

Israel-Hamas war

Israel remains defiant despite week of diplomatic blows

Netanyahu's government faced in quick succession with call for arrest warrants over Gaza and order to halt Rafah assault



The ICJ order capped a week that has laid bare Israel's mounting diplomatic isolation as the war in Gaza stretches into its eighth month © FT montage/Getty/AP

James Shotter in Jerusalem YESTERDAY

For the second time in less than a week, Israel suffered a damaging blow at the hands of an international court on Friday, as the International Court of Justice ordered a halt to the assault on the Gazan city of Rafah “immediately”.

Israeli Prime Minister Benjamin Netanyahu has repeatedly insisted that an operation in Rafah is needed to defeat Hamas — which triggered the current hostilities with its October 7 attack on Israel — as the city is the militant group’s last major stronghold in Gaza.

But in [a sharply worded order](#), the UN’s top court said humanitarian conditions in the city, which had become a refuge for more than 1mn civilians since the war erupted last year, were “disastrous” and that Israel’s efforts to protect them had been inadequate.

The order capped a week that laid bare Israel’s mounting diplomatic isolation as the war in Gaza stretches into its eighth month, with the prosecutor at the International Criminal Court [seeking arrest warrants](#) for Netanyahu and defence minister Yoav Gallant over the war on Monday, and three European states on Wednesday [pledging to recognise Palestine](#).

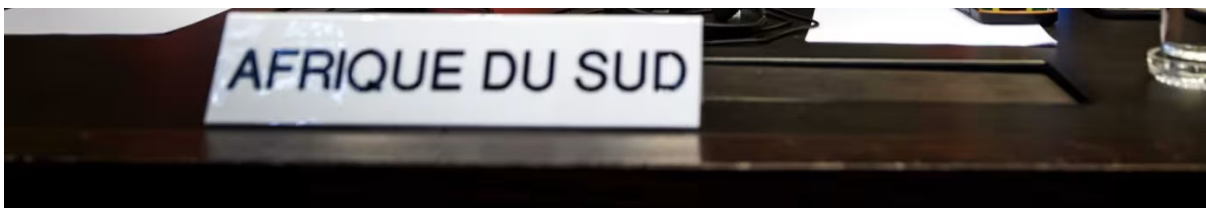
The week of setbacks also underscores how international opinion has hardened since Israel sent its forces into Rafah earlier this month, despite repeated warnings from aid groups of the catastrophic humanitarian cost of such a move, and pleas from even its closest ally, the US, not to do so.

“There is a legal momentum right now from both the ICC and ICJ that is pretty massive. [The order to] halt military operations is a very strong statement,” said Sheila Paylan, an expert on international law and human rights. “There is a very stark, visible abandonment of Israel and its position.”



Israel's legal team at the ICJ in The Hague © Johanna Geron/Reuters





Vusimuzi Madonsela, right, South Africa's ambassador to the Netherlands in The Hague courtroom for the ICC ruling on Gaza © Koen van Weel/EPA-EFE/Shutterstock

In Israel, the initial response to the ICJ's order — as it had been for the previous moves by the ICC and the three states planning to recognise Palestine — was one of outrage and defiance.

Benny Gantz, a former general and opposition politician who joined Netanyahu's war cabinet in the wake of Hamas's October 7 attack, insisted Israel was "committed" to continue fighting "to return its hostages and ensure the safety of its citizens".

Meanwhile, extreme-right national security minister Itamar Ben-Gvir said Israel's response to "the irrelevant order of the antisemitic court in The Hague" should be "the occupation of Rafah, the increase of military pressure and the complete defeat of Hamas".

But Palestinian politicians welcomed the ruling, and the foreign ministry of South Africa, which brought the case, said it would now approach the UN Security Council to implement the court's order.

"This order is groundbreaking as it is the first time that explicit mention is made that Israel must halt its military action in any area of Gaza — this time specifically in Rafah," Zane Dangor, the top civil servant in South Africa's department for international co-operation, said in video remarks.

"While legally the court cannot use the term ceasefire, as well as we legally could not call for the term ceasefire — this is de facto calling for a ceasefire," he added.





Smoke rises during an Israeli air strike on Rafah on Friday © Mohammed Salem/Reuters

While Israel does not recognise the ICC, it is a member of the ICJ — which was set up in the wake of the second world war — and, like all members, is obliged to implement its rulings. However, the ICJ has no means of enforcing its rulings itself: in 2022, it told Russia to suspend its military operations in Ukraine, but Moscow simply ignored the order.

In theory, the UN Security Council could impose sanctions on Israel if it refused to implement the ICJ's order. But such a move would only be possible if the US were to break with its past policy of blocking UN moves seen as hostile by Israel.

“Ignoring the decision would not result in immediate sanctions, as the US is likely to veto a Security Council resolution to that effect,” said Yuval Shany, a professor of public international law at the Hebrew University of Jerusalem and senior fellow at the Israel Democracy Institute.

But even if the ICJ's ruling does not lead to sanctions, analysts said it could have knock-on consequences on how other states treat Israel, particularly in relation to moves that could support its war effort.

In recent weeks, Washington and governments in Europe have been reviewing the extent to which weapons they have supplied to Israel are being used in accordance with international law.

“Bilateral state sanctions are possible [such as the] downgrading of diplomatic relations [or] limits on weapon exports,” said Shany.

“In some respects [this] is even more significant than the ICC request, since it intervenes with an ongoing military operation and suggests that under existing conditions it is unlawful.”

Additional reporting by Joseph Cotterill and Neri Zilber

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