General
1. Genocide and Crimes against Humanity: Clarifying the Relationship

William Schabas

The Convention for the Prevention and Punishment of the Crime of Genocide was adopted in Paris, on December 9, 1948, at the third session of the United Nations General Assembly. It entered into force slightly more than two years later, on January 12, 1951, after obtaining the requisite twenty ratifications. But despite its importance in the general scheme of international human rights treaties, and a willingness to accept many of its provisions as declaratory of customary international law, it still only has about 140 states parties, a comparatively low number. This event is one of several being held around the world to mark the sixtieth anniversary of the adoption of the Convention. A decade ago, there was scant attention for what was arguably a more significant commemoration. Interest in the Convention and in the legal aspects of genocide has grown dramatically in the past ten years, a part of the proliferation of activity in the field of international criminal law. There have been more important judicial pronouncements on genocide in the past five years than in the previous fifty-five.

At the same time, the legal significance of genocide has probably declined, a phenomenon related to the dramatic expansion of the related category of crimes against humanity. Today, there are few if any legal consequences to identifying an act as genocide, as opposed to describing it with the somewhat broader and more flexible label of crimes against humanity. Yet for victims of atrocity, describing their persecution as genocide is viewed as a badge of honour, and denying this to them is often treated as trivialization. A contemporary manifestation of the phenomenon can be seen in the rather spectacular and extravagant charge levelled by the Prosecutor of the International Criminal Court (ICC) against the sitting president of The Sudan, a matter currently being examined by Pre-Trial Chamber I.

The Genocide Convention was the first human rights treaty of the modern system, codifying an international norm that protects the right to life and to the exis-

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2 Situation in Darfur, The Sudan (Case No. ICC-02/05), Summary of Prosecutor's Application under Article 58, July 14, 2008.