

## GAZA AND THE FAILURE OF R2P: UNVEILING SYSTEMIC CHALLENGES IN INTERNATIONAL LAW AND GEOPOLITICS

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## ABSTRACT

The Responsibility to Protect (R2P) is an international commitment aimed at preventing humanitarian catastrophes. Nevertheless, in contrast to this admirable objective, the execution of R2P in Gaza reveals a situation that is quite depressing. The ongoing humanitarian crisis in the region, marked by unacceptable violence, raises profound questions about the international community's failure to effectively implement R2P. This study analyzes the gap between the theoretical concept of R2P, its practical application, and the geopolitical complexities in Gaza. Although many studies have discussed the obstacles to implementing R2P, only a few have reviewed in depth how this principle failed to be implemented in Gaza. It cannot be separated from various global political interests and weaknesses in international law and institutions. Although many studies have discussed the obstacles to implementing R2P, only a few have reviewed in depth how this principle failed to be implemented in Gaza. It cannot be separated from various global political interests and weaknesses in international law and institutions. This paper conducts a qualitative analysis of key international law documents, such as UN resolutions and humanitarian agency reports, as well as relevant literature and case studies. The results of this study reveal the systemic weaknesses of international law against global political factors, such as the influence of the power of major powers, the use of veto rights in the Security Council, and very inadequate law enforcement mechanisms. These findings demonstrate the failure of the international community to protect the lives of Gaza's civilians. The study calls for reforms in international governance to ensure that R2P can serve as a real instrument to protect the population of Gaza.

## Introduction

The Responsibility to Protect (R2P) is a fundamental concept in international relations, endorsed at the 2005 United Nations World Summit. It emerged in response to the international community's failure to prevent atrocities during armed conflicts (Burke-White, 2011). R2P asserts that every state has the primary duty to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity (Rogers et al., 2010). However, R2P's implementation is often inconsistent, especially in politically unstable regions like Gaza. Persistent violence and geopolitical factors have resulted in a humanitarian disaster that is challenging to resolve.

R2P has been operationalized through various diplomatic, humanitarian, and, in exceptional cases, military measures authorized by the United Nations Security Council (UNSC). For instance, in Libya (2011), the UNSC adopted Resolution 1973, authorizing "all necessary measures" to protect civilians under threat, including the establishment of a no-fly zone, targeted sanctions, and NATO military action. Similarly, in Côte d'Ivoire (2011), UNSC Resolution 1975 empowered peacekeepers to use "all necessary means" to protect civilians during post-election violence. These precedents illustrate that R2P implementation typically involves three stages: prevention, reaction, and rebuilding. In Gaza, the prevention stage has failed due to prolonged inaction, while the reaction stage has been obstructed by political divisions and the UNSC veto system, preventing effective protective measures for civilians.

The Gaza crisis poses one of the greatest challenges to R2P implementation in this century. The region has been trapped in a cycle of violence for decades, exacerbated by Israel's disproportionate military response, blockade, and human rights violations against Gaza's civilians (Abed Alah, 2024). Human Rights Watch (2024) and the UN Office for the Coordination of Humanitarian Affairs (2024) describe the situation in Gaza as a humanitarian disaster and genocide, with civilians continuing to be the primary victims. The international community has failed to implement the R2P concept successfully in Gaza (Shafi & Malik, 2024).

The recent violence perpetrated by Israel in Gaza, ongoing since October 2023, highlights the importance of this study. The conflict between Israel and Hamas, along with global geopolitical dynamics, has turned into long-term hostilities that have devastating impacts on the Palestinian people (Rinku, 2024). The Israeli siege has crippled the economy, restricted access to health care, and led to widespread poverty, culminating in a massive humanitarian disaster (Lu, 2024). Human rights organizations have documented systematic destruction of civilian infrastructure, excessive use of force, and loss of life in military operations resembling genocide (Jafarnia, 2024). The international community, constrained by conflicting political interests and alliances, has been largely unable to prevent these atrocities (Feldman, 2010).

In the past two decades, discussions on R2P have expanded significantly, addressing theoretical frameworks, successes, and failures. Many studies examine the normative establishment of this principle (Hunt & Orchard, 2020; Knight, 2011), while others criticize its implementation (Serrano, 2011), often deemed selective, especially in areas with strategic geopolitical interests like Gaza, Syria, and Sudan. Despite extensive literature on R2P, there remains a notable gap regarding its application in Gaza. Most studies focus on the Israeli-Palestinian conflict broadly (Ayer et al., 2015; Hallward, 2010) or analyze R2P in other contexts, such as Syria (Coen, 2015) and Myanmar (Güneş Gülal et al., 2022; Russo, 2020), without exploring how geopolitical and institutional factors have hampered the implementation of R2P in Gaza. This gap is particularly worrying given the magnitude of the humanitarian crisis currently affecting the people of Gaza. This crisis should have been better prevented and addressed by the international community through the R2P principle.

This study examines the various factors contributing to the international community's failure to implement the R2P principle in Gaza. It relies on qualitative analysis of various legal sources, including UN resolutions, official statements, academic journals, humanitarian agency reports, and media coverage. By exploring the factors inhibiting R2P's implementation and other normative challenges, this article aims to provide deeper insights into the status of R2P in Gaza.

This article is structured in several stages to provide a comprehensive understanding. First, it offers an overview of the background and importance of this topic. Second, it explains the methodological approach used in this study, including data sources and analysis techniques. Furthermore, the results and discussion sections present the findings and analysis of the normative study, covering theoretical reviews, institutional obstacles faced by the international community, and geopolitical influences on the massacre of the Gaza population. Finally, this article concludes with the main findings and offers practical recommendations to strengthen the implementation of R2P in the future.

This research aims not only to enrich the academic discussion on R2P but also to highlight the urgency of reform in international governance to address existing shortcomings. By attempting to bridge the gap between normative idealism and practical challenges, this article offers ideas for developing more effective humanitarian intervention strategies while strengthening the global commitment to protecting vulnerable populations from mass killings.

## **Literature Review**

### ***Background of the Genocide in Gaza***

The Gaza Strip covers an area of 365 square kilometers, measuring about 41 kilometers in length and 6 to 12 kilometers in width. According to the Palestinian Central Bureau of Statistics (PCBS), the Palestinian population is projected to exceed 5.2 million in 2023, with around 3 million in the West Bank and more than 2 million in the Gaza Strip. This makes Gaza one of the most densely populated areas in the world. The projected growth rate in Gaza for 2023 is expected to decline from approximately 2.7% to around 1% in 2024. After mid-2024, birth rates are likely drop sharply as couples choose not to have children due to recent conditions, health concerns for mothers and babies, and fewer marriages during and after the Israeli occupation (Irfan et al., 2024).

The Gaza conflict is rooted in the broader Israeli-Palestinian conflict, originating from territorial disputes and political unrest since the mid-20th century (Miaari & Cali, 2020). After World War I, Palestine came under British mandate, leading to increased Jewish migration and tensions with the local Arab population (Kochavi, 1998). In 1947, the United Nations proposed the partition of Palestine into a Jewish and an Arab state, which was rejected by the Arab states. Following Israel declaration of independence in 1948, the first Arab-Israeli war broke out (Nakba of 1948), resulting in and Gaza being occupied by Egypt.

During the 1967 Six-Day War, Israel seized the Gaza Strip, the West Bank, and East Jerusalem. This occupation sparked resistance from Palestinians, including the emergence of groups like Hamas, established in the late 1980s. After a conflict with Fatah in 2007, Hamas gained control of the Gaza Strip. Since then, Israel has imposed a strict blockade on Gaza for security reasons. The conflict involves rocket attacks by Hamas into Israeli territory and retaliatory attacks by the Israeli military, often resulting in heavy civilian casualties in Gaza. Key issues include territorial disputes, the rights of Palestinian refugees, and the status of Jerusalem (Lars van der Kooij, 2024).

The division between Gaza and the West Bank complicates humanitarian efforts in Palestine. Since 2007, Hamas has controlled Gaza, while the Palestinian Authority (PA) governs the West Bank, which remains under Israeli occupation. This territorial fragmentation hinders R2P implementation, especially concerning international intervention. Gaza, isolated by the Israeli and Egyptian blockade, heavily relies on international aid. However, limited access and political barriers hinder the provision of necessary aid to Gaza's civilian population. Conversely, while the West Bank has better access to the outside world, Israel's tight control poses challenges in ensuring that incoming aid is effective.

Major events like the 2008-2009 Gaza War, Operation Protective Edge in 2014, and the recent Hamas counterattack on Israel on October 7, 2023, have devastated Gaza's civilian population (Bergman et al., 2024). At the time of writing, a ceasefire was declared on Wednesday, January 15, 2025, set to take effect on Sunday, January 19, 2025. However, Israel continues its attacks on Gaza, causing immense suffering. BBC reports highlight the heavy use of force, widespread destruction, and attacks on civilian areas, leaving homes and infrastructure in ruins (Comerford & Gunter, n.d.).

The humanitarian impact of the Gaza conflict is staggering. According to the United Nations Office for the Coordination of Humanitarian Affairs, since October 7, 2023, over 41,600 Palestinians have reportedly been killed, many of them women and children, and 96,600 injured (UNOCHA, 2024). The entire population has been internally displaced multiple times during the conflict, forced to live in inadequate shelters, with many separated from their families, and their fate unknown (UNOCHA, 2024). The destruction of infrastructure, including hospitals, schools, and sewer systems, has further aggravated the crisis. A report published by the United Nations Economic and Social Commission for Western Asia (ESCWA) in May 2024 stated that about 360,000 structures in Gaza have been partly or fully demolished, with over 25,000 buildings severely damaged or completely destroyed, including 305 schools and universities (Necva Taştan, 2024).

The blockade has worsened the conditions for Gazans by restricting the import of essential supplies, including food, water, and medical equipment, leading to the collapse of health services (Ali Jadallah, 2025). Hunger, lack of clean water, and inadequate shelter have created a dire humanitarian crisis. Even international aid is denied access to the people of Gaza (UNICEF, 2025). Reports from international organizations and the Palestinian Authority have highlighted the immense human cost of the Gaza conflict and exposed the systemic failure of international intervention through R2P. The loss of life, displacement, and destruction underscore the urgent need for a more robust R2P framework.

The health sector has been severely affected, with 32 hospitals closed and 25 others damaged in the attacks (UN News, 2025). Additionally, 649 healthcare facilities were impacted, causing major disruptions to medical services. Places of worship were also destroyed, including over 192 mosques and three churches (Cursino, 2024). This widespread destruction of essential infrastructure has created serious humanitarian challenges. Rebuilding and restoring stability to the region will take a long time.

Recent studies examining the ongoing conflict in Gaza have concluded that Israel's actions meet the criteria to be classified as genocide. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, defined genocides as:

“... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group”.

Israel's policies in Gaza reflect a pattern of colonialism that has persisted since 1948 (Abdo, 2024). History reveals a consistent use of forced displacement, violence, and systematic marginalization of Gaza's population. These actions indicate a deliberate plan to dominate and inflict long-term damage to the occupied territory. From a historical perspective, we can better understand the ongoing system of injustice in Gaza.

The destruction in Gaza has resulted in numerous civilian casualties, widespread displacement, and the devastation of critical infrastructure, including schools, hospitals, and residential areas (Dardona et al., 2024). These actions violate international humanitarian law, particularly the principles of distinction and proportionality under the Geneva Conventions. Such violations have sparked debate about the effectiveness of global mechanisms such as the R2P doctrine. Nasir (2024) emphasizes that the inability of the international community to enforce R2P in Gaza demonstrates a profound gap in the operationalization of this principle, leaving vulnerable populations without adequate protection.

The Gaza conflict is a humanitarian crisis of unprecedented scale with significant global implications. This conflict has influenced international politics, including the US presidential election (Imam & Tijjani, 2024). Public sentiment and political views regarding Israel's conducts have become polarizing topics among US citizens, requiring a reevaluation of foreign policy. The conflict is eroding Israel's global presence, especially in the technology sector. As a major exporter of advanced technology, Israel's reputation has been damaged by boycotts and criticism of its military actions in Gaza, impacting its economic and diplomatic relations worldwide (Robie, 2024).

Analyzing the Gaza war from a genocide perspective is crucial for shaping future policy and advocacy initiatives (Shaw, 2024). The ongoing violence illustrates the need for a comprehensive resolution addressing the underlying causes of the conflict, including sovereignty, self-determination, and equality for Palestinians. Mary Robinson (2024) argues that achieving lasting peace in Gaza requires a rethinking of traditional approaches to Palestinian-Israeli relations to foster genuine dialogue and avoid violence with the support of the international community.

### ***Doctrine of Responsibility to Protect (R2P)***

R2P is a norm in international law aimed at preventing and eliminating major atrocity crimes, including war crimes, genocide, and crimes against humanity. It emphasizes that state sovereignty is not an absolute right but a responsibility to protect its population from such crimes (Mardiyanto & Hidayatulloh, 2023). If a state fails to fulfil this responsibility, the international community has an obligation to intervene through collective action (Pattison, 2008).

The adoption of this principle by the international community began in the early 20th century, which is often referred to as the century of mass murder due to various human tragedies (Rummel, 1994). Tens of millions lost their lives to major crimes such as genocide, war crimes, and ethnic cleansing. During World War I, the massacre of the Armenian people resulted in over one million deaths (College of Liberal, n.d.). Similar tragedies occurred in World War II, with the Nazi regime killing around 11 million people, including six million Jews and millions of others (The Holocaust, 2024). These crimes also occurred in various parts of the world. In Cambodia, nearly two million people were killed under the Khmer Rouge government led by Pol Pot (Stewart & May, 2004). Similarly, in Guatemala (Rothenberg, 2012) and Bangladesh (Hossen, 2024), civilians fell victim to mass murder.

After World War II, the international community vowed to prevent such a tragedy. The United Nations, founded in 1945, is committed to preventing genocide and other crimes against humanity (Zeidan, 2024). However, this promise proved difficult to keep. In the 1990s, mass murders in Bosnia and Rwanda resulted in nearly a million deaths (Ajawaila, 2024), demonstrating the world community's failure to prevent disaster. The failure was largely due to differing opinions among UN member states. One group argued for humanitarian intervention to prevent or stop crimes against humanity (Quinton-Brown, 2013), while another adhered to the principle of state sovereignty rooted in the Westphalian concept (Garwood-Gowers, 2019), which emphasizes a state's right to political independence without external interference. The debate between protecting humanity and respecting state sovereignty remains a major challenge to maintaining world peace and security.

In 2005, at the United Nations World Summit, Member States formally adopted the R2P principle, included in the meeting's result document (A/RES/60/1) (Singh, 2020). While the adopted concept excluded some elements initially suggested by the International Commission on Intervention and State Sovereignty (ICISS), it preserved core principles concerning the prevention of and response to severe breaches of international human rights and humanitarian law. As outlined in the World Summit Outcome Document (A/RES/60/1), paragraphs 138-139 state (Citaristi, 2022):

“138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.”

This principle asserts that state sovereignty encompasses not only the authority to exercise power within a territory but also the responsibility to protect all residents from crimes against humanity (Elshobake, 2023). It emphasizes that the ruthless actions of governments or other actors within their borders cannot be justified by claims of sovereignty (Peters, 2009). The responsibility lies with the respective state; however, if the state neglects its obligations, the international community is entitled and obligated to intervene using appropriate mechanisms (Gerhards et al., 2024). To ensure effective implementation, R2P relies on three main pillars:

1. It is the responsibility of states to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as from all acts that may lead to such crimes.
2. The international community must commit to assisting countries in fulfilling their protective responsibilities.
3. Each UN member state has a responsibility to respond collectively, promptly, and decisively when a state fails to provide the necessary protection (Gunatilleke, 2020).

In this sense, the R2P principle provides the international community—through the UN—a foundation to support states or take necessary actions to safeguard civilian populations. The UN Security Council (UNSC), tasked with maintaining international peace and security, can sanction the use of armed action as a last resort. This mechanism highlights the necessity of international collaboration in the prevention and response to mass atrocities to safeguard universal human rights.

While unanimously adopted at the 2005 World Summit, R2P’s legal status remains debated. Some scholars argue that it has attained the level of customary international law based on the ‘Grotian moment’ concept (Poerana & Handayani, 2021), while others view it as an emerging customary rule that has yet to attain *jus cogens* status (Onu, 2019a). This debate is significant for the current analysis of Gaza, as the interpretation of R2P’s normative weight directly affects the scope and enforceability of international action. In the Indonesian context, the doctrine’s underlying principles resonate with the Pancasila values, particularly “just and civilized humanity,” aligning with R2P’s aim to protect human rights and prevent mass atrocities (Sasmini, 2015). This compatibility demonstrates that support for R2P is consistent with Indonesia’s constitutional philosophy and reinforces its moral and legal standing in advocating for civilian protection in crises such as the current Gaza situation.

An instance of R2P implementation occurred during the international intervention in Libya in 2011. The UNSC passed Resolution 1973, which authorized military action to protect civilians from brutal assaults, during the revolt against Muammar Gaddafi's regime. This marked the first time the UN Security Council approved action in a non-consenting sovereign state to defend civilians (Glanville, 2013). The resolution required UN member states to take measures to prevent mass executions and human rights abuses perpetrated by the Gaddafi regime. Resolution 1973 authorized military intervention in Libya without

sovereign consent, but with the approval of relevant regional organizations. However, the NATO-led intervention, initially celebrated as a triumph for the R2P doctrine, soon faced criticism for exceeding its mandate and pursuing regime change (Ulfstein & Christiansen, 2013).

The implementation of R2P has not always been smooth and consistent. One example is the situation in Syria. Despite severe human rights violations, including the use of chemical weapons and attacks on civilians, disagreements among UNSC members hindered effective collective action (Laskaris & Kreutz, 2015). Member states with political and strategic interests in the region, particularly BRICS members, could not agree on military measures or sanctions (Nuruzzaman, 2022). This shows the great challenges the international community faces in implementing R2P effectively, as not all states are willing to act on the obligation to protect at-risk population.

## Methodology

This study adopts a qualitative, doctrinal research methodology to critically evaluate the international community's failure to implement the Responsibility to Protect (R2P) in Gaza. The research design incorporates a normative legal analysis supported by multiple sources of legal materials to ensure a comprehensive examination. Primary sources include United Nations (UN) resolutions, official statements, judicial decisions, and international legal frameworks related to R2P and humanitarian intervention. Secondary sources consist of scholarly publications, including peer-reviewed journal articles, conference proceedings, reports from reputable international organizations such as Human Rights Watch and Amnesty International, and policy analyses from recognized think tanks published within the last five years.

Sources were selected based on three main criteria: (1) direct relevance to R2P principles or their application in armed conflict situations; (2) publication by reputable academic, legal, or institutional bodies; and (3) provision of verifiable and up-to-date information. The reliability of each source was assessed by evaluating the authority of the author or issuing body, consistency with other credible references, and transparency in evidence presentation. Thematic analysis was conducted in three stages: first, identifying key legal and political issues from the selected materials; second, coding these issues into thematic categories such as "legal status of R2P," "UN Security Council dynamics," and "regional responses to humanitarian crises"; and third, examining the interrelation between these themes to highlight systemic obstacles and potential reforms. This structured methodological framework enhances the rigor, credibility, and replicability of the study's findings.

## Results and Discussions

### *Challenges in Implementing R2P in Gaza*

#### *Political Polarization at the International Level*

The implementation of the R2P principle in the Gaza conflict faces significant challenges due to political polarization at the international level. This polarization not only slows down decision-making, but also often results in a deadlock in responding to violations on the ground (Shafi & Malik, 2024). Two primary factors contribute to this: the use of veto power in the UNSC (Wendra & Sutrisno, 2024) and differing interpretations of R2P's application (Ercan, 2015). The veto power held by the five permanent members of the UNSC—the United States (US), Russia, China, the United Kingdom, and France has become a major obstacle in addressing the conflict in Gaza. The US, for example, has consistently wielded its veto power to shield Israel from international resolutions that condemn or call for intervention in its military policies in Gaza (Safdar, 2024). This has created the perception that the UNSC is biased towards certain political interests rather than universally protecting human rights (Nasir, 2024). From 1970 to 2024, the US has used its veto power over 49 times to block resolutions related to the Palestinian-Israeli conflict, including those condemning Israel's attacks on Gaza during 2023-2024 (MEE, 2024). The first US veto to protect Israel occurred in 1970 in UNSC resolution S/10784, which expressed deep concern about the deteriorating situation in the Middle East and targeted Israeli aggression on the Lebanese border.

In addition, there is a stark divide among UN member states regarding whether Israel's actions in Gaza meet the criteria for crimes warranting R2P intervention (Crowley-Vigneau et al., 2024). Most Western countries, led by the US, argue that Israel's policies are part of its right to defend itself against threats from armed groups such as Hamas (Milanovic, 2023). Multiple organizations have described Israel's military response as disproportionate, raising concerns under international humanitarian law's principles of distinction and proportionality. This disagreement further exacerbates the humanitarian situation (Abdo, 2024). In this context, structural and political weaknesses at the international level pose significant obstacles to implementing R2P in Gaza.

### *Sovereignty versus Humanitarian Intervention*

Another challenge in implementing the R2P principle in Gaza is the tension between state sovereignty and humanitarian intervention. Sovereignty is a fundamental pillar of international law, granting states the right to manage their domestic affairs without foreign interference (Lam, 2024; Marinov, 2024). In this context, Israel frequently asserts its sovereign right to defend itself against threats from Gaza, especially in response to attacks carried out by armed groups such as Hamas (Erlangga & Sefriani, 2022).

Since its establishment in 1948, Israel has faced armed and political opposition from various actors, including neighboring states and militant groups within the Palestinian territories. The October 7, 2023, attack by Hamas exemplifies this long-standing resistance, resulting in over 1,000 Israeli deaths and a harsh and severe military response from Israel, including aerial bombardments that destroyed thousands of homes and infrastructure in Gaza. According to AP News, at least 46,000 people have been reported dead, and nearly the entire population has been displaced from their homes (Shurafa & Khaled, 2025). Israel uses the threats to its sovereignty to justify its brutal actions in Gaza.

R2P suggests that countries must intervene against grave human rights abuses committed by governments or armed factions within their borders, even at the expense of their sovereignty (Marinov, 2024). In Gaza, although Israel claims its right to military action, its attacks on civilians raise significant human rights concerns. Many states and international organizations consider these attacks as acts of willful destruction and violations of international law, including the Convention on the Prevention and Punishment of the Crime of Genocide (1948), which governs the protection of civilians in armed conflict (Aspool et al., 2023). Conversely, Israel considers any attack on its territory as a threat and claims the right to defend itself. This creates an international dilemma, as states supporting Israel's self-defense often oppose interventions that might limit Israel's military actions, while those supporting the Palestinians argue that Israel's actions violate both human rights and fundamental principles of international law (Kondowe & Wardoyo, 2025).

### *Ambiguity in Defining Atrocities*

Gaza, a region entrenched in protracted conflict, frequently attracts international attention, especially during periods of major attacks or extreme policies implemented by Israel (Horowitz et al., 2011). A key challenge in this context lies in defining atrocities, especially crimes against humanity, due to the differing interpretations across legal instruments and jurisdictions (Harb, 2024). Divergent views among UN Member States exemplify this definitional debate: some classify Israel's actions, including blockades, military offensives, and the displacement of Palestinians, as crimes against humanity, while others justify them as Israel's right to self-defense (Aulawi & Sherliana, 2025). Such disagreements reflect a broader tension between interpretations of international law and political realities. Since its establishment, Israel's policies toward the occupied territories, particularly Gaza, have consistently sparked global debate (ICJ, n.d.). The events of 7 October 2023, following an attack by Hamas, exemplify this dynamic; Israel's large-scale retaliatory strikes targeted infrastructure suspected of housing Hamas military assets but inflicted severe consequences on the civilian population.

The Israeli government justified the operation as a lawful act of self-defense under international law, framing it as a response to rocket attacks launched by Hamas into its territory. It asserted that the objective was to dismantle Hamas's terror network, which it alleges operates within civilian areas and uses civilians as human shields. However, when these strikes resulted in the deaths and suffering of tens of thousands of uninvolved civilians, questions emerged as to whether such actions remained within the bounds of self-defense or breached the principle of proportionality under international law.



The ongoing conflict between Israel and resistance groups in Gaza complicates the investigations of crimes against humanity. A primary aspect of this conflict is the imbalance in military power. Israel has a superior military equipped with advanced technology, while Hamas primarily employs rocket raids and guerrilla warfare strategies. This situation engenders asymmetric warfare, where the disparity in strength complicates the differentiation between legitimate targets and collateral damage to civilians.

Israeli airstrikes that destroy buildings in Gaza are often justified as efforts to destroy Hamas' military infrastructure; however, many civilian structures, including homes, hospitals, and schools, are also damaged. A report released by Amnesty International (2024) indicated that these attacks resulted in numerous civilian casualties, especially among children and women, who were killed or injured. In asymmetric warfare, civilian victims are often considered as collateral damage, although there is no guarantee that they will not fall as victims. This collateral damage, albeit often unavoidable in warfare, raises questions about the genuine application of the principle of proportionality in international law. Under Article 51 of the UN Charter, states have the inherent right of self-defense against armed attacks; however, this right is limited by the principles of necessity and proportionality, as affirmed by the International Court of Justice in the *Nicaragua v. United States* (1986) case. In the context of Gaza, the scale of Israel's military operations raises serious concerns regarding these principles, particularly regarding civilian casualties and destruction of infrastructure.

Understanding the context of asymmetric warfare is crucial for international courts assessing war crimes. The International Criminal Court (ICC) has previously examined war crimes cases involving attacks on civilians, but these decisions are often hampered by larger political and geopolitical factors (ICRC, 2025). As a result, determining responsibility for the violations becomes challenging given the complex dynamics of the conflict.

In the case of Gaza, judges at the ICC issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Israeli Defense Minister Yoav Gallant on November 21, 2024, accusing them of war crimes in connection with the humanitarian crisis in Gaza. The ICC found sufficient evidence that both individuals committed war crimes by employing malnutrition as a weapon of war and engaged in murder, persecution, and other inhumane acts. The ICC identified both as direct perpetrators who collaborated in directing assaults on civilians.

There are pros and cons to the ICC's decision to issue the arrest warrants. Israel, which is not a member of the ICC, opposed the decision, calling the accusations wrong and absurd, claiming they stemmed from a politically biased institution (Mao, 2024). In a statement on the Israeli Prime Minister's Office website (2024), Netanyahu declared that Israel would not back down until the goals of its war and campaign were achieved. President Joe Biden echoed this sentiment, affirming his support for Israel in addressing security threats (Fogel, 2024). The European Union was divided in its response to the ICC's decision (Weatherald & Munster, 2024). From these circumstances, it can be concluded that the ambiguity in defining atrocity, drawn from Article 7 of the Rome Statute of the International Criminal Court and Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, is not overly complex if considered solely through legal and moral lenses. Legally, the ICC has clearly articulated its stance on Israel's actions, led by Netanyahu.

#### *Weak Enforcement Mechanisms*

Another issue with implementing R2P is the weakness of existing enforcement mechanisms, which often rely on international consensus and cooperation between states. Without a binding enforcement mechanism, R2P is challenging to implement effectively (Onu, 2019b), especially in a politically complex region like Gaza. The inability to reach an international consensus on several issues complicates R2P enforcement in Gaza, particularly due to divergent views among major powers, particularly those supporting Israel, and those backing the Palestinians (Barron, 2025).

Another factor hampering R2P implementation is the lack of a binding enforcement mechanism. States are often reluctant or unable to carry out military interventions or other measures without legitimate authority (Mardiyanto & Hidayatulloh, 2023). The UN Security Council should play a central role in determining concrete steps to implement R2P; however, important decisions are frequently obstructed by the politics of major powers, especially the veto power held by the five permanent members of the UNSC.

For example, when the Gaza crisis escalated in 2024, the UN Security Council failed to pass a resolution compelling Israel to stop its attacks or provide protection for Palestinian civilians due to a veto from the US and its allies (UNSC, 2025).

In fact, strong evidence of human rights violations and potential crimes against humanity has been provided by various humanitarian organizations, and there has even been a ruling from the ICC (ICC, n.d.). The lack of an enforcement mechanism capable of holding the perpetrators accountable in Gaza has exacerbated the humanitarian situation in the region. The attack on October 7, 2023, shows how the international community's inability to respond to massive human rights violations only heightens tensions and prolongs civilian suffering. Without binding prosecution mechanisms, Gaza remains a region rife with injustice and insecurity.

#### *Humanitarian Access and Security Risks*

Since 2007, Gaza has experienced great difficulties in accessing much-needed humanitarian assistance due to an Israeli blockade. This blockade has adversely affected both the economic and social conditions in Gaza (Adnan, 2022) and hampered efforts to implement the R2P mandated by the international community (Moses, 2024). A primary obstacle to implementing R2P in Gaza is the restricted access for humanitarian organizations tasked with alleviating civilian suffering and protecting vulnerable populations (Crowley-Vigneau et al., 2025). In addition, the deteriorating security situation, marked by frequent airstrikes and ground offensives, increases the risks for international workers attempting humanitarian interventions. A report by Human Rights Watch (2024) indicates that the blockade has caused shortages of food, medicine, and fuel desperately needed by the Gazan population, worsening the existing humanitarian crisis.

Moreover, access for international organizations providing humanitarian assistance has become extremely limited. Several organizations, such as the International Committee of the Red Cross (2024) and the UN faces challenges in providing direct relief to Gaza due to Israel's strict limitations (Xinhua, 2024). The Israeli government claims that the embargo effectively regulates the transportation of arms and terrorists from Gaza (Weiner, n.d.). However, such restrictions often harm the civilian population, worsening their plight. The UN reports that nearly the entire population of Gaza lives in extreme destitution, with unemployment rates exceeding 80% (Reuters, 2024). Restricted humanitarian access hinders efforts to protect people from pervasive violence, hence preventing the full implementation of the R2P doctrine.

In addition to access restrictions, the high security risks in Gaza pose a major challenge to implementing R2P. For years prior to Oct 7, Gaza has been a battleground between the Israeli military and various Palestinian armed groups, including Hamas and Palestinian Islamic Jihad. Security in Gaza is highly volatile, with airstrikes and ground attacks frequently resulting in civilian casualties. These tensions pose a significant challenges for international parties seeking to deploy peacekeepers or provide humanitarian aid.

There is also documented evidence of direct attacks on humanitarian aid organizations. For instance, an Israeli airstrike targeting the food aid organization, World Central Kitchen, resulted in fatalities (Bowman, 2024). As a result, this agency and several others, suspended its operations. The founder of World Central Kitchen, José Andrés, accused Israeli forces in Gaza of systematically targeting volunteers engaged in humanitarian assistance. The Gaza civil defense agency reported an Israeli airstrike on December 12, 2024, that killed 12 escorts of a humanitarian aid truck in the southern region of Palestine (Le Monde, 2024). According to Gaza civil defense spokesman Mahmoud Basal, seven of the guards were killed in an attack in the Rafah area, while five additional guards were killed in another attack in Khan Younis, both located in the southern Gaza Strip. Furthermore, if international peacekeepers or observers were deployed to Gaza to implement R2P mandates, they would face a perilous environment (Durbin, 2025). The heightened tensions between Israel and Palestinian armed groups render the security of peacekeepers extremely vulnerable. Peacekeepers deployed by the UN or other international organizations would also face great difficulties in ensuring the protection of civilians (Duursma et al., 2023).

*Regional and Global Geopolitics*

The Israeli-Palestinian conflict is not only localized within the geographical boundaries of Gaza or the Palestinian territories but is also part of a broader geopolitical rivalry in the Middle East region (Safdar, 2024b). To understand the challenges in implementing the R2P principle in Gaza, it is important to examine how regional tensions and global power dynamics influence the international response to this crisis. The conflict is often understood in the broader context of regional rivalries in the Middle East. Arab states, which generally support the Palestinian cause, often struggle with internal conflicts that affect their solidarity with the Palestinians (Ashraf & Baqi, 2023).

Since 1948, the Middle East region has witnessed a series of events that have intensified political and social tensions. Following Israel's declaration of independence on May 14, 1948, open conflict with Arab states began, known as the 1948 Arab-Israeli War. This marked the beginning of a long history of territorial disputes and tensions between Israel and its neighbors (Office of the Historian, 2018). The October 7 attack by Hamas became a significant turning point in this conflict, triggering a brutal Israeli military response in Gaza, which was later considered a form of genocide by many international observers (Nijim, 2024). This response not only devastated Gaza but also heightened tensions throughout the Middle East. Countries such as Iran and several Gulf states, which previously supported Palestine politically and materially, are now increasingly polarized in their open support for Palestine (Hamzawy, 2025).

The diversity of political positions in the Arab world further complicates efforts to reach an international consensus on actions that can be taken. For example, Saudi Arabia, which has established diplomatic relations with Israel through normalization agreements, faces domestic pressure to maintain solidarity with Palestine (M. C. Hallward & Biygautane, 2024). The involvement of major powers such as Iran, which supports militant groups in Palestine, adds another layer of complexity, leaving little room for effective international diplomacy (Hamzawy, 2025).

Equally important is the significant influence of major powers, especially the United States and European countries, in shaping international policy regarding the Israeli-Palestinian conflict. Since 1948, the United States has been Israel's strongest ally, providing significant military and diplomatic support (Rep. Weber, 2023). Meanwhile, many European countries, while critical of some of Israel's actions, often express sympathy for Israel as a democracy in the Middle East facing threats from terrorist groups (Smith, 2023).

Simultaneously, a strong solidarity movement for Palestine exists in many parts of the world, especially in the Arab world, Africa, and some Asian countries (Imran, 2024). This solidarity is reflected not only in the condemnation of Israeli policies but also international campaign to end the blockade of Gaza and stop attacks on civilians. However, at the international level, tensions between major powers that support Israel and those that support the Palestinians create significant obstacles to collective action needed to protect Gazans under the R2P principle (Crowley-Vigneau et al., 2025).

Since Israel's massive offensive in October 2023, the United States government has continued to provide diplomatic support and military assistance to Israel (2025). This has drawn strong criticism from countries around the world, including some European nations, who feel that Israel's response to Hamas' attacks has been excessive (Wikipedia, 2025). Despite international condemnation of the violence in Gaza, particularly against civilians, political blockades in the UNSC have often prevented real action. The United States, wielding veto power in the Security Council, has consistently blocked resolutions that would compel Israel to halt its military offensive or authorize international intervention to protect Gazans (Cursino, 2024). The UNSC's inability to act, combined with political divisions at international and domestic levels, has created significant global disagreements on addressing human rights violations in Gaza. Together, these geopolitical factors, both regionally and globally, have become major obstacles to protecting Gaza's civilians through international mechanisms such as R2P.

*Public Perception and Misinformation*

One challenge in implementing the R2P principle in Gaza is public perception, shaped by international media and evolving propaganda narratives. Over time, the mass media have played a crucial role in shaping global public views of this long-running conflict. Differences in reporting between Western and Middle Eastern media, along with propaganda from various parties involved, complicate assessments of

the need for international intervention in Gaza. International media compete for sympathy in conveying narratives about the Israeli-Palestinian conflict. Western media often present Israel as a country with the right to defend itself against Hamas, labeled a terrorist organization (Kreishan, 2024). In contrast, Middle Eastern media and some alternative outlets emphasize the suffering of the Palestinian people living under occupation and blockade, depicting Israeli actions as aggression and human rights violations (Assalia, 2024).

Research shows that biased reporting may aggravate the situation by escalating public divisions, amplifying negative perceptions, and prolonging peace initiatives (Zhukov & Baum, 2016). When the media emphasizes one viewpoint or presents a biased narrative, it affects public opinion and may influence support for intervention or peace efforts. Interestingly, even balanced reporting can increase division, as people tend to interpret information based on their own beliefs. The framing of a story by the media significantly impacts public sentiment regarding peace efforts, with negative narratives often exerting a stronger influence than positive ones (Sheafer & Dvir-Gvirsman, 2010).

In conflict zones, journalists may unintentionally escalate tensions by publishing reports that seem one-sided or by amplifying hate speech (Tsarwe & Mare, 2019). To address this, peace journalism practices can play a key role in reducing violence and easing social and political divisions. Simple steps, such as using diverse sources and highlighting peaceful perspectives, can enhance the effectiveness of conflict reporting (Noorzai & Hale, 2020).

However, one major challenge with current reporting is that it often oversimplifies complex issues, such as who is truly responsible for suffering in Gaza (UNICEF, 2024). For example, after the October 7, 2023, attacks, Israeli leaders justified their actions as self-defense but rarely acknowledged the harm caused to Palestinian civilians. Data from Amnesty International (2024) shows that the attacks targeted not only military sites but also civilian infrastructure, including hospitals and schools, making life even harder for people in Gaza.

To tackle these challenges, it's important to promote education and more balanced information globally. The international media must take responsibility for presenting a comprehensive picture of what's happening in Gaza. Organizations like the UN and humanitarian agencies should also prioritize fact-checking and transparent reporting. Accurate information is essential for understanding and evaluating the claims made by all sides in this conflict.

### *Erosion of Trust in International Institutions*

When applying the Responsibility to Protect (R2P) principle in Gaza, one of the biggest challenges is the lack of trust in international institutions, such as the UNSC and the ICC. This is especially true in the Arab world and other regions, where many feel these institutions are biased in favor of Israel (Zeidan, 2024). The Israeli-Palestinian conflict has been a major global issue for decades, and efforts to involve the international community often face hurdles due to one-sided views on the situation.

Since Israel's founding in 1948, its relationship with the international community has been tense, particularly with the Arab world. Many view Israel as a state created by taking land that rightfully belonged to Palestinians. This perception has damaged Israel's image, especially among Muslim-majority and developing countries. Nations in the Middle East, such as Iran, Turkey, and members of the Arab League, often see Israel as a colonial power that continues to occupy Palestinian land through military force. This view is prevalent in much of the Arab world and in non-Western countries, where many believe that Israel's actions—like the blockade of Gaza, destruction of infrastructure, and the killing of civilians—don't receive adequate attention or accountability from international institutions.

This frustration is compounded by the influence of powerful states, particularly the United States, which holds a permanent seat and veto power in the UN Security Council. The U.S. has consistently aligned with Israel, vetoing resolutions critical of its policies and providing substantial military and financial assistance. Following the October 7, 2023, attacks and Israel's subsequent operations—which resulted in the deaths of thousands of civilians in Gaza—many Arab states and international organizations perceived the Security Council's response as lacking impartiality. They argue that the implementation of R2P,

intended to protect civilians from mass atrocities, was effectively undermined by the political leverage of Israel's allies within the Council.

The bias against Israel isn't the only issue; there's also the failure to apply the R2P principle in other conflicts, which makes it harder to trust its application in Gaza. Two major examples of this failure are the situations in Syria and Myanmar, where, despite clear evidence of human rights violations, the international community hasn't taken meaningful action.

The civil conflict in Syria, which commenced in 2011, has resulted in thousands of deaths. It has been alleged that the Assad regime used chemical weapons against civilians (Koblentz & Hall, 2024). Despite documentation of these war crimes by organizations such as Amnesty International and Human Rights Watch, the UNSC has been unable to take concrete action. This is mainly because Russia and China keep vetoing attempts to impose sanctions or allow military intervention, even though countries like the U.S. have advocated for tougher measures against Assad (UNSC, 2017). As a result, many feel frustrated and doubtful about the UN's ability to protect Syrian civilians, especially given the political interests involved.

Myanmar has faced similar failures. In 2015, the Rohingya were subjected to a violent military campaign that resulted in hundreds of thousands of people fleeing to Bangladesh and tens of thousands of fatalities. Despite clear evidence of genocide, the international community failed to act effectively. The UNSC was again divided, with nations such as China and Russia backing Myanmar, blocking an effective response (Le Masurier, 2021).

These failures in Syria and Myanmar have eroded public confidence in the R2P. Although R2P is rooted in international law, it is often neglected due to political interests, with national goals overshadowing the protection of human rights. A similar tendency is evident in Gaza. Israel's actions against Palestinian civilians have been condemned as war crimes, potentially amounting to genocide; yet, international politics and the veto power held by the U.S. and its allies have prevented any substantial intervention. This hesitance further substantiates the notion that international institutions prioritize the interests of powerful countries over the protection of fundamental rights.

### ***Recommendations for Reform***

To address the systemic barriers identified, this study proposes three main reforms:

#### ***Strengthening International Legal Mechanisms for R2P Implementation***

The R2P currently relies primarily on state commitments, which constrain its enforcement. This reliance on voluntary government actions contributes to the challenges of effectively implementing the concept (Christopher et al., 2021). The enforcement of R2P solely relies on the political will of governments, lacking sufficient legal coercion.

One proposed solution is to establish an independent international tribunal specifically dealing with breaches of the principle (Illingworth, 2022). Cases involving mass crimes would be judged more impartially by such a tribunal. This would not only foster a sense of justice but also serve as a more effective tool for holding nations accountable. By creating a distinct legal entity, states could be encouraged to adhere more closely to international law and take proactive measures to prevent or halt R2P violations.

Integrating R2P into international law and establishing stronger enforcement rules would significantly reduce the uncertainty surrounding its implementation (Subramanian, 2022). An international tribunal addressing R2P violations would have clear criteria for the timing and nature of international commitments. This would encourage countries to respond to mass crimes, as noncompliance with international law could lead to tangible legal sanctions. Without clear codification and a competent court, R2P would remain a moral and political choice rather than a firm legal obligation. This approach would not only rely on voluntary commitments from states but also enforce compliance more stringently. This approach would enhance international accountability for serious human rights violations.

Existing international judicial bodies, such as the International Court of Justice (ICJ) and the International Criminal Court (ICC), have significant limitations in functioning as fully independent forums for addressing R2P-related violations. While both institutions are mandated to adjudicate serious breaches of international law, their effectiveness is often constrained by jurisdictional restrictions, procedural delays, and the need for state consent or UN Security Council referral—processes that are susceptible to political influence, particularly through the veto power of permanent members. In situations like Gaza, these constraints have prevented timely intervention and accountability, allowing mass atrocities to continue without effective legal recourse. Consequently, the inability of current courts to act swiftly and impartially highlights the necessity of establishing a specialized and autonomous tribunal dedicated to R2P enforcement, insulated from geopolitical pressures and capable of delivering binding judgments.

### *Reforming the UN Security Council (UNSC)*

To create a more equitable and effective organization for addressing global issues, particularly those related to international security, structural reforms to the UNSC are imperative. One of the most significant proposed reforms is to restrict the use of veto power in situations involving genocide and mass crimes. The veto authority of the five permanent UNSC members has consistently impeded the resolution of human rights-related matters (UNSC, n.d.). According to Kasim et al. (2024), limiting veto power in genocide situations will reduce decision-making impasses, enabling more decisive and swift collective action.

In addition to limiting veto power, expanding the permanent membership of the UNSC is an important step toward realizing equitable structural change (Christopher et al., 2021). The dominance of the permanent members (P5) in the UNSC has resulted in discrimination in global representation. Countries in Africa, Asia, and Latin America, which are underrepresented, do not have equal opportunities to participate in global decision-making (Zareba, 2024). Expanding permanent membership to include nations from these regions will provide a broader and more balanced perspective in foreign policy development. It will also reduce dependence on the decisions of the P5 countries, which are often based on their national interests (Kim, 2025). Developing countries are significantly underrepresented on the UNSC, with only one permanent seat for all developing nations. These changes suggest that reducing the veto power and increasing the number of permanent members in the UNSC would contribute to the establishment of a system that is more responsive to the needs of the global community, particularly regarding humanitarian concerns. Inclusive and effective decision-making will enhance the credibility of the UNSC and ensure that international initiatives appropriately represent the interests of all nations, not just the five largest countries. As a result, these structural adjustments will advance global governance and boost the UN's capacity to respond to global crises.

Understanding the historical origins of the UNSC's permanent membership is essential for grasping the current balance of power among the world's major nations in maintaining international peace. The composition of the P5—China, France, Russia (formerly the Soviet Union), the United Kingdom, and the United States—was determined in 1945 as part of the post-World War II settlement, granting these states veto power in recognition of their decisive roles in the Allied victory and their perceived capacity to uphold global security. This structure was designed to secure their ongoing engagement in the UN system; however, it also entrenched a power dynamic that allows these states to shape, block, or advance international action in line with their national interests. In the context of humanitarian crises and R2P implementation, this historical arrangement explains why consensus is often elusive and why reforming the Council's decision-making process remains politically sensitive and strategically complex.

### *Promoting Regional Interventions and Collaboration*

Empowering regional organizations such as the Arab League to play a more active role in humanitarian interventions could help overcome the global deadlock in addressing the multiple crises in Gaza (Adediran, 2017). One of the main challenges in dealing with conflicts and human rights violations in the Middle East is the lack of coordination and rapid response from international actors. Organizations such as the Arab League have great potential to respond to these crises in a more localized and focused manner. Based on African experiences, interventions by regional organizations tend to be more effective due to their deeper understanding of local social, political, and cultural dynamics (Okyere, 2019). The continent

of Africa has witnessed many of the most significant genocides and mass atrocities of the past half-century.

Furthermore, strengthening the capacity of regional coalitions to address humanitarian crises—distinct from natural disaster responses—will lead to more coordinated and effective interventions. Unlike disaster response, which often focuses on relief and recovery after natural events such as earthquakes or floods, humanitarian crises arising from armed conflict require political engagement, civilian protection, and, in some cases, accountability for atrocity crimes. For example, in Myanmar, ASEAN’s adherence to its non-interference policy significantly limited the organization’s ability to respond effectively to human rights violations, despite its proven capacity in disaster relief operations (Cook, 2021). The challenge for the Middle East is how regional actors can overcome similar political barriers to coordinate actions in humanitarian emergencies. In this regard, organizations such as the Arab League must enhance their crisis-response capacity and assume a more proactive role. Such collaboration would not only accelerate the protection of vulnerable populations but also reinforce the international legal system in advancing global peace and justice.

## Conclusion

The ongoing humanitarian crisis in Gaza illustrates the violation of the Responsibility to Protect (R2P) principle. This concept originally intended to prevent mass atrocities, has nevertheless failed to protect human rights in Gaza. This failure highlights the gap between the normative standards of R2P and actual circumstances, while also exposing the flaws of existing international law systems. It highlights the need for significant changes in the international community, such as strengthening regional organizations and enhancing the international judicial system. The situation in Gaza should serve as a wake-up call to the international community that urgent changes are necessary to guarantee the enforcement of international law, specifically the R2P doctrine.

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