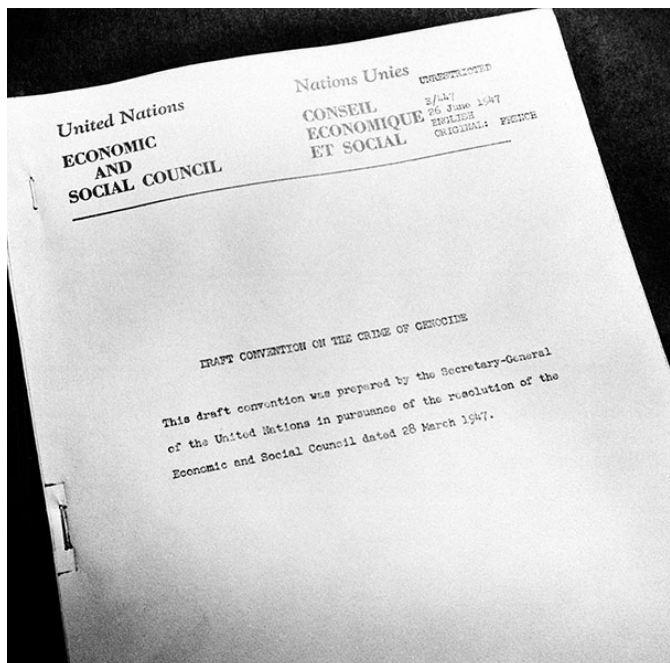




## SPOTLIGHT ON R2P



Which UN Member States have NOT yet ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide?

The following 45 (as of June 2018)

AMERICAS	AFRICA	ASIA
Dominica	Angola	Bhutan
Dominican Republic	Botswana	Brunei Darussalam
Grenada	Cameroun	Indonesia
Guyana	Central African Republic	Japan
Saint Lucia	Chad	Kiribati
Saint Kitts and Nevis	Congo	Marshall Islands
Suriname	Djibouti	Micronesia (Federated States of)
	Equatorial Guinea	Nauru
	Eritrea	Oman
	Kenya	Palau
	Madagascar	Qatar
	Mauritania	Samoa
	Mauritius	Solomon Islands
	Niger	Thailand
	Sao Tome and Principe	Timor-Leste
	Sierra Leone	Turkmenistan
	Somalia	Tuvalu
	South Sudan	Vanuatu
	Swaziland	
	Zambia	

70 YEARS OF THE GENOCIDE CONVENTION

UNIVERSAL RATIFICATION 2018

[un.org/genocideprevention](http://un.org/genocideprevention) #PreventGenocide

## The Genocide Convention

The International Convention for the Prevention and Punishment of the Crime of Genocide marks its 70th anniversary, on the 9th of December 2018. In the lead up to the anniversary the United Nations Secretary-General, Antonio Guterres, and the Special Advisor on the Prevention of Genocide, Adama Dieng, launched an appeal for universal ratification. Currently, 149 United Nation (UN) member-states have ratified the Genocide Convention, while 45 UN member-states have not ratified. <sup>1</sup> A significant number of these are in the Asia Pacific region.

The Genocide Convention was the first legal instrument to codify the crime of genocide. The act of genocide is described in the Genocide Convention, as intentional acts to destroy national, ethnic or religious groups, which nonetheless excludes political groups of peoples. Accord-

ing to the Convention, genocides can occur both in times of war and peace. <sup>2</sup>

Even though the Genocide Convention is considered customary international law, many states in the Asian Pacific region have not yet ratified the Convention. In fact, the Asia Pacific has the lowest accession rate of any region. Of the total 45 UN member-states who have not ratified with the Genocide Convention, 15 of these are states within the Asian Pacific region. These are:

- Bhutan
- Brunei Darussalam
- Indonesia
- Japan
- Kiribati
- Marshall Islands

- Micronesia
- Nauru
- Palau
- Samoa
- Solomon Islands
- Thailand
- Timor-Leste
- Tuvalu
- Vanuatu.<sup>3</sup>

The low level of ratification in the Asian Pacific region compared to other regions of the world, is deeply troubling since the Convention establishes responsibilities for states to ensure measures are taken to prevent and punish the crime of genocide. However non-accession does not shield states from their legal obligations. The International Court of Justice (ICJ) has stated that the

principles of genocide upheld by the Convention are part of the general customary international law. Thus, the obligations to prevent genocide are binding by all states.<sup>4</sup> Therefore, it should be in most states interests to ratify and comply with the Genocide Convention, as the states regardless of ratifying to the Convention are impacted by it through the customary international law, making all acts of genocide illegal and punishable.<sup>5</sup>

However, not all states in the Asian Pacific region have neglected to ratify the Convention. Many states have ratified the Genocide Convention and therefore demonstrate their commitment to preventing genocide. Most members of the Association of South East Asian Nations (ASEAN) have ratified with the Genocide Convention. For example, Cambodia ratified on 14 October 1950, Peoples Democratic Republic of Lao ratified on 8 December 1950, Malaysia ratified on 20 December 1994, Myanmar ratified on 14 March 1956 and signed the Convention on the 30 December 1949, Philippines ratified on 7 July 1950 and signed the Convention on the 11th of December 1948, Singapore ratified on 18 August 1995, and Viet Nam ratified on 11 August 1950.<sup>6</sup> Only 3 of the ASEAN member-states have not ratified the Genocide Convention, which demonstrates that there generally is majority support for the Genocide Convention within the ASEAN community.

More pressing than the need for universal ratification, however, is universal implementation. The Convention has not yet come close to achieving its stated aim of preventing or punishing the crime of genocide. The Myanmar government and its armed forces stand accused of committing genocide against the Rohingya population. Yet little has been done to achieve legal accountability for these crimes. The Genocide Convention can be used more forcefully to establish international pressure on states like Myanmar, who fail to uphold their commitments to the Convention.<sup>7</sup>

States are strongly encouraged to ratify and implement the Convention and in so doing fulfil part of the Responsibility to Protect, which they committed themselves to in 2005. State parties to the Convention should do more to encourage others to ratify and more must be done to implement the Convention. State parties should take the opportunity of the 70th anniversary to establish a committee of parties charged with reviewing implementation of this most important legal rule.

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