

ODUMUNC 2010
Issue Brief for the
GA Third Committee Social, Cultural and Humanitarian (SOCHUM)



Assistance to survivors of genocide and ethnic cleansing

by Sabine Hirschauer
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Introduction

In the wake of the horror and shock of atrocities in World War II, the infant United Nations General Assembly in December 1948 adopted the *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG, Resolution 260). The convention, which became effective January 1951, for the first time defined *genocide*, attached legal parameters to it, and clearly identified its violations as a crime under international law.

Article Two of the Convention identifies genocide as “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 a 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.”

According to the convention, crimes punishable under the convention not only encompass the act of genocide, but “conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide and complicity in genocide.”

The term *ethnic cleansing* by comparison, first emerged as a more recent and general term during the Yugoslav civil wars in the early 1990s. Political scientists and Eastern Europe scholars such as Cathie Carmichael, from the University of East Anglia in Great Britain, for example, defined ethnic cleansing as “all forms of ethnically inspired violence from murder, rape, and torture to forceful removal of populations” (2). In the wake of the civil wars in Kosovo, Bosnia, and Croatia that would eventually dismantle and dissolve Yugoslavia, the United Nations’ Commission further described to the Security Council in 1993 ethnic cleansing to include “the planned deliberate removal from a specific territory, persons of a particular ethnic group by force or intimidation, in order to render that area ethnically homogeneous” (Carmichael, 2).

The UN Security Council, has the responsibility to protect “population from genocide, war crimes, ethnic cleansing, and crimes against humanity,” according to a resolution adopted in 2006. The policies of particular countries vary. Many signed with the 1948 Convention with national stipulations, a normal price in signing treaties. Some countries signed after adding

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provisions that no claim of genocide can be brought against them without their, including Bahrain, Bangladesh, India, Malaysia, Philippines, Singapore, United States of America, Vietnam and Yemen. Many countries also signed or ratified reluctantly; the Soviet Union only in 1954, the United Kingdom in 1970, and the United States in 1983. The slow ratification of these superpowers would paralyze the convention for more than four decades.

Catalysts for International Action

Raphael Lemkin, a Polish-Jewish legal scholar coined the term genocide in the 1930s in reaction to Armenian deaths at Turkish hands during World War I and the Assyrian massacre in Iraq in 1933. But it was only after the well-publicized Nuremberg trials after World War II that the “crime of genocide” first found its way into public consciousness. After the 1948 convention, it took nearly half a century and the horrific mass killings in Rwanda and former Yugoslavia in the 1990s before the international community’s acted more sternly against genocide.

In 1994, a small central African country Rwanda witnessed a decisive act of genocide. Escalating tensions between the country’s two prominent ethnic groups –Tutsis and Hutus – culminated in three months of killing, with the encouragement of the Hutu-dominated government. The bloodshed was primarily instituted and executed by two Hutu militias associated with political parties and was fueled by the ancient belief that the Tutsi’s tried to enslave the Hutus. Some 800,000 Tutsis were massacred, mostly hacked to death with machetes. The victims accounted for nearly 20 percent of Rwanda’s population. The genocide also included the systematic rape of Tutsi women.

The following year a smaller but horrific event in Europe further affected the international community. In July 1995 Some 8,000 Bosnian men and boys, mostly of military age and Muslim, were slaughtered in near the town of Srebrenica in Bosnia and Herzegovina, where they had been under UN protection.

In 2003, an escalating conflict that involved the systematic eradication of several tribal groups in Darfur, an area in western Sudan bordering Libya, Chad, and the Central African Republic, has been declared by many international leaders, such as former Secretary of States Colin Powell as genocide. An estimated 200,000 died in 2003-2004. Whether the Sudanese government still continues a policy of genocide it hotly debated.

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Who to turn to?

International institutions under the umbrella of the United Nations have implemented a series of safeguards and mechanisms that aid survivors of genocide and ethnic cleansing. Likewise, a myriad of international non-profit organizations, internationally acting non-governmental organizations (NGOs) and other global actors have increased their efforts to proactively prevent genocide or help the victims. UN responses include:

- independent fact-finding missions, investigations and reporting,
- peacekeeping operations (PKOs),
- independent tribunals and the International Criminal Court (ICC).
- collective security actions or military *peace enforcement* is permitted under the UN Charter.

For example, the United Nation's Security Council created the International Criminal Tribunal for Rwanda (ICTR) in 1994 to prosecute the perpetrators of the genocide. This marked the first enforcement of the 1948 law. As of July 2009, the tribunal has sentenced 24 perpetrators, according to the United Nations records. It acquitted six, released eight and in total 79, according to tribunal data. The people arrested include top Rwandan government officials such as former interim Prime Minister Jean Kambanda and other high-level ministers. On a local level, the Rwandan national judicial System is also prosecuting citizens accused of participating in the genocide. In 1999, the United Nations announced to create a panel, headed by former Swedish Prime Minister Ingvar Carlsson, to investigate the UN's role in the genocide.

Use of trials is very controversial. Some believe justice is essential to deterring atrocities in the future. Others maintain peace and conflict resolution is best served by resolving conflicts even if justice is not achieved. Prosecutions have gone forward, but often are avoided in the interest of ending armed conflict. In 2001, the *International Criminal Tribunal for the former Yugoslavia* ruled that the 1995 massacre in Srebrenica was genocide. Slobodan Milosevic, the former Yugoslavian president, was the highest government official to stand trial before the tribunal. Charged with genocide or complicity of genocide in Bosnia and Herzegovina, Milosevic died without being convicted.

After the atrocities of the 1990s, the international community began to address how to more actively protect people from genocide. In 2000, then U.N. Secretary-General Kofi Annan criticizing the UN Security Council for not acting more aggressively and decisively in the

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Rwanda and Balkan crisis. In 2005, during the UN World summit all member states agreed to not only protect its people from genocide and ethnic cleansing, but also that “when any State fails to meet that responsibility, all States (the “international community”) are responsible for helping to protect peoples threatened with such crimes,” according to UN records. They also agreed that if these measures would fail the global community through the UN Security Council and in accordance to the UN Charter would use force. To help the Security Council, the UN Secretary-General appointed in 2004 a special adviser on the prevention of genocide.

World-wide humanitarian organizations such as the Human Rights Watch and Amnesty International play significant watchdog roles in preventing, detecting, and identifying genocide. In 2007, for example, the Human Rights Watch urged the UN Human Rights Council to investigate concrete actions “that could contribute to the immediate change on the ground in Darfur.” Likewise, groups such as the Prevention of Genocide Task Force, originally co-chaired by former U.S. Secretary of State Madeline Albright and former American Secretary of Defense, William Cohen, which is part of the Washington D.C.-based United States Institute of Peace released a report last year *Preventing Genocide: A Blueprint for U.S. Policymakers*. The report outlined 34 recommendations how to prevent genocide through a series of proactive measures, including strong international partnerships.

One of the biggest controversies today concerns the decision to charge Sudanese leaders for genocide in the International Criminal Court. Advocates and ICC prosecutors believe prosecution is essential to deter further abuse. Others maintain prosecution eliminates any incentive for compromise and encourages the Sudanese government to fight harder.

A similar debate goes on regarding the role of the international community in efforts to deal with genocide generally. While many—especially in Europe, but also Latin America and Canada—believe the scale of the problem requires forthright action. But others maintain that such action undermines national sovereignty and potentially destabilizes the international system, leading to greater chaos and instability. Led by countries in Asia, they maintain that national governments must be the highest source of action, even if the results are not ideal.

Genocide still today remains a well-utilized tool of human oppression that continues to struggle with its ambiguous definition and a lax global enforcement. As recently as Sept. 2009, Russian and European parliamentarians called Georgia’s attack of South Ossetia in August 2008 genocide, according to news reports. “After what I saw here, I could not think of any military purpose of this operation but ethnic cleansing,” Bulgarian president’s adviser Petara Kyneva was

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quoted. Georgia officials consistently denied such accusations, leaving a mute international community yet again to grapple with how to decipher the truth of horror from political and socio-economic agendas and obscure power struggles.

Recommended Resources:

The official United Nations website:

www.un.org

The Human Rights Web

www.hrweb.org

The UN's special adviser on the prevention of genocide

www.un.org/preventgenocide/adviser

International Criminal Court

www.icc-cpi.int

The United Nations Development Fund for Women

www.unifem.org/gender_issues/violence_against_women/

Convention on the Prevention and Punishment of the Crime of Genocide

www.Hrweb.org/legal/genocide.html

The International Crisis Group

www.crisisgroup.org

The Genocide Prevention Task Force

<http://www.usip.org/programs/initiatives/genocide-prevention-task-force>

Human Rights Watch

www.hrw.org

United Nations Development Fund for Women

www.unifem.org/gender_issues/violence_against_women

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The Genocide watch
www.genocidewatch.org/home.html

About the Balkans:

Carmichael, Cathie. Ethnic cleansing in the Balkans: Nationalism and the Destruction of Tradition. New York: Routledge. 2002.

International Criminal Tribunal for the former Yugoslavia
www.icty.org/

The Prevent Genocide International
<http://preventgenocide.org/edu/pastgenocides/formeryugoslavia/resources/>

Commemorative website about the 10th anniversary of the Srebrenica massacre
<http://news.bbc.co.uk/2/hi/675945.stm>

Peace Pledge Union
www.ppu.org.uk/genocide/g_bosnia.html

Learn about Rwanda:

The International Criminal Tribunal for Rwanda
www.ictt.org

United Nations website
www.un.org/preventgenocide/rwanda/preventgenocide.shtml

Several Rwanda specific NGO's and other humanitarian groups:

Rwanda Gift for Life: www.rwandagiftforlife.org/
Rwanda Women Network: www.rwandawomennetwork.org/ and
www.avega.org.rw/English.html

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Learn about Darfur:

www.Africatodayassociates.org

www.survivors-fund.org.uk

www.safedarfur.org

Making sense of Darfur, <http://blogs.ssrc.org/darfur/category/darfur/>