

Ireland's Push To Alter ICJ Genocide Definition a 'Double-Edged Sword,' Experts Say

Nathan Klabin / Dec. 17, 2024

Ireland's ICJ bid to redefine genocide amid the war in Gaza isn't impossible but suggests that the Irish government knows the accusations against Israel can't hold their ground

Ireland is going to request that the International Court of Justice (ICJ) in the Hague broaden its interpretation of genocide amid the ongoing war between Israel and Hamas, with Ireland's deputy prime minister, Micheál Martin, asserting that the IDF's actions in Gaza constitute "collective punishment" of Palestinians.

Martin expressed concerns that a "narrow interpretation" of genocide fosters a "culture of impunity," minimizing civilian protection. The Irish leader emphasized that Ireland's perspective on the UN's Genocide Convention is more expansive, prioritizing civilian safety. However, he failed to make any mention of the 100 hostages and dead bodies that remain in Hamas captivity today.

[...]

Dr. Tammy Caner, director of the Law and National Security Program at the Institute for National Security Studies (INSS), believes it is essential to seek explanations from Israel "regarding its controversial military actions; Israel may not be perfect and has made several mistakes, but the only genocidal war criminal in this war is Hamas. Requesting the ICJ to broaden its interpretation explicitly indicates that Israel is not committing genocide."

[...]

The definition of genocide is firmly established in the Genocide Convention and explicitly requires clear evidence of an intent to destroy a protected group, either in whole or in part. "While the ICJ has the authority to interpret the [Genocide] Convention, it cannot redefine this essential term simply upon Ireland's request," added **Dr. Caner**.

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