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“Addressing the Humanitarian Crisis of the Rohingya Muslims”

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Context and Historical Background

The Rohingya people are, according to the UN, one of the most persecuted minorities in the world. They are a dark-skinned, Muslim ethnic minority group, living in a part of Myanmar (formerly Burma) — the Rakhine State. They hail from the north-western Myanmar-Bangladesh border (Figure 1) and speak Rohingya, a Bengali dialect. While a majority live in the Rakhine state, some can be found in Saudi Arabia, Bangladesh, and Pakistan. Since 2012, religious and ethnic tensions between the Rohingya Muslims — 4% of the Rakhine State — and Rakhine Buddhists — 89% of the Rakhine State¹ — have escalated and caused the Rohingya to search for safety elsewhere. The exact reasons for the conflict arise due historical reasons, beginning in 1948, after Myanmar gained its independence from the British Empire. It is mainly due to the various religions trying to coexist in a territory they both claim belongs to them, sort of similar to the Israeli-Palestinian Conflict. Being rejected everywhere, they are now living in limbo across Southeast Asia.

Despite the few media coverage about this refugee crisis, the persecution of Rohingya has led to mass migration to countries such as Thailand, Malaysia, Indonesia and The Philippines. This flight of refugees is being described as the biggest mass exodus since the Vietnam War².

1982 Burma Citizenship Law

Published on October 15th 1982 by the National Authorities of the Union of Burma³, this Burmese law only recognises three categories of citizenship — namely citizenship, associate citizenship and naturalized citizenship — for 135 legally recognised ethnic groups. Namely citizens are descendants of residents living in Burma before 1823. Associate citizens are people who acquired citizenship through the 1948 Union Citizenship Law while naturalised citizens are people living in Burma before 1948, and applied for citizenship after 1982. All citizens living under these categories receive a National Registration Card, while non-citizens obtain a Foreign Registration Card.

From those 135 ethnic groups, Rohingya are considered ineligible, thus declaring them stateless. Human Rights Watch has been encouraging the Burmese government



Figure 1 — The Rakhine region, including the estimated amount of Rohingya spread across Southeast Asia. (Source: Chris Lewa, Arakan Project; UNHCR)

¹ “Santa Clara University.” *Santa Clara University - Religion, Ethics and Politics in Thailand/Sri Lanka/Myanmar (Burma)*, legacy.scu.edu/ethics-center/world-affairs/politics/By_Countries_Regions/Thailand.cfm.

² United Nations High Commissioner for Refugees. “Myanmar.” *UNHCR*, www.unhcr.org/pages/49e4877d6.html.

³ United Nations High Commissioner for Refugees. “Burma Citizenship Law.” *Refworld*, www.refworld.org/docid/3ae6b4f71b.html.

to accept the UN's call to amend this discriminatory law. Revisions of this law could provide Rohingya full citizenship and would meet international standards.

Historical Background

It is important to note that the first Muslims settled in the Rakhine State to serve in the court of a Buddhist King, back in the 1400s CE⁴. In 1785, The Rakhine State was conquered by Buddhist Burmese that drove out and executed all but 35,000 Muslim Rohingya⁵, who were able to escape to neighbouring nations. Many of the Rohingya who fled during this period never returned to Myanmar, but instead settled in an area in Bangladesh and became integrated with the local community.

The Anglo-Burmese Wars of 1825, 1852 and 1885 established Burma (today's Myanmar) as a crown colony and as part of British India. Along the years of 1826 to 1948, a large migration of labourers was witnessed, between Burma and India. Burma, being a province of India during that time period due to the British administration, meant that migration to Burma was considered internal movement. With time, the origins of the Rohingya Muslims have brought up many debates, some arguing that these Muslims came from Bangladesh, while the Rohingya themselves claimed to come from the Rakhine State. The Burmese government views this migration during British imperialism to be illegal, thus denying citizenship to the majority of Rohingya. When in reality, it had been their homeland since the thirteenth century.

That was only the first of many upcoming migrations in the 20th century. Upon the seizure of power of the Burma Socialist Programme Party in 1962, Rohingya organisations were being dissolved by this new Burmese, introducing Operation *Nagamin*. Held in 1977, this operation was conducted by Burmese immigration and military authorities, to register citizens and screen out foreigners. Within two years of this operation, over 200,000 Rohingya fled to Bangladesh. This exodus was considered by the Burmese government a justification of this minority's illegal status in Myanmar. Refugees claim that the Myanmar army allegedly raped and murdered several on the road to safety⁶. One must be mindful of the economic and social pressure in Bangladesh during this large influx of migrants. While the government did request UN and Red Cross assistance to support it in providing emergency relief, it was quickly overwhelmed.

The more recent mass flight dates from 1991 to 1992, where Rohingya fled Myanmar from forced labor, rape, and religious persecution. The 250,000 refugees were welcomed by the Bangladeshi government, assisted by the UNHCR, in nineteen camps spread across the southeastern border. Negotiations were held between these two nations, to find solutions to send the migrants back home. The Human Rights Watch and UNHCR began to monitor the returns, but by December 1992, it retired its support when it became evident that the threats were not ending.

In 1988, the military took control of the Myanmar government, using force to exert their control upon their citizens. In response to this takeover, the United Nations as well as the United States and European Union put sanctions on the military. The country was obliged to make changes, including

⁴ Szczepanski, Kallie. "The Embattled Rohingya Minority of Myanmar." *ThoughtCo*, www.thoughtco.com/who-are-the-rohingya-195006.

⁵ Hays, Jeffrey. "ROHINGYA AND THE PERSECUTION AND SUFFERING THEY ENDURE IN MYANMAR." *Facts and Details*, factsanddetails.com/southeast-asia/Myanmar/sub5_5d/entry-3057.html.

⁶ Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, (London and New Jersey: Zed Books), 1991, p. 241.

the release of peace activist and Nobel Prize winner, Aung San Suu-kyi in 2010, as well as democratic elections in 2010 and 2012. The expected results were more democratic reforms throughout the country and the end of Myanmar abusing the human rights of the people within the country. However, the Rohingya are still afflicted by these abuses.

Conflicts with Buddhist population

Several attacks have risen between 2012 and 2015. There have been claims of gang rape and murder on buses in both the Muslim and Buddhist section of the Rakhine. The increase with violence has resulted in hundreds of deaths from both parties and 145,000 displaced Rohingya Muslims, and 40,000 fleeing through sea, with no access to decent shelter, water, and healthcare. In 2012, 80 people were killed and 4,600 houses⁷ were set on fire after as disputes between these two religious parties escalated, causing rising tensions and vengeful actions. In 2014, Buddhist mobs attacked international aid workers for living in the Rakhine state.

Discrimination in The Rakhine State

The persecution of the Rohingya has been largely discussed in different UN committees, but most specifically in the Human Rights Council, regarding the discriminatory right violations. The structural causes of the 1991-1992 exodus stay unresolved to this day. They suffer from denial of citizenship, forced labor, restricted movement, and ongoing conflicts.

Denial of Citizenship

The legal status of this minority and the implications it carries remain critical. They have been permitted to live in Burma as “resident foreigners”, not citizens. This creates serious obstacles in finding sustainable solutions to the refugee flow. If one’s family and ancestors can not provide evidence to having been in Burma prior to 1823, they are denied citizenship, despite the fact that it had been their home much before the 1800s. This issue dates to the migration of Rohingya that traveled to the Rakhine State during the British colonial period, which consequently excludes them from citizenship. Those lacking the ability to provide evidence makes their origins questionable, making them stateless. Being “resident foreigners” in one’s own country, concludes them as stateless, and prevents them from getting all the rights of a citizen, such as education, marriage, or employment.

Rights the Rohingya that they are denied of include:

Movement- In Article 13 of the Universal Declaration of Human Rights⁸ and the Article 12 of the International Covenant on Civil and Political Rights, it is stated that any person who is lawfully in a territory of a state “has the right to freedom of movement and residence within the borders of each state” as well as “the right to leave any country, including his own, and to return to his country” (UN News Centre). It is very important to note that the Burmese government never signed the International

⁷Burma Violence: 20,000 Displaced in Rakhine State.” *BBC News*, BBC, 28 Oct. 2012, www.bbc.com/news/world-asia-20114326.

⁸“Universal Declaration of Human Rights.” *United Nations*, United Nations, www.un.org/en/universal-declaration-human-rights/.

Covenant- The Burmese authorities obstruct the Rohingya from traveling within the Rakine state, to other areas of Myanmar, and out of the country. A valid permit is required, and only available for up to 45 days. Even for one-night trips, similar permits are needed. Any violation of these laws results in fines of up to 10,000 kyat (equivalents to twenty-nine USD) and detention. For Rohingya wishing to attend the pilgrimage to Mecca, *hajj*, a strict screen procedure is installed, and the Burmese military commander makes the final authority decision.

Education and Employment- Rohingya do not have access to education beyond the elementary level, because secondary school is reserved for citizens only. They also have restricted access to employment. Positions in the civil service, such as teachers and health workers, are prohibited to this minority.

Property- Arbitrary confiscation of Rohingya property by Burmese government is also absolutely legal. They live in constant fear of losing their land, and resources. Villagers are required to provide agricultural collects to the 450,000 person army, that is too large to be adequately supported by the government. Fees for travel are always much higher for Rohingya than any other Burmese group, and theft and extortion are routine occurrences.

Labor- As stated by the Human Rights Watch, individuals have confirmed that local authorities do force labor on citizens, with physical threats and death. Child labor has always been an issue in Myanmar, however has increased in the Rakine region. The forced and unpaid labor includes work in construction and profit-making industries, organised by NaSaKa officers (Border Administration Forced), and forced upon the civilians.



Figure 2: Rohingya Muslims Crowded on a Boat in Thai Waters

(Source: ABC Net News)

Sea Migration and Trafficking

During their search for safety, 25,000 migrants left Myanmar and Bangladesh on small crowded boats (Figure 2), aiming to reach economically stable Muslim countries such as Malaysia, which has accepted an estimate of 120,000 Rohingya, but is not willing to take any more. Thailand, which is facing a Muslim revolt, and Indonesia are unable to take in any more at this time. Boats that arrive at unwanted destinations are often left to float at sea. As of 2014, the Organisation for Migration (IOM) states that there were about 8,000 migrants left at sea between Bangladesh and Myanmar. An estimated 62% are Rohingya⁹.

One must note that these boats lack food, water, communication and reach countries that are unable to accept them. They are also at risk of being trapped by human traffickers in Thailand, and those unable to pay are beaten or killed. While Thailand is trying to find solutions for its smugglers by strengthening the security in the land, this keeps Burmese refugees with no place else to go. To this day, the boats that have not yet tipped over are still searching for areas to take them in, and the ones that have, are reporting hundreds of deaths of infants, children, and women.

UN Involvement

The United Nations has been doing everything in their power to assist the Rohingya. It recognises the conditions, and is trying to improve situations for IDPs (internally displaced persons) regarding health and education. The United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM), the Human Rights Council, Amnesty International and other organisations have recognised the struggle these people are going through and have stepped forward to help. However, without the cooperation of the government of Myanmar, all efforts are useless. Reported by the Human Rights Watch, governments from 17 countries gathered in Bangkok on May 29th 2015, to discuss the “boat people crisis”, and to ensure access for the UN protection of asylum seeker’s rights. During this meeting, a resolution without a vote was drafted, concerning the human rights of the Rohingya Muslims. The countries present included Australia, Bangladesh, India, Iran, Malaysia, Thailand and observers from the United States, Switzerland as well as officials from the UNHCR and IOM.

UN resolutions that have passed, are the Fifteenth Session, Agenda Item 109, 9 February 1996 (A/RES/50/152) and the Situation of Human Rights in Myanmar, 23 December 2015 (A/RES/70/233). There has also been a United States House resolution, the H.Res.418, urging the Burmese government to end persecution and recognise the human rights of all minorities in its country. It passed by the United States House of Representatives during the 113th United States Congress, as a simple resolution that does not give the house any legal power, nor does it require the approval of the Senate or the President. It additionally requests the international community to pressure the Burmese government into abiding by this resolution.

⁹“Burma Violence: 20,000 Displaced in Rakhine State.” *BBC News*, BBC, 28 Oct. 2012, www.bbc.com/news/world-asia-20114326.

Key Terms

- **Refugees**
 - Statelessness
 - Asylum Seekers
- **United Nations & International Laws**
 - A/Res/70/233
 - 1982 Burma Citizenship Law
 - Article 13 of the Universal Declaration of Human Rights
 - Article 12 of the International Covenant on Civil and Political Rights

Questions to Consider

- How can the international community improve living conditions in the Rakhine State?
- What are possible solutions for the Rohingya Muslims and the Rohingya Buddhists to coexist in the Rakhine state?
- How do the constant mass migrations from Myanmar affect neighbouring countries?
- To what extent does this current refugee crisis overlap with the Human Rights Committee?
- Is there a way to grant the Rohingya Refugees their citizenship along with their rights?

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