

Forum: Security Council

Issue: The question of the Rohingya people

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Introduction:

For more than 50 years the Rohingya people¹ have been experiencing persecution and violation of their human rights, and have been forced to flee from Myanmar² to Bangladesh, Thailand, Malaysia and other countries.

Following the latest crackdown by Myanmar military forces in August 2017, more than 750,000 Rohingya people from Rakhine State fled to Bangladesh. And for more than a year now the Rohingya refugees live in inhuman conditions, deprived of their basic human rights, forcefully displaced from their homes.

The United Nations described the military offensive in Rakhine State as “a textbook example of ethnic cleansing³” and the situation with the Rohingya today as “one of the world’s worst humanitarian and human rights crises”.

The Rohingya refugee crisis was brought to the attention of international community and discussed repeatedly at UN General Assembly and UN Security Council, however, the issue remains unsolved.

Definition of Key Terms:

1. **Rohingya people** are stateless people who reside in Rakhine State, Myanmar. Rohingya are predominately muslims. It was estimated that about 1 million Rohingya people lived in Myanmar before the 2016–17 crisis.
2. **Myanmar**, former Burma, a sovereign state in Southeast Asia, which became independent from Britain in 1948. Myanmar is a Buddhist state.
3. **Ethnic cleansing** is the systematic forced removal of ethnic or racial groups from a given territory by a more powerful ethnic group, often with the intent of making it ethnically homogeneous.
4. **Citizenship Law**, a Myanmar national law defined citizens as those, who belong to an “indigenous race”, have a grandparent from an “indigenous race”, are children of citizens or lived in British Burma prior to 1942.
5. **Arakan Rohingya Salvation Army (ARSA)** is a Rohingya insurgent group active in northern Rakhine State. Myanmar's *Anti-Terrorism Central Committee* declared ARSA a terrorist group on 25 August 2017 in accordance with the country's counter-terrorism law
6. **Genocide** - an intentional action to destroy people (usually defined as an ethnic, national, racial, or religious group) in a whole or in part.

Background Information:

During the British colonisation of Myanmar between 1824 and 1948, there was significant migration of Rohingya people between Myanmar and India and Bangladesh, which were under Britain’s control. This kind of migration was considered an internal movement, as Myanmar was India’s province.

After Myanmar’s independence in 1948, the government declared this migration illegal, restricting migration of Rohingya people. In the 1970s, the Myanmar military began a

campaign of brutal crackdowns in Rohingya villages, forcing the Rohingya population to flee from Myanmar.

In 1982, a new Citizenship Law⁴ was passed that did not include Rohingya in the list of country's 135 ethnic groups. The Rohingya people were denied citizenship.

The situation worsened in August-September 2017, when Myanmar military forces reacted on extremists attacks by the ARSA⁵ on security posts, and killed at least 6,700 Rohingya people, including women and children, from Rakhine State. Since then more than 750,000 Rohingya refugees fled to Bangladesh, where they have for more than a year been living in poor conditions afraid of returning back to their homeland.

Major Countries and Organisations Involved:

Myanmar

- Myanmar's government denies acts of violence against the Rohingya people. According to State Counsellor Aung San Suu Kyi, there was misinformation about the situation. Myanmar has blamed "terrorists" for all human rights violations (including the burning of villages).
- Myanmar blocks attempts of the international community to provide humanitarian aid to the Rohingya people in the Rakhine State.
- Memorandum of Understanding (MOU) - the tripartite agreement between UNHCR, UNDP and the Myanmar government was signed on 6 June 2018. It provides a framework for cooperation aimed at creating the conditions conducive to the voluntary, safe, dignified and sustainable repatriation of Rohingya refugees to their places of origin or of their choosing.

Bangladesh

- Bangladesh is the closest neighboring country, which accepted the largest number of Rohingya refugees from Myanmar.
- Bangladesh built refugee camps, the largest being Kutupalong, which currently has more than 14,000 refugees; and more than 604,000 people live in spontaneous settlements surrounding Kutupalong and nearby Balukhali refugee camp.
- According to a Bangladeshi official, the government is focused on finding a peaceful resolution of the crisis. It states that "our goal is to ensure a stable, peaceful and safe environment in the Rakhine State so that people of all religion, color and community can live there in harmony, and we are holding discussions at various places to this end"

The UK

- The UK pledged £59m in aid to support Rohingya people fleeing to Bangladesh. UK Prime Minister Theresa May said the military action in Rakhine State had to stop.
- The UK has suspended training courses for the Myanmar military.

France

- French President Emanuel Macron describes the situation as "genocide⁶" and "ethnic purification⁴".
- France made a voluntary contribution to the Office of the United Nations High Commissioner for Refugees (UNHCR).
- France calls on Bangladesh to continue to accept the Rohingya who are seeking shelter.

USA

- On behalf of President Donald Trump, Vice President Mike Pence condemned the "terrible savagery" against the Rohingya: "The images of the violence and its victims have shocked the American people and decent people all over the world".
- Since October 2016, the U.S. government has provided nearly \$63 million in humanitarian assistance for vulnerable communities displaced in and from Myanmar throughout the region.

China

- China has supported Myanmar in the UN Security Council. The Chinese foreign ministry said: "We condemn the violent attacks which happened in Rakhine state in Myanmar ... We support Myanmar's efforts in upholding peace and stability in the Rakhine state. We hope order and the normal life there will be recovered as soon as possible".
- The country's foreign minister Wang Yi expressed willingness to help Bangladesh and Myanmar find a solution to the crisis.
- China did not vote for the UN GA Resolution on Myanmar in December 2017.

Russia

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- Russia did not vote for the UN GA Resolution on Myanmar in December 2017.

UN

- The UNGA passed a UN Resolution on urging the Myanmar government to end military attacks against the Rohingyas on December 24, 2017. It called on the government of Myanmar to allow access for aid workers, ensure the return of all refugees and grant full citizenship rights to the Rohingya. It also requested that UN secretary general António Guterres appoint a special envoy to Myanmar.
- UN Human Rights Council passed a resolution on Myanmar in December 2017.
- The UNSG appointed Christine Schraner Burgener a UN Special Envoy in April 2018.
- The UN did not call the Rohingya crisis "genocide⁵" but "ethnic cleansing". There is no international law that specifically interprets or prohibits ethnic cleansing. It is not even specifically listed as a grave crime in the Rome Statute of International Criminal Court whereas genocide, crimes against humanity, war crimes and crime of aggression are.

The UN Security Council

- The Security Council appealed to Myanmar to stop the violence, however its response to the Rohingya refugee crisis has so far been limited because of the opposition from China and Russia.
- The situation at the Security Council in September 2017 restricted the scope of activities of other organs and specialised agencies of the UN to carry out humanitarian activities. Without an enforcement action, the UN could not establish any territory inside the Rakhine state for aid delivery and civilian shelter.

UNHCR

- UNHCR provides humanitarian assistance to Rohingya refugees in Bangladesh with the help of international community.
- UNHCR airlifted more than 1,500 metric tons of emergency life-saving aid to Bangladesh. Together with partners, UNHCR is helping Bangladeshi government develop new sites that can safely accommodate a large number of refugees.
- In Myanmar UNHCR operations are blocked by the Myanmar government.

Timeline of Events:

1824-1948	British colonisation of Myanmar
1948	Independence of Myanmar
1948	Burma Citizenship Law. The parliamentary government (1948-1962) had officially declared Rohingya as one of the indigenous ethnic groups of Burma
1961	Buddhism becomes state religion
1970s	Myanmar military began a campaign of brutal crackdowns in Rohingya villages
1982	New citizenship law ⁶ was passed that did not include Rohingya in the list of country's 135 ethnic groups. Rohingya people were denied citizenship.
November 2010	Nobel peace prize winner Aung San Suu Kyi is released from house arrest.
June 2012	Religious violence left more than 200 dead and close to 150,000 homeless in Rakhine - predominantly Rohingya muslims.
2014	Myanmar conducts first census in more than three decades but Rohingya people are excluded.
November 2015	First democratic elections since end of military rule, the Rohingya aren't allowed to participate
October 2016	Military crackdown in the wake of a deadly attack on an army post sent hundreds of thousands of Rohingya people fleeing to neighbouring Bangladesh.
August 2017	A wave of Rohingya refugees began fleeing the country in late August after Myanmar's response to an attack by Rohingya militants on more than 20 police posts
September 2017	Myanmar's military has repeatedly denied conducting atrocities, saying it was targeting terrorists.
October 2017	More than 600,000 Rohingya refugees arrived in Bangladesh after fleeing violence in Myanmar since August 25.
December 2017	UNGA Resolution on situation on human rights in Myanmar
April 2018	Appointment of UN Special Envoy on Myanmar, Christine Schraner Burgener
May 2018	UN SC visit to Myanmar and Bangladesh
1-2 July 2018	Visit to Bangladesh of UN SG Guterres and World Bank President Jim Yong Kim

August 2018	One year since the crisis began - meeting of UN SC with participation of UN Secretary-General and UNHCR Goodwill Ambassador
18 September 2018	Report of the Independent Fact Finding Mission on Myanmar released on 27 August 2018 will be presented on the UN Human Rights Council. The report concludes that war crimes and crimes against humanity have been committed so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State. The report also suggests that UN as a whole failed to address human rights concerns in Myanmar.

Relevant UN Treaties and Events:

- Security Council Presidential Statement on the situation in the Rakhine State (S/PRST/2017/22), 6 November 2017
- Secretary-General's report on Children and Armed Conflict in Myanmar (S/2017/1099), 22 December 2017
- UNGA resolution on situation of human rights in Myanmar (A/RES/72/248), 24 December 2017
- The UN Human Rights Council resolution on the situation of Rohingya Muslims and other minorities in Myanmar (S-27/1), 5 December 2017

Possible Solutions:

- Consider the Rohingya refugee crisis issue as an issue of violation of people's human rights, discuss with the UN Human Rights Council and then refer the situation in Myanmar to the International Criminal Court or create an ad hoc international criminal tribunal.
- Undertake transparent investigations into allegations of human rights abuses and violations, particularly sexual violence and abuse and violence against children, and hold to account all those responsible for such acts to provide justice for victims. Impose targeted sanctions against military officials implicated in human rights abuses.
- Consider calling the situation not an ethnic cleansing but genocide and apply international law.
- Conduct a high level meeting of all stakeholders on the Rohingya refugee situation. Myanmar, Bangladesh, representatives of Rohingya community, UN, UNSC, Russia, China, and others to participate. The objective is to discuss with the government of Myanmar a complex of measures to stop human suffering and creation of decent conditions for life for the Rohingya refugees/repatriates.
- Review the existing policies and legislative acts in Myanmar with an objective of providing universal access to the right for having a citizenship (as stated in Article 15 of the Universal Declaration of Human Rights) for Rohingya Muslims, so as to ensure that all laws have accountable and non-discriminatory basis.
- Mobilise international donor aid, including humanitarian, targeting the refugees. It could be delivered through UN agencies or international and national NGOs. Allow full access for the delivery of humanitarian assistance by humanitarian actors, including, but not limited to the United Nations and regional organisations.

- Assist Bangladesh in providing humanitarian assistance to the Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity
- Discuss at the UN SC a possibility of imposing an arms embargo on Myanmar.

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