

# Talking the Talk and Walking the Walk

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## Introduction

Upon its promulgation, the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) became a groundbreaking document in which the act of genocide was more clearly defined. The process of authoring this key human rights document arose concurrently with the process leading to the authoring of the Universal Declaration of Human Rights (UDHR). Both documents were written with the aim of recognizing not only human rights issues but providing protection for those at-risk. While both documents have raised awareness of human rights issues, the Genocide Convention has failed to consistently achieve either of its main objectives referred to in its formal title: the prevention and punishment of the crime of genocide. Along with the startling numbers of human lives that have been brutally taken as a result of genocide during the past sixty years, there have been surges in the numbers of refugees, internally displaced persons (IDPs), and asylum seekers. Van Arsdale et al. in this issue begin their article by stressing: "Genocide, ethnocide, and ethnic cleansing are perhaps the most horrific activities practiced by humans." Without a plan for consistent implementation of, and accountability for, actions taken by those who have ratified the Genocide Convention, the battle to end genocide will continue – without a foreseeable end.

## Background

As Van Arsdale et al. noted in this issue, a major historical influence in the field was the Polish Jewish jurist Raphael Lemkin, whose life-long commitment to the creation and designation of the term "genocide" and his contribution toward the fight for genocide prevention have had long-term effects on world policy. Senator William Proxmire is carrying on his approach in the U.S. after his death. As Samantha Power describes it, "Lemkin had hunted for a term that would describe assaults on all aspects of nationhood – physical,

biological, political, social, economic, and religious" (2002:40). Lemkin's designation of the term, combined with his determination to prohibit the act of genocide, ultimately led to the creation of the United Nations Genocide Convention, which was adopted in 1948, gaining entry into force in 1951 (Ishay 1997:492-493). This important document has currently been ratified by 140 states, including the United States (Wikipedia 2009).

Articles II and III of the Genocide Convention are of particular importance as a result of their specifications regarding the crime of genocide. Article II specifies what those states that have ratified the Genocide Convention are responsible for preventing:

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group (Ishay 1997:492).

Article III goes on to clearly state the various scenarios regarding genocide that warrant punishment: "The following acts shall be punishable: (a) Genocide; (b) Conspiring to commit Genocide; (c) Direct and public incitement to commit Genocide; (d) Attempt to commit genocide; [and] (e) Complicity in genocide" (Ishay 1997:492). Although the definition of what constitutes genocide is made very clear in the Convention, it obviously has yet to prevent genocide from plaguing our world. In the latter part of the twentieth century the world witnessed genocides in Bosnia and Rwanda, and we continue to sit back and watch as genocides ensue in Sudan and Congo. Scharf and Draffin (2008: 40) affirm: "While there have been

significant advances in prosecuting the crime of genocide in recent years, there has been much less progress on the Genocide Convention's other main goal – prevention.”

A major fault of the Genocide Convention is that no clear-cut method for accountability or enforcement exists. Although the document unmistakably defines genocide and cites details related to prevention and punishment, there is no tangible system in place that mandates genocide to be deemed a punishable offense – *to be acted on definitively* – by those who have ratified the Genocide Convention. This, circuitously, allows a sidestepping in the response to these major human rights abuses, while claiming that “the issue is being seriously considered.” An examination of instances in which genocide has been permitted reveals the obvious; human rights are not at the top of the agenda in terms of most nations’ foreign policies. In the case of the United States, national security and economics consistently take precedence over human rights, despite the universal concern the crime of genocide engenders.

### Rwanda

The annihilation of the Tutsi by the Hutu in 1994 in Rwanda was an instance when the United States’ national interest took precedence over the protection of the rights of others and of the fulfillment of commitments implied by ratifying the Genocide Convention. As Van Arsdale et al. suggest, by 1994 the United States had ratified the Convention, yet stood back and literally watched as the Hutu ruthlessly murdered approximately 800,000 Tutsi in less than three months. Some reports claim that the United States was unaware of what was actually taking place in Rwanda; however, there is ample evidence of warnings of the violence that was unfolding. The U.S. government did send in enough troops to extract its citizens who were in Rwanda and deemed at high risk, thus demonstrating its recognition of violence, but this was the extent of the “intervention.” Even early on, thousands of Tutsi lives were being taken. Although certain warning signs were clear, the United States and many other nations avoided fulfilling their transnational

responsibilities by not formally recognizing the events as genocide as they occurred. In the case of Rwanda, the United States’ hierarchy of priorities was clear: economic interests and national security trumped human rights. The cries of the Tutsi were ignored.

Furthermore, another indicator – the creation of refugees as a result of the genocide – did not precipitate definitive action early on either. Consequently, many Rwandan refugees fled to the Democratic Republic of Congo and Tanzania in the mid-1990s (Whitaker 2003). The secondary ramifications of genocide are clear; not only are lives lost as a direct consequence of the killing spree, they are severely disrupted by flight as refugees.

### Reasons for Intervention

When it comes to the act of genocide, many are in favor of the United States taking a more active role in intervention. As one considers the United States’ record of intervention (or lack thereof), an important issue is the role of the bystander, a point reinforced by Van Arsdale et al. In her essay “Raising the Cost of Genocide,” Samantha Power (2003:457-458) poses the question “... why do decent men and women who firmly believe genocide should *never again* be permitted allow it to happen?” Power goes on to note that “... silence [is surely interpreted by some] as consent or even support.” As the United States stood by and watched as genocide took place in Rwanda, a serious statement was made about the value of a life. As a leader in the world, it is imperative for the United States to satisfy the commitment that it made by ratifying the Genocide Convention. It cannot be a bystander. Intervention is needed to protect the lives of others, regardless of whether the action will benefit the United States.

The United States not only has a Convention-ascribed mandate to prevent genocide, but a moral obligation to protect those whose lives are at risk. As James Turner Johnson (1999:75-76) weighs *just cause* in relation to intervention, he affirms the aforementioned: “What is most fundamental in this conception of just cause is that it justifies the use of force not out of self-interest but for the sake of others: those who are

in need of defense or who have suffered wrongs needing to be righted.” Johnson elaborates, “The moral justification for intervention . . . is grounded in a concern for justice focused on setting right wrongs done to others who are not able to prevent such injustices on their own.” Although the Genocide Convention as a document is powerful in terms of the clarifications and designations it makes, it seemingly is hollow if its implied solutions are inconsistently implemented and enforced.

### Suggestions for Change

From a United States perspective, in order for the ideals of the Genocide Convention to be carried out, the priorities of the government’s foreign policy agenda must be altered. Rather than security and economics consistently superceding human rights, there must emerge a deeper commitment to addressing human rights issues on a stricter ethical and moral basis. Although unlikely to occur, a disaggregation of human rights concerns from security and economic concerns would be ideal. It is fair to say that government officials will weigh the pros and cons of a controversial situation, trying to decide if the United States’ interests will benefit by intervening; however, when it comes to addressing the extermination of the lives of others, the United States *must* take a stand. A powerful example would be set by consistently honoring the commitment made in the country’s earlier ratification of the Genocide Convention, thus encouraging other states to honor their commitments as well. The United States must cease its pattern of picking and choosing when to intervene.

If the United States, along with the rest of the nations that have ratified the Genocide Convention, would choose to work toward putting differences aside and toward addressing, fighting – and ultimately preventing – genocide in a combined effort, the world would benefit in integral fashion. Not only would the lives and interests of citizens be better secured, there would also be a decline in the numbers of refugees, IDPs, and asylum seekers created by genocide. Stricter enforcement of the aims and calls made through the Genocide Convention

would greatly improve the ability of developing states to enhance rights protections. In closing, there is whole-hearted agreement with Van Arsdale et al. (2007:26) when they remind us that the phrase “ ‘Genocide Never Again’ [has] to start to mean something...if not, we are implicitly desecrating the memories of past genocide victims, as well as making it unlikely that future perpetrators will feel deterred from committing such acts.” ○

### Notes

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