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CULTURAL CLEANSING AND MASS ATROCITIES

Simon Adams

Raphael Lemkin was personally responsible for the creation of the term “genocide.” As a Polish-Jewish refugee during the Second World War, Lemkin was painfully aware of how Nazi Germany demolished the cultural underpinnings of Jewish life in occupied Europe. For Lemkin the killing of a people “in a spiritual and cultural sense” was linked to their destruction in a physical sense. It is understandable, therefore, that his conception of genocide included the “desecration and destruction of cultural symbols, destruction of cultural leadership, destruction of cultural centers, prohibition of cultural activities” and forced conversion to an alien religion or way of life. The intentional eradication of a people’s “traditions, monuments, archives, libraries, and churches” amounted to the destruction of “the shrines of a nation’s soul.” Regrettably, opposition from some member states of the early United Nations saw Lemkin’s ideas regarding culture discarded in the final version of the Genocide Convention that was adopted in December 1948.¹

This is not to say that the connection between culture, conflict, persecution, and atrocities was completely ignored. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict highlights that “damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all [hu]mankind.” Cultural heritage is protected under the convention and is part of customary international humanitarian law (rules 38–41). Jurisprudence was further advanced at various international criminal tribunals and via the International Criminal Court (ICC), which has jurisdiction over genocide, crimes against humanity, and war crimes. According to Article 8 of the 1998 Rome Statute, which established the ICC, war crimes may include “intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments” and other civilian objects. As a result, as James Cuno and Thomas G.

Weiss argue in the Introduction to this volume, “there are sufficient international legal tools to protect immovable cultural heritage should UN member states decide to do so.”

On the political front, while indifference and inaction were the norm during the Cold War, in the aftermath of the 1994 genocide in Rwanda and following the July 1995 genocide at Srebrenica in Bosnia, UN member states struggled to come to terms with their failure to live up to the post-Holocaust promise of “never again.” At the UN’s 2005 World Summit, the assembled heads of state and government adopted the principle of the responsibility to protect (R2P). The new idea was perhaps best encapsulated by Ramesh Thakur, who wrote that R2P was a rejection of a past diplomatic history of both “institutionalized indifference and unilateral interference” when it comes to mass atrocity crimes.²

The moral and political basis of R2P is that all human beings have a right to be protected from genocide, war crimes, ethnic cleansing, and crimes against humanity. The responsibility to protect people from these crimes falls, first and foremost, upon their sovereign government. Secondly, the international community—meaning not just state powers, but also intergovernmental organizations and global civil society—has an obligation to assist any state that is struggling to uphold its protective responsibilities. Finally, if a government proves manifestly unable or unwilling to exercise its responsibility to protect, then the UN Security Council is obligated to act.³

Since 2006, R2P has been invoked in sixty resolutions of the UN Human Rights Council and over ninety Security Council resolutions. The emerging norm has helped protect populations from atrocities in the Central African Republic, Democratic Republic of the Congo, Côte d’Ivoire, and many other countries.⁴ However, the failure of the Security Council to end atrocities and hold perpetrators accountable in Syria or Myanmar exposed its inability to consistently uphold the new norm even when a crisis has the attention of the entire world.

Moreover, throughout the world, wherever and whenever vulnerable populations face mass atrocity crimes, there are often also targeted attacks on their cultural heritage. In Myanmar, for example, the targeting of cultural property was an early warning sign that the authorities were moving from a policy of discrimination and segregation of the country’s Rohingya community toward a policy of systematic destruction.

The Rohingya—a mainly Muslim ethnic minority group in a predominantly Buddhist country—had been persecuted for decades. Following a military coup in 1962, political power was increasingly concentrated in the hands of the Bamar Buddhist majority, with other significant ethnic groups largely marginalized. The country’s 1982 Citizenship Law did not even recognize the approximately one million Rohingya—living mainly in Rakhine State, bordering Bangladesh—as one of the

country's 135 official "national races." Although the Rohingya constituted one percent of Myanmar's population, most were rendered stateless.

Despite a gradual move away from military rule after 2011, anti-Muslim and anti-Rohingya sentiment intensified.⁵ New discriminatory laws restricted their freedom of movement and access to employment and education. In 2014 the Rohingya were prohibited from self-identifying on the national census, the first to take place in the country since 1983. The so-called Protection of Race and Religion laws, which were passed in 2015 and place harsh restrictions on women and non-Buddhists, further constrained fundamental religious freedoms, as well as reproductive and marital rights. The conditions under which the Rohingya minority were forced to live in Myanmar came to resemble a uniquely Southeast Asian form of apartheid.

Following an attack by Rohingya militants on several remote border posts in October 2016, a four-month "counterinsurgency" campaign by Myanmar's security forces led to mass killings and other atrocities. Over a period of several weeks the security forces also burned down at least twenty-five mosques and other Rohingya cultural buildings in six villages across Rakhine State. According to local residents, this included an "ancient mosque" in Dar Gyi Zar.⁶

Partly due to the weak international response to these attacks, in late 2017 Myanmar's military launched new so-called "clearance operations." These involved more mass killings and the forced displacement of over 750,000 Rohingya, as well as the burning of more than three hundred villages across Rakhine State. Mosques, graveyards, and other physical manifestations of Rohingya culture were destroyed. Fortify Rights, a regional human rights organization, collected testimonies from survivors. According to its co-founder and head, Matthew Smith, "in many cases, mosques were one of the military's first targets during the 'clearance operations,' sending a frightful message to Rohingya residents."⁷ Afterward, the charred remains of hundreds of Rohingya cultural sites were deliberately bulldozed and buried, as noted in the historic genocide case eventually brought against Myanmar at the International Court of Justice in 2019.

Places of worship, cemeteries, historical monuments, libraries, museums, and other cultural spaces are the means by which a living culture is transmitted from one generation to the next. While armed extremist groups are perhaps the most notorious contemporary perpetrators of attacks on cultural heritage, powerful governments and rogue states also continue to commit acts of "cultural cleansing." The following three brief case studies examine differing international responses to attacks on cultural heritage and vulnerable populations over the past two decades.

The Taliban and the Hazara

On 26 February 2001 Mullah Mohamed Omar, the supreme leader of the Taliban—the armed extremist group which had become the rulers of Afghanistan—declared that

“all statues and non-Islamic shrines located in the different parts of the Islamic Emirate of Afghanistan must be destroyed.”⁸ The order included two magnificent giant Buddhas carved into the face of a cliff in Bamiyan, in Afghanistan’s central highlands along the ancient Silk Road. Both of the Buddhas had been created during the sixth century and were an internationally renowned symbol of Afghanistan’s syncretic history.

Despite diplomatic pleas from the United Nations, the Organisation of the Islamic Conference (now the Organisation of Islamic Cooperation), and an international delegation of esteemed Muslim scholars, the Taliban proceeded with the demolition of the Buddhas at the start of March. Although this action was part of a wider Taliban campaign against “idolatry,” it was the blowing up of the Buddhas (which was filmed) that got the world’s attention. Indeed, the spectacular destruction at Bamiyan was perhaps the Taliban’s most notorious crime, resulting in an outpouring of diplomatic opprobrium. The director-general of the UN Educational, Scientific and Cultural Organization (UNESCO), Koïchiro Matsuura, denounced “the cold and calculated destruction of cultural properties which were the heritage of the Afghan people, and, indeed, of the whole of humanity.” He also welcomed the fact that the International Criminal Tribunal for the former Yugoslavia (ICTY) had included attacks on the World Heritage Site at Dubrovnik, Croatia in recent indictments against suspected war criminals. Matsuura drew an explicit link with Bamiyan, arguing that the ICTY indictments “[show] the international community can take action to protect cultural property and apply sanctions for its protection.”⁹

The destruction of the Bamiyan Buddhas was condemned around the world. But it was not nearly as widely reported that this constituted part of an ongoing campaign of atrocities targeting the ethnic Hazara community living in the Bamiyan valley. The Taliban are Sunni extremists whose core constituency has always been within the country’s largest ethnic group, the Pashtun. The Hazara are physically and linguistically distinct, predominantly Shia, and their origin story is that they are the descendants of Mongol soldiers left behind by Genghis Khan. An ethnic group of approximately two million people, the Hazara formed around ten percent of the population of Afghanistan in 2001 and have experienced a long history of poverty and persecution, including atrocities in the late nineteenth century. Although the Hazara were not responsible for the construction of the ancient Buddhas, they were considered their cultural custodians.

The Hazara were also integral to the armed resistance to the Taliban. As a result, when the latter overran the northern city of Mazar i-Sharif on 8 August 1998, they conducted door-to-door searches for Hazara men and boys, massacring at least two thousand. Witnesses described a “killing frenzy,” and there were also widespread reports of sexual violence directed at Hazara women and girls. The city’s new Taliban governor, Mullah Manon Niazi, publicly called on the Hazara to convert to Sunni

Islam or perish. Another senior Taliban commander, Maulawi Mohammed Hanif, called for the extermination of all Hazara within the group's zone of control.¹⁰

When the Bamiyan valley fell to the Taliban the following month, Hazara homes were demolished and summary executions conducted, while graveyards and other physical manifestations of Hazara culture were destroyed. Bamiyan, the provincial capital at the feet of the towering Buddhas, was largely depopulated. Another major massacre of Hazara civilians, conducted over a period of several days, was documented in Yakaolang district during January 2001. Hazara community leaders later claimed that as many as fifteen thousand may have been killed in these various atrocities and many survivors described the Taliban systematically demolishing Hazara mosques using bulldozers and explosives. When the Taliban were finally overthrown in late 2001 and people started excavating the mass graves, many Hazara drew a link between these crimes and the destruction of the giant Buddhas. In the words of local midwife Marzia Mohammadi, the "Buddhas had eyes like ours, and the Taliban destroyed them like they tried to destroy us. They wanted to kill our culture, erase us from this valley."¹¹

The Taliban's destruction of the Bamiyan Buddhas was intended as a spectacle, a reprisal, and also as a cultural palimpsest. But in 2001 there was no international tribunal for Afghanistan and the ICC had not yet been established. Nor was there any international consensus on how to confront rogue state actors, like the Taliban, who were perpetrating atrocities. Regrettably, by focusing so intently on the shocking destruction of the Buddhas, some diplomats may have also inadvertently fed into one of the Taliban's key propaganda points: namely that the outside world cared more about the fate of ancient statues than the Afghan people.

It took 9/11 and the US military intervention in Afghanistan to finally halt the Taliban's campaign to eradicate the Hazara. However, while the Bamiyan valley was recognized as a UNESCO World Heritage Site in 2003, the Hazara people remained vulnerable and underprotected, as they do to this day. A resurgent Taliban continues to sporadically attack Hazara civilians, while other armed extremist groups operating in Afghanistan and Pakistan continue to bomb Hazara cultural events and gatherings, in acts that may amount to crimes against humanity under international law.¹²

The Islamic State and the Yazidi

During 2014, just over a decade after the destruction at Bamiyan and nine years after the adoption of R2P at the UN World Summit, another armed extremist group, the Islamic State of Iraq and the Levant (variously abbreviated as ISIL, ISIS, IS, or Da'esh), swept across the Nineveh Plain in northern Iraq, seizing towns and villages. Iraq's second largest city, Mosul, fell on 10 June and shortly afterward ISIL declared the extensive lands it now occupied to constitute a "caliphate."

At its peak in 2015, the group had at least thirty thousand fighters on a territory in western Iraq and eastern Syria that was larger than England, ruling over ten million people. ISIL's caliphate also included several thousand significant archaeological sites from some of humanity's earliest civilizations. In all territory it occupied the group systematically destroyed "deviant" aspects of Iraq and Syria's cultural heritage. In the Mosul Museum statues from ancient Mesopotamia were demolished with sledgehammers. At Nimrud the ruins of an ancient Assyrian city were bulldozed. And at Palmyra in Syria Roman ruins that were a recognized UNESCO World Heritage Site were partially destroyed.¹³

ISIL was not the only armed force in the Levant that was destroying the region's cultural inheritance. Between 2011 and 2015 five of the six World Heritage Sites in Syria suffered significant damage during the country's bitter civil war. But ISIL's assault on cultural heritage was uniquely focused. When the new director-general of UNESCO, Irina Bokova, described these acts as a policy of "cultural cleansing," ISIL could not contain its outrage. In a video, one of its leaders declared: "Some of the infidel organizations say the destruction of these alleged artifacts is a war crime. We will destroy your artifacts and idols anywhere and Islamic State will rule your lands."¹⁴ For Bokova, what made ISIL's cultural cleansing exceptional was not just its scale, but the fact that it "combines the destruction of monuments and the persecution of people." Surveying a world where vulnerable populations were subjected to atrocities, Bokova's conclusion was that culture was now "at the front line of modern conflict."¹⁵

On those front lines in northern Iraq, ISIL systematically desecrated and destroyed sixty-eight Yazidi temples and shrines.¹⁶ While these acts may seem to pale in comparison to some of ISIL's other atrocities, they represented a systematic attempt to erase Yazidi identity, history, and memory. Although ISIL also carried out sectarian attacks against the Shia population and targeted Iraq's endangered Christian communities, the threat they posed to the Yazidi was truly existential.

A small ethno-religious group encompassing approximately four hundred thousand people (or roughly two percent of the country's population) and concentrated in communities around Mount Sinjar, the Yazidi were one of Iraq's most vulnerable minorities. The ancient Yazidi religious tradition is monotheistic and although it incorporates influences from Christianity and Islam, it predates both. Although Yazidis are Kurdish-speaking and are considered by some to be ethnic Kurds, to be a Yazidi you must be born of Yazidi parents and cannot convert. The occluded nature of many Yazidi communities has led to their marginalization and persecution throughout history, including under the Ottoman Empire.

Drawing on long-established myths and prejudices, ISIL considered the Yazidi to be polytheists. They referred to the Yazidi as *mushirkin*, "those who commit the sin of

idolatry/paganism.”¹⁷ As a result, when ISIL overran the Sinjar region in early August 2014, the Yazidi became the focus of atrocities intended at their eradication.

During their three-year armed occupation, ISIL carried out mass executions of Yazidi men and boys, and the enslavement of more than five thousand women and girls. The Yazidi were subjected to targeted killings, forced religious conversion, and the transferring of children (as slaves or child soldiers) to persons outside the community. Such acts, carried out as policy by ISIL, constituted genocide. Or as a UN commission of inquiry report later put it, drawing directly from article 2 of the Genocide Convention, ISIL “intended to destroy the Yazidis of Sinjar, composing the majority of the world’s Yazidi population, in whole or in part.”¹⁸

The corresponding cultural destruction inflicted by ISIL was also catastrophic. In the twin villages of Bashiqa–Bahzani all thirty-eight significant Yazidi shrines and temples were systematically destroyed using explosives and bulldozers. This included two shrines that were at least seven hundred years old, as well as the desecration of tombstones dating back to the thirteenth century. At the shrine of Sheikh Mand, near Mount Sinjar, ISIL executed fourteen elderly villagers inside the shrine before blowing it up. Ceremonies and rituals performed at all these shrines and temples, with elders transmitting traditions from one generation to the next, are essential to the survival of the Yazidi faith. ISIL’s motivation, in the words of one Yazidi survivor, was “to erase everything that connected us to our culture and heritage.”¹⁹

The international reaction to this campaign of atrocities was grounded in international law. In February 2015, UN Security Council resolution 2199 condemned the “targeted destruction” of cultural heritage in Syria and Iraq, including religious sites and objects, by ISIL and other extremist groups. The Security Council also imposed international sanctions. Then in September 2016 Ahmad al-Faqi al-Mahdi, a member of an armed group in Mali, was found guilty at the ICC of a war crime for his role in the deliberate destruction of the UNESCO World Heritage Site at Timbuktu. In March the following year the Security Council adopted resolution 2347, deploring the destruction of humanity’s cultural heritage and noting that the ICC had “for the first time convicted a defendant for the war crimes of intentionally directing attacks against religious buildings and historic monuments and buildings.”

The historic resolution stressed that states “have the primary responsibility in protecting their cultural heritage” in conformity with international law. But were states prepared to act accordingly? Following the fall of Mosul, the Iraqi government pleaded for military assistance. On 9 August 2014 the United States launched airstrikes on ISIL fighters who were besieging thousands of Yazidis on Mount Sinjar, protecting them from what President Barack Obama described as a “potential act of genocide.” Rita Izsák-Ndiaye, the UN special rapporteur on minority issues, also called for “all possible measures” to be taken “urgently to avoid a mass atrocity and potential genocide within days or hours.”²⁰ The skies over northern Iraq eventually

became congested with foreign fighter planes as Australia, Belgium, Denmark, France, Jordan, the Netherlands, and the United Kingdom all responded to these pleas, conducting airstrikes as part of an international anti-ISIL coalition.

Because the group was not a formal part of the international system and lacked even the limited diplomatic recognition temporarily achieved by the Taliban, their “caliphate” was less susceptible to measures that did not involve the use of force, like sanctions or an arms embargo, than a normal state. However, ISIL did trade on the illicit fringes of the regional economy, relying on the sale of black-market oil and looted antiquities. International sanctions cut off seventy-five percent of ISIL’s revenue, but the fact that the group proudly rejected the norms and laws of modern diplomacy and was committed to global military expansion meant that there were very few nonmilitary tools that could be deployed against them.²¹

On the ground in Iraq, the anti-ISIL struggle was led by the Iraqi army, Shia militias, and various Kurdish forces. By October 2017 Mosul had been retaken and the amount of land held by ISIL was just one quarter of its peak of around 90,800 square kilometers (56,400 square miles) in January 2015. With the final fall of the Syrian village of Baghuz in March 2019, ISIL’s “caliphate” was no more.²²

If the campaign against ISIL was a successful example of international military intervention to halt atrocities, it did not feel that way to the Yazidi survivors who returned to broken communities. Thousands of women and girls also remained enslaved by fleeing ISIL forces. But partly in response to a relentless campaign by Yazidi advocates, during September 2017 the Security Council authorized the establishment of the UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD). As of the time of writing, however, not a single ISIL perpetrator has been held legally accountable in Iraq for inciting and organizing atrocity crimes against the Yazidi, including the systematic destruction of their cultural heritage.

Nevertheless, UNESCO did launch a campaign to rebuild some of the cultural monuments of northern Iraq and “revive the spirit of Mosul.” Initial funding came from the United Arab Emirates among other donors. Hungary’s government, meanwhile, offered to rebuild some Christian churches on the Nineveh Plain. And in Sinjar, an Iranian-backed Shia militia rebuilt the Sayyida Zaynab shrine. Surveying these developments, during 2019 a local Yazidi activist, Falah Hasan Issa, complained that no destroyed Yazidi shrines in Sinjar had been rebuilt. By contrast, “There was only one Shia shrine, and they reconstructed it.” Khurto Hajji Ismail, or Baba Sheikh, then head of the Yazidi faith, insisted that “if they do not rebuild the shrines which were destroyed” by ISIL “the existence of the Yazidis in these areas will be forgotten.”²³ Despite the defeat of ISIL, and the recent reconstruction of some Yazidi temples and shrines, culture remains a battlefield across northern Iraq.

China and the Uyghurs

Although the Taliban were a state power between 1996 and 2001, and ISIL's seizure of vast expanses of Iraq and Syria between 2014 and 2017 meant they took on the functions of an occupying military power, neither enjoyed widespread international diplomatic recognition. The People's Republic of China, by contrast, is a superpower with the second largest economy in the world, nuclear weapons, and a permanent seat on the UN Security Council.

In recent years the Chinese government has come under scrutiny for its policies in the Xinjiang Uyghur Autonomous Region (XUAR). Although minority ethnic groups that are predominantly Muslim account for less than two percent of the total population of China, the approximately ten million Uyghurs who live in XUAR form a majority of the population in the vast western region.

Following intercommunal riots in 2008 and 2009 and a number of terrorist attacks, President Xi Jinping visited XUAR in April 2014, where he met with local officials and called for “absolutely no mercy” to be shown in the “struggle against terrorism, infiltration and separatism.”²⁴ In March 2017 the government introduced harsh new regulations aimed at the “de-extremification” of the Uyghurs and other Turkic Muslim populations whose religious identity and cultural independence allegedly made them susceptible to violent extremism.

China's crackdown has resulted in pervasive surveillance in Xinjiang as well as severe restrictions on religious practice. New regulations prohibit “abnormal” (long) beards and ban face coverings in public. The authorities closely monitor Uyghur social gatherings and install tracking devices on all vehicles. Forced sterilization and other coercive policies also caused a sixty percent decline in births in the Uyghur-majority regions of Hotan and Kashgar between 2015 and 2018. In August 2018 the co-rapporteur on China for the UN Committee on the Elimination of Racial Discrimination described XUAR as having become a “no-rights zone” where Uyghurs were persecuted for “nothing more than their ethnic-religious identity.”²⁵

Notoriously, the government has also detained approximately one million ethnic Uyghurs (ten percent of the population) in reeducation camps and other “vocational training” or “de-extremification” facilities. There are reports that the government has also removed nearly half a million Uyghur children from their families, placing many in state-run boarding schools. While the government claims it is targeting extremists and terrorists, information from a leaked government database revealed that over three hundred Uyghur detainees in Karakax County were sent to the camps simply for participating in ordinary acts of religious devotion, such as fasting. Research also revealed that formerly detained Uyghurs were often working in factories under “conditions that strongly suggest forced labor.” Human rights organizations have described these violations and abuses as potentially constituting crimes against humanity and genocide under international law.²⁶

As part of this campaign, the authorities have also engaged in the widespread destruction of Uyghur cultural heritage. Using satellite imagery, researchers noted that of ninety-one significant Uyghur religious sites in XUAR that they examined, “31 mosques and two major shrines, including the Imam Asim complex and another site, suffered significant structural damage between 2016 and 2018. Of those, 15 mosques and both shrines appear to have been completely or almost completely razed. The rest of the damaged mosques had gatehouses, domes, and minarets removed.”²⁷

The Imam Asim shrine is a renowned pilgrimage site on the edge of the Taklamakan desert and is more than a thousand years old. The area is now under constant police surveillance and Uyghur pilgrims are discouraged from visiting. Another investigation claimed that the Sultanim cemetery in southwestern Hotan, which was also more than a thousand years old, had been “flattened” and part of the cemetery “appears to now be a parking lot.”²⁸

In 2012 an internationally renowned Uyghur scholar, Rahile Dawut, argued that without access to the Imam Asim and Jafari Sadiq shrines, the Uyghur people “would no longer have a personal, cultural or spiritual history,” and that after “a few years we would not have a memory of why we live here or where we belong.” Dawut disappeared in 2017 and is now presumed to be in a detention facility. Since then, the campaign of destruction has only accelerated. One diaspora organization claims that satellite imagery and witness testimony indicate that possibly as many as ten thousand Uyghur cultural sites may have now been damaged or destroyed.²⁹

Beyond Xinjiang, a process of cultural intervention is also underway in Linxia Hui Autonomous Prefecture, another Muslim-majority region in Gansu province. Linxia is home to about 1.1 million Muslims, most of whom are ethnically Hui. It is now officially recommended that the roofs of all mosques in the region have clear “Chinese characteristics,” such as upturned eaves. Domes and minarets that mimic Arabian or Turkish designs are actively discouraged. While the government’s policies toward the Hui are not nearly as repressive as those against the Uyghurs, a number of Hui living in Xinjiang were also sent to the detention camps for “de-extremification.”³⁰ The XUAR authorities have confirmed the destruction of some Uyghur cultural sites for allegedly violating building codes. However, the government’s overall response to criticism of its policies regarding Uyghurs and other Turkic Muslims has been denial and obfuscation.³¹

Given its position as a veto-wielding permanent member of the Security Council, it was always going to be difficult for states to diplomatically confront China about its treatment of the Uyghurs. Certainly, no one has proposed military intervention. The counterterrorism narrative has also been extremely useful for Beijing, garnering diplomatic support from a number of states that have used similar arguments to justify their own human rights abuses. The importance of Chinese trade and fear of diplomatic reprisals have also inhibited action.

Perhaps this helps explain why so few Muslim-majority countries are prepared to publicly raise concerns despite increasing evidence of what may amount to genocide and crimes against humanity. For example, when asked about the situation in Xinjiang, Prince Mohammed bin Salman of Saudi Arabia defended China's right to "take anti-terrorism and de-extremism measures to safeguard national security." On the multilateral front, during July 2019 a group of twenty-two states sent a letter to the president of the UN Human Rights Council urging China to end the mass detention and persecution of the Uyghurs. In response, thirty-seven states sent a joint letter to the council's president defending China's policies. The signatories included a number of influential Muslim-majority countries which lauded China for "providing care to its Muslim citizens."³²

Similarly, on 29 October 2019 the United Kingdom delivered a statement on behalf of twenty-three states at the Third Committee of the UN General Assembly, which oversees social, humanitarian, and cultural issues, urging China to respect freedom of religion and "allow the Office of the UN High Commissioner for Human Rights and UN Special Procedures immediate unfettered, meaningful access to Xinjiang." In response, fifty-four states, including Pakistan, with the second-largest Muslim population in the world, commended "China's remarkable achievements in the field of human rights." The counterstatement was later proudly displayed on the website of China's permanent mission to the United Nations.³³

Nevertheless, the Xinjiang issue has definitely had a detrimental impact on China's international reputation. It has also led to increased diplomatic pressure. On 26 June 2020, a group of fifty UN special procedure mandate holders—virtually all of the independent human rights experts with thematic or country-specific perspectives—called for the creation of a UN mechanism to monitor the grave human rights situation in Xinjiang. In early 2021 the parliaments of Canada and the Netherlands recognized that the scale and scope of Uyghur persecution may amount to genocide under international law. The Canadian, British, and US governments have also banned products from China that rely on supply chains which potentially exploit Uyghur forced labor. The two biggest Muslim organizations in Indonesia, the world's most populous Muslim country, have publicly called for an end to Uyghur persecution, and global awareness of the issue continues to grow.³⁴

Bahram Sintash, a Uyghur diaspora activist whose father is in a detention camp, has argued that it is "clear that China's objective is to kill our identity. But if we can save our culture, China cannot win."³⁵ By continuing to insist that Beijing has a responsibility to protect all its diverse populations, civil society organizations and concerned governments can hopefully end the climate of impunity surrounding China's Uyghur policy.

Protecting People by Protecting Culture

It is possible to destroy immovable cultural heritage without committing atrocities against the surrounding population. Similarly, it is possible to commit atrocities against a population without desecrating or demolishing the objects, structures, and monuments that are central to their cultural continuity. However, throughout history there has often been a disturbing convergence between sustained attacks on cultural heritage and the attempted extermination of entire peoples. As the three brief cases above show, and as Irina Bokova repeatedly argued as head of UNESCO, in “today’s new conflicts, those two dimensions cannot be separated.” As a result, “there is no need to choose between saving lives and preserving cultural heritage: the two are inseparable.”³⁶

Such cultural cleansing can take many forms. The Taliban and ISIL blew up statues and temples, and systematically targeted and killed minority populations whose existence offended them. By contrast, China’s ongoing persecution of the Uyghurs does not involve massacres: the campaign is perpetrated by mass detention and by slowly erasing their unique cultural heritage. But international efforts to constrain China reveal the limits of diplomacy. The world may have advanced legally and normatively since the destruction of the Bamiyan Buddhas in 2001, but it is still painfully inconsistent when it comes to preventing and halting atrocity crimes, especially when they are perpetrated by a global superpower. If, on the other hand, cultural cleansing is perpetrated by a nonstate armed group or a rogue state then there is a better chance of a robust response. But states simply must get better at translating early warning into practical action, especially given that attacks on cultural heritage can provide a disturbing portent of future harm. Diplomatic responses and policy tools must be carefully calibrated to fit the unique circumstances of each case.

In some cases, as with the Bamiyan Buddhas in 2001, protecting particularly impressive cultural monuments may initially appear a more prudent option. For example, partly in response to ISIL’s cultural cleansing across the Levant, in March 2017 the G7 group of the world’s largest economies (minus China) agreed to create a new peacekeeping force to protect World Heritage Sites from plunder and destruction.³⁷ Although this noble initiative was lauded by many, military intervention should always be a measure of last resort. Supporters of the plan also need to ensure they inoculate themselves against the accusation that they are more determined to protect ancient statues than living people.

That, after all, was the whole point of Bokova’s “cultural cleansing” argument. It was an impassioned plea for the protection of civilians to remain at the center of cultural heritage protection. And it was a reminder that by protecting humanity’s cultural inheritance, we can also help protect populations who face the threat of the mass grave or the concentration camp today.

BIOGRAPHY

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NOTES

1. Its full name is the Convention on the Prevention and Punishment of the Crime of Genocide. See Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (New York: Oxford University Press, 2010), 305; Donna-Lee Frieze, ed., *Totally Unofficial: The Autobiography of Raphael Lemkin* (New Haven, CT: Yale University Press, 2013), 172; and Edward C. Luck, *Cultural Genocide and the Protection of Cultural Heritage* (Los Angeles: J. Paul Getty Trust, 2018), Occasional Papers in Cultural Heritage Policy no. 2, 17–26.
2. Ramesh Thakur, *Reviewing the Responsibility to Protect: Origins, Implementation and Controversies* (New York: Routledge, 2019), 5, 122; and UN, *2005 World Summit Outcome*, UN doc. A/RES/60/1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>.
3. Alex J. Bellamy and Edward C. Luck, *The Responsibility to Protect: From Promise to Practice* (Medford, MA: Polity Press, 2018), 32–36.
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