

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIAL TEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted IMoot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# CIVILIAN CASUALTIES AND COLLATERAL DAMAGE IN CONFLICT: ISRAEL AND HAMAS

AUTHORED BY: RITIKA SUHAG & DIKSHA THAKUR

## ABSTRACT

The Israel-Hamas conflict, marked by intense hostilities between the Israeli Defense Forces (IDF) and the Palestinian militant group Hamas, has resulted in significant civilian casualties and widespread collateral damage, particularly in Gaza. This research examines the humanitarian impact of the conflict, focusing on the disproportionate harm to non-combatants and the challenges of minimizing civilian casualties in urban warfare. The study analyzes Israel's military strategy, including the use of precision airstrikes and the Iron Dome missile defense system, as well as Hamas's tactics, which often involve launching rockets from densely populated areas. Both sides face accusations of violating international humanitarian law, with Israel criticized for disproportionate responses and Hamas accused of using human shields and targeting civilians. By reviewing case studies, casualty reports, and legal frameworks, this research aims to highlight the complexities of conducting military operations in populated environments and to assess the ethical and legal implications of these practices. Ultimately, the study underscores the need for effective measures to protect civilians in conflict zones and advocates for a renewed focus on diplomacy and international humanitarian law to prevent further escalation and loss of life.

## INTRODUCTION

The ongoing Israel-Hamas conflict raises significant questions about the application of **international law** during armed conflicts, especially with respect to **civilian casualties** and **collateral damage**. International Humanitarian Law (IHL), specifically the **Geneva Conventions** and the **Additional Protocols**, provides a legal framework for the conduct of warfare, with a strong emphasis on the protection of civilians. IHL mandates that parties to a conflict must distinguish between combatants and non-combatants, prohibit the targeting of civilians, and restrict the use of force to what is necessary to achieve military objectives. The principles of **proportionality** and **necessity** are central to this framework: the harm caused to civilians must not be excessive in relation to the anticipated military advantage, and the use of

force must be necessary to achieve a legitimate military goal.

However, both Israel and Hamas have been accused of violating these principles. Israel's military operations in Gaza, particularly during large-scale conflicts such as **Operation Cast Lead** (2008–2009), **Operation Protective Edge** (2014), and **Operation Guardian of the Walls** (2021), have resulted in high civilian casualties and widespread destruction of civilian infrastructure, including schools, hospitals, and power grids. Critics argue that Israel's tactics are sometimes disproportionate and that Israel fails to adequately minimize civilian harm, despite claims of targeting only military sites. Human rights organizations such as **Amnesty International** and **Human Rights Watch** have condemned some Israeli actions as **disproportionate** and constituting war crimes.

On the other side, Hamas's use of indiscriminate rocket fire targeting Israeli cities, including Tel Aviv and Jerusalem, has also been condemned under IHL. These rocket attacks often violate the principle of distinction, as they do not distinguish between military and civilian targets, and their aim is frequently to instill fear in the civilian population. Moreover, Hamas has been accused of committing **terrorist acts**, including the deliberate targeting of civilians, which constitutes a breach of the laws governing armed conflict.

The humanitarian impact of the Israel-Hamas conflict is catastrophic, particularly in Gaza, where a large portion of the population lives in poverty and under severe restrictions due to the Israeli blockade. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), thousands of civilians have been killed and tens of thousands injured in recent escalations, and Gaza's civilian infrastructure has been repeatedly destroyed in Israeli airstrikes. The destruction of homes, schools, hospitals, and essential services like electricity and water has led to significant displacement, leaving many civilians without shelter or access to basic needs.

In Israel, while the casualties have been fewer in number due to the effectiveness of the Iron Dome system, the psychological impact of living under the constant threat of rocket fire is profound. The threat of airstrikes and rocket attacks has led to widespread trauma, with many Israeli civilians, particularly in border towns, experiencing heightened levels of anxiety and psychological distress.

The Israel-Hamas conflict illustrates the profound difficulties in achieving a balance between military objectives and civilian protection in modern warfare. The use of advanced technology and precision strikes by Israel, while effective in some cases, does not entirely prevent civilian casualties. Similarly, Hamas's tactics, while aimed at challenging Israel's military superiority, contribute to the danger faced by civilians on both sides.

This research aims to critically assess the causes and consequences of civilian casualties and collateral damage in the Israel-Hamas conflict. By examining the military strategies of both Israel and Hamas, this study will explore how their tactics contribute to civilian harm and consider whether these actions comply with international legal standards. Additionally, it will analyze the broader implications for international humanitarian law, peacebuilding efforts, and the protection of civilians in future conflicts. Ultimately, the research seeks to contribute to the ongoing discourse about the ethical conduct of warfare, the protection of civilians in urban conflict zones, and the potential for finding sustainable solutions to the Israel-Hamas conflict that prioritize the preservation of human life.

### **Core Principles of International Humanitarian Law:**

Both Israel and Hamas, as the principal parties to the conflict, face scrutiny regarding their compliance with these laws.

#### **1. International Humanitarian Law (IHL) and Its Core Principles**

IHL, also known as the **laws of war**, governs the conduct of hostilities and seeks to balance military necessity with humanitarian considerations. These principles are enshrined in the Geneva Convention of 1949 and its Additional Protocols. The core principles of IHL relevant to the Israel-Hamas conflict include:

- **Principle of Distinction:** Parties to a conflict must distinguish between combatants and civilians, ensuring that only military targets are attacked. Attacks must not be directed at civilian populations or infrastructure unless they are being used for military purposes.
- **Principle of Proportionality:** Even if a military target is legitimate, an attack may not proceed if it is expected to cause excessive civilian harm in relation to the anticipated military advantage gained.
- **Principle of Necessity:** Force must only be used to achieve legitimate military objectives. Attacks that do not contribute to military success are prohibited.
- **Principle of Humanity:** This principle prohibits any use of force that causes unnecessary suffering or superfluous injury to combatants or civilians. It is based on

the idea that human beings should not be subjected to undue suffering or cruelty, even in the context of war.

### **Prohibition Under International Law**

- **Article 51(5)(b) of the 1977 Additional Protocol I** prohibits an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated
- **Additional Protocol I**  
Under Article 85(3)(b) of the 1977 Additional Protocol I, “launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 a) iii) is a grave breach.
- **ICC Statute**  
Pursuant to Article 8(2)(b)(iv) of the 1998 ICC Statute, the following constitutes a war crime in international armed conflicts:  
Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects ... which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated
- **Lieber Code**  
Article 15 of the 1863 Lieber Code states: “Military necessity admits of all direct destruction of life or limb of ‘armed’ enemies, and of other persons whose destruction is incidentally ‘unavoidable’ in the armed contests of the war.”

## **2. Israel’s Obligations Under International Law**

As a state party to the Geneva Conventions, Israel is bound by international law to protect civilians during armed conflict. Israel’s military operations, including airstrikes and ground incursions into Gaza, must adhere to the principles of distinction and proportionality.

- **Distinction and Precision:** Israel emphasizes its use of advanced technology, such as the **Iron Dome** missile defense system and precision-guided munitions, to minimize civilian casualties. While these technologies can help limit harm, the density of Gaza’s population and the location of Hamas’s military infrastructure in civilian areas complicate efforts to avoid collateral damage. According to the United Nations and human rights organizations, Israel’s strikes in Gaza have often led to large numbers of

civilian deaths and the destruction of civilian infrastructure, such as hospitals, schools, and homes.

- **Proportionality:** Israel has been accused of using excessive force in some of its military operations, resulting in disproportionate harm to civilians. For example, during Operation Cast Lead (2008–2009), Operation Protective Edge (2014), and Operation Guardian of the Walls (2021), significant civilian casualties were reported, even as Israel insisted that its actions were aimed at targeting Hamas's military infrastructure. International bodies such as **Amnesty International** and **Human Rights Watch** have criticized Israel for disproportionate responses to rocket attacks from Hamas, especially when the military advantage gained did not justify the level of destruction caused.

### 3. Hamas and Its Obligations Under International Law

Hamas, as a non-state actor, is also bound by the principles of IHL, even though it is not a signatory to the Geneva Conventions. The **Additional Protocols** to the Geneva Conventions, which extend protections to all parties in a conflict, apply to non-state actors such as Hamas.

- **Indiscriminate Attacks:** Hamas has been accused of firing rockets indiscriminately into civilian areas of Israel, violating the principle of distinction. While Israel's **Iron Dome** intercepts many of these rockets, some still manage to penetrate Israel's defenses, causing civilian casualties. These actions are prohibited under IHL, as they target civilians directly without regard to military necessity or proportionality.
- **Use of Human Shields:** Hamas has been accused of using **human shields**, a tactic that involves placing military assets in or near civilian infrastructure to deter Israeli airstrikes. While Hamas denies these accusations, human rights organizations have documented instances where Hamas fighters were located in hospitals, schools, and residential buildings, increasing the risk of civilian casualties during Israeli counterstrikes. This practice violates the principle of distinction, as it intentionally exposes civilians to harm in order to protect military targets.

### 4. Collateral Damage and Civilian Harm

Both Israel and Hamas have been accused of contributing to significant collateral damage in the Israel-Hamas conflict, with devastating consequences for the civilian population.

- **Israel's Collateral Damage:** While Israel claims to take extensive precautions to minimize civilian casualties, airstrikes and artillery fire aimed at Hamas targets often

result in widespread destruction. High civilian death tolls and the destruction of civilian infrastructure such as homes, schools, and hospitals are frequently reported. This raises questions about whether Israel's attacks are consistent with the principle of proportionality, especially in densely populated urban areas where Hamas operates.

- **Hamas's Impact on Civilians:** Hamas's use of urban areas for military operations complicates the situation. The group often launches rockets from residential neighborhoods, schools, and mosques, knowing that Israel may retaliate with airstrikes. This puts civilians at significant risk, violating the principle of distinction by deliberately blending military objectives with civilian areas. While Hamas may argue that it is fighting an occupying force, the use of civilian infrastructure for military purposes undermines the protection of non-combatants.

### **Complexities in protection of Civilians**

Despite protection under international humanitarian law and human rights organization, the complex and asymmetrical nature of the conflict, combined with the densely populated areas in which it is fought, makes it difficult to fully protect non-combatants/ civilians from harm.

1. **Asymmetry of Warfare:** Israel's military is one of the most advanced in the world, while Hamas, operating in the Gaza Strip, relies on guerrilla tactics, including the use of rockets, tunnels, and embedding military assets in civilian infrastructure. This disparity leads to an imbalance where Israel is able to carry out airstrikes, but the densely populated Gaza Strip increases the risk of civilian casualties when such strikes occur.
2. **Use of Human Shields:** Hamas has been accused of using civilian infrastructure—homes, schools, hospitals, and mosques—to hide military assets and fighters, which makes it harder for Israel to target Hamas military positions without causing harm to civilians. While Hamas has denied these claims, multiple reports from international organizations and journalists suggest that such tactics are employed, which violates international humanitarian law.
3. **Proportionality and Distinction:** Under international law, especially the Geneva Conventions, all parties to a conflict are required to distinguish between combatants and civilians, and any attack should be proportionate to the military advantage gained. Israel has been criticized for its heavy-handed airstrikes in response to rocket attacks from Gaza, which, although targeting Hamas militants, have caused widespread civilian casualties. At the same time, Hamas' indiscriminate rocket attacks on Israeli cities—

often targeting civilian populations—also violate the principle of distinction and proportionality.

4. **Humanitarian Access:** The blockade on Gaza, imposed by Israel and Egypt in response to Hamas's control of the territory, complicates the delivery of humanitarian aid to civilians in need. Even when there are ceasefire agreements, humanitarian access remains difficult due to restrictions on movement, destruction of infrastructure, and ongoing military operations. This limits the ability of international aid organizations to provide medical assistance, food, and other essential services to civilians caught in the conflict.
5. **International Law Violations:** Both Israel and Hamas have been accused of committing violations of international humanitarian law (IHL). Israel's airstrikes, though often targeted at Hamas military positions, have destroyed civilian infrastructure, resulting in significant loss of life and displacement. Human rights groups have called for investigations into whether these strikes amount to war crimes. Similarly, Hamas has been accused of committing war crimes by launching rockets indiscriminately at civilian targets in Israel and using human shields.
6. **The Role of International Actors:** The international community plays an important role in calling for the protection of civilians, but political considerations often complicate efforts. The United Nations, for example, has consistently called for both sides to uphold international law, but geopolitical divisions and the complexities of the conflict often undermine meaningful action.

### **Measures to be taken for minimizing civilian casualties and collateral damage in the warfare**

To protect civilians and minimize collateral damage in the Israel-Hamas conflict, several measures can be taken, both by the parties involved and by the international community. These measures aim to reduce the harm to non-combatants, uphold international humanitarian law, and contribute to a more sustainable approach to the conflict.

#### **1. Strict Adherence to International Humanitarian Law (IHL)**

- **Distinction and Proportionality:** Both Israel and Hamas must ensure that military actions strictly adhere to the principles of distinction (separating combatants from civilians) and proportionality (avoiding excessive harm to civilians in relation to military objectives). Israel, for example, could refine its intelligence-gathering methods

to better distinguish between legitimate military targets and civilian areas, while Hamas must stop targeting civilian populations in Israel.

- **Humanitarian Access:** Both sides should facilitate unhindered access for humanitarian aid organizations to deliver essential services, including medical supplies, food, and water, particularly to civilians in Gaza. The blockade on Gaza has exacerbated humanitarian crises, and lifting or easing it, even temporarily, could save lives.

## 2. Use of Precision Targeting and Minimizing Indiscriminate Attacks

- **Israel:** Israel's military should continue to prioritize precision targeting, which uses advanced technology, like drones and intelligence from surveillance, to avoid civilian casualties. In past operations, the Israeli Defense Forces (IDF) have used techniques like "roof knocking" (a tactic that involves firing non-lethal warning shots at buildings to evacuate civilians before launching an airstrike). However, this tactic is not always effective in preventing civilian harm and should be carefully reviewed and improved.
- **Hamas:** Hamas should abandon indiscriminate rocket attacks, which target civilian areas in Israel, violating international law. The use of more precise, targeted attacks, avoiding civilian areas, would minimize the risk to civilians on both sides.

## 3. Ceasefires and Humanitarian Corridors

- **Ceasefires:** Ceasefires, whether temporary or long-term, should be actively pursued, especially during humanitarian crises. The international community should work to broker more durable ceasefires and ensure that both sides adhere to them. Temporary ceasefires can provide critical windows for humanitarian aid, evacuation of the wounded, and rebuilding efforts.
- **Humanitarian Corridors:** Establishing safe corridors for civilians to escape conflict zones or for aid to enter could significantly reduce casualties. These corridors need to be respected by all parties and monitored by neutral international bodies to ensure their integrity.

## 4. Enhanced Civilian Protection Measures

- **Safe Zones:** Both Israel and Hamas should take steps to protect civilians during military operations. For Israel, this could involve providing better shelter options for residents of Gaza or increasing warnings to civilians when strikes are imminent. For Hamas, it

could mean evacuating civilians from areas where combat is likely to take place and refraining from using civilian buildings for military purposes.

- **Evacuation Plans:** Israel should continue to provide advance warnings for civilians in Gaza, using various communication channels like text messages, leaflets, or broadcasts to help them evacuate before an attack. Hamas should also facilitate civilian evacuation from military areas.

## 5. International Monitoring and Accountability

- **Independent Investigations:** Independent, impartial investigations into the actions of both sides should be conducted to hold parties accountable for violations of international law, including the targeting of civilians and the use of human shields. Accountability can help deter future violations and reinforce the importance of respecting civilian life.
- **International Pressure:** The international community, including the United Nations, should apply consistent diplomatic pressure on both Israel and Hamas to comply with IHL and to prioritize the protection of civilians. This includes holding both parties accountable for any violations, whether through sanctions, legal action, or diplomatic isolation.

## 6. Incentivizing Non-Violent Solutions

- **Dialogue and Negotiation:** Encouraging dialogue and negotiation between Israel and Hamas, and more broadly between Israel and Palestinian factions, is key to reducing violence in the long run. This could include third-party mediation by international organizations, such as the UN or regional powers, to broker peace talks and ceasefires.
- **Humanitarian Diplomacy:** Countries with influence on Israel and Hamas (e.g., the U.S., Egypt, Qatar, Turkey) should increase their efforts to mediate and facilitate peaceful resolutions to conflicts, advocating for ceasefire agreements and long-term peacebuilding.

## 7. Improving Civilian Defense in Israel

- **Protection from Rocket Attacks:** Israel has invested heavily in missile defense systems like the Iron Dome, which intercepts short-range rockets fired from Gaza. Expanding and enhancing these defensive measures can help reduce civilian casualties in Israeli cities under threat from rocket fire. Ensuring these systems are accessible and effective across more areas can minimize the impact of Hamas's rockets.

## 8. Engagement with International Law and Human Rights Organizations

- **Human Rights Oversight:** Human rights organizations, including Amnesty International and Human Rights Watch, should continue to document and report violations by both parties. Their work can draw international attention to specific incidents of harm to civilians, ensuring that these are addressed and, when appropriate, punished.
- **International Prosecution:** If there is sufficient evidence of war crimes, international courts, such as the International Criminal Court (ICC), should pursue legal action against individuals responsible for grave violations, regardless of which side they are on.

## Role of Diplomatic Relations

Diplomatic relations play a significant role in shaping the dynamics of the Israel-Hamas conflict, influencing everything from military actions to the potential for peace negotiations, as well as the flow of aid and international pressure. The conflict's intensity and longevity are, in many ways, directly tied to the geopolitical alliances and stances of different countries and regional actors. Here are several key ways in which diplomatic relations affect the conflict:

### 1. Support for Israel and Hamas

- **Israel's Allies (U.S., Western Countries):** Israel enjoys strong diplomatic support from key Western powers, particularly the United States, which provides military, financial, and diplomatic backing. This support often includes shielding Israel from international condemnation, particularly at the United Nations, where the U.S. has historically used its veto power to block resolutions critical of Israeli actions. This diplomatic support allows Israel to conduct military operations with less concern about external sanctions or diplomatic isolation.
  - The U.S. and EU countries often emphasize Israel's right to self-defense against Hamas's rocket attacks, which they label as terrorism. This backing gives Israel more confidence in responding militarily, knowing that its allies will not isolate it diplomatically for these actions.
- **Hamas's Allies (Iran, Qatar, Turkey):** Hamas, which controls the Gaza Strip, is supported by a smaller but significant group of countries, such as Iran, Qatar, and Turkey. These countries provide financial, political, and sometimes military support to Hamas, seeing it as part of the broader resistance against Israeli occupation.

- **Iran**, for instance, has provided significant military and financial assistance to Hamas, viewing its support for the group as part of its wider strategy to resist Western influence and confront Israel. This backing strengthens Hamas's ability to continue its military operations against Israel, making diplomatic resolutions harder to achieve.
- **Qatar and Turkey** have provided humanitarian aid to Gaza and support for Hamas's political goals, while also urging a broader regional strategy for Palestinian statehood. Their support helps Hamas maintain political legitimacy and operational capacity, but it also contributes to the polarization of the conflict.

## 2. Regional Politics and Diplomatic Mediation

- **Egypt and Jordan:** Egypt and Jordan play critical roles in mediating ceasefires and attempting to bring both sides to the negotiating table. Egypt, in particular, has been an important mediator in past conflicts between Israel and Hamas, facilitating temporary ceasefires and working with both sides to reach limited agreements. However, Egypt's relationship with Hamas is complex because of Hamas's ties to the Muslim Brotherhood, an ideological rival to the Egyptian government. Despite these tensions, Egypt continues to act as an intermediary because it shares a border with Gaza and seeks to prevent further instability in the region.
- **Arab States (e.g., Saudi Arabia, UAE):** While many Arab states strongly support Palestinian rights, their diplomatic positions on Hamas are more nuanced. Countries like Saudi Arabia and the UAE have, in recent years, shifted their focus to broader geopolitical and security concerns in the Middle East, including confronting Iran's influence. This shift has led to a more cautious stance on Hamas, and some Arab states have increasingly distanced themselves from the group, especially as they pursue normalization of relations with Israel (e.g., through the Abraham Accords). These shifts affect the diplomatic landscape, potentially reducing Hamas's regional support.

## 3. International Diplomatic Pressure

- **United Nations:** The United Nations, through various bodies such as the Security Council and the General Assembly, has been a platform for calls for ceasefires, humanitarian assistance, and peace negotiations. However, U.N. resolutions related to the conflict often face political blockades, particularly from the U.S. and Israel, who

have vetoed or opposed resolutions critical of Israeli actions. The lack of consensus within the U.N. can result in delays in humanitarian aid and weakened pressure on both sides to cease hostilities.

- **International Law and Accountability:** Diplomatic relations shape the extent to which international law is enforced, particularly with respect to war crimes and human rights violations. Countries that back Israel tend to downplay accusations of excessive force or violations of international law, while those critical of Israeli actions may push for investigations into war crimes, particularly related to civilian casualties in Gaza. This political division affects efforts to hold parties accountable.

#### 4. Humanitarian Aid and Blockades

- **Diplomatic Relations and Humanitarian Aid:** Diplomatic relations also influence the flow of humanitarian aid into Gaza. Israel's blockade of Gaza, which is supported by Egypt, is a major point of contention. The blockade is justified by Israel as a security measure to prevent weapons smuggling to Hamas, but it has created a dire humanitarian situation. Diplomatic relations with international aid organizations, as well as pressure from governments, can influence the degree of humanitarian assistance that reaches Gaza. For example, countries like Qatar and Turkey often work to ensure that aid reaches Gaza, despite Israeli restrictions.
- **Aid and Sanctions:** Some countries and international organizations also use diplomatic pressure to impose sanctions or restrict aid to Hamas, seeing the group as a terrorist organization. These sanctions aim to weaken Hamas's financial and operational capacity, but they also impact civilians, complicating the situation in Gaza.

#### 5. Peace Process and Two-State Solution

- **The Role of the U.S. and EU in Peace Efforts:** The U.S. and European countries have historically advocated for a two-state solution to the Israeli-Palestinian conflict, which envisions the creation of an independent Palestinian state alongside Israel. While Israel's diplomatic relations with the U.S. and EU have largely reinforced its security concerns and territorial claims, these relations have also been channels for discussions about peace, often promoting negotiations and the eventual goal of a peaceful resolution.
- **Hamas's Stance on Peace:** Hamas, however, rejects the legitimacy of Israel's right to exist as a state, and its charter has historically called for the destruction of Israel. This

stance makes diplomatic negotiations with Israel very challenging. Countries like Egypt and Qatar have pushed for Hamas to soften its position and engage in political negotiations, but Hamas's ideological commitment to armed resistance complicates diplomatic efforts aimed at achieving a peaceful settlement.

- **Arab Peace Initiative:** The Arab League's peace initiative, proposed in 2002, offers Israel normalized relations with Arab states in exchange for withdrawal from occupied territories and the establishment of a Palestinian state. While this initiative has not led to a resolution, shifting diplomatic relations in the region, such as the normalization of relations between Israel and some Arab states (e.g., the UAE, Bahrain, Morocco, Sudan via the Abraham Accords), have altered the dynamics of the conflict and reduced the Arab League's influence.

## 6. Geopolitical Shifts and Changing Alliances

- **Shifting Alliances in the Middle East:** The normalization of relations between Israel and several Arab countries, particularly through the Abraham Accords (brokered by the U.S. in 2020), has changed the diplomatic landscape. These agreements were primarily driven by mutual concerns over Iran's regional influence and the desire for economic cooperation, but they also represent a shift away from the Arab consensus that Israel must withdraw from occupied Palestinian territories before full normalization. This shift has reduced the diplomatic pressure on Israel, while Hamas finds itself increasingly isolated in the region.
- **Iran's Influence:** Iran remains a key diplomatically of Hamas and other Palestinian factions opposed to Israel. Iran's backing strengthens Hamas's resolve and provides significant military and financial support, which impacts Israel's ability to achieve military and diplomatic victories over the group. However, Iran's influence also contributes to the broader regional instability, making peace negotiations more difficult.

## Steps to minimize the damage of the war

Reducing the effects of the Israel-Hamas conflict is a complex and challenging task, but there are several approaches that could help to de-escalate violence, promote peace, and mitigate the suffering of civilians. Here are some key steps that could be taken:

### 1. Diplomatic Engagement and Mediation

- **International Diplomacy:** Strong, coordinated efforts by international actors—such as the United Nations, the United States, the European Union, and regional powers like

Egypt or Qatar—could mediate between the parties. Ceasefire agreements, peace talks, and broader negotiations could be pursued to address both immediate violence and long-term political issues.

- **Third-Party Mediation:** Neutral mediators (e.g., non-aligned countries or international organizations) could help broker discussions on issues like territorial disputes, security, and humanitarian aid.

## 2. Humanitarian Support

- **Access to Aid:** Ensuring that humanitarian aid reaches those who need it—especially in Gaza, which often faces a blockade—can reduce civilian suffering. This involves facilitating food, water, medical supplies, and rebuilding infrastructure.
- **Ceasefire for Humanitarian Relief:** Humanitarian corridors can be established during ceasefire periods to allow aid to flow more freely, minimizing civilian harm and allowing medical teams to assist those in need.

## 3. Conflict De-escalation

- **Stopping Military Operations:** Both Israel and Hamas could agree to halt attacks, including airstrikes, rocket fire, and ground incursions. A sustained ceasefire would give both sides an opportunity to engage in dialogue.
- **Reducing Provocations:** Both sides could work to avoid actions that escalate violence, such as provocative rhetoric, settlement expansions, or military provocations. Confidence-building measures, such as prisoner exchanges or humanitarian gestures, could also help.

## 4. Addressing Root Causes

- **Political Solutions:** Long-term peace requires addressing the political and territorial issues at the heart of the conflict, including the status of Jerusalem, the borders of Israel, and the future of a Palestinian state. Comprehensive peace talks addressing both security concerns and Palestinian sovereignty could be part of a broader resolution.
- **Economic Development in Gaza and the West Bank:** Improving living conditions and economic opportunities for Palestinians can help reduce the support for violent extremism. International aid and investment in infrastructure, education, and job creation can contribute to stability.

## 5. Strengthening Civil Society

- **Promoting Inter-Community Dialogue:** Efforts to build trust between Israeli Jews and Palestinians could foster better understanding and reduce the divide. People-to-people peacebuilding programs and community-based projects can help to overcome stereotypes and build long-term peace.
- **Supporting Non-Violent Movements:** Empowering moderate Palestinian voices and organizations that advocate for non-violent resistance, as well as Israeli peace groups, can challenge extremist ideologies and promote peaceful alternatives.

## 6. Combatting Extremism and Radicalization

- **De-Radicalization Programs:** On both sides, efforts to address radicalization, particularly among young people, can reduce support for violence. Educational programs and social services can counter extremist ideologies and provide alternatives to violence.

## 7. International Pressure

- **Condemnation of Violations:** International actors can exert pressure on both sides to respect human rights and international law. For example, the United Nations and human rights organizations can document violations of international law, which could help hold violators accountable.
- **Targeted Sanctions or Incentives:** International pressure, including targeted sanctions on Hamas or certain Israeli policies, could push for a reduction in violence or encourage compromise on contentious issues.

## 8. Media Responsibility

- **Balanced Reporting:** The media plays a critical role in shaping public opinion. Promoting responsible, balanced, and fact-based coverage of the conflict can prevent the spread of misinformation, reduce hatred, and promote a more nuanced understanding of the issues on both sides.

## **CONCLUSION**

The civilian casualties and collateral damage resulting from the Israel-Hamas conflict highlight the profound human cost of protracted violence in asymmetrical warfare. Both sides in the conflict—Israel, with its advanced military capabilities, and Hamas, operating from densely populated areas in Gaza—have contributed to a devastating cycle of violence that disproportionately impacts civilians. The indiscriminate nature of airstrikes, rocket fire, and ground operations has caused widespread destruction, leading to significant loss of life and severe long-term trauma for the civilian populations caught in the crossfire.

The analysis underscores the importance of adherence to international humanitarian law, which emphasizes the protection of civilians in conflict zones. Despite the complex geopolitical and security concerns driving the conflict, the high toll on innocent lives calls for renewed efforts toward minimizing civilian harm. This includes the implementation of more effective safeguards, such as the use of precision weaponry, better intelligence to distinguish between combatants and non-combatants, and the establishment of humanitarian corridors to provide aid to affected populations.

Moreover, it is clear that any sustainable resolution to the conflict must address the underlying political, territorial, and security issues that fuel the violence. A comprehensive peace process, coupled with greater international diplomatic engagement, could help reduce the incidence of civilian casualties and promote a long-term peace. In the absence of such a process, the devastating cycle of conflict, with its overwhelming toll on innocent lives, is likely to continue, underlining the urgent need for both parties to prioritize the protection of civilians over military objectives.

### **SOURCES:**

<https://jindalforinteconlaws.in/2024/06/10/the-rafah-bombings-understanding-the-legality-of-collateral-damage/>

<https://ihl-databases.icrc.org/>

<https://lieber.westpoint.edu/>

<https://www.cambridge.org/>

<https://ihl-databases.icrc.org/>

<https://nrdc-ita.nato.int/>