

GLIMMER OF HOPE : ON THE ISRAEL-HAMAS DEAL

The Hindu

Paper - II (International Relations)

The Israel-Hamas deal to release hostages and Palestinian prisoners in return for a pause in fighting offers a much-needed humanitarian relief to the 2.3 million people of the Gaza Strip who have been living in unspeakable misery since October 7. According to the deal, clinched in talks mediated by Qatar, Hamas will release 50 civilian hostages while Israel will release 150 Palestinian prisoners. Both sides will also halt fighting for four days. The Israeli government has stated that if Hamas releases more hostages, the pause in fighting could be extended, offering a glimmer of hope for securing a more sustained ceasefire. Hamas captured about 240 hostages during its October 7 cross-border attack in Israel, in which at least 1,200 people were killed. When Israel launched its counterattack the same day, it promised to “crush Hamas”, eliminate security threats from Gaza for good, and free the hostages. In the past six weeks, Israeli attacks have turned Gaza into a graveyard, killing at least 13,000 Palestinians, a vast majority of them women and children. But Israel simultaneously began indirect talks with Hamas seeking to free hostages, which resulted in the current deal.

But this is not enough. What the people of Gaza, who have been bombed, shelled, displaced, and denied essential supplies such as food, fuel and medicines, immediately want is a lasting ceasefire. Israel initially refused to have any talks with “Hamas terrorists” and promised to dismantle the Islamist militant group. Israel’s anger was understandable given the horrors unleashed by Hamas. But in its response, a vengeful Israel is collectively punishing the people of Gaza. Several Israeli Ministers have issued dangerous and repugnant statements, from nuclear threats to welcoming epidemics in southern Gaza. But after six weeks of fighting, Israel is far from achieving its own declared objectives, which raises questions about the effectiveness of its military strategy. It stormed Al-Shifa Hospital, Gaza’s largest medical facility, alleging that a Hamas command centre was located beneath it. More than a week since, Israel is yet to produce any credible evidence to back this claim. But the fact that Israel and Hamas have reached a deal suggests that both sides are ready to engage with each other even amidst high decibel propaganda and bloody fighting. They should build on the momentum generated by the deal and extend the pause into a full-fledged ceasefire. That is the only way to release all the hostages, provide lasting relief to the Palestinians, and calm spiralling tensions in West Asia.

What about the Gaza Strip blockade?

- ❖ Israel's plan to block essential supplies in Gaza, affecting two million people, constitutes collective punishment, a breach of International Humanitarian Law (IHL).
- ❖ It violates the principle that individuals shouldn't be punished for others' actions and IHL's requirement for effective advance warnings before attacks. Both sides should uphold IHL.

What are war crimes?

- ❖ War crimes encompass grave breaches of humanitarian laws within conflicts.
- ❖ The Rome Statute of the ICC provides the definition, which draws from the principles of the 1949 Geneva Conventions.
- ❖ It centers on the principle of individual accountability for actions committed on behalf of a state or its armed forces.
- ❖ Illustrative examples include hostage-taking, deliberate killings, torture or inhumane treatment of prisoners of war, and the recruitment of child soldiers.

What is Criteria for War Crimes?

International humanitarian law employs three key principles to determine whether an individual or military has committed a war crime -

- ❖ **Distinction:** This principle forbids targeting objectives that are likely to cause excessive harm to civilians or civilian infrastructure compared to the expected military advantage.
- ❖ **Proportionality:** Proportionality restricts the use of disproportionate force in response to an attack. For instance, it prohibits indiscriminate retaliation, such as bombing an entire city for the death of a single soldier.
- ❖ **Precaution:** Parties involved in a conflict are obligated to take measures that prevent or minimize harm to the civilian population.

What are the Geneva Conventions (1949)?

- ❖ The Geneva Conventions, established in 1949 along with their Additional Protocols, represent crucial international agreements that set forth fundamental regulations to mitigate the cruelty of armed conflict.
- ❖ These conventions provide safeguards for non-combatants i.e. civilians, medical personnel, humanitarian workers and individuals who are no longer able to participate in combat i.e. injured, sick, and shipwrecked military personnel, as well as prisoners of war.
- ❖ The First Geneva Convention protects wounded and sick soldiers on land during war.
- ❖ The Second Geneva Convention protects wounded, sick and shipwrecked military personnel at sea during war.
- ❖ The Third Geneva Convention applies to prisoners of war, including a wide range of general protections such as humane treatment, maintenance and equality across prisoners, conditions of captivity, questioning and evacuation of prisoners, transit camps, food, clothing, medicines, hygiene and right to religious, intellectual, and physical activities of prisoners.
- ❖ The Fourth Geneva Convention protects civilians, including those in occupied territory. The other Geneva Conventions were concerned mainly with combatants rather than civilians.
- ❖ **Two Protocols of 1977:** Additional to the four 1949 Geneva Conventions were adopted in 1977. They strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts and place limits on the way wars are fought.
- ❖ In 2005, a third Additional Protocol was adopted creating an additional emblem, the Red Crystal, which has the same international status as the Red Cross and Red Crescent emblems.

Expected Question

Que. Consider the following statements in the context of war crimes-

1. It focuses on the principle of individual accountability for actions taken on behalf of a state or its armed forces.
2. The Rome Statute of the International Court of Justice provides its definition, which is derived from the principles of the Geneva Conventions of 1949.

Which of the statements given above is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 & 2
- (d) Neither 1 nor 2

Answer :c

Mains Expected Question & Format

Que.: Israel-Hamas complete ceasefire, release of all hostages, providing permanent relief to Palestinians etc. steps are the only way to calm the rising tension in West Asia.

Comment

Answer Format :

- ❖ In the first part of the answer, discuss the short-term ceasefire agreement between Israel and Hamas.
- ❖ In the second part, discuss the impact of this war on the region, the urgent need for ceasefire and other measures.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.