

Can genocide be prevented?

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Human Rights

AT the Stockholm International Forum in January 2004, observing the 50th anniversary of the adoption of the Genocide Convention, UN Secretary-General Kofi Annan declared that there can be no more important issue and no more binding obligation than the prevention of genocide. When asked "if confronted with another Rwanda or a new Srebrenica, would the world respond effectively and in good time?" he replied "the day has not yet come."

According to Professor Gregory Stanton, the President of Genocide Watch Coordinators, at least 55 genocides and politicides have taken place since the founding of the United Nations in 1945 in which about 75 millions have died, most of them murdered by their own governments — more than the deaths in all the wars combined.

In Rwanda in 1994, about 800,000 men, women and children of the Tutsi minority and moderate Hutus were slaughtered in just a hundred days. In the following year in Bosnia, some eight thousand Muslim men and boys were segregated by Serbs, taken out of Srebrenica and massacred. The United Nations had the capacity to prevent both genocides but lacked the will to do so.

In his statement in the thematic debate on the prevention of genocide held by the Committee on the Elimination of Racial Discrimination (CERD) at its 66th session last March, the SG's special adviser on prevention of genocide warned that indicators of early warning of massive violations of human rights such as refugee outflows and hate speech directed at vulnerable populations, identify five countries most at risk and ten with a potential risk of massive violence based on national, ethnic, racial or religious grounds. But he did not name them.

if it prevention fails.

On the tenth anniversary of the Rwanda genocide — April 7, 2004 — Kofi Annan, declaring that the risk of genocide remains frighteningly real, presented an action plan to the Commission of Human Rights. This action plan, inter alia, called for swift and decisive action, including military action by the UN Security Council in extreme cases, as a last resort to prevent or halt genocide. Earlier that year, in his address to the Stockholm international forum, Prime Minister Perssons of Sweden had emphasized the need for a preventive strategy that must include action in the worst case when prevention fails and atrocities occur.

In September 2003, Kofi Annan had announced the appointment of a high-level panel of eminent personalities to focus on the current challenges to peace and security,

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including the best ways to respond collectively to threats of genocide or other comparable massive violations of human rights. The panel submitted its report in the first week of December last. With reference to prevention of genocide the panel observed that: "Where a state fails to protect its civilians the international community has a further responsibility to act through humanitarian operations, monitoring missions and diplomatic pressure — and with force if necessary though only as a last resort."

Accordingly, the draft declaration on prevention of genocide presented by me to CERD includes a call for contribution by the

attainment of the millennium development goals, including substantial poverty reduction and extending education and health care by the year 2015, in the context of economic globalization which frequently has negative effects on disadvantaged communities and in particular on indigenous peoples.

Kofi Annan, though weakened by criticism of his management of the Iraq oil for food programme, has strongly supported the panel's recommendations. Reviews have been generally positive but certain specific proposals such as those relating to the expansion of the UN Security Council, confront acute differences among the 191 member states of the UN.

Plan A which provides for the expansion of the present five permanent members with the right of veto by six new permanent members but without the veto right

(aspirants include Japan, Germany, Brazil, India, South Africa and Egypt/Nigeria) is not likely to attract the two-thirds majority of 191 states to gain acceptance.

The alternative Plan B, which provides for no new permanent members and envisions the addition of eight for a four-year renewable term seats and one two-year term non-renewable seat to be divided among Asia, Africa, Europe and Americas seems likely to attract greater support.

Pakistan's earlier advocacy of confining the expansion of the Security Council to only non-permanent members — by increasing their number from the present 10 rotating members serving a two-year term to 20 with the present five veto-wielding powers, though highly desirable for democratizing the United Nations and providing a greater opportunity for representation to the overwhelming majority of the UN member states aspiring for two-year rotating seats. But Pakistan will find it difficult to make headway in its principled approach given the post-9/11 international "power realities" — submission to big power domination at the cost of further erosion of the principle of sovereign equality of states.

The special adviser was appointed by the secretary-general last year to address the root causes of genocide and ethnic cleansing such as systematic and systemic discriminatory policies that endanger the right to exist of racial, ethnic, national, religious or other minorities such as indigenous peoples through policies or practices of exclusion, humiliation, dehumanization or oppression.

The special adviser's mandate calls for him to act independently to give early warning with his recommendations through the secretary-general to the Security Council for early action to prevent potential situations that could result in genocide and to prevent and halt genocide. However, the special adviser interprets his mandate as not authorizing him to identify which violations such as war crimes and crimes against humanity would be tantamount to genocide.

The thematic debate was called for by me as a member of CERD at its preceding session last August. This committee consists of 18 members elected by 169 state parties to the International Convention on Elimination of All Forms of Racial Discrimination (ICERD). The committee monitors the implementation of the convention — whether they are complying with their obligation to ensure that their citizens enjoy civil and political rights and economic, social and cultural rights without any discrimination, on grounds of their race, colour, ethnicity, descent or national origin.

The participants in the debate which took place at its 66th session included members of CERD, other UN human rights bodies, the special adviser on prevention of genocide, the special Rapporteur on racism and xenophobia as well as international and national NGOs. The purpose of the debate was to activate civil societies and world public opinion into urging their governments to summon the will to prevent genocide and to suppress

developed countries of their own military contingents to peace enforcement operations besides funding by G7 developed nations to train, equip and provide logistic support to the contingents provided by developing countries. It also urges the UN to build the capacity of these contingents for more rapid deployment. At the present time, operations earmarked by national armed forces cannot, on early warning, be deployed sufficiently in time to stem the blood dimmed tide of genocide.

The draft declaration considered it imperative to dispel the climate of impunity that is conducive to genocide, including war crimes and crimes against humanity by promptly referring their perpetrators to the International Criminal Court for prosecution.

CERD adopted this draft Declaration on Prevention of Genocide with the addition of some important provisions such as developing national strategies for the prevention of genocide in close collaboration with civil society, national human rights institutions, non-state actors and the office of the high commissioner for Human rights. Another amendment calls for stronger interaction between human rights treaty bodies (namely CERD, the committees on civil and political rights, economic, social and cultural rights, prohibition of discrimination against women and of torture, rights of the child and rights of migrant workers) and the Security Council to raise awareness of possible outbreak of violent conflict and genocide.

The declaration will be considered by the UN General Assembly at its summit session of heads of state and governments next September in the context of the consideration of the high level panel's recommendations for its reform to enable the UN system to meet the threats and challenges to peace and security, violations of human rights and

principle of sovereign equality of states, large or small.

Another example of the panel's departure from principles to accommodate the privileged position of the big powers is its failure to take into account state terrorism regarding which international law is insufficient for dealing with military strikes by states causing the deaths of innocent civilians — the so-called "collateral damage." A hundred thousand civilian deaths were caused by the illegal invasion and occupation of Iraq, thousands of Palestinians were killed in their refugee camps and the destruction of their homes and nearly a hundred thousand Kashmiris killed under the Indian occupation.

On the other hand, The panel condemns terrorism which it defines as "...any action intended to cause death or severe bodily harm to citizens or non-combatants with the purpose of intimidating a population or compelling a government or international organization to do or abstain from doing anything..."

Does this formulation rule out the legitimacy of national liberation struggles against alien occupation and foreign subjugation? Consensus on the panel's definition which reflects the thinking of the great powers is another appeasing gesture towards them, perhaps with a view to rehabilitating the credibility and authority of the Security Council which was marginalized by the unilateralist preemptive use of force by the US war on Iraq. At least the panel has ruled out unilateralism in the case of prevention of genocide, reserving the use of military force exclusively to the multilateralist Security Council.

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