

The State of Security in Gaza And the Effectiveness of R2P Response

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Abstract: This paper looked at the response and effectiveness of Responsibility to Protect (R2P) to address a humanitarian crisis in the case of Gaza. Violations of children's rights as per altered war strategies are completely unbearable in Gaza, which entails immediate action by the international humanitarian regime. R2P Pillar Two requires that if pillar one, the sovereign in the crisis area, fails to take responsibility for protection, R2P Pillar Two, the internationality, is obliged to take responsibility for protection. The R2P response and its effectiveness examination have demonstrated grounds for its ineffectiveness in the Gaza case from both pillar standpoints. Firstly, R2P has not been on the agenda of international actors. Implementing R2P pillars two and three requires veto powers and the political will to initiate such an effort. Finally, the R2P original document needs amendment for its effectiveness. The current research suggests that in the case of Gaza, the Principle of R2P has some barriers that have congested its working to be efficient.

Keywords: R2P and Gaza; Palestine-Israel Conflict; International Regime; Children Rights; R2P Pillar 1; R2P Pillar 2; R2P Effectiveness; International Actors; State of Security in Gaza.

Received on: 29/11/2022, **Revised on:** 03/02/2023, **Accepted on:** 19/04/2023, **Published on:** 04/12/2023

Cite as: A. Ashraf, "The State of Security in Gaza And the Effectiveness of R2P Response," *FMDB Transactions on Sustainable Social Sciences Letters*, vol. 1, no. 2, pp. 78–84, 2023.

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1. Introduction

Ercon [9] considers neither Hamas is stopping its attacks against Israel territory nor is Israel Defense Forces (IDF) trying to protect Gazans (Gaza population); therefore, the gap in the humanitarian crisis could only be filled with R2P and its response and effectiveness need to be examined carefully. This paper poses a question: considering the longevity of the Israel- Palestine conflict in a downward spiral and consequent violations of the rights of the most vulnerable population, how effective is R2P response and practicability considering security in Gaza.

The motivation behind choosing such a study is the violation of the rights of children in such an advanced world, having an international regime for the protection of rights. The selected Gaza case is lacking in human security measures [15]. The objective of this paper is to analyze the R2P framework response and its effectiveness in the Israel-Palestine conflict from a human security perspective in Gaza. This paper proceeds into seven sections: the first section comprises a theoretical framework to guide the research, the second and third sections consist of the humanitarian crisis in Gaza, the fourth and fifth parts explain the R2P response and its effectiveness, and part six puts light to barriers to R2P effectiveness and final part analyzes the entire discussion.

1.1. Theoretical approach

Janzekovic and Silander [26] describe that although there is the availability of international organizations in the form of the United Nations (UNO) rule, stating strictly that a state drives its sovereignty from people, Every state is supposed to protect

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them from any harm; however, not every UNO member state is a democracy. Therefore, there is a clear difference in practice in which responsibility to protect (R2P) seems to fit with its principle of intervention in severe cases. It emerged based on humanitarian grounds as a revised rule, with a 2001 report resolving a norm clash in international relations. Loisel [14] believes many experts considered the 1973 resolution a practical application of the R2P principle in reality.

Breakey [5] shed light on three sorts of responsibilities covered in the three pillars of R2P. Pillar 1 describes the duties of the state to its population against third-party crime, pillar 2 describes the responsibilities of the international community towards those states that are unable to build capacity and institution building, and pillar three explains the usage of both military and nonmilitary measures at the end of the international community for the states failing in pillar one responsibilities.

R2P, being a principle and political commitment [4], implies it to be a strictly functional tool. Jaun Garrigues suggests that R2P is gaining empirical and normative progression. R2P, as a norm, puts responsibility on the state to protect its citizens and citizens outside its borders whenever there is a need to do so.

Janzekovic and Silander [26] state as being the new pages in the history of human rights, the responsibility is thus based on three distinct aims, namely addressing the root causes and direct causes of an internal issue, responding accurately to such issues with certain measures such as sanctions, international prosecutions, and military intervention in difficult situations and finally if military intervention happens, the responsibility to rebuild and restructure the damage caused by military intervention.

2. The Current status of Gaza

Abuhabib et al. [1] explain the Gaza Strip is an approximately 365 km area of land that has been densely populated and besieged by Israel for thirteen years and has harsh effects on Gazans in the fields of education, economy, and health care. The healthcare system has been severely affected and stressed by the 2009-2014 crisis and the 2018 and 2019 escalations and internal partitions in Palestine [1]. Approximately four major rounds of crisis have happened between Hamas, the de facto government of Gaza, and Israel between 2007, 2019, 2009, 2012, 2014, and 2018-2019. Innumerable players, including the US, Egypt, Qatar, the UN, and the Quartet (UN, US, EU, and Russia), have tried to avoid war [18].

The inarticulate violence in Gaza, owing to different periods of violence and escalations, has innumerable metaphors as an open-air cage and a sort of humanitarian crisis that demands and calls, in the words of Noam Chomsky, for “powerful action” [16]. Tanous [23] asserts the situation that summons the immediate action call is the state of children in a crisis of structural violence. Structure violence is pertinent to the systematic setup by which social structure is a direct way of affecting people in harmful ways and a cause of injustice.

As per the report by Human right Watch, Israel is the only power governing between the river and sea, and a law passed in 2018 by Israeli Risset describes the state as a Jewish state in which the right to exercise self-determination is exclusive to Jewish people merely and all the other religion and ethnicities are refugees, discriminated or at risk of health disaster [23]. Mills et al. [17] stress since 2007, Israel has imposed strict air, land, and sea blockade for Gazans. Consequently, they are experiencing food insecurity, unemployment, and low medical supplies. Such kind of cyclical violence needs to be ended for the sake of respect for human beings in times of development and enlightenment.

3. Violations of most vulnerable Populations’ rights in Gaza

As far as the violations of the rights of children are concerned, Levy [13] argues Israel, in the case of Gaza, transferred the risk away from its soldiers to enemy civilians following the Western way of war for the sake of avoiding casualties by using unnecessary lethality without keeping the distinction between combatants and noncombatants. I completely agree with the argument mentioned earlier as the Israeli population is less than the other monotheistic believers, keeping in view as Alaf [2] suggests their complex and long conversion method as compared to others.

Spitka [21] explains children are not only defenseless in situations of conflict but also at risk of recruitment as terrorists by certain groups or by states in such conflict zones. Those children who are homeless and without families are a direct source of demonstration of an extended level of responsibility by the international community. Children living in East Jerusalem and Gaza are subject to the cycle of continuous war crime and violence that includes a lack of citizenship, and the parents are against institutional jurisdiction implemented by Israeli forces. The potential toolkit pillar III of R2P provides includes diplomacy, mediation, conciliation, public advocacy, political support, strategic responses, judicial settlements, and consensual peacebuilding. The fact-finding and investigation missions are beneficial for making the perpetrator shameful and decreasing the crime rate regarding the application of R2P in such a crisis.

Spitka [20] suggests according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), approximately 350 children, including boys and girls, were killed from 2008 to 2021, and the majority were Gazans. Such shootings happened during the 2018 demonstrations in Gaza. Thabet [24] has found out that Palestinian children, especially most of the young populations living in Gaza, are at higher risk of mental health issues, which ultimately correspond to physical health issues due to continuous siege, movement restrictions, and parent's mental health issues.

Dyer and Georgis [8] advise for such sorts of Gazan children and the upcoming generation, the care provider and preschool instructors need not only to be psychologists and professionals, but their highly suitable job requires being the bearer of their vulnerabilities, severe mental state and reactions, interrupted innocence and interrupted play so that it assists them in their growth and development accordingly. I have the same opinion as R2P, which may also assist in the reconstruction of the most vulnerable societies in dealing with root causes of conflict, and such sort of actions would transform the mindset of the young generation from being warriors to peace lovers.

4. The R2P response

4.1. Examining R2P Pillar 1

Speaking about who is sovereign, having pillar one responsibility in Gaza. The status of Gaza is complicated, having a triangle of control over the Gazan population and territory at the top of the triangle from (Palestine Authority) PA as the representative of Palestine at the center and of Gazans for the long run, Israel and Hamas, as the de facto government of Gazans, at the lower two ends. A conflict is going on between Hamas and Israel, and the National authorities (PA at the national level) are unable to protect their civilians in Gaza because of the lack of control over the area. Consequently, neither PA nor both Israel and Hamas are willing to exercise R2P towards the vulnerable population of Gaza, which correspondingly convert Gaza into an R2P case at the end of the international community to deal with immediately, effectively, and strongly [11].

Dekel and Lavi [7] clarified a straight line that is hindering the agreement process for a ceasefire if some endeavor at the end of the international community or neighboring states happens. So far as the stances of both Hamas and Israel are concerned related to reaching an agreement, Hamas is of the view that it does fear large-scale escalation, and Israel states it will not seek restraint if Hamas is using military means. The arrangement for the settlement of issues further escalates the situation. However, considering the facts, the ongoing situation demands an immediate ceasefire and security peace. The second step is to fulfill the demands of both parties, as Israel demands for deceased bodies. Another major step could be the financial independence of Gaza and such assistance from an international level, which is an alternative to the Hamas and Palestine Authority (PA).

The arrangements demand Hamas away from Gaza, and if Israel agrees with it on the one hand and Hamas, with any intention, tries to escalate the arrangement process, it will give it a stronghold in Palestine and Gaza, which is not favorable to Israel [7]. I follow the line the authors sketched between arrangement and escalation in both parties. If both parties are not taking responsibility to protect the noncombatants and innocent individuals, fulfilling the first pillar responsibility of R2P, the second pillar requires the responsibility of the international community to be the mediator to ensure such rights.

4.2. Examining R2P Pillar 2 and 3

Baye [3] portrays the R2P response as Israel blaming Hamas for civilian loss of life and Hamas blaming Israel for the severe social and economic blockade of the Gazan population and violation of vulnerable population rights. In this connection, the response of the international community is much needed. The community, as mentioned earlier, views the Israeli military operation 2014 as a severe threat against humanity and violates international law. The UN Security Council merely condemned the perpetrators and asked for a ceasefire. There have not been any interventions militarily. I see eye to eye with the writer as this response of the international community is a weak and late response that has been fruitless in avoiding humanitarian catastrophe during the 2014 escalation.

Schiff [18] notes following the "March of Return" by Hamas in March 2018, thousands of followers rallied toward Israel's borders in a weekly demonstration aiming at breaching the border that separated Israel from Gaza. Consequently, the airstrikes by Israel welcomed such protestors. The situation further went sky-high with the opening of the US embassy in Jerusalem. In collaboration with Egypt, the UN tried to agree with both parties for a six-month ceasefire. Both Hamas and Israel ascertained the ceasefire.

However, tension occurred on the scene, settled by the UN and Egypt again, and COVID-19 diverged attention. However, the role of Mladenov's mediation and diplomacy during 2015-2017 for reconstruction in Gaza might not be easily denied in this study as he developed sophisticated ties with both Hamas and Israel leadership and involved third parties; Egypt, Qatar, and

the USA, mobilized international funding, and developing a Mladenov plan. He mentioned the violation of human rights would be even more destructive if both parties didn't agree and ensured a fairly comfortable space could be ascertained for both parties following his plan.

The rehabilitation and reconstruction plan improved the emergency health care in Gaza, relaxing the electricity crisis and supporting water and sanitation. It merely happened with his erudite skills of raising funding questions in front of the international community and donors [18]. Shusterman [19] believes his capability to understand both parties' concerns and situations and urge them to take responsibility and ease the situation at the end of international community spokesperson and coordinator earned him the trust of all three sovereigns in Gaza, the PA, Hamas, and Israel [19]. I have a similar opinion to the authors', as sometimes the personality characteristics of the ship's leader may change the whole game for the ship. The same has happened with the case of Gaza, and a pleasant change in its reconstruction was made by the effort of the UN, as mentioned earlier, the special coordinator for Middle East Peace so far as the longevity of the issue is concerned.

5. The effectiveness of R2P response

Gozan Ercan [11] views the R2P response to be effective considering the status of Palestine in the United Nations Organization (UNO) as Israel has not accepted Palestine State; therefore, the status has been transformed from "observing state" to "non-member observer state." Conversely, 134 members states of UNO and international organizations, for instance, the International Criminal Court (ICC) recognizes as a state. The crimes referring to the failure of the state's jurisdiction are pertinent to the ICC. While R2P is a political and moral framework, the ICC plays a role of legal standing for such conflict and humanitarian crises, hence developing a strong correlation.

Palestine's admission to ICC in 2015 would be a game changer, as Israel is not a party to the Rome statute for settling the humanitarian crisis since it has not been appreciated by Israel and its ally, the USA. The corresponding trial may further escalate the situation [11]. Though undeniably, the Palestinian admission to ICC is a bit of a sigh of relief, the violation of human rights is still going on immensely. I disagree a little bit with the author as Palestine merely being a party to ICC might not resolve the humanitarian crisis in Gaza. It requires active involvement and political will of veto powers for the effective implementation of Pillar 2 and Pillar 3 of R2P in Gaza.

Spitka [20] explains there have been very nominal efforts for suitable protection tools for making consensus for the sake of protecting the most vulnerable civilians against the atrocities of war. Divisive diplomatic intervention by various actors proved fruitless. Humanitarian intervention has also not gone deeper into the roots. Though the coercive sanctions have been applied to the Hamas with no effect on its leadership and actions against Israel, for instance, boycott disinvestment, sanctions have not achieved international consensus. Presently, the R2P norm is not on the agenda and has little to no effect on the protection of individuals from war crimes.

Brown & Eckersley [6] distinguish two views about R2P, as some skeptics suggest R2P is not effective if it does not render its normative power for the sake of protecting civilians from war crimes. They consider it as not effective and demand an alternative. However, they believe its pillar has been effective as it has gained significance with UN resolutions. The lack of immediate action in the Gaza crisis demonstrates its ineffectiveness and insignificance.

On the other hand, the advocates of R2P effectiveness illustrate that the international community is slowly and steadily marching towards protection habits as states consider it the international community's responsibility to take action. They consider even the skeptics recognize its significance even at the pillar 1 level, thus making this debate between realists as skeptics and constructivists as advocates [6]. In the case of Gaza, my stance is with the advocates, as the Palestine Issue is much older than the R2P in terms of the norm's age. However, the international consensus may also be developed immediately considering the political will of the states if we observe the other side of the coin.

6. Obstacles to the effectiveness of R2P Response

Weerdesteijn and Hola [25] illustrate that as far as the third pillar of the R2P is concerned, states are willing to intervene to protect citizens at the end of taking responsibility. However, the original documentation of R2P limits the intervention to only what is authorized by (United Nations Security Council) UNSC. It is also well established that the UNSC referral is available in ICC statute, one of the tools of R2P; some believe that such a UNSC referral would never be used given the US's severe opposition to the court. The UNSC may politicize the court. The close association of R2P with ICC may harm its effective working in such a way.

Eskiduman [10] elucidates the implementation of R2P in case Gaza could not materialize effectively as structural limitations to the UN Security Council exist. The policies of veto powers also obstruct the smooth implementation process adopted by any

agent other than its permanent members. Considering its systematic limitations, Gozan Ercon [12] suggests it might not successfully make changes on the international scene with changing in itself.

7. Analysis

From the children's rights point of view, Tanous [23] emphasizes the situation, which calls upon the immediate action of the state of children in a crisis of structural violence. This is occurring due to the reason, as Levy [13] portrays Israel in the case of Gaza, transferring the risk away from its soldiers to enemy civilians following the Western way of war for the sake of avoiding casualties by using unnecessary lethality without keeping the distinction between combatants and noncombatants which is right for them what Alaf [2] elucidates being very less in number compared to other monotheistic believers. Spitka [21] explains children are also at risk of recruitment as terrorists by certain groups or by states in such conflict zones.

Such a situation will deteriorate the overall world security environment, keeping in view the presence of ISIS in the Middle East. Another addition and growth of such children into being terrorists is their mental health. For instance, Thabet [24] has found out that Gazan children are at higher risk of mental health issues, which ultimately correspond to physical health issues due to continuous siege, movement restrictions, and parent's mental health issues. Dyer and Georgis [8] advise that care providers and preschool instructors need not only to be psychologists and professionals, but their highly suitable job requires being the bearer of their vulnerabilities, severe mental state and reactions, interrupted innocence, and interrupted play so that it assists them in their growth and development accordingly. For me, R2P may assist in reconstructing the most vulnerable societies in dealing with the root causes of conflict.

Gozan Ercan [11] enlightens R2P pillar one. So far as the relevance of Gaza as the right R2P case is concerned, there is no single sovereign in Gaza to take responsibility for protection considering three different rulers: Hamas, Israel, and PA. All three may not be protected because of a lack of control and their vested interests. The situation correspondingly converts Gaza into the R2P case, the end of the international community to deal with immediately, effectively, and strongly. The arrangement for the settlement of issues further escalates the situation.

Israel, if both parties are not taking responsibility to protect, fulfilling the first pillar responsibility of R2P, the second pillar requires the responsibility of the international community to be mediator and intervener [7] as far as the response of R2P pillars 2 and 3 considers the UNSC merely damning the Israel military operation 2014. This is a weak rhetorical response by the international community [3]. Conversely speaking, the responsibility of Mladenov's mediation and diplomacy during 2015-2017 for reconstruction in Gaza might not be effortlessly denied in the current study as he developed sophisticated ties with both Hamas and Israel leadership and involved third parties; Egypt, Qatar, and the USA, mobilized international funding based on its Mladenov plan [18].

Analyzing the effectiveness of the R2P response required the Veto power's political will for its response effectiveness firsthand, as merely admission of Palestine to the International Criminal Court (ICC) is not enough to resolve its humanitarian crisis [11]. Spitka [22] makes it clear Coercive sanctions against Hamas didn't affect its leaders, nor boycott, disinvestment, and sanctions against Israel accepted any international consensus hence is enough to prove R2P norm is not on the agenda.

Brown & Eckersley [6] Sceptics of R2P effectiveness believe it is achieved merely for its first pillar and is completely redundant. In contrast, its advocates are optimistic and consider the political will of international actors might be a game changer. Weerdesteijn and Hola [25] conclude one of the obstacles lies in the original document of R2P, which restricts states 'humanitarian intervention and limits intervention to only what is authorized by the UNSC. Eskiduman [10] establishes due to this structural limitation, R2P has not been materialized effectively in the case of Gaza.

8. Conclusion

To sum up, children's violations of rights, keeping in view changed war strategies with saving strategic Israel military personnel at the cost of innocent civilian casualties, is unbearable in Gaza, which requires immediate action by the international humanitarian regime. Gaza crisis is detrimental to the Middle East security situation but also to the entire world security situation since the remaining children and youth are at risk of recruitment as terrorists by ISIS in the Middle East. Children in Palestine are also at risk of mental and physical health in a post-war scenario, which might be tackled with certain school-level initiatives at the R2P end. There is no complete sovereign from Hamas, Israel, and PA in Gaza from the standpoint of R2P pillar one, which ultimately puts the responsibility on the international community to deal with such crisis, taking effective responsibility as mediator and convener as per pillar 2 of R2P. Wholehearted endeavors are required from veto powers for the effectiveness of R2P, as previous sanctions and boycotts of Hamas and Israel have not been fruitful. In this context, the R2P response and its effectiveness analyses have illustrated some grounds for its ineffectiveness in the Gaza case. R2P has not been

on the agenda of international actors; pillars two and three implementation require veto powers and political will to initiate such effort, and finally, the R2P fundamental document needs to be amended for its effectiveness.

Acknowledgment: Words may not express gratitude to Prof. Danial Silander, Associate Professor Linnaeus University, for his valuable guidance. I am also grateful to my family for their moral support and encouragement.

Data Availability Statement: This study uses books and Published materials.

Funding Statement: Not applicable

Conflicts of Interest Statement: I, Aysha Ashraf, confirm sole responsibility for the following: study conception and design, data collection, analysis and interpretation of results, and manuscript preparation.

Ethics and Consent Statement: I, Aysha Ashraf, Linnaeus University, Sweden, hereby solemnly declare that this paper titled “The State of Security in Gaza And the Effectiveness of R2P Response” is based on genuine work, including all ethical considerations as per Swedish ethical research regulations and has not published elsewhere.

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