**The Interrelationships Between Historical Narratives and International Law**

**in the Israeli-Palestinian Conflict**

**Abstract**

Historical narratives play a central role in international conflicts. They serve as a basis for justifying the conflict from a historical point of view, as well as for justifying the involved parties’ ambitions from a legal point of view. Internally to each party involved in the conflict, historical narratives are key to their identity formation. Externally, contradictory historical narratives make it difficult for the parties to settle the conflict between them. It is therefore essential to examine how historical narratives develop in international conflicts, especially complex and protracted ones. For international conflicts, the relevant legal framework is international law. There have been major developments in this field over the years, such that international law has become a language unto itself, beyond the legal field. Therefore, international law is a highly relevant tool for analyzing historical narratives.

The subject of the current study is the Israeli-Palestinian conflict and its purpose is to investigate the interrelationships between the historical narratives and international law. To this end, this study focuses on the official historical narratives as presented by the leaderships and main political actors in the Israeli-Palestinian conflict, particularly concerning three core issues: refugees, Jerusalem, and settlements.

An interdisciplinary analysis of the official narratives regarding these three core issues through the lens of profound developments that have taken place in international law makes it possible to assess the role of the legal discipline in shaping the historical narratives promoted by the leaderships of the parties in the conflict while offering an interdisciplinary analysis of the interrelationships between them. This integrated historiographic perspective enriches the existing research in the field and adds another layer to the analysis of historical narratives in the Israeli-Palestinian conflict. Over the years, various factors that shape historical narratives have been discussed, such as internal developments on both sides and their ways of managing the conflict. However, until now, this discussion has not looked at international law as a distinct factor in shaping historical narratives.

Previous historical research has generally focused on differences between the narratives and the development of various approaches to historical events. The current study examines the development of the narratives in the Israeli-Palestinian conflict from another angle, namely through a “legal lens.” In addition, while there has been extensive legal scholarship about the Israeli-Palestinian conflict, the main research subjects have generally focused on the legal systems, their populations, and the laws applicable to the various issues. This study focuses the legal lens on another research subject, namely the historical narratives in the Israeli-Palestinian conflict. By taking an integrated historical perspective, it offers a more precise and detailed outline of the role played by international law in the Israeli-Palestinian conflict. This goes beyond an instrumental view of applying international law as a purely legal measure, or as a relatively recent step in the internationalization of the conflict. The methodology used here reveals an additional interdisciplinary dimension that enriches the existing research discourse and contributes to the understanding of the development of the historical narratives regarding the Israeli-Palestinian conflict as well as their implications for the conduct of the conflict and international law.

In order to formulate an integrated historical picture of the interrelationships between the historical narratives and international law regarding the Israeli-Palestinian conflict, this study examines several central research questions: What are the historical narratives of the main political leaderships of Israel and the Palestinians in relation to the three core issues under consideration? How have these developed over time, in the three periods considered (X, Y & Z)? What relevant in-depth processes and developments have taken place in international law in the time periods considered? How were these reflected in the involved parties’ historical narratives? In light of these findings, this study further asks: What are the primary interrelationships between the fields? How were they manifested during the three periods considered? Alongside the focus on international law, what additional variables and factors can be mapped, which have had an apparent influence on the historical narratives in the Israeli-Palestinian conflict? How does international law interface with them?

Based on the findings related to these questions, this study analyzes international law as a factor in shaping the historical narratives of the leadership of the parties involved in the Israeli-Palestinian conflict. As a derivative of this, the study also considers the role of international law in the formation of the parties’ national identity. Additionally, it examines how these interdisciplinary connections played a role on other levels, within the historical development of the Israeli-Palestinian conflict and even beyond it, in the broader international field.

In order to examine these central questions, the study analyzes a wide range of primary and secondary textual sources in three languages (Arabic, English, and Hebrew). Primary sources used include foundational documents and conventions, international agreements, legislation, court rulings, decisions by international organizations, official publications and reports, certificates, documents from negotiations, government and parliamentary decisions, protocols, declarations, speeches, letters, memoirs, and more. The secondary sources used in the research include relevant professional literature from the fields of history and law, publications from research institutes, and other Israeli, Palestinian, and international sources.

Until now, these primary and secondary sources have generally been examined separately, in the fields of history and law. In this study, they are analyzed from an integrated interdisciplinary perspective. As a result, additional , Israeli and Palestinian sources and new contexts were identified that expanded the scholarly discourse even regarding sources that were discussed in the past. For example, the connections between international sources and Israeli and Palestinian sources. The study also includes excerpts from sources that have not previously been analyzed comparatively, as detailed in the following study chapters.

This manuscript consists of an introductory chapter followed by three main study chapters, each of which offers an in-depth analysis of one of the selected core issues, and a final chapter presenting a summary and conclusions regarding the connections between them that were uncovered in research and analyses. The introductory chapter presents the research topic and central concepts to be discussed in its framework: historical narratives, international law, and the Israeli-Palestinian conflict. In this framework, attention is given to the interdisciplinary interfaces between the concepts. The introductory chapter positions this research within the fields of history and law and against this background explains in detail the research questions and presents the sources and structure of the study. Definitions and explanations of the terms used in the historical narratives of the parties involved in the conflict are also included.

The first main chapter discusses the issue of refugees, the second the issue of Jerusalem, and the third the issue of settlements. Each chapter opens with a historical overview of the issue, providing the basis necessary for its analysis. Then the Israeli and Palestinian historical narratives presented by the leadership of each of the parties are discussed, and instances and contexts pertaining to international law are identified. To deepen the analysis of the historical narratives in the light of international law, each chapter includes an analysis of the main developments and processes that have occurred in international law, segmented according to key periods. Each chapter ends with a detailed interim summary of the findings, insights, and analysis of the issue, which were conducted using a common methodological framework.

The methodological framework used in the research consists of three circles of interrelationships, which intersect at certain points. The first circle comprises the interrelationships between the historical narratives and international law, referred to in this study as “the direct circle.” This circle examines the various international legal terms and principles that have been directly integrated into the historical narratives. It also looks at how legal sources have drawn on these historical narratives, and pays attention to the differences between the involved parties and between the periods examined. For example, it looks at how the core issues are defined and how historical events related to them are described (using terms such as flight versus deportation, liberation versus annexation, and self-defense versus war crimes).

The second circle, termed in this study as the “circle of sources,” reveals the interactions between the sources on the international level, and between the Israeli and Palestinian sources on the internal level. It draws on a wide range of international, Israeli, and Palestinian sources, which also differ in their validity. It is evident that the historical narratives and international legal terms were sometimes assimilated into other internal and international legal sources in order to validate and strengthen them. However, in some of the internal sources, international legal terms or sources were criticized, in order to influence their interpretation.

The third circle of interrelationships, termed in this study the “chronological circle,” relies on the previous two circles and explains how they function in a deeper and tighter historical way, in light of key developments in international law. It identifies milestones and historical changes that were relevant for the shaping of the narratives promoted by the leaderships of the parties involved in the conflict. These include the formation of international regulations pertaining to the study’s three core issues, developments in the human rights discourse, and the strengthening of international institutions and forums, particularly in the field of international criminal law. This circle also includes a discussion of the tensions between collective rights and individual rights and between the broad international legal framework and the specific legal framework, which developed in parallel. In addition, there is a discussion of differences between the parties in the conflict as they relate to international law and its sources in the various periods, as the parties drew closer or moved further apart, and used international law, alternately, as a “weapon” or as a “shield.”

A comparative analysis of the three core issues examined in this research shows that the interrelationships between the historical narratives of the leaderships of the parties in the Israeli-Palestinian conflict and international law are not accidental or random. They are closely related to significant developments that simultaneously occurred in international law during the examined periods. The analyses presented in the research chapters revealed a broad common denominator between the three circles in relation to the three core issues under consideration. This validates the relevance of the findings beyond each single issue, and emphasizes the central place of international law, as a factor in its own right, in shaping the established historical narratives of the leaderships of the parties in the Israeli-Palestinian conflict as a whole.

Alongside the central place of international law in shaping the historical narratives, this study also maps additional relevant factors and variables. Some of them are unique to each of the core issues (such as demographic, religious and security variables) and some are common to all three (such as political processes, cycles of violence and negotiations).However, these variables and common factors do not diminish the place of international law in the shaping of the historical narratives but rather form part of an integrated holistic historical picture, especially in light of the role played by international law in regulating them.

The study findings indicate that international law is not a unidimensional strategic instrument used in the conduct of the Israeli-Palestinian conflict, nor has its use been only invokes relatively recently. It has had a deep conceptual influence and has served as a central factor in the construction of the official historical narratives from the early stages of the conflict. As a consequence of the central place of international law in the official historical narratives, it also plays a key role in the formation of the national identities of the parties to the conflict, and the differences between these identities. In this regard, while it has long been recognized that international law has played a central role in the formation of the Jewish people’s national identity, the place of international law in the formation of the Palestinian national identity has only become evident at later stages.

In addition, this study shows that the circles of interrelationships between the historical narratives and international law cause “ripples” on two additional levels. The first concerns the development of the Israeli-Palestinian conflict, regarding its complexity and intensity In the framework of this conflict, the interrelationships between international law and national narratives sometimes led to polarization between the parties and the escalation of the conflict and sometimes helped bring the parties closer in an attempt to settle the conflict. For example, as a result of the way the core issues are defined, and the use of international law as either a “weapon” or a “bridge.” The second level concerns the development of international law beyond the context of this specific conflict. This as a result of the implications of these interrelationships for how international law is interpreted and how its sources are consolidated, in frameworks that are external to this conflict (such as within the frameworks of refugee law, decolonization processes and international criminal law).

Based on these insights, the concluding chapter discusses conceptual models to illustrate the interrelationships between the historical narratives and international law in the Israeli-Palestinian conflict. As part of this chapter, a model is proposed that expands the historical perspective and adds a new dimension to existing analytical frameworks.

This study aims to help understand how the historical narratives in the Israeli-Palestinian conflict have developed from a past-oriented perspective, and offers a foundation for alternative ways to deal with it from a future-oriented perspective. In addition, this case study uses international law and historical narratives as tools to understand the Israeli-Palestinian conflict, which may be of use in studying other international conflicts. In this way, it may enrich the existing scholarly discourse about these conflicts and contribute to ways of dealing with them, beyond the limited scope of this case study.