The Legal Liberation Front for Palestine

Shahd Hammouri asks: why engage with international law?

I often get asked: What is the point of engaging with international law? For dominated peoples, the colonial complicity of this body of law is crystal clear. Those who engage with it are often seen as upper-class purveyors of nonsense.

For Palestinians, the role of international legal institutions and the body of international law in creating endless bureaucracy and layers of hypocrisy to normalise their subjugation and domination is a no-brainer. Meanwhile, for liberal mainstream international lawyers and within the halls of international legal institutions, cognitive dissonance *vis-à-vis* dominated populations is the norm. In such spaces, people in *kufiyyehs* are treated in the same fashion as screaming strangers on the London Tube – completely ignored. So, why bother?

Well, in the world of politics, power is virtue; in the world of law, justice is virtue – at least in principle. You see, international law is akin to an insecure man who pretends to be the vanguard of global justice while knowing full well that he is an agent of power. To uphold this façade as a man of justice, he is a pathological liar of the highest calibre. He uses his privilege to distort reality. For example, international humanitarian law and the rules on the use of force completely overlook the role of economic interests in the conduct of hostilities, rendering the war economy invisible.

The relationship between capital accumulation, imperialism, and militarism is dismissed as an irrelevant consideration in the realm of international law. Other elements, such as power asymmetry, are also brushed aside – creating a false equivalency between colonial domination and other forms of warfare. Meanwhile, the right to self-determination is falsely reduced to a mere quest for statehood or democracy. Such a narrow reading of this right overlooks the long history and ethos of self-determination struggles against capitalism and imperialism.

The decolonisation era posed considerable challenges to international law. The humanity of the colonised world had to be formally recognised to uphold international law's representation as a 'man of justice'. Representatives of the newly established states sought to reinvent the premises of international law, rapidly popularising notions of non-domination and non-exploitation in General Assembly resolutions. Examples include the *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations* (1971) and the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960). Outside of the United Nations, efforts such as *the Tricontinental Conference* (1966) and *the Algeria Charter, The Universal Declaration of the Rights of People* (1976) carried strong critiques of the state centric nature of this international legal system. Reading such resolutions, a clear and consistent message emerges: if this system is built to protect international peace and security, such a goal cannot be achieved without rules that enshrine non-domination and non-exploitation.

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At the same time, fast-paced changes in international economic law reinforced neocolonial practices. The move toward a globalised, neoliberal economy and the Cold War's end created conditions that allowed international law to develop in a fragmented way, normalising systemic domination and exploitation. At the core of this **>>>**

political. Over time, the influence of anti-imperialist and anti-capitalist movements in shaping international law gradually weakened.

Today, international law is facing a crisis of legitimacy – or, in the words of UN experts, it is 'on a knife's edge'. Contexts of extremity lay power relations bare, and the ongoing, live-streamed genocide of Palestinians in Gaza has exposed the insecurities of international law on the global stage. The International Court of Justice (ICJ) has affirmed that Israel is violating three peremptory norms of international law, and possibly a fourth.

These norms are regarded as the highest-ranking rules of the international legal system, the protection of which is essential for international peace and security. They include: the prohibition against aggression, the prohibition against racial discrimination and apartheid, the protection of the people's right to self-determination, and plausibly the prohibition against genocide. Indeed, a brief visit to Palestine as early as 57 years ago would have sufficed for any observer to reach such conclusions – and to recognise the acute risk of genocide in the context of settler colonialism. Herein, though useful – these declarations have arrived very late after decades of struggle.

As a result, even under the most mainstream reading of international law, states have an obligation to undertake all efforts within their means to limit Israel's capacity to maintain this gravely illegal situation. Put differently, Boycott, Divestment, and Sanctions (BDS) is now a firm international legal obligation. Furthermore, Israel has the duty to pay reparations for all the accumulated harm over 57 years – in some sense this means that economic redistribution in the state of Israel, whose economy is based on exploitation and subjugation, is also an international legal obligation. The UN General Assembly has even set a deadline for ending this gravely illegal situation: September 2025.

In this moment in history, to deny Palestinian liberation is to deny international law. Nevertheless, here comes the bureaucratic loophole, without political will – international legal declarations are very frail. When visiting the White House, Netanyahu – against whom there is an arrest warrant issued by the International Criminal Court – gifted Trump a golden pager, referencing the pager attack against Hezbollah in September 2024. This attack constitutes a war crime by any reasonable standard, and a gift alluding to it is a public act of sadism by a head of state. Yet, despite everything, Israel's good faith is still consistently presumed by the international legal community, and the majority of states in the world continue to uphold their relations with the state of Israel. This situation places international law's insecurities under the spotlight.

So, why engage with international law? At this moment in history, the entirety of the global north is in violation of international law. Notably some states such as Spain and Ireland are slightly better than others. National courts are responding with weak arguments about the line between law and