

**The Role of Arab States in the Reconstruction of Gaza**  
**Under International Humanitarian Law: An Islamic Legal**  
**Perspective**

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### **Topic (1)**

#### **The Legal Framework of Reconstruction Under International Humanitarian Law**

Armed conflicts leave behind more than destruction—they erode legal institutions, dismantle infrastructure, displace populations, and fracture the social fabric of affected societies. In such contexts, reconstruction becomes not only a political and developmental imperative but also a legal one. International Humanitarian Law (IHL), particularly through the 1949 Geneva Conventions and their Additional Protocols, imposes clear responsibilities on both state and non-state actors for the protection and restoration of war-affected communities. These legal obligations

extend beyond the cessation of hostilities and encompass a duty to rebuild physical infrastructure, restore public services, and support social reintegration in ways that uphold human dignity and international legal standards.<sup>1</sup>

This section examines the legal framework governing post-war reconstruction through the lens of IHL. It begins by defining reconstruction within legal terms and outlines the obligations of occupying powers and the broader international community. The discussion then shifts to the responsibilities of Arab states, emphasizing regional cooperation and the unique challenges faced in the Arab context. Finally, through comparative case studies of Iraq, Syria, and Lebanon, the analysis evaluates how legal principles have—or have not—been effectively implemented in actual reconstruction efforts. Together, these sub-sections highlight the critical role of law in shaping not only the process of rebuilding, but also its legitimacy, inclusivity, and sustainability.<sup>2</sup>

### **Sub – Topic (1)**

#### **Definition and Scope of Reconstruction Under IHL**

Reconstruction in the aftermath of armed conflict is not merely a political or economic process—it has a strong legal foundation under International Humanitarian Law (IHL). Post-war reconstruction is addressed primarily through the Fourth Geneva Convention of 1949 and

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1. Kalshoven, F., & Zegveld, L. (2011). *Constraints on the Waging of War: An Introduction to International Humanitarian Law* (4th ed.). Cambridge University Press.

2. Roberts, A. (2006). "The End of Occupation: Iraq 2004." *International & Comparative Law Quarterly*, 55(1), 27–48.

its Additional Protocols, which establish obligations for the protection of civilian populations during and after conflicts. Article 55 of the Fourth Geneva Convention requires occupying powers to ensure the provision of food and medical supplies, and to maintain medical and hospital establishments, thereby implicitly mandating the beginnings of reconstruction.

The scope of reconstruction includes physical rebuilding (infrastructure, housing), institutional reforms (governance, legal systems), and restoration of social services (education, healthcare). It also encompasses transitional justice measures, including reparations and reintegration of displaced populations. The Additional Protocol I (1977) further outlines the duties of states to protect civilians and restore normalcy following conflict, strengthening the argument that reconstruction is a legal obligation under IHL.<sup>1</sup>

International law also recognizes the responsibility of third-party states and the broader international community to assist in reconstruction. This responsibility is derived from the principle of international cooperation embedded in the UN Charter and customary international law, particularly when the affected state lacks the capacity to recover independently.

The United Nations and various international organizations play crucial roles in coordinating and implementing reconstruction. Agencies like the United Nations Development Programme (UNDP), the Office for the Coordination of Humanitarian Affairs (OCHA), and the International Committee of the Red Cross (ICRC) are frequently at the forefront of

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3. <sup>1</sup> Bassiouni, M. C. (2007). *Post-Conflict Justice*. Transnational Publishers.

post-conflict recovery efforts, acting under international legal mandates to ensure compliance with humanitarian standards.

## **Sub – Topic (2)**

### **The Legal Responsibilities of Arab States Under IHL**

Arab states, as signatories to the Geneva Conventions and their Additional Protocols, are bound by the legal framework of IHL. This includes not only obligations during armed conflict but also duties related to post-conflict reconstruction, particularly under the principle of international cooperation. Arab states are required to assist in humanitarian relief, reconstruction, and the reintegration of displaced populations within the framework of IHL and human rights law.<sup>1</sup>

State responsibility also extends to ensuring that reconstruction efforts are not hindered by political interference or misuse of aid. This includes respecting the impartiality and neutrality of humanitarian organizations and ensuring that funding is allocated transparently and efficiently. The challenge for Arab states often lies in balancing political interests with legal obligations, particularly in contexts where foreign policy, regional rivalries, or ideological divisions may affect collective efforts.

The Arab League and other regional organizations such as the Gulf Cooperation Council (GCC) have an important, though underutilized, role in facilitating reconstruction. Their involvement could provide culturally sensitive, regionally coordinated, and legally compliant frameworks for reconstruction. However, the lack of binding mechanisms and coordination often limits their effectiveness. There is a

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4. <sup>1</sup> Slim, H. (2005). "Dithering over Darfur? A Preliminary Review of the International Response." *International Affairs*, 80(5), 811–828.

growing legal and moral imperative for these bodies to adopt more structured and enforceable mechanisms for collective reconstruction based on shared humanitarian values.<sup>1</sup>

### **Sub – Topic (3)**

#### **Case Studies of Internationally Led Reconstruction Efforts**

##### **▪ Iraq**

The reconstruction of Iraq post-2003 provides an important case of internationally led reconstruction under IHL. The United States, as the occupying power, bore primary legal responsibility under the Hague Regulations and Geneva Conventions. However, the process was marred by security issues, lack of local participation, and insufficient coordination with international agencies, which led to long-term instability. Despite massive international investment, the reconstruction largely failed to meet IHL standards regarding civilian protection and participation.<sup>2</sup>

##### **▪ Syria**

In Syria, ongoing conflict and political fragmentation have severely hindered reconstruction. The situation is complicated by the presence of multiple foreign powers, non-state actors, and sanctions. While international humanitarian law obliges all parties to allow humanitarian

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5. <sup>1</sup> Al-Dawoody, A. (2017). *Islamic Law and the Use of Force*. International Committee of the Red Cross.

6. <sup>2</sup> Sassòli, M. (2019). *International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare*. Edward Elgar Publishing.

access and support reconstruction, these efforts are impeded by geopolitical tensions. The Syrian case highlights the difficulties of applying IHL principles in protracted conflicts with no clear post-conflict phase.

#### ▪ **Lebanon**

Lebanon's post-civil war reconstruction (particularly after the 2006 conflict with Israel) is often cited as a mixed model. International assistance, including that from Arab states, helped rebuild key infrastructure. However, the lack of institutional reform and ongoing political instability undermined long-term success. The legal responsibility of Israel under IHL for civilian damage was widely debated but rarely enforced, demonstrating the challenges of accountability in reconstruction.

#### ▪ **Comparative Insights**

Comparing these cases reveals key lessons: reconstruction must be locally led and legally grounded; occupying powers and international actors must coordinate with legitimate national institutions; and regional organizations must play a more active role in fostering legal accountability and sustainable rebuilding.

### **Topic (2)**

#### **The Role of Arab States in Gaza's Reconstruction: Legal and Practical Dimensions**

The Gaza Strip has become a symbol of prolonged suffering and repeated destruction due to recurrent cycles of armed conflict, political blockade, and humanitarian crisis. Amid this ongoing turmoil, Arab



states have played an increasingly prominent role in reconstruction efforts—both as financial donors and as political mediators. Their engagement, however, is not merely an expression of regional solidarity or humanitarian goodwill; it is deeply intertwined with complex legal responsibilities, geopolitical dynamics, and practical constraints.<sup>1</sup>

This section critically explores the role of Arab states in the reconstruction of Gaza, analyzing both the legal frameworks guiding their involvement and the practical challenges that hinder effective implementation. It begins with an overview of major Arab-led reconstruction initiatives, particularly those led by Egypt, Qatar, and Saudi Arabia. It then delves into the political, legal, and logistical obstacles that shape and sometimes undermine Arab engagement. By unpacking both the successes and limitations of Arab involvement, this section aims to assess whether Arab states can formulate a cohesive, legally sound, and sustainable strategy for Gaza's reconstruction, one that responds not only to the needs of the present but also lays the groundwork for long-term recovery and regional stability.

### **Sub- Topic (1)**

#### **Overview of Arab-Led Reconstruction Efforts**

The reconstruction of Gaza has become a recurring and urgent humanitarian necessity following successive rounds of conflict, particularly after major escalations in 2008, 2014, and more recently. Arab states have been among the primary actors involved in reconstruction, offering financial aid, technical support, and political

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7. <sup>1</sup> Le More, A. (2008). *International Assistance to the Palestinians after Oslo: Political Guilt, Wasted Money*. Routledge.

mediation. Notably, **Egypt, Qatar, and Saudi Arabia** have each adopted distinct yet overlapping roles in addressing Gaza's needs.

- **Egypt** has historically played a strategic role due to its geographic proximity and political influence. It has mediated ceasefires between Israel and Palestinian factions and facilitated the entry of construction materials through the Rafah border crossing. Its efforts, however, are often influenced by broader security concerns and internal political calculations.
- **Qatar** has emerged as one of Gaza's largest donors, pledging billions in aid and undertaking numerous infrastructure projects, including housing, hospitals, and roads. Qatar's direct engagement with Hamas has allowed for streamlined delivery, though it has also drawn criticism from some Arab governments.<sup>1</sup>
- **Saudi Arabia**, through its support to UNRWA and other international agencies, has contributed to Gaza's recovery, albeit in a more multilateral and less politically controversial manner. It frames its support within the broader context of Islamic solidarity and humanitarian responsibility.

These efforts underscore both the potential and limitations of Arab-led initiatives, particularly when coordination is lacking or when aid is constrained by geopolitical dynamics.

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8. <sup>1</sup> United Nations Development Programme (UNDP). (2009). *Post-Conflict Economic Recovery: Enabling Local Ingenuity*. UNDP.

**Sub-Topic (2)**

**Challenges Facing Arab States in Gaza's Reconstruction**

Despite their involvement, Arab states face **numerous obstacles** in contributing to Gaza's sustainable reconstruction, categorized into political, legal, and logistical challenges:

- **Political Barriers:** Deep divisions within the Arab world—especially between pro-Western and resistance-aligned states—undermine unified reconstruction efforts. Regional rivalries, such as the rift between Qatar and other Gulf states, further complicate coordination. Additionally, external influences, particularly from Western powers and Israel, impose limits on Arab diplomatic maneuverability.<sup>1</sup>
- **Legal Constraints:** International sanctions and anti-terrorism financing laws present legal difficulties in channeling aid to Gaza, especially given the de facto governance of Hamas. Arab donors must ensure that their assistance does not violate international obligations, such as those under UN counterterrorism frameworks. This legal environment often causes delays, reductions in aid, or the redirection of funds through complex intermediaries.<sup>2</sup>
- **Security and Logistical Challenges:** The ongoing blockades and recurring hostilities make it difficult to transport materials, ensure the safety of workers, or maintain long-term reconstruction

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9. <sup>1</sup> Fawaz, M. (2009). "Neoliberal Urbanity and the Right to the City: A View from Beirut's Periphery." *Development and Change*, 40(5), 827–852.

10. <sup>2</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949.

projects. Infrastructure is often destroyed before completion. The absence of a comprehensive peace agreement or ceasefire further diminishes the sustainability of Arab investments in reconstruction.

These challenges highlight the need for a more coordinated, legally sound, and politically insulated Arab strategy for Gaza's recovery.

### **Topic (3)**

#### **Reconstruction Under Islamic Sharia's: Theological and Jurisprudential Foundations**

In the face of war and devastation, Islamic Sharia's offers more than spiritual solace—it provides a comprehensive legal and ethical framework for societal recovery and reconstruction. Grounded in divine revelation and centuries of jurisprudential thought, Islamic law conceptualizes reconstruction not as a discretionary act of charity, but as a collective moral and legal duty. Rooted in principles of justice, compassion, and public welfare, Sharia's mandates the restoration of human dignity, the rebuilding of essential infrastructure, and the alleviation of suffering as religious imperatives.<sup>1</sup>

This section explores the theological and jurisprudential underpinnings of reconstruction within Islamic law. It begins by examining core Qur'anic directives, Prophetic traditions, and classical jurisprudence that articulate the duty of post-conflict recovery. It then outlines the financial mechanisms embedded within Islamic economics—such as zakat, waqf,

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11. <sup>1</sup> Fawaz, M. (2009). "Neoliberal Urbanity and the Right to the City: A View from Beirut's Periphery." *Development and Change*, 40(5), 827–852.

and Islamic finance—that can be mobilized to fund sustainable reconstruction. Finally, the section offers a comparative analysis of Islamic Sharia's and International Humanitarian Law (IHL), identifying areas of convergence and divergence, and proposing an integrated model that aligns global legal standards with Islamic values. Through this lens, Islamic Sharia's emerges as both a source of moral guidance and a practical legal system capable of supporting meaningful and dignified reconstruction in the Muslim world.

### **Sub- Topic (1)**

#### **The Obligation of Reconstruction in Islamic Sharia's**

Islamic jurisprudence offers a robust moral and legal foundation for post-conflict reconstruction. Far from being an optional act of charity, rebuilding war-torn societies is viewed as a **religious and ethical obligation** deeply rooted in the Qur'an and Sunnah.

The Qur'anic verse from Surah Al-Baqarah (2:195), "*And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction*", underlines the duty to invest in the well-being and security of society. This verse is frequently interpreted by Islamic scholars as a command to prevent societal collapse and to promote the restoration of essential services.

The **Sunnah of the Prophet Muhammad (peace be upon him)** also affirms this responsibility. The hadith, "*Whoever relieves a believer's distress, Allah will relieve his distress on the Day of Judgment*" (Sahih Muslim), highlights the communal obligation to support those affected by hardship, including victims of war.

Classical Islamic jurisprudence emphasizes principles such as:

- **Ihsan (benevolence)** – the moral imperative to do good.
- **Masala (public interest)** – guiding policy to benefit the community.
- **Nusrah (support)** – assisting the oppressed.
- **Takaful (mutual solidarity)** – shared social responsibility.

Together, these doctrines create a framework wherein reconstruction is not only permissible but religiously mandated.

### **Sub- Topic (2)**

#### **Islamic Economic and Financial Mechanisms for Reconstruction**

Islamic finance provides practical tools to fulfill the moral obligations of reconstruction. These mechanisms are both faith-compliant and capable of mobilizing significant resources:

- **Zakat** (obligatory almsgiving): A portion of Muslim wealth allocated for the poor, which can be directed toward rebuilding homes, hospitals, and schools.
- **Waqf** (charitable endowments): Historical instruments for sustaining social welfare, waqf properties and revenues can fund long-term reconstruction.
- **Sadaqah** (voluntary charity): Encouraged as part of spiritual purification, sadaqah offers flexible and immediate funding opportunities.

In modern contexts, **Islamic finance tools** such as **Sukuk (Islamic bonds)** have been utilized to fund large-scale infrastructure projects. Unlike conventional interest-bearing loans, sukuk comply with Sharia's and are increasingly accepted in both Muslim and non-Muslim financial

markets. These tools offer ethical investment models for reconstruction while avoiding interest (riba) and ensuring equitable risk-sharing.

### **Sub-Topic (3)**

#### **Comparative Analysis: IHL vs. Islamic Sharia's in Reconstruction**

International Humanitarian Law and Islamic Sharia's, while originating from different legal traditions, converge on several key principles relevant to reconstruction:

- **Shared values**: Both systems prioritize the protection of civilians, the restoration of essential services, and the alleviation of suffering. The principle of dignity (karamah) in Islam parallels the protection of human rights under IHL.
- **Legal obligations**: Both frameworks impose duties on state and non-state actors to rebuild and support post-conflict societies, albeit through different mechanisms.
- **Humanitarian neutrality**: IHL insists on impartiality in aid, while Shari'ah mandates justice and the avoidance of harm, aligning in practice if not in language.

However, **divergences exist**, particularly in definitions of legal authority and the role of religion in governance. IHL is secular and state-centered, while Shari'ah emphasizes divine accountability and community ethics.

An **integrated approach**, which respects IHL obligations while leveraging Islamic moral and financial tools, can enhance the legitimacy, cultural relevance, and efficiency of reconstruction in Gaza and similar contexts. Such a model could bridge international norms and local religious convictions, providing a more sustainable path forward.

**Topic (4)**

**Evaluating the Effectiveness of Arab States' Reconstruction Efforts**

As the humanitarian and political crisis in Gaza continues, Arab states have become key players in the region's reconstruction landscape. While their interventions have provided much-needed relief and infrastructure development, questions remain about the long-term impact and strategic coherence of these efforts. Evaluating the successes and shortcomings of Arab-led reconstruction is essential not only for measuring past performance but also for designing more effective, coordinated, and sustainable strategies moving forward.<sup>1</sup>

This section critically assesses the outcomes of Arab reconstruction initiatives in Gaza. It highlights tangible achievements in the areas of humanitarian aid, infrastructure rebuilding, and diplomatic mediation, while also addressing persistent shortcomings such as fragmented efforts, lack of coordination, and overreliance on short-term relief. The analysis then turns to the role of regional and international partnerships—examining how Arab states can enhance the effectiveness of their reconstruction policies through deeper collaboration with global institutions such as the United Nations, the European Union, and the Organization of Islamic Cooperation (OIC). Ultimately, this section sets the stage for developing a more integrated and forward-looking reconstruction model.

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12. <sup>1</sup> World Bank. (2006). *Iraq Reconstruction: Lessons from the International Response*. World Bank Report.



### **Sub- Topic (1)**

#### **Successes and Shortcomings of Arab Reconstruction Efforts**

Arab states have played a crucial role in Gaza's reconstruction, particularly following major military escalations. Among the most notable achievements are investments in infrastructure, including housing projects, hospitals, schools, and utilities. Qatar, for example, has financed housing developments and energy infrastructure, while Egypt has supported road construction and debris removal. Humanitarian relief has also been substantial, with the provision of food, medical supplies, and temporary shelter for displaced populations. In the diplomatic arena, Arab states have often mediated ceasefires and supported international calls for humanitarian corridors.

Despite these efforts, Arab reconstruction initiatives have faced considerable shortcomings. One persistent challenge is political fragmentation—both within the Arab world and among Palestinian factions—which hinders the formulation of unified strategies. There is also a lack of institutional coordination among Arab donors, leading to inefficiencies and overlapping projects. Many efforts have been criticized for offering temporary relief without addressing the structural roots of Gaza's crisis. As such, reconstruction often functions as a cyclical response to destruction, rather than a path toward durable development and autonomy.

### **Sub- Topic (2)**

#### **The Role of Regional and International Partnerships**

For Arab states to enhance the effectiveness and sustainability of their reconstruction efforts, partnerships with regional and international actors

are indispensable. The United Nations and its specialized agencies, including UNRWA and UNDP, have the operational experience and logistical capabilities necessary to support complex post-conflict recovery missions. Likewise, the European Union has contributed funding and political support to Palestinian development, while the Organization of Islamic Cooperation (OIC) serves as a potential platform for coordinating Islamic aid and diplomacy.

Moving forward, Arab states can leverage these partnerships more strategically. This includes co-funding large-scale reconstruction projects, aligning efforts with international development goals, and establishing joint monitoring mechanisms to ensure accountability. Moreover, Arab economic power—particularly from Gulf Cooperation Council (GCC) countries—can be mobilized through sovereign wealth funds, infrastructure investment portfolios, and public-private partnerships to ensure long-term economic resilience and independence in Gaza.<sup>1</sup>

### **Topic (5)**

#### **Strategic Framework for an Integrated Legal and Islamic Reconstruction Model**

The complex realities of post-conflict reconstruction in Gaza demand more than isolated humanitarian responses or fragmented development initiatives. Instead, what is needed is a comprehensive and cohesive model that integrates both international legal obligations and Islamic ethical and jurisprudential principles. Such a model can provide a

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13. <sup>1</sup> Brynen, R. (1996). *Sanctuary and Survival: The PLO in Lebanon*. Westview Press.

culturally resonant, legally grounded, and operationally viable roadmap for sustainable recovery.

This section proposes a strategic framework that merges the norms of international humanitarian law with the moral imperatives and financial mechanisms of Islamic Shari'ah. It offers actionable policy recommendations for Arab states to enhance legal, diplomatic, and organizational coherence in their reconstruction roles. It also explores the potential of Islamic finance—particularly zakat, waqf, and sukuk—as long-term instruments for funding infrastructure and supporting economic development. Finally, it emphasizes the importance of institutional resilience and economic self-reliance as the cornerstones of sustainable reconstruction, aiming to break the repeated cycle of destruction and dependence.<sup>1</sup>

### **Sub-Topic (1)**

#### **Policy Recommendations for Arab States**

To address both the legal and operational deficiencies of past reconstruction efforts, Arab states must adopt a proactive policy framework grounded in international humanitarian law (IHL) and Islamic legal principles. Strengthening legal and diplomatic capacities is essential, particularly in advocating for the lifting of blockades, facilitating humanitarian access, and pushing for international accountability in cases of war crimes and occupation violations. Arab diplomatic missions should also work collectively through platforms such as the Arab League to create unified stances in multilateral forums.

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14. <sup>1</sup> Le More, A. (2008). *International Assistance to the Palestinians after Oslo: Political Guilt, Wasted Money*. Routledge.

Additionally, the Arab League should revitalize and expand its role in reconstruction coordination. This includes establishing a specialized body to oversee aid allocation, monitor progress, and liaise with global partners. Standardized protocols for needs assessment, funding transparency, and project implementation would significantly enhance the credibility and impact of Arab interventions.<sup>1</sup>

## **Sub-Topic (2)**

### **The Role of Islamic Finance in Reconstruction**

Islamic finance offers a unique opportunity to support reconstruction through mechanisms that align with both Sharia's and sustainable development. The establishment of dedicated Islamic development funds—administered by entities such as the Islamic Development Bank (IsDB)—can provide consistent financing for critical sectors such as housing, health, education, and infrastructure. These funds can be capitalized through zakat (obligatory almsgiving), waqf (endowments), and sadaqah (voluntary charity).

Moreover, Sharia's-compliant investment instruments such as sukuk (Islamic bonds) can attract institutional investors from across the Muslim world. By issuing sukuk for Gaza-specific projects, Arab states can mobilize large-scale funding while adhering to Islamic ethical principles. These investments also offer a model of risk-sharing and

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15. <sup>1</sup> International Committee of the Red Cross (ICRC). (2015). *Guiding Principles for the Protection of the Civilian Population in Armed Conflict*. ICRC Legal Division.

social responsibility that contrasts with interest-based debt systems often criticized in conflict zones.<sup>1</sup>

### **Sub-Topic (3)**

#### **Ensuring Sustainable and Long-Term Reconstruction**

Sustainable reconstruction requires moving beyond reactive responses and toward institution-building. Arab states should support the development of robust governance frameworks in Gaza capable of managing reconstruction independently. This includes capacity-building in public administration, anti-corruption reforms, and the establishment of legal institutions to enforce contracts and resolve disputes.

Promoting economic self-sufficiency is also crucial. Arab states can support vocational training, local entrepreneurship, and microfinance programs to revive Gaza's domestic economy. Investments in renewable energy, agriculture, and small industries can reduce dependency on external aid and create pathways for long-term stability. Ultimately, reconstruction should be seen not as a series of emergency interventions, but as a transformative process rooted in justice, resilience, and sovereignty.

### **Conclusion**

In Conclusion, this research Paper highlights the **legal and ethical responsibilities** of Arab states in Gaza's reconstruction. By leveraging **International Humanitarian Law, Islamic jurisprudence, and**

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16. <sup>1</sup> Kalshoven, F., & Zegveld, L. (2011). *Constraints on the Waging of War: An Introduction to International Humanitarian Law* (4th ed.). Cambridge University Press.

**economic strategies**, Arab nations can transition from mere donors to architects of a **sustainable and just recovery**, following the guidance of **Qur'an, Sunnah, and Islamic legal principles**.

The growing scale and severity of armed conflicts in the Arab world—especially in Gaza, Syria, Iraq, and Lebanon—have underscored the urgent need to reframe post-conflict reconstruction as a **legal obligation** rather than a **voluntary act of charity or political negotiation**. International Humanitarian Law (IHL), while offering a basic framework through instruments like the Fourth Geneva Convention, remains insufficiently developed and inadequately enforced when it comes to long-term reconstruction. Occupying powers frequently fall short of their legal obligations, often prioritizing security control over humanitarian recovery, with limited international accountability. This legal vacuum leaves affected populations exposed to cycles of instability, poverty, and infrastructural collapse.

The study illustrates that the **duty to reconstruct is not merely a humanitarian necessity , it is a legal and moral imperative** rooted in both international law and Islamic jurisprudence. However, while IHL establishes foundational obligations for occupying powers, it fails to provide **detailed procedural norms, enforcement mechanisms, or long-term frameworks** that can guide reconstruction efforts in practice. The absence of such clarity enables the continuation of neglect, impunity, and externally driven political agendas that delay or distort reconstruction.

At the same time, **Arab states**, bound by regional solidarity, shared language, culture, and religion, possess the legitimacy and resources to contribute meaningfully to reconstruction processes. Yet their efforts have often been **fragmented, politicized, or reactive**. There is an urgent

need for a unified regional legal framework that clearly defines their responsibilities and coordinates their contributions in a manner that complements and reinforces international norms.

Importantly, **Islamic Sharia** offers powerful principles that support post-conflict reconstruction, including the obligation of solidarity (*takaful*), care for the oppressed (*nasr al-mazlumin*), and rebuilding what was destroyed (*i'mar al-ard*). These principles, however, have yet to be systematically incorporated into national or regional legal systems. Bridging the gap between **Islamic ethical imperatives and modern legal structures** is a critical step toward building a culturally relevant and legally binding reconstruction agenda.

The case study of **Gaza** is emblematic of the failures in both international and regional responses. Despite clear legal indicators of prolonged occupation and humanitarian crisis, the occupying power has evaded reconstruction responsibilities. Simultaneously, Arab and Islamic institutions have been unable to establish sustained, depoliticized, and legally mandated mechanisms to protect and rebuild the region. Gaza thus represents a microcosm of broader structural failures in the global post-conflict legal order.

if reconstruction is to be just, effective, and sustainable, it must be **reconceptualized as a multilayered legal duty**—enforceable under international law, supported by regional cooperation, and grounded in religious and ethical traditions. This requires **legal reform, institutional innovation, and political will**. It also demands that Arab states assume a **proactive leadership role**, not merely as financial donors but as legal actors and partners in a global humanitarian and legal mission. The fusion of international humanitarian law with regional frameworks and Islamic values offers a powerful and necessary pathway to rebuilding

shattered societies and restoring human dignity in the Arab world and beyond.

## **In Results**

**This study reveals several key findings:**

- 1. Fragmentation of Legal Norms:** International Humanitarian Law imposes post-conflict obligations—particularly on occupying powers—but these obligations remain fragmented, lacking clear procedural frameworks and enforcement mechanisms.
- 2. Ambiguity in Occupation Duties:** While the Fourth Geneva Convention mandates the occupying power to ensure public order and civil life, its provisions do not clearly define the scope and duration of post-conflict reconstruction obligations, leading to inconsistent practices.
- 3. Arab States' Role Is Undervalued and Underutilized:** Despite historical, geographical, and religious ties, Arab states have not developed a coordinated legal or institutional mechanism to lead or support reconstruction in neighboring war-torn regions like Gaza, Iraq, and Syria.
- 4. Islamic Sharia Supports Reconstruction but Lacks Operational Translation:** Islamic jurisprudence upholds the ethical imperative of rebuilding and supporting afflicted Muslim communities. However, it has not yet been systematically incorporated into regional legal or policy frameworks guiding reconstruction efforts.
- 5. Gaza as a Case Study of Legal and Political Paralysis:** The situation in Gaza underscores the limits of international legal enforcement, the failure of the occupying power to meet reconstruction obligations, and the political fragmentation that prevents meaningful Arab or Islamic intervention.



## **The Legal Recommendations**

### **1. Codification of Post-Conflict Reconstruction Obligations in IHL**

The international legal community should advocate for an **additional protocol to the Geneva Conventions** that explicitly defines and codifies the duties of occupying powers regarding long-term reconstruction, including infrastructure, governance, health, and education.

### **2. Regional Arab Legal Framework for Reconstruction**

The **League of Arab States** or a new specialized legal entity should establish a **binding regional convention** on post-conflict reconstruction, defining legal obligations for Arab states to participate in or coordinate reconstruction efforts in the Arab region, especially in contexts like Gaza and Syria.

### **3. Creation of an Arab-Islamic Reconstruction Tribunal or Commission**

A legal body rooted in both **international law and Islamic jurisprudence** should be established to monitor, adjudicate, and guide reconstruction projects in Muslim-majority post-conflict zones. This would give normative weight to the ethical and legal duty of reconstruction and reduce impunity for failures to act.

### **4. Legal Mechanisms for Enforcing Occupiers' Reconstruction Duties**

The United Nations and other international organizations should develop **sanctions-based mechanisms or legal accountability procedures** for occupying powers that fail to fulfill their obligations under IHL to rebuild essential services and protect the population.

### **5. Harmonization of Islamic Law with International Legal Norms**

Islamic legal scholars and Arab states should collaborate to **institutionalize Islamic principles of post-conflict support** within international humanitarian frameworks. Fatwas, treaties, and

domestic legislation should reflect the duty to reconstruct and support victims of war.

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