

## THE CHALLENGES IN IMPLEMENTING RESOLUTION 2728 IN ADDRESSING SEVERE HUMAN RIGHTS VIOLATIONS IN PALESTINE

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### ABSTRACT:

*This study aims to analyze the challenges in the implementation of UN Security Council Resolution 2728 in addressing serious human rights violations in Palestine, particularly in Gaza. The focus is to assess the effectiveness of the ceasefire and humanitarian aid access proposed in this resolution and to identify the key obstacles that have hindered its success in reducing violence against Palestinian civilians. Additionally, the study examines the role of the international community, especially the UN Security Council, in ensuring the resolution's implementation and monitoring of human rights violations. This research employs a qualitative approach, using literature analysis and secondary data, including official UN documents, humanitarian reports, and previous studies related to the implementation of Resolution 2728. The findings suggest that while Resolution 2728 provides a legal framework for addressing human rights violations in Palestine, its implementation has been obstructed by political and diplomatic challenges. Issues such as non-compliance with the ceasefire, restricted humanitarian access due to the Gaza blockade, and conflicting interests among UN Security Council member states, particularly the US's support for Israel, have significantly limited the resolution's impact. Furthermore, the monitoring and accountability mechanisms for human rights violations have not been effectively enforced. This study gives contributions related to how to address political challenges and improve the implementation of Resolution 2728 in protecting human rights in Palestine.*

**Keywords;** Resolution 2728; Human Rights Violations; Palestine

## A. Introduction

The Israel-Palestine conflict is one of the most enduring global issues, marked by profound suffering, particularly for the Palestinian people, spanning more than seven decades. The roots of the conflict trace back to the early 20th century, during the collapse of the Ottoman Empire. Following World War I, Britain took control of Palestine under a League of Nations mandate. Tensions between the Arab and Jewish populations grew as Jewish immigration increased, especially during and after the rise of Nazi Germany.<sup>1</sup> In 1947, the United Nations proposed a partition plan to divide Palestine into separate Jewish and Arab states, with Jerusalem as an international city. While the Jewish community accepted the plan, Arab states and Palestinian leaders rejected it. The following year, when the State of Israel was declared in 1948, neighbouring Arab states invaded in response. It led to the first Arab-Israeli war, resulting in an Israeli victory. Lack of proper law enforcement response is making people do these crimes as they don't have to face any kind of penalty or punishment. Some laws and regulations exist, but they are not utilized properly.<sup>2</sup> However, the war caused the displacement of over 700,000 Palestinian Arabs, a tragedy referred to as the Nakba (catastrophe), which set the stage for the ongoing refugee crisis.

In the decades that followed, the territories of the West Bank, Gaza Strip, and East Jerusalem became occupied by Israel after the Six-Day War in 1967. Since then, Israel has implemented a series of military actions and policies in these territories, including forced expulsions of Palestinians, extrajudicial killings, arbitrary detentions, and restrictions on freedom of movement. These actions have significantly contributed to the dire humanitarian conditions faced by Palestinians.<sup>3</sup> Human rights recognise the inherent value of each person, regardless of sex or gender, geography, race and beliefs.<sup>4</sup> Structural reform and austerity measures became its main strategy<sup>5</sup>, the situation has been further worsened by the blockade imposed on the Gaza Strip since 2007 after Hamas took control of the area. This blockade has severely limited the flow of essential goods, such as food, clean water, medical supplies,

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<sup>1</sup> M. Turner, "Israel and the Palestinians," in *Comparing Peace Processes*, 2019, 237–54, <https://doi.org/10.4324/9781315436616-14>.

<sup>2</sup> Mostak Bari Fahim, "Linking environmental crimes and extreme weather conditions: a systematic review on the climate change issues of Bangladesh," *Sustainable Earth Trends* 5, no. 3 (2025): 52-62.

<sup>3</sup> N. Paech, "No Peace in the Middle East. On the Development of the Israeli-Palestinian Conflict," *Argument* 59, no. 1 (2017): 91–104.

<sup>4</sup> Louise Chappel, Lily Halliday, Helen Potts, "Sex, gender and human rights: essential components of inclusive medical research," *Australian Journal of Human Rights* 30, no. 1 (2024): 115-112.

<sup>5</sup> Muh Farhan Arfandy and Asfara Rachmad Rinata, "Economic Crisis Recovery with Legal Policies by Governments (A Comparative Study between Indonesian, French, and Argentinian Law)," *Jurist-Diction* 8, no. 2 (2025): 205-226.

and construction materials, exacerbating the hardships faced by Palestinians. The humanitarian crisis in Gaza has drawn growing international condemnation and calls for a resolution based on human rights and international law.<sup>6</sup>

Despite various attempts at peace negotiations, the conflict remains unresolved, and Palestinians continue to suffer under occupation. Nevertheless, Palestinians remain steadfast in their determination to pursue science<sup>7</sup>. The international community is under increasing pressure to find a lasting solution that ensures the protection of human rights, justice, and dignity for the Palestinian people. The Israel-Palestine conflict is one of the most enduring global issues, causing immense suffering for the Palestinian people for over seven decades. Since the establishment of the State of Israel in 1948, the Palestinian territories have witnessed systematic human rights violations. Israel's military actions in occupied territories, including the forced expulsion of Palestinians, extrajudicial killings, detentions without trial, and restrictions on freedom of movement, have created a dire humanitarian situation.<sup>8</sup> Additionally, the years-long blockade on Gaza has exacerbated the humanitarian crisis, with Palestinians, particularly in Gaza, facing severe difficulties accessing basic needs like food, clean water, medical care, and safe shelter. This situation has generated increasing international pressure to find solutions that uphold human rights in this conflict-ridden region.<sup>9</sup>

Since its inception, the United Nations (UN) has sought to foster peace globally, including in Palestine. Through its Security Council, the UN has passed various resolutions addressing the violations occurring in the region. A significant resolution in this regard is Resolution 2728, passed in 2024, aimed at tackling the escalating violence and worsening humanitarian crisis in Gaza.<sup>10</sup> The resolution calls for an immediate ceasefire during Ramadan and demands unhindered humanitarian access for Palestinian civilians in need. It also emphasizes the need to halt human rights violations and the enforcement of international

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<sup>6</sup> S. McDowell and M. Braniff, "An Intractable Conflict and an Irreconcilable Past: Contesting the 'Other' through Commemoration in Israel/Palestine," *Rethinking Peace and Conflict Studies*, 2014, 102–24, [https://doi.org/10.1057/9781137314857\\_7](https://doi.org/10.1057/9781137314857_7).

<sup>7</sup> Mishal S Khan and Alu Tacon Tinua, "Israel-Palestine: dehumanization and silencing," *The Lancet* 403 (2024): 805–806.

<sup>8</sup> Rama Fatihul Ihsan and Rahtami Susanti, "Perlindungan Relawan Kemanusiaan Pada Konflik Bersenjata Israel Dan Palestina," *Collegium Studiosum Journal* 7, no. 2 (2024): 395–406.

<sup>9</sup> Joko Setiyono, "Peradilan Internasional Atas Kejahatan HAM Berat," 2020, <http://doc-pak.undip.ac.id/id/eprint/12113/2/0.%20PERADILAN%20INTERNASIONAL%20-PAK%20JOKO.pdf>.

<sup>10</sup> Muchsin Sulaiman, "Peran United Nations Relief And Works Agency For Palestine Refugees In The Near East (Unrwa) Dalam Penanganan Pengungsi Palestina Tahun 2016-2019" (B.S. thesis, Program Studi Ilmu Hubungan Internasional Fakultas Ilmu Sosial Dan Ilmu ...), 2016–19, accessed February 7, 2025, <https://repository.uinjkt.ac.id/dspace/handle/123456789/71476>.

obligations by all parties involved in the conflict.<sup>11</sup> The importance of Resolution 2728 lies in its commitment to protect human rights amidst the increasingly complex situation in Gaza. This resolution not only calls for the cessation of violence but also stresses the protection of civilians caught in the conflict. In this context, the UN aims to balance efforts to create a temporary ceasefire while paving the way for a more permanent peace settlement. Moreover, Resolution 2728 reflects the growing international pressure to stop the ongoing human rights violations in Palestine.<sup>12</sup>

However, despite the crucial commitment to human rights protection enshrined in Resolution 2728, its implementation faces various obstacles, such as the lack of adequate oversight mechanisms, limited resources, and political tensions between the countries involved. One of the primary obstacles is the failure of the parties involved in the conflict to adhere to the ceasefire and ensure the distribution of humanitarian aid. Israel, directly involved in the conflict, has often responded to the resolution with refusal or limitations on international aid access. By then, human rights had 'come to define the most elevated aspirations of both social movements and political entities—state and interstate.<sup>13</sup> Plainly inapplicable and/or illegal laws, such as the 1945 Defence (Emergency) Regulations, were systematically applied; the validity of plainly applicable laws, such as the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, was rejected.<sup>14</sup> Additionally, political barriers from major countries with strategic interests in the Middle East, such as the United States, which frequently supports Israel's policies, further complicate the resolution's enforcement. Political tensions in the Security Council and disagreements among member states often hinder the decisive action needed to ensure the effective implementation of the resolution.<sup>15</sup>

The Israeli-Palestinian conflict is not only a regional issue, but also a global issue involving many countries with conflicting interests. Every country has a responsibility to maintain international peace and stability, and to play an active role in resolving this conflict.

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<sup>11</sup> Iqbal Mustapa, Zamroni Abdussamad, and Mellisa Towadi, "Positive Fictional Authority Legislative Ratio in Government Administration Laws and Job Creation Laws," *Damhil Law Journal* 2, no. 1 (May 28, 2022): 17–35, <https://doi.org/10.56591/dlj.v1i1.1726>.

<sup>12</sup> Danang Wahyu Setyo Adi, "Pembatasan Hak Veto dalam DK-PBB Terkait Konflik Bersenjata di Suriah," *Jurnal Hukum Lex Generalis* 1, no. 9 (August 11, 2022): 1–20, <https://doi.org/10.56370/jhlg.v1i9.222>.

<sup>13</sup> Ihab Shalbak, "Human rights in Palestine: From Self-determination to governance," *Australian Journal of Human Rights* 29, no. 3 (2023): 492–510.

<sup>14</sup> Mouin Rabbani, "Palestinian Human Rights Activism Under Israeli Occupation: The Case of Al-Haq," *Arab Studies Quarterly* 16, no. 2 (2025): 27–52.

<sup>15</sup> M. Prakoso Aji and Jerry Indrawan, "Memahami Studi Perdamaian Sebagai Bagian Dari Ilmu Hubungan Internasional," *Jurnal Pertahanan Dan Bela Negara* 9, no. 3 (2019): 65–84.

The UN, as a multilateral organization, plays a crucial role in crafting a solution that all parties can take, but this is challenging due to sharp divisions among Security Council members. Major powers like the United States, with close ties to Israel, often influence the decisions made by the UN, including those concerning Palestine. They frequently create an imbalance in efforts to enforce international law. Some members of the Security Council do not support tougher action against Israel, despite clear human rights violations in Palestine. It is not simply a matter of support or not, but of actions that are wrong and contrary to international law. Israel's attacks on civilian facilities, including the Indonesian Hospital in Gaza, are a gross violation of international law, international humanitarian law, and human rights principles. The UN Security Council should take decisive action to uphold international law and stop the atrocities taking place in Palestine.<sup>16</sup>

On the ground, the situation is equally complex. Gaza, under Hamas control, faces significant challenges in managing the distribution of humanitarian aid. The blockade imposed by Israel worsens this situation, restricting access for international humanitarian organizations to deliver much-needed assistance to civilians. Meanwhile, the ongoing armed conflict in Gaza continues to result in high civilian casualties, including women and children. It illustrates that while Resolution 2728 provides clear guidelines for halting violence and ensuring humanitarian access, the reality on the ground often differs, with continued violence and limited humanitarian aid. Furthermore, human rights violations in Palestine are not only limited to armed conflict but also occur in the everyday lives of Palestinians confined to illegal settlements and restricted movement. Administrative detention by Israel, including the detention of individuals without charge, constitutes a routine violation of the right to personal liberty. International organizations, such as Human Rights Watch and Amnesty International, have repeatedly reported these violations. Still, efforts to bring perpetrators to international courts or end these policies remain distant from reality.<sup>17</sup>

Resolution 2728 attempts to address some of these issues, but significant challenges remain. One crucial step the UN must take is to enhance international monitoring to ensure the resolution is implemented effectively. In this regard, the UN must ensure that member

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<sup>16</sup> Aisyah Wahyuni, "Peran World Uyghur Congress (WUC) dalam Penanganan Konflik Etnis Uyghur dengan Pemerintah China Periode 2014-2018" (bachelorThesis, FISIP UIN Jakarta, 2019), 2014–18, <https://repository.uinjkt.ac.id/dspace/handle/123456789/49399>.

<sup>17</sup> B. Uraian Materi, "Kegiatan Pembelajaran 1 Peran Indonesia Dalam Menciptakan Perdamaian Dunia Melalui Hubungan Internasional," *HARMONISASI HAK DAN KEWAJIBAN ASASI MANUSIA DALAM PERSPEKTIF PANCASILA PPKn KELAS XI*, accessed February 7, 2025, <https://sumberbelajar.smumuhi-yog.sch.id/sumberbelajar/download/modul/kelasxi/ppknxi.pdf#page=162>.

states, including those with significant influence like the United States, fulfill their obligations to enforce international law and support a fair peace process. Increased international cooperation is also crucial to ensure that humanitarian aid can effectively deliver to the neediest areas. Without unhindered access to humanitarian organizations, efforts to alleviate Palestinian suffering will remain limited.<sup>18</sup>

While Resolution 2728 represents an important step in the international effort to uphold human rights in Palestine, its implementation still heavily depends on the commitment of major countries and the parties involved in the conflict. Resolving this conflict requires more than just a temporary ceasefire or the provision of humanitarian aid; it also demands long-term efforts to ensure respect for human rights, justice, and sustainable peace in the region. Therefore, this research aims to explore the factors leading to the formation of Resolution 2728 and the challenges in its implementation, as well as provide recommendations for enhancing the effectiveness of human rights enforcement in Palestine through international mechanisms.

## **B. Research Method**

This study employs a normative research method with a legislative and conceptual approach. The normative approach is chosen because the research aims to analyze and understand existing legal regulations, particularly those relevant to implementing United Nations Security Council Resolution 2728 in enforcing human rights in Palestine. The normative approach focuses on studying applicable legal norms, including international treaties, conventions, and customary international law, as well as specific resolutions such as UN Security Council Resolution 2728. Key legal instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Geneva Conventions are also considered part of the legal framework for analyzing human rights violations in conflict zones.

In addition, the legislative approach is applied to examine the regulations governing human rights and the obligations of UN member states in enforcing resolutions, especially the mechanisms outlined in the UN Charter and international law. The study also uses a conceptual approach to explore fundamental concepts related to human rights violations,

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<sup>18</sup> Kariza Bella Putri, "Upaya Oic Contact Group On Jammu-Kashmir dalam Penyelesaian Krisis Kemanusiaan di Jammu-Kashmir Tahun 2016" (bachelorThesis, FISIP UIN Jakarta, 2019), <https://repository.uinjkt.ac.id/dspace/handle/123456789/49268>.

such as war crimes, crimes against humanity, and the legal principles of international humanitarian law that must be upheld during armed conflicts. These sources of law provide a comprehensive foundation for understanding the legal context in which Resolution 2728 is implemented and its impact on human rights enforcement in Palestine.

### **C. Discussion**

#### **1. The Effectiveness of UN Security Council Resolution 2728 in Reducing Human Rights Violations in Palestine**

Discussing the effectiveness of Resolution 2728 begins with analyzing the role of the UN Security Council in formulating the resolution, particularly concerning its legal force and enforceability. Understanding whether the resolution is mandatory or not is crucial to assessing how it is implemented. This analysis should also relate to Article 25 of the UN Charter, which requires member states to abide by decisions taken by the Security Council. UN Security Council Resolution 2728 represents a significant effort by the international community to address the ongoing human rights violations in Palestine, particularly in Gaza. The resolution aims to reduce the violence directed at Palestinian civilians, provide humanitarian aid, and halt the human rights violations that have persisted for decades. While the intent behind Resolution 2728 is clear and ambitious, a key question remains: how effective has this resolution been in reducing human rights violations in Palestine? This discussion will explore the practical impact of Resolution 2728 on the situation on the ground, particularly in Gaza, and evaluate the role of the international community and the UN Security Council in ensuring the protection of human rights in the region.<sup>19</sup>

Resolution 2728 was adopted in 2024 in response to the escalation of violence between Israel and Palestine, which resulted in fatalities and severe human rights violations, particularly in Gaza. One of the key elements of this resolution is the call for an effective ceasefire between the parties involved in the conflict and unhindered humanitarian access by international organizations to assist affected civilians. The resolution also calls for global monitoring of human rights violations in the region. Ideally, these measures would create

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<sup>19</sup> M.M. Qafisheh, "Human Rights at the Time of Transition: How Security Forces Can Be Held Accountable in a Divided Community?," *Journal of Conflict and Security Law* 25, no. 2 (2020): 171–207, <https://doi.org/10.1093/jcsl/krz031>.

space to reduce violence and provide the necessary aid to Palestinians trapped in the ongoing conflict.<sup>20</sup>

However, despite Resolution 2728 having a strong foundation in addressing human rights violations in Palestine, its effectiveness in practice has been questioned. One of the main challenges this resolution faces is the lack of consistent and effective implementation by the parties involved in the conflict.<sup>21</sup> The ceasefire recommended by the resolution has not consistently been effectively enforced, and violence continues despite efforts to achieve it. For instance, in the years following the adoption of this resolution, attacks on Palestinian civilians have continued sporadically. The ceasefire has frequently been violated by both sides, with Israel continuing military operations impacting civilians in Gaza while Palestinian militant groups also launch rockets into Israeli territory. This ongoing tension demonstrates that implementing the ceasefire, as part of Resolution 2728, does not always proceed as expected.<sup>22</sup>

Humanitarian aid access guaranteed by Resolution 2728 is also frequently hindered by the actions of the parties involved in the conflict. Although the UN and international humanitarian organizations have made efforts to provide aid to Palestinians, especially in Gaza, access to the region is often restricted by the blockade imposed by Israel and other logistical constraints. This blockade prevents the distribution of much-needed humanitarian aid, such as food, medicine, and medical supplies, which should help alleviate the suffering of Palestinians.<sup>23</sup> Additionally, security threats against humanitarian workers and infrastructure limit international organizations' ability to deliver aid effectively. Distribution is often obstructed by attacks on humanitarian convoys or border closures imposed by Israeli authorities.<sup>24</sup>

On the other hand, while the UN Security Council attempts to monitor the implementation of Resolution 2728, the mechanisms for monitoring and accountability for human rights violations committed by both sides are often inadequate. Although there are

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<sup>20</sup> Suwito Suwito et al., "Human Rights Perspectives on Resolving Medical Malpractice Cases through Penal Mediation in Indonesia," *Jambura Law Review* 5, no. 2 (2023): 278–95.

<sup>21</sup> C. Mc Cormick, "Monitoring, Reporting and Addressing Child Rights and Protection Violations in 'non-Listed' Countries," *Disasters* 37, no. SUPPL.1 (2013): S121–38, <https://doi.org/10.1111/disa.12016>.

<sup>22</sup> Joko Setiyono, "Kejahatan Internasional Aba Ke-20 Dalam Perspektif Hukum Pidana Internasional," 2019, <Http://Doc-Pak.Undip.Ac.Id/Id/Eprint/12116/4/KEJAHATAN%20ABAD%2020.Pdf>.

<sup>23</sup> M.S. Deyab and E.A. Elshaikh, "Am I Not a Child? Palestinian Child Rights' Violations in Cathryn Clinton's A Stone in My Hand (2002)," *Journal of Human Rights* 21, no. 4 (2022): 451–62, <https://doi.org/10.1080/14754835.2021.2011712>.

<sup>24</sup> Setiyono, "Peradilan Internasional Atas Kejahatan HAM Berat."



efforts to investigate violations occurring in Gaza, these mechanisms are frequently limited by international politics and the difficulty of ensuring accountability for those responsible for these violations. One of the main challenges faced by the UN Security Council is the differing views among member states regarding who should be held accountable for the conflict. Member states with political and military ties to one of the parties often obstruct efforts to condemn or act against human rights violations committed by that party.<sup>25</sup>

Over time, although Resolution 2728 has provided a legal and political framework for international action in Palestine, the challenges that have emerged show that the role of the UN Security Council and the international community in stopping human rights violations in this region remains limited. In addition to global political issues, other factors influencing the resolution's effectiveness include the deep tensions between Israel and Palestine, the inability to reach a lasting peace agreement, and the lack of effective mechanisms to enforce international law.<sup>26</sup> An important factor influencing the effectiveness of Resolution 2728 is the lack of global consensus regarding the resolution of the Israeli-Palestinian conflict. While the resolution was designed to reduce human rights violations, a broader resolution of the Israel-Palestine conflict has yet to be achieved. Without a comprehensive political solution, ceasefires and humanitarian aid efforts are often insufficient to stop the violence permanently. The violent tactics of Palestinian militant groups and Israel's military responses to those threats continue to worsen the situation. Without greater international pressure, this cycle of violence cannot be effectively stopped.<sup>27</sup>

However, despite the significant challenges in implementing Resolution 2728, the resolution has had some positive impacts. One identifiable impact is the increased international attention to the human rights situation in Palestine. While human rights violations continue, the resolution has opened space for further discussions on how the international community can work together to reduce violence and ensure the protection of human rights for Palestinian civilians. Moreover, this resolution underscores the importance of the involvement of international organizations, such as the UN, in monitoring and

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<sup>25</sup> Atep Abdurofiq, "Respon Organisasi Kerjasama Islam (OKI) Terhadap Pelanggaran Hak Asasi Manusia (HAM) Israel Atas Palestina" (B.S. thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta), accessed February 7, 2025, <https://repository.uinjkt.ac.id/dspace/handle/123456789/41527>.

<sup>26</sup> Fence M. Wantu, Novendri M. Nggilu, and Mellisa Towadi, "Indonesian Constitutional Interpretation: Constitutional Court Versus The People's Consultative Assembly," *J. Legal Ethical & Regul. Issues* 24 (2021): 1.

<sup>27</sup> R. Marton, "Human Rights Violations during Israel's Attack on the Gaza Strip: 27 December 2008 to 19 January 2009," *Global Public Health* 6, no. 5 (2011): 560–69, <https://doi.org/10.1080/17441692.2010.551518>.

evaluating the violations that occur, though the implementation of monitoring mechanisms still needs improvement.<sup>28</sup>

The essential role of the UN and other international organizations in monitoring human rights violations in Palestine cannot be overlooked. While the resolution's effectiveness is limited by international politics and ongoing tensions on the ground, the UN and other international organizations continue to strive to raise global awareness of the violations taking place and encourage dialogue among member states to reach better solutions. One example is the effort to promote a peace agreement through an international negotiation process involving various parties, including Israel, Palestine, and other major countries with direct stakes in the conflict.<sup>29</sup>

Ultimately, the effectiveness of Resolution 2728 in reducing human rights violations in Palestine can be seen as a mixture of positive outcomes and significant challenges. The resolution has helped pave the way for human rights protection through ceasefires and humanitarian aid access. However, its implementation is limited by political challenges, practical obstacles, and the inability to ensure consistent accountability. Therefore, while Resolution 2728 has good intentions and some positive impacts, its effectiveness in creating real change is far from perfect. In the future, greater international efforts will be required to reduce human rights violations in Palestine, as well as stronger mechanisms to ensure the implementation and accountability of actions taken to protect civilians in Palestine.<sup>30</sup>

To create more meaningful changes, the international community must continue to pressure the parties involved in the conflict to take human rights violations more seriously and adhere to international norms. More vigorous law enforcement and increased cooperation among major countries and international organizations will be key in achieving more sustainable peace and better protection for Palestinians.<sup>31</sup>

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<sup>28</sup> Rachel Christie, Gracia Suha Ma'rifa, and Jedyzha Azzariel Priliska, "Analisis Konflik Israel Dan Palestina Terhadap Pelanggaran Hak Asasi Manusia Dalam Perspektif Hukum Internasional," *Jurnal Kewarganegaraan* 8, no. 1 (2024): 349–58.

<sup>29</sup> A.R. Nanda and T. Mahwati, "Analysis of the Palestinian and Israeli Conflict in the Perspective of International Humanitarian Law," *International Law Discourse in Southeast Asia* 1, no. 1 (2022): 23–42, <https://doi.org/10.15294/ildisea.v1i1.56873>.

<sup>30</sup> Hengky Ho, "Penerapan Hukum Humaniter Internasional Dalam Konflik Bersenjata Antara Palestina Dan Israel," *Lex Et Societatis* 7, no. 2 (2019), <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/24668>.

<sup>31</sup> Fajar Ibrahim and Aju Putrijanti, "Penerapan Hukum Humaniter Oleh Mahkamah Pidana Internasional Terhadap Konflik Kemanusiaan Israel-Palestina Berdasarkan Statuta Roma 1998," *Unes Law Review* 6, no. 4 (2024): 12645–53.

## 2. Political and Diplomatic Challenges in the Implementation of Resolution 2728 to Uphold Human Rights in Palestine

The United Nations Security Council Resolution 2728, adopted in 2024, aims to reduce violence, improve the humanitarian situation, and uphold human rights in Palestine, particularly in Gaza. While this resolution was adopted with good intentions to bring peace and provide aid to Palestinian civilians affected by the conflict, its implementation has not been smooth. As one of the international bodies with authority, the UN Security Council is expected to play a key role in addressing ongoing human rights violations in Palestine. However, various political and diplomatic challenges in the resolution's implementation have hindered achieving its goals.<sup>32</sup> These challenges arise from both internal and external factors, including sharp differences in interests among prominent Security Council members, the ongoing tensions between Israel and Palestine, and practical obstacles on the ground, such as restricted humanitarian access and non-compliance with ceasefire agreements. This research aims to analyze the political and diplomatic factors that hinder the implementation of Resolution 2728 in upholding human rights in Palestine and examine how international political dynamics affect the resolution's effectiveness.<sup>33</sup>

One of the most significant challenges faced by Resolution 2728 is the sharp divergence of interests between prominent UN Security Council members. The Security Council consists of five permanent members with veto power: the United States, the United Kingdom, France, Russia, and China, alongside ten non-permanent members elected for two-year terms. In the context of Palestine, the ongoing tension between Israel and Palestine often creates deep divisions among these major powers.<sup>34</sup> For instance, the United States has historically maintained close political, military, and economic relations with Israel. This support extends beyond bilateral ties and is reflected in US foreign policy, which frequently supports Israel in international forums, including the UN Security Council. On many occasions, the United States has used its veto power to block resolutions or actions deemed harmful to Israel, including resolutions condemning human rights violations committed by

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<sup>32</sup> T. Mariniello, "The Situation in Palestine: Seeking for Justice, a Chimera?," *Confluences Mediterranee* 126, no. 3 (2023): 135–53, <https://doi.org/10.3917/come.126.0136>.

<sup>33</sup> Aliya Nadita Ifara et al., "Tinjauan Yuridis Kejahatan Israel Terhadap Palestina Dalam Perspektif Hukum Internasional," *Indonesian Journal of Law and Justice* 1, no. 3 (2024): 13–13.

<sup>34</sup> B.C. Browne, "Pursuing International Criminal Justice, the ICC, and Palestine," *Rethinking Peace and Conflict Studies*, 2023, 61–78, [https://doi.org/10.1007/978-3-031-25394-2\\_4](https://doi.org/10.1007/978-3-031-25394-2_4).

Israel in Palestine. This approach undoubtedly hinders the UN Security Council's ability to take decisive action against Israel and effectively implement the resolution.<sup>35</sup>

This divergence of interests is also evident in the perspectives of other major powers, such as Russia and China. While these countries do not share the same close relationship with Israel as the United States, they still possess strategic interests in the Middle East that influence their stance on the Israel-Palestine conflict. For example, Russia maintains good relations with several Arab countries, including Syria and Iran, which influence Palestinian militant groups. On the other hand, although more neutral in the conflict, China has its own economic and political interests in the region, particularly related to energy and trade. These differing views and interests create tensions within the Security Council, leading to an inability to reach a clear consensus on implementing Resolution 2728.<sup>36</sup>

In addition to internal political dynamics within the Security Council, external political factors also play a crucial role in obstructing the resolution's implementation. One such external factor is domestic political influence in major countries, such as the United States and several European nations, which often adopt policies that lean more towards supporting Israel. Pro-Israel lobbying groups and domestic political considerations, especially during elections, frequently push governments to adopt more pro-Israel policies. This political influence complicates the Security Council's decision-making process, making it difficult to exert pressure on Israel, even when most Security Council members support the resolution. This dynamic highlights a gap between international aspirations to address human rights violations and the political influence of domestic lobbies that affect foreign policy.<sup>37</sup>

Another external challenge lies in non-compliance with ceasefire agreements, a key component of Resolution 2728. One of the central provisions of the resolution is the call for a ceasefire between Israel and Palestinian militant groups, which should reduce violence and create space for humanitarian efforts. However, despite several ceasefire agreements, violations of these agreements have occurred repeatedly. Israel continues military operations against militant groups in Gaza, citing self-defense against rocket threats, while Palestinian militant groups frequently launch rocket attacks into Israeli territory. The persistent non-

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<sup>35</sup> Susi Indriani and Yati Sharfina Desiandri, "HAM Dan Hukum Humaniter Internasional: Analisis Konflik Israel Dan Palestina," *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 11, no. 1 (2024): 1–9.

<sup>36</sup> C. Gürseler Solak, "Change of Paradigm in the Israeli-Palestinian Conflict: Apartheid, Prolonged Illegal Occupation and Self-Determination," *Filistin Arastirmalari Dergisi* 2024, no. 15 (2024): 195–236, <https://doi.org/10.34230/fiad.1461676>.

<sup>37</sup> Natasya Pradana Novifajri, "Yurisdiksi International Criminal Court Dalam Menanggulangi Perkara Kejahatan Terhadap Kemanusiaan (Studi Kasus Konflik Bersenjata Antara Israel Dan Palestina)," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 15 (2024): 532–38.

compliance with the ceasefire exacerbates the situation, as ongoing violence prevents humanitarian aid from reaching those in need.<sup>38</sup>

The deep-rooted tensions between Israel and Palestine also fuel non-compliance. Both sides have a long history of conflict involving territorial disputes, national identity, and unresolved fundamental rights. Ceasefires only provide temporary solutions, and when one side feels threatened, violations of the agreements become almost inevitable. It indicates that while a ceasefire is an essential first step toward peace, it is insufficient to resolve the underlying and structural issues of the conflict. Therefore, the implementation of Resolution 2728 in terms of reducing violence is limited by the ongoing tensions between both sides.<sup>39</sup>

Another significant challenge in implementing Resolution 2728 is the restricted humanitarian access to Gaza. Although the resolution calls for international organizations to have full access to provide aid to Palestinian civilians affected by the conflict, the reality on the ground is Israel's policies often hinder that aid distribution. Israel has imposed a strict blockade on Gaza, preventing essential goods from entering, such as food, medicine, and medical supplies. This blockade is often justified as a measure to prevent weapons and dangerous materials from entering Gaza. Still, it severely impacts the well-being of Palestinian civilians already trapped in the conflict. Humanitarian organizations attempting to provide aid are frequently hindered in accessing Gaza, either due to restrictions imposed by Israel or due to security concerns that endanger the lives of humanitarian workers.<sup>40</sup>

The blockade is one of the primary factors contributing to the worsening humanitarian crisis in Gaza. Even when aid efforts are made, the distribution often fails to reach the entire needy population, leaving many people unable to receive the assistance they require. Although the UN and international humanitarian organizations have worked tirelessly to provide aid, these obstacles demonstrate that the political policies imposed by major countries, particularly Israel, have a significant impact on the effectiveness of implementing Resolution 2728.<sup>41</sup>

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<sup>38</sup> Ratu Prani Pertikaswari and Shabirah Gusmadi, "Keterkaitan Antara Dukungan Palestina Dan Ratifikasi Konvensi Genosida: Perspektif Hukum Dan Politik Indonesia," *Jurnal Mediasosian: Jurnal Ilmu Sosial Dan Administrasi Negara* 8, no. 2 (2024): 293–306.

<sup>39</sup> Y. Abu-Laban and A.B. Bakan, "Statelessness as a Window on the Paradox of the United Nations," in *Human Rights and the United Nations: Paradox and Promise*, 2025, 89–101, <https://doi.org/10.4324/9781003404453-7>.

<sup>40</sup> Firdha Sifana et al., "Analisis Konflik Israel-Palestina Ditinjau Dari Perspektif Instrumen HAM Internasional," *Media Hukum Indonesia (MHI)* 2, no. 3 (2024), <https://ojs.daarulhuda.or.id/index.php/MHI/article/view/404>.

<sup>41</sup> Age Sulistyoningih and Tiffany Setyo Pratiwi, "Hukum Jenewa Dan Serangan Cast Lead Oleh Israel Ke Palestina," *Dauliyah: Journal of Islam and International Affairs* 4, no. 2 (2019): 1–14.

To distinguish this article from others, the author should analyze in-depth how to strengthen the international community's commitment to enforcing Resolution 2728. It can be achieved by identifying concrete steps that can be taken by major countries, international organizations, and UN bodies to ensure more effective implementation of the resolution. One approach is to encourage the establishment of more transparent monitoring and accountability mechanisms involving UN member states in holding parties accountable for violations. The author could also explore how more coordinated multilateral diplomacy can overcome the conflicting interests of major powers in the Security Council and introduce more targeted and measurable sanctions against countries or entities that violate international agreements related to human rights. Furthermore, the author should examine how to strengthen global civil society involvement through awareness campaigns that can exert pressure on governments to support the resolution's implementation more seriously.

Overall, the political and diplomatic challenges faced in implementing Resolution 2728 reflect the complexity of the Israel-Palestine conflict. While the intent of Resolution 2728 is clear and crucial for improving the humanitarian situation and human rights in Palestine, international political factors, non-compliance with ceasefire agreements, and restricted humanitarian access obstruct its achievement. To overcome these barriers, the international community must strengthen its commitment to enforcing the resolution, press major countries to adopt a more objective stance toward Israel and Palestine, and work towards a more comprehensive solution to the root causes of this conflict. Without a shift in international political dynamics and a greater commitment to upholding human rights, the implementation of Resolution 2728 will remain limited, and the challenges faced by Palestinian civilians will continue.

#### **D. Conclusion**

UN Security Council Resolution 2728, adopted in 2024, was designed to address the ongoing human rights violations in Palestine by calling for a ceasefire and ensuring humanitarian aid access to those affected by the conflict. While the resolution provides a vital legal framework to safeguard human rights, its implementation has faced substantial challenges. The main obstacles include persistent non-compliance with the ceasefire agreements, restricted access to humanitarian aid due to Israel's blockade on Gaza, and the political dynamics within the international community, particularly the influence of the United States, which has historically supported Israel. This support has often manifested

using veto power in the Security Council, preventing decisive actions against Israel and undermining efforts to enforce the resolution effectively.

Despite the legal foundation established by Resolution 2728, these political and practical barriers have hindered its ability to achieve its goals. The ceasefire, a core component of the resolution, has been violated repeatedly, and the humanitarian access needed to alleviate the suffering of Palestinian civilians is still obstructed. These issues reflect broader geopolitical tensions and highlight the difficulty of resolving deep-rooted conflicts through legal instruments alone. international community must strengthen its commitment to enforcement to make Resolution 2728 more effective, the. It includes ensuring full compliance with ceasefire agreements, facilitating unrestricted humanitarian access, and addressing the political impasse within the Security Council. Specifically, a shift in the policies of major powers, such as the United States, is necessary to create a more balanced approach that can support the resolution's goals. Ultimately, without coordinated international action and political will, the resolution's legal framework will remain underutilized, and the cycle of human rights violations in Palestine will continue. Only through more substantial diplomatic efforts and sustained international pressure can a lasting peace and adequate human rights protection be achieved in the region.

#### **E. Suggestion**

To enhance the effectiveness of Resolution 2728, the following steps can be taken: First, major powers, particularly the United States, must update their foreign policies to support human rights and peace, reducing the use of the veto power that obstructs UN Security Council actions. Second, stronger monitoring and accountability mechanisms must be established to ensure violations are reported and perpetrators are held accountable. Third, humanitarian access should be expanded by easing the Gaza blockade and improving international coordination. Fourth, more inclusive peace negotiations need to be facilitated by the UN Security Council. Lastly, international campaigns to raise awareness about human rights in Palestine must be strengthened. These steps are expected to help reduce violence and better protect human rights in Palestine.

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