
M. Bassiouni, *DePaul University*
view of the world as an irreconcilably hostile division between the two of them and the alliances they had.

Maybe both sides are beginning to view that as a bankrupt vision—a vision that has cost both sides enormous blood and treasure, that neither side has gained very much out of, and that has allowed both sides to neglect the enormous problems within their own borders. It may be that again, as in the immediate postwar period, we are approaching the beginning of a search for common interests, common ends, and common rules of the game that we can endorse in their own terms rather than as instruments of our personal or limited or parochial ends.

I spoke about the use of force, drugs, terrorism, and the environment, which are obviously impossible to address from a national interest perspective. Professor Boehm said that we ought to be thinking about how we can get the Bush Administration up to snuff on these issues. One thing I might suggest for review is Gorbachev's letter of September 1987 in which he listed a lot of problems, and purported to be prepared to engage in international efforts through international organizations new and old, to address those problems, including the ones that you mentioned. One thing that might help the Bush Administration, the United States, and perhaps the rule of law in the world would be to go down that letter systematically and engage Gorbachev on each of those proposals—which I agree are vague and unspecific. But we do have the power to engage on those proposals and force serious, sustained, and detailed attention to each of those subjects. I think we may be at a point where that kind of approach would generate enormous gains for all of us. We actually may be in a "predawn" of a new push for international law in the true sense, rather than as an instrument of national policy.

RACHEL DE LA VEGA*
Reporter

GENOCIDE: THE CONVENTION, DOMESTIC LAWS, AND STATE RESPONSIBILITY

The panel was convened by its Chair, Cherif Bassiouni,** at 8:30 a.m., April 7, 1989.

REMARKS BY CHERIF BASSIOUNI

The topic of genocide is a topic that deserves not only occasional consideration but I would say constant reconsideration. The reason is that in some 315 international instruments of international criminal law, covering approximately 22 international crimes, we find a wide ranging number of instruments on specific crimes. For example, we have 59 instruments covering the crimes against peace, 49 instruments covering war and crimes related to war activities. We now have 13 conventions in the area of international traffic in drugs, and 26 conventions on slavery and slaverylike practices. We have one single lonely convention on genocide.

Not that this Genocide Convention has been successful in eliminating the practice of genocide. Rather, what has been demonstrated in the course of time is that the Genocide Convention, which was really the culmination of what was believed to be a
needed international instrument after Nuremberg, is woefully deficient in dealing with the subsequent practices that history has uncovered. In fact, the Genocide Convention as it starts out emphasizes that the extermination of a group on a particular basis—religion or race—becomes an international crime when the killing of even a single individual is accompanied by the intent to eliminate the entire group “in whole” or “in part.” Thus, the key to it is not the numerical aspects of the atrocity, but the accompanying intent.

The Convention further eliminates from the definition social groups, or political groups, which, at the time, the delegation of the Soviet Union was quite careful in excluding. It is clear from subsequent events that mass killings and mass exterminations have continued to occur. For example, Biafra, Bangladesh, and Kampuchea demonstrate that we are speaking of a significant increase in numbers, over and above the one-million figure in each of these conflicts. Yet the Genocide Convention does not apply to these mass killings because of the intent requirement. While international criminal law conventions have evolved in many different areas, there has been no evolution in the area of genocide.

One of the explanations I offer, based on my research, may well be that the Genocide Convention, unlike others, has not created an international bureaucracy. The ILO, or the International Committee of the Red Cross, or the several bodies dealing with narcotics, are all bureaucracies that have an interest in perpetuating their existence; they always find opportunities for the development of new and improved international instruments. With genocide nobody thought of creating an international bureaucracy that would have an interest in self-perpetuation and in the development of further instruments. We have in fact developed no mechanism whatsoever under international law specifically related to the Convention which could have at least brought some further attention to the subject. For all practical purposes, we also do not have an international constituency interested in that particular area; and I am speaking particularly of an international bureaucratic constituency.

In the last 15 years, the United Nations has produced only one report of any particular significance dealing with genocide. There are occasional references to it in some of the works of the Commission on Human Rights or its subcommittee but nothing as significant and as constant as, for example, references to apartheid. With all due consideration to the significance of the crime of apartheid and the abhorrent nature of the practice, it would seem to me that if we were to quantify the amount of effort, attention, paper, and ink spilled over apartheid in the last 20 years, in contrast to that which has been expended over genocide with all of its manifestations, the less significant numerically (but certainly not less significant humanistically) has received disproportionate attention. With that, therefore, I think it is important for us to reconsider what is to happen in the area of genocide, and mass killings, and to consider the eventual development of new international instruments, as well as new international bureaucracies, to use the many modalities that international organizations have developed to monitor infractions, disseminate information, and to build up the constituency for the prevention of this type of behavior.

More specifically, in the United States, after many years, the Genocide Convention was finally ratified with reservations and declarations that to a large extent limit its application. After a 2-year period, implementing legislation has put it into effect, also with a great deal of limiting effects. We will, therefore, hear about the Convention, the implementing legislation, means of enforcing the Convention (of course, very limited in scope), and finally some broader policy comments in closing.
May I point out that, from an international criminal law point of view, there is something to be considered in the area of the linkage between crimes against humanity as it developed in connection with the Nuremberg and Tokyo war crimes trials and their subsequent absorption into the Genocide Convention; that is, whether or not the notion of crimes against humanity continues to exist as a general principle of international law irrespective of genocide. I would strongly advocate that it does and that it should, because clearly the Genocide Convention does not incorporate the entire meaning of what crimes against humanity did incorporate either under article 6(c) of the London Charter or under what one would hope to see as the evolution of the general principles of international law in connection with that subject.

REMARKS BY JORDAN PAUST*

I have tried to maintain the observational standpoint of an objective scholar who nevertheless shares certain commitments to human dignity, and I believe, perhaps like my fellow panelists, that there is much to celebrate—not the relatively recent efforts of the U.S. Senate and our last President, but the general recognition, today at least, that genocide is a crime under customary international law, a crime over which there is universal enforcement jurisdiction and responsibility. One can celebrate also the achievement of a common expectation that the prohibition of genocide is a peremptory norm of customary international law, a jus cogens, allowing no form of derogation under domestic or treaty-based law. Further, it is commonly understood that the definition of genocide contained in the Convention defines that which is prohibited by customary jus cogens.

Nonetheless, during a remarkable effort in the U.S. Senate to gain advice and consent to ratification of the Genocide Convention, attempts were made openly either to kill ratification of the treaty or to gut the treaty of any meaningful effect. As Senator Jesse Helms admitted, for example, his “chief object” was to “protect” the United States “from interference by an international regime of law.” While providing its advice and consent in 1986, the Senate retained the Lugar-Helms-Hatch proviso, which seeks to redefine genocide in a manner substantially at odds with the Convention and thus also with jus cogens. It is evident, however, that the apparent attempt to substantially limit the terms and applicability of the Genocide Convention is impermissible and comes too late. First, the attempted “understanding” is fundamentally incompatible with the object and purpose of the treaty and will thereby be legally unacceptable. Second, the attempt to redefine genocide in such a radical manner has been obviated by the development of customary international law independent of a long, abnegative effort of the Senate to allow the United States to participate in the treaty process.

Part of the radical effort to gut the Convention of any functional criminal effect hinged upon a blatant attempt unilaterally to rewrite article II of the Convention. In particular, the treaty phrase “with intent to destroy, in whole or in part,” appears in the Senate’s 1986 “understanding” as “[with] the specific intent to destroy, in whole or in substantial part.” The phrase “specific intent” actually is appropriate under the circumstances, but the threshold element of the crime of genocide would be shifted by the last portion of such language from the treaty’s lower threshold of intent to destroy a relevant group “in part” to the Senate’s nearly impossible threshold of intent to destroy a relevant group “in substantial part.”

One can imagine the type of defenses that the Senate’s “understanding” might permit. For example, is a nuclear incineration of all the Jews in and around the state of

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Israel to be excused under such an “understanding” merely because a “substantial part” of the Jews of the world were not targeted? If Hitler himself had been prosecuted under the Senate’s present version, a defense to what the world knows as acts of genocide might have been: “Yes, I attempted to exterminate Jews as such and thousands, even millions, of Jews, but I never had the specific intent to destroy a ‘substantial’ part of such a group, nor could I or my followers have done so—we never had control of even half the Jews of the world.” Or take the putative defense of a member of the KKK in the United States: “Sure, I intended to exterminate as many blacks as I could get my sights on, but I never had more than 2,000 in my gun sights and never had the intent to destroy a ‘substantial’ part of such a group, nor could I physically do so.” Even nationwide conspirators in the KKK, each responsible for the known acts of co-conspirators might defend: “We never intended to kill more than six million blacks and thus never intended to kill a ‘substantial’ part of the blacks in the United States, much less in the world.” It is evident, therefore, that U.S. prosecutors (under the Senate’s present “understanding”) would have a nearly impossible burden of proving an intent to destroy a relevant group “in substantial part.” When half the persons within a large group were not even targeted by an accused, how could a prosecuting attorney prove that there was an intent to destroy a “substantial part” of such a group? If the phrase “substantial part” could theoretically include just more than one-third, one-fourth, or 10 percent, why would we even want such threshold quotas set against what the world still knows as acts of genocide? As Professor Bassiouini has noted, the significant evil involved (and the fundamental difference between murder and genocide) hinges not upon percentages of group extermination, but upon the singling out of victims because they are members of a certain group—the targeting of members of a group as such. And that evil is not merely against a particular group or its members. In the long run it involves an attack upon our common dignity, an attack upon us all.

The Senate also attempted to rewrite section b of article II of the treaty. The treaty prohibition of an intent to cause “serious . . . mental harm to members” of a relevant group would be changed by the present Senate “understanding” to an intent to cause “permanent impairment of mental faculties through drugs, torture or similar techniques.” Thus, it would be possible for alleged terrorists or Nazi war criminals to defend their actions with proof of the fact that intense fear or anxiety produced in the primary victims was not intended to be “permanent” but temporary. Indeed, how would prosecutors meet the even more difficult burden of proving beyond a reasonable doubt that an intent existed not merely to cause “serious” but “permanent” mental harm? It might also be alleged by an accused that specific terroristic tactics utilized did not equate with “torture or similar techniques” because the primary victims were never captured or under the control of the accused. Here again, U.S. prosecutors would be at a serious disadvantage, and the object and purpose of the Convention would be needlessly thwarted.

Even more incredible was a 1987 bill in the House of Representatives designed supposedly “to implement” the Genocide Convention. A definitions portion of HR 807 would have redefined “substantial part” to mean “a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity.” How would a U.S. prosecutor prove such an element? If 95 percent of a group of 35 million men, women, and children was brutally and systematically exterminated at the hands of some nationwide conspirators, would a defense be that the remaining 5 percent, now even more unified in its group identification and determination, was never targeted and still constitutes a viable entity? Under such a
definition, must "the group as a viable entity" be exterminated or an intent to do so be proven beyond a reasonable doubt before genocide recognizably exists? Hitler's defense under such a definitional scheme would have been stronger, and so would that of any future exterminators of racial, religious, national, or ethnic groups as long as they intend to leave some "viable" portion of the group or it cannot be proven that they did not. Frankly, I have never heard of a more ludicrous, if not egregious, effort at drafting an "implementation act." There can be no doubt that adoption of the putative definition of "substantial part" in HR 807 would be fundamentally incompatible with the object and purpose of the Genocide Convention and leave the U.S. effort at meaningful adherence to the treaty and customary international law a laughable disgrace.

Equally ridiculous was the requirement in H.R. 807 that the offense either be "committed within the United States" or be perpetrated by a U.S. national. When the offense occurs abroad, such a requirement could leave the United States unable to fulfill its obligation under customary international law either to exercise universal enforcement jurisdiction or to extradite in a case where the United States is unable to extradite a foreign accused pursuant to a constitutionally required extradition treaty. The alternative requirement, that the alleged offender be "a national of the United States," further complicates our ability to implement the Genocide Convention and customary obligations with respect to international crime, while possibly leaving U.S. prosecutors unable to prosecute foreign nationals who commit acts of genocide against our own people abroad. What supposed political benefit exists from excepting acts of genocide committed against U.S. nationals by foreign perpetrators is difficult to imagine, but it remains evidence of a pitifully myopic, parochial effort at international criminal law enforcement. It invites criticism and would leave the United States, at the start of its third century, unable to lead the effort against genocide, a result that must not be allowed.

On April 14, 1988, the Senate Committee on the Judiciary completed consideration of its version of the bill and reported favorably to the full Senate. S. 1851 followed nearly lockstep the egregious portions of H.R. 807. The phrase "substantial part" was added to a draft of section 1091(a), and in section 1093(8) it was further redefined with the same "destruction of the group as a viable entity" threshold found in H.R. 807. It also contained the needlessly limiting phrase "permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques" in section 1091(a)(3). Moreover, there was no change from the policy-thwarting portions of section 1091(d) of H.R. 807, which would make it possible to prosecute under the draft legislation only if the offense is committed within the United States or the alleged offender is a U.S. national, thus still leaving uncovered acts by non-U.S. perpetrators and thus still functioning as Nazi exemption clauses. On October 14, 1988, S. 1851 was passed by the Senate without amendment. The House also passed S. 1851 on October 19, without amendment, thus leaving our legislative effort to punish all acts of genocide incomplete. President Reagan simply signed the legislation on November 4, 1988, and deposited the instrument of ratification with the United Nations on November 25, 1988.

It is evident that the Senate's 1986 "understanding" should be changed. The present understanding would clash so seriously with the ordinary meaning of the terms of the treaty, as well as its object and purpose, that it could not survive a good faith, legally appropriate interpretation of the treaty. As an attempted "reservation" the Senate's "understanding" would be legally unacceptable since it is incompatible with the object and purpose of the Convention. Further, such an "understanding" cannot be legally operative in the face of a contrary jus cogens, which is the case here.
In my opinion, the President should have refused the present "advice and consent" of the Senate and sent the treaty back for a new "understanding." The Senate could have changed its contemptible understanding with respect to article II of the Convention before ratification by the President and perhaps now, even afterward, if it is recognized that a Senate "understanding" as to a mere interpretation of a treaty does not so condition its consent to ratification as to nullify the constitutional process of ratification post hoc when its "understanding" and "consent" change. It may even be recognized that subsequent legislation, with at least two-thirds approval by the Senate, functionally (and constitutionally) could serve the same purpose, but these are partly uncharted areas of constitutional process.

In any event, Congress should pass adequate implementing legislation, dropping any reference to "substantial part" or "permanent" mental harm. In fact, Congress could pass new legislation incorporating article II of the Genocide Convention by reference, as it has with respect to so many international crimes, and thus avoid the unacceptable thresholds and deviant definitional element contained, for example, in H.R. 807 and S. 1851. With respect to new legislation, it would not matter whether Congress attempted to implement the treaty if it is recognized that Congress was also exercising its power under article I, section 8, clause 10 of the Constitution to define and punish "Offenses against the Law of Nations" of a customary nature evidenced in part by definitional portions of such a treaty. Further, the Congress, while implementing customary international law, would not be bound by any prior Senatorial proviso to advise and consent to the ratification of a treaty. Thus, whether or not the Senate can change its "understanding" of a treaty as such, the Senate's new viewpoint can find expression in legislation designed in part to implement a customary prohibition of genocide. Changes could even occur later through amendment to legislation defining and punishing the international crime. In this sense, there is room for constant refinement and interplay by the House, Senate, and executive with respect to legislation implementing customary international law.

Additionally, there are significant powers of the judiciary at stake. Not only does the federal judiciary have the ultimate authority to identify, clarify, and apply treaties in cases properly before the courts, but it has the same general authority and responsibility with respect to customary international law. Indeed, in the case of unavoidable clash between a federal statute and customary international law, especially customary jus cogens, the more widely shared and authoritative preference is that customary international law prevail. Under the primacy of the customary international law approach, clearly the definition of genocide evidenced in article II of the Convention should prevail in the face of deviant legislative provisions such as those found in H.R. 807 and S. 1851. An independent judiciary, applying customary law, could thereby assure a more meaningful role for the United States in the enforcement of international law.

Such an approach is recognizably available with respect to civil sanctions, since customary international law is directly incorporable for such purposes. But is customary international law also enforceable directly for criminal sanction purposes, or must there be federal legislation defining and punishing a relevant offense against the law of nations? It is generally assumed that a federal statute is needed, even though prosecutions for violations of international law had occurred early in our history in the absence of domestic implementary legislation. Yet the question arguably remains, especially since seemingly relevant Supreme Court opinions on the need for a federal statute merely denounced criminal prosecutions based on common law alone and, although customary international law has been said to be "part of" the common law,
it is not merely "common law" but much more and of a higher transnational status with a recognizable constitutional base. Thus, it is possible that the customary prohibition of genocide is still directly enforceable in our courts despite the lack of relevant domestic legislation or the existence of any inconsistent definitional elements in legislation designed in part to implement the Convention.

It is also arguable that domestic legislation is not needed in order to prosecute treaty-based acts of genocide. Some have assumed that treaties are inherently non-self-executing for criminal sanction purposes, but the better view is that treaties can be self-executing for such purposes. Congress merely has a concurrent power to define and punish offenses against international law, not an exclusive power at the expense of the treaty power and that of the judiciary, which are also constitutionally based. If so, violations of the Genocide Convention could be prosecuted upon ratification whether or not there is adequate implementing legislation. Assuming that such legislation is not needed, generally unacceptable definitional elements contained in legislation could even be ignored.

In any event, the better approach to a legally permissible and responsible adoption and implementation of the Genocide Convention lies with a change of the Senate's 1986 "understanding." The Senate should conform its unjust understanding to the patent language and the object and purpose of the Genocide Convention. If such does not occur voluntarily, the new President should withdraw our "ratification" of the treaty and send the treaty back to the Senate. If not, one can predict that the U.S. "ratification" would be legally unacceptable as contrary to the object and purpose of the treaty and to customary jus cogens. If so, the United States will not be bound by the treaty, and its overall effort at ratification could be subject to ridicule. Given the development of a customary prohibition of the crime of genocide, efforts to gut the treaty of any meaningful effect have simply come too late and should be abandoned.

Who among us would deny that prior and present victims of the Nazi holocaust, indeed any genocidal acts abroad, were and are human beings? It is time finally, really to ratify the Genocide Convention and to pass legislation adequate to our international criminal law enforcement responsibilities.

Professor BASSIOUNI: Thank you, Professor Paust, for a very imaginative constitutional approach to both the interpretation of the Constitution and the relationship between treaties, implementing legislations, and the powers of the judiciary. I think there is much to consider in the proposals you have made. I suppose this is an attempt to achieve through more of an activist judiciary what the legislature and the executive have failed to accomplish. I was particularly fascinated with your thought of the possibility of recalling the deposit of the instruments of ratification. I think that if that is an acceptable procedure, I would much rather recall the whole Genocide Convention and start all over again. But it seems to me that we are witnessing two interesting phenomena throughout the world. Somehow it seems that legislation like the implementing legislation on the Genocide Convention and the Canadian statute on prosecuting war crimes and crimes against humanity is focused toward the past and reflects more of a political statement on the part of legislative bodies referring to past experiences than a genuine effort to develop a legal instrument reflecting the present and, one hopes, applying to the future.

In most of these cases, while great emphasis is laid on the atrocious experiences of World War II, somehow, when one reads the legislative history of these instruments, events that have occurred between 1945 and now seem to be almost completely ignored. There is very little reference in those legislative debates about contemporary
events, and this is very noticeable if one recalls the earlier observation of Professor Paust respecting the "substantial" destruction of a group.

It also seems to me that there is a more insidious purpose in this type of legislation, whether it is the U.S. legislation or the Canadian legislation. The insidious purpose is to pass the legislation so that politicians can say we have it, but in fact to draft it in such a way that it is totally impossible to carry out.

In the Canadian legislation, specifically with respect to crimes against humanity, such a crime must have existed at the time the alleged crime occurred. Thus, anything pre-Nuremberg is going to have to be proven to have existed under customary international law general principles. This makes it almost impossible, for example, to deal with the question of deportation of one's nationals to another country. I am currently working with the Canadian Government on the first test case that will start this June, and I can assure you that the difficulties of trying to find a way to show that the principles of international law existed at that time with respect to the deportation of one civilian population to an allied country is not an easy task. I am therefore more concerned that this type of implementing legislation undermines the legitimacy of general principles of international law, customary law, and the conventions that have developed, since it removes some of the strong foundations that we thought had been built over time.

**Remarks by William M. Hannay*  

I am standing in the shoes, so to speak, of Professor Robert Friedlander, who was to have been on this panel today. He has the unique characteristic of having been one of the few witnesses to the 1985 hearings on the Genocide Convention to testify in opposition to it. I feel bound, because of my role in standing in for him, to respond to some of the things that Professor Paust has said and to put into context the concerns that were raised by some of those who opposed the Convention. I will limit my remarks in that regard to those of Professor Friedlander's views with which I am familiar and those of Senator Helms, who was a very strong opponent of the Convention as initially drafted.

There was much opposition to the Convention in the U.S. Senate for many years because of a difference in perception as to what the Convention was intended to accomplish. If the Convention was nothing more than a strong statement of policy, a symbol of the nation's opposition to the concept of genocide, life would have been much easier in terms of ratification. The United States, as you know, signed the Convention. Indeed, the United States was the very first state that signed it; yet it took a long time for our country to ratify it. Why? Because many people, including a majority of Senators, believed that it should be more than a symbol. They believed that it should be applied with the same type of consistency and specificity that any statute passed by the Congress would have to exhibit. So the debate went on for a number of years.

As a member of the American Bar Association, I am somewhat embarrassed to say that the Association opposed the Convention for the first 27 years of the Convention's existence, because of what a number of Association members perceived to be serious constitutional problems with it. They perceived a real conflict between our constitutional structure and the nature of this convention. If you perceive the Convention to be more than just a symbol—something that actually has to be applied in real life—there is arguably a lot of vaguenesses to it, a lot of inconsistencies in it. To spell out

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how the Convention would work in practice presented, in the minds of many people in
the American Bar Association, some constitutional problems.

In 1974, the American Bar Association reversed its position on the Convention and
went from being its strongest opponent to the strongest proponent of the Convention.
For the next 12 years the American Bar Association was in the forefront of supporting
the Convention.

Why did opposition to the Convention remain in the Senate? Was it some sort of
conspiracy to allow future Nazi murderers to go free? Certainly not. That was cer-
tainly not the basis of the opposition in the Senate.

There were several objections to it. Viewed as a statute that both a prosecutor and a
defense attorney would have to use, and that a judge would have to construe, vague-
ness needed to be resolved. So, for example, with respect to the phrase “in whole or in
part,” the Senate ultimately attached an understanding that the term “substantial
part” needed to be read into the statute. Otherwise, it would have dangerously over-
broad application. The real fear of many opponents was not that the Convention
would be applied to the kind of action that we can all agree is horrible, but that it
would be misused and abused as a tool of propaganda by those who oppose the United
States and other free countries. They feared that it would be used to our disadvantage,
that we would be accused of acts of genocide unfairly and falsely. Nations like Israel
indeed have been accused of acts of genocide unfairly and falsely. Indeed, we can see
this happening even now.

Recently, there was introduced before the American Bar Association, for considera-
tion at the 1989 Annual Meeting, a resolution that the application of capital punish-
ment in the United States is genocide in contravention of the Genocide Convention. I
consider that to be a preposterous proposition. There are many reasons for opposing
capital punishment, but the argument that it is a genocide under the Convention is not
one of them. Yet, now that the Convention has been ratified, it is being used against
us and our laws. Precisely because this kind of abuse might occur, and in order to
prevent such abuse, the Senate attempted to define and narrow the Convention’s appli-
cation. Of course, as we know, the Genocide Convention, with or without American
ratification, has not stopped the genocide that has occurred in the countries that Pro-
fessor Bassiouni has mentioned. This, of course, is a great tragedy, but there is one
comment from the Senate Report that I wanted to read. In its explanation regarding
the understandings, one of the things the Senate report said was the following, and I
think it is something that should be kept in mind:

[O]ver the years, the true meaning of the word genocide has been debased. The
charge of genocide has come to be levied against virtually any action with
which the accuser disagrees. Raphael Lemkin, a Polish legal scholar, coined the
term to describe what was happening to Jews in the Nazi-occupied Europe. His
purpose was to focus the outrage of all civilized people on the commission of such
atrocities. The Committee hopes its own actions will help restore the meaning
Lemkin intended.¹

So, while Professor Paust has, in good faith referred to the “contemptible under-
standings” of the Senate, the “deviant definitions,” and the “unjust understandings”
of the Senate, there is more to those understandings than deviance and unjustness.
There was a deep concern on the part of many Senators, ultimately adopted by the
Senate as a whole, that there were vaguenesses and inconsistencies in the Genocide
Convention. The Senate felt that, if it were to be applied—and they want it to be