

SOLVING OR RESOLVING PALESTINIAN HUMAN
RIGHTS ISSUES: RELATIONSHIP
“NORMALIZATION”

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INTRODUCTION

The Israeli-Palestinian conflict is decades-long and fiercely debated because of its religious significance, complex geopolitical history, and the severe human atrocities it has caused. This conflict has also created many international rifts. Support for one side in the conflict, however, is irrelevant to the issue of human rights violations against the Palestinians—and ongoing violence in the region offers little hope of these abuses dissipating.¹ Traditional international human rights law has failed to protect the Palestinian people, as evidenced by the restrictions placed on their freedoms—for example, their freedom of movement—and the brutality inflicted upon Palestinian families.² As Palestinians have suffered significantly from the shortcomings of the current international human rights law framework, it is imperative

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¹ A May 2023 ceasefire is holding. That has not stopped forces from alternative measures to get the upper hand. See, e.g., Maram Humaid & Aziza Nofal, ‘*Collective Punishment*’: *Israel Demolishes Palestinian Homes*, ALJAZEERA (June 10, 2023), <https://www.aljazeera.com/news/2023/6/10/collective-punishment-israel-demolishes-palestinian-homes>. The Israeli forces have continued their practice of demolishing the homes of Palestinians who are accused of attacking Israelis.

² Vitus Mazi Udegbleum, *Accountability for Violations of International Humanitarian Law in the Occupied Palestinian Territories*, 2(2) IRLJ 38 (2020); Jason Hart & Claudia Lo Forte, *Mandated to Fail? Humanitarian Agencies and the Protection of Palestinian Children*, 37(4) DISASTERS 627 (2013).

to look towards alternative ways that the international community can meet the needs of the Palestinian people.

One method for meeting Palestinians' needs and upholding their human rights must be forging new amicable relations with other nations in the region that can pressure the Israeli government. In particular, fostering a diplomatic relationship between Israel and Saudi Arabia may improve the protection of Palestinian human rights. This avenue appears promising considering regional relationships following the Abraham Accords—under the Trump administration—and the unexpected normalization of relations between Iran and Saudi Arabia on March 10, 2023. For decades, Israel and Saudi Arabia based their relationship on a common enemy: Iran. The Saudi-Iranian Rapprochement will likely force Israel also to normalize relations with Saudi Arabia. This normalization will require Israeli concessions, such as assurances for Palestinian civilian protection, which, most notably would alter Israel's settlement practices and defense strategies.³ Although these concessions would be significant, Israel appears eager to form an amicable relationship with Saudi Arabia as a key ally. The pressure on Israel to cease human rights violations may be highly effective.

Against this backdrop, this Article attempts to show that the possible scrupulous devotion by both Israel and the United States—in fact the whole international community—to principles of international and U.S. law could be a key step in the resolution of the Palestinian-Israeli conflict. It will underscore that the application of universally recognized values of human rights could reduce terrorism and violence in the region. Part I of this Article discusses certain internationally recognized human rights along with their perplexing application—and restrictions—and their relation to national security interests. Part II summarizes the failure of international law, specifically its lack of credibility towards Palestinians, in adopting double standards, reflecting prejudice, and gross violations or attacks of internationally recognized human rights (enforcement mechanisms). Parts III and IV deal with the prospects for normalized relations between Israel and the regional

³ ROSLYN BOATMAN & ALISON MARTIN, FROM FAILED TO FAIR: LEARNING FROM THE OSLO ACCORDS TO FOSTER A NEW RIGHTS-BASED APPROACH TO PEACE FOR PALESTINIANS AND ISRAELIS, (Oxfam International 2019), <https://policy-practice.oxfam.org/resources/from-failed-to-fair-learning-from-the-oslo-accords-to-foster-a-new-rights-based-620904/>.

leader Saudi Arabia (negotiations “gets closer” considering that Palestinians rights should be acknowledged). Part V discusses how the current conflict engulfing Israel and Palestine raises substantial issues of international law and policy, including the relevant legal questions before both the ICC and the ICJ—both of which have jurisdiction over the crime of genocide. Finally, this Article concludes that international judicial bodies’ ability—or lack thereof—to swiftly and impartially address the crimes committed during the enduring conflict may have actual consequences on the future success of these bodies, and pose a challenge to their legitimacy. It further shows that international law sanctions armed struggle for all oppressed peoples—including the Palestinians—for national liberation, equal rights, and self-determination, with the goal of restoring their civil liberties and human rights that international law and justice have failed to protect.

I. BACKGROUND: GLOBAL HUMAN RIGHTS LAW(S) AND THE UNITED NATIONS

To understand the potential effectiveness of normalizing relations between Israel and Saudi Arabia in protecting Palestinian human rights, it is crucial to understand how the traditional approach to human rights law has been ineffective and detrimental to establishing, preserving, and protecting human rights for certain groups (e.g., Palestinians).⁴ The inception of the United Nations (UN) indisputably marks the

⁴ See, e.g., Emilie M. Hafner-Burton & Kiyoteru Tsutsui, *Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most*, 44 J. OF PEACE RES. 407 (2007); Svetlana Sumina & Steven Gilmore, *The Failure of International Law in Palestine*, 20 T. MARY’S L. REV. ON RACE & SOCIAL JUSTICE 2 (2018) (“The modern humanitarian rights system directly addresses the responsibility of governments vis-à-vis populations over which they exercise power, authority, or jurisdiction, largely regardless of nationality. The purpose of an international humanitarian law is to prevent nations from only pursuing their own national interests, hold them accountable when they do, and prevent acts which shock the moral conscience of mankind. Indeed, the purpose of ‘human rights laws is to protect physical integrity and human dignity in all circumstances. They apply to relationships between unequal parties. When it comes to fully or partially occupied States, the unequal parties include the occupying power and the occupied State and its citizens.”). See also Theodor Meron, *The Humanization of Humanitarian Law*, 94 AM. J. INT’L L. 239, 249 (2000) (discussing the human elements of humanitarian law, highlighting Israel/Palestine as a case study); George Bisharat et al., *Israel’s Invasion of Gaza in International Law*, 38, 43 DENV. J. INT’L L. & POL’Y 41, 43 (2009) (discussing whether Israel breached international humanitarian law during Operation Cast Lead, a 2009 military operation in the Gaza Strip).

conception of modern international human rights law.⁵ Today, the UN consists of 193 member nations; Palestine is not one of them, but it was granted non-member observer State status in 2012.⁶ The UN promulgates a global human rights legal framework comprising a set of treaties, declarations, and universal international laws in an attempt to enforce legal obligations against member states that respect, protect, and fulfill the human rights of all individuals.⁷ Three UN-written documents form the bedrock of this framework: The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).⁸ Through these documents, the UN has determined that a human right can be legally established in one of two ways. First, the international community can define human rights through treaties universally accepted by the countries represented in the UN—and significantly, all members of the UN have ratified at least one human rights treaty.⁹ Second, the

⁵ *Id.* Oscar Schachter, *United Nations Law*, 88 AM. J. OF INT'L LAW. 1 (1994), 1–23 (explaining the process and substance of the legal contribution of the UN system). Prosper Weil, *Towards Relative Normativity in International Law?*, 77 AJIL 413, 438 (1983); Jonathan I. Charney, *Universal International Law*, 87 AJIL 529 (1993).

⁶ See Press Release, General Assembly, General Assembly Votes Overwhelmingly to Accord Palestine 'Non-Member Observer State' Status in United Nations, U.N. Press Release GA/11317 (Nov. 29, 2012).

⁷ See, e.g., *What are Human Rights?*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, <https://www.ohchr.org/en/what-are-human-rights> (last visited July 25, 2024). See also G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948); International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 95-20, 999 U.N.T.S. 171; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-19, 993 U.N.T.S. 3.

⁸ See G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948); International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 95-20, 999 U.N.T.S. 171; G.A. Res. 44/128, Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty (Dec. 15, 1989); International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-19, 993 U.N.T.S. 3.

⁹ *Id.* See, e.g., *Ratification of 18 International Human Rights Treaties*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, <https://indicators.ohchr.org/> (last visited July 25, 2024) (explaining the ratification stats of the UN members regarding the international human rights agreements). See also, *Ratification of International Human Rights Treaties*, UNIV. OF MINN. HUM. RTS. LIBR. (Ilhan Isik & Taobo Zheng eds., 2008), <http://hrlibrary.umn.edu/research/ratification-index.html>. See, e.g., Heather McKibben & Shaina Western, *Reserved Ratification: An Analysis of States' Entry of Reservations Upon Ratification of Human Rights Treaties*, 50 BRITISH J. POL. SCI. 2 (2020), 687–712 (“... executives anticipate the potential challenges these treaties could raise vis-à-vis their domestic policies and enter different types of reservations when they ratify to head them off. The types of reservations they use depend on key characteristics of the executive's policies

international community can establish human rights as *jus cogens*, or international norms, that are well-discussed, well-litigated, and universally accepted.¹⁰

With mixed success, the UN attempts to enforce the underlying principles of these documents through the UN Human Rights Council (UNHRC), the Office of the High Commissioner for Human Rights (OHCHR), and the International Court of Justice (ICJ), each of which has slightly different functions and authority.¹¹ Additionally, the International Criminal Court (ICC) also helps enforce human rights law.¹² Nations that have not granted jurisdiction to a regional court are not subject to the rules of other multi-national tribunals.¹³ Significantly, neither Israel nor Palestine have consented to the jurisdiction of any regional human rights courts.¹⁴

A vast body of literature has investigated and largely concluded that even the most seminal human rights law treaties have been ineffective

and practices, as well as its relationship with the legislative and judicial branches. Domestic actors can raise different types of challenges against the executive depending on variations in these key factors.”).

¹⁰ See generally Anne Bayefsky & Joan Fitzpatrick, *International Human Rights Law in United States Courts: A Comparative Perspective*, 14 MICH. J. INT’L L. 1, 11 (1992) (“Claimants to the protection of international human rights norms have asked American courts to enforce, or . . . , those norms with increasing frequency and in a striking variety of contexts. . . . The barriers that stand in the way of domestic enforcement of international human rights law often have poor foundations.”). See also Istvan Pogany, *Arab Attitudes toward International Human Rights Law*, 2 CONN. J. INT’L L. 367 (1987).

¹¹ See generally Kristina Daugirdas, *Reputation and the Responsibility of International Organizations*, 25 EUROPEAN J. INT’L L. 991, 993, 995, 1005, 1010 (2014) (“The key mechanism for realizing these effects is transnational discourse among both state and non-state actors in a range of national and international forums. IOs have reason to be especially sensitive to the effects of this discourse on their reputations. A reputation for complying with international law is an important facet of an IO’s legitimacy. The perception that an IO is legitimate is, in turn, crucial to the organization’s ability to secure cooperation and support from its member states.”).

¹² *Understanding the International Criminal Court*, INT’L CRIM. CT., 1, 9 (2020), <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf>. The UN also recognizes the authority of regional tribunals—such as the European Court of Human Rights or the Inter-American Court of Human Rights—to enforce what they determine are human rights, even if not yet recognized by the UN.

¹³ *Understanding the International Criminal Court*, INT’L CRIM. CT., 1, 26 (2020), <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf>. But see Leila N. Sadat, *The Conferred Jurisdiction of the International Criminal Court*, 99 NOTRE DAME L. REV. 549 (2023) (“A debate rages among states and scholars regarding the proper conceptualization of the Court’s jurisdiction.”).

¹⁴ See Jack Donnelly, *Universal Human Rights in Theory and Practice*, 178 (3d ed. 2013) (discussing the lack of regional human rights courts in the Middle East and Asia, as compared to well established systems in Europe, Africa, and the Americas).

in preventing or stopping human rights violations by repressive, non-democratic states.¹⁵ The ICCPR, along with the International Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), have failed to adequately address human rights violations committed by state and non-state actors.¹⁶ These treaties serve as mere illusions of solutions, for although repressive nations join coalitions of countries to sign treaties like the ICCPR and CAT, they often do so only because signing these treaties provides political clout—while their reservations severely undermine the treaties’ purposes.¹⁷

Ultimately, signatories to these treaties usually fall into two camps: 1) those that have already created domestic policies that adhere to the treaties, or 2) those with no intention and sometimes no means of enacting the agreed-upon changes.¹⁸ For those nations in the second category, there are few to no repercussions for failing to adhere to these treaties.¹⁹ Therefore, reforming the existing human rights framework is unlikely to affect vulnerable individuals living under repressive

¹⁵ See, e.g., Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?*, 111 YALE L.J. 8 (2002) (examining the effectiveness of human rights treaties); Mila Versteeg, *Laws versus Norms: The Impact of Human Rights Treaties on National Bills of Rights*, 171 J. INT’L & THEORETICAL ECO., 87–111 (2015) (“states only constitutionalize treaty rights when it is in their interest to do so . . . the treaty does not change state behavior.”); Kenzie R. Winton, *Policy Implications and Recommendations Concerning the United States’ Nonratification of International Human Rights Treaties*, 16 PEPPERDINE POL’Y REV. 1 (2024) (discussing how ratification of international human rights treaties has not prevented misconduct by Iran, Somalia, Sudan, Saudi Arabia, and the United States); Adam S. Chilton, *Experimentally Testing the Effectiveness of Human Rights Treaties*, 18 CHICAGO J. INT’L L. 164 (2017) (discussing challenges with examining the effectiveness of human rights treaties given ongoing abuses). But see Daniel W. Hill, *Estimating the Effects of Human Rights Treaties on State Behavior*, 72 J. POL. 1161 (2010) (arguing that the broad scholarship finding international treaties ineffective fails to examine positive impacts on women’s rights).

¹⁶ See, generally Hawthaway, *supra* note 15.

¹⁷ See, e.g., Nita A. Farahany, *Cruel and Unequal Punishments*, 86 WASH. U. L. REV. 859 (2009); W. Lindman, “*Cruel and Unusual*” Checks and Balances: The Supreme Court Write a Rubber Check, 30 DUQ. L. REV. 937 (1992). See generally Eric Neumayer, *Qualified Ratification: Explaining Reservations to International Human Rights Treaties*, 36 J. LEGAL STUDS. 2 (2007) (discussing the role of reservations generally); Michael L. Buenger, *Human Rights Conventions and Reservations: An Examination of a Critical Deficit in the Cedaw*, 20 BUFF. HUM. RTS. L. REV. 67 (2014) (discussing how reservations have undermined other human rights agreements).

¹⁸ See, e.g., Ann Elizabeth Mayer, *Universal Versus Islamic Human Rights: A Clash with Cultures or a Clash With a Construct?*, 15 MICH. J. INT’L L. 307, 323–24, 332 (1994). See generally James Yahya Sadowski, *Prospects for Democracy in the Middle East: The Case of Kuwait*, 21 FLETCHER WORLD AFF. 57, 66 (1997).

¹⁹ *Id.*

regimes.²⁰ Nations like Israel that demonstrate little interest in changing their military and police operations to ensure human rights protections and face few, if any, repercussions for staying their course are unlikely to strictly adhere to treaties they ratified in the existing human rights law framework.²¹ For example, the League of Arab States has also done little to contest human rights violations in the region.²² Unfortunately, non-governmental organizations (NGOs), such as Amnesty International, which continuously cite a plethora of human rights violations in the Israeli-Palestinian conflict, spend an inordinate amount of time utilizing the traditional channels for adjudicating human rights violations compared to what may be more effective means of addressing the harms.²³

II. GLOBAL IMPEDIMENTS: LIMITATIONS OF THE CURRENT HUMAN RIGHTS LAW FRAMEWORK

The Palestinian people themselves are perhaps the best source for understanding the human rights violations they have suffered. Many Palestinians have given testimony and interviews to various news sources, NGOs, and governmental bodies about their experiences. For example, civilians of all ages and occupations, as well as members of the Palestinian Authority (PA), NGOs, and the UN, have provided detailed eyewitness testimony on the brutality they have experienced from Israeli occupation in the West Bank and East Jerusalem.²⁴ Civilians have shared that it is rarely safe for Palestinian children to go to and from school, for they often suffer verbal and physical attacks at the hands of their occupiers.²⁵ Many believe the restrictions to Palestinians' freedom of movement—because of the Israeli Closure Policy within their communities, between Palestinian territories and occupied territories, and between Palestine and the rest of the world, whether by legal means or brute force—are designed to force them out

²⁰ See generally Morton A. Kaplan, *Human Rights in U.S. Policy Toward Israel*, 23 INT'L J. ON WORLD PEACE 93, 99–100 (2006).

²¹ Hafner-Burton & Tsutsui, *supra* note 4, at 409.

²² See Pogany, *supra* note 10.

²³ *Id.*

²⁴ See, e.g., Hart & Lo Forte, *supra* note 2, at 628.

²⁵ *Id.* at 629–30.

of the area to make room for Israeli settlers.²⁶ The imminent dangers to the rights and health of Palestinians brought about by acts of violence, such as Israel's bombing of the Gaza Strip, along with the long-term effects of the chronic stress and trauma associated with living under foreign occupation for decades, have even led to the global health community condemning Israel.²⁷ Yet, the problem persists.

It is impossible to observe the recent unfolding events in the Middle Eastern region, particularly between Israel and Palestine with anything other than shock and horror.²⁸ These actions have left us profoundly concerned, our hearts heavy with the painful images of death, destruction, and suffering, as we mourn all the dead. In this regard, numerous reports and video footage demonstrate that both Israel and Hamas's assault inside on both territories involved shocking massacres, abductions, physical abuse, and sexual violence.²⁹ These activities involve numerous war crimes and likely crimes against humanity.³⁰ International criminal law was envisioned to outlaw such atrocities.³¹

²⁶ Amira Hass, *Israel's Closure Policy: An Ineffective Strategy of Containment and Repression*, 31 J. OF PALESTINE STUDS. 3, 17 (2020); Jason Hart & Claudia Lo Forte, *Mandated to Fail? Humanitarian Agencies and the Protection of Palestinian Children*, 37 DISASTERS 627, 629–30, 632 (2013).

²⁷ Mohammed Alkhalidi et al., *State Accountability for the Good Health of Palestinians Has Failed: What Can the Global Health Community Do Next?*, 24 HEALTH & HUM. RTS. J. 77 (2022).

²⁸ See, e.g., Talya Minsberg, *Oct. 7 Assaults, Including Sexual Violence, Could Be Crimes Against Humanity*, 2 U.N. Experts Say, N.Y. TIMES, Jan. 8, 2024, <https://www.nytimes.com/2024/01/08/world/middleeast/hamas-sexual-violence-un-israel.html> (“Violence that included sexual atrocities committed during the Hamas-led attacks on Oct. 7 in Israel amounts to war crimes and may also be crimes against humanity, two United Nations human rights experts said [...] that the U.N. was ignoring the rape and sexual mutilation of women during the Oct. 7 invasion.”).

²⁹ See, e.g., Linah Alsaafin & Alma Milisic, *Israel's War on Gaza: 'Attacks on Civilian Sites Utterly Unacceptable'*, ALJAZEERA, Jan. 25, 2024, (“The health and humanitarian situation . . . is extremely catastrophic. South Africa brought Israel before the International Court of Justice with accusations of genocide over its war on Gaza.”).

³⁰ See ROME STATUTE OF THE INT'L CRIM. CT., 2187 U.N.T.S. 90 (July 17, 1998), Arts. 8(2)(c)(i); 8(2)(e)(i); 8(2)(c)(iii); 8(2)(e)(vi); (8(2)(c)(i)), (8(2)(c)(ii)).

³¹ See generally Mohamed 'Arafa, *Hamas Atrocities Cannot Rationalize the Starvation of Civilians*, JURIST NEWS (Oct. 18, 2023), <https://www.jurist.org/commentary/2023/10/hamas-atrocities-cannot-rationalize-the-starvation-of-civilians> (“Although gathering facts will take time, some available evidence proposes that the murders and kidnappings constituted war crimes in violation of the Rome Statute and customary international law. In addition to the chief ban on killing innocent civilians, the Rome Statute forbids the taking of hostages, and failure to release the hostages makes this an ongoing crime. These exclusions apply in both international and non-international armed conflicts, so the acts establish international crimes regardless of the classification of the armed conflict. Starvation of civilians as warfare act is wholly prohibited.”);

The international community's failure to protect human rights throughout this conflict is not simply an issue of failing to condemn and control Israel, because the human rights violations against civilians of both nations do not flow from only the Israeli government.³² Instead, the Palestinian people are also experiencing human rights violations inflicted upon them by their own government.³³ In this regard, the Arab Organization for Human Rights (AOHR) noted that the PA arrested over 13,000 Palestinians and tortured them, resulting in several deaths.³⁴ "The PA's human rights violations against the Palestinian people have amplified their suffering under the Israelis and undermined their national [unity] and struggle for self-determination."³⁵ Additionally, some Israelis, such as members of Breaking The Silence, have spoken out about the oppression they have experienced from their government.³⁶ The Israel-Palestine conflict has led to human rights violations from both the Palestinian government and Israeli government against their own people, and the existing human rights law framework has collectively failed all victims.³⁷ Not only has the international community failed to protect human rights in the Israel-Palestine conflict, but so have regional legal bodies. Although Palestinians have faced human rights abuses from the PA and Israelis have experienced human rights violations from

accord Sanjana Karanth, *Israeli Defense Minister Announces Siege on Gaza To Fight 'Human Animals'*, HUFF POST, Oct. 9, 2023, https://www.huffpost.com/entry/israel-defense-minister-human-animals-gaza-palestine_n_6524220ae4b09f4b8d412e0a ("Defense Minister Yoav Gallant called for denying Palestinian people electricity, food, water and fuel as Israel continues its bombardment of Gaza Depriving the population in an occupied territory of food and electricity is collective punishment, which is a war crime, as is using starvation as a weapon of war.").

³² *Id.*

³³ See, e.g., Jonny Paul, *UK-Based Arab HR Group Accuses PA of Abuse*, JERUSALEM POST (Dec. 30, 2012), <https://www.jpost.com/Middle-East/UK-based-Arab-HR-group-accuses-PA-of-abuse>. The Arab Organization for Human Rights ("AOHR") published a report in 2012 on human rights violations enacted by the PA—the authoritarian government in Palestine established in 1994 following the Oslo Accords.

³⁴ *Id.*

³⁵ *Id.*

³⁶ See also *Testimonies*, BREAKING THE SILENCE, <https://www.breakingthesilence.org.il/testimonies/database> (last visited Feb. 10, 2024) (providing a plethora of first-hand accounts of the Israeli Palestinian conflict).

³⁷ See generally Svetlana Sumina & Steven Gilmore, *The Failure of International Law in Palestine*, 20 SCHOLAR 135 (2018) (proposing solutions achievable through application of international legal principles to the ongoing struggle for self-determination in Palestine).

the Israeli government, most documented human rights violations resulting from the Israeli-Palestinian conflict stem from concerted Israeli government action against the Palestinian people, which is why those abuses are the primary focus of this discourse.³⁸

For example, in 2021, Israel designated six Palestinian Non-governmental civil society organizations (NGOs) as terrorist groups, citing a 2016 National Security Law.³⁹ The six organizations were mainly focused on documenting human rights abuses in Palestine.⁴⁰ The “terrorist” designation allowed the Israeli government to end their operations: security forces could enter their offices, seize assets, jail staff, and criminalize those sending money or services to the organizations.⁴¹ This decision was based on classified evidence, and shut these organizations down without any meaningful review due process.⁴²

In the past, international efforts to address Palestinian human rights abuses have been multipronged, but have been crippled by limitations inherent in the structure of international human rights law—namely, national security interests. Palestine and other countries have used various international bodies and channels to plead with the Israeli and Palestinian governments to uphold their obligations to respect the human rights of the Palestinian people. These efforts have been largely unsuccessful, however, not for lack of effort but because of the lack of enforcement mechanisms.

³⁸ In other words, a majority of the documented human rights violations resulting from the Israeli-Palestinian conflict stem from Israeli government action against the Palestinian people. See, e.g., 2022 Country Reports on Human Rights Practices: Israel, West Bank and Gaza, US DOJ, Bureau of Democracy (2022), https://www.state.gov/wp-content/uploads/2023/03/415610_ISRAEL-2022-HUMAN-RIGHTS-REPORT.pdf (highlights the significant human rights issues at play in that territory).

³⁹ *Israel Levies National Security Law to Shutter Six Palestinian Civil Society Organizations*, HARV. L. REV. (Nov. 16, 2021), <https://harvardlawreview.org/blog/2021/11/israel-levies-national-security-law-to-shutter-six-palestinian-civil-society-organizations/>.

⁴⁰ *Id.*

⁴¹ *Id.* See also Jonathan Lis Yaniv Kubovich, & Ben Samuels, *Security Official: Israel Told U.S. It Would Classify Palestinian NGOs as Terror Groups in Advance*, HAARETZ (Oct. 23, 2021), <https://www.haaretz.com/israel-news/2021-10-23/ty-article/.premium/u-s-lawmakers-slam-israels-labelling-of-palestinian-ngos-as-terror-groups/0000017f-e834-d62c-a1ff-fc7efefea0000> (“Despite the Israeli security officials citing evidence, it still remains classified, prompting calls from some ministers from . . . to disclose the evidence and spurring criticism among U.S. lawmakers.”).

⁴² See *Israel Levies National Security Law to Shutter Six Palestinian Civil Society Organizations*, HARV. L. REV. (Nov. 16, 2021), <https://harvardlawreview.org/blog/2021/11/israel-levies-national-security-law-to-shutter-six-palestinian-civil-society-organizations/>.

III. DISAPPOINTMENTS: FAILURES OF ADJUDICATIVE AND LEGISLATIVE BODIES

The relevant adjudicative and legislative bodies, such as the UN General Assembly, UNHRC, OHCHR, ICJ, and ICC, either cannot enforce decisions supporting human rights protections or have failed to address the issues in Israel. The UN General Assembly faces limited options for aiding Palestinians because of the historical delegation of such tasks to other branches of the UN.⁴³ Being hamstrung mainly by the Security Council because of the veto power of the United States, however, the General Assembly passed resolution ES-10/14 during its Tenth Emergency Special Session, stating “the Security Council has failed to exercise its primary responsibility for the maintenance of international peace and security.”⁴⁴ This resolution and others, however, have an enforcement problem. The UN General Assembly resolutions have condemned Israel’s occupation of Palestine and infringement upon Palestinian’s rights to work, education, health, freedom of movement, and self-determination (among other rights), but they have no means of making Israel comply.⁴⁵

Advocates for Palestinians have used the formal UNHRC Complaint Procedure to try to alleviate Palestinians’ suffering, but they have made little headway.⁴⁶ Many organizations have come to the UNHRC to detail Israel’s use of excessive force against civilians, settlement expansion, demolitions of Palestinian homes, and poor treatment of Palestinian prisoners, but the UNHRC generally does not respond to individual complaints.⁴⁷ Instead, the UNHRC established numerous fact-finding missions, commissions of inquiry, and special rapporteurs to investigate an amalgamation of human rights violations detailed in the formal complaints.⁴⁸ For example, in 2021, the UNHRC

⁴³ Sumina & Steven Gilmore, *supra* note 37 at 182–86.

⁴⁴ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Overview of the Case, 2003 I.C.J. 131 (Dec. 10).

⁴⁵ Sumina & Steven Gilmore, *supra* note 37.

⁴⁶ See, e.g., PALESTINIAN CTR. FOR HUM. RTS., *Annual Report 2022* 120 (Jun. 26, 2023) (discussing attempted use of the complaint procedure).

⁴⁷ See, generally, Alexandrew Skadar Galand & Basak Cali, *Human Rights Victims’ Complaints to UN Not Treated Effectively*, Open Global Rights (Mar. 20, 2020) (discussing the backlog of individual complaints), <https://www.openglobalrights.org/human-rights-victims-complaints-to-un-not-treated-effectively/>.

⁴⁸ For example, the numerous complaints in East Jerusalem led to the creation of the Commission of Inquiry on the Occupied Palestinian Territory (CIOPT). The Commission

held a special session called the “Grave Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem,” during which they passed a resolution allowing UN workers to “collect, consolidate and analyse evidence” of human rights violations for potential prosecution.⁴⁹ The resulting reports highlighted various concerns, including violations of international humanitarian law, excessive use of force, restrictions on movement, settlement expansion, and discriminatory practices.⁵⁰

The most recent UNHRC report released in 2022, similarly notes the “strength of credible evidence that Israel has no intention of ending the occupation, has clear policies for ensuring complete control over the Occupied Palestinian Territory, and is acting to alter the demography through the maintenance of a repressive environment for Palestinians.”⁵¹ This report also noted that the Israeli government is silencing the Palestinian people: “The Commission documented numerous examples of officials from the Government of Israel using abusive rhetoric when referring to civil society organizations or directly targeting Israeli human rights defenders or civil society organizations.”⁵² In the same vein, it is significant to understand how the Israeli government is targeting a group called Breaking the Silence, comprised of Israeli veterans who served in the Second Intifada and “have committed themselves to expose the Israeli public to the reality of everyday life in the Occupied Palestinian Territory.”⁵³ Despite the plethora of evidence of Israel’s abuses that the UNHRC has compiled, the effectiveness of the complaint procedure depends purely on Israel’s willingness to cooperate and Israel must

released an 18-page report in 2022, and even conducted fact-finding missions, but found that their own “recommendations have overwhelmingly not been implemented.” See Press Release, U.N. Office of the High Comm’r for Hum. Rts., Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, Issues First Report, U.N. Press Release (June 7, 2022), <https://www.ohchr.org/en/press-releases/2022/06/commission-inquiry-occupied-palestinian-territory-including-east-jerusalem>.

⁴⁹ *The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and in Israel*, U.N. HUM. RTS. COUNCIL, <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index> (last visited June 7, 2024).

⁵⁰ *Id.*

⁵¹ See, e.g., Independent International Commission of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel Conference Room Paper, *Detailed Findings on Attacks and Restrictions on and Harassment of Civil Society Actors, by All Duty Bearers*, at 2, U.N. Doc. A/HRC/53/CRP.1 (June 2, 2023).

⁵² *Id.* at 8.

⁵³ *Id.*; see also *Testimonies*, BREAKING THE SILENCE, <https://www.breakingthesilence.org.il/testimonies/database> (last visited June 7, 2024).

engage with the international judicial process.⁵⁴ Generally, states may either respond to the complaints with solutions such as explanations or remedies, or ignore them altogether.⁵⁵ Israel's tact has primarily been the latter approach, and on multiple occasions, Israel and its allies have pushed back against UNHRC officials' comments and labeled some as one-sided and even anti-Semitic.⁵⁶

The OHCHR, part of the UN Secretariat branch, has also consistently reported on the human rights conditions in the occupied Palestinian territories. The OHCHR has documented and raised concerns about various alleged violations, including unlawful killings, arbitrary detentions, restrictions on freedom of movement, demolitions of Palestinians' homes, settlers' violence against local Palestinians, and the blockade's impact on Palestinians living in the Gaza Strip.⁵⁷

⁵⁴ For example, between 2006 and 2014, the UNHRC released a total of 103 resolutions. 56 of them focused on Israel. The UNHRC has held a total of 21 special sessions to address dire humanitarian crises throughout the world; seven have focused on Israel. See Ido Aharoni, *How the United Nations Human Rights Council Unfairly Targets Israel*, TIME (Jul. 30, 2014), <https://time.com/3060203/united-nations-human-rights-council-israel>.

⁵⁵ UN officials have remarked: "We regret that impunity prevails, in particular for human rights violations and potential war crimes committed by the occupying power." See Press Release, U.N. Office of the High Comm'r for Hum. Rts., U.N. Experts Say Israel Should be Held Accountable for Acts of 'Domicide' (Feb. 13, 2023), <https://www.ohchr.org/en/press-releases/2023/02/un-experts-say-israel-should-be-held-accountable-acts-domicide>.

⁵⁶ See, e.g., *Statement on Antisemitic Remarks by a Commissioner of the UN Human Rights Council's Commission of Inquiry on the Situation in Israel and the West Bank and Gaza*, U.S. MISSION TO INT'L ORGS. IN GENEVA (Jul. 28, 2022), <https://geneva.usmission.gov/2022/07/28/statement-on-antisemitic-remarks-by-a-commissioner-of-the-israel-coi>. See generally Lisa Hajjar, *Human Rights in Israel/Palestine: The History and Politics of a Movement*, 30 J. PALESTINE STUDS. 4, 2001, 21–38 (explaining the development and transformation of the human rights movement in Israel/Palestine (West Bank and Gaza)). Hajjar's work emphasizes the struggle over rights, pitting the prerogatives of the Israeli state against the national and human rights of the Palestinian population (i.e., to self-determination, legal protections, civil liberties). See also Keren Greenblatt, "Gate of the Sun": Applying Human Rights Law in the Occupied Palestinian Territories in Light of Non-Violent Resistance and Normalization, 12 NW. J. INT'L HUM. RTS. 152 (2014) (focusing on the implications of shifting from a humanitarian law paradigm to a human rights paradigm concerning the situation in Palestine) ("International humanitarian law and human rights law are complementary systems, both of which aim to protect the lives, dignity, and health of human beings. Humanitarian law is designed to apply in times of emergency (particularly in times of armed conflict). Human rights law always applies. For this reason, there are certain human rights from which governments are permitted to derogate during times of emergency, under a specific structure of conditions. However, none of the provisions of humanitarian law can be suspended in emergency, since it only applies in those times. Humanitarian law focuses on military actions; human rights law focuses on the obligations of governments toward individuals in their jurisdictions.").

⁵⁷ See, e.g., U.N. Secretary-General, *Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and the Occupied Syrian Golan*, U.N. Doc. A/71/355, at 6–8, 10–14, 16–19 (Aug. 24, 2016).

Recent reports published by the OHCHR cover issues describing how Israeli's occupation directly harms Palestinian citizens and detail UN officials' accounts of escalating conflict; they demand justice for recent civilian deaths related to the conflict.⁵⁸ In one press release, the OHCHR detailed the death of Palestinian Khader Adnan, who, like many Palestinians, was arbitrarily arrested and detained by Israeli occupiers for alleged terrorist activity.⁵⁹

The ICJ, the judicial arm of the UN, has addressed the Israeli-Palestinian conflict in the past—particularly concerning the construction of the separation barrier in the West Bank—but its Israeli-Palestinian docket has otherwise been sparse. In the 2004 case of “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,” the UN General Assembly “urgently” asked the ICJ to provide an advisory opinion on the question: “What are the legal consequences arising from the construction of the wall being built by Israel . . . including in and around East Jerusalem . . . ?”⁶⁰ The ICJ likely found that there was a need for their opinion, because the Security Council blocked the resolution from reaching the general body floor—, because of the veto power of the United States.⁶¹ The

⁵⁸ See, e.g., Press Release, U.N. Office of the High Comm'r for Hum. Rts., Comm'n of Inquiry on the Occupied Palestinian Territory, Including East Jerusalem, and Israel, Issues First Report, U.N. Press Release (June 7, 2022), <https://www.ohchr.org/en/press-releases/2022/06/commission-inquiry-occupied-palestinian-territory-including-east-jerusalem>. See also *State of Palestine*, U.N. OFF. OF THE HIGH COMM'R FOR HUM. RTS., (last visited Oct. 31, 2024) <https://www.ohchr.org/en/countries/palestine> (providing new reports regularly).

⁵⁹ See Press Release, U.N. Off. of the High Comm'r for Hum. Rts., Israel: UN Experts Demand Accountability for Death of Khader Adnan and Mass Arbitrary Detention of Palestinians, U.N. Press Release (May 3, 2023), <https://www.ohchr.org/en/press-releases/2023/05/israel-un-experts-demand-accountability-death-khader-adnan-and-mass>. Similar to other Palestinian prisoners, the Israeli government promised him a fair trial that never came, and he went on a hunger strike for three months to protest the inhumane conditions. It was his last of five hunger strikes. He was never taken to a hospital or given proper medical treatment, and he died in his prison cell at the age of 45 under deplorable conditions. Here again, recognition and formal outcry by the OHCHR was ineffective in demanding justice from Israel for Adnan's family and other Palestinian prisoners. Moreover, Adnan was just one of over 4900 Palestinians currently detained by the Israeli government. It is worth noting that the OHCHR has also provided technical assistance to the PA and contributed to capacity-building efforts. The OHCHR's influence, however, is limited because it relies on member states' cooperation and support (financial, logistical, and human resources) to create substantial change in vivo.

⁶⁰ See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Overview of the Case, 2003 I.C.J. 131 (Dec. 10).

⁶¹ See Shakeeb Asrar and Mohammed Hussein, *How the US Has Used its Veto Power at the UN in Support of Israel*, ALJAZEERA, Oct. 23, 2023, <https://www.aljazeera.com/news/2023/10/26/how-the-us-has-used-its-veto-power-at-the-un-in-support-of-israel> (demonstrating that the ICJ's

ICJ noted that the wall raised legal questions pertaining to Article 2, paragraph 4, of the United Nations Charter and General Assembly resolution 2625 (XXV), which proscribes the acquisition of territory using threat or force and guarantees people have a right to self-determination.⁶² The Court reasoned that the wall would infringe upon Palestinians' "liberty of movement" and their "right to work, to health, to education and an adequate standard of living."⁶³

The case was critical because it was the first time the ICJ established that the UN human rights documents applied in full force to the Occupied Palestinian Territory, as did the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949.⁶⁴ Although the ICJ decision called for the wall's cessation, the dismantling of its parts, reparation for damages, and non-recognition of the illegal situation by states, the ICJ encountered a problem common to all human rights adjudicative bodies: there was no way to enforce the decision against Israel.⁶⁵ The Court recommended further action by the UN to resolve the issue and emphasized the need for compliance with international law and a negotiated solution for a Palestinian State.⁶⁶ Israel essentially did not comply with the recommendation of the ICJ, however, and instead questioned its jurisdiction and condemned recent requests for additional advisory opinions regarding settlement and annexation.⁶⁷

Through the UN General Assembly, Secretariat, and ICJ, as well as sub-committees like the UNHRC and OHCHR, the UN has tried to address the Israeli-Palestinian conflict and ensuing human rights violations on many fronts, but has been met with a lack of compliance

reasoning for giving the opinion was because of the Security Council blocking the resolution because of the US's veto power).

⁶² Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 131, ¶ 87–88 (July 9) (citing U.N. Charter; G.A. Res. 26/25 (XXV), Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (1971)).

⁶³ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 131, ¶ 134 (July 9).

⁶⁴ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 131, ¶¶ 77–78, 100–01, 132 (July 9).

⁶⁵ See Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 131, ¶¶ 149–53 (July 9).

⁶⁶ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 131, ¶ 163 (July 9).

⁶⁷ See, e.g., *World Court Says It Has Received U.N. Request for Opinion on Israel Occupation*, REUTERS (Jan. 20, 2023, 12:14 PM), <https://www.reuters.com/world/middle-east/world-court-says-it-has-received-un-request-opinion-israel-occupation-2023-01-20>.

at best—and backlash at worst—from Israel.⁶⁸ Non-UN organizations have put forth less effort and had fewer successes than the multifaceted UN.⁶⁹ Only in February of 2021 did the ICC announce its jurisdiction over the situation in Palestine, allowing it to investigate and potentially prosecute individuals responsible for serious crimes.⁷⁰ As of June 2023, the ICC is still in its pre-trial phase, collecting information on the conflict, which it refers to as the “Situation.”⁷¹ Although the ICC is progressing in redressing human rights abuses, it is moving at a snail’s pace—it still has substantial ground to cover before its fact-finding is complete, let alone before it commences hearings or trials.

Few would argue that the existing international and regional human rights framework is efficient. Some legal scholars maintain, however, that the human rights framework facilitates a slow bend toward justice and, therefore, has the propensity to provide a valuable tool for holding states accountable for human rights violations.⁷² This conflict provides the perfect argument against this antiquated theory. Effectively addressing the abuses in Palestine through the existing international human rights law framework has been inherently limited both by a lack of enforceability at the UN and a lack of initiative to find alternative means of redress on account of Israel and its allies.⁷³ Engaging in politics in the Middle East, however, might provide the perfect avenue for addressing the human rights issues in this conflict.

⁶⁸ Sumina & Steven Gilmore, *supra* note 37 at 167–69.

⁶⁹ *Id.* See also Gerald Steinberg, *The Role of NGOs in the Palestinian Political War Against Israel*, JERUSALEM CTR. FOR PUB. AFFS. (Apr. 29, 2014), https://jcpa.org/overview_palestinian_manipulation/role_of_ngos_in_the_palestinian-political_war/ (“These international NGOs often work in concert with the Arab League and the Islamic bloc in UN frameworks, as well as with Israeli and Palestinian NGOs, promoting false allegations of “war crimes,” “massacres” and other violations of human rights.”); Gerald M. Steinberg, *The Politics of NGOs, Human Rights and the Arab-Israel Conflict*, 16 *Israel Studs.* 2, 27 (2011).

⁷⁰ *Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine*, INT’L CRIM. CT. (Mar. 3, 2021), <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine>.

⁷¹ See, e.g., Situation in the State of Palestine, Case No. ICC-01/18, Public Redacted Version of “Nineteenth Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation” (May 12, 2023), <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180477462.pdf>.

⁷² Louis Henkin’s famous principle that “almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time” was foundational in facilitating this theory. LOUIS HENKIN, *HOW NATIONS BEHAVE* 47 (2d ed. 1979).

⁷³ Sumina & Steven Gilmore, *supra* note 37 at 141.

IV. UN POLITICS AND THE UNITED STATES SHIELD PERPETRATORS OF HUMAN RIGHTS ABUSES

The United States holds substantial political influence over the application of international human rights laws. Humanitarian agencies and NGOs have pled with the Security Council to take action, but the United States has repeatedly undermined efforts to address the conflict.⁷⁴ Israel has been the United States' "most reliable partner" since 1949, when a US embassy was created in Israel by US Ambassador James Grover MacDonald, and the alliance between the United States and Israel has continued and deepened ever since.⁷⁵ In addition to the United States serving as the primary watchdog in the region—with its own geopolitical strategy and investments it seeks to bolster—the United States' political and financial support for Israel is profound.⁷⁶ Accordingly, the United States' role in the UN Security Council has effectively stopped conversations about topics ranging from Israeli settlements to Palestinian protections before they even begin.

When other members have possessed the political will in the Security Council to directly challenge the United States, the United States exercised its veto.⁷⁷ UN data indicates that between 1972 and 2021, the United States vetoed at least 53 Security Council resolutions that were critical of Israel.⁷⁸ Importantly, this data does not adequately reflect times when the Security Council failed to even vote on legislation condemning Israel's human rights violations.⁷⁹ The vetoed resolutions are not all the same: they include, for example, issues around settlement building, or condemned violence against the Palestinians during the

⁷⁴ Richard Roth, *Why the United Nations is Stuck on the Israeli-Palestinian Conflict*, CNN (May 19, 2021), <https://www.cnn.com/2021/05/18/world/meanwhile-in-america-may-18-intl/index.html>.

⁷⁵ *Policy & History*, U.S. EMBASSY IN ISRAEL, <https://il.usembassy.gov/our-relationship/policy-history/#:~:text=Diplomatic%20Relations%20were%20established%20when,partner%20in%20the%20Middle%20East> (last visited June 7, 2024).

⁷⁶ Creede Newton, *A History of The US Blocking UN Resolutions Against Israel*, AL JAZEERA (Mar. 19, 2021), <https://www.aljazeera.com/news/2021/5/19/a-history-of-the-us-blocking-un-resolutions-against-israel>.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ By contrast, when faced with other situations in which human rights violations occurred in other regions, the UN Security Council has sometimes intervened. *See, e.g.*, S. R. Subramanian, *UN Security Council and Human Rights: An Inquiry into the Legal Foundations of the Responsibility to Protect in International Law*, 37 UTRICHT J. EUROPEAN & INT'L L. 1 (2022) (discussing the Security Council's unique ability to intervene).

Second Intifada.⁸⁰ Each time the US vetoes, US ambassadors to the UN, such as Nikki Haley and John Negroponte, make vague claims that the resolutions were one-sided in favor of Palestine; they do not provide further explanation.⁸¹

Enforcement mechanisms, such as physical force, condemnation, or sanctions—designed to assure human rights protections—are also politically charged.⁸² Unless the political pressure amounts to compelling sanctions or such a public outcry that a nation is outright embarrassed into change, the UN's only other option to intervene is deploying peacekeepers after passing a resolution. In situations where the UN votes to deploy peacemakers, these peacemakers must rely on the goodwill of specific states, such as the US and the North Atlantic Treaty Organization (NATO), generously donating their resources to ensure the human rights of all people are protected.⁸³ So far, the UN has not committed to protect Palestinians facing human rights violations by Israel.⁸⁴ Reluctance to contravene US foreign policy objectives would likely stall or even thwart a meaningful UN peacekeeping effort. Ultimately, there is little to no practical means to increase compliance or enforcement mechanisms without the buy-in of all nations on a given geopolitical issue. US support

⁸⁰ Creede Newton, *A History of The US Blocking UN Resolutions Against Israel*, AL JAZEERA (Mar. 19, 2021), <https://www.aljazeera.com/news/2021/5/19/a-history-of-the-us-blocking-un-resolutions-against-israel>. See, e.g., G.A. Res. 377 A (V), Uniting for Peace (Nov. 11, 1950). See, e.g., Sally Morphet, *Resolutions and Vetoes in the UN Security Council: Their Relevance and Significance*, 16 REV. INT'L L. STU. 341 (1990).

⁸¹ Creede Newton, *A History of The US Blocking UN Resolutions Against Israel*, AL JAZEERA (Mar. 19, 2021), <https://www.aljazeera.com/news/2021/5/19/a-history-of-the-us-blocking-un-resolutions-against-israel>; see also Vitus Mazi Udegbum, *Accountability for Violations of International Humanitarian Law in The Occupied Palestinian Territories*, 2 IRLJ 38 (2020).

⁸² See Timothy Cuffman, *The State Power to Boycott a Boycott: The Thorny Constitutionality of State Anti-BDS Laws*, COLUMBIA J. TRANS'L L. (Dec. 1, 2018), <https://www.jtl.columbia.edu/volume57-3/the-state-power-to-boycott-a-boycott-the-thorny-constitutionality-of-state-anti-bds-laws> (“The Boycott, Divestment, Sanctions (“BDS”) Movement, a global effort to oppose the State of Israel in its actions toward Palestine, is one of the most divisive topics in global politics.”).

⁸³ See *How We Are Funded*, U.N. PEACEKEEPING, <https://peacekeeping.un.org/en/how-we-are-funded>; *Relations with the United Nations*, NAT'L ATL. TREATY ORG. (Jul. 25, 2023, 4:46 PM), https://www.nato.int/cps/en/natohq/topics_50321.htm. See also Murray L. Schwartz, *International Law and the NATO Status of Forces Agreement*, 53 COLUM. L. REV. 1091, 1098 (1953); Michael N. Schmitt, *The North Atlantic Alliance and Collective Defense at 70: Confession and Response Revisited*, 34 EMORY INT'L L. REV. 85, 91 (2019) (discussing a reflection on the instability and overwhelming concerns that motivated the creation of NATO and its rippling effect felt globally as a responsory action); David P. Fidler et al., *NATO, Cyber Defense, and International Law*, 4 ST. JOHN'S J. INT'L & COMP. L. J. 1, 2 (2013).

⁸⁴ Newton, *supra* note 76.

has enabled Israel to continue violating Palestinian human rights with impunity in this conflict, even when the Security Council, unencumbered by the US, would more strongly condemn Israel.⁸⁵ So long as the United States backs Israel, it is clear that there are no consequences for Israel dismissing the Security Council's mandates.⁸⁶ Israel outright ignored the Security Council's Resolutions 1402 and 1403, which would have required that Israel withdraw its military forces from Palestine.⁸⁷ Thus, attempts to improve the existing human rights framework are unlikely to be effective. By design, it has been an impractical solution since its inception.

V. THE CART BEFORE THE HORSE: REGIONAL PRESSURE AS A HUMAN RIGHTS TOOL

Achieving a coordinated and effective response from the international community is impossible, and successful international efforts to protect Palestinian human rights have been ineffective. Under current mechanisms, Israel is under minimal pressure to comply, and does not face any consequences for blatant non-compliance. Thankfully, there is hope. Changing geopolitical relationships in the region are making conditions ripe for normalizing relations between Saudi Arabia and Israel. Through this normalization, other nations, world leaders, and NGOs could have some sway in advocating for Palestinian rights.

A. *Regional Stability and Foreign Policy*

To understand how normalization might provide an effective avenue for human rights advocacy, it is helpful to see how other nations in the region have modernized their relationships with Israel. Not all of Israel's neighbors have sided with Israel in the conflict for the sake of political or economic gain. But some nations have participated in the Israeli-Palestinian conflict directly. For example, the United Arab Emirates and Bahrain have significantly shaped the Israeli-Palestinian conflict by directly supporting one side to pursue

⁸⁵ Mohammed Ayoob, *Third World Perspectives on Humanitarian Intervention and International Administration*, 10 *GLOBAL GOVERNANCE* 99, 102, 112 (2004).

⁸⁶ *Id.* at 110.

⁸⁷ Press Release, Security Council, Speakers in Security Council Express Regret, Disappointment at Israel's Refusal to Cooperate with Jenin Refugee Camp Fact-Finding Team, U.N. Press Release SC/7391 (May 3, 2002), <https://press.un.org/en/2002/sc7391.doc.htm>.

their interests in the region.⁸⁸ But the trend is moving towards states partnering with Israel for economic gain instead of Palestine. For example, the United Arab Emirates—enamored with the resources Israel had to offer as a leader in agriculture, sustainable water practices, and cyber security—strategically normalized relations with Israel.⁸⁹ Countries like Morocco and Bahrain followed suit for similar reasons.⁹⁰ Saudi Arabia could similarly stand to benefit from Israel's strong, tech-based economy.

Normalization of relationships between Middle Eastern nations with long-standing feuds, but newfound political and economic interests, have paved the way for a more integrative and robust Middle East.⁹¹ As a result of the Abraham Accords and the recent political climate in the region, Middle Eastern nations are increasingly collaborating in formal and informal ways—especially in light of the realization that the United States may not be a permanent fixture in the area, and as such neighboring nations will need to rely on each other.⁹² There is evidence of this happening already, as observed in the coming together of the Gulf Cooperation Council (GCC) and Israel during the anti-terrorism Middle East Conference in Warsaw, which the United States and Poland led in February 2019.⁹³ The conference paved the way for the Abraham Accords, which created the potential for changes in political relationships and the normalization of relations in the Middle East.⁹⁴

B. *Saudi-Israeli Normalization: A Key Ally and Player*

Saudi Arabia and Israel will likely be amenable to normalizing relations because they have long shared a common interest in countering Iranian influence in the region. This may have informed the United

⁸⁸ Dennis Ross, *The Abraham Accords and the Changing Shape of the Middle East*, THE WASH. INST. FOR NEAR E. POL'Y (June 21, 2022), <https://www.washingtoninstitute.org/policy-analysis/abraham-accords-and-changing-shape-middle-east>.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *The Middle East between Collective Security and Collective Breakdown*, INT'L CRISIS GRP. (Apr. 20, 2020), <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula-saudi-arabia-qatar-oman-bahrain-iran/middle>.

⁹⁴ See Jeremy Bowen, *Five Reasons Why Israel's Peace Deals with UAE and Bahrain Matter*, BBC NEWS (Sept. 14, 2020), <https://www.bbc.com/news/world-middle-east-54151712>.

States' reported contact with Saudi Arabia—a symbolically important regional Arab state—to secretly negotiated a normalization of relations with Israel.⁹⁵ Israel and Saudi Arabia have been involved in proxy wars with Iran for decades, the former because of Israel's concerns about antisemitic Iranian hostility and nuclear power, and the latter largely because of conflict over Shi'a and Sunni Muslim power.⁹⁶ Despite Saudi Arabia's lack of formal recognition of Israel's independence, Saudi Arabia and Israel have publicly worked well together to meet similar security objectives in the region. For example, both are part of the unofficial "Arab-Israeli alliance," a group of oil-rich, primarily Sunni Muslim states that comprise the GCC and Israel that share varying degrees of economic, political, security, and religious interests: interests that conflict directly with Iran.⁹⁷

These negotiations should be understood as one of the reasons behind the Hamas attack on Israel on October 7, 2023, to disturb any relations normalization.⁹⁸ No incident in the international field happens accidentally, and some legal experts consider that the

⁹⁵ Jan Gallemini, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel>. See, e.g., *Full Text of Netanyahu's UN Address: 'On the Cusp of Historic Saudi-Israel Peace'*, THE TIMES OF ISRAEL (Sep. 22, 2023), <https://www.timesofisrael.com/full-text-of-netanyahus-un-address-on-the-cusp-of-historic-saudi-israel-peace/>.

⁹⁶ SIMON SHERCLIFF, *THE IRANIAN PUZZLE PIECE: UNDERSTANDING IRAN IN THE GLOBAL CONTEXT* 49, 52 (Amin Tarzi ed., 2009); Jonathan Marcus, *Why Saudi Arabia and Iran are Bitter Rivals*, BBC NEWS (Sept. 16, 2019), <https://www.bbc.com/news/world-middle-east-42008809>.

⁹⁷ Kimberly Amadeo, *Gulf Cooperation Council—GCC Countries: Six Rich Countries That Own the World's Oil*, THE BALANCE (Nov. 24, 2021), <https://www.thebalancemoney.com/gulf-cooperation-council-3306357>. Saudi Arabia Vision 2030 had the primary goals of diversifying its economy, moving it away from oil dependency, and establishing a security policy with the primary focus on the defense from Iran (Israel could become a key ally for this achievement along with the private Israeli investment on Saudi Arabia's energy market). Jan Gallemini, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel>.

⁹⁸ See Jan Gallemini, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel> ("[T]he Israeli response has resulted in a sharp cooling of relations with Saudi Arabia. However, even if the normalization is not possible in the short term, it is likely that the common interests between Israel and Saudi Arabia will allow a reopening of negotiations in the future."). See also *Hamas attack aimed to disrupt Saudi-Israel normalization Biden says*, REUTERS (Oct. 20, 2023), <https://www.reuters.com/world/middle-east/hamas-attack-aimed-disrupt-saudi-israel-normalization-biden-2023-10-20/>.

Hamas attack could be a reaction by this group to the acceleration in negotiations between Israel and Saudi Arabia for the normalization of relations.⁹⁹ Given the tumultuous history between Saudi Arabia and Iran—two regional Muslim powers with differing religious beliefs in governance and competing global aspirations—and its impetus for the informal Saudi-Israeli alliance, the announcement of the recent and unexpected Saudi Arabia-Iran Rapprochement brokered by China was particularly shocking to Israel.¹⁰⁰ This revelation is also threatening because it places Israel in a less stable political position. Although the Yemeni civil war persists, despite its end being a primary goal of the rapprochement, the realignment of regional relationships could still shift the balance of power in the area.¹⁰¹ Therefore, the Saudi Arabia-Iran Rapprochement will likely induce Israel to formally improve relations with Saudi Arabia for fear of losing one of its most important strategic partners and, more broadly, its strategic footing in the region. Furthermore, the rapprochement could increase diplomatic pressure on Israel to address human rights abuses and the political dissent stifling against Palestinians.

C. *Attaching Palestinian Rights to Saudi-Israeli Normalization*

Saudi Arabia has avoided acknowledgement chiefly because the Saudi Arabian government has been hesitant to publicly engage with Israel because of the Palestinian dilemma.¹⁰² For the Saudi Arabian

⁹⁹ Sumaya Nasr, *Guerra Israel-Hamás: Qué impacto puede tener el ataque del grupo islamista en el acercamiento entre el gobierno israelí y Arabia Saudita*, BBC NEWS MUNDO (Oct. 11, 2023), <https://www.bbc.com/mundo/articles/c4n4jljp6x2o>. See also Jan Gallemini, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel> (“‘ Hamas feels that through this agreement its cause would be pushed to the background and forgotten due to the lack of Arab support. As Ismail Haniya, one of the main Hamas’ leaders, indicated, ‘All the normalization agreements that you have formed with that entity (Israel) cannot resolve this (Palestinian) conflict.’”).

¹⁰⁰ Peter Baker, *Chinese-Brokered Deal Upends Mideast Diplomacy and Challenges the U.S.*, N.Y. TIMES (Mar. 11, 2023), <https://www.nytimes.com/2023/03/11/us/politics/saudi-arabia-iran-china-biden.html>; Marcus, *supra* note 96 at note 1.

¹⁰¹ Michael J. Totten, *The New Arab-Israeli Alliance*, 179 WORLD AFF. 28, 29–31 (2016).

¹⁰² Jan Gallemini, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel>. See, e.g., Dion Nissenbaum et al., *Saudi Arabia Seeks U.S. Security Pledges, Nuclear Help for Peace with Israel*, THE WALL STREET J. (Mar. 9, 2023), <https://www.wsj.com/articles/saudi-arabia-seeks-us-security-pledges-nuclear-help-for-peace-with-israel-11678444000>.

government, normalization can only occur when Israel leaves the lands it occupied during the Six-Day War and allows the formation of a Palestinian state, per the Oslo Accords.¹⁰³

Despite the failure of the existing international human rights law framework, the international community still must play a crucial role in addressing the human rights abuses against Palestinian citizens. A new tactic is needed to address the ongoing human rights abuses resulting from this conflict. Instead of working on a case-by-case basis to prosecute or condemn specific human rights violations, those looking to improve conditions for Palestinian citizens would do well to join in applying diplomatic pressure to Israel.¹⁰⁴ Diplomats and government officials should pair resolutions to ease geopolitical tensions in the Middle East with existing public awareness and advocacy strategies.¹⁰⁵ Meanwhile, non-profits otherwise focused on sending reports to the UN should push for normalizing relations between Israel and Saudi Arabia to leverage Palestinian rights. If Saudi Arabia were to continue to implore Israel to improve its treatment of Palestinians, and if Israel were to respond positively to these overtures to normalize relations with the Crown Prince, it could lead to a dialogue and a willingness to address the underlying issues of the Israeli-Palestinian conflict.¹⁰⁶ Pressuring Israel to cease human rights violations against Palestinians as a stipulation of normalizing relations between Israel and Saudi Arabia is likely to be highly

www.wsj.com/articles/saudi-arabia-seeks-u-s-security-pledges-nuclear-help-for-peace-with-israel-cd47baaf; *Report: Saudi Crown Prince Delayed Israel Deal Because of Biden*, ISRAEL NAT'L NEWS (Nov. 29, 2020), <https://www.israelnationalnews.com/flash/524166>.

¹⁰³ Jan Gallemler, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel> ("King Salman reaffirmed during the signature of the Abraham Accords by other nations 'the kingdom's steadfast position toward the Palestinian issue.'") (discussing the secret diplomacy between Israel and Saudi Arabia with mediation of the US). These terms were supported by the Arab Peace Initiative in 2002 and reflect the stipulations of the Oslo Accords. *See, e.g., Saudi Arabia May Accept Normal Relations With Israel*, THE ECONOMIST (June 15, 2023), <https://www.economist.com/middle-east-and-africa/2023/06/15/saudi-arabia-may-accept-normal-relations-with-israel>; Nayera Abdallah, *Saudi Arabia Says It Stands by Palestinians, Supports Efforts for Just Solution to Issue—Cabinet*, REUTERS (Sept. 16, 2020), <https://www.reuters.com/article/uk-israel-gulf-usa-saudi-idUKKBN2663A1>.

¹⁰⁴ Ross, *supra* note 88.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

effective; after all, Israel's Prime Minister Benjamin Netanyahu has stated that one of his primary political goals is the normalization of relations between Israel and Saudi Arabia.¹⁰⁷

1. Normalization May Be Imminent

Predicting that Saudi Arabia and Israel will soon normalize relations is nothing novel; Israel and Saudi Arabia have been outspokenly warmer towards each other, and it was recently revealed that the two nations had a secret meeting in 2018 to discuss the matter.¹⁰⁸ Public statements by Saudi Arabian officials also indicate a willingness to consider normalization.¹⁰⁹ Potential critics of using normalization to address Palestinian human rights violations might argue that Israel would not respond to pressure to improve its treatment of Palestinians.¹¹⁰ Israel's decades-long desire to normalize relations with Saudi Arabia, however, indicates a strong willingness to make concessions for the cause.¹¹¹ According to an Israeli newspaper, the Saudi Initiative of 2002, which called for the normalization of relations between Israel and Arab nations in exchange for the cessation of the Israeli occupation of all Arab territories since 1967, did not bring about peace because the Israeli government understood the initiative to be an all-or-nothing offer.¹¹² Israel declined the offer because of its more nuanced view on the situation and because of disputes on land claims.¹¹³ Yet, "after an Arab League summit held in Riyadh reaffirmed the original peace

¹⁰⁷ See Michael Crowley et al., *Saudi Arabia Offers Its Price to Normalize Relations with Israel*, THE N.Y. TIMES (Mar. 11, 2023), <https://www.nytimes.com/2023/03/09/us/politics/saudi-arabia-israel-united-states.html>.

¹⁰⁸ Toi Staff, *Israeli and Saudi Officials Reportedly Hold Series of Secret Meetings in Egypt*, THE TIMES OF ISRAEL (Mar. 19, 2018), <https://www.timesofisrael.com/egypt-hosted-secret-meetings-between-israeli-saudi-arabian-officials-report/>. Despite the relevance that the economic diversification plays on the negotiations, the most relevant issues are still those about the balance of power in the region, which pushes up cooperation between Egypt and Saudi Arabia with Israel. Jan Gallemler, *Secret Diplomacy in the Middle East: Negotiations for Saudi Arabia's Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (July 29, 2024), <https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel>.

¹⁰⁹ See, e.g., Crowley, *supra* note 107.

¹¹⁰ Crowley, *supra* note 107.

¹¹¹ *Id.*

¹¹² See generally Joseph Kostiner, *Saudi Arabia and the Arab-Israeli Peace Process: The Fluctuation of Regional Coordination*, 36 BRITISH J. MIDDLE EASTERN STUD. 417, 423–24 (2009).

¹¹³ *Id.* at 424.

offer, the Foreign Ministry in Jerusalem asserted that ‘Israel is sincerely interested in pursuing a dialogue with those Arab states that desire peace with Israel.’”¹¹⁴ Israeli Prime Minister of the time, Ehud Olmert, “keenly expressed his desire to meet the Saudi Arabian king to explore the proposal, but no meeting was scheduled.”¹¹⁵

In recent years, Prime Minister Netanyahu has echoed Olmert’s sentiments and stated his goal to normalize relations with Saudi Arabia.¹¹⁶ Additionally, Israel’s changing goals may positively impact its desire to negotiate normalization if its priorities have shifted from land acquisition to political might.¹¹⁷ Given the geopolitical history of the region, one can also surmise that Israel desires not to be a regional or global pariah and to maintain the status quo—where Israel’s allies view Iran as the regional pariah—and that desire is stronger than territorial settlement concerns with the Palestinians.¹¹⁸ Israel stands to benefit more from the normalization of their relationship with Saudi Arabia, potentially gaining access to economic resources and political status by having their sovereignty formally recognized by a regional leader with sway among the other nations.¹¹⁹ Thus, it is evident that Israel is open to negotiating cessation of occupation in exchange for normalization and has been open to this possibility for some time.¹²⁰ In other words, Saudi Arabia and Israel are on course to normalize relations. The potential impact of this normalization on human rights protections for Palestinians could be profound, as Israel would face increased pressure to address human rights abuses against Palestinians from several mechanisms, including diplomatic channels, economic incentives, and public opinion.

¹¹⁴ Raphael Ahren, *Why is Israel so Afraid of the Arab Peace Initiative?* THE TIMES OF ISRAEL (June 18, 2013), <https://www.timesofisrael.com/why-is-israel-so-afraid-of-the-arab-peace-initiative/>.

¹¹⁵ *Id.*

¹¹⁶ See, e.g., Crowley et al, *supra* at note 107.

¹¹⁷ See, e.g., Maayan Lubell, *As Israeli Settlement Growth Slows, Some Drift Away*, REUTERS (Apr. 3, 2017), <https://www.reuters.com/article/idUSKBN1751H5/>.

¹¹⁸ Boatman & Martin, *supra* note 3.

¹¹⁹ Crowley et al, *supra* note 107.

¹²⁰ *Id.*; Jan Galleml, *Secret diplomacy in the Middle East: Negotiations for Saudi Arabia’s Normalization of Relations with Israel*, UNIVERSIDAD DE NAVARRA (Feb. 29, 2024), https://www.unav.edu/web/global-affairs/secret-diplomacy-in-the-middle-east-negotiations-for-saudi-arabia-normalization-of-relations-with-israel#_ftn3 (discussing that normalizing relations between Israel and Saudi Arabia would include concessions mitigating or alleviating the human rights issues in Palestine).

2. Saudi Arabia Includes Palestinian Rights in Negotiations

Saudi Arabia is also likely to be open to making human rights protections part of normalizing relations between Israel and Saudi Arabia because Saudi Arabia already has a history of advocating for the Palestinian cause.¹²¹ For example, Saudi Arabia supported the 2002 Arab Peace Initiative, sometimes called the Saudi Initiative.¹²² It should be noted that, the Arab community called for the normalization of relations between Israel and Arab nations in exchange for an end to the Israeli occupation of Palestine.¹²³ Thus, based on past Palestinian support, it is likely that Saudi Arabia would be willing to play a role in advocating for Palestinian human rights.¹²⁴ Recent statements by Saudi Arabian officials have also called on Israel to improve its treatment of Palestinians and cease settlement activity.¹²⁵ Human rights protections would likely be an important part of the normalization negotiations because Saudi Arabia has publicly avowed its commitment to improving Palestinians' lives, often acting as the most outspoken nation in the region on this matter.¹²⁶

Some may argue that Saudi Arabia would prioritize its interests over Palestinian human rights.¹²⁷ Saudi Arabia has historically

¹²¹ Ahren, *supra* note 114.

¹²² Terje Rød-Larsen et al., *The Search for Peace in the Arab-Israeli Conflict: A Compendium of Documents and Analysis*, OXFORD UNIV. PRESS 484, 484–85 (2014).

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ See Boatman & Martin, *supra* note 3. See Yoel Guzansky, *The Road to Normalization: Relations between Israel and Saudi Arabia*, INST. FOR NAT'L SEC. STUDIES, July 23, 2023, <https://www.inss.org.il/publication/saudi-arabia-normalization/> ("The possible normalization of Israel-Saudi relations is once again making headlines, following emerging signs of readiness in the United States to promote this matter. Progress depends on several variables, led by, relations between the US and Saudi Arabia, and relations between the US and Israel. Partial normalization between Jerusalem and Riyadh is possible in certain circumstances, even without a full Israeli-Palestinian political settlement, provided the Saudis receive what they consider to be due compensation from the United States. Although the Saudis are mainly looking to the United States to reward them for normalization, they will also need to show that the move yields benefits on the Palestinian front. The Saudis still have some room for flexibility and could even agree to make progress with Israel below the 'Palestinian state threshold,' . . . maintaining the *status quo*.").

¹²⁶ See, e.g., Terje Rød-Larsen et al., *supra* note 122.

¹²⁷ See, e.g., Elisabeth Marteu, *Saudi Arabia and the Israel-Palestine Conflict: Between a Rock and a Hard Place*, THE CONVERSATION (June 24, 2018), <https://theconversation.com/saudi-arabia-and-the-israel-palestine-conflict-between-a-rock-and-a-hard-place-98129> ("Saudi Arabia's Prince Mohammed Ben Salman (MBS) declared that Israel has the 'right' to its own land alongside the Palestinians and that 'there are a lot of interests we share with Israel and if there is peace,

demonstrated support for Palestinians, however, so it is unlikely that Saudi Arabia's interests would conflict with protecting Palestinian human rights.¹²⁸ In other words, Saudi Arabia has demonstrated support for Palestinians for so long that either (1) it would be against their interest to abandon Palestinians, as it would make them appear unreliable, or (2) it is unlikely that Saudi Arabia would support something for so long if it was against their interest. During a three-part interview in 2020, Saudi Arabian Prince Bandar bin Sultan, a former ambassador to the US, shared his anger and sadness stemming from Palestinian government officials' neglect of their people and their continuing allowance of human rights violations.¹²⁹ There is no evidence to suggest that Palestinian human rights and Saudi Arabian advantages that might come from normalization with Israel would be mutually exclusive.¹³⁰

Before Arab normalization with the state of Israel or the Abraham Accords under the Trump administration ever became a reality, any genuine reflection of Saudi-Israel normalization was tied to the prospect of Palestinian statehood.¹³¹ In early 2021, the Biden

there would be a lot of interest between Israel and the Gulf Cooperation Council countries.' This declaration has been considered as a major shift in Saudi Arabia's diplomacy and the evidence of an assumed rapprochement with Israel."); Jeffery Goldberg, *Saudi Crown's Prince: Iran Supreme Leader 'Makes Hitler Looks Good'*, THE ATLANTIC (Apr. 2, 2018), <https://www.theatlantic.com/international/archive/2018/04/mohammed-bin-salman-iran-israel/557036/> (quoting Prince Mohammed Ben Salman: "I believe the Iranian supreme leader makes Hitler look good Hitler didn't do what the supreme leader is trying to do. Hitler tried to conquer Europe. . . . [T]he supreme leader is trying to conquer the world." . . . "I believe the Palestinians and the Israelis have the right to have their own land. But we have to have a peace agreement to assure the stability for everyone and to have normal relations.").

¹²⁸ *Id.*

¹²⁹ See *Full Transcript: Prince Bandar bin Sultan's Interview on Israel-Palestine Conflict*, ALARABIYA NEWS (Oct. 5, 2020), <https://english.alarabiya.net/features/2020/10/05/Full-transcript-Part-one-of-Prince-Bandar-bin-Sultan-s-interview-with-Al-Arabiya>.

¹³⁰ See, e.g., *id.*

¹³¹ See, e.g., *No Normalisation with Israel without Palestinian State, Saudi Royal Says*, MIDDLE EAST EYE (Aug. 21, 2020), <https://www.middleeasteye.net/news/saudi-israel-normalisation-palestinian-state-turki-alfaisal> (quoting Senior Saudi Arabian royal, Prince Turki al-Faisal, "The kingdom of Saudi Arabia has set a price for achieving peace between Israel and the Arabs - the establishment of a sovereign Palestinian state with Jerusalem as its capital."); see also Sarah Whitson, *It's Time to Scrap the Abraham Accords*, TIME (Dec. 4, 2023) ("But the real premise of the Accords was proving that the Palestinian issue was no longer an obstacle for Israel's relationships in the region, as Arab states dropped their demand for a Palestinian state as a condition to normalizing ties with Israel."); Dylan Kassir & David Pollock, *Arab Public Opinion on Arab-Israeli Normalization and Abraham Accords*, FIKRA FORUM (July 15, 2022), <https://www.washingtoninstitute.org/policy-analysis/arab-public-opinion-arab-israeli-normalization-and-abraham-accords> ("The scope of the Accords

administration aimed to establish a normalization agreement between Israel and Saudi Arabia by the end of 2023, building on the 2020 Abraham Accords, which normalized relations between Israel and the UAE, Bahrain, Morocco, and Sudan.¹³² By affirming Israel's right to exist, these Accords brought "hope for regional stability and economic growth."¹³³ However, the Hamas' attacks on October 7, 2023, aimed to undermine this dream, as they oppose any terms that do not include Israel's destruction.¹³⁴

Despite heightened tensions in 2024, leaders in Riyadh, Jerusalem, and Washington indicate that normalization is still possible to accomplish. As they manage the Gaza conflict, negotiate hostage releases, provide humanitarian aid, and try to prevent regional escalation, discussions about Saudi-Israeli normalization continue, however, it will not happen overnight, but will be slower than expected, as of the ongoing conflict.¹³⁵ Key issues include threats from Iran and its proxies and the ongoing interest in Palestinian *statehood* within the international law

may have ultimately disappointed many of those Gulfis who had initially seen them in a potentially positive light. Nevertheless, their existence appears to have shifted attitudes in some parts of the Gulf towards unofficial ties with Israelis, potentially opening the door for further informal contacts."); Marc Rod, *Saudi Normalization, Israeli-Palestinian Relations Focus of Abraham Accords Hearing*, JURIST (Mar. 10, 2023), <https://jewishinsider.com/2023/03/abraham-accords-capitol-hill-house-foreign-affairs-middle-east-subcommittee-saudi-arabia/> ("Efforts to facilitate the normalization of relations between Saudi Arabia and Israel and strategies for using the Abraham Accords to facilitate progress toward peace between Israelis and Palestinians took center stage at a House hearing focused on expanding the Abraham Accords."); Elizabeth Hagedorn, 'A lot of Work' Remains on Saudi-Israel Deal, Says Abraham Accords Adviser, AL MONITOR (Oct. 3, 2023), <https://www.al-monitor.com/originals/2023/10/lot-work-remains-saudi-israel-deal-says-abraham-accords-adviser#ixzz8gcCU1ONy> ("As the Biden administration pursues a historic deal between Saudi Arabia and Israel, the US official tasked with expanding the Abraham Accords hopes an upcoming meeting of Israel and several Arab states will lay the groundwork for a much broader regional coalition.").

¹³² R. Clarke Cooper, *The Future of Saudi-Israeli Relations is a Balancing Act Between Palestinian and Regional Interests*, ATLANTIC COUNCIL (Feb. 22, 2024), <https://www.atlanticcouncil.org/blogs/menasource/saudi-arabia-israel-two-state-gaza-normalization>. See also *The Abraham Accords Declaration*, STATE DEP'T. (2020), <https://www.state.gov/the-abraham-accords/>.

¹³³ Cooper, *supra* note 132. See, e.g., Ben Lynfield, *Two Years Later, the Abraham Accords Are Losing Their Luster*, FOREIGN POL'Y. (Sep. 23, 2022), <https://foreignpolicy.com/2022/09/23/abraham-accords-israel-palestine-two-years/>.

¹³⁴ At the 2024 World Economic Forum in Davos, Switzerland Princess Reema bint Bandar Al Saud, Saudi ambassador to the United States, noted, "While Saudi Arabia recognizes the need for Israel to feel safe, it cannot be at the expense of the Palestinian people." Cooper, *supra* note 132.

¹³⁵ *Id.* See also Patsy Widakuswara, *Saudi-Israel Normalization Not So Imminent, Says White House*, VOA News (Aug. 23, 2023), <https://www.voanews.com/a/saudi-israel-normalization-not-so-imminent-says-white-house-/7238990.html>.

principles.¹³⁶ Saudi Arabian officials, including royals, have condemned Hamas' attacks on Israel and acknowledged the necessity of Israel's response, but they emphasize that normalization requires progress toward Palestinian statehood.¹³⁷ The Saudi Arabian foreign ministry recently reiterated its stance: "there will be no diplomatic relations with Israel unless an independent Palestinian state is recognized on the 1967 border, with east Jerusalem as its capital."¹³⁸

Saudi Arabia's vision extends beyond normalization to "a thriving Israel" alongside "a thriving Palestine."¹³⁹ This vision involves recognizing statehood in a comprehensive manner, including defined territory, population, a capital city, and functional transparent governance (based on the rule of law notion and constitutional norms).¹⁴⁰ As discussed in R. Clarke Cooper's excellent Atlantic Council article on the subject, normalization between Israel and Saudi Arabia remain complex but possible. He argues normalization is influenced by several key factors: regional stability, Palestinian statehood (on Saudi Arabian terms), and international support.¹⁴¹ In terms of leadership (in both Riyadh and Jerusalem) and political will, the willingness of leaders in Saudi Arabia and Israel to pursue normalization, despite domestic and regional challenges, is a critical factor.¹⁴²

¹³⁶ See Cooper, *supra* note 132 ("Primary constants revolve around the pernicious threats from Iran and its proxies, and persistent interest in Palestinian statehood").

¹³⁷ *Id.* See also Frank Gardner, *Saudi Prince Slams Hamas, Israel and the West*, BBC News (Oct. 20, 2023), <https://www.bbc.com/news/world-middle-east-67177684> (explaining that "to varying degrees, Saudi officials—including royals—condemned the Hamas attacks on Israel, which required a deliberate Israeli response . . . Still, they also recognize that for any reconciliation to take root and normalization to occur, there must be a path toward Palestinian statehood.").

¹³⁸ See Cooper, *supra* note 132.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.* (noting the Saudi Arabian government is "envisioned as an inclusive view in which prosperity and collaboration transcend the mere coexistence of neighboring [Arab] states" and that ongoing conflicts complicate normalization). See also Anna Schechter, *Inside the Effort to Create a Far-reaching U.S.-Saudi-Israeli Pact to End the War*, NBC News, Jan. 18, 2024, <https://www.nbcnews.com/investigations/effort-create-far-reaching-us-saudi-israeli-pact-end-war-rcna134396> ("[. . .] a potential treaty between Saudi Arabia, Israel and the United States. Their ambitious goal is to hammer out a framework for concluding the Israel-Hamas war, stabilizing the Middle East and paving the way for some form of Palestinian self-governance in the Gaza Strip . . . Will the Israeli government — and the Israeli public — accept a path to a Palestinian state in exchange for an American-backed peace treaty with Saudi Arabia?").

¹⁴² Cooper, *supra* note 132. ("[T]here is a place in the normalization discourse for Saudi Arabia to use its regional political and economic influence to enable reform of the Palestinian Authority and deradicalize the Gaza Strip and West Bank"). Israel "aims to have Saudi Arabia

In international law, statehood requires authoritative sovereign structures, including having a “defined territory and population and a capital city, and being able to implement government functions.”¹⁴³ As Cooper explains, “there is not a Palestinian State that is both *de jure* and *de facto*, in that it exists according to law and practice. If there is to be such a state, it will be mandatory upon existent states, particularly Saudi Arabia, to guarantee such a state exists according to both law and practice.”¹⁴⁴

It has been reported that the only technique to mitigate any consequences internally from a normalization deal is to show that Saudi Arabia won something for the Palestinians in return, which echoes the “land for peace” principle of the 2002 Saudi-led Arab League peace initiative.¹⁴⁵ The Saudi-Israeli normalization—giving any meaningful concessions to the Palestinians—cannot be attained without Israeli collaboration.¹⁴⁶

Saudi Arabia has more to take than give. Thus, is the normalization deal worth a US security pact with Saudi Arabia? Will Israel veto the Saudi Arabian civilian nuclear program? Can Saudi Arabia normalize with no significant Israeli concessions to the Palestinians? If isolated, would Iran complicate the fragile truce in Gaza? For Saudi Arabia, there is more to take than give in this transaction, as there is no high priority item that Saudi Arabia greatly needs. This normalization should not be encumbered to resolve all regional conflicts and insecurities. The key is to figure out the focal issue that the Saudi Arabian leadership really

more involved in deterring Iran and clearly stands to gain from the broader political and economic influence of normalizing relations with a main Arab and Muslim nation.” *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.* (“Any sort of two-state solution cannot allow for the development of a proto-state permissive to radicalization and terrorist facilitation to exist next to thriving neighboring countries”).

¹⁴⁵ Widakuswara, *supra* note 135; Abdullah F. Alrebh, *Is Saudi-Israel Normalization Still on the Table?* MIDDLE E. INST. (Dec. 22, 2023), <https://www.mei.edu/publications/saudi-israel-normalization-still-table> (“Saudi Arabia will thus, likely, seek to defer normalization with Israel until reasonable gains for Palestinians have been guaranteed.”).

¹⁴⁶ In terms of public diplomacy, it will be important to launch media campaigns in both countries to educate the public about the benefits of normalization and dispel misconceptions, facilitate community dialogues and grassroots initiatives to build public support for normalization, conduct regular assessments of the normalization process to identify obstacles and make necessary adjustments, and be prepared to adapt strategies in response to evolving political dynamics and security concerns. *See* Widakuswara, *supra* note 135; Alrebh, *supra* note 145.

prizes and decide whether the US is willing to pay the price to meet that demand, and whether Israel can be onboard.¹⁴⁷

3. The Broker of the Deal Will Not Impede the Outcome

The benefits of normalizing the relationship between Saudi Arabia and Israel in improving the lives of Palestinians are clear, but there are still logistical issues to address in making this plan a reality. For example, in the process of normalizing relationships between countries, the parties often recruit the assistance of a third party as a power broker.¹⁴⁸ Naturally, the two nations would seek a world power to facilitate this relationship. The United States has a vested interest in

¹⁴⁷ See generally Ganesh Sitaraman & Ingrid Wuerth, *The Normalization of Foreign Relations Law*, 128 HARV. L. REV. 7 (2015); Paul Salem, *The Oncoming Saudi-Israeli Normalization: Obstacles, Opportunities, and the US Role*, MIDDLE E. INST. (Sept. 5, 2023), <https://www.mei.edu/publications/oncoming-saudi-israeli-normalization-obstacles-opportunities-and-us-role> (“The normalization of relations between Saudi Arabia and Israel is looking increasingly likely, even if it does not take place in the immediate future. For Israel, normalizing relations with as many Arab states as possible — especially if it does not have to give up much in exchange — has always been a strategic goal. For the new Saudi Arabia and the full implementation of its Vision 2030, those ambitious goals strongly suggest opening up to the Israeli economy. For the Saudi leadership, the calculus for normalization is not hard to fathom. They have already switched to a policy of normalizing relations with all actors in the region.”); Mark Mazzetti, Ronen Bergman, Edward Wong and Vivian Nereim, *Biden Administration Engages in Long-Shot Attempt for Saudi-Israel Deal*, N.Y. TIMES (Jun. 20, 2023), <https://www.nytimes.com/2023/06/17/us/politics/biden-saudi-arabia-israel-palestine-nuclear.html> (“a normalization of relations between Saudi Arabia and Israel would be one of the most dramatic events in a continued realignment of the Middle East, and could reap benefits for leaders of both countries . . . It would also make explicit what has been true for a long time: that the government of one of the Arab world’s most influential countries has effectively made its support for a Palestinian independent state a lower priority. Ending the Arab-Israeli conflict would be a game changer for the world and further isolate Iran”); Dana El Kurd, *The Paradox of Peace: The Impact of Normalization with Israel on the Arab World*, 3 GLOBAL STUD. Q. 3 (2023) (discussing the recent steps towards normalization, peace agreements between Israel and a number of Arab states, and examining the dynamic across Gulf Cooperation Council states with varying authoritarian practices and ties to Israel along with understanding of the impacts of illiberal peace and how it functions, transnationally and at varying levels within and outside state authority); Mai Albzour, Sandra Penich, Randa Nassera, Eva G. T. Green, *Support for “Normalization” of Relations Between Palestinians and Israelis, and how It Relates to Contact and Resistance in the West Bank*, 7 J. SOCIAL & POLITICAL PSYCHOLOGY 2 (2019), 978–96 (examining how Palestinians understand normalization, to what degree they support various forms of ‘normalizing’ relations with Israelis, and how contact with Israelis relates to support for normalization and motivation for revolutionary resistance against the occupation).

¹⁴⁸ Boatman & Martin, *supra* note 3.

the region, but it is unlikely that either Saudi Arabia or Israel would be interested in selecting the United States as their power broker.¹⁴⁹

The United States has a long-standing relationship with Saudi Arabia based on shared security interests and economic cooperation.¹⁵⁰ The Biden administration's rhetoric towards Saudi Arabia, however, has caused tension.¹⁵¹ The United States and Israel have a long history of cooperation, so this tension in the relationship between Israel and the Biden administration may be surprising.¹⁵² Israel's recent interactions with the Biden administration, however, have soured the state's previously fruitful relationship.¹⁵³ Therefore, Israel is more likely to be amenable to Saudi Arabia's preferences going into negotiations, regardless of the peace broker.¹⁵⁴ Normalization of relations with Israel could provide strategic and economic benefits to Saudi Arabia

¹⁴⁹ *Id.* (“The Palestinian leadership has stated that it no longer views the US as an ‘honest broker.’”)

¹⁵⁰ See *U.S. Relations with Saudi Arabia*, U.S. DEP’T. OF STATE (Nov. 1, 2023), <https://www.state.gov/u-s-relations-with-saudi-arabia/>. Marwan Muasher, *The Ratification of a Saudi-U.S. Deal Looks Increasingly Unlikely*, CARNEGIE ENDOWMENT FOR INT’L PEACE (Jun. 24, 2024), <https://carnegieendowment.org/posts/2024/06/saudi-us-deal-ratification-unlikely?lang=en> (“Saudi officials appeared to be content with an Israeli commitment to a two-state solution, even without a serious plan to implement it... And perhaps most importantly, the deal included a defense pact that would require the United States to protect Saudi Arabia from an external attack from an adversary such as Iran.”). See, e.g., Jon Hoffman, *The US will not gain from Israel-Saudi normalization*, THE HILL (Jun. 19, 2023), <https://thehill.com/opinion/congress-blog/4057474-the-us-will-not-gain-from-israel-saudi-normalization/> (“The U.S. has little to gain and may incur large costs by trying to broker an Israel-Saudi normalization.”).

¹⁵¹ See David E. Sanger, *Candidate Biden Called Saudi Arabia a ‘Pariah.’ He Now Has to Deal With It.*, N.Y. TIMES (Feb. 26, 2021), <https://www.nytimes.com/2021/02/24/us/politics/biden-jamal-khashoggi-saudi-arabia.html>.

¹⁵² See *Policy & History*, U.S. EMBASSY IN ISRAEL, <https://il.usembassy.gov/our-relationship/policy-history/#:~:text=Diplomatic%20Relations%20were%20established%20when,partner%20in%20the%20Middle%20East> (last visited Feb. 10, 2024) (discussing how the Biden administration's focus on human rights and democracy has predominately given Saudi Arabia's leadership pause, as these issues threaten the regime's stability).

¹⁵³ See, e.g., Brian Bennett, *How the Biden-Netanyahu Relationship Turned Icy*, TIME (Mar. 29, 2023), <https://time.com/6267020/biden-netanyahu-relationship-turned-icy>.

¹⁵⁴ *Id.* See also David Gritten, *Saudi Arabia Interested in Israel Normalisation Deal After War*, BBC NEWS, Jan. 9, 2024, <https://www.bbc.com/news/world-middle-east-67922238> (“Saudi Arabia still believed in establishing ties with Israel despite the ‘deplorable’ casualty figures in Gaza.” However, it “would not ‘come at the cost of the Palestinian people’ . . . the Palestinian issue was ‘very important’ and that any agreement would have to ‘ease the life of the Palestinians.’”); Alrebh, *supra* note 145 (“ . . . the prospects for normalized relations between both countries ‘get closer’ every day, although . . . the Saudis were not going to jeopardize their country’s diplomatic and spiritual status in the Muslim world for nothing.”).

and help position the country as a regional power.¹⁵⁵ Therefore, Saudi Arabia will likely jump at the opportunity to broker a Saudi-Israeli deal, even just to increase its global political influence in competition with the US.¹⁵⁶

4. NGOs and Civil Society Organizations Must Push for Civil Rights Assurances in Palestine

With the normalization of relations between Saudi Arabia and Israel on the horizon, this is the perfect time for the international community, particularly NGOs, to pressure Saudi Arabia to condition normalization with Israel upon human rights protections for the Palestinians.¹⁵⁷ There is no shortage of organizations that could work on this effort. For example, some of the organizations that have been supporting Palestine and could be in a position to redouble their efforts.¹⁵⁸ A coordinated effort by these NGOs might determine how

¹⁵⁵ See Bennett, *supra* note 153. With the United States' involvement distasteful for both Israel and Saudi Arabia, the nations may turn to China for negotiations. Any scenario still increases Saudi Arabian global political influence. See Joe Macaron, *A Three-Way US Saudi Israeli Normalization Deal Might be a Tall Order*, WILSON CTR. (Aug. 22, 2023), <https://www.wilsoncenter.org/article/three-way-us-saudi-israeli-normalization-deal-might-be-tall-order> (discussing Saudi Arabia's negotiating position).

¹⁵⁶ Additionally, both Israel and Saudi Arabia share common threats, especially the one stemming from Iran. Crowley et al, *supra* at note 107. See generally Andrew Leber and Kevin Huggard, *Making Sense of a Proposed US-Saudi Deal*, BROOKINGS, July 10, 2024, <https://www.brookings.edu/articles/making-sense-of-a-proposed-us-saudi-deal/> ("This deal would reportedly see the United States provide Saudi Arabia with security guarantees and support for a civilian nuclear program. Saudi Arabia would face considerable risks to its regional reputation and domestic stability [in the Middle East] in pursuing normalization as Palestinian suffering at the hands of Israeli forces...").

¹⁵⁷ See Sakina Fatima, *No Israel Normalization If Palestine Dispute Not Solved: US Saudi Embassy*, THE SIASAT DAILY, (June 15, 2023), <https://www.siasat.com/no-israel-normalization-if-palestine-dispute-not-solved-us-saudi-embassy-2615314>; Jake Wallis, *Prospects for Israeli-Saudi Normalization: Can Washington Wrangle a Deal?* DIWAN CARNEGIE ENDOWMENT INT'L PEACE (July 2, 2023), <https://carnegieendowment.org/middle-east/diwan/2023/07/prospects-for-israeli-saudi-normalization?lang=en> ("normalization is [...] the key issue...it will reinforce the centrality of Saudi Arabia...").

¹⁵⁸ For example, Medical Aid for Palestine, American Muslims for Palestine, Mundubat, ACCESS, Palestinian Federation of Chile, Palestinian Children Relief Fund, Ireland Palestine Solidarity Campaign, United Palestinian Appeal ("UPA"), Palestine Advocacy Project, Sadaka (The Ireland Palestine Alliance), US Campaign for Palestinian Rights, Palestine Legal, and Australian Friends of Palestine Association. See *13 Global Organizations Advocating for the Palestinian Cause*, BUILD PALESTINE, <https://buildpalestine.com/2020/04/22/13-global-organizations-advocating-for-the-palestinian-cause/> (last visited Feb. 10, 2024).

to best pool and allocate resources so conversations about Palestine occur at normalization talks. Given tensions between the Biden administration and both Saudi Arabia and Israel, Saudi Arabians may be more amenable to advocacy efforts from organizations outside the United States than from American organizations such as the American Muslims for Palestine or United Palestine Appeal.¹⁵⁹

In sum, the escalation of the conflict between Hamas and Israel—with Palestine as a harmfully affected third party—has dampened the likelihood of a resolution to the conflict. But it is too early to say whether the escalation has barred a resolution. It could merely prevent resolution in the short term, but not in the long term, upholding the inertia of the Abraham Accords. The Hamas attack can be interpreted as an attempt to evade a normalization of relations, because normalization would leave the terrorist organization in a position of weakness—particularly considering that Hamas’s aims are not peace with Israel and the sovereign independence of Palestine within the borders established in Oslo, but instead to gain control of the entire territory.¹⁶⁰ On that, Hamas differs from Saudi Arabia, which pursues peace and stability in Palestine, something the Saudi Arabians consider necessary for a prosperous Middle East.

VI. CONCLUSION: WHAT COMES NEXT?

The recent events in the Middle East, especially the Israeli-Palestine conflict, have left us profoundly disturbed, our hearts heavy with the painful images of death, destruction, and suffering. At this critical moment, we have to think as human rights advocates, educators, decision makers, and above all, as human beings. Everyone on earth should strongly condemn the reprehensible acts committed by both the Israeli leadership and Hamas, which include the killing, injuring, and hostage-taking of innocent children, women, the elderly

¹⁵⁹ In other words, pressure from these organizations on Saudi Arabia and worldwide publicity may induce the country to prioritize Palestinian rights to avoid a public relations nightmare that could ultimately worsen its reputation or undermine its planned tourism industry.

¹⁶⁰ See R. Clarke Cooper, *The Future of Saudi-Israeli Relations is a Balancing Act Between Palestinian and Regional Interests*, ATLANTIC COUNCIL, Feb. 22, 2024, <https://www.atlanticcouncil.org/blogs/menasource/saudi-arabia-israel-two-state-gaza-normalization>. See generally Alexander Langlois, *Blinken Appears Laser Focused on a Saudi-Israel Deal, at all Costs*, RESPONSIBLE STATECRAFT, May 1, 2024, <https://responsiblestatecraft.org/israel-saudi-arabia/> (“[They] remain convinced they can achieve a broader Middle East peace through an Israel-Saudi Arabia normalization deal which would entail a U.S. security guarantee for Saudi Arabia.”).

and non-combatants. This condemnation surpasses identities, including all individuals, irrespective of their backgrounds—whether Israeli, Palestinian, Muslim, Jewish, or of any other origin.

The singular right side in this disaster is that of humanity, human rights, and international humanitarian law. Of course, it is critical to address not only the recent events but also call out the reasons behind the attacks, which include occupation, settler expansion, oppression, and collective punishment. One side owns one of the world's most controlling and well-resourced powerful militaries, while the other is made up of inhabitants of what is known as the largest “open air prison” globally, controlled by a radical extremist group—a group funded by foreign powers and labelled as a terrorist organization by countries all over the world, and that never asked for the opinion of Gazans before beginning attacks on innocent civilians. Also disturbing is the pervasiveness of social media posts and statements that dehumanize or downplay the suffering of one side while passionately defending the other. It is essential to recognize the suffering experienced by both sides—as ordered by divine norms and principles of humanity.

Implementing human rights for all, devoid of tags and fixed philosophies, emphasizes our shared humanity. Inspiring open dialogue and fruitful discourse on human rights is essential, especially in dictatorial regimes and autocratic governments in the Middle East. Many individuals, including human rights activists, journalists, professors, and leaders, including in the free world, are afraid to speak up for fear of being “cancelled” or even losing their jobs.¹⁶¹ It is important to foster positive debates on human rights and dignity for all, to maintain campuses, political arenas, schools, and public spaces as safe for everyone to express their thoughts or opinions peacefully, and to provide space for joint mourning of the tragic loss of life. Any form of hate or bigotry, be it antisemitism or Islamophobia, must not be tolerated.

¹⁶¹ See, e.g., Aaron Terr, *Intense Disagreements About the Israel-Hamas War Fuel Cancel Culture*, FIRE (Dec. 15, 2023), <https://www.thefire.org/news/intense-disagreements-about-israel-hamas-war-fuel-cancel-culture/>; Timothy Bella, *Online Posts About Israel-Gaza War are Costing Some People Their Jobs*, Wash. Post (Oct. 12, 2023), <https://www.washingtonpost.com/world/2023/10/12/israel-gaza-war-social-media-job-firings/>; Alexandra Olson, Halleluya Hadero, and Anne D'Innocenzio, *Company Bosses and Workers Grapple with the Fallout of Speaking up About the Israel-Hamas War*, AP News (Oct. 21, 2023), <https://apnews.com/article/israel-hamas-war-palestinians-companies-harvard-daecf3a387a689339dc41f35b773e063>.

The existing traditional international human rights law framework is failing Palestinian civilians.¹⁶² The existing human rights framework is inherently flawed because it consists mainly of prosecutors using international legal bodies to address issues person-by-person, or non-profits who are forced to document endemic problems to international legislative bodies by addressing each violation one at a time. Although this method may be thorough, it is ineffective in the current conflict and a waste of effort when there are no enforcement mechanisms. Despite the existence of this system, there have been ongoing human rights abuses against Palestinian citizens, including restrictions on freedom of movement, settlement expansion, and the use of excessive force by Israeli security forces—and it has been this way for decades.¹⁶³ Supporters of the existing human rights law framework hold out hope that it will be strengthened through greater compliance via political pressure and international scrutiny.¹⁶⁴

In the case of the Israeli-Palestinian conflict, however, the energy spent on protecting human rights would be better spent ensuring that Palestinian rights are a central part of Saudi-Israeli normalization discussions. Including Palestinian protection in rapprochement is the best way to mitigate further harm to the Palestinian people. This approach may not bring as much notoriety to the individual atrocities of the crimes committed—a central component of the current human right's legal framework. But this new method will undoubtedly pressure Israel to change its settlement practices and security strategies in exchange for meeting its other broader regional political and security objectives.¹⁶⁵ Thus, the relationship between Israel and Saudi Arabia would create a protective buffer to ease tensions between Israel and Palestine, prevent further Israeli aggression, halt Israeli encroachment on Palestinian territory, and allow Palestinians time and space to heal from the injustices they have suffered.

A tactical deal between the US and Saudi Arabia should make sense for, and be dynamically discussed by, both countries, irrespective of what Israel does. A deal would be a tectonic move in Middle East geopolitics, but also carries key consequences for other actors beyond

¹⁶² Akif Togel, *Crisis in Human Rights Knowledge: Case of Palestine*, 3 ASBUHFD 49 (2021).

¹⁶³ Boatman & Martin, *supra* note 3.

¹⁶⁴ Emilie M. Hafner-Burton and Kiyoteru Tsutsui, *Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most*, 44 J. OF PEACE RESE. 407 (2007).

¹⁶⁵ See Boatman and Martin, *supra* note 3.

the negotiating parties. Israel would, definitely, benefit from normalized relations/ties with Saudi Arabia—long seen as the holy grail of possible normalization pacts for the nation. Additionally, normalization with Saudi Arabia would not only bring available economic interests, but essentially redesign its place in the Arab and Middle Eastern region, and theoretically larger the Muslim world. Saudi Arabia, in turn, would see their benefits advanced through reinforced U.S partnership in crucial areas (most importantly economically and militarily). Thus, Saudi Arabian motivations in the region and more basically in the Islamic world will demand that the Palestinian constituent in the normalization arrangement be seen as substantial from Palestinian, Arab, and Islamic perception.

Looking ahead, the route to resolution lies in ethical dialogue, with a call for the international community to work toward a fair and just solution. This involves the establishment of two feasible states that secure the right to Palestinian self-determination and the right of Israel to exist within secure borders, or the exploration of a single democratic state with equal rights for all. In fact, the longest-running U.S. foreign policy module—as indispensable nation and key player—in the Arab and Muslim region integrates U.S. security assurances for its regional allies, toughening divisions and giving countries more trust and self-confidence to take risks. This attitude entails the engagement of international powers, unwavering in their commitment to international law and agreed global policies, with a promise to act justly and impartially.

