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The Political, Legal and Moral Lessons of the Ukrainian  
Genocide, the “Great Famine” of 1932-33

Let me begin with a very personal digression. It is a surrealistic image of my youth. Together with my father I came to the small town of Uman', located in the heart of Ukraine – in the richest black-soil area. My ancestors, Ukrainian Cossacks and farmers, were from that region.

We went to the cemetery where my grandparents had been buried. We saw a far-flung field of grassy hillocks. It was the place of collective graves – without any crosses or gravestones, just untitled tombs.

Thousands of Ukrainian peasants – the salt of the earth – were buried there in 1932-33. Among them my grandfather Pavlo Scherbak and my grandmother Jaryna Scherbak-Drozdenko. They died in 1933 as victims of Stalin's Famine. My grandmother Paraska Bebesko-Slonevska – mother of my mother – passed away in Kyiv during that infernal time as well. Thus, the Famine of 1932-33 became the catastrophe of my own family, leaving a bitter trace in our souls.

And today, in the new century and the new millennium, in the Age of Globalization with its unprecedented new challenges and opportunities, we, the participants of this Symposium, are gathered here in Italy for meditation, recollection, discussion and prayer to commemorate the victims of the Ukrainian Genocide. All of us here are united by our interest toward Ukraine and its tragic history, by our confidence that justice has to win, by our hope that in today's modern globalizing world we can learn from the lessons of the Ukrainian Genocide.

In August of 2003, in Kyiv, in the framework of the World Congress of Ukrainians, a very special event took place: the Round Table “Time to tell the truth”, a discussion on the 70th anniversary of the Ukrainian Famine. It was a very dramatic and passionate conference,

which has shown that the topic of the Great Famine is still alive and relevant for our divided society.

Some state institutions were accused by participants of passivity and of lacking the political will to attract more attention from the international community as regards the Ukrainian tragedy.

Why should we be interested in the crimes of the Communist regime committed in the 30's of the last century?

I'm deeply convinced that there are fundamental reasons for this:

1. The enormous, truly mega-number of victims of the Famine. I would like to remind that, during the 4 years of War World I the total military casualties amounted to 8.5 mln soldiers: Russia lost 1.7 mln persons, France 1.3 mln, Germany 1.7 mln, Austro-Hungary 1.2, the British Empire – 0.9 mln persons. While Ukraine lost 7.5 mln innocent peasants and members of their families in just 2 years of Bolshevik Genocide!

2. The Ukrainian Famine is still not widely known internationally and needs a more aggressive information campaign, to be initiated and supported in the first place by the Ukrainian State.

3. There is still the necessity to define some of the political and legal circumstances of that gloomy story to prevent its repetition in the future.

### **The political lessons of Famine**

I would like to point out that the ideology and practice of Leninism-Stalinism has become one of the most dangerous, influential, contagious, cynical and immortal inventions of the 20th century. The criminal practice of mass murder has been chimerically combined with the dream of millions for social justice; ugly chauvinism and the suppression of national-democratic movements – with resounding promises of national-self-determination. It was a Kafkaesque theatre of the absurd, but it was also a well-organized absurdity, the new omnipotent political technology – from the 20<sup>th</sup> century and forever. Among the Stalin's dreadful illuminations was the idea to make a link between social and national approaches to wide-scale political repression.

In his famous letter to Kaganovich of August 11, 1932, Stalin changed the point away from focusing on the social reasons for struggle in agriculture (I mean the struggle against “kulaks” in Russia,

Ukraine, Kazakhstan, without national differences). He announced Ukrainian nationalism as the main enemy. Stalin warns that «Things in Ukraine are terrible... If we don't make an effort now to improve the situation in Ukraine, we may lose Ukraine».

Thus, Stalin created a new kind of lethal political weapon – the combination of national and social instruments, useful for political repression and the destruction of large groups of innocent people. Hitler was a small copyist of his great communist guru.

Moreover Stalin, in his domestic struggle with the Ukrainian people, perfectly played a geopolitical card. In the letter we quoted, Stalin warned of the Polish threat: «Keep in mind that Pilsudski is not daydreaming, and his agents in Ukraine are many times stronger than Redens (chief of GPU – *ed. note*) or Kosior (Ukrainian communist party's leader - *ed. note*) think».

On the other side, dual political standards, cynics (so-called “pragmatism”) and indifference to the destinies of millions of people have characterized the position of Western States toward to the catastrophic situation in the USSR, especially in Ukraine.

Let us recall Soviet grain exports (practically dumping) to the United Kingdom, Italy, Germany. Let us recall the situation with unemployment in Germany and the US. As one of the key German diplomats in the USSR (I. Von Herwarth) stressed:

Some [diplomats] suggested that the German government should suspend all deliveries of industrial equipment to the Soviet Union as long as the local government continued to doom millions of people to death by starvation... I considered it immoral for us to be shipping goods to the Soviet Union at all. This was decidedly not the position of the Weimar government. Its response was to pretend to be preoccupied with the problem of unemployment in Germany.

Let us recall the mass demonstration by members of Ukrainian-American organizations in 1933 against recognition of the Soviet Union by the US: the White House and the Department of State have been deaf to these protests.

Truly it was a diabolic time, a black hole of history and nobody listened to the miseries of Ukrainian peasants and my grandparents among them.

And let us ask ourselves, whether mankind has made appropriate political conclusions from the history of the Great Famine, or not? Honestly speaking, we cannot say definitely «yes».

The belligerent Stalinist doctrine has been adopted by different parties, terrorist movements and dictatorship states – from Nazi Germany to Cambodia, from Liberia to Afghanistan under the Taliban, from Ruanda to Iraq under Saddam Hussein.

The so-called treasure-chest of “Leninism-Stalinism” is still open and inspires numerous learners and followers all over the world.

No doubt, in the future we will see attempts of certain political forces to use the Hunger-methods that were perfectly worked out by Stalin, Molotov and Kaganovich in the 1930's. We have been able to observe some elements of artificial famine during civil wars in Ethiopia – Eritrea and Cambodia and – without any war – in North Korea. We can meet it in the worsening agricultural and food situation in Subequatorial Africa and Asia. Don't forget that starvation is a strong biological weapon against regular troops, guerrillas and unsubordinated people in rebel areas. It is very significant that the Italian Ambassador in Moscow in his cable of July 11, 1933 to the Foreign Minister underlines that «the Government's great skill has thus been its knowledge of how to make the most of the famine weapon».

A special International Watch Center (or group) is needed with regard to the tragic Ukrainian experience. We have to inform global opinion that the political lessons of the Ukrainian Famine are very important in order to avoid future tragedies.

### **The legal lessons of the Great Famine**

From the very beginning of the Stalin's Famine, one of the most controversial issues has been the correct legal definition of this catastrophe. It has been clear that we have to deal with a real war of the Bolshevik regime against the people.

But how to describe it in appropriate juridical terms?

In the 1930s, when the definition of *genocide* did not exist, Stalin's crime could be classified according to the Hague convention of 1907 as a brutal violation of clause 46 of the Rules of prosecution of war. After War World II the definition of Crimes against Humanity first appeared in the Nuremberg trials (1946). It included some types of crime, like murder, extermination, slavery, deportation, torture and other inhuman treatment against any civil population.

We should recognise that the rules, according to which Nazi-criminals were prosecuted, were created *after* the crimes were committed.

On December 8, 1948 the Convention for the prevention and punishment of the crime of genocide was adopted by the United Nations. The term “genocide” was invented for the first time in 1944 by the Polish expert in criminal law, Rafael Lemkin. But it is very symbolic that Lemkin previously presented his ideas at the 5th International Conference on the Unification of Criminal Law, held in Madrid in... 1933! He raised an idea that the destruction of racial, religious or *social* communities should be declared as crimes *juris gentium*. It is not to be excluded that Mr. Lemkin had heard something about the artificial Famine in the USSR.

The Convention defines genocide, as follows:

... any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group;  
killing members of the group;  
causing serious bodily or mental harm to members of the group;  
deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

It is very important to note that two key elements are required to constitute a case of genocide:

- a «national, ethnical, racial or religious group»;
- *an intent to destroy*, in whole or in part, this group «as such».

We have to underline that the concept of the Convention was extended to embrace crimes committed *during, before or after* a war and in peacetime.

A dramatic job was done in 1988-1990, during the outstanding work of the International Commission of Inquiry into the 1932-33 Famine in Ukraine.

The Commission majority deemed it plausible that the *constituent elements* of genocide were in existence at the time of the famine although the Genocide convention had not been created until 1948.

The Final Report states very carefully and quite contradictorily, that «The Commission feels justified in maintaining that if genocide of the Ukrainian people occurred, it was contrary to the provisions of the international law then in force».

The Commission notes that there

is no doubt, that the famine and the policies from which it arose were not confined to Ukraine... Moreover, history has since largely confirmed that Stalin's hatred extended beyond the Ukrainians. One is led to envisage the possibility *of series* of genocides... but this in itself does not rule out the hypothesis of a genocide during the 1932-33 famine.

On the other hand, it was the impression of the Commission that Stalin tried, through the famine, to deal a *terminal* blow to the Ukrainian nation «as such».

The Commission concluded that

it may be incontrovertibly established in the near future – for example, when the archives from Stalin's day have been examined – either that Stalin had from the outset imagined an insane programme to starve the Ukraine or, conversely, that the authorities' attitudes upon the outbreak of famine in the autumn of 1932 resulted from their carelessness and inexperience.

Some members of the Commission did not agree to call the disaster of 1932-33 a genocide. They found that two issues fundamental to the legal crime of genocide were absent:

- criminal intent to destroy Ukrainian ethnicity-nationality; and an
- exclusively Ukrainian scope of injury through central Soviet operations, Union-wide.

One member of the Commission stated that a qualification of the facts presented should establish crimes against humanity but not genocide.

Thus, the core of today's legal discussion of the Famine is whether it was genocide against the Ukrainians or not.

I believe that in the light of new facts and documents from archives (Stalin's letter to Kaganovich for example) later discovered by historians, there is evidence of the deliberate intention of the inner circle of the Soviet leadership to destroy national and social groupings of Ukrainian peasants and *intelligentsia* which undoubtedly means the crime of Genocide. I call upon participants to support this conclusion in the final resolution of the Symposium.

The implementation of the Rome Statute (June, 2000) of the International Criminal Court became one more foundation stone in the building of the modern system of Justice.

According to the Rome Statute, "genocide" means any of the following acts:

- killing members of the group (national, ethnical, racial or religious);
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent birth within the group.

Among crimes against humanity we can find such criteria as «extermination includes the intentional infliction of conditions of life, *inter alias* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population».

The inauguration on March 2003 of the International Criminal Court became the serious step towards establishing a global justice system. This International Institution is designed to protect and strengthen the principle of the rule of law, to eliminate impunity and to provide accountability for the commission of such serious criminal acts as aggression, genocide, crimes against humanity and military crimes.

The struggle for an appropriate and perfect juridical definition for the Great Famine as a real genocide does not have a scholastic character but bears a deeper sense – a sense of justice, of retribution, of the unforgettable memory of millions innocent victims. And an unambiguous warning to future dictators.

We do believe that the Ukrainian Famine must take its place in line with the Armenian genocide of 1915-16, the Holocaust of Jews during the World War II and other acts of genocide. After 60 years of silence and ignorance by communist authorities, the independent Ukrainian State is now making attempts to inform public opinion on the Ukrainian tragedy.

Statements by the Parliament of Ukraine, the President and the Cabinet of Ministers have officially recognized the famine as an act of genocide against Ukrainian people.

At the same time in 2003, the Senate of Canada adopted a resolution to recognize the Ukrainian Famine/Genocide of 1932-33 and condemned any attempt to deny or distort this historical truth as being anything less than genocide.

Representatives of Ukraine at the United Nations delivered an official draft of the Project of General Assembly Resolution which calls for the recognition of the Ukrainian Famine of 1932-33 as genocide and a crime against humanity and for condemnation of acts and policies which brought about the mass starvation and death of

millions of people in the territory of Ukraine in 1932-33 and also – to express sympathy to the victims of the Ukrainian Famine of 1932-33.

During the Round Table on the Famine, which I have already mentioned, the Ministry of Foreign Affairs of Ukraine was attacked furiously – for passivity in promoting the afore-mentioned resolution at the General Assembly of the United Nations.

At this point lots of Ukrainians discovered very bitter and unpleasant truths of our times:

No country (except Georgia) supported the draft of the special resolution delivered by representatives of Ukraine at the UNO!

The United States and Russia have definitely refused to support it, having different but the very same reasons. The US are afraid to get resolutions which condemn their own genocides against African slaves, Indians and Mexicans, while Russia does not want to be involved in some affairs with its bloody historical heritage either.

According to some experts, there were more than 60 different kinds of genocide in modern history and any resolution on this topic could open the Pandora's box of old national hurts.

That is why I call upon all of you to establish a special group of international lawyers and to continue efforts for the legal recognition of Ukrainian Genocide.

Recently, the discussion on accepting limits to state sovereignty and to domestic jurisdiction in international law took place in the framework of the International Commission on Intervention and State Sovereignty. This Commission, established in 2000 on the initiative of Canada with the participation of prominent international experts, has taken into account tragic events in Rwanda, East Timor, Bosnia, Kosovo, Iraq, Liberia and Sierra Leone, and framed a special document – «The responsibility to protect» (2001), which is a substantial step forward in development of the new principle of interstate relations and foundation of world order in the age of globalization.

The basic principle of the document is that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, *from starvation*.

Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.



The responsibility to protect embraces three specific responsibilities:

- The responsibility to prevent;
- The responsibility to react;
- The responsibility to rebuild.

We can imagine that in accordance with these principles, Western States in the 1930s should have strongly reacted to Stalin's mass crimes against humanity in the USSR.

But we are not so naive and we know very well that perfidious and hypocritical double standards of state behaviour in the 1930s are fully or partially retained in our times. What was impossible 70 years ago toward the Soviet Union, is impossible today toward several nuclear powers or good friends of some superpowers. But despite of all our disappointments, let us believe that humankind has progressed in the field of prevention of mega-catastrophes like the Famine of 1932-33.

### **The moral lessons of Ukrainian Genocide**

Two events without any visible linkage occurred in Ukraine in 2003:

*First.* During the parliamentary hearing to commemorate victims of the Ukrainian Famine of 1932-33, held in February 2003, the members of the Communist faction left their seats to protest against the so-called "anti communist provocation". Symonenko, leader of the Communist Party of Ukraine, denied the artificial nature of the famine and blamed disastrous weather conditions in Ukraine.

*And Second.* Because of the very poor forecast for the Ukrainian harvest in 2003, the prices of grain and meal increased drastically and long lines for these foods appeared in some regions of Ukraine. The nightmare of famine has been immediately restored, because it has been coded into the genetic level of the second and the third generation of Ukrainians as a result of the Great Famine.

We were not surprised by the lack of morals, by the ignorance and cynicism of the Communists, because they have the inherited old tradition of leftists, including the so-called "progressive" *intelligentsia* in the West – of denying any crimes committed on behalf of the Red Utopia anywhere.

How any could moral lessons exist among the characters of Dostoyevsky's "Devils" – without morality, remorse and compassion?

Who knows examples of public remorse of leftists for their support of Red Crimes? As George Nivat, a professor/Slav scholar from Switzerland put it: «we all together have been Stalinists, consciously or unconsciously, we looked away in the face of terror, violence and the cold hypnotism of Stalinism».

How can we react to this tragic experience?

Maybe the best response would be in words of the apostle Paul to the Romans: «Avenge not yourselves, but rather give place unto wrath: for it is written, vengeance is mine; I will repay, saith the Lord» (Romans, 12, 19).

## References

1. International Commission of Inquiry into the 1932-33 Famine in Ukraine, *The final report*, Toronto 1990.
2. Ukrainian Canadian Research and Documentation Centre, *Famine Genocide in Ukraine 1932-33*, Toronto 2003.
3. *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*, Ottawa December 2001.