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Birleşmiş Milletler Güvenlik Konseyinin Uluslararası Hukuku Uygulamadaki Başarısızlığının Müslüman Dünyasında Şiddet Ve Kaosa Katkısı: Yemen'e (2015-) Ve Gazze'ye (2023-) Yönelik Saldırı Savaşları

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HOW THE UN SECURITY COUNCIL'S FAILURE TO UPHOLD INTERNATIONAL LAW HAS CONTRIBUTED TO VIOLENCE AND CHAOS IN THE MUSLIM WORLD: THE WARS OF AGGRESSION AGAINST YEMEN (2015-) AND GAZA (2023-)*

BİRLEŞMİŞ MİLLETLER GÜVENLİK KONSEYİNİN ULUSLARARASI HUKUKU UYGULAMADAKİ BAŞARISIZLIĞININ MÜSLÜMAN DÜNYASINDA ŞİDDET VE KAOSA KATKISI: YEMEN'E (2015-) VE GAZZE'YE (2023-) YÖNELİK SALDIRI SAVAŞLARI

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ABSTRACT

This paper draws on the perverse use of international law by hegemonic powers on the subject of the use of force in international relations. In order to expose the distortive interpretation and implementation, by major powers, of the UN Charter and other instruments and sources of international law, this study draws on two cases of the wars of aggression targeting Yemen and Gaza respectively. The failure of the UN Security Council to take punitive action against the Saudi-led coalition forces and Israel, as the two perpetrators of crimes of aggression against the victimised peoples, in order to end hostilities, has been a tragic testimony to the endurance of the colonial and asymmetrical roots of existing rules and principles of international law. The two cases and the dominant narrative surrounding them which has tended towards blaming the victims also point to the complicity between the centres of political power and the predominant media.

Key words: Hegemonic international order, wars of aggression against Yemen and Gaza, genocide in Gaza, UN Security Council resolutions

ÖZET

Bu makale, öncelikle, içinde bulunduğumuz yüzyılda hegemonik Batı güçleri tarafından uluslararası hukukun çarpık kullanımlarını ve Birleşmiş Milletler Güvenlik Konseyinin güç kullanımına dair suiistimal niteliğindeki yönlendirmelerini genel anlamda eleştirmektedir. Ardından, Müslüman dünyasındaki mevcut sorunları körükleyen iki olay ele alınmaktadır: Yemen (2015-) ve Gazze'deki (2023-) savaşlar. Makale, Birleşmiş Milletler Güvenlik Konseyi'nin bu iki krizdeki tutumunun ardındaki ikiyüzlülüğün ve çifte standardın mevcut uluslararası düzenin güvenilirliğini azalttığını savunmaktadır. Bu makale, başta ABD olmak üzere, hegemonik uluslararası aktörler tarafından kullanılan stratejileri ve hala büyük ölçüde Batı'nın kontrolünde olan uluslararası ana akım medyanın, Yemen ve Gazze'deki saldırı savaşlarının faillerini aklamak üzere ne şekilde kullanıldığını ortaya koymayı amaçlamaktadır. Burada, aynı zamanda, görünüşte Husileri iktidardan uzaklaştırmak amacıyla gerçekleştirilen, Suudi Arabistan liderliğindeki çok uluslu askeri müdahaleye bir yasal çerçeve kazandırmak amacıyla, Yemen krizine ilişkin olarak alınmış olan Birleşmiş Milletler Güvenlik Konseyi

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kararlarına ve önde gelen Batılı güçler ile medyanın ürettiği söylemsel çarpıtmalara yer verilmiştir. Makale, İsrail'in Ekim 2023'te Gazze'ye yönelik hayata geçirdiği ve halen vahşetini yitirmemiş olan soykırım niteliğindeki saldırısını incelemekte ve Birleşmiş Milletler Güvenlik Konseyi'nin bu korkunç trajediye karşı sergilemiş olduğu performansı sorgulamaktadır. Yemen örneğinde olduğu gibi, burada da, mevcut uluslararası düzenin hâkim güçleri ve onların medya organları tarafından Filistinlilerin mağduriyetini inkâr etmek ve Gazze'deki Siyonist suçları örtbas etmek amacıyla üretilen çarpık anlatılar ele alınmaktadır. Bu çalışma, Yemen, Ukrayna ve Gazze'deki savaşların hâkim güçler tarafından ne şekilde ele alındığını karşılaştırarak emperyalizm, uluslararası hukuk ve BM sistemi arasındaki bağlantılara dair bazı eleştirel değerlendirmelerle devam etmektedir. Makale, hâlâ büyük ölçüde Batı güçlerinin etkisi altında olan mevcut uluslararası düzenin yasal ve kurumsal temellerinin "adaletin şaşması" sonucunu doğuran ve Müslüman dünyasının daha da marjinalleşmesine yol açan vahim durumuna ilişkin bazı değerlendirmelerle sona ermektedir.

Anahtar kelimeler: Hegemonik uluslararası düzen, Yemen ve Gazze'ye karşı saldırı savaşları, Gazze soykırımı, BM Güvenlik Konseyi kararları

1. INTRODUCTION

This paper begins with an overall critique of the perverse uses of international law and the abusive manoeuvring of the UN Security Council by hegemonic Western powers in this century on the use of force in this century. It, then, looks into the two cases which, the paper claims, have added fuel to the existing grievances of the Muslim world: the wars in Yemen (2015-) and Gaza (2023-). It argues that the hypocrisy and double standards which underlay the attitude of the UN Security Council in these two crises, have further diminished the credibility of the existing international order. This essay seeks to unfold the strategies deployed by hegemonic international actors, first and foremost the United States (US/USA), and the internationally prevalent mainstream media still mainly controlled by the West to absolve the perpetrators of the wars of aggression in Yemen and Gaza. Then, simultaneously, it inquiries into the UN Security Council resolutions on the Yemeni crisis as well as on the discursive distortions produced by major Western powers and the media in order to render some legality to the Saudi-led multinational military intervention in Yemen which was ostensibly intended to oust the Houthis from power. The paper proceeds with an investigation into Israel's genocidal assault on Gaza in October 2023 which has yet to lose its ferociousness and then probes into the performance of the UN Security Council in dealing with this horrendous tragedy. As is done in the case of Yemen, this will be done together with the perverse narrative produced by the overlords of the current international order and their media outlets to deny the victimhood of the Palestinians and gloss over the Zionist crimes in Gaza. This study proceeds with some critical remarks about the links between imperialism, international law and the UN system by making comparisons between the wars in Yemen, Ukraine, and Gaza to see how they have been handled by international hegemonic actors. The paper ends with a few remarks on the regrettable state of the legal and institutional underpinnings of existing international order, still largely under the sway of Western powers, that has perpetually resulted in the 'miscarriage of justice' which in turn has led to the further marginalization of the Muslim world.

2. THE ABUSIVE ‘USE’ OF INTERNATIONAL LEGAL RULES ON THE USE OF FORCE AS A MAJOR COMPONENT OF THE VICTIMISATION OF THE MUSLIM WORLD

On a host of issues from self-determination to the use of force, from *jus in bello* to the principle of non-intervention, international law is often neither consistently interpreted nor fairly applied. The international order is still reflective of the hegemonic privileges and immunities of the bloc of Western powers led by the US. The marginalization of the Third World and the Muslim World through, *inter alia*, one sided application of international law which often operates to the benefit of hegemonic powers is a major aspect of the existing international legal system and decision-making apparatus in spite of the relative decline of the Western power and the emergence of rising powers such as China, India and Brazil. This suggests that neo-colonial domination, imperialistic interventions, and economic exploitation still stand as the major characteristics of the asymmetrical relationship between the West and the Rest.

The hegemonic use of international law as part of the overall Western attempts to maintain its global control of the natural sources, energy supply lines, decision-making apparatus, economic and financial riches within the existing ‘globalized’ international order, combined with its discursive monopoly, is not likely to go away in the foreseeable future. This asymmetry is nowhere more visible than on the subject of the rules and principles of international law dealing with the use of force. International legal norms on the use of force have disappointingly not delivered us from the hell of wars and conflicts during the Cold War simply because they have been among the most intensely infringed norms of international law since 1945.

Most instances of military aggression since the founding of the UN have not been terminated thanks to the sanctions or military enforcement actions authorised by the Security Council. American imperialistic aggressions especially in southeast Asia and central America, those by the Soviet Union in eastern Europe and Afghanistan, and the ones carried out by the British and French in colonial territories and in a number of post-colonial countries like Egypt, and finally Israeli military aggressions and seizure of territory from Palestinians and neighbouring Arab states did not result in successful mobilization of the collective security system within the Security Council. A rare occasion when the Security Council showed its fist by fully implementing the powers it assumed under Chapter VII of the UN Charter¹ was the Iraqi occupation of Kuwait in August 1990. Iraq was punished and condemned to years of international sanctions simply because it was the ‘wrong’ state to have engaged in the illegal use of force.

After the Cold War, it was claimed by a triumphant US that this new episode in human history would herald the birth of a ‘new’ international order that would be more peaceful and just than the previous one. Sadly, however, there have been many instances when a

¹ Charter of the United Nations (26 June 1945) UNTS XVI.

panoply of Western actors, first and foremost, the US and Britain, have been engaged in military aggressions against numerous states and non-state actors in Asia and Africa. These illegal² military campaigns from the occupation of Afghanistan (2001) and Iraq (2003) to the carpet bombing of Syria on the pretext of fighting ISIS (2014) caused enormous suffering to the peoples inhabiting the countries facing these military assaults. Not surprisingly, the ‘aggressors’ have almost never been punished for their crimes. This lack of fairness and culture of immunity for the ‘sacred cows’ of the international system, also have also played themselves out in cases when an ally/friend of the West has launches (illegal) armed attack and/or military intervention against a non-Western state or non-Western non-state actor. Even in this age in which international law is considered by many to be ‘universal’ and ‘fair’, any state or non-state subject that happens to be viewed by the hegemonic West as ‘unfriendly/hostile’, the global legal and political apparatus, alongside the mainstream Western media, will most likely be mobilized against the latter in order to condemn it to a probable victimhood, possibly at the hands of a Western ‘ally’.

Hence, the West extends its *de facto* immunity from the norms of international law on the use of force to its non-Western allies that happen to serve Western imperial interests against states and non-state actors viewed as ‘hostile’, ‘unruly’, ‘extremist/fanatical’ or ‘terrorists’. In such instances, the West not only protects its non-Western ‘allies’ from any punitive action by, say, the UN, but also tends to provide active military, logistical and political support for its aggressive ‘friends’. This was the case when, for instance, with American encouragement, Ethiopia occupied Somalia in 2006 which lasted for three years. This serious breach of international law, also constituting ‘international crime’ as well as a violation of obligations *erga omnes*, was not even ‘condemned’ by the UN Security Council during the course of the crisis. On the contrary, the Council was supportive of Ethiopia throughout its illegal military campaign in Somalia an indication of which was its branding of armed resistance to the Ethiopian occupation as “acts of violence and extremism”.³

This is the overall legal background that needs to be furnished so that we could make sense of the two deeply traumatic incidents, still raging at the time of writing, involving military aggressions with thoroughly disturbing humanitarian consequences: military assaults on Yemen and Gaza/Palestinians by a Saudi-led coalition of states and Israel respectively.

² They were illegal because they all lacked *specific* authorisations for the use of force as conferred by the UN Security Council on the eve of armed aggression against the victim states. Besides, the imperialistic ambitions of the pioneering states, in particular, the USA and Britain, were known to be the real motives behinds the military campaigns in question.

³ UNSC Res. 1766 (23 July 2007) UN Doc. S/RES/1766

3. MAIN STRATEGIES DEPLOYED BY HEGEMONIC INTERNATIONAL ACTORS AND THE MAINSTREAM MEDIA TO VINDICATE THE PERPETRATORS OF THE WARS IN YEMEN (2015-) AND GAZA (2023-)

3.1. THE CASE OF YEMEN

In September 2014, President Abd-Rabbu Mansour Hadi of Yemen was ousted and the capital Sana'a seized by the opposition Houthi⁴ forces that represented a little over one third of the population of Yemen and belonged to a moderate version of Shia Islam. Feeling threatened by the overthrow of President Hadi, on 25 March 2015, Saudi Arabia announced the onset of a military intervention in Yemen, coined Operation Decisive Storm, jointly with scores of Arab states, namely Egypt, Bahrain, Kuwait, Qatar, the United Arab Emirates, Jordan, Sudan, and Morocco. The dual purpose of the military campaign was to back up and restore the authority of the Hadi government and to neutralize the Houthi 'aggression' against the Yemeni people.⁵ Whereas initially it was expected to achieve its goals within a few days, this operation has proven to be a failure for the aggressors and disastrous for the people of Yemen. Since 2015, tens of thousands of innocent civilians have been killed and many more have been wounded in the Yemeni war. Indeed, based on the estimation of the UN Development Program, it was revealed that, between 2015 and May 2023, 370,000 people died "as a result of the war, with indirect causes such as lack of food, water, and health services causing almost 60 percent of deaths."⁶

In the course of the war, more than half the population of Yemen (over 18 million people) have been forced to seek humanitarian assistance due to the devastation of the economy and food shortages, the latter of which derived mainly from the land, naval and air blockade imposed on Yemen by anti-Houthi Coalition Forces. Roughly 4.5 million Yemenis have been internally displaced as a result of war. Between 2016 and 2022, Yemen recorded the highest record of cholera cases whereby 2.5 million Yemenis were reported to suffer cholera and 4,000 died of cholera.⁷ As noted in Al Jazeera, the Yemeni campaign "has produced a humanitarian crisis of the highest magnitude."⁸

Among the international supporters of the Coalition Forces, it is the US which has been most firmly behind this military intervention whose flagship, Saudi Arabia, "has been

⁴ Houthis are officially known as Ansar Allah.

⁵ May Darwich, 'Escalation in Failed Military Interventions: Saudi and Emirati Quagmires in Yemen' (2020) 11 *Global Policy* 103, 104.

⁶ Kali Robinson, 'Yemen's Tragedy: War, Stalemate and Suffering' 2023 *Foreign Affairs* <<https://www.cfr.org/background/yemen-crisis>> accessed 12 August 2024

⁷ UNICEF, 'Yemen Humanitarian Situation Report No. 1' (19 May 2024) <<https://reliefweb.int/report/yemen/unicef-yemen-humanitarian-situation-report-no-1-january-march-2024-enar#:~:text=SITUATION%20OVERVIEW%20AND%20HUMANITARIAN%20NEEDS,estimated%20to%20be%20internally%20displaced.>>> accessed 13 August 2024.

⁸ Alex Preve, 'The US is complicit in Saudi atrocities in Yemen' *Al Jazeera English* (19 March 2020) <<https://www.aljazeera.com/opinions/2020/3/19/the-us-is-complicit-in-saudi-atrocities-in-yemen>> accessed 13 August 2024.

accused, by a United Nations Commission of experts, of committing war crimes in Yemen.”⁹ The US has also given direct military support to some of the operations in Yemen. Alongside the Coalition Forces, the US is equally responsible for some of the war crimes, including indiscriminate bombings leading to large number of civilian deaths.¹⁰ Today, although the crisis emanating from the illegal military intervention in Yemen has subsided, it has not fully come to an end.

3.2. THE CASE OF GAZA

Gaza has been under Israeli military occupation since 1967. While, on paper, Israel pretended that it was withdrawing from Gaza in 2005, its *de facto* occupation has to this day continued unabated granting that the area has since been encircled by Israeli forces from land, sea and air. On top of this agony, Israel has imposed a deadly siege and blockade of Gaza since 2007 which turned Gaza into an open-air prison. Israel’s genocidal war began on the same day that the Operation Al Aqsa Flood was launched by a group of Palestinian resistance fighters against a variety of Israeli targets on the 7th of October, 2023. Since the 7th of October, the degree of devastation in Gaza and the huge number of mostly civilian deaths (at least 50 thousands) and the far greater number of those who have been wounded (at least 105 thousands), combined with the military siege of Gaza and the deadly economic blockade that has deprived the Gazans of the most basic essentials of life, has turned this tiny piece of land into a graveyard. Israel’s ruthless all-out assault on Gaza since October has also witnessed a full blown genocide which continues to this day.

We could point our fingers mainly at five strategies deployed by Western political establishment and the dominant media, which we might call ‘whitewashers’, have been trying their utmost to render the victimhood of the Yemenis and the Gazans as invisible as possible:

First, the dominant –Western- centres of decision-making, media and most of the academia have by and large avoided the discussion as to whether the Saudi-led multinational military intervention against Yemen was ‘legal’ under international law. In an article which exceptionally dares to intrude into this ‘forbidden’ area, Tom Ruys and Luca Ferro express their frustration thus:

*Having regard to the fierce debates that similar interventions have given rise to in the past, the complete lack of an in-depth debate and legal analysis regarding Operation Decisive Storm is flabbergasting. Besides... the silence on the legality of the operation is indeed deafening.*¹¹

In the case of the Israeli military offensive against Gaza, the Israeli apologists either ste-

⁹ *ibid.*

¹⁰ ‘Q & A on The Conflict in Yemen and International Law’ *Human Rights Watch* (6 April 2015) <<https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law>> accessed 13 August 2024. This does not in any way imply that forces loyal to the Houthis have not committed any human rights violations or acts that constitute war crimes.

¹¹ Tom Ruys and Luca Ferro, ‘Weathering the Storm: Legality and Legal Implications of the Saudi-Led Military Intervention in Yemen’ (2016) 65 *International and Comparative Law Quarterly* 61, 70.

ered clear of this vitally important question (as to whether this offensive was ‘legal’ under international law) or lightly assumed that the deadly assault on Gaza by Israel was, as officially claimed by the Zionist state, an act of ‘self-defence’ against the Al-Aqsa Flood, an operation launched by Palestinian military forces against various Israeli targets on October the 7th, 2023.

Second, they have tended to blame the victims, Palestinians, for the existing tragedy as they chose to resist occupation. To justify the wars in Yemen and Gaza, the ‘whitewashers’ have narrowed down their lenses to specific instances. Hence, they have pointed their fingers at the Houthi takeover in Yemen in 2014 and the 7th of October military offensive of the Palestinian armed groups against a variety of Israeli targets, by overlooking the historical and broader political context of colossal atrocities committed against the Palestinians by the Zionist forces of occupation and the historical marginalization of the Houthi minority in Yemen. This strategy is devised to divert discussions away from Israel’s all-out assault on Gaza and its horrific crimes within Gaza (and partly in the West Bank) and to confine the epicentre of discussions to Israel’s alleged right of self-defence as a ‘proper’ response to the Operation Al-Aqsa Flood which had been launched in southern Israel.¹² This approach that fully disregards the Israeli occupation of Palestinian territories and its incremental genocide against the Palestinian people since the Naqba of 1948 is intended to ‘justify’ Israeli crimes and aggression or at least render them ‘more palatable’ to ordinary people. A similar distorted logic also played itself out when the Western political centres, media, and, in large part, the academia have sought to justify the Saudi-led military aggression against Yemen by untidily drawing on Hadi’s letter to the UN Security Council in which he openly called for outside military intervention which, in his view, would be an act of self-defence against the Houthi aggression. This defence of the ‘indefensible’ was simply absurd because, at the time when he wrote a letter to the UN, Mansur Hadi was no longer the official President of Yemen. What is more, while condemning the Houthi forces, the Security Council never authorised outside military action in Yemen.¹³

It is well-known that military ‘intervention by invitation’ of the government of a state has been a much abused rhetorical device with extremely weak legal foundations in the light of the chequered history of intervention by invitation. This pretext was too frequently used to justify American military interventions or occupations especially in Central America and the Middle East, from the occupation of Grenada (1983) to the military intervention in Lebanon in 1958. These ‘invitations’ were made by largely unpopular and/or weak political leaders under challenge by the opposition. The Soviet Union also justified its military interventions and/or occupations of Hungary (1956), Afghanistan (1979), and Syria (2015) by the pretext of having been invited by (deeply unpopular) incumbent rulers. The misuse

¹² In fact, the zone of the military operation consisted of Palestinian villages which had been grabbed by Israel through brute force.

¹³ For an extensive and scholarly analysis of the legally dubious nature of the Saudi-led military intervention in Yemen, with specific reference to the ‘legality’ of military intervention by invitation, see Themistoklis Tzimas, ‘Legal Evaluation of the Saudi-Led Intervention in Yemen: Consensual Intervention in Cases of Contested Authority and Fragmented States’ (2018) 78 *The Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (ZaöRV)* 147-187.

of ‘intervention by invitation’ in practice combined with the adoption of two crucial UN General Assembly Declarations in 1965¹⁴ and 1970¹⁵ suggested that an internal conflict within a state was a matter for that state alone. It is announced in the Friendly Relations Declaration (1970), that “all peoples have the right freely to determine, without external interference, their political status.” That is why ‘intervention by invitation’ greatly lost its ‘acceptability’ from the early 1970s even for ‘willing’ –imperialistic- states such as the UK which attested to this view ‘in principle’.¹⁶ ‘Intervention by invitation’ is both a breach of the principle of non-intervention and self-determination.¹⁷

The third pretext used by the same actors has been to link the targets of military aggression –Houthis of Yemen and Hamas in Gaza- with terrorism, blame them for endangering regional peace and security, or portray them simply as a ‘proxy’ of a ‘hostile’ foreign power (Iran). Indeed, this is the type of argument which has been constantly used in the Yemeni context to denigrate the Houthi forces, stigmatise them as ‘trouble-makers’ and a ‘proxy’ of Iran, and condemn them to a pariah status. In addition, the alleged presence of Al-Qaida and ISIS (Islamic State of Iraq and ash-Sham) in Yemen as two prominent terrorist organizations were also incorporated into the narrative of hegemonic international actors as supplements to other justifications. The issue of terrorist networks was also taken up by the UN Security Council in its resolutions on the Yemeni crisis. The portrayal of the Houthis as ‘villains’ was enough to whitewash the destruction of Yemen by the invading armies. The same recrimination of Palestinian fighters as ‘terrorists’ was also a common theme of the Israeli propagandists.¹⁸

The fourth type of distortion which has come out from the ‘whitewashers’ is to equalize the monstrous crimes of international humanitarian law committed by the military aggressors -Israel and the Saudi-led multinational military forces- with the far less severe crimes committed by the other party. In the case of the Gaza tragedy, this truly shameless posture has been at work since the beginning of the ruthless military assault on Gaza by tirelessly drawing attention to the mostly fabricated crimes allegedly committed by the Palestinian armed groups during the Operation Al-Aqsa Flood at which time 1200 Israelis were killed: Israelis and their supporters have alleged that, during the Operation Al Aqsa Flood, many

¹⁴ UNGA Res 2131 (XX), ‘Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty’ (21 December 1965) UN Doc. A/RES/2131(XX).

¹⁵ UNGA Res 2625(XXV), ‘Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the UN’ (24 October 1970) UN Doc. A/RES/2625(XXV).

¹⁶ David Harris, *Cases and Materials on International Law* (3rd edn, Sweet & Maxwell 1983) 651.

¹⁷ Ruys and Ferro (n 11) 87.

¹⁸ On this see, for instance, Bret Stephens, ‘ Hamas Bears the Blame for Every Death in This War’ (*The New York Times*, 15 October 2023) <<https://www.nytimes.com/2023/10/15/opinion/columnists/hamas-war-israel-gaza.html>>; Ahmad Ibsais, ‘Palestinians are being dehumanised to justify occupation and genocide’ (*Aljazeera*, 20 August 2024) <<https://www.aljazeera.com/opinions/2024/8/20/palestinians-are-being-dehumanised-to-justify-occupation-and-genocide>>; Michael Knights, ‘The Houthi War Machine: From Guerrilla War to State Capture’ (2018) 11(8) CTC Sentinel <<https://ctc.westpoint.edu/houthi-war-machine-guerrilla-war-state-capture/>>; Reuters, ‘U.S. says Yemen’s Houthis bear “major responsibility” in conflict’ (14 June 2021) <<https://www.reuters.com/world/middle-east/us-says-yemens-houthis-bear-major-responsibility-conflict-2021-06-04/>> accessed 7 January 2025.

'civilians' had been killed and most of the hostages had been innocent civilians. In the Yemeni case, the 'whitewashers' have been highlighting instances of atrocious behaviour by the Houthi forces¹⁹ during the conduct of hostilities as though they are equal in gravity to those committed by the intervening states. The truth of the matter is that the Saudi-led coalition have for years imposed full military blockade in Yemeni shores, airspace and borders leading to the mass killings of thousands of people due to starvation and absence of treatment, in addition to the collective killings of innocent civilians in the course of indiscriminate bombing campaigns. In the language of international law, these strategies and actions constitute war crimes, crimes against humanity and extremely grave human rights abuses. This type of distortion is premised on equalizing the victim and victimiser both from the viewpoint of international law and international morality by pointing to the breaches of international humanitarian law simply because both sides have been engaged in some form of war crimes and violations of international humanitarian law.

Fifth, both in the Yemeni and Gaza cases, the unceasing black propaganda against the Houthis and Hamas served well to conceal the disastrous human tragedies caused by the military aggressions and the targeting of civilians which eventually victimised the entire population in Yemen and Gaza (and the West Bank). In the case of Yemen, the Houthis were demonized by the pro-Western and pro-Coalition propagandists to the extent that they managed to create a climate which, for a long time, sought to conceal the hard truth about war crimes and crimes against humanity. The massive human suffering in Yemen was, thus, mostly fell on deaf ears. The West kept on thrusting the barrage of accusations on the Houthis as the 'devil incarnate' to the extent that every act of war crime or death by starvation became almost 'irrelevant'. The same rhetorical manipulation was evident in Gaza where, according to the mainstream Western narrative and political dictation, Hamas was for all to blame as the 'felon'. The huge death and destruction which befell on the Gazans could thus be rendered similarly 'invisible' because Hamas was to blame for every evil deed in this 'war'. This was a strategy of psychological manipulation which, by incessantly repeating the mantra of Hamas as the 'bad guy', was designed to depict the Israeli assault on Gaza as the inevitable response of a *responsible state* that cared for the security of its people. After all, weren't the Israelis claiming that they were mainly targeting the 'Hamas terrorists' and not the ordinary people?²⁰

¹⁹ Not unexpectedly, there is proof to indicate the existence of some serious breaches of the law of armed conflict by Houthi forces too. See, for instance, a recent report by Human Rights Watch, entitled "Yemen: Events of 2023", on the abuses of international humanitarian law by the warring parties, including those committed by the Houthi forces, <https://www.hrw.org/world-report/2024/country-chapters/yemen#cc98ff>. Instances of abuse include, *inter alia*, arbitrary arrests and the prevention of the delivery of humanitarian aid to groups deemed hostile to the Houthis. Similarly, a report by Amnesty International which was made public in 2020 also put some blame on the Houthis in so far as the war crimes in Yemen were concerned: Amnesty International, 'Yemen War: No End in Sight' (24 March 2020) <<https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>> accessed 7 January 2025.

²⁰ Although of course those who perished under the rubbles in Gaza were overwhelmingly civilians.

3.3. A REVIEW OF THE UN SECURITY COUNCIL RESOLUTIONS ON THE YEMENI CRISIS AND THE DECEPTIVE NARRATIVE SURROUNDING THEM

Roughly a year before the Saudi-led military intervention, the UN Security Council Resolution No. 2140²¹, adopted in February 2014, had established a Sanctions Committee to oversee the insertion of an assets freeze and travel ban on selected individuals and entities that were allegedly threatening security, peace, and stability in Yemen. It was later followed by the UN Security Council Resolution No. 2216²² which was adopted on 14 April 2015 soon *after* the Saudi-led operation had already been launched. While the resolution did not in any way condemn the armed assault against Yemen, it asked the Houthis to end violence and “withdraw their forces from all areas they have seized, including the capital Sana’a”. It urged all the political/military factions in the country to engage constructively for peace and conciliation. The said resolution also imposed an arms embargo on the Houthis. However, there was nothing in the Resolution No. 2216 which could be interpreted as a mandate to launch military intervention in Yemen. This is not at all surprising given that none of the Coalition states were victims of an ‘armed attack’ by the Houthi forces and therefore could not possibly invoke the right of individual or collective self-defence against (Houthi-controlled) Yemen. One could easily predict that neither Russia nor China could have possibly been persuaded not to veto a resolution which would have directly approved military intervention against Yemen.

On the other hand, the conflict in Yemen was an ‘internal’ one and could thus be properly described as an instance of ‘power struggle’ within Yemen. This meant that it was unthinkable to depict the seizure of power by Houthis as ‘military aggression’ against Yemen. Besides, when Hadi sent an invitation to a host of surrounding states to embark on a military intervention, he was no longer the president.²³ On the other hand, even if one assumed that Iran had been providing Houthis with arms, ammunition and logistics, this would not have been counted as an ‘armed attack’ by Iran against Yemen.

Resolution 2451²⁴, adopted on December 2018, expressed its support for the agreements among the political groups in Yemen in order to reach an accommodation. Resolution 2452²⁵, adopted on January 2019, formed a UN Mission to back up the Hodeidah Agreement. Resolution 2456²⁶, adopted on February 2019, renewed financial sanctions and travel ban on selected targets in Yemen, while endorsing the persistence of the arms embargo. Resolution 2624²⁷, passed in February 2022, renewed the arms embargo which had been imposed on Yemen; besides, it labelled the Houthis as a ‘terrorist group’.

²¹ UNSC Res. 2140 (26 February 2014) UN Doc. S/RES/2140.

²² UNSC Res. 2216 (14 April 2015) UN Doc. S/RES/2216.

²³ These issues are also raised by Ruys and Ferro, see Ruys and Ferro (n 11) 72.

²⁴ UNSC Res. 2451 (21 December 2018) UN Doc. S/RES/2451.

²⁵ UNSC Res. 2452 (16 January 2019) UN Doc. S/RES/2452.

²⁶ UNSC Res. 2456 (26 February 2019) UN Doc. S/RES/2456.

²⁷ UNSC Res. 2624 (28 February 2022) UN Doc. S/RES/2624.

When the pertinent resolutions are held to a critical scrutiny, it becomes clear that two common threads that bind them are their reticence about blaming the Coalition Forces for the outbreak of the Yemeni crisis and their assertiveness about blaming and punishing the Houthis.

3.4. A REVIEW OF UN SECURITY COUNCIL RESOLUTIONS ON THE GENOCIDAL ISRAELI ASSAULT ON GAZA AND THE DECEPTIVE NARRATIVE SURROUNDING THEM

In the case of the all-out assault on Gaza and the genocide, the UN Security Council remained tight-lipped for a very long time. Then, it adopted resolutions on the delivery of humanitarian assistance, subsequently called for a “humanitarian pause”, and finally put its weight behind a partial –and not a permanent- ceasefire. Throughout the Gaza crisis, almost all of the Council resolutions, such as Resolution 2712, dealing with this tragedy, were unyielding about incriminating Hamas as much as Israel.²⁸ The only resolution which spoke of “an immediate, full, and complete ceasefire”, was adopted on 10 June 2024, which meant that the Council, under enormous pressure from the US and some of its allies, had refused to push for a ceasefire until after the passage of eight months. However, even this resolution failed to demand an immediate and “full withdrawal of Israeli forces from Gaza”.²⁹

3.4.1. The Genocidal Israeli Assault on Gaza

The now all too familiar cliché that stemmed from Western capitals to condemn the Palestinian resistance forces as ‘terrorists’ was used immediately following the Operation Al-Aqsa Flood on 7th of October 2023. The truth in fact was that this was a military offensive by armed resistance groups based in Gaza directed at a number of enemy targets in southern Israel. However, the hegemonic powers and the media immediately depicted the operation as a ‘monstrous’ and an ‘inhuman’ ‘terror attack’. They felt no need to present the broader historical context of the Palestinian problem and existing strictures that almost condemned the Palestinians living in the occupied territories to a wretched existence. In this dominant narrative, Israel ought to be ‘tolerated’ even if this meant the destruction of Gaza and the mass killing of its inhabitants because Israel had the right to defend itself. This is by now a familiar story which was similarly fabricated to condemn armed resistances to military occupations in other Muslim geographies. For instance, the patriots who fought against foreign occupation in Afghanistan (initially joint US-British occupation; 2001-2021), Iraq (initially joint US-British occupation; 2003-2011), and Somali (Western-backed Ethiopian occupation: 2006-2009) were likewise branded by the same as ‘terrorists’, and the unspeakable crimes committed against them and their sympathisers, accordingly, fell on deaf ears.

The 7th of October military operation by armed Palestinians against a powerful army,

²⁸ UNSC Res. 2712 (15 November 2023) UN Doc. S/RES/2712. The Resolution expressly “*calls for the immediate and unconditional release of all hostages held by Hamas and other groups*” and “*calls on all parties to refrain from depriving the civilian population in the Gaza Strip of basic services and humanitarian assistance*”.

²⁹ UNSC Res. 2735 (10 June 2024) UN Doc. S/RES/2735.

which took the whole world by surprise, was a last-ditch attempt by Palestinians before the *Palestinian problem* was forever forgotten and removed from the agenda of the international diplomacy. At the time, normalization process between Israel and some Arab states, including an impending normalization with Saudi Arabia, was in full swing. Netanyahu had even bragged before the UN General Assembly about Israel's territorial consolidation of the entire Palestine without any strip of land being apportioned for Palestinians. The military offensive resulted in the killing of about 1200 Israelis and the seizure of some Israeli military premises, police headquarters and settlements. Israel's damning counter-offensive came later during the day. Since October 7th when the Zionist genocidal assault on Gaza began, at least 50 thousand Palestinians have been killed and more than 105 thousand of them have been wounded (as of November 2024). Israeli army encircled Gaza from land, air and sea and for months have deliberately targeted civilian settlements and civilians. Hence, the bombing of hospitals, refugee camps, UN compounds, schools, and mosques, along with the intentional killings of journalists, doctors, health and aid workers became a routine occurrence. Two thirds of those who have been killed in Gaza have been women and children. Through a further tightening of existing blockade against the inhabitants of Gaza, the killing spree has been escorted by lack of water, food, medicine and electricity in Gaza. Furthermore, Gaza has now been largely destroyed and rendered unliveable. The ruthlessness of the genocidal war in Gaza has already taken its place in the annals of collective evil deeds in human history. As noted by Moses, "*Israel's campaign is now recognised as having generated civilian deaths at a rate higher than any other war of the twenty-first century.*"³⁰ Western powers and the subservient media continued to remain silent for weeks despite the untold sufferings meted out on the people of Gaza as a result of Israel's all-out assault on Gaza and its genocidal targeting of civilians.

The West, as a collective power-bloc has up until now maintained its cold-blooded stance by refusing to pressurize Israel into agreeing to a ceasefire and to withdraw its forces from Gaza. At legal level, the West takes comfort in arguing that Israel maintains its right to defend itself against Palestinian 'terrorists'. The West's lack of moral and legal concerns is also linked to its strong identification with the Zionist entity whose main *raison d'être* is to abort the possibility of an Arab (in a broader context, Islamic) emancipation from the imperialist yoke and the unity among Arab nations.³¹ Furthermore, politically speaking, Israel, as a neo-colonial apartheid state, is a contemporary heir to Western colonialism. Alongside providing military and political support to Israel, the shameful silence of the USA, most of Europe and a few others associating themselves with the West, in the face of Zionist atrocities is also related to the depth of the Zionist influence over the financial, political, military,

³⁰ Jeremy Moses, 'Gaza and the Political and Moral Failure of the Responsibility to Protect' (2024) 18 *Journal of Intervention and Statebuilding* 211.

³¹ On Israel as an asset for Western imperialism, see A. W. Kayyali, *Zionism, Imperialism, And Racism* (Croom Helm 1979); Richard Becker, *Palestine, Israel and the U.S. Empire* (PSL Publications 2013); Hyman Lumer, 'Zionism in the service of imperialism' (*People's World*, 7 November 2023) <<https://www.peoplesworld.org/article/zionism-in-the-service-of-imperialism/>> accessed 7 January 2025.

cultural and intellectual setup of the West.³² The presidents and prime ministers of major Western countries have acted pliantly during the whole course of this crisis and repeatedly expressed their adherence to the ‘cause’ of ‘protecting’ Israel against its ‘enemies’.³³ Finally, Western power-bloc also tries to cleanse its conscience by the implicit presumption that Palestinians deserve this genocide because they have refused to fight against Hamas and have overwhelmingly stood behind the Palestinian ‘terrorists’.

Even if, for a second, we leave aside the moral obnoxiousness of the humanitarian consequences of the genocidal assault on Gaza, international law tells us a story that is completely different from the one which the West and the dominant media outlets have been telling. This dominant perception fully ignores the fact that Gaza had been under Israeli military occupation since 1967, which was not only ‘illegal’ under international law, but was an act of ‘international crime’ that had been incessantly perpetrated by Israel since it doggedly refused to withdraw from Gaza (and the West Bank) in spite of the UN Security Council resolutions (e.g. Resolution 242³⁴ of 1967) and was a breach of *jus cogens* norms of international law which form the helm of the pyramid of international legal rules.

We ought to bear in mind that, under international law, territorial gain by force is no longer permissible. This is a rule which has been firmly established at least since the adoption of the Charter of the UN in 1945. The ban on the use of force as enshrined in Article 2(4) of the UN Charter inherently implied the outlawing of the grabbing of territory by brute force which has also been a well-established norm of customary international law. This prohibition was later reaffirmed by two UN General Assembly resolutions, adopted by consensus, respectively in 1970 and 1974.³⁵ Both the Friendly Relations Declaration and the Resolution on the Definition of Aggression ruled out the seizure of territory by military aggression. This explains why the surprise military offensive launched by armed groups based in Gaza against Israeli targets could not possibly be defined as an ‘armed attack’ or a ‘terrorist attack’. This is another way of saying that, since Gaza³⁶, alongside the West Bank

³² On this, see John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and US Foreign Policy* (Penguin Book, 2007); Ramzy Baroud, ‘The uneven alliance: How America became pro-Israel’ (*Aljazeera*, 9 March 2017), <<https://www.aljazeera.com/features/2017/3/9/the-uneven-alliance-how-america-became-pro-israel>> ; Gregory Mauze, ‘Israeli Networks of Influence in Brussels: Behind the Scenes’ (*OrientXXI*, 31 January 2019) <<https://orientxxi.info/magazine/israeli-networks-of-influence-in-brussels-behind-the-scenes,2886>> accessed 7 January 2025.

³³ Donald Earl Collins, ‘Western narcissism and support for genocidal Israel go hand in hand’ (*Aljazeera*, 11 January 2024) <<https://www.aljazeera.com/opinions/2024/2/11/western-narcissism-and-support-for-genocidal-israel-go-hand-in-hand>> ; Owen Jones, ‘What atrocity would Israel have to commit for our leaders to break their silence?’ (*The Guardian*, 3 October 2024) <<https://www.theguardian.com/commentisfree/2024/oct/03/slaughter-gaza-women-children-israel-7-october>>; Tuğba Altun, ‘West continues to support Israel despite rising deaths in Gaza genocide’ (*Anadolu Agency*, 5 October 2024) <<https://www.aa.com.tr/en/europe/west-continues-to-support-israel-despite-rising-deaths-in-gaza-genocide/3352042>> accessed 7 January 2025.

³⁴ UNSC Res. 242 (22 November 1967) UN Doc. S/RES/242. The resolution asked for the “withdrawal of Israel armed forces, from territories occupied in the recent conflict.”

³⁵ UNGA Res 2625(XXV) (n 14) ; UNGA Res 3314(XXIX), ‘Definition of Aggression’ (December 14, 1974) UN Doc. A/RES/3314(XXIX).

³⁶ Gaza has been under the *de facto* Israeli occupation since 2005 when the Zionist state officially announced its withdrawal from the area.

and East Jerusalem, has been under Israeli military occupation since 1967, Palestinians in Gaza were legally qualified to exercise the right of self-defence if Palestine is considered a 'state'. If Palestine is not considered as a 'state', then, the right of Palestinian becomes a matter of resistance against a foreign occupier- Israel. This is also related to the right of a people to enjoy its right of self-determination. As asserted by Aral,

*The right of a people to liberate their homeland/country through armed resistance against alien occupation is as natural a right as a human's right to live. In contrast, an occupying power has no right of self-defense against those who are under military occupation.*³⁷

Both the international law of treaties and customary international law confer on the victims of armed attack (including military occupation) the right of self-defence. Therefore, Operation Al-Aqsa Flood, far from being a terrorist attack and a crime against humanity, was a legal and legitimate act of self-defence against a ruthless occupier which had, to the shame of international institutions like the UN, turned Gaza into an open-air prison since 2007 by imposing an all-out military blockade on Gaza and full embargo on the inhabitants of Gaza.

The mainstream politics and media in the West, the latter of which holds the ability to exert overwhelming influence and thus shape or at least influence public perceptions in many non-Western societies, have, all along the Gaza tragedy, deliberately ignored the historical context and the surrounding international conditions that led to the Al-Aqsa Flood. Among the goals of the military operation against Israel was the desire to reverse the tide of normalization between a variety of Arab states and Israel which, if went unabated, would strike a deadly blow to the Palestinian aspirations for self-determination and freedom from occupation, enslavement and grave human rights abuses. The great bulk of Western governments chose to ignore all this.

Overall, the prevalent Western representation of the Gaza tragedy has been to reduce the whole gamut of Israeli crimes, wilful killings of Palestinians, unrelenting bombardment, excessive uses of banned weapons, wide scale rapes and other sexual crimes, the targeting of hospitals, schools and residential areas, torture and ill treatment of Palestinians, simply to a 'war' between 'Israel and Hamas'. Nothing could be further than truth. This is in fact a war of annihilation which Israel waged against the whole of Palestinians already under its military occupation. If this were not the case, then, the Zionist state would not have overwhelmingly targeted the civilians and civilian settlements in Gaza, and it would not have reoccupied, killed and taken thousands of Palestinians as prisoners in the West Bank where, since October the 7th, around 800 people (as of November 2024) have been killed. Besides, if this were to be simply a confrontation between Israel and Hamas, then, the overwhelming majority of Palestinians would have opposed the Al-Aqsa Flood operation as 'needless' and would have blamed Hamas for the unprecedented suffering which they have endured in Gaza and less intensely in the West Bank for the last ten months. In fact, the opposite is

³⁷ Berdal Aral, 'Israel's Fateful March: From Settler Colonialism to Genocidal State' (Fall 2023) 25 *Insight Turkey* 181, 184-185.

true, given the rapidly escalating mass support for Hamas among Palestinians, not only in Gaza, but also in the West Bank, both as a military and political force, since it dared to stand against the ruthless Zionist enemy.

Another perverseness of the dominant discourse is its failure to advocate effective international measures against Israel. Generally deterred from more robust resolutions by the combined impact of the three unwilling permanent members from the West, USA, UK and France, all that the UN Security Council has done since the onset of the hostilities only after the devastating consequences of the Gaza genocide created international furore, has been to call for a ceasefire without however forcing Israel to withdraw from Gaza.

3.4.2. The Perversity of UN Security Council Resolutions in the Genocidal War (2023-2024) against the People of Gaza

Throughout the Gaza crisis, the miniscule number of Council resolutions which were adopted on the subject of Israel's genocidal assault on Gaza *failed to put any accusation directly on Israel*. Instead, the pertinent resolutions were worded in passive form to avoid an incrimination of the Zionist aggressor and thus resigned themselves solely to the mentioning of specific problems that needed some form of solution or at least alleviation of humanitarian misery. The one-sided prejudice of such resolutions was striking given that they were holding both sides –Israel and Palestinians- equally accountable for the crimes which transpired throughout the genocidal war in Gaza. Almost all of these limited number of resolutions spoke of “all parties” when demanding that a particular obligation ought to be respected in regard to the laws of war and/or to the relieving of vast human suffering. Although any sensible person would know that Israel was waging a war of annihilation against the people of Gaza whereas the Palestinian resistance was a ‘defensive’ force that was waging a war of national liberation against the Israeli army of occupation, this was largely cleared away from the predominant Western discourse.

One glaring example could suffice: In Resolution 2712³⁸, the operative paragraphs begin in Article 1 with the following statement: “Demands that all parties comply with their obligations under international law, including international humanitarian law, notably with regard to the protection of civilians.” This same resolution also calls for “the immediate and unconditional release of all hostages held by Hamas and other groups” (Article 3) and calls on “all parties to refrain from depriving the civilian population in the Gaza Strip of basic services and humanitarian assistance”. (Article 4) These statements are neither morally nor legally acceptable, as they fully ignore the power imbalance between Palestinians and Israel, while seeking to draw parallels and parity between the genocidal assault of Israel on the Palestinian people and the seizure of Israeli hostages by Palestinian armed groups. The said article almost consecrates the lives of a few hundred Jews as hostages and appears quite dismissive about the mass killings of thousands of Palestinians under the most excruciating circumstances. This is a testimony to the Council's pro-Israeli partisanship that has all along endeavoured to treat the ‘victim’ as ‘victimiser’.

³⁸ UNSC Res. 2712 (n 26)

Resolution 2720³⁹ of 22 December 2023 was almost a replica of the previous Security Council Resolution 2712. It expressed frustration with the failure of reducing humanitarian suffering in Gaza and failure in the delivery of humanitarian assistance. The resolution is far from blaming Israel for its international crimes. In the resolution, there is no call for a ceasefire and the withdrawal of occupation troops from Gaza. The resolution, as others, considers both parties as being equally responsible in diffusing the crisis. For instance, Article 2 “reiterates its demand that all parties to the conflict comply with their obligations under international law, including international humanitarian law”, whereas in Article 9, the Security Council] “calls for all parties to adhere to international humanitarian law and in this regard deplores all attacks against civilians and civilian objects, as well as all violence and hostilities against civilians, and all acts of terrorism”. Article 7 is similarly bewildering on account of its hypocrisy and double standards, because it “demands the immediate and unconditional release of all hostages, as well as ensuring humanitarian access to address medical needs of all hostages”, considering that there is no mention of thousands of Palestinians kidnapped by Israeli security forces in the West Bank and arbitrarily put to prison under the most egregious conditions. Article 12 of Resolution 2720 is precisely intended to get rid of Hamas as the most potent political and military actor that has put up armed resistance against the occupation forces, because it intends to leave the whole Palestinian political scene to the monopoly of the Palestinian Authority, led by Mahmoud Abbas. It says, it “stresses the importance of unifying the Gaza Strip with the West Bank under the Palestinian Authority.”

The Palestinian Authority is known to have almost entirely lost its popular appeal, prestige and credibility due to widespread corruption with which it has been entangled, its failure to stand against Israeli military occupation and its collaboration with the Zionist security apparatus in order, so to speak, quash ‘terrorism’. This also suggests that major international actors that have a seat in the Security Council have no qualms about interfering in Palestinian domestic politics in favour of a particular faction –those embodying mainly a secular and pliant posture- and are –more or less- united in their longing for a largely emasculated Hamas because it espouses military resistance against the Zionist enemy, refuses to recognize Israel and the Oslo ‘peace process’, *and* grounds itself in an Islamic worldview.

Resolution 2728⁴⁰ of 25 March 2024 was also an expression of the pro-Israeli bias of the Security Council. While in the preamble, it condemns “attacks against civilians and civilian objects” which implicates Israel more than the Palestinian side, as if to counterbalance it, the same paragraph also deplores “all acts of terrorism”, most probably as a reference to Hamas, although the Palestinian armed groups had been waging a war against the forces of occupation and therefore had been far from engaging in terrorism. Although Resolution 2728 expressed the Council’s “deep concern about the catastrophic humanitarian situation in the Gaza Strip”, it failed to demonstrate any tangible signs of change vis-à-vis its posture in the Gaza crisis which had turned Gaza into a graveyard. While the unbearable conditions in

³⁹ UNSC Res. 2720 (22 December 2023) UN Doc. S/RES/2720.

⁴⁰ UNSC Res. 2728 (25 March 2024) UN Doc. S/RES/2728.

Gaza and international pressure prompted the Council to demand “an immediate ceasefire for the month of Ramadan respected by all parties leading to a lasting sustainable ceasefire”, it failed to bolster its decision with possible coercive measures in case Israel failed to act upon it. Besides, the following one-sided injunction which was unjustly dictated on the Palestinian side cropped up in this resolution too: It said, the Security Council “demands the immediate and unconditional release of all hostages”, which was still not reciprocated by a parallel call on Israel to release thousands of Palestinian ‘hostages’ or ‘captives’ arbitrarily arrested in the West Bank by Israeli security forces after 7 October (2023). Not unpredictably, Israel acted in total disregard of this resolution and continued its genocidal assault in Gaza.

The only Security Council resolution which, at least, on paper, spoke of “an immediate, full, and complete ceasefire”, but not a permanent ceasefire (“three-phase ceasefire”), was adopted on 10 June 2024, after the passage of more than eight months during which time untold sufferings had already been meted out on the Palestinians in Gaza. Yet, even this resolution, Resolution 2735, was far from demanding a complete withdrawal of the Israeli troops from Gaza.⁴¹ It was indeed worded deceptively because it said that the Security Council “welcomes the new ceasefire proposal announced on May 31, which Israel accepted, calls upon Hamas to also accept it.” In fact, the opposite was true: Hamas accepted the peace proposal, while Israel refused it. Like previous resolutions on the Gaza catastrophe, this resolution also refused to make reference to Chapter VII of the UN Charter, dealing with “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression” in order to avoid undertaking any forceful action against the Zionist aggressor if it did not comply with the Security Council resolutions.

The persistence of most of the Western states to treat Israel as a ‘normal state’ even after Israel’s horrific assault on Gaza is truly shocking. Secure in the knowledge that the West was fully behind it, the International Olympic Committee desisted from banning Israel’s participation to the 2024 Paris Olympic Games. Israel also been saved from facing a possible exclusion from joining the Eurovision Song Contest which was held in May 2024. This is in sheer contrast with the treatment meted out at South Africa during the Apartheid era when it faced military and economic sanctions escorted by academic, cultural, and sporting boycott of its citizens, which were mainly, although not exclusively, driven by the UN. While the Nazis in Germany were branded as *hostis humani generis* because of their military aggression, horrific crimes, cruelty, utter disregard for international law and morality, genocidal killings of various peoples, no such designation has been made for Israel although its pattern of behaviour based on sheer greed, wickedness, hostile intent against others, systematic racism, war crimes of all sorts, crimes against humanity, and crimes against peace and its perpetration of genocide, military aggression and territory grabbing has already paralleled, if not surpassed, the Nazi Germany’s practices. Most of the political leaders in the West were perfectly happy about meeting the Prime Minister and members of the Israeli cabinet at least until the arrest warrant issued against Benjamin Netanyahu and Yoah Gallant by the

⁴¹ UNSC Res. 2735 (n 27)

International Criminal Court in November 2024. Even today they continue to view Israel as a ‘state’ like others while turning a blind eye to its abnormal origins, perpetual military aggressions, its colonial-settler character, its being an apartheid state and its endless chain of other grave crimes.

4. COMPARING THE UN AND WESTERN ATTITUDES IN THE THREE LATEST CASES OF AGGRESSION: WARS IN YEMEN, UKRAINE, AND GAZA

Following the Russian military occupation of Ukraine in 2022, members of NATO were quick to condemn this armed attack, which was immediately followed by Western sanctions against Russia. They immediately demanded that Russia should withdraw from the occupied territories.⁴² In addition to all that, the West has armed Ukraine with a broad range of sophisticated weapons. By contrast, members of NATO not only failed to condemn Israel’s genocidal assault on Gaza in October 2023, but mostly condoned Israeli aggression and brutality by, *inter alia*, sticking to the pretext which one found in the catchphrase, “Israel has the right to defend itself”. The West even went further by supplying the Israeli war machine with diverse range of weapons.⁴³ In order to justify the siege of Gaza and the ruthless killing of Palestinians by Israeli forces, Western governments and media immediately began dehumanising ordinary Palestinians, including children.⁴⁴ This contrasting attitude in two similar cases is an instance of Western hypocrisy and double standards of *epic proportions*.

Indeed, the Western hypocrisy, conventionally found expression in the unprincipled posture of the Western group in the UN Security Council often determined by realpolitik calculations, has become ever more conspicuous in the Gaza tragedy. While immediately after the onset of the Russian military aggression against Ukraine in 2022, Western governments denounced the ‘illegality’ of this action, by contrast, the same group of states mostly failed to ‘remember’ the legal rules of the game when Israel launched its barbaric attack on Gaza in 2023. As a result, most of those upholding liberal ideas in the Global South have been profoundly disappointed about the liberal project and other rules of the game, including the norms of international law.⁴⁵ The West’s lack of sincerity in the proper implementation of international law and human rights is aptly noted by Cafiero:

People of the Global South have long understood the West to be hypocritical on human rights issues and never consistent in calls for applying international law. But

⁴² On the international legal aspects of the war in Ukraine, see ‘War in Ukraine and International Law’ (April 2024) 26 (Special Issue) *International Community Law Review*. However, the West was not able to deploy the UN Security Council against the Russian aggressor simply because the latter was a permanent member of this body with the accompanying right of veto.

⁴³ Lindsay German, ‘The hypocrisy of the West is exposed’ (*Counterfire*, 23 November 2023) <<https://www.counterfire.org/article/the-hypocrisy-of-the-west-is-exposed/>> accessed 27 November 2024

⁴⁴ Chelsea Ngoc Minh Nguyen, ‘Gaza vs Ukraine: A double standard that has broken the world order’ (*OpenDemocracy*, 10 June 2024) <<https://www.opendemocracy.net/en/gaza-ukraine-hypocrisy-geopolitics/>> accessed 27 November 2024

⁴⁵ *ibid.*

*never before has such hypocrisy been as in-your-face as it is amid the current horrors out of Gaza.*⁴⁶

This hypocrisy has also extended to the Western indifference to, and even encouragement of, the illegal military intervention of Yemen by a coalition of Arab states led by Saudi Arabia in 2015. Leading Western states such as US, Britain, and France have not only turned a blind eye to this legally indefensible military intervention in the Yemeni soil and the atrocities which the invading armies committed, including the condemnation of civilians to starvation as a war strategy, but also provided the aggressors with arms and intelligence, in addition to giving them logistical support.⁴⁷ Disappointingly, US President Donald Trump used five vetoes after taking office in January 2017, “four of which were related to halting arms sales where either Saudi Arabia or the United Arab Emirates (UAE) were included in the resolutions.”⁴⁸

The 2020 report of the UN Group of Eminent International and Regional Experts on Yemen called on the UN Security Council to authorize military action (‘military enforcement action’, as envisioned by Article 42 of the UN Charter) in order to bring the Yemeni campaign to an end. The report also drew on the grave violations of international humanitarian law, including civilian killings, starvation, prevention of the distribution of humanitarian aid, sexual assault, and the use of child soldiers. Finally, the report also enjoined states not to sell weapons to the warring parties given that this served the prolongation of the conflict.⁴⁹

In the light of the disastrous consequences of the Saudi-led military intervention in Yemen, the UN ought to be condemned for its failure to bring about an effective solution to this drawn out war. The chief actors within the UN Security Council ought to be blamed for their lack of a genuine commitment to peace and for their hypocrisy.⁵⁰

The Security Council presently musters a great deal of authority which has turned it into a colossal, centralized power. In the words of Hurd,

Never before...has the military capacity of the most powerful states ever been collectively organized toward a single purpose and encoded in law that is binding on both

⁴⁶ Giorgio Cafiero, ‘War on Gaza: In Munich, the Global South once again saw blatant hypocrisy of western leaders’ (*Middle East Eye*, 24 February 2024) <<https://www.middleeasteye.net/opinion/war-gaza-munich-global-south-saw-blattant-hypocrisy-western-leaders>> accessed 27 November 2024

⁴⁷ Abdulaziz Kilani, ‘Ending Western hypocrisy is the key to ending the war in Yemen’ *TRTWORLD* (2019) <<https://www.trtworld.com/opinion/ending-western-hypocrisy-is-the-key-to-ending-the-war-in-yemen-12729189>> accessed 27 November 2024.

⁴⁸ *ibid.*

⁴⁹ ‘UN Group of Eminent International and Regional Experts on Yemen Briefs the UN Security Council Urging an end to impunity, an expansion of sanctions, and the referral by the UN Security Council of the situation in Yemen to the International Criminal Court’ (3 December 2020) Independent Investigation, UN Human Rights Office of the High Commissioner <<https://www.ohchr.org/en/press-releases/2020/12/un-group-eminent-international-and-regional-experts-yemen-briefs-un-security?LangID=E&NewsID=26563>> accessed 27 November 2024.

⁵⁰ Tzimas (n 13) 187.

*the powerful and the rest.*⁵¹

The composition of the Security Council and its decision-making process suggest that, for the Council to show determination in exerting its power when a major international security crisis erupts, the Great Powers of 1945, as permanent members in the Council with the accompanying veto power, ought to be in agreement among themselves. If such consensus is lacking, the system of collective security inevitably becomes dysfunctional.⁵² This is the major structural defect behind the Security Council's apparent apathy and lack of determination for mandating robust action in many situations endangering international peace and security, *inter alia*, brought about by military aggression.

The Security Council's practice is a testimony to the fragility of the link between law and politics in the international arena. This is particularly due to the heavy impact of the Council's *practice* on the way the members conceive, interpret and apply the UN Charter rules about the competence and the *modus operandi* of the Council.⁵³ The leading members' concern with law and justice immediately diminishes when they reckon that their high policy interests are at stake during discussions for a draft resolution tabled before the UN Security Council. Indeed, the Security Council is an organ of the UN within which, in particular, the permanent members often deliberate on the basis of national interests. This we have witnessed in almost every major crisis which transpired after the Cold War, from wars and conflicts in the Middle East to the ones in Ukraine and Kosovo.⁵⁴

This is an indication that international law and dominant international institutions are still marked by the damning influence of colonialism and the colonial heritage.⁵⁵ The power asymmetries that privilege the West against the 'developing world', manipulative use of international law by hegemonic powers, imperial assaults against a host of states and non-state actors in the South by leading Western actors, and the 'predatory' globalization⁵⁶ that benefits mostly the main centres of global capitalism, are all testimonies to the colonial roots of international law, the endurance of imperialism, and the inequity of the existing international order. Orientalist clichés and endemic racism against 'non-whites' are still among the markers of the hegemonic international order and the dominant international discourse that sustains it.

⁵¹ Ian Hurd, 'The UN Security Council and the International Rule of Law' (2014) *The Chinese Journal of International Politics* 2.

⁵² *ibid* 6.

⁵³ *ibid* 16.

⁵⁴ Sebastian von Einsiedel David M. Malone and Bruno Stagno Ugarte, 'Introduction' Sebastian von Einsiedel, David M. Malone and Bruno Stagno Ugarte (eds.), *The UN Security Council in the Twenty-First Century* (Lynne Rienner Publishers 2016) 16.

⁵⁵ On the relevance of colonialism for international law, see Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870–1960* (Cambridge University Press 2002); Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press 2004).

⁵⁶ A term coined by Richard Falk to draw on the unfairness and the top-down organizing structure of globalization in our age. See Richard Falk, *Predatory Globalization: A Critique* (Polity Press, 1999).

5. CONCLUSION

Throughout the crises in Yemen and Gaza, the international order and the prevailing international media have rarely made recourse to international law, justice, morality or peace. The dominant media have chosen to act as propagandists of imperialistic power centres whose view of international legal rules, their interpretation and implementation in concrete circumstances on the use of force, international peace and security, collective security system, international humanitarian law, principle of sovereignty, or self-determination is largely influenced by Western concerns about the dictates of international political economy, national self-interests and long term geopolitical strategies in the non-Western world. In Yemen, the Houthis were demonized by the pro-Western and pro-Coalition propagandists to the extent that the latter managed to create a climate which, for a long time, sought to conceal the mass killings of innocent people by indiscriminate bombardment of the Coalition Forces and the deadly blockade of Yemen by the same, both of which victimised almost the entire population. Western body-politics kept on thrusting the barrage of accusations on the ‘Houthis’ as the ‘devil incarnate’ to the extent that the serious violations of the law of armed conflict (*jus in bello*), including the targeting of civilian settlements and civilians as well as death by starvation or by curable diseases like cholera due to the deprivations caused by the international blockade, were rendered either easier to stomach or simply ‘invisible’.

The latest episode in the long chain of the Palestinian ordeal has *a fortiori* proven yet again that Israel, Israelis and the Zionists have been able to muster enormous economic, political and media power globally. This means that they have become an inseparable and indispensable part of the imperialist hegemony which has largely imposed its will, first and foremost, in the Arab and Muslim world. Despite its genocidal policies and the ruthlessness of its military occupations, Israel still maintains its status as the ‘sacred cow’ of this ‘predatory’ and ‘unjust’ globalized international order. The Gaza genocide case which has been watched live by the whole world since October 2023, has been a tragic testimony to the bitter truth that there is ‘nothing new on the Western front’.

This is another way of saying, then, that Muslim lives do not matter for the overlords of the existing unfair and grossly unequal international order. In this distorted and hypocritical system, any Western actors or a non-Western actor with Western credentials could afford to commit ethnic cleansing, engage in military interventions and occupy the territory of a Muslim country or non-state actor should it be considered as ‘hostile’ or ‘unruly’, commit all sorts of war crimes, and crimes against humanity on a massive scale with impunity if the blood that is spilled belongs to Muslims whatever their ethnic or cultural origins. On critical issues, like the use of force, this international order is premised on a perverse interpretation of international legal norms, a still Western-centric view of politics, society, human rights and law, and the manipulative use of the UN Security Council. As such, this order stifles the aspirations of the Global South and more specifically the Muslim world for justice and peace.

Israel being a major bastion of imperialist aggression, there exists an intricate liaison

between the Zionist state, Zionist lobbies world over, political power centres in the West, global capitalism, and the mainstream media. The morally bankrupt posture which the most powerful members of the Western world have adopted during the war of annihilation in Gaza and the prevalent Western insinuation that ‘humans’ that are worthy of support and protection in times of ‘humanitarian crisis’ like wars, genocide and ethnic cleansing are only the ‘white’ people that belong to Western civilisation, are indicative of the moral baseness and the rapidly declining legitimacy of the existing international order. This rationale also explains why the West collectively stood behind Ukraine militarily and politically following the invasion of its territory by Russia and gave *en masse* refuge to the fleeing Ukrainians who found solace in various European countries. This also explains, why, Israel, unlike Russia (and Byelorussia for siding with Russia), has not been banned from joining the 2024 Olympic Games, a symbolic but very powerful symptom of the malaise that infects the international order which is conspicuous with its lack of genuine commitment to peace and justice, its hypocrisy and double standards.

The sovereignty of the Third World states has accordingly been put at risk, *inter alia*, on account of the frequently arbitrary uses of force by Western powers, their allies and associates like Israel, Ethiopia, and Saudi Arabia. Instances of military occupation and illegal military intervention by a host of ‘privileged’ actors with apparent impunity, have been variably justified by either vilifying one of the parties in an internal power struggle or by disregarding the right of a people to self-determination or by alleging that a particular regime has been involved in serious human rights violations, or simply, as too frequently done since the end of the Cold War, by claiming to fight against (mostly international) ‘terrorism’.

BIBLIOGRAPHY

- Amnesty International, ‘Yemen War: No End in Sight’ (24 March 2020) <<https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>> accessed 7 January 2025
- Altun T, ‘West continues to support Israel despite rising deaths in Gaza genocide’ (Anadolu Agency, 5 October 2024) <<https://www.aa.com.tr/en/europe/west-continues-to-support-israel-despite-rising-deaths-in-gaza-genocide/3352042>> accessed 7 January 2025.
- Anghie A, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press 2004).
- Aral B, ‘Israel’s Fateful March: From Settler Colonialism to Genocidal State’, (Fall 2023) 25 *Insight Turkey* 181.
- Baroud R, ‘The uneven alliance: How America became pro-Israel’ (Aljazeera, 9 March 2017), < <https://www.aljazeera.com/features/2017/3/9/the-uneven-alliance-how-america-became-pro-israel>> accessed 7 January 2025.
- Cafiero G, ‘War on Gaza: In Munich, the Global South once again saw blatant hypocrisy of western leaders’ (*Middle East Eye*, 24 February 2024) <<https://www.middleeasteye.net/opinion/war-gaza-munich-global-south-saw-blattant-hypocrisy-western-leaders>> accessed 27 November 2024.
- Collins DE, ‘Western narcissism and support for genocidal Israel go hand in hand’ (Aljazeera, 11 January 2024) <<https://www.aljazeera.com/opinions/2024/2/11/western-narcissism-and-support-for-genocidal-israel-go-hand-in-hand>> accessed 7 January 2025.
- Darwich M, ‘Escalation in Failed Military Interventions: Saudi and Emirati Quagmires in Yemen’ (2020) 11 *Global Policy* 103.

- Falk R, *Predatory Globalization: A Critique* (Polity Press, 1999).
- German L, 'The hypocrisy of the West is exposed' (*Counterfire*, 23 November 2023) <<https://www.counterfire.org/article/the-hypocrisy-of-the-west-is-exposed/>> accessed 27 November 2024.
- Harris D, *Cases and Materials on International Law* (3rd edn, Sweet & Maxwell 1983).
- Hurd I, 'The UN Security Council and the International Rule of Law' (2014) *The Chinese Journal of International Politics* 2.
- Ibsais A, 'Palestinians are being dehumanised to justify occupation and genocide' (*Aljazeera*, 20 August 2024) <<https://www.aljazeera.com/opinions/2024/8/20/palestinians-are-being-dehumanised-to-justify-occupation-and-genocide>> accessed 7 January 2025.
- Jones O, 'What atrocity would Israel have to commit for our leaders to break their silence?' (*The Guardian*, 3 October 2024) <<https://www.theguardian.com/commentisfree/2024/oct/03/slaughter-gaza-women-children-israel-7-october>> accessed 7 January 2025.
- Kayyali A W, A. W. Kayyali, *Zionism, Imperialism, And Racism* (Croom Helm 1979)
- Kilani A, 'Ending Western hypocrisy is the key to ending the war in Yemen' *TRTWORLD* (2019) <<https://www.trtworld.com/opinion/ending-western-hypocrisy-is-the-key-to-ending-the-war-in-yemen-12729189>> accessed 27 November 2024.
- Knights M, 'The Houthi War Machine: From Guerrilla War to State Capture' (2018) 11(8) *CTCSentinel* <<https://ctc.westpoint.edu/houthi-war-machine-guerrilla-war-state-capture/>> accessed 7 January 2025.
- Koskenniemi M, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870–1960* (Cambridge University Press 2002).
- Lumer H, 'Zionism in the service of imperialism' (*Peoples World*, 7 November 2023) <<https://www.peoplesworld.org/article/zionism-in-the-service-of-imperialism/>> accessed 7 January 2025.
- Mauze G, 'Israeli Networks of Influence in Brussels: Behind the Scenes' (*OrientXXI*, 31 January 2019) <<https://orientxxi.info/magazine/israeli-networks-of-influence-in-brussels-behind-the-scenes,2886>> Accessed 7 January 2025.
- Mearsheimer JJ and Walt SM, *The Israel Lobby and US Foreign Policy* (Penguin Book, 2007).
- Moses J, 'Gaza and the Political and Moral Failure of the Responsibility to Protect' (2024) 18 *Journal of Intervention and Statebuilding* 211.
- Nguyen, Chelsea Ngoc Minh, 'Gaza vs Ukraine: A double standard that has broken the world order' (*OpenDemocracy*, 10 June 2024) <<https://www.opendemocracy.net/en/gaza-ukraine-hypocrisy-geopolitics/>> accessed 27 November 2024
- Preve A, 'The US is complicit in Saudi atrocities in Yemen' *Al Jazeera English* (19 March 2020) <<https://www.aljazeera.com/opinions/2020/3/19/the-us-is-complicit-in-saudi-atrocities-in-yemen>> accessed 13 August 2024.
- 'Q & A on The Conflict in Yemen and International Law' *Human Rights Watch* (6 April 2015) <<https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law>> accessed 13 August 2024.
- Reuters, 'U.S. says Yemen's Houthis bear "major responsibility" in conflict' (14 June 2021) <<https://www.reuters.com/world/middle-east/us-says-yemens-houthis-bear-major-responsibility-conflict-2021-06-04/>> accessed 7 January 2025.
- Robinson K, 'Yemen's Tragedy: War, Stalemate and Suffering' 2023 *Foreign Affairs* <<https://www.cfr.org/backgrounder/yemen-crisis>> accessed 12 August 2024.
- Ruys T and Ferro L, 'Weathering the Storm: Legality and Legal Implications of the Saudi-Led Military Intervention in Yemen' (2016) 65 *International and Comparative Law Quarterly* 61.
- Stephens B, , ' Hamas Bears the Blame for Every Death in This War' (*The New York Times*, 15 October 2023)

<<https://www.nytimes.com/2023/10/15/opinion/columnists/hamas-war-israel-gaza.html>> accessed 7 January 2025

- Tzimas T, 'Legal Evaluation of the Saudi-Led Intervention in Yemen: Consensual Intervention in Cases of Contested Authority and Fragmented States' (2018) 78 *The Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (ZaöRV).
- von Einsiedel S, Malone DM, Ugarte BS, 'Introduction' Sebastian von Einsiedel, David M. Malone and Bruno Stagno Ugarte (eds.), *The UN Security Council in the Twenty-First Century* (Lynne Rienner Publishers 2016).
- UNICEF, 'Yemen Humanitarian Situation Report No. 1' (19 May 2024) < <https://reliefweb.int/report/yemen/unicef-yemen-humanitarian-situation-report-no-1-january-march-2024-enar#:~:text=SITUATION%20OVERVIEW%20AND%20HUMANITARIAN%20NEEDS,estimated%20to%20be%20internally%20displaced.>> accessed 13 August 2024.
- United Nations, 'Charter of the United Nations' (26 June 1945) UNTS XVI.
- United Nations General Assembly, UNGA Res 2131 (XX), 'Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty' (21 December 1965) UN Doc. A/RES/2131(XX).
- United Nations General Assembly, UNGA Res 2625(XXV), 'Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the UN' (24 October 1970) UN Doc. A/RES/2625(XXV).
- United Nations General Assembly, UNGA Res 3314(XXIX), 'Definition of Aggression' (December 14, 1974) UN Doc. A/RES/3314(XXIX)
- United Nations Security Council, UNSC Res. 1766 (23 July 2007) UN Doc. S/RES/1766.
- United Nations Security Council, UNSC Res. 2140 (26 February 2014) UN Doc. S/RES/2140.
- United Nations Security Council, UNSC Res. 2216 (14 April 2015) UN Doc. S/RES/2216.
- United Nations Security Council, UNSC Res. 242 (22 November 1967) UN Doc. S/RES/242.
- United Nations Security Council, UNSC Res. 2451 (21 December 2018) UN Doc. S/RES/2451.
- United Nations Security Council, UNSC Res. 2452 (16 January 2019) UN Doc. S/RES/2452.
- United Nations Security Council, UNSC Res. 2456 (26 February 2019) UN Doc. S/RES/2456.
- United Nations Security Council, UNSC Res. 2624 (28 February 2022) UN Doc. S/RES/2624.
- United Nations Security Council, UNSC Res. 2712 (15 November 2023) UN Doc. S/RES/2712.
- United Nations Security Council, UNSC Res. 2720 (22 December 2023) UN Doc. S/RES/2720.
- United Nations Security Council, UNSC Res. 2728 (25 March 2024) UN Doc. S/RES/2728.
- United Nations Security Council, UNSC Res. 2735 (10 June 2024) UN Doc. S/RES/2735.