



INNOVATIVE: Journal Of Social Science Research

Volume 4 Nomor 4 Tahun 2024 Page 14017-14031

E-ISSN 2807-4238 and P-ISSN 2807-4246

Website: <https://j-innovative.org/index.php/Innovative>

Examining Israel's Non-Compliance With United Nations Security Council Resolution 2728

Lewiandy^{1✉}, Alicia Hadioetomo², Juan Joubert Immanuel Panelewen³

Fakultas Hukum, Universitas Tarumanagara

Email: lewiandy@fh.untar.ac.id^{1✉}

Abstrak

Artikel ini membahas tanggapan Israel terhadap Resolusi Dewan Keamanan PBB 2728, yang menyerukan gencatan senjata segera di Gaza selama bulan Ramadan, pembebasan semua sandera tanpa syarat, dan perluasan bantuan kemanusiaan. Meskipun resolusi tersebut diadopsi dengan dukungan internasional yang signifikan, ketidakpatuhan Israel menyerosoti dinamika geopolitik, hukum, dan keamanan yang kompleks. Kami menganalisis dasar hukum resolusi di bawah Bab VII Piagam PBB, alasan-alasan di balik tindakan Israel, termasuk masalah keamanan dan kalkulasi politik, serta reaksi masyarakat internasional. Implikasi dari ketidakpatuhan ini terhadap Hukum Internasional, efektivitas mandat PBB, dan upaya perdamaian di masa depan di wilayah tersebut juga dibahas, memberikan wawasan tentang tantangan dalam menegakkan norma-norma tata kelola global di wilayah-wilayah yang mengalami konflik. Dalam mengkaji respon Israel, peneliti menggunakan metode Penelitian Hukum Normatif untuk menemukan bagaimana resolusi DK PBB bersifat mengikat dan konsekuensi yang ditimbulkan dari ketidakpatuhan tersebut.

Kata kunci: *Perserikatan Bangsa-Bangsa, Dewan Keamanan PBB, Dewan Keamanan, Resolusi, Resolusi PBB 2728, Piagam PBB, Bab VII Piagam PBB, Israel, Gaza, Hamas.*

Abstract

This article examines Israel's response to United Nations Security Council Resolution 2728, in which it called for an immediate ceasefire in Gaza during Ramadan, the unconditional release of all hostages, and the expansion of humanitarian aid. Despite the resolution's adoption with significant international support, Israel's non-compliance highlights complex geopolitical, legal, and security dynamics. We analyze the legal basis of the resolution under Chapter VII of the UN Charter, the reasons behind Israel's actions including security concerns and political calculations, and the international community's reactions. The implications of this non-compliance for International Law, the effectiveness of UN mandates, and future peace efforts in the region are also discussed, providing insights into the challenges of enforcing global governance norms in areas that are going under conflict. In examining Israel's response researchers utilize the Normative Legal Research method in order to find how the UNSC resolution is binding and the consequences following the action of non-compliance.

Keywords: United Nations, United Nations Security Council, Security Council, Resolution, United Nations Resolution 2728, UN Charter, Chapter VII of the UN Charter, Israel, Gaza, Hamas.

INTRODUCTION

The United Nations Security Council (UNSC) plays a crucial role in maintaining international peace and security, as mandated by the United Nations (UN) Charter. Established under the UN Charter, the UNSC consists of 15 member states, including five permanent members (China, France, Russia, the United Kingdom, and the United States) and ten non-permanent members elected for two-year terms. The permanent members hold veto power, giving them significant influence over the Council's decisions. This structure reflects the UN's commitment to global cooperation and collective security, as it enables the UNSC to respond swiftly and effectively to emerging threats and conflicts around the world (United Nations, 2024).

One of the primary responsibilities of the UNSC is to maintain international peace and security by addressing conflicts and crises through diplomatic means or, when necessary, by authorizing the use of force. The Council has the authority to impose sanctions, deploy peacekeeping forces, and authorize military action to prevent or resolve conflicts threatening international peace. Additionally, the UNSC oversees peacekeeping operations in various regions, providing support for post-conflict reconstruction, humanitarian assistance, and the establishment of stable governance structures. In addressing threats to global peace and taking collective action, the Council may impose binding resolutions on member states to prevent and resolve conflicts (United Nations, 2024).

The UNSC Resolutions are legally binding on all UN member states, as established by Article 25 of the UN Charter, which states that;

“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter” (United Nations, 2024).

This binding power is particularly significant in cases of war or armed conflicts, where the UNSC can demand an immediate ceasefire or impose sanctions to compel parties to comply with its decisions. For instance, the council can demand immediate ceasefires or impose sanctions to ensure compliance with its mandates. This binding power underscores the authority of the UNSC in addressing threats to peace and security on a global scale.

However, the UNSC’s role in maintaining international peace and security is not without its challenges and criticisms. The veto power held by the five permanent members can lead to deadlock and hinder the Council’s ability to take decisive action in response to crises (Malekshahi, ed. al., 2024). Moreover, the UNSC’s effectiveness is often constrained by geopolitical rivalries, diverging national interests, and the reluctance of some member states to intervene in conflicts. Critics argue that these limitations undermine the Council’s legitimacy and effectiveness in addressing global security threats (Ogunnoiki & Olumide, A., 2018). Nonetheless, the UNSC remains a crucial forum for multilateral cooperation and dialogue, serving as a cornerstone of the international system’s efforts to prevent conflict and promote peace and stability worldwide (Lundgren, M. & Klamberg, M., 2023).

Israel, like all UN member states, is bound by UNSC resolutions, especially those enacted under Chapter VII of the UN Charter which addresses actions concerning threats to peace, breaches of peace, and acts of aggression. In light of the dire humanitarian consequences of the ongoing conflict between Israel and Palestine, the UNSC Resolution 2728 was adopted in April 2024. It demanded an immediate and unconditional ceasefire between Israel and its neighboring countries, alongside the withdrawal of Israeli forces from occupied territories. As such, Israel is legally obligated to adhere to Resolution 2728 and any other relevant resolutions passed by the UNSC.

The failure of Israel to comply with Resolution 2728 represents a significant breach of International law. By continuing military operations and maintaining its occupation of disputed territories despite the UNSC’s binding resolution, Israel undermines the authority of the United Nations and violates its legal obligations as a member state. Such non-compliance not only disregards the principles of international law but also jeopardizes efforts to maintain peace and security in the region. This situation underscores the importance of upholding the authority of the UNSC and ensuring compliance with its resolutions to prevent further escalation of conflicts and promote global stability. In this journal, we will delve deeper into specific aspects of Israel’s non-compliance with Resolution 2728, explore potential consequences, and discuss possible solutions to ensure future

compliance and promote global stability.

The purpose of this research is to analyze examining israel's non-compliance with united nations security council resolution 2728.

RESEARCH METHOD

Based on the Oxford Dictionary, research means the systematic investigation into and study of materials and sources in order to establish factors and reach new conclusions. According to Soerjono Soekanto, research is a scientific activity based on analysis and it is a construction that is done systematically, methodologically, and consistently (Soekanto, S. & Mamuji, S., 1995). It is important for readers to understand the issue that is being discussed in legal research. And the object of legal research itself is the legal problem. A legal problem is a fact that happens in society and is not in accordance with the law, Hence legal research shall be conducted to produce an argumentation, theory, or a legal concept as a prescription in solving such legal problems.

There are multiple types of legal research and they are as follows, normative legal research and social legal research. Normative legal research is known as a study of documents whereas it utilizes a qualitative method when analyzing data, and secondary data as the source, such as regulations, court decisions, books, legal theories, and doctrines (Hartono, 1994) additionally, Socia-legal research does the study where it considers facts and laws as a social phenomenon with a structural approach and generally quantitative legal research with the primary source of data which is obtained directly from the first source. In the present research, Researchers are using normative legal research methods in order to understand and analyze the issues presented. The normative legal research is conceptual as it appears on the rules and regulations in society and it also studies the law as norms. Researchers utilize 3 (three) of the seven types of normative research, namely:

1. Positive Law Inventory Research

This research identifies positive law by using a critical analytical and logical-systematical approach.

2. Legal principle research

This research selects articles containing the rule of law, clarifies and analyzes the articles based on the legal principles, and then reconstructs them.

3. Clinical law research

This research is to discover what are the juristically for a case in-concerto by collecting positive law in-abstracto. This research method utilizes the legal norms as a major premise, and the facts of the case are used as a minor premise.

RESULT AND DISCUSSION

UNSC Resolution 2728

Prior to understanding UNSC Resolution 2728, we need to understand what a resolution is and how it binds UN Members. A UNSC Resolution is a resolution passed by the United Nations Security Council as a way to carry out the Security Council's duty to fulfill the United Nations' duty and purpose. The resolution itself is based on formal expressions of UN Members regarding the dispute at hand, hence it can be taken as a binding decision.

The UNSC Resolution 2728, a resolution promptly released by the United Nations Security Council as a measure of cessation of hostility and military advances during the month of Ramadan led to a sustainable ceasefire. This resolution demanded all parties in the current dispute, namely Israel and Palestine to fulfill several requests. First, it is demanded that all parties release the hostages unconditionally, second, it is demanded that all parties ensure humanitarian access to the hostages as a means to address their medical and other humanitarian needs, and lastly to comply with any further demand that is congruent to the parties international obligations. The resolution was tabled by the 10 non-permanent members of the Security Council, and passed by a vote of 14-0, with the United States abstaining.

UNSC Resolution 2728 is a gesture aimed at addressing the escalating conflict in Gaza. This Resolution, framed under Chapter VII of the UN Charter, not only highlights the urgency of ceasing hostilities but also sets a precedent for humanitarian intervention by the international community. It is pivotal to understand both the immediate context and the legal underpinnings that classify this resolution under Chapter VII, which allows the UN Security Council to take action when there is a threat to peace, breach of peace, or act of aggression. Resolution 2728 was adopted to immediately halt the violence in Gaza, reflecting a significant international consensus minus the abstention of the United States. The resolution's urgency stems from the dire humanitarian situation, which demanded an international response to prevent further casualties.

Chapter VII of the UN Charter is one of the fundamental within international law, it empowers the UNSC to maintain peace and security. Under this chapter, the Council can employ measures ranging from sanctions to military intervention if there is a threat to peace or an act of aggression, thereby providing a legal basis for the measures stipulated in Resolution 2728. A primary component of Resolution 2728 is the immediate ceasefire throughout Gaza, particularly during the sensitive period of Ramadan. This mandate is crucial for providing a necessary pause in hostilities, intended to foster a more conducive environment for diplomatic dialogue and negotiation.

The invocation of Chapter VII for Resolution 2728 is predicated on the “threat to peace” clause. This legal framework is critical as it justifies the Council’s decisions and actions, providing a robust legal backing for immediate and enforceable measures in conflict zones. Precedents under Chapter VII provide context for the resolution’s legal foundation. Cases such as the interventions in Korea (1950) and Libya (2011) illustrate how the UNSC has previously used its Chapter VII powers to address international crises, thereby influencing the drafting and adoption of Resolution 2728.

The adoption of Resolution 2728 under Chapter VII may have significant long-term implications for international law, particularly in how the UNSC addresses similar conflicts in the future. It could set a precedent for more proactive interventions in humanitarian crises, potentially reshaping the legal landscape of international conflict resolution. Implementing UNSC resolutions often faces political hurdles, especially when key stakeholders have conflicting interests. For Resolution 2728, the challenges include ensuring compliance from all parties involved in the conflict and managing the geopolitical interests of powerful nations that might oppose or have reservations about the terms of the resolution.

In the current dispute, Israel’s response to the United Nations Security Council has been complex and marked by significant international attention. Israel did not cease its military operations following the adoption of Resolution 2728. The Israeli government justified its actions by citing ongoing security threats from Hamas, including rocket attacks on Israeli territory. Israeli officials have argued that ceasing military operations would compromise the country’s security and not address the ongoing threat posed by Hamas. The resolution’s demand for the immediate and unconditional release of all hostages has been particularly contentious. Israel has expressed concerns about releasing prisoners without proper negotiations and guarantees that Hamas would cease its aggressive actions. This stance reflects a broader security policy that prioritizes ensuring that any concessions made to Hamas do not lead to further violence against Israel.

While Israel has allowed some humanitarian aid to Gaza, it has imposed strict controls, citing the need to prevent Hamas from accessing materials that could be used for military purposes. This has led to international criticism, with many humanitarian organizations calling for fewer restrictions to address the urgent needs of Gaza’s civilian population. Domestically, the Israeli government faces pressure from constituents who demand a strong response to Hamas. Internationally, Israel’s actions have been criticized as disproportionate, with calls for more restraint and adherence to international law. The United States’ abstention shall be interpreted as a signal of growing impatience with ongoing

conflict tactics that do not lead to a long-term solution but were also seen as a way to avoid vetoing a resolution that had broad international support.

Israel's stance underscores the complex dynamics of the Israeli-Palestinian conflict, where security concerns, political pressures, and international diplomacy intersect. The ongoing situation highlights the challenges that the UN faces in enforcing resolutions when significant geopolitical interests are at stake.

The Binding Power of a UNSC Resolution

The United Nations Security Council (UNSC) is a central pillar of the global peace and security architecture. Established by the UN Charter following World War II, the UNSC holds the primary responsibility for maintaining international peace and security. It assesses threats to peace, proposes solutions to prevent conflicts, and authorizes measures ranging from diplomatic negotiations to peacekeeping operations and even military intervention. The UNSC comprises 15 member states, including five permanent members (China, France, Russia, the United Kingdom, and the United States) who hold the veto power. Resolutions require a majority vote of the Council, but a single veto from a permanent member can block their adoption.

Under Chapter VII of the UN Charter, the Council can determine what constitutes a threat to peace and take military and non-military actions to address these threats. This includes the imposition of sanctions, the authorization of armed intervention, or the establishment of peacekeeping operations. Taking precedent cases as a means to exhibit the binding power of UNSC Resolution, namely the Iraq Case, whereas during the dispute UNSC passed Resolution 661, imposing comprehensive economic sanctions on Iraq, another case of UNSC intervention can be seen in Resolution 1973, where the UNSC authorized all necessary measures, including military intervention, to protect civilians during the Libyan civil war, these precedents showcased what the UNSC is capable of when it comes to carrying out their duties.

As previously mentioned the United Nations Security Council (UNSC) plays an important role in maintaining international peace and security. Empowered by the United Nations Charter, the Council can enact resolutions that member states are obligated to implement. These resolutions are crucial tools in addressing threats to international peace and ensuring collective security. Chapter VII of the UN Charter provides the authority to determine the existence of any threat to peace, breach of peace, or act of aggression and to take appropriate action to restore international peace and security. The binding nature of these resolutions under Chapter VII obligates all UN member states to comply with the terms

set forth. UNSC resolutions have a profound impact on global politics and international relations. They not only mandate member states to follow certain protocols but also facilitate the implementation of international norms and laws designed to sustain global peace and stability.

Resolutions passed under Chapter VII are legal in all UN member states. The binding power of the resolutions is derived from the UN Charter, which all member states have ratified, agreeing to accept and carry out the decisions of the Security Council in accordance with the Charter. Resolution 2728, like others before it, draws its binding power from Chapter VII of the Charter, emphasizing the Council's role in addressing severe conflicts that threaten international peace. Resolution 2728 has been met with broad international support, yet it has also faced criticism and challenges in implementation. The resolution's call for a ceasefire and humanitarian aid reflects a consensus on the urgent need for peace and stability in the region.

The enforcement of UNSC resolutions often encounters obstacles, including political resistance from member states and logistical challenges in war zones. These factors can impede the effective implementation of the Resolution's mandate. In the short term, the resolution has aimed to mitigate violence and facilitate humanitarian efforts. However, compliance and enforcement issues have continued to challenge its effectiveness, reflecting the complex geopolitical dynamics of the region. Israel as a UN Member with their behavior is susceptible to the consequences following their actions, this resolution can be inferred as a warning that if not complied with, there will be consequences followed, since it is UNSC's duty to maintain international peace.

Legal consequences of Israel's non-compliance with Resolution 2728

In general, non-compliance with a resolution issued by the UNSC carries significant legal consequences, as it amounts to a breach of international law and the foundational principles of the UN Charter. It is stated under Article 25 of the UN Charter that;

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter".

This provision itself establishes the binding nature of UNSC resolutions on all UN member states, emphasizing the imperative of compliance to maintain the integrity of the international legal framework and uphold the principles of collective security and peacekeeping enshrined in the Charter. Essentially, when a resolution is adopted by the UNSC, it becomes legally binding on all member states, regardless of their individual interests or preferences. Noncompliance with such resolutions not only undermines the

authority and effectiveness of the Security Council but also erodes the foundation of international law and the rule-based international order. It signifies a disregard for the commitments made under the UN Charter and the obligations of states to uphold peace, security, and the protection of human rights on a global scale.

In situations where a member state fails to comply with a resolution issued by the UNSC, the Council possesses the authority to implement a range of enforcement measures as stipulated in Chapter VII of the UN Charter. These measures are designed to address instances of noncompliance and uphold the Council's decisions in the interest of maintaining international peace and security. The enforcement measures available to the UNSC encompass a spectrum of actions, varying in severity and tailored to the specific circumstances of the noncompliance. Economic sanctions, for example, may be imposed to exert financial pressure on the non-compliant party, limiting its ability to engage in activities contrary to the resolution's mandates. Additionally, diplomatic sanctions can be employed to isolate the noncompliant state diplomatically, diminishing its standing and influence within the international community.

When non-compliance poses a significant threat to international peace and security, the UNSC may authorize the use of military force as a last resort. This could involve deploying peacekeeping forces or authorizing military force intervention to address the underlying conflict and restore stability. However, such measures are typically employed judiciously and subject to rigorous scrutiny to ensure compliance with the principles of necessity, proportionality, and respect for international law. Overall, the UNSC's authority to enforce compliance with its resolutions underscores the Council's pivotal role in maintaining global peace and security. By leveraging a range of enforcement measures, the UNSC shall seek to compel adherence to its decisions and promote the rule of law in the international arena, thereby contributing to the prevention and resolution of conflicts worldwide.

To further elaborate on the sanctions, Article 41 of the UN Charter grants the Council the authority to employ measures that do not involve the use of armed force to give effect to its resolutions. These measures are intended to exert pressure on states or entities that violate international peace and security, with the ultimate goal of inducing compliance with the Council's decision. In detail, Article 41 of the UN Charter states:

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the UN to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

The scope of measures outlined in Article 41 is broad and encompasses a range of diplomatic, economic, and communication-related actions. These measures may include the complete or partial interruption of economic relations, such as trade and financial transactions, as well as the suspension of transportation and communication links, including rail, sea, air, postal, telegraphic, and radio services. Additionally, Article 41 allows for the severance of diplomatic relations between the offending party and other member states or international organizations.

The imposition of sanctions under Article 41 is a multilateral process coordinated by the Security Council. It typically follows a series of deliberations and consultations among Council members to assess the situation, determine the appropriate response, and garner support for the proposed measures. Sanctions can target specific individuals, entities, or governments responsible for threatening or undermining international peace and security, or they can be directed at broader economic sectors or industries within a country. Sanctions imposed under Article 41 are intended to be proportionate to the severity of the situation and tailored to achieve specific objectives, such as preventing the proliferation of weapons of mass destruction, halting human rights abuses, or resolving conflicts peacefully. They are designed to exert pressure on the targeted entities or governments, compelling them to comply with the demands of the international community and adhere to relevant UN resolutions and agreements.

However, the effectiveness of sanctions can vary depending on various factors, including the level of international cooperation, the resilience of the targeted state's economy, and the presence of alternative sources of support or revenue. Moreover, sanctions can have unintended consequences, such as exacerbating humanitarian crises, undermining the livelihoods of ordinary citizens, or fostering resentment and hostility towards the sanctioning parties. In summary, Article 41 of the UN Charter empowers the Security Council to employ a range of non-military measures, including sanctions, to uphold international peace and security. While sanctions can be a valuable tool in coercive diplomacy, their implementation requires careful consideration of their potential impact and effectiveness in achieving the desired objectives while minimizing harm to innocent populations.

In the context of Israel's noncompliance with UNSC Resolution 2728, it is important to underscore the legal ramifications. As a member state of the UN, Israel is bound by the obligations outlined in the UN Charter, including adherence to Security Council resolutions. UNSC Resolution 2728, in this instance, demands an immediate and unconditional ceasefire as well as the withdrawal of Israeli forces from occupied territories. Failure to adhere to these

demands constitutes a clear violation of both international law and the UN Charter. International law, including principles such as the prohibition of the use of force and the respect for territorial integrity and sovereignty, underpins the authority of Security Council resolutions. Therefore, Israel's noncompliance not only undermines the authority of the Security Council but also contravenes fundamental principles of international relations.

The UNSC possesses a diverse array of enforcement measures aimed at compelling Israel's compliance with Resolution 2728. These measures are crucial tools for ensuring that Security Council resolutions are effectively implemented and respected by member states. Among the enforcement measures available to the UNSC are economic sanctions, which can be tailored to apply pressure on Israel through various channels. Economic sanctions may take the form of trade embargoes, which restrict or prohibit the import and export of certain goods to and from Israel. Additionally, the UNSC could impose financial restrictions, such as freezing assets or blocking transactions involving Israeli entities or individuals. These measures are designed to inflict economic pressure on Israel and incentivize compliance with the resolution's demands for a ceasefire and withdrawal of forces from occupied territories.

In addition to economic sanctions, the UNSC may also consider diplomatic measures to underscore the seriousness of Israel's noncompliance with Resolution 2728. Diplomatic sanctions could involve the expulsion of Israeli diplomats from member states or the suspension of Israel's voting rights in the UN General Assembly. By limiting Israel's diplomatic engagement and representation on the international stage, these measures aim to isolate and diplomatically isolate the country until it complies with the Security Council's resolution. Furthermore, the UNSC may explore other diplomatic avenues, such as diplomatic pressure, through public condemnations, diplomatic demarches, or diplomatic isolation through reduced diplomatic engagement and representation in international forums. These measures serve to signal the international community's disapproval of Israel's actions and to exert diplomatic pressure for compliance with Resolution 2728.

If these non-military enforcement measures fail to secure Israel's compliance with UNSC Resolution 2728, the Security Council may resort to the option of authorizing the use of military force under Article 42 of the UN Charter, which states;

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations".

This article empowers the Council to take action using air, sea, or land forces deemed necessary to maintain or restore international peace and security. However, it is important to note that the use of military force is typically regarded as a last resort within the framework of the UN Charter. The decision to authorize military action is subject to rigorous scrutiny and debate within the Security Council. Members weigh factors such as the severity of the situation, the potential humanitarian consequences, and the likelihood of achieving the desired outcome through military means.

It is crucial to emphasize that any decision to impose sanctions or authorize the use of military force against Israel would necessitate a new resolution from the United Nations Security Council. This is because Resolution 2728, which demands Israel's compliance with an immediate and unconditional ceasefire, does not explicitly authorize such actions. Therefore, any escalation of enforcement measures beyond those outlined in Resolution 2728 would require a fresh mandate from the Security Council.

The adoption of a new resolution would follow the standard procedure within the Security Council, requiring a minimum of nine affirmative votes from its members. Additionally, the support of all five permanent members - China, France, Russia, the United Kingdom, and the United States - would be crucial. These permanent members wield veto power, meaning that any one of them can block the adoption of a resolution. The process of securing consensus within the Security Council for a new resolution involving sanctions or military force against Israel would likely involve intense diplomatic negotiations and deliberations. Member states would need to assess the situation, consider the implications of further action, and weigh the potential consequences carefully. Additionally, concerns about the legality, effectiveness, and humanitarian impact of such measures would be thoroughly scrutinized during the deliberative process.

Israel's non-compliance with UNSC Resolution 2728 carries legal ramifications that reach beyond the potential enforcement measures imposed by the Security Council. By disregarding the resolution's demands for an immediate and unconditional ceasefire and the withdrawal of forces from occupied territories, Israel's actions may also breach other international legal instruments. One such instrument is the Geneva Conventions and their Additional Protocols, which establish standards for the conduct of armed conflicts and the treatment of civilians in occupied territories. These conventions are widely recognized as fundamental pillars of international humanitarian law. Israel's continued military operations and presence in occupied territories could be deemed violations of these conventions, particularly if they result in harm to civilians or destruction of civilian infrastructure.

The Geneva Conventions and Additional Protocols impose obligations on parties to conflicts, including the prohibition of targeting civilians and civilian objects, the humane treatment of prisoners of war, and the obligation to facilitate the delivery of humanitarian assistance to civilian populations in need. Israel's actions in contravention of these principles could expose it to legal liability and potential prosecution before international tribunals, such as the International Criminal Court (ICC). Furthermore, Israel's failure to comply with Resolution 2728 may undermine its standing in the international community and erode support for its position in ongoing conflicts or peace negotiations. The perceived disregard for international legal norms and principles could tarnish Israel's reputation and diplomatic credibility, potentially affecting its relationships with other states and international organizations.

Lastly, the Security Council's ability to enforce its resolutions and decisions is ultimately dependent on the political will of its members, particularly the permanent members. While the legal framework provides the basis for action, the political dynamics within the Council can often override or undermine the legal authority of its resolutions.

CONCLUSION

Israel's noncompliance with UNSC Resolution 2728 could entail profound legal ramifications and invoke a range of enforcement measures outlined in the UN Charter. As a member state of the United Nations, Israel is bound by the obligations set forth in the Charter, including the acceptance and implementation of Security Council resolutions. Resolution 2728 falls under Chapter VII of the UN Charter which demands an immediate and unconditional ceasefire, as well as the withdrawal of Israeli forces from occupied territories. Israel's failure to adhere to these demands constitutes a clear violation of both international law and the UN Charter. Such noncompliance undermines the authority of the Security Council and challenges the foundational principles of international relations.

Article 25 of the UN Charter establishes the binding nature of the Security Council resolutions on all UN Member states, emphasizing the imperative of compliance to maintain the integrity of the international legal framework. Noncompliance with resolutions like 2728 not only undermines the authority of the Security Council but also erodes the foundation of international law and the rule-based international order.

In cases of non-compliance, the Council possesses the authority to implement a range of enforcement measures as stipulated in Chapter VII of the UN Charter. These measures are designed to address instances of noncompliance and uphold the Council's decisions in the interest of maintaining international peace and security. Additionally, economic sanctions

could be one avenue of enforcement, exerting financial pressure on Israel and limiting its ability to engage in activities contrary to the resolution's mandates. Additionally, diplomatic sanctions could isolate Israel diplomatically, diminishing its standing and influence within the international community.

Should non-compliance persist and pose a significant threat to international peace and security, the Council may authorize the use of military force under Article 42 of the UN Charter. However, such measures are typically regarded as a last resort and subject to rigorous scrutiny within the Security Council. It is crucial to emphasize that any decision to impose sanctions or authorize the use of military force against Israel would necessitate a new resolution from the UNSC. This process would involve intense diplomatic negotiations and deliberations among member states, particularly the five permanent members who wield veto power.

Moreover, Israel's noncompliance with Resolution 2728 may also breach other international legal instruments, such as the Geneva Conventions and their Additional Protocols. These violations could expose Israel to legal liability and potential prosecution before international tribunals, further complicating its international standing and diplomatic relations. In conclusion, Israel's noncompliance with UNSC Resolution 2728 carries significant legal implications and underscores the importance of upholding the authority of the Security Council and the principles of international law.

REFERENCES

- Abdulkadir Muhammad. 2004. *Hukum dan Penelitian Hukum*. Bandung: PT. Citra Aditya Bakti.
- Benson, M., & Tucker, C. 2022. The Importance of UN Security Council Resolutions in Peacekeeping Operations*. *Journal of Conflict Resolution*, 66(3), 473-503.
- C.F.G. Sunaryati Hartono. 1994. *Penelitian Hukum di Indonesia Pada Akhir Abad ke-20*. Bandung.
- Erik Voeten. 2005. *The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force*. International Organization.
- Kim, Victoria. 2017. *The Effectiveness of UNSC Sanctions: The Case of North Korea*. Syracuse University Honors Program Capstone Projects, 8.
- Lundgren M, Klamberg M. 2023. Selective Attention: The United Nations Security Council and Armed Conflict. *British Journal of Political Science*.

Malekshahi, Hossein, Farid Azadbakht, and Hengameh Ghazanfari. 2022. Legal Models of Rule of Law: A Focus on Veto Power of Permanent Members of Security Council of United Nations. *International Studies Journal* 19, no. 2 (September)

Meissner, Katharina L. 2022. The unintended consequences of UN sanctions: A qualitative comparative analysis. *Contemporary Security Policy* 43, no. 2 (April)

Ogunnoiki, and Adeleke Olumide. 2018. REFORMING THE UNITED NATIONS IN THE 21ST CENTURY: A DISCOURSE ON THE ENLARGEMENT, DEMOCRATISATION AND THE WORKING METHODS OF THE SECURITY COUNCIL. *International Journal of Advanced Academic Research* 4, no. 6 (June)

Soerjono Soekanto and Sri Mamuji, *Metode Penelitian Normatif*, (Jakarta: Rajawali, 1995)

United Nations Charter

United Nations Security Council Resolution 1973.

United Nations Security Council Resolution 2728.

United Nations Security Council Resolution 661.

UNRCCA. 2020. "United Nations Security Council Resolutions." 2020.