How the United Nations Enables Hamas

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The United Nations was founded to maintain international peace and security. But the UN subverts that goal when faced with terrorist groups like Hamas.

Hamas has waged war on Israel five times in 15 years, not counting thousands of one-off terror attacks. The group’s genocidal charter envisions the destruction of Israel — and even genocidal assaults on Jews everywhere — to avenge Allah, not to gain self-determination. The Palestinians already have self-determination, thanks to Israeli compromises in the Israeli-Palestinian Oslo Accords.

During each Hamas offensive, the group seizes military advantages through wholesale violations of international humanitarian law (IHL), also known as the laws of war. Most alarmingly, these religious fanatics target Israeli civilians, use Palestinian civilians as human shields, convert civilian buildings such as homes, schools, and hospitals into military positions, and take Israelis hostage. The four-part mixture of war crimes exploits Israel’s compliance with IHL. Specifically, Israeli commanders accept military setbacks because they willingly operate in a manner that [protects](https://www.newsweek.com/israel-implemented-more-measures-prevent-civilian-casualties-any-other-nation-history-opinion-1865613) Palestinian civilians.

To address this deadly IHL imbalance, the UN has a large workshop of disciplinary tools it could use. For example, because Hamas violates [Common Article 3](https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-3) of the Geneva Convention, which prohibits attacks on civilians, the UN Security Council could adopt a legally binding and enforceable resolution ordering Hamas to comply with the law. Alternatively, the UN could refer the IHL violation to its principal judicial organ, the International Court of Justice (ICJ). Similar measures before the UN and ICJ could enforce [Article 57](https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-57) of Additional Protocol I to the Geneva Conventions, which bans the use of human shields, and the [International Convention Against Hostage Taking](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-5&chapter=18&clang=_en). The anti-terrorist laws already require all UN member states to prosecute terror suspects or extradite them for prosecution.

Unfortunately, the UN and many member states ignore the above mandates. No UN resolution has ever condemned Hamas for designing war strategies based on war crimes. The UN has never even declared Hamas a terrorist organization.

Over time, Hamas has capitalized on its IHL impunity by designing war plans with even more elaborate war crimes. Its fifth war, launched on  October 7, 2023, produced an Industrial Revolution of IHL abuse. The primary innovation was to upgrade the Gaza terror tunnels into a complex underground fortress spanning 350 miles, while adding countless more civilian structures as warfighting sites. Essentially, Hamas turned Gaza into a giant human shield. It maximized the killing of Israelis by using drone technology for surveillance, shaped explosive charges to blast multiple holes in Gaza’s border fence, motorized paragliders to supplement the ground-based assault, and used cyberattacks. Consequently, the jihadists killed far more Israelis and captured many more hostages on October 7 than in any prior attack or war.

Individual IHL atrocities also grew more extreme. Babies murdered with bare hands. Decapitations. [Rape with female genital mutilation](https://www.bbc.com/news/world-middle-east-67629181). Families burned alive. Hostages tortured and starved.

Under the shield of UN passivity, Hamas even persecutes its own people. Ordinary Gazans have no voice in their governance and no civil liberties. Perceived dissidents are summarily killed. Because the Islamist gang enlarged the battleground of the current war to include all of Gaza, virtually the entire district is now destroyed. During bouts of combat, the gunmen warned Gazans not to enter Israeli-designated safe zones. Hamas operatives routinely stole humanitarian aid intended for the masses. Recently, crowds of Gazans became so desperate that they staged public protests. Hamas [executed](https://www.ynetnews.com/article/sjl5xnua1x) some of them and tortured others.

Hamas needlessly prolongs misery on both sides of the blood-soaked conflict, every day that it continues its hopeless military campaign against Israel.

The UN should have responded to Hamas’s fifth war on Israel by punishing Hamas for the lawless slaying of Israelis, the deaths of Palestinian human shields, and the hostage-taking. But ironically, the UN treated Israel as if it were the IHL culprit.

This cynical approach was a typical product of an anti-Western UN voting bloc, called the ‘[automatic majority](https://unwatch.org/un-condemns-israel-17-times-6-on-rest-of-world-combined/),’ which scapegoats Israel relentlessly. No wonder the ICJ entertained a petition that absurdly accused Israel of genocide. Remarks of the UN rapporteur for the Israeli-Palestinian conflict were so [antisemitic](https://www.adl.org/resources/article/francesca-albanese-her-own-words) that she compared Israel to Nazi Germany, claimed the US was controlled by ‘the Israel lobby,’ and implied that the October 7 massacre was justified.

The UN office for humanitarian affairs parroted Hamas’ [falsified](https://www.jns.org/associated-press-blasts-own-reporting-on-hamas-casualty-statistics/) casualty statistics. The UN agency authorized to give Palestinians humanitarian aid employed members of Hamas and failed, whether through negligence or design, to stop them from looting the aid. Although a few toothless UN resolutions pushed for ceasefires, they falsely branded Hamas and Israel as equally responsible for the violence.

Last year, a world body that cooperates with the UN threatened to restrain Hamas. The International Criminal Court issued arrest warrants for certain Hamas leaders. However, there was no ICC follow-up when those leaders were subsequently eliminated. The court’s motives were suspect because, even as it failed to act against Hamas, it sought to arrest Israeli officials despite worldwide complaints that it lacked jurisdiction over Israel.

Had the UN done its job, Hamas might be disarmed today. Israelis would not be suffering in captivity. Gaza would still be intact. If the UN continues to countenance IHL-exploiting war plans, Hamas and/or other terrorists will continue to make a mockery of IHL. At some point, the systemic criminality may force countries like Israel to adjust their IHL compliance strategies by doing more to protect their own civilians and less to protect others, something a fair reading of IHL would permit. This race to the bottom would only erode the value of IHL.