

Ex-UN Official Reveals True Scope of Gaza Genocide | Craig Mokhiber

Genocide has no speed limits nor time constraints. The two-year long slaughter of the Palestinians in Gaza is but the latest phase of a Holocaust that has been going on for nearly a century. The deliberate and collective plan to erase an entire people physically, culturally, and even strike them from the historical record is much older than "October 7". The complete destruction of this ancient Arab civilisation is systematic and perpetrated not only by the Israelis. It's the effort of white-settler colonial Europeans to pull off just one more time the annihilation of an indigenous population the way the Europeans exterminated already three other continents. Today I'm talking to Craig Mokhiber, the former Director of the human rights office at the UN Headquarters in New York, who in October 2023 quit the agency publicly, over the already unfolding atrocities in Gaza and what most of us today recognize as the beginning of the Gaza Genocide. Craig's Article: <https://mondoweiss.net/2025/04/yemen-is-acting-responsibly-to-stop-genocide-and-the-u-s-is-bombing-them-for-it/>

#M3

When they say we have shared values with Israel, they don't mean democracy and human rights. I mean, Israel has never been a state which exemplified those. It's not a democracy. It's an apartheid regime. It's an oppressive authoritarian regime. A large proportion of the people it controls live under a military dictatorship. A large proportion of the people who have a right to be a part of the polity are not even allowed to come home from the diaspora. So it's never been a democracy. It could never be a democracy unless it were to abandon Zionist ideology and say, yes, as I have always advocated, by the way, we need a single democratic secular state with equal rights for Christians, Muslims, and Jews. But it will not do that because that erases the whole project, which is a different ideological project altogether. The enthusiastic support for that is because of shared negative values like colonialism, like white supremacy, like the domination of the West over the rest of the planet.

#M2

Hello everybody, this is Pascal from Neutrality Studies, and today I'm talking to Craig Mokhiber, the former director of the Human Rights Office at the UN headquarters in New York, who in 2023 quit the agency publicly over the already unfolding atrocities in Gaza and what most of us today recognize as the beginning of the Gaza genocide. The grim and horrendous situation in Palestine, as well as the role of international law, is what we want to discuss today. So, Craig, welcome.

#M3

Thank you, Pascal. Nice to be with you.

#M2

Nice to have you because, as I've told you before, you're one of those voices that dares to speak out. And you also put things into an international law context, which I appreciate very much. Although there are people who say the current situation shows that international law doesn't matter, I would disagree. But you've been working in this field for 30 years. Can we maybe begin with your assessment of the situation? Have you ever seen something that resembles the current situation in Palestine?

#M3

I have not. I've never seen a situation that resembles the current situation in Palestine. And I've never seen a situation, not just in my 32 years at the UN, but my 40-plus years in the international human rights movement, where the entire international legal regime, the entire international human rights system, was so precarious and rendered so precarious by the very situation that we're talking about in Palestine. There have been ups and downs. There have been difficult decades when even the UN, at least the political offices of the UN, abandoned what was the more principled approach to Palestine, one based in international law, one based in international human rights, all in the name of this Oslo ruse, this amorphous political process that was never intended to and never could have delivered justice for the Palestinian people, at least not in a legal or a moral sense.

Those were very difficult times as well because the international community lost the plot. They forgot about the rights of the Palestinian people throughout all of those years. But, you know, there is a history before Oslo, which is the entire length of time from the beginning of the UN or the destruction of Palestine in the Nakba and the founding of the State of Israel. Until Oslo started, you actually had an international community that was very focused on the rights of the Palestinian people, their right to self-determination, and opposition to the colonization of Palestine, as well as Zionism as a form of racism and colonialism.

All of that was pushed back onto the back burner and beyond by the Oslo process, which I think was exactly, tactically, what it was intended to do by many of its sponsors. But we have emerged from that. Oslo has been left long ago in the dust. What we're seeing now is the culmination of an 80-plus year process of genocide against the Palestinian people, perpetrated not just by their Israeli colonizers, but also by the United States, the United Kingdom, Germany, and other complicit states. In the process, there has been the intentional dismantling of what was a nascent legal order set up brick by brick since the Second World War. So no, I've never seen a moment quite like this one in my lifetime.

#M2

This is a very sad assessment, but we do need to talk about the intricate role of the United Nations in the entire process because the whole founding and the legal recognition in the UN of Israel and the recognition of Palestine and then the recognition of the Palestinian territories as occupied, and so on, after '67. This is intricately always connected with the UN, including a special agency, UNRWA, that was supposed to be an aid network for Palestinians. So there have always been these two sides, right? And what is your assessment of the complicity or the involvement—let's call it involvement—of the UN in this entire catastrophe?

#M3

Well, the UN has had a schizophrenic relationship with Palestine from the very start. That's because whenever you talk about the UN, I always remind people, you have to say which UN you're talking about. If you're talking about the political corridors and some of the intergovernmental bodies, they have been entirely complicit. They share in the original sin of the dispossession of the Palestinian people in the beginning of their long-sustained Nakba since 1948 until today. There was always another UN, which was a UN made up of independent human rights mechanisms, judicial mechanisms like the International Court of Justice, special rapporteurs, treaty bodies, those sorts of things. They have always taken a principled, law-based, human rights-centered approach to the question, but their voice has never in the past dominated.

Now, I have to say, the volume of those voices is rising today in ways that do provide some encouragement. For the first time in history, we're seeing holes in the wall of impunity that the West has built around their Israeli project in the Middle East. Israel has enjoyed absolute impunity for its entire existence. The Israel exception is something that was born at the same moment that the Universal Declaration of Human Rights was born. 1948 was when the Declaration was adopted and was also when that state was established by the West and placed above international law. And that impunity, that wall of impunity, has been defended ever since. It's been hard to break through and to try to see some light through that wall of impunity.

But just in the last decade, year and a half, while we have witnessed historic horror in Palestine, we have also witnessed the first glimmers of hope, of accountability, and of some change in direction. And this I say because it is simply a fact that today Israel is on trial for genocide in the International Court of Justice. Its leaders are the subject of arrest warrants for crimes against humanity, including extermination in the International Criminal Court. They have been condemned, their violations and crimes documented by every independent international human rights mechanism at the United Nations. They have been found by the International Court of Justice and all human rights organizations with any kind of credibility at all to be perpetrating apartheid across the land.

And having found that the occupation itself in the West Bank and Gaza is entirely unlawful and must be ended entirely and quickly, this is a completely different world from where we were just two

years ago when Israeli impunity was absolute. That impunity continues, and Western support for that impunity continues, which is why the impunity continues, but it's being chipped away piece by piece. And I think if we can continue a sustained movement for justice, for human rights, for a norm-based international order over the brute use of force, which is all we have witnessed so far, there is hope not just for accountability, but for liberation for the Palestinian people.

#M2

Okay, I'm glad to hear that from you, because some people get very cynical and say, look, this proves that human rights law and even humanitarian law don't work. It's just the strong do what they want and the weak suffer what they must. But we have had this human rights law now for 80 years, and the situation would be even worse if we didn't. I mean, there is this second part of the UN, right? The judicial part, and people like you who advocate for jus cogens norms and the overriding power of those, stand in contrast to the political bunch. And of course, the UN is both. It's a very, very imperfect organization, but that's what we've got. Do you think that there will be UN mechanisms that will help in the end to end this tragedy, or do we have to look for other means, like public opinion, for instance?

#M3

Well, all of the above. I mean, it's true, as the saying goes, that the master's tools can never be used to free you from the master. I forget the exact quote, but they are one set of tools in the toolkit, alongside political action, popular movements, legal action, and things like boycott, divestment, sanctions, protest, civil disobedience, and resistance. All of these things taken together contribute to the process of liberation. One of them on its own, history tells us, is never enough, but the collective force of all of these things brings hope of some justice in the end. I always think about the South African apartheid case.

I think it's illustrative of the role that international law and international institutions can play when operating in solidarity with an oppressed people. You had a situation where right up through the 1980s, countries like the United States and others in the West were supporting the apartheid regime in South Africa. But the people in those countries organized themselves—churches, unions, social movements, and others. They eventually were able to create enough pressure on their own states that the policy of support for apartheid changed. In the process, they managed to isolate South Africa so much that it was feeling the bite, despite the support it had from powerful Western states, through its economy, cultural and sports activities, and so on, that were excluded from global competition diplomatically.

It did not have the respectable standing necessary to negotiate for the kind of trade, the kind of international relationships that a state craves. And so that was a bottom-up, you know, starting with the resistance in South Africa and then social movements across the West, mobilizing in solidarity with that resistance in South Africa, ultimately changed official policy. In the process, they used the

mechanisms of the UN Human Rights Commission, of the General Assembly, of the apartheid mechanisms that were established, despite the fact that they couldn't use the Security Council because of a US and UK veto. Sound familiar?

So, no, no one tool is enough to bring liberation, but all of these together will. And I would say, Pascal, that the struggle for legitimacy has already been won. Most of the world, including overwhelmingly the states of the world that consistently vote on the side of Palestine, also intervene in cases in the International Court of Justice in support of Palestine. Most of the people of the world, beginning with but not stopping with the people of the Global South, are spreading across the West now. Young people, Jews and Christians and Muslims and agnostics and labor union activists and peace activists and human rights activists, you know, across the board, are in solidarity with the people of Palestine.

Most of those people express support for the idea of an international order that is governed by the rule of law, or at least in part governed by the rule of law, rather than just brute force, which is the reality that we're seeing now. So the battle for legitimacy is already won. It's just that we haven't yet overcome the oppressive imperial power of the United States and its closest allies and the overwhelming military power of the state of Israel. Although we have seen in the last year and a half that the military power of Israel is not as impermeable, not as overwhelming as people once thought, that Israel has a military that could be defeated. But long before that happens, I think the struggle for legitimacy has already been won.

#M2

Yes, I mean, I see that too. But, you know, when we talk about the crime of genocide, I mean, there are different types of genocides, right? There are these very short outbursts of ultra-high violence. An example of that would be Rwanda, of course. Then there's the hidden type of genocide. The Holocaust would be an example of that. The Nazis didn't try to tell everybody that they were exterminating the Jews. They tried to hide it because they knew it was, to the conscience of the time, also then it was unimaginable. And then we have open genocide, the most blatant form of genocide, which is the one that we're seeing with Gaza and with Palestine in general. I mean, you already put it into an 80-year perspective, right? It's an 80-year ongoing process of transforming the land of one people into the land of another people and getting rid of as many of the original people as you can.

And that is very reminiscent of the kinds of genocides that happened in North America. You know, the fact of the matter is the North American continent today is mostly white and black because of slave labor, slaves that were brought over. The indigenous population is mostly wiped out. So is Australia, and good parts of South America. And that type of genocide is this kind of 150- to 200-year type of genocide that goes on, right, that you need in order to uproot populations. And I fear that Israel is still playing the long game and trying just to, you know, do whatever you can at whichever point to get rid of as many people as you can, that that's what's happening. Do you

agree, or do you see it differently in terms of what the current plan is? Because also the Oslo plan seems to have been, you know, just playing into that long game.

#M3

Oslo is a very good example. It never, ever addressed the fundamental human rights of the Palestinian people. It never addressed the notion of equality. It never addressed human rights inside the Green Line. It never addressed the right to return or to compensation. It never addressed the principle of racial equality inside of Israel. And even those things that it purported to address, which is to say what's happening in the occupied territory, all turned out to be a lie. It was more than anything else. And I worked within the context of the Oslo process. I was based in Gaza for two years during the Oslo process and lived there.

You know, even that part of the process was always just a tactic for stalling, for buying time as they expedited settlement expansion, as they expanded oppressive laws across the West Bank, the de-development of the Gaza Strip, and so on. The very logic of the Israeli state and of the Zionist project that led to the creation of the Israeli state has always been annihilatory. It has always been, as you point out, the same kind of ideological project that we saw in the destruction of the native peoples in the Americas and the settlement on top, the erasure and settlement on top of their lands in Australia, New Zealand, and plenty of other places, although it's interesting.

The political alliances at the UN, the so-called regional groups, are all regional groups, except one, which is the so-called WEOG group, the Western Europe and Others Group. The Western Europe piece of that is obvious, but the Others Group includes the United States, Canada, Australia, New Zealand, and Israel, and for a time, white South Africa when apartheid was still in place, which tells you that that wheel of the group is the only diplomatic grouping in the UN that is not a regional group. It's a white group. The shared ideology across that group explains a lot about what is happening in Palestine, in Israel today.

You cannot have a settler colonial state where there is already a population, an indigenous population living and farming with their homes, their shops, their orchards, their lives, their institutions, their churches, their mosques, and their synagogues, by the way, and then come in and say, we're going to build a state that is by and for a different group of people without having an annihilatory plan, without genocide. The only place you could possibly do that would be on a colony on the moon, where there are, as far as we know, no other people. So this has always been a genocidal project.

There is no speed limit in genocide, you know, upper or lower. And what I have always said is that what has been happening in Palestine since the 1930s and straight up until today has been genocide. In 1947 and 1948, it was expedited genocide to try to purge the land of as many

Palestinians as possible and then to build Israeli communities on top of their ashes. There were peaks and valleys in the genocide between then and now, but they largely shifted to a strategy of incremental genocide after that.

I say this because it was more palatable for their Western sponsors. Israel is a colony that could not survive without the support of its Western sponsors, originally the British, now especially the United States. Maintaining that lifeline of support—financial, military, diplomatic, and so on—depends upon how saleable the product of Israel is in those Western countries. So, if you keep the genocide on a low boil, then the propaganda machines in the West can go to work and make sure that the suffering that's going on there is not quite so evident. What happened in October of 2023, actually in January of 2023, when the new government took over in Israel with a very extreme, openly fascist kind of coalition, is that they bet they could shift back to expedited genocide and still maintain the support of the West.

And they were right, because while they were perpetrating this expedited genocide in Palestine, the arms continued to flow, the money continued to flow, the diplomatic cover continued to flow, the intelligence support continued to flow. So they backed the right horse. They backed genocide, which was always the central purpose of the state. All genocides are different. The suffering of one people or another people can never be compared. If you're being tortured, you don't care what the historical precedent is for it. You just want the torture to stop. But this is, as I said already in October of 2023 when I wrote my letter to the UN, this is quintessential genocide.

There has never been a clearer case since the term genocide was coined by Raphael Lemkin and the Genocide Convention was adopted in 1948. There has never been a clearer case because 80 years of impunity have convinced the Israeli political leadership, military leadership, and large swaths of the public that they can do anything, that their impunity is absolute, and that includes open genocide—an open genocide in which you publicly declare your genocidal intent. Not just some shock jock radio personalities, but the president, the prime minister, most of the government ministers in the cabinet, the military leadership, and others. This is what's unique, as you hinted. This is an open genocide. It's the sound of impunity. And while it has created horrors that we could not have imagined just a couple of years ago, it has also blown the lid off the percolating incremental genocide that's been going on for 80-plus years and mobilized much of the public to struggle against the genocide and against the regime itself.

#M2

I see it like that too, in my mind. We are currently midway, 50%, through the complete genocide, if it goes that route—the first 80 to 100 years, and then another 80 to 100 to come—and the last stage of genocide will be the...

#M2

The universities in Tel Aviv are requiring their professors to put little footers into their emails saying, like, I recognize that these are the indigenous lands of Palestine and, you know, it was a bad past. We would never repeat it again, right? And thereby you clean your hands of the sins of the forefathers. I mean, that's what happened to the Australians. That's what happened to the Canadian indigenous population. The question to me is whether we are at a point where this white dominance, this colonial dominance, is actually ending and where this trajectory cannot be upheld anymore. Because as you said, the global opinion is shifting, but we can see how the structures, the mechanisms of colonial suppression, propaganda suppression, are kicking into gear again.

And it used to work very well back in the first part of this prolonged genocide, you know, "a land without people for a people without a land." That was catchy, right? And most of Europe actually bought into that for a long period of time. And today, you know, every death in Gaza is at the hands of Hamas. And by the way, also every death in the West Bank and every executed Palestinian medic is also on the hands of Hamas. It doesn't have that ring to it anymore. But you can see how the system is trying to impose that, especially inside the United States, where now the U.S. president is at war with his own constitution over who it applies to and who not. How are you seeing that trajectory, especially the legal trajectory, evolve?

#M3

Well, you're right. The legal trajectory is important here. You know, and again, Audre Lorde's "The Master's Tools Will Never Dismantle the Master's House." I think I got it right that time. You know, that may be true, but some of them are very helpful. And this is a perfect example because you can use propaganda and you can tell blatant lies like a land robbery, a land without a people for a people without a land—blatant lies that anyone who exercised a modicum of due diligence and research would see that it was a flourishing society long before the Zionist idea was born. Or, you know, Israel is the only democracy in the Middle East, or any of these other lies—human shields and so on—they don't hold up in court. They hold up in the allied co-perpetrator governments of the United States and the United Kingdom and Germany and so on.

They hold up in the complicit corporate media corporations that have, you know, willfully disseminated these lies, but they don't hold up in court because in court there are two things that get in the way of that approach. One is the law, and the other is the facts. You just can't come in and say we are exercising self-defense because, in a court of law, self-defense means something, and you're also going to have to prove the facts, right? So this particular master's tool is very valuable in stripping away the propaganda and, in doing so, stripping away the political power of that propaganda. Look at what has happened over the course of the last year and a half.

You have seen the wholesale participation of large media corporations across the board in the West that have willfully disseminated Israeli propaganda, that have willfully disseminated justifications for war crimes, that have willfully participated in the dehumanization of the Palestinian people, that have lied about what Israel has done and obscured every fact of what's actually happening to the

Palestinians over the entire length of this expedited period of genocide. And yet, in spite of that, most of the world is seeing the truth. They're seeing the truth, certainly because of alternative forms of media, the kinds of programs that you and others put out, social media, you know, the cliché that this is the first live-streamed genocide is true. We can all see the reality of what's happening on the ground on our own screens. We can all get the information debunking the lies as quickly as they're told by the Israeli regime.

We all have access to what's happening in these international tribunals—serious legal processes with huge dossiers setting forth the evidence of the facts on the one hand and the requirements of the law on the other hand. And suddenly, it's not just he said, she said. It's not just my government says and my media corporations say, and therefore it has some legitimacy. The truth is peeking out from behind the wall of propaganda, and the legal mechanisms help in that, whether that's the work of independent special rapporteurs documenting the violations or the work of the International Court of Justice or International Criminal Court deliberating on the facts and on the law.

All of that is helping to tear down a massive wall of propaganda in the West. And that's why, because they can no longer count on controlling reality, they've now moved to force. They've now moved to using the awesome police power of the state in places like Germany, the UK, and the United States to silence people, to criminalize human rights defense, to erase free speech, to erase academic freedom, to erase advocacy for human rights, to deport people, to arrest people, to beat people in the streets, simply for advocating for human rights. The reason they've moved into these brute, fascistic tactics of suppression is because they have lost the ability to control the narrative, which explains as well the attack on TikTok.

TikTok was never about, oh, they're going to get the data of my eight-year-old who's dancing on TikTok. It was always a concern that young people, in particular, could go to TikTok and see the truth of what was happening in Palestine because it was so suppressed elsewhere. So they were forced then to move to just brute force and put down resistance to what is happening in Palestine. And while that is terrifying and dystopian, and it's not over—it's continuing to grow in scope—there is some light in that as well, because it tells us that we have moved past the moment in history where they could absolutely control the narrative. That's done.

#M2

Yeah, yeah, that's true. The narrative control has gone, and you can see how the system is trying to re-establish it. Something that surprises me is that, especially in the West, I'm so disillusioned, you know, like this West that has all of these ideals. And, you know, while Germany is talking and Annalena Baerbock is talking about a value-driven foreign policy and so on, the way that they adhere to this single-minded support for Israel and for its claimed right to self-defense, going back to October 7th, 2023, right? Like a mantra, like a prayer. And you can see that in every single TV show in Europe or in the US, the first question to you would be, are you condemning the October 7th attack, right?

That would be the first thing to do. And something that we're seeing right now is that these same media keep saying that the war in Gaza, which started on October 7th, when Hamas killed 1,200 Israelis, is now at a point where 50,000 Palestinians have died, although these numbers by Hamas never differentiate between fighters and civilians, while they themselves in the same sentence do not differentiate between the military of Israel and civilians. How do you explain to yourself that the West, or a large part of it, is still able to live with these cognitive discrepancies where they obviously, obviously contradict themselves within even one single statement?

#M3

Yeah, there's been a lot of that over the course of the last couple of years in particular, and I think that's been helpful, too, in stripping away the veneer of humane rhetoric that Western leaders like to use, even as they participate in atrocities all around the globe, as they have always done, right? You know, the West, the collective West in which you and I live, is a place that invented Zionism, it invented fascism, it invented Nazism, it invented colonialism and imperialism.

#M2

And then it maps all of these concepts to the people that they used to historically suppress, right? Oh, no, the Iranians are trying to take over West Asia. Oh, no, the Chinese are being so colonial about it. It's fantastic, this projection of the worst of the things that we ourselves invented and implemented.

#M3

I mean, I think, you know, when all of this began, I used to think, okay, so the West, for various reasons, is complicit in the persecution of the Palestinian people and of the broader Middle East, you know, the people of the broader Middle East. But I hesitate to use that term so broadly anymore, because I think the correct thing to say is they are co-perpetrators with Israel in the persecution of the Palestinians. I mean, none of this could continue for even weeks without the support of these Western powers. They are doing it on purpose. They are enthusiastic participants in the project that is Israel, and Israel cannot exist without destruction. The whole ideology of the state and of the nation is one that says our security comes from wiping out everyone else around us because otherwise their very existence is a threat to our national myth, to what it is that we aspire to.

And the enthusiastic participation of that by the Americans and the Brits and the Germans and others shouldn't be a surprise to us because they have the same colonial history. When they say we have shared values with Israel, they don't mean democracy and human rights. I mean, Israel has never been a state which exemplified democracy. It's an apartheid regime. It's an oppressive

authoritarian regime. A large proportion of the people it controls live under a military dictatorship, and a large proportion of the people who have a right to be a part of the polity are not even allowed to come home.

Right, from the diaspora. So it's never been a democracy. It could never be a democracy unless it were to abandon Zionist ideology and say, yes, as I have always advocated, by the way, we need a single democratic secular state with equal rights for Christians, Muslims, and Jews. But it will not do that because that erases the whole project, which is a different ideological project altogether. The enthusiastic support for that is because of shared negative values like colonialism, white supremacy, and the domination of the West over the rest of the planet. All of these things are shared values. And, you know, the lie of self-defense that you mentioned as well.

This is another example where a court of law is very helpful because Israel has always used this in its propaganda in the West: "Well, it's just self-defense." But the minute you begin to unpack it in court, you realize, one, they have no right to claim self-defense in the territory that they unlawfully occupy. That's the equivalent of me coming to your house, beating up your family. When you fight back, I shoot you and I say I shot you in self-defense. That's not self-defense in international law. Your remedy for any threat you feel from me is to get the hell out of my house. That's your remedy in international law. So you can't claim self-defense for that. Secondly, every time Israel claims to be acting in self-defense, it's with regard to a situation where it has perpetrated war crimes, crimes against humanity, acts of genocide.

No claim of self-defense overcomes the illegality of those actions. You cannot commit genocide in self-defense and pretend that that is some kind of legal or, I guess, moral justification. And yet this is parroted not just by Western governments when those false claims are made, but it's parroted by Western media corporations and other elites in society, all of whom are just instinctively aligned with this racist project in the heart of the Middle East. They see Europeans, they see white people, and then they see people that have been dehumanized in their media and in their culture for centuries, meaning the Palestinian people, the Arab people, the Muslim people, Christian Arabs, whatever. And it's easy for them to make a choice. The Israelis must be the good guys because they look like us. And indeed, in many ways, they do.

#M2

It's very sad, and it's very true. I think you're right; it's an instinctive allegiance of a lot of people who just instinctively identify with one group and not the other, and therefore build their narrative structure around it, the way that they understand the world. The court of law is very interesting because most people associate it with justice. But you also mentioned, and another guest on my show just recently mentioned, Clive von Davids, there's another function, and that's truth. And that's finding out what happened.

And maybe much more than justice at the moment, the international legal system is actually delivering, you know, a very, very sad outcome—a historical account of what is actually going on. How long do you think this will take until it actually translates into some sort of verdict? Because the ICJ case is now one and a half years in the making almost. How long will that still take until the ICJ actually comes down and renders its first real verdicts? Because what we have so far is only, what are they called, measures. Provisional measures. Provisional measures, right.

#M3

Yeah, I mean, these cases typically take years before you get a final resolution. And that's a part of the problem of the international system as it's been established, because this whole case is based upon a particular treaty, the Convention on the Prevention and Punishment of the Crime of Genocide. The punishment piece is easy, after the blood has dried. You can identify the perpetrators and find ways to hold them to account. The prevention part is the part that the international community has never found an effective way of addressing. Because, you know, this genocide is ongoing. It's been ongoing, as I said, for 80 years, but it's been ongoing at an expedited level now for a year and a half, roughly.

And what you want are mechanisms that can respond immediately. But that's the problem. You've got a defective international system that is based upon the principle of exceptionalism. First, with the five permanent members of the Security Council who have veto power in the only institution at the international level that has enforcement power. So what normally happens is that it should already be the case that the International Court of Justice and the other mechanisms have already rung the alarm bells officially of at least the risk of genocide. Even more than that, a plausible genocide is underway, and here are the provisional measures that need to be enforced to stop it from continuing.

In the normal course of business, it is the job of the Security Council to then enforce that, to use Chapter 7 and all of its powers of enforcement to mobilize states, including, if necessary, armed force, to end the perpetration of this crime of crimes. The United States says, no, that's it for the Security Council. They cannot move. And the United States, imagine a co-perpetrator in the genocide in the international system, has the authority to say, you can't stop it. I won't allow you to stop it. Right. So then what's supposed to happen is it goes to the General Assembly, and the General Assembly can convene in an emergency special session under the Uniting for Peace resolution.

And it can take action to enforce international peace and security and to respond to what the International Court of Justice has said. The General Assembly can respond to that. Now, they've done some of that. They've adopted a historic implementing resolution on the advisory opinion of the International Court of Justice on the illegality of the occupation and on the provisional measures in the genocide case, but they have not gone far enough. They could mandate a protection force. It's been done before by the General Assembly. They could put in place detailed sanctions regimes.

They can enforce them, but they can put them in place and then call on all the member states, especially those who vote for it, to implement those sanctions regimes. They can call for a military embargo and then put detailed provisions in place. They could revitalize the old anti-apartheid mechanisms and so on that were so effective in working in solidarity with the people in South Africa, because the only thing that is going to stop this is the isolation of the Israeli regime in the way that the South African regime was isolated, remembering again that the South African regime had the support of the United States right up until apartheid fell, and, you know, had Nelson Mandela registered as a terrorist years after apartheid had fallen and he was elected as a president.

So a part of the system has been constructed to be intentionally ineffective when one of the P5 doesn't want it to be effective. But the other parts of the system have grown throughout the decades, and there are possibilities there. And, you know, you talk about the case for the facts. There are mountains of documentation and evidence that have been accumulated decade after decade by the independent human rights mechanisms of the United Nations that are court-ready. And indeed, they have fed into the cases in the International Court of Justice: first, the case on the apartheid wall in the West Bank, then the genocide case, then the case on the occupation, and so on.

All of the evidence and documentation is there. There are precedents for universal jurisdiction being applied in the courts of third states because these are crimes against humanity. These are crimes of universal jurisdiction, and so on. So action could be taken there. There is nothing to stop the General Assembly from establishing a dedicated international tribunal for criminal accountability for Israeli perpetrators. You know, there are lots and lots of possibilities. Some of them have already been mobilized. Others, I think, are in the pipeline. But in the end, it is global civil society, global movements. It is ordinary people that will make the demands on governments individually and collectively.

That will make the difference in ensuring that we have that breakthrough. Now, I realize that if you are sitting in Gaza and you're listening to this conversation, and we're talking about hope down the road, today, now, this minute, my children are being murdered. My family members are being tortured and sexually assaulted in Israeli torture camps. My homes, schools, hospitals, mosques, churches, and food stores are all being destroyed in a genocidal campaign. None of this provides the kind of light that is needed. But that global movement is the only hope that we have, and the legal portions of that global movement are an important piece of it.

#M2

Yes, yes. And look, I would say it's definitely too late for the native inhabitants of North America. It's definitely too late for the Aborigines of Australia to help them. Palestine is on, I don't know, it might go either way, right? If Israel has its way and it either kills even more of the Palestinian people, or it gets, in conjunction now with the United States, the idea seems to be to ethnically cleanse Palestine, right? And just take these two million people and then put them into 125 different countries, small

groups each, and then rinse and repeat in the West Bank, right? This is obvious. It's obviously what has to happen next. If that succeeds, then, well... I don't know what the next step would be. Palestine still wouldn't go away legally, would it?

#M3

No, Palestine will not go away. Israel will not achieve legitimacy or legality through any of those measures. The United States of America, with all of its imperial power, doesn't have the right to dictate what international law says. So when they do unlawful things like recognizing Jerusalem as the capital of Israel or recognizing Israeli sovereignty over the Golan Heights or any of these other insane moves that the U.S. government has made, they have no force in international law. The only power they have is to make themselves complicit in internationally unlawful acts. So I don't think that the world is going to forget about Palestine or forget about international law.

I don't think so. I don't think that the Israeli project can be sustained in the long term. I think that if I were an Israeli, I'd be working like hell to abandon the colonial and racist project that has been political Zionism, and to try to adopt a more humane, modern, law-based, human rights-based approach to the future, one that sees everyone as equal, one that sees an obligation of compensation, one that sees an obligation of allowing people to return home, one that believes in principles of democracy, meaning for everybody. Because you cannot sustain by force—I mean, history has shown us this again and again. You can sustain a colony by force for a long time, but you can't sustain it forever.

And you already see the desperation of the Israelis in not only trying to use force against the indigenous people of Palestine but turning their weapons against the entire region. Are they really going to defeat the entire region? You know, at the moment, virtually every government in the region has either been captured and corrupted by the West, principally the United States, or it's been destroyed by the West for having an independent policy, for standing up against the United States and for the Palestinian people and others. All you have left are Iran, half of Yemen, and half of Lebanon. The rest have all been effectively captured or crushed if they weren't captured, and thus Syria and thus Libya and so on. But the people of the region are not captured.

The deeply felt solidarity of the people of the Arab region, their anti-imperial and anti-colonial instincts, not just of their parents and grandparents who lived through colonialism, but of young people who have a revulsion to what it is that Israel is doing and what it represents, what the Western powers are doing and what they represent, they're not going anywhere. And if I were the head of one of these governments, I wouldn't sleep well ever, because you can only maintain by force that, and you're right, you raised the model of the United States and Australia. That's exactly what the Israeli leadership is thinking. They're thinking we have to get rid of all of the Palestinians. Otherwise, they will always be a threat. We can't win without genocide. And I think that's exactly what's motivating them now. But, you know, they've got a very powerful couple of friends, but they've got the rest of the world against them.

#M2

Voices on the other side of the corridor often argue that Israel has successfully integrated a good number of Palestinians with Israeli passports into their society, and that this is proof that it is working very well, and that it is an equal, democratic, and flourishing society. Can you speak to that?

#M3

Black South Africans were also integrated into the apartheid society. African Americans under Jim Crow were integrated into the society. It's a lie. If you are a Palestinian living inside the Green Line in Israel, you do not have the same rights. You live under an apartheid regime. You have some rights, but you don't have the same land rights. You don't have the same economic rights. You don't have the same residency rights. You don't have the same citizenship rights. I mean, you don't have the same nationality. So, you know, to avoid this problem of apartheid, they put your religion in place of where your nationality is. You don't have the same marital rights. I mean, across the board, you're not even second-class citizens. You are an undesirable person, an outsider in your own land.

So your family has lived in that village in historic Palestine, which is now Israel inside the Green Line, for centuries, if not millennia. And yet every single day you are told this is a state for Jewish people. It is not a state for indigenous Palestinian people. You are not a part of this at all. You can vote, although you don't have the same level of representation in the parliament in the end. But you don't have any of the economic, land, housing, and other rights that people have if they just happen to be born into another ethnic group. So it's a lie. It's a charade that Israel has played for many, many years now. There is no equality here. Equality is in direct contradiction to the ideology of the state. Maybe you have nationality law that makes this perfectly clear. This is not just the attitudes of the people. This is written into the apartheid laws of the state.

#M2

Maybe one of my final points, you wrote an article recently about Yemen's blockade of Israeli ports and how actually Yemen or Ansar Allah, the Houthis, are acting in accordance with international law and how it is the United States that's breaking international law by trying to stop them from intercepting Israeli and Israel-bound ships. Can you quickly explain that concept? It's especially important because a lot of people think that, you know, the UN is the one agency that can mandate such things. But your argument is, no, there's a higher law, *jus cogens*, that actually mandates what has to happen.

#M3

Right. And those highest-level international laws are above the Security Council. The Security Council was established by the UN Charter. The UN Charter is a treaty that is a part of international law. It is

not above international law. And principles that are so-called *jus cogens* and *erga omnes*—just forget about the technicality—but these highest-level international norms of international law, the Security Council has no authority to supersede them ever. So now you've got a case where the US is bombing Yemen because Yemen is acting as required by international law. It explicitly set up this blockade to prevent ships from resupplying a genocide and an unlawful siege in Palestine.

And its position was reinforced by the International Court of Justice and its findings on the illegality of the occupation and in the genocide case, both of which said that all states have an obligation not to be supplying the unlawful occupation in Palestine and not to be supplying the genocide. So Yemen is the only country that has taken concrete material action to stop this from happening, and the U.S. is bombing them for it, right? You won't hear this in the Western media that tells a lovely fantasy, but that's the reality of what's happening on the ground. And it's not, you know, I'm not guessing here. Houthi Yemen has said this is why they're doing it. And they stopped the blockade during the ceasefire period, demonstrating that they were sincere, right?

So while the ceasefire was in place, they stopped it. They returned that blockade against ships resupplying the Israeli regime only when Israel resumed the unlawful siege in the Gaza Strip and resumed the full-scale genocide in the Gaza Strip. You know, the Houthi Yemen is acting under obligations that bind all states. And it was working. They bankrupted the Israeli port of Eilat, you know, through the use of this. And in doing so, I think they weren't able to stop Israel's crimes, but they were complicating Israel's capacity to perpetrate those crimes. And that's what they're being bombed for. So the U.S., on the other hand, every attack that it has waged on Yemen has been an act of aggression and therefore unlawful.

And the very idea of attacking the blockade is the crime of complicity in genocide, because we know the genocide is ongoing and they're attacking the blockade in order to defend the genocide. So if you were to follow what Western governments are saying or Western corporate media, they would say you have these lawless Yemenis, and we are going to defend the law, which is amazing because they invoke the law of the sea, which Yemen has ratified the convention and the United States has not. Just to show you how absurd it is. But in fact, it's completely the reverse. Yemen is acting as international law requires to stop supplying to the genocide and the illegal occupation.

And the U.S. is committing a crime of aggression in order to stop Yemen from doing that and, you know, in the process, lying about its own actions. They learned well from the Israelis. The U.S. is claiming self-defense. They have no self-defense halfway around the world. Some of their merchant ships that were not flying U.S. flags were hit, and they try to claim that a resolution adopted in January of 2024 gives them an authorization for the use of force. It absolutely does not. There was no authorization for the use of force in that resolution from January of 2024. So that's it in a nutshell. And I wrote the article because I was sick of seeing all the misrepresentations that dominated the Western narrative on this.

#M2

I'll link the article in the description. And you know, this is very important because, again, some people go very fatalistic and say international law doesn't matter. And yes, international law is not able to stop the genocide. That's true. But there are these long-term processes, and jus cogens norms are nothing that even the United... The only thing that could somehow change it is if all states together say, we don't care about this anymore, we adopt something else. And they do that over a progressive, long time. I mean, even a UN resolution wouldn't be enough because it needs to be sustained over a long period. So this is kind of a consensus. This is the closest thing we have to a global consensus, an 8 billion people consensus on how we would like to treat each other, right? Or what are the minimal norms?

And that Israel is not able to override that, or the United States is not able to override that, is very important and it will matter down the road. And the Security Council was not able to override that, by the way. Political power, raw power, is not able to override it because it's actually a shared norm that a lot of people, billions of people, agree upon. I wanted to connect this to something, and that was the way in which, of course, this justification for war and genocide happens, and that it is becoming more and more transparent that these are empty justifications. And yes, power is able to do what power does, but it is not able to capture the entire system. Do you think that we are able to improve human rights law and humanitarian law based on these horrible experiences here?

#M3

I think the law is pretty good. I mean, first of all, this entire system is still nascent. We think that 80 years is a long time. In the history of the world, it's not. And so the system that has been built up since what happened before the Second World War and before is very new, and it's very incomplete. There are a series of building blocks. So there's a very good set of international norms and standards defined in treaties that cover all areas of human interaction, interaction between states, and so on. There are monitoring mechanisms that are set up to tell us what's really happening. So you don't have to listen to BBC, CNN, or Fox News that are just spewing propaganda, but you can actually have expert analysis with evidence presenting what's actually happening because we have special rapporteurs and commissions of inquiry and treaty bodies and other mechanisms that are documenting all of it. You have very clear admonitions coming out of these mechanisms.

This includes input from international courts and other mechanisms. This is what is required of states, what is not permissible, and so on. The only gap, and I say the only gap, which is the most important piece, is enforcement. The problem with the international system is that all enforcement was vested in this mechanism called the Security Council, which is nothing more than a victor's panel from World War Two, where the five victorious countries were given exceptional power. They could use that exceptional power for countries like Israel to ensure that it sits above the law. So what do we need to fix? We need to fix enforcement. And in doing so, we need to think about our own power.

We need to think about how popular mobilizations, political movements, social movements, labor unions, peace movements, and justice movements, as well as protest, demonstrations, boycott, divestment, sanction, education, civil disobedience, and lawful armed resistance, which is also codified in international law, and the use of international mechanisms in the struggle for legitimacy. So, the International Criminal Court, the International Court of Justice—these things are available to us, even if the Security Council is not. And that's where enforcement will come from. It will come from the demands of people inside their own countries that make it unsustainable for their governments to continue down the same path.

#M2

I wonder about that too, because the problem with enforcement from above, if you create an organization that then has the right to use military means in order to go and intervene, is that if you just change the decision-making body over here, then you have, again, a war-making institution, right? We need some form of enforcement from below, in accordance with the spirit of international human rights law, because human rights law is first and foremost the right of the citizens against the state, right? You cannot do this with me. But of course, the problem is on the bottom, you are always exposed to the power, which is concentrated on the top. And we don't have mechanisms for that. I mean, we have people power and kind of, you know, resistance and so on. But we don't have proper mechanisms the way that a police force is a mechanism. Yeah.

#M3

But, you know, I think—I mean, I grew up in the US, and I was saying the other day that every day that I have been alive, the United States has been at war. And in every case that it's been at war, because I was born after World War Two, it was perpetrating aggression. It was always on the wrong side of that. And then, you know, you can either feel a sense of hopelessness for that, or you can remember those moments like the movement in the US against US aggression in Vietnam, the anti-Vietnam War protests of the late '60s and early '70s, that created an internal pressure that at some point the government and the powers that be could no longer ignore. Or in the 1980s, you know, also during my life, in the struggle against apartheid, that created an internal pressure that could no longer be ignored.

I'm saying not that we will win, but it's our job to try. And just as those social movements made a difference in the U.S. war against Vietnam, albeit too late after horrendous genocidal violence was perpetrated by American forces in Vietnam and in Cambodia, it did culminate in a change in policy that ended that aggression. The same thing happened in South Africa, and I believe that this one is harder, but it's what we have, and we have to make it work. So I'm with you—enforcement from below. The movement is growing, no question about it. The movement is growing in leaps and bounds like it never has before. Israeli impunity is being eroded in ways that have never been seen before. The U.S. star is declining.

The unipolar moment is over. The US empire is in decline. Yes, that empire can do a lot of damage on the way down. It can bring a lot of people with it as it declines. But new multilateral developments are starting to provide some window of change. The BRICS, obviously, is one of them. Again, brand new, nascent, weak, challenged. But it shows that imperial-dominated mechanisms at the international level are not the only option.

The Hague Group, a brand new group of nine countries, has committed themselves to enforcing the findings of the International Court of Justice and the General Assembly. Their ports will not allow ships to resupply Israeli genocide and occupation, for example. You know, a general upswell in the U.S. if you look at voting records, and the UN is isolated. They're isolated on Palestine and a host of other issues, but especially on Palestine. So I finish here where I began, which is that overwhelmingly most states in the world, overwhelmingly most of the people in the world, all of the international human rights institutions, the international judicial institutions, all of humanity is lined up on the side of justice, of human rights, of the Palestinian people. And that's not nothing. That's something to build on.

#M2

That's something to build on. Craig, you are a very articulate and insightful guest. So thank you very much for your time today.

#M3

It's my pleasure, Pascal Lottaz. Thanks for everything you do.