

Abuse of Human Rights in The Neoliberal World Order: The Case of Israel-Palestine Conflict

Britee Adhikary, Poushali Chatterjee



Abstract: *The rights which are entitled to human beings, are crucial for their existence and are formulated with the intention of safeguarding their life, personal liberty and dignity are referred to as human rights. The traditional notion of human rights and security perceived them as antithetical and separate concepts whereas the current idea propagates the interlinkage between the two and highlights the need to preserve human rights in order to enforce security. Neoliberalism seeks to reduce the role of the state including to diminish its social and welfare responsibilities which affects the protection and implementation of human rights. Thus, a pertinent question is raised: What aspects of neoliberalism are abusive of human rights in the contemporary international structure? This paper takes up the case study of the Israel-Palestine conflict, which dates back to the nineteenth century and analyses it from the perspective of human rights conservation. Israel refuses to give the status of 'rightful sovereigns' to the Palestinians residing in the West Bank and Gaza and therefore, believes that they are not entitled to any protection bestowed by the international humanitarian laws. This research further takes into account the aspect of human rights in the U.S. policies concerning Israel. The U.S. has been projecting itself as the torchbearer of liberalism and individual rights in the contemporary neoliberal world order. Yet, it provides military and economic support to Israel and virtually remains silent in its wrongful claims over Palestinian territories. The contemporary world order has seen different countries adopting rightist policies, excluding regional identities and promoting the concept of a homogenized society. The abuse of human rights which these circumstances bring about become equally pertinent as the newest threat to individual security and consequently affects the international socio-political domain*

Keywords: *Conflict, Human Rights, Neoliberalism, Regional Identities, Rightful Sovereigns, Security.*

I. INTRODUCTION

A. Human Rights in Neoliberal World Order

The primary intention with which neoliberalism was formally adopted as the basis of economy in several western society was to save liberalism from the potential threat of socialism. Austrian economist Freidrich Hayek can be considered as the founding father of neoliberalism in the Mont-Pèlerin Society. The basic tenet of neoliberalism rests on the idea that the establishment of global competitive

market would be the most efficient means of ensuring international economic harmony and as a result, the role of the government is reduced to that of defending and creating the market, characterized by minimum state intervention. Besides, neoliberalism functions on the idea that it emphasizes on principle of greater individual freedom underpinning the concept that if people gain more and free access to market, they would benefit equally from it. Human Rights can be defined as the rights which are entitled to human beings, are crucial for their existence and are formulated with the intention of safeguarding their life, personal liberty and dignity. In the Post Second World War era, with the foundation of the UN being laid and the Universal Declaration of Human Rights being signed, the principles on peace, harmony, freedom and equality were made functional. Neo liberals were apprehensive of this framework, perceiving it as a potential threat to the new global economic order. The incorporation of social and economic rights by the UDHR also asserted that a minimum level of social and economic wellbeing of the people. The neoliberalists attacked this on the notion that guaranteeing any level of material welfare would hamper the free market doctrine. Neo liberals have the tendency to undervalue social democratic manifestations of human rights and international law while simultaneously co-opting them to shelter clearly evident capitalist privileges. Moreover, the period of decolonization provided the advocates of neoliberalism with the opportunity to prevent the newly emerging states from employing the human rights framework to pursue economic equality and redistribution of resources. They used the language of human rights to sanction transformative interventions and subject the newly independent post-colonial states to universal standards which sought to protect the international market. The Neo liberals did not reject the human rights framework on its face, instead they disregarded the value of such a framework when it was applied to achieve economic equality and simultaneously used it to promote neoliberal free market values. Human rights thus, exist within a system which is dominated by unjust neo liberal ideas and have been utilized to justify and preserve so.

B. Human rights abuse: A security threat?

Security can be elucidated along the lines of having freedom from hostility, danger, threat and attack. It can be applied as a political machinery to regulate the society. The law of human rights presupposes four varied ideas of security, international security; negative individual, security against the state; security as an explanation to restrict human rights; and state obligation to grant security to individuals to protect them from other individuals.

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An international order that can constructively contribute to the protection of human rights was considered necessary for the prevention of war and, by extension, for international security. The current concept of security means that security must be implemented through the exercise of human rights and that both ideas complement each other. Infringement of civil and political rights is recognized as a direct trigger of conflict. In particular, abuse of personal integrity: indiscriminate killings, systematic torture, and mass arrests have strong ties to agitation within the state. Analysis of historical data shows that countries that violate human rights domestically are more likely to be involved in international conflicts, and countries with good human rights records are less likely to be involved in international conflicts, but still have level of higher human rights protection. The appraising country intervenes in solidarity with the human rights of the citizens of the state, who are at least systematically abusing the rights of their citizens involved in international conflict. Communities within the state that respect human rights also tend to support the human rights of individuals in other states. As a result, the guidelines drafted by the authorities also protect human rights internationally and even require them to be implemented there. The idea of international security may be a legitimate reason for a state to force other states to respect human rights on their premises. As a result, the state mishandles human rights debates to secure other interests, and if this violence is used, the state pursues unrealistic idealistic goals and reduces performance. Liberty stands as a fundamental segment of human rights. The concept of human rights finds its inception in the idea of preservation of liberty of an individual given the exploitation by the state. It must be acknowledged that to a high extent that the innocence of the individual is relevant to the security of others. Human rights treaties on most security paradoxes have less general concern. Security is not absolute, but the pursuit of security comes at a cost that goes against that goal. For example, if the pursuit justifies government action and private citizenship, it is impossible to achieve absolute security. The difficulty of achieving absolute security applies organically, even if all human rights protections have been revoked. The concept of international security emphasizes that the protection of human rights by the state at the national level is not only useful for international security, but is therefore essential and fundamental.

II. HUMAN RIGHTS IN NEO-LIBERAL WORLD ORDER

The onus of human rights rests on the legal spectrum with these being created and defined by laws ratified and guaranteed by international organizations. The concept of human rights entered the platform of international politics after the Second World War and an international movement for the cause of protection of human rights did not emerge before 1970s. Since human rights are legally recognized claims, it is essential to look into the politics of laws that accompanies the issues of human rights like “monitoring, reporting, advocacy, and litigation” with the intention to encourage and ensure compliance to international laws. According to scholars, human rights in the realm of Israel-Palestine issue is just the case of the global issue being viewed from a local perspective. The aspect of human rights

in Israel-Palestine conflict raises a unique arena of contention. Firstly, Israel being a sovereign state has to obey the international laws pertaining to human rights. Besides, as right to self-determination is legally guaranteed by international organizations, Palestine’s claims to self-determination can also be perceived as legitimate assertions. Secondly, human rights are a post-colonial concept where sovereignty and self-determination are more or less complementary and political order is a quasi-colonial. This generates the fundamental contradiction between state rights and human rights and often these two get involved in direct confrontation with one another. Israel-Palestine issue can be undertaken as an example of direct conflict between claims to national self-determination and the issue of border security of another country. However, this particular issue is further more sensitive because Israeli rule over certain areas of Palestine like West Bank and Gaza are a result of military occupation. It is widely perceived that a military occupation is largely a temporary phenomenon, includes a ceasefire and lies outside the purview of international norms of governance. A military occupation is not characterized by the political mutualism between the government and the people who are governed. The case of Israeli occupation over Palestine is somewhat similar. Israel never attempted to represent the Palestinians within its territory, neither did it try to deal with their internal and domestic problems. But it just wants to rule over the occupied territories without the consent of its inhabitants until a consensus is reached regarding the settlement of the border dispute. The Fourth Geneva Convention asserts that the occupiers are de facto sovereigns. The occupying state is entrusted with the responsibility of ensuring law and order. The international laws also ensures that the civilians of the occupied zone are entitled to certain rights which needs to be enforced properly until the dispute that caused the conflict is resolved. These international safeguards were neglected in case of Israeli occupation in Palestine. Firstly, Israeli government did not agree to comply to the status of a ‘temporary’ occupant. Rather, it claimed that the occupied territories were disputed and hence the safeguards of Geneva Conventions were not applicable in this case. They went ahead with the national interests of Israel within the occupied territories and did not pay attention to the requirements and demands of Palestinian people. Israel further argued that Palestinians could not be accepted as rightful sovereigns of West Bank and Gaza because they were ‘non-state’ entities and hence not eligible for protection by international laws.

III. INSTANCES OF VIOLATION OF HUMAN RIGHTS IN ISRAEL-PALESTINE CONFLICT

The armed conflict between Israel and Palestine has given rise to innumerable war and humanitarian crimes where common citizens remained the worst sufferers. Around May, 2021, air strikes by Israeli military took the lives of around 240 Palestinians in Gaza and caused disproportionate loss to property.

The unlawful and targeted strikes on medical facilities and personnel have been criticized by numerous international human rights organizations. Besides, Israel has been involved in perpetrating humanitarian crisis on Palestinian citizens. It has been illegally blockading the Gaza strip, inflicting torture, arbitrary detention, forced displacement and restricting the Palestinian freedom struggle within West Bank. The Israeli authorities inflicted all these crimes with impunity and committed apartheid within the occupied Palestinian territories which is perceived as a major crime within the international law. Besides, Palestinian civil societies working for the rights of the citizens have been labelled as “terrorist” organizations. Besides, activists who protested against the unlawful military occupation were imprisoned and arrested arbitrarily. As far as the most recent instance of Israel-Palestine conflict around May, 2021 is concerned, Israel committed intense war crimes and discriminated against the common citizens of Palestine which included the death of 242 Palestinian citizens of which 63 were children. As many as 9000 people were injured as a result of air strikes and military assault and medical facilities, water supply structures were specifically targeted. Statistics shows that nearly 74000 people were displaced; about 7000 children were rendered homeless. Israel further bombed the seawater desalination plant in Gaza which supplied water to around 250000 people. Israel even targeted reporters and journalists and curbed the freedom of speech and expression by restricting their entry in Gaza. The violations perpetrated by Israel over Palestinian citizens is not only condemnable from the point of view of international legal apparatus but also from general humanitarian perspectives.

IV. HUMAN RIGHTS IN US POLICY TOWARDS ISRAEL

Historically human rights issues remained at the periphery of American foreign policy. It was during the presidency of Jimmy Carter (1977-81) that an unexpected emphasis on human rights was showcased. The Carter administration gave human rights great rhetorical importance and bolstered multilateral diplomacy on the subject. The year 1967 marked the beginning of unrest among Egypt and Israel, it was Carter’s mediation in the late 1970s which helped Israel and Egypt sign peace treaty in 1979. Thus, formally ending the war between the two countries. The issue of human rights violations in the Israel-Palestine conflict gained international prominence majorly following the first uprising brought about by the Palestinians of the West Bank and Gaza in 1987. Under the Reagan administration, the human rights doctrine stood out as “exceptionalism triumphant”. The administration believed that civil and political rights in the US were sufficient enough as an example to others with no necessity of international standards. However, the Reagan administration was the most sympathetic U.S. President to Israel; not only because of its biblical notions of Israel, but also because of its immense strategic value to the U.S in handling the Soviet Union in the middle east. George H. W. Bush assumed office in 1989, his administration coupled the human rights issue with the promotion of democracy. The Bush administration refused to consider the presence of economic rights, and the protection of the rights crucial to the dignity of people. Its administration had sought to approach the Arab-Israeli conflict in an even-handed manner while

being heavily committed to Israel’s security. US State Secretary, James Baker in May 1990 made a speech to the annual Washington Policy Conference of the American-Israeli Public affairs Committee (AIPAC), urging the Arabs and Israel to seek peace. He urged the Palestine population to resort to “a dialogue of politics and diplomacy”. He mentioned bluntly to Israel by saying that it must let go of the “unrealistic vision of a great Israel”. Besides, in order to attain peace, Israel must “forswear annexation” of its pre occupied regions, “stop settlement activity” and “reach out to the Palestinians as neighbors who deserve political rights”. The Bush administration’s aim had been on fixing the Arab-Israeli conflict rather than criticizing Israel’s human rights abuses while Israel continued to commit human rights abuses. In fact, The US Congress gave Israel unstinting and unquestioned economic, military and diplomatic support. The Clinton Administration (1983-2001) vendors a human rights policy which was inconsistent and mixed. For instance, it denounced the military junta in Myanmar and put economic sanctions for detaining San Suu Kyi but it did not condemn and stop the genocide in Rwanda. In the Israel-Palestine issue, Clinton chose to act mediator rather than facilitator, his bridging proposals visualized a Palestinian State in almost 94 percent of the West Bank and Gaza and reciprocated three percent of Israeli territory to make up for the annexed settlements in the west Bank. The human rights abuses in Israeli occupied territories continued and expanded, yet Clinton’s main concern was not the abuses but resolving the conflict. The second Bush administration avoided human rights terminology, in place of well recognized human rights norms, it used the narrow concept of “dignity”. In June 2003 while addressing the audience at the twentieth anniversary of the National Endowment for Democracy, Mr. Bush stated that the United States has endorsed a new policy, a forward strategy of freedom in the Middle East. However, the human rights abuses being committed did not have any impact on its policy toward Israel as had been the situation with the previous administration. This administration endorsed and strengthened the hard hegemonic dominance of the United States. The next administration belonged to Barack Obama who believed that the US could not impose peace and challenged the Middle Eastern leaders to take more initiative and gather an engaged role. Obama’s team’s attempts to appease Israel only isolated Palestinian leaders and the US’s image as a skewed middleman serving Israel’s interests was ultimately reinforced. Following Obama, the next administration belonged to Donald Trump who had extremely pro-Israel foreign policies in the Middle East. On the 28th of January 2020, Trump officially revealed the political peace plan with Israel. Palestinians leaders were not invited to the event. Months prior, Trump had declared the economic bit of his plan in a speech given in Bahrain. This event was boycotted by many Palestinian leaders who saw this effort as an attempt to purchase Palestinian territory. His totalitarian inclination, along with his undue support for Israel despite their actions, had eliminated the U.

S from continuing to play a role in peace negotiations. The current administration under Joe Biden holds up extremely democratic values. However, during the latest confrontation between Israelis and Palestinians erupted in April, the Biden administration resisted to condemn the obvious violation of international law and human rights by Israel. In the process, Biden's image, his agenda to lead on human rights and peace have been badly damaged. The United States is not a non-participant in the conflict; it is an integral factor and element of the huge variability of power favoring Israel

V. REFRAMING THE HUMAN RIGHTS MOVEMENTS IN ISRAEL-PALESTINE CONFLICT

The inception of the human rights movement in this particular case dates back to 1968 when a Jewish lawyer, Felicia Langer took up military court work as a form of protest against the military occupation. She was further joined by other lawyers and activists and gave rise to a large framework of legal apparatus that aimed to look into the crimes perpetrated on Palestinian citizens within the Israel occupied territories. In different places of Palestine, especially Gaza and West Bank, lawyers either went on strike or extended their service to military courts on being requested by the family members of those who were unlawfully detained and tortured. Although many lawyers viewed this from a political perspective and as a medium of protest, their legal works were often limited to the immediate needs of the clients, a significant portion of which included arranging for plea bargains. Israeli occupation however created extra hurdle for these courts and the people who wanted justice through them. The Israel occupied territories did not have distinct borders and they were constantly changing, thus, the area under jurisdiction of each court also underwent alteration. Besides, the courts were not deemed as supreme judicial authorities and numerous curbs were placed on them as well, which often resulted in different verdicts for similar cases. The Israeli authority's refusal to comply to the Fourth Geneva Convention further aggravated the matter and made military courts less effective. The activists and lawyers of Palestine undertook a legal measure to deal with the human rights violations and the initial human rights organizations formed were also legalistic in their initial perspective. Widespread literature and documents on the indiscriminate violation of international laws by the Israeli authorities within the occupied territories began to be produced. Several organizations dedicated themselves to this compilation and analysis of data that mostly dealt with statistics of human rights violation from quantitative as well as qualitative perspective. This practice ensued a greater degree of transparency and accountability which enabled the world to know about the atrocities happening in Palestine. The growth and expansion of human rights movement can be traced back to the events that were happening in Palestine and the demands of the victims. Under conditions of an unrepresented occupation and indiscriminate military aggression, the citizens were left with only the legal mechanism which they used as a tool to justify their demands and protest against the atrocities inflicted on the entire population. Thus, the human rights movement originating in Palestine was politicized within the legal framework and underscored the Palestinians' efforts of institutionalizing their struggle in a way that would ensure the involvement of the international community and attract their attention.

VI. RESULT & CONCLUSION

A close insight into the features and aspects of the international human rights protection mechanism reveals that though they were framed to design the limitation of state power and highlight the moral-judicial ethos, in reality however, they projected a much market-oriented domain of human rights. While interrogating and examining the contemporary connotation of human rights, a few fundamental question are raised by John Nguyet Erni: "What is the conceptual structure of the new sovereignties, in which human rights present themselves as simultaneously included in and excluded from networked capitalism? Is it not by chance, then, that the notions of security, freedom from arbitrary arrest or detention, due process, freedom of movement, self-determination, and so on are pledged by means of a possible disavowal, guaranteed via a foreseeable derogation, included through a potential exclusion?" The Neoliberal world order is vehemently violent towards human rights as it places it in a sphere which comprises its domain of subjugation as well. In the contemporary times, when several countries and nations have adopted policies and programs meant to protect human rights and yet a strange duality is revealed; firstly, the definition of humanity which encompasses the definition of human rights uphold the idea that its two significant pillars, dignity and justice must be always be enshrined and never sacrificed. The narrow agenda of human security suggests excluding certain human rights from its protection, while the broader view is extremely dispersed so as to allow states to declare they are protecting human security while continuing to oppress their own citizens. The human rights agenda is much more protecting than the freedom from want and fear emphasized in the human security agenda. Human rights are presupposed on the notion of human dignity which requires that individuals be treated as autonomous, independent beings. It recognizes them with social value, and prohibits discriminatory legislation and allows participation in collective decision making. The human security perspective may be seen as a quasi-realist substitute for the Neo liberal internationalist perspective on human rights incorporated in the international human rights regime. States are not independent bodies, they are heavily influenced by elites, private corporations and interest groups. These elements often benefit from the human insecurity they claim to ameliorate however they might have caused the problem in order to reap the benefits of it. Human rights are designed to protect individuals from state elites who undermine citizens' interest deliberately for their own benefit.

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