

International Humanitarian Law Amid the Gaza Crisis: Power Asymmetry, Civil Violations, And Global Accountability Imbalance

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Abstract

The Israel–Palestine conflict is one of the longest-standing conflicts that has drawn significant international attention, especially concerning the application of International Humanitarian Law (IHL). This article aims to analyze the dynamics of implementing core IHL principles, such as the principles of proportionality, distinction, and the protection of civilians, in the ongoing armed conflict in the Gaza Strip and West Bank. Through a qualitative approach with document analysis of official reports from the UN, ICRC, and international NGOs, various violations of IHL norms were identified, which had a significant impact on civilians, including attacks on medical facilities, schools, and restrictions on humanitarian access.

Additionally, this article highlights enforcement challenges, such as politicization at the UN Security Council and the weakness of international sanctions mechanisms. The findings underscore the importance of strengthening the international legal system and the role of the global community in promoting accountability and civilian protection. This article is expected to contribute academically to contemporary discussions on humanitarian law and human rights in conflict zone.

Keywords:

International humanitarian law, israel–palestine, civilians, human rights violations, armed conflict.

Introduction

The Israel–Palestine conflict is one of the most complex and protracted armed conflicts in the modern era. Since the early 20th century, this conflict has not only involved territorial and political aspects but has also had serious humanitarian implications, particularly for civilians.¹ Events such as armed violence, airstrikes, blockades, and mass displacement have created challenging conditions for the protection of civilians, as outlined in International Humanitarian Law (IHL).²

International Humanitarian Law, as governed by the 1949 Geneva Conventions and Additional Protocols, aims to limit the effects of armed conflict on those not directly involved in the hostilities, including civilians, medical personnel, and humanitarian volunteers. However, in the context of the Israel–Palestine conflict, the application of core IHL principles such as the principle of proportionality, the

¹ Joana Ricarte, *The impact of protracted peace processes on identities in conflict: the case of Israel and Palestine* (Springer Nature, 2023).

² Felix Bidali, “Protection of civilian population by international humanitarian law during international armed conflict,” 2016, <https://ir.kiu.ac.ug/bitstream/20.500.12306/8932/1/img-0131.pdf>.

principle of distinction, and the prohibition of disproportionate use of force is often questioned. Reports from international organizations such as Human Rights Watch (2023) and Amnesty International (2022) have indicated numerous attacks on civilian areas, including schools, hospitals, and places of worship, which may violate humanitarian law provisions.³

Additionally, the enforcement of IHL in this conflict faces serious challenges, including the politicization of international bodies, the weakness of sanction mechanisms, and the limited jurisdiction of the International Criminal Court (ICC) in prosecuting perpetrators of violations. On the other hand, the international community continues to push for peaceful resolutions and respect for the laws of war, but so far, these efforts have not resulted in significant impacts in curbing the ongoing violations.⁴

Based on the aforementioned background, this article aims to analyze the implementation of IHL principles in the Israel–Palestine conflict, examine the challenges in international law enforcement, and assess the direct consequences experienced by civilians. This study is important not only as a contribution to the academic discourse on humanitarian law but also as an effort to strengthen international mechanisms for civilian protection in armed conflict situations.

Given this background, the author aims to address how the principles of International Humanitarian Law are implemented in the armed conflict between Israel and Palestine, what forms of

³ Amanda Alexander, “A short history of international humanitarian law,” *European Journal of International Law* 26, no. 1 (2015): 109–38.

⁴ Marco Sassòli, “The implementation of international humanitarian law: current and inherent challenges,” *Yearbook of International Humanitarian Law* 10 (2007): 45–73.

humanitarian law violations occur in the conflict, what challenges are faced in law enforcement and civilian protection, and the role of the international community in promoting accountability for IHL violations in the region.

Method

This study employs a qualitative approach using a literature study (library research) method, chosen due to the normative and descriptive-analytical nature of the research, which focuses on analyzing international legal documents, official reports, and relevant academic literature concerning the implementation of international humanitarian law (IHL) in the Israel–Palestine conflict. According to Creswell (2014), a qualitative approach allows researchers to understand social and legal phenomena in specific contexts by emphasizing the interpretation of the meaning and content of the documents being analyzed.⁵

The data sources used in this research include primary sources such as the 1949 Geneva Conventions, Additional Protocols I and II of 1977, official reports from the United Nations Human Rights Council (UNHRC), the International Committee of the Red Cross (ICRC), and investigative reports from organizations like Amnesty International and Human Rights Watch. Secondary sources include academic journals, books on humanitarian law, publications from international research institutions, and relevant previous studies. Data was collected through document and literature study from various reliable sources, all obtained via open and verified access through official portals of international organizations, scientific journal repositories, and digital libraries. The selection of sources was purposive to ensure relevance and validity to

⁵ Komang Ayu Henny Achjar dkk., *Metode Penelitian Kualitatif: Panduan Praktis untuk Analisis Data Kualitatif dan Studi Kasus* (PT. Sonpedia Publishing Indonesia, 2023).

the research topic. Data analysis was conducted using content analysis, focusing on key themes such as the implementation of humanitarian law principles in the Israel–Palestine conflict, types of violations of civil rights, and challenges in law enforcement and international accountability. The analysis was carried out systematically by categorizing information from various documents, which were then examined based on IHL principles. Source triangulation was used to test the consistency of the data obtained from various international organizations and scholarly sources.⁶

Analysis and Discussion

1. Implementation of International Humanitarian Law Principles in the Israel–Palestine Conflict

The core principles of International Humanitarian Law (IHL), such as the principle of proportionality, distinction, and the prohibition of attacks on civilian objects, serve as the foundational framework for regulating the conduct of parties involved in armed conflicts. In the context of the Israel–Palestine conflict, the application of these principles is highly problematic and has drawn significant criticism from the international community. Israel's airstrikes on Gaza, one of the world's most densely populated areas, often result in civilian casualties and the destruction of vital infrastructure. Amnesty International (2022) reported the use of large explosive weapons in densely populated residential areas, which directly contravenes the principle of proportionality. Similarly, Human Rights Watch (2023) reported attacks

⁶ Hans-Gerd Ridder, "Qualitative Data Analysis. A Methods Sourcebook 3rd Edition" (JSTOR, 2014).

on hospitals, schools, and places of worship, which have led to civilian deaths and injuries, including children and women.⁷

On the other hand, Palestinian armed groups, such as Hamas, have also been accused of violating IHL by launching rockets into Israeli civilian areas. These indiscriminate rocket attacks pose a high risk to civilians and explicitly violate the principle of distinction, which mandates that military targets be distinguished from civilian objects.⁸ Furthermore, reports from the International Committee of the Red Cross (ICRC, 2021) and the United Nations Human Rights Council (UNHRC, 2023) highlight the use of civilians as human shields by armed groups, which is also strictly prohibited under IHL.⁹ Both parties to the conflict have been accused of violating IHL norms. However, the imbalance in military power and the dominance of international narratives by major global powers often lead to discrepancies in coverage and accountability. Israel, as a state actor with strong diplomatic support, often receives defense in international forums, while its violations remain under intense scrutiny by global human rights organizations.¹⁰

2. Impact of the Conflict on Civilians

⁷ J. C. Van den Boogaard, "Proportionality in international humanitarian law," *Uva. Nl. Retrieved February 6* (2019): 2024.

⁸ Yuni Putri Dewantara, Michelle Hadi, dan Carissa Amanda Siswanto, "Pengakuan dan Legitimitas di Hukum Internasional: Studi Kasus Konflik Israel-Palestina," *Jurnal Hukum Lex Generalis* 6, no. 1 (2025), <https://rewangrencang.com/ojs/index.php/JHLG/article/view/627>.

⁹ Coline Marie Proy, "The Classification of Civilians as Human Shields: a Means to Justify Violence?," 2023, <https://lup.lub.lu.se/student-papers/search/publication/9128099>.

¹⁰ Steinberg, "The Politics of NGOs, Human Rights and the Arab-Israel Conflict," *Israel Studies* 16, no. 2 (2011): 24, <https://doi.org/10.2979/israelstudies.16.2.24>.

Civilians are the most vulnerable group, bearing the heaviest burden in armed conflicts, including the Israel–Palestine conflict, which has lasted for decades. This conflict not only leads to a high death toll among non-combatants but also creates a long-term humanitarian crisis of great complexity. Reports from the United Nations Human Rights Council (UNHRC, 2023) indicate that more than 70% of casualties in the latest escalation of the conflict were civilians, including women, children, and the elderly. The destruction of civilian infrastructure has been a significant and detrimental impact on the daily lives of the Palestinian people, particularly in Gaza. Vital facilities such as hospitals, schools, places of worship, and water supply systems have been targeted or destroyed in airstrikes. This not only worsens the quality of life for civilians but also hampers post-conflict recovery efforts. Children lose access to safe education, patients struggle to access healthcare services, and families lose their homes.

Since the imposition of the blockade by Israel in 2007, the humanitarian situation in Gaza has deteriorated further. This blockade restricts the entry of essential goods, including food, medicine, and building materials needed for reconstructing damaged infrastructure. According to a report by the ICRC (2021), the prolonged blockade has led to shortages of medical supplies, disruptions in hospital services, and increasing malnutrition among children. This blockade, affecting the entire civilian population, is considered a form of collective punishment, which is strictly prohibited under IHL.

Additionally, the psychological impact on civilians cannot be overlooked. Children growing up in an atmosphere of fear due to bombings and airstrikes are at high risk of long-term psychological disorders such as PTSD. Women and the elderly also form vulnerable groups that experience trauma and difficulty accessing adequate social

protection and healthcare services. The World Health Organization (WHO, 2023) reported a significant increase in mental health issues in Gaza due to the ongoing escalation of violence.

The refugee crisis also presents a serious issue that must be addressed. Thousands of families have lost their homes and are living in temporary refugee camps, often lacking basic facilities. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA, 2023) reported that more than 1 million Palestinians in Gaza urgently need humanitarian assistance, including housing, clean water, and sanitation. This crisis places a heavy burden on international aid organizations, which face limited funding and logistical challenges on the ground.

Various international organizations, including the United Nations, ICRC, Amnesty International, and Human Rights Watch, continue to call for an end to actions that harm civilians and urge all parties to comply with IHL principles. However, the implementation of these calls continues to face political and security obstacles on the ground.

3. Role and Response of International Organizations

Several international organizations have shown significant concern over violations of International Humanitarian Law (IHL) in the Israel–Palestine conflict. Their efforts include investigating incidents, reporting human rights violations and IHL breaches, and urging the international community to take concrete action. However, the effectiveness of these responses is often hindered by structural and political factors that complicate the enforcement of international law.

The United Nations Security Council (UNSC) formally has the authority to take action on serious violations of international law, including imposing sanctions or referring cases to the International

Criminal Court (ICC). However, in practice, this function is often obstructed by the veto power held by the five permanent members (the US, Russia, China, France, and the UK). In the context of the Israel–Palestine conflict, the US consistently uses its veto power to protect Israel from resolutions that it views as politically detrimental. As a result, many resolutions aimed at investigating or addressing IHL violations are not effectively implemented (UNSC, 2022).

The International Committee of the Red Cross (ICRC), as a neutral body tasked with ensuring compliance with humanitarian law in conflict zones, has played a critical role in monitoring, providing medical aid, and raising concerns about ongoing violations. The ICRC consistently calls for the respect of IHL principles and the importance of protecting civilians and civilian objects in the conflict. However, the ICRC does not have the authority to impose sanctions or bring violations to international courts, as its mandate is limited to protection and advocacy (ICRC, 2021).

The International Criminal Court (ICC) has also made significant steps by opening investigations into potential war crimes in Palestine. In 2021, the ICC officially announced that its jurisdiction includes Gaza, the West Bank, and East Jerusalem, and stated that it would investigate potential violations committed by both parties. While this is an important step in building international accountability, ICC investigations are often slow and subject to political pressure, including from countries that do not recognize the ICC’s jurisdiction, such as Israel and the United States (ICC, 2021; Akande, 2021).

In addition to formal international bodies, the role of non-governmental organizations (NGOs) such as Amnesty International, Human Rights Watch, and Médecins Sans Frontières (MSF) has been critical. These organizations have released reports documenting

violations of IHL, providing medical and psychosocial assistance, and campaigning globally to raise awareness and push for diplomatic action. However, without the support of a strong international judicial system, these efforts remain limited to moral influence and public pressure (Amnesty International, 2022; HRW, 2023).

Overall, the role and response of international organizations are crucial in keeping IHL principles alive amidst a prolonged conflict. However, the success of these efforts depends heavily on global political will, reform of international institutions, and cross-actor collaboration in creating a fair and effective accountability system.

4. Challenges in Law Enforcement and Accountability

Enforcing International Humanitarian Law (IHL) in the midst of armed conflict is not only confronted with the reality of violence on the ground but also with complex structural, political, and institutional challenges. In the context of the Israel–Palestine conflict, various systemic barriers make efforts to hold violators accountable extremely difficult.

One major challenge is the existence of the veto power in the United Nations Security Council (UNSC). As a body that is supposed to act quickly in addressing threats to peace and violations of international law, the UNSC is often paralyzed by the political interests of its permanent member states. For example, the United States has consistently used its veto power to block resolutions that criticize or impose sanctions on Israel. As a result, many violations of IHL are not legally addressed at the international level, despite comprehensive evidence being gathered by international organizations and NGOs (UNSC, 2022).

Furthermore, IHL itself lacks an automatic or direct enforcement mechanism. Unlike national legal systems, which have law enforcement

agencies such as the police and the prosecutor's office, IHL relies entirely on the goodwill of states to enforce its principles. The International Criminal Court (ICC), as the judicial body tasked with addressing war crimes and crimes against humanity, also faces challenges related to jurisdiction and limited resources. The UNSC is often constrained by the political interests of its permanent members. For example, the United States consistently uses its veto power to block various resolutions that criticize or impose sanctions on Israel. As a result, many violations of IHL are not prosecuted at the international level, even though comprehensive evidence of violations has been collected by international organizations and NGOs (UNSC, 2022).

Global power asymmetry also serves as a significant obstacle to international law enforcement. Countries with significant military and economic power have greater influence in international diplomacy, affecting how the narrative of legal violations is constructed globally. International media often present viewpoints that favor powerful state actors, while violations committed by non-state actors or weaker groups are more easily publicized and condemned. This creates an imbalance in moral and legal assessments of the actors involved in armed conflict (Sassòli, 2019).

In the Israel–Palestine conflict, the narrative of legal violations is often influenced by global political interests and strategic alliances. Israel, as a powerful state actor, has extensive access to international media and political support from global superpowers, making it more dominant in framing legal and human rights issues. On the other hand, violations by Palestinian armed groups are often immediately categorized as terrorism without in-depth legal analysis of the context of the non-international armed conflict. This imbalance leads to less

objective legal evaluations and creates barriers to achieving balanced justice for all parties involved.

To address these challenges, structural reforms in the international legal system are needed, including strengthening the ICC's capacity, eliminating politicization at the UNSC, and developing independent monitoring mechanisms that do not rely on political power. Additionally, the role of academics, independent journalists, and civil society organizations is vital in maintaining the integrity of the narrative and advocating for truth based on data and legal principles.

Conclusion

The Israel–Palestine conflict highlights the high complexity in the implementation of International Humanitarian Law (IHL). This study reveals that fundamental IHL principles such as proportionality, distinction, and the protection of civilians are frequently violated by both parties involved in the conflict. Airstrikes on civilian areas, the use of indiscriminate weapons, and the ongoing blockade are clear violations of humanitarian law norms.

Civilians bear the heaviest burden of this conflict, with long-term impacts on their right to life, health, education, and overall well-being. Meanwhile, efforts to enforce the law through international mechanisms are still hindered by various obstacles, including the politicization of global institutions, the weakness of the sanction system, and biases in international narratives.

The absence of effective enforcement mechanisms in IHL underscores the urgency for the international community to reform the

global legal system and strengthen accountability for violators. This study also emphasizes the importance of a humanitarian approach in handling armed conflicts that is not solely based on geopolitical interests, but also on principles of justice and the universal protection of human rights.

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