

Activating the Genocide Convention

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There are [149 states party](#) to the [Genocide Convention](#). Every one of them has the right to call out the genocide in progress in Gaza and report it to the United Nations. In the event that another state party disputes the claim of genocide – and Israel, the United States and the United Kingdom are all states party – then the International Court of Justice is required to adjudicate on “the responsibility of a State for genocide”.

These are the relevant articles of the genocide convention:

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Note that here “parties to the dispute” means the states disputing the facts of genocide, not the parties to the genocide/conflict. Any single state party is able to invoke the Convention.

There is no doubt that Israel's actions amount to genocide. Numerous international law experts have [said so](#) and [genocidal intent](#) has been directly expressed by numerous Israeli ministers, generals and public officials.

This is the definition of genocide in international law, from the Genocide Convention:

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group

I can see no room to doubt whatsoever that Israel's current campaign of bombing of civilians and of the deprivation of food, water and other necessities of life to Palestinians amounts to genocide under articles II a), b) and c).

It is also worth considering Articles III and IV:

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

There is, at the very least, a strong prima facie case that the actions of the United States and United Kingdom and others, in openly providing direct military support to be used in genocide, are complicity in genocide. The point of Article IV is that individuals are responsible, not just states. So Netanyahu, Biden and Sunak bear individual responsibility. So, indeed, do all those who have been calling for the destruction of the Palestinians.

It is very definitely worth activating the Genocide Convention. A judgement of the International Court of Justice that Israel is guilty of genocide would have an extraordinary diplomatic effect and would cause domestic difficulties in the UK and even in the US in continuing to subsidise and arm Israel. The International Court of Justice is the most respected of international institutions; while the United States has repudiated its compulsory jurisdiction, the United Kingdom has not and the EU positively accepts it.

If the International Court of Justice makes a determination of genocide, then the International Criminal Court does not have to determine that genocide has happened. This is important because unlike the august and independent ICJ, the ICC is very much a western government [puppet institution](#) which will wiggle out of action if it can. But a determination of the ICJ of genocide and of complicity in genocide would reduce the ICC's task to determining which individuals bear the responsibility. That is a prospect which can indeed alter the calculations of politicians.

It is also the fact that a reference for genocide would force the western media to address the issue and use the term, rather than just pump out propaganda about Hamas fighting bases in hospitals. Furthermore a judgement from the ICJ would automatically trigger a reference to the United Nations General Assembly – crucially not to the western-vetoed Security Council.

All this begs the question of why no state has yet invoked the Genocide Convention. This is especially remarkable as Palestine is one of the 149 states party to the Genocide Convention, and for this purpose would have standing before both the UN and the ICJ.

I am afraid the question of why Palestine has not invoked the Genocide Convention takes us somewhere very dark. Anyone who, like George Galloway and myself, cut their political teeth in left-wing politics of Dundee of the 1970s has (long story) their experience and contacts with Fatah, and my sympathies have always very much lain with Fatah rather than Hamas. They still do, with the aspiration for a democratic, secular Palestine. It is Fatah who occupy the Palestinian seat at the United Nations, and the decision for Palestine to call into play the Genocide Convention lies with Mahmoud Abbas.

It is more and more difficult daily to support Abbas. He seems extraordinarily passive, and the suspicion that he is more concerned with refighting the Palestinian civil war than with resisting the genocide is impossible to shake. By invoking the Genocide Convention he could put himself and Fatah back at the centre of the narrative. But he does nothing. I do not want to believe that corruption and a Blinken promise of inheriting Gaza are Mahmoud's motivators. But at the moment, I cannot grab on to any other explanation to believe in.

Any one of the 139 states party could invoke the Genocide Convention against Israel and its co-conspirators. Those states include Iran, Russia, Libya, Malaysia, Bolivia, Venezuela, Brazil, Afghanistan, Cuba, Ireland, Iceland, Jordan, South Africa, Turkey and Qatar. But not one of these states has called out the genocide. Why?

It is not because the Genocide Convention is a dead letter. It is not. It was invoked against Serbia by Bosnia and Herzegovina and the ICJ [ruled against](#) Serbia with regard to the massacre at Srebrenica. This fed directly through to ICC prosecutions.

Some states may simply not have thought of it. For Arab states in particular, the fact that Palestine itself has not invoked the Genocide Convention may provide an excuse. EU states can hide behind bloc unanimity.

But I am afraid that the truth is that no state cares sufficiently about the thousands of Palestinian children already killed and thousands more who will shortly be killed, to introduce another factor of hostility in their relationship with the United States. Just as at this weekend's summit in Saudi Arabia, where Islamic countries could not agree an oil and gas boycott of Israel, the truth is that those in power really do not care about a genocide in Gaza. They care about their own interests.

It just needs one state to invoke the Genocide Convention and change the narrative and the international dynamic. That will only happen through the power of the people in pressing the idea on their governments. This is where everybody can do a little something to add to the pressure. Please do what you can.

Hat tip to the indefatigable Sam Hussein who has been pressing the Genocide Convention

on the White House.

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