

Committee: Security Council (SC)

Topic: The question of ethnic cleansing in Rohingya

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Position: Deputy President

## Personal Introduction

Dear delegates,

My name is Alexia Papageorgiou and it is with great honour that I will serve as one of the deputy presidents in the Security Council of the 2022 CSMUN conference. I am sixteen years old and starting IB1 at Athens College. The 10th CSMUN is going to be in total my twelfth conference and my second time chairing in the Security Council. My participation in MUN has motivated me to become more globally aware and has made me want to leave a footprint in the world as it gave me the opportunity to voice my opinions. I want to give the delegates of this committee the same opportunity to be as inspired as I was by my chairs and be a steppingstone in your MUN journey.

I sincerely hope that this study guide regarding the issue of ethnic cleansing in Myanmar provides you with adequate information for you to get a thorough understanding of the topic, be able to conduct efficient research and write your clauses. If you need any clarifications concerning the topic or have any questions, don't hesitate to contact me via email at [alexiapap2006@gmail.com](mailto:alexiapap2006@gmail.com). I am looking forward to meeting and working with all of you!



## Topic Introduction

The issue of the ethnic cleansing in Myanmar refers to the forcible displacement of the Rohingya minority from their own country. In Southeast Asia, Myanmar is bordered by Bangladesh, Laos, Thailand, India, China, the Bay of Bengal, and the Andaman Sea. It is one of the twenty-five most populous nations in the world and has 135 recognised ethnic groups on its territory; the Rohingyas are not one of them. Two percent of the 55 million people living there are Rohingya, a Muslim ethnic group in the Buddhist state of Myanmar that has been denied citizenship and is still a stateless population.

The Burmese government has always been hostile to the Rohingya, classifying them as illegal immigrants and acting against them by denying them rights and not providing them with equal opportunities as other ethnic minorities. This eventually led to their significantly subpar living conditions and their expulsion. However, violence broke out recently between the two opposing sides after an insurgent Rohingya group launched attacks on the Myanmar police. When the government retaliated rapidly by torching villages and carrying out illegal killings, a significant refugee movement from Myanmar to Bangladesh was initiated. Currently, Myanmar is being accused by the UN of committing ethnic cleansing, and the number of Rohingya refugees is steadily rising.

The ethnic cleansing in Rohingya is among the biggest, most sudden, and rapid movements of people in contemporary history. This crisis is undeniably one that must be examined and dealt with, since it has largely impacted a minority in what has been described by the United Nations as genocidal violence that follows decades of persecution and human rights abuses. Past attempts to resolve the issue can be considered passive and the lack of recognition and evaluation of the circumstances has led to ultimate denial of the crisis.



## Definition of key terms

### Cox's Bazar

Cox's Bazar is the world's largest refugee settlement in the coastal region of southeast Bangladesh.<sup>1</sup>

### Ethnic Cleansing

Even though it is not classified as a crime under international law, ethnic cleansing was defined in Security Council Resolution S/1994/674 and later finalized in S/1994/674 as "a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas."<sup>2</sup>

### Extrajudicial Killing

An extrajudicial execution is a violation of the right to life, designating the deliberate killing of an individual by a state agent (or with the consent of a state agent) without a previous judgement affording all judicial guarantees, such as a fair and unbiased legal procedure.<sup>3</sup>

### Internally Displaced Persons (IDPs)

IDPs are considered "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."<sup>4</sup>

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<sup>1</sup> "Cox's Bazar: The World's Largest Refugee Settlement." *NRC*, <https://www.nrc.no/news/2018/august/coxs-bazar-the-worlds-largest-refugee-settlement/>.

<sup>2</sup> "S/1994/674." UN Security Council, 27 May 1994.

<sup>3</sup> "Extrajudicial Executions." *TRIAL International*, 19 Mar. 2021, <https://trialinternational.org/topics-post/extrajudicial-executions/>.

<sup>4</sup> "About Internally Displaced Persons." *OHCHR*, <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/about-internally-displaced-persons>.



## Rakhine State

Rakhine State is a state in western Myanmar with a population of three million. Its citizens have undergone constant persecution throughout history and are detained within the state.<sup>5</sup>

## Rohingya People

The Rohingya People are a stateless Indo-Aryan ethnic group generally concentrated in Rakhine. The majority are Sunni Islamists, and a significant minority are Hinduists.<sup>6</sup>

## Stateless person

Under international law, stateless is considered a person that is not legally considered a citizen or national of no country and can therefore, not enjoy the rights that are granted with citizenship.<sup>7</sup>

## Tatmadaw

Tatmadaw is the translation of the phrase “armed forces” in Burmese, but it has become synonymous to the currently ruling military authority.<sup>8</sup>

## Background Information

### Early history: Myanmar’s road from colonialism to independence

The origins of the people of Myanmar can be found in the 7<sup>th</sup> century BC with the first invasion of the Indo-Aryans and later in the 13<sup>th</sup> century AD with the rule of the Mongolians. The first form of central governance can be traced back to the kingdom of Pagan, which reached its peak due to its religious structure. The very core of the kingdom and the unifying factor of its people was religion, which constitutes possible

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<sup>5</sup> “Rakhine State.” *UNICEF Myanmar*, <https://www.unicef.org/myanmar/rakhine-state>.

<sup>6</sup> Staff, Al Jazeera. “Myanmar: Who Are the Rohingya?” *Rohingya | Al Jazeera*, Al Jazeera, 18 Apr. 2018, <https://www.aljazeera.com/features/2018/4/18/who-are-the-rohingya>.

<sup>7</sup> “Statelessness Explained.” *How to Help Refugees - Aid, Relief and Donations*, <https://www.unrefugees.org/news/statelessness-explained/#What%20does%20it%20mean%20to%20be%20stateless?>

<sup>8</sup> “Tatmadaw: Myanmar’s Notoriously Brutal Military.” *BBC News*, BBC, 2 Feb. 2022, <https://www.bbc.com/news/world-asia-56660483>.



explanation as to the strong and at times extreme religious character of the citizens of Myanmar. The rule of the Mongolians was weakened in the early 17<sup>th</sup> century when representatives of the British East India Company were sent to establish trading posts in Burma. Despite the initial opposition of the citizens, the British Empire commenced militant efforts which led to the Anglo-Burmese War in 1824-1826.<sup>9</sup> Eventually, the state was incorporated in British India and then was recognized as a separate British colony in 1937.

For a brief period during World War II, Myanmar was under Japanese occupation before attaining its freedom in 1948. The Union of Burma was established as a parliamentary democracy, a system of governance that proved to be ineffective for a state with significant internal conflicts and underrepresented minorities. Even though Burma had now become its own sovereign nation, political fluctuations, struggles with military rule, civil war, poor governance, and widespread poverty led to a military coup d'état in 1962. This political shift commanded by General Ne Win brought the Myanmar military into power, which it has never relinquished. The military established a new constitution in 1974 which shifted the focus on an isolationist foreign policy and an economic program that effectively nationalized Myanmar's major enterprises. The military maintained effective control over the aspects of society it deemed crucial to its interests through direct rule by decree, the creation of three political parties under its control, the writing and coercive acceptance of a constitution, self-advocacy under the constitution, and manipulation of election results.

Massive protests erupted in 1988 because of extensive corruption, fast shifts in economic policies relating to Myanmar's currency, and food shortages. The army clamped down on demonstrators in August 1988, killing at least three thousand people and displacing thousands more. Eventually, the government fell, and in 1989 the new military regime radically changed the administrative process and the country's name from the Union of Burma to the Union of Myanmar.

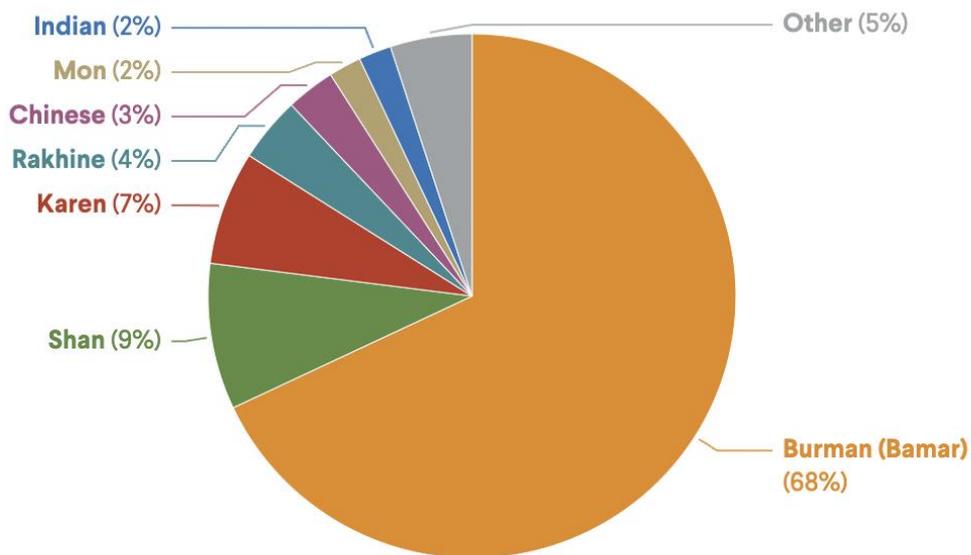
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<sup>9</sup> "Anglo-Burmese Wars." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/event/Anglo-Burmese-Wars>.



## Pretext and Reasoning Behind the Conflict

Undeniably, Myanmar is a multicultural and heterogeneous country with more than 130 recognized ethnic groups. Nonetheless, the largest part of the population (roughly two-thirds) are ethnic Burmans and Buddhists, a group that has long held a privileged position in Myanmar’s hierarchical allocation of society. On the contrary, most ethnic minorities have faced systemic discrimination and deep-rooted racism in the very core of the state’s governance; they are underrepresented in government and the military. The distribution of economic opportunities in their regions is disproportionate and their persecution by the military is frequent.



Source: CIA World Factbook.

COUNCIL *on*.  
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Figure 3: Myanmar’s ethnic groups<sup>10</sup>

<sup>10</sup> “Myanmar’s Troubled History: Coups, Military Rule, and Ethnic Conflict.” *Council on Foreign Relations*, Council on Foreign Relations, <https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya#chapter-title-0-5>.



Division has been ever-present and purposeful since British rule which has led to long-running violent battles between the Tatmadaw and more than a dozen ethnic armed organizations and militia groups, fuelling what has been described as the world's longest civil war. As such, social, political, and religious discrimination in every facet of daily life in Myanmar has created the notion of de facto segregation. Recent fighting has also been the result of control of natural resources and of illegal activities including illicit gem mining and drug trade. Nonetheless, the root of the conflict remains the same and persecution continues to exist so long as the political scheme is unstable.

## Background of the Rohingya People

Muslim seafarers first landed in the autonomous Arakan region, now known as the Rakhine state, in the eighth century AD. After that, the Muslim population in the area continued to migrate and settle until a well-established and deeply rooted Muslim community, the Rohingyas, was founded in the Arakan. The Rohingya people are now recognized as a stateless Indo-Aryan ethnic group. The majority are Sunni Islamists, and a significant minority are Hinduists. Their official language is Rohingya. Before the persecution crisis, around 1.4 million people lived in Myanmar. During the British rule of Burma, Muslims from Bengal and other neighbouring countries entered the state as migrant workers, tripling the country's Muslim population over a 40-year period. Although, a minority of Muslims had lived in Burma for centuries, and the British Empire had promised the Rohingya an autonomous state, it never followed through, and the Burmese people resented what they saw as an incursion of uninvited workers. The British believed the immigration to be internal because Cox Bazaar and Myanmar were both parts of India, whereas the Burmese protested this and continue to do so today, arguing that the immigration was unlawful; the current problem of the ethnic cleansing in Rakhine stems from this juxtaposition.

Some Rohingyas were ultimately granted citizenship, but they were still deprived of their fundamental rights, such as prohibition from serving in the national armed forces and public services. As such, they turned to guerrilla warfare against the government in the early 1950s. Armed Rohingya rebel organisations known as the Mujahids battled and expelled anyone who did not support their plight from the



neighbouring states of Rakhine with the help of Pakistan. The Burmese military intervened and put a stop to the uprising in 1954. The social and political transition in Myanmar (Burma), which is considered a tentative re-emergence of civil society networks within and between ethnic nationality/minority communities, has evidently projected a policy of selected or targeted engagement. Nonetheless, the political fluctuations in the internal system of governance of the state led to a radical political shift. The Rohingya people living in Myanmar were denied citizenship under the 1982 Myanmar Nationality Law and are still considered by the Myanmar government and the population as colonial and postcolonial migrants from neighbouring Chittagong/East Bengal, respectively, Bangladesh.



Figure 1: Map of Rohingya people in Rakhine State<sup>11</sup>

<sup>11</sup> File:Map of Rohingya People in Rakhine State.png - Wikimedia Commons. [https://commons.wikimedia.org/wiki/File:Map\\_of\\_Rohingya\\_people\\_in\\_Rakhine\\_State.png](https://commons.wikimedia.org/wiki/File:Map_of_Rohingya_people_in_Rakhine_State.png).



### First phase of state-sponsored persecution: “Operation King Dragon”

In addition to dissolving the political and social organisations of the minority, on the 6<sup>th</sup> of February 1978, the military launched Operation Nagamin, more commonly known as Operation King Dragon. Its official purpose was to register all Burmese nationals and exclude foreigners. Through civilian round ups and forcible eviction of Rohingyas, immigration officials and military personnel implicitly obliged the crucial mass of this minority to emigrate. In the span of a few months, approximately 200,000 Rohingyas fled to Bangladesh, an exodus that the leaders of the operation used to justify the characterisation of Rohingyas as “illegal immigrants”. According to the refugees, the military committed grisly crimes against humanity, including the rape and murder of civilians. In order to address the situation, the United Nations (UN) developed fifteen camps for refugees in Bangladesh. Furthermore, the international Committee of the Red Cross (ICRC) and the government of Bangladesh ensured the provision of emergency relief to refugees, which proved to be insufficient due to the unprecedented magnitude of the humanitarian crisis. The aftermath of this violent, large-scale crackdown targeted toward the Rohingya was the effective and final exclusion of the community. After state-sponsored persecution, it became merely impossible for the Rohingya to integrate into Burmese society, as public opinion was compromised, and authorities explicitly opposed.

### “Operation Clean and Beautiful Nation”

The large impact of the latter operation led to the commencement of an even more intrusive and violent persecution attempt. Operation Clean and Beautiful Nation was a military operation conducted by Myanmar Armed Forces near the borders with Bangladesh. The operation was carried out from 1991 to 1992, under the military junta of the State Law and Order Restoration Council (SLORC). The expansion of the Rohingya Solidarity Organisation (RSO), a rebel group and political establishment, was used as the superficial pretext of the launch of the operation. Like Operation



Dragon King, the government aimed to forcibly disperse the “illegal immigrants” from the area and to minimize political opposition from the insurgents of the RSO. The second persecution crisis resulted in 200,000 to 250,000 civilians being displaced and failed to fulfil its goal: to prevent further attacks by the RSO. Insurgents continued to rebel until the end of the 1990s when the most prominent phase of mass immigration begun.

### The peak of the Rohingya Crisis-The Arakan Rohingya Salvation Army

Before the nation could completely recover from the last Rohingya refugee crisis, the fourth and most recent one broke out. The Arakan Rohingya Salvation Army (ARSA), a Rakhine militant organisation, ambushed the Burmese police in October 2016 and killed nine officers with knives. Following the incident, the UN asked Myanmar to enable investigations to be conducted in the area but was worried by the claims of widespread human rights violations in the area. Later, the ARSA carried out a second attack in August 2017 that resulted in the deaths of twelve police officers. With this premise, the government took severe measures in retaliation. On the 25<sup>th</sup> of August yet another deadly crackdown by Myanmar's army on the Rohingya community sent hundreds of thousands fleeing across the border into Bangladesh. After troops and local Buddhist citizens burned down villages and killed civilians, a new wave of exodus begun. The military engaged in rape, torture, and extrajudicial killings of Rohingya people, forcing them to flee. According to Human Rights Watch's analysis of satellite imagery, at least 288 villages in northern Rakhine state were partially or completely destroyed by fire after August 2017.



### Satellite images show destroyed Rohingya village



Source: Human Rights Watch, Satellite image 21 September 2017

BBC

Figure 2: Satellite representation of burned villages in Rakhine<sup>12</sup>

The situation that resulted in killings, rapes, torture, forced displacement, and other human rights violations in 2017 still goes unchanged, according to the investigators, who blame a lack of accountability and Myanmar's failure to fully investigate allegations or criminalize genocide. Approximately 350,000 Rohingyas fled to Bangladesh in August, and the number constantly rises. Shortly after the second ARSA attack, the UN charged Myanmar with ethnic cleansing. The UNCHR stated in January 2018 that more than 647,000 people had requested asylum. The Rohingya problem is currently considered not only a matter of ethnic cleansing and crimes against humanity but also one of the one fastest-growing refugee crises. Nonetheless, after Bangladesh announced in March 2019 that it will no longer accept refugees fleeing Myanmar, the conditions for a new demonstration were favourable.

On February 1<sup>st</sup> 2021, the democratically elected government of the National League for Democracy (NLD) was overthrown in a coup d'état by the Tatmadaw. The circumstances for the coup emerged after the military, which had claimed in the

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<sup>12</sup> "Myanmar Rohingya: What You Need to Know about the Crisis." *BBC News*, BBC, 23 Jan. 2020, <https://www.bbc.com/news/world-asia-41566561>.



country's Supreme Court that the recent election results were fraudulent, threatened to "take action" and surrounded the houses of Parliament with soldiers. Since then, the military leaders of Myanmar have taken effective measures such as the killing of activists and members of the Parliament to suppress opposition. After the 2021 coup, opposition activists formed the Campaign for Civil Disobedience (CDM) which organized strikes, demonstrations, and mass protests. The Tatmadaw then started targeting areas that are home to both the protesters and armed civilians known as the People's Defence Force. Families are fleeing into neighbouring India, desperate to escape the mass murders; a village of about 12,000 people has practically been depopulated. Concerned about a humanitarian crisis, aid organizations are preparing for a rush of refugees.

## Human Rights Violations under International Humanitarian Law against Rohingyas

### Stateless population

The deep-rooted deprivation and rejection of Rohingya's citizenship rights has been a fundamental element of this group's persecution. Myanmar has continuously and arbitrarily expropriated their nationality and promulgated statelessness. The 1954 Convention regarding the Status of Stateless Persons<sup>13</sup> and the 1961 Convention on the Reduction of Statelessness<sup>14</sup> are the most important international conventions addressing statelessness. These are complemented by other international human rights treaties and provisions relating to the right to nationality. Even though the aforementioned legal documents aim to prevent statelessness and establish a clear framework, the government of Myanmar has not abided by the international standards and has conceded to the violation of diplomatic agreements.

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<sup>13</sup> "Convention Relating to the Status of Stateless Persons." *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-stateless-persons>.

<sup>14</sup> *Convention on the Reduction of Statelessness*, 1961. [https://legal.un.org/ilc/texts/instruments/english/conventions/6\\_1\\_1961.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/6_1_1961.pdf).



### Deprivation of Freedom of Movement

Article 13 of the Universal Declaration of Human Rights reads "internally displaced people have the right to move freely in and out of camps or other settlements",<sup>15</sup> a principle that was not respected in the closed IDP camps for Rohingya in Myanmar's Rakhine State. The rights of internally displaced people have been dealt with ignorance towards the Universal Declaration of Human Rights which has been further elaborated in the UN Guiding Principles on Internal Displacement.<sup>16</sup>

### Deprivation of basic needs

After the relocation of refugees to the camps in Bangladesh, they have limited to no access especially to adequate shelter and food, a situation that can often affect their wellness. After having fled their country for safety, the cooperation and assistance from the international community is needed to solve the issue of food security of Rohingya refugees. The situation in almost all Rohingya refugee camps violates Article 11 of the International Covenant on Economic, Social and Cultural Rights which recognizes the right to "an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions".<sup>17</sup> In addition, their access to medical care is limited. Members of the Rohingya ethnic minority experience persistent prejudice in obtaining medical care in Myanmar and other Asian nations, with serious effects for health and mortality rates. In accordance with the Law for Universal Health Coverage (UHC) "all people have access to the health services they need, when and where they need them, without financial hardship".<sup>18</sup> The Myanmar government, as well as the healthcare systems of

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<sup>15</sup> "Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 13." *OHCHR*, 22 Nov. 2018, <https://www.ohchr.org/en/press-releases/2018/11/universal-declaration-human-rights-70-30-articles-30-articles-article-13>.

<sup>16</sup> "International Standards." *OHCHR*, <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/international-standards>.

<sup>17</sup>"International Covenant on Economic, Social and Cultural Rights." *OHCHR*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

<sup>18</sup>"Universal Health Coverage." *World Health Organization*, World Health Organization, [https://www.who.int/health-topics/universal-health-coverage#tab=tab\\_1](https://www.who.int/health-topics/universal-health-coverage#tab=tab_1)



the entry points of Rohingya refugees pose several additional barriers in accessing health care because of movement restrictions, apart from the already existing discriminatory practices.

#### Arbitrary use of property

Besides the fact that Myanmar's land ownership laws are discriminatory towards ethnic minorities, the government has also destroyed the Rohingyas property and infringed their right to own property. The authorities' stance goes against Article 17 of the Universal Declaration of Human Rights which states that "everyone has the right to own property alone as well as in association with others and no one shall be arbitrarily deprived of his property."<sup>19</sup>

#### Forced labour

Despite the government's formal statements to the contrary, forced labour remains widespread in Myanmar, as the Burmese continue to abuse their power over the Rohingyas. The 1957 Abolition of Forced Labour Convention<sup>20</sup> clarifies the total and ultimate suppression of forced labour of any worker and focuses on the use of employees as a means of as a means of racial, social, national, or religious discrimination. Although this Convention has been 65 years in effect, Myanmar has not done any efforts to change the social scheme of exploitation of minorities.

### Timeline of events

<u>January 4th, 1948</u>	Myanmar's proclamation of independence from Britain and ratification of the Union Citizenship Act
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<sup>19</sup> "Universal Declaration of Human Rights." *United Nations*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>20</sup> "C105 - Abolition of Forced Labour Convention, 1957 (No. 105)." *Convention C105 - Abolition of Forced Labour Convention, 1957 (No. 105)*, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100\\_ILO\\_CODE%3AC105](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100_ILO_CODE%3AC105).



<u>April 2nd, 1948</u>	Start of Post-independence insurgences by communist and nationalist groups
<u>March 2nd, 1962</u>	Coup d'état which installed a military junta and put an end to Myanmar's parliamentary Democracy
<u>February 6th, 1978</u>	Introduction of Operation Dragon King
<u>October 15th, 1982</u>	Promulgation of the Burma Citizenship Law which denied citizenship to Rohingyas.
<u>March 12th, 1988</u>	Climax of demonstrations against the totalitarian rule and the adoption a multi-party system



<p><u>September 18th, 1988</u></p>	<p>Establishment of the State Law and Order Restoration Council (SLORC) and violent crackdown on protesters, ending all demonstrations by 21 September 1988.</p>
<p><u>1991-1992</u></p>	<p>Displacement of over 250,000 Rohingyas in search for settlement</p>
<p><u>January 31st, 2011</u></p>	<p>Revisions in state structure and amendment of the Constitution of Myanmar</p>
<p><u>May 3rd, 2017</u></p>	<p>UNHCR reports that over 168,000 Rohingyas have fled Myanmar in 5 years</p>
<p><u>August 25th, 2017</u></p>	<p>First ARSA attack on Myanmar's security forces</p>
<p><u>February 1st, 2021</u></p>	<p>Civilian government is overthrown, and a long period of demonstrations commences.</p>



<u>February-December, 2021</u>	Mass killings of civilians and political fluctuation which resulted in 11,000 deaths in less than a year.
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## Major countries and organizations involved

### Myanmar

Allegations of ethnic cleansing and human rights violations against the Rohingyas have long been refuted by Myanmar. The state didn't consent to assist the UN and let investigations be conducted in its region until very recently. Burma maintains that Rohingyas are undocumented immigrants and has not demonstrated any inclination to alter its practises. The International Court of Justice (ICJ) on January 23, 2020, ordered the prohibit of all genocidal acts against Rohingya Muslims as a critical action for saving the last Rohingya in Rakhine State. The court unanimously approved "provisional measures" commanding Myanmar to take action for the prevention of genocide and preservation of evidence.

### Bangladesh

Bangladesh and Myanmar border in a shared land boundary of 271 kilometers. Prior to their establishment as independent and sovereign states, both countries had a shared past of significant political, cultural, and economic concerns. Their common history of British colonialism has created a relationship between them that is based on demography rather than geography. Since Bangladesh's 1971 independence from West Pakistan, the two countries have had amicable relations, given that Myanmar was one of the first countries to acknowledge Bangladesh. However, following the Rohingya crisis and territorial disputes, Bangladesh-Myanmar relations have become tense at times. Currently, the state of Bangladesh-Myanmar ties is extremely delicate; undeniably, bilateral issues have come up due to national interest and security concerns. The Rohingya refugee crisis has heavily impacted Bangladesh as an entry point; the mass displacement has now become a national security issue. Nonetheless, Myanmar is to blame for the influx of refugees given the lack of accountability and immediate action and Bangladesh is not obligated to bear the



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burden of the Rohingya internal crisis. Approximately 1 million Rohingyas are presently living in Bangladesh as a result of the four refugee crises involving the Rohingya population. Despite the fact that the nation has long worked with the UN and taken steps to address the situation, the reality is that it is no longer willing to do so. Bangladesh wants the Rohingyas to stop migrating and go back to Burmese land. To overcome this hurdle and enrich bilateral relations with Myanmar, Bangladesh demands vigorous diplomatic activities.

### The United States of America

After the late 1980s, the United States maintained a distant relationship with Myanmar, imposing broad-based economic sanctions on the country throughout the next two decades. Myanmar's return to quasi-civilian administration prompted the US to renew relations with it and lift broad-based sanctions. However, the coup has caused another rift in the relationship. The Obama administration took a completely different approach towards tackling the issue: it increased humanitarian aid, relaxed restrictions on new US investments, and appointed the country's first ambassador in twenty-two years. The Trump administration followed a similar course, encouraging increasing ties with Myanmar while keeping sanctions on specific people and maintaining certain limits on US-Myanmar relations. Because of their role in ordering the deaths of Rohingya, the administration placed targeted penalties on top military officers. Some members of Congress have asked for more limitations on what the administration has classified ethnic cleansing of the Rohingya. Rex Tillerson, the US secretary of state, said in November 2017 that his nation supports the claims that ethnic cleansing is taking place in Myanmar. The US intends to censure the Burmese authorities who have perpetrated atrocities and supports the Rohingya refugees.

### China

As a country that borders Myanmar, China has always been its closest diplomatically and greatest trading partner. In the western Rakhine State issue, where the Tatmadaw has waged a violent campaign of ethnic cleansing, if not genocide, against the primarily Muslim Rohingya community, China has likewise defended the Myanmar government. After the coup, the Chinese government immediately gave the military leaders de facto recognition. China's interests are two folds: protect existing



projects and expand infrastructure and investments in Myanmar. To achieve that, they must first prevent outright civil war, especially near its borders, to allow trade and continue production. As Russia's influence expands, China hopes to maintain its overwhelming influence over the junta and, ultimately, to prevent major involvement by leading democracies in a country on its periphery. Apart from investing in Myanmar's energy and funding developmental project to create a China-Myanmar Economic Corridor, China has defended Myanmar from UN sanctions and provided material and verbal support for its response to the alleged terrorist attacks. A huge port at Kyaukphyu, a projected special economic zone (SEZ), and a road, rail, and pipeline network to transport energy and other resources and supplies from the Bay of Bengal via Myanmar to Yunnan Province are just a few of China's extensive commercial interests in Rakhine.

## European Union (EU)

The Western world was in favour of establishing a democratic administration in Myanmar and was therefore, supportive of the previous government led by the NLD and despite the country's deteriorating human rights situation. After the military coup in 2021 however, the EU imposed sanctions against individuals tied to the coup.<sup>21</sup> The EU is aware that Myanmar has serious problems with human rights. The EU presented a human rights resolution to the UN Human Rights Council in response to the Rohingya crisis and launched a fact-finding mission in 2016. As Myanmar has advanced in implementing important reforms and opening to the world, the European Union (EU) has been at the forefront of the international community's re-establishment of relations with the country. It has proven to be extremely committed to assisting Myanmar and its people on their journey to democratization, thereby boosting the Association of South-East Asian Nations (ASEAN), the EU's natural South-East Asian partner.

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<sup>21</sup> (www.dw.com), Deutsche Welle. "EU Imposes Sanctions in Response to Myanmar Coup: DW: 22.03.2021." *DW.COM*, <https://www.dw.com/en/eu-imposes-sanctions-in-response-to-myanmar-coup/a-56948456>.



## Previous attempts to solve the issue

### Memorandum of Understanding (MoU) between Myanmar and Bangladesh

A Memorandum of Understanding (MoU)<sup>22</sup> allowing the two-month repatriation of Rohingya refugees to Myanmar was signed in November 2017 by Myanmar and Bangladesh. Numerous Rohingyas, however, are reluctant to return because of the lack of clarity surrounding many issues, such as the circumstances under which the refugees will be returned. Any deal between the two states should take into account the fundamental rights of the refugees, the UN has underscored. During the Rohingya refugee crisis of the 1990s, when the process of repatriating refugees was ineffective, another MoU with a similar goal was also settled upon. Nonetheless, the extremely theoretical nature of such propositions, along with the internal dissension of Myanmar, did not allow the good use of what could have been a path towards solving the issue.

## Relevant UN Resolutions, Events, Treaties and Legislation

### UN condemnation of ARSA and recommendation for amendment of the citizenship law

The United Nations have condemned the actions of ARSA on multiple occasions highlighting the necessity for a radical legislative and executive reform. Specifically, they have deemed indispensable that Myanmar re-evaluates the citizenship law and does not violate the 1961 UN Convention on Statelessness. The UN proposed that if Myanmar is to adhere to international law and humanitarian standards, the state must first ensure that there are no measures in place that prevent a marginalized group from getting citizenship rights. Even though some efforts, mostly civilian led, were carried out to put into effect the UN's recommendation, no immediate action was taken, and no governmental decision was taken. The actions of ARSA were

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<sup>22</sup> Jimdella. "Reading between the Lines of the Bangladesh-Myanmar Mou." *Governance and Development Soapbox*, 29 Nov. 2017, <https://abtgovernance.com/2017/11/29/reading-between-the-lines-of-the-bangladesh-myanmar->



partly minimized, though this cannot be attributed to this attempt for reconciliation; rather than that, the path to democratization and the traction of social movements incommoded ARSA activities.

### [A/RES/53/162 \(25.2.1999\) \(Clauses 10, 16\)](#)<sup>23</sup>

This GA resolution encourages a multilateral effort towards tracking the problem of human rights violations in Myanmar, with a focus on the forceful displacement of citizens. Specifically, Clause 10 underlines the necessity for a more humanitarian approach by the government of Myanmar; it asks for the respect for all human rights to put an end to violations against an ethnic minority. After mentioning all the abuses that can be found in the section “Human Rights Violations under International Humanitarian Law against Rohingyas”, the signing member states ask for the accountability of government agents and the transparency of the government. Acting as a complementary recommendation, Clause 16 calls upon the government of Myanmar to abide by the Geneva Convention and protect all civilians regardless of their religion and/or ethnic background.

### [A/RES/59/263 \(17.3.2005\) \(Clause 3\)](#)<sup>24</sup>

This resolution, which was adopted in 2005, underlines that the Burmese government must stop raping, torturing, and carrying out extrajudicial executions, illustrating the scenario between the third and fourth Rohingya refugee influx. This resolution prohibits the government of Myanmar from continuing the atrocities against civilians and urges the former to investigate military officials. Clause 3 shifts the focus on the need for a political reform and a more inclusive system of governance in Myanmar, something that has been deemed indispensable for the long-term eradication of the problem.

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<sup>23</sup> “Situation of Human Rights in Myanmar :” *United Nations*, United Nations, <https://digitallibrary.un.org/record/265898?ln=en>.

<sup>24</sup> “Situation of Human Rights in Myanmar :” *United Nations*, United Nations, <https://digitallibrary.un.org/record/538203?ln=en>.



## S/2007/14 (12.1.2007) <sup>25</sup> (vetoed by the Russian Federation and China)

This resolution was vetoed; however it is one of the few UNSC draft resolutions to mention Myanmar. As intended, it primarily called on the government of Myanmar to act swiftly and firmly to solve the Rohingya situation and the breaches of human rights. After expressing its strong support for the diplomatic efforts by relevant UN agencies, it calls on the effective cease of the persecution. It encourages further internal political dialogue and immediate adoption of a humanitarian policy.

### Possible solutions

#### Assessment and interpretation of the question of ethnic cleansing in itself

Even though ethnic cleansing is not classified as a crime under international law, it contradicts the very essence of the UN Charter. The Council must formulate a clear stance on ethnic cleansing, with reference to Myanmar as a case in point. Any long-term solution to the Rohingya crisis will necessitate addressing the core causes of the problem, such as recognizing Rohingya citizenship in Myanmar, the Rohingya people's basic rights, and the very fact that ethnic cleansing was indeed carried out. International pressure, a re-evaluation of ethnic cleansing, and a clear and solid definition of the concept can facilitate its understanding and classification. On a second basis, it is important that the Security Council discuss about and finalize the standard penalty and ramifications of such cases. A bipartisan effort from both the side of the government of Myanmar and the external agencies can help the international community reach an agreement on the matter.

#### Provision of aid to displaced people

The aftermath of the Rohingya crisis can only be minimised with the protection of civilians and the provision of humanitarian aid to the refugees. The improvement of living conditions in Bangladeshi refugee camps is indispensable as more and more

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<sup>25</sup>"Draft Resolution /." *United Nations*, United Nations, <https://digitallibrary.un.org/record/590846?ln=en>.



civilians are accumulated in settlements. It is crucial to safeguard the Rohingya refugees and provide them with humanitarian aid. Both access to medical care and emotional support are extremely important to facilitate the integration of refugees. The role of the UNCHR has also proved to be integral in ensuring that the rights of refugees are not harmed in any manner. A measure that must be taken to ensure the maximization of aid for IDPs is the instantaneous removal of blockade of food, medical supplies, and other essential items by the government into the camps. As a complementary step, providing access of safe passage to humanitarian and relief organizations into Rohingya IDP camps would be integral to secure the quick and immediate response to the refugees' needs. In accordance with the United Nations Charter, the establishment of an indigenous investigative team to investigate into violations of international human rights law and human rights abuses in the aftermath of the 2012 ethnic violence between Buddhists and Rohingya Muslims in Arakan state.

### Monitoring human rights violations

Measures must be taken to ensure compliance with international law and adhere to global standards. A multilateral effort with both a legislative reform and a complete re-evaluation of the exercise of executive power in the state must be carried out as human rights violations are fairly common in Rakhine. Monitoring the situation effectively and objectively by establishing a clear and consistent monitor and report process could allow greater cohesion and liability of governments. The delegates should provide solutions to help Myanmar get out of this predicament potentially the HRW's support. A policy shift in the official attitude toward minorities that acknowledges their historical narrative, upholds respect for all types of diversity, and accepts their legal and social rights must be holistic and cohesive for the international community. In accordance with the United Nations Charter, the establishment of an indigenous investigative team to investigate into violations of international human rights law and human rights abuses in the aftermath of the ethnic violence could prove extremely effective and practical.

### Recognition of the obligations of Myanmar's authorities

The Council must decide if the government of Myanmar is to be held liable for the atrocities and punished through means such as economic sanctions. The



imposition of trade barriers will constitute an obstacle in Myanmar's economy and might therefore lead to the reconsideration of internal policy. Acting as an incentive, the liability of the state's government will peacefully ensure compliance and augmented control of international bodies on the state. Immediate removal of discriminatory regulations and restrictions on mobility, marriage, property ownership, and taxation, resulting in greater freedom and ease of living are an important part in transforming Myanmar's internal policy; its minorities policy must be consistent with the international human rights framework.

### Commencement of international investigations

The attacks against civilians and Myanmar's authorities should be addressed and a punishment should be considered. All UN bodies can contribute to ameliorating the process of tackling issues that influence the international community. That is, as unanimous decisions are taken after multifaceted consideration of different international bodies. International humanitarian organizations should play their role to allowing UN investigation teams, aid workers, and journalists to operate freely for welfare.

### Establishment of clear framework and re-evaluation of the Burmese Citizenship Law

The legal framework surrounding Rohingyas should be discussed and specified. The Burmese government cannot be obliged to grant citizenship; however, a re-evaluation of the Burmese Citizenship Law can help overcome significant legal hurdles. The Myanmar Constitution requires arbitration and the recognition of thousands of stateless people living within the country, as well as amendments and changes to not only provide them with citizenship status but also to create religious, legal, social, and economic space for the recognition of their basic human rights. To that end, the 1982 Citizenship Law requires prompt revision to remove discriminatory measures against Rohingya Muslims and other minorities in the region, and to provide them citizenship status so that they can exercise their fundamental rights.



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