

The Political Communication Analysis Happened Between Palestine and Israel: The South Africa Review Literacy

Praventyasari Mutiara¹, Sandy Allifiansyah², Nada Arina Romli³
^{1,2,3} Faculty Social Sciences, Universitas Negeri Jakarta, Jakarta, Indonesia

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ABSTRAK

Konflik internasional merupakan konflik yang terjadi antarnegara di seluruh dunia yang dapat menimbulkan masalah ekonomi, kebangsaan, kemanusiaan, atau masalah teritorial. Hal tersebut termasuk dalam konflik yang terjadi antara Palestina dan Israel. Konflik yang terjadi antara kedua negara tersebut disebabkan oleh perebutan wilayah akibat sengketa wilayah. Perserikatan Bangsa-Bangsa (PBB) mengambil alih mandat wilayah Palestina yang sebelumnya dikuasai oleh Inggris. Mereka membaginya menjadi dua wilayah teritorial yang digunakan untuk orang Arab Palestina. Sebaliknya, sebagian lagi digunakan oleh orang Yahudi pada tahun 1947 yang ditolak oleh Palestina sehingga memicu perang antara kedua negara. Berbagai diskusi dan pertemuan telah dilakukan untuk mendamaikan konflik antara kedua negara tersebut. Sayangnya, hingga saat ini konflik di negara ini masih berlangsung dengan total korban tewas mencapai 29.092 orang hingga tahun 2024. Dengan menggunakan pendekatan studi pustaka kualitatif, peneliti membahas analisis lobi yang dilakukan oleh negara Afrika Selatan di forum PBB dengan mengajukan Israel ke Mahkamah Internasional atas tuduhan Genosida dan kejahatan perang di Jalur Gaza. Penelitian ini tertarik untuk menganalisis sikap dan perilaku komunikasi Mahkamah Internasional sebagai mediator permasalahan ini. Penelitian ini memiliki minat untuk menganalisis sikap dan perilaku komunikasi Mahkamah Internasional sebagai mediator permasalahan ini untuk mengetahui bentuk komunikasi internasional yang dilakukan Afrika Selatan dalam membela kepentingan Palestina di Forum PBB. Hasilnya adalah banyak cara lobi yang dilakukan Afrika Selatan yang belum dapat dilakukan oleh PBB. Afrika Selatan sebagai negara yang sedarah dengan Palestina sangat mengutuk apa yang telah dilakukan oleh Israel. Oleh karena itu, hanya Afrika Selatan satu-satunya negara yang berani menyampaikan laporan tentang perlakuan genosida Israel di Mahkamah Internasional.

ABSTRACT

An international conflict is a conflict that happens between countries around the world that might contain economic problems, nationality, humanity, or territorial problems. Those are drawn in the conflict that occurs between Palestine and Israel. The conflict between the two countries was caused by land taking due to territorial disputes. The United Nations (UN) took over the mandate of the Palestinian territory previously controlled by Britain. They divided it into two territorial areas which were used for Palestinian Arabs. In contrast, the other part was used by Jews in 1947 which was rejected by Palestine, triggering a war between the two countries. Various discussions and meetings have been held to reconcile the conflict between the two countries. Unfortunately, until now, the conflict in this country is still ongoing with a total death toll of 29,092 people as of 2024. Using a qualitative literature study approach, the researcher discusses the analysis of lobbying carried out by the South

African state at the UN forum by submitting Israel to the International Court of Justice on charges of Genocide and war crimes in the Gaza Strip. This research is interested in analyzing the attitudes and behavior of the International Court of Justice's communication as a mediator of this problem. This research has an interest in analyzing the attitude and communication behavior of the International Court of Justice as a mediator of this problem to know the form of international communication carried out by South Africa in defending Palestinian interests in the UN Forum. The result is that there are many ways to lobby South Africa that the UN cannot yet do. South Africa, as a country of the same blood as Palestine, strongly condemns what Israel has done. Hence, it is the only country that dares to submit a report on Israel's genocide treatment at the International Court of Justice

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Corresponding Author:

Praventyasari Mutiara
Faculty Social Sciences, Universitas Negeri Jakarta,
Jakarta, Indonesia
Email: praventyasarmutiara_1410621010@mhs.unj.ac.id

1. INTRODUCTION

One of the long-lasting conflicts between countries that involved many parties occurred from the end of the 19th century to the beginning of the 20th century owned by Palestine and Israel. Various literature studies have also accompanied the development of the conflict which has a long historical background. This conflict began with the popularity of Zionism which occurred at the end of the 19th century. This Jewish nationalism known as Zionism emerged in response to the rise of anti-Semitism in Europe. [1]

Anti-Semitism is understood as an attitude of hostility or prejudice that occurs against Jews accompanied by acts of persecution or torture that occur against their beliefs. One of the most famous anti-mythic phenomena and the most prominent historical record is the ideology of Nazism initiated by Adolf Hitler, which led to the extermination of European Jewry. With the extermination, the Israelites flocked to fight for the Jewish homeland in Palestine which at that time was still under Ottoman rule. [2]

The beginning of the Jewish presence in the land of Palestine began with the Balfour Declaration which stated that during World War I the Plestina was a national home for the Jewish people which was accepted with open arms by the Palestinians. The Jewish population continued until the issuance of the British Mandate in the period 1920-1948 which led to a significant increase in the displacement of the Jewish population to the land of Palestine which caused tension with the Arab population. [3]

Fears of their eviction could occur due to the influx of Jewish settlers. The first conflict occurred during the British Mandate period, precisely in 1947 when the United Nations (UN) agreed to provide a plan for the division of territory for Palestine and Israel. This was not agreed upon by the Palestinian people because it would give 56% of the fertile Persian territory to the Jews, with no way out through lobbying or negotiation, then violence broke out in both nations.

The conflict between the two countries was then muddied by Israel's declaration of independence which led to the outbreak of the Arab-Israeli war with hundreds of thousands of Palestinians fleeing or some of them being expelled from their own homes leading to the Palestinian refugee crisis. The

ceasefires between the two countries continue. As a mediator in this case, the United Nations then played its role in maintaining world security and peace. The United Nations plays a role in resolving the conflict that occurs between the two countries, but the UN's steps in maintaining world peace have not been successful.

The United Nations as a World Security and Peace Council is defined as the largest international-level organization in history that has received cooperation from all countries in various sectors of international life with demands on all its members to avoid a repeat of the threat of world war that has occurred twice. The UN member states to date consist of 193 countries. The purpose of the involvement of the role of the United Nations in this study is due to the existence of the UN charter which has noble goals and principles to carry out international obligations that respect the equality of state sovereignty, do not use threats or violence against independence; sovereignty; The territorial integrity of a country, does not interfere in the internal affairs of a country, and seeks to resolve disputes between countries peacefully.

The UN Charter also has a good meaning in improving the security and peace of the countries of the world, so in practice, it is assisted by several main bodies consisting of the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship, the International Court of Justice, and the UN Secretariat. The matters governing threats to world peace are listed in the UN Charter in Chapter VII concerning Actions Relating to Threats to Peace, Violations of the Peace, and Acts of Aggression. This is explained in detail in articles 39 to 51. In practice, the UN Security Council has a role in the implementation of Chapter VII Articles 39-51 as stated in Article 39 the Security Council will determine the existence of threats to peace, violations of peace, or acts of aggression and must make recommendations following those contained in Articles 41 and 42.

Through Article 41, the UN Security Council has the authority to decide what Measures do not involve the use of armed force to be applied in the implementation of the Decision. This includes total or partial disruption of economic relations and rail, sea, air, postal, radiotelegraph, and other means of communication, as well as the termination of diplomatic relations. This is then connected to Article 42 which if in Article 41 the action is inadequate, the UN Security Council can take action by air, sea, or land if necessary to maintain or restore international peace and security. [4]

Many studies have been conducted on the settlement of the conflict between Palestinians and Israelis. For there to be a comparison of South Africa's report on the genocide in Palestine carried out by Israel, ten studies discuss similar matters. One of the titles "Concessions for Concession's Sake: Injustice, Indignation, and the Construction of Intractable Conflict in Israel-Palestine" written by Philippe Assouline and Robert Trager discusses the anger based on rhetorical leadership, which then affects the public's desire to ensure the implementation of a settlement of the conflict between Palestine and Israel that has not been able to be resolved by the UN Security Council. This research is based on a conflict situation that significantly leads to public anger regarding the resolution of conflicts that occur. [5]

The anger sparked by this rhetorical movement begins with the reprehensible actions of what the enemy has done in the past can bend the public judgment and the dynamics of negotiations. In some cases of violence, material compromises made by the opposing party are not enough to rally public acceptance of the activities carried out, even if they are substantive. This is what causes the conflict between the two countries to not reach an agreement that benefits both parties.

This study then collects data by surveying a representative sample for each population population. Against the background of the outcome of the negotiations, the agreement on the proposed peace statement is strongly influenced by the defeat or setback of the negotiations experienced by the Palestinian side or the Israeli side. Anger is different from anger, it can even be seen from the cause and effect that occurs. Anger is an emotion that is understood with anything that hurts oneself or others who do not need anger. Meanwhile, anger is not from oneself, but an emotion for the violation of moral

interests or social norms. Anger can occur among cultures or the public community. This is what happened in the land of Palestine. The anger process that occurs due to a violation of moral interests and social norms leads to negotiations carried out to reconcile both parties. This has similarities with the study on negotiation with the title "Application of Edward Azar's Theory: Protracted Social Conflict, A Case Study of Palestine-Israel Conflict" written by Muhammad Answer Mehdi.

The study shows that the Palestinian holy land is under a commotion between blood and smoke. The land was contested for the sake of Palestinian land as a place for the Israelites to settle. The problem faced is the assertion that the countries of the West support the Israelis to expand their government by shrinking the geographical and religious space for the Palestinians. The conflicts in the land involve emotions, ethnoreligious, racial, territorial, and ideological but still cannot be resolved even though they have gone through various agreements and agreements that are then evaluated through the view of Edward Azar. Edward Azar's view is a theoretical part of the research that will be used in this study. [6]

2. METHOD

The theory is called the theory of continuous social conflict which refers to certain conditions that encourage the emergence of hostility between communal groups in racial, ethnic, group, or religious hatred for a very long time to the point that it can cause sporadic forms of violence. A qualitative approach is considered suitable in this study, especially with a data collection method that focuses on the study of literature in the South African state report at the International Court of Justice on the genocide committed by Israel against Palestine.

South Africa defended Palestine against the genocide committed by Israel to the International Court of Justice. The content of the defense focuses on the request made by South Africa that the UN give Israel an ultimatum on what it is doing to the Palestinians and stop its actions. This was done because Israel had violated human values in the process of taking the territory carried out. Through this report, South Africa provides several considerations whose decision must be taken by the International Court of Justice based on the considerations contained in the South African text.

Reporting carried out by South Africa certainly requires consideration, this consideration is the process from a case to becoming an official report will be discussed through this article, as well as how the UN makes decisions until the results of the lobbying are announced. Consideration is necessary in this process because as a security council, the International Court of Justice must be as fair as possible in making decisions. For this reason, the report cannot be so easy to be accepted by the International Court of Justice but requires discussions carried out by several third countries as mediators of the lobbying carried out by South Africa over the case of Genocide committed by Israel against Palestine. With the use of qualitative methodologies, researchers can understand the conflicts that occur in more depth and detail. Observation of the text and documentation at the time of the trial against Israel increases the meaning of the negotiations that took place on what Israel did to Palestine. [7]

3. RESULT AND DISCUSSION

The understanding of the lobbying carried out by South Africa against genocidal activities carried out by the Palestinians gives a view that lobbying is a conscious effort to influence an institution sent by a sovereign system of government. This activity discusses policies, legislation, or other activities that are in line with a problem that requires a certain effort. Lobbying has various forms that can be done, it can be through direct communication with law enforcement who provide certain information or research to support certain positions related to the root of the problem to make a definite contribution to the political campaign or related parties. [8] [8]

In line with what the South African government is doing, the lobbying process is carried out by reporting a case containing evidence of an unpleasant incident that occurred in the Gaza Strip, Palestine.

In its complaint process, South Africa reported on Israel's treatment for violations of its obligations under the UN charter which prohibits and punishes genocide as a criminal act. For this reason, South Africa filed a lawsuit with the judge honorably to consider and decide on the report given by South Africa. Reports that Israel has consistently violated the genocide conventions whose obligations are set out in Article I relating to Articles II and III(a)-(e), Articles IV, V, and VI. [8] [9]

The action carried out by Israel was even stated in detail by South African legislators on January 26, 2024, which contained that Israel must immediately stop acts that violate articles that have the potential to kill sustainably, causing physical and mental violence against the Palestinian people continuously. This shows that the genocide carried out by Israel has a humanitarian impact on Palestine. Following the prevailing principle of lobbying, a conflict must be resolved by paying attention to humanitarian principles by the UN charter as the legal basis for the reporting of acts of genocide committed by Israel to the Palestinian people. [9]

Based on the treatment given by Israel to Palestine, the state of South Africa as the complainant is suing the jurisdiction of the court based on Article 36 paragraph 1 regarding the Court's demands and Article IX regarding the Genocide Convention. The lobby continued on the application regarding the request for an indication of interim measures submitted concerning Articles 41, 73, 74, and 75 regarding the Court Regulations.

The lobbying process carried out by South Africa continued with the submission of dismissal of claims that could be considered by the International Court of Justice. In its predator, South Africa indicated nine points that can be done for the International Court of Justice to take interim measures. The first discussion point is that the state of Israel must stop military operations inside and outside the Gaza Strip as soon as possible. This goes on to the second point which demands that Israel must ensure that any irregular military unit or armed unit under the control of the direction or influence of the state of Israel does not take any continuous action regarding the military operations discussed in paragraph (1). Continuing to the third point, South Africa considers that both countries, South Africa and Israel agree to carry out their obligations under the Convention on the Prevention and Punishment of Genocide Crimes that occur, while the Palestinian people consider it reasonable to take measures according to their authority to prevent genocide.

In the fourth part of the lobbying process carried out by South Africa, it is stated that the state of Israel by its obligation must stop taking any action that commits all kinds of acts in Article II of the Convention related to (a) the murder of group members, (b) causing serious physical or mental harm to group members, (c) deliberately causing poor living conditions that are expected to realize physical destruction both physically and physically. Wholly or partially, (d) and implement measures intended to prevent births within the group. The fourth part of the lobbying process emphasizes Israel's deliberate treatment of territory to knowingly destroy Palestinian land leading to the disappearance of property from the people who inhabit the area and the complete and partial physical destruction of them by shooting and bombing to eliminate lives. [10]

With the treatment in the fourth point, South Africa continues the process that occurred in the fifth point. With all the losses felt by the Palestinian people, the state of Israel stopped taking action including the lifting of restrictions or prohibitions to prevent evictions and forced removal from homes owned by Palestinians. The article emphasizes to the Israeli people that houses owned by Palestinians belong to them and have never been a right for Israelis to be taken and removed without the consent of the landowners. In response to the suffering of the Palestinian people who are deliberately deprived of their freedom, Israel needs to follow up on the deprivation of access to adequate food and water, access to humanitarian aid including clothing, food, supplies, and medical assistance, and the destruction of Palestinian lives in the Gaza Strip. [10]

The sixth part of the lobbying process calls for the state of Israel, with all its dealings about Palestine, to ensure that the military used must be under the control of the government, thus closing the

possibility of a ceasefire = an arbitrary ceasefire without orders with personal decisions. In the seventh part, Israel is asked to take effective measures to prevent destruction and ensure the preservation of evidence related to alleged acts within the scope of the Convention on the Prevention and Punishment of Genocide Crimes. The regulation can be achieved with the restriction that the state of Israel recognizes that it does not have such power to deny or restrict access through fact-finding missions, international mandates, and other agencies to the Gaza Strip. In other words, Israel cannot lose access to information and facts that occur in the Gaza Strip for various interests, one of which involves journalistic interests. [9]

The eighth section is a form of lobbying that requires reporting on all actions taken by Israel which is enacted at least one week after this regulation is made at the end of a decision on a case read by an international court. The final part of the lobbying process emphasizes the detention of any actions taken by the state of Israel that have the potential to exacerbate or prolong the dispute before the courts so that it seems difficult to resolve. In other words, preventing Israel from being long-winded over the treatment they give to Palestinians. [9]

3.1 South Africa's lobbying based on Israel's genocide against Palestine

South Africa has taken steps to file a lawsuit against Israel at the International Court of Justice, better known as the International Court of Justice (ICJ). In its demands, South Africa accused Israel of committing acts of genocide against the Palestinian population in the Gaza Strip, which has been the victim of months of relentless Israeli airstrikes.

In its petition filed on Friday, December 19, 2023, South Africa detailed a series of actions taken by Israel in Gaza as an attempt to destroy a large part of the Palestinian national, racial, and ethnic groups. South Africa asserts that Israel's actions violate the 1948 UN Genocide Convention, which serves as the legal umbrella for international humanitarian protection. The Genocide Convention is a response to the atrocities committed during World War II and is widely recognized by the international community as an important legal instrument.

Genocide is one of the most difficult crimes to prove because it involves not only murder, but also an element of clear intent to destroy part or all of a national, ethnic, racial, or religious group. Therefore, to respond to these demands, the plaintiff must be able to show strong evidence regarding the genocidal intent possessed by the accused state.

In this context, there is a process of lobbying and negotiation between related parties. South Africa filed a lawsuit, but it could not be immediately accepted by the ICJ without going through an evaluation process first. The plaintiff must prove that the claim filed is under the facts before the lawsuit can be accepted for further trial by the international court.

3.2 Impact of South Africa's Lobbying Based on the Israeli Genocide against Palestine

To date, the steps taken by the South African government have had a significant positive impact and received widespread support from various countries around the world. On the other hand, Benjamin Netanyahu, the Prime Minister of Israel, has affirmed that Israel will continue to defend and protect its citizens by complying with all applicable provisions of international law. Netanyahu also reiterated his commitment to continue this struggle until it achieves an absolute victory while guaranteeing the release of all hostages held. Although Israel had previously hoped that the ICJ would dismiss the case, the judge examining the case found enough evidence to support the charges filed by South Africa against Israel. South Africa is also recognized as having a strong legal basis for filing this claim as a country that has ratified the anti-genocide convention. Naledi Pandor, South Africa's foreign minister who was also present at the hearing, highlighted the importance of a ceasefire in resolving the conflict. "Without a

ceasefire, the implementation of the order will not be successful," he said. Pandor also expressed satisfaction with the decision that had been taken, although he hoped that the order would be supported by Israel's "strong allies" to ensure full compliance with the order.

In its ruling, the International Court of Justice (ICJ) has set several emergency or interim action points that must be carried out by Israel. The 17-member ICJ judges agreed on the following steps:

1. Israel is obliged to take all necessary measures to prevent genocide, including acts such as killing members of a group, injuring individuals, creating situations aimed at destroying certain groups, and taking actions that could prevent Palestinian women from giving birth.
2. Israel must ensure that its military apparatus is not involved in acts that can be classified as genocide.
3. Israel is required to prevent and firmly crack down on public statements that have the potential to provoke or encourage the implementation of genocide in the Gaza Strip.
4. Israel must ensure unhindered access to humanitarian aid to the affected areas.
5. Israel should make efforts to prevent the destruction of evidence necessary in the investigation of alleged genocide cases.
6. Israel is required to submit a report to the International Court of Justice within one month after this judgment is announced.

Nonetheless, the decision regarding emergency measures taken by the ICJ is not fully in line with the demands put forward by the South African government, especially in terms of the ceasefire. It is important to note that this ruling has binding and inviolable legal force, although the ICJ does not have its mechanism to enforce it.

The chronology that occurred right between the conditions of this reporting is based on Hamas and other armed groups who carried out an attack in Israel on October 7, 2023, which killed 1,200 people, injured thousands of people, and kidnapped around 240 people with hostage status. With the attack carried out by Hamas, Israel also retaliated against the attack carried out by Hamas by launching a massive military operation in Gaza through three routes, namely, land, sea, and air which caused massive civilian casualties. [11]

Before lobbying, the Court as an arbitrator in this case made preliminary observations explaining the basis of jurisdiction. South Africa as the plaintiff found that its jurisdictional basis was based on Article 36 paragraph 1 of the statute of the court and Article IX of the genocide convention. South Africa thinks that there is a dispute with Israel related to the interpretation, application, and fulfillment of the Genocide Convention as the legal basis governing the existence of such activities. South Africa has repeatedly urged and voiced their government's concern over what is happening with the Palestinians. They specifically condemned what Hamas did to civilians with the voice pointing to war crimes, crimes against humanity, and genocidal behavior. South Africa weighed in and lobbied the UN to determine that the dispute between the parties had crystallized. [11]

The South African Lobbying Process considers that the dispute between the two Parties is disputed by the defendant regarding the genocidal activity carried out. This is stated in a document published by the Ministry of Foreign Affairs containing "Hamas-Israel Conflict 2023: Frequently Asked Questions." In its content, it is explained that the accusation of genocide committed by Israel is an accusation that is not based on facts and law and is morally repugnant. The statement shows that Israel rejects all accusations leveled against it for their activities. They consider the action to be a self-defense of Hamas' treatment of civilians and not as a form of arbitrary loss of life. [11]

In a meeting held with the International Court of Justice, both sides, namely South Africa and Israel, jointly appealed by lobbying the International Court of Justice for their actions. So, the South African side lobbied the International Court of Justice to give a decision on the activities carried out by Israel by sending a Note Verbale as a form of "appeal" to the Israeli Embassy in Pretoria which affirmed that what it did was a form of genocide that gave South Africa an obligation to prevent genocide from

occurring, but the lobbying efforts carried out by South Africa to stop this Israeli action failed to overcome the issue raised by South Africa due to the rejection of Israel. [9]

Israel also denied the lobbying carried out by South Africa and expressed their opinion on the situation and conditions that occurred from their perspective. In the realm of political lobbying, this then shows that there is a negotiation process to reduce the possibility of a sentence for the defendant. In the process, Israel stated that South Africa did not provide a reasonable opportunity to respond to the genocide allegations before South Africa filed a lawsuit with the International Court of Justice.

In response to the negotiations carried out by Israel, South Africa also gave its argument in the "South Africa Standing" which stated that the countries parties to the Genocide Convention have the same interest in ensuring the prevention of oppression and punishment of genocide who are willing to fulfill the obligations contained in the joint convention. The common interest implies that there is an obligation in question-related to the political system that is omnes, that every country must comply with it in certain cases, and that it is not fulfilled by Israel as a sovereign.

Israel also refutes the demands of genocide contained in South Africa's demands which state that the events of the last six weeks in Gaza land have illustrated the situation of genocide. At the last UN meeting, the summary of the meeting was concluded. South Africa's political communication stance is to support the lobbying process by issuing public statements, so the process is aided by opinions from the public to convince relevant parties that what they are doing is right. This is reinforced by multilateral and bilateral publicity expressing views on the situation and conditions of what is happening in Gaza along with the nature, scope, and scope of the military operation taking place in Gaza. Together with South Africa, the public statement unites to declare that there is an Israeli act that constitutes a gross violation of its obligations under the legal principles of the Genocide Convention. [11]

4. CONCLUSION

Based on the description of the analysis of the South African UN meeting lobbying process based on the Israeli genocide in Palestine, it can be concluded that the Court rejected the main demand filed by the South African side, namely to temporarily stop military operations in the Gaza Strip. Instead, the Court accepted measures reaffirming Israel's responsibility under the Genocide Convention. In its perspective, the Court reaffirmed Israel's right to protect its citizens and highlighted the urgency of providing humanitarian assistance to the people of Gaza. These interim measures set by the Tribunal have a more limited scope than those requested by the South African party. [12]

In this case, the Court has stressed that "all parties involved in the conflict in the Gaza Strip are bound by international humanitarian law", including Hamas. The court also stated that they were "deeply concerned about the fate of the hostages kidnapped during the attack on Israel on October 7, 2023, and have since been held by Hamas and other armed groups, and called for their immediate and unconditional release".

This case also has other difficulties, namely because the other party fighting in the armed conflict, Hamas, is not a party to this trial. While this does not preclude the Court from exercising its jurisdiction, it is important to consider when determining the appropriate course of action or settlement in this case. The court failed because it did not provide a complete explanation of the context of the case that was filed. Namely on October 7, 2023, more than 3,000 Hamas terrorists invaded or entered Israeli territory by land, air, and sea. He further reminded that 1,200 innocent civilians, including infants and the elderly, were killed. The proper legal framework for analyzing the situation in Gaza is international humanitarian law and not the Genocide Convention. [13]

Regarding the Genocide Convention, the crime of genocide is the existence of an element of intentionality, which means the intention to completely or partially destroy a group based on race, ethnicity, race, or religion. According to him, there is no evidence to show the existence of this intention. It does not reach the rational standards necessary to show indications of temporary action. Therefore,

the judge disagreed with the approach taken by the Court regarding the propriety of the right, and he compared this case to the enforcement of the Convention on the Prevention and Punishment of the Crime of Genocide (*Gambia v. Myanmar*). In his view, the evidence presented by South Africa is not comparable to the evidence available in the Court in the *Gambia* case. He recalled that Israel has argued that it has taken steps to minimize the impact of the conflict on civilians. In his view, it is surprising that the Court took note of Israeli statements explaining the measures that have been taken to alleviate the conditions faced by the population in Gaza, but then failed to conclude from those statements when assessing the intentions. It is even more surprising that the Court did not consider such actions and statements sufficient to negate the allegation of a rational intent to commit genocide. [14] [15]

At this early stage, the Court has not made any judgment regarding the claims made by South Africa under the Genocide Convention. The conclusion that the Tribunal has drawn at this early stage does not show any prejudice against the claims put forward by South Africa, which, in his view, still needs more evidence to be fully ascertained. The very regrettable thing in this regard is that the Court could not order South Africa to take action to protect the rights of the hostages and facilitate their release by Hamas. In his view, these measures are based on international humanitarian law, as well as measures that allow the provision of humanitarian assistance. What's more, the fate of the hostages is an integral part of the military operation in Gaza. By taking steps to facilitate the release of the hostages, South Africa can play a positive role in ending the conflict. Finally, about the fifth interim measure, he explained that he voted against it because South Africa did not show that Israel had destroyed or concealed evidence.

From the results of the analysis and conclusions, the researcher gave a recommendation, namely in connection with this study which takes the latest case, namely an ongoing case, so the researcher must be more active and careful in looking for literary sources, find reliable sources and can be from various countries because this is an international case.

From the results of the analysis and conclusions, the researcher gave recommendations, namely in connection with this study that the latest case is still an ongoing case and the trial is still being held to this day. With this trial that is still being held, there will be a difference in results. This case is still a very hot topic at the international level, many pros and cons also occur in this case. Considering that the international conflict between Palestine and Israel has been going on for a very long time, there is no sign that it will end. The conflict between the two countries was caused by land acquisition by territorial disputes. In such a situation, researchers must be more active and careful in looking for literary sources, and find.

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