DECOLONIZING ARCHIVES AND LAW'S FRAME OF ACCOUNTABILITY \

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INTRODUCTION

An important movement in critical legal theory argues that a historical turn is necessary in order to understand the current failings of international law. The proposition is that a study of the colonial and imperial historic legacies ingrained in the law and its practice must be undertaken to expose the coloniality of law's authority and in turn its limited frame of accountability. This article builds on this proposal, arguing that a decolonial archival practice underscores the importance of liberating collections that detail little-known activities undertaken by colonial powers. Such efforts would allow engaged and meaningful re-readings of historical events that continue to inform the operations of international law. By examining the historical processes responsible for inequalities produced through law's enforcement, we can come to challenge its defining principles.

International law's authority and legitimacy rests on its claim to operate universally, capable of representing and protecting all of humanity equally. Any suggestion that it operates with bias goes against these foundational principles and undermines its claim to justice. Critical legal scholars argue that colonial biases and hierarchies remain deeply embedded in the institutions of international law, and efforts to ignore or suppress such legacies only serve to replicate and exacerbate the ongoing effects of colonial systems. Legal theorist Anne Orford points to one aspect of this problem:

> Many international legal regimes are based on the assumption that current extremes of uneven development, inequality, mass movement of peoples, civil war, food insecurity and poverty are the consequence of the inherent characteristics or failed leadership of post-colonial states, rather than the effects of a historically constructed global political and economic system that can be challenged.

As Orford explains, instead of recognizing the continuity between the colonial past of international law and the contemporary multilateral

legal systems that produce and exploit resilient populations, proponents of international law argue that further legal frameworks are needed to educate and advance the peoples of the decolonized world to end international violence. This legal rhetoric parallels the early colonial argument of a *duty to civilize* those encountered in the colonies. In this way, international law becomes an internalized belief system, producing complacency in regards to its known failures. This process, known as the *reification* of international law, is what a decolonial archival practice seeks to counter. It does so by tracing little-known histories of international violence that evidence colonial and imperial processes, demonstrating how these have led to the continued normalization—and legal legitimization—of violence.

Feminist and intersectional critical legal theorists have pointed to culturally ingrained and gendered modes of voicing evidence in the law, which often exclude or render the human or non-human subject invisible. Following this, I pose *poetic testimony* as a method of engaging necessary and radical forms of poetics in expressing and translating the experience of violence. This approach also allows the narration of materials uncovered through a decolonial archival practice in the retelling of a global history of violence. This is in order to find ways to dismantle the asymmetric power relations produced through the world-building technology of international law. My own research-based work uses the freedoms provided in spaces of art and cultural production, engaging such platforms through speculative narratives of what I refer to as legal fiction, in an attempt at activating further reparative processes towards a wider engagement in international legal justice.

DECOLONIZING ARCHIVES

My journey starts at my family home, with a collection of archival photographs taken by my father on the eve of our flight from the Lebanese Civil War in 1989. In uncovering the images, I surreptitiously began the process of mining them for information about the situation we had been forced to leave. Being too young at the time to fully comprehend the turn of events, I turned instead to these loaded documents, removing them from the determinate authority of my parents' influence, to engage a history that had been held at a distance. This work culminated in the short film *Masking Tape Intervention: Lebanon 1989* (2013), which reconstructs and reactivates the space of our home, in order to stage my parents' first conversation on the material conditions of living through conflict, and the spatialized nature of warfare.

Rediscovered in 2012, the collection of images is unusual, in that each simply depicts the rooms in the house. No smiling family, just single frames of empty rooms, taken as a keepsake in case of no return. The image of our kitchen shows the morning sun streaming through a south-facing window, casting a distinctly-patterned shadow across the space through cross-hatched masking tape placed to stop glass shattering during bombardment. The masking tape, in both the kitchen and the image, is the only visual demarcation of the exterior threat of conflict. In the film, I use the tape and its shadow as a mechanism to describe the lived condition of potential violence, where the home shifts from a space of shelter to a space of threat. The first five minutes assembles an archive of 12,000 stills taken over the course of a day, drawing the viewer into each small shadowy corner of the room, as the light slowly moves across this altered domestic space. The second part of the film uses archival BBC news footage reporting the violent events leading to my parents' decision to leave, ending with an interview with my family as we arrive into the refugee center in Larnika, Cyprus.

The small-scale action of putting masking-tape on glass to stop it shattering is a feeble attempt to fortify the home against such exterior force. Beyond its pragmatic function, this action provides a visual and material demarcation of the turbulent time and context within which the home is situated. As the architecture of the home articulates risk as both abstract and affective, it makes visible the relationship between the familial, domestic scene being depicted and the larger

political and legal forces that bring such a condition into effect. Recognizing this, the research practice that began from the discovery of these images evolved into a method for intervening in any singular authority's capacity to speak for the archival object and a certain turn of events. This connects the domesticity of *Masking Tape Intervention: Lebanon 1989* with my argument for decolonizing archives through a relational authoritarian complex existing in both. In *Archive Fever: A Freudian Impression*, Jacques Derrida explains:

> the meaning of "archive," its only meaning, comes to it from the Greek *arkheion*: initially a house, a domicile, an address, the residence of the superior magistrates, the *archons*, those who commanded. The citizens who thus held and signified political power were considered to possess the right to make or to represent the law. On account of their publicly recognized authority, it is at their home, in that *place* which is their house (private house, family house, or employee's house), that official documents are filed.

This logic, that a citizen's authority to access the *house* and its *official documents* affords them the right to dictate the law, is what a decolonial archival practice intends to problematize. By doing so, such a practice implicitly challenges the coloniality of law's authority. That is, if an archive can only ever be read and administered through a particular frame of authority while it is under the protection of the so-called *house*, this condition dictates access to the archive as part of this authoritative frame of the law. This argument is materialized to a certain extent, in the process developed in the making of *Masking Tape Intervention: Lebanon 1989*, where I remove the archival images from the determinate authority of my parents' influence, to extract a withheld history. Yet it can be applied more broadly to efforts to liberate access to diverse archival collections, in order that the documents held in collections can be reread and reactivated outside of a limited authoritative frame. Liberating archives in this way can help efforts to engage and disrupt the continued legal technologies that are secured by authoritative interpretations of archival materials.

My understanding of the potential political and legal outcomes of a decolonizing archival practice has been informed by the important precedent set by the Hanslope Disclosure, which demonstrates the concrete impact such a practice can have on juridical processes.

THE HANSLOPE DISCLOSURE AND THE MAU MAU UPRISING IN KENYA

Kenya became a colony of the British Government in 1920, as settlers displaced large numbers of indigenous people to take control of the vast and fertile African territory. This violent process of dispossession saw the British colonial regime introduce a number of restrictions over land ownership and agricultural practice. Priyamvada Gopal describes this process in her recent book *Insurgent Empire: Anticolonial Resistance and British Dissent*. Quoting from the work of George Padmore, Gopal writes:

> punitive taxation, forced labour and widespread impoverishment were constitutive features of colonial rule in Kenya. Here 'democracy is interpreted as the right of a small white minority to rule an overwhelming black majority who have been denied all right of free political expression'.

Reflecting on Padmore's writing, Gopal goes onto state that "Kenya, more than anywhere else other than perhaps South Africa, exemplified the workings of colonialism as a species of fascism."

The Mau Mau Uprising began in 1952 in reaction to the inequalities produced by British colonialism in Kenya. The Kikuyu tribe launched an armed attack on white colonial settlers and their local collaborators that initiated the conflict. In response to the uprising, the British put a military operation into action to suppress the resistance, resulting in the massacre of Kenyan people. By 1956 the uprising had been defeated, but opposition to the

British colonial regime had been demonstrated, leading to Kenyan independence in 1963.

In 2011, 1.2 million British government documents charting these events and the period at the end of empire were found in the UK, in Hanslope Park—documents which had been illegally withheld in a breach of the UK Public Records Act. The sensitive and incriminating collection of documents had been sent back to the UK from thirty-seven Foreign and Commonwealth Offices in Britain's former colonial governments on the eve of decolonization in the 1950s. These files were allegedly saved from burning and sent for storage in Hanslope Park, to avoid their public disclosure and any subsequent embarrassment to the British government.

The Hanslope Disclosure (as the move to abide by the Public Records Act of 1958 and bring the archive into the public domain came to be known) enabled information from the archive to enter as evidence in a case holding Britain responsible for atrocities committed during the Mau Mau Uprising and eventually to prove that war crimes had been carried out in Kenya by the British colonial regime. The Mau Mau case represented victims of colonialism, as they were given the right to claim compensation from the British government for the torture and violence that had been inflicted.

The case was instigated in 2002 when Mau Mau representatives contacted a partner at legal firm Leigh Day. In taking up the case, the firm started proceedings into the claims, seeking the help of historian Caroline Elkins, who had already conducted years of archival research into British colonial violence. Elkins' work prior to the case was part of the reason legal proceedings were able to start. In 2009, legal action began in London's High Court. The victims' claims were based on the systematic abuse and torture inflicted on the Kenyan people by colonial officials under British command. The trial also revealed that British officials had put civilians into detention camps, subjecting them to torture, leading to a massacre in 1959.

In the first ruling on the case in 2011, Justice McCombe rejected the British Government's argument that the Kenyan government had "inherited" legal responsibility for the colonial violence upon gaining Kenyan independence. The case was then brought to the British High Court for a second time in 2012. In this instance the British government didn't dispute the torture of the Kenyan people, but instead argued that the case was too historical for a retrial to be allowed. The accidental discovery of the archival documents in the Hanslope Disclosure meant that in October 2012, Justice McCombe could reject the argument being made by the British government. The uncovered archive of unusually detailed records—which included minutes revealing the Governor of Kenya, Sir Evelyn Baring saying, "if we are going to sin, we must sin quietly"—made a second trial possible.

In 2013 the British government agreed to pay £19.9 million in compensation to over 5,000 claimants who had suffered torture and abuse during the Mau Mau Uprising. Though the case established a precedent for legal accountability of colonial violence carried out by the British Empire, the applicable laws were soon amended so that the case couldn't serve as such. The effective change in these laws can be observed in the example of *Chong and Others v. the United Kingdom*, in which the European Court of Human Rights rejected a trial concerning the shooting and killing of 24 Malaysian plantation workers by British troops in 1948, unanimously declaring the case to be inadmissible, as it was too historical. This was followed by the British Supreme Court's rejection of the call for a public enquiry into the Malaysian killings in 1948. However, in a more recent case brought against the Netherlands for a colonial massacre that took place in Indonesia between 1946-1947, the Dutch state tried to evoke the historical ruling to make the case inadmissible. The Hague however, did force the Dutch state to pay reparations and take responsibility for the violence.

GENERAL SPEARS' ARCHIVE AND THE ALLIED INVASION OF LEBANON AND SYRIA

After the fall of France in 1940, Britain's control over colonial territory it had secured in the Sykes Picot Agreement became unstable

as French authorities in Lebanon and Syria aligned themselves with the new Vichy government. Concern grew that Vichy authorities operating in the region were collaborating with the Nazi regime, and therefore slowly gaining control over Allied oil supplies in Iraq and Iran. On 3 September 1940, Churchill wrote that "aside from the potential invasion of the British Isles, the other major theatre of operations of the Second World War would be the Middle East." Regarding the importance of these resources, J. B. Glubb, a British Commanding Officer, wrote: "Iraq, Iran and Arabia contain the last great oil-producing areas of the world: and are vital to the Empire. It is necessary therefore to secure our wells, pipelines and refineries." The vast mechanization of war operations taking place for the first time during the Second World War meant the need for fuel began to distort the conflict's initial rationale. The use of widespread aerial bombardment created a need for oil to fuel the war machine, which, as a result, made the *Middle East* the second most important front of the war. Therefore, conflict for control of natural resources, namely the extraction of oil became legally legitimized as a *military necessity*.

In May 1941, in order to secure its oil refineries, the Allied forces invaded and occupied Iraq. Unsettled by German aircrafts refuelling at Syrian airbases during the conflict, Churchill ordered an armed intervention into Lebanon and Syria. *Operation Exporter*, was the name given to the Allied invasion of Vichy French-controlled territories in Syria and Lebanon between June and July 1941.

There was much apprehension among the Lebanese and Syrian population at the time, following the experience of famine and disease during the First World War. It was understood that even if both the Allied and Axis forces both might invoke the noblest of principles to justify the violence of warfare, in reality both belligerents were operating equally in their own self-interest, as two foreign interests fighting for control over natural resources in the territory. The tension came to a head in early 1941, as strikes and demonstrations took place across Lebanon and Syria against the sanctions that the British had put on food and trade imports. In order to legitimize the invasion and to alleviate any resistance on the ground, the Free French Army, with the support of the British, promised independence for Syria and Lebanon.

The coalition between the Free French and Britain planned a three-pronged attack toward Beirut, Rayaq, and Damascus, promising as much military and air support as the Allies could provide. The invasion began on 8 June 1941, as Allied Forces crossed into Lebanon and Syria. After a month of conflict, on 9 July 1941, the Vichy French asked for armistice terms, bringing Syria and Lebanon under Allied control. Though the promise to grant independence was made before the beginning of the invasion, negotiations continued in Lebanon until 22 November 1943 when independence was finally granted. The last Allied troops did not withdraw from Syria until 17 April 1946.

During this conflict, the vast mechanized technology of the war machine engaged for the first time a mode of governance producing resilient populations according to economic, social, and racial standing. When discussing measures of resilience, it is important not to give in to its logic. In this case, resilient populations are produced through state-perpetrated violence, forcing them to live under a condition of increased threat. By increasing the resilience of a population, the state is able to impose further violence. In the widespread use of aerial bombardment, we see the birth of resilient populations established through a discursive international *humanitarian* legal framework coupled with biopolitical techniques of governance. This process, still in effect today, visible in the ongoing international bombardment of Syria as part of its *civil war*, and in the recent explosion in Beirut, forces the population to continue to *cope* under the ongoing potential eruption of the imposed threat.

In 1942 the British government circulated two Top Secret reports written by J. B. Glubb that testify to the British forces' imposition of a state of exception in Iraq, Lebanon, and Syria—using aerial bombardment to orchestrate the destruction of key infrastructure—to

apply a (neo)colonial mode of governance. The moment of total war brought into the region through the Second World War allowed Britain to take advantage of a weakened French state and gain further influence over the industries of Lebanon and Syria. By these maneuvers, it also managed to gain influence over the governance of these soon-to-be independent nation-states. This is explicitly revealed in the following sinister passage from Glubb's report:

> With little or no official standing, we must really dominate and control these countries from behind the scenes. . . . This is an entirely new development in government service. Control by influence is a new art, which all who serve in these countries must learn.
> Basic features characterises [sic] the situation in Arabia to-day: the division of the Arabs into two classes – the governing and the governed.

It is difficult to keep an objective view of the information in these documents when confronted by this colonial mindset. This passage makes it clear that the British government's aid in the reconstruction and development of these countries was intended as a method of *control by influence*. Here we can see the significant shift explored in my research, in which new modes of (neo)colonial governance are produced in the proliferation of mechanized conflict, specifically through the widespread use of aerial bombardment.

Such a view frames this history in the larger process by which international law came to legitimize the violence of aerial warfare, and points to ways by which this legitimation has served to reinforce and exacerbate violence throughout the decolonized world. The 1907 Hague Convention is key here, because of its role in endorsing the legal argument of *military necessity*, which meant that the *laws of war* could only restrict belligerent forces to act in accordance with their own military self-interests. The elasticity of this ruling has meant that strong states can legally justify nearly any conduct of aerial warfare—placing the lives and bodies of human and non-human subjects in a position of mortal threat. Though these consequences are by now widely understood in Europe, the events that occurred in Lebanon, Syria, and Iraq are part of a well-hidden (neo)colonial attempt to use this violent method to govern the sites of oil extraction and distribution. The industrialization of aerial warfare following the Hague Convention, and in the lead up to the Second World War, meant that both Allied and Axis forces could deploy the extra-technological capacity of international laws of war to legally legitimize widespread aerial bombardment.

The legal protections for such exercises of violence were further enhanced during the Nuremberg Trials, the war crimes tribunal of the Second World War. Though this tribunal was effective in criminalizing the horrific genocide conducted by the Axis forces, it left the widespread use of aerial bombardment undertaken by both the Axis and Allied forces unpunished as a criminal act. This resulted from the Nuremberg Trials being led and influenced by the Allied forces, who did not want legal scrutiny into their own violent actions, setting a dangerous precedent. Following the Nuremberg Trials, air power entered the post-war period free of all constraints, save those imposed by its own technological and economic restrictions. In "The Materiality of International Law: Violence, History and Joe Sacco's *The Great War*," legal theorist Luis Eslava argues that the impact of this history of international law can be observed in the creation of nation-states out of former colonies and the expansion of a global capitalism—processes that Eslava sees as leading to the "consolidation of today's multiple global regimes of governance." Eslava further points to the invisibility of international law's historic effects, which "lurk behind much of the violence experienced in our unequal and still-violent present," and which can now be observed especially through the framework of civil wars.

In operating at state level international laws of war are not victim- or subject-focused, but instead absorb the affected subject of international violence in a legal technological framework.

Today, legally legitimized methods of aerial

bombardment continue to allow racialized killing in Lebanon, Syria, and Iraq, as well as other states across the region, including Palestine, Afghanistan, Iran and Yemen. To develop a legal case would require a radical change in the global perception of aerial bombardment and of international law itself. The human and non-human subjects being affected by this violence need to have further agency in informing how the man-made technology of international law operates.

FRAME OF ACCOUNTABILITY

In 2018 the opportunity presented itself to bring together interdisciplinary investigations into the lived and built effects of slow, structural, and spectacular violence in Lebanon, in the exhibition and public program *Points of Contact*. In addition to curating the project, I participated by presenting the short documentary film *Under Multiple Suns*.

In working on this project and with its interdisciplinary participants, I observed and developed ideas on poetic testimony as the necessary engagement of radical forms of poetics in expressing and translating the experience of violence. Here I draw on the etymological meaning of *poiesis* from the Greek term meaning *to make*, which in the case of poetic testimony alludes to a process of building on and from an experience, as a necessary development of its becoming, as testimony. There is however a noticeable tension that exists between the use of poetic methods and forensic or analytical forms of knowledge production. My proposal is that these methods, both poetic and forensic, shouldn't exclude or lessen the credibility or necessity of one or the other, but rather attempts should be made to uphold and make use of the strengths and possibilities in both, in this way irrevocably changing the latter.

Inspired by Luce Irigaray's feminist writing on hysteria as a form of protest against patriarchal oppression, legal scholar Yoriko Otomo proposes *écriture feminine* as a feminist methodological intervention, for providing a more expansive and inclusive framework for international law's affective capacity. But such a methodology doesn't only frame women's concerns as that which the law has come to exclude. Rather, it should reflect a complex of intersectional issues, in engaging a broader framework that resists the inherent inequalities bolstered by international law's asymmetrical power structures.

In developing these ideas as a situated practice and in conversation with feminist and legal scholars in Lebanon, it has also been important to look towards established work from postcolonial south-Asian scholars writing on the subaltern, and Black studies scholars and practitioners working on the revolutionary potential of poetics in law. In "Toward a Black Feminist Poethics: The Quest(ion) of Blackness Toward the End of the World," artist and theorist Denise Ferreira Da Silva writes:

> Decolonization requires the setting up of juridic-economic architectures of redress through which global capital returns the total value it continues to derive from the expropriation of the total value yielded by productive capacity of the slave body and native lands. Before we can even conceive on how to design these architectures, we need another account of racial subjugation, for the one we have cannot comprehend a demand for decolonization, that is the unknowing and undoing of the World that reached its core.

Ferreira Da Silva goes on to argue that redress in juridic-economic architectures needs to break from "reparation or a restitution of monetary sum that corresponds to that which mercantile and industrial capital have acquired through colonial expropriation since the sixteenth century." In contrast, I frame reparations, not as a monetary sum connected to capitalist extractive systems, but rather as an important method of repair, providing further agency for the subject in the process of dismantling asymmetric frameworks that constitute violence in the operation of international law.

My *Frame of Accountability* is a series of non-linear short films produced through the

genre I term *legal fiction*. In addressing the two moments in the neo-colonial construction of international law described in this article, the films foreground a contract of *risk* created by these events as a colonial technology imposed in the racialized consequence of decontextualizing resource commodities through capitalist financial systems and violent modes of conflict. As resource commodities are disconnected from bodies and land to enter financial markets to be converted into capital value. International laws of war and aerial bombardment become the violent processes undertaken by strong states to secure sovereignty, and control over bodies, land, and resources. Recontextualizing risk, the story is told through a complex of human and non-human voices that give testimony to the disproportionate effect of this lived limit-condition. An extra-international legal hearing uses radical methods to invert the coloniality of law's authority, in turn producing a precedent that brings accountability to normalized forms of international violence. The legal fiction is told as a speculative attempt at dismantling the continued capacity of international law as structural violence. Through a decolonizing archival practice and in the formation of my own poetic testimony, this project attempts to disrupt the coloniality of law's authority.

In the time it has taken to write and develop this work, the world has undergone some drastic changes. The premiere of the film series, which was to take place in April 2020, was interrupted by an unravelling global response to the spread of COVID-19. Further, in reaction to the terrible killing of George Floyd in Minneapolis, Minnesota, the Black Lives Matter and abolitionist movements have taken further hold in many places across the globe. And on August 4, 2020, a catastrophic explosion took place in Beirut, causing widespread destruction across the city.

Addressing the racialized conditions produced through law's enforcement has never been more important. I join a chorus of voices working with similar aims, to gain collective strength through a practice of solidarity, towards dismantling the continued colonial impact of the law as structural violence. The arguments in this article are part of a complex, uneasy, evolving, and necessary supra-disciplinary movement for developing ways of dismantling the known limits of international law and its frame of accountability. With no satisfying answer to these problems in sight, these processes are still in motion.

ENDNOTES

1—Anne Orford, "International Law and the Limits of History," in *The Law of International Lawyers: Reading Martti Koskenniemi* (Cambridge: Cambridge University Press, 2015), 297-320.

2—This movement in international legal scholarship is observed in critical legal theory and is part of but not limited to TWAIL (Third World Approaches to International Law) scholarship. The legal scholars I follow in making this argument are R. P. Anand, Luis Eslava, Sundhya Pahuja, B. S. Chimni, Antony Anghie, Ratna Kapure, Vasuki Nesiah, Anne Orford and Rose Parfitt. In this argument I also draw from feminist and intersectional critical legal theory from Brenna Bhandar, Emily Jones, Gina Heathcote, Sara Kendall & Yoriko Otomo.

3—Matilda Arvidsson and Miriam Bak McKenna, "The turn to history in international law and the sources doctrine: Critical approaches and methodological imaginaries," *Leiden Journal of International Law* 33, no. 1 (March 2020).

4—Anne Orford. "The Past as Law or History? The Relevance of Imperialism for Modern International Law.*" IILJ Working Paper 2012/2 (History and Theory of International Law Series,* (2012): 1

5—This proposition was made by theorist Oscar Guardiola-Rivera in narrating Columbus' journey to the tropics during his introduction for "The Devil's Advocate: a Roundtable for Forensic Architecture," at the Centre for Research Architecture, Goldsmiths, University of London, 2013. In retelling this narrative Guardiola-Rivera was referencing N. Wey Gómez's, *The Tropics of Empire: Why Columbus Sailed South to the Indies* (Cambridge, MA: MIT Press, 2008).

6—Chris Jochnick and Roger Normand, "The Legitimation of Violence: A Critical History of the Laws of War," *Harvard International Law Journal* 35, no. 1 (1994): 49-96.

7—For more on poetic testimony, see Helene Kazan, "The Architecture of Slow, Structural, and Spectacular Violence and the Poetic Testimony of War," *The Australian Feminist Law Journal, Routledge* (2018): 119-136

8—Helene Kazan, *Masking Tape Intervention*, 7min, 2013, http://www.helenekazan.co.uk/masking-tape-intervention.html.

9—Helene Kazan, "What The War Will Look Like" In *Forensis: The Architecture of Public Truth* (Sternberg Press, 2014) More is written about these archival images in this previously published chapter.

10—Jacques Derrida, *Archive Fever: A Freudian Impression* (Chicago: University of Chicago Press, 1996), 2.

11—My argument on the necessary decolonizing of archives and knowledge also draws from Kathryn Yusoff, *A Billion Black Anthropocenes or None* (University Of Minnesota Press, 2018), 49.

12—Priyamvada Gopal, *Insurgent Empire: Anticolonial Resistance and British Dissent* (London: Verso Books, 2019), 396. Quoting from George Padmore, "Behind the Mau Mau," *Phylon* 14, no. 4(1953): 355.

13—Ibid, 396. This is important to note, as we observe the use of similar methods in other contexts, as in the example later in the article, in Lebanon and Syria.

14—Nolundi, "The Mau Mau Uprising," *South African History Online*, November 24, 2016, https://www.sahistory.org.za/article/mau-mau-uprising.

15—Aoife Duffy, "Legacies of British Colonial Violence: Viewing Kenyan Detention Camps through the Hanslope Disclosure," *Law and History Review* 33, no. 3 (August 2015): 489–542.

16—Calder Walton, *Empire of Secrets: British Intelligence, the Cold War and the Twilight of Empire*,

(London: Harper Press, 2013).

17—Ibid

18—Alex Wessely, "The Mau Mau case - five years on," Leigh Day Blog, October 6, 2017,, https://www.leighday.co.uk/Blog/October-2017/Kenyan-colonial-abuses-apology-five-years-on.

19—Ibid.

20—More detail on this can be found in Mark Parry, "Uncovering the brutal truth about the British Empire," *Guardian*, August 18, 2016, https://www.theguardian.com/news/2016/aug/18/uncovering-truth-british-empire-caroline-elkins-mau-mau; and Caroline Elkins, "Archives, Intelligence and Secrecy: The Cold War and the End of the British Empire," in *Decolonization and the Cold War: Negotiating Independence* (London: Bloomsbury, 2105), 275.

21—Ibid. Evidence was found of abuse including the use of castration, systematic beatings, rape, and sexual assault; all of which was sanctioned at top levels of the British government.

22—Ibid.

23—Ibid.

24—Ibid.

25—Ibid.

26—Press Release issued by the Registrar of the European Court of Human Rights on the 'Case concerning 1948 Batang Kali killings by British soldiers is inadmissible', The European Court of Human Rights, 2018.

27—Daniel Boffey, "Hague court orders Dutch State to pay out over colonial massacres," *Guardian*, March 27, 2020, https://www.theguardian.com/world/2020/mar/27/hague-court-orders-dutch-state-to-pay-out-over-colonial-massacres.

28—Basil Aboul-Enein and Youssef Aboul-Enein, *The Secret War for the Middle East: The Influence of Axis and Allied Intelligence Operations During World War II* (Annapolis: Naval Institute Press, 2013), 95.

29—Ibid.

30—J. B. Glubb British Commanding Officer of the Arab Legion, "Top Secret: Note on Post-War Settlements in the Middle East" (British Government Report), 1942, Box 3, File 5. GB165-0269, Sir Edward Spears Collection at the General Spears Archive, Middle Eastern Centre, Oxford University.

31—My use of the term relates to its philosophical meaning as per Gilles Deleuze and Félix Guattari, *Nomadology: The War Machine*, (Los Angeles, CA: Semiotexte, 1986) .

32—Albert Habib Hourani, *Syria and Lebanon: A Political Essay*, (Oxford: Oxford University Press, 1946), 230.

33—John P. Spagnolo, *Problems of the Modern Middle East in Historical Perspective: Essays in Honour of Albert Hourani*, (Middle East Centre, St. Antony's College, Oxford, 1996), 231.

34—This proposition of the development of resilient populations in part comes from theorist Giorgio Agamben's writing on bare life, exposed to a state of exception that constitutes a biopower of governance as an imposed risk. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 31.

35—Foucault also writes on governmentality and biopolitics at the human scale in *The Birth of Biopolitics: Lectures At The College de France 1978-1979* (London: Palgrave Macmillan, 2008).

36—Glubb, "Top Secret: Note on Post-War Settlements in the Middle East."

37—This is discussed to a point by Eyal Weizman, "Lawfare in Gaza: Legislative Attack," *openDemocracy*, March 1, 2009, http://www.opendemocracy.net/article/legislative-attack.

38—My definition of aerial bombardment includes all aerial warfare, including

all regulated missiles, nuclear missiles, drones and automotive missiles as part of the same lethal technology of killing. This argument applies to all aerial warfare carried out during this period, including the use of nuclear bombs in Hiroshima and Nagasaki. Jochnick and Normand, Ibid, 49.

39—Ibid.

40—Luis Eslava, "The Materiality of International Law: Violence, History and Joe Sacco's The Great War," *London Review of International Law* 5, no. 1 (March, 2017): 58.

41—Ibid, 51.

42—More information about the exhibition can be found at http://www.heleneka-zan.co.uk/points-of-contact.html.

43—*Under Multiple Suns*, dir. Helene Kazan, 2018, http://www.heleneka-zan.co.uk/under-multiple-suns.html.

44—To a certain extent, this method-ological approach might be seen as a recognisable trope in the internationally established artistic practices that emerged following the violence of the Lebanese Civil War, seen for example in the work of Walid Raad and the Atlas Group and Akram Zataari. Across these practices there is also an underlying thematic relationship between the archive and the archival image. This is in part due to the loss or de-struction of the archive in Lebanon through the years of war. These practices there-fore attempt to reassert a certain public notion of truth or untruth. The Arab Image Foundation is an outcome with an interest in the missing archive in Lebanon. Drawn from personal archives from Lebanon, the AIF recently digitalised the entire archive to respond to issues in regard to access. AIF also recently suffered terrible dam-age from the port explosion in Beirut.

45—Yoriko Otomo. *Unconditional Life: The Postwar International Law Settlement* (Oxford: Oxford University Press, 2016), 3. Luce Irigaray, *Speculum of the Other Woman* (Ithaca, NY: Cornell University Press, 1985).

46—Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6, 1991: 1241–99. Gina Heathcote, *Feminist Dialogues on International Law: Successes, Tensions, Futures*, (Oxford, United Kingdom: OUP Oxford, 2019).

47—For example the discussion on 'Feminist Strategies: In and Out of the Legal Frame' with Marwa Arsanios, Dima Hamadeh (98weeks Feminist Reading Group) and Ayat Noureddine as part of the exhibition programme for 'Points of Contact'. Also, Gayatri Chakravorty Spivak. "Can the Subaltern Speak?". In Cary Nelson and Lawrence Grossberg (eds.). Marxism and the Interpretation of Culture . (Basingstoke: Macmillan, 1988). 271–313.

48—Denise Ferreira Da Silva, "Toward a Black Feminist Poethics, The Quest(ion) of Blackness Toward the End of the World", *The Black Scholar* 44, no. 2: 86.

49—Ibid.