

Time to Define and Criminalise Ethnic Cleansing

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In the case I know best, the intense outburst of genocide by Myanmar against its Rohingya population four and a half years ago.

Unfortunately, in addition to little being achieved in helping the Rohingya return and punishing the guilty, it would appear that acts of genocide are globally becoming more likely rather than less and nowhere more-so than in India at this very moment.

Part of the work of stemming this slide towards mass violence is of course making societies more aware of why what happens within their own borders is their responsibility at some level but also make people globally aware that we need to be global citizens who take transgressions against other human beings seriously, as a crime against the world.

This is something students and academics can do right now—in events such as this -- inform and be informed, challenge those who excuse their support for terrible crimes at every moment and allow them no space to foment murder.

I have been talking about Bamar Buddhist extremism, but I see this happening all over again now with Hindutva, but it is not the only case as we saw with Trump followers in the US.

We can appeal all we want to people to be a better Hindu, a better Christian, a better Buddhist, a better Muslim...

But we will make little headway however unless we remove some of the most effective discursive tools available to perpetrators and their allies in politics and even in academia.

Among the many ways bad regimes and their international friends have successfully avoided being punished for genocide is the abuse of the term “Ethnic cleansing.”

Although these acts might still constitute crimes against humanity as part of something else, Ethnic cleansing does not exist as an independent crime under international law and has no internationally-accepted legal definition.

Its vagueness allows nearly every aspect of genocide to be excused away as something else and its vagueness also allows states, international organisations, individual perpetrators, and others to apply it to any situation.

Ultimately, whether someone or something is guilty of genocide becomes merely a political choice and should a state enjoy the informal protection of one or another major power, they have little to worry about in the way of punitive action.

Rather than try to articulate a difference that would merely substantiate a grey area even further, I urge that we work to remove this loophole, to define involuntary and hence violent

ethnic, religious, and other mass deportations as ethnic cleansing and as a subset of acts of genocide.

And perhaps this can help to prevent a forthcoming genocide in India, one that the West in particular might have more political difficulties challenging than they would other cases.