



RUSSIA'S POLITICAL MISUSE OF THE TERM GENOCIDE AS PRETEXT FOR INVADING UKRAINE

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The term genocide has been misused by political actors seeking to promote their agendas, sometimes at the expense of human lives. Russia is now doing so to justify its 2022 invasion of Ukraine. Specifically, Russia alleges that Ukraine is committing genocide against Russian speakers in the Donbas region of eastern Ukraine and that military action is required to stop it. This policy brief examines Russia's contention and finds that it is baseless. Further, the brief situates Russia's political misappropriation of "genocide" in the context of historical misuse of the term. This pattern of misuse illustrates how, despite all the good that it does, the term genocide is double-edged and, ironically, can be used to mask state crimes. This is exactly what is happening in Ukraine where, in the name of genocide prevention and human suffering, Russia has created a humanitarian crisis, violated international law, and, quite likely, committed atrocity crimes.

Ideas abound about why Russian President Vladimir Putin authorized the invasion of Ukraine on Thursday, February 22, 2022. In a television address the previous night, Putin offered several reasons for the invasion, including worries about the North Atlantic Treaty Organization's (NATO) eastward expansion and deepening ties with Ukraine. But he also offered another perhaps unexpected and unfounded justification for the war: genocide prevention. Invoking the term multiple times during his address, Putin explained that the military operation was intended to protect Russian-speaking citizens in the Donbas region of eastern Ukraine from genocide at the hands of the "Kyiv regime." Russian-backed rebel separatists in the Donbas region have been fighting the Ukrainian government since 2014, though claims of genocide are baseless, repetitive, and follow a familiar pattern. In fact, world leaders have manipulated, misappropriated, and politicized the term genocide ever since it was first coined by Raphael Lemkin. Some leaders, including Putin, have even invoked genocide to justify military incursions and aggression in the name of humanitarian intervention. Putin's allegation of Ukrainians committing genocide against Russians is the most recent example of genocide claims being misused for political purposes.

Manipulating the Term Genocide

The manipulation of the term genocide began almost as soon as it was introduced by Polish-Jewish lawyer Raphael Lemkin. Lemkin defines genocide as "the destruction of a nation or of an ethnic group." Such destruction, Lemkin writes in his 1944 *Axis Rule in Occupied Europe*, involves a "coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups." Specifically, Lemkin argues the perpetration of genocide involves not just physical killings, but an assault on the spirit of a group of people—including their social, economic, and political ways of life.



In the aftermath of the Holocaust, Lemkin lobbied the newly established United Nations to pass the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This treaty, which was not nearly as comprehensive as Lemkin had hoped, defined genocide as: “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”

This definition was highly politicized, reflecting the interests of nation-states fearful of Lemkin’s more comprehensive vision. The Soviet Union and others insisted that the definition exclude political groups. Similarly, the United States lobbied for the definition to emphasize intent and physical killing to avoid accountability for atrocities perpetrated against Black and Indigenous populations. Thus, the first political manipulations of the term genocide took place early on in the drafting and passage processes.

Since the passage of the Genocide Convention, governments and political leaders have used genocide claims to make threats against other countries or to provide a rationale for foreign intervention. Soviet leaders used it as a political and propaganda tool against Western powers, especially the United States, throughout the Cold War.

Conversely, there is also a long history of government officials making arguments about the minutiae of the definition to deny that genocide is occurring or to justify national and international inaction. One of the most notorious examples was the U.S. denial that the mass violence in Rwanda in 1994 constituted genocide by arguing that it did not match the “precise legal meaning” of the term. Doing so, they feared, would compel the U.S. to intervene in Rwanda. Unimpeded by international powers, armed militias aided by extremists in the military and civilian collaborators murdered more than 800,000 Tutsi and moderate Hutu during this genocide.

Perpetrating countries also go to great lengths to deny that they are committing what experts consider genocide. For example, China has denied that it is committing a genocide against the Uyghurs, a Muslim minority group in the Xinjiang region that continues to suffer severe and deliberate attacks with more than 1 million Uyghurs forcibly detained.

Misappropriating Genocide to Perpetrate Atrocities in Ukraine

In the case of Ukraine, Putin is misappropriating the term genocide to justify invading a sovereign state. Since the conflict in the Donbas region began eight years ago, more than 13,000 people have been killed, including over 3,000 civilians. Many more have been injured, with 1.5 million people displaced before the start of the February 2022 Russian invasion. Independent reports confirm that pro-Ukrainian and pro-Russian separatist forces have committed human rights violations, ranging from arbitrary detention to torture. While concerning, the documented violence does not remotely resemble genocide, as defined by Lemkin or by the United Nations Genocide Convention.

Putin, meanwhile, has offered little proof to support his allegation, which he and his supporters have repeated since 2014. The propaganda campaign has included Russian representatives making false claims about the mass killings of Russian speaking citizens in eastern Ukraine and Russian ambassadors to the United Nations circulating official documents claiming Ukraine is “exterminating the civilian population” in Donbas. These claims have been debunked by independent observers as baseless and even fabricated, designed to justify a military intervention in the name of humanitarian intervention.

Russia has made these kinds of false claims before, when it sought to justify its invasion of Georgia in 2008 and annexation of Crimea in 2014. In both instances, the Russian government framed the military incursion as humanitarian interventions.

If Russia truly feared genocide was taking place in the Donbas region, it could have made its case through existing channels and without the necessity of military incursion and occupation. For example, Russia could have shared evidence with different UN bodies and petitioned for an investigation and joint international action. **Russia has not done this.**

Given Russia's lack of evidence of atrocity crimes and its failure to engage with other world powers, Russian use of military force in Ukraine cannot be characterized as a humanitarian intervention to prevent genocide. It is an invasion that violates international law and has already created exactly the sort of humanitarian crisis that Russia claims to want to prevent. Russia's misuse of the term genocide for political ends to justify its invasion has likely already resulted in atrocity crimes.

Recommendations

- The UN, NATO, EU, US, OSCE, and other relevant stakeholders should call for an immediate, unconditional, and complete cessation of Russia's military invasion of Ukraine.
- All parties should return to the negotiating table. During the negotiations, Russian troops should pull back and allow humanitarian corridors to operate unimpeded.
- The UN, NATO, EU, US, OSCE, and other relevant stakeholders should immediately and without caveat demand that Russia refrain from violence against civilians and cease all inflammatory public statements designed to incite violence or spread misinformation alleging a Ukrainian-perpetrated genocide in all forms of the media.
- The UN Special Adviser on the Prevention of Genocide should issue a statement warning that Russia's invasion may result in atrocity crimes.
- The international community should fully mobilize to support massive numbers of refugees fleeing the violence.
- All stakeholders, from grassroots activists to human rights monitors, should extensively chronicle any and all human rights violations for future redress and accountability for violations of international law, including atrocity crimes and a war of aggression.
- The international community should look ahead to the aftermath of the conflict, when significant resources and aid will be needed to help rebuild Ukraine and when there may also be a need for transitional justice mechanisms in places like Donbas.
- As underscored by Russia's baseless Donbas claims, genocide prevention stakeholders should remain attuned to the political misappropriation of the term genocide and how it is, has been, and will be used to mask mass human rights violations.

Recommended Reading:

- 1 Council on Foreign Relations. "Global Conflict Tracker: Conflict in Ukraine." <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>.
- 2 Kupfer, Matthew, and Thomas De Waal. "Crying Genocide: Use and Abuse of Political Rhetoric in Russia and Ukraine." *Carnegie Endowment for International Peace*, July 28, 2014. <https://carnegieendowment.org/2014/07/28/crying-genocide-use-and-abuse-of-political-rhetoric-in-russia-and-ukraine-pub-56265>.
- 3 Lemkin, Raphael. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. New York: Columbia University Press, 1944.
- 4 Hinton, Alex. "Putin's Claims that Ukraine is Committing Genocide are Baseless, but not Unprecedented." February 25, 2022. <https://theconversation.com/putins-claims-that-ukraine-is-committing-genocide-are-baseless-but-not-unprecedented-177511>.
- 5 Office of the High Commissioner for Human Rights. Reports on Ukraine. <https://www.ohchr.org/en/countries/enacaregion/pages/uareports.aspx>.
- 6 Organization for Cooperation and Security in Europe. Daily and Spot Reports from the Special Monitoring Mission to Ukraine. <https://www.osce.org/ukraine-smm/reports>.
- 7 Putin, Vladimir. "Address by the President of the Russian Federation." February 24, 2022. <http://en.kremlin.ru/events/president/news/67843>.

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