

Genociders International: Upholding the “Right to Colonize” in Palestine

by Azeezah Kanji

WHAT HAS CHANGED, since the International Court of Justice (ICJ) first imposed emergency measures five months ago to stop Israel’s genocide in Gaza?

Gaza is still the site of one of the most concentrated rates of slaughter and engineered mass starvation in the world, as well as now the largest population of amputated children anywhere in the world, the greatest number of journalists and UN aid workers killed in the world, and 13 times more debris than from all other “conflicts” in the territory since 2008 combined: homes, schools, universities, greenhouses, hospitals, churches, mosques, libraries, museums – Palestinians’ centuries-old architecture of life – transformed in the last eight months into detritus. Gaza’s air has been turned into toxic miasma, its waters into cesspools of sewage effluvia, the soil into chemical weapons-infused poison, from a munitions load several times more than the nuclear bomb dropped on Hiroshima. The UN Environmental Program estimates that it will take 15 years merely to clear all the rubble.

Do we even have the terminology to describe this? It is not simply “genocide”: the full or partial physical destruction of a human group, according to the restrictive colonially-drafted definition. Rather, it is what we might call “holocide”: the annihilation of an entire social and ecological fabric.

As I write this, we have just learned of the death of the 500th medic in Gaza, the director of ambulance and emergency services, killed in yet another Israeli airstrike on a clinic. Two days before, 25 Palestinians were massacred in a tent camp around a Red Cross office – “there were piles of dead bodies, blood everywhere,” said one Red Cross official – in the supposed “safe zone” of al-Mawasi.

Two weeks before that, at least 274 Palestinians were butchered in a US “intelligence”-assisted mission to rescue four Israeli hostages – announced as a “rare day of joy” (for Israel) by the Washington Post in a breaking news headline. A Palestinian eyewitness cited elsewhere by a human rights organization recounted: “Leaving the area, he saw scores of bodies lying in the road, some in dismembered pieces, some of which were children.”

Imagine: if the fate of every four Palestinians was a breaking news headline as for the four Israeli hostages, if international media sent out alerts for every four Palestinians mutilated, incinerated, abducted, tortured, sexually assaulted, orphaned, suffocated slowly in the rubble. Would this shift even a fraction of the burden of unbearability onto the shoulders of the world leaders responsible for enabling its perpetuation?

I initially compiled this (non-exhaustive) inventory of various forms of international complicity in March – an exercise, it was hoped at the time, that would soon be obsolete and outdated. Three months later, as the horrors are permitted to accumulate, much of the original analysis is still shamefully relevant.

In a world of globalized supply chains, genocide is also a globalized product.

Beneath the veneer of technological advancement – the cutting-edge drones, fighter jets, and AI mass assassination programs – what is being protected is the same old colonial prerogative: to dominate without scrutiny, to appropriate without remedy, and to eradicate with impunity.

Article 1 – The Right to Dispossess

Demonstrating their fidelity to the colonial principle, for instance, the US has continued to argue in a separate set of ICJ proceedings that Israel's 57-year occupation of the West Bank and Gaza cannot be deemed unlawful no matter "its duration or any violations of occupation law," while Canada, the UK, Italy, and Hungary have insisted that the Court should refuse to hear the case against the occupation altogether.

In previous centuries, Europe's international legal luminaries proclaimed the "unquestionable" right of "civilized countries [...] to extend their present possessions and occupy these parts of the earth which are not of any use to uncivilized peoples"; as Israeli authorities today maintain that "the State of Israel has a right to impose its sovereignty over [Palestinian] areas." Though the officially-named Jewish Colonization Association has been dispensed with, the colonial ethos remains intact: insulated by the state-enforced damnation of resistance to Israel's settler colonial racism as racism itself.

In 1919, the US government's King-Crane Commission observed that "the Zionists looked forward to a practically complete dispossession of the present non-Jewish inhabitants of Palestine"; in 2023, the Israeli Intelligence Ministry prescribed the permanent "evacuation" of all Palestinians out of Gaza. For the last one hundred years, the foundations of Israeli settler colonialism in Palestinian deracination have been repeatedly and explicitly articulated. Now, as Israeli forces under cover of the current "war" plunder Palestinians' land, water, and personal belongings – it has been a "record-breaking year of West Bank expansion," in the words of the Times of Israel – events in fellow settler states like the US and Canada market "great Israeli real estate" in the occupied territories.

At one such event in Toronto, anti-racism protestors reported being confronted by counter-protesters bearing posters mocking a Palestinian child with cerebral palsy who had starved to death under Israel's siege; like settler scalplings and photos of racist mob lynchings, participating in the

venerable colonial tradition of transmuted what should be markers of shame into trophies.

Yet it is the Palestinians subjected to genocide who are accused of being "death lovers."

Article 2 – The Right to Kill

It is only through such inversions, that the brutality intrinsic to converting Indigenous land into colonial property may be perpetually written off: as always a response to the inherent "barbarism" of the colonized, never a reflection of the colonizers' own. "Civilization must, unfortunately, have its victims," as British imperial official Lord Cromer remarked in 1913.

Emblematizing coloniality's own "death-loving" proclivities, Israel's use of starvation as a weapon of mass Indigenous destruction also has a long genealogy: Canada's genocidal withdrawal of food to "clear the plains" of Indigenous nations; Germany's expulsion of the Herero and Nama into the Namibian desert to die of thirst and hunger in its first 20th-century campaign of extermination; Britain's repression of Kenyan anti-colonial resisters through use of starvation camps and other torture methods such as rape with knives and snakes, live "roasting", and castration; Belgian exploitation of the Congolese, enforced by famine and copious hand-amputations – an expression of the "noblest civilization that has ever prevailed on this planet," in the opinion of eminent 19th-century Belgian law professor and Nobel Peace Prize-nominee Ernest Nys.

Manifesting this prevailing "nobility" in the present, the US reiterated last week its commitment to being Israel's number-one genocide accomplice – "there's no other country that's done more but will continue to do more than the United States to help Israel defend itself," affirmed US National Security Council spokesperson John Kirby; Israel's second-largest supplier Germany has asserted at the ICJ that "a blanket prohibition [on arms sales to Israel] would be nonsensical"; the UK reauthorized arms exports to Israel only one week after the Israeli military's fatal bombing of seven World Central Kitchen aid workers; and the Dutch government is not only legally challenging but attempting to circumvent a court-imposed ban on providing Israel with parts for F-35 fighter jets – the performance of which in laying Gaza to waste has been "absolutely outstanding," enthused one US lieutenant

general.

The European Union's vote against an arms embargo on Israel occurred on the same day as Israel's "flour massacre" of 118 Palestinians desperately trying to access aid: the fourteenth "incident of shooting, shelling and targeting [Palestinians] gathered to receive urgently needed supplies" documented by the UN over the course of just six weeks. Meanwhile, Canada's "embargo" fails to cover the primary conduit for Canadian weapons components to Israel via the US, as well as already approved export permits and the import of "tested"-in-Gaza missiles.

Somehow, in the UK, US, and Canada, "adopting" an IDF soldier – or an entire battalion – even manages to qualify as a "charitable" activity: exalting colonial violence as not simply an entitlement but benevolence.

Article 3 – The Right to Genocide and Ecocide

The support for Israel's settler colonialism survives even with the acknowledgement of its genocidalism. In January, for instance, a US court ruled that Israel is plausibly engaged in genocide in Gaza – yet still discarded the case against US governmental complicity on the grounds it posed impermissible "political questions" (currently under appeal). Immunity for previous US "political" obscenities – carpet-bombing in Cambodia, death/rape/torture squads in Nicaragua – provides precedents for immunity in the present: a viciously imperial circle.

Conversely, a lawsuit to curtail American aid to Palestinians – less than one-tenth of the military "aid" provided to Israel to slaughter them – has been permitted to proceed. The court's ruling misstated the casualty count of Hamas's October 7 attack as 12,000 Israelis killed instead of under 1,200: even when multiplied by ten, a death toll still less than half of that exacted at the time on Palestinians.

While the butcher's bill of Palestinian lives taken is insistently scrubbed from the ledger, the assault on the whole ecological life-support system fails to even register: under international law's colonial hierarchy normalizing the disposability of non- and "infra"-humans. The 244 cargo flights required to transport 10,000 tons of weapons from the US to Israel in the first four months of the "war" alone spewed approximately 160,000 tons of carbon dioxide into the atmosphere – more than total annual carbon emissions of some Global South countries.

The compatibility of "civilized" state sovereignty with eliminatory atrocity was affirmed by Israel's very inauguration into statehood at the UN.

In the Security Council, the US representative upheld Israel's "laborious construction" of an "extremely homogenous" population – achieved by the extreme measure of massacring and expelling 750,000 Indigenous Palestinians – as a reason not for rejecting but recognizing Israel's sovereign status.

The enduring imperative of ethnic "cleansing" is expressed in the term Israeli officials and soldiers themselves use to refer to their Palestinian-removal operations: "sterilization."

Article 4 – The Right to Ignorance

Forcibly "sterilized," too, is the stain of culpability, wiped from the slate of consciousness and history. As Israel bulldozes and plants trees to cover the remains of past destroyed and depopulated Palestinian villages, the crime scenes of the present are protected by killing, arresting, disappearing, and barring journalists – an epistemicide abetted by Israeli court decisions.

Meanwhile, across the international geography of Israel's willing facilitators, universities criminalize and violently suppress their students' activism for divestment and accountability, corporate media outlets collude in the obfuscation of Israel's atrocities, and courts refuse to pierce the veil of secrecy shrouding their governments' complicity: displaying yet again the function of colonial "knowledge" institutions in the production of ignorance.

In the service of sustaining the official operating fiction of Israeli innocence, the US has gone so far as to specialy invert its normal vetting procedures in order to authorize ongoing weapons transfers; even as US munitions fragments are found in obliterated schools, tent camps, and homes alongside the corpses of Palestinian families. As the Guardian reported, "top US officials quietly reviewed more than a dozen incidents of alleged gross violations of human rights by Israeli security forces since 2020, but have gone to great lengths to preserve continued access to US weapons for the units responsible."

Article 5 – The Right to Impunity

Indeed, consequences are reserved primarily for those inhabiting the undersides of colonial modernity. Under this regime of inverted accountability, even Palestinians' appeal to the ICJ has been characterized by the Israeli cabinet as an act of “political and legal war against the State of Israel,” justifying the seizure of millions of dollars in Palestinian assets as punishment.

As throughout colonial history, it is the colonized, enslaved, and genocided who have been required to make “reparations” to their dominators and dispossessioners. The Palestinians join the Haitians, forced to indemnify France for \$30-billion for their self-liberation from the yoke of slavery's oppression; the Indonesians, whose price for independence was paid not only in the blood of 100,000 massacred but the extraction of 4.5-billion guilders (~US\$2.5-billion) by their Dutch colonizers; the Indigenous nations, repeatedly ordered by colonial US and Canadian legal institutions to “re”-pay settlers for their “depredations” and opposition to territory-violating oil corporations; the Iraqis and Afghans, not only refused redress for decades of US “war on terror” tortures and devastation but impelled to remunerate the US for millions or billions of dollars for their “terrorism”; all underwritten by an “international legal doctrine [that] has a longer history of justifying and enabling colonial domination than it does of guaranteeing equal rights to all human beings,” as documented by the UN Special Rapporteur on Racism.

While shielding Israel at the ICJ, the UK also perseveres in flouting another ruling from the Court calling for it to end its decades-long colonial possession of the African Chagos Islands – whose inhabitants were referred to as “Tarzans” by British officials in internal documents. In a UK Foreign Affairs Committee meeting this January, the ICJ's advisory judgement was discounted as an ignorable opinion from an institution populated by “countries that, historically, are not allies or friends of the UK,” i.e. former colonies.

Or, “Hague, shmague,” as Israel's National Security Minister Itamar Ben-Gvir put it, following the ICJ's January Gaza genocide decision: exemplifying the colonial propensity to construe even the barest minimum of justice as oppression.

Article 6 – The Right to Double-Standards

And yet, it is the past and present colonized who are denigrated as irremediably violent and recalcitrant. Whether branded as “savages” and “barbarians,” as under the old

imperial “standard of civilization,” or now “terrorists”: the inequality of colonized humanity has been legally enshrined. As Palestine partition-architect Lord Arthur Balfour explained – opposing the inclusion of a racial equality provision in the UN-precursor League of Nations Covenant – it is “not [true] that a man in Central Africa was created equal to a European.”

Thus, under Canadian, UK, and US law, providing medical and humanitarian aid to Palestinians is treated as possible “terrorism”; Israel's systematic decapacitation of Gaza's entire hospital system is not. Calls to dismantle Israeli apartheid “from the river to the sea” are decried by Western law-makers and politicians as “genocidal”; pledges by Israeli PM Benjamin Netanyahu to keep Palestinians under the apartheid boot, in contrast, are an expression of a “pluralist democratic society” (UK Deputy Foreign Secretary Andrew Mitchell).

The reality-reversal is so complete, that even Palestinian children are responsiblized as “terrorists” – “anyone over the age of four is a Hamas supporter” and deserves to be starved, as one former Mossad official pronounced on Israeli state television; while Israeli genocide-promoting politicians like Itamar Ben-Gvir are infantilized to spare them from legal consequence.

In February, Israel's Supreme Court rejected a petition to dismiss Ben-Gvir for his past criminal offences due to his “relative youth” at the time of conviction (he was 31). As for the (actual) young ones in Gaza – the newborns entering the world already orphaned and emaciated, the babies wrapped in their death shrouds before they could even be issued birth certificates, the four-year-olds amputated of all four limbs on hospital floors without any anesthetic, the five-year-olds who tell doctors they would prefer to die rather than endure any more suffering, the seven- and eight-year-olds shot by snipers in their brains and chest cavities, the unknown numbers of all ages disappeared into military detention and tortured...– “we should kill them all,” opined US Congressperson Andy Ogles.

Article 7 – The Right to “Right”

How dare these states, that have stripped away the most basic “right to have rights” from so many, still arrogate for themselves the right to define rights and impose them on others – the purported pinnacle of the “rule of law” and “civilization”?

Gaza is now a nightmare, but it is also a reminder – that despite the colonial present’s overwhelming power, the seeds of other possible worlds exist, though buried in the rubble.

As Tanzania’s representative to the UN **pointed out** in 1965 – in response to the Canadian delegate’s lamentation that many countries “did not share the traditional Western concept of human rights” – “The record of the Western countries in the matter of human rights gave those countries absolutely no right to take a patronizing attitude towards others [...] Indeed, it was the Western world that had given birth to colonialism and slavery, while the developing countries had suffered as a result.”

It is the experience and memory of this suffering that suffuses and animates the survivors’ solidarity with Palestine. At the ICJ, Namibia’s Justice Minister **stated**, “I stand before you as a representative of a country where Germany brutally carried out the first genocide of the twentieth century against the Herero and the Nama peoples [...] It is because of this history that Namibia considers it a moral duty and sacred responsibility to appear before this Court on the question of the indefensible occupation of Palestine by Israel”; South Africa’s ambassador **said**, “We as South Africans sense, see, hear and feel to our core the inhumane discriminatory policies and practices of the Israeli regime as an even more extreme form of the apartheid that was institutionalized against black people in my country.”

What makes something a right, as legal theorist Wesley Hohfeld famously **explicated**, is that it imposes on someone else a corresponding duty. Refusing the colonizers’ grotesque “rights” equation – that the colonized **must die**, be dominated and immiserated, so that the colonizer might not only live but profit – people in solidarity with Palestine around the world continue to sacrifice their **lives, safety, and liberty**: an expression of anti-colonial *haq*, the Arabic word for “right,” which also means “truth” or “reality.”

A truth I learned recently, from the former UN Special Rapporteur on Housing Leilani Farha, is that before October 7 homelessness was not a phenomenon in Gaza.

In the face of decades of Israeli domicile – assault on homes and homelands – people provided each other with shelter. Gaza’s destroyed hospitals, churches, and mosques were once spaces of **mutual aid** and sanctuary, its cultural institutions, music, and poetry **repositories** of life and beauty. **Archives** of old **photographs testify** to Palestine’s vibrant pre-Nakba multi-religious and multi-ethnic communities.

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