OPEN ACCESS JOURNALS
Indiana Journal of Humanities and Social Sciences
Abbriviate Tittle- Ind J Human Soc Sci
ISSN *(Online)*- 2582-8630
Journal Homepage Link- https://indianapublications.com/journal/IJHSS
DOI: https://doi.org/10.5281/zenodo.17417595

INDIANA PUBLICATIONS
PRODUCTIVE AND QUALITY RESEARCH

Research Article Volume-06|Issue-10|2025

Justice Beyond Borders: Rethinking Sovereignty, Genocide, and the Palestinian Statehood Debate

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Article History
Received: 05.09.2025
Accepted: 10.10.2025
Published: 22.10.2025

Citation
Jalil, A. J., Billah, M. M., Rahman, M. K. (2025). Justice Beyond Borders: Rethinking Sovereignty, Genocide, and the Palestinian Statehood Debate. *Indiana Journal of Humanities and Social Sciences*, *6*(10), 65-72

Abstract: This article critically examines Chief Adviser of Bangladesh Professor Dr. Muhammad Yunus's 2025 United Nations General Assembly speech as a transformative intervention in the global discourse on genocide, sovereignty, and Palestinian statehood. Professor Yunus frames the humanitarian catastrophe in Gaza and the West Bank not merely as a regional conflict but as a test of the international community's commitment to justice and the Responsibility to Protect (R2P). By condemning large-scale civilian killings, forced displacement, and systematic destruction, Professor Yunus challenges the limits of state sovereignty when gross human rights violations occur. The objective of the article is to explore how Professor Yunus's speech redefines state responsibility, calls for recognition of Palestine based on pre-1967 borders, and advocates structural reforms in international law and institutions. This study employs qualitative research techniques including doctrinal and discourse analysis approach. The research finds that Professor Yunus's vision extends beyond Palestine, offering a normative blueprint for a more equitable and accountable world order.

Keywords: Genocide, Sovereignty, Palestinian Statehood, Responsibility to Protect (R2P), Human Rights, International Law, Muhammad Yunus.

INTRODUCTION

The question of Palestinian statehood, allegations of genocide, and the limits of sovereignty represent one of the most urgent challenges in contemporary international law. The historical roots of the conflict date back to 1947, but recent developments—including the scale of civilian casualties, forced displacement, and destruction in Gaza—have reignited global debates about the legal and moral responsibilities of states and international institutions. In September 2025, the International Court of Justice (ICJ) ordered Israel to "ensure that acts of genocide are not committed" in Gaza, underscoring the severity of the situation and the applicability of the 1948 Genocide Convention to current events (AP, 2025). According to legal scholars and human rights investigators, Israeli military actions—including systematic killings, destruction of civilian infrastructure, and conditions calculated to destroy the Palestinian population—meet the criteria of genocide under international law (Reuters, 2025).

This has profound implications for traditional doctrines of sovereignty. Historically, sovereignty has been understood as granting states near-absolute authority over their internal affairs (Essoh & Bagaji, 2021). However, the emergence of doctrines such as the "Responsibility to Protect" (R2P) and the development of international criminal law have increasingly challenged the notion that sovereignty can shield states from accountability for mass atrocities (Uraz, 2023). Fournet (2007) argues that genocide, as a "crime of destruction," is not only a legal violation but also an assault on the collective memory and identity of a people, demanding a response beyond national borders. Similarly, Hallaq (2018) contends that sovereignty itself, when used to justify structural violence and systemic extermination, becomes complicit in "epistemic genocide," thereby losing its legitimacy under international norms.

In this context, the Palestinian case has become a litmus test for the credibility of international law and institutions. The global recognition of Palestinian statehood—now supported by over 147 UN member states—reflects a shifting normative consensus that sovereignty must yield when fundamental human rights and self-determination are at stake (Amnesty International, 2024; Washington Post, 2025). Professor Muhammad Yunus and other global figures have framed the crisis as both a legal and moral imperative, calling for accountability, justice, and the creation of a sovereign Palestinian state as a remedy to decades of occupation, displacement, and systematic violence (Bangladesh Pratidin, 2025; Jago News Desk, 2024). This research situates the Palestinian struggle within broader debates on genocide, sovereignty, and statehood, exploring how evolving legal interpretations and normative pressures are reshaping the boundaries of international justice.

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Objectives of the Research

The objectives of this research are as follows:

1. To analyze the legal and normative arguments made by Professor Muhammad Yunus regarding genocide, human rights violations, and Palestinian statehood (Bangladesh Pratidin, 2025; Jago News Desk, 2024).
2. To evaluate whether the reported acts in Gaza meet the legal definition of genocide under the 1948 Genocide Convention (Amnesty International, 2024; AP, 2024).
3. To investigate how recent recognitions of Palestine affect the principles of sovereignty and self-determination (Washington Post, 2025; Reuters, 2025a, 2025b).
4. To examine the influence of moral leadership and non-state actors in shaping international legal norms (Ashur, 2025; The International Journal of Human Rights, 2022).
5. To propose strategies for strengthening global accountability and protection mechanisms in cases of mass atrocity (Britannica, 2025).

METHODS OF THE RESEARCH

This study employs a qualitative research method including doctrinal and discourse analysis approach. **First**, documentary research will collect official texts of Professor Yunus's UNGA speeches, UN resolutions, and NGO reports (Amnesty International, 2024; AP, 2024). **Second**, a doctrinal legal analysis will examine relevant treaties, including the Genocide Convention and customary international law, as well as jurisprudence from the International Court of Justice and International Criminal Court (Nijim, 2023). **Third**, empirical data triangulation will include casualty and displacement figures reported by international agencies and NGOs (Ashur, 2025). **Finally**, a discourse analysis will evaluate how Yunus's rhetoric on sovereignty, genocide, and recognition contributes to norm formation in international law (Bangladesh Pratidin, 2025; Jago News Desk, 2024). Case studies of recent recognitions by the UK, Portugal, and France will illustrate the legal and political implications of state practice (Washington Post, 2025; Reuters, 2025a, 2025b; AP, 2025).

Context of the 2025 UNGA and Gaza Crisis

The 2025 United Nations General Assembly (UNGA) convened amid one of the most severe humanitarian crises in Gaza since the 1947 partition of Palestine. Recent reports estimate that over 500,000 Palestinians have been killed, more than one million injured, and nearly one million displaced due to ongoing military operations and systemic targeting of civilian infrastructure (Amnesty International, 2024; AP, 2025). The ICJ issued urgent directives calling on Israel to prevent acts of genocide in Gaza, signaling the international community's recognition of the severity of the crisis (AP, 2025; Reuters, 2025). Scholars argue that such large-scale violence represents a direct challenge to existing frameworks of international law, particularly the Genocide Convention and the Geneva Conventions, which impose obligations on states to protect civilians during conflicts (Fournet, 2007; Uraz, 2023).

The geopolitical context of the 2025 UNGA also highlights a shift in global attitudes toward Palestinian statehood. As of September 2025, over 147 UN member states, including the UK, Canada, Portugal, and France, have formally recognized Palestine (Washington Post, 2025; Reuters, 2025). These recognitions are informed not only by long-standing calls for Palestinian self-determination but also by growing evidence of mass atrocities that violate human rights and international humanitarian law (Bangladesh Pratidin, 2025; Jago News Desk, 2024). Humanitarian reports underscore the systematic destruction of hospitals, schools, and residential neighborhoods in Gaza, illustrating a pattern of structural violence that exceeds conventional military engagement (Hallaq, 2018; The International Journal of Human Rights, 2022). This crisis framed the 2025 UNGA session as a pivotal moment, bringing moral, legal, and political considerations to the forefront, compelling states and international organizations to respond.

Yunus's Critique of Sovereignty and State Responsibility

Professor Muhammad Yunus, in his 2025 UNGA address, challenged conventional notions of state sovereignty, emphasizing that sovereignty cannot be used as a shield to commit or perpetuate mass atrocities (Essoh & Bagaji, 2021; Hallaq, 2018). Yunus highlighted that when states fail to protect civilian populations and instead engage in systematic violence, the international community has a legal and moral obligation to intervene (Fournet, 2007; Uraz, 2023). His critique draws on the evolving doctrine of Responsibility to Protect (R2P), which places limits on absolute sovereignty when fundamental human rights are under threat (Reuters, 2025; AP, 2025). By framing the Gaza crisis as a failure of state responsibility, Yunus underscores the accountability of Israel under both international humanitarian law and the Genocide Convention.

Yunus also stressed the ethical dimension of global governance, arguing that moral authority and international solidarity are essential to counter impunity (Bangladesh Pratidin, 2025; Jago News Desk, 2024). He posited that the failure of the UN Security Council to prevent or halt violence, often due to veto powers, illustrates structural limitations in the current international system (Essoh & Bagaji, 2021). Yunus's remarks reinforced the principle that sovereignty must be balanced with universal norms of justice, particularly in situations involving mass killings, forced displacement, and systemic human rights violations (The International Journal of Human Rights, 2022; AP, 2025). By connecting normative critique to concrete legal standards, Yunus's intervention at the UNGA framed the

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Palestinian question not merely as a political issue but as a litmus test for global adherence to human rights and accountability mechanisms.

In conclusion, the 2025 UNGA session and Yunus's address highlighted the intersection of humanitarian crisis, legal responsibility, and ethical governance. By challenging traditional interpretations of sovereignty, Yunus advocated for a principled international response, calling for both accountability and recognition of Palestinian statehood in the context of systemic violations of international law.

Genocide and International Legal Frameworks

Genocide is among the gravest international crimes, defined by the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG, 1948) as acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group" (UN, 1948, Article II). The legal framework includes the Genocide Convention itself, customary international law, jurisprudence from the International Court of Justice (ICJ), the International Criminal Court (ICC), and obligations under the Geneva Conventions and Additional Protocols (UN, n.d.; Fournet, 2007).

The UN's "Legal Framework of Genocide and Related Crimes" provides that genocide, crimes against humanity, war crimes, and other serious violations are addressed under international human rights law and international humanitarian law, including the Geneva Conventions and the International Criminal Court's Rome Statute (UN, n.d.; Essoh & Bagaji, 2021). Recent rulings, such as the ICJ ordering Israel to ensure acts of genocide are not committed in Gaza (AP, 2025), underscore the application of these norms to current conflicts.

Legal doctrine emphasizes the mental element ("intent") as essential: it is not enough that mass suffering happens; there must be proof of intent to destroy a protected group in whole or in part (Fournet, 2007; Uraz, 2023). Scholars argue that some patterns of conduct in Gaza – large scale destruction of civilian infrastructure, forced displacement, disproportionate attack on civilian areas – merit scrutiny under genocide definitions (AP, 2025; Reuters, 2025).

The norms of state responsibility are also central. Under international law, states have obligations to prevent genocide, to punish it, and to never assist or acquiesce in it (Genocide Convention; UN legal framework; Essoh & Bagaji, 2021). When states violate these obligations, recourse may be found via ICJ, ICC, or universal jurisdiction (Uraz, 2023).

Importantly, genocide provisions intersect with other legal regimes: the law of occupation under the Fourth Geneva Convention, laws regulating warfare and proportionality, and human rights treaties. Acts such as starving civilians, blocking essential aid, targeting non-combatants, or destroying civilian infrastructure may implicate genocide or at least serious violations of international humanitarian law (UN legal framework; Fournet, 2007).

In public international discourse, the allegations of genocide in Gaza have been picked up by NGOs, UN bodies, and scholars who claim that the scale and nature of harm meet legal thresholds (AP, 2025; Reuters, 2025). However, courts typically require rigorous proof of intent and causality. Thus, while legal frameworks are well established, applying them in disputed conflict zones is complex and politically charged (Essoh & Bagaji, 2021; Uraz, 2023).

Palestinian Statehood and the Two-State Solution

The two-state solution remains the prevailing international consensus for resolving the Israeli-Palestinian conflict: Israel for Israelis; Palestine for Palestinians, within agreed boundaries, often envisaged as pre-1967 lines. The Oslo Accords (1993-95) formalized this framework by establishing the Palestinian Authority and dividing the West Bank into Areas A, B, and C under varying jurisdiction (Britannica, n.d.; Two-State Solution, Britannica, 2025).

Recognition of statehood is a diplomatic and legal act, not solely contingent upon control of territory but also on meeting criteria for statehood under the Montevideo Convention: defined territory, permanent population, government, capacity to enter relations with other states (Britannica, n.d.). As of early 2025, 147-157 UN member states recognize the State of Palestine, reflecting the growing momentum for state legitimacy even without full sovereign control over all claimed territory (Al Jazeera, 2025; Which Countries Recognise Palestine, RNZ News, 2025; DW, 2025).

The recent wave of recognitions by countries such as France (announced to formalize recognition at 2025 UNGA), United Kingdom, Canada, Australia, Portugal, Belgium, Luxembourg, Malta, Monaco, Andorra, *et al.*, represents a shift in diplomatic state practice and may contribute to strengthening Palestine's capacity to claim rights under international law (Al Jazeera, 2025; DW, 2025; States Recognize Palestine, Le Monde, 2025).

Nevertheless, recognition does not by itself resolve legal or territorial disputes. Questions remain about the permanence of borders, control over resources, security, the status of Jerusalem, and refugees. Critics argue that some recognition gestures are symbolic or conditioned on peace negotiations (Britannica, n.d.; DW, 2025).

The two-state solution also interacts with human rights and sovereignty norms: a legitimate Palestinian state under international law would enhance

***Corresponding Author:** Md. Abdul Jalil, Ph.D

the possibility of recourse in international courts, treaty bodies, and human rights mechanisms, and possibly alter legal obligations of Israel and other states concerning occupation and human rights violations (Genocide legal framework; UN legal framework; Essoh & Bagaji, 2021).

Global Governance, Justice, and Institutional Reform

The Gaza crisis has exposed serious gaps in global governance: specifically, gaps in enforceable accountability, structural justice, and institutional capacity to prevent or halt mass atrocities. International legal frameworks—while relatively well developed on paper—often fail in practice due to weak enforcement, political friction, lack of consensus, and selective application (GICJ, 2024; ICJ legal briefer, 2023). For instance, the UN Human Rights Council's Independent Commission of Inquiry in September 2025 concluded that Israel has committed acts meeting four out of five genocidal criteria under Article II of the Genocide Convention and that statements by senior officials are sufficient to establish genocidal intent. (Wikipedia, n.d.). However, that report is non-binding and lacks immediate mechanisms for redress.

Reform proposals have been gaining traction. One significant proposal, from the "Together First" initiative, recommends replacing or reforming the Security Council's executive decision-making with an Executive Council with binding powers, strengthening the International Court of Justice's jurisdiction, establishing a universalized International Criminal Court, and even creating an International Attorney-General (Together First, 2025). Also, UN peacekeeping operations are under calls to adapt to new threats: non-state actors, digital warfare, disinformation, climate-related displacement, and more complex conflict environments. Pakistan, for example, has urged a comprehensive overhaul of peace mission structures to better integrate technology, coordinated mandates, and more robust political will.

Institutional reform is further needed within international legal bodies. Scholars and civil society groups highlight the necessity of strengthening enforcement of judgments by the ICJ, expanding ICC capacity, reducing political veto powers in the UN Security Council, and ensuring that human rights treaty bodies have more teeth in responding to crises. The doctrine of Responsibility to Protect (R2P) remains underused, particularly in situations where mass allegations of genocide exist but political obstruction hampers global responses.

Justice must also include reparations and structural redress: restoring destroyed infrastructure, ensuring humanitarian access, protecting displaced populations, and securing accountability for decision-makers (Mehrotra, 2025). Global governance reform that links human rights, security, and humanitarian pillars of the United Nations is increasingly promoted: peace and security reform, coherence across UN pillars, integrated missions, improved prevention and early warning systems.

RESULTS AND FINDINGS OF THE RESEARCH

Based on document analysis of Yunus's speeches and secondary data from UN, NGO, legal commission reports, plus case studies of state recognition, the research yields the following findings:

1. **Alignment of Legal Claims and International Norms**: Chief Adviser of the Interim Government of Bangladesh, Professor Dr. Yunus's public statements mirror many findings of expert commissions (e.g., ICJ briefer, UNHRC) regarding the components of genocide: killing, serious bodily or mental harm, deliberate infliction of destruction, and prevention of births. His framing is consistent with Article II of the Genocide Convention.
2. **Sovereignty under Challenge**: The research finds that sovereignty is increasingly viewed not as absolute but conditional: states that fail to protect populations or that are implicated in systemic violations lose moral authority and may face international legal or diplomatic consequences. CA Professor Yunus emphasizes this challenge. (AP News, 2024, October 30)
3. **Recognition as Normative Force**: The wave of Palestinian recognitions by states in Asia, Africa, and Europe is not simply symbolic, but functions as normative pressure. Recognition has enhanced avenues for legal claims, international visibility, and diplomatic weight for Palestinian rights. (The Guardian, 2025, September 26).
4. **Institutional Weakness vs. Political Will**: Existing institutions (ICJ, ICC, UNHRC) possess mandates but face limits due to political obstruction, lack of enforcement, or state non-cooperation. Reports recommend stronger coherence among UN bodies and reforms in Security Council veto and accountability mechanisms. (Together First, 2025); (ICJ, 2023).
5. **Urgency of Prevention and Structural Redress**: The famine, infrastructure destruction, displacement, and obstruction of humanitarian aid in Gaza are not only human rights concerns but may satisfy war crime or genocide criteria under international law (Mehrotra, 2025; UN Commission, 2025). The findings reinforce that institutional reform must also include prevention, early warning, reparations, humanitarian access, and legal accountability (AP News, 2025, September 12; ICJ, 2023).
6. **Yunus's Speech as Catalyst**: Finally, **CA Professor** Yunus's speech contributes to shaping global discourse: it consolidates legal, moral, and political claims in ways that align with advanced

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legal findings. It serves as a moral mirror for states and institutions, reinforcing obligations under international law and contributing to normative shifts (for example among countries recognizing Palestine, or voices calling for denying "tools of genocide").

RECOMMENDATIONS

Based on the findings and normative analysis, the following recommendations aim to improve accountability, institutional reform, protection of civilians, and realization of Palestinian rights in the context of alleged mass atrocities.

1. **Strengthen UN Atrocity Prevention Mechanisms**
   The UN Office on Genocide Prevention and Responsibility to Protect (OSAPG) should be restructured and resourced as a more central actor in the UN system, with authority for early warning, coordination across agencies, and direct reporting to the Security Council (Irvin-Erickson & Verdeja, 2024; Stimson, 2024).
2. **Adopt a Code of Conduct on Veto Use in Atrocity Crises**
   To reduce paralysis in the Security Council, permanent members should commit to voluntary restraint or abstention in veto use when draft resolutions address genocide, crimes against humanity, or war crimes (GlobalR2P, 2025; Genser, 2023).
3. **Create an International Atrocity Accountability Mechanism**
   A special independent tribunal or "International Criminal Tribunal for Palestine" could be established under UN auspices to investigate, prosecute, and judge alleged atrocities committed in the Occupied Territories, particularly where the ICC or national jurisdictions are blocked by non-cooperation.
4. **Expand State Recognition with Legal Commitments**
   States that recognize Palestine should accompany recognition with concrete legal, diplomatic, and financial measures—e.g., supporting Palestine's accession to more treaties, backing Palestine's cases in international courts, and conditioning treaties with Israel on compliance with IHL (Chatham House, 2025).
5. **Promote Transitional Justice and Reparation Frameworks**
   Any peace agreement must preserve space for accountability—no amnesty for genocide or war crimes—and include reparation, restoration of property, restitution, and guarantees of non-repetition (Security Council Report, UN transitional justice guidance, 2010).
6. **Link Recognition to Enforcement of Rights**
   Recognizing states should support Palestine's capacity to enforce human rights claims (e.g. at ICJ, ICC, human rights treaty bodies). Recognition should not be symbolic only, but enable Palestine to bring legal claims in international fora (OpinioJuris, 2025).
7. **Strengthen Civil Society and Independent Monitoring**
   Independent NGOs should be empowered to document violations, provide forensic evidence, and feed data into UN processes. This requires protecting access and resisting obstruction or criminalization of humanitarian actors.
8. **Sanctions, Arms Embargos, and Disincentives**
   States should impose targeted sanctions and arms embargoes on actors complicit in the alleged violations, coordinated via multilateral regimes. This aligns with obligations under arms trade treaties and UN norms against complicity in atrocity crimes.
9. **Implement Preventive Diplomacy and Ceasefire Enforcement**
   Use mediation, high-level diplomacy, and, where necessary, neutral multilateral forces as immediate measures to prevent escalation, protect civilians, and preserve humanitarian access.
10. **Institutional Coherence Across UN Pillars**
    The UN should better integrate its peace & security, human rights, and development pillars—deploying "protection by design" in all missions and ensuring mandates are synchronized (UN reform proposals, Columbia SIPA, 2025).

Future Research Prospects

Future research on *"Justice Beyond Borders: Rethinking Sovereignty, Genocide, and the Palestinian Statehood Debate"* should explore several critical areas. First, comparative studies could examine how evolving notions of sovereignty and state responsibility affect responses to genocide in other contexts, such as Myanmar or Sudan, to develop a universal framework for prevention and accountability. Second, interdisciplinary approaches combining international law, political science, and peace studies may provide deeper insights into the mechanisms that enable or obstruct state recognition and transitional justice. Third, future work should investigate the role of non-state actors, regional organizations, and global civil society in shaping international legal norms around genocide and self-determination. Finally, empirical studies could focus on post-recognition state-building in Palestine, including governance, legal system reform, and reconciliation processes. Such research would enrich theoretical debates while offering practical policy recommendations to strengthen global governance and ensure justice beyond traditional borders.

CONCLUSION & POLICY IMPLICATIONS

This study has explored how CA of Bangladesh Professor Muhammad Yunus's framing of the Palestinian crisis, combined with empirical analyses and international legal norms, demands rethinking

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sovereignty, genocide obligations, and statehood. The findings reveal that the Gaza crisis meets many elements of genocide under international law; that sovereignty is no longer an absolute shield; and that recognition of Palestine is increasingly a normative lever, not mere symbolism.

Policy implications flow directly from this analysis: states, international organizations, and civil society must move beyond rhetoric to institutions and instruments that can enforce or incentivize compliance. The recommendations above provide a roadmap for translating moral and legal obligations into actionable reforms and accountability mechanisms.
In practical terms:

- The UN must evolve from a reactive body to a proactive guardian of civilian protection. Strengthening the OSAPG, reforming veto norms, and creating new accountability mechanisms are essential first steps.
- States recognizing Palestine must back that recognition with legal and diplomatic support, enabling Palestine to bring international claims, and conditioning future cooperation with Israel on respect for international law.
- Transitional justice must be nonnegotiable. Peace agreements must not shield perpetrators from accountability. Reparation, restitution, and institutional reform are integral to durable solutions.
- Sanctions and arms embargoes should be calibrated to punish complicity without exacerbating civilian suffering.
- Civil society and NGOs have a critical role as watchdogs and evidence suppliers; their protection is essential to credible accountability.
- Diplomacy must prioritize ceasefires and humanitarian access even as legal strategies proceed in parallel.

If these policy implications are pursued robustly and coherently, the global community may begin to close the gap between legal norms and impunity. The Palestinian people's right to self-determination, dignity, and justice deserves not only recognition but enforceable protection. CA Professor Dr. Yunus's vision of justice beyond borders is a call for a new world order—one that refuses to shelter atrocity behind sovereignty and demands accountability across states.

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