

Leadership, Genocide and War Crimes. An African Perspective

"Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights."

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On June 30th the African Union summit meeting at Equatorial Guinea voted the "Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights." It maintains that while in power, African leaders and "senior officials" are not subject to prosecution for genocide, war crimes, or crimes against humanity. In principle the Protocol mirrors the judicial realities of Canada and the U.S. which assure our heads of state immunity, but less overtly.

Africans are creating an African Court as an alternative to NATO's International Criminal Court which has chosen African leaders to call to account. So to grant their heads of state immunity to charges of genocide is a defensive measure objecting to a post-colonial assertion of European and American controls. This Protocol is protested by International NGO's, and strongly by Amnesty International which has since its inception in 1961 applied our moral precepts to countries which have rejected the empire's direct colonial rule.

In Canada and the U.S. the leaders make themselves invulnerable to charges of genocide, through manipulation of the legal system and perception management of the public. U.S. Reservations at ratifying the Convention on Genocide suggest the U.S. will decide whether charges of genocide can be applied to the U.S.. Under Canadian law the Minister of Justice's approval is required before the head of state (who appoints the Minister of Justice) can be charged. In both countries, the political and judicial institutions necessary to pursue charges of genocide against top officials are so deeply part of a genocidal matrix no charges have successfully been laid through the wars and destruction of the Republic of Yugoslavia, Afghanistan, Iraq, - violating the Convention's prohibition against destruction of a national group. In Canada policies furthering the destruction of aboriginal peoples seem unstoppable by legal means. U.S. policies supporting the massacres of indigenous people in Guatemala among other Central and South American countries, and the support for Israel of both countries shows at least a complicity in genocide.

Is it that African leaders are more honest than the political leaders of Euro-American countries ? While not challenging the U.N. "Convention on the Prevention and Punishment of the Crime of Genocide," African countries are attempting to protect the continuity of their own governance through a time when powerful NATO countries have politicized the use of the Genocide Convention beyond a primary concern for justice. Prosecutions by the International Criminal Court too often assert punishment of African leaders opposing Euro-American policies. Former Cote d'Ivoire President Laurent Gbagbo was indicted while his replacement with IMF and Euro-American backing harvested the results of all the crimes

against humanity traced to both sides of a conflict (instigated by the aggressor – the new president). The ICC still has Bashir of Sudan under indictment, while the tragedies of Sudan's population losses serve Western policies of resource accumulation. Baldly, the founding of South Sudan created an African country with a European name, and no need for autonomy other than its service to international interests. In Libya, the Democratic Republic of Congo, and Central African Republic, issues of genocide rise directly from destabilization by foreign interests seeking resources. These are not African genocides, but Western genocides in blackface.

The legacy of European colonialism is the manipulation of African population groups in countries formed not by native tribes, but a colonial division of the spoils.

African leaders recognize the service to corporate Western interests of what is currently NATO's International Criminal Court. Western NGO's and news medias subscribe to a first world development program perfectly willing to use genocide tactically, and as a propaganda tool for waging war.

The difficulty is also that the decision of the African leaders betrays the Convention itself with a violation of its text and meaning. Article IV states "Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." While the UN Convention might apply only to African countries participating in the Convention, the Convention was intended to apply to leaders and government officials. While African countries can make law it may not be adhered to by courts outside Africa, which in a sense imprisons African leaders within the continent.

The well-respected Gerald Caplan's "Africa's Big Men betray it still," in The Globe and Mail summarizes for Canadians colonialism's historical arrogance toward all things African which are simply not European. This maintains a notion that African leaders are somehow the intellectual property of Westerners, good or bad through their service to Western values and economic interests. After the African Independences, Caplan finds African leaders betraying their people by brutalizing them. Hello ? At least they were not "brutalized" as slaves. He traces all the catastrophe's and wars of modern Africa to its leadership as well as the leaders' mismanagement of buyouts by Western governments, corporate and military interests.

To offer another perspective: the leaders of African independences were brave, clever, and betrayed by their interface with world markets and resource demands firmly in the pockets of Europe and the West. That their countries now receive any portion at all of their resource revenue is a tribute to each. In 'countries' where the European-made boundaries contradict the reality of tribal areas, indigenous rule for thousands of years was based on village and tribe, on families. African leaders differ from deracinated rulers in North America for example, whose loyalties are economically and politically based. When an African leader fails his entire tribal and allied group become at risk. Where the political matrix is tribal, political contention becomes tribal in a manner Westerners understand as genocide.

Yet genocide is a European concept. Without Europe's example, both under the Nazi's and in its dehumanization and massacres of colonized populations, African bloodshed could be understood as tribal wars. Currently genocide becomes a relevant issue in Africa as a result of Euro-American actions. These consistently seek resource extraction, access, and control,

through destabilization. I would argue there are no instances of an African tribal group acting purely in its own interests, attacking another African tribal group. Even the Rwandan genocide(s) reflected massacres of groups which historically intermarried and adapted to each other on African soil.

So it's for Africa to find its own way to interpret and judge our Euro-American nightmare of "genocide."

It is almost impossible for a "white" Western press to put aside a sense of racial and intellectual superiority to fault African leaders for the simplest mechanisms of self defense against a misapplication of the Genocide Convention to tribal politics. Again and again (Sudan, Rwanda, Cote d'Ivoire, Democratic Republic of Congo, Central African Republic) former colonial and corporate interests manipulate African politics into destabilization intended to result in tribal killings that Europeans and Americans understand as genocide. Genocide has become a military tactic with a goal of conquest. These conquests aren't of one African country by another, but of the African countries by foreign interests. So to apply charges of genocide to ruling Africans is a political mechanism, often the result of an intentional program instigated by foreign interests and destabilization. An African court would protect those in power and possibly entire populations currently subjected to the military tactics of foreign aggressors.

This doesn't mean that some African leaders aren't criminal, or that their European and U.S. educations haven't empowered them to commit singularly Western crimes. Their crimes pale when compared to those of the Western leaders who initiated the destruction of the Democratic Republic of Yugoslavia, the bombings and invasions of Iraq, Israel's manner of subjugating the Palestinians, Canada's knowing destruction of its aboriginal world. Each Western leader would be charged with genocide if our laws allowed it and if the ICC were functioning as an organ of justice rather than control. Because NATO country leaders are not charged, the rule of law serves the guilty and the entire fabric of just societies is undermined.

As evident in the trials of Rwandans charged with genocide everyone is responsible for his/her actions under the Convention on Genocide. The people are held accountable for participation in programs of the powerful. The lesson of this for North Americans should be that in both the U.S. and Canada, application of the Convention on Genocide to our leaders and government officials should not be decided by the government but by plebiscite of the citizenry.

Notes

"Leaders at African summit vote to have immunity from war crimes and genocide prosecution," Heather Saul, July 2, 2014, The Independent;

"Africa's Big Men betray it still," Gerald Caplan, July 11, 2014, The Globe and Mail;

"Immunity for African Leaders?" John Campbell, July 9, 2014, Council on Foreign Relations; "Immunity from Prosecution for Genocide,"

Bruce Clark, July 7, 2014, Dissident Voice; ["North American game plans and the Convention on Genocide."](#) J.B. Gerald, May 23, 2013, nightslantern.ca.

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