



Genocide Watch
The Alliance Against Genocide

Why has the United Nations failed to prevent genocide?

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The United Nations was founded in 1945 "to save succeeding generations from the scourge of war; ... to reaffirm faith in fundamental human rights...; to establish conditions under which justice and respect for ...international law can be maintained; and to promote social progress...in larger freedom."

The United Nations' functional agencies -- the World Health Organization, the World Food Program, the International Labor Organization, UNICEF, and others -- have improved the world.

But the United Nations has failed to achieve its core purpose: the prevention of war and mass atrocities.

Since 1945, fifty million people have died in civil and international wars. One hundred million people have died in genocides and political mass murder -- usually killed by their own governments.

There are eight reasons for this failure:

1. The United Nations was set up by imperial, colonial powers that gave themselves vetoes in the United Nations Security Council. If these five powers commit crimes themselves, the U.N. cannot stop them. The Mafia made the rules and it also appoints the judges.

2. Although the Charter of the U.N. begins, "We the peoples of the United Nations," the U.N. is an organization of nation states, not of peoples. It was born with the congenital blindness of nationalism. Nationalism is racism on steroids.

Article 2(7) of the U.N. Charter says, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state." The UN Charter

provides no protection for minorities. Nation states have freely committed genocide against minorities, often under the guise of "national security."

In 1948, the U.N. attempted to rectify these fatal flaws by adopting the Genocide Convention and the Universal Declaration of Human Rights. But the Genocide Convention created no institutions for its enforcement. And the Universal Declaration was quickly dismissed as mere aspiration. It is routinely violated by every member of the United Nations.

3. Articles 43 through 47 of the UN Charter were supposed to create an international army and police force. They have never been implemented. The Perm-5 members of the Security Council don't want them to challenge their nuclear-tipped armies.

4. Until 1993, there were no international courts to try perpetrators of genocide, war crimes, and crimes against humanity. The International Criminal Court still lacks jurisdiction over half of humanity.

Until the International Tribunal for the Former Yugoslavia (ICTY) was created in 1993 by [Resolution 827](#) of the [United Nations Security Council](#), and the International Criminal Tribunal for Rwanda (ICTR) was created in November 1994 by the [United Nations Security Council](#) in [Resolution 955](#) (which I helped draft) no international courts existed to enforce the Genocide Convention.

The ICTY was hamstrung in convicting anyone for genocide during the Presidency of Judge Antonio Cassese because of his narrow view of intent. Cassese later chaired the UN Commission of Inquiry on Darfur, which found absence of proof of intent to commit genocide by the government of Sudan, despite the deaths of over 50,000 Black African people. The deaths in Darfur now exceed 400,000 people.

Until the ICTR convicted Jean-Paul Akayesu in 1998, no person had ever been tried and convicted by an international tribunal for committing genocide. That conviction was followed by 92 others by the ICTR. ICTR enforcement of the Genocide Convention finally made genocide into enforceable international law.

In 1998, the Rome Statute of the International Criminal Court was adopted and in 2002 the ICC came into being. But the USA, Russia, and China plus

India, Iraq, Israel, Iran, Myanmar, Sudan, and many other state perpetrators of genocide refused to be states-parties to the ICC.

In July 1998, the US joined six other nations in voting against the Rome Statute of the International Criminal Court. The US War Crimes Ambassador, David Scheffer, has told me how frustrated he was. But he was a US Ambassador, not President Clinton. He had to follow the President's orders or resign.

5. The definition of genocide has been gutted by lawyers and the euphemism “ethnic cleansing” has replaced it in reporting by journalists. “Ethnic cleansing” is a euphemism invented by Slobodan Milosévič for genocide denial. It has become the dominant term used by journalists and diplomats to avoid use of the word “genocide.”

Professor William Schabas, who wrote the most influential treatise on the Genocide Convention, has become the world’s leading genocide denier. He denies that the Khmer Rouge committed genocide in Cambodia. He denies that the Soviet Union perpetrated genocide in Ukraine’s Holodomor. He denies that Pakistan committed genocide in Bangladesh. In the International Court of Justice, he is currently denying that Myanmar committed genocide against the Rohingya. And now he denies that China is committing genocide against the Uyghurs.

In a classic piece of genocide denial he wrote with Geoffrey Sachs denying that China is committing genocide against the Uyghurs, Schabas even claims that genocide should really be limited to mass killing. Schabas is wrong. Has he recently read his own treatise? Or the Genocide Convention?

Genocide includes more than killing. It also includes other kinds of group destruction – “causing serious bodily or mental harm to members of the group;” “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”; “imposing measures to prevent births within the group;” and “forcibly transferring children of the group to another group.” Acts of genocide include conspiracy, incitement, attempt, and complicity.

All these acts of genocide were committed against the people of Iraq by the Government of Saddam Hussein, by Iran, and by Da’esh. All these crimes

were committed against the Rohingya by the Myanmar Army. All these acts of genocide are being committed today against the Muslim Uyghur people of China.

6. No nation state has ever been found in violation of the Genocide Convention by the International Court of Justice. In its wrongly decided Bosnia and Croatia decisions, the World Court erroneously held that there was insufficient proof of intent to hold Serbia in violation for its support of the genocides in Bosnia and Croatia.

The ICJ applied definitions of intent used in individual trials - *mens rea* (guilty mind) -- to states. The ICJ held that if there could be any other intent for a state's actions besides destruction of a group – such as “ethnic cleansing” – the state's intent could not be clear and convincing proof of genocide – the equivalent of proof beyond a reasonable doubt.

But **States do not have minds**. Proven orders or a systematic pattern of actions with foreseeable consequences are all that is necessary to prove state intent.

Yet, the ICJ could not find enough evidence of Serbian genocidal intent in either case, though the evidence of orders was right across town in the Hague. The ICTY had obtained unredacted transcripts of meetings of the Serbian high command. When I asked the ICTY Prosecutor Carla Del Ponte why she didn't walk the transcripts over to the ICJ, she replied, "They didn't ask for them."

I fear for the outcome in *The Gambia vs. Myanmar* case in the ICJ. The President of the ICJ is now Judge Joan Donoghue, who led the genocide deniers in the Legal Advisor's office when we served together in the State Department during the Rwandan genocide.

When Joan Donoghue was asked by Ambassador Prudence Bushnell, Deputy Assistant Secretary of State and a member of the Peacekeeping Core Group, whether the mass killings in Rwanda constituted genocide, Donoghue replied that there was not enough evidence of intent.

For three months, ten thousand Tutsis and other Rwandans were being murdered every day. Pru Bushnell told me she asked Donoghue, "How many have to die before there is enough evidence of genocidal intent to

call it genocide?" That was when Donoghue and the Legal Advisors Office told the State Department spokesperson, Christine Shelley, to call the crimes "acts" of genocide, but not genocide. It was legal malpractice. Genocide is defined in the Genocide Convention as "acts of genocide."

7. The most important reason for the world's failure to prevent genocide is absence of political will.

When the USA voted against the Rome Statute of the International Criminal Court in 1998, I realized that the prevention of genocide could not be entrusted to nation states or to the United Nations.

Nation states are the usual perpetrators of genocide. The U.N. is powerless to stop them.

We need a mass movement to pressure states into adopting policies to prevent genocide.

I resigned from the State Department and became Co-chair of the Washington Working Group for the International Criminal Court. We lobbied President Clinton to sign the Rome Statute. With former President Carter's help, we convinced Clinton to authorize Ambassador Scheffer to sign the Rome Statute on the final day the US could become an initial signatory. Only a few months later, President Bush unsigned it.

In May 1999 at the Hague Appeal for Peace, I founded Genocide Watch and the Alliance Against Genocide. In 1999, there were no other international organizations or international coalitions dedicated solely to the prevention of genocide. Since that time, the Alliance has grown to 100 organizations, including many groups in Iraq, including Hammurabi, Shlomo, EMMA, Nobody's Listening, Yazidi organizations, and other groups.

Iraq can take important steps to prevent genocide:

- The Iraqi parliament should make genocide a crime under Iraqi law.
- Iraqi courts should be given more resources to promptly try Da'esh.
- Iraq should provide more money to resettle people driven out of their homes by Da'esh, with strong protection so they can return safely.
- Schools in Iraq should teach every secondary school student the processes that lead to genocide.

- Universities should make genocide studies part of their curricula.

8. The member states of the United Nations must reform the U.N. to become more effective in preventing genocide.

- **Member states of the U.N. should reassert the authority of the General Assembly through revival of the Uniting for Peace Resolution**, which authorizes the General Assembly to act when the Security Council is paralyzed by a Perm-5 veto. There are no vetoes in the General Assembly.
- **The United Nations should correct its genocide prevention office's erroneous view that only courts can declare that "genocide" threatens or is underway.**
- **The U.N. Security Council should authorize the UN Special Advisor on the Prevention of Genocide to brief the Security Council directly.**
- **U.N. members should use the General Assembly to create mixed national and international tribunals;**
- **National governments should pass national laws and the ICC Assembly of States Parties should amend the ICC Statute to make genocide, war crimes, and crimes against humanity crimes of Universal Jurisdiction;**
- **The ICC Assembly of States Parties should amend the ICC Statute and the U.N. General Assembly should authorize establishment of an ICC police force to arrest perpetrators of genocide, crimes against humanity, and war crimes. This force should make agreements with national police forces for arrests.**

What must we do personally to prevent more failures?

- Work for a cooperative anti-genocide movement, rather than one dominated by rivalry over funding sources and insider influence.
- Personalize every appeal. Tell people that preventing genocide is about protecting particular people. Name them and introduce listeners and readers to their personal stories.
- Avoid humanitarian narcissism. We are in this struggle not for ourselves, our own fame, or our own fortunes. We are in it for the future of humanity.

We will win.

- **We are in this struggle for love and justice.**
- **We are working for the Force that created the universe and made every person. We are channels for that Force.**
- **Love is more powerful than Evil. Love is God's Force personally expressed.**
- **Justice is stronger than Genocide. Justice is God's Force socially expressed.**
- **Never lose faith that we will win this struggle.**
- **Faith gives substance to things hoped for.**
- **Hope is the assurance that Life will triumph over Death.**
- **WE WILL WIN. Because it is God's Work.**