

How the US Government Sabotaged the Genocide Convention Orders Against Israel

By Sam Hussein

A final judgment from the International Court of Justice on South Africa's Genocide Convention case against Israel could be years away.

But that doesn't mean there can't be progress in the case before then.

A properly functioning UN Security Council would have implemented the high Court's orders. It was reported at the time that Algeria, then the sole Arab member of the UNSC, was drafting a resolution to do that.

In early 2024, South Africa won each of the three rounds of emergency orders that it sought from the Court. The final one, on May 24, 2024, specifically ordered that "Israel must immediately halt its military offensive, and any other action in the Rafah Governorate."

But then the US government hijacked the legal process. Just a week after the ICJ orders, President Joe Biden claimed that Israeli leader Benjamin Netanyahu had agreed to a ceasefire. And the US government incredibly got Algeria to shred their resolution and got the UNSC to pass a completely phony resolution in June using "ceasefire" rhetoric to sabotage the ICJ orders. So the slaughter continued. Far too many went along with this horrific farce. Francesca Albanese wrote: "I welcome the #UNSC's ceasefire resolution of June 10" and made no mention of the hard won ICJ orders that the US government was wrecking.

What's needed to overcome the US government's obstruction at the UNSC where it wields a veto is the General Assembly's Uniting for Peace mechanism which provides that when a "lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security" that the "General Assembly shall consider the matter immediately."

There are two notable precedents for such action:

In 1956, After Egypt's Gamal Abdel Nasser nationalised the Suez Canal, Britain, France and Israel attacked Egypt through Gaza and the UN General Assembly used Uniting for Peace to reverse the aggression. President Dwight Eisenhower would later proudly report to the US Congress: "In Egypt the United Nations caused the world to turn away from war. Through a series of resolutions, the General Assembly effectively mobilised world opinion to achieve a cease-fire and France and the United Kingdom shortly agreed to withdraw their forces." (The U.S. State Department later noted that "Israel kept its troops in Gaza until March 19, 1957, when the United States finally compelled the Israeli Government to withdraw its troops.")

And in 1981, the General Assembly called upon "all states, in view of the threat to international peace and security posed by South Africa, to impose against that country comprehensive mandatory sanctions" and "cease forthwith, individually and collectively, all dealings with South Africa in order totally to isolate it politically, economically, militarily and culturally." The UNGA resolution also chastised the Security Council for having "failed to exercise its primary responsibility for the maintenance of international peace and security" — naming the "veto of the United States of America."

The need for strong resolution:

There have been Uniting for Peace resolutions on Palestine — there's a standing emergency session at the UNGA which can be called in 24 hours — but what's needed is stronger resolutions like the two above.

In September 2025, Colombian President Gustavo Petro finally raised the prospect of assertively using Uniting for Peace to stop Israel's slaughter. But he never actually put forward a resolution where governments would have to go on record and vote.

This opened the door for President Donald Trump to build on the Biden administration's phony resolution with his openly colonial "Board of Peace" resolution, which brings together US government proxies and profiteers for meetings this week. President Trump wants backroom deals using threats and bribes, not transparent and fair legal processes.

And Israel has continued its war crimes: Grabbing over half of Gaza, violating the current so-called "ceasefire" on a daily basis and escalating its attacks and annexation of the West Bank.

There may be a lack of political will as governments face the prospect of retaliation from Trump for standing up for humanity and international law.

But there is a strategic path forward to build the political will:

- South Africa — which has succeeded in all three of the emergency orders it has so far pursued — can have its able legal team move for more emergency orders. South Africa's invoking of the Genocide Convention thrust it on the world stage in a unique role, asserting the notion that right makes might. Trump and Netanyahu have not tired of aggression and machinations. Countries on the right side of history cannot tire of doing the work they can to counteract such criminality.
- New orders from the ICJ would compel the UNSC to take up the question. As it happens, Colombia is now a member of the UNSC. If President Gustavo Petro of Colombia, which co-chairs The Hague Group with South Africa, really wants to move on Uniting for Peace, Colombia can put forward a resolution at the UNSC.
- This would force another US veto (there have been six regarding Gaza in the last two years already).
- This would create the momentum for a Uniting for Peace resolution with concrete measures to put serious pressure on Israel.
- There are increased calls from Palestinian civil society — in contrast to the acquiescence and empty rhetoric coming from the Mahmoud Abbas dominated Palestinian Authority — to embrace Uniting for Peace.
- When the South African Minister of Trade, Industry and Competition Parks Tau was asked about heeding "the mounting calls from social justice activists to stop trading coal with Israel," the reply was that doing so would violate WTO rules "in the absence of multilateral sanctions by the United Nations". A strong UN resolution would solve this problem.

A True Board of Peace?

Global public opinion has attempted to assert itself against Israel's genocide but it hasn't the material resources of the US establishment and at times hasn't been strategic. But it could be galvanised and focused with the coming Global Sumud Flotilla in March making Uniting for Peace one of their core demands. Past flotillas trying to bring aid to the Palestinians in Gaza have been regularly attacked and abused by Israel. They can help translate global outrage over Israel's attacks into concrete legal progress by pushing for the scores of countries they come from to get behind a truly powerful Uniting for Peace resolution. If they were to do this, they would become the true Board of Peace.

Thus, perhaps the rule of law and the collective will of humanity could halt a genocide in real time by compelling governments to act more ethically than they otherwise would. And movements should buttress states that bravely step up.

Such an assertion of global will could be a tipping point in global relations with ramifications far beyond Palestine, with a global majority curtailing the power of aggressive actors.

Or as Dwight Eisenhower put it: "I like to believe that people, in the long run, are going to do more to promote peace than our governments. Indeed, I think that people want peace so much that one of these days governments had better get out of the way and let them have it."

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[He first wrote about the possibility of a country invoking the Genocide Convention against Israel in 2014 and then extensively in the autumn of 2023.]

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