

Gaza Genocide: Legal Obligations, Dereliction of Duty, and the Cost of Complicity

As of July 21, 2025, the ongoing genocide in Gaza is not just a humanitarian disaster - it is a devastating indictment of the international legal order. With over 60,000 Palestinians killed, famine consuming more than a million lives, and Gaza's infrastructure reduced to rubble, the world faces a singular truth: genocide has been committed, and those who had a legal and moral duty to prevent it failed. This essay outlines the binding international obligations triggered by the Genocide Convention and ICJ rulings, the dereliction of that duty by key states, and the profound cost - legal, ethical, and reparative - of their complicity.

Legal Obligations Under the Genocide Convention

The 1948 **Convention on the Prevention and Punishment of the Crime of Genocide** imposes a clear obligation on all signatories:

"The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

Genocide is defined in Article II 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: (a) Killing members of the group; (b) Causing serious bodily or mental harm; (c) Inflicting conditions calculated to bring about physical destruction; (d) Preventing births; (e) Forcibly transferring children."**

Israel's conduct in Gaza - including mass killings, deliberate starvation, the destruction of hospitals, farmland, and homes - clearly satisfies the **actus reus** of genocide.

The **International Court of Justice (ICJ)** affirmed in its **2007 ruling in *Bosnia and Herzegovina v. Serbia and Montenegro***:

"A State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed."

This obligation is one of conduct, not result. States must act with all means available, proportionate to their influence.

In **January 2024**, the ICJ determined in *South Africa v. Israel*:

“The facts and circumstances are sufficient to conclude that at least some of the rights claimed by South Africa... are plausible. This includes the right of the Palestinians in Gaza to be protected from acts of genocide.”

This triggered immediate legal duties for all state parties. Under **Article 41**, these provisional measures are binding. Failure to act from that moment forward constitutes a breach of international law.

Dereliction of Duty by Powerful States

Despite the legal clarity, the world's most powerful states - the United States, Germany, and the United Kingdom - have not only failed to uphold their obligations, but actively enabled genocide.

- **United States:** With \$3.8 billion in military aid annually, additional arms during the conflict, and repeated vetoes at the UN Security Council, the U.S. chose alliance over legality. Its failure mirrors Serbia's culpability in the Bosnia case.
- **Germany:** While invoking “Never Again,” Germany exported €326 million in weapons to Israel in 2024 alone. Its historical responsibility has been inverted - weaponized to defend the indefensible.
- **United Kingdom:** With £42 million in arms exports and consistent diplomatic shielding, the UK has undermined its own legacy in international law. Its duty to act was clear - and neglected.

Under **Article III(e)** of the Convention, “complicity in genocide” is itself a crime. These states, through material support and failure to intervene, have crossed that threshold.

Genocidal Intent: From Rhetoric to Reality

The **mens rea** of genocide - the intent to destroy a group - need not be guessed. It has been repeatedly declared by Israeli leaders:

“Palestinians are like animals, they aren't human.”
Eli Ben Dahan, 2013, Member of the Knesset

“We are fighting human animals and we act accordingly.”
Yoav Gallant, October 9, 2023, Defense Minister of Israel

“Letting the residents of Gaza starve to death could be justified and moral...”
“We have been dismantling Gaza completely... The army will not leave a single stone upon another.”
Bezalel Smotrich, August 5, 2024, Finance Minister of Israel

"The only solution is to burn all of Gaza with its people at once."

"Our shared goal is to erase Gaza from the face of the earth. Burn Gaza now."

Nissim Vaturi, November 20, 2023, Deputy Speaker of the Knesset

"The army must find ways more painful than death for the civilians in Gaza."

"Killing them is not enough."

Amichai Eliyahu, January 5, 2024, Heritage Minister of Israel

"There is no such thing as innocents. Gaza must be flattened."

"We will not allow a single gram of aid into Gaza until its people beg and kneel."

Itamar Ben Gvir, 2024, National Security Minister of Israel

"Every child in Gaza is an enemy. We must occupy Gaza until not a single child remains."

Moshe Feiglin, May 22, 2025, Former Knesset member, Zehut party leader

These statements are not rhetorical flourishes. They are open admissions of genocidal intent. When combined with Israel's conduct - mass killings, starvation, urban destruction - they form a complete legal case for genocide.

The Cost of Complicity: Reparations and Accountability

The legal consequences of genocide do not stop at condemnation. They include **reparations**.

Following the ICJ's logic in *Bosnia*, and ICC norms of victim-centered justice, reparations must be paid not only by the perpetrators but also by the states that failed to prevent or materially enabled the crime.

Reparations should include:

- **To Gaza Survivors:** Estimated \$18.5 billion in reconstruction (World Bank, 2025)
- **To West Bank Palestinians:** For losses due to settler expansion and violence - \$5–10 billion
- **To the Palestinian Diaspora:** For historical dispossession and exile - \$10–20 billion
- **To a Future Palestinian State:** For rebuilding sovereignty and infrastructure - \$30–50 billion

Funding should be collected through a UN-administered trust. Legal action, domestic and international, may compel compliance. The ICJ's final ruling - still pending - could sharpen this requirement into enforceable obligations.

Germany, which has paid reparations to Israel for the past 77 years in acknowledgment of its crimes during the Holocaust, now finds itself on the other side of history. Through its inaction - and worse, through its direct support via weapons shipments - it has ensured that it will likely owe reparations to the Palestinian people for the next 77 years. Its post-war moral currency has been spent not on justice, but on perpetuating injustice.

As for Israel - the primary perpetrator of genocide - its liability may not end with financial restitution. Given the sheer scale of destruction, displacement, and defiance of international law, Israel may be unable to meet its reparative obligations through monetary means alone. In such a scenario, **territorial restitution** - a return of stolen land to its rightful Palestinian owners - may emerge not only as a moral imperative but as a legal necessity.

Conclusion: Duty Violated, Justice Demanded

The Gaza genocide did not occur in secret. It unfolded live, in full view of a legally bound world that chose inaction.

The **legal obligations** were clear. The **dereliction of duty** was deliberate. The **cost of complicity** must now be paid.

This is not only Israel's crime. It belongs also to the states that funded, armed, and defended it. Reparations, prosecutions, and historical reckoning are not only possible - they are necessary.

Germany, the self-proclaimed guardian of post-Holocaust morality, will be forced to account for its double standard. And Israel, having destroyed a people and exhausted its own legitimacy, may find that its only remaining currency is the land it took by force - and must now return.

"Never Again" is not a slogan. It is a responsibility. And in Gaza, the world has failed it.