

The application of the Convention on the Prevention and Punishment of the Crime of Genocide must be a 'living force in world society'

„Large countries can defend themselves by arms; small countries need the protection of laws.“ Raphael Lemkin, the Polish lawyer who gave the crime of genocide its name, knew well what he was conveying with that note as he approached the diplomats at the United Nations ahead of the first regular session of the General Assembly in 1946. It was a notion which haunted him well before the Second World War – from the history books his mother would read him, to the following of the 1921 trial of young Armenian Soghomon Teilerian. Why, Lemkin asked his law school Professor, is there a name for the killing of one person, murder, but none for the killing of several people on the basis of their identity? The horrors of the Second World War, in which he lost forty-nine members of his family, further refined his understanding that genocide – a crime without a name – was a coordinated plan with different actions aiming to annihilate individuals because they belonged to a certain identity group.

On 9 December 1948, the United Nations General Assembly adopted the [Convention on the Prevention and Punishment of the Crime of Genocide](#) - its first human rights treaty – by unanimous vote. It affirmed that genocide is a crime under international law, whether committed in times of peace or in times of war.

In just a few years, Lemkin named the nameless crime (using the prefix *Greek genos-*, meaning *race or tribe*, and the Latin suffix *-cide*, meaning *killing*), further defined it in hopes that it could be used at the Nuremberg trials, came to the United Nations to advocate for and contribute to the drafting of the Convention, and encouraged delegates to finally adopt this cornerstone text. Despite this recognition, Lemkin was not restful. “The nations which have ratified the Genocide Convention must now **make this convention a living force** in their societies by **introducing appropriate domestic legislation** which will carry in itself a great educational message of respect, love and compassion **for human beings beyond their boundaries, irrespective of religion, nationality and race.**”

Lemkin was on point and his call could not be more urgent today. As back then, ratifying the Convention constitutes a first step but it is far from being enough. Ratification must be followed by concrete implementation, including through domestication at national level through establishing national legal and policy tools aimed at identifying and addressing early warning signs and ensuring accountability when the crime has been committed.

We know today that the commission of genocide constitutes the end result of a process for which there are warning signs. We also know that whether or not States have ratified the Convention, they are bound by the principle that genocide is a crime under international law, and they have an obligation to prevent and punish it. In the 75 years since the adoption of the Convention, we have seen that when protection fails, it fails those who need it most. We are seeing this today, live-tweeted and streamed from more than a few places across the world. Yet, nothing is preordained, and no outcome is inevitable, and the call for prevention resonates today even more strongly when and where the risk of this crime is higher.

At this juncture time in history, while acknowledging the tremendous challenges which continue to hinder our collective ability to prevent and respond, we must also pause to reflect on the road that has been traveled. Since the moment of its adoption, the Convention has played a vital role in the development of international criminal law as we know it today. It defined the crime of genocide as the intended destruction, in whole or in part, of a racial, national, ethnic or religious group. The formal definition of the crime in the Convention has been subsequently included in the Rome Statute of the International Criminal

Court in 1998, as well as in the statutes of other jurisdictions, such as the International Criminal Tribunals for the former Yugoslavia and for Rwanda, and the Extraordinary Chambers in Cambodia.

It has been ratified or acceded to by 153 States. Yet, 41 United Nations Member States have not done so.

As every 9 December, which is now a date internationally marked as the Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, this year we will continue honoring all those who have lost their lives to genocide, the “crime of crimes.” On the particular occasion of this 75th anniversary, with the legacy of the Convention at hand, we are urging all nations to renew their commitment to the Genocide Convention as a ‘living force’ in our societies.

There is much work ahead, for which the lessons learned from these past 75 years must be brought to light. We owe this to all the victims of this heinous crime as well as to those in peril as you read these lines. Today and tomorrow, as much - if not more - than 75 years ago.

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