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EDITORIAL

Introducing the LJIL Occasional Lecture: Ardi Imseis on Palestine

Joseph Powderly* and Surabhi Ranganathan*

In this issue we are delighted to publish the text of the LJIL Occasional Lecture that was delivered by Ardi Imseis, in The Hague, on 27 November 2025. This was the third in the series of LJIL lectures, with previous editions delivered by Sundhya Pahuja (2016) and Karen Alter (2019). However, the 2025 lecture also represents a shift in concept. For, while previously it had been intended that the lecture take place as an annual event – a laudable aim honoured more in the breach – our intention now is towards greater flexibility. Hence *occasional*, rather than *annual* lectures. But we take that former term seriously. We do not mean by it to make LJIL lectures a blue moon event, but rather, to conceive them in the vein of *new* moon events: periodic if irregular and marking an inflection point – a lecture, when the occasion demands it.

In recent times there has been no greater inflection point, and no occasion more demanding for attention and action, than the genocide in Gaza, unfolding amidst a broader war on all Palestine. The State of Israel has been responsible for a scale of violence and enormity of harm so outrageous that it has beggared *dis*belief, even in quarters which were initially prone to denying that anything was happening. The crimes against civilians on 7 October 2023 *were* horrific; Israel's response since has laid bare the depths of inhumanity inherent in the commission of international crimes, including the crime of genocide. These *state*-sponsored actions have also revealed the profound fragility of international law and of institutional processes and have made apparent the subservience to hegemonic power in the way states invoke or disavow international rules. Palestine and the treatment of the Palestinian people has long stood as a rebuke to the formal pieties of international law, and thus, unsurprisingly has been at the core of anticolonial and Third World critique.[1] But since October 2023 it has become the inflection point for all of international law, and especially its mainstream fora and institutions. As our 2025 speaker has eloquently noted, Palestine has become *the* socio-political cause of our time, and a litmus test for all international legality.

And so it was that in April 2024 that the LJIL Editorial Board decided to invite Ardi Imseis to deliver an LJIL Lecture. We are hugely grateful to Ardi for having accepted our invitation, and for his forbearance as we worked to resolve the matters that caused the lecture to be shifted from its initially planned date of 15 May 2025, marking the 77th anniversary of the Nakba. The new date of 27 November 2025 was chosen to coincide with the International Day of Solidarity with Palestinian People that is observed on 29 November of each year, on the anniversary of the 1947

*Joseph Powderly and Surabhi Ranganathan are Editors-in-Chief of the *Leiden Journal of International Law*.

[1]See for example, TWAIL Review, *Palestine and Praxis: Scholars for Palestinian Freedom* initiative (available at twailr.com/palestine-praxis/) and Call to Action (available at palestineandpraxis.weebly.com/).

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UN resolution to partition Palestine.[2] For discussing these events, placing them into the long story of how international law and institutions have withheld justice for Palestine, and explaining why even against that historic record the recent events mark a watershed, there are few speakers better suited. Ardi Imseis is a scholar, teacher, and practitioner who has devoted his life and career to the cause of advancing Palestinian self-determination and opposing its material and epistemic erasures. Currently Associate Professor of International Law at Queen's University, Canada, Ardi is the author of the instant classic, *The United Nations and the Question of Palestine: Rule by Law and the Structure of International Legal Subalternity*, published by Cambridge University Press. His essays, published in numerous journals, including the *Leiden Journal of International Law*, are widely read, taught, and cited.[3] He has worked for UNRWA and UNHCR, served as a Member of the UN Commission of Inquiry into the situation in Yemen, and as Legal Counsel before the International Court of Justice been engaged in various proceedings relevant to Palestine. He has also served as Editor-in-Chief of the *Palestine Yearbook of International Law*.

In speaking of Palestine as *the* inflection point of the present, it is not our intention to discount the spectacular harms unfolding in other places, in Sudan, Yemen, Myanmar, Ukraine, and elsewhere, nor the structural violence that is accelerating everywhere. We live in times that must and do confront us with the sheer *extraordinariness* of what we have taken, and should not continue to regard, as ordinary, or *normal*. Yet, as is summed up in the title of Ardi's lecture, there is a degree of active silencing, both within and beyond the academy, that makes Palestine stand apart even from other situations of genocidal harm. Ardi's title, 'Still Seeking Permission to Narrate: On International Law and the Question of Palestine', recalls the famous essay 'Permission to Narrate', published by Edward Said in the *London Review of Books* over 40 years ago, in 1984.[4] Said was writing in the wake of the publication of the report of the MacBride Commission, a commission of jurists set up to investigate reports of Israeli violations of international law during its 1982 invasion of Lebanon.[5] As he noted, the findings of the commission were horrifying, going even to the extent of finding, by a majority of members, that Israel was 'guilty of attempted "ethnocide" and "genocide" of the Palestinian people'.[6] And yet, this document 'had no appreciable effect on the one outside force – America – whose indulgent support for Israel has made possible continued turbulence in Lebanon'.[7] 'How is it', Said asked, 'that, as has been the case for much of this [20th] century, the premises on which Western support for Israel is based are still maintained, even though the reality, the facts, cannot possibly bear these premises out?'[8]

Said's point, made explicitly, was about the existence of a 'disciplinary communications apparatus … in the West both for overlooking most of the basic things that might present Israel in a bad light, and for punishing those who try to tell the truth'.[9] This persisted side by side, and went hand in hand, with the repeated foreclosure, rhetoric notwithstanding, of any actual movement towards Palestinian self-determination, towards 'a homeland for the resolution of its exile since 1948'.[10] We will not muster the obvious cliché of asking if the situation has changed today. You already know the answer, reader.

[2]See J. Powderly et al., 'Addressing Issues and Concerns Raised by the Publication of the "Gaza Marine Article"', (2025) 38(1) *Leiden Journal of International Law* 1.

[3]A. Imseis, 'On Membership of the United Nations and the State of Palestine: A Critical Account', (2021) 34(4) *Leiden Journal of International Law* 855.

[4]E. Said, 'Permission to Narrate', (1984) 6(3) *London Review of Books*, available at www.lrb.co.uk/the-paper/v06/n03/edward-said/permission-to-narrate.

[5]*Israel in Lebanon: The Report of the International Commission to Enquire into Reported Violations of International Law by Israel During its Invasion of the Lebanon (London: Ithaca Press, 1983).*

[6]See Said, *supra* note 4.

[7]Ibid.

[8]Ibid.

[9]Ibid.

[10]Ibid.

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Allow us instead to direct you to the powerful message of Ardi's lecture, building on Said's final point, about the persistence of the Palestinian struggle, of an anticolonial nationalism that 'has had, and will continue to have, an integral reality of its own'.[11] In prose that is at once sharp and layered, Ardi shows us that while international law and its attendant institutional structures have profoundly failed Palestine, through the tireless efforts of a coterie of Palestinian international lawyers, Palestine is no longer condemned to be treated as a fungible object of international law. Rather Palestinian engagement with international law as a normative and discursive framework has precipitated an imperfect, but inescapable shift in status from mere object to subject of international law. This shift is perhaps most palpable in the ICJ's 2024 advisory opinion which in Ardi's words represents a move away from a '"managerial" and "humanitarian" approach of the United Nations on the OPT to one that is *emancipatory* in outlook'.[12] While the international legal gains can be accounted for and are undoubtedly significant, they have, as Ardi illustrates with devastating candour, come at a profound cost to the Palestinian people. There is little question that international law continues to fail Palestine, as it continues to fail all dispossessed peoples. The inaction and voluntary paralysis of states with respect to the devastation of Gaza lays bare not only their own hypocrisy, but the instability and inequality of the liberal international legal order. Ardi makes clear that how we respond to the current moment will not only be a measurement of our collective morality, but will fundamentally determine how we read, understand and apply international law in the years ahead.

[11] Ibid.

[12] See A. Imseis, 'Still Seeking Permission to Narrate: On International Law and the Question of Palestine', 2025 *Leiden Journal of International Law Lecture*, published in this issue.

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