The United Nations Convention on the Prevention and Punishment of the Crime of Genocide was passed 72 years ago. Since that time, there have been genocides in Cambodia, Rwanda, former Yugoslavia, Argentina, Guatemala, East Timor, Darfur – and with no signs of mass atrocities abating in the short term.

Researchers and scholars have designed sophisticated early warning systems to alert global leaders to impending violence. There are academic societies and programs, journals, and organizations like ours that educate the general public about the past in an effort to prevent more catastrophes in the future.

However, a quick scan of the news is heartbreaking. The country of Myanmar and some of its leaders are now on trial for perpetrating genocide against the Rohingya, a small Muslim minority in the western part of Myanmar that the UN has called “the most persecuted people on earth.”

Leading international lawyers recently tried unsuccessfully to bring a case against China for atrocities against the Uyghurs, a Turkic minority in China that is subjected to forced labor, incarceration, sterilization, and disappearance. The case did not go forward because of legal technicalities, not because the crimes did not occur. The atrocities are ongoing.

The International Criminal Court just announced the opening of formal investigations into today’s crises in Ukraine and in Nigeria.

Why can’t we prevent this most horrific of crimes, defined as the intent to exterminate, in whole or in part, an entire people based on race, ethnicity, religion, nationality, or other immutable characteristic?

There are many complicated reasons. One reason, highlighted in Jacob Simpson’s essay in this newsletter, is the increasing competition for scarce resources brought on by the ravages of the climate crisis. Another reason is the rise of autocracy and the privileging of its supporters. This weakens civil society and increases racism, antisemitism, xenophobia, and terrorism against vulnerable groups, a phenomenon within our own country and around the world.

Perhaps the most important reason for the occurrence of genocides is that we let them happen. We have been unable to marshal the moral outrage, global commitment, and political will to intervene when a state either persecutes its own people or allows non-state actors to carry out violence without intervention, prevention, and punishment.

This issue examines some of the efforts to make NEVER AGAIN mean NEVER.
In 2013, the United Nations labeled the Rohingya “the most persecuted people on earth.”

The Rohingya are a small Muslim minority in Myanmar, about 4% of the population, in the country formerly known as Burma. Myanmar is about 92% Buddhist. There are other ethno-religious minorities in the country but few have been marginalized as grievously as the Rohingya.

In 1982 they were denied citizenship despite ancestry in Myanmar that goes back generations. This renders them stateless. They have been rounded up and put into barbed-wire-ringed camps with inadequate access to food, water, health care, education, and opportunities to earn a living. They have been subjected to horrific violence at the hands of the Tatmadaw, the country’s military.

In 2017, Myanmar’s military launched an assault on Rohingya men, women, and children. More than 750,000 Rohingya fled from burning villages, rapes, torture, and murders into neighboring Bangladesh.

Human rights leaders around the globe spoke out about the situation of the Rohingya after the 2017 violence, which met the definitions for genocide and crimes against humanity (see article page 6).

• The UN called for Myanmar’s generals to face charges for genocide.
• The US Holocaust Memorial Museum labeled the crisis a genocide.
• The European Union called for sanctions on senior Myanmar officials.
• The US House of Representatives labeled it genocide.

What is happening on the legal front?

THREE CASES

• The International Criminal Court (ICC), established in 2002 and located in The Hague, Netherlands, prosecutes individuals for genocide, war crimes, crimes against humanity, and the crime of aggression. The ICC cannot initiate a case directly against Myanmar because Myanmar is not a party to the Rome Statute, the Court’s founding document. However, the ICC has jurisdiction over this issue because 750,000 Rohingya were forcibly deported to Bangladesh in 2017 — and Bangladesh is a signatory to the Court. The Court’s investigation has begun for crimes against humanity perpetrated by Myanmar’s military leaders.

• The United Nations International Court of Justice (ICJ), known as the World Court, was established in 1946. Also located in The Hague, Netherlands, this court addresses cases of broken state treaties. One of the treaties that comes under the ICJ jurisdiction is the Genocide Convention. Both Myanmar and The Gambia are signatories to the Genocide Convention. Gambia has brought charges against Myanmar for violating the Genocide Convention by its treatment of the Rohingya. Gambia is joined by Canada, Netherlands, and the 57 states of the Organization of Islamic Cooperation in this case.

• The final case is being held in a national court of Argentina using universal jurisdiction. Genocide, crimes against humanity, and war crimes are of such gravity that they affect the international community, and universal jurisdiction allows cases on these crimes to be held almost anywhere regardless of the location of the crime or the nationality of the accused or the victims. Leading military and political leaders in Myanmar are on trial for genocide in this case brought forward by human rights leaders from Myanmar and Argentina.

These three cases illustrate important global efforts to end impunity for genocide.
The U. S. Holocaust Memorial Museum in Washington, D.C. issued a stark report in December 2020 with the headline **Countries at Risk for Mass Killings.** The report addresses “situations where there is a risk of, or ongoing, large-scale group-targeted identity-based mass atrocities.”

The top 10 countries predicted to be most at risk of new mass killings in 2021: Pakistan, Afghanistan, Congo, Yemen, India, Nigeria, Somalia, Turkey, Ethiopia, and Myanmar.

The report includes a map of countries where mass killing is ongoing today. The report specifies that some countries that might be expected to appear on the list are missing because mass killings have not been documented. This is especially noted for China, a country that the Museum has called out for crimes against the Uyghurs, a Turkic Muslim minority in the western part of the country.

India has a high risk assessment rating because of ongoing violence against the Muslim minority population; repudiation of the special status for the territory of Jammu and Kashmir; voter suppression against Muslims and Dalits; a Citizenship Amendment Act that excludes Muslims from citizenship; and other discriminatory actions.


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**HOLOCAUST MUSEUM WARNINGS**

In the 1990s, fifty years after the Holocaust, after the words ‘never again,’ and after the passage of the Genocide Convention, more than a million innocent people were murdered in genocides in Rwanda and in former Yugoslavia.

International leaders were confronted with the magnitude of the global failure to protect people from mass violence.

In 2001, members from the United Nations General Assembly met in Canada. This International Commission on Intervention and State Sovereignty (ICISS) was challenged to answer the question posed by Kofi Annan, then UN secretary-general: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that affect every precept of our common humanity?”

ICISS popularized the concept of humanitarian intervention under the name of “Responsibility to Protect.”

The work of ICISS was followed up at the United Nations 2005 World Summit with a document titled **The Responsibility to Protect** (R2P or RtoP) that was endorsed by all member states of the United Nations. R2P is a political commitment: to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity.

**R2P—Responsibility to Protect**

**A new infrastructure**

The UN created an infrastructure to support these efforts. The **Office on Genocide Prevention and the Responsibility to Protect** includes two Special Advisers who report directly to the UN Secretary-General. The Special Adviser on the Prevention of Genocide, a position that began in 2004, raises awareness of the causes, dynamics, and current risks of genocide and advocates and mobilizes for action. The Special Adviser on the Responsibility to Protect, in place since 2008, leads the development of the Responsibility to Protect.

This global commitment encourages international interventions when a state is either unable or unwilling to protect the people within its borders. It is a remarkable shift away from the notion of state sovereignty that granted states impunity for actions within state borders. The responsibility now lies on us, as part of this global community and global commitment, to demand that the ideals of R2P become a 21st-century reality, making **NEVER AGAIN** mean **NEVER**.


Image Source: https://commons.wikimedia.org/wiki/File:Child_survivors_of_Auschwitz.jpeg
Climate change is a force multiplier for genocide and violence. As global resources of water, food, and fuel become scarcer, the stakes of conflict grow higher and the potential for genocide skyrockets.

The genocide of the Uyghurs in western China is motivated in part by resource scarcity. Xinjiang, the region the Uyghurs call home, has rapidly-shrinking glaciers that make up much of China’s fresh water supply. Additionally, the region holds around 40% of China's oil and coal resources. Uyghur autonomy and desire for independence pose a threat to China’s control of the resources they need amidst growing resource scarcity. The result is a genocide perpetrated against the Uyghurs.

Climate change and resource scarcity are causes of the mass violence in Syria, Darfur, Myanmar, and other regions throughout the world.

In addition to heightening the stakes of conflict, climate change also exacerbates insecurity and suffering for already marginalized groups. Many Black Americans face increased health risks due to disproportionately high rates of air and water pollution in some neighborhoods. Refugees lack access to adequate clean drinking water and are among the most vulnerable to extreme fire, flooding, and drought.

As climate change continues, so too will violence, genocide, and suffering. The time to act is now.

Financial divestment can make a difference.

Archbishop Desmond Tutu, recipient of the Nobel Peace Prize and historic anti-apartheid activist, has called for the boycott of fossil fuel industries (oil, coal, and natural gas). He highlights the need for both personal and institutional divestment from companies and products that profit from environmental destruction to kneecap these industries and bring about change.

Divestment from fossil fuel companies is one of today’s fastest-growing responses to the climate crisis.

In South Africa, the divestment movement to protest apartheid began in the 1960s with individual and institutional divestment. Once momentum had built in the 1980s, cities, states, and eventually governments around the world began divesting from the South African economy. In 1994, when that country’s economic collapse became imminent, the apartheid regime conceded defeat.

We can't wait thirty years.

World Without Genocide has urged the Minnesota State Board of Investment to divest their holdings in fossil fuel companies for both moral and economic reasons.

Earlier this month, the state of New York pledged to divest completely from fossil fuel companies over the next 20 years.

The city councils in Saint Paul and Minneapolis passed resolutions of support for Minnesota divestment.

We have no Planet B. We have no second chance.

The time is now for divestment by individuals, cities, and states. Details are at http://worldwithoutgenocide.org/toolkits/climate-change/background

Learn more about World Without Genocide

Join our email list at www.worldwithoutgenocide.org. Follow us:
Legal experts and concerned citizens are asking for ecocide to be codified as a fifth crime against peace, joining genocide, crimes against humanity, war crimes, and crimes of aggression.

The term *ecocide* was coined in 1970 by the American biologist Arthur Galston at the Conference on War and National Responsibility. It is defined as the deliberate or negligent destruction of the environment by human action, a word Galston created after studying the use of the chemical Agent Orange to destroy the environment on a massive scale in the Vietnam War. The word derives from the Greek *oikos*, meaning “home,” and the Latin *cidere*, meaning “to kill.” *Ecocide* literally translates to “killing our home.”

In 1972, Swedish Prime Minister Olof Palme referred to the Vietnam War as *ecocide* at the UN Conference on the Human Environment: “The immense destruction brought about by indiscriminate bombing, by large scale use of bulldozers and herbicides, is an outrage sometimes described as ecocide, which requires urgent international attention.” The conference adopted the 1972 *Stockholm Declaration*, the first international legal document to recognize the right to a healthy environment.

This past year we have witnessed devastating deforestation of the Amazon; massive wildfires in Australia, California, Washington, and Oregon; record rainfall on the East coast; and the worst U.S. hurricane season on record. The future will likely be more of the same.

### Accountability or Impunity for China?

The Chinese government’s treatment of the Uyghurs, a Turkic Muslim minority in the Xinjiang Autonomous Region in western China, is labeled ‘genocide’ by scholars, human rights experts, and US officials in the US and governments abroad.

- More than a million Uyghurs have been rounded up and put into detention camps.
- Women have been forcibly sterilized.
- Children have been removed from their families.
- Forcible organ harvesting is clearly documented.
- People have been ‘disappeared’ in significant numbers.
- Uyghurs have been relocated for forced labor in factories throughout the country.
- Cultural and religious practices are banned and criminalized.
- Uyghurs in the diaspora are surveilled and threatened.

**Why the Uyghurs?**

The Uyghurs are targeted in China’s effort to homogenize the country’s population and increase control over the resource-rich region where the Uyghurs have been the majority ethnic group. In addition, eliminating the Uyghurs gives China better control for the Belt and Road Initiative, a strategy for global economic and political development that runs right through Xinjiang.

**Standing up to genocide**

There are limited efforts to stand up to China’s egregious actions. The US passed the *Uyghur Human Rights Policy Act* in 2020 that authorizes sanctions against Chinese officials for religious persecution. As of this writing, a second bill, the *Uyghur Forced Labor Prevention Act*, has passed in the U.S. House of Representatives but has not come to a vote in the Senate.

The *International Criminal Court* conducted a preliminary investigation to determine if China, not a signatory to the Court, could be held responsible for atrocities against Uyghurs. In addition to the abuses carried out inside China’s borders, human rights groups also asked the court to investigate the unlawful arrests in or deportation of Uyghurs from other countries, including Cambodia and Tajikistan, both parties to the court.

The chief prosecutor’s office announced on December 14, 2020 that there was “no basis to proceed at this time” because of insufficient evidence to show that Chinese officials had committed crimes over which the court had jurisdiction.

At a global level, there has been some name-calling but almost no action. *China is an economic behemoth*, and many countries are indebted to China for infrastructural financing and major development projects. *China also wields significant control at the UN*, where China’s delegates direct nine of the 15 top committees in addition to China’s permanent seat on the Security Council.

**There must be end to impunity for the powerful.**
We are pleased to offer educational programs on a broad range of human rights issues. The events below reflect our commitment to ending impunity for perpetrators, protecting the rights of vulnerable minorities, addressing the impact of the climate crisis as a ‘force multiplier’ of conflict, and promoting justice. We invite your attendance at these webinars that present live lectures by genocide survivors, educators, lawyers, and human rights advocates.

Saturday, January 23 and Saturday, January 30
10:00-11:30 am CT
Born on the Battlefield: International Humanitarian Law

Monday, February 15
7:00-9:00 pm CT
US Reparations: The Holocaust, Japanese-Americans, American Indians, and Black Americans

Monday, March 8
7:00-9:00 pm CT
Ending Impunity for Femicide and Violence against Women in Guatemala

Sunday, April 11
1:00-3:00 pm CT
Rat Lines: How Hitler’s Henchmen Fled Justice

Tuesday, May 11
7:00-9:00 pm CT
Genocide and Politicide Today

Wednesday, June 9
7:00-9:00 pm CT
LGBTQ Rights at the International Criminal Court and Around the World

All programs are offered via Zoom and are open to the general public. Pre-registration is required at www.worldwithoutgenocide.org/programs. Continuing education credits are available for lawyers, teachers, nurses, and social workers. Please check the website, as topics and details may change.

Our programs are offered only online until further notice.
Registration required: www.worldwithoutgenocide.org/programs

Four crimes currently provide the foundation for defining and prosecuting mass atrocities. Advocates urge including ecocide on this list.

**GENOCIDE**
The intent to exterminate, in whole or in part, a national, ethnic, racial, or religious group. It includes killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

**CRIMES AGAINST HUMANITY**
Crimes committed in the context of a large-scale attack targeting civilians, regardless of their nationality or other status. These crimes include murder, torture, sexual violence, enslavement, persecution, enforced disappearance, etc.

**WAR CRIMES**
Unlike genocide or crimes against humanity, war crimes must occur in the context of armed conflict, either international or not international. War crimes include actions against persons requiring particular protection; actions against those providing humanitarian assistance and peacekeeping operations; actions against property and other rights; and the use of prohibited methods and prohibited means of warfare.

**AGGRESSION**
The use of armed force by a state against the sovereignty, territorial integrity, or political integrity of another state, including invasion, annexation by use of force, military occupation, or blockade.