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## Opinion – Geographical Vicinity and Universal Values in the Light of the Ukraine Invasion

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VAHAGN AVEDIAN, MAR 14 2022

The outpouring of international support and sympathy towards the Ukrainian people in the face of the Russian invasion, especially in Europe and in the Western World, is not only commendable but highly justified. In the 21<sup>st</sup> century, all members of the human civilization should stand united in the defense of universal values such as human rights and democracy. While many are praising this somewhat surprising united front for defending the rights of the Ukrainian people, the swift and the immense support has also put the limelight on a less flattering aspect, namely the evident disparity between extolling the virtues of these universal values and how our willingness to defend them seem to diminish proportionally to the distance where their violation occurs.

These values are since the past century enshrined into numerous international conventions and charters such as the Geneva Convention, the Helsinki Final Act and the UN Charter. A fundamental principal in all these international laws and principles is the equality of all individuals regardless of their race, sex, language, or religion, not to mention where they are located on this planet. Yet, this latter factor, namely how far from our own doorstep any such encroachment occurs, has evidently a huge impact on how we react.

The examples are too many to mention here. There are, however, couple of examples which have been prevalent when commenting the international reaction to the war in Ukraine. One such recent case in the outskirts of Europe was the 2020 Nagorno-Karabakh War. Two outspoken autocratic states, Azerbaijan with the direct support and the participation of Turkey and thousands of Syrian mercenaries, launched a massive attack on the Armenian populated enclave of Nagorno-Karabakh while a third one, Russia, demonstratively stayed silent, only to jump in when it fitted the purpose to strengthen her footprint the Caucasus. The silence and the indifference of the international community was perhaps best summarized in US State Secretary Mike Pompeo's remark that "We're hopeful that the Armenians will be able to defend against what the Azerbaijanis are doing." Unsurprisingly, many Armenians are now calling out the "hypocrisy" of the international community and asking "Where was the outpouring of empathy when my country was at war?"

The Armenians, however, are far from alone. They too were probably more or less indifferent to other cases around the globe until the menace engulfed their own home. The devastating wars in Afghanistan, Syria, Yemen, Sudan etc. have caused immense humanitarian crisis and crimes such as the ethnic cleansing of Rohingyas in Myanmar and the genocidal treatment of Uyghurs in China are just some of many such cases where the victims could easily repeat the Armenian outcry for the abandonment by the international community.

Another such example of how the vicinity to the events play a decisive role in conjuring international reaction occurred in 2015. In more than a year, horrifying images and reports of how ISIS massacred civilians in Iraq and Syria was being broadcasted globally without any significant reaction from the international community to intervene in unison. Only when some additional 130 innocent people were killed in Paris by the ISIS (November 13, 2015), did the international community gear up and within a week the UN Security Council, which until then had been criticized for its inaction, agreed unanimously to call for a unified global front against ISIS. Victor Hugo's more than century old often-quoted cynical observation was sadly still quite fitting: "If a man has his throat cut in Paris, it is a murder. If 50,000 people are murdered in the East, it is a question."

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It is obvious that although we as a civilization have established some universal values as the sacred fundamentals for our democracies and individual rights, the political will to safeguard the *universally* has not quite caught up with that development. The decision-making still follows the political interests, not necessarily the ideological universal values enshrined in international law. Although this reflects the semantics of the word *realpolitik*, it is also the defective approach which has undermined the public trust in supranational organizations such as the UN and the Organization for Security and Cooperation in Europe (OSCE), rendering them as dysfunctional, especially in situations where the involvement of these organizations are badly needed, e.g. in the ongoing Ukrainian war.

The question of universal values and geography are not only political though, but the same applies unfortunately to the judicial realm as well. While one could assert that the politics is expected to be subjective, the law is viewed as the universal tool which is supposed to be blind to any bias. This notwithstanding, the legal community has also shown that they are not quite immune to the question of geography and how events close to us make a difference in our handling of these universal values.

One such relatively recent example was the case of *Perinçek vs Switzerland* in the European Court for Human Rights (ECHR) regarding the denial of the Armenian Genocide. During his visit to Switzerland in 2007, Doğu Perinçek, a Turkish political activist, denouncing the Armenian Genocide as a “great international lie,” had been found guilty of racial discrimination by a Swiss district court in Lausanne and fined 3,000 Swiss Francs. In 2008 Perinçek appealed to the ECHR for having his freedom of speech violated, and in 2015 the ECHR Grand Chamber, albeit in a highly divided panel of ten judges against seven, ruled in favor of Perinçek, partly basing its ruling on the geographical distance of the events, using the Holocaust as reference.

The majority ruling argued that while denying the Holocaust in Germany, France or Switzerland could be punishable due to the immediate local connections to the event, one could not argue that there was such a direct link between Switzerland and the events that took place in the Ottoman Empire in 1915. Although one would be inclined to accept a certain degree of logic regarding the Holocaust being more sensitive for the countries affected by the event, the ECHR’s argumentation posed a serious quandary in regard to the universality of the nature of the events and international law. This aspect was captured by the reflection of the seven dissenting judges, stating that “Drawing all the logical inferences from the geographically restricted approach apparently adopted by the majority, one might come to the view that denial in Europe of genocides perpetrated in other continents, such as the Rwandan genocide or the genocide carried out by the Khmer Rouge regime in Cambodia, would be protected by freedom of expression without any limits, or with scarcely any. We do not believe that such a vision reflects the universal values enshrined in the Convention.”

Universal values such as human rights and democratic principles such as freedom of self-determination, regardless of it being about joining NATO or deciding one’s own future, should be defended as the term infers, universally. It is admirable to see that the overwhelming majority of the international community is standing united and resolute in defending the Ukrainian people’s rights and universal values. But, it also puts the spotlight on the calls by numerous people who wonder where this outpouring of support was in their hour of need. Human rights and democratic principles should be defended universally and not depending on where the violations occur.

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## About the author:

**Vahagn Avedian**, PhD, is a peace and conflict researcher with focus on democracy and human rights. His book, *Knowledge and Acknowledgment in the Politics of Memory of the Armenian Genocide* (Routledge, 2019) includes a discussion about the Karabakh conflict within the context of the Armenian Genocide and its impact and legacy on the region. His forthcoming book, entitled *The Theory of Collective Reconciliation: A Trinity of Recognition, Responsibility and Reparation* (Routledge) explores the process of reconciliation through its components and their mutual dependencies and impacts.

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