



## Aggravated International Liability for the Crime of Normalization

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### **Abstract**

*International responsibility constitutes the normative framework that regulates the conduct of international actors and ensures compliance with the rules of international law. It arises whenever an internationally wrongful act is committed, thereby threatening international peace and security. The principle of legality serves as the key criterion for distinguishing lawful from unlawful acts, making any breach of it a trigger for responsibility whether borne by states, international organizations, or individuals. In this context, the crime of normalization poses a complex challenge, as it represents a deviation from the collective obligation not to recognize or reward aggression, indirectly legitimizing grave violations of international humanitarian law. This is particularly evident in the case of Gaza, where systematic patterns of mass killings, starvation sieges, and the destruction of civilian infrastructure have been documented acts amounting to genocide under the 1948 Genocide Convention. International silence or participation in normalization with a perpetrating power undermines the deterrent function of international law and perpetuates impunity. Consequently, activating accountability mechanisms, strengthening the jurisdiction of the International Criminal Court, and reaffirming the duty of non-recognition of unlawful situations are essential to safeguarding the international legal order and upholding universal values of justice and human dignity.*

**key words:** *International responsibility- State responsibility- normalizing relations-International crimes-Jus Cogens.*

## **Responsabilité internationale aggravée pour le crime de normalisation**

### **Résumé**

*La responsabilité internationale constitue le cadre normatif qui régit le comportement des acteurs internationaux et garantit le respect des règles du droit international. Elle intervient chaque fois qu'un fait internationalement illicite est commis, menaçant ainsi la paix et la sécurité internationales. Le principe de légalité sert de critère clé pour distinguer les actes licites des actes illicites, toute violation de ce principe entraînant une responsabilité, qu'elle soit assumée par des États, des organisations internationales ou des individus. Dans ce contexte, le crime de normalisation pose un défi complexe, car il représente un écart par rapport à l'obligation collective de ne pas reconnaître ou récompenser l'agression, légitimant indirectement de graves violations du droit international humanitaire. Cela est particulièrement évident dans le cas de Gaza, où des schémas systématiques de massacres, de sièges affamant la population et de destruction des infrastructures civiles ont été documentés comme des actes constitutifs de génocide au sens de la Convention de 1948 sur le génocide.*

*Le silence international ou la participation à la normalisation avec une puissance coupable sape la fonction dissuasive du droit international et perpétue l'impunité. Par conséquent, il est essentiel d'activer les mécanismes de responsabilité, de renforcer la compétence de la Cour pénale internationale et de réaffirmer le devoir de non-reconnaissance des situations illégales afin de préserver l'ordre juridique international et de défendre les valeurs universelles de justice et de dignité humaine.*

**Mots clés :** *Responsabilité internationale - Responsabilité de l'État - Normalisation des relations - Crimes internationaux - Jus cogens.*



## **Introduction**

International responsibility, in both its classical and contemporary dimensions, constitutes the cornerstone of the international legal order and its primary mechanism for ensuring compliance with its norms, as it enables the imposition of legal consequences on any internationally wrongful act that threatens peace and security. However, the persistent and systematic violations committed against the Palestinian people reveal a striking gap between the normative framework of international law and its actual enforcement. Forced displacement, collective siege, and the deliberate targeting of civilians and vital infrastructure in Gaza constitute egregious breaches of international humanitarian law, exhibiting patterns that amount to genocide as defined by the 1948 Genocide Convention. This situation is further aggravated by the silence of the international community and the political complicity manifested through normalization processes that implicitly legitimize the occupying power and hollow out the deterrent and preventive function of international responsibility. Addressing this challenge therefore requires a reinvigoration of international responsibility as a genuine mechanism of deterrence and sanction, one that imposes binding obligations on states and international organizations and renders the violation of international law a politically and legally costly act. As Alain Pellet aptly describes, international responsibility is (the beating heart of international law) yet this heart appears severely impaired in the face of the Palestinian tragedy, calling for decisive and effective measures by the international community to restore

the role of law as an instrument of justice rather than a tool to justify power asymmetries and entrench faits accomplis<sup>(1)</sup>. International responsibility constitutes the primary legal safeguard for preserving the integrity of international law, as it arises whenever a subject of international law commits a prohibited act or fails to fulfill an obligation imposed by international norms, resulting in harm. Yet, the lack of strict enforcement and the dominance of political selectivity undermine its deterrent function and perpetuate impunity. This calls for its reactivation as an effective and operational mechanism capable of compelling compliance with international law and restoring its function as an instrument of justice rather than a tool for entrenching power asymmetries<sup>(2)</sup>. Occupation is among the gravest violations of international law, as it directly undermines international relations and threatens international peace and security both of which lie at the very core of the United Nations' mandate. This violation reaches its most acute form in the context of war and the systematic crimes committed against entire populations. Yet the danger does not end with the occupation itself; it becomes even more severe when this unlawful situation is politically or legally endorsed through complicity with the occupying power, in what can be regarded as a crime no less serious than the occupation namely, the crime of normalization. Normalization, in essence, constitutes a breach of international law and a de facto legitimization of the colonial-settler crimes committed

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(1) Alain Pellet, *Remarks on an Unfinished Revolution: The Draft Articles of the International Law Commission on State Responsibility*, A.F.D.I., France, 1996, pp. 7–32.

(2) Zaza Lakhdar, *Rules of International Responsibility in Light of Public International Law*, Al-Huda Publishing and Distribution, Algiers, 2011, pp. 15–16.



by the Israeli occupation, thereby deepening their effects and entrenching impunity. The gravity of this dynamic has been amplified by the recent wave of normalization agreements, particularly by the United Arab Emirates, Bahrain, Sudan, and Morocco, which have emboldened the occupying power, further consolidating its hegemony and encouraging its continued perpetration of atrocities against the Palestinian people, who endure daily suffering under siege, displacement, and systematic violence. Against this backdrop, the present study acquires particular urgency as it seeks to examine the central question of how international responsibility is established both substantively and procedurally for the crime of normalization, treating it as a violation comparable in gravity to the crime of occupation itself, and exploring the extent to which the international community is willing to activate accountability mechanisms and put an end to the prevailing culture of impunity.

## **1. Normalization as a Mechanism for Legitimizing Grave Violations**

Normalization constitutes a phenomenon structurally intertwined with occupation, deriving its gravity and legal significance primarily from the perpetuation of an unlawful situation that infringes upon state sovereignty and the rights of peoples. The catastrophic impact of normalization cannot be understood in isolation from the severe legal consequences of occupation itself. Indeed, normalization understood as a framework of amicable or utilitarian relations between a state or group of states and an occupying power amounts to the indirect legitimization of an unlawful situation, thereby becoming an extension of the

original violation represented by the occupation. Consequently, international responsibility does not rest solely upon the occupying power but extends to any entity contributing to the entrenchment or facilitation of this unlawful situation. The gravity of normalization lies in its compounding effect on the harm inflicted upon the victim state, its citizens, and its natural resources, including their strategic diversity. This dynamic has been starkly evident in the Palestinian case since the onset of the Zionist occupation of Palestinian territories, despite its illegality as affirmed by the United Nations General Assembly, the Security Council, and other specialized UN bodies, particularly those dealing with human rights. Accordingly, normalization cannot be regarded as a mere exercise of sovereign political discretion but rather as an act with far-reaching legal implications that necessitate the activation of international accountability mechanisms and the reaffirmation of the principle of non-recognition of unlawful situations <sup>(3)</sup>.

### **1.1. The Substantive Foundations of International Responsibility for the Crime of Normalization**

The activation of international responsibility for the crime of normalization viewed as an extension of the crime of occupation and a continuation of its unlawful effects necessarily depends on the fulfillment of a set of substantive conditions established under general international law to ensure the full attribution of such responsibility. The first of these conditions is the existence of an internationally wrongful act, which is met in the case of normalization as it

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(3) Bilal Mohammed Saleh Ibrahim, *Israeli Settlement in the West Bank and Its Impact on Political Development*, Master's Thesis, Graduate School, An-Najah National University, Nablus, Palestine, 2010, p. 49.



constitutes a breach of jus cogens norms and a violation of the principle of non-recognition of unlawful situations. The second condition requires that this conduct be attributable to a subject of international law, whether a state or an international organization, thereby confirming the official and institutional character of the act. The third condition lies in the occurrence of harm or infringement of the rights of the victim state, whether relating to its sovereignty, the right of peoples to self-determination, or the exploitation of its natural resources. The convergence of these conditions forms the substantive framework indispensable for triggering international accountability mechanisms and holding normalizing parties legally liable as accomplices in perpetuating an unlawful situation and undermining the binding force of the international legal order.

### ***1.1.1. The Internationally Wrongful Act (Normalization)***

The violation of the principle of international legality constitutes the cornerstone of state responsibility, as it undermines the presumption of sovereign equality that governs interstate relations and the conduct of international affairs. Normalization, in this context, represents a paradigmatic case of an internationally wrongful act: it legitimizes an unlawful situation and entrenches a serious breach of the peremptory norm of non-recognition of occupation and colonialism, thereby triggering the international responsibility of the state involved. The Italian jurist Dionisio Anzilotti advanced the theory of the wrongful act as the foundational basis of international responsibility, arguing that responsibility arises whenever a subject of international law or its agents breaches an obligation

imposed upon it by international law, whether through a prohibited act or a failure to perform a legally required duty. Anzilotti rejected the fault-based theory, reasoning that fault is inherently tied to human will and psychological intent, whereas the state, as an abstract legal person, cannot be ascribed a human will. Following the same reasoning, the French jurist Georges Reuter affirmed that the internationally wrongful act constitutes not only the legal basis but also the essential precondition for the emergence of international responsibility. A wrongful act acquires its unlawfulness whenever it entails a violation of one or more norms of international law, whether treaty-based, customary, or derived from the general principles of law. This analytical framework squarely applies to normalization, which stands as a clear breach of international norms and a direct threat to the integrity of the international legal order as a whole<sup>(4)</sup>. The International Court of Justice has firmly established the doctrine of the internationally wrongful act as the cornerstone of state responsibility, affirming in its advisory opinion on the Peace Treaty between Hungary, Bulgaria, and Romania that a state's failure to comply with treaty obligations constitutes an internationally wrongful act, even when such obligations are incorporated into domestic law. This position underscores the primacy of international law over domestic legal systems and rejects any attempt to evade obligations under the pretext of national sovereignty. The International Law Commission further consolidated this approach through Article 1 of its 2001 Draft Articles on State Responsibility, which unequivocally provides that "every internationally wrongful

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(4) Paul Reuter, *Principles of Public International Law*, Recueil des cours, Vol. 103, 1961, pp. 425 ff.



act of a State entails its international responsibility.” Together, these authorities affirm that the international legal order tolerates no derogation from peremptory norms or fundamental obligations and inexorably subjects any violating state to the mechanisms of international accountability<sup>(5)</sup>. Accordingly, normalization by entrenching an unlawful situation constitutes in itself a direct ground for the activation of international responsibility, rising to a level no less grave than the crime of occupation. Far from being a neutral political choice, normalization operates as a mechanism that confers *de facto* legitimacy upon the original crime of the Israeli occupation of Palestinian territories, thereby reinforcing its continuation and exacerbating its consequences for both the Palestinian people and the integrity of international law.

### ***1.1.2. The Normalizer as a Subject of International Law***

The gravity of normalization lies in the fact that it brings together the full spectrum of subjects of international law within the framework of responsibility an occurrence rarely witnessed in international practice. Normalization with an occupying power does not only engage the responsibility of the normalizing state, but also extends to international organizations that endorse or facilitate such conduct, as well as to individual leaders and decision-makers who lend legitimacy to an unlawful situation. This tripartite convergence of states, international organizations, and individuals makes the crime of normalization a uniquely complex violation of peremptory norms of international law.

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(5) Article 1 of the Articles on the Responsibility of States for Internationally Wrongful Acts (2001).

It therefore calls for a robust and uncompromising framework of international accountability, as it represents a form of collective complicity that legitimizes the perpetuation of occupation and undermines the very foundations of the international legal order.

### **A- The State as the Primary Actor in the Crime of Normalization**

Normalization, by its very nature as a sovereign act undertaken within the framework of bilateral or multilateral relations, constitutes the primary basis for international responsibility. The state, as the supreme subject of international law, bears full liability for any unlawful act or omission that legitimizes or perpetuates an occupation. The criterion of attribution thus becomes the cornerstone of responsibility, as no internationally wrongful act can exist without a clearly identifiable actor, nor can an omission exist without a party who failed to act. This requires that the conduct be attributed to the state as the legal person whose will is expressed through its institutions and official representatives. Roberto Ago underscores that attribution is not a secondary element but a necessary condition for qualifying conduct as internationally wrongful, while García stresses that attribution is the common denominator across all forms of responsibility regardless of their nature. Similarly, Rousseau observes that contemporary international jurisprudence makes the establishment of responsibility contingent upon the cumulative presence of two conditions: attribution and unlawfulness. This renders the state the central pillar in the equation of normalization and the indispensable link without which international responsibility and accountability mechanisms cannot be



effectively engaged<sup>(6)</sup>. The Permanent Court of International Justice, in its judgment of 14 June 1938 in the Phosphates in Morocco case, affirmed that an internationally wrongful act is constituted when conduct is attributable to a state and amounts to a breach of its international obligations<sup>(7)</sup>; The International Law Commission emphasized that for an act to be characterized as internationally wrongful, two cumulative conditions must be met: it must be attributable to the state under international law, and it must constitute a breach of an international obligation incumbent upon that state<sup>(8)</sup>. The Articles on State Responsibility for Internationally Wrongful Acts establish that international responsibility is founded on the principle of attribution either by directly attributing the wrongful act to the state as a legal person, thereby engaging its full liability, or by attributing responsibility for the conduct of others in cases of aid or assistance, direction and control, or coercion. This broadens the scope of accountability to encompass indirect forms of complicity in violations of international law<sup>(9)</sup>. The normalization agreements undertaken by Bahrain, the United Arab Emirates, Sudan, and the Kingdom of Morocco represent a flagrant breach of peremptory norms of international law, as they constitute both direct and indirect

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(6) Omar bin Abdullah bin Said Al-Balushi, *The Legitimacy of Weapons of Mass Destruction*, First Edition, 2007, p. 177.

(7) Zaza Lakhdar, *op. cit.*, p. 251.

(8) *Yearbook of the International Law Commission*, Vol. II, Part Two, Report of the International Law Commission to the General Assembly on the Work of its Fifty-Third Session, 2001, p. 42.

(9) Pierre d'Argent, *Reparation, Cessation, Assurances and Guarantees of Non-Repetition, Principles of Shared Responsibility in International Law*, Cambridge University Press, 2014, pp. 210–211.

contributions to the legitimization of an unlawful situation namely, the Israeli occupation of Palestinian territories and provide it with a political shield that perpetuates its existence. Such conduct cannot be reduced to a mere sovereign choice but rather falls squarely within the scope of international responsibility, as it actively encourages the continuation of grave violations of human rights and war crimes committed against the Palestinian people, while amounting to an implicit recognition of the legality of the occupation. This stands in stark contradiction to the principle of non-recognition of unlawful situations, firmly established by the International Court of Justice and repeatedly reaffirmed by the UN General Assembly and Security Council. Consequently, these states are not merely passive actors but active participants in the reproduction of an illegal status quo and in the erosion of the international legal order, thereby warranting both legal and moral accountability and raising fundamental questions about the limits of sovereignty when invoked to justify breaches of jus cogens norms and erga omnes obligations.

## **B- The Complicity of International Organizations and Their Role in Normalization**

The responsibility of international organizations for the crime of normalization raises a fundamental question regarding their role in either perpetuating or resisting unlawful situations. Despite the adoption of numerous UN resolutions condemning the Israeli occupation and affirming its illegality, the conduct of several international organizations foremost among them the United Nations often reflects a blatant double standard, oscillating between formal condemnations and practical inaction in the face of



ongoing violations. Such institutional behavior amounts to indirect complicity, as it implicitly legitimizes the occupation by failing to enforce sanctions or activate coercive mechanisms, thereby hollowing out the principle of non-recognition of unlawful situations. This reality calls into question the extent of international organizations' legal personality and their subjection to the same rules of responsibility applied to states, while also casting doubt on the credibility of the entire international system if it proves incapable of safeguarding peremptory norms or, worse, becomes complicit in their violation<sup>(10)</sup>. The reality is that this issue remained largely overlooked in international scholarship and jurisprudence until the International Court of Justice addressed it in its advisory opinion of 11 April 1949 concerning the United Nations' right to claim compensation for damages suffered by its officials in the course of their duties. In this landmark ruling, the Court affirmed that, although the United Nations is neither a state nor a government above states, it constitutes a subject of international law and possesses the legal capacity necessary to safeguard its rights, including the ability to bring international claims against both member and non-member states to obtain redress for damages sustained by itself or its officials. This opinion demonstrates that the international legal personality of organizations is not merely theoretical but functions as a practical instrument enabling them to activate mechanisms of international responsibility, provided that their claims are grounded in infringements of established rights. However, despite its historical

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(10) Jean Salmon, *The Role of International Organizations in Matters of Loans and Borrowing: Legal Issues*, Stevens, 1958, p. 16.

significance, this recognition remains subject to critical scrutiny, given the discrepancy between the powers affirmed by the Court and the actual practices of international organizations, which are often constrained by political and diplomatic considerations that dilute the effectiveness of their legal personality, raising questions about its practical capacity to enforce accountability for serious violations of international law<sup>(11)</sup>. Following the issuance of the International Court of Justice's advisory opinion, it is now firmly recognized in both doctrine and jurisprudence that international organizations possess legal personality, enabling them to bear international responsibility or seek reparation for damages incurred. This recognition, however, is partial and does not render international organizations equal to states in legal standing or in the scope of responsibility. Their legal personality remains inherently limited, constrained by the functions, objectives, and mandates established in their founding instruments. The Court explicitly emphasized that an organization's capacity to bring international claims is not absolute; it is confined to situations where a violation affects a right inherent to the organization itself rights derived from its constitutive treaty or statute. This distinction underscores the restricted nature of organizational legal personality and highlights the fundamental divergence between the rights and competencies of states versus those of international organizations. Consequently, the effectiveness of international organizations in enforcing international accountability or addressing serious violations remains circumscribed by these foundational limits, raising critical

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(11) Jean-Marc Sorel, *The Responsibility of the United Nations in Peacekeeping Operations*, BRILL, 2001, pp. 127–128.



questions regarding their capacity to confront major breaches of international law or actively uphold mechanisms of international responsibility against actors who flagrantly violate established norms<sup>(12)</sup>. Despite the recognition of international organizations as possessing legal personality and the concomitant capacity to bear international responsibility, the practical enforcement of such responsibility remains constrained by significant obstacles, primarily the absence of pre-established dispute resolution mechanisms. While these organizations are entitled to seek advisory opinions from the International Court of Justice, they cannot appear as parties in contentious proceedings before the Court in the conventional sense. Similarly, they are ineligible to act as litigants before regional human rights courts, whether European or American, where the right of petition is restricted to member states or authorized commissions under the respective treaties. Nevertheless, international organizations retain certain mechanisms to claim rights or seek reparation, albeit without full procedural standing in international judicial forums. A classic illustration of this limited capacity is the United Nations' compensation to the Belgian government pursuant to the agreement of 20 February 1961, for damages inflicted on Belgian nationals' persons and property by UN peacekeeping forces during the suppression of the 1961 Congo rebellion. This case underscores the partial ability of international organizations to assume responsibility, highlighting the persistent gap between the theoretical acknowledgment of legal personality and the practical

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(12) Ibid., pp. 129–132.

capacity to exercise rights and enforce obligations under international law. Although international organizations have not yet fully acquired the legal capacity to litigate before international courts, certain regional frameworks have granted them limited exceptions. The European Court of Justice, for instance, allows legal entities to directly challenge regulations that affect them personally and directly, while the African Court on Human and Peoples' Rights authorizes African intergovernmental organizations to bring cases before it. Yet, these experiences though often presented as progressive steps towards broadening access to justice ultimately reveal a selective and inconsistent approach: they constitute only a partial and restricted recognition of procedural capacity, falling short of establishing a general rule in international law. This perpetuates a dualism between the universal system and regional mechanisms, underscoring the fragility of the legal architecture governing international organizations as genuine actors in the international arena.<sup>(13)</sup>

### **C- The Individual as a Responsible Legal Person**

The individual is no longer regarded in international law merely as a bearer of rights or as a victim of unlawful acts entitled to compensation, but has also become a direct actor capable of incurring legal responsibility for harmful conduct. This shift is clearly reflected in the profound transformation witnessed by the international legal system with the development of international criminal law, where the focus has moved beyond the exclusive accountability of states to recognizing the direct responsibility of individuals for grave

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(13) A'mar Yahyaoui, *The Law of International Responsibility*, Houma Publishing, Algiers, 2009, pp. 23–24; also Zaza Lakhdar, *op. cit.*, pp. 34–35.



crimes such as war crimes, crimes against humanity, genocide, and torture, thereby transcending the traditional notion of individual immunity. Within this framework, the critical debate arises concerning the crime of normalization, which does not constitute a mere political act but rather a violation of peremptory norms of international law, particularly those relating to the right of peoples to self-determination and the prohibition of occupation, thereby rendering any individual engaging in it potentially liable under the principle of international individual responsibility. At the same time, although there has been a positive trend towards strengthening the direct rights of individuals in the international arena, this in no way exempts them from strict accountability for actions that may legitimize violations or undermine international justice under the guise of “peace” or “cooperation.” Hence, the recognition of individual responsibility for the crime of normalization represents not only a legal requirement but also both a moral and legal necessity to ensure the prevention of new crimes against humanity and to close the loopholes that might otherwise allow their recurrence in the future<sup>(14)</sup> The profound transformations experienced by the international community particularly in the aftermath of the Second World War and the atrocious crimes committed by individuals have generated a decisive trend rejecting the exclusion of the individual from the realm of international legal relations. The individual is no longer conceived merely

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(14) Elisa Orteg Velázquez, *The Legal Nature of Diplomatic Protection in Light of the Progressive Development of International Law: A Right of the State or of the Human Person?*, *Anuario Mexicano de Derecho Internacional*, Vol. XVI, 2016, p. 15.

as a passive entity protected by legal norms, but rather as a direct addressee of international law and a subject of accountability for criminal acts that threaten international peace and security. The Nuremberg Tribunal articulated this shift unequivocally by affirming that the perpetrators of international crimes are natural persons, and that the enforcement and respect of the law can only be guaranteed through the punishment of such individuals. This development was further consolidated by the recognition of individuals' international rights in various legal instruments, such as the European Convention on Human Rights, which grants individuals the capacity to lodge complaints directly against states, and even to bring cases before the European Court of Human Rights thereby elevating the individual to a central position within the international legal order. Yet, this evolution must not be viewed exclusively through a protective lens; rather, it requires a critical reading that highlights the dual nature of the individual as both rights-holder and bearer of obligations, especially when acting as a representative of the state or in the exercise of sovereign authority. In this respect, individual responsibility becomes particularly significant in relation to the crime of normalization, which constitutes a blatant violation of *jus cogens* norms and an infringement of the right of peoples to self-determination. Political initiatives such as former U.S. President Donald Trump's declaration of Jerusalem as the capital of the occupying Zionist entity exemplify how individuals, in both their personal and official capacities, may contribute to conferring false legitimacy upon occupation thereby rendering themselves directly liable under international law as accomplices to crimes that target humanity as a whole.



## **1.2. The Legal Nature of International Responsibility for the Crime of Normalization**

### **1.2.1 *Violations of Peremptory Norms of International Law***

Peremptory norms of international law (*jus cogens*) embody one of the most profound transformations in the structure of the international legal order. Their roots may be traced back to classical notions of absolute norms (*jus strictum*), which by their very nature admit of no derogation and cannot be contractually set aside, given their overriding normative and axiological character. A breach of such norms does not merely amount to a contractual violation subject to remedial negotiation but constitutes an assault on the very foundation of the international legal system, thereby triggering inescapable legal consequences and responsibilities. In contrast, dispositive norms (*jus dispositivum*) leave room for the free will of parties, permitting modification or derogation through mutual consent, and thus occupy a lower tier of normativity and binding force. From this perspective, the crime of normalization with a colonial-occupying entity cannot be relegated to the domain of negotiable or contract-based arrangements; rather, it constitutes a direct violation of *jus cogens* norms, including the right of peoples to self-determination, the prohibition of aggression, and the inadmissibility of territorial acquisition by force all of which collectively form the normative bedrock of international peace and security. Accordingly, normalization is not a mere sovereign political choice but a crime of a compounded nature, insofar as it represents a flagrant challenge to the very philosophy of *jus cogens*. Consequently, the

international responsibility it entails is of an aggravated character, extending beyond the traditional framework of inter-state relations to encompass both individuals and political regimes as active participants in violations of principles that admit of neither derogation nor waiver<sup>(15)</sup>. The invocation of this term within the domestic law of the Greeks and Romans was neither incidental nor superficial; rather, it represented a continuous and deeply rooted usage that reveals an early awareness of the existence of norms possessing a distinctive nature, transcending individual or contractual will, and reflecting a historical recognition that certain legal principles carry an inherent and inescapable binding force. Yet this usage, although chronologically antecedent, invites critical questions regarding its authenticity and depth: was it truly an expression of a conscious grasp of the idea of *jus cogens*, or merely a reflection of dominant power structures seeking to sanctify their commands in order to ensure compliance? Thus, the recourse to the Greco-Roman experience should not be read as a fully developed conceptual foundation for *jus cogens*, but rather as an embryonic stage marked by the interplay between law and politics, between practical necessity and philosophical justification a stage that calls for a critical approach which acknowledges its contributions while simultaneously exposing its limitations in shaping subsequent legal consciousness<sup>(16)</sup>. A return to classical

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(15) Danial Rezai Shaghaji, Crimes of *Jus Cogens*, the Refusal of Immunity for Senior Representatives of Foreign States, and the Exercise of Universal Jurisdiction, *Revue québécoise de droit international*, No. 28.2-2015, 30 October 2016, p. 145.

(16) Egon Schwelb, Some Aspects of International *Jus Cogens* as Formulated by the International Law Commission, *The American Journal of International Law*, Vol. 61(4), 1 October 1967, p. 948.



Roman law reveals an early attempt to entrench the notion of rules that admit of neither derogation nor opposition, as reflected in the Justinian Digest where, for the first time, the term imperative norms appears, albeit within the narrow scope of private law, specifically in the regulation of gifts and donations. Yet this usage, while historically significant, raises a fundamental critical question: does it genuinely constitute an authentic precursor to the modern concept of *jus cogens* with its universal and binding character, or is it merely a technical and context-bound reference serving a practical purpose without embodying a deeper philosophical or legal awareness of norms that transcend individual and collective will? Thus, the brief provision defining a gift as “that which is given without being due as of right” cannot be regarded as a fully fledged foundation of peremptory norms, but rather as an embryonic indication of the complex interplay between the practical needs of private law and the nascent seeds of normative ideas that would only later evolve within the framework of international law<sup>(17)</sup>. Roman legal precedents reveal an early awareness of a complex duality within the structure of law, whereby the amendment of positive law was permissible only insofar as such modification did not contravene the imperatives of public order. This distinction effectively entrenched a division between two categories of norms: on the one hand, the mandatory and immutable rules (*jus strictum* or *jus publicum*), which admit of no derogation or opposition, and on the other hand, the permissive or supplementary rules

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(17) First Report on *Jus Cogens*, Special Rapporteur Dire Tladi, United Nations General Assembly, International Law Commission, Sixty-Eighth Session, A/CN.4/693, 8 March 2016, p. 12.

(jus dispositivum), which could be modified or replaced provided they conformed to the requirements of the public good. Yet, despite its historical significance, this bifurcation invites critical scrutiny regarding the clarity of the boundary between the two realms: was it truly indicative of an authentic consciousness of peremptory norms endowed with absolute supremacy, or merely an attempt to cloak the interests of authority and political order with the sanctity of public order? Consequently, what the Romans regarded as compulsory and inescapable law may be read as the embryonic seed of the modern notion of jus cogens, but simultaneously as evidence of its limitations, insofar as it was shaped less by a structural understanding of transcendent legal norms than by the political imperatives of the time<sup>(18)</sup>

### ***1.2.2. Violation of the Provisions of the Law on State Responsibility***

The violations of obligations established under the Articles on State Responsibility become evident through the provisions contained in its various articles addressing this matter.

#### **A- Violation of the Obligation of International Cooperation to End the Breach of a Peremptory Norm**

International cooperation constitutes one of the principal purposes of the United Nations<sup>(19)</sup>. This is consistently

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(18) Delphine Hayim, *The Concept of Non-Derogability in International Law: A Functional Analysis*, Doctoral Thesis, Graduate Institute of International and Development Studies, University of Geneva, Switzerland, 2012, p. 54.

(19) Mario Bettati, *The Reform of the United Nations for the Establishment of a New International Economic Order*, *Politique étrangère*, 1976, p. 396.



highlighted within the stated objectives of various international and regional organizations, finding expression in the provisions of numerous treaties and agreements adopted under their auspices. Yet such incorporation while ostensibly reflecting a principled acknowledgment of the importance of cooperation invites critical scrutiny as to its practical credibility, for it often remains confined to diplomatic rhetoric and textual commitments rather than evolving into effective mechanisms capable of addressing grave breaches of jus cogens norms and safeguarding the collective interests of the international community<sup>(20)</sup>. This principle has been entrenched even in the relationship between the United Nations and various regional organizations. Yet such entrenchment is not without difficulty: it raises the question of whether it genuinely reflects an integrated institutional coordination that enhances the effectiveness of the international legal order, or whether it remains a largely formal framework serving political balances rather than consolidating genuine cooperation in addressing grave breaches of jus cogens norms<sup>(21)</sup>. Solidarity in the face of a flagrant and systematic violation by a state of obligations arising under a peremptory norm of international law is not a matter of political discretion or temporary diplomatic maneuvering, but necessarily generates a positive obligation incumbent upon all states to act promptly and to participate in the

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(20) Universal Declaration of Human Rights (UDHR), adopted in Paris (Palais de Chaillot) by the United Nations General Assembly, 10 December 1948.

(21) Security Council Resolution 2033 (2012), 12 January 2012, Cooperation between the United Nations and Regional and Sub-Regional Organizations in the Maintenance of International Peace and Security.

collective measures undertaken by the international community in order to safeguard its common interests and preserve the integrity of the legal order. This duty is not confined to those states directly injured by the grave breach; it equally extends to those indirectly affected, for the collective character of jus cogens norms imposes a universal responsibility that transcends bilateral or individual harm. Moreover, the forms of participation cannot be narrowly reduced to institutional frameworks such as the United Nations or regional organizations, but may also be expressed through non-institutional arrangements, provided they remain governed by the principle of legality. Yet leaving the modalities of such solidarity undefined raises critical concerns, for it risks emptying the obligation of its substantive content and reducing it to political rhetoric or symbolic gestures that fall short of effectively confronting the violation an outcome fundamentally at odds with the essence of jus cogens, whose normative force derives from its absolute binding nature and its embodiment of the collective interests of the international community as a whole<sup>(22)</sup>. The essence of the obligation lies not in its form or mechanism, but in the ultimate result sought namely, putting an end to the grave breach of a peremptory norm of international law. Yet Article 40, despite its normative significance, confines itself to articulating the objective without delineating the means: it neither specifies the forms of cooperation required nor the institutional frameworks within which such cooperation must occur, instead leaving

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(22) Brigitte Bollecker, The Advisory Opinion of 21 June 1971 of the International Court of Justice in the Case Concerning the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa), A.F.D.I., 1971, pp. 281–333.



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the door wide open to all possible modalities, whether through specialized international organizations or through non-institutional arrangements. While such openness might at first glance appear to enhance flexibility, it raises profound critical concerns: is its purpose truly to broaden the scope of initiatives so as to ensure greater effectiveness, or does it reveal a legislative deficiency that enables states to evade their obligations under the pretext of indeterminate forms and mechanisms? In this way, the unlimited openness embraced by Article 40 risks shifting from a guarantee of flexibility to a pretext for hollowing out the very substance of the obligation, thereby undermining the ultimate aim of safeguarding jus cogens norms and preserving the unity of the international legal order.<sup>(23)</sup>

### **B- Violation of the Obligation of Non-Recognition of Any Situation Arising from a Breach of a Peremptory Norm**

Paragraph 2 of Article 41 of the International Law Commission's Articles on State Responsibility for Internationally Wrongful Acts explicitly provides that: No State shall recognize as lawful a situation created by a serious breach of an obligation arising under a peremptory norm of general international law. Yet this principle, despite its strict mandatory character reflecting the supremacy of jus cogens norms, raises critical questions regarding the extent of states' genuine compliance in practice. While the provision embodies a normative will to shield the international legal order from attempts to legitimize grave

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(23) Report of the International Law Commission to the General Assembly on the Work of its Fifty-Third Session, Yearbook of the International Law Commission, op. cit., p. 148.

violations, state practice reveals glaring contradictions: too often, states have invoked political or strategic considerations to justify their positions, thereby undermining the obligation and reducing it to rhetorical affirmation rather than a binding and effective rule. The real challenge, therefore, lies not in the clarity or rigor of the text itself, but in the establishment of mechanisms capable of preventing states from evading their responsibilities through either explicit or implicit recognition of situations created by blatant breaches of peremptory norms. In this sense, the obligation of non-recognition becomes a true litmus test of the international community's credibility in upholding the primacy of its highest legal norms<sup>(24)</sup>. In international law, recognition is not a mere formal act or a neutral diplomatic gesture; rather, it constitutes the conferral of legitimacy, the acknowledgment of reality, and the affirmation of existence as a legally cognizable entity. The danger of such recognition lies in the fact that it does not merely register a political stance, but functions as an instrument that grants legal force to a situation potentially founded upon a flagrant violation of jus cogens norms or the inalienable rights of peoples thereby rendering the act of recognition itself unlawful and a distinct source of international responsibility. From this perspective, the obligation of non-recognition cannot be reduced to a matter of sovereign discretion; it stands as a strict legal duty designed to prevent the legitimization of illegality and the consolidation of its effects within the

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(24) Stefan Talmon, *The Duty Not to 'Recognize as Lawful' a Situation Created by the Illegal Use of Force or Other Serious Breaches of a Jus Cogens Obligation : An Obligation without Real Substance? in The Fundamental Rules of the International Legal Order: Jus Cogens and Obligations Erga Omnes. Edited by Christian Tomuschat and Jean-Marc Thouvenin. Leiden, Boston: Martinus Nijhoff, 2006, P. 99.*



international legal order<sup>(25)</sup>. The recognition by any state of a situation that has arisen from a serious breach of a peremptory norm of international law is not merely an infringement of legality, but in essence constitutes an implicit endorsement of that violation and a concrete contribution to its consolidation. Such recognition inevitably risks encouraging the violating state to persist in its unlawful conduct under the guise of a false political or legal shield. This danger is starkly illustrated in the case of the United States' unconditional support for the Zionist entity, particularly through its recurrent use of the veto power in the Security Council. Such a stance has effectively provided an international cover that has enabled this unlawful entity to maintain its occupation of Palestinian territories while escalating its grave violations against the defenseless Palestinian people and against the most fundamental rules of international humanitarian law. Thus, recognition or even political protection of a situation created in defiance of jus cogens norms cannot be regarded as an isolated sovereign act; rather, it is an aggravating factor of illegality that entrenches impunity and undermines the credibility of the entire international legal order. The gravity of these practices lies not only in their immediate consequences for the victims, but also in their corrosive impact on the very normative philosophy upon which international law is founded: the protection of peoples, the deterrence of aggression, and the preservation of international peace and security.

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(25) Joe Verhoeven, *International Recognition: Decline or Renewal?*, *Annuaire français de droit international*, Vol. 39, 1993, pp. 7–40.

### **C- Violation of the Obligation Not to Provide Aid or Assistance in Consolidating Illegality**

This constitutes the third obligation within the framework of non-legitimation of violations, a composite duty arising directly from the breach of a peremptory norm of international law. It rests not only upon the states directly uninvolved in the wrongful act but extends as a collective responsibility incumbent upon the international community as a whole. The obligation requires states to refrain absolutely from providing any form of aid or support whether material, political, or legal to any situation created by a serious breach of a jus cogens norm, for such assistance would amount to an indirect contribution to the perpetuation of illegality and the consolidation of its effects. The critical challenge, however, lies in the fragility of this obligation at the level of state practice, where it is frequently circumvented under the guise of “strategic cooperation” or “shared interests,” thereby reducing what ought to be a binding legal principle to little more than a rhetorical or moral posture. Consequently, the provision of aid or assistance even if indirect cannot be dismissed as mere neutrality; it constitutes active participation in sustaining an unlawful situation and represents a compounded breach that undermines the credibility of the international legal order while eroding the supremacy of the jus cogens norms upon which the legitimacy of the international community must rest.<sup>(26)</sup> This is expressly stipulated in the second part of paragraph 2 of Article 41 of the International Law

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(26) Djamchid Momtaz, *The Obligation Not to Lend Aid or Assistance to the Maintenance of a Situation Created by the Violation of a Peremptory Norm of General International Law*, *Anuario Colombiano de Derecho Internacional*, Vol. 10, 2017, pp. 205–219.



Commission's 2001 Articles on State Responsibility, which affirms that the obligation not to provide aid or assistance is not a matter of sovereign discretion or selective choice, but a *jus cogens* duty of absolute and binding character. Its purpose is to close any avenue that might be exploited to consolidate an unlawful situation or to confer spurious legitimacy upon grave violations that threaten the very foundations of the international legal order<sup>(27)</sup>. This obligation was formulated primarily to prevent the legitimization of violations that strike at the heart of *jus cogens* norms in international law and to avert the consolidation of *faits accomplis* established in such circumstances. This includes, for instance, the imposition of an unlawful reality through the occupation of the territory of another state and the subsequent attempt to legalize its annexation by the unlawful use of force, or the disregard of the inalienable right of peoples under colonial domination to self-determination. Accordingly, international law has imposed specific duties upon states not directly involved in the wrongful act namely, upon the international community as a whole requiring them to ensure, in all their dealings, treaties, and agreements with the violating state, that no harm is inflicted upon the rights and interests of the peoples subjected to occupation. The critical weight of this obligation lies in the strict legal standard it establishes: any treaty or agreement concluded in such a context that adversely affects the rights or interests of the indigenous inhabitants of occupied territories is deemed unlawful under international

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(27) Draft Articles of the International Law Commission on State Responsibility for Internationally Wrongful Acts (2001), text adopted by the ILC and submitted to the General Assembly in Report A/56/10 and Corr.

law and carries with it the decisive sanction of nullity. This principle finds tangible expression in situations such as the occupied territories of Western Sahara and Palestine, where any international engagement that circumvents the will of the indigenous peoples constitutes a flagrant breach of peremptory norms and a direct contribution to the perpetuation of occupation and its consequences<sup>(28)</sup>. Any form of assistance provided to an occupying power with the aim of maintaining an unlawful situation or reinforcing its effects must be regarded as participation in the consolidation of a *fait accompli* imposed upon the international community, notwithstanding the illegality of the underlying violations. Material, political, or legal aid extended to the state responsible for the original breach of a peremptory norm is not a secondary or neutral act; rather, it constitutes a grave deviation that amounts to an independent violation and gives rise to international responsibility in its own right. This position derives its strength from the clarity of Article 41(2), first limb, of the International Law Commission's Articles on State Responsibility, which unequivocally affirms that any support or assistance in sustaining a situation created by the breach of a *jus cogens* norm itself amounts to a violation of international law. Accordingly, a state that renders such assistance cannot claim the posture of a "neutral bystander"; it becomes an implicit accomplice in the original breach and is legally accountable for the consequences of its contribution to the consolidation of an unlawful situation. In doing so, it not only compounds the illegality but also assumes a level of responsibility that, in

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(28) Marie Bouriche, *Instruments of Solidarity in Public International Law*, *Connaissances et Savoirs*, LGDJ, France, 2012, pp. 405–409.



principle, places it alongside the primary violating state<sup>(29)</sup>. This principle was unequivocally affirmed by the Security Council, which explicitly prohibited the provision of any form of aid or assistance aimed at sustaining unlawful regimes, such as the apartheid system in South Africa or Portuguese colonial rule. The significance of this affirmation lies in its reflection of an early awareness within the international community of the dangers of perpetuating situations contrary to jus cogens norms, while at the same time embodying the collective will to block any attempt to cloak such regimes with legitimacy or continuity. Yet these resolutions, despite their normative weight, invite critical scrutiny with regard to their practical effectiveness: compliance with the prohibition on assistance was often contingent upon political calculations and narrow national interests, thereby diminishing their impact in practice and, at times, reducing them to temporary instruments of political pressure rather than genuine enforcement mechanisms capable of ensuring strict adherence to international law<sup>(30)</sup>. As acts prohibited under the peremptory norms of international law, they are not merely technical violations of the legal order but constitute grave crimes that shake the very conscience of humanity and undermine its moral and legal foundations. They embody unlawful conduct such as genocide, aggression, apartheid, and the forcible denial of

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(29) Alain Pellet, *The ILC Articles on State Responsibility for Internationally Wrongful Acts: Continuation and Conclusion?*, A.F.D.I., 2002, pp. 17–19.

(30) Report of the International Law Commission to the General Assembly on the Work of its Fifty-Third Session, *Yearbook of the International Law Commission*, Vol. II, Part Two, 2001, A/CN.4/SER.A/2001/Add.1 (Part 2), p. 150.

peoples' inalienable right to self-determination each of which represents a flagrant breach of the foundational principles of the international order and is classified among the most egregious crimes, demanding absolute condemnation and decisive collective action by the international community<sup>(31)</sup>.

### **1.3. Unequal Treaties in the Framework of International Law**

One of the most salient features of the legal arrangements concluded between occupying powers and normalizing states particularly the treaties and agreements arising in such contexts is that they fall within the category of unequal treaties, which are inherently tainted with illegality under international law owing to their lack of the fundamental principle of equality between the parties. The international jurist Lachs emphasized that this phenomenon is by no means modern; rather, it has long been embedded in the structural imbalance of international relations between strong and weak, large and small states, rendering the conclusion of unequal treaties almost inevitable within a system governed by power asymmetries. History itself bears witness to the persistence of this pattern since antiquity, with the Greek experience often associated with such treaties, even though the Greeks were among the first to denounce them, identifying inequality as a fundamental defect that stripped such instruments of binding legal force. A striking example is found in Socrates' reflections on the

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(31) James Crawford, *The Articles on Responsibility of States for Internationally Wrongful Acts*, p. 9, available at: [[http://legal.un.org/avl/pdf/ha/rsiwa/rsiwa\\_a.pdf](http://legal.un.org/avl/pdf/ha/rsiwa/rsiwa_a.pdf)]([http://legal.un.org/avl/pdf/ha/rsiwa/rsiwa\\_a.pdf](http://legal.un.org/avl/pdf/ha/rsiwa/rsiwa_a.pdf)).



Peace Treaty between Athens and Sparta known as the "Antalkidas" treaty of 386 B.C. which he described as the embodiment of inequality. Ostensibly granting freedom to European cities and islands, the treaty in reality entrenched Spartan occupation over territories such as Arcadia and Boeotia through concealed provisions permitting the continued presence of military camps. Socrates characterized such arrangements not as genuine treaties but as imposed orders, warning against their dangers and affirming that any people aspiring to freedom must avoid entering into unequal treaties, for they stem from dependency and servitude. He insisted that peace agreements should only be concluded in two circumstances: either from a position of victory or from one of full parity with the adversary. This perspective reflects an early awareness of the inherent dangers of unequal treaties as instruments designed to cloak illegitimate situations with a veneer of legal formality<sup>(32)</sup>.

#### **1.4. Normalization as Complicity in the Crime of Occupation**

Before addressing the various forms of complicity that give rise to a state's responsibility for the acts of others, it is essential first to clarify the meaning of this relatively modern concept within international law, which merits careful examination. Complicity does not denote mere incidental support or ambiguous political alignment; rather, it entails active participation in the wrongful act by enabling, covering, or facilitating its continuation thereby rendering

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(32) Morsli, Mohamed. International Responsibility of States for the Violation of Peremptory Norms of International Law. Doctoral Dissertation in International Law, University of Algiers 1, 2020, pp. 140–154.

the assisting state an accomplice to the unlawful conduct. International practice demonstrates that allegations of complicity are no longer exceptional but have become widespread and multidimensional: France has been accused of complicity in the Rwandan genocide, China of complicity in atrocities in Darfur, and the United Kingdom of complicity in acts of torture during the war in Iraq. These examples underscore that the rules of complicity in international law are far from uniform; they manifest in diverse forms with varying sources, content, and structures. This diversity highlights both the breadth of the concept and the difficulty of evading it, while confirming that normalization with an occupying power cannot be reduced to a mere political choice it constitutes, in effect, a form of complicity that engages international responsibility<sup>(33)</sup>.. Breaches of international obligations are no longer predominantly the result of unilateral conduct; increasingly, such violations emerge as the product of complicity by other states. Responsibility for complicity thus represents one of the more recent developments in international law, closely tied to the maturation of the international community and its gradual move toward a framework of shared responsibility. This concept has emerged as a tool to reinforce respect for legality and the rule of law in international relations. In the Bosnian Genocide case, the International Court of Justice affirmed that responsibility for aid or assistance, as set forth in Article 16 of the International Law Commission's Articles on State Responsibility, reflects a rule of customary international law. Moreover, in examining whether Serbia bore responsibility for complicity in genocide under Article

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(33) Miles Jackson, *Complicity in International Law*, Oxford University Press, United Kingdom, 1st Edition, 2015, p. 3.



III(e) of the Genocide Convention, the Court relied by analogy on the requirements of Article 16, questioning the ordinary meaning of certain conditions contained therein. This judicial approach demonstrates the widening scope of complicity and the Court's resistance to narrow interpretations that could undermine accountability. Against this background, normalization with an occupying power cannot be framed as a mere sovereign political choice; rather, it constitutes complicity in the legal sense, thereby engaging the dual international responsibility of both the normalizing state and the occupying power as joint participants in sustaining an unlawful situation in defiance of jus cogens norms<sup>(34)</sup>.

## **2. The Procedural Scope of International Responsibility for the Crime of Normalization**

The procedural scope of international responsibility is no less significant than its substantive dimension in revealing the gravity of the crime of normalization. It constitutes the practical framework through which violations are translated into formal protest and from which concrete legal consequences flow. Far from being a mere procedural formality, this dimension plays a central role in underscoring the seriousness of this egregious crime, by providing mechanisms for holding the responsible parties accountable and delineating the legal effects arising from its commission. In this sense, normalization is not to be reduced to a political act, but must be understood as an international

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(34) valadyslav lanovoy, *Complicity in an Internationally Wrongful Act, principles of shared responsibility in international law*, Op. Cit, p134-135.

crime that entails binding legal procedures and collective obligations at the global level.

## **2.1. Crime of Normalization**

The right to invoke international responsibility is not confined to the directly injured state, such as the occupied Palestinian state that has suffered grave harm as a result of normalization policies and treaties, but also extends to other states not directly affected, insofar as the breach concerns a peremptory norm of international law. Articles 53 and 64 of the 1969 Vienna Convention on the Law of Treaties, together with Article 48 of the International Law Commission's Articles on State Responsibility, enshrine the principle of erga omnes obligations, thereby entitling any state with a legal interest to protest responsibility on the basis that the violation undermines the collective interest of the international community as a whole. Although this concept is well established in both doctrine and jurisprudence, instances of successful invocation on this basis remain limited not because of inherent complexities in the rules themselves, but due to political disputes regarding the scope of the norms that permit standing erga omnes. For the purpose of invoking responsibility, identifying the nature of the breached obligation is often less complex than establishing material damage: once it is determined that the obligation in question is owed to the international community as a whole, the legitimacy of any state's protest follows naturally. To illustrate, one might consider a scenario in which an international organization, together with "State 1" and "State 2," conducts a military operation that results in harm to civilian populations, cultural heritage, or natural resources in a manner that cannot be justified



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under international humanitarian law. In such a case, any state even if not directly injured would be entitled to invoke the responsibility of all three parties, provided that the conduct can be attributed to them and constitutes a serious breach of a jus cogens norm<sup>(35)</sup>.

## **2.2. The Legal Consequences of Engaging International Responsibility for the Parties to Normalization**

A careful reading of the Articles on State Responsibility for Internationally Wrongful Acts makes it clear that normalization with an occupying power through the establishment of political, economic, or diplomatic relations constitutes a grave and flagrant breach not only of the rights of the victim state, foremost the occupied Palestinian state, but also of the shared values of humanity which embody the global conscience and reflect the peremptory principles enshrined in international law at all levels. Such a violation, under the general rules of international responsibility, gives rise to two forms of liability: the first is responsibility for the wrongful act, which rests upon three elements: the author of the wrongful act (whether a state, one of its organs, an international organization, or even an individual), the injured party whose rights have been violated (in this case the Palestinian state), and the causal link between the wrongful act and the harm suffered. Once these elements are established, international responsibility arises, requiring acknowledgment of the illegality, immediate cessation of the wrongful conduct, and elimination of all consequences

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(35) Annemarieke vermeer-kunzli, *Invocation of Responsibility, Principles Of Shared Responsibility In International Law*, Cambridge University Press, 2014, PP. 263-265.

flowing therefrom. In addition, it entails an obligation to provide full reparation to the injured state namely, the Palestinian state through appropriate and equitable compensation for the injustice, oppression, and harm inflicted upon it as a result of the violation of its right not to have assistance rendered to the occupying power. Such assistance has only emboldened the occupier to intensify its grave violations against the defenseless Palestinian people. Thus, normalization cannot be reduced to a mere political choice; it generates serious legal consequences under international law that undermine the legitimacy of the normalizing parties and oblige them to remedy the harm arising from their contribution to the consolidation of an unlawful situation<sup>(36)</sup>. The second dimension of responsibility is embodied in international responsibility arising from the breach of jus cogens norms of international law, foremost among them the violation of the Palestinian people's right to live freely on their own land an inalienable human right. This form of responsibility represents one of the most severe and absolute categories of international responsibility, codified in Articles 40 through 48 of the International Law Commission's Articles on State Responsibility for Internationally Wrongful Acts, thereby imparting a new and more stringent character to the concept of state responsibility. Under the Commission's earlier draft, particularly Article 19 of the 1996 version, breaches of peremptory norms were classified as "international crimes of states," entailing criminal responsibility before the International Criminal Court. Subsequent revisions

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(36) Awad Shafiq Awad, *State Responsibility for Internationally Wrongful Acts*, Dar al-Fikr al-Jami'i, Alexandria, Egypt, 2016, pp. 241–325.



redefined such breaches as internationally wrongful acts aggravated by special circumstances, thereby situating them in a middle ground between the state's international criminal responsibility on the one hand and its objective civil liability on the other. Despite this shift in characterization, the consequences remain comparably stringent: aggravated responsibility entails decisive and far-reaching legal effects, including cessation and non-repetition, full reparation, and the nullification of unlawful situations. Nowhere is this more evident than in the case of the Palestinian people, who are systematically deprived of their right to sovereignty over their territory and natural resources. Thus, normalization with the occupying power amounts to direct complicity in perpetuating this grave violation of the rights of peoples and of the peremptory norms that anchor the international legal order.<sup>(37)</sup>

## **Conclusion**

In concluding this study, which has sought to examine normalization as an international crime within the framework of public international law, it becomes clear that normalization cannot be reduced to a matter of sovereign political choice, as often portrayed. Rather, it constitutes an unlawful act of such gravity that it must be placed within the category of international crimes, given that it embodies a betrayal of the rights of the Palestinian people and a flagrant violation of international legality. Normalization, by its

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(37) Awad Shafiq Awad, *op. cit.*, pp. 339–413.

nature and consequences, is no less serious than the crime of occupation itself, and indeed serves as its extension and consolidation. It therefore generates aggravated international responsibility, not only for the states that have initiated normalization but also for international organizations and individuals complicit in this proscribed conduct. Accordingly, the right to protest such violations extends beyond the directly injured state to encompass the international community as a whole.

## **Findings**

- 1- The actions of certain Arab states (the United Arab Emirates, Bahrain, Sudan, and Morocco) constitute a grave crime against the Palestinian people and a betrayal of the broader Arab and Islamic community.
- 2- Normalization, even in the absence of an explicit substantive provision, is no less serious than the crime of occupation, given the similar effects both generate for the injured state and the international community.
- 3- Normalization constitutes an unlawful international act regardless of the actor, whether a state, an international organization, or an individual.
- 4- Normalization represents a grave violation of international law and international legitimacy.
- 5- International law establishes responsibility upon all international legal persons involved in normalization.



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- 6- Normalization has a dual character with respect to international responsibility, engaging both civil and criminal dimensions.
- 7- The right to invoke responsibility lies with the injured state as well as the international community, insofar as the obligations in question are erga omnes.
- 8- Complicity is the legal link between the crime of occupation and the crime of normalization, forming the basis for the invocation of international responsibility in relation to both.

### **Recommendations**

- 1- Explicit recognition of normalization as an independent international crime, distinct from occupation, through either a global declaration or an international convention.
- 2- Clear and precise definition of the legal consequences arising from normalization, together with the imposition of aggravated international responsibility in this domain.
- 3- Effective application of the provisions of the Articles on State Responsibility to normalization, recognizing it as a form of complicity in an international crime, and enforcing all resulting consequences.
- 4- Establishment of a United Nations body tasked specifically with addressing normalization and mitigating its devastating effects on peoples under occupation.
- 5- Formation of international alliances to confront normalizing states and adoption of comprehensive measures such as boycotts to restore them to compliance with international legality.

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