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## **Failing to End Genocide: Structural Factors, Triggers, and Ineffective Responses**

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## Failing to End Genocide: Structural Factors, Triggers, and Ineffective Responses

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# Failing to End Genocide: Structural Factors, Triggers, and Ineffective Responses

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## Introduction

Why do we fail to end ongoing genocides? Why do genocides persist despite global awareness and condemnation? In this paper, I argue that inadequate responses by national and international actors to structural and triggering factors on the ground can result in the continuation of the genocidal process for affected communities. My argument is based on an examination of the genocidal trajectories experienced by the Yazidi and Rohingya communities since the 2014 attacks by the self-styled Islamic State (IS) in Sinjar, Iraq, and the 2017 actions of military and paramilitary forces in Rakhine State, Myanmar, respectively. I contend that by viewing genocide as a process rather than a specific violent act and recognizing cultural genocide *as* genocide, we can better understand the reasons behind the persistence of genocidal acts.

My analysis suggests that several structural factors contribute to the genocidal processes experienced by the Rohingyas and Yazidis, including state-sponsored discrimination, persecution, marginalization, and a history of identity-based tensions. Furthermore, the Rohingyas face additional challenges such as lacking citizenship rights and experiencing statelessness. In the case of the Yazidis, the militarization of Sinjar and the lack of investment and reconciliation in their homeland act as triggering factors. Similarly, the Rohingyas have been affected by the 2021 coup d'état in Myanmar, subsequent internal armed conflict, and violence within the Kutupalong refugee camps in Bangladesh, all of which serve as triggering factors. These factors, along with inadequate responses from the United Nations and its agencies, donors, as well as regional, national, and international governments, collectively contributed to, and continue to contribute to, the global failure to end the ongoing genocides against the Yazidi and Rohingya communities.

## Expanding the Concept of Genocide: Recognizing Cultural Genocide *as* Genocide

In this paper, I explore the reasons behind the ongoing genocidal process targeting the Yazidi and Rohingya communities. To do so, I adopt an expanded conceptualization of genocide that surpasses the definition outlined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. While the Convention primarily emphasizes the physical and biological destruction of identity-based groups, I argue for a broader and more comprehensive definition inspired by Raphael Lemkin. This inclusive interpretation incorporates cultural genocide, which involves deliberate efforts to undermine a group's way of life.<sup>1</sup> By viewing genocide as a process rather than a singular act of violence, this approach recognizes the complexity and long-lasting nature of such atrocities.<sup>2</sup>

However, my stance also extends beyond the concept of "genocide by attrition," which refers to a slow process of annihilation that reflects the gradual mass killing of a protected group, rather than an immediate eruption of violent death.<sup>3</sup> While this perspective acknowledges that destruction can occur over a longer period and through indirect means, such

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<sup>1</sup> Douglas Irvin-Erickson, "Raphaël Lemkin: Culture and Cultural Genocide," in *Cultural Genocide: Law, Politics, and Global Manifestations*, ed. Jeffrey Bachman (London: Routledge, 2019), 21–44.

<sup>2</sup> Damien Short, "Australia: A Continuing Genocide?" *Journal of Genocide Research* 12, no. 1–2 (2010), 45–68, accessed August 23, 2024, <https://doi.org/10.1080/14623528.2010.508647>.

<sup>3</sup> Sheri P. Rosenberg, "Genocide is a Process, Not an Event," *Genocide Studies and Prevention* 7, no. 1 (2012), 16–23, accessed August 23, 2024, <https://digitalcommons.usf.edu/gsp/vol7/iss1/4>.

as through the denial of food, healthcare, and forced displacement, it still maintains a focus on the physical extermination of group members.

According to Lemkin, the concept of genocide includes the non-physical annihilation of a group.<sup>4</sup> In his conceptualization, genocide encompasses more than just physical violence and includes actions that aim to dismantle key aspects of a targeted group's way of life. The process involves a deliberate effort to eradicate the cultural and social fabric that holds the targeted group together. Perpetrators specifically target the culture because it plays a significant role in shaping a group's identity.<sup>5</sup> However, during the negotiations of the Genocide Convention, countries with substantial colonial empires, such as Australia, the United States, Sweden, and Canada, opposed including cultural genocide within the definition of genocide. Shamiran Mako argues that their opposition stemmed from concerns about holding them accountable for their actions of an ethnocidal nature against indigenous peoples and other minority groups within their own countries.<sup>6</sup>

Without delving into the debate surrounding Lemkin's interpretation of culture and differences between his understanding and our contemporary understanding of the concept,<sup>7</sup> I align with Martin Shaw's perspective and argue that a broader concept of genocide, one that includes non-physical and non-biological destruction of a group, provides more value from a sociological standpoint.<sup>8</sup> This perspective is particularly relevant when examining cases like the Yezidi and Rohingya, where the genocidal process extends beyond direct physical and sexual violence. By taking this expanded view, I do not diminish the intrinsic link between genocide and war or large-scale violence. Nonetheless, I do contend that genocide can persist even after the occurrence of direct violence, as cultural genocide continues to undermine the fabric of the targeted group. Therefore, we must consider the enduring effects of genocide extending beyond the period of direct violence. In essence, with cultural annihilation remaining an active process, the aftermath of direct violence becomes an integral part of the genocidal process itself, rather than a phase of post-genocide vulnerability. This perspective rejects categorizing the "aftermath" as ongoing persecution or discrimination experienced by the victim-survivor community. As proposed by Damien Short, "the term 'cultural genocide' simply describes a key method of genocide and should be considered as genocide without the need for qualification."<sup>9</sup>

The peril of cultural genocide emerges prominently in the context of indigenous minority populations, as evidenced by the Australian experience.<sup>10</sup> Short explains how, despite the cessation of direct physical violence and genocidal child removal practices against indigenous communities in Australia, the enduring legacy of genocide persists through the cultural erosion wrought by settler colonialism. This protracted process impedes the victims' ability to sustain a connection to their ancestral land, severs their ties to the terrain, and obstructs their survival as distinct peoples with unique identities.<sup>11</sup> Thus, recognizing non-physical destruction in genocide definitions provides a comprehensive viewpoint, particularly critical when examining cases like the Yezidis, as I explore further in the upcoming analysis.

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<sup>4</sup> Martin Shaw, *What Is Genocide?* (Cambridge: Polity Press, 2015).

<sup>5</sup> Leora Bilsky and Rachel Klagsbrun, "The Return of Cultural Genocide?" *European Journal of International Law* 29, no. 2 (2018), 373–396, accessed August 23, 2024, <https://doi.org/10.1093/ejil/chy025>.

<sup>6</sup> Shamiran Mako, "Cultural Genocide and Key International Instruments: Framing the Indigenous Experience," *International Journal on Minority and Group Rights* 19, no. 2 (2012), 175–194, accessed August 23, 2024, <https://ssrn.com/abstract=2087175>.

<sup>7</sup> Irvin-Erickson, *Raphaël Lemkin*.

<sup>8</sup> Shaw, *What is Genocide?*.

<sup>9</sup> Short, *Australia: A Continuing Genocide?*, 45.

<sup>10</sup> Lindsey Kingston, "The Destruction of Identity: Cultural Genocide and Indigenous Peoples," *Journal of Human Rights* 14, no. 1 (2015), 63–83, accessed August 23, 2024, <https://doi.org/10.1080/14754835.2014.886951>.

<sup>11</sup> Short, *Australia: A Continuing Genocide?*, 46.

### Complexity of Genocide “Endings”

Recent literature examining how atrocities come to an end primarily centers around the notion of “ending” as a substantial reduction in widespread and systematic violence targeted at civilians.<sup>12</sup> The focus lies on the conclusion of mass atrocities, which are typically characterized by direct violence, frequently manifesting as mass killings. However, as Bridget Conley-Zilic’s work demonstrates, even within this constrained definition, numerous cases exhibit fluctuations in levels of violence, and achieving enduring endings is uncommon. In fact, most cases carry a significant risk of recurrence.<sup>13</sup> In their comprehensive study examining the termination of mass atrocities, Conley-Zilkic and Chad Hazzlet analyze 43 cases and identify key circumstances under which these atrocities conclude. Their findings emphasize that mass atrocities come to an end when perpetrators accomplish their objectives, face defeat, or alter their goals due to factors like internal dissent, resistance from targeted groups, or limitations in organization and resources. In essence, the authors find that the behavior of the perpetrators plays a crucial role in determining the cessation of mass violence.<sup>14</sup>

Yet, the examination of the conclusion of genocide, encompassing its cultural dimension, reveals that its resolution is not exclusively contingent on perpetrator behavior. The case of the Yazidi genocide exemplifies that genocide can continue even after the withdrawal of perpetrators. Despite a decrease in direct violence, obstacles to the physical and cultural continuity of the group may persist. In the rest of the paper, I illustrate how this persistence is a result of ongoing structural and triggering factors, which intersect with inadequate responses.

Examining genocide and its end in this manner holds significance for several reasons. Firstly, it helps us acknowledge that genocide can persist even after the departure of perpetrators. Secondly, it fosters an understanding that genocide may endure despite the termination of direct violence against group members. The ongoing threat to the physical and/or cultural reproduction of the group, without proper intervention, signifies the persistent nature of genocide. Importantly, this recognition does not imply complicity for those unable to stop the ongoing risk; instead, it emphasizes that the process initiated by the perpetrators continues. Consequently, the aid community, policymakers, and practitioners should be aware of this fact, approaching the situation not just as a humanitarian crisis requiring funding but also as an ongoing atrocity. In addition, this long-term perspective emphasizes the importance of integrating cultural genocide considerations into the prevention framework. By doing so, we can determine the actual point of ending. Moreover, in cases of “incomplete endings,” there is a heightened risk of the recurrence of direct violence, requiring preventative measures. Lastly, it highlights that the end of killings and direct violence does not eliminate the survival threat for identity-based groups, especially indigenous minority groups.

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<sup>12</sup> Bridget Conley-Zilkic, *How Mass Atrocities End: Studies from Guatemala, Burundi, Indonesia, the Sudans, Bosnia-Herzegovina, and Iraq* (Cambridge: Cambridge University Press, 2016).

<sup>13</sup> Charles Call, *Why Peace Fails: The Causes and Prevention of Civil War Recurrence* (Washington, DC: Georgetown University Press, 2012).

<sup>14</sup> Bridget Conley and Chad Hazlett, “How Very Massive Atrocities End: A Dataset and Typology,” *Journal of Peace Research* 58, no. 3 (2021), 612–620, accessed August 23, 2024, <https://doi.org/10.1177/0022343319900912>.

### Exploring Mid-Stream Prevention in Ending Genocide

I argue that the failure of mid-stream prevention occurs when structural and triggering factors intersect with a failed response.<sup>15</sup> To fully understand the evolving dynamics of atrocities, it is essential to analyze the interaction between these factors and the actions and decisions of authorities and the humanitarian community. My analysis also shows how international responses, or the lack thereof, actively shape the risk profile of a locale; they are not independent of it. Plus, structural and triggering factors are not only associated with the risk of an outbreak of atrocities but also with the risk of their persistence. While a crucial, immediate, effective, and continuous humanitarian response is necessary, it alone is not sufficient to bring an end to genocide. Equally important is the need to address the underlying structural and triggering factors.

Diverse findings have emerged from research on the effectiveness of responses to ongoing mass violence and mass killings. In cases of the most severe atrocities, NGOs, media, and international organizations could significantly reduce violence through the practice of naming and shaming.<sup>16</sup> While international actors have also been shown to contribute to the reduction of mass killings by encouraging and supporting policy changes,<sup>17</sup> on the other hand, economic sanctions, whether targeted or not, appear to have limited influence on genocide.<sup>18</sup> In fact, some studies even suggest that regimes may become more abusive or repressive following the imposition of sanctions.<sup>19</sup> Another important finding is that international pressure has proven ineffective in achieving sustainable resolutions in contexts where states have limited capacity.<sup>20</sup>

From the various findings on the effectiveness of responses to mass violence, it becomes clear that solutions should not be “one size fits all.” For this reason, I argue that the international response to ongoing genocides should be specifically tailored to the unique risks and triggering factors on the ground. When discussing failures to put an end to ongoing atrocities, I consider various actors at different levels, including regional and national governments, countries hosting refugees, regional organizations, non-governmental organizations, and the broader international community. In a broader context, the term “we” in

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<sup>15</sup> Following James Waller’s categorization, I conceptualize structural factors as long-term political, social, and economic dynamics that increase the risk of atrocity occurrence, and triggers short- and medium-term risks that can dramatically accelerate or increase that risk. Waller classifies structural factors as political (i.e., government indicators such as regime type, state legitimacy, state capacity, state-directed systematic discrimination; history of past identity-based violence; human rights violations), economic (i.e., economic marginalization of an ethnic group, unequal access to goods and services), and social (i.e., gender inequality). While the literature refers to short- and medium-term risks of atrocities as “early warning signs,” Waller distinguishes between “accelerants” and “triggers.” He considers factors such as regime change, restrictions on the press, social media, and freedom of expression, failure of the peace process, and forced population displacement as accelerants, while he considers factors such as upcoming elections, natural disasters, government crackdowns on the opposition, terrorist attacks, conflicts in neighboring states, and coups as triggers. James Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide* (Oxford: Oxford University Press, 2016). In this paper, I refer to all early warning signs that increase the risk of atrocities in the short and medium term as triggering factors.

<sup>16</sup> Matthew Krain, “J’Accuse! Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?” *International Studies Quarterly* 56, no. 3 (2012), 574–589, accessed August 23, 2024, <https://doi.org/10.1111/j.1468-2478.2012.00732.x>.

<sup>17</sup> Conley and Hazlett, *How Very Massive Atrocities End*.

<sup>18</sup> Michael P. Broache and Kate Cronin-Furman, “Does Type of Violence Matter for Interventions to Mitigate Mass Atrocities?” *Journal of Global Security Studies* 6, no. 1 (2021), accessed August 23, 2024, <https://doi.org/10.1093/jogss/ogz068>; Matthew Krain, “The Effects of Diplomatic Sanctions and Engagement on the Severity of Ongoing Genocides or Politicides,” *Journal of Genocide Research* 16, no. 1 (2014), 25–53, accessed August 23, 2024, <https://doi.org/10.1080/14623528.2014.878112>.

<sup>19</sup> Dursun Peksen, “Does Foreign Military Intervention Help Human Rights?” *Political Research Quarterly* 65, no. 3 (2012), 558–571, accessed August 23, 2024, <https://doi.org/10.1177/1065912911417831>; Christian Davenport and Benjamin Appel, “Stopping State Repression: An Examination of Spells, 1976–2004,” SSRN (2014), accessed August 23, 2024, <http://dx.doi.org/10.2139/ssrn.2485195>.

<sup>20</sup> Conley-Zilkic, *How Mass Atrocities End*.

the question “why do we fail to end genocides?” includes not only those who are immediately at risk, but also those whose actions can assist those in danger.<sup>21</sup> Prevention in the midst of ongoing atrocities is a collective responsibility. Still, governments bear the primary responsibility, despite their shortcomings. The United Nations, widely recognized as the “predominant international organization tasked with preventing and responding to genocide,”<sup>22</sup> also holds a primary responsibility, even though the gridlock in the United Nations Security Council has sometimes hindered the ability to develop a meaningful and unified response to genocide.

### **The Yazidi Case and the Persistence of Genocidal Process**

Both targeting persecuted ethno-religious minorities, certain similarities can be observed in the patterns of genocidal violence against Yazidis and Rohingyas, including mass killings, high levels of sexual violence, and forced displacement. Marginalization, dispossession, and identity-based violence have also been common for both groups since the 19th and even the 18th centuries. As I analyze in more detail below, Yazidis and Rohingyas continue to suffer displacement and structural/everyday violence<sup>23</sup> as a direct result of genocide. This threatens the groups’ survival, both physically and in terms of identity. Before examining what I consider to be the structural and triggering factors, I provide background information on the genocides.

After capturing Mosul, Iraq in June 2014, IS launched coordinated attacks on Yazidi villages near the Sinjar Mountain on August 3. Two weeks prior, the Peshmerga forces had refused to arm locals who were concerned about the advancing IS forces, claiming they were under their protection. However, just before the attack, the Peshmerga soldiers left Sinjar. The villagers, armed with limited weapons, attempted to resist IS and allowed others to escape to the mountains or the Kurdish region. Unfortunately, not all Yazidis were able to flee, and hundreds were murdered or abducted by IS as they tried to leave their villages. Many Yazidis, including children and the elderly, died of dehydration while trapped on Mount Sinjar for days.<sup>24</sup> With assistance from the US and international airstrikes, the PKK fighters were able to break the siege on the mountain, providing a way for the trapped Yazidis to escape.

As IS later explained in its magazine *Dabiq*, according to their ideological interpretation of Islam, the Yazidis are “apostates” whose men should be killed and whose women should be taken into slavery.<sup>25</sup> As IS members attacked and captured Yazidi villages, they executed men and older women, and kidnapped women and children. Some of the abducted women and girls were handed over to members of the group involved in the attack, and the rest were taken to other locations in Iraq and Syria to be sold in the slave markets that were later established. These women were subjected to systematic trading, torture, rape, and forced labor. Yazidi boys who were kidnapped were taken to training camps for indoctrination and used as suicide bombers during the war. IS also destroyed Yazidi settlements, agricultural land, and various Yazidi temples and shrines during the occupation of Sinjar. In May 2021, the UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) officially confirmed that IS committed genocide against the Yazidi people. So far, the parliaments of the European Union, Armenia, Australia, the United Kingdom, Canada, France, Germany, and the United States have recognized IS’s atrocities against the Yazidis as genocide.

<sup>21</sup> *Ibid.*, 3.

<sup>22</sup> Deborah Mayersen, ed., *The United Nations and Genocide* (New York: Palgrave Macmillan, 2016), 255.

<sup>23</sup> Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969), 167–191, accessed August 23, 2024, <https://doi.org/10.1177/002234336900600301>.

<sup>24</sup> Valeria Cetorelli et al., “Mortality and Kidnapping Estimates for the Yazidi Population in the Area of Mount Sinjar, Iraq, in August 2014: A Retrospective Household Survey,” *PLoS Med* 14, no. 5 (2017), accessed August 23, 2024, <https://doi.org/10.1371/journal.pmed.1002297>.

<sup>25</sup> Valeria Cetorelli and Sareta Ashraph, “A Demographic Documentation of ISIS’s Attack on the Yazidi Village of Kocho,” *LSE Middle East Centre Report* (2019), accessed August 23, 2024, <https://eprints.lse.ac.uk/101098/>.

The exact number of Yazidis killed during the IS genocidal campaign is uncertain, with unofficial figures ranging from 2,000 to 5,000. According to the Office of Kidnapped and Rescued Persons in the Kurdistan Regional Government (KRG) of Iraq, a total of 6,417 individuals (3,547 women and 2,869 men) were abducted during the attacks, and 450,000 Yazidis were displaced from Sinjar due to the IS advance.<sup>26</sup> The majority of the displaced Yazidis have since been residing in camps for internally displaced persons (IDP) in northern Iraq or in makeshift shelters outside the camps. As of 2022, only 36 percent of the Sinjar population displaced in 2014 had returned, and this figure also includes Muslim communities in the region. Approximately 250,000 Yazidis still live in IDP camps, while it is estimated that up to 100,000 Yazidis have left Iraq.<sup>27</sup> The displaced community faces significant challenges in accessing basic services such as water, food, healthcare, education, livelihoods, and employment. The lack of these services, along with security concerns arising from the presence of various factions and armed groups, makes it extremely difficult for them to return to Sinjar.

I argue for a comprehensive understanding of the current situation of the Yazidis that goes beyond vulnerability, persecution, marginalization, and discrimination, to highlight the ongoing destruction that is aimed at eradicating their cultural and collective existence. This destruction poses an immediate threat to the Yazidi identity and the valuable cultural and religious heritage that they represent. The Yazidi community also faces a risk of direct violence, as some of the perpetrators of the genocidal attacks against the community still enjoy impunity in Sinjar. The prevailing ideology that considers Yazidis as apostates further contributes to their marginalization in social, economic, and political spheres.<sup>28</sup> Nevertheless, these challenges go beyond structural factors as there are profound risks to the cultural reproduction of the community.

The IS attacks were aimed at exterminating the Yazidis as a cohesive group. Although they were not completely annihilated, the process of identity and cultural destruction continues to persist in Iraq and among Yazidi diaspora communities. As a result of the 2014 attacks, the Yazidis have been largely displaced from their ancestral lands and are unable to return. Sinjar holds utmost importance as a historical sanctuary where the persecuted minority has preserved their way of life through oral traditions, endogamous practices, and simply by existing as Yazidis. Being separated from Sinjar means being separated from this rich historical heritage and way of life. Since 2014, a majority of Yazidis have sought refuge in Western countries, posing challenges for the second and third generations to maintain their Yazidi identity. The community continues to grapple with severe trauma and mental distress resulting from the genocide. Depression, anxiety, and post-traumatic stress disorder are common among those who have returned to Sinjar and those who remain displaced.<sup>29</sup> Therefore, I argue that the end of mass violence against the Yazidis did not signify the conclusion of the genocidal process for the community, given the current circumstances.

### **Ongoing Atrocities Against the Rohingya**

The “clearance operations” launched by the Myanmar Army in August 2017 against the Rohingya population in Rakhine was a continuation of the genocidal state policy to eradicate

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<sup>26</sup> Yazda, “Interim Relief Program for CRSV in Iraq: Survivors’ Grant Scheme in Practice and Recommendations for Its Improvement,” March 2021, accessed August 23, 2024, <https://www.yazda.org/publications/2021-interim-relief-program-for-crsv-in-iraq>.

<sup>27</sup> Caroline Zullo and Dana Swanson, “‘Your House Is Your Homeland’: How Housing, Land, and Property Rights Impact Returns to Sinjar, Iraq” (Oslo: Norwegian Refugee Council, May 2022), accessed August 23, 2024, <https://www.nrc.no/globalassets/pdf/reports/your-house-is-your-homeland/your-house-is-your-homeland.pdf>.

<sup>28</sup> Free Yazidi Foundation, “Condemnation of Anti-Yezidi Rhetoric,” May 4, 2023, accessed August 23, 2024, <https://freeyazidi.org/news-updates/fyf-statements/condemnation-of-anti-yezidi-rhetoric/>.

<sup>29</sup> Gail Womersley and Yesim Arikut-Treese, “Collective Trauma among Displaced Populations in Northern Iraq: A Case Study Evaluating the Therapeutic Interventions of the Free Yazidi Foundation,” *Intervention* 17, no. 1 (2019), 3, accessed August 23, 2024, [https://journals.lww.com/invn/fulltext/2019/17010/collective\\_trauma\\_among\\_displaced\\_populations\\_in.2.aspx](https://journals.lww.com/invn/fulltext/2019/17010/collective_trauma_among_displaced_populations_in.2.aspx).



the existence of the Rohingya in the country.<sup>30</sup> During these operations, military personnel systematically targeted civilians, while local mobs collaborated with them, resulting in the deaths of thousands of civilians. Men and women were subjected to rape, mutilation, torture, and gang rape, and hundreds of villages were burned.<sup>31</sup> As outlined by Mayesha Alam and Elisabeth Jean Wood, there is evidence suggesting that the military specifically ordered targeted gang rapes to undermine the reproductive capacity of the Rohingya group.<sup>32</sup> Consequently, over 800,000 Rohingya fled across the border into Bangladesh. Presently, more than 1 million Rohingya reside in camps or areas outside the camps in Cox's Bazar, rendering it the largest refugee settlement globally.

The 2017 operations have already been labeled ethnic cleansing by the international community. In 2018, the UN Human Rights Council-mandated Fact-Finding Mission (FFM) found that senior members of the Myanmar military committed crimes against humanity and war crimes in Kachin, Rakhine, and Shan states, and committed genocide against the Rohingyas. FFM also called for an investigation and prosecution of the senior generals before an international criminal court.<sup>33</sup> With the International Criminal Court (ICC) option blocked, the Gambia-led international community took the case to the International Court of Justice (ICJ), which ruled in 2020 that Myanmar had violated the Genocide Convention. Currently, an investigation is also underway at the ICC that Myanmar has committed crimes against humanity, which may have led to the forced deportation of the Rohingya across the Myanmar-Bangladesh border.

Bangladesh, on the other hand, is not a party to the 1951 UN Refugee Convention and does not recognize the Rohingyas as refugees, which denies them access to livelihood, education and employment in the country, and makes their living conditions extremely poor.<sup>34</sup> Most Rohingyas rely solely on humanitarian aid to survive. Food insecurity and malnutrition have become chronic problems in the camps, with female-headed households—which make up a large portion of the camp population<sup>35</sup>—being the most vulnerable to food insecurity and extreme poverty.<sup>36</sup> Access to water and sanitation is difficult in camps and there are major public health concerns, including disease outbreaks. Gender-based violence, including early and non-consensual marriage, polygamy, and sexual harassment, as well as the presence of

<sup>30</sup> Maung Zarni and Alice Cowley, "The Slow-Burning Genocide of Myanmar's Rohingya," *Washington International Law Journal* 23, no. 3 (2014), accessed August 23, 2024, <https://digitalcommons.law.uw.edu/wilj/vol23/iss3/8>.

<sup>31</sup> Kaladan Press Network, *Rape by Command: Sexual Violence as a Weapon against the Rohingya*, (Chittagong, February 2018), accessed August 23, 2024, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/03/report/rape-by-command-sexual-violence-as-a-weapon-against-the-rohingya/RapebyCommand.pdf>; Grant Shubin et al., *Discrimination to Destruction: A Legal Analysis of Gender Crimes Against the Rohingya* (New York: Global Justice Center, September 2018).

<sup>32</sup> Mayesha Alam and Elisabeth Jean Wood, "Ideology and the Implicit Authorization of Violence as Policy: The Myanmar Military's Conflict-Related Sexual Violence against the Rohingya," *Journal of Global Security Studies* 7, no. 2 (2022), accessed August 22, 2024, <https://doi.org/10.1093/jogss/ogac010>.

<sup>33</sup> United Nations, Office of the High Commissioner, "Myanmar: UN Fact-Finding Mission Releases its Full Account of Massive Violations by Military in Rakhine, Kachin and Shan States" (press release, September 18, 2018), accessed October 1, 2024, <https://www.ohchr.org/en/press-releases/2018/09/myanmar-un-fact-finding-mission-releases-its-full-account-massive-violations>.

<sup>34</sup> Rohingya refugee children can only receive basic, informal primary-level education in camps. See "Bangladesh Demolishes Rohingya Community-Led High School in Kutupalong Refugee Camp," *Rohingya Post*, June 1, 2022, accessed August 23, 2024, <https://www.rohingyapost.com/bangladesh-demolishes-rohingya-community-led-high-school-in-kutupalong-refugee-camp/>.

<sup>35</sup> According to a 2018 UNHCR report, one in six families in Rohingya camps in Bangladesh was headed by a single mother. United Nations High Commissioner for Refugees (UNHCR), "Bangladesh Refugee Emergency: Population Factsheet," July 15, 2018, accessed August 23, 2024, <https://data2.unhcr.org/en/documents/download/64838>.

<sup>36</sup> UN Women, *Gender Brief on Rohingya Refugee Crisis Response in Bangladesh* (Dhaka: UN Women Bangladesh, October 2017), accessed August 23, 2024, <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2017/10/Gender-Advocacy-Paper-for-Rohingya-Refugee-Crisis-Response-in-Bangladesh-r10.pdf>.

drug cartels and armed groups, further increase the vulnerability of Rohingya women, children, and men in Bangladesh, putting them at risk of exploitation, abduction, harassment, and extrajudicial killings by police.

Inside Myanmar, some 600,000 Rohingyas live in IDP camps to which they were forcibly relocated by the state during interethnic violence and state-sponsored mass violence against Muslim communities in Rakhine in 2012. Since the 2017 operations and the military coup, Rohingyas in these camps—which Human Rights Watch has described as “open-air prisons”<sup>37</sup>—have been subjected to severe human rights abuses and have faced greater difficulty accessing assistance from UN and other humanitarian organizations. While residents of these IDP camps in Myanmar are not allowed to leave the camps nor engage in income-generating activities, the fate of Rohingyas who are in Myanmar but who are not living inside these camps is unknown to outsiders.<sup>38</sup> With the destruction of most Rohingya settlements in Rakhine, the ongoing human and drug trafficking in the region, and the increasing presence of various armed groups (most notably the Arakan Army and Arakan Rohingya Salvation Army / ARSA) since the coup, safe return to their homeland has become nearly impossible for members of this long-persecuted minority.

In the context of the Rohingya case, the ongoing nature of the atrocities is undeniable, even when adopting a narrow interpretation of genocide focused solely on the physical and biological destruction of the group. The Rohingya population in Myanmar lacks personal security, living in precarious conditions where safety is absent and access to essential resources such as food and healthcare is uncertain. Unfortunately, our knowledge of their situation in Myanmar remains limited. From a legal perspective, their statelessness worsens their predicament, depriving them of the necessary mechanisms to protect their fundamental human rights, both within Myanmar and in the countries where they have sought refuge for survival. The Rohingya confined to camps in Bangladesh face numerous challenges, including chronic malnutrition, persistent acts of violence and killings, forced repatriation attempts, and becoming victims of human and drug trafficking. The prolonged denial of education affects hundreds of thousands of Rohingya children in the camps, depriving them of learning opportunities for an extended period. The inability to return to Rakhine, the loss of ancestral lands, and the looming threat to their way of life and cultural reproduction, all contribute to the ongoing nature of the genocide of the community.

### **Failing to End Yezidis’ Last *Firman***

#### *Cycle of Persecution and Impediments to Return*

Yezidis do not see their communal history as linear, but rather as cyclical. In their collective memory narratives, they speak of persecutions that recur in a cyclical manner. They refer to these historical persecutions as “*firman*,” which directly translates as “Sultan’s decree.” In fact, it is more accurately translated as “genocide,” since the community uses the word to refer to several instances of mass violence they have faced at the hands of Muslims throughout history. They also refer to the 2014 IS attacks as the 74th instance of violence perpetrated against the Yezidi community. Historical records reveal instances of Yezidis being targeted by Muslim troops as far back as the 17th century.<sup>39</sup> During the 19th century, Yezidis residing in the Sheikhan, Sinjar, and Tur Abdin regions of southeastern Turkey faced persecution from Turkish governors and Kurdish *aghas*. These attacks often entailed coercive demands for conversion to

<sup>37</sup> Shayna Bauchner, *An Open Prison Without End* (Human Rights Watch Asia, October 8, 2020), accessed August 23, 2024, <https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state>.

<sup>38</sup> Ken MacLean, “The Rohingya Crisis and the Practices of Erasure,” *Journal of Genocide Research* 21, no. 1 (2018), 83–95, accessed August 23, 2024, <https://doi.org/10.1080/14623528.2018.1506628>.

<sup>39</sup> Evliya Çelebi, *Günümüze Türkçesiyle Evliya Çelebi Seyahatnamesi* [The Modern Turkish Version of Evliya Çelebi’s Book of Travels] (Istanbul: Yeditepe Yayınevi, 2011).

Islam, with those who refused being indiscriminately killed, while women and children were subjected to enslavement.<sup>40</sup>

In modern Iraqi history, Yazidis were forcibly relocated from Mount Sinjar by Saddam Hussein's regime after 1975. The purpose was to prevent their support or involvement in the Kurdish insurgency and exert greater control over the population.<sup>41</sup> This process also involved the implementation of an Arabization policy, whereby Yazidis received education in Arabic and were registered as Arabs in the census. The collective towns to which they were relocated faced prolonged challenges of inadequate access to basic necessities like water and electricity. Moreover, the land in these towns was unsuitable for agriculture, compelling Yazidis to seek employment as laborers on the lands of surrounding Arab villages to engage in construction work in urban areas, or to enlist in the military to support their families.<sup>42</sup>

Sinjar remained one of the least developed regions in Iraq, even after 2003, characterized by underdeveloped infrastructure and irrigation systems. Land ownership has been an ongoing issue for Yazidis in Sinjar, as they have lacked official land deeds for the territories they cultivated.<sup>43</sup> Following the invasion of Iraq, an upsurge in Sunni radicalism in Mosul labeled the Yazidis as "devil worshippers" and initiated a campaign of anti-Yezidi rhetoric. In response to mounting insecurity in Mosul, Yezidi community members began migrating to Duhok, Suleymaniye, and Erbil for educational and employment opportunities. In 2007, al-Qaeda laid siege to Sinjar, impeding the distribution of vital resources such as food and fuel. In reaction, the Kurdistan Regional Government (KRG) bolstered its administrative control over the region.<sup>44</sup>

Sinjar, situated in a disputed area between the KRG and the Iraqi government, was the subject of a scheduled referendum in 2007 to determine its governing authority. Though, the referendum was canceled following suicide bombings that occurred in two Yezidi towns, constituting the largest single terrorist attack since 2003.<sup>45</sup> Subsequently, Kurdish politicians intensified their presence in Sinjar, establishing numerous military and police posts, administrative units, and asserting the narrative that the Yazidis were ethnic Kurds. This power shift engendered resentment among Sunni Arabs in Sinjar toward the Yazidis, and radical groups escalated their attacks on Yezidi civilians.<sup>46</sup> When IS began its assault on Sinjar in 2014, certain Sunni Arabs and Kurdish tribesmen either joined or collaborated with the group. It is noteworthy that, according to the prevailing perspective among Iraq's majority ethnic groups, the Yazidis have historically faced a lack of legitimacy as a religious minority due to their non-affiliation with the "people of the Book."<sup>47</sup> False assumptions, including beliefs that they worship the devil or do not practice personal hygiene, have persisted among non-Yezidi

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<sup>40</sup> The assault on Sheikhan in 1832 carried out by Kor Muhammed Beg, the final independent Mir of Rowanduz, is particularly infamous as it resulted in the massacre of over half of the Yezidi inhabitants in the region. Nelida Fuccaro, *The Other Kurds: Yazidis in Colonial Iraq* (London: I.B. Tauris, 1999).

<sup>41</sup> According to Eva Savelsberg, Siamend Hajo, and Irene Dulz, during this forced urbanization process, 137 Yezidi villages, most of which were located in or close to Mount Sinjar, were destroyed and Yazidis were forced to resettle in 11 collective towns. Eva Savelsberg et al., "Effectively Urbanized. Yazidis in the Collective Towns of Sheikhan and Sinjar," *Études Rurales* 186 (2010), 101–116.

<sup>42</sup> Ibid.

<sup>43</sup> Fuccaro, *The Other Kurds*.

<sup>44</sup> Namık Kemal Dinç, *Êzîdîlerin 73 Fermanı: Şengal Soykırımını* [The 73rd Decree against the Yazidis: The Sinjar Genocide], *Zan Vakfı Yayınları 1* (Diyarbakır: Zan Vakfı Yayınları, 2017).

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

communities with whom they have coexisted.<sup>48</sup> Iraqi Yazidis contend that discriminatory attitudes continue to be prevalent among majority groups to this day.<sup>49</sup>

Despite the KRG exercising de facto control over Sinjar and Nineveh since 2003, these regions remain under the administrative and legal authority of the Iraqi national government. This complex political situation has hindered the post-IS reconstruction efforts, as both sides prioritize securing their political dominance over Sinjar before committing resources to its redevelopment. As a result, the region suffers from severe infrastructural deficiencies, including inadequate hospitals, schools, irrigation systems, and limited access to water, electricity, and employment opportunities. The presence of multiple political and military actors in the region further compounds the challenges. These actors include the Hashd al-Shaabi forces aligned with the Iraqi army, Peshmerga soldiers, and PKK fighters who established a corridor out of the Sinjar Mountains in 2014 to rescue Yazidi civilians and have maintained a presence in Sinjar since then. Tensions among these groups, along with the recent escalation of Turkish airstrikes targeting the PKK, exacerbate the insecurity and instability faced by the Yazidi population in Sinjar.

In addition to issues of underdevelopment and militarization, another prominent barrier preventing the return of Yazidi communities to their ancestral lands is the lack of accountability for individuals who collaborated with IS or perpetrated crimes against the Yazidis themselves. These individuals evade accountability and face no legal prosecution for their actions. Yazidi community members frequently point out that “ISIL collaborators move freely in southern Sinjar and neighboring areas, like Baaj.”<sup>50</sup> Consequently, a pervasive sense of insecurity permeates the Yazidi population, dissuading them from returning to their homeland, particularly to villages located in the southern region of Sinjar.

Throughout their history, the Yazidi community has displayed remarkable resilience, enduring past persecutions and safeguarding their unique way of life. Much of this resilience can be attributed to their historically isolated and sheltered existence in the vicinity of Mount Sinjar.<sup>51</sup> However, the recent extensive displacement of Yazidis from their ancestral lands has exposed their cultural continuity to an unprecedented threat of erasure.

#### *Inadequate Responses to Genocide*

An empirical analysis of the national and international responses to the Yazidi genocide and subsequent displacement reveals significant shortcomings that fail to adequately address the structural and triggering factors discussed earlier. The ongoing political dispute over control of Sinjar has impeded the reconstruction efforts in the region, which have primarily relied on support from international donors such as Australia, Canada, various European countries, and the United States. Still, without the backing of the Iraqi government, these efforts have proven insufficient in meeting the pressing needs of the community. Both the Iraqi national government and the Kurdish regional government have prioritized investments in military units and administrative offices in Sinjar, neglecting crucial support and assistance for agricultural projects that are vital for the region’s revitalization.<sup>52</sup> The challenges of cost and distance further compound the difficulties faced by Yazidis in accessing healthcare,<sup>53</sup> while the absence of a fully

<sup>48</sup> Christine Allison, *The Yazidi Oral Tradition in Iraqi Kurdistan* (London: Routledge, 2001).

<sup>49</sup> Tutku Ayhan, “‘We Are Yazidi, Being Otherwise Never Stopped Our Persecution’: Yazidi Perceptions of Kurds and Kurdish Identity,” in *Kurds and Yazidis in the Middle East: Shifting Identities, Borders, and the Experiences of Minority Communities*, ed. Günes Murat Tezcür (London: Bloomsbury Publishing, 2021), 167–184.

<sup>50</sup> Saad Salloum, “Barriers to Return for Ethno-Religious Minorities in Iraq” (Erbil: International Organization for Migration Iraq, January 2020), 16.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> United Nations High Commissioner for Refugees and REACH, *Iraq: Sinjar Area-Based Assessment—Profile, December 2021* (January 2022), accessed August 23, 2024, <https://reliefweb.int/report/iraq/iraq-sinjar-area-based-assessment-profile-december-2021>.

functional school in the region further impedes educational opportunities for Yazidi children.<sup>54</sup> Furthermore, Yazidis in Sinjar find themselves lacking political power and self-representation, as their exclusion from the political sphere remains pervasive unless they align with majority ethnic groups.

Yazidis' experience with the post-IS justice process in Iraq has been rather disappointing. In the absence of domestic laws and customs regarding war crimes, human rights violations, and genocide in Iraq, members of IS are charged with joining or supporting a terrorist organization in trials closed to public attendance. To date, not a single conviction for sexual violence has been handed down in Iraq. This not only fails to properly address the atrocities Yazidis were subjected to, but complicates the prospects for future reconciliation and reintegration in Sinjar.<sup>55</sup>

The Iraqi Parliament took an important step in 2021 by passing the law known as the Yazidi Female Survivors Law, which provides various compensations for Yazidi women who were subjected to sexual violence, for children abducted by IS before the age of 18, for female survivors from Christian, Turkmen, and Shabak communities who were enslaved by IS, and also for male survivors of mass killings from Yazidi, Turkmen, Christian, and Shabak communities. The law is a landmark bill, recognizing crimes against the Yazidi community as genocide for the first time in Iraq. Most importantly, the law assures beneficiaries a monthly salary, access to medical and psychological care, priority in public sector employment, a plot of land or housing, and the right to education regardless of age; though, implementation of the law has been quite limited. The only action taken by the Iraqi government to date to implement it has been to provide one-time payments to some of the Yazidi female survivors of IS abduction.<sup>56</sup> Yazidi activists and international organizations, who have been actively engaged in the legalization process and lobbying efforts with the Iraqi government, highlight that the necessary budget allocation is available, but there is a lack of political will for implementation and a deficiency in know-how in certain areas.<sup>57</sup> Besides, the law excludes survivors who were not enslaved and thousands of displaced Yazidis from its scope.

Another major lack of national and international response that is causing the Yazidi genocide to continue is the lack of political will to locate and find out about the fate of missing Yazidis. To date, nearly 2,800 Yazidis, mostly women and children, are missing after being abducted by IS.<sup>58</sup> While neither the Iraqi government nor the KRG has taken any initiative to rescue these community members, the support from the international community has been insufficient. The Global Coalition against Daesh, Interpol, or foreign intelligence agencies, which cooperate in counterterrorism efforts in Iraq and Syria, have taken no action on this matter. For those whose loved ones are still missing, closure and healing become impossible. It also keeps them from leaving Sinjar or the camp even if they had the opportunity, as they hold on to the hope that one day their family members might return.

Upon evaluating the response of the United Nations, international non-governmental organizations (INGOs), foreign donors, and the wider international community to the Yazidi genocide, it is clear that the provision of humanitarian and development assistance has been largely inadequate. Notably, significant funds have been directed towards Iraq, with the country's humanitarian operation even being the best-funded aid initiative worldwide between 2016 and 2020. However, the Kurdistan Regional Government, burdened by an already fragile

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<sup>54</sup> Ibid.

<sup>55</sup> Payam Akhavan et al., "What Justice for the Yazidi Genocide?: Voices from Below," *Human Rights Quarterly* 42, no. 1 (2020), 1–47, accessed August 22, 2024, <https://doi.org/10.1353/hrq.2020.0000>.

<sup>56</sup> Yazda, *Interim Relief Program for CRSV in Iraq*.

<sup>57</sup> Ibid.

<sup>58</sup> Yazda, *Bridging the Gap between Terror and Humanity: The Sixth Annual Commemoration of the Yazidi Genocide* (Beirut: The Zovighian Partnership, 2020), accessed August 23, 2024, [https://irp.cdn-website.com/16670504/files/uploaded/Yazda\\_Publication\\_2020-09-15\\_6YazidiGenocideCommemorationTerrorHumanity\\_28062021\\_Download\\_EN\\_vf.pdf](https://irp.cdn-website.com/16670504/files/uploaded/Yazda_Publication_2020-09-15_6YazidiGenocideCommemorationTerrorHumanity_28062021_Download_EN_vf.pdf).

economy and grappling with the influx of a substantial number of IDPs and Syrian refugees during the conflict with the IS, argues that the majority of aid provided to IDPs and refugees must come from its own budget, with additional support coming from abroad and INGOs.

While Kurdish authorities attribute the shortfall in aid and reconstruction resources to the Iraqi national government's failure to fulfill its economic responsibilities, the Iraqi government, conversely, urges the international community to assume greater responsibility, particularly in providing assistance to IDPs, especially those victimized by IS. Notably, funding for humanitarian assistance in Iraq has experienced a significant decline since 2021,<sup>59</sup> exacerbating the challenges faced. Also, the contracts of UN and other NGOs are reaching their expiration, leading to a decrease in the accessibility of services reported by residents of camps in northern Iraq.<sup>60</sup>

The dwindling hope of returning to Sinjar, years of living in camps, and declining job opportunities after the COVID-19 pandemic have resulted in an increase in suicide rates in the Yazidi camps.<sup>61</sup> The desperation for a secure future in Iraq has driven many to emigrate to Europe and other Western countries for years. While these migration journeys are risky and often involve human rights abuses, immigration to the West offers security and access to better opportunities for members of the Yazidi community who are able to reach a host country. Yet, migration also poses a threat to the continuity of their identity.<sup>62</sup> Being unable to return home and being scattered across Iraq and the world puts their ethno-religious identity at risk, as it is closely tied to their land, practices endogamy, and relies on oral traditions.

## Long-Time Unfolding of the Rohingya Genocide

### *Structural Factors and Triggers*

The Rohingya in Myanmar's Rakhine State have long been subjected to systematic discrimination and violence by the state. The Myanmar government and army have sought to deport the Rohingya from Myanmar and destroy their livelihoods by constitutionally—and in practice—depriving them of their citizenship rights, confiscating their property and land, and denying them the right to education, work, and travel. The Rohingya have also long suffered from hatred and dehumanization at the hands of Buddhist nationalists and other communities in the region.<sup>63</sup>

When Burma became independent in 1948, the leaders of the various ethnic groups signed the Treaty of Union that established the state of Myanmar.<sup>64</sup> The Rohingya were not invited to sign the treaty and are not currently considered a community with rights within the Union of Burma. Faced with discrimination and denial of rights, some Rohingya took up arms to establish their own Muslim state in Rakhine, but they agreed to lay down their arms in the 1950s when they signed a peace treaty with the government. They continued to be oppressed under the military regime that ruled Myanmar from 1962 to 1988 and attempted to drive the

<sup>59</sup> Salloum, *Barriers to Return*.

<sup>60</sup> "KRG Delegation to Visit Baghdad to Discuss IDPs Situation," *Bas News*, November 2, 2021, accessed August 23, 2024, <https://www.basnews.com/en/babat/781191>.

<sup>61</sup> Yazda, "10 Steps to Ensure Justice, Reparations, Recovery and Return for the Yazidis," 2019, accessed August 23, 2024, <https://www.yazda.org/publications/steps-to-ensure-justice-reparations-recovery-and-return-for-the-yazidis>.

<sup>62</sup> The children and grandchildren of Yazidis who immigrated to Germany from Turkey in the 1970s, or the children of Yazidis who immigrated to Lincoln, USA, from refugee camps in Syria in the 1990s, know less about religious rules and traditions and often show much less enthusiasm for practicing them.

<sup>63</sup> Alina Lindblom et al., *Persecution of the Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine State? A Legal Analysis* (New Haven: Lowenstein International Human Rights Clinic, Yale Law School, 2015), accessed August 23, 2024, <https://reliefweb.int/report/myanmar/persecution-rohingya-muslims-genocide-occurring-myanmar-s-rakhine-state-legal>.

<sup>64</sup> Ahmed Imtiaz, *The Plight of the Stateless Rohingya: Responses of the State, Society & the International Community* (Dhaka: The University Press Limited, 2010).

whole community out of the country.<sup>65</sup> The Dragon Operation in 1978 was a military offensive in which the junta attempted to forcibly expel the Rohingyas in Rakhine, whom it considered illegal immigrants. Hundreds of Rohingyas were killed and raped in the operations, and more than 200,000 Rohingyas were forced to flee to Bangladesh as a result of the attacks.<sup>66</sup> Although General Ne Win later repatriated some of the Rohingya refugees, the Rohingya continued to flee to Bangladesh over the next 20 years as Bangladesh repeatedly attempted to repatriate them.<sup>67</sup>

The persecution of the Rohingya in Myanmar can be attributed to a fundamental structural factor, namely the 1982 Citizenship Law, which officially does not recognize them as a national ethnic group and renders them stateless in a *de jure* sense. According to the law, obtaining citizenship necessitates providing definitive evidence of entry and residence in the country prior to 1948. Given that very few Rohingyas possess the required documentation, such as birth certificates indicating the place and date of birth of their family members, only a small number have been granted citizenship under the provisions of the 1982 Constitution. Starting in the 1990s, the state initiated the confiscation of agricultural land belonging to the Rohingya, compelling them to abandon their villages and resettle elsewhere within the country. During this period, the Myanmar authorities established “model villages” primarily for Rakhine Buddhists, as part of the junta’s efforts to cleanse the region of Rohingya presence.<sup>68</sup> Concurrently, the mobility of Rohingya individuals within Rakhine State gradually became restricted. They were obliged to obtain official permission, often requiring payment of bribes, in order to move from one place to another. These restrictions severely limited their access to education and made attending college nearly impossible. In addition, the Myanmar government-imposed restrictions on the construction of mosques and frequently closed down Islamic schools, further curtailing the religious and educational rights of the Rohingya community.

In 2012, three Rohingya men who allegedly raped a Rakhine woman were sentenced to death. The incident sparked ethnic tensions across Rakhine. Mass violence against Rohingyas by local mobs and security forces resulted in the killing and rape of Rohingyas, the destruction of more than 10,000 homes, buildings, and mosques, and the internal displacement of about 140,000 people, most of whom were Muslim. As violence and tensions between Buddhists and Muslims increased, segregation between communities in Rakhine became more apparent. Following the effective hate campaign against the Rohingyas by ultra-nationalist Buddhist monks,<sup>69</sup> President Thein Shein asked the United Nations High Commissioner for Refugees (UNHCR) to place the Rohingyas in refugee camps or resettle them in another country, a request that was denied by the UNHCR.<sup>70</sup>

In October 2016, a group of militants claiming to be members of ARSA attacked police border posts in northern Rakhine. In response, the Myanmar Army launched a large-scale operation against Rohingya civilians in northern Maungdaw, burning villages and murdering Rohingya men, women, and children. More than 70,000 Rohingyas fled across the border into Bangladesh.<sup>71</sup> In August 2017, about 150 insurgents again carried out coordinated attacks on police and army personnel, which resulted in the killing of 12 security forces and 59 insurgents. The army then launched the largest displacement operation against Rohingyas. Hundreds of

<sup>65</sup> Shamima Akhter and Kyoko Kusakabe, “Gender-Based Violence among Documented Rohingya Refugees in Bangladesh,” *Indian Journal of Gender Studies* 21, no. 2 (2014), 225–246, accessed August 22, 2024, <https://doi.org/10.1177/0971521514525088>.

<sup>66</sup> Lindblom et al., *Persecution of the Rohingya Muslims*.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> MacLean, *The Rohingya Crisis*.

<sup>70</sup> Md Jobair Alam, “The Rohingya Minority of Myanmar: Surveying Their Status and Protection in International Law,” *International Journal on Minority and Group Rights* 25, no. 2 (2018), 157–182, accessed August 23, 2024, <https://doi.org/10.1163/15718115-02503002>.

<sup>71</sup> Kaladan Press Network, *Rape by Command*.

Rohingya villages were burned in systematic attacks by the army and paramilitary forces. According to conservative estimates, about 7,000 Rohingyas have been killed and hundreds of women were raped. As of September 2018, more than 725,000 Rohingyas, two-thirds of their total population in Myanmar, have been displaced to Bangladesh.<sup>72</sup> Kutupalong Camp in Cox's Bazar is now the largest refugee camp in the world, and the total number of Rohingya refugees in Bangladesh is over 1 million.<sup>73</sup>

While systematic state persecution, lack of citizenship/statelessness, past identity-related tensions, and unequal access to basic goods and services are structural factors in the atrocities against the Rohingyas, my analysis sees the coup d'état, the ongoing armed conflict in Myanmar, and police repression and armed group violence in the camps as triggers for the group's ongoing persecution.

When Myanmar's armed forces, known as the Tatmadaw, launched a military coup on February 1, 2021, arresting government officials, including Aung San Suu Kyi, and imposing a state of emergency,<sup>74</sup> civilians mobilized rapidly to resist the junta through civil disobedience and by joining armed resistance. Members and supporters of the ruling National League for Democracy Party formed a shadow government called the National Unity Government to oppose the junta, and an armed wing, the People's Defense Forces, has been formed to wage guerrilla warfare throughout the country. Though the military was also fast in brutally suppressing peaceful protests and cracking down on armed groups. To date, more than 2,000 people have been killed by security forces and more than 12,900 people have been imprisoned. Since the coup began, the number of internally displaced people in the country has exceeded 2 million, and about 18 million people are in need of humanitarian assistance.<sup>75</sup> Indiscriminate and systematic army attacks on civilians, including killings, torture, sexual assault, and forced displacement are believed to constitute crimes against humanity and war crimes.<sup>76</sup> For the Rohingyas, safe return to Rakhine has become even more difficult and unlikely since the coup, and the fate of those still living in Myanmar is in grave danger.

In addition to the coup d'état, another significant triggering factor contributing to the ongoing genocide of the Rohingya is the pervasive oppression and violence perpetrated against them by various actors, including Bangladeshi police, criminal gangs, and armed groups within the refugee camps. Disturbing reports indicate that the Armed Police Battalion of Bangladesh (APBn), which was tasked with ensuring security within the camps since 2020, has been implicated in mistreatment, extortion, arbitrary arrests, harassment, and torture of Rohingya individuals.<sup>77</sup> The actions of the APBn underscore a hardening stance by Bangladesh towards the Rohingya population, potentially aligning with a policy of forced repatriation. Moreover, criminal groups operating within the camps, often associated with drug and human trafficking networks, pose additional threats to the Rohingya community. These groups may exert pressure, employ violence, engage in kidnappings, or even resort to lethal force against community members. Compounding the risks, certain individuals masquerading as members of ARSA exert control over the camps, further contributing to an atmosphere of insecurity and instability. The presence of such hazardous conditions, coupled with the availability of

<sup>72</sup> Daniel Sullivan, "Aid Restrictions Endangering Rohingya Ahead of Monsoons in Bangladesh," *Refugees International*, May 23, 2018, accessed August 23, 2024, <https://www.refugeesinternational.org/reports-briefs/aid-restrictions-endangering-rohingya-ahead-of-monsoons-in-bangladesh/>.

<sup>73</sup> Robert U. Nagel et al., "Addressing Conflict-Related Sexual Violence Through Multilateral Sanctions: Learning from Myanmar" (Washington, DC: Georgetown Institute for Women, Peace and Security, 2021), accessed August 23, 2024, <https://giwps.georgetown.edu/wp-content/uploads/2022/04/Addressing-Conflict-Related-Sexual-Violence-Through-Multilateral-Sanctions.pdf>.

<sup>74</sup> Ibid.

<sup>75</sup> "Myanmar's Human Rights Crisis: In Freefall with Insufficient International Attention," *U.S. Committee for Refugees and Immigrants*, February 29, 2024, accessed October 1, 2024, <https://refugees.org/myanmars-human-rights-crisis-in-freefall-with-insufficient-international-attention/>.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.



smuggled weapons, significantly heightens the vulnerability to violence faced by camp residents, particularly women, community leaders, and activists.

*(Failed) Responses and Persistent Triggers*

In relation to the national response to the persecution of the Rohingya, Aung San Suu Kyi maintained a conspicuous silence during the 2017 “clearance operations” but expressed her desire to personally attend the trial at the International Court of Justice in 2019. During the trial, she acknowledged the use of “disproportionate force” but contended that the accusations of genocidal crimes, including murder and gang rape, against the military were misleading.<sup>78</sup> Following the coup, the National Unity Government, established in the aftermath, acknowledged the need to grant Rohingya citizenship rights and expressed its willingness to grant the International Criminal Court jurisdiction over crimes committed against the Rohingya and other affected communities in Rakhine, Kachin, and Shan states. The conflict in Myanmar has since escalated rapidly, evolving into a civil war, leaving the future uncertain as to how long the military will maintain control over the population.

In addition to the challenges faced within Myanmar, Rohingyas have long tried to escape persecution by embarking on dangerous sea journeys in the hope of reaching countries like Malaysia, Thailand, Indonesia, and India. However, these journeys are extremely risky. Many Rohingya tragically lose their lives during these treacherous voyages, enduring long periods stranded on boats without enough food and water or falling victim to human traffickers. Compounding their vulnerability, destination countries such as Malaysia, Indonesia, India, and Thailand are not signatories to the 1951 Refugee Convention, and they lack a comprehensive national legal framework specifically addressing the protection of refugees. As a result, Rohingya people who arrive at their borders often face arbitrary and highly restrictive migration policies.<sup>79</sup> Rohingya refugees are frequently either forced back to sea or detained on land, sometimes for long periods of time. In these detention settings, they face various challenges, including police persecution and the constant threat of deportation. Even if Rohingyas manage to enter these countries, their lack of official refugee status makes them ineligible for essential services such as education, medical care, and other forms of assistance.<sup>80</sup>

Bangladesh, the nation hosting the majority of Rohingya refugees, officially refers to community members as “forcibly displaced Myanmar nationals” and persistently pursues repatriation efforts.<sup>81</sup> As part of these repatriation endeavors, Bangladesh has refrained from implementing long-term integration plans, which has had adverse effects on the relationship between Rohingya refugees and the host community, who have coexisted in the region for several years.<sup>82</sup> In 2019, the Bangladesh government announced its intention to relocate 100,000 Rohingya individuals to Bhasan Char Island in the Bay of Bengal, and approximately 24,000 people have already been resettled there.<sup>83</sup> This relocation plan has faced strong opposition from INGOs and the Rohingya community themselves. Critics argue that the island is vulnerable to cyclones and flooding, making it increasingly difficult for Rohingya individuals to access necessary assistance. Furthermore, concerns have been raised regarding the lack of infrastructure and adequate medical care on the remote island, exacerbating the vulnerability of

<sup>78</sup> Ibid.

<sup>79</sup> Alam, *The Rohingya Minority of Myanmar*.

<sup>80</sup> Nichanun Puapattanakajorn, “Investigating Host Countries’ Refugee-Related Policies and Its Effect on Lived Experiences of Rohingya Refugees,” *Penn Journal of Philosophy Politics and Economics* 17, no. 1 (2022), accessed August 23, 2024, <https://repository.upenn.edu/entities/publication/054d7ca3-bca4-4974-a3f0-47bf9a06018c>.

<sup>81</sup> There are occasional reports of Rohingyas signing a consent form to be repatriated and returning to Myanmar. However, the level of pressure and harassment that Rohingyas face in the camps casts doubt on the nature of these consent forms to return.

<sup>82</sup> Puapattanakajorn, *Investigating Host Countries*.

<sup>83</sup> Irwin Loy, “Q&A: The Aid Policy ‘Limbo’ on Bangladesh’s Refugee Island,” *New Humanitarian*, April 5, 2022, accessed August 23, 2024, <https://www.thenewhumanitarian.org/interview/2022/04/05/aid-policy-limbo-bangladesh-refugee-island-bhasan-char>.

the refugees and exposing them to potential harassment. Initially, the UNHCR resisted providing aid to the island. In October 2021, an agreement was reached between UNHCR and the Bangladesh government to supply food, water, and medicine to Bhasan Char Island.

While acknowledging the Bangladeshi government's reluctance to officially recognize the Rohingya as refugees, it is important to note that criticism has also been directed towards UN agencies for their perceived ineffective response to the crisis. Concerns have been raised regarding coordination issues and a lack of accountability, leading to delays in the delivery of essential services. Specifically, the UN has faced criticism for its initial response to the Bangladeshi government's Bhasan Char policy, which lacked a strong and unified opposition from the outset.<sup>84</sup> The strongest criticism of the UN has emerged from some UN and INGO staff members as well as Rohingya activists. They allege that the UN's Myanmar office intentionally suppressed field reports and signals concerning the escalating threat of ethnic cleansing in 2016 and 2017, in order to maintain "cozy relations" with the Myanmar government.<sup>85</sup> The extent of these criticisms prompted an independent investigation in 2019 into the UN Myanmar Office's operations. The resulting report concluded that the issue was not merely a matter of individual personnel errors or shortcomings, but rather a "structural" and "systemic" problem inherent in the UN's organizational structure and operational practices. This conclusion, however, did not fully convince critics.<sup>86</sup> The response from the UN Security Council to the 2017 operations, on the other hand, was limited to calling upon the Myanmar government to "protect its people," without taking substantive action against the coup beyond issuing statements. This lack of decisive action has also drawn criticism.<sup>87</sup>

When analyzing the response of Western countries to the events in Rakhine in 2017, it becomes clear that their main focus was on implementing targeted sanctions. In 2018, the European Union, United Kingdom, and Canada imposed sanctions on various Tatmadaw entities and officials; though, this response was slow, lacked coordination, and ultimately proved to be less effective due to the absence of a comprehensive "broader engagement strategy."<sup>88</sup> In contrast, the international community responded relatively quickly to the 2021 military coup, with the US, UK, EU, and Canada implementing targeted sanctions such as arms embargoes, asset freezes, and travel bans. This time, the response was characterized by better coordination and coherence.<sup>89</sup>

It is worth noting that the Association of Southeast Asian Nations (ASEAN) exhibited a lack of responsiveness and remained largely silent during the 2017 events.<sup>90</sup> However, following the coup, ASEAN countries agreed on a five-point consensus during the April 2021 Summit. This consensus called for an end to violence, dialogue with the opposition, and the provision of humanitarian assistance within Myanmar. Despite this, Myanmar failed to fulfill these points and, as a result, ASEAN did not invite Min Aung Hlaing to the subsequent summit. While this consensus represented ASEAN's strongest response to the coup so far, the lack of decisive action highlights the organization's limited capacity to provide a viable solution to the ongoing atrocities in Myanmar.<sup>91</sup>

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<sup>84</sup> Sullivan, *Aid Restrictions Endangering Rohingya*.

<sup>85</sup> Ibid.

<sup>86</sup> Yanghee Lee, "Opinion: The United Nations Is Failing the People of Myanmar," *Washington Post*, November 2, 2022, accessed August 27, 2024, <https://www.washingtonpost.com/opinions/2022/11/02/un-failing-myanmar-burma-people-revolution/>.

<sup>87</sup> "Myanmar (Burma)," *Global Centre for the Responsibility to Protect*, September 1, 2024, accessed October 1, 2024, <https://www.globalr2p.org/countries/myanmar-burma/>.

<sup>88</sup> Nagel et al., *Addressing Conflict-Related*.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> With the exception of Malaysia, which stated that the persecution of the Rohingya was of concern, and that the NLD government should not tolerate it.

To conclude, the reaction from Southeast Asian and Western nations towards the ongoing crisis in Myanmar, particularly regarding the Rohingya predicament, lacks the effectiveness needed to address the root problems. The denial of citizenship rights to the Rohingya, along with the increasing violence in Myanmar since the coup and within the refugee camps, leaves this population highly vulnerable. This heightened vulnerability puts them at risk of murder, torture, human trafficking, and sexual violence. As a result, the Rohingya community's existence and identity face a serious and immediate threat, allowing the genocidal trajectory to continue unchecked.

### Revisiting the Argument and Its Implications

Martin Shaw emphasizes the importance of studying genocides by analyzing regional and global power structures, as well as geopolitical dynamics.<sup>92</sup> When examining the Yazidi and Rohingya communities, several important questions arise. How did the 2003 invasion of Iraq, the Syrian civil war, and the involvement of various global actors in the region contribute to the rise and fall of IS? To what extent has China's support for Myanmar's economy and military since the Cold War mitigated the impact of sanctions? How does the economic and infrastructural competition between China and India in Rakhine State intersect with the power struggle between the Tatmadaw and Arakan Army?

These questions carry significant weight, and unpacking the complexities of these geopolitical dynamics presents a significant challenge. With that said, the task of preventing and ending genocide remains a difficult and urgent issue that requires effective and timely policy responses. As this Special Issue compellingly underlines, there is an ongoing and pressing need within the field of genocide studies to translate empirical research into insights aimed at preventing atrocities and informing policy and practice.

In this paper, I have argued that the ongoing genocidal processes for the Yazidis and Rohingyas result from a combination of ongoing structural and triggering factors for genocide, inadequate policies and practices by the UN, donors, national governments, regional, and international actors. Deep-rooted historical and identity-based prejudices, the inability to return to their ancestral lands, and the challenges of displacement all pose risks to the physical as well as the cultural survival of these two communities. The denial of citizenship rights to the Rohingya in Myanmar and the lack of recognition as refugees in their host countries emphasize their vulnerability and the constant threat to their existence and identity.

The main policy implication of this argument is that organizations such as the UN, INGOs, and the international community must prioritize the resolution of ongoing genocidal processes. Governments should take responsibility for addressing both structural and triggering factors. It is crucial for the UN to swiftly shift its focus towards providing humanitarian aid and exerting pressure on governments to ensure the safe return of displaced communities and refugees.

Specifically, for Yazidi and Rohingya cases, efficient and appropriate aid is crucial. ASEAN countries should enact domestic laws to protect refugees. To facilitate a safe and voluntary return to Rakhine, the global community must respond to the coup with a comprehensive arms embargo, provide humanitarian aid to civil society, and exert pressure on the junta to recognize Rohingya citizenship. Evaluating the impact of economic sanctions may reveal their limitations in stopping violence. Regardless, it is crucial to consider imposing broader international economic sanctions on Myanmar or exploring alternative strategies that have proven to be effective. To ensure the safe and dignified return of Yazidis to Sinjar, it is crucial to exert international pressure on national actors to resolve regional disputes. Additionally, prompt demilitarization and reconstruction efforts in Sinjar are crucial. However, these efforts can only succeed with the support of localized justice and reconciliation processes. Addressing the marginalization of Yazidis in Iraq and Rohingya in Myanmar requires an

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<sup>92</sup> Martin Shaw, "The Concept of Genocide: What Are We Preventing?" in *Genocide, Risk and Resilience: An Interdisciplinary Approach*, ed. Bert Ingelaere et al. (New York: Palgrave Macmillan, 2013), 31.

improvement in interethnic relations and state interactions. Also, the voluntary repatriation of IDPs and refugees should be seen as a critical indicator of reduced risk of atrocities as the return of these communities plays a vital role in ending cultural genocide and enables them to reclaim their land and cultural heritage.

In conclusion, the persistence of genocide, as demonstrated by the experiences of the Yazidi and Rohingya communities, highlights the need to reframe our understanding and approach to genocide. Only when we view genocide as a process rather than an isolated act of violence and include cultural genocide in this framework, can we have a better understanding of when genocides end and, more importantly, when they do not.

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