

International Law Cannot Bring Success to the Muslim Lands

The Wall Street Journal recently published an article that was met with a substantial amount of backlash. The opinion piece was entitled "If Indians and Pakistanis Can Relocate, Why Can't Gazans?". And it drew a parallel between Gaza and the partition of Pakistan and India to justify the idea that the people of Palestine would not have a right to return to the land of Palestine.

"It argues that population transfers were not invented by US President Donald Trump - who is set on "taking over" the Gaza Strip and "cleaning" it out by transferring Palestinians into nearby countries - and that "there are plenty of examples from the 20th century", such as the 1947 partition of India. No one expects Pakistan to transform its religious demography by offering a 'right of return' to descendants of Hindu and Sikh refugees. Why should it be any different for Israel?" the piece says, referring to the Palestinians' legal argument that refugees and their descendants have a right to return to the land from which they were displaced."

The backlash was due to a concern over the implications on international law – if the decision to own Gaza and forcibly relocate the people of Palestine were to be carried out. The fear that implications would be immense as it would normalize forcible displacement as a solution to conflicts, and legalize 'Israeli' occupation of Palestinian land, among other things. Pushing such a solution as a legitimate response to conflicts would set a dangerous precedent – Why couldn't it be used in the instance of Kashmir or Ukraine in the near future?

This fear and understanding was the reason for the backlash. But for us, it also points towards an understanding of the way that the international system works. While those with a legal background may argue that there are many technicalities in such instances, we have seen how the international law is built on previous political and legal decisions; how interstate relations are impacted by statements that are made by politicians; and how the state leaders reinforce the current international laws through their constant reference to them.

When Netanyahu wanted to justify its response to the events of October the 7th, it referred to the USA's response to the events of 9/11. When Egypt wanted to justify its decision to allow 'Israel's' continued use of its waterways, it referred to the 1949 Armistice Agreement and the 1967 agreements. There are many more examples like this, which take place within international relations every day – including Putin's reference to articles in international law to justify its invasion of Ukraine.

These statements and decisions are not unconscious, they are made with an intent, an understanding and a desire to continue to work within the confines of international law. And that is why international law will never bring success to the Muslim lands.

Supporters of international law will argue that we can change international law – and that this will bring success to the Muslim lands. They push this concept into our minds – arguing that we will not succeed, if we refuse to abide by international law. We will be at a disadvantage, and it will harm the people, if governments do not abide by the values and norms within the international system.

And when we question why we haven't seen the benefits yet, we are told that it takes time. That in order for us to see actual change within international law – change that helps the Muslim lands- we need to be patient. Over time, we will gain independence, we will be able to champion Islam, we will be able to ensure that every states get their rights.

Even if this means accepting 'Israel's' right to Palestinian lands in the process or requires that Pakistan move towards normalizing its relationship with India, despite the continued conflict over Kashmir.

It doesn't matter if these policies, plans, ideas and values are actually detrimental to us as an Ummah – they are tied to international law, and they must be followed. Because it's the only way that we will continue on a path that will eventually lead to success. If we falter or shift our views, it'll mean that we are isolating ourselves from the world – and that will lead to our downfall.

But when we look at international law, what exactly has it given us? Other than wars and conflict, along with the exploitation and persecution of people across the Muslim lands.

Why do we believe that this will change? When every decision that is made in international law, is referring to past precedents, and treaties that were established following the destruction of the Khilafah and the division of Muslim lands? And that each time the rulers do this, they are reinforcing those laws and ensuring that they will not change?

“International law is essentially a body of legal rules and norms that are based on shared values within the international community, acting as a framework to guide state behavior and promote cooperation by establishing expectations about appropriate conduct across various areas like war, diplomacy, human rights, and economics; essentially, norms and values form the foundation upon which international law is built and enforced, even if not always explicitly codified in treaties or agreements... A significant aspect of international law is customary law, which develops from state practice and opinion juris (belief that a practice is legally obligatory).”

So shouldn't we stop referring to it, as a solution to our problems and a means to success? Shouldn't we stop fearing the pursuance of success as Islam dictates it - that is moving away from the secular system, and reestablishing the Islamic state, where the laws will be based on the Quran and Sunnah?

And what better month to move towards such a situation then Ramadan? As we read the Quran and its tafsir and study the Seerah and the Hadith, wouldn't it be wonderful to understand that these aren't just stories from the past? That they are Allah's message to the entire Muslim Ummah – a message which tells us to obey Him (swt), to unite as a Muslim Ummah and to live under a system that protects us.

Shouldn't we use this time to understand how we can change the system. So that we stop seeing the re-establishment of the Islamic State as an idealistic reality, or a far-fetched dream that can't possibly become a reality in this modern world?

The Prophet (saw) and his Sahaba (ra) succeeded once, when no one believed that they would. Why can we not succeed this time – Allah (swt) has told us Islam is a Deen that has come for all times, and who understands the people living in this world better than Him?

Written for the Central Media Office of Hizb ut Tahrir by

Fatima Musab

Member of the Central Media Office of Hizb ut Tahrir