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Failure of International Legal and Human Rights Mechanisms in Preventing the Gaza Genocide

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Abstract

The study looks at the failure of international legal and human rights frameworks to stop or prevent the genocide in Gaza between October 2023 and 2025. This research applies a qualitative "document analysis" methodology and reports and analysis on Al Jazeera, the BBC, The Economist, The Guardian, Middle East Eye, Politico and Zeteo to challenge the structural conditions that made international law practically impotent in one of the most well-documented mass atrocity situations in modern history. The research also looks at the failure of each of the layers of the international legal order – the Geneva Conventions, the Genocide Convention, the Rome Statute, the UN Security Council, and the Responsibility to Protect doctrine. Special attention is paid to the role of the United States as the main political and military facilitator of Israeli violence: the repeated use of the veto to block the Security Council from taking any action on Israel, the United States is responsible for the delivery of at least $17.9 billion in military equipment to Israel in the first year of the conflict alone, and the obstruction of ICC proceedings and humanitarian mechanisms. Gaza is not just a humanitarian crisis. This has been the ultimate test of the post-World War II international order; it has completely and utterly collapsed.

Keywords: Gaza, Genocide, International Humanitarian Law, Human Rights Mechanisms, UN Security Council, International Criminal Court.

1. Introduction

Palestine has been one of the longest-running instances of dispossession, structural violence and international legal taciturnity in modern history for over 70 years. The attack on October 7, 2023, which triggered the Gaza conflict, has, more than ever, revealed the emptiness of the international legal framework. The dispossession of settlers in 1948 became military occupation in 1967, tightened and extended into an airtight blockade in 2007, and escalated into systematic mass killings, forced starvation and erasure of infrastructure between 2023 and 2025. The issuance of the ICC arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant marked a significant milestone in November 2024 as Marwan Bishara, Al Jazeera's senior political analyst, noted that "at last, the people of Gaza, after a year of unfolding genocide, might be able to see their perpetrators face justice" – but even the groundbreaking step was met with skepticism due to "the unwavering American support for Israel" (Al Jazeera, 2024a). In its historic order of provisional measures on January 26, 2024, the International Court of Justice (ICJ) ruled that there was a reasonable chance that Palestinian rights under the Genocide Convention were being violated and were likely to be violated, which included the obligation to

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"take measures designed to prevent acts of genocide" and to "take measures to preserve evidence" (Al Jazeera, 2024b). Despite the ICJ orders, Israel continued to use US-made thermobaric and thermal weapons as noted by Zeteo, who documented 2,842 Palestinians who fled leaving behind nothing but blood spray or small chunks of flesh in Gaza's civil defense areas. As each successive ICJ order came, Israel responded with an escalation rather than any reduction in military action, an escalation that included an intensification of its blockade and a wider expansion of its ground operations in the territory the Court had specifically ordered protected (Middle East Eye, 2024a).
United States participation in affording this impunity must never be forgotten. As Al Jazeera reported, the Biden administration allocated $17.9 billion for security support to Israel in its first year of the war (Al Jazeera, 2024c). The ICC's decision to issue arrest warrants elicited what Al Jazeera has reported as a change from adoration to "anger and threats against the Hague-based tribunal" (Al Jazeera, 2024c) in Washington. During the blockade, the BBC's reporting on the international law enforcement framework's unprecedented actions and the US's supply of weapons and vetoes of the ICC's institutional authority highlighted the nature of these developments (BBC, 2024a).
As evidence of genocide accrued, so did the congressional reactions from the United States, each crediting Israel with their hostility toward the ICC and their support for compliance with the organization's charges against Israel. Alongside the evidence of genocide, there was the congressional responses reported on by Politico, who documented the competing animosity toward the ICC and the support of Israel from the US legislators (Politico, 2024a). This belief in the "normality" of genocide in Gaza is the logical consequence of the global governance system where humanitarian principles are institutionally entrenched in a subordinate position in relation to geopolitical enlightenment. This study utilizes a qualitative research design, and draws on in-depth reporting from Al Jazeera, the BBC, The Economist, The Guardian, Middle East Eye, Politico and Zeteo, explores the evolution of Gaza as the 'definitive stress-test' of the international order that came after World War II and why it failed so disastrously.

1.1 Historical Context: A Century of Dispossession

This Gaza crisis has been preceded by a long history of Zionist settlement and forced migration of Palestinians and the lack of legal protection from the international community throughout the early to mid-twentieth century. With two other aspects of the Balfour Declaration of 1917, the British Mandate in Palestine promised to build a national home for the Jewish people and to protect and promote the rights of the national minorities in the region, the structural conditions were set up in such a way that conflicting national aspirations were bound to clash. As Dirk Moses, Martin Shaw, and Patrick Wolfe make clear in their detail in this comprehensive list of scholars and experts who consider Gaza genocide to be part of a continuum of settler-colonial violence, rooted in this foundational rupture, they were not exceptional events, but were part of an established pattern. (Zeteo, 2025a)
The final rupture occurred in 1948, the Nakba or "catastrophe", as Palestinians refer to it, during which Zionist militias expelled and massacred Palestinians and destroyed Palestinian villages, forcing some 750,000 Palestinian refugees to leave and more than 500 Palestinian communities to be emptied or destroyed. The reporting of Middle East Eye places the UNRWA story as a contextual background: UNRWA was created exactly in 1949 to support three quarters of a million Palestinians who were exiled from their homeland during the Nakba, and Israel's attempt to defund and delegitimize UNRWA since October 2023 has been tied to its efforts to erase the legal and institutional memory of its original dispossession (Middle East Eye, 2025a).
When it was under Egyptian rule from 1949 to 1967 it was very poor, very densely populated, and had very little autonomy. Since Israel's occupation in 1967, the region has been under the

jurisdiction of the “illegal occupation” by Israel, which repeatedly inflicts upon the citizen population the prohibitions of the Fourth Geneva Convention. The Oslo Accords of the 1990s, which were supposed to pave the way to a two-state solution, did not clear up the basic problems of borders, refugees, Jerusalem and sovereignty. This structural deficit in diplomacy over decades allowed the conditions for the 2023 genocide. Israel's dispossession of Palestine's neighbors using its criminal act of ethnic cleansing and mass bloodshed over the decades has rendered the Middle East unstable, as Middle East Eye's analytical commentary pointed out, “Israel's decades of unrestrained occupation have inflicted on neighboring countries nothing more than lip-service calls for restraint from Washington and its vassal states.” There were never any consequences but instead rewards from the West in the form of endless billions in aid (Middle East Eye, 2024a).

1.2 Research Questions

The research focused on the following question: Why the international legal and human rights bodies did not prevent or stop the Gaza genocide? This central question answered by tertiary questions that are designed in turn to yield analysis findings.

1. What are some structural constraints in international law and global governance that leave institutions "paralyzed"? What reforms are needed?
2. How does the non-observance of international human rights and genocide law help to be breached by geopolitical interests and power asymmetries, especially involving the U.S., and what institutions could limit geopolitical interference?
3. How did the political economy of arms transfers, military alliances and international relations matter in the context of the genocide in Gaza and what are the specific regulatory measures needed to stop such dynamics in future wartime contexts?

1.3 Significance of the Study

The study has important theoretical and practical implications. In principle, it questions the liberal premise of legal neutrality and independent operation from geopolitical surroundings, stating that legal norms are structurally positioned in power hierarchies. Gaza is one of the clearest cases in recent history of an international law violation that is obvious: the failure to prevent genocide. Gaza is one of the more obvious examples in modern history of the failure of international law; indeed, fundamentally the post-1945 global human rights regime has failed in this instance. Despite its mostly theoretical nature, this work adds to the debates on reforming the UN Security Council veto, boosting the ICC's independence and enforcement authority, and creating multilateral arms embargo regimes. Al Jazeera's coverage of the Al Jazeera warrants and their consequences has shown the deep division amongst western allies on enforcement and the more the US upholds threats to impose sanctions on the ICC, the more the division over the matter will grow, posing the question of "what will that mean for leaders who act with impunity?"(Al Jazeera, 2024f).

1.4 Scope and Limitations

The scope of this study is the Gaza conflict with a key focus from October 2023 to April 2026. It has its challenges, such as being limited to media sources, which sometimes include the editor's bias; the fact that the conflict is still ongoing; and the difficulty in accurately reporting the development of a conflict with any degree of comprehensiveness. All in all, these restrictions do not seriously detract from the analytical reliability of the study as a result of the use of seven

credible sources cross-referenced from a number of organizations with different editorial traditions and geographic perspectives.

2. Literature Review

2.1 The Gaza conflict: evolution

Early in the 2000s, the political and humanitarian conditions in Gaza began to rapidly deteriorate. In 2006, Israel adopted an all-encompassing blockade after Hamas emerged victorious in the Palestinian legislative elections, blocking the access of the land, air and sea of the Gaza Strip in 2007. Middle East Eye's analysis of the UNRWA crisis documents how this blockade, which has now been ramped up to "so little food and water are getting through, the population are in the grip of famine," was accompanied throughout by "no calls by western leaders for restraint," while President Biden "has repeatedly rushed through emergency arms sales, bypassing Congress, to make sure Israel has enough bombs to keep destroying Gaza and killing its children" (Middle East Eye, 2024a).

From 2008 onwards, Gaza was hit by a series of major Israeli military operations. During Operation Cast Lead (2008-2009), more than 1,400 Palestinians, including hundreds of children, lost their lives. More than 2,200 Palestinians were killed in Operation Protective Edge (2014). Humanitarian violations and possibly even war crimes were found by the UN-commissioned Goldstone Report, but no prosecutions or accountability resulted. These patterns of violence and international inaction were consistently documented by BBC (2024a): documented atrocities led to investigations that led to reportage that led to no enforcement. Together with these cycles of uncontrolled violence and structural devastation caused by the blockade, they created extreme vulnerability, which led to the catastrophe of October 2023.

2.2 The Gaza Genocide: October 2023 to 2025

Hamas embarked on an unprecedented military attack on 7 October 2023, inflicting a devastating blow on southern Israel that resulted in the deaths of some 1,200 people and the taking of over 250 hostages. What ensued, however, was NOT a lawful military attack on a militant organization. It was a campaign that was documented by Al Jazeera, and that was condemned by the UN Special Rapporteur on Palestine, Amnesty International, Human Rights Watch, the International Association of Genocide Scholars, and the UN Commission of Inquiry as genocide against the Palestinian civilian population of Gaza (Al Jazeera, 2024a, 2025b).

The days after the October 7 attacks, Israeli Defense Minister Yoav Gallant publicly declared “a total siege” of Gaza, referring to the Palestinians as “human animals” and exercising the same military measures for that reason. He announced that Israel was blocking the entire territory with electricity, food, water, and fuel, which serves a population of 2.3 million persons, mostly civilians and refugees. Israeli Prime Minister Benjamin Netanyahu called on to wipe out Amalek, the biblical entity.Israeli Prime Minister Benjamin Netanyahu ordered to destroy Amalek, the biblical entity. When Zeteo reported on Gallant's remarks, he also said "Gaza won't return to what it was before... We will eliminate everything" (Zeteo, 2025a). The statements, which were recorded by the ICJ in its order of 2 January 2024, were exactly the kind of incitement to commit genocide that was prohibited and punishable by the Genocide Convention.

The subsequent military invasion was the largest and violent ever. According to Al Jazeera's detailed reporting, Israeli air and ground operations largely obliterated or severely damaged some 80 percent of residential structures in Gaza (Al Jazeera, 2024d). All 36 hospitals in the Gaza Strip were attacked, too, according to Al Jazeera, and the ICC's arrest warrant stating that Netanyahu

and Gallant "intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, such as food, water and medicine" (Al Jazeera, 2024a, 2024e). The BBC's reporting in 2024 highlighted the systemic failure of the health system, including raids and destruction of hospitals and the killing and/or imprisonment of healthcare workers (BBC, 2024a). The director of this hospital, located in northern Gaza, was arrested and tortured and its workers were murdered or detained at the hospital, which was raided.

The demographic impacts were devastating. Independent mortality estimates, reported by The Economist (2024) based on the said studies, suggest that life expectancy dropped by 35 years in Gaza, making it comparable to the Rwandan genocide in absolute terms. According to the Guardian, by July 2025, some 70 percent of structures in Gaza were completely destroyed or severely damaged, with Israel paying contractors "up to 5,000 shekels a building" (The Guardian 2025a) for every structure that was demolished, and Netanyahu himself stating in May 2025: "We are destroying more and more homes, and Gazans have nowhere to return to" (2025b).

The human tragedy was also astounding. Middle East Eye noted how Israel's blockade "was a tactic beyond merely stopping attacks and became an instrument of extermination" and that the US, UK, France and Germany amongst other nations were "liable for genocide" for failing to act (Middle East Eye, 2025b). In early August 2025, months after warnings that Israel was cutting off supplies to the population through its "systematic obstruction" of relief, the UN officially declared a famine in the Gaza Governorate, the first formally declared famine in the Middle East in decades (Middle East Eye, 2025a). Middle East Eye's report on the ICJ ruling on UNRWA documents that "the court ruled that Israel failed to provide evidence that a substantial number of UNRWA officials were connected to Hamas, and called on the Israeli government to cooperate with the UN agency" – Israel immediately refused to comply with the ruling (Middle East Eye, 2026a).

Works of Zeteo's brought the human face of this tragedy to the forefront, as they captured it on the spot. On 23 August 2025, during a live broadcast, two physicians from Al-Ahli hospital in the Gaza City showed to the audience what was happening to patients in the hospital, as bombs fell around them: one woman had maggots in her wounds due to inadequate nutrition; an 18-month-old boy, whose arm had been severed; and a teenager who was using his arms to beg for food (Zeteo, 2025b). In September 2025, Mehdi Hasan spoke at the Wembley Arena in London, highlighting that Israel had killed 270 journalists in Gaza - turning the occupied Strip into the world's ‘deadliest place for journalists’ - and had dropped ‘more than six atomic bombs’ on it (Zeteo, 2025c). With the introduction of international law norms, the

2.3 International Legal Norms and failure

Global Humanitarian Laws started to address the catastrophes of mass violence of the twentieth century culminating in the Geneva Conventions of 1949, the Universal Declaration of Human Rights of 1948, the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the International Covenant on Civil and Political Rights of 1966 and the establishment of the International Criminal Court in 2002. They were established to provide a world-wide framework which could limit state violence, punish its perpetrators and ensure civilian safety in times of armed conflict.

The Palestinian case has repeatedly and gradually exposed the structural weaknesses of these norms so far as their application against states whose protection is guaranteed by the permanent Security Council members. The ICC's November 21, 2024, warrants for Netanyahu and Gallant were "the first time" for "any leader supported by the West" (Al Jazeera, 2024f), prompting some observers to warn that the warrants posed a "threat to the very existence" of the ICC (Al Jazeera, 2024g). Middle East Eye's political analysis characterizes the international community's response as “the West is learning new rhetoric, but doing nothing to halt Israel” (Middle East Eye, 2024b),

or a “rhetorical posture of concern about humanitarian issues, while continuing to arm and protect Israel.”

3. Research Methodology

This chapter summarizes the methodological approach adopted to explore the failure of international legal and human rights fact-finding and remedy efforts to stop or prevent the genocide in Gaza.

3.1 Research Design

The research method of this study is qualitative research. Because the research is on institutions, legal frameworks/policy, political power and global governance structures, the most appropriate method would be a qualitative approach. The study aims to elucidate the mechanism and motives behind institutional paralysis, examining texts and policies, media coverage and documented reactions of international actors. It draws on the interpretive tradition in the social sciences, which argues that to understand a social phenomenon, institutional structure must be emphasized over quantification of variables.

3.2 Research Approach

The research used critical case study approach, in which Gaza is the main case studied. Gaza is defined by the most heavily documented but least enforced scenario of mass atrocity in recent history, and is thus an important case for assessing the effectiveness and credibility of the international legal order, defined as the system of international laws that has been most fully documented and least enforced in recent history. Case study methodology allows the researcher to add depth and detail to the study of institutional failure in ways that broader comparative studies might not be able to, and provides the opportunity to develop theoretical insights of relevance to the case study outside of that particular context.

3.3 Data Collection Methods

The research is based on seven key journalistic and media resources: Al Jazeera, BBC, The Economist, The Guardian, Middle East Eye, Politico and Zeteo. The sources chosen are those that can be seen to provide broad, long-term and reliable coverage of the Gaza genocide and its international legal and political aspects. Al Jazeera covers the conflict from the ground the most, and the international legal proceedings – such as ICC arrest warrants, ICJ provisional measures and US Security Council veto exercises – the most. BBC, as the public broadcaster of the United Kingdom, has independent institutional reporting on the conflict, the blockade, civilian casualty or collapse of the humanitarian system. The Economist provides data analysis, such as demographic and mortality analysis, as a firm component of its coverage, quantifying the nature and scale of the genocide. The Guardian provides the hard-hitting coverage on arms sales, violence and western intervention in the conflict. Middle East Eye's analysis of the UNRWA crisis, the political economy of Western complicity, and the historical and structural dimensions of the conflict is the most comprehensive from a perspective focused on analysis from the region. The United States' congressional and executive reaction to the ICC and arms policy and US domestic political economy of complicity in the case of the ICC are covered here. Zeteo, established by journalist Mehdi Hasan, is an investigative site on Israeli military strategies, the use of particular USA weapons systems and Palestinian civilian and medical personnel on the ground. These

sources are checked to see if they are reliable with regards to one another and other documents that are publicly available such as ICJ orders and UN resolutions.

3.4 Research Gap

While human rights violations in Palestine have been well documented and reported in the past, others pursue a more specific focus but fail to combine all the elements of the human rights approach—on-the-ground reporting, demographic analysis, legal documentation, political economy, media analysis, and region geopolitics—in a systematic fashion to explain the failure of human rights mechanisms to generate any response in the absence of the abundance and overwhelming nature of the warning. This thesis seeks to fill that void by using Gaza as a structural diagnostic of the international legal order to present a full picture of institutional failure, which leads to a direct connection between findings and recommendations for reform, based on seven credible media and journalistic sources.

3.5 Theoretical Framework

Three theoretical frameworks is based on three interlinked theories.
Critical Legal Studies (CLS): assumes that law is not neutral and objective, but rather a social institution that re-creates social power relationships. CLS illuminates how the supposedly universal standards of the Genocide Convention, international humanitarian law and international criminal law, in fact, are mediated through geopolitical hierarchies that render the accountability of the accused selective, asymmetrical, and dependent on the state of accord between the accused and great power interests. Indeed, Gaza is a textbook CLS example: there was a law, its application was straightforward, but political power meant impunity. Attorney Bernhardi was the first person to realize this "international justice" is "completely selective and governed by an egregious double standard," and it is "no accident" that Israel and the United States don't belong to the ICC, as Al Jazeera's commentary noted (2024g).
The postcolonial theory reflects the intellectual heritage of Edward Said, Frantz Fanon and Patrick Wolfe and creates a framework for understanding Palestine as a place of ongoing settler-colonial domination, racialized violence and structural erasure. Scholars like Wolfe, Moses, and Shaw have documented the "genocide in Gaza" as a product of a history of settler-colonial violence, rather than being something unique (Zeteo, 2025a). Middle East Eye's historical analysis of the UNRWA crisis illustrates how Israel's effort to sink the agency is linked to Israel's efforts to banish the memory of the original dispossession in 1948 (Middle East Eye, 2025a). Wolfe's settler colonial logic of elimination, which held that settler colonialism was a process (not a single event), could help in understanding why 2023-2025 genocide was not a rupture, but a continuation of a process beginning since 1948.
Political economy of human rights: This is a viewpoint that focuses on the interactions between global economic interests, arms trading, military alliances, and states' behavior in determining the end results of human rights. As both the United States and its ally-state clients have "called for restraint" from Israel only "occasionally" and "on lip service" during all this, "Israel has intimidated, bombed and invaded its neighbors regularly" and done so "with impunity, and with endless billions in aid and special trading status as a reward" (Middle East Eye, 2024a). Without understanding these material relationships, the political economy of genocide cannot be understood, and the thesis notes in particular the connection between these material relationships and the atrocities themselves in the context of reporting on specific weapon transfers by The Guardian and Zeteo.

4. Result and Analysis

This study resulted in the structural failure of international legal frameworks, institutional paralysis within the United Nations system, the political economy of U.S. support and Western complicity, and the larger regional context of the Middle East from 2023 to 2026 that were interconnected analytical themes corresponding to the research questions.

4.1 Abuse of the International Legal Framework by States

The first key finding, which relates to Research Objective 1, is that the failure of international law in Gaza was not an incidental but structural. Determinations of violations were evident at each progressive level of international law that applied. Highlighting Israel's brutal military atrocities, the ICC issued arrest warrants for Netanyahu and Gallant for war crimes that include weaponizing starvation, and the UN Commission of Inquiry found in September 2025 that Israel was committing genocide (Al Jazeera, 2024a, 2024b, 2025b). No enforcement resulted from any of these decisions.

A basic structural problem is that there is no independent enforcement mechanism to enforce international law. The principles of the UN Charter are that the power to enforce rests with the Security Council, and that, as Gaza has shown, it is a seat of great power protection, rather than universal humanitarian enforcement. As shown by Al Jazeera in several voting sessions, the U.S. routinely vetoes ceasefire resolutions, which meant that the UN's ability to enforce the ceasefire was temporarily paralyzed at the exact moment it was needed most. The United States frequently vetoed ceasefire-related resolutions, as evidenced in multiple rounds of voting by Al Jazeera (2024h); in short, the UN's capability to implement the ceasefire was barely functioning at the time when it most desperately needed to. In fact, no one was legally bound to arrest Netanyahu and Gallant because the ICC has “no powers of enforcement” and “no police force” (Al Jazeera, 2024e).

The structure of the Genocide Convention was also of paramount importance. The jurisprudence on Convention, with this intent in mind, has built an extremely high threshold in determining whether a law is “specific.” But, as Al Jazeera's in-depth reporting revealed, Netanyahu and Gallant's blockade of Gaza was “calculated to bring about the destruction” of the Palestinian people (Al Jazeera, 2024c), while Gallant's own statement “just fighting human animals” and Netanyahu's call to Amalek was nothing short of the incitement to genocide the Convention was meant to prevent.

As one might imagine, the structural obstacle to determining if genocide occurred began to fall apart when confronted with the sheer scope of these documented statements and actions. Structural weaknesses of the ICC were also apparent. When the ICC issued warrants of arrest of Netanyahu and his aides, US politicians turned their backing of Netanyahu into threats against the ICC, passing legislation that allows for sanctions against ICC officials (Politico, 2024a). Al-Jazeera reported that the Trump administration then sanctioned ICC judges and prosecutors, endangering the court's independence of operation (Al Jazeera, 2025a). The doctrine of the R2P was completely put to the test in Gaza where the use of collective action under the doctrine has to be authorized by the Security Council, which was totally blocked by the U.S. As Middle East Eye has noted (2024b), "The pattern shows the west finds new language, but does nothing to stop Israel" and proves that in effect R2P is a doctrine of intervention against weaker states more for the benefit of Western interests than for the benefit of the Western client.

4.2 Institutional dysfunction in the UN system

The second significant result is the total dysfunctionality of the United Nations system as an enforcement tool, which is related to second research question. In the coverage of each successive Security Council vote over Gaza, there is a clear pattern: voting by the Council's 15 members, overwhelming majorities of them voted for ceasefire resolutions, while the United States cast the only veto that blocked each of them (Al Jazeera, 2024h). The BBC's reporting helped to objectively document this failure at system level, stating that a failure to (any) action on the Council though in the face of overwhelming evidence of atrocity, was a fundamental crisis of the legitimacy of the Security Council (BBC, 2024a).

The Security Council was not the only organization within the United Nations that exhibited such incongruities between its aspirations and obligations, and its means of delivery. Israel withdrew in early 2024, citing unproven claims of violations, and was followed in its defunding of UNRWA, the main lifeline for the 2.3 million people of Gaza, by the United States and several European States. In early 2024, Israel defunded UNRWA, the primary humanitarian lifeline for the 2.3 million people in Gaza, followed by the United States and several European States. The $440m in UNRWA funding was suspended "in the blink of an eye" by the Middle East Eye's analysis, "without any fact checking" on the very same weekend western governments were considering defunding Israel after issuance of the ICJ's provisional measures order (Middle East Eye, 2024c). It subsequently revealed that Middle East Eye had reported on the ICJ ruling on UNRWA, indicating that there was no evidence of wrongdoing by UNRWA staff as the UN review had concluded. (Middle East Eye, 2026a) Humanitarian impacts of this defunding were captured in BBC's reportage on UNRWA's situation, such as the lack of food, medical services and shelter provision in highest demand (BBC, 2024a).

The ICJ gave three provisional-measures orders. It ordered Israel to stop “genocide” and allow humanitarian access in January of this year. In March 2024, it called on Israel to ensure basic food supplies when the conditions of famine arose. It last ordered an immediate halt to the Rafah offensive in May 2024. Israel ignored each commandment. Weapons continued to be supplied by the US. The Security Council paralyzed. The Economist's analysis showed that estimates of indirect deaths resulted in Gaza having lost 35 years of life expectancy, comparable with the Rwandan genocide, during all of this (2024). This pattern highlights the significance of this thesis' descriptions of “dead letters of the law” – texts, institutional reports, that remain on paper, but collapse on the ground when meeting with established geopolitical coalitions.

4.3 The Political Economy of U.S. Support and Western Complicity

The third big discovery—related to the third Research Objective—is about the political economy of U.S. support and Western complicity in the genocide of the Gaza people. In the first year of the war, the Biden administration has allocated $17.9 billion to provide security aid to Israel (Al Jazeera, 2024c). More than 100 military sales were approved by the US in the first few months, including thousands of precision-guided munitions, small-diameter bombs, bunker busters, and small arms, and despite its own internal review determining that Israeli security forces had most likely used US-provided arms in ways that did not comply with the international humanitarian law requirements the Biden administration was still proceeding with the sale (The Guardian, 2024a). When Trump came back to his position as president in 2025, Zeteo's investigation revealed that he lifted the restrictions on 2,000-pound bombs, and proceeded to send even more, claiming that the bombs were "sitting there" and "nobody knew what to do with them" (Zeteo, 2026).

Middle East Eye's political analysis places this material dimension in a broader frame of a political economy in which the "Gaza 'weapons testing, population control and surveillance laboratory,

open to global consumers since at least 2007' moved into a new phase of open genocide in which Israel is complicit" (Middle East Eye, 2024a). The coverage tells the tale of how support for Netanyahu by US politicians shifted into demand for ICC sanctions, as dozens of times they had stood and clapped, they now demand sanctions for "such an outrage", and the House passed enabling legislation (Politico, 2024a; Senator Graham calls for sanctions "for such an outrage" (Politico, 2024b)). The Trump administration followed that by imposing sanctions on ICC judges and prosecutors, which plunged the court into a leadership crisis at the time it most needed to strengthen its ability to take action (Al Jazeera, 2025a).

The Dahiya doctrine explain how US weaponry positioned in Middle East. The Dahiya doctrine of "long-lasting and disproportionate" damage to the enemy – and specifically to the civilian population, "no matter how bad the civilian consequences"—was the doctrine being applied in Gaza, according to Mehdi Hasan's analysis of the war in October 2024 (Zeteo, 2024a). In just the first 40 days of the war, the US weapon collected under the “collateral damage” name, the MK-84 bomb, was being used in the region over which more than 80 percent of Gaza's hospitals lie within range of such an attack (Al Jazeera, 2025c).

4.4 The Extended conflict in Middle East (2023-2026)

The fourth key finding is that of embeddedness, that is, the Gaza genocide was part of a larger Middle East regional security crisis that exposed and exacerbated the shortcomings of international security mechanisms. The Gaza genocide was not the only bilateral affair to have unfolded, but a part of a “regional war,” as Al Jazeera's all-encompassing regional reporting showed, involving Lebanon, Iran, Yemen, Syria, and the United States (Al Jazeera, 2024d). In Lebanon, the same strategic logic that was being followed in Gaza for the past year was being first applied; "exactly what we are seeing in Lebanon now, and in Gaza for the past year" (Zeteo, 2024a).

In Yemen, Houthis' strikes on commercial shipping in the Red Sea, justified as support for Gaza, triggered US and UK naval strikes in January 2024 that added a second and third-order regional destabilizing effect to the 'genocide' in Gaza. The conflict over Lebanon and the tenuous ceasefire, the Iranian missile attacks on Israel, and the Israeli army's strikes in Syria were all part of a regional crisis, in which the absence of effective international-law enforcement left incentives for escalation throughout the region. Israel's occupation of an estimated 53 to 58 percent of the Gaza Strip, following the October 2025, Trump-brokered ceasefire, hangs in a precarious balance. Middle East Eye analysis of the UNRWA situation post-ceasefire found no mention of accountability for the genocide, the illegality of Israeli occupation, nor binding Israeli commitment to Palestinian statehood in the ceasefire architecture (Middle East Eye, 2025a). The regional reporting by Al Jazeera showed that one month later, more fighting broke out in February 2026, with no accountability within the structures (Al Jazeera, 2024d). The impact of the region's conflict on international law is not limited to the Palestinian situation; the US threatened to impose sanctions against ICC officials, setting precedent for other States of concern about not complying with international law.

5. Discussion

5.1 Dead Letters and Living Power: The Anatomy of Legal Impunity

The Gaza genocide offers not only an all-encompassing field guide to how international legal norms play out as dead letters, but also a textbook illustration of the ways that texts acquire institutional power when they bear no operational significance when they are brought to bear against entrenched geopolitical coalitions. Given Al Jazeera's meticulous analysis of the ICC, the

cases against Netanyahu and Gallant produced an evident split among Western nations: the United States, France and Italy refused to pay any attention to the warrants, while the rest of the EU supported the court (Al Jazeera, 2024f). It was not a failure of the international legal system, but a structural defect: a system which applies to a group of actors and not another group, as Al Jazeera's commentary put it into "completely selective and governed by an egregious double standard" (Al Jazeera, 2024g).

The term "dead letters" is most aptly applied to the preventive role of the Genocide Convention. Early warning and prevention were the main concerns in Lemkin's design of the Convention. Less than four months after the conflict started, the ICJ's own order in January, 2024, concluded that the threshold for invoking measures of urgency had been breached. By then, prevention had been unsuccessful. The issue no longer was whether or not the Convention applied, but why it had no effect. The ICC arrest warrants was delivered to Gazans on the ground “with a little bit of skepticism” due to “the unwavering American support” for Israel (Al Jazeera, 2024a).

As Palestine's institutional rights memory erased, through the defunding and banning of UNRWA, which the court declared Israel had carried out without any concrete justification; Middle East Eye's analysis of the UNRWA crisis exemplifies the erosion of that memory. (Middle East Eye, 2026a) The truth survived due to the institutions failures to stop it as seen from testimony collected by Zeteo's reporters at the doctors' houses hit by the bombs in Gaza City (Zeteo, 2025b), by the documentation of Mehdi Hasan which states that "you can't bomb the truth away" (Zeteo, 2025c) and from the 270 journalists killed while documenting what the institutional system failed to prevent.

5.2 Weaponizing the Security Council

The Gaza case is the most important institutional move that facilitated the genocide by the United States through its use of Security Council veto. The United States not only failed to stop the genocide, it actually helped to perpetrate it by blocking binding ceasefire resolutions by removing the only institutional mechanism that could have placed legally binding limits on Israel's actions. At the same time that the US was accumulating evidence of the genocide, even though the allegations grew, the US politicians were competing to demonstrate increased backing of Israel and anti-ICC sentiment (Al Jazeera, 2024c). In Politico's reporting, it was revealed that this support also manifested itself in actual legislative bills to boycott the ICC for issuing warrants against Israeli leaders (Politico, 2024a).

The purpose of the United States in opposing the vetoes is to show that the United States has a fundamental bad faith. International humanitarian law has no legal relevance to the matter of protection of the civilian population from starvation and bombardment on October 7. It was precisely the documentation of the Dahiya doctrine, by Zeteo, points to: that Israel did not seek to inflict military harm in an incident that also harmed civilians, but sought to inflict civilian harm as a military strategy (Zeteo, 2024a). In "through all of this, Washington and its vassal states have never called for restraint toward Israel, more than occasionally, on lip-service" meanwhile giving "endless billions in aid" (Middle East Eye, 2024a). Middle East Eye has shed further light on this claim. This is not an aberration nor a failure of the policy of the United States of America, but rather a part of the policy, to protect Israel at the Security Council.

5.3 Geopolitical Power Asymmetries and R2P Collapse

The doctrine's utter failure in Gaza proves that R2P is more than simply operationally empty in politically charged situations; it is also counterproductive as it gives the sense that the international community has a process for preventing mass atrocities. Al Jazeera's detailed record of ICJ

proceedings and ICC warrants, as recorded in its 2024b and 2024f, established an international legal framework specifically designed to stop genocide, which found that the Gaza case did contain a genocide risk, produced binding legal rulings, and did not lead to a single enforcement action. Middle East Eye's review corroborates the sense of ‘new language but does nothing to stop Israel' (Middle East Eye, 2024b) that characterized the actions of the international community.

A direct measure of the scholarly consensus seen in the documentation of genocide scholars and experts who have declared Israel's actions in Gaza to be genocide (Zeteo, 2025a). This list covers fields of expertise, countries of origin and institutional affiliations, such as former Israeli military officials, Holocaust scholars, international law professors and leading scholars in the field of Holocaust studies. The overriding consensus and the complete lack of enforcement action, shows that the failure of the international legal order in Gaza was not due to evidence or expert judgment. It was a political failure with power imbalance.

5.4 The Wider Regional Conflict and its Consequences as regards International Law

The greater conflict in the Middle East region spanning 2023-2026 sheds light on the way international mechanisms in Gaza failed to control the situation and cascaded into regional destabilization, further reducing the credibility of international law more generally. Al Jazeera's regional reporting revealed that all key regional stakeholders knew that international legal standards would apply or not, according to political considerations, not legal principles (Al Jazeera, 2024d). Middle East Eye's report was the one that made this sound like the end of a long string of "Israel intimidating, bombing and invading neighbors on a regular basis" with no consequences, and always with support from the US (Middle East Eye, 2024a).

The Houthi attacks on shipping traffic in the Red Sea, the Lebanon conflict and fragile ceasefire, the Iranian missile attacks on Israel and the Israeli military action in Syria were a confluence of events that constituted a regional crisis where there was no effective enforcement of international law that could provide incentives for de-escalation for the entire region. The region's tensions hold greater meaning for international law than for the Palestinian case: when the United States threatened to put ICC officials under sanctions, as Al Jazeera's reporting reveals, it set a precedent that will be available to other countries attempting to shrug off international legal obligations (Al Jazeera, 2025a).

5.5 Global Institutions’ complicity and the way to reform

The last point of the discussion is on the complicity of international institutions, and structural changes on which a restoration of international legal credibility based. The complicity of global institutions does not mean that individual countries have failed to uphold international law; what has been at fault are the structures and the architecture of global governance as it was designed by the great powers of 1945. The veto system in the UN Security Council is the most important structural hurdle that impedes the enforcement of human rights. The partial successes of international criminal justice in the Gaza case are now in jeopardy of extinction due to US political pressure, according to Al Jazeera's reportage on the ICC proceedings. Political pressure has put even the limited successes of international criminal justice in the Gaza case at risk of being extinguished (Al Jazeera, 2025a). The Trump administration imposed sanctions on ICC judges and prosecutors, jeopardizing the court's basic independence. This attack on the ICC will not only impact on the Gaza case, it will undermine and ruin the trust in the international criminal justice system for generations to come. Zeteo's in-depth consideration of Gaza's limitations of a ceasefire has a sobering message: the ceasefire isn't bringing us closer to justice because it's treating

symptoms without addressing the root causes of Palestinian dispossession (Zeteo, 2025d). All of these findings directly inform one of the Chapter VI's recommendations for reform.

6. Conclusion

The analysis shows that the US veto is the biggest structural impediment to genocide prevention, in that it has vetoed several binding ceasefire resolutions despite the Council's overwhelming support for them. The code of conduct followed by the members of the P5 group, as part of Accountability, Coherence and Transparency, is a basic minimum point of departure: the members of this collective group of national representatives agree not to use the veto on mass atrocity situations. For more profound, urgent purposes, measures which, less ambitiously, helped bind qualified limitations on the veto in the context of ongoing genocide and, more radically, which obligated the Council, as a last resort, through the General Assembly's "Uniting for Peace" mechanism, should be pursued further. A mechanism that allows a permanent member of the Security Council to block action to prevent the horcrux of his clients is not one that would stop genocide.

The US sanctions policy against ICC judges and prosecutors risk eroding the court's institutional independence. ICC member states should respond to this development with a coordinated counter-mechanism, such as diversifying the funding of the court, and increasing its reliance on smaller political donors, introducing procedures for enforcement of state cooperation with the ICC, such as targeted punitive measures against states which target ICC officials, and improving the court's ties with regional international courts. The ICC warrants for Netanyahu and Gallant should be effective: Accountability for a sitting head of government should not be absent in any world, where their counterparts wanted by the world's main criminal court.

Throughout all the years of the ICJ's binding provisional measures, the US and European arms shipments to Israel amounted to a material assistance for the perpetration of genocide. The Arms Trade Treaty of 2014 should be applied to include automatic suspension of arms transfers for states on the ICJ's list of genocide-risk provisional measures. The ceasefire signed in October 2025 did not mention accountability for the genocide, the illegality of Israeli occupation, or a binding declaration of Palestinian statehood, the very structural contradiction leading to this devastating state of affairs. Future ceasefire frameworks should include concrete obligations such as cooperation between the ICC and ceasefire; a timetable on the implementation of ICC orders, including the Advisory Opinion that ruled Israel's occupation illegal; and for UNRWA to be restored as the leading humanitarian agency for Palestinian refugees. Without a finger pointing, each ceasefire is a pause. The Gaza genocide has made it brutally clear that the international legal order as it stands provides virtually no protections for the people in Gaza who have fallen victim to genocide and protected by a permanent member of the Security Council.

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