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**A LEGAL ANALYSIS OF FUNDING OF OPPOSING PARTIES DURING ARMED CONFLICT
A CASE STUDY OF THE US FOREIGN ASSISTANCE IN THE ISREAL PALISTIANIAN
CONFLICT**

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**An obligatory essay submitted to the University of Lusaka in partial fulfillment of
The requirement of the bachelor of laws (LLB) degree**

2025

DECLARATION

I declare that this dissertation entitled, **A LEGAL ANALYSIS OF FUNDING OF OPPOSING PARTIES DURING ARMED CONFLICT A CASE STUDY OF THE US FOREIGN ASSISTANCE IN THE ISRAEL PALESTINIAN CONFLICT** which is hereby submitted in partial fulfilment of the requirement for the award of a Bachelor's Degree at the University of Lusaka is my own original work and it has not been previously submitted for the award of a degree at this university or any other tertiary institution. I understand what plagiarism entails and I'm aware of the University's policy in this regard. Thus, where other people's work is cited, I have duly acknowledged. The errors or omissions in this work are solely mine.

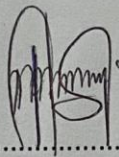
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I **INNOCENT NYAMBE** recommend that this dissertation prepared under my supervision by **JOSHUA THABO MATAKALA**, entitled **A LEGAL ANALYSIS OF FUNDING OF OPPOSING PARTIES DURING ARMED CONFLICT A CASE STUDY OF THE US FOREIGN ASSISTANCE IN THE ISRAEL PALESTINIAN CONFLICT** be accepted for examination. I have checked it carefully and I'm satisfied that it fulfills the requirement pertaining to the format laid down in the regulations governing directed research

A handwritten signature in black ink, appearing to read 'I. Nyambe', is positioned above a horizontal dotted line.

I.NYAMBE

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ACRONYMS

IHL International Humanitarian Law

UNRWA United Nations Relief and Works Agency

ATT Arms Trade Treaty

IHRL International Human Rights Law

ICCPR International Covenant on Civil and Political Rights

MOU Memorandum of Understanding

FMF Foreign Military Financing

QME Qualitative Military Edge

FMS Foreign Military Sales

ESF Economic Support Funds

GDP Gross Domestic Product

ICJ International Court of Justice

FAA Federal Aviation Administration

UN United Nations

AECA Arms Export Control Act

IDF Israel Defence Forces

JLOTS Joint Logistics Over the Shore

NIAC Non International Armed Conflict

UNSC United Nations Security Council

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ABSTRACT

This thesis investigated the funding of opposing parties during armed conflict a case study of the us foreign assistance in the Israel Palestinian conflict. The importance of this study was to add to the body of knowledge regarding the relationship between foreign policy and international law, especially in conflict areas. Secondly, it shedded light on states' legal obligations when it comes to offering aid abroad during armed situations. Finally, policy choices about the control and monitoring of foreign aid to parties in conflict may be influenced by the study's conclusions. The objectives of this study included providing international legal principles governing foreign assistance during armed conflict, secondly how does U.S. foreign assistance to Israel and Palestine align with these legal principles, and lastly the legal and ethical implications of U.S. foreign assistance in this context.

The methodology of this study was necessary to comprehend the legal ramifications of foreign aid during armed conflict, especially when it is aimed at opposing parties. In order to critically analyze the legality of U.S. foreign aid in the Israel-Palestinian conflict, this research uses a qualitative mode of research as data was sourced from statutes, reports, internet sources, text books, journals and articles and case law.

In the end, the study makes the claim that legitimate aid must be based on verifiable adherence to international humanitarian law (IHL) and enforced through transparent, reciprocal, and judicially reviewable conditionality. If this idea is formalized, it may rebalance the incentives governing third-state involvement in protracted armed conflicts.

1.0 INTRODUCTION

A defining feature of modern warfare is the involvement of foreign countries in armed conflicts through financial and military backing. Modern conflicts sometimes contain non-state players, unequal power relations and protracted confrontations, all of which make the legal and ethical challenges of foreign aid more difficult than traditional warfare between states. The Israel-Palestine conflict is one of the longest running and most delicate geopolitical issues of our day.¹ This conflict has evolved from years of territorial, religious and political disagreements into a deeply ingrained conflict with significant foreign participation, particularly from the United States.²

The State of Israel is the largest cumulative receiver of U.S. foreign assistance since World War II due to the strong and ongoing financial and military ties between the two countries. During several agreements, including the 10-year Memorandum of Understanding inked in 2016 during the Obama administration, which committed \$38 billion in military support from 2019 to 2028, Israel received almost \$60 billion in U.S. military aid between 2000 and 2023 alone.³ In the meantime, the United States has given the Palestinian people humanitarian and developmental assistance, frequently via multilateral agencies like the United Nations Relief and Works Agency (UNRWA).⁴ Aid policy becomes politically and legally problematic when it supports both Israel and the Palestinians, especially when the parties are engaged in an open armed conflict. International humanitarian law (IHL), which sets the norms for conduct during armed conflict and the responsibilities of third-party states, is primarily codified in the Geneva Conventions and its Additional Protocol⁵. Neutrality, differentiation, proportionality, and the ban on aid that encourages transgressions of international law are some of its fundamental tenets.⁶ States are also required under customary international law and agreements such as the Arms Trade Treaty (ATT) to refrain from transferring financial resources or weapons that are likely to be used in the

¹ 'International humanitarian law and the challenges of contemporary armed conflicts' *International Review of the Red Cross* (2024) on proxy warfare, non-state actors, and the legal/ethical intricacies of foreign support

² Nathan Sekar W., Haya Qonita & Badrus Sholeh, 'The Impact of United States of America Intervention On Israeli-Palestinian Conflict' *Global Political Studies Journal* (2022) on US intervention's dominance in the conflict's development

³ <https://crsreports.congress.gov/product/pdf/RL/RL33222> accessed 16 April 2025

⁴ <https://www.unrwa.org/what-we-do> accessed 16 April 2025.

⁵ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287 (Geneva Convention IV).

⁶ <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home> accessed 16 April 2025.

commission of grave violations of international human rights law or international humanitarian law.⁷

In this regard, it is unclear if U.S. military assistance to Israel conforms with its international commitments, especially when it comes to escalations involving civilian casualties and suspected war crimes. At the same time, U.S. humanitarian assistance to Palestinians needs to be carefully examined to make sure it doesn't contravene anti-terrorism laws or indirectly support armed groups. Additionally, giving military support to foreign security forces who engage in flagrant human rights abuses is forbidden by the U.S. Leahy Laws.⁸ However, advocacy groups and human rights organizations have claimed that these rules are administered inconsistently, especially when it comes to U.S. allies.⁹

U.S. aid may be indirectly linked to the continuation of hostilities or violations of international law, according to a growing corpus of legal research and cases. For instance, Palestinian-American families filed a federal lawsuit in 2023 alleging that the U.S. government and private organizations broke international law by giving Israel military and financial support in ways that allegedly contributed to crimes in Gaza.¹⁰

Through a thorough examination of US foreign aid in the Israel-Palestine conflict, this dissertation investigates these legal conflicts. It examines whether or not such assistance complies with international legal norms, especially those outlined in IHL, IHRL, and the principles of state responsibility. The research attempts to elucidate the responsibilities of donor states and suggest procedures to guarantee compliance in comparable conflict situations by looking at laws, treaties, state practice, and case law. Given the increasing global scrutiny of foreign aid and its consequences, this study is both current and crucial to promote accountability and the appropriate conduct of international relations during times of war.

1.1 BACKGROUND OF STUDY

The dynamics of modern armed conflicts are increasingly influenced by international financial aid, which can significantly affect the course and duration of hostilities. The Israel-Palestine conflict, a long-running, complex issue that has lasted for more than 70 years, is a particularly complicated

⁷ Arms Trade Treaty (adopted 2 April 2013, entered into force 24 December 2014) UNTS Vol. 3013

⁸ Foreign Assistance Act 1961, 22 USC (Leahy Law)

⁹ <https://www.hrw.org/news/2023/12/15/israel-apparent-war-crimes-gaza> accessed 16 April 2025

¹⁰ <https://ccrjustice.org/home/press-center/press-releases/palestinian-families-sue-biden-administration-over-complicity-gaza> accessed 16 April 2025

case. The involvement of foreign aid, particularly that of the United States, which has given both sides significant military and humanitarian support, is crucial to this battle. The United States provides Israel with some of the greatest foreign aid in the world, including economic, diplomatic, and military support. On the other hand, the United States has also provided humanitarian assistance to Palestinians, mostly via global institutions like the United Nations Relief and Works Agency (UNRWA).

1.2 STATEMENT OF THE PROBLEM

The U.S. uniquely finances both sides in the Israel-Palestinian conflict: providing robust military support to Israel and conditional aid to the Palestinians. This duality raises significant tensions within international law. On one hand, international humanitarian and human rights.¹¹ Moreover, U.S. aid to Palestinian entities is heavily conditioned e.g., via the Taylor Force Act and other legislative clauses which, critics claim, shifts U.S. policy from genuine humanitarian support to political leverage, thereby centralizing U.S. strategic interests over the autonomy and rights of Palestinians¹². Thus the core problem is this: How can the U.S. reconcile its legal obligations and professed commitment to human rights with its simultaneous and structurally divergent support for both Israel and the Palestinians? This tensions underscores a border challenge: the erosion of rule-of-law principles when geopolitical considerations dominate aid policy, calling, calling into question the coherence and legitimacy of U.S. foreign assistance in conflict zones.¹³

1.3 RESEARCH OBJECTIVES

1. Analyze the legal frameworks governing foreign assistance during armed conflict, focusing on IHL and IHRL.
2. Examine the nature and scope of U.S. foreign assistance to Israel and Palestine.

¹¹ **The Washington Post**, *U.S. declined to sanction Israeli military units over abuse finding* (28 February 2025), detailing blocked enforcement under the Leahy Law

¹² **Reuters**, *Blinken says he's made 'determinations' linked to human rights accusations against Israel* (19 April 2024), highlighting U.S. officials' response to Leahy Law compliance

¹³ **AP News**, *Lawsuit accuses State Department of creating loopholes for Israel on military aid and human rights* (2024), on legal action challenging preferential treatment for Israel under Leahy protocols

3. Assess the compliance and implications of U.S. foreign assistance with international legal obligations.

1.4 RESEARCH QUESTIONS

1. What are the international legal principles governing foreign assistance during armed conflict?
2. How does U.S. foreign assistance to Israel and Palestine align with these legal principles?
3. What are the legal and ethical implications of U.S. foreign assistance in this context?

1.5 SIGNIFICANCE OF STUDY

There are various reasons why this research is important. First of all, it adds to the body of knowledge regarding the relationship between foreign policy and international law, especially in conflict areas. Second, it sheds light on states' legal obligations when it comes to offering aid abroad during armed situations. Finally, policy choices about the control and monitoring of foreign aid to parties in conflict may be influenced by the study's conclusions.

1.6 SCOPE OF STUDY

The legal aspects of foreign aid given by governments to parties involved in armed conflict are the main topic of this study, with particular attention paid to the financial, military and humanitarian support that the US provides to Israel and the Palestinian territories. It will assess the extent to which such aid complies with or deviates from international legal norms, including international humanitarian law (IHL), international human rights law (IHRL), the law on state accountability and relevant domestic legislation including the United States' Leahy Law. With focus on funding trends and events that took place between 2000 and 2025, the study's geographic scope is limited to the Israel-Palestine region. Numerous violent wars (such as those in Gaza in 2008–09, 2012, 2014, 2021, and 2023–24) have escalated throughout this time, U.S.-Israel military cooperation has increased, and there have been major discussions regarding aid to the Palestinians, notably the suspension and resumption of UNRWA financing. Unless those actors are directly involved in litigation or legal commentary pertinent to the case study. The report does not examine into non-state donor money or private sector involvement outside of the context of U.S. government activity, nor does it seek to address political concerns or provide solutions to the conflict itself. Additionally, despite the inclusion of accusations of war crimes or violations of human rights, the

study does not carry out a comprehensive factual investigation into these claims; rather, it bases its conclusion on credible third-party sources and court decisions.

1.7 KEY DEFINITIONS

1. **Foreign Assistance:** The transfer of resources-financial, military, humanitarian, or technical by one state to another, or to populations within another state.
2. **Opposing Parties:** Two or more actors engaged in an armed conflict against each other
3. **Armed Conflict:** A situation where there is protected violence between governmental authorities and organized armed groups, or between such groups within state or between states.
4. **State Responsibility:** The Legal accountability of state for its internationally wrongful acts, including aiding or assisting in such acts.
5. **Humanitarian Assistance:** Aid provided for relief from suffering and protection of human dignity during and after crises, particularly armed conflict.

1.8 LITERATURE REVIEW

This review, which focuses on the U.S. role in the Israel-Palestinian conflict, applies international humanitarian law (IHL), international human rights law (IHL), and U.S. domestic law, particularly the Leahy Law, to analyze the body of research on the legality of aiding opposing parties in conflicts and assesses the compliance and accountability mechanisms governing such assistance.

Jean-Marie Henckaerts and Louise Doswald-Beck¹⁴ In their seminal work on customary international humanitarian law for the ICRC contends that this duty includes stopping and refusing to aid violations, particularly where a state has sway over the aggressor.

Hence, in this research will shift the approach of the legal frame work that are being aimed at assessing the effectiveness on the ICRC in relation to foreign funding during an armed conflict.

¹⁴Jean-Marie Henckaerts and Louise Doswald-Beck, Customary International Humanitarian Law: Volume I: Rules (ICRC, Cambridge University Press 2005) rule 144

Marko Milanovic¹⁵ touched on international human rights Law and extraterritorial obligations and has argued that when a state exercises control or influence abroad such as through military aid it must uphold human rights obligations.

However, this research will demonstrate and highlight the indivisibility of International Human Law and International Human Rights Law during armed conflict, advocating for their concurrent application, particularly when state action affects civilian populations, the U. S's risk of violating human rights norms, particularly under the International Covenant on Civil and Political Rights (ICCPR).

Charles Tiefer¹⁶ a scholar who wrote on the Leahy Law's Intent and Implementation however, shown how erratic and susceptible to political pressures its implementation is, particularly when it comes to critical allies like Israel.

In contrast my research will contend that an accountability mechanism is provided by the legislation, but it lacks transparency and is rarely implemented against politically sensitive recipients.

Jeremy Pressman¹⁷ discusses the Impact of Aid on the Israel-Palestinian conflict argues that by promoting a power imbalance and lessening incentives for diplomatic solutions, U.S. military assistance has prolonged the conflict.

However, this academic research will caution that humanitarian aid—such as that provided by UNRWA—is sometimes managed or restricted in ways that are motivated by politics, even while they acknowledge the stabilizing effect of such aid.

David Bosco¹⁸ in his findings that have been studied by academics including support assertions that geopolitical and strategic goals take precedence over legal accountability by exposing the double standards in the way human rights issues influence aid decisions. This discrepancy is particularly noticeable in the case of Israel because of the large amount of military assistance and

¹⁵ Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (Oxford University Press 2011) 201–204

¹⁶ David Bosco, 'U.S. Military Aid and Accountability: Lessons from Latin America and the Middle East' (2022) 44 *Third World Quarterly* 219

¹⁷ Jeremy Pressman, *The United States and the Israeli–Palestinian Conflict: From Bush to Obama* (Routledge 2011) 95–97

¹⁸ David Bosco, 'U.S. Military Aid and Accountability: Lessons from Latin America and the Middle East' (2022) 44 *Third World Quarterly* 219

the regularity of armed conflicts that result in civilian losses. Hence, in this research it will assess the compliance and implications of U.S. foreign assistance with international legal obligations in accordance with U.S aid and other conflict zones.

Beth Van Schaack¹⁹ highlights the lawsuit that Palestinian-American families filed against the U.S. government in 2023 raises concerns about the applicability of legal commitments in politically sensitive situations and represents a new trend in litigation attempting to implement international law principles domestically.

However, this research is on the basis of litigation and legal accountability, the legal ramifications of providing assistance to a party suspected of grave crimes, including the possibility of state cooperation and international accountability, have been the subject of much writing by legal experts.

1.9 Research Methodology

A thorough approach to methodology is necessary to comprehend the legal ramifications of foreign aid during armed conflict, especially when it is aimed at opposing parties. In order to critically analyze the legality of U.S. foreign aid in the Israel-Palestinian conflict, this chapter describes the research design and analytical framework used. The study's engagement with international legal instruments, case law, and pertinent state practice is outlined in an organized manner.

1.9.1 Research approach

Based on doctrinal legal analysis, this study uses a qualitative method to legal research. Doctrinal research is a traditional approach used in legal academia to examine the content, interpretation and application of laws by carefully examining legal precedents, rules and reliable sources. Given that main objective of this dissertation is to examine the legality of foreign assistance under international law, the doctrinal approach enables a focused evaluation of legal norms, obligations and frameworks directing state activity during armed conflict. Based on doctrinal legal analysis, this study uses a qualitative method to legal research.

¹⁹ Beth Van Schaack and Noam Lubell, *Complicity and the Law of State Responsibility* (Oxford University Press 2017)

1.9.2 Research design

The study is structured as a case study, with the main lens through which to evaluate more general legal issues being the foreign aid provided by the United States to Israel and Palestinian organizations. An in-depth examination of practical applications and the effects of international legal principles is made possible by this case-specific approach. The U.S. military and humanitarian assistance strategies toward Israeli and Palestinian administrations will be evaluated in this case study. IHL, IHRL e.g. (ICCPR), and domestic U.S. laws e.g. (the Leahy Law) are examples of legal instruments. pertinent judicial rulings, governmental policies, United Nations resolutions, and scholarly analyses. In order to determine if and to what degree such assistance conforms with or violates international legal responsibilities, as well as whether it could lead to state responsibility or legal accountability, the design is analytical and interpretive.

1.9.3 Research Type

The study is normative and qualitative in character. Instead of using statistical analysis, real facts, legal theory, or academic critique, it depends on legal texts (treaties, customs, case law). Publications from the government, policy statements and reports from international and non-governmental groups including (Human Rights Watch, Amnesty International and UN authorities). The normative aspect looks at what the law is, should be and how it is applied or selectively enforced. It poses important queries like: Is the United States legally liable for supporting a party accused of war crimes? Does the obligation to guarantee adherence to IHL get in the way of ongoing funding? The legal, moral, and political complexities of supporting opposing parties in a continuing conflict must be addressed using this strategy.

1.9.4 Ethical considerations

This study tackles a very sensitive and contentious topic without the use of fieldwork or real individuals. Ethics are therefore very important. The study maintains impartiality and ensures a fair and impartial approach by focusing only on legal analysis rather than political opinion. All sources, including academic journals, court records and reports from reputable international organizations must uphold academic integrity. Human rights violations are carefully reported, supported by reliable and verified sources and acknowledged in cases where legal interpretations

are contested or unclear. This ethical approach maintains the study's academic credibility while demonstrating sensitivity for complexities of the Israel-Palestine conflict.

CHAPTER TWO

ASSESSING THE EFFECTIVENESS OF INTERNATIONAL LEGAL PRINCIPLES AND FRAMEWORK GOVERNING FOREIGN ASSISTANCE DURING ARMED CONFLICT

2.0 INTRODUCTION

Foreign aid, whether financial, humanitarian, or military, is governed by a complex web of international laws and regulations in the context of armed conflict. The Geneva Conventions, which codify essential protections for both combatants and non-combatants, are at the center of it. They require nations to "respect and ensure respect" for the principles of international humanitarian law (IHL), in addition to just adhering to it.²⁰

This fundamental pledge is interwoven with a larger international legal framework that consists of treaties pertaining to arms transfers, human rights, and changing customs.

A state is considered complicit under international law if it willfully assists another in carrying out an internationally wrongful act, such as a breach of international humanitarian law or human rights, as stated in the International Law Commission's Articles on State Responsibility. Articles 16 and 17 codify this, reaffirming that aid that is provided without moral or legal restraint has legally enforceable repercussions.²¹ The values of humanity, neutrality, impartiality, and independence that guide humanitarian action which guarantee that aid is provided in an ethical manner free from political manipulation further shape the field. These guidelines support the law's requirement to preserve civilians' rights and dignity even in times of war.²²

When aid involves partners, particularly non-state entities, the complexity increases. International law has two functions: it forbids providing assistance to those who violate humanitarian standards and requires aid providers to make sure the people they assist

²⁰ICRC, *Respect for IHL* ("States ... have an obligation to 'respect and to ensure respect for' IHL in all circumstances. They must use their influence to prevent and end violations [...] and refrain from encouraging violations by other parties.")

²¹ ICRC, *Our Fundamental Principles* ("Humanity, impartiality, neutrality, independence these guide and define our work.")

²² European Commission, *Humanitarian principles* (defining humanity, neutrality, impartiality, independence)

do not violate those standards themselves.²³ Article 1 of the Geneva Conventions outlines this interaction, and state responsibility philosophy reflects it, especially in obligations to uphold International Humanitarian Law (IHL) and refrain from complicity.²⁴

This chapter emphasizes how, despite its foundation, current legal frameworks are frequently unable to handle complex real-world situations like dual-use aid, asymmetrical conflicts, and proxy conflicts. It draws attention to the pressing need for more precise definitions, robust frameworks for accountability, and flexible systems that make into account how contemporary conflict is changing.

2.1. FOREIGN ASSISTANCE IN ARMED CONFLICT

According to the **Foreign Assistance Act of 1961 (FAA)**, foreign assistance is the term used to describe the economic, military, or humanitarian support that the United States provides to other governments, organizations, or people in order to further US economic interests, humanitarian objectives, and national security.²⁵ The act does not specifically contain this definition, but Section 101, which outlines the policy goals of US foreign assistance, states that it seeks to advance US national interests, reduce poverty, and foster economic growth through a variety of aid programs, including military, developmental, and economic assistance.²⁶ Concerning the consequences of funding opposing parties in a conflict, especially when such aid may contribute to violations of international humanitarian and human rights law, it raises legal issues under the FAA, the Geneva Convention (Parts II and IV), and the ICCPR. It includes US military aid to Israel and humanitarian aid to Palestinians.

2.1.1 MEANING OF OPPOSING PARTIES

According to applicable international legal systems, "opposing parties" in an armed conflict are the entities involved in the war, such as states, non-state armed organizations, or occupying powers. Opposing parties are defined as the High Contracting Parties

²³ ICRC, 'Setting the scene: The international legal framework of partnered operations and mechanisms for its national implementation' (n 1) (explaining obligations to ensure respect for IHL in support relationships).

²⁴ *ibid*

²⁵ Foreign Assistance Act of 1961, S101, 22 U.S.C.

²⁶ *ibid*

engaged in an international or non-international armed conflict, and they are in charge of making sure that civilian populations are protected from the effects of hostilities under Part II, Article 13 and Part III, Section I, Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949).²⁷ In particular, Article 2 describes how the Convention applies to disputes between two or more High Contracting Parties, whereas Article 3 gives non-international disputes only limited safeguards, suggesting that both state and non-state entities are opposing parties.²⁸ Although civilian rights are outlined in Articles 2 and 3, the obligations of foreign powers that provide funds to opposing parties are not specifically addressed, which may allow for indirect contributions to violations.²⁹ Furthermore, non-state players in non-international conflicts are subject to lax enforcement mechanisms under Article 3, which depend on state cooperation in the absence of legally enforceable compliance measures.³⁰

2.1.2 STATE RESPONSIBILITY

The legal accountability of a state for violations of its international commitments, including those resulting from armed wars, is known as state responsibility. Article 29 of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War implicitly holds a state accountable for actions taken by its armed forces or agents against protected individuals, requiring the state to guarantee adherence to the Convention's provisions and make amends for infractions.³¹ During armed conflicts, this involves making certain that civilians are shielded from the consequences of hostilities. As required by Article 29, the study probably looks at whether U.S. funding helps either party violate the Convention, pointing to U.S. responsibility for failing to prevent or mitigate harm to

²⁷ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, arts 2, 3, 13, 27

²⁸ *ibid*

²⁹ *ibid*

³⁰ *ibid*

³¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art 29.

civilians, especially in making sure that aid does not allow recipients to violate international humanitarian law. The accountability of third-party states that give material or financial support to belligerents who breach the Convention is not specifically addressed in Article 29, which establishes state responsibility for the actions of its agents.³² The clause depends on voluntary or diplomatic compliance and is vague about who is responsible for indirect contributions (such as finance) and provides no strong enforcement mechanism. Furthermore, state-funded non-state actors' cooperation in infractions is not covered.³³

2.1.3 ARMED CONFLICT

Articles 2 and 3 of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War define "armed conflict." "All cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them," according to Article 2, are covered by the Convention.³⁴ Regardless of official announcements, this covers international military confrontations like wars between states or circumstances in which a state's territory is partially or completely occupied. The Convention's applicability is expanded by Article 3 to include "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties," which includes wars between armed non-state groups and states as well as between such groups inside states.³⁵ In both international and non-international armed conflicts, this dual framework guarantees that the bare minimum of humanitarian protections, especially for civilians, are applicable. However, the Convention relies on factual evaluations of the level of hostilities and the structure of the parties involved, especially for non-international conflicts under Article 3, and does not provide a precise threshold for what qualifies as a "armed conflict."

³² *ibid*

³³ *ibid*

³⁴ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, arts 2, 3.

³⁵ *ibid*

2.1.4 HUMANITARIAN ASSISTANCE

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) addresses humanitarian assistance, especially Article 23, which requires High Contracting Parties to permit the free flow of basic humanitarian aid, including food, clothing, and medical supplies, for civilians of another contracting state, even if those civilians are engaged in hostilities, as long as the aid is impartial and monitored to prevent diversion to military uses.³⁶ U.S. humanitarian aid complies with Article 23's regulations, especially when it comes to making sure relief reaches civilians without encouraging violent behavior.³⁷ The Convention's lax enforcement and vague provisions governing aid to non-state players provide difficulties, making it more difficult for the United States to strike a balance between its humanitarian commitments and the conflict's political and security factors.

2.2 PRINCIPLE OF NON INTERVENTION UNDER THE UN CHARTER

Enshrined in Article 2(4) of the UN Charter, the concept of non-intervention forbids governments from interfering in matters under another state's domestic authority, including by offering foreign aid that can intensify violent conflicts. The goal of this idea is to protect state sovereignty and keep outside parties from interfering in domestic disputes. But there are serious flaws when it comes to applying it to foreign aid during armed conflicts, like US aid to Israel. Particularly when aid is given to a state fighting a non-international military war against a non-state actor, such as Hamas in the Israel-Palestinian conflict, the principle is vague about what exactly qualifies as an illegal interference. For example, under a 2016 deal, U.S. military assistance to Israel totaled \$3.8 billion per year and may be seen.

³⁶ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art 23.

³⁷ Ibid

2.3 LAW OF NEUTRALITY AND FOREIGN ASSISTANCE

The 1907 Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land established the law of neutrality, which forbids neutral states from offering military support to parties engaged in armed conflict.³⁸ The United governments, a non-neutral state that gives Israel substantial military support, operates outside of this framework, taking advantage of the norm's limited applicability in contemporary conflicts where governments frequently support one side.³⁹ This law's flaw is its antiquated definition of neutrality, which ignores the complexity of proxy battles and the financial backing that subtly feeds hostilities.⁴⁰ In order to address indirect forms of help, neutrality must be redefined in light of this normative shortcoming.

2.4 SOFT LAW AND THE UNITED NATIONS SECURITY COUNSEL

In order to maintain conformity with international law, states are required by UN Security Council Resolution 1373 (2001) to stop the financing of terrorism, including through foreign aid.⁴¹ This resolution does not specifically control state-to-state assistance, such as U.S. aid to Israel, even while it concerns the financing of non-state actors, such as Palestinian organizations like Hamas. A major vacuum is created by the resolution's ambiguous wording and absence of precise standards for ensuring state compliance, which permit nations to offer aid without sufficient control. This has made it possible for the United States to back Israel in the Israel-Palestinian conflict without being investigated for maybe indirectly endorsing IHL crimes.⁴² The resolution's emphasis on terrorism

³⁸ Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, 18 October 1907, Article 4.

³⁹ Congressional Research Service, *U.S. Foreign Aid to Israel* (2022) <https://crsreports.congress.gov> (accessed 14 August 2025.)

⁴⁰ *ibid*

⁴¹ UN Security Council Resolution 1373 (2001), UN Doc S/RES/1373.

⁴² Al-Haq, *Legal Analysis of U.S. Military Aid to Israel* (2022) <https://www.alhaq.org/publications/2022> (accessed 14 August 2025.)

financing at the expense of more general foreign aid presents a normative dilemma and emphasizes the need for more extensive soft legislation.

2.5 ACCOUNTABILITY AND INTERNATIONAL HUMAN RIGHTS LAW

States are required by international human rights legislation, especially the International Covenant on Civil and Political Rights (ICCPR), to protect and uphold rights including the right to life, which can be infringed by misusing foreign aid during violent situations.⁴³ As a signatory to the ICCPR, the United States bears responsibility for making sure that its assistance does not exacerbate human rights abuses in the Israel-Palestinian conflict. However, there are no explicit provisions in the ICCPR that deal with foreign assistance, and state self-reporting which is sometimes insufficient is the basis for its enforcement. One crucial shortcoming is the lack of a legally binding system to make donor nations responsible for the consequences of their assistance.⁴⁴ This is seen in instances where U.S. aid to Israel is sporadic, potentially permitting activities that violate Palestinian rights without resulting in direct legal repercussions under the IHRL.

2.6 THE ROLE OF CUSTOMARY INTERNATIONAL LAW

Article 16 of the Draft Articles on State Responsibility reflects customary international law, which forbids governments from supporting or assisting in the commission of globally unlawful acts.⁴⁵ This rule is applicable to foreign aid that encourages violations of IHL or IHRL. U.S. military assistance in the Israel-Palestinian conflict may violate this rule if it willfully permits abuses like disproportionate strikes. However, the lack of an international enforcement authority and the high standard of proof make it difficult to prove official complicity. The weakness in customary law is its dependence on *opinio juris* and state

⁴³ International Covenant on Civil and Political Rights, 16 December 1966, Article 6.

⁴⁴ B'Tselem, *The Occupation's Impact on Palestinian Rights* (2023) <https://www.btselem.org/publications> (accessed 14 August 2025).

⁴⁵ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts* (2001), Article 16.

practice, which are incompatible with international aid and enable nations such as the United States to avoid accountability.⁴⁶ In the context of Israel and Palestine, this normative uncertainty compromises responsibility.

2.7 REGULATION OF MILITARY ASSISTANCE AND THE ARMED TRADE TREATY

The 2013 adoption of the Arms Trade Treaty (ATT) mandates that before allowing an arms transfer governments evaluate the likelihood that it may result in grave violations of IHL or IHRL. Although the ATT's principles are consistent with customary international law, the United States, a signatory but not a party, is not legally bound by its terms.⁴⁷ The lack of a legally enforceable enforcement mechanism and the ATT's reliance on state discretion in risk assessments are its main weaknesses. Precision-guided munitions and other U.S. arms exports to Israel in the Israel-Palestinian conflict have come under fire for facilitating disproportionate strikes, but the ATT is powerless to enforce compliance or impose sanctions.⁴⁸ The treaty's inability to specifically address financial assistance widens the gap by creating a normative vacuum in the regulation of financial support that makes arms purchase easier.

2.8 THE PRINCIPLE OF DISTINCTION UNDER INTERNATIONAL HUMANITARIAN LAW

According to Article 48 of Additional Protocol I to the Geneva Conventions, the concept of distinction requires that parties to an armed conflict make a distinction between combatants and civilians and limit military actions to achieving military goals.⁴⁹ By requiring nations to make sure that aid does not support IHL violations, such as targeting

⁴⁶ Orna Ben-Naftali, 'Complicity in Violations of International Law' (2019) *Israel Law Review* 52(2), 145–167.

⁴⁷ Arms Trade Treaty, Article 6.

⁴⁸ Amnesty International, *Israel/OPT: US-Made Weapons Used in Unlawful Attacks* (2023) <https://www.amnesty.org> (accessed 14 August 2025.)

⁴⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 48.

civilians, this concept implicitly regulates foreign assistance. Concerns over adherence to this concept are raised by U.S. military aid to Israel, particularly financing for the Iron Dome, in the Israel-Palestinian conflict because certain operations have claimed civilian lives. The vacuum is caused by Additional Protocol I's absence of particular procedures to oversee and regulate recipient nations' use of foreign military assistance.⁵⁰ The vacuum is caused by Additional Protocol I's absence of particular procedures to oversee and regulate recipient nations' use of foreign military assistance. The efficacy of the principle is undermined since states like the United States are able to provide aid without adequately examining its effects on civilian populations due to the lack of required reporting or oversight.

2.9 EXECUTION AND IMPOSITION OF INTERNATIONAL FRAMEWORKS

Under international law, giving foreign aid during armed conflicts especially when it funds the opposing parties raises difficult moral and legal issues. Using the United States' foreign aid in the Israel-Palestine conflict as a case study, this examination focuses on how international legal frameworks controlling such assistance are implemented and enforced. The goal of international legal tools, such as the United Nations Charter and the Geneva Conventions, is to control state conduct in order to keep conflicts from getting worse and to guarantee adherence to international humanitarian law (IHL) and sovereignty principles. But when these frameworks are put into practice, they frequently show serious flaws that reduce their efficacy, like ambiguous clauses, a lack of enforcement tools, and normative difficulties.

2.9.1 THE UNITED NATIONS CHARTER

Article 2(4) of the UN Charter forbids governments from threatening or employing force against another state's political independence or territorial integrity, hence limiting foreign aid that might intensify hostilities.⁵¹ The United States gives Israel over \$3.8 billion in

⁵⁰ Human Rights Watch, *Israel/Palestine: Unlawful Israeli Airstrikes Kill Civilians* (2021) <https://www.hrw.org/news/2021/05/27/israelpalestine-unlawful-israeli-airstrikes-kill-civilians> accessed 14 August 2025.

⁵¹ Charter of the United Nations, Article 2(4).

military aid each year in the Israel-Palestinian conflict, which critics claim permits practices like settlement construction that violate Article 2(4) and violate Palestinian territorial rights.⁵² Although the UN Security Council has occasionally passed resolutions addressing these issues, implementation is nevertheless weakened because of veto rights, especially held by the United States, which protect Israel from penalties and legally enforceable actions

2.9.2 THE GENEVA CONVENTION

States are required by the Geneva Conventions, particularly Common Article 1, to uphold and guarantee adherence to international humanitarian law, which includes making sure that aid from outside sources does not encourage transgressions during armed conflicts.⁵³ In reality, the United States carries out this policy through domestic legislation such as the Leahy Amendments, which forbid aid to foreign entities involved in human rights abuses; but, in the Israel-Palestine context, execution of these laws varies.⁵⁴ For example, there are concerns over IHL compliance because U.S. military assistance to Israel has been connected to operations that resulted in civilian deaths in Gaza.⁵⁵ The enforcement gap results from donor governments' self-regulation rather than the existence of an international oversight organization to keep an eye on how aid is being used. The intention of the Conventions is undermined by this normative shortcoming, which permits ongoing support without responsibility.

⁵² Congressional Research Service, *U.S. Foreign Aid to Israel* (2022) <https://crsreports.congress.gov> (accessed on 12 August 2025)

⁵³ Geneva Conventions of 12 August 1949, Common Article 1.

⁵⁴ U.S. Code, Title 22, Section 2378d (Leahy Amendment).

⁵⁵ Human Rights Watch, *Israel/Palestine: Unlawful Israeli Airstrikes Kill Civilians* (2021) <https://www.hrw.org/news> Israel/ palestine-unlawful-israeli-airstrikes-kill-civilians (accessed 15 August 2025)

2.9.3 CONCLUSION

There are numerous flaws in the international legal systems that regulate foreign aid during armed situations, such as IHL, neutrality law, the ATT, UN resolutions, IHRL, and customary law, which reduce their efficacy. In the Israel-Palestinian conflict, donor governments such as the United governments are able to deliver aid without adequate responsibility due to the absence of particular oversight systems, antiquated norms, and reliance on state discretion. Stronger enforcement measures, more precise normative criteria, and a reinterpretation of neutrality to include contemporary forms of aid are all necessary to close these gaps. These issues will be thoroughly examined in the upcoming chapters, with an emphasis on US policy and possible remedies.

CHAPTER THREE

EXPLORING THE NATURE AND SCOPE OF U.S. FOREIGN ASSISTANCE TO ISRAEL AND PALESTINE

3.1 INTRODUCTION

The nature and extent of US foreign aid to Israel and Palestine are examined in this chapter, which lays the groundwork for the legal examination of supporting opposing sides in armed conflict, which is the main focus of the dissertation. This chapter illustrates the unequal but interrelated patterns of assistance that have influenced U.S. policy in the Israel-Palestinian conflict by outlining the historical development, kinds, amounts, and processes of U.S. aid to both groups. Setting the groundwork for later chapters that will examine the international legal ramifications of such dual funding throughout lengthy warfare, the debate relies on official records and statistics to ensure accuracy.

In light of the ongoing occupation and conflict, U.S. foreign aid to Israel and Palestine reflects larger geopolitical agendas. While help to Israel is primarily military in nature, bolstering security alliances, aid to Palestine is focused on humanitarian and developmental needs.⁵⁶ This dichotomy highlights possible conflicts under international humanitarian law, especially those involving neutrality and warring sides' financing. Potential conflicts under international humanitarian law are highlighted by this duality, especially when it comes to neutrality and the financing of warring parties.⁵⁷

3.2 HISTORICAL DEVELOPMENT OF U.S. AID TO ISRAEL

Beginning with the state's founding in 1948, the United States has provided Israel with small grants and loans to aid in infrastructure development and refugee resettlement. Early assistance was irregular and scarce, ranging from \$5 million to \$80 million annually, depending on variables like the influx of Jewish refugees and worries about regional stability.⁵⁸

⁵⁶ U.S Foreign Aid to Israel: Overview and Developments www.congress.gov

⁵⁷ *ibid*

⁵⁸ History and Overview of U.S Foreign Aid to Israel www.jewishvirtuallibrary.org

Due to Cold War tensions, U.S. engagement with Israel began with its instant recognition in 1948 but became important and tangible in the 1950s. Aid totaled \$3.1 billion from 1949 and 1973, with an average of \$122 million per year, mostly in loans for economic development and refugee absorption.⁵⁹ This was augmented by private donations from the American Jewish community, which by 1954 had topped \$700 million. During this time, economic stabilization took precedence over military expansion.⁶⁰

In order to offset Soviet dominance in the Middle East, U.S. aid levels significantly increased after the Yom Kippur War in 1973, rising to over \$2 billion per year and moving from mostly economic to military support.⁶¹ With a total of \$16.3 billion in funding between 1970 and 1979, Israel became a significant strategic ally. During this time, Congress played a crucial role in funding and set the foundation for continued bilateral support.⁶²

Memoranda of Understanding (MOUs), like the 1985 agreement that established forgiven debts and offshore procurement allowances, helped to institutionalize U.S. aid starting in the 1980s.⁶³ As Israel's economy expanded, economic aid started to phase out in the 1990s and was eventually eliminated entirely by 2008, leaving military aid as the predominant type.⁶⁴

In the face of changing threats like non-state actor missile attacks, post-2000 developments, such as the 2016–2028 MOU allocating \$38 billion in military assistance, demonstrate persistent commitments. Supplementary aid approvals after the October 7, 2023, Hamas strikes topped \$17.9 billion, highlighting reactive escalations in response to conflict dynamics.⁶⁵

3.3 TYPES AND AMOUNTS OF AID TO ISRAEL

The main forms of U.S. aid to Israel include missile defense funds, Foreign Military Financing (FMF), and sporadic economic assistance.⁶⁶ With annual allotments averaging

⁵⁹ History and Overview of U.S Foreign Aid to Israel www.jewishvirtuallibrary.org

⁶⁰ U.S aid to Israel in Four Charts | Council on Foreign Relations www.history.state.gov

⁶¹ Assistance to the state of Israel www.gao.gov

⁶² How much financial assistance has us given Israel www.globalaffairs.org

⁶³ Israel: U.S Foreign Assistance FAS Project on Government Secrecy www.sgp.fas.org

⁶⁴ U.S Aid Israel four | Council of Foreign Relations charts www.cfr.org

⁶⁵ U.S Foreign Aid to Israel: Overview and Developments www.congress.gov

⁶⁶ U.S Foreign Aid to Israel: Overview and Developments www.congress.gov

\$3.3 billion under the current MOU, FMF makes up the majority and allows Israel to buy American military hardware. Co-developed with U.S. companies to improve interoperability, missile defense programs including Iron Dome, David's Sling, and Arrow systems receive dedicated financing of about \$500 million annually.⁶⁷ These subsidies are special since they give Israel a domestic spending cap of up to 26.3%, which is not available to other recipients.⁶⁸

Israel is the biggest recipient of U.S. aid since World War II, with a total of \$174 billion in nominal terms and \$298 billion adjusted for inflation from 1946 to 2024. Between 1951 and 2022, military funding alone made for 71% of Israel's total foreign aid, or \$225.2 billion adjusted.⁶⁹

Assistance complies with US regulations, such as the Leah Law, which forbids funding organizations that violate human rights.⁷⁰ A 2024 State Department investigation evaluated possible violations of IHL in Gaza utilizing weapons supplied by the United States.⁷¹

The broad reach beyond regular appropriations is demonstrated by recent statistics showing that since October 2023, an additional \$17.9 billion in security assistance, including arms sales and stockpile access, has been authorized. In order to ensure alignment with U.S. national security goals, this aid is administered through the State Department and Defense Security Cooperation Agency⁷².

3.4 MILITARY ASSISTANCE PROGRAMS FOR ISRAEL

One of the most important initiatives is the Qualitative Military Edge (QME) policy, which Congress authorized to guarantee Israel's dominance over possible enemies.⁷³ This entails intelligence sharing, cooperative drills, and the transfer of modern weapons. Major buys are made possible by Foreign Military Sales (FMS); in previous administrations, FMS has approved over \$12 billion worth of purchases for products like precision bombs and F-35 aircraft. Rapid response measures are exemplified by

⁶⁷ *ibid*

⁶⁸ N1

⁶⁹ Israel: U.S Foreign Assistance FAS Project on Government Secrecy www.sgp.fas.org

⁷⁰ What every American should know about U.S aid to Israel www.ajc.org

⁷¹ N2

⁷² How much aid does the U.S give to Israel www.usafacts.org

⁷³ The Security Assistance Process: Explained – Israel Policy Forum www.israelpolicyforum.org

emergency withdrawals from U.S. stockpiles in Israel, which are valued at over \$1 billion after 2023.⁷⁴ The scope also includes collaborative research and development, with U.S. funds supporting breakthroughs in Israel's defense sector that enhance mutual security.⁷⁵ Together, these initiatives amount to more than \$130 billion in bilateral security-threat assistance, forming a comprehensive cooperation.⁷⁶

3.4.1 Joint Military Exercises and Intelligence Sharing

Joint exercises like Juniper Cobra, which simulates missile defense scenarios and has involved over 2,500 U.S. personnel annually since 2001, are a crucial component of U.S. military aid.⁷⁷ These initiatives improve interoperability and give Israel access to cutting-edge U.S. strategies, with funding ranging from \$100 to \$200 million per exercise cycle. Israel's qualitative advantage is further reinforced by intelligence sharing, which is codified in agreements such as the 2010 U.S.-Israel Enhanced Security Cooperation Act and includes real-time data on regional threats.⁷⁸ These partnerships not only increase Israel's military prowess but also include American resources into its defense strategy, which could lead to the United States being held accountable for transgressing international humanitarian law if they are applied disproportionately during wartime.

3.5 Historical Development of U.S. Aid to Palestine

U.S. assistance to Palestinians resumed in earnest following the 1993 Oslo Accords, intending to support peace negotiations and institution-building for the Palestinian Authority (PA).⁷⁹ Aid was previously distributed through UN organizations such as UNRWA, which was founded in 1949 to provide aid to refugees.⁸⁰ Over \$5 billion in bilateral aid was provided between 1994 and 2020, with an emphasis on humanitarian needs and economic growth in the face of Israeli occupation. Political factors, like as the suspension of aid following Hamas's 2006 election victory, caused variations in the 2000s.⁸¹ Aid after 2010 focused on governance changes and security cooperation with

⁷⁴ In Shadow of War a Snapshot of US Military Assistance to Israel www.stimson.org

⁷⁵ U.S Security Cooperation with Israel – State Department www.state.gov

⁷⁶ *ibid*

⁷⁷ US Department of Defense, 'U.S.-Israel Joint Military Exercises' (Press Release, 2022)

⁷⁸ Enhanced Security Cooperation Act of 2012

⁷⁹ The Palestinians: Background and U.S Relations www.congress.gov

⁸⁰ International aid to Palestinians www.wikipedia.org

⁸¹ U.S Foreign Aid to the Palestine www.everycrsreport.com

PA forces, although it was restricted by the Taylor Force Act (2018), which forbade funding for terrorists' families. By 2024, the Biden Administration had committed more than \$1 billion in humanitarian assistance for Gaza, having begun funding in 2021.⁸²

Although UNRWA funding delays impacted \$300,000 in FY2024 allocations because of claims of staff involvement in attacks, aid for crisis response has increased from October 2023.⁸³

Aid is screened to exclude out terrorist organizations and is subject to PA stipend restrictions under the Taylor Force Act of 2018 illustrates the challenges between dual funding while adhering to IHL impartiality as some sort of conditions, vetting and legal Restrictions.⁸⁴

Another change in U.S. aid to Israel during the 1980s and 1990s was a move to grant-based financing, which did away with payback requirements and reflected Israel's increasing economic independence. For instance, the 1985 MOU established the idea of "early disbursements," which permits Israel to receive monies at the beginning of each fiscal year—a luxury not granted to other aid recipients—in addition to forgiving existing loans. U.S. assistance helped Israel shift from socialist to market-oriented policies during this time, which coincided with the country's economic liberalization.⁸⁵ By releasing domestic resources, this aid indirectly supported Israel's military capabilities. These procedures highlight the strategic depth of the cooperation between the United States and Israel and could make the United States' neutrality in the conflict more difficult.⁸⁶

3.6 TYPES AND AMOUNTS OF AID TO PALESTINE

The majority of U.S. aid to Palestinians is non-military and includes humanitarian aid, payments to international organizations, and Economic Support Funds (ESF).⁸⁷

Through USAID, ESF funds health, education, and infrastructure initiatives \$30 million

⁸² U.S Foreign aid to the Palestinians www.sgp.fas.org

⁸³ UN Relief and Works Agency for Palestine Refugees in the near www.congress.gov

⁸⁴ U.S aid to Palestine www.Civilianandconflict.org

⁸⁵ Michael Oren, *Power, Faith, and Fantasy: America in the Middle East, 1776 to the Present* (WW Norton 2007) 456-460.

⁸⁶ Aaron David Miller, *The Much Too Promised Land: America's Elusive Search for Arab-Israeli Peace* (Bantam 2008) 220-225.

⁸⁷ Palestinian Territories – United States Department of State www.state.gov

for food distribution foundations is one of the recent approvals for humanitarian aid that addresses the urgent needs in Gaza and the West Bank.⁸⁸ Under the U.S. Security Coordinator, security support is restricted to non-lethal training for PA troops. Over \$11 billion in U.S. aid has been provided since 1950, with \$6 billion going to UNRWA. \$914 million was reported for FY2024, while \$293.6 million was distributed for FY2023.⁸⁹ The United States contributed \$40 billion in overseas aid between 1994 and 2020, of which 35.4% financed PA budgets.⁹⁰

The United States has contributed to multilateral initiatives, such as the World Bank's Palestinian Recovery and Development Plan, which has received over \$500 million in U.S. promises since 2008 for infrastructure including water desalination plants in Gaza, in addition to humanitarian channels and the ESF.⁹¹ With recent FY2024 allocations giving priority to emergency health services throughout the Gaza situation, these funds—which are frequently matched by international donors—are intended to lessen the economic effects of blockades and occupation. But by limiting Palestine's capacity to develop autonomous security capabilities, the non-military focus prolongs reliance and raises concerns about the fairness of U.S. dual funding in accordance with international law.⁹²

3.7 Restrictions and Conditions on Aid to Palestine

Tight requirements, such as certifications that funds do not assist terrorism or Hamas controlled organizations, apply to U.S. aid to Palestinians. Vetting and control are required by laws such as the Anti-Terrorism Clarification Act.⁹³ As demonstrated by the \$1 billion in extra aid allotted for Gaza in FY2024, which is dependent on humanitarian access, congressional stays and reviews frequently cause delays in disbursements.⁹⁴ After 2024 pauses, historically important UNRWA funding is subject to statutory blocks until March

⁸⁸ State Department approves \$30 million in funding for Gaza www.reuters.com

⁸⁹ Israel and Hamas Conflict in Brief: Overview and U.S Policy www.sgp.fas.org

⁹⁰ International Aid to the Palestinians: Between Politicization www.arabcenterdc.org

⁹¹ World Bank, 'Palestinian Recovery and Development Plan' (Report, 2023) 15.

⁹² Zanotti 12-14

⁹³ U.S Foreign aid to the Palestinians www.sgp.fas.org

⁹⁴ U.S Foreign Aid to the Palestine www.everycrsreport.com

2025. These limitations highlight policy asymmetries in the context of the conflict since they stand in stark contrast to the comparatively unconditional character of aid to Israel.⁹⁵ Legal inconsistency is shown by the selective application of domestic laws in the United States. Over 20% of the FY 2022 funding allocated for Gaza were delayed for a vetting assessment, according to the Government Accountability Office, which resulted in the suspension of food aid and medical operations.⁹⁶ The humanitarian-impartially standard outlined in Article 70 of Additional Protocol I, which requires that relief actions be carried out without adverse distinction, may be violated by such delays, even when they are legal locally.⁹⁷ In contrast, Israeli units accused of abuses have not been subject to comparable legal triggers under the Leahy Law, suggesting a dual-track accountability norm.

3.7.1 Oversight and Implementation Challenges

The U.S. Department of State and USAID will exercise stringent oversight in putting these limitations into effect, including end-use monitoring to make sure money doesn't flow to designated terrorist organizations.⁹⁸ Projects like building schools in the West Bank are delayed due to the fragmented governance in Palestinian territory, where aid must negotiate PA-Hamas differences. According to a 2023 GAO study, for instance, vetting problems resulted in the withholding of more than 20% of FY2022 monies, highlighting inefficiencies.⁹⁹ These procedures, which are designed to comply with U.S. anti-terrorism legislation, frequently make humanitarian crises worse, highlighting the conflict between legal protections and the objectivity demanded by international humanitarian law.¹⁰⁰

⁹⁵ Foreign aid received by Palestine www.globalaffairs.org

⁹⁶ Taylor Force Act 2018

⁹⁷ The Guardian, 'Israeli Parliament Votes to Ban UNRWA from Israel'
<https://www.theguardian.com/world/2024/oct/28/israeli-lawmakers-pass-bill-that-could-halt-unrwa-relief-work-in-gaza>

⁹⁸ Zanotti 15.

⁹⁹ US Government Accountability Office, 'U.S. Assistance to the West Bank and Gaza' (GAO-23-105377, 2023) 20-25

¹⁰⁰ UNRWA, Programme Budget 2024-2025: Blue Book (2024) <https://www.unrwa.org/sites/default/files/2024-2025>

3.8 COMPARATIVE SCOPE AND IMPLICATIONS

The amount and type of U.S. aid to Israel is significantly more than that to Palestine: \$298 billion compared to \$11 billion in the past, with Israel's help being militaristic and Palestine's humanitarian. Although this disparity reflects strategic priorities, it also calls into question the fairness of conflict funding.¹⁰¹ The scope increases U.S. involvement by including indirect support through arms sales and UN contributions in addition to direct bilateral aid. Potential violations of neutrality norms are among the implications for the armed conflict; they will be examined legally in later chapters.¹⁰² The United States has consistently and institutionally supported Israel over the last 20 years through long-term defense agreements. Israel receives about US \$3.8 billion in military aid per year under the 2016- 2028 Memorandum of Understanding. Regardless of changes in the regional security environment or Israel's adherence to international humanitarian standards, this commitment is assured.

3.8.1 COMPARATIVE ANALYSIS OF U.S AID TO ISRAEL AND PALESTINE

Every year, Israel receives \$3.8 billion in military aid that is unequal in terms of distribution, kind, and condition, while Palestine receives humanitarian help under strict guidelines. Neutrality may be violated by disparity.¹⁰³ Asymmetries are prolonged by aid, which impacts discussions and the balance of U.S. policy like embassy moves.¹⁰⁴ If help facilitates illegal activity, dual support could implicate the United States in IHL crimes.¹⁰⁵ This difference is also evident in the economic repercussions, as Israeli help supports a high-tech defense sector that contributes 5–6% of GDP, while Palestinian aid faces obstacles brought on by occupation, with unemployment rates in Gaza surpassing 25%.¹⁰⁶ As seen by the stalled Oslo process, these disparities not only maintain power asymmetry but also have an impact on peace talks. According to Article 1 of the Fourth Geneva Convention, which requires third nations to guarantee adherence to humanitarian

¹⁰¹ U.S Foreign Aid to Israel: Overview and Developments www.congress.gov

¹⁰² International Aid to the Palestinians: Between Politicization www.arabcenterdc.org

¹⁰³ U.S aid to Israel in Four Charts | Council on Foreign Relations www.cfr.org

¹⁰⁴ Where U.S aid to the Palestinian territories goes www.globalaffairs.org

¹⁰⁵ U.S Foreign aid to Israel: Overview and Developments www.congress.gov

¹⁰⁶ Zanotti 18.

law, this presents legal issues and might subject the United Nations to accusations of involvement if aid permits violations.¹⁰⁷

3.9 CONCLUSION

In conclusion, U.S. foreign aid to Israel and Palestine demonstrates different characteristics—conditional humanitarian aid versus strategic military alliance—but all share the goal of furthering American interests in regional security. The empirical foundation for assessing the legitimacy of providing support to opposing parties during armed conflict is the broad reach to Israel in contrast to the limited help to Palestine. The overview in this chapter prepares the reader for a more in-depth legal analysis in the dissertation.

¹⁰⁷ Geneva Convention (IV) art 1

CHAPTER FOUR

ASSESSING THE COMPLIANCE AND IMPLICATIONS OF U.S. FOREIGN ASSISTANCE WITH INTERNATIONAL LEGAL OBLIGATIONS IN THE ISRAEL-PALESTINIAN CONFLICT

4.1 INTRODUCTION

Giving foreign aid to warring parties becomes a point of legal and ethical controversy in the complex web of international armed conflict, where the demands of statecraft collide with the principles of international humanitarian law (IHL). In order to determine whether the United States' foreign aid model in the Israel-Palestinian conflict complies with international law, this chapter thoroughly examines it. It also sheds light on the wider ramifications for conflict dynamics and the global normative order. This analysis, which is the main focus of the dissertation's investigation into financing opposing parties during hostilities, positions the United States as a crucial player whose dual-track assistance military generosity to Israel and humanitarian aid to Palestinians walks a delicate tightrope between strategic imperatives and the inviolable principles of international humanitarian law.

4.2 Historical Context: The Evolution of U.S. Aid in the Israel-Palestinian Maelstrom

From post-1948 state-building to Cold War bulwark, the United States' role as a benefactor in the Israel-Palestinian conflict has evolved into a complex system of military and humanitarian assistance. With more than \$310 billion (inflation-adjusted) in bilateral aid since Israel's founding, the United States has made Israel the greatest recipient of American aid overall.¹⁰⁸ With the 2016 Memorandum of Understanding (MOU) promising \$38 billion in military aid from 2018–2028, mostly through Foreign Military Financing (FMF) grants under the Arms Export Control Act (AECA), the 1979 Camp David Accords solidified this sponsorship, etc.¹⁰⁹ As required by the Naval Vessel Transfer Act of 2008

¹⁰⁸ Congressional Research Service, U.S. Foreign Aid to Israel

¹⁰⁹ *ibid*

(P.L. 110-429), this aid has strengthened Israel's qualitative military edge (QME) by funding cutting-edge technologies like F-35 fighters and Iron Dome, with \$16.1 billion set aside for missile defense by 2025.¹¹⁰

On the other hand, \$7.6 billion in U.S. aid to Palestinians, which was started after the 1993 Oslo Accords, will be distributed through USAID for economic, health, and governance development in the West Bank and Gaza.¹¹¹ However, laws such as the Taylor Force Act, which forbids funding to organizations associated with terrorism, severely restrict this aid, demonstrating a cautious humanitarianism overshadowed by Israel's military dominance.¹¹²

4.3 Legal Framework: U.S. Aid Under the Microscope of International and Domestic Law

IHL, international arms transfer standards, and U.S. domestic laws all impose different but related duties that must be met for U.S. foreign aid to be considered lawful. According to Common Article 1 of the 1949 Geneva Conventions, nations are required to "respect and ensure respect" for International Humanitarian Law (IHL), which forbids aid that foreseeable aids serious violations like collective punishment (Article 33, Geneva Convention IV) or indiscriminate attacks (Additional Protocol I, Art. 51).¹¹³ This is demonstrated by the 1986 Nicaragua case before the International Court of Justice (ICJ), which held third parties accountable for aid that enabled transgressions of international law.¹¹⁴ A standard relevant to U.S.-supplied munitions in Gaza, the Arms Trade Treaty

¹¹⁰ Ibid

¹¹¹ Congressional Research Service, U.S. Assistance to the Palestinians: Constraints and Challenges (Report RL34074, 2025) 3.

¹¹² Ibid

¹¹³ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art 33.

¹¹⁴ International Court of Justice, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States) [1986] ICJ Rep 14, para 220.

(ATT) (2014), which the United States has not joined, further prohibits arms transfers when there is a significant danger of IHL violations.¹¹⁵

The FAA requires human rights compliance on a domestic level. Section 502B forbids aid to states that commit flagrant abuses, however Israel is regularly exempted due to national security concerns.¹¹⁶ The Leahy Law mandates screening in order to bar aid to organizations involved in abuses, but its implementation in Israel has been uneven, with repair frequently being preferred to suspension. When Israel restricted help to Gaza in 2024, it tested the FAA's Section 620I, which prohibits funding to nations that hinder humanitarian access.¹¹⁷ Despite having a strong theoretical foundation, this legal framework exhibits a selective enforcement paradigm, which calls into question whether it adheres to the universalist principles of IHL.

4.3.1 The Emerging Duty to Prevent Genocide

The 2007 ruling in *Bosnia v. Serbia* broadened state responsibility to include the obligation to stop genocide in cases where a state is capable and knowledgeable enough to do so.¹¹⁸ In its 2024 lawsuit before the International Court of Justice, South Africa accused Israel of committing genocide in Gaza and used U.S. military deliveries as proof of third-state collusion.¹¹⁹ The United States continued to export weapons notwithstanding the issuance of temporary measures, which raises concerns under Article 1 of the Genocide Convention.¹²⁰

¹¹⁵ Arms Trade Treaty art 6..

¹¹⁶ Foreign Assistance Act of 1961 S502B

¹¹⁷ U.S. Department of State, Leahy Law Implementation Report: Israel (September 2024) 4.

¹¹⁸ *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* (Merits) [2007] ICJ Rep 43, paras 425–438.

¹¹⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel) (Request for the Indication of Provisional Measures)* [2024] ICJ (Order of 26 January 2024) paras 1–2, 74–83.

¹²⁰ Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277 (Genocide Convention) art 1

4.5 Case Study: U.S. Aid in the 2023-2024 Israel-Hamas War

The 2023–2024 Israel-Hamas conflict, which was brought on by Hamas's October 7, 2023, strike that claimed 1,200 Israeli lives, provides a clear prism through which to assess whether U.S. aid complies with its international commitments. Underpinned by \$17.9 billion in U.S. additional aid, including \$6.8 billion FMF, \$5.2 billion for missile defense, and expedited munitions (e.g., 90,000 tons by 800 flights), Israel's Operation Swords of Iron killed nearly 42,000 Palestinians by mid-2025 (according to UN estimates).¹²¹ The deployment of 2,000-pound GBU-31 bombs supplied by the United States in attacks such as Jabalia (October 31, 2023, 120 civilian casualties) was noteworthy and raised questions about proportionality and distinction under international humanitarian law.¹²²

In violation of FAA 620I and IHL's humanitarian access regulations (GC IV, Art 23), Israeli blockades at Rafah and Kerem Shalom prevented \$1.2 billion in humanitarian relief to Palestinians through USAID and UNRWA.¹²³ The State Department acknowledged "reasonable" evidence of violations (such as indiscriminate bombings) in a May 2024 report, which led to a temporary suspension of 2,000-pound bomb transfers¹²⁴. This was reversed under Trump in February 2025. The Biden administration's National Security Memorandum-20 (February 2024) required IHL compliance assurances. Additionally, despite UN denials, UNRWA funding was suspended in response to Israeli accusations, underscoring the vulnerability of domestic legislation to political whims.¹²⁵

While U.S. aid to Israel formally complies with the emergency provisions of the AECA Section 36(b), its use in strikes that violate the proportionality of IHL (such as the Al-Taj Towers hit on October 10, 2023) runs the danger of complicity under the ICJ's Wall

¹²¹ Congressional Research Service, U.S. Foreign Aid to Israel

¹²² Human Rights Watch, Israel/Gaza: Indiscriminate Attacks with U.S.-Supplied Munitions (15 November 2023) 7

¹²³ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art 23.

¹²⁴ U.S. Department of State, Suspension and Resumption of Munitions Transfers to Israel (February 2025)

¹²⁵ U.S. Department of State, National Security Memorandum-20: Report on AECA Compliance (May 2024)

advisory opinion (2004).¹²⁶ This case study highlights a dilemma in compliance. Leahy Israeli promises weakened law enforcement in spite of believable IDF infractions (such as torture of detainees in Sde Teiman), a leniency criticized in a 2024 Senate report.¹²⁷ The ineffectiveness of Palestinian aid, as demonstrated by the May 2024 failure of the JLOTS pier, highlights a humanitarian deficit, with 90% of Gazans experiencing food insecurity by August 2025. Therefore, the legal façade of U.S. aid conceals a more profound normative split.¹²⁸

4.5.1 Saudi Arabia v Yemen

Amnesty International claimed that through multibillion dollar weaponry exports to Saudi Arabia that greatly outweigh their humanitarian efforts and that great crimes have caused terrible suffering amongst civilians in Yemen. Together the United States and the U.K have given Saudi Arabia, which is in charge of the military coalition in Yemen more than five billion dollars' worth of weapons since the conflict started in March 2015.¹²⁹ This is more than ten times the estimated US\$450 million that the US state department and the UKs department for international development have spent or budgeted to spend in aid to Yemen during the period of 2015-2017.¹³⁰

The deputy for research at amnesty international Beirut regional office stated that, "two years of conflict has forced 3million people to flee their homes, shatter the lives of thousands of civilians and left Yemen facing a humanitarian disaster with more than 18 million in desperate need of assistance. Yet despite the millions of dollars' worth of international assistance allocated to the country, many states have contributed to the suffering of the Yemeni people by continuing to supply billions of dollars' worth of arms"¹³¹.

¹²⁶ International Court of Justice, Legal Consequences of the Construction of a Wall para 163.

¹²⁷ Congressional Research Service, Leahy Law Vetting in U.S. Foreign Assistance (Report R43361, 2024) 9.

¹²⁸ World Food Programme, Gaza Food Security Assessment (August 2025) 4.

¹²⁹ Amnesty international, *Yemen: multibillion-dollar arms sales by USA and UK reveal shameful contradiction with aid efforts*, 23 March 2017 <https://www.amnesty.org/en/latest/news/2017/03/yemen-multibillion-dollar-arms-sales-by-usa-and-uk-reveal-shameful-contradiction-with-aid-efforts> accessed 28 October 2025

¹³⁰ Ibid.

¹³¹ Ibid.

This example highlights the consequences of the United States of America's meddling in both sides of a conflict by providing aid to one state while simultaneously providing weapons to the other state involved in the conflict.

4.6 New Dimensions of Non-Compliance

4.6.1 Violation of Jus Cogens: The Occupation-Aid Nexus

Israel's occupation is maintained by U.S. funding, which the ICJ said was illegal in the Wall judgment (2004). Settlement expansion is made possible by the \$3.8 billion FMF annually, which is against GC IV Art 49(6). No deviation is allowed from the peremptory norms, which are violated in this case.¹³²

4.6.2 The Principle of Belligerent Equality and Aid Asymmetry

While material equality is not a requirement of IHL, aid that knowingly skews the military balance to allow for IHL violations is prohibited. Israel has a 15:1 military budget advantage over Hamas thanks to U.S. aid, allowing for continuous bombardment that is incompatible with proportionality.¹³³

4.6.3 Erosion of the Duty of Neutrality in NIAC

The United States violates the spirit of impartiality in NIAC under Common Article 3 by funding one party (Israel) while giving Palestinian citizens only limited, conditional aid,

¹³² Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Rep 136, para 120

¹³³ Stockholm International Peace Research Institute, 'Trends in International Arms Transfers, 2023' (SIPRI Fact Sheet, March 2024) 4–5

while not being a formal neutral.¹³⁴ The impartiality principle of the ICRC is compromised by this selective humanitarianism.

4.7 Implications: Beyond Compliance to Normative Decay

4.7.1 Precedent for Third-State Complicity

The Nicaraguan and Bosnian frameworks could be weakened by U.S. activities that run the risk of legalizing third-state cooperation in IHL violations. Major states may use U.S. precedent to arm allies with impunity in future conflicts.¹³⁵

4.7.2 Undermining UN Collective Security

While supplying Israel, the US vetoed three UNSC ceasefire resolutions from 2023 to 2024, undermining Chapter VII authority and the UN's peacekeeping mission.¹³⁶

4.7.3 Long-Term Obstacles to Jus Post Bellum

Persistent military assistance upholds occupation, hinders the possibility of a Palestinian state, and violates the jus cogens rule of the right to self-determination.¹³⁷ Due to its historical conditionality, reconstruction help ignores the underlying reasons, which feeds violent cycles.¹³⁸

¹³⁴ International Committee of the Red Cross, 'The Fundamental Principles of the Red Cross and Red Crescent' (Proclamation, 1965) principle of neutrality

¹³⁵ Nicaragua v United States paras 220, 242

¹³⁶ UNSC Verbatim Records S/PV.9478 (18 October 2023)

¹³⁷ Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Advisory Opinion) [2019] ICJ Rep 95, para 180

¹³⁸ World Bank, 'Economic Monitoring Report to the Ad Hoc Liaison Committee' (19 September 2024) 14–16.

4.8 Implications: Balancing Strategic Imperatives with IHL Compliance

The legal stance of U.S. aid has significant ramifications, altering international IHL adherence and belligerent dynamics. The imbalance of the conflict is distorted by U.S. funding, which gives Israel 20% of its defense budget. This undermines the parity principle of international humanitarian law (AP I, Art 51(4)) and permits breaches such as collective punishment during the siege of Gaza.¹³⁹ In its 2004 Wall judgment, the ICJ condemned third-state support for occupation and linked U.S. assistance to the continuation of Israel's West Bank practices.¹⁴⁰ Multilateral IHL enforcement is weakened by the selective execution of the Leahy Law at home, as demonstrated by the three UNSC ceasefires that the United States vetoed in 2023–2024.¹⁴¹ This assistance paradigm undermines Oslo's two-state goal by stifling Palestinian agency due to Israel's military control and preventing realistic state-building due to the limitations of humanitarian help.¹⁴² If implemented, the ATT's risk-based framework might reorient US policy; however, its absence creates a normative vacuum, with aid escalating rather than ending violence.

4.9 CONCLUSION

The forensic analysis of U.S. foreign aid in this chapter reveals a contradictory policy: one that is crucial to Israel's security but also one that may be complicit in violations of international humanitarian law and the continuation of the conflict. This dichotomy is encapsulated in the 2023–2024 case study, when humanitarian help fails to overcome resistance while military aid encourages disproportionate force, revealing violations of both domestic and international humanitarian law. The need for reform becomes more pressing as the dissertation progresses: strict Leahy enforcement, ATT alignment, and

¹³⁹ Protocol Additional to the Geneva Conventions art 51(4).

¹⁴⁰ International Court of Justice, Legal Consequences of the Construction of a Wall para 159.

United Nations Security Council, Draft Resolutions S/2023/970, S/2023/972, S/2024/100 (Vetoed by the United States, 2023-2024).

¹⁴² B'tselem, Oslo's Legacy: Occupation and Aid Dependency in the Palestinian Territories (2023) 15

fair aid distribution are essential to balancing the United States' altruism with its moral and legal commitments. The United States must rise beyond its position as a conflicted patron in this crucible and pave the way for aid to promote peace rather than continuation in the Israel-Palestinian conflict.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

With an emphasis on US foreign aid in the Israel-Palestinian conflict, this dissertation has attempted a thorough legal investigation of aiding opposing sides during armed conflict. It has examined the international legal frameworks, the details of US aid policies, and their adherence to legally enforceable commitments under international law in a methodical analysis spanning four previous chapters. The research proposal was presented in Chapter one, which established the fundamental questions and methodology. The efficacy of international legal norms guiding foreign aid in armed conflicts was evaluated in Chapter two. The nature and extent of US foreign aid to Israel and Palestine were covered in detail in Chapter three. The conformity of such aid with international legal duties and its wider ramifications were assessed in Chapter four.

This final chapter summarizes the main conclusions from each of the earlier chapters and draws particular conclusions that support the main argument of the dissertation, which is that although international law offers strong guidelines for controlling foreign aid in armed conflicts, actual implementation is still insufficient, especially in politically sensitive situations like the Israel-Palestinian conflict. The findings draw attention to institutional flaws, difficulties with compliance, and the necessity of reform. After them, a number of suggestions are made to address the main issues of the dissertation, arranged under clear subtitles. In line with the tenets of human rights law and international humanitarian law (IHL)¹⁴³, these ideas seek to improve legal compliance, advance humanitarian ideals, and create lasting peace.

5.2 SPECIFIC CONCLUSIONS

The chapter's results confirm the investigation's applicability and timeliness. A prime example of the conflicts between state sovereignty, non-intervention norms, and humanitarian imperatives is the Israel-Palestinian conflict, which is classified as an

¹⁴³ <https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law> European Commission, 'International Humanitarian Law' accessed 3 November 2025.

international armed conflict under Common Article 2 of the Geneva Conventions.¹⁴⁴ Foreign aid can either lessen or worsen conflict dynamics, according to the methodological combination of doctrinal analysis, case study analysis, and normative evaluation. In the end, the framework of the proposal emphasizes that such assistance runs the risk of undermining the fundamental principles of international law, such as the prohibition on helping violations of IHL as stated in Article 1 common to the Geneva Conventions¹⁴⁵, if it is not subjected to strict legal scrutiny.

5.2.1 CHAPTER ONE

The chapter lays the groundwork and provides an overview of the study. It provides a thorough overview of the research, highlighting the legislation related to the study's main topic. It also emphasizes the problem statement, the study's decision, its goal, and its scope. Additionally, this chapter emphasized the research questions that help solve the problem statement by offering solutions. In summary, this chapter provides the study methodology and the literature review.

5.2.2 CHAPTER TWO

The principles of humanity, neutrality, impartiality, and independence as enshrined in UN General Assembly Resolution 46/182¹⁴⁶ were among the international legal frameworks and principles that govern foreign assistance in armed conflicts. The analysis covered important treaties like the four Geneva Conventions of 1949 and their Additional Protocols, which require states to ensure respect for IHL and refrain from assisting parties in committing violations. It also took into account customary international law, including the duty of non-intervention under Article 2(4) of the UN Charter¹⁴⁷, as well as significant

¹⁴⁴ Geneva Convention I

¹⁴⁵ *ibid*

¹⁴⁶ UNGA Res 46/182 (19 December 1991)

¹⁴⁷ Charter of the United Nations

cases like *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*).¹⁴⁸

The chapter concludes that although these principles constitute a strong normative foundation, inadequate enforcement hinders their efficacy. States frequently give strategic relationships precedence over legal commitments, which results in selective application. For example, in practice, wealthy donors take advantage of gaps in treaty language to deliver biased help, despite the principle of neutrality requiring that aid not favor one combatant. This is made worse by the framework's reliance on state agreement for humanitarian access under Articles 9/10 of the Geneva Conventions¹⁴⁹, which permits parties to arbitrarily block supplies. The lack of legally binding procedures for third-state accountability undermines the principles' overall effectiveness, underscoring the need for more robust international oversight to stop aid from escalating conflicts or permitting atrocities.

5.2.3 CHAPTER THREE

Using information from congressional reports and policy assessments, Chapter three looked at the type and extent of US foreign aid to Israel and Palestine. It stated that since 1949, the US has given Israel more than \$174 billion in bilateral aid, mostly in the form of military support through agreements like the 2016 Memorandum of Understanding, which pledges \$3.8 billion a year. Aid to Palestine, on the other hand, is somewhat smaller and focuses on economic and humanitarian assistance through USAID, totaling around \$5.2 billion since 1994, subject to limitations under the Taylor Force Act¹⁵⁰ to prevent funding terrorists.

The findings show a glaring imbalance in US help, with Palestinian aid being conditional and humanitarian in nature, while military funding to Israel makes up the majority (more than 80% of overall aid) and permits the purchase of cutting-edge weaponry.

¹⁴⁸ *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v United States of America*) (Merits) [1986] ICJ Rep 14.

¹⁴⁹ Geneva Conventions I–IV

¹⁵⁰ Taylor Force Act

Supplemental payments made after October 2023, including \$17.9 billion for Israeli military operations, demonstrate that this discrepancy reflects geopolitical interests. Despite being authorized by the US Foreign Assistance Act¹⁵¹, such aid raises concerns about impartiality because it primarily aids one side in a conflict that is still going on. The chapter emphasizes that this scope tests the limits of international legal standards on third-state intervention in addition to influencing conflict dynamics.

5.2.4 CHAPTER FOUR

In Chapter four, the conformity of US foreign aid with international duties was evaluated. Aid was examined in relation to human rights legislation, international humanitarian law, and US domestic statutes such as Section 620I of the Foreign Assistance Act¹⁵², which forbids help to governments that restrict humanitarian access. In light of claims of war crimes in Gaza, as reported by Human Rights Watch and Amnesty International, it brought attention to worries about US arms exports to Israel.

The findings show partial non-compliance, with US aid perhaps going against Common Article 1 of the Geneva Conventions¹⁵³ obligation to guarantee respect for IHL by continuing transfers in spite of evidence of indiscriminate attacks. Consequences include prolonging the conflict, undermining US credibility, and using UN vetoes to protect Israel from international accountability. At home, this is against the Leahy Law, which requires aid suspension for units that violate human rights. According to the chapter, this kind of aid makes humanitarian problems worse, which emphasizes the necessity of conditions that comply with legal requirements.

5.3 RECOMMENDATIONS

5.3.1 POLICY REFORMS FOR ENHANCED COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW

The US Congress should alter the Foreign Assistance Act to include required, independent audits of aid recipients' adherence to IHL, with automatic suspensions upon

¹⁵¹ Foreign Assistance Act of 1961

¹⁵² *ibid*

¹⁵³ *ibid*

proved violations. This would strengthen compliance and replicate the Leahy Law's¹⁵⁴ screening procedures with more stringent deadlines. Common Article 1 obligations, which require end-use monitoring for all military transfers to Israel, including real-time reporting on munitions usage in Gaza, should be clearly included in conditionality. In order to prohibit help that promotes settlement growth, the executive branch should also incorporate IHRL assessments into aid decisions, following ICJ precedents. These changes would reduce the likelihood of complicity and bring US policy into line with international standards.

5.3.2 STRENGTHENING OVERSIGHT MECHANISMS FOR BALANCED ASSISTANCE TO OPPOSING PARTIES

A special bipartisan congressional oversight committee must be established to oversee the distribution of aid, maintaining equilibrium by limiting military aid to Israel to levels commensurate with humanitarian support for Palestine while relaxing restrictions under the Taylor Force Act¹⁵⁵ through PA reform incentives. Annual impact assessments should assess the impact of aid on conflict escalation, incorporating input from NGOs such as HRW to promote accountability and transparency. Incorporating UN observers into aid delivery procedures would ensure impartiality, prevent diversions, and ensure equitable access.

5.3.3 PROMOTING DIPLOMATIC INITIATIVES TO MITIGATE CONFLICT PROLONGATION THROUGH FUNDING

Using aid as a diplomatic tool rather than a blank check, the US should tie future aid packages to concrete advancements in peace talks, such as Israel's adherence to UN resolutions on settlements and Palestine's withdrawal of incitement payments. Encouragement of bilateral negotiations and support for multilateral measures, such as ICJ advisory opinions on occupation legality, would strengthen the norms of non-intervention. Aid's ability to prolong conflicts could be further mitigated by including regional players such as the Arab League.

¹⁵⁴ Leahy Law

¹⁵⁵ *ibid*

5.3.4 ENHANCING INTERNATIONAL COLLABORATION FOR HUMANITARIAN ACCESS AND ACCOUNTABILITY

In order to ensure unfettered humanitarian corridors in Gaza, cooperation with the UN, ICRC, and EU allies is essential. Security Council resolutions that require relief surges and override blockades must be advocated. To standardize accountability, the United States should ratify Additional Protocol I and advocate for global adherence to the Arms Trade Treaty. Transparency in the use of aid would be improved by cooperative monitoring systems with international organizations.

5.3.5 LEGAL AND ETHICAL FRAMEWORKS FOR FUTURE FOREIGN ASSISTANCE IN ARMED CONFLICTS

It is advised that a thorough US policy guideline that incorporates ethical considerations and is influenced by the Nicaragua case be developed in order to forbid assistance that aids in violations of international humanitarian law. This should involve creating a compliance culture, requiring legislators to receive training on IHL and IHRL, and providing whistleblower protections for reporting non-compliance. These frameworks would encourage international standards in conflict funding by acting as a model for other donors.

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RESEARCH CLEARANCE FORM

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SUPERVISOR: MR. INNOCENT NYAMBE TOPIC: A LEGAL ANALYSIS OF
FUNDING OF OPPOSING PARTIES DURING ARMED CONFLICT
A CASE STUDY OF THE US FOREIGN ASSISTANCE IN THE ISRAEL PALESTINIAN
CONFLICT

Stage	Supervisor's Comments	Supervisor's Signature & Date	Student's Signature & Date
Research Proposal	amend problem statement	23rd July, 2025 	23rd July, 2025 J.T. Matakala
Chapter 1 – Introduction	Proceed	28th July, 2025 	28th July, 2025 J.T. Matakala
Chapter 2 –	amend intro	15th August, 2025 	15th August, 2025 J.T. Matakala
Chapter 3 –	Proceed	5th September, 2025 	5th September, 2025 J.T. Matakala
Chapter 4 –	Proceed	3rd October, 2025 	3rd October, 2025 J.T. Matakala

Chapter 5 – Conclusions & Recommendations	for review	23rd October, 2025	23rd October, 2025
Abstract, Table of Contents, Bibliography and Appendices	OK	31st October, 2025	31st October, 2025
First Draft	done	31st October, 2025	31st October, 2025
Second Draft	N/A	7th October, 2025	7th October, 2025
Final Draft	OK	14th November, 2025	14th November, 2025

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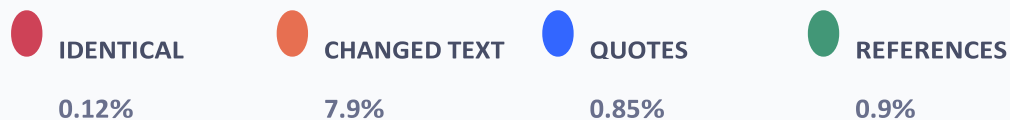
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