

## Genocide Convention [UPSC Notes]

The Genocide Convention is an important international convention that defines genocide and obligates State Parties to prevent and punish the crime of genocide. This is a relevant topic for the [IAS exam](#) international relations segment. In this article, you can read all about the Genocide Convention and related issues.

### Genocide Convention

The world was entangled in the complexities of emerging tensions wherein the major power blocks were embroiled in ideological differences that hit the shores of geopolitical interests giving rise to numerous conflicts. This ignited the spirit of compassion in the United Nations and led to the recognition of humanitarian issues that were caused by the [Second World War](#).

### The Background:

- The recognition of atrocities on people as a brutal outcome of the Second World War took a consolidated form when the [United Nations General Assembly](#) adopted a resolution in December 1947 and declared “Genocide” as an international crime that involves the national and international responsibility of individual persons and states.
- In 1948, the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the UNGA and came into force in 1951.
- The convention has been widely accepted by the international community with the support of the majority of States.
- The lucid definition of the crime of genocide has been defined by the convention and various other aspects enshrined in its 19 articles.
- The International Court of Justice ([ICJ](#)) has recognised the underlying principles of the Genocide Convention.
- The Genocide Convention acts as an instrument of international law that led to the codification of genocide, for the first time, as a crime.

### What is Genocide?

Genocide has been defined under **Article II** of the Convention on the Prevention and Punishment of the Crime of Genocide.

- According to the convention, genocide refers to the acts that are committed with the intent to destroy in whole or partly, a national, ethnical, racial or religious group. These acts include:
  - Killing members of the group
  - Causing serious bodily or mental harm to members of the group

- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
- Imposing measures to prevent births within the group.
- Forcibly transferring children of the group to another group.
- **Article I** recognises genocide, committed in times of peace or in times of war, as a crime under international law. As interpreted by the ICJ, Article I refers to an obligation on the states, not to commit genocide and prevent such events which have an extraterritorial scope.
- **Article III** of the genocide convention lists out the acts that shall be punishable. These punishable acts are:
  - Genocide
  - Conspiracy to commit genocide
  - Direct and public incitement to commit genocide
  - Attempt to commit genocide
  - Complicity in genocide

#### Obligation on the State Parties:

- The State parties, under the convention, shall operate with an obligation to take measures to prevent and punish the crime of genocide.
- The obligation under **Article IV** envisages that persons committing genocide shall be punished by the member states even if they are constitutionally responsible rulers, public servants, officials or private individuals.
- **Article V** puts an obligation on the states in order to give effect to the provisions of the Convention through the relevant legislation. This article also offers a provision of ensuring effective penalties for persons found guilty of criminal conduct as per the Convention.
- There is an obligation put forth by **Article VI** of the Convention according to which a person charged with genocide shall be tried in a competent tribunal of the State in the territory of which the act was committed or by an international penal tribunal with accepted jurisdiction.
- Grant of extradition when genocide charges are involved along with laws and treaties in force, is an obligation under **Article VII**. This is related to the protection given by the international human rights law prohibiting refoulement where there is a real risk of human rights violations in the receiving state.
- This obligation along with the prohibition of not to commit genocide, are considered as norms of international customary law and are binding on all the states irrespective of the ratification of the Convention in those states.

Also read: [Rwandan Genocide](#)

#### Other important provisions of the Convention:

- **Article VIII** - Any contracting party may call upon the component organs of the United Nations to take such action under the Charter of the UN as they consider appropriate for the prevention and suppression of the events of genocide or any acts mentioned in Article III of the convention.
- **Article IX** explains the disputes between the Contracting Parties and states that any act of genocide shall be submitted to the International Court of Justice at the request of any parties to the dispute.

### Member States:

- There are about 152 member states at present that are engaged with the Genocide Convention.
- Mauritius is the most recent country that signed the convention in 2019 but has yet to ratify it.
- The Special Advisor on the Prevention of Genocide calls upon all United Nations Members States that are not yet party to the Genocide Convention, to ratify or accede to it as a matter of priority so that the convention transforms as an instrument of universal membership.

### Genocide: Case Studies

#### 1. **Russia-Ukraine**

- The [invasion of Ukraine by Russia](#) and the ongoing crisis between the two countries exemplifies a classic case of genocide born out of ethnocentric clashes and other disparities.
- Russia supported its military action by expressing its sole intention to protect the Russian speaking Ukrainians from genocide.
- As a responsive move, Ukraine approached the Genocide Convention and alleged Russia of misusing the term genocide to justify its illegal invasion.
- The ICJ issued an interim order directing Russia to immediately withdraw its military operation from Ukraine.

#### 2. **The United States**

- The Civil Rights Congress submitted a petition in the UN concerning the mistreatment of Black Americans.
- A paper titled 'We charge Genocide' reflected the excerpts of the Genocide Convention and was presented to the UN at the Paris meeting in 1951. This was written by the Civil Rights Congress raising the issue of various forms of atrocities against the black community.
- There were accusations of genocide against the black community leading to their wrongful deaths, abuses and other discriminatory practices.
- This petition was supported by several leaders of the black community.

#### 3. **Myanmar**

- There have been reports on genocide against the Rohingyas who are an ethnic-religious minority in Myanmar in the Northern Rakhine State.
- Rohingyas are a group of Muslim Indo-Aryan people residing in the Rakhine state of Myanmar.
- The government of Myanmar considers the Rohingyas as illegal immigrants.
- This resulted in a massive crisis in Myanmar resulting in the persecution of Rohingyas which was portrayed to the world as an internal armed conflict facilitated by the security threats from the Rohingyas.
- The case of mass atrocities on Rohingyas was put forth by the Republic of Gambia in 2019 which is a Muslim majority country in West Africa.
- The ICJ directed Myanmar to resolve the crisis within a given time frame by implementing effective measures to prevent genocide against Rohingyas.

#### 4. Genocide and India

- Even though India has ratified the Convention, there is no existing law defining Genocide.
- India has a constitutional obligation under Article 51 to respect international law and treaty obligations.
- Article 253 makes it mandatory for Parliament to enact any law pertaining to the implementation of any treaty, agreement or convention.
- Experts recommend sooner enactment of legislation to give effect to the norms of the Genocide Convention. This issue has also been raised in Parliament on many occasions.
- After the ratification of the Genocide Convention by India in 1959, there were major instances of genocide. For instance:
- **The 1984 Anti-Sikh Riots** - In the wake of the assassination of Indira Gandhi by her Sikh bodyguards, many Sikhs were subjected to a series of planned killings.
- **Bhagalpur Riots of 1989** - A dispute took place between the Hindu and Muslim religious groups in Bihar during the Ramshala procession that led to mass killings.

#### Way Ahead for India

- India is a land of fascinating ethnological diversity as rightly described by Dr. V A Smith who calls the subcontinent an ethnological museum.
- Despite the country's unity in diversity, there prevail several instances of crimes against groups and such instances await effective legislation.
- The time has been calibrated for India to enforce the provisions of the Genocide Convention by introducing a legal framework against mass crimes against individuals identified on ethnic, religious, social, linguistic, cultural and geographical grounds. This will reflect India's unswerving determination towards international obligations.
- Shaping the Convention through relevant legislation will enliven a sense of compassion garnered in humanity that India has always advocated and will continue to do so.

## UPSC Questions related Genocide Convention

**What is Genocide Convention?**

- The Genocide Convention (Convention on the Prevention and Punishment of the Crime of Genocide) is an instrument of international law that led to the codification of the crime of 'Genocide'.
- This Convention was introduced in the UN General Assembly as a response to the second World War with a commitment to prevent atrocities on individuals on the basis of ethnicity, race and so on.

**Is India a signatory to the Genocide Convention?**

- India had actively participated in the formulation of the Genocide Convention and ratified it in August 1959.
- Despite the ratification, India is yet to define genocide by law.

**When was the word 'Genocide' used for the first time?**

- A Polish Lawyer Raphael Lemkin coined the term Genocide for the first time in 1944 in his book titled Axis Rule in Occupied Europe.
- Later, the UNGA recognised genocide as a crime and codified the crime of genocide in 1948 through the Genocide Convention.

**What is Genocide according to Genocide Convention?**

According to Article II of the convention, genocide refers to the acts that are committed with the intent to destroy in whole or partly, a national, ethnical, racial or religious group. These acts include:

- 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 to prevent births within the group.
- e. Forcibly transferring children of the group to another group.