

ISRAEL AND PALESTINE (GAZA) PATHWAYS TO PEACE THROUGH DIPLOMATIC AND NON-DIPLOMATIC CONFLICT RESOLUTION MECHANISMS.

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Abstract

The Israel-Palestine conflict, particularly the ongoing situation in Gaza, remains one of the most protracted and contentious geopolitical disputes, fueled by a history of political and moral neglect from the leaders of Israel, Palestine, and the international community. As a result, the civilian populations in the disputed areas continue to bear the heaviest burden. This suffering will only intensify if effective action is not taken to resolve the conflict. Numerous efforts have been made to address the conflict through diplomatic (peaceful) means, but a lasting peace has remained elusive. This paper explores the various strategies employed to resolve the Israel-Palestine dispute, examining historical and contemporary efforts, including diplomacy, negotiation, mediation, and military interventions. The analysis emphasises the importance of addressing key issues such as territorial claims, the right of return for refugees, security concerns, and mutual recognition in order to foster a sustainable solution. It also highlights the role of international actors and institutions in either supporting or hindering peace initiatives. The study ultimately argues that, while non-diplomatic methods may yield short-term gains for one side, diplomatic efforts, though challenging, provide a more viable path to long-term peace. To achieve a lasting resolution, the international community must adopt a comprehensive and inclusive approach that integrates both diplomatic and non-diplomatic methods, recognising the legitimate needs and rights of both Israelis and Palestinians.

Keywords: Israel and Palestine, diplomatic means of settlement, non-diplomatic means settlement, territorial disputes, and international actors.

Introduction

The Israel and Palestine conflict is one of the most enduring and complex geopolitical issues in modern history, characterised by decades of violence, territorial disputes, and series of animosities. This conflict has not only shaped the political landscape of the Middle East¹ but has also had far reaching implications on international relations and global peace efforts.² The journey for a lasting resolution has been pursued in the past through various means, including diplomatic (peaceful) methods of dispute settlement and non-diplomatic (forceful or coercive) in

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¹Ibrahim Fraihat: Palestine still key to Stability in the Middle East. <https://www.brooking.edu> accessed on 28th August, 2024

²Universal de Navarra: War in Palestine and its Impact on Western Countries. <https://www.uav.edu> accessed on 28th August, 2024.

the side of both the Israel and Palestine resulting in military actions in response to attacks and counter attacks, yet, the conflict persisted.³The diplomatic settlement of disputes includes diplomatic Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement mechanisms aimed at achieving a mutually acceptable solution. These efforts have often involved the participation of global powers and international organisations such as the United Nations, United States, United Arab Emirates etc, which have sought to be a broker of peace agreements and encourage dialogue between the conflicting parties.

On the other hand, the non-diplomatic settlement of disputes encompasses the use of military force, coercion, and other forms of pressure to impose a resolution being a method adopted by both Israel and Palestine in claiming their entitlements via violence attack, occupation, blockade and other means. This approach has often led to cycles of violence, with each side seeking to assert its claims through force, resulting in significant humanitarian consequences, killings of civilian population and further entrenching hostilities.⁴

The path to peace between Israel and Palestine remains fraught with issues and challenges, requiring a delicate balance between addressing historical grievances, ensuring security, and fostering mutual recognition and cooperation, all these can only be achieved via Intervention of International powers.⁵This article will explore the potential avenues for achieving peace in the ongoing Israeli-Palestinian conflict considering both diplomatic and non-diplomatic strategies, and the prospects for a sustainable peace.

It is important to note that under the *UN Charter*⁶, parties must peacefully settle their international disputes, and the organs of the United Nations which are concerned with the diplomatic settlement of disputes are the General Assembly, the Security Council and the International Court of Justice. In addition, the Charter recognises regional agencies for the diplomatic settlement of disputes which may be established under regional arrangements. The only requirement is that such regional agencies and their activities shall be consistent with the

³Shlomo Ben-Ami: The Israel-Palestinian Conundrum. <<https://www.international.ucla.edu>> accessed on 28th August, 2024.

⁴Human Rights Watch: Isreal-Palestine Unprecedented Killings, Repression. <https://www.hrw.org> accessed on 28th August, 2024

⁵Carnegie Endowment For International Peace, Centering Rights in Isreal-Palestine Conflict Resolution. <https://carnegieendowment.org> accessed on 28th August, 2024

⁶Article 2 (3) the UN Charter

principles and purposes of the Organisation.⁷The Charter in Article 33 provide for numerous means of settling disputes as mentioned above though, it does not prescribe a particular means or way of settling disputes but rather, gives the parties the latitude to choose their dispute settlement mechanism.

Historical Background of Disputes between Israel and Palestine (Gaza)

The Israel and Palestine conflict, particularly concerning Gaza, is a very serious complex and multifaceted issues which have its roots in the late 19th and early 20th centuries. This evolution of the conflict has shaped the situation up to the present day.⁸

Palestine is a country in the region of West Asia recognised by 145 out of 193 UN member states. It encompasses the Israeli-occupied West Bank and Gaza Strip, which is collectively known as the Palestinian territories, within the broader geographic and historical Palestine region. The country shares most of its borders with Israel, and it borders Jordan to the east and Egypt to the southwest. It has a total land area of 6,020 square kilometers (2,320 sq mi) while its population exceeds five million people. Jerusalem is its proclaimed capital while Ramallah serves as its administrative center, Gaza city was its largest city until 2023.⁹

For nearly four centuries (Pre-20th Century), the history has it that, the region now known as Israel, Palestine and Gaza were part of the Ottoman Empire and during this time, the area was home to a diverse population, including Muslims, Christians, and Jews, living relatively peacefully under Ottoman rule.¹⁰

The Israeli-Palestinian issue goes back to nearly a century when Britain, during World War I, pledged to establish a national home for the Jewish people in Palestine under the Balfour Declaration. British troops took control of the territory from the Ottoman Empire at the end of October 1917, this led to Jewish migration to Palestine. Between 1918 and 1947, the Jewish population in Palestine increased from 6% to 33%. Due to the demographic change, tension arose leading to the Palestinian revolt from 1936 to 1939.¹¹Meanwhile, an organisation called

⁷Harris, Cases and Material on International Law 6L ed. London Sweet and Maxwell, 2004, p. 1024.

⁸Al-Jazeera: Isreal-Palestine Conflict, A Brief History in Map and Charts. <https://www.aljazeera.com> accessed on 28th August, 2024

⁹IsisCB Explore: Geographic Term; Palestine <https://data.isisb.org>

¹⁰The Othman Empire ruled Jerusalem and the region from 1517-1917, bringing many changes to the area.

¹¹Britanica: Balfour Declaration (United Kingdom 1917). <https://www.britanica.com> accessed on 28th August, 2024.

Zionist continued to campaign for a homeland for Jews in Palestine, thereby making the protagonist of Zionist who are an Army of trained civilians started to attack the Palestinian people, forcing them to flee their homeland.¹²

As violence continued to ravaged Palestine, the matter was referred to the newly formed United Nations. In 1947, the UN adopted Resolution 181, which called for the partition of Palestine into Arab and Jewish states, handing over about 55% of the land to Jews. Arabs were granted 45% of the land, while Jerusalem was declared a separate internationalised territory. The Jewish leadership accepted the plan, while the Arab states and Palestinian Arabs rejected it, leading to increased hostilities.¹³

The city is currently divided between West Jerusalem, which is predominantly Jewish, and East Jerusalem with a majority of Palestinian population. Israel captured East Jerusalem after the Six-Day War in 1967 along with the West Bank and this was not recognised by the international community.¹⁴

In 1993, Palestinian leader Yasser Arafat and Israeli Prime Minister Yitzhak Rabin signed the Oslo Accords, which aimed to achieve peace within five years. It was the first time the two sides recognised each other.¹⁵ However, the Oslo Accords slowly broke down as Israeli settlements, Jewish communities built on Palestinian land in the West Bank, grew at a rapid pace. The settlement population in the West Bank and East Jerusalem grew from approximately 250,000 in 1993 to up to 700,000 in 2023. About three million Palestinians live in the occupied West Bank and East Jerusalem.¹⁶

Further to the above, the construction of Israeli settlements and a separation wall on occupied territories has fragmented the Palestinian communities and restricted their mobility. About 700 road obstacles, including 140 checkpoints dot the West Bank. About 70,000 Palestinians with Israeli work permits cross these checkpoints in their daily commute. These Settlements are considered illegal under international law. The UN has condemned settlements, calling it a big

¹²Ibid

¹³Wikipedia: United Nations Partition Plan for Palestine also known as Resolution 181 which was adopted in 1947. <https://en.wikipedia.org>

¹⁴Al-Jazeera (Note 8. Page 2)

¹⁵Avi Shlaim: The Oslo Accord. <https://www.jstor.org> accessed on 28th August, 2024

¹⁶Peace Now: 30 Years After Oslo, The Data That Shows How the Settlements Proliferated Following the Oslo Accords. <https://www.peacenow.org> accessed on 28th August, 2024

hurdle in the realisation of a viable Palestinian state as part of the so-called “two-state solution”.¹⁷

Following the broke down of 1993 Oslo accord, there comes a second agreement in 1995 which divided the occupied West Bank into three parts area A, B and C. The Palestinian Authority, which was created in the wake of the Oslo Accords and was offered only limited rule on 18% of the land by the agreement, as Israel effectively continued to control the West Bank.¹⁸It should be mentioned that in 1980 Israel declared the annexation of East Jerusalem but the international community still considers it an occupied territory. Palestinians equally want East Jerusalem as the capital of their future state.¹⁹

Another turn of event was the rise of Hamas who seized control of Gaza Strip which made Israel to impose a blockade on Gaza in 2007. The siege continues till date and Israel also occupies the West Bank and East Jerusalem the territories Palestinians want to be part of their future state.²⁰

Owing to the surprised Hamas attack inside Israel, there remain a continuous blockade on the Gaza Strip,²¹leading to cutting of electricity supplies, food, water, and fuel. At least 1,200 people were killed in that attack. The Israel and Palestine conflict, particularly the situation in Gaza, is one of the most contentious issues in modern history rooted in competing national recognition, boundary claims and religious significance, the conflict has defied numerous attempts at resolution. The humanitarian toll, particularly in Gaza, is immense, and the prospects for a lasting peace remain uncertain.

As of this year 2024, the ongoing conflict between Israel and Hamas in Gaza has resulted in a large number of civilian casualties. Over 41,000 Palestinians have been reported killed, the majority of whom are civilians, including a significant number of children. In Israel, the death toll has reached over 1,100, also including civilians affected by the hostilities.²²The situation

¹⁷United Nations Office for Humanitarian Affairs: Over 700 Road Obstacles Control Palestinian Movement Within the West Bank. <https://www.ochaopt.org> accessed on 28th August, 2024

¹⁸Anera: What are Area A, B and Area C in the West Bank? <https://www.anera.org> accessed on 28th August, 2024

¹⁹Wikiedia: East Jerusalem :<https://en.wikiedia.org> accessed on 28th August, 2024

²⁰Aljazeera: Israel-Palestine Conflict, A brief history in maps and charts. <https://www.aljazeera.com>accessed on 28th August, 2024

²¹Ibid, Isreal Announces Total Blockade on Gaza. <https://www.aljazeera.com>accessed on 28th August, 2024

²²Reuters: Gaza death Toll, how many Palestinians and Israeli’s Campaign Killed? <https://www.reuters.com> accessed on 29th August, 2024.

remains tensed, with daily reports of additional deaths, particularly in heavily targeted areas such as Gaza City.

The Root Cause of Israel and Palestine Disputes and Settlement Measures Adopted: Issues and Challenges

For this article to proffer a road in attaining peace in the ongoing Israeli and Palestinians disputes, the root cause of the issues and the settlement approached mechanism adopted since the beginning of this conflict need to be outlined and discussed which will in turns give ways to proffer an applicable means of settling the ongoing disputes. The Israel-Palestine conflict is deeply rooted in a complex history of territorial competition, religious domination, encroachment on acclaimed land and quest for recognition as a state. All these can be deduced from the above outlined historical antecedent in tracing the major cause of disputes and settlement moves and developments.²³

The first cause of dispute between Israeli and Palestinians is the move for Jewish Nationalism known as Zionism which emerged in 19th century (Zionism and Arab Nationalism)²⁴advocating for the establishment Jewish land or home in Palestine then part of Ottoman Empire because, at that time Jewish had no particular country of belonging as Jewish are in many countries like USA, BRITAIN etc and simultaneously, Arab Nationalism was growing with many Arabs in the Palestine desiring independence from Ottoman rule.²⁵

Also, during and after the World War I, the establishment in Palestine of homeland for the Jewish people received support from British Government and League of Nations issued Balfour Declaration²⁶stating that nothing will prejudice the religious rights of non-Jewish communities in Palestine. This led the Jewish immigration to Palestine increased significantly leading to tensions and conflicts between Jewish and Arab communities.²⁷

²³Jacob Tsunda Salihu: Historical Foundation of The Israel-Palestine Conflict. <https://www.researchgate.net> accessed on 29th August, 2024.

²⁴Institute For Curriculum Service: Zionism and Arab Nationalism. <https://icsresources.org> accessed on 29th August, 2024

²⁵Ibid.

²⁶Britanica: Balfour Declaration. <https://www.britanica.com> accessed on 29th August, 2024

²⁷Embassies: The British Mandate. <https://embassies.gov> accessed on 29th August, 2024

The aftermath of the Jewish immigration is Arab Revolt,²⁸ Arab opposition to Jewish immigration and land purchases led to a large-scale revolt against British rule and Jewish settlements. The British responded with harsh measures to limit Jewish immigration, leading to further tensions of arrest and killings of Palestinians and destruction of their homes. In this revolt, thousands of civilian populations of Palestinians lost their lives.

This first revolt brought about the first settlement mechanism which is UN Resolution 181,²⁹ whereby the United Nations proposed partitioning Palestine into separate Jewish and Arab States, with Jerusalem as an international city. This plan was accepted by the Jewish leaders but rejected by Arab leaders and neighboring Arab states. The Palestinians rejected the plan because it allocated about 5% of Palestine to the Jewish. At that time, the Palestinians owned 94% of historic Palestine which comprised of 67% of its population.³⁰

The second cause of disputes between Israeli and Palestinians follows the declaration of the State of Israel in 1948,³¹ Israel announced its establishment and neighboring Arab states invaded. The war resulted in significant territorial changes, with Israel controlling more land than was allocated under the UN plan, and the displacement of a large number of Palestinian Arabs (*the Nakba*).³² The following day, the first Arab-Israeli war began and fighting ended in January 1949 after an agreement to stop the war was reached between Israel and Egypt, Lebanon, Jordan and Syria. This led to the second settlement move (In December 1948) where the UN General Assembly passed Resolution 194,³³ which calls for the right of return for Palestinian refugees.³⁴

This resolution 194 which is yet another settlement measure (The United Nations General Assembly Resolution 194) was sponsored by UN Mediator (Folk Bernadotte) and adopted by 35 countries out of 58 members of the United Nations at that time, 15 voted against and 8 abstaining, the main gist of this resolution was for the return of Palestinian refugees to their homes and live at peace with their neighbors, it also, proffer compensation for the property of

²⁸Wikipedia: 1936-1939 Arab Revolt in Palestine. <https://en.wikipedia.org> accessed on 29th August, 2024

²⁹Wikipedia: United Nations Partition Plan For Palestine. <https://en.wikipedia.org> accessed on 29th August, 2024.

³⁰Ibid

³¹*Al-Jazeera*: Arab-Israeli War. <https://www.aljazeera.com> accessed on 29th August, 2024

³²Ibid

³³Wikipedia: United Nations General Assembly Resolution 194. <https://en.wikipedia.org> accessed on 29th August, 2024.

³⁴Ibid

those who choose not to return. The resolution also calls for the establishment of the United Nations Conciliation Commission to facilitate peace between Israel and Arab States. Israel objected to the Resolution 194 though not a member of the United Nations at this time but had been given *de jure* recognition. Palestinian representatives likewise rejected many articles in the Resolution but later reverse their position in 1949 and started drumming support for it having been adjudged by several organisations and individuals who believe that the Resolution 194 enshrine a right for the Palestine refugees to return to their homes which the Israel had occupied in 1948 war.³⁵

However, due to the tone of Resolution 194 which was largely rejected by the Israel, the Israeli continued with her settlement expansion (Post-1948 Developments and Settlement Expansion)³⁶ and captured the West Bank, Gaza Strip, East Jerusalem, and other territories during the Six-Day War (until the 2005 disengagement). This marked the beginning of Israeli settlement construction in the occupied territories and it was considered illegal under international law by most of the international community, though Israel disputed this.³⁷

Settlement construction began in the occupied West Bank and Gaza Strip. A two-tier system was created with Jewish settlers afforded all the rights and privileges of being Israeli citizens whereas Palestinians had to live under a military occupation that discriminated against them and barred any form of political or civic expression. This led to the first Palestinian shake off (*The first Intifada 1987-1993*)³⁸ erupted in the Gaza Strip in December 1987 after four Palestinians were killed when an Israeli truck collided with two vans carrying Palestinian workers. This event sparked to widespread protests, which later escalated into a broader movement.

This uprising was characterised by demonstrations, civil disobedience, strikes and boycotts of Israel products, it also led to the establishment of the Hamas movement, an off-shoot of the Muslim Brotherhood that engaged in armed resistance against the Israeli occupation, Palestinians women and children were involved in this protest with the use of stones on the Israeli military.

³⁵See Notes 33

³⁶See Notes 33.

³⁷Amnesty International: Israel Settlements and International Law. <https://www.amnesty.org> accessed on 29th August, 2024.

³⁸Wikipedia: First Intifada. <https://en.wikipedia.org> accessed on 29th August, 2024

The Israeli military force to responded with life ammunition, tear gas and mass arrest. Israeli Government also imposed curfews, restrained movement in Palestinian territories and closed schools.³⁹

The first Intifada having resulted in significant loss of life of women and children prompted the International Community to search for a solution to the conflict and this lead to the signing of Oslo Accords in 1993 were the first direct agreements between Israel and the Palestine Liberation Organization (PLO) was made and it aim to establish a framework for future relations and the eventual creation of a Palestinian state which is referred to as “The *Oslo Years*”⁴⁰ and the formation of Palestinian Authority, an interim government that was granted limited self-rule, though, the issues at the heart of the conflict remained unresolved, leading to future tensions and the eventual outbreak of the second Intifada in 2000.⁴¹ The Oslo Accord of 1993 though aimed to establish peace in the Israel Palestine conflict, it however fails to address issues like borders, the status of Jerusalem, the right of return of Palestinian refugees and the fate of Israeli settlements.

Despite the Accord however, violence continued between Israelis and Palestinians, settlement expansion continued with military operations, undermining trust between the parties. In 1995, Israel built an electronic fence and concrete wall around the Gaza Strip in furtherance of settlements making it difficult for Palestinian State to be actualised. All these shortfalls contributed to the eventual collapse of the Oslo Accord and the continuation of the Israeli Palestinian conflict.⁴²

After the shortfalls of Oslo Accord, there was another uprising which resulted in thousands of deaths and injuries with Palestine bearing the highest casualties this revolt is referred to as “The Second *Intifada* also known as *Al-Aqsa Intifada*”⁴³ began on September 28, 2000 to 2005, the immediate trigger was the visit of one Ariel Sharon the then leader of Israeli opposition party to the Al-Aqsa Mosque compound with thousands of security forces deployed in and around the old

³⁹Ibid.

⁴⁰Office of the Historian: The Oslo Accords and The Arab-Israeli Peace Process. <https://history.state.gov> accessed on 29th August, 2024.

⁴¹See Notes 40.

⁴²Foreign Policy: Why the Oslo Peace Process Failed. <https://foreignpolicy.com> accessed on 29th August, 2024.

⁴³Institute of Palestine Studies: The Second Intifada, Then and Now. <https://digitalproject.palestine-studies.org> accessed on 29th August, 2024.

city of Jerusalem, the Palestinians saw this as a provocative act, especially considering the religious significance of *Al-Aqsa* Mosque, protests and riots broke out which escalated into widespread violence and numerous suicide bombings. During this war, Israel continued with the construction of separation wall destroyed Palestinian livelihoods and communities, claiming that it is for security purposes thereby moving towards annexation of Palestinian land, this move was internationally criticised.⁴⁴

After the second Intifada, there arises an internal crisis among the Palestinians when the leader of Palestinian Liberation Organisation (PLO) Yasser Arafat died,⁴⁵ and a year later, the second Intifada ended, Israeli settlements in the Gaza were dismantled, and Israeli soldiers and 9,000 settlers left Gaza and surrounding communities. A year after, Palestinians voted in a general election for the first time and Hamas won a majority against Fatah, a civil war broke out, lasting for months, resulting in the deaths of hundreds of Palestinians. In June 2007, Israel imposed a land, air and naval blockade on the Gaza Strip, accusing Hamas of “terrorism”.⁴⁶

Israel has also due to the several terrorism activities of Hamas group launched four different military attacks on Gaza (The wars on the Gaza Strip)⁴⁷ between 2008, 2012, 2014 and 2021. Thousands of Palestinians were killed, including many children, and tens of thousands of homes, schools and office buildings have been destroyed.⁴⁸

It is worthy to mention that during this protracted crisis, the International Communities also put in place The Two State Solution⁴⁹ as a settlement measure but till now, the commitment to achieve that is not materialistic even though, it was endorsed by various international bodies, the two sides are yet to give in as peace talks continuously broke down due to the settlement expansions by the Israel, political divisions in Palestine and other grey areas not addressed by the Two State Solution.

⁴⁴Aljazeera: Israeli Forces attack Palestinian Worshippers at Al-Aqsa Mosque. <https://www.aljazeera.com>. accessed on 29th August, 2024.

⁴⁵Wikipedia: The Death of Yasser Arafat on 11th Oct, 2024. <https://en.wikipedia.org> accessed on 29th August, 2024.

⁴⁶Ibid

⁴⁷Congressional Research Service: Israel and Hamas Conflict In Brief; Overview; U.S. Policy and Option for Congress. <https://crsreports.gov>. accessed on 29th August, 2024.

⁴⁸Oxfam International: More Women and Children killed in Gaza by Israeli Military than any other recent Conflict in a Single Year. <https://www.oxfam.org> accessed on 29th August, 2024.

⁴⁹Britannica: Two State Solution. <https://www.britanica.com> accessed on 29th August, 2024.

From the forgoing, it can be seeing that series of settlement mechanism to achieve peace in the ongoing crisis in Israel and Palestine have been put in place but they remain unimplemented due to lack of commitment from all parties involved.⁵⁰

Issues and Challenges

The Israeli-Palestinian conflict is a complex and multifaceted disputes with deep historical, political and social dimensions. In attaining road to peaceful settlement, issues and challenges needs to be identified. Followings are the core issues at the heart of the conflict.⁵¹

One of the prominent issues that have degenerated to the ongoing Israel and Palestine conflict is the issue of Borders and Territorial Disputes. The borders between Israel and the supposed Palestinian state have been contested by the Israeli settlement in the West Bank Gaza strip and East Jerusalem.⁵²These core areas are often referenced as a basis for negotiation, but Israel has built settlements in the West Bank and East Jerusalem, complicating this issue and making the peaceful settlement move more complicated. Although this sole action of Israeli is seeing as illegal and obstacle to achieving the two-state solution under the international law by many countries and international organisations.⁵³

The second issue is the control of Jerusalem, with both Israelis and Palestinians asserting claims to the city as their capital. Israel controls the entire city and regards it as its capital, while Palestinians seek East Jerusalem as the capital of a future Palestinian state. Also, another key issue is the Right of Return of Refugees where Millions of Palestinian refugees, displaced during the Arab-Israeli war⁵⁴ and their descendants, seek the right to return to their ancestral homes and Israel opposes this.

⁵⁰Nathan J. Brown: Israeli and Palestinian Societies Have Little Remaining Hope of Peace. <https://carnegieendowment.org> accessed on 29th August, 2024.

⁵¹Kratika Kushwah: The Israel-Palestine Conflict; Exploring Legal Dimension and Paths to Resolution. <https://www.abacademies.org>. accessed on 29th August, 2024.

⁵²Global Center For The Responsibility to Protect: Israel and Occupied Palestinian Territory. <https://www.globalr2p.org>. accessed on 29th August, 2024

⁵³Reham Owda: How Israel, Settlements Impede The Two-State Solution. <https://carnegieendowment.org> accessed on 29th August, 2024.

⁵⁴Wikipedia: 1948 Arab-Israeli War. <https://en.wikipedia.org> accessed on 29th August, 2024

The issue of Security is also a concern as Israel prioritised their security for the prevention of terrorism attacks from Hamas group in Gaza⁵⁵ which lead to the presence of its military personnel both in Gaza, Jerusalem and west Bank, these, the Palestinians experienced every day and it create significant tension leading to violence and attack.⁵⁶

Blockade of Gaza⁵⁷ is another issues and challenges hampering on the progress of settlement. The blockade has led to widespread poverty, unemployment, and lack of access to basic services, including healthcare and the control and distribution of water resources between Israel and the Palestinian territories remain contentious. Israeli military further exacerbated the Palestinians sufferings leading to humanitarian crisis.

The role of some international powers' players like the United States, the United Nations, and regional powers (such as Egypt and Iran) also shape the conflict situation by complicating it more as they have various interests which often influence the dynamics of the conflict.⁵⁸

Pathways to Peace through Diplomatic and Non-Diplomatic Conflict Resolution Mechanisms

In attaining peace in the ongoing disputes in Israel and Palestine, this article suggests a hybrid approach, that, is the use of diplomatic methods such as Negotiation, Mediation, Conciliation, Arbitration and Judicial Settlement with the strategic application of non-diplomatic measures like, International Military Intervention or Occupation. The success of any of this settlement mechanism depends on international support and commitment, leadership willingness on both sides in addressing core issues such as Territorial and Boundary issues, the status of Jerusalem, rights of return of refugee, security concerns, and mutual recognition etc.

It is important to note that the UN Charter does not prescribe a particular way or means in which an internal dispute could be settled, it gives parties a freehand to settle their disputes and choose from the avalanche of disputes settlement mechanism as provided in Article 33 of the UN

⁵⁵BBC: What is Hamas and Why is it Fighting with Israel in Gaza. <https://www.bbc.com> accessed on 29th August, 2024

⁵⁶Nicholas McGrath: Everyday Insecurity in Gaza; Experiencing Blockade; Displacement and Panopticism. <https://www.e-ir.info> accessed on 29th August, 2024

⁵⁷Wikipedia: Blockade of the Gaza Strip. <https://en.wikipedia.org> accessed on 29th August, 2024

⁵⁸Universidad de Navarra: War in Palestine and its impact on Western Countries

Charter. Equally, the United Nations Security Council (UNSC) can intervene in the settlement of disputes under international law based on its charter and guiding principles, where a dispute poses a threat to international peace, breaches the peace, or involves acts of aggression.⁵⁹ Also, where it involved severe human rights violations, the UN Human Rights Council or other UN mechanisms may get involved. In cases of genocide, ethnic cleansing, or crimes against humanity, the UNSC can intervene to protect civilians under the "Responsibility to Protect" (R2P) doctrine.⁶⁰ This intervention can range from mediation to authorising sanctions or the use of force.⁶¹ The UNSC can mandate peacekeeping missions or approve international military interventions to prevent escalation or resolve conflicts.

It is in line with the above, that this article suggests as first measure, the use of peace keeping mission along with the presence of International Military forces in the affected areas to alleviate tension and prevent possible attacks from both sides. This will also involve the withdrawal of Israeli military forces from the areas of concerns, which in turn, will prompt Hamas to retreat, viewing the Israeli pullback as a sign of security threats. In this context, the United Nations should prioritise promoting respect for human rights and fundamental freedoms for all individuals, irrespective of race, gender, language, or religion. Moreover, the conflicting parties are encouraged to cooperate in addressing these international issues that have global implications.⁶²

One of the key internal principles that should guide efforts to reduce the tension in the ongoing Israel-Palestine conflict is adherence to international law, particularly rules designed to prevent civilian death and suffering. These include prohibitions against actions such as cutting off access to water, food, electricity, and fuel for entire civilian populations. This principle is primarily governed by International Humanitarian Law (IHL), also known as the law of armed conflict or the law of war. Several key treaties and protocols, such as the Fourth Geneva Convention (1949) and its Additional Protocols, provide specific protections for civilians during wartime. Notably, Article 54 of Additional Protocol I (1977) explicitly prohibits "starvation of civilians as a method of warfare" and the destruction of essential objects indispensable to the survival of the civilian

⁵⁹Chapter VII of the UN Charter Article 39

⁶⁰R2P is an international norm that seek to ensure that the international community never fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity

⁶¹United Nations University: UN Sanctions and Mediation Project. <https://i.unu.edu>. accessed on 30th August, 2024

⁶²United Nations: Universal Declaration of Human Rights. <https://www.un.org>. accessed on 30th August, 2024

population, such as foodstuffs, agricultural areas, drinking water installations, and supplies, and irrigation works. The Fourth Geneva Convention⁶³ also prohibits the use of civilian populations as human shields and ensures that civilians have the right to leave areas of hostilities. Also, Rule 53 of the International Committee of the Red Cross (ICRC) and Customary International Humanitarian Law similarly prohibits starvation of civilians and the targeting of objects indispensable to their survival.⁶⁴ Further, "intentionally directing attacks against the civilian population"⁶⁵ and "intentionally using starvation of civilians as a method of warfare" are recognised as war crimes.⁶⁶

All these legal frameworks are designed to ensure that military actions are conducted in a way that minimises harm to civilians and civilian infrastructure, it also establishes that cutting off essential resources like water, food, electricity, and fuel to a civilian population is generally prohibited under international law and may constitute a war crime. Therefore, the UN through its peace keeping mission aimed at restoring peace in the ongoing Israel and Palestine conflict, should prioritise the delivery of humanitarian aid to the civilian population. This includes foodstuffs, agricultural areas, drinking water installations, supplies, irrigation works, electricity and the provision of hospital for the wounded and sick civilian.⁶⁷

Once the humanitarian situation is addressed and tensions are eased, it will be both easier and more essential to shift the focus from immediate relief to long-term peace. Achieving a permanent and lasting peace between Israel and Palestine can only be realised through diplomatic means, emphasising negotiation, mediation, and dialogue, all pursued without resorting to violence.⁶⁸

At this stage, with the commitment of the international community to peacekeeping missions, it is essential to allow the parties to the conflict to directly engage and reach agreement on peaceful

⁶³Article 17

⁶⁴International Committee of the Red Cross: Starvation as a Method of Warfare. <https://ihl.databases.icrc.org> accessed on 30th August, 2024

⁶⁵Article 52(2) of the Additional Protocol I to the Geneva Convention of 1977.

⁶⁶Article 54(1) of the Additional Protocol I to the Geneva Convention of 1977.

⁶⁷Humphrey Nwobashi Nwefuru: Israeli-Palestine Conflict and the United Nations Peace Initiative. <https://www.ajol.info>. accessed on 30th August, 2024

⁶⁸Jonathan Rynhold: Beyond Humanitarian Aid, A Plan for Gazan Civilians is a Strategic Necessity for Israel. <https://basecenter.org>. accessed on 30th August, 2024

means. This process must be conducted in accordance with the “Principles of International Law Concerning Friendly Relations and Cooperation among States”, which was adopted by the United Nations General Assembly in 1970. These principles outline the fundamental rules of international law that govern relations between states, promoting peaceful coexistence and cooperation. The Declaration is grounded in the UN Charter and reflects customary international law.⁶⁹The principles read;

“That states must refrain from using or threatening force against the territorial integrity or political independence of other states, that all international disputes should be resolved through peaceful means like negotiation, mediation, arbitration, or judicial settlement, ensuring peace, security, and justice, that states must not intervene in the internal or external affairs of another state, particularly in matters of sovereignty or governance, that peoples have the right to freely determine their political status and pursue their economic, social, and cultural development, that all states, regardless of size or power, are legally equal in their rights and obligations under international law, that states are encouraged to cooperate in various fields such as economic, social, cultural, and humanitarian efforts to promote international peace and security. Lastly, the states must fulfill their obligations under international law, including treaties and agreements, in good faith.”⁷⁰

Having established the above principle, which must be observed by the disputing parties in achieving a peace settlement, it is therefore incumbent on Israel and Palestine to engage in direct bilateral negotiations. In these negotiations, both parties need to participate in sustain talks to address core issues such as borders, security, refugees, and the status of Jerusalem, with a viable roadmap for reaching a peaceful resolution.⁷¹

Furthermore, third-party mediators from international entities such as the U.S., EU, UN, Egypt, or Jordan can play a role in facilitating peace talks. For instance, the Oslo Accords (1993) were mediated by Norway.⁷² Additionally, the International Court of Justice (ICJ) and the Permanent

⁶⁹Sir Robbert Jennings: Position of the States in International Law. <https://academic.oup.com>. accessed on 30th August, 2024.

⁷⁰These states are primarily drawn from several core documents of international law, most notably the United Nations Charter and the International Covenant on Civil and Political Rights (ICCPR).

⁷¹Wikipedia: Israeli-Palestinian Peace Process. <https://en.wikipedia.org> accessed on 30th August, 2024.

⁷²Ibid

Court of Arbitration (PCA) have the authority to provide legally binding resolutions to specific disputes.⁷³

Finally, the implementation of UN Security Council Resolutions, including Resolution 242 (1967) and the Oslo Accords, should be examined. These call for the withdrawal of Israeli forces from occupied territories and the recognition of every state's right to live in peace. Measures such as releasing prisoners, halting settlement expansion, or reducing military presence in sensitive areas can help build goodwill and trust, creating a foundation for broader agreements.⁷⁴

Conclusion

In conclusion, the Israel and Palestine disputes, remains one of the most complex and prolong disputes in modern history. Driving towards a sustainable peace requires a very wider approach that balances both diplomatic (peaceful) and non-diplomatic (forceful) means of dispute resolution. While Negotiations and International Mediation offer hope for a peaceful settlement, the realities on the ground often lead to escalations in violence and achieving peace will depend on addressing core issues such as territorial boundaries, security, the status of Jerusalem, and the rights of refugees, alongside building trust between the parties. Also, for any settlement to succeed, both sides must engage in dialogue with a genuine commitment to foster peace and mutual recognition, with the require support of international community. The road to attaining peace is challenging, but a combination of peaceful negotiations and, where necessary, firm and commitment interventions may provide the framework for a lasting resolution.

⁷³Kitty Sorah: International Conflict Resolution, The Potential of the International Court of Justice Versus the Permanent Court of Arbitration. <https://mortzlaw.osu.edu>. accessed on 30th August, 2024.

⁷⁴National Archives: Peace to Prosperity, A vision to Improve the Lives of Palestinian and Israeli People. <https://trumpwhitehouse.archives.gov>. accessed on 30th August, 2024.