

GUEST LECTURE BY PROF. RASHMI RAMAN

“WHY INTERNATIONAL COURTS STRUGGLE TO MAKE DECISIVE PRONOUNCEMENTS ON GENOCIDE?”



On 14th March 2024, The International Office, WBNUJS, in Collaboration with The Centre for International Law and Diplomacy, organized a thought-provoking guest lecture by Prof. Rashmi Raman on the topic – “Why International Courts Struggle to Make Decisive Pronouncements on Genocide?”. Prof. Rashmi Raman is a visiting Research Fellow at the Centre for International Law at the National University, Singapore, a Professor at O.P Jindal Global University and an esteemed alumna of NUJS.

The session started with Saheli Chakraborty, Assistant Professor and the Director of International Office, introducing Prof. Rashmi Raman and, TVGNS Sudhakar, Professor NUJS, felicitating her. Then, Prof. Raman took over the discussion by saying that, “The goal of preventing genocide is greater than all of us” and explained how using the mechanism of the term “genocide” can bring the reluctant state parties to come before ICJ and also how ICJ is not a popular forum for powerful states concerning the instances of Nicaragua to Russia-

Ukraine war. Then, she delved into the reasons why Israel chose to appear before ICJ and with regard to this, she talked about how the use of genocide gives access to accountability even to not a specially affected state and its compelling force for the participation in the advisory opinion-based litigation for reluctant states. Subsequently, she started discussing the conflation of public international law and the mechanism of universal jurisdiction, which removes the abstraction of states. Then, she raised the question to the audience: “Why have states never been held guilty of genocide before the international courts if the mechanism of genocide is so powerful that it can make seemingly powerless states take the spot and make the powerful states appear and give defence?” and she explained that the enormous threshold set by the court for the establishing the crime of genocide even at the interim level requires “plausibility” and it is significant in a critical international law perspective. Also, she mentioned the importance of establishing the genocidal intent, even when it is proved that the actual acts were committed, if the case reaches the merits stage along with cases like the Yugoslavia genocide. Then, she concluded the discussion by asking, “How many more cases will it take before we can agree on the absurdity of using a term like genocide to arrive at accountability for human rights violations?”

After the discussion, the audience asked various interesting questions on the topic, and Prof. Raman clarified each one of them, imparting valuable insights.

Then, Prof. Sudhakar shared his opinions on this topic, referring to the cases of Gambia-Myanmar and South Africa-Israel; further, he raised doubts on the possibility of implementation of ICJ's measures in the South Africa-Israel case. He mentioned the South African apartheid case as to how no judgment on merits was given in this case and also the political pressure faced by the ICJ judges and concluded his opinion with the statement that although it is doubtful what stand ICJ will take in the Israel case, it is clear that the judgement will be a landmark one.

In the end, Dr Atul Alexander, Assistant Professor and the Director of the Centre for International Law and Diplomacy, delivered the Vote of Thanks. He also shared a few observations on the topic, like the third states not affected by the genocide, bringing up the case and how it forms a part of the obligation of states to prevent genocide, which can be seen in the Israel case. Then, He talked about the interpretation of ICJ on the requirement of plausibility and also how the World Court, even after getting multiple opportunities in several cases, has gone for a narrow interpretation in terms of genocide. He concluded by pointing out that -South Africa only had the option of taking Israel to ICJ through the Genocide Convention due to the jurisdictional issues.

The session ended by taking group photos with the resource person.