

Weiss-Wendt, Anton Weiss-Wendt: *The Soviet Union and the Gutting of the UN Genocide Convention*. Winsconsin: University of Wisconsin Press 2017. ISBN: 978-0-299-31290-9; 400 S.

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Anton Weiss-Wendt's volume brings new and exciting perspectives on the history of the 1948 UN Genocide Convention and its political uses during the Cold War. Previous scholarship on this topic has generally focused on Western actors<sup>1</sup> and has overlooked the multiplicity of experts and lobby groups (from both sides of the Iron Curtain) that framed the legal and political discourses on genocide. In contrast, the book under review explores how the interaction between Soviet ideology and political pragmatism, on the one hand, and liberal visions of law and Western anti-communist discourses, on the other hand, 'guttled' the Genocide Convention.

As many scholars have already underlined<sup>2</sup>, the genocide treaty was a Cold War compromise that resulted in weak enforcement mechanisms and in a restricted definition of the protected groups, which excluded victims of political and cultural mass repression. Weiss-Wendt discusses in depth how the Soviet approaches to international law (IL) led to a convention „without teeth“. Considering IL to be a bourgeois weapon designed to ensure capitalist domination across the globe, while trying to counter the Western hegemony at the UN in the first post-war decade, the USSR developed a highly restrictive notion of state sovereignty. It opposed the authority of supranational courts (including the International Court of Justice's oversight capacity over conventions), rejected universal jurisdiction, and fought to include the right to reservations in multilateral treaties. The book vividly illustrates the impact of this vision on the Genocide Convention, but discusses only fleetingly how all the great powers were united in preventing the establishment of the International Criminal Court that was originally envisaged to enforce the treaty.

As far as the definitions of crime and the protected groups are concerned, Weiss-Wendt sheds new light on the Soviet approaches to

this issue. He shows how, in the first phases of the negotiations, the Soviet leaders were more concerned with eliminating „confiscation of property“, „imposition of forced labour“, and „internal transfer of population“ as elements of genocide, than to exclude „political groups“. It was only after the denunciation at the UN by Baltic émigrés of an alleged Soviet genocide against Eastern European nations that the USSR began to strongly resist the inclusion of political groups.

In this regard, one of the most fascinating parts of the book examines Raphael Lemkin's alliance with East European émigré organizations and the way he exploited anti-communist rhetoric in a bid to ensure US ratification of the convention. In the late 1940s, Lemkin took the lead in campaigns that denounced the „Soviet Genocide“. He persistently equated the Nazi and the Soviet regimes, paralleling Hitler's policy against the Jews with Stalin's political repression and labeling the Stalinist purges of Jews from the communist parties a „unified plan and conspiracy to destroy the Jewish communities of all Eastern Europe“ (p. 179). Weiss-Wendt presents Lemkin in a different light than the „saintly (human rights) figure“ into which many scholars had transformed him. Lemkin's efforts to ensure the ratification of the Genocide Convention were often based on false information, exaggeration, and nebulous interpretations of historical facts and legal principles. Almost obsessed with the cause of the Genocide Convention, he proved unsympathetic to the anti-racist cause in the US, and opposed any human rights law that he regarded as contradicting the genocide treaty, in-

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<sup>1</sup> Lawrence LeBlanc, *The United States and the Genocide Convention*, Durham, NC 1991; Matthew Lippman, *The 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide: Forty-Five Years Later*, in: *Temple Int'l & Comp. L. J.*, 8 (1994) 1, pp. 1-84; William A. Schabas, *Genocide in International Law: The Crime of Crimes*, Cambridge 2000; Mark Lewis, *The Birth of New Justice. The Internationalization of Crime and Punishment, 1919-1950*, Oxford 2014.

<sup>2</sup> Beth Van Schaack, *The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot*, in: *The Yale Law Journal*, 106 (1997) 1, pp. 2259-2291; Devin O. Pendas, *Toward World Law? Human Rights and the Failure of the Legalist Paradigm of War*, in: Stefan-Ludwig Hoffmann (ed.), *Human Rights in the Twentieth Century*, Cambridge 2011, pp. 215-236.

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cluding the Universal Declaration of Human Rights, the draft of Covenant on Social and Political Rights, and the draft of Code of Offenses against the Peace and Security of Mankind. Weiss-Wendt criticizes the tendency of many scholars „to appeal to Lemkin’s original thoughts on genocide“, arguing that „this line of reasoning is problematic“ as it does not take into account Lemkin’s evolution and renders his „thinking on genocide static“ (p. 281).

Weiss-Wendt illustrates how the Soviets made common cause with various Latin American countries to exclude political groups. He fails, however, to expand on how France, and more particularly Britain, endorsed the same idea, fearing that repression of potential insurgencies against their imperial power in their colonies might have been denounced as genocide. Also, the book insists on the Soviet efforts to target colonial powers by incorporating „cultural genocide“. Yet Weiss-Wendt discusses little the Soviet doctrine on collective cultural rights. He also elaborates more on the legal arguments of Western powers against this aspect than on the political interests that underpinned their opposition (e.g. the forced assimilation of Native Americans in the United States and Canada, various cultural policies of Britain in its colonies, forced assimilation and destruction of indigenous populations in Latin America).

Another notable aspect of the book concerns the political instrumentalization of the Genocide Convention by both Western and socialist governments. Looking particularly at the Greek Civil War and the Korean conflict, the author underlines how the East-West division turned any reference to genocide into a propaganda war. In addition, one chapter is dedicated to the anti-racial discrimination campaigns in the US in the 1950s, the global reverberations of the pamphlet *We Charge Genocide*, and the efforts of the American government and conservative politicians to delegitimize the civil rights movement as a front for the Soviet, communist subversion of the US.

Weiss-Wendt’s volume is one of the most thoroughly documented books on the negotiations and the misuses of the Genocide Convention in the 1940s and the 1950s. Nevertheless, in many respects the volume continues to

reproduce a Western Cold War narrative on IL, in which the Soviet Union and its allies represented the main roadblock to a progressive world order in the wake of World War Two. While the author engages at length with Soviet obstructionism to international justice and to individual civic and political rights, he deals only marginally with socialist initiatives and concepts that have turned later into essential principles of IL: the efforts to exclude the colonial clause and the defence of obeying superior orders from the Genocide Convention; the struggle against colonialism, Apartheid and racial discrimination; and the inclusion of social and economic rights in the Universal Declaration and the Human Rights Covenants.

Raluca Grosescu über Weiss-Wendt, Anton Weiss-Wendt: *The Soviet Union and the Gutting of the UN Genocide Convention*. Winsconsin 2017, in: H-Soz-Kult 07.12.2018.