

## The Impending US Colonial Administration over Gaza, Palestine

– By Madaar

Dear friends,

Greetings from the desk of **Tricontinental Asia**.

Behind the diplomatic language of ‘reconstruction’ and ‘stabilisation’, a new colonial framework for Gaza is being assembled. The following is why the latest Security Council resolution matters and what it sets in motion.

On 17 November, the UN Security Council approved a draft resolution authored by the United States endorsing President Donald Trump’s plan for administering the devastated Gaza Strip.

The resolution mandates transferring control of Gaza to a so-called ‘Peace Council’ led by Washington, alongside another body called the ‘International Stabilisation Authority’ tasked with ‘security’ functions and likewise deployed in Gaza. Ultimately, both bodies fall under the authority of Trump and operate in constant and ongoing coordination with Israel.

The draft resolution faced no veto from any permanent members. Algeria voted in favour, giving the resolution thirteen supporting votes, while both Russia and China abstained.



Luis Felipe Noe (Argentina), Free Palestine, n.d.

Palestinian factions and political forces described the resolution as ‘an instrument of tutelage and international partnership in the extermination of our people’, stressing that it bypasses international legal frameworks and paves the way for field arrangements imposed outside the Palestinian national will. They warned that any international force in the proposed form would become ‘another form of foreign occupation’ and ‘a new instrument of aggression’.

Law for Palestine warned, in a policy brief, that the resolution does not rest on any international legal framework but instead aims to create a ‘parallel system’ based on security and foreign control.

International law expert Craig Mokhiber, former senior official at the UN Office of the High Commissioner for Human Rights, argued that the resolution ‘ignores international law, punishes Palestinians, and rewards those responsible for genocide’.

According to Mokhiber’s reading, the most troubling aspect of the resolution is that the Security Council hands control of Gaza – and of the survivors of genocide – to the United States, a partner in the commission of genocide, while stipulating Israeli participation in decision-making. Under this plan, Palestinians would not be permitted to take part in decisions concerning their rights, governance, or lives.

Mokhiber states: ‘The United Nations has not behaved in such a blatantly colonial manner (and beyond its legal authority), nor trampled so carelessly on the rights of a people, since it partitioned Palestine in 1947 against the will of the indigenous population, paving the way for 80 years of Nakba.’





Abdul Al Rahman Al Muzzian (Palestine), Untitled, n.d.

The resolution also disregards the recent findings of the International Court of Justice and rolls back Palestinians' inalienable right to self-determination. A vague, excessively conditional, and non-binding clause states that after the bodies led by Trump decide that Palestinians have met unspecified 'reform and development' criteria, 'conditions may finally be available for a credible path towards self-determination and Palestinian statehood'.

Instead of recognising the Palestinian people's right to self-determination as a binding legal right – as affirmed by the International Court of Justice's (ICJ) 2024 Advisory Opinion and UN General Assembly Resolution 10/24 – the plan presents it merely as 'aspirations of the Palestinian people', tied to reconstruction and reform as judged by external actors. At the same time, the resolution entrenches Israeli impunity for the crime of genocide it has committed.

The resolution enables the Trump-chaired Peace Council to operate as a transitional administration governing the entirety of Gaza: controlling services, aid, and movement of people; overseeing reconstruction frameworks; and managing Gaza's financing. It grants the council a dangerously broad mandate to carry out 'any other tasks that may be required' and gives prior authorisation to establish undefined 'operational bodies' and 'transaction authorities' at its discretion.

Law for Palestine emphasises that the inclusion of unelected Palestinian figures in this Peace Council does not change its imposed foreign character; throughout history, all occupying powers have cooperated with local representatives.





Sliman Mansour (Palestine), *Prison*, 1982.

To grasp the scale of the contradictions in the Security Council’s action, the resolution also establishes what Mokhiber describes as an outsourced armed occupation force – the ‘International Stabilisation Force’. This force would operate under the supervision of the Trump-chaired Peace Council. Its leadership must be approved by the council, its membership determined ‘in cooperation with’ Israel, and its function would be to exert control over the Palestinian survivors in Gaza.

The force would be tasked with securing borders (effectively imprisoning Palestinians), stabilising the security environment in Gaza (suppressing resistance to occupation, apartheid, or genocide), disarming Gaza (but not Israel), destroying Gaza’s defensive military capabilities (but not Israel’s), dismantling Palestinian resistance weapons (but not those of Israel), and training Palestinian police to maintain control over the population.

The International Stabilisation Force would also ‘monitor the ceasefire’ – a US-guaranteed arrangement under which Israeli attacks on Gaza have continued daily since its announcement. Monitoring by such a force would focus primarily on Palestinians rather than on Israel as the occupying power.



Mokhiber notes that the resolution grants both the colonial Peace Council and its proxy occupation force, the International Stabilisation Force, a two-year mandate, with the possibility of renewal through consultation with Israel (and Egypt) – but not with Palestine.

The resolution contradicts the substance of international law itself. The Security Council derives all its authority from the UN Charter. This charter, as a treaty, forms part of international law; it is not above it. The council is therefore bound by the rules of international law, including, in particular, the highest rules known as peremptory norms (*jus cogens*) and obligations owed to all (*erga omnes*), such as the right to self-determination and the prohibition on acquiring territory by force. The council's blatant disregard of the ICJ's findings on these issues reveals to what extent many of the resolution's provisions are unlawful and ultra vires (beyond the council's authority).



Sliman Mansour (Palestine), *And The Convoy Keeps Going*, 2016.

Mokhiber, who resigned from the UN Human Rights Office in 2023 after issuing a letter condemning the UN's failure to protect civilians in Gaza and accusing Israel of committing genocide, observes that the

consequences of the Security Council's rogue behaviour extend far beyond Palestine. If the council does not abide by international law, it becomes a dangerous instrument of repression and injustice. This is precisely what has unfolded here: the council ignored international law and effectively handed the survivors in Gaza over to the partners in the genocide.

He concludes that such schemes are fundamentally flawed from the outset, as they seek to impose outcomes that are unlawful (under international law), illegitimate (by excluding Palestinian agency), and devoid of any practical chance of success (given their near-universal rejection in Palestine and across the world). For those committed to justice, human rights, and the rule of law, the task is clear. This plan must be opposed in every capital and at every turn.

Warmly,

Madaar

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