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NAVIGATING HUMANITARIAN AID AND HUMAN DIGNITY DURING ONGOING VIOLENCE IN GAZA

Ahmad Ibsais

ABSTRACT

Not merely a philosophical concept, human dignity is a legal and moral imperative—especially in times of conflict, mass displacement, and ethnic cleansing. Looking to the ongoing Gaza Genocide, the denial of dignity and humanitarian aid has become a calculated weapon of war.[1] This Article builds on dignity frameworks and contemporary human rights law to argue that humanitarian aid is an obligation rooted in law and the inherent dignity of the Palestinian people.[2] It critiques the Israeli occupation's deliberate withholding of aid as a way to dehumanize Palestinians, while also exploring the legal, philosophical, and practical dimensions of how dignity-centered aid can restore not just survival, but agency and justice.

Gazans have endured decades of illegal besiegement where they are both recipients of heavily restricted aid and victims of a system designed to strip them of their autonomy. Israeli officials have explicitly weaponized aid; Defense Minister Yoav Gallant even declared, "We are fighting human animals, and we act accordingly," reinforcing the legacy of dehumanization.[3] Such rhetoric serves to not only justify the withholding of aid, but to erase Palestinian humanity altogether. In contrast, international law reaffirms the right to aid, "The humanitarian situation in Gaza is dire. We must ensure the unimpeded provision of lifesaving aid to civilians, in line with international law, said UN Secretary- General António Guterres.[4]

1. 'Genocide' will be used as a term of rhetoric to set the context in which indignities take place. Since the ICJ has not ruled on South Africa's submitted 800-page indictment, 'Genocide' is not serving a legal function in this piece; AMNESTY INTERNATIONAL, INDEX NO. MDE 15/8668/2024, ISRAEL/OCCUPIED PALESTINIAN TERRITORY: 'YOU FEEL LIKE YOU ARE SUBHUMAN': ISRAEL'S GENOCIDE AGAINST PALESTINIANS IN GAZA (Dec. 5, 2024), https://www.amnesty.org/en/documents/mde15/8668/2024/en.

2. The 'Palestinian People' refers to the diverse group of roughly 14 million people who trace their roots back to what is now known as the Israeli-Palestinian region. It includes those residing in the West Bank, Gaza, Historic Palestine, and those in diaspora. Their identity is tied by a collective longing to have a liberated homeland and to return home.

3. No Comment TV, *"We are Fighting Human Animals" Said Israeli Defence Minister Yoav Gallant.*, YOUTUBE (Oct. 10, 2024), https://www.youtube.com/watch?v=ZbPdR3E4hCk.

4. *Guterres Urges Support for the Middle East Amid Current 'Turbulent Period'*, UNITED NATIONS (Jan. 20, 2025), https://www.ungeneva.org/en/news-media/news/2025/01/102387/guterres-urges-support-middle-east-amid-current-turbulent-period.

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This Article: (1) builds on human rights law and human dignity frameworks to establish human dignity as a compelling moral and legal foundation for aid in Gaza during the ongoing Genocide; (2) reframes dignity as a justification for intervention under international law, addressing philosophical dimensions; (3) critiques the Israeli occupation's denial of dignity to Palestinians, demonstrating how aid can reinforce power imbalances; and (4) proposes dignity-based reforms for equitable humanitarian intervention, addressing the structural indignities imposed by decades of occupation.

Acknowledgements

This Article is dedicated to the victims and survivors of the ongoing Genocide in Gaza. I write in memory of those whose lives were taken and in solidarity with those who continue to endure. I am indebted to my community of Palestinians across the world whose refusal to be silenced is the foundation of this piece

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Introduction

Since the 2023 invasion of Gaza began, over two million Palestinians live and endure an existence that embodies the antithesis of human dignity. Amid the rubble of their homes, society, and 50,000[5] dead Palestinians, humanitarian aid has become a tool of control, a means of inflicting collective punishment, and a reminder of the enduring brutalization of Israeli Occupation[6] of Palestine. The distinction of 'Occupation'[7] is important to this piece, as it not only describes the conditions that subject Palestinians to needing aid, but it also emphasizes Israel's duty, as the occupying power, to provide humanitarian assistance. In fact, a new UNGA resolution was passed, referencing an advisory opinion by the ICJ[8], to end the illegal occupation of Palestine.

The perversion of the purpose of aid is not a recent phenomenon but a continuation of a process that began with the Nakba—"catastrophe"—in 1948, when over 750,000 Palestinians were expelled from their homes, starting the ongoing process of displacement, dehumanization, and dependency on international powers.[9] This piece aims to contextualize the ongoing need for aid during the Gaza Genocide amongst the historical indignities that have led to systemic need for aid.

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5. *See* Ahmad Ibsais, *Why Palestinians Won't Leave Their Land*, Al Jazeera (Oct. 7, 2024), https://www.aljazeera.com/opinions/2024/10/7/why-palestinians-wont-leave-their-land; *see also* Rasha Khatib, Martin McKee & Salim Yusuf, *Counting the Dead in Gaza: Difficult But Essential*, 404(10449) The Lancet 215, 237 (2024) (describing that the actual death toll is closer to 180,000 due to starvation, injury, disease, etc.).

6. *See generally* Ilan Pappé, The Ethnic Cleansing of Palestine (2007).

7. *UN General Assembly Demands Israel End 'Unlawful Presence' in Occupied Palestinian Territory*, UN News (Sept. 18, 2024), https://news.un.org/en/story/2024/09/1154496.

8. *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, 2024 International Court of Justice [hereinafter ICJ] (July 19, 2024).

9. Benny Morris, The Birth of the Palestinian Refugee Problem Revisited (2004).

The Nakba commenced the beginning of the Palestinian refugee crisis, an agrarian society of self-sufficient farmers turned into aid-dependent refugees.[10] The mass displacement has led to the very conditions that necessitate large-scale humanitarian intervention: most notably through the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), established the year after the Nakba. From its inception, UNRWA, while providing necessary resources and services, has also become a symbol of the international failure to address the root cause of Palestinian dispossession.[11]

Gaza's current genocide, which began in October 2023, is the latest chapter in the seven-decade-long story of indignity.[12] What predated this destruction of Gaza was a long history of massacres[13] against Palestinians, cleansing of Palestinians towns, and besiegement of Gaza that led to the Hamas Military Brigade attack on October 7th that killed 815 civilians and took 251 civilians hostage.[14] Palestinians have a right to resist[15]; however, the attack against civilians was in clear violation of international law. The Fourth Geneva Convention includes rules to mitigate civilian harm during armed conflict.[16] Since Israel has engaged in its assault on Gaza, they have "engaged in deliberate killings of civilians, hostage-taking, and collective punishment", says the Israel and Palestine Director at Human Rights Watch.[17] The question exists as to Israel's right to defend itself, as they are considered an occupying power, but this Article does not examine those questions. If the right does exist, it does not absolve Israel of their duty to mitigate harm to civilians and provide necessary humanitarian aid to sustain civilian life.

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10. Press Release, U.N. General Assembly, Committee on the Inalienable Rights of the Palestinian People: Commemoration of the Ongoing Nakba, GA/PAL/1467 (May 17, 2024), https://press.un.org/en/2024/gapal1467.doc.html.

11. Press Release, Success of UNRWA also sign of collective failure to resolve question that led to refugee crisis, Fourth Committee hears, GA/SPD/442 (Nov. 3, 2009), https://reliefweb.int/report/occupied-palestinian-territory/success-unrwa-also-sign-collective-failure-resolve-political.

12. Qaanitah Hunter, *South Africa's Legal Team Says Intent Is Clear in Israel's Gaza Genocide*, Al Jazeera (Oct. 28, 2024), https://www.aljazeera.com/news/2024/10/28/south-africas-legal-team-says-intent-is-clear-in-israels-gaza-genocide.

13. Philip Weiss, *The Unhappy History of Israeli Massacres in Gaza*, Mondoweiss (Apr. 23, 2018), https://mondoweiss.net/2018/04/unhappy-history-massacres.

14. *October 7: Crimes Against Humanity, War Crimes by Hamas-Led Groups*, Human Rights Watch (July 17, 2024), https://www.hrw.org/news/2024/07/17/october-7-crimes-against-humanity-war-crimes-hamas-led-groups.

15. United Nations Office of the High Commissioner of Human Rights, *Additional Protocol I to the Geneva Conventions of 1949* (June 8, 1977).

16. Geneva Convention Relative to the Protection of Civilian Persons in Time of War [hereinafter Geneva Convention] art. 55, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

17. *Israel/Palestine: Devastating Civilian Toll as Parties Flout Legal Obligations*, Human Rights Watch (Oct. 9, 2023), https://www.hrw.org/news/2023/10/09/israel/palestine-devastating-civilian-toll-parties-flout-legal-obligations.

Occupation itself, with the lack of substantive forward looking humanitarian aid, has stripped Palestinians of their autonomy, resources, and justice Riyad Mansour, Permanent of Palestine to the United Nations, declared Gaza as an "open prison,"[18] in describing the abhorrent humanitarian conditions.

Within this open-air prison, the most basic human needs—food, water, and medical care—have been instruments of war.[19] The weaponization of aid has made Palestinians dependent on international donors, their policies, and their occupiers. For one, Israeli authorities have calculated the bare minimum caloric intake required to keep Gaza's population alive, but left them perpetually on the brink of starvation[20]. Palestinians have been treated as numbers to be managed rather than humans with inherent dignity.

The absurdity of this cruelty is perhaps best exemplified by the prohibition of chocolate imports[21] into Gaza—a ban that serves no "security purpose"[22] but to deny Palestinians the simplest joy. This policy, among others, are emblematic of the long-held pattern of denying dignity, where basics become luxuries.

Gaza's economy is now in ruins, with unemployment rates above 50 percent, pre-October 7th, condemning an entire generation to poverty.[23] Economic self-sufficiency is now virtually non-existent since the decimation of Gaza's infrastructure in 2023–2024. Now, 80 percent of all infrastructure has been destroyed, leading to presumably much higher job loss.[24] The healthcare

18. U.N. GAOR, 69th Sess., 7222d mtg. at 6, U.N. Doc. S/PV.7222 (July 22, 2014).

19. *Israel: Starvation Used as Weapon of War in Gaza*, Human Rights Watch (Dec. 18, 2023), https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza.

20. Gisha Legal Center for Freedom of Movement, Food Consumption in the Gaza Strip - Red Lines (2012), https://gisha.org/UserFiles/File/publications/redlines/redlines-position-paper-eng.pdf.

21. Nessma Albhdary, *No Chocolate, No Laptops, No Clothes for Gaza*, POLITICS TODAY (Oct. 21, 2021), https://politicstoday.org/no-chocolate-no-laptops-no-clothes-for-gaza.

22. "Security" is in quotations to call attention to the fact that while some legitimate security concerns may exist, they exist because of Israel's ongoing assault and history of besiegement and violence. *See* Craig Mokhiber, *Every Accusation a Confession: Israel and the Double Lie of Human Shields*, Mondoweiss (Sept. 21, 2024), https://mondoweiss.net/2024/09/every-accusation-a-confession-israel-and-the-double-lie-of-human-shields; *See also* Amanda Yee, *Debunking Israel's Lies About the Bombing of al-Ahli Arab Hospital in Gaza*, Liberation News (Oct. 18, 2024), https://www.liberationnews.org/debunking-israels-lies-about-the-bombing-of-al-ahli-arab-hospital-in-gaza; *Fact Sheet: Israel's History of Spreading Disinformation*, Institute for Middle East Understanding (Oct. 5, 2024), https://imeu.org/article/fact-sheet-israels-history-of-spreading-disinformation; *Lies, Investigations and Videotape*, Al Jazeera (May 22, 2022), https://www.aljazeera.com/opinions/2022/5/22/lies-investigations-and-videotape. (Citations pointing to many instances in which 'security' was used, and then ultimately proven to be fabricated).

23. World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee* (Apr. 30, 2019), http://documents.worldbank.org/curated/en/942481555340123420/pdf/Economic-Monitoring-Report-to-the-Ad-Hoc-Liaison-Committee.pdf.

24. *Gaza is in Ruins After Israel's Yearlong Offensive. Rebuilding May Take Decades*,

system, already strained by years of resource shortage, has been destroyed[25], leaving treatable patients with death sentences. The World Health Organization reported in January 2024 that only 13 out of Gaza's 36 hospitals are partially functional as they are destroyed or lack resources necessitated under international law.[26] Palestinians are, again, denied the dignity to treat their own or to survive, relying on international medical support staff.

The Gaza Ministry of Endowments had reported in February 2024 that over 220 mosques are destroyed, and 17 churches damaged, a clear violation of international law.[27] Through targeting the foundations of a civil society—healthcare, educational, and religious institutions—Israel aims to destroy the very foundation of Palestinian self-sufficiency.

The current Gaza Genocide has made scholars rethink the context of aid in relation to human worth, especially with distribution methods that are designed to strip Palestinians of their dignity.[28] In March 2024, the United States announced construction of a temporary aid pier off the coast of North Gaza in order to facilitate aid delivery. Yet, the pier was destroyed in June 2024 not having delivered a single parcel of aid and instead used as a military center to destroy another Gaza hospital.[29]

The spectacle of aid packages dropped from planes, some landing in the sea or even killing those seeking its relief, has turned humanitarian assistance into a hypocritical show of support.[30] The images of Palestinian men, women, and children risking their lives to retrieve food that parachuted into the ocean is a damning indictment of the failure to ensure dignified aid delivery to those whose existence is at threat. Essential items, including medical supplies, are routinely denied entry on "security grounds", and illegal settlers with support of the IDF

AP News (Oct. 2024), https://www.ap.org/news-highlights/spotlights/2024/gaza-is-in-ruins-after-israels-yearlong-offensive-rebuilding-may-take-decades.

25. World Health Organization, *Health Situation in the Gaza Strip* (2024), https://www.emro.who.int/opt/information-resources/emergency-situation-reports.html.

26. *Gaza: WHO Chief Calls for End to Latest Hospital Siege*, United Nations (May 21, 2024), https://news.un.org/en/story/2024/05/1150016.

27. *Report: Israel Destroyed 611 Mosques in Gaza in 1 Year*, Middle East Monitor (Oct. 7, 2024), https://www.middleeastmonitor.com/20241007-report-israel-destroyed-611-mosques-in-gaza-in-1-year.

28. Yara Asi & Chris Gunness, *Rethinking Humanitarianism: Aid Sustaining Palestine Occupation*, The New Humanitarian (Nov. 16, 2023), https://www.thenewhumanitarian.org/podcasts/2023/11/16/rethinking-humanitarianism-aid-sustaining-palestine-occupation.

29. *US Gaza Aid Pier 'Not Used' in Israel's Captives Rescue Mission: Pentagon*, Al Jazeera (June 10, 2024), https://www.aljazeera.com/news/2024/6/10/us-gaza-aid-pier-not-used-in-israels-captives-rescue-mission-pentagon.

30. *Aid Drop Off Gaza Beach Leads to Drownings, Local Authorities Say*, Reuters (Mar. 26, 2024), https://www.reuters.com/world/middle-east/aid-drop-off-gaza-beach-leads-drownings-local-authorities-say-2024–03–26.

have even prevented aid from entering Gaza, leaving organizations with intentions to help unable to deliver critical supplies to the population.[31]

The reality on the ground in Gaza stands in contrast to the principles enshrined in international law. The Fourth Geneva Convention unequivocally calls for occupying powers to ensure food and medical supplies to those they occupy and to maintain public health and hygiene.[32] The International Court of Justice's (ICJ) 2004 advisory opinion on the West Bank barrier reaffirmed the applicability of the Fourth Geneva Convention to Occupied Palestine, including Gaza.[33] This ruling, like many others, has been ignored by Israeli authorities.[34] This Article is especially timely as on October 28th, 2024, Israel passed a bill to ban UNRWA from operating.[35] UNRWA is the largest responder of aid in Gaza, and as 1.9 million displaced Palestinians face starvation, the dismantling of this UN agency is part of the effort to break down Palestinian life. This Article navigates humanitarian aid in Gaza, where the very concept of human dignity has been under constant assault since the Nakba.

First, the Article establishes a theoretical framework for understanding human dignity in the context of humanitarian crises, drawing on both legal concepts as they apply in crisis situations and philosophical concepts that underpin our understanding of human worth.

Second, the Article delves into the specific context of human dignity in Gaza. It examines Palestinian perspectives on dignity, exploring how cultural, religious, and historical factors shape their views on dignity. This will be contrasted with Israeli perspectives on dignity, which will highlight the contradictions that arise in the occupier-occupied dynamic. Additionally, the Article analyzes how the United Nations and other bodies of international law conceptualize dignity in this context. Together, they provide a framework for understanding the legal and moral obligations necessary to consider during this aggression.

The Article then confronts the indignity of aid in Gaza, examining how dependence and loss of agency have become entrenched features of Palestinian life, extending from the Nakba to this current crisis. The work presents dignity as a justification for humanitarian aid, drawing on both legal literature and philosophical debates.

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31. *The Take: An Inside Look at How Israeli Settlers Are Blocking Aid to Gaza*, Al Jazeera (June 21, 2024), https://www.aljazeera.com/podcasts/2024/6/21/the-take-an-inside-look-at-how-israeli-settlers-are-blocking-aid-to-gaza.

32. Geneva Convention, *supra* note 16.

33. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, https://www.icj-cij.org/case/131.

34. Linah Alsaafin, *Israel's Separation Wall Endures, 15 Years After ICJ Ruling*, Al Jazeera (July 9, 2019), https://www.aljazeera.com/news/2019/7/9/israels-separation-wall-endures-15-years-after-icj-ruling.

35. *Israel Parliament Approves Bill to Ban UNRWA*, Al Jazeera (Oct. 28, 2024), https://www.aljazeera.com/news/2024/10/28/israel-parliament-approves-bill-to-ban-unrwa.

Finally, the Article proposes a path towards dignity-centered humanitarian aid in Gaza. The strategies for addressing the systematic indignities are considered with the purpose of empowering Palestinian self-determination.

By considering and understanding these issues, this Article contributes to a nuanced approach of the role of humanitarian aid in extended humanitarian disasters, the responsibilities of occupying powers, and the centrality of human dignity in international law. It argues that while aid is essential for survival, it cannot be traded for long-term dignity of those receiving the aid.

The case of Gaza is more than a humanitarian crisis; it is a moral catastrophe that challenges our shared humanity. Immediate action is needed desperately both for the good of the Gazans as well as to curb the horrific precedent their treatment creates. For in the dignity of the Palestinian people lies our own, and in their liberation from the ongoing Genocide and the cycle of destruction and dependency, we may yet find redemption for our collective failure to uphold the most basic principles of human rights and international law.

I. Theoretical Framework: Human Dignity

In both international human rights law and philosophy, human dignity serves as a principle to protect individuals and show respect for human beings, particularly during crises. This Section investigates sources and interpretations of dignity: legally, philosophically, socio-politically, and how they shape the understanding of dignity during humanitarian disasters. The Article explores how dignity is violated and applied in humanitarian crises like the Gaza Genocide—which has shown a clear tension between legal framework and reality in its application.

A. Definitions and Sources of Human Dignity

1. Legal Concepts of Dignity

Dignity is a foundational principle in human rights law, established through various covenants, doctrines, and treaties. Operationally, it has been invoked as a standalone right, as well as an underlying principle to generate other rights. While dignity itself is not a peremptory norm for the enforcement of international law[36], it has served as a foundation for recognized peremptory norms like the prohibition of genocide, torture, and crimes against humanity.

The Universal Declaration of Human Rights (UDHR) defines 'human dignity', starting in 1948, beginning with an open recognition of "inherent dignity" that is given to all human beings.

36. Thomas Weatherall, *The Authority of Jus Cogens*, *in* Jus Cogens: International Law and Social Contract (Cambridge University Press, 2015) 67–94.

> "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in spirit of brotherhood."

(UDHR, Article 1)[37]. Although not a legally binding document, the idea of dignity in the UNDHR has been adopted in several legally binding treaties and serves as a central reference for those whose human rights are not recognized.[38] The framing of dignity, as a cornerstone to rights, continues to other freedoms in the declaration: the freedom from torture (Article 5), the right to an adequate standard of living (Article 25), and the right to life (Article 3).[39] Applying to the Gaza Genocide, these rights have been systematically violated through the denial of food and water[40] as well as the indiscriminate bombing of civilians, which is itself a form of torture.[41]

Israel is a party to the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR), and Convention on the Rights of the Child (CRC), all of which place an affirmative obligation upon Israel to adhere to the rights and laws which Israel signed onto.[42] Thus, Israel's current aggression in Gaza is in clear violation of their international duties and commitments. Irrespective of whether Israel views the Palestinian state as a legitimate one, Israel being party to the aforementioned doctrines places their obligation to protect the Palestinian people.[43]

The concept of dignity is expanded upon in subsequent legal doctrines, theoretically established to protect the dignity of all. Established in 1966 the International Covenant on Civil and Political Rights (ICCPR) enshrines dignity in Article 10:

> "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

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37. G.A. Res. 217 (III) A, Universal Declaration of Human Rights [hereinafter UDHR] art. 1 (Dec. 10, 1948).

38. U.N. Off. High Comm'r for Hum. Rts., *Declaration on Human Rights Defenders*, https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders.

39. G.A. Res. 217 (III) A, *supra* note 37 at arts. 3, 5, 25.

40. *Israel: Unlawful Gaza Blockade Deadly for Children*, Human Rights Watch (Oct. 19, 2023), https://www.hrw.org/news/2023/10/18/israel-unlawful-gaza-blockade-deadly-children.

41. *See Israel/OPT: New Evidence of Unlawful Israeli Attacks in Gaza Causing Mass Civilian Casualties Amid Real Risk of Genocide*, Amnesty Int'l (Feb. 12, 2024), https://www.amnesty.org/en/latest/news/2024/02/israel-opt-new-evidence-of-unlawful-israeli-attacks-in-gaza-causing-mass-civilian-casualties-amid-real-risk-of-genocide/.

42. *Israel's Obligations Under International and National* Law, Hum. Rts. Watch (2001), https://www.hrw.org/reports/2001/israel2/ISRAEL0901–13.htm#:~:text=Israel%20is%20a%20party%20to,the%20International%20Convention%20on%20the.

43. Human Rights Council Resolution A/HRC/RES/55/30, *Right of the Palestinian People to Self-Determination* (April 12, 2024).

(ICCPR, Article 10)[44]. Engaging in a facial textual argument, the employment of "shall" is a clear mandate in the absolute use of dignity to maintain humanity and liberty. Those 'deprived of their liberty', which includes those living under occupation, as in Gaza, where the deprivation of autonomy violates the law. Those in Gaza, and occupied Palestine more broadly, are physically confined by blockade, checkpoints, and apartheid[45] walls.[46] In November 2011, the Russell Tribunal on Palestine, found that 'Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined under international law.'[47] They go on to say, Palestinians living in the OPT (Occupied Palestinian Territories) are 'subject to a particularly aggravated form of apartheid.' Denoting Israel as an apartheid state has implications for humanitarian aid as it underscores systemic discrimination and unequal access to resources, which affects Palestinians' basic needs, mobility, healthcare, and economic opportunities. Under international law, apartheid is a crime against humanity[48], creating pressure on the international community to respond and support aid efforts, as well as place criminal responsibility upon states that "directly abet, encourage, or co-operate" in apartheid.[49] This designation can intensify calls for targeted humanitarian interventions, especially during this time of crisis in Gaza.

Furthermore, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) reiterates the UDHR's affirmation of dignity in its preamble:

> . . . recognition of the inherent dignity and of the equal and inalienable rights of all members of human family is the foundation of freedom, justice, and peace," and that "these rights derive from the inherent dignity of the human person.

(ICESCR, Preamble)[50]. The text makes clear that dignity is not given by law, but simply is part of existence as a human. It expands in Article 11 and 12 to include the rights of food, water, and healthcare as rights founded on dignity. Denying

44. International Covenant on Civil and Political Rights [hereinafter ICCPR] art. 10, Dec. 16, 1966999 U.N.T.S. 171; S. Exec. Doc. E 95-2 (1978).

45. *Israel's Apartheid Against Palestinians*, Amnesty Int'l (Feb. 1, 2022), *https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/*; Like 'Genocide' and 'Occupation', 'Apartheid' is used to lay the context of the violence taking place in Gaza. Both 'Occupation' and 'Apartheid' carry legal significance as the ICJ has clearly defined them as they relate to Palestine.

46. *The Separation Barrier*, B'Tselem (Nov. 11, 2017), *https://www.btselem.org/separation_barrier*.

47. Russell Tribunal on Palestine, Findings of the South Africa Session 21 (2011). On the role of civil society tribunals such as the Russell Tribunal as truth-telling mechanisms that represent a 'jurisprudence of conscience' *see also*, Richard Falk, *Is Israel Guilty of the Crime of Apartheid?*, Al Jazeera (Dec. 5, 2011).

48. International Convention on the Suppression and Punishment of the Crime of Apartheid, G.A. Res. 3068 (XXVIII), 28 U.N. GAOR Supp. No. 30, at 75, U.N. Doc. A/9030 (1974), 1015 U.N.T.S. 243 (entered into force July 18, 1976).

49. *Id.* at Art. III (2).

50. International Covenant on Economic, Social and Cultural Rights, pmbl., Dec. 16, 1966, S. Treaty Doc. No. 95–19, 993 U.N.T.S. 3.

essential services, like the deliberate destruction of Gaza's hospitals and schools, is a violation of Article 12 of ICESCR.

Looking to ongoing crisis in Gaza, and how dignity is applied there, the Geneva Conventions includes additional protocols to preserve dignity during armed conflict.

> Persons taking no active part in the hostilities . . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment . . .

(All four Geneva Conventions, Article 3).[51] Human dignity is inviolable in extreme circumstances.[52] In Gaza, drones drop bombs daily in continuous torture, and dignity is attacked in the humiliation of destroyed graves, placement in detention camps[53], and being forced into refugee status.[54]

Lastly, Article 8(2)(b)(xxi) of the Rome Statute of the International Criminal Court (ICC) codifies attacks on dignity as war crimes and those against humanity.[55] Since the Nakba, crimes of this nature have continuously taken place from the mass rape of Palestinian women[56], children as hostages held without charge[57], and simply the continued theft of land[58]. Each of these crimes have taken place in Gaza

51. Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 3, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

52. United Nations, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2.2, adopted 10 December 1984, entered into force 26 June 1987, 1465 U.N.T.S. 85. ("No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."); *see also* Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Article 27 (Protected persons are entitled, in *all circumstances*, to respect for their persons, their honour, their family rights . . .).

53. *Israel Must End Mass Incommunicado Detention and Torture of Palestinians from Gaza*, Amnesty Int'l (July 13, 2024), *https://www.amnesty.org/en/latest/news/2024/07/israel-must-end-mass-incommunicado-detention-and-torture-of-palestinians-from-gaza/*.

54. Kelsey Norman, *Israel's Mass Displacement of Gazans Fits Strategy of Using Migration as a Tool of War*, Baker Inst. For Pub. Pol'y (Dec. 11, 2023), *https://www.bakerinstitute.org/research/israels-mass-displacement-gazans-fits-strategy-using-migration-tool-war*.

55. Rome Statute of the International Criminal Court art. 8(2)(b)(xxi), July 17, 1998, 2187 U.N.T.S. 90.

56. Hania A.M. Nashef, *Suppressed Nakba Memories in Palestinian Female Narratives*, 24 Int'l J. of Postcolonial Stud. 567 (2021).

57. *Military Detention*, Defense for Children International - Palestine (2023), https://www.dci-palestine.org/issues_military_detention.

58. U.N. Office for the Coordination of Humanitarian Affairs, West Bank: Humanitarian Impact of Settlements, Jan. 2023.

since October 2023. The theft of an individual's land is an outrage on dignity as land is deeply tied to identity, heritage, and autonomy for Palestinians. The theft of land goes beyond the mere physical space, it creates a loss of freedom and security that erodes an individual's sense of control over their environment. Land theft of cultural property in an affront to communal dignity as it attacks identity, ancestral connection to land, and collective memory of a population.[59]

Human dignity has been used effectively as legal argument in several cases:

1. The International Court of Justice (ICJ) reaffirmed, in 2004 advisory opinion, the Fourth Geneva Convention's applicability to Occupied Palestine, stating that Israel's action violated the rights of Palestinians.[60] Israel ratified the Geneva Conventions in 1951, and while they have not signed the 1907 Hague Regulation, the Hague Regulations are part of customary international law and are binding on all states—independent of their acceptance of them. In paragraphs 154 and 155 of the 2004 opinion, examining the legal consequences flowing from the construction of the wall, the advisory opinion observed that the wrongful act of Israel ignoring its obligations violated the right of the Palestinians to self-determination[61]; denying the right to self-determination violates dignity as Palestinians view self-determination as central to their identity.
2. The South African case of S v. Makwanyane, which abolished their death penalty, stated that the "importance of dignity as a founding value of the new Constitution cannot be overemphasized . . . a right to dignity is an acknowledgement of the intrinsic worth of human beings."[62]
3. The German Constitutional Court stated in its 2006 Aviation Security Act case, 1 BvR 357/05, that "human dignity cannot be violated by any public authority. It precludes making persons mere objects of state action."[63]
4. The 1951 Refugee Convention, and following 1967 addendum, emphasize the right of refugees to return to their homes and to be treated with dignity.[64]

In the aforementioned contexts, dignity was part of the argument used for the restoration of rights; however, in this situation, Israel never applied the 2004

59. *Attacks on Our Cultural Property Are Attacks on Our Humanity*, Int'l Comm. of the Red Cross (October 30, 2017), https://www.icrc.org/en/document/attacks-our-cultural-property-are-attacks-our-humanity.

60. *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, Advisory Opinion*, 2024 International Court Justice (July 19, 2024) at 154-155.

61. *Id.*

62. S v Makwanyane, Constitutional Ct. of South Afr., June 6, 1995, CCT 3/94, at ¶ 328 (S. Afr.).

63. Aviation Sec. Act Case, German Constitutional Ct., Feb. 15, 2006, 1 BvR 357/05, 115 BVerfGE 118, at ¶ 134-141 (Ger.).

64. Convention Relating to the Status of Refugees art. 33, July 28, 1951, 189 U.N.T.S. 150; Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267.

advisory opinion and continued violating dignity. Their applications to Gaza today, and Palestinians since the Nakba, could not be clearer: Palestinians have been denied a right of return[65], Gazan's have no place in which to return[66], and Gazans currently have been denied dignity in what semblance of life they have left with limited to no access to necessary resources for survival.

Given that dignity has been used previously by the courts in their opinions and seeing how dignity is used in binding doctrines of international law like the ICCPR and ICESCR, there is a persuasive argument for dignity being recognized as an enforceable norm of international law. If dignity was a peremptory legal norm, there would be ample evidence for its enforcement against Israeli actions during the current situation in Gaza, leading to a flow of international aid which would have saved thousands of civilian lives.

2. Philosophical Concepts of Dignity in Crisis

To note, this Article draws from the underlying notion that 'Human Dignity', as a concept, is pluralistic and context sensitive. Dignity acts as a bridge between morality and legal obligation; it should shape how laws are applied across situations—especially in humanitarian crisis. If our morality and law crumbles in the face of crisis, then they were never principles, only conveniences. Although it is pluralistic, at its core, dignity is the intrinsic worth of every individual, demanding respect, autonomy, and protection; thus, in the context of crisis it becomes a necessary argument for intervention and the protection of fundamental rights.

Other interpretations of dignity can also better inform how individuals should be treated with inherent worth and respect, not dissipating in times of crisis. Immanuel Kant's definition of dignity is a prime framework to this discourse, emphasizing moral worth and autonomy. To Kant, intrinsic dignity exists, and human beings deserve respect, not due to status, but because of their agency and capacity for self-determination.[67] The ability to govern oneself according to the morality you prescribe to yourself and refraining from treating others as a 'mere means to an end' round out Kant's view. Treating one as a mean 'means to an end', means one is instrumentalized—seen for their utility rather than moral worth.

In the context of Gaza, Palestinians are denied any ability to exercise autonomy due to oppressive systems[68], occupation, bombardment, and aid that is politicized. Due to the previously mentioned decimation of infrastructure,

65. G.A. Res. 194 (III), ¶ 11 (Dec. 11, 1948).

66. U.N. Office for the Coordination of Humanitarian Affairs, *Gaza Strip: Humanitarian Impact of the Blockade and Hostilities in 2023* (Dec. 2023).

67. Thomas E. Hill, Jr, Dignity and Practical Reason in Kant's Moral Theory (Cornell University Press, 1992).

68. *Gaza Strip: Freedom in the World 2023*, Freedom House (2023), *https://freedomhouse.org/country/gaza-strip/freedom-world/2023*.

and without any ability to farm and produce goods on their own due to the threat of bombardment, Palestinians are deprived of any control of their lives, including their safety and survival. Here, they are not individuals with autonomous choices, but objects in a geopolitical game; people viewed as obstacles to illegal expansion.

Furthermore, humanitarian aid itself serves as a political scheme rather than a way to treat its recipients with respect and agency. When the interest of external powers is exercising control, aid becomes a tool of occupation, keeping Palestinians in a state of dependency. Thus, in Kantian ethics, there is total violation of dignity as Palestinians are denied the freedom to make autonomous choices about their future, with contemporary dispersal of humanitarian aid often functioning in a system that reinforces their subjugation.

In Kant's view, the disabled, elderly, fetuses, etc. may lack full dignity, as they do not have the full capacity to exercise rational agency. Perhaps this lack of agency extends to those under occupation; thus, in Kantian ethics, occupied persons may not be considered deserving of absolute dignity. Michael Rosen's approach attempts to remedy this problem. Expanding on Kant's narrow view, Rosen in his *Dignity: Its History and Meaning*, asserts that dignity is not exclusively tied to autonomy and the ability to reason (as in Kantian interpretation), but rather an innate virtue possessed by simply being human.[69] Dignity is a fundamental respect owed to one another.

Rosen, like the position of this Article, believes that dignity is pluralistic, both in term and substance, with its interpretation changing based on cultural, political, and social factors across time and context.[70] However, across its evolving meaning, the core remains the same: an inviolable right to be treated with respect, a basis for self-respect, and a reason to restrict others' behavior if it transgresses the bounds of dignity and morality of your society.[71] Here, dignity can also be understood relationally—the expectations individuals have of institutions, and of others, to be treated with respect. Thus, dignity extends beyond the internal worth, but to include recognition of one's value as a human being by one's government and society-at-large; and being treated with decency, fairness, and respect. Dignity is violated when one is degraded, dehumanized, and humiliated — inevitably common and natural to apartheid, occupation, and genocide, all of which are part of the ongoing crisis in Gaza.

Dignity, even with its broad meaning, can still underlie legal arguments for equality and the right to a dignified life. In the context of man-made humanitarian crises, the violation of dignity is less about attacking one's rational agency and more about the social and moral obligation to respect and observe the basic

69. Michael Rosen, Dignity: Its History and Meaning 64-70 (2012).
70. *Id.*
71. *Id.*

dignity of humanity. Society has an obligation to protect and preserve human dignity. How society protects, or fails to protect, those under oppressive and brutalizing regimes embodies our collective understanding of human worth; how those oppressed are treated mirrors our respect for all life. This approach calls society to question (1) its morality in the face of genocide, (2) their complicity and silence to allow such degradation of life to occur, and (3) their moral obligation to act to stop such violence.

Hannah Arendt's view on dignity rests on the belief that dignity is inherent.[72] In *Origins of Totalitarianism*, dignity is tied to a "right to have rights", a political belonging that guarantees recognition under the law.[73] This approach is specifically important to stateless persons and those displaced as it shows the weakness in human dignity in the absence of a formal state. If one exists outside a formal legal system, they are stripped of their rights and dignity; without political representation, humanity alone is not recognized by those in power.[74]

Arendt's approach is unlike others in that it does not see dignity as inviolable, rather as something that can be degraded when one, or a group of people, are excluded from positions of power. Thus, a refugee, without a legal framework or government to protect their rights, becomes invisible in the world sphere with their dignity eroded. Dignity is not just a moral topic but a political one that reflects structural violence. This is a critique on the classical notion of inherent dignity; in Arendt's view, even if dignity is inherent, it cannot exist independent of political recognition. This is especially confronted in the face of the ongoing Nakba, where millions of Palestinians have been displaced over generations and where they do not have international recognition of personhood at the United Nations. Palestinians do have inherent dignity, as do all persons, but absent political power, can this dignity be realized? Arendt would disagree.

Lastly, and most powerful to this Article's argument, Martha Nussbaum's approach to dignity goes a step further to ingrain human dignity as an effective and defined concept to be used in human rights.[75] Human dignity is linked to human flourishing—the ability to live a life worthy of a human being with the necessary social and material conditions to have dignity.[76] Again, dignity is a dynamic concept; however, here, dignity is less abstract and is grounded in what one can do and what one can be. To Nussbaum, dignity is realized when there exists a genuine freedom to pursue activities that are needed for a meaningful life. These activities include healthcare, education, and meaningful work.

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72. Hannah Arendt, The Origins of Totalitarianism (1951).
73. *Id.*
74. *Id.*
75. Martha C. Nussbaum, Creating Capabilities: The Human Development Approach (2011).
76. *Id.*

A set of capabilities is identified by Nussbaum which she claims are essential to dignified life: health, bodily integrity, senses, imagination, reason, and control over one's environment.[77] Each capability is necessary towards realizing dignity as they enable one to make choices and to engage with society to not just live, but to live a life worth living. For example, bodily health reflects need for health care, a healthy environment, and nutrition. Without health, one is limited in how much they can pursue other desires thus part of their dignity is weakened. The argument will be expanded upon later, but the Gaza Genocide, and ongoing Nakba of occupied Palestine, has reduced or eliminated each of these capabilities Nussbaum identifies. How can one have health, bodily integrity, or control, when their homes, work, hospitals, schools, etc. have been reduced to rubble?

Nussbaum touches on dignity in crisis, generally, as she insists that the specific needs of those marginalized must be met, otherwise their dignity is violated. The capabilities approach goes beyond a minimalistic understanding of rights to ask if people are truly flourishing. If one is denied a capability in this framework, it is not only their rights that are infringed upon, but their dignity. Furthermore, it is not just the absence of harm that dignity requires, but a positive support to flourish—one must be given the opportunity to experience personal freedoms and to reach their potential.[78] This approach fights against structural conditions and systematic problems of injustice. It is not enough to be free from oppression, one must be empowered and have capacity to pursue lives to which they assign value. In essence, the capabilities approach expands the autonomy approach and inherent dignity approach as it posits that dignity is intertwined with one's ability to live a life they want to live. In crisis, if one is denied the right to healthcare, the ability to farm their land and economic opportunities, education, or freedom from torture, then they are denied the capabilities necessary for dignity.

B. Sociological and Political Dimensions of Human Dignity in Crisis

During a crisis, like genocide and occupation, approaching dignity from a sociological perspective is necessary because it is linked to identity, power dynamics, and collective trauma. The sociopolitical dimensions and conditions of society enable an understanding of the processes that exacerbate the loss of dignity. When power is contested and groups are marginalized, the ability to live with autonomy and respect is compromised.

Power operates not just through the physical force of land invasion and bombardment, but through the normalization of inequality which allows power to be exercised in a way that results in such destruction. Pierre Bourdieu's concept of symbolic violence can help explain the degradation of dignity.[79] The loss comes not simply from direct violence, but the internalization of inequality

77. *Id.*
78. *Id.*
79. Pierre Bourdieu, *Social Space and Symbolic Power*, Socio. Theory (1989).

where the oppressed see the oppression as "normal" or inevitable. In Palestine, Palestinians have never accepted their subjugation as resistance has continually existed since 1948.

More important to this discussion is the otherization of Palestinians by western media that has allowed indignity to take place, the absence of dignified aid, and the complicity of war crimes. For instance, Israeli PM Benjamin Netanyahu described Gaza and its civilian population as a "terrorist base"[80], as an "evil in this world"[81], and as the people of "Amalek"[82], a biblical reference in which God commands King Saul to kill every person in Amalek. Orit Strook, Israeli Minister of Settlement, said "there is no such thing as a Palestinian People."[83] This dehumanization of the Palestinian people and complete inability to recognize Palestinians as human extends beyond the current conflict, with Golda Meir also declaring that there was no such thing as Palestinians in 1969.[84] This rhetoric, aimed at dehumanizing an entire population often echoed in western media, contributes to the loss of Palestinian rights and dignity.

Denying the Palestinians as a 'people' is an attempt by Israel to remove their legal and moral obligation as an occupying force under international law.[85] Recognized 'peoples' possess rights to self-determination, rights that compel Israel to respect Palestinian autonomy and ensure their well-being.[86] By denying their existence as a 'people', Israel attempts to sidestep this responsibility and justify their clear breaches of international law as they have destroyed the majority of Gaza and engaged in actions that would bring about genocide.[87] If Palestinians are not acknowledged as 'people' then the actions against them do not get framed as violations of rights and Israel does not believe they are required to deliver and supply necessary aid. Thus, such a narrative enables the occupier to rationalize the indignities they commit and absolve themselves of their duty to protect civilians through delivering humanitarian assistance. On October 28th, 2024, Israeli lawmakers passed a bill banning UNRWA from operating, in defiance of

80. Press Release, Israel Prime Minister's Office, PM Netanyahu's Remarks at the Start of the Weekly Cabinet Meeting (Oct. 11, 2023).

81. Benjamin Netanyahu, Prime Minister of Israel, Address to the United Nations General Assembly (Sept. 22, 2023).

82. Yosef Silver, *Amalek & Netanyahu's Call for Mass Murder*, Mid. East J. (Feb. 26, 2024), *https://www.mideastjournal.org/post/amalek-netyanhu*.

83. Alasdair Soussi, *The Mixed Legacy of Golda Meir, Israel's First Female PM*, Al Jazeera (Mar. 18, 2019), https://www.aljazeera.com/features/2019/3/18/the-mixed-legacy-of-golda-meir-israels-first-female-pm

84. Alasdair Soussi, *The Mixed Legacy of Golda Meir, Israel's Fist Female PM*, Al Jazeera (Mar. 18, 2019), https://www.aljazeera.com/features/2019/3/18/the-mixed-legacy-of-golda-meir-israels-first-female-pm.

85. ICJ, *supra* note 8.

86. ICCPR, *supra* note 44 at Article 1, "All peoples have the right of self-determination."

87. *Rights Experts Finds 'Reasonable Grounds' Genocide is Being Committed*, UN News (March 26, 2024), https://news.un.org/en/story/2024/03/1147976.

international bodies pressuring them to allow the continued flow of humanitarian assistance to Palestinians.[88] Since the bill took effect in October of 2024, Israeli government leaders have continued declaring the UN agency a terror organization, effectively blocking aid into Gaza once the bill took effect.[89]

In the context of aid, the media and political framing has led to less international political pressure to deliver aid, the continuation of military support to the occupying power (which disables aid), and Israeli settlers destroying aid outside the Gaza gates. By denying Palestinians their humanity through biased coverage[90], the media presents Palestinians as subhuman and makes their death less tragic.[91] For instance, Palestinian children "die", while Israeli children are "killed."[92] The warping of public perception, skewed negatively against Palestinians, may make individuals and organizations weary of contributing donations and humanitarian aid.

In western media, the dehumanization extends to either selectively showing Palestinians as victims[93], reinforcing a powerlessness that makes them dependent on aid, or aggressors[94], which makes them not deserving of aid.

In various schemes, legal and political structures strip inherent dignity by reducing people to a 'means to an end'. Populations are reduced to a life controlled or even destroyed, not one where potential can be realized. For instance, Israeli policy to keep Gazans' caloric intake to the bare minimum necessary for life. Again, Gazans, are seen as an obstacle, rather than people of dignified existence.

So, humanitarian aid, especially in the current context of Gaza, reinforces the idea of 'means to an end'. For instance, the Israeli government has now depopulated much of Gaza to make way for settlements, UNRWA provides tents and other forms of temporary aid, in part paid for by western nations that are also simultaneously funding the cause of displacement[95]—the U.S. the largest con-

88. Andrew Roth, *Israeli Parliament Votes to Ban UNRWA from Israel Within 90 days*, The Guardian (Oct. 28, 2024) https://www.theguardian.com/world/2024/oct/28/israeli-lawmakers-pass-bill-that-could-halt-unwra-relief-work-in-gaza.

89. *Id.*

90. *The Bias of the New York Times and Other Newspapers on Israel-Palestine Coverage*, The Intercept (Jan. 9, 2024), https://theintercept.com/2024/01/09/newspapers-israel-palestine-bias-new-york-times.

91. *Media coverage of Israel and Gaza: Double standards*, The New Humanitarian, (October 23, 2023), https://www.thenewhumanitarian.org/editorial/2023/10/23/media-coverage-israel-and-gaza-double-standards.

92. *Id.*

93. Ahmad Ibsais, *Palestinians' Voices are Needed More Than Ever. But They are Being Silenced*, The Guardian (Aug. 2024), https://www.theguardian.com/commentisfree/article/2024/aug/06/palestinian-censorship-exclusion.

94. *Id.*

95. *Letter from 100 Refugee and Human Rights Organizations to U.S. Government: Withholding Funding to UNRWA a Moral and Strategic Failure*, Int'l Refugee Assistance Project (Feb. 5, 2024), https://refugeerights.org/news-resources/

tributor to UNRWA while also having financed 80 percent of the weapons used in Gaza from 2023–2024.[96] The very act of delivering aid compromises the dignity of its recipients by reinforcing the existing power dynamics, making Palestinians believe that their oppressors are necessary for their own survival. Aid sustains the conditions of occupation, where Palestinians have not been, and continue not to be, political actors with rights.

The occupier-occupied dynamic entrenches a power imbalance that controls aid, reduces rights, and reframes human dignity. The loss of agency as an occupied person compromises individual dignity, and relationally it eliminates the communal recognition of dignity (communal as in civilized society). Palestinians, as occupied persons, have had no right to free movement,[97] have been arbitrarily detained, have been segregated into restricted enclaves,[98] and have had their land dispossessed, all while the world largely accepts their occupation.[99] When an occupier strips away agency, it fractures the social fabric in which dignity is affirmed, diminishing it personally and collectively.

The impact of generational occupation is another point to be considered but is beyond the scope of this Article.

II. Human Dignity in the Context of Gaza

A. Palestinian Perspective on Dignity

Dignity holds significant weight in Palestinian society and law, rooted in both religious understandings and history, and contemporary cultural values. Dignity, (كرامة - *karamah*),[100] is a lived reality that shapes the legal framework of Palestinian Basic Law and how the Palestinian people understand their rights in the face of occupation.

1. The Islamic Perspective

Islam, being the predominant religion, has deeply rooted the notion of dignity in faith. The Quran explicitly established dignity as an inviolable and universal right endowed by God:

"ولقد كرمنا بني آدم"

letter-from-100-refugee-and-human-rights-organizations-to-u-s-government-withholding-funding-to-unrwa-a-moral-and-strategic-failure.

96. *U.S. Military Aid for Israel Tops $17.9 Billion Since Last Oct. 7*, PBS NewsHour (Oct. 7, 2024), https://www.pbs.org/newshour/world/u-s-military-aid-for-israel-tops-17–9-billion-since-last-oct-7.

97. U.N. Office for the Coordination of Humanitarian Affairs, *West Bank Access Restrictions* (Jan. 2023).

98. G.A. Res. 73/158 (Dec. 17, 2018).

99. *Id.*

100. Hans Wehr, A Dictionary of Modern Written Arabic (J. Milton Cowan ed., 3d ed. 1976).

"We have honored the children of Adam."[101] Other aspects of dignity in Islam include equality, free will, and the sanctity of life:

من أجل ذلك كتبنا على بني إسرائيل أنه من قتل نفسا بغير نفس أو فساد في الأرض فكأنما قتل الناس جميعا ومن" "أحياها فكأنما أحيا الناس جميعا

"Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely."[102]

And importantly, inviolability (حرمة – hurmah):

"إن دماءكم وأموالكم وأعراضكم عليكم حرام"

"Verily your blood, your property and your honor are sacred to one another." (Sahih al-Bukhari 1739)[103]

Discourse of dignity in Islam is not philosophical eloquence, but a fundamental right that must be respected and fulfilled. In this theology, *karamah* is a divine right which distinguishes humanity from other creatures. Every human being has the right to be treated with dignity, a right that must be upheld individually and by society.

2. The Christian Perspective

Palestinian Christians are a significant minority[104] in the Palestinian landscape, many having been expelled in 1948.[105] However, their influence is strong throughout the region as Jesus Christ was born in Bethlehem, Palestine.[106] The Christian theological perspective is largely similar in that dignity is an inviolable trait that should not be transgressed. A difference, which does not relate much to this discussion, is that in Christianity, dignity is believed to have come from being created in God's image:

"فَخَلَقَ اللهُ الإِنْسَانَ عَلَى صُورَتِهِ. عَلَى صُورَةِ اللهِ خَلَقَهُ. ذَكَرًا وَأُنْثَى خَلَقَهُمْ"

"So, God created mankind in his own image, in the image of God he created them; male and female he created them."[107]

Dignity is not granted by any human authority and cannot be taken away, so long as God wills.

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101. The Holy Quran 17:70 (Abdullah Yusuf Ali trans., 2000).

102. The Holy Quran 5:32 (Abdullah Yusuf Ali trans., 2000).

103. Sahih Al-Bukhari, Book 3, Volume 1, Hadith 67 (M. Muhsin Khan trans., 1997).

104. *Palestinian Christians*, Palestine Portal.org, *https://www.palestineportal.org/learn-teach/israelpalestine-the-basics/palestinian-christians/*.

105. Daoud Kuttab, *Why Does the Christian West Ignore Palestinian Christians' Plight?*, Al Jazeera(Dec. 25, 2023), *https://www.aljazeera.com/opinions/2023/12/25/why-does-the-christian-west-ignore-palestinian-christians-plight*.

106. Matthew 2:1 (New International Version).

107. Genesis 1:27 (New International Version).

3. Arabic Cultural Traditions

To understand dignity through Arabic cultural traditions, it is important to start with the etymology of *Karamah*, which goes beyond the western concept of individual dignity. *Karamah* also encompasses honor and respect, both individually and for the greater community.[108]

The root of *karamah* (ka-ru-ma), denotes generosity, nobility, virtue and honor. Thus, if dignity is understood to be linked with moral behavior, it is not a passive quality, but an active force that requires work from the individual to realize it.

In the context of Palestine, *karamah* (dignity) adds an additional perspective as it relates to collective dignity of an oppressed peoples and the right to resistance. As Palestinian scholar Rashid Khalidi notes, for Palestinians, *karamah* is the essence of national struggle.[109] Dignity is not just an individual idea, but one that is related to collective identity and the right of the Palestinians to seek self-determination. This perspective aligns with many of the philosophical perspectives touched upon earlier. The ability to actualize self-determination, in hopes of gaining political recognition to claim one's rights, conforms to Nussbaum's Capabilities Approach, Arendt's Rights Approach, and Rosen's Inherent Dignity Approach.

Most important to understand *karamah* in the context of Palestine is its connection to resilience (صمود - *sumud*), which is the persistence of Palestinians to stay on their land despite the hardship and oppression they face.[110] *Sumud* is the idea that the more an occupier tries to make life impossible, the more one refuses to submit to subjugation. *Sumud* is the backbone of Palestinian society and resistance and is the very foundation of Palestinian understanding of dignity, dating back to the Nakba and continuing to the current crisis in Gaza.

Sociologist Samia Al-Botmeh observed that *karamah* manifests in Palestinian daily life through small and large acts of resistance, from preserving traditions, rebuilding their homes each time they are demolished, and refusing to be humiliated on their land.[111] It is the goal of occupation to undermine Palestinian *karamah*, but it persists.

4. Historical Evolution of Dignity in the Palestinian Context

Pre-1948, Palestinian *karamah* was tied to self-sufficiency and living off the land. As a farming society, a Palestinian farmer derived dignity from their

108. Lila Aby-Lughod, Veiled Sentiments: Honor and Poetry in Bedouin Society (1986).

109. Rashid Khalidi, Palestinian Identity: The Construction of Modern National Consciousness (1998).

110. Ahmad Ibsais, *No Matter What, Palestinians Will Never Give Up*, The Nation (Oct. 16, 2024), *https://www.thenation.com/article/world/palestinian-resistance-resilience/*.

111. *Id.*

ability to support their family from their land.[112] A year into Israel's assault on Gaza, more than 60 percent of Gaza's farmland has been destroyed, leaving 96 percent food insecure.[113]

During the Nakba and its aftermath, the occupation attempted to strip Palestinians of their dignity. The displacement from their land was part of this process, but it was also the murder of Palestinian men in their villages, the rape of Palestinian women, and forcing Palestinians to build their own mass graves—each of these indignities are taking place in the current crisis.[114] Much of this indignity continues in violation of international law. As it relates to humanitarian aid, the indignity takes the form of turning once self-sufficient landowners into aid-dependent refugees as Israel continues to control every Gazan's access to water, electricity, and their roads.

During and following the first intifada (uprising) dignity became synonymous with steadfastness and clinging to the Palestinian identity in the face of erasure. This is the persisting view of dignity as it applies during the ongoing crisis.

Palestinian Basic Law

Palestinian Basic Law recognizes human dignity,[115] and its definition is derived from Palestinian history and its perspective on resilience and resistance. The Preamble of the Basic Law affirms:

"And in our realization that the achievement of our rights requires the continuation of the struggle towards the achievement of our people's right to self-determination, freedom, and independence."[116]

The concept of rights, including dignity, is linked to self-determination. Furthermore, it states that "on the soul of homeland . . . the Palestinian people formulated their identity throughout history."[117] Again, dignity is linked to cultural and historical dimensions of the Palestinian connection to land. In this way, dignity is not just individual, but a collective value in which to pursue liberation. The framing of dignity, from this background, has led to a system that ensures that rights are respected:

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112. Lina Isma'il & Dr. Muna Dajani, *Agriculture in Palestine*, Heinrich Böll Stiftung (Aug. 19, 2021), *https://ps.boell.org/en/2021/08/19/agriculture-palestine*.

113. *How Israel Destroyed Gaza's Ability to Feed Itself*, Al Jazeera(July 2, 2024), *https://www.aljazeera.com/news/longform/2024/7/2/how-israel-destroyed-gazas-ability-to-feed-itself*.

114. Nora Barrows-Friedman, *Israeli Forces Carry Out Death Marches in North Gaza* Electronic Intifada (Oct. 24, 2024), *https://electronicintifada.net/blogs/nora-barrows-friedman/israeli-forces-carry-out-death-marches-north-gaza*.

115. *See* Palestinian Basic Law (2003), art. 9, 10, 11, 32 (Palestine), https://security-legislation.ps/latest-laws/the-amended-basic-law-of-2003.

116. *See id.* at prmbl.

117. *Id.*

"Basic human rights and liberties shall be protected and respected."[118]

"Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views or disability."[119]

"No person shall be subject to any duress or torture. Indictees and all persons deprived of their freedom shall receive proper treatment."[120]

"Personal freedom is a natural right, shall be guaranteed and may not be violated."[121]

The law even provides for the delivery of humanitarian aid, mandating the Palestinian government to maintain aid to those impacted by war, while not repealing fundamental rights of any during war[122]. However, in this current violence, the obligation is primarily on international aid organizations as Palestinians are unable to access the Gaza strip due to Israeli military control.

"The law shall regulate social insurance services and health, disability, retirement pensions, and caring for the families of martyrs, prisoners, the injured, and the disabled is a duty that shall be regulated by law."[123] The basic law, theoretically, is a safeguard to dignity even in times of crisis. The ongoing occupation often impedes the implementation of Palestinian law.[124]

The discussion of *karamah* as it relates to resistance has a complex dynamic with the ongoing aggression and aid. Humanitarian aid might be seen as an undermining factor, downplaying and reducing impact of resilience capacities. And aid must be evaluated in its ability to meet immediate need and also maintain Palestinian ability to reach self-determination.

B. Israeli Perspectives on Dignity

1. Linguistic Foundation

Dignity in Hebrew is "kavod" (כבוד), which means honor, glory, and respect. Orit Kamir, a legal scholar, analyzed *kavod*:

"The Hebrew word kavod (כבוד) is commonly translated as 'dignity,' 'honor,' or 'respect.' Yet its meaning is far more complex, combining elements of all three English terms as well as glory, pride, and distinction."[125]

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118. *Id.* art. 10.
119. *Id.* art. 9.
120. *Id.* art. 13.
121. *Id.* art. 11.
122. *Id.* art 22, 111.
123. *Id.* art. 22.
124. *See* Human Rights Council, *Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, With a Focus on Access to Water and Environmental Degradation*, ¶ 64, U.N. Doc. A/HRC/40/73 (Mar. 15, 2019).
125. Orit Kamir, *Honor and Dignity Cultures: the Case of Kavod (Honor) and Kvod Haadam (Dignity) in Israeli Society and Law*, *in* Kretzmer and Klein, The Concept of Human Dignity in Human Rights Discourse (2002).

The linguistic ambiguity can have implication for Israeli law as the competing interpretations range from honor-based systems that may reinforce hierarchical societies to more egalitarian notions of dignity.[126]

2. Religious Interpretation

Similar to Christianity, Jewish religious interpretation of dignity is based in the image of God—tzelem Elohim. Thus, humans have an inherent dignity, but the worth of this dignity depends on religious affiliation.[127] Mencachem Elon, who previously was the President of the Supreme Court of Israel, once said:

"Human dignity in Jewish law stems from the notion that man was created in the image of God . . . but there are distinctions in its application between Jews and non-Jews in certain areas of the law."[128]

The religious based interpretation can lead to discriminatory applications. "Israel is a Jewish democracy. The framework of governance is democratic, but its underpinning concepts give precedence to Judaism over fundamental democratic rights. Consequently, Israel adopts illiberal policies and practices that are discriminatory in nature, preferring Jews over others."[129]

This is compounded by religious scholars expressing a view that is becoming increasingly adopted in Israel, that non-Jews (goyim) have less inherent value than Jews. "Goyim were born only to serve us. Without that, they have no place in the world – only to serve the People of Israel."[130] This is not the view of a single extremist, but one that perpetrates both the Israeli Knesset and judicial system.[131] This is not mainstream Jewish philosophy, however, it is an approach that the Israeli government has taken, since its inception, to dehumanize the Palestinian people and rationalize their subjugation. Legal scholar Yedidia Stern notes the potential impact of such religious views on Israeli law,

126. *Id.*

127. Menachem Elon, Jewish Law: History, Sources, Principles (Bernard Auerbach & Melvin J. Sykes trans., 1994).

128. *Id.*

129. Raphael Cohen-Almagor, *Israel as an Ethnic Democracy: Palestinian Citizens and the Fight for Equal Rights*, Berkley Ctr. for Religion, Peace & World Affairs (Sept. 12, 2022), *https://berkleycenter.georgetown.edu/responses/israel-as-an-ethnic-democracy-palestinian-citizens-and-the-fight-for-equal-rights*.

130. Martin Peretz, '*Goyim Were Born Only to Serve Us': the Moral Wisdom of Rabbi Ovadia Yosef*, The New Republic (Oct. 18, 2010), *https://newrepublic.com/article/78490/goyim-were-born-only-serve-us-the-moral-wisdom-rabbi-ovadia-yosef*.

131. JPost Staff, *Read the Full Jewish Nation-State Law*, The Jerusalem Post (July, 2018) *https://www.jpost.com/Israel-News/Read-the-full-Jewish-Nation-State-Law-562923*; Ishay Rosen-Zvi & Adi Ophir, *In Israel the Dangerous Concept of the Goy Lives On*, Haaretz (July, 2021) *https://www.haaretz.com/israel-news/2021–07–30/ty-article-magazine/.highlight/in-israel-the-dangerous-concept-of-the-goy-lives-on/0000017f-e58b-dc7e-adff-f5af99fc0000*; *Top National Religious Rabbi: The High Court Can't Turn Goyim into Jews*, Times of Israel (March, 2021), *https://www.timesofisrael.com/liveblog_entry/top-national-religious-rabbi-the-high-court-cant-turn-goyim-into-jews/*.

"The basic tension between the State of Israel's two identities—Jewish and democratic—can sometimes seem like a zero-sum game . . . Democracy is about equality and rights for all, while the Jewish aspect of the state carries a certain particularism."[132]

It is these views applied to Palestinian citizens of Israel that are used to justify giving them less civil and property rights, to Palestinians in the West Bank to justify continued apartheid rules, and to Palestinians in Gaza to explain their Genocide and the withholding the life-saving humanitarian aid.

3. Legal Framework and Impact on Aid

Human dignity is enshrined in Israeli Basic Law. As previously noted, the application of dignity largely depends on whom the Israeli court deems as deserving of such dignity. Section 1A states, "The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law, the values of the State of Israel as a Jewish and democratic state."[133]

This conception of dignity influences how the subjugation of Palestinians takes place, settlement expansion, and the limitations on the Israeli international obligation to provide aid during their aggression in Gaza.[134]

A report by the UN Office for the Coordination of Humanitarian Affairs (OCHA), in regard to the current violence, showed that the Israeli authorities continue to impose restrictions on the entry of materials and equipment necessary for humanitarian operations, citing security concerns. This has significantly hampered the ability of humanitarian organizations to provide essential services and uphold the dignity of Palestinians in need.[135]

However, what countless human rights organizations have made clear since the Gaza Genocide started, is that these "security concerns" are often fabricated excuses[136] to avoid delivering their legally required aid. In fact, a UN report stated that 70 percent of those killed in Gaza in the last year have been women and children, the most common age group of those killed was children aged 5–9.[137]

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132. Yedidia Z. Stern, *A Battle for the Soul of Israel*, Jewish Journal (Jan. 20, 2021), https://jewishjournal.com/podcasts/327723/yedidia-z-stern-a-battle-for-the-soul-of-israel.

133. Basic Law of 1992: Human Dignity and Liberty 25 March 1992 (Isr.), *https://www.refworld.org/legal/legislation/natlegbod/1992/en/67433*.

134. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, *supra* note 32.

135. *See generally* U.N. Office for the Coordination of Humanitarian Affairs, Responding to Emergency Needs Amidst Shrinking Humanitarian Space in the Occupied Palestinian Territory: January–June 2024 (June 11, 2024), https://www.ochaopt.org/content/responding-emergency-needs-amidst-shrinking-humanitarian-space-occupied-palestinian-territory-january-june-2024.

136. Alexander Smith, *Information Missteps Have Led to Questions About Israel's Credibility*, NBC News (Nov. 18, 2023), *https://www.nbcnews.com/news/world/information-missteps-led-questions-israels-credibility-rcna125723*.

137. Mallory Moench*, Nearly 70% of Gaza Dead are Women and Children*, BBC News

While Israeli officials speak of dignity idealistically, the reality is that occupation contradicts the very notion of dignity. The Israeli regime is bound up in human rights violations, violating Palestinians' fundamental human rights and dignity systematically, even though their Basic Law seems to call for a universal application of dignity in Israeli policy.

The security based justification for restricting aid and denying self-determination in occupied Palestine relies on their purpose of expansive colonialism which would necessitate military intervention and security.[138] However, this security is incompatible with an occupiers obligation morally, and under international law, to protect the dignity of the occupied persons.[139]

C. Commonality and Divergence in Conceptions and Applicability of Dignity in Delivering Aid

Although the application of dignity shows significant differences, the way dignity is conceptualized shows overlap between Palestinians, Israelis, and International Law, and can be used to justify dignified delivery of aid.

Foundationally, each perspective acknowledges the inherent value of human beings; Palestinian Basic Law[140], Israeli Basic Law[141] and the UN Declaration of Human Rights[142] all recognize that the innate value which must be preserved and respected can be a basis to assert that humanitarian aid needs must be met. Furthermore, each perspective also agrees that dignity involves protection from degrading treatment.[143]

The similarities extend even further with the right to life, basic necessities, equality, and protection of vulnerable persons all enshrined in each system: (1) Article 9 and 22 of Palestinian Basic Law—ensuring equality before the law, without distinction; and ensuring social insurance and health services;[144] (2) Israel Basic Law prohibition on discrimination and the right to minimal living conditions;[145] (3) UN Charter (1945) call for respecting human rights and

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(Nov. 8, 2024), *https://www.bbc.com/news/articles/cn5wel11pgdo*.

138. Dana, T. (2024). Notes on the 'Exceptionalism' of the Israeli Settler-Colonial Project. *Middle East Critique*, *33*(2), 165–172. *https://doi.org/10.1080/19436149.2024.23427 33*.

139. *See* Geneva Convention Relative to the Protection of Civilian Persons in Time of War, *supra* note 16, art. 27.

140. *See* Palestinian Basic Law, *supra* note 115, art. 10.

141. *See* Basic Law of 1992: Human Dignity and Liberty, *supra* note 133, art. 1a ("protect human dignity and liberty").

142. *See* UNDHR, *supra* note 37 ("Inherent dignity…of all members of human family").

143. *See* Palestinian Basic Law, *supra* note 115, art. 13; HCJ 5100/94 Public Committee Against Torture in Israel v. The State of Israel [1999] 53(4) PD 817 (Isr.); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85.

144. *See* Palestinian Basic Law, *supra* note 115, arts. 9, 22.

145. *See* Basic Law of 1992: Human Dignity and Liberty, *supra* note 133.

fundamental freedom "for all"; UNHR Article 25 that discusses an adequate standard of living.[146]

It's clear there are shared conceptions of dignity that provide common ground for the justification of humanitarian aid; yet the practical application differs due to the nature of occupation. In the context of aid, the commonality can be leveraged to immediately develop and provide: (1) Aid distribution that respects dignity of those receiving aid; (2) Non-discriminatory access to essential services; (3) Aid that supports self-determination; and (4) Aid that respects international obligation.

These suggestions can alleviate the indignities currently taking place in Gaza. Where the frameworks diverge is in their application, based on cultural and historical context.

The Israeli conception, while nominally universal, is applied through the perspective of Jewish religious law and "security," which leads to a system that favors Jewish persons over the non-Jewish persons occupied by Israel.[147]

As previously mentioned, OCHA finds that the security concerns mentioned not only hamper the delivering of essential services that would uphold dignity but are also against international law.[148] The security concerns are Palestinians exercising their right to self-determination.[149]

In the Palestinian view, *karamah*, is linked to liberation and self-determination, taking a communal approach to dignity in national struggle. This idea of dignity is reaffirmed by international law:

> "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."[150] If that right to self-determination is not respected, then those occupied have a right to resistance and right to seek support, aid, in their struggle: "the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle."[151]

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146. *See* U.N. Charter art. 1, ¶ 3; G.A. Res. 217 (III) A, *supra* note 37, at art. 25.

147. *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, Amnesty Int'l (Feb. 1, 2022), https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/.

148. U.N. Office for the Coordination of Humanitarian Affairs, *supra* note 135.

149. G.A. Res. 45/130, Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights (Dec. 14, 1990).

150. G.A. Res. 1514 (XV), Declaration on the Granting of Independence to Colonial Countries and Peoples (Dec. 14, 1960).

151. G.A. Res. 37/43, Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights (Dec. 3, 1982).

Thus, aid restrictions and prohibiting aid from willing nations from reaching Gaza, and the rest of Occupied Palestine, is against international law. In fact, the Fourth Geneva Convention obliges occupying powers to ensure food and medical supplies to the population to "the fullest extent."[152]

To note, the Jabila refugee camps in North Gaza, home to 400,000 civilians who have survived year-long continuous bombardment, have not had access to food or medical services since October 13th, 2024, as their camp is completely besieged in opposition of international law.[153] No form of aid has reached this population as a deliberate attempt to kill the population through starvation, disease, and death from injury. The spread of diseases like polio, forced starvation, and other forms of non-physical violence have been condemned several times by international leaders[154]. In fact, out of the 91 attempts the UN has made to deliver aid to besieged North Gaza between October 6th, 2024 and November 25th, 2024 82 have been denied and 9 impeded.[155] The UN Special Rapporteur on the Right to Food said that the spread of disease and Israel's "starvation campaign" in Gaza is killing more than bombs.[156] This is compounded by Israel actively targeting and killing aid workers to prevent aid operations.[157]

The Sphere Handbook, which has set a humanitarian response in times of conflict, states: "The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries … This right is explicitly stated in international law."[158] However, *what* is seen as dignified aid changes based on the interpretation of *who* is dignified.

152. *See* Geneva Convention, *supra* note 32, art. 55.

153. Daniel Estrin & Aya Batrawy, *Israel Threatens to Starve Out Northern Gaza, U.N. aid agencies say*, NPR (Oct. 15, 2024, 6:55 PM), https://www.npr.org/2024/10/15/nx-s1–5154065/israel-north-gaza-food-aid-block.

154. *See* Shona Murray, *What's Happening in Gaza is "Unconscionable', Says Irish PM Harris*, Euro News (May 22, 2024), https://www.theguardian.com/world/2025/mar/18/un-human-rights-chief-voices-horror-at-israel-new-gaza-strikes; https://www.un.org/unispal/document/un-rights-chief-condemns-israeli-minister-for-justifying-war-crime-starvation-of-civilians-in-gaza-ohchr-09aug24/; https://www.euronews.com/my-europe/2024/05/22/whats-happening-in-gaza-is-unconscionable-says-irish-pm-harris; DawnNews English, *Spanish Foreign Minister Condemns Gaza Power Cuts*, YouTube (Mar. 17, 2025), https://www.youtube.com/watch?v=wsYwUFle_Ys.

155. Maroosha Muzaffar, *UN Agency Suspends Aid Deliveries Through Main Crossing into Gaza*, Independent (Dec. 2, 2024, 12:21 AM), https://www.the-independent.com/news/world/middle-east/unrwa-gaza-aid-israel-food-b2657093.html.

156. U.N. Secretary-General, *Right to Food: Note by the Secretary-General*, U.N. Doc. A/79/187 (Oct. 15, 2024) (transmitting the report of Michael Fakhri, Special Rapporteur on the right to food).

157. Ahmed Aziz, *War on Gaza: Israeli Bombing Kills World Central Kitchen Workers and Aid-Seekers*, Middle E. Eye (Nov. 30, 2024, 1:37 PM), https://www.middleeasteye.net/news/war-gaza-israeli-bombing-kills-world-central-kitchen-workers-and-aid-seekers.

158. The Sphere Project, Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response 29 (2018).

For these reasons, the distinctions in dignity matter all the more. If Palestinians are described as "human animals" by Israeli officials, or seen as "goyim" in Israeli law, then the reason for the violation of international law makes sense. Palestinians are, of course, human beings with inviolable dignity, the right to live free, and the right to realize their potential.

III. Indignity of Aid in Gaza

A. Dependence and Loss of Agency from the Nakba until Today

There is a long history of the indignity of humanitarian aid in Palestine, from Gaza to the West Bank, since the Nakba. The aid becomes undignified as it strips Palestinians of agency, makes them dependent on external power structures, reinforces unequal power dynamics, and prevents Palestinians from actualizing self-determination keeping them in a cycle of dependency.

Starting from the Nakba (forced expulsion) in 1948, Palestinians were placed in refugee camps, which were initially intended as temporary but have become permanent fixtures[159]. For example, Ein el-Hilweh in Lebanon is home to tens of thousands of Palestinians held within 1.5 square kilometers.[160] The forced nature of refugee status was, and continues to be, a humiliating process whereby Palestinians are stateless and have their identity removed. During this initial period of displacement, Palestine went from being a net exporter of fruits, economically self-sufficient, to being dependent on UNRWA food rations by 1950.[161] Again, this removes the capabilities of Palestinians to provide for themselves, strips them of autonomy, and does not provide any means of long-term support. Before October 2023, 1.4 million Palestinians in Gaza depended on food assistance from UNRWA.[162] Even while receiving aid, Palestinians face degrading security checks, and aid often arrives spoiled as it waits at arbitrary checkpoints.[163]

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159. Joseph Krauss, *Nakba: Palestinians Mark 76 Years Since Mass Displacement*, Associated Press (May 14, 2024, 12:58 AM), https://apnews.com/article/israel-palestinians-hamas-war-nakba-history-b5cea9556e516655c25598d5dbe54192.

160. Ein El Hilweh Camp, U.N. Relief & Works Agency for Palestine Refugees in the Near East (Dec. 2023), https://www.unrwa.org/where-we-work/lebanon/ein-el-hilweh-camp.

161. *Thus Palestine Witnessed Great Economic Prosperity Before the Nakba*, Bazarrna (May 2024), https://bazarrna.com/thus-palestine-witnessed-great-economic-prosperity-before-the-nakba; Riccardo Bocco, *UNRWA and the Palestinian Refugees: A History Within History*, 28 Refugee Surv. Q. 229, 242 (2009).

162. *See* unrwa, Occupied Palestinian Territory Emergency Appeal 2023 (Jan. 19, 2023), https://www.unrwa.org/resources/emergency-appeals/occupied-palestinian-territory-emergency-appeal-2023.

163. *Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers*, Hum. Rts. Watch (Apr. 2, 2017), https://www.hrw.org/report/2017/04/02/unwilling-or-unable/israeli-restrictions-access-and-gaza-human-rights-workers.

To expand on this loss of agency, in 1944 citrus exports, soap production, and glass manufacturing in Palestine were regionally renowned and contributed millions to Palestine's GDP.[164] Post displacement, there was a 40 percent loss of Palestinian industrial establishment and a 55 percent loss of agricultural land.[165] Today, both of these numbers reach 60–70 percent respectively.[166] It was a gradual, but persistent process, that has made Palestinians heavily reliant on external aid.

In Gaza, food insecurity impacted 64 percent of the population pre-October 2023, and 80 percent received aid in some form.[167] Since the Gaza Genocide started, 2 million have been displaced requiring immediate humanitarian aid. Humanitarian aid is not being let into Gaza as Prime Minister Netanyahu declares he plans to enact the "General's Plan" to clear the North.[168] Survivors of this assault report on this extermination campaign,[169] where forced starvation is being used. Since October 7th, 2023, Israeli attacks have destroyed huge areas of land used for crops, decimating 70 percent of farmland and killing 90 percent of cattle[170]. Rein Paulsen, the director of the Office of Emergencies and Resilience at the UN Food and Agriculture Organization stated how satellite images showed such "decimation."[171]

In the West Bank, 2.1 million civilians (about 40 percent of the population) required humanitarian assistance at the start of 2023.[172]

Many other violations of international law have contributed to the aid dependency and the diminishing of agency of Palestinians. For example,

164. Mohammed El-Kurd, *What Was Palestine Before the Nakba?*, ScheerPost (Mar. 20, 2024), https://scheerpost.com/2024/03/20/what-was-palestine-before-the-nakba.

165. *See* Salman Abu Sitta, The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine (2000).

166. *Economic Monitoring Report to the Ad Hoc Liaison Committee*, World Bank Grp. (Apr. 30, 2023), https://www.worldbank.org/en/country/westbankandgaza/publication/economic-monitoring-report-ahlc.

167. U.N. Conference on Trade & Development, *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory*, U.N. Doc. TD/B/71/3 (July 23, 2024).

168. Keren Setton, *Gaza: 80% of Population Relies on Humanitarian Aid*, Jerusalem Post (Oct. 16, 2024, 4:51 PM), https://www.jpost.com/arab-israeli-conflict/gaza-news/article-824928.

169. Hajjaj, Tareq S., *Survivors of North Gaza Invasion Report Israeli Extermination Campaign*, Mondoweiss (Oct. 25, 2024), https://mondoweiss.net/2024/10/survivors-of-north-gaza-invasion-report-israeli-extermination-campaign/.

170. Jason Burke & Malak A. Tantesh, *Gaza Food Production Decimated with 70% of Farmland Hit*, The Guardian (Nov. 21, 2024), https://www.theguardian.com/world/2024/nov/21/gaza-food-production-decimated-70-per-cent-farmland-hit.

171. *Rein Paulsen, FAO on the Protection of Civilians…*, United Nations (Nov. 12, 2024), https://webtv.un.org/en/asset/k1z/k1zbxq435f.

172. U.N. Office for the Coordination of Humanitarian Affairs, Humanitarian Needs Overview: Occupied Palestinian Territory 4 (Jan. 2023), https://www.ochaopt.org/content/humanitarian-needs-overview-2023.

restricted movement prohibits Palestinians from moving freely in their land.[173] In Gaza, the 20-year siege has reduced exports to less than 15 percent of pre-2007 levels, which were already significantly less than pre-siege.[174] While in the Occupied West Bank, over 700 illegal checkpoints and obstacles restrict the Palestinian economy as they control flow of goods, close arbitrarily to prevent trade, and cut off Palestinian cities from each other.[175]

Not only are Palestinians unable to access aid or practice their industries and trade in fulfilling way, but Israel violates aid obligations through the destruction of infrastructure and exploitation of resources.[176] In 1967, Israel destroyed UNRWA schools and clinics in the West Bank and Gaza, one of the primary distribution hubs of humanitarian aid, education, and healthcare.[177] To this day, Israel controls Palestinian access to natural water, requiring Palestinians to either purchase the water that Israel steals from their land or depend on water from aid sources.[178] The GDP in Gaza has declined by 27 percent since 1994 due to multiple Israeli invasions, making Gazans even more reliant on aid and less self-sufficient.[179] As a final example, in 2021, Israel blocked vaccine shipments from an allied country, citing bureaucratic reasons[180]. This action was in violation of their obligations.[181]

Part of the problem of this gradual degradation of Palestinian agency comes from the very organizations supplying aid.

UNRWA often receives its funding from other Western nations (i.e., the U.K., Spain, the U.S.A., etc.) with many of these nations simultaneously providing aid to Israel.[182] For example, the United States has provided the equivalent of over $3 billion annually in military aid, while also being UNRWA's largest

173. *Restrictions on Movement*, B'Tselem (Nov. 11, 2017), https://www.btselem.org/freedom_of_movement.

174. World Bank Grp., *supra* note 166.

175. *West Bank Access Restrictions – November 2024*, OCHA (Nov. 28, 2024), https://www.unocha.org/publications/map/occupied-palestinian-territory/west-bank-access-restrictions-november-2024.

176. Human Rights Watch, Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories (2010).

177. United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNRWA, a Brief History, 1950–1982 (1983).

178. *The Occupation of Water*, Amnesty Int'l (Nov. 29, 2017), https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water.

179. World Bank Grp., *supra* note 166.

180. *Israel Blocks Shipment of Russian Sputnik V Vaccine to Gaza*, Al Jazeera (Feb. 16, 2021), https://www.aljazeera.com/news/2021/2/16/palestinians-say-israel-blocking-shipment-of-vaccines-to-gaza.

181. *Israel: Provide Vaccines to Occupied Palestinians*, Hum. Rts. Watch (Jan. 17, 2021), https://www.hrw.org/news/2021/01/17/israel-provide-vaccines-occupied-palestinians.

182. U.N. Relief & Works Agency for Palestine Refugees in the Near East, 2022 Pledges Towards UNRWA's Programmes (2022).

donor.[183] During the Gaza Genocide, the bombs dropped upon Gazans have primarily been supplied by the U.S. government.[184] The European Union, whose own Charter of Fundamental Rights recognizes inherent dignity and imposes sanctions on those who violate the rights of others, has imported about 230 million euros worth of goods annually from illegal Israeli settlements.[185] In the eyes of these western nations, supplying crumbs of humanitarian aid is a substitute for meaningful political action that recognizes and respects the dignity of Palestinians towards statehood and self-determination.

By supplying humanitarian aid to Palestinians, instead of taking political action, international donors are effectively subsidizing and condoning the occupation, even in clear violation of international law. Since the Gaza Genocide started, over 300 aid workers have been killed in Gaza—a war crime by any standard.[186] In fact, UN chief Antonio Guterres said that these "dramatic violations of international humanitarian law need to stop now,"[187] in response to UNRWA staff being murdered even as they were clearly identified in a UN school. Yet, the countries supplying these aid workers, including the U.S., continue to pay for war crimes abroad. When countries provide humanitarian aid, it can inadvertently alleviate them of the pressure to take meaningful action; if international aid is functioning, then the urgency for comprehensive political solutions to end the occupation becomes less immediate.

The type of aid donated is only a hindrance to Palestinian self-determination. Agricultural aid often promotes cash crop production for export that align with donor country interests, instead of crops for food sovereignty.[188] Much of the aid given to the Palestinian Authority also has stipulation to account for Israeli "security" concerns.[189]

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183. Jeremy M. Sharp, Cong. Rsch. Serv., RL33222, U.S. Foreign Aid to Israel (2023).

184. Humeyra Pamuk & Mike Stone, *US Has Sent Israel Thousands of 2,000-Pound Bombs Since Oct. 7*, Reuters (June 29, 2024, 7:37 AM), https://www.reuters.com/world/us-has-sent-israel-thousands-2000-pound-bombs-since-oct-7–2024–06–28/.

185. *Trading Away Peace: How Europe Helps Sustain Illegal Israeli Settlements*, Int'l Fed'n for Hum. Rts. (Oct. 10, 2012), https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/Trading-Away-Peace-How-Europe-12343.

186. *IRC Calls for Protection of Aid Workers in Gaza Following Killings of Three Partner Staff in Just 24 Hours*, Int'l Rescue Comm. (Oct. 15, 2024), https://www.rescue.org/press-release/irc-calls-protection-aid-workers-gaza-following-killings-three-partner-staff-just-24.

187. *UN Six Staff Killed in Israel Strikes on Refugee Camp in Gaza*, Politico (Sept. 12, 2024, 10:53 AM), https://www.politico.eu/article/un-six-staff-killed-israel-strikes-refugee-camp-gaza/.

188. *Food Sovereignty in a Palestinian Economy of Resistance*, Al-Shabaka: The Palestinian Pol'y Network (Aug. 27, 2024), https://al-shabaka.org/briefs/food-sovereignty-in-a-palestinian-economy-of-resistance/.

189. Jim Zanotti, Cong. Rsch. Serv., RS22967, U.S. Foreign Aid to the Palestinians (2018).

Due to the nature of occupation, much of the aid deployed is also focused on short-term needs rather than long-term rehabilitation and support.[190] In 2018, 11 percent of humanitarian aid that was given to Palestinians was used for long-term development, whereas the rest was for humanitarian relief.[191] In 2014, after the bombardment of Gaza, relief efforts were focused on rebuilding infrastructure rather than addressing the systematic issue of control.[192] Even then, the billions in reconstruction were limited as Israel prohibited the use of cement and steel needed for reconstruction, which left thousands of Palestinians homeless and reinforced a reliance on aid.[193]

Short term aid is necessary, of course, as the need for food, water, and medical supplies is undeniable—especially during ongoing genocide. Although the official death toll in Gaza hovers around 41,000, the Lancet Medical Journal estimates that the death toll is actually around 200,000, accounting for indirect deaths from forced starvation, disease, dehydration, and other weapons of war caused by the siege and bombardment.[194] However, even with the urgency of short-term need, aid should be delivered in a way that preserves the dignity of its recipients.[195] In Gaza today, this is not the case—the delivery of aid includes airdrops into the ocean, sniping people as they retrieve flour from broken aid drops,[196] and limited land drops that give Palestinians a couple hundred calories a day, if any.[197] In an effort to plead to the world, Palestinians have taken to social media to show the dispersal of humanitarian aid—Palestinians are literally begging the world to recognize their humanity. Understanding the Palestinian cultural view of dignity—honor, virtue, nobility—it is degrading having to beg the world to see them as human, even in the context of receiving aid.

Since Israel controls Gaza's water supply, Palestinians are forced to rely on international organizations. Whereas long term focused aid would focus on desalination plants that could provide clean water, aid organizations take

190. *2018 Humanitarian Response Plan for the Occupied Palestinian Territory*, UN Office for the Coordination of Humanitarian Affairs (2018), https://www.ochaopt.org/content/2018–2020-humanitarian-response-plan-hrp.

191. *Id.*

192. *Id.*

193. *Why Israel Should Allow Construction Materials to Enter Gaza*, Gisha - Legal Ctr. for Freedom of Movement (Aug. 14, 2014), https://gisha.org/en/why-israel-should-allow-construction-materials-to-enter-gaza/.

194. Rasha Khatib et al., *Counting the Dead in Gaza: Difficult but Essential*, 404 Lancet 237, 237–38 (2024).

195. Hugo Slim, Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster (2015).

196. *New Evidence Confirms Israel's Full Involvement in 'Flour Massacre' of Starving Palestinian Civilians*, Euro-Mediterranean Hum. Rts. Monitor (Mar. 5, 2024), https://euromedmonitor.org/en/article/6207/New-evidence-confirms-Israel%E2%80%99s-full-involvement-in-%E2%80%98Flour-Massacre%E2%80%99-of-starving-Palestinian-civilians.

197. *Gaza - Food Security Assessment – December 2023*, World Food Programme, (Dec. 14, 2023), https://www.wfp.org/publications/gaza-food-security-assessment-december-2023.

short-term strategies and deliver water parcels.[198] Instead of investing in the Palestinian economy and local businesses, aid agencies instead hire Palestinian labor causing a brain drain from local institutions. The number of NGOs in Palestine grew by 3,000 between 1980 and 2015.[199]

Not only is humanitarian aid controlled, restricted, and denied, Palestinians, as mentioned previously, are also unable to take agency back in their life as the methods of agricultural and industrial productions are also controlled by occupation and its use of violence[200]. As another example, olive oil has become one of Palestine's main agricultural products, yet, in the last two decades over 800,000 olive trees have been burned by settler attacks with the support of the IDF.[201] By destroying Palestinian methods of production and the potential for self-reliance, the occupation creates aid-based economies and culture.

B. Psychological Impact of Aid and its Distribution

The method of continued reliance on the receiving of humanitarian aid has a profound impact on Palestinians, reinforcing a loss of collective and personal agency, helplessness, and dependency.

The impact of long-term aid has created a feeling of learned helplessness among Palestinian society.[202] Learned helplessness is a sense of powerlessness that has arisen from persistent trauma;[203] for Palestinians, it has been 76 years of continued struggle, lack of control over basic needs, and inability to reach ones' potential and escape oppression. In 2019, 60 percent of Palestinian students in Gaza reported feeling hopeless about their futures, with many citing the aid-dependent economy and siege as a factor.[204] Six months into the current violence,

198. *'Barely a Drop to Drink': Children in the Gaza Strip Do Not Access 90 Per Cent of Their Normal Water Use*, UNICEF (Dec. 20, 2023), https://www.unicef.org/press-releases/barely-drop-drink-children-gaza-strip-do-not-access-90-cent-their-normal-water-use.

199. Mona Atia, & Catherine E. Herrold, *Governing Through Patronage: The Rise of NGOs and the Fall of Civil Society in Palestine and Morocco* 29 VOLUNTAS: INT'L J. VOLUNTARY AND NONPROFIT ORGS. 1044 (2018).

200. *Siege and Starvation: How Israel Obstructs Aid to Gaza*, REFUGEES INTERNATIONAL (Mar. 7, 2024), https://www.refugeesinternational.org/reports-briefs/siege-and-starvation-how-israel-obstructs-aid-to-gaza/; Sophia Stamatopoulou-Robbins, *Rubble, Control, Dependence: What Infrastructure Tells Us About Israel/Palestine*, AM. ANTHROPOLOGICAL ASS'N (Aug. 7, 2024), https://americananthro.org/present-tense/backgrounder-rubble-control-dependence-what-infrastructure-tells-us-about-israel-palestine/.

201. U.N. Conference on Trade & Development, *The Besieged Palestinian Agricultural Sector*, U.N. Doc. UNCTAD/GDS/APP/2015/1 (2015).

202. Samah Jabr et al., *Psychological and Social Suffering of Another Generation of Palestinian Children Living Under Occupation: An Urgent Call to Advocate*, 26 HEALTH & HUM. RTS. J. 147 (2024).

203. Jayne Leonard, *What to Know About Learned Helplessness*, MED. NEWS TODAY (Dec. 9, 2024), https://www.medicalnewstoday.com/articles/325355.

204. Khamis Elessi, Abdullah Aljamal, and Loai Albaraqouni, *Effects of the 10-Year Siege Coupled with Repeated Wars on the Psychological Health and Quality of Life of University Students in the Gaza Strip: A Descriptive Study*, 393 LANCET 10 (2019).

unemployment in Gaza reached almost 80 percent with many skilled laborers turning to NGO work that paid more—reinforcing helplessness in a professional setting.[205] There is no way to know how much higher unemployment is, nor how much more aid-dependent the population is, as UN aid-workers are unable to conduct research.

Since the Gaza Genocide started, humanitarian agencies have been unable to enter and report accurately the full toll of the crisis. However, it can be assumed that the psychological toll of helplessness is far greater than that of previous conflict during siege. Through social media, we also see Palestinians expressing helplessness in being unable to retrieve food for their families,[206] and parents pleading to the world asking for aid. When they receive aid, they often line up for hours to perhaps get a piece of bread to feed their families.[207] Parents feel dependent on aid, and immense guilt that they are unable to provide enough.[208]

The helplessness is not a byproduct of the distribution of aid in this occupier-occupied dynamic, but a deliberate strategy aimed at breaking the Palestinian spirit (*sumud*).[209] By making the population dependent on their occupiers for food, power, water, work, etc., the population remains docile in a perpetual state of crisis. Palestinians want to, and have the right to, resist their oppressors, but their oppressors are in control of the very things necessary for their survival and resistance.

Aid, and the manner in which it is distributed, impacts the sense of self-worth. The public nature of aid distribution leads to shame and loss of social status. A 2022 report by the World Health Organization found that many refugees avoided medical care at foreign run-clinics due to feelings of humiliation and shame[210]—they are an attack on dignity. As the genocide has worsened in the last year, there are countless images of Palestinians scrambling through food parcels;[211] aid has become a public spectacle and an attack on dignity. This is an

205. Int'l Labour Org., A Year of War on Gaza: Impacts on Employment and Livelihoods in the West Bank and Gaza Strip (2024).

206. Farah (@farahfromgaza), TikTok (Oct. 15, 2024), https://www.tiktok.com/@farahfromgaza/video/7393139011348335915.

207. Nidal al-Mughrabi, *Gaza Families Beg for Bread, Eat Donkey Meat as Aid Deliveries Falter*, Reuters (Dec. 14, 2023, 8:05 AM), https://www.reuters.com/world/middle-east/gaza-families-beg-bread-eat-donkey-meat-aid-deliveries-falter-2023–12–14/.

208. Louisa Loveluck & Hajar Harb, *Parenting in Gaza Today is So Much More Than Keeping Your Children Alive*, Wash. Post (Jan. 19, 2024), https://www.washingtonpost.com/world/interactive/2024/gaza-parents-children-fear-war/.

209. Ibsais, *supra* note 5.

210. World Report on the Health of Refugees and Migrants. Geneva: World Health Organization; 2022. Licence: CC BY-NC-SA 3.0 IGO.

211. *Starving Palestinians scramble for aid as desperation mounts in Gaza*, Al Jazeera (Dec. 17, 2023), https://www.aljazeera.com/news/2023/12/17/starving-palestinians-loot-aid-trucks-as-desperation-mounts-in-gazas-rafah.

assault on identity, especially for a people whose idea of dignity is rooted in religious and cultural perceptions of innate value, respect, and honor.

Remarkably, we do not see anomie that would typically be found after prolonged scarcity from restricted aid. Anomie refers to the process by which there is a social breakdown when basic needs are unmet.[212] However, in Palestine, the religious and cultural emphasis on collective resistance, respect for the elderly and disabled, and the refusal to leave their land in an undignified manner has helped Palestinians remain steadfast over the past 76 years.

C. Philosophical Approach of Undignified Aid in the Case of Gaza

Now that the methods of humanitarian aid and their impact have been discussed, this part of the Article addresses the philosophical dilemma surrounding the current state of humanitarian aid in Palestine, using the theoretical frameworks discussed earlier on dignity.

1. Kantian Dignity

The distribution of humanitarian aid, both pre-October 7th and during the ongoing genocide, first, creates a dependency that strips Palestinians of their agency to make their own choices and second, instrumentalizes Palestinians—treating them as a means to an end, rather than an end themselves; by doing so, the way aid is used denies Palestinians their inherent dignity. The instrumentalization takes place in several ways: politicalization of aid, aid dependent economies, and denial of autonomy.

During the current crisis in Gaza, aid is being used to maneuver geopolitically[213]. Aid becomes a bargaining chip in negotiations where necessities are withheld based on political game. For instance, during the first four-day ceasefire in Gaza, the amount and type of aid, as well as length of ceasefire, was conditional on Israeli military objectives. The aid port established in Gaza to deliver aid, never actually delivered aid; instead, it was used to deliver a military strike[214]. These practices see humanitarian aid as a bargaining chip to be used against Palestinians, denying them their dignity. The spectacle of aid distribution furthers this politicization as it becomes media soundbites and clips to

212. Jon Gunnar Bernburg, *Anomie, Social Change and Crime. A Theoretical Examination of Institutional-Anomie Theory*, 42 British J. Criminology 729 (2002).

213. Philippe Lazzarini, *We Must Prevent Humanitarian Aid from Being Used as an Instrument of War*, Untied Nations Relief and Works Agency for Palestine Refugees in the Near East, (Dec. 9, 2023), https://www.unrwa.org/newsroom/notes/we-must-prevent-humanitarian-aid-being-used-instrument-war.

214. Stephen Semler, *Washington Is Not Telling the Truth About the Gaza Pier*, Responsible Statecraft (June 12, 2024), https://responsiblestatecraft.org/how-much-aid-gaza-pier/; *US Military Shuts Down Problematic Gaza Aid Pier, Shifts to Israeli Port*, Al Jazeera (July 18, 2024), https://www.aljazeera.com/news/2024/7/18/us-military-shuts-down-problematic-gaza-aid-pier-shifts-to-israeli-port.

be played on air to sympathetic audiences, while also creating the illusion that donor countries are delivering aid effectively. Again, the autonomy and morality of Palestinians is ignored.

Long-term aid has created an NGO environment where labor is directed toward the objectives of international organizations instead of developing Palestinian skills and industries[215]. Aid has focused on the goals of donor countries instead of focusing on Palestinian sovereignty. In both ways, Palestinians are used for the economic or political goals of others.

Lastly, most fundamental to Kantian ethics is the violation of the autonomy of Palestinians through a long-term aid system[216]. Under the conditions of prolonged occupation and the ongoing genocide, Palestinians are caught in a cycle of dependence where their lives and livelihoods rely on those supplying aid. Palestinians are denied the ability to make choices about their own futures: restriction of movement that prevents education or employment, control of water and electricity which forces reliance on external organizations, and limitations on development.

A Kantian approach would respect the agency of Palestinians both as individuals and as a community; it would remove obstacles that prevent autonomy, rather than keeping Palestinians in a cycle that disrespects their inherent dignity.

2. Nussbaum's Capabilities Approach

The Capabilities approach sees dignity in terms of what individuals *are* able to do, assuming there are conditions that allow them to "flourish" and realize their potential.[217] In Palestine, humanitarian aid often restricts the ability to flourish, as it focuses on short-term survival rather than long-term self-sufficiency.

Humanitarian aid compromises bodily health as it delivers short term solutions[218]. For instance, medical infrastructure has been targeted and destroyed in Gaza. The Al-Shifa Hospital was destroyed in 2023, and aid is not even able to deliver the necessary insulin for Gaza's population.

The constant threat of bombardment and displacement undermines bodily integrity; this physical insecurity undermines dignity[219]. Humanitarian aid is unable to address this without addressing the underlying issue of colonialism and

215. Atia & Herrold, *supra* note 199.

216. Alaa Tartir, *Aid Has Been Used as a Tool to Cripple the Palestinians*, Middle East Eye (Sept. 3, 2018), https://www.middleeasteye.net/opinion/aid-has-been-used-tool-cripple-palestinians-its-time-we-took-back-control.

217. Nussbaum, *supra* note 75.

218. Theresa et al., *Responding to the Humanitarian Crisis in Gaza: Damned if You Do . . . Damned if You Don't!*, Annals Glob. Health (2023).

219. As Israel's Aerial Bombardments Intensify, 'There is no Safe Place in Gaza,' United Nations Meetings Coverage Security Council SC/15564 (Jan. 12, 2024), https://press.un.org/en/2024/sc15564.doc.htm.

occupation. Delivering aid, in the short-term, does not restore bodily integrity unless bombs stop dropping.

Furthermore, the ability to think and imagine a future in which one is in control of their own life is restricted in Palestine[220]. The loss of cultural sites to restrict cultural practices, the loss of schools and places of worship, and even the loss of one's land makes one dependent on shelter from aid groups which strip Palestinians of their identity and pride—an affront to dignity. Setting up tent cities is a short-sighted form of aid since bombs are then dropped on tents in designated "safe zones."[221]

In Palestine, the ability to reason and engage critically with society is also undermined. Through the seemingly permanent fixture of aid organizations, there is limited control over personal and communal development. The constant state of violence prevents Palestinians from planning their futures.

Control over environment, forming emotional attachments with others, living in relation to others, and affiliation are all compromised in Palestine.[222] Since humanitarian aid is focused on survival, it fails to maintain human dignity and Palestinians are unable to flourish.

IV. Human Dignity and Humanitarian Aid

A. Dignity as a Justification for Humanitarian Aid During the Current Crisis in Gaza

Human dignity, at its core, provides a compelling justification for dignified humanitarian aid in prolonged conflict and occupation zones like Gaza. This Section reviews the grounding of human dignity in law and philosophy and also provides alternative frameworks to the current distributions of aid, ones that will uphold the inherent dignity of the recipients.

1. Legal Literature

The foundation of human dignity is found both in international law and within the Basic Law of the parties involved in the current Gaza Genocide. If used properly, human dignity can be an effective argument drawing on international instruments for humanitarian aid:

a) **Universal Declaration of Human Rights**: Article 1 recognizes the universality of dignity as "all human beings are born free and equal in dignity."[223] The affirmation is compounded in Article 25 with connects

220. *Id.*; Ibsais, *supra* note 93.

221. *What Bombs Did Israel Use Against the al-Masawi 'Safe Zone' in Gaza?*, Al Jazeera (Sept. 12, 2024), https://www.aljazeera.com/news/2024/9/12/what-bombs-did-israel-use-against-the-al-mawasi-safe-zone-in-gaza.

222. Ibsais, *supra* note 93.

223. G.A. Res. 217 (III) A, *supra* note 37, at art. 1.

dignity to the basic needs of the individual, stating that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family."[224] Together, there is a link between dignity and the basic necessities of life, the focus of humanitarian aid. During the ongoing genocide in Gaza, over 2 million were, and still are, lacking the provision of basic necessities and adequate living through displacement and the constant threat of violence.[225] The UDHR is not a legal statute, however, it has influenced the ICCPR and ICESC which are both binding documents of international law.

b) **Fourth Geneva Convention**: Article 55 declares that an occupying power has a "duty of ensuring the food and medical supplies of the population,"[226] and that if the population is inadequately supplied then "the Occupying power shall agree to relief scheme on behalf of said population," which is mentioned in Article 59.[227] So, it is recognized that all humans have an inherent dignity that must be respected, that occupation is an affront to the dignity of those occupied, and while people are occupied (as in the case of Palestine) the occupying power has a duty to supply aid. However, in the case of Palestine, Israel actively obstructs aid in Gaza.[228]

c) **International Covenant on Economic, Social, and Cultural Rights**: Article 11 states the "right of everyone to an adequate standard of living for himself and his family, including food, clothing, and housing," all of which are connected to dignity and would require intervention by humanitarian organizations when needs are not met to ensure a dignified existence.[229] In Gaza, millions are displaced into tent cities without access to clean water or food.[230]

d) **UN Security Council Resolution 2417 (2018)**: The resolution mentions the "importance of safe and unimpeded access of humanitarian personnel to civilians in armed conflicts."[231] In Gaza, more humanitarian aid workers have been murdered by occupiers than in any other contemporary conflict.[232] This deliberate attack on aid workers is restricting aid and contributing to mass starvation. Based on the Rome Statute and

224. *Id.* at art. 25.
225. Setton, *supra* note 168.
226. Geneva Convention, *supra* note 32, art. 55.
227. *Id.* at arts. 55, 59.
228. Human Rights Watch, *supra* note 19.
229. International Covenant on Economic, Social and Cultural Rights, *supra* note 58, at art. 11.
230. U.N. Office for the Coordination of Humanitarian Affairs, *supra* note 172.
231. S.C. Res. 2417, ¶ 10 (May 24, 2018).
232. Int'l Rescue Comm., *supra* note 186.

criminal law provisions of international law, there is a legal basis for sanctions until aid is delivered[233].

e) **Responsibility to Protect Doctrine**: This is not binding doctrine but has been endorsed by the UN and proclaims that the international community has a duty to help when civilians are enduring mass atrocities.[234] In Gaza, this would include the immediate distribution of short- and long-term aid and an arms embargo on weapons that are causing the humanitarian disaster.

Between all mechanisms, there is a right to receive aid and an obligation not to obstruct the delivery of dignified aid. Aid should be without discrimination, meet the basic needs of the population in a timely manner, and respect inherent dignity (promoting self-reliance and respecting the culture of the recipients). Thus, in Gaza, it would include immediate opening of borders and crossings to allow of aid delivery, a clear prohibition on murdering aid workers, lifting restrictions of movement that would allow Palestinians to access services, and the flow of reconstruction materials and other necessities (medical, educational, nutritional) for essential services.

2. Philosophical Debate

a) **Kantian Ethics**: Kant's dignity is focused on innate worth that respects the autonomy of rational agents.[235] Looking just to the innate worth, this is an effective argument that humans should be treated as an end in themselves. In the context of Gaza, and other disasters, it means that aid should never be politicized or used for ulterior motive other than respecting the dignity of its recipients. Aid should respect the autonomy of its recipients to make choices impacting their lives and communities, which would dictate the type of aid and its distribution that does not demean its recipients or strip them of their identity, like airdropping aid into crowds of civilians. A Kantian humanitarian approach would involve dignified distribution centers where one can choose what they need, helping them maintain self-respect and giving them choices for their future.

b) **Capabilities Approach**: Here, dignity is respected when individuals have the chance to live lives where they assign worth. It is aid focused not on helping them simply survive, but thrive, or "flourish."[236] In the context of Gaza, where one has no control over their environment or bodily integrity, aid becomes essential to restore these aspects of dignity.

233. U.N. Charter art. 41.

234. Int'l Comm'n on Intervention & State Sovereignty, The Responsibility to Protect (2001).

235. Hill, *supra* note 67.

236. Nussbaum, *supra* note 75.

Aid must enhance capabilities, like allowing Gazan fishers to access the sea to get their own food, allowing farmers access to seeds and land, and rebuilding water infrastructure instead of giving out of a tap.

c) **Social Contract Theory**: John Rawls posits that social rules should be designed as if we did not know our place in society.[237] This "veil of ignorance" would be effective to support humanitarian aid, designing the law and approach as if anyone could be in a similar situation. In the case of Gaza, aid policies would be designed without knowing that the recipients were Palestinians. As a result, aid instead emphasizes fairness and equity. Social contract theory would guarantee a minimum level of dignified aid and living conditions regardless of creed, race, or religion.

d) **Utilitarian Approach**: Utilitarianism struggles with the idea of inherent dignity, but it can still provide an effective argument for aid as it would submit to humanitarian aid, leading to the greatest good for the greatest amount of people over time.[238] Thus, proving aid to Gaza alleviates immediate suffering, and also prevents social breakdown and a large-scale refugee crisis later on. Furthermore, a long-term aid approach would be better as it would require less intervention over time. For instance, if water desalination plants are implemented, Gaza would not require water from external powers for decades to come.

The philosophical arguments support humanitarian aid that respects dignity, autonomy, agency, and is delivered in way that respects long-term capabilities and self-sufficiency. These approaches recognize the plurality of human dignity and would empower the self-determination of Palestinians. Dignified aid is not an optional kindness, but a fundamental right.

B. Strengths of the Dignity Argument

1. **Universal Applicability**: Human dignity is recognized by all parties in the Gaza Genocide (Palestine, Israel, and the United Nations).[239] The universality, all recognizing some inherent form of dignity across cultures, makes it a tool for humanitarian aid. In Gaza, where political divisions (occupation) hinder aid efforts, appealing to the universal principle of dignity might help on the ground. In fact, UN Security Council Resolution 2720 (2023), issued a ruling for safe and unhindered delivery of humanitarian assistance for Palestinians civilians, and was adopted.[240]

237. John Rawls, A Theory of Justice (1999).

238. Rosen, *supra* note 69.

239. *See* Palestinian Basic Law, *supra* note 116; Basic Law of 1992: Human Dignity and Liberty, *supra* note 133; G.A. Res. 217 (III) A, *supra* note 37, at pmbl.

240. S.C. Res. 2720 (Dec. 22, 2023).

2. **Legal Basis**: Legal basis may be found across the Geneva Conventions, ICCPR, and other doctrines.[241] This establishes dignity as a basis for aid as a legal obligation rather than an act of charity that can be disregarded.
3. **Moral Imperative**: Dignity, respect, *karamah*, whatever the linguistic difference, the core substantive value of dignity appeals to shared humanity. It requires society to challenge the dehumanization of Palestinians that is currently being used to withhold humanitarian aid. If not for the humanity of Palestinians, then the humanity of those in a position to give aid. If Palestinians are recognized as human, without condition, then their inherent worth must be respected and policies that treat Gazans as collateral damage will be discarded.
4. **Addressing Systemic Causes**: Dignity as an argument for humanitarian aid requires society to look beyond immediate relief efforts. For dignity and aid to be effective, it must address systemic issues of Palestinian suffering that requires aid in the first place: blockade, occupation, and genocide. The UN Office for Coordination of Humanitarian Affairs (OCHA) has recognized that the decade long besiegement of Gaza has undermined the dignity of the two million Gazans trapped inside, and left them with limited control over the direction of their lives.[242]
    a) Intersectional: Dignity arguments also allow for nuance in seeing how various forms of oppression require different forms of aid for groups like women, children, and the elderly. For instance, the UN Population Fund (UNFPA) emphasizes the challenges faced by pregnant women in Gaza and their needs, calling for dignified maternal care.[243]
5. **Empowering Recipients**: When using dignity as a framing for aid, the narrative is shifted from passive victimhood to one of rights-holders who deserve agency and autonomy. This will allow for aid that respects and empowers recipients through new distribution methods. In the case of Gaza, this includes distribution methods that do not kill intended recipients. Dignity through humanitarian aid will also have psychological impact, where trauma and hopelessness are not compounded by undignified aid but rectified to restore a sense of self-worth. The dignity argument also emphasizes long-term perspectives on aid that have human flourishing in mind, not just survival. Basic necessities are coupled

241. *See* G.A. Res. 217 (III) A, *supra* note 37; Geneva Convention Relative to the Protection of Civilian Persons in Time of War, *supra* note 16; International Covenant on Civil and Political Rights, *supra* note 44.

242. Gaza Strip: The Humanitarian Impact of 15 Years of the Blockade, U.N. Office for the Coordination of Humanitarian Affairs (Jun. 30, 2022), https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-15-years-blockade-june-2022.

243. *Women in Gaza: A Year of Crisis*, U.N. Population Fund (Oct. 4, 2024), https://www.unfpa.org/stories/women-gaza-year-crisis.

with restoration of self-determination and purpose. This is crucial for people in Gaza, and greater Palestine, that have been subjected to trauma for decades.

C. Critiques of Dignity Argument

1. **Conceptual Ambiguity**: While widely recognized, there is not a universal definition of dignity, in this case, cultural relativism is apparent with different definitions across cultural and religious understanding. The actors in this case, Palestine, Israel, and the UN, interpret dignity differently, however, they all have a minimum core of associating dignity with the inherent worth of the individual.[244] The problem comes with Palestine and UN perspectives recognizing rights of the oppressed (both in aid and resistance), whereas the Israeli perspective is hierarchical, and status based.[245] The conceptual ambiguity also allows for dignity arguments to be co-opted for political purposes, such as the Israeli military justifying the restriction of aid for security. The problem becomes when the security does not absolve occupiers of their legal duty for dignified aid of the two million they besiege.
2. **Tension with Immediate Needs**: Some may argue that preserving dignity may be a luxury a population cannot afford when food, water, and medicine needs are dire. Furthermore, reliance on immediate needs does not address long-term dependency, and might create a cyclical need as the trauma is ongoing. There is also the practical challenge of delivering dignified aid, that establishes infrastructure, during current destruction, attacks on aid workers, and restrictions on movements.
3. **Legal Enforcement**: Dignity is grounded in many areas of international law yet enforcing it as an argument for aid can be challenging. Although there are many UN Security Council Resolutions[246] that call for immediate aid intervention and recognize the illegality of occupation and genocide, it seems that without enforcement dignity (and international law) is limited,[247] This is perhaps the most significant critique of dignity arguments—practical application of the law falling short to protect vulnerable populations. International rulings addressing the Gaza crisis, without any enforcement:
   a) UN Security Council Resolution 1860 (2009): called for the unimpeded provision of humanitarian assistance across Gaza.[248]

244. *See supra* notes 112-138 and accompanying text.
245. *See supra* notes 128-138 and accompanying text.
246. G.A. A/ES-10/L.25 (2023); S.C. Res. 2728 (2024); S.C. Res. 2735 (2024).
247. *See*, e.g., S.C. Res. 2334 (Dec. 23, 2016); G.A. Res. ES-10/20 (June 13, 2018).
248. S.C. Res. 1860 (Jan. 8, 2009).

b) UN Human Rights Council Resolution S-9/1 (2009): Condemned Israeli military control of Gaza and international action against rights violations.[249]
c) UN General Assembly Resolution ES-10/20 (2018): Called for protection of Palestinian civilians.[250]
d) Ongoing ICJ Case (2024): Recognizes as plausible the claim of Genocide in Gaza.[251] Despite this binding order from the highest international court, the man-made humanitarian crisis has only worsened. Reasons for the enforcement gap:
    i) Enforcement mechanisms are lacking in international law without adherence by member states
    ii) Political divisions across member states
    iii) Lack of unified global authority
    iv) Politicization of Genocide

It is important to recognize, however, that the UN and international pressure has led to concrete action in previous conflicts, and can be effective to resolve the humanitarian crisis in Gaza:

1. Rwanda Genocide (1994–1995): UN Security Council Resolution 929 allowed French forces to intervene to end the humanitarian crisis and establish a safe zone.[252]
2. Kosovo in 1999: Following human rights violations, NATO intervened to end the crisis using the UN Security Council Resolution 1199, which called for a ceasefire in Kosovo.[253]
3. Central African Republic (2013 - 2014): UN Security Council Resolution 2127 called for an arms embargo in nations opposing the mission of the Central African Republic.[254]
4. East Timor in 1999: There was a UN-Sponsored referendum on independence which led to large scale massacres. Resolution 1264 authorized international forces to intervene to deliver aid and restore peace[255]. Successful deployment of peacekeepers led to East Timor becoming independent.[256] Furthermore, it kept East-Timor sovereignty in international discussion.

The difference between these cases, and the current case of Gaza, lies in the orientalist perspectives which often dehumanize Palestinian life in favor of

249. Human Rights Council Res. S-9/1, U.N. Doc. A/HRC/S-9/L.1 (Jan. 12, 2009).
250. G.A. Res. ES-10/20 (June 13, 2018).
251. *See* Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), Order, 2024 I.C.J. 1 (Jan. 26).
252. S.C. Res. 929 (June 22, 1994).
253. S.C. Res. 1199 (Sept. 23, 1998).
254. S.C. Res. 2127 (Dec. 5, 2013).
255. S.C. Res. 1264 (Sept. 15, 1999).
256. *Id*.

colonial powers that coincide with Western interests.[257] There is a longer discussion of orientalism's role in restrictive aid processes and why Gaza was allowed to be destroyed in the first place, but that is not part of this Article's discussion.

D. Alternative Frameworks: Balancing Immediate Needs with Long-Term Dignity

The Gaza Genocide presents the challenge of delivering immediate and necessary humanitarian aid, while preserving long-term the dignity of Palestinians. This is particularly relevant in protracted contexts of long-term occupation, blockades, and violence.

Towards Dignity-Centered Humanitarian Aid in Gaza

1. Addressing Structural Indignities

Structural indignities are rooted in the historical situation of the ongoing Nakba. Thus, humanitarian aid must conform and develop new approaches that address:

a) Occupation that imposes restrictions on movement, economic development, and resource access which prevent dignified humanitarian aid. Countries, as they have done in other instances of international violence, must uphold international law that prohibits occupation and genocide. International advocacy becomes a form of humanitarian aid that helps end the blockade externally, while addressing the root cause that requires aid. International advocacy worked in cases like South Africa—the Anti-Apartheid movement in the early 1960s called for sanctions to pressure South Africa, eventually leading to end of Apartheid.[258] Similar tactics like the Boycott, Divestment, and Sanctions movement must be employed by allying countries as a form of humanitarian aid.

b) Infrastructure development that addresses the severely damaged urban spaces in Gaza. Repeated Israeli bombardment (2007, 2014, 2021, 2023–2024)[259], has damaged educational, cultural, medical, religious, and industrial environments. Without access and the ability to bring in materials, Gazans are unable to rebuild and restore autonomy. Gaza must have systems that allow for water harvesting, treatment, and distribution, especially as 97 percent of water is unfit for consumption.[260]

257. Edward W. Said, Orientalism (1978).

258. *The End of Apartheid*, U.S. Dep't of State, Office of the Historian, https://2001–2009.state.gov/r/pa/ho/time/pcw/98678.htm.

259. *Timeline: Israel's Attacks on Gaza Since 2005*, Al Jazeera (Aug. 7, 2022), https://www.aljazeera.com/news/2022/8/7/timeline-israels-attacks-on-gaza-since-2005.

260. *Gaza Strip: Critical Humanitarian Indicators*, U.N. Office for the Coordination of Humanitarian Affairs, https://www.ochaopt.org/page/gaza-strip-critical-humanitarian-indicators.

International donors and supply must be allowed in to rebuild Gaza's school systems, instead of the reliance on UNRWA schools that are continuously destroyed. Gazan fisheries and farmers must be given the tools and supplies that allow them to produce their own sources of food, instead of aid parcels. Economic zones, especially in refugee heavy areas, will create jobs for refugees and create a circular economy to promote local production. Digital infrastructure is also needed to enhance public services and improve aid, even under physical restrictions, like tele-medicine.

c) Violations of law: Forced displacement and land theft is among the primary causes of the loss of arable agricultural land in Gaza. The buffer zone along Gaza's border meant a loss of 35 percent of Gaza's farming land, forcing a reliance on humanitarian aid.[261] Thus, dignity-centered aid to address this indignity would promote legal challenges to land confiscation that would return Palestinian land to Palestinians, provide compensation for displaced Palestinians to invest in new farming initiatives and purchase land back, and support Palestinian self-sufficiency by bringing in new technologies. Furthermore, restrictions on movement that prevent Gazans, and Palestinians, from accessing capabilities like education and healthcare, can be addressed by legal and advocacy aid, the development of alternative transportation infrastructure, and reconstruction and fortification efforts to redress destroyed infrastructure.

2. Reforming Aid Distribution

Current systems of humanitarian aid strip autonomy from Palestinians and undermine dignity.

a) Localization of Aid: By putting aid into local agencies, power is shifted from international actors to local ones, which will enhance efficiency and sustainability of aid. Localization may also reduce some of the stigma around seeking aid from external actors. The process can begin through community driven development that works with local committees to direct and inform the type of aid needed and where it should go. A similar program was used in Afghanistan following 2003.[262] Gazans, and Palestinians more broadly, can instead be given the tools and training to be professionals in humanitarian aid. Those within

261. Loveday Morris, Sarah Cahlan & Jonathan Baran, *What to Know About Israel's Controversial 'Buffer Zone' in Gaza*, Wash. Post (Jan. 24, 2024), https://www.washingtonpost.com/world/2024/01/24/israel-buffer-zone-gaza-war/.

262. *Afghanistan's Citizens' Charter Program: Empowering Communities for Better Services*, World Bank Grp. (Oct. 20, 2020), https://www.worldbank.org/en/results/2020/10/20/afghanistans-citizens-charter-program-empowering-communities-for-better-services.

the community may be more informed of the needs of the populations they serve. Furthermore, local procurement of aid resources can also stimulate the local economy. The World Food Programme's Purchase for Progress Initiative, sources food aid locally. Investment into this program in Gaza, could stimulate local farmers and food supply.

b) Cash-Based Interventions (CBI): CBIs restore autonomy to recipients by handing back purchasing power and allowing recipients to prioritize their needs and agency, while also supporting local markets. A similar program was used by UNHCR to help Syrian refugees in Lebanon, providing cash assistance to a majority of refugees there and helping them cover basic needs.[263]

c) Aid Transparency: Improving transparency in aid distribution can help maintain trust by recipients. Feedback mechanisms, like the one used by Ground Truth, can help ensure aid meets local preferences. Furthermore, community score cards, like those used in Malawi, will give recipients a voice in aid delivery. In the case of Malawi, the process created an increase in health services for communities in need.[264]

3. Empowering Palestinian Agency

Empowering agency is necessary for long-term dignity, this means giving Palestinians the capabilities to control and interact with their environment and resources for self-determination. Empowered agency should help with skill and education development, food and water security, cultural preservation, and urban planning. Above all, empowering Palestinian agency should affirm the Palestinian right to self-determination and means to get there.

The legal right to resist is enshrined in international law, and in-terms of humanitarian aid, supporting this right is important in the context of agency and self-determination. UNGA Resolution 37/43 affirms the "legitimacy of the struggle of peoples for independence, territorial integrity, and national unity."[265] Without supporting the struggle against occupation, humanitarian aid leaves Palestinians within the dynamic of occupier-occupied, and reliant on their occupiers for their survival. Humanitarian aid can support in this space through documentation and reporting on human rights violence, providing evidence for the ICC, and helping inform public support and pressure. Furthermore, supporting local economic initiatives can reduce Palestinian dependency on their occupiers and strengthen capacity for resistance. Humanitarian aid can also come in the form of media and communication that counters narratives that dehumanize

263. U.N. High Comm'r for Refugees, Lebanon Annual Results Report 2023 (June 2024).

264. *Community Score Card (CSC)*, care, *https://www.care.org/our-work/health/strengthening-healthcare/community-score-card-csc/.*

265. G.A. Res. 37/43, *supra* note 151.

Palestinians. Palestinians must be given humanitarian aid that makes their liberation possible, otherwise aid systems are complicit in the ongoing dispossession and violence against an already subjugated population.

This form of aid is not imaginative, it has been a lived reality for the people of Ukraine, who have seen humanitarian aid provided in the context of Russian invasion.[266] The humanitarian-military form of aid gives Ukrainians the capacity to build and maintain their society amongst the ongoing aggression. Furthermore, this form of humanitarian aid is in line with international norms. The Responsibility to Protect (R2P) doctrine, while not legally binding, is an emerging legal norm that provides guidelines for concerted action to protect populations from atrocities. The R2P was invoked by the UN Security Council 90+ times since 2005, including in 2011 to protect Libyans.[267] Pillar 3 of the R2P states that "If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter."[268] Israel, as an occupying power, has a duty to the Palestinian population. In Israel's indiscriminate bombing campaign, dubbed a "Genocide" by Amnesty International[269] and other human rights groups, they have failed in this duty. Under Chapter 7 Articles 40–42 of the UN Charter, military action by "air, sea, or land . . . may be necessary to maintain or restore international peace and security."[270] A strong framework already exists for this form of military-humanitarian aid, and dignity, as a legal tool, can be used to strengthen the R2P doctrine to provide concentrated aid that would restore the Palestinian people's dignity while bringing about an end to ongoing violence.

Furthermore, it is important to make clear, states do not have a right to exist; what is enshrined in international law is the right of a *people* to exist.[271] Advocating for a humanitarian-military form of aid is necessary as its provision would support both immediate and long-term objectives aimed at restoring dignity and stability for the Palestinian *people.* Firstly, this form of aid would create conditions that would lead to the end of ethnic cleansing[272] in Gaza,

266. *U.S. Security Cooperation with Ukraine*, U.S. Dep't of State (Jan. 5, 2024), https://www.state.gov/u-s-security-cooperation-with-ukraine/.

267. *The Responsibility to Protect: A Background Briefing*, Global Centre for the Responsibility to Protect (Jan. 2021), https://www.globalr2p.org/publications/the-responsibility-to-protect-a-background-briefing/.

268. *Id.*

269. Amnesty International, *supra* note 1.

270. U.N. Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression, Articles 39-51.

271. H. B. Jacobini, *The Right of State Existence in International Law*, 30 Southwestern Soc. Sci. Q. 277 (1950).

272. Mera Aladam, *Israeli Army 'Preventing' Return of Forcibly Expelled Palestinians to North Gaza*, Middle East Eye (Nov. 6, 2024, 3:05 PM), https://www.middleeasteye.net/news/israeli-army-prevents-return-forcibly-expelled-palestinians-north-gaza.

immediate cessation of violence, and would allow for aid to move into Gaza freely. Secondly, it would give Gazans the space and resources to rebuild their lives and communities which, in the long-term, can be structured to reduce Palestinian dependency and reclaim internationally recognized territories defined by the 1967 borders.

Francesca Albanese, the UN special rapporteur on Palestine, pointed out "The state of Israel is there, it's protected as a member of the United Nations. Does this justify the erasure of another people? Hell no. Not 75 years ago, not 57 years ago, surely not today."[273] This Article does not attempt to prescribe an endgame for the decolonial movement in Palestine. Instead, it simply recognizes that aid can—and should—take a form that brings an end to military violence, providing those affected with the opportunity to experience self-determination.

Conclusion

The ongoing Gaza Genocide reveals a challenge in the collective understanding of human dignity and its role in humanitarian aid during prolonged conflicts. This Article explores this challenge by looking to legal, philosophical, sociological, and other frameworks from which to approach aid, with a particular focus on Gaza.

Human dignity, whether in the Palestinian notion of *karamah*, the UN universality of dignity, Kantian ethics, or Nussbaum's capabilities approach, provides a strong moral and legal argument for dignified humanitarian aid, both in the aid itself and its dispersion. However, reality often falls short of these idealistic goals, not because there is no substantive legal and philosophical grounding but because actors fail to apply them equally. Furthermore, the current system of humanitarian aid proliferates the indignity caused by occupation by keeping recipients dependent on those supplying aid, often times at the whims of their occupiers—failing to uphold inherent dignity and to respect agency.

Due to the structural indignities imposed by occupation—economic strangulation, land theft, and apartheid—even well-intentioned aid has become a tool of control through its politicalization, which often absolves meaningful efforts.

The situation in Gaza demands immediate short- and long-term efforts as millions have been displaced, and are facing indiscriminate violence, dehydration, injury, disease, and starvation. Thus, the challenge is to provide this necessary aid while respecting dignity. Humanitarian aid must be reimagined to address structural issues, reinforce aid that prioritizes local agency and recipient

273. Middle East Eye, *Francesca Albanese Shuts Down Reporter !uestion on Whether Israel Has Right to Exist*, YouTube (Nov. 6, 2024), https://www.youtube.com/watch?v=k12E7LuD2_4.

choice, empower Palestinian self-sufficiency, and recognize Palestinian right to self-determination.

Ultimately, dignified aid in Gaza cannot be untangled from the broader struggle for Palestinian liberation. Society must create systems of support and empowerment rather than subjugation.