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*On my honor as a student of the Diplomatische Akademie Wien, I submit this work in good faith and pledge that
I have neither given nor received unauthorized assistance on it.*
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Abstract:

This thesis delves into the intricate dynamics and factors shaping the potential normalization of relations between Israel and Saudi Arabia. It argues that recent diplomatic momentum, a prospective US-Saudi Arabian deal, and the solidification of a de-facto alliance to counter Iran's influence are laying the foundation for overcoming deeply inherited ideological and religious barriers. By examining the historical backdrop, the divergent foreign policy agendas, and the strategic interactions of key players the analysis sheds light in the multifaceted nature of this potential normalization. The thesis contends that a normalization is feasible given that Israel shows willingness to make concessions towards the legitimacy of Palestinian statehood integrated in a serious pathway of a suitable solution. However, these questions of legitimacy for both Palestinian and Israeli statehood, along with the legally disputed status of the occupied territories, are fundamental and persistent obstacles since the onset of the Arab-Israeli conflict.

Diese wissenschaftliche Arbeit befasst sich mit den komplexen Dynamiken und Faktoren, welche die potenzielle Normalisierung der Beziehungen zwischen Israel und Saudi-Arabien beeinflussen. Der Beitrag argumentiert, dass das rezente diplomatische Momentum, ein perspektivisches Abkommen zwischen den USA und Saudi Arabien und die Festigung der de-facto Allianz gegen den Iranischen Einfluss die Grundlage für die Überwindung tief verwurzelter ideologischer und religiöser Barrieren bilden. Anhand der Untersuchung des historischen Hintergrunds, der divergierenden außenpolitischen Agenden und der strategischen Interaktionen der wichtigsten Akteure beleuchtet die Analyse die komplexe Natur dieser potenziellen Normalisierung. Die These lautet, dass eine Normalisierung möglich ist, sofern Israel die Bereitschaft zeigt, Zugeständnisse in Bezug auf die Legitimität der palästinensischen Staatlichkeit zu machen, welche in einem ernsthaften Lösungsweg integriert sind. Diese Fragen der Legitimität sowohl der palästinensischen als auch der israelischen Staatlichkeit sind jedoch zusammen mit dem rechtlich umstrittenen Status der besetzten Gebiete seit Beginn der arabisch-israelischen grundlegende und anhaltende Hindernisse.

1 Introduction

The terrorist attacks conducted by Hamas on October 7, 2023, disrupted the former period of de-escalation in the Middle East and the new developments of the pursued normalization between Israel and Saudi Arabia. With this event the Palestinian question appeared again on the international agenda and fuels the traditional tensions between the regional powers. It can be argued that the regional constellation is composed of different layers. Firstly, the general and normative layer is determined by the traditional rivalry between Iran and Saudi Arabia based on the Sunni-Shia sectarianism which is instrumentalized for domestic and foreign political purposes. Secondly, on the regional level, the foreign policy agenda of Iran maintains the axis of resistance, which is exploiting political turmoil and domestic instability caused by sectarian tensions in the region. Whereas Saudi Arabia is trying to maintain stability by condemning Islamist terrorism, furthering the long-standing partnership the US, and domestically balancing social reforms and the social impact of the religious establishment.

The interests of the actors on these different layers are illustrated by Steinberg who underlines the Vision 2030 invented by Mohammad bin Salman (MbS) representing the fundamental shift of the domestic and foreign policy making of Saudi Arabia. Being aware of the after-oil era, Saudi Arabia is trying to become one of the ten most important economic powers and a neutral center of mediation between Asia and the West. Even though MbS is trying to solve the hegemonial struggle with Iran, the economic agenda in the shadow of the Vision 2030 is more important and, consequently, the relations with possible regional partners, such as Israel, too. However, the terrorist attacks of October 7, 2023, led to the immediate pause of negotiations regarding a normalization between Israel and Saudi Arabia due to the risk of domestic political turmoil in the Gulf monarchy.¹ Asseburg and Lintl analyzed that Israel is also interested in regional security, prospering economy, and concluding new bilateral relations. Despite the impact of failed peace developments in the past, the Abraham Accords achieved by the Trump administration introduced a new era of Arab-Israeli relations.²

Another factor which must be considered is the ongoing conflict in Gaza conducted by the Israeli Defense Forces (IDF) against Hamas, the international community raised questions regarding the compliance with international humanitarian law, in particular the right of self-defense of Israel, proportionality, and crimes against humanity. In addition, based on expressions

¹ Guido Steinberg, „»Globales Saudi-Arabien«. Mittelmacht Mit Großen Ambitionen,“ in *Mittlere Mächte – Einflussreiche Akteure in Der Internationalen Politik* (Berlin: Stiftung Wissenschaft und Politik, 2024), 25–27.

² Muriel Asseburg and Peter Lintl, „Israel: Das Primat Sicherheitspolitischer Interessen,“ in *Mittlere Mächte – Einflussreiche Akteure in Der Internationalen Politik* (Berlin: Stiftung Wissenschaft und Politik, 2024), 17–18.

by high-ranking Israeli politicians and the high numbers of killed Palestinian civilians, South Africa called the International Court of Justice (ICJ) to investigate on the issue of violating the Genocide Convention.³

The structure of this thesis is designed to provide a comprehensive analysis through three main chapters. Chapter one introduces the general framework composed of the research question, the theoretical approach, and the current state of the region. Chapter two consists of three sub-chapters to examine the key actors, the historical context, and the impact of international law. In particular, the most relevant historical events, wars, and developments since 1948 until today in addition to Resolutions of the United Nations Security Council and recent legal proceedings are analyzed. Chapter three assesses the prospects for normalization, based on the preceding analyses and within the context of regional and global dynamics. Due to the current relevance of the topic, the focus is twofold. Firstly, analyses, policy briefs and comments from think tanks and scholars interpreting the new developments and steps within the ongoing conflict are the base to identify trendlines. Secondly, numerous scholars already engaged with the relevant subjects from various perspectives, dedicating their efforts to analyzing the region. It is essential to note that the research activities, including media monitoring and analyzing, for this very thesis concluded in early June 2024, amidst the ongoing Gaza conflict.

1.1 Research Question and the Status Quo

The analysis is based on the hypothesis that despite the attack of Hamas and the subsequent Israel-Gaza war a normalization between Israel and Saudi Arabia is still feasible, arguing that the overall regional and global dynamics have not significantly changed. This hypothesis rests on following assumptions. First of all, Iran is a common enemy of both Israel and Saudi Arabia, making the conclusion of a security cooperation plausible. Secondly, Saudi Arabia's general foreign policy goals are regional stability, security and economic prosperity. Similarly, Israel aims to expand bilateral relations to increase political influence and achieve its economic agenda. Thirdly, Saudi Arabia could act as potential governing force and supporter in rebuilding Gaza, positioning itself as reliable regional and global partner.⁴ Consequently, the following question must be raised: Is a normalization between Israel and Saudi Arabia plausible despite the recent war in Gaza considering the strategic interests, regional and domestic political circumstances and geopolitical dynamics and international law? The goal of this research is to assess the potential for normalization between Saudi Arabia and Israel by examining both

³ South Africa v. Israel, ICJ, <https://www.icj-cij.org/case/192>, 71.

⁴ Barak Ravid, "Blinken Tells Bibi Saudis Want Peace Deal, but Not without Two-State Solution," Axios, January 10, 2024, <https://www.axios.com/2024/01/10/saudi-israel-normalization-blinken-netanyahu-gaza>.

constructivist and realist perspectives. This involves analyzing the interests, identities, and objectives of the key players, as well as the historical developments of the Arab-Israeli conflict. Furthermore, the impact of the October 7, attacks, is elucidated through brief analyses by experts from the Middle East Institute. Taylor concluded that the period of regional de-escalation ended, and the US concerted normalization between Israel and Saudi Arabia was disrupted by the attack on October 7, 2023.⁵ Similarly, Salem observed that the long-ignored Palestinian issue has resurfaced, fueling the traditional tensions between the Iranian-supported axis of resistance, Saudi Arabia, and the US. Additionally, a new Israeli occupation in Gaza could hinder a normalization between Saudi Arabia and Israel, adding to the existing negotiation challenges, namely settlements in the West Bank, mutual state recognition, and the status of Jerusalem. The broad solidarity of the Arab world with Gaza's population has created domestic pressure, particularly in Saudi Arabia, against rapprochement with Israel. Furthermore, the impact of the 2024 US election and its potential to shift regional dynamics is significant.⁶ Also Katulis underlined that Biden must address domestic electoral concerns while crafting a solid Middle Eastern agenda in order to bring improvement and humanitarian relief to Gaza. Concurrently, the US aims to deter Iran and its proxies to prevent further escalation including a large-scale reemergence of Sunni terrorism.⁷ Regarding the Gulf States, Feierstein predicted that especially Saudi Arabia could play a significant role in the redevelopment and governance of Gaza.⁸ Abdo explained that all regional powers, especially Saudi Arabia and Iran, are leveraging religious sectarianism as an identity-creating factor to achieve geopolitical and strategic objectives.⁹ This use of religion as an identity tool, characterized by the enduring competition for the original spiritual leadership of Islam and mutual distrust, is instrumentalized to fill power vacuums in the region.¹⁰ As mentioned, another important factor covered by this thesis is international law, particularly the UN Security Council Resolutions such as Resolution 181 of 1947 and

⁵ Alistair Taylor, "A Brief Look Back at 2023: From Normalization to Escalation in the Middle East," in *Conflict, Competition, and Containment Will Shape the Contours of the MENA Region in 2024*, December 12, 2023 (Middle East Institute, 2023), 3–4.

⁶ Paul Salem, "Long Tail of Israel-Hamas War Will Overshadow 2024," in *Conflict, Competition, and Containment Will Shape the Contours of the MENA Region in 2024*, December 12, 2023 (Middle East Institute, 2023), 5–7.

⁷ Brian Katulis, "Five Factors to Watch in US Diplomatic Efforts on a Possible Israel-Saudi Deal," Middle East Institute, August 10, 2023, 6–7, <https://www.mei.edu/publications/five-factors-watch-us-diplomatic-efforts-possible-israel-saudi-deal>.

⁸ Gerald M. Feierstein, "Saudi and Emirate Aspirations for Global Leadership Roles Coming to Fruition," in *Conflict, Competition, and Containment Will Shape the Contours of the MENA Region in 2024*, December 12, 2023 (Middle East Institute, 2023), 18–20.

⁹ Geneive Abdo, *The New Sectarianism : The Arab Uprisings and the Rebirth of the Shi'a-Sunni Divide* (New York, NY: Oxford University Press, 2017), 144–45, <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1402583&site=ehost-live>.

¹⁰ Abdo, 148–50.

Resolution 242 from 1967 and Resolution 338 from 1973, which have significantly shaped the political landscape, social realities, and regional disputes. Furthermore, issues of international humanitarian law concerning self-defense, and the legality and legitimacy of all military actions by IDF and terrorist actions by Hamas on October 7, 2023, in the shadow of the case *South Africa v. Israel* before the ICJ with the accusation of violating the Genocide Convention are relevant. Moreover, it is predicted that this case will be last for years due to the difficult proof of the special intent (*dolus specialis*).¹¹

To broaden the perspective, this thesis incorporates the theoretical implications of realist constructivism developed by Barkin, to create a more complex picture composed of the identities, interests, and objectives of the actors. The theoretical approach is based on Barkin's claim that social reality is more powerful than material objectives. Consequently, power structures shape the formation of ideas and ideals, which can be used as base for examining the relationship between normative structures and the practices of power.¹² To analyze and assess these norms, Wendt's general theory of constructivism is applied. This theory assumes that states act according to their objectives influenced by identities and interests, which are shaped by internalized shared norms.¹³ Akbarzadeh drawing, on constructivism and neoclassical realism, argued that identities are shaped by religion, culture and history, and can be impacted by changing priorities, leading to shifts in state behavior.¹⁴ Under MbS, Saudi Arabia is experiencing a shift in the state identity, as it seeks to change its external perception by the international community. The new characteristics of this identity include the maintaining regional stability, economic prosperity, diversification, and countering Iran, especially after the JCPOA deal of 2015 under Obama.¹⁵ Based on the common enemy Iran and its nuclear program, Israel and Saudi Arabia have begun mutual rapprochement. However, Saudi Arabia faces the challenge of balancing hard-power calculations and ideological concerns, specially building relations with Israel, perceived by Saudi Arabian public opinion as a threat to the third holiest site of Islam in Jerusalem, risks domestic political turmoil due to the powerful religious establishment.¹⁶

¹¹ *South Africa v. Israel*, ICJ, <https://www.icj-cij.org/case/192>, 82-83.

¹² J.Samuel Barkin, "Realist Constructivism," *International Studies Review* 5, no. 3 (September 2003): 336–38, <https://doi.org/10.1046/j.1079-1760.2003.00503002.x>.

¹³ Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46, no. 2 (1992): 397–99, <https://doi.org/10.1017/S0020818300027764>.

¹⁴ Shahram Akbarzadeh, "The Blurred Line between State Identity and Realpolitik," in *Routledge Handbook of International Relations in the Middle East* (Milton Park, Abingdon, Oxon ; New York, NY : Routledge, 2019.: Routledge, 2019), 2.

¹⁵ Akbarzadeh, 2.

¹⁶ Akbarzadeh, 4.

In contrast, Iran follows a clear anti-US and anti-Israel narrative based on cultural and religious principles, supporting all potential rivals of its enemies in the region.¹⁷ Mabon argued that the rivalry between Saudi Arabia and Iran is rooted on religious sectarianism. The fundamental religious differences between the Salafi-Wahhabi state structure of Saudi Arabia and the Iranian Shiite state doctrine impact every area of statehood, creating the conditions for a hegemonic struggle in the region.¹⁸ Since the Islamic Revolution of 1979, Iran has supported several proxy-states and groups based on shared religious Shiite norms¹⁹ and the resistance against allegedly illegitimate oppressors.²⁰ Traditionally, Saudi Arabia influenced the region through economic programs and the expansion of its own religious agenda until September 11, 2001.²¹ These concepts are mirrored in their foreign policy agendas. Iran's foreign policy agenda is based on the regime's religious identity and ideological principles to secure the regional geopolitical influence, primarily through relations with Shiite non-state actors, except for Hamas.²² Conversely, Saudi Arabia's major objective is regional stability in the domestic and regional structures.²³

Mabon concluded that transnational events shape the regional order, and historical events continue to influence interests and identities. Despite the huge impact of identities, the regional distribution of power also plays therefore a crucial role. Since the support of groups and the forging of alliances depend not only on constructivist considerations but also on power and influence.²⁴ Regarding historical developments, Mabon analyzed that the war on terror since 2003 and the toppling of Saddam Hussein in Iraq disrupted the rapprochement between Iran and Saudi Arabia under president Khatami, exacerbating regional fragmentation.²⁵ Moreover, the Arab uprisings in 2011 further impacted regional fragmentation along with different religious and ethnic lines, exploited by Iran and Saudi Arabia.²⁶ In terms of the recent war, Samuel outlined the two general opposing narratives attempting to legitimize their positions. The pro-Israel position assumes that antisemitic hatred threatens the existence of the Israeli state, while

¹⁷ Akbarzadeh, 5–6.

¹⁸ Simon Mabon, *The Struggle for Supremacy in the Middle East: Saudi Arabia and Iran*, 1st ed. (Cambridge University Press, 2023), 5–8, <https://doi.org/10.1017/9781108603690>.

¹⁹ Mabon, 3–4.

²⁰ Mabon, 11.

²¹ Mabon, 11–15.

²² Mabon, 12–13.

²³ Mabon, 15–16.

²⁴ Mabon, 250–59.

²⁵ Simon Mabon, “Saudi Arabia and Iran. Islam and Foreign Policy in the Middle East,” in *Routledge Handbook of International Relations in the Middle East* (Milton Park, Abingdon, Oxon ; New York, NY : Routledge, 2019.: Routledge, 2019), 145–46.

²⁶ Mabon, 147–48.

the pro-Palestine perspective focuses on the controversial occupation since 1967 and its wide repercussions.²⁷ In addition, the repression of Palestinian basic rights since 1967 and the difficult non-violent resistance are highlighted.²⁸

2 Actors and Contexts of the Normalization

The first part of this chapter presents the interconnected relationships and hostilities among all actors in this complex regional structure. The main actors are clearly Israel, United States, Saudi Arabia, and Iran, along with the supported proxy network, which includes Hamas, Syria, Iraqi militias, Hezbollah, and the Houthi rebels. On a broader scale, both global powers Russia and China have ideological and power-related interests in the region, thus influencing this conflict. Beside the pragmatic considerations of power and geopolitical dynamics, historical norms significantly impact the perceptions of all actors and public opinion. In the second part of this chapter the chronology of state consolidation, major wars, including the ongoing war, and various violent and terrorist activities from multiple sides highlights how collective traumas and preceived injustice shape the current political agendas. The historical context, essential for understanding the region and addressing the question of normalization, is primarily based on the work of Dennis Ross, Itamar Rabinovich and Steven L. Spiegel. Their expertise is highly valued, characterized by their former administrative or political positions, experience, and knowledge. Both first-hand information and analysis of the historical developments are necessary to grasp the complexities of the region and the prospects of normalization. In the third part the implications of international law based on general aspects, relevant Resolutions of the United Nations, and the ongoing allegations before the ICJ and the ICC are explained.

2.1 Actors

Israel is one of the main actors in the region, trying to achieve stability and meet its complex goals in the ongoing war in Gaza. The current primary objectives include, firstly, freeing Israeli hostages captured by Hamas while conducting wide military operations; secondly, neutralizing Hamas in the Gaza strip; thirdly, the protection of the country and its borders. Moreover, Israel seeks to avoid further escalation with Iran and in the West Bank.²⁹ Additionally, domestic politics, particularly the political survival of Prime Minister Netanyahu, significantly impact the

²⁷ M.T. Samuel, "The Israel-Hamas War: Historical Context and International Law," *Middle East Policy* 30, no. 4 (2023): 3–4, <https://doi.org/10.1111/mepo.12723>.

²⁸ Samuel, 8–9.

²⁹ Zohar Palti et al., "The Hamas-Israel War: One Month On," The Washington Institute, November 9, 2023, <https://www.washingtoninstitute.org/policy-analysis/hamas-israel-war-one-month>.

war's progression and future steps.³⁰ In addition to these current political and social circumstances, the traditional ethnical and territorial complications are also obstacles for future negotiations. Freilich outlines these complications as the legality of settlements, the return of Palestinian refugees to occupied areas, the declaration of East Jerusalem as Palestinian capital, and the potential destruction of the Israeli state. Consequently, Israel is unlikely to agree to any treaty until these questions are resolved and specific security arrangements are concluded.³¹

According to Sela, the 1948 war created lasting associations between the Holocaust and perceived threats from neighboring Arab states, shaping current perceptions and overshadowing the killings of Palestinians and the occupation of territories justified by claims of rejected peace agreements. Additionally, Israel forbids the return of those who were forced to flee during of the war of 1948, citing fears of renewed violence from returning Palestinians.³² These historical perspectives frame both the left-wing, or dovish narrative, which denies the expulsion of Arabs, and the right-wing, or hawkish, counter-narrative, which takes revisionist pride in the Arab exodus.³³ Gelvin notes that the current Israeli government and political landscape are significantly more right-wing compared to the pre-1967 era.³⁴

The US was the dominant power in the Middle East during the Cold War due to its economic and military capabilities, and consistent achievement of strategic goals, according to Gelvin. The US aimed to contain Soviet influence, secure access to oil for the West, and support Israel. After the Clinton administration's era of dual containment between Iran and Iraq, the Bush administration adopted a neo-conservative path including the controversial War on Terror, which disrupted Iraq and Afghanistan's governmental structures.³⁵ Both Obama and Trump sought to reduce US military presence in the Middle East, but Trump aligned closely with Israel and Saudi Arabia against Iran. Biden asserts that US presence is necessary to prevent a power vacuum that could be filled by China, Russia, or Iran.³⁶

The Saudi-Arabian crown-prince Mohammad bin Salman is currently conducting a social revolution from above in order to position Saudi Arabia as global key player, as the traditional

³⁰ Patrick Kingsley, "Netanyahu's Bind: Compromising in Gaza or Holding On to Power at Home," *The New York Times*, February 1, 2024, sec. World, <https://www.nytimes.com/2024/02/01/world/middleeast/netanyahu-israel-gaza-politics-war.html>.

³¹ Chuck Freilich, "Israel and the Palestinians: The Day After," *INSS - The Institute for National Security Studies* 65, no. 6 (December 4, 2023): 68, <https://www.inss.org.il/publication/israel-and-the-palestinians-the-day-after/>.

³² Avraham Sela, "Israeli and Palestinian Memories and Historical Narratives of the 1948 War—An Overview," *Israel Studies* 21, no. 1 (2016): 6–7, <https://doi.org/10.2979/israelstudies.21.1.1>.

³³ Sela, 8.

³⁴ James L. Gelvin, *The New Middle East: What Everyone Needs to Know*, Second edition (New York, NY: Oxford University Press, 2023), 103–4.

³⁵ Gelvin, 91–96.

³⁶ Gelvin, 97–100.

US-Saudi security alliance no longer considered reliable, as Gause noted.³⁷ This shift is partly due to the conclusion of the Joint Comprehensive Plan of Action (JCPOA) and the US's lack of intervention in the Arab Uprisings of 2015 under the Obama administration.³⁸

The current revolution from above and the changed regional geo-political conditions and considerations triggered the need also for a new foreign policy agenda. Also, Steinberg pointed the new foreign policy agenda of this important oil state out and mentioned the Vision 2030 as framework for wide economic and social reforms since the oil-for-security deal with the US has ended, as aforementioned. MbS is the central personality of all those reforming processes dictating this particular strategy, as Steinberg highlighted. In terms of economic goals, Saudi Arabia wants to become one of the ten most important economies in the world. In order to achieve new global influence a strong economy is necessary which requires an almost conflict free region. Therefore, the normalization with Israel and the end of the Palestinian conflict is necessary and focused.³⁹ In addition, Saudi Arabia tried to calm down the contention with the Houthis and attempted to build relations with Iran, which was achieved with the re-opening of an Iranian embassy in Riyadh concerted by China in March 2023.⁴⁰ Alrebh stated that Saudi Arabia is maintaining a policy of preserving the rights of Palestine in the conflict which is also at least partly supported by the US. This should satisfy Saudi Arabia as one of the Islamic global centers in order to achieve the normalization. MbS is conscious about his chance to make history, if he could pressure Israel towards a peace deal based on former agreements and achieve mutual recognition. In sum, the main component for Saudi-Arabia is stability in the region and being part of a strong alliance against Iran. Moreover, the current position of MbS is opposing Hamas while condemning the siege of Gaza. Furthermore, Saudi Arabia is ready to orchestrate the future negotiations between Hamas, Israel, and the US as reliable partner.⁴¹ Nevertheless, the main drivers are economic interests and regional stability for the normalization. Therefore, Saudi Arabia welcomes foreign direct investments and wants to purchase state of the art technology. This is another incentive for the normalization since Israel has a very strong tech sector and is also interested in economic expansion. As Rabinovich pointed out relations between Saudi Arabia and Israel are unofficially existing since the 1960s.⁴² Regarding

³⁷ F. Gregory Gause III, "Saudi Arabia, How Much Change?," in *The Contemporary Middle East in an Age of Upheaval* (Stanford: Stanford University Press, 2021), 155–56.

³⁸ Gause III, 165.

³⁹ Steinberg, "»Globales Saudi-Arabien«. Mittelmacht Mit Großen Ambitionen," 25–26.

⁴⁰ Steinberg, 26.

⁴¹ Abdullah F. Alrebh, "Is Saudi-Israel Normalization Still on the Table?," Middle East Institute, December 22, 2023, <https://www.mei.edu/publications/saudi-israel-normalization-still-table>.

⁴² Itamar Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022*. (Washington, D.C: Brookings Institution Press, 2023), 224–26.

the normalization of Israel and Saudi Arabia, Alrebh stated that Saudi Arabia, due to its spiritual status in the Muslim world, must find the balance in the policy making between the guarantee of Palestinian rights namely an independent Palestinian state and condemning the siege of Gaza while simultaneously opposing Hamas as terrorist organization.⁴³

To analyze the group aiming for regional disruption, Iran has to be mentioned first. Since the pivotal Islamic Revolution in 1979, Iran has been constructing a robust proxy network throughout the Middle East. Significant territories where Iranian-supported groups are active include Iraq, Syria, Lebanon, Bahrain and Yemen. Ostovar questioned the significance of religion, particularly the unique Shiite theology known as *Khomeinism*, as the foundation of this network. The roles of identity and religion are fundamental and intertwined with Iran's broad political goals. The Iranian Revolutionary Guard Corps (IRGC), especially its involvement in the al-Badr network in Iraq and Hezbollah in Lebanon, serves as crucial supportive force against regional Sunni powers, primarily Saudi Arabia, Israel and the US.⁴⁴ Ostovar argued that Iran instrumentalizes religion and ideology as primary drivers for its expansionist ambitions through exploiting religious and ethnic sectarianism in regional and transnational conflicts. This strategy is highly effective for trust-building and deepening relations with proxies.⁴⁵ Posch identified the four ideological pillars are based Iran-specific nationalism, Shiite religion, *Third Worldism* and non-confessional revolutionary Islamism known as *Khomeinism*. *Third Worldism* means Iranian influence extending beyond the Middle East to the international community. These pillars are influenced by ideological pragmatism constrained by anti-Americanism and anti-Zionism.⁴⁶ Furthermore, the Iranian constitution mandates the observance of the Islamic world as foreign policy objective (Art. 3/16) and emphasizes the brotherhood of Muslim nations (Art. 11). According to Posch, however, these objectives have not coalesced into a strategic agenda.⁴⁷ Iran aims to become a regional power and to advance the pro-Palestinian cause from a religious perspective to achieve the revolutionary strategic objectives.⁴⁸

For this analysis, the most relevant Iranian proxy is the Sunni-Islamist group Hamas, founded by Sheikh Ahmad Yassin in 1987 and the de-facto government in the Gaza strip since 2005.⁴⁹

⁴³ Alrebh, "Is Saudi-Israel Normalization Still on the Table?"

⁴⁴ Afshon Ostovar, "Iran, Its Clients, and the Future of the Middle East: The Limits of Religion," *International Affairs* 94, no. 6 (November 1, 2018): 1237–40, <https://doi.org/10.1093/ia/iyy185>.

⁴⁵ Ostovar, 1254–55.

⁴⁶ Walter Posch, "Ideology and Strategy in the Middle East: The Case of Iran," *Survival, Global Politics and Strategy* 59, no. 5 (2017): 80–81, <https://doi.org/10.1080/00396338.2017.1375256>.

⁴⁷ Posch, 79.

⁴⁸ Posch, 82–83.

⁴⁹ Kali Robinson, "What Is Hamas?," Council on Foreign Relations, October 31, 2023, <https://www.cfr.org/background/what-hamas>.

Hamas, the Palestinian branch of the Muslim Brotherhood, is characterized by the typical politicized religious principles, Palestinian nationalism, resistance against oppressors (*muqawama*), and fundamental rejection of the Israeli state. Initially a public aid movement, the Muslim Brotherhood soon evolved into a political movement, maintaining an activist approach to revolution from below through participation to create a government based on principles of Islamic Law. Sheikh Ahmed Yassin, the spiritual founder of Hamas, declared that the group's political, social, and military sections are interconnected, legitimizing violence as an instrument to achieve its objectives.⁵⁰ Iran is Hamas's most important supporter due to the shared ideological goal of destroying Israel, despite the religious differences.⁵¹ Ostovar concluded that while there are common ideological goals, they are limited by religious beliefs, particularly regarding the legitimate religious leadership.⁵² Another significant aspect of Hamas's identity is the precarious social and economic conditions in the Gaza Strip.⁵³ According to Sela, Palestinian nationalism emerged in 1960s from the long struggle against the British colonialism and Zionism, with the term *nakba* (catastrophe) created in refugee camps where survivors shared their experiences. This narrative, dating back to the fall of the Ottoman Empire after World War I, forms the historical victimhood of the peoples in the Levant. Notably, attacks by Arab communities against the Yishuv during the British mandate are excluded from the narrative. Instead, as Sela stated, the *haganah* (the de-facto military institution of the Jewish communities) is regarded as the most problematic aspect of Zionism. This perception is deeply ingrained in Palestinian academia and society. Moreover, the perpetuation of the Nakba-narrative and the perceived betrayal of Palestinians by other Arabic countries are mechanisms that sustain the resistance (*muqawama*), the struggle for legitimacy of statehood, and the right to return.⁵⁴

Russia is arguably the probably most significant counterpart to the western powers in the Middle East. Between 1967 and 1991, Russia had no diplomatic relations with Israel and supported groups opposing the Jewish state. Currently, Putin can use the war in Gaza to divert attention from the conflict in Ukraine and bolster his anti-western agenda in the Middle East.⁵⁵ Hill and

⁵⁰ Kristina Hummel, "The Road to October 7: Hamas' Long Game, Clarified," Combating Terrorism Center at West Point, November 28, 2023, <https://ctc.westpoint.edu/the-road-to-october-7-hamas-long-game-clarified/>.

⁵¹ Ostovar, "Iran, Its Clients, and the Future of the Middle East," 1243–44.

⁵² Ostovar, 1246.

⁵³ Emile Hokayem, "The Gaza War and the Region," *Survival* 65, no. 6 (November 2, 2023): 58, <https://doi.org/10.1080/00396338.2023.2285603>.

⁵⁴ Sela, "Israeli and Palestinian Memories and Historical Narratives of the 1948 War—An Overview," 9–14.

⁵⁵ Anna Borshchevskaya, "Russia's Relationship with Hamas and Putin's Global Calculations," The Washington Institute, November 6, 2023, <https://www.washingtoninstitute.org/policy-analysis/russias-relationship-hamas-and-putins-global-calculations>.

Huggard noted that the Soviets supported the Palestine Liberation Organization (PLO) and maintained a hostile stance towards the state of Israel. In the 1990s, post-soviet Russia promoted a two-state solution and facilitated the immigration of Russian Jews to Israel. Putin recognizes Judaism as one of Russia's three major religions, alongside Islam and Orthodox Christianity, and views Israel as a key player in the region, along with Iran and Saudi Arabia, striving to maintain good relations with all players. Furthermore, Putin conducted Russian operations in Syria, which backed the Assad regime. The war in Ukraine has strained political relations, especially after Putin labeled the Ukrainian president Zelensky, who is Jewish, a Nazi. Despite this, Russia remains interested in the normalization of relations between Israel and Saudi Arabia due to economic and political reasons. Furthermore, Russia's relations with Saudi Arabia are influenced by the political and economic framework of OPEC+ and its close ties to Iran.⁵⁶

Borshevskaya concluded that Russia aims to expand its influence in the Middle East and traditionally opposes Western strategies. The expert identified three pillars of this approach: Russian arms trade in the Middle East, maintaining access to military bases, and deploying paramilitary forces, notably the former Wagner. The close ties between Russia and Iran intensified since the war in Ukraine began, as evidenced by the supply with Iranian Shahed Drones. Borshevskaya suggested that Su-35 jets for the Iranian army could shift the regional balance of power. Conversely, Western powers aim to limit Russian influence in the Mediterranean and its presence on NATO's southern flank, with access to the port of Tartus and the Khmeimim Air Base providing Russia with strategic leverage. Additionally, Russia is attempting to establish a new naval base in Libya, with the renamed Wagner Groups, now known as Afrika Korps, playing a crucial role in achieving these objectives.⁵⁷ Stroul explained that the Russia-Iran partnership began with their support for Assad in the Syrian civil war in 2015. This collaboration has evolved into strategic partnership, which Russia focusing on Europe, particularly Ukraine, and Iran on the Middle East. This partnership is driven more by a shared anti-Western ideology and a desire to change the current international order than by purely strategic calculations. The agenda includes military cooperation, nuclear proliferation, efforts to weaken global sanctions, and exchanging best practices for domestic suppression. Notably, Iran's drone and missile supply to Russia for the Ukraine war underscores this cooperation. Beyond military and political ties, Russia is the largest foreign investor in Iran, with linked banking systems and state-owned

⁵⁶ Fiona Hill and Kevin Huggard, "What Is Russia's Role in the Israel-Gaza Crisis?," Brookings, January 31, 2024, <https://www.brookings.edu/articles/what-is-russias-role-in-the-israel-gaza-crisis/>.

⁵⁷ Anna Borshchevskaya, "How the Middle East Became an Arena for Putin's Power Struggle with the US | The Washington Institute," The Washington Institute, March 9, 2024, <https://www.washingtoninstitute.org/policy-analysis/how-middle-east-became-arena-putins-power-struggle-us>.

gas and energy companies. Russia and Iran are also members of BRICS, presenting an alternative to average international organizations.⁵⁸

China is the third major power and an important regional player in the Middle East. According to Rumley, China's objectives in the region are threefold. Firstly, China is willing to help regional actors expand their defense capabilities without the concessions regarding human rights that often accompany US provided support. In this regard, both China and Russia are less strict. Secondly, China aims to persuade regional actors to oppose US influence as part of the broader geopolitical competition between these two powers. Thirdly, China seeks new economic partners, particularly in the Gulf, to counter US efforts to limit Chinese influence.⁵⁹ As Steinberg noted, China has become the new big economic partner of Saudi Arabia and concerted, at least superficially, the diplomatic rapprochement between the Gulf monarchy and Iran.⁶⁰ In 2013, the Belt and Road Initiative was brought by Xi Jinping to the Middle East. Furthermore, there is the fear that Chinese investments could influence the geopolitical composition of the region. However, Gelvin stated that China is considering the Middle East as multi-polar structure in the long run.⁶¹ Furthermore, China is trying to occupy a position as an advocate for peace and is calling for a ceasefire and in the long run for a two-state solution. This position is similar to the US stance in terms of the legitimacy of self-defense, but also the emphasis on the necessary respect for humanitarian law. Despite the similarity of these interests between China and US, there is no cooperation or coordination due to the global competition. As researched by Kim, Dong and Prytherch, the Chinese media and parts of the public opinion is claiming that the US is (again) acting as destabilizing factor due to its hegemonic ambitions.⁶² For China the Shanghai Cooperation Organisation is one of the main instruments for regional influence. Iran is a full member of the organization, while Saudi Arabia, the United Arab Emirates, Kuwait, Bahrain and Egypt are dialogue partners. Moreover, China is the largest oil importing country from Gulf States and is the preferred trading partner of the region. Thus, the Belt and Road Initiative maintains the strong economic cooperation which could be used as leverage. However, as Aluf concluded, there is a strong asymmetry between the Chinese part of the Iranian trade portfolio

⁵⁸ Dana Stroul, "Russian-Iranian Cooperation and Threats to U.S. Interests | The Washington Institute," The Washington Institute, April 17, 2024, <https://www.washingtoninstitute.org/policy-analysis/russian-iranian-cooperation-and-threats-us-interests>.

⁵⁹ Grant Rumley, "China's Military Objectives and Operational Experience in the Middle East | The Washington Institute," The Washington Institute, April 19, 2024, <https://www.washingtoninstitute.org/policy-analysis/chinas-military-objectives-and-operational-experience-middle-east>.

⁶⁰ Steinberg, "»Globales Saudi-Arabien«. Mittelmacht Mit Großen Ambitionen," 25–26.

⁶¹ Gelvin, *The New Middle East*, 100–101.

⁶² Patricia M. Kim, Kevin Dong, and Mallie Prytherch, "Chinese Narratives on the Israel-Hamas War," Brookings, January 22, 2024, <https://www.brookings.edu/articles/chinese-narratives-on-the-israel-hamas-war/>.

which amounts to 30% and the 1% of Iranian products in the Chinese portfolio. On the contrary, China is buying Iranian oil in order to soften the economic and geopolitical pressure for the regime. Nevertheless, since the US has the primary control of the region, Chinese trade ties could be blocked, for instance if the Taiwan situation could become more intensive.⁶³

For the conclusion of this sub-chapter, the ongoing war significantly impacts both domestic and foreign political factors. Iran maintains a regional proxy network aiming to disturb the regional order and balance of power through various channels. Conversely, MbS is trying to conclude steps to stabilize the region through a more open foreign policy agenda. This is opposed by the normative, religious, and political obligation to show solidarity with the population of Gaza and the Palestinians. Moreover, Saudi Arabia is a potential resource supplying factor for the rebuild of Gaza. However, Saudi Arabia signaled that some concessions towards a sustainable solution for the Arab-Israeli conflict on behalf of Israel must be made beforehand. The United States, a long-standing partner of both Israel and Saudi Arabia, plays a crucial role in ensuring Israeli security and balancing of power in the region, participating in all negotiations. Russia is intertwined with Syria and Iran in order to gain geopolitical influence and achieve regional objectives in order to oppose the Western agenda, as explained by Borshevskaya. China, a very strong economic partner of Saudi Arabia, aims to position itself as advocating power. Furthermore, China is member state of the Shanghai Cooperation Council, some kind of western opposing international organization. Lastly, China has the veto power in the UN Security Council.

2.2 Historical Context

The following chapter is structured by US presidencies reflecting the general stances towards Israel together with the relevant historical developments. For the sake of stringency and consistency, only the most important and relevant events are pointed out. In terms of the historical factors and their importance in the formation of identities the era of the World War I and the decline of the Ottoman Empire must be analyzed. Especially, the legacy of the Yishuv period between 1880 and 1948 an era of development of the Jewish community as agricultural settlements on the Palestinian territories during the Ottomans and the British mandate.⁶⁴ Within this period, numerous secret alliances were forged, and secret treaties were concluded most prominent the Sykes-Picot Agreement, the Balfourt Declaration, and the Hussein McMahon

⁶³ Dale Aluf, "China's Influence in the Middle East and Its Limitations," *The Diplomat*, February 26, 2024, <https://thediplomat.com/2024/02/chinas-influence-in-the-middle-east-and-its-limitations/>.

⁶⁴ Dvora Hacohen, "Mass Immigration and the Israeli Political System, 1948–1953," *Studies in Zionism* 8, no. 1 (March 1987): 99–100, <https://doi.org/10.1080/13531048708575912>.

correspondence. In the post-war era, Britain gained the Palestinian territories beside Mosul and Northern Iraq and Transjordan. These arrangements were made without any sensibility of ethnic or religious factors and concluded no clear borders. This became even more complicated after the Treaties of Sevres (1920) and Lausanne (1923).⁶⁵ After World War II, the circumstances in Palestine have significantly changed based on new demographic developments, the repercussions of the war and the new global political situation. Within this historical scope, in April 1947, the British transferred their mandate over the region to the United Nations Palestine Commission (UNPC) in order to find a solution. Consequently, the United Nations General Assembly proposed Resolution 181 of 1947 the famous partition plan for the Palestinian and Jewish populations with Jerusalem as *corpus separatum*. The UN offered in this plan two proposals namely two separate states or one binational state. The Arab states rejected both proposals and the Jewish community decided for the first, subsequently, the resolution was passed on November 29, 1947.⁶⁶ Passing the Resolution was the initiation of a state building process including institutions, an army, bureaucratic structure, political and economic bodies. According to Hacohen, mass immigration of mostly Holocaust survivors from Europe has been the most urgent and significant challenge of this period.⁶⁷ On May 14, 1948, the Peoples Council of Israel issued the Declaration of Independence which among other provisions dictated the creation of a Constituent Assembly.⁶⁸ Commonly known, the consequence was, from Jewish perspective, the war of Independence and the *nakba* from Arab perspective.

Ross concluded that the 33rd US president Harry S. Truman provided only limited support and assistance for Israel while he tried to find the new position of the US after World War II. In addition, the US was obliged to balance the influence in the region with UK and was split by the question of whether recognizing Israel or not, however, in the end the Truman administration recognized the state of Israel.⁶⁹ It must also be mentioned that this war led to the announcement of the emergency state in Israel and to the transformation of the Constituent Assembly to the First Knesset as legislative authority postponing the creation of a traditional constitution.⁷⁰

⁶⁵ Oded Eran, Robbie Sabel, and Itamar Rabinovich, "A Century since the Sykes-Picot Agreement: Current Challenges - World | ReliefWeb," May 16, 2016, <https://reliefweb.int/report/world/century-sykes-picot-agreement-current-challenges>.

⁶⁶ United Nations, "Palestine Plan of Partition with Economic Union – General Assembly Resolution 181," n.d., <https://www.un.org/unispal/document/auto-insert-185393/>; "United Nations Resolution 181 | Map & Summary | Britannica," February 2, 2024, <https://www.britannica.com/topic/United-Nations-Resolution-181>.

⁶⁷ Hacohen, "Mass Immigration and the Israeli Political System, 1948–1953," 99–100.

⁶⁸ Suzi Navot, *Constitutional Law of Israel* (Alphen aan den Rijn, Netherlands : Frederick, MD: Kluwer Law International ; Sold and distributed in North, Central, and South America by Aspen Publishers, 2007), 35.

⁶⁹ Dennis Ross, *Doomed to Succeed: The U.S.-Israel Relationship from Truman to Obama* (New York/N.Y: Farrar, Straus and Giroux, 2016), 17–26.

⁷⁰ Navot, *Constitutional Law of Israel*, 35.

In terms of creating the state identity of Israel, the Harari decision must be mentioned. As aforementioned that conclusion of a constitution was postponed until June 13, 1950, when the Knesset agreed that the constitution will be created and implemented chapter by chapter which are called Basic Laws.⁷¹ As Rabinovich explained the war of 1948 ended with an armistice and not with peace. The Israeli society was split into religious orthodox people, an establishment-oriented part whose members tried to find a solution suitable for all sides, and revisionists who perceived themselves as the legitimate heirs of the territories of the region. In general, among the collectively traumatized population of the young Israeli state there was the fear of a second holocaust conducted by the Palestinians and the other Arab neighbor states. Following this logic, any concessions towards the Palestinian people would exacerbate this risk. On the contrary, the Arabs were convinced that Israel was an illegitimate state threatening the Arab world, as such.⁷²

During the administration of the 34th US President Dwight D. Eisenhower the next remarkable event took place in October 1956, Israel invaded the Sinai Peninsula and triggered the Suez crisis. The background for the tensions was a conspiracy operation in Egypt conducted by Israel in order to provoke tensions between Egypt, US and UK and to cease the negotiations about a potential withdrawal. In addition to the Sinai, Israel invaded the Gaza strip and provoked the blockade of the Straits of Tiran by Egypt, necessary for Israeli ships. The western states refused to support the Egyptian President Nasser, who then recognized Red China which was a red line for the US. Nasser's plan was to nationalize the Suez Canal in order to force the Brits to withdraw and earn money. Eventually, Israel, UK, and France, struggling in Algeria, which was supported by Egypt, were forced by the US to end their operations. The important lesson for Nasser was that the community of Arab countries could not fight individually and, therefore, had to form an alliance.⁷³ As Ross described, US president Eisenhower decided to pressure Israel by threatening to sanction private donations to Israel from the Jewish community in the US. Furthermore, the Eisenhower Doctrine was created in order to limit the Soviet influence in the Middle East based on military interventions in the case alliances with the Soviets would have been forged, and vice versa, in addition the US would intervene if the state was threatened by the Soviets.⁷⁴ In the end of the crisis, Nasser was perceived as victor by the Egyptian public

⁷¹ "Highlights of the First Knesset (1949-1951)," Jewish Virtual Library, 2024, <https://www.jewishvirtuallibrary.org/highlights-of-the-first-knesset-1949-1951>.

⁷² Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 5–6.

⁷³ James L. Gelvin, *The Israel-Palestine Conflict: A History*, 4th ed. (Cambridge University Press, 2021), 182–84, <https://doi.org/10.1017/9781108771634>.

⁷⁴ Ross, *Doomed to Succeed*, 36; Ross, 39.

since the Israeli and French armies withdrew from the Sinai despite of the free use of the Straits of Tiran and the Gulf of Aqaba by Israeli ships, the control of Gaza by the United Nations and not Egypt, and stationed UN troops cannot be withdrawn from the Sinai by the individual request from Egypt.⁷⁵ During this period Eisenhower supported the rise of Arab nationalism as countermovement against the traditional monarchists, except that the Arab monarchs in Saudi Arabia, Morocco and Tunisia supported the nationalist ambitions, too. In addition, Eisenhower did not provide arms support for Israel in order to avoid a regional arms race.⁷⁶ Eisenhower's cabinet considered the Arab world as important partners against the Soviets, in line with the urgent necessity to solve the Arab-Israeli war due the geopolitical and energy related issues, and exchanged intelligence resources between Mossad and CIA. As Ross concluded, the US made big promises regarding security towards its Arab allies and the Arabs relied heavily on these promises.⁷⁷

For the subsequent 35th President John F. Kennedy, the Middle East was not a central topic during this presidency because no major war took place, as Ross explained. Kennedy wanted to strengthen the economic relations and to execute a rapprochement to Egypt's president Nasser in order to solve the conflict. Kennedy considered Nasser as prior leader for all Arab leaders with a clear focus on the bi-national solution.⁷⁸ In September 1962, after the Yemeni leader Imam Ahmad Bin Yahya died his succeeding son al-Badr was toppled by a military coup led by Abdullah Salah. Al-Badr fled to Saudi Arabia and a proxy war was triggered in which Egypt supported the Salah led rebel group while Saudi Arabia supported the monarchists. Consequently, the US was between two chairs, on the one hand the serious promises made towards Saudi Arabia with energy supply in mind. On the other hand, the peace building ambitions via President Nasser.⁷⁹ As Ross concluded, the Kennedy administration was the first cabinet which felt responsible for the Israeli security. However, it was perceived by the cabinet that the Israeli nuclear proliferation and the strategy of deterrence could force the Arab countries closer to the Soviets and endanger the US plan of balancing.⁸⁰

The following 36th President Lyndon B. Johnson had to deal with the Vietnam War and the Six-Day war. Spiegel analyzed that Johnson was supported by the Jewish community in the US and continued to intensify the relations with Israel through economic development and defense

⁷⁵ Ross, *Doomed to Succeed*, 37–38.

⁷⁶ Ross, 42–43.

⁷⁷ Ross, 44–49.

⁷⁸ Ross, 51–59.

⁷⁹ Ross, 61–64.

⁸⁰ Ross, 67–71.

of external threads for Israel.⁸¹ In 1967, one of the probably most remarkable events called the Six-Day war took place which completely reshaped the map because of the massive territorial gains – the Sinai Peninsula, the Gaza Strip, the West Bank, the Old City of Jerusalem, and the Golan Heights – made on behalf of Israel. The United Nations Security Council Resolution 242⁸² introduced the so-called land for peace principle and created a new basis for negotiations accepted by Israel, Egypt, Jordan, Syria in 1973 and the PLO in 1988.⁸³ Spiegel described the pre-game of this crucial war with different phases. Firstly, Nasser ordered on May 16, 1967, the withdrawal of the UN Emergency Force from the Israeli-Egyptian border and the blockade of the Straits of Tiran for Israeli ships which was considered as an act of war. Subsequently, Israel attacked between May 29 and June 5 the Sinai Peninsula and publicly pressured the US to decide for one side.⁸⁴ Rabinovich described the repercussions of the event as change of paradigms fueling the impact of Islam in the region. In addition, the probably desired ambiguity of the Resolution 242 contributed to the volatile and uncertain situation after 1967. It must be concluded that this Resolution laid the foundation for all future negotiations despite all parties had their preferred translated version.⁸⁵ The outcomings of 1967 marked a new level of escalation due to the consolidation of the PLO and their bases in Jordan and Lebanon. One remarkable event took place in 1970, during the Black September the Hashemite King of Jordan escorted the PLO out of the state, since the group questioned the legitimacy of the king and hijacked civil planes.⁸⁶ This new situation produced an urgency to find a solution, particularly the withdrawal of the newly occupied territories by Israel. As Spiegel stated, the unanimously agreed Resolution 242 of the United Nations Security Council was the most important achievement of the Johnson administration and reaction to the war and the base for all negotiations in the future despite the room open for interpretations.⁸⁷ However, in the Khartoum conference of 1967, the Arab countries expressed the obligation of the three No's meaning no negotiations with Israel, no peace with Israel and no recognition of Israel. Additionally, there was the assumption among those states that the US and the Soviets should care about the conflict.⁸⁸

⁸¹ Steven L. Spiegel, *The Other Arab-Israeli Conflict: Making America's Middle East Policy, from Truman to Reagan*, Nachdr., Middle Eastern Studies 1 (Chicago: The Univ. of Chicago Press, 1991), 118–25.

⁸² United Nations Security Council, “United Nations Security Resolution 242 (1967),” November 22, 1967, <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242%281967%29.pdf>.

⁸³ Gelvin, *The Israel-Palestine Conflict: A History*, 185–88.

⁸⁴ Spiegel, *The Other Arab-Israeli Conflict*, 137–48.

⁸⁵ Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 7–9.

⁸⁶ Rabinovich, 9–11.

⁸⁷ Spiegel, *The Other Arab-Israeli Conflict*, 155–56.

⁸⁸ Gelvin, *The Israel-Palestine Conflict: A History*, 188–92.

Ross described the administration of the subsequent 37th President Richard Nixon as a mixture of respect for the Arab objectives and pressuring Israeli policy making to make concessions. While Henry Kissinger followed the strategy of signaling the Middle Eastern leaders better support provided by the US than by the Soviets.⁸⁹ The Khartoum No's triggered the building of the Bar-Lev Line on the Israeli side along the Suez Canal, which forced Egypt turning to the Soviets together with promised SAM-2 and SAM-3 missiles. The US did not provide equal missiles to Israel in order to avoid an arms race, nevertheless Nixon promised Rabin suitable assistance eventually.⁹⁰ As Ross stated, the death of Nasser introduced a new period and new opportunities for the US.⁹¹ The Yom-Kippur war, in 1973, was a failed surprise attack on behalf of Egypt and Syria in order to regain lost territories. Although Egypt was defeated, formerly taken territories have been newly negotiated, which the new Egyptian president and successor of Nasser Anwar as-Sadat instrumentalized as victory.⁹² In detail, on October 6, 1973, the day Yom Kippur, Syria and Egypt executed an attack influenced by the Soviet supplied arms and the difficult act of balancing the support for Israel and maintaining the relations with the Arab leaders and trying to be a peace mediator.⁹³ On October 17, 1973, OPEC concluded a block of oil exports, particularly to the US. Subsequently, the UN Security Council Resolution 338⁹⁴ was agreed calling for the implementation of Resolution 242.⁹⁵ Saudi Arabia finally executed an oil embargo risking the loose of the US security guarantee.⁹⁶ Ross explained that the Yom-Kippur war introduced a new level of involvement of the US in the Middle East, also with the oil weapon as new factor.⁹⁷ In the end, Anwar as-Sadat ended the close relations with the Soviets and welcomed the ambitions of US president Nixon. Both, Nixon and Kissinger realized the chances to secure the necessary oil and possible steps towards making peace. These ambitions were materialized and for the first time a direct channel between Israel and Egypt was opened. Moreover, a disengagement plan between the two states could be concluded and finally the Israeli soldiers withdrew from the Suez Canal. Due to domestic political reasons, as Rabinovich pointed out, Syria was not ready to participate in these new developments.⁹⁸

⁸⁹ Ross, *Doomed to Succeed*, 103–5.

⁹⁰ Ross, 109–12.

⁹¹ Ross, 118.

⁹² Asher Susser, "Fifty Years since the Six-Day War: How the Middle East Has Changed," *The RUSI Journal* 162, no. 3 (2017): 43–44, <https://doi.org/10.1080/03071847.2017.1353270>.

⁹³ Ross, *Doomed to Succeed*, 124–26.

⁹⁴ United Nations Security Council, "United Nations Security Council Resolution 338 (1973)," October 22, 1973, <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCR338%281973%29.pdf>.

⁹⁵ Ross, *Doomed to Succeed*, 128–30.

⁹⁶ Ross, 133–34.

⁹⁷ Ross, 131.

⁹⁸ Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 12–15.

As Ross concluded, the administration of the 38th President called Gerald Ford was determined by difficult economic times and a strategy characterized by the principle of *quid pro quo*. In 1975, the Sinai II agreement composed of the Israeli concession of Sinai towards Egypt was the major achievement of Kissinger, according to Ross. It must be emphasized that the Ford administration was the first presidency which considered Jewish settlement activities as illegal, an enormously important and relevant until today. As Ross concluded, the challenge of the period was balancing between support and distancing from Israel, oil as leverage, the perception on the settlement policies, and the support of the Arab regimes regarding economy and security.⁹⁹

In 1977, the 39th President Jimmy Carter was elected with his cabinet composed of Cyrus Vance as Secretary of State and Zbigniew Brzezinski as his National Security Advisor, in line with the new Israeli president Menachem Begin. The agenda of Carter tried to focus on securing oil and the instrumentalization of religion for peaceful purposes. Furthermore, Carter wanted to convince Israel to establish the pre-1967 border situation via a disengagement agenda, also supported by as-Sadat. Within this decade, the idea of Eretz Israel was created and developed as an influencing factor in the Israeli identity. Carter pushed the idea of conducting a large-scale gathering which produced the so-called Camp David Accords consisting of two unequal parts which did not include the Palestinian question. Eventually, Israel and Egypt reached a peace agreement for which Egypt was expelled from the Arab League and most of the Arab countries ended the diplomatic relations.¹⁰⁰ Moreover, as Spiegel pointed out, Sadat concluded a bilateral agreement with Israel even before the begin of the Geneva conference.¹⁰¹ Hereby, according to Spiegel, the strong focus on liberalism in Carters foreign policy agenda and the need to focus on human rights and humanitarianism, symbolized by the shift from fearing communism into the oil concern must be underlined.¹⁰² In particular, the meeting at Camp David in September 1978 was attended by Menachem Begin, Anwar as-Sadat and the former US-president Carter. The major topic was the implementation of Resolution 242, the withdrawal from the Sinai Peninsula, the Golan Heights, and the West Bank, in addition to the right of self-determination of the Palestinian people. On behalf of Israel nearly all points were rejected except the withdrawal from the Sinai. In addition, two frameworks for future steps towards a solution of the conflict were concluded. Firstly, regional peace in the Middle East and peace

⁹⁹ Ross, *Doomed to Succeed*, 139–44.

¹⁰⁰ Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 15–19.

¹⁰¹ Spiegel, *The Other Arab-Israeli Conflict*, 340–41.

¹⁰² Spiegel, 318–19.

between Israel and Egypt. Secondly, peace in the West Bank and Gaza through a transitional government consisting of Egypt, Jordan, and Israel.¹⁰³ Spiegel emphasized that the isolation of the Sinai was a sufficient move, however produced political splits and fragmentations on all sides. There were no promises made on behalf of Israel towards Carter to end settlements and most of the Arab states rejected the Camp David Accords and convened the Bagdad Conference with the exclusion of Egypt. Despite Egypt wanted to link the Palestinian issue to the Peace treaty, Israel was able to execute the own agenda thus the peace treaty was implemented before the Palestinian issue was linked. Under these conditions the final peace treaty was concluded during the second round of talks Camp David II leading to the expel of Egypt from the Arab League.¹⁰⁴

In 1979, the Islamic Revolution took place in Iran and Ayatollah Khomeini established himself as new leader. Certainly, it can be said that this development in this decisive year changed all dynamics in the region.

In 1981, Ronald Reagan was inaugurated as 40th President whose administration was determined by opposing Iran with Israel as strategic partner in the region.¹⁰⁵ In the same year, the Israel-Lebanon war and the Operation Peace for Galilee was executed and led to the control of South-Lebanon by the PLO, which was used as launchpad for attacks on Israel.¹⁰⁶ However, the trigger for the subsequent war was the killing of the Israeli ambassador in UK in June 1982, as reaction the Israeli side conducted bombing of an empty sport stadium in Beirut used as PLO weapon storage. Mutually escalating reactions led to siege of Beirut by the IDF on June 13.¹⁰⁷ As Rabinovich concluded, Israel wanted regional change in order to achieve more stability with a neighbor as ally, as well as intervening into the Lebanese civil war.¹⁰⁸ Reagan tried to implement a plan to end the war in Lebanon based on the withdrawal of PLO from Beirut in addition to the traditional elements namely the land for peace principle based on Resolution 242 and finding an agreement to stop the establishment of new settlement in the West Bank. However, Begin publicly rejected the plan and after the killing of Bashir Gemayel, the Maronite president of Lebanon and partner of Israel, the Maronite Phalange forces blamed the Palestinian refugees in Lebanon and raided the refugee camps under the watch of the IDF.¹⁰⁹ In the end, Saudi Arabia was able to broker a deal consisting of the withdrawal of Syrian forces, which supported the

¹⁰³ Spiegel, 353–61.

¹⁰⁴ Spiegel, 361–72.

¹⁰⁵ Ross, *Doomed to Succeed*, 180–81.

¹⁰⁶ Susser, “Fifty Years since the Six-Day War,” 43.

¹⁰⁷ Ross, *Doomed to Succeed*, 192–94.

¹⁰⁸ Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 20.

¹⁰⁹ Ross, *Doomed to Succeed*, 198–200.

Lebanese Arabs, in the moment Israel would withdraw. Further repercussions and outcomes were the Soviet support for Syria with new SAM 5 weapon systems and, most important, the founding of the new militant Shiite group Hezbollah supported by Iran. Shortly after the formation, Hezbollah conducted on October 23, a bomb attack on a US-base and killed 241 US-soldiers.¹¹⁰ As a reaction Reagan then decided to counter the Soviet impact and its proxy Syria through the important non-NATO ally Israel.¹¹¹ In 1987, the first intifada happened, caused by a truck accident in which Palestinians died conducted by an Israeli citizen and within this era Hamas was founded.¹¹² Since this event the PLO was considered responsible for the Palestinian people and the conclusion of a solution became necessary, also on behalf of Israel.¹¹³

In 1989, George H.W. Bush became the 41st President of the US as heir of the Reagan administration in particular the aftermath of the Lebanon war and the growing issue of the as illegal considered settlement policies.¹¹⁴ The end of the Soviet regime and the rise of US as unipolar power created the domination of US in the Middle East. In this framework, the pursued liberation of Kuwait from Iraq and the close partnership with Saudi Arabia have been two central agenda points.¹¹⁵ At the beginning of August 1990, Iraq invaded Kuwait and US tried to push the issue in the UN Security Council and followed a deterrence policy against Iraq and also the former Soviets also occupied an opposing position towards Iraq.¹¹⁶ Beginning 1991, the US began bombing Iraqi territories and the PLO positioned themselves on the side of Saddam Hussein. After the end of the Gulf War a new momentum was created in which president Bush attempted new peace ambitions based on the newly gained trust as reliable partner for both sides the Arabs and the Israeli Israel.¹¹⁷ One of the major outcomes of the Madrid Middle East Peace Conference on October 30, 1991, was the conclusion of the Madrid Principles. This conference was the first time that Israelis and Arabs sat down at one table since the Geneva Conference in December 1973. It was seen as the begin of the direct Israeli-Palestinian peace process which produced the text of Declaration of Principles of Self-Government Arrangements (DOP). In September 1993, Arafat and Rabin exchanged letters of mutual recognition thus, PLO recognized the right to exist of the State of Israel.¹¹⁸ This was concluded due the three

¹¹⁰ Ross, 201–4.

¹¹¹ Ross, 207.

¹¹² Hummel, “The Road to October 7.”

¹¹³ Susser, “Fifty Years since the Six-Day War,” 43.

¹¹⁴ Ross, *Doomed to Succeed*, 220.

¹¹⁵ Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 24–25.

¹¹⁶ Ross, *Doomed to Succeed*, 234–35.

¹¹⁷ Ross, 241–45.

¹¹⁸ Michael Fischbach, “Madrid and the Oslo Agreement,” Interactive Encyclopedia of the Palestine Question – palquest, accessed March 1, 2024, <https://www.palquest.org/en/highlight/171/madrid-and-oslo-agreement>.

folded set of bilateral talks between Israel and each Arab states between Israel and Palestine and multilateral negotiations between the regional powers, as Ross described.¹¹⁹

In 1993, Bill Clinton became the 42nd US president as leader of the only global superpower, as Ross stated. Clinton together with Rabin perceived that only through diplomatic ways serious developments could be reached and therefore Syria was the new focus.¹²⁰ In the same year, the Oslo Accords I created a frame for Palestinian self-governance and in 1995, the Oslo Accords II added the withdrawal from six Palestinian cities in the West Bank as condition. This revival of the land for peace principle was again based on the Resolution 242, therefore also the semantic problem was reproduced. From a legal international law perspective, Israel is not obliged to withdraw, since the six-day war was a just and Israel acted on behalf of legitimate self-defense recognized by the international community. As already mentioned, since the 1970s neo-Zionist settler-movements gained political influence by claiming the territories of the West Bank because of the alleged biblical right of Judea and Samaria in the name of Eretz Israel. However, as Susser explained, the high number of settlements are even under Israeli law illegal and certainly under international law.¹²¹ Oslo I was composed of the mutual recognition between Arafat and Rabin. However, as Gelvin pointed out, the Israeli territory could only be enlarged and not limited. In particular, the West Bank and Gaza could only be reduced. Moreover, the second part of Oslo I was the Declaration of Principles which also included the obligation of Israel to withdraw. According to Gelvin, the most significant development in the frame of Oslo I was the transformation of the Palestinian Authority to a new political entity. Therefore, Oslo II was signed by Arafat and Rabin, containing the Interim Agreement on the West Bank and Gaza Strip which outlined the duties and powers of the Palestinian Authority (PA). Furthermore, Oslo II ruled the administrative and executive division of the West Bank determined by A zones controlled by the PA, B zones controlled by Israel, and C zones shared authority.¹²² Arafat returned from exile to Gaza from Tunis after the conclusion of the so-called Cairo or Gaza-Jericho Agreement in 1994. Then an Interim Agreement was established which established the right-wing opposition against Rabin who then has been assassinated. Clinton wanted to continue the already commenced process but faced harsh challenges due to suicide bombings on behalf of Hamas and Islamic Jihad. In May 1996, Benjamin Netanyahu lost against Shimon Peres.¹²³ In May 1999, Netanyahu lost again and Ehud Barak was the new

¹¹⁹ Ross, *Doomed to Succeed*, 245.

¹²⁰ Ross, 256–57.

¹²¹ Susser, “Fifty Years since the Six-Day War,” 43–45.

¹²² Gelvin, *The Israel-Palestine Conflict: A History*, 248–51.

¹²³ Ross, *Doomed to Succeed*, 274–78.

president who wanted new deals with Syria and Palestine orchestrated by the US.¹²⁴ New meetings have been arranged in Camp David with Barak and Arafat.¹²⁵ In July 2000, the Camp David Middle East Summit was convened with the participation of US President Clinton, Israeli Minister Ehud Barak and PLO Chairman Yassir Arafat, however, the summit ended without any agreement.¹²⁶

Between 2000 and 2005, the second Intifada took place, triggered by the visit of the former PM Ariel Sharon at al-Aqsa. In 2002, Israel started to build the highly controversial wall/fence (apartheid/security) based on the claimed necessity to end suicide bombings despite of breaching international law according to the advisory opinion of the ICJ.¹²⁷

In January 2001, George W. Bush became the 43rd US president with Condoleezza Rice as national security advisor in the first term and secretary of state in the second term.¹²⁸ The Republican president was supported by the right wing and evangelical parts and considered Saudi Arabia as important partner in the region and for the supply for oil. The event 9/11 in 2001 shifted the domestic and foreign policy agendas of the US and the war on terror was developed as new impacting factor.¹²⁹ In the frame of the war on the terror, the Bush Doctrine determined by the prohibition to provide a harbor for terrorists, the obligation to fight terror overseas, the aim to advance liberty, the obligation to combat threats before they become serious, was implemented. The event marks the begin of Bush's administration, together with Dick Cheney and Donald Rumsfeld, war on terror against jihadi groups and countries providing safe havens for such non-state actors. As Ross concluded, bin Ladens al-Qaeda was interested in fighting allegedly infidel Arab regimes rather than destroying Israel.¹³⁰ Sharon conducted an operation called Defensive Shield in the A areas for the West Bank. However, Bush pressured Sharon to end this operation but was only able to broker a partially withdrawal and tried to bring Sharon and Arafat on a table.¹³¹ Moreover, Bush tried to implement a roadmap to peace based on the summit in Sharm el-Sheikh and the summit in Aqaba. Since Arafat was not invited, Hamas took this occasion for symbolically conducting suicidal attacks. In November 2005, Sharon unilaterally withdrew from the Gaza strip which included the Israeli settlements in the strip which massive public critique and contention. The second term of Bush junior was dominated

¹²⁴ Ross, 288–89.

¹²⁵ Ross, 293–94.

¹²⁶ Shaul Arieli, *The Truman Institute Atlas of the Jewish–Arab Conflict* (Jerusalem: The Truman Institute Hebrew University of Jerusalem Mount Scopus, 2020), 49–52.

¹²⁷ The legal characteristics of this Advisory Opinion are explained in the chapter of international law.

¹²⁸ Ross, *Doomed to Succeed*, 299.

¹²⁹ Ross, 305–8.

¹³⁰ Ross, 309.

¹³¹ Ross, 313–15.

by the Palestinian statehood, as Ross concluded.¹³² The post 2003 period was still composed of the traditional split of Iran versus Saudi Arabia with the difference that Türkiye joined the Iranian side and Egypt became closer to Saudi Arabia.¹³³ In 2003, the Geneva Initiative was launched and various ministers and working groups gathered.¹³⁴ In the shadow of Resolution 1397 of 2002¹³⁵, the UNSC reflected the view on a two-state solution. Underlining the vision of two states with recognized borders and stressing the respect of norms of international law, obviously also mentioning the Resolutions 338 and 242. As final product the UNSC Resolution 1515 of 2003¹³⁶ was concluded consisting of the Road Map to Peace by the Russian Federation, United States, European Union, United Nations. This project under US-President Bush Jr. should have created steps towards peace within three years, including the end of Israeli settlements in return to an end of Palestinian terrorism, and to return to the borders of 1967.¹³⁷ On July 12, 2006, Hezbollah attacked Israel and on June 25 in the same year Hamas killed two IDF soldiers and kidnapped Gilad Shalit.¹³⁸ The UNSC Resolution 1701¹³⁹ ended the war in Lebanon and the United Nations Interim Force in Lebanon (UNIFIL) was stationed in South Lebanon.¹⁴⁰ Also in 2006, Hamas won the so-called parliamentary election, after IDF withdrew from Gaza under Ariel Sharon and, as already mentioned, also evacuated settlements in the Gaza Strip under the shield of the Disengagement Plan which caused much domestic oppositional pressure.¹⁴¹ Until 2007, a weak cooperation between Fatah and Hamas was concluded, for which Hamas has been condemned by the jihadi leaders such as Bin Laden for forsaking the own religion by participating in democratic or political processes. Then a factual split between Fatah and Hamas ended in the killing of 600 Palestinians in the Gaza Strip and the West Bank. In

¹³² Ross, 319–26.

¹³³ Fred H. Lawson, “The Post- Uprising Transformation of International Relations in the Middle East and North Africa,” in *The Contemporary Middle East in an Age of Upheaval*, ed. James L. Gelvin (Stanford University Press, 2021), 221–22.

¹³⁴ Arieli, *The Truman Institute Atlas of the Jewish–Arab Conflict*, 58.

¹³⁵ United Nations Security Council, “United Nations Security Council Resolution 1397 (2002),” March 12, 2002, <http://unscr.com/en/resolutions/doc/1397>.

¹³⁶ United Nations Security Council, “United Nations Security Council Resolution 1515 (2003),” November 19, 2003, <http://unscr.com/en/resolutions/doc/1515>.

¹³⁷ Sharon Otterman, “MIDDLE EAST: The Road Map to Peace,” Council on Foreign Relations, February 7, 2005, <https://www.cfr.org/background/middle-east-road-map-peace>.

¹³⁸ Ross, *Doomed to Succeed*, 328.

¹³⁹ United Nations Security Council, “United Nations Security Council Resolution 1701 (2006),” August 11, 2006, https://peacemaker.un.org/sites/peacemaker.un.org/files/IL-LB_060814_SCR1701.pdf.

¹⁴⁰ Ross, *Doomed to Succeed*, 330.

¹⁴¹ Arieli, *The Truman Institute Atlas of the Jewish–Arab Conflict*, 62.

2006, also the Shalit deal, as mentioned the IDF soldier kidnapped by Hamas, was concluded in which one single Israeli soldier was exchanged for 1000 prisoners from Israeli prisons.¹⁴²

In 2009, Barack Obama became the 44th US president, with John Kerry as Foreign Minister in his cabinet, who followed another approach by laying the focus on multilateralism and finding a solution for Iran. This new approach forced Netanyahu to clarify that no compromises could be made on the costs of Israel's security, meaning between the lines that Israel would individually act against Iran. However, the necessary votes of the Israeli ministers and highest ranks of military and intelligence could not be reached and Netanyahu was not able of launching attacks against Iran. In the same period, the United Nations Security Council Resolution 1860 of 2009 concluded that the Gaza Strip is an integral part of Palestinian territory occupied in 1967 and emphasized the role of United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA) in Gaza.¹⁴³ As Ross narrated, he himself became the new advisor for the Middle Eastern region in the Obama administration. One of the main objectives was the Non-Proliferation Treaty regarding the Iranian nuclear weapons accompanied by attempts to forge new alliances between the US and regional actors in the Middle East. Obama wanted to partner up with the European Union in order to the change situation in Israel, within this the perception of the settlements in the West Bank was central. Obama realized the potential of forging an Arab-Israeli alliance against Iran despite the lack of Netanyahu's serious commitment.¹⁴⁴ As Ross noted, Obama had to decide between partnering up with Israel or challenge the power in a competition.¹⁴⁵ Obama tried to maintain his dual-track approach, preparing for a direct confrontation while trying to use a leverage to stop Iran from developing a nuclear program.¹⁴⁶

The Arab Uprisings of 2011 caused fundamental shifts on the regional and global levels. Lynch pointed the ambitions of withdrawal of the US forces, since 1991 present, as a unipolar power from the region as a major factor, out. The US created the failing Iraqi state, as explained, and produced the regional competition among the Arab states. The most significant impact of the attempted withdrawal of US and the Arab uprisings was the realization of the Arab states that the US would not intervene anymore. This experience was the door-opener for Russia in the

¹⁴² Gershon Baskin, "Opinion | I Negotiated Israel's Hardest Hostage Deal. Here's What's Next in Gaza.," *The New York Times*, October 21, 2023, sec. Opinion, <https://www.nytimes.com/2023/10/21/opinion/israel-hamas-hostage.html>.

¹⁴³ United Nations Security Council, "United Nations Security Council Resolution 1860 (2009)," January 8, 2009, <http://unscr.com/en/resolutions/doc/1860>.

¹⁴⁴ Ross, *Doomed to Succeed*, 344–53.

¹⁴⁵ Ross, 362.

¹⁴⁶ Ross, 366–67.

region.¹⁴⁷ The Arab Uprisings led to power shifts in Libya, Lebanon, Syria and Iraq and have been instrumentalized by Israel, Türkiye, Iran and the Gulf States creating the post-2011 proxy structure determining the next years of regional warfare. Until today this multipolar structure is dominated by the general competition between Iran and its Shiite axis of resistance and Saudi Arabia and its anti-Iran coalition composed of member states of the Gulf Cooperation Council and Israel.¹⁴⁸ Lynch described structural changes as fruitful base for more advanced proxy structures. Furthermore, he highlighted the variations and differences of strength among the regional power structure as fundament for perceptions.¹⁴⁹ In August 2012, as Ross explained, set Obama a red line towards Assad in terms of the use of chemical weapons. In spring 2013, Assad ignored the warning and crossed this red line attracting the attention of the global public and international community about the next steps on behalf of the US. However, Obama decided to maintain the no-interference approach in the context of the civil war in Syria. Based on this dynamic Israel and the Arab states allied with the US, then assumed that the US are not a reliable partner anymore. As repercussion, all traditional leaders in the region now feared a change in the balance of power because of this lack of punishment for an ally of Iran and presumed that other proxies as well as Russia could increase their regional impact.¹⁵⁰ In 2012, the Operation Pillar of Defense was a short and intense war for eight days. Since the overtake in 2007 Israel had the choice to deter Hamas by simply using force or threaten the gained assets, which are territory, population, and economy. In general, as Stahl argued, both sides wanted in fact quiet borders. Immediate trigger was the launching of over 100 missiles on November 11 to 12, 2012 claimed by violent Palestinian groups but Hamas was held responsible by Israel. Eventually, the Israeli Defense Forces mobilized the reserves and a debate about military responses started. Israel tried to signalize the possession of the general control in the region and expressed the possible repercussions of a violation of the security arrangement between Israel and Hamas. Policy-wise deterrence was the main point on the agenda in order to achieve the *status quo ante bellum* by attacking Hamas leaders and crucial military infrastructure. Finally, the military actions against Gaza strengthened Hamas, but also temporarily deterred Hamas.¹⁵¹ In 2013, the former President Morsi was toppled, and the current president as-Sisi came to power and changed the economic policy towards Gaza creating a crisis. The objective of the

¹⁴⁷ Marc Lynch, "14 Proxy War and the New Structure of Middle East Regional Politics," in *The Contemporary Middle East in an Age of Upheaval*, ed. James L. Gelvin (Stanford University Press, 2021), 240–42, <https://doi.org/10.1515/9781503627703-016>.

¹⁴⁸ Lynch, 244–46.

¹⁴⁹ Lynch, 248–49.

¹⁵⁰ Ross, *Doomed to Succeed*, 357–60.

¹⁵¹ A.E. Stahl, "Israeli Policy, Strategy and the 2012 Eight-Day War," *Infinity Journal* 5, no. 1 (2015): 22–29.

IDF was again to prevent the continuation of missile launches on behalf of Hamas by deterrence based on military reaction. After 70 killed IDF soldiers and seven weeks of combat it became clear that a wide variety of factors contributed to the event which are nearly impossible to neutralize. In 2014 the Operation Protective Edge in Gaza was triggered by the kidnapping of three Israeli teenagers in the West Bank and missile launches from Gaza.¹⁵² In March 2015, Netanyahu tried to convince the US political decision makers to reject the implementation of the Joint Comprehensive Plan of Action for a last time. However, the agreement was signed in July 2015 and was already left by the US in January 2017, because of the new president Donald Trump.¹⁵³

In 2017, Trump became the 45th US-President and announced his Deal of the Century in the Middle East. As Rabinovich described, the responsible team for creating this specific deal was composed of his son in law Jared Kushner, the lawyer David Friedmann and Jason Greenblatt. In the same year, the start of the working-process took place and the final version with a clear pro-Israeli characteristic was presented in 2020.¹⁵⁴ However, the plan was rejected by the Arab League and there was no Israeli partner ready to politically bring the plan to implementation, thus it was off the table. Nevertheless, the United Arab Emirates, Morocco, Bahrain and Sudan expressed their interest in normalizing relations with Israel. In the first step of the so-called Abraham Accords, the UAE brokered a normalization agreement with Israel based on the commitment on behalf of Israel that no new settlements will be established in the upcoming three years. Subsequently, the other states joined in this process in order to achieve a normalization with Israel. As Rabinovich explicitly explained, the role of the US cannot be overstated. In particular, the promised incentives for all players in this process must be underlined. Firstly, the US promised the selling of F-35 fighter jets to the United Arab Emirates if the conclusion is reached. Secondly, the US signaled Sudan the removal of the state from the list of terror supporting states. Thirdly, the US promised support for Morocco in the West-Sahara border dispute.¹⁵⁵ The aftermath of the Abraham Accords was determined by the Trump presidency, the new Israeli government, the Russian aggression in Ukraine and the long-standing persistence of the Arab-Israeli conflict with its crisis in May 2021 and April 2022, as explained by Rabinovich.

¹⁵² Nadav Ben Hour, "Managing Escalation in Gaza (Part 1): Lessons from Operation Protective Edge | The Washington Institute," The Washington Institute, July 26, 2018, <https://www.washingtoninstitute.org/policy-analysis/managing-escalation-gaza-part-1-lessons-operation-protective-edge>.

¹⁵³ Isabel Kershner, "Iran Deal Denounced by Netanyahu as 'Historic Mistake' - The New York Times," July 14, 2015, <https://www.nytimes.com/2015/07/15/world/middleeast/iran-nuclear-deal-israel.html>.

¹⁵⁴ Rabinovich, *Middle Eastern Maze: Israel, the Arabs, and the Region, 1948-2022.*, 214–16.

¹⁵⁵ Rabinovich, 221–24.

In the initial periods of the 46th President Biden's administration, the primary focus was on Russia and China, making the Middle East a secondary concern. Nevertheless, efforts were made to re-negotiate and re-implement the JCPOA deal.¹⁵⁶ The new war that erupted on October 7, 2023, has revived and intensified the Arab-Israeli conflict, creating an urgent need to address the end of the conflict and the future governance of the Gaza Strip. This issue depends on multilateral efforts involving Arab states, particularly the Arabian Gulf, and the US, as essential mediators. Additionally, there is an urgent need to establish a consensual authoritative lead of the Palestinians.¹⁵⁷ Currently, Arab states are divided over the conditions for a ceasefire due to their domestic and regional interests. Israel lacks a clear strategy and faces the contradiction between the release of the hostages and negotiating a ceasefire.¹⁵⁸ An important event occurred on April 13, 2024, when Iran launched missiles towards Israel in retaliation for the Israeli bombing of the Iranian consulate in Damascus on April 1. As Palti noted, this was the first direct attack by Iran rather than through one of its proxies. Stroul and Palti questioned the effectiveness of the US deterrence strategy following this attack. This new period is marked by efforts to prevent Iran from developing nuclear weapons and emerging as a regional hegemon, thereby continuing to disrupt the balance of power.¹⁵⁹ The unexpected deaths of Iranian President Ebrahim Raisi and Foreign Minister Hossein Amir-Abdollahian, according to Vatanka, will not create a power vacuum, as Supreme Leader Ali Khamenei is expected to appoint a loyal insider as the new president.¹⁶⁰

The purpose of this historical reflection, spanning from pre-1948 and the first war of the Arab Israeli conflict to the present, is to identify the most significant factors influencing the Arab-Israeli conflict. On November 22, 1967, the UN Security Council issued the Resolution 242, which ambiguously demanded Israeli withdrawal from occupied territories. This Resolution has arguably become the fundamental legal basis for all subsequent peace processes,

¹⁵⁶ Rabinovich, 231–33.

¹⁵⁷ Nathan J. Brown Hamzawy Amr, "Arab Peace Initiative II: How Arab Leadership Could Design a Peace Plan in Israel and Palestine," Carnegie Endowment for International Peace, November 17, 2023, <https://carnegieendowment.org/2023/11/17/arab-peace-initiative-ii-how-arab-leadership-could-design-peace-plan-in-israel-and-palestine-pub-91047>.

¹⁵⁸ Brian Katulis et al., "Monday Briefing: America Faces a Brewing Crisis of Confidence among Key Middle East Partners," Middle East Institute, November 13, 2023, <https://www.mei.edu/blog/monday-briefing-america-faces-brewing-crisis-confidence-among-key-middle-east-partners>.

¹⁵⁹ Dana Stroul, Zohar Palti, and Farzin Nadimi, "The Middle East's Perilous Moment: Policy Implications and Escalation Risks | The Washington Institute," The Washington Institute, April 18, 2024, <https://www.washingtoninstitute.org/policy-analysis/middle-east-perilous-moment-policy-implications-and-escalation-risks>.

¹⁶⁰ Alex Vatanka, Eyal Lurie-Pardes, and Brian Katulis, "Monday Briefing - Death of a President: Short-Term Stability in Iran Could Give Way to a Politically Unpredictable Intra-Hardline Feud," Middle East Institute, May 20, 2024, <https://www.mei.edu/blog/monday-briefing-death-president-short-term-stability-iran-could-give-way-politically>.

conferences and meetings. In the context of the Yom-Kippur war, the strategic use of the oil weapon by Arab states marked a pivotal moment, demonstrating the significant economic leverage that could be used in geopolitical conflicts. Furthermore, the Resolution 338 was issued demanding the cease of this war and the implementation of Resolution 242. Additionally, the growing popularity of the idea of Eretz Israel has driven the expansion of Israeli settlements until today. The domestic and international political stances towards Israeli settlement policies have profoundly influenced the foreign policy agenda and negotiation processes. The expressed views of the US presidents towards this subject impacts the foreign policy agenda and negotiations, as well. Furthermore, promised arms sales, especially state-of-the-art fighter jets, serve as both motivation and symbols in negotiations, as lastly evidenced by the Abraham Accords. The events of September 11, 2001, and the war on terror obviously altered global perceptions on Islam, creating a specific lens through which the Arab Israeli conflict is viewed. Other significant events, such as the two intifadas and clashes in South Lebanon and Gaza, have added layers of religiously motivated tensions. These factors, among others, will likely continue to influence future negotiations.

2.3 Context International Law

At the begin it must be explained that the use of excessive force is prohibited by international law along with unjustified and disproportionate responses. There are three dimensions of international law in terms of Israel-Palestine, according to Falk. Firstly, Israel does not follow its obligations according to international law in terms of providing necessary legal rights to Palestine. In fact, the seizure of land in Palestine which can be seen as provocation for the Palestinian resistance. Secondly, Israel as occupying power is not in compliance with the IV. Geneva Convention, especially in terms of collective suffering. Thirdly, the Israeli security wall is against the Advisory Opinion of the International Court of Justice (ICJ) from July 9, 2004, which is the highest non-binding legal provision in international law.¹⁶¹ Hamas violated with the attacks on October 7, 2024, the Common Art. 3 of the 1949 Geneva Convention¹⁶², according to which civilians and non-combatants must be treated in a human way. In addition, the terrorist group violated Art. 51 (1) of Protocol I of the Geneva Convention saying that civilian population and individual civilians enjoy general protection.¹⁶³ Also, the violation of Art. 7 Crimes against

¹⁶¹ Richard Falk, "International Law and Palestinian Resistance," in *The Struggle for Sovereignty. Palestine and Israel, 1993-2005* (Stanford, California: Stanford Univ. Press, 2006), 320–21.

¹⁶² "IV GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949" (n.d.), https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf.

¹⁶³ "V PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I),

humanity and Art. 8 War Crimes of the Rome Statute of the ICC must be pointed out as.¹⁶⁴ In general, Hamas as non-state actor conducted actions which are killing civilians or non-combatants to pursue political or military objectives. Furthermore, such acts are capable of provoking reactions of the opponent in the non-state actor's territory resulting in an outcry of the international community.¹⁶⁵ In any case, the killing of civilians or non-combatants is a violation of international law and humanitarian law according to Art. 3 of the Geneva Convention of 1949. However, there is the question of whether non-state actors are bound to humanitarian law. Estreicher answered this question with Art. 3 is customary international law and binding to every actor because it is *opinio juris*. However, states are under no obligation allowed to violate Art. 3. Furthermore, there is the question of whether killing civilians is considered murder. The Rome Statute of the ICC sees Art. 3 as Element of Crime.¹⁶⁶

In general, the following four principles are fundamental in terms of the law of war, distinction between combatants versus non-combatants, proportionality, military necessity, and humanity (human treatment). Also, within the right of self-defense according to Art. 51 UN-Charter¹⁶⁷, the Israeli Defense Forces are obliged to comply with these four principles and must consider being subject of the International Court of Justice and the International Criminal Court. In the same way, members of Hamas, as non-state actors, are covered by and have to comply with the principles of international law. However, justice and accountability are huge concerns on both sides in terms of the day-after.¹⁶⁸ Palestine, the West Bank, Gaza and East Jerusalem, are ratified parties of the Geneva Convention of 1949. However, the entities did not ratify the first and the second protocol of 1977, this includes Article 75 of Protocol I which dictates that persons held by combatants must be treated in a human way. Nevertheless, Hamas can be held accountable for war crimes and genocide (*dolus specialis*).¹⁶⁹ In terms of the use of force to free the hostages, hereby it is necessary to act immediately and within the frame of proportionality.¹⁷⁰ There are

OF 8 JUNE 1977" (n.d.), https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.34_AP-I-EN.pdf.

¹⁶⁴ "Rome Statute of the International Criminal Court" (n.d.), <https://www.icc-cpi.int/sites/default/files/Publications/Rome-Statute.pdf>; David J. Scheffer, "What International Law Has to Say About the Israel-Hamas War," Council on Foreign Relations, October 19, 2023, <https://www.cfr.org/article/what-international-law-has-say-about-israel-hamas-war>.

¹⁶⁵ Samuel Estreicher, "Privileging Asymmetric Warfare (Part II): The 'Proportionality' Principle under International Humanitarian Law," *Chicago Journal of International Law* 12, no. 1 (Summer 2011): 591.

¹⁶⁶ Estreicher, 594–99.

¹⁶⁷ United Nations, "Charter of the United Nations," n.d., <https://legal.un.org/repertory/art51.shtml>.

¹⁶⁸ Steven A. Cook, David J. Scheffer, and Sarah Yager, "Virtual Media Briefing: International Law and the Humanitarian Crisis in Gaza," Council on Foreign Relations, November 13, 2023, <https://www.cfr.org/event/virtual-media-briefing-international-law-and-humanitarian-crisis-gaza>.

¹⁶⁹ Scheffer, "What International Law Has to Say About the Israel-Hamas War."

¹⁷⁰ Scheffer.

general moral principles of human treatment in armed conflicts, although soldiers or combatants have the right to kill. In practice the US after 9/11 mistreated or at least questioned this legal assumption. Furthermore, it was claimed that al-Qaeda is a non-state actor and therefore cannot claim the rights of war prisoners under the Geneva Convention. The underlying question is when is war just and when should non-state actors have combatant privileges? Weiner proposed three categorizations for possible legitimization. Firstly, just war is legitimated by an authority which could be the consensus of the public opinion. Secondly, the purpose or reason or entitlement of the fighting of the non-state actor. Thirdly, the means of the group to wage war, in fact the *jus in bello* principles.¹⁷¹ The control of the territory is a significant factor while considering combatant privileges. In the case a non-state actor is de-facto controlling the territory the state monopoly of control is challenged. Furthermore, it is possible to extend this certain right of self-defense to territories outside of the own state territory, as the US did in Afghanistan to fight the Taliban.¹⁷² Moreover, the United Nations General Assembly issued the Resolution ES-10/21 on October 27, 2023, about the protection of civilians and upholding legal and humanitarian obligations.¹⁷³

In December 2023, South Africa filed an application to the ICJ in terms of an accusation of Israel of committing genocide in the Gaza Strip. Thus, South Africa claims that Israel targets the population of Gaza with specific intent (*dolus specialis*) in order to eradicate this group. On the contrary Israel argues that the objective of the military actions is the elimination of Hamas. At the beginning of the case, the speeches and used language of Israeli high officials could be interpreted as incitement to conduct genocidal acts.¹⁷⁴ Israel is accused of failing to prevent, punish and investigate genocidal acts as a major concern.¹⁷⁵ The legal term genocide was created as response of the Holocaust and is described by Lemkin as “the destruction of a nation or of an ethnic group,”¹⁷⁶ including “the essential foundations of the life of national groups,”¹⁷⁷ meaning the social and political institutions, economy, religion, security, dignity and health. In

¹⁷¹ Allen S. Weiner, “Just War Theory & the Conduct of Asymmetric Warfare,” *Daedalus* 146, no. 1 (January 2017): 60–63, https://doi.org/10.1162/DAED_a_00422.

¹⁷² Weiner, 66.

¹⁷³ United Nations General Assembly, “United Nations General Assembly Resolution ES-10/21 (27 October 2023),” October 27, 2023, <https://www.un.org/unispal/wp-content/uploads/2023/11/N2332702.pdf>.

¹⁷⁴ Chimène Keitner, “Understanding South Africa v. Israel at the International Court of Justice,” January 16, 2024, <https://www.lawfaremedia.org/article/understanding-south-africa-v.-israel-at-the-international-court-of-justice>.

¹⁷⁵ “Application Instituting Proceedings and Request for the Indication of Provisional Measures” (The Hague, December 23, 2023), 70–71.

¹⁷⁶ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. (Washington: Carnegie Endowment for International Peace, 1944), 79.

¹⁷⁷ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. (Washington: Carnegie Endowment for International Peace, 1944), 79.

January 2024, the ICJ ordered Israel to increase its ambitions to prevent acts of genocide.¹⁷⁸ Subsequently, in March 2024, the ICJ called Israel to stop hindering humanitarian aid in Gaza in order to relieve the collective hunger in Gaza. On May 24, 2024, the ICJ issued a modification in order to call Israel to immediately halt the ongoing military offensive. Enforcing the order is not possible despite 35,000 persons killed without distinction of combatants and non-combatants.¹⁷⁹

In addition to this large-scale legal action taking, Nicaragua alleged Germany of breaches of certain international obligations in the Occupied Palestinian Territory and called the Court to indicate provisional measures according to Art. 41 of the Statute to end the alleged genocide supporting undertakings. In particular, Nicaragua demanded the immediate suspension of supporting Israel with aid, especially military assistance and export of weapons. Furthermore, Germany would have to resume the financing and supporting actions via UNRWA.¹⁸⁰ On April 30, 2024 the court decided that there is no necessity of provisional measures under Art. 41 of the Statute, however referenced to the recalls made in the scope of the case *Application of the Convention on the Prevention and Punishment of the Crime of the Genocide in the Gaza Strip (South Africa v. Israel)* regarding the deep concerns about the population and situation in Gaza and requests all states to respect the Genocide Convention and the 1949 Geneva Convention on international humanitarian law.¹⁸¹ Karim Khan a prosecutor of the International Criminal Court seeks to issue arrest warrants for Benjamin Netanyahu, the Israeli defense minister Yoav Gallant, Hamas leader Leader Yahya Sinwar, and the head of the military wing of Hamas Ibrahim al-Masri in context of the October 7 attack and the subsequent Gaza war. The accusations are war crimes and crimes against humanity and Netanyahu and Gallant are explicitly accused of using starvation as method of warfare and collective punishment. The evidence provided by

¹⁷⁸ International Court of Justice, “Summary of the Order of 26 January 2024” (The Hague, January 26, 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf>.

¹⁷⁹ Gaya Gupta, “U.N. Court Orders Israel to Halt Rafah Offensive,” *The New York Times*, May 24, 2024, sec. World, <https://www.nytimes.com/2024/05/24/world/middleeast/icj-ruling-israel-rafah.html>; “Read the I.C.J. Ruling on Israel’s Rafah Offensive,” *The New York Times*, May 24, 2024, sec. U.S., <https://www.nytimes.com/interactive/2024/05/24/us/israelruling.html>.

¹⁸⁰ International Court of Justice, “Unofficial Summary: Alleged Breaches of Certain International Obligations in Respect of the Occupied Palestinian Territory (Nicaragua v. Germany)” (The Hague: International Court of Justice, April 30, 2024), 1, <https://www.icj-cij.org/sites/default/files/case-related/193/193-20240430-sum-01-00-en.pdf>.

¹⁸¹ International Court of Justice, “Unofficial Press Release: The Court Finds That the Circumstances Do Not Require the Exercise of Its Power to Indicate Provisional Measures,” April 30, 2024, sec. No. 2024/37, 1–2, <https://www.icj-cij.org/sites/default/files/case-related/193/193-20240430-pre-01-00-en.pdf>.

Khan is composed of video, photo and audio material in addition to statements of witnesses and survivors.¹⁸²

The United Nations framework of Resolutions symbolizes landmarks in the legal landscape and calls for an end of violence, terror and a solution suitable for all sides. It must be mentioned that the following Resolutions created the base for action-taking and negotiations. In 1947, the UN General Assembly proposed a partition plan in the Resolution 181.¹⁸³ This legal text laid the foundation for the subsequent legal and diplomatic action-taking in terms of this conflict. Perhaps the most renowned Resolution is the United Nations Security Council Resolution 242 calling for the withdrawal from the occupied territories gained within the Six-Day War.¹⁸⁴ However, as Spiegel and Rabinovich concluded, there is room for interpretation depending on the translation whether *all* territories or *the* territories are meant.¹⁸⁵ Subsequently, the United Nations Security Council Resolution 338 (1973) was issued in the scope of the Yom-Kippur war and demanded for an immediate ceasefire and the implementation of Resolution 242 in order to create sustainable peace in the region.¹⁸⁶ In 2002, the United Nations Security Council Resolution 1397 (2002)¹⁸⁷ underlined the two-state solution with secured borders and called for the end of aggressive actions and destruction to ensure the safety of all civilians in the region.¹⁸⁸ Based on this particular momentum, the United Nations Security Council Resolution 1515 (2003)¹⁸⁹ continued to underline the necessity of ending the violence and the materialization of the two-states solution. Furthermore, Resolution 1515 addressed the outlined the Road Map by the Middle East Quartet (US, EU, Russia, UN) which also included the Israeli-Syrian and Israeli-Lebanese issues in addition to the Israeli-Palestinian questions based on ending the occupation which began in 1967, the former relevant Resolutions and the Madrid principles.¹⁹⁰

¹⁸² Ben Munster, "International Criminal Court Seeks Arrest Warrants for Netanyahu and Hamas Leaders," POLITICO, May 20, 2024, <https://www.politico.eu/article/international-criminal-court-seeks-arrest-warrants-for-benjamin-netanyahu-and-hamas-leaders/>.

¹⁸³ United Nations, "Palestine Plan of Partition with Economic Union – General Assembly Resolution 181."

¹⁸⁴ United Nations Security Council, "United Nations Security Resolution 242 (1967)."

¹⁸⁵ Spiegel, *The Other Arab-Israeli Conflict*, 155–56.

¹⁸⁶ United Nations Security Council, "United Nations Security Council Resolution 338 (1973)."

¹⁸⁷ United Nations Security Council, "United Nations Security Council Resolution 1397 (2002)."

¹⁸⁸ United Nations, "SECURITY COUNCIL DEMANDS IMMEDIATE CESSATION OF ALL VIOLENCE IN MIDDLE EAST; AFFIRMS VISION OF TWO STATES, ISRAEL AND PALESTINE | Meetings Coverage and Press Releases," March 12, 2002, <https://press.un.org/en/2002/sc7326.doc.htm>.

¹⁸⁹ United Nations, "United Nations Security Council Resolution 1515 (2003)," November 19, 2003, <http://unscr.com/en/resolutions/doc/1515>.

¹⁹⁰ United Nations, "SECURITY COUNCIL ADOPTS RESOLUTION ENDORSING ROAD MAP LEADING TOWARDS TWO-STATE RESOLUTION OF ISRAELI-PALESTINIAN CONFLICT | Meetings Coverage and Press Releases," November 11, 2003, <https://press.un.org/en/2003/sc7924.doc.htm>.

Finally, the United Nations Security Council Resolution 1850 (2008)¹⁹¹ urged for the Israeli and Palestinian sides to follow the Road Map in order to pursue peace in the region.¹⁹²

Another very important and decisive legal document is the advisory opinion of the ICJ about the separation wall requested by the General Assembly. The ICJ researched the legal implications of building this wall as requested by the General Assembly on December 8, 2003. In particular, the opinion is about the legal consequences of the wall regarding East Jerusalem, the principles of international law, and the IV. Geneva Convention of 1949. The touched legal areas are determined by Art. 2(4) UN-Charter regarding the prohibition of use of force and illegality of any territorial acquisition, the right of self-determination of peoples according to Resolution 2625 (XXV) of the General Assembly¹⁹³, international humanitarian law according to the Hague Regulations of 1907 and IV. Geneva Convention as customary international law for before 1967. The Court found that the settlements buildings are a violation of international law based on the statements of UNSC and the IV. Geneva Convention. Furthermore, the wall is a *fait accompli* (already decided) and could easily become permanent which is a de-facto annexation. Consequently, the wall impedes the right of self-determination which is a breach of Israel's obligation to respect this very right. In addition, the court found that the wall impedes the liberty of movement of the inhabitants of the territory according to the International Covenant on Civil and Political Rights, the right to work, to health, to education and to an adequate standard of living according to International Covenant on Economic, Social and Cultural Rights and the Covenant on the Rights of the Child. Moreover, the wall is altering the demographic composition also considering the settlements and is thus contra the IV. Geneva Convention. Finally, the court concluded that Israel could not rely on the right of self-defense or the state of necessity.¹⁹⁴ Finally, the UNSC Resolution 2334 of 2016 must be outlined which stated that settlements built after 1967 are illegal under international law and obstacles for achieving a

¹⁹¹ United Nations, "United Nations Security Council Resolution 1850 (2008)," December 16, 2008, <http://unscr.com/en/resolutions/doc/1850>.

¹⁹² United Nations, "ADOPTING TEXT ON MIDDLE EAST CONFLICT, SECURITY COUNCIL REAFFIRMS SUPPORT FOR ANNAPOLIS OUTCOMES, DECLARES NEGOTIATIONS 'IRREVERSIBLE' | Meetings Coverage and Press Releases," December 16, 2008, <https://press.un.org/en/2008/sc9539.doc.htm>.

¹⁹³ United Nations General Assembly, "Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nations. Resolution 2625 (XXV) (1970). United Nations General Assembly," October 14, 1970, 121–22, https://treaties.un.org/doc/source/docs/A_RES_2625-Eng.pdf.

¹⁹⁴ International Court of Justice, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," accessed April 27, 2024, <https://www.icj-cij.org/case/131>.

two-state solution. Thus, end of all settlements, and call to both sides to end provocation and condemnation of all acts of terrorism.¹⁹⁵

3 Assessment of the Normalization and Conclusion

The findings of this Thesis are composed of the historical key aspects, international law and the general regional dynamics impacting the framework for future negotiations. Additionally, ongoing legal proceedings before the ICJ and the ICC concerning alleged war crimes and genocide by Israel, as well as actions against political leaders from both Israel and Hamas, further influence the normalization process. The legality of Israeli settlements in the West Bank and their political instrumentalization, along with the broader concept of Eretz Israel, significantly impact both domestic and international perceptions and policies. Over the past decades, the US has promised arms sales as strategic incentive to key players in the region to achieve its geopolitical objectives. Historical events, such as the two intifadas, the September 11, 2001, attacks, and the Arab Uprisings in 2011, along with numerous other events, have profoundly influenced perceptions of Islam and Islamist terrorism, contributing to the highly polarized views that impact the prospects for normalization, too. The US tries to convince Netanyahu to take further steps towards a deal as the one president who concluded such a historic agreement. However, the domestic dimension for Netanyahu is difficult because of ultranationalists in his government opposing all steps towards a Palestinian state.¹⁹⁶ Thus, there is the need of a guarantee by Israel as positive signal towards Saudi Arabia. This brings Saudi Arabia in line with US and could be used as leverage against Israel which is not able to consolidate Gaza by his own.¹⁹⁷ Ravid reported at the end of May 2024 that a seriously suggested path towards Palestinian statehood and calmness in Gaza are the conditions for the normalization with Israel. Clearly, Israel is currently denying making any steps towards statehood despite of being aware of this potential history change.¹⁹⁸ Ross stated in March 2024 that Israel ignores the fact that the terrorist group Hamas will survive, and no absolute or total victory could be achieved. Furthermore, there is still a lack of real strategy for the war itself and the post-war era. In the best case an ideological alternative to Hamas is provided, however, a prevention of a revival in

¹⁹⁵ United Nations Security Council, "Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms | Meetings Coverage and Press Releases," December 23, 2016, <https://press.un.org/en/2016/sc12657.doc.htm>; United Nations Security Council, "United Nations Security Council Resolution 2334 (2016)," December 23, 2016, <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>.

¹⁹⁶ Barak Ravid, "Saudi Arabia: Peace with Israel Conditioned on Gaza Ceasefire, Path to Palestinian State," *Axios*, January 18, 2024, <https://www.axios.com/2024/01/18/saudi-israel-peace-gaza-ceasefire-palestine-conditions>.

¹⁹⁷ Ravid, "Blinken Tells Bibi Saudis Want Peace Deal, but Not without Two-State Solution."

¹⁹⁸ Ravid.

terms of military, infrastructure and political control of Hamas must be at least achieved. Ross outlined several problem causing impacts for the future of the Israel-Palestinian war. Firstly, current Israeli public perception is dominated by Hamas as dominating factor in the Palestinian society. Furthermore, Hamas as proxy of Iran must not be granted with recognition or territories. Secondly, the necessary humanitarian assistance for the rebuilding ambitions in Gaza will be probably supplied by Saudi Arabia and other Gulf states. However, since October 7, 2023, the public awareness in the Arab world especially in Saudi Arabia awaked again and addresses the Palestinian issue with the demand of a clear and rapid end game. Therefore, Saudi Arabia and the Gulf States are willing to help but will only supply assistance if some signal of willingness on behalf of Israel to solve the conflict is proposed. Thirdly, Gaza and the Palestinian people need a new and credible political leadership in order to build a bureaucratic structure and to be capable to negotiate. In addition, Ross proposed the general formula reconstruction for demilitarization for the day after and is also backing the assumption that a normalization between Israel and Saudi Arabia could be a reassurance to oppose Iran.¹⁹⁹

The following other aspects are impacting the normalization. As Stroul pointed out, Gaza is an ungoverned space and the crucial phases are the periods between the end of the military operations by the IDF and the reconstruction phase, in addition to the phase of new governance by US, Israel and Arab states, most probably Saudi Arabia. Therefore, a civilian-centric approach for the stabilization as alternative to Hamas and base for humanitarian services for Palestinian civilians must be agreed. Moreover, law enforcement entities in Gaza must be immediately established to ensure recovery. Hereby, as legitimate perceived Arab states with ties to Israel could maintain governmental institutions, given that Israel would not jeopardize these plans.²⁰⁰ As Wight concluded, the planned US-Saudi deal consisting of a defense arrangement and assistance in a nuclear civil program is the bargaining chip to push the normalization between Saudi Arabia and Israel and would be seen as solidification of the de-facto peace maintaining and anti-Iran alliance. Wight added that Biden supports the US-led liberal order which is threatened by Trump.²⁰¹ Lastly, as Clawson explained, the upcoming presidential election in Iran will be obviously decided by the Supreme Leader Khamenei. On June 28, 2024, the emergency presidential election will take place which are clearly lacking seriousness and credibility

¹⁹⁹ Dennis Ross, "Israel Needs a New Strategy | The Washington Institute," The Washington Institute, March 13, 2024, <https://www.washingtoninstitute.org/policy-analysis/israel-needs-new-strategy>.

²⁰⁰ Dana Stroul, "The Dangers of an Ungovernable Gaza," *Foreign Affairs*, May 20, 2024, <https://www.foreignaffairs.com/israel/dangers-ungovernable-gaza>.

²⁰¹ David M. Wight, "The U.S.-Saudi Agreement Is a Fool's Errand," *Foreign Policy*, May 30, 2024, <https://foreignpolicy.com/2024/05/29/us-saudi-defense-deal-biden-mbs-nuclear-security-iran-election/>.

in terms of democratic decision making rather it will be a demonstration of power. The potential scenario, according to Clawson, is a loyal person, chosen by the Guardian Council, who will further try to pressure Israel and the western powers.²⁰²

3.1 Conclusion

Despite the attacks of Hamas on October 7, 2023, and with the ongoing war in Gaza in consideration, this thesis suggests that a normalization is under certain conditions still feasible. The actors can be categorized based on their positions towards Israel respectively Iran in addition to global and regional agendas and objectives into two groups. To begin with, Israel is still fighting to eliminate Hamas and free the Israeli hostages while denying the legitimacy of a Palestinian state. Furthermore, regional stability composed of economic and strategic partnerships based on Iran as common enemy is focused as agenda. Obviously, the state identity is significantly impacted by the collective trauma of the Holocaust and the long history of regional conflicts. Secondly, US is the regional hegemon due to the economic dominance and the military capacities. Since, the US is maintaining long-standing partnerships with both Saudi Arabia and Israel, for which US senses security responsibility, the potential normalization is orchestrated by the hegemon. Thirdly, MbS is pursuing a new foreign policy agenda in order to position Saudi Arabia as global power. Through the Vision 2030 regional and global economic influence should be improved which requires regional stability. Furthermore, Iran is the traditional rival of Saudi Arabia. Saudi Arabia is willing to participate in the rebuilding of the Gaza strip, however, a credible pathway towards a sustainable solution must be conceded by Israel. The opposing group is described as counterpart of the mentioned powers in terms of foreign policy agenda in the region. First of all, the revolutionary Shiite Islamist regime of Iran is trying to become a global player, if not nuclear power. In general, Iran is opposing western values and denies the existence of Israel. In order to execute these objectives Iran is maintaining the axis of resistance composed of militias in Iraq, Syria, Hezbollah in Lebanon, the Houthi rebels in Yemen and Hamas. Furthermore, Russia and China are the main allies of Iran based on the common regional and global interests. Secondly, Hamas was the governing force of the Gaza strip as Sunni-Islamist power whose ideology is widely determined by Palestinian nationalism and resistance ambitions (*muqawama*). The group is strongly supported by Iran in the struggle against Israel and for statehood. Thirdly, Russia is the traditional counterpart of the western powers and a strong ally of Iran. However, the even closer ally in the region is Syria through

²⁰² Patrick Clawson, "Iran's Emergency Election Will Signal Khamenei's Intentions | The Washington Institute," The Washington Institute, May 22, 2024, <https://www.washingtoninstitute.org/policy-analysis/irans-emergency-election-will-signal-khameneis-intentions>.

which Russia is participating in the region. Fourthly, China is supporting several regional powers in the region, including Saudi Arabia. China could be the decisive factor in terms of balance of power, since China is comparably insensitive regarding questions of human rights. Furthermore, China is already one of the most important economic factors in the Gulf region.

The status-quo is determined by the historical context composed of several significant events since the establishment of the state of Israel in 1948. Since the Independence war or *nakba*, the legitimacy of the Israeli territoriality is not only questioned by the Palestinian population and Arab states, but also the international community illustrated by the UN Security Council resolution 242. Especially after the six-day war in 1967, Israel was able to make territorial gains which triggered an even wider discussion of the legitimacy of Israeli territories and Islamist terrorism, again reflected by the ambiguous UN Security Council Resolution 338. Throughout the following wars and complex periods nearly all neighbor states achieved conclusions of peace agreements. Most recently, the Abraham Accords concluded during the Trump administration introduced a new era of progress. However, the attacks of October 7 by Hamas and the ongoing responsive war in Gaza, is interrupting the period of potential normalization and makes finding a suitable solution even more urgent. Also, international law has always been an important factor regarding the Palestinian question. On the one hand the legitimacy of Israeli and Palestinian territories together with terrorism are crucial questions for Israel. On the other hand, the recent cases of genocide before the ICJ and further allegations before the ICC are shaping perceptions of the international community despite the general problem of the execution of the potential judgements.

It can be finally concluded that the normalization between Israel and Saudi Arabia depends on various factors, as explained. Probably, the most significant factor is the proposal of a serious pathway towards a satisfying and suitable solution for all sides on behalf of Israel in order to avoid further conflicts. On a broader geopolitical scale, Saudi Arabia and Israel together with the US have to form an alliance in order to achieve and maintain stability in addition of opposing the Iranian supported axis of resistance and Russian influence in the region. Other obstacles for the normalization are the future governance and rebuilding of the Gaza strip and the future of Hamas. Saudi Arabia is capable of rebuilding and probably governing the Gaza strip but, as explained, only if certain credible concessions for Palestinian statehood are made on behalf of Israel. Furthermore, an alternative to Hamas must be proposed to the population instead of trying to destroy the whole terrorist group.

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