



UNITED NATIONS OFFICE ON

GENOCIDE PREVENTION AND THE
RESPONSIBILITY TO PROTECT

Annual Martin Luther King Day Lecture, delivered at the University of Michigan’s Donia Human Rights Center
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Racial Injustice: Global Challenges and Opportunities for the Prevention of Genocide.

I cannot but speak with much humility, first and foremost, and pay tribute to all those living and all those whose memory we have an obligation to preserve, who have been subject to racial injustice, cruelty, inhumanity, including the commission of the most heinous of crimes, genocide. This tribute is an essential part of the ‘duty of memory’ we all share, which constitutes a sacred obligation for humankind.

I thank the University of Michigan’s Donia Human Rights Center, and especially Professor Steven R. Ratner for this invitation to give the annual Martin Luther King Day Lecture.

This year 2023, marks the 75th Anniversary of the Dec 9th, 1948, *Convention on the Prevention and Punishment of the Crime of Genocide*, the first human rights treaty adopted by the General Assembly, followed one day later by the adoption of the Universal Declaration on Human Rights.

In the same year, 1948, at 19 years old, Martin Luther King graduated from Morehouse College with a degree in sociology and entered Crozer Theological Seminary for graduate studies.

Mahatma Gandhi, the Indian pacifist and leader whose methods would inspire Martin Luther King on nonviolent resistance in the campaign for the independence of India, did not live until December to see the Convention on the Prevention and Punishment of the Crime of Genocide as he was shot and killed in January 1948. Gandhi’s work for racial justice had begun while living in South Africa, when he was subjected to racism through the laws that defined rights based on identity. His mother, Putlibai brought him up in religious practice of which a key tenet was non-violence.

Global challenges and opportunities for the prevention of genocide often present contradictions. 1948, for instance presented a situation of a world that ushered it in its first human rights treaty – a treaty, the core of which spoke to the need to end the injustices such as racism that led to what is often referred to as the crime of crimes, Genocide – while in the same year, 1948, an election in South Africa brought the National Party to power on a platform of promoting racial injustice through a policy known as apartheid, cementing, in law, the theory and practice of racial discrimination.

The origin of the term genocide

The term genocide had been coined just a few years earlier, in 1944, by Polish lawyer Raphaël Lemkin. In his book *Axis Rule in Occupied Europe* Lemkin describes combining *geno*, from the Greek word for race or tribe, with *-cide*, derived from the Latin word for killing. In coining the name genocide Lemkin was challenged by the fact of the existence of a name for the crime of killing one person, – murder – and none for the killing of a million people. "Why is the killing of a million people a lesser crime than the killing of an individual?" Lemkin asked.

Lemkin developed the concept of genocide partly in response to the Holocaust, in which 49 members of his family, including his parents were murdered, but also in response to previous instances in which entire nations, and ethnic and religious groups, had been destroyed based on their identity. For Lemkin, Genocide signified not one but a coordinated plan of different actions aiming to annihilate, and aimed not at individuals in their individual capacity, but at individuals because they belonged to a certain identity.

Lemkin surmounted several challenges, spending several years lobbying governments to recognize genocide as an international crime. His efforts came to fruit and in 1946, Genocide was recognized as a crime under international law by the United Nations General Assembly. Genocide was codified for the first time, as an international crime two years later in the *1948 Convention on the Prevention and Punishment of the Crime of Genocide*. The Conventions preamble recognizes that “at all periods of history genocide has inflicted great losses on humanity” and that international cooperation is required to “liberate humankind from such an odious scourge”. **Article I of the Convention states that** genocide, whether committed in time of peace or in time of war, is a crime under international law.

Lemkin writes of his mother Bella, who home schooled him, finding in literature, condemnation against violence that she couldn't find in religious teachings. She informed Lemkin's thinking that human beings could affect a change in morals through their treatment of each other and an intellectual approach aimed at addressing the refusal to accept the destruction of entire peoples as conquest. Later in life, Lemkin tried to provide the moral compass his mother pointed out to him in works of literature through international law.

75 years since the *Convention on the Prevention and Punishment of the Crime of Genocide*, was adopted by the General Assembly, various incidents continue to be proof of the existence of racial injustice, with evidence of how precarious the existence of especially some minorities is, even among the most seemingly secure majority, and sometimes even in instances where the discriminated race constitutes a majority of the population. We must therefore confirm that the answer to what Dr King framed as the “**basic question which confronts the worlds oppressed: How is the struggle against the forces of injustice to be waged**”? is needed even today.

The mandate of the United Nations Special Adviser on the Prevention of Genocide

As the United Nations Special Adviser on the Prevention of Genocide, I wage the struggle against these forces of injustice through a mandate that requires of me to monitor and raise alarm to the United Nations Secretary-General, to the Security Council, to Member States and to other relevant actors on the risk factors of genocide and related atrocity crimes. I also raise awareness

on the causes and dynamics of atrocity crimes and support Member States and other relevant actors to promote prevention of these crimes.

I also advocate for the universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, support national efforts to incorporate obligations under this convention in the national legal systems, build national mechanisms to monitor prevention mechanisms and accountability for atrocity crimes and provide training and capacity building on the prevention of Genocide and other atrocity crimes. My Office also strengthens and supports community, national, regional organizations and actors involved in preventing genocide and other atrocity crimes globally.

My mandate was created by the United Nations in 2004, in response to the failures of the international community to prevent and respond to the genocides in Rwanda against the Tutsi in 1994 and in Srebrenica, Bosnia Herzegovina against the Bosniak Muslims in 1995 despite the fact of genocide, and the prevention of this crime, having been a part of the international legal framework since 1948. The mandate, which is on prevention, not adjudication, has enabled the United Nations and international community to have a much better understanding of risk factors and early warning signs of atrocity crimes.

We analyze, daily, based on the *Framework of Analysis for Atrocity Crimes: A Tool for Prevention* https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf created by my Office, the assessment of the risk of the crime of genocide, risk of crimes against humanity and war crimes from an early warning perspective. Using risk factors, we identify potential situations of concern. Understanding the risk factors as early warning signs that can lead to the commission of this crime is essential to prevention. This is a task for everyone in society, including academic institutions, and therefore one of the reasons for which I am so pleased to be with you today.

The mandate does not equip me with the prerogative of determining whether genocide, war crimes or crimes against humanity have been committed. This only a competent, independent court of justice can determine. At the same time, accountability is central for my mandate, especially in situations where there are serious allegations of commission of atrocity crimes. For this reason, it is also so important that all States: (a) ratify and implement the 1948 Convention and (b) domesticate key tenets of international human rights law and international humanitarian law.

Early warning must be met with early response

Despite the world's knowledge of these early warning signs, often, the political will, capacity and resolve to act remains largely insufficient. Around the world there are too many situations where communities are at risk of atrocity crimes, or where such crimes are ongoing.

We do know that the foundations of genocide are helped along by "otherization". The narrative of "the other" has been and continues to be consistently used to dehumanize and vilify on the basis of identity, contributing to exclusion, stigmatization, discrimination, isolation, hate crimes, racial injustice and in the most serious instances atrocity crimes, including genocide.

Throughout history a common tendency is often discerned from groups regarding themselves as “normal” while “otherising” the rest of humankind. We live in a reality of the fact that stereotypes, prejudice, and discrimination, culminating in racial injustice will often be whipped up by certain sections of the population. Racial injustice is a product of racism. Dr Kwame Nkrumah of Ghana, speaking of racism, said, “the foulest intellectual rubbish ever invented by man is that of racial superiority and inferiority.” He was not exaggerating. The pseudo-genetic distinction of race, which is in no way scientific, that has no relevance to what a human being is capable of doing is a powerful social force that has been known to carry stereotypes and prejudice and when one has power, allow for action on the basis of this stereotypes and prejudice, discriminating against groups of people on the basis of identity, sometimes leading to genocide.

As a little boy, Dr King’s mother Alberta William King explained “otherization” to him – describing its presence in their lives through discrimination and segregation. She told her son that he should feel a sense of “somebodiness” but on the other hand know that he would be facing a system that would be staring him in the face every day, telling him that he was “less than” and “you are not equal to.” She explained the segregated schools, restaurants, theaters, and housing as well as the white and colored signs as a “social condition rather than a natural order.” She said to him “Martin, you are as good as anyone.”

We are familiar with these patterns. Hate contributes to dehumanization and enables an environment in which genocide is possible. Long before the Holocaust happened, discrimination, hate speech and stigma was widespread against the Jewish community. In Rwanda, hate speech and the dehumanization of the Tutsi community was frequently utilized by political leaders, media, and others with influence before the genocide. In Myanmar years of hatred and exclusionary rhetoric against the Rohingya Muslims both online and offline, together with deeply discriminatory practices restricting this group’s access to basic services, freedom of movement and other fundamental rights - led to a climate in which mass violence against this population occurred. In Iraq, the targeting of the Yazidi by Daesh was preceded by a long history of exclusion and marginalization on this community. Today, more than 2,800 Yazidi persons – primarily women and girls – remain in captivity and more than 600,000 persons impacted by those attacks continue living in Internally Displaced Persons camps, with violence persisting in their homes.

Part of the challenge continues to be the inability to act early and to proactively address risk factors long before the onset of a crisis. In other words, early warning must be met with early response. From history we do know genocide is not a random or spontaneous event, and neither does it occur in a vacuum. Genocide constitutes the end point of a process which develops over time, where risk factors and warning signs are present. The most central of those risk factors and early warning signs is patterns of intergroup tension or systematic discrimination, human rights violations and hate speech targeting ethnic, racial, religious, or national minorities – the groups protected under the 1948 Genocide Convention.

A lot has been done towards this end. The core of the United Nations legal approach to racial injustice is the International Convention on the Elimination of Racial Discrimination overseen by the Committee on the Elimination of Racial Discrimination. We have Security Council, General

Assembly and Human Rights Council Resolutions. The *1948 Convention on the Prevention and Punishment of the Crime of Genocide* has now been ratified by 153 United Nations Member States, demonstrating its significance. The most recent ratification was in July 2022 by the Republic of Zambia. **Article III of the Convention determines** as punishable, the acts of: Genocide, Conspiracy to commit genocide, Direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide. Some UN Member States who have ratified are yet to fully domesticate genocide and other international crimes in their Criminal Codes, which limits the space to address the crimes even when they are allegedly committed in the country. We must also keep supporting those United Nations Member States who have not yet ratified to do so.

The International Community and the United Nations have also been instrumental in setting the judicial mechanisms necessary to determine genocide as a crime. These include the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Genocide is also defined as an international crime in the Rome Statute of the International Criminal Court (ICC). The International Residual Mechanism for Criminal Tribunals, continuing the ICTY and ICTR's jurisdiction, and the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, a UN-assisted tribunal, also have jurisdiction over genocide as defined in the Convention. Some States have also criminalized genocide in domestic law. In a 2021 landmark trial, Frankfurt's Higher Regional Court sentenced a member of Da'esh for the crime of genocide in a verdict that constituted a first against a member of Da'esh for the commission of this crime.

The country of Gambia also brought a case against Myanmar at the International Court of Justice regarding the 2017 violence against the Rohingya Muslims, by utilizing the provisions of the Genocide Convention and the mandate of the ICJ to settle disputes related to it.

Denying or distorting the facts of the Holocaust, and the Genocides in Srebrenica against the Muslims and Rwanda against the Tutsi

Many however, continue to live under a perpetual state of alert to the commission of these crimes on them, prepared for the worst. This is an intolerable existence. This is even more so where these crimes, despite having been conclusively proven in lengthy legal processes to have happened, continue to be denied. The deniers ignore historical facts and judicial decisions. The persistence of speech denying or distorting the facts of the Holocaust, and the genocides in Srebrenica, Bosnia-Herzegovina against the Bosniak Muslims and in Rwanda against the Tutsi is a concern the United Nations is confronting. To this end, last year, my Office, in partnership with the Jacob Blaustein Institute published a policy paper, *Combating Holocaust and Genocide Denial, Protecting Survivors, Preserving Memory and Promoting Prevention* https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf pointing out that denial of past atrocity crimes is a warning sign of societal fragility and of the potential for violence.

It is right that we remember the crimes that were committed, in the Holocaust, in Rwanda, in Srebrenica. It is right that these crimes are properly registered and documented. It is right that we pay attention to the spaces and to the processes that led to the commission of those crimes. It is

right that we archive and study the information on these crimes. It is right that we understand the risk factors and indicators that led to these crimes. In so doing, we shall remain vigilant and ensure support non recurrence and take prompt action when such risk emerges.

Beyond judicial action

I acknowledge the importance of judicial action so that victims find some measure of redress and all allegations find their day in court. Accountability constitutes an important step on the path towards prevention of future crimes. Justice alone, however, is insufficient to heal a society, yet no healing is possible without justice. We also do live in realities in which reliance upon legal defenses can only be used where the rule of law and orderly political change is fully accepted, and Constitutional safeguards are sometimes not enough to resolve cultural tensions and racial injustices.

The global challenges and opportunities we are facing require action at all levels, from government level to communities and I will mention a few initiatives we are working on. At the United Nations, the Secretary-General has made combatting hate speech a priority through the Strategy and Plan of Action on Hate Speech that he launched in June 2019. As the UN Focal Point on Hate Speech, my Office coordinates efforts in the UN in line with this Strategy. We support UN field presences globally to develop and implement national action plans on countering hate speech and preventing atrocity crimes. We also work closely with UN Member States, regional bodies and civil society supporting their efforts to tackle hate speech, in line with international human rights standards, and the right to freedom of opinion and expression. Globally, my office also works closely with tech and social media companies on their role in countering online hate speech. Offline and online hate speech, is a risk factor for atrocity crimes, including genocide. The social media dynamic of online hate speech may be global, but consequences are local and directly affect the way people relate.

Here in America, on October 27, 2018, Pittsburgh, Pennsylvania witnessed the deadliest anti-Semitic attack in United States history. Pittsburgh community leaders, determined to be remembered more for their global leadership against hate and not just the terrible act of hate that happened in their midst meet annually for *The Eradicate Hate Global Summit*. I attended two Summits and met the Pittsburg leaders as well as survivors from Buffalo, where a gunman killed 10 people and wounded three in a racist attack at a grocery store in a predominantly black neighborhood. In Pittsburg and Buffalo, the shooters posted hate messages online, mentioning the communities they wished to destroy. We have since created, in partnership with these communities, a *UN-Summit Sport Working Group* composed of representatives of various sport leagues and partners who include the Pittsburgh Steelers, Major League Baseball, Boston Red Sox, Fenway Sports Group, Buffalo Bills, Major League Soccer, National Football League, Buffalo Sabres, United States Women's National Soccer Team, the Pittsburgh Penguins, the Pittsburgh Pirates, the National Association for Stock Car Racing (NASCAR), Major League Soccer (MLS), National Basketball Association (NBA) Women National Basketball Association (WNBA), Ultimate Fighting Championship (UFC) National Hockey League (NHL), Pegula Sports and Entertainment, the Anti-Defamation League Sports Leadership Council and CNX Sports. Outside of the US, we also have Liverpool Football Club.

To commemorate the 74th anniversary of the Dec 9th, 1948, *Convention on the Prevention and Punishment of the Crime of Genocide*, the UN Secretary General launched our *UN-Summit Sport Working Group Plan of action for countering hate speech through engagement with sport*, based on the *UN Strategy and Plan of Action on Hate Speech* and fully aligned with international human rights law, in particular the right to freedom of expression and opinion. It will be shared with sport leagues and athletes around the world. *The UN-Summit Sport Working Group looks forward to engaging with sports communities here in Michigan.*

My office has also launched two initiatives on the role of education in atrocity prevention. In 1947, the first United Nations report on discrimination emphasized that “the whole field to prevent discrimination requires a vast programme of education.” Global challenges and opportunities for the prevention of genocide often present contradictions through education. As happened in the apartheid system in South Africa, where racist ideologies were manufactured in Universities, education can retain and reinforce racial injustice.

The work we are doing supports positive outcomes on the development of syllabus and learning materials for university courses on the prevention of atrocity crimes, genocide, war crimes and crimes against humanity. This covers global standards and good practices in atrocity prevention with detailed contextual focus on approaches and good practices to atrocity prevention. We now have a course, currently being piloted in two universities in Chulalongkorn University, Thailand and Gadjah Mada University, Indonesia. My Office has also supported the integration of atrocity crimes prevention into secondary school education through development of a teacher’s manual and through training of teachers from Cambodia, Vietnam, and Thailand. A similar project is also being supported in the Africa region, where scholars met in Dakar, Senegal, to develop curriculum. The initiative is interdisciplinary and focuses on how genocide prevention can be integrated as part of university learning, not only in legal or political studies, as is often the case, but rather making it a fundamental course for all students, linking it to multiple subjects and disciplines. We plan to expand this initiative to other regions and create a global network of educators and scholars on atrocity prevention.

I strongly believe that placing communities at the core of prevention of genocide when sufficiently and sustainably supported, can be instrumental to effective action on racial injustices. It is imperative that those with influence in communities - political, religious, community and civil society leaders, - be agents of transformation, contribute to changing narratives and encourage everyone to do their part to advocate for, build and sustain a coexistence based on racial justice and prevention of genocide. The strength of community stakeholders lies in their in-depth knowledge of the local context, and their ability to detect risk factors and warning signs much sooner. In my Office, we have developed specific initiatives in this regard. We have a Plan of Action for Religious Leaders and Actors on their role in preventing incitement to violence, the “Fez Plan of Action” that could lead to atrocity crimes. We are developing a similar Plan of Action for Traditional Leaders. Supporting groups that represent women’s interests and promote women’s rights to advance racial justice is one of the priorities I have made in the discharge of my mandate and our Plan of Action on the role of women in atrocity prevention will be launched in New York in May this year.

What then must we do?

Ending racial injustice and preventing genocide begins with being knowledgeable.

We must keep commemorating, keep organizing, not only to honor and keep the memory of the victims alive, but also as a reminder that so long as racial injustice exists the risk of genocide remains real. We must keep asking difficult questions on what feeds racial injustice; unpack the fear of difference, vested interests, mythologies of racial purity, and of course, domination. We must not tire of examining how racial injustice manifests, what its effects are, how it can be addressed and countered. How do we emphasize existing historical precedents promoting racial justice? How do we emphasize honest attempts to apply the principles of social equality while renouncing the advantages of exploitation? How do we address stereotypes held by both minorities and majorities?

The UN Secretary-General, Antonio Guterres, in his **Common Agenda** has called for a new social contract for the world, which integrates employment, sustainable development, and social protection, based on equal rights and opportunities for all. The Common Agenda needs the support of the world. Ultimately, despite international legal standards prohibiting inequality and discrimination, national practice at enforcement continues to be difficult. We still require huge amounts of political will, education, advocacy and above all research into what discriminatory practices societies are outraged by and why, the complexity and diversity of racial injustices in many countries including racial discriminatory practice and the grounds for discrimination. We must keep working with academic communities to acquire knowledge on linking racial justice to the prevention of atrocity crimes. As Dr Martin Luther King said, **“the alternative to strengthening the United Nations and thereby the whole world, may well be a civilization plunged into the abyss of annihilation.”**

Part of what we can do every day individually as part of this global response is to do what Martin Luther King’s mother did, keep teaching children in the world experiencing racial injustice to feel a sense of “somebodiness” even as the system stares them down, telling they that they are “less than” and “not equal to.” In this way, we too can raise Dr. Kings who challenge inequality, discrimination, and segregation.

Often, when I reflect on the roles we now play in ending racial injustice, I know how difficult it is to imagine what the world might have been had it not been for the Dr. Martin Luther Kings and the Rosa Parks and those who worked alongside them to advance equal rights and justice, fighting deeply rooted racism and segregation. And for their inspiration to us, we can only say thank you. Because it is the sense of ‘somebodiness’ and self-respect they gave us that enable the pledge to keep fighting racial injustices.

I would like to end by saying thank you to you all, once again. Racial injustices are linked to the commission of the crime of genocide, and they affect us all globally, directly, and indirectly. Racial injustices are a global reality requiring a global response. Dr Martin Luther King on whose infinite wisdom I will draw once again, reflected on what he called “the *inescapable network of mutuality*” saying; *‘We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.’*”

I thank you.

