

# A VOICE IN THE WILDERNESS



## Armenia moves to reinforce the UN Genocide Convention

By **HRATCH TCHILINGIRIAN**

**G**enocide shaped the founding of the "United Nations" said UN Secretary General Kofi Annan in a message on the occasion of the 50th Anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide. The legally-binding Genocide Convention was adopted in 1948 and entered into force in 1951.

In early December 1998, the 53rd General Assembly of the United Nations reaffirmed the significance of the 1948 Convention and unanimously adopted a resolution introduced by the Republic of Armenia (co-sponsored by five other states). The resolution calls upon "governments and the international community to continue to review and assess the progress made in the implementation of the Convention since its adoption, and to identify obstacles and the way in which they can be overcome, both through measures on the

national level and through enhanced international cooperation."

While the world community still grapples with the moral, political and human dimension of these crimes committed against humanity—from Africa to the Balkans—Armenia, which was at the verge of extinction and had suffered the first genocide of this century, appealed to the conscience of the world community—again. "Despite all advances in our civilization, the twentieth century is, unfortunately, replete with instances of genocide," declared Ambassador Movses Abelian, Armenia's representative to the United Nations. "For this reason," Abelian continued, "there is a need to take a fresh look at the Convention to try to determine why, on the eve of the third millennium, the world still bears witness to genocide and to discuss the ways and means of its prevention and punishment."

Ambassador Movses Abelian reminded

the General Assembly that this century began with the genocide of the Armenians in 1915, which has not been duly condemned by the international community since it was perpetrated over eight decades ago. The lack of condemnation and punishment has led other regimes to commit new genocides. He reiterated that the denial of the crime has become an extension of the genocidal process, often reinforcing the victims' sense of insecurity, abandonment, and betrayal.

"In order not to allow ourselves to come to a point when there is no one to speak up," said Abelian, "We have to intensify our efforts, collectively or individually, to bring to justice those responsible for genocide and crimes against humanity. We must do all we can to replace the law of force with the force of law."

Recognition of the victims' suffering, condemnation of the crime by the world

community, and finally, most important, expressions of regret and apology from the perpetrators are the essential parts of full justice to the victims and final healing of nations. As Armenia's Ambassador stated to the General Assembly: "Denial of the deniers has much to do with their initial suc-

integration process of the [Ottoman] Empire has taken two centuries." He concluded saying that "The past should teach Armenians the benefits of peace." Ambassador Abelian, while stating that "it was not the intention of the [Armenian] delegation to open a discussion on the Armenian Genocide and its



Foreign Minister Vartan Oskanian and Ambassador Movses Abelian at the United Nations General Assembly

cess and brazen behavior. It has become especially characteristic of the 20th century genocide, particularly those of the beginning of the century, when no international legal framework had been established for the punishment of the crime of genocide." As such, Armenia, with an experience of over eight decades of denial by successive Turkish governments, welcomed the establishment of the International Criminal Court earlier in 1998 as "a vital step towards mechanisms" that would provide the ultimate guarantee for the protection of human rights and bring those responsible for crimes of genocide to justice.

The Armenian representative's references to the Armenian Genocide angered the Turkish representative who argued, in line with long-held Turkish official position that, "There was no doubt that thousands of Armenians and Turks have perished during the tragedies that were mentioned. The dis-

recognition," replied to his Turkish counterpart with "the 'dialogue with the past' which sometimes is difficult to sustain." He warned that "the urge is strong to speak of [the crime] as an event in the past, a specter to be drawn from the well of past history only on special occasions." This falls short of connecting the past with the present and "muffles the message to be passed between generations if the lessons are be mastered."

"Preventing and punishing genocide is never a matter for one nation only," said Secretary General Annan, "It is the duty of all humankind." He challenged the world community to "undertake to end this ultimate denial of human rights, and the impunity that has allowed it to continue." As for the survivors, Annan declared: "We cannot restore life to the victims. But there is one fitting way to honor their memory. This time we must mean it when we say: 'Never again!'"

## The Convention on the Prevention and Punishment of the Crime of Genocide

The 19-article Genocide Convention states that genocide, whether committed in time of peace or in time of war, is a crime under international law. It defines genocide as any of the acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, including by killing its members; causing them serious bodily or mental harm; deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

In addition, the Convention obligates Contracting Parties (states) to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in the Convention.

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in the Convention, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Source: United Nations High Commissioner for Human Rights.