



## **Statement on US Actions in the UN Security Council, including the Potential US Draft Resolution Related to a Ceasefire In Gaza**

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**EXECUTIVE SUMMARY:** The Lemkin Institute for Genocide Prevention condemns the Biden Administration’s third veto of a UN Security Council (UNSC) ceasefire resolution for Gaza on 20 February 2024 and outlines the pattern of delay demonstrated by two prior US vetoes at the UNSC, which position the United States as an outlier in the international community and violate US humanitarian and legal obligations. The Lemkin Institute also notes the shift in the Biden Administration’s language around Israel’s conduct and expresses support for this course correction should the US make good on its word to introduce and vote for a US-drafted ceasefire resolution to prevent escalation in Rafah. The Lemkin Institute demonstrates why this action must be taken quickly and concludes with a call for lasting peace, a release of captives, and prosecutions for violations of international law.

**FULL STATEMENT:** The Lemkin Institute for Genocide Prevention condemns the US’s third veto of a United Nations Security Council (UNSC) resolution calling for an end to Israel’s current assault on the Gaza Strip. In a vote on 20 February 2023, the United States was the only UNSC member to veto the resolution, which had been introduced by Algeria. Thirteen of the fifteen member states voted for the resolution and the UK abstained. The US veto is in line with the Biden Administration’s largely uncritical and unwavering support for Israel. With the full participation of its diplomatic corps, the US has been Israel’s staunchest ally throughout Israel’s comprehensive, genocidal campaign against Palestinians since October 7. The US is fully complicit in Israel’s genocide and has a legal and moral responsibility to change course immediately.

In casting its most recent veto, the US argued that a ceasefire resolution at this time would derail ongoing truce negotiations. While US Ambassador Linda Thomas-Greenfield did not explain why this would be the case, the Lemkin Institute recognizes that the US has been engaging in negotiations for months now. We emphasize, however, that the US has done nothing to directly

rein in its ally Israel, which has meant that these negotiations have simply given Israel carte blanche and more time to commit atrocities. This most recent veto therefore places the United States in greater complicity with Israel's genocide.

Nevertheless, we welcome the US announcement on the day of its veto of its plans to introduce a [new draft UNSC resolution](#) that would, according to news sources, call for a temporary ceasefire "as soon as practicable, based on the formula of all hostages being released, and ... for lifting all barriers to the provision of humanitarian assistance at scale." The draft also "determines that under current circumstances a major ground offensive into Rafah would result in further harm to civilians and their further displacement including potentially into neighboring countries."

We caution, however, that in order for a new resolution to have any hope of improving the situation on the ground, the US must ensure that it is brought quickly to a vote, before Israel goes forward with its planned invasion of Rafah. The US must further back up any successful resolution it introduces with real efforts to implement a ceasefire, including through pressuring Israel alongside Hamas to cease its bombardment. It is imperative that the United States puts its words into action this time, lest the draft text of a resolution become nothing but another weak attempt to avoid legal responsibility for complicity in genocide.

To understand the context and the impact of the 20 February veto, it is important to understand the US's two prior vetoes of similar UNSC initiatives, the results of which have been to delay coordinated international action and afford Israel greater time and impunity to commit international crimes in Gaza, devastating Palestinians and jeopardizing the already fragile global rules-based order.

On [October 18th, 2023](#), after the death of over 3,500 people in Gaza, the US stood against 12 members of the UNSC to veto a call for a humanitarian pause that condemned the "heinous terrorist crimes by Hamas," after [maneuvering](#) to have ceasefire language stripped from the draft text. Ambassador Linda Thomas-Greenfield publicly justified this act, which opened the door for significantly more Palestinian deaths, by worrying that, since the text did not specifically mention [Article 51](#) self-defense rights protected by the UN Charter, Israel's attacks must be allowed to continue without UNSC intervention.

On [December 8th, 2023](#), as the death toll climbed past 17,000 Gazans, with thousands more uncounted under the rubble and starvation officially setting in, President Joseph Biden once more ordered the United States into an isolated international position, vetoing a second UNSC resolution for ceasefire. This resolution had the co-sponsorship of 97 nations, supermajority support in the security council (13 seated nations in favor, with the United Kingdom government abstaining), and a draft text that explicitly framed the resolution as a response to an [emergency letter](#) from the UN Secretary General. The Secretary General's letter invoked [Article 99](#) of the

UN Charter, which allows him to bring to the attention of the Security Council “any matter which in his opinion may threaten the maintenance of international peace and security.” The United Nations viewed the [invocation](#) as a “dramatic constitutional move” that was necessary, given the threats posed to international peace and security by Israel’s actions. At that point, 40 percent of the people killed by Israel were children, an unprecedented number. The Secretary General publicly pleaded that, should a ceasefire be delayed, the catastrophe facing Palestinians would have “irreversible consequences,” and that “such an outcome must be avoided at all cost.” The US stood alone and vetoed the resolution despite the Secretary General’s plea.

In the aftermath of these two US vetoes, the death toll in Gaza skyrocketed past 29,000 – a higher daily death rate than any other 21st century conflict – with a catastrophic direct impact on children.

This most recent veto will undoubtedly cause even greater suffering, particularly if nothing is done to prevent an Israeli ground incursion into the last refuge for the Palestinians of Gaza.

In fact, Ambassador Thomas-Greenfield’s execution of Biden’s policy of delay and unwavering support for Israel comes at a time when, following aerial and artillery bombardment – including unlawful strikes without any military value that killed the 3 week old infant Al-Amira Aisha as well as the use of a United States-manufactured GBU-39 Small Diameter Bomb to kill 10 children sheltering in Rafah’s Tal Al-Sultan refugee camp – Israel is already implementing plans for a full invasion of the southern Gaza city of Rafah.

The implications of unflagging US support for Israel’s actions in Gaza are already horrifying. Inger Ashing, CEO of Save the Children – a widely respected humanitarian organization that once counted Dr. Jill Biden, the US President’s wife, as its Board Chair – released a pointed warning to actors who would commit and countenance grave violations of the rights of children. “An incursion into Rafah would sign the death warrant for Gaza’s children,” Ashing stated, reminding states, including the USA, that “[m]ember states must not ignore their individual and collective responsibility to act and protect without delay. There must be a ceasefire now. There is no alternative.”

The US, which says it is not in a hurry to introduce its new UNSC resolution, must not wait until Israel invades Rafah, slaughters its residents, and concentrates the survivors into a series of camps as part of its operation.

Given the US failures to prevent genocide and promote peace in the Middle East, any change of course by the United States government that would re-engage with the international community and help evade a complete collapse of the humanitarian system in Gaza is laudable and necessary. The Lemkin Institute expresses its support for the recent shift in Biden Administration

language surrounding Israel’s war in Gaza, particularly the draft resolution it plans to introduce at the UNSC.

The Lemkin Institute reminds the United States that there is strong evidence that Israel is already committing genocide. The forced displacement of Palestinian civilians to locations outside of the Gaza Strip would only strengthen the existing case for genocide, as “ethnic cleansing” is nothing but a specific pattern of genocide. The Lemkin Institute further notes that the Wall Street Journal has reported on internal Israeli plans to require the United States to fund the construction of a sequence of camps in which further “displaced Palestinians [are] to be concentrated” for an unspecified duration. This would amount to US funds being used directly and with prior warning for actions in line with the definition of ethnic cleansing included in the 1994 United Nations Commission of Experts report S/1994/674, which has since been adopted by the UN Office on Genocide Prevention and the Responsibility to Protect: ethnic cleansing is a *“policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”*

Israel's Proposed Evacuation Plan for Rafah



- ① Displaced Palestinians to be concentrated in the western area of the enclave, within the coastal strip
- ② Setting up close to 15 camp villages, areas included are south of Al Mawasi and Sharm Park, each with 25,000 tents

(source: WSJ)

As policy options are weighed, we wish, finally, to draw attention to the projections released by a joint project of the London School of Hygiene and Tropical Medicine and the Johns Hopkins Center for Humanitarian Health at Johns Hopkins University. These numbers look at the human impact of the international consensus for an immediate, complete ceasefire, the dire consequences of an escalatory Israeli policy with further ethnic cleansing and direct attacks on Rafah, and of the intermediate efforts pushed for now by the Biden administration (referred to as ‘Status Quo’). The difference in potential excess deaths between immediate peace and the “Biden Method” are stark: The Biden Method (Status Quo in the report, or a series of temporary humanitarian pauses with continued military actions and US/Israel approved aid) would cause an estimated 55,000 more deaths than an immediate, permanent ceasefire. The differences if a Rafah invasion is allowed are near-unimaginable, with the mean estimate warning of over 85,000

more deaths and, at the highest end of the model, a realistic scenario in which 259,680 Gazans could die by August 2024. Quick, decisive action to prevent that eventuality must be prioritized by everyone, including the United States.

We welcome all initiatives that would relieve the horrific suffering of Palestinians and that would bring Israel back under the jurisdiction of international law. We welcome all signs of the United States returning to good standing in the international community, as in the past it has played a positive role in funding and championing many efforts for a more humanitarian international order. We finally welcome initiatives that would effectively protect and return Israelis hostages being held in Gaza, a fifth of whom have died during Israel's strategy of total military assault. It is in the benefit of Palestinians, Israelis, and all humanity that Israel is held accountable for its crimes, that hostages are released, that the events of October 7 are investigated, and that all parties responsible for killing and other atrocities on that day and after are tried in a court of law. A long-term, sustainable peace in the region can only be achieved through difficult political deliberations and transformations, and for that to occur America must make good on efforts to correct course so that the ongoing, active genocide against Palestinians can end.