

Naming Crimes: The Use, Misuse and Omission of Genocide

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Theme: [Crimes against Humanity](#),
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Hollow words run the world of diplomatic exchange. Such counterfeit currency is fundamental to understanding humanitarian law, where political figures stumble or walk tall depending on whether they should condemn, let alone combat, certain catastrophes.

The decision to use the “genocide” term to describe the operations of the Islamic State/Daesh forces provides another instance of how an important, though oft abused term, is used. The word’s very lexical origins were based on a neologism of contrivance, however brilliant it might have initially seemed. Bibliophile Raphael Lemkin gave it much thought, hitting upon the idea that eliminating races had been a historically neglected facet of international criminal law.

In 1946, Lemkin, writing in *The American Scholar* (Spring, 1946), expressed the view that “mass murder” would not be “adequate” to describe what Winston Churchill had claimed was “a crime without a name.” Terms such as “denationalization” were also deemed inadequate, since they did not “connote biological destruction”. It was thus necessary to come up with a word “made from the ancient Greek word *genos* (race, clan) and the Latin suffix *cide* (killing).”

The UN General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948. The diplomatic tug-of-war in the discussions are themselves an object study about how problematic the use of the word would become. Reluctance to embrace its implications was everywhere.

Countries, in other words, were far more interested in narrowing its application than fulfilling a larger scope intended by Lemkin. The Soviet Union wished to cull the crime of its political implications; the United States feared home-grown legal insurrection by its black population over segregation and the history of slavery. The latter would only ratify the Convention in 1987 via President Ronald Reagan’s signing of the Proxmire Act at O’Hare Airport in Chicago.

Attempts to enshrine the targeting and preventing of genocide have not historically gone well, beginning with the very premise of whether one could name it or not. The copy book on punishing this particular crime has been blotted by such non-efforts in Africa, which registers customary outrage among former imperial powers who only failingly intervene to rebottle the terrorist genie or pursue a relevant resource interest. Humanitarianism is only ever donned as a necessary costume to assuage populations back home that wrong is being set right by moralists with weapons.

Omitting the “G” word was very much on the political programs of states when it came to Rwanda in 1994. Then, when it started being used, it was segmented and qualified. US State Department spokeswoman Christine Shelly has become the poster girl for such behaviour, showing in June 1994 a conscious tip-toeing around questions by Reuters correspondent Alan Elsner on the erroneous difference between “genocide” and “acts of genocide”. “How many acts of genocide,” asked Elsner in vain, “does it take to make a genocide?”

Slaughter was permitted to take place without any systematic position. This was a backyard brawl that would sort itself out. It might even be subjected to Milan Kundera’s observation of an event “airbrushed out of history,” a point that Adolf Hitler was supposed to have made describing the previous fate of the Armenians before a group of commanders in 1939. “Who, after all, speaks today about the annihilation of the Armenians?”

Using the word can itself be a moral assertion, and with that assertion comes the requisite action. At least this is the theory – words generate expectations and the need for a physical component.

Designating a conflict as genocidal triggers a range of obligations, as implied by the Genocide Convention itself. The lawyers have to be mobilised; the police and military arms of the state must be readied for capturing the offenders, and more importantly, the imperative to take humanitarian measures might involve the use of armed force.

While the Clinton administration in the early 1990s showed reluctance to designate the entire nightmare of Rwanda to be genocidal, it was decidedly feverish with enthusiasm in using the “G” word regarding Serbian policies towards other groups as the former Socialist Republic of Yugoslavia crumbled.

Messianic sabre rattling, done ostensibly to target practices of genocide, would be repeated in subsequent theatres of conflict, depending on the alignment of various interests. In Libya, the Qaddafi regime was accused, rather unconvincingly, of perpetrating genocide on its population after its troops opened fire on protesters. According to Ibrahim Dabbashi, Libya’s deputy UN representative, the regime was committing “a real genocide against the Libyan people.”[1] The killing of members of the population had suddenly become a biologically charged mission, irrespective of evidence or assessment.

Secretary of State John Kerry has now shifted his attention to openly claiming that:

“in my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims.”

For Kerry, the very organisation was “genocidal by self-proclamation, by ideology and by actions – in what it says, what it believes, and what it does.”[2]

The assertion is complicated, not by the fact that Islamic State, or Daesh, as various western states have been advised to call it, are angels of international law, but by Kerry’s own admission that the evidentiary apparatus is incomplete.

Instead of wearing a legal hat, Kerry is distinctly taking the road of a political spouter:

"I say this even though the ongoing conflict and lack of access to key areas has made it impossible to develop a fully detailed and comprehensive picture of all that Daesh is doing and all it has done."

This may well be in keeping with a fine imperial tradition exemplified by a certain inability to identify weapons of mass destruction when needed, or verify instances of provocation in the Gulf of Tonkin which were subsequently proven to be false. Murderous as this looming entity is, the use of the term genocide to cover its actions seems neatly convenient, designed to exert pressure rather than assert an unconfirmed, legal reality.

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Notes:

1. <http://www.mcclatchydc.com/news/nation-world/world/article24612940.html>
2. <http://www.state.gov/secretary/remarks/2016/03/254782.htm>

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