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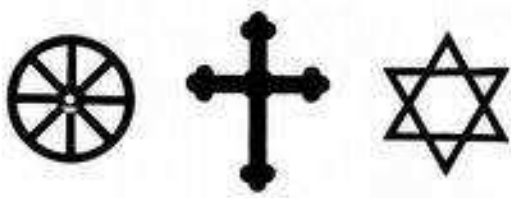
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* **Topola (Топола)**, noun — **Poplar** [Lat. *Populus*]; the “Poplar of Horror” was a poplar tree located at the bank of Sava and Una rivers, used as gallows by the executioners from the Jasenovac concentration camp.

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Студије о рату и геноциду

Studies of War and Genocide

Genocide in the Age of Post-Truth: A Brief Introduction to Semantics

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Abstract: Throughout the twentieth century's warfare, along with the innumerable atrocities committed around the world, arose the necessity to define the ultimate violation of human rights and "the crime of crimes" under international law. If a mass murder proves genocide, it will theoretically impose an obligation for international institutions to intervene and prosecute such cases. The aim of this essay will be to stipulate a brief overview of the utilization and definition of the term "genocide" as well as to highlight some of the key aspects of the Genocide Convention introduced under the auspices of United Nations in 1948. Moreover, some of the main explanations for the politicization of genocide will be offered. To conclude, authoress will provide predictions about the outlook of this phenomenon as well as its perception, considering the changing nature of modern warfare.

Key words: genocide definitions, 1948 Genocide Convention, International law, politicization of genocide.

Introduction

The¹ twentieth century was the time of the fastest advancement of science and technology on a global level. Never before has human life changed so drastically in such a relatively short interval. Unfortunately, it was also a century that brought two greatest and numerous other wars with a myriad of casualties and infinite sufferings. Introducing the term

¹ "Post-truth, adjective: Relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion or personal belief", see at online *Oxford Living Dictionaries* at <<https://en.oxford-dictionaries.com/definition/post-truth>> (accessed March 3, 2018).

“genocide” into legal and political sphere had a purpose to incriminate a particularly severe massive murders intending to annihilate a religious, national or other group. This essay’s goal is not to offer a comprehensive exploration of the genocide nor to engage in mundane discussions which atrocity should bear this denotation. Rather, the aim would be to provide an overview of the notion utilization as well as to explain its enormous significance in contemporary international relations.

The efforts to create imperative legal rules binding for more participants in the international realm began in the period between the two world wars with the creation of the League of Nations, a precursor of contemporary Organization of United Nations. Although League failed to prevent Second World War,² this intergovernmental organization left a lasting impact on the subsequent development of the international law, especially its pivotal part: human rights protection. It was the first universal organization with a task to maintain peace in the world by supporting collective security and disarmament, representing fundamentally different entity from any of its predecessors. The League worked on the suppression of arms trade, human and drug trafficking but also actively sustained the improvement of labor conditions, public health as well as protection of prisoners of war and minorities in Europe. Moreover, this organization provided a valuable experience in the international affairs, creating a sound ground for the foundation of the United Nations in the war aftermath. Unfortunately, neither UN achieved a goal of building a war-free world. However, its enormous significance is found in the establishment of a wide network of organizations and agencies, constantly working on general improvement of living conditions globally. Likewise, under auspices of the UN system began a rapid codification of the international law, unimaginable in the previous period. From the position of an individual, albeit not the primary subject of the international legal system, it was unquestionably a strong promise for the safeguard of basic human rights.

It is noteworthy to mention that when it comes to hostility effects alleviation, the Hague Conventions (from 1899 and 1907) and later, Geneva Conventions (four treaties adopted between 1864 and 1949) as well as pertaining subsequent protocols, brought forward series of rules for belligerents, establishing modern international humanitarian law. This *ius in bello*

² Qizhi He, “The Crucial Role of the United Nations in Maintaining International Peace and Security”, *The United Nations at Age Fifty: A Legal Perspective*, ed. by Christian Tomuschat (The Hague, London, Boston: Kluwer Law International, 1995), 77-8.

or the law of armed conflict strived to protect people who did not or did not any longer participate in the combat including wounded and sick soldiers, shipwrecked members of armed forces at sea, prisoners of war, and finally-civilians.³ Nevertheless, those rules did not prevent the death of millions of civilians during the World War II and thus emerged the need for an international instrument that would protect large groups of populace in a potential threat because of their belonging to a specific group.

The Birth of the Word and Convention

Even though massive annihilations of communities were carried out throughout the known history of the mankind, the term “genocide” is relatively new. Raphael Lemkin (1900-1959), a jurist of Polonized-Jewish descent first coined the word from the Greek *genos* (people, race, kind) and Latin suffix *-cide* (murder) in his 1944 widely acclaimed book *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.⁴ The author suggests that “genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation.” Further, he adds that it will “signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups”, explaining that “the objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups”.⁵ By way of explanation, Lemkin introduces the existence of an important element of the genocide definition: coordinated intention to

³ The Hague and Geneva Conventions are considered customary international law, applicable to every armed conflict. Nonetheless, the Additional Protocols to Geneva Conventions from 1977, containing detailed protection of *ius in bello* in the modern warfare environment are still not ratified by a number of states perpetually engaged in armed conflicts. The consequence are violations of human rights on a large scale in spite of many international agreements’ existence.

⁴ Rafael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, Division of International Law, 1944), 79-95. <<https://babel.hathitrust.org/cgi/pt?id=mdp.39015005077436;view=1up;seq=123>> (accessed February 26, 2018)

⁵ *Ibid*, 79.

destroy not only a group but its essential life foundations as well (culture, language, religion, economy, etc.).

Lemkin himself was a fervent proponent of the prompt adoption of the international legal instrument related to the issue. In 1948 General Assembly of the United Nations indeed adopted the *Convention on the Prevention and Punishment of the Crime of Genocide*, which entered into force in 1951 (hereinafter referred to as “Convention”).⁶ This multilateral contract establishes that the genocide is the intent to destroy, totally or partially, a national, ethnical, racial or religious group by following acts: killing its members, causing serious bodily or mental harm to its members, deliberately exposing the group to the life-threatening conditions, imposing birth-control measures as well as forcible transfer of the children of the group to another.⁷ Moreover, subsequent article enumerates acts related to genocide, specifying that not only genocide *per se* but also conspiracy or attempt to commit it, its public incitement as well as complicity shall be punishable.⁸ Convention also stipulates that persons accused of abovementioned crimes shall be tried either by a State tribunal where the act was committed or an international penal tribunal which jurisdiction Contracting Parties shall have accepted.⁹

To be sure, the commonly embraced Convention definition excludes one rather important kind of group: political dissidents. The latter fact indeed raises questions since ideology represented the major reason for persecution and possible genocide of a group. Nevertheless, reportedly it was a compromise with the Soviet Union officials, who wanted to assure that their 1930s massive purges of political opponents remained an internal issue. William Schabas, a renowned genocide scholar, contends this claim stating that a number of other states shared this opinion about political groups’ omission from the Convention (Belgium, Brazil, Egypt, Lebanon, Sweden, to name but a few).¹⁰

⁶ As of December 2017, 149 states have ratified or acceded to the agreement. Please consult the text of the Convention as well as signatory states’ status at <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-1&chapter=4&clang=_en.> (accessed February 26, 2018).

⁷ Article 2 in *ibid.*

⁸ Article 3, *ibid.*

⁹ Article 6, *ibid.*

¹⁰ William Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press, 2009), 160.

Defining the atrocity

Seemingly many authors agree on one key characteristic: the *differentia specifica* of a genocide is *the intention* to annihilate in part or totally members of a given community and it does not have to suppose the actual physical destruction of the latter. Even though the Convention is the most preferred reference point, many scholars, being aware of the exclusion of political killings as well as monstrous diversity of atrocities, proposed their own genocide definition, each emphasizing an aspect of the notion. For instance, Pieter N. Drost, a renowned Dutch international lawyer, was among the first experts that admonished the Convention, advancing that genocide “is the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such.”¹¹

On the other hand, some authors utilize biological or bureaucratic factors as dominant criteria. Helen Fein, acclaimed sociologist, highlights the forceful prevention of the biological and social reproduction suggesting that it “is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim”.¹² Another sociologist, Irving L. Horowitz, put the State in the focus of his interpretation of notion claiming that it is “a structural and systematic destruction of innocent people by a state bureaucratic apparatus.”¹³ Similarly, Frank Chalk’s research definition asserts that “Genocide is a form of one-sided mass killing in which state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator”.¹⁴

Precisely the aforementioned “innocence” of the victims is a relevant part of the psychologist Israel W. Charny elucidation of the term. He argues as follows: “genocide in the generic sense is the mass killing of substantial numbers of human beings, when not in the course of military action

¹¹ Pieter N. Drost, *The Crime of State: Penal Protection for Fundamental Freedoms of Persons and Peoples, Book II Genocide* (Leyden: A.W. Sythoff, 1959), 125.

¹² Helen Fein, *Genocide: A Sociological Perspective* (Thousand Oaks: Sage Publications, 1993), 8.

¹³ Adam Jones, *Genocide: A Comprehensive Introduction* (London, New York: Routledge, 2011), 19.

¹⁴ Frank Chalk, “Redefining Genocide”, *Genocide: Conceptual and Historical Dimensions*, ed. George J. Andreopoulos (Philadelphia: University of Pennsylvania Press, 1997), 52.

against the military forces of an avowed enemy, under conditions of an essential defenselessness and helplessness of the victim.”¹⁵ Charny includes in his proposed definitional matrix a notion of “cultural genocide” and “ethnocide” referring to intentional destruction of the culture of another people, as well as “linguicide” meaning “forbidding the use of or other intentional destruction of the language of another people”.¹⁶ Furthermore, some specifications of the term consider that a targeted group does not have to constitute a real community but to be defined by a genocide perpetrator as such.¹⁷

A growing body of literature discusses the interconnectedness of genocide and environmental degradation, or genocide which is a result of ecological destruction and abuse. It would encompass the cases of intentional destruction of environment but also negligent failure to protect against known hazards, such as accidents concerning radiation and nuclear waste, uncontrolled smog and water pollution. The category will also comprise the creation of the conditions leading to unnecessary starvation to death of millions of people that could be described as genocidal.¹⁸ Particularly exposed to such malpractices are former colonies in some African and Asian countries. However, it remains unclear which international legal mechanisms could be employed in such cases given that ex colonizing powers are still influential in the contemporary global arena, preventing their own accountability. One of the propounded models to resolve the aforementioned structural injustice is social connection model of responsibility which draws on political responsibility to remedy that injustice. As Iris M. Young suggests, all agents who contribute through their actions to the structural processes that produce injustice are responsible to redress this unfairness.¹⁹

Building upon the previous argument, some accounts argue about “the next genocide” provoked by so-called “environmental panic” as a consequence of climate change. As Timothy Snyder sets forth, the decline in

¹⁵ Israel W. Charny, “Toward a Generic Definition of Genocide”, *Genocide: Conceptual and Historical Dimensions*, ed. George J. Andreopoulos (Philadelphia: University of Pennsylvania Press, 1997), 76.

¹⁶ Charny, “Toward a Generic Definition of Genocide”, 77.

¹⁷ John Cox, *To Kill a People: Genocide in the Twentieth Century* (New York: Oxford University Press, 2016), 17.

¹⁸ *Ibid*, 84.

¹⁹ Iris Marion Young, “Responsibility for Global Justice: A Social Connection Model”, *Social Philosophy and Policy* 23, no. 1 (2006): 102-4.

food and other essential resources supply could incite new wars and genocides. He compares contemporary dilemmas with the one Nazi Germany had, claiming that Hitler as well spread ecological panic among Germans and saw the expansion of *Lebensraum*²⁰ as the only solution. Author concludes that today we have the same choice: to turn to science and find new technologies to compensate resource shortages or to elect ideology and war.²¹

Political significance of the notion

The word “genocide” bears an enormous moral and legal incrimination and thus became a single most employed notion to describe a mass murder event. It is the uttermost crime in the international law, stigmatizing heavily those accused of committing it. However, legal definition as provided in the Convention is sometimes rather imprecise transferring the decision to the judiciary authority: was there an intention to destroy a religious, ethnic or other group partially or totally and who is responsible? Needless to say that such a judiciary decision could be followed by controversy or denial that there indeed was such a horrific intention.

Some authors wrote extensively about the politicization of the genocide label, arguing that governments, intellectuals and mass media use double standards to denote war crimes. When they or their allies are responsible for the particular acts- it is not a genocide, and conversely, when those are enemy’s deeds- it would most certainly be.²²

In addition, due to contested provisions from the Convention and unwillingness to provide relief or intervention, some events that are mostly described as genocides did not receive necessary international intention.²³ While arguing whether a massacre could obtain a denotation of the ultimate crime and thus trigger the international response, the sequel are hun-

²⁰ German for “living space”. It is commonly defined as a crucial element of Nazi propaganda that inspired both their military actions and racial policy. For more detailed account of the concept please visit <<https://www.ushmm.org/wlc/en/article.php?ModuleId=10008219>> (accessed March 3, 2018).

²¹ Timothy Snyder, “The Next Genocide”, *The New York Times*, September 12, 2015 at <<https://www.nytimes.com/2015/09/13/opinion/sunday/the-next-genocide.html>> (accessed March 3, 2018).

²² Edward S. Herman and David Peterson, *Politics of Genocide* (New York: Monthly Review Press, 2010), 13-27.

²³ Scott Straus, “Darfur and the Genocide Debate”, *Foreign Affairs* 84, no.1 (2005): 123-4.

dreds of thousands deaths from execution, disease or starvation. Therefore the international community, that is, most influential members as well as United Nations, took a selective approach to proclaimed “responsibility to protect” civilians.

That is why Charny distinguishes four types of “political pressures” to define events of mass murder as genocide:

- Pressure to define it so that certain events would be excluded along with the responsibility of the perpetrator;
- Pressure to eliminate certain events from the definition for the purposes of realpolitik, such as interests in maintaining relations with the genocidal government;
- Pressure to define it so that a particular event of mass killing emerges as more “important” than another, representing the incarnation of evil in comparison to other genocides, which in this case result “as more usual”;
- Blatant denials and revisionism of historical events.²⁴

If indeed the twentieth century was a century of genocide,²⁵ it was as well a century of unprecedented mass media influence on public opinion formation. Proponents of the latter conception point that corporate-owned mass media have the immense power of directing our attention in the suitable direction, meaning the convenient omission of the genuinely relevant news that are deemed undesirable by the state-corporate nexus.²⁶ In that way, media essentially generate universal consent of a nation shaping effectively our opinions about what is moral and which atrocities are genocides.

Concluding Remarks

In conclusion, most probably the definition and genocide itself would further evolve in the posterity taking into consideration transformed nature of modern warfare. The traditional battlefield and guns would be at some

²⁴ Charny, “Toward a Generic Definition of Genocide”, 68-74.

²⁵ Mark Levene, “Why is the Twentieth Century the Century of Genocide?”, *Journal of World History* 11, no.2 (2000): 305-336.

²⁶ See the updated version of Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon Books, 1988), xxi-iv.

point replaced with the cyberspace and information, endorsing unconceivable possibilities to both help and destroy us. Lamentably, it would not prevent further suffering of the humankind but in the age of the post-truth while public opinion is not created by critically thinking individuals but by selected mass media news, it would be far more difficult to prove that genocide did occur.

Besides, scholarship predicts that new genocides may be environmental, that is, intertwined with deliberate or ignorant degradation and abuse of environment. It could lead to further deterioration of the developing countries' position, wherein people are still dying of preventable diseases and starvation. As Iris M. Young proposes, the mentioned structural injustice should be redressed with the social connection model, which draws upon the responsibility of all whose actions produce injustices to remedy them.

Any mass killing, whether it could be legally deemed as genocide or not, should be recognized as a crime against humanity and legally prosecuted. Nevertheless, in spite of an immense scientific engagement to provide an all-encompassing definition in the last few decades, the notion still provokes many disagreements among both intellectuals and politicians, mainly for two reasons. Firstly, the notorious variety of crimes against humanity impedes a simple classification.²⁷ Secondly, since it holds such an emotional weight and potentially serious legal consequences it is often abused for the purposes of *realpolitik*.

Neither universal organization, League of Nations nor United Nations, reach their goal of preventing wars, nevertheless, their efforts on other fields should not be underestimated. By creating a dense network of intergovernmental organizations and agencies dedicated to improving life conditions and striving to provide relief to those in need, as well as being umbrella organization of many important international human rights treaties, United Nations remain the only, however imperfect, framework for solving world conflicts. Instead of focusing solely on punishment, the prevention of genocidal acts should be the corner stone of the future global peace.

²⁷ Mark Levene, "Why is the Twentieth Century the Century of Genocide?", 311.

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Ана Ђирић Павловић

Геноцид у времену постистине:
 кратак увод у семантику

Будући да је кроз ратове двадесетог века почињен неизрецив број масовних убистава у целом свету, јавила се и потреба да се дефинише највеће кршење људских права и „злочин над злочинима“ међународног права. Наиме, ако се утврди да је одређено масовно убијање геноцид, онда теоретски постоји обавеза међународних институција да интервенишу и судски процесуирају такве случајеве. Циљ овог рада биће да обезбеди кратак преглед употребе и дефиниције појма „геноцид“, као и да нагласи неке кључне аспекте Конвенције о геноциду из 1948. настале у оквиру Уједињених нација. Такође, биће наведена нека објашњења о све учесталијој политизацији геноцида. У закључку, ауторка ће изнети своја предвиђања о будућности овог феномена и његове перцепције имајући у виду променљиву природу модерног начина ратовања.