

ICJ ruling puts current global order on trial



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When Israel's onslaught on the Gaza Strip began and continued to become more and more violent as it butchered thousands of Palestinians as retribution for Hamas' October 7 attack, the word "ceasefire" became a contentious one amongst Israel's allies. Even as the majority of the world voted at the UN General Assembly in December for an immediate ceasefire, and humanitarian organisations and protesters from across the world echoed this call, the US and UK insisted on opting for the more feeble term of "humanitarian pause" instead. It seems there is no end to the unwavering support for Israel from its closest friends, just as there is no end to Israel's appetite for violence, with the most recent death toll in Gaza surpassing 26,000 people.

Against this backdrop, the failure of the International Court of Justice (ICJ) to call for a ceasefire in its order of January 26, 2024 can seem disappointing. In the case brought against Israel by South Africa for violating the Genocide Convention, out of the nine provisional measures that South Africa requested, the first was that Israel should immediately suspend its military operations. Although the ICJ did not include this, a closer reading of its statements makes it clear that the court has taken a much stronger stance than Israel and its allies would have liked.

In the order, the court referred to statements from UN agencies and officials to acknowledge the bombardment of civilians in Gaza, even in places that were designated as safe zones, attacks on medical facilities, the critical condition of the health system in Gaza and an unfolding public health disaster, lack

of sanitation, the traumatising of an entire generation of Palestinian children, and an extreme deprivation of food causing extreme hunger. It also noted that the Palestinian people are facing their largest displacement since 1948, and that those displaced are in inhumane conditions and facing destitution. Furthermore, it took note of the dehumanising language used by Israeli officials when speaking of the people of Gaza, and argued that there is sufficient evidence to "conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible."

It is important to remember that the process of justice at the ICJ can be a long one, and at this stage, it is not for the court to rule on whether Israel is committing genocide or even to confirm jurisdiction, but to only confirm that the conditions exist for the awarding of provisional measures needed to prevent irreparable harm. The fact that considerable space was dedicated to creating an official record of the atrocities being committed against the Palestinian people is important, especially since Israel's propaganda machine, with the help of Western allies, has been working overtime to convince the world that Israel is simply "defending itself."

In broad terms, the ICJ's provisional measures require Israel to prevent acts that constitute as genocide, prevent and punish incitement to commit genocide, provide urgent humanitarian assistance in Gaza, preserve evidence related to allegations of genocide, and report back to the ICJ within a month. There is a clear emphasis on the responsibility of the Israeli state



Protesters hold a Palestinian flag as they gather outside the International Court of Justice (ICJ) in The Hague, Netherlands, as judges rule on emergency measures against Israel in the genocide case by South Africa on January 26, 2024.

PHOTO: REUTERS

for the actions of its military, and for ensuring humanitarian assistance, thus rejecting its attempts to blame the crisis on UN mismanagement.

It is obvious that Israel will reject these responsibilities; in fact, it has already accused the court of bias. The main question now is to what extent the ICJ order will create pressure on Israel's allies. Will nations like the US and UK, who provide weapons and other military assistance to Israel, take steps regarding their complicity in facilitating this genocide? If the countries that have paid so much lip service to the importance of an international, rules-based order, especially in the wake of the Russian invasion of Ukraine, blatantly disregard said rules, what will

that mean for their credibility and influence on the global stage?

Previously, similar rulings against Myanmar, Russia and Syria have been backed by most Western governments. Yet, almost immediately after this particular ruling, at least nine countries, including the US, UK and Germany, decided to pause funding to the UN's agency for Palestinian refugees over allegations that 12 of their staff might have been involved in Hamas' October 7 attack. Given that the UNRWA has thousands of workers and supports more than 5.6 million Palestinians, suspending their funding in the midst of a humanitarian crisis seems more like collective punishment than a reasonable response. At

such a critical moment, when we are waiting to see if some of the world's most powerful nations will respect the authority of the international justice system when it is an ally and not an enemy in the docks, it is deeply concerning that they would choose to express this lack of trust in the UN instead of getting behind its apex court.

Israel's allies, particularly the US, will now be under even more scrutiny over double standards when it comes to international human rights and justice. If the US uses its veto power in Israel's favour during Wednesday's security council meeting on the ICJ ruling, it would effectively be arguing for the selective application of international humanitarian law, and

permanently discredit the idea of a global system where warfare has to be conducted within certain rules that apply to all nations equally. This is a dangerous thing to do, particularly now that the situation in the Middle East is continuing to escalate, with the most recent drone attacks on the Jordan-Syria border, which killed three US servicemen and injured 34 others, taking us one step closer to a direct US-Iran conflict.

Of course, that is not to say that the US holds international law in high regard anyway. The UN's declaration of the invasion of Iraq as an illegal war ultimately made no difference, and the US is still not party to the Rome Statute that founded the International Criminal Court. Nevertheless, given the amount of hand-wringing it has recently done over Russia's disregard for state sovereignty and international law, for it to now make light of the ICJ ruling would undoubtedly expose its glaring hypocrisy, undermine its support for Ukraine and damage diplomatic relationships with countries in the global South.

Now is also a good time to remember that the UN and its organs, including the ICJ, are products of the World Wars, created at a time when the world was tired of bloodshed and intent on creating some sort of global order that would prevent such atrocities from occurring again. Regardless of how flawed these institutions are, they reflect a certain acceptance of a universal standard of human rights, and a shift away from the politics of brute force and power. The US and its allies, with its dead set support for Israel, are now not only putting their reputations on the line; they are running the risk of making these institutions obsolete and threatening the entire post-1945 international order. Whatever steps they take next will signal whether they are still committed to modern diplomacy, or are willing to trade it in for a "survival of the fittest" situation instead—one that will ultimately divide the West, and weaken the global credibility of countries like the US.

The international contradictions of asymmetrical warfare in Yemen



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Yemen suffers from severe fuel supply shortages, and disruptions of trade, infrastructure and financial services. The rial, Yemen's currency, was depreciated to historic lows in 2022, worsening the inflation crisis and extreme poverty. The situation in Yemen is so dire that it has significantly reduced humanitarian operations in the country. To make

with the North.

Amidst this background of political, economic, and ideological turmoil, some new political movements emerged. Among them was Ansar Allah, more commonly known around the world as the Houthi movement, from North Yemen. The Houthi movement was populist, anti-imperialist, anti-colonial, and

multiple wars, totalling about six, and are altogether known as the Sadaa Wars of 2004 to 2010.

In his bid for military support from the US and Saudi Arabia and legitimacy on the international stage, Saleh denied the popularity of the Houthi movement among Yemenis and painted them as mere Iranian proxies in an attempt to discredit them. In doing so, Saleh also obscured important ideological differences between the Houthis and the government of Iran. The state religion of Iran is Twelver Shi'ism, also known as Imamiyya, while the Houthis are devotees of Zaydi Shi'ism. In the coming years, waves of decentralised protests across the Arab world and popular unrest continued even after Saleh's resignation in 2012.

In August of 2014 tens of thousands of Yemenis once again took to the streets of Sanaa to protest against Hadi, who succeeded Saleh, and was accused of corruption. This time, the mass protest was organised and led by the Houthis. About a month after, Houthi insurgents took over Sanaa and, effectively, the government of Yemen during a five day operation with relatively few casualties, in what is often described as the "Battle of Sanaa." But the Houthis and their supporters describe it as a revolution. The Houthis dissolved the House of Representatives and established the Revolutionary Committee as a governmental body. Like any revolution, it was met with reactionary backlash, counterrevolution.

Having a vocally anti-colonial, anti-imperialist organisation in charge of a sizable territory in the Middle East frightened the US, especially since the US was then about a decade into its "Forever Wars" in the Middle East. Moreover, the Houthis' alliance with Iran was also a cause for concern for the US, since it has opposed Iran ever since the Iranian Revolution of 1979 which overthrew the US-backed monarch and autocrat Mohammad Reza Shah. Iran has been under US sanctions since 1979.

In 2015, under the codename "Operation Decisive Storm," Saudi Arabia, with the backing of the US, the

UK, Canada, France, and South Korea, led the UAE, Sudan, Bahrain, Kuwait, Qatar, Egypt, Jordan, Morocco, and Blackwater mercenaries in a total war against Yemen. This included an extensive aerial bombing campaign and a blockade, in addition to an invasion by ground troops.

The US provided considerable military, intelligence, and logistical support for the Saudi coalition. The US accelerated the sale of weapons to Saudi Arabia and coalition states. Under former President Obama alone, when "Operation Decisive Storm" began, the US sold more than \$115 billion worth of weapons to Saudi Arabia. The weapons sold included cluster bombs, which are illegal in 119 countries. Moreover, the extensive logistical support provided by the US included aerial refuelling (also known as in-flight refuelling) and search-and-rescue operations for downed coalition pilots. In addition, US and UK military officers were present in the command and control centre responsible for the bombings.

According to the UN, since 2015 more than 375,000 people, about 1.25 percent of the total population, have been killed by wartime violence in Yemen, and many more have died from hunger and disease. If we have the discernment and the humanity to call the ongoing humanitarian crisis in Occupied Palestine a genocide, then we should not hesitate to also describe what the Saudi forces—backed by the US, UK, France and Canada—has done to Yemen as genocide since 2015.

The direct strikes in Yemen this month by the US and the UK are making the worst case scenario in Yemen even worse. The humanitarian crisis in Yemen can only continue reaching ever more abysmal lows if the strikes by the US and the UK continue, especially given the fact that the Houthis currently do not have the economic capacity to repair the damage of the total war that has already been waged against them. It goes without saying, if the US and the UK escalate to a ground invasion of Yemen, the situation would devolve into a blood-soaked quagmire.

In the ongoing discussion regarding the volatile situation in the Middle East, facts about Yemen's own humanitarian crisis are being overshadowed by the West's portrayal of the Houthis—the armed group controlling most parts of Yemen—as disruptive "global terrorists." The Houthis have vowed to disrupt shipping links with Israel in order to force Israel—and its allies—to end the genocide in Gaza. Hundreds of ships have been avoiding the Suez Canal due to the Houthis' attacks on ships connected to over 12 countries passing through the Red Sea since November 2023.

In response to the attacks, shipping companies have tripled prices for taking a container from Asia to Europe due to the extra cost of sailing around Africa in order to avoid the Red Sea. Although the increased shipping rates are not yet at pandemic levels, they are bad enough to potentially worsen inflation, and with it, the current cost of living crisis affecting the globe.

The facts regarding Yemen's history provide us the context to understand the Houthi attacks, not as acts of aggression, not even merely as acts of solidarity with Palestine, but also as acts of self-defence and resistance against US imperialism—which backs both Israel and Saudi Arabia—and whose bombs dropped on Yemeni hospitals, factories, and weddings and razed Yemen to the ground. Likewise, understanding Yemen's history allows us to understand the recent strikes by the US and the UK—which are meant to stop the Houthis but as of yet have not achieved anything—as an escalation of their violent, imperialist



A man carries a wounded child after a Saudi-led airstrike that killed eight members of her family in Sanaa, Yemen, in August, 2017.

PHOTO: REUTERS

policy towards Yemen.

Before the current crisis in Occupied Palestine, the United Nations Office for the Coordination of Humanitarian Affairs called the situation in Yemen the worst humanitarian disaster in the world. According to the World Bank, 14 million people in Yemen are in "acute need of assistance," while 24.1 million are at risk of hunger and disease; about 18 million are without safe water and sanitation, while 16.2 million require urgent emergency assistance because of food insecurity and malnutrition.

sense of it all, we have to go back to the beginning.

After the collapse of the Soviet Union was initiated in 1988, the socialist People's Democratic Republic of Yemen, also known as South Yemen, lost its primary pillar of economic support and formally dissolved in 1990. In 1990, South Yemen thought its best option was unification with the Yemen Arab Republic, also known as North Yemen, but by 1994 the South regretted that decision. A two month long war followed in which the South was defeated and forced to reunite

religious or spiritual, ideologically based in a revival of Zaydism, a sect of Shia Islam. From the beginning, the Houthis were ideologically opposed to both the settler-colonial project of Israel, US imperialism in the Middle East, and the imposition of Wahhabism by neighbouring Saudi Arabia. During the early 2000's, Saleh, who ruled the Yemen Arab Republic, perceived the increasing strength of the Houthi movement as a threat to his stranglehold on power, to the point that he initiated a war against them in 2004. The sporadic nature of the war was such that it is often described as