



UNIVERSITY OF GOTHENBURG

A Case Study: Human Rights Violations in Gaza

A qualitative analysis of the UN's responsibility under the principle of R2P to combat the violations of articles 3 & 13 of the UDHR in Gaza

Bachelor thesis in Global Studies

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Abbreviations

R2P	Responsibility To Protect
UN	United Nations
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UDHR	Universal Declaration of Human Rights
WHO	World Health Organisation

Abstract

This case study examines how the United Nations (UN) is responsible, in accordance with the concept of the Responsibility To Protect (R2P), for combating the violations of articles 3 and 13 of the Universal Declaration of Human Rights (UDHR) in Gaza. These articles entail the right to life, liberty and security of person (article 3) and the right to freedom of movement and residence (article 13). Hence, the focus lies on the blockade imposed by Israel on the Gaza Strip since 2007 and how this has resulted in a humanitarian crisis thereby violating Gazans' human rights. The research paper highlights the severity of the humanitarian crisis in Gaza and explains how the human rights violations fall under the principle of R2P. Many scholars have neglected to shed light on the UN's responsibility to act in the case of the blockade on Gaza seeing as the emphasis is put on the availability of aid and other reactive measures. Therefore, this research paper aims to apply Young's justice theory and social connection model of responsibility in order to form a better understanding of how the UN is to be held accountable for the human rights violations in Gaza. Thus the focus lies on analyzing the UN's moral and social responsibility to act on the blockade and as such the analysis is based on a qualitative approach. This thesis uses a thematic content analysis on data which mainly consists of documents, conventions, articles and other drafted reports from the UN, their subsidiary agencies as well as other human rights organizations. As a result, this study finds that the blockade has severely impacted the lives of Gazans by limiting their access to basic necessities such as food, water, sanitation, adequate health care and electricity. Due to the limitations caused by the blockade, Gazans have been denied their freedom of movement and have lost their right to self-determination resulting in major mental traumas which they cannot recover from. The UN has taken many reactive measures to improve the living conditions in Gaza, despite their efforts however, these measures have not resolved the issue of the human rights violations. This is because these measures are short term solutions meaning that they do not actually address the root cause of the problem, and hence the humanitarian crisis remains.

1. Background

1.1 Problem Formulation

The UDHR was adopted by the United Nations General Assembly in 1948 and is thus not a legally binding resolution. However the UDHR is considered to be a foundational document because it serves as a moral and political standard for human rights. The UDHR has influenced the development of numerous legally binding human rights instruments and has been incorporated into various international human rights treaties and national laws. Hence, the UDHR is seen as customary international law and thus can be seen in that way as being legally binding whether states have ratified it or not. Nonetheless, this declaration was created with the aim of establishing a common standard of attainment for all individuals in all nations and is essentially what lays the basis of our fundamental human rights (Zamfir, 2018). The UDHR entails 30 articles, however, the focus of this thesis lies within articles 3 and 13, which encompass:

- Article 3 states that: “everyone has the right to life, liberty and security of person”.
- Article 13 states that: “everyone has the right to freedom of movement and residence within the borders of each state and the right to leave and return to any country” (United Nations, n.d -a).

Seeing as this thesis is concerned with the violation of articles 3 and 13 in Gaza it is of great importance to analyze what these violations are and showcase how they invoke the UN’s responsibility to act (OHCHR, n.d.). Firstly, the most prominent violation is Israel’s blockade on Gaza which allows Israel to fully control Gaza's borders by air, land and sea, following Israel's disengagement from Gaza in 2005 and Hamas's rise to power in 2007. The Israeli government has justified the implementation of this blockade as a way of protecting their national security. There have been many differing viewpoints regarding the legality of the blockade on Gaza; however the Israeli government has stated that the blockade is necessary as a form of protection from Hamas. They claim that by imposing the blockade on the Gaza Strip, they will be able to prevent the smuggling of weapons as well as other materials that could be used by Hamas or other militant groups for military purposes. In this way it is argued that the blockade is crucial for the protection of Israeli civilians and maintaining regional stability. (Butt, K & Butt, A, 2016, p.157)

This blockade allows Israel to fully control all entry and exit points to Gaza as well as Gaza's civil population registry and telecommunications networks. Moreover, the Israeli government controls various aspects of Gazans’ daily life and infrastructure seeing as they placed numerous restrictions

on goods, fuel, other basic elements and have additionally greatly restricted movement in and out of Gaza. This blockade is a clear violation of articles 3 and 13 of the UDHR because it restricts Gazans freedom of movement, their liberty and security as individuals and robs them of the opportunity to leave as well as return to their country freely. The blockade has been addressed by the UN as being a form of “collective punishment in flagrant contravention of international human rights and international law” (Humaid, 2022). It is therefore relevant to address this issue from a responsibility and justice perspective as it relates to the implementation of fundamental human rights in Gaza (Humaid, 2022). In addition, the Israeli government has implemented a checkpoint-system which was put in place to further their control by allowing them to restrict anyone coming in or out of Gaza. This checkpoint-system enforces the blockade and furthers Israel's restriction on Gaza. Therefore, the blockade and its restrictions have greatly impacted the lives of Gazans and has generated devastating consequences on their economy, health and wellbeing. Gazans are hindered from going and coming to work, seeking medical treatment and acquiring their basic necessities thereby illustrating the problematization of this blockade (Kotef, et al, 2011, p.56-57).

By becoming a member-state of the UN, Israel has willingly adopted and ratified numerous international agreements and treaties which impose the responsibility to uphold fundamental human rights. The Israeli government states that they “unreservedly accepts the obligations of the United Nations Charter and undertakes to honor them from the day when it becomes a Member of the United Nations” (United Nations, n.d -c). In this way, Israel has showcased a willingness to dedicate efforts for the upholding of principles and values expressed in these agreements. As a result, the Israeli government has an obligation by the UN Charter as this Charter sets the foundation of human rights, equality, and non-discrimination in the UN. Additionally, Israel has ratified a number of international human rights conventions, such as the International Covenant on Civil and Political Rights (ICCPR) which include the right to freedom and the right to life, liberty and security of person. Moreover they have adopted the UDHR by accepting the obligations of the UN Charter, which is relevant as it entails the protection and promotion of human rights. In addition it also set the foundation for civil, political, economic, social, and cultural rights. Still Israel has violated human rights in Gaza, despite the fact that they willingly adopted the UDHR and became members of the UN (United Nations, n.d -c).

This raises the question of moral and social responsibility and thus generates questions that this thesis attempts to answer. Who is to hold a government accountable and is there a moral and social obligation to combat these violations? It is thus crucial to recognize the responsibility that the UN

holds in this instance and how they have or should address this issue. To do this it is important to bring up the notion of R2P and what it stands for. R2P stands for "The Responsibility to Protect" and is a principle adopted by the UN since the year 2005. This concept holds the international community responsible to protect populations from mass atrocities, such as; genocide, war crimes, ethnic cleansing and crimes against humanity. The notion of R2P is relevant for this thesis as the concern lies within the human rights violations in Gaza. The principle asserts that sovereignty is not a privilege, but a responsibility and that the primary responsibility for protecting populations from these crimes lies with the state. However, if a state is unable or unwilling to protect its own people, then the international community has a responsibility to intervene through peaceful means, including diplomatic and economic measures, and as a last resort, through military intervention. This intervention should be authorized by the UN Security Council and conducted in accordance with international law when needed. R2P serves as the lens in which we can recognize the UN's responsibilities and moral as well as social obligations (Global Centre for the Responsibility to Protect, 2022). However, to better understand how the UN bears responsibility to act this thesis will use Young's social connection model of responsibility in conjunction with Bachrach and Baratz's two-dimensional model of power. In this way, the UN's social and moral responsibilities will be analyzed in relation to how they exercise power in an effort to argue for their accountability in the crisis in Gaza.

1.2 Aim & Research Question

The aim of this thesis is to address the human rights violations in Gaza, specifically for articles 3 and 13, as well as discuss the UN's responsibility in this said issue. Just like in many other cases the UN has a responsibility to act according to their moral obligations as upholders of international peace and security but also because of principles adopted by them, such as R2P. As a result, this topic holds great societal relevance because it touches upon the issue of human rights violations and showcases how these violations are detrimental to the inhabitants of Gaza. Israel is a member of the UN and has agreed to the conventions that bind them to the obligation of upholding basic human rights. Despite that it is clear that the actions taken by Israel are a clear violation of human rights and thus puts the population of Gaza in danger. This thesis aims to form an understanding on how these violations have been justified and why this is problematic in relation to the wellbeing of Gazans. It raises the question of responsibility and justice and thus, the focus will be on analyzing the accountability of the UN and how they are responsible for combating these violations. In order to do this the thesis will aim to answer the following research question:

- How do the violations of articles 3 and 13 of the UDHR in Gaza invoke the principle of R2P and how is the UN responsible for combating these violations?

1.3 Demarcations & Previous Research

When it comes to previous research about this subject it is clear that there isn't much seeing as most scholars devote their research for the examination of other relevant areas in the Israel-Palestine conflict. For example, there is a scientific article written by Hagar Kotef and Merav Amir that touches upon Israel's checkpoint system and how it is justified by the Israeli government. The authors discuss the consequences of the checkpoints and how the Israeli government is responsible, however they do not bring up the issues of human rights and its relation to the UN (Kotef, et al, 2011). In the same way an article from the Journal of Political Studies states how the blockade on Gaza is a form of collective punishment. This article discusses the Israeli government's relation to Hamas and the constant battle between the two (Butt, K, et al, 2016). In this way, both articles go about explaining the situation in different ways which highlights the importance that this thesis holds as it contributes to a new and thus more multidimensional understanding of the issue in question.

In continuation, many scholars focus on the examination on the shifting responsibilities between Israel and Palestine. In that way, many scholars fail to touch upon the UN's responsibility to combat the violations of human rights in Gaza and how this case invokes R2P. Nonetheless, there has been some research about how the situation in Gaza should be a case of R2P, still this research fails to bring up the blockade on Gaza. As a result the focus lies on the armed conflicts between Hamas and Israel as well as Israel's rocket attacks on civilians in Gaza. For instance, an article written by Endalcachew Bayeh discusses Israel's military actions in Gaza through the lens of R2P and does not touch upon the blockade (Bayeh, 2014). In that way, this thesis contributes to further the research on how Gaza should be a case of R2P and thus the focus lies on how the blockade violates human rights. In addition, this thesis fills in the gaps regarding the examination of the methods taken by the UN to aid in the crisis in Gaza. As such the focus and demarcations of this paper lies within the scope of the UN's measures and how effective they have been in the case of Gaza.

2. Theory and analytical framework

2.1 Social Connection Model of Responsibility

The theoretical framework of this thesis will mostly revolve around Iris Marion Young's social connection model of responsibility and justice. The main aim of this theory is to showcase the responsibilities that moral agents, such as the UN, have towards global social structures and

injustices. Local social structures have global consequences and thus, it is important to address the UN's responsibility as an intergovernmental organization that aims to sustain international peace and security, maintain international cooperation as well as preserve human rights for all individuals. (Young, 2005, p.709 & United Nations n.d -b)

What sets Young's justice and responsibility theory apart from any other approach is that it recognizes obligations in a global context and illustrates how moral responsibility goes beyond a certain society's or nation's borders. Young's theory recognizes the effect of globalization and how intergovernmental organizations which aim to preserve human rights have the moral obligation to intervene and combat injustices regardless of where they are taking place (Young, 2005, p.709-710). In continuation Young explains in this theory that there are actors that have a specific obligation to a certain situation based on their position and relation to any liable groups in question. In that way, Young's theory is relevant for this thesis, seeing as it makes for a better understanding of the UN's position and accountability towards the issue in Gaza, thereby highlighting the importance of looking at local injustices from a global perspective (Young, 2005, p.711).

Moreover, there are various ways to demarcate responsibility; one common way for instance is assigning responsibility based on a legal reasoning - the liability model. This model can be used in relation to bigger corporations, however, it singles out this agent and looks at them from a narrower perspective as it focuses on their legal duties (Young, 2005, p.717). This is essentially why Young has created the Social Connection Model and why her theory is more relevant for the topic of this thesis. Young's responsibility model is better equipped for the analysis of the UN's responsibility because it mainly looks at responsibility in relation to social roles or positions. This would allow for the analysis of the UN's social position and how that generates responsibility in the case of human rights violations in Gaza. Actions and non-actions hold the same importance in this case because both alternatives generate consequences that in turn have detrimental effects on the rest of society. The social connection model allows one to look at both the UN's action and non-action in a critical way to better understand how they bear responsibility in the issue of human rights violations in Gaza. (Young, 2005, p.719).

In continuance, the social connection model of responsibility differs from the liability model of responsibility because it allows one to judge background conditions. In this way examining underlying conditions such as the root causes of an injustice benefits the analysis as it allows for a deeper understanding of the issue at hand. In this case the underlying cause of the human rights violations in Gaza is the blockade imposed by Israel. Hence, Young's model will allow one to

examine the effects caused by the blockade and how it impacts the lives of Gazans (Young, 2005, p.721). Nonetheless, Young's model is more forward looking than backward looking unlike the liability model because the social connection model does not aim to seek responsibility by putting the blame on an actor for generating injustices in a specific situation. Instead, Young looks to the future and wants to shift the focus to creating a more unified effort of collective action-taking to combat the injustices (Young, 2005, p.722). Therefore, the social connection model brings up the importance of collective action which benefits this thesis because it looks at the UN as an intergovernmental organization. Thus, this model will be used as a tool to better understand how the UN is responsible for combating the violations. Nonetheless, it is important to note that Young's Social Connection model is densely theoretical and thus can be difficult to apply in practice. Hence, it will be important to stay critical and focused on examining the UN's responsibility in the case of Gaza. Additionally, it should be noted that Young's model can derail by including actors outside the scope of focus of the research problem. To prevent this from happening, it will be useful to apply Young's theory in conjunction with the principle of R2P seeing as it helps narrow down the focus on the UN's responsibility to act and illustrates the UN's accountability in this case (Young, 2005, p.723-724).

2.2 Responsibility To Protect (R2P)

As mentioned above, Young's model for social responsibility is relevant for the analysis of the UN's role; however it is difficult to apply this theory without having an empirical starting point to guide the analysis and allow for the application of said model. As a result it is relevant to include the concept of R2P in the theoretical and analytical framework seeing as it showcases how and why the UN has a responsibility to act. The principle of R2P emerged as a response to the international community's failure to prevent and halt mass atrocities in cases such as Bosnia and Rwanda. These cases highlighted the difficulties and limitations of international intervention in cases of mass atrocities, as the escalating hostilities were not adequately addressed by the international community, resulting in extensive violations of human rights and causing many fatalities. In the case of Bosnia (1992-1995), ethnic tensions between Bosnian Muslims, Croats, and Serbs emerged during the Bosnian War which led to extensive violence, including ethnic cleansing and genocide. Despite the indications of mass atrocities in Bosnia, the international community, including the UN, was reluctant to intervene thereby failing to provide protection for civilians. Due to the lack of political will and inadequate resources, the UN failed to assist in this situation and thus could not prevent the war (Najeeb, 2022). Similarly in the case of Rwanda, roughly 800,000 civilians, mostly from the Tutsi ethnic group, were brutally murdered during 100 days in the year 1994. Although

there were clear signs of a genocide, the international community, including the UN, failed to act quickly and effectively meaning that the civilians were left unprotected (United Nations, n.d -d).

As a result of previous failures the UN General Assembly officially adopted R2P at the 2005 World Summit, held at the UN headquarters in New York. R2P is thus not legally binding, however it reflects the moral and political obligations of states to prevent and respond to the following four acts of violence: genocide, war crimes, ethnic cleansing, and crimes against humanity. Therefore, R2P is based on the idea that the international community has a moral obligation to protect vulnerable populations from mass atrocities, and that this obligation trumps the principle of non-interference in the internal affairs of states. In this way, R2P provides a framework for preventing and also responding to mass atrocities wherever they might take place. R2P emphasizes how the international community has a responsibility to act and take action to protect populations from these crimes, thus it provides a range of measures that can be used to prevent and respond to atrocities. These measures include diplomatic, humanitarian, and military actions - though the latter is meant to be used as a last resort if and when the other measures have failed. (Global Centre for the Responsibility to Protect, 2022)

The R2P principle is based on three pillars:

- 1) The first pillar explains the responsibility of the state to protect its own population from mass atrocities. This can include promoting human rights, preventing conflict, and addressing the root causes of violence.
- 2) The second pillar is the responsibility of the international community to assist states in fulfilling their responsibility to protect, which includes providing technical assistance, capacity building, and diplomatic support.
- 3) The third pillar of the Responsibility to Protect (R2P) is the responsibility of the international community to take timely and decisive action to prevent and halt mass atrocities, this includes diplomatic, humanitarian, and other peaceful measures. In addition it emphasizes the importance of early warning and prevention, as well as the need for a coordinated and comprehensive response to protect populations from genocide, war crimes, ethnic cleansing, etc. (United Nations, n.d -e)

2.3 Bachrach and Baratz's two-dimensional model of power

Power is integral to the understanding of our society because it is found everywhere, from the largest to the smallest of interactions. By implementing power as a perspective it becomes easier to understand the different dynamics of power created as a result of one's social position. Thus, it is

important to add a power theory in conjunction with Young's model as it will allow for the examination of the UN's responsibility to take action based on the power they possess due to their positionality. Hence, power plays a significant role in determining the allocation of resources, setting agendas, and influencing policy outcomes within international institutions (Sköldberg, 2014, p.11-20). As a result Peter Bachrach and Morton Baratz's power theory will be relevant for this thesis. Their power theory is often referred to as the two-dimensional model of power as it offers a different viewpoint on the dynamics of power in social and political systems. Therefore, this theory is relevant for the understanding of the UN's power and how they bear responsibility in the case of human rights violations in Gaza. Bachrach and Baratz have criticized other power theories for only focusing on observable power and decision-making processes. This is essentially what sets their theory apart from others, hence they emphasize that there is power in non-decision making as well. For them power has the ability to shape and control the agenda by suppressing or preventing certain issues from being discussed or even recognized. In that way, their theory is a relevant addition to Young's theory as her model bestows responsibility based on one's social and moral position in the matter. As such it can be argued that Bachrach and Baratz's theory will allow one to examine how the UN has power in relation to their social and moral position, thus enabling one to fully analyze how they bear responsibility to act. Together with Young's social connection model, this power theory will create a better understanding of how the UN can influence decision-making and non-decision making matters which have an effect on the humanitarian crisis in Gaza. Thus, the two-dimensional model of power will showcase in which terms the UN has the ability to control the agenda and shape the parameters of political discussions. (Sköldberg, 2014, p.62-63)

Lastly, Young's Social Connection Model of Responsibility, along with the principle of R2P, and Bachrach and Baratz's two-dimensional model of power, entail the the three main frameworks for the analysis. These concepts are all interconnected and will allow for a better understanding of the UN's responsibility and the power dynamics that come with their social position. In addition their responsibility is closely tied with R2P as they have to protect vulnerable populations from mass atrocities. Thus, Young's model aligns with the principle of R2P as it emphasizes the collective responsibility that the UN has in addressing social injustices and protecting populations when a state fails to fulfill their role. Still, in order to create a multidimensional viewpoint on this matter it will be crucial to also shed light on the influence of power dynamics within the UN. Hence, Bachrach and Baratz's two-dimensional model of power will provide insight into the influence of power and how it can shape the responses and actions taken by the UN to aid in the humanitarian crisis in Gaza.

3. Method Discussion

3.1 Research Design & Research Method

The research design for this thesis is a case study as it allows the researcher to conduct an intensive analysis of a single case that focuses, for instance, on a single community. In addition, by using this research design the focus of the research can both lie on communities or organizations. Hence it is relevant for this thesis as the focus lies on the UN as an intergovernmental organization (Clark, T, et al., 2021, p.236-237). In addition this case study aims to create a better understanding of the chosen case and its circumstances by using a well-developed theory as a tool for inquiry (Clark, T, et al., 2021, p.240). In continuation, the chosen research method for this thesis is a qualitative research method because this type of method enables one to emphasize words, discourses, descriptions, or experiences and analyze their significance when looking at the gathered data. The qualitative research method for the thesis has a constructivist perspective as it creates an understanding of social properties because they are seen as being created as a result of different types of interactions between actors. This helps when looking at societal structures that have generated injustices and how the UN is involved in those processes as well as their responsibility in relation to the human rights violations in question (Clark, T, et al., 2021, p.1146-1148).

3.2 Method for data collection and assortment

The method of data collection has been based on collecting different types of documents in conjunction with the qualitative research method and the method for data analysis. The data in question entails different types of documents regarding the humanitarian crisis in Gaza and the UN's response to said issue. In addition documents that relate to the UN, their responsibilities and how they are accountable for enforcing change have been central. These have included both private (published by a private organization or person) or official documents (published by the state or official organizations). Hence, articles, documents and reports from the UN as well as their subsidiary agencies and other human rights organizations have been central for this research. However, to increase the transparency of this paper it was important to choose reliable data and thus, it was crucial to check these following criteria to make sure that the documents were authentic (Clark, T, et al., 2021, p.1634). Therefore, the following criterias have been relevant: Authenticity, Credibility, Representativeness and Meaning of the data in question. (Clark, T, et al., 2021, p.1634)

Furthermore, it is important to note that there were limitations pertaining to the data collection, seeing as I was the one choosing the documents in relation to the human rights violations in Gaza. As a result, the assortment itself was goal-oriented and subject to the topic of this thesis, nonetheless, to avoid being partisan I have made an effort to include diverse types of documents with the aim of creating a multidimensional analysis of the UN's responsibility (Bryman & Nilsson, 2018, p. 495). Hence, I have gathered the data by looking through various databases such as; Google Scholar, Gothenburg's University's Library and ProQuest. In order to gather data from these databases it was relevant to use keywords such as: "Blockade on Gaza", "Humanitarian Crisis", "UNRWA in Gaza", "R2P", "Security Council resolutions", etc. In addition, I have used documents from multiple UN agencies and UN offices, such as the UNRWA, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Office On Genocide Prevention And The Responsibility To Protect, as well as the website for The UN Question of Palestine.

3.3 Method for data analysis

The method of data analysis for this thesis is a (qualitative) thematic content analysis as it essentially allows one to identify different themes, issues and patterns in the chosen data. There are various types of approaches to thematic analysis; however, this thesis will be focusing on Braun and Clarke's thematic analysis as it is one of the most dominant approaches. This is mainly due to their theoretical and methodological transparency which allows one to be open and transparent about the theories and methods used for data analysis. This method is relevant to the chosen topic because it grants one the opportunity to focus on the emerging data and their themes. It also allows one to firstly choose themes based on the theoretical frameworks for the data analysis and thereafter start to apply them abductively to create a better understanding of the research topic. This method must be iterative as the analyst needs to constantly compare emergent concepts and themes with the data (Clark, T, et al., 2021, p.1770-1771).

Additionally, Braun and Clarke recommend the researcher to actively begin the analysis while simultaneously collecting data (Clark, T, et al., 2021, p.1770-1771). This coincides with the abductive reasoning that this method is based on, as it is a way of combining the deductive and inductive approaches. The abductive reasoning allows one to alternate between theory and empirical work in order to identify relevant themes. In this case it grants one the opportunity to systematically structure the documents in relation to the theories and thereby identify and interpret pertinent themes for this thesis simultaneously (Clark, T, et al., 2021, p.116-117).

This type of analysis makes a useful tool for planning this type of research and it entails a six-stage process. However, for this thesis the application of these steps vary a bit from the way Braun and Clarke initially set up the process. This is because it is more relevant for the research topic to firstly identify the main/primary themes before beginning the coding process as it is easier to identify the different relevant parts of the data after establishing the primary themes. Thus the data analysis for this thesis is as follows:

1. Familiarization with the data which is done, in this case, by examining documents and other data related to the topic.
2. Identifying themes: after examining the data the primary themes are identified in the documents.
3. Initial coding: a thematic analysis follows a coding process which entails primarily the development of themes that relate to the research topic. For this thesis an “open” coding system is used because it allows one to gather crucial parts of the data that relate to the themes chosen. Later on you can use these parts for the theoretical coding portion where one relates the data and themes to the actual theoretical framework.
4. Reviewing themes: here one can further develop the themes and adjust them if needed as well as search for any sub-themes that help with the data analysis.
5. Defining themes: in this case a narrative is developed with the aim of describing the portions of the data that relate to the themes and the theoretical framework. Thus, here one needs to interpret the correlation (if there is any) between the themes, data and theories all together.
6. Evidencing themes: the aim of this process is to link the themes to the chosen literature and use evidence from the codes to fully establish the analysis as well as conclusion.

(Clark, T, et al., 2021, p.1770-1771)

3.4 Themes

The theoretical framework determines what themes will be used in the analysis which will be done by looking at the main concepts in Young’s theory and the notion of R2P. These concepts will in turn emerge into the main themes of this thesis as they help further the understanding of the UN’s responsibilities. The following themes will be at the center of the analysis as an addition to Young’s social connection model of responsibility and Bachrach and Baratz's two-dimensional model of power.

Accountability: This theme is in conjunction with Young’s social connection model of responsibility and will focus on the UN’s role as an actor in this issue and thus how they are responsible for taking action. (Young, 2005, p.717)

Self-determination: Young touches upon how self-determination is in its core the ability to participate in societal processes and have an impact/influence over one's own life. This is connected to the issue of human rights violations in Gaza because Gazans are stripped of their ability to move freely, live in liberty and have the opportunity to control their own lives. (Young & Berg, 2007, p.52-53)

R2P: The R2P is a principle of international law that was unanimously adopted by the UN in 2005. The obligations are divided in three categories, still this thesis will focus on the third obligation. This obligation entails that the international community has a duty to act if the individual state does not live up to the obligations of e.g. human rights in a grave enough way in order to rise up to R2P's threshold. This obligation is most relevant to the thesis because I am most concerned with the UN's responsibility to act. (Global Centre for the Responsibility to Protect, n.d.)

4. Ethical Considerations

It is important to keep in mind that ethical considerations are important regardless of what type of research one is conducting. In this case the ethical considerations influenced the choice of method because the qualitative thematic-content analysis is based on collecting already-existing data. This in turn means that many ethical criterias are not relevant for this type of method in comparison to other types of research methods. For instance, integrity, voluntariness and anonymity are the most fundamental ethical principles that need to be applied to one's research. These are not as relevant when analyzing documents and other types of written data. However, this type of method does have its limitations as well because the analysis will be relying on data found through various search databases and not firsthand testimonies from Gazans or UN officials. Nonetheless, as mentioned earlier the data-collection process will aim to include as many diverse perspectives as possible. (Bryman & Nilsson, 2018, p.170)

In continuation to increase the transparency of this thesis it is important to comment on my own position when it comes to the subject at hand. As the thesis revolves around Gaza and the UN's responsibility towards the human rights violations, it is important to note that I am Palestinian myself. This does mean that I can have a certain standpoint to this subject as I can relate to the issues discussed here. In a sense it can be argued that I can be biased towards the examination of the UN's role because of my own position and thus the analysis can be partisan. However, who is better equipped to write about these issues than someone who has insight and first hand knowledge of this

problem? As showcased by Donna Haraway through her work on standpoint epistemology, it is beneficial to incorporate diverse standpoints in research as it advances knowledge production and shapes our understanding of the world. As a result, it is crucial to include various viewpoints because these are often excluded from traditional knowledge production. This is due to the fact that knowledge is oftentimes situated within a specific social, historical, and political context making it onesided in many ways (Haraway, 1988). Therefore, I argue that my own position is of great benefit and will assist me by granting a new perspective that will further the analysis of the UN's responsibility. Additionally, it will increase the research relevance as it offers a new viewpoint to this issue and will help develop a more multidimensional understanding of the UN's responsibility to act in this context.

5. Results & Analysis

As this analysis is concerned with answering the research question regarding the UN's responsibility to combat the human rights violations in Gaza, it is important to recognize what these human rights violations are and how they affect the civilians in Gaza. In addition this thesis will examine how the human rights violations fall under R2P and how this in turn invokes the UN's responsibility to act. This analysis aims to showcase how the UN is responsible to act under the principle of R2P; however the humanitarian situation in Gaza is complex and controversial, hence there are differing opinions on whether the principle of R2P should be applied in this case. While there are arguments for the Israeli government's responsibility to protect its citizens from Hamas, it can be argued that Israel's blockade on Gaza has caused significant harm to the civilian population and does in fact constitute violations of international law. The main focus is thus on the blockade imposed by Israel on Gaza since 2007 and while this blockade has been criticized by human rights organizations, including the UN, the Israeli government and the IDF maintain that there is no humanitarian crisis in Gaza as a result of their blockade. Instead the IDF issued numerous reports with the aim to showcase how the Israeli government has cooperated by allowing a number of trucks and people to enter Gaza. Furthermore the IDF also lists the cargoes with food, medicine, and other supplies that have entered Gaza, all in effort to deny claims of there being a humanitarian situation in Gaza (Migdalovitz, 2010, p.1-2).

Contrary to these claims, it is reported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) that more than half of Gaza's 2 million population live in poverty, with roughly 80 percent of the youth being unemployed. Last year the humanitarian needs in Gaza reached up to US\$510 million, this constitutes the budget for providing food, water, sanitation as

well as health services to 1.6 million people and this appeal was only funded up to 25 percent. In addition, according to the OCHA, the blockade has exacerbated the living conditions of Gazans, intensified poverty and food insecurity and has hindered reconstruction efforts. Moreover it has increased Gazan's dependence on aid due to the destruction of their livelihoods and lack of economic opportunities (OCHA, n.d.). The OCHA has released reports that are contrasting to the IDF ones and have expressed concern about the impact of the blockade on Gazans seeing as it is an infringement of their fundamental human rights. The OCHA has stated that the blockade has "worsened conditions of life of Palestinians, deepened poverty and food insecurity, prevented reconstruction, and increased aid dependence by destroying livelihoods and economic activity" (Migdalovitz, 2010, p.1-2). In addition the OCHA has also stated that last year marked 15 years since the blockade on Gaza was imposed. The spokesman for the UN Secretary-General, Stéphane Dujarric, also stated in his briefing that due to the blockade and increasing unemployment in Gaza roughly 80 percent of Gazans rely on humanitarian assistance (OCHA, n.d.). All of this illustrates how the humanitarian situation in Gaza can be seen as a potential case for the application of the R2P principle. However, it is crucial to further highlight what human rights violations are currently taking place in Gaza in order to form a better understanding of how the principle of R2P is applicable in this situation.

5.1 Human rights violations in Gaza and how they invoke R2P

R2P is a useful lens in this case seeing as its focus lies within the limits to state sovereignty, rather than issues between states, something that in the case of human right violation in Gaza is already a matter of international concern. In the 2005 World Summit Outcome Document it clearly states that "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (United Nations Office on Genocide Prevention and the responsibility to protect, n.d.). As explained above the human rights violations in Gaza are a result of the Israeli blockade, however, in this case the population in Gaza is not under the protection of any state seeing as it is not a part of the West Bank and their leadership. Thus, if Palestine was recognized as a sovereign state then the issue in Gaza would certainly be different. However this is not the case and since Gaza is cut off from the rest of the world and having their entry as well as exit points controlled by Israel it raises the question of Israel's responsibility as they are in control of the Gaza strip. The blockade has given Israel de facto control over Gaza and therefore the principle of R2P is applicable seeing as this is a question of a state's actions towards a population that they are in control of. Consequently it is crucial to understand how the human rights violations in Gaza are critical enough to meet R2P's threshold (Hornung, 2015, p.6-7).

To begin with, the situation of food and water shortage in Gaza has caused a humanitarian crisis and has been ongoing for many years mainly because of the restrictions caused by the blockade. This has worsened the already poor living standards in Gaza seeing as it is a densely populated and impoverished area. The blockade has severely restricted the movement of goods in and out of the area leading to shortages of food, water, medicine, and other essential goods (UNRWA, 2022, p.8-10). As a result this blockade has rendered many Gazans without access to basic necessities and according to the UN, more than half of Gaza's population is food insecure, meaning they do not have reliable access to nutrition or the ability to provide food for their families. The UNRWA has reported that the need for emergency food assistance has gone up to 173,634,786US\$ and roughly 1.2 million refugees in Gaza are in need of UNRWA's food assistance to support their basic needs. In addition the UNRWA has reported that during the year of 2022 there was an escalation in the water crisis in Gaza, which is mainly due to the over-extraction from the coastal aquifer. The over-extraction is due to the blockade as well as sea water infiltration and pollution and has not improved as a result of the lack of assistance. The access to clean drinking water supplies is now severe and the lack of it is affecting around 90 percent of households in Gaza. This has greatly impacted Gazans' health, sanitation, hygiene and is therefore the reason behind a quarter of all childhood diseases. (UNRWA, 2022, p.14)

Furthermore, the electricity situation in Gaza is a complex issue seeing as Gaza relies heavily on electricity imports from both Israel and Egypt. However, these imports have been severely impacted and limited due to the blockade and the political tensions and security concerns that surround it. As a result, Gaza experiences frequent power outages and Gazans often receive only a few hours of electricity per day. In continuation, the situation has been further complicated by the ongoing political division between Hamas, which controls Gaza, and the Palestinian Authority, which controls the West Bank. This division has led to disagreements over the payment of electricity. When it comes to Gazans's access to fuel, the OCHA reported that Gaza's electricity supply is heavily reliant on fuel imports, with around 2 million liters of fuel required daily to operate the power plant. However, the report also noted that the availability of fuel in Gaza is often affected by the blockade and thus its political and security tensions (The International Committee of the Red Cross, 2020, p.3-5). It is also reported that Israel has, since 2007, established “de facto control over Gaza's offshore natural gas reserves”, meaning that the fuel contractor, British Gas, answers to the Israeli government bypassing the Palestinian government (Elkhafif, 2021). As a result, the UN has reported that the electricity supply in Gaza is currently at around 10 hours per day, on average (UNRWA, 2022, p.14).

Moreover, the UNRWA has reported that the electricity outages have greatly affected the daily lives of Gazans, seeing as they reduce access to health care and economic opportunities (UNRWA, 2022, p.14). The electricity crisis has affected the health care in Gaza and has led to the decrease in health care services seeing as hospitals are working at minimal capacity. Due to the electricity outages hospitals are not able to provide the necessary treatment for Gazans and only critical services that include intensive care and neonatal intensive care-units are continuously being prioritized. In addition, when fuel supplies fluctuate, many smaller hospitals are expected to temporarily put all health services on pause and shut down in order to preserve fuel for central hospitals in Gaza. This is something that has largely affected pregnant women, the elderly and also civilians with chronic illnesses. In the same way electricity outages have led to surgeries being postponed and patients being discharged too soon after their surgery. (United Nations, 2017, - j)

Furthermore, the healthcare system in Gaza faces significant challenges due to the ongoing blockade seeing as it is limiting Gazans' access to crucial resources. The blockade has severely restricted the flow of medical supplies, equipment, and personnel into Gaza, making it difficult for the healthcare system to function effectively. Hospitals and clinics in Gaza are often overcrowded and understaffed, with limited resources to provide adequate care to patients. In 2022, the WHO reported that the availability of essential medicines in Gaza was at an average of 40% and that 27% of essential medicines and medical disposables were at low stock in Gaza. Many of the medicines remaining in Gaza are not enough for a month's supply meaning that during the monthly stock checks, staff find it difficult to provide adequate health care with the remaining stock of medicines. These numbers remain unchanged and the situation has not improved due to the blockade and it is endangering Gazans' lives on a daily basis (World Health Organisation, 2022, p.10).

In addition, the restrictions on movement due to the blockade has also prevented many Palestinians from leaving Gaza to seek medical treatment outside Gaza. The blockade has also hindered many family members from accompanying their loved ones during their medical leave - "For patient companions from the Gaza Strip, just 40.4% of permit applications were approved, with 1.3% denied and 58.4% delayed" (World Health Organisation, 2022, p.10). Furthermore, the ongoing conflict between Hamas and Israel has also resulted in the destruction of healthcare facilities, further exacerbating the already strained system. This situation has only gotten worse due to the blockade because Israel has severely restricted the flow of building materials which has made it more difficult for Gazans to restore and rebuild for instance hospitals that have been destroyed. "Gazans have been unable to repair public infrastructure - hospitals, schools, electric systems, or sewage treatment plants - because Israel will not permit the delivery of materials such as steel,

concrete, and tiles”. This is mainly because Israel claims that these materials can both be used for rebuilding but also for the manufacturing of weapons which will be used for military action against Israel (Migdalovitz, 2010, p.1-2).

In continuation the blockade has severely impacted the mental health and wellbeing of Gazans due to the restriction of movement. Research by Save The Children shows that as a result of the blockade roughly four out of five children in Gaza constantly live with depression, grief and fear. This current research shows that, in comparison to a study from 2018, the mental health of children, young people and caregivers has greatly deteriorated causing their emotional distress to increase up to 80% from being previously at 55%. These numbers are continuously increasing and the status quo of the blockade has made it so that many children feel suicidal. This study shows that more than half of the children in Gaza have contemplated suicide and three out of five are self-harming due to feeling helpless and trapped as a result of the blockade. In addition, children are constantly feeling hopeless and sad, effectively decreasing the resilience of children and their caregivers as they do not have a way of coping with their trauma. This is against the backdrop of ever increasing cycles of violence, instability and the economic deprivation which is prevalent due to the blockade in Gaza. (Save the Children, 2022)

As a result of this instability, many children and caregivers are feeling helpless and trapped because they have no control over their lives and have their freedoms restricted in various ways. In this way the blockade has resulted in Gazans being deprived of their right to self-determination. Young’s theory of self-determination showcases how crucial it is for vulnerable groups such as refugees or in this case an isolated population, to have a say in their own lives. Without this there is no social justice and as the blockade has denied Gazans the freedom of movement it sustains socially unjust structures that marginalize an entire population (Young & Berg, 2007, p.52-53). The right to self-determination is fundamental because it allows people to determine their own political status and freely pursue their economic, social, and cultural development. As such it is an integral part of a democracy and greatly affects the way human rights are reputed. It is stated by the UN that the right to self-determination is crucial for populations living under foreign occupation as it allows them to assert their culture and identity. Considering this, it is highly problematic that the state of Israel, a member-state of the UN, is engaging in such unjust actions and denying Gazans the right to determine and control their own lives (United Nations, n.d -f).

The humanitarian crisis in Gaza which was mentioned above, is a result of multiple factors but it is mainly due to the blockade seeing as it restricts the flow of goods and access to clean drinking

water as well as other basic necessities. Therefore the blockade has not only violated article 13 by restricting the freedom of movement, but has in this case led to the violations of multiple human rights. For instance, article 3 states that all individuals have the right to life, liberty and security of person, these are rights which Gazans are stripped of and are denied access to because of the blockade that Israel has enforced. Not having access to these rights and making distinctions on the basis of Gazans national and social origin is also a clear violation against article 2 which clearly states that “no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty” (United Nations, n.d -a). It clearly states that all individuals have the right to the freedoms set forth in the UDHR regardless of their identity or where they live (United Nations, n.d -a). Thus, this case also illustrates that the violation of one human right eventually leads to the violation of multiple human rights seeing as all of the articles are connected and made to be upheld for the purpose of improving the living standards of all populations (Freeman, 2011, p.42-43).

Consequently, this blockade has violated multiple articles of the UDHR which clearly showcases how this issue invokes the principle of R2P. As mentioned before there are four types of crimes which R2P is focused on; however it is mostly relevant to delve into the fourth crime which is crimes against humanity. By looking at this category it becomes more clear how the humanitarian situation in Gaza should and is to be applied to the principle of R2P. Articles 5/3 of the Statute on Crimes against humanity highlights a number of crimes which fall under this category. It states that “the International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions on political, racial and religious grounds, other inhumane acts” (International Criminal Law Services, n.d, p.4). Hence, if any of these crimes were to be committed as part of a systematic attack directed against any civilian population they are categorized as crimes against humanity. Now, this is applicable in the case of Gazans being imprisoned in the Gaza Strip and denied the right to freedom of movement seeing as it is in fact a crime committed as part of a systematic attack targeted at the Gazan population. The blockade on Gaza has left the civilian population in a humanitarian crisis and is continuously causing major physical and mental traumas for the population. The blockade is an inhumane act which should be included in the category of crimes against humanity seeing as the blockade has caused intentional suffering and serious injuries to the mental and physical health of the Gazan population. Thus, this

illustrates how the blockade on Gaza calls for the principle of R2P and how this in fact raises the question of justice.

Considering the human rights violations above and how one human rights violation has effectively led to the violations of many other articles of the UDHR, it is clear that the situation in Gaza can be seen as a case for R2P. Nevertheless, the principle of R2P definitely has its challenges and the implementation of it, in this case, can be seen as difficult. But, I argue that it does not have to be complex as R2P clearly states that the international community has a responsibility to act when a state is failing to protect its populations. In this case Gaza is not a part of the Israeli population; however they are under Israeli control and have been subject to the blockade imposed by Israel effectively causing the humanitarian crisis we see today. Therefore, the international community has a responsibility to act and assist the innocent civilian population in Gaza by taking measures to limit the effects caused by the blockade. (Hornung, 2015, p.6-7)

5.2 The UN's responsibility through Young's social connection model

Still, how is the UN responsible to act and why are they to be held accountable for what is happening in Gaza? By applying Young's justice theory and using her social connection model of responsibility it becomes more clear how the UN has a responsibility beyond the legal context. Hence, this theory will showcase the underlying reasons why the UN has an obligation to act based on their role in this situation. The UN has taken substantial action to help Palestinian refugees in many places around the world, such as the West Bank, Gaza, Lebanon, Jordan and Syria. They have done this through a subsidiary agency, UNRWA, created by the UN General Assembly in 1949, with the aim to provide aid and relief as well as health, and education services for Palestinians. However, the UNRWA is focused on palestinian refugees who were forced to flee and have lost their homes as a result of the Arab-Israeli war and the establishment of the Israeli state in 1948 (Encyclopædia Britannica, n.d.).

Some of the key services provided by UNRWA to refugees in Gaza include the accessibility to education for over 291,100 students which is possible through the UNRWA's 278 Agency schools. The availability for education includes primary, preparatory, and secondary education, as well as vocational training and technical education (UNRWA, 2022 p.10). When it comes to healthcare, the UNRWA operates roughly 22 health centers in Gaza, providing primary health care, maternal and child health services, as well as treatment for chronic diseases. In addition they also provide mental health services and support for people with disabilities and all of these services are mostly targeted

for the refugee population in Gaza (UNRWA, 2022, p.14-15). The UNRWA also works to provide relief and social services such as food assistance to over 1 million refugees in Gaza, as well as cash assistance to vulnerable families. UNRWA also provides social services, including community mental health, legal aid, and support for women and children. In continuation, they work for the improvement of infrastructure and camp quality by investing in infrastructure projects, including water and sanitation, as well as camp improvement projects to improve living conditions for refugees (UNRWA, n.d.).

The UN has mainly handled the humanitarian crisis in Gaza as being an issue of distributive justice because it entails the question of resource allocation. Distributive justice is concerned with the fair and just distribution of goods and resources within a society. In the case of Gaza, the crisis is characterized by a number of severe shortages relating to civilians' basic necessities, such as food, water, electricity, and healthcare. All of this is a result of the blockade and a number of political as well as economic factors and this has contributed to the escalation of the crisis. The unequal distribution of resources and opportunities in Gaza has led to widespread poverty and social exclusion, with certain groups, such as women and children, being disproportionately affected. Therefore, the UNRWA has focused its resources to improving the living standards and decreasing the levels of inequalities and poverty. The UN and its subsidiary agency are working to address the issue of distributive justice by providing humanitarian assistance. Nevertheless they have not dedicated their resources to address the root cause and thus these actions are deemed inadequate because they are only short-term and temporary solutions. (Andersson, 2020, p.105)

Nevertheless, all of the services which the UNRWA provides for Gazans has been crucial for the survival of the civilians. However, it is important to note that the UNRWA targets the refugee population in Gaza, leaving many other families without access to this aid as they do not have refugee status. Thus, the UNRWA focuses on aiding civilians with refugee status by providing aid as to limit the ramifications of the humanitarian crisis. However these actions do not address the root causes of the issue in Gaza and as such the UN has not taken actions to address the blockade and has all but neglected to take action towards the actual cause of the crisis in Gaza. Young's theory illustrates how both actions and non-actions are important and carry a lot of weight when it comes to injustices. Considering the UN's role and their aim to promote human rights and ensure that all people have access to resources and opportunities, it is crucial to note that the actions taken by them are not enough. These actions are simply inadequate because they do not address the cause of the humanitarian crisis, which has been explained above as being the blockade imposed by Israel. Therefore, the UN's non-action has generated consequences which in this case has led to the

continuation of the humanitarian crisis. The measures taken up until now have been short term solutions with the aim of providing temporary assistance. At this rate the UNRWA will never cease to exist because the humanitarian crisis will only continue and become worse considering that the root cause of the issue has not been addressed. This non-action, as illustrated by Young, has in turn created detrimental effects on Gazan society. As a result the UN has contributed to upholding societal structures that generate inequalities despite their initial aim to protect as well as preserve human rights for all people. (Young, 2005, p.709-710)

Furthermore, Young states that “all agents who contribute by their actions to the structural processes that produce injustice have responsibilities to work to remedy these injustices” and thus the UN bears responsibility in the case of Gaza (Young, 2005, p.709-710). This is due to the UN being a part of structures which generate injustices as their inaction has contributed to upholding the injustices we see in Gaza. As illustrated by Young’s theory, preventive measures such as the ones we see in this case only result in short term solutions which is problematic because band-aids don't fix bullet holes. This saying describes the way the UN has handled the situation in Gaza seeing as they have only addressed the consequences and not the actual cause of the problem, hence allowing the crisis to continue and escalate. By only implementing short term solutions, the UN has essentially contributed to the production and perpetuation of structural injustice as they have not addressed the blockade and its ramifications. Thus, the UN has yet to realize their moral and social responsibilities in the matter (Young, 2005, p.720-721).

Consequently, this raises the question of power and how the UN has a responsibility due to their social position and the power that comes with it. As Young’s theory has illustrated, one's social position and relation to the injustices determine how one is responsible to act and combat these inequalities. As mentioned before, Bachrach and Baratz's two-dimensional model of power, allows one to look at the UN’s role from two different perspectives. Firstly, the fact that the UN has taken measures to aid in the humanitarian crisis showcases how they have the power to enact decision makings which improve the crisis at hand. In the same way however, it can be argued that the UN’s non-action is a power move on its own as power can be exercised through non-decision-making. By not speaking up about the blockade and not taking action through condemning its implication on Gazans' lives, the UN has essentially allowed it to continue. Thus, the UN has the ability to bring up the issue of the blockade or prevent it from being brought up on the agenda. This power model illustrates how the UN has exercised power through non-decision-making as they have used their ability to prevent issues from being raised as to limit the scope of political discourse by excluding the topic of the blockade. In this way the UN has essentially controlled the agenda and defined the

boundaries of political debate by ignoring the main cause of the humanitarian crisis in Gaza. By combining this power model with Young's perspective of moral and social responsibility it is clear that the UN should be held accountable for the crisis in this case. This is because the UN essentially has the power to take a step closer in the right direction and help guide the agendas by bringing up the issue of the blockade. Despite this however, they have chosen to not take action and thus they have upheld the structures which generate injustices, thereby neglecting their social and moral position. (Sköldberg, 2014, p.62-63 & (Young, 2005, p.720-721)

In continuation, the UN has expressed concerns about how the notion of R2P might threaten state's sovereignty, thus there is hesitation towards applying the principle of R2P in Gaza. Nevertheless, As stated in the R2P report of the International Commission on Intervention and State Sovereignty, there have been divisive debates in the UN about the true nature of R2P and what this type of intervention would mean: "For some, the new interventions herald a new world in which human rights trumps state sovereignty; for others, it ushers in a world in which big powers ride roughshod over the smaller ones, manipulating the rhetoric of humanitarianism and human rights" (International Commission on Intervention and State Sovereignty, 2001, p.2). It is clear that the principle of R2P is still a new concept for many and thus bears uncertainties because it opposes in some ways already existing principles such as the right to state sovereignty. This is understandable considering the application of R2P in the case of Libya as it can be argued that the military intervention in Libya went beyond the principle of R2P by pursuing regime change and engaging in a broader conflict instead of ensuring the protection of civilians. Many claim that this case is a clear example of the failures and uncertainties of R2P as it can potentially be abused for political gain and strategic motives rather than humanitarian ones (UNA_UK, 2017).

Hence, R2P can be seen by many as going against these principles which have been put in place to ensure the right to self-determination and self-governance for all, however it does not have to be an infringement. In fact, R2P should be seen as the way in which institutions such as the UN are able to fulfill their moral and social responsibilities as they too have a role to execute. By implementing the principle of R2P in Gaza, the UN would not infringe upon Israel's sovereignty, but they would assist Israel in bearing responsibility for a people which are under their government's control. In this way, the UN will be able to fulfill their moral and social responsibilities by addressing as well as taking effective action towards addressing the injustices in Gaza. Hence, their intervention does not initially have to mean the deployment of military forces; instead a first step would be condemning the blockade and taking action through already established peaceful relations with the

Israeli government to stress the importance of putting an end to the human rights violations (United Nations Office on Genocide Prevention and the responsibility to protect, n.d.).

In continuation, there have been major debates in the UN General Assembly and Security Council regarding taking more effective measures to help out Gazans and aid with their humanitarian crisis. Since the creation of the UN, both the General Assembly and the Security Council have adopted resolutions regarding the Israel-Palestine conflict. These resolutions are about many issues regarding this conflict and the General Assembly has passed over 700 resolutions related to said issue (United Nations, n.d. -g) . The problem, however, lies within the UN Security Council seeing as the Security Council has only mentioned Gaza in three resolutions out of 79 ones concerning the Israel-Palestine conflict. Despite the fact that the blockade on Gaza requires immediate action seeing as it violates human rights and has caused a severe humanitarian crisis, the Security Council has chosen to not act (United Nations, n.d. -h). This is highly problematic considering the fact that the General Assembly resolutions are not legally binding, while the Security Council ones are. As such the General assembly resolution does not have the power to legally bind the state of Israel to lift the blockade (United Nations, n.d. -i). Consequently, the resolutions in the General Assembly might not be legally binding, yet they still have the power to bring certain issues on the agenda and shed light on the injustices.

In that way Bachrach and Baratz's two-dimensional model of power explains how power is prevalent in agenda setting matters and thus the UN has the ability to utilize it whenever they deem it necessary. In the same way, Security Council resolutions actually have the ability to bind states from a legal perspective which ultimately makes this type of power more efficient as the UN can have the ability to make an actor behave within certain legal frameworks. Nevertheless, the Security Council cannot force other states to do something, however I am arguing that the Security Council resolutions are legally binding meaning that they carry more weight than the General Assembly resolutions. Additionally, many resolutions regarding the de-escalation of armed conflicts between Hamas and Israel have been put forward by the General Assembly to the Security Council; however these resolutions have not led anywhere. That is mainly due to the fact that the US has on most occasions voted against passing these resolutions. For instance in May 2021, the US voted against a proposed Security Council statement which would have called for an immediate ceasefire between Israel and Hamas as well as condemning Israel's military actions towards Gazans. In that way the military action which Israel is subjecting Gazans to would have been condemned and forced the Israeli government to ease the restrictions put on Gaza. Although this would not have led to effective actions against the blockade, it could certainly have been a step forward in the right

direction. Nevertheless this resolution was blocked by the US as they deemed it too one-sided as it only condemned the actions taken by Israel (Al Jazeera, 2021).

Moreover, this is problematic because it is clearly stated in chapter 139 of R2P, “international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means.....to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” (United Nations Office on Genocide Prevention and the responsibility to protect, n.d.). Despite this, permanent members of the Security Council such as the US have been using their veto power to block a Security Council resolution with the aim of addressing mass atrocities committed by a state, or to avoid the referral of a certain situation to the International Criminal Court. As a result there have been many movements including the International Center for Transitional Justice (ICTJ) which aim to criticize this use of the veto power. Movements such as these want to restrict the use of veto power in the case of mass atrocities, seeing as it may be utilized in a way to protect states from being held accountable for their actions. In addition it undermines the credibility and effectiveness of the Security Council as they cannot pass any resolutions against the political agendas of the permanent member-states (International Center for Transitional Justice, n.d.). This is a matter of concern because it goes against the R2P as this principle stresses the importance of protecting innocent civilians by holding the international community accountable. It is stated in chapter 139 that the UN is prepared to take action determinedly and without delay through the Security Council. Nevertheless, the UN has instead resorted to non-action and only preventive measures that will only serve as short term solutions (United Nations Office on Genocide Prevention and the responsibility to protect, n.d.).

6. Discussion

The focus of this thesis has lain on human rights violations in relation to articles 3 and 13 seeing as these articles complete each other in many ways. Article 3 touches upon the right to life, liberty and security, this right is impossible to uphold without the freedom of movement and right to leave as well as return to a country. Nevertheless, since the blockade on Gaza is motivated by the Israeli government as a form of self defense and security measure, we often overlook the human rights violations that are created as a result of this blockade. The people of Gaza have faced a range of challenges, including restrictions on the movement of people and goods, and limited access to essential services such as healthcare and education. These challenges have had a profound impact on Gazans’ quality of life and has resulted in a large number of human rights violations such as to their rights to life, health, education, and freedom of movement. In addition this blockade has also

resulted in the violation of article 2 of the UDHR as it has denied Gazans access to their human rights due to their social origins.

Therefore, this thesis argues that these violations invoke the principle of R2P, which obligates the international community to take action to protect populations from mass atrocities. The blockade clearly constitutes a crime within a systematic attack that specifically targets the Gazan population. In this way, it has resulted in a humanitarian crisis, causing significant physical and psychological suffering for the civilian population. This thesis has found that the blockade is inhumane and thus, falls under the category of crimes against humanity due to its intentional infliction of suffering and severe harm to the mental and physical well-being of Gazans. In continuation, by imposing the blockade Israel has disrupted the unity between the Gaza Strip and the West Bank, making Gaza more isolated and cut off from the rest of the world. In addition this blockade violates regulations concerning the transit of goods in occupied territories thereby going against legal obligations which are binding to all states in the international sphere. This blockade defies international human rights law and infringes upon the principle of self-determination of people because it has restricted the freedom of movement in Gaza as well as caused a humanitarian crisis.

Moreover, the manner in which the Israeli government has chosen to provide protection to their citizens through the blockade is harmful to Gazans. As previous blockades have proven time and time again, the blockading powers impose regulations at the cost of innocent civilians' lives. It is thus important to recognize how this blockade is not any different from what we have seen before and that these types of actions taken by a country in the name of “national security” almost always end up endangering and destroying the lives of innocent people (Butt, K & Butt, A, 2016, p.158). This further illustrates why the principle of R2P is applicable and how important it is for the UN to act. R2P stresses the importance of protecting civilians and as previous blockading powers have proven, the lives of Gazans are at stake. As seen in this case, however, the UN has not implemented the principle of R2P and thereby has not made a statement regarding the implementation of this principle in the case of Gaza. Therefore, this raises the question of who is to protect innocent civilians who are not under the governance of any state? The Gazan population is neither a part of Palestine nor Israel but they are under de facto control of the Israeli state, in that way does this mean that the Israeli government is responsible for Gazans? This thesis argues that although Gaza is not a part of the West Bank or Israel, the principle of R2P should nonetheless apply as this is an issue of a state failing to uphold the basic human rights of a population which is under their control.

Furthermore, it should be noted that it is stated in the documents for R2P that the UN should take action when a population is being subjected to crimes against humanity; however, despite this the UN has been unable to take effective action towards the blockade. This is problematic as it pertains to the social and moral responsibilities which oblige the UN to act with the aim to protect the Gazan population. Seeing as the blockade of the Gaza Strip can be deemed unlawful this certainly raises the question of *erga omnes* - a term used in international law to describe a legal obligation which is owed to the international community. *Erga omnes* obligations include the prohibition of genocide, war crimes, and crimes against humanity, as well as the obligation to respect human rights. In that way, this term is relevant in the case of Gaza seeing as the obligation to respect human rights and the prohibition of crimes against humanity have been neglected in this case. As this issue invokes responsibility to the international community, it is reasonable to hold the UN accountable seeing as it is their moral obligation to intervene when member-states do not uphold basic human rights (Longobardo, 2021, p.50-51). For this reason it is important for the UN to realize their moral and social responsibility in the matter and offer the appropriate response to this blockade. The UN has taken measures to aid in the humanitarian crisis in Gaza by providing health care and sanitation, financial aid, education, food as well as water for many refugees in Gaza.

Nevertheless, these measures have only been short-term solutions to the problem as the UN has consequently failed to address the root causes of the crisis which is the blockade. Hence, their measures have been inadequate because they only pertain to the second pillar of R2P which entails that the international community should help states fulfill their responsibilities. As a result the Israeli government has continued imposing regulations and restrictions on the Gaza Strip thereby maintaining actions which violate Gazans basic human rights. Therefore, this thesis argues that the UN should consider the third pillar of R2P as it stresses the importance of taking collective action to protect a population under threat if and when a state fails to protect its civilians. Hence, the UN has a responsibility to address the blockade on a bigger scale because as stated by Young, “persons stand in systematically different and unequal social positions due to the way institutions operate together”. Given that the UN has generated and upheld social structures by not condemning or criticizing the blockade they have allowed the injustices in Gaza to continue. As a result the UN has impacted Gazan’s opportunities and chances of living a life in accordance with their basic human rights and should thus be held accountable seeing as they are not fulfilling their social and moral responsibilities. (Young, 2005, p.716)

By upholding societal structures which allow for injustices to occur and where human rights are constantly being violated the UN has a moral and social responsibility to act. The moral

responsibility stems from the UN's social position and the fact that they are an institution founded with the aim of upholding human rights. As the UN already has established principles such as R2P in order to ensure that all people are granted their rights it is clear that this principle should be applied in the case of Gaza. In the R2P report mentioned above, it is stated that "state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself" (International Commission on Intervention and State Sovereignty, 2001, p. XI). This raises the questions brought up earlier in the analysis and thus makes one wonder, who is to bear responsibility for the crimes and violations in Gaza? If a state is not able to bear responsibility for the people under their control then it is certainly the international community that is accountable and should act as the principle of R2P has showcased. Therefore, it is the UN's responsibility to address these violations as they represent the international community. This thesis argues that R2P does not have to threaten a state's sovereignty, because it actually "reinforces sovereignty by helping states to meet their existing responsibilities" (United Nations Office on Genocide Prevention and the responsibility to protect, n.d.). The state of Israel is in control of the Gazan population and should therefore be held accountable for their violations against human rights. In this way the notion of R2P does not in fact infringe their sovereignty but it emphasizes their's and the international community's responsibility to act in the face of humanitarian crisis (United Nations Office on Genocide Prevention and the responsibility to protect, n.d.).

Moreover, as Bachrach and Baratz's two-dimensional model of power illustrates, power is exercised through decision making and non-decision making. In this way, power through decision making would mean that the UN uses their ability to create a resolution which is legally binding and condemn the blockade on Gaza. By firstly taking a step towards addressing the root cause of the humanitarian crisis, that being the blockade, the UN can exercise power by putting the issue at hand on the agenda. In that they will be able to take a step closer to fulfilling their moral and social responsibilities and take their preventive measures a step further. Nevertheless, the UN has instead resorted to non-action and exercised their power in a way which only benefits political gains as they have prevented the issues at hand to be brought up on the agenda. In this way the UN has allowed the injustices to occur, hence they bear responsibility for the human rights violations in Gaza as they have not fulfilled their duties. Hence, this thesis finds that the UN can potentially develop their reactive measures even more and combine them with a more traditional use of power - that being through decision making procedures. Seeing as the UN has an organizational body which allows them to legally bind states to certain principles they should be able to utilize it in this case. As mentioned above the Security Council resolutions are legally binding; despite this the UN has yet to pass a resolution which holds Israel accountable for their crimes in Gaza. However, this would

require further research in order to fully determine the possibilities and ways in which the Security Council can put forward resolutions which are legally binding in the case of the blockade.

In conclusion, this thesis has contributed to filling the gaps in research pertaining to the issues of the blockade on Gaza and how it has violated articles of the UDHR. Additionally, it has made contributions by examining the UN's responsibility through analyzing their role in ensuring the protection, upholding and preservation of all individuals' human rights globally (United Nations n.d -b). This thesis examined the blockade in conjunction with Israel's justification of it, that being their national security. Hence, this issue becomes relevant for the UN seeing as they have a responsibility for maintaining international peace and security. Considering that Israel is a member-state of the UN, they should be held accountable for the violation of Gazans human rights. Nevertheless, the UN has not addressed the blockade on Gaza and has yet to act in accordance with the third pillar of R2P. As a result, Young's theory showcases how the UN has failed to fulfill their moral and social responsibilities, seeing as they have allowed these injustices to continue. The power model used in this thesis has illustrated that the UN has power dynamics which allows them to have an effect on our social structures through action and non-action. Yet, the Un has resorted to non-action and have thus generated consequences which put Gazans at a disadvantage. Hence, this thesis argues that the UN has a responsibility to act despite the fact that the humanitarian crisis in Gaza pertains mainly to local injustices. As Young stated, local injustices have a global reach as they pertain to international societal structures where many actors are involved (Young, 2005, p.709). Therefore, the UN's inaction will set the tone for the future of human rights. which is problematic seeing as the UN serves as a prominent exemplar in the international sphere and has an effect on other actors in this arena. By not condemning the blockade and continuing to allow these infringements to occur, they are creating a standard which allows states to violate human rights so long they have justified their actions.

7. Reference List

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