14. The Soviet Perspective on the Drafting of the UN Genocide Convention

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1. The Genocide Convention and the Cold War

This article provides a Soviet perspective on the United Nations (UN) Genocide Convention, by placing the drafting process into the broader context of the Cold War. I argue that the Soviet position towards the definition of genocide hardened as the division of the postwar world into two warring camps became a reality in 1947. As far as the implementation of the Genocide Convention was concerned, somewhat ironically, the Soviet Union and the United States came to exercise similar views. The ideological adversaries worked hard to install safeguards that would make it difficult, if not utterly impossible, to use the Genocide Convention as legal blackmail. In effect, these efforts had rendered the Genocide Convention dysfunctional.

I start with the premise that, the failure to apply the Genocide Convention was mainly due to the ideological confrontation between the Soviet Bloc and the West. To put it differently, the Genocide Convention could be used in international and national courts only after the end of the Cold War. As I went along with my research, however, I realized that the Cold War was more than just an unintended after-effect. The wording of the Genocide Convention, enunciated by the highest international body on December 9, 1948, breathes politics. This observation makes me shift the focus away from the legal debates surrounding the Genocide Convention and into the realm of high politics. Looking from the perspective of Soviet-American relations, the Genocide Convention is a noteworthy document. The Genocide Convention was one of the first significant documents of international law negotiated within

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1 This article is part of ongoing research and therefore should not be considered as the author’s definitive treatment of the subject. A slightly different version of this article previously appeared in Rafał Lemkin: A Hero of Humanity, eds. Agnieszka Bieniiczky-Missala and Sławomir Dębski (Warsaw: Polish Institute of International Affairs, 2010), 179–93.

2 The first ever conviction on charges of genocide was handed down by the International Criminal Tribunal for Rwanda in the case of Jean-Paul Akayesu in 1998, that is, fifty years after the Genocide Convention was adopted.

H.G. van der Wilt, J. Vervliet et al., (eds.) The Genocide Convention: The Legacy of 60 Years.
the pluralistic environment of the UN. For the Soviet Union, which broke away from self-imposed political isolation only during the war years, multilateral debates on the Genocide Convention proved to be a major test in diplomacy. Soviet conduct in the conference room reflected the attitude of Stalin’s regime towards the UN, which was in turn influenced by both communist ideology and a more pragmatic approach to international politics adopted during the Second World War. The opprobrium that the word genocide entails inevitably played out at the negotiation table, shaping the positions of the sides involved in the drafting process. And yet, I contend that postwar geopolitics contributed the most to making the Genocide Convention a dead letter.

The questions that I ask are most relevant to the history of the Cold War and comparative genocide studies. Scholars working in either field, however, have paid surprisingly little attention, if any, to the historical and political context of the Genocide Convention. While genocide scholars—in the beginning predominantly political and social scientists—have been bogged down in interpretations and definitions of genocide, historians of the Cold War have passed over the protracted discussions at the UN as a mere illustration of decisions taken at the highest political level. This explains why, for example, the most comprehensive account of the Soviet record at the UN was published over a half a century ago. One of the foremost experts on the Cold War, Melvyn Leffler, in his recent synthesis of postwar history does not mention even once the International Military Tribunal at Nuremberg, the Genocide Convention, the Universal Declaration of Human Rights, or international law for that matter. Grand in design and execution, his 586-page study barely makes any references to the UN. Another example would be Leo Kuper, lawyer by profession and a pioneer of comparative genocide studies. Writing in 1981, Kuper did not detect any Marxist analysis in the arguments presented by a Soviet delegate during the drafting process. He found it surprising, wondering about the lost possibility for the Soviets, who could have tried to weave the Marxist theory of class struggle as a driving force in history into a theory of genocide. In fact the Soviets did apply Marxist analysis, if only out of habit, when they spoke of the “scientific definition of genocide.”

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