



**Discussing the Violation of Human Rights during the
Rohingya Genocide and Rohingya Crisis in Myanmar
ASEAN+**

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Introduction

The Rohingya people are a predominantly-Muslim ethnic minority, that has historically inhabited the Rakhine (formerly Arakan) state in Myanmar. The Rohingya people are described as the “world’s most persecuted minority”, as they have faced legal and social discrimination, as well as a brutal ethnic cleansing campaign in 2017. This has resulted in the displacement of hundreds of thousands of Rohingya Muslims to the neighbouring state of Bangladesh, where they have settled in the largest refugee camp on Earth. Several international bodies, including the United Nations and multiple world leaders, have categorized the crisis as genocide.

Fearing a global response, the Myanmar government has been accused of destroying evidence of the many atrocities perpetrated in the Rakhine state: censoring and persecuting journalists that attempt to expose the crimes against humanity, preventing international organizations from investigating the allegations, and forcing internet shutdowns across the state. This has greatly affected the quality of discussion surrounding the conflict. This research report aims to give the delegates of the ASEAN+ committee a clear and concise insight into the situation facing the Rohingya people.



Definition of Key Terms

Ethnicity

Specific identification of a group of people with shared attributes or characteristics. Characterized by people that refer to certain territories, which the group views as belonging to a specific culture. Ethnicity often comes with shared history, belief or race- though it is generally not exclusively so. Ethnic groups may also claim certain histories, in which they did not even exist as presently or at all.

Genocide

Genocide is recognized as a crime by the UN under international law. Defined by the UN as 'acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group' This includes killing, causing serious physical or mental harm to members of the group. The infliction of conditions to severely limit life, or to destroy it, whether entirely or in part is also considered genocide. Further, preventing births of the group through imposed measures or forcibly moving children out of the group where they are born/raised is also defined as genocide.

Ethnic cleansing

Independently, ethnic cleansing is not regarded as a crime by the UN under international law. Simply put, the use of violence or intimidation (by a certain group) to achieve a homogenous ethnic/religious group in a certain area.

Refugee

Refugees are people who have been forced out of their country of origin, as a result of conflict, persecution, violence or other extreme circumstances where personal security is at risk; thus requiring international protection.

Coup d'état

The attempted and illegal overthrow of an existing government, usually by a small group with control of the military or armed forces. This seizing of power is normally done to replace the deposed government with another institution, often carried out by extremist political factions or the country's military.

Junta

A military government that acquired power through force or non-democratic means.



General Overview

There is a long history of discrimination, islamophobia, and racism against the Rohingya ethnicity in Myanmar, which is a majority-Buddhist nation. Systematic persecution began against the Rohingya following the Second World War. The Rohingya had supported the British rulers that promised them a Muslim autonomous state, whilst the Burmese nationalists initially supported the Japanese invaders in 1942. When the Japanese advanced into Arakan, many Rohingya were subsequently targeted and forcibly displaced by Burmese nationalists that believed they had unfairly benefitted from British colonial rule.

Following independence from colonial rule in 1948, the Rohingya were seen as illegal migrants in both Myanmar and Bangladesh, creating a stateless population that wasn't entitled to return to villages they had been driven out of during the War. Under the military dictatorship following the 1962 coup d'état, the Rohingya were stripped of their citizenship (under a 1982 Citizenship Act) and were subjugated to intense human rights abuses. For example, the government attempted to expel the population under the 1978 "King Dragon Operation" as well as the 1991 "Operation Clean and Beautiful Nation", where 200,000 and 250,000 people fled to Bangladesh respectively. Many later returned under repatriation agreements between the UN, Bangladesh, and Myanmar, although they had lost much of their arable land to the military and Buddhist settlers.

Several hundred Rohingyas took up arms after inter-communal riots in 2012, where tens of thousands more had been displaced, forming the Arakan Rohingya Salvation Army (ARSA). In October 2016, hundreds of the ARSA insurgents attacked Burmese military border posts, killing 12 soldiers, and looting weapons and ammunition. The Government of Myanmar used these attacks as justification for the accelerated persecution of Rohingyas, claiming that they were fighting terrorist operations in the Rakhine state. Under the guise of recapturing stolen firearms, the military is accused of having destroyed communities, burning down villages, carrying out mass executions and rapes, and restricting the access to medicine and food into the region. Despite these accusations, the military continues to claim that they were fighting Rohingya militants and not targeting civilians. The UN described the events as "a textbook example of ethnic cleansing". The government has now blocked access of humanitarian aid groups and the UN to significant parts of the Rakhine state. To get a sense of scale, according to a study published in 2018, which interviewed thousands of Rohingya make-shift households in the Cox's Bazar camps:

- 24,800 Rohingya people were murdered
- 18,500 women and girls were raped
- 35,000 Rohingya people were thrown into fires



“This is the worst crises we are facing in today’s world. It is essential that the international community is able to tell the authorities [...] that violence needs to stop, and that the people that have fled may return [...] in safety, dignity and voluntarily”
- Antonio Guterres, Secretary General of the United Nations

Amnesty International estimates that, following the 2017 crackdown, 750,000 Rohingya refugees fled to the neighboring state of Bangladesh. Refugees have settled in densely-populated camps such as the Kutupalong refugee camp in the Cox's Bazar, which is the world's largest refugee camp. There, they are unable to access education, face human traffickers, and are subject to waterborne disease. Having to endure these horrible camp conditions, an estimated 79% of the refugees are willing to return to Myanmar as soon as possible, and 96% demand recognition of citizenship by the Myanmar government as a precondition for repatriation. However, this is unlikely to occur as there is a strong anti-Rohingya sentiment among nationalist Buddhist leaders and communities, which are opposed to the return of Rohingya refugees. This means the government is unlikely to implement the necessary political steps to address discrimination, segregation, and citizenship status. One example of this was, in response to accusations of ethnic cleansing, former Burmese leader and Nobel peace prize laureate, Aung San Suu Kyi, who indicated that she recognizes the Rohingyas as terrorists and has denied any acts of genocide.

In February of 2021, the Burmese military once again seized power in a coup d'état, arrested democratically*-elected Aung San Suu Kyi and other key politicians. Considering that the crackdown on the Rohingya was military-led, the violence is likely to escalate, and hopes for repatriation have dwindled. To summarize, the treatment of Rohingya did not improve during Myanmar's experiment with democracy, and it is likely to worsen under the new military junta.

*Democratic to the extent possible whilst disqualifying 1.5 million voters from ethnic minorities, primarily the Rohingya.

Major Parties Involved

Myanmar

The Government of Myanmar has been accused of Genocide and unjust persecution of the Rohingya people, as well as crimes against humanity. The government denies all accusations and declared their recognition of the Rohingya as terrorists. Currently, a military government, following the coup d'état in early 2021. Myanmar has blocked access to humanitarian aid and the UN to reach the Rakhine state.

Arakan Rohingya Salvation Army (ARSA)

Arakan Rohingya Salvation Army (ARSA) is an armed Rohingya group. Responsible for hundreds of deaths of Hindu men, women, and children in massacres. The group demands legal recognition for their ethnicity alongside citizenship. ARSA claims it is fighting solely for its rights and is not linked to terrorist organizations. The most active ARSA faction is locally called the Hakim Bahini. ARSA operations are limited to the northern region of the Rakhine state (close to the Bangladeshi border)

Burmese military

Currently, the ruling power in Myanmar, following the February 2021 coup d'état, resuming an on and off rule of the country. Have imposed strict crackdowns, noticeably on freedom of speech and media following the coup. In discussion with various ASEAN states on warnings and concerns issued regarding social and economic stability in Myanmar, the military says it is safe for refugee repatriation.

Bangladesh

Is host to the Kutupalong refugee camp, where over 1.1 million Rohingya reside in the world's largest refugee camp. At the 76th United Nations General Assembly, Bangladeshi Prime Minister Hasina called for international action to repatriate the Rohingya people. Bangladesh has taken many efforts to improve the standards of living for the Rohingya and initiated a scheme for eligible Rohingya refugees to be vaccinated against Covid-19. There have also been arrests of Rohingya in Bangladesh concerning the circulation of drugs or other crimes.

China

China has placed itself as a mediator in the crisis. It also has major investments in Myanmar, namely the hydropower dam and deep-sea port in Rakhine, with plans for further development including high-speed railroads. Many Chinese officials, including President Xi Jinping, have visited Myanmar in an effort to mediate and develop the country. In 2021, China blocked a UN Security Council condemnation of the military coup in Myanmar and was backed by Russia. China has been scrutinized by some for disregarding humanitarian needs and focusing on economic prospects.



Facebook

In 2018, Facebook was said to have a direct impact on the crisis for allowing the spread of hate speech. They admitted to not doing enough to prevent the spread of hate speech and violence. In 2021, Rohingya refugees in the UK and US have filed a \$150 billion lawsuit against Facebook for the promotion of violence.

Timeline of Key Events

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| January 4 th 1948 | Burma becomes independent from colonial rule |
| March 2 nd 1962 | Coup d'état, the start of one-party rule |
| February 6 th 1978 | Launch of Operation 'Dragon King' (Naga Min) |
| October 15 th 1982 | Citizenship Act enacted, Rohingya stripped of citizenship |
| April 5 th 1989 | Renaming of Burma as Myanmar, Military presence in northern Rakhine increased |
| 1991-1992 | Operation Clean and Beautiful Nation 20 refugee camps established for the Rohingya, |
| 2003 | Only 2 of the 20 refugee camps remain, despite rising numbers, Teknaf and Kutupalong |
| 2012 | Intercommunal riots in Myanmar |
| October 9 th 2016 | ARSA militant attacks on border police in Rakhine, a wave of refugees across the border |
| August 25 th 2017 | ARSA attacks on over 30 police posts |
| November 11 th 2019 | ICJ suit filed against Rohingya by Gambia for violation of the Genocide Convention |
| February 1 st 2021 | Military coup d'état, major crackdowns |
| February 3 rd 2021 | China (backed by Russia) blocks UNSC condemnation |
| November 2021 | Lawsuit of \$150 billion filed against Facebook for promotion of hate speech |

Previous attempts to resolve the issue

In 2019, Gambia filed an ICJ suit against the Republic of the Union of Myanmar for violation of the genocide convention. Myanmar has repeatedly emphasized that the accountability of human rights is an internal affair. There are UN investigations taking place regarding the allegations, however, there have been multiple extensions and re-fixing of time limits. Thus, the case has garnered no real change as of now.

In February 2021, following the coup d'état in Myanmar, the UN Security Council (SC) discussed declaring a condemnation against Myanmar. However, China, which has



a major economic investment in the country, blocked this through the use of Veto power granted as a permanent 5 nation in the SC. Russia backed China in this decision. Consequently, there have been no developments in resolving the crisis.

The crisis itself is considered to date back only around 6 years (though its origins are a lot older) when a major influx of refugees came to camps in Bangladesh after the 2016 attacks. Moreover, political instability in Myanmar, with the experimentation of democracy and the military coup in 2021, has delayed, deterred, or greatly interfered with international support and domestic willingness to solve the issue. This continues as the military have blocked access to the area and enforced stricter crackdowns, leaving the crisis to grow and increasing the difficulty to resolve the issue.

Possible Solutions

UN agencies and the ICJ should continue trying to resolve the issue through legal means. The military junta's unwillingness, fed by political instability, to cooperate with international agencies (both affiliated with the UN or independent) is critical to overturn or overpower through legal means. To grant access to aid organizations such as The Red Cross or Médecins Sans Frontières (MSF), helping refugees in dire need of medical and humanitarian aid.

The use of economic means, such as trade within ASEAN countries could help resolve the crisis. For example, in 2020 Singapore exported US\$2.7 billion worth of goods to Myanmar, including mineral fuels, oils, electronics, and machinery. China's continuous investment in projects in Myanmar such as the deep-sea port also has a strong pull. Further, China plans to initiate more projects in the prospect of economic prosperity. Myanmar also has strong trade links with Vietnam, Vietnamese companies investing in real estate. A change in trade conditions could greatly impact both Myanmar and other ASEAN trading nations.

Appendix/Appendices

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- <https://www.amnesty.org/en/>
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