

ISARMUN 2018



United Nations High Commission for
Refugees

UNHCR

STUDY GUIDE

Table of Contents

Introduction from the Chairs	III
Introduction to the Committee	IV
Topic A- Strengthening the International Cooperation on the Integration of Refugees	1
1. Introduction to Topic A	1
2. Discussion of the topic	2
2.1 Integration as a durable solution	2
2.2 Local integration processes	2
2.2.1 <i>Uganda</i>	2
2.2.2 <i>Europe</i>	3
2.2.3 <i>OECD/UNHCR Action Plan on engaging with employers in the hiring of refugees</i>	4
3. Points a Resolution should address	5
4. Further reading	5
5. Bibliography	6
Topic B – THE ROHINGYA CRISIS: ASSISTING WITH THE REPATRIATION OF REFUGEES	7
1. Introduction to Topic B	7
2. Discussion of the topic	8
2.1 Early historical background	8
2.2 Post-Independence Events: Formalisation of the Conflict	10
2.3 Recent Events and the Current Situation	12
3. Bloc positions	14
4. Points a Resolution Should Address	18
5. Further reading	18
6. Bibliography	20

Introduction from the Chairs

Dear Delegates,

Welcome to IsarMUN 2018!

Your chairs for this year's UNHCR simulation shall be Anke Freuwört, Svenja Chen and Parthabi Kanungo.

My name is Anke Freuwört and I work as a research assistant in the field of migration at the University of Kassel in Germany. I have studied Social Science in the past and spent many years within the MUN community on several conferences around Europe and the United States.

I am Svenja Chen, I study law at LMU Munich, but am currently spending a year abroad at University College London. I have been doing MUNs since highschool and am excited to be chairing this committee in my hometown. I hope that you all will be as inspired by our historical university as I was, when I first started my studies here.

I, Parthabi, am currently pursuing my LLB from Maastricht University, in the Netherlands. Hailing from India, I have been involved with MUNs for the past four years. IsarMUN is supposed to be my first MUN experience in Europe. I am indeed looking forward to an enriching simulation!

Each year, we aim to focus our discussion on real world issues and problems. Issues that challenge not only yourselves, but those actively working in the international community. These questions are not easy to solve in a world dominated by the realpolitik, but nonetheless, these tasks are real, and most of all, important.

As such, our focus during this conference is the discussion of the following topics: **“Strengthening the International Cooperation on the Integration of Refugees”** and **“The Rohingya Crisis: Assisting with the Repatriation of Refugees”**.

Please make sure you spend enough time on your research about the topics at hand. Realise, that you do not represent yourselves, but instead the sovereign interests of your nation. This of course means that you may have to take a stand on a topic that you are not comfortable with, or are personally against. Use this opportunity to learn and understand the real world challenges that diplomats and delegates face every day. It is all about diplomacy and convincing other nations of your ideas to address international cooperation and the assistance of repatriations. An individual delegate who tries to push too much for his ideas without listening to others might not get his ideas supported by the community.

If you have any problems during your research or questions ahead the conference do not hesitate to contact us! We will try to do our best answering your questions and help you to get into the MUN culture smoothly.

We are looking forward to meeting you all in Munich!

Anke, Svenja & Parthabi

Introduction to the Committee

The Office of the United Nations High Commissioner for Refugees is governed by the UN Member States making up the Executive Committee (ExCom) and falls under the UN Programs and Funds. Also known as the UN Refugee Agency, the body reports directly to the General Assembly (GA). It was originally established by the GA to address the high number of displaced Europeans after World War II. UNHCR's headquarter is located in Geneva, Switzerland and addresses the needs of more than 65 million displaced persons worldwide. UNHCR's budget has increased from \$300,000 in its first year to \$7,184.7 million in 2016 and its annual program priorities and budget has to be approved by ExCom.

UNHCR's resources are dedicated to address the needs of specific groups such as refugees, internally displaced persons (IDP) and asylum seekers. The 1951 Convention relating to the Status of Refugees is the legal document forming the basis of the work of the United Nations High Commission for Refugees (UNHCR) and the cornerstone of international refugee protection today. It is grounded on article 14 of the Universal Declaration of human rights (UDHR) which states that

- (1) *Everyone has the right to seek and to enjoy in other countries asylum from persecution.*
- (2) *This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.*

(Article 14, UDHR)

The United Nations Convention relating to the Status of Refugees was adopted in 1951 by the General Assembly and went into force on 22nd of April 1954, which 147 State party ratifications today. UNHCR serves as a guardian of the Convention and its additional protocol today expecting cooperation of States to ensure that refugee rights are respected and protected.

The Convention applies to any individual who *"fear[s] of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national"* (Refugee Convention, Article 1 A (2)). The Convention was extended in the following year by the Protocol Relating to the Status of Refugees. The Protocol of 1967 Relating the Status of Refugees was a first reform addressing the geographical limitations of the Convention and its signatories. It

removed limitations to Europe and gave the Convention a universal coverage, opening the Convention to a worldwide applicability without any limitation of date.

UNHCR was originally created 1951 with a three-year mandate but facing the Soviet intervention in Hungary (1956), the decolonization in Africa during the 1960's and two decades of crisis' in Asia and Latin America after decolonisation, the mandate was continually extended by the General Assembly until 2003. Afterwards UNHCR became permanent when the GA decided "*to remove the temporal limitation on the continuation of [UNHCR] ... and to continue the Office until the refugee problem is solved.*"¹

The mandate of UNHCR is stated in General Assembly Resolution 428 as "*providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and...private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.*"² Other groups as stateless persons (defined in the 1954 Convention Relating to the Status of Refugees and 1961's Convention on the Reduction of Statelessness) or IDP's (1998- Guiding Principles on Internal Displacement) are also included in UNHCR's mandate. Further definitions of the UNHCR's mandate can be found in the ExCom report entitled as *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters*.³

¹ UN General Assembly, *Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate (A/RES/58/153)*, 2003.

² UNHCR, *Statute of the Office of the United Nations High Commissioner for Refugees*, 2014, p.6

³ UNHCR Executive Committee, *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters*, 2011.

Topic A- Strengthening the International Cooperation on the Integration of Refugees

1. Introduction to Topic A

2018 is the year of the highest level of displacement on record. Of the 69.5 million forcibly displaced people worldwide, 25.4 million are international refugees under the UNHCR mandate and 3.1 million are asylum seekers. However, only 15 % of hosting countries qualify as industrialized countries. In September 2016, the United Nations General Assembly adapted the New York Declaration for Refugees and Migrants, stating that large movements of refugees have political, economic, social, developmental, humanitarian and human rights ramifications, which cross all borders.⁴ This global phenomenon needs global solutions which can only be achieved by greater international cooperation. Further the Global Compact on Refugees, drafted by the UNHCR in 2018 stated burden- and responsibility sharing as the guiding principle of a comprehensive refugee response framework.⁵ An issue that has been one of the biggest challenges for many national policy makers and societies has been the successful integration of those refugees that cannot be repatriated. According to the 1951 UN Refugee Convention, restoring refugees to dignity and ensuring the provision of human rights includes an approach that would lead to their integration in the host society.⁶

According to UNHCR figures, the countries hosting the largest number of refugees are Turkey, Pakistan, Uganda, Lebanon, Iran and Germany.⁷ This diverse list alone suggests how complex a sustainable solution for integrating those refugees, that have been granted protection, can be. How governments proceed with those who have been granted asylum or protection is primarily a national political decision. However international cooperation can benefit the sustainability of integration programs.

The German Federal Office for Migration and Refugees (BAMF), as an example, frequently sends its employees to other EU nations, to improve cooperation and gain know-how from other administrations for migration. Similar practices can be established superseding the borders of the EU. This includes collaborating not only with other host countries but also, if possible with the origin nations of the refugees, such as Syria, Palestine or Nigeria.

The approach of multilateral collaboration when it comes to integration is new, it has not yet been discussed on a large scale within the United Nations. Now you as delegates of the UNHCR can create new guidelines to help integrate refugees through international cooperation.

⁴ New York Declaration for Refugees and Migrants, A/RES/71/1.

⁵ The UNHCR Global Compact on Refugees, final draft June 2018.

⁶ Article 34 of the 1951 Convention Relating to the Status of Refugees.

⁷ <http://www.unhcr.org/figures-at-a-glance.html>.

2. Discussion of the topic

2.1 Integration as a durable solution

UNHCR has been entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with governments, to seek permanent solutions to the challenges of refugees. UNHCR's interest and involvement in integration stems from its mandate to seek solutions enshrined in the 1951 Refugee Convention's Article 34, which sets out that states shall, as far as possible, facilitate the integration and naturalization of refugees; as well as various soft law and policy documents related to integration, such as UNHCR's ExCom Conclusion No. 104 on Local Integration and the 2009 note on strategic approaches for combating discrimination.

Indeed the 1951 UN Refugee Convention uses the word, 'assimilation,' which implies the disappearance of differences between refugees and their hosts as well as permanence within the host society. Recent thinking, however, emphasizes both the importance of maintaining individual identity and the possibility of "promoting self-reliance pending voluntary return," whereby local integration could be temporary.

Understandings of what integration is vary considerably between governments, policymakers and stakeholders. There are also differences between these understandings and refugees' understanding of what integration means to them which may lead to different perceptions of "successful" integration.

Examples of characteristics of successful integration are:

- *the socio-cultural change they undergo permits them to maintain an identity of their own and to adjust psychologically to their new situation,*
- *friction between host populations and refugees is not worse than within the host population itself,*
- *refugees do not encounter more discrimination than exists between groups previously settled within the host society.*⁸

The individuality of each person's integration process is particularly important for refugees who from very different individual backgrounds. Challenges can only be addressed if refugees are recognized as individuals, rather than as a homogenous group for whom the same interventions are envisaged as applicable.

2.2 Local integration processes

2.2.1 Uganda

In countries of the global South, areas that host refugees are themselves plagued with poverty, characterized by a lack of resources and infrastructure for social services, and corresponding difficulties in accessing economic markets. Severe economic crises and environmental degradation facing many of the major African refugee hosting countries make the creation of a reliable legal and political framework that allows permanent integration into the local society challenging.⁹

⁸ Kuhlman, Tom. 1991. "The Economic Integration of Refugees in Developing Countries: A Research Model." Economic Integration of Refugees. London: Oxford University Press.

⁹ Kibreab, Gaim. 1989. "Local Settlements in Africa: A Misconceived Option?," Journal of Refugee Studies. Vol. 2 (4), p. 473.

Uganda provides a unique example, it has a long history as both a generator of refugees and a host country for refugees, and the integration of refugees into Ugandan society has been a common occurrence.¹⁰

In 1992, the Ugandan government issued a local settlement program for Sudanese refugees. Rural land was made available for agricultural production, which was supposed to offer a more permanent departure from the temporary “transit camp”. The goal was to promote a degree of self-sufficiency for refugees, by letting them make their own living. However, the geographical confines of the settlements lead to economic and social seclusion of the refugees.

In the late 1990s, the Self-Reliance-Strategy (SRS) was created to “optimize the use of resources for the good of both refugees and the host community”¹¹, moving “from relief to development”.¹² This programme aimed to elevate the living standards of economically weaker districts in Uganda by empowering refugees and nationals to the extent that they will be able to support themselves. SRS wanted to achieve this by integrating service delivery in the sectors of agricultural production, income generation, community services, health and nutrition, education, water and sanitation, the environment, and infrastructure development. This counteracted the flaw of isolation with the local resettlement programs.

Despite the efforts, the integration process of Sudanese refugees was slow or even unsuccessful due to a remaining lack of freedom of movement and trade opportunities for refugees and the repeated outbreak of armed conflicts in the region.¹³

2.2.2 Europe

Demographic shifts within Europe show a declining and ageing population and require that the European Union working population must be increased in order to support the welfare system and pension requirements of future years. It is a point of crucial concern in many countries and has been the focus of much policy attention.¹⁴

Integration policy which complements a protection status in the EU and which allows all newcomers, including refugees, to become economically productive leads to self-reliance, dignity, and social interaction and is beneficial to individuals and the receiving society.

In 2004, the Common Basic Principles for Immigrant Integration Policy were established within the EU, with the following ten priorities¹⁵

- a two-way, dynamic process;
- implying respect for values of the EU;

¹⁰ Ginyera-Pincywa, A.G.G. 1998. “Uganda’s Entanglement with the Problem of Refugees in its Global and African Contexts.” Uganda and the Problem of Refugees. Kampala: Makerere University Press.

¹¹ Harrell-Bond, B.E. 1986. Imposing Aid: Emergency Assistance to Refugees. Oxford: Oxford University Press, p.370.

¹²Office of the Prime Minister/UNHCR Uganda. 1999. “Strategy Paper: Self Reliance for Refugee Hosting Areas in Moyo, Arua, and Adjumani Districts, 1999-2005,” p. 8.

¹³ <http://www.unhcr.org/research/working/3f8189ec4/local-integration-durable-solution-refugees-host-populations-education.html>.

¹⁴ Lorant K., (2005) *The Demographic Challenge in Europe*, Brussels.

¹⁵ UNHCR (2013), ‘A new Beginning, Refugee Integration in Europe’. (p.35)

- employment forms a key part of integration and is central to participation;
- knowledge of the receiving society's language, history, institutions is integral to successful integration;
- education is critical for active participation;
- access to institutions, goods and services equal to nationals is foundational to integration; interaction between migrant/citizen;
- practice of diverse cultures and religions to be safeguarded;
- participation in democratic process;
- mainstreaming integration policies;
- clear goals, indicators and evaluation mechanisms to adjust integration policy.

2.2.3 OECD/UNHCR Action Plan on engaging with employers in the hiring of refugees

Employment is the key concern for many refugees. Regarding entering the labor market, specific barriers exist for refugees in addition to challenges other migrants face. Challenges evidenced in this research include loss of identity documentation and qualification certificates, non-acceptance of qualifications or educational attainment, trauma and uncertainty, anxiety over family separation, the long period of inactivity in the asylum system, and limited social networks.

For governments, employment is the most efficient method of integration. Every state is responsible for the legal framework, but the action plan heavily relies on local, regional and municipal coordination. A joint effort must be made with all relevant actors, such as public and private employers, trade unions, civil society organizations and the refugees themselves.

The OECD and the UNHCR created an action plan to address employers about the hiring of refugees.¹⁶

'The Action Plan is composed of 10 "action areas" identified as keys to support the successful labor market integration of refugees. The action areas are illustrative of the process and issues faced by employers concerning the hiring of refugees. As a starting point, employers must be in a position to navigate the administrative framework regarding work rights (Action 1) and have sufficient legal certainty on the length of stay of refugee workers (Action 2). Once these preconditions are met, the necessary first step in the labor market integration process is the initial assessment of refugees' skills (Action 3). Some skills gaps may be identified in this process, and measures for re- and upskilling may be needed to increase refugee employability (Action 4). With this base, a proper matching can be done with employers' skills needs (Action 5). For a fair recruitment process, equal opportunities are a precondition (Action 6), and the working environment must be prepared (Action 7). Enabling long-term employability requires specific attention (Action 8). To ensure that scalable models for refugee employment are sustained and championed by employers, building a real business case for employment is essential (Action 9). Finally, different

¹⁶ OECD/UNHCR (2018), Engaging with employers in the hiring of refugees. Available from: <http://www.unhcr.org/5adde9904>. Accessed date: [5 Oct. 2018]

stakeholders need to work effectively and efficiently together throughout the process (Action 10).¹⁷

3. Points a Resolution should address

As can be seen by the examples given above, integration is a complex topic with many stakeholders and factors influencing the process.

Cooperation between government, local administrations, private employers, civil society, NGOs and the refugees, is necessary for a sustainable integration program. Where does international cooperation fit into that picture? The UNHCR can be used as a platform to not only exchange information on the effectiveness of each nation's local integration process, but also to establish joint programs and a line of communication with host and origin countries. Cooperation can facilitate understanding the cultural differences between refugee and local society as well as classify the qualifications that i.e. a young Syrian refugee has with a bachelor's degree.

A Resolution should consider the following aspects:

- What is a common understanding of successful integration?
- For which regions or countries does cooperation make sense?
- How can an exchange of information between host and origin countries established?
- Which integration projects can be expanded towards an international level?

4. Further reading

- New York Declaration for Refugees and Migrants, 2016
- Jacobsen, Karen. July 2001. "The forgotten solution: local integration for refugees in developing countries." New Issues in Refugee Research, Working Paper No.45, Geneva: UNHCR.
- UNHCR (2013), A New Beginning: Refugee Integration in Europe, p. 76, <https://bit.ly/2DZtDt9>.
- OECD (2016), Making Integration Work: Refugees and others in need of international protection, <https://bit.ly/1nqcll8>.
- OECD Action Plan on the Economic Integration of Refugees <http://www.unhcr.org/5adde9904>
- Cartagena Declaration on Refugees, 1984.

¹⁷ OECD/UNHCR (2018), Engaging with employers in the hiring of refugees. Available from: <http://www.unhcr.org/5adde9904>. Accessed date: [5 Oct. 2018]

5. Bibliography

- Jacobsen, K. (2001) "The forgotten solution: local integration for refugees in developing countries." New Issues in Refugee Research, Working Paper No.45, Geneva: UNHCR.
- Kuhlman, T. (1991) "The Economic Integration of Refugees in Developing Countries: A Research Model." Economic Integration of Refugees. London: Oxford University Press
- Sorenson, J. (1994). "An Overview: Refugees and Development." In Adelman and Sorenson (Eds). African Refugees: Development Aid and Repatriation. Boulder, CO: Westview Press.
- OECD/UNHCR (2018). Engaging with employers in the hiring of refugees.
- Lorant, K. (2005) "The Demographic Challenge in Europe", Brussel.
- Harrell-Bond, B.E. (1986). "Imposing Aid: Emergency Assistance to Refugees." Oxford: Oxford University Press.
- Office of the Prime Minister/UNHCR Uganda. (1999). "Strategy Paper: Self Reliance for Refugee Hosting Areas in Moyo, Arua, and Adjumani Districts, 1999-2005".
- Kibreab, Gaim. (1989). "Local Settlements in Africa: A Misconceived Option?" Journal of Refugee Studies. Vol. 2.
- Gingyera-Pincywa, A.G.G. (1998). "Uganda's Entanglement with the Problem of Refugees in its Global and African Contexts." Uganda and the Problem of Refugees. Kampala: Makerere University Press.

Topic B – THE ROHINGYA CRISIS: ASSISTING WITH THE REPATRIATION OF REFUGEES

1. Introduction to Topic B

It was the 22nd of August, 2017. The Rakhine state of Myanmar witnessed a confrontation between the state military and ‘alleged’ militants belonging to the minority Rohingya community, a religious and linguistically diverse community in a country with a predominant Buddhist population. The result was the destruction of dozens of Rohingya villages and harm to civilians. With the lack of an alternative, hundreds of thousands of ‘stateless’ Rohingyas began crossing the border into Bangladesh, risking lives under extreme conditions, because the place they had called ‘home’ for nearly four generations was no longer safe.

According to latest HCR statistics, Bangladesh currently houses more than 890,000 Rohingya refugees, spread across several camps in the Cox’s Bazaar region.¹⁸ The subject of utmost urgency remains initiating the repatriation process, ensuring the secure return of the Rohingyas back to Myanmar, followed by adequate reintegration and rehabilitation. But the reluctance of the key parties, namely the State of Myanmar and the Rohingya community leaders continues to cause unwarranted delays, as the refugees continue to lead a ‘stateless life’.

The actions of the government of Myanmar, directed towards the Rohingyas constitutes of centuries old persecution and discrimination, including the classification of the Rohingyas as ‘resident foreigners’ in 1982, rendering the community without any citizenship rights. The Rohingya crisis has therefore drawn the world community’s attention to a discriminatory citizenship system in place in ‘The Golden Land’ of South-east Asia, systematically organised along ethnic lines and justified on the grounds of an ‘eminent threat’ posed to the State, by these minority groups. In lieu of the Conference’s theme of ‘Embracing diversity and fighting for equality’, we are of the opinion that addressing the potential right of a minority group to return back to a country where they have lived for centuries, is of paramount importance. The additional complexity of the country in question refusing to grant citizenship to the minority group, and the continued escalation of the situation into ‘one of the fastest growing humanitarian crises’¹⁹ on the planet, and the underlying ethnic, cultural and regional factors, call for our immediate attention.

The High Commissioner for Refugees, through its Framework for Durable Solutions for Refugees and Persons of Concern introduced a 4Rs principle (namely, Repatriation, Reintegration, Rehabilitation and Reconstruction), that in turn

¹⁸ UNHCR Operational Portal- *Refugee Response in Bangladesh*. Available from https://data2.unhcr.org/en/situations/myanmar_refugees Accessed date: [30 Sept. 2018]

¹⁹ UN News (2017) “*Rohingya Crisis one of the fastest growing in recent years, warns UN Refugee Agency*”. UN News.. Available from: <https://refugeesmigrants.un.org/rohingya-crisis-one-fastest-growing-recent-years-warns-un-refugee-agency> & <https://news.un.org/en/story/2017/09/565012-rohingya-crisis-one-fastest-growing-recent-years-warns-un-refugee-agency>. Accessed date: [5 Oct. 2018]

corresponds with the body's mandate of assisting refugees in post-conflict situations.²⁰

'*Voluntary repatriation* involves the process of the return of refugees or displaced persons to their country of origin, as a result of a willing, conscious decision on the part of the refugee. It can in turn be classified as '*organised*' or '*spontaneous*'. *Organised voluntary repatriation* generally involves the aid and assistance of governments, the HCR and other institutions, while *spontaneous voluntary repatriation* occurs naturally, by the movement of the population, without any involvement of institutionalised agencies. It is to be noted that organised voluntary repatriation can either be '*facilitated*' by UNHCR when the decision to return has been made by the displaced population, but the conditions in the country of origin pose a threat to the returning refugees. Organised voluntary repatriation is '*promoted*' by HCR if conditions in the country of origin are determined to be conducive for the secure and dignified return of the refugees.'²¹

Reintegration is aimed at enabling returnees to adapt to the social, political and economic identity of the larger community, which ultimately leads to the complete incorporation of the returnees into the social environment, and eliminates the possibility of being discriminated against.²²

Rehabilitation and *reconstruction* are broader, yet overlapping concepts, generally initiated alongside re-integration. The processes can together constitute of humanitarian and emergency relief, demilitarization, including demobilization and demining, political, social and economic reconstruction.²³

2. Discussion of the topic

The situation concerning the Rohingya crisis is not an overnight escalation of violence that led to thousands risking their lives, trying to reach Bangladesh. It was the culmination of a long-drawn violent conflict between Rohingya insurgents and the military junta, the basis for the conflict being a power-struggle reflective of ethno-cultural and political tensions.

2.1 Early historical background

There exist diverging views addressing the origin of the Rohingyas. There is no uniformly documented account of the arrival of the community in the area that is currently designated as the Rakhine province of Myanmar. The historic Arakan territory (now Rakhine) is a coastal region connecting Myanmar to Chittagong in

²⁰ UNHCR. *Framework for Durable Solutions for Refugees and Persons of Concern*. Retrieved 30 Sep. 2018 from <http://www.unhcr.org/partners/partners/3f1408764/framework-durable-solutions-refugees-persons-concern.html>

²¹ UNHCR. (2006). *UNHCR Global Report: 2005*. p. 441-446. Available from <http://www.unhcr.org/449267670.pdf>. Accessed date: [30 Sept. 2018]

²² *ibid.*

²³ UNHCR. (1995). *Helping Refugees to Reintegrate: the Challenges of Rehabilitation* - Address by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, at the 14th Workshop on Management of Field Coordination for Senior United Nations System Representatives. Turin. Available from <http://www.unhcr.org/admin/hcspeeches/3ae68fa90/helping-refugees-reintegrate-challenges-rehabilitation-address-mrs-sadako.html>. Accessed date: [30 Sept. 2018]

Bangladesh, from the northwest. Pre-colonial history of the region provides an account of the cultural influence of the Bengal Sultanate on the Arakan kingdom, which was reflected in the use of Muslim titles by Arakanese rulers and the popularity of Sufi music in the region, as early as the 15th century.²⁴

The Arakanese conquest of Chittagong in the 16th century led prompted the coexistence of Muslims, Hindus and Buddhists in the region, forming a shared culture. The Burmese conquered Arakan in 1784.²⁵

During the 1790s, Arakans (including several Muslims) began crossing the border into Bengal as a result of forced labour and mass deportations. Bengal, during this period in time was under British colonial rule. The British East India Company, intervening into the situation, facilitated the resettlement of this displaced population in a region that then came to be known as Cox's Bazaar (named after founder Hiram Cox of the East India Company).²⁶

British control of Burma began from 1824, with the first Anglo-Burmese War. The colonial power struggle played an interesting role in fuelling communal disharmony in the region. Migration from Chittagong to Arakan remained largely unrestricted, and tensions between the Chittagonian Muslims and the Buddhist Rakhines began escalating in the early 1900s. At the height of the second World War, during the Japanese invasion of 1942, a great number of migrant Muslims were forced to flee back to India, as they were now considered to be 'instruments of British power' by the Burma Independence Army. Violent land-struggles and massacres continued raging for almost two years, with the Muslims of North Rakhine supporting the British position, and the Burmese of South Rakhine favouring Japanese control.²⁷

The administrative separation of Burma from British India had already begun in 1937. The ethnic violence of 1942 in several ways strengthened the religious and language barriers between the Burmese Buddhists and northern Rakhine Muslims. With the formation of India and Pakistan in 1947, and the demarcation of the East Pakistani and Burmese territories across the River Naf, posed a new dilemma to the Muslims of northern Rakhine, who initially wanted to secede to East Pakistan, but failed to garner the endorsement of the then Governor General of Pakistan, Mohammad Ali Jinnah.²⁸

²⁴ Leider, J. (2018, May 24). *Rohingya: The History of a Muslim Identity in Myanmar*. Oxford Research Encyclopedia of Asian History. Ed. Available from: <http://asianhistory.oxfordre.com/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-115> . Accessed date: [5 Oct. 2018]

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ Leider, J. *Rohingya: the name, the movement and the quest for identity*. Nation Building in Myanmar. p. 204-255. Available from: https://s3.amazonaws.com/academia.edu.documents/34461018/LEIDER_Rohingya_Name_Movement_Identity_14_06.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1537190097&Signature=4dNCULVsfdhlfWHIACn%2B8zOeUbk%3D&response-content-disposition=inline%3B%20filename%3DRohingya_The_name_the_movement_the_ques.pdf . Accessed date: [5 Oct. 2018]

²⁸ *ibid.*

2.2 Post-Independence Events: Formalisation of the Conflict

Following the independence of Burma from British occupation in 1948, The Union Citizenship Act was adopted. The Act introduced the term “indigenous races of Burma” which did not include the Rohingyas and placed the added condition of these races having arrived in Burma prior to 1823.²⁹

The Rohingyas tried enforcing their distinct identity and demanded to be recognised as a taingyintha (national race), and to be granted territorial rights to their separate autonomous region. The demand met with a stark opposition from the State. The Rakhine Conflict also got absorbed into the 1948 civil war fought between the State military and the Karen National Union, with the Rohingya insurgents raising their own claims for self-determination³⁰ of Rakhine.³¹

Following the formation of the one-party state in 1962, the human rights situation in the region, especially concerning the Rohingyas took a turn for the worse. In 1977, Operation Nagamin (Dragon King) was launched by the authoritarian government to conduct a first census in the area, which later turned into a systemic operation of “expelling foreigners”. Some 200,000 Rohingya Muslims fled to neighbouring Bangladesh. As stated in the UNHCR ‘Report on the 1978-79 Bangladesh Refugee Relief Operation’, “The heavy-handed methods of the police and soldiers carrying out these operations, and their exploitation of the opportunities for extortion inherent in a situation where some people lacked documentary proof of their right to reside in Burma, accompanied by an upsurge in violent clashes between the two communities, created a climate of fear. News or rumours of beatings, abductions, and killing of Muslim men, and of the rape of Muslim women, spread from village to village, and many Muslim families were spurred into flight. There is no doubt that a number of atrocities did occur, but whether or not the fears were justified in terms of the real threat the Muslims faced from either the Burmese authorities or their Buddhist neighbors, 200,000 people believed they were in sufficient peril to pack up what possessions they could carry and trek for up to 100 miles to reach the relative safety of Bangladesh.”³²

The 1977 crisis also marked the first ever repatriation process concerning the Rohingya refugees in Bangladesh. A UNHCR assisted negotiation process was initiated between the Burmese and Bangladeshi governments.

²⁹ *The Union Citizenship Act* (1948). Available from:

http://www.ibiblio.org/obl/docs/UNION_CITIZENSHIP_ACT-1948.html. Accessed date: [2 Oct. 2018]

³⁰ The **right of self-determination** refers to the political freedom of a group of persons (generally, a community with a shared culture). It can be external (where the community has a right to make choices concerning sovereignty, which generally dictates foreign policy) or internal (choices concerning the government or form of governance, largely deals with self-governance). In international law, it is said to form a component of the *jus cogens* (peremptory norms, the principles of law which cannot essentially be derogated) rule.

³¹ Leider, J. (2018, May 24). *Rohingya: The History of a Muslim Identity in Myanmar*. Oxford Research Encyclopedia of Asian History. Ed. Available from:

<http://asianhistory.oxfordre.com/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-115>. Accessed date: [3 Oct. 2018]

³² Lindquist, A.C., (1979) *Report on the 1978-79 Bangladesh Refugee Relief Operation*. Office of the High Commissioner for Refugees. Available from: http://www.ibiblio.org/obl/docs/LINDQUIST_REPORT.htm Accessed date: [1 Oct. 2018]

A bilateral agreement between the Burmese and Bangladeshi governments was signed in July 1978. A strong resistance from the Rohingya population, however, was observed. This was because of a continually existent fear of persecution among the Rohingyas, which in their opinion, they might have been subjected to, upon their return to Burma. The community believed that they did not receive any clear indication from the Burmese government, in this regard, either. However, a lack of cooperation from the Bangladeshi government, which ultimately led to a shortage of ration supply in the camps, and increasing deaths from malnutrition, forced the Rohingyas to return to Burma, and the process commenced in a full-fledged manner from the November of 1978.³³

A new National Citizenship Law was formulated in 1982, which categorised Burmese citizens into three divisions, and 'certificates' were issued accordingly, namely, the 'Certificate of Citizenship', the 'Certificate of Associate Citizenship' and the 'Certificate of Naturalized Citizenship'.³⁴

The Rohingyas fell under the category of 'foreigner' under the Citizenship Law and while specific circumstances and the presentation of accurate documentation does allow certain categories of Rohingyas to apply for 'associate' or 'naturalized' citizenship, the discretionary powers of the government in this regard is also quite wide-ranging. Rohingya leaders have generally called for a restoration of their full citizenship rights that they enjoyed prior to the enactment of the law, and a large percentage of the population has disregarded the option of applying for 'naturalized' citizenship, and lack of access to proper documentary evidence has also prevented a significant proportion from applying.³⁵

Between 1991-1992, the world witnessed yet another exodus of Rohingyas from Arakan to Bangladesh, as a consequence of military action comprising of religious persecution in a newly renamed Myanmar. HCR statistics place the number at 250,000.³⁶

An official Memorandum of Understanding between the governments of Bangladesh and Myanmar was signed in November 1993, to initiate swift repatriation. Some 236,000 refugees were had been repatriated by the end of the year 1997. Bangladesh's own internal social and economic circumstances in turn contributed to the rather rapid repatriation, amidst allegations of coercion being raised.³⁷

Refugee influxes did continue to occur even after 1992 (though not in a mass form), but the additional challenge faced by Rohingya refugees now involved a Bangladeshi

³³ *ibid.*

³⁴ *Burmese Citizenship Law* (1982) Available from: www.ilo.org/dyn/natlex/docs/ELECTRONIC/87413/99608/.../MMR87413.pdf. Accessed date: [2 Oct. 2018]

³⁵ Haque, M. M., (2017). Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma, *Journal of Muslim Minority Affairs*, 37:4, 454-469, DOI: 10.1080/13602004.2017.1399600.

³⁶ Pagonis, J. (2005). *Rohingyas from Myanmar living in risky conditions in Bangladesh*. United Nations High Commissioner for Refugees- News. Available from: <http://www.unhcr.org/news/latest/2005/7/42dcf74a4/rohingyas-myanmar-living-risky-conditions-bangladesh.html>. Accessed date: [30 Sept. 2018]

³⁷ United Nations High Commissioner for Refugees. (2007). *Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees*. p. 12. Available from: <http://www.unhcr.org/protect/PROTECTION/46fa1af32.pdf>. Accessed date: [30 Sept. 2018]

government that refused recognition and admission of the refugees to any camps.³⁸ UNHCR's involvement continued throughout these years, maintaining a presence in both Bangladesh and Myanmar, acting as a mediator in the repatriation negotiations, and funding the rehabilitation of the refugees in the camp and after their repatriation.³⁹

Army crackdowns were also observed in 2012 and 2015.

2.3 Recent Events and the Current Situation

It was on the 25th of August, 2017 that 12 security officers were reported as to having been killed by Rohingya insurgents. Use of military excesses forced the Rohingyas to flee the country. By 8 September, some 270,000 had appeared in Bangladesh, by foot or boat, traumatised and injured by gunshots, shrapnels, fires and landmines, and both the refugee camps had exhausted their capacities.^{40 41}

UNHCR data (as updated on 30 September, 2018) displays a figure of more than 890,000 Rohingya refugees currently housed in Bangladesh.⁴²

November 2017 marked the signing of a Memorandum of Understanding between the governments of Myanmar and Bangladesh, in order to work out the details of initiating the repatriation process.⁴³

On 9 April, 2018, a request was submitted by the Office of the Prosecutor of the International Criminal Court to the Pre-Trial Chamber seeking a ruling on the question of the jurisdiction of ICC concerning the alleged deportation of the Rohingyas from Myanmar to Bangladesh.⁴⁴ The majority ruling of the Pre-Trial Chamber, delivered on 6 September, 2018, affirmed the applicability of the Court's jurisdiction in the said matter.⁴⁵

In a Press Statement on 9 May, 2018, the United Nations Security Council called for a signing of a Memorandum of Understanding between the governments of Bangladesh and Myanmar, for the 'voluntary return' of all displaced persons belonging to the Rakhine state, following a visit of Council Members to both the concerned States.⁴⁶

³⁸ *ibid.*

³⁹ United Nations High Commissioner for Refugees. (2000). *UNHCR- The Global Report 1999*. p. 229-233. Available from: <http://www.unhcr.org/3e2d4d617.pdf>. Accessed date: [30 Sept. 2018]

⁴⁰ United Nations High Commissioner for Refugees. (2017). *100 Days of horror and hope: A timeline of the Rohingya Crisis*. UNHCR- News. Available from: <http://www.unhcr.org/news/stories/2017/12/5a1c313a4/100-days-horror-hope-timeline-rohingya-crisis.html>. Accessed date: [30 Sept. 2018]

⁴¹ United Nations Office for the Coordination of Humanitarian Affairs. *Rohingya Refugee Crisis*. Available from: <https://www.unocha.org/rohingya-refugee-crisis>. Accessed date: [30 Sept. 2018]

⁴² *UNHCR Operational Portal- Refugee Response in Bangladesh..* Available from: https://data2.unhcr.org/en/situations/myanmar_refugees. Accessed date: [30 Sept. 2018]

⁴³ Reuters. (2017). *Myanmar, Bangladesh sign Rohingya return deal: Myanmar official*. Available from: <https://www.reuters.com/article/us-myanmar-rohingya-deal/myanmar-bangladesh-sign-rohingya-return-deal-myanmar-official-idUSKBN1DN0RN>. Accessed date: [30 Sept. 2018]

⁴⁴ International Criminal Court. (2018). *Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute*. Available from: https://www.icc-cpi.int/CourtRecords/CR2018_02057.PDF. Accessed date: [30 Sept 2018]

⁴⁵ International Criminal Court. (2018). *Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute"*. Available from: https://www.icc-cpi.int/CourtRecords/CR2018_04203.PDF. Accessed date: [30 Sept. 2018]

⁴⁶ SC/13331. (2018). *Security Council Press Statement on Security Council Visit to Bangladesh and Myanmar*. Available from: <https://www.un.org/press/en/2018/sc13331.doc.htm>. Accessed date: [30 Sept. 2018]

A tripartite Memorandum of Understanding (MoU) was signed between UNHCR, UNDP and the Government of Myanmar on 6 June, 2018 in order to facilitate the creation of conditions for the return of Rohingya Refugees.⁴⁷

After a copy of the agreement was leaked to the public, members of the Rohingya community have expressed their dissent toward the repatriation as the MoU fails to mention the term 'Rohingya' and offers no 'guaranteed citizenship'.⁴⁸

In August of 2018, the Independent International Fact-Finding Mission on Myanmar, established by the Human Rights Council Resolution 34/22 released its detailed report, establishing "the facts and circumstances of human rights violations by by military and security forces, and abuses, in Myanmar, in particular in Rakhine State". The report concluded to the commission of crimes under international criminal law, including genocide, crimes against humanity and war crime by the Tatmadaw (the national army), the Kachin, Rakhine and Shan states, and by ethnic armed organisations (EAOs).⁴⁹

The government of Myanmar has since denounced the report, clearly indicating that they shall not recognise any HRC resolutions.⁵⁰ The President's Office has even dismissed the ICC ruling as "the result of faulty procedure and is of dubious legal merit"^{51 52}.

In related news, on September 3, a Myanmar court sentenced two Reuters journalists to seven years in prison for breaching the colonial era Official Secrets Act. The two reporters, Wa Lone and Kyaw Soe, were detained on 12 December 2017, while investigating the killing of Rohingya villagers by the security forces. They had plead not guilty to the charge of obtaining confidential documents.⁵³ Secretary General of the UN, Antonio Guterres has called for the government of Myanmar to provide a pardon or release the journalists within the nearest possible time-frame.⁵⁴

⁴⁷ UN News. (2018). *UN agencies and Myanmar ink agreement, setting stage for Rohingya return*. Available from: <https://news.un.org/en/story/2018/06/1011491>. Accessed date: [30 Sept. 2018]

⁴⁸ Reuters. (2018). *Secret U.N.-Myanmar deal on Rohingya offers no guarantees on citizenship*. Retrieved 30 Sep. 2018. Available from: <https://www.reuters.com/article/us-myanmar-rohingya/secret-u-n-myanmar-deal-on-rohingya-offers-no-guarantees-on-citizenship-idUSKBN1JP2PF>. Accessed date: [30 Sept. 2018]

⁴⁹ A/HRC/39/64. (2018). *Report of the Independent International Fact-Finding Mission on Myanmar*. Available from: https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf. Accessed date: [30 Sept. 2018]

⁵⁰ Poppy McPherson. Reuters (2018). *Myanmar rejects 'false allegations' in U.N. genocide report*. Available from: <https://www.reuters.com/article/us-myanmar-rohingya-un/myanmar-spokesman-rejects-u-n-genocide-report-idUSKCN1LE0AC>. Accessed date: [30 Sept. 2018]

⁵¹ Reuters. (2018). *Myanmar says International Criminal Court has no jurisdiction in Rohingya crisis*. Available from: <https://www.reuters.com/article/us-myanmar-rohingya-icc/myanmar-says-international-criminal-court-has-no-jurisdiction-in-rohingya-crisis-idUSKCN1LN22X>. Accessed date: [30 Sept. 2018]

⁵² UN News. (2018). *Myanmar 'resolutely rejects' ICC ruling on Rakhine; voices 'serious concerns' over UN human rights report*. Available from: <https://news.un.org/en/story/2018/09/1021562>. Accessed date: [30 Sept. 2018]

⁵³ Reuters. (2018). *Myanmar court jails Reuters reporters for seven years in landmark secrets case*. Available from: <https://www.reuters.com/article/us-myanmar-journalists/myanmar-court-jails-reuters-reporters-for-seven-years-in-landmark-secrets-case-idUSKCN1LJ09E>. Accessed date: [30 Sept. 2018]

⁵⁴ Reuters. (2018). *U.N. chief urges Myanmar government to free Reuters journalists*. Available from: <https://www.reuters.com/article/us-myanmar-journalists-un/u-n-chief-urges-myanmar-government-to-free-reuters-journalists-idUSKCN1M02OG>. Accessed date: [30 Sept. 2018]

3. Bloc positions

The Rohingya Crisis illuminates upon the structure of organisation of power in the East, South and South-East Asian regions.

a. *Parties to the conflict*

Myanmar

Myanmar continues to acknowledge the Rohingyas as 'Bengalis' and has blatantly refuted UN and UN-agency reports, concerning the alleged 'criminal actions' of the Tatmadaw.⁵⁵ The government has refused to acknowledge the jurisdiction of the ICC over the actions of its military, building upon the argument of having never ratified the Rome Statute.⁵⁶ The country has maintained the position that the August 2017 retaliation by the army was a legitimate response to the attack on security outposts by the Arakan Rohingya Salvation Army, an ethnic armed group.⁵⁷ It is to be noted that Myanmar is also not a party to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol⁵⁸, or to the 1951 Convention Relating to the Status of Stateless Persons⁵⁹. It is also vital to note that the Rohingyas are not the only 'minority' in Myanmar who are not entitled to citizenship rights.

In a recent statement by their Social Welfare Minister Win Myat Aye, Myanmar has denied trying to delay the repatriation process, in response to allegations levelled by Bangladesh.⁶⁰

Bangladesh

Bangladesh (previously East Pakistan) has continuously hosted Rohingya refugees since 1948. Latest HCR estimates place the Rohingya refugee toll in Bangladesh at more than 890, 000.⁶¹ A densely populated, developing country, Bangladesh has always raised its concerns about continuous influx of refugees drastically affecting their economic situation. Bangladesh is also not a party to the 1951 Refugee Convention or the Stateless Persons Convention, leaving the fate of the Rohingyas predominantly outside of the scope of codified international law, should their stay in Bangladesh prolong.

The Bangladesh government's attempts to coerce the repatriation process had been reported back during the 1978⁶² and the 1991-92⁶³ crises. The government has been swift in accusing Myanmar of delaying the repatriation, as was claimed by Prime Minister Sheikh Hasina at the 73rd session of the UN General Assembly.⁶⁴

⁵⁵ Reuters. (n 33).

⁵⁶ Reuters. (n 34).

⁵⁷ Voice of America. (2018). *Myanmar Denies Delaying Rohingya Return*. Available from: <https://www.voanews.com/a/myanmar-denies-delaying-rohingya-return/4590891.html>. Accessed date: [30 Sept. 2018]

⁵⁸ *Convention Relating to the Status of Refugees and its Additional Protocol*. 1951. 1967 Retrieved 30 Sep. 2018.

⁵⁹ *Convention Relating to the Status of Stateless Persons*. 1951

⁶⁰ Voice of America. (n 40).

⁶¹ UNHCR. (n 1).

⁶² Lindquist, A.C., Head of UNHCR Sub-Office, Cox's Bazar, Bangladesh. (n 15).

⁶³ UNHCR. (n 20).

⁶⁴ Voice of America. (n 40).

b. Key players in the region

China

China has remained a staunch Myanmar supporter throughout the whole conflict, terming the actions of the military as a “legitimate counter-insurgency measure”. China (along with Russia in certain cases) has continued to defend the Myanmar position, going as far as amending a statement circulated by the United Kingdom in the Security Council that called for “credible and transparent” investigations into the human rights violations.⁶⁵

India

While having initially maintained a rather unusual, silent opinion on the conflict, External Affairs Minister Sushma Swaraj’s visit to Myanmar in early May of this year, finally put India’s position into perspective. The minister conveyed the desire and expectation for a “safe, secure, sustainable” return of the Rohingyas.⁶⁶

Delhi’s previous stance on the situation had been revealed when the government had termed Rohingya refugees in India as “threat to national security”, last year, and had called for an expeditious repatriation.⁶⁷

The ASEAN Position

Barring the concerns raised by Indonesia⁶⁸, ASEAN has not comprehensively addressed the Rohingya situation. The Chairman of the November 2017 summit, did urge Myanmar to adopt the recommendations laid down in the Final Report of the Rakhine Commission, and ASEAN has largely supported the repatriation of the refugees, however, no collective measure has been proposed^{69 70}. ASEAN’s principle of non-interference⁷¹, into what it may consider as to being an internal situation for Myanmar, is to be taken into account.

c. Global positions

States around the globe have largely condemned the treatment of Muslims in the region.

Rest of Asia and Oceania

⁶⁵ Reuters. (2018). *China says pressure unhelpful in resolving Rohingya issue*. Available from: <https://www.reuters.com/article/us-myanmar-rohingya-china/china-says-pressure-unhelpful-in-resolving-rohingya-issue-idUSKCN1LD0NB>. Accessed date: [30 Sept. 2018]

⁶⁶ Bhattacharjee, J. The Diplomat. (2018). *Bangladesh First: Behind India’s Changing Stance on the Rohingya*. Available from <https://thediplomat.com/2018/05/bangladesh-first-behind-indias-changing-stance-on-the-rohingya/>. Accessed date: [30 Sept. 2018]

⁶⁷ Mohanty, S. Jain, R. Reuters. (2017). *India calls Rohingya refugees ‘threat to national security’*. Available from <https://www.reuters.com/article/us-myanmar-rohingya-india/india-calls-rohingya-refugees-threat-to-national-security-idUSKCN1BP24M>. Accessed date: [30 Sept. 2018]

⁶⁸ Reuters. (Sep. 4, 2017). *Indonesia foreign minister flies to Bangladesh after Myanmar visit on Rohingya*. Available from <https://www.reuters.com/article/uk-myanmar-rohingya-indonesia-bangladesh/indonesia-foreign-minister-flies-to-bangladesh-after-myanmar-visit-on-rohingya-idUSKCN1BF252>. Accessed date: [30 Sept. 2018]

⁶⁹ Choudhury, A. Asia Times. (April 18, 2018). *ASEAN turns blind eyes to Rohingya crisis*. Available from <http://www.atimes.com/asean-turns-blind-eyes-rohingya-crisis>. Accessed date: [30 Sept. 2018]

⁷⁰ Reuters. (Nov. 13, 2017). *Southeast Asia summit draft statement skips over Rohingya crisis*. Available from <https://www.reuters.com/article/us-asean-summit-myanmar/southeast-asia-summit-draft-statement-skips-over-rohingya-crisis-idUSKBN1DD0CP>. Accessed date: [30 Sept. 2018]

⁷¹ The ASEAN Charter. Art. 2(2)[e]. Available from <https://asean.org/storage/images/archive/publications/ASEAN-Charter.pdf>. Accessed date: [30 Sept. 2018]

Countries including Japan and South Korea have either provided or pledged to provide financial assistance for the rehabilitation of the refugees.⁷²

Australia too, has committed financial assistance, along with constantly insisting upon an investigation into the human rights violations.⁷³

The European Union, United Kingdom and Canada

The European Commission, in May 2018, released €40 million in humanitarian aid for Bangladesh and Myanmar, continuing with its history of providing aid to the camp at Cox's Bazar since 1994.⁷⁴ The EU along with Canada, recently imposed sanctions on seven senior military officials from Myanmar on June 25.⁷⁵ France and the United Kingdom hosted a High-Level UNGA event on the Rohingya crisis this 24th of September.⁷⁶

United States

The US ambassador to the UN, Nikki Haley has confirmed that US State Department findings are consistent with the reports of the UN investigation. Washington has expanded the range of its sanctions over August, now to an additional four military and police commanders, and two army units, to its previous position wherein it had sanctioned a single general.⁷⁷

Eastern Europe

Russia⁷⁸ and Ukraine⁷⁹ have each expressed concern over the gross human right violations concerning the Rohingyas. Russia, however, has on certain occasions,

⁷² IOM. UNOCHR. UNHCR. (23 Oct. 2017) *Pledging Conference for the Rohingya Crisis*. Available from <https://reliefweb.int/sites/reliefweb.int/files/resources/Pledge%20Announcements%20Rohingya%20Refugee%20Crisis%2023%20Oct%202017%20final.pdf>. Accessed date: [30 Sept. 2018]

⁷³ Hill, C. (2018) Foreign Affairs, Defence and Security Section. *Australia's response to the Rohingya human rights and migrant crisis—a quick guide*. Available from: https://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/Rohingya. Accessed date: [30 Sept. 2018]

⁷⁴ The European Commission. [Press Release]. (2018). *Rohingya crisis: €40 million in humanitarian aid for Bangladesh and Myanmar*. Brussels. Available from: http://europa.eu/rapid/press-release_IP-18-3994_en.htm. Accessed date: [30 Sept. 2018]

⁷⁵ Slodkowski, E., (2018). *EU, Canada sanction Myanmar generals over Rohingya; Myanmar says two are fired*. Available from <https://www.reuters.com/article/us-myanmar-eu/eu-canada-sanction-myanmar-generals-over-rohingya-myanmar-says-two-are-fired-idUSKBN1JL0SC>. Accessed date: [1 Oct.. 2018]

⁷⁶ France Diplomatie. (24 Sep. 2018). *France and the UK host High-Level UNGA Event on the Rohingya Crisis: Joint Statement*. Available from <https://www.diplomatie.gouv.fr/en/french-foreign-policy/united-nations/events/united-nations-general-assembly-sessions/unga-s-73rd-session/article/france-and-the-uk-host-high-level-unga-event-on-the-rohingya-crisis-joint>. Accessed date: [30 Sept. 2018]

⁷⁷ Reuters. (2018). *Haley says U.S. Rohingya report 'consistent' with U.N. findings*. Available from: <https://www.reuters.com/article/us-myanmar-rohingya-un/haley-says-u-s-rohingya-report-consistent-with-u-n-findings-idUSKCN1LD2BO>. Accessed date: [30 Sept. 2018]

⁷⁸ The Moscow Times. (2017). *Putin Condemns Myanmar Violence After Mass Rally in Chechnya*. Available from <https://themoscowtimes.com/news/after-mass-rally-chechnya-putin-condemns-myanmar-violence-58851>. Accessed date: [30 Sept. 2018]

⁷⁹ Permanent Mission of Ukraine to the United Nations. (2017). *Statement by the delegation of Ukraine at the UNSC session on the situation in Myanmar*. New York. Available from <https://ukraineun.org/en/press-center/259-statement-by-the-delegation-of-ukraine-at-the-ung-session-on-the-situation-in-myanmar/>. Accessed date: [30 Sept. 2018]

voted against UN resolutions and statements condemning Myanmar's actions, and has stated that applying pressure on Myanmar may not be the solution.⁸⁰

Islamic and Middle- Eastern countries

Islamic countries including Afghanistan⁸¹, Iran⁸², Pakistan⁸³, Saudi Arabia⁸⁴ have severely condemned the attacks on the Rohingya Muslims.

Elsewhere, in the Middle-East, Iraq⁸⁵, Israel⁸⁶ and Turkey⁸⁷ have likewise expressed concern over the situation. Kuwait and Saudi Arabia have also pledged finance for the refugees⁸⁸.

The Africas

Nigeria had clearly termed the Rohingya crisis as an act of 'ethnic cleansing' back in the 72nd session of the General Assembly.⁸⁹

Back in September 2017, South African citizens had actually taken to the streets to protest against the oppression of the Rohingyas.⁹⁰

Latin America

Mexico has expressed its deepest concern over the situation.⁹¹

⁸⁰ Sputnik International. (Sep. 2018). *Moscow Warns Against Pressure on Myanmar Authorities Amid Rohingya Crisis*. Available from <https://sputniknews.com/asia/201709081057210915-moscow-myanmar-crisis-pressure/>. Accessed date: [30 Sept. 2018]

⁸¹ Reuters. (2017). *Myanmar's Rohingya crisis 'spinning out of control': aid officials*. Available from <https://www.reuters.com/article/us-myanmar-rohingya-aid/myanmars-rohingya-crisis-spinning-out-of-control-aid-officials-idUSKBN1CV2VK>. Accessed date: [30 Sept. 2018]

⁸² Xinhua. (2017). *Iran criticizes international "silence" on Rohingya plight*. Available from http://www.xinhuanet.com/english/2017-09/07/c_136592433.htm. Accessed date: [30 Sept. 2018]

⁸³ Sayeed, S. Hassan, S. Reuters. (2017) *Rohingya refugees in Pakistan fear for relatives in Myanmar*. Available from <https://www.reuters.com/article/us-myanmar-rohingya-pakistan/rohingya-refugees-in-pakistan-fear-for-relatives-in-myanmar-idUSKCN1BL0B4>. Accessed date: [30 Sept. 2018]

⁸⁴ Reuters. (2017). *Saudi Arabia condemns Myanmar government 'policy of repression'*. Available from <https://ca.reuters.com/article/topNews/idCAKCN1BY0RI-OCATP>. Accessed date: [30 Sept. 2018]

⁸⁵ The Baghdad Post. (2017). *Iraq calls on UN to stop atrocities against Myanmar's Rohingya Muslims*. Available from <https://www.thebaghdadpost.com/en/Story/16768/Iraq-calls-on-UN-to-stop-atrocities-against-Myanmar-s-Rohingya-Muslims>. Accessed date: [30 Sept. 2018]

⁸⁶ Sharman, J., (2017). *Rohingya crisis: Israel says 'both sides committing war crimes' when asked about Burma violence*. Available from <https://www.independent.co.uk/news/world/middle-east/rohingya-crisis-israel-burma-war-crimes-arms-sales-weapons-muslim-minority-army-a8044346.html>. Accessed date: [30 Sept. 2018]

⁸⁷ Reuters. (2017). *Turkish PM calls Rohingya killings in Myanmar 'genocide'*. Available from: <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh-turkey/turkish-pm-calls-rohingya-killings-in-myanmar-genocide-idUSKBN1EE1RL>. Accessed date: [30 Sept. 2018]

⁸⁸ IOM. UNOCHR. UNHCR. (n 51)

⁸⁹ Reuters. (2017). *Nigerian president likens Myanmar crisis to Bosnia, Rwanda genocides*. Available from <https://www.reuters.com/article/us-myanmar-rohingya-un-nigeria/nigerian-president-likens-myanmar-crisis-to-bosnia-rwanda-genocides-idUSKCN1BU26Q>. Accessed date: [30 Sept. 2018]

⁹⁰ Municipal Judicial Council, South Africa. [Press Release]. (2017). *South Africa Protests Rohingya Genocide in Myanmar*. Available from <http://mjc.org.za/2017/09/12/south-africa-protests-rohingya-genocide-in-myanmar/>. Accessed date: [30 Sept. 2018]

⁹¹ Secretaría de Relaciones Exteriores. [Press Release 344]. (Sep. 11, 2017). *Mexico Expresses Concern over the Situation of the Rohingya Minority in Myanmar*. Available from <https://www.gob.mx/sre/prensa/mexico-expresses-concern-over-the-situation-of-the-rohingya-minority-in-myanmar?idiom=en>. Accessed date: [1 Oct. 2018]

Brazil's envoy to Dhaka Joao Tabajara de Oliveira Junior has described the persecution of Rohingya ethnic minority by Myanmar security forces as 'atrocities of the millennium'.⁹²

4. Points a Resolution Should Address

While there are numerous questions revolving around the Rohingya Crisis, UNHCR however, needs to address the questions that qualify under its mandate.

- 1) What is your country's stance on the Rohingya Conflict?
- 2) How can a secure, voluntary repatriation of the Rohingya refugees be ensured? What are the factors generating reluctance among the Rohingyas to return?
- 3) How can the shortcomings of the repatriation processes of 1979 and 1993-97 be prevented from materialising under the current process?
- 4) How can HCR work towards effective post- conflict reintegration and rehabilitation of the Rohingyas, following their repatriation? How does the collaboration with UNDP assist the process?
- 5) How can HCR work towards preventing the escalation of similar situations in the future?

5. Further reading

UNHCR. Framework for Durable Solutions for Refugees and Persons of Concern.

(<http://www.unhcr.org/partners/partners/3f1408764/framework-durable-solutions-refugees-persons-concern.html>)

Advisory Commission on the Rakhine State. August 2017. Final Report. Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine.

(http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf)

PDES/2011/13. A review of UNHCR's response to the protracted situation of stateless Rohingya refugees in Bangladesh. (<http://www.unhcr.org/4ee754c19.pdf>)

A/HRC/39/64. Report of the Independent International Fact-Finding Mission on Myanmar.

(https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf)

United Nations High Commissioner for Refugees. Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees.

(<http://www.unhcr.org/protect/PROTECTION/46fa1af32.pdf>)

SC/13331. Security Council Press Statement on Security Council Visit to Bangladesh and Myanmar. (<https://www.un.org/press/en/2018/sc13331.doc.htm>)

UN News. UN agencies and Myanmar ink agreement, setting stage for Rohingya return.

(<https://news.un.org/en/story/2018/06/1011491>)

⁹² Arakan News Agency. (2017). *Brazilian envoy terms Rohingya persecution as 'atrocities of the millennium'*. Available from http://arakanna.com/wp_arakanna/en/?p=11528. Accessed date: [30 Sept. 2018]

UNHCR. Bangladesh: UNHCR Camp Settlement and Protection Profiling - Round 3 - April 2018. (<https://data2.unhcr.org/en/documents/download/63821>)

UNHCR. UNHCR's Supplementary Appeal - Myanmar Refugee Emergency Response In Bangladesh. (<https://data2.unhcr.org/en/documents/download/62739>)

UNHCR. Supplementary Appeal - Myanmar Refugee Emergency Response in Bangladesh. Sep. 2017- Feb. 2018. (<http://www.unhcr.org/59cbf1117.pdf>)

UNHCR. Operational Update, External - UNHCR Bangladesh- 19 - 31 July 2018. (<https://data2.unhcr.org/en/documents/download/65038>)

6. Bibliography

- A/HRC/39/64. (24 August, 2018). *Report of the Independent International Fact-Finding Mission on Myanmar*.
- Arakan News Agency. (13 Nov. 2017). *Brazilian envoy terms Rohingya persecution as 'atrocities of the millennium'*.
- Bhattacharjee, J. The Diplomat. (May 23, 2018). *Bangladesh First: Behind India's Changing Stance on the Rohingya*.
- Choudhury, A. Asia Times. (April 18, 2018). *ASEAN turns blind eyes to Rohingya crisis*.
- Emmott, R. Slodkowski, A. Reuters. (June 5, 2018). *EU, Canada sanction Myanmar generals over Rohingya; Myanmar says two are fired*.
- France Diplomatie. (24 Sep. 2018). *France and the UK host High-Level UNGA Event on the Rohingya Crisis: Joint Statement*.
- Hill, C. Foreign Affairs, Defence and Security Section. *Australia's response to the Rohingya human rights and migrant crisis—a quick guide*.
- International Criminal Court. (2018). *Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute"*.
- International Criminal Court. (2018). *Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute*.
- IOM. UNOCHA. UNHCR. (23 Oct. 2017) *Pledging Conference for the Rohingya Crisis*.
- Leider, J. (24 May. 2018). *Rohingya: The History of a Muslim Identity in Myanmar*. Oxford Research Encyclopedia of Asian History. Ed.
- Leider, J. *Rohingya: the name, the movement and the quest for identity*. Nation Building in Myanmar.
- Lindquist, A.C., Head of UNHCR Sub-Office, Cox's Bazar, Bangladesh. (1979, June). *Report on the 1978-79 Bangladesh Refugee Relief Operation*. Office of the High Commissioner for Refugees.
- McPherson, P. Reuters. (29 August, 2018). *Myanmar rejects 'false allegations' in U.N. genocide report*.
- Mohanty, S. Jain, R. Reuters. (September 14. 2017). *India calls Rohingya refugees 'threat to national security'*.
- Municipal Judicial Council, South Africa. Press Release. (12 Sep. 2017). *South Africa Protests Rohingya Genocide in Myanmar*.
- Permanent Mission of Ukraine to the United Nations. (28 Sep. 2017). *Statement by the delegation of Ukraine at the UNSC session on the situation in Myanmar*. New York.
- Reuters. (19 Sep. 2017). *Nigerian president likens Myanmar crisis to Bosnia, Rwanda genocides*.

Reuters. (23 Sep. 2017). *Saudi Arabia condemns Myanmar government 'policy of repression'*. Retrieved 1 Oct. 2018 from <https://ca.reuters.com/article/topNews/idCAKCN1BY0RI-OCATP>

Reuters. (26 Oct. 2017). *Myanmar's Rohingya crisis 'spinning out of control': aid officials*.

Reuters. (28 Aug. 2018). *Haley says U.S. Rohingya report 'consistent' with U.N. findings*.

Reuters. (29 June, 2018). *Secret U.N.-Myanmar deal on Rohingya offers no guarantees on citizenship*.

Reuters. (Aug. 28, 2018). *China says pressure unhelpful in resolving Rohingya issue*.

Reuters. (Dec. 20, 2017). *Turkish PM calls Rohingya killings in Myanmar 'genocide'*.

Reuters. (Nov. 13, 2017). *Southeast Asia summit draft statement skips over Rohingya crisis*.

Reuters. (November, 2017). *Myanmar, Bangladesh sign Rohingya return deal: Myanmar official*.

Reuters. (Sep. 4, 2017). *Indonesia foreign minister flies to Bangladesh after Myanmar visit on Rohingya*.

Reuters. (September 20, 2018). *U.N. chief urges Myanmar government to free Reuters journalists*.

Reuters. (September 3, 2018). *Myanmar court jails Reuters reporters for seven years in landmark secrets case*.

Reuters. (September 7, 2018). *Myanmar says International Criminal Court has no jurisdiction in Rohingya crisis*.

Sayeed, S. Hassan, S. Reuters. (10 Sep. 2017) *Rohingya refugees in Pakistan fear for relatives in Myanmar*.

SC/13331. (9 May, 2018). *Security Council Press Statement on Security Council Visit to Bangladesh and Myanmar*.

Secretaría de Relaciones Exteriores. Press Release 344. (Sep. 11, 2017). *Mexico Expresses Concern over the Situation of the Rohingya Minority in Myanmar*.

Sharman, J. The Independent. (8 Nov. 2017). *Rohingya crisis: Israel says 'both sides committing war crimes' when asked about Burma violence*.

Sputnik International. (Sep. 2018). *Moscow Warns Against Pressure on Myanmar Authorities Amid Rohingya Crisis*.

The ASEAN Charter. Art. 2(2)[e].

The Baghdad Post. (10 Sep. 2017). *Iraq calls on UN to stop atrocities against Myanmar's Rohingya Muslims*.

The European Commission. Press Release. (31 May, 2018). *Rohingya crisis: €40 million in humanitarian aid for Bangladesh and Myanmar*. Brussels.

The Moscow Times. (Sep 5. 2017). *Putin Condemns Myanmar Violence After Mass Rally in Chechnya*.

UN News. (15 Sep. 2017) *Rohingya Crisis one of the fastest growing in recent years, warns UN Refugee Agency*. UN News. 15 September 2017.

UN News. (6 June, 2018). *UN agencies and Myanmar ink agreement, setting stage for Rohingya return*.

UN News. (September 28, 2018). *Myanmar 'resolutely rejects' ICC ruling on Rakhine; voices 'serious concerns' over UN human rights report*.

UNHCR. (1 December, 2017). *100 Days of horror and hope: A timeline of the Rohingya Crisis*. UNHCR- News.

UNHCR. (1995). *Helping Refugees to Reintegrate: the Challenges of Rehabilitation" - Address by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, at the 14th Workshop on Management of Field Coordination for Senior United Nations System Representatives*. Turin.

UNHCR. (2006). *UNHCR Global Report: 2005*.

UNHCR. *UNHCR Operational Portal- Refugee Response in Bangladesh*.

UNOCHA. *Rohingya Refugee Crisis*.

Voice of America. (Sep. 29, 2018). *Myanmar Denies Delaying Rohingya Return*.

Xinhua. (Sep. 2017). *Iran criticizes international "silence" on Rohingya plight*.

Note: The study guide was last updated on 1 October, 2018, and considering that this remains a topic of current significance, delegates are expected to remain updated on all happenings concerning the Rohingya Conflict, in the days leading up to the Conference.