

THE SOUTH AFRICAN GENOCIDE CASE AGAINST ISRAEL: AN EVALUATION OF THE HISTORIC "NEVER AGAIN" PROCLAMATION

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ABSTRACT

One of the most serious crimes that the world community is concerned about is genocide. Thousands of individuals have been killed or physically destroyed since ancient times simply for being members of a specific national, ethnic, racial, or religious group. Everyone agreed that the six million Jews and members of various minority groups who were killed during World War II—officially known as the "Holocaust" were abhorrent. As a result, the 1948 Convention for the Prevention and Punishment of the Crime of Genocide was adopted, and the world community vowed never to permit another genocide of that magnitude to take place. Nonetheless, genocide has persisted, and numerous accusations the most recent of which came from South Africa—have been made against Israel in connection with its lethal military operation in the Gaza Strip. This essay has examined how genocide continues to occur in the face of inaction and quiet on a global scale. It has been discovered that states only intervene when it is in their best interests to do so, and that the United Nations (UN) lacks the will to act to stop it. This has made the "never again" proclamation and the Convention meaningless in the face of mass murder, forced relocation, and serious human rights abuses. For the sake of mankind, the UN and its member nations must take action to put a stop to genocide.

Keywords: International Court of Justice, United Nations, South Africa v. Israel, Genocide, Genocide Convention, and never again declaration.

INTRODUCTION

A national, racial, religious, or ethnic group's deliberate and systematic elimination, either in full or in part, is known as genocide (Andreopoulos, 2024). It has happened historically and is a fundamental aspect of human existence (Andreopoulos, 2024). Mass killings and the eradication of racial, ethnic, and national groupings have occurred at various points in history, and the perpetrators have included ideologists, crusaders, and colonizers. Thousands of people—mostly civilians—have been killed, raped, tortured, and forced from their homes over the years. The mass killing and expulsion of Armenians by the Turks in the Ottoman Empire between 1915 and 1923 is frequently linked in the contemporary narrative of genocide (Andreopoulos, 2024). The modern discourse on genocide stems from the slaughter of the Armenians, a minority Christian population residing in the primarily Muslim Ottoman Empire (Suny, 2024). A state-planned program of genocide and exile resulted in the deaths of over a million Greeks, Assyrians, and Armenians.

Terrorists from Hamas carried out an unexpected attack on Israel on October 7, 2023, across the Gaza Strip. Rocket assaults were launched at towns and communities in southern Israel. Approximately 3,300 people were hurt in the process, 1,200 Israelis were killed, and 240 hostages were transported into Gaza via the border (Federman & Adwan, 2023). The Israeli government declared war on Hamas on October 8, 2023. Israel launched a huge ground, air, and sea assault on Gaza in self-defense (Federman & Adwan, 2023). It started a massive, indiscriminate assault on the region that killed thousands of Palestinians, mostly women and children. Additionally, it halted access to medication, food, and electricity (O'Dell, 2024b).

Both sides are accused of breaking the law of armed conflict, often known as international humanitarian law (IHL), as the fighting intensifies. Israeli military tactics have been scrutinized by the public, and they have received harsh criticism and condemnation for serious abuses against the Palestinian people (United Nations, 16 November 2023). According to Dworkin (2023), these include assaults on homes, camps for refugees, hospitals, clinics, water towers, and power plants. For several days, Israeli forces completely besieged the Palestinian region, restricting the delivery of food, medication, water, electricity, and humanitarian supplies. Human Rights Watch charged that Israel purposefully denied the Palestinians access to food and water, so causing famine as a weapon of war (Human Rights Watch, 2023). According to humanitarian organizations, Gaza's population is suffering due to a potentially fatal food scarcity (Dworkin, 2023). The public discourse and provocative remarks made by Israeli authorities have not proved beneficial. According to reports, a cabinet minister stated that using nuclear weapons on the region was a possibility (The New Arab, 2023). Numerous nations strongly denounced this declaration (Lederer, 2023).

A group of UN experts called on the international community to stop genocide against the Palestinian people in the face of increasing civilian casualties, indiscriminate attacks, alleged war crimes committed in the Gaza Strip, and the silence of the international community (United Nations, 16 November 2023). According to experts, what is happening in Gaza suggests that genocide is about to break out (United Nations, 16 November 2023). They expressed worry about the indiscriminate use of lethal force that is killing a great number of civilians and destroying vital infrastructure. Experts state that "many of us already raised the alarm about the risk of genocide in Gaza" (United Nations, 16 November 2023). They added that "We are also profoundly concerned about the support of certain governments for Israel's strategy of warfare against the besieged population of Gaza, and the failure of the international system to mobilize to prevent genocide" (United Nations, November 16, 2023).

Genocide is a transnational crime that affects the global community's conscience. In light of this, on December 29, 2023, South Africa filed a case against Israel at the International Court of Justice (ICJ), claiming that Israel had violated the 1948 Genocide Convention by committing and continuing to commit genocide against the Palestinian population in Gaza (Sagoo, 2024). Israel and South Africa are parties to the Convention. South Africa requested immediate, temporary protection measures from the Court, along with an injunction against Israel's military actions. This essay examines the crime of genocide from antiquity to the present and how it continues to happen despite the Second World War's "Never Again" proclamation. It looks at the attitude of the world community and how unaffected it is by claims of genocide. It also questions the present ICJ case taken by South Africa against Israel and urges a greater resolve on the part

of the UN and the international community to stop genocide and punish those who commit it by holding those responsible accountable.

From the mass murders of Armenians to the Holocaust

The purposeful and organized extermination and deportation of Armenians residing in the Ottoman Empire took place during the First World War, sometimes known as the Armenian genocide (Suny, 2024). Beginning on April 24, 1915, the Turks of the Ottoman Empire massacred Armenians, drove out their intellectuals, leaders, elderly, women, and children, and subjected them to terrible conditions as they traveled to Syria. The conditions, which included walking several kilometers on foot and going without food and drink in an attempt to inflict a significant number of casualties, led to the deaths of around 1.5 million Armenians. Greek and Assyrian communities were among the other national, racial, or ethnic groups that the Ottoman Turks persecuted and completely destroyed during the First World War (Kieser, 2019). Between 1914 and 1920, about 750,000 Assyrians and over 348,000 Greeks perished at the hands of Ottoman Turkish armed forces after being slaughtered and driven from their homes.

Kurds were mass-murdered as a result of a Kurdish insurgency in Turkey's Dersim region, now known as Tunceli (Ashly, 2021). In an effort to put an end to the uprising, the Turkish government dispatched military personnel to the area in 1937 and 1938. In what is commonly called the Dersim genocide, around 40,000 Kurds were massacred as a result of the Turkish Operations. In an effort to depopulate Dersim, many of others were forced from their houses (Deniz, 2020).

Millions of people from Kazakhstan, the former Soviet Union, and several densely populated parts of the former Soviet Union are said to have perished from famine between 1932 and 1933, during a genocide that occurred there (Applebaum, 2024). The term "Holodomor" refers to the event and meaning "to kill by starvation" or "extermination by famine" (Applebaum, 2024). A man-made famine claimed the lives of ten million people, seven million of them were Ukrainians. The expropriation of all agricultural produce in Ukraine, Kazakhstan, and some areas of the Soviet Union was the cause of the hunger and deaths (Naimark, 2023). In what is known as genocide, more than 120,000 ethnic Poles were killed in the Soviet Union between 1937 and 1938. Throughout the Second World War, the NKVD, the Soviet secret police, and the communist party organized and oversaw the persecution and mass murder of Polish minority (Pohl, 2023). Aside from Poles, thousands of Lithuanians, Latvians, and Estonians were expelled in large numbers to Siberia and perished under circumstances considered to constitute acts of genocide (Naimark, 2023). The deportees 118,559 Lithuanians, 52, 541 Latvians, and 32, 540 Estonians were forced to endure terrible living circumstances, such as inadequate clothes and housing (Pohl, 2023).

Even if acts of mass murder committed against members of racial, ethnic, and religious groups occurred in the past, the Second World War's events sparked a global awareness of crime and an unprecedented level of interest in it (Berenbaum, 2024). Exterminating Jews, Poles, Gypsies, and other national, ethnic, and religious groups was the goal of Germany's Nazi authorities. Millions of members of these communities were massacred in what became known as the "Holocaust," which outraged the world community, shook humanity, and elevated the atrocity to a global issue. Raphael Lemkin coined the term "genocide" in 1944 in an attempt to

find a legal term that would represent the deliberate destruction of vast populations. The phrase is derived from the Greek word *genos*, which means race, nation, or tribe, and the Latin word *cide*, which means to kill (Andreopoulos, 2024). He also advocated for international law to recognize it as a crime. The United Nations (UN), a newly established international body, took notice of this endeavor.

The Genocide Convention and the United Nations

International human rights protection and promotion began with the UN's founding in 1945. In addition to human rights concerns taking center stage on its agenda, the UN emphasized that atrocities like the Holocaust would never take place again. This resulted in the historic 1946 UN General Assembly (GA) resolution known as Resolution 96 of December 11th, 1946, which called for the creation of a treaty to both prevent and punish genocide and its perpetrators (Smith, 2012). The UN stated that Genocide is a crime under international law which the civilized world condemns and for the commission of which principals and accomplices are punishable.

As a follow-up, on December 9, 1948 (Res A/RES/3/260), the UN General Assembly enacted the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) (Kunz, 1949). This came after the UN recognized in GA Res. 180(11) of December 21, 1947, that "genocide is an international crime, which entails the national and international responsibility of individual persons and states." The first human rights treaty, the CPPCP, came into force on January 12, 1951, and sent a clear message that genocide would never be tolerated again. The General Assembly's approval of the Universal Declaration of Human Rights on December 10, 1948, came the day after this. According to the preamble of the CPPCG, genocide is illegal under international law, goes against the goals and spirit of the UN, and is denounced by all of the world's civilized nations. Regardless of the location, it is a crime of worldwide importance.

Genocide is defined as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such" under Article II of the Convention. (a) Murdering gang members; (b) Causing members of the group to suffer significant physical or mental injury; (c) Willfully causing the collective to endure conditions of existence likely to result in its whole or partial physical demise; (d) Enforcing policies meant to stop births within the group; (e) Forcibly moving the group's children to another group." The CPPCG imposed the following duties on states: (i) to stop and punish genocide; (ii) to punish those who commit genocide; (iii) to draft necessary laws; (iv) to bring charges against those who are suspected of committing genocide; and (v) to turn over those who are accused of genocide. States are required to prevent and punish the crime, which can be committed both in times of peace and conflict (Art. I). No matter whether they are—"constitutionally responsible rulers, public officials, or private individuals"—offenders are held accountable for their acts under the Convention (Art. IV). Genocide, conspiracy or incitement to commit genocide, attempt at genocide, and cooperation in genocide are all prohibited by the Convention (Article III). According to Article VIII of the UN Charter, states may ask the appropriate UN bodies to take appropriate action to prevent and punish crimes of genocide. The ICJ has been endowed with adjudicatory powers in the event that state parties cannot agree on how to interpret, apply, or

fulfill the Convention. The Court asserts that norms contained in the Convention represent a normative standard (*jus cogens*) that no state may violate.

Genocide since the Convention's adoption

The CPPCG was established with the motto "Never Again" with the intention of stopping and punishing genocide; nonetheless, since 1948, genocide has taken place in multiple nations, proving that the Convention has not been successful in stopping it (Ochab, 2023). Essentially, this is due to the absence of an efficient enforcement mechanism (Andreopoulos, 2024). The world community made a promise to never do this again, but it hasn't been kept. The pledges have not been followed by a readiness to take action to put an end to genocide or even to denounce the atrocity. Mass executions that were deemed to be genocidal occurred in East Timor when the Portuguese colonial government left the region. Over 200,000 East Timorese, or a sizable fraction of the country's population, were massacred by the Indonesian armed forces during their more than 25-year occupation of the region (Lundstrom, 2023).

Genocide by mass murder also happened during the war of liberation that took place in what was once East Pakistan, from March 21 to December 16, 1971. The region that had been freed was called Bangladesh. Approximately three million people, mostly Bengalis, lost their lives in the independence war (Kundu, 2023). Moreover, during the Khmer Rouge's rule from 1975 to 1979, genocide crimes occurred in Cambodia (Beech, 2018). About three million people had died as a result of the Pol Pot-led government's campaign of mass executions, which was overthrown by the Vietnamese military (Wright, 2019). Numerous urban residents were compelled by the Khmer Rouge to labor in farmlands known as "killing fields," where hundreds of thousands perished from malnutrition, executions, and forced labor.

More than 200,000 people, mostly from Mayan communities, were massacred by the Guatemalan army in a well-planned, systematic, and orderly fashion during the civil war between the government and left-wing rebels in Guatemala, which was primarily inspired by the Mayans ((Moffett, 2018; John & Valdes, 2024). The battle, which lasted for more than thirty years, was frequently dubbed "the silent Holocaust."

When the country's former president, Saddam Hussein, initiated "Operation Anfal" in the Kurdish region, there were also mass murders that amounted to genocide in Iraq. About 182,000 Kurdish people were killed and over 4,500 villages were destroyed as a result of systematic, widespread attacks, mass executions, and destruction carried out by Iraqi forces between 1986 and 1989. There have been allegations of Marsh Arab and Kurdish genocides (Kelly, 2005). In the end, Saddam was accused of genocide, aggression, war crimes, and crimes against humanity (Kelly, 2005). Furthermore, the 2014 Daesh attack on Sinjar in Iraq was regarded as genocidal (Ochab, 2023). It caused the Yazidi minority group's property to be destroyed and led to widespread murder. Sexual abuse, enslavement, imprisonment, torture, kidnappings, deportations, and forced population transfers were among the horrors carried out by Daesh forces. Over 120,000 Christians were forced from their homes during the Daesh onslaught on the Nineveh Plains (Ochab, 2023).

One of the federating entities, Bosnia and Herzegovina, descended into civil war following the breakup of Yugoslavia in the early 1990s. Over 200,000 Bosnian Muslim people were methodically killed by the armed forces of Yugoslavia (Serbia-Montenegro). Over 8,000

Bosnian men and boys were killed when Yugoslav forces assaulted Srebrenica, a location designated as a safe haven by the UN (Markusen, 2003). The ICJ has formally declared the mass murder, which has been called the biggest tragedy to occur in Europe since World War II, to be genocide.

The 1994 Rwandan massacre occurred when the presidents of Rwanda and Burundi's jet was shot down on April 6, 1994, allegedly by Tutsi insurgents (Straus, 2007). Members of the Tutsi minority ethnic group were massacred by the Hutu ethnic group in retaliation attacks, employing the state machinery. Within a hundred days, between 800,000 and 1,000,000 people, mostly Tutsis, were slain in well-coordinated, methodical attacks. The genocide with mass killings was declared by the International Criminal Tribunal for Rwanda.

In Sudan's Darfur region, where black African farmers predominate, mass murders have taken place (Straus, 2005). The government recruited an Arab militia known as "Janjaweed," or "devils on horse," to combat the rebel groups in Darfur after a 2003 uprising against Omar al-Bashir's Arab-dominated government (Archibong, 2019). The Janjaweed launched an annihilation campaign against the black population of Darfur alongside the Sudanese armed forces, invading and demolishing more than 400 communities (Archibong, 2020). The soldiers dominated by Arabs massacred nearly 400,000 black African Sudanese in a matter of months. Without taking any action to stop or prevent it, the world community acknowledged that the mass slaughter committed by the Janjaweed and government forces was genocide (Archibong & Lloyd, 2021).

Beginning in 2017 and continuing to this day, the Rohingya genocide has taken place in Myanmar (Ochab, 2023). Thousands of civilians have been killed, raped, and forced to flee their homes as a result of a military assault that the government of Myanmar authorized (Ochab, 2023). Throughout the 1970s, the Rohingya, an ethnic Muslim minority, have been subjected to systematic discrimination and persecution in Myanmar, a country predominantly composed of Buddhists (Albert & Maizland, 2020). Approximately one million Rohingya have been forced to flee their homes and into neighboring countries as a result of the state security forces' crackdown. Human rights organizations have charged the government of committing acts of genocide. According to the UN, there was "genocidal intent" evident in the military repression (Albert & Maizland, 2020). The Hazara in Afghanistan (2021), Tigrayans in Ethiopia (2020), the Ukrainians in the conflict with Russia (2022), and the Darfur people in Sudan (2023), are more recent examples of genocide and situations where some elements of the crime are present.

Taking accountability for the genocide crime

Both private criminal accountability and international governmental responsibility may result from the Genocide Convention (Gaeta, 2007). Regardless of their status, anyone who violates the terms of Article III of the Convention is accountable for their acts. "Constitutionally responsible rulers, public officials, or private individuals" are among them (Art. IV). A tribunal of the state where the crime was committed or an international penal tribunal may hear the case of such individuals (Andreopoulos, 2024). It is claimed that Serb troops committed genocide against Bosnian Muslims during the armed war in the former Yugoslavia 17. (Howe, 1996). For this reason, some people, including Bosnian Serb President Radovan Karadzic, were indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) for acts of genocide and

involvement in genocide. The International Criminal Tribunal for Rwanda (ICTR) was established following the Rwandan conflict with the primary responsibility of prosecuting those accountable for the 1994 genocide. Jean-Paul Akayesu, the mayor of Taba Commune, was charged with and found guilty of genocide by the ICTR 18. (Sirleaf, 2024). The Rwandan prime minister entered a guilty plea and was found guilty of genocide, conspiracy, and direct and public incitement to commit genocide in a historic trial.

While the CPPCG calls for trials to be conducted by international penal tribunals, as of July 1, 2002, there was no permanent tribunal in place. The 1998 adoption of the Rome Statute of the International Criminal Court took effect on that date. The International Criminal Court (ICC) has the authority to try people accused of the most serious crimes of concern to the international community, such as genocide, war crimes, crimes against humanity, and crimes of aggression. The Court's mission is to prosecute the worst war criminals in the globe. Vladimir Putin was the subject of an arrest warrant issued by the ICC in March 2023 for offenses connected to the invasion of Ukraine (Klobucista & Ferragamo, 2024). In addition, the prosecutor is requesting an arrest warrant for the leaders of Hamas and Israeli Prime Minister Benjamin Netanyahu for offenses related to the Gaza crisis, which began on October 7, 2023.

Furthermore, the question of state accountability has come up in the interpretation and implementation of the CPPCG. A state cannot function as a perpetrator of genocide since it is an abstract entity. However, it may be held accountable for genocide by certain individuals' actions that are attributed to it. Parties may file complaints with the ICJ about a state's liability for genocide under Article IX of the Convention. Established in 1945 to resolve disputes between governments, the Court is the judicial branch of the United Nations (O'Dell, 2024a). It may also be asked for legal advice, as in the instance of South Africa's request for one in the dispute against Israel (Berg, 2024). In order to hold Yugoslavia (Serbia and Montenegro) accountable internationally for the genocide that occurred, Bosnia-Herzegovina filed a complaint at the ICJ in 1993.

Bosnia had claimed that Yugoslavia (Serbia and Montenegro) was to blame for violations of the Genocide Convention in the Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia) (Andreopoulos, 2024).

The ICJ declared in 2007 that Serbia and Montenegro had breached the Genocide Convention by neglecting to stop the genocide of Bosnian Muslims in 1995 and by not prosecuting those responsible (O'Dell, 2024b). In 1999, Croatia filed a genocide lawsuit against the Federal Republic of Yugoslavia, also known as the Republic of Serbia, alleging that the latter was responsible for the ethnic cleansing of Croats that occurred during the conflict. Serbia counterclaimed, saying Croatia committed genocide against Serbs living in Croatia. According to an ICJ ruling in 2015, neither nation has perpetrated genocide against the other (O'Dell, 2024b).

In 2019, the Gambia filed a case at the ICJ against Myanmar for the systematic deaths and persecution of the Rohingya, representing 57 nations of the Organization of Islamic Cooperation (Andreopoulos, 2024). Myanmar was accused of breaking several terms of the Genocide Convention, for which it was accountable, in the case known as the Application of the Genocide Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar). The ICJ issued an order on January 23, 2022, directing Myanmar to take the following interim measures to prevent future crimes of genocide against the Rohingya, ensure

that the armed forces have not committed acts of genocide, and take steps to obtain evidence related to the case (Appplebaum & Anne, 2024).

Israel is being sued for genocide by South Africa

Following Hamas' onslaught on October 7, 2023, South Africa filed a complaint against Israel before the ICJ on December 29, 2023, claiming that Israel was committing genocide in Gaza (Berg, 2024). "Our opposition to the slaughter of the people of Gaza has driven us as a country to approach the International Court of Justice...As a people who once tested the bitter fruits of dispossession, discrimination, racism, and state-sponsored violence, we are clear that we will stand on the right side of history," stated President Cyril Ramaphosa of South Africa (Berg, 2024). According to (O'Dell, 2024a), South Africa argues that Israel must answer for violating the 1948 Genocide Convention through its armed activities in Gaza. The question on the Court's agenda was whether to declare that Israel was killing Palestinians in Gaza and to impose penalties, including an immediate cessation of military activities in the region (Sagoo, 2024).

South Africa's 84-page evidence file to the Court argues that Israel's actions and inactions are genocidal in nature since they aim to wipe out a significant portion of the Palestinian national, racial, and ethnic group (Berg, 2024). The South African accusations have been rejected by Israel, which has called them unfounded (Berg, 2024). Hamas is the group that has come to commit genocide; if it could, it would kill us all, stated the Israeli prime minister (Berg, 2024). Israel has declared time and again that eliminating Hamas is its objective, not the Palestinian people. The military said that it had always taken precautions to prevent civilian casualties, including airdropping fliers with warnings of impending attacks, phoning people to ask them to evacuate targeted buildings, and stopping strikes when civilians are in the way (Berg, 2024).

On January 26, 2024, the ICJ rendered a decision and imposed emergency measures at South Africa's request. Regarding the case's ability to be brought, it decided that South Africa is entitled to file a lawsuit under the Genocide Convention against Israel. It defined the responsibilities established by the Convention as *erga omnes*, or anything that affects the entire world community. It declined to comply with South Africa's request that the Court order Israel to stop its military operations in the area (Sagoo, 2024). The following interim orders were given by the Court; they are enforceable against Israel and cannot be challenged:

- Israel is required by the Genocide Convention to "take all measures within its power" to prevent the commission of acts prohibited in the Convention, including killings that cause serious physical or mental harm, the intentional infliction of conditions calculated to result in the physical destruction of the population in whole or in part, and the imposition of measures meant to prevent births; this requirement applies to Palestinians living in Gaza.
- Israel needs to make sure that none of the actions listed in item 1 are carried out by its armed forces;
- 3. Israel must do all in its power to stop and punish overt and covert calls for genocide;
- Israel needs to act quickly and decisively to make it possible for humanitarian aid to reach Gaza;
- Israel needs to take decisive action to stop the erasure of proof linking it to claims of violating the Genocide Convention;
- Within a month, Israel is required to report to the Court on the steps it has taken to implement the Order. The Court further declared that all parties to the conflict must abide by the provisions of international humanitarian law. It urged the immediate release of the prisoners abducted from Israel and voiced grave concerns about their

conditions (Sagoo, 2024). The Court left open the question of whether Israel committed genocide in Gaza; a decision on that matter may be rendered in the coming years. Additionally, it ruled that it was within its power to continue the South African genocide case.

The South African ICJ case against Israel has received support from a number of nations and organizations. Malaysia, Turkey, Jordan, Bolivia, and the Maldives are a few of these. The others are Brazil, Namibia, Pakistan, and Colombia. Support for the South African case was also expressed by the 22-member Arab League and the 57-member Organization of Islamic Countries (OIC). The case has not received support from the US or the UK.

The Israeli government has not made sure that the order is followed in spite of the ICJ verdict, particularly when it comes to providing relief and essential services (Human Rights Watch, 2024). Israel persisted in breaking the ruling pertaining to Gaza, killing civilians without cause, damaging civilian property, demolishing hospitals, and obstructing the delivery of humanitarian aid. On May 24, the ICJ called for Israel to cease the military campaign after its attack on Rafah, the southernmost town in Gaza (Salhani & Nashed, 2024). Israel was ordered to allow humanitarian aid to enter Gaza through the Rafah crossing between Egypt and Gaza. The ICJ mandated that Israel provide investigators entry into Gaza (Salhani & Nashed, 2024). It's unclear if Israel will abide by the decision, just like with the last one.

The statement "Never Again" is useless and irrelevant today.

The Holocaust was a campaign of annihilation during World War II that resulted in the murder of millions of Jews, Poles, Gypsies, and other minority groups. As a result, the international community vowed in earnest never to allow such an atrocity to happen again (Ochab, 2023). But instead of acting to put an end to genocide and other mass murders, the international community has chosen not to (Miller, 2022). In light of the strong evidence of genocide, states have showed little or no interest in the statement and no compassion for the victims, making the declaration meaningless. The "Never Again" statement was neither a binding agreement on the international community, nor was it an official government policy (Miller, 2022). As a result, it is now only rhetoric (Ochab, 2023). The "Never Again" proclamation has evolved into "Ever, ever, again" due to the frequency of genocide and the international community's apathy (Miller, 2022). The "Responsibility to Protect" (R2P), an international standard intended to shield civilians from genocide, war crimes, and crimes against humanity, was ratified by world leaders, including heads of state and government, during a World Summit in 2005 (Dews, 2013). Similar to the "Never Again" proclamation, these values have become just another meaningless catchphrase (Renshaw, 2021).

Since the Holocaust, the UN has failed to uphold its responsibility to defend human rights and stop genocides. The international community lacks the organizational will and framework necessary to step in when genocide occurs (Scherr, 2019: 122). It is dependent on member nations for troops and equipment, which they are hesitant to contribute because it lacks its own military (Scherr, 2019: 122). In times, humanitarian, moral, and ethical concerns and judgments are subordinated to political considerations in the UN. The UN's ability to confront grave human rights crimes, such as genocide, has been significantly reduced by its unwillingness to apply any kind of real pressure on its members (Scherr, 2019: 122).

The UN placed an arms embargo on the region when hostilities broke out in the former Yugoslavia. The UN also sent out the United Nations Protection Force (UNPROFOR), a peacekeeping force, in an effort to safeguard the civilian populace. UNPROFOR's restricted mandate to provide "only military assistance for humanitarian missions" prevented it from intervening and stopping the genocide, even if it had the manpower and materials needed to do so (Scherr, 2019: 122). The United Nations Assistance Mission for Rwanda (UNAMIR), a UN peacekeeping force, was present in Rwanda throughout the genocide. But before the genocide started, the force's magnitude was drastically decreased. The UN was unable to take any meaningful action in Rwanda or Bosnia due to a lack of support from its member nations. The absence of political will to address the advent of genocide is blamed for the international community's incompetence and failure (Jentleson, 2000). The international will to stop or prevent genocide is insufficient, and using military force and resources to do so comes at a high cost (Serbyn, 2006).

Another viewpoint holds that because the US does nothing, mass murder and genocide continue. Many nations look up to the US for its global leadership; if it does nothing, others won't either (Kaufmann, 2002). Following the Holocaust, the US and other nations made a promise to never again permit the atrocities of genocide to occur. In 1979, US President Jimmy Carter declared, "Never again will the world stand silent; never again will the world look the other way" in reference to the Holocaust (Miller, 2022). Former US President Bill Clinton said in 1998 on the need for worldwide vigilance in response to the genocide in Rwanda to ensure that such atrocities would never again be met with silence or hesitation from the international community (Miller, 2022). Beyond rhetoric, the US has taken no concrete action to halt or prevent genocide.

After its terrible experience in Somalia, the US chose not to step in to halt the genocide in Rwanda. As part of the UN operation known as Operation Restore Hope, the US sent troops to Somalia in the early 1990s to aid those suffering from famine and civil conflict. Sadly, the Somali warlords killed roughly eighteen US servicemen, which prompted the country to withdraw its forces a few days later (Hathaway & Hartig, 2022). Following that occurrence, public opinion and support will determine whether or not the US launches a humanitarian intervention involving the use of force. US presidents exercise caution and consider the costs, benefits, and political ramifications of such engagement.

Other states beyond the US are hesitant to act to stop genocide. There are a number of explanations put up for why states are reluctant to take action to halt or prevent genocide. Miller (2022) asserts that countries act in response to their interests, whether to get involved in mass murders occurring in other nations. When a state decides to use military force, national interest is a major determining factor (Miller, 2022). Following Iraq's invasion of Kuwait in 1990, the United States and its allies initiated a military campaign with UN authorization to free Kuwait from Iraqi rule. The crucial national interest of the US-led action was to safeguard the Gulf state's oil supplies. The US has backed Israel militarily in the confrontation between Israel and Hamas, which erupted following Hamas' strike on October 7, 2023 because it is in its national interest to do so (Breen, 2023; Omer, 2023). When deciding whether to launch a humanitarian intervention abroad, the government's policy orientation is also heavily influenced by public opinion and support (Miller, 2022). The government pays little attention to and has little

foundation for action when a humanitarian calamity, including genocide, occurs and is not supported at home (Kaufmann, 2002).

CONCLUSION

Over 75 years after the Genocide Convention was ratified, the crime continues to sporadically surface, alarming the whole community. Despite this, there has been no moment of joy. Following the Second World War, the world community promised "Never again" to commit genocide, viewing it as the greatest crime. But despite that announcement, the crime was committed multiple times with no response or action from the international community. With genocide, mass murder, and other horrible crimes being committed with impunity, the UN seems powerless and incapable of directing military intervention. The unwillingness of member nations to allocate soldiers and other resources for that reason is cited as the reason for the UN's incompetence. Sanctions against those who commit genocide have had little to no effect. In terms of accountability and deterrence, judicial measures that involve the prosecution of people and the liability of states for violating their obligations have largely failed to produce any results. The UN should encourage warring parties to use its mechanisms and processes for a peaceful resolution of disputes rather than using armed force. States should be urged, at all costs, to resolve their differences amicably. The UN must utilize its influence to advance human rights around the world, particularly in nations with a diverse population. Respect for minority rights and diversity will reduce the motivation to persecute and eradicate other ethnic groups in the state.

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