

Top UN court hearings expose longstanding Israeli plans to occupy and annex Palestinian land

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The United States government vetoed another United Nations Security Council resolution calling for a “ceasefire” in Israel’s onslaught on Gaza yesterday. This is the third time the Biden administration has exercised its unilateral veto power to shield Israel’s ongoing war of annihilation against the civilian population of Gaza.

The fifteen-member Security Council was established after the Second World War with the power to enforce the UN Charter, regulate military action and impose sanctions against member states. It consists of 15 members, five of which are “permanent” and have the power to unilaterally veto any resolution: China, France, Russia, the UK and the US.

Since October, nearly 30,000 Palestinians have been killed in the Israeli onslaught on Gaza, 8,000 are missing, and 70,000 have been injured, many catastrophically. These figures are likely underestimates. As many as 1.9 million people, or four out of every five individuals in the entire Gaza strip, have become homeless as Israeli forces systematically lay waste to entire urban areas with massively destructive weapons. The survivors are being forced into smaller and smaller areas, where they are relentlessly massacred and terrorized by Israeli warplanes and snipers as supplies of food and medicine run out.

The deliberate mass murder of Palestinian civilians in Gaza continues in defiance of world public opinion as well as a ceasefire resolution that was passed by a more than three-quarters majority in the UN General Assembly in December.

Nor have Israel, the United States or their NATO allies been deterred by findings in January by the International Court of Justice (ICJ), the highest judicial body under the UN Charter, that Israel’s operations in Gaza could “plausibly” fall under the 1948 Genocide Convention.

As a pretext for voting against the latest ceasefire resolution yesterday, the Biden administration put forward a proposed alternative version of the resolution that was so vaguely worded as to be unintelligible. It evidently called for a “temporary ceasefire in Gaza as soon as practicable,” and disapproved of Israel’s plans to storm Rafah, where a million people have sought refuge, “under current circumstances.”

At the same time the US was exercising its veto power on the Security Council, separate legal proceedings were underway in the ICJ that underscored the extent to which Israel has been flouting international law for decades in its drive to illegally occupy and annex Palestinian territory.

Unlike the pending case before the ICJ that attracted global attention last month, accusing Israel of violating the Genocide Convention, the proceedings this week were part of a separate and earlier “advisory proceeding” originating from a UN General Assembly resolution passed at the end of December 2022.

This resolution asked the ICJ, seated in The Hague (Netherlands), to address what “legal consequences” should arise “from the ongoing

violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?”

As part of that case, the presentations on behalf of Palestine this week involved a precise exposition of the historical record. These presentations established that fully half the Palestinian people were “massacred or driven off their land in the 1948 Nakba,” after which their land “was partitioned and half of it allocated to a new state that promptly extended it to 78 per cent by brute force. In 1967 ... Israel commenced its still-continuing occupation of the entirety of the remaining Palestinian territory.”

This process of incremental ethnic cleansing has continued to the present day, and “nowhere is this seen more clearly than in the number of illegal settlers residing in the Occupied Palestinian Territory, which has grown from roughly 424,000 in 2004 to some 700,000 settlers today.” These fascistic armed groups of settlers perpetrate violence against Palestinians with impunity, enjoying the protection of the Israeli military and the sanction of the Israeli state.

This conduct is plainly illegal on its face according to the same international legal principles that the United States, for example, invokes against Russia: It constitutes occupation and annexation of territory by unilateral force, in violation of the UN Charter as well as the purported principles of self-determination and national sovereignty.

This history of violations of international law by Israel is so well-established that it was essentially taken for granted both in the underlying UN resolution and throughout the ICJ proceedings. In the year 2022, for example, the UN passed more resolutions condemning Israel’s violations of international law than it passed for international law violations against all other countries combined.

Notwithstanding token references by successive US administrations to a purported “two-state solution,” the presentations on behalf of Palestine this week exhaustively established that ambitions to extend Israeli domination over the entirety of the area “from the Jordan River to the Mediterranean Sea” have never been a secret in Israeli politics.

Israeli Cabinet Secretary Yossi Fuchs wrote in June of last year, referring to the occupied territories of Jerusalem and the West Bank by biblical designations:

Judea and Samaria were not seized from a sovereign state recognized by international law, and the State of Israel has a right to impose its sovereignty over these areas as they comprise the

cradle of history of the Jewish people and are an inseparable part of the Land of Israel.

In August of last year, in a message broadcast on Israel's Army Radio, Israel's heritage minister stated: "Sovereignty must be extended within the borders of the West Bank . . . to create international recognition that this place is ours."

Far-right Israeli Minister of Finance Bezalel Smotrich, himself an illegal settler, went so far as to state in March of last year that "there's no such thing as a Palestinian people." Previously, he had stated:

We are here to stay. We will make it clear that our national ambition for a Jewish State from the river to the sea is an accomplished fact, a fact not open to discussion or negotiation.

The historical facts presented at the ICJ are an overwhelming refutation of the efforts to present Israel's ongoing operations in Gaza as a response to the events of October 7. In reality, the Israeli government did everything in its power to incite the desperate October 7 uprising by means of relentless provocations over a long period, while at the same time standing down its own troops in order to guarantee a pretext for setting in motion longstanding plans to impose Israeli sovereignty over the entirety of Gaza.

The presentations at the ICJ, in particular, expose all of the efforts to brand the Palestinian slogan "from the river to the sea" as antisemitic as a tendentious inversion of reality.

Unlike the proceedings that took place last month, in which the US government remained largely the subject only of tactful references, the Biden administration was directly subjected to humiliating rebuttals at the ICJ this week. "Whatever offences against international law Israel commits, the United States comes forward to shield it from accountability," declared Paul Reichler, an American lawyer and member of the bar of the US Supreme Court, on behalf of Palestine.

In its written submissions to the ICJ, Reichler said, Israel did not even bother to argue for the legality of its own conduct, instead accusing all of its critics of antisemitic bias. Even the US government could not bring itself to argue for the legality of Israel's occupation and annexation of Palestinian territory, instead insisting that "it is neither lawful nor unlawful." In addition to Israel and the US, the only other country to file a brief in support of Israel was Fiji.

Reichler ridiculed the Biden administration's position, which is tantamount to a denial that there is any such thing as international law. "Only in such a lawless—and United Nations Charter-less—world could the Israeli occupation be described," Reichler said, as "not unlawful."

Reichler's scorching rebuttal recalls the famous words of US Supreme Court Justice Robert Jackson at the Nuremberg trials. Referring to the high-level Nazi war criminals seated across the room from him, Jackson declared:

[T]hese men are surprised that this is the law; they really are surprised that there is any such thing as law. These defendants did not rely on any law at all. Their program ignored and defied all law... International law, natural law, German law, any law at all was to these men simply a propaganda device to be invoked when it helped and to be ignored when it would condemn what they wanted to do.

The same words apply with full force to the perpetrators of genocide in the 21st century, including not just Netanyahu and his entire regime, but their blood-soaked accomplices in Washington, London, Paris and Berlin.

The proceedings at the ICJ over the past two months fully expose the pretensions of the US-led NATO alliance to be upholding a so-called "rules-based international order," as it threatens, bombs, and sanctions its way around the world in pursuit of global hegemony. When that same "rules-based order" is invoked against a US ally that is committing genocide in broad daylight, the NATO-aligned diplomats blink their eyes: "Rules-based order, you say? Never heard of it."

America's veto of the ceasefire resolution, together with its defense of Israel's genocide before the ICJ, will be massively unpopular around the world and, in particular, within the US itself. According to a recent *Economist/YouGov* poll, out of 18-29-year-olds in the US, 49 percent answered "yes" that Israel is carrying out genocide in Gaza, compared with 24 percent responding "no." Among those of all ages who voted for Biden in 2020, 50 percent said "yes," compared with 20 percent responding "no."

The US media, which is downplaying if not blacking out entirely the proceedings in the UN, is for its part currently engaged in a coordinated propaganda campaign focused on whipping up antipathy towards the "undemocratic" Russian government. But if there is a government in the world whose total imperviousness to the sentiments of its own population stands out at the moment, it is the regime headed by Biden, not Putin.

No confidence can be placed in the institutions of the UN to bring the war criminals to justice, disarm the perpetrators and compensate the victims. The ICJ proceedings this week are part of a protracted legal process that is "advisory" in nature only, and which may not even reach a decision for several more months.

Tellingly, last Friday, the ICJ rejected a request by South Africa in the Genocide Convention case for more urgent measures to restrain Israeli forces as they prepare to storm Rafah, instead simply restating Israel's existing obligations under international law—knowing full well that Israel will ignore these admonitions, as it has been ignoring similar admonitions for decades.

As Netanyahu himself said last month in a televised address, the onslaught will continue regardless of what decisions the ICJ may ultimately reach. "No one will stop us—not The Hague, not the Axis of Evil and no one else. It is possible and necessary to continue until victory and we will do it."

The developing global opposition to the Gaza genocide—in the US, Israel, Europe, the Middle East and everywhere else—must break away from all of the individuals, parties and institutions that have been discredited by their complicity or inaction, and take root instead in the united objective interest and growing mass movement of the international working class towards socialism.



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