



POSITION PAPER:
Third State and International Organisations
Complicity in Genocide through the
Failure to Protect Palestinians and
Failure to Enforce International Law

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targeting civilians including healthcare workers, journalists, and the United Nations personnel and premises, including the [World Health Organisation](#), and the repeated massacres on the tents and shelters of displaced Palestinians, who have been forced into tiny un-safe areas of the Gaza Strip. Every day there is a new “[flour massacre](#)”. Israel’s repeat attacks on starving displaced Palestinian civilians as they struggle to secure any supplies for their families and communities, is being facilitated and sustained by Third States and international organisations, both through active complicity and the failure to act.

Since 2024 the International Court of Justice has issued three sets of Provisional Measures Orders requiring in particular, that Israel ensure the provision of humanitarian aid at scale in in “conformity with its obligations” under the Genocide Convention and “in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of [famine and starvation](#)”. The ICJ has also issued an Advisory Opinion affirming that Israel must withdraw from the entirety of the occupied Palestinian territory without delay. Arrest warrants have been issued by the International Criminal Court charging Israel’s leadership with war crimes and crimes against humanity for employing starvation as a method of warfare. Another Advisory Opinion has been requested of the ICJ, responding to Israel’s attacks on UN agencies providing humanitarian aid to the Palestinian people, emphasising the Palestinian people’s inalienable right of self-determination.

While legal affirmation of Palestinian rights, and the endorsement of the law by many states is necessary and welcome, without immediate and active enforcement of the full Palestinian right to self-determination, such legal initiatives will remain merely a historical record of the manifest failure of the international community of states to cease its collaboration in Israel’s genocide.

The international community has consistently failed to take effective measures to hold Israel accountable for its grave human rights violations, war crimes, crimes against humanity, and genocide. It has failed to address the root causes of the ongoing dispossession, displacement, domination, and persecution of the Palestinian people, leading to deepening and worsening waves of genocidal colonial violence.

Israel’s genocidal onslaught, characterised by direct, blatant, and sustained criminal attacks

Al-Haq sets out five key failures of Third States and international organisations to enforce international law, which amount to failures to protect the Palestinian people and complicity in Genocide:

1. International Criminal Court

In November 2024 the International Criminal Court issued arrest warrants against Israeli Prime Minister Netanyahu and former Foreign Minister Gallant, finding ‘reasonable grounds’ that each bears “criminal responsibility for [...] the war crime of starvation as a method of warfare; and the crimes against humanity of murder, persecution, and other inhumane acts”. The Chamber further decided that there are “reasonable grounds to believe that [they] each bear criminal responsibility as civilian superiors for the war crime of intentionally directing an attack against the civilian population”.

The Chamber found reasonable grounds to believe that the lack of food, water, electricity and fuel, and specific medical supplies, created conditions of life calculated to bring about the destruction of part of the civilian population in Gaza, which resulted in the death of civilians, including children due to malnutrition and dehydration. Not only have the arrest warrants yet to be enforced, several states parties to the Rome Statute of ICC, including EU member states, have sought to [evade](#) their legal obligations, or have [rejected](#) them totally, in order to shield Netanyahu and Gallant.

2. Failure of the High Contracting Parties to the Geneva Conventions

Israel's continued refusal to agree to and facilitate relief operations when the Palestinian population is inadequately supplied is unlawful under international humanitarian law. The failure of the Occupying Power to ensure the adequate provision of supplies, constitutes a breach of Article 59 of the Fourth Geneva Convention and Article 69 of Additional Protocol I. The failure of the Occupying Power to ensure essential supplies to the fullest extent of the means available constitutes a breach of the customary international law obligations contained in Articles 50 and 55 of the Fourth Geneva Convention, obligations which apply both vis-à-vis the population of the occupied territory, and vis-à-vis the international community as a whole.

It is pertinent to recall that in September 2024 the UN General Assembly [called](#) on Switzerland, in its capacity as the depositary of the Geneva Conventions, to convene a Conference of the High-Contracting Parties to the Geneva Conventions by March 2025 to focus 'on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure respect thereof in accordance with common article 1 of the four Geneva Conventions'. The Conference was [cancelled](#) the day prior to its meeting, another failure on the part of the international community, evidencing the continuing and alarming [undermining](#) of the Geneva Conventions as a basis for ensuring the protection of Palestinians struggling to survive under the unlawful, racist, and genocidal Israeli occupation.

3. Failure of the EU to Terminate the EU-Israel Association Agreement



The EU refused to end its complicity in Israel's violations following its internal review of Article 2 of the EU-Israel Association Agreement, [announcing](#) on 10 July 2025 that following 'the constructive dialogue between the EU and Israel, significant steps have been agreed by Israel to improve the humanitarian situation in the Gaza Strip'. Instead of a clear commitment to abide by its obligations under Article 2 by suspending or terminating the EU-Israel Association Agreement, the EU has chosen to continue business as usual, buying Israel time to expand and continue its genocidal campaign, policy of mass forcible displacement and dispossession, and annexation of Palestine. Israel has used this as a [greenlight](#) to continue to escalate and expand its genocide through military assault and starvation.

The historic impunity Israel continues to enjoy ensures it is under no pressure to change its course - instead allowing it to pursue its policy of Palestinian erasure by destroying Palestinians in Gaza and annexing what remains of Palestine. Further warnings, talks or high-level discussions will do nothing to stop Israel's wide scale and systematic attack on the human rights of Palestinians - a fact of which EU officials are well aware. The international guarantee of universal human rights, enshrined in the provisions of Article 2 of the EU-Israel Association Agreement, are rendered meaningless if their manifest breach is not backed by clear and enforceable consequences.

4. Failure of States to Implement the Recommendations of the 2024 ICJ Palestine Advisory Opinion



The ICJ [Advisory Opinion](#) issued on 19 July 2024 provides to date the clearest legal basis for action. It goes beyond documentation of individual human rights violations and confirms what Palestinian human rights organisations and legal experts have [argued](#) for decades: Israel's occupation of the Palestinian territory is unlawful in its very essence and must come to an immediate end. Israel's presence and acts in the OPT amounts to continuing violations of peremptory norms of international law, from which no derogation is permitted, including the prohibition of genocide, racial segregation and apartheid, annexation and acquisition of territory through use of force, and the unlawful denial of Palestinians inalienable right to self-determination - all of which the ICJ acknowledged and the EU review confirms.

UN human rights experts have [stated](#) that in order for all States, including EU members, to meet their obligations triggered by the ICJ Advisory Opinion, they must, among other steps, “[c]ancel or suspend economic relationships, trade agreements and academic relations with Israel that may contribute to its unlawful presence and apartheid regime in the occupied Palestinian territory” and “[i]mpose a full arms embargo on Israel”.

5. Failure of Third States to Prevent Racial Segregation and Apartheid; and Genocide



Where the EU as an organisation refuses to abide by its legal obligations, EU member states remain fully [bound](#) by their international law obligations. All states, including EU member states, are obliged under the Convention Against Genocide to act to prevent Israel's escalating and expanding genocide. The ICJ's 2024 Palestine Advisory Opinion affirmed that Israel's legislation and measures constitute a breach of Article 3 of CERD which prohibits racial segregation and apartheid. All state parties to CERD are obliged to condemn Israel for its violation of Article 3. The CERD Committee has [explained](#) that this legal obligation requires the cessation of all diplomatic and economic support since such 'policies, practices or relations which have the effect of supporting, sustaining or encouraging racist régimes are irreconcilable with the commitment to the cause of the elimination of racial discrimination which is inherent in the ratification of [ICERD].'

While individual EU member states have taken steps to commence meeting the [minimum](#) of their legal obligations by prohibiting trade with settlements, international initiatives such as those being progressed by The Hague Group provide a template for more thorough and effective action. The Joint [Statement](#) of the Hague Group of 16 July 2025 saw a collective of 12 states commit to protecting Palestinians and the rule of law by taking measures which include preventing the provision or transfer of arms to Israel, preventing the transit, docking, and servicing of vessels at any port where there is a clear risk of the vessel being used to carry arms to Israel, reviewing all public contracts to prevent public institutions and funds from supporting Israel's illegal occupation of the Palestinian Territory and entrenching its unlawful presence, to comply with obligations to ensure accountability for the most serious crimes under international law, and to support universal jurisdiction mandates.

Such initiatives, seeking to give effect to the legal obligations which the International Court of Justice has authoritatively identified, require greater support. The urgent necessity for such support is evident as western states, including EU member states, continue to issue [statements](#) critical of Israel's conduct, yet which fail to indicate any enforcement action. Such statements, which acknowledge the existence of international law, while refusing to make it a meaningful concept, constitute active complicity in Israel's violations.

Conclusion and Recommendations

The catalogue failures of Third States and international organisations to act in prevent the ever escalating genocide, is marked by Israel's flagrant daily massacres and breaches of international law, carried out with impunity. In June 2025 international civil society [warned](#) that the so-called 'Gaza Humanitarian Foundation (GHF)', established to operate in collaboration with the Israeli government and U.S. private military and security companies, constitutes a 'new model of privatized, militarized aid distribution [which] constitutes a radical and dangerous shift away from established international humanitarian relief operations'. Israeli military [strikes](#) against the besieged civilian population of Gaza have [continued](#) without pause. The UN's Office of the High Commissioner for Human Rights [reported](#) that "As of 13 July, we have recorded 875 people killed in Gaza while trying to get food; 674 of them were killed in the vicinity of GHF sites," with the remaining 201 victims killed while seeking food "on the routes of aid convoys or near aid convoys" run by the UN or UN-partners still operating in Gaza.

In light of the systematic man-made mass starvation of Palestinians in Gaza, Al-Haq recommends that:

- All states to legislate to ban trade, in goods and services, with Israel's unlawful settlements, as well as any trade with Israel which contributes to the maintenance of the unlawful occupation, and to ensure a full and immediate cessation of hostilities in Gaza and the withdrawal of Israeli forces from all of the OPT;
- All states uphold their obligations under the Genocide Convention and the [2004](#) and 2024 ICJ Advisory Opinions, by ceasing all forms of complicity with Israel's illegal occupation, racial segregation and apartheid, and genocide, and by actively supporting Palestinians to realise their right to self-determination;
- For the European Union to abide by its own rules, as well as international law, and to terminate the EU-Israel Association Agreement, including all economic, trade and institutional cooperation;

- The implementation of immediate, comprehensive, and effective two-way arms embargo against Israel must be undertaken as an immediate requirement;
- Enact a comprehensive ban, underpinned by a rigorous regulatory regime, on companies and entities involved to any degree with the production, trade or marketing of Israeli goods and services that assist in the maintenance of the illegal situation, including settlements products;
- Enact targeted sanctions on physical and legal persons, Israeli and international, including corporations, institutions, and non-profit entities, complicit in Israel's breaches of international law;
- Enact a ban on oil, gas and other energy agreements with Israel, particularly where any part of the agreement includes transit and pipelines, and infrastructure located in, or contiguous with the OPT, including its territorial waters, contiguous zone, and Exclusive Economic Zone;
- Develop punitive mechanisms sufficient to effectively halt and deter trade and investments by governmental and national companies, with Israeli companies, financial institutions, or banks that are contributing to maintain Israel's unlawful occupation;
- Commit to supporting The Hague Group July 2025 initiative
- All states cooperate in enforcement of the ICC arrest warrants issued against Netanyahu and Gallant, and in particular European States, due to their location and military and economic relations with Israel and the potential travel of Israeli officials therein;
- All states, including States Parties to the Rome Statute, to apply universal jurisdiction and investigate and prosecute, nationals or those present on their territory, responsible for the perpetration of international crimes against the Palestinian people;
- All states submit written legal interventions to the International Court of Justice, in both the South Africa v Israel and Nicaragua v Germany proceedings, in order to affirm Palestinian rights and to support the enforcement of international law;
- Provide UNRWA with all the necessary financial, logistic, and diplomatic support and protection it requires in order to fulfill its mandate.