

## All States are Under an Absolute Obligation to Act to Prevent Genocide in Burma

Genocide strikes at the heart of our international legal order which is why the Genocide Convention requires states not only “to punish” genocide, but equally, to take actions “to prevent” genocide.<sup>1</sup>

All states must take all measures possible to prevent genocide, once a credible risk of genocide is shown to exist anywhere in the world.

Burma, as shown below, is now the number one state in the world at risk of genocide. This means all states have the obligation to act against genocide in Burma, including through the Security Council.

If we are Serious about preventing or stopping Genocide in future, we must not be held back by legalistic arguments about whether a particular atrocity meets the definition of genocide or not. By the time we are certain, it may often be too late to act.

Former UN Secretary-General Kofi Annan (April 7, 2004)

### Top Ranking of Burma on 2011 Genocide Risk Indices

*(Higher score means higher risk)*

| Countries at Risk of Genocide  | Burma       | Sudan       | Paksitan    | Somalia     | Zimbabwe    | DRC         |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Harff: Countries at Risk of Genocide & Politicide (2011), Normalized Score             | 1.92        | 1.72        | 1.6         | 1.24        | 1.42        | 1.3         |
| Peoples Under Threat (2011), Normalized Score  | 1.57        | 1.65        | 1.55        | 1.77        | 1.71        | 1.47        |
| The Failed States Index (2011), Normalized Score                                       | 1.05        | 1.16        | 1.09        | 1.21        | 1.15        | 1.15        |
| Countries at Risk of Genocide, Politicide, or Mass Atrocities (2011), Normalized Score | 1.28        | 1.28        | 1.28        | 1.28        | 1.1         | 1.28        |
| <b>Total Score (Sum of Normalized Scores)</b>  | <b>5.82</b> | <b>5.81</b> | <b>5.52</b> | <b>5.50</b> | <b>5.38</b> | <b>5.20</b> |

The International Court of Justice (ICJ), the “world court,” issued a historic decision in 2007 holding that states, not just individuals, could be held accountable for failing to act to try to prevent genocide - even if such action is unsuccessful.<sup>6</sup>



<sup>1</sup>Convention on the Prevention and Punishment of the Crime of Genocide, art. 1, Dec. 9, 1948

<sup>2</sup>Haff: Countries at Risk of Genocide & Politicide (Oct 2011).

Haff accessed the risk of seven distinct factors that influenced the risk of genocide and politicide which is 'Prior Genocides and Politices', 'Ethnic Character of the Ruling Elite', 'Ideological Character of the Ruling Elite', 'Type of Regime', 'Trade Openness', 'State-Led Discrimination', and 'Instability Risk'. Available at [http://www.gpanet.org/webfm\\_send/120](http://www.gpanet.org/webfm_send/120).

<sup>3</sup>Peoples Under Threat 2011.

The overall measure of People Under Threat is based on a basket of ten indicators. These include indicators of democracy or good governance from the World Bank, conflict indicators from the Center for Systemic Peace and other leading global conflict research institutes, indicators of group division or elite fictionalization from the Fund for Peace and the Carnegie Endowment for International Peace, the State Failure Task Force data on prior genocides and politicides, and the country credit risk classification published by the Organization for Economic Cooperation and Development (as a proxy for trade openness). Available at <http://www.minorityrights.org/10744/peoples-under-threat/peoples-under-threat-2011.html>.

<sup>4</sup>The Failed States Index 2011.

The Fund for Peace collects millions of documents and analyzes this content for every country based on the twelve primary social, economic and political indicators, which themselves each have a dozen or more sub-indicators. These twelve indicators are 'Demographic Pressures', 'Refugee/IDPs', 'Group Grievance', 'Human Flight', 'Uneven Development', 'Economic Decline', 'Delegitimization of the State', 'Public Services', 'Human Rights', 'Security Apparatus', 'Factionalized Elites', and 'External Intervention'. Available at [http://www.foreignpolicy.com/articles/2011/06/17/2011\\_failed\\_states\\_index\\_interactive\\_map\\_and\\_rankings](http://www.foreignpolicy.com/articles/2011/06/17/2011_failed_states_index_interactive_map_and_rankings).

<sup>5</sup>Countries at Risk of Genocide, Politicide, or Mass Atrocities 2011.

The countries are ranked based on the current mass killing stage, such as current massacres, victims and killers. Those countries at Stage 7 are currently at the highest mass killing stage. They have active genocides, recurring genocidal massacres, or ongoing politicides. They are erupting. The others are at various stages of dormancy (4 through 6,) but could erupt again anytime. Available at <http://www.genocidewatch.org/alerts/countriesatrisk2011.html>.

<sup>6</sup>See, The Application of the Genocide Convention Case (*Bosnia and Herzegovina v. Serbia and Montenegro*), 2007 I.C.J. 140 (Feb. 26, 2007).