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Session I – "Racism, Genocide, and Crimes Against Humanity: Assessing the Genocide Convention After 60 Years"

*The Genocide Convention 60 years later:
What have learned? What must be we do?*

Irwin Cotler

We meet at an important moment of remembrance and reminder – of bearing witness and of public warning. We come together:

- in the aftermath of the 60th anniversary of the Genocide convention – sometimes spoken of as the “Never again Convention” – and which has been violated again and again;
- on the occasion of the 15th anniversary of the unspeakable genocide in Rwanda – unspeakable because it was preventable – where 1 million Rwanda – mostly ethnic Tutsis – were murdered in less than 100 days;
- on the occasion of the 6th anniversary of the genocide by attrition in Darfur. It is astonishing that the crime whose name we should even shudder to mention – genocide – should be the “yet again” first genocide of the 21st Century, and that this genocide should have entered upon its 6th year; and
- on the eve of Holocaust Remembrance Day – the remembrance of horrors too terrible to be believed, but not too terrible to have happened.

And so, on this anniversary of anniversaries – of the obligation to remember and the duty to act – we must ask ourselves: What have learned? What must be we do?

As Kofi Annan lamented on the 10th anniversary of the Rwandan Genocide, “Such crimes cannot be reversed. Such failures cannot be repaired. The dead cannot be brought back to life. So what can we do?”

The answer is that the international community will only prevent the killing fields of the future by heeding the lessons from past tragedies. What then are these lessons? And, to paraphrase Kofi Annan: “What must we do?”

The first and enduring lesson of the Holocaust and the genocides that followed, from Srebrenica to Rwanda, is that they occurred not only because of the machinery of death, but because of the state-sanctioned incitement to hate. It is this teaching of contempt, this demonizing of the other—this is where it all begins. As the Canadian Supreme Court recognized, and as echoed by International Criminal Tribunals in the former Yugoslavia and Rwanda, the Holocaust did not begin in the gas chambers—it began with words. These, as the Court put, are the chilling facts of history. These, as the Court put it, are the catastrophic effects of racism.

In the aftermath of the 60th anniversary of the Genocide Convention, the international community must bear in mind – as the jurisprudence has reminded us again and again – that incitement to genocide is a crime in and of itself. Taking action to prevent it, as the Genocide Convention compels us, is not a policy option; it is an international legal obligation of the highest order.

The second lesson is the danger of indifference and the consequences of inaction. For genocide has occurred not only because of the machinery of death and a state-sanctioned culture of hate, but also because crimes of indifference and conspiracies of silence. What makes the Rwandan genocide so unspeakable is not only the horror of the genocide, but that this genocide was preventable. Nobody can say we did not know; we did, but we did not act. Just as no one can say that we do not know what is happening in Darfur. We know, but we have yet to act to protect the victims.

The third lesson is the danger of a culture of impunity. If the last century was the age of atrocity, it was also the age of impunity. Few of the perpetrators were brought to justice. Just as there cannot be a sanctuary for hate or a refuge for bigotry, neither can there be a haven for war criminals and for perpetrators of the worst of crimes against humanity.

The International Criminal Court’s indictment of Sudanese President Omar al-Bashir last month – the first time ever that an ICC arrest warrant has been issued against a sitting head of state – was a historic judgment in the struggle against impunity. Never before had the court so boldly expressed the

principle that “nobody stands above the law.” Yet this judgment remains to be enforced. President al-Bashir’s defiance of the arrest warrant – and his deplorable banishment of humanitarian aid groups providing desperately-needed water, food, health care, sanitation, and assistance to millions of people – followed by travels where he was welcomed as a head of state in foreign countries – only nurtures the culture of impunity that the ICC sought to curtail. The ultimate value of al-Bashir’s arrest warrant will not be measured in the legal precedents it creates, but the international action it compels.

The fourth lesson is the danger of assaults on the most vulnerable in society. The Holocaust and genocides that followed occurred not only because of the vulnerability of the powerless, but also because of the powerlessness of the vulnerable – the brutalized children, the women victimized by massive sexual violence, the fleeing refugees – who are the first targets of oppression and violence. It is our responsibility to empower the powerless while giving voice to the voiceless, wherever they may be.

The fifth lesson is the cruelty of genocide denial—an assault on memory and truth, a criminal conspiracy to whitewash the worst crimes in history. In the most obscene form of genocide denial – as in the case of Holocaust denial – it actually accuses the victims of falsifying this “hoax.” Remembrance of genocides is itself a repudiation of such denial – which becomes more prevalent with the passage of time.

The sixth lesson is importance of remembering the heroic rescuers, like Raoul Wallenberg, those who remind us of the range of human possibility; those who stood up to confront evil, prevailed, and transformed history.

And so, may this Assembly be an occasion not only to remember – but to learn the lessons of the crime whose name we should even shudder to mention – and, most important: to act on these lessons.

Irwin Cotler is a Canadian Member of Parliament and Special Counsel in Human Rights and International Justice. A former Minister of Justice and Attorney General of Canada, he is Professor of Law (on leave) at McGill University.