

“As human rights work goes, this is a disaster situation.” And even the best-intentioned groups have been ineffectual in alleviating it.

On Preventing Genocide

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Now is the time to consider how we will react to the next genocide. Although the hope that the judgments at Nuremberg would deter genocide and similar crimes against humanity in the postwar world, genocides have occurred without sanction since 1945. The best-documented cases I have studied include the attempted annihilation of Buddhism in Tibet by China (1950-59), the selective genocide of the Hutus in Burundi by the Government of Burundi (1972), the genocidal slaughter of Hindus in East Pakistan by the Government of Pakistan (1971), and the extermination of the Aché Indians of Paraguay from 1971 onward with the toleration or complicity of the Government of Paraguay.

Under the Pol Pot regime in Cambodia it has been estimated that about 2 million, or three out of ten Cambodians, were killed or died due to the regime's policies. Whether these murders, termed “auto-genocide” by Anthony Paul, fit the definition of genocide under the Genocide Convention is open to question. Liquidating classes deemed potentially counterrevolutionary and labeling people enemies in order to kill them is not a new practice among Marxist-Leninist regimes. The Genocide Convention defines and proscribes acts leading to the direct or indirect physical destruction of the group when “such acts are committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

While the Soviet Union has imposed categorical punishments upon ethnic and national groups that may lead to their disappearance, including incarceration in the wasteland of the Gulag Archipelago and expulsion to new territory, most of its victims have been Russian and the manifest intent, it may be argued, was insuring political unity and obedience.¹ Robert Conquest estimates there were 20 to 30 million people killed in the USSR between 1917 and 1940, excluding those killed during the revolution or starved to death as a result of famines and plagues attributable to Soviet agricultural policies.² Although the People's Republic of China has stressed “thought-reform”—coercive reeducation—rather than liquidation, widespread executions were initiated in 1951 in response to threats voiced during the Korean War. Maurice Meisner concludes, on the basis of a speech by Zho Enlai in 1957 and by other government figures, that “the estimate...that there were 2,000,000

people executed during the first three years of the People's Republic is probably as accurate a guess as one could make.”³

Nor are political murders limited to Communist regimes. In the name of self-defense against communism, Indonesia massacred about half a million people after the 1965 coup against Sukarno. Nazi Germany murdered at least half a million Germans in its misleadingly labeled “euthanasia” campaign that led to the genocide of “The Final Solution.”

The preconditions of genocide and ideological massacres differ, although they are similar in form and organization, often drawing upon the same apparatus for execution. *Genocides* are always alike in one regard only: The victims are defined outside of the universe of obligation of the executioners. They are distinguished from the perpetrator by some stigma supposedly imposed on them by religious doctrine, racist dogma, or other in-group myth. The perpetrators of *ideological massacres* define their victims as enemies on the basis of class membership or suspected political sympathies. The definition of genocide by the Convention seems to imply that genocide is a function not of the nature of the crime alone but of a difference in race/religion/ethnicity/nationality between the victim and the executioner. Thus, when China forced parents to send their children away so they could be stripped of their identity as Tibetan Buddhists, these acts were labeled genocide, but the same acts in China, separating children from parents, were not so labeled. Politically inspired categorical massacre of one's own people was deliberately excluded from the Convention upon Soviet insistence and this was one of the grounds upon which the American Bar Association justified its opposition (since reversed) to the Convention: “The proposed convention does not prohibit the only important genocide now going on, viz, in those countries where dissident groups and persons are regularly proceeded against on political grounds as enemies of the state.”⁴ Such slaughter is proscribed by the Convention on Civil and Political Rights, which embodies the norms first enunciated in the Universal Declaration of Human Rights as a universal goal. Because both genocide and ideological massacres are radical violations of human rights and we cannot discriminate whether a slaughter constitutes genocide until all the facts are in—which is too late—we will consider as one the problem of deterring or limiting genocide and mass slaughter.

Mass killings persist as a useful political weapon because they work, often serving to eliminate a class that is challenging its subordination. They work also because they are tolerated by other nations, allowing a ruling

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élite to profit from the destruction of potential opposition without incurring heavy costs. In none of the cases considered did the United Nations take any deterrent action or even condemn the perpetrator, except when it censured China—then a nonmember—in 1959. How the major powers defined these genocides depended on their relation to the perpetrator, their anticipation of future relations and opportunities, and their fear of establishing precedents that might justify what is misleadingly termed “interference in internal affairs.” In every case, the perpetrator played a role in the international system as a client or ally of a major power. It is obvious that all powers can be rightly charged with opportunism and cynicism. France was in league with Burundi; the United States “tilted” toward Pakistan and continued to aid Paraguay; and the Soviet Union consistently sided with China in 1959.

The United Nations did not altogether ignore these massacres, but it defined them as disasters requiring humanitarian assistance, civil or tribal wars, and refused to recognize that a crime was being committed. International aid to the refugees was feeble compensation that did not redress their plight or protect their kin who were left behind. The perils of nonrecognition were illustrated in Burundi, where the U.N. became an unintentional accessory to the crime when its supply vehicles were appropriated by the government and used to transport and slaughter additional victims.

What role did the human rights nongovernmental organizations (NGOs) play in deterring or sanctioning these acts of genocide? The documentation compiled by some NGOs is invaluable in establishing the facts of such mass killings, but often long after the deed. The International Commission of Jurists (ICJ) cogently evaluated the evidence of genocide in Tibet and East Pakistan; the International League for Human Rights and the ICJ supported presentation of the evidence of genocide of the Aché in Paraguay to the United Nations and the Organization of American States. In these cases the presenting NGOs concluded categorically that these were genocides and held the perpetrators responsible for them. However, in the case of Burundi, the International League for Human Rights and the ICJ held no one to be responsible and recommended greater economic and social aid to the government that had authorized the massacres, observing: “When these international norms are violated openly by the new states, there is a certain leniency on the part of the international community.”⁵ The massacres were renewed in 1973.

In the case of Cambodia/Kampuchea, evidence of human rights violations was submitted in the summer of 1978 by Amnesty International and the ICJ to the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the U.N. Human Rights Commission (which had authorized a request for information to that government the previous spring). They did this only after several appeals by Amnesty to that government went unanswered.

Thus, NGOs recognize or label massacres of genocidal proportion in different ways and all have reacted

belatedly, to say the least. There are several reasons for this. Some NGOs are so preoccupied with avoiding one type of error—arriving at a false judgment from unrepresentative or scattered evidence—that they slight their chance of committing another type of error—failing to infer a pattern that truly exists. They also use at times a double standard, as they did to exonerate the Government of Burundi, serving only to incite it to further killings. Where genocide is recognized, the conventional strategy of the NGOs devoted to human rights is persuasion; they appeal to publics, states, regional and international organizations. But their strategy, even were it not post facto, would be ineffectual in the case of genocide, and this for several reasons.

First, governments plotting genocide often play a zero-sum game: them or us. The more of them to survive, the fewer there will be of us. Such governments even firm up the sides and assure the continuance of the “game,” for if the people they have staked out as victims are not actually enemies today, those who manage to evade death will surely be enemies tomorrow. Regimes relying on massacre and torture to inhibit opposition are the most unlikely candidates for self-reform; they know that under any democratic procedures they would be turned out. In these cases petitions to such regimes and to the U.N. are almost invariably a ritualistic exercise.

Second, the usual NGO strategy is to assist victims who are being processed legally through phases of transition—indictment, trial, judgment, incarceration, appeal, etc. But if victims are mown down on the street or slaughtered at a clearing in the woods after a roundup only half an hour earlier, phases in which to intercede for the victims do not exist. Victims of genocide often fail to reach the prisoner stage, and they are never “prisoners of conscience.” As human rights work goes, this is a disaster situation.

The disaster is not addressed by appealing to the U.N., which elevates evasion to a collective or organizational level, enabling all actors to evade responsibility. The “disguised barter of one atrocity for another”⁶ in the Human Rights Commission, its delay in investigation of, e.g., Uganda and Cambodia, and the silence of states outside the present majority coalition have long been noted. Because of the mutual obligation to protect each other, only bloc isolates—Chile, South Africa, and Israel—have been subject to censure.

If we conclude that the NGOs’ response has been both belated and ineffectual in these cases, two questions arise. First, how can their response be explained? Second, what strategies could they adapt that have been overlooked?

My answer to the first question must be tentative, since I did not study the NGOs as organizations and observe how widely they differ in membership, structure, and modes of functioning. Ideologically, many leaders and staff members of NGOs are committed to belief in an expanding normative consensus that will—someday, somehow—inhibit nations from slaughter, torture, and repression. Some members are committed to affirming the legitimacy of all governments that have arisen in decolonized states. Others, for tactical reasons,

act as if all states were legitimate. Both may be inhibited in considering strategies that involve conflict, coercion, or which justify intervention. Another type of answer is that the human rights NGOs, like other organizations, may tend to repeat their modus operandi ritualistically; means become institutionalized regardless of how they accomplish ends.

To prevent future acts of genocide governments must be held politically responsible for perpetrating them and tolerating them in their sphere of influence and among their allies. Prohibitions of unilateral U.S. aid to nations violating basic human rights of their citizens could be extended to multilateral aid. Amending present legislation to give international observers the right to interview prisoners and inspect jails and all incarceration centers of aid recipients may be one way to implement this commitment. Guaranteeing visiting rights to relatives and counsel to prisoners is another way to keep them socially visible. Ratification of the Genocide Convention by the U.S. Senate is one step—and only a first step—to indicate our commitment to save people from extinction. The flaws in the Convention are presently irremediable: The victims cannot raise charges but must rely on their executioners to judge their acts; state signatories are responsible for enforcing the convention and thus for judging themselves, and there is no international authority to which signatories must submit. However, U.S. ratification would represent a significant acknowledgment of our international responsibility and help to articulate our generalized commitment to human rights.

An active citizens lobby is needed to press governments to go beyond rhetorical commitments. If our goal is to stop genocides, there are three stages to such a problem: *First*, genocide must be detected early and charges and countercharges evaluated; *second*, organizations must decide upon a strategy to press governments and other collective actors to, *third*, take steps to avert, deter, ameliorate, abort, or prevent the genocide.

The first step involves intelligence-gathering in the technical sense, i.e., securing information from actors who invoke secrecy. As detection on the site may be impossible due to entry barriers, investigators may have to rely on evaluating evidence supplied by refugees. Standing commissions, willing and able to fly to any site to gather such evidence, could be considered, adapting and revising models from the experience of, say, disaster-relief organizations. The advantage of a coalition of rights NGOs forming such a commission and pooling their sources of evidence is obvious. Tactics for gaining entry in situations where governments are uncooperative must be considered, including covert actions.

Strategies used by NGOs to achieve their objectives include persuasion, exchange, and coercion, the latter implying use of political or economic incentives and sanctions. Rights NGOs supported by a voting base may spur political insiders to press their government to use its influence and sanctions against perpetrators of genocide. They may themselves lobby for legislative sanctions and organize consumer boycotts, divestiture campaigns, and other strategies of economic coercion.

Strategies open to governments and organizations

with military forces involve a choice of goals and tactics. One might stop genocides by persuading the perpetrator to cease and desist, by evacuating the victims, or by removing the perpetrators, fighting to oust them from the region inhabited by the victims (assuming the latter are geographically concentrated). Since the victims must flee or fight to save themselves, the range of choice may depend on their recognition of danger, their ability to defend themselves, and the readiness of access to outside aid. Many respected experts in international law maintain that the doctrine of "humanitarian intervention" justifies incursions across borders to remove or defend the victims of genocidal assault and is consistent with the U.N. Charter. Others disagree, asserting that such intervention is incompatible with the interdiction against aggression and interference in internal affairs in the Charter. Furthermore, they fear misuse of this doctrine to justify imperialistic adventures and Great Power self-aggrandizement.⁷

Such interventions imply responsibilities toward the perpetrator as well as toward the victims of genocide and toward other states. The prevalence of retributive genocide—annihilation of an opposing tribe viewed as challenging the order of domination—means that past oppressors may sometimes correctly anticipate collective reprisals against their tribe or collectivity.

In the absence of internationally sanctioned interventions, the victims themselves must conclude that their defense rests on their own arms and/or the intervention of interested neighboring states. The latter may be considered a humanitarian intervention even after the fact. Although India justified its 1971 war against Pakistan as an act of self-defense, the International Commission of Jurists concluded that:

India's armed intervention would have been justified if she had acted under the doctrine of humanitarian intervention, and further that India would have been entitled to act unilaterally under this doctrine in view of the growing and intolerable burden which the refugees were casting upon India and in view of the inability of international organizations to take any effective action to bring to an end the massive violations in human rights in East Pakistan which were causing the flow of refugees.⁸

How genocide itself constitutes a threat to the peace, inviting foreign intervention, is again illustrated by the invasions of Cambodia and Uganda, the success of which is partly attributable to the nonresistance and cooperation of Cambodians and Ugandans. The international response to the former was characterized by evasion of the issue of the legitimacy of the former government of Cambodia while the military response threatened a new Indochinese war, diminishing interest in the justifications. One resolution to reconcile these values would have been to call upon all armies to withhold fire—including that of Pol Pot—and hold free elections guaranteed by an international peace force that excluded Chinese and Vietnamese troops. While such a resolution is unlikely to be offered in the United Nations by any major power, the human rights movement might do so.

Looking beyond the human rights NGOs to the broader human rights movement, it is clear the movement is divided by particular constituencies and ideological cleavages. Few are primarily concerned with the plight of what some have called "Fourth World" victims, such as the Aché in Paraguay. This invites inquiry into how the NGOs determine their priorities. How is the decimation of a small people—which may be great in terms of the percentage of its population annihilated—weighed against the greater number of political deaths occurring in larger states? How are rights ranked in precedence? How much effort shall be devoted to protecting minorities and "deviant" groups (such as the Jehovah's Witnesses) and protecting majorities? That organizations do not make such assessments explicit does not mean they do not make choices on these grounds. However, it does mean they make choices that cannot responsibly be debated.

Prospective scenarios for new genocides that will test the Western world abound. The crimes committed in Rhodesia have led the International Committee of the Red Cross to denounce *both sides* publicly for "wanton and persistent cruelty," departing deliberately "from our habitual policy of diplomatic circumspection" (March 20, 1979). Other NGOs should heed the procedural and political implications of this decision. Human rights organizations—intergovernmental and nongovernmental—need to evaluate systematically the impact of corporate actors other than nation-states upon human rights, including terrorists, paramilitary and liberation groups, and multinational corporations. And all should heed the signals of what we may expect in the future. As Franz Schurmann puts it:

Conflict becomes revolutionary when one class of people comes to believe that there is no solution to their oppressive misery except the destruction of the class which opposes them. In its most terrible form this conflict is genocide where the class differences are racial....In a world inflamed with nationalist passions, the spectre of genocide always haunts us.⁹

The use of collective massacre and reprisals in wars of liberation often evokes and may be intended to provoke counterterror and torture, as in Algeria, where the policy initiated by the FLN and the French response is estimated to have cost the lives of almost 300,000 Algerian natives—later Algeria claimed a million—and almost 100,000 French people and led to the expulsion of almost a million *pieds noirs* and 100,000 Algerian Jews.¹⁰ Genocide may be an intended or a latent consequence of such a strategy. If the human rights movement adapts a double standard or ignores this issue, it would increase the likelihood both sides will seek to annihilate each other, protected by the cynicism that charges of genocide may arouse. For charges would be magnified by partisans of both sides in order to discredit their adversaries, instigating sympathizers to deny or discredit reports of victimization by the party they oppose.

Rhodesia is viewed by many as merely a rehearsal for the impending conflict in the Union of South Africa. As threat increases, we know that racial solidarity and the

potential for greater collective violence also increases. What can we anticipate? Will the white Afrikaners ruling South Africa, if confronted by internal rebellion, decide to go it alone within a constricted perimeter and carpet-bomb blacks in their midst in order either to exterminate them and/or terrorize them? Will the blacks of South Africa, after the last advocate of nonviolence has died at the hands of the South African police, remember Steven Biko and the others by retaliating collectively against whites with genocidal terror and massacres intended to expel them?

Other regions too are fertile arenas for genocides. May not Iran or Iraq attempt to resolve the Kurds' demands for autonomy by trying to eliminate them? Will the Soviet Union, seeking to squash both the Jewish and the dissident movements, amplify its hate-inciting campaign of anti-Semitism—masked as anti-Zionism—and begin to systematically deport Jews and dissidents (who might be labeled as Jews or sympathizers with the Zionist fifth column) to the Gulag Archipelago, where they can wither away unobserved under the polar sun?

If these scenarios are acted out, we will surely read about them at once in the *New York Times*. There will be the usual murmurings of governments in the West—perhaps some talk about the Helsinki pact—and the usual denials from the perpetrators, accusing others of human rights violations in their lands (as Kampuchea accused the United Kingdom in response to the U.N. Human Rights Commission inquiry). Constituencies sympathetic to Soviet Jewry and the South African blacks will organize ad hoc committees and mobilize public campaigns on their behalf; the Kurds and Afrikaners will fare less well. The NGOs will labor for anywhere from three years to a decade to produce volumes of documentation to submit to the U.N. Human Rights Commission. [wv]

NOTES

¹However, the expulsion of nationalities and ethnic groups that has caused their decimation clearly fits under the Convention. See Robert Conquest, *The Nation-Killers; The Soviet Deportation of Nationalities* (London, 1970).

²*The Human Cost of Soviet Communism* (Washington, D.C., USGPO, 1971), p. 25.

³*Mao's China: A History of the People's Republic* (New York, 1977), p. 107.

⁴American Bar Association, *Special Committee on Peace and Law Through the United Nations* (Chicago, 1950), p. 11.

⁵William J. Butler and George Obiozor, "The Burundi Affair 1972," *IDOC Survey*, no. 52 (April, 1973), p. 26.

⁶Richard Arens, ed., *Genocide in Paraguay* (Philadelphia, 1976), p. 150.

⁷Richard B. Lillich, ed., *Humanitarian Intervention and the United Nations* (Charlottesville, Va., 1973).

⁸International Commission of Jurists, *The Events in East Pakistan, 1971* (Geneva, 1972), p. 96.

⁹Franz Schurmann, "On Revolutionary Conflict," in *Conflict Resolution: Contributions of the Behavioral Sciences*, ed. Claggett G. Smith (Notre Dame, Ind., 1971), p. 271.

¹⁰Alistair Horne, *A Savage War of Peace* (New York, 1977), pp. 14, 538.