

Gaza: Never Again is Now - A Desperate Plea for Military Intervention

“The crime of genocide is not just a crime against a people - it is a crime against humanity.”

UN Secretary-General, 2004

The situation in Gaza has reached a critical juncture where military intervention is not only legally permissible but mandated under international law. Israel's ongoing blockade and military operations have created a humanitarian catastrophe, with the International Court of Justice (ICJ) identifying a “plausible risk” of genocide. Diplomacy, sanctions, and legal rulings have failed to alter Israel's conduct, leaving military intervention as the only viable option to prevent further atrocities. This argument is grounded in Israel's obligations under international humanitarian law (IHL), the ICJ's rulings, the duty to prevent genocide, the right to collective self-defense, the Responsibility to Protect (R2P) doctrine, and the legal status of Gaza's territorial waters. While Israel and its allies - the United States, United Kingdom, and Germany - will denounce such action, support from Russia and China, combined with the ICJ's ongoing proceedings, provides a robust legal and geopolitical pathway.

Israel's Obligations as the Occupying Power

As the occupying power in Gaza, Israel is bound by the **Fourth Geneva Convention (1949)**, which imposes specific duties to protect the civilian population. Article 55 of the Convention states:

“To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.”

Israel's blockade, restricting food, medical supplies, and essentials, violates this obligation. After 143 days of siege, Gaza has depleted all reserves and is now in a IPC stage 4 (emergency) / stage 5 (catastrophic) famine. Israel's failure to allow humanitarian aid as required by the Geneva Convention provides a foundational justification for intervention to restore access and protect civilians.

Genocide Under the Convention: Deliberate Destruction Through Living Conditions

The **1948 Genocide Convention**, Article II lit c, defines genocide as:

“Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

Israel's 143-day siege, banning UNRWA and relying on the GHF's deadly aid distribution system, exemplifies this. The deaths of 1,021 and injuries of 6,511 at distribution points, alongside the July 20, 2025, IDF attack on a World Food Program convoy - killing 94 and injuring 150 - demonstrate intent to obstruct survival. The irreversible damage of a IPC stage 5 famine, particularly to children, underscores the genocidal nature of these conditions.

ICJ Provisional Measures Mandating Humanitarian Aid

In *South Africa v. Israel* (2024), the ICJ issued provisional measures in response to South Africa's application under the Genocide Convention, finding a “plausible risk” of genocide in Gaza due to Israel's military operations and blockade. The Court ordered Israel to:

“Take all measures within its power to prevent the commission of all acts within the scope of Article II of [the Genocide] Convention” and “enable the provision of urgently needed basic services and humanitarian assistance.”

Israel's continued restriction of aid and escalation of military operations demonstrate non-compliance with these binding measures. This defiance creates a legal basis for military intervention to enforce the ICJ's ruling and ensure humanitarian access.

The LaGrand Ruling: Provisional Measures Are Mandatory

The binding nature of ICJ provisional measures was established in *LaGrand (Germany v. United States, 2001)*, where the Court ruled:

“Provisional measures indicated by the Court are binding upon the parties.”

Israel's failure to comply with the 2024 provisional measures is a violation of international law. The *LaGrand* precedent underscores that states cannot ignore ICJ orders without consequence, justifying military intervention to enforce compliance and protect Gaza's population.

Bosnia vs Serbia: Duty to Prevent Genocide

The ICJ's decision in *Bosnia and Herzegovina v. Serbia and Montenegro* (2007) imposes a clear obligation on states to act when aware of a serious risk of genocide. The Court held:

“A State...is under an obligation to employ all means reasonably available to them to prevent genocide, so far as possible, when they have knowledge of a serious risk that genocide will be committed.”

The ICJ's finding of a “plausible risk” of genocide in Gaza triggers this duty. When non-military measures - diplomacy, sanctions, and legal proceedings - fail, military intervention becomes a lawful and necessary step to prevent genocide, as required by the *Bosnia* ruling.

Article 51 of the UN Charter: Collective Self-Defense

Article 51 of the UN Charter affirms the inherent right of states to self-defense, including collective self-defense, stating:

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”

This right is not limited to UN member states nor constrained by other Charter provisions. Israel's blockade and military operations constitute an ongoing armed attack against Gaza's population. The inherent nature of this right allows states to act in collective self-defense, even without UN Security Council (UNSC) approval, particularly when the Council is paralyzed by U.S. vetoes. This provides a legal pathway for military intervention to repel Israel's actions and protect civilians.

Palestine's Recognition: Strengthening Article 51

Palestine's status strengthens the case for collective self-defense. Recognized by over 140 states and granted non-member observer state status by the UN General Assembly in 2012 (Resolution 67/19), Palestine possesses broad but incomplete international recognition. International law lacks a definitive rule on statehood, per the **Montevideo Convention (1933)**, which lists criteria like territory, population, government, and foreign relations capacity. Palestine's recognition establishes it as a legitimate entity under attack, enabling other states to invoke collective self-defense under Article 51 on its behalf, particularly given Israel's unlawful actions against Gaza.

Responsibility to Protect (R2P): A Mandate for Action

The **R2P doctrine**, endorsed in the **2005 World Summit Outcome Document**, provides further support for intervention. It outlines three pillars: - **Pillar I**: “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” - **Pillar II**: “The international community has the responsibility to encourage and assist individual states in meeting that responsibility.” - **Pillar III**: “If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action.”

Israel, as the occupying power, has failed to protect Gaza's population (Pillar I). International efforts through diplomacy and sanctions have been blocked or ineffective (Pillar II), activating **Pillar III**, which includes military intervention as a lawful response when a state manifestly fails to protect its population. Given the UNSC's paralysis, states are justified in acting collectively under R2P.

Gaza's Territorial Waters: Restoring Palestinian Rights

Israel does not claim Gaza as its territory, which has significant implications for the legality of military intervention in Gaza's territorial waters. The **UN Convention on the Law of the Sea (UNCLOS)**, Article 2, states:

"The sovereignty of a coastal State extends, beyond its land territory and internal waters, to an adjacent belt of sea, described as the territorial sea."

Since Israel does not assert sovereignty over Gaza, it has no legal basis to control Gaza's territorial waters (up to 12 nautical miles) or enforce a blockade therein. The ICJ's 2024 advisory opinion declared Israel's occupation of Palestinian territories unlawful, further undermining its claim to control Gaza's waters. Military intervention to break the blockade and deliver humanitarian aid is not territorial aggression against Israel, as it does not challenge a legitimate territorial claim. Instead, it restores Palestinian rights to their territorial waters under international law, exempting it from UNSC approval under provisions protecting territorial integrity.

The Madleen Incident: Piracy in the Service of Genocide

One of the clearest demonstrations of Israel's intent to starve Gaza into submission occurred far from its shores. Israeli naval forces intercepted the *Madleen*, a UK-flagged Freedom Flotilla vessel carrying humanitarian aid, over **160 nautical miles off the coast** - well into international waters. Aboard were **twelve civilian activists**, including **Greta Thunberg** and **French MEP Rima Hassan**.

Israeli forces forcibly boarded the ship, detained the activists, and confiscated all aid - an act that qualifies as piracy under **Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS)**:

"Any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship... on the high seas against another ship."

This act of aggression was not an isolated incident - it was a clear affirmation of Israel's intent to **block all humanitarian relief**, even when it comes from internationally recognized vessels in neutral waters. The hijacking of the *Madleen* not only violated international maritime law but **further proves the siege's true goal**: to deny Gaza's 2 million residents access to the most basic necessities of life.

By attacking humanitarian efforts far from its claimed jurisdiction, Israel exposed the siege as **not a security measure**, but a campaign of **starvation and intimidation**. The incident underscores the **urgency of military intervention** to restore Palestinian maritime rights and ensure the safe delivery of life-saving aid.

Geopolitical Support and Legal Strategy

Any military intervention to break Israel's blockade of Gaza will face fierce political opposition from the United States, the United Kingdom, and Germany. These states have consistently defended Israel's actions and blocked accountability measures at the United

Nations. However, the global tide is shifting. The severity of the crisis in Gaza - and Israel's open defiance of international law - has created space for a new coalition of states to act.

Russia and China, while unlikely to lead a military effort, have publicly condemned Israel's siege and supported Palestinian rights in international forums. Both hold veto power in the **UN Security Council (UNSC)** and could block any resolution aimed at criminalizing humanitarian intervention. This mirrors the same political cover the U.S. has provided Israel for the past 21 months. The geopolitical precedent is clear: veto powers are used to shield allies, not to enforce impartial justice.

Intervening states may face legal challenges, including attempts to portray such action as unlawful aggression. However, the intervention's legal grounding - in **ICJ provisional measures**, the **Genocide Convention**, and the **Responsibility to Protect (R2P)** doctrine - makes such challenges weak and unconvincing. The ICJ has already found a "plausible risk of genocide" in Gaza and ordered Israel to allow humanitarian aid. An intervention designed to enforce this mandate is not a violation of international law - it is the **fulfillment** of it.

Moreover, the ICJ's ongoing genocide case against Israel will likely affirm grave violations of the **Genocide Convention**, further legitimizing any intervention aimed at stopping mass atrocities and restoring humanitarian access. States that act now will not only be on the right side of history - they will be on the right side of the law.

Conclusion: A Legal and Moral Imperative

International law demands action when the threat of genocide is real - and in Gaza, that threat is no longer theoretical. Israel's blockade, in violation of the **Fourth Geneva Convention**, and its open defiance of the **ICJ's binding provisional measures**, provide multiple overlapping legal grounds for **immediate military intervention**.

The United States has used its veto power to shield Israel from accountability. Now, **Russia and China** - both vocal supporters of Palestinian rights - can return the favor by shielding any humanitarian coalition from UNSC retaliation. The **ICJ's provisional measures**, and the likely outcome of its ongoing genocide case, provide a legal framework that legitimizes and retroactively justifies intervention to enforce international law and save lives.

To wait for a final genocide ruling before acting would be like asking firefighters to wait for an arson report while a house burns down.

For far too many in Gaza, it is already too late. But the worst can still be averted - **if even a few states act with courage, decisiveness, and clarity of conscience**.

This is not the time for more statements. It is the time for ships, for convoys, for protection.

It is the time to break the siege.