International Lawfare and Transactional Peacemaking: Indonesia's 'Board of Peace' and the Question of Palestinian Sovereignty

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Abstract

The Board for Peace (BoP), established by President Trump, is integral to the execution of the America-First and transactional strategy. This board indicates a transition in international collaboration from multilateralism under the UN mandate to a multi-corporate framework for handling the post-conflict transition in Gaza. This article analyses the legitimacy of the BoP under international law and the ramifications of Indonesia's permanent membership and its allocation of one billion US dollars to the BoP, while also evaluating its implications for Palestinian sovereignty and the international legal system. This research utilizes an interdisciplinary approach that combines international law, political economy, and international relations. The research indicates that the creation of the BoP was prompted by UN Security Council Resolution 2803, although it has diverged from the resolution's aims. Moreover, the BoP has invalidated the 2024 Advisory Opinion of the International Court of Justice (ICJ) about the Palestinian people's right to self-determination. Moreover, the BoP, which possesses a comprehensive strategy for Gaza's reconstruction post-Israel's devastation, represents an infringement on the rights of the Palestinian populace in Gaza, undermines Palestinian sovereignty, overlooks the Palestinian Authority, and imposes a fiscal obligation on nations, especially permanent members like Indonesia. This paper asserts that the BoP framework is designed exclusively to sustain informal imperialism that advantages Israel, hinders the two-state solution, and constrains Indonesia's foreign policy—ideally independent and proactive—under the influence of U.S. interests during the Trump administration.

Keywords: *Board of Peace, Indonesia, International Lawfare, Palestine sovereignty, Self-Determination*

Introduction

The emergence of the Board of Peace (BoP) raises a research problem that is broader than the chronology of post-war reconstruction in Gaza. It illustrates a shift

from UN-centered collective security and rights-based peacemaking toward ad hoc, donor-driven and corporate-style transitional governance.[1] This organization was established with the primary objective of overseeing demilitarisation, governance reform, and large-scale reconstruction in the Gaza Strip, a region that has been devastated by prolonged conflict.[2] However, the BoP's structure, which designates Donald Trump as Permanent Chairman under its charter regardless of his official position in the US government, has raised fundamental questions about state sovereignty and the legitimacy of international institutions.[3] This concentration of power fundamentally contradicts the basic requirement for an international organisation to possess a *volonté distincte*—an autonomous will separate from its founders—and the political future of a people whose right to self-determination is protected under international law..[4]

Despite its ambitious claims, the BoP operates in a legal grey area.[5] UN Security Council Resolution 2803, adopted in late 2025, provides a limited mandate for the BoP to operate in Gaza until 2027 as part of a post-ceasefire transitional governance arrangement.[6] However, the BoP Charter itself contains provisions that extend far beyond Gaza, declaring the organisation's competence to address regions "affected or threatened by conflict" globally. This discrepancy raises the risk of *ultra vires* action: if the BoP acts outside the narrow mandate of Resolution 2803, its decisions may lack any legal foundation under international law.[7] Moreover, the BoP's Charter explicitly states that the organisation possesses independent international legal personality. Yet legal experts emphasise that legal personality

[1] Steve Holland, "Trump Launches Board of Peace That Some Fear Rivals UN," *Reuters*, 2026.
[2] Eli; Cheslow Daniella Stokols, "Trump Gets His Board of Peace, Even as Bigger Countries Steer Clear - POLITICO," Politico.com, February 2026.
[3] Debashis Chakrabarti, "Trump's 'Board Of Peace' is a Corporate Coup on Global Order – OpEd – Eurasia Review," Eurasiareview.com, January 2026.
[4] Ntina Tzouvala, "International Law as a Discipline in Crisis," *Australian Journal of International Affairs*, 2025, https://doi.org/10.1080/10357718.2024.2416253.
[5] John Casey, "Opinion: This Is The Dark Truth About Trump's Absurd 'Board of Peace': Like Every Other Money-Making Scheme Trump Concocts, the Peace Board Will Shatter, but Trump Will Finally Get a Piece of Peace Hardware," *The Daily Beast The Newsweek*, January 20, 2026.
[6] United Nations, "Security Counccil Resolution No. S/RES/2803 on the Comprehensive Plan to End the Gaza Conflict," Pub. L. No. S/RES/2803, https://www.securitycouncilreport.org/un-documents/document/s-res-2803.php (2026).
[7] Alex Mills, "The Privatisation of Private (and) International Law," *Current Legal Problems* 76, no. 1 (2023), https://doi.org/10.1093/clp/cuad003.

cannot be self-declaratory; member states must confer it through a constituent instrument and must be accompanied by genuine autonomous will.[8] The BoP's governance structure, which vests all significant power in a single individual serving for life, makes any claim to *volonté distincte* highly dubious.

Beyond these institutional anomalies, the central legal issue raised by the BoP concerns the Palestinian people's right to self-determination.[9] This right has been repeatedly affirmed as inalienable by the International Court of Justice (ICJ) in its 2024 Advisory Opinion on the legal consequences of Israel's policies in the Occupied Palestinian Territory, as well as by numerous UN General Assembly resolutions.[10] Self-determination is not merely a political aspiration; it is a peremptory norm of international law (*jus cogens*) from which no derogation is permitted.[11] The ICJ has made clear that the right belongs to the Palestinian people as a whole and cannot be conditioned upon the fulfilment of external criteria, such as security arrangements or economic reforms imposed by third parties.[12]

This paper specifically addresses the research gap concerning institutional and normative tension. Current research on Palestine and Gaza has thoroughly examined occupation, humanitarian law, ceasefire negotiations, reconstruction requirements, and the ongoing significance of the two-state solution. Recent analyses of the BoP characterize it as a geopolitical endeavor, a reconstruction tool, or a contentious diplomatic experiment. Nonetheless, this literature remains disjointed. A rigorous legal examination of how the BoP's institutional design, legal personality, decision-making hierarchy, and finance model influence Palestinian

[8] Katarzyna Sidlo, "The Board of Peace, Gaza, and the Cost of Being inside the Room | European Union Institute for Security Studies," https://www.iss.europa.eu/, January 2026.
[9] Azer K. Kagramanov, "Subjects of the Right to Self-Determination in Contemporary International Law," *Vestnik Sankt-Peterburgskogo Universiteta. Pravo* 14, no. 1 (2023), https://doi.org/10.21638/spbu14.2023.111.
[10] Indra Rosandry, Aloysius Selwas Taborat, and Kadek Denny Baskara Adiputra, "The Historic Advisory Opinion on Palestine: An Overview of Indonesia's Submissions and the Way Forward," *Indonesian Journal of International Law* 22, no. 4 (2025), https://doi.org/10.17304/ijil.vol22.4.1927.
[11] Hidayat Ur Rehman, Syed Raza, and Shah Gilani, "A Critical Assessment of Jus Cogen Nature of International Human Rights Law," *The Dialogue* IX, no. 4 (2014).
[12] United Nations, "Security Counccil Resolution No. S/RES/2803 on the Comprehensive Plan to End the Gaza Conflict," Pub. L. No. S/RES/2803, https://www.securitycouncilreport.org/un-documents/document/s-res-2803.php (2026).

sovereignty, while concurrently examining the constitutional boundaries of a participating middle power's foreign policy, has yet to be produced.

This disparity is significant for three reasons. The legality of the BoP cannot be evaluated solely by its association with a Security Council resolution; it must also be assessed against superior principles of international law, particularly self-determination, non-recognition of unlawful circumstances, sovereign equality, and accountability for internationally wrongful acts.[13] The legitimacy of Gaza's rehabilitation cannot just hinge on technical efficiency or donor capacity if the impacted people is excluded from strategic decision-making. Third, Indonesia's involvement reframes the BoP from a governance issue concerning Gaza to a constitutional foreign-policy dilemma: can a state dedicated to anti-colonialism and Palestinian autonomy engage in a transactional peace framework without endorsing the very structure that could undermine Palestinian sovereignty? In this context, the BoP is regarded in this essay not only as a novel peace institution but as a legal experiment in transactional peacemaking.[14] The proposed framework in this document links the BoP to demilitarization, transitional government, reconstruction financing, and the establishment of technical governance mechanisms in Gaza.[15] These functions are not impartial administrative duties. They ascertain authority over security, the representative voice of the populace, the beneficiaries of reconstruction contracts, and the status of Palestinian statehood as either an intrinsic right or a conditional outcome contingent on external criteria.

The issue is exacerbated by the BoP's ambiguous legal position. Despite the BoP being characterized as possessing international legal personality, such personality in international law is not established just by institutional self-identification.[16] It relies on a legitimate constituent foundation, delegated authorities, responsible entities, and an independent institutional will apart from

[13] Tzouvala, "International Law as a Discipline in Crisis."
[14] Mills, "The Privatisation of Private (and) International Law."
[15] Sidlo, "The Board of Peace, Gaza, and the Cost of Being inside the Room | European Union Institute for Security Studies."
[16] John Casey, "Opinion: This is the Dark Truth About Trump's Absurd 'Board of Peace': Like Every Other Money-Making Scheme Trump Concocts, the Peace Board Will Shatter, but Trump Will Finally Get a Piece of Peace Hardware," *The Daily Beast The Newsweek*, January 20, 2026.

the political intentions of its founders. When an entity exercises public authority over a territory yet is not a distinct UN agency, a conventional treaty-based organization, or transparently accountable to the populace affected by its decisions, the risk extends beyond mere institutional innovation. The risk involves supra vires governance, legal ambiguity, and the privatization of international administration.[17]

The Palestinian aspect is thus important to the research deficiency. The International Court of Justice has reiterated that the Palestinian people's right to self-determination is inalienable and cannot be subject to the preferences of third parties.[18]A reconstruction mechanism that omits Palestinian representation at the strategic level, isolates Gaza from the broader Palestinian political agenda, or conditions statehood on externally mandated reform criteria jeopardizes the transformation of self-determination from a legal obligation into a reward for adherence.[19] The BoP prompts a profound inquiry: might post-conflict reconstruction serve as a conduit for informal imperialism by supplanting political agency with technocratic governance?

Indonesia's participation introduces a unique and inadequately examined aspect to this legal inquiry. Historically, Indonesia has positioned itself as an advocate for Palestinian independence, with its foreign policy driven by a constitutional duty to reject colonialism and actively contribute to global peace.[20] The decision to engage in the BoP, along with financial and potential security obligations, cannot be evaluated solely as pragmatic diplomacy.[21] The Bebas Aktif principle must be scrutinized to determine whether free and active diplomacy can uphold its principles within a transactional framework in which influence may

[17] Rehman, Raza, and Gilani, "A Critical Assessment of Jus Cogen Nature of International Human Rights Law."
[18] Kagramanov, "Subjects of the Right to Self-Determination in Contemporary International Law."
[19] Yara Hawari, "Neocolonialism in Gaza | New Internationalist," January 2026.
[20] Abdhy Walid Siagian, Tommy Putra Zumita, and Muhammad Farhan, "Quo Vadis Penerapan Perjanjian Internasional Di Indonesia: Tinjauan Doktrin Transformasi Dan Inkorporasi," *Unes Journal of Swara Justisia* 8, no. 3 (2024), https://doi.org/10.31933/7f3g4a33.
[21] Anggi M Lubis, "Indonesia Gabung 'Board of Peace': Strategi Tepat Atau Hilang Arah?," theconversation, January 2026.

correlate with financial contributions, access to decision-making, and alignment with the interests of big powers.[22]

This article examines the extent to which the BoP aligns with international legal principles regarding self-determination, sovereign equality, and accountability, as well as the legal and constitutional ramifications of Indonesia's involvement for Palestinian sovereignty and for Indonesia's independent and proactive foreign policy. This inquiry is addressed through a pluralistic legal framework that integrates doctrinal analysis, critical discourse analysis, and political economics. Doctrinal analysis evaluates the legal foundation of the BoP and its alignment with the UN Charter, Security Council jurisdiction, the ICJ's 2024 Advisory Opinion, and the law of occupation. Critical discourse analysis investigates the terminology associated with humanitarian reconstruction, reform criteria, and technocratic governance. Political economy analysis examines how financial contributions, reconstruction contracts, and diplomatic access influence the allocation of power within the BoP.[23]

Existing scholarship has discussed Palestine through the lenses of occupation, humanitarian law, ceasefire politics, reconstruction, and the two-state solution. Recent commentaries on the BoP have also described it as a geopolitical initiative, a reconstruction mechanism, or a controversial diplomatic experiment. However, these studies remain fragmented. They have not yet offered an integrated analysis of how the BoP's legal architecture, decision-making hierarchy, financing model, and accountability deficit affect Palestinian sovereignty while also testing the constitutional limits of Indonesia's foreign policy.

This gap matters because the legality of the BoP cannot be assessed only by asking whether it is linked to a Security Council resolution. It must also be examined against higher norms of international law, particularly self-determination, sovereign equality, non-recognition of unlawful situations, and accountability for internationally wrongful conduct. Likewise, the legitimacy of Gaza's reconstruction

[22] Aziz Kurmala, "Indonesia's Free Active Policy Does Not Mean Neutrality: Ministry," ANTARA, January 2025.
[23] Ronny P Sasmita, "Indonesia's Gaza Gamble | Gaza | Al Jazeera," 2026, February 2026.

cannot be reduced to technical efficiency if the affected population is excluded from strategic decision-making.

The novelty of this article lies in its integrated legal-constitutional framing of the BoP. First, it conceptualises the BoP as a form of transactional peacemaking, in which peace, reconstruction, and representation are shaped by financial contributions and strategic bargaining rather than by inclusive multilateral consent. Second, it assesses, on doctrinal grounds, whether such a model can coexist with jus cogens norms, particularly the Palestinian right to self-determination. Third, it uses Indonesia's participation as a case study to examine whether middle-power diplomacy can remain consistent with anti-colonial constitutional commitments while operating within an ad hoc peace institution shaped by major-power interests.

Indonesia is central to this inquiry because it has historically supported Palestinian independence and has grounded its foreign policy in a constitutional commitment to oppose colonialism and to participate actively in world peace. Its participation in the BoP, together with financial and possible security commitments, therefore cannot be analysed only as pragmatic diplomacy. It must be examined as a test of the *bebas aktif* principle: whether free and active diplomacy can remain principled in a transactional order in which influence may be linked to financial contributions, access to decision-making, and strategic alignment.

Accordingly, this article asks: to what extent is the BoP compatible with international legal norms on self-determination, sovereign equality, and accountability, and what are the legal and constitutional implications of Indonesia's participation for Palestinian sovereignty and Indonesia's free and active foreign policy? To answer this question, the article combines doctrinal legal analysis, critical discourse analysis, and political economy analysis.

The article proceeds as follows. The first section examines the legal basis of the BoP in relation to Security Council Resolution 2803 and the ICJ Advisory Opinion. The second analyses the political economy of transactional diplomacy. The third evaluates Gaza's sovereignty amid the tension between reconstruction and informal imperialism. The fourth assesses Indonesia's dilemma between multi-alignment and

the *bebas aktif* principle. The final section identifies the international legal consequences of the BoP program.

Methods

This article adopts doctrinal legal research as its primary method.[24] The object of analysis is the legal status and consequences of the Board of Peace (BoP) under international law and Indonesian constitutional foreign-policy law.[25] Doctrinal analysis is used to identify, interpret, and systematize the relevant legal norms governing international legal personality, Security Council mandates, self-determination, sovereign equality, occupation, accountability, and Indonesia's constitutional commitment to an independent and active foreign policy.[26] The TWAIL/postcolonial perspective is used not as a separate method, but as an interpretive lens to examine whether the BoP reproduces hierarchical, externally imposed, or colonial patterns of governance in Gaza.

The legal materials consist of primary and secondary sources. The primary legal materials include the BoP Charter, UN Security Council Resolution 2803, the 2024 Advisory Opinion of the International Court of Justice on Palestine, the UN Charter, the Fourth Geneva Convention, the Indonesian Constitution of 1945, and Law No. 37 of 1999 on Foreign Relations.[27] Secondary materials include peer-reviewed legal scholarship, policy papers, official diplomatic statements, and selected media reports. These secondary materials are not treated as independent sources of law; rather, they provide context for understanding the institutional design of the BoP, Indonesia's participation, and the political-economy background of Gaza's reconstruction.

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[24] Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum*, ed. Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022).
[25] Dawn Watkins and Mandy Burton, "Research Methods in Law [Electronic Resource]," *Research Methods in Law*, 2017.
[26] Kubo Mačák and Ellen Policinski, "The Object and Purpose of the Fourth Geneva Convention," in *Civilian Protection in Armed Conflict: Select Issues*, 2025, https://doi.org/10.1093/oso/9780197793176.003.0003.
[27] Aistė Augustauskaitė-Keršienė, "Reservations To Un Human Rights Treaties: Sovereign States Seeking To Avoid Their Obligations?," *International Comparative Jurisprudence* 6, no. 2 (2020), https://doi.org/10.13165/j.icj.2020.12.002

The analysis proceeds in four stages. First, the article identifies the applicable legal sources and determines the hierarchy of relevant norms, particularly the relationship between Security Council authorisation, international legal personality, and peremptory norms such as self-determination. Second, it interprets the BoP Charter and Resolution 2803 through doctrinal tools, including textual interpretation, systemic integration, and consistency with the UN Charter and general international law. Third, it evaluates whether the BoP's structure, representation model, financing mechanism, and transitional authority are compatible with Palestinian self-determination, sovereign equality, accountability, and Indonesia's free and active foreign-policy principle. Fourth, the TWAIL/postcolonial lens is used to explain the broader significance of the doctrinal findings, especially whether a formally legal reconstruction mechanism may nevertheless reproduce informal imperialism when the affected people are excluded from strategic decision-making.

Legal conclusions are drawn primarily from the doctrinal analysis. The TWAIL/postcolonial lens does not replace positive legal interpretation, nor does it function as an additional method standing beside doctrinal research. Instead, it helps interpret the normative implications of the legal findings by situating the BoP within longer patterns of externally imposed governance, conditional sovereignty, and donor-led reconstruction.[28] This simplified framework allows the article to maintain methodological rigor while still addressing the power relations embedded in transactional peacemaking.

Discussion

Legal Basis of Board of Peace: Resolution 2803 and the International Court of Justice Advisory Opinion

The BoP's formal legal basis lies in UNSC Resolution 2803, adopted on 17 November 2025 by a vote of 13 in favour, none against, with two abstentions (China

[28] Soraya, Muhammad, and Ladiqi, "ICC Jurisdiction: Against Israeli War and Humanitarian Crimes Targeting Palestinian Civilians 2023," 2024.

and Russia).[29] The resolution endorses the U.S.-drafted "Comprehensive Plan to End the Gaza Conflict," welcomes the establishment of the BoP, and authorizes both the Board and cooperating Member States to establish a temporary International Stabilization Force in Gaza and "enter arrangements necessary to achieve the Comprehensive Plan's objectives. Additionally, the resolution provides that those operational entities established by the Board will operate under the Board's transitional authority and oversight and remain authorized until 31 December 2027, subject to further Council action.

However, the resolution's compatibility with peremptory norms of international law is contested. The International Court of Justice's 2024 Advisory Opinion on the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* affirmed that the Palestinian people's right to self-determination is an inalienable right that "cannot be subject to conditions on the part of the occupying Power" and imposes obligations on all States and the United Nations not to recognize or render aid in maintaining the unlawful situation.[30] Where the BoP framework circumvents Palestinian representative governance, it risks operating in tension with the *jus cogens* norm of self-determination—a norm from which no Security Council resolution can derogate.[31]

The BoP occupies an ambiguous institutional status under international law. It is neither a UN subsidiary organ under Articles 7(2) and 29 of the Charter,[32] nor a traditional international organization constituted by a multilateral treaty.[33] The resolution "welcomed" the BoP's establishment rather than creating it as a UN body,

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[29] Nations, Security Counccil Resolution No. S/RES/2803 on the Comprehensive Plan to End the Gaza Conflict.
[30] UN. General Assembly (10th emergency special sess., "Advisory Opinion of the International Court of Justice on the Legal Consequences Arising from Israel's Policies and Practices in the Occupied Palestinian Territory, Including East Jerusalem, and from the Illegality of Israel's Continued Presence in the O…," *United Nations* (New York: UN, September 19, 2024), https://digitallibrary.un.org/record/4062853.
[31] Robert J.C. Young, "The Longest War," *From the European South* 15 (2024), https://doi.org/10.1177/030642209602500534.
[32] United Nations, "United Nations Charter (Full Text) | United Nations," United Nations, 1945.
[33] T. Ramesh et al., "International Frameworks on Traditional Knowledge: Role of WIPO, TRIPS, and CBD," *International Journal For Multidisciplinary Research* 7, no. 5 (2025), https://doi.org/10.36948/ijfmr.2025.v07i05.58380.

and the Board's Charter was signed bilaterally between the U.S. President and participating States—including Indonesia—outside the UN institutional framework. Four of the five permanent Security Council members—China, Russia, France, and the United Kingdom—are notably absent from the BoP.[34] This creates an anomalous structure: an entity exercising in Chapter VII has derived transitional authority over territory while remaining institutionally decoupled from the collective security architecture that authorizes it. The resulting accountability gap is significant. The International Law Commission's Draft Articles on the Responsibility of International Organizations (ARIO) establish that organizations bear responsibility for internationally wrongful acts, but this presupposes a clearly identifiable legal person with defined competences and constituent instruments.[35] The BoP's hybrid nature complicates both attribution of conduct and the identification of appropriate remedial forums.

The BoP's leadership structure raises the most acute legal concerns. The Charter designates Donald J. Trump as permanent Chairman with discretionary authority to extend or terminate members' tenure, while permanent membership status is linked to financial contribution—reportedly exceeding US$1 billion. This structure directly implicates the principle of sovereign equality enshrined in Article 2(1) of the UN Charter.[36] The authors argue that the BoP substitutes the Charter's conception of sovereignty—grounded in "strictly juridical status"—with a capacity-based hierarchy in which financial contribution determines participatory rights. Whereas, sovereignty under the Charter is not hierarchised, and certainly not something that requires a billion dollars to ascend an invented ladder of authority. While differentiated contributions to international organizations are common (e.g., weighted voting in international financial institutions), extending this logic to the governance of territory and the exercise of transitional authority over a population with a *jus cogens* entitlement to self-determination raises qualitatively

[34] Ryan Mancini, "Which Nations Have Rejected Donald Trump's 'Board of Peace' Invite?," The Hill, January 2026.
[35] Willem Van Genugten, "Draft Articles on the Responsibility of International Organizations (2011) (Excerpts)," *The World Bank Group, the IMF and Human Rights*, December 2015, 69–78, https://doi.org/10.1017/9781780685649.010.
[36] Nations, "United Nations Charter (Full Text) | United Nations."

different legal objections.[37] Moreover, the exclusion of Palestine, the most aggrieved party, from the Board's membership, while including Israel, fundamentally undermines the Board's claim to representational legitimacy and its consistency with the principle that territorial administration must serve the interests of the protected population.

The accountability deficit is structural. The BoP reports to the Security Council every six months, but this reporting obligation is weak where the Council's permanent members are themselves absent from the Board's governance. The Board's operational entities—including the International Stabilization Force—operate under the Board's transitional authority and oversight without clear lines of accountability to either the UN Secretariat or the General Assembly. International legitimacy, as developed in contemporary legal scholarship, requires not merely Security Council authorization but compliance with fundamental human rights norms and the consent or participation of the affected population.[38] The BoP's technocratic committee, designed to administer Gaza without Palestinian Authority leadership, risks perpetuating what scholars have termed peace without Palestinians. Meaning, an internationalized annexation that evades the root causes of conflict: prolonged occupation and denial of self-determination.

Political Economy, Transactional Diplomacy, and Implications for Palestinian Self-Determination

There are economic concerns beyond personal ambition. Members of the BoP Executive Board include Jared Kushner, founder of Affinity Partners, and Marc Rowan, CEO of Apollo Global Management. The nomination of these business moguls shows that Gaza's rehabilitation is seen as a potentially lucrative economic opportunity.[39] The admission of some countries to the BoP has been linked to

[37] Anja H. Olafsen, "Self-Determination Theory," in *Elgar Encyclopedia of Organizational Psychology*, 2024, https://doi.org/10.4337/9781803921761.00125.
[38] Amy Maguire and Katie Thompson, "Palestine, Self-Determination and International Justice: Looking Back to the ICJ and Looking Forward to the ICC," *Griffith Law Review* 26, no. 4 (2017), https://doi.org/10.1080/10383441.2017.1548000.
[39] Rafeef Ziadah, "Donald Trump's Vision for Gaza's Future: What a Leaked Plan Tells Us about US Regional Strategy," ed. Jonathan Este, September 2025, https://doi.org/10.64628/AB.3EH3V4V5P.

business ventures tied to the Trump family, such as Jared Kushner's £1.4 billion luxury resort in Albania, which coincided with Albania's admission to the group.[40]

In a broader geopolitical context, the BoP aspires to construct a new transactional world order in which diplomatic loyalty and financial contributions are valued more highly than international law.[41] This is reflected in the treatment of BoP members: if they oppose Trump's vision, they will likely be expelled from the organisation, just as in the reality TV show "The Apprentice".[42] One concrete example is Canada's withdrawal of its invitation after Prime Minister Mark Carney called for strategic autonomy for middle powers.

The BoP project in Gaza, proposed by Donald Trump, is a salient embodiment of the "America First" concept at the international level, both in its underlying goals and in its geopolitical strategy.[43] Here, the agony of the Palestinian people and the destruction of Gaza are employed as a tool for reshaping the world order away from a United Nations-centred system. For Trump, Gaza is not the endpoint but a transactional tool, a bargaining chip for countries to sign on to a new international organization under his personal command.[44] Trump's policies are built on an America First mentality, where US interests are placed above all else, including those of key allies like NATO and the European Union and a mindset that leaves little room for compromise, consensus, or mutual benefit.[45] The argument is that the United States goes for its own goals, and the rest of the world gets what's left. Israel is a major exception, and many critics, even some of Trump's internal allies, have noted that the operational concept has become "Israel First".

The BoP project has wider geopolitical goals than only the rehabilitation of Gaza. The published BoP Charter makes no mention of Gaza, but instead refers to areas "affected or threatened by conflict" elsewhere in the world. Trump is granted

[40] Ziadah.
[41] Sophia Sultan and Christopher Michael Garrity, "International Law and The Responsibility to Protect," *Journal of Student Research* 11, no. 3 (2022), https://doi.org/10.47611/jsrhs.v11i3.2605.
[42] Ali Abbasi, "The Apprentice (2024) - Movie | Moviefone," primevideo, 2024.
[43] Ibrahim Jukkarwala, "Trump's Board of Peace: The $1 Billion Geopolitical Club Explained," theglobalangle.com, January 2026.
[44] Jukkarwala.
[45] Adam Rasgon, "Board of Peace Set to Hand Trump Sweeping Powers Over Gaza - The New York Times," nytimes, January 2026.

extraordinary powers as lifetime chairman, which include the unqualified right to invite or dismiss members, interpret the charter, and disband the organization at will. This structure suggests that the BoP is not intended to be an independent entity, but rather an extension of one individual, and that Gaza serves as a visible justification for a more significant objective.[46] The Middle East is no longer a priority in Trump's national security strategy, as the United States intends to reduce its costly military commitment there. Iran, an autonomous nation with a strategic location and an abundance of energy, must be neutralized for this purpose.[47] Simultaneously, the Abraham Accords should be expanded to facilitate Israel's full integration into the region, while the Palestinian issue should be resolved.

Looking at the patterns of invitation and exclusion in the decision-making process, we see the intimate link between the BoP project and Israel's long-term desire to create a "Greater Israel". Israeli Prime Minister Benjamin Netanyahu, who had an arrest warrant from the International Criminal Court, was among the initial members of the BoP.[48] But Palestine has no representation in the highest decision-making body. Instead, it goes to a fourth-tier technical committee that deals with day-to-day matters and has no authority over strategic decisions. This structure shows that the BoP is designed to marginalize Palestinian aspirations for an independent and sovereign state and to entrench the political barrier between Gaza and the West Bank. Jared Kushner told Davos that Gaza could be turned into a "luxury resort" or "Gaza Riviera," and that rehabilitation could be completed in three years.[49]

A key part of the BoP's geopolitical purpose is to undermine and potentially replace the UN. Trump has openly withdrawn from 66 international agreements and

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[46] Anuradha Chenoy, "The Great Betrayal Security Council Resolution on Gaza," *Economic and Political Weekly* 60, no. 48 (2025).
[47] Deepika Badhan and Rupam Jagota, "Geopolitical Interests and Contemporary Conflicts in the Middle East," *International Journal of Innovations in Science Engineering And Management*, 2025, https://doi.org/10.69968/ijisem.2025v4i2244-252.
[48] Ninda Soraya, Ali Muhammad, and Suyatno Ladiqi, "ICC Jurisdiction: Against Israeli War and Humanitarian Crimes Targeting Palestinian Civilians 2023," *Jurnal Media Hukum* 31, no. 1 (April 15, 2024): 59–77, https://doi.org/10.18196/jmh.v31i1.20938.
[49] Atta ur Rehman Khilji, "Peace without Justice: Liberal Imperialism and the Gaza Peace Framework (2025)," *Pakistan Social Sciences Review* 9, no. IV (December 31, 2025), https://doi.org/10.35484/pssr.2025(9-IV)16.

institutions, levied penalties on International Criminal Court officials who issued an arrest warrant for Netanyahu, and frequently slammed the UN as a dysfunctional institution.[50] The BoP charter openly calls for the courage to abandon approaches and institutions that have too often failed – a direct reference to the UN. If many countries participate, this may seriously threaten the UN's position as the world's principal multilateral platform.[51] Ironically, the UN, currently numbering 193 member states, was created almost 80 years ago at the initiative of the United States under President Franklin D. Roosevelt, and the US has become one of the key actors trying to tear down the system it once constructed under Trump.

The economic character of this project is clear from the explicit membership requirements. Countries can buy a permanent seat on the BoP for a donation of one billion US dollars in the form of cash funds in the first year. The practice of "pay-to-play" effectively turns diplomatic influence into a commodity and, of course, allows affluent countries to have disproportionate decision-making powers while reaping the benefits of contracts for the rehabilitation of Gaza. Trump said he raised $5 billion from members. But according to the World Bank and the European Union, the reconstruction of Gaza will cost at least 70 billion US dollars. This means that the funds raised are only a small part of what is needed and are more a form of political legitimation than a real solution to the humanitarian crisis in Gaza. Meanwhile, Israel proceeds with land arrangements in the West Bank, which the NGO Peace Now has labeled a "massive land grab" from Palestine.[52] The Palestinian Authority has criticized this as de facto annexation, a gross breach of international law, yet the BoP has not raised any protests.

The international reactions to BoP show a sharp fragmentation. Indonesia has stated its willingness to send 8,000 TNI men for a peace and reconstruction mission in Gaza, with a strict condition that if the BoP does not fulfill the aspirations of peace, independence and sovereignty for Palestine, Indonesia will withdraw from the

[50] Soraya, Muhammad, and Ladiqi, "ICC Jurisdiction: Against Israeli War and Humanitarian Crimes Targeting Palestinian Civilians 2023," April 15, 2024.
[51] Chakrabarti, "Trump's 'Board Of Peace' Is A Corporate Coup On Global Order – OpEd – Eurasia Review."
[52] Saleh Raed Shatat and Ong Argo Victoria, "Illegal Land Grab: Israel's Seizure Of Land in Palestine," *Jurnal Akta* 8, no. 2 (2021), https://doi.org/10.30659/akta.v8i2.15685.

council.[53] However, the United States' main allies, including France, Germany, Britain and Canada, have declined to participate, saying the BoP Charter goes beyond the Gaza mandate and the UN peace plan.[54] The French rejection prompted Trump to warn of imposing 200 percent tariffs on French wine and champagne, showing how even close allies are subject to the coercive pressure of the America First strategy.[55] China has also declined to join, saying it is committed to a UN-centred system, but Russia is reported to be weighing the invitation – a move that would add a new layer of geopolitical complication if Moscow joined an institution meant to undermine the UN.

In the end, the BoP initiative raises significant concerns about the political economy of reconstruction, the legal hazards inherent in transactional diplomacy, and the ramifications for Palestinian self-determination.[56] Gaza, with 81 per cent of its territory destroyed, hospitals and schools destroyed, and 70 years of human development wiped out, needs recognition of its right to self-determination, an end to the occupation, and a reconstruction process that puts human welfare first, rather than the business interests of a small group of global elites.

Analysis of Gaza's Sovereignty: Between Reconstruction and Informal Imperialism

The sovereignty of the Gaza Strip is highly vulnerable under the BoP framework. Trump's 20-point peace plan proposes a transition period in which Gaza will be administered by international administrators and technocratic committees that have no democratic mandate from the Palestinian people. Jochen von Bernstorff, an expert in international law, describes this arrangement as a form of "where major powers install client governments through military and economic pressure to pursue their geopolitical interests".[57]

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[53] Rahel Narda Chaterine, "Alasan Indonesia Gabung Board of Peace: Menciptakan Perdamaian Di Palestina," February 2026.
[54] Rasgon, "Board of Peace Set to Hand Trump Sweeping Powers Over Gaza - The New York Times."
[55] Alex Spance, "Trump Threatens 200 Percent Tariffs on French Wine after Macron Snubs Peace Board – POLITICO," Politico, January 2026.
[56] Maguire and Thompson, "Palestine, Self-Determination and International Justice: Looking Back to the ICJ and Looking Forward to the ICC."
[57] Jochen von Bernstorff and Eva Maria Bredler, "'A Violation of the Right of Peoples to Self-Determination,'" *Verfassungsblog*, October 2025, https://doi.org/10.59704/627525bf9be51909.

Additionally, violations of the right to self-determination are a central issue where the BoP charter mentions that the Palestinian aspiration for statehood is not recognised as a binding legal right. Instead, Palestinian statehood is made conditional on reforms assessed by external parties and total demilitarisation.[58] The BoP's vision for a "New Gaza" also includes very strict security controls through the use of biometrics and external screening systems for Gaza's population. This creates an environment in which the freedom of movement and privacy of the Palestinian people are compromised in the name of so-called economic stability. Without the meaningful involvement of Palestinian political factions with mass support bases, such as Hamas or Fatah, this stability is likely to be fragile and only maintainable through coercive force.[59]

This framework, identified by Frantz Fanon as the colonial "civilising mission," rests on the assumption that colonised subjects are inherently "immature" and unable to determine their own destiny.[60] Under the BoP Project, Gaza is no longer viewed as a political entity with sovereign rights but rather as a "problem space" requiring external management.[61]

One of the most subtle yet destructive mechanisms of the BoP is its systematic attempt to depoliticise the Palestinian struggle. By reframing the conflict as a series of technical challenges, such as waste management, calorie intake, and border logistics, the BoP obscures the nature of the struggle as a national liberation movement.[62] The vision of a "Gaza Riviera" championed by Trump and Jared Kushner reinforces this depoliticisation by reducing the reconstruction of a devastated territory to a mere real estate transaction, in which land is treated as a

[58] Stefan Wolff, "Donald Trump's 'Board of Peace' Looks like a Privatised UN with One Shareholder: The US President," ed. Jonathan Este, January 2026, https://doi.org/10.64628/AB.xfrwpdxwc.
[59] James J Zogby, "Trump's Board of Peace Ignores Palestinian History and Rights | James J. Zogby | AW," February 2026.
[60] Francisco Pérez-Fernández and María Peñaranda-Ortega, "Frantz Fanon, a Psychiatrist Trapped between Anthropology, Therapy and Revolution: From Sociotherapy to Anticolonialism," *Anales de Psicologia* 41, no. 2 (2025), https://doi.org/10.6018/analesps.627561.
[61] Zena Agha and Jake Hodder, "Mapping Disjuncture: Internationalism and Palestine," *Area*, 2025, https://doi.org/10.1111/area.70077.
[62] Jess R. Nachman, "Decolonial Queering Sport and Movement in Palestine," *Women's Studies International Forum* 109 (2025), https://doi.org/10.1016/j.wsif.2025.103054.

monetisable asset and people as variables to be managed.[63] Furthermore, by treating Gaza as an administrative unit separate from the rest of Palestine, the BoP continues the colonial strategy of "*divide and rule*" that prevents the realisation of a united Palestinian state. The concept of "New Rafah" presented by Kushner in Davos describes a technocratically designed Palestinian community.[64] Still, it ignores the reality that its inhabitants are human beings with emotional and historical ties, not "Lego" pieces that can be arranged at will.

BoP cannot be separated from the racialisation of the hierarchy of sovereignty on which it is founded. The project assumes that Palestinian life can only be "managed" through external coercion, an extension of Edward Said's Orientalism in which the "East" is depicted as perpetually chaotic and irrational, thus requiring a "rational West" to impose order. The refusal to allow Palestinians to lead the reconstruction or manage their own borders is an explicit statement of racial distrust, that the indigenous population cannot be trusted with the tools of modernity, such as airports, ports, or police forces, because of their inherently threatening "nature". This racialisation, in turn, justifies the permanent-temporary nature of the occupation, in which the benchmark for readiness for independence is constantly shifted. In fact, the International Court of Justice (ICJ) and various UN resolutions have repeatedly affirmed that the right of self-determination for the Palestinian people is an inalienable right, and cannot be made conditional on the outcome of an external council.[65]

The most dangerous aspect of the BoP is its framing as a humanitarian initiative. By focusing on delivering aid and rebuilding hospitals, the BoP seeks to gain the consent of the governed by providing the necessities for survival. However, as political theorist Giorgio Agamben warns, when humans are reduced to bare life—mere biological existence without political rights—they are in the most

[63] Nicola Perugini, "Between Anti-Colonial Resistance and Colonial Genocide: Gaza at the Limits of International Law," *Journal of Imperial and Commonwealth History*, November 2025, https://doi.org/10.1080/03086534.2025.2578214.
[64] Seamus Malekafzali, "Plans Call for 'New Rafah' Built in Israel's Image — Without Palestinians," January 2026.
[65] Ihab Shalbak, "Human Rights in Palestine: From Self-Determination to Governance," *Australian Journal of Human Rights* 29, no. 3 (2023), https://doi.org/10.1080/1323238X.2023.2291210.

vulnerable position.[66] A council that feeds a population while denying them the right to vote, passports, or a say in their future is not a humanitarian body, but an administration of imprisonment. Gaza risks becoming a high-tech corporate city where corporations are global power consortia. Residents become disposable labour while Trump, his associates, and like-minded investors are poised to own, control, and profit from the land, infrastructure, and economic activity. Yet, as a group of activists emphasised in their joint statement, Peace cannot be imposed through ownership structures, enforced silence, or economic dependency. True peace requires justice, accountability, and full recognition of Palestinian rights under international law.[67]

Faced with this threat of recolonisation, the concept of decoloniality offers a radical alternative. Decoloniality is not merely decolonisation in the sense of troop withdrawal, but the dismantling of coloniality of power, the structures of thought and governance that keep the imperial hierarchy in place. A decolonial approach to Gaza would reject any council, board, or mandate that does not arise from the organic will of the Palestinian people.[68] This means asserting that sovereignty cannot be "earned" by proving good behaviour to the councils of former colonial rulers; that reparations, not poverty management, must be the primary demand; and that the world must stop viewing Gaza through the lens of security threats and start seeing it through the lens of human rights and national liberation.[69] As emphasised by Malaysian civil society groups, the participation of certain states in the BoP, allegedly obtained through economic coercion—including the threat of punitive tariffs that cannot be considered valid consent, but rather coercion, further

[66] Paul A. Passavant, "The Contradictory State of Giorgio Agamben," *Political Theory* 35, no. 2 (2007), https://doi.org/10.1177/0090591706297691.
[67] Chairul Fahmi, "The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia," *Https://Doi.Org/10.1177/11771801241235261* 20, no. 1 (March 2024): 157–66, https://doi.org/10.1177/11771801241235261.
[68] Maguire and Thompson, "Palestine, Self-Determination and International Justice: Looking Back to the ICJ and Looking Forward to the ICC."
[69] Leila Farsakh, *Rethinking Statehood in Palestine: Self-Determination and Decolonization Beyond Partition*, *Rethinking Statehood in Palestine: Self-Determination and Decolonization Beyond Partition*, 2021, https://doi.org/10.1525/luminos.113.

undermines the claim that this body represents a legitimate or voluntary international effort.[70]

Ultimately, the Trump Board of Peace reveals the inevitable tension between reconstruction and informal imperialism: on the one hand, the urgent need to rebuild devastated Gaza, and on the other, the systematic attempt to bury Palestinian political rights under layers of concrete for luxury property projects. Gaza does not need luxury resorts or IPOs for world peace, but rather full recognition of its right to self-determination, an end to the occupation, and reconstruction that truly favours humanity, not the business interests of a global elite.

Indonesian Foreign Policy: The Dilemma of Multi-Alignment and the Principle of Free and Active

The Indonesian decision to join the BoP has ignited a significant debate regarding the definition and trajectory of Indonesian foreign policy. Since gaining independence, Indonesia has committed to the principle of "Free and Active" (*Bebas Aktif),* which dissuades formal alignment with major power blocs and underscores inclusive multilateralism.[71] Under President Prabowo, Indonesia seems to be adopting a more realistic 'multi-alignment' strategy, a development that has garnered much analytical attention.

Critics assert that this engagement constitutes a diplomatic crisis and question its long-term strategic prudence. By collaborating with a peace group led by an individual who has historically championed pro-Israel policies, Indonesia jeopardizes its position as a moral leader in the Global South and the Islamic community.[72] Concerns exist that Indonesia may be relegated to a subordinate

[70] Nasser AL-Nabit, "Undermining Humanitarian Space in Conflict Epicenters: The Gaza Strip from the 2006 Blockade to Post-October 2023 War," *Journal of Information Systems Engineering and Management* 10, no. 17s (2025), https://doi.org/10.52783/jisem.v10i17s.2782.
[71] Agatha Eka Febriani Hangin et al., "Politik Luar Negeri Bebas Aktif Dan Prinsip Universal Hak Asasi Manusia Dalam Kaitannya Terhadap Dukungan Negara Indonesia Kepada Kemerdekaan Negara Palestina," *Jembatan Hukum : Kajian Ilmu Hukum, Sosial Dan Administrasi Negara* 2, no. 4 (2025), https://doi.org/10.62383/jembatan.v2i4.2475.
[72] Nivell Rayda, "Indonesia's Board of Peace Dilemma: Prabowo Caught between Domestic Backlash and US Ties - CNA," cahnnelnewsasia.com, January 2026.

position, serving merely as a tool for US interests in the region and lacking significant influence over the council's decisions.[73]

The administration sees it as an opportunity to engage directly in establishing a truce and providing tangible humanitarian assistance, rather than merely participating in rhetorical diplomacy or attending conferences that yield no significant outcomes. Indonesia asserts that involvement in the BoP will enable it to advocate for the Palestinian agenda internally and ensure that the rehabilitation of Gaza directly benefits its populace. However, there is a discernible risk of being integrated into the US government's strategic sphere, with Indonesia potentially facing pressure to grant economic concessions, such as procuring Boeing aircraft or US surveillance drones, in exchange for this diplomatic stance.

Indonesia's foreign policy under President Prabowo Subianto is entering its most pivotal period in decades. The choice to participate in the BoP in Gaza highlights the advantages and inherent risks of applying the free and active principle within an increasingly complex geopolitical landscape.[74] Indonesia faces a strategic dilemma between maintaining the ideological integrity of its founding foreign policy and the pragmatic need to remain relevant in a global landscape shaped by the interests of major powers.

The decision to join the BoP has sparked a contentious debate over the interpretation of the free and active principle as articulated by Mohammad Hatta. The concept comprises two fundamental components: ‘free’ denotes a lack of permanent affiliation with any singular power bloc, while ‘active’ signifies participation in the quest for global peace. Moreover, the Preamble of the 1945 Constitution underscores the eradication of colonialism and the promotion of global order. The subsequent elucidation pertains directly to the advocacy for the independence of all nations, including Palestine. The government asserts that membership in the BoP directly fulfills this criterion through proactive involvement; however, some contend that the mandate requires Indonesia to participate only in frameworks that fully acknowledge Palestinian sovereignty and representation.

[73] Rayda.
[74] Hawari, “Neocolonialism in Gaza | New Internationalist.”

This divergence in understanding is essential to the ongoing discourse over unification.[75]

The BoP controversy exemplifies a significant case study, encapsulating critical elements of Indonesia's foreign policy: support for Palestine, dedication to international peace, relations with the United States, domestic politics in a Muslim-majority nation, and the aspiration for global recognition. Indonesia's involvement is officially rationalized as a mechanism to guarantee that any peace accord is linked to Palestinian sovereignty, civilian safety, humanitarian aid accessibility, and the two-state solution.[76] This argument embodies a pragmatic rationale: if a peace framework is in place and can influence real-world outcomes, Indonesia should not remain passive solely to preserve the integrity of its rhetoric.

Nonetheless, this pragmatic rationale must address questions of legitimacy. A peace accord for Gaza will lack legitimacy if it is viewed as marginalizing the Palestinian role, undermining the United Nations, or converting humanitarian rehabilitation into a geopolitical endeavor.[77] Indonesia, whose foreign policy character is intricately linked to anti-colonial solidarity, faces considerable risks. Participation may enable Jakarta to shape policy internally, yet it could also expose Indonesia to allegations of endorsing a framework established by superpowers rather than by the affected communities.[78] The core paradox is that involvement from within may enhance influence, yet it simultaneously amplifies accountability for the repercussions of those organizations.

The legal aspect is also significant, as Indonesia's peacekeeping operations have traditionally derived their legitimacy from global mandates, especially within the UN system. If Indonesian forces are deployed in situations devoid of explicit

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[75] Fitriani, "Joining BRICS, Indonesia Sticks with Multi-Alignment Strategy," *Aspistrategist.Org.Au*, 2025.
[76] Sabila Nur Faizah, "The Foreign Policy of Indonesia on Israel-Palestine Conflict Issue," *Universitas Muhammadiyah Yogyakarta*, no. November (2022).
[77] Muhammad Zuhal Lukman, "Indonesia's Foreign Policy Post-Reform in the United Nations Security Council," *Ilomata International Journal of Social Science* 4, no. 2 (2023), https://doi.org/10.52728/ijss.v4i2.666.
[78] Nazwa Alia et al., "Studi Komparatif: Implementasi Kebijakan Luar Negeri Indonesia Dan Kuwait Terkait Pemberian Humanitarian Aid Terhadap Polemik Palestina – Israel," *Jurnal Kajian Pemerintah: Journal of Government, Social and Politics* 10, no. 2 (2024), https://doi.org/10.25299/jkp.2024.vol10(1).17800.

international legal authority, parliamentary oversight, civilian protection measures, and transparent command structures, such operations may compromise rather than enhance Indonesia's standing in peacekeeping. An authoritative Indonesian stance must underscore a definitive mission, adherence to international humanitarian law, consent-driven agreements, civilian protection, and a trajectory towards Palestinian self-determination.[79]

Moreover, foreign policy is not only formulated in the global arena. In a democratic framework, especially with morally charged topics like Palestine, domestic legitimacy is essential.[80] The preamble of the Indonesian Constitution denounces colonialism and pledges the state to promote global peace. This language imparts a clear normative quality to Indonesia's foreign policy. This elucidates why the Indonesian populace frequently perceives Palestine not merely as a remote regional concern but as a constitutional and ethical matter.

Domestic criticism of Indonesia's involvement in the BoP should not be regarded as merely an emotional repudiation of diplomacy. It indicates a valid apprehension that Indonesia's humanitarian position could be manipulated by foreign entities. If the public views Indonesia's involvement as favouring elite prestige, economic negotiations, or symbolic alignment with powerful states at the expense of Palestinian rights, the policy will forfeit its credibility. The government must consequently define quantifiable criteria for participation: endorsement of a ceasefire, unobstructed humanitarian assistance, resistance to forced displacement, reinstatement of the genuine Palestinian civil administration, and adherence to the two-state solution.[81]

Moreover, Indonesia's participation in the BoP is not solely an effort to facilitate commercial relations with the United States. It transcends trade

[79] Agatha Eka Febriani Hangin et al., "Politik Luar Negeri Bebas Aktif dan Prinsip Universal Hak Asasi Manusia Dalam Kaitannya Terhadap Dukungan Negara Indonesia Kepada Kemerdekaan Negara Palestina."

[80] Risky Eka Pratama and Rina Arum Pratyanti, "Indonesia's Role In Promoting Peace In The Israelpalestine Conflict Through Multi-Track Diplomacy," *Rechtsvacuum: Journal Of Legal Studies* 1, no. 1 (2024).

[81] Fadhila Inas Pratiwi, M. Aryo Rasil Syarafi, and Demas Nauvarian, "Israeli-Palestinian Conflict beyond Resolution: A Critical Assessment," *Jurnal Ilmu Sosial Dan Ilmu Politik* 26, no. 2 (2022), https://doi.org/10.22146/jsp.66935.

discussions to include investment diplomacy and strategic economic negotiations. In modern international relations, diplomacy is seldom distinct from economic diplomacy. An emerging economy like Indonesia must pursue market access, investment, technology collaboration, and defense alliances while mitigating excessive reliance on a singular partner. Economic diplomacy becomes problematic when it suggests that moral commitments are up for negotiation. If involvement in peace initiatives is perceived as contingent upon trade concessions, financial contributions, or elite-level transactional politics, Indonesia's pro-Palestinian position may be undermined. The issue lies in acknowledging the reality of economic interests. The task is to ensure that economic diplomacy adheres to the norms of international law and human rights in matters such as occupation, civilian protection, and self-determination.[82]

Consequently, every financial or operational obligation related to the BoP must comply with public accountability standards. Inquiries concerning finance, force deployment, expense reimbursement, command authority, and mission duration transcend technicalities; they pertain to constitutional accountability. A state may engage in international affairs, but it must consider the domestic costs and legal foundations of such acts. Indonesia possesses valid justifications for pursuing an expanded international role. Indonesia is the largest nation in Southeast Asia, a significant Muslim-majority democracy, a founding member of ASEAN, an active player in the G20, and a longstanding contributor to peacekeeping operations. These credentials confer upon Indonesia a unique diplomatic identity.[83] In the Middle East, Indonesia does not pose a direct military danger to Israel; however, it holds significant legitimacy within the Muslim community and maintains a longstanding position advocating for Palestinian independence.[84] This amalgamation allows

[82] Noura Erakat, Darryl Li, and John Reynolds, "Race, Palestine, and International Law," *AJIL Unbound* 117 (2023), https://doi.org/10.1017/aju.2023.9.
[83] Sinta Ningrum et al., "Policy Harmony or Dissonance? Investigating Alignment in Indonesia's Multi-Level Governance System," *Journal of Ecohumanism* 3, no. 8 (2024), https://doi.org/10.62754/joe.v3i8.5741.
[84] Chuck Thiessen and Marwan Darweish, "Conflict Resolution and Asymmetric Conflict: The Contradictions of Planned Contact Interventions in Israel and Palestine," *International Journal of Intercultural Relations* 66 (2018), https://doi.org/10.1016/j.ijintrel.2018.06.006.

Indonesia to function as an intermediary, especially when conventional mediators falter in credibility.

Middle-power diplomacy is effective only when ambition aligns with institutional capacity. Indonesia must not depend exclusively on presidential symbols or high-level conferences. There is a necessity for professional diplomatic preparation, legal competence, humanitarian coordination, and the establishment of lasting coalitions with ASEAN, the Organisation of Islamic Cooperation, the UN, and reputable humanitarian entities.[85] Prestige devoid of institutional depth engenders susceptibility. While acknowledgment from major nations may be advantageous, it should not be the sole criterion for diplomatic achievement.

Furthermore, Indonesia's future foreign policy should not be conceived as a dichotomy between idealism and pragmatism. The fundamental objective is to establish principled pragmatism: a foreign policy that recognizes the dynamics of power while steadfastly upholding legal and ethical obligations.[86] In this concept, "free and active" serves as the normative underpinning, while multi-alignment serves as the operational mechanism. This doctrine is thus modernized, not supplanted.

A principled multi-alignment model requires at least five safeguards. Firstly, legal clarity: Indonesia must enter into agreements only that align with international law, the UN Charter, international humanitarian law, and the Palestinian right to self-determination. Secondly, humanitarian priority: the safeguarding of civilians and the facilitation of humanitarian access must be unequivocal. Third, strategic autonomy: Indonesia must refrain from serving as an instrument of legitimization for any big power. Fourth, domestic accountability: Parliament and the public must be apprised of obligations, expenditures, and withdrawal stipulations. Fifth, regional and multilateral engagement: Indonesia must align its efforts with ASEAN, the UN,

[85] Lindra Darnela et al., "War Crimes and Legal Accountability in the 2023 Israel-Gaza Conflict," *Lentera Hukum* 11, no. 3 (2024), https://doi.org/10.19184/ejlh.v11i3.47011.
[86] Agatha Eka Febriani Hangin et al., "Politik Luar Negeri Bebas Aktif Dan Prinsip Universal Hak Asasi Manusia Dalam Kaitannya Terhadap Dukungan Negara Indonesia Kepada Kemerdekaan Negara Palestina."

and broader international processes, rather than relying exclusively on the ad hoc platforms of great powers.

These measures will empower Indonesia to operate with assurance while circumventing the drawbacks of performative activism. An independent and dynamic foreign policy is not evidenced by theatrical actions; instead, it is evidenced by steadfastness in the face of adversity.

Hence, the Indonesia's involvement in the BoP signifies a pivotal juncture in the development of its foreign policy. The nation is no longer satisfied to be a passive spectator of international crises. Under President Prabowo, Indonesia seems increasingly inclined to assert its influence, engage in contentious diplomatic arenas, and position itself as a middle power capable of shaping events beyond Southeast Asia. This aspiration is not intrinsically problematic. Indeed, it may be essential in a world where humanitarian crises are frequently influenced by negotiations among big countries. Nonetheless, these aspirations must be regulated by the rule of law, legitimacy, and constitutional ethics. Indonesia's endorsement of Palestine transcends simple diplomatic inclination; it is integral to the nation's anti-colonial identity and its constitutional dedication to global peace. Participation in the BoP, if it promotes Palestinian independence, civilian protection, and a just peace, might be regarded as a manifestation of "active neutrality. Nonetheless, if it becomes a means of validating externally imposed frameworks, of conferring symbolic prestige, or of advancing transactional diplomacy, it will undermine the philosophy it purports to implement.

International Legal Consequences of the Board of Peace Programme

The BoP functions in a gray area under international law. The BoP framework is generally regarded as violating fundamental norms of international law, despite UN Security Council Resolution 2803 providing legal authority for operations in Gaza until 2027.[87] Before evaluating the obligation of supporting states and the institution's overall legitimacy, this article explores the various layers of legal irregularity created by the BoP. These layers include its fundamental institutional

[87] Nations, Security Counccil Resolution No. S/RES/2803 on the Comprehensive Plan to End the Gaza Conflict.

flaws, its conflict with the UN Charter system and the law of occupation, and its denial of Palestinian self-determination, sovereign equality, and human rights.

From the beginning, the Board of Peace's existence has been clouded by basic legal ambiguity, particularly regarding its legal personality as an international organization.[88] Even though the BoP Charter makes it clear that the organization has international legal personality, international legal practice does not always recognize this assertion.[89] Legal experts emphasize that legal personality cannot be self-declaratory; instead, it must satisfy objective requirements for an international organization, such as having a constituent instrument, members who are subjects of international law, and the capacity to exercise an autonomous will (*volonté distincte*) apart from its members.[90]

There is disagreement about whether the BoP Charter, which has worldwide goals, or UN Security Council Resolution 2803, which is restricted to Gaza, is its constituent instrument. Provisions that extend beyond the Gaza mission risk being deemed extra vires if the BoP Charter is only "internal law" under Resolution 2803. More importantly, the principle of *volonté distincte* is fundamentally violated by the BoP's governance structure, which grants Donald Trump lifetime, absolute power as chair, including the ability to veto all decisions, appoint and remove members, and interpret the charter alone. An organization's claim to be an independent worldwide organization is seriously called into doubt since it is impossible for it to have a separate, autonomous will when all of its decision-making processes are controlled by one person.

The BoP inevitably violates the UN Charter's framework, particularly with respect to the Security Council's authority to uphold world peace and security. The Security Council is given the main responsibility for that role under Article 24 of the UN Charter.[91] There is no Security Council resolution or multilateral agreement that

[88] Wolff, "Donald Trump's 'Board of Peace' Looks like a Privatised UN with One Shareholder: The US President."
[89] Wolff.
[90] Tzouvala, "International Law as a Discipline in Crisis."
[91] Nations, "United Nations Charter (Full Text) | United Nations."

authorizes the BoP to engage in conflict zones worldwide; therefore, its purported global mandate lacks a clear legal foundation.

Resolution 2803 of the UN Security Council does not grant the BoP permission to act internationally; rather, it merely permits it to function in Gaza until 2027 as part of a post-ceasefire transitional governance plan.[92] The BoP's claim of a worldwide mandate is an extra vires act, as it is not supported by any Security Council resolution or multilateral agreement. Therefore, it would be against international law for the BoP to try to expand its mission beyond Gaza. Article 25 of the UN Charter states that the Members of the United Nations agree to accept and carry out the decisions of the Security Council, and Article 103 states that in the case of a conflict, the responsibilities under the Charter take precedence over those under any other international agreement.[93]

Trump's frank declaration that the BoP might replace the UN revealed his desire to form a rival organization that would seriously undermine the post-World War II global framework.[94] Questioning the UN framework may send the world back to 'very dark times,' according to the UN Secretary-General and other world leaders. Even the Vatican has declined to join the BoP, claiming that the UN should handle international crises because it is a special issue of international law. Despite a Security Council resolution establishing it, the lack of a UN oversight mechanism for the BoP creates a significant accountability gap. It may run counter to the notion that UN-mandated bodies must continue to answer to the Council.

The BoP poses extremely complicated legal issues pertaining to the legality of occupation in the context of Gaza. Internationally, Gaza is still acknowledged as an occupied area under the State of Palestine. As a result, Israel is obligated to protect the welfare of the civilian population as the occupying power per the Fourth Geneva Convention of 1949. First, the BoP disregards Israel's duties under the Fourth Geneva Convention as an occupying force to ensure the well-being of civilians and rebuild the destroyed area. The BoP essentially absolves Israel of the financial and

[92] Nations, Security Counccil Resolution No. S/RES/2803 on the Comprehensive Plan to End the Gaza Conflict.
[93] Nations, "United Nations Charter (Full Text) | United Nations."
[94] Holland, "Trump Launches Board of Peace That Some Fear Rivals UN."

legal ramifications of its actions by assuming these responsibilities through international donor funding.

Israel can claim exemption from certain of its commitments as an occupying power due to the fragmentation of accountability caused by the BoP's presence as a new entity taking over governmental and security functions. However, the BoP is not expressly bound by the law of occupation. According to international law, an occupying power's obligations cannot just be transferred until the occupation is actually over. Certain duties, such as those resulting from the law of occupation and the right to self-determination, are *erga omnes* obligations owing to the international community as a whole, according to the International Court of Justice.[95] Israel may have violated these *erga omnes* commitments by continuing to be an occupying power and by facilitating the BoP in lieu of its own obligations, giving all States the right to claim State responsibility.

More importantly, the BoP totally ignores the Palestinian people's basic right to self-determination, which has been upheld by the ICJ and other UN resolutions. Without Palestinian approval, the BoP imposes international administration. Critics refer to this technique as a new form of "trusteeship" that replicates the colonial pattern of the League of Nations' mandate system and renders Palestinian statehood a conditional outcome decided by an external body.

Furthermore, Palestinian political officials, civil society, and impacted communities were not present or given their consent when the BoP was created and announced. This makes the institution procedurally unlawful under international standards on participatory governance and the right to self-determination.[96] The institution was created to disregard the political aspirations of the Palestinian people, as evidenced by the lack of Palestinian representation at the highest levels of decision-making, with Palestinians confined to fourth-tier technical committees handling day-to-day matters without any authority over strategic policy.

[95] Priya Urs, "The Articulation of Obligations Erga Omnes and Erga Omnes Partes by the International Court of Justice: Coherence or Confusion?," *International and Comparative Law Quarterly* 74, no. 2 (2025), https://doi.org/10.1017/S0020589325100729.
[96] Kagramanov, "Subjects of the Right to Self-Determination in Contemporary International Law."

Second, the principle of equality of sovereignty among UN members is violated by the BoP's structure, which assigns leadership to particular individuals. Any organization that can impose a worldwide settlement on a dispute without UN supervision or the express approval of the participating nations is not recognized under international law. The implications for international humanitarian law and human rights constitute another equally significant aspect. The BoP's plan to turn Gaza into a "luxury resort" or "Gaza Riviera" has drawn harsh criticism for failing to address the dire humanitarian situation that the Gazan people face, which includes a lack of clean water, food, and medicine, as well as the devastation of essential infrastructure. The BoP risks breaching its duty to safeguard citizens and uphold their economic, social, and cultural rights by prioritizing speculative investments and luxury real estate projects over the population's basic needs. Additionally, there is a significant risk that the institution's choices will be influenced more by the interests of its funders than by concerns of justice or humanity due to the "pay-to-play" practice in BoP membership. In a joint statement, academics and activists emphasize that true peace requires justice, accountability, and full recognition of Palestinian rights under international law and that peace cannot be imposed through ownership structures, enforced silence, or economic dependence.[97]

Thirdly, future legal issues could arise for assisting nations. BoP member nations may be held legally liable for giving financial and political assistance to such an unaccountable organization if ISF activities in Gaza lead to human rights violations or if the NCAG administration adopts measures that violate civilians' rights.[98] The BoP's lack of a formal judicial review process makes it extremely difficult to ensure accountability, which runs counter to the rule of law. As previously mentioned, the BoP's non-participatory formation method presents significant legitimacy issues. The conclusion that the UN lacks the international legitimacy required to perform governmental functions in a conflict zone is further

[97] Khaldun Bshara, "Settler Colonialism Rebranded: Trump's Gaza Plan and the Capitalist Logic of War," *Journal of Palestine Studies* 54, no. 1 (2025), https://doi.org/10.1080/0377919X.2025.2489264.
[98] Ansori Ansori et al., "Understanding The Politics of International Law: A Case Study of The Israel-Palestine Conflict," *Lampung Journal of International Law* 8, no. 1 (May 20, 2026): 13–34, https://doi.org/10.25041/lajil.v8i1.5118.

supported by the disjointed international response, in which longstanding US allies such as France, Germany, the UK, and Canada declined to join, believing the BoP was intended to weaken the organization.

Lastly, in addition to being theoretically problematic, the international legal ramifications of Trump's Board of Peace program could lead to normative anarchy and practices that threaten the international legal order established over the previous eight decades. The BoP poses a serious threat to the post-1945 multilateral system because of its questionable claim to international legal personality, its conflict with the UN Charter, its subversion of occupation law, self-determination, and sovereign equality, its risks to human rights, and the obligation it creates for supporting States.

Conclusion

To conclude, this study finds that the Board of Peace occupies an ambiguous and legally precarious status under international law. Lacking a genuine *volonté distincte* and operating partly *ultra vires* of UNSC Resolution 2803, the BoP contravenes the *jus cogens* norm of Palestinian self-determination by conditioning statehood on external benchmarks and excluding Palestinians from strategic decision-making. For Indonesia, the BoP membership has placed its constitutional free and active (*bebas aktif*) diplomacy in acute tension with pragmatic multi-alignment: the Rp 17 trillion "pay-to-play" contribution and troop deployment outside UN command risk subordinating anti-colonial principles to transactional geopolitics. Indonesia's participation, therefore, shall not support the Trumps' agenda to secure the zone but shall actively undermine justice, dignity, deliberation, accountability, and genuine solidarity to support Palestine's sovereignty. Indeed, Gaza's sovereignty under BoP supervision risks being trapped in a form of informal imperialism that prioritises the interests of real estate developers and regional security stability over the human and political rights of the Palestinian people. Without strong UN oversight and transparent accountability mechanisms, the BoP could set a dangerous precedent for future conflict resolution in transactions.

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