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Genocide

whose responsibility?



A Responsibility to Protect

At the end of World War II, world leaders, horrified by the mass killings of Jews perpetrated by the Nazi regime, adopted the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide*, now known as the *Genocide Convention*. In it, world leaders for the first time criminalized genocide and committed themselves to prevent and punish it. They made a solemn declaration never to let it happen again – but it did, in Bosnia and in Rwanda.

In 1949, the four Geneva Conventions were adopted, among them the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. States parties undertook to punish wilful killing, torture or inhuman treatment, including biological experiments, willfully causing suffering or serious injury to body or health, unlawful deportation or transfer of protected persons. Other international legal instruments also make individuals criminally responsible for committing war crimes (acts against protected persons or property, such as non-combatants, prisoners of war, certain buildings or areas), as well as for committing crimes against humanity (such as murder, rape and torture as part of a widespread or systematic attack on a civilian population). Despite these treaties, violations have happened in many conflict-ridden countries around the world, such as the former Yugoslavia, Cambodia, East Timor, Sierra Leone and the Sudan.

On 16 September 2005, at the United Nations World Summit in New York, all Member States affirmed their 'Responsibility to Protect' people from genocide, ethnic cleansing, war crimes and crimes against humanity. This commitment was triggered by a recognition that the world community had failed to prevent such crimes and needed to find new ways to ensure that they could.



A German soldier shoots a woman and child, Eastern Europe, circa 1941. Perpetrators of genocide do not respect age, sex, occupation, religion or status. Women, children and old people are all killed. Source: USHMM. Credit: Jerry Tomaszewski


The Responsibility to Protect embraces three specific responsibilities:

- to prevent
- to react
- to rebuild

Source: Report of the International Commission on Intervention and State Sovereignty, 2001

Background picture: Genocide survivor at Bwamba, Rwanda, where tens of thousands of Tutsis fought back against their killers with sticks, axes and knives. Of an estimated 50,000 who took refuge at Bwamba, very few survived. © Anja Thiel/Janet Smith

Defining the Crime



In 1933, the lawyer Raphael Lemkin, a Polish Jew, urged the League of Nations to recognize mass atrocities against a particular group as an international crime. He cited mass killings of Armenians in the Ottoman Empire during World War I and other events in history. He was ignored. A few years later, the Nazi regime murdered more than 6 million Jews including Lemkin's own family.

In 1943, Lemkin created a new word to describe such mass killing. He combined the Greek and Latin words, 'geno' (race or tribe) and 'cide' (killing). He proposed the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, approved in 1948.

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting conditions calculated to bring about its physical destruction
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group

From Article 2 of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide

Genocide does not only involve direct violence. It can involve creating conditions – such as starvation – that will kill people. It is usually committed by a government or a group of individuals with political and military power. The Convention has universal character because it confirms principles that are so fundamental that no nation may ignore them.

Promises vs Prevention

The Genocide Convention requires governments to prevent the intentional killing of members of a group at risk. Yet atrocities have recurred on a vast scale. Sometimes arguments about whether particular atrocities amounted to genocide, and whether states had any obligations to prevent them if they didn't, became an excuse for inaction – especially during the genocide in Rwanda.

Genocide usually happens inside national borders. Sometimes, for other states to end the genocide, they would have to cross those borders using force. Some governments have argued that intervention is against the UN Charter requirement that states respect the right of other states to run their internal affairs without interference – their sovereignty. In 2000, UN Secretary-General Kofi Annan asked world leaders: If intervention to stop atrocities was "an unacceptable assault on sovereignty," how should the world "respond to a Rwanda?"

To answer this, Canada with the support of several other Member States set up an international commission that offered a new understanding of the link between state sovereignty and a state's responsibility to its people. The commission argued that people's need for protection, and the state's responsibility to provide it, should always come first.

"State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself... [I]f the state in question is unwilling or unable to protect its people, the principle of non-intervention yields to the international responsibility to protect."

From the Report of the International Commission on Intervention and State Sovereignty, December 2001



Belgian troops evacuate foreign nationals, Kigali, Rwanda, early April 1994. Some military experts believe that if the foreign troops used in the evacuation had stayed, there would have been enough troops to mitigate the genocide. © Agence France Presse

United Nations 2005 World Summit

At the UN World Summit in September 2005, all UN Member States affirmed this commitment to their 'Responsibility to Protect' people at risk stating:

"Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity... We accept that responsibility and will act in accordance with it. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter... to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

From World Summit Outcome Document



African Union troops listening to the concerns of villagers in Bahrak, South Darfur, 11 May 2004, following attacks on neighbouring villages. An International Commission of Inquiry set up under Security Council resolution 1564 (2004) found that crimes against humanity and war crimes have been committed in Darfur. In early 2007, negotiations were ongoing for the underfunded African Union Mission in Sudan (AMIS) to be replaced by an AU-UN hybrid force with the mandate and resources necessary to protect civilians. © AFP



In 1998, at the International Criminal Tribunal for Rwanda, former mayor Jean Paul Akayesu became the first person ever convicted of genocide, and the first person convicted of rape as a crime against humanity. Systemic rape took place in Bosnia and Rwanda. It is now recognised as a key feature of genocide. © AP/Wide World Photos

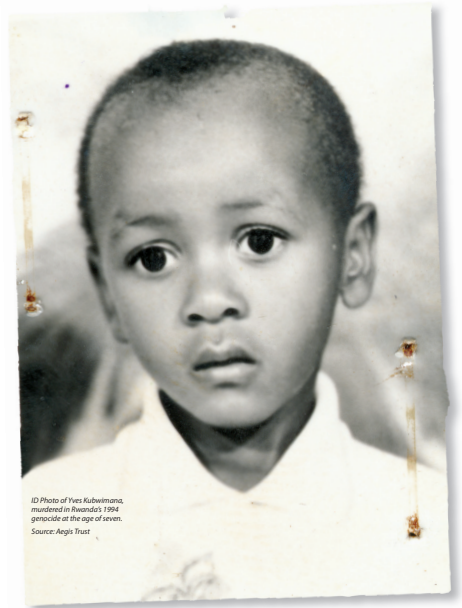
Making a Difference

While governments bear the bulk of this responsibility, the media and every sector of the public can play an important role. People can lobby their governments to honour this responsibility to protect and come to the aid of civilians at risk anywhere in the world. If people hold their governments to this commitment, then we can prevent future mass atrocities. Civil society groups and the media can help warn communities of impending genocide. Such groups can help fight the hatred and discrimination that leads to exclusion and killings. Individual and collective actions can make a difference.

We all have a responsibility to protect.



Learn how to make a difference. Visit www.un.org/peacekeeping for more information.



ID Photo of Yves Kubwimana, murdered in 1994 genocide at the age of seven. Source: Agis Trust

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