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Security Council A - The Rohingya Refugee Crisis: Disaster relief and taking immediate action to protect and support women and children affected by disaster, displacement, and conflict

Report of the UA-MUNC Secretary-General

Introduction

1. As of August 2017, more than 600,000 of the 1.3 million¹ Rohingya Muslims were displaced due to violent outbreaks in Myanmar (see “The Rohingya Refugee Crisis in Numbers” in the Maps and Figures section), according to the most recent data sourced by the UN Human Rights Council.² Because of their exclusion from the official list of minorities included in the Citizenship Law of Myanmar, most Rohingya are stateless.³ Although the Rohingya population has been discriminated against since the fifteenth century⁴ and even more strongly through governmental legislation since the late 1970s,⁵ the migratory crisis caused by increasing violence in the region is unprecedented.⁶ Not only is the Rohingya Refugee Crisis an ethno-religious-caused exodus⁷ intrinsically related to climate change,⁸ food scarcity,⁹ and health and sanitation emergency,¹⁰ but it threatens the protection of vulnerable populations,¹¹

¹ BBC News. (2018). *Will anyone help the Rohingya?*. [online] Available at: <http://www.bbc.com/news/world-asia-33007536> [Accessed 1 Feb. 2018].

² UN Human Rights Council, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Preamble, para 13, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/pdf/G17358o8.pdf?OpenElement> [accessed 01/17/18].

³ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 3, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

⁴ Albert, E., 2018. *The Rohingya Crisis*. Council on Foreign Relations, [online] January 8, www.cfr.org/background/rohingya-crisis [accessed 01/17/18].

⁵ Albert, E., 2018. *The Rohingya Crisis*. Council on Foreign Relations, [online] January 8, www.cfr.org/background/rohingya-crisis [accessed 01/17/18].

⁶ Albert, E., 2018. *The Rohingya Crisis*. Council on Foreign Relations, [online] January 8, www.cfr.org/background/rohingya-crisis [accessed 01/17/18].

⁷ Sassen, S., 2017. *The Assault On The Rohingya Is Not Only About Religion – It's Also About Land*. The World Post, [online] September 15, www.huffingtonpost.com/entry/rohingya-land-grab-military_us_59b96400e4b02da0e13e79f4 [accessed 01/17/18].

⁸ Benaim, R. D., 2017. *Climate Change Poses Threat to Rohingya Refugees in Bangladesh*. The Weather Channel, [online] September 25,

<https://weather.com/news/why-does-bangladesh-think-they-can-put-rohingya-refugees-on-a-flooded-island>
<https://reliefweb.int/report/bangladesh/rohingya-refugee-crisis-bangladesh-age-and-disability-inclusion-rapid-assessment> [accessed 01/17/18].

⁹ Bill&Melinda Gates Foundation, 2017. *Starved out of Myanmar: hunger drives thousands more Rohingya to flee*. The Guardian, [online] October 16, www.theguardian.com/global-development/2017/oct/16/severe-lack-of-food-drives-thousands-more-rohingya-into-bangladesh-myanmar [accessed 01/17/18].

¹⁰ Medecins Sans Frontieres. *Rohingya Refugee Emergency Appeal*. Rohingya crisis update. [online] www.msf.org/za/emergency/rohingya-refugee-emergency-appeal [accessed 01/17/18].

¹¹ UNFPA, 2017. *As Rohingya refugee crisis escalates, women emerge as front-line responders*. [online] www.unfpa.org/news/rohingya-refugee-crisis-escalates-women-emerge-front-line-responders [accessed 01/17/18]; UNICEF, 2017. *Outcast and Desperate. Rohingya refugee children face a perilous future*. www.unicef.org/publications/files/UNICEF_Rohingya_refugee_children_2017.pdf [accessed 01/17/18]; Reliefweb, 2017. *Rohingya Refugee Crisis in Bangladesh: Age and Disability Inclusion – Rapid Assessment Report*. [online] December 14, <https://reliefweb.int/report/bangladesh/rohingya-refugee-crisis-bangladesh-age-and-disability-inclusion-rapid-assessment> [accessed 01/17/18].



democracy,¹² human rights,¹³ international law and justice,¹⁴ peace and security,¹⁵ and vital pillars of the current UN Agenda¹⁶ and the Sustainable Development Goals (SDGs).¹⁷

2. The mass displacement of Rohingya were significantly affected by intense storms and monsoon floods¹⁸ in the area, causing public health risks such as the recent cholera outbreak, following 10,292 cases of diarrhea among the refugees at the Cox's Bazaar camp in Bangladesh.¹⁹
3. Additionally, on the basis of UNHCR data, one third of Rohingya families displaced in Bangladesh are vulnerable.²⁰ “Hundreds of thousands of children are already in a dire humanitarian situation ... [this] risks becoming a catastrophe”,²¹ said Edouard Beigbeder, head of UNICEF programmes in Bangladesh.
4. The Rohingya crisis is primarily linked to SDG 16 on peace, justice and strong institutions, but it is also linked to SGD 1 (no poverty), SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 8 (economic growth), and SDG 10 (reduced inequalities).
5. This complex humanitarian crisis is thus linked to some of the most pressing issues facing the international community and requires the urgent intervention of international organizations and supranational authorities.²² It is evident that the Rohingya crisis constitutes a tipping point for ongoing conflict prevention and disaster relief efforts, and it is an emergency that cannot be ignored. “The situation has spiraled into the world’s fastest developing refugee emergency and a humanitarian and human rights nightmare”,²³ said UN Secretary General António Guterres.
6. Due to its unique nature, the Rohingya crisis can be analyzed through the lenses of disaster, displacement and conflict, as well as its pernicious effects on women and children, calling for immediate intervention of the Security Council and the international community.
7. Increased efforts are required to put an end to the grave violations of human rights in Myanmar: interest, advocacy and commitment to turn the tide of this crisis is required by all

¹² McPherson, P., 2015. *No vote, no candidates: Myanmar's Muslims barred from their own election*. The Guardian, [online] November 3, www.theguardian.com/world/2015/nov/03/no-vote-no-candidates-myanmars-muslims-barred-from-their-own-election [accessed 01/17/18].

¹³ Human Rights Watch, 2017. *World Report 2017*. Burma. Events of 2016, www.hrw.org/world-report/2017/country-chapters/burma#f3ec3e [accessed 01/17/18].

¹⁴ Amnesty International, 2017. *Myanmar: Crimes against humanity terrorize and drive Rohingya out*. [online] October 18, www.amnesty.org/en/latest/news/2017/10/myanmar-new-evidence-of-systematic-campaign-to-terrorize-and-drive-rohingya-out/ [accessed 01/17/18].

¹⁵ Yeasin Khan, S., 2017. *The Rohingya crisis and the International Criminal Court*. The Independent, [online] November 14, <https://m.theindependentbd.com/printversion/details/123483> [accessed 01/17/18].

¹⁶ Birsell, R., 2017. *Rohingya insurgents open to peace but Myanmar ceasefire ending*. Reuters, [online] October 7, www.reuters.com/article/us-myanmar-rohingya/rohingya-insurgents-open-to-peace-but-myanmar-ceasefire-ending-idUSKBN1CC05C [accessed 01/17/18]; Forquan Uddin, A., 2017. *Rohingya crisis, a threat to international peace and disaster management*. The Independent, [online] October 14, <https://m.theindependentbd.com/printversion/details/118661> [accessed 01/17/18].

¹⁷ UN General Assembly, 2017. *Agenda of the seventy-second session of the General Assembly*. A/72/251, September 15, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/289/66/PDF/N1728966.pdf?OpenElement> [accessed 01/17/18].

¹⁸ Hossen, Z., 2017. *Long stay of Rohingyas: Discomfort about sustainable development*. The Daily Observer, [online] October 12, www.observerbd.com/details.php?id=99697 [accessed 01/17/18].

¹⁹ Fenn, M., 2017. *Displaced Rohingya rocked by devastating floods*. Aljazeera, [online] August 26, www.aljazeera.com/amp/indepth/features/2015/08/displaced-rohingya-rocked-devastating-floods-150826102826508.html [accessed 01/23/18].

²⁰ UN News Centre, 2017. *Un agencies launch cholera immunization campaign for Rohingya refugees in Bangladesh..* [online] October 10, <http://www.un.org/apps/news/story.asp?NewsID=57847#.WmmxV2LSKEc> [accessed 01/23/18].

²¹ UN News Centre, 2017. *One-third of Rohingya refugee families in Bangladesh vulnerable, UN agency finds*. [online] November 7, <http://www.un.org/apps/news/story.asp?NewsID=58047#.Wmm-hmLSKEc> [accessed 01/23/18].

²² UN News Centre, 2018. *Dire situation for Rohingya children could become 'catastrophic', as new threats loom – UNICEF*. [online] January 16, <http://www.un.org/apps/news/story.asp?NewsID=58427#.WmmALGLSKEc> [accessed 01/23/18].

²³ United Nations, *Global Issues Overview*. [online] www.un.org/en/sections/issues-depth/global-issues-overview/ [accessed 01/17/18].

²⁴ UN News Centre, 2017. *Rohingya refugee crisis is a 'human rights nightmare,' UN chief tells Security Council*. [online] September 28, <http://www.un.org/apps/news/story.asp?NewsID=57770#.WmmteGLSKEc> [accessed 01/23/18].



global citizens, particularly youth. As underlined by the Security Council Resolution 2250 on Youth, Peace and Security, youth constitute “important partners in the global efforts to counter violent extremism and promote lasting peace”.²⁴ By discussing feasible solutions for the Rohingya crisis, delegates of the Security Council – Committee A at the UA-MUNC Geneva 2018 will have an opportunity to promote the peaceful resolution of this crisis and strive to reverse the trend of ongoing human rights violations in Myanmar.

Topic Background and History

8. As defined in the Report of the United Nations High Commissioner for Human Rights in June 2016, “Rohingya Muslims represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine State. They self-identify as a distinct ethnic group with their own language and culture, and claim a long-standing connection to Rakhine State”.²⁵ While the total population of Myanmar includes 90% Buddhist, 4% Muslim, 4% Christian and 2% Hindus,²⁶ the Rakhine province, where Rohingya are settled, is composed of an estimated 2 million Rakhine Buddhist and over 1 million Rohingya Muslim.²⁷ In fact, Rohingya have never been recognized by governmental institutions as a separate ethnic group²⁸ and they are constantly described as a “threat to race and religion” by ultra-nationalist Buddhist groups.²⁹

History of Discrimination Towards the Rohingya in Myanmar

9. History and ethnicity are essential elements to understanding today’s crisis, as the ethnic tensions that erupted in the Rohingya crisis have their roots in the history of Myanmar.
10. Among the numerous factors that continue to play a role in Myanmar’s politics, two seem to be crucial to the Rohingya crisis. The first relevant factor is related to the government’s attempt to consolidate ethnic and national identity during the colonial period, between 1826 and 1948. At the beginning of the aforementioned period, the government’s priority was standardizing the Burmese heritage, without adequately taking into account several minority groups established all over the territory.³⁰
11. Additionally, due to the central government’s lack of control over its outermost regions, official institutions did not have a clear picture of ethnic composition and ongoing political issues there, turning a blind eye towards discrimination. These trends continued in Myanmar until the late nineteenth century.³¹
12. Settled in the Rakhine province facing the Bay of Bengal (see “Administrative Divisions of Burma” in the Maps and Figures section), the Rohingya are one of the ignored minority groups in Myanmar. Because the region borders Bangladesh, government officials and institutions

²⁴ Office of the Secretary-General’s Envoy on Youth, 2015. *UN Security Council Adopts Historic Resolution on Youth, Peace and Security*. [online] December 9, <http://www.un.org/youthenvoy/2015/12/un-security-council-adopts-historic-resolution-on-youth-peace-and-security/> [accessed 01/23/18].

²⁵ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 3, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

²⁶ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 2, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

²⁷ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 9, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

²⁸ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 3, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18]; Myint, S. Y. S., Słodkowski, A., 2016. *U.N. chief says Myanmar’s Rohingya ‘deserve hope’ ahead of peace talks*. Reuters, [online] August 30, www.reuters.com/article/us-myanmar-politics-peace/u-n-chief-says-myanmars-rohingya-deserve-hope-ahead-of-peace-talks-idUSKCN11513D [accessed 01/17/18].

²⁹ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 9, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

³⁰ South, A., 2008. *Ethnic Politics in Burma. States and conflict*. Routledge Contemporary Southeast Asia Series, pp. 7-8.

³¹ South, A., 2008. *Ethnic Politics in Burma. States and conflict*. Routledge Contemporary Southeast Asia Series, p. 8.

often claim that the Rohingya are Bengali migrants who entered the country across the border with Bangladesh during the British colonial occupation, when peripheral provinces lacked governmental control.³²

13. However, these claims do not seem to be reliable as the presence of Rohingya in the Rakhine territory dates back to the fifteenth century at the time of the Arakan Kingdom.³³ Therefore, the Rohingya crisis is better explained by religious motifs, as they are a Muslim minority in Myanmar, and their subsequent forced migration to Bangladesh.³⁴
14. Religious explanations behind the Rohingya crisis have to be carefully analyzed as the blatant discrimination of this group goes beyond religious freedom, showing aspects of racism and inhumane treatment.³⁵ The UN High Commissioner for Human Rights, Prince Zeid Ra'ad Al Hussein, pointed out how elements of genocide can be identified in the crisis and defined the discriminatory acts against the Rohingya as “a textbook example of ethnic cleansing”.³⁶
15. The presence of the Arakan Rohingya Salvation Army (ARSA) adds a new element of complexity to the crisis. This group emerged in the Rakhine province in October 2016 with the main aim of protecting the Rohingya and responding to the abuses suffered in the province.³⁷ Allegedly, their only targets are government forces³⁸ and their mission is to defend the rights of the Rohingya and put an end to systematic abuses against them.³⁹
16. Nonetheless, Myanmar's government declared the ARSA a terrorist group⁴⁰ and refused to negotiate a cease-fire with them.⁴¹
17. Whether or not ARSA is a terrorist group, “the use of lethal force, even in situations of emergency, must be commiserate with the threat to the public order, and utmost care must be taken to minimize injury and loss of life, especially for unarmed people and communities”,⁴² said UN Secretary General António Guterres reflecting the obligations provided by general international law.
18. In any case, the official order declaring ARSA a terrorist group shows a countertrend compared to the policy supported in 1947, which tied up independence to equality and the recognition of all minorities present in the territory.⁴³ At that time, indeed, General Aung San, father of Myanmar's incumbent State Counsellor and Nobel Peace Prize Aung San Suu Kyi, wanted to

³² Ibrahim, A., 2016. *The Rohingyas. Inside Myanmar's Hidden Genocide*. Hurst&Company, pp. 1-4.

³³ Albert, E., 2018. *The Rohingya Crisis*. Council on Foreign Relations, [online] January 8, www.cfr.org/background/rohingya-crisis [accessed 01/17/18].

³⁴ Parnini, A. N., 2013. *The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh*. Journal of Muslim Minority Affairs, vol. 33, iss. 2, pp. 281-282.

³⁵ Shakman Hurd, E., 2015. *Beyond Religious Freedom. The New Global Politics of Religion*. Princeton University Press, p. 43.

³⁶ UN News Centre, 2017. *UN rights chief calls for probe into attacks against Rohingya, says genocide 'cannot be ruled out'*. [online] December 5, <http://www.un.org/apps/news/story.asp?NewsID=58223#.WmL9ySPbDUQ> [accessed 01/17/18].

³⁷ Edroos, F., 2017. *ARSA: Who are the Arakan Rohingya Salvation Army?* Al Jazeera, [online] September 13, www.aljazeera.com/amp/news/2017/09/myanmar-arakan-rohingya-salvation-army-170912060700394.html [accessed 25/01/18].

³⁸ Tarabay, J., 2017. *Who are Myanmar's militants? Five questions about ARSA*. CNN, [online] December 6, www.google.it/amp/s/amp.cnn.com/cnn/2017/09/12/asia/arsa-rohingya-militants-who-are-they/index.html [accessed 25/01/18].

³⁹ Edroos, F., 2017. *ARSA: Who are the Arakan Rohingya Salvation Army?* Al Jazeera, [online] September 13, www.aljazeera.com/amp/news/2017/09/myanmar-arakan-rohingya-salvation-army-170912060700394.html [accessed 25/01/18].

⁴⁰ Anti-terrorism Central Committee, 2017. *Arakan Rohingya Salvation Army (ARSA) declared as a terrorist group*. The Republic of the Union of Myanmar, Order n. 1/2017, August 25, www.moi.gov.mm/moi:eng/?q=announcement/28/08/2017/id-11376 [accessed 01/17/18].

⁴¹ Tarabay, J., 2017. *Who are Myanmar's militants? Five questions about ARSA*. CNN, [online] December 6, www.google.it/amp/s/amp.cnn.com/cnn/2017/09/12/asia/arsa-rohingya-militants-who-are-they/index.html [accessed 25/01/18].

⁴² UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, p. 2, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

⁴³ Walton M. J., 2008. *Ethnicity, Conflict, and History in Burma: The Myths of Panglong*. Asian Survey, vol. 48, iss. 6, p. 889.



change the course of history of Myanmar and find a solution for internal differences based on ethnicity.⁴⁴

The Panglong Agreement:

19. With this noble aim in mind, General Aung San arranged the Panglong Conference in 1947. The event facilitated the meeting among the largest minority groups in the Burmese territory.⁴⁵ The outcome of this meeting was the Panglong Agreement establishing the Union of Burma, the first post-colonial government of the region.⁴⁶
20. However, the Panglong Agreement appears to be valid only on paper and still remains unfulfilled after more than seventy years.⁴⁷
21. The hope for a Panglong II⁴⁸ resulted in general discouragement, as it had more of a rhetoric value than any real effect on inclusiveness.⁴⁹ Indeed, the 21st Century Panglong Conference was announced on August 8, 2016 and took place on August 31 of the same year,⁵⁰ however it failed to provide a fresh approach to ethnic divisions within the country nor any new policy guidelines to solve it.⁵¹
22. Most alarmingly, Rohingyas have never been part of the peace talks: they have never been considered as stakeholders, they have always been seen as a national issue⁵² as they are perceived as a threat to national Buddhist ideals and values.⁵³

Discrimination of the Rohingya Over the Years:

23. While the roots of the Rohingya crisis may be traced back to the fifteenth century,⁵⁴ the first state-sponsored large scale campaign against the Rohingya began in 1978 with mass expulsion and legalization of the Rohingya's collective destruction.⁵⁵ The discrimination against the Rohingya has been defined as a "slow-burning genocide"⁵⁶ as it mainly adopted a "long-running, slow-burning campaign to destroy the Rohingya as a group".⁵⁷ This large-scale discrimination has assumed different approaches throughout history, adopting legal, bureaucratic and administrative instruments to "cleanse" the nation from Rohingya Muslims⁵⁸ as they do not align with the traditional Buddhist culture shared by the vast majority of the country.⁵⁹

⁴⁴ Kipgen, N., 2016. *Democratisation of Myanmar*. Routledge, Chapter 1.

⁴⁵ Walton M. J., 2008. *Ethnicity, Conflict, and History in Burma: The Myths of Panglong*. Asian Survey, vol. 48, iss. 6, p. 889.

⁴⁶ Walton M. J., 2008. *Ethnicity, Conflict, and History in Burma: The Myths of Panglong*. Asian Survey, vol. 48, iss. 6, p. 889.

⁴⁷ Walton M. J., 2008. *Ethnicity, Conflict, and History in Burma: The Myths of Panglong*. Asian Survey, vol. 48, iss. 6, p. 889.

⁴⁸ Dey, A., 2016. *Will Panglong II end the ethnic conflict?* The Myanmar Times, [online] August 30, www.mmmtimes.com/opinion/22220-will-panglong-ii-end-the-ethnic-conflict.html [accessed 01/17/18].

⁴⁹ Dolan, R., 2016. *The Problem With the 21st Century Panglong Conference*. The Diplomat, [online] August 6, <https://thediplomat.com/2016/08/the-problem-with-the-21st-century-panglong-conference/> [accessed 01/17/18].

⁵⁰ Lwin, E. E. T., Kaspar, A., 2016. *From Panglong I to Panglong II: a timeline*. The Myanmar Times, [online] August 30, www.mmmtimes.com/national-news/22202-from-panglong-i-to-panglong-ii-a-timeline.html [accessed 01/25/18].

⁵¹ Dolan, R., 2016. *The Problem With the 21st Century Panglong Conference*. The Diplomat, [online] August 6, <https://thediplomat.com/2016/08/the-problem-with-the-21st-century-panglong-conference/> [accessed 01/17/18].

⁵² Myint, S. Y. S., Slodkowski, A., 2016. *U.N. chief says Myanmar's Rohingya 'deserve hope' ahead of peace talks*. Reuters, [online] August 30, www.reuters.com/article/us-myanmar-politics-peace/u-n-chief-says-myanmars-rohingya-deserve-hope-ahead-of-peace-talks-idUSKCN11513D [accessed 01/17/18].

⁵³ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar. Report of the United Nations High Commissioner for Human Rights*. A/HRC/32/18, June 29, para 9, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

⁵⁴ Albert, E., 2018. *The Rohingya Crisis*. Council on Foreign Relations, [online] January 8, www.cfr.org/backgrounder/rohingya-crisis [accessed 01/17/18].

⁵⁵ Zarni, M., Cowley, A., 2014. *The Slow-Burning Genocide of Myanmar's Rohingya*. Pacific Rim Law & Policy Journal, vol. 23, iss. 3, pp. 683-685.

⁵⁶ Zarni, M., Cowley, A., 2014. *The Slow-Burning Genocide of Myanmar's Rohingya*. Pacific Rim Law & Policy Journal, vol. 23, iss. 3, p. 683.

⁵⁷ Zarni, M., Cowley, A., 2014. *The Slow-Burning Genocide of Myanmar's Rohingya*. Pacific Rim Law & Policy Journal, vol. 23, iss. 3, p. 704.

⁵⁸ Zarni, M., Cowley, A., 2017. *An Evolution of Rohingya Persecution in Myanmar: From Strategic Embrace to Genocide*. Middle East Institute, [online] April 20, www.mei.edu/content/evolution-rohingya-persecution-myanmar-strategic-embrace-genocide [accessed 01/17/18].

⁵⁹ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar. Report of the United Nations High Commissioner for Human Rights*. A/HRC/32/18, June 29, paras 2 and 9, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

24. For instance, the controversial citizenship law⁶⁰ was perceived to be an issue for the Rakhine province. The Citizenship Law of 1982 includes an official list of all ethnic groups present in Myanmar: not only are the Rohingya not included in this list, but the only Muslim minorities recognized are the Chinese and the Indian ones.⁶¹ On this basis, almost all Rohingya people are stateless.⁶²

UN Monitoring of the Crisis:

25. Since 1991, the UN, through Resolution 46/132, has expressed “its concern at the information on the grave human rights situation” in Myanmar.⁶³
26. The Rohingya crisis has been constantly monitored since 1992, most notably through the Office of the High Commissioner for Human Rights, which put the “continuing exodus [...] of almost 80,000 Myanmar Muslim” under the spotlight.⁶⁴ Because of the gravity of the situation, the UN OHCHR decided to nominate a Special Rapporteur on the human rights situation in Myanmar.⁶⁵
27. Over the years, the tense political situation in Myanmar led the UN to be more focused on violations of the rights of political activists, who were commonly imprisoned solely for their political views,⁶⁶ and on the ongoing refugee crisis along the Thai border.⁶⁷ The Rohingya situation, even if pressing and known by the international community, remained somehow ignored.
28. Nonetheless, discrimination against the Rohingya persisted and affected, among other, elective and reproduction rights, allowing the fear for a case of genocide to grow.

Escalation of the Rohingya Crisis since 2016:

29. Recent events in the Rakhine province captured the attention of the International Community. Indeed, since October 9, 2016, a series of hit-and-run attacks, which ARSA conducted with improvised weapons,⁶⁸ threatened the stability of the Rakhine province and the country as a whole.⁶⁹ In response to the attacks, the government adopted measures in to deploy a greater number of security forces in the region and started extensive “clearance operations” against the Rohingya in the Rakhine province.⁷⁰ At the same time, the public’s anti-Rohingya

⁶⁰ UN OHCHR, 1993. *Report on the situation of human rights in Myanmar*, prepared by Mr. Yozo Yokota, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1992/58. E/CN.4/1993/37, February 17, paras 188-198, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G93/108/30/PDF/G9310830.pdf?OpenElement> [accessed 01/17/18].

⁶¹ UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 2, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

⁶² UN HRC, 2016. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights. A/HRC/32/18, June 29, para 3, <http://undocs.org/A/HRC/32/18> [accessed 01/23/18].

⁶³ UN General Assembly, 1991. *Situation in Myanmar*. A/RES/46/132, December 17, Clause 2, www.un.org/documents/ga/res/46/a46r132.htm [accessed 01/17/18].

⁶⁴ UN OHCHR, 1992. *Situation of human rights in Myanmar*. E/CN.4/RES/1992/58, March 3, Preamble, para 6, https://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-1992-58.doc [accessed 01/17/18].

⁶⁵ UN OHCHR, 1992. *Situation of human rights in Myanmar*. E/CN.4/RES/1992/58, March 3, Clause 3, https://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-1992-58.doc [accessed 01/17/18].

⁶⁶ UN General Assembly, 2000. *Situation of Human Rights in Myanmar*. Report of the Secretary General. A/55/509, October 20, para 10, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/702/32/PDF/N0070232.pdf?OpenElement> [accessed 01/17/18].

⁶⁷ UN ECOSOC, 1997. *Situation of human rights in Myanmar*. Report of the Special Rapporteur, Mr. Rajsmoor Lallah, submitted in accordance with Commission on Human Rights resolution 1996/80. E/CN.4/1997/64, February 6, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G97/104/40/PDF/G9710440.pdf?OpenElement> [accessed 01/17/18]; UN ECOSOC, 1999. *Situation of human rights in Myanmar*. Report of the Special Rapporteur, Mr. Rajsoomer Lallah, submitted in accordance with Commission on Human Rights resolution 1998/63. E/CN.4/1999/35, January 22, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/103/33/PDF/G9910333.pdf?OpenElement> [accessed 01/17/18].

⁶⁸ International Crisis Group, 2017. *Myanmar’s Rohingya Crisis Enters a Dangerous New Phase*. Report n. 292, [online], December 7, www.crisisgroup.org/asia/south-east-asia/myanmar/292-myanmars-rohingya-crisis-enters-dangerous-new-phase [accessed 01/17/18].

⁶⁹ International Crisis Group, 2017. *Myanmar’s Rohingya Crisis Enters a Dangerous New Phase*. Report n. 292, [online], December 7, www.crisisgroup.org/asia/south-east-asia/myanmar/292-myanmars-rohingya-crisis-enters-dangerous-new-phase [accessed 01/17/18].

⁷⁰ International Crisis Group, 2017. *Myanmar’s Rohingya Crisis Enters a Dangerous New Phase*. Report n. 292, [online], December 7, www.crisisgroup.org/asia/south-east-asia/myanmar/292-myanmars-rohingya-crisis-enters-dangerous-new-phase [accessed 01/17/18].



sentiments hardened, encouraging the rise of ultra-national Buddhist forces.⁷¹ Tensions in the area worsened in the last quarter of 2017 with more attacks from the ARSA and mass killing of Rohingyas.⁷²

Effects of Disaster and Displacement on the Rohingya:

30. As a result of these atrocities, in the past 15 months, an estimated 800,000 Rohingya have been displaced in Bangladesh.⁷³ Displacement has made the Rohingya people even more vulnerable: on one hand they experience discrimination in Myanmar; while on the other hand, they suffer from human trafficking and sexual exploitation by smugglers on their way to Bangladesh and Thailand.⁷⁴
31. Facing a crisis on such a scale, disaster management operations primarily focus on the safety of migration routes and on the accessibility of the refugee camps in order to guarantee minimum living standards.⁷⁵
32. Indeed, the internal conflict in Myanmar and the endless tensions between the Buddhist majority and Muslim minorities make the Rohingya crisis one of the most prominent and destabilizing conflicts in the international arena in 2018.⁷⁶ As stated by UN Secretary General António Guterres, "...failure to address this systematic violence could result in spill-over into central Rakhine, where an additional 250,000 Muslims could potentially face displacement"⁷⁷.

Effects Particular to Women and Children:

33. In such a complex humanitarian emergency, human rights standards, particularly those applicable to women and children are specifically harmed through "discriminatory birth control regulations, gender-based violence, vulnerability to human trafficking, hard labor, and education inequality".⁷⁸ "Without proper support, [women and children] ... also face risks such as child labor, gender-based violence and trafficking" confirmed Shinji Kubo, UNHRC's Representative in Bangladesh.⁷⁹ Women and children are the most vulnerable victims of the Rohingya crisis, even in the destination refugee camps. Indeed, the environment in the refugee camps in Cox's Bazar in Bangladesh, is far from meeting minimum hygiene standards, and this has significant implications for the sanitary conditions of children.⁸⁰
34. Importantly, "Rohingya children [...] need to be recognized first and foremost as children, stressing that the Convention on the Rights of the Child guarantees rights to health, education and opportunities to learn and grow to all those under 18, irrespective of their ethnicity, status

⁷¹ International Crisis Group, 2017. *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*. Report n. 292, [online], December 7, www.crisisgroup.org/asia/south-east-asia/myanmar/292-myanmar-rohingya-crisis-enters-dangerous-new-phase [accessed 01/17/18].

⁷² International Crisis Group, 2017. *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*. Report n. 292, [online], December 7, www.crisisgroup.org/asia/south-east-asia/myanmar/292-myanmar-rohingya-crisis-enters-dangerous-new-phase [accessed 01/17/18].

⁷³ Richardson, B., 2018. *Three steps Myanmar should take to turn the Rohingya disaster around*. The Washington Post, [online] January 26, www.washingtonpost.com/amphtml/news/democracy-post/wp/2018/01/26/three-steps-myanmar-should-take-to-turn-the-rohingya-disaster-around/ [accessed 01/26/2018].

⁷⁴ Westendorf, S., 2018. *The Road to Nowhere: The Future of Myanmar's Displaced Rohingya*. Post-Conflict Research Center, [online] January 12, www.p-crc.org/blog/theroadahead [accessed 01/25/2018].

⁷⁵ UN News Centre, 2017. *Rohingya crisis: UN agencies focus on improving access to overcrowded camps hamper response*. [online] October 27, http://www.un.org/apps/news/story.asp?NewsID=57976#Wm2_tmLSKEc [accessed 01/25/18].

⁷⁶ Malley, R., 2018. *10 Conflicts to Watch in 2018*. International Crisis Group, [online] January 2, www.crisisgroup.org/global/10-conflicts-watch-2018 [accessed 01/25/2018].

⁷⁷ Nichols, M., 2017. *Myanmar violence could spread, displace more Rohingya: U.N. chief*. Reuters, [online] September 28, www.reuters.com/article/us-myanmar-rohingya-un/myanmar-violence-could-spread-displace-more-rohingya-u-n-chief-idUSKCN1C32XA [accessed 01/25/2018].

⁷⁸ Abdelkader, E., 2014. *Myanmar's Democracy Struggle: The Impact of Communal Violence Upon Rohingya Women and Youth*. Pacific Rim Law & Policy Journal, vol. 33, iss. 3, p. 516.

⁷⁹ Tan, V., 2017. *Over 168,000 Rohingya likely fled Myanmar since 2012 - UNHCR report*. UNHCR, [online] May 3, www.unhcr.org/news/latest/2017/5/590990ff4/168000-rohingya-likely-fled-myanmar-since-2012-unhcr-report.html [accessed 01/25/2018].

⁸⁰ Ratcliffe, R., 2018. *Squalor and disease await Rohingya babies born in Bangladesh camps*. The Guardian, [online] January 4, www.theguardian.com/global-development/2018/jan/04/squalor-disease-await-rohingya-babies-born-bangladesh-camps [accessed 01/25/18].



or the circumstances in which they find themselves”⁸¹ stressed UNICEF spokesperson Marixie Mercado.

35. As stated by UN Secretary General António Guterres, “the devastating humanitarian situation [...] puts vulnerable people, including young children, at risk of falling prey to criminal elements, including trafficking”.⁸²

Committee Introduction

36. On the basis of the Charter of the United Nations, the Security Council’s primary responsibility is “the maintenance of international peace and security”, as well as to “cooperate in [...] promoting respect for human rights.”⁸³ This points to the critical role of this UN body in the field of disaster relief and crisis resolution.
37. The rules providing for the composition, the powers and the voting procedure of the body, are all included in Chapter V of the UN Charter.⁸⁴ Specifically, Article 24(1) of the UN Charter states: “In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf”.⁸⁵ Moreover, Article 25 states: “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”.⁸⁶
38. The main implication of the two articles is that the decisions of the Security Council have a legally binding effect on Member States of the UN.⁸⁷ This pivotal legal aspect is what distinguishes the decisions of the Security Council from those of the General Assembly: indeed, the resolution of the General Assembly are merely recommendations, whereas the Security Council provides concrete action to be taken.⁸⁸
39. All these powers have to be considered in light of the political nature of the Security Council and its composition. On the basis of Article 23 of the Charter, the Security Council is composed of fifteen members, five of which are permanent with the remaining ten elected for a term of two years.⁸⁹ The permanent members of the Security Council are the Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.⁹⁰ In 2018, the ten elected members of the Security Council

⁸¹ UN News Centre, 2018. *Rohingya children trapped in ‘appalling’ conditions in Myanmar’s Rakhine state – UNICEF*. [online] January 9, http://www.un.org/apps/news/story.asp?NewsID=58397#_Wm3Kb2LSKEc [accessed 01/25/18].

⁸² UN SC, 2017. The situation in Myanmar. Meeting record, S/PV.8060, September 28, p. 2, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

⁸³ UN SC. *The Security Council*. [online] www.un.org/en/sc/ [accessed 01/25/2018].

⁸⁴ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter V: The Security Council, www.un.org/en/sections/un-charter/chapter-v/index.html [accessed 01/25/2018].

⁸⁵ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter V: The Security Council, www.un.org/en/sections/un-charter/chapter-v/index.html [accessed 01/25/2018].

⁸⁶ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter V: The Security Council, www.un.org/en/sections/un-charter/chapter-v/index.html [accessed 01/25/2018].

⁸⁷ Divac Öberg, M., 2006. *The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ*. European Journal of International Law, vol. 16, iss. 5, p. 884.

⁸⁸ Divac Öberg, M., 2006. *The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ*. European Journal of International Law, vol. 16, iss. 5, p. 883.

⁸⁹ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter V: The Security Council, Article 23(2), www.un.org/en/sections/un-charter/chapter-v/index.html [accessed 01/25/2018].

⁹⁰ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter V: The Security Council, Article 23(2), www.un.org/en/sections/un-charter/chapter-v/index.html [accessed 01/25/2018].



are Bolivia, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Kazakhstan, Kuwait, Netherlands, Peru, Poland and Sweden.⁹¹

40. The main difference between the permanent members and the non-permanent members consists of the special power of the “right to veto”, granted along with the permanent status in the Security Council.⁹² This means that if any of the 5 permanent members votes against a document, then it will not be adopted. Any formal documents (most notably draft resolutions, presidential statements, and press statements) must be voted upon by ‘acclamation,’ and require at least 9 votes in favor, as well as none against by a permanent member.⁹³
41. Apart from the affirmative vote provided for by Article 27(3) of the Charter, the Security Council has occasionally voted by acclamation. In both instances where decisions are adopted by acclamation or consensus, such decisions are declared as adopted by the Council President without a vote.⁹⁴ There is no legal difference between decisions adopted with or without a vote, but the latter expresses the political will of the Council when there is “a high degree of unanimity among the Council members behind a particular decision”.⁹⁵
42. On the basis of its powers, as established by the UN Charter, the Security Council can, among other things: investigate any dispute or situation which might lead to international friction; recommend methods of adjusting such disputes or the terms of settlement; determine the existence of a threat to the peace or act of aggression and recommend what action should be taken; and, call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression.⁹⁶
43. On the basis of Chapter VII of the UN Charter on “Action with respect to threats to the peace, breaches of the peace, and acts of aggression”, the Security Council may decide to call upon Member States to apply measures such as “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations”.⁹⁷ On the basis of Article 42, the Security Council “may take such actions by air, sea, or land forces as may be necessary to maintain or restore international peace and security”⁹⁸ when the measures provided for by Article 41 are inadequate, hence it can prescribe the use of force in response to threats to peace, breaches of the peace and acts of aggression.
44. Along with the measures envisaged by the UN Charter, the Security Council can submit referrals to the International Criminal Court (ICC). On the basis of Article 13(b) of the Rome Statute of the International Criminal Court, the ICC can “exercise jurisdiction in circumstances in which the UN Security Council has referred a situation to the Court when using its powers under Chapter VII of the UN Charter”.⁹⁹ This type of jurisdiction is applicable

⁹¹ UN SC. *Current Members*. [online] www.un.org/en/sc/members/ [accessed 01/25/2018].

⁹² UN SC. *Voting System and Records*. [online] www.un.org/en/sc/meetings/voting.shtml [accessed 01/25/2018].

⁹³ UN SC. *Voting System and Records*. [online] www.un.org/en/sc/meetings/voting.shtml [accessed 01/25/2018].

⁹⁴ Sievers, L., Daws, S., 2014. *The Procedure of the UN Security Council*. Oxford University Press, p. 337.

⁹⁵ Sievers, L., Daws, S., 2014. *The Procedure of the UN Security Council*. Oxford University Press, p. 337.

⁹⁶ UN SC. *Functions and Powers*. [online] www.un.org/en/sc/about/functions.shtml [accessed 01/25/2018].

⁹⁷ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter VII: Action with respect to threats to the peace, breaches of the peace, and acts of aggression, Article 41, www.un.org/en/sections/un-charter/chapter-vii/index.html [accessed 01/25/2018].

⁹⁸ UN, 1945. *Charter of the United Nations, and the Statute of the International Court of Justice*. Chapter VII: Action with respect to threats to the peace, breaches of the peace, and acts of aggression, Article 42, www.un.org/en/sections/un-charter/chapter-vii/index.html [accessed 01/25/2018].

⁹⁹ Mistry, H., Ruiz Verduzco, D., 2012. *The UN Security Council and the International Criminal Court*. International Law Meeting Summary, Chatham House, p. 3.



even in the case of States which are not party to the Rome Statute, thus it would be applicable in the specific case of the Rohingya crisis, even though Myanmar did not sign the ICC's Statute.

45. With such a wide spectrum of choices, it is important to analyze which of these actions may serve as immediate actions in the Rohingya crisis. These issues will be further analyzed in *Section 6: Possible Solutions*, of this Report.

Past International Action

46. While an estimated 800,000 Rohingya faced displacement in Bangladesh in the past 15 months,¹⁰⁰ to date, discussions within the Security Council on the situation in Myanmar have not resulted in any action being taken.
47. On September 28, 2017, the Council met to discuss the situation of Myanmar acknowledging that the crisis had “steadily deteriorated since the 25 August attacks by the Arakan Rohingya Salvation Army on the Myanmar security forces”.¹⁰¹ In the aforementioned meeting, the majority of the members recalled a three-step solution which comprised of the official end of military operations against civilians in the Rakhine province, re-establishing respect for obligations under international humanitarian law, and safe voluntary return of Rohingya refugees to Myanmar.¹⁰²
48. At the same time, while expressing concerns for the human rights violations against the Rohingya people and urging a peaceful resolution of the refugee crisis through a mutual agreement between Bangladesh and Myanmar, the representatives of Japan, China and Russia, showed a more reserved position.¹⁰³ Specifically, the representative of the Russian Federation, Mr. Nebenzia, stated: “The information that we are receiving indicated that the situation in the Rakhine state is far from unequivocal. In recent days, evidence has been received of the involvement of fighters of the Arakan Rohingya Salvation Army in the massacre of civilians”.¹⁰⁴
49. A second official meeting took place on November 6, 2017,¹⁰⁵ adopting the Presidential Statement 22/2017.¹⁰⁶ On behalf of the Council, the representative of Italy Mr. Cardi, the serving President of the Security Council for the month of November 2017, condemned both the attacks carried out by the ARSA and the widespread violence and human rights abuses in the Rakhine State.¹⁰⁷ At the same time, the Security Council welcomed the first steps undertaken towards adopting a resolution on the Rohingya crisis, including the Memorandum

¹⁰⁰ Richardson, B., 2018. *Three steps Myanmar should take to turn the Rohingya disaster around*. The Washington Post, [online] January 26, www.washingtonpost.com/amphtml/news/democracy-post/wp/2018/01/26/three-steps-myanmar-should-take-to-turn-the-rohingya-disaster-around/ [accessed 01/25/2018].

¹⁰¹ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, p. 2, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹⁰² UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, as stressed by (in order of given remark): UK, US, Senegal, Egypt, Sweden, France, Kazakhstan, Italy, Uruguay, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹⁰³ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, pp. 18-20, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹⁰⁴ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, pp. 19-20, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹⁰⁵ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8085, November 6, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8085 [accessed 01/25/2018].

¹⁰⁶ UN SC, 2017. *Statement by the President of the Security Council*. Presidential Statement, S/PRST/2017/22, November 6, www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2017/22 [accessed 01/25/2018].

¹⁰⁷ UN SC, 2017. *Statement by the President of the Security Council*. Presidential Statement, S/PRST/2017/22, November 6, paras 1-3, www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2017/22 [accessed 01/25/2018].

of Understanding of October 24, 2017 between Myanmar and Bangladesh,¹⁰⁸ the establishment of the “Union Enterprise Mechanism for Humanitarian Assistance, Resettlement and Development in Rakhine” by the Government of Myanmar,¹⁰⁹ and the recommendations of the Advisory Commission on Rakhine State chaired by former UN Secretary General Kofi Annan.¹¹⁰

50. At this point, it is appropriate to discuss in further depth, the three actions recalled by the Presidential Statement 22/2017.
51. The first action is the Memorandum of Understanding of 24 October, 2017 between the Governments of Myanmar and Bangladesh, which refers to a negotiated agreement drafted in Myanmar’s capital Naypyitaw, prescribing the Rohingya’s repatriation from refugee camps in Bangladesh to their hometowns in the Rakhine province.¹¹¹ With the Memorandum of Understanding, the two governments agreed “to halt the outflow of Myanmar residents to Bangladesh”¹¹² said Tin Myint, Permanent Secretary of Myanmar’s Ministry of Home Affairs. “After a joint working group, the verification, (the) two countries have agreed to arrange different steps so that these people can return to their homeland safely and honorably and in secure conditions”¹¹³ added Mostafa Kamal Uddin, Secretary of the Ministry of Home Affairs of Bangladesh. This Memorandum, which has been later signed on November 23, 2017,¹¹⁴ aims to respond to two opposing interests from the two governments: on the one hand, Bangladesh is hosting Rohingya since the late 1970s and seeks for a long-term solution to avoid internal political conflicts between the refugees and the inhabitants of the Chittagongian hill tracts;¹¹⁵ on the other Myanmar wants to accept only Rohingya, demonstrating their status of long-term residents in Myanmar while keeping out migrants and arresting suspected terrorists.¹¹⁶
52. While the above steps are highly welcomed, international observers underlined that they may be premature at this stage as Myanmar is not able to guarantee long-term peace and democracy in the Rakhine province.¹¹⁷ In any case, Rohingya repatriation has been constantly postponed and is now delayed until an undefined date as refugees seem unwilling to go back to Myanmar voluntarily.¹¹⁸
53. The second action recalled by the Presidential Statement 22/2017 is the establishment of the Union Enterprise for Humanitarian Assistance, Resettlement, and Development in Rakhine (UEHRD). The UEHRD is a public-private body chaired by the State Counsellor Aung San Suu Kyi, and pursues three main goals: “providing humanitarian assistance, carrying out

¹⁰⁸ UN SC, 2017. *Statement by the President of the Security Council*. Presidential Statement, S/PRST/2017/22, November 6, para 11, www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2017/22 [accessed 01/25/2018].

¹⁰⁹ UN SC, 2017. *Statement by the President of the Security Council*. Presidential Statement, S/PRST/2017/22, November 6, para 12, www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2017/22 [accessed 01/25/2018].

¹¹⁰ UN SC, 2017. *Statement by the President of the Security Council*. Presidential Statement, S/PRST/2017/22, November 6, para 16, www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2017/22 [accessed 01/25/2018].

¹¹¹ Naing, S., 2017. Myanmar, Bangladesh agree to cooperate on Rohingya refugee repatriation. Reuters, [online] October 24, www.reuters.com/article/us-myanmar-rohingya/myanmar-bangladesh-agree-to-cooperate-on-rohingya-refugee-repatriation-idUSKBN1CT29C [accessed 01/25/2018].

¹¹² Naing, S., 2017. Myanmar, Bangladesh agree to cooperate on Rohingya refugee repatriation. Reuters, [online] October 24, www.reuters.com/article/us-myanmar-rohingya/myanmar-bangladesh-agree-to-cooperate-on-rohingya-refugee-repatriation-idUSKBN1CT29C [accessed 01/25/2018].

¹¹³ Naing, S., 2017. Myanmar, Bangladesh agree to cooperate on Rohingya refugee repatriation. Reuters, [online] October 24, www.reuters.com/article/us-myanmar-rohingya/myanmar-bangladesh-agree-to-cooperate-on-rohingya-refugee-repatriation-idUSKBN1CT29C [accessed 01/25/2018].

¹¹⁴ Holmes, O., 2017. Myanmar signs pact with Bangladesh over Rohingya repatriation. The Guardian, [online] November 23, www.theguardian.com/world/2017/nov/23/myanmar-signs-pact-with-bangladesh-over-rohingya-repatriation [accessed 01/25/2018].

¹¹⁵ Oh, S. A., 2017. *The Rohingya in Bangladesh: Another Round in the Cycle of Exodus and Repatriation?* ISEAS Yusof Ishak Institute, iss. 2017, n. 90, p. 4.

¹¹⁶ Oh, S. A., 2017. *The Rohingya in Bangladesh: Another Round in the Cycle of Exodus and Repatriation?* ISEAS Yusof Ishak Institute, iss. 2017, n. 90, p. 3.

¹¹⁷ Richardson, B., 2018. *Three steps Myanmar should take to turn the Rohingya disaster around*. The Washington Post, [online] January 26, www.washingtonpost.com/amphhtml/news/democracy-post/wp/2018/01/26/three-steps-myanmar-should-take-to-turn-the-rohingya-disaster-around/ [accessed 01/26/2018].

¹¹⁸ Safi, M., 2018. Rohingya Muslim’s repatriation to Myanmar postponed. The Guardian, [online] January 22, www.theguardian.com/world/2018/jan/22/rohingya-muslims-repatriation-back-to-myanmar-postponed [accessed 01/25/2018].

resettlement and rehabilitation and working for development in Rakhine State”.¹¹⁹ While the UEHRD is intervening on the rehabilitation of the Rakhine State and its development,¹²⁰ it is difficult to predict how immediate its actions will be to end human rights violations and the refugee crisis.

54. The third action recalled is the outcome of the Advisory Commission on Rakhine State. The Advisory Commission on Rakhine State is the result of the collaboration between the Ministry of the Office of the state Counsellor of Myanmar and the Kofi Annan Foundation,¹²¹ and it is “a neutral and impartial body which aims to propose concrete measures for improving the welfare of all people in Rakhine state”.¹²² The Commission, chaired by former UN Secretary General Kofi Annan and composed of six local and three international experts,¹²³ delivered its conclusions on August 23, 2017.¹²⁴ The Commission delivered recommendations on a wide range of topics including the economic and social development of Rakhine with infrastructure investments and labor market reform,¹²⁵ citizenship law reform and a re-examination of ethnicity aspects,¹²⁶ an education framework and expansion of primary education in Rakhine,¹²⁷ and inter-communal cohesion through a reconciliation process fostering religious and ethnic tolerance.¹²⁸ The majority of the recommendations presented by the Advisory Commission relate to long term policies tackling the roots of the Rohingya crisis, however, they also suggest immediate actions including humanitarian and media access to the Rakhine province,¹²⁹ and the voluntary repatriation of Rohingya.¹³⁰ Specifically, recommendation n. 79 states: “The Governments of Myanmar and Bangladesh should facilitate the voluntary return of refugees from Bangladesh to Myanmar through joint verification, in accordance with international standards and with assistance from international partners”.¹³¹ Recommendation n. 80 adds: “When refugees from northern Rakhine State return from Bangladesh, the Government of Myanmar should help create a secure environment and, where necessary, assist with shelter construction for those whose homes have been destroyed”.¹³²
55. On the basis of the negotiations conducted so far, the voluntary repatriation of Rohingya refugees appears to be the most feasible solution to the issue and it is highly welcomed by experts, such as the Kofi Annan’s Advisory Commission on Rakhine State, and the international community, including the UN Security Council¹³³ and the UN Human Rights

¹¹⁹ Union Enterprise for Humanitarian Assistance, Resettlement, and Development in Rakhine, 2017. *About Us*. [online] December 20, <http://rakhine.unionenterprise.org/about-uehrd> [accessed 01/25/2018].

¹²⁰ Myint, Y. Y., 2018. *New roads aimed at improving connectivity in Rakhine State*. The Myanmar Times, [online] January 22, www.mmmtimes.com/news/new-roads-aimed-improving-connectivity-rakhine-state.html [accessed 01/25/2018].

¹²¹ Advisory Commission on Rakhine State. *About the Commission*. [online] www.rakhinecommission.org/mandate-of-the-commission/ [accessed 01/25/2018].

¹²² Advisory Commission on Rakhine State. *About the Commission*. [online] www.rakhinecommission.org/mandate-of-the-commission/ [accessed 01/25/2018].

¹²³ Advisory Commission on Rakhine State. *About the Commission*. [online] www.rakhinecommission.org/mandate-of-the-commission/ [accessed 01/25/2018].

¹²⁴ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, [online], August 23, www.rakhinecommission.org/the-final-report/ [accessed 01/25/2018].

¹²⁵ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, pp. 24-25, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹²⁶ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, pp. 31-32, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹²⁷ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, p. 41, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹²⁸ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, pp. 51-52, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹²⁹ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, pp. 38-39, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹³⁰ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, p. 60, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹³¹ Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, p. 60, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹³² Advisory Commission on Rakhine State, 2017. *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*. Final Report of the Advisory Commission on Rakhine State, August 23, p. 60, www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf [accessed 01/25/2018].

¹³³ UN SC, 2017. *Statement by the President of the Security Council*. Presidential Statement, S/PRST/2017/22, November 6, para 12, www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2017/22 [accessed 01/25/2018].

Council (UNHRC).¹³⁴ On December 5, 2017 the UNHCR itself expressed its concerns about Myanmar's lack of cooperation.¹³⁵ With its resolution, the UNHRC urged "the Government of Myanmar to immediately address the conditions that lead to mass displacement, [...] and to ensure respect for the human rights of the Rohingya population in northern Rakhine State in order to take steps to create an atmosphere conducive to the safe, voluntary, dignified and sustainable return to their places of origin in Myanmar of those who have been forcibly displaced".¹³⁶ Similar concerns were shown during the meeting of the Security Council on December 12, 2017.¹³⁷

56. On the basis of all the documents and proposals analyzed, it is evident that the international community welcomes the repatriation of Rohingya refugees to Myanmar, however, this does not seem to be the most immediate solution to the crisis and the voluntary settlement of Rohingya Muslims in the Rakhine province requires several long-term policy reforms. "The framework does not refer to resolving the root cause of displacement"¹³⁸ said UN Secretary General António Guterres.

57. To date, no final decision has been made by the Security Council and the peaceful resolution of this crisis remains in the negotiation phase.

Key Players

58. The complexity of the Rohingya crisis requires a high level of negotiation among the parties involved, particularly Myanmar and Bangladesh.

59. While Myanmar has been condemned for its lack of cooperation with UN agencies,¹³⁹ several UN Member States, and especially permanent members of the Security Council tried to facilitate the peaceful resolution of the Rohingya crisis through various proposals and actions.

60. For instance, the United Kingdom took the lead in the diplomatic resolution of the crisis and has been the main promoter and supporter of the Security Council Presidential Statement 22/2017.¹⁴⁰ A representative of the UK government has also been present during the negotiations between Myanmar and Bangladesh to facilitate the process.¹⁴¹ However, due to a standoff in negotiations at the international level, the UK is primarily contributing as a donor through the Disaster Emergency Committee.¹⁴² The financial aid provided by the UK had an immediate impact "providing over 170,000 people with food, 140,000 people with safe water

¹³⁴ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Preamble, para 20, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/PDF/G17358o8.pdf?OpenElement> [accessed 01/25/18].

¹³⁵ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Preamble, para 21, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/PDF/G17358o8.pdf?OpenElement> [accessed 01/25/18].

¹³⁶ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Clause 11, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/PDF/G17358o8.pdf?OpenElement> [accessed 01/25/18].

¹³⁷ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8133, December 12, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8133 [accessed 01/25/2018].

¹³⁸ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, p. 3, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹³⁹ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Preamble, para 21, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/PDF/G17358o8.pdf?OpenElement> [accessed 01/25/18].

¹⁴⁰ Field, M., 2017. *The Rohingya people of Rakhine State: UK government actions update, 28 November 2017*. Speech of the Minister for Asia, [online] November 29, www.gov.uk/government/speeches/the-rohingya-people-of-rakhine-state-uk-government-actions-update-28-november-2017 [accessed 01/25/2018].

¹⁴¹ Field, M., 2017. *The Rohingya people of Rakhine State: UK government actions update, 28 November 2017*. Speech of the Minister for Asia, [online] November 29, www.gov.uk/government/speeches/the-rohingya-people-of-rakhine-state-uk-government-actions-update-28-november-2017 [accessed 01/25/2018].

¹⁴² Field, M., 2017. *The Rohingya people of Rakhine State: UK government actions update, 28 November 2017*. Speech of the Minister for Asia, [online] November 29, www.gov.uk/government/speeches/the-rohingya-people-of-rakhine-state-uk-government-actions-update-28-november-2017 [accessed 01/25/2018].

and sanitation, and emergency nutritional support to more than 60,000 vulnerable children under the age of 5”.¹⁴³

61. The delegation of the UK initially tried to draft a resolution within the Security Council together with France but it ultimately resulted in Presidential Statement 22/2017 due to the opposition of China and Russia.¹⁴⁴ While a Security Council resolution would have been binding, hence the lack of support by China and Russia, the Presidential Statement unanimously adopted will only have political value as it is not enforceable.¹⁴⁵
62. France continuously stressed the importance of finding a feasible solution for all parties as the Rohingya crisis is a matter of ethnic cleansing and “public discourse and other stigma could lead to even worse atrocities”.¹⁴⁶
63. China and Russia opposed other actions of the Security Council before Presidential Statement 22/2017.¹⁴⁷ Furthermore, China voted against the UN HRC resolution of December 5, 2017.¹⁴⁸
64. Some alarming statements have been made by Myanmar’s National Security Adviser, Mr. Thaung Tun, who said: “We are negotiating with some friendly countries not to take it to the Security Council”.¹⁴⁹ Tun also added: “China is our friend and we have a similar friendly relationship with Russia, so it will not be possible for that issue to go forward”.¹⁵⁰ Tun’s statements refer to the right to veto coming with the permanent membership in the Security Council, which both China and Russia have on the basis of Article 23(2) of the UN Charter.
65. China’s opposition to the UNHRC resolution¹⁵¹ as well as the above statements of ambassador Nebezia representing Russia in the Security Council¹⁵² back up Myanmar’s claim that terrorists are leading a misinformation campaign related to the Rohingya crisis.¹⁵³
66. With regards to China, the Vice-Minister of China’s International Department, Guo Yezhou officially stated: “China and Myanmar are friendly neighboring countries joined by rivers and mountains. China will be affected if there’s any unstable situation in Myanmar”.¹⁵⁴ Beyond such a consideration, international observers speculate that China’s support in favor of the Government of Myanmar is explained by the economic and geopolitical interests that China is

¹⁴³ Field, M., 2017. *The Rohingya people of Rakhine State: UK government actions update, 28 November 2017*. Speech of the Minister for Asia, [online] November 29, www.gov.uk/government/speeches/the-rohingya-people-of-rakhine-state-uk-government-actions-update-28-november-2017 [accessed 01/25/2018].

¹⁴⁴ Yap, L. S., 2017. *UN’s Futile Effort to Engage Myanmar on the Rohingya Crisis*. The Diplomat, [online] November 9, <http://thediplomat.com/2017/11/uns-futile-effort-to-engage-myanmar-on-rohingya-crisis/> [accessed 1/25/2018].

¹⁴⁵ Yap, L. S., 2017. *UN’s Futile Effort to Engage Myanmar on the Rohingya Crisis*. The Diplomat, [online] November 9, <http://thediplomat.com/2017/11/uns-futile-effort-to-engage-myanmar-on-rohingya-crisis/> [accessed 1/25/2018].

¹⁴⁶ UN SC, 2017. *The situation in Myanmar*. Press release, SC/13012, September 28, www.un.org/press/en/2017/sc13012.doc.htm [accessed 02/22/2018].

¹⁴⁷ Reuters, 2017. *China, Russia block U.N. council concern about Myanmar violence*. [online] March 17, www.reuters.com/article/us-myanmar-rohingya-un/china-russia-block-u-n-council-concern-about-myanmar-violence-idUSKBN16O2J6 [accessed 01/25/2018].

¹⁴⁸ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/PDF/G17358o8.pdf?OpenElement> [accessed 01/25/18].

¹⁴⁹ Lone, W., Lewis, S., 2017. *Myanmar plays diplomatic card to avert U.N. censure over Rohingya*. Reuters, [online] September 6, www.reuters.com/article/amp/idUSKCN1BHoHD [accessed 01/25/2018].

¹⁵⁰ Lone, W., Lewis, S., 2017. *Myanmar plays diplomatic card to avert U.N. censure over Rohingya*. Reuters, [online] September 6, www.reuters.com/article/amp/idUSKCN1BHoHD [accessed 01/25/2018].

¹⁵¹ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/o8/PDF/G17358o8.pdf?OpenElement> [accessed 01/25/18].

¹⁵² UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, pp. 19-20, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹⁵³ Lone, W., Lewis, S., 2017. *Myanmar plays diplomatic card to avert U.N. censure over Rohingya*. Reuters, [online] September 6, www.reuters.com/article/amp/idUSKCN1BHoHD [accessed 01/25/2018].

¹⁵⁴ Worley, W., 2017. *China refuses to condemn Burma over Rohingya crisis and says foreign intervention does not work*. The Independent, [online] October 21, www.independent.co.uk/news/world/asia/rohingya-burma-refugees-myanmar-china-refuses-to-condemn-persecution-genocideburning-foreign.a8012961.html [accessed 01/25/2018].



developing in its neighboring nation, specifically the ongoing project of the Kyaukpyu Port and, on a larger scale, the ambition to become the leading global power in the region.¹⁵⁵

67. On the other hand, the position of Russia may be justified by its internal issues with Russian Muslims in Chechnya as the position of the country on Rohingya may provoke internal demands for an increased recognition of minority rights, worsening the unstable situation in Chechnya.¹⁵⁶
68. On the opposite side of the spectrum, the US responded by imposing sanctions on Myanmar since December 2016, during the Obama administration.¹⁵⁷ The economic sanctions imposed on Myanmar have been confirmed by the Trump administration and have been recently recalled in a resolution from Congress dated November 7, 2017.¹⁵⁸ Although they pressured Myanmar to find a political solution to the Rohingya crisis, the current status of the refugees remains unchanged.
69. The ten elected members of the Security Council (E10) appear to be united in recalling a three-step solution built around the main pillar of repatriation of Rohingya refugees to Myanmar.¹⁵⁹
70. This is becoming an even more pressing issue as the Monsoon season is starting in March, as underlined in the last recorded meeting of the Security Council on the situation in Myanmar.¹⁶⁰ On this occasion, many inputs came from representatives of the E10 members. Indeed, Sweden pointed out the need for citizenship recognition for Rohingya; Peru condemned hate speech against Muslim minorities in Myanmar; Ethiopia urged the dignified return of the refugees referring to the poor living conditions in the refugee camps; the Netherlands recalled the need for independent media access to the Rakhine province; Côte d'Ivoire qualified the safe and voluntary return of Rohingya as a moral duty of the international community; Equatorial Guinea addressed the need to bring the perpetrators of ethnic cleansing to justice; Poland recalled the role of the fact-finding mission of the UNHRC due next March; Kazakhstan welcomed the joint work of Bangladesh and Myanmar encouraging the two States to find an agreement; Bolivia expressed its concern for the continuous increase in the number of Rohingya refugees; and Kuwait openly denounced the breach of international law and norms.¹⁶¹
71. However, the Security Council and the international community will continue to be in a stalemate should there be no agreement among the members exercising the right to veto.

Possible Solutions

72. There are two common factors in all the solutions proposed thus far: the first one is structural reform of Myanmar's policy, especially in the fields of citizenship and human rights in the

¹⁵⁵ Bequelin, N., 2017. *Behind China's Attempt to Ease the Rohingya Crisis*. The New York Times, [online] December 5, www.nytimes.com/2017/12/05/opinion/china-rohingya-crisis.html [accessed 01/25/2018].

¹⁵⁶ Markedonov, S., 2017. *Myanmar, Russia's Muslims, and a New Foreign policy*. Carnegie Moscow Center, [online] September 12, <http://carnegie.ru/commentary/73070> [accessed 01/25/2018].

¹⁵⁷ Albert, E., 2018. *The Rohingya Crisis*. Council on Foreign Relations, [online] January 8, www.cfr.org/backgrounder/rohingya-crisis [accessed 01/17/18].

¹⁵⁸ U.S. Congress, 2017. *Condemning ethnic cleansing of the Rohingya and calling for an end to the attacks in and an immediate restoration of humanitarian access to the state of Rakhine in Burma*. H.CON.RES.90, November 7, www.congress.gov/115/bills/hconres90/BILLS-115hconres90ih.pdf [accessed 01/25/2018].

¹⁵⁹ UN SC, 2017. *The situation in Myanmar*. Meeting record, S/PV.8060, September 28, as stressed by (in order of given remark): UK, US, Senegal, Egypt, Sweden, France, Kazakhstan, Italy, Uruguay, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.8060 [accessed 01/25/2018].

¹⁶⁰ UN SC, 2018. *The situation in Myanmar*. Press release, SC/13205, February 13, www.un.org/press/en/2018/sc13205.doc.htm [accessed 02/22/2018].

¹⁶¹ UN SC, 2018. *The situation in Myanmar*. Press release, SC/13205, February 13, www.un.org/press/en/2018/sc13205.doc.htm [accessed 02/22/2018].



Rakhine province; and the second, and arguably more important one, relates to the repatriation of the Rohingya people. None of them, however, seem to be immediate or able to tackle the current crisis Rohingya refugees are experiencing.

73. In order to effectively address the situation of Rohingya Muslims, the international community should guarantee minimum livelihood standards to all refugees as urged by the UNHRC.¹⁶² The UN HRC listed some immediate solutions in order to contain the disaster. To this end, Clause 15 of Resolution A/HRC/RES/S-27/1 “Calls upon the international community and regional organizations to provide support, including humanitarian and development assistance, to the Government of Myanmar for the implementation of the recommendations of the Advisory Commission on Rakhine State, including recommendations regarding an inclusive and transparent citizenship verification process, the provision of documentation for non-citizens and their equal access to essential social services, including education, health care and freedom of movement, and on finding sustainable solutions in building intercommunal harmony towards lasting peace, stability and prosperity for the benefit of the whole population, and calls upon the Government of Myanmar to provide unhindered access for such humanitarian assistance”.¹⁶³
74. Such provisions also take into consideration the vulnerability of women and children in the crisis. Indeed, Clause 16 “Encourages the international community, in the true spirit of interdependence and burden-sharing, to continue to assist Bangladesh in the provision of humanitarian assistance to the forcibly displaced Rohingya Muslims and other minorities until their return to their places of origin in Myanmar, and to assist Myanmar in the provision of humanitarian assistance to affected persons of all communities displaced internally within Rakhine State, taking particular account of the vulnerable position of women and children”.¹⁶⁴
75. In addition to these immediate measures, a coalition of NGOs including Amnesty International, the Canadian Centre for the Responsibility to Protect, Human Rights Watch, and the International Justice Project requested to impose an arms embargo in order to stop mass killings and other grave violations of human rights that most direly affect women and children.¹⁶⁵
76. Lastly, it has been suggested that Myanmar should establish and guarantee accountability mechanisms, bringing to justice those responsible for the mass discrimination of Rohingya Muslims.¹⁶⁶
77. The international community could also guarantee the implementation of justice through a referral of the Government of Myanmar to the International Court of Justice, hence investigations could possibly start on alleged international crimes committed.¹⁶⁷

¹⁶² UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/08/PDF/G1735808.pdf?OpenElement> [accessed 01/25/18].

¹⁶³ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Clause 15, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/08/PDF/G1735808.pdf?OpenElement> [accessed 01/25/18].

¹⁶⁴ UN HRC, 2017. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. A/HRC/RES/S-27/1, December 5, Clause 16, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/08/PDF/G1735808.pdf?OpenElement> [accessed 01/25/18].

¹⁶⁵ Amnesty International, 2017. *Myanmar: UN Security Council must impose arms embargo*. [online] September 27, www.amnesty.org/en/latest/news/2017/09/myanmar-un-security-council-must-impose-arms-embargo/ [accessed 01/25/2018].

¹⁶⁶ Richardson, B., 2018. *Three steps Myanmar should take to turn the Rohingya disaster around*. The Washington Post, [online] January 26, www.washingtonpost.com/amhtml/news/democracy-post/wp/2018/01/26/three-steps-myanmar-should-take-to-turn-the-rohingya-disaster-around/ [accessed 01/26/2018].

¹⁶⁷ Human Rights Watch, 2017. *UN Security Council: Refer Burma to the ICC*. [online] November 3, www.hrw.org/news/2017/11/03/un-security-council-refer-burma-icc [accessed 01/25/2018].



Current Status: Points for delegates and questions to consider

78. As it seems to be clear on the basis of the information analyzed thus far, the Rohingya crisis is highly complex, and thus a number of issues must be considered, including:

- Which rules govern citizenship under international law, and can they apply to the Rohingya in Myanmar?
- What measures can be adopted in order to hold Myanmar responsible for gross violations of human rights in the Rakhine State?
- Should the Security Council pursue the repatriation of Rohingya Muslims? If so, what immediate steps should be pursued? How will their safety and voluntary repatriation be guaranteed?
- Which actions should be specifically adopted to protect vulnerable people, especially women and children?
- Are there any recommendations under Chapter VII of the UN charter that the Security Council can make to encourage long term policy reform in Myanmar?
- How can human rights violations in the Rakhine province be investigated (without breaching national sovereignty)? Which steps should be adopted to bring the responsible individuals to justice?
- What is the status of ARSA, and what role should they play in the reconciliation process, if any?
- What measures can be adopted to promote inter-communal dialogue in the long term, as well as inter-faith dialogue between the Buddhist majority and the Muslim minorities?

Maps and Figures



Administrative Division of Burma

Source: US Central Intelligence Agency, 2007. "CIA Maps: Burma". https://www.cia.gov/library/publications/resources/cia-maps-publications/map-downloads/burma_admin.jpg/image.jpg [accessed 01/17/18]

District Map - Rakhine State



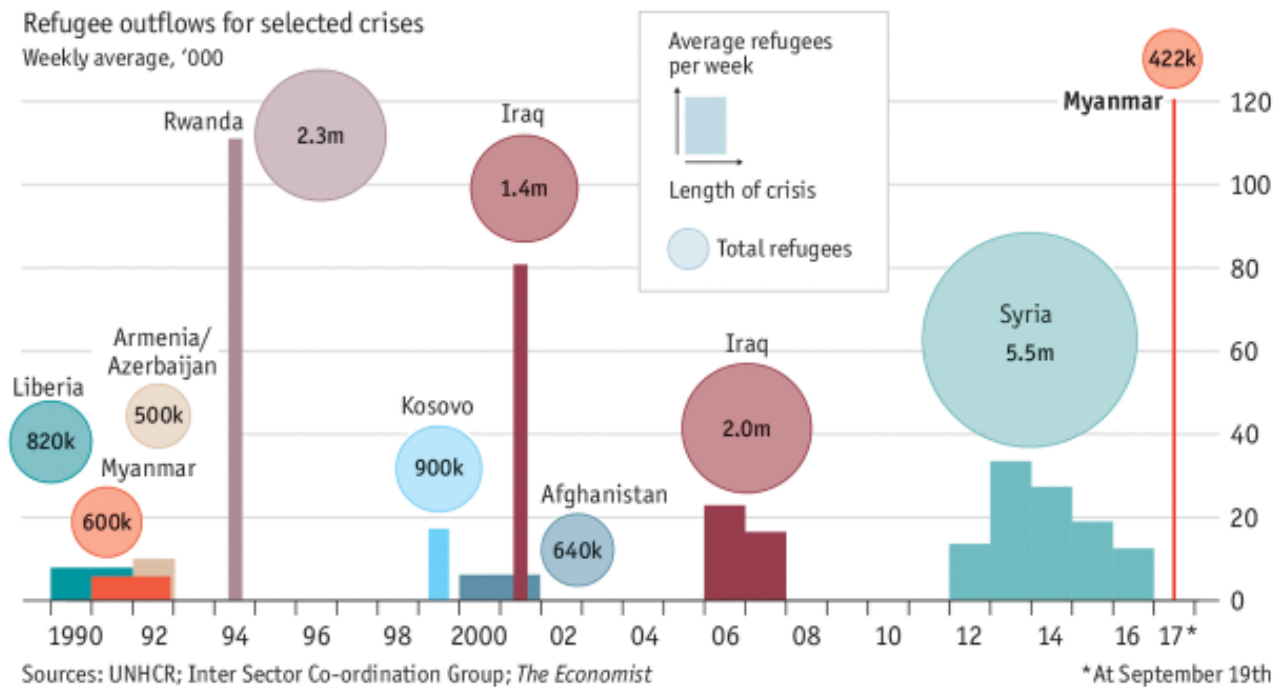
District Map – Rakhine State

Source: Myanmar Information Management Unit, 2017. Map ID “MIMU764v04”.

http://www.themimu.info/sites/themimu.info/files/documents/State_Map_District_Rakhine_MI_MU764v04_23Oct2017_A4.pdf

Exodus

Refugee outflows for selected crises
Weekly average, '000



Economist.com

The Rohingya Refugee Crisis in Numbers.

Source: *The Economist*, 2017. Daily Chart "The Rohingya refugee crisis is the worst in decades".

<https://www.economist.com/blogs/graphicdetail/2017/09/daily-chart-13> [accessed 01/17/2018]



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