



THE ISG NEWSLETTER

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NORTH KOREAN GENOCIDE, NUCLEAR WEAPONS AND FOOD ASSISTANCE BY MILTON LEITENBERG

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Note: all references can be obtained by writing to the author at mleitenberg@umd.edu

In 1959 to 1961, deliberate policies set by Mao Zedong and the Chinese government resulted in the deaths by starvation of 30 million or more Chinese, with some Chinese estimates being substantially higher. The policy decisions were multiple and occurred both before and during the famine. Although the “national” group specified in Article II of the Convention on the Prevention and Punishment of Genocide was China’s own population, the Chinese events can justifiably be considered a case of genocide as the policies were clearly deliberate.

The same charge should therefore be leveled against North Korea as well. North Korean government policies, both the maintenance of Stalinist agricultural policies for the past 50 or more years and other policies, were unquestionably the cause of the famine in North Korea in the mid- to late 1990s. Estimates of North Korean mortality due to the famine ranged between 2 to 3.5 million in a population of 21-22 million.

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NORTH KOREAN GENOCIDE

This subject is current once again because North Korea appears to be threatened with famine due to the same causes that produced the 1990s famine. In 2011 North Korea asked for international food assistance. A recent report by the Congressional Research Service provides a summary of the total estimated food aid to North Korea between 1995 and 2009. During that period 75% of the food aid was being supplied by four countries: China, South Korea, the United States and Japan. Over 200,000 metric tons of food were supplied in 2009.

The international community should hold North Korea to account for denying its citizens the right to food and the right to life.

At the height of the 1990s famine, North Korea had an estimated GNP of approximately \$21 billion. By all international standards, it spent an astronomical proportion of that, over 26%, on military expenditure, roughly \$5 billion or more per year. But most importantly, the international food assistance provided to North Korea since 1995 permitted North Korea to carry through its entire nuclear weapon development and production program, as well as the development and production of the ballistic missile delivery systems for delivering these weapons. The food deliveries also permitted the survival of the North Korean regime.

The North Korean regime would not have been able to survive nor been able to afford its nuclear weapon and ballistic missile system if not for the delivery of external food assistance since 1995.

INVITATION TO READERS

Readers of the ISG Newsletter are invited to contribute their thoughts on interventions to prevent or stop genocides or genocidal massacres for the next issue of the newsletter. Send a letter of from 250 to 500 words; if you believe that you need more space, send an abstract of your contribution by September 30—letters are due by October 15: send to feinhelen@comcast.net as text in an e-mail and as an attachment. We do not do footnotes—indicate your source in parentheses if necessary.

GPN GENOCIDE PREVENTION NOW ISSUE 9 PUBLISHED

Israel Charny
Institute on the Holocaust and Genocide

Issue 9 presents special sections on i) Iran's nuclear danger and ii) legislation against denials of genocide. Read also about denial of genocides in Cambodia, Bosnia and Rwanda. "See our current Holocaust and Genocide Review edited by Marc Sherman with up to date information about genocide studies and prevention, including the only directory I know of for students to see worldwide options for academic study, including Ph.D, s and Master s in Holocaust and Genocide Studies." See www.genocidepreventionnow.org/

GPN is produced by Israel Charny, Executive Director of the Institute on the Holocaust and Genocide in Jerusalem.

THE LEMKIN AWARD

The ISG's Lemkin Award honors Raphael Lemkin, the originator of the concept of genocide and first exponent of a United Nations Genocide Convention. The biennial award recognizes the best non-fiction book published in English or translated into English that focuses on explanations of genocide, crimes against humanity, state mass killings and gross violations of human rights, and strategies to prevent such crimes and violations.

Edited volumes, memoirs, poetry, fiction and drama are excluded.

The award consists of a citation and honorarium, and the winner is invited to deliver a public address in New York at a meeting convened by the Institute for the Study of Genocide.

The last award winner is:

2011: Emma Gilligan, *Terror in Chechnya: Russia and the Tragedy of Civilians in War*, (Princeton, 2009)

Previous winners are:

2009: Darius Rejali, *Torture and Democracy* (Princeton, 2007)

2007: Donald Bloxham, *Nationalism, and the Destruction of the Ottoman Armenians*, (Oxford, 2005)

2005: Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response*, (Harper Collins, 2003)

2003: Samantha Power, *A Problem From Hell: America and the Age of Genocide*, (Harper Perennial, 2002)

2000: Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda*, (Human Rights Watch and FIDH, 1999)

The 2013 award cycle covers books published

between January 1, 2011 and December 31, 2012. Round 1 submissions are closed (books published in 2011).

We are currently accepting nominations for Round 2: books published in the 2012 calendar year (January 1st-December 31st, 2012).

NOMINATIONS MUST BE SUBMITTED BY DECEMBER 31, 2012.

Prior to sending books please contact Lemkin Award Committee Chair, Professor Ernesto Verdeja at everdeja@nd.edu

IN FAVOR OF THE PROPOSED FRENCH LEGISLATION AGAINST ARMENIAN GENOCIDE DENIAL BY ROGER SMITH

Roger Smith

College of William and Mary Emeritus

Congratulations on the successful vote in the French Senate. It will set the political organizations and media on edge, and the state, but that doesn't matter. They will finally have to deal with historical fact, and of the most awful sort. I do think the law will be difficult to administer, but many laws are. And the main focus should not be law, but education. But when you are coming up against the vast resources of the Turkish state, not only money, but enormous economic and diplomatic powers, a few university classes here and there, and scholarly conferences, may not be sufficient to counter the denial. Yet I do think that the media has changed [no longer "the alleged genocide"], and scholarship in recent years has made a significant difference. Still, when there are contracts being cancelled, ambassadors being recalled, and state-sponsored denial increased, it is hard to cope, and "counter-speech" may not be sufficient.

What I have leaned in the past year or so is how deep the wounds of denial go, not only to individuals but to a community. Yes, those who oppose the French law may threaten Armenians in Turkey and France, and perhaps elsewhere in that devil "the Diaspora." There will also be sanctions, but France can also impose sanctions. Finally, in my personal view, Turkey has sealed its rejection from the EU by its previous action and threats against France when the Assembly approved the bill; now it will add fuel to the fire.

The 19th century British philosopher John Stuart Mill in his influential essay "On Liberty" argued that one should be free in one's action unless it harmed others; and he regarded freedom of thought and expression as almost absolute, except for fraud, defamation, and endangering lives

through instigation of violence. But harm was not something that he took into the collective or even individual psychological realm: ok, so your feelings were hurt, but that doesn't mean I can't say what I want to. But Mill never knew about a deeper hurt, and its continuing effects, genocide as an act and denial as its last stage, one that continued the harm, and in the denial, and justifications of the genocide, presented once again the hostility and dehumanization that contributed to the genocide in the first place. Mill provides the arguments against the French Senate's legislation, but he misses the crucial issue of what harm can mean in a modern, genocidal, denialist context.

DENIAL OF THE ARMENIAN GENOCIDE CONTINUES BY HELEN FEIN

Helen Fein

Institute for the Study of Genocide

The proposed legislation by France to criminalize denial of the Armenian genocide similarly to the way denial of the Holocaust is criminalized (defended by Roger Smith herein) has been ruled unconstitutional by France's constitutional court because of its harm to freedom of expression and speech.

Yet the facts and legal status of the annihilation of the Armenians in the Ottoman Empire stand despite the fact that the UN Genocide Convention did not come into force until 1948. In order to establish what crimes in the last century could be evaluated as genocide, I compiled a table of "Genocides from 1915 to 2006 leading to indictments and findings by governments, intergovernmental organizations and human rights nongovernmental organizations" (Fein 1997, pp. 128-130). The genocide of the Armenians was documented by Viscount Bryce (London, 1916) and since then by Richard Hovannisian, V. Dadrian, Gary Bass, and others. An independent study by the International Center for Transitional Justice that was requested by the Turkish Armenian Reconciliation Commission concluded in 2003 that the 1915 massacres meet the internationally accepted definition of genocide but Armenians can not use this for retroactive application.

Turkey is the only country that not only denies responsibility for its genocide but criminalizes recognition of such by its citizens. Taner Akcam, now a professor at Clark University, was the first Turkish historian to recognize the genocide of the Armenians but has been unable to do so in Turkey since 2007. The European Court of Human Rights ruled on October 25, 2011 that a violation was committed against his freedom of expression.

"There is no 'Armenian' side or 'Turkish' side to history...to discuss what really happened in history is to speak freely and openly about it, without legends or myths," said Akcam in an interview with an English-language newspaper in Turkey on October 27, reported in a news release by Clark University on October 28, 2011.

As Marc Mamigonian notes in this issue, to mislabel and obfuscate the genocide of the Armenians is to change our standards of truth to what is politically convenient—tolerable for Turkey.

MISLABELLING AND DEMEANING THE ARMENIAN GENOCIDE BY MARC A. MAMIGONIAN

Marc A. Mamigonian
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David Scheffer's op-ed "Defuse the Lexicon of Slaughter," published in the *International Herald Tribune* on February 23, 2012, is deeply troubling for its apparent abandonment of historical truth and accuracy in favor of a less "divisive" term than genocide to refer to the annihilation of the Armenians by the Ottoman Turks. By logical extension, other genocides that are or could be rendered politically "sensitive"—that is, any genocide—would be susceptible to similar revisionism. Scheffer, the Mayer Brown/Robert A. Helman Professor of Law and Director of the Center for International Human Rights at Northwestern University and the former U.S. ambassador at large for war crimes issues (1997-2001), a person of considerable learning and influence, should have known better this. [Ed. Note: David Scheffer was asked if he wished to reply to this but did not respond.]

"Mass atrocities were indeed committed against the Armenians, but deciding to call them a 'genocide'—or refusing to—is a dangerously divisive political game," Scheffer writes. "It heightens tensions between countries and sows confusion about what really happened." He is mistaken about the source of the problem. What "sows confusion" in the Armenian case is the nearly 100-year-old effort initiated and sustained by the Turkish state to create a false anti-history. Richard Hovannisian, Roger Smith, Robert Melson, Speros Vryonis, Taner Akçam, and other scholars have thoroughly analyzed the massive Turkish-backed effort to deny or rationalize the Armenian Genocide.

In Scheffer's remarkable formulation, either to affirm or to reject "genocide" is a distinction without a difference, since both choices are

equally "divisive" and confusing. When it comes to the extermination of the Ottoman Armenians, the truth of the matter is, apparently, immaterial. But because no self-respecting scholar will admit to, in essence, accommodating genocide denial, another, more elevated, rationale must be found for avoiding the "tainted" term:

Politicians should use the term 'genocide' only when historians and jurists have determined, based on evidence and analysis, that a genocide—a specific crime defined according to narrow factual and legal criteria—has indeed occurred. It is the responsibility of historians to establish the facts of distant events and of jurists to determine whether these were a genocide, crimes against humanity, war crimes, human rights abuses, political repression or other crimes against civil or political rights.

We note that politicians are not advised to avoid "genocide" altogether, but to use the term only "when historians and jurists have determined, based on evidence and analysis, that a genocide... has indeed occurred." Just how it will be known when this determination has been made in the Armenian case, he does not say. We are left to conclude that the world will only know that the "atrocious crimes" committed against the Armenians have been determined to be a genocide when some unspecified and perhaps indefinable (if not unachievable) level of consensus has been reached.

As an academic, Scheffer is surely aware that scholarly documentation and consensus overwhelmingly affirms the veracity of the Armenian Genocide. His failure to note this or to mention the repeated declarations of the International Association of Genocide Scholars on this topic is therefore surprising.

MISLABELLING AND DEMEANING THE ARMENIAN GENOCIDE

Scheffer's article aptly illustrates the impact of manufactured, spurious controversy, fueled by a growing body of publications that strive to create the impression of a bona fide scholarly debate. As Ronald G. Suny pointed out nearly two decades ago, "Every hypothesis, interpretation, even 'fact' or 'event' in the contested field of Armeno-Turkish relations has been rendered 'controversial' by paid propagandists and public relations firms hired by the Turkish government, assisted by pseudoscholars or the unsuspecting" (Ronald G. Suny, review of *The Armenian Genocide: History, Politics, Ethics*, Richard G. Hovannisian, ed., in *The Armenian Review* vol. 46, nos. 1-4 [Spring-Winter 1993], p. 217). Proving there was no genocide is not necessary: one has only to assert, in a self-fulfilling manner, that the history is "controversial" and "debatable" even among scholars, and therefore politicians should avoid the "divisive" G-word.

Scheffer cautions that "using the word 'genocide' loosely can be tragically ineffective or self-defeating." "Loosely," in the case of the Armenians, apparently means, "precisely as Raphael Lemkin meant it." Nevertheless, Scheffer continues, "Politicians would be better off using the phrase 'atrocities crimes'—a term with no pre-existing connotations or legal criteria—to describe any combination of genocide, crimes against humanity or war crimes, leaving it to historians and jurists to determine, free of political influence, which atrocities crimes belong to which category."

This is unfathomably naïve: how can a term containing the word "crimes" be bereft of pre-existing connotations or legal criteria? And, surely, once politicians start using Scheffer's preferred phrase "atrocities crimes," then it too will, of necessity, become politicized, "divisive," and in due course, encumbered with pre-existing connotations and legal criteria. Then, one supposes,

successive, increasingly euphemistic terms will have to be introduced. Equally naïve is the notion that historians and jurists are or can be "free of political influence."

Yet Scheffer thinks he has found the way forward: "France, as well as the United States and Israel—both of which are considering similar genocide legislation—could call what occurred to the Armenian people a century ago atrocities crimes. (Turkey might even tolerate that.)" Perhaps it might. Or, more likely, it might not. But what is telling is the need to find a term that Turkey can tolerate. Thus denial has its desired effect: it bends the whole discussion in its direction; so much so, that some scholars find themselves not defending the truth but negotiating ways to placate a denialist state.

Scheffer's arguments call to mind another recent article by a well-known authority on genocide and international law, William Schabas. The article, "Crimes Against Humanity as a Paradigm for International Atrocities Crimes," appeared in a recent issue of the journal *Middle East Critique* (Vol. 20, no. 3, Fall 2011). Schabas has previously been unambiguous about the accuracy of "genocide" with regard to the Armenian case, if not the ability to apply the law retroactively. When he was president of the International Association of Genocide Scholars a letter was issued over his name about the proposed so-called "historical commission" on the Armenian Genocide which stated that "we are extremely wary of any call for allegedly impartial research into what are clearly established historical facts" and that "[a]cknowledgement of the Armenian Genocide must be the starting point of any 'impartial historical commission,' not one of its possible conclusions."

In the *Middle East Critique* article, however, Schabas concludes with the "modest suggestion ...

MISLABELLING AND DEMEANING THE ARMENIAN GENOCIDE

that it may be easier to agree upon the term crimes against humanity than to admit to genocide, and that this may open a pathway to a shared narrative.”

Reading Scheffer and Schabas, one might get the idea that the goal of scholarship is a “shared narrative” that is agreeable to perpetrator and victim, denier and denied. After all, what doth it profit a man if he stand for truth and truth stand in the way of creating a shared narrative?

David Scheffer is to be commended for trying to achieve “more unified international responses to ongoing massacres,” a pressing need for which he earlier argued in a thought-provoking essay “Genocide and Atrocity Crimes.” (In *Genocide Studies and Prevention*, Vol. 1, no. 3 [December 2006]) He may be correct that lives are lost while governments fret over what to call those deaths, and that saving lives in real time must take priority over such deliberations. But whereas his earlier article was focused on enabling governments to counter atrocities in the present, “Defuse the Lexicon of Slaughter” enables the distortion of the past. To raise the level of knowledge and discourse, so long held back by Turkey’s vigorous denial of history, by standing firmly for truth in history, is surely what is needed; not to accommodate Ankara with a term it “might tolerate.”

CHECHNYA AND THE WAR ON TERROR: COMMENTS ON GILLIGAN'S BOOK BY HELEN FEIN

November 2011

Helen Fein

Institute for the Study of Genocide

Emma Gilligan's book, *Terror In Chechnya: Russia And The Tragedy Of Civilians In War* (Princeton University Press, 2010)---winner of the Lemkin Award of the Institute for the Study of Genocide in 2011— shows how terror, the “war against terror,” crimes against humanity, war crimes, and genocide overlap in fact and in law.

Our problem in understanding Chechnya is that we are apt to view events as a function of how we frame them: “the innocent victim” (whom we prefer) negates understanding the victimization of groups who include victims who are not totally innocent. Yet in civil wars there are apt to be perpetrators on both sides. We have a vested interest in avoiding identification with perpetrators and like to avoid ambiguity.

Joyce Apstel [President, ISG] noted, “This is a powerful book that looks beyond the popular representation crafted by Putin and the Kremlin and how the international war on terror is used as a cover to allow impunity for the gross human rights violations against civilians in Chechnya.”

Gilligan's book does not idealize Chechen or Muslim fighters responsible for the bombing of children in a school gymnasium. As her publisher says, Gilligan challenges Russian claims that civilian casualties in Chechnya were an unavoidable consequence of civil war.

She argues that racism and nationalism were substantial factors in Russia's second war against the Chechens and the resulting refugee crisis.

Nothing has changed since that time for observers who document human rights violations, Three of

them go to Chechnya on a rotating basis , a month at a time—the Joint Mobile Group (described in the New York Times, September 25, 2011, A8), “When the three men squeeze into their little car, they can activate a video camera and microphone in case of trouble and push a small red button on their dashboard to transmit sound directly to their main office 900 miles away. ‘It's an internal rule,’ said Mr. Sadykov, 46, a lawyer who leads the group, ‘We always travel together.

If you are alone, it is easier to kidnap and torture you...’the Joint Mobile Group...has taken on kidnapping and torture cases in this Russian republic that it considers too dangerous for resident human rights workers to handle...[Mr. Laptev—one of them] says ‘Their homes can be burned. Their children can be kidnapped.’”

The recent news that Mr. Putin will be president again does not augur well for changes in policy. Nor does popular indifference in the west to violations of international law in keeping alleged perpetrators in custody. We must realize that what we have done in Iraq and Guantanamo and our failure to prosecute those who have committed crimes in our name has repercussions around the world.

ISG PUBLICATIONS AVAILABLE

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Darfur: Genocide Before Our Eyes

ed. Joyce Apsel. Institute for the Study of Genocide, 3rd ed., 2007. \$20 in the U.S., \$25 in other countries by Global Priority Mail. Essays by Joyce Apsel on “Teaching About Darfur through the perspective of genocide and human rights”; Jerry Fowler, “The Evolution of Conflict and Genocide in Sudan,”; Eric Markusen and Samuel Totten, “Investigating allegations of genocide in Darfur”; Eric Reeves, “Darfur: Genocide before Our Eyes,”; Gregory Stanton, “Twelve Ways to Deny a Genocide”; and Jennifer Leaning, “The Human Impact of War in Darfur.” Also contains four maps, glossary, webography of sources on Sudan and the test of the UN Convention on the Prevention and Punishment of Genocide. To order, first contact Joyce Apsel, jaa5@nyu.edu

The Prevention of Genocide: Rwanda and Yugoslavia Reconsidered

(Institute for the Study of Genocide, 1994)

\$10 US / \$15 International (Prepaid, international money orders, U.S. Dollars only)

Ever Again?: Evaluating the United Nations Genocide Convention On its 50th Anniversary. (1998) Essays by noted scholars, journalist and lawyers. \$15 US / \$20 International

Teaching About Genocide: An Interdisciplinary Guidebook with Syllabi for College and University Teachers

New Edition 2002, eds. Joyce Apsel and Helen Fein. Published for the Institute for the Study of Genocide in cooperation with the American Sociological Association. Syllabi by 22 noted teachers (in anthropology, history, international affairs, law, philosophy, political science, psychology, law, religion, sociology) on the Armenian genocide; the Holocaust; genocide and Holocaust; genocide; genocide, human rights and international affairs; essays by the editors; and selected internet websites on genocide. Cost for mailing in the US is \$18 for members of ISG, IAGS and ASA and \$22 for all others; add \$3 for Canada and Mexico and \$6 for other countries. To order, send check in US dollars drawn on a US bank or by credit card (American Express, MasterCard or Visa) to American Sociological Association: by mail (1307 New York Avenue, NW, Suite 700, Washington, DC 20005-4701); telephone (202 383 9005, ext. 318), by fax (202 638 0882) or web (www.asanet.org).

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The Institute for the Study of Genocide exists to promote and disseminate scholarship and policy analyzes on the causes, consequences, and prevention of genocide. It is maintained by members' contributions and grants. The Newsletter is sent to all members of the ISG semiannually. Members will also receive working papers, annual meetings and conference notices, and voting rights at the annual meeting. Memberships are due annually. If you last paid dues in 2011, please rejoin for 2012 today. If you have received a complimentary copy of the Newsletter, please join us to be sure that you continue receiving copies. All contributions are tax-deductible to the extent allowed by law.

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