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HARARE INTERNATIONAL SCHOOL

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ZIMUN XI

The Cost of Innovation:

*Navigating the Ethical Responsibilities of Technological
Advancements and Societal Change for Inclusive, Sustainable
Development in a Globalised World*



Historical Commision

*Reforming the 1948 Genocide Convention: Tackling its Limitations
and Strengthening International Accountability*

Committee: Historical Commission

Issue: Reforming the 1948 Genocide Convention: Tackling its Limitations and Strengthening International Accountability

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INTRODUCTION

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) was a landmark international treaty aimed at preventing one of the gravest crimes against humanity. However, despite its historical significance, the convention has several shortcomings that hinder its effectiveness in addressing and preventing genocide. Many legal and political barriers prevent the effective implementation of the treaty, allowing genocidal acts to continue with limited intervention or accountability. The debate on reforming the Genocide Convention will focus on closing legal loopholes, improving enforcement mechanisms, and ensuring international accountability.

DEFINITION OF KEY TERMS

1. Genocide

The deliberate and systematic destruction, in whole or in part, of a national, ethnic, racial, or religious group, as defined by the 1948 Genocide Convention. The current legal definition does not include political or social groups, limiting its scope.

2. Crimes Against Humanity

A category of international crimes that includes acts such as murder, enslavement, deportation, torture, and rape when committed as part of a widespread or systematic attack against civilians. Unlike genocide, crimes against humanity do not require proof of intent to destroy a particular group.

3. International Criminal Court (ICC)

A permanent international tribunal established by the Rome Statute in 2002 to prosecute individuals for genocide, war crimes, crimes against humanity, and aggression. However, its jurisdiction is limited to member states or referrals by the UN Security Council.

4. State Sovereignty

The principle that states have the authority to govern themselves without external interference. This principle often complicates international intervention in cases of genocide.

BACKGROUND ON THE ISSUE

The Genocide Convention was adopted by the United Nations General Assembly on December 9, 1948, in response to the atrocities committed during World War II, particularly the Holocaust. It defines genocide and establishes obligations for states to prevent and punish genocide. However, historical and contemporary cases demonstrate that enforcement remains weak, as political interests often prevent timely intervention. Notable cases such as the Rwandan Genocide (1994), Srebrenica Massacre (1995), and the Rohingya crisis in Myanmar (2017) highlight the continued failure to prevent or halt genocidal acts.

The issue of genocide remains relevant today, with ongoing concerns about ethnic violence and mass atrocities in various regions. The limitations of the Genocide Convention have led to calls for reform, including expanding the legal definition, creating stronger enforcement mechanisms, and reducing political barriers to intervention.

STAKEHOLDERS

1. United Nations (UN)

- The primary international organization responsible for upholding international peace and security. The UN Security Council has the authority to refer genocide cases to the ICC, though political interests often influence decisions.

2. International Criminal Court (ICC)

- The ICC prosecutes individuals for genocide, but its jurisdiction is limited, and many countries have not ratified its founding treaty, the Rome Statute.

3. National Governments

- States have a duty to prevent and punish genocide under the convention, but political interests often lead to inaction. Some countries resist international intervention on the basis of state sovereignty.

4. Human Rights Organizations and NGOs

- Organizations such as Human Rights Watch, Amnesty International, and the International Crisis Group play a crucial role in documenting genocidal acts, advocating for stronger enforcement, and supporting victims.

5. Regional Organizations

- Entities like the African Union (AU) and the European Union (EU) have attempted to address genocide within their regions but often face legal and logistical challenges in enforcement.

RELEVANT UN RESOLUTIONS, TREATIES, & EVENTS

- **Convention on the Prevention and Punishment of the Crime of Genocide (1948):** Establishes the legal definition of genocide and obligates states to prevent and punish it.
- **Rome Statute of the International Criminal Court (1998):** Establishes the ICC as a permanent tribunal for prosecuting genocide and other international crimes.
- **UN Security Council Resolution 955 (1994):** Establishes the International Criminal Tribunal for Rwanda (ICTR) to prosecute those responsible for the 1994 genocide.
- **UN General Assembly Report on Responsibility to Protect (2005):** Outlines the responsibility of states and the international community to prevent and respond to genocide and mass atrocities.
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PREVIOUS ATTEMPT TO SOLVE THE ISSUE

1. Ad Hoc Tribunals

- The International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) were established to prosecute those responsible for genocides in Rwanda and the Balkans. These tribunals successfully convicted key perpetrators but were criticized for slow processes and limited reach.

2. The International Criminal Court (ICC)

- Established to provide a permanent legal body for prosecuting genocide, but its jurisdiction is restricted to signatory states or referrals by the UN Security Council. Some countries, including the United States, Russia, and China, have not ratified the Rome Statute, limiting its effectiveness.

3. Responsibility to Protect (R2P)

- A UN-endorsed principle that promotes international intervention to prevent genocide and mass atrocities. However, implementation remains inconsistent, as powerful states often block intervention efforts.

POSSIBLE SOLUTIONS

1. Expanding the Definition of Genocide

- Amend the Genocide Convention to include political, social, and cultural groups to close legal loopholes.

2. Strengthening Enforcement Mechanisms

- Establish an independent UN monitoring body to track early signs of genocide and recommend intervention.
- Strengthen the ICC's jurisdiction and encourage universal ratification of the Rome Statute.
- Implement automatic jurisdiction for genocide cases to prevent states from blocking prosecution.

3. Addressing Political Barriers

- Reform UN Security Council veto power in genocide cases to prevent political deadlock.
- Create diplomatic incentives and sanctions to pressure states into taking action against genocide.
- Promote regional cooperation in genocide prevention, such as through the African Union or European Union.

Questions for Debate

- Should the legal definition of genocide be expanded to include political and social groups?
- How can international enforcement mechanisms be strengthened to hold perpetrators accountable?
- What role should regional organizations play in preventing genocide?
- Should the UN Security Council veto power be restricted in cases involving genocide?
- How can states be incentivized to ratify and comply with the Rome Statute and ICC rulings?

WORKS CITED

- United Nations, "Convention on the Prevention and Punishment of the Crime of Genocide," 1948.
- International Criminal Court (ICC), "Rome Statute of the International Criminal Court," 1998.
- UN Office on Genocide Prevention and the Responsibility to Protect.
- Human Rights Watch reports on genocide cases in Rwanda, Bosnia, and Myanmar.

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