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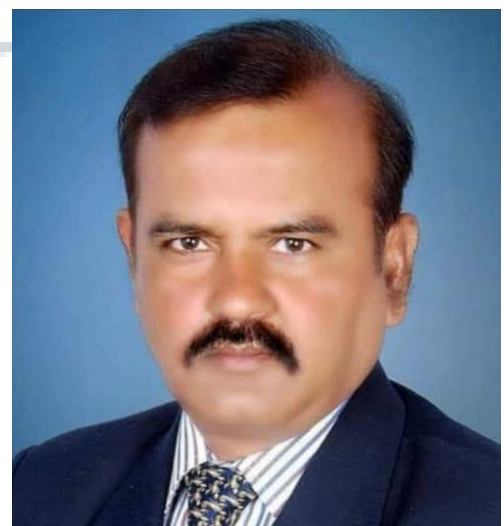
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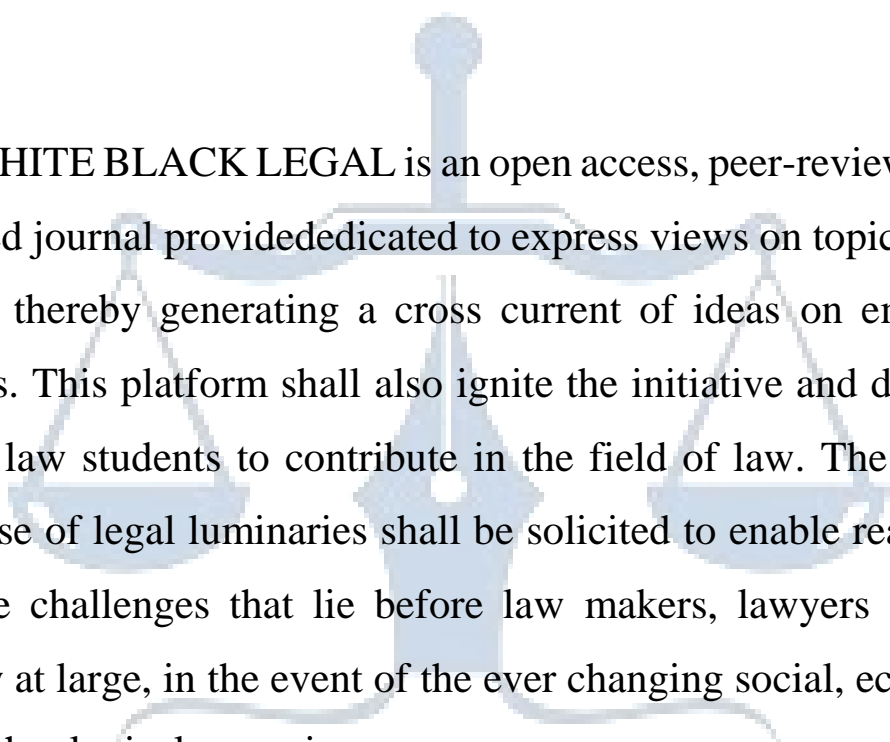


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With this thought, we hereby present to you



# **STATE SOVEREIGNTY AND GLOBAL GOVERNANCE: A PUBLIC INTERNATIONAL LAW PERSPECTIVE ON THE ISRAEL-PALESTINE CONFLICT**

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## **ABSTRACT**

With an emphasis on the Israel-Palestine conflict, this paper examines how state sovereignty and global governance interact within the context of public international law. It looks at the origins, development, and methods used to strike a balance between state sovereignty and international collaboration. This paper emphasizes the vital role that global institutions like the UN play in resolving territorial disputes and promoting peace by examining the historical and current battles for Israeli and Palestinian sovereignty. It also assesses the difficulties presented by global governance institutions, including the conflict between national interests and the necessity of cooperation. The study emphasizes how crucial it is to improve global governance in order to advance equality, justice, and amicable dispute settlement. Using a multifaceted strategy, this research contributes to understanding how Public International Law shapes international relations and the quest for lasting peace.

## **Keywords**

Israel-Palestine conflict, Public International Law, state sovereignty, global governance, United Nations, territorial disputes, peace promotion, international collaboration, national interests, dispute resolution, global governance challenges, justice, equality, international relations, conflict settlement.

## **DEFINITION AND SCOPE OF PUBLIC INTERNATIONAL LAW**

Public International Law (PIL) is a branch of law that governs the relationships and interactions between sovereign states and international entities. It establishes the legal framework for addressing issues of global concern, such as human rights, environmental protection, and conflict resolution. PIL encompasses a wide range of principles, treaties, and customary

practices that guide the conduct of states in the international arena.<sup>1</sup> Its primary sources include international conventions, treaties, customary law, and the general principles of law recognized by civilized nations.

The scope of PIL extends beyond states to include international organizations, non-state actors, and individuals. It addresses the rights and responsibilities of states in areas such as diplomatic relations, territorial sovereignty, and the peaceful resolution of disputes. International courts and tribunals, such as the International Court of Justice, play a crucial role in adjudicating disputes arising under PIL.<sup>2</sup> This body of law reflects the evolving norms and values of the international community, promoting cooperation and peaceful coexistence among nations.

## **HISTORICAL DEVELOPMENT AND EVOLUTION**

The historical development of Public International Law (PIL) traces back to ancient civilizations, where treaties and agreements between states governed relations. However, the modern concept of PIL emerged during the late Middle Ages and the Renaissance period in Europe. The Treaty of Westphalia in 1648 is often cited as a pivotal moment, as it established the principle of state sovereignty and non-interference in internal affairs, laying the foundation for modern international law.

During the 19th century, the growth of colonial empires and increased international trade necessitated more sophisticated legal frameworks. Legal scholars such as Hugo Grotius and Emer de Vattel contributed to the codification of customary international law and the recognition of the rights and duties of states. The 20th century witnessed significant developments in PIL, particularly after World War II. The establishment of the United Nations in 1945 and the adoption of the Universal Declaration of Human Rights in 1948 marked important milestones in the evolution of international law.<sup>3</sup>

Numerous treaties and conventions were drafted to regulate various aspects of international relations, including humanitarian law, environmental protection, and the peaceful settlement of disputes. International courts and tribunals, such as the International Court of Justice and the

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<sup>1</sup> R Brownlie, *Principles of Public International Law* (Oxford University Press 2008).

<sup>2</sup> M. N. Shaw, *International Law* (Cambridge University Press 2014).

<sup>3</sup> Guzman, A.T., 'Rethinking International Law as Law' (2009) 103 *Proceedings of the Annual Meeting* (American Society of International Law) 155-157



International Criminal Court, were also established to adjudicate disputes and prosecute individuals for violations of international law.<sup>4</sup>

The evolution of PIL reflects the changing dynamics of the international system and the growing interdependence among states. While challenges such as state sovereignty and enforcement mechanisms persist, PIL continues to adapt to address emerging issues such as global terrorism, cyber warfare, and climate change.<sup>5</sup>

### **SOURCES OF INTERNATIONAL LAW:**

Public International Law (PIL) derives its authority from both primary and secondary sources, providing the legal framework for the interaction between sovereign states and other international entities.

#### **PRIMARY SOURCES:**

**Treaties and Conventions:** Treaties are formal agreements between states, creating legal obligations. For example, the Vienna Convention on the Law of Treaties (1969)<sup>6</sup> outlines the rules governing the formation and interpretation of treaties.

**Customary International Law:** This source arises from consistent state practice coupled with a belief that such practice is legally required (*opinio juris*). Notable examples include the prohibition of genocide and the principle of diplomatic immunity.

**General Principles of Law:** Derived from legal systems around the world, these principles serve as a foundational source of international law. The International Court of Justice often relies on general principles in its decisions.<sup>6</sup>

#### **SECONDARY SOURCES:**

**Judicial Decisions:** Decisions from international courts and tribunals contribute to the development of PIL. The International Court of Justice (ICJ) decisions, such as the *Nicaragua v. United States* case, serve as precedents

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<sup>4</sup> M. Dixon, *Textbook on International Law* (Oxford University Press 2007).

<sup>5</sup> M. N. Shaw, *International Law* (Cambridge University Press 2014).

<sup>6</sup> Vienna Convention on the Law of Treaties, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980) art 2.

Legal Scholarship: Writings of legal scholars, jurists, and academics help interpret and clarify legal principles. Hugo Grotius' "The Law of War and Peace" and Hans Kelsen's "Pure Theory of Law" are influential works shaping international legal thought. These sources collectively form the basis of PIL, providing a comprehensive framework to govern the conduct of states in the international arena.<sup>7</sup>

## STATE SOVEREIGNTY AND GLOBAL GOVERNANCE- CHALLENGES

State sovereignty and global governance are two interconnected concepts that play a crucial role in shaping the dynamics of international relations. State sovereignty refers to the exclusive authority and autonomy that a state possesses within its territorial boundaries, allowing it to make decisions without external interference. On the other hand, global governance encompasses the cooperative efforts of states, international organizations, and non-state actors to address transnational challenges and manage global affairs collectively.<sup>8</sup>

The tension between state sovereignty and the need for global governance arises from the increasingly interconnected and interdependent nature of the contemporary world. While states value their sovereignty as a fundamental principle of international relations, they recognize the necessity of collaboration to tackle issues such as climate change, terrorism, and pandemics that transcend national borders.

Global governance mechanisms, such as international treaties, organizations, and forums, provide a platform for states to coordinate and cooperate. These structures enable the creation of common rules, norms, and standards that guide state behaviour in the international arena. As states participate in these governance arrangements, they willingly cede a degree of sovereignty to address shared challenges effectively.<sup>9</sup>

However, the extent to which states are willing to relinquish sovereignty varies, leading to debates and negotiations in international forums. Striking a balance between maintaining state

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<sup>7</sup> Gordon E. Sherman, "Nature and Scope of International Law," (1921) 15 Am J Intl L 349.

<sup>8</sup> Goodhart M, Taninchev SB, 'The New Sovereignist Challenge for Global Governance: Democracy without Sovereignty' (2011) 55 International Studies Quarterly 1047.

<sup>9</sup> Zhao Long, 'Arctic Governance: Challenges and Opportunities' (Council on Foreign Relations, 29 November 2018)

autonomy and fostering global cooperation remains a delicate diplomatic challenge. States often engage in a complex dance of asserting their interests while recognizing the benefits of collective action.

The evolution of global governance reflects the pragmatic recognition that certain issues transcend national borders and require collaborative solutions. At the same time, respect for state sovereignty remains a cornerstone of international relations, with states jealously guarding their right to make independent decisions within their territories.<sup>10</sup>

One significant challenge is the tension between national interests and the need for collective action on global issues. States often prioritize their interests, making it challenging to reach consensus on matters that require collective efforts, such as climate change, pandemics, and human rights. Striking a balance between respecting state sovereignty and fostering cooperation is an ongoing struggle.

Another challenge lies in the effectiveness and legitimacy of global governance institutions. Some argue that institutions like the United Nations face limitations in addressing contemporary challenges due to bureaucratic inefficiencies, power imbalances, and veto powers held by a few influential nations. This raises questions about the ability of these institutions to provide equitable and efficient solutions.

Additionally, the rise of non-state actors, such as multinational corporations and non-governmental organizations, poses a challenge to traditional notions of state sovereignty. These entities often wield significant influence in global affairs, sometimes rivalling or even surpassing that of individual states. These dynamics challenge the traditional state-centric view of international relations.

Technological advancements further complicate the landscape, as issues like cyber threats and the weaponization of information transcend traditional borders. Addressing these challenges requires collaboration and coordination that may infringe on the exclusive domain of state sovereignty.<sup>11</sup>

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<sup>10</sup> Closing Plenary: Global Governance, State Sovereignty, and the Future of International Law [2013] AMASIL 107, 489-506

<sup>11</sup> Alan S. Alexandroff, Andrew F. Cooper, *Rising States, Rising Institutions: Challenges for Global Governance* (Rowman & Littlefield, 1 Apr 2010).

## UN AND REGIONAL ORGANISATIONS- ITS ROLE IN BALANCING STATE SOVEREIGNTY AND GLOBAL COOPERATION

Major international organizations play crucial roles in addressing global challenges and promoting cooperation among states. The United Nations (UN) serves as a central forum for international diplomacy, facilitating dialogue and collaboration on issues such as peacekeeping, development, and human rights. The World Trade Organization (WTO) focuses on regulating international trade, overseeing negotiations, and resolving trade disputes, contributing to a more equitable global economic system. The International Criminal Court (ICC) is responsible for prosecuting individuals for genocide, war crimes, and crimes against humanity, promoting accountability and justice. The World Health Organization (WHO) plays a pivotal role in global health, coordinating efforts to address pandemics, conduct research, and establish health standards.<sup>12</sup>

Regional organizations wield significant influence on state sovereignty, often shaping policies and decisions that impact member states' autonomy within their respective regions. These organizations facilitate cooperation on various fronts, including economic integration, security arrangements, and political coordination, thereby challenging traditional notions of sovereignty.

For instance, the European Union (EU) exercises considerable authority over its member states through supranational institutions such as the European Commission and the European Court of Justice. EU regulations and directives harmonize laws across member states, affecting areas ranging from trade and competition to environmental standards and human rights. While member states retain sovereignty in certain domains, the EU's legal framework and decision-making processes reflect a pooling of sovereignty to achieve common objectives (Dinan, 2016).

Similarly, the African Union (AU) seeks to promote regional integration and cooperation among its member states to address common challenges, including conflict resolution, economic development, and governance issues. The AU's Peace and Security Council and other mechanisms enable collective responses to crises, which may involve interventions in member

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<sup>12</sup> Samuel Nwagbo and Chuka Enuka, 'Regional International Organizations as Conflict Managers: The Limits and Capabilities' [2016] 10(2) African Research Review

states' internal affairs, raising questions about sovereignty and non-interference (Mills, 2020).

In Asia, organizations like the Association of Southeast Asian Nations (ASEAN) foster dialogue and cooperation among member states on issues such as trade, security, and cultural exchange. While ASEAN upholds the principle of non-interference in member states' internal affairs, it promotes regional norms and mechanisms for conflict resolution that may influence domestic policies and practices (Emmers, 2015). NATO (North Atlantic Treaty Organization) is a military alliance aimed at ensuring the collective defence of its member states. It fosters security and stability in the Euro-Atlantic region through joint defence efforts.<sup>13</sup>

## **THE INFLUENCE OF INTERNATIONAL LAW ON STATE BEHAVIOR AND STATE SOVEREIGNTY**

International law significantly influences state behaviour and sovereignty by establishing a framework that governs the conduct of states in the global arena. While the concept of state sovereignty traditionally emphasizes non-interference, international law introduces constraints and expectations that shape state actions and interactions. Treaties, customary international law, and international institutions contribute to the evolving dynamics between state sovereignty and compliance with shared legal norms.

States voluntarily enter into treaties to address a wide range of issues, from human rights and environmental protection to trade and security. By becoming parties to these agreements, states willingly subject themselves to binding obligations, thereby limiting their absolute sovereignty in specific areas. The United Nations Charter, for example, establishes principles of international peace and security, guiding state behaviour within the framework of collective security and cooperation. Customary international law, formed through consistent state practice and accepted as legally binding, further influences state behaviour. Practices such as diplomatic immunity or the prohibition of genocide have evolved into customary norms that states are expected to adhere to, demonstrating how international law shapes and constrains sovereign actions. International institutions, like the International Court of Justice (ICJ) or the World Trade Organization (WTO), play a crucial role in adjudicating disputes and ensuring compliance with international legal norms. States willingly submit to these mechanisms,

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<sup>13</sup> Tânia Felício, 'The United Nations and Regional Organizations: The Need for Clarification and Cooperation' (2009) 62 *Studia Diplomatica* 13-19.

acknowledging the authority of these institutions to interpret and apply international law. However, the influence of international law on state behaviour is not without challenges. Enforcement mechanisms can be limited, and powerful states may at times act in ways that challenge established norms. Nonetheless, the normative force of international law, combined with the potential for reputational consequences and diplomatic pressures, contributes to shaping state behaviour within the global legal framework. The influence of international law on state behaviour and sovereignty is a dynamic interplay. Treaties, customary norms, and international institutions provide a structure that tempers absolute sovereignty in favour of shared legal obligations, contributing to a more cooperative and regulated international system.<sup>14</sup>

## **MECHANISMS FOR SETTLING INTERNATIONAL DISPUTES**

International disputes are resolved through a variety of mechanisms, ranging from diplomatic negotiations to legal adjudication and, in some cases, the use of force. These mechanisms aim to maintain peace, uphold international law, and promote cooperation among nations.

Diplomacy stands out as a primary method for settling disputes between countries. Bilateral negotiations and multilateral talks provide platforms for states to discuss their grievances and find mutually acceptable solutions. The process often involves diplomats and representatives engaging in dialogues, summits, or conferences.<sup>15</sup> An example of a successful diplomatic resolution is the Iran Nuclear Deal, officially known as the Joint Comprehensive Plan of Action (JCPOA), in which Iran, the P5+1 (United States, Russia, China, United Kingdom, France, and Germany), and the European Union negotiated an agreement to address concerns about Iran's nuclear program.

Another key mechanism is mediation, where a neutral third party facilitates negotiations between conflicting parties. The mediator helps identify common ground and assists in crafting agreements that address the concerns of all parties involved. The Oslo Accords, mediated by Norway in the 1990s, served as a framework for peace talks between Israel and Palestine.

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<sup>14</sup> Hari Godara, 'International Law, State Sovereignty and Responsibility: A Non-Western Perspective' (Year) 1(4) International Journal of Policy Sciences and Law

<sup>15</sup> Anais Kedgley Laidlaw and Shaun Kang, 'The Dispute Settlement Mechanisms in Major Multilateral Treaties' (NUS Centre for International Law Working Paper 18/02).

Arbitration is a legal process in which disputing parties present their cases to a neutral third party, an arbitrator or a panel of arbitrators, whose decision is binding. The Permanent Court of Arbitration (PCA) is an international institution that provides a framework for arbitration and has been involved in various cases, including the South China Sea arbitration between the Philippines and China, where the tribunal ruled in favour of the Philippines in 2016.

Adjudication through international courts and tribunals is another mechanism. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, settles legal disputes between states. In the case of *Nicaragua v. United States* (1986), the ICJ ruled on issues related to military and paramilitary activities in and against Nicaragua, emphasizing the importance of non-intervention in the affairs of other states.<sup>16</sup>

Trade and economic sanctions can be imposed as a means of resolving international disputes. These measures are designed to pressure a state to change its behaviour by restricting economic activities. An example is the sanctions imposed on Russia by various Western countries in response to its actions in Ukraine, seeking to induce a change in Russian policy.

Military intervention, while a last resort, has been historically employed to settle disputes. However, this approach is highly controversial and carries significant risks. The Gulf War in 1990-1991, triggered by Iraq's invasion of Kuwait, saw a coalition of countries led by the United States employing military force to restore Kuwait's sovereignty.<sup>17</sup>

Regional organizations also play a crucial role in dispute resolution. Organizations like the European Union (EU), African Union (AU), and Organization of American States (OAS) have mechanisms and frameworks in place to address conflicts within their respective regions. The Dayton Agreement, brokered by the international community and ending the conflict in Bosnia and Herzegovina in 1995, is an example of regional cooperation in dispute settlement.

In conclusion, settling international disputes involves a diverse range of mechanisms, reflecting the complexity and uniqueness of each situation. Diplomacy, mediation, arbitration, adjudication, sanctions, military intervention, and regional organizations all contribute to the

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<sup>16</sup> Ayesha Hafeez, 'Modes of Dispute Resolution under International Law' (8 pages, written: 4 Aug 2021, International Islamic University, Islamabad).

<sup>17</sup> Peace Palace Library, 'Settlement of International Disputes' <https://peacepalacelibrary.nl/research-guide/settlement-international-disputes>

resolution of conflicts on the global stage. The effectiveness of these mechanisms depends on the willingness of states to engage in peaceful dialogue and adhere to international norms and agreements. Ongoing developments in the world continue to shape and challenge these mechanisms as nations seek to find peaceful and just resolutions to their disputes.<sup>18</sup>

### **RESPONSIBILITY TO PROTECT (R2P):**

The Responsibility to Protect (R2P) is a concept and framework established to address and prevent mass atrocity crimes, including genocide, ethnic cleansing, war crimes, and crimes against humanity. The origins of R2P can be traced back to the 1990s when the United Nations (UN) faced challenges in responding to internal conflicts and violence within states. The inability to prevent atrocities in countries like Somalia, Rwanda, and the former Yugoslavia highlighted the need for a more effective international response.<sup>19</sup>

In 2001, the International Commission on Intervention and State Sovereignty (ICISS) introduced the concept of R2P, emphasizing the responsibility of all states to protect their populations from mass atrocity crimes. The UN World Summit in 2005 unanimously accepted the principle of R2P, declaring a collective responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

R2P operates on three pillars. The first pillar emphasizes that every state has the responsibility to protect its population from mass atrocity crimes. The second pillar asserts that the international community, through diplomacy and assistance, should support states in fulfilling their responsibility. The third pillar acknowledges that if a state fails to protect its population and peaceful means are ineffective, the international community, acting through the UN Security Council, may consider coercive measures, including military intervention.

The specific mass atrocity crimes covered by R2P include genocide, war crimes, crimes against humanity, and ethnic cleansing. Genocide involves acts with the intent to destroy a national, ethnic, racial, or religious group. War crimes encompass various violations of international humanitarian law during armed conflicts. Crimes against humanity involve widespread or

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<sup>18</sup> Vedika Kaka, 'Diplomatic Means of Dispute Settlement in Public International Law' (Manupatra, [Jan 4 2023]) <https://articles.manupatra.com/article-details/Diplomatic-means-of-Dispute-Settlement-in-Public-International-Law>.

<sup>19</sup> United Nations, 'About the Responsibility to Protect' ([www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml](http://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml))



systematic attacks against civilian populations, and ethnic cleansing aims to render an area ethnically homogeneous through force or intimidation.<sup>20</sup>

R2P addresses the limitations of traditional notions of sovereignty by asserting that states have a responsibility to protect their populations, and when they fail, the international community must intervene. The concept emphasizes the seriousness of harm, the proper purpose of intervention, the requirement for military force as a last resort, the proportional means used, and a careful assessment of the balance of consequences.

Despite not being a formal rule of customary international law, R2P has gained widespread acceptance among states and is considered an international norm. The UN has played a crucial role in promoting and evolving R2P through initiatives, reports, and the appointment of Special Advisers. The UN General Assembly and Security Council have engaged in discussions and resolutions related to R2P, addressing specific situations and thematic issues.

R2P, while not without challenges, remains a crucial tool in preventing mass atrocities and holding states accountable. Critics argue about the potential for selective application, but R2P imposes obligations on all UN member states, irrespective of their power or status. The concept is continually evolving, with ongoing efforts to enhance its conceptual clarity, institutional support, and political commitment. The challenges ahead include ensuring a global understanding of R2P, establishing effective institutions for early warning and response, and maintaining political leadership and consistency in its application. Despite these challenges, R2P represents a significant step towards ending impunity for mass atrocity crimes and creating a world free from such horrors.<sup>21</sup>

## **ISRAEL-PALESTINE: A BRIEF HISTORY**

The General Multilingual Environmental Thesaurus developed by the European Environment Agency defines international conflict as “A controversy, disagreement, quarrel or warfare between or among two or more nations or countries, often requiring involvement or monitoring

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<sup>20</sup> 'Understanding International System: Building Blocks - Rise and Fall of Responsibility to Protect' (Council on Foreign Relations) <https://world101.cfr.org/understanding-international-system/building-blocks/rise-and-fall-responsibility-protect>

<sup>21</sup> Global Centre for the Responsibility to Protect, 'The Responsibility to Protect: A Background Briefing' (Global Centre for the Responsibility to Protect, <https://www.globalr2p.org/publications/the-responsibility-to-protect-a-background-briefing/>)

by other members of the global community<sup>22</sup>. The Israel-Palestine conflict is one such international conflict that stands as a prolonged and intractable dispute in the worldwide community. The conflict that dates back to the late 19th and 20th century grabbed global attention recently when Hamas, the Palestinian Islamist militant movement, launched a surprise attack on southern Israel from Gaza on October 7, 2023, massacring 1,200 people and seizing 250 hostages, which subsequently triggered the ongoing Israeli bombardment and airstrikes.

The Israeli-Palestinian conflict can be traced back to the 19th Century. The main issue of conflict between the two countries was territorial disputes. The Ottoman Empire collapsed after the First World War, and the administration of the territory, which included the territory of Palestine, was placed under the British Empire. The Balfour Declaration, signed in 1917, announced British support for the creation of a homeland for the Jews in Palestine. The British made a promise to the Zionists, who desired a homeland for the Jews. The territory of Palestine was the ideal place, according to Zionists, due to its historical and religious ties. The Jewish Migration to the country accelerated with the antisemitic Holocaust ethnical cleansing carried out by the Nazis in Europe. Accordingly, the population of Jews in Palestine increased from 6 per cent to 33 per cent between 1928 and 1947<sup>23</sup>.

Next was Resolution 181<sup>24</sup>, adopted by the UN on the Report of the Ad Hoc Committee on the Palestine Question. The newly proposed plan called for two main changes: the creation of two states, Arab and Jewish states, by partition and the declaration of the holy land of Jerusalem as a separate international city. But this partition handed over 55 per cent of the land to the Jews, which created an uproar among the Palestinian Arab community. Hence, this partition plan was never implemented due to the conflict between the Arab and Jewish communities, who had opposing reactions to the proposed plan. Israel declared independence on May 14 1948, marking the beginning of the first Arab- Israeli War, in which five surrounding Arab countries backed Palestinians in to fight against Israel. But the war resulted in the horrific ethnical cleansing of Palestinians by Zionist militias referred to as 'Nakba', in which Palestinian towns

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<sup>22</sup> Michael Nicholson, 'Rationality and the Analysis of International Conflict- CONCEPTS OF CONFLICT' [2009] Cambridge University Press

<sup>23</sup> Al Jazeera, 'Palestine and Israel: A Brief History - Maps and Charts' (2023) <https://www.aljazeera.com/news/2023/11/27/palestine-and-israel-brief-history-maps-and-charts>

<sup>24</sup> United Nations General Assembly, 'Resolution 181 (II): Future government of Palestine' (29 November 1947) UNGA Res 181, UN Doc A/RES/181(II) <https://documents.un.org/doc/resolution/gen/nr0/038/88/pdf/nr003888.pdf?token=jUEfj7P1QCO4R8I44U&fe=true>

and villages were destroyed, killing an estimated 15,000 Palestinians and displacement of an estimated 750,000 out of their homeland. The establishment of Israel as a dominant military power in the Middle East was set out by the Six-Day War in 1967. Israel captured the remaining Palestinian territory, including the Gaza Strip, the West Bank, East Jerusalem and many more. Israeli settlements, Jewish communities built on Palestinian land, grew with each annexation. The next landmark event was the First Intifada, the Palestinian uprising against the Israeli occupation and settlements. The non-violent mass protests became violent clashes and continued until the 1990s, culminating in the Oslo Accords. The Oslo Accord was the first agreement between the two sides, acknowledging their commitment to end their differences and strive towards peace between the communities. Two Oslo Accords were subsequently signed, one in 1993 and the latter in 1995, which detailed the wants and needs of each side, the process, steps and structure for peace and resolution. But this did not furnish the desired results as the Israeli signatory of the Accord, Yitzhak Rabin, was assassinated for signing the same. Right-wing Israelis and Palestinian groups such as the Hamas and Islamic Jihad opposed the agreements. The Oslo Accords disintegrated, which led to the Second Intifada in 2000. This 'shaking off' marked the end of the late 1990s negotiations and peace resolution. The second Intifada was bloodier, with suicide bombings and rocket attacks by Palestinians, which was met with deadlier retaliation by Israeli forces. Then came the Israel blockade of Gaza in 2007, which included land, air and sea blockades trapping millions in the Gaza Strip. The surprise attack staged by Hamas, who controlled Gaza since 2006, was followed by the Israeli state resorting to the deadliest on-going retaliatory operations.

## **A TUSSELE FOR STATE SOVEREIGNTY**

Sovereignty, in the strict and narrowest sense of the term, implies independence all around, within and without the borders of the country<sup>25</sup>. The root cause for the ongoing Israel-Palestine conflict is the struggle for state sovereignty. The battle for state sovereignty refers to the attempt of nations to attain and maintain control over their territory, government, and affairs without external interference. Both Israel and Palestine claim the land of Palestine, which includes modern-day Israel, the West Bank and the Gaza Strip. The fight for sovereignty of the territory of Palestine can be traced back to the First World War. The Ottoman Empire controlled the region until its defeat in the First World War.

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<sup>25</sup> *Oppenheim's International Law* (Op. cit.) p 122

With the rise of the Zionist movement throughout Europe, the cry for an independent state for the Jewish community was finally heard when Arthur Balfour, Britain's foreign secretary in 1917, wrote a 67-word letter to Lionel Walter Rothschild, a figurehead of the British Jewish community stating that the British government would facilitate the establishment in Palestine for a national home for the Jewish people. The establishment of a Sovereign state in Palestine was the end goal for the Zionist aspirations for self-determination and a refuge for the displaced Jews from the atrocities committed towards them in Europe. But the land of Palestine was a country with 90 per cent of its population being Arab natives. The Israelis asserted their right to exist as a sovereign Jewish state in the land they considered their ancestral roots. Israel's territorial expansion and occupation strategies, such as the 1967 Six-Day War along with the settlement expansion in occupied regions, have been a focal point of its struggle for state sovereignty.

On the other hand, native Arabs were adamant about giving up their land for the Jews. The native Palestinians strongly resisted Resolution 181 passed by the UN regarding the establishment of a Jewish nation in their land. The First and Second Intifada revolutions that took place are reflections of the Palestinian's struggle to hold on to what was rightfully theirs. The Palestine Liberation Organization (PLO) was established in 1964, and the organisation was recognised as the "sole and legitimate representative of the Palestinian people" by the Arab Summit in 1974<sup>26</sup>. PLO has pursued diplomatic efforts and international recognition as steps toward achieving statehood and sovereignty.

## **INTERNATIONAL INTERVENTIONS: THE UN INTERACTIONS AND THEIR OUTCOMES**

The Israel- Palestine conflict is one of the most enduring and complex geopolitical international conflicts of the modern era. Rooting from decades-long religious, territorial and historical disputes, the conflict has always been a focal point of international interventions and reactions. The United Nations is an international inter-governmental organisation, successor to the League of Nations, which ceased to exist after the Second World War in 1945<sup>27</sup>. The UN Charter is the foundational document of the United Nations, which outlines the organisation's purposes, principles, structure and functions. It comprises a preamble and 19 chapters,

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<sup>26</sup> League of Arab States, 'Decisions of the Arab Summit Conference, Rabat, 30 October 1974' (1974) Israel Ministry of Foreign Affairs

<sup>27</sup> United Nations official website

including purposes and principles, membership, organs, and regional arrangements.

The first and foremost involvement of the UN in this conflict was UNGA Resolution 181 in 1947. In the landmark resolution, the question of the future of British Mandate Palestine was decided. The solution put forward was the partition of the territory into separate Jewish and Arab states, with Jerusalem being internationally governed. The UN Security Council Resolution 242<sup>28</sup>, adopted in the aftermath of the Six-Day War 1967, is the following intervention by the UN Security Council. The resolution directed the withdrawal of Israeli armed forces from the territories seized in the war and the rights of all states in the area to peaceful existence within secure and recognised boundaries.<sup>29</sup>

Another significant intervention of the UN was establishing the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in 1949. The agency was established to provide assistance and support to Palestinian refugees living in Gaza, the West Bank, Jordan, Lebanon and Syria, displaced due to the Arab-Israeli conflicts.

Other than the above, the UN Security Council has adopted numerous resolutions on Settlements and Occupied Territories, highlighting the illegality of Israeli settlements in occupied territories. Peacekeeping missions of the UN, like the United Nations Truce Supervision Organisation (UNTSO), have been deployed by the organisation to monitor the situation.

However, these efforts have been constrained by geopolitical rivalries, veto politics, and divergent interests among critical stakeholders.

## **THE SOLUTION TO THE CONFLICT: STRENGTHENING OF GLOBAL GOVERNANCE**

According to Finkelstein, Global governance is “governing, without sovereign authority relationships that transcend national frontiers. Global governance is doing internationally what governments do at home”<sup>30</sup>. Global Governance refers to the system of international

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<sup>28</sup> United Nations Security Council Resolution 242, S/RES/242 (1967) <https://documents.un.org/en/security-council/resolutions/1967/242>

<sup>29</sup> Hajjar, L., & Beinin, J., 'Palestine for Beginners' (1988) Middle East Report, 154, 17–20 <https://doi.org/10.2307/3012169>.

<sup>30</sup> Finkelstein, L. S., 'What Is Global Governance?' ([1995]) 1(3), 367–372, <http://www.jstor.org/stable/27800120>

cooperation and coordination among states, intergovernmental organisations, non-governmental organisations (NGOs), and other international bodies to address issues of common concern at the global level.

The Israel-Palestine conflict is marked by its multifaceted character, encompassing territorial disagreements, historical narratives, religious tensions, and competing national aspirations. At its core, the conflict pivots around the contestation over land, specifically the territories of Israel, the West Bank, and the Gaza Strip. Both Israelis and Palestinians lay claim to these territories, each claiming their right to self-determination and sovereignty. Moreover, the conflict is deeply embedded in historical grievances, with both sides viewing themselves as victims of injustice and oppression. Religious dimensions further aggravate tensions, with Jerusalem serving as a focal topic of contention sacred to Jews, Christians, and Muslims alike.

The conflict is not simply a localised but a global challenge with far-reaching implications for peace, security, and stability. As such, it urges a concerted effort to muster international cooperation and strengthen global governance mechanisms. First and foremost, strengthening global governance entails supporting the principles of international law and the norms of justice and equality. As the preeminent global institution, the United Nations has a central role in promoting respect for human rights, the rule of law, and the peaceful resolution of conflicts. Secondly, multilateral diplomacy presents a forum for inclusive discussion and negotiation among all relevant stakeholders. The Quartet on the Middle East, comprising the United Nations, the European Union, the United States, and Russia, has the potential to catalyse renewed peace efforts. By coordinating their diplomatic endeavours and leveraging their collective influence, the Quartet can help bridge the gap between Israelis and Palestinians and facilitate meaningful negotiations based on mutual recognition and compromise. Third, regional cooperation is critical for building confidence, stimulating economic development, and addressing shared security challenges. The Arab Peace Initiative, first proposed by Saudi Arabia in 2002<sup>31</sup>, offers a comprehensive framework for achieving peace and normalisation between Israel and the Arab states. By advocating the two-state solution and offering Israel full diplomatic relations in exchange for withdrawal from occupied territories, the initiative provides a roadmap for regional peace and reconciliation.

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<sup>31</sup> Atlantic Sentinel, 'Kerry Could Revive 2002 Israeli-Palestinian Peace Plan' (2013) <https://atlanticsentinel.com/2013/04/kerry-could-revive-2002-israeli-palestinian-peace-plan/>