

Genocide Prevention in Historical Perspective.

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Academics love arguing about definitions. But definitions, certainly in the area of history and politics, are abstractions from reality, and reality is always much more complicated than our definitions can be. We then try to adapt reality to our abstractions, instead of changing our definitions to fit reality. This is what happened with the concept of genocide, which was coined by a Polish –Jewish refugee lawyer in the US in 1943, and published in 1944. It was, as you all know, adopted, but with significant changes, into the UN Convention on the Prevention and Punishment of the Crime of Genocide, in December 1948. The Convention was the result of horse-trading between the West and the Soviet Union, and is very problematic. It does not provide for an effective preventive or corrective procedure. When some tragedy is recognized as being a genocide, the United Nations, or in effect the Security Council, are supposed to deal with it. But the Security Council, with its five veto Powers, is hamstrung. If one or more of the veto Powers, or a combination of countries, have economic, political or strategic interests in the area in which the tragedy happens or is likely to happen, then action becomes in practice impossible. This is what is now happening in Darfur, where Chinese oil interests, and the support of Russia and the Arab League, make it impossible to stop a genocidal process that has, according to the analyses of Dr. Eric Reeves, caused probably some 400.000 deaths, and a slow genocidal attrition is continuing. Paradoxically, a lack of interest by such a combination of powers and countries can lead to a similar result: in Rwanda, the United States refused to recognize the tragedy as a genocide in order not to be forced to do something about it, as no immediate American interests were involved. France supported the perpetrator side, and the others were not interested enough to intervene. Conversely, in Kenya, where killings already presaged an approaching tragedy, no one had any major economic or strategic interests, but a situation of ethnic cleansing could mean widespread unrest in neighboring countries and the destruction of a potentially prosperous trading

partner. The result was that the UN could act consensually, and negotiate a compromise of sorts. The Security Council is the obvious, potential, solution. But, because of its present make-up, it is often the problem.

According to the Convention, genocide is defined as the intent and action to annihilate ethnic, national, racial and religious groups as such, in part or in whole, and then five elements are mentioned specifically that make a human tragedy into a genocide; murder of members of the group, harming members of the targeted group physically and/or mentally, creating conditions of life that make their survival impossible, preventing births, and kidnapping children. The idea to include political, social or economic groups was rejected, because its acceptance would have caused the Soviet Union, and perhaps others, to stand accused of genocide. When the Soviet regime decided to annihilate the kulaks as a class, the kulaks were not a real group with any cohesion. A kulak was, basically, someone who had two cows, not one; except that if he had one cow but opposed the collectivization process, he became a kulak, and if he had two cows but was a Party member he was not a kulak. However, the persecution, starvation and murder of huge numbers of people branded as kulaks transformed that virtual group into a very real group. It has been suggested, by Prof. Barbara Harff, that the murder of such political groups, virtual or not, be called *politicide*, and included in our concerns, contrary to the Convention. Most academics accept that. Another problem is that the five elements that are supposed to make up a genocide are unclear. Do you need one, or two, or more of these elements to call something a genocide? And when hundreds of thousands of Jews were shoved into gas chambers, did that create conditions of life that made the existence of the group impossible? And when the Nazis planned to murder and murdered all the Jewish women and children they could find, is there any meaning to talk about prevention of births and kidnapping of children? And what do we mean by “racial groups”? There are no races, though there is racism. All humans originate from East Africa, some 150.000 years ago, as DNA probes have established, and skin color and shapes of bodies were developed by very minor mutations since then. Differences between cats are much larger than those between

humans. Racism developed from the end of the fifteenth century to justify class differences between exploiters and exploited. To include the term “racial groups” in a UN document is to further racism and class discrimination. And when we talk about intent, how can anyone prove intent if the relevant archives are closed, or if the instructions to murder were transmitted orally? Hitler never gave a written order to murder all the Jews either. You judge intent by the result and by circumstantial evidence, and by documents that make it clear there was intent without saying so explicitly. So, do we need the Convention? Yes, I think we do. It has become part of international law, and although it has never been applied, the possibility of its application hangs over the heads of actual or potential perpetrators. And, it is something to build on, though, please, without illusions. But, we cannot be satisfied with the Convention; we have to consider the real world of economic and strategic interests, the world of nationalisms and power struggles, and face it. My advice is to approach it with what I would call “morally based practical cynicism”. I don’t believe in a good world, or in utopias; but I do believe we can make the world a tiny bit better than it is today, and that is the real purpose of this meeting, and it is something to devote one’s life to.

In order to get anywhere, I think we should be clear what exactly we want to do. We need to differentiate between conflicts, which we don’t want to deal with here, important as they are, and genocidal situations, which is what we do deal with. Conflicts, I would suggest, are struggles between two or more contestants, none of which is able to exercise enough power that to annihilate its enemies utterly. They can potentially be solved through negotiations, mediation, intervention from outside to effect a compromise, or a relative victory by one party that will enable the coexistence with the defeated group or groups and possibly a conciliation with them. But when a conflict escalates into a confrontation in which one party has overwhelming power, a genocidal situation may develop. We then talk about full-scale genocides according to the Convention, about the annihilation of groups as such, about politicide, about ethnic cleansing when the purpose is to annihilate the targeted group, and about genocidal ideologies aiming at world control to be achieved by mass murder. The terms some colleagues of mine and

I use are not definitions but rather descriptions, but they are pretty clear. My colleague David Scheffer, who is here, calls them mass atrocities, someone else calls it democide, that is mass murder of humans, I may call it genocidal situations, but we all basically mean the same thing: mass destruction of human groups. Such genocidal situations may deescalate into manageable conflicts, when the targeted group or groups gain enough power, by themselves or through third-party intervention, not to enable the perpetrator group to carry out mass atrocities. Thus, the Darfur situation can deescalate into a manageable conflict, if either the targeted African groups manage to unite and present a front that cannot be defeated by violence and the Sudanese government and their local allies cannot achieve an end to the confrontation except by some form of compromise; or, if the UN, or the OAU, or another combination of third parties force the two sides to negotiate for a real compromise. The same applies to East Congo, or to possible genocidal threats in the Balkans, the Middle East, or any other area.

Where does all this come from? In my humble view, we are predatory mammals, because we live by eating the flesh of other beings, and we are collectors of fruit of the earth and of trees. Today, the people in this gathering will not go out into the streets to hunt mammoths as our forefathers did, but we will go into a supermarket and buy meat and fish from the shelves. In the end, it comes to the same thing. But we are weak predators. We do not have the teeth of tigers or the claws of bears, and so we must act in groups, herds, which today we call ethnicities, or tribes, or nations. We need a territory where we can concentrate our herd, so we are territorial predatory mammals. When another group enters our real or virtual territory, we have four options: we can absorb them, because they may strengthen us; we may let them in and enslave them because this may be useful for us; we may order them out, which they may or may not do; or we can kill them. The instinct of murder is the result of fear of being enslaved or killed ourselves, and we are therefore the only predatory mammals who kill their own kind in huge numbers. It is within all of us – under certain conditions, with possibly different parentage and different socialization, we may become

perpetrators. All of us have a little bit of a Himmler or an Eichmann within us. Therefore, when you look at the short history of mankind – only some 9000 years of so-called civilization, and before that some 140.000 years of development towards it – it is a history full of genocidal murder. Is it therefore hopeless to try and limit it or even stop it? I do not think so, because we have the opposite instinct within us as well. Because we cannot exist outside our herd, we depend on cooperation, in hunting and gathering. We therefore developed social organization, and that demanded, from our earliest beginnings, the development of feelings of compassion, readiness to cooperate, sympathy, love, and care. We are even prepared, under certain conditions, to risk our very life to rescue others; we do that because unconsciously, we thereby gather a reliable friend who will identify with us out of gratitude, and we develop humanitarian, religious or secular, ideologies to explain to ourselves why we do that. There is therefore a constant struggle within us and between our groups about the ways to solve our conflicts and genocidal threats. There is indeed a possibility, admittedly terribly difficult, to advance in following our instinct for life for ourselves which involves the life of others.

These are, I believe, not theoretical considerations, but very practical ones. Where do they lead us, and what can be done? In the present situation, to reform the UN and its Security Council is a hopeless task. It has been attempted, and it has failed. To improve the Genocide Convention is an impossibility, as the General Assembly will never agree on an alternative version. Do we therefore give up on the UN structure? That would be a totally inexcusable mistake. The UN is the forum where the different interests meet, and where compromises and possible policies can be discussed and possibly agreed to. The UN may not be pretty, but it is ours, and there is no alternative to it. How then do we square the circle? There is, I believe, no simple panacea or recipe, but a number of routes exist that may be attempted. Let me detail them:

One – Scientific, quantitative and qualitative analyses that will assess the risks of future mass atrocities and make them available to policy makers. Such analyses exist already, and should be further developed.

Two – Arousal of public opinion in those countries where a free or relatively free media culture make that possible, in order to influence governments to take a stand on prevention of mass atrocities that are taking place or will likely take place.

Three – Targeted educational efforts involving public servants – diplomats, government bureaucrats, military and police personnel, media people – to make them aware of the risks of mass atrocities for everyone on our interrelated societies increasingly depending on each other. Such educational efforts may penetrate upwards into decision-making groups.

Four – Use of UN machinery for all this, and influencing regional organizations recognized by the UN, such as the OAS, the OAU, ASEAN, EU, and possibly others, to impact on the Security Council and/or to act themselves in prevention.

Five – Establishment of a World Humanitarian Fund, despite or perhaps just because of the present world economic crisis, to be ready at any moment to deal with saving people from starvation and disease during violent conflicts and genocidal threats.

Six – Attempting to mediate between the mutually conflicting institutional jealousies of relevant NGOs in order to create a viable and more or less united NGO front to impact on the Security Council and the regional organizations.

Seven – To do what we are doing here, at the initiative of Argentina and Switzerland, namely to create regional groups of governments that transcend borders of conflicting ideologies and political approaches in order to prevent mass killings everywhere on this globe. To expand this initiative to include other regions – South-East Asia, South Asia, the Mediterranean, Africa, Europe, North America; to try and organize governments in this regions to join a major lobby at the UN dealing with prevention of genocide, not just by NGOs and some individuals, but by governments.

An American sociologist estimated that between 1900 and 1987 – the dates were chosen arbitrarily – 169 million civilians and unarmed POWs were murdered by

governments or political groups; 34 million soldiers fell in battle during that period, which included the two world wars, so that four times as many civilians died as soldiers. 28 out of those 169 millions died in genocides as defined by the Convention. Even if these estimates are, say, ten percent too big or too small, it does not really matter, except to the victims. We are faced with Darfur and Congo today, we will most certainly be faced by other tragedies tomorrow. We cannot avoid future genocides unless we avoid them. This is a tautology, but the advantage of a tautology is that it is true. This one certainly is.