

AN INVITATION TO A SPECIAL LECTURE EVENT

FUTURE PROSPECTS FOR PALESTINE AND THE RULES BASED ORDER: CONSEQUENCES OF ISRAEL'S WAR ON GAZA

As we consider the repercussions of the ongoing Israeli war on Gaza, what lessons can we draw for the future of international order; not only for large super-powers, but for 'middle powers', and those less capable of shaping the 'rules of the game'? Dr H.A. Hellyer, a renowned scholar of international relations, with 20 years of experience in the United States, Europe, and the Middle East, will address the current state of the Israeli-Palestinian conflict, as well as these questions.

GUEST SPEAKER

DR H.A. HELLYER



A renowned scholar of geopolitics, security studies, and belief, Dr H. A. Hellyer has more than 20 years of experience in governmental, corporate advisory, and academic environments in Europe, USA, MENA, and Southeast Asia. A senior associate fellow in international security at the Royal United Services Institute for Defence and Security Studies, the world's oldest think tank, he is also a scholar in Middle East studies at the Carnegie Endowment for International Peace, the first global think-tank, with offices worldwide. Appointed as Deputy Convenor of the UK Government's Taskforce on tackling radicalisation, his career has included positions at the Brookings Institution, Harvard and Cambridge universities. A prolific commentator, widely cited in international media such as CNN, BBC, and the Guardian, Dr Hellyer has been named yearly as one of the '500 Most Influential Muslims in the World' (scholars' section), founded by Georgetown University & the Royal Islamic Strategic Studies Centre (Jordan) since 2016. He is the author of some 8 books in his subject areas, published by academic and commercial presses.

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**Prepared by
Dr Mohd Ramlan bin Mohd Arshad**

SEMINAR REPORT

Future Prospects for Palestine and the Rules Based Order: Consequences of Israel's War on GAZA: Guest Lecture By Dr H. A. Hellyer at Senate Room, Universiti Kebangsaan Malaysia (UKM) on 1 August 2024.

Briefing

The Palestinian question exemplifies fundamental difficulties encountered by the rules-based international order, which is founded on UN-established principles of human rights, sovereignty, and international law. Territorial conflicts, settlement growth, and limitations on Palestinian rights have all contributed to the protracted Israeli-Palestinian conflict, which has placed pressure on international standards and the efficacy of global institutions. International law and United Nations resolutions have long denounced Israeli settlement expansions in the West Bank and upheld Palestinian rights to self-determination. Significant loopholes in the implementation of the rules-based order have been revealed by the insufficient execution of these measures. The inconsistent application of international law, especially with regard to safeguarding Palestinian rights under occupation, is a significant cause for worry. Human Rights Watch and Amnesty International are among the many human rights groups that have highlighted the constraints on Palestinian mobility, resources, and civil freedoms in the occupied areas. International organizations often criticize Israeli actions, such as settlement development and military operations, since they go against the Fourth Geneva Convention's principles, which forbid the transfer of populations into occupied territories. Despite the existence of legal mechanisms, geopolitical factors, particularly the backing of important friends like the US, prevent the rules-based system from holding Israel responsible. Promoting Palestinian rights and seeking justice requires the active participation of global institutions such as the ICC and the United Nations. Nevertheless, significant advancements have been impeded by political roadblocks, like vetoes in the UN Security Council and differing degrees of collaboration with the ICC. It appears that the international community's commitment to these principles frequently hinges on political alliances, as the selective application of standards undermines the integrity of the rules-based system. A recommitment to universal principles that safeguard the rights of all parties and guarantee accountability is necessary for resolving the Palestinian problem within a framework based on rules. A just and peaceful settlement would restore faith in international law and the principles of the international system; hence it is critical to fortify this resolve. In particular, the situation in Palestine provides an example of challenges to the rules-based international order, notably in connection to human

rights, territorial sovereignty, and international law. This issue is both complicated and essential. In the context of this discussion, the term "rules-based order" refers to the collection of legal frameworks, standards, and principles that were largely created by the United Nations and are maintained by a variety of international treaties, conventions, and resolutions. In the case of Palestine, adhering to these principles and resolutions is crucial for reaching a just and peaceful conclusion to the decades-long conflict with Israel. However, the ongoing challenges in enforcing these norms and ensuring compliance highlight the limitations of the current approach, and underscore the necessity of its revival to uphold international standards.

The International Governance Structure Based on Rules and Its Implications for Palestine

For the purpose of conflict management and ensuring responsibility for rights abuses, the rules-based international order is dependent on institutions such as the United Nations, the International Court of Justice (ICJ), and international human rights agreements. This order incorporates frameworks such as the Fourth Geneva Convention, which restricts the transfer of people into occupied areas. This clause is pertinent to Israeli settlements in the West Bank, which are located in the occupied territory of Palestine. In addition to this, it incorporates the notion of self-determination, which is a fundamental premise of the United Nations Charter. This principle asserts that the Palestinian people have the right to select their political status and to pursue their economic, social, and cultural development. There have been a number of resolutions enacted by the United Nations Security Council and General Assembly throughout the years that address the rights of Palestinians. These resolutions include ones that recognize the illegality of settlement growth and those that call for Israel to withdraw from occupied territory. On the other hand, enforcement is still restricted. The special rapporteurs of the United Nations have regularly reported transgressions and proposed changes to preserve Palestinian rights; however, the impact of these recommendations is limited since there are no enforceable enforcement mechanisms in place with which to comply. Human Rights in the Territories of the Palestinians That Are Under Occupation Throughout the Occupied Palestinian Territories (OPT), which include the West Bank, East Jerusalem, and Gaza, there have been ongoing concerns over human rights as a result of the conflict between Israelis and Palestinians. In this particular setting, the rules-based order plays a key role in holding accountable those who are guilty of violations of human rights; nonetheless, the absence of enforcement tools is a particularly difficult obstacle. In Gaza, for instance, grave humanitarian

problems have arisen as a result of the continuous siege and the recurrent military assaults. There have been severe abuses of human rights, including restrictions on mobility, limits on access to critical services, and damage to infrastructure, according to reports that have been published by the United Nations and other human rights organizations. The rise of settlements in the West Bank has further eroded Palestinian access to land and resources, establishing de facto boundaries that further complicate the achievement of a solution involving two states on both sides of the conflict. Despite the fact that these processes are difficult and slow-moving owing to political constraints and legal complexities, the International Criminal Court (ICC) has made an effort to resolve these concerns by conducting investigations into suspected war crimes that have occurred in Palestine. Despite the fact that such measures emphasize the need for accountability, they also bring to light the difficulty of implementing international norms in circumstances when strong governments may not be willing to cooperate.

Obstacles to the Prevalent Order Based on Rules Inconsistency in the implementation of international standards is one of the most significant obstacles that must be overcome in order to successfully enforce a rules-based system in Palestine.

Powerful powers are occasionally able to evade complying with international rules, which is seen in the continuous occupation of Palestinian areas and the growth of settlements, despite the fact that these activities are clearly prohibited by international law. One example is the United States, which has a long history of using its veto power in the United Nations Security Council to prevent resolutions that are critical of Israel. In effect, international standards have less impact. A second factor that makes enforcement more difficult is the existence of political differences among the international community. For instance, despite the fact that the European Union and a number of other nations have voiced their disapproval of the occupation and the growth of settlements, they have not yet imposed serious economic or political costs for these acts. Given the geopolitical interests at play, this selective application of international law raises questions about the effectiveness of a rules-based system. The United Nations' Role in the Palestinian Self-Determination Movement Regarding the Palestinian struggle, the notion of self-determination continues to be very essential. The right to self-determination, which is recognized as a basic right in international law, grants the Palestinian people the right to build a state that is independent and sovereign. In spite of widespread worldwide support for this notion, attempts to establish a Palestinian state confront a multitude of

challenges. These challenges include internal conflicts amongst Palestinian groups as well as pressures from the outside world. Through the adoption of resolutions that acknowledge the existence of the State of Palestine and advocate for a solution that involves two states, the United Nations has made an effort to provide support for Palestinian self-determination. However, these resolutions alone have proven insufficient as they lack a definitive and legally binding path towards peace. The United Nations' participation in peace talks, beginning with the Oslo Accords and continuing with current attempts to restart conversation, not only demonstrates the organization's dedication to this matter, but it also brings to light the limits of a multilateral strategy that does not entail complete cooperation from member states.

Working to strengthen the order in Palestine that is based on rules Both the enforcement of rules and accountability are issues that the international community has to address in order to improve the rules-based system in Palestine.

This includes intensifying diplomatic efforts to bring all sides back to the bargaining table within frameworks that respect international law and the rights of Palestinians. Specifically, Palestinians' rights are being respected. The United Nations and the International Criminal Court (ICC) are two examples of multilateral organizations that need wider support for their projects. This support might come in the form of financial and logistical help from member nations that are dedicated to a fair settlement. In addition, governments that support the rules-based system must be ready to inflict repercussions on those who break it, regardless of the geopolitical connections that they have. Some examples of this might be the imposition of economic penalties, limits on trade, or other diplomatic measures designed to promote conformity with international standards. The objective should be to encourage a balanced approach that safeguards the rights of Palestinians while also taking into account Israel's security concerns, as stipulated by international law. Final Thoughts The Palestinian political situation is testing the norm-based international order. This illustrates both the benefits and drawbacks of a society built on common standards and ideals rather than simple power. In the face of protracted war and occupation, the rules-based system is not only a possible source of justice for the Palestinian people, but it is also a method of achieving dignity and self-determination among them. On the other hand, the limitations of enforcement and the differences in international responses underscore the necessity for a renewed dedication to consistently upholding international norms. In order to achieve a future in which Palestine and Israel are able to peacefully live within boundaries

that are recognized globally, it is necessary for all parties concerned to demonstrate a sincere commitment to the norms of international law. Despite its difficulty, it is crucial to strengthen the rules-based order in this area to achieve a fair, long-lasting peace that respects the rights of all parties involved. Not only does this strategy provide support to the Palestinian people's aspirations for statehood and dignity, but it also helps to bolster the credibility and legitimacy of the international system as a whole.

Summary

There are various strategies to strengthen the rule-based system in Palestine. Strengthening Accountability Mechanisms: A primary answer is enhancing accountability via international legal systems. Empowering the International Criminal Court (ICC) to investigate human rights breaches in Palestinian territory might promote adherence to international law. Countries dedicated to human rights need to provide financial and diplomatic assistance for these procedures to guarantee equitable investigations and prosecutions, irrespective of political affiliations. Persistent International Pressure: Ongoing diplomatic pressure from the global community is essential. Countries, especially within the United Nations, must maintain an unbiased position, supporting resolutions that denounce illegal actions on all fronts and advocating for a cessation to settlement growth. Multilateral sanctions or incentives may be used to promote adherence to international standards, indicating that transgressions of the rules-based system would incur repercussions. Advocating for Palestinian Self-Determination: Acknowledging Palestinian rights to self-determination, as outlined in several UN resolutions, is crucial for achieving peace. An augmented global emphasis on endorsing Palestinian statehood within a two-state paradigm may enhance diplomatic discussions. Political and economic assistance to strengthen Palestinian administration and infrastructure would provide a foundation for a more equitable and autonomous Palestinian state. Neutral international players may facilitate talks via third-party mediation and dialogue facilitation. Designating reputable mediators, either via the UN or a coalition of nations, may enhance peace negotiations and promote confidence-building initiatives between Israelis and Palestinians. This includes addressing security issues and humanitarian needs in the regions. Humanitarian and Development Support: Delivering humanitarian aid to the Palestinian territories, especially Gaza, where circumstances are dire, is imperative. International assistance organizations should collaborate to provide fair access to basic services, healthcare, and education, therefore alleviating tensions stemming from limited resources and inadequate living circumstances. The Palestinian conflict poses persistent difficulties to the rules-based international order, highlighting

discrepancies in the application of international law and the impact of geopolitical interests. Fortifying the rules-based system requires a multifaceted strategy, including increased accountability, unbiased international pressure, and substantial backing for Palestinian rights and sovereignty. Neutral party mediation, along with humanitarian and developmental assistance, is crucial for establishing a sustainable, peaceful coexistence between Israel and Palestine. An equitable and consistent application of international principles in this setting would facilitate Palestinian self-determination and bolster global faith in the rules-based system.