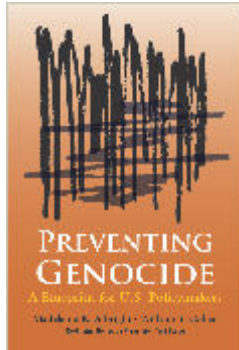


Critical Viewpoints on the Cohen-Albright Report by the Journal of the International Association of Genocide Scholars

by Herb Hirsch



Genocide Studies and Prevention is the official journal of the International Association of Genocide Scholars. The journal published a special issue devoted to a critical analysis of the Albright-Cohen Report with strong negative and positive critiques. The following excerpt from the introduction to the issue prepared by Herb Hirsch, the editor of the issue who is also a co-editor of the journal, presents a summary of the viewpoints presented.

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The Genocide Prevention Task Force was officially launched in November 2007 by a consortium of non-governmental agencies—The US Holocaust Memorial Museum, The American Academy of Diplomacy, and The US Institute of Peace—under the joint chairmanship of Madeline Albright and William Cohen. Albright served as US Ambassador to the United Nations and then Secretary of State during the Clinton administration. Cohen was Secretary of Defense during Clinton's second term. Participants in the Task Force, including consultants, comprised over fifty people with international, diplomatic, political, government, military, academic, humanitarian, and other relevant experience.

The Task Force's mandate is explained in the title of its official report, *Preventing Genocide: A Blueprint for U.S. Policymakers*. The Co-Chairs explain in their Foreword, "This report provides a blueprint that can enable the United States to take preventive action, along with international partners, to forestall the specter of future cases of genocide and mass atrocities. The world agrees that genocide is unacceptable and yet genocide and mass killings continue. Our challenge is to match words to deeds and stop allowing the unacceptable."

Since the task force report was deemed by the editors to be an important event, we thought that we should invite a diverse set of commentaries from as many perspectives as possible to comment on the report. As a result a symposium was also organized to be held in Washington, DC. It was co-organized by the International Association of Genocide Scholars, the International Institute for Genocide and Human Rights Studies (A Division of the Zoryan Institute), and the Editors of *Genocide Studies and Prevention: An International Journal*.

The objective of this one-day symposium was to assemble a group of experts in genocide and international human rights from various disciplines and countries to provide an independent, in-depth, scholarly review and assessment of its findings and implications. The commentaries consist of experts from at least four countries and provide a diversity of views. They range from in-depth scholarly analyses to editorial-style opinion pieces, reflecting different approaches to the report by the various commentators. Yet they provide a series of stimulating views on the task force report which may, we hope, stimulate further attention and discussion.

The symposium begins with a broad critique by Hirsch where he notes five broad problems with the report:

1. It is poorly written and filled with bureaucratic jargon.
2. It is historically inaccurate and in some discussions almost revisionist. He argues that because of this weak analysis of the recent history of genocide the report can not offer a foundation for adequate policy.
3. The report is written and edited by individuals who participated in past policy failures as their attempts to prevent genocide either failed or were not undertaken. This is part, he notes, of a "recycling" process in the capital whereby policy makers never achieve a new perspective because former members of previous administrations are recalled when a new administration enters office. Therefore, it is difficult for new and/or different views to be represented.
4. Reports by commissions often do not change policy. Sometimes they do not even influence policy. Often in government the presence of a report is pointed to as the equivalent of policy. This is a form of cooptation since in the place of action policy makers' focus on the report.
5. He notes that the "clashing cultures" of the academy and the policy makers may contribute to different perspectives with academics taking a more analytic and critical view and policy makers arguing they are more "practical." In any case, Hirsch argues these are critical weaknesses which must be addressed if this report is to influence policy.

Following this broad critique we move on to more specific analyses. Since the report is directed at United States policy we thought it would be enlightening to include perspectives from European and Latin American genocide scholars. Interestingly their views were quite divergent.

We begin with what might be termed a "Latin American" perspective. Dr. Daniel Feierstein, Director of the Center of Genocide Studies, Universidad Nacional de Tres de Febrero and Professor at the Universidad de Buenos Aires, Argentina argues that, "From a Latin American perspective . . . [the report] is an interesting but confusing report." He argues that the report is "embedded" in the values of "American society" and this makes it "difficult for outsiders to evaluate as an action plan." His primary criticism is not so much what the report says but what it leaves out, that is, what it does not discuss "about the causes of genocide and ways of preventing it."

In particular, he refers to what he calls the "active role played by the U.S. governments in promoting such practices in the first place." In fact, Feierstein points out that "anyone living in a third World country in Latin America, South East Asia or Africa would find almost laughable the idea mentioned earlier that the main problem of the U.S. with regard to genocide has been 'non-intervention.'" It is a common belief in the rest of the world that the reduced U.S intervention has

actually led to a 'significant reduction in the systematic processes of mass murder in recent years.' Ultimately Feierstein believes that the report is "profoundly ethnocentric."

While his analysis is primarily critical, Feierstein does note that there are "some positive aspects to the report. . . ." These include a willingness to broaden the definition of genocide, a call for "establishing systems of risk assessments and early warning of genocide around the world," and preventing arms sales to places or groups where there is a risk of genocide.

Finally, he concludes by noting that any attempt to prevent genocide must address two problems: "(a) what the U.S. can and should do to prevent genocide; and (b) what the U.S. should stop doing." Feierstein is not the only one of the commentators to note this problem with the report. His perspective as a Latin American scholar most likely makes this view much more obvious and, therefore, contributes an additional and important dimension to the analysis of the report.

A second non-U.S. analysis, which is a much less critical analysis of the report, is written by Jacques Semelin, Professor of political Science (Sciences Po Paris, Center for International Research and Studies) and founder and editor-in-chief of the online Encyclopaedia of Mass Violence, Sciences Po, 2008: www.massviolence.org.

Semelin believes that the report is an event of "great significance in the field of genocide studies." This is so, he believes, because it is "the first time that a group of experts, mainly former high officials, former diplomats, generals, Members of Congress, have worked together in order to propose a coherent and well-argued list of recommendations to a State so that its government will play a major role in preventing genocide throughout the world." He does note that few genocide scholars or NGO members were consulted and he points out that the report is "an American event"—echoing Feierstein's critique.

Semelin argues that the report is important, moreover, "an answer" to U.S. past inaction in preventing genocide and is a "way for America to say never again..." Forgetting, as others have noted, that saying "never again" has not meant that genocide will "never again" be committed. Semelin comments on the six parts of the report and concludes that there still remain significant problems. In particular, the U.S., according to Semelin, can hardly claim to be a moral or political leader in genocide prevention without joining the International Criminal Court. Semelin concludes that, while the future impact of the report can not be foreseen, it "will stand as a first and promising step."

The third commentary, also from a European based scholar, shifts the focus to international law. Martin Mennecke is, at present, visiting professor of international law at Washington and Lee University. Mennecke views the report as a welcome addition to the growing efforts "in the area of genocide prevention and would like to see the European institutions concerned with this subject engage in similar types of exercise. Mennecke's basic critique is that the "treatment of international law in the Blueprint remains inconsistent and insufficient. Most often law is reduced to "international political challenges" or less than that." He argues that it should have explored "how recent trends in international law could contribute and shape future policies in the field of genocide prevention." Mennecke, as with most of our other commentators, notes that "overall, there is little self-critical assessment of past US policies vis-à-vis international law." The report, he contends, is more focussed on political considerations and appears to view international law as "secondary category."

Menneck concludes that while there are a “number of shortcomings to the report,” the report at least puts genocide prevention on the agenda.

The final comment from a non-US based scholar continues the focus on international law. William A. Schabas, Professor of Human Rights Law at the National University of Ireland, Galway and Director of the Irish Centre for Human Rights along with several other positions, is a leading international expert on international law and genocide prevention. Schabas notes that the report states that it intends to avoid the problems associated with the term “genocide,” by referring instead to “mass atrocities” which would include genocide, crimes against humanity and war crimes. This is, as Schabas notes, an old debate and the report is misleading if it intended to examine “genocide and mass atrocity” instead of genocide alone.

These definitional issues are important, according to Schabas, because “the limitations on the definitions of crimes against humanity and genocide adopted in the aftermath of the Second World War, from the 1940s until the 1990s there were important gaps in the ability of international law to deal with atrocities.” Schabas thinks this is no longer the case because of the evolution of international law which now means that crimes against humanity address a broader range of atrocities than genocide. It also means, he notes, that “what the Albright-Cohen task force is talking about is ‘crimes against humanity’, not ‘genocide’.” Schabas, therefore, believes that the Task Force engages in a “form of deception” because “they are using one term, whose definition is well-recognized and well-accepted in international law, to replace another.” This is important, as he notes, because “words matter.”

Schabas concludes that while the report is addressed to the US government it concerns all since the US remains the most powerful nation and the report is very short on multilateralism. “Most countries,” he points out, “would expect initiatives to prevent genocide should originate from the United Nations in New York, not the Department of State and the Pentagon in Washington. . . .” Finally, Schabas concludes that the new Obama administration in Washington should not endorse the report because

“An endorsement of the Task Force report may be a step in the wrong direction, with its exaggerated emphasis on the use of force, and its cavalier dismissal of important legal distinctions Prevention of genocide (and of mass atrocity) will result from stronger international institutions, in particular the United Nations and the International Criminal Court, not the threat of unilateral military action by the United States.”

The three final analyses are written by US scholars of genocide. As one might expect, their views are divergent and they concentrate on different aspects of the report.

Scott Straus, a political scientist from the University of Wisconsin, Madison argues that the “contents of the report are a decisive step forward in the debate over how to prevent genocide. He believes the report is insightful and provides policy options which are “concrete and sensible.” He identifies what he refers to as “five areas of specific strengths.” These include identifying a coherent policy, providing a “comprehensive strategic approach,” making short term recommendations, identifying a “series of specific coercive and non-coercive measures that can be taken to prevent genocide,” and engages and incorporates “scholarship and debates in the genocide studies field” into the report.”

Even a quick reading of the discussion up to this point will make clear that Straus is at odds with some of our earlier commentators. Not only is there disagreement on his reported strengths, but

some of the early analysis takes a diametrically opposed view. In fact, Straus identifies several weaknesses as well. The primary weakness, also noted by Schabas and several earlier writers in this symposium, is that the report under emphasizes multilateral action with U.S. cooperation and overemphasizes uni-lateral United States action which, as Straus notes, misses an important opportunity to reinforce international doctrine.

The second commentary from a US genocide scholar is directed at some of the unstated and faulty assumptions upon which the report is based. Alan Kuperman, Associate Professor of Public Affairs at the LBJ School of Public Affairs, at the University of Texas at Austin, notes that “good intentions may be necessary, but they are not sufficient, to prevent genocide.” The unstated and flawed assumptions upon which the report is based, constitute, therefore, according to Kuperman, a “recipe for failure.”

While the report offers “several constructive reforms,” Kuperman believes that the report is “profoundly ethnocentric.”

“Overall, however, the report ignores the most profound lessons of past failures, declines to make the hard choices on policy dilemmas, and neglects to call for the costly military reforms that could enable intervention to prevent future genocides. A more realistic assessment of these challenges gives rise to a very different set of recommendations than found in the report.”

Kuperman concludes rather starkly: “the Albright-Cohen recommendations cannot achieve their stated goal and, therefore need to be augmented..”

The final analysis of the Albright-Cohen Report broadens the perspective from political science and international law to a more philosophical analysis. Henry Theriault, Associate Professor of Philosophy at Worcester State College, notes that the report is based, as Kuperman also noted, on faulty assumptions and a questionable interpretation of past history. These lead to a view of genocide which is essentially limited and ‘discounts precisely the kinds of genocide that the United States and other great powers are typically involved in.’ This view is tied to a more comprehensive critique in which Theriault points out that not only did the United States know genocide was being committed but actively, in several cases, supported that action. This means, According to Theriault, that “The report consistently ignores the forgetting issues, instead presenting the U.S. relationship to genocide as one of mistaken inaction and unfortunate indifference.”

In short, Theriault relentlessly points out that the report consistently misrepresents United States policy toward genocide even going so far as to ignore the founding genocide upon which the country was established—genocide of the Native Americans. This all means that without forthright acknowledging the United States’ own role in supporting and committing genocidal acts, the report is constructed on false assumptions and reconstructed history which can not serve as a foundation upon which to build a successful policy of prevention.

After additional critical analysis, Theriault concludes by offering a series of recommendations which he believes will be more likely than those in the report, to set the United States on a path toward preventing genocide.

From a simple summary reading of the commentaries it is obvious that the writers presented here have a wide range of views concerning the historical accuracy and the possible impact of the report and the recommendations it suggests. We, the editors, hope to circulate this issue with these commentaries to the original authors’ of the report and, in a future issue, invite them to

respond to the analysis presented above. In this fashion, we are attempting to stimulate a dialogue between what I referred to as the two competing cultures, academics and policy makers. The success or failure of this endeavor, of course, depends upon their, the report authors', willingness to respond and to consider the analysis presented above.

We hope you, the reader, will look forward to these with the same anticipation for a productive debate that characterizes the editors.

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