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How the International Community Has Failed the Responsibility to Protect the World's Most  
Vulnerable Groups

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## ABSTRACT

In the international community, one of the greatest struggles is formulating an appropriate response to mass atrocities and humanitarian crises. With the emergence of the term “ethnic cleansing” in the former Yugoslavia in the 1990s, the international community struggled immensely with carrying out an appropriate response to a new term, and subsequently, a genocide. Following the atrocities in the former Yugoslavia and Rwanda in the 1990s, the United Nations strived to find a collective and effective course of action for when these types of situations occur. In doing so, the Responsibility to Protect (R2P) principle was created, placing the responsibility to protect a population on the shoulders of countries, but also on the international community as bystanders. The principle has received many criticisms for its ambiguity and lack of clarity on *who* responds to a humanitarian crisis, *when* it is appropriate to do so, and *how* the response is to be carried out. Two modern cases of genocide, including the Darfur region in Sudan and the Rohingya Muslims in Myanmar, are examples in which the principle could be invoked. However, the principle has failed to be invoked in both circumstances, even with the death and displacement of thousands as clear indicators of a humanitarian crisis.

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## **Chapter 1**

### **Introduction**

In both today's world and in the historical context, the study of human nature helps to understand why we, as a society, act a certain way. However, although there have been many attempts to answer these questions, many of the scholarly research surrounding wars, colonialism, and more recently, genocide, fail to decipher the root of these many issues. Throughout the twentieth century to the present day, society has experienced several instances of ethnic cleansing, or the systematic removal and displacement of a certain ethnic, religious or minority group, as well as several genocides. Although what we understand to be genocide and ethnic cleansing has occurred throughout history, it is also still occurring today, in this very moment. The age-old question however, is why? Why do these kinds of killings and expulsions still occur today? How did we, as a society, get to this point? Who is protecting these vulnerable groups?

This topic can prove to be extremely important in the current international climate. The political degradation of these vulnerable groups is something that is still occurring throughout modern societies around the world. In response to the crises that occurred in Yugoslavia and Rwanda in the 90s, the United Nations Security Council have come up with a principle that lays out when, and how the international community should respond to these atrocities. This principle is referred to as the Responsibility to Protect (R2P). In this principle, UN member states are expected to protect both their own populations, and populations around the world. Although this principle has only been invoked once (Libya in 2011), it has been the subject of many criticisms

by scholars, politicians, and other worldwide figures. Therefore, the many criticisms of R2P bring me to my principle research question for this thesis: In terms of ethnic cleansing and genocide, how has society failed the responsibility to protect (R2P) the world's most vulnerable ethnic groups?

This topic is important not only to scholars who are experts in the fields, but also to the young minds being educated in schools across the world. Genocide and ethnic cleansing have resulted in the killings and expulsions of millions of people, and they have not stopped since they began. It is imperative to understand how society got to this point of systematic killing in order to determine how to stop them. The two terms, although often used synonymously by the media and sometimes in literature, are entirely different as defined in a global context. The three case studies selected for this thesis have significant historical and current relevance within the realm of ethnic cleansing and genocide: the former Yugoslavia in the 90s, the Darfur region in Sudan and the Rohingya Muslims in Myanmar. As with any type of research, there have been limitations within the literature. In terms Darfur and Myanmar, it is difficult to get full statistics, as they are ongoing genocides. The governments in these countries are also reluctant to allow reporting on these numbers.

### **Methodology**

In this thesis, the topics of ethnic cleansing and genocide will be examined thoroughly. In addition, this thesis will examine how modern society has failed in their responsibility to protect vulnerable populations from ethnic cleansing and genocide. To determine how the

international community has failed to protect the world's most vulnerable groups, this research has been carried out primarily through case studies of regions that have experienced campaigns of ethnic cleansing or genocide, or both. Three case studies will be presented. The case studies, in chronological order, are as follows: the former Yugoslavia in the 90s, the Darfur Region in Sudan, and the Rohingya Muslims in Myanmar (Burma).

To determine how the international community has failed to protect these vulnerable groups, the three case studies will be evaluated as followed: The genocide in the former Yugoslavia during the 1990s, which served as the inspiration for the term "ethnic cleansing", will focus on the handling of intervention in the genocide within the international community and by the United Nations. Many of the events that occurred during the genocide in Yugoslavia serve as a starting point for the Responsibility to Protect (R2P), a principle enacted in 2005 that serves as the groundwork for the involvement of other states against genocide, war crimes, crimes against humanity and ethnic cleansing. For the second and third case studies, the genocides in the Darfur region of Sudan and the Rakhine State of Myanmar will examine the campaigns of genocide and ethnic cleansing that have occurred, and how R2P has failed to be invoked in these circumstances.

Most of the data collected for these case studies was obtained through literature (scholarly articles, databases, and online encyclopedias).



### **What is “Ethnic Cleansing”?**

It is important to establish the key differences between ethnic cleansing and genocide. Genocide is a far more recognizable word to the general public, although many are not educated on the actual amount of genocides that have occurred through history or are occurring currently. On the other hand, ethnic cleansing is a fairly new word, as it was coined during the genocide in the former Yugoslavia. This word comes from the campaign to “cleanse” a territory of a specific ethnic or religious minority, due to political, ideological, or strategic reasons, or for a combination (Bell-Fialkoff, 1993). In short, ethnic cleansing comprises itself of terror tactics to force the expulsion of unwanted populations from a territory. These “terror tactics” include intimidation, discrimination, rape, torture, murder, looting, burning of homes, and destruction of religious and cultural items (Whitehead, Fair & Payne, 2009).

Likewise, nationalism has been noted to play a significant role in the act of ethnic cleansing and genocide. Although mostly believed to be a word filled with pride and positive connotations, it is largely a part of the problem. According to Bell-Fialkoff (1993), nationalism is similar to modern religion, with the idea that somewhat spiritual aspects are associated with the desire to “purify” a nation of a certain “alien” group. Nationalism will be discussed further in the case study involving Yugoslavia, as it is mentioned widely in literature regarding the genocide.

In terms of etymology, the words nationalism and genocide have similar roots. *Genocide* derives its meaning from the ancient Greek root of *genos*, meaning race, stirp, kind, category, while overlapping with tribe, class and people, with the suffix *-cide* from the Latin words *caedo*, *caedere*, *cecidi*, *caesus* (meaning to cut down), also being added to *genos* to form the word

*genocide*. Likewise, *nationalism* finds its beginnings in the Latin verb *nascor, nasci, natus sum* (meaning to be born) The term *ethnic cleansing* has its roots in the Serbian phrase *etnicko ciscenje*. The term *etnicko* comes from the original Greek root of *ethnos*, meaning shared descent or lineage. Popularized in the 90s, this term was used as a more “benign” way to describe genocide and the events surrounding it. Apart from the etymological roots of the term, ethnic cleansing is also seen as a connection between westernization, modernity, war, and genocide. (Conversi, 2006).

However, many scholars argue that ethnic cleansing has been used merely as a “euphemism” for genocide, when in reality they are two entirely separate offenses. Originally adopted by journalists and politicians, the term “ethnic cleansing” has garnered the implication that majority of the time the term applied to scenarios that could not satisfy the legal requirement for proof of intent to commit genocide (Blum, Stanton, Sagi & Richter, 2008). The term has not been formally defined as having legal status in international law and does not require mandated obligations. Genocide does have these required, and mandated, obligations due to the idea that ethnic cleansing does not prove homicidal intent according to the UN. Ethnic cleansing has not been written into a treaty, which means that states do not have to protect the affected populations. Prominent genocide researcher William Schabas has concluded that ethnic cleansing can never be genocide because the intent of ethnic cleansing is to drive out a population. On the other hand, the specific intent of genocide is to destroy a population (Blum, et. al, 2008).

There have been many discussions within the International Criminal Court (ICC) international tribunals regarding:

1. The legal consequences of preserving a distinction versus incorporating the two acts.
2. The persuasiveness of states' reasons for refusing to include ethnic cleansing within the Genocide Convention; or
3. How to incorporate ethnic cleansing into the Genocide Convention. (Sirkin, 2010, p. 492)

However, a common consensus among member states is still very much lacking in international rhetoric (Sirkin, 2010). Currently, genocide is still considered a separate offense from crimes against humanity by the UN and the Genocide Convention, whereas ethnic cleansing is classified as a crime against humanity.

To be classified as a crime against humanity, the act is usually committed as a systematic attack directed towards a civilian population or a particular group of people (Sirkin, 2010).

Although there are distinct differences and similarities between the two terms, many journalists and media outlets use them interchangeably. It is important to understand that both by literal definition and by the UN definition, the acts are not the same. To understand the course of this research, it is also important to fully grasp the key differences. Political scientists, such as Sirkin (2010) argue that there are three distinctions between the two terms:

1. Genocide pertains only to crimes whose victims belong to protected groups (race, ethnicity, nationality, or religion), while crimes against humanity (i.e., ethnic cleansing) may be committed against any civilian population.

2. Genocide requires a specific intent to destroy a group because its members share a common national, racial, ethnic, or religious identity, while crimes against humanity do not require any specific intent.
3. A single isolated act could qualify as genocide, while a single isolated act against a civilian is unlikely to qualify as a crime against humanity because the latter must be committed within the context of a widespread or systematic attack. (p. 493)

The interchangeable use of ethnic cleansing and genocide has proved to be an obstacle in providing international aid to the affected groups. How a country, its media, or the surrounding states choose to label a situation can have a great impact on the response. An instance as simple as the media labeling a genocide as ethnic cleansing without knowing the proper definition can prevent the enactment of international aid, as ethnic cleansing does not have mandated obligations. To study the uses of “genocide” and “ethnic cleansing” synonymously, Blum et. al (2008) tracked the appearance of the words in *The New York Times* articles dated 1990-2005 to determine if ethnic cleansing appeared more frequently following the genocide and ethnic cleansing in Yugoslavia. According to the findings, the term ‘ethnic cleansing’ alone appeared up to about 3.5 times more than the term genocide in 1993 (2008). Sirkin (2010) also notes that in May 2006 there were more than 8 million citations for “ethnic cleansing,” on Google, a sharp increase from 221,000 in January 2006 and 76,000 in September 2005.

There has often been speculation that ethnic cleansing may be used in place of genocide to minimize the international response and obligation to these protected groups. According to Sirkin (2010):

Both the crime of genocide and crimes against humanity prohibit the most inhumane, cruel, and violent acts known to man. However, classifying an atrocity as genocide has a much greater legal and political effect than classifying it as a crime against humanity [...] unlike crimes against humanity, the crime of genocide clearly creates obligations on state parties to the Convention and provides state parties with civil remedies not available to states victimized by crimes against humanity. (p. 496)

In addition, there has been speculation that the United Nations sometimes refrains from labeling an act of genocide as such, opting to call it ethnic cleansing due to the legal and moral obligations that stem from the atrocities. For example, in the case of Sudan in the early 2000s, there has been evidence that at times the UN attempted to persuade the global public opinion to deny the genocide inflicted by the government of Sudan (Sirkin, 2010). Genocide was the conclusion that was made by former United States Secretary of State Colin Powell, affirming that there was a pattern of deaths, rapes, expulsions, and pillaging. A separate UN investigation did not accept the conclusion, therefore refuting Powell's use of the term "genocide" and evading any intervention. Thus, scholars see a correlation between the denial of the presence of ethnic cleansing and genocide and the delay of international intervention. This can further result in an increase of death tolls, violent deaths, rapes, forced starvation, enslavement, plunder, and campaigns of expropriations because there is no formal intervention.

The same can be seen in other cases of genocides, such as in Bosnia, Kosovo, and Rwanda. While the international community debated whether it was genocide or ethnic cleansing, thousands of people were pillaged, raped, and murdered (Sirkin, 2010). In the 1948

Genocide Convention, States Parties are tasked with both preventing and punishing genocide under Article 1. In cases where genocide is not yet declared, state actors are expected to operate under the Precautionary Principle. The principle encompasses the idea that the costs of inaction in preventing a catastrophic humanitarian crisis far outweighs the costs of action (Sirkin, 2010). Ethically and morally speaking, it is better to respond based on this principle rather than using a euphemism to encourage or excuse delay of intervention (Sirkin, 2010). The failure in Sudan in the early 2000s, among other genocides, led to conversations among the international community on how to better assess, classify and respond to instances of genocide. In Sudan, although there was a presence of African Union troops in 2004 because of a cease-fire, the conflict persisted and resulted in the killing and displacements of thousands, and the fleeing of millions. The year 2007 saw the authorization of a joint UN-African Union peacekeeping mission, with deployment not beginning until 2008 (Encyclopedia Britannica, n.d.). The ICC also attempted to arrest Omar Al-Bashir for first war crimes and crimes against humanity, and then genocide in 2008. He was reelected in 2010 and served as president of Sudan until 2019. This delay in response, as well as the retention of power by Bashir helped to shape the Responsibility to Protect doctrine.

### **What is the Responsibility to Protect (R2P)?**

The Responsibility to Protect (R2P), is a report issued by the International Commission on Intervention and State Sovereignty in 2001 and influenced by Francis Deng's idea of "state sovereignty as a responsibility", i.e., the idea that sovereignty is not just outside interference as a form of protection, but rather states' responsibility to promote their own population's well-being

and assist those around them (United Nations, n.d.). In a 2005 high-level UN World Summit meeting, the member states of the UN committed to the obligations laid out in the responsibility to protect. The Responsibility to Protect, according to the UN:

Embodies a political commitment to end the worst forms of violence and persecution. It seeks to narrow the gap between Member States' pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity. (United Nations, n.d.)

Within this principle, member states are expected to not only punish atrocious crimes, but also expected to prevent them. Member states must adhere to the three pillars laid out by the UN:

1. Address how states can fulfil their responsibility to protect their population from atrocious crimes
2. The responsibility of the international community to encourage other member states to protect their populations
3. The responsibility of the international community to utilize the appropriate response to the situation. (United Nations, n.d.)

Throughout the implementation of R2P, there have often been concerns regarding sovereignty, and if R2P acts as an adversary to it. However, according to the UN, the responsibility to protect “grows from the positive and affirmative notion of sovereignty as responsibility, rather from the narrower idea of humanitarian intervention” (United Nations, n.d.). In other words, the hope for R2P is that through adherence to the legal and moral obligation to prevent and punish genocide,

the notion of sovereignty will be strengthened. There has also been speculation that sovereignty may hinder intervention, as member states may be reluctant to cross borders to intervene.

According to AJ Bellamy (2009), is it possible to argue that violating sovereignty can pose deterring costs on the one who intervenes, thus posing as a potential deterrent to others member states? Therefore, the possible consequences that emerge after crossing state borders are often the primary reason that many member states are reluctant to intervene in humanitarian crises. Nonetheless, it has been argued in the past that sovereignty cannot be used as a “shield” against intervention (Stahn, 2007). Stahn (2007) further argues this view by citing scholar Hersch Lauterpacht, who noted, that:

Often when a state renders itself guilty of cruelties against and persecution of its nationals, in such a way as to deny their fundamental human rights and to shock the conscience of mankind, intervention in the interest of humanity is legally permissible. (p. 113)

Thus, when a state commits one of the acts laid out in the R2P, intervention and punishment outweigh the consequences of violating sovereignty.

Due to these concerns throughout the 20<sup>th</sup> century, the United Nations spent most of the 1990s and early 2000s brainstorming ways to keep peace. Through these brainstorming sessions, the United Nations declared that the idea of intervention should be understood as a continuum, i.e., the responsibility to prevent, the responsibility to protect, and the responsibility to rebuild. However, this multidimensional approach often serves as a deterrent to member states, suggesting that the



costs of intervening outweigh the benefits of intervening.; almost as if there were no gain to intervening for the UN member states.

Therefore, the international community faces a dilemma when it comes to addressing these types of humanitarian crises. The emergence of a new term “ethnic cleansing” has proved to be a difficult situation for the international community to respond to because of its lack of legal implications. Likewise, genocide has always been difficult for the international community to respond to, as violating sovereignty and providing humanitarian aid comes with many consequences and can prove to be very costly – both economically and in terms of human life.

The implementation of R2P into the United Nations’ response protocol has continued to be a subject of many criticisms. The international community still struggles with how, and when, to use R2P. Through the three case studies of the former Yugoslavia, the Darfur region and the Rohingya Muslims in Myanmar, the research question will explore how and why R2P receives these criticisms and has failed to be invoked in these circumstances.

## **Chapter 2**

### **Case Study 1: the former Yugoslavia**

#### **Introduction**

This chapter will focus on the ethnic tensions that emerged in the former Yugoslavia in the 1990s. More specifically, it will focus on the emergence of the term “ethnic cleansing”, or the forced removal of a certain ethnic group from a region or territory. In the former Yugoslavia, which was comprised of six separate nations (Serbia, Montenegro, Bosnia and Herzegovina, Croatia, Macedonia and Slovenia), there were many different ethnic groups living within this small region in Eastern Europe. These ethnic groups had differing languages, cultures, religions, and identities, but were forced to assimilate to the dominant culture in their respective territories. As to be expected, this forced assimilation caused fierce tensions among the groups.

In the international community, many countries struggled with how to correctly respond to the humanitarian crisis in Yugoslavia, which stemmed from when the many different ethnic groups within the state began to call for independence. Ultimately, the unwillingness of the international community to respond to the ethnic cleansing and genocide in the former Yugoslavia led to the death of thousands, and the displacement of hundreds of thousands. Due to the failure to respond in the international community, the United Nations and its member states sought to find an appropriate basis for a response. Through these discussions, the UN created Responsibility to Protect (R2P) in 2005, which uses its pillars as a guide for its member states to effectively minimize war crimes, crimes against humanity and genocide.

This chapter will give the history of the former Yugoslavia and how it came to be following the conclusion of World War II. It will then discuss the many different ethnic groups living in Yugoslavia and how their proximity to each other led to an increase in ethnic tensions. Consequently, these ethnic tensions led to the emergence of ethnic cleansing, and subsequently, genocide. Finally, this chapter will discuss the role of what happened in Yugoslavia in formulating the Responsibility to Protect doctrine, and how the international community failed in this specific situation.

### Yugoslavia after WWII



**Figure 2.1.** (Encyclopedia Britannica, n.d.).

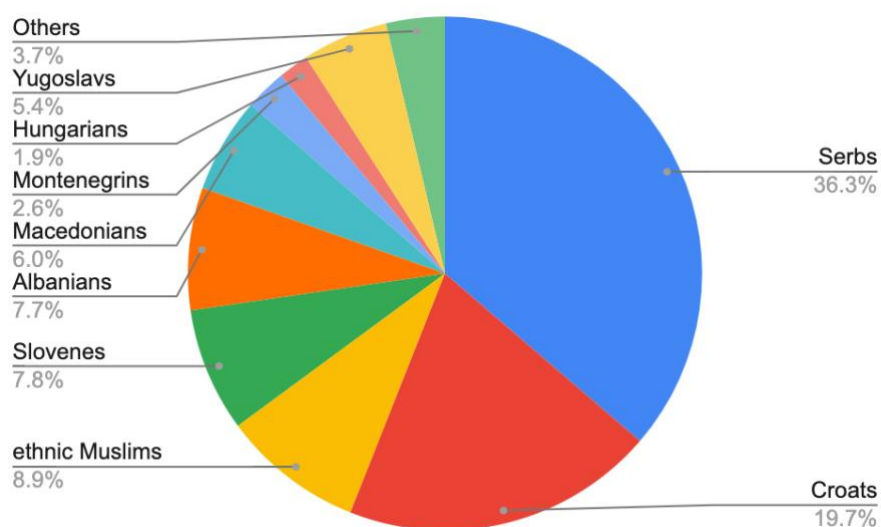
The term “ethnic cleansing” originated in the context of the former Yugoslavia (See Figure 2.1), a former member of the Axis powers during World War II. Before its own genocide,

Yugoslavia suffered an invasion by the Axis powers on April 6th, 1941. This invasion lasted eleven days, and involved forces from Germany, Italy, Hungary, and Bulgaria. Yugoslavia remained under Axis control for most of World War II, with much of their Jewish and Romani populations sent to detention camps and then later killed. After WWII, the Yugoslav union reestablished itself under communist rule (Holocaust Encyclopedia, n.d.).

This new socialist republic spanned 98,766 square miles and had a total population of approximately 24 million by the year 1991. Post WWII Yugoslavia consisted of six republics: Croatia, Montenegro, Serbia, Slovenia, Bosnia and Herzegovina, and Macedonia. In the forty plus years following WWII, the area saw an increase in tensions due to the differing identities, cultures, languages, and religions among the different ethnic groups, leading to the breakdown of control among the different communities. Thus, on June 25th, 1991, Slovenia and Croatia announced their secession from Yugoslavia. Macedonia, Bosniaks (Muslims) and Croats announced the same between December 1991-March 1992. Rebellions of Serbs in Bosnia and Croatia in 1995 and the civil war in Kosovo in 1998 prompted action by NATO (North Atlantic Treaty Organization) in 1999, who retaliated with a bombing. In response to the secessions, Serbian leader Slobodan Milosevic was determined to carry out a systematic campaign of “ethnic cleansing.” (Encyclopedia Britannica, n.d.).

Much of the conflict, ethnic cleansing, and subsequent genocide in Yugoslavia has been attributed to the differing senses of nationalism that were present Yugoslavia. The desire to be separate states was fueled largely by nationalism. Nationalism is, “a desire by a large group of people (such as people who share the same culture, history, language, etc.) to form a separate and

independent nation of their own” (Merriam-Webster, n.d.). It presented itself as almost a modern religion, a quasi-spiritual ideology that fuels a desire to “purify a nation of alien groups” (Bell-Fialkoff, 1993). The nationalism that arose in Yugoslavia was due in large part to the multitudes of ethnic groups in the considerably small region. Post-World War I prompted the immediate formation of the republic. With these ethnic groups came the clash of cultures, languages, religions, etc. The nationalism that emerged in Yugoslavia is largely undemocratic and rooted in ethnic tensions along with low socioeconomic status (Pestic, 1993). The dominant national identity is associated with common ethnicity, language, religion, myths, and culture. However, the majority group is seen as ethnically superior, due in large part to their size and domination in politics and the economy, and will experience better citizenship rights, and those who are not part of the dominant group experience a second-class citizenship (Pestic, 1993). Due to the shared borders and several different nations with different ethnic groups, it was virtually impossible to grant one nation cultural or political autonomy without risking the collapse of Yugoslavia as a whole. Yugoslavia, in a sense, was a system that was created to accommodate the different ethnic groups that lived within the borders. **See Figure 2.1.**



**Figure 2.2.** (Wikipedia, 2022).

Slovenia and Croatia declared their independence from Yugoslavia in 1991. Because of Slovenia's European-oriented republic, rich economy, and loose relationship with Serbia, it had the lowest risk of conflict from declaring independence. Due to this, Slovenia left the federation without any kind of conflict. In response to this, former State Council President Jovic, who was a close Serbian ally of Milosevic, stated that, "it was an ethnically pure state. No Serbs. We couldn't care if Slovenia left Yugoslavia" (Mann, 2005 p. 376). However, Croatia posed a much bigger risk to the federation with their declaration of independence. Unlike Slovenia, Croatia shared a large border with Serbia and housed a decently sized Serb minority. Croatia and Serbia shared many interests, making the risks associated with secession seem much more daunting. Because Serbia had control of most of the Yugoslav army, the Serb regime concluded that it possessed the most military power to pressure Croatia not to secede.

The new Croatian constitution guaranteed equal rights for non-Croats, but a reduction in some political rights for Serbs and Muslims. Instead of being promised an “equal nation”, they were promised a lesser political status similar to minority groups such as the Czechs and Jews. For many Serbs, there was fear of the Law on Croatian Citizenship of 1991, which states that a citizen “must adhere to the laws and customs prevailing in the Republic of Croatia and that he accepts Croatian culture” (Mann, 2005, p. 379). Thus, the Serb minority group faced assimilation, especially in terms of language and cultural symbols. The Serbs, although very closely geographically to the Croats, spoke an entirely different language. In addition, the Serbs were a predominantly Eastern Orthodoxy, while the Croats were majority Roman Catholic. Most Serbs were forced to have Croatian citizenship to work and know how to speak and read Croatian. Although Serbian and Croatian are very similar languages, this proved to be difficult for Serbs as Serbian uses Cyrillic script and Croatian uses a Latin script. These tensions were further heightened as offices and factories became places of confrontation due to the idea that the minority group must conform and assimilate to the dominant culture. The majority group then forced their language, culture, and religion on the minority groups, forcing them to read and write languages they had never seen before. This forced assimilation caused conflicts within the workplaces. The border areas also lacked procedures for settling disputes. According to Mann (2005), the areas were destabilized, factionalized, and radicalized. Rival police forces clashed, nationalists attacked moderates, and beatings and shootings became more premeditated. Minority ethnic groups fled back to the shelter of their ethnic communities. As a result, mono-ethnic towns and villages emerged, each with police forces. This type of factionalization occurred

within many of the ethnic communities in Yugoslavia. It happened very quickly in Croatia, however at different paces in Bosnia and Kosovo. Bosnia and Herzegovina declared independence in March 1992, followed by Macedonia, Montenegro, and Kosovo. These ethnic groups lived somewhat segregated; making it difficult for the countries that seceded to become a mono-ethnic state (Mann, 2005). Because of the different languages, religions, and cultures, it is extremely difficult to assimilate in the quick manner expected by the governments in Yugoslavia. These groups had been forced together without much of a say. To force them to learn an entirely new language, culture, and religion, would prove to be time-consuming and tension inducing.

### **The Emergence of Ethnic Cleansing**

Within these borders (See Figure 2.1), none of the ethnic groups (apart from the Slovenes, who the governments of Yugoslavia saw as too European-oriented) were aware of clearly defined ethnic borders (Pesic, 1996). As a result, according to Pesic (1996):

Almost every one of Yugoslavia's people has been perceived as a threat to another national group and has felt threatened itself. This general atmosphere of resentment, real or imagined, could easily be used to produce the feeling that one's national group was threatened with extinction as the object of another's aggression. (p. V)

Therefore, the presence of different ethnic groups within the territory proved to be a driving factor for cultural genocide and ethnocide. With the ideology of driving certain ethnic groups out of territories, ethnic cleansing became a fixture in mass media during the civil war in Yugoslavia. As a broader meaning, ethnic cleansing refers to destruction, suppression, or



removal of minority ethnic groups within a territory. The dominant culture, language, religion, alphabet, values, and political organizations are tolerated. In Yugoslavia, several tactics were used as a physical destruction of a targeted minority:

1. Systematic persecutions
2. Expulsions
3. Forceful confinement in detention camps (with the lack of basic facilities for life)
4. Destruction of villages and towns
5. Mass murder of civilians
6. Use of torture and rape (Mirkovic, 1996 p. 197)

From the beginning of the 20th century to the end, the political meaning of forced displacements has changed tremendously. From the 1920's to the 1940's, it was seen as a part of state-building, peacekeeping, and security (Walling, 2010). At the end of the century, it was seen as a tactic fueled by evil and the desire for destruction. As mentioned in the introductory section, the term "ethnic cleansing" emerged during the conflicts in the former Yugoslavia. The term was used to label the forced removal and displacements of Bosniak Muslims and some Croats following the secession of Slovenia, Croatia and Bosnia and Herzegovina. However, the term fails to include the genocide of 8,000 Bosniak men in the Srebrenica massacre. In this massacre, thousands of Bosnian Muslim men, and boys (Bosniaks) were killed and 20,000 were expelled in an ethnic cleansing campaign. It occurred over a year-long period from July 1995 until July 1996 and was the worst massacre in Europe since World War II (Encyclopedia Britannica, n.d.). In this case,

and many others, what begins as a campaign of ethnic cleansing, and the desire to “purify” a region of minority ethnic groups, can turn into the massacre of a group in place of the forced removal. As a result, many of the actions encompassed by genocide are performed. According to Mirkovic (1996):

To sum up, the term ‘ethnic cleansing’ overlaps both genocide and ethnocide.’ As shown earlier, in its broader meaning, it implies differential treatment and discrimination with a view to putting on pressure to comply, to emigrate, to give up and to assimilate, and in its narrower or restrictive meaning, it denotes destruction, which, through acts of terrorism, forceful relocation, and expulsion, leads ultimately to genocide. (p. 197)

In Yugoslavia, the practice of ethnic cleansing was not a new phenomenon. Societies such as the United States with the Native Americans or Spain with the indigenous communities in the Americas have been using the forced removal of minority groups for centuries, but it was the first time there had been a new term for it. The phrase “forced population transfer” is a viable synonym, but ethnic cleansing represents an escalation of the phrase due to the idea that it is based on ethnic criteria. Ethnic cleansing was popularized by western journalists, as a literal translation of the Serbo-Croatian/Bosnian *etnicko ciscenje* (Walling, 2000). It was said to be part of the Yugoslav National Army’s (JNA) vocabulary to describe the forced removal of Bosniaks and Croats from the Serb-dominated regions. At the time, it did not have the extreme negative connotation that it has now. However, at the time of the campaign, the term was used openly by the former Serbian President Slobodan Milosevic, and his supporters. The word “cleansing” within the term was used for its “positive” connotations of cleanliness and purification. “Ethnic”

refers to a group of individuals that share racial, national, language or culture, shared history, and identity (Walling, 2000). More often, the violence and intimidation tactics are performed by a majority ethnic group, most likely backed by state actors. In the case of former Yugoslavia, the Serb ethnic group carried out the ethnic cleansing campaign against the Bosniak Muslims in Bosnia, and the Croats in Serbia.

### **Ethnic Cleansing in the Context of Yugoslavia**

Following the declaration of independence by Croatia and recognition by the international community, Bosnia and Herzegovina experienced its own conflict between the Bosniaks, Croats and Serbs after their declaration of independence. In the eastern and western areas of Bosnia, Serbian militias fought heavily to deny Bosnia's independence. Although they failed, they turned to eradicating the Bosniak population (Yale University, n.d.). The United States and Europe recognized Bosnia's independence in May 1992, and two days later a group of Bosnian Serb forces led by Slobodan Milosevic advanced towards Sarajevo, the capital of Bosnia. The Bosniak (Muslim) towns were attacked, including Zvornik, Foca, and Visegrad, beginning the process of ethnic cleansing. Many of the Bosnian Croats living in Bosnia fled the country, with a significant Bosniak population living in the smaller villages and towns. The United Nations did not intervene in these conflicts, but some humanitarian aid was provided by its High Commissioner.

In the Summer of 1995, there were three towns located in eastern Bosnia that were still under the control of the Bosnian government: Srebrenica, Zepa and Gorazde. The UN formally

declared these cities as “safe havens.” However, on July 11th, 1995, the Bosnian Serb forces backed by Milosevic made headway towards Srebrenica, separating the Bosniak civilians from the others. Within this separation, the Serb forces put the women and girls on buses to Bosnian territories, while simultaneously killing the men and boys on site. Estimates of deaths from the massacre range from 7,000 to more than 8,000 (History.com, 2009). This massacre was later ruled a genocide by the International Criminal Court.

There is also documentation of the Serbian military policy to cleanse Bosnia and Herzegovina by rape. It is known as the RAM plan, written around August 1991. The plan was developed to target, “women, especially adolescents, and...children in order to cause fear and panic among the Muslims and bring about a Muslim retreat from the designated territories” (Salzman, 1998, p. 356). Most of these rapes were committed by Serbs against Muslim women, along with catholic Croats, and an estimated 20,000 women endured sexual assaults during the Bosnia-Herzegovina war (Salzman, 1998). After capturing Srebrenica, the Bosnian Serb forces captured Zepa and detonated a bomb in the Sarajevo market, prompting the international community to give some kind of response to the violence and growing humanitarian crisis (History.com, n.d.). However, the international community and the United Nations ultimately failed to protect the minority groups in the former Yugoslavia.

### **How did the international community fail to protect the minority groups in Yugoslavia?**

To begin, the use of the term “ethnic cleansing” in place of genocide had proved to be a costly decision in terms of international involvement in the conflicts. According to scholars and historians, the main goal of the expulsions of the Bosniaks in Bosnia and the Croats in Serbia was to “purify” a territory or create a mono-ethnic state where all its citizens spoke the same language and shared the same religion and culture. In the context of Yugoslavia, “ethnic cleansing is rendering an area ethnically homogeneous by using force, concentration camps, torture, sexual violence, mass killings, forced deportations and the blocking of humanitarian aid” (Saltzman, 1998). As mentioned in Chapter 1, the use of ethnic cleansing as a euphemism for genocide takes away the legal obligations for other states as stated by the Genocide Convention (Blum, et. al, 2008). However, in the case of Yugoslavia, the international community struggled with how to respond to the ongoing crisis in Bosnia and Herzegovina and argued that the Bosnian Serb forces did not have intent to kill the minority ethnic groups; but rather to drive them out of the territory. The use of the term ethnic cleansing is a powerful political tool. It can diminish the negative connotation of abuse and assaults against minority or vulnerable groups (Walling, 2000). Nonetheless, the United Nations and other states around the world were aware of the crimes, such as rape, torture, deportations, etc. Furthermore, there is often confusion about the quantitative threshold of genocide. Scholar William Schabas (2001) argues that in the context of international trials:

The actual result, in terms of quantity will nevertheless be relevant in that it assists the trier of fact to draw conclusions about intent based on the behavior of the offender. The

greater the number of actual victims, the more plausible becomes the deduction that the perpetrators intended to destroy the group, in whole or in part. (p. 40)

However, as a response to the 8,000 plus men killed in the Srebrenica massacre, in 1993 the UN Security Council created the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the Netherlands. The ICTY was the first of its kind to prosecute genocide and other war crimes, and the first international tribunal since the Nuremberg Trials. In total, 161 individuals were indicted for crimes committed during the conflicts in Yugoslavia (History.com, n.d.).

The creation of the ICTY does not explain why the UN and other states chose not to intervene sooner. The UN operation that took place following the Srebrenica massacre in Yugoslavia is the largest to date and is perhaps the most well-known. Following the secession of several states, the UN enacted an arms embargo on all the states that had already seceded from Yugoslavia. They then sent fifty troops of approximately 50 men each to Yugoslavia to oversee the cease-fire, and then another twenty-five troops one month later. When the UN was satisfied with the stability of the cease-fire, it established the United Nations Protection Force (UNPROFOR). With the idea that Croatia was stable, the UN focused its attention on Bosnia and Herzegovina, where there were increasing tensions. Trade sanctions were implemented on Serbia and Montenegro for supporting the aggressions. In 1992, powers within the region began to involve themselves in the intervention of the conflict. The Western European Union (WEU) and the North Atlantic Treaty Organization (NATO) complied with the UN Security Council mandate through naval operations (Nanda et al., 1997). These diplomatic efforts ultimately failed. In March 1993, the Security Council enacted a no-fly zone to all aircrafts and advised all

states to enforce it. A month later, a resolution was passed imposing complete economic and diplomatic sanctions on Yugoslavia.

Although the United Nations made several initial attempts at intervention, it was impeded by its lack of resources and lack of will for its member states to make substantial efforts towards peace. Ultimately, it was United States leadership and the intervention of NATO forces that brought peace to the region of Yugoslavia (Nanda, et. al, 1997). The NATO stance has been viewed as aggressive by scholars like Sinha (2001), who note that the allies bombed Serbia without UN authorization, used its own peacekeeping force in Kosovo instead of a UN force, allowed Russia no presence in the region, and demanded the end of Milosevic's regime before any aid would be supplied to Serbia. However, was the aggression justified by the resolution of peace that followed? Sinha argues that "peace may have returned to Bosnian territory but the relations between territories are far from amicable" (Sinha, 2001, p.10). The peacekeeping missions were successful in a political sense, but from a cultural and ethnic standpoint, there is still a lot of animosity between the many different ethnic groups living in the former Yugoslavia region. When it comes to intervention, it is often important to consider if intervening will fit into a state's political agenda. In terms of the US, many people believed that their intervention had less to do with cultural and ethnic reasons, and more to do with protecting political and economic interests. The United States has become a key player in the Yugoslavia region since the first breakdown in 1991 and 1992. Much of their intervention had to do with their control in the European region. According to Varadarajan, "the US has single-mindedly sought to advance its strategic interests in the Balkans by using the civil wars which erupted there to justify its

continued military engagement with – and leadership over – Europe” (1999, p. 102). However, in an overall consensus, NATO’s war against Yugoslavia was deemed “a perfect failure” because of its inability to stop the killing and displacement of thousands despite numerous warning signs.

Following the implementation of the Dayton Accords in 1995, which ended the Bosnian War, the United States and NATO had its work cut out for them with the Kosovo Civil War in 1999. On the 45th day of NATO’s air strikes in 1999, the bombs unknowingly struck a Chinese embassy in Belgrade, killing three Chinese journalists and demolishing the building. Further investigation revealed that American intelligence wrongly identified the buildings as the headquarters for the Yugoslav Bureau of Federal Supply and Procurement. Subsequently, it was put on a list of approved targets, and then destroyed by an American B-2 bomber. Mandelbaum argues that this mistake, “symbolized NATO’s Yugoslav war, a conflict marked by military success and political failure” (Mandelbaum, 1999, p. 2).

Most wars, in general, are expected to come with unanticipated consequences. In the case of the NATO intervention in Yugoslavia, the major political effects were largely unwelcome, unplanned, and unanticipated. Mandelbaum argues that the war itself was the consequence of an uncalculated error in political judgment; and that although Western political leaders asserted, they were fighting for humanitarian reasons and for the people of the Balkans, the civilians affected emerged from the conflict significantly worse off than before the civil wars (1999). For many scholars, it seems as though many states struggled with when exactly to intervene in Yugoslavia. Although aware of the ethnic cleansing, many felt that sovereignty and the risk of



damaging political interests were a reason to stay out of the region. In addition, another large reason for the delay has to do with the quantitative threshold of deaths, and when it is appropriate to intervene. The 8,000 Bosniaks killed in Srebrenica is a substantial number of deaths, but compared to other genocides, seemed much smaller. This led many states to believe that the massacre had not claimed enough lives to be labeled genocide, which would require obligated intervention from the international community. The Srebrenica massacre did catch the attention of the International Community, as ethnic cleansing had turned into massacre; and consequently, over 160 indictments were handed out at the ICTY.

### **How did Yugoslavia Help Shape the Responsibility to Protect (R2P)?**

In the international context, there was much to be learned from the campaigns of ethnic cleansing in Yugoslavia and the genocide that followed. The 1990's saw not one significant genocide, but two, with the Rwandan genocide also being a failure in terms of international response. The concept of the Responsibility to Protect doctrine emerged as a reaction to the international community's failure to intervene in the mass casualty situations in Rwanda and Yugoslavia. Before the 1990's, ethnic cleansing was not a term defined or recognized by international law nor was it in any treaties. Today, the UN can choose to invoke R2P as a response to four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing. Stemming from the events in Yugoslavia and the subsequent intervention of the international community, R2P specifies three pillars of responsibility:

1. Every State has the Responsibility to Protect its populations from the fore mass atrocity crimes.
2. The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.
3. If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter. (Global Centre for the Responsibility to Protect, n.d.)

The international community also learned from Yugoslavia and other mass atrocity situations that the ability to deploy troops quickly has been a distinct issue in UN operations, which would require R2P member states and the UN to agree on an appropriate, feasible and clear course of action when dealing with military intervention. However, the main idea of R2P is that there will also be preventative measures in place to avoid the possibility of military intervention, which would be an extreme case (Doyle, 2009). What the international community did not learn, however, is how to define ethnic cleansing. A definition has still not been provided by the United Nations, therefore there is no concise definition or concept that could constitute recognition as a crime under international law. It can, however, constitute crimes against humanity and later become specific war crimes, which in turn can fall within the meaning of genocide (United Nations, n.d.).

Judging by what we learned from the events in Yugoslavia, the international community struggled to find an appropriate response for instances of ethnic cleansing and genocide. As a

result, the solutions that they did carry out were deemed a failure by scholars and critics.

However, the failure of the international community to respond to the forced displacements and killings of thousands in the former Yugoslavia vastly helped shape the principle of R2P. In times of humanitarian crises, it is important that the international community has a guideline for when a situation crosses the threshold into ethnic cleansing and genocide. Within R2P, the international community now has set pillars of responsibility when it comes to protecting both its own population, and the populations of other countries as well.

## **Chapter 3**

### **Case Study 2: the Darfur region**

#### **Introduction**

Following the ethnic cleansing and subsequent genocide in the former Yugoslavia, the world saw yet another gruesome campaign of displacements and systematic killings of ethnic groups in the African country of Sudan. The genocide occurring in the Darfur region began in 2003. Since its beginning, the genocide has uprooted millions and killed thousands. In the introduction chapter, the UN doctrine of the Responsibility to Protect (R2P) was mentioned as a principle outlining when the international community should intervene in international humanitarian crises. Much of what occurred in Yugoslavia and in Sudan before the implementation of R2P by the UN Security Council in 2005 has served as the basis for the doctrine and its pillars of responsibility. However, Sudan has proved to be one of the worst humanitarian crises of the modern era.

This chapter will focus on minority ethnic groups in the Darfur region of Sudan, and how Sudan has failed to protect the entirety of its population. In addition, this chapter will also address how the international community has failed to meet the Responsibility to Protect, specifically in terms of humanitarian aid and intervention. The issue of sovereignty will be discussed, along with resources in the area, history, cultural/religious/ethnic demographics, the political state of the region, and the international community's response to the genocide.

Darfur is a region in the westernmost portion of Sudan, bordered by the Kordofan region in the east and the Wadai region in the west. The name itself is translated from Arabic as “the

land of the fur” or the Billād al-Sūdān “Land of the Blacks.” It is an area of about 170,000 sq miles, with the Marrah mountains composing the central part of the plain. About 6.5 million inhabitants reside in the area, composed of various ethnic groups (Olsson & Siba, 2013).

Historically, Arabs have claimed the northern part of Darfur while the Furs and Arabs have dominated the southern portion. Nyala and Al-Fāshir are the main towns in the region. Other ethnic groups in the region include the Beja, Zaghawa, Nubian and Daju peoples (Encyclopedia Britannica, n.d.).

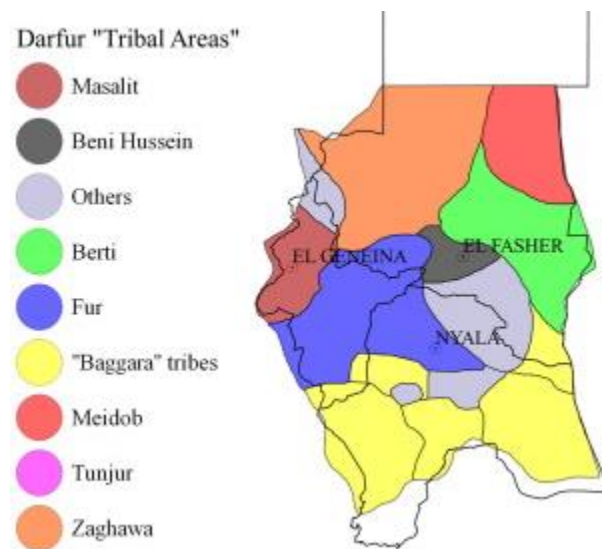
Because this is an ongoing humanitarian crisis, total numbers of deaths or displacements may not be entirely accurate.

### **A Brief History of the Darfur Region in the 20th-21st Centuries**

It is often argued by academics that the ongoing conflict in Darfur has one of its key tensions in the lack of interest the Sudanese government historically had for the region. This has proved to be a driving factor in the campaigns of ethnic cleansing and genocide that have been occurring in the Darfur region. The Arab-dominated capital of Khartoum, and the widely marginalized African population in the west had considerable economic and cultural tensions. The differing religious and ethnic groups along with the push to dominate land and water resources led to significant ethnic tensions between ethnic groups that had once lived in harmony in the Darfur region (Olssen et. al, 2013).

Before becoming a part of the British colony in 1916, Darfur had existed mainly as an independent sultanate with its own identity. After gaining independence from Britain in 1956,

Sudan's central government in Khartoum became Arabic-speaking and Arab-dominated. Following their independence, Sudan was engaged in a civil war between the northern and southern portions of the country. Southerners (mainly Christian and animist) fought against the Arab-dominated culture in the north. In a 1989 military coup, Brigadier-General Omar Al-Bashir led the National Islamic Front to power. He then remained the dictator of the Arab-dominated government in Sudan until 2019. Bashir's desire to keep an Arab-dominated state ignited much of the marginalization of non-Arab Africans living in the Darfur region and throughout Sudan (United States Holocaust Memorial Museum, n.d.).



**Figure 3.1** (DeJuan, 2015).

In addition, because of the various ethnic groups living in the area (See Figure 3.1), there have long been emerging ethnic tensions. The sedentary African ethnic groups that lived in the Darfur area (mainly the Fur, Masalit and Zaghawa groups) had control of most of the land due to the customary land tenure system, in which land was passed down through the generations of

ethnic groups native to the region. These groups were indigenous to the area, and thus had control of the administration of their areas (dars). Therefore, there was a clear social hierarchy in terms of who had access to land: the dar owners, and the non-dar owners. The non-dar owners would be the nomadic Arabs who had migrated from Chad and northern Darfur during the drought of the 1970s and 1980s. Although the Arabs experienced a lower social and economic status than the sedentary African groups, they lived in a relatively peaceful coexistence. Oftentimes, the two groups intermarried and resolved issues through traditional legal processes.

However, the tensions for land use and scarce natural resources, such as water and land, proved to be a key factor in the rapid escalation of conflict between the ethnic groups in the late 20<sup>th</sup> century (Olsson et al., 2013). In the 1980s, an armed conflict arose between the nomadic Arab herders and sedentary Fur. For many living in the area, the attacks on the African Darfurians came as a surprise. One refugee noted, “I don’t know (why they attacked). We are just poor people staying at one place planting. Suddenly, they come and attack us. Before that we had no problem with them” (Hagan, Raymond-Richmond & Parker, 2005, p. 530). This violence occurred sporadically until 2003, when the rebels from sedentary groups attacked government installations to air their disdain regarding what they described as the Sudanese government’s disregard for the non-Arab population in Western Sudan and its lack of action regarding the conflicts between the nomadic Arabs and sedentary Africans. These rebel groups, the Justice and Equality Movement (JEM) and the Sudanese Liberation Army (SLA) announced their opposition to the government’s politics in Khartoum (Olsson et al., 2013).

In response to these uprisings, the government created an Arab militia force. This militia became known as Janjaweed. The name Janjaweed is roughly translated to “evil men on horseback.” The Sudanese government also began arming the Janjaweed with weapons to eliminate the uprisings and force out the sedentary African groups. They were instructed to “eliminate the rebellion” by the government in Khartoum and by Sudan’s president Omar al-Bashir (Straus, 2005). However, al-Bashir not only wanted to eliminate the rebellions, but also eliminate the sedentary African groups from the region. By 2014, the UN reported that 3,000 villages in Darfur had been burned (Encyclopedia Britannica, n.d.). Within a year, the Janjaweed attacked thousands of Furs, and other agriculturalist groups had been killed and hundreds of thousands had been displaced to refugee camps in Chad. Others continued to reside in the country, however they were internally displaced. The African Union (AU) implemented a cease-fire in 2004, followed by the presence of AU troops. By 2007, the conflict had continued to grow, resulting in an increasingly pressing humanitarian crisis. Two million people had been displaced and hundreds of thousands were dead (Olssen et. al, 2013).

### **Nature of the Crimes in Darfur**

In the initial attacks of the Janjaweed in 2003 and 2004, civilian villages were attacked by bombs dropped by Antonov airplanes or by helicopter gunships (Olssen et. al, 2013). These attacks were focused mainly on the Fur, Zaghawa and Masalit villages in Darfur (United States Holocaust Memorial Museum, n.d.). Upon these attacks, the Janjaweed would encroach on the villages, usually on top of camels or riding in pickup trucks. They would then kill civilians, rape



the women and girls, destroy as much equipment as they could, poison water wells, and then set fire to the entire village. In addition to the government-backed Janjaweed, the Sudanese Armed Forces also participated in the coordinated attacks on the ground (United States Holocaust Memorial Museum, n.d.). These attacks have continued since 2003. By 2008, it was estimated that 300,000 were dead and 2.7 million were refugees (Olssen et al., 2013). This system of rape and killings were used as a means of controlling the tribal African men and women in Darfur. The Sudanese government has turned to using the military to empower the Janjaweed forces to systematically kill and rape. The predominantly Arab Sudanese government sought to gain control over the people and land of the Darfur region to further the predominantly Arab domination of Sudan by supplying the Arab Janjaweed militia with weapons and a means to drive out the non-Arab African tribal groups from the farms and villages (Hagan, et al., 2005). Olssen and Shiba (2013) note the dehumanizing language used to describe the African tribes (mainly the Fur, Masalit, and Zaghawa), “All the people in village are slaves; you make this area dirty; we are here to cleanse the area” (p. 301). These were very common among the Arab militias and the Janjaweed. Some testimonies by witnesses record that attackers often singled out men to kill. However, women, children and elderly are not always spared (Olssen et. al, 2013). Other eyewitnesses reported that attackers would sometimes murder the children living in the villages. Medical researchers have labeled the violence as a “demographic catastrophe” (Olssen et. al, 2013). Those who are not directly killed and are displaced often die by malnutrition or disease related to their displacement. The World Health Organization (WHO) estimated that in 2004, 70,000 displaced individuals had died because of their displacement. These numbers were

not included in the violent death statistic (Straus, 2005). In addition to being gruesome and racially motivated, the attacks were often systematically based on gender as well. According to one surviving member of the Zaghawa ethnic group who recounts that Janjaweed militants said during attacks, “kill the men, kill the baby boys, rape the beautiful girls” (Hagan, et al., 2005, p. 531). Therefore, the government not only asserted its power and dominance through killings and expulsions, but also through sexual assault. According to the United States Holocaust Museum, the pattern of attacks on civilians resulted in a mass casualty situation. Some of the tactics they describe are:

1. Mass starvation and forcible displacement
2. Blocking humanitarian aid
3. Harassment of internally displaced persons
4. Bombings of hospitals, clinics, schools and other civilian sites
5. Use of rape as a weapon
6. Employing a divide-to-destroy strategy to put ethnic groups against each other
7. Training and support for ethnic militias
8. Destruction of Indigenous cultures
9. Enslavement of women and children by government-supported militias
10. Impeding and failing to fully implement peace agreements, (United States Holocaust Memorial Museum, n.d.)

Oftentimes, there is also the question of whether Darfur is a classic example of ethnic cleansing. Because ethnic cleansing is aimed at removing a population rather than exterminating it as a

whole, it can be distinguished from genocide. It is often argued that genocide is an act of ethnic cleansing, but ethnic cleansing is not an act of genocide (Olssen, et al., 2013). However, in historic cases, ethnic cleansing has been focused on removing a certain population from a territory due to ethnic, political, religious, cultural, or territorial reasons. The start of the humanitarian crises and genocide in Sudan seemed to begin as a result of territorial conflicts, since the groups had once existed in harmony. Nonetheless, the predominantly Arab Sudanese government and predominantly Arab capital of Khartoum ultimately brought ethnic tensions into the conflict. The unwillingness of the government of Sudan to help protect its civilians and its engagement in these campaigns of genocide and ethnic cleansing directly violates the responsibility to protect principle. Under the Genocide Convention, a clear genocide has occurred, with hundreds of thousands of individuals of a certain ethnic group being eliminated through mass killings and other atrocities. During this campaign of genocide, there has been a large number of forced displacements out of the territory, leading to a concurrent situation of ethnic cleansing.

### **How did the International Community Fail the Responsibility to Protect (R2P) in Darfur?**

In December 2003, the UN Under-Secretary for Humanitarian Affairs Jan Egeland proclaimed that the humanitarian crisis in Darfur was, “the worst (crisis) in the world today” (Totten & Markusen, 2005). Since that statement, little has been done by the international community to help stop the killings of thousands and the displacement of millions. Since the end of the genocides in Yugoslavia (1995) and Rwanda (1994), the international community looked

for a better way to respond to these types of crises. The main goal of the Responsibility to Protect (R2P) is to prevent avoidable harm to civilians, including genocide, war crimes and crimes against humanity. If they are not stopped, the next goal of R2P is to take timely and decisive action. This action can include aid and/or military force and intervention. In terms of Darfur, the international community failed terribly.

Some sanctions have been posed by the international community when it comes to Darfur, but they have had little impact on stopping the central government of Khartoum. On July 31st, 2007, the UN Security Council authorized a joint peacekeeping mission between the UN and AU. This mission named “UNAMID” was created to replace the AU mission, however the troop deployment did not begin until 2008. By July 2008, the International Criminal Court (ICC) created a warrant for the arrest of the Sudanese president Omar al-Bashir. The allegations accused him of responsibility for the ongoing crisis in Darfur and for backing the genocide, war crimes and other crimes against humanity, including murder, extermination, forcible transfer, torture and rape (ICC, n.d.). Naturally, the Sudanese government rejected all allegations and maintained that Bashir was innocent on all charges. The ICC issued an arrest warrant for Bashir again in 2009, this time charging him with crimes against humanity and war crimes, but not with genocide due to the Sudanese government persisting that Bashir was entirely innocent. A warrant for genocide was issued in 2010. Although UNAMID troops were still in the region, the conflict has never been eliminated entirely. This violence has only been worsened by the Sudanese government’s restrictions on aid from humanitarian groups, thus resulting in a horrifying humanitarian crisis (Encyclopedia Britannica, n.d.).

According to R2P, before other member states of the United Nations intervene in internal affairs, it is expected that the country itself has a duty to protect its own citizens against four specific atrocities: genocide, war crimes, ethnic cleansing and crimes against humanity. The Sudanese government has clearly been violating the pillars of R2P. It is when the international community deems that the country is failing to do so, that R2P should be invoked. Sudan is a prime example of how its government has failed to protect its citizens. The central government in Khartoum has been the mastermind behind the genocide and campaign of ethnic cleansing in Darfur. The Sudanese government has been instructed on several instances to disarm the Janjaweed by the UN Security Council, but has failed to do so (Grono, 2006). But can the blame be placed solely on the Sudanese government when the international community is aware of the atrocities? They were aware that atrocities like these are normal for a brutal regime focused on its survival like Sudan's. At some point, there must be definitive intervention, as laid out by R2P and the Genocide Convention. According to Grono (2006):

The international community has no such excuse for its own failings. What makes these failings all the more tragic is that policymakers and leaders around the world know exactly what is taking place in the region. They cannot plead ignorance. There has been no lack of warning about this campaign of ethnic cleansing as it has unfolded. (p. 625)

In addition to the warnings and signs coming out of Darfur, there has also been a lot of documentation and publicity surrounding the atrocities. The African Union (AU) has been the main actor since the conflict began, however, with limited resources the organization has only been able to do what it can to help the civilians. The European Union (EU) has made it clear that

it stands behind the AU in its efforts, but that it sees the AU as taking the lead in Darfur. NATO has offered some logistical support, but it is unlikely that it will go any further to put troops on the ground in Sudan (Grono, 2006). To many scholars, this does not align with the pillars of R2P, nor does it make any sense from a humanitarian standpoint. The AU has the least resources for managing these types of humanitarian crises. It lacks the funding and military training to contain the conflict. Its lack of resources greatly shows with the continuance of the genocide and ethnic cleansing in Darfur. The UN Security Council is the entity that invokes R2P in these situations and can choose to have its member states take a collective course of action to aid the civilians in Darfur, as well as entities like the AU. Because of this, The European Union and the United States (who can offer the most support in these situations) can respond to a genocide based on the Genocide Convention but cannot act based alone based on R2P. There has yet to be consistent pressure put on Sudan by the international community through both the Genocide Convention and R2P.

This is an increasingly confusing sentiment since US House of Representatives unanimously declared the situation in Darfur a genocide on June 24th, 2004. The US House of Representatives issued the statement:

Whereas in Darfur, Sudan, an estimated 30,000 innocent victims have been brutally murdered, more than 130,000 have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced[...]the violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and it appears to be systematized. (Totten et al., 2005 p. 281)

Although the House of Representatives declared Darfur a genocide, by 2008 hundreds of thousands more people had been killed and millions more had been displaced. The Holocaust Museum in Washington DC issued a “genocide emergency”, the first ever, to get the attention of the international community (Straus, 2005). Other pressure was put on US Secretary of State Colin Powell to intervene in Sudan. As a result, Powell flew to Khartoum in the Summer of 2004 to try to diffuse the situation. He met with the Sudanese president, Omar al-Bashir, as well as other government officials to discuss his demands for Darfur. His three demands were as follows:

1. Sudan must rein in the Arab militias which, he noted, observers had claimed the Government of Sudan (GOS) sponsored
2. Humanitarian agencies were to be given access to the Darfur region
3. The GOS must start negotiations with Darfur’s two rebel movements .(Totten et al, 2005, p. 281)

The government of Sudan has relatively failed to meet these demands, resulting in the continued killing and displacement of thousands and millions respectively.

Unlike what occurred in Yugoslavia, we now have a doctrine set in place, R2P, which is set up specifically to be invoked when a humanitarian crisis meets the standards set out by the UN Security Council. What occurred in Darfur has met the standards, with the result being that the government of Sudan is failing to protect all its citizens. However, if we have this course of action for when atrocities like this occur, why are we not using it? As mentioned before, the US has recognized that there is, and has been, a humanitarian crisis occurring in Sudan and the

Darfur region. Sudan failed to meet the demands of the US Government once before, but has not been heavily pushed since then, resulting in a larger number of killings and displacements. One possible reason for the lack of action by the US and other international community members could be that Sudan and the Darfur region do not have much of an economic or political relationship with the US and other large world powers. Although an extremely imperialistic view, it can be reasoned in the context of Sudan.

In conclusion, this chapter has explored the campaigns of genocide and ethnic cleansing in the Darfur region of Sudan. Throughout the 20<sup>th</sup> century, Darfur has been home to budding tensions between the nomadic Arabs and sedentary ethnic African groups. With the support of the government of Sudan, Arab militias have forcibly displaced millions and killed thousands of African Darfurians. The nature of these crimes has prompted recognition of genocide from the international community, with the United States specifically declaring that a genocide occurred in Darfur in 2004. However, the principle of R2P has not been invoked in the Darfur region, leading to a contradiction of the principle's pillars of responsibility. The government of Sudan, as well as the international community have failed to protect the vulnerable ethnic groups living in the Darfur region, leading to further criticisms of R2P and its course of action.



## Chapter 4

### Case Study 3: The Rohingya Muslims in Myanmar

#### Introduction

Myanmar, also commonly referred to as Burma, is a country located in southeast Asia. Filled with an abundance of ethnic diversity, Myanmar has many different ethnic and religious groups living within its borders. The Burman ethnic group comprises the largest ethnic group in Myanmar, while the Karen, Shan, Han Chinese, Mon, Yangbye, Kachin and others have significant populations as well (Encyclopedia Britannica, n.d.). This case study will focus predominantly on the Rohingyas, a Muslim ethnic group living in the Rakhine state in Myanmar. This group has their own language and their own culture separate from the majority Buddhist religious groups in Myanmar. The government of Myanmar has continuously denied the Rohingyas a place in their country. For example, the Rohingyas were denied citizenship and excluded from the 2014 census, which was a direct refusal to acknowledge them as a significant group of people. Technically, the state of Myanmar views the Rohingya people as illegal immigrants from neighboring Bangladesh. However, the Rohingya Muslims are descendants of Arab traders who have lived in the southeast Asia region for generations (BBC, 2020).

Tensions between the Rohingyas and the Myanmar government have been steadily rising for the past few decades, reaching a boiling point in 2017. Since the inception of the violence, it is estimated that by 2020, 740,000 Rohingyas had fled to neighboring Bangladesh. However, the government of Myanmar, being a fusion of militaristic, democratic, ethno-nationalist, and

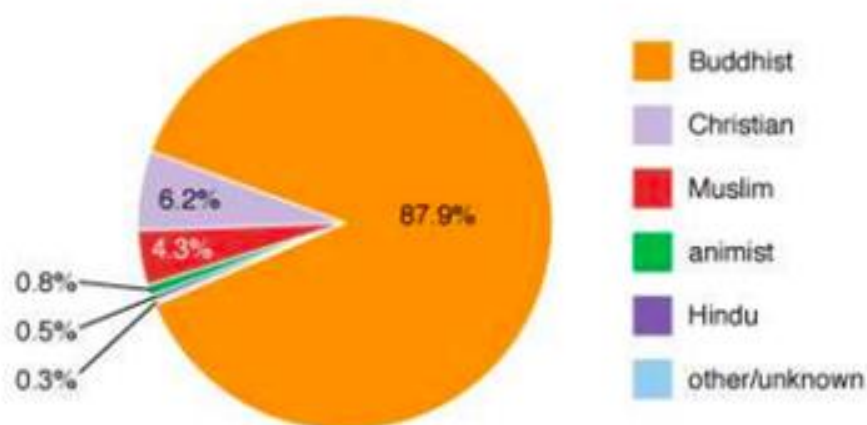
conservative interests, consistently attempts to dismiss and/or downplay the seriousness of the situation in the Rakhine state (Simpson & Farrelly, 2020). According to the United Nations, the Rohingya Muslims are the most persecuted minority in the present-day world (Ullah & Chattaoraj, 2018). The extreme campaigns of ethnic cleansing and subsequent genocide have been consistently ignored by the international community, who are currently failing the responsibility to protect this vulnerable ethnic groups.

This chapter will focus on the context of the Rohingya Muslims in Myanmar – the area they live in, natural resources in the area, and the persecution of the group. It will also focus on the crimes committed in Myanmar, and the severity of the crimes. Lastly, this chapter will explore how the international community has failed in its responsibility to protect the Rohingyas in Myanmar.

### **History of The Rohingya Muslims in Myanmar**

Since the 1970s, the Rohingya people have been migrating across the region, settling mostly in Myanmar (BBC, 2020). They are predominantly Sunni Muslims and make up approximately  $\frac{1}{3}$  of the Rakhine State's population. In addition to Myanmar, the Rohingya Muslims have significant populations in Saudi Arabia, Bangladesh, Pakistan, Thailand, and Malaysia (Sohel, 2017). In total, Myanmar's population is 54 million people (Barany, 2019). Of these 54 million, the Rohingyas make up about 1.1 million people (Sohel, 2017). As indicated in figure 4.1, Myanmar is a largely Buddhist country, roughly 89%, which means that the Rohingya Muslims are a small minority in the country (Sohel, 2017).

### Religious affiliation



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**Figure 4.1. (Sohel, 2017).**

Due to their extreme minority status, the Rohingyas have become the victims in the clash between Buddhism and Islam. A lot of the conflict comes from the geographical location of Myanmar. Likewise, due to the predominant Muslim population in the Rakhine state, the surrounding Buddhist regions within Myanmar serve as a catalyst for the systematic persecution of the Rohingyas. This, coupled with the denial of citizenship by the Myanmar government, gave ammunition for the Myanmar government and army to act upon their dislike for the Muslim population. Southeast Asia serves as a tri-junction between Myanmar, India, and Bangladesh. The majority Buddhist population of Myanmar has long been intertwined with the Burmese national identity, as the idea of being “Burmese” is coupled with also being a practicing Buddhist. However, this idea of “nationalism” does not play as much of a role in this genocide as

it does in the case study of Yugoslavia. In Myanmar, the Buddhist majority is focused on eliminating a religion rather than an ethnicity or nationality. As a result, the Myanmar government and military has participated in the religious and racial persecution of the Rohingya Muslims in the Rakhine state. As an example, in 2002, Human Rights Watch reported that military orders were issued by the government of Myanmar to destroy unauthorized mosques. In addition, it was reported that in 2001, mobs attacked 28 mosques and schools, as state security idly sat by and watched the attacks be carried out. Likewise, the government closed mosques and Islamic education schools to be used as government administration offices (Sohel, 2017).

As a result of the current no-citizenship status, the Rohingya Muslims have become victims of increased targeted attacks and campaigns of ethnic cleansing in the Rakhine state. The first of the targeted attacks occurred in 1978, when the Burmese military carried out orchestrated attacks of killings, rape, and arson in the western Rakhine state, forcing around 200,000 to flee the area. Four years following the attacks, the government put the Myanmar Citizenship Law into effect, effectively stripping the Rohingyas of their citizenship in Myanmar.

Following the targeted attacks in 1978, the next campaign of attacks occurred between the years of 1991 and 1992, in which approximately 250,000 Rohingya fled to Bangladesh to escape forced labor, systematic rapes, and religious persecution by the Myanmar Army. By 2012, the violence turned into a campaign of ethnic cleansing, the forceful removal or relocation of the Muslims from the Rakhine state. The mass killings of men, women, and children were carried out by political party officials, senior Buddhist monks, and security forces. It is estimated

that 5,000 homes were destroyed, 150,000 Rohingyas were homeless, and 100,000 were forced to flee to Malaysia (World Without Genocide, n.d.).

By August 2017, the Rohingyas had decided to fight back against the intense discrimination and ethnic cleansing campaigns they had been facing for decades. In the morning of August 25th, 2017, the Arakan Rohingya Salvation Army (ARSA) orchestrated attacks on around 30 small security police posts in the northern part of the Rakhine state. Although not heavily armed, the ARSA militants killed twelve security personnel and escaped the confrontation with weapons from some of the posts. According to a spokesperson for ARSA, the attacks were coordinated as an attempt to attract attention from the international community about the violence and displacements that had been taking place in the Rakhine state. In addition, the attacks were also an attempt to garner financial and physical support from some of the Arab countries in the Middle East, particularly the United Arab Emirates (UAE) and Saudi Arabia (Barany, 2019). Following the ARSA attacks in August 2017, the Myanmar army (Tatmadaw) engaged in a series of brutal security operations, with an estimated 270,000 Rohingyas fleeing into neighboring Bangladesh within three weeks. According to the UN high commissioner for human rights, the security operations were a textbook definition of ethnic cleansing (Simpson & Farrelly, 2020).

## **The Campaigns of Ethnic Cleansing and Genocide in Myanmar**

As a result of the ARSA attacks in August 2017, the Rohingyas have been facing intense campaigns of ethnic cleansing and systematic killings. These multiple human rights violations include:

1. Forced labor
2. Removal of citizenship (per 1982 citizenship law)
3. Depopulation of the Rohingya communities
4. Severe abuse of children, elders, and women (including rape as a weapon)
5. Prohibition of freedom of movement
6. Confiscation and destruction of property (schools, homes, and religious centers)
7. Denial of education
8. Religious and ethnic discrimination
9. Restrictions on marriage
10. Systematic persecutions and racism
11. Mass rapes
12. Massacres
13. Ethnic cleansings
14. Forced expulsions (Dussich, 2018)

As mentioned before, within two weeks of the attacks beginning, more than 250,000 Rohingyas fled their homes into neighboring Bangladesh. In this journey, they were only able to bring the clothes on their back. Their homes were destroyed – burned and demolished. Food stores were

looted or destroyed; their livestock was taken. This was done to ensure that if those who fled did decide to come back to the Rakhine state, they had nothing to return home to (Khin, 2017). These actions fall within the realm of ethnic cleansing by using forced displacements in order to secure a territory. According to the UN, the situation in the Rakhine State of Myanmar is “unimaginable suffering.” During these attacks, families have been ripped apart. Husbands watched their wives and children be killed, children were ripped away from their mothers and then thrown into fire pits, and siblings watched each other shot or hacked to death. Those who do survive face a long journey and the prospect of starvation or drowning while crossing rivers on their way to Bangladesh, even still today (Khin, 2017). While hundreds of thousands of Rohingyas have fled into Bangladesh, many waited in peril in the space between the Naf River, the border between Myanmar and Bangladesh. The situation in Myanmar, “has triggered the largest and fattest flow of destitute people across a border since the 1994 Rwandan genocide” (Dussich, 2018, p. 7).

Since the beginning of the military attacks, the United Nations and other humanitarian aid agencies have been denied access to the ongoing crisis. Only two entities have access, the Myanmar government, and the Red Cross. However, the access that they do have is very limited (Khin, 2017). As a result of the attacks in 2017, it was estimated that 13,000 Rohingyas were killed (Dahgaypaw, 2021). Official death tolls are difficult to come by, as the Myanmar government lets very few foreign aid agencies into its borders to help and assess the situation, and allows very little reporting within the country.

*The New York Times* reported on a video testimony of two Myanmar soldiers who recall the orders given to them and their subsequent actions in the slaughter and displacement of Rohingyas. In the video, Myanmar military Private Myo Win Tun recites the order given to him, “Shoot all you see and all you hear” (Beech, Nang & Simons, 2020). He later goes on to explain that he obeyed the orders given and engaged in the massacre of 30 Rohingya Muslims. The next order was to bury the dead in a mass grave. Another soldier, Private Zaw Naing Tun recalls following a similar order, “Kill all you see, whether children or adults” [...] “We wiped out about 20 villages” (Beech, et. al, 2020). This video testimony is the first time that members of the Myanmar military have confessed to taking part in the systematic killings of the Rohingya Muslims. These violent deaths are reported during the period after August 2017, as witnesses and survivors recall elderly men being decapitated, and young girls and women raped with their headscarves used as blindfolds. Doctors Without Borders has estimated that over 6,700 Rohingyas, a figure that includes 730 children, suffered violent deaths between the months of August and September 2017. The United Nations reports that roughly 200 Rohingya settlements had been destroyed and demolished between 2017 and 2019.

The atrocities occurring in Myanmar are known to the international community and surrounding countries, however little has been done to help the Rohingya population. As aforementioned, the United Nations has referred to what is happening in Myanmar and one of the worst humanitarian crises occurring in the modern world, and as “unimaginable suffering.” If this is true, why is the international community not involved in the protection of the Rohingyas?



Does it fall under the issue of sovereignty? Or are other factors in play when it comes to protecting the Rohingyas?

**How has the International Community Failed the Responsibility to Protect (R2P)  
the Rohingya Muslims in Myanmar?**

In terms of international aid, the United Nations has attempted to provide support to the Rohingyas that fled to Bangladesh. According to the UNHCR, which is the UN Refugee Agency, 1,500 metric tons of emergency life-saving aid was airlifted to Bangladesh, including blankets, sheets, sleeping mats, tents, kitchen sets, jerry cans and buckets. The UNHCR also reported that together with its partners, a Joint Response Plan (JRP) for the Rohingya Humanitarian Crisis was launched. This plan reportedly called for roughly US \$951 million to continue assistance from March to December 2018. As of August 2018, the plan remained only 32 percent funded (UNHCR, n.d.). If the United Nations has called for support in helping the Rohingyas, why has there been a lack of response from the international community?

To start off, the Myanmar military and former “state counselor” (Prime Minister) Aung San Suu Kyi have complete control over the situation in the Rakhine state, but not with a positive connotation. Since the 1962 coup that took place in Myanmar, the military has been without a doubt, the most powerful political actor in Myanmar. It ruled Myanmar directly from 1962 to 2011; and then indirectly from 2011 onward (Barany, 2019). The military is a symbol of power and acts in close relations with the government in Myanmar, particularly with Aung San Suu Kyi. Aung San Suu Kyi has received a considerable amount of criticism for her silence regarding

the slaughter and displacement of Rohingyas. Her silence is due largely to the fact that she works closely with the military and is a practitioner of Buddhism. In Myanmar, the two largest political entities are the military and the Buddhist nationalists (Dussich, 2018). Aung San Suu Kyi has also improved foreign relations with the United States and other neighboring countries. Although Aung San Suu Kyi appeared before the International Court of Justice in 2019, she denied any allegations that the Myanmar military had committed genocide. She has also been arrested following a 2021 military coup after it was declared by the Myanmar military that her 2020 election results were fraudulent (BBC, 2021).

It is also important to discuss the influences of the surrounding countries around Myanmar. The countries in southeast and south Asia maintain close ties due to their similar economic and religious interests. According to Barany (2019),

Myanmar's neighbors have a political and economic stake in maintaining friendly relations with the regime. China and India have good economic relations with it as well as problems with their own Muslims minorities, as Thailand does. China, Laos and Thailand are also authoritarian states unwilling to speak out against human rights violations. Bangladesh, the most affected by the Rohingya crisis, has little influence. (p. 14-15)

It can be inferred that the political and economic ties that these countries have with Myanmar impedes them from recognizing the violence against the Rohingyas in the Rakhine state, and from offering any type of assistance for refugees. The exploration of oil and gas as a strategic political and economic interest has also prevented Myanmar's neighbors from violating

sovereignty and involving themselves in the ethnic cleansing in the Rakhine State (Barany, 2019). Some condemnations and sanctions have been made, but little has been done physically to stop the violence. For example:

1. The UN Security Council appealed to Myanmar to stop the violence; no sanctions have been imposed.
2. The US government urged Myanmar's troops to "respect the rule of law, stop the violence, and end the displacement of civilians from all communities."
3. China has stated that the international community "should support the efforts of Myanmar in safeguarding the stability of its national development."
4. The UK Disasters Emergency Committee launched an appeal for funds to help the refugees. Former UK Prime Minister Theresa May also said that the military action in the Rakhine state had to stop. (Dussich, 2018)

In large part, much of the international response has been through the form of words, rather than physical actions. As laid out by the responsibility to protect doctrine, member states of the United Nations should intervene when a state is not protecting its citizens within its borders. As it falls within the doctrine, Myanmar must protect its individuals living within its borders. However, the government may argue that due to the 1982 Myanmar Citizenship Law, the Rohingyas are not citizens of the country. Nevertheless, the actions exhibited in Myanmar are clearly ethnic cleansing and genocide, as thousands have been killed. Since ethnic cleansing does not warrant an international response, the atrocities in Myanmar would have to be formally declared genocide under the Genocide Convention. In doing so, the international community

would be required to take formal and/or legal action against the government of Myanmar. Other countries, such as China, India, Thailand and Laos, are choosing to protect their economic interests in Myanmar and forfeit violating any kind of sovereignty laws to protect the Muslim minority. It should be known that China is also experiencing a similar situation, with the Uighur Muslims in northwest mainland China.

In a recent decision by the United States on March 20<sup>th</sup>, 2022, President Biden and his administration determined that Myanmar and its military have committed genocide and crimes against humanity against the Rohingya Muslims in the Rakhine state. Current US Secretary of State Antony Blinken announced the determination at the US Holocaust Memorial Museum in Washington DC. The report released to the public did not include what, and if, any type of intervention will be made by the United States government. It did, however, sanction several Myanmar military officials and the commander-in-chief Min Aung Hlaing (Hansler, 2022).

Similar to Darfur, officials in the international community are recognizing that there have been atrocities committed in Myanmar. The struggle comes with how to help these populations beyond limited humanitarian aid. In addition, there is also a question of how to punish those involved to prevent it from occurring again. As we have learned, it is difficult to stop genocide and ethnic cleansing altogether. However, it can be beneficial to use R2P as more of a prevention tactic rather than an intervention tactic.

Although the United States and other countries have recognized that there is an ongoing genocide situation in the Rakhine State of Myanmar, there has been little to no physical intervention in the region. This is due in large part to the refusal of the Myanmar government to

allow humanitarian groups into the borders to help the affected population. In addition, the economic stakes of the bordering countries surrounding Myanmar prevent the violation of sovereignty and subsequent intervention of the attacks of the Myanmar Army. Myanmar, as well as the international community, has failed the pillars of the responsibility to protect principle by not protecting all citizens and individuals.

## Chapter 5

### Conclusion

As we have learned through the three case studies presented, the world is not short of humanitarian crises. There *are* innocent individuals and minority ethnic/religious groups who are victims of atrocities such as ethnic cleansing and genocide currently. There are also examples of genocides and ethnic cleansings that have shaped how we respond to these atrocities today. With the Responsibility to Protect (R2P) principle, the United Nations General Assembly created what seemed at the time to be a fool-proof plan. With the atrocities that occurred in the former Yugoslavia and Rwanda as the main influences and focuses, the United Nations laid out appropriate responses to humanitarian crises for its member states. Although not formally invoked by the UN Security Council, the principle of R2P can be deemed as an appropriate course of action in many areas that are/or have experienced humanitarian crises, namely Darfur, Kenya, Georgia, Myanmar, Gaza, Sri Lanka, the Congo, North Korea, the Ivory Coast, Libya, Syria and Yemen. However, many states argue that the guidelines of R2P lack clarity, especially in denoting who reacts to a humanitarian crisis, when it is time to react to a humanitarian crisis, and how to carry out the course of action and intervention (Glanville, 2012). This often leads to the failure to invoke R2P in the regions mentioned above.

The R2P principle has only been invoked once since its endorsement in 2005. As a response to a popular uprising in February 2011, the Libyan government engaged in a violent crackdown against civilians. This response was led by Muammar Qaddafi, the former de facto leader of Libya. As a result of this response, it was estimated that 500-700 civilians were killed

over several weeks. The Libyan government chose to deploy the military and use tanks against civilians, as well against rebel forces. The UN Security Council then chose to invoke the Responsibility to Protect, which authorized the use of force to protect the population of Libya. A NATO-led alliance was then deployed, which conducted airstrikes against military installations posing a severe threat to civilians. After months of intense fighting, the capital city of Tripoli fell to the rebel militias and the Qaddafi government subsequently collapsed in August 2011 following his assassination (Global Centre for the Responsibility to Protect, n.d.).

In the past, humanitarian intervention has been looked down upon as an excessive use of force. In many cases, using force in order to stop a humanitarian crisis can result in more civilian deaths. To avoid scrutiny and criticisms regarding this, many countries will opt not to use force or violate sovereignty. Likewise, one of the problems regarding R2P and the use of force has been determining what the appropriate response is if the UN Security Council is unwilling or unable to authorize the use of force during a humanitarian crisis (Wheeler, 2005). For example, following the preventable atrocities in the former Yugoslavia and Rwanda, NATO used military intervention in Kosovo to prevent further deaths and instances of ethnic cleansing. Many criticized this intervention, calling it a violation of the prohibition of the use of force (United Nations, n.d.). If this is the case, what is the responsible and effective way to stop these atrocities as they are occurring? And what should member states do if the UN Security Council does not authorize use of force? Former Secretary General of the United Nations Kofi Annan posed a similar question in his 2000 Millennium Report, stating, "If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to

gross and systematic violation of human rights that offend every precept of our common humanity?” (United Nations, n.d.). Of course, as we know, that challenge was taken and formulated into the Responsibility to Protect principle. The principle places responsibility not only on the state itself to take care of its citizens, but also on the broader community of states to step in if a particular state is unwilling or unable to fulfill the responsibility to protect. At the time of its endorsement in 2005, the principle was widely accepted by UN member states.

It can be inferred that many member states were unsure of how to handle humanitarian crises, and this was the first plausible and reasonable course of action presented. According to Granville (2012):

The ‘responsibility to protect’ concept has emerged over the last decade at a remarkable pace. In less than four years, from 2001 to 2005, it progressed from an idea advanced by an independent commission of experts to being unanimously endorsed by the United Nations (UN) General Assembly. (p. 1)

There are very few states that deny the responsibility to protect their populations from mass atrocities. However, the few states that do choose not to protect their states, such as Myanmar and Sudan for example, should be subject to intervention to prevent further loss of life and displacements. The principle has not been enacted in these states, although both are textbook examples of their leaders and governments not protecting their populations. The question that stems from these facts is: Why do we have this principle if we are not going to use it?

As we learned in the case studies, much of the hesitation has to do with violating sovereignty. The responsibility to protect principle, however, clearly outlines that the



international community has a collective responsibility to assist these states with protecting their populations (Granville, 2012). In the case of Myanmar, for some surrounding countries like China and India, violating sovereignty and intervening in its humanitarian situations could affect economic and political stakes that they have within both Myanmar and its Rakhine State.

As a solution to the issue of sovereignty, political scientists such as Gareth Evans and Mohamed Sahnoun argue that sovereignty is a responsibility in and of itself. The ability of a nation to protect its populations falls under the idea of sovereignty. In other words, what occurs in their borders is their responsibility, however the international community also has a responsibility to protect populations from mass atrocities. The two scholars also argue for using alternative language when discussing policy regarding sovereignty. For example, “changing the terminology from ‘intervention’ to ‘protection’ gets away from the language of ‘humanitarian intervention.’” The latter term has always deeply concerned humanitarian relief organizations, which have hated the association of ‘humanitarian’ with military action” (Evans & Sahnoun, 2002). This is an understandable concern, as military intervention often means that there will be more deaths occurring in order to engage in a foothold in a country and cease the atrocities. However, it could be beneficial for the international community to use this alternative terminology when it comes to sovereignty and entering another nation's borders. The shift from viewing the responsibility to protect as intervention to protection can do much for the policy debate and for the implications of sovereignty.

There have been instances in history in which intervention has been entirely justifiable and needed. For example, the Holocaust in Nazi Germany. Other instances, such as the NATO

intervention in the former Yugoslavia, were also entirely justifiable, as the host state was not doing its duty to protect its population. However, it brings us back to the question of: Why have this principle if we are not going to use it? It can be argued that it would be justifiable to use intervention, or protection, in Myanmar and Darfur, as those are the areas with the two worst humanitarian crises now. Thousands have died, and hundreds of thousands have been displaced in textbook definitions of ethnic cleansing. Evans and Sahnoun bring up an acceptable point once again, asking the questions of who has the authority to decide when to use military intervention in these “extreme cases.” They also ask the following questions:

1. What is an extreme case?
2. Where should we draw the line in determining when military intervention is defensible?
3. What other conditions or restraints, if any, should apply in determining whether and how that intervention should proceed?
4. Who should have the ultimate authority to determine whether an intrusion into a sovereign state, involving use of deadly force on a potentially massive scale, should actually go ahead? (Evans & Sahnoun, 2002, p. 103).

These are all valid questions when it comes to the responsibility to protect. In all, a military intervention is a large-scale operation that can cost billions of dollars as well as cost the lives of both military personnel and civilians. Therefore, the international community may choose to recognize that there are atrocities happening in these areas (like Myanmar and Darfur), but choose to refrain from labeling them extreme cases, or worse: genocide. Other scholars, like

Welsh and Banda, argue that R2P lacks clarity. Although the principle of common humanity is understood among the international community, there is a lack of clarity as to which country, or entity, exactly bears the responsibility of intervention in a humanitarian crisis. They argue that the ambiguity of R2P can have two potential effects,

First, the diffuse responsibility can make it easier for states and international organizations to shirk their obligations. Ironically, then, an unallocated responsibility to protect risks encouraging inaction on the part of other states rather than the rampant interventionism that many critics of R2P fear. Second, an imperfect duty does not provide suffering citizens within a state any real claim against the international community.

(Welsh & Banda, 2010, p. 219)

Therefore, there are some issues with the principle that can be addressed. First, it would be beneficial to have a set entity that will react in a situation of humanitarian crisis. For example, x number of troops from every member state, or x amount of funding to aid humanitarian agencies. By laying these out within the principle, the ambiguity of the doctrine can be diffused. Second, it would be beneficial to focus on prevention methods within the responsibility to protect, rather than solely on intervention methods when the situation has become extreme.

Thus, it can be argued that the responsibility to protect does not just have to be used to justify military intervention. It can also be used for preventative measures. In theory, it would be more beneficial for all parties to prevent a mass atrocity situation before it can occur. In doing so, the international community would be saving not only millions of dollars, but also thousands of lives. These preventative measures can be referred to as “non-military means.” This can vary

from bettering diplomatic and humanitarian relations with a specific country that is exhibiting early warning signs of genocide, to assisting them with their populations in ways that will not end in a mass atrocity situation.

In conclusion, there is still much that can be learned by the international community when it comes to dealing with humanitarian crises and mass atrocity situations. In terms of the case of the former Yugoslavia, the world learned how to deal with a new term: ethnic cleansing. This new term, coupled with a subsequent genocide, proved to be one of the most difficult situations the international community has ever had to respond to. The legal implications of ethnic cleansing vs. genocide made it difficult for the international community to decide how, and when, they needed to respond to the situation. As a result, an entirely preventable genocide in the former Yugoslavia (that gave many indicators and warning signs) occurred, and thousands were killed or displaced. As we know, the occurrences in the former Yugoslavia served as the influence for most of the responsibility to protect principle, as the response to the ethnic cleansing and genocide Yugoslavia was considered a major tactical failure. Although it was widely accepted at the time of its endorsement, the responsibility to protect principle has been the subject of many critics, who argue that it lacks clarity and responsibility when it comes to intervention. However, there must be some form of accountability within the international community when it comes to situations like Darfur and Myanmar. Both regions exhibited warning signs, like Yugoslavia, and preventative measures could have been taken by member states to defuse tensions and help in times of conflict. Instead, the international community continues to be a bystander to the situations, allowing for the continual displacement and

slaughter of thousands, bringing us back to the question: Why do we have this principle if we are not going to use it?

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## ACADEMIC VITA

### Gianna L. Pinto

#### Education

**The Pennsylvania State University**, University Park, PA

May 2022

**Schreyer Honors College**

**Paterno Fellows Program**

*Bachelor of Science in Global and International Studies*

*Bachelor of Arts in Spanish*

**IES Madrid**, Madrid, Spain

January 2020-May 2020

*Language and Area Studies*

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#### Experience

**Penn State Education Abroad**, University Park, PA

October 2021-Present

Peer Advisor

- Provides insight to undergraduate students planning to study abroad
- Volunteers time towards helping and running education abroad events
- Able to communicate through updated technology

**Global/International Studies Newsletter Team**, University Park, PA

October 2020-Present

Managing Editor/Undergraduate Relations

- Facilitates communication to undergraduate students in order to collect needed information
- Manages the welcome section of the newsletter
- Communicates effectively with faculty leader of the newsletter and student colleagues

**Shore Fire Grille**, Surf City, NJ

May 2019-August 2021

Server and Counter

- Greeted customers with enthusiasm and effectively answered all inquiries from guests
- Bussed, sanitized, and sat tables in timely manner while collaborating with co-workers
- Suggested popular menu items and provided attentive service to guests which resulted in higher sales

**Teaching Assistant**, University Park, PA

August 2019-December 2019

Sociology of the Family (SOC 30)

- Attentively answered emails from students about related course information and materials
- Collaborated with other teaching assistants about course policies and grading
- Graded 40 short essays on monthly basis and provided constructive criticism to students
- Effectively communicated with 40 students assigned to grading group

**JB Dawson's Restaurant and Bar**, Langhorne, PA

December 2016-July 2018

Hostess

- Designed and maintained cleanly and appealing front area of restaurant neat for guests entering
  - Created cheerful and approachable atmosphere for customers
  - Utilized professional phone etiquette during high traffic calling times
- 

#### Skills

##### Customer Service Skills

- Build immediate rapport as I communicate appropriately with customers and co-workers of all backgrounds and ages
- Maintain a professional appearance in professional setting
- Employ excellent conversation skills and people skills

##### Language Skills

Spanish

- Proficient in reading, writing and speaking in Spanish