

Genocide And Ethnic Cleansing: Legal Obligations Of States Under International Law



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Abstract: *Genocide and ethnic cleansing represent some of the gravest violations of international law, striking at the core of human dignity and international peace and security. While genocide is explicitly criminalized under international law, ethnic cleansing remains a contested concept, addressed indirectly through international humanitarian law, international human rights law, and international criminal law. This article examines the legal obligations of states in relation to genocide and ethnic cleansing, focusing on prevention, punishment, protection of affected populations, and international responsibility. It analyses the normative framework established by treaties, customary international law, and international jurisprudence, and evaluates the effectiveness and limitations of existing enforcement mechanisms. The article argues that despite a robust legal framework, persistent gaps in political will, accountability, and enforcement continue to undermine the prevention of mass atrocities.*

Keywords: Genocide, Ethnic Cleansing, State Responsibility, International Criminal Law, Human Rights, International Humanitarian Law

Introduction

Genocide and ethnic cleansing constitute the most egregious violations of international law, threatening not only the survival of protected groups but also the foundations of international peace, security, and human dignity. Despite the post-Second World War commitment to “never again,” the recurrence of mass atrocities across different regions of the world demonstrates a persistent gap between normative legal commitments and effective state practice. International law has developed a complex framework of obligations aimed at preventing, punishing, and responding to genocide and related crimes; however, the practical enforcement of these obligations remains uneven and deeply contested. The primary purpose of this article is to critically examine the legal obligations of states under international law in relation to genocide and ethnic cleansing. The scope of the study extends across treaty law, customary international law, and international

jurisprudence, with particular emphasis on the Genocide Convention, international humanitarian law, international human rights law, and international criminal law. While genocide is a clearly defined international crime requiring proof of specific intent, ethnic cleansing remains a non-codified concept, addressed indirectly through crimes against humanity, war crimes, and, in certain circumstances, genocide itself. This conceptual and legal distinction forms an essential backdrop to understanding the nature and extent of state responsibility. The significance of this research lies in its focus on state obligations rather than solely individual criminal liability (Lin & Song, 2024). Although international criminal tribunals have advanced accountability at the individual level, states remain the primary duty-bearers under international law. Their obligations include not only refraining from committing genocide or ethnic cleansing, but also preventing such acts, protecting vulnerable populations,

cooperating with international mechanisms, and ensuring accountability through domestic and international processes. The failure of states to discharge these duties raises critical questions about due diligence, complicity, and international responsibility (Heiskanen, 2021;).

This article proceeds on the hypothesis that the inadequacy of responses to genocide and ethnic cleansing is not the result of normative deficiencies in international law, but rather of weak implementation, selective enforcement, and political constraints within international institutions. Accordingly, the central research questions guiding this study are: what are the precise legal obligations of states under international law with respect to genocide and ethnic cleansing; how have international courts and tribunals interpreted and applied these obligations; and to what extent existing enforcement mechanisms are capable of ensuring compliance and accountability? Methodologically, the article adopts a doctrinal and analytical approach, examining primary sources of international law, including treaties, customary norms, and judicial decisions of the International Court of Justice and international criminal tribunals (Khan, & Riaz, 2024). This is supplemented by a review of relevant United Nations documents and scholarly literature to contextualize legal developments and identify normative and practical gaps. Rather than providing an empirical case study, the analysis focuses on the evolution and interpretation of legal obligations applicable across diverse contexts. The anticipated outcome of this research is to demonstrate that while international law imposes extensive and binding obligations on states to prevent and respond to genocide and ethnic cleansing many of which possess *jus cogens* and *erga omnes* character—the effectiveness of these obligations remains contingent upon political will and institutional cooperation. The article argues for a strengthened commitment to preventive action, clearer articulation of due diligence standards, and more consistent use of international and domestic accountability mechanisms (Hasan & Buheji, 2024).

Structurally, the article begins by clarifying the

conceptual and legal distinctions between genocide and ethnic cleansing. It then examines treaty-based and customary international law obligations of states, followed by an analysis of state responsibility and individual criminal liability. Subsequent sections assess enforcement mechanisms, contemporary challenges, and recent jurisprudential developments, before concluding with recommendations aimed at enhancing compliance and preventing future mass atrocities. The twentieth and twenty-first centuries have witnessed repeated instances of mass atrocities, including genocide and ethnic cleansing, from the Holocaust and Rwanda to Bosnia, Myanmar, and Gaza (Riaz et al., 2024). These events have prompted the development of an extensive body of international legal norms aimed at preventing and punishing such crimes. Genocide, as a legal concept, occupies a unique position in international law due to its *jus cogens* status and the *erga omnes* obligations it imposes on states. Ethnic cleansing, although lacking a formal legal definition, has been recognized by international tribunals and United Nations bodies as a practice involving grave violations of international law. This article explores the legal obligations of states under international law with respect to genocide and ethnic cleansing. It addresses the conceptual distinction between the two phenomena, examines the relevant legal frameworks, and analyses state duties to prevent, punish, and respond to such crimes. The study further assesses the role of international courts and mechanisms in enforcing these obligations and highlights contemporary challenges in ensuring compliance (Gzoyan, et al., 2023; Khan & Jiliani, 2023).

2. Research Methodology

This research adopts a doctrinal and analytical approach to examine the legal obligations of states concerning genocide and ethnic cleansing under international law. Primary sources, including treaties such as the Genocide Convention, customary international law, international humanitarian law, and jurisprudence from the ICJ, ICTY, ICTR, and ICC, were systematically analysed to identify

and interpret the binding obligations of states. Complementary secondary sources, including scholarly articles, United Nations reports, and legal commentaries, were reviewed to contextualize these norms, evaluate enforcement mechanisms, and highlight contemporary challenges. The methodology emphasizes a qualitative analysis of legal texts and case law to synthesize doctrinal principles, assess state duties, and provide a coherent framework for understanding both normative obligations and practical limitations in preventing and addressing mass atrocities (Khan & Usman, 2023).

2. Conceptual and Legal Distinction between Genocide and Ethnic Cleansing

Genocide and ethnic cleansing, though often discussed together, differ fundamentally in legal definition, intent, and scope. Genocide is recognized as an autonomous international crime under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. It involves specific acts—such as killing, causing serious bodily or mental harm, or imposing measures intended to destroy a group—committed with the *dolus specialis*, or specific intent, to destroy, in whole or in part, a national, ethnical, racial, or religious group. This requirement of intent distinguishes genocide from other forms of mass violence and imposes heightened obligations on states to prevent and punish such acts. Ethnic cleansing, by contrast, is primarily a descriptive term, not codified as a standalone crime under international law (Hussain et al., 2023). It refers to practices aimed at forcibly removing an ethnic or religious group from a particular territory through acts such as deportation, forced displacement, persecution, and violence. Unlike genocide, ethnic cleansing does not necessarily require proof of an intent to destroy the group in whole or in part. Nevertheless, the acts associated with ethnic cleansing frequently constitute violations of international humanitarian law, crimes against humanity, and, in some cases, genocide when accompanied by the requisite intent. The legal implications of this distinction are significant. Genocide, being a *jus cogens* norm, triggers *erga omnes* obligations—duties owed to

the international community as a whole including the obligation to prevent and punish. Ethnic cleansing, though equally condemnable, is prosecuted through the legal frameworks addressing its constituent acts, which may complicate attribution, prosecution, and international response. Courts and tribunals have emphasized that the absence of a formal legal definition does not diminish the unlawfulness of ethnic cleansing or the responsibility of states and individuals involved (Bílková, 2025; Khan et al., 2023).

International jurisprudence has reinforced the practical relevance of this distinction. For instance, the International Criminal Tribunal for the former Yugoslavia ICTY treated acts of ethnic cleansing as constituting crimes against humanity or war crimes, while the International Court of Justice ICJ has clarified that the prevention of genocide imposes obligations beyond territorial borders. Thus, while genocide and ethnic cleansing are conceptually and legally distinct, both engage serious prohibitions under international law and demand proactive state obligations to protect vulnerable populations, prevent mass atrocities, and ensure accountability for perpetrators. Genocide is defined under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide as acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such. The defining element of genocide is the specific intent *dolus specialis* to physically or biologically destroy a protected group. Ethnic cleansing, by contrast, refers to policies or practices aimed at removing an ethnic or religious group from a particular territory through force or intimidation. Although the term has no autonomous legal status, acts constituting ethnic cleansing—such as forcible transfer, deportation, persecution, rape, and murder are prosecutable as crimes against humanity, war crimes, or, in certain circumstances, genocide. The absence of a formal legal definition of ethnic cleansing does not absolve states of responsibility. International law addresses the underlying acts through established legal categories, thereby imposing obligations on states to prevent and punish such

conduct (Mardiyanto, 2023; Hussain et al., 2023).

4. Treaty-Based Obligations of States

4.1 The Genocide Convention

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide Convention represents the cornerstone of the international legal framework for addressing genocide. Adopted in the aftermath of the Holocaust, the Convention codifies genocide as a distinct international crime and establishes binding obligations for states to prevent and punish it. Article II defines genocide as any of several acts killing, causing serious bodily or mental harm, inflicting conditions calculated to destroy a group, imposing measures to prevent births, or forcibly transferring children committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. This explicit focus on *dolus specialis* differentiates genocide from other mass atrocities and underscores the unique severity of this crime. Article I of the Convention imposes a dual obligation on states: to prevent genocide and to punish those responsible. The preventive duty extends beyond a state's territorial borders, requiring action when a state has the capacity to influence or avert genocidal acts elsewhere. The obligation to punish mandates that states establish domestic legislation criminalizing genocide and provide effective penalties for perpetrators, thereby ensuring accountability within national legal systems. The Convention establishes a framework for international cooperation. States parties are obligated to refer matters to competent international tribunals when domestic prosecution is unavailable or inadequate. The Genocide Convention thus reinforces the principle that genocide is not only an affront to the affected group but a concern of the international community as a whole, reflecting its status as a *jus cogens* norm and generating *erg omnes* obligations (Khan et al., 2022). Despite its clear legal provisions, implementation of the Genocide Convention faces practical challenges. Political reluctance, jurisdictional limitations, and difficulties in proving specific intent have often impeded timely preventive or punitive measures.

Nevertheless, the Convention has served as the legal foundation for international tribunals such as the International Criminal Tribunal for Rwanda ICTR and the International Criminal Tribunal for the former Yugoslavia ICTY, and it continues to guide the jurisprudence of the International Court of Justice ICJ in matters of state responsibility and genocide prevention. The Genocide Convention imposes clear obligations on states to prevent and punish genocide. Article I affirms that genocide is a crime under international law, whether committed in time of peace or war. States parties are required to enact domestic legislation to give effect to the Convention and to provide effective penalties for perpetrators. The obligation to prevent genocide is not territorially limited. International jurisprudence has clarified that states must act within their capacity to prevent genocide wherever it occurs, particularly when they have influence over the perpetrators. This preventive duty arises once a state becomes aware, or should have become aware, of a serious risk of genocide (Laine, 2024; Khan et al., 2023).

4.2 International Humanitarian Law and Human Rights Treaties

Beyond the Genocide Convention, states' obligations to prevent and respond to genocide and ethnic cleansing are reinforced by international humanitarian law IHL and international human rights treaties. International humanitarian law, particularly the Geneva Conventions of 1949 and their Additional Protocols, regulates the conduct of armed conflicts and seeks to protect civilians and other non-combatants from acts of violence, persecution, and forcible displacement. Prohibited acts under IHL including unlawful killings, deportations, hostage-taking, and attacks against civilian populations often overlap with the acts associated with ethnic cleansing, providing a legal basis to prosecute such conduct even when it does not meet the stringent definition of genocide. Human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination ICERD,

complement IHL by imposing obligations on states to respect, protect, and fulfill fundamental rights. These obligations apply both in peacetime and during emergencies, ensuring that states cannot justify violations of protected rights under the guise of conflict or national security. For instance, rights to life, freedom from torture, and protection from arbitrary displacement are directly implicated in situations of ethnic cleansing (Khan et al., 2022). Together, IHL and human rights law create a comprehensive normative framework that requires states to implement preventive measures, provide protection to vulnerable populations, and prosecute violations. The combined force of these obligations underscores that states cannot remain passive in the face of mass atrocities. Failure to act may constitute a breach of both treaty obligations and customary international law, including the peremptory norms prohibiting genocide and crimes against humanity. International jurisprudence has emphasized the complementary nature of these legal regimes. The International Court of Justice ICJ in *Bosnia v. Serbia* highlighted that obligations under the Genocide Convention, IHL, and human rights law collectively require states to exercise due diligence in preventing and punishing atrocities. Similarly, international criminal tribunals have relied on these instruments to prosecute acts that constitute crimes against humanity and war crimes, even where specific genocidal intent is difficult to establish. IHL and human rights treaties reinforce the legal responsibilities of states, providing multiple avenues for prevention, protection, and accountability in the context of genocide and ethnic cleansing (Khan et al., 2021). This multilayered approach strengthens the international community's capacity to safeguard vulnerable populations and ensures that mass atrocities are not left unaddressed due to technical definitional or jurisdictional limitations. International humanitarian law, particularly the Geneva Conventions and their Additional Protocols, prohibits acts commonly associated with ethnic cleansing, including forcible transfer of civilians and targeting of protected persons. Similarly, international human rights treaties, such as the International

Covenant on Civil and Political Rights, impose obligations on states to respect and ensure fundamental rights, even during emergencies. These instruments collectively require states to protect civilian populations, prevent discriminatory violence, and ensure accountability for serious violations (Khan, et al., 2023).

5. Customary International Law and Jus Cogens Norms

In addition to treaty-based obligations, the prohibition of genocide and the serious violations underlying ethnic cleansing has crystallized as customary international law, binding all states regardless of treaty ratification. Customary international law derives from the general and consistent practice of states, accompanied by *opinio juris* the belief that such practice is legally required. Acts such as genocide, crimes against humanity, and war crimes have achieved widespread recognition as universally prohibited, establishing normative standards that compel all states to prevent, punish, and refrain from committing these atrocities. Crucially, the prohibition of genocide has attained the status of a peremptory norm, or *jus cogens*, from which no derogation is permitted (Khan et al., 2021). As a *jus cogens* norm, genocide engages obligations *erga omnes*, meaning that every state has a legal interest in its enforcement, not merely those directly affected. This status elevates the duty to prevent and punish genocide beyond conventional treaty obligations, creating binding responsibilities on all states to act against such crimes, whether domestically or internationally. The concept of *jus cogens* also underpins state responsibility for omissions. A state that fails to exercise due diligence in preventing genocide or allowing acts constituting ethnic cleansing may incur international liability. The International Court of Justice, in cases such as *Bosnia and Herzegovina v. Serbia and Montenegro*, has emphasized that obligations arising from *jus cogens* norms require proactive measures, including early warning, prevention, and cooperation with international mechanisms for prosecution. Customary law also encompasses broader principles related to ethnic cleansing. While

ethnic cleansing itself is not codified as an autonomous crime, its constituent acts such as forcible displacement, persecution, and mass killings—are recognized as violations of customary international law (Usman et al., 2021). This universality ensures that all states, irrespective of treaty participation, bear the responsibility to prevent, punish, and cooperate in addressing such acts. Customary international law and *jus cogens* norms establish a legal framework that transcends treaty obligations, reinforcing the universal nature of state duties in preventing and responding to genocide and acts associated with ethnic cleansing. These norms underscore that the international community as a whole has a collective interest in protecting vulnerable populations and maintaining the integrity of international law. The prohibition of genocide has attained the status of a peremptory norm *jus cogens* of international law. As a result, no derogation is permitted, and all states have an interest in its enforcement. Obligations arising from *jus cogens* norms are *erga omnes*, meaning they are owed to the international community as a whole. Customary international law also prohibits acts underlying ethnic cleansing, including crimes against humanity and serious violations of international humanitarian law. These norms bind all states, regardless of treaty ratification, reinforcing the universality of state obligations (Georgiev, 2022; Usman et al., 2021).

6. State Responsibility and Individual Criminal Responsibility

International law recognizes two complementary levels of accountability for genocide and ethnic cleansing: state responsibility and individual criminal responsibility. States incur responsibility when they commit, condone, or fail to prevent acts constituting genocide, crimes against humanity, or serious violations of international humanitarian law. This encompasses direct participation, complicity, or omissions arising from a failure to exercise due diligence. The ICJ has clarified that states may be held internationally liable for both acts and omissions that facilitate the commission of genocide, even when the acts occur outside their territory,

provided the state had the capacity to prevent them. At the individual level, international criminal law imposes personal liability on perpetrators of genocide, war crimes, and crimes against humanity. Mechanisms such as the ICC and ad hoc tribunals most notably the International Criminal Tribunal for Rwanda ICTR and the International Criminal Tribunal for the former Yugoslavia ICTY have prosecuted military and political leaders for planning, ordering, or committing mass atrocities. Individuals are accountable regardless of official position, emphasizing the principle that state authority does not provide immunity from criminal responsibility. State obligations and individual liability are interconnected (Usman et al., 2021). States must enact and enforce domestic legislation to prosecute perpetrators, cooperate with international tribunals, and prevent the creation of safe havens for those responsible for mass atrocities. Failure to comply may result in international sanctions, reparations, or other legal consequences. Similarly, the prosecution of individuals serves as a deterrent, reinforces the rule of law, and contributes to fulfilling the state's duty to prevent and punish mass atrocities. The dual system of accountability ensures that both institutional and personal dimensions of mass atrocities are addressed. While state responsibility focuses on systemic failures and international liability, individual criminal responsibility targets those directly involved in the commission of crimes. Together, these frameworks uphold the principles of justice, reinforce the universality of legal norms, and advance the protection of vulnerable populations under international law. International law distinguishes between state responsibility and individual criminal responsibility. States incur responsibility when they commit, aid, or fail to prevent genocide or ethnic cleansing-related crimes. This may involve direct involvement, complicity, or failure to exercise due diligence. At the individual level, international criminal law holds perpetrators accountable through mechanisms such as the International Criminal Court and ad hoc tribunals. State obligations include cooperation with international courts, extradition or prosecution of suspects, and

avoidance of safe havens for perpetrators (Ahmad, et al., 2024; Usman et al., 2021).

7. Duty to Prevent, Protect, and React

A central principle of international law is that states bear the primary responsibility to prevent and protect populations from genocide, ethnic cleansing, and other mass atrocities. The duty to prevent requires states to take proactive measures to anticipate and avert potential crimes before they occur. This includes monitoring early warning signs, implementing domestic legislation to criminalize mass atrocities, promoting human rights, and engaging in diplomatic or humanitarian interventions when credible threats are identified. The International Court of Justice ICJ in *Bosnia v. Serbia* emphasized that once a state is aware or should have been aware of a serious risk of genocide, it has a legal obligation to act, regardless of where the threat originates. Closely linked is the duty to protect, which obliges states to shield vulnerable populations from harm. Protection encompasses both internal measures such as law enforcement, judicial safeguards, and the maintenance of public order and external measures, including cooperation with international organizations and compliance with human rights and humanitarian law standards. This duty recognizes that the prevention of mass atrocities is not merely a moral imperative but a binding legal obligation under both treaty and customary international law. When prevention and protection fail, states are also expected to **react** appropriately. This reactive duty may involve prosecuting perpetrators through domestic or international courts, cooperating with international tribunals, providing humanitarian assistance, or, in exceptional circumstances, supporting collective action authorized by the United Nations Security Council. The doctrine of Responsibility to Protect R2P reinforces this principle by affirming that the international community bears a residual responsibility to act when a state manifestly fails to protect its population from genocide, war crimes, ethnic cleansing, or crimes against humanity (Subramanian, 2022; Khan et al., 2020).

In practice, fulfilling these duties requires a

combination of legal, institutional, and political measures. States must not only adopt preventive legislation but also maintain operational capacity for rapid response, ensure accountability for failures, and engage in international cooperation. While the legal framework is robust, challenges such as delayed responses, lack of political will, and resource constraints often undermine effective implementation. Nevertheless, the duties to prevent, protect, and react remain the cornerstone of international obligations, reflecting the evolving understanding that mass atrocities are a collective concern of the international community rather than isolated national events. The duty to prevent extends beyond criminalization and includes early warning, diplomatic engagement, sanctions, and, in extreme cases, collective action through the United Nations. The R2P doctrine reinforces this obligation by affirming that states have a primary responsibility to protect populations from genocide, ethnic cleansing, war crimes, and crimes against humanity. Where a state manifestly fails to protect its population, the international community bears a residual responsibility to act through peaceful means and, if necessary, collective measures authorized by the Security Council (Loefflad, 2024; Khan et al., 2020).

8. Enforcement Mechanisms and Their Limitations

The effectiveness of international law in preventing and responding to genocide and ethnic cleansing depends largely on the enforcement mechanisms available to hold states and individuals accountable. Key mechanisms include international criminal tribunals, domestic prosecutions, and United Nations-based measures. Ad hoc tribunals, such as the International ICTR and the ICTY, have played a critical role in prosecuting perpetrators, developing jurisprudence on genocide, and reinforcing the principle of individual criminal responsibility. The ICC continues this mandate, providing a permanent judicial forum for cases where national courts are unwilling or unable to act. Domestic enforcement mechanisms are equally essential. States are obligated under the

Genocide Convention and related international law to incorporate prohibitions against genocide, crimes against humanity, and war crimes into their national legal frameworks, prosecute offenders, and cooperate with international courts (Khan et al., 2020). Universal jurisdiction allows states to prosecute certain mass atrocity crimes regardless of where they occurred, offering additional avenues for accountability. Despite these mechanisms, enforcement faces significant limitations. Political considerations frequently hinder effective action, as powerful states may shield allies or exercise veto powers within the United Nations Security Council, delaying or blocking interventions. Jurisdictional constraints, evidentiary challenges, and resource limitations further impede prosecutions, while selective enforcement can undermine the perceived legitimacy of international law. Additionally, the lack of a standalone legal definition for ethnic cleansing complicates legal characterization, making it more difficult to pursue prosecutions or trigger international responses (Rifai, 2024; Khan et al., 2020).

The reliance on state cooperation is another critical challenge. International courts and tribunals have no independent enforcement apparatus and depend on states for arrest, extradition, and the provision of evidence. Failure to comply with these obligations often results in impunity for perpetrators and weakens the deterrent effect of international law. Consequently, while the normative framework is robust, its practical impact is constrained by political, logistical, and institutional barriers. Enforcement mechanisms ranging from international tribunals to domestic prosecutions are vital for operationalizing the legal obligations of states and individuals. However, persistent limitations highlight the gap between legal principles and their effective implementation, underscoring the need for strengthened international cooperation, depoliticized enforcement, and more consistent application of accountability measures. Despite a comprehensive legal framework, enforcement remains inconsistent. Political considerations, veto power within the UN Security Council,

jurisdictional constraints, and selective accountability often impede effective responses to genocide and ethnic cleansing. Moreover, the lack of a standalone legal definition of ethnic cleansing can complicate legal characterization and prosecution. International courts have contributed significantly to norm development, yet their reach is limited by state consent and cooperation. Domestic prosecutions under universal jurisdiction offer an alternative avenue but are unevenly applied (Solape, 2024; Kanwel et al., 2020).

9. Contemporary Challenges and Case Reflections

Despite the extensive legal framework governing genocide and ethnic cleansing, contemporary conflicts highlight persistent challenges in translating norms into effective protection and accountability. Delayed responses, political interference, and selective enforcement often undermine international obligations, leaving vulnerable populations exposed to mass atrocities. States may fail to act due to competing national interests, concerns over sovereignty, or lack of capacity, while international institutions, including the United Nations, can be hampered by veto powers and procedural limitations. Evidentiary and operational challenges further complicate the enforcement of international law. Proving the specific intent required for genocide is notoriously difficult, and gathering credible evidence in conflict zones is fraught with logistical and security obstacles. Additionally, distinguishing between ethnic cleansing and other forms of mass violence can be legally and politically contentious, affecting the classification of crimes and the initiation of international proceedings.

Recent cases provide valuable insights into these challenges. The ICTR and ICTY demonstrated that targeted prosecutions could establish legal precedent, clarify definitions, and reinforce individual accountability, yet their reach was limited by resource constraints and reliance on state cooperation. The ICJ, in cases such as *Bosnia v. Serbia*, underscored state responsibility for failing to prevent genocide, but its remedies were largely declaratory,

illustrating the limitations of international adjudication in enforcing preventive obligations. Contemporary crises, such as the persecution of the Rohingya in Myanmar or the conflicts in Syria and Gaza, reflect recurring obstacles: delayed international action, contested jurisdiction, and the difficulty of mobilizing cohesive global responses. These cases reveal a recurring tension between normative aspirations and practical implementation. While international law provides a robust framework for prevention, protection, and accountability, its effectiveness is often contingent upon political will, institutional capacity, and international cooperation. They also underscore the importance of early warning systems, civil society engagement, and proactive diplomacy as complements to legal mechanisms (Mensah, 2024).

contemporary challenges and case reflections demonstrate that the prevention of genocide and ethnic cleansing is not solely a legal issue but a multidimensional task requiring coordinated action across legal, political, and humanitarian spheres. Strengthening early intervention, ensuring consistent enforcement, and depoliticizing international mechanisms remain critical for translating the legal commitments of states into tangible protection for at-risk populations. Recent conflicts have exposed persistent weaknesses in the international legal order, including delayed responses, evidentiary challenges, and failure to implement preventive measures. While legal norms are well-established, their effectiveness depends largely on political will and institutional capacity. The increasing recognition of early warning indicators, the role of civil society, and the use of fact-finding missions represent positive developments. However, without consistent enforcement, the promise of international law remains unfulfilled (Ahmad, et al., 2024).

9. Conclusion

Genocide and ethnic cleansing remain among the most severe violations of international law, posing profound threats to human dignity, peace, and security. This article has examined the legal obligations of states under international law, highlighting the normative frameworks

established by the Genocide Convention, international humanitarian law, human rights treaties, customary international law, and jus cogens norms. It has also analyzed state responsibility, individual criminal liability, enforcement mechanisms, and the practical challenges in preventing and responding to mass atrocities. The analysis demonstrates that while the legal framework governing genocide and ethnic cleansing is extensive and binding, the primary obstacle to effective prevention and accountability lies in implementation. Political constraints, selective enforcement, evidentiary challenges, and gaps in international cooperation often undermine the capacity of states and international institutions to fulfill their obligations. Nevertheless, jurisprudence from the ICJ, ICTY, ICTR, and ICC has progressively clarified the scope of obligations, reinforced the principle of due diligence, and established precedents for holding both states and individuals accountable. Future research could focus on several emerging areas. First, the development of more effective early warning and preventive mechanisms, integrating legal, political, and technological tools, could enhance state capacity to avert mass atrocities. Second, further examination of the interplay between domestic law, universal jurisdiction, and international courts may offer insights into strengthening enforcement. Third, the evolving doctrine of the R2P warrants continued analysis to determine its practical impact on state behaviour and international cooperation. Finally, comparative studies of recent conflicts could illuminate patterns of compliance and failure, guiding reforms in both law and policy. Ultimately, the prevention of genocide and ethnic cleansing is not merely a legal or academic concern it is a moral and collective responsibility of the international community. Strengthening legal compliance, promoting accountability, and fostering coordinated action among states and international institutions are essential for ensuring that the promise of international law translates into tangible protection for vulnerable populations worldwide. Genocide and ethnic cleansing pose enduring challenges to international law and the international community. States are bound by

extensive legal obligations to prevent, punish, and respond to such crimes under treaty law, customary international law, and jus cogens norms. While genocide is clearly defined and criminalized, ethnic cleansing is addressed through overlapping legal regimes that prohibit its constituent acts. The primary obstacle to effective protection is not the absence of law but the failure of implementation. Strengthening accountability mechanisms, enhancing international cooperation, and depoliticizing enforcement processes are essential to fulfilling the legal and moral commitments undertaken by states. Only through genuine adherence to these obligations can international law serve as a meaningful safeguard against the recurrence of mass atrocities.

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