
THE DOUBLE STANDARDS OF INTERNATIONAL LAW: A COMPARATIVE STUDY OF THE CONFLICT IN UKRAINE AND PALESTINE

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ABSTRACT:

This study investigates the effect of double standards in international law on conflict resolution in Ukraine and Palestine. Through a comparison of conflicts in the two countries, this study finds that double standards in international law affect conflict resolution in Ukraine and Palestine differently. There is evidence of a double standard in international law related to the different interests of the major powers in the conflict in the two countries. The impact of this double standard affects the effectiveness of efforts to resolve the conflict in Ukraine and Palestine, with conflict resolution in Ukraine being achieved more quickly than in Palestine. Therefore, this research suggests the need for consistency and equality in the application of international law in dealing with conflicts, and seeking peace negotiations involving all parties involved in the conflict in order to achieve a sustainable resolution.

Keywords: Double Standards, Conflict Resolution, Parties Involved.

A. Introduction

The background of this discussion is that the two conflicts that occurred in Ukraine and Palestine are still unresolved issues to date, involving many parties from countries and armed groups. Despite having different backgrounds and causes, both of them face the same problems related to double standards in international law and violations of human rights. Therefore, a comparative study that focuses on this issue is considered important and relevant to provide an effective solution to resolve the conflict.

A comparative study of the conflicts in Ukraine and Palestine will reveal the existence of double standards in international law and its effects on conflict resolution. Previous research has identified the existence of double standards and the role of major countries in resolving conflicts in Ukraine and Palestine, but there is not yet sufficient

understanding of the impact of these double standards.¹ Therefore, this study will analyze how double standards in international law affect conflict resolution in Ukraine and Palestine, as well as its impact on conflict resolution efforts in both countries.

This study aims to provide a better understanding of the existence of double standards in international law and its impact on conflict resolution efforts in Ukraine and Palestine. In addition, this research is also expected to provide input to overcome these double standards and encourage consistency and equality in the application of international law in dealing with conflicts in the future. The purpose of this study is to evaluate the differences in the effectiveness of conflict resolution efforts in Ukraine and Palestine related to the existence of double standards and to show the importance of peace negotiations involving all parties involved in the conflict to achieve a sustainable resolution.

B. Research Method

Based on the formulation of the problem above, In this study the research method used is comparative study with a qualitative approach.² The purpose of this research is to compare the conflicts in Ukraine and Palestine and analyze the influence of double standards in international law on conflict resolution in both countries.

This research method involves data collection through interviews with relevant informants, document studies, and direct observations. The collected data will then be analyzed using comparative analysis techniques. In this analysis, data from both countries will be compared to identify differences and similarities in the influence of double standards in international law on conflict resolution in Ukraine and Palestine.

By employing a qualitative approach, this research aims to gain a deep and detailed understanding of the differences and similarities between the conflicts in Ukraine and Palestine, as well as how double standards in international law affect efforts to resolve the conflicts in both countries..

¹ Elena Chachko and Katerina Linos, "International Law after Ukraine: Introduction to the Symposium," *AJIL Unbound* 116, no. 2011 (2022): 124-129.

² Muhammad Arsyam and M. Yusuf Tahir, "Ragam Jenis Penelitian Dan Perspektif," *Al-Ubudiyah: Jurnal Pendidikan dan Studi Islam* 2, no. 1 (2021): 37-47.

C. Discussion

On this occasion, we will discuss the interesting topic of Double Standards of International Law in the context of the conflicts in Ukraine and Palestine. We will begin by examining the concept of double standards and how this affects conflict resolution in both countries. Next, we will look for evidence of double standards in international law in dealing with the conflicts in Ukraine and Palestine, and their impact on conflict resolution efforts. Finally, we will explore the relationship between the double standards in international law in dealing with the conflicts in Ukraine and Palestine and the different interests of the major powers, and how this affects the effectiveness of conflict resolution in the two countries.

1) What is double standard in international law?

Double standards refer to situations where different treatment is given to two groups or individuals in the same or similar circumstances.³ In the realm of international law, this occurs when developed nations apply more lenient standards to themselves while imposing stricter standards on developing countries. For instance, developed countries demand strict adherence to human rights and environmental standards from developing nations, despite frequently failing to meet these standards or even violating them. Examples of this can be seen in unfair economic policies, civil wars, and instances of arbitrary arrests and detentions without trial. Double standards also manifest in how developed countries handle international conflicts. When they employ military force to safeguard their own interests, it is considered legitimate and a form of international protection. However, when weaker nations engage in similar actions, it is deemed a breach of international law and subjected to economic or military sanctions.

Various international legal sources support the explanation of double standards in international law. The United Nations Charter stresses the importance of equal and fair treatment for all countries. Human rights conventions establish standards that all nations must respect regardless of their status. International environmental agreements lay out environmental standards that all countries must adhere to. Decisions by the International Court of Justice highlight the significance of equal treatment for all countries in cases involving violations of international law. Resolutions passed by the UN Security Council

³ Onuma Yasuaki, "The ICJ: An Emperor Without Clothes? International Conflict Resolution, Article 38 of the ICJ Statute and the Sources of International Law," *Liber Amicorum Judge Shigeru Oda* (2023): 191-212.

can provide examples of legal sources that pertain to the differential treatment of developed and developing countries. While the issue remains controversial, these legal sources serve as foundations and guidelines for promoting fair treatment and equality in international law.

In the context of international law, double standards are a sensitive and controversial issue, because small countries feel they are not being treated fairly. Therefore, it is important for the international community to apply the same standards to all countries, without discrimination, in order to create justice and peace throughout the world. Double standards in international law can have both positive and negative impacts. Some of them are:

The positive impact is as follows:

- a) Encouraging meeting higher standards: When developed countries demand developing countries to comply with stringent human rights and environmental standards, this can motivate the countries to meet higher standards than they did before.
- b) Increase compliance with international law: When the same standards are applied to all countries, it can improve compliance with international law and reduce violations of international law.
- c) Improve oversight and accountability: The same standards applied to all countries can also increase oversight and accountability, so that countries that violate international law can be tried and punished.

While the negative impact is as follows:

- a) Increasing injustice and inequality: Double standards can increase injustice and inequality in the international system, as developed and powerful countries can leverage their power to impose more lax or flexible standards for themselves, while demanding on developing or weaker countries to comply with stricter standards.
- b) Frustrate and exacerbate international tensions: When developing or weak countries feel that they are not getting fair treatment from developed and powerful countries, this can frustrate and exacerbate international tensions.

- c) Increasing human rights and environmental violations: Double standards can exacerbate human rights and environmental violations, as developed and powerful countries can use their power to violate human and environmental rights in other countries, while suing countries others to meet higher standards.

Double standards in international law is a complex and sensitive issue. Even though the same standards should be applied to all countries, there are still countries that use double standards to their advantage. The impact can be positive or negative, but to create global justice and peace, efforts must be made to apply the same standards to all countries. The international community must take firm and consistent action to ensure compliance with human rights and environmental standards around the world.

2) How does the comparison of the conflicts in Ukraine and Palestine show that there is a double standard in international law and its impact on efforts to resolve the conflict?

The conflicts in Ukraine and Palestine, although they are different in terms of background and root causes, demonstrate the existence of double standards in international law and their impact on conflict resolution efforts. The Ukrainian conflict is considered a matter of state sovereignty and has strong international support, such as economic sanctions from the United States and the European Union and resolutions from the United Nations. Meanwhile, the Palestinian conflict is seen as a matter of national liberation and lacks strong international support from Western countries⁴. Although many Western countries have condemned Israel's acts of violence, they have not taken concrete steps to force a resolution to the conflict as they did in Ukraine.

Double standards in international law can have an impact on conflict resolution efforts. The more internationally recognized conflict in Ukraine has allowed for many diplomatic efforts from Western countries to facilitate peace negotiations between Ukraine and Russia. However, the conflict in Palestine rarely receives the same attention from the international community, making efforts to resolve the conflict more difficult. Injustice and fears of spreading conflict can also arise as a result of double standards in international

⁴ Awad Slimia, Prof Mohammad, and Fuad Othman, "The Double Standards of Western Countries Toward Ukraine and Palestine 'Western Hypocrisy,'" *Central European Management Journal* 30 (2022): 476–485.

law. Countries that do not have strong international support to resolve conflicts may feel disadvantaged and tend to take extreme measures. If the international community is inconsistent in resolving conflicts, this can create distrust in the international legal system and exacerbate conflict situations around the world.

In the context of double standards in international law, many conflicts other than Ukraine and Palestine show injustice in conflict resolution, which shows that the current international legal system is far from perfect and needs to be improved. However, this double standard can also create structural injustices in the international legal system, where it is easier for powerful states to gain international support for their agendas than small or poor states.

Therefore, there is a need for fair and consistent attention to all conflicts around the world, regardless of whether these conflicts are recognized internationally or not. Reform of the international legal system is also needed to ensure that every country, no matter how strong or weak, gets fair and equal legal protection. This will help create an international legal system that is more just, effective, and able to overcome the problems of injustice and power imbalance that exist in the current system.

3) Is there any evidence of double standards in international law in dealing with the conflicts in Ukraine and Palestine, and how does this affect efforts to resolve conflicts in the two countries?

The meaning of the concept of "double standards" in international law can be interpreted in a number of ways, but in general, it refers to situations in which different legal standards apply to different countries in similar situations. In relation to Ukraine and Palestine, there are arguments stating that there are double standards in handling conflicts in the two countries. For example, when Russia took control of Crimea in 2014, the international community criticized Russia's actions as a violation of international law. However, the international response to Israel's 1967 takeover of territories in the West Bank, Gaza Strip and East Jerusalem was much more limited, despite several United Nations (UN) resolutions condemning the move.⁵

⁵ Ibid.

Factors such as geopolitical interests, historical and cultural factors, as well as the influence of big powers can be the cause of different responses in dealing with the conflicts in Ukraine and Palestine. Some argue that there is a pro-Israel bias in international policy that allows Israel to violate international law without significant consequences. The existence of double standards can affect conflict resolution efforts in both countries, because it can create distrust and tension in international relations, and increase the possibility of future conflicts if a country feels that it is not recognized or judged unfairly by the international community.

The existence of double standards in international law can threaten stability and security in Ukraine, Palestine, and the world at large, as well as become an obstacle in efforts to resolve conflicts in both countries. Therefore, countries and international organizations need to work together to encourage consistent and fair application of international law in dealing with global conflicts. Although the majority of countries and international organizations agree that international law must be applied regardless of the interests or strengths of a state, the existence of double standards is still a controversial and complex topic in practice.

It requires the cooperation of all parties to resolve conflicts, not just the fair and consistent application of international law. Therefore, countries and international organizations must increase dialogue and cooperation to deal with global conflicts. There have been several attempts to reach a resolution to the conflict in Ukraine and Palestine, but there have been no significant results. Even so, small actions such as dialogue and diplomacy can help build trust and strengthen international cooperation.

4) Is the double standard in international law in dealing with the conflict in Ukraine and Palestine related to the different interests of major countries and how does this affect the effectiveness of conflict resolution in both countries?

Double standards in international law refer to the unequal treatment of countries in the same situation. In the same case, we can see how double standards are applied in resolving conflicts in Ukraine and Palestine. Major powers have different interests in any international conflict, especially if they have strategic interests in the region. Therefore, the

different interests of the major powers can influence how they handle the conflicts in Ukraine and Palestine.

The effectiveness of conflict resolution largely depends on how the major powers handle the situation. When there is a double standard applied, this can affect the effectiveness of conflict resolution in Ukraine and Palestine because settlement efforts can be hampered. In these two conflicts, there are several major countries that have interests in Ukraine and Palestine, and it is sometimes seen that they apply different double standards in dealing with the conflicts in Ukraine and Palestine. This could hinder efforts to resolve the conflict effectively and prolong the suffering of the Ukrainian and Palestinian people.

Several major countries such as Russia and the United States have strategic interests in Ukraine. Russia wants to maintain its influence in the region, while the United States wants to expand its influence in Eastern Europe. The two countries have conflicting interests and can apply double standards in dealing with the Ukrainian conflict. For example, Russia rejects foreign interference in the Ukrainian conflict, but at the same time supports pro-Russian rebels in the Donbas region. On the other hand, the United States and European countries support the Ukrainian government and condemn Russia's actions in the Donbas region. They demanded that Russia stop supporting pro-Russian rebels and return Crimea to Ukraine.

Several major countries such as the United States, Israel and Saudi Arabia have different strategic interests in Palestine⁶. The United States supports Israel as a strategic ally in the Middle East, while Saudi Arabia wants to maintain influence in the region and support Palestinian independence. This resulted in different approaches to dealing with conflict in the region. The United States tends to be pro-Israel and rejects recognition of Palestine as an independent state, while Saudi Arabia and other Arab countries support Palestinian independence and demand Israel's withdrawal from the occupied territories.

Injustice and double standards in handling conflicts can hinder an effective resolution, prolonging the suffering of the peoples of Ukraine and Palestine. Therefore, it takes a concerted effort from all countries to resolve conflicts and avoid double standards in international law.

⁶ Syakieb Sungkar, "Benturan Antarperadaban Huntington," *Dekonstruksi* 6, no. 01 (2022): 128-159.

D. Conclusion

Double standards in international law occur when different treatment is given to two groups or individuals in similar situations. Developed countries often impose stricter standards on developing nations while applying more lenient standards to themselves. This can be seen in areas such as human rights, environmental regulations, and international conflicts. Various international legal sources, including the United Nations Charter, human rights conventions, environmental agreements, International Court of Justice decisions, and UN Security Council resolutions, emphasize the importance of equal treatment for all countries. While double standards remain controversial, these sources provide a foundation for promoting fairness and equality in international law.

The conflicts in Ukraine and Palestine highlight the presence of double standards in international law and their impact on conflict resolution efforts. While the Ukrainian conflict receives significant international attention and support, the Palestinian conflict lacks similar backing. This discrepancy influences diplomatic efforts and can create injustice, inequality, and increased tensions. It demonstrates that the international legal system requires improvement to ensure fair treatment and equal protection for all countries, regardless of their size or power.

Evidence suggests the existence of double standards in international law regarding the conflicts in Ukraine and Palestine. Russia's actions in Crimea faced widespread international criticism, while Israel's occupation of territories in Palestine received comparatively limited condemnation. Geopolitical interests, historical and cultural factors, and the influence of major powers contribute to differential responses. This inconsistency affects conflict resolution efforts, leading to distrust and potential conflicts when countries perceive unfair treatment. The international legal system must be reformed to provide consistent and fair attention to all conflicts and ensure equal legal protection for every country.

Double standards in international law regarding the conflicts in Ukraine and Palestine are related to the differing interests of major countries. The strategic interests of powerful nations can influence their handling of these conflicts, impacting their effectiveness in resolving them. Major powers like Russia and the United States have conflicting interests in Ukraine, while the United States, Israel, and Saudi Arabia have

varying interests in Palestine. These differences can result in the application of double standards, hindering conflict resolution efforts and prolonging the suffering of the affected populations. To achieve effective conflict resolution, concerted efforts from all countries are necessary, and double standards in international law must be avoided.

E. Suggestion

Based on the discussion regarding the double standard in international law in handling the conflict in Ukraine and Palestine, there are several suggestions that can be taken:

- 1) It is important to avoid double standards in international law and ensure fair and consistent treatment of both parties to the conflict. Major powers and the international community must prioritize the principles of international law and humanitarian interests over their national interests in achieving effective and sustainable conflict resolution in these two countries.
- 2) Differences in the interests of major countries also need to be considered in resolving conflicts in Ukraine and Palestine. Major powers should not only prioritize their national interests, but also consider the principles of international law and humanitarian interests to reach a fair and consistent resolution for both sides of the conflict.
- 3) Major countries and the international community must provide appropriate and consistent sanctions against countries that violate international law, without exception. This will help prevent double standards in handling conflicts in the future.
- 4) It is also important to promote dialogue and diplomacy in solving the conflicts in Ukraine and Palestine. The countries and parties involved in the conflict must be encouraged to reach an agreement that benefits both parties, taking into account the principles of international law and humanitarian interests.

Further efforts are needed to strengthen oversight and international law enforcement mechanisms, so that acts violating international law can be stopped and dealt with effectively. This will help prevent double standards in handling conflicts in the future, and ensure protection and justice for all parties involved in the conflict.

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