

Each of the four treaties focuses on the protection of a particular category of war victims. The first three treaties (on wounded and sick soldiers on land; wounded, sick, and shipwrecked soldiers at sea; and prisoners of war) updated earlier treaties signed in 1899, 1907, and 1929, whereas the fourth was a true innovation. It set out for the first time comprehensive protections for civilians.

Those four Geneva Conventions have now been ratified by 196 states, effectively covering the entire world. They have also been updated through three further treaties (or "additional protocols"), and supplemented by a variety of others, such as treaties banning or regulating particular weapons.

But, notwithstanding these significant legal advances, the number of conflicts around the world has steadily increased over the past half-century — and particularly in the past 15 years. Fatalities from organised violence — including war — have risen steadily, particularly over the past 25 years (2023 reportedly had the third-highest annual fatalities from organised violence since the Rwandan genocide in 1994).

Israel's assault on Gaza since last year's October 7 attacks by Hamas has accounted for a significant number of deaths — nearly 40,000. The majority of these were civilians, according to the numbers compiled by the Gaza health ministry, which are all we have to go on. Israel's actions have come under intense scrutiny, with mounting evidence of war crimes and multiple at-

tempts at accountability, including before the International Court of Justice and the International Criminal Court.

When is a school a lawful target?

A school is a classic example of a civilian object that cannot, as a general rule, be targeted. Where a school is used for military purposes, however, it can potentially become a lawful military objective. This would be the case if its use makes an effective contribution to military action and if its destruction, capture, or neutralisation offers a "definite military advantage". So, if the school building did house a Hamas or Islamic Jihad command centre, as claimed, this may well render it a military objective.

But even military objectives cannot be targeted if doing so may be expected to cause disproportionate harm to the civilian population. Here the test is whether such harm may be expected to be "excessive in relation to the concrete and direct military advantage anticipated".

This calls for an assessment to be made before an attack of the likely effects of the strike on the civilian population. Given that this was a building in a school complex that also housed a mosque and was sheltering a large number of displaced people, it is very difficult to see how anything other than a significant number of civilian casualties could result. This makes the legality of the strike much harder to justify. An attack that is knowingly going to



Shrouded bodies are laid down at the al-Maamadani hospital, following an Israeli strike that killed more than 100 people at a school sheltering displaced Palestinians in Gaza City on August 10, 2024. AFP

cause clearly excessive civilian harm is a war crime for which the perpetrators can be prosecuted (in certain cases, their commanders/political leaders can be prosecuted as well).

Indeed, in many recent conflicts, militaries have (successfully or not) claimed to pursue "zero civilian casualty" policies, to avoid allegations of disproportionate attacks and to increase their legitimacy.

If Hamas and Islamic Jihad did use the school as a command centre, effectively relying on the civilians inhabiting the school as human shields, this itself

is a violation of IHL and potentially a war crime. Hamas has been accused before of using Palestinian civilians as human shields (as has Israel), and the IDF is not alone in alleging that they have done so during the current conflict. Yet, even in such situations, Israel remains bound by the prohibition of disproportionate harm to civilians when targeting schools that are being used for military purposes by Hamas. It cannot justify any attempt to evade those obligations on the basis of Hamas' wrongdoing. Finally, though the IDF insisted it had tak-

en "numerous steps to mitigate the risk to civilians," it is not clear that they issued any advance warnings to the civilians located in the school. This is required (except in certain circumstances) by IHL.

Warnings are an essential means of complying with a state's international law obligation to spare the civilian population during military operations. The IDF has issued such warnings in relation to other strikes during the current conflict (though some of these have been criticised as being unclear and thus ineffective). It is not clear on what basis they appear not to have done so here.

The United Nations has noted with concern the pattern of Israeli attacks on schools throughout Gaza. The IDF continues to argue that its strikes comply with IHL. There are strong reasons to doubt this.

But it must also be emphasised that IHL establishes an absolute minimum of permissible conduct in wartime. Indeed, much of IHL is extremely permissive as to what militaries can do during war. That we are now celebrating the 75th anniversary of the core IHL treaties is a good reminder that we should not assume its prescriptions reflect contemporary moral standards.

Militaries and armed groups ought not merely to ask whether a particular military operation would be lawful, but also whether it would be just.

The article first appeared on The Conversation.

In Gaza, education is resistance



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OPINION

When on July 29, the Palestinian Ministry of Education and Higher Education announced the results of the Tawjihi high school general matriculation exam, Sara wept. The 18-year-old saw on social media the joyous celebrations of other students in the occupied West Bank who were revelling in their achievements.

"I was supposed to be happy at this time, celebrating the completion of my high school," she told me with tearful eyes when I visited her in her family tent in Gaza. "I dreamed of being among the top students and having interviews to celebrate my success."

Sara was studying at Zahrat Al-Madain Secondary School in Gaza City and aspired to

become a doctor. The matriculation exam, for which she would have studied hard for months, would have allowed her to apply to study in a medical faculty. The score of the exam is the main criterion for admission to Palestinian universities.

Instead, Sara spends her time despairing — her home and dreams of a better future destroyed by Israeli bombardment.

She is one of 39,000 Palestinian students in Gaza who were supposed to take the matriculation exam this year but could not.

But Sara is one of the "lucky" ones. Of those students who were supposed to finish high school, at least 450 have been killed, according to the Palestinian Education Ministry. More than 5,000 others of various grades have also died in Israel's genocidal aggression on Gaza along with more than 260 teachers.



Palestinian children look at the damage caused by an Israeli attack on a school sheltering displaced people in Gaza City on August 10, 2024. MAHMOUD ISSA/REUTERS



People inspect the rubble of the Israeli-hit Al-Taba'een school that sheltered displaced Palestinians. X



People mourn over the shrouded body of a family member following an Israeli strike that killed more than 100 people at a school sheltering displaced Palestinians in Gaza City on August 10, 2024. AFP

Scores of these high school seniors have probably been killed in schools, which have been turned into shelters for displaced Palestinians since the Gaza war began. There is a dark irony here that the places of learning and enlightenment in Gaza have been turned into places of death.

Since July, Israel has bombed schools 21 times with massive casualty numbers. In the latest attack, al-Tabin school in Gaza City became the graveyard of more than 100 people, the majority of them women and children. Horrific reports described parents looking for their children in vain as the bombs had ripped them into small pieces.

According to the United Nations, 93 percent of Gaza's 560 schools have been either destroyed or damaged since October 7. About 340 have been directly bombed by the Israeli army. They include government and private schools as well as those run by the UN itself. By now it is clear that Israel is systematically targeting Gaza's schools, and there is a reason for it.

For Palestinians, educational spaces have historically served as vital hubs for learning, revolutionary activism, cultural conservation, and the preservation of

relations between Palestinian lands cut off from each other by Israeli colonisation. Schools have always played a crucial role in the empowerment and movement for the liberation of the Palestinian people.

In other words, education has been a form of Palestinian resistance to Israeli attempts to erase the Palestinian people since the Nakba of 1948. When Jewish militia forces ethnically cleansed and expelled about 750,000 Palestinians from their homeland, one of the first things they did when they settled down in refugee camps was to open schools for their children. Education was elevated to a national value. This drove the development of the Palestinian education sector to the point where it delivered some of the highest literacy rates in the world.

It is not a coincidence that an impoverished, besieged, and regularly bombarded Gaza has traditionally been the home of some of the top scorers on the Tawjihi exam. Tales abound of Gaza students receiving some of the highest scores after studying by the light of oil lamps or mobile phones during regular blackouts or refusing to stop even while Israel bombarded the enclave. Excelling in one's studies despite all odds has been a form

of resistance — whether young people in Gaza have been aware of it or not.

What Israel is doing now is trying to destroy this form of Palestinian resistance by committing scholasticide. It is dismantling educational and cultural institutions to eradicate the avenues through which the Palestinians can preserve and share their culture, knowledge, history, identity, and values across generations. Scholasticide is a critical aspect of genocide.

For the students on the receiving end of this genocidal campaign, the destruction of the education sector has had a devastating impact. Education, for many, also gave hope that life could get better for them, that they could pull their families out of poverty through hard work.

I thought of the spread of hopelessness among Gaza's children and youth when I saw 18-year-old Ihsan selling handmade desserts under the scorching sun on a dusty street in Deir el-Balah. I asked him why he was out in the heat. He told me he spends his days selling handmade desserts to earn a small amount of money to help his family survive.

"I have lost my dreams. I dreamed of becoming an engineer, opening my own business, working in a company, but all

of my dreams now have been turned into ashes," he said in despair.

Like Sara, Ihsan too would have taken the Tawjihi exam by now and looked forward to studying at a university.

I see in Gaza so many bright young people like Sara and Ihsan who were meant to celebrate their high school achievements and are now mourning the dreams that have been violently snatched away from them. Those who could have been future doctors and engineers of Gaza now spend their days struggling to find food and water to barely survive as they are surrounded by death and despair.

But the resistance is not all dead. The yearning for education among Palestinians in destroyed Gaza has not disappeared. I was reminded of that when I visited six-year-old Masa and her family in their tent in Deir el-Balah. While I was speaking to her mother, who was telling me how her heart ached every time her daughter cried because she could not go to school, Masa kept pleading: "Mom, I want to go to school. Let's go to the market and buy me a bag and a school uniform."

Masa would have started first grade in September. This month would have

been the time to shop for all the school supplies, a uniform, and a schoolbag, which would have brought her immense joy.

While today Palestinian children's pleas to go to school are leaving many parents heartbroken, this thirst for education will drive the rebuilding of Gaza's education sector tomorrow when this genocidal hell is over.

In a recent open letter, hundreds of scholars and university staff from Gaza emphasised that "the rebuilding of Gaza's academic institutions is not just a matter of education; it is a testament to our resilience, determination, and unwavering commitment to securing a future for generations to come."

Indeed, many Palestinians aspire to reconstruct the educational institutions essential for their communal life and liberation, embodying the principle of sumud, or steadfastness. To paraphrase the concluding sentence of that letter: Many schools in Gaza, especially in its refugee camps, were built from tents, and Palestinians — with the support of their friends — will rebuild them from tents again.

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