poverty in the Gaza Strip was on the rise.¹⁴

The author points out that rising poverty rates have had an impact on the size and role of the middle class in the Gaza Strip. In terms of size, estimates suggest that the middle class in the Gaza Strip ranges between 20-25% of the population, indicating a decline from the pre-siege and pre-division years. Concerning its role and general characteristics, estimates indicate that the middle class has undergone fragmentation and sharp disintegration as a result of the division, resulting in the marginalization and exclusion of segments affiliated with the Palestinian Authority who left their positions based on the instructions of the Authority itself. This has deprived these employees of their ability to form an effective middle class.¹⁵

The book provides a solid interpretation of the developmental efforts in the Gaza Strip that have been lost or squandered, leading to a dire situation for Gazan Palestinians. It sheds light on the impact of the

⁹ Ibid., pp. 136-138.

¹⁰ Ibid., pp. 151-152.

¹¹ Ibid., pp. 153-154.

¹² Ibid., pp. 155-158.

¹³ Ibid., pp. 159-164.

¹⁴ Ibid., pp. 166-170.

¹⁵ Ibid., pp. 177-185.

Palestinian division and the Israeli siege on its political, economic, and social realities. These repercussions have not only affected the Strip but have also extended to Palestinian society in the West Bank. The division has weakened the national spirit, hindered collaborative institutional efforts between the West Bank and the Gaza Strip, and contributed to the stagnation.



المركز العربي للأبحاث ودراسة السياسات
Arab Center for Research & Policy Studies

The Arab Center for Research and Policy Studies (ACRPS) is an independent social sciences and humanities institute that conducts applied and theoretical research seeking to foster communication between Arab intellectuals and specialists and global and regional intellectual hubs. The ACRPS achieves this objective through consistent research, developing criticism and tools to advance knowledge, while establishing fruitful links with both Arab and international research centers.

The ACRPS encourages a resurgence of intellectualism in Arab societies, committed to strengthening the Arab nation. It works towards the advancement of the latter based on the understanding that development cannot contradict a people's culture and identity, and that the development of any society remains impossible if pursued without an awareness of its historical and cultural context, reflecting its language(s) and its interactions with other cultures.

The ACRPS works therefore to promote systematic and rational, scientific research-based approaches to understanding issues of society and state, through the analysis of social, economic, and cultural policies. In line with this vision, the ACRPS conducts various academic activities to achieve fundamental goals. In addition to producing research papers, studies and reports, the ACRPS conducts specialized programs and convenes conferences, workshops, training sessions, and seminars oriented to specialists as well as to Arab public opinion. It publishes peer-reviewed books and journals and many publications are available in both Arabic and English to reach a wider audience.

The ACRPS, established in Doha in autumn 2010 with a publishing office in Beirut, has since opened three additional branches in Tunis, Washington and Paris, and founded both the Doha Historical Dictionary of Arabic and the Doha Institute for Graduate Studies. The ACRPS employs resident researchers and administrative staff in addition to hosting visiting researchers, and offering sabbaticals to pursue full time academic research. Additionally, it appoints external researchers to conduct research projects.

Through these endeavours the ACRPS contributes to directing the regional research agenda towards the main concerns and challenges facing the Arab nation and citizen today.



The Doha Institute for Graduate Studies (DI) is an independent institute for learning and research in the fields of Social Sciences, Humanities, Public Administration and Development Economics in Doha.

Through its academic programs and the research activities of its professors, the DI aims to achieve its mission of contributing to the formation of a new generation of academics and intellectually independent researchers who are proficient in international scholarship standards and modern interdisciplinary research methodologies and tools, and leading professionals who can advance human knowledge and respond to the needs of the Arab region, resulting in social, cultural and intellectual development.

The DI seeks to establish an intellectual hub that will benefit the Arab region in particular. The DI supports academic research that deals with Arab issues, in an atmosphere of institutional and intellectual freedom.

The DI works in cooperation with the ACRPS and the Doha Historical Dictionary of Arabic Language to facilitate its students and faculty members in their research of the most important current issues related to the Arab world and the wider international community. The involvement of students in the most important research projects is at the heart of the DI's interests.

The DI adopts Arabic as its official and primary language for education and research. English serves as an accompaniment to Arabic, with both languages used in presenting and research.

UPCOMING CONFERENCES

Iranian Studies Unit Annual Conference

The Iranian Studies Unit at the Arab Center for Research and Policy Studies is holding its fourth annual conference, titled “The Social Sciences and Humanities in Iran: Possibilities and Constraints”. The conference will explore the evolution and current state of social sciences and humanities in theory, methodology, and practice, and will examine how they are taught and researched in Iran.

9-10 October 2024

Gulf Studies Forum

The forum provides scholars, journalists, and policymakers with a free and open academic environment to discuss the most pressing issues facing the Arabian Peninsula and its societies. The eleventh Gulf Studies Forum will discuss the topics “Arab Gulf States and the Palestine Question” and “The Gulf City as a Structure and Social Agent”.

7-8 December 2024

International Winter School

The International Winter School is an annual programme that seeks to provide an in-depth and critical understanding of selected topics. It provides an opportunity for participants (advanced PhD students and early career scholars) to network with international scholars, gain substantive knowledge and insight, and receive feedback from respected scholars and experts in their field. The sixth round focuses on “Media in Wartime”.

11-16 January 2025



COVER ARTWORK

“Death Road” (2024)

Ink and acrylic on paper, 50*70 cm, by **Malak Mattar**

Palestinian artist born in Gaza in 1999, where she grew up under occupation and military siege. Mattar started making art as a teenager during a period of open conflict. She won a scholarship to study a Master of Fine Art degree at Central Saint Martin’s, London, in 2023. She has had solo exhibitions around the globe, most recently holding two concurrent exhibitions in London, where her monumental painting “No Words” was displayed for the first time (March 2024).