Research Report

Leiden Model United Nations 2017
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Forum: *General Assembly Fourth Committee*
Issue: *The position of the Rohingya people*

Position: *Chair*

Introduction

"Culture is both a divisive and unifying force" This quote is from the analytical book The Clash of Civilizations and the Remaking of World Order by Samuel P. Huntington. In this book, released in 1996, he accurately predicts the shift in world politics towards clashes between cultures rather than large-scale wars between nations. The conflict between Muslim and Buddhist culture is one of the many clashes that have emerged over the past decade. In Myanmar, former Burma, this conflict has led to the persecution of the Rohingya Muslim minority by the Buddhist majority. A rise in tensions led to the deployment of security forces and resulted in the mass fleeing of the country by Rohingya, first to Malaysia and now to Bangladesh.

The UN has already described the Rohingya as "The most persecuted minority in the world". Detailed information on the situation of the Rohingya is scarce since the Myanmar government refuses to grant visas to investigation commissions and does not allow any press in the conflict area. Investigations have however been conducted by bodies like the Office of the United Nations High Commissioner for Human Rights (OHCHR). To find out what was really happening they interviewed Rohingya that fled to Bangladesh. If the accounts of these refugees can be believed the atrocities committed could amount to crimes against humanity, which provides even more reason to find a solution to this humanitarian crisis sooner rather than later.

Definition of Key Terms

The Rohingya People
A Muslim people whose ancestors moved to Myanmar (then Burma) somewhere in the 15th century. They number approximately 1.2 million and make up about 2% of the Myanmar population. They mostly live in the mountainous Rakhine State.

Rakhine State
A mountainous province in the west of Myanmar bordering on Bangladesh. The Naf River separates the two nations, however both have military forces posted on the border due to occasional rising in tension between the two.

Insurgent group
A rebel/revolutionary group fighting against a government. This is often done in a guerrilla like fashion with attacks aimed at police officers or the army.

Genocide
The deliberate and often systematic killing of a large group of people belonging to the same ethnic group.

Paris Principles
A resolution adopted by the UN in 1993 laying the groundwork for the protection of Human Rights and setting out guidelines for nations to maintain this protection.

General Overview

The Rohingya came to Myanmar, which was then still called Burma, somewhere in the 15th century. Despite the fact that the Rohingya have lived in Myanmar for centuries and make up approximately 2% of the population, the government has always refused to grant them citizenship status, denying them many rights and restricting their access to good education, healthcare and jobs. For a long time little attention was paid to this, seeing as Burma was a military-led one-party state and the position of the Rohingya people was not the largest concern of the international community. Unsurprisingly, the combination of these two factors resulted in the formation of multiple rebel and insurgent groups hoping to overthrow the government, which only led to more instability. Pressured by rebellion, riots and protests the first transparent parliamentary elections were held in 2012, resulting in the election of Nobel Peace Prize winner Aung San Suu Kyi as de facto leader of the country a couple years later. Despite all this the military still holds a large amount of power to this day, and insurgents and rebels have yet to cease their fighting. Skirmishes involving Rohingya insurgents and police in 2012 led the government to impose a state of emergency in Rakhine state allowing for the deployment of the national army which led to even more violence.

The Rohingya were made to carry the burden of the violence, mainly because rebel groups involved in the fighting were Rohingya, and the government and army is still almost entirely Buddhist. Rohingya were consecutively punished during the following months, their villages burned down and the villagers sent to Internally Displaced People's (IDP) Camps. These camps are still an issue today, holding approximately 120,000 people effectively prisoner with no access to healthcare or basic education. An Advisory Commission on Rakhine State was established in 2016 led by chief Kofi Annan with a mandate to examine the complex challenges facing Rakhine State. The commission called upon the government to start shutting down the IDP camps. In April 2017 the government agreed to start shutting down three camps, but the process is extremely slow and it is unclear where the people currently living in camps are supposed to go.

The state of emergency was lifted in 2016 after nearly 5 years of on-going persecution of Rohingya Muslims, but this did little to change the situation in Rakhine State. The army still remained deployed and after the violence flared up once more - leaving 89 police officers dead after attacks by Rohingya militants - more Rohingya started fleeing to Bangladesh out of fear of retribution. In the last two weeks of August an estimated 300.000 Rohingya refugees have crossed the border to Bangladesh, in addition to the 400.000 who have already fled the country over the past twenty years. The route that refugees take to get to Bangladesh poses a lot of dangers. There are accounts of boats with refugees crossing the river between Bangladesh and Myanmar being shot down by members of the Myanmar army. Scores of refugees have also been denied access to Bangladesh by Bangladesh security forces stationed on the border. Recently Amnesty International reported that landmines had been laid by the Myanmar army to prevent refugees from returning, paradoxically wounding multiple refugees that were attempting to flee the country. The Ottawa treaty of 1997 imposed an international ban on the use of landmines, however Myanmar was not a signatory to that treaty. Apart from fleeing to Bangladesh some refugees still attempt the journey to Malaysia by boat, a journey that puts them under threat of human trafficking and slave labour by pirates.

Refugees that do make it to their destination often do not face a very bright future. Most of them depend on Non Governmental Organizations (NGOs) like Doctors Without Borders and Partners Relief & Development for housing, education, medical aid, water and food. The Bangladesh government is very reluctant in the providing of aid since they do not want the refugees in their country and have even banned some NGOs from providing aid to Rohingya refugees because they do not want to encourage the influx of Rohingya. Bangladesh is not party to the UN convention on refugees and therefore feels that it does not need to abide by its principles and has the right to deport refugees. Bangladesh hopes that Myanmar will at some point take back all refugees, but in case this does not happen President Thien Sein of Bangladesh proposed a relocation plan wherein all Rohingya refugees would be moved to an undeveloped coastal island with very limited access to basic necessities.

On the 11th of September 2017 the UN High Commissioner for Human Rights lashed out at the Myanmar government, declaring the situation a textbook example of ethnic cleansing. Myanmar has consistently been refusing access to human rights investigators, making it difficult to collect any hard evidence. Satellite data released by a rights body has however showed a multitude of burned down villages in Rakhine State, corresponding with accounts of refugees in Bangladesh. If their accounts can be believed, the actions of the Myanmar army - including murder, rape, execution and torture - could amount to genocide and other crimes against humanity. Until the situation is properly investigated, however, little action can be taken.

Major Parties Involved

Myanmar
Myanmar has been persecuting its Rohingya Muslim minority for over twenty years but after attacks on police posts recently the army assumedly has been preforming acts of ethnic cleansing, causing mass fleeing of Rohingya to Bangladesh.

Bangladesh
Bangladesh has been the country receiving by far the largest amount of Rohingya refugees. The country is desperately trying to find a solution to the influx of unwanted refugees, even going so far as banning certain NGOs from providing aid to make the situation less appealing for refugees.

Malaysia
Malaysia has been receiving a much smaller number of Rohingya refugees than Bangladesh and is therefore able to provide a much better care for these refugees. A larger number of refugees could however result in a situation similar to that of Bangladesh. The Malaysian government is much more willing to look to international cooperation as means of solving this issue than that of Bangladesh.

OHCHR
The Office of the High Commissioner for Human Rights has been instrumental in providing information for the international community on the situation of Rohingya Muslims in Myanmar and Bangladesh. In advising the UN it has suggested approaches to solving the issue that should be kept in mind when drafting solutions.

Timeline of Events

October 15, 1982	Adoption of the Citizenship Law banning Rohingya and other minorities from becoming Burmese citizens, effectively denying them the right to a nationality
2012-2013	Rakhine Riots
June 10, 2012	State of Emergency is imposed over Rakhine State
March 29, 2016	State of Emergency over Rakhine State is lifted
April 6, 2016	Aung San Suu Kyi is appointed State Councillor, the de facto leader of the civilian government
August 23, 2016	Advisory Commission on Rakhine State headed by Kofi Annan is set up
March 24, 2017	United Nations Human Rights Council decides to set up an investigation into alleged human rights abuses by the army against the Rohingya Muslim minority
August 26, 2017	89 police officers are killed in attacks on police posts by Rohingya militants
August 17-31, 2017	An estimated 300.000 Rohingya flee Myanmar, crossing the Naf river to Bangladesh

Previous Attempts to solve the issue

The Advisory Commission on Rakhine state led by Kofi Annan has already suggested measures to trace a path to lasting peace in Rakhine State, such as shutting down IDP camps and more equality before the law, in its final report of August 2017. The measures suggested have yet to be implemented by the Myanmar government, and so far have had very little effect.

Over the years multiple periods of ceasefire agreements have been reached between the Myanmar Army and insurgents groups. Some lasted no longer than a few months but others resulted in an increase in stability. The Myanmar Army was offered a ceasefire by Rohingya insurgents on 9 September 2017, but this was rejected on basis of no negotiation with terrorists.

Possible Solutions

The basic framework meant to help countries protect Human Rights is set out in the Paris Principles, which also set out guidelines for countries to help the UN monitor the Human Rights situations in countries. Myanmar does not abide by these principles, but encouraging the Myanmar government to recognize and work by these principles could provide a very good foundation to improving the position of the Rohingya people. Myanmar's Race and Religion Protection laws and 1982 Citizenship law are also not in line with international standards and would need amending to create more equality before the law for minorities like the Rohingya Muslims.

Bangladesh banning certain NGOs from providing aid to Rohingya refugees is not beneficial to the situation of these refugees, which can use all the help they can get. Convincing Bangladesh to allow these NGOs to operate in refugee camps would mean an improvement of conditions for Rohingya refugees. Therefore the setting up of talks between the Bangladesh Government and NGOs or incitement of conversation could be a solution to move towards a better situation.

Useful documents

Universal Declaration of Human Rights:
http://www.un.org/en/universal-declaration-human-rights/

Paris Principles:
http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx

Appendix/Appendices

https://www.upr-info.org/sites/default/files/document/myanmar/session_23_-_november_2015/human_rights_watch_oral_statement_myanmar_2016.pdf

https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/

http://unipd-centrodirittiumani.it/public/docs/UN_48_134.pdf

http://www.aljazeera.com/indepth/features/2015/10/rohingya-151024202611276.html

http://www.aljazeera.com/news/2017/08/uk-calls-meeting-myanmar-violence-170829210354423.html

http://www.aljazeera.com/news/2017/03/myanmar-rohingya-leave-camps-170316152518296.html

http://www.aljazeera.com/news/asia-pacific/2012/08/2012827524058965.html

http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf
(Contains detailed accounts of murder, rape and torture, not for sensitive readers)

http://www.un.org/apps/news/story.asp?NewsID=57240#.WbBCTHswzj8

http://www.whatsinblue.org/2017/08/consultations-on-myanmar.php

https://www.geopoliticalmonitor.com/behind-the-curtain-of-reform-myanmars-rohingya-refugee-crisis-4729/

http://heinonline.org/HOL/LandingPage?handle=hein.journals/huribri20&div=38&id=&page

http://edition.cnn.com/2017/07/16/asia/bangladesh-myanmar-rohingya-refugees/index.html

https://www.theguardian.com/law/2015/oct/21/thousands-rohingya-refugees-flee-boat-looming-disaster-amnesty

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https://www.washingtonpost.com/world/asia_pacific/ap-explains-a-look-at-the-

insurgency-behind-myanmar-attacks/2017/08/31/c5dceb5e-8e2d-11e7-9c53-6a169beb0953_story.html?utm_term=.d0c76de5dcf5

http://www.rfa.org/english/news/myanmar/myanmar-ends-state-of-emergency-in-western-rakhine-state-03292016153039.html

http://www.rakhinecommission.org

http://www.rakhinecommission.org/app/uploads/2017/08/final_report_20170823-KA-remarks-Press-Conference.pdf

http://www.rakhinecommission.org/app/uploads/2017/08/final_report-20170822-Overview-of-key-points-and-recommendations_For-Web.pdf

https://www.google.nl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiT_peV3KHWAhUBLFAKHVO7DTkQFgg1MAI&url=https%3A%2F%2Fsocialscienceresearch.org%2Findex.php%2FGJHSS%2Farticle%2Fdownload%2F1850%2F1788%2F&usg=AFQjCNGQR5Aindo-J0twUEV3-V8p6xsqMQ

http://www.dw.com/en/myanmar-rejects-ceasefire-by-rohingya-insurgents/a-40441654

https://www.icrc.org/eng/assets/files/2012/paris-principles-adherents-2011.pdf