

Can Mass Atrocities Be Prevented?

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I would like to start where I think one should, namely at the end. The answer to the question is "yes, but with great difficulty".

Why is it so difficult? Because humans are predatory mammals: with the exception of some vegetarians, we kill other animals, and fish, in order to live. But we are weak predators. We do not have the teeth of tigers, or the claws of bears, and like our close relatives, the primates, we are herd animals. We cannot exist as individuals, feeding and sheltering ourselves. We need the family, the clan, the village, the neighborhood, the town, the city, the tribe, the nation, the state, the empire, in order to be able to survive.

We are not only predators, who live by killing other beings. We are also collectors, who live by eating the fruit of the earth, the bush, and the tree. Thus, many of us eat bread. What is bread? It is the end product of a type of green grass that turns yellow and grows grains on it which we then grind to make flour, from which we make bread. We eat grass, therefore, like cattle and other types of animals. For foraging, growing, raising other animals, and collecting, we need to act with others. Here, too, we are herd animals. Acting together, we develop, because otherwise we cannot exist, attitudes such as sympathy, love, cooperation, collaboration, and even the willingness to rescue others who do not belong to our own group. Some 24.000 rescuers of Jews during the Holocaust who received the medal of the Righteous by Yad Vashem in Jerusalem testify to this, but this is not limited to the Holocaust: parallel acts were performed by rescuers during other genocidal events, such as in the case of the Armenian and Rwandan genocides for instance.

We therefore have two conflicting inclinations, possibly instincts, within us: the inclination to kill, and the inclination to act in cooperation, even to rescue. Killing within our group is forbidden, except when a criminal act is performed towards a member or members of our own group, and we invent laws to regulate this. In the ten commandments, the injunction is "thou shalt not murder"; it does not say 'thou shalt not kill'. Killing outside the group is not only permitted, but when young people in funny clothes called uniforms kill enemies of another group who perhaps wear funny clothes of a different color, they get medals for it. Murder is forbidden killing. Killing is permitted murder.

We are territorial predators, like wolves, lions, and others. We need a territory, whether a real one or a virtual one, in which we develop characteristics peculiar to one group of humans – ourselves – and in which we make our living by being hunters (going to supermarkets to get the meat and fish) and collectors (harvesting, buying, bartering and selling what we collect, from the ground, the bush and the tree), and enabling ourselves to do so by creating the tools with which we can do all that: technology, agriculture, industry, communications, science, and so on. When one human group meets another one that tries to enter its territory, or enters the territory – real or imagined – of the other, five options are open to it. One, to accept and merge with the other, because that may strengthen both. Two, enslave the other, or exercise some other form of dominance over the other, because there always will be tasks we do not like to perform, and prefer them to be performed by

others. Three, evict, repel, or deport the other. Four, kill it. One, or a combination of any of these options, has been exercised by humans since the beginning of the human race in East Africa some 200.000 or so years ago, and probably before that. There are innumerable cases that serve as evidence for that. But there is a fifth option, which also has been exercised in many cases: on the basis of the instinct to cooperate and collaborate, human groups have been able to co-exist next to each other, or in the same space with the other, sometimes after long periods of bitter enmity. Thus, England (not Scotland or Wales) and France have for centuries fought each other at great expense of human lives, as have France and Germany, the US and Mexico, Thailand and Cambodia, and so on. It is now impossible to imagine mass atrocities (I shall use the shortened term 'MAS' from now on) being committed between these former enemies, and there are many other cases like that. The fifth option is open, and is the basis for our endeavor to avoid, or at least reduce, MAS.

We use definitions, such as MAS. The term was coined by a member of the particular group to which I belong, the Genocide Prevention Advisory Network (GPANet), David Scheffer of Northwestern University, Illinois (in: *Genocide Studies and Prevention, vol. 2, no.1, 2007*), to include war crimes, crimes against humanity, ethnic cleansing, and genocide. It is a useful tool, because definitions of each one of these crimes are problematic. After all, our social and political (and many other) definitions are abstractions from reality, and reality is always much more complicated than our definitions can be; the definitions therefore can do no more than approximate a reflection of reality, and we, much too often, try to fit reality into the definition, rather than act the other way round. We actually are dealing with a continuum of human action, from murder to mass murder of different kinds, to genocide, the ultimate crime, as it rightly has been called. At the same time, it is important to also emphasize the differences between these types of crime, difficult or impossible as it may be to define, exactly, the border-lines between them. The reason why we have to make efforts to differentiate is that there may be, and probably are, differences in the tools we have to use in order to minimize, and ultimately perhaps even to do away with these manifold cases of mass murder.

When it comes to genocide we have the 1948 Convention, but the Convention is full of problems, because it was the result of diplomatic horse-trading between the Western Powers, the Soviet Bloc, and a group of mainly Latin American countries who wrangled over the definitions. Genocide was defined as the intent and action to annihilate an ethnic, national, racial or religious group as such, in whole or in part. But there are no racial groups, because while there is racism – a European invention of the late Middle Ages and early modernity – there are no races. We all are descended from humans that evolved in East Africa, as already mentioned, some 200.000 or so years ago. Differences of skin color, size, and so on, are the results of secondary and tertiary mutations that have no importance in the DNA of individuals or groups. A marriage between an aborigine from Papua and a Harvard Professor will produce healthy children. We are one race. In 1948, it was possible to talk about races, because the term was used the way we today use the term "nationality"; people talked about a French race, a British race, and so on. In 2014, using the term 'race' in a UN document may reek of racism.

The Convention mentions ethnic and national groups. We are meeting here in commemoration of the Rwandan genocide, but strictly speaking, Hutus and Tutsis are not ethnic groups. They speak the same language, go to the same churches, and are part of the same society. They do not have different cultures. They are, basically, the result of the development of social groups of pre-colonial times, and the differences between them were emphasized by the colonialists in order to better control them; they became quasi-ethnic groups – very real ones, unfortunately. Does that mean that what happened in Rwanda was not a genocide? Of course not. The definition is wrong, not the reality.

The Convention does not speak of political, social, economic, or ideological groups. Intent and action to try and annihilate them is, in the view of many, no less a matter of genocide than the destruction of an ethnic or national group. In a seminal article, Barbara Harff coined the term 'politicide' for this kind of human action (*No lessons learned from the Holocaust?* In: *American Political Science Review*, February 2002), and most academics will probably agree that these actions should be included in what we understand genocide to be. The classic example of a socio-economic group, not even a real one but a virtual one, were the kulaks (so-called rich peasants) in the USSR in the early thirties of the last century. About 3.3 million people were starved to death, or tortured and killed, in the Ukraine alone – more elsewhere in the Soviet Union - because the government wanted to get grain out of the peasants to export it in return for industrial goods to create heavy industry in the country. The peasants were forced to deliver all the grain they produced, including seeds. A kulak was a peasant who had, say, two cows instead of one. But if he was a Party member, and possibly even became an official in a state-controlled kolkhoz (cooperative farm), then he was not a kulak. If he had only one cow, or none, but was opposed to the Party's policies, he was a kulak. The kulaks were not a real group, but became one by dint of a decision by the Party that that was what they were – a very real group, because as 'members' of it they were being persecuted and killed. According to the Convention, this was not a genocide, as Ukrainians were not targeted because they were Ukrainians, but because the victims were supposed members of a socio-economic group. But if we accept the concept of 'politicide', as we should, then this was indeed a genocide.

The simplest way of putting this is to slightly change a definition offered back in 1990 by Frank Chalk and Kurt Jonassohn (in their *The History and Sociology of Genocide*), and say that, generally speaking, what we mean by genocide is the intent and action to annihilate a human group, as defined by the perpetrator(s), in whole or in part. Any human group. We cannot define the borderline between that and near-genocides, or even between that and crimes against humanity with accuracy, and therefore we may well accept Scheffer's term of MAS as an overall concept, as representing the range of human actions we are trying to avoid and combat.

The term 'genocide' was coined in the wake of information about Nazi Germany's policies in Eastern Europe, and this is reflected in the definition, which talks about the annihilation of groups in whole or in part. 'In whole' reflects the genocide of the Jews, which we now call the Holocaust, 'in part' was the fate of the Polish people. All discussions of genocides or genocidal massacres or MAS after 1945 are radically influenced by the Holocaust. Why? Because the Holocaust was the most extreme form of the pathology we

call MAS, and which of course include genocide. In what sense was it the most extreme form of genocide known to us to date? Because there, for the first time in recorded history, a decision was arrived at by a major political entity – the German Reich's leadership – to murder every single person **they** defined as being Jewish, if they could, all over the world. Also, this came from the very center of 'civilized', modern, society, not from its margins, or from outside it. For the first time in history, mass murder was industrialized, and its cost effectiveness was taken into account. Also, it was a purely ideological, non-pragmatic mass murder, generally standing in contradiction to economic and other practical interests of the perpetrators. It was not the number of the victims, the proportion of the victims compared to the total number of Jews, or the sadism and brutality with which it was conducted, but the structural elements that made it what it was. Being the extreme genocide, it teaches us about genocides generally. It was not unique, because that would mean that it cannot be repeated. But like all human actions, it can be repeated, though – like other human actions – not in exactly the same form. It becomes the paradigmatic genocide, and thus an essential part of our discussion. The Holocaust is not unique; it is unprecedented, and that means that it is a precedent that can be repeated (though not in the same way), unless we prevent that.

Now to our terminology. The terms we use are problematic. We talk about an international community. It is indeed international, but it is not a community (communaute, Gemeinschaft), that is, a coherent group with common interests, in this case of states. We would like it to exist, but it doesn't; it is, possibly, a hope for the future, but I am not at all sure about that.

We all belong to the United Nations. Nations indeed. United? No. We have the European Union in Europe, and the African Union in Africa. European and African, yes; Union, no. Security Council, with its five veto Powers, and ten temporary members. Council it is, yes; security? We wish that it would deal with the security of mankind; too often, it does not. The ICC, the International Criminal Court, is indeed a first, very positive, attempt to establish international legal norms that would make groups and individuals responsible for their actions, should these actions violate international law. But to what extent is it international? The US, China, and Russia do not belong to it, neither do a number of other states, and that seems to be about half of humanity at least. The same really applies to international law itself: there has been a very positive development of international law, and one can clearly see how something that started, mainly, with the Dutch lawyer Hugo de Groot (Grotius) in the 17th century, has developed over the next few centuries to become an impressive body of laws and norms. But the fact is that major Powers, and even smaller ones, flaunt international law when it is not convenient for them. Look, for instance, at the discussion in the Security Council on Sudan, on May 27, 2008, three years after the unanimous agreement at the World Summit on the principle of the Responsibility to Protect (R2P - see below). Two Powers declared there that they were all in favor of R2P, except when their interests were in danger. Well....

In some cases, the Hague Court of Justice succeeds in making governments adhere to the law, in some cases the ICC succeeds in prosecuting offenders. But we are very far indeed from the universal application of international law in its various forms. We have advanced, no doubt, but one has to say that all these things, international law, R2P,

international community, United Nations, Security Council, are work in progress. Syria is a prime example of no international community, no United Nations, no international law, no R2P, just mutual murder between a government that butchers its citizens, and groups of rebels most of whom want to establish a state based on a radical, anti-humanistic, misogynic, murderous interpretation of religion; it is a choice between cholera and the pest, with no end in sight as yet (April, 2014).

Even the concept of 'political will' as a central key in approaching a solution to the problem of MAS is much more complicated than it would appear. Should President Obama get up one morning and declare that he now has the will to solve the Syrian situation, would that decide the issue? Certainly, without the will to act, nothing will happen. But the will to act does not stand alone, as we all know. There are national, economic, geo-strategic interests, and every government, even a non- or half-democratic one, also has to take into account the views of its own lawmakers, of the media, of public opinion generally, of the business community, and so on. Political will is important, but not necessarily decisive. We lead ourselves astray by emphasizing that if only there was political will to attack the problem of MAS, the situation would improve radically. But the truth of the matter is that political will is only one of the factors that determine political acts. My recommendation would be not to be taken in by words and concepts that hide reality. If we want to solve problems, we need to recognize the reality they reflect.

I have already mentioned R2P, the result of a unanimous decision at the 2005 World Summit. It is no doubt an important step forward, and the idea that sovereignty is not only a right, but a responsibility of all states – a responsibility for the lives and well-being of all the people who inhabit the state, and a responsibility for protecting the lives of all people, wherever they live - is a revolutionary and very positive idea. The concept, as developed by Gareth Evans and Mohammed Sahnoun of the International Crisis Group, and adopted and advanced by the Canadian government, is of great importance. As we all know, it is based on three pillars: the responsibility of each state/government to protect the people inhabiting its area; the responsibility to widen the scope and protect the lives of people anywhere; and the willingness of the international community to intervene in cases where the local government is unable or unwilling to act, by nonviolent means, and in extreme cases, by force, to protect endangered civilians. How does one do that, especially the second and third 'pillars', when the so-called international community is a hope for the future? It can only be done by political persuasion, and by structural developments that may ensure that the R2P principles will be observed in practice, by as many states/governments as possible. We are quite a long way from achieving that aim, as the discussion in the Security Council quoted above has demonstrated. Which does not mean that efforts at achieving that aim should not be intensified and pursued; but it does mean that R2P, just like the other concepts mentioned – international law, international community, and so on – is work in progress. In addition, I do admit that I am suspicious of any unanimous decisions arrived at at the UN, because they indicate that the various Powers and states view such decisions as harmless – that is, harmless as far as their economic, political, strategic and other interests are concerned. The job, difficult as it is, is to arrive at a real consensus, one that will turn good (good?) intentions into practice.

We need to be very clear as to the issues we want to address. We are not in the business of settling political conflicts. A conflict is a dispute between two or more contestants, neither of whom has the power (though they may, and often do, have the desire) to annihilate one of them. A conflict can cause casualties, even quite a number, over time. But unless one of the sides acquires the real capability to cause a MAS crime, a conflict can be settled by negotiations, compromises, intervention of third parties, fatigue of the contestants, or even a victory of one side that does not result in MAS. Kashmir and the Middle East conflict are examples of this.

When we deal with MAS, we should differentiate between three phases in time, in a very general way: the first is when the threat of MAS appears, and the question is how to prevent MAS; the second is if prevention fails, and MAS actually occurs; the third is how to deal with the mess after it has happened. From a purely pragmatic, even cynical point of view, it is very much cheaper, in economic and political terms, to prevent MAS than to try and end it when prevention has failed, and to clean up the after-effects, which can last years, decades, or generations. But political wisdom usually fails, and with it does prevention. Thus, in the 1930ies, it would have been easy for Britain, France, and the USSR, to stop Hitler and prevent a war which cost the wartime allies tens of millions of casualties and untold suffering. So, prevention must be our prime aim. When it fails, we have to address MAS such as in Syria, the CAR, Sudan, and elsewhere, and that is very difficult. We have not even begun to weigh the different and opposing strategies employed by post-MAS countries, and the effects of what we call transitional justice. Research, and political thinking must combine to provide options, and it may well be that the conclusion is that each society has to find its own way to deal with the traumas of past MAS, and especially of genocidal situations.

We need to create a consensus of governments willing to take the necessary preventive steps. The main question before us is what are the conditions, and then the steps, to achieve that. The obstacles, in real life, are formidable. They consist, basically, of the tendency, mentioned above, of human groups such as ethnicities, nations, states, empires, to control and expand their reach by any means possible. Economic, strategic, and general political interests are central to the perceived well-being of political entities. One can be very idealistic and believe that great speeches or sermons by great personalities, spiritual authorities of different kinds, Nobel Prize laureates, great literary figures, and so on, will make a difference. Such speeches and sermons do indeed have an impact, but it is limited, and will very rarely trump material interests such as those mentioned here. One has therefore to be realistic, and face international politics as they are, and not as we would like them to be. However, to try and do what we are trying to do here without moral outrage at the senseless loss of huge numbers of lives in MAS is impossible: without moral outrage and deep moral convictions we are nothing but scoundrels without conscience. But without a constant reality check that will make us understand the politics of this world, we will be fools. To quote Barbara Harff again: what we need is 'theory-based practicality'.

Why theory-based? Because without academic research no advance is possible in fighting MAS. Underlying causes and historical backgrounds have to be examined in order to understand the situations, both general and specific, in which MAS will arise. Then,

quantitative analyses have to be produced – in fact, they have been produced – that will computerize the demographic, economic, political, historical and other data and will result – actually, have already resulted – in global risk assessments, identifying areas where MAS may occur, unless other factors intervene to prevent them. Qualitative analyses of specific situations then have to be produced that will take into account social structures and political situations. Both quantitative and qualitative data may then result in presenting the political actors with possible options for action. At that stage, the political actors may well be in a better position to evaluate options to act than the academic experts, so that the experts' option suggestions may be weighed, and accepted or rejected. Collaboration between academic experts and political actors is of course essential, and is based on the different capabilities of the people involved: experts may have the necessary knowledge and the time to analyze situations, whereas political actors may not have the time to engage in research and analyses, but they are better placed to evaluate the practicality of possible steps against MAS. Risk assessment are not predictions. They identify possible foci of MAS outbreaks. Early warning is a dream, because every event is the result of an infinite number of causal chains; as they are infinite in number, they cannot be encompassed, and therefore no exact prediction of events is possible. But risk assessments have been and are being produced by a number of groups, including the one I am associated with, the GPANet, and are available to interested governments. Alright, you will say, so we know where MAS may occur, and we want to prevent them. How?

The military option is the last one that should be considered. In rare cases, it may be inevitable. The Nazi crimes, including the Holocaust, could not have been stopped except by military action. The situation in the CAR may leave no other option either. But usually, military action only exacerbates the situation, and the cure may cause more damage than the illness. Nor are economic sanctions universally applicable; in fact, research has shown that open trade rather than economic blockades has an effect of reducing tensions and the danger of MAS. Again, economic sanctions may be inevitable in some situations, but the pros and cons should be very carefully weighed. We are left with diplomacy as the best way to prevent MAS, though sometimes diplomacy has to be backed up with credible threats of (preferably non-military) consequences. Diplomacy basically means something that may not always be pleasant or even palatable, but something that may be inevitable, if the purpose is to save lives: Powers and states that tend to prevent prevention in the name of real or perceived interests (economic, strategic, etc.) may have to be assured that such interests of theirs will be respected and protected, provided they join in preventive action and in humanitarian aid. Before the Ukrainian crisis made an approach to Russia impossible or at least very difficult, such an accommodation of Russian interests in Syria might possibly have led to a truce and the opening of humanitarian corridors. The aim of saving lives must be paramount.

We are today at the beginning of efforts to establish the kind of structures that will enable concerned governments to coalesce and bring about a consensus that may, in my view, hopefully create a coalition of UN member states to put pressure to bear on the major Powers to prevent, primarily by non-violent means, outbreaks of MAS. One has to realize that although the Genocide Convention dates from 1948, genocide research actually began in earnest with the publication in 1981 of Leo Kuper's book *Genocide: Its Political Use in the*

Twentieth Century (Yale UP, 1981), so that the whole area of genocide studies is quite new. Attempts to deal with the issue politically – and the only way to limit or eliminate MAS is of necessity political – began much later. Ten years ago, the Stockholm Forum of Genocide Prevention was a first effort to engage large numbers of states in this quest, and UN Secretary-General Kofi Annan used the occasion to announce the establishment of the post of Special Adviser to the UN Secretary-General on the prevention of genocide (Dr. Juan Mendes was the first person to hold the post, and he was followed by Dr. Francis Deng, and now Dr. Adama Dieng is the Adviser). After the World Summit, an office was created at the UN with a Special Adviser on the implementation of R2P (Dr. Ed Luck, now Dr. Jennifer Welsh), and the Secretary General has wisely decided to unite the two offices. Any effort for states to act cooperatively against MAS can now have the combined support of UN agencies.

The realization that political action based on research and combining academic expertise with political wisdom has undoubtedly spread. Recently, in early March, a new Forum was established at a conference in Costa Rica called Global Action Against Mass Atrocity Crimes (GAAMAC), which was the result of years of preparation. It combines work for genocide prevention with the effort to develop and activate R2P. Some 56 states participated, and the fact that it took place at the initiative of a number of states, so to speak from the bottom up, is encouraging. It broadened its concern to include all the aspects of MAS. From my perspective, it is based on an understanding of the historical background as presented earlier in this contribution. It may have started with countries such as Switzerland, Argentina, Tanzania, Denmark, Ghana, Australia, and others, but many more have either joined or expressed interest. The development of 'focal points' – individuals or groups strategically placed in the government bureaucracy and equipped with budgetary means is crucial. Such focal points could then establish, hopefully within reasonable time, enough mutual trust between the different states and governments to enable a political coalition against MAS to take shape, within the framework for the UN and with the active participation of the Special Advisers. The meetings in Costa Rica and Brussels may have pointed the way to such a development. The approach, as stated above, has to be one of a combination of moral fervor, academic research, almost cynical political realism, and much effort.

The great French philosopher, Rene Descartes, said 'I think, therefore I am' (*cogito ergo sum*). I would suggest we adopt the principle of 'I struggle, therefore I am'. If we struggle for a slightly better world – for there will never be good world, but there may possibly be one with a slight improvement – we will succeed. We must not stop struggling; it is worth a lifetime's effort.