



UNITED NATIONS AND GENOCIDE



A Comparative Historical Assessment on the Ability of the UN
to Protect Populations from Genocide



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Contents

Introduction	4
What is Genocide?	4
Methodology	5
Historical Background	6
The Significance of the Holocaust	6
Cambodia and the Khmer Rouge	7
Rwanda: the Hutus and Tutsis	9
Srebrenica and the Breakup of Yugoslavia	12
Historical Outcomes	15
Semantic Issues with “Prevent and Punish”	15
Current Assessment	16
Sudan and the Darfur Region	16
The Rohingya People in Myanmar (Burma)	20
ISIS and the Yazidis	23
Discussion and Recommendations	27
Problems Affecting the UN’s Ability to Protect from Genocide	27
Politicization and the Lack of Political Will	27
Recommendations	30
Conclusions	33
Summary of Facts and Figures	34

Introduction

When the United Nations (UN) was formed in 1945, it was established with the intent of avoiding the recurrence of atrocities like those of World War I (WWI) and World War II (WWII). The UN preamble lists one of its ends “to unite our strength to maintain international peace and security”.¹ Yet, the scourges of war were not the only acts they aimed at preventing. In the aftermath of WWII, the world was left to face the reality that Nazi Germany had systematically coordinated the annihilation of entire people groups, most specifically the Jews. Thus the UN—through the reasoning of its founding charter—established further mandates to prevent such “atrocity crimes.”²

The focus of this assessment will explore the UN’s effectiveness in protecting populations from genocide. It will begin with a historical background and then proceed to a current assessment. Once evaluated, the report will make a final determination, concluding whether or not the UN has lived up to its own foundational mandates. The report will end with several recommendations.



What is Genocide?

The term ‘genocide’ is generally understood to mean the targeting of a people group, especially an ethnic group or nation, with the intention of annihilating them.³ In remembrance and acknowledgement of the Holocaust, the UN adopted the *Convention on the Prevention and Punishment of the Crime of Genocide* (hereinafter, “Convention”) in 1948, which defines genocide in the following manner:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: 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; Imposing measures

¹ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

² UN Office on Genocide Prevention and the Responsibility to Protect, *A Framework of Analysis for Atrocity Crimes: A tool for prevention*, 2014, accessed February 10, 2017, http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf; 1. The term “atrocity crimes” refers here to three legally defined international crimes: genocide, crimes against humanity, and war crimes.

³ United States Holocaust Memorial Museum, “What is genocide?” accessed February 13, 2017, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007043>.

intended to prevent births within the group; Forcibly transferring children of the group to another group.⁴

For the sake of clarity and consistency, this report will assume the same definition as the Convention. It is important to note that the above definition outlines two main elements of genocide. The first is called the mental element (the “intent to destroy”), and the second is called the physical element (acts listed in a, b, c, d, and e).⁵ Some annotate a third part called the protected class element, meaning that the victims of a mass-murder belong to a distinct group or class such as a national, ethnic, racial or religious group. All these elements are needed to qualify an act as genocide under international law.

Methodology

Information in this report was gathered from reputable news sources, non-governmental organization (NGO) sources, UN resolutions, and other materials publicly provided by supra-national governmental bodies. In addition, English-based interviews with subject matter experts was used to support and reinforce information used in this analysis.

The period from the end of WWII to the atrocities in Srebrenica and Rwanda in the 1990s exposed the failures of the mandates to prevent atrocity crimes, and therefore the UN made significant changes in policy thereafter. In order to assess the effectiveness of these policy changes, an historical background will be presented of the former period, for comparison to the period thereafter. Furthermore, the report will rely heavily—but not solely—on the UN’s own admitted standards of methodology in regards to genocide,⁶ titled *A Framework of Analysis for Atrocity Crimes* (hereinafter, Framework for Atrocity Crimes).

While prevention of genocide should always be the foremost goal, as the UN’s framework outlines,⁷ it is not always possible. This is because most conditions precluding genocide can be difficult to predict. According to the Framework for Atrocity Crimes, “not all risk factors need to be present for there to be an assessment that there is a significant risk of atrocity crimes occurring.”⁸ In fact, a total absence of risk factors,

⁴ UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, Article 2.

⁵ Prevent Genocide International, “The legal definition of genocide”, accessed February 26, 2017, <http://www.preventgenocide.org/genocide/officialtext-printerfriendly.htm>.

⁶ UN Office on Genocide Prevention and the Responsibility to Protect, “Methodology”, accessed February 13, 2007, <http://www.un.org/en/genocideprevention/office-methodology.html>.

⁷ UN Office on Genocide, Framework for Atrocity Crimes, 2.

⁸ Ibid., 6.

though rare, is possible.⁹ Consequently, this assessment will be less concerned with prevention but rather focus on the ability of the UN, and other supra-national bodies by relation, to protect certain groups (the protected classes) from genocide. The Responsibility to Protect (R2P) will therefore be an important tool in the analysis, and is defined by The Global Centre for the Responsibility to Protect as “the obligation of states toward their populations and toward all populations at risk of genocide and other mass atrocity crimes”.¹⁰

The assessment will consider whether the UN has taken appropriate measures once an act of genocide has been recognized? “Appropriate measures” in this context specifically refers to actions that have resulted in the cessation, or significant decline, of genocidal acts (to include intent, if applicable). “Recognized” signifies an act that is observed and declared by any legitimate or trustworthy source, including national governments or reputable NGOs. Rwanda, for instance, would be considered a failure since genocide was not stopped or significantly reduced despite intervention by UN peacekeepers. This standard of failure in Rwanda has already been applied and understood by the UN in its own reports.¹¹

Historical Background



The Significance of the Holocaust

The Holocaust set a symbolic standard of international failure to act. Approximately six million Jews and approximately two hundred and twenty thousand Roma people¹² were murdered by the Nazis in WWII by acts of genocide. In addition, countless other people groups such as Poles, Serbs, homosexuals, and disabled individuals were persecuted.¹³ This is perhaps the most discouraging failure of the modern world to protect people from genocide and other atrocity crimes. The Holocaust demonstrated that people could be systematically targeted not because of what they had done or even what they stood for, but rather because of *who they are*.

⁹ Ibid., 7.

¹⁰ The Global Centre for the Responsibility to Protect, “About R2P”, accessed February 26, 2017, http://www.globalr2p.org/about_r2p.

¹¹ UNSC, *Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda*, 16 December 1999, accessed February 20, 2017, S/1999/1257.

¹² The United States Holocaust Memorial Museum, “Genocide of European Roma (Gypsies), 1939–1945”; accessed 15 June 2017, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005219>.

¹³ The United States Holocaust Memorial Museum, “Victims of the Nazi Era: Nazi Race Ideology”, accessed June 22, 2017, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10007457>.

Professor Yehuda Bauer, an Israeli historian and scholar of the Holocaust, explains that to the best of his knowledge, all prior cases of genocide were perpetrated for pragmatic reasons, such as social, political or economic confrontations, some leading to civil wars.¹⁴ The Holocaust is unique in that it extended beyond political and economic issues. Instead, it involved the systematic and targeted mass murder of Jews and the aforementioned groups based purely on animosity, prejudice and the institutionalized racial ideology of Hitler's Nazi Germany. The German sociologist Gunnar Heinsohn argued that the Holocaust was "uniquely unique."¹⁵ Heinsohn asserts, "There can be no doubt that the annihilation of European Jewry was justified time and again in terms of racism by German perpetrators including Hitler himself."¹⁶ Prof. Bauer, however, advises against describing the Holocaust as unique, since this would imply that it cannot be repeated. History teaches us that humans are capable of heinous atrocities. He suggests that the Holocaust should perhaps rather be regarded as unprecedented, since it introduced two new elements to genocide: a dangerous (racist) ideology, and globalization. There had been no global genocide before the Holocaust. The Nazi empire was partially successful in its goal of annihilate Jews all over the world due to aid from willing collaborators in all European nations.¹⁷ The historical uniqueness of the Holocaust among other atrocities lies in that it birthed a consensus on the need for the international community to act to prevent genocide. As noted previously, the Holocaust was one of the major factors in the founding of the UN and was also the driving force behind the Convention.

The following historical survey of the atrocities of Cambodia, Srebrenica and Rwanda will provide a broader context as it applies to prevention and protection. It will serve as a foundation for comparison as to whether policy changes made by the UN after these events have been successful or not.

Cambodia and the Khmer Rouge

I did not have even a mat to wrap [my father's and mother's] dead bodies, before I buried them myself. Neither did I have anything to wrap the bodies of

¹⁴ Yehuda Bauer (academic advisor to the Yad Vashem Holocaust Museum), interview by Cody Holmes, March 27, 2017, transcript, Jerusalem Institute of Justice.

¹⁵ Source of term comes from Alice L. Eckardt and A. Roy Eckardt, "The Holocaust and the Enigma of Uniqueness: A Philosophical Effort at Practical Clarification," *The Annals of the American Academy of Political and Social Science* 450 (1980): 165-78, accessed February 20, 2017, <http://www.jstor.org/stable/1042566>.

¹⁶ Gunnar Heinsohn, "What makes the Holocaust a uniquely unique genocide?" *Journal of Genocide Research* 2, no. 3 (2000): 411, accessed February 20, 2017, <http://dx.doi.org/10.1080/713677615>.

¹⁷ Yehuda Bauer (academic advisor to the Yad Vashem Holocaust Museum), interview by Cody Holmes, March 27, 2017, transcript, Jerusalem Institute of Justice.

my children when they died. I had to ask people to help me dig up their graves. I lost all of my loved ones. In the end, the worst thing is that I survived...

—Phansy Peang, Cambodian genocide survivor; interview conducted by the USC Shoah Foundation¹⁸

After WWII, the world did not experience—or at least did not have collective knowledge of—another instance of genocide until the 1970s. During this decade, the Khmer Rouge (hereafter KR, not to be confused with the Khmer Republic), led by the despotic leader Pol Pot, rose to power and a bloody civil war in Cambodia ensued. Although the genocide started from political upheaval, some similarities can be found with the Holocaust, for example, ethnic cleansing and the establishment of concentration camps. Throughout the war, the KR slaughtered anyone they deemed as an enemy of the state. Still, the bloodshed was driven by an attempt to gain political dominance in the nation of Cambodia. The KR:

...claimed that only pure people were qualified to build the [communist] revolution. Soon after seizing power, they arrested and killed thousands of soldiers, military officers and civil servants from the Khmer Republic regime led by Marshal Lon Nol, whom they did not regard as “pure...” They executed hundreds of thousands of intellectuals; city residents; [and] minority people such as the Cham, Vietnamese and Chinese.¹⁹

The actions detailed above include all three elements defining genocide under international law; specifically, the intent to destroy, ethnic cleansing and the killing of minorities. Pol Pot had established internment camps, such as the infamous Security Prison 21 (S-21). Yet, absolutely no action was taken to destroy these camps by the global community, despite awareness of their existence. The US would later aid the Khmer Republic government by delivering supplies and dropping bombs on Cambodia, however, it is estimated that American bombs killed 300,000 people indiscriminately.²⁰ The actions in Cambodia were arguably the first historical failure of the UN since WWII to prevent and protect individuals from genocide. The UN’s failure to act is particularly disheartening in light of Cambodia’s accession to the Convention roughly 20 years earlier, on October 14, 1950.²¹ The UN had the authority and was obligated to intervene after recognizing the actions of both the KR and Pol Pot as genocide, even without Cambodia’s accession or consent.

¹⁸ University of Southern California Shoah Foundation, “Genocide: Phansy Pheang on the Loss of Her Family”, accessed June 22, 2017, <https://sfi.usc.edu/video/genocide-phansy-peang-loss-her-family>.

¹⁹ Cambodia Tribunal Monitor, “Khmer Rouge History”, accessed February 20, 2017, <http://www.cambodiatribunal.org/history/cambodian-history/khmer-rouge-history/>, all italics added.

²⁰ Ibid.

²¹ UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948.

Article 1 of the Convention states that genocide, “is a crime under international law which [the Contracting Parties] undertake to prevent and to punish.”²² However, the wording of this article is problematic, as will be expanded on in ‘Historical Outcomes’. Nonetheless, the UN’s charter still gives the Security Council (UNSC), “primary responsibility for the maintenance of international peace and security, and [agrees to carry] out its duties under this responsibility.”²³ The organization United to End Genocide notes, “Neither the U.S. nor Europe called attention to the genocides [in Cambodia] as they were happening, although scholars and others in the West tried to bring attention to the atrocities being committed.”²⁴ The reaction to the genocide in Cambodia seems to be characterized by reluctance and denial. Much of this probably had to do with the Vietnam War. Americans were reluctant to open another campaign in the region. Europe, faced with the French struggles in Indo-China during the decades prior, was also reluctant to get involved.²⁵ Political climate and politicization, nevertheless, should not absolve the responsibilities of the UN, or the purpose of the UN becomes arbitrary and self-defeating.

In 2003, through agreements with Cambodia, the UN set up the Extraordinary Chambers in the Courts of Cambodia (ECCC) to prosecute and punish those guilty of genocide and other atrocity crimes. The tribunal itself was ineffective since most of the perpetrators had died by this point, and it therefore failed to send a provocative message to future perpetrators.

Lack of political will seems to be a reoccurring reason for failure as this report will continue to discover. The Cambodian death toll was estimated at around 1.9 to 3.5 million people.²⁶ ²⁷ The scenario that unfolded in Cambodia was only a precursor to further inabilities to protect human lives. Roughly 15 years later, the global community would face the harsh realities of Rwanda.

Rwanda: the Hutus and Tutsis

Lists of men to be killed were read out. Every day, more men were taken in file to roadblocks to be slaughtered. We tried to conceal the men by dressing them

²² Ibid.

²³ UN, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, Article 24.

²⁴ United to End Genocide, “The Cambodian Genocide”, accessed February 18, 2017, <http://endgenocide.org/learn/past-genocides/the-cambodian-genocide/>.

²⁵ United States Holocaust Memorial Museum, “International Response to Khmer Rouge Rule”, accessed June 26, 2017, <https://www.ushmm.org/confront-genocide/cases/cambodia/violence/international-response>.

²⁶ Heuveline, Patrick, The boundaries of genocide: Quantifying the uncertainty of the death toll during the Pol Pot regime in Cambodia (1975–79), *Population Studies* (2015) Vol. 69, Iss. 2, <http://www.tandfonline.com/doi/abs/10.1080/00324728.2015.1045546>

²⁷ See supra note 19.

as women. No one answered if their names were called. But as time went on, more and more men were taken to be killed, and the killers brought more reinforcements with them.

—Alexandria, Rwandan genocide survivor²⁸

In the early 1990s, the political climate in Rwanda started to deteriorate and a civil war soon erupted. The conflict involved the ethnic groups of the Hutus, who were (and still are) the majority of the local population and the Tutsis, a minority group. The Tutsis historically held positions of power by way of the colonial hegemon Belgium, which was considered one of the main causes of resentment.²⁹ These tensions still exist today and have even bled into the Democratic Republic of the Congo.³⁰ The ethnic tribes in Rwanda were vying for political control of the country and reasoned the total elimination of the cultural opposition.

Before 1992, the animosity between the two ethnic groups was comparatively mild in lieu of what it would become. The international community had recognized the hostility early on. The UN's Office on Genocide Prevention (OGP) did not exist at the time and methods of prevention were yet to be established, which may have contributed to the mismanagement of the situation. The UN succeeded in getting both sides to sign to the Arusha Accords, which was essentially a cease-fire agreement. However, the negotiations were far from ideal or practical. The U.S. Secretary of State was warned: "Although [leaders] of both sides have signed the peace accord, neither side trusts the intentions of the other."³¹ On April 6, 1994 the Rwandan President Juvenal Habyarimana was returning from a diplomatic trip in Tanzania, when his plane was shot down. This tragedy became the spark that ignited the heinous atrocities in Rwanda.

About a year before the plane crash, the UN had established an assistance mission to Rwanda (UNAMIR), approved by the UNSC. In this resolution the peacekeeping force was only mandated to contribute to the security and to monitor the situation.³² This force was largely inadequate, and the mandate failed to produce any real progress. As a result, soon after the plane crash in April, political and ethnic killings went unchallenged. Many of the UNAMIR peacekeepers were among the first to die, which is

²⁸ Outreach Programme on the Rwandan Genocide and the UN, "Survivor Testimonies", accessed June 27, 2017, <http://www.un.org/en/preventgenocide/rwanda/education/survivortestimonies.shtml>

²⁹ John F. Clark, "Tragic Land of Dual Nationalisms," in *After Independence: Making and Protecting the Nation in Postcolonial and Postcommunist States*, ed. Lowell W. Barrington (Ann Arbor: Univ of Michigan Press, 2006), 83.

³⁰ Ibid.

³¹ Emily Willard ed. 2014, "Rwanda: The Failure of the Arusha Peace Accords," *The National Security Archive*, 21 May, accessed February 19, 2017, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB469/>.

³² UNSC, *Resolution 872 (1993)*, 5 December 1993, S/Res/872.

detailed in the UN's accounts of the situation.³³ This signified the weakness of the original mandate and the UN's underestimation of the situation. The immediate increases in violence led the UNSC to pass yet another resolution.³⁴ Here, the mandates were adjusted, but they were also ineffective since no real, substantial changes were made with respects to *intervention*. Moreover, this second resolution appropriated suggestions from a UNAMIR special report by the Secretary-General, which reduced the number of UNAMIR peacekeepers from the originally authorized 2,486 to a mere 270.³⁵ The UN would later pass another resolution which mandated an embargo and troops to be redeployed,³⁶ but the member states took nearly six months to provide the troops.³⁷ The indecisiveness and lack of direction proved to be disastrous. "Approximately 800,000 Tutsis and Hutu moderates were slaughtered in a carefully organized program of genocide over 100 days," United to End Genocide recounts.³⁸

In 1999 the UN quickly and expressly admitted the failures of Rwanda:

The delay in action by the international community to the genocide of Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crises entwined with armed conflict. Having quickly reduced UNAMIR to a minimum presence on the ground, since its original mandate did not allow it to take action when the carnage started, the international community appears paralysed in reacting almost two months later even to the revised mandate established by the Security Council.³⁹

The UN therefore acknowledged the inadequacy of its adopted mandates, and the failure to prevent and protect individuals, namely the Hutus and Tutsis. This shortcoming hinged on the incapacity of the UN to form a will to intervene. The UN's independent inquiry on Rwanda also admitted to this lack of political will.⁴⁰

The UNSC would later pass a resolution establishing the International Criminal Tribunal for Rwanda (ICTR), which aimed to "prosecute persons responsible for genocide and

³³ United Nations, "Rwanda – UNAMIR Background", accessed February 18, 2017, <http://www.un.org/en/peacekeeping/missions/past/unamirS.htm>.

³⁴ UNSC, *Resolution 912 (1994)*, 21 December 1994, S/Res/912.

³⁵ UNSC, *Special Report of the Secretary-General on the United Nations Assistance Mission for Rwanda*, 20 April 1994, S/1994/470.

³⁶ UNSC, *Resolution 918 (1994)*, 17 May 1994, S/Res/918; See also, United Nations, *Special Report of the Secretary-General on the United Nations Assistance Mission for Rwanda*, para. 15 and 18.

³⁷ UN, "UNAMIR Background", accessed February 18, 2017, <http://www.un.org/en/peacekeeping/missions/past/unamirS.htm>.

³⁸ United to End Genocide, "The Rwandan Genocide", accessed February 18, 2017, <http://endgenocide.org/learn/past-genocides/the-rwandan-genocide/>.

³⁹ UNSC, *Report of the Secretary-General on the Situation in Rwanda*, 31 May 1994, S/1994/630.

⁴⁰ UNSC, *Independent Inquiry Rwanda*, 43.

other serious violations of international humanitarian law committed in the territory of Rwanda and neighboring States.”⁴¹ This tribunal was much more successful than its Cambodian predecessor but did nothing to address the gap between prevention and punishment. This policy gap, however, would lead to a newly created office of the UN, which will be discussed in Historical Outcomes. The UN has since formally apologized and detailed these failures extensively in their final report on Rwanda published in 1999.⁴² The statistics of the report were unsettling. 800,000 people were murdered and other sources peg the number of displaced at 650,000.⁴³ The number of women raped stood between 250,000 to 500,000.⁴⁴ The Rwanda report also opens a door of understanding to the next historical failure by the UN in the 1990s.



Srebrenica and the Breakup of Yugoslavia

We trusted in the UN forces. But they betrayed us. [...] My husband gave me a hug and told me: “Look after the children, I must go.” I never saw him again.

—Kadefza Risanović, survivor from the safe zone of Srebrenica⁴⁵

At the beginning of the conflict in the early 1990’s, cases of massacres were rampant, especially by Bosnian Serb soldiers, but not on a grand scale.⁴⁶ Photojournalist Ron Haviv gives a vivid eyewitness account of Serbian paramilitary forces moving from house-to-house, leaving trails of destruction. He tells the story of multiple killings including how a man was thrown out of a second story window and doused with water once on the ground “to purify Muslim extremists.”⁴⁷ Like Cambodia and the Holocaust, one group of individuals began to dehumanize another by way of establishing racial and, in this case, cultural superiority. After the initial reports of violence were confirmed, the UNSC established a UN Protection Force (UNPROFOR) in Croatia.⁴⁸ Acknowledging the coordinated violence by the Bosnian Serb paramilitary forces, the

⁴¹ UNSC, Resolution 955 (1994), 8 November 1994, S/Res/995.

⁴² UNSC, Independent Inquiry Rwanda, 12.

⁴³ Internal Displacement Monitoring Centre, “Rwanda: Internal displacement in brief”, December 31, 2008, accessed March 13, 2017, <http://www.internal-displacement.org/sub-saharan-africa/rwanda/summary>.

⁴⁴ Llezlie L. Green, “Gender Hate Propaganda and Sexual Violence in the Rwandan Genocide: An Argument for Intersectionality in International Law,” *Columbia Human Rights Law Review* 33, no. 733 (2002): 7, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2272193&download=yes.

⁴⁵ Remembering Srebrenica, “Survivor Stories Kadefza Rizvanovic”, accessed June 27, 2017, <http://www.srebrenica.org.uk/survivor-stories/kadefza-risanovic/>.

⁴⁶ UNGA, The fall of Srebrenica, 15 November 1999, A/54/549.

⁴⁷ “Eyewitness Testimony: Ron Haviv,” YouTube video, 0:59, from an interview, posted by “United States Holocaust Memorial Museum,” August 7, 2013, accessed February 23, 2017, https://www.youtube.com/watch?v=Lsg_AHcQPUA&index=2&list=PLWQC3P4psZP4ixnh5k37Ahl-8Kejofl8

⁴⁸ UNSC, *Resolution 743 (1992)*, 21 February 1992, S/Res/743.

Council later designated safe zones which included the small established base in the Bosnian town of Srebrenica.⁴⁹ While there are countless reports of genocide from the onset of the conflict, this historical examination will only focus on the events surrounding Srebrenica for the sake of simplicity. This particular site received much attention and was even declared a safe zone of the UN. It was also one of the largest and most infamous cases of genocide during the regional war.

Similar to Rwanda, the failures of Srebrenica were evident from the very beginning. The original mandate of the United Nations Protection Force (UNPROFOR) set out “to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis” in Croatia,⁵⁰ and that mandate was later expanded to the nation of Bosnia-Herzegovina where Srebrenica was located.⁵¹ The mandates were hardly productive; one failure after another plagued the UN’s efforts. In fact, the UN’s official report details much of the reluctance by the member states of the UN to support and defend the safe areas. The official report relayed this message:

The Secretariat then informed UNPROFOR that none of the sponsors [of the new resolutions for the safe zones] was willing to contribute any additional troops... and that none of them seemed to envisage a force capable of effectively defending those areas.⁵²

As a result of the political apathy and lack in protective capacity, in July of 1995 the Serbian forces advanced on Srebrenica and immediately began shelling the UN’s safe area. During this time the UN force in Srebrenica was comprised of a meagre 300-400 troops from the Netherlands.⁵³ It has been noted that the lack of troops may have actually facilitated the genocide:

Dutch troops were so eager to leave that they avoided, with one exception, reporting serious signals of the looming offensive, such as troop movements, new reinforcements coming into the area, and large amounts of fuel being sent to the enclave. For example, just two days before the attack Bosnian Serb forces allowed one convoy carrying 100,000 liters of diesel fuel, an unprecedented amount, into the pocket. This fuel was then recaptured when the “safe area” was overrun.⁵⁴

The captured diesel fuel, which had been in scant supply during the Yugoslav conflict because of the UN’s imposed embargos, was later used by the Bosnian Serbs to ship

⁴⁹ UNSC, *Resolution 819 (1993)*, 16 April 2017, S/Res/819.

⁵⁰ See *supra* note 48.

⁵¹ See *supra* note 49.

⁵² See *supra* note 46.

⁵³ Human Rights Watch, “The Fall of Srebrenica and the Failure of UN Peacekeeping,” *Human Rights Watch* 7, no. 13 (October 1995): 12, <https://www.hrw.org/sites/default/files/reports/bosnia1095web.pdf>.

⁵⁴ *Ibid.*, 15.

thousands of Bosnian Muslims (Bosniaks) off to their death. Even worse, the peacekeepers had requested support from NATO during the event but were denied; Srebrenica, as a result, fell in one day.⁵⁵ Conditions further deteriorated and around 7,000 to 8,000 Bosniak men and boys were systematically executed in the safe zone, within eyesight of the peacekeepers, becoming the largest human massacre in Europe since the Holocaust.⁵⁶

The failures of Srebrenica are too numerous to account here. Not only did the UN fail in its mandates and founding principles, but NATO - a coalition of democratic nations – also failed in its attempts to thwart the atrocities in Bosnia. NATO did have a measure of success towards the end of the conflict, however, Russia being a permanent member to the UNSC, perceived NATO's actions as a threat to their regional interests. In the years after Srebrenica, NATO-Russian relations were at an all-time low and Russia suspended relations with the NATO.⁵⁷ This tense environment may have contributed to the lack of political will and the delay of action during the beginning of the events at Srebrenica. The UN has now recognized the deficiencies of their handling of the situation, as officially stated: "These failings were in part rooted in a philosophy of neutrality and nonviolence wholly unsuited to the conflict." The report continues: "The report makes clear the inadequacy of the entire approach of the United Nations to the Serb campaign of ethnic cleansing and mass murder, culminating at Srebrenica."⁵⁸ The shortfalls of Srebrenica can be further explored in the UN's own report titled "The fall of Srebrenica."⁵⁹

In 1995, the UN established the International Criminal Tribunal for the Former Yugoslavia (ICTY) to prosecute the perpetrators of genocide. However, like Rwanda and Cambodia before it, adjudication for the acts of genocide was hardly a solution that would aid in prevention or protection. Many lives had been lost, including children. Of the approximately 8,000 deaths, 93 mass grave sites have been discovered today by the International Commission on Missing Persons, and bodies continue to be identified through DNA.⁶⁰ An estimated 80,000 Bosniaks were killed in the larger Bosnian

⁵⁵ United to End Genocide, "The Bosnian War and Srebrenica Genocide", accessed February 18, 2017, <http://endgenocide.org/learn/past-genocides/the-bosnian-war-and-srebrenica-genocide/>.

⁵⁶ United States Holocaust Memorial Museum, "Systematic Executions Begin", accessed February 21, 2017, <https://www.ushmm.org/confront-genocide/cases/bosnia-herzegovina/srebrenica/violence/systematic-executions>

⁵⁷ Sheryl Cross, "Russia and NATO Toward the 21st Century: Conflicts and Peacekeeping in Bosnia-Herzegovina and Kosovo," (paper presented to the NATO/Academic Affairs 1999-2001, August 2001), accessed February 25, 2016, <http://www.nato.int/acad/fellow/99-01/cross.pdf>, 2.

⁵⁸ Barbara Crossette, "U.N. Details Its Failure to Stop '95 Bosnia Massacre," *New York Times*, 16 November, 1999, accessed February 23, 2017, <http://www.nytimes.com/1999/11/16/world/un-details-its-failure-to-stop-95-bosnia-massacre.html>.

⁵⁹ See supra note 46.

⁶⁰ International Commission on Missing Persons, "Srebrenica Figures as of 18 June 2015", infographic, accessed March 16, 2017, https://www.icmp.int/wp-content/uploads/2015/07/2015_07_02_Srebrenica_Infographic_web_ENG.pdf.

conflict.⁶¹ Once again, hesitancy and a fundamental problem with the policies of the UN to prevent and protect led to yet another brutal genocide.



Historical Outcomes

In light of the failures to prevent and protect of the previous four decades, especially as it relates to Rwanda and Srebrenica, the UN finally decided to make some institutional changes. Much of this inadequacy can be attributed to the policy gap that was (and still is) inherently in the law from its founding.

Semantic Issues with “Prevent and Punish”

Article 1 of the Convention states:

“The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.”

To the keen observer, there is a fundamental gap in the international law outlined above. The law only aims at prevention, which should always be foremost, and punishment, which is honorable but often too late. However, what happens between the points where prevention fails and punishment becomes a possibility? That is, once genocide has already begun, what role does the UN then serve? Of all the principles the UN should be upholding in regards to genocide, counteraction - or the responsibility to protect civilians - should be the most pressing. International law must include a plan of action to *counteract* cases of genocide.

In a letter to the president of the UNSC in 2004, Secretary-General Kofi Annan appointed the first special advisor to the newly created Office on Genocide Prevention (OGP). The mandate of this office “acknowledged the lessons to be learned for all concerned from the failure of preventive efforts that preceded such tragedies as the genocide in Rwanda and resolved to take appropriate action within its competence to prevent the recurrence of such tragedies.”⁶² Roughly three years later in 2007, the Office of the Responsibility to Protect was formed, but this office was only a part-time position meant to assist the special advisor to the OGP.⁶³ Both offices today form the UN Office on Genocide Prevention and the Responsibility to Protect (OGPR2P). This arm

⁶¹ United States Holocaust Memorial Museum, “Bosnia-Herzegovina”, accessed March 16, 2017, <https://www.ushmm.org/confront-genocide/cases/bosnia-herzegovina>.

⁶² UNSC, *Letter dated 12 July 2004 from the Secretary-General addressed to the President of the Security Council*, 13 July 2004, S/2004/567.

⁶³ UNSC, *Letter dated 31 August 2007 from the Secretary-General addressed to the President of the Security Council*, 31 August 2007, S/2007/721.

of the UN serves as the chief division on matters of genocide, though it should be clarified that all decisions to intervene in cases of genocide are still made by the UNSC.

Current Assessment

In 2004, Secretary-General Kofi Annan proclaimed to the Human Rights Commission the need for “swift and decisive action when, despite all our efforts, we learn that genocide is happening, or about to happen.”⁶⁴ Has this proclamation, and others like it, had any significant effect? Has the UN effectively acted upon its newly adopted R2P principles? Moreover, has the UN forcefully abided by its own founding principles, the Convention, and the mandates of the UNSC in protecting individuals from genocide?

To address these questions, three occurrences of genocide will be examined: Sudan and the Darfur region; the Rohingya people in Burma; and ISIS (Islamic State in Iraq and Syria, also known as ISIL or Da’esh) and the Yazidis. The investigation will be less concerned with the background of the events and focus more on the UN’s involvement and effectiveness in curbing genocide. An act of genocide will be considered from the point at which it is recognized as such, and success of the UN will be gauged by its ability to take appropriate measures thereafter.⁶⁵



Sudan and the Darfur Region

On August 25th, 2008, the government army and security forces came and attacked the camp, killing 26 people and wounding 118 more, three of whom were my family members. Though the attack was witnessed by multiple UN agencies (including UNAMID, who are supposed to protect us) and international organizations, not a single person who committed this violent attack has been brought to justice [*sic*].

—Nimat Ahmadi, Darfuri survivor; testimony published on the United to End Genocide website.⁶⁶

The Darfur region of Africa is situated mostly within the borders of Sudan but also includes parts of South Sudan and Chad. Like many other contested regions in the area, such as South Kordofan or the Blue Nile State, the groups within these areas seek

⁶⁴ UN Secretary-General, ‘Risk of Genocide Remains Frighteningly Real’, Secretary-General Tells Human Rights Commission as He Launches Action Plan to Prevent Genocide, 7 April 2004, SG/SM/9245-AFR/893-HR/CN/1077.

⁶⁵ See METHODOLOGY.

⁶⁶ Nimat Ahmadi, “Darfur - ‘My Story is Just One of Many’”, published September 5, 2013, accessed February 27, 2017, <http://endgenocide.org/darfur-my-story-is-just-one-of-many/>

autonomy from the Sudanese government. As a result, political tension and disagreements over civil governing have been the root cause of the mass killings. The international community, however, has largely focused on the relations between Sudan and South Sudan, ignoring the smaller conflicts.⁶⁷ Most of the atrocity crimes and genocide in the Darfur region have been perpetuated by the larger aggressor, the Sudanese government. While the Darfuri people have coordinated rebellions, the Sudan government has responded with brutal force. By the end of 2006, *The Independent* reported that 200,000 people in the Darfur region had been killed and at least another 2 million forced from their homes by the Islamist government in Khartoum and the Janjaweed (Arab Sudanese) militias.⁶⁸ Most of the killings occurred as a means to eradicate the cultural resistance, but the UN has not qualified the violence as acts of genocide. Rather, the UN Secretary-General has claimed, “these acts were conducted on a widespread and systematic basis, and therefore may amount to *crimes against humanity*.”⁶⁹ This examination brings evidence to the contrary.

The Darfuris classify as an ethnic group as they are bound by one language and are the largest single tribe of farmers in the area. The name Darfur literally means: Land of the Fur people.⁷⁰ The Framework for Atrocity Crimes acknowledges that “even though the victims of the crimes are individuals, they are targeted because of their membership, *real or perceived*, to one of these groups.”⁷¹ The Framework admits that those individuals who are perceived to be members of the protected groups listed under the Convention need to be included in the protected class of genocide. Furthermore, the rejection of the UN’s classification here is not made without consensus. Scholars⁷² and subject matter NGOs⁷³ alike have recognized the Darfuri crisis as genocide. Even then-U.S. Secretary of State, Colin Powell, applied the situation in Darfur to the international law of genocide during testimony given to the US Senate:

“The evidence leads us to the conclusion, the United States to the conclusion; that genocide has occurred and may still be occurring in Darfur. We believe the

⁶⁷ United to End Genocide, “Sudan Backgrounder,” United to End Genocide, accessed February 27, 2017, <http://endgenocide.org/conflict-areas/sudan-backgrounder/>.

⁶⁸ Peter Boehm, “Darfur: Genocide without borders,” *Independent*, 20 December, 2006, accessed February 28, 2017, <http://www.independent.co.uk/news/world/africa/darfur-genocide-without-borders-5331685.html>.

⁶⁹ UNSC, *Letter dated 31 January 2005 from the Secretary-General addressed to the President of the Security Council*, 1 February 2005, S/2005/60, italics added.

⁷⁰ Stephan Faris, “The Real Roots of Darfur,” *The Atlantic*, April 2007, accessed February 28, 2017, <https://www.theatlantic.com/magazine/archive/2007/04/the-real-roots-of-darfur/305701/>.

⁷¹ UN, *Framework for Atrocity Crimes*, 1, italics added.

⁷² Gérard Prunier, *Darfur: An Ambiguous Genocide*, rev. ed. (London: C. Hurst, 2007); Alex de Waal, *Famine That Kills: Darfur, Sudan* (Oxford: Oxford University Press, 2005); M.W. Daly, *Darfur’s Sorrow: A History of Destruction and Genocide* (Cambridge: Cambridge University Press, 2007).

⁷³ World Without Genocide, “Darfur Genocide,” accessed February 27, 2017, <http://worldwithoutgenocide.org/genocides-and-conflicts/darfur-genocide/>; “Sudan Backgrounder.”

evidence corroborates the specific intent of the perpetrators to destroy “a group in whole or in part,” the words of the Convention. This intent may be inferred from their deliberate conduct. We believe other elements of the Convention have been met as well.⁷⁴

Failure to recognize the event as genocide does not absolve the UN and the international community of their inaction. All atrocity crimes, including crimes against humanity, should be accompanied by an appropriate response and measures to combat them, regardless of the label given. A former citizen of the Darfur region made this plea:

“Please don’t reduce the suffering of my people to a mere issue of semantics. If you believe it is genocide, I urge everybody to act as if it is genocide, and do what people do when they are faced with genocide. If you believe it is a crime against humanity, then act as if it’s a crime against humanity.”⁷⁵

Although the crisis in Darfur had been identified and addressed earlier, the first substantial step by the UN was taken by the Security Council in June of 2004 after a series of cease-fire agreements fell through. The resolution primarily mentioned the Sudan conflict between the North and the South, but it also called upon “the parties to use their influence to bring an immediate halt to the fighting in the Darfur region.”⁷⁶ From that moment forward, the UNSC has continually imposed and expanded arms embargoes and has employed targeted sanctions in an attempt to thwart all atrocity crimes in the Darfur region.⁷⁷ In August 2006, the UN approved the deployment of 17,300 military personnel, 3,300 civilian police personnel, and 16 Formed Police Units into the region.⁷⁸ One would think that a force this size would have been effective but political posturing and regional politics plagued the UN’s ability to protect the Darfuris.

Given the large Arab population in Sudan, the Khartoum government has often relied on its diplomatic ties with the Arab League to influence the global community to overlook its human rights abuses.⁷⁹ In fact, at the same time that the large UN force was authorized, Sudanese president Omar al-Bashir’s refusal of a UN peacekeeping force was backed by the Arab League committee on Sudan, though the Arab League

⁷⁴ Colin L. Powell, “The Crisis in Darfur” (written remarks before the Senate Foreign Relations Committee, 9 September 2004), accessed February 27, 2017, <https://2001-2009.state.gov/secretary/former/powell/remarks/36042.htm>.

⁷⁵ “Eyewitness Testimony: Omer Ismail,” YouTube video, 0:15, from an interview, posted by “United States Holocaust Memorial Museum,” August 30, 2013, accessed March 1, 2017, https://www.youtube.com/watch?v=APHe_4KV64o.

⁷⁶ UNSC, *Resolution 1547 (2004)*, 11 June 2004, S/Res/1547.

⁷⁷ UNSC Subsidiary Organs, “Security Council Committee Established Pursuant to Resolution 1591 (2005) Concerning the Sudan”, accessed February 28, 2017, <https://www.un.org/sc/suborg/en/sanctions/1591>.

⁷⁸ UNSC, *Resolution 1706 (2006)*, 31 August 2006, S/Res/1706.

⁷⁹ Human Rights Watch, “Arab League Should Back U.N. Protection Force in Darfur”, 27 March, 2006, accessed March 1, 2017, <https://www.hrw.org/news/2006/03/27/arab-league-should-back-un-protection-force-darfur>.

later reneged on such claims.⁸⁰ This type of tense and complicated political environment is probably why the UN forces that were deployed to Sudan were unable to stabilize the Darfur region. The objectives were beleaguered by a tug-of-war of regional rivalries and political interests. Even so, most of the mandates of the UN assistance mission in Darfur (UNAMID) had been defensive in nature and thus peacekeeping forces were not inclined to take any offensive actions. Such mandates have ranged from contributing to the restoration of the security process to observing compliance with ceasefires.⁸¹ Even the terminology of these mandates (e.g. contribute, observe, etc.) hints at a lack of authoritative instruction. The other reason for the lack of protection has simply been political apathy. Even when the African Union was pushing troops into the region, and not jeopardizing the UN's own troops, the UN and the international community still provided little support.⁸² This would have been a worthy endeavor to back because African troops may be more suitably equipped to solve Africa's problems—problems that Western nations tend to perceive with ethnocentrism.

An important lesson to learn from these events is that despite all the resolutions, mandates, embargoes, and sanctions implemented by the UN once the crisis was recognized, the killings in Darfur continued to expand extensively. Researchers Fred Grünfeld and Wessel Vermeulen coordinated a timeline of the UN's involvement in Darfur with the extreme rise in deaths.⁸³ Their study provides charts of Rwanda and Srebrenica for comparison, which reveal that the UN's ineffectiveness in Darfur was far worse than those of its historical failures. No policy in Darfur was truly forceful; and by the end of 2008, roughly 300,000 people had been killed or starved by the Arab government in Sudan and the Janjaweed militias.⁸⁴ Eric Reeves of Genocide Watch estimates that the total number of people displaced in Darfur is 2.8 million.⁸⁵ In addition, countless women are continually raped, a crime that some scholars consider a further act of genocide.⁸⁶ Whether the UN chose to deem the events of Darfur as

⁸⁰ Robert O. Collins, "Darfur and the Arab League", *Washington Institute*, 28 August, 2006, accessed March 1, 2017, <http://www.washingtoninstitute.org/policy-analysis/view/darfur-and-the-arab-league>.

⁸¹ UNSC, *Letter dated 5 June 2007 from the Secretary-General to the President of the Security Council*, 5 June 2007, S/2007/307/Rev.1.

⁸² Human Rights Watch, "Arab League Should Back U.N. Protection Force in Darfur", 27 March, 2006, accessed March 1, 2017, <https://www.hrw.org/news/2006/03/27/arab-league-should-back-un-protection-force-darfur>

⁸³ Fred Grünfeld and Wessel Vermeulen, "Failures to Prevent Genocide in Rwanda (1994), Srebrenica (1995), and Darfur (since 2003)", *Genocide Studies and Prevention: An International Journal* 4, no. 2 (2009): 230, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1141&context=gsp>.

⁸⁴ Ibid.

⁸⁵ Eric Reeves, "Darfur: Civilian Destruction and Displacement", *Genocide Watch*, February 25, 2016, accessed March 14, 2017, <http://genocidewatch.net/2016/02/25/darfur-civilian-destruction-and-displacement/>.

⁸⁶ Sherrie L. Russell-Brown, "Rape as an Act of Genocide", *Berkeley Journal of International Law* 21, no. 2 (2003), <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1241&context=bjil>.

crimes against humanity or genocide effectively makes no difference. The glaring reality is that the Darfur region was an obvious failure on the part of the UN. Unfortunately, this instance is not an exception.



The Rohingya People in Myanmar (Burma)

My relative could not come out, as she was in labour, so they dragged her out and hit her stomach with a big stick. They killed the baby by stomping on it with their heavy boots. Then they burned the house.

—Witness testimony of a 19 year old woman from Ngar Sar Kyu; from the UN OHCHR report (9 October 2016).⁸⁷

The Rohingya people of Myanmar are an ethnic Muslim group who largely reside in the Rakhine state of Myanmar, though many others live in Saudi Arabia, Bangladesh, and other neighboring countries. The conflict with the government of Myanmar and the Rohingya is rooted chiefly in religious differences; Myanmar is predominantly Buddhist, not Muslim. Yet the conflict is also a result of political disputes. The Burmese government maintains to this day that the Rohingya are not legal inhabitants of the Rakhine state. As *Al Jazeera* reports, “The Rohingya are viewed as illegal immigrants by many in Buddhist-majority Myanmar who call them ‘Bengali,’ even though many have lived there for generations.”⁸⁸ According to the personal blog of Maung Zarni, a human rights specialist of the Burmese region, the term “Bengali” is often used as a pejorative to “illegalize, alien-ize, and de-territorialize” the Rohingya. In other words, this is a rhetorical tool of dehumanization. Much worse, former Burmese president Thein Sein refused to even acknowledge the ethno-religious group by maintaining, “We do not have the term Rohingya.”⁸⁹ President Sein also told a reporter from Human Rights Watch (HRW) that the government of Myanmar would not be amending the 1982 immigration law in order to accept the Rohingya as legal citizens;⁹⁰ despite their habitation in the region for many decades and voting in past elections.

In dealing with the atrocity crimes of the Rohingya in Myanmar, the UN—like in the case of the Darfur region—has yet to label the situation as genocide and only recently

⁸⁷ UN OHCHR, “Interviews with Rohingyas fleeing from Myanmar since 9 October 2016”, 3 February 2017, <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

⁸⁸ *Al Jazeera*, “Rohingya face Myanmar ‘ethnic cleansing’: UN official”, 25 November 2016, accessed February 28, 2017, <http://www.aljazeera.com/news/2016/11/rohingya-face-myanmar-ethnic-cleansing-official-161125065731036.html>.

⁸⁹ Mark Inkey, “Thein Sein talks at Chatham House”, *New Mandala*, 17 July, 2013, accessed March 1, 2017, <http://www.newmandala.org/thein-sein-talks-at-chatham-house/>.

⁹⁰ *Ibid.*

noted that the event “could amount to crimes against humanity.”⁹¹ The Rohingya people are clearly a group who are connected both ethnically and religiously and therefore qualify as a protected group under the Convention. In an interview conducted by our organization, Dr. Irit Kohn, a world renowned lawyer on the issue of universal jurisdiction, opined that the Myanmar case should be considered a genocide under the legal definition.⁹² The Muslim group has also been subjected to horrific violence and killings, including imprisonment in concentration camps, in which the dehumanising conditions and squalor lead to sickness and death.⁹³ In the *Pacific Rim Law & Policy Journal*, Zarni and a fellow researcher wrote the article “The Slow-Burning Genocide of Myanmar’s Rohingya.” Both specialists clearly justified the labeling of the event as genocide:

“The erasure of Rohingya history and identity in Myanmar is firstly an instrument of genocide because it lays the foundation on which destruction and abuse has occurred by invalidating their existence and their group identity. The illegalization of the Rohingya’s existence and the destruction of their group identity have paved the way for widespread hate speech against the Rohingya, which accompanies the anti-Rohingya and anti-Muslim violence.”⁹⁴

In the realm of legal expertise, Yale Law School conducted an extensive legal analysis of the situation and concluded:

“This paper, therefore, finds strong evidence that the abuses against the Rohingya satisfy the three elements of genocide: that Rohingya are a group as contemplated by the Genocide Convention; that genocidal acts have been committed against Rohingya; and that such acts have been committed with the intent to destroy the Rohingya, in whole or in part.”⁹⁵

As previously noted, the conditions preceding genocide may be difficult to recognize, and so failure to classify an event as genocide may not equate to negligence. However, despite the longstanding conflict between the Rohingya minority and government forces, there has been little to no action taken by the UNSC. The international community has had plenty of foreknowledge to the situation. Much of the

⁹¹ UN News Centre, “Violence in Myanmar’s Rakhine state could amount to crimes against humanity – UN special adviser”, 6 February, 2017, accessed February 28, 2017, <http://www.un.org/apps/news/story.asp?NewsID=56117#.WLa92G997IU>.

⁹² Irit Kohn, interview by Cody Holmes, April 19, 2017, transcript, Jerusalem Institute of Justice.

⁹³ Jason Motlagh, “These Aren’t Refugee Camps, They’re Concentration Camps, and People Are Dying in Them,” *Time*, 17 June, 2014, accessed March 1, 2017, <http://time.com/2888864/rohingya-myanmar-burma-camps-sittwe/>.

⁹⁴ Maung Zarni and Alice Cowley, “The Slow-Burning Genocide of Myanmar’s Rohingya”, *Pacific Rim Law & Policy Journal* 23, no. 3 (June 2014): 744. *Academic Search Complete*, EBSCOhost (accessed March 1, 2017).

⁹⁵ Allard K. Lowenstein International Human Rights Clinic, “Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar’s Rakhine State,” *Yale Law School*, October, 2015, accessed March 2, 2017, accessed <https://www.law.yale.edu/system/files/documents/pdf/Clinics/fortifyrights.pdf>.

dehumanization and ethnic separation occurring in the Rakhine state took place as early as 1982 during discussions of citizenship, when the Rohingya were stricken from Burma's officially recognized ethnicities.⁹⁶ After spending six days photographing the Rohingya settlements and the camps surrounded by military checkpoints, *Time* reporter Lindsey Addario called the situation "The Invisible Genocide," due to the lack of international response and the deficiency of humanitarian aid.⁹⁷

As of late, the OHCHR released a flash report on the situation, which detailed some horrific stories reminiscent of the conditions that preceded the Holocaust.⁹⁸ Still, no UN assistance missions or peacekeeping forces have been deployed as of today. Several organs of the UN have begun to perform commissions of inquiry, and these are steps in the right direction. The international community, however, has failed in its initial responsibilities to protect the Rohingya Muslim minority. Burma has been sanctioned over the violation of human rights, but these measures, like the sanctions to other regions laden with atrocity crimes, prove to be ineffective. Sanctions are a necessary step but by themselves do very little to counteract genocide.

The conditions in Myanmar, in relation to the Rohingya, are easily identified as risk factors in the Framework for Atrocity Crimes. Apparent motive;⁹⁹ capacity,¹⁰⁰ as it relates to the existence of camps and settlements; intergroup tensions,¹⁰¹ which have only been exacerbated in the following years; and an absence of certain mitigating factors¹⁰² all point to the need for the UN—and especially the US who enjoys bilateral relations with Myanmar—to enact strong policies against such acts. Despite all the red flags, former president Barack Obama lifted US sanctions on Myanmar in 2016.¹⁰³ The UNSC, however, has an obligation to act by invoking the mandates of the OGPR2P vis-à-vis prevention and the R2P principles. Though the acts in Burma have transpired over multiple decades, little has been attempted to deter the motive and actions of the Burmese government against the Rohingya.

⁹⁶ Rishi Iyengar, "Burma's Million-Strong Rohingya Population Faces 'Final Stages of Genocide', Says Report", *Time*, 29 October, 2015, accessed March 2, 2017, <http://time.com/4089276/burma-rohingya-genocide-report-documentary/>.

⁹⁷ Lynsey Addario, "Witnessing the Rohingya's Invisible Genocide", *Time*, 16 December, 2016, accessed March 2, 2017, <http://time.com/4600008/rohingya-lynsey-addario/>.

⁹⁸ Daniel Uria, "U.N. reports widespread human rights violations in Myanmar", *United Press International*, 4 February, 2017, accessed March 2, 2017, http://www.upi.com/Top_News/World-News/2017/02/04/UN-reports-widespread-human-rights-violations-in-Myanmar/9631486219981/.

⁹⁹ UN, *Framework for Atrocity Crimes*, 13.

¹⁰⁰ *Ibid.*, 16.

¹⁰¹ *Ibid.*, 21.

¹⁰² *Ibid.*, 17.

¹⁰³ Richard C. Paddock, "Obama's Move to End Myanmar Sanctions Promises a Lift for Its Economy," *New York Times*, 15 September, 2016, accessed March 2, 2017, <https://www.nytimes.com/2016/09/16/world/asia/myanmar-sanctions-economy-us.html>

As recently as 2016, personal accounts by those who escaped the onslaught detailed the Burmese military's genocidal acts against the Rohingya people. Women are frequently raped; babies are killed without compunction; and men and boys are mutilated with knives, then burnt alive. In addition, satellite images offered by HRW show that over 1500 buildings and entire Rohingya villages have been razed within just three months.¹⁰⁴ 1.3 million Rohingya have been denied citizenship and rights and 140,000 currently reside in concentration camps.¹⁰⁵ In a UN unpublished report disclosed by *Reuters*, two UN officials in Burma corroborated that as of February 2017 more than 1,000 Rohingya have possibly been killed, signifying that prior estimates were far too low.¹⁰⁶ Moreover, the Rwandan case shows that all it takes is one catastrophic event to ignite an already combustible situation. The fact remains that the capacity for genocide exists and is growing in Myanmar. The UN must accept responsibility for classifying this event as genocide and, furthermore, must institute policies that deter the genocidal infrastructures of the conflict, which make it possible for these atrocities to escalate.

The evidence suggests that the UN has firstly failed to recognize the genocide of the Rohingya people, and secondly, has failed in their ability to protect the ethno-Muslim minority of Myanmar, demonstrating that as of yet, the lessons and corrections of the past have not been realized.

ISIS and the Yazidis

I said, "What did you do to them?" He beat me and said, "They are *kuffar* children [children of the nonbelievers in Muhammad]. It is good they are dead. Why are you crying for them?"

—Testimony of a woman, from the UN Human Rights Council report "*They came to destroy*": *ISIS Crimes Against the Yazidis* ¹⁰⁷

The Syrian civil war began in 2011 and president Bashar al-Assad attempted to quell protests and rebel forces. The pro-Assad government forces responded with brutal force, and although the confrontations among all forces in the region were exceedingly

¹⁰⁴ "Rohingya Tell Horror Stories of Rape, Killings by Burmese Army," YouTube video, 0:30, from an interview, posted by "Human Rights Watch", accessed March 14, 2017, December 22, 2016, <https://www.youtube.com/watch?v=Fx8Z-ahYfEO>

¹⁰⁵ United to End Genocide, "Who's at Risk? Burma", accessed March 14, 2017, <http://endgenocide.org/conflict-areas/burma/>

¹⁰⁶ Antoni Slodkowski, "Exclusive: More than 1,000 feared killed in Myanmar army crackdown on Rohingya - U.N. officials", *Reuters*, 8 February, 2017, accessed March 14, 2017, <http://www.reuters.com/article/us-myanmar-rohingya-idUSKBN15N1TJ>

¹⁰⁷ UN Human Rights Council, "*They came to destroy*": *ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2

violent, doubtless involving many war crimes, the situation was not considered genocide. The conflicting forces were contesting for control of the government rather than attempting to exterminate one another in regards to any cultural connection. Although no instances of genocide were noted by observers, much of the political environment in Syria fell under the risk factors for all atrocity crimes in the Framework, including genocide—risk factors that would help explain ISIS’s rise and engagement in genocide.

Due to the instability of the region and the power vacuums left in Iraq following the United States’ Iraqi operations, the extremist group ISIS was able to gain large swaths of land. As of December 2016, ISIS controlled roughly 60,400 sq. km (23,300 sq. miles)—though fortunately, these numbers have declined.¹⁰⁸ According to Thomas Jocelyn, an expert on counterterrorism and related issues, land is crucial to the legitimacy of ISIS who aims at establishing an Islamic caliphate.¹⁰⁹ Anyone not conforming to the Sunni-extremist ideologies of ISIS is labeled an infidel, unworthy of life. The Yazidis, a Northern Kurdish ethno-religious group, are labelled “devil worshippers,” among other pejoratives, by ISIS. This militant group is predisposed to acts of genocide, due to its extreme Islamic ideologies that dehumanizes anyone they oppose.

As the current Syrian civil war has raged on, one thing has become clear: ISIS has become one of the most violent groups of the 21st century. Their intentions and practices disregard all consideration for human rights. Reports detail beheadings, dipping people in vats of acid, sex trafficking, public executions, and other inhumane acts too gruesome to explore here. While ISIS’ motives and actions against Christians, and even opposing Muslims sects, could be considered acts of genocide, this assessment will focus on the atrocities against the Yazidis, since it has now been recognized as such by the UN Human Rights Council (HRC).¹¹⁰ A comparison will be made to the atrocities against the Darfuri and the Rohingya, which were not classified as genocide, to try and determine whether an official recognition by the UN of genocide makes a significant difference.

Genocide of the Yazidis was formally recognized in June 2016 by the UN. Yazidis fall under the definition of a protected class by the Convention because they are a Kurdish ethnic group. Most of them reside in the north-eastern portions of Iraq and Syria. Before the recognition of their genocide, the UNSC was well aware of the deteriorations in Syria and neighboring Iraq. On April 12, 2012 the UNSC established

¹⁰⁸ BBC, “Islamic State and the crisis in Iraq and Syria in maps”, 28 April, 2017, accessed March 5, 2017, <http://www.bbc.com/news/world-middle-east-27838034>.

¹⁰⁹ “What ISIS Wants”, YouTube video, 1:45, from an interview, posted by “PragerU”, 16 May, 2016, accessed March 5, 2017, <https://www.youtube.com/watch?v=v7f0bKlOWys>.

¹¹⁰ UN Human Rights Council, “*They came to destroy*”: *ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2.

the UN Supervision Mission in Syria (UNSMIS), which consisted of two mandates: one, to monitor a cessation of armed violence in all its forms by all parties; and two, to monitor and support the full implementation of the envoy's six point plan.¹¹¹ The authorized envoy was made up of 300 unarmed peacekeepers sent to monitor the cessation of violence and help in providing humanitarian aid. Later, the UNSC would address the issues involving the use of chemical weapons¹¹² and also formulate a cease fire for the conflict.¹¹³ While these measures taken were necessary, none dealt directly with the problem of ISIS or the murdering of the Yazidis. The UN confirmed specific reports of ongoing Yazidi massacre as early as 2014, hearing countless testimonies and personal accounts.¹¹⁴ In 2015 UNSC Resolution 2249 was formed, the first specific action taken against ISIS, which condemned "ISIL [*sic*] as a global and unprecedented threat to international peace and security."¹¹⁵ Once ISIS was deemed a clear threat, and officially recognized as guilty of genocide under international law, the UNSC had every legal and moral justification at its disposal to intervene. However, in the Syrian region, and the conflicts it has birthed, a clear directive and will to intervene has been complicated by the geopolitical climate of the UNSC, even in the officially declared case of Yazidi genocide.

Some specialists have duly noted that Syria is becoming—or has already become—a proxy war.¹¹⁶ The two largest superpowers, the US and Russia, have been deeply intertwined in the Syrian conflict. The US seeks to overthrow President Assad while Russia aims to uphold his regime. Even China has marginal interests in the region. This poses a deeply concerning problem, especially concerning the UN's responsibility to protect the Yazidi people. The three aforementioned superpowers are all permanent members of the UNSC, meaning that a veto from any one of them can render a proposed action by the UNSC ineffectual. This is exactly what has occurred on multiple occasions. As recently as February 2017, the UNSC failed to pass a resolution that would have imposed sanctions on key group leaders of the conflict and entities linked

¹¹¹ UNSC, *Resolution 2043 (2012)*, 21 April 2012, S/Res/2043; for six point plan, see http://www.un.org/en/peacekeeping/documents/six_point_proposal.pdf.

¹¹² UNSC, *Resolution 2209 (2015)*, 6 March 2015, S/Res/2209.

¹¹³ UNSC, *Resolution 2254 (2015)*, 18 December 2015, S/Res/2254.

¹¹⁴ Patrick Wintour, "UN condemns Isis genocide against Yazidis in Iraq and Syria", *The Guardian*, 16 June, 2016, accessed March 7, 2017, <https://www.theguardian.com/world/2016/jun/16/un-condemns-isis-genocide-against-yazidis-in-iraq-and-syria>.

¹¹⁵ UNSC, *Resolution 2249 (2015)*, 20 November 2015, S/Res/2249.

¹¹⁶ Geraint Alun Hughes, "Syria and the perils of proxy warfare", *Small Wars & Insurgencies*, 25 (2014):3, 522-538, accessed March 7, 2017, doi:10.1080/09592318.2014.913542; R. Kim Cragin, "Semi-Proxy Wars and U.S. Counterterrorism Strategy," *Studies in Conflict & Terrorism*, 38 (2015): 311–327, accessed March 7, 2017, doi:10.1080/1057610X.2015.1018024.

to the use of chemical weapons.¹¹⁷ Regional interests have become the chief concern for the most powerful nations on the UNSC and the issue of genocide in Syria has become secondary. This helps to explain why concise and directive action against ISIS that would greatly alleviate the plight of the Yazidi people have been largely nonexistent. Even prominent members of the UN are hinting at the inadequacy of the UNSC in this regard. The OHCHR chief, Zeid Ra'ad Al Hussein, noted this failure in an interview:

The conflict has lasted now for five years and the responsibility for ending these sorts of conflict falls principally on the [UNSC] where you have five states... who have a special responsibility. That mechanism put into place after the Second World War to prevent these conflicts has not been successful in the case of Syria.¹¹⁸

The most forceful option the UNSC has adopted to date has been an expansion of sanctions on ISIS.¹¹⁹ Sanctions, however, are not effective to stop or decline genocide, as demonstrated in Rwanda, Srebrenica, and the Darfur region. In 2014 Matthew Barber, a scholar of Yazidi history at the University of Chicago, estimated that 5,000 Yazidi men were executed and 7,000 women and girls were captured as sex slaves.¹²⁰ A report by the HRC arrived at similar numbers and also noted that 360,000 Yazidis have been displaced.¹²¹ Given the political indecisiveness of the UNSC to formulate a coherent plan against ISIS and to protect the Yazidi people, the evidence suggests that UN has failed in one of its most fundamental purposes: to protect populations from genocide.

ISIS has lost some territory, specifically in the northeast regions of Iraq and Syria where Yazidis primarily reside. This is due to Russia and the US, along with its allied forces, conducting bombing campaigns against ISIS, despite their inability to articulate a plan via the UNSC. Some of the lost territories, however, could also be attributed to the Kurdish Peshmerga and Iraqi government forces, both of which have vehemently opposed ISIS. While Russia and the US, in addition to the regional forces, have had partial success against the extremist group, the global response is far from ideal. The two major superpowers have accused each other of bombing their respective allies on

¹¹⁷ "Russia, China block Security Council action on use of chemical weapons in Syria", UN News Centre, 28 February, 2017, accessed March 7, 2017, <https://www.un.org/apps/news/story.asp?NewsID=56260#.WL51N2997IU>.

¹¹⁸ Zeid Ra'ad Al Hussein, interview by Audrey Tilve, *Euronews.com*, 21 April, 2016, accessed March 7, 2017, <http://www.euronews.com/2016/04/21/syria-is-an-example-of-un-security-council-s-failure-says-unhcr-chief>.

¹¹⁹ UNSC, *Resolution 2253 (2015)*, 17 December 2015, S/Res/2253.

¹²⁰ Richard Spencer, "Isil carried out massacres and mass sexual enslavement of Yazidis, UN confirms", *The Telegraph*, 14 October, 2014, accessed March 14, 2017, <http://www.telegraph.co.uk/news/worldnews/islamic-state/11160906/Isil-carried-out-massacres-and-mass-sexual-enslavement-of-Yazidis-UN-confirms.html>.

¹²¹ The Office of the UN High Commissioner for Human Rights, "A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL", August 2016, accessed March 14, 2017, http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf, 4-7.

the ground, and without a coherent plan from the Council, bombing of populated areas comes with high civilian casualties and does little for the plight of the Yazidis.

Discussion and Recommendations



Problems Affecting the UN's Ability to Protect from Genocide

Two of the main issues that have contributed to the failures of the UN to effectively prevent and protect groups from genocide are inherently related to one another. The first is the issue of politicization, namely that the UN, and more specifically the UNSC, has become too consumed in the nature of politics, becoming polarized and incapacitated. The second problem is the lack of political will, which has plagued the UNSC since its formation. The inaction by the Contracting Parties to the Charter has restrained the UN to a significant degree. Whenever a protected class becomes threatened, the organization fails to pass actionable resolutions that counteract genocide. Both these problems are expanded on below.

Politicization and the Lack of Political Will

The UN, from its founding, has had to assume a difficult role. On one hand, it was established to promote and protect human rights; and on the other, it was formed in conjunction with many nations with the notion that those nations would be able to safeguard their international legal right to sovereignty. Much of the Genocide Convention harbors language which recognizes this balance. Article 5 notes, “in accordance with their respective Constitutions,” and Article 7 records, “Genocide and the other acts... shall not be considered as political crimes for the purpose of extradition.” What then is the UN to do when a nation commits or fails to prevent an act of genocide? This very question was explored in a report by the International Commission on Intervention and State Sovereignty (ICISS). The report argued that the global community had a responsibility to protect, regardless of the issue of sovereignty.¹²² In fact, it was one of the main justifications that the UN used in establishing the OGPR2P after the historical failures of Rwanda and Srebrenica. However, the UN has still struggled to garner the collective will to intervene within nations that commit atrocity crimes, due to politicization.

Sudan, the first case of genocide assessed in this report, enjoyed, at least partially, the backing of the Arab League. This created a politically tense environment because nearly

¹²² International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, (Ottawa: International Development Research Centre, 2001).

all of the Arab nations are members of both the Arab League and the UN. Professor Clovis Maskoud, both a former US and Arab League ambassador, points out that the UN and Arab League have been at odds from their conception:

The relationship between the Arab League and the United Nations began as skeptical and distrusting. With the UN General Assembly resolution partitioning Palestine on 29 November 1947, and the success of behind-the-scenes US pressure, a wave of antagonism toward the United Nations swept the Arab world; the United Nations was considered an adversary.¹²³

This sentiment greatly contributed to the UN's inability to protect the Darfuris against genocide. The Arab League, for example, often made claims backing the Sudanese president and even rejected the sanctions and peacekeeping forces that were adopted by the UN.¹²⁴ When the UN allows for this kind of undermining of its resolutions, it emboldens perpetrators of genocide. As the examination here has shown, the UNSC did very little to decrease the acts of genocide in Sudan, nor did it recognize them as such. Sudan was effectively able to use their political associations to weaken most of the actions of the UNSC. It seems a lack of political will, even when the UN recognizes the acts of crimes against humanity, is produced by a fear of unsettling certain regional organizations like the Arab League.

Myanmar, on the other hand, has relied on its own political clout to thwart the commissions of inquiry sent by various organs of the UN. Myanmar's president, Aung San Suu Kyi, ironically a Nobel Peace Prize laureate, has turned accusations back towards the UN by claiming, "I would appreciate it so much if the international community would help us to maintain peace and stability, and to make progress in building better relations between the two communities, instead of always drumming up cause for bigger fires of resentment."¹²⁵ Equally ironic is the Burmese president's claims that the UN is using its political prowess to disrupt the harmony and unity of Myanmar. The UN is justified in its inquiries of human rights violations in Burma. However, if the UN aims to promote human rights, it cannot get entangled into trivial matters of political accusations. It must be able to form a consensus when facts on the ground are clarified. If a nation is committing genocide, as is the case in Myanmar, the UN must make counteraction of such atrocities its number one priority. Even when the UN recognizes crimes against humanity, no binding nor forceful policies guide the organization to counteract such atrocities. The US, arguably the most authoritative and

¹²³ Clovis Maksoud, "Diminished Sovereignty, Enhanced Sovereignty: United Nations-Arab League Relations at 50", *Middle East Journal* 49, no. 4 (Autumn 1995): 583, <http://www.jstor.org/stable/4328865>.

¹²⁴ BBC, "Arab League Should Back U.N."; "Arab League backs Sudan on Darfur", 9 August, 2004, accessed March 8, 2017, <http://news.bbc.co.uk/2/hi/africa/3545818.stm>.

¹²⁵ Aradhana Aravindan and Yimou Lee, "Myanmar's Suu Kyi says international attention fuelling divisions in north", *Reuters*, 2 December, 2016, accessed March 8, 2017, <http://in.reuters.com/article/myanmar-rohingya-idINKBN13ROCL>.

influential member on the UNSC, has even removed sanctions against Myanmar, which were intended to liberalize their human rights record and improve the government's treatment of Rohingya people. Actions and initiatives like these send the wrong message to leaders of states that commit atrocity crimes.

The lack of political will caused by politicization has been an issue discussed by the UN in the past. Jennifer Welsh, a former R2P special advisor to the UN, and colleagues gave clear examples of this behavior:

Examples include China's use of the veto on extending peacekeeping operations in Guatemala and Macedonia because it objected to the decisions of both countries to establish diplomatic relations with Taiwan, and the recent threatened use of the veto by the United States over the continuation of the Bosnian mission due to concerns about subjecting American peacekeepers to the jurisdiction of the International Criminal Court.¹²⁶

ISIS atrocities and their continued expansion in Syria, have been neglected simply because the two permanent UNSC member states, Russia and the US, have different goals for the region; none of which prioritize stopping the genocide of the Yazidis. This inter-organizational stalemate contributes to the paralysis of the UNSC. Similar to the historical time period of Srebrenica, the nations of Russia and the US have come to be at direct odds with each other. Russian Press Secretary, Dmitry Peskov, declared as recently as December 2016 that, "NATO is an aggressive bloc, so Russia is doing everything necessary to respond to that."¹²⁷ Given the recent bombing of a Syrian airbase by US President Trump, in response to chemical attacks allegedly committed by the Assad regime, the US-Russian relationship has only soured further. Thus, it is evident why a lack of political will, specifically concerning the Yazidis, persists.

Politicization is not the only factor contributing to a lack of political will. Often, the nations of the UN refuse to accept the responsibility to protect due to a lack of national interest. Political science professor Kisangani Emizet outlines this observation in the historical case of Rwanda by stating, "Nonetheless, it is important to recall that the Rwandan genocide occurred partly because some powerful UN members saw it as having little significance to their own interests."¹²⁸ Phillipe Boloian, the UN director at HRW, said on the topic of Darfur:

¹²⁶ Jennifer Welsh, Carolin Thielking, and S. Neil Macfarlane, "The responsibility to protect", *International Journal: Canada's Journal of Global Policy Analysis* 57, no. 4 (Autumn 2002): 504. <https://doi.org/10.1177/002070200205700401>.

¹²⁷ Nathan Hodge, "Russia's Buildup in Kaliningrad to Test Donald Trump on NATO", *The Wall Street Journal*, 9 December, 2016, accessed March 3, 2017, <https://www.wsj.com/articles/russias-buildup-in-kaliningrad-to-test-donald-trump-on-nato-1481279401>.

¹²⁸ Kisangani N. F. Emizet, "The Massacre of Refugees in Congo: A Case of UN Peacekeeping Failure and International Law", *The Journal of Modern African Studies* 38, no. 2 (2000): 182, <http://www.jstor.org/stable/161648>.

Permanent members of the Security Council routinely prioritize their national interest over the needs of the UN peacekeeping missions they have mandated, as a result often undermining them. Russia and China [who back many nations in the Arab League] have done this by opposing more sanctions against the Sudanese government even when it pushes peacekeepers around in Darfur.¹²⁹

National interest will inevitably be a legitimate concern for the members of the UN, however, the organization has a moral responsibility to elevate human rights above such political differences. This was the sole purpose of its founding. If the UN passively watches as the human rights of vulnerable minorities come under attack, the very purpose of the UN and its mandates cease to be relevant. It will continue to fail in living up to its foundational mandates if it cannot quell the influence of the political issues of its members, especially for permanent members of the UNSC.

Perhaps the UN has bestowed membership too generously. Nations that are unwillingly to live up to the Charter should to be removed from UN leadership roles. Some nations are indeed more preoccupied with politics than human rights, and national inclusivity cannot supersede the importance of protecting individual rights.

Recommendations

With these causes for failure in mind, the following recommendations are presented:

Demand better accountability and reporting. Instances of genocide and other atrocity crimes need to be reported with the utmost accuracy and urgency. It is only by the facts that the world can come to knowledge of the prevalence and scope of cases of genocide. To act in the most efficient manner, the UN and other regional organizations must make on-the-ground reporting a significant priority. Some figures assessed here, though serving as beneficial indicators, were lacking in compelling reliability. Myanmar, for example, has made the accountability process difficult, by underestimating the figures, which by effect, lowers the demand for action. Reliable information affords a viable solution. The UN also needs to swiftly act on the information provided, e.g. officially recognizing genocide, if all criteria are met. As Secretary-General Ban Ki-moon said, genocide is planned and calculated, therefore "with adequate information, mobilization, courage and political will, genocide can be prevented."¹³⁰

¹²⁹ Chris McGreal, "What's the point of peacekeepers when they don't keep the peace?", *The Guardian*, 17 September, 2015, accessed March 8, 2017, <https://www.theguardian.com/world/2015/sep/17/un-united-nations-peacekeepers-rwanda-bosnia>.

¹³⁰ UNSG, Secretary-General's remarks at launch of "Kwibuka20", 27 March 2014, <https://www.un.org/sg/en/content/sg/statement/2014-02-27/secretary-generals-remarks-launch-kwibuka20>

Fill the policy gap between “prevent” and “punish.” Although effective prevention is ideal, it is not always realistic. Punishment, on the other hand, is after-the-fact and does nothing to stop a genocide. Once genocide has begun, there must be institutional policies in place to counteract it. Success depends upon the UN’s ability to adopt forceful resolutions immediately. 2013, the UNSC adopted a resolution that mandated an intervention brigade in the Congo,¹³¹ the first such mandate ever to authorize offensive, not solely defensive, action. This new deviation in policy by the UN had some success in counteracting atrocity crimes, as the organization United to End Genocide points out.¹³² If this is indeed the case, it warrants further investigation. The R2P office, responsible for these policies is only a part-time office of the UN. The R2P principles demand a full-time commitment. Each case of genocide is different and thus demands different approaches.

Remove from the leadership of the UN nations that violate human rights. It must be recognized that countries who are incapable of respecting the most basic human rights pose a threat to the fundamental treaties of the UN. Nations such as the Democratic Republic of Congo and the Ivory Coast currently serve as members on the Human Rights Council despite the ongoing crises and atrocity crimes within their national borders. In addition, Iran and Pakistan are executive board members to the UN Women’s International Forum. Both countries habitually violate women’s rights. Sudan and Myanmar, whose governments have brutally slaughtered the populations discussed in this assessment, are both member states to UNESCO. Such conflicts of interest only hinder the international process of humanitarian aid and protective action. The presence of this type of national leadership promotes politicization instead of effective policy adoption and gives too much leverage to human rights violators.

Establish a new system or utilize the already established Resolution 377 to eliminate conflicts of interest and politicization of the UNSC. Resolution 377, also known as the “Uniting for Peace” resolution or the Acheson Plan, is a resolution adopted on November 1950, and it reaffirms:

The importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto.¹³³

Dr. Bauer argues that “a change in the [UNSC] veto power arrangement is required,” and went on to highlight that a two-thirds majority of the General

¹³¹ UNSC, *Resolution 2098 (2013)*, 28 March 2013, S/Res/2098.

¹³² United to End Genocide, “D.R. Congo Backgrounder”, accessed 9 March, 2017, <http://endgenocide.org/conflict-areas/dr-congo-backgrounder/>.

¹³³ UNGA, 377 (V). *Uniting for Peace*, 3 November 1950, A/RES/5/377.

Assembly (UNGA) can override stalemates of the UNSC.¹³⁴ If the UNSC fails to uphold the purposes of the UN, which the Resolution 377 formally recognizes, then this provision offers the much-needed contingency plan to out-manuever the UNSC. In the case of a stalemate with the UNSC the Resolution allows for an emergency meeting of the UNGA, in which the permanent members of the UNSC do not have the ability to prevent the UNGA from taking action to restore international peace and security. It was first used during the Suez Crisis, so it is not a completely impractical notion. The two-third majority is also a reasonable standard to prevent impetuous responses to global conflicts. In the case of European or Middle Eastern conflicts, such as the Syrian situation, this provision allows the Russian and American opposition to be re-prioritized below the human rights crises in the Syrian region. If this specific resolution cannot be reasonably enforced, then a new resolution should be debated and adopted in its place.

Invoke Article 7 of the Charter formulating offensive, not exclusively defensive, strategies. Much of the peacekeeping forces are sent with defensive goals in mind, for example, the mandates of the UNAMID in the Darfur region. The goal of the peacekeeping force was primarily meant to monitor, to observe, to contribute, and to maintain peace agreements and the security of the nation. This is problematic because once diplomatic arrangements and levels of security deteriorate, the mandates must be forceful enough, and supported by a large enough military force, to prevent and counteract events of all atrocity crimes. The intervention brigade in the Congo has taken up a more offensive oriented mandate with some success; therefore, a similar a route should be taken up when prevention fails.

Remove the misconception of insignificant national interest. Many of the Western nations are accused of not intervening, particularly in Africa, due to lack of national interest in the region. When the US argued that UN peacekeepers should take on a more aggressive role in Africa, India, who has sent more troops on UN missions than any other nation, challenged the US's assertion. India retorted that "mostly rich and powerful countries on the security council [are] sending the poor to fight and die."¹³⁵ Western nations must recognize that human rights violations directly affect the entire globe, even more so as the world moves towards globalization. 'No national interest' is an illusion when it comes to protecting human rights. Nations that respect women's rights, for instance, are often the most prosperous countries of the world, since they benefit from the contributions of women. In the same way, the world will benefit when it comes to understand that Africa is just as vital to the international economy and political landscape as is Europe, the Middle East, or Asia. The UN must form a narrative

¹³⁴ Yehuda Bauer (academic advisor to the Yad Vashem Holocaust Museum), interview by Cody Holmes, March 27, 2017, transcript, Jerusalem Institute of Justice.

¹³⁵ McGreal, "What's the point of peacekeepers."

that every nation of the world has a significant national interest in all cases of human rights violations. NGOs and supranational bodies, such as NATO, can assist in propagating this narrative as well.

Conclusions

This assessment focused on the United Nation's responsibility and ability to protect persecuted groups from genocide. A comparison was conducted to assess whether policy changes made by the UN that were initiated after historical failures have been effective. Evidence suggests that in the cases of the Darfuri, Rohingya, and the Yazidi peoples, the UN has failed to prevent genocide and to effectively protect individuals.

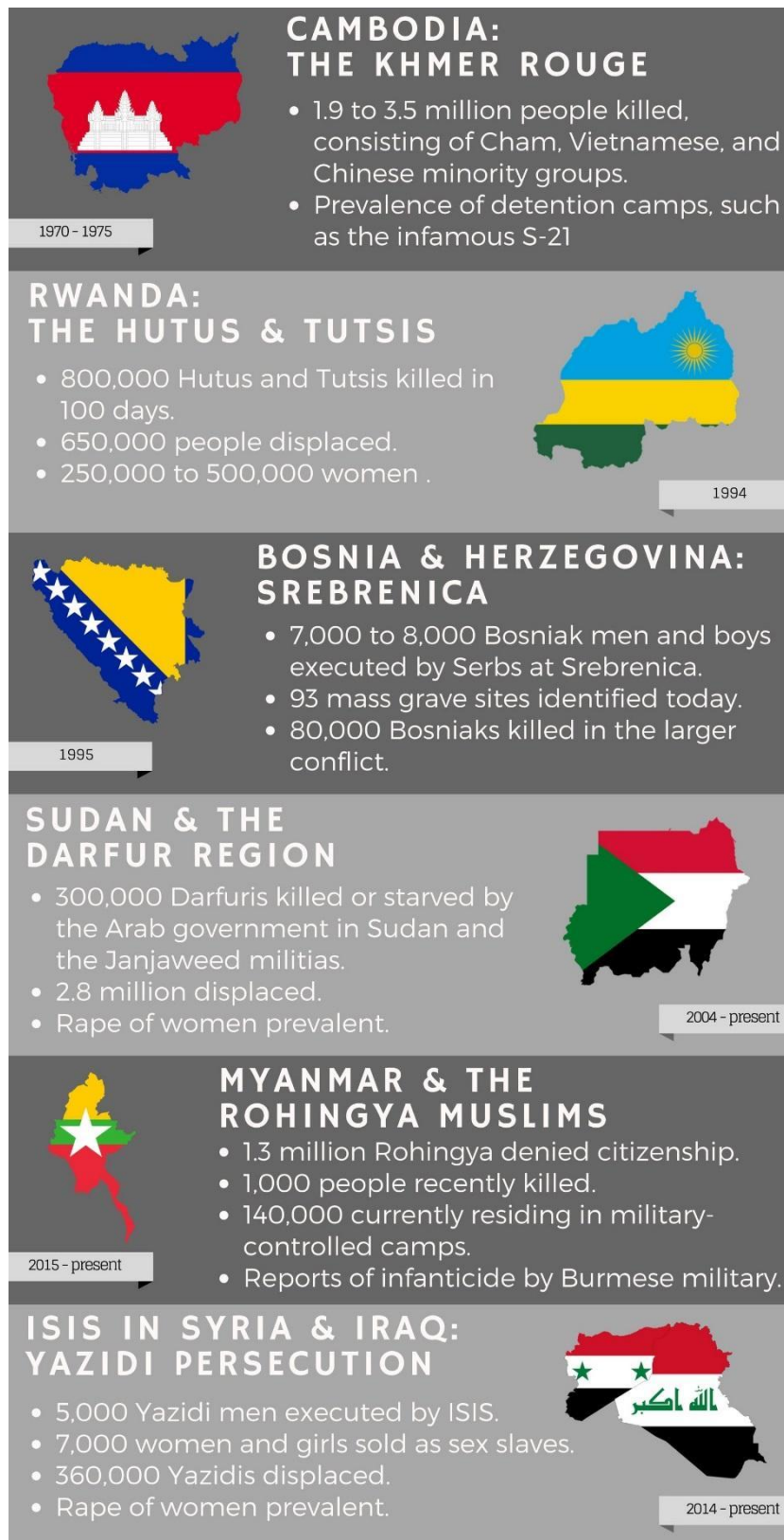
In some cases the UN failed to recognize the plight of threatened people groups. However, in other cases international recognition or classification of atrocity crimes did little for the 'protected classes' without decisive and offensive action. Methods, such as embargoes and sanctions, proved to be ineffective in preventing or counteracting genocide. Even dispatching a large force including military personnel did little to protect without decisive, offensive mandates.

This assessment also identified some of the main causes behind the UN and the Security Council's inability to protect: the politicization and the lack of political will. The UN has become an international body too concerned in navigating the global political climate instead of living up to its central tenets. It has become too inclusive to obtain a clear consensus of political will in intervening in cases of genocide and other atrocity crimes. The UN should not tolerate human rights offenders in its leadership positions. Heavy politics, diplomatic ties with the Arab league and permanent members of UNSC using their veto power to stop intervention has rendered the UNSC impotent.

These reports highlight the likelihood of further failures in other cases of genocide. While the UN is currently ineffective in upholding its commission, it represents a vital role in upholding human rights. Major changes in policy, accountability and leadership structure need to be enforced in order for the UN to prevent and protect. The UN must prioritize swift action in cases of atrocity crimes, such as genocide, and set aside all differences that would lead to inaction. It should adopt peace-enforcing initiatives, when appropriate, with clear, authoritative directives rather than peacekeeping missions only.

Failures by the UN and any other supranational body, specifically as it relates to atrocity crimes, points to the inadequacies of the entire global community. Though specific guidance will certainly be directed primarily to the UN, the recommendations in this report are not only a call to action for the UN, but rather to every rational citizen, government, and organization in the world. In the words of Edmund Burke, "The only thing necessary for the triumph of evil is for good men to do nothing."

Summary of Facts and Figures





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