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## International Law at a Crossroads: Can Gaza Spark a Global Reckoning?



Image by Wesley Tingey.

International law is fighting for relevance. The outcome of this fight is likely to change the entire global political dynamics, which were shaped by World War II and sustained through the selective interpretation of the law by dominant countries.

In principle, international law should have always been relevant, if not paramount, in governing the relationships between all countries, large and small, to resolve conflicts before they turn into outright wars. It should also have worked to prevent a return to an era of exploitation that allowed Western colonialism to practically enslave the global south for hundreds of years.

Unfortunately, international law, which was in theory supposed to reflect global consensus, was hardly dedicated to peace or genuinely invested in the decolonization of the South.

From the invasion of Iraq and Afghanistan to the war on Libya and numerous other examples, past and present, the UN was often used as a platform for the strong to impose their will on the weak. And whenever smaller countries collectively fought back, as the UN General Assembly often does, those with veto power, military, and economic leverage used their advantage to coerce the rest based on the maxim, “might makes right.”

It should therefore hardly be a surprise to see many intellectuals and politicians in the global south arguing that, aside from paying lip service to peace, human rights, and justice, international law has always been irrelevant.

This irrelevance was put on full display through 15 months of a relentless Israeli genocidal war on Gaza that killed and wounded over 160,000 people, a number that, according to several credible medical journals and studies, is expected to dramatically rise.

Yet, when the International Court of Justice (ICJ) opened an investigation of plausible genocide in Gaza on January 26, followed by a decisive ruling on July 19 regarding the illegality of the Israeli occupation of Palestine, the international system began showing a pulse, however faint. The International Criminal Court’s (ICC) arrest warrants were another proof that West-centered legal institutions are capable of change.

The angry American response to all of this was predictable. Washington has been fighting against international accountability for many years. The US Congress under the George W. Bush administration, as early as 2002, passed a law that shielded US soldiers “against criminal prosecution” by the ICC to which the US is not a party.

The so-called Hague Invasion Act authorized the use of military force to rescue American citizens or military personnel detained by the ICC.

Naturally, many of Washington’s measures to pressure, threaten, or punish international institutions have been linked to shielding Israel under various guises.

The global outcry and demands for accountability following Israel’s genocide in Gaza, however, have once again put Western governments on the defensive. For the first time, Israel was facing the kind of scrutiny that rendered it, in many respects, a pariah state.

Instead of reconsidering their approach to Israel, and refraining from feeding the war machine, many Western governments lashed out at civil society, for merely advocating the enforcement of international law. Those targeted included UN-affiliated human rights defenders.

On February 18, German police descended on the Junge Welt venue in Berlin as if they were about to apprehend a notorious criminal. They surrounded the building in full gear, sparking a

bizarre drama that should have never taken place in a country that perceives itself as democratic.

The reason behind the security mobilization was none other than Francesca Albanese, an Italian lawyer, an outspoken critic of the Israeli genocide in Gaza, and the current United Nations Special Rapporteur on the occupied Palestinian territories.

If it were not for the UN's intervention, Albanese could have been arrested simply for demanding that Israel must be held accountable for its crimes against Palestinians.

Germany, however, is not the exception. Other Western powers, lead amongst them the US, are actively taking part in this moral crisis. Washington has taken serious and troubling steps, not just to protect Israel, and itself, from accountability to international law, but to punish the very international institutions, its judges, and officials for daring to question Israel's behavior.

Indeed, on February 13, the US sanctioned the ICC's chief prosecutor due to his stance on Israel.

After some hesitance, Karim Khan has done what no other ICC prosecutor had done before: issuing, on November 21, arrest warrants for two Israeli leaders, Prime Minister Benjamin Netanyahu and then-Defense Minister Yoav Gallant. They are currently wanted for "crimes against humanity and war crimes."

The moral crisis deepens when the judges become the accused, as Khan found himself at the receiving end of endless Western media attacks and abuse, in addition to US sanctions.

As disturbing as all of this is, there is a silver lining, specifically an opportunity for the international legal and political system to be fixed based on new standards, justice that applies to all, and accountability that is expected from all.

Those who continue to support Israel have practically disowned international law altogether. The consequences of their decisions are dire. But for the rest of humanity, the Gaza war can be that very opportunity to reconstruct a more equitable world, one that is not molded by the militarily powerful, but by the need to stop senseless killings of innocent children.

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