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To Link this Article: <http://dx.doi.org/10.6007/IJARBSS/v9-i12/6747>

DOI: 10.6007/IJARBSS/v9-i12/6747

Received: 26 November 2019, Revised: 08 December 2019, Accepted: 22 December 2019

Published Online: 31 December 2019

In-Text Citation: (Ahmad et al., 2019)

To Cite this Article: Ahmad, A. A., Mohamed, A. M. H. Bin, Nasir, S. M. B. Y. @ M., Talib, A. B., & Nor, N. S. B. M. (2019). The Israel-Gaza Crises of 2014: The Conduct of Hostility and Its Effect on Protected People. *International Journal of Academic Research in Business and Social Sciences*, 9(12), 514–532.

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Vol. 9, No. 12, 2019, Pg. 514 - 532

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The Israel-Gaza Crises of 2014: The Conduct of Hostility and Its Effect on Protected People

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Abstract

The Israel-Gaza conflict is not new to the region and the world at large. It was a continuing historical conflict between Israel and Palestine since 1947 that directly centre the ownership of the land and the way both parties treating and considering the other. The conflict in 2014 was the consequences of the antecedent conflict of 2012. This conflict become the area of interest not only due to the level of atrocities occurred but also one of the recent conflicts widely covered by the media. Such allow it to be widely expose the frequently cover up event during similar conflict in the 2014 conflict. As a result, it led Israel and Hamas to admit that they breached the armistice of November 2012. The consequences of the war recorded 2,200 Palestine dead, mostly civilians and 490 of them are children, while up to 500,000 people were displaced by the conflict. On the Israel side, 64 soldiers and six civilians' dead include a four-year-old boy. The paper is investigating on whether the principles of the conduct of hostilities has been complied with by the parties to the Israel-Gaza conflict 2014, the precaution steps of warfare taken during the conflict, and the implication of the conflict to the protected people under the International Humanitarian Law (IHL). The authors embarked on the following materials for completion of the paper; book, journals, reports from NGOs, other humanitarian agencies, and report of the Journalists in the process of concluding this research. As a result, the finding and recommendation is expected to be provided in handling future crises.

Keywords: Israel-Gaza, Conflicts, Conduct of Hostility, Atrocities, Rockets, Protected People.

Introduction

The war between Palestine and Israel has become popular war; hence several wars have been occurred since 1967. It first dragged other Arabs and US involvement and later fought alone by the two sides. The major cause of war is nothing else but land. The consequences of the war at all times resulted in humanitarian humiliations, and not until the core cause is addressed before it can finally put to rest. The 2014 crisis between Palestine and Israel is one of the major crises

in which Palestine lost 2,251 people out of which 1,462 are civilians, while the Israeli's side lost 67 soldiers in which six were civilians (BBC News, 2015). In line with UN investigation, it was claimed that the Israel has carried out more than 6,000 air strikes on Gaza hitting many residential buildings and damaging the Gaza's infrastructure. While Palestinian militants also fired over 6,600 rockets at Israel intentionally targeting the civilian (BBC News, 2015). This submission has shown that the war has greatly affected the ordinary civilian or protected people under the international humanitarian law. As a result, the paper is examining the level of violations the two parties have caused in the conduct of hostilities and to what extent they have complied in the Israel-Gaza conflict 2014. It will further investigate the precaution measure taken during the conflict, and those implications that the conflict has inflicted to the protected people under the International Humanitarian Law (IHL).

Background of the Israel Palestine Conflicts

2014 had witnessed a 50-days battle between Palestine and Israel, also known as Operation Protective Edge or 2014 Gaza War. The 2014 battle was a military operation launched by Israel on 8th July and lasted until 26th July 2014 in the Hamas-ruled Gaza Strip. It was triggered by the missing of three Israeli teenagers, namely Naftali Frankel, Gilad Shaar and Eyal Yifrach. They were allegedly been kidnapped while hitchhiking back from their religious schools before their bodies were found in a valley close to the southern West Bank city of Hebron three weeks later (Beaumont & Crowcroft, 2014). Israeli Prime Minister, Benjamin Netanyahu blamed Hamas for the murders and warned them that they would pay a heavy price for the deaths (Ellis & Schwartz, 2014) even though Hamas denied any relations to the case. During the investigation of the case, Israeli Defence Forces (IDF) had conducted Operation Brother's Keeper aiming to locate and return the teens, and weaken Hamas (Ahren, 2014; Jamal, 2018; Ilemona, Sunday, 2018) Soldiers searched hundreds of locations in the West Bank and arrested more than 350 Palestinians, most of them Hamas members, resulted in deaths of four Palestinians, including a 14-year-old boy, during clashes with Israeli troops. The operations were greatly criticized by international human rights and humanitarian organizations such as Amnesty International and Human Right Watch for violating Article 33 of Fourth Geneva Convention whereby "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited" (Geneva Convention 1949).

After the burial of the kidnapped Israeli boys, an anti-Arab riot broke out, and a Palestinian teenager was murdered in revenge. On 2 July, Mohammed Abu Khdeir, a 16-year-old Palestinian from east Jerusalem, was abducted near his home and burned to death by Israeli extremists in a revenge attack for the deaths of the Israeli teenagers (The Guardian, 2014). The death had triggered violent protests and three Israelis have been indicted for the murder (ABC News, 2014). In the rage of the incident, Hamas launched rockets into Israel and a seven-week conflict broke out. The Israeli strikes, the Palestinian rocket attacks and the ground fighting resulted in the death of thousands of people, most of them Gazans.

In retaliation of massive rocket attacks from the Gaza Strip to southern Israel, on 7 July 2014, the Security Cabinet of Israel decided to begin a counter-terrorist operation (Speyer, 2014)

Known as Operation Protective Edge, the operation can be simplified into three phases. The first phase is the air strikes phase. As the Israeli operation began, IDF has been bombarding targets in the Gaza Strip with artillery and airstrikes while Hamas retaliated by firing rockets and mortar shells into Israel. A cease-fire was proposed by the Egyptian government on 14 July (Saleh, 2014) and the Israeli government accepted it and temporarily stopped hostilities on the morning of 15 July. However, Hamas rejected it in its current form, claiming that Hamas has not been consulted in the formation of the ceasefire and it omitted many of their demands Al Jazeera (2014).

The second phase is ground invasion. On 16 July, Hamas and Islamic Jihad had offered the Israeli government a 10-year truce with ten conditions (Okbi & Hashavua, 2015). Among the key points of conditions were the release of re-arrested Palestinian prisoners who were let go in the Schalit deal, the opening of Gaza-Israel border crossings in order to allow citizens and goods to pass through, and international supervision of the Gazan seaport in place of the current Israeli blockade ((Okbi & Hashavua, 2015), in her response, Israel refused.

On 17 July, a five-hour humanitarian ceasefire, proposed by the UN had taken place (Chandler, 2014). Approximately five and a half hours prior to the ceasefire's effect, the IDF sighted 13 armed Hamas militants emerging from a Gazan tunnel on the Israeli side of the Gaza border (Levy, 2014). IDF destroyed the tunnel's exit, ending the incursion. After the ceasefire, IDF began a ground offensive on the Gaza Strip focused on destroying tunnels crossing the Israel border.

On 1 August, the US and UN announced that Israel and Palestine had agreed to a 72-hour ceasefire starting at 08:00 (BBC News, 2014). There was dispute about the terms of the ceasefire: Israel and the US stated that they allowed Israel to continue to do operations to destroy tunnels that pose a threat to Israeli territory that lead from the Gaza Strip into Israel proper as long as those tunnels exist on the Israel side of their lines, Hamas said that it would not accept such a condition Al Jazeera (2014). The ceasefire broke down almost immediately after it started. Israel blamed Hamas for violating the ceasefire, saying a group of Israeli soldiers were attacked by Palestinian militants emerging from a tunnel (Duell, 2014). Palestinians said the IDF was the first to breach the ceasefire when at 08:30 it destroyed 19 buildings while undertaking work to demolish tunnels.

Lastly, the third phase is about the withdrawal of Israeli troops. On 3 August, IDF pulled most of its ground forces out of the Gaza Strip after completing the destruction of 32 tunnels built by Hamas and other militants (Sobelman, 2014). On 10 August, another Egyptian proposal for a 72-hour ceasefire was negotiated and agreed upon Israeli and Palestinian officials, and on 13 August it was extended for another 120 hours to allow both sides to continue negotiations for a long-term solution to end the month-long fighting (Mohammed, 2014). On 26 August, 50 days after the operation was launched, Israel and Palestinian factions in Gaza agreed an open-ended ceasefire brokered by Egypt (BBC News, 2015).

Conduct of Hostility under International Humanitarian Law (IHL)

International Humanitarian Law (IHL) can be defined as a legal framework applicable to situations of armed conflict where it is the law that limits the effect of armed conflict for humanitarian reasons. There is a specific aspect under the IHL which can be called as the conduct

of hostility. Conduct of hostility is the one that regulates the means and methods of warfare with the aim to balance between the legitimate military actions and the humanitarian objective in order to reduce the human suffering especially the civilians in the warfare (ICRC, 2010).

Awareness regarding the conduct of hostility has aroused among the world community since the 19th century and it has clearly realized with the establishment of Geneva Conventions and their Additional Protocols 1949 (ICRC, 2010). Even though the protections provided by the IHL in this area are often seen to be rather weak as it is focusing on the restrictions instead of absolute prohibitions, but the conduct of hostility has been considered as a customary international law which means it must be followed by the parties to the conflict. Under the conduct of hostility, there are several principles that can be discussed including the principle of distinction and principle of proportionality. All these principles will be clearly explained, and the Israel-Gaza Conflict will be made as the relevant example to support the discussion.

First and foremost, the principle of distinction can be regarded as the principle that prohibits all direct attacks against civilians and civilians object. It also restricts on all means and methods that cannot differentiate between civilians and military targets (Diakonia, 2013). It is claimed that in this contemporary battlefield, it is difficult to make a clear distinction between those individuals and objects that engage in the conflict and those who are not (Diakonia, 2013). However, it was stated in the Article 52 of Additional Protocol I regarding the general protection of civilian objects (ICRC, 2010). According to the article, the civilian objects shall not be the object of attack, the attacks shall be limited strictly to military objectives and if there is any doubt between the civilian objects and military objectives, the attack shall not be continued (ICRC, 2010). Any attack deliberately on the civilians is considered as war crimes and violates the IHL.

In the Israel-Gaza Conflict, the Israel Defence Forces (IDF) has observed the principle of distinction where only targeting persons who are without any uncertainty are recognized as the members of armed groups or the civilians that are directly involved in the conflict will become the target. They also claimed that they only target the structures that have been qualified as the military objectives (Gaza Conflict Full Report, 2014).

According to the Law of Armed Conflict, the members of armed groups may be attacked at any time during the warfare unless they become hors de combat (ICRC, n.d.) or serve as medical personnel who will be entitled to a special treatment. As for example, in this conflict, IDF states that Hamas and other terrorist organizations operate several organised armed groups including the Izz al-Din al-Qassam Brigades and also the Naval Police. The Izz al-Din al-Qassam Brigades is the military wing of Hamas since 1986 with the objective to support the goals of Hamas (TRAC, n.d.). Whereas, the Naval Police is the maritime police and also continuing attacks the Israeli Navy. Thus, the members of both groups are legitimate targets under IHL.

As for the military objective, it can be defined as an object that contributes effectively to the military operation (Diakonia, 2013). Under this definition, any civilian object may become a military objective if it is used for military purposes. For instance, the school is used to store the rockets, or any weaponry items can be targeted. In Israel- Gaza Conflict, the IDF has conducted over 6,000 aerial strikes against military objectives which majority of them are located at the densely populated areas including the buildings that are used by organised armed group for

command, control, communications and intelligence activities. Hence, it is showed that the attacks made by IDF are parallel with the provisions in the Article 52 of Additional Protocol I.

Second, the principle of proportionality, as stated in the Article 51(5) (b) of Additional Protocol I, the military target cannot be attacked if the risk of civilians or civilian property being harmed as a result of the attack is larger than the expected military advantage (ICRC, n.d.). In other word, the scale, duration and intensity of the intervention should be only as much as is needed to avert the crisis. However, if the target attacked is a civilian object, the principle of proportionality cannot be discussed since the intentional direct attack against the civilian object is considered as a violation of IHL.

Throughout the 2014 Gaza Conflict, the IDF has claimed that the principle of proportionality has become their operational mandate in conducting any attack. In this principle, there are two elements that can be assessed; the military advantage assessment and collateral damage assessment. For the military advantage, it refers to the advantage gained from an attack as a whole and not only to the advantage anticipated from isolated or particular parts of the attack. In assessing the military advantage anticipated from the attack, the IDF claimed to have collected the reliable intelligence regarding the nature of targets and their military importance. This will include detailed information about the number and rank of militants to be hit during an attack and also the quality and quantity of the enemy weapons expected to be destroyed.

Another one is collateral damage assessment. Collateral damage can be defined as injury inflicted on something other than an intended target or specifically the civilian casualties of a military operation (Merriam-Webster Dictionary, n.d.). In principle of proportionality, the expected incidental harm to the civilians and civilian property must be considered. According to the Law of Armed Conflict, the collateral damage is considered as something unavoidable and it is not illegal if it is not excessive in relation to the military advantage anticipated (Israel Gaza Full Report, 2014).

In the Israel–Gaza Conflict, the IDF has taken many considerations in assessing and minimizing the collateral damage that will occur due to direct and indirectly attack. They will collect the information regarding the surroundings of the target especially on the civilians and the civilian objects. Furthermore, the IDF also hired the engineers and damage-assessment specialists to assist the assessment of expected collateral damage. Other than that, it is claimed that even though the collateral damage is unavoidable, but Hamas is the one who usually carries out attacks from within the civilian environment.

Overall, it is crystal clear that the conduct of hostility which has been outlined in the IHL is very important in the warfare. Close attention should be given to these two vital principles which include the principle of distinction and principle of proportionality. Being able to differentiate between the combatants and hors de combats will help to reduce the amount of casualties happen during the conflict. Besides, considering the scale, duration and intensity of the intervention will also able to minimize the amount of collateral damage in order to ensure the intervention will not cause serious destruction towards the civilians and civilian objects more than towards the military objectives.

Effect of Conduct of Hostility on Protected People (Especially Palestine)

In 2014 conflict between Israel and Palestine, rockets and mortars from Hamas killed dozens of Israeli civilians and thousands were injured. Apart from that, thousands of Palestine civilians were killed during the attack conducted by Hamas. Most of the combat during this conflict took place on urban environment. Carrying out the operations within urban area is particularly challenging for two main reasons. First is regarding to the existence of physical infrastructure and second is regarding to the civilian population. Both parties especially Hamas already aware about that.

In International Human Right Law, conduct of hostilities used to regulate and limit the methods and means of warfare used by parties in armed conflict. It was also aimed to draw a balance between military action and humanitarian object in order to reduce human suffering especially within civilian populations. Conduct of hostilities must be applied in any conflict by both parties in order to make sure that they were operating on legitimate targets. Unfortunately, in Israel – Gaza Conflict 2014, only Israel apply the principle under conduct of hostilities by the purpose to reduce human suffering while on part of Hamas, they failed to follow all the rules provided under Law of Armed Conflict and International Humanitarian law. In general terms, civilians are protected from directed attacks while member of armed forces are not civilians and hence not protected from direct attack. When civilians directly participate in hostilities, they lose their protection against direct attack. If the person considered to be member of an armed force or someone taking part in hostilities, the person may be lawfully subject to a direct attack, which may result in death. A civilian that was not taking part in hostilities is protected from direct attack, any intentional direct attack against a civilian will be considered a potential war crime.

Failure to comply with the principles of conduct of hostilities brought a huge consequences or effect to the protected person especially Palestine. Protected person here referred to the person that should not become targets for attack during the armed conflict (Mohammed, 2014). Meanwhile, these people should be protected in all circumstances and were illegitimate target by any combatants. Combatants are legitimate target of attack for as long as they take direct part in hostilities. But once they rendered as hors de combat by injury, sickness, or by surrendering, they are immune from any attack and could be considered as protected person. With regard to the objects that may be attacked, the rule is defined in Article 52(2) (Additional Protocol I of Geneva Convention 1949) of Additional Protocol I which stated that military objectives are lawful objects of attack while civilians' objects are unlawful objects of attack.

In this conflict, Hamas failed to take any precaution steps in order to mitigate the human suffering towards their own civilians. On Israel part, during the conduct of the conflict, they were succeeded in following the principles under conduct of hostilities. Two principles existed within this conflict. They are principle of distinction and principle of proportionality. The Israel Defense Forces (IDF) does not deliberately attack the civilian populations and civilian objects. Their military need to distinguish between people who are lawful targets. In general, they will not attack the civilians who are injured, children and women. They must avoid as much as possible the targets that considered as civilian populations like home town, school and city Centre. It is important for them to minimize the injury and death among civilians including

the damage to civilians' property. In the case of 2014 conflict, Israel only undertook to attack objects only when there was reasonable certainty. IDF also directed attacks towards individual when they have reasonable ground to believe that such person was from an armed groups or civilians that directly participating in hostilities. As a result of conducting the armed conflicts under the principles of conduct of hostilities, they could avoid killing, wounding and constitute collateral damage to the civilians.

Apart from that, IDF also applied the principle of precautions during the conflict. It's become the measure adopted Israel in order to minimize the impact on the civilians. Under the Law of Israel, IDF is bound to conduct its operation in accordance with International Humanitarian Law. Thus, the fact that Hamas has violated the principle under International Humanitarian Law does not exempt the IDF to conduct its operation according to the provided law. In other words, during the attack, IDF have launched an attack against military and military objects but not towards civilians and civilians' objects. The effect when IDF follow the principles under conduct of hostilities is they could mitigate or minimize the total of death and injured within civilians. Basically, an action taken by IDF such as precautions and distinction have created a huge chance for the civilians especially protected person in Palestine to live. They also could reduce the harm within civilians.

When conducting military activities, the IDF will strive to mitigate the risk of harm to civilians. They will make sure that all the actions carrying by them will operate according to the Law of Israel including Law of Armed Conflict. IDF also maintains binding policies and valid procedure. They also ensure that its forces receive adequate training so that their target in determining their enemies will be done professionally. Nevertheless, the conflict between Israel and Palestine in 2014 resulted in the death and injury of thousands of civilians. Even though Israel try to avoid civilians' casualties and mitigate the risk of harm to the civilians surrounding, many Palestine civilians were killed and injured.

In these circumstances, Israel was justified under International Law in using force against Hamas while Hamas was failed to comply with the principles of conduct of hostilities during the conflict. Customary International Law obliged parties to the armed conflict to take various steps in order to mitigate the harm suffer by civilians. Unfortunately, Hamas was failed to follow such rules when they come out with strategy that was basically contrary to the basic precautions under International Humanitarian Law. By conducting the hostilities within the civilian populations and properties, Hamas had exposed the civilians' life and surrounding to the risk. Even when the operations were conducted not within the civilian populations but in close proximity to them, such attack might expose the structures and surrounding civilians to the risk of being targeted by Israel. It will endanger the civilians not only towards Israel civilians but also to Palestine civilians and as a result most civilians were killed (BBC News, 2015).

Conduct of hostilities during the armed conflict were part of ongoing conflict happened involving attacks against Israel by Hamas and other terrorist groups in Gaza Strip. After various intense fighting between Israel and Palestine, Hamas agreed to ceasefire was later breached and Israel's resumption of responsive military action in order to defend and protect their population. Under this rationale issue, Israel was justified in undertaking military response to defend its citizens. Under customary international law, Israel had the clear right to use force

for self-defense. Israel have such right in a manner that they need to fully complies with international law, including principle of necessity and proportionality.

As overall, during conduct of armed conflict, regardless of it be international or non international armed conflict, parties are bound to follow the principles under conduct of hostilities. The purpose is to mitigate the injury inflicted or suffered by civilians and non-combatants which are considered protected person. In Israel Gaza Conflict 2014, failure on the part of Hamas to comply with the principles under conduct of hostilities, resulted in death and injuries of 2200 Palestine dead mostly civilians while 490,000 children and 500,000 people were displaced (UNSC Report, 2014). The effect of compliance with the conduct of hostilities during armed conflict on the part of Israel reduce the death and injury suffered on her side. Thus, it is important for the combatants to follow all the principle and take precaualional step under conduct of hostilities during armed conflict.

The Role of United Nations

United Nations is an international organization founded in 1945 as a replacement for the failed League of Nations. There are 193 Member States who are working together in achieving the mission and goals of the United Nations in accordance with its Charter. Due to the power granted in that Charter, the United Nations can act on the issues relating to humanity such as peace and security, human rights, terrorism and also humanitarian and health emergencies (United Nations, 2017). In the 2014 Gaza Conflict, the United Nations also plays their roles in reducing the suffering and perhaps in ending the conflict. The United Nations involve in conducting investigation regarding the conflict, providing humanitarian aids and proposing several resolutions for the ceasefire.

First and foremost, on 23 July 2014, the United Nations under her Human Rights Council adopted a resolution that established an independent, international commission of inquiry to investigate all the violations of international humanitarian law and international human rights law in the occupied Palestinian Territory including East Jerusalem. The request has been submitted to the United Nations High Commissioner for Human Rights for further decision.

The findings of the investigation have suggested that possible war crimes have been committed by both Palestinian and Israeli armed groups during the 50-day conflict which has resulted to over a thousand deaths and the widespread destruction along the Gaza Strip (UN News Centre, 2015). It is also estimated by the United Nations that the conflict in Gaza has brought to the massive destruction of civilian infrastructure with some 100,000 residents still homeless (UN News Centre, 2015). Both of the actual actors in the conflict have been accused for conducting war crimes since the war has caused atrocities on both sides. On Palestinian side, 2,251 people were killed in which 1,462 are civilians and on the Israeli side 67 soldiers are killed along with six civilians (BBC News, 2015). Furthermore, the investigators also claimed that the Israel has carried out more than 6,000 air strikes on Gaza hitting many residential buildings and damaging the Gaza's infrastructure. On the other side, Palestinian militants have fired more than 6,600 rockets at Israel focusing on the civilian targets (BBC News, 2015). Thus, these disproportionate attacks will amount to the war crime. Following the incidents, the chair of the Commission, Justice Mary McGowan Davis has stated that the devastation and human suffering

in Gaza will impact the new generations to come (UN News Centre, 2015). The United Nations also claims that those responsible to the suspected violations of international law must be brought to justice.

The other role of United Nations in this Gaza Conflict is providing humanitarian aids to the affected groups in Gaza. It is through the United Nations Relief and Works Agency for Palestine Refugees (UNRWA, 2016). On 7 July 2014, the UNRWA has declared a humanitarian emergency in the Gaza Strip due to the severe escalation in hostilities involving intense Israeli aerial, navy bombardment and Palestinian rocket fire (UNRWA, 2016). According to the UNRWA, as of 31 October 2016, there are 1.3 million registered refugees out of 1.9 million total populations, 8 refugee camps with almost 12,500 staff, 21 health centres, 16 relief and social services offices and 267 schools for over 262,000 students (UNRWA, 2016). Up to date, the UNRWA continues to provide the humanitarian aids by constructing needed infrastructure such as schools and shelters and they also continue promoting the gender equality and human rights for all.

Other than that, the United Nations also play their roles regarding the ceasefire. Since the starting of the conflict, on 21 July 2014, the United Nations Security Council (UNSC) has called for an immediate ceasefire as the Palestinian death past 500 while on the Israeli side, 25 soldiers and two civilians have been killed (Francisco, 2014). However, neither side shows much interest in halting the fighting. During the Security Council talks, the Palestinian Representative Ryad Mansour urges for decisive steps to end the violence and he also voices out his frustration with the failure of the world's body to take a strong stand (Sakher, 2014).

Furthermore, on 15 September 2016, the United Nations Secretary General Ban Ki-Moon encouraged Israelis and Palestinians for one-state solution rather than a peaceful resolution (UN News Centre, 2016). The one-state solution refers to a resolution of the Israeli-Palestinian conflict through the establishment of a unitary Israeli-Palestinian state which will include the present territory of Israel, the West Bank including East Jerusalem and the Gaza Strip. In addition, during a joint news conference with Israel, the President of the United States Donald Trumps has mentioned that he is looking at a two-state and one-state solution and he likes the one that both parties like (Calstrom, 2017). It is claimed that waiting for a genuine sovereign Palestinian state is likely never realized and chasing for two-state solution will only give the chance to Israel to continue colonize the West Bank (Bisharat, n.d.).

On 23 December 2016, the United Nations Security Council on its 7853rd meeting has passed a much-awaited resolution, Resolution 2334 which demanding on the end to the construction of Israeli settlements on occupied Palestinian territories. The resolution is passed by a 14-0 vote. Regarding the Resolution 2334, it is sponsored by Malaysia and co-sponsored by New Zealand, Senegal and Venezuela (Ministry of Foreign Affairs, 2017). During that time, Malaysia is led by H.E. Ambassador Dato' Ramlan Ibrahim a Permanent Representative of Malaysia to the United Nations. In fact, this resolution is extraordinary since it is not vetoed by the United States. Through this resolution, Israel is condemned for continuing build their settlements in the occupied West Bank, including East Jerusalem which is considered as a violation of international law (Hammond, 2016).

In short, we can see that the United Nations has played its role as the world's organization in trying to end the Israel-Gaza Conflict. The establishment of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict will help to investigate the real situation of the conflict and the involvement of UNRWA in providing the humanitarian aids will help to reduce the suffering of the victims. Last but not least, the creation of the peace resolutions will become a next step and perhaps the positive improvement towards peace between these rival neighbours.

Effect of Us Foreign Policy

The history of partnership between Israel and United States has been described and explained in media and many books. From the beginning, US had been mostly favourable to Israel over the year including supporting all the activities conducted by Israel even though it was contrary to the morality or international law. America is considered as an effective partner that had been support Israel from its birth. Meanwhile, Israel has used America as its supporter and protector from the beginning especially for the Israel-Palestine conflict that happen over the years. For over years, the world keeps wondering why Israel and Palestine cannot sit down and work out solutions towards their conflict. It would seem simple as to stop from killing and murdering the innocent people from both states by way of either combine both states as one and all citizens enjoying equal right or separating both into independent and equal states.

Recently, the issue of one-state solution and two-state solution become priority to the conflict that happened between both states. One-state solution refers to the combination both territories as one state and the citizens share equal and same rights on the state. As far as the Government of Israel concern, they want to retain all the lands. In other words, there will be no Palestine state. Israel would only accept one state which is Israel between the river and the sea. The rights of Palestinians are unimportant to Israel. On the other hand, two-state solution is a solution which creates an independent Israel and Palestine states, and become the mainstream approach to resolve their conflict. This idea means Israel and Palestine will run their countries differently. Israeli wants a Jewish state while Palestinian want a Palestine one. Because neither side can get what they want in a joined state, the only possible solution for the peace can be achieved is through two-state solution. Unfortunately, peace talk had been tried for many times but for some reason all have failed and peace seem further far away from this conflict until today. Yet today, the two-state solution is still in crisis. Many in the region and around the world no longer believe it possible.

The US foreign policy is important towards the issue of Israel Palestine conflict. Why? The US and Israel have long been close partner in a relationship built upon both strategic interests and share on democratic ideals. It is a relationship that cannot be cut off easily and unwavering. US is a country that viewed Israel as a crucial political and economic ally in the oil-rich middle east. US also has provided Israel with the highest amount of financial and military assistant and since World War II, US become one of the leading countries to encourage, facilitate and arbitrate cease fire between Israel and Palestine (Hammond, 2016). As a result, US foreign policy become important in this conflict. On February 2017, President of United State, Mr. Donald Trump has claimed that the America policy officially during the administration of George W. Bush in 2011

has accepted the two-state solution but for him, the peace is not necessarily through two-state solution. Donald Trump passed his word that he and American people will support two-state solution and US would work and encourage towards a peace. It will be left to both parties ultimately to decide on terms of peace agreement. Such a deal will require a compromise from both parties. According to Mr. Donald Trump, "I believed that Palestinians have to get rid of the hate they taught from a young age. They have to acknowledge Israel and I think that will make easier" (New World America, 2017).

In order to resolve the conflict between Israel and Palestine, a final peace agreement must be ultimately being negotiated and agreed by Israelis and Palestinians themselves. However, the United States can and must do more to help creating the condition under which such negotiations can be succeed. This must be done through the concerns of the Israel's legitimate security and secure the Palestinians inalienable rights through the creation of independent Palestine state should not be forgettable. The policy towards settlement of this conflict must be focusing on many aspects such as security, democracy, justice and freedom. Perhaps, a two-state solution is the best way in uphold or support all those aspects in order to ensure the existence of the State of Israel and secure the rights of Palestinians people in their own state. But if such solution cannot be reach and in a continuing of occupation from Israelis, Palestinians must be given a right under International Humanitarian Law and Palestinians will be protected under such right.

In creating US policy, its government did not forget about the American values. The Israel Palestine conflict crisis become one of the most emotionality fraught issues in US politics that involved legitimate historical claims, identities and security of two peoples that share same land. In May 2015, President Obama claimed that he supports their people in any situations. He said that "the right I insist upon and now fight for all people in United States, compel me then to support Israel and look out for Jewish people. But then the rights of Jewish people compel me to think about the right of the children in Palestine that feels trapped without opportunity." Thus, the foreign policy of America applied such values in order to support Israel's security and seek justice for Palestinians. These are the ideas that should be reflected in foreign policy for all countries. The values of inclusiveness, security, democracy, justice and freedom should apply not only in America's engagement with Israel and Palestine, but with the region and the world.

The issue about the reason why the two-state solution still cannot be achieved is because there is no mutual consent between both parties involved to the conflict. The two-state solution will only be enforced if there is mutual consent from both disputing nations. Such solution can't be enforced if only be agreed by one side even though there are many international organizations including major power who support the solution. Two-state solution has been being recognized by the people in Palestine but not recognized by Israel. Netanyahu has reasserted his position that a two-state solution can only happen if the new Palestinian state recognizes Israel's legitimacy. Thus, this paper believes that the intervention by US is important in resolving the conflict between Israel and Palestine. Israel is a country that has been supported by United States. As a non-Muslim country, there is no reason for them to share their government with Muslim majority country. The American public favoured the U.S. policy for supporting Israel, which in reality means supporting Israel's oppression on the Palestinian people and defending

her for violating of international law. There are many reasons for this; a lot of it has to do with the role of the media in misleading the public about the nature of the conflict and manufacturing consent for US policy.

Today, the two-state solution has been approved by many parties including United States. Perhaps, such policy has influenced the conflict that already existed for over years. As for the recognition of this solution, Palestine was already agreed to enter into peace agreement with Israel by signing a two-state solution. The reason why this solution cannot take place is simple to understand as Israel refused to share the land with Palestine in line with 1967 Agreement. As a result, it remains a dead lock up to date.

Impact of the Conflict to Israel and Palestine

The Israel-Palestine conflict in 2014 lasted for 50 days starting from 8th July until 26th August, for approximately 7 weeks. Throughout the war, Israeli strikes, Palestinian rocket attacks and the ground fighting had resulted in the death of thousands of people and great destructions.

A report by UN had stated that the total of Palestinians killed by Israel in 2014 was the highest than in any other year since the occupation of the West Bank and Gaza Strip began in 1967 (Zonszein, 2015). The report by the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) claimed that Israel's activities in the Gaza Strip, West Bank and East Jerusalem resulted in the deaths of 2,314 Palestinians and 17,125 injuries, compared to 39 deaths and 3,964 injuries in 2013 (Zonszein, 2015). In fact, figures from previous operations over the past six years had shown that it was not the first-time civilians had paid a heavy price because of war in the densely populated Gaza Strip.

Israel also suffered casualties in the operation - 66 Israeli military personnel died, while six Israeli civilians and a Thai national were killed by rockets and mortars fired from Gaza. An Israeli government official told BBC that the Israel Defense Forces (IDF) had killed 1,000 "terrorists" during the assault on Gaza (BBC News, 2014).

More than 20,000 homes were estimated to have been rendered uninhabitable by shelling and air strikes by Israel which allegedly to be targeting "terrorist" sites used by Hamas for military purposes only (Dearden, 2014). Bombing on August 25th had also toppled one of Gaza's tallest buildings, the 15-storey Basha Tower which comprised apartments and offices and had severely damaged the Italian Complex, which had dozens of shops and offices Al Jazeera (2014). At least 20 Palestinians were wounded. Workers needed to work hard in fixing water mains and power lines to avoid worse humanitarian crisis. Nevertheless, Gaza was still facing deficiency in clean water and electricity.

According to the United Nations Relief and Work Agency (UNRWA), more than 300,000 Gazans were sheltering in schools and up to 500,000 people have been displaced by the conflict at its peak and 75,000 are still displaced until today (UNRWA, n.d.) Pierre Krahenbühl, UNRWA Commissioner-General, appealed for £178 million (\$295 million) of international aid towards its recovery operations. Impact of the crisis had also caused difficulties for children to start their new school year, affected by insecurity, fear and suffering. Besides that, the situation in the emergency shelters had also worsened during the winter post-conflict.

In a report, IDF says Hamas fired at least 4,591 rockets towards Israel between 8 July and 31 August (BBC News, 2015). 3,659 rocket and mortar impact sites were found, based on those fired on IDF soldiers in Gaza. Out of that number, 224 had hit built-up areas. A further 735 were shot down by the Iron Dome missile defense system and 197 “failed launchings” in which the projectiles had never left the Gaza Strip or had not been launched at all (Hartman, 2014).

According to IDF, its own forces have hit at least 5,226 targets in Gaza (BBC News, 2014). Several UN buildings have also been hit, while people were sheltering inside. The targets that were attacked include 1,814 launchers and other targets related to the firing of rockets and mortars, Hundreds of buildings that served as military outposts, 1,914 command and control centers and infrastructures, 237 government institutions that supported terrorist activity, and 191 weapon manufacturing and storage sites. The army also attacked 312 houses belonging to people who were involved in terrorism, IDF claimed. The air force also carried out 840 strikes to support ground forces, and 192 attacks on Hamas military or training sites (Hartman, 2014)

IDF had also destroyed 32 tunnels built under the city of Gaza, fourteen of which crossed into Israel (Israel Defense Forces Blog, 2014). Israel claimed that the tunnel was offensive and threatening the security of its civilians. However, in an interview with Vanity Fair, Khalid Mishal had claimed that tunnels were indeed defensive as they were only used when Israel was waging war against Gaza (Ciralsky, 2014).

The war had also badly affected the economy of Gaza. On September 4th, Palestine Authority came out with a statement that rebuilding Gaza would cost \$7.8 billion in the most comprehensive assessment yet of damage from a seven-week war with Israel during which whole neighborhoods and vital infrastructure were flattened (Reuters, 2014). The cost of rebuilding 17,000 Gazan homes razed by Israeli bombings would be \$2.5 billion, the Authority said, and the energy sector needed \$250 million after the Strip's only power plant was destroyed by two Israeli missiles (Reuters, 2014). The total of \$7.8 billion was about 3 times Gaza's GDP for 2011. Gaza City had suffered damage about 20 to 25% of its housing while Beit Hanoun with 70% of its housing uninhabitable which affected about 30,000 people (Burke, 2014). The New York Times noted that damage in this third war was more severe than in the two preceding wars, in 2012 and 2009 respectively, where in the aftermath in 2009 the damage inflicted was only \$4 billion (Ashkenas & Tse, 2014).

Gaza also faced damages in other areas such as its main power plant on Salaheddin Road, sewage pumping stations in Zeitoun, Alawda biscuit and ice cream factory which was the biggest private company in Gaza, a plastics factory, a sponge-making plant, the offices of Gaza's main fruit distribution network, the El Majd Industrial and Trading Corporation's factory for cardboard box, carton and plastic bag production and Gaza's biggest dairy product importer and distributor, Roward International (Tait, 2014).

In a nutshell, the Israel-Gaza conflict in 2014 had severely affected Palestinians compared to Israeli. The number of deaths and casualties differed greatly, and the destruction had cost Gaza a total of 3 times its GDP. Gaza's economy was also paralyzed by the damages inflicted to its industries and could hardly be self-sufficient.

Recommendation

The signing of the Oslo Accords between Israel and the Palestinians, the Oslo Accords spelled out that the two-state solution would finally resolve the conflict. Seven decades has passed, the agreement reached then seems unachievable since Israelis and Palestinians remain caught in a sad, frustrating and vicious cycle. On one hand, dramatic events in the Middle East offer unprecedented conditions for such a breakthrough, because today, for the first time, Israel and major Arab states share long-term strategic interests: blocking Iran's expansion; fostering stability; and diminishing militant Islamic momentum.

On the other hand, the map intact during the Oslo Accords has been totally changed, and a careful solution to be acceptable to both sides needs to be spelled out.

First, it is time to cast aside the concept of an Israeli-Palestinian agreement in favor of an Israeli-Arab agreement as the only way out, neighboring states like Jordan, Egypt and the Gulf Cooperation Council (GCC) must be partners to the agreement. Second, the two-state solution is the end objective, but achieving this goal is unrealistic in the near future unless both parties sit tight to recognize, accept and accommodate one another. Third, the only realistic goal at this juncture is to create interim arrangements to set the ground for a final solution. US should stop portray herself as only mediator, while other should come on board.

As a result, the issue of humanitarian violations will not arise; hence the core issue has been resolved in which each party get a satisfied share of her entitlement. It is worth to be noted that the solution is 'give and take' when it comes to settlement of disputes among the two rivalry neighbors, and expectation has to be lower, while relaxation in the claim needed be observed by both parties.

Conclusion

The issue of humanitarian law can only be resolved if the conflict between Israel-Palestinian conflict is brought to rest. This is realistic if both parties agreed to the terms and conditions laid down. Having broadly analyzed the effect of unprotected people in this work, it is worth to note that both parties deserved to be blamed. Although, Hamas has been the party subjected to more blames compare to Israel, it seems Hamas utilized little resources in her capacity to fight Israel, as such it used all available tactics to inflict injury to Israel. Leaving alone who to point fault for striking first, it is well understood that Hamas cannot be considered a professional armed force compare to Israel. In other words, the war is not waged on equal portion. Even though, Palestine is a party to the conflict and expected to observe the humanitarian law as prescribed, the different between a highly tech weaponry state like Israel against a traditionally homemade weapon Palestine reflects in the way the war was waged and the result of the victims. On the Israel side, it is argued that it followed various humanitarian law in the conduct of conflict to certain extend. Although, in some occasions, it violates the law, for instance using excessive response to Hamas missiles in a dense populated area. Having assessed all these factors, the UN body released a report that subjected both parties to have violated the code of the rules and subjected to war crime. It has to be noted by all parties concern; Israel Palestine, neighboring states, UN and other international organizations need to realize that war is all bad. It is barbaric in the 21st century to refuse to find a solution to this age conflicts. Regardless of parties' position,

it is obvious that two wrongs cannot make a right, and the only alternative solution to conflict is peace. The situation requires firm response from the UN Security Council, subjected it to an imperative step that is; a commitment with no politics or personal interest, but a fair and just solution that shall accommodate all efforts in getting rid to the bottom of the crises. A solution to Israel- Palestine crises is not merely benefit to the duo disputed parties, but the entire Middle East and the world at large.

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