

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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THE PEOPLE OF NOWHERE: - **ANALYSIS OF THE ROHINGYA MIGRANT CRISIS** **AND THE PROTECTION OF THE STATELESS.**

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Abstract:

A world where laws pertaining to rights do not exist is a little odd to imagine. The United Nations, among other international bodies, have outlined a basic set of human rights which are binding upon all those states that are signatory to such treaties enabling those of such state to have an access to that right. Some rights, like those abolishing slavery or freedom from torture are almost universally applicable to all member states and citizens of those states always have access to those rights. But what is the scenario if you do not belong to a state?

The Rohingya crisis poses this unusual question. While they claim to be citizens of Myanmar, Myanmar officially denied citizenship of the Rohingyas in 1982. Since then, while they have migrated to the neighbouring countries of Bangladesh and India among others, they are recognized as illegal immigrants of those nations and not as citizens. This has led to blatant violation of human rights and the justification of horrific crimes against the Rohingyas which, despite international attention and debates, continue to this day.

This article aims at providing a background to the Rohingyas, the chronology of the ongoing migrant crisis they face as a result of being stateless, the issues they face both as direct and indirect consequences of their statelessness, the laws in place concerning them and their rights both, within Myanmar and in refugee camps outside the country, and aims at providing further suggestions on the protection of the stateless.

Key words: Bangladesh, Citizenship, Cox Bazaar, Crisis, Human Rights, Genocide, Immigration, India, Myanmar, Refugee, Rohingya, Stateless

Objectives:

- ❖ Explain the history of the Rohingyas and their cultural origins
- ❖ Understand, in detail, the history of the migrant crisis and the cause for it.

- ❖ Explain the gravity of their crisis and the Human Rights violations committed against them (in particular the extra judicial killings and sexual violence committed against them).
- ❖ Analyse and critique on the laws or systems in place to protect the Rohingyas.
- ❖ Proposals to protect Rohingyas.
- ❖ Increase existing awareness on the migrant crisis

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About the Rohingya crisis

Origin and culture of the Rohingyas:

The Rohingyas are a Muslim minority community that practice a version of Sunni Islam¹ who are believed to have originated from the Arakan state which is the historical geographical term for the present-day Rakhine State of Myanmar and used to call themselves “Rooinga”. However, the Burmese government is of the opinion that the Rohingyas are not natives but are the descendants of those Muslims who settled in the state during the era of the British colonization. A possible justification for this perception could be the Rohingya language which is a derivative of Bengali and a dialect of Chittagong².

Islamic tenets are core fundamentals of the community with aspects like diet, marriage and ceremonies, among others, being done as per Islamic laws³. The family construct is still largely patriarchal with stereotyped gender roles where the men go off to work and the women stay at

¹ *Rohingya, the*, Harvard Divinity School, Religion and Public life

² *Muslims and Rohingya in Myanmar*, Minority rights group

³ Habiba Nowrose, *Rohingya Backgrounder*, Core, July, 2023

home and care for the family.

Literacy rates are low among the Rohingyas and cultural artforms such as folklore and music are passed down by word of mouth. And due to its displacement, the Rohingya culture faces the threat of fading into oblivion

History of crisis⁴:

Pre-independence:

While the modern genocide of the Rohingyas can be said to have originated in the 1970s, the initial targeted attacks against them can be traced back to 1785 which, as per sources dedicated to the history of the Rohingyas, is when the Bamars (The tribe forming the current majority of Myanmar and, by religion, are Buddhists) took over the Arkan region. As was almost normative in those times when it came to new land invasions, the invading Bamars conducted mass executions and deportations with estimates suggesting an approximate of 35,000 Rohingyas escaping the region to the bordering British Bengal.

Things seemed to take a turn for the better for the Rohingyas when the British colonized Myanmar (then Burma) in 1824. The monarchy system until then primarily supported Buddhist citizens and so the Buddhists of Burma began feeling that their usual power was being taken away by the British. Consequently, there was trouble getting the Buddhist citizens to cooperate with the British hence leading the latter to tend to favour the Rohingyas and other Muslim denominations in the country for administration. This preferential treatment, however, was just the calm before the storm since it further fuelled the idea in the minds of the Burmese that Burma is a Buddhist state motivating them to target other faiths along with the British in subsequent freedom movements. This divide was later leveraged by both the British and the invading Japanese during the second world war where the Japanese and Buddhist Burmese united forces against the British and, as a result, the Rohingyas who were loyal to the British for their support.

Post Independence:

Burma gained independence in 1948 and the newly formed government refused to recognize the Rohingyas as citizens. In 1971, when war broke out between Pakistan and then East Pakistan (Now Bangladesh), Burma witnessed another mass influx of Muslim immigrants

⁴ *History of the Rohingya*, Rohingya Culture Centre

fleeing the war prompting them to expel approximately 200,000 Muslims to Bangladesh, many of whom included the Rohingyas that were already residing in Burma prior to the war.

In 1982, Burma enacted its citizenship act claiming that it was offering citizenship to those communities which existed in Burma prior to 1823 (the year the British first invaded the nation) and, in the process, identified 135 such tribes which it claimed are the real natives of the land. It goes without saying that the Rohingyas were not one among the 135. The government further went on to say that those immigrants who migrated to the lands during the colonial era are not indigenous to the reason and are, therefore illegal which was an indirect way of saying that the existence of Rohingyas, whom they still asserted to have arrived during the colonial era, in the nation is illegal.

2000-2015:

Between 1980 to the early 2000s, the Burmese government was perceivably a theocratic-military state that had its policies made along the lines of Theravada Buddhism. Even non-Rohingya minorities, like the Kokang and Panthay, began facing active discrimination. Propaganda deeming Burmese as solely a Buddhist state began spreading antagonizing civilians against these minorities.

In 2005, attempts were made by the UN High Commissioner for Refugees assisted with repatriation of Rohingyas from Bangladesh. However, refugees in the refugee camp complained of large-scale human rights violations within the camps led to the UNHCR nearly winding up its operations in Bangladesh⁵. This would have endangered nearly 20,000 Rohingyas seeking repatriation that lived in those camps

A notable instance that made the crack a gorge is the June incident of 2012. Reports began circulating on the 28th of May, 2012 that Thida Hthwea, an Arkan Buddhist woman was raped and murdered by three Muslim men in the town of Ramri⁶. This instigated a large-scale communal violence requiring the intervention of peacekeeping security forces. As a response curfews were put in place and military forces were then sent to the Arkan region.

⁵ Biplob Rahman, *UNHCR threatens to wind up its work from Bangladesh*, BD News

⁶ Mohajan and Hardhan, *History of Rakhine State and the Origin of the Rohingya Muslims*, Munich Personal RePEc Archive, MPRA Paper No. 88186

These peacekeeping forces were supposed to be impartial and initially yielded good results in reducing the violence but eventually, the paramilitary forces brought in for peacekeeping began aiding mobs inciting violence against the Muslims. A Rohingya man in Sittwe, 36, told Human Rights Watch that an Arakan mob “started torching the houses. When the people tried to put out the fires, the paramilitary shot at us. And the group beat people with big sticks.” Another Rohingya man from the same neighborhood said, “I was just a few feet away. I was on the road. I saw them shoot at least six people – one woman, two children, and three men. The police took their bodies away⁷.

By 2015, Approximately 140,000 Rohingyas remained in Internationally Displaced People (IDP) camps. Most of them were displaced post the 2012 riots. The active communal violence and genocidal actions of the government would also go on to create guerilla insurgency groups like the Harakh-al-yaqin⁸ who, in 2016, would go on to conduct attacks on border police in the Rakhine state killing 9 policemen⁹.

2016- present:

Following the increase in insurgent activities (especially the Border police attack), the military began an aggressive attack on the state. These attacks were completely unregulated and resulted in innumerable extra-judicial killings, rapes, torture and looting among other human rights violations. The Burmese practically hunted the Rohingyas down even using helicopters to gun their victims down¹⁰. Escapees of the persecution hardly did any better with them also facing the risk of being raped, murdered and/or tortured.

To top it all off, in a move to hush up the atrocities, media and human rights groups have been actively prohibited from entering the regions of conflict leading Penny Green, the director of the international state crime initiative at Queen Mary University of London, to refer to the Rakhine state as an “information black hole”¹¹.

In January, 2017, a video circulated of police brutality towards the Rohingyas where armed police were hitting and kicking their hapless victims. Four of the policemen involved were

⁷ Burma: Government Forces Targeting Rohingya Muslims, Human Rights Watch

⁸ Harakh Al Yaqin; Karate and wooden guns: How new insurgent group stoked Myanmar crisis, The Daily Star

⁹ Myanmar: A New Muslim Insurgency in Rakhine State, International Crisis Group

¹⁰ Radio Free Asia, Helicopters Fire on Rohingya Refugees, RFA Correspondent

¹¹ CNN, ‘Shoot first, ask questions later’: Violence intensifies in Rakhine State, Joshua Berlinger

subsequently detained making it the first, and a rare, instance where the government punished one of its own forces for an action against the Rohingyas¹². This instance was a surprise given the number of custodial deaths that had taken place before which barely received any attention at all. Yet the government's move to punish the officials did not mitigate the mob attacks on the camps and did less than nothing to prevent the abuse of power by armed forces against the Rohingyas.

The magnitude of insurgency attacks, naturally, increased. On 25th August, 2017, the insurgency group Arkan Rohingya Salvation Army (ARSA) conducted an attack that left 71 people (one soldier, one immigration officer, 10 policemen and 59 insurgents) dead¹³. The Burmese government further went on to generate reports of attacks on Buddhists and Hindus by the Rohingyas especially the Kha Maung Seik massacre¹⁴. ARSA, however, declined being involved in these attacks claiming that it was the act of the Buddhist nationals attempting to frame them¹⁵.

In a surprising turn of events in 2019, Aung San Suu Kyi, the Nobel peace prize laureate and Myanmar's then de facto leader, asked the UN International Court of Justice to drop the genocide charges against Myanmar saying it is "incomplete and misleading"¹⁶. This action attracted widespread criticism as until then, Suu Kyi, who had been under house arrest for nearly 15 years due to her acts to promote democracy in Myanmar, was being recognized as a figurehead for democracy.

In 2020, two directives were issued by the government of Myanmar in, what seems to be, an attempt to tranquilize the ICJ's scrutiny on the matter. Directive No. 1/2020 orders "all Ministries and all Regions and States Governments" to ensure its staff and others under its control "do not commit" acts defined in the Genocide Convention. Directive No. 2/2020 prohibits "all Ministries and the Rakhine State government" from destroying or removing evidence of genocide.¹⁷ Fact of the matter, however, is that there is no active system of checks

¹² Forum Staff, *Burma detains police officers identified in Rohingya abuse videos*, Indo-Pacific Defense forum,

¹³ *Myanmar tensions: Dozens dead in Rakhine militant attack*, BBC

¹⁴ *Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State*, Amnesty International

¹⁵ Robert Birschel and Rahul Bhatia, *Myanmar finds more bodies in mass grave; U.N. seeks rapid aid increase*, Reuters

¹⁶ Interview between Amy Goodman and Reed Brody, *Aung San Suu Kyi Denies Burmese Genocide of Rohingyas at The Hague*, Democracy now

¹⁷ Param Preet Singh, *Myanmar's Directives Not Enough to Protect Rohingyas*, Human Rights watch

and balances in the Arkan region to monitor the adherence to these directives and the top brass of Myanmar are more than happy to feign ignorance at any violations of these rules outside the perimeter of the Arkan region.

Bordering nations to which Rohingyas were fleeing to have since began imposing sanctions prohibiting their entry. In 2024, the Indian government stated that it needs to prioritize the well-being of its own citizens as a developing country and as such it does not have the bandwidth to adequately accommodate the influx of Rohingya refugees and is, therefore, working on the repatriation of the 40,000 Rohingyas currently in the nation¹⁸. Bangladesh, which has faced the largest influx of Rohingyas has called for sanctions to be imposed against Myanmar and wishes to repatriate more than the 1 million Rohingyas currently residing in the nation. The Rohingyas in Bangladeshi camps further claim isolation from necessary facilities and discrimination. Thailand, not being a signatory to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 protocol, has been accused of committing horrific acts against refugees like pushing them on boats with limited food and water and cutting of their engines to leave them stranded so that the bodies of the refugees, who were almost sure to die, would deter more refugees from coming in¹⁹.

The reactions to the history of the migrant situation of the Rohingyas seem to swing between “we wish we could care for you but we have our own problems” to “We do not think you are good people” but with either swing chiming the same note which is “You are not welcome here”. This has resulted in the Rohingyas being officially stateless since 1982.

Human Rights violations

The Rohingya crisis shows the animalistic bloodlust humans can bear towards one of their own kind over something as perceivably insignificant as the religion someone is born into. The irony is that the violence was promoted by the Buddhist nationalists who believe in making Myanmar a Buddhist state while actively ignoring one of the core tenets preached by the Buddha which is to never cause bloodshed. This is the religion the great Indian king Ashoka converted to once he saw the horror of rampant bloodshed he caused in the battle of Kalinga²⁰. Yet the Burmese government seems to be more than content with its hypocritical stance on the matter.

¹⁸ Samiran Mishra, *Explained: The Rohingya Crisis And India's Stance On Those Seeking Asylum*, India News

¹⁹ Paul Chambers, *Thailand Must End Its Own Rohingya Atrocity*, The Diplomat

²⁰ *Ashoka's conversion*, Lumen candela

Two of the major crimes committed against the Rohingyas are extra-judicial killings and sexual violence. This is in addition to other atrocities like looting their property, arson and burning down of entire villages, mutilations and more. While there are far more crimes and human rights violations taken place against the Rohingyas, these two categories form among the most devastating and horrifying crimes that showcase the depravity mankind can stoop to.

Extra-judicial killings:

The right to a fair trial is sacrosanct to almost every government in existence. But the true woes of not belonging to a country can be seen in the extrajudicial executions of the Rohingyas. Since the 2016 attack on the border posts, the extra-judicial killings have taken a steep ascent on the graph with indiscriminate killings by law enforcement authorities happening rampantly but with the privilege of hiding, what are basically, these murders behind the obscurity of “it is a conflict zone”.

The Bangladeshi Human Rights organization Odhikar estimates an approximate of 100 deaths by law enforcement authorities between 2017-2020 in Bangladesh alone²¹. However, this number is based off derivative information generated by what police authorities and locals have to say since the government of Bangladesh denies these as being “extra-judicial” deaths claiming they are criminals killed in gunfire exchanges or crossfires. It is difficult to verify this since the government, naturally, will want to conceal any extra-judicial activities undertaken by its authorities and the refugees, knowing that they are expected to be grateful for even being permitted to breathe air, are more than likely to conceal the truth for their self-preservation.

Independent attacks and isolated instances in Myanmar can be used to estimate the quantum of such killings take place and the manner in which they are carried out. The Inn Dinn massacre alone claimed the lives of ten Rohingyas allegedly accused as ARSA members based on which, they were executed in cold-blood without a trial²². In 2019, at least six Rohingya casual labourers in northern Rakhine State’s Buthidaung Township were killed and more than 10 were wounded in an attack by Army helicopters. None of these victims had the privilege of a trial. The UN suggests a graver number as it says that over 10,000 Rohingyas have been killed since Myanmar’s attacks began²³. One can only assume that none of these victims had the

²¹ Benar News, *Scores of Rohingya Refugees Victimized by Extrajudicial Killings in Bangladesh, Amnesty Alleges*, Radio Free Asia

²² Wa Lone, Kyaw Soe Oo, Simon Lewis and Antoni Slodkowski, *How Myanmar forces burned, looted and killed in a remote village*, Reuters

²³ *Six years on, still no justice for Myanmar’s Rohingya*, United Nations

opportunity to even appear before a court of law let alone have a trial based on fairness and impartiality. The lack of transparency of the Burmese government on the reports is nothing short of a clear indicator of their complicity with the actions.

Crimes of sexual nature

As if the brutal killings are not sufficient, the women and children of the Rohingya community are subject to extreme humiliation and assault in the form of rapes, molestation and sodomy among other crimes of sexual nature. The human rights watch alone reported 26 cases of violence against Rohingya, including murder, kidnapping, torture, rape and sexual assault, and forced marriage, drawing on interviews with 45 Rohingya refugees between January and April 2023 and supporting evidence including police and medical reports. Victims report facing layers of barriers to police, legal, and medical assistance, with the authorities failing to provide protection, improve security, or prosecute those responsible²⁴. The fact remains that owing to their statelessness, the Rohingyas rely on NGO's to at least be heard, if not aided, since the laws of the country they emigrated to barely offer them any protection.

A 2019 UN fact finding mission²⁵ generated a report on the sexual crimes conducted against the Rohingyas which painted a grim image. The research, based on interviews with hundreds of refugees, reported instances of genital mutilation, attacks on pregnant women, rape, torture and even sexual slavery. The extent of the damage has also led to the infertility of some women. The torture is almost doubled when the victim is a transgender.

The assaults of such nature are not just limited to women and children alone. A disturbingly pervasive trend has been reported by the Oxford Academic International Journal of Transitional Justice²⁶ where the crimes committed against the Rohingya men ranged from forced exposing and sodomy to forced participation in sexual crimes against the women of the community. The article cited the 2019 UN fact finding mission which observed that the Myanmar Border Guard Police have been forcing men and young boys to expose themselves. Knowing that nudity is a taboo in the Rohingya culture, the guards are often accused of forcing families and/or groups of people to shower in front of one another as a form of humiliation. They are also forced into

²⁴ *Bangladesh: Spiraling Violence Against Rohingya Refugees*, Human Rights Watch

²⁵ *UN Fact-Finding Mission on Myanmar Calls for Justice for Victims of Sexual and Gender-based Violence*, United Nations Human Rights Office of the High Commissioner

²⁶ Victoria Hospodaryk, *Male and Gender-Diverse Victims of Sexual Violence in the Rohingya Genocide: The Selective Narrative of International Courts*, International Journal of Transitional Justice, Volume 17, Issue 2

raping the Rohingya women along with the prison guard officials. In one incident in Kachin State's Myitkyina Township, Myanmar Intelligence Office agents forced two male detainees to undress and rape each other. The agents reportedly laughed as they watched, asking "Are you enjoying yourselves?"²⁷

Genital mutilation is also routinely performed on male Rohingyas. A witness has claimed to see a pile of bodies of around 100-150 Rohingyas with the male victims having also been castrated. These are complemented by accounts of dead bodies missing genitalia in the villages and towns of Lound Don in Maungdaw, Sittwe, Maw Nee Bill and Gudarm Para, as well as multiple reports from Taung Bazar. The sheer scale, horror and incidence of these reports led the WRC to conclude that the infliction of genital violence by the Tatmadaw was often a precursor to killing.²⁸

It is pertinent to note that owing to limited access to public media for dissemination, the estimates observed could very well possibly be merely a fraction of the extent of the atrocities committed against the Rohingyas of such nature. Inadequate reporting, lack of action by local law enforcement authorities and a general and inherent mindset of sadism among those in control prevent the stories of their pain from even being heard, let alone attended to.

There is yet a call of action to be made by international organizations regarding the identification and prosecution of the people involved in this genocide. As of now, given the virtual media black hole within the Arkan region and the limited access of the Rohingyas to a world outside of their refugee camps, it is increasingly difficult to get not just an accurate estimate on the crimes committed against them but also to understand the narrative and identify the entities actively involved in this state-sponsored genocidal expulsion.

International response to the Rohingya crisis and protection of the Rohingyas

Article 2(1) of the UN charter specifically states that the organization is based on the sovereign equality of all its member nations. This means that there is a limited scope for one nation to enforce a law onto the other and as such, no state can compel Myanmar into creating a policy that grants citizenship to the Rohingyas even though they claim it to be the nation of their

²⁷ Supra 25

²⁸ Supra 26

nativity. It also means that the nations to which they emigrate to cannot be directed or forced to accept them and that they are free to make policies accommodating or expelling them as any other independent nation.

While, on the face of it, the Rohingyas did find refuge in the nations near and/or bordering Myanmar like Bangladesh, India and Pakistan and further from Islamic nations like Saudi Arabia and Iran²⁹, they are yet to find a place they can call home.

The nations in which they seek refuge are also being accused of introducing discriminatory laws that, while not actively persecuting the Rohingyas, implicitly yet greatly affect their status within the confines of said nation.

A notable example of the above is India's infamous Citizenship Amendment Act which is easily among the most controversial laws to have been enacted in the nation. The bill has attempted to provide nationality to Hindus, Christians, Sikhs, Buddhists, Jains and Parsis who have come into India before 2015 as a result of escaping persecution from the neighbouring Islam dominated nations of Afghanistan, Pakistan and Bangladesh. Being the secular country that it is, prima facie, this bill seems considerate with the opinion being that since the surrounding nations are largely Islamic and are more likely to take kindly towards other Muslims, India does not need to prioritize their citizenship like the other religions and so they can take the time to obtain citizenship through the usual manner which takes approximately 11 years³⁰. However, given it does not take into account that the neighbouring Islamic nations do not consider some sects of Islam to come within the definition of Islam as per their governments, the law can come across as severely Islamophobic in nature. The introduction of this law, therefore, can result either in the mass expulsion of undocumented immigrants or the refugees having to wait over a decade to affirm themselves as citizens in the country. Given that citizenship is crucial for prospects like jobs, housing, aid and more, the question remains as to whether the Rohingyas can wait as long.

Bangladesh's Cox bazaar has been the refugee hub thus far but has failed to actively monitor the treatment of the refugees by its own officials. In addition to reports of theft of aid and

²⁹ Himel Rahman, *SAV Explainer: International Law Has Failed to Protect the Rohingya Refugees*, South Asian Voices

³⁰ *Citizenship of India*, Drishti IAS

mismangement of provisions given as aid, Bangladesh's personnel are also often complicit in actively committing hate crimes against the Rohingyas. The APBn, which has overseen security in the camps since July 2020, is itself responsible for widespread abuses against refugees, including extortion, arbitrary arrests, and harassment³¹. Similar complaints have been observed in almost every camp where the Rohingyas have sought shelter in but hardly any make it to the news, much less the headlines.

Islamic nations, while not always enthusiastically and adequately, have extended support to the Rohingyas. In addition to Bangladesh's famous Cox bazaar refugee camp, Pakistan's former president Ayub Khan who ruled the country from 1958-1969 had allocated land to Rohingya refugees in 1962, paving the way for two settlements – Burma Colony and Arkanabad, which was named after the former Rakhine state – in Karachi's eastern neighborhood³². In 2017, Malaysia sent 12 tonnes of food and rations to Chittagong as aid to the Rohingyas³³. Azerbaijan has also sent humanitarian aid to the Rohingyas under the instructions of president Ilham Aliyev³⁴. However, there is a visible lack of solidarity being demonstrated by the Islamic nations in spite of the realization that the persecution of the Rohingyas is directly correlated to their Islamic faith given that they do not make any provisions for the inclusion of Rohingya Muslims as citizens of their nation.

Several other nations have called out for actions on the situation including nations like Australia, UK, Algeria, Saudi Arabia and Germany. Countries like Japan, Italy, South Korea, Kuwait and more have also lent financial assistance. However, none have come forward with an effective resolution regarding their citizenship. They still bear the risk of deportation from most countries they are residing in as refugees and as such are in a very unpredictable situation. While most nations do enable them to live with basic freedoms such as right to life and are legally bound to act on criminal complaints filed by them, it is not applicable to every state they seek shelter in and even if it is, there is virtually no monitoring of their conditions to ensure that their rights within and as per that territory are ensured. Besides, what good is the promise of temporary security when you know that in the blink of an eye, the very agents legally bound to protect you are now legally enabled to persecute you?

What is observable, however, is a lot of lip sympathy. There is no nation actively stepping

³¹ *Bangladesh: Spiraling Violence Against Rohingya Refugees*, Human Rights Watch.

³² Aamir Latif, *Rohingya Muslims in Pakistan decry global silence*, AA

³³ Bernama, *Bangladesh not alone in Rohingya crisis, says Najib*, Free Malaysia Today

³⁴ Amina Nazarali, *Azerbaijan extends humanitarian aid to Rohingya Muslims*, Azer news

forward offering to take the refugees which is, as of now, their largest concern. Discussions have taken place on the matter since its inception but there is yet to be an effective resolution granting them statehood. The Rohingya have endured unimaginable suffering, and their plight demands more than just expressions of sympathy. The international community must take tangible steps to address the root causes of the crisis, hold perpetrators accountable, and provide sustainable solutions for the Rohingya people. This includes supporting humanitarian aid efforts, advocating for the protection of Rohingya rights, and working towards a just and equitable resolution to the crisis.

Proposals to protect the Rohingyas

Given the nature of the matter, it is beyond certain that a ceteris paribus approach cannot be taken when it comes to crafting a solution to protect the Rohingyas. It is certainly not alright to suggest that a nation actively accept the refugees since it goes against the policies laid down in the UN charter. And calling on the UN to “take action” without delving into what that action is supposed to be is not very helpful. However, there are ways to mitigate the gravity of the crisis in the mind of the author which are as follows;

1. Sanctions against the government of Myanmar: As has been observed in cases like the recent Russian-Ukraine war or Israel-Palestine war, pressure can be mounted on the Burmese government if there is a united refusal to aid the nation. As per the United Nations Department of Economic and Social Affairs, Myanmar comes under the category of “Least Developed Country” with over 40 percent of the population living below the national poverty line³⁵. As such, it is obvious that it cannot afford limitations on the international front. Sanctions could be placed affecting international trade, humanitarian aid, political assistance and more. It could be perceived as bullying Myanmar into revising its stance on the matter but it is no different than the destitute situation it has left the Rohingyas in.
2. Incentives for setting up of aid camps: International organizations can use the carrot instead of the stick to reward member nations opening up their borders to accommodate the refugees through financial grants, united protection treaties, humanitarian aid and much more. This is especially effective since most nations in closest proximity to Myanmar are, at the very most, developing nations, thereby acting as a significant

³⁵ *Least Developed Country Category: Myanmar Profile*, United Nations Department of Economic and Social Affairs

motivator to allow ingress and stay to the Rohingyas on a long-term basis if not citizenship.

3. Penalization of crimes: Just like the Eichmann trial post the second world war³⁶, demonizing solely Myanmar as the culprit behind these crimes is inadequate. There needs to be an accurate identification of the lead perpetrators and agitators orchestrating the crimes and adequate punishment for the same. Unlike the Eichmann trial, however, waiting for the war to finish first is not a solution given how long it has been continuing. The Nazi war crime trials solely had a punitive aspect to it but the criminal prosecution in this case needs to be both punitive and deterrent in nature demanding immediate action.
4. International Rohingya refugee human rights treaties: There needs to be an official declaration on the Human Rights the Rohingyas, irrespective of citizenship status, are entitled to irrespective of the nation in which they are currently residing. Mere provision of the basic human rights they are entitled to in spite of their statelessness can significantly reduce the daily threats they face. Enshrining basic things like the right to life, access to food, water and sanitation facilities, right to take criminal action in the territory of the nation in which a crime is committed against them etc. in the form of a legally binding international treaty enforceable on all member nations can significantly improve their quality of life and perhaps even promote them to become contributors to the society of the nation they are currently seeking asylum in. The basic elements of the treaty also make it dynamic to any nation irrespective of their own local forms of governance.
5. Access to jurisdictional civil and criminal law reliefs: There needs to be a binding mandate upon all UN member states, particularly the ones that actively harbour the Rohingyas, to enable them access to the civil and criminal law reliefs within that state. For instance, should a crime be committed against a Rohingya refugee in Bangladesh, their complaint and the subsequent relief offered to them or the punishment meted out to the culprit shall be the same as that of the relief or justice any citizen of Bangladesh would have access to whether or not that relief or justice is a privilege solely for Bangladeshi citizens. To make it fair for the member state, the laws can also hold the refugees equally responsible for criminal or civil wrongdoings as any of its citizens. This way, their statelessness does not translate into helplessness

³⁶ *Eichmann trial*, Holocaust Encyclopaedia

6. United assistance initiatives: Much like the ASEAN or European Union, bordering nations can create small unions specifically tasked with the aiding of Rohingya refugees. This philanthropic initiative serves two purposes. One is that it offers better protection and amenities to the Rohingyas. The second is entering into treaties like this often can increase scope of improvement of relations among bordering nations and bring about a sense of amicability through such cooperation.
7. Promotion of Rohingya culture: Culture is something that is the result of a resilient old tradition that has withstood the test of time. Promotion of local Rohingya culture via their arts, cuisines, dances, stories and more can generate awareness on the matter and change people's perception of them as the stateless and unwanted inhabitants of a soil to people with a fascinating background. Refugee camps can open up small workshops and museums outside its perimeter and invite visitors thereby also promoting a sense of amicability between the refugees and the citizens of the state they are seeking refuge in. It may also be the opportunity they need to interact with people from different walks of life, enabling them in getting noticed and perhaps even generating revenue for themselves and the state through tourism and patronage.
8. Change in social media depictions: Social media has the benefit of informing people but the curse of this information being half baked until researched into. Social media posts on the Rohingyas have pushed the narrative of the human rights violations committed against them. However, the narrative it pushes make their case akin to the Darfuri Muslims³⁷ who still retain their Sudanese nationality whereas the Rohingya case is unique owing to the reason that the victims, legally and as recognized internationally, have no nationality whatsoever. Social media depictions need to focus on showing their statelessness and emphasizing as to why being stateless has negative results. Small advertising initiatives by the UN affiliate organizations can just be something that gets the ball rolling but showing the uniqueness in their suffering not only shows the plight of the Rohingyas but also can bring more pressure on UN member nations to act on effective solutions on the matter.

³⁷ Govt. Sudan, *Understanding Darfur conflict*, Reliefweb

Conclusion

The Rohingya refugee crisis is a humanitarian catastrophe unfolding in Myanmar and Bangladesh and serves as a stark testament to the enduring power of human suffering and the fragility of international law. The historical roots of this crisis, coupled with the ongoing persecution, extrajudicial killings, and sexual violence, have created a complex and deeply disturbing situation. While international aid has provided essential support, it is vehemently clear that more comprehensive and sustained efforts are needed to address the root causes of this crisis and ensure the safety and well-being of the Rohingya people. By prioritizing human rights, fostering dialogue between relevant stakeholders, and implementing long-term solutions, the international community can work towards a future where the Rohingya are able to live in the peace and dignity every human born to be a part of mankind is entitled to.

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