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## Nationalism, Ethnic Strife and Human Rights, 28 J. Marshall L. Rev. 769 (1995)

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# ARTICLES

## NATIONALISM, ETHNIC STRIFE AND HUMAN RIGHTS

ELENA BONNER\*

Ladies and Gentlemen, would you agree with me that we find ourselves living in an illusionary world, a world penetrated by myths. Today, in our world, we have about fifty wars going on. We bashfully call these wars conflicts. We call them ethnic and border conflicts. But if we put the everyday loss of human life together, we would find that the combined loss is no less than that of the world wars; if we look at the number of refugees today, that number exceeds the number of refugees from World War II.

Every hour, thousands of people are deprived of the right to live in their motherland. They are deprived of shelter, of the right to work, of the right to life. But those of us who still live in homes and who still have these rights, continue to believe that we live in peaceful times. This is the first myth.

Today we see numerous organizations that proclaim, on their agenda, the defense of peace. These organizations include the United Nations, the Organization for Cooperation and Security in Europe, various peace-keeping missions, peace-keeping armed forces and many others. We do not burden ourselves with the thought that the United Nations's charter was created immediately after World War II and the extent to which the Soviet Union was a victor in World War II. This charter reflected the pressure of the Soviet Union, in fact of Stalin, on the entire future development of this world organization. While we are paying taxes to maintain the considerable apparatus of this peace-keeping organization, which I would suggest that we call, conditionally, "the bureaucracy of peace," we want to believe that this bureaucracy will keep the planet in some civilized parameters of at least formal, or superficial peace. This is the second myth.

While I am saying this, I am very far from calling for the destruction of these existing international organizations. Rather,

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on the eve of the fiftieth anniversary of the end of World War II, I believe that it is high time to reassess the concept on which these organizations were founded.

The United Nations's Secretary General Boutros Boutros-Ghali has proclaimed that there are two fundamental bases of today's world order. He has proclaimed that these two principles, states' border and territorial integrity on one hand, and the right of self-determination on the other, are of equal importance and should not contradict each other. These are beautiful words; but it seems that when the Secretary General repeats them, he forgets or he chooses to ignore that these two principles have been in contradiction with each other for quite a long time. Moreover, these words illustrate that priorities are not right, this in turn, seems to be the reason for the majority of today's conflicts and wars. From this stems the third myth.

We speak of the priority of human rights, but in reality we see that nothing has changed for centuries. Priority in these rights is given to the strong; in other words, to the mighty. Is there anyone who can explain why the Kurdish people, a people who total twenty-nine million and constitute one of the most ancient people of the Middle East, are deprived of the right to statehood and are less entitled to this right than their neighbors? How can we reconcile the notion of defending human rights with the United States's statements which virtually allow Turkey to wage war against the Kurds, the only condition being that this war is carried out quickly and without too many victims. In fact, the United States granted the very same permission to Russia for the extermination of the Chechen people. Only a child can believe that a modern war can be carried out without civilian losses. Statements about the defense of human rights in all of these instances constitute yet another myth.

Sometimes I think it would be far more honest, instead of creating myths, to demand that these countries, these regimes, set aside special humanitarian contributions to cover the price that we have to pay to help refugees, the wounded and orphans. Let these countries pay in advance for that which we defend by words alone — I am speaking of human rights.

Who pays for the horrors of the war in Afghanistan that has continued for fifteen years, for the suffering of these people? Who has answered for the Soviet Union's mistakes and cruelty? Who answers for the suffering of the Kurdish people, or the Shiites of Southern Iraq after the Persian Gulf war? I think that one of our grave mistakes is to believe in myths. We pretend that the desired is already accomplished.

A further example — a Nobel Prize marked the joyous occasion of the meeting of representatives from Palestine and Israel. Yet, blood still flows and war still rages while we celebrate peace

that does not yet exist. This is still another myth.

I believe the perception of intensifying nationalist tendencies and the perceived increase in the number of inter-ethnic conflicts are additional myths. These tendencies existed long before we noticed them, yet it is only recently that our perceptions matched reality. It is natural that these tendencies became more visible with the coming of glasnost, or openness and the freedom of the press. The destruction of totalitarian power always brings about a transformation when the fire that was hidden from us in the embers, under the ashes, becomes more visible with the removal of general oppression.

Yet another myth is that, in our desire for stability, the formation of new states and entities can be stopped. This process has always occurred, 2,000 years after the birth of Christ, and 5,000 years before him. It will continue for as many millennia as human history will count. Both Pharaohs and Roman Emperors grasped at stability, and yet, we find ourselves living in a different Africa, a different Europe, in a different world from their world.

The task of today's civilization, our task, and especially the task of all those who possess legal knowledge, is to find new ways to resolve these conflicts which differ from the methods employed in the time of the Egyptian pyramids and the wars of today.

Now, I would like to discuss the situation in the former Soviet Union and the wars within its territory. It is not difficult to follow the history of these conflicts, but that does not make this history any less tragic.

Under Communism, the total oppression by the central authorities created an illusion of "friendship," or "brotherhood of all the people," the single most important Soviet propaganda slogan. But this was only propaganda. In reality, the totalitarian state had barred all the real processes of integration.

During Soviet times, the national republics were formally governed by the people of the same nationality. In reality, they were governed by those who were sent from Moscow: the KGB and the second party secretary. National government was fictitious. The more the center tried to resist these republics slipping from its control, the faster a dislike of Russia and the Russians grew within the republics. Moreover, never in Russian history, be that the Russia of the Czars, or Soviet Russia, was there any effort to nurture respect towards other nationalities. Anyone who is familiar with Russia is acquainted with the humiliating and derogatory term "Chuchmek," used to define anyone of non-Russian nationality.

There were other reasons for national conflict during the disintegration of the Soviet Union: the unjust and unfair distribution of economic projects, mass deportations, the policy of populating the national republics with Russians and the very arbitrary

creation of borders that are impossible to explain logically.

Stalin's policy of "Divide and Conquer" lies at the root of almost all of today's bloodshed. Let me give you several examples. Why should the people of Ossetia, who live in an ethnically homogenous enclave, be divided into northern Ossetia and southern Ossetia? As a consequence of this division, half of the people found themselves under the authority of the Republic of Georgia, while the other half were under the authority of the Republic of Russia.

Why should the region of Nagorno-Karabakh be separated from its native Armenia by twelve kilometers of uninhabited land and be subordinated to Azerbaijan?

In some instances, the wars and tragedies were caused by the fact that a republic's status was arbitrarily changed over the course of seventy years. For example, until 1934, Abkhasia had the same status as any other republic. But Stalin had personal animosity towards Lakoba, the General Secretary of the Abkhasian Communist Party. For this reason, he changed the status of the Republic from a national republic to an autonomous one. Later, however, he felt that he had not gone far enough — he had the entire leadership of the Abkhasian Republic executed. Today, we reap the bloody fruit of Stalin's policy.

As soon as central power weakened in the Soviet Union, the violence started — long before the disintegration of the Soviet Union. In 1986, central authorities cruelly oppressed mass street riots in Alma-Ata. Very few people in the West, however, know of this tragic story. The peaceful movement for the unification of Karabakh with Armenia was transformed by the central authorities in Moscow into a war; it ignored anti-Armenian pogroms and forced deportations of Armenians from Nagorno-Karabakh beginning in 1991. Let me address this forced deportation.

This deportation had all the makings of, and in fact it can be defined as, ethnic cleansing. Everything horrible you can imagine happened there: hostage-taking, mass rape of women and children, robbery, looting and even a trade in corpses.

If the world community, which was so much taken by Gorbachev at the time, would have paid a little more attention to Karabakh, it is quite possible that the situation in Yugoslavia might have been averted. But Karabakh went unnoticed and, thus, permission was granted for the unfolding of events in Yugoslavia.

In the Soviet Union, another war, the war in TransDniester was artificially provoked by Gorbachev. In fact, this war was practically sanctioned by Gorbachev and his circle as a counterweight to Moldova's desire for independence. The Russia that considers itself a democratic country supports the anti-democratic regime in Tajikistan and in fact is waging war there. And finally,

the Chechen war. The war in Chechnya is often called Yeltsin's mistake. I consider it his crime, the crime of Yeltsin and his regime.

For a year now, the state controlled mass media in Russia has been executed an anti-Chechnya campaign of defamation and slander comparable only in degree to Goebbels' propaganda and use of the mass media. The lies that have been disseminated by Russia's mass media, for instance, that President Dudaev's regime is a bandit regime and that practically all hoodlums in Russia are Chechens; all of these lies have led not only to the spread of these misconceptions within Russia, but also to the West.

Being limited by time, I would be willing to prove to any opponent, after this speech, that this war had no justification. There were no humane legal, economic or constitutional justifications. Indeed, this is not a war against bandit formations in Chechnya, as Russia's media claimed, but is a war against the Chechen people, a war for their total extermination.

We put some meaning in the resolution, in the very names of the Security Council, the General Assembly and the United Nations itself. Yet, this is another myth when we see a member of the Security Council of the United Nations wage war with an intent to exterminate an entire people.

Most unbearable is the lying that has accompanied this war from its inception. I give you only one example. The official number of refugees is 130,000. But we know that Grozny, a city of 500,000 before the war, has been completely destroyed. We also know that other cities, towns and villages have been destroyed. I estimate at least 800,000 refugees exist. These refugees, these people, do not flee to Russia because they are afraid of further atrocities.

By now, they already know of the secret instructions not to help Chechens. The official relief amount for which a refugee is entitled from the Russian Federation is 20,000 rubles, five dollars. Elderly Chechen women say "I'm better off just dying here, at least no one will have to spend the money for a burial plot."

During the time of Catherine the Great, Aleksandr Suvorov, who was then a very young and aspiring officer, reported to the Great Empress of the war beginning in the Caucasian foothills. Over two hundred years ago, in 1782, he wrote, "Thank God we have been quite successful except that the Nogai people were practically all slaughtered." All people who lived in the Caucasian foothills at that time were termed Nogai. I think Grachov, the General and Minister of Defense; and Yeltsin, the Commander-in-Chief of the Russian Federation, could have reported the very same thing to the United Nations today.

Today Russia is getting ready for the celebration of the fiftieth anniversary of the victory over Nazi Germany. There is no

doubt in my mind that this celebration is called to draw a veil over the genocide of the Chechen people. I do not know what kind of feelings you have in regards to the scheduled trip of your President to the celebration in Moscow. As for myself, I can only say that as a veteran of World War II, I am ashamed for the celebration that will be staged while Chechen blood still flows.

Very recently I read a novel by a Nobel Laureate, Toni Morrison, entitled *Beloved*.<sup>1</sup> I believe that this book belongs to the great achievements of American literature and can stand next to Dostoyevsky's *Crime and Punishment*.<sup>2</sup> The hero of Dostoyevsky's *Crime and Punishment* kills because this is the way for him to assert his will, his capriciousness. We find it in our hearts to sympathize with the torment that he goes through after he commits his crime, but he also deserves the legal punishment that is commensurate with his crime.

Sethie, the heroine of *Beloved*, kills because she is protecting her daughter. When she says, "I do not want my daughter's behind or breasts to be measured as that of cattle, I do not want my daughter to be raped by five white men while her husband is made to watch," when she says "I do not want my children sold," these words, "I do not want" find a most powerful resonance in our souls. These words are a testimony to the crime not of Sethie but of those who committed all those deeds against her. Even though it was more than 2,000 years ago that the words "Thou shall not kill" were first uttered, we once again have to face the issue of the letter and the spirit of the law.

When I think of the Chechen people, who Russians tried to conquer for over fifty years during the nineteenth century, when I think of the deportation of the Chechen people in Stalin's time (over half of whom perished as a result of the deportation), when I think of those who have been denied the right to even be called a people, when they are called "people of the Caucasian origin," when I think of all of this, I ask myself, "Can it be that a work of literature, of fiction, speaks to us more than reality? Is it only because CNN no longer broadcasts from Chechnya that we can now live more comfortably?"

It may very well be that I have asked too many questions today without giving any answers at all. But sometimes, to ask a question is also a way to solve the problem.

I am very grateful to The John Marshall Law School for this opportunity to deliver the Belle R. and Joseph H. Braun Memorial Lecture. I thank you all very much for your attention and interest.

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1. TONI MORRISON, *BELIVED* (KNOPF, Random House 1987).

2. FYDOR DOSTOYEVSKY, *CRIME AND PUNISHMENT* (Grolier, N.Y. 1900).