**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, distinct from the language of other kinds of law. This distinctiveness has made it a 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 established historical narratives as presented by the leaders and main political actors in the Israeli-Palestinian conflict, particularly concerning three core issues: refugees, Jerusalem, and settlements.

An interdisciplinary analysis of the established 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 leaders of the parties in the conflict while offering an interdisciplinary analysis of the relationships 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 narratives in the Israeli-Palestinian conflict from another angle, namely through a “legal lens.” While there has been extensive legal scholarship about the Israeli-Palestinian conflict, it has focused on the legal systems, people, and laws relevant to the various issues. This study focuses the legal lens on 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 instrumentalist, legalist view of international or as a relatively recent innovation in the internationalization of the conflict. This methodology reveals an interdisciplinary dimension that enriches the existing research and furthers understanding of the historical narratives regarding the Israeli-Palestinian conflict and their implications for the ongoing 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 historical narratives are promoted by the major Israeli and Palestinian political leaders about the three core issues under consideration? How have these changed over time? What key events and developments have taken place in international law over time, and how were these reflected in the involved parties’ historical narratives? In light of these findings, what are the primary interrelationships between the issues, and how were they manifested at different times? Alongside the focus on international law, this study maps the variables and factors that have an apparent influence on the historical narratives in the Israeli-Palestinian conflict and examines how international law interfaces with them.

To answer 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. It considers the role of international law in the formation of the parties’ national identity. Additionally, the study examines how these interdisciplinary connections play a role on other levels, within the historical development of the Israeli-Palestinian conflict and even beyond it, in the broader international field.

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, and publications from research institutes and other Israeli, Palestinian, and international sources.

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

This manuscript consists of an introductory chapter followed by three 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 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. It offers an interdisciplinary perspective of the interactions between these 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 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 leaders 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 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 considers three circles of interrelationships, which intersect at certain points. The first circle comprises the interrelationships between the historical narratives and international law, referred to as “the direct circle.” This circle examines terms and principles from international law that have been directly integrated into the historical narratives. It looks at how legal sources have drawn on these historical narratives. Attention is paid to the differences between the involved parties and between the periods. 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 the “circle of sources,” considers 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 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. In some of the internal sources, international legal terms or sources were criticized, in order to influence their interpretation.

Based on these first two circles, the third circle, the “chronological circle” makes an in-depth and tight analysis of the events in light of major developments in international law. It identifies milestones and historical changes that are relevant to the narratives promoted by the leaders of the parties involved in the conflict. These include international regulations pertaining to the study’s three core issues, developments in the discourse on individual human rights, and the strengthening of international institutions and forums, particularly in the field of international criminal law. This circle includes a discussion of the tensions between collective rights and individual rights and between the broad international legal framework and the individual contractual legal framework, which developed in parallel. 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 they drew closer or 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 international law and the historical narratives expressed by the leaders of the parties in the Israeli-Palestinian conflict are not accidental or random. They are closely related to significant developments that 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 issue, and emphasizes the central place of international law, as a factor in its own right, in shaping the established historical narratives of the parties in the Israeli-Palestinian conflict.

This study also maps other relevant factors relevant to each of the core issues (such as demographic, religious, and security variables) as well as those that are common to all three (such as political processes, cycles of violence, and negotiations). 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 in light of the role played by international law in organizing them.

The study findings indicate that using international law in the Israeli-Palestinian conflict for strategic purposes is not unidimensional, nor has it come into use only recently. It has had a deep conceptual influence and has been a central factor in the construction of the official historical narratives from the early stages of the conflict while taking into account the differences between them. It has long been recognized that international law has been central to the formation of the Jewish people’s national identity from early stages of the conflict. 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 relationships between the historical narratives and international law cause “ripples” on two additional levels. The first concerns the complexity and intensity of the Israeli-Palestinian conflict. In the framework of this conflict, the relationships 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, 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 outside the context of this specific conflict. International law is interpreted, and its sources are consolidated, in frameworks external to this conflict, such as refugee law, decolonization processes, and international criminal law.

Based on these insights, the concluding chapter uses conceptual models to illustrate the interrelationships between the historical narratives and international law in the Israeli-Palestinian conflict. 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 in the past and offers a foundation for alternative ways to deal with it in the future. This case study using international law and historical narratives as tools to understand the Israeli-Palestinian conflict 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.