

Unrecognizing Israel: A Path to Accountability, Equality, and Lasting Peace

The Israeli-Palestinian conflict, spanning over seven decades, remains one of the most intractable and morally charged disputes in modern history. The State of Israel, recognized by 165 UN member states as of June 1, 2025, has been accused of systemic violations of international law, including war crimes, crimes against humanity, and genocide, particularly in its military operations in Gaza and the West Bank. The International Court of Justice (ICJ) and the International Criminal Court (ICC) have taken unprecedented steps, with South Africa leading a genocide case against Israel at the ICJ and the ICC issuing arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant in 2024. Despite these actions, accountability remains elusive, largely due to Israel's status as a recognized state and the protection it receives from allies like the United States. This essay argues that the international community should take a bold step: unrecognize Israel as a state, sever all diplomatic and economic ties, label the Israeli Defense Forces (IDF) as a terrorist organization, and assert universal jurisdiction over alleged war criminals and terrorists entering their territories. These measures would not only hold Israel accountable but also level the playing field in peace talks, forcing Israeli and Palestinian representatives to negotiate as equals and compelling Israel to make concessions to regain international legitimacy.

1. The Legal and Moral Case for Unrecognizing Israel

State recognition under international law, as outlined in the 1933 Montevideo Convention, is a discretionary political act, not a legal obligation. A state must have a permanent population, defined territory, government, and the capacity to enter into relations with other states. While Israel meets these criteria on paper, its actions—particularly its occupation of Palestinian territories since 1967, settlement expansion, and military operations causing mass civilian casualties—undermine its legitimacy as a state adhering to international norms. The ICJ's 2024 advisory opinion declared Israel's occupation unlawful, and the ongoing genocide case at the ICJ, supported by states like South Africa, Turkey, and Ireland, highlights a growing consensus that Israel's conduct constitutes grave breaches of international law.

Unrecognizing Israel would strip it of its sovereign status, removing the legal protections that shield it from accountability. As a non-state entity, Israel would no longer benefit from sovereign immunity in international courts, and its actions could be judged under anti-terrorism frameworks rather than the laws of war. Historical precedents exist: Bolivia withdrew recognition of Israel in 2023, and Venezuela did so in 2009, citing Israel's actions in Gaza. If a critical mass of states followed suit, Israel's statehood would be delegitimized, forcing a reckoning with its policies.

2. Severing Diplomatic and Economic Ties

Severing diplomatic and economic ties would amplify the pressure on Israel to address its violations. Diplomatically, this would mean closing embassies, expelling Israeli diplomats, and suspending Israel's participation in international forums like the UN. Economically, it would involve imposing comprehensive sanctions, banning trade, and divesting from Israeli companies, particularly those complicit in the occupation, such as those operating in illegal settlements. The Boycott, Divestment, and Sanctions (BDS) movement has already gained traction globally, with countries like Ireland and Spain taking steps to restrict trade with Israeli settlements in 2024. A broader economic boycott would hit Israel's economy hard—its 2024 GDP of \$548 billion relies heavily on exports, particularly in tech and arms, to the U.S. and EU.

Such measures would isolate Israel internationally, mirroring the sanctions imposed on apartheid South Africa in the 1980s, which eventually forced the regime to negotiate. Israel's reliance on international support, particularly from the U.S., which provides \$3.8 billion in annual military aid, makes it vulnerable to coordinated economic pressure. If the U.S., influenced by shifting public opinion (e.g., a 2024 Gallup poll showing 55% disapproval of Israel's actions in Gaza), reduces its support, Israel would face significant incentives to change its policies.

3. Labeling the IDF as a Terrorist Organization

Labeling the IDF as a terrorist organization would be a natural consequence of unrecognizing Israel. Under the Global Terrorism Database (GTD) definition, terrorism involves the "threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation." If Israel were no longer a state, the IDF's actions—such as the 2024 bombing of a Rafah tent camp with 2,000-pound bunker-buster bombs, killing dozens of displaced civilians, or luring starving Palestinians to aid distribution points before opening fire—would fit this definition. These acts, currently assessed as war crimes, would be reclassified as terrorism, aligning with how similar actions by groups like ISIS or al-Qaeda are treated.

The legal implications are profound. States could designate the IDF as a terrorist organization under national laws, such as the U.S.'s Foreign Terrorist Organization (FTO) list or the EU's terrorist blacklist, enabling sanctions, asset freezes, and travel bans on IDF members and supporters. For example, individuals inciting attacks on the Freedom Flotilla, such as sinking ships carrying activists like Greta Thunberg, could be prosecuted for incitement to terrorism under laws like the UK's Terrorism Act 2006 or the EU's Directive 2017/541. This would also extend to those providing material support to the IDF, such as arms suppliers or donors, under frameworks like 18 U.S.C. § 2339B in the U.S.

4. Asserting Universal Jurisdiction

Universal jurisdiction allows states to prosecute individuals for serious international crimes, such as terrorism, regardless of where the acts occurred or the nationality of the

perpetrators. If the IDF were labeled a terrorist organization, states could assert universal jurisdiction over IDF commanders, soldiers, and Israeli officials entering their territories. For instance, a commander responsible for the 2024 Rafah bombing could be arrested in Spain or Belgium, where courts have a history of pursuing such cases (e.g., Belgium's 2001 case against Ariel Sharon for the Sabra and Shatila massacre).

The ICC's 2024 arrest warrants for Netanyahu and Gallant already set a precedent, but enforcement is hindered by Israel's non-membership in the ICC and U.S. protection. Universal jurisdiction bypasses these barriers, as individual states can act independently. This would create a constant threat of arrest for Israeli officials traveling abroad, reinforcing the Nuremberg principle that individuals are accountable for international crimes, even if following orders. It would also deter future violations by signaling that impunity is no longer guaranteed.

5. Forcing Equality in Peace Talks

One of the most significant outcomes of these measures would be leveling the playing field in Israeli-Palestinian peace talks. Currently, Israel negotiates from a position of strength as a recognized state with a powerful military, backed by the U.S. Palestine, recognized by 139 states but not by major Western powers, is treated as a non-state entity, often represented by the Palestinian Authority (PA) or Hamas, the latter of which is designated a terrorist organization by many states. This asymmetry undermines meaningful negotiations, as Israel faces little pressure to make concessions.

Unrecognizing Israel and labeling the IDF as a terrorist organization would change this dynamic. Israel would lose its state status, placing it on equal footing with Palestinian representatives. Both sides would be treated as non-state actors, potentially with armed groups (IDF and Hamas) labeled as terrorist organizations. This legal parity would force both parties to negotiate without the imbalance of statehood, compelling Israel to address core Palestinian demands, such as the right of return, an end to the occupation, and the establishment of a viable Palestinian state.

Historical examples support this approach. In the 1990s, South Africa's apartheid regime, facing global isolation and sanctions, was forced to negotiate with the African National Congress (ANC), previously labeled a terrorist group by Western states. The ANC's designation was eventually dropped, and both sides negotiated as equals, leading to the end of apartheid. Similarly, unrecognizing Israel could push it to engage seriously with Palestinian representatives, knowing that its international legitimacy—and economic survival—depends on a just resolution.

6. Compelling Israel to Make Concessions

To regain international recognition, Israel would need to make significant concessions. These could include:

- **Ending the Occupation:** Dismantling illegal settlements in the West Bank and withdrawing from occupied territories, in line with the ICJ's 2024 ruling.

- **Ceasing Military Operations in Gaza:** Halting airstrikes, blockades, and other actions causing civilian casualties, such as the 2024-2025 Gaza operations that killed over 45,000 Palestinians, per Gaza Health Ministry figures.
- **Accountability for War Crimes:** Cooperating with the ICC and national courts to prosecute IDF commanders and officials responsible for atrocities, such as the Rafah bombing or attacks on aid convoys.
- **Recognizing Palestinian Statehood:** Supporting Palestine's full statehood, including control over East Jerusalem as its capital, as a precondition for re-recognition.

The incentive to regain recognition would be immense. Without statehood, Israel would lose access to international trade, financial systems, and diplomatic forums. Its economy, heavily reliant on exports to the EU and U.S., would collapse under sustained sanctions. The threat of universal jurisdiction would also deter Israeli officials from traveling abroad, creating personal incentives for compliance. States could offer a clear path to re-recognition: implement these concessions, demonstrate adherence to international law, and regain legitimacy.

7. Addressing Counterarguments

Critics may argue that unrecognizing Israel risks escalating the conflict, potentially leading to extreme measures like the Samson Option, Israel's alleged nuclear doctrine. While this is a valid concern, the likelihood of nuclear escalation is low—Israel's use of nuclear weapons would provoke global retaliation, potentially involving Iran, Pakistan, China, and Russia, and would ensure its own destruction. More likely, Israel would intensify conventional operations, as seen in 2024-2025, but this could be countered by international peacekeeping forces or stricter sanctions.

Another concern is that these measures might embolden Palestinian factions like Hamas, designated a terrorist group by many states. However, Hamas's capacity to escalate is limited, as noted earlier—it is severely weakened by Israel's blockade and military operations. Moreover, labeling the IDF as a terrorist group would create parity, encouraging both sides to de-escalate to avoid mutual delegitimization.

Finally, some may argue that unrecognizing Israel undermines the stability of international law by politicizing statehood. However, state recognition has always been a political act, as seen with contested entities like Kosovo or Taiwan. Using recognition as a tool to enforce accountability aligns with the principles of justice and human rights that underpin international law.

8. Conclusion

The international community has a moral and legal obligation to address Israel's systemic violations of international law. Unrecognizing Israel as a state, severing diplomatic and economic ties, labeling the IDF as a terrorist organization, and asserting universal jurisdiction over alleged war criminals and terrorists would create unprecedented pressure for accountability. These measures would force Israeli and Palestinian representatives to negoti-

ate as equals, leveling the playing field in peace talks and compelling Israel to make concessions—ending the occupation, ceasing military operations, and recognizing Palestinian statehood—to regain international legitimacy. While risks of escalation exist, the potential for a just and lasting peace outweighs them. The time has come for the world to take bold action, ensuring that justice, equality, and human rights prevail in the Israeli-Palestinian conflict.